

MICHIGAN INDIAN RECOGNITION

HEARING

BEFORE THE

SUBCOMMITTEE ON
NATIVE AMERICAN AFFAIRS

OF THE

COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 2376

TO REAFFIRM AND CLARIFY THE FEDERAL RELATIONSHIPS OF THE
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE
RIVER BAND OF OTTAWA INDIANS AS DISTINCT FEDERALLY RECOG-
NIZED INDIAN TRIBES, AND FOR OTHER PURPOSES

H.R. 878

TO RESTORE FEDERAL SERVICES TO THE POKAGON BAND OF
POTAWATOMI INDIANS

HEARING HELD IN WASHINGTON, DC
SEPTEMBER 17, 1993

Serial No. 103-47

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**H.R. 2376, THE LITTLE TRAVERSE BAY BANDS
OF ODAWA INDIANS AND THE LITTLE
RIVER BAND OF OTTAWA INDIANS ACT;
AND H.R. 878, TO RESTORE FEDERAL SERV-
ICES TO THE POKAGON BAND OF POTA-
WATOMI INDIANS**

FRIDAY, SEPTEMBER 17, 1993

**HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS,
Washington, DC.**

The subcommittee met, pursuant to call, at 9:45 a.m., in room 1324, Longworth House Office Building, Hon. Bill Richardson (chairman of the subcommittee) presiding.

STATEMENT OF HON. BILL RICHARDSON

Mr. RICHARDSON. The committee will come to order.

Today we will be hearing testimony from unacknowledged tribes in the State of Michigan. The two bills, one is sponsored by Representative Kildee, H.R. 2376, would provide recognition to the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians and H.R. 878, sponsored by Representative Upton, provides for the recognition of the Pokagon Band of Potawatomi Indians. In addition, we will hear from some tribes on the third panel who are also unacknowledged in the State of Michigan.

The committee has a very long witness list today and urges each witness to summarize their statements.

Let me say at the outset that we are going to ask each witness to summarize in three minutes. The light will be on. We do this so we can get most of the substantive questions in that are important in this effort. Your full written statements will be made a part of the report which will be kept open for two weeks.

Without objection the bills, background and section by section analysis will be made part of the record.

[Text of the bills and background information follow.]

103D CONGRESS
1ST SESSION

H. R. 2376

To reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1993

Mr. KILLDEE (for himself, Mr. CAMP, and Mr. HOEKSTRA) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Little Traverse Bay
5 Bands of Odawa Indians and the Little River Band of Ot-
6 tawa Indians Act".

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The Little Traverse Bay Bands of Odawa
2 Indians and the Little River Band of Ottawa Indi-
3 ans are descendants of, and political successors to,
4 signatories of the 1836 Treaty of Washington and
5 the 1855 Treaty of Detroit.

6 (2) The Grand Traverse Band of Ottawa and
7 Chippewa Indians, the Sault Ste. Marie Tribe of
8 Chippewa Indians, and the Bay Mills Band of Chip-
9 pewa Indians, whose members are also descendants
10 of the signatories to the 1836 Treaty of Washington
11 and the 1855 Treaty of Detroit, have been recog-
12 nized by the Federal Government as distinct Indian
13 tribes.

14 (3) The Little Traverse Bay Bands of Odawa
15 Indians consists of at least 1,000 eligible members
16 who continue to reside close to their ancestral home-
17 land as recognized in the Little Traverse Reserva-
18 tion in the 1836 Treaty of Washington and 1855
19 Treaty of Detroit, which area is now known as
20 Emmet and Charlevoix Counties, Michigan.

21 (4) The Little River Band of Ottawa Indians
22 consists of at least 500 eligible members who con-
23 tinue to reside close to their ancestral homeland as
24 recognized in the Manistee Reservation in the 1836
25 Treaty of Washington and reservation in the 1855

1 Treaty of Detroit, which area is now known as
2 Manistee and Mason Counties, Michigan.

3 (5) The Bands filed for reorganization of their
4 existing tribal governments in 1935 under the Act of
5 June 18, 1934 (25 U.S.C. et seq.; commonly re-
6 ferred to as the "Indian Reorganization Act"). Fed-
7 eral agents who visited the Bands, including Com-
8 missioner of Indian Affairs, John Collier, attested to
9 the continued social and political existence of the
10 Bands and concluded that the Bands were eligible
11 for reorganization. Due to a lack of Federal appro-
12 priations to implement the provisions of such Act,
13 the Bands were denied the opportunity to reorga-
14 nize.

15 (6) In spite of such denial, the Bands continued
16 their political and social existence with viable tribal
17 governments. The Bands, along with other Michigan
18 Odawa/Ottawa groups, including the tribes described
19 in paragraph (2), formed the Northern Michigan Ot-
20 tawa Association in 1948. The Association subse-
21 quently pursued a successful land claim with the In-
22 dian Claims Commission.

23 (7) Between 1948 and 1975, the Bands carried
24 out many of their governmental functions through

1 the Northern Michigan Ottawa Association, while re-
2 taining individual Band control over local decisions.

3 (8) In 1975, the Northern Michigan Ottawa As-
4 sociation petitioned under the Act of June 18, 1934
5 (25 U.S.C. 461 et seq.; commonly referred to as the
6 "Indian Reorganization Act"), to form a government
7 on behalf of the Bands. Again in spite of the Bands'
8 eligibility, the Bureau of Indian Affairs failed to act
9 on their request.

10 (9) The United States Government, the govern-
11 ment of the State of Michigan, and local govern-
12 ments have had continuous dealings with the recog-
13 nized political leaders of the Bands from 1836 to the
14 present.

15 **SEC. 3. DEFINITIONS.**

16 For purposes of this Act—

17 (1) the term "Bands" means the Little Tra-
18 verse Bay Bands of Odawa Indians and the Little
19 River Band of Ottawa Indians;

20 (2) the term "member" means those individuals
21 enrolled in the Bands pursuant to section 7; and

22 (3) the term "Secretary" means the Secretary
23 of the Interior.

1 **SEC. 4. FEDERAL RECOGNITION.**

2 (a) **FEDERAL RECOGNITION.**—Federal recognition of
3 the Little Traverse Bay Bands of Odawa Indians and the
4 Little River Band of Ottawa Indians is hereby reaffirmed.
5 All laws and regulations of the United States of general
6 application to Indians or nations, tribes, or bands of Indi-
7 ans, including the Act of June 18, 1934 (25 U.S.C. 461
8 et seq.; commonly referred to as the “Indian Reorganiza-
9 tion Act”), which are not inconsistent with any specific
10 provision of this Act shall be applicable to the Bands and
11 their members.

12 (b) **FEDERAL SERVICES AND BENEFITS.**—

13 (1) **IN GENERAL.**—The Bands and their mem-
14 bers shall be eligible for all services and benefits pro-
15 vided by the Federal Government to Indians because
16 of their status as federally recognized Indians, and
17 notwithstanding any other provision of law, such
18 services and benefits shall be provided after the date
19 of the enactment of this Act to the Bands and their
20 members without regard to the existence of a res-
21 ervation or the location of the residence of any mem-
22 ber on or near any Indian reservation.

23 (2) **SERVICE AREAS.**—

24 (A) **LITTLE TRAVERSE BAY BANDS.**—For
25 purposes of the delivery of Federal services to
26 the enrolled members of the Little Traverse

1 Bay Bands of Odawa Indians, the area of the
2 State of Michigan within 70 miles of the bound-
3 aries of the reservations for the Little Traverse
4 Bay Bands as set out in Article I, paragraphs
5 'third' and 'fourth' of the Treaty of 1855, 11
6 Stat. 621, shall be deemed to be within or near
7 a reservation, notwithstanding the establish-
8 ment of a reservation for the tribe after the
9 date of the enactment of this Act. Services may
10 be provided to members outside the named
11 service area unless prohibited by law or pro-
12 gram regulations.

13 (B) LITTLE RIVER BAND.—For purposes
14 of the delivery of Federal services to enrolled
15 members of the Little River Band of Ottawa
16 Indians, the Counties of Manistee, Mason, Wex-
17 ford and Lake, in the State of Michigan, shall
18 be deemed to be within or near a reservation,
19 notwithstanding the establishment of a reserva-
20 tion for the tribe after the date of the enact-
21 ment of this Act. Services may be provided to
22 members outside the named Counties unless
23 prohibited by law or program regulations.

1 **SEC. 5. REAFFIRMATION OF RIGHTS.**

2 (a) **IN GENERAL.**—All rights and privileges of the
3 Bands, and their members thereof, which may have been
4 abrogated or diminished before the date of the enactment
5 of this Act are hereby reaffirmed.

6 (b) **EXISTING RIGHTS OF TRIBE.**—Nothing in this
7 Act shall be construed to diminish any right or privilege
8 of the Bands, or of their members, that existed prior to
9 the date of enactment of this Act. Except as otherwise
10 specifically provided in any other provision of this Act,
11 nothing in this Act shall be construed as altering or affect-
12 ing any legal or equitable claim the Bands might have to
13 enforce any right or privilege reserved by or granted to
14 the Bands which were wrongfully denied to or taken from
15 the Bands prior to the enactment of this Act.

16 **SEC. 6. TRANSFER OF LAND FOR THE BENEFIT OF THE**
17 **BANDS.**

18 (a) **LITTLE TRAVERSE BAY BANDS.**—The Secretary
19 shall acquire real property in Emmet and Charlevoix
20 Counties for the benefit of the Little Traverse Bay
21 Bands. The Secretary shall also accept any real property
22 located in those Counties for the benefit of the Little Tra-
23 verse Bay Bands if conveyed or otherwise transferred to
24 the Secretary, if at the time of such acceptance, there are
25 no adverse legal claims on such property including out-
26 standing liens, mortgages or taxes owed.

1 (b) **LITTLE RIVER BAND.**—The Secretary shall ac-
2 quire real property in Manistee and Mason Counties for
3 the benefit of the Little River Band. The Secretary shall
4 also accept any real property located in those Counties for
5 the benefit of the Little River Band if conveyed or other-
6 wise transferred to the Secretary, if at the time of such
7 acceptance, there are no adverse legal claims on such
8 property including outstanding liens, mortgages or taxes
9 owed.

10 (c) **ADDITIONAL LANDS.**—The Secretary may accept
11 any additional acreage in each of the Bands' service area
12 specified by section 4(b) of this Act pursuant to his au-
13 thority under the Act of June 18, 1934 (25 U.S.C. 461
14 et seq.; commonly referred to as the "Indian Reorganiza-
15 tion Act").

16 (d) **RESERVATION.**—Subject to the conditions im-
17 posed by this section, the land acquired by or transferred
18 to the Secretary under or pursuant to this section shall
19 be taken in the name of the United States in trust for
20 the Bands and shall be a part of the respective Bands'
21 reservation.

22 **SEC. 7. MEMBERSHIP.**

23 Not later than 18 months after the date of the enact-
24 ment of this Act, the Bands shall submit to the Secretary
25 membership rolls consisting of all individuals currently en-

1 rolled for membership in such Bands. The qualifications
2 for inclusion on the membership rolls of the Bands shall
3 be determined by the membership clauses in such Bands'
4 respective governing documents, in consultation with the
5 Secretary. Upon completion of the rolls, the Secretary
6 shall immediately publish notice of such in the Federal
7 Register. The Bands shall ensure that such rolls are main-
8 tained and kept current.

9 **SEC. 8. CONSTITUTION AND GOVERNING BODY.**

10 (a) **CONSTITUTION.—**

11 (1) **ADOPTION.—**Not later than 24 months
12 after the date of the enactment of this Act, the Sec-
13 retary shall conduct, by secret ballot, elections for
14 the purposes of adopting new constitutions for the
15 Bands. The elections shall be held according to the
16 procedures applicable to elections under section 16
17 of the Act of June 18, 1934 (25 U.S.C. 476; com-
18 monly referred to as the "Indian Reorganization
19 Act").

20 (2) **INTERIM GOVERNING DOCUMENTS.—**Until
21 such time as new constitutions are adopted under
22 paragraph (1), the governing documents in effect on
23 the date of the enactment of this Act shall be the
24 interim governing documents for the Bands.

25 (b) **OFFICIALS.—**

1 (1) ELECTION.—Not later than 6 months after
2 the Bands adopt constitutions and bylaws pursuant
3 to subsection (a), the Bands shall conduct elections
4 by secret ballot for the purpose of electing officials
5 for the Bands as provided in the Bands' respective
6 governing constitutions. The elections shall be con-
7 ducted according to the procedures described in the
8 Bands' constitutions and bylaws.

9 (2) INTERIM GOVERNMENTS.—Until such time
10 as the Bands elect new officials pursuant to para-
11 graph (1), the Bands' governing bodies shall be
12 those governing bodies in place on the date of the
13 enactment of this Act, or any new governing bodies
14 selected under the election procedures specified in
15 the respective interim governing documents of the
16 Bands.

SECTION-BY-SECTION ANALYSIS OF H.R. 2376**SECTION 1. SHORT TITLE**

Section 1 cites the short title as the "Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act."

SECTION 2. FINDINGS

Section 2 states the findings of the Congress including: the two Bands are the political successors of treaty tribes; in 1935 the Bands filed for reorganization under the Indian Reorganization Act and were deemed eligible by federal officials; and the Bands have maintained governmental functions.

SECTION 3. DEFINITIONS

Section 3 provides definitions for terms in the Act.

SECTION 4. FEDERAL RECOGNITION

Subsection (a) provides for the federal recognition of the two Bands and provides that laws applicable to Indian tribes generally shall apply to the Bands.

Subsection (b) provides that the Bands will be eligible for Federal Indian benefits and services.

SECTION 5. REAFFIRMATION OF RIGHTS

Subsection (a) provides that all rights and privileges of the Bands are reaffirmed.

Subsection (b) provides that nothing in the Act is to construe or diminish any right or privilege of the Bands, or of their members, that existed prior to the date of enactment of the Act.

SECTION 6. TRANSFER OF LAND FOR THE BENEFIT OF THE BANDS

Subsection (a) provides that the Secretary is to acquire property in two counties for the benefit of the Little Traverse Bay Bands provided there are no adverse legal claims on the property.

Subsection (b) provides that the Secretary may acquire land in two counties for the benefit of the Little River Band provided there are no adverse legal claims on the property.

Subsection (c) provides that the Secretary may accept additional land in the Band's service area.

Subsection (d) provides that lands transferred to the Bands shall be part of their reservation.

SECTION 7. MEMBERSHIP

Section 7 provides that within 18 months of enactment, the Band shall submit to the Secretary membership rolls which the Secretary is to publish in the Federal Register.

SECTION 8. CONSTITUTION AND GOVERNING BODY

Subsection (a) provides for (1) the adoption of a constitution within 24 months of enactment pursuant to the Indian Reorganization Act and (2) until adoption of the constitution, the interim governing documents of the Bands shall govern.

Subsection (b) provides for (1) the election of Band officials within 6 months of adopting the constitution and (2) until the election, the interim governmental officials at the time of enactment shall govern.

BACKGROUND ON H.R. 2376

Both the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians claim to be descendants of, and political successors to, the tribes who were the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit. These tribes point out that three other tribes who are descendants of the same signatories have been recognized by the Federal Government as distinct Indian tribes. The Bands filed for reorganization of their governments in 1935 under the Indian Reorganization Act. Federal agents who visited the Bands in the 1930's attested to the continued social and political existence of the tribes and concluded that the groups were eligible for reorganization. Although they met all the standards of eligibility under the Act, lack of congressional appropriations prevented the tribes from completing the process.

H.R. 2376 grants Federal recognition to the Little Traverse Bay Bands of Odawa Indians and the Little River Bands of Ottawa Indians.

103D CONGRESS
1ST SESSION

H. R. 878

To restore Federal services to the Pokagon Band of Potawatomi Indians.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. UPTON (for himself and Mr. ROEMER) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To restore Federal services to the Pokagon Band of Potawatomi Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) The Pokagon Band of Potawatomi Indians
6 is the descendant of, and political successor to, the
7 signatories of the Treaty of Greenville 1795 (7 Stat.
8 49); the Treaty of Grouseland 1805 (7 Stat. 91); the
9 Treaty of Spring Wells 1815 (7 Stat. 131); the
10 Treaty of the Rapids of the Miami of Lake Erie
11 1817 (7 Stat. 160); the Treaty of St. Mary's 1818

1 (7 Stat. 185); the Treaty of Chicago 1821 (7 Stat.
2 218); the Treaty of the Mississinewa on the Wabash
3 1826 (7 Stat. 295); the Treaty of St. Joseph 1827
4 (7 Stat. 305); the Treaty of St. Joseph 1828 (7
5 Stat. 317); the Treaty of Tippecanoe River 1832 (7
6 Stat. 399); and the Treaty of Chicago 1833 (7 Stat.
7 431).

8 (2) In the Treaty of Chicago 1833, the
9 Pokagon Band of Potawatomi Indians was the only
10 band that negotiated a right to remain in Michigan.
11 The other Potawatomi bands relinquished all lands
12 in Michigan and were required to move to Kansas or
13 Iowa.

14 (3) Two of the Potawatomi bands later re-
15 turned to the Great Lakes area, the Forest County
16 Potawatomi of Wisconsin and the Hannahville In-
17 dian Community of Michigan.

18 (4) The Hannahville Indian Community of
19 Michigan, the Forest County Potawatomi Commu-
20 nity of Wisconsin, the Prairie Band of Potawatomi
21 Indians of Kansas, and the Citizen Band Pota-
22 watomni Indian Tribe of Oklahoma, whose members
23 are also descendants of the signatories to one or
24 more of the aforementioned treaties, have been rec-
25 ognized by the Federal Government as Indian tribes

1 eligible to receive services from the Secretary of the
2 Interior.

3 (5) Beginning in 1935, the Pokagon Band of
4 Potawatomi Indians petitioned for reorganization
5 and assistance pursuant to the Act of June 18, 1934
6 (25 U.S.C. 461 et seq., commonly referred to as the
7 "Indian Reorganization Act"). Because of the finan-
8 cial condition of the Federal Government during the
9 Great Depression it relied upon the State of Michi-
10 gan to provide services to the Pokagon Band. Other
11 Potawatomi bands, including the Forest County Pot-
12 awatomi and the Hannahville Indian Community
13 were provided services pursuant to the Indian Reor-
14 ganization Act.

15 (6) Agents of the Federal Government in 1939
16 made an administrative decision not to provide serv-
17 ices or extend the benefits of the Indian Reorganiza-
18 tion Act to any Indian tribes in Michigan's lower pe-
19 ninsula.

20 (7) Tribes elsewhere, including the Hannahville
21 Indian Community in Michigan's upper peninsula,
22 received services from the Federal Government and
23 were extended the benefits of the Indian Reorganiza-
24 tion Act.

1 (8) The Pokagon Band of Potawatomi Indians
2 consists of at least 1,500 members who continue to
3 reside close to their ancestral homeland in the St.
4 Joseph River Valley in southwestern Michigan and
5 northern Indiana.

6 (9) In spite of the denial of the right to orga-
7 nize under the Indian Reorganization Act, the
8 Pokagon Band has continued to carry out its gov-
9 ernmental functions through a Business Committee
10 and Tribal Council from treaty times until today.

11 (10) The United States Government, the gov-
12 ernment of the State of Michigan, and local govern-
13 ments have had continuous dealings with the recog-
14 nized political leaders of the Band from 1795 until
15 the present.

16 **SEC. 2. FEDERAL RECOGNITION.**

17 Federal recognition of the Pokagon Band of Pota-
18 watomi Indians is hereby affirmed. Except as otherwise
19 provided in this Act, all Federal laws of general applica-
20 tion to Indians and Indian tribes, including the Act of
21 June 18, 1934 (25 U.S.C. 461 et seq.), shall apply with
22 respect to the Band and its members.

23 **SEC. 3. SERVICES.**

24 Notwithstanding any other provision of law, the Band
25 and its members shall be eligible, on and after the date

1 of the enactment of this Act, for all Federal services and
2 benefits furnished to federally recognized Indian tribes
3 without regard to the existence of a reservation for the
4 Band or the location of the residence of any member on
5 or near an Indian reservation.

6 **SEC. 4. TRIBAL MEMBERSHIP.**

7 Not later than 18 months after the date of the enact-
8 ment of this Act, the Band shall submit to the Secretary
9 membership rolls consisting of all individuals eligible for
10 membership in such Band. The qualifications for inclusion
11 on the membership rolls of the Band shall be determined
12 by the membership clauses in the Band's governing docu-
13 ments, in consultation with the Secretary. Upon comple-
14 tion of the rolls, the Secretary shall immediately publish
15 notice of such in the Federal Register. The Bands shall
16 ensure that such rolls are maintained and kept current.

17 **SEC. 5. CONSTITUTION AND GOVERNING BODY.**

18 (a) CONSTITUTION.—

19 (1) ADOPTION.—Not later than 24 months
20 after the date of the enactment of this Act, the Sec-
21 retary shall conduct, by secret ballot and in accord-
22 ance with the provisions of section 16 of the Act of
23 June 18, 1934 (25 U.S.C. 476), an election to adopt
24 a constitution and bylaws for the Band.

1 (2) INTERIM GOVERNING DOCUMENTS.—Until
2 such time as a new constitution is adopted under
3 paragraph (1), the governing documents in effect on
4 the date of enactment of this Act shall be the in-
5 terim governing documents for the Band.

6 (b) OFFICIALS.—

7 (1) ELECTION.—Not later than 6 months after
8 the Band adopts a constitution and bylaws pursuant
9 to subsection (a), the Secretary shall conduct elec-
10 tions by secret ballot for the purpose of electing offi-
11 cials for the Band as provided in the Band's con-
12 stitution. The election shall be conducted according
13 to the procedures described in subsection (a), except
14 to the extent that such procedures conflict with the
15 Band's constitution.

16 (2) INTERIM GOVERNMENT.—Until such time
17 as the Band elects new officials pursuant to para-
18 graph (1), the Band's governing body shall be the
19 governing body in place on the date of the enact-
20 ment of this Act, or any new governing body selected
21 under the election procedures specified in the in-
22 terim governing documents of the Band.

23 **SEC. 6. TRIBAL LANDS.**

24 The Band's tribal land shall consist of all real prop-
25 erty, including the land upon which the Tribal Hall is situ-

1 ated, now or hereafter held by, or in trust for, the Band.
2 The Secretary shall acquire real property for the Band.
3 Any such real property shall be taken by the Secretary
4 in the name of the United States in trust for the benefit
5 of the Band and shall become part of the Band's reserva-
6 tion.

7 **SEC. 7. SERVICE AREA.**

8 The Band's service area shall consist of the Michigan
9 counties of Allegan, Berrien, Van Buren, and Cass and
10 the Indiana counties of La Porte, St. Joseph, Elkhart,
11 Starke, Marshall, and Kosciusko.

12 **SEC. 8. JURISDICTION.**

13 The Band shall have jurisdiction to the full extent
14 allowed by law over all lands taken into trust for the bene-
15 fit of the Band by the Secretary. The Band shall exercise
16 jurisdiction over all its members who reside within the
17 service area in matters pursuant to the Indian Child Wel-
18 fare Act, 25 U.S.C. 1901 et seq., as if the members were
19 residing upon a reservation as defined in that Act.

20 **SEC. 9. DEFINITIONS.**

21 For purposes of this Act—

22 (1) the term "Band" means the Pokagon Band
23 of Potawatomi Indians;

1 (2) the term "member" means those individuals
2 eligible for enrollment in the Band pursuant to sec-
3 tion 4; and

4 (3) the term "Secretary" means the Secretary
5 of the Interior.

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SECTION-BY-SECTION ANALYSIS OF H.R. 878

SECTION 1. FINDINGS

Section 1 provides the findings of the Congress which includes the history of the tribe.

SECTION 2. FEDERAL RECOGNITION

Section 2 provides that the Pokagon Band of Potawatomi Indians is to be federally recognized as an Indian tribe.

SECTION 3. SERVICES

Section 3 provides that the Band and its members shall be eligible for services provided to federally recognized Indian tribes and their members.

SECTION 4. TRIBAL MEMBERSHIP

Section 4 provides that within 18 months after enactment, the Band is to submit to the Secretary membership rolls which the Secretary is to publish in the Federal Register.

SECTION 5. CONSTITUTION AND GOVERNING BODY

Subsection (a)(1) provides for the adoption of a constitution within 24 months of enactment.

Subsection (a)(2) provides that the governing documents in effect on the date of enactment are to be the interim documents of the Band.

Subsection (b)(1) provides that within 6 months after the Band adopts a constitution, the Secretary is to conduct elections for tribal officials.

Subsection (b)(2) provides that until the new officials are elected, the Band's governing body shall be those in place on the date of enactment.

SECTION 6. TRIBAL LANDS

Section 6 provides that the Band's land shall include lands upon which the tribal hall is situated and other lands subsequently acquired.

SECTION 7. SERVICE AREA

Section 7 provides that the Band's service area is to consist of 4 counties in Michigan and 6 counties in Indiana.

SECTION 8. JURISDICTION

Section 8 provides that the Band is to have jurisdiction over lands taken into trust and over all members who reside in its service area in matters pursuant to the Indian Child Welfare Act.

SECTION 9. DEFINITIONS

Section 9 provides definitions for terms used in the Act.

BACKGROUND ON H.R. 878

The Pokagon Band of Potawatomi Indians claim to be the descendants and political successors to the signatories of the Treaty of Greenville (1795), the Treaty of Grouseland (1806), the Treaty of Spring Wells (1815), the Treaty of the Rapids of the Miami of Lake Erie (1817), the Treaty of St. Mary's (1818), the Treaty of Chicago (1921), the Treaty of the Mississinewa on the Wabash (1826), the Treaty of St. Joseph (1827), the Treaty of St. Joseph (1828), the Treaty of Tippecanoe River (1832), and the Treaty of Chicago (1833). The Tribe asserts that in the Treaty of Chicago (1833), the Pokagon Band of Potawatomi Indians was the only band that negotiated a right to remain in Michigan. The other Potawatomi bands relinquished all lands in Michigan and were required to move to Kansas or Iowa. Two of the Potawatomi bands later returned to the Great Lakes area, the Forest County Potawatomi of Wisconsin and the Hannahville Indian Community of Michigan. Beginning in 1935, the Pokagon Band of Potawatomi Indians petitioned for reorganization and assistance pursuant to the Act of June 18, 1934. Because of the financial condition of the Federal Government during the Great Depression it relied upon the State of Michigan to provide services to the Pokagon Band. Other Potawatomi bands, including the Forest County Potawatomi and the Hannahville Indian Community, were provided services pursuant to the Indian Reorganization Act. Agents of the Federal Government in 1939 made an administrative decision not to provide services or extend the benefits of the Indian Reorganization Act to any Indian tribes in Michigan's lower peninsula.

The Pokagon Band of Potawatomi Indians consists of at least 1,500 members who continue to reside close to their ancestral homeland in the St. Joseph River Valley in southwestern Michigan and northern Indiana. The Band has continued to carry out its governmental functions through a Business Committee and Tribal Council from treaty times until today.

PANEL CONSISTING OF HON. FRANK ETTAWAGESHIK, CHAIRMAN, LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS; HON. SHIRLEY OLDMAN, TREASURER, LITTLE TRAVERSE BAY BANDS OF OTTAWA INDIANS; HON. DANIEL BAILEY, CHAIRMAN, LITTLE RIVER BANDS OF OTTAWA INDIANS; KATHERINE GLOCHESKI, TRIBAL ELDER, LITTLE RIVER BAND OF OTTAWA INDIANS; WILLIAM BROOKS, ESQ., MICHIGAN INDIAN LEGAL SERVICES; AND, JAMES McCLURKEN, PH.D., ASSISTANT PROFESSOR OF ANTHROPOLOGY, MICHIGAN STATE UNIVERSITY

Mr. RICHARDSON. I want to welcome our first panel, Honorable Frank Ettawageshik, Chairman of the Little Traverse Bay Bands of Odawa Indians; Honorable Shirley Oldman, Treasurer, Little Traverse Bay Bands of Ottawa Indians; Honorable Daniel Bailey, Chairman, Little River Bands of Ottawa Indians; Katherine Glocheski, Tribal Elder, Little River Band of Ottawa Indians; William Brooks, Esquire, Michigan Indian Legal Services; and James McClurken, Ph.D., Michigan State University.

We welcome all of you. Again, the committee staff assistant will be turning the light on. When you see the green keep going; when you see the yellow, start summarizing; and when you see the red, come very close to concluding.

Thank you again.

We will first hear from the chairman, Honorable Frank Ettawageshik.

STATEMENT OF HON. FRANK ETTAWAGESHIK

Mr. ETTAWAGESHIK. Mr. Chairman, and members of the committee. Bozhoo. Hello. Naakwegeeshik, Noonday is my name. I'm a member of the Sparrowhawk clan of the Odawa tribe. I'm also known as Frank Ettawageshik, currently chairman of the Little Traverse Bay Bands of Odawa Indians. Our people live along the northern shores of Lake Michigan. For generations we've been working to protect our treaty rights and to assert our political rights as an Indian tribe. The historical and legal details of our case for this Congress will be presented by Michigan Indian Ixgal Services and by our tribal ethnohistorian.

So that you may better understand our issues I'll tell you about my family.

After the Odawa fought the United States in the War of 1812, my great-great-great uncle Assiginac, who was born in 1768, made a wooden carving of his war canoe. My great-great-grandfather's picture was taken in 1880 in front of the church in the town of Little Traverse, now called Harbor Springs.

Paul Ettawageshik was one of the many Odawa people who were involved in trying to regain lands taken from them through fraudulent means. His cousin Margaret Blackbird Ogabeg iji gokwe took a trip to Washington in the 1870s to attempt to convince President Grant to help our people keep our lands.

This January 7, 1877, letter, housed at the National Archives, describes a long and arduous but unsuccessful trip she made to Washington to convince the President to protect our reservation from squatters.

My grandfather Joseph Ettawageshik and my grandmother Agnes Chingwa were active in tribal affairs in the late 1800s and the early 1900s helping to keep our traditions and language alive. In the mid-1930s my father Fred Ettawageshik worked on the tribe's efforts to assert and maintain our treaty guaranteed rights during the early days of the Wheeler-Howard Act.

Today, I'm here before you as a representative of the Odawa people from Waganakising, the Crooked Tree Place. Just as my ancestors have done before me, I ask the United States to live up to its government-to-government responsibilities to our tribe, responsibilities established in the treaties of 1836 and 1855. We are not asking to be taken care of; we're working to care for ourselves, to keep our traditions and language alive.

But by passing this legislation, HR 2376, this Congress will reaffirm the political status of our tribe which will provide us with an important legal tool to assist us in the work of caring for ourselves.

Our tribe exists. There has never been an express action of Congress nor of history which terminated our tribe. We still live, work and raise our children in the same lands we occupied before the United States existed.

What we ask is for Congress to pass this proposed legislation, making an important step in righting historic wrongs and in helping us to help ourselves.

We thank you for your consideration and we wish you well.

[Prepared statement of Mr. Ettawageshik and attachments follow:]

**Testimony of Frank Ettawageshik, Chairman
Little Traverse Bay Bands of Odawa Indians**

**Submitted to the Committee on Natural Resources
Subcommittee on Native American Affairs
United States House of Representatives**

**Hearing concerning H.R. 2376
September 17, 1993**

Bozhoo. Naakwegeeshik n'dizhnikaas. Pepegwezanse Ododem. Hello. Noonday is my name, Sparrowhawk is my clan, of the Odawa tribe. I am also know as Frank Ettawageshik, currently chairman of the Little Traverse Bay Bands of Odawa Indians.

We have lots of evidence to present at this hearing. We have tribal leaders, historians and attorneys with us to help present that evidence. But there is something which we must be sure is not forgotten; there is an idea which we must bring to this hearing. All of the people in this room, from you and your fellow Committee Members and staff, to the spectators in the back row, are people who work long hours to support important goals. We all attend meetings that take us away from our homes and keep us away from our children's activities. We involve ourselves in projects so deeply that we are preoccupied mentally even when we are at home and could otherwise relax.

Why do we do these things? What is so important that we will sacrifice our own needs and the needs of our families? We all work to maintain fairness. We all work to satisfy our sense of self-worth. We all work hoping to accomplish things that will allow our children and their descendants to enjoy peace and well-being in their lifetimes.

For Odawa people this is not some unobtainable utopian dream. Accomplishing this peace and well-being has been and is a goal of our traditional ways. Most times the path towards this goal does not involve bureaucracies or councils or reams of paperwork. It's a simple one-on-one exchange in which we honor and support the individuals within our families and our communities in our daily lives. We praise our children, respect our elders, and try to forgive ourselves and others who get mired in life's struggles. We strive to support others with our deeds and with positive thoughts, while we learn to respect and honor ourselves.

Every now and then an issue arises for which we must set aside simplicity and independent action. We gather together and speak in unison. We prepare the reams of paperwork. We attend the councils and committee meetings. We sacrifice our own needs and the needs of our families and we struggle to right historical wrongs; we struggle today so that the seventh generation from now will be free to work on more important accomplishments. Seven generations ago our Odawa ancestors were locked in a battle just to survive in whatever way they could. We were compelled to sell our lands, pressed to adopt a new culture, but in short, we have survived. Today we work for that seventh

generation upcoming. We who are speaking in the Odawa world today hope that we will not be found lacking in courage and strength by the tellers and writers of histories in the future.

We are sure that this committee and its members will consider what is presented at this hearing with a clear mind and an open heart. We honor each of you and all of your staff members. We wish to validate all of the sacrifices that have been made by all of the people who have worked and will work in the future on this legislation.

I come here today to testify on behalf of the Odawa people of the Little Traverse Bay Bands. Our people live in Michigan along the northern shores of Lake Michigan. For generations we have been writing to and coming to Washington to try to serve the needs of our people, to protect our treaty rights, to assert our political rights as an Indian tribe. Many times we have been ignored and often we've met with indifference. The historical and legal details of our case for this Congress will be presented by our tribal legal assistants at Michigan Indian Legal Services and by our tribal ethnohistorian.

Some here might say who are these Odawa people? Who is it who comes to ask for this action by this Congress? We represent many families and communities. We represent our grandmothers and grandfathers. We represent our children and the coming generations. So that you may better understand our issues I will tell you about my family.

After the Odawa fought the United States in the War of 1812, my great-great-great uncle Assiginac, who was born in 1768, made a wooden carving of his war canoe. He carved images of himself and two of his brothers, my great-great-great uncles. My great-great-grandfather's picture was taken in 1880 in front of the church in the town of Little Traverse, now called Harbor Springs, in northern Michigan. Paul Ettawageshik was one of the many Odawa people who were involved in trying to regain lands taken from them through fraudulent means. His cousin Margaret Blackbird Ogabegijigokwe took a trip to Washington in the 1870s to attempt to convince President Grant to help our people keep our lands. This January 7th, 1877 letter is housed at the National Archives. This letter describes a long and arduous trip she made to Washington to convince the President to protect our reservation from squatters. The President would not see her and she returned home. My grandfather Joseph Ettawageshik and my Grandmother Agnes Chingwa were active in tribal affairs in the late 1800s and the early 1900s. Joseph and Agnes were two of the many people from the Odawa families in our tribe who helped to keep our traditions and language alive to pass on to the coming generations. In the mid-1930s my father Fred Ettawageshik worked on the tribe's efforts to assert and maintain our treaty guaranteed rights during the early days of the Wheeler-Howard Act.

Testimony of Frank Ettawageshik, Chairman

September 17, 1993

Today, I stand before you as a representative of the Odawa from Waganakising, the Crooked Tree Place. Just as my ancestors have done before me, I ask the United States to live up to its government-to-government responsibilities to our tribe established in the treaties of 1836 and 1855. We are not asking to be taken care of; rather we ask that the political status of our tribe be reaffirmed. We are working to care for ourselves, to keep our traditions and language alive. By passing this legislation this Congress will assist us in the work of caring for ourselves by providing us with an important legal tool.

We do not come here asking Congress to create a tribe for us. Our tribe exists. We have been here long before the coming of the Europeans. Since the treaty making time we have not gone away or stopped being a tribe. There has never been an express action of Congress nor of history which terminated our tribe. We still live, work and raise our children in the same lands we occupied before the United States existed. We don't come here asking for anything complicated.

All we ask is that the U.S. Congress look at us, read the evidence presented by the experts who have come to testify with us, and to pass this proposed legislation, H.R. 2376. This will be an important step in righting historic wrongs and in helping us to help ourselves.

We thank you for your consideration and wish you well.

fetes93 fia

Testimony of Frank Ettawageshik, Chairman

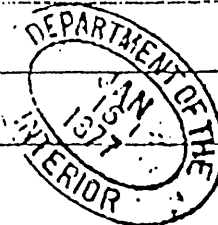
September 17, 1993

~~Jan 24 1877~~

Executive Mansion.

Qabegijookine Margaret
Little Foxes

Wants some government land



Respectfully referred to the Secretary of the Interior,

whose attention is invited to the
within endorsement of the
President.

By direction Assistant:

January 15 1877
[Signature]

J. M. S.

Little Traverse Emmet Co. Jan 7th 1877.

To the President Grant

My great Father

A poor child
 went a great long way to see the
 great Father to the poor children
 returning home with greatest
 grief no satisfaction answer
 from the great Father to his poor
 child, I went there to ask you
 to give these few families who
 never had any lands from the
 great Father who ought have
 had the lands, that was my
 intention of undertaking that
 long bitter journey, many times
 most throwing me out of cars
 because I had not money ^{to} pay.

to pay full fare, and after all not
 obtaining anything, we do not
 want take the Land, as homestead
 because we are obliged to cut
 down trees and clear the Land
 but we want preserve our
 Trees from cutting down to make
 Sugar for we use great deal of
 sugar, this is the object of your
 poor Children by sending me to
 go see their great Father personal-
 ly, to hear him from his own word
 and when they saw me coming
 home they all rush in haste to
 the house asking what the great
 Father had said, all most ashamed
 to tell them that the man
 so he took me to see the great
 Father did not give me no time
 to hear any answer or obtain
 even a spool of thread from the
 Father of poor Children.

O!
 pain
 are
 ple.
 you
 from
 was
 see
 poor
 me,
 a po
 Her
 per
 Phas.
 I was
 I was

Reproaches for one of the Sub. The
 is from a ~~Miss~~ Indian woman
 whose complaint I gave the ~~the~~
 some week or two days since.
 see 13. 2. 79. (to S. 1. 1. 1. 1.)
 to see the ~~the~~; I do not see why
 a Father does not wish to see his
 poor child, coming to him, from so
 long way, and not let her see him
 only half minute. O! tears tears
 all way home, and the some time, of me
 going so far, trying to sell our Indian
 work to get money by, to pay our taxes
 these Whites here who are with us
 they Tax us so high, so that we
 cannot no way get money to pay
 for tax, and then they buy our Lands
 for tax, this is why they do it to take
 our Lands away from us poor Indians.
 O great Father! of all send someone here
 to stay with us right here to protect &
 defend for us poor Indians, we always
 thought & our fore fathers told us, that
 the Great Spirit created us & gave us
 this part of world to be our living Lands
 & this our own poor child would tell you at no time
 & give us to have to talk to her.

I wish
 to
 be
 the
 Great
 Father
 to
 make
 of
 your
 me to
 the
 personal
 his own word
 coming
 it has to be
 to the great
 most ashamed
 the man
 the great
 e no time
 or obtain
 from the
 me

O! great Father who is full
 power to do any thing all but
 creat another world, do
 please have compassion and pity
 your children for we are your
 From Indian children, for I
 was weeping all way coming home
 such bitter long journey for us
 poor old woman of sixty years like
 me, please excuse and pardon me
 a poor child went so far to see
 the Great Father to talk to him
 personally as a child to his own Father
 Your poor child

e. Margaret Ojungejige Kuu
 Phase

Excuse my poor writing
 I was told by some of those men in the office
 that the great Father did not wish to see
 his children, poor me going so far for you

February 17, 1992

Congressman Robert Davis
2417 Rayburn Building
Washington, DC 20510

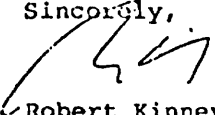
Dear Congressman Davis:

This letter is in regards to House of Representatives Bill
HR3958.

Our Chamber supports this Bill and we urge you to take those steps necessary in order to get this Bill enacted. Emmet and Charlevoix counties have a large Native American population and we feel it important for them to receive federal reaffirmation they so deserve.

With this recognition, our local representatives of the Little Traverse Band of Odawa Indians can receive support and address health care and housing challenges that face Native Americans in our area.

Sincerely,


Robert Kinney
President

RK/klr

cc: Senator Carl Levin
Senator Donald Riegle
Senator George McManus
Representative Pat Gagliardi
Mr. Ron Wemigwase



Working for Northern Michigan's
Future Since 1920



STATE OF MICHIGAN

MICHIGAN SENATE

Senate Resolution No. 383

Offered by Senators McManus, Koivisto and Pridnia

A RESOLUTION TO RECOGNIZE
THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
AS A HISTORIC INDIAN TRIBE AND TO SUPPORT THE EFFORTS
OF THE TRIBE TO OBTAIN FEDERAL REAFFIRMATION

WHEREAS, The Odawa Indians have played an important role in the heritage and the history of our present state of Michigan. Long before the arrival of European explorers, the formation of the Northwest Territories, and the creation of Michigan as a state, the Odawa Indians made the northern Great Lakes region their home; and

WHEREAS, Today, seven major groups of Native Americans in Michigan are federally recognized tribes. Federal recognition gives tribes access to critical funding for programs leading to self-sufficiency through economic development and growth; and

WHEREAS, The Little Traverse Bay Bands of Odawa Indians is one of our state's six non-federally recognized state historic tribes. The tribe, however, is directly descended from those who lived here at the time of the signing of the 1836 Treaty of Washington and the 1855 Treaty of Detroit, which ceded large amounts of land to the federal government. These treaties established a government-to-government relationship that the tribe, justly, feels still continues today; and

WHEREAS, It is most fitting and appropriate that the Little Traverse Bay Bands of Odawa Indians receives federal recognition. The tribe's proud heritage and long documented history clearly call for federal recognition; now, therefore, be it

RESOLVED BY THE SENATE, That the members of this legislative body hereby recognize the Little Traverse Bay Bands of Odawa Indians as a Michigan historic Indian tribe, and strongly support its efforts to obtain federal reaffirmation; and be it further

RESOLVED, That copies of this document be transmitted to the Little Traverse Bay Bands of Odawa Indians, representatives of the Bureau of Indian Affairs, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the Senate, March 18, 1992.



Secretary of the Senate



STATE OF MICHIGAN

HOUSE OF REPRESENTATIVES

House Resolution No. 692

Offered by Representative Pat Gallagher

A RESOLUTION TO RECOGNIZE
THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AS
AN HISTORIC INDIAN TRIBE AND TO SUPPORT THE EFFORTS OF
THIS TRIBE TO OBTAIN FEDERAL REAFFIRMATION

WHEREAS, Michigan's native American citizens represent one of the most important elements of the multi-cultural tapestry that represents our society. Our indigenous citizens enjoy a direct link to the people who called this area home long before the arrival of the Europeans, beginning in the seventeenth century. Today, men and women of various tribes in Michigan are descendants of individuals who entered into treaty agreements with the authorities of the newly formed United States of America; and

WHEREAS, Presently, there are seven federally recognized tribes in Michigan and six that are recognized as state historic tribes that are not formally acknowledged by federal officials. Among these are the Little Traverse Bay Bands of Odawa Indians; and

WHEREAS, The Little Traverse Bay Bands of Odawa Indians continues to live in the northern Lower Peninsula, where their ancestors lived generations ago. Great great grandparents of today's tribe members signed such key treaties in Michigan history as the 1836 Treaty of Washington and the 1855 Treaty of Detroit that ceded vast expanses of land to the federal government; and

WHEREAS, Securing the long overdue status as a federally recognized tribe would help the Little Traverse Bay Bands of Odawa Indians in many ways. This step in legality would further the tribe's strong and historic commitment to maintaining an invaluable heritage. In addition, formal recognition will provide a major emphasis to help the tribe become self sufficient through increased access to a variety of federal programs. This is an important element of the future plans. This is a tribe strongly devoted to perpetuating its culture and fostering greater independence among its people; and

WHEREAS, The Little Traverse Bay Bands of Odawa Indians has received considerable support in its efforts to gain federally recognized status. This support includes well documented records delineating the tribe's history and aspirations. Any denial of making these dreams a reality is a harmful and unjust affront to a proud, determined, and resourceful community of men and women; now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES That the members of this legislative body hereby recognize the Little Traverse Bay Bands of Odawa Indians as a Michigan historic Indian tribe, and be it further

RESOLVED, That we strongly support the efforts of the Little Traverse Bay Bands of Odawa Indians to obtain federal reaffirmation, and be it further

RESOLVED, That copies of this resolution be transmitted to officials of the Little Traverse Bay Bands of Odawa Indians, representatives of the Bureau of Indian Affairs, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, February 13, 1992


Clerk of the House of Representatives



The Grand Traverse Band of Ottawa and Chippewa Indians

Route 1, Box 135 Suttons Bay, Michigan 49682 616-271-3538

April 17, 1992

Mr. Frank Eddawageshik, Tribal President
Little Traverse Bay Bands of Odawa Indians
P.O. Box 4000
1847 U.S. 121 N.
Suttons Bay, MI 49770

Dear Mr. Eddawageshik:

The Little Traverse Bay Bands of Odawa Indians (LTBB) signed the same treaties as did our tribe, the Grand Traverse Band of Ottawa and Chippewa Indians. The LTBB has existed as an Indian tribe from historic times through the present in what is now Charlevoix and Benzie counties, Michigan. Most LTBB members still live within the land ceded to them in the 1875 treaty.

The LTBB is a treaty tribe that was never terminated by act of Congress. We do not understand why this fellow treaty signatory tribe is not federally acknowledged. The situation represents a grave historical injustice.

This injustice can only be rectified by restoring federal acknowledgment to the LTBB. The Grand Traverse Band of Ottawa and Chippewa Indians strongly supports federal acknowledgment of the LTBB.

Sincerely,

Joseph C. Raphael
Joseph C. Raphael
GTB Tribal Chairman

JCR/nd



Pride Of the Ojibwa
 Route 2 • Box 270A
 Little Traverse Bay Bands of Odawa Indians
 (715) 634-8933 • FAX (715) 634-4797

May 8, 1992

Mr. Frank Ettawagechik, President
 Board of Directors
 Little Traverse Bay Bands of Odawa Indians
 Route 1 Box 135
 Suttons Bay, Michigan 49682

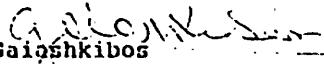
Dear President Ettawagechik:

The Odawa People are very close relatives to the Ojibwa People. Five hundred years or so ago, we were members of the Three Fires Society. Included in the Society was also the Potawatomi People. We all speak a very similar language. The Odawa People had lived in this area before our Ojibwa People settled here permanently. In fact, the traditional name of our Reservation means "where the Odawa People resided". Hence, the Ojibwa name of our Reservation is "O-dah-wah-zi-ya-gunning".

Now it has been brought to my attention that the Little Traverse Bay Bands of Odawa Indians is seeking Federal recognition. This has been brought to my attention by our Legislative Consultant, Dr. Eugene Begay. He has presented me with a copy of H.R. 3958, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Odawa Indians Federal recognition bill, 102nd Congress, 1st Session. It seems to me that you have progressed quite far in processing this bill through the U.S. Congress. I believe you need to push forward in enacting this bill into law, which I feel can happen much sooner than the administrative petitioning process within the BIA.

I personally support the Little Traverse Bay Bands of Odawa Indians quest for Federal recognition. Dr. Begay is well-versed, and he understands the status of H.R. 3958. If either Dr. Begay or I can assist your Bands in the future with additional supportive letters or testimony, please do not hesitate to contact me personally.

Sincerely,


 Gaiashkibos
 Tribal Chairman

G:tki



Lac Vieux Desert Band of Lake Superior Chippewa Indians
 P.O. Box 446 - Choate Road
 Waterman, Michigan 49969



Resolution # 91-011

- WHEREAS: the Lac Vieux Desert Band of Lake Superior Chippewa Indians are a duly federally recognized Tribe according to PL 100-420, and
- WHEREAS: the Little Traverse Bay Bands of Odawa Indians are descendants of and the political successors to the historical Ottawa Band whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855, and
- WHEREAS: the Little Traverse Bay Bands of Odawa Indians were never terminated by the U. S. Congress or by Executive Order of the President of the United States, and
- WHEREAS: the Little Traverse bay Bands of Odawa Indians have formally petitioned the U.S. government for re-affirmation of their trust status as a federally-recognized tribe.

NOW THEREFORE BE IT RESOLVED: that the Lac Vieux Desert Band of Lake Superior Chippewa hereby endorses the efforts of the Little Traverse Bay Bands of Odawa Indians to secure their rightful status as a federally-recognized tribe.

CERTIFICATION

We do hereby certify this resolution was duly presented and voted upon with a vote of 8 in favor, and 0 opposed, and 0 abstaining, at a Special Meeting of the Lac Vieux Desert Tribal Council held on this 16th day of April, 1992.

John C. McGeshick
 John C. McGeshick, Tribal Chairman

Elizabeth A. Martin
 Elizabeth A. Martin, Council Secretary

906-358-4577 Phone
 906-358-4785 Fax



City of Harbor Springs • Michigan

P.O. Box 678 • 349 E. Main St.

49740 0678

CITY OF HARBOR SPRINGS RESOLUTION

WHEREAS, the Little Traverse Bay Bands of Odawa Indians has long been a part of the history of the City of Harbor Springs; and

WHEREAS, members of the Little Traverse Bay Bands of Odawa Indians continue to live in the Harbor Springs community today; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians is seeking federal tribal recognition; and

WHEREAS, the City Council of Harbor Springs feels that such recognition would further the tribe's effort to maintain their invaluable heritage, perpetuate their culture, and foster greater independence among its people.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Harbor Springs, Michigan, to support the efforts of the Little Traverse Bay Bands of Odawa Indians in seeking status as a federally recognized tribe.

Dated this 2nd day of March, 1992.

Paul Richards
Paul Richards, Mayor

Alan Terry
Alan Terry, City Clerk

GRAND TRAVERSE

CHARLEVOIX

LEELANAU

BENZIE

MANISTEE

ANTRIM

FRIENDSHIP TOWNSHIP RESOLUTION ON INDIAN AFFAIRS
RESOLUTION 1992-02

RECOGNITION OF
THE LITTLE TRAVERSE BAY BAND OF ODAWA INDIANS

WHEREAS, the Little Traverse Bay Band of Odawa Indians (LTBB) preexists the formation of the United States of America, and

WHEREAS, the LTBB has been identified as American Indian from historical times until the present; and

WHEREAS, the LTBB inhabits a specific area by the Little Traverse Bay of Michigan's northern lower peninsula and its members are descendants of a tribe that inhabited that same area; and

WHEREAS, the LTBB maintained tribal political influence over its members as an autonomous entity throughout history until the present; and

WHEREAS, the membership of LTBB is composed of persons who are not members of any other North American Indian tribe;

IT IS RESOLVED THAT:

1. The Township of Friendship recognizes the Little Traverse Bay Band of Odawa Indians as a historic Indian tribe that continues to exist as a tribal entity.
2. The Township of Friendship fully supports the efforts of the Little Traverse Bay Band of Odawa Indians to obtain federal reaffirmation.

CERTIFICATION

This resolution was considered and passed at a regular board meeting of the Friendship Township Board on March 10, 1992 by a vote of 5 in favor, 0 opposed, and 0 abstentions.


Janell Van Divner, Clerk

RESOLUTION OF
THE TOWNSHIP OF READMOND
(a Michigan Statutory Township)

March 4, 1992

WHEREAS, the Little Traverse Bay Band of Odawa Indians (LTBB) preexists the formation of the United States of America; and

WHEREAS, the LTBB has been indentified as American Indian from historical times until the present; and

WHEREAS, the LTBB inhabits a specific area by the Little Traverse Bay of Michigan's northern lower peninsula and its members are descendants of a tribe that inhabited that same area; and

WHEREAS, The LTBB has maintained tribal political influence over its members as an autonomous entity throughout history until the present; and

WHEREAS, the membership of LTBB is composed of persons who are not members of any other North American Indian tribe.

NOW, THEREFORE IT IS HEREBY RESOLVED:

1. Readmond Township recognizes the Little Traverse Bay Band of Odawa Indians as a historic Indian tribe that continues to exist as a tribal entity.

2. Readmond Township fully supports the efforts of the Little Traverse Bay Band of Odawa Indians to obtain federal reaffirmation.

AYES: Kauffman, Swiss, Randels

NAYES: Gallagher

ABSENT: Love

 Raymond L. Randels
Raymond L. Randels, Supervisor

 Gordon Gallagher
Gordon Gallagher, Clerk

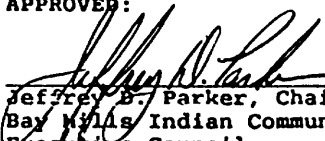
RESOLUTION

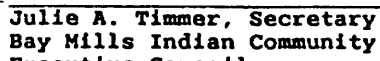
Resolution No: 92-4-27

- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians are the descendents of and the political successors to the historical Ottawa Band who inhabited the Little Traverse Bay area, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855, and
- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States, and
- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians have formally petitioned the U.S. Government for reaffirmation of their trust status as a federally recognized tribe.
- NOW, THEREFORE BE IT RESOLVED,** that the Bay Mills Indian Community hereby endorses the efforts of the Little Traverse Bay Bands of Odawa Indians to secure their rightful status as a federally-recognized tribe.

APPROVED:

ATTEST:


 Jeffrey B. Parker, Chairman
 Bay Mills Indian Community
 Executive Council


 Julie A. Timmer, Secretary
 Bay Mills Indian Community
 Executive Council

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above resolution was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan on the 24th day of April, 1992, with a vote of 4 for 0 opposed 0 absent and 1 abstaining. As per provisions of the Bay Mills Constitution, the Tribal Chairman must abstain except in the event of a tie.


 Julie A. Timmer, Secretary

State of Michigan James J. Blanchard
 Governor
 Department of Shelby P. Solomon
 Management and Budget Director



Michigan Commission On Indian Affairs

611 W. Ottawa Street - 3rd Floor, North Tower
 P.O. Box 30026
 Lansing, Michigan 48909

MICHIGAN COMMISSION ON INDIAN AFFAIRS
 RESOLUTION 1990-00___

RECOGNITION OF
 THE LITTLE TRAVERSE BAY BAND OF ODAWA INDIANS

WHEREAS, the Little Traverse Bay Band of Odawa Indians (LTBB) preexists the formation of the United States of America; and

WHEREAS, The LTBB has been identified as American Indian from historical times until the present; and

WHEREAS, the LTBB inhabits a specific area by the Little Traverse Bay of Michigan's northern lower peninsula and its members are descendants of a tribe that inhabited that same area; and

WHEREAS, the LTBB has maintained tribal political influence over its members as an autonomous entity throughout history until the present; and

WHEREAS, the membership of LTBB is composed of persons who are not members of any other North American Indian tribe; and

WHEREAS, The Michigan Commission on Indian Affairs is vested with the authority to recognize Indian tribes on behalf of the State of Michigan;

IT IS RESOLVED THAT:

1. The State of Michigan recognizes the Little Traverse Bay Band of Odawa Indians as a historic Indian tribe that continues to exist as a tribal entity.
2. The State of Michigan fully supports the efforts of the Little Traverse Bay Band of Odawa Indians to obtain federal reaffirmation.

CERTIFICATION

This resolution was considered and passed at a regular meeting of the Michigan Commission on Indian Affairs at Escanaba, Michigan on May 25, 1990, by a vote of 6 in favor, 0 opposed, and 0 abstentions.


 CHARLES J. MEYERS, CHAIRMAN


 BERNARD BOUSCHIOR, SECRETARY

received
 FEB 25 1991



The Saginaw Chippewa Indian Tribe Of Michigan

7070 EAST BROADWAY

MT. PLEASANT, MICHIGAN 48858

(517) 772-5700

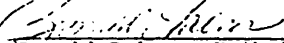
FAX (517) 772-3508

Resolution 92-050

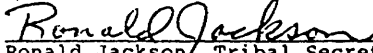
- WHEREAS: The Saginaw Chippewa Indian Tribe of Michigan is a Federally recognized Indian Tribe organized under a Constitution and By-Laws ratified by the Tribe on November 4, 1986, pursuant to P.L. 99-346; and
- WHEREAS: The Saginaw Chippewa Indian Tribe was solicited to support the Little Traverse Bay Bands of Odawa Indians in their efforts to secure federal recognition; and
- WHEREAS: The Little Traverse Bay Bands of Odawa Indians are the descendants of and the political successors to the historical Ottawa Band who inhabited the Little Traverse Bay area, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and
- WHEREAS: The Little Traverse Bay Bands of Odawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and
- WHEREAS: The Little Traverse Bay Bands of Odawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally recognized tribe.
- AND NOW THEREFORE, BE IT RESOLVED, That the Saginaw Chippewa Indian Tribe hereby endorses the efforts of the Little Traverse Bay Bands of Odawa Indians to secure their rightful status as a federally recognized tribal government.
- BE IT FURTHER RESOLVED, That this Resolution shall remain in effect until rescinded or superceded by further action of the Tribal Council.

Certification

The foregoing Resolution was duly adopted by the Saginaw Chippewa Tribal Council with a quorum being present during a (Regular/Special) meeting on the 5th day of May, 1992, by a vote of 11 for, 0 against, and 0 abstaining.



Ronald Falcon, Tribal Chief



Ronald Jackson, Tribal Secretary

THE SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS

206 GREENOUGH STREET
SAULT STE. MARIE, MICHIGAN
49783
(906) 635-6050

TRIBAL
RESOLUTION 3-24-92
SUPPORT FEDERAL RECOGNITION

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Little Traverse Bay Band of Odawa Indians are the successors to the historical Odawa Band who inhabited the Manistee Reservation, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and


WHEREAS, the Little Traverse Bay Band of Odawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and

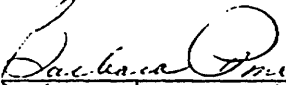
WHEREAS, the Little Traverse Bay Band of Odawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the Branch of Acknowledgement and Research, Bureau of Indian Affairs;

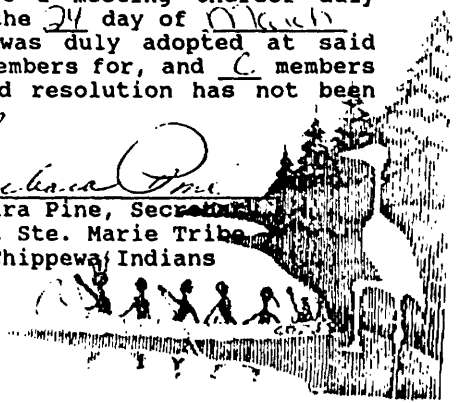
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby endorse the efforts of the Little Traverse Bay Band of Odawa Indians to secure their rightful status as a federally-recognized tribal government.

C E R T I F I C A T I O N

We the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened and held on the 24 day of March 1992; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, and 1 members against, 1 abstaining; and that said resolution has not been rescinded or amended in any way.


Bernard Bouschor, Chairman
Sault Ste. Marie Tribe
of Chippewa Indians


Barbara Pine, Secretary
Sault Ste. Marie Tribe
of Chippewa Indians





CONFEDERATED HISTORIC TRIBES, INC.

2004 E. MICHIGAN, SUITE C, LANSING, MICHIGAN 48912 (517) 485-6000 FAX (517) 485-2772

RESOLUTION 91-06

WHEREAS, the Confederated Historic Tribes, Inc. is a Michigan nonprofit corporation organized by five state-recognized historic tribes to promote the efforts of the respective member tribes to secure federal recognition and attain organizational self-reliance; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are both members of the Confederated Historic Tribes, Inc.; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of and political successors to the signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians were never terminated by Acts of Congress nor by Executive Order of the President of the United States;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Confederated Historic Tribes, Inc. hereby endorse the efforts of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians to secure special legislation introduced on their behalf in the U.S. Congress for the purpose of reaffirming their trust status as federally-recognized tribal governments.

At a meeting duly called on November 13, 1991, the Board of Directors of the Confederated Historic Tribes, Inc. voted to unanimously pass this resolution with zero (0) abstentions.

Carl L. Frazier
Carl L. Frazier, President

11-26-91
Date

Mr. RICHARDSON. Thank you, Mr. Chairman. Shirley Oldman.

STATEMENT OF HON. SHIRLEY OLDMAN

Ms. OLDMAN. Aannii, Shirley Naganashe Oldman Ndizhnikaa. Nimkee Odawuk Ododem. My name is Shirley Naganashe Oldman and I belong to the Thunder Clan.

Mr. Chairperson and Members of the Committee, greetings from Waukanaukazee, the Land of the Crooked Tree. I am the Treasurer for the Little Traverse Bay Bands of Odawa Indians and also the Vice President of our tribal museum. It is my honor to be here not only to represent myself and my family but my Odawa people.

I come from a family who instilled in us the values and traditions of the Anishnabek, the Original People.

Because of time constraints I will just summarize what I have written. Basically my testimony covers the fact that the Odawa tribe has always existed. We had traditions and cultures in practice long before the coming of the Europeans. Some of these traditions include the Ghost Suppers, Elders Councils and our annual Odawa homecoming pow-wow.

In order to continue these cultures and traditions of the Odawa people we need the existence of a tribal land base. In treaty negotiations with the Federal Government the maintaining of a tribal land base was always the highest priority of our tribe.

Today our land base has been lost largely. The reaffirmation of our government-to-government relationship with the United States will help us reestablish our land base and help us to perpetuate our way of life.

I would like to thank you for letting me to express my concerns and the opportunity to urge you to pass this bill, H.R. 2376, for the betterment of my people.

[Prepared statement of Ms. Oldman follows:]

Testimony of Shirley M. Oldman
H.R. 2376
September 17, 1993

Presented to the House Natural Resources Committee
Subcommittee on Native American Affairs

Aannii, Shirley Naganashe Oldman Ndizhnikaaz. Nimkee Odawuk Ododem. My name is Shirley Naganashe Oldman and I belong to the Thunder Clan.

Mr. Chairperson and Members of the Committee, greetings from Waukanaukaze, the Land of the Crooked Tree.

I am the Treasurer for the Little Traverse Bay Bands of Odawa Indians and the Vice President of our tribal museum.

It is my honor to be here not only to represent myself and family but my Odawa people.

I come from a family who instilled in us the values and traditions of the Anishnabek, the Original People.

My mother's and father's names were Eva Keway Petoskey and Daniel Naganashe. They were considered traditional leaders in our community. They spoke our language fluently. They sang our traditional songs. They prayed the Anishnabe prayers. They taught us to be proud to be Odawa, especially during the time when being "Indian" was uncool.

Today, I consider myself a Contemporary Traditionalist who is a strong believer in teaching our children the Odawa culture so that they grow and learn to be productive citizens in a global society. It is not easy but it can be done. I am living proof. I attended elementary school at Holy Childhood Indian Mission School located in Harbor Springs, Michigan. I attended the Institute of American Indian Arts in Santa Fe, New Mexico and graduated from Haskell Indian Junior College with a Associates of Arts Degree in Liberal Arts.

I am very fortunate to have had elders for parents who were my teachers. The house where I live today with my husband and five children is the same dwelling I grew up in. This house is located in We-qua-do-Sing, an Odawa settlement commonly called Indian Town, by the people who live in the adjacent city of Harbor Springs, Michigan. This house, which is over fifty years old, is the same house where my aunts, uncles, grandparents and other relatives came to celebrate our traditions of the Odawa People.

Every fall, we harvest corn. We roast the corn and dry it in the sun. After it is dried, we store it for future use. This is the way we preserve our food for many months. During our feasts, especially the Jibi-wisining or Ghost Suppers where we eat to honor our ancestors, we take the corn and boil it for many hours until

the kernel gets soft again. Then we add our Wee-aus, Schoo-dees-min, and Pi-nik which is deer meat, beans and potatoes. This soup we call Dham-naa-boo. During the month of October we begin our preparation. The first task is to make wreaths from crepe paper. These wreaths are placed on the graves and we believe are worn as head pieces by our loved ones. When the day of the feast comes, a fire is built outside of the home and is kept burning until the sun goes down. Keshick, Sama and Wes-Gun, which is Cedar, Tobacco and Sage, are placed in the entrance of the sacred fire so that everyone coming can use them for their offering or prayer. All our relatives from near and far come home to help with the feast which is like a family reunion or holiday for the Anishnabek or Original People.

In August we celebrate our Odawa Homecoming Pow Wow which is another social gathering for tribal members to return to their original homelands. This is a time to come together to dance and sing the songs we were taught. It is also a time to visit with the elders and meet old friends while making new ones. Today we still practice these traditions our ancestors did years before the coming of the Europeans. Thus far, we have remained as a tribe through our culture and unity. In order to continue these cultures and traditions of the Odawa People we need the existence of a tribal land base. In treaty negotiations with the federal government, the maintaining of a tribal land base was always the highest priority of our tribe. Today our land base has been largely lost. The reaffirmation of our government-to-government relationship with the United States will help us reestablish our land base and help us perpetuate our way of life.

Thank you for letting me express my concerns and for the opportunity to urge you to pass this legislation, H.R. 2376, for the betterment of my people.

sotest93.fln

Mr. RICHARDSON. Thank you very much.
Chairman Bailey.

STATEMENT OF HON. DANIEL BAILEY

Mr. BAILEY. Bozhoo, my name is Cabayonqaue, but I am also called Daniel Bailey. I am the great-great-great grandson of the Grand River Ottawa leaders Cobmoosa, Wabisis, and Francis Bailey who signed the treaties of 1836 and 1855. I am also the Chairman of the Little River Band of Ottawa Indians.

I therefore come here today representing the people of my tribe. The Little River Band existed before the Americans came to Michigan and we have continued to as a community from this time to the present.

My grandfather did not want to sign the 1836 Treaty of Washington, the document that took their homes. They were given a choice. They could move 200 miles north permanently to their winter hunting grounds on the Manistee River or they could move to Kansas.

Then in 1855 my grandfather made another treaty with the United States. This treaty made it so my people didn't have to move to Kansas but could remain in Michigan permanently. This treaty also allotted our tribal lands but over the next 50 years most people lost their lands when the State of Michigan illegally taxed their property.

There were also corrupt Indian agents, land speculators and lumber barons that conspired to defraud our people of their lands.

Tribal leaders at that time wrote and asked for help from the United States Government. My great grandfather, Henry Bailey, was able to write in English and throughout his lifetime he wrote letters to officials in Washington telling them of the difficult lives his people were experiencing.

Throughout the 1880s and into the early 1900s he continued his campaign. When Henry could no longer write his son, my grandfather Cornelius Bailey, continued his work.

During the great depression when all the rural people of Michigan were suffering our people more than ever were living by hunting fishing and trapping on the Manistee River.

The State suddenly decided it was illegal for us to do so and each time one of our men was arrested and brought to the local courts, my grandfather, Cornelius Bailey, exercised his rights as a leader of an Indian tribe and went to court on behalf of his people.

We brought a copy of the treaty between us and the United States which guarantees our rights to hunt, fish and trap without being arrested and by the actions of my grandfather most charges resulted in the dropping of all charges. This is the book that he carried into the courts with him that contained our treaties.

The importance of this act is that my people know about their treaties and their treaty rights.

In closing, I wish to point out that our tribe has never been terminated by Congress. The Little River Band of Ottawa Indians continues to act as a tribe from treaty time to the present.

We are not asking Congress to acknowledge that we exist as a tribe. Congress has already done so in the treaties of 1836 and

1855. We are asking that our rightful government-to-government relationship with the United States be reaffirmed.

Every year on Memorial Day, I take my mother around to the cemetery to visit the graves of my grandfather Cornelius and Henry Bailey. I think a lot about how they both worked so hard to have our treaty rights restored.

Now I too am a grandfather. So I think about the great cross my tribe will bear if we are not successful at restoring our trust relationship with the United States.

Mr. Chairman, we ask for your help in making this happen.

Thank you.

[Prepared statement of Mr. Bailey and attachments follow:]

TESTIMONY OF DANIEL BAILEY
Chairman of the Little River Band of Ottawa Indians
on
H.R. 2376
BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS
September 17, 1993

Bozhoo, Cabayonqau, n'de zhn cazit. I am also called Daniel Bailey. I am the Great-great-great Grandson of the Grand River Ottawa leaders Cobmoosa, Wabisis, and Francis Bailey who signed the Treaty of Washington in 1836. I am also Chairman of the Little River Ottawa.

The Little River Ottawa have sent me here today to help you understand who we are, and to give you a short history of our band. We are a distinct band of the Ottawa tribe; we existed before the Americans came to Michigan in 1812; and, we have continued as an autonomous community from that time to the present.

I am the sixth generation of Little River Band people to deal with the United States government. When the Americans came to Michigan, my Great-great-great grandparents lived in prosperous villages along the Grand River. Their wives raised corn and vegetables, the men fished and trapped. In the winter time, people from our villages travelled north to the Little River at Manistee, trapping for furs that they traded to the French people who lived along side us and married into our families. During the 1820s and 1830s, American farmers began making farms in our family territory.

At first, the Americans claimed only the lands around Detroit, but by 1830, they had begun following the Grand River westward into the Ottawa villages. In 1835 the American politicians at Detroit wished to turn the Ottawa homeland into a state. My ancestors on the Grand River refused to sell the land. For four months they refused to make a treaty. The Americans demanded that we send chiefs to Washington to make a treaty. My Great-great-great-grandfathers refused to go and sent young men to talk with the Americans, boys who were not capable of making an agreement that the tribe would accept. Officials in Washington made the 1836 treaty and sent it back to Michigan for the chiefs to sign. My Grandfathers were told that they had no choice but to sign this document that sold their Grand River lands and reserved only a small piece of their northern trapping grounds on the Manistee River. They were given a choice, they could move permanently to Manistee, or they could move to Kansas.

Cobmoosa and Wabisis signed the 1836 Treaty of Washington, but refused to leave their homes on the Grand River for many years. The United States vacillated in their policies, telling my tribe that they could stay in their towns so long as they behaved like American farmers, that they could move to their northern reservation, or that they could leave the state altogether. My Grandfathers refused to move to Kansas or the marshes of the

Manistee River.

In 1855 my Grandfathers made another treaty with the United States that ended the danger of their removal to Kansas and made provisions for their permanent residence in Michigan. The Americans demanded even the last of their gardens and told them that they had to move to northern reserves. Faced with constant harassment from Americans and cultural disintegration caused by alcoholism, my Grandfathers decided to move their people away from the settlers who made their lives miserable. They kept their right to hunt, trap, gather, and fish on their former lands and they made reservations, once again, in their northern winter trapping grounds--land that they believed the Americans would not take from them.

My grandparents loaded their families into canoes and travelled to the mouth of the Grand River in 1859. There they were loaded onto steamboats and carried to the mouth of the Pentwater River. From there, they travelled inland to make new settlements. They found that Americans had already made claims to the reserve lands. Timber speculators had already begun cutting the virgin white pine timber. My grandparents and their children tried to make farms on their new reservation in keeping with the American demand that they become "civilized." They were not allowed to make new homes in peace. Land speculators, timber speculators, settlers, or even corrupt government officials who wished to get rich making lumber to build Chicago and other cities. Between 1860 and 1875 they managed through any means possible to take title to our reservation lands.

The next generation of leaders, my Great-great grandfathers, provided for their families by moving between the summer gardens and winter villages as we had done for centuries. But, these gardens were not on their reservations. When speculators had taken the best reservation lands, my band selected small homesteads where they and their families raised gardens in the spring and summer. In the winter, they continued to travel to their Manistee River trapping territories and relied on their treaty protected right to hunt, trap, fish, and gather. From their community bases at Hamlin Lake and Indian Village, the men conducted communal hunts and divided the food and cash they made.

Some men moved out of the village, leaving their wives and children behind to work in lumber camps for cash. The Hamlin Lake settlement was known by local Americans as "Indian Pete's Bayou," named after my Great Grandfather Peter Espiew, (Assinibo, Raccoon), who hired his own people to bring logs from the woods. As more and more Americans planted orchards around us, we picked fruit in the summer and fall and were the migrant farm workers of western Michigan--the lowest class of American in Michigan.

Testimony of Daniel Bailey, Chairman of Little River Band of Ottawa

The Little River Ottawa were a small, migratory band. They owned only small parcels of land. Few had any education. The local people did not think of the Little River Band as a tribe with any authority or rights other than the right to do manual labor. The state chose to ignore any claims they had to property, and the federal government, time after time, refused to honor their trust relationship.

My Great-grandfather Henry Bailey wrote in English. Throughout his lifetime, he wrote letters to officials in Washington telling them of the difficult lives our people lead because of land frauds, and reminding them of money and services they owed to our band. Throughout the 1880s and into the early 19teens he continued his campaign. When Henry could no longer write, his son and my grandfather Cornelius Bailey continued the work.

During the Great Depression of the 1920s, when all of the rural peoples of Michigan suffered privation, the state, for the first time in our band's history, forbid us to hunt, trap, and fish on the Manistee. Each time one of our men was arrested and brought to the local courts, my grandfather exercised his rights as a leader of an Indian tribe. Cornelius Bailey went to the courtroom on the behalf of his people. He brought our band's copy of the treaty of 1836 which shows that our people reserved the right to hunt, trap, and fish. This is the book that my Grandfather brought with him. The markers you see in these pages were placed in this book by my grandfather. He pointed to the very clause reserving this right to judge after judge, just as I am doing now. Some judges ruled that our band members did indeed have these rights, and other judges did not. The importance of this act is that my people know about their treaties. We continue to exercise our rights and act as a tribe, even when the federal government abandoned their responsibilities to us.

Our band asked Commissioner of Indian Affairs John Collier in the 1934 to reestablish our relationship with the United States government under the Indian Reorganization Act. He visited our people and told us that we were eligible to become a federally "recognized" tribe. For six years we tried to vote on forming a constitutional government. Bureau of Indian Affairs officials first told us that we could vote to form a constitutional government. Then, they said that we had to have land in trust before we could vote. Next they said that we could not place land in trust until we voted. Finally, they said that the federal government could not afford to let us form this government. My Grandfather was a band leader through this time.

World War II interrupted my tribe's efforts to reorganize under the Indian Reorganization Act. Almost all of the able bodied

Testimony of Daniel Bailey, Chairman of Little River Band of Ottawa

men in our settlement, even those forty-five years old and older, left the settlement. Women, children, and old people stayed behind to take care of themselves. In Washington, the resources and attention of federal officials focused on the war effort. The Little River Ottawa were given a low priority. When the soldiers returned, the federal government forgot about its commitment to help us reorganize.

The Little River Ottawa, however, did not stop governing ourselves or end our efforts to reestablish a federal trust. Our band joined a newly formed, locally elected, statewide association of bands who were parties to the 1836 and 1855 treaties. My Grandfather was one of the charter members of Unit Seven of the Northern Michigan Ottawa Association. Through this organization my band filed an Indian Claims Commission suit for compensation for under valuation of our tribal lands in 1836. Little River, along with the other Grand River Ottawa bands, won their claim. Our members received per capita payment of this claim in 1976. My Grandfather died in 1972, at age 75, and did not receive payment, but my mother did, and I did.

My tribe was not subsumed by the Northern Michigan Ottawa Association. The Northern Michigan Ottawa association helped us form alliances with other Michigan bands and helped us maintain our political influence throughout Michigan. The strength of relationships that formed at this time is demonstrated by the friendship between my tribe and the Little Traverse people who are with us here today. The Little River Band has always acted as a tribe, and were treated as such by local, state, and federal officials.

The Little River Band of Ottawa, along with other NMOA members used the association to combine their influence and pursue issues that had proven difficult for the individual groups to win alone. For example, the bands who made up the Northern Michigan Ottawa Association petitioned the United States for reestablishment of government-to-government relations with the United States under the Indian Reorganization Act in 1975. Bureau of Indian Affairs Officials were, at the time, considering the problem of acknowledging dozens of other tribes like ours. Over the next three years, the Federal Acknowledgment Process was formed.

Our band was informed by the Bureau of Indian Affairs that if we wished to restore our relationship with the United States, we would have to go through the Federal Acknowledgment Process. We have always believed and acted as though we were a "recognized" tribe. We have treaties; we have maintained continual relations with the federal government through the efforts of my grandparents and other leaders; and, we have continued to act as a community from the times of those treaties to the present. Bureau of Indian

Testimony of Daniel Bailey, Chairman of Little River Band of Ottawa

Affairs officials knew this well before the FAP was created. We see this process as yet another unnecessary and unreasonable hurdle placed between us and our treaty-based rights. We have filed a petition with the Bureau of Indian Affairs, Branch of Acknowledgment and Research at the advice of our local Congressional delegates. Still, we believe that Congress is the proper branch of government to address our case.

In closing, I wish to point out that our tribe has never been formally terminated by Congress. The Little River Band of Ottawa Indians has continued to act as a tribe from treaty times to the present. We are a kin-based community who make decisions about our common issues by the consensus of our members. For more than a century our members have worked to protect our treaty-based rights. We have passed the knowledge of who we are and the record of our rights from generation to generation from before the Americans came to our land to this day. Although we have done so, the federal government chose to ignore its treaty mandated relationship with us--and tried to implement its own form of defacto termination. I am here today as the Chairman of the Little River Band to tell you that they have failed. We have reminded the federal government of its responsibilities through Congress, the courts, and through the Bureau of Indian Affairs, and we have no plans to stop.

The Little River Band is now asking Congress now to end the defacto termination of our tribal right. We are not asking the Congress to acknowledge that we exist as a tribe. Congress has already done so in the Treaty of 1836 and the Treaty of 1855. We are asking that we be restored to our rightful government-to-government relationship with the United States. The United States will now deal only with tribes who are "recognized."

I am now a grandfather. I think about the great cost my tribe will bear if we are not successful at restoring our government-to-government relationship with the United States. My tribe does not have the means to maintain tribal economic programs that will allow my children and grandchildren to remain in our community. We no longer own any common property that we can use to house our people or generate income. We lack basic health and human services that would help us overcome social problems that rob us of our human potential. I want my children and grandchildren to be proud that they are Ottawa Indians and to exercise the rights that my grandparents have worked so hard to preserve. We have overcome these problems as our ancestors did--using our own initiative working together with the federal government as a tribe. If we do not do so now in this generation, our band will continue to exist as a second class tribe. This cost is too high for us to bear. We ask for your help in affording the Little River Band of Ottawa Indians the legal right that we deserve.

darbtes.93

Testimony of Daniel Bailey, Chairman of Little River Band of Ottawa



STATE OF MICHIGAN

MICHIGAN LEGISLATURE

HOUSE RESOLUTION NO. 987

Offered by Representative Bobler, Fitzgerald, Allen, Hickner, Baade, Perry Bullard, Joe Young, Jr., Yokich, Gernast, Anthony, Bankes, Barnes, Bender, Bennett, Bodem, Byrum, Clack, Dalman, DeMare, Dobb, Dolan, Dreach, Gilmer, Gire, Coas, Cubow, Harder, Hoffman, Hood, Jamian, Knight, Kosteva, Leland, London, McBryde, Middleton, Munsell, Niederstadt, Nys, Palamara, Pitoniak, Porrasca, Profit, Saunders, Scott, Varga, Wallace and Weeks

A RESOLUTION TO ENDORSE EFFORTS OF THE LITTLE RIVER BAND OF OTTAWA INDIANS TO OBTAIN FEDERAL REAFFIRMATION AS A MICHIGAN HISTORIC INDIAN TRIBE

WHEREAS, The Little River Band of Ottawa Indians living in the vicinity of the Lake Michigan shoreline and the Manistee region is directly descended from Native Americans who have populated this part of the Great Lakes region since before the time of European settlement. The Little River Band, which includes individual families that can directly trace and document continuous habitation for as many as six generations, has a proud history of interaction not only with American governmental authorities, but officials from the British and French eras; and

WHEREAS, The Little River Band has historically occupied a village at the south of the Manistee River. This group participated in treaties along with other bands of the Ottawa people. These include two of the most significant treaties in Michigan history, the 1836 Treaty of Washington and the 1855 Treaty of Detroit. Since that time, no action has ever been taken to terminate the status or relationship of the Little River Band by either the United States Congress or the President of the United States; and

WHEREAS, Since 1991, the Little River Band of Ottawa Indians has been working to reaffirm its historical status to regain formally something that has never been lost. The Little River Band of Ottawa Indians is seeking its federal acknowledgment through various avenues. These include the consideration of a measure currently before Congress (H.R. 3958) and petitions through the Bureau of Indian Affairs of the United States Department of the Interior. The criteria in place for the reaffirmation process leaves little doubt as to the Little River Band of Ottawa Indians' qualifications as a federally recognized tribe; now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the members of the Michigan House of Representatives hereby endorse efforts of the Little River Band of Ottawa Indians to obtain federal reaffirmation; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, officials of the Bureau of Indian Affairs of the United States Department of the Interior, and representatives of the Little River Band of Ottawa Indians.

Adopted by the House of Representatives, June 30, 1992



CLERK OF THE HOUSE OF REPRESENTATIVES



Commission on Indian Affairs

State of Michigan John Engler
 Governor

611 W. Ottawa, North Tower, 3rd Floor
Lansing, Michigan 48913
Tel. No. (517) 373-0654
Fax No. (517) 335-1642

Department John Roy Castillo
of Civil Rights Director

1992-001

IN RECOGNITION OF
THE LITTLE RIVER BAND OF OTTAWA INDIANS
(AKA THE MANISTEE RIVER BAND OF OTTAWA INDIANS)

WHEREAS, the Little River Band of Ottawa Indians (LRB) preexists the formation of the United States of America; and

WHEREAS, the LRB has been identified as American Indian from historical times until the present; and

WHEREAS, the LRB inhabits a specific area in Manistee and Mason Counties of Michigan's lower peninsula and its members are descendants of a tribe that inhabited that same area; and

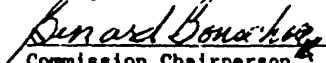
WHEREAS, the membership of LRB is composed of persons who are not members of any other North American Indian tribe; and

WHEREAS, the Michigan Commission on Indian Affairs is vested with the authority to recognize Indian tribes on behalf of the State of Michigan;

THEREFORE BE IT RESOLVED, that the State of Michigan recognizes the Little River Band of Ottawa Indians (aka Manistee River Band of Ottawa) as a historic Indian tribe that continues to exist as a tribal entity.

THEREFORE BE IT FURTHER RESOLVED, that the State of Michigan fully supports the efforts of the Little River Band of Ottawa Indians to reaffirm their status as a federally recognized tribal government.

This resolution was considered and passed unanimously at a meeting of the Michigan Commission on Indian Affairs in Warren, Michigan on January 24, 1992.


Commission Chairperson

1-24-1992


Commission Secretary

1-24-1992



The Saginaw Chippewa Indian Tribe Of Michigan



7070 EAST BROADWAY

MT. PLEASANT, MICHIGAN 48858

(517) 772-5700

FAX (517) 772-3508

Resolution 92-017

- WHEREAS: The Saginaw Chippewa Indian Tribe of Michigan is a Federally recognized Indian Tribe organized under a Constitution and By-Laws ratified by the Tribe on November 4, 1986, pursuant to P.L. 99-346; and
- WHEREAS: The JSaginaw Chippewa Indian Tribe was solicited to support the Little River Band of Ottawa Indians in their efforts to secure federal recognition; and
- WHEREAS: The Saginaw Chippewa Indian Tribe was provided an historical justification by a representative of the Little River Band of Ottawa Indians at a regular Tribal Council meeting held on January 7, 1992; and
- WHEREAS: The Little River Band of Ottawa Indians are the descendents of and the political successors to the historical Manistee Ottawa Band, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and
- WHEREAS: The Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and
- WHEREAS: The Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the branch of Acknowledgement and Research, Bureau of Indian Affairs;
- AND NOW THEREFORE, BE IT RESOLVED, That the Saginaw Chippewa Indian Tribe hereby endorses the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.
- BE IT FURTHER RESOLVED, That this Resolution shall remain in effect until rescinded or superceded by further action of the Tribal Council.

CERTIFICATION

The foregoing Resolution was duly adopted by the Saginaw Chippewa Tribal Council with a quorum being present during a Regular meeting on the 7th day of January, 1992, by a vote of 10 for, 0 against, and 0 abstaining.


Ronald Falcon, Tribal Chief


Ronald Jackson, Tribal Secretary

THE SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS

208 GREENOUGH STREET
 SAULT STE. MARIE, MICHIGAN
 49783
 (906) 635-6050

TRIBAL
 RESOLUTION 10-01-91C
 SUPPORT FEDERAL RECOGNITION

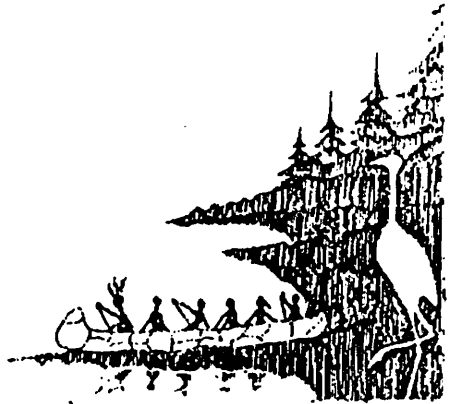
WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Little River Band of Ottawa Indians are the successors to the historical Ottawa Band who inhabited the Manistee Reservation, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and

WHEREAS, the Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and

WHEREAS, the Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the Branch of Acknowledgement and Research, Bureau of Indian Affairs;


NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe Chippewa Indians hereby endorse the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.



TRIBAL RESOLUTION 10-01-91C
 SUPPORT FEDERAL RECOGNITION
 Page 2

C E R T I F I C A T I O N

We the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened and held on the 1 day of October 1991; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, and 0 against, 1 abstaining; and that said resolution has not been rescinded or amended in any way.



Bernard Bouschor, Chairman
 Sault Ste. Marie Tribe
 of Chippewa Indians



Barbara Pine, Secretary
 Sault Ste. Marie Tribe
 of Chippewa Indians

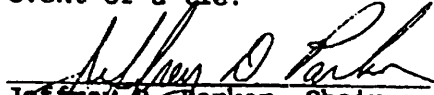
RESOLUTION


Resolution No: 92-2-28a

- WHEREAS:** The Bay Mills Indian Community is a duly recognized Indian Reservation under the Indian Reorganization Act of June 18, 1934, "48 Stat. 984", as amended by the Act of June 15, 1935, "49 Stat. 378", and
- WHEREAS:** The Little River Band of Ottawa Indians are the successors to the historical Ottawa Band who inhabited the Manistee Reservation, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855, and
- WHEREAS:** The Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States, and
- WHEREAS:** The Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the Branch of Acknowledgment and Research, Bureau of Indian Affairs.
- NOW, THEREFORE BE IT RESOLVED,** that the Bay Mills Indian Community hereby endorses the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally recognized tribal government.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above resolution was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan on the 28th day of February, 1992, with a vote of 4 for 0 opposed 0 absent and 1 abstaining. As per provisions of the Bay Mills Constitution, the Tribal Chairman must abstain except in the event of a tie.


 Jeffrey D. Parker, Chairman
 Bay Mills Indian Community
 Executive Council


 Julie A. Timmer, Secretary
 Bay Mills Indian Community
 Executive Council



Lac Vieux Desert Band of Lake Superior Chippewa Indians
 P.O. Box 446 - Choate Road
 Watersmeet, Michigan 49969



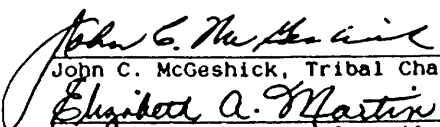
Resolution # 91-043

- WHEREAS: the Lac Vieux Desert Band of Lake Superior Chippewa Indians is a federally recognized Tribe, and
- WHEREAS: the Little River Band of Ottawa Indians are the descendants of the political successors to the historical Manistee Ottawa Band, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855, and
- WHEREAS: the Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States, and
- WHEREAS: the Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized Tribe through the Branch of Acknowledgment and Research, Bureau of Indian Affairs, and
- WHEREAS: the Lac Vieux Desert Band of Lake Superior Chippewa supports the efforts of the Little River Band of Ottawa Indians in obtaining federal recognition as a Tribal government, and

THEREFORE BE IT RESOLVED: that the Lac Vieux Desert Band of Lake Superior Chippewa Indians hereby endorse the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.

CERTIFICATION

We do hereby certify that this resolution was duly presented and voted upon with a vote of 8 in favor, and 0 opposed, and 0 abstaining at a Special Meeting of the Lac Vieux Desert Tribal Council, held on this 12th day of November, 1991.


 John C. McGeshick, Tribal Chairman


 Elizabeth A. Martin, Council Secretary

906-358-4577 Phone
 906-358-4785 Fax.

Manistee County Board of Commissioners
 Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49661

CLERK
 Doriene Schudlich
 (616) 723-3331
 ADMINISTRATOR
 Thomas Kaminski
 (616) 723-4575

A RESOLUTION IN SUPPORT OF
 THE LITTLE RIVER BAND OF OTTAWA INDIANS

CHAIRMAN
 Carl Rutske
 VICE CHAIRMAN
 Dorr Johnson
 Donald Grant
 Roy Howes
 Carl Mezeske
 Henry Slawinski
 Ford Waterman
 Sharlene Wild
 Rick Willoughby

WHEREAS, The Little River Band of Ottawa Indians are the descendants of and the political successors to the historical Manistee Ottawa Band, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and

WHEREAS, The Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and

WHEREAS, The Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe;

NOW, THEREFORE BE IT RESOLVED, that the Manistee County Board of Commissioners hereby endorse the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.

THE RESOLUTION WAS ADOPTED.

Date: 3/17/92

Carl Rutske
 Carl Rutske, Chairman
 Manistee County Board of
 Commissioners

STATE OF MICHIGAN)
) ss.
 COUNTY OF MANISTEE)

I, Doriene Schudlich, County Clerk, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Manistee County Board of Commissioners at a regular session held on the 17th day of March, 1992.

Doriene Schudlich
 Doriene Schudlich, County Clerk



CONFEDERATED HISTORIC TRIBES, INC.

2004 E. MICHIGAN, SUITE C, LANSING, MICHIGAN 48912 (517) 485-6000 FAX (517) 485-2772

RESOLUTION 91-05

WHEREAS, the Confederated Historic Tribes, Inc. is a Michigan nonprofit corporation organized by five state-recognized historic tribes to promote the efforts of the respective member tribes to secure federal recognition and attain organizational self-reliance; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are both members of the Confederated Historic Tribes, Inc.; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of and political successors to the signatories of the 1836 Treaty of Washington and the 1856 Treaty of Detroit; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians were never terminated by Acts of Congress nor by Executive Order of the President of the United States;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Confederated Historic Tribes, Inc. hereby endorse the efforts of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians to secure special legislation introduced on their behalf in the U.S. Congress for the purpose of reaffirming their trust status as federally-recognized tribal governments.

At a meeting duly called on November 13, 1991, the Board of Directors of the Confederated Historic Tribes, Inc. voted to unanimously pass this resolution with zero (0) abstentions.

Carl L. Frazier
 Carl L. Frazier, President

11-26-91
 Date

TESTIMONY OF KATHERINE SAM GLOCHESKI

Before the
HOUSE NATURAL RESOURCES COMMITTEE
NATIVE AMERICAN AFFAIRS SUBCOMMITTEE

on
H.R. 2376
September 17, 1993

My name is Katherine Sam Glocheski of the Little River Band of Ottawa Indians of Manistee, Michigan. I was born on December 21, 1926, in a one-room log house that my Great-great-grandfather built at Indian Village on the Manistee River. Indian Village is located about ten miles from the town of Manistee, in the middle of what is now the Manistee National Forest.

I am the great-great-granddaughter of Chief Sam Paquodush who was forced to move his band from Fort Village on the Grand River according to the 1855 Treaty of Detroit. They had to travel about 200 miles north by barge and steamboat to an unknown reservation created near Manistee.

My Great-grandfather, William Sam, was a young man when our band left the Grand River. In the 1870s through the early 1900s, he was a leader who represented our band in dealings with United States officials.

When I was a girl, my Great-grandfather was very old. He spent hours telling me and my cousins the stories of our history. My Grandmother Maggie Sam was the community mid-wife for Indian women and white women who lived around Indian Village until the 1940's.

In the 1930s, while I was a child, our community suffered from the Great Depression. Like everyone around us, we simply had no money. Those of us who owned farms lost them and were forced to move into the cramped houses of Indian Village. So long as we were able to hunt, fish, and trap, we could survive.

The white people who owned businesses in our area would not hire Indians. Some of the local farmers would hire our men as laborers. During the harvest season our families, young and old alike, would travel along the Lake Michigan coastline picking fruit and vegetables. We did this to earn enough money for clothing and other necessities for the winter months. We were the original migrant workers.

In 1934 my band requested the opportunity to reform our tribal government under the Indian Reorganization Act. Federal officials met with my Grandfather and other tribal leaders at Manistee in 1935. They told us that we were a tribe and therefore had the right to reorganize our tribal government. My elders wrote officials and went to Washington, but in the end, the federal government decided that it could not afford the money to honor their treaty obligations with my tribe.

Testimony of Katherine Sam Glocheski
September 17, 1993

Page 2

During World War II, the federal government had other concerns. So did my tribe. All of the men under forty-five years of age enlisted in the United States military. They served with distinction, and many of our great Americans died. One of our community members, Frank Saugee, served on the front lines in France and Germany during World War II. One of his assignments involved communicating important messages in our Ottawa language to another Ottawa soldier. This was done because our language was too complex for the Germans to decode. Most of the men and some of the women from our community have served in every major war since the Civil War.

After the war, the men found they had to move to nearby cities like Muskegon, Grand Haven, and Grand Rapids in order to find a job and support their families. Some worked in the cities part of the year, and came home for winter hunts. Others moved their families to the cities and came home for special occasions. This does not mean that our tribe fell apart. The leaders of my band continued working for our best interests. The men continued to be arrested for hunting and fishing, going to court, and demanding release under our treaty.

Following in the footsteps of my grandfathers, I and the others of my generation have worked much of our lives for the welfare of our people. Between 1948 and 1980 I represented our tribe with the Northern Michigan Ottawa Association, a coalition of Michigan Ottawa and Chippewa bands who came together to file a claim before the Indian Claims Commission, a claim that we also won. I was elected to serve on the NMOA board and helped certify our community members who qualified for the Docket 40-K distribution. We also organized fund raisers, did public speaking, and testified before several government committees.

In 1983 our community formed a nonprofit organization to raise funds to continue our efforts with the federal government. I was elected Chairperson on the original board of directors. I have also worked as the Enrollment Officer, preparing our membership roll.

The Little River Band of Ottawa Indians is my tribe and my family. Although we have been known by several names throughout history, we are the same people who were forced out of our Grand River homes by American settlers. We were also cheated out of our land by lumber companies and corrupt local politicians. We were ignored by federal officials whenever we brought our rightful treaty claims to them. We have never stopped pursuing our rights, no matter how poor we were, how badly we were discriminated against, or how unjustly we were treated in the courts. Our experiences and our willingness to fight for our rights have brought us here again today.

I am the fourth generation descended from Chief Paquodush to work on restoring our rights promised in the 1855 Treaty. I am here now so that my grandchildren and all of my relatives might have a better life.

And finally, if our people had stricter immigration laws 500 years ago, we wouldn't be here now, and neither would you. Me-gwetch.

Mr. RICHARDSON. Thank you, Mr. Bailey.
Mrs. Glocheski.

STATEMENT OF KATHERINE GLOCHESKI

Ms. GLOCHESKI. Hello. My name is Katherine Glocheski of the Little River Band of Ottawa Indians of Manistee, Michigan. I was born on December 21, 1926, in a one-room log house that my great-great-grandfather built at the Indian Village on the Manistee River. Indian Village is located about ten miles from the town of Manistee, in the middle of what is now the Manistee National Forest.

I am the great-great-granddaughter of Chief Sam Paquodush who was forced to move his band from Fort Village on the Grand River according to the 1855 Treaty of Detroit. They had to travel about 200 miles north by barge and steamboat to an unknown reservation created near Manistee.

My great-grandfather, William Sam, was a young man when our band left the Grand River. In the 1870s through the early 1900s, he was the leader who represented our band in dealings with United States officials.

When I was a young girl, my great-grandfather was very old. He spent hours telling me and my cousins the stories of our history. My grandmother Maggie Sam was the community mid-wife. She delivered children for the white women as well as the Indian women.

In the 1930s, while I was a child, our community suffered from the Great Depression. Like everyone around us, we simply had no money. Those of us who owned farms lost them and were forced to move into the cramped houses of Indian Village. So long as we were able to hunt, fish, and trap, we could survive.

The white people who owned businesses in our area would not hire Indians. Some of the local farmers would hire our men as labor. In that way we earned enough to get the clothing and food we needed for winter.

In 1934 our band requested the opportunity to reform our tribal government under the Indian Reorganization Act. Federal officials met with my Grandfather and other tribal leaders at Manistee in 1935. They told us that we were a tribe and therefore had the right to reorganize our tribal government. My elders wrote officials and went to Washington, but in the end, the federal government decided that it could not afford the money to honor their treaty obligations with our tribe.

During World War II, a lot of our Indian boys and girls went to the service. There was one particular guy named Frank Saugee who was a communicator who served in the service and he did the language so the Germans could not decode it. A lot of the young girls were there, too, and then they moved on after the war. The men had to move to nearby cities to find work.

I'm sorry. Go ahead.

[Prepared statement of Ms. Glocheski follows:]

TESTIMONY OF KATHERINE SAM GLOCHESKI

Before the
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NATIVE AMERICAN AFFAIRS SUBCOMMITTEEon
H.R. 2376
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Testimony of Katherine Sam Glocheski
September 17, 1993

Page 2

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Following in the footsteps of my grandfathers, I and the others of my generation have worked much of our lives for the welfare of our people. Between 1948 and 1980 I represented our tribe with the Northern Michigan Ottawa Association, a coalition of Michigan Ottawa and Chippewa bands who came together to file a claim before the Indian Claims Commission, a claim that we also won. I was elected to serve on the NMOA board and helped certify our community members who qualified for the Docket 40-K distribution. We also organized fund raisers, did public speaking, and testified before several government committees.

In 1983 our community formed a nonprofit organization to raise funds to continue our efforts with the federal government. I was elected Chairperson on the original board of directors. I have also worked as the Enrollment Officer, preparing our membership roll.

The Little River Band of Ottawa Indians is my tribe and my family. Although we have been known by several names throughout history, we are the same people who were forced out of our Grand River homes by American settlers. We were also cheated out of our land by lumber companies and corrupt local politicians. We were ignored by federal officials whenever we brought our rightful treaty claims to them. We have never stopped pursuing our rights, no matter how poor we were, how badly we were discriminated against, or how unjustly we were treated in the courts. Our experiences and our willingness to fight for our rights have brought us here again today.

I am the fourth generation descended from Chief Paquodush to work on restoring our rights promised in the 1855 Treaty. I am here now so that my grandchildren and all of my relatives might have a better life.

And finally, if our people had stricter immigration laws 500 years ago, we wouldn't be here now, and neither would you. Me-gwetch.

Mr. RICHARDSON. We will move on now to Mr. William Brooks, Michigan Indian Legal Services.

STATEMENT OF WILLIAM BROOKS

Mr. BROOKS. Thank you, good morning Mr. Chairman. My name is Bill Brooks and I am a staff attorney with Michigan Indian Legal Services in Traverse City, Michigan. I am pleased to have the opportunity to testify in support of H.R. 2376.

Given the time constraints, I would like to focus my comments on why I believe this bill is properly characterized as a reaffirmation and clarification bill rather than a recognition or restoration bill as those terms have been used.

I think it is important to keep in mind when looking at the written testimony is that the only legal basis the Federal government has cited for not continuing to recognize their obligations to these tribes is a erroneous interpretation of Article 5 of the 1855 Treaty of Detroit as terminating the band governments of these tribes.

We have all heard the phrase if it looks like a duck, and quacks like a duck, it must be a duck. That phrase is usually reserved for situations where somebody fails to recognize the obvious.

In the case of these two tribes, the continuing course of dealing between the Federal Government and these tribes has been one in which the Federal Government has treated these tribes as tribes but at the same time denied their existence as tribes based on that erroneous interpretation of the 1855 Treaty.

The Federal agencies and the Congress both have continued to deal with these tribes as governments. I would like to cite one example of that treatment. I have provided staff with a copy of a document that was prepared by then Commissioner of Indian Affairs, Morris Thompson, in a memorandum to the solicitors's office.

In that memo Commissioner Thompson was discussing an ongoing dispute with these tribes over enrollment issues. The tribes were preparing rolls for purposes of dealing with the Grand River judgment fund and also for certification of members for BIA services and Indian Health Services.

In that memo Commissioner Thompson admits, and I quote: "The northern Michigan Ottawa Association and the Grand River organization are in many basic senses functioning as is or at least are accepted as tribal political entities by the Minneapolis area and the Great Lakes agency.

Later on in that memo Commissioner Thompson recognizes the fact that if Congress accepts the rolls prepared by these tribes that they would in effect be recognized in these tribes as tribal governments.

Congress did adopt the rolls prepared by the tribes in both the Docket 40-K Grand River Judgment Fund Act and also in appropriations for Michigan Ottawa.

Mr. Chairman, this is recognition and this recognition occurred in 1976. There is no reason to continue to deny these tribes their rights as federally recognized Indian tribes. I urge you to support this legislation.

[Prepared statement of Mr. Brooks and attachments follow:]

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 Staff Attorney
 Barbara A. Bransky
 Administrative Assistant

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**TESTIMONY OF JAMES A. BRANSKY AND WILLIAM J. BROOKS
 MICHIGAN INDIAN LEGAL SERVICES, INC.
 ATTORNEYS FOR THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
 AND THE LITTLE RIVER BAND OF OTTAWA INDIANS
 ON H.R. 2376, before the
 NATIVE AMERICAN AFFAIRS SUBCOMMITTEE OF THE
 HOUSE NATURAL RESOURCES COMMITTEE
 September 17, 1993**

Michigan Indian Legal Services, by James Bransky and William Brooks, is grateful for the opportunity to submit this testimony in support of HB 2376 to reaffirm and clarify the federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians.

The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are federally recognized tribes through treaties and a longstanding subsequent relationship with the federal government. These tribal communities still reside in their traditional homelands where they lived during treaty times. They have never been terminated by act of Congress. By all rights, these tribes should now have a legally affirmed government-to-government relationship with the United States. However, for the reasons described below and in the testimony of Dr. McClurken, federal agencies abandoned their trust responsibility without Congressional approval. This morally and legally untenable situation requires rectification by this Congress. Congress already recognized these tribes. It must now reaffirm the trust relationship unlawfully denied to these tribes.

Both tribes were party to the 1836 treaty of Washington, 7 Stat. 491. The tribes ceded the western half of what is now Michigan's lower peninsula, and the eastern half of what is now Michigan's upper peninsula in that treaty. The continuing validity of the recognition and rights accorded the tribal signatories of that treaty have been upheld by both federal and state courts.

Both tribes were also party to the Detroit treaty of 1855, 11 Stat. 621. The treaty created reservations for the tribes in which land was to be allotted to individual tribal members. Although the State of Michigan, local governments, and American citizens subsequently gained title to almost all of the lands allotted, the majority of tribal members continue to reside within the

MILS testimony in support of HB 2376 page 2

reservation boundaries set out in the 1836 and 1855 treaties.

The continuous political and social history of the tribes is well documented by tribal members and Dr. McClurken. The contemporary tribes maintain intergovernmental relationships with other tribes, local units of government, and the State of Michigan. They promote social and cultural preservation and continuity through various projects such as the yearly Elders' Council, Odawa Homecoming Pow-wow, ghost suppers and Little Traverse Bay Bands operation of the Andrew Blackbird Museum in Harbor Springs.

How, then, can treaty tribes that continue to reside and function as tribes within their traditional homeland fall outside of the federal trust relationship? The answer to this question lies in the history of the implementation of the 1855 treaty of Detroit, the implementation of the Indian Reorganization Act in Michigan, and the subsequent behavior of the Bureau of Indian Affairs.

As was the case throughout much of the United States, in order to more efficiently conduct treaty making with loosely affiliated Ottawa and Chippewa bands and communities of Indians found in Michigan, the federal government "created" an organization called the Ottawa and Chippewa Nations of Indians. The final treaty entered into by the United States with the Ottawa and Chippewa Nations was the treaty of 1855. In addition to setting aside a reservation for the allotment of land to individual tribal members, the 1855 treaty, in Article 5, "dissolved" the artificial organization of the Ottawa and Chippewa Nations of Indians. The Office of Indian Affairs and its successor, the Bureau of Indian Affairs has treated this article as terminating the tribal status of these groups. It is clear, however, that Article 5 did not dissolve or terminate the tribal status of the individual bands and communities which made up the Ottawa and Chippewa Nations. That Article expressly acknowledged the right of the various bands and communities to "arrange matters between themselves and the United States" in the future without the need to call a general convention of all bands and communities.

The treaty of 1855 was one of the first allotment treaties entered into by the United States. This allotment system, designed to eliminate communal tribal land holdings, proved exceptionally disastrous to these tribes. Almost all of the original allotments quickly passed out of Indian ownership due to confusion, mismanagement, and outright fraud on the part of the agencies and officials charged with protecting the tribes' reservations. Despite this situation, the United States continued to allot restricted deed and trust parcels for tribal members well into the twentieth century.

The tragic loss of the tribal land base through mismanagement and corruption did not end relations with the United States. The

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continued political relationship between the tribes and federal Indian Agents and agencies is well documented. Indeed, records indicate that the Bureau continued to allot restricted fee and trust lands for tribal members until 1930.

Soon after enactment of the IRA, both of these tribes petitioned the federal government for reorganization under its provisions. Historic documentation shows that John Collier found these tribes to be eligible for reorganization under the IRA. However, historic documentation also shows that the BIA thereafter abandoned efforts to implement the IRA in Michigan. Although the BIA had purchased restricted fee and other trust lands for tribal members as recently as 1930, the BIA cited the lack of trust lands as a reason for denying these tribes their rights under the IRA. Only those tribes which still had tribal (unallotted) lands held in trust at the time of reorganization were permitted to go under the IRA. Historic documentation shows that the BIA initially found the tribes to be eligible for reorganization, and that its true reason for refusing to extend the IRA to these tribes was a lack of appropriations.

From that time forward, the Bureau has refused to fully acknowledge the legal status of the tribes. The Bureau has justified its legally insupportable position by claiming that: 1. the tribes were terminated by Article 5 of the 1855 Treaty, and 2. members of the tribe became assimilated by receiving state services. Both of these positions are without legal or factual support.

First, as was discussed, Article 5 did not dissolve or terminate the tribal status of the individual Ottawa bands and communities. The federal court for the Western District of Michigan accurately found that Article 5 did not end government-to-government relations:

Article 5 had no impact on the government-to-government structure of the bands. There was no change in the way in which the Indian agents dealt with them after the treaty, except they were never convened again as one group. . . . The United States wanted to handle disputes arising as a result of the 1855 treaty on a localized basis and sought to avoid the need for calling a general convention of the Indians to resolve future problems, and the Indians of the treaty area wished to be treated with locally, and not as an artificial "Ottawa and Chippewa nation." This--and only this--is what Article 5 accomplishes. . . . Even if the Treaty of 1855 were the only source of the tribe's federal relationship, the treaty provision would not end aboriginal federal rights or prevent recognition of a modern tribal group as

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a political successor in interest.¹

The Ottawa Bands took this language literally and the tribes' history since the 1855 treaty has been one marked by repeated petitions by various tribal leaders for enforcement and protection of rights guaranteed under their treaties.² The tribes have continued this battle with the Bureau over the continuation of services well into the twentieth century.³ The Bands before this Committee have come to Congress in accordance with the treaty stipulation which affords the individual bands and communities the right to "arrange matters between themselves and the United States".

Second, the BIA does not have the authority to unilaterally terminate Indian tribes. Its assimilationist justification is without merit. In a formal opinion issued in 1976, the Solicitor for the Department of the Interior correctly stated that "tribal existence continues until specifically terminated by Congress, and we can find no solid authority for the proposition that this Department can alone disestablish a tribe."

The only difference between the Little Traverse Bay Bands of Odawa and Little River Band of Ottawa and other Michigan tribes who appear on the BIA's list of "recognized tribes" is that these tribes have, for the historical reasons described in more detail in Dr. McClurken's testimony, been caught in a game of legal/technical semantics with the Bureau over whether the tribes are or can be "recognized." The tribes continued to maintain government-to-government relations with the United States, belying the BIA's historic claims that no "recognized" tribal governments existed. The illogic of that debate is evidenced by a short, documented chronology of the tribes' dealings with the United States.

Following the ratification of the 1855 treaty, both local Indian agents and tribal leaders proceeded to continue governmental relations on the assumption that they were dealing with tribal

¹ *United States v. State of Michigan*, 471 F. Supp 192, 264-65 (1979).

² See attached Exhibit 1, Petition of Chiefs of the Pere Marquette Bands of Grand River Ottawa (Little River Band) to Indian Agent requesting re-opening of school for their children. (LRMS - 1131, August 24, 1865).

³ See Exhibit 2, Letter appeal of Northern Michigan Ottawa Association to Secretary regarding BIA proposal to end medical and education services to non-reservation Ottawa and Chippewa.

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governments on Indian reservations.⁴ The Grand River Bands, including the Little River Bands from Pere Marquette also met in Council to reorganize their government to more effectively deal with matters relating to existing treaties and future agreements.⁵ These are clearly not the statements of tribes (and Indian Agents) who believed that their tribal relations had been dissolved.

The absurdity of the federal government's position of treating the tribal governments of the Michigan Ottawa as having been dissolved was clearly set forth in a quote from an 1886 report prepared by the Commissioner of Indian Affairs:

The Indians of Michigan are all citizens, are voters, and eligible to hold office. They are not known or recognized by tribal relations . . . 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 their band.⁶

That line of thinking remained BIA policy well into the 20th century. The Minneapolis Area Office and Great Lakes Agency of the BIA actively worked with the tribes on enrollment matters and accepted the tribes' certifications of individuals as eligible for medical and educational benefits. Indeed, as recently as 1976, Commissioner of Indian Affairs Morris Thompson acknowledged in a memorandum to the Solicitor that the tribes "are, in many basic senses, functioning as or at least are accepted as tribal political entities by the Minneapolis Area and Great Lakes Agency." Commissioner Thompson went on, however, to state that "[c]ontrary to the views expressed . . . by various Michigan Indian spokesmen we reiterate that we consider the involved Ottawa and Chippewa Indians, or their descendants, to have lost their tribal political

⁴ See Exhibit 3, Letter from Agent John Smith at "Indian Reservation, Indian Town P.O., Mason County, Mich." to the Commissioner of Indian Affairs requesting assistance on behalf of a number of Little River Band elders. (NAM M234 R.408: 997-999) (November 27, 1869).

⁵ See attached Exhibit 4, NAM M234 R.407: 1037-1040. (June 7, 1866).

⁶ Exhibit 5, Report on Indians Taxed and Indians Not Taxed in the United States at the Eleventh Census: 1890 (Department of the Interior, 1894) (quoting 1886 report of the Commissioner of Indian Affairs).

MILS testimony in support of HB 2376 page 6

identity in 1855."⁷

Congress also recognized the tribes by enacting PL-540, 90 Stat 2503 (October 18, 1976), which provided for the disposition of funds appropriated to settle the Grand River Bands of Ottawa Indians land claims. The Bureau contended that the judgment fund must be distributed strictly on the basis of descentance and could not be limited to descendants with at least one-quarter blood quantum. According to the Bureau, the only exceptions to this rule were the organized, reservation-based Bay Mills and Sault Ste. Marie Chippewa, who had the political authority to certify and enroll members based on blood quantum. The other Ottawa bands were considered to have lost their tribal identity under Article 5 of the 1855 treaty. The Northern Michigan Ottawa Association and Grand River Descendant's Committee actively lobbied against the Bureau's proposed distribution. Despite strong opposition from the Bureau, Congress adopted language consistent with the enrollment criteria adopted by the Northern Michigan Ottawa Association and Grand River Bands Descendant's Committee. The enrollment criteria and tribal rolls prepared by those tribes were subsequently utilized to certify persons eligible for judgment fund payments.

Realizing that clarification of their government-to-government relationship is essential, the tribes are preparing petitions under 25 CFR part 83. However, there are many reasons that the administrative acknowledgment process does not and should not apply to these tribes, and that immediate Congressional action is necessary.

These tribes are for all intents and purposes already acknowledged by the federal government. The Federal Acknowledgement Procedure (FAP) was promulgated and enacted to deal with tribes that the BIA has little or no previous knowledge. The administrative process is for tribes that either have no treaty relations with the federal government or are remnants of treaty tribes that were moved to other parts of the country. The Little Traverse Bands of Odawa Indians and the Little River Band of Ottawa Indians are treaty tribes that remain in the exact same geographical locations where they were during treaty times. During the 1930's the BIA initially found them eligible to come under the provisions of the IRA. The political existence and authority of tribes' governing bodies were again recognized by the BIA and the Congress as recently as the late-1970s.

The FAP is designed to review evidence regarding federal recognition and tribal existence. In this case, there is no question as to federal recognition and tribal existence. Legally and factually, the tribes have a government-to-government

⁷ Exhibit 6, Memorandum from Commissioner of Indian Affairs to the Solicitor (February 1976).

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relationship with the United States. They are simply the victims of neglect and unlawful contradictory positions taken by the BIA with respect to Michigan tribes. Congress must reaffirm the trust relationship. Until that occurs, the BIA will not hold lands in trust for tribes, provide assistance available to Indian tribes, or in any way promote their government-to-government relationship with the United States. The BIA will not support the tribes' right to protect their children and families under the critically important Indian Child Welfare Act. The tribes are without standing to protect critically important reserved resources.

This bill is properly characterized as a "reaffirmation and clarification" bill rather than a "recognition" or "restoration" bill. As previously stated, recognition already exists through treaties, statutes and the historic course of dealing with the federal government. The term "restoration" is generally used when dealing with Congressionally terminated tribes. In this case we are dealing with treaty tribes that have had continuous government-to-government relations with the United States. In this case, the trust relationship must be "reaffirmed" to end the unlawful neglect and denial of tribal status.

This legislation will end the semantical debate over "recognition" which the tribes and the BIA have engaged in, reaffirms the obvious and clarifies in law that which has plainly existed in fact.

Clarification of the federal relationship, however, is only the first step toward realizing the promise of self-government. Therefore, H.R. 2376 contains a number of important substantive provisions which were not included in the bill which was introduced in the 102d Congress. These provisions were included in the current bill to ensure that the tribes are provided with the tools to assume greater responsibility and control over the welfare of their members. A land base and clearly defined service area will be critical to the tribes.

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Section 4. (b) Federal Service and Benefits.

Although the majority of the members of both tribes continue to reside on or near the reservations established for the tribes under both the 1836 Treaty of Washington and 1855 Treaty of Detroit, those reservations are not recognized as such because of the same historical circumstances and legal semantics which bring these tribes before the Congress today. Many federal services available to members of federally recognized tribes, including most of the services provided by the Indian Health Service and Bureau of Indian Affairs, limit eligibility to members who "reside on or near" the tribe's reservation. Unless and until these tribes reservations are established and/or recognized, their members would not be eligible for the many benefits and services available to members of other federally-recognized tribes. This language will ensure that members of these tribes will be eligible for services without having to wait for lands to be acquired, placed into trust, and designated as an Indian reservation.

The language will also ensure that all members who reside within the tribes' historic geographic territories will be eligible for services. The tribes recognize that fiscal limitations may restrict the number of members who can actually be served within their service areas. However, the tribes strongly believe that they themselves, rather than federal agencies, should make critical decisions concerning the allocation and prioritization of scarce resources.

Sec. 6. Transfer of Land for the Benefit of the Bands.

Section 6 was added to outline the Secretary's authority and duties with respect to the acquisition of land to be held in trust for the tribes. This section imposes the duty upon the Secretary, subject to appropriations, to acquire lands to be taken into to trust and designated part of the tribes' reservations. As with the provisions related to service area, this section assures that the tribes will be able to use their reaffirmed sovereign status to exercise jurisdiction and acquire a land base upon which to provide housing and economic development opportunities for their members. This section reflects the tribes' willingness to limit the areas which can become part of the tribes' reservations to the primary geographic areas over which the tribes have historically exercised jurisdiction. Congress recognized this historic, territorial jurisdiction in the 1836 Treaty of Washington and 1855 Treaty of Detroit.

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no notes required

Aug. 24, 1865.

Jared L. ...
 De la ...
 ...
 ...

R. H. Smith

Dear Sir,

Respected Friend,

We the undersigned, feeling an inevitable desire to address you would most humbly and earnestly beg leave to present to you our wants and wishes.

We have seriously considered our present and future conditions and after a careful and mature deliberation, we see that our condition and prospects in the future is dark, sad, and gloomy! We have nothing which could enlighten, elevate, and ameliorate our deplorable condition!

We see, with profound regret, that among all the means, powers, agencies, and instrumentalities employed to enlighten, to elevate, and to civilize a people, one of the most essential and gigantic elements to improve the condition of our people have been discontinued, withdrawn, and closed, by your predecessors against the wishes of our people, namely, Education.

More of all the nations and people
in the world need education more
than we do!

Unless we have education
we never can hope nor expect
ever to become rightly and prop-
erly civilized - but shall still continue
to be savages both by name and
appearance amidst the light and
glare of civilization!

Unless our children can be
educated they must grow up in ignorance
to suffer and be exposed to every kind
of vices, corruptions and immorality - the
natural consequence and result of ignorance.

In withholding the means of ed-
ucation from our children we commit
a great wrong and injury against them
not easily told!

We earnestly entreat you to use
your best endeavors to procure and
put our school into operation in accordance
according to the stipulations made to us
by the U.S. Government in the Treaty
of July 31, 1835.

We have all unanimously selected
Mr. John Smith to be our teacher because

Northern Michigan Ottawa Association
 911 Franklin Street
 Petoskey, Michigan 49770
 March 23, 1976

Mr. Thomas Kleppe
 Secretary
 U. S. Department of the Interior
 18th & C Streets N. W.
 Washington, D. C. 20240

Dear Mr. Secretary:

This letter is in reference to a recent directive made by the Commissioner of the Bureau of Indian Affairs in regards to the discontinuance of services provided by the Bureau of Indian Affairs to the descendants of the Durant Roll, specifically the Ottawa and Chippewas, in a telegram from the Commissioner of Indian Affairs to the Area Director, George Goodwin, Minneapolis Area Office, Minneapolis, Minnesota, dated March 3, 1976. The Ottawa and Chippewas have been receiving Bureau of Indian Affairs services for the past 65 years. We feel this is an arbitrary decision and without any legal or moral foundation. As we, as individuals and as Ottawa and Chippewas collectively, will be presently and prospectively affected in our rights and benefits as Indians, we hereby appeal this decision pursuant to 25 CFR § 2, et seq.


 WILLIAM CROSS


 DAVID DOMINIC

as individuals and in their representative capacity
 for the Northern Michigan Ottawas Association, who represents
 individual Ottawa and Chippewa Indians in Michigan.

11 Dec 1977

Registrations

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- Phyllis R#1 Leontulle - Ojawa
- ma Barbara Pigeon ^{49431 Mich} ~~1111~~ 200 W 89 Ave. 49455
- ma Mrs Harold K Battin ^{49431 Mich} 407 South Pine Marquette Mich. Ledington Mich. 49431
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- ma) - ~~Phyllis~~ Phyllis ^{unit 7} 3164 ~~1111~~ ^{unit 7} ~~1111~~ Mich. 49600
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Doc. me. ay	his	x	mark
Doc. Doc me. ay	his	x	mark
A me me ke me	his	x	mark
Ke. yan	his	x	mark
Chou. nos. de. ya.	his	x	mark
Ching. ke. con	his	x	mark
Mow. de. me	his	x	mark
Ning. Hak. de. me	his	x	mark
Ahe. mah. He	his	x	mark
Bay. may. de. wak. be	his	x	mark
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Mish. He. re	his	x	mark
Me. de. de. bay	his	x	mark
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me. de. me

Dee. de. me. de.
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Aug. 24, 1855.

100 me. de. me. de.

REPRODUCED AT THE NATIONAL ARCHIVES

we believe to possess all the necessary
 qualifications for a teacher - the children
 improved rapidly over the target.

We do most earnestly earnestly request
 you to assign our selection and appoint
 Mr. To St. for our teacher. We shall feel
 glad if you will.

If you do not see any for a deep
 interest in our cause you will advise
 our plan and we go into our intention
 that our request be granted.

If however our request cannot be
 granted we shall feel deeply grieved
 and a deep and lasting wound will
 be inflicted in our hearts not easily
 recovered!

Done in public Council held at Fox Harbour
 by the unanimous consent of the Chiefs
 and people being all present, the twenty
 fourth day of December in the year of
 our Lord one thousand eight hundred and
 sixty five. In witness whereof we have
 hereunto subscribed our names.

Thos. Baye, Chief
 Yak. Gen. Heung H. M.

is x mark
 is x mark

Mucklinga H 46
 John Smith,
 Indian Son, Wash,

Asks information in
 regard to a training
 session for chiefs
 of 150 Indian Elders
 at the Washington and
 Indian Mission to be

Answered Nov 27/69

205

Inds. Reservation
 Ind. Town. P.O.
 Mason Co. Mich.

Gen. C. L. Parker,
 Com. of Indian Affairs, Sec. D.

Sir,

I am requested
 by two war widows residing in ^{Riverton}
 (Indian Reservation) Mason Co. State of Michigan
 to write to you for information and
 instructions how to proceed or do, to
 urge and secure their claims for
 "Pension." Whether the Government is
 paying any pension to war widows
 whose husbands died ^{whilst} in the service
 of the United States, - The claims of
 these two widows have too long been
 neglected and they are poor.

The husbands of these widows
 enlisted in the First Regiment of Mich
 Sharpshooters, Company B, about the

months of July and Aug. 1868, and
 one of the men whose name is
 Joseph Now-gua-quot, died at Chicago,
 and Thomas Min-donaw-ba died at
 Detroit - they ask you to
 do them the kindness to give
 them all the necessary information
 and instruction what to do in de-
 curing their claims, and to whom
 should they present their claims
 for Bounties.

Be kindly pleased to write
 at your earliest convenience
 and give all the necessary instructions
 so greatly needed.

Yours very
 Respectfully
 John Smith

Address - Indian Town P.O. /
 Mason Co. /
 Michigan /

These widows requesting for information
are Indian Women, of the Ottawa Tribe,
and their names are O. Kaldoyah,
and O. Kishpaw.

NAM M234 R.407:1037-1040

1866

Ne-be-na-ge-zhick et al. to All and singular to whom it may concern, June 7, 1866

/1037/ United States of America. State of Michigan

To all and singular to whom it may concern.

Be it known to all men that, we the Chiefs and people of the Grand River Ottawa and Chippeway Indian residing at Pentwater and Pere Marquett, Oceana and Mason Counties; State of Michigan, have called and instituted a public convention or council at Pewre Marquett, this seventh day of June A. D. one thousand eight hundred and sixty five in order to form and establish some foundation by which We may be better enabled to conduct all our public conventions and councils in a more legal and systematic form; and to carry into full effect all our public Acts, Treaties Resolutions, and agreements.

Be it therefore enacted and resolved; by the powers of this convention that we the chiefs and people do hereby nominate and

appoint Moses, Shaw-be-ko-ung (chief) to the office of head speaker who shall preside in all our public councils and conventions; when and wherever held; and in all Treaty; or Treaties, which may hereafter be held and negotiated, "between the United States Government and the Grand River Ottawa and Chippeway Indians.

He shall hold his office during good behavior, and be compensated so much for his services as the Indians may see fit and proper to allow and direct. His knowledge and influence, his honesty, and integrity, the public confidence of our people, and his philanthropic regard for the welfare of our people, - all this preëminently qualifies him for that important Office.

/1038/ The Indian Department and all officers connected with the Indian agency is hereby informed and acquainted to recognize Moses Shaw-be-ko-ung as the Head Speaker for the Ottawa and Chippeway Indians.

In testimony whereof we the said Grand River Ottawa and Chippeways have hereunto signed our names and affixed our seals and marks. Done in public convention held at Pere Marquett Mason

NAM M234 R.407:1037-1040

1866

Ne-be-na-ge-zhick et al. to All and singular to whom it may concern, June 7, 1866

County, State of Michigan the seventh day of June A.D. one thousand eight hundred and sixty five; and in the presence of our United States Interpreter David K. Foster.

Signed in the presence of.

Ne-baw-na-ge-zhick (chief; Kaw-ga-gob-we(chief); Pay-ko-tush (chief); Ching-gwash (chief); Pay-shaw-se-gay (chief); Kaw-ba-o-maw, (Chief); Shaw-go-waw-baw-no (chief); Penasy (chief); Maish-caw (chief); Cobmosay (chief); Joseph Ke-dawis (chief).

Domnicke, 2nd chief; Taw-bus-se-ge-zhe-gwa-um, 2nd chief; Pawdees, 2nd chief; Louis Ka-bu-osay, 2nd chief; /1039/ Naw-gaw-ne-ko-ung, 2nd chief; Skip-goish, 2nd chief; Wap-pe-son 2nd chief.

~~Nolinoka, Kis-sis-sway-by; Pay-baw-me-gow-do-we; Hish-ke-baw-gaw-sunk; Joseph Dan-gay; Pay-qua-na; Aw-she-day-qua; Ag-gaw-o-dw; Ke-na-beek; Ka-a-wis; Shaw-o-beek; A. C. Shaw; Jaccob Shaw, To-do-ke-too; Tong-gwish, Pay-qua; Meshe-gak-ake; Mon-no-me-ne; Anne-me-ke-we; Shaw-shaw-o-ne-bees; Ke-we-skum; Nim-ke-waw; Shaw-wan; Awine-koase.~~

Done in public and in my presence at Pere Marquett Mason County, Mich, the seventh day of June A. D. 1865 [sic].

Signed David K. Foster, U. S. Interpreter.

~~March 12/60
De Van in general others
Attorney Chappens, of
Grand River Mich.~~

Submit their proceedings
in Council at Bend
Marquette det. to ap-
pointment of Mrses.
Shaw & Kelling (Chief)
to the office of Head
Shaw & Kelling

(E)

Rec March 31, '60

See letter to R. M. Smith
April 3, 1860 -

Chas. H. Smith
MAR 31 1860
INDIAN
DEPT

Be it known to all men that, We the Chief
 and people of the Grand River Ottawa and
 Chippewa Indians residing at Pent water and
 Pere Marquette, Oceana and Mason Counties, State of
 Michigan, have called and instituted a public
Convention or council at Pere Marquette, this seven-
 day of June A.D. one thousand eight hundred and
 eighty five in order to form and establish
 a good foundation by which, We may be better able
 to conduct all our public Conventions and Councils
 in a more legal and systematic form; and to
 carry into full effect all our public Acts, Treaties,
 Resolutions, and Agreements.

Be it therefore enacted
 and resolved; by the powers of this Convention that
 we the Chief and people do hereby nominate and
 appoint Moss, Shawbekeung, (Chief) to the Office
 of Head Speaker who shall preside in all our public
 Councils and Conventions; when and wherever held;
 and in all Treaty, or Treaties, which may hereafter
 be held and negotiated, between the United States
 Government and the Grand River Ottawa and Chippewa
 Indians—

He shall hold his office during good
 behaviour, and be compensated so much for his ser-
 vices as the Indians may see fit and proper to allow
 and direct. His knowledge and influence— His
 honesty and integrity— The public confidence of our
 people, and his philanthropic regard for
 the welfare of our people— all this we recommend.

qualifies him for that important Office.

The Indian Department and all Officers connected with the Indian Agent is hereby informed and acquainted to recognize & assist Shau-be-beung as the Head Speaker for the Ottawa and Chippeway Indians.

In testimony whereof we the said Grand River Ottawa and Chippeway have hereunto signed our names and affixed our Seals and Marks. Done in public Council held at Bre Marguette Mason County, State of Michigan the seventh day of June A.D. one thousand eight hundred and sixty five, and in the presence of our Interpreter Daniel K. Foster

Signed in the presence of -

Ne-law-na-ge-zhick.	Chief.	His x Mark.
Kaw-ga-gob-we.	Chief.	His x Mark.
Pa-pi-kot-tuck.	Chief.	His x Mark.
Chung-guash.	Chief.	His x Mark.
Pa-pi-kaw-se-yay.	Chief.	His x Mark.
Kaw-ba-o-maw.	Chief.	His x Mark.
Shau-go-wan-han-no.	Chief.	His x Mark.
Pe-aw-ey.	Chief.	His x Mark.
Mani-Caw.	Chief.	His x Mark.
Co-tus-say.	Chief.	His x Mark.
Joseph McLewis.	Chief.	His x Mark.

see Indian Department

and all Officers connected with the Indian Agency
 were by informed and acquainted to recognize
Shawabewung as the Head Speaker for
 the Ottawa and Chippeway Indians

In testimony
 whereof we the said Grand River Ottawa and
 Chippeway have hereunto signed our names and
 affixed our seals and marks. Done in public Council
 held at Bro Marguette Mason County, State of Michigan
 the seventh day of June A.D. one thousand eight hundred
 and sixty five, and in the presence of said United States
 Interpreter Daniel K. Austin

Signed in the presence of -

<u>McLaw</u> <u>agag</u> <u>gwick</u> .	Chief.	His	x	Mark.
<u>Kawagag</u> <u>gohwe</u> .	Chief.	His	x	Mark.
<u>Pa</u> <u>sho</u> <u>trush</u> .	Chief.	His	x	Mark.
<u>Ching</u> <u>gwash</u>	Chief.	His	x	Mark.
<u>Pa</u> <u>sho</u> <u>se</u> <u>goy</u> .	Chief.	His	x	Mark.
<u>Kew</u> <u>ba</u> <u>o</u> <u>shawl</u> .	Chief.	His	x	Mark.
<u>Shew</u> <u>go</u> <u>war</u> <u>kan</u> <u>no</u> .	Chief.	His	x	Mark.
<u>Pear</u> <u>sey</u> .	Chief.	His	x	Mark.
<u>Ma</u> <u>sh</u> <u>Law</u> .	Chief.	His	x	Mark.
<u>Co</u> <u>mo</u> <u>say</u> .	Chief.	His	x	Mark.
<u>Joseph</u> <u>Mc</u> <u>daniel</u> .	Chief.	His	x	Mark.
<u>Dan</u> <u>wick</u> 2 ^d .	Chief.	His	x	Mark.
<u>Shaw</u> <u>ab</u> <u>ewung</u> 2 ^d .	Chief.	His	x	Mark.
<u>Pa</u> <u>sho</u> <u>del</u> 2 ^d .	Chief.	His	x	Mark.
<u>Shaw</u> <u>ab</u> <u>ewung</u> 2 ^d .	Chief.	His	x	Mark.

Heung gwai at dsung.	2 nd Chief.	Hio x Mark
Heung gwai	2 nd Chief.	Hio x Mark
Heung gwai	2 Chief.	Hio x Mark
<u>Head men.</u>		
Heung gwai		Hio x Mark
Heung gwai		Hio x Mark
Pai bau me goo bo me.		Hio x Mark
Si ho Ki bau gao sunk.		Hio x Mark
Joseph Dan gay.		Hio x Mark
Pai gik id.		Hio x Mark
Sun shi day qua.		Hio x Mark
Aq gao o du.		Hio x Mark
Wesie hick.		Hio x Mark
Ka n suis		Hio x Mark
Sho o beck.		Hio x Mark
Silo Shaw.		Hio x Mark
Juecal Shaw		Hio x Mark
To glo ketoo.		Hio x Mark
Tang quid		Hio x Mark
Pai qua		Hio x Mark
Medhe gah Kaki.		Hio x Mark
Mon do me ou.		Hio x Mark
An me me ke me.		Hio x Mark
Shaw shan a ne bees.		Hio x Mark
Ke me ke shum.		Hio x Mark
Nim ke waw.		Hio x Mark
Shaw waw.		Hio x Mark
Su me koo ai.		Hio x Mark
Shaw ...		Hio x Mark

DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE.

ROBERT P. FORTEP,
Superintendent.
Appointed April 20, 1889; resigned July 31, 1890

CARROLL D. WRIGHT,
Commissioner of Labor in charge.
Appointed October 8, 1890.

REPORT

ON

INDIANS TAXED AND INDIANS NOT TAXED

IN

THE UNITED STATES
(EXCEPT ALASKA)

AT THE

ELEVENTH CENSUS: 1890.



WASHINGTON, D. C.:
GOVERNMENT PRINTING OFFICE.
1894.

5607 14

MASSACHUSETTS.

INDIAN POPULATION AS OF JUNE 1, 1900.

Total.....	421
Indians in prisons not otherwise enumerated.....	1
Indians off reservations, self-supporting and taxed (counted in the general census).....	420

The civilized (self-supporting) Indians of Massachusetts, counted in the general census, number 421—222 males and 202 females), and are distributed as follows:

Barnstable county, 146; Dukes county, 133; Middlesex county, 19; Plymouth county, 27; Suffolk county, 20; Worcester county, 31; other counties (13 or less in each), 49.

The Indians of southern New England are mainly descendants of the tribes that inhabited the region when the white people came, and some of them inherit legal claims by reason of Indian blood; but to the casual observer there is often little in their appearance to distinguish them from hunters and fishers of the neighboring population, toward whom they have been assimilating in blood and in habits.

Descendants of the Wampanoag Indians, as many consider them, form a quiet community at Gay Head, on the western part of the island of Martha's Vineyard. They are sailors and fishermen with their white neighbors. A few negroes and some Portuguese have been absorbed in the community. The use of Indian words even has almost disappeared, English being used by all.

On the mainland, in Barnstable county, are those of similar tribal ancestry, sometimes known as Mashpee Indians. Occasionally one of these Indians has been elected to the state legislature.

MICHIGAN.

TOTAL INDIAN POPULATION AS OF JUNE 1, 1900.

Total.....	5,621
Indians off reservations, self-supporting and taxed (counted in the general census).....	5,620
Indian prisoner, not otherwise enumerated.....	1

The civilized (self-supporting) Indians of Michigan, counted in the general census, number 5,621—2,925 males and 2,696 females), and are distributed as follows:

Alcona county, 26; Alger county, 78; Allegan county, 71; Antrim county, 184; Arenac county, 120; Benzie county, 287; Bay county, 92; Berrien county, 32; Calhoun county, 71; Cass county, 35; Charlevoix county, 22; Cheboygan county, 132; Chippewa county, 441; Delta county, 217; Emmet county, 914; Grand Traverse county, 35; Iosco county, 50; Isabella county, 355; Kalamazoo county, 21; Lake county, 22; Leelanaw county, 245; Mackinac county, 227; Manistee county, 22; Manitou county, 56; Marquette county, 56; Mason county, 40; Mecosta county, 44; Menominee county, 129; Muskegon county, 32; Newaygo county, 18; Oceana county, 51; Ontonagon county, 59; Osceola county, 24; Ottawa county, 51; Saginaw county, 232; Schoolcraft county, 15; Tuscola county, 61; Van Buren county, 59; other counties (17 or less in each), 206.

Many of the Indians work as fishermen and lumbermen. Large quantities of maple sugar are made by Indians in favorable years, which is used for food and for trade with the whites. In some localities Indians gather great quantities of wild berries for canning or for shipment to the cities. Many of them are scattered, singly and in groups, along the shores of the Great Lakes, on the banks of rivers, and in the woods.

There are 3 Indian reservations in Michigan, as noted in the records of the Indian Office: the Isabella, containing but 7,317 acres, or 11.4 square miles; the LaSalle reservation, containing 19,324 acres, or 30.2 square

miles, and the Ontonagon reservation, containing 678 acres, or 1.1 square miles. These reservations are the remnants of large tracts which have been surveyed and allotted to the Indians. The agency at Mackinac was abolished by the act of Congress making appropriations for the Indian service July 1, 1890.

Indians now in Michigan are classed as taxed. They were enumerated by the regular enumerators and counted in the general population of the state.

The agent, in his report for 1886 to the Commissioner of Indian Affairs, says:

The Indians of Michigan are all citizens, are voters, and eligible to hold office. They are not known or recognized by tribal relations, either by state laws or treaties, and in every respect, so far as the rights of citizenship are concerned, they stand on an equality with the whites. 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.

HISTORIC REVIEW.

The Indians of Michigan are all of Algonkian stock.

The tribes known as the Chippewas, Ottawas, and Pottawatomes composed the aboriginal population of Michigan. Many of these Indians are now in Kansas and Indian territory.

The early Jesuits found the Michigan Indians good material for laboring with, and numerous missions were established. They found the Indians hunters, trappers, fishers, and sharp traders. The Indians raised and sold provisions, and, although agriculturally inclined, after the French occupation they frequently attacked the French posts. These Indians were kept in constant trouble by the claims of the English to the territory through the Iroquois, who early possessed the country by capture. The Hurons were the allies of the French, and constant intrigue was the result. They aided the French in the disastrous border war between France and England.

After England took possession of Michigan, the Ottawas became restless, and in 1763 Pontiac's conspiracy was formed, and attempts were made to capture the British posts from Niagara to Chicago, Pontiac personally undertaking to capture Detroit, in which he failed. The attacks on the various posts were made on one day, May 7, 1763. The movement ended in the capture of 9 of the 12 posts or forts, but Detroit was saved through information given by an Indian woman to the commandant. After this a treaty was made with several tribes, but Pontiac held out until 1765. Detroit became the center of British frontier power after 1763.

Great Britain began to encourage fishing and the fur trade, and made the various tribes allies. During the Revolutionary war Michigan was a British colony, with lieutenant governors at Detroit and Mackinaw. Vast amounts of supplies and arms and ammunition were given to the Indians from these points, and bounties were given for scalps. Governor Hamilton reported in January, 1778, that the Indians had brought in 23 prisoners and 129 scalps. In September, 1778, he again reported that "since last May the Indians have taken 34 prisoners, 17 of which they delivered up, and 81 scalps". It is estimated that more than 3,000 persons were scalped or made prisoners of war by war parties of Indians and soldiers from Detroit. These war parties went as far south as Kentucky.

After the Revolutionary war the Michigan Indians suddenly submitted to the rule of the United States. Governor Hull made a treaty with them in 1808, obtaining certain land cessions from them, which they afterward claimed they did not understand.

Tecumseh, the Shawnee chief, who lived at that time on the upper Wabash, effected gradually a union of tribes in the territory now in Indiana, Michigan, and a portion of Illinois and Ohio, and began war on the whites. In 1811 General William Henry Harrison defeated him at the battle of Tippecanoe, and peace for a time followed.

In the war of 1812 the Michigan Indians again became allies of Great Britain and ravaged the northern frontier. At the battle of Frenchtown, of 900 United States soldiers only 50 escaped capture, more than 400 were killed, and many others were scalped on the way to Malden.

Lewis Cass, as governor of Michigan, after 1812 made treaties with the various Indian tribes for cessions of their lands up to 1821, and was looked upon as their friend. He was ex officio superintendent of the Indian agency at Detroit and the agencies at Chicago, Fort Wayne, Green Bay, Mackinaw, Piqua, and the subagencies at Blanchards fork and Upper Sandusky. In the Detroit agency alone there were 8,000 Indians in 1813. In a report to the War Department in 1821 Governor Cass wrote that "my family is driven from one extremity of the house to the other by them". At that time 100 Indians arrived daily at Detroit. The British had fed and clothed them when in possession of Detroit, and Governor Cass was now expected to do it on behalf of the United States, and during 8 years he paid out \$400,000.

General Macomb wrote in 1821 that he often detailed soldiers as a guard to protect the family of Governor Cass from the importunities of the Indians. In fact, for a number of years Governor Cass kept open house and a constant feast on the table for Illinois, Indiana, Michigan, and Ohio Indians.

On September 26, 1833, at Chicago, a treaty was made with the Chippewas, Ottawas, and Pottawatomes for their removal west of the Mississippi river. This treaty was proclaimed February 21, 1835, and thereafter a large portion of the Indians named were removed. The Pottawatomes removed under this treaty are now in Kansas

and Oklahoma territory. The removed Ottawas are at Quapaw agency, Indian territory, and some of the removed Chippewas are in Minnesota. Three reservations were established in Michigan in 1854-1855, and some after. The Chippewas, Ottawas, and Pottawatomies now remaining in Michigan are citizens.

MICHIGAN RESERVATIONS.

Report of Special Agent E. J. BONINE on the Indians of Michigan.

Names of Indian tribes or parts of tribes, reservations, and unallotted areas are: (a)

Isabella reservation: Chippewas of Saginaw, Swan creek, and Black river, area 7,317 acres, or 11.5 square miles; executive order, May 14, 1855; treaties of August 2, 1855 (11 U. S. Stats., p. 633), and of October 18, 1864 (14 U. S. Stats., p. 657); the residue allotted

L'Anse reservation: L'Anse and Vieux de Sert bands of Chippewas of Lake Superior, area 19,324 acres, or 30 square miles; treaty of September 30, 1854 (10 U. S. Stats., p. 1109); the residue, 33,360 acres, allotted.

Ontonagon reservation: Ontonagon band of Chippewas of Lake Superior, area 678 acres, or 1 square mile; sixth clause, second article treaty of September 30, 1854 (10 U. S. Stats., p. 1109); executive order, September 25, 1855; the residue, 1,873 acres, allotted.

Total, 27,319 acres, or 42.5 square miles.

Indian population June, 1890: 5,624

ISABELLA RESERVATION.

There are now living on this reservation, as nearly as could be ascertained, 460 Indians, most of whom are Chippewas. A few Ottawas and Pottawatomies reside here, but they are considered members of the tribe and call themselves Chippewas. The Indians are scattered in little groups throughout the different townships, and the Chippewa dialect is universally spoken. With the exception of a very few old men and women they are of mixed blood. All wear citizen's dress. The civilized Indians are not polygamists, nor are the pagans avowedly so, though they profess to believe in the doctrine. Sixty families own houses, 8 of which are frame and 52 log, which are for the most part well built. With these there is generally a patch of ground upon which vegetables and corn are raised. Very little, if any, produce is marketed. There are no Indian schools, but a majority of the children attend district schools and are said to be as bright as ordinary white children. Twenty-six pupils from this reservation are now at the Indian school in Carlisle, Pennsylvania. It is estimated that 50 adults and 100 under 20 years of age can read. While many of the male Indians can speak English sufficiently for ordinary use, they are very suspicious and reticent, and when questioned about their condition, habits, and religion they either remain silent or profess not to understand. They have 4 churches, worth perhaps \$300, 3 of which are log cabins and the other an old frame building. The membership is 300, 288 of whom are of the Methodist Episcopal and 12 of the Roman Catholic denomination. The latter have no church. There are 4 half-breed preachers, who are appointed by the Methodist Episcopal annual conference, and the services are conducted in the Chippewa language.

The tribe is decreasing. The principal disease is consumption, always attributed to exposure, want, and disease contracted by mixing with white men. On being interrogated as to whether they were not more exposed when in a savage state, they replied: "Yes; but we were hardier and had never been taught to wear white men's clothes. Now we have got used to them, and are often without enough to cover ourselves, and thus suffer more than the white man. Besides, we had many furs".

There have been 10 deaths during the year, 1 adult and 9 children, all in the pagan settlement.

In the opinion of the nominal chief, Joseph Bradley, there are 6 white families now living here unlawfully, cutting timber and farming in a small way, who claim to occupy under homestead law. Others have been here, cut the timber, and moved away. According to figures given by one of the chief men there are yet 5,480 acres of land belonging to the tribe, distributed as follows:

	ACRES
Nottawa township	1,200
Denver township	920
Isabella township	1,500
Wise township	4,340
Deerfield township	520

In a remote part of Nottawa township is a band of pagan Indians consisting of 8 families, in all 32 persons. All are discontented and miserable. They do a little work when they can obtain employment at manual labor, and manage to exist in a forlorn, hopeless way. They are sickly, and have no stock except a pair of ponies belonging to the chief, A-ken-bel, who is quite intelligent, and who says his people are willing to work if they could be sure of their lands, which he claims the white men obtained under false pretenses. This is also the general complaint of the civilized Indians.

The pagans have festivals and war dances, during the performance of which they are dressed in native costumes, which are carefully preserved for these occasions. There is a marked difference between the appearance of the pagan and civilized Indians, the advantage being greatly with the latter.

* The statistics giving tribes, areas, and laws for agencies are from the Report of the Commissioner of Indian Affairs, 1890, pages 474-477. The population is the result of the census.



M. 1892

1890

J. H. CROSBY AND FAMILY. (Left) Mrs. Crosby, J. H. Crosby, and Miss Crosby. (Right) Mrs. Crosby, Miss Crosby, and Mr. Crosby.

While the Indians of the reservation have improved mentally, they have degenerated physically. A large majority are entirely improvident, saving nothing. A few own farms, employ a number of men, and have horses, cattle, and other stock. Some are very intelligent and well educated and own good houses in town and in the country. The question of morals seems to be a disputed one, they claiming to possess a fair share of morality, while their white neighbors generally do not agree with them in this particular. That there is an almost universal desire for intoxicating liquors appears to be conceded on all sides. They are peaceable and honest. The land of the reservation is generally of good quality, and if cleared and properly farmed would be quite productive, but they have not the capacity for prolonged labor of any description. The greater portion say that they were happier and more prosperous while under the care of the government than at present. They are discontented.

L'ANSE RESERVATION.

There are 450 Chippewas on this reservation, and the Chippewa language is spoken. Nearly one-half are of mixed blood, all wear citizens' dress wholly, and none are polygamists.

There are 2 missions on the reservation, the Roman Catholic, situated on the west shore of the bay, 8 miles from L'Anse village, and the Methodist Episcopal mission, 3 miles northeast of the town. With few exceptions Indians over 20 years of age can read their own language, and a great majority (over seven-eighths) can read English. All speak English sufficiently for ordinary use.

There are 3 schoolhouses, 1 boarding school for girls, 1 for boys, and a government schoolhouse, the latter valued at \$500. There are 52 Indian scholars. The building for girls is of stone, 4 stories high, 40 by 90 feet in dimensions, sleeping accommodations for 65; that for boys is 3 stories high, with an addition, and will accommodate 75. Dormitories are in excellent order and well ventilated. There are here also 57 white children, orphans or half-orphans, who are supported by relatives or by contributions of the Roman Catholic churches. Indian and white children associate together daily.

Indian children are bright, cleanly, orderly, and apparently happy. They have a fine piano, upon which some of the young girls perform in a very creditable manner. All are taught vocal music. As a general rule they are too young to be apprenticed, but when old enough are sent away to learn trades and other kinds of business. The girls are thoroughly instructed in housework and needlework. The scholars are all members of the church. The church edifice is of stone and cost \$6,000, which was donated by members of the diocese. All are of the Roman Catholic denomination. The priest reports that the tribe is increasing at this place and that Indians here are not only having complete titles to their land. The mission is beautifully located, and the children appear to be an ordinarily intelligent.

The Methodist mission is 1 government schoolhouse, which is valued at \$500, and will accommodate 40 children.

There are 65 Indian children of school age within the mission precincts. The average attendance is the highest number present for 1 month during the year, 34. Many will attend school for a short time, then return themselves for a longer or shorter period, and again return. There is 1 church not belonging to the mission, with 75 Indian members of the Methodist denomination.

The Indians at this mission, of whom there are 270, own 2 frame and 53 log houses, and have during the past year made 1,000 pounds of butter and raised 1,200 bushels of potatoes and 50 tons of hay. They own 15 horses, 100 cattle, and are very intelligent. The land in general is not considered very good for farming purposes, but potatoes, wheat, and grass are of good quality, if not abundant.

According to pledges given by the Indians at both missions, there is not much drunkenness among them, although they have strong appetites for intoxicating liquors.

The government physician states that 200 Indians have received treatment at his hands during the year, for chronic troubles. He also reports 12 deaths in the same period, 2 of old age, 5 of consumption, 4 smallpox of various complaints, and 1 man frozen. There have been 18 births. No one has been killed and 1 punished for crime during the year.

The males of the tribe work at farming, lumbering, and quarrying. They also fish, hunt, and trap. In season young and old, male and female, engage in berry picking and root gathering.

According to statements of the most reliable men, Indian and white, the tribe is decreasing; causes, death and desertion.

As a whole, they are intelligent, peaceable, honest, and fairly industrious, though restless and changeable. They are greatly improved mentally and have not degenerated physically. They are generally self-supporting, and improvident.

ONTONAGON RESERVATION.

Indians in this section are a rarity. There are not more than 5 families in the section, and these are to all intents and purposes white people. Their children attend school and the older ones are married to whites. All are industrious and well to do, and would resent being classified as Indians. The land allotted to the Indians is scattered and has never been occupied by them. The Ontonagons as a band are extinct. Those who are scattered far and wide.

Besides those with indirect relations to the old reservations, there are groups of Indians in a number of counties no longer connected with any reservation or any special administration of Indian interests.

MASON COUNTY.—The census enumerators found 335 Indians, under the name of the "Ottawa and Chippewa tribe", residing in Mason county, and the Ottawa dialect is used. The people wear citizens' dress wholly, as with the exception of 20 very old Indians, are of mixed blood. Perhaps 40 over 20 years old and 80 under that age can read.

A majority of the civilized male Indians can use English sufficiently for ordinary intercourse, although a stranger can obtain but little information from them. They will answer their minister and teacher readily, as it is mainly through these that facts are obtained. Some, however, are intelligent and educated, and had hesitancy in answering. Indian women, as a rule, do not speak English.

There are 80 Indian voters on the reservation. They have no Indian school and no Indian church, but many children attend district schools, and nearly all, young and old, are church members, the younger portion being baptized at a very early age. Three hundred and fifty are said to be communicants, by far the greater number being of the Roman Catholic faith. The services are conducted in English, an interpreter being present, and translates for the benefit of the Indians. Ninety families own houses, 10 frame and 80 log, for the most part warm and comfortable, with a patch of ground upon which vegetables are cultivated. The greater number of Indians follow a variety of callings, sometimes logging and laboring, then fishing, hunting, trapping, picking berries, gathering roots, according to the season. Three-fourths of the tribe are at this time (last of September) in the woods gathering ginseng root, which commands a good price. They raise no produce for the market.

The tribe is decreasing rapidly. There are 4 mulattoes, but no negroes, quadroons, or octoroons here. There is 1 blind and 1 deaf and dumb person, but none are crippled, insane, idiotic, or deformed. Seven deaths have occurred during the year, 5 of consumption and 2 of unknown diseases. No Indians have been killed in the year ended September 1, 1890, but 1 was murdered in June, 1889, and a white man is now in prison for the crime. Whites have been killed and none are unlawfully on the reservation.

There were originally 4 full townships in this reservation, but how much now belongs to the Indians is difficult to ascertain. Much of the property is mortgaged, and in such cases is seldom redeemed. Three-fourths of the land would be tillable if cleared. It is thickly timbered and well fitted for farming purposes. A remainder is now pine stump land and is not so valuable. The price is from \$10 to \$30 per acre, according to quality and location.

Consumption is the prevailing disease. All are addicted to liquor drinking, though many do not indulge in excess. The Indians are growing weaker physically but better mentally. They are usually honest, and their morals are generally good among themselves, but become bad when mingling with the whites.

Generally they do not seem to know the first rudiments of economy. There are of course some notable exceptions to this rule, forming, however, a very small minority.

In the deep woods of Sherman township is a band of pagan Indians. They number 75 members and have log cabins. A few live in wigwags. The band is generally unhealthy, and the children do not attend any school. The chief claims that they are as happy now as during the agency system, while a full-blooded Ottawa, aged 70, thinks the tribe has not been happier since mingling with the whites nor better off than under the agency. They believe in witchcraft and worship imaginary gods, each having his own deity, though all recognize the existence of a Great Spirit. There are no farmers among them and no stock whatever. They use their own medicines and employ no physicians, and prefer to live by themselves, as far from civilization as possible, but they receive help from the whites. They as well as some of the civilized Indians think the government owes the Ottawas and Chippewas a considerable sum of money.

OCEANA COUNTY.—There were found in Oceana county, adjoining Mason county on the south, 271 Indians whose general conditions are kindred to those given for Indians in Mason county.

HURON COUNTY.—It was learned that there were but 8 Indians in the county, 5 males and 3 females, and of these, except 1 old man, were absent from their homes much of the time. Years ago each Indian took up acres of land, but during the war a large number, afraid of being drafted, sold their lands and went to Canada. But few returned, and these, with the exceptions above named, have disposed of their property and left for parts unknown.

GENESEE COUNTY.—There are 5 families of Chippewas in Gaines township. They are of mixed blood and own 160 acres of land and some horses, dress in citizens' clothes and use the English language, but are not prosperous. They consider themselves civilized, but do not belong to any church. These are all the Indians found in Genesee county.

SAGINAW COUNTY.—There are nearly 100 Chippewas distributed throughout the south and east corner of Saginaw county, all of mixed blood, who dress in citizens' clothes. The males speak sufficient English for ordinary intercourse. A few own farms and stock and are prosperous, but the majority are poorly off and quite dependent upon the whites.

CONDITION OF INDIANS—MICHIGAN.

300

The list of Indians by counties at the beginning of this report on Michigan will indicate the number in other states. Their condition is like that in the counties here mentioned.

There is a government day school at Baraga, Baraga county, with an enrollment of 36; a contract school at Baraga with 49 enrolled; a government day school at L'Anse with 30 enrolled; a contract school, Harbor Springs boarding, at Harbor Springs, Emmet county, with an enrollment of 107.

GENERAL REMARKS.

Few Indians own cows; even on the larger farms their absence is noticeable. These people are not very industrious and are fond of liquor. They have no idea of economy and will never succeed until they have learned to accumulate and manage property.

The Michigan Indians on reservations are scattered singly and in groups along the shores of the Great Lakes, on the banks of rivers, and in the woods, and it would be the work of months for any person to visit even a majority of them. They are poor but self-sustaining. The greater number of the Indians on the Isabella reservation are disheartened and dissatisfied, and in my opinion it would be better for them if the government could appoint a just and impartial man (detail of an army officer would probably be best) to act as agent among them, if they have no knowledge of business matters nor the least comprehension of their rights.

Compulsory education would be an excellent thing for all Indians in the state. They will not now force their children to attend school regularly, and when those who go to school return to their homes they soon relapse into old habits and forget the lessons that have been taught. Education and constant good associates are the ways by which an Indian can best overcome his natural instinct and become a respectable citizen.

The Indian children in boarding schools, where they remain until their education is completed, of course do better than those not having such advantages. Their tastes are elevated, their ambition is aroused, and the desire for their old ways is created, which is seldom eradicated. If the state or national government would create and maintain an industrial school for the younger Indians in the state, it would be a great benefit to them.

Observation among Indians in all parts of the west has led to the belief that it would be much better for them if the government, in granting them lands, would give alternate sections and let white men have the intervening sections so allotted to Indians to be held in trust for a number of years.

The Indian of old is doomed, and it will be best for him and the country if his extinction is accomplished with honor and mental elevation rather than with partial starvation and neglect, as is now largely the case in Michigan.

REPORT ON INDIANS TAXED AND NOT TAXED.

INDIAN TRUST FUNDS JUNE 1, 1890.

As shown by the tables below, the total of trust funds held by the United States for Indian tribes amounted to \$21,244,818.39 in 1890. The following is from the report of the Commissioner of Indian Affairs for 1890, page CCXVI:

TRUST FUNDS OF THE FIVE CIVILIZED TRIBES.

TRIBES.	Amount of principal.	Annual interest.
Total	\$7,964,122.78	\$412,219.61
Cherokee	2,625,642.27	137,649.23
Chickasaws	1,308,096.00	66,664.95
Choctaws	\$48,264.74	\$2,264.73
Creeks	2,666,071.00	168,000.00
Seminoles	1,308,096.00	75,000.00

TRUST FUNDS OF TRIBES, OTHER THAN THE FIVE CIVILIZED TRIBES.

TRIBES.	Principal.	TRIBES.	Principal.
Total	\$12,286,695.62	Pawnee	\$76,000.00
Chippewas and Christian Indians	62,500.00	Pottawatomies	184,004.57
Delawares	674,178.84	Race and Force of Missouri	21,000.12
Eastern Shawnees	9,476.12	Race and Force of the Mississippi	55,000.21
Iowa	171,842.27	Sante Sioux	20,000.00
Kansas	27,174.41	Seneca	68,072.00
Kaskaskia, Peorias, Wana, and Piankoshaws	54,000.00	Seneca, Tonawanda band	90,000.00
Kickapoo	120,184.00	Seneca and Shoshone	13,146.42
L'Ance and Vieux de Sort bands	20,000.00	Shawnees	1,925.45
Menomonees	123,000.00	Stockbridges	75,000.00
Omaha	2,255,208.00	Shoshone and Banawcks	6,000.00
Ooncha	240,207.37	Umatillas	26,022.04
Otoes and Missourias	200,775.42	Utah	1,700,000.00
Pawnee	268,625.97	Utah and White River Cos	2,200.00

REFERENCES TO INDIAN LAWS, REPORTS, AND TREATIES.

References to laws, reports, and treaties are as follows:

For all Indian treaties and laws, see United States Statutes at Large, 1776-1880.

For a "statement showing the present liabilities of the United States to Indian tribes under treaty stipulations"; for a statement of "trust funds" and trust lands, being "list of names of Indian tribes for whom stock is held in trust by the Secretary of the Interior (treasurer of the United States custodian), showing the amount standing to the credit of each tribe, the annual interest, the date of treaty or law under which the investment was made, and the amount of abstracted bonds for which Congress has made no appropriation, and the annual interest on the same"; for "list of securities held for invested tribal funds"; for all expenses, receipts from sale of Indian lands, appropriations by Congress, and expenditures of the same; for "schedule showing the names of Indian reservations in the United States, agencies, tribes occupying or belonging to the reservation, area of each reservation in acres and square miles, and reference to treaty, law, or other authority by which reservations were established"; for area of arable land on the several reservations; for executive orders relating to Indian reservations, and for annual table of statistics relating to population, industries, and sources of subsistence, together with religious and vital statistics, see annual reports of the Commissioner of Indian Affairs.

For laws relating to Indians, see report of Public Land Commission, 1880, laws and decisions, and Revised Statutes of the United States, sections 2039-2178; for performance of engagements between the United States and Indians, see Revised Statutes of the United States, sections 2079-2110; for government and protection of Indians, see Revised Statutes of the United States, sections 2111-2116; for government of Indian country, see Revised Statutes of the United States, sections 2127-2156; 6 Cranch, 646; 8 Wheaton, 343; 7 Johnson, 246; Indian treaties, United States Statutes at Large; act of Congress March 26, 1804, section 13, dividing Louisiana into 2 territories; Bump's Notes of Constitutional Decisions, titles "Indians" and "Territories".

See also United States Senate report, by Hon. J. R. Doolittle, chairman of joint committee of Congress to inquire into the condition of the Indian tribes, and report of the Indian Peace Commission, 1867-1868, General W. T. Sherman, chairman.

See also A Descriptive Catalogue of the Government Publications of the United States, September 5, 1774, to March 4, 1881. Ben: Perley Poore. Washington, Government Printing Office, 1883. The titles of all government publications relating to Indians and Indian affairs from 1774 to March 4, 1881, can be found in the index, pages 1302-1304.

miles, and the Ontonagon reservation, containing 678 acres, or 1.1 square miles. These reservations are the remnants of large tracts which have been surveyed and allotted to the Indians. The agency at Mackinac was abolished by the act of Congress making appropriations for the Indian service July 1, 1890.

Indians now in Michigan are classed as taxed. They were enumerated by the regular enumerators and counted in the general population of the state.

The agent, in his report for 1886 to the Commissioner of Indian Affairs, says:

The Indians of Michigan are all citizens, are voters, and eligible to hold office. They are not known or recognized by tribal relations, either by state laws or treaties, and in every respect, so far as the rights of citizenship are concerned, they stand on an equality with the whites. 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.

HISTORIC REVIEW.

The Indians of Michigan are all of Algonkian stock.

The tribes known as the Chippewas, Ottawas, and Pottawatomes composed the aboriginal population of Michigan. Many of these Indians are now in Kansas and Indian territory.

The early Jesuits found the Michigan Indians good material for laboring with, and numerous missions were established. They found the Indians hunters, trappers, fishers, and sharp traders. The Indians raised and sold provisions, and, although agriculturally inclined, after the French occupation they frequently attacked the French posts. These Indians were kept in constant trouble by the claims of the English to the territory through the Iroquois, who early possessed the country by capture. The Hurons were the allies of the French, and constant intrigue was the result. They aided the French in the disastrous border war between France and England.

After England took possession of Michigan, the Ottawas became restless, and in 1763 Pontiac's conspiracy was formed, and attempts were made to capture the British posts from Niagara to Chicago, Pontiac personally undertaking to capture Detroit, in which he failed. The attacks on the various posts were made on one day, May 7, 1763. The movement ended in the capture of 9 of the 12 posts or forts, but Detroit was saved through information given by an Indian woman to the commandant. After this a treaty was made with several tribes, but Pontiac held out until 1765. Detroit became the center of British frontier power after 1763.

Great Britain began to encourage fishing and the fur trade, and made the various tribes allies. During the Revolutionary war Michigan was a British colony, with lieutenant governors at Detroit and Mackinaw. Vast amounts of supplies and arms and ammunition were given to the Indians from these points, and bounties were given for scalps. Governor Hamilton reported in January, 1778, that the Indians had brought in 23 prisoners and 129 scalps. In September, 1778, he again reported that "since last May the Indians have taken 34 prisoners, 17 of which they delivered up, and 81 scalps". It is estimated that more than 3,000 persons were scalped or made prisoners of war by war parties of Indians and soldiers from Detroit. These war parties went as far south as Kentucky.

After the Revolutionary war the Michigan Indians sullenly submitted to the rule of the United States. Governor Hall made a treaty with them in 1808, obtaining certain land cessions from them, which they afterward claimed they did not understand.

Tecumseh, the Shawnee chief, who lived at that time on the upper Wabash, effected gradually a union of tribes in the territory now in Indiana, Michigan, and a portion of Illinois and Ohio, and began war on the whites. In 1811 General William Henry Harrison defeated him at the battle of Tippecanoe, and peace for a time followed.

In the war of 1812 the Michigan Indians again became allies of Great Britain and ravaged the northern frontier. At the battle of Frenchtown, of 900 United States soldiers only 50 escaped capture, more than 400 were killed, and many others were scalped on the way to Malden.

Lewis Cass, as governor of Michigan, after 1812 made treaties with the various Indian tribes for cessions of their lands up to 1821, and was looked upon as their friend. He was ex officio superintendent of the Indian agency at Detroit and the agencies at Chicago, Fort Wayne, Green Bay, Mackinaw, Piqua, and the subagencies at Blanchards fork and Upper Sandusky. In the Detroit agency alone there were 8,000 Indians in 1815. In a report to the War Department in 1821 Governor Cass wrote that "my family is driven from one extremity of the house to the other by them". At that time 400 Indians arrived daily at Detroit. The British had fed and clothed them when in possession of Detroit, and Governor Cass was now expected to do it on behalf of the United States, and during 8 years he paid out \$400,000.

General Macomb wrote in 1821 that he often detailed soldiers as a guard to protect the family of Governor Cass from the importunities of the Indians. In fact, for a number of years Governor Cass kept open house and a constant feast on the table for Illinois, Indiana, Michigan, and Ohio Indians.

On September 26, 1833, at Chicago, a treaty was made with the Chippewas, Ottawas, and Pottawatomes for their removal west of the Mississippi river. This treaty was proclaimed February 21, 1835, and thereafter a large portion of the Indians named were removed. The Pottawatomes removed under this treaty are now in Kansas



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO
Tribal Government Services

FEB 11 1976

Memorandum

To: The Solicitor

From: Commissioner of Indian Affairs

Subject: Status of Grand River Ottawa descendants regarding
eligibility for Federal Indian Services

In preparing for House hearings scheduled for March 4 on S. 1659, a bill for the disposition of the Grand River Ottawa award in Docket 40-K (exhibit A), we are again faced with the problem of explaining to the Congress why we do not find justification for a blood quantum limitation.

The Central Office of this Bureau has been consistent in maintaining that the Durant Roll, approved in 1910, contains no blood quantum designations whatever, and that any roll purportedly derived from it cannot logically include blood quantum designations (see legislative report of August 21, 1975, exhibit B, and also exhibits C and D). Nevertheless, the Northern Michigan Ottawa Association for more than a decade, and more recently the Grand River Band Descendants Committee, has been developing a roll containing blood quantum designations of a minimum of one-quarter. Various exhibits attached to this memorandum, particularly exhibit B, detail the historical and current situations. Briefly stated, the Descendants Committee is adamant in their contention that, with the exception of certain checked names, all of the Durant enrollees are full bloods; the blood quantum of contemporary applicants is derived accordingly. This developing roll is often known as "the Dominic Roll" and purportedly is limited to descendants of at least one-quarter blood.

While the Central Office has been consistent in rejecting the enrollment concepts and procedures of the Descendants Committee (and the Northern Michigan Ottawa Association), the Minneapolis Area Office and the Great Lakes Agency have not only encouraged the development of this unauthorized roll but have made Federal Indian services available to



Save Energy and You Serve America!

some of the enrollees. This practice is known to the Congress (see p. 3 of exhibit E, Senate Report on S. 1659). Somewhat inconsistently, a memorandum of November 14, 1975, from the Great Lakes Agency Superintendent states in part that the agency is not in a position to advise whether the Dominic Roll would be "acceptable for [blood quantum] certifications (exhibit F)." We are aware, however, that as of the date of this writing the agency continues to accept the certifications provided by Mr. Robert Dominic, President of the Association, and his wife, Mrs. Waunetta Dominic, Chairman of the Descendants Committee.

Mr. Dominic has made very public statements about the number of individuals he has certified for special Indian services (exhibit G). At the request of Senator Abourezk, Chairman of the Senate Subcommittee, the Commissioner reported by letter of October 29, 1975, that the Great Lakes Agency in fiscal years 1974 through 1976 had assisted 37 individuals, certified on the Dominic Roll as one-quarter blood or more, in vocational training at a total cost of \$73,462.78.

The Northern Michigan Ottawa Association and the Grand River organization are, in many basic senses, functioning as or at least are accepted as tribal political entities by the Minneapolis Area and the Great Lakes Agency. In this context we invite your attention to the attached copy of the Ottawa and Chippewa treaty of 1855 (exhibit H) and Resolution 001A of a "Michigan Ottawa and Chippewa Descendants Committee of Non-Reservation Indians", particularly p. 2 (exhibit I).

Contrary to the views expressed in the last cited exhibit, and elsewhere, by various Michigan Indian spokesmen we reiterate that we consider the involved Ottawa and Chippewa Indians, or their descendants, to have lost their tribal political identity in 1855. In our view, the only pertinent exceptions are the organized, reservation-based Bay Mills and Sault St. Marie Chippewa entities. We have strongly expressed the view that the overwhelming majority of these people are non-tribal descendants, with the above noted exceptions, and maintain this view in the very closely related Ottawa-Chippewa case in Dockets 58 and 18-E.

Should we be compelled by the Congress to accept a blood quantum designation, the Grand River Ottawa case will immediately affect the Ottawa-Chippewa case and, we strongly feel, disastrously interfere with those situations in which we have found modern tribes to be the successors of aggrieved historic groups. Unfortunate precedents may also be established in descendant situations in various parts of the country wherein individuals have clamored for a blood quantum limitation.

A speedy opinion from you on the question of eligibility for services will be greatly appreciated. It is our contention that without a legal opinion we will not be able to intelligently testify before the House Subcommittee on March 4, and that we will also be unable to resolve the very peculiar and vexing field situation.

Thank you for your attention to this matter.

Morris Thompson

94TH CONGRESS
2D SESSION

S. 1659

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1976

Referred to the Committee on Interior and Insular Affairs

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That, notwithstanding any other provision of law, the funds*
- 4 *appropriated by the Act of October 21, 1968 (82 Stat.*
- 5 *1190, 1198), to pay a judgment to the Grand River Band of*
- 6 *Ottawa Indians in Indian Claims Commission docket num-*
- 7 *bered 40-K, together with any interest thereon, after pay-*
- 8 *ment of attorney fees and litigation expenses and such ex-*
- 9 *penditures as may be necessary in effecting the provisions of this*
- 10 *Act, shall be distributed as provided herein.*

Mr. RICHARDSON. Thank you. Dr. McClurken.

STATEMENT OF JAMES McCLURKEN, Ph.D.

Dr. McCLURKEN. Mr. Chairman, I can't present 160 years of complicated and detailed history in three minutes. I would like to make four basic points and affirm what these people have already said.

The Ottawa people of Michigan have five treaties with the United States of America. They have by those treaties ceded every inch of the land that they hold in the State. They first ceded it for the right to remain in the State and then for guarantees of the natural resources they needed to make a living. They have lived up to the provisions and the United States did not.

There has never been a time in the history of these tribes when they have not had functioning governments who dealt with Federal officials here on Capitol Hill where the Treaty of 1836 was made, or at the Office of Indian Affairs nor has there been a time when their voices have not been heard and their wishes considered, nor has there been a time when they have not received services from the Federal Government. Yet, through this entire process they have been told you are not a tribe. I concur with Mr. Brooks that if it looks like a duck and quacks like a duck, it is indeed a duck.

I have been involved with these tribes for 13 years. I have seen virtually every piece of written evidence that there is and it all supports everything that they have said.

At the same time I would like to say that I am also involved in putting these tribes through the FAB process. I would point out that the memorandum that was just read to you was taken from the files of the Branch of Acknowledgement and Research. The office already has all of the information included in their files and could not make a determination based on that.

The elders of these tribes have always told them that they deal with the United States Congress, not a bureaucratic office in Washington. They are here today to ask you to support their effort to restore the rightful government-to-government relationship that was established in the treaties that the tribes have with the United States.

I strongly concur and ask that you support H.R. 2376. Thank you.

[The prepared statement of Dr. McClurken follows:]

Testimony of James M. McClurken, Ph.D.
before the
House Natural Resources Committee, Sub-committee on Indian Affairs
concerning
H.R.2376
A Bill for Status Reaffirmation and Clarification
of the
Little River Band of Ottawa Indians
and the
Little Traverse Bay Bands of Odawa Indians

September 17, 1993

Mr. Chairman and members of the Committee, I am James McClurken, Assistant Professor of Anthropology at Michigan State University. Over the past thirteen years I have had the opportunity to study and analyze the documentary record of Indian affairs throughout the Great Lakes. The historical record clearly shows that the Ottawa/Odawa people who form this panel today are the descendants of and political successors to signatories of five treaties with the United States. The documents attest to a continuous relationship between the United States and a vigorous Ottawa/Odawa community which has never lost sight of their treaty-based trust relationship with the federal government, nor have the Ottawa/Odawa allowed officials at the Bureau of Indian Affairs to do so.

The bill before you does not seek "recognition" of the Michigan Ottawa/Odawa bands. Its provisions call for a federal reaffirmation of a tribal status already exists. The relationship began when the ancestors of the people before you signed the treaties with the United States in 1795, 1807, 1819, 1820, 1821, 1836, and 1855 (Appendix A). The United States acknowledged the Ottawa/Odawa people in these treaties and accorded them the same status as other Indian tribes, including a government-to-government trust relationship with the federal government. Nineteenth century assimilationist policies and twentieth century Bureau of Indian Affairs efforts to lighten its administrative load have caused United States officials to misinterpret historical federal documents and create an ambiguous political status for the Michigan Ottawa/Odawa.

The Ottawa/Odawa have found themselves in a bureaucratic no-tribes-land. Their tribal status has never been terminated by Congress or in any way limited by executive order. On the one hand, Bureau of Indian Affairs officials have, throughout the twentieth century, denied the Ottawa/Odawas' their treaty-based right to tribal governance and the rights that tribal status conveys under United States law. On the other hand, documentation from the Bureau's own files show continued dealings with Ottawa/Odawa tribal representatives from treaty times to the present, Bureau

administration of trust property at least throughout the 1950s, and a continuing record of health and economic services to the members of the Ottawa/Odawa bands today. This bureaucratic no-tribes-land has barred Ottawa/Odawa people from exercising a government-to-government relationship at times when their community was in urgent need of the benefits of the federal trust. Passage of the legislation before you will remedy errors made by Bureau of Indian Affairs officials in the past and recognize the historically legitimate relationship that the Ottawa/Odawa bands have enjoyed with the United States throughout history.

As the invited scholar, it is my responsibility to outline the history that has produced the ambiguous political situation that the Ottawa/Odawa now find themselves in. No brief outline can do justice to the story of this tribe--the process of their dispossession from their tribal estate, the strength of their leadership, nor to the cultural tenacity that tribe members have shown throughout the twentieth century. My goal, Mr. Chairman and Committee Members is to briefly discuss the ambiguities of the historical record and to show how these ambiguities have been interpreted and misinterpreted by generations of federal employees and officials to continue the process of dispossession by separating the Ottawa/Odawa from their political trust-status with the United States.

The early years of the United States and Ottawa/Odawa relationship was marked by ambiguous Indian policy and unequal power in the negotiating process that defined the Indians' relationship with the government. In the first decades of the nineteenth century Ottawa/Odawa leaders faced a harsh reality. Michigan territorial officials and the federal government had unambiguous plans for the Ottawa/Odawa estate. Despite any actions the Ottawa/Odawa might take, the federal government would purchase the Indians' land. That land and its resources would eventually become the private property of United States citizens who would transform the natural resources that the Ottawa/Odawa had relied on for centuries to build an industrial state. The only ambiguity in this plan was the federal government's intention for the Ottawa/Odawa who would be forced from their lands. At best, the Indians could remain in Michigan and live on treaty-specified reservations where they would become "civilized." At the worst, they could be forcibly moved west of the Mississippi River where they would also become "civilized." In all reality, few people in Michigan or in the federal government cared what happened to the Ottawa/Odawa, so long as their property and resources became the property of the United States and her citizens.

The Michigan treaty history clearly reflects the ambiguity of United States intentions for the Ottawa/Odawa. The Ottawa/Odawa first met the Americans in eighteenth century wars for the Ohio River Valley. By the treaties of 1795 and 1805 the Indians relinquished any claims they had to southern territories outside

the range of their regularly-used hunting, fishing, and gathering range. In 1820 the Ottawa/Odawa ceded some of their smallest islands to the United States. In 1821 commissioners for the United States used less than honorable negotiating techniques to win a cession of the Ottawa/Odawa hunting and trapping territories between the Kalamazoo and Grand Rivers, the southernmost portion of their tribal estate. For ten years the Ottawa/Odawa refused to acknowledge this treaty as a legally binding document or to receive any services that the United States was to provide them under its terms. Until the mid-1830s, the Ottawa/Odawa remained isolated enough from the front line of American settlement that they could survive on the more limited natural resources of their diminished estate.

In the middle 1830s the Michigan Territory had the fastest growing American population of any region in the United States. In 1837, the Michigan territorial officials were preparing for statehood. They wanted title to the entire Ottawa/Odawa estate, the western half of the Lower Peninsula and the eastern half of the Upper Peninsula. During the administrations of Andrew Jackson and Martin Van Buren, the Ottawa/Odawa faced not only dispossession, but also forced removal to Kansas. When the Ottawa/Odawa were called to Washington D.C. in 1836 to cede their Michigan lands, the Indian leaders had few options.

At the negotiations of the 1836 Treaty of Washington, Ottawa leaders selected from the best of their limited options. They made a treaty that allowed them to stay in Michigan. The treaty created reservations that preserved their towns and the vital resources they needed to stay alive. The reservations of the ancestors of the Little River Ottawa and the Little Traverse Odawa under the 1836 Treaty of Washington are:

From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts for the term of five years from the date of the ratification of this treaty, and no longer; unless the United States shall grant them permission to remain on said lands for a longer period, namely: One tract of fifty thousand acres to be located on Little Traverse Bay. . . . one tract of seventy thousand acres to be located on, or north of the Pere Marquette river. . . . The Beaver Islands of Lake Michigan for the use of the Beaver-island Indians. Round island, opposite Michilimackinac, as a place of encampment for the Indians, to be under the charge of the Indian Department (Appendix A, Treaty of 1836).

The treaty also made reservations of lands that were clearly used by both the Ottawas and their Chippewa kinsmen. The treaty reserves:

two tracts of three miles square each, on the north shores of

the said straits, between Point-au-Barbe and Mille Coquin river, including the fishing grounds in front of such reservations, to be located by a council of chiefs. . . (Appendix A, Treaty of 1836)

The reservations defined in the treaty were to be permanent and provide the Indians with sufficient natural resources to allow their entry into Michigan's developing agricultural/industrial economy. Government negotiators and the Ottawa/Odawa hoped these locations were far enough north of Michigan's prime agricultural lands to allow them to live without fear of dispossession by American squatters. The Little Traverse Odawa reserved all of their horticultural and fishing villages in Emmet and Charlevoix counties. The ancestors of the Little River Ottawa agreed to move north to their traditional trapping territories. Both tribes reserved their fields, trapping areas, maple sugar groves, and their Great lakes and in-land fisheries. Further, the treaty provided the Ottawa/Odawa with the tools and equipment that they would require to intensify their traditional horticulture and fishing for the American market economy. The Ottawa continued to reside on and use the resources of these reservations throughout the nineteenth and twentieth centuries. Neither the Congress nor the President of the United States ever ordered the Ottawas to leave these lands.

Had Congress ratified the 1836 treaty as it was negotiated, the Ottawa/Odawa people on this panel would probably not be here today. Wrangling between Congress and President Jackson lead to amendment of the 1836 treaty. Ottawa/Odawa tenure of their reservations was limited to only five years, or so long as the President allowed them to remain in Michigan. At the end of that time, the Ottawa/Odawa could move west of the Mississippi River or could remain in Michigan under state laws. For this insecure land tenure and uncertain political future, the Michigan Ottawa/Odawa had ceded all of their territory and resources.

Ottawa/Odawa leaders pressed the federal government from 1837 until 1855 for a new treaty that ended the removal threat once and for all. The 1855 Treaty of Detroit guaranteed that the United States would not force the Ottawa/Odawa to leave their Michigan homes. The document reconfirmed boundaries of the 1836 reservations or, where the lands were already taken by Americans, created new ones. The 1855 reservations are:

. . .all the unsold public lands within the State of Michigan embraced in the following descriptions, to wit: . . .for the Beaver Island Band--High Island, and Garden Island in Lake Michigan, being fractional townships 38 and 39 north, range 11 west -- 40 north, range 10 west, and in part 39 north, range 9 and 10 west. Forth. For the Cross village, Middle village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them,

townships 34 and 39, inclusive, north, range 5 west -- townships 34 to 38, inclusive, north, range 6 west -- townships 34, 36, and 37 north, range 7 west, and all that part of township 34 north, range 8 west, and all that part of township 34 north, range 8 west, lying north of Pine River. . . . Sixth. For the Grand River bands, township 12 north, range 15 west, and townships 15, 16, 17, and 18 north, range 16 west (Appendix A, Treaty of 1855).

The 1855 Treaty of Detroit was also among the earliest allotment treaties made between an Indian tribe and the United States. The reservations established in the 1855 treaty were to be held in common for five years. By the end of that time, the land was to be divided into individually owned parcels that would resemble American farms. The parcels were to be held under restricted title, protected from sale or alienation for ten years, or so long as the President deemed necessary and proper. Despite the good intentions of the United States, the allotment process became an effective tool by which American farmers, Michigan officials, corrupt missionaries, and federal agents separated the Ottawa/Odawa from title to the largest portion of their reservations. By the end of the nineteenth century, all that remained of the reservations were the boundaries described in their treaties, scattered parcels of restricted-title allotments and isolated Ottawa/Odawa homesteads.

Loss of the remaining Ottawa/Odawa estate was not the worst legacy of the 1855 Treaty of Detroit. Ambiguous language in the treaty proved an effective tool by which generations of Bureau of Indian Affairs officials have deprived the Ottawa/Odawa of their treaty-based trust status with the United States. At the Treaty of 1836 and again at the 1855 Treaty of Detroit, United States' commissioners had insisted in linking the Ottawa/Odawa and the Chippewa in a legal fiction called the Ottawa and Chippewa Tribe. These tribes shared common territory but were and are historically separate. United States commissioners recognized the differing interests of the two tribes. When the Ottawa refused to negotiate on individual points, the commissioners simply turned to the Chippewa who willingly conceded the properties that U.S. officials demanded. During the 1855 treaty negotiations, both tribes demanded that this historical fiction end and that each tribe be treated as independent political units by subsequent federal officials.

The demands by Ottawa/Odawa and Chippewa treaty negotiators resulted in Article Five which reads:

The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved;" (Appendix A, Treaty of 1855)

Subsequent generations of Michigan and United States agents and officials who lacked historical knowledge of the treaty negotiations and the intention of this clause devised a new theory. They claimed that the language of Article Five "terminated" the Ottawa/Odawa tribal government. Indeed, that is a plausible explanation when the treaty language is taken at face value. The intention of the clause is clearly recorded in the minutes of the treaty negotiation, and any subsequent reinterpretation of the original language is patently false.

Historical documents show that the Ottawa/Odawa believed that their tribal status continued after the ratification of the 1855 Treaty of Detroit. The Little Traverse Bay Bands continued to live in the towns and settlements that they had lived in since at least 1670. They continued to select their leaders as they had from time immemorial. They continued to make their living from the waters of Lakes Michigan and Huron and from the wild resources of their reservation lands. The bands who comprise the modern Little River Band faced more difficult obstacles. By the terms of the 1855 treaty the Ottawa were compelled to leave their homes on the Grand River, move to a reservation at the heart of their historic trapping range, and build new settlements from scratch. The residents of the Mason County Reservation who lived in the settlement commonly called Indian Town, on the Pere Marquette River, defied the odds. They continued their political unity throughout the dark days of the late nineteenth century. They maintained their schools, their economy, and had a clear succession of leaders (Appendix B).

Throughout the fiasco of the allotment process which extended into the 1880s, Ottawa/Odawa tribal leaders continued to petition the United States for a new treaty with their tribe. This is not the act of people who believe that their tribe was terminated. Throughout the 1860s and early 1870s the correspondence of federal officials shows that the United States fully intended to negotiate such a treaty, though accidents of history prevented the implementation of their plans. These plans on behalf of the United States were not the plans of a government that believed the Ottawa/Odawa tribal structure or right were "terminated". Further, the United States sent special investigators to Michigan in the 1870s to prosecute Americans who made fraudulent claims on Ottawa/Odawa lands. Even though local courts with their non-Indian juries rarely ruled in favor of the Indians, the United States recognized and made efforts to protect their trust into the 1880s.

The Dawes Act with its assimilationist intentions ended United States' attempts to protect the Ottawa/Odawa. In the 1890s, the Ottawa/Odawa who addressed their grievances to the United States received little help. They were informed that they were citizens and subject to Michigan laws. Federal and state officials alike espoused a theory that when title to reservation lands passed from Indian hands to those of American citizens, the Ottawa/Odawa

somehow lost jurisdiction on their reservations and the United States in some mysterious way was released from the treaty-mandated trust relationship with the tribe. The all-pervasive land frauds that occurred in Michigan assured that the Ottawa/Odawa had little trust land. For most of the early twentieth century, Bureau of Indian Affairs officials told the Ottawa/Odawa time and again that no trust land remained on their reservations and that the United States was no longer liable for their welfare. Documentation in the United States National Archives, however, shows that while the Bureau made this pronouncement, they administered trust lands which were only sold in the 1950s (Appendix C). Indeed, the Bureau of Indian Affairs was still purchasing lands within boundary reservations for Little River Ottawas in the 1930s (Appendix D). So total was the Bureau effort to sever their relationship and responsibility that even today, the Bureau is not aware of what lands it holds in trust for the Ottawa/Odawa. The Central Title Plant in Aberdeen, South Dakota, cannot locate any of the information on restricted titles on the Michigan reservation.

The declared end of the federal trust relationship between the United States and the Ottawa/Odawa was arbitrary and unilateral. The Ottawa/Odawa found the pronouncements unacceptable and continued to press their interests in Washington. Although Bureau officials regularly declared that the federal government administered no Ottawa/Odawa property and proclaimed the end of their trust, Ottawa/Odawa leaders hired attorneys to examine their treaties and prepare suits on the behalf of their people. After ten years of work, the Ottawa/Odawa filed their first suit against the United States, not for land, but for cash due them under their treaty provisions. In 1905 they won their claim in Petoskey, Abraham, Kewakendo, et al., v. the United States. They received a cash award of \$131,000 to be divided between the members of their tribe. An agent was sent from Washington to Michigan to determine the people eligible for payment and to list their names. Federal officials believed that this job would require only a short time, since they believed that there were few Indians in Michigan and that there was no tribal organization. The federal agent who came to Michigan was overwhelmed to find not a few hundred Indians but thousands of them. The Ottawa/Odawa were not simply a few Metis living on farms and in cities. Seventy-five percent of the people they found were full-blooded Indian. The Ottawa/Odawa continued to live in discrete settlements with headmen selected by band consent, the traditional form of Ottawa/Odawa political organization. The payroll preparation took two agents tow years to prepare and was not completed until 1907. People living today received payment from the award of the lawsuit. The payroll document itself is recognized by the Bureau of Indian Affairs as the historical base for determining Ottawa/Odawa tribal membership and eligibility for federal health and education services.

The Ottawa/Odawa did not see the 1911 settlement of their claims suit as the conclusion of their relationship with the United

States. Tribal leaders, most often leading men of the most prominent lineages, were selected by their community to continue pursuing rights they believed were theirs under the 1836 and 1855 treaties. Throughout the twentieth century the Ottawa/Odawa have asked that the federal government protect their treaty mandated rights to hunt and fish on lands "not required for settlement" throughout the 1836 cession area. The right to hunt and fish from this right held by tribe members in-common was worth fighting for. The Ottawa/Odawa had been pushed to the margins of the American economy and the resources were essential for their subsistence. Each Ottawa/Odawa band knew their rights and pursued them. The number of petitions and letters sent by Ottawa/Odawa people grew during the 1930s when Michigan's farm economy collapsed during the Great Depression.

The issue of hunting, fishing, and other treaty based rights served as a catalyst for succeeding Ottawa political associations. In 1932, the Ottawa founded the Michigan Indian Organization to pursue their claims and to continue dealing with the United States government. They drew up by-laws and presented them to the Commissioner of Indian Affairs, E.B. Meritt. When Congress passed the Wheeler-Howard Act of 1934 (IRA), the Ottawa/Odawa were ready to reorganize immediately, either as individual bands or as a coalition of bands under a centralized organization. Because of Article Five in the 1855 Treaty of Detroit which dissolved the fictive Ottawa and Chippewa Tribe, Bureau officials advised the Ottawa/Odawa to file their petitions for reorganization individually.

The Wheeler-Howard Act was subtitled "An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes." Although the Michigan Ottawa/Odawa did not have reservations currently administered by the Bureau of Indian Affairs, these people were clearly the descendants of treaty signatories, lived in the towns that their grandparents founded after the Americans came to their home territory, and indeed, in all instances these Indians lived within the external boundaries of the reservations established in the 1836 Treaty of Washington and 1855 Treaty of Detroit. They continued their own system of political representation that had been confirmed by federal officials as recently as 1907 with the development of the Durant Roll and the 1910 payment of treaty claims due the tribe. They and many of the federal officials they worked with in the mid-1930s believed that the Wheeler-Howard Act aimed to extend its benefits to people such as the Ottawa/Odawa.

Federal correspondence between 1934 and 1935 shows that Bureau of Indian Affairs Officials intended to include the Little Traverse Odawa and the Little River Ottawa under the provisions of this

bill. As early as December 1934, Bureau officials acknowledged the Ottawa/Odawa right to reorganize the bill's provisions. Frank Christy, Superintendent of Tomah Indian School was placed in charge of reorganization efforts in Michigan. On December 6, 1934, he reported to Dr. W. Carson Ryan that:

If the Indian Re-Organization Act is fulfill its primary purpose, the rehabilitation of the 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 (Appendix E).

Christy was so certain that the Michigan tribes were eligible for reorganization that he secured options to purchase 7,000 acres of land in Emmet County to reestablish a land base to be held in trust by the Odawa where they could acquire basic resources for economic redevelopment. Ryan authorized Christy to continue his work and his Washington staff began the necessary steps for securing the Ottawa/Odawa a land base. However, as of January 12, 1835, Congress had not appropriated any funds for carrying out the IRA.

Lack of a land base held in trust by the federal government became a serious impediment to reorganizing the Ottawa/Odawa. Three Chippewa tribes who had not allotted all of their lands and maintained a land base held in federal trust were immediately allowed to vote in a referendum to accept or reject reorganization under the IRA, as well as to accept or reject bylaws and constitutions. These tribes reorganized. Since the Ottawa, did not still have reserve land in trust, they were not allowed to vote on this issue. Their fate under the IRA eventually rested on Congressional appropriations to purchase land. The appropriation never passed.

Although the Little Traverse Odawa and Little River Ottawa were not able to participate in early referendums, they were still eligible for reorganization under Section 19 of the IRA. The Wheeler-Howard Act intended that all Indians, unless otherwise prohibited by prior legislation, could apply for reorganization. The western Michigan Indians clearly met the definition of "Indian" intended by the creators of the act. John Collier once again spelled out the definition of "Indian" for Ben Shawanese, a political letter from the Little Traverse Odawa community.

Section 19 of the act defines the term Indian and as will be noted there are three classes. A recognized tribe is one with which the government at one time or another has had a treat or agreement or those for whom reservations or lands have been provided and over whom the government exercises supervision through an official representative. There is a third class not mentioned in your letter, namely, those who are "one-half or more Indian blood". This refers to any Indian regardless of whether he belongs to a recognized tribe or not (Appendix

F).

The Ottawa/Odawa met all three requirements. They were encouraged to petition the government for reorganization and they promptly did so. The Bureau of Indian Affairs then filed their petitions indefinitely. The proposals, they said, could not be considered because the Indians had yet to "vote on the application of this legislation". After this had been done, "the Indians must then organize under Section 16, and after that has been accomplished steps can be taken to request incorporation." Bureau of Indian Affairs officials caught the Michigan tribes in a "catch 22." Using the issue of trust land, they prevented the votes called for in Section 16, yet the tribes could not place land in trust until they had voted.

In 1936, John Collier sent Peru Farver and M. L. Burns to Michigan to discuss the IRA with the tribes directly. They held meetings at Cross Village-- an Odawa town on the Little Traverse reservation, at the center of the Little River Ottawa Community in Manistee, and at other centers of Ottawa population. Burns knew nothing of Michigan history of Collier's own admission of the applicability of the IRA to the Michigan tribes. Burns ignored the treaties that the Ottawa/Odawa people had made with the United States and applied standard Bureau thinking of his day. He reported that the Michigan Indians had not lived on a reservation for more than a century, a falsehood that would cost the Ottawa/Odawa dearly.

Burns also could not understand how the Michigan Ottawa/Odawa could apply for IRA recognition unless the government held land in trust on their behalf. Again accepting fashionable Bureau of Indian Affairs rhetoric, Burns reasoned that the Michigan Indians were United States citizens and that the federal government had no administrative responsibilities to them. Burns believed that a lack of trust land somehow ended treaty based government-to-government responsibilities of the United States and precluded the Ottawa/Odawa from achieving IRA recognition. Again, Burns failed to read the 1836 and 1855 treaties. He made a simple recommendation that eventually became the BIA policy for the Ottawa/Odawa, saying "...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." Burns preferred the second option because "[f]inances with which to carry on the work" were of great concern at this time and "might mean considerable delay even though it is found that these people are eligible to come under the Act." (Appendix G)

There is one mystery in Burns's logic. Despite his frugal advice to ignore Little Traverse Ottawa and Grand Traverse Ottawa requests for IRA recognition, Burns took a different stance regarding the Little River Ottawa. He said:

I feel that they [Indians of Oceana, Mason, and Manistee

Counties] are entitled to come under the Reorganization Act, although they have no reservation, nor are they enrolled. However, before anything can be done for these people, quantum of Indian blood must be determined." (Appendix H)

A changing Washington political and economic climate finally ended the hopes of Little River Ottawa and Little Traverse Odawa hopes for restoration of their government-to-government relations through the Wheeler-Howard Act. On April 6, 1936, Joe Jennings, Field Administrator In Charge of Indian Organization, also recommended that the federal government begin restricting acknowledgment. The government was overwhelmed with requests for reorganization and simply did not have the funds to meet the demand. When all other avenues to facilitate IRA acknowledgement failed, the Grand Traverse Band of Ottawa and Chippewa Indians asked their Congressional Representative, Albert Engle, to intervene on their behalf to facilitate action on their petition. Commissioner of Indian Affairs Collier responded to the Congressman saying:

The enactment of the Indian Reorganization Act has taxed to the capacity the efforts of a limited field force to ascertain the status of Indians in the lake States, and especially those Indians of Michigan, many having been apparently abandoned, some of whom can now be assisted through the Act (Appendix I).

By June of 1937 financial responsibility for the Michigan tribes, not their right to reorganize, became the primary issue determining extension of the IRA. Frank Christy said:

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 (Appendix J).

Christy recommend against IRA acknowledgement for the Ottawa/Odawa, but he encouraged cooperation between the Resettlement Administration and the Indian Service to look for ways they could employ Indians in the government forest areas of Michigan and Wisconsin. When the Grand River Odawa, the southern neighbors of

the Little River Ottawa, pressed Senator Burton Wheeler to help them in their bid for IRA acknowledgment, the Commissioner of Indian Affairs responded to the legislator's query by quoting Christy's statement above and adding that since there were "no funds available for the propose of assisting these Indians, it has been and is the policy of this office to follow the recommendation as made by Superintendent Christy" (Appendix K).

John Collier personally responded to Senator Wheeler on the matter of acknowledging the Grand River Ottawa, including the Little River Ottawa band. He said:

This particular group presents an unusual problem. While they have rights under the Indian Reorganization Act when and if organized, they have for years been dealt with by the State authorities as have other citizens, receiving direct relief, employment relief, health and educational facilities etc. For the Indian Service to go among these people with inadequate funds and to attempt to take over functions and services which they are now receiving from the state and thereby disturb a definite social order in the community presents a real problem. It is a situation which we hesitate to disturb.

This letter does not mean that we have made a final decision but at the same time the funds available and the demands made upon them by the Indians whom we really consider our responsibility, we are not disposed to take any action at this time (Appendix L).

The recommended cooperation between the Bureau of Indian Affairs and the local, state, and federal agencies to find work and support services for Michigan Indians became policy. In 1939 the Bureau commissioned a study which aimed to justify the new policy. The work was conducted by John Holst, Supervisor of Indian Schools, Archie Phinney, a Nez Pierce Indian who disliked the Michigan Indians, and Olive Gwinn, a local social worker charged with coordinating services. This work is filled with more misreading of history and weakly supported opinions about Ottawa/Odawa legal rights. The recommendations met the Bureau's needs to jettison their obligations to the Ottawa/Odawa communities. They recommended:

1. That the present understanding and arrangements between the Federal Government and the State of Michigan, relating to the general welfare and education of Indian children be continued, except that the sponsorship of the Federal Government may be diminished gradually as the State agencies extend their responsibilities of the common welfare of all citizens.
2. That the Indian Office shall not attempt to set up any additional or supplementary educational or welfare agencies

for the Indians of lower Michigan that in any way tend to recognize Indians as a separate group of citizens.

3. That there be no further extension of organization under the Indian Reorganization Act in Michigan.

4. That steps be taken to abolish the prohibition on the sale of liquor to Indians of lower Michigan (Appendix M).

When the Bureau of Indian Affairs made these recommendations their policy, officials there attempted to administratively sever the Ottawa/Odawa from their trust relationship with the United States. They ignored the treaty relationship between the Indians and the federal government in favor of a fast administrative remedy for difficult economic straits. This was unfair, unjust, and I believe that it was also illegal. The Ottawa/Odawa believed in their rights and continued to deal with Bureau officials as they always had.

After reading the Holst report, Peru Farver, the man who initially recommended acknowledgement for the Michigan tribes, made one small attempt to rebut the skewed analysis and findings. Farver reported that Holst, Phinney and Gwinn were able to offer such a glowing report of Ottawa economic conditions because they interviewed "the near-white living in towns, cities and villages." Had they gone into the rural Indian communities where a majority of tribe members lived, they may have reached different conclusions. Although he grudgingly agreed that IRA acknowledgment should not be granted at the present time, he thoughtfully predicted that:

This issue will be kept alive for many years in view of the fact that most of the groups in the upper peninsula have been recognized and we are likewise contributing to the chippewas of Lower Michigan. In other words, the Ottawas and Potawatomes are the only tribes in Michigan which have been denied assistance under the Indian Reorganization Act (Appendix N).

Farver's prophesy proved correct. When young Indian men returned from World War II, they wrote a new Ottawa/Odawa political agenda. Having been stalled on the issue of IRA reorganization, leaders who had been active during the 1930s formed the Northern Michigan Ottawa Association (NMOA) to pursue claims under the Indian Claims Commission. The NMOA was a business committee made up of elected representatives from each Michigan tribe. The organization adopted a constitution and by-laws similar to those being approved by the Bureau of Indian Affairs. NMOA leaders and members spent years organizing their individual communities for financial and political support of the association.

From 1948 to roughly 1980, the NMOA served as a vehicle for pursuing Indian Claims Commission claims, but also acted as the

tribal government of the Indians in western Michigan. The combined cooperation of the individual tribes allowed the NMOA to gradually evolve from a single-issue organization to meet broader health, education, welfare and political needs. NMOA leadership made sure that health and education services available to the Michigan tribes who organized under the Wheeler-Howard Act were also available to the Ottawa/Odawa. Little River Ottawa and Little Traverse Odawa members still receive health services that the NMOA worked to establish.

The NMOA dealt with the issue of IRA "recognition" again in the 1970s. The NMOA had won its Indian Claims Commission suit and received a multi-million dollar award. Since the Ottawa/Odawa tribes were not "recognized" a problem arose in Washington over the means by which the Bureau would distribute the money to heirs of the treaty signatories. The NMOA proposed that the Bureau of Indian Affairs distribute the funds using the rolls they had compiled over their twenty-five year existence. Bureau officials declined this offer, arguing that the NMOA did not represent all of the Michigan Ottawa/Odawa and that the NMOA was not an acknowledged tribe. In truth, Bureau officials wished to make a payment to all descendants of the Grand River Ottawa, regardless of their standing with the tribe or their degree of Indian blood. The NMOA opposed this Bureau move to strong-arm their leadership. The Ottawa/Odawa preferred to make payment only to their members who were one half or more Indian, but would compromise to make payment to those persons who were one quarter or more Indian. The debate over blood quantum went on for several years, with the Bureau eventually accepting the NMOA one-quarter compromise.

"Recognition" continued to be an important issue to NMOA leadership. On a visit to the Minneapolis BIA Office, a prominent Little Traverse Odawa leader made an agreement with the Bureau agent. She accepted the agent's position that "recognition must be worked on before many of our problems with the Michigan Indians are solved." That meeting resulted in an NMOA resolution calling for full restoration of tribal relations with the federal government. The NMOA acknowledged that it did not have a reservation land base but argued that its members remained eligible for serves, a position that even Holst and company had taken in 1938. Robert Dominic, who had file the first petition for "recognition" under the IRA in 1935, filed a second letter with Secretary of Interior Rogers Morton on May 5, 1975, again asking that the formal Ottawa/Odawa relationship with the United States be restored (Appendix O).

The Commissioner of Indian Affairs who was weary of NMOA opposition to his policies regarding the Indian Claims Commission distribution and other issues, opposed the NMOA's move, saying that the organization was never a tribe and was not eligible for acknowledgment. The commissioner completely ignored that the members of the constituent units of the NMOA were indeed the

descendants of the signatories of the 1836 and 1855 treaties. Many of the signatories' descendants were over one-half Indian, and were indeed eligible for acknowledgement under the Wheeler-Howard Act of 1934. Still, the Commissioner's influence was an important force working against Dominic's petition being granted.

Between 1948 and 1975, the NMOA had succeeded in strengthening Michigan tribal governments, without explicit blessing or support of the Bureau of Indian Affairs. Its leaders learned the workings of Washington politics and called upon the influence of Senator Philip Hart, Senator Carl Levin, Senator Robert Griffin, Congressman Robert Davis, and Congressman Guy Vander Jagt to aid the association in the Indians' debates with the Bureau of Indian over blood quantum and payments. They also assumed the prerogatives of a governing body. The Bureau relied upon the NMOA to certify its members' eligibility for a number of health and welfare benefits.

Based upon this long-standing tacit BIA recognition, the NMOA served as the representative of the Michigan Indians until approximately 1980 when the Grand Traverse Ottawa and Chippewa--one of the Michigan bands that was a member of the organization, became the first Indian tribe in the United States to be "recognized" through the Federal Acknowledgment Process (FAP). Creation of the FAP in 1978 gave the federal government a formal way to avoid contentious issues with the NMOA. By 1979 the Commissioner of Indian Affairs answered NMOA claims of tribal government status with a cordial invitation to file a petition with the Branch of Acknowledgment and Research. He would no longer deal with the Ottawa/Odawa until they had filed the petition. The FAP process proved the final step in the historical process of de facto termination of the Little Traverse Bay Bands of Odawa and the Little River Ottawa.

In conclusion, this brief history clearly shows that from their earliest treaties to the present, the Michigan Ottawa/Odawa have continually maintained a political relationship with the United States. They have been "recognized" by the United States by treaty. They have and have always had a tribal organization which regularly pursued the interests of their people with the United States, even though local, state, and federal officials took every opportunity to dissuade them of their right to do so. Congress has never "terminated" the Ottawa/Odawa. The uninformed misinterpretations of history by Bureau of Indian Affairs employees have led to a redefinition of the Ottawa/Odawa status, finally severing the relationship altogether.

The vitality of Ottawa/Odawa culture. The members of each tribe know each other face-to-face as they have throughout history. They maintain their ceremonies, art and community interests. The strength of Ottawa/Odawa cultural identity has allowed their members to maintain a strong community that has focused its

energies on the continuing their tribal existence despite the many attempts that have been made to end their polity. I believe that the facts of history justify Congressional action on the request being put forward by the Little River Ottawa and the Little Traverse Bay Bands of Odawa in bill H.R.237.

Appendix A

Kappler, Charles J., comp.

1904 Indian Affairs: Laws and Treaties. Volume 2 (Washington: Government Printing Office) 39-45, 92-95, 185-187, 188-189, 198-201, 450-456, 725-731.

Mr. RICHARDSON. I would like you and the counselor from legal services to comment on this.

Basically, as I understand it, while the BIA office has been consistent in rejecting the enrollment concepts and procedures of the tribe, the Great Lakes Agency in the Minneapolis area office has not only encouraged the development of this unauthorized roll, but it made Federal Indian services available to some of the enrollees. Is that accurate?

Dr. MCCLURKEN. Yes. At the same time the United States has also administered plans that are held in restricted title. They have actually purchased land and put it in restricted title as late as the 1930s.

Mr. RICHARDSON. Counselor, why is, in your knowledge, the Federal acknowledgment process deficient?

Mr. BROOKS. I think the main problem with the process at this time is that the BAR has been very inconsistent in their application of the different criteria. I think Dr. McClerken can comment in more detail, but I think one of the problems is that the focus of the BAR's application of those criteria has gone away from looking at evidence of continuing political relationship to looking at ethnographic data which I think is a term which talks about social relations, things like that.

I think a perfect example of that change in focus has been the Little Traverse Bay Bands have a picture book history which Dr. McClurken prepared on their tribal history. Members of the tribe and Dr. McClurken were in the offices of the BAR and went through that book to show them what evidence they had at that point.

They were showing one of the BAR people a photograph of a meeting which contained hundreds of people voting on political decisions. Rather than looking at that political process the BAR person's comment was, what are these women in the back talking about? That is what they are interested in, social relations and things like that rather than the tribal political existence.

Mr. RICHARDSON. Let me ask the tribal chairman and the treasurer, what is the impact of not being recognized? How has the tribe been impacted? Is it a sense of not having nationality?

Mr. ETTAWAGESHIK. One of the large impacts is that our tribe, without a central land base, we all live in the same general area where our reservation is, but we do not have the same legal tools such as owning of lands in common and developing the ability to protect our treaty-based rights. We don't have those.

So one of the impacts is that we don't have Indian Health Service for our people, a direct thing. Not having a tribal health clinic working through this, we have had many people fall through the cracks, many of whom have died because of lack of getting the health care where they need it. It is not that there isn't a country health care or there are not other county services, but delivering tribally specific, culturally-sensitive services to our people and that has been a great difficulty.

Mr. RICHARDSON. Chairman Bailey.

Mr. BAILEY. I would have to concur with Frank. Basically we have the same problem. One of the main problems is that we do have other health care, non-Indian health care agencies there, but

a lot of elders don't want to participate in these types of health care programs. They have lived a long time and they would like to deal with their own people more so.

Also a lot of the problems that we have is with the young people, too. We are trying to get a culture to go back to our original way of doing things, strongly in our tribe and outside of our tribe.

Mr. RICHARDSON. Mrs. Oldman? What is the proper way for me to address you? Your Excellency?

Ms. OLDMAN. Mrs. Oldman is fine. I consider myself a contemporary traditionalist. The fact is that I grew up with my parents who were elders and taught us our traditional way of life. Right now I live in our neighborhood in the same house in the same dwelling that I was born and raised in.

Right now I feel that our land is getting encroached upon because of all the condo development going on around us and because of the high taxes in the resort area that I do live in.

In order to keep our identity, we need to be united and the few people that do live in our neighborhood are elders and because of the high taxes they are on limited income. I think it is important that we need this land base because we will be able to go and collect our medicines and herbs and stuff in order to continue our way of life.

Mr. RICHARDSON. Mrs. Glocheski, is there anything you would like to add? I know you feel very strongly about the subject. Are there any comments you would like to make to this committee?

Ms. GLOCHESKI. Well, I just wish that we could really get federally recognized because then we could do a lot for our elders and our children.

Mr. RICHARDSON. You all look very young. But how is it that some of the other tribes that you signed treaties with were recognized and you were not? How do you think you fell through the cracks or maybe it is a question I should ask the lawyer.

But Mr. Chairman, do you want to comment?

Mr. ETTAWAGESHIK. I think Jim is in a better position to answer that question.

Dr. MCCLURKEN. Our written testimony details what happened during the Indian reorganization period. All the tribes in western Michigan were personally visited by representatives of the Federal Government including John Collier himself. John Collier assured them that the Indian Reorganization Act was made for them. The Federal Government actually went so far as to make plans to purchase trust land.

But the appropriations in Congress were not forthcoming. There was not enough money to carry out the goals of the IRA. So the Bureau of Indian Affairs began focusing its attention on western tribes, tribes that already had land bases where they could acquire land in big lumps and preserve tribes out there.

As a result of the relationship that had been developed between the State of Michigan, county governments and the local Indian bands, the tribes were receiving some kind of services which were a very difficult thing to provide at all during the Great Depression.

The Federal Government believed that if they restored the tribal governments of these people that they would upset that balance with the State and county governments and made it their de facto

policy that they would not extend the IRA to these tribes. It was in effect literally crossing their names off a list.

Mr. RICHARDSON. Doctor, since you have historically traced this issue, what has been the impact, the psychological impact, the identity impact of not being recognized?

Dr. MCCLURKEN. These people did not accept the Federal Government's decision. They formed a statewide coalition called the Northern Michigan Ottawa Association which was an organized business group; that is the way they characterized themselves. Each of the historic bands became units of that group and the first thing they did was they filed a claim before the Indian Claims Commission.

The polity of the group remained intact until the Federal Government instituted the FAB process. The first time one of the Members of the NMOA went through the FAB process and said you are an acknowledged tribe, then the right to deal with the Federal Government as the representative within the treaty area passed to that single group and in 1980 left all the other bands in the cold.

The impact, these people no longer had the right to represent themselves as governments in their home districts. They do not have the right to intervene in such basic issues as child welfare. They cannot prevent adoptions of Indian children by non-Indians. They have no part in the economic development that is going on with the seven acknowledged tribes.

Right now you probably know that there has been a recent compact signed by the Governor of the State of Michigan legalizing certain forms of gaming and that the seven acknowledged tribes are building a capital base by which they have become self-sufficient.

At the same time that is happening these people are living with 50 percent of their population below poverty, side by side. There is tremendous economic and political inequity.

What is happening culturally, I have never seen a stronger cultural reaction on every single level. The tribe not only knows their treaty rights, they recite them and they say this is what we want to do first. They can obviously mobilize the action to meet their goals. I think, sir, that that truly testifies to the strength of their cultural continuity.

Mr. RICHARDSON. My final question is for both chairmen. Where are you located in Michigan if you can give me a physical description without resorting to a map?

Mr. ETTAWAGESHIK. As many of us from Michigan do, we hold our hand up and say this is Michigan. We are just north of the little finger region of the State, near the Straits of Mackinaw along the northern shores of Lake Michigan. This is the Little Traverse Bay bands.

Mr. RICHARDSON. Do you lay claim to Mackinaw Island?

Mr. ETTAWAGESHIK. Well, Mackinaw Island is certainly in our area where we have spent time. That is to say, our tribe actually lived on Mackinaw Island for a while. All through the northern lakes we have tribal members. Although to say that we lay claim to the island, I think would not be exact. But I certainly like the place.

Mr. BAILEY. As Frank was doing, we live right here on the shore of Lake Michigan.

Mr. RICHARDSON. You have made a convincing case. We are holding this hearing because we have serious concerns about the acknowledgement process that the BIA has. We are going to do something about it. It seems to me you have a convincing case.

I appreciate your patience and your time. Your pride is very evident. I am sorry we cannot spend more time, but I think when the time comes to assess whether your time was well spent here, I think you will conclude that it was.

Mr. ETTAWAGESHIK. Thank you.

PANEL CONSISTING OF HON. JOSEPH R. WINCHESTER, CHAIRMAN, POKAGON TRIBE OF THE POTAWATOMI; RICHARD "MIKE" DAUGHERTY, TRIBAL HISTORIAN, POTAWATOMI INDIAN NATION INC.; JAMES KEEDY, ESQ., MICHIGAN INDIAN LEGAL SERVICES; RACHEL DAUGHERTY, TREASURER; THOMAS TOPASH, COUNCILMAN; AND, JAMES McCLURKEN, PH.D., ASSISTANT PROFESSOR OF ANTHROPOLOGY, MICHIGAN STATE UNIVERSITY

Mr. RICHARDSON. We will move on to the second panel, Honorable Joseph R. Winchester, Chairman of the Pokagon Band of the Potawatomi; Honorable Thomas Topash, Councilman; Rachel Daugherty, Treasurer; Richard Daugherty, Tribal Historian; James Keedy, Esquire, Michigan Indian Legal Services; and James McClurken, Ph.D., Michigan State University.

Please take your seats. Thank you for coming.

Again, as we discussed earlier, we will have the clerk put on the 3 minute sign. Your full statements, by the way, appear in the record which will be published, including the extensive memorandum that Dr. McClurken mentioned. So again, don't feel that you are not listened to if you don't give your full statement.

This area is full of very long statements. The shorter, many times, the better.

Chairman Winchester, please proceed.

STATEMENT OF HON. JOSEPH R. WINCHESTER

Mr. WINCHESTER. Good morning, Mr. Chairman. My name is Joseph Winchester, recently elected chairperson of the Pokagon Band of the Potawatomi Indians. We are located in the southwestern corner of the Lower Peninsula. We are 30 miles as the crow flies from that small university at South Bend.

At this time we ask your indulgence to take into consideration the fact that we as Potawatomis have been around for over 150 years and that the tribal council, if you will take note of the picture that you have, the gentleman on the left of the picture is my late brother John Winchester, who has since deceased. The gentleman, going from left to right, next to the last on the right is the late Michael B. Williams, who has since deceased. He had been for a long time an advocate of the tribal problems, if you will. In fact we have a daughter of his here with us today who will briefly testify on our behalf.

The members of the council in the picture dated back to 1948 and some of the people we have here today are related to some of those people in the picture. So my point is that the council today

is consistent with the relatives that were on the same council years ago as far back as the late part of the 1800s to 1900s.

So in essence we have had representation, if you will, for many years to testify, if you will, on different matters relevant to the Potawatomi, the Pokagon band specifically.

It was my pleasure in 1963 to attend the hearings here in Washington of our land claims, if you will, against the Federal Government. In that short period of five days I was educated to the fact that, yes, we are Potawatomi and I still maintain that we are. So as recent as 1984-1985, the Claims Commission allotted two separate payments for settlement of land claims during the treaty period of 1795 to 1833. Mathematically, even quick figuring tells us that it was over 150 years before we realized payment of the land claims.

But in reference to the land claims, the Federal people tell us that has no bearing, it doesn't hold any water at all as far as us being Potawatomi people. That to me is an injustice on their part.

In closing, I appreciate the offer to be here to testify on our behalf. With your kind indulgence, we would appreciate any and all consideration that could be given in the near future for our request for Federal recognition as Pokagon Potawatomi Indians.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Winchester follows:]

POTAWATOMI INDIAN NATION INC.

AKA Pokagon Band of Potawatomi Indians

53237 Town Hall Road, Dowagiac, MI 49047

Telephone 616-782-6323/616-782-7838

**Testimony of Joseph R. Winchester
Chairman of the Pokagon Band of Potawatomi Indians
in support of H.R. 878 before the House Committee
on Natural Resources, Subcommittee on Native American Affairs
September 17, 1993**

Good morning Mr. Chairman and Members of the Committee.

I am Joseph Winchester, Tribal Chairman of the Pokagon Band of Potawatomi Indians living in southwestern Michigan. I am here as the latest representative of a tribal government that dates back over 150 years to treaty times. My predecessors petitioned for reorganization under the Indian Reorganization Act. They also, along with Tribal Councils dating back to the late 19th century brought successful claims against the United States for monies owed under the treaties. Our Tribal Councils that led us during the early and mid 1800's entered into treaties to cede land to your government. Rather than suffer the fate of removal, our leaders insisted on a provision to allow the Pokagon Band to stay in Michigan in the 1833 Treaty of Chicago. We then pooled our annuity monies to purchase land for our tribe. We still live in our ancestral homeland of southwestern Michigan, where we lived when we signed the treaties.

I'd like to show you a picture of our tribal council in 1948. The men in the picture are members of the Tribal Council. The man on the left is my oldest brother, John Winchester, deceased. The man third from the left is my uncle Michael Williams, deceased. This Council worked diligently to reorganize under the Indian Reorganization Act during the 1930's. They did not disappear when denied this right, but continued to keep the community together and press the Pokagon's claims with the federal government. My uncle Michael Williams started in tribal politics as an interpreter for his father, my great uncle, during the late 1800's. My great uncle, who lived to be 104, was already a young man when the 1833 treaty was signed, and was present at the treaty negotiations. There has been continuity in the Pokagon Band leadership from the time Pokagon lead us in the treaty negotiations through today.

In May of 1963 I listened to testimony by Pokagon Band Potawatomi before the Indian Claims Commission for land claims from numerous treaties signed by the Potawatomi and the U.S. government during the period of 1795 and 1833.

At long last the U.S. Government settled the claims with the Potawatomi Indians. Two separate payments were issued to the Pokagon Band in 1984 and 1985. Simple arithmetic tells us that it was due for 150 years.

Even though the U.S. Government entered into treaties with us and finally settled their claims monies due the Pokagons - they still maintain that we are not Indians for federal recognition purposes today, is that justice? Clearly not.

Our tribal government and community has survived the past 150 years. It is time we were treated the same as the other tribes that entered into treaties. Federal recognition will allow us to take our rightful place as a tribal government and better serve our members.

Thank you for allowing me to express my thoughts today on behalf of the Pokagon Band of Potawatomi Indians from Michigan.



TRIBAL COUNCIL OF THE POKAGON BAND OF POTAWATOMI INDIANS 1948

Mr. RICHARDSON. Thank you. I apologize for mispronouncing the name. My counsel who is a Chippewa gave me the wrong advice. It is all the staff's fault around here.

Mr. Daugherty.

STATEMENT OF RICHARD "MIKE" DAUGHERTY

Mr. DAUGHERTY. My name is Richard "Mike" Daugherty. I am tribal historian. I have been active in the tribe for approximately 50 years since I married my wife, Rachel Williams, whose father was tribal chairman at the time.

The tribe is historically as a council that is made up of people who are direct descendents of people who were on the council 150 years ago. I am talking about the people such as Wesaw, Topash, and Anaquepa who signed the original treaties from 1795 to 1833. So the people on the council today are direct descendents of those people.

The tribe, the Pokagon Band of the Potawatomi, is in the same place they have been for hundreds, and according to legend, thousands of years in the southwest corner of Michigan a part of what used to be called the St. Joseph River Valley Band.

They are there by virtue of the Treaty of 1833 and the supplement to the treaty of September 27, 1833 which allowed the Pokagon Band, which was the only group of the Potawatomi Indian Nation that was allowed to remain in the State of Michigan by that treaty.

The tribe's battles, their fights with the Federal Government, did not end at that time. They continued from that time to date. They had the fights over the fact that the Government failed to pay the annuities which culminated in them finally making payment in 1843 but they should have been continued since 1833. It culminated in another battle in 1866 that they finally made payment on in 1896. They had a series of fights with them over the Chicago lake-front. In 1933 or 1934 it came under the effort to be included under the Indian Reorganization Act.

At that time our people, Michael Williams, John Williams, Tom Topash and John Winchester wrote letters to the Federal Government to try to be included. The Federal Government even sent people there. At one time they were going to purchase land in the area called Middle Crossing. However, the war started and the Government representatives didn't come back and our people went off to fight in the war. In fact, we have a number of people who received Silver Stars and were recommended for Distinguished Service Crosses.

Some people are very patriotic. They always go off to fight the wars. They figured well because the Government was involved in the war and we were involved in the war and that was the reason they did not come back.

However, Phil Alexis, at a later point finally found an inter-departmental communication that said that none of the tribes of the Lower Peninsula, it made no difference whether they were Ottawa, Chippewa, or Potawatomi, were to be given Federal recognition, not because they weren't entitled to it, and that is what was said, but because the Government had failed to appropriate enough money.

We feel that it is about time that there be some justice done. The government has recognized the people up to 1984 or 1985 when they made the payments, without a thank you.

[Prepared statement of Mr. Daugherty follows:]

POTAWATOMI INDIAN NATION INC.

AKA Pokagon Band of Potawatomi Indians

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Testimony
September 15, 1993

Richard "Mike" Daugherty
95811 Wildwood Drive
Dowagiac, MI 49047

Tribal Historian, Potawatomi Indian Nation Inc.

My name is Richard "Mike" Daugherty. I am the tribal historian of the Pokagon Band of the Potawatomi. My involvement started almost 50 years ago "1945" when I married my wife Rachel Williams, Kowtuckmuck (family name). Her father was Michael B. Williams and he was tribal chairman. The council was comprised of John Topash, R.C. Mix, John Wesaw, Isaac Shagonaby, Jewett Pokagon Tom Winchester, John Williams, Joseph Morsaw and in 1948 John Richard Winchester and Peter Pokagon in addition. Over the year I have always had close association with the tribal leaders so had the benefit of listening and questioning the elders and authorities as to what had taken place over the years in the tribal government relations with the U.S. Government. I learned the Potawatomi language as a result of these associations. Our language is now being shared. The Pokagon Band of Potawatomi are a treaty tribe and have been in the same area of southwestern Michigan for hundreds of years. They were part of the St. Joseph River Valley Band. They are in southwestern Michigan today by virtue of the amendment to the Treaty of Chicago, September 27, 1833. They were the only Potawatomi Band allowed to remain in Michigan.

When Pokagon arrived at the treaty site he found that most of the bands there were under the influence. The Government had allowed the whiskey peddlers to come in. Pokagon being a teetotaler pulled the band back away from the site. By the 26th of September 1833 the Government agents had everyone of the leaders signatures except Leopold Pokagon's. Leopold refused to sign. He would not leave Michigan because of his fear he would lose the meck-daa koon-yah (Black Rob.e, Priest) and would lose their religion. The band was predominately Catholic.

According to legend the Government agents were angry with Pokagon and one of them said "Everyone else has signed but you." The agent is quoted as saying further "You did not bring any warriors. We have you in here and we could kill you." To which Pokagon said, "Yes, but I have you and I can kill you."

Whatever the facts are, the government agents agreed to allow the Pokagon Band to stay in Michigan and would procure land for them at L'Arbre Croche (called Harbor Springs today). The Band was supposed to be there by 1836. All benefits and annuities were to be paid there the same as if the Band had gone west. In 1835 Pokagon sent tribal members to Harbor Springs. They reported back to him that the area was still Ottawa. The government had not

finished negotiations with the Ottawa. In 1836 Pokagon and a priest by the name of Father Reese went back to Harbor Springs and found the situation was basically the same. There was no land available for the Pokagon Band. The government had failed to procure the land. Pokagon then met with the government agents and told them you are dishonest. You cannot give us what you don't own. The government gave Pokagon approximately \$2,000.00 with which to buy land. This he did and ultimately acquired 1400-1500 acres just north and west of the town of Dowagiac.

The land Leopold Pokagon bought for the Band was part of the Bands old hunting, fishing, trapping, gathering and planting area. Pokagon had the deeds registered with the Register of Deeds office in Cassopolis, Michigan.

However the government had assigned General Hugh Brady the task of removing all indians from the area. The General proceeded to try to convince Pokagon to move.

Pokagon realizing that the government might not honor the Bands treaty right to remain in Michigan sought other help in the person of Assistant Supreme Court Justice Epaphroditus Ranson who wrote an opinion stating that the Pokagons had the right to remain. On the 17th of August 1840 General Brady met with Pokagon near Silver Creek at which time Pokagon gave the General the judges letter. The General met with Judge Ranson a short time later and confirmed the letters validity. General Brady then notified his superiors that the Pokagon Band had the right to remain. From the very beginning the Bands Council government has had a continuous fight with the Federal Government. To make the U.S. live up to their treaty contract with the band concerning annuities, payments and other obligations. The Band's Tribal government has been forced from the beginning to seek legislation and litigation as well as lobbying to try to get justice.

In 1934 the Band applied for recognition under the Indian Reorganization Act known as the Wheeler Howard Act. The government gave recognition and bought land for the Potawatomi in Crandon, Wisconsin and the Potawatomi in the Upper Peninsula of Michigan as well as the Chippewa and Ottawa in the U.P. Both of these Potawatomi Bands were supposed to have removed west to the reservation. In short they were not legally by treaty in Wisconsin or Michigan. They were escapees. We have nno argument with their having been given Federal Recognition but we definitely have an argument with the Government for withholding Federal Recognition from the Tribes/Bands in the Lower Peninsula of Michigan and specifically from the Pokagon Band which was the only Potawatomi Band in the State of Michigan with the Treaty right to be there.

The Secretary of Interior John Collier and his field agents never said that the Potawatomi, Ottawa and Chippewa tribes in the Lower Peninsula were not eligible. They said that none of the Indians in the Lower Peninsula should be recognized because the Government had failed to appropriate enough money to buy them land and the

Indians were in dire economic straits but were receiving aid from the State of Michigan. If the Feds stepped in it would upset that relationship and the Indians would be in worse shape. This has a hollow ring as the people in the U.P. were in exactly the same situation and it did not make their situation worse. The government of the Pokagon Band is still comprised of the descendants of the Bands Tribal government from 150 years ago i.e. Joseph Quigno grandson of Simon Pokagon and great grandson of Leopold Pokagon, Daniel Rapp descendant of Geo. Rapp and Victoria Moose & Leopold Pokagon, Phil Alexis grandson of Patrick Alexis, great grandson of Henrietta Pokagon, great great grandson of Leopold Pokagon, John Wesaw Jr. great great great grandson of Topinasiee and great great grandson of Chief Wesaw, Raechel Daugherty, Tom Topash, Joseph Winchester descendants of Tom Topash, Frank Topash and Augustine Topash and Peter Kautuckmuk Williams.

The Tribal Band government today the same as in the past, continues to work for the benefit of the Tribe/Band.

The Pokagon Band is now again seeking reaffirmation and acknowledgement of their status as a Federally Recognized Tribe/Band. They are a Treaty Tribe/Band. They have never been terminated. They have always had an interactive Tribal/BAND Community. They have always had a Tribal/Band government and have always had government to government relationship with the U.S. government.

We are requesting that our Federal Recognition be acknowledged, be reaffirmed and that after 150 years justice be finally done.

Mr. RICHARDSON. Mr. Keedy.

STATEMENT OF JAMES KEEDY, ESQ.

Mr. KEEDY. Thank you. Good morning. I think you have heard already today, and I am sure you will hear again, that the recognition by treaty is Federal recognition and that none of these tribes have been terminated, especially the Pokagon Band. That is a sound reading of the law. You have heard in the past from legal scholars such as Vine Deloria that that is the case.

That is not just our position though; that is also the position of the Department of Interior. In a 1976 memo from the Solicitor to the Secretary of Interior, they reviewed the whole law for the Secretary on Federal Recognition and concluded that the prime indicia of Federal recognition is the execution of a treaty.

They continued on and said that the tribes continued to exist unless specifically terminated by Congress. Finally, they concluded that the Department of Interior alone could not disestablish a tribe. You will hear from Dr. McClurken that that has never happened.

The only other question you might ask yourself, then, is is the same group here today the same group that signed in the treaties in 1833? In my work with this group, I have been amazed at the continuous documented history of the political involvement of the tribal council from 1833 right through today.

You have documents going to the Federal agents in the 1830s and 1840s saying our annuities are not being paid. You have the group going to Congress in the 1840s and 1850s and 1860s, and you have Congressional reports of their visits here saying our annuities are not being paid. They finally got the annuities paid 1866, but not enough. It was not what the treaties provided.

Then you have another 10, 12 or 20 year period with every year coming to Congress and we have reports from the Senate and House committees finding their case was favorable but never acting on it. We go up through the 1900s and we have minutely detailed minutes of their council meetings, and the 30s Mr. Daugherty has just talked about.

So it is very clear to me this has been a continuously functioning government from the 1830s to today. Now they are in their second decade of seeking Federal recognition.

What I am asking, and it is not my personal testimony, but I have observed that Ray's father, for example, worked for seventy years on this process. They are going to persist. They will continue to come back to Congress, I am sure, from year to year.

But I think it would be a special thing for Congress to do before this present council is gone, so another council does not have to keep coming back here. Thank you.

Mr. RICHARDSON. Thank you very much. Now we will move on to the Honorable Rachel Daugherty.

STATEMENT OF RACHEL DAUGHERTY

Mrs. DAUGHERTY. Thank you, Mr. Chairman. I appreciate this opportunity to come before you to ask support of House Bill 878.

My name is Rachel Daugherty. My father was Michael B. Williams who was born in 1881 and died in 1969. He began his tribal business as Secretary when he was 16 in 1897 because he could

speaking both languages and read and write. He spent a lifetime seeking justice and fairness for the Potawatomi. He was active along with his father, Peter Kowtuckmuck, and brothers, Frank, Peter, and John. A priest gave them the name of Williams. My grandfather, Thomas Topash, was also a man of political and spiritual leadership.

As my grandmother and mother did to help their families to seek our rights and causes, I have continued to do the same with much help and support from my husband, Richard E. Daugherty. Today I serve on the present council. I have lived my lifetime seeking the reaffirmation of Federal Recognition. I will continue. I believe that this is the true justice for us.

The treaties between the U.S. Government and the Pokagon Potawatomi promised payment for those lands that were to be purchased by the U.S. Government from Potawatomi. Payments were not well honored, very sparse and so long in coming. But these payments could have given the Pokagon Potawatomi the means to buy their original property, thereby giving them good land, good homes, good jobs and good health. To quote my father who years ago said if we had the land to raise "celery and onions", we could become self-sufficient. We have always respected this land and what it gives back to us. Today, we are seeking for the same self-sufficiency that comes from this land. We need means of economic development, education privileges, health care, jobs, homes for our elders, and protection of our future through our children's successes.

Federal Recognition and reaffirmation of our treaty rights are long overdue.

Thank you.

[Prepared statement of Ms. Daugherty follows:]

POTAWATOMI INDIAN NATION INC.

AKA Pokagon Band of Potawatomi Indians

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Testimony
September 15, 1993

Rachel Daugherty
95811 Wildwood Drive
Dowagiac, MI 49047

Treasurer, Potawatomi Indian Nation Inc.
Vice Chair, Confederation Historic Tribe Inc.

My name is Rachel Daugherty. My father was Michael B. Williams (1881-1969), who began his tribal business as secretary when he was 16 in 1897, because he could speak both languages and read and write. He spent a lifetime seeking fairness and justice for the Potawatomi. He was active along with his father, Peter Kowtuckmuck and brothers, Frank, Peter and John. A priest gave them the name of Williams in place of Kowtuckmuck. My grandfather, Thomas Topash, was also a man of political and spiritual leadership. As my grandmother and mother did to help their families to seek our rights and causes, I have continued to do the same with much help and support from my husband, Richard E. Daugherty. Today I serve on the present council. I have lived my lifetime seeking the reaffirmation of Federal Recognition. I will continue. I believe that this is the true justice for us.

The treaties between the U.S. Government and the Pokagon Potawatomi promised payment for those lands that were to be purchased by the U.S. Government from Potawatomi. Payments were not well honored, very sparse and so long in coming. But these payments could have given the Pokagon Potawatomi the means to buy their original property, thereby giving them good land, good homes, good jobs and good health. To quote my father who years ago said if we had the land to raise "celery and onions" we could become self sufficient. We have always respected this land and what it gives back to us. Today, we are seeking for the same self sufficiency that comes from this land. We need means of economic development, education privileges, health care, jobs, homes for our elders, and protection of our future through our children's successes.

Federal Recognition and reaffirmation of our treaty rights are long overdue.

Thank you.

Mr. RICHARDSON. Thank you very much. Mr. Topash.

Mr. TOPASH. Mr. McClurken will go next.

Mrs. DAUGHERTY. We have Mr. McClurken speaking now.

Mr. RICHARDSON. Usually the Chair makes those decisions, but I will follow yours, Mrs. Daugherty.

STATEMENT OF THOMAS TOPASH

Mr. TOPASH. I will follow your recommendation and go next. The reason I wanted to go last is that Mr. McClurken has some remarks that relate to our ethnology and the study of that.

What I want to point out is that there have been over the years a number of examples, especially back in the 1830s, of alcohol being seen as a negotiation program by the government. It was something that worked for a number of people that were removed from our area.

Our tribe remained because they abstained and choose to work harder at finding the means to keep themselves in our own tribal territory. Today the tribes that were removed and those that escaped are federally recognized. It is bitter irony that today we remain in the home land and are not recognized.

It is not well-known that the spiritual leaders of that time, up to surprisingly recently, were systematically killed. It is very well known, though, that the Indian children were removed to boarding schools. All this attempt to assimilation and demise of a culture has fortunately, I can say, proven to be a failure and that is because a great many of us continue to practice traditional ways and know something about our culture. That is clearly evident within our own group.

I want that to be known but I want it also to be known that the need for this recognition goes far beyond retaining our culture. As Ray spoke of so well, the economic development process is very important. The means of improving on our own a sense of dignity will come about through that process.

It is obviously a mistake and a miscarriage of justice for us not to have been recognized. I would ask that you take an active part in fixing that situation.

As was mentioned earlier, my great grandfather, Thomas Topash, sat in these same rooms and walked the same halls attempting to get the Federal Government to live up to the obligations of our treaties.

I honestly and sincerely believe that it is time to halt this circular process that has continued and that this Congress exercise their powers. You have the opportunity to correct the wrongs of the past and to bring about justice, in my opinion. We are sitting here looking to you to assist our tribe in getting recognition.

[Prepared statement of Mr. Topash follows:]

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Testimony
September 15, 1993

Thomas W. Topash
Pokagon Band Potawatomi Member

Gentlemen of the House Committee:

You have heard in excellent and minute detail, our history. It is well known and thoroughly documented. It is a rich demonstration of a patient people, not begging, but consistent in our insistence on redress.

It is abundantly clear that our Pokagon Band of Potawatomi has been...has always been recognized by the communities surrounding the southern Great Lakes. We are recognized by other tribes. We are officially recognized by the State of Michigan. Our ancestors have been signatories to the treaties from 1795 to 1833. We have thus been recognized by the government of the United States.

When will it happen that reaffirmation of this federal acknowledgement will recur???

Last year, I visited the Bureau of Acknowledgement and Research office to check on the status of our partition and documents. They were in two boxes of material fullfilling the letter of the 25CFR83 Regulations. The Director located the boxes after some search. They were on the floor ... unopened. Even though we have done our documentation in great detail, we must await those which submitted a letter of intent prior to the Pokagons. Number 78 means that we could be retained on hold for the next twenty years.

We need economic development opportunities. We are talking about basic job and business development that are the foundation for economic independence.

My Greatgrandfather, Thomas Topash, sat in these same halls attempting to get this government to live up to the obligations of our treaties. I honestly, sincerely believe it is time to halt this circular process and have the Congress exercise their powers. You have the opportunity to correct wrongs of the past and bring about justice.

In my opinion, expediency of this recognition would be justice!

Mr. RICHARDSON. Thank you, Mr. McClurken.

Mr. MCCLURKEN. I think I would defer to any questions that you have rather than presenting information that they have already given a good deal of.

[Prepared statement of Dr. McClurken follows:]

Testimony of James M. McClurken, Ph.D.
 before the
House Natural Resources Committee, Sub-committee on Native American Affairs
 concerning
H.R. 878
A Bill for Status Reaffirmation and Clarification
 of the
Potawatomi Indian Nation (The Pokagons)

Mr. Chairman and members of the Committee, I am James McClurken, Assistant Professor of Anthropology at Michigan State University. I have recently had the pleasure of working with the Pokagons in preparation of a museum exhibit which is designed to tell the story of their tribe to the public. The scope of my work for that project included research in nineteenth and twentieth century documents and ethnographic study in the Pokagon Community. I did not come here to testify today about the details of Pokagon Potawatomi history. There are other scholars better qualified than myself to testify concerning the volumes of facts that history has recorded about this tribe.

I came here today to assure this committee that from my studies of the Pokagon Community, and from my previous studies in Great Lakes Indian ethnohistory that the Potawatomi Indian Nation or The Pokagons are and have been a tribe since Americans first came to the Great Lakes. The Pokagons have treaties with the United States. Their tribal status has never been terminated by Congress or compromised by Executive Order. They are in every sense a traditional kin-based community with a distinct culture that they, other Indian tribes, and non-Indians all recognize as distinct.

The Pokagons have been known as the Catholic Potawatomi of Michigan since the early 1830s. The traditional center of Pokagon polity is the extreme southeastern portion of Michigan's Lower Peninsula. Even today, tribe members live in their traditional territorial range in Berrien, Cass, and Van Buren counties with population concentrations near the towns of Berrien Springs and Dowagiac.

Historically, this southern location in the richest of Michigan's richest farmlands, placed the Pokagons in the direct line of American settlement a full decade before their Ottawa neighbors to the north. As the owners of these prime agricultural lands, the Pokagons were called upon to negotiate a series of treaties with the United States, documents that stand today as U.S. acknowledgment of the Pokagons and as markers of the tribe's justified claims to government-to-government relations with the federal government.

The Pokagons were first called upon to relinquish their claim to lands in the southern Great Lakes region in 1795 at the Treaty of Greenville which acknowledged United States' jurisdiction over the Potawatomi and their territories. Between 1796 and 1811 the Potawatomi bands who lived to the south and east of the Pokagons made a number of treaties that ceded title of their lands in Ohio and Indiana to the United States. In those

Dr. James M. McClurken
September 17, 1993
Page 2

years before the War of 1812, Michigan lands still remained off the beaten path of American westward movement. The Michigan Potawatomi, including the Pokagons, were not called upon to cede the lands they inhabited and regularly used for subsistence until negotiations of the 1821 Treaty of Chicago.

The opening of the Erie Canal in 1825 turned the southern tiers of Michigan counties into a thoroughfare for American settlers and a prime destination for farmers who wished to remain in Michigan. In the 1821 Treaty of Chicago, the Pokagons ceded to the United States land between the Grand and Kalamazoo Rivers, a region north of their modern home which they shared with the Grand River Ottawas. In 1827 the Huron Potawatomi, eastern neighbors of the Pokagons, signed a treaty relinquishing their lands in southeastern Michigan reserving lands for themselves within their traditionally used territory. In 1828 the Pokagons and related Potawatomi bands sold their lands on the St. Joseph River, the heart of their Michigan territory, leaving only one small parcel of Michigan land in Potawatomi ownership. In 1832 the Pokagons signed yet another treaty selling all but one small reservation within their home territory. They were not allowed to enjoy possession of this land for long. In 1833 the Pokagons were called to Chicago to negotiate a final treaty to cede their remaining Michigan reservation.

The 1833 negotiations at Chicago were a carefully orchestrated event put together by well-versed, prominent state and territorial officials. Their goal was to purchase all remaining Potawatomi land in the Great Lakes and move all members of this tribe to Kansas under the provisions of the newly-ratified Indian Removal Act. From the perspective of federal officials, the negotiations were a success. The Potawatomi did sell all of their land. All but one band, the Pokagons, agreed to move west. Their opposition to leaving their home for Kansas was so strong that they negotiated a supplementary article signed on September 27, 1833 which reads in part:

. . .And, as since the beginning of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in the case of such removal the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation on which they now arise shall be paid to them at L'arbre, Croche.

This supplemental article preserved the Pokagons' right to remain in Michigan and set the stage for the tribe's future dealings with the United States, many of which occurred around the payment of annuities that would be distributed by the United States until 1866. This was the Pokagon's final treaty with the United States, and nowhere in its language is the tribe terminated.

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For a variety of reasons, the Pokagons did not move north into Ottawa territory, nor did they receive their annuities, nor were they allowed to live peacefully. The Pokagons and other Catholic Potawatomi Indians of southern Michigan had given the United States everything that the federal government wanted of them. They gave up all of their land, they had agreed to remake their entire economy by becoming agriculturists, they had become Christians and were well on their way to becoming "civilized" after the American style. Yet, the United States did not see fit to leave them in peace. In 1840, Secretary of War Joel Poinsett ordered General Hugh Brady to round up all of the Michigan Potawatomi, including the Pokagons, and move them to Kansas. Some Potawatomi left Michigan and moved to Canada, some hid in the swamps. Leopold Pokagon, the leader from whom the modern Pokagon Band draws its name, enlisted the aid of the Michigan Supreme Court. Associate Justice Epaphroditus Ransom issued an opinion on the Pokagons saying that the 1833 treaty gave the Pokagons the right to remain in Michigan and that no federal force had a right to move them. The federal government capitulated to threats issued in this opinion and the United States made no more attempts to move the Pokagons from Michigan.

Rebuilding their economic structures and adjusting their society to the new realities of life in southern Michigan was no easy task for the Pokagons. A long list of difficulties exacerbated their poverty and political helplessness. The treaties that the Pokagons were party to had left them landless. Although the small annuities promised in the treaties would have allowed them to purchase land, the United States failed to deliver the money due to the Pokagons until 1843, a full ten years after the payments were to have begun. Even when the money was delivered, only a portion of the cash due to them actually arrived.

Until 1866, the procurement of their back annuities served as a catalyst for continuing a highly active political relationship between the Pokagons and the United States. Pokagon tribe members used every means at their disposal, especially lobbying congressmen and sending delegates to Washington, to pursue the band's interests. In 1866, After more than twenty years of political effort, the Pokagons won back payment of their annuities. They received, however, an amount less than they had expected, to be distributed in a way that they considered unjust. The feeling that they had been denied justice in this matter served as a catalyst for further political actions by their leaders and led to a continued presence of the Pokagons in the halls of Congress.

The Bureau of Indian Affairs today contends that the Pokagon Potawatomes are an "unacknowledged" tribe. When did the United States stop acknowledging the Pokagons? Throughout the Pokagons' pursuit of justice after the 1866 annuity distribution, the tribe and the United States acknowledged that even though the Pokagons were considered voting citizens of the State of Michigan, that the United States remained their guardian in a treaty-based trust relationship with the tribe. This trust relationship continued at least until 1882. That year, the Pokagons once again sent representatives to Congress for redress of

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grievances surrounding the 1866 payment. Documents show that in 1882 the Office of Indian Affairs and the Department of Interior certified that the Catholic Potawatomi of Michigan were a recognized tribe and that the United States considered the Pokagon tribe to be wards of the United States.

The trust relationship between the United States and the Pokagons had still not been severed in 1890. In January of that year, the House of Representatives and the United States Senate passed legislation which allowed the Pokagons to sue the federal government in the United States in the Court of Claims for annuity monies still due the tribe after the 1866 payment, a case that the Pokagons won. In 1896, the United States created a roll of tribe members and paid them the proceeds of the Court of Claims settlement. The same tribal council that functioned throughout the nineteenth century continued well into the twentieth century. The Pokagon Council maintained the same relationship that they had always enjoyed with members of Congress, the Commissioner of Indian Affairs, and the Secretary of the Interior.

I believe that the severing of the trust relationship between the Potawatomi and the United States had no basis in law. Rather, it was an administrative act done by the Bureau of Indian Affairs and was a matter of perceived economic necessity during the Great Depression. The first documentary indication that the United States regarded the Pokagons as anything but a legitimate, federally acknowledged tribe did not occur until 1934. That year, the Pokagon tribal council sought some of the economic benefits that were to accrue to Indian tribes under John Collier's Indian New Deal. The United States had remade their tribal status. When the landless Pokagon Potawatomi began the process of "reorganization," they were informed that they were not in a "wardship" status with the United States and that they could only apply for reorganization under the "half-blood" provision, Article 19 of the Act. Based on little information and still less understanding of the Pokagon relationship with the United States, twentieth century officials at the Bureau of Indian Affairs made an administrative decision to break a treaty-based trust relationship with yet another Michigan Indian Tribe.

This adverse and erroneous ruling by the Bureau did not end the Pokagons. Their political structures and culture continued as it had for the hundred years since their last treaty with the United States. Their elected tribal council, comprised of the leaders of each kin-group of the community, continued to unite their kinsmen and constituents in dealings with the United States. They filed claims with the Indian Claims Commission, cases which they pursued throughout the 1940s, 1950s, and into the 1960s. When the United States refused to recognize the right of the elected council to operate as a tribal government, the Pokagon council incorporated under Michigan law in 1952. Corporate status enabled the tribe to legally hold property on behalf of its members, devise and fund tribal development programs, and provided access to social programs that were available to them.

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In 1982, the Pokagon tribal council began the arduous task of petitioning the Bureau of Indian Affairs, Branch of Acknowledgment and Research to restore their government-to-government relationship with the United States. I have followed their progress from the beginning of research, through the preparation of their petition, and most recently through the working of the Bureau's arcane administrative rules. Even though the Pokagons completed their petition to the Branch of Acknowledgment over one year ago, they have still not been placed on active consideration. For eleven years members of the Potawatomi Indian Nation have invested their precious time, their limited resources, and placed their hopes in a process that is hopelessly flawed. It is their frustration at being wrongfully denied a status legally due to them that brings the Pokagons to Congress today. I believe that historical facts support their political contentions. I also believe that justice will be served by passage of H.R. 878.

The treaties that I listed earlier in this testimony may appear as ancient history to modern readers. To the Pokagons, these treaties are not part of a distant past. On this panel today you have heard testimony from Mrs. Rachel Daugherty. Mrs. Daugherty has served as a member of the Pokagon tribal council for most of her life; her father, Michael Williams, served on the tribal council for nearly seventy years before her. Michael Williams's father, Kowtuckmuck (Universe), signed the 1833 Treaty of Chicago. The treaty tradition is passed directly from generation to generation. Although the Bureau of Indian Affairs has forgotten its trust responsibility to the Pokagons, the tribe has not. I am pleased to add my voice to those of the Potawatomi Indian Nation in asking for speedy passage of this legislation and restoration of their legal relationship with the United States.

Mr. RICHARDSON. Mr. Daugherty, why go through the congressional process as opposed to the Federal acknowledgment process?

Mrs. DAUGHERTY. Which Daugherty are you speaking to?

Mr. RICHARDSON. I will ask you both, but I will start with you first.

Mrs. DAUGHERTY. We have found that the BAR process does not work.

Mr. RICHARDSON. Mr. Daugherty?

Mr. DAUGHERTY. We have had our petition into the BAR for a number of years, since 1988. We have supplied all of the documentation that they have requested. We were promised that we would be put on active consideration in 1991. We were not put on the active consideration. We had our documentation in long before the other people had their documentation in.

But by virtue of the fact that they had a lower application number, they were allowed to bump us, even after we had been promised that we would be put on active consideration.

This is the fourth time that we have been bumped. We feel that the only reasonable course that we have is to go through the legislative process.

Mr. RICHARDSON. Mrs. Daugherty, tell me about your view, the same question I asked the previous panel, on the impact of not being recognized, the psychological and identity impact.

Mrs. DAUGHERTY. One thing it has done, it has kept us together seeking this cause. We all want it. We are a tribe. We would like the same treatments that the other tribes received. When we are not recognized we are put down. We are totally ignored. So we need this.

In fact recently we had a young man who was seeking to have his nieces and nephews in his home to be their foster parents but they were given to a white family. Because we are not federally recognized, we are not included under those laws and we would like things like that. That would be—that is fairness. We want this.

Mr. RICHARDSON. Mr. Chairman, do you want to add anything?

Mr. WINCHESTER. It was my privilege to attend those hearings down home so to speak in relation to the possible adoption of one of our tribal members of a brothers's children. They made it quite clear it was the judge's decision, that we did not come under the ICW act of 1978.

As a result, as recently as two weeks ago we talked with a lawyer in the greater Detroit area who has verbally committed to the fact that he would like to pursue this in a higher court, specifically Federal courts in a greater portion of Indianapolis, Indiana. So that is what we are going to do.

Also, by not being recognized, if we want to have benefits for our people we could transport them about six hours up the road, so to speak, in the Upper Peninsula and then we could have some benefits. But then we have to bring them back home, so to speak.

If we had health benefits down home we would not have to make that journey. That would be two ways we could benefit if and when we are recognized.

Thank you.

Mr. RICHARDSON. Let me ask the Michigan Legal Services representative. As I understand it, does the State of Michigan recognize the tribe?

Mr. KEEDY. Yes, one of the documents that is in the testimony is from the Michigan Commission on Indian Affairs. They testify to the recognition of the tribe.

Mr. RICHARDSON. So how do you think recognition would change the relationship with the State, if we proceeded with the bill, what would be the basic change?

Mr. KEEDY. With the State, I don't think there would be much of a change. There are already seven fairly organized tribes in Michigan, and they are all served by the Commission on Indian Affairs. In fact the Chairman of the Sault Ste Marie Tribe is the Chairman of the Michigan Indian Affairs. The tribes within Michigan treat each other equally.

Mr. RICHARDSON. As the Chairman mentioned, as I understand it, the Indian Child Welfare Act, which requires tribal and Indian preference for placement of adoptions and foster placements, doesn't apply to you since you are not recognized; is that correct?

Mr. KEEDY. Yes, we represent the Pokagon Band in several cases where we have urged the courts to find that the Indian Child Welfare Act does apply to tribal children. In every case we have been unsuccessful.

The courts have been pretty steadfast in maintaining that you have to be on the BIA list of organized tribes.

Mr. RICHARDSON. Mr. Topash, you said your father was very active in the tribe. What would he say to the committee if he were here today and he knew what had happened since you appeared today?

Mr. TOPASH. That was my great grandfather. He quite probably would have been a lot more bombastic about it all than myself because his frustration would have been much more compounded because of the lack of progress over the years.

I guess that it was his view that the paternalism of the government over the people of our tribe who had all of the capacity to think of all the needs that they had, that that aberration continues even today, and I know that his major focus would have been on economic development because he worked very, very hard to make his farm go well, and he was successful, but so many are unsuccessful today yet, 50 percent of our tribe, that is appalling.

Mr. RICHARDSON. What about tribal religion, is that important to your tribe?

Mr. TOPASH. It is extremely important. However, as you might know throughout the country, there is the perception of a division between Christian and traditional practices. Our tribe has always melded those quite well, and I think that today we see many more people finding the value of the traditional practices, and it is our hope that through the growth in strength and pride that the majority society will begin to recognize the value of our interaction with the environment.

That is perhaps sounding like platitudes, but I think in reality it will do something for our country, living on Mother Earth well.

Mr. RICHARDSON. Dr. McClurken, is there anything you wish to add regarding the historical perspective you gave us on previous witnesses?

Mr. MCCLURKEN. I gave you my perspective in written testimony for this tribe as well. One thing I would like to add that none of these people talked about is that they have no reservations, they had the great misfortune of living on the richest farmland in Michigan along the routes opened by the Erie Canal in 1827.

Of all the Potawatomis who lived in Michigan, only they remain. Rachel's grandfather was at the negotiation of the last treaty.

Mr. RICHARDSON. Was that John Bailey?

Mr. MCCLURKEN. No, that is the other tribe, Koutokmok Universe is her grandfather. This is very real, very fresh, and the generational differences that Congress has from administration to administration don't exist. Their history is a coherent text.

Mr. RICHARDSON. Who is the main sponsor of your bill?

Mr. DAUGHERTY. Congressman Upton and Senator Riegle and Senator Levin and Congressman Roemer.

Mr. RICHARDSON. Fred Upton, a very good Member, okay. Well, let me say the reason we called this hearing is because of the concern that I have since I became Chairman of the Indian affairs Subcommittee in January that we have a lot of tribes around the country that have been, in my judgment, either mistreated or not given the proper attention and priority to their acknowledgment process, and we want to change that either through passing legislation that deals directly with the legislative route or legislation that we can craft to make the acknowledgment process more responsive.

I have my doubts about that, given the record, but this is why you are here, and you also have made a convincing case. I come from New Mexico and 20 percent of my population is Native American. One of the great learning experiences I have had since I became Chairman is the difference in our Native American communities, the difference in culture, history, but with very strong bonds of identity and religion and custom and I think you have all reinforced that, and I appreciate it.

I don't know much about your tribe. I think that is obvious, or about tribes in Michigan. I am trying to learn as much as I can by traveling. I hope to do that sometime soon, but I do appreciate your coming here and your appearing.

I wish you the best, and I think you have a strong case and good sponsors, and again I appreciate your coming before this committee.

Thank you very much.

PANEL CONSISTING OF HON. CARL FRAZIER, CHAIRMAN, BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS; HON. D.K. SPRAGUE, CHAIRMAN, GUNN LAKE BAND OF POTAWATOMI INDIANS; HON. WILLIAM CHURCH, SECRETARY OF STATE, GUNN LAKE BAND OF POTAWATOMI INDIANS; GARY SHAWA, EXECUTIVE DIRECTOR, BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS ; PHIL ALEXIS, EXECUTIVE DIRECTOR, CONFEDERATED HISTORIC TRIBES, INC.; AND, JAMES KEEDY, ESQ., MICHIGAN INDIAN LEGAL SERVICES

Mr. RICHARDSON. We are now going to move on to our third panel, Honorable Carl Frazier, Honorable William Church, Mr. Phil Alexis, and Mr. James Keedy. It seems to me I have heard of Mr. James Keedy before.

Thank you very much. Mr. Frazier, please proceed.

STATEMENT OF HON. CARL FRAZIER

Mr. FRAZIER. Mr. Chairman, my name is Carl Frazier. I am the Chairman of the Burt Lake Band of Ottawa Chippewa Indians of Burt Lake. I am going to really condense my material because everything that I was going to testify you have already heard, but I would just like to affirm that the Burt Lake Band did sign the 1836 treaty and they participated in the 1855 treaty. We also are State recognized historical treaty signers.

Also, we were never terminated. There is nowhere that we can find that we have been terminated. Really to sum up my intentions of being here is, we are looking for the government to reaffirm our relationship, the government relationship to government, and I cede to the Chair of the Gunn Lake Band.

[Prepared statement of Mr. Frazier follows:]



THE BURT LAKE BAND OF
OTTAWA & CHIPPEWA INDIANS, INC.

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Testimony of
 CARL FRAZIER, CHAIRMAN
 BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS
 at Hearings on the Status of Certain Tribes in Michigan
 before the
 Subcommittee on Native American Affairs
 Natural Resources Committee
 U.S. House of Representatives
 September 17, 1993

Mr. Chairman and Members of the Committee:

My name is Carl Frazier and I am the Chairman of the Burt Lake Band of Ottawa and Chippewa Indians.

The Burt Lake Band of Ottawa and Chippewa Indians, Inc. (BLB) are the modern day political successors to the Cheboiganing Band; a signatory Tribe to the Treaties of 1836 and 1855. The federal government's primary purpose in entering into most of the Treaties with Michigan Tribes was land acquisition for settlement and development. Soon to follow from the government's treaty and removal policies was a policy of "assimilation" for Native Americans. This was designed to encourage and/or force Indian people to renounce their Tribal identity and tribally held lands. Among others, one method allotted tribal lands to individuals and then foreclosed on the lands for back taxes. Such a policy resulted in the forced removal of the Cheboiganing Band from their lands and the burning of the Band's settlement in 1900 by Michigan authorities. These policies resulted in the loss of most of the Band's remaining lands; the sending of Indian children to boarding schools and increased federal supervision and control over the welfare of Indian people.

In 1934, Congress reversed its assimilation policy and tried to strengthen or re-establish tribal government with the Wheeler-Howard Indian Reorganization Act. Although the Michigan Tribes applied for reorganization, all of the bands of lower Michigan - including the Cheboiganing Band - were either ignored or rejected. Congress had not appropriated adequate funds to carry out the mandates of the IRA and consequently, officials at the Office of Indian Affairs arbitrarily chose to end the delivery of services to the Indian peoples of Michigan's lower peninsula. Office of Indian Affairs memoranda written during the late 1930's contain revealing statements concerning the implementation of the IRA in Michigan; for example:

"Unless we have the funds and personnel to do a real job in Lower Michigan we should stay out of the territory. We all know that neither the personnel or the funds are available. Hence, it would be a crime to disturb the present excellent relations between the states, counties and the Indians..." (Memorandum from Walter V. Wohlke to the Indian Affairs Commission, October 11, 1939)

The federal government's decision during the 1930's to deny reorganization under the IRA to Indian Tribes in Michigan's lower peninsula was erroneous and improper. It must be stressed that the Office of Indian Services' failure to apply the IRA in lower Michigan in no way alters the political, social and legal status of the tribes that remain in existence. Throughout the history of its relations with the U.S. Government until 1935, the Cheboigning Band was treated as a recognized Tribe by the federal government. At no time in its history has the Band's status as a federally-recognized Tribe been terminated by an Act of Congress. These treaty-signatory Tribes have the same status as any other Indian Tribe regardless of the Office of Indian Services' financial inability to include them in implementing the IRA.

Current federal policy is to promote self-government and economic self-sufficiency for Indian Tribes. The Cheboigning Band, a.k.a. The Burt Lake Band (BLB), is now a non-profit, community-based organization empowered to act on behalf of its tribal members. The organization has been governed under a State of Michigan Charter and By-Laws since July of 1980. The Burt Lake Band's purpose is to reaffirm the tribe's status as a federally-recognized independent Indian Nation; re-establish a land base; promote the economic self-sufficiency of the Tribe and to practice their sovereign rights to self-determination.

The Tribe's membership numbers some 550 individuals. Half of the membership over twenty-one did not finish high school. Thirty percent of our membership households have incomes below the poverty line and thirty percent of our households have working-age members who are unemployed or under-employed. Fully, two-thirds of member households receive some sort of transfer payments.

Thank you for giving me the opportunity to present the Burt Lake Band's testimony in person. If there are any questions, would be glad to respond to them now or in writing.

Mr. RICHARDSON. Mr. Frazier, I appreciate your statement. Let me mention, give you the proper introduction. Chairman, Burt Lake Band of Ottawa and Chippewa Indians.

Mr. FRAZIER. Thank you, sir.

Mr. RICHARDSON. I understand that Mr. Shawa and Mr. Sprague are with you?

Mr. FRAZIER. Well, Gary Shawa is our project director and a member of Burt Lake also. If you look, they were showing you, we are 20 miles south of the Mackinaw Bridge, and there is a chain there the Cheboygan River, and Burt Lake was originally the Cheboygan signers of the 1836 treaty.

Through an evolution type situation, Cheboygan Lake became known as Burt Lake, and then also Burt Lake Indians also become known by that name.

STATEMENT OF HON. D.K. SPRAGUE

Mr. RICHARDSON. Secretary of State William Church, Gunn Lake Band of Grand River Ottawa Indians.

Mr. CHURCH. I think because of the shortage of time last night my Chairman, Mr. Sprague, was deleted from the original introduction, so I would like to introduce our Chairman first of the Gunn Lake Band of Grand River Ottawas, Mr. D.K. Sprague, then he will get back to me.

Mr. SPRAGUE. Good morning, Mr. Chairman, thank you for your time. My name is D.K. Sprague, and I am the elected spokesman for our tribe, which today is known as the United Nation of Ottawa, Chippewa, and Potawatomi, also known as the Gunn Lake Band of Grand River Ottawas.

We were never removed from our traditional territory which present day is located, I would say, halfway between the cities of Grand Rapids and Kalamazoo, near Gunn Lake. Most of our tribal members are at least half blood, many are still full blood. We can still hear our language spoken among our elders.

With that, I will turn the remainder of my time back to my Secretary of State, who handles our legal affairs and is our tribal historian, William Church.

[Prepared statement of Mr. Sprague and attachments follow:]

Statement of
 Mr. D. K. Sprague, Tribal Chairman
 Gun Lake Band of Grand River Ottawa Indians
 at Hearings on the Status of Certain Tribes in Michigan
 before the
 Subcommittee on Native American Affairs
 Natural Resources Committee
 U. S. House of Representatives
 September 17, 1993

The Grand River Band Tribe in Allegan County, Michigan, today is made up of descendants of both the Ottawa Colony and the Griswold Colony. The Band still retains legal title to parts of it's original reservation, with some land held in common and some land held individually by Tribal members. The remainder of the once 360 acre reservation given to us by the War Department was stripped from Tribal possession by a state court action in 1884. It was felt that since no more Tribes were to be treated with by the U.S. after 1871 that the Tribe could no longer hold the reservation tax free. This was an action which clearly violated the rights of our Tribe which was still under the protection of the Government at that time.

Research of county records has revealed that the reservation was parted out into 19 parcels and five years back taxes were assessed to the new Indian owners the same day title was conveyed to them.

Other Michigan Tribes which have already achieved Federal Acknowledgment also received assistance and a land base in the same 1836 Treaty along with the Griswold Colony. Most notable among these early Mission Colonies were the Bands which now make up the Bay Mills and Sault Ste. Marie Tribe of Chippewa Indians in Michigans Upper Peninsula, and the Grand Traverse Band of Ottawa and Chippewa Indians located in northern lower Michigan.

Indian Missions authorized and created by the War Department as Indian Civilization efforts among the Grand River Ottawa have operated in Allegan County, Michigan, continuously since 1838. Census records prove that we were continuously living in Allegan County from 1850 to the present. In 1939, following the passage of the Indian Reorganization Act of 1934, the Bureau of Indian Affairs visited southern Michigan and Allegan County. They noted in the Holst Report that 23 Indian families and according to their calculations nearly 100 Indian individuals remained in a 20 mile radius surrounding the former Griswold

site. This only counted Indians whom had attended the Mt. Pleasant Indian School.

By the 1930's the Grand River Ottawa from the Griswold Mission to the Ottawa who were once Saganaw's Band of Ottawa and Pottawatomi were more commonly known as the "Bradley Settlement" Indians. We were noted in that report only as Pottawatomi as the BIA documents mistakenly suggest that all Ottawa were removed from Lower Michigan. By the 1930's general knowledge of the events surrounding the addition of the Pottawatomi Indians to the Ottawa Rolls in the Compact of June 5, 1838, and the Colonies that had been placed in Allegan County had been erased from memory by time.

The Bradley Settlement Indians of the 20th Century owe their title and name recognition to the Bradley Indian Mission which had succeeded the Griswold Mission to the Ottawa. The town of Bradley was founded on the outskirts of the reservation in the 1850's. Our most current Mission building which is still in use by the Gun Lake Band was built in 1914.

The Mission institution among the Grand River Band Indians of Allegan County, Michigan, is today evident in two cooperating Indian Missions called the Salem Indian Mission and the Bradley Indian Mission. Othe former Ottawa Colony members primarily attend the Salem Mission and Saganaw's Pottawatomi attend Bradley. These two Missions, less than ten miles apart, have served to insulate the Indian community from outside influences and preserve the role of the Chiefs in the community. For the past 100 years our Chiefs have found refuge in the Mission institution which answered to the membership. The Mission is a Council Lodge.

The Tribe has a well documented and established line of Chiefs that can be named since 1795 to the present. Over 50% of the Indian members of the Tribe are at least one-half Indian and most are quarter-blood. The Ottawa dialect of the Indian language can still be heard as it is spoken by a few members of the Tribe. The last Pottawatomi language speaker died last year.

In 1992 the Gun Lake Band Elders Council, made up principally of Mission Church Leadership, a tradition since the Griswold Colony days, officially removed the government of the Tribe from the Indian Mission and created a new government structure. We created a non profit state chartered organization, and then filed for Federal Acknowledgment. We did so because Tribal Elders wanted to make a transition in leadership from the old to the young. It was time to become a modern Tribe like the Tribes around us.

Prior to 1992 the Tribal Elders had adhered to a long standing Grand River Band philosophy of refusing to submit it's sovereign status to any Federal or State agencies and thus none of Grand Rivers have filed for Federal Acknowledgment until now. Cobmossa's Grand Rivers who removed north after 1855 when another large Ottawa reservation was created in Northwest Michigan are the remainder of the Grand River Band. After the 1855 Treaty many of the Grand River Ottawa at Griswold took land selections in Oceana County but returned to the Allegan

County Griswold Colony Reservation when massive land fraud and their inability to receive land patents guaranteed by the 1855 Treaty never materialized. They once again sought the safety of Allegan County as our ancestors had.

The Gun Lake Band Grand River Ottawa Tribe has not been terminated, nor has it voted against the Indian Reorganization Act of 1934. The Tribe continued to receive the few federal services provided Indians in Michigan from the Bureau of Indian Affairs until 1934 and to a lesser degree since that time.

The unique structure of the Tribe, that of being a largely Pottawatomi Band in 1838 which was administratively added to the Grand River Band Ottawa via a Compact between the United States and the Grand River Bands in 1838, and the influx of other Grand River Ottawa and Pottawatomi seeking the refuge of the Griswold Colony, has been the source of much misunderstanding and confusion both among the Indian Community and historians. During the Claims Commission years many of the Claims due the Griswold Ottawa (which were in reality more Pottawatomi than Ottawa) were not even addressed. Permanent annuities from 1795, 1807, 1818, 1821, and 1829 when paid were paid to others. And the guarantee of a "Mission Home for the Indians" has become another broken promise.

We implore you to analyze our Membership Rolls, our history, and the broken promises. We are now asking you to protect our rights and assist us to make things right for our People. We are not seeking Acknowledgment just to create casinos in southern Michigan. We do not desire to base our future community development on chance. We have survived the past 200 years through having a strong military defense and the past 100 years with a new form of belief in God which we have added to our own understanding of the Creation.

In some ways today the very forms of government which were created by the Congress to assist us have become our latest challenges. Some of the Pottawatomi who were also sheltered from removal by the United States by joining the Griswold and Ottawa Colonies in Allegan County were Huron Pottawatomi. They later formed their own Colony under Methodist supervision in 1843 at Pine Creek in Calhoun County, Michigan. It is mistakenly assumed today by the Bureau of Indian Affairs and BAR that the Gun Lake Band must also be a Huron Pottawatomi Tribe. Documents from the National archives prove otherwise.

The Huron Pottawatomi who were not removed from Michigan in 1838 found refuge among the Grand River Band Ottawa Colonies in Allegan County and later splintered off to join others of their Tribe who had returned from the ranks of the removed. These are the Huron Pottawatomi at Athens. The War Department created the Pine Creek Colony in 1843 based on the models created for the earlier Colonies in 1838.

Due to the long association between the Protestant and Methodist Hurons and the Griswold Grand River Ottawa Missions, both located in southwest Michigan, the Gun Lake Band formally requested and received permission from the Bureau of Indian Affairs in 1992 to have the petition of the Gun Lake Band placed numerically behind that of the Huron Pottawatomi which is number

9. The priority placement of the Gun Lake Band of Grand River Ottawa is now 9A.

The Gun Lake Band wishes to make known to the members of this panel, the BAR, and Assistant Secretary of the Department of the Interior, Ada Deer, that the legal basis for federal acknowledgment of the Gun Lake Band of Grand River Ottawa is founded upon the 1836 Ottawa Treaty and specifically the Compact of June 5, 1838, and it's documented petition is not based in any way, shape, or form, on Huron Pottawatomi History.

It is a point of fact that many of the contemporary Chiefs of the Huron Pottawatomi trace their male ancestral lines to the rolls of Allegan County Colonies of the 1830's and Grand River Band Rolls where they, too, were granted exemption from removal by being added to Grand Rivers. We trust that this distinction will become evident when our Documented Petition is submitted.

The Base Membership Roll of the Grand River Band, completed as of March 1, 1993, is based wholly on Ottawa Rolls developed as a result of the 1838 Compact. The Tribe's Documented Petition will be forwarded to the BIA in October in accordance with schedule of activity supported by a grant from the Administration for Native Americans.

We thank you for this opportunity for us to present our situation directly to you, our leaders in Washington. We have faith that our situation will be remedied.

Megwatch.

UNITED NATION OF CHIPPEWA, OTTAWA, AND POTTAWATOMI INDIANS OF MICHIGAN, INC., A.K.A. GUN LAKE BAND--GRAND RIVER OTTAWA INDIANS
 5721 Grand River Drive, Grand Ledge, Michigan. 48837
 Ph: (517) 627-0244

ADDENDUM

to the testimony provided by

THE GUN LAKE BAND OF GRAND RIVER OTTAWA INDIANS

also known as:

The United Nation of Chippewa, Ottawa, and Pottawatomi Indians of Michigan

before the

**HOUSE NATURAL RESOURCES COMMITTEE
 NATIVE AMERICAN AFFAIRS SUBCOMMITTEE**

September 27, 1993

The Honorable William Richardson, Chairman
 Subcommittee on Native American Affairs
 Committee on Natural Resources
 B-308 Rayburn Office Building
 Washington, D.C.

Dear Mr. Chairman,

First, the Gun Lake Band of Grand River Ottawa would like to take this opportunity to extend our deepest gratitude to you for providing the forum for our Tribe to present testimony directly to the United States House of Representatives in the recent Hearings held on September 17, 1993. Our Tribal leaders have been working towards having this opportunity for the past 60 years since passage of the Indian Reorganization Act. As a Grand River Ottawa and Secretary of State for the Tribe my testimony follows in the tradition of other Grand River Band representatives who also held Council with the United States.

This document contains additional testimony which we wish to enter into the permanent record as well as documentation which proves the assertion by our Tribe that we have suffered a great injustice. We were pleased that you were present in the hearings to hear our claim that we have suffered a violation of our rights as a Tribe guaranteed by the United States Constitution and by subsequent articulation in the Trade and Intercourse Acts and Revised Statutes.

While we can, and will through the body of this addendum to our testimony, verify to you that a violation of the

Nonintercourse Act as it pertains to the alienation of our Tribe from lands provided to us by a ratified treaty has taken place we have been reluctant to come forward until your hearings provided us the opportunity. Our Elders have not until recently been sufficiently convinced that the Bureau of Indian Affairs' Bureau of Acknowledgment Research as designed is capable of studying situations like ours in a non biased manner. The Elders have felt for years that our claim would fall on deaf ears or that a decision would be somehow be rendered that would compromise the truth.

The recent appointment of Ada Deer as Assistant Secretary of the Interior, and the more recent opportunity to testify directly to the Subcommittee in the 17 September, 1993 hearing, has given our Tribe hope. Until your hearings we had, during the last 150 years, become mired in "red tape" and have become like ancient ghosts; we are now the Lost Tribes of Allegan County, Michigan. Everyone thinks we were removed somewhere!

Our history, however, is very clear to us and we are well documented especially by the National Archives and the State Archives in Michigan where we live. In essence, in the late 1830's, under the Van Buren Administration, the Gun Lake region became historically recorded as home for hundreds of Grand River Ottawa Indians and literally the critical mass of the Grand River Band leadership which had not been convinced to remove to the Mississippi Region.

The many bands of Grand River Ottawa settled around three "Colonies", or reservations of land established by the U.S., where many of our People collected to take part in a new policy initiative of the President and the War Department where Treaty funds and services were delivered to our People through the mechanism of American Board of Foreign Missions of Boston, Mass., which coordinated the Treaty funds and services supplied to our Tribe. These efforts in our case were obviously to pacify us as we had been effective warriors and retained many active warriors among us well into the 1830's. The growing concern that another border war like 1812 could break out seemed to drive policy development by the War Department and caused the U.S. to modify an already existing Treaty (28 March, 1836 Ottawa and Chippewa Treaty) to place us on reservations located far from the areas of settlement.

The reason that few have ever heard of the Gun Lake Band of Grand River Ottawa is that we were created by the United States in 1838 as an outgrowth of the Treaty of 1836 process when the Treaty was modified by the Compact of June 5, 1838, and the Gun Lake Band was added to the Grand River Band of Ottawa with the consent of the Grand River Band Chiefs. Before that we were well known as the legendary Ottawa and Pottawatomi warriors and allies of Tecumseh under the leadership of Chiefs Noon-Day and Sa-gah-naw. On the 1795 Greenville Treaty our Chief is listed as Sa ga nunk.

In 1838 we who gathered peacefully in the Gun Lake region 30 miles below the Grand River in the lower peninsula of Michigan were the remaining core of the United Nation of Chippewa, Ottawa, and Pottawatomi Indians who had resisted removal to Kansas with

other Ottawa and Pottawatomi south of the Grand River in Michigan by retreating northward to Allegan County and the Gun Lake Region. The Allegan County region was the last area below the Grand River in our homeland, where we retained prior rights from the 1795 Greenville Treaty. There we had a guarantee by treaty that we could roam freely until the land was sold by the United States.

Historically the Gun Lake region and the area to the east beyond present day Hastings, Michigan, had for centuries been our staging area and hideout for our long resistance first against the British and later the Americans. After the War of 1812 many of Tecumseh's allies settled in this region. Pontiac came here and planned and discussed the siege of 1763. Areas of river mouths of this region, the Flat, the Grand, the Thornapple, so well mentioned in annuity payment documents were our villages and were all located on the periphery of this rugged swampy region whose vast river systems were our highways.

By late 1838 the last of the land in the region was sold and Superintendent of Indian Affairs, Henry Schoolcraft, the War Department, and the President collaborated on a visionary plan to create the Colonies of Indians who thus gained a legal foot hold in Michigan. We were placed under the auspices of Christian Missions, placed on lands purchased with Treaty funds, and provided a program of "moral and religious" instruction designed to bring civilization to us. We were taught to till the soil, to read and write, and become Christian in our beliefs.

We were never removed outside of Michigan. Even when a subsequent Treaty was concluded in 1855, which removed other Grand River Bands to Northern Michigan, we were not required to remove. We had a reservation in trust.

In truth, as a Tribal Historian who has cooperated with three Michigan Governors in the past 20 years and one who has had the opportunity of countless hours of research time within the National Archives, I have been able to find few occasions other than documents relating to the Compact of June 5, 1838, and succeeding payments and other annuity payments where the "Gun Lake Band" of Grand River Ottawa are named as such. Before the Compact of June 5, 1838, where we were added to the 1836 Treaty in the only treaty of friendship ever concluded between the U.S. and the Grand River Indians, we were still known as **The Three Fires Confederacy**, or, in Treaties with the U.S. as **the United Nation of Chippewa, Ottawa, and Pottawatomi**.

But the name of the Gun Lake Band is important to us. And it is important to the understanding and legitimacy of our history. Not only is the lake with the same name nearby but **this is the name we were given in the Compact of June 5, 1838**. After implementation of President's new initiative we became known in official records for the next 20 years, and to some degree beyond that point, as the Griswold Colony of Ottawa Indians.

From 1838 to 1857 the Griswold Colony was provided U.S. government assistance from the War Department and later from the Bureau of Indian Affairs after 1849 under the supervision of the Episcopal Church of America and it's Western Diocese Bishop, Rev. Samuel A. McCoskry. From 1838 to 1843

funds from articles two and four of the 28 March, 1836 Ottawa-Chippewa Treaty flowed through the American Board of Foreign Missions in Boston to Bishop McCoskry, and then to the Griswold Colony.

Due to a misunderstanding between the missionaries themselves about how funds should be applied, the United States placed the Griswold Colony funds after 1843 under the direct supervision of C.C. Trowbridge, a banker from Detroit and confidant of former Secretary of War Lewis Cass. This is likely one of the main reasons that the Gun Lake Band became increasingly lost in the frequent changes in War Department leadership. When the BIA was later created in 1849 and responsibility for Indian Affairs shifted to it from the War Department it may have appeared we did not exist.

In 1838 land was selected and an Episcopal Missionary, Rev. James Selkirk, was appointed to organize the new colony at Griswold. Our land was placed in the Trust of Rev. McCoskry. We were provided 360 acres which were authorized by Congress and purchased by the War Department. Nearby Rev. Slater and his Ottawa Colony for Noon Day was also formed. When a new Treaty between Michigan Ottawa and Chippewa was concluded in 1855 at Detroit, the Griswold Colony, (the remains of the United Nation of Chippewa, Ottawa, and Pottawatomi of Michigan) the Gun Lake Band as we had formerly been known, was not included in the negotiations.

It had been agreed by Bureau of Indian Affairs Commissioner Manypenny and orders issued to Agent Henry Gilbert that separate Treaties be concluded with the "Huron Potawatomi, and the Pottawatomi at Griswold". This policy initiative came after a series of letters were sent by our Chiefs from Griswold to the Secretary of Interior expressing our concern for our trust land, and the loss of permanent annuities guaranteed from earlier treaties. The Compact of June 5, 1838 had added us to the payment site of the Grand River Band but did not cancel the obligation of the United States to continue our permanent annuities from the treaties of 1795, 1807, 1818, and 1821.

Five days before the 31 July, 1855 Ottawa-Chippewa Treaty was concluded at Detroit in Wayne County, Michigan, the Rev. Samuel A. McCoskry entered an official statement with the Court in Wayne County, Michigan, outlining his trust obligations to the United States on behalf of the Gun Lake Band, or Griswold Colony. The land was, as he wrote, "in Trust for the benefit of the band of Ottawa Indians formerly under the Chief Saginaw afterwards under the Chief Penasee and now under the Chief called Shopquaung....". (That would be us). It would appear that in the ten days before the Treaty when Manypenny was at Detroit that he met with Bishop McCoskry and the trust was articulated in advance of the proposed Griswold Pottawatomi Treaty.

After 1853 we found ourselves under both Chiefs Penasee (Chippewa) and Shapquaung, a Grand River Ottawa. After the other two government Colonies located in Allegan County had failed the remnants of these bands joined Griswold. The numbers were not large as much sickness and death had fallen upon the other two colonies sponsored by the War Department. Perhaps

they were too close to established trails and suffered the consequence of contact with the numerous travelers and settlers who entered the region. Perhaps the design of the Colonies encouraged over feeding by Indians and sickness. Whatever the reasons, the other two reservations in Allegan County dissolved.

The Old Wing Colony near Holland, Michigan, was removed by the U.S. to Northport, Michigan. Many of it's Pottawatomí however stayed in their homeland below the Grand River and joined Griswold and other local bands in 1848. The Ottawa Colony located near Prairieville, Michigan, also failed, and after 1853 many of it's members also joined Griswold. BIA records indicate that they were to remove to Kansas but the Agent in Kansas where they were supposed to have removed recorded in a memo that their funds arrived for three years but the Ottawa never arrived. He sent the money back to Washington. The Ottawa Colony Chief Noon Day never left the Gun Lake region and is buried near his reservation at Cressy's Corners, near Prairieville, Michigan, a few miles from the Griswold Colony.

Thus by the date of the 1855 Treaty at Detroit, negotiated and signed by other Northern Michigan Ottawa and Chippewa on July 31, over 200 souls (Chippewa, Grand River Ottawa, and Pottawatomí) waited at Griswold for their treaty negotiations. The Griswold Indians also hoped to address the fact that they were not compensated for their reservations (at Kalamazoo and Prairie Ronde from the 1821 Chicago Treaty) ceded in 1827. Letters from the National Archives support their allegation. Other Pottawatomí who removed to Kansas received half of their treaty payment before they left, the other half upon arrival in Kansas, plus land.

The Bands who remained below the Grand River in the government sponsored reservations of the Ottawa Colony and the Griswold Colony retained a leadership pattern among the bands as if they were one Tribe rather than being separate Colonies. The Gun Lake Village Band (Griswold Colony) as it was enumerated by the 1839 Annuity Payment records show that it contained four major Principal Chiefs. Two of these Chiefs previously had their own three mile square reservations as a result of the 1821 Chicago Treaty (Saginaw at Prairie Ronde and Matchipenashiwish at Kekalamazoo).

A third major Chief on the Gun Lake Village Band (Griswold) roll was Kewaygooscum, former Principal Chief of all the Grand River Bands. He was displaced after 1821 in retribution for his participation and signing of the 1821 Chicago Treaty.

Penasee was the fourth Principal Chief listed on the Gun Lake Village Band Roll of 1839, the first year the Griswold Colony was organized. Until the signing of the Treaty of friendship alluded to by Schoolcraft (Compact of June 5, 1838) Penasee was the Principal active War Chief who commanded all of the Ottawa, Chippewa, and Pottawatomí bands south of the Grand River. He signed the 8 September, 1815 Treaty with the U.S. which restored our status to that of the 1795 Treaty after the conclusion of the War of 1812. Penasee was also known as "The Bird", or Redbird".

By 1843, our Chief Saginaw, the Great Pottawatomí was dead.

Although the first hand accounts agree that Saginaw's Band was "half Pottawatomi and half Ottawa" and numbered approximately 125 People in 1833 it is evident that no other Pottawatomi Chief, if available, had the standing to assume leadership over Penasee after the death of Saginaw. His body was carried by horse and wagon to his former reservation near Prairie Ronde and his remains are in an apple orchard on the farm that used to be his reservation. Penasee, the honored Chippewa War Chief continued to lead Saginaw's Band at Griswold from 1843 until he became a subordinate Chief at Griswold in 1853 when the Grand River Ottawa from the nearby Ottawa Colony, which had failed, joined Griswold. Because Noon Day at the Ottawa Colony was considered as the Head of all Council Chiefs of the Michigan Ottawa and Chippewa in the 1836 Treaty, and he resided at the Ottawa Colony, the Chippewa and Pottawatomi Chiefs at Griswold moved over and made room for their Chiefs. After all we had become known as Grand River Ottawa by the Compact of June 5, 1838, through the compassion for us expressed by the other Grand River Chiefs.

Shapquoung was second in standing to Noon Day (Naw-way-qua-ge-zhick) in the Ottawa Colony, operated by the Baptists, which had removed from the Grand River at Grand Rapids as part of the 1836 Treaty. Leonard Slater, their Missionary, was also a Treaty Negotiator for the treaty proceedings.

The new Treaties promised by the BIA during the 1855 Treaty era never came for the Indians at Griswold or the Huron Pottawatomi. What did come however was an 1871 law by Congress stating that no more treaties would be concluded between the U.S. and Indian Tribes granting recognition. So while the Griswold Colony still had Trust land held for them provided as part of a ratified treaty their permanent annuities had been discontinued without a treaty signing signaling their end.

Without a new treaty the Gun Lake Band Pottawatomi and Ottawa were left in a subordinate position with the Grand River Ottawa and in the care of their brothers and sisters of the former United Nation of Chippewa, Ottawa, and Pottawatomi. Since the Gun Lake Band Pottawatomi and Ottawa did not participate in the 1846 Council Bluffs, Missouri Treaty, which abolished tribal distinctions characteristic of the United Nation of Chippewa, Ottawa, and Pottawatomi, and formed the Pottawatomi Indian Nation, the United Nation among Michigan Tribes was never abolished by treaty. The remains of the United Nation formerly under Saginaw and Noon Day were now under Shapquoung (Moses Foster). Later it was his son, D.K. Foster, under whose leadership they found themselves. Even though the government forgot us we never forgot who we were and Allegan County Court records show that we still exist.

In 1872, twelve years prior to the time when Allegan County records verify that Bishop McCoskry officially surrendered his Trust to the Circuit Court in 1884, the land had begun to be taxed and within six years was sold for back taxes. Court records indicate that the land was not redeemed. To this day Indians of the community remember the reservation and lament that it should not have been taxed; or lost. In 1986 John

Foster, the last of the Foster family to live on the reservation and son of D.K. Foster, remarked that, "there was supposed to be a reservation here, but it never materialized".

The Circuit Court records show that because some Indians were unable or unwilling to pay taxes the land was parted out to Indians who could pay. This fee simple arrangement was in direct violation of the intent of the Trust declared by McCoskry and held for the United States on behalf of the Gun Lake Indians located at the former Griswold site.

D.K. Foster continued to hold land at Griswold beyond the turn of the century for the Tribe and although it was in his name it was understood by Indians that the 70 acres he held were held in common as it was under McCoskry's Trust. D.K. Foster died in 1903 and the State Court dealt another blow to the local Indian Tribe by ruling that Foster's land was personal property, again disregarding the U.S. Treaty Trust. Tribal members reacted swiftly to the threat to their reservation.

By 1907, the Allegan County Indians, the former United Nation, The Gun Lake Band, The Griswold Colony, and now Grand River Ottawa had become more commonly known as the Bradley Settlement Indians. The town of Bradley, Michigan, was located next to the Griswold Colony reservation and served as the reservation's Post Office. In 1907 the still Christian Indians of Allegan County undertook the task of building a new Mission structure on the reservation to replace their old one and continue their Tribal operations as they had been created some 80 years earlier by U.S. Treaties for them. Descendants of the Griswold Colony who were still located nearby built the Bradley Indian Mission. The former Episcopal band had long become Methodist, also a by product of the U.S. government to government relations during treaty years.

A second Methodist Mission for the Grand River Ottawa from Noon-Day's Colony was created some 10 miles to the west in Salem Township in 1921 under the leadership of Lewis Medawis, Grand son of Muck-taywoo-shay, from the Ottawa Colony. Today the name is spelled Medaywis. It translated to Blackskin. He was the leading War Chief of the Grand River Ottawa and an ally of Noon Day and Saginaw and Penasee. The membership of this mission is also made up of former Griswold Colony members but is characterized by it's majority of members from the Ottawa Colony and Old Wing Colony Bands of Grand River who joined Griswold when their Colonies failed.

In 1939 both of these communities were enumerated in the Holst Report which determined they were the "Pottawatomi of Bradley". Apparently by this time the Trust land, the Compact of June 5, 1838, the promised treaties, and the suspension of permanent annuities were totally forgotten, or well buried by the Bureau of Indian Affairs. The BIA investigators visited Silas Bush at Bradley who had just purchased 80 acres and "Church (grand son of Chief Medawis and my father) who has a fine forty. Lewis Medawis assumed leadership of the band as a Mission Pastor after the death of D.K. Foster. From 1903 until 1992 Gun Lake Band Community leaders have been Mission Pastors who were grand River Band Indians.

Our Tribe tried to organize under the IRA after 1934 but since we could not prove we had still had land from a treaty held in trust, our application was put on hold. The Nonintercourse violation by the State of Michigan has cost us dearly. The Tribe considered Court action again but had not had much success in state Courts and this idea was put to rest.

In 1948 the Grand River Band in Allegan County, now known as the Indians of Allegan and Ottawa Counties, an unincorporated body, and the direct descendants of the Griswold Colony under the McCoskry Trust, attempted to have their fate decided by the Indian Claims Commission. Lewis Church was the elected Chairman of the Allegan and Ottawa County Indians as the second century of the Griswold Colony unfolded. To their chagrin by 1957 much of their legal claim and Grand River Ottawa judgment funds were awarded to others. The Grand River Band of Allegan County, the only Indians who remained near the reservation trust land and in their homeland, had joined with the Northern Michigan Ottawa Association (NMOA) in hopes of achieving justice. They were however numerically unable to out vote other NMOA representatives in the NMOA decision making and claims distribution process which was dominated by Northern Ottawa with Grand River Band ancestry.

When claims of the Allegan County Indians (Saginaw's Band of Pottawatomi and their descendants) were not included in the Grand River Ottawa judgment by the courts, the right to intervene for these funds was left to the Pottawatomi of southwestern Michigan. Their right to intervene was made possible by both court decisions and the BIA. By this time it was evident to everyone that we had become historically lost. We weren't exactly a Pottawatomi Tribe; nor and Ottawa Tribe. The Gun Lake Band of Grand River Ottawa (Saginaw's Pottawatomi) had been by passed for what seemed to be a final time. Today the BIA toys with the idea that we are a Huron Pottawatomi band that somehow wound up in Allegan County.

Both the Huron Potawatomi and the Pokagon Pottawatomi intervened in 1971 and the Ottawa membership at Griswold (in reality Saginaw's Pottawatomi and Detroit Ottawa who were administratively made Grand River Ottawa by the Compact of June 5, 1838) had now no choice but to sign up for annuities with either the Pokagon Pottawatomi or the Huron Potawatomi. The Allegan County Indians had become politically invisible. The Missions however continued to prosper, survive, and lead.

The Gun Lake Band Tribal community remained around the trust land and retained it's own leadership. Through it's Mission boards and committees it orchestrated it's community development, maintenance, and decision making. The leadership system of the Gun Lake Band might seem as though it operates in a time warp. It is as though the institution of the Missions planted in the Tribe by the U.S. Government in 1838 is still under the War Department. God works in mysterious ways.

In the 1950's Lewis Church sought additional training so he could become an Elder in the Methodist Church. He had to do so to retain leadership of the Mission by Indians. Today's Pastor is required to undergo much formal training and get an

an education. The criteris is stringent enough to threaten the leadership structure of the contemporary Gun Lake Band. When Lewis Church retired as Mission Pastor in 1992, there was no Indian to take his place.

In 1992 the Tribe reorganized and re-thought their leadership structure to prepare for the future. They did so because it's leadership body, the Mission Church, was no longer likely to be led by a Grand River Band Indian due to the increased formal training required by the Church to be a Pastor.

The Grand River Band Council of Elders took swift action. On April 18, 1992 the Tribe officially removed it's governing structure from the Methodist Mission. After a careful review of the Tribe's membership, noted community leaders, past chiefs, former Church Board members, a process to create a Tribal Government was discussed. After many months of meetings and organization, an Elder's Council was formed and empowered by the Church Board to act on behalf of the Tribe as it's last official Tribal governance act.

Once officially seated the Elder's Council held an election, created by-laws, and formed their own 501 (c) (3) state chartered, tax exempt, non-profit organization and named it the **United Nation of Chippewa Ottawa, and Pottawatomi Indians of Michigan, Inc.** Then the Tribe filed for Federal Acknowledgment as the Gun Lake Band of Grand River Ottawa, the only way the former warrior bands of the Three Fires Confederacy are remembered and can be followed in U.S. records to have our Tribe understood.

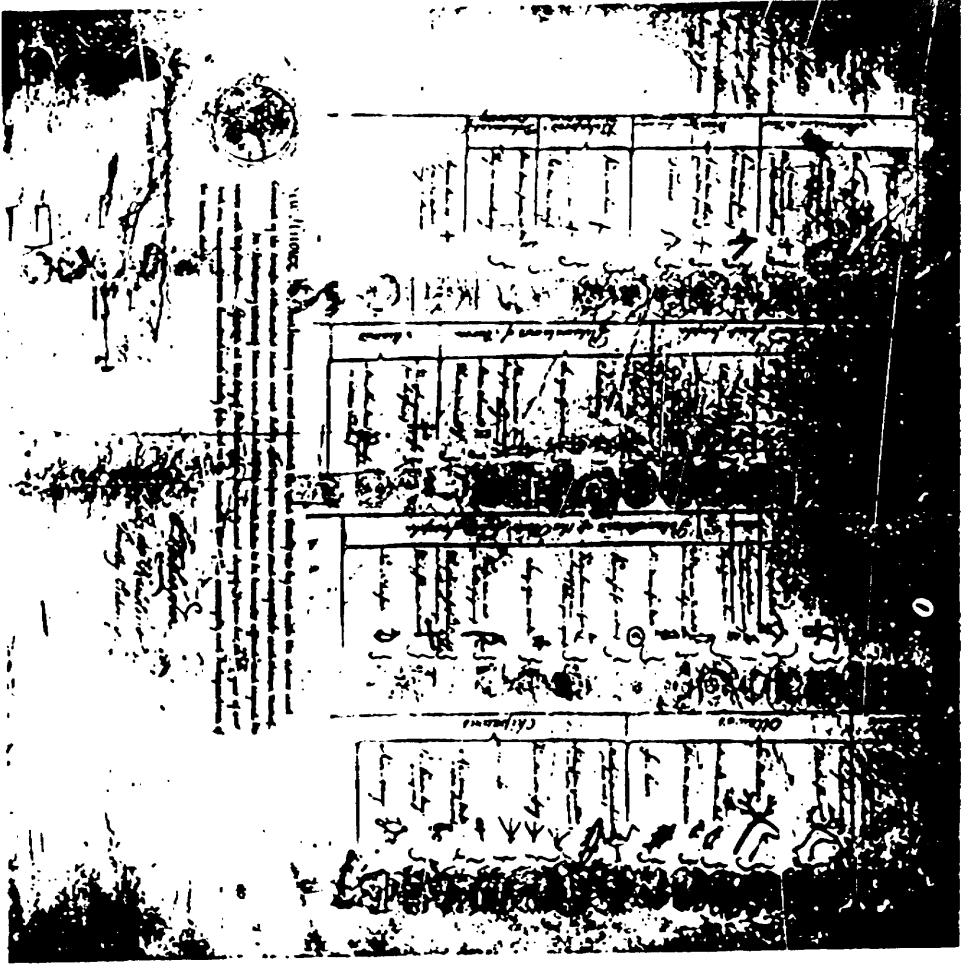
The Tribe now asks for assistance from the U.S. on behalf of the **Gun Lake Band of Grand Rikver Ottawa** to represent them against the State of Michigan which has violated the Non Intercourse Act and has illegally alienated the Tribe from it's reservation land.

On the following pages the Tribe has provided a sequential list of key documents proving who we are. Please enter these into the Congressional Record for us.

By William L. Church, Secretary of State,
Grand River Ottawa, Griswold Colony
descendant, and Tribal Historian.

And,

Mr. D. K. Sprague, Gun Lake Band Elder's
Council Chairman (Tribal Chairman)
Griswold Colony Desceadant



OUR CHIEF SIGNED THE 1795 TREATY OF GREENVILLE

BEST AVAILABLE COPY

of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five.

Anthony Wayne,	(L. S.)	Weymegwas, his x mark,	(L. S.)
Wyandots:		Giobnaatick, his x mark,	(L. S.)
Tarhe, or Crane, his x mark,	(L. S.)	Ottawa:	
J. Williams, jun. his x mark,	(L. S.)	Chegonickka, (an Ottawa from	(L. S.)
Teyyaghtaw, his x mark,	(L. S.)	Sandusky,) his x mark,	(L. S.)
Haronyou, or half king's son,	(L. S.)	Pattawatimas of the river St.	
his x mark,	(L. S.)	Joseph:	
Tehaawtorens, his x mark,	(L. S.)	Thupenebu, his x mark,	(L. S.)
Awmeyeray, his x mark,	(L. S.)	Nawac, (for himself and brother	
Stayetah, his x mark,	(L. S.)	Etsimethe,) his x mark,	(L. S.)
Shateyyaronyah, or Leather Lips,	(L. S.)	Nenansaka, his x mark,	(L. S.)
his x mark,	(L. S.)	Keemas, or Run, his x mark,	(L. S.)
Daughshuttayah, his x mark,	(L. S.)	Kabamaaw, (for himself and	
Shaawrunthe, his x mark,	(L. S.)	brother Chlaugan,) his x	
Delawares:		mark,	(L. S.)
Tetabokahke, or Grand Glaise		Sogganunk, his x mark,	(L. S.)
King, his x mark,	(L. S.)	Wapmeme, or White Pigeon,	
Lemantanquis, or Black King,	(L. S.)	his x mark,	(L. S.)
his x mark,	(L. S.)	Wacheners, (for himself and	
Wabathoe, his x mark,	(L. S.)	brother Pedagoghok,) his x	
Magpiway, or Red Feather, his	(L. S.)	mark,	(L. S.)
x mark,	(L. S.)	Wabshicawnaw, his x mark,	(L. S.)
Kikthawenund, or Anderson, his	(L. S.)	La Chasse, his x mark,	(L. S.)
x mark,	(L. S.)	Meehegethenogh, (for himself and	
Bukongehelas, his x mark,	(L. S.)	brother Wawaasek,) his x mark,	(L. S.)
Peekeelund, his x mark,	(L. S.)	Hingowash, his x mark,	(L. S.)
Wellebawkeelund, his x mark,	(L. S.)	Anewasaw, his x mark,	(L. S.)
Peeketelemund, or Thomas Ad-	(L. S.)	Nawbodgh, his x mark,	(L. S.)
ams, his x mark,	(L. S.)	Miamogomaw, his x mark,	(L. S.)
Kishkopekund, or Captain Buf-	(L. S.)	Waweegshe, his x mark,	(L. S.)
falo, his x mark,	(L. S.)	Thawne, or Le Blanc, his x mark,	(L. S.)
Amenabehan, or Captain Crow,	(L. S.)	Geoque, (for himself and brother	
his x mark,	(L. S.)	Shewinae,) his x mark,	(L. S.)
Quashawkeey, or George Washing-	(L. S.)	Pattawatimas of Huron	
ton, his x mark,	(L. S.)	Okis, his x mark,	(L. S.)
Weywinquis, or Billy Sixomb,	(L. S.)	Chamung, his x mark,	(L. S.)
his x mark,	(L. S.)	Sergawan, his x mark,	(L. S.)
Moses, his x mark,	(L. S.)	Nanawme, (for himself and brother	
Shawanees:		A. Gio,) his x mark,	(L. S.)
Misquaconacaw, or Red Pole,	(L. S.)	Marchand, his x mark,	(L. S.)
his x mark,	(L. S.)	Wenameac, his x mark,	(L. S.)
Cutthewekasaw, or Black Hoof,	(L. S.)	Miamis:	
his x mark,	(L. S.)	Nagohquangogh, or Le Gris, his x	
Kaysewasekah, his x mark,	(L. S.)	mark,	(L. S.)
Weythapamattha, his x mark,	(L. S.)	Meehekunpoghquoh, or Little	
Nianymaeka, his x mark,	(L. S.)	Turtle, his x mark,	(L. S.)
Waytheah, or Long Shanks, his	(L. S.)	Miamis and Eel Rivers:	
x mark,	(L. S.)	Peejeewa, or Richard Ville, his x	
Weyapiersenwaw, or Blue Jacket,	(L. S.)	mark,	(L. S.)
his x mark,	(L. S.)	Cochkepoghtogh, his x mark,	(L. S.)
Nequetanghaw, his x mark,	(L. S.)	Eel River Tribe:	
Hahgooseekaw, or Captain Reed,	(L. S.)	Shamekunness, or Soldier, his x	
his x mark,	(L. S.)	mark,	(L. S.)
Ottawas:		Miamis:	
Augooshaway, his x mark,	(L. S.)	Wapamangwa, or the White Loon,	
Keenoshainceek, his x mark,	(L. S.)	his x mark,	(L. S.)
La Malice, his x mark,	(L. S.)	Weas, for themselves and the	
Machiwetah, his x mark,	(L. S.)	Piankeeshaws:	
Thowonawa, his x mark,	(L. S.)	Aracunca, or Little Beaver, his x	
Secaw, his x mark,	(L. S.)	mark,	(L. S.)
Chippewas:		Acoolatha, or Little Fox, his x	
Mashipinaahiwish, or Bad Bird,	(L. S.)	mark,	(L. S.)
his x mark,	(L. S.)	Francis, his x mark,	(L. S.)
Nahshogashhe, (from Lake Super-	(L. S.)	Kickapoos and Kaskaskias:	
rior,) his x mark,	(L. S.)	Kesawahah, his x mark,	(L. S.)
Kathawasung, his x mark,	(L. S.)	Nearighka, or Josey Renard, his x	
Maasae, his x mark,	(L. S.)	mark,	(L. S.)
Neunekam, or Little Thunder,	(L. S.)	Paikkeenogh, his x mark,	(L. S.)
his x mark,	(L. S.)	Delawares of Sandusky:	
Peshawkay, or Young Ox, his x	(L. S.)	Hawkinpunniska, his x mark,	(L. S.)
mark,	(L. S.)	Peyamawksee, his x mark,	(L. S.)
Nanguay, his x mark,	(L. S.)	Reyntueco, (of the Six Nations, liv-	
Meenedohgeenogh, his x mark,	(L. S.)	ing at Sandusky,) his x mark,	(L. S.)
Peewanshemengh, his x mark,	(L. S.)		

their property, as shall be duly licensed to reside among them for the purpose of trade, and to their agents and servants; but no person shall be permitted to reside at any of their towns or hunting camps as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent of the department north-west of the Ohio, or such other person as the President of the United States shall authorize to grant such licenses; to the end, that the said Indians may not be imposed on in their trade. And if any licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a trader, without such license, the said Indians shall take and bring him before the superintendent or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall at least once a year give information to the superintendent or his deputies, of the names of the traders residing among them.

ARTICLE IX.

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States, and the said Indian tribes agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured, to the other: By the said Indian tribes, or any of them, to the President of the United States, or the superintendent by him appointed; and by the superintendent or other person appointed by the President, to the principal chiefs of the said Indian tribes, or of the tribe to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the Legislature (or Great Council) of the United States, shall make other equitable provision in the case, to the satisfaction of both parties. Should any Indian tribes meditate a war against the United States or either of them, and the same shall come to the knowledge of the before-mentioned tribes, or either of them, they do hereby engage to give immediate notice thereof to the general or officer commanding the troops of the United States, at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt, to the general or officer commanding, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner the United States shall give notice to the said Indian tribes of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

Retaliation restrained.

Indians to give notice of designs against United States.

ARTICLE X.

All other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease and become void.

Former treaties void.

In testimony whereof, the said Anthony Wayne, and the sachems and war chiefs of the beforementioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the territory of the United States northwest

in the United States, where they shall be procured. The tribes to which those goods are to be annually delivered, and the proportions in which they are to be delivered, are the following.

1st. To the Wyandots, the amount of one thousand dollars. 2d. To the Delawares, the amount of one thousand dollars. 3d. To the Shawanese, the amount of one thousand dollars. 4th. To the Mianis, the amount of one thousand dollars. 5th. To the Ottawas, the amount of one thousand dollars. 6th. To the Chippewas, the amount of one thousand dollars. 7th. To the Putawatimes, the amount of one thousand dollars. 8th. And to the Kickapoo, Weea, Eel-river, Piankashaw and Kaskaskias tribes, the amount of five hundred dollars each.

Provided.

That if either of the said tribes shall hereafter at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall at the subsequent annual deliveries be furnished accordingly.

ARTICLE V.

Indians have right to hunt on lands relinquished by United States, etc.

To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States and no other power whatever.

ARTICLE VI.

Indians may expel settlers from their lands.

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit; and because such settlements made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein before stipulated.

ARTICLE VII.

Indians may hunt on lands ceded to United States.

The said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

ARTICLE VIII.

Trade to be opened with the Indians.

Trade shall be opened with the said Indian tribes; and they do hereby respectively engage to afford protection to such persons, with

piece six miles square at the old Piorias fort and village, near the south end of the Illinois lake on said Illinois river: And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned; that is to say, from the commencement of the portage aforesaid at or near Loromie's store, thence along said portage to the St. Mary's, and down the same to Fort Wayne, and then down the Miami to lake Erie: again from the commencement of the portage at or near Loromie's store along the portage from thence to the river Au-Glaize, and down the same to its junction with the Miami at Fort Defiance: again from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake: and from thence to Detroit. Again from the mouth of Chicago, to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi, also from Fort Wayne along the portage aforesaid which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States the free use of the harbors and mouths of rivers along the lakes adjoining the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes where necessary for their safety.

Cession of passages in certain places by the Indians.

ARTICLE IV.

In consideration of the peace now established and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual; the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great-Britain, in the treaty of peace made between them in the year 1783. But from this relinquishment by the United States, the following tracts of land, are explicitly excepted. 1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished as mentioned in the 3d article; and 4th. The post of fort Massac towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

Relinquishment of certain lands by United States.

Exceptions.

And for the same considerations and with the same views as above mentioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge; and henceforward every year forever the United States will deliver at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of nine thousand five hundred dollars; reckoning that value at the first cost of the goods in the city or place

Annual allowance to be made to the Indians.

that and the Tuscarawas branch of the Muskinguni; thence down that branch to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the great Miami river running into the Ohio, at or near which fork stood Loromie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; then south-westerly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucks or Cuttawa river. And in consideration of the peace now established; of the goods formerly received from the United States; of those now to be delivered, and of the yearly delivery of goods now stipulated to be made hereafter, and to indemnify the United States for the injuries and expenses they have sustained during the war; the said Indians tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes or any of them, of war or injury to the United States, or any of the people thereof.

Cession of particular tracts of land by the Indians.

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land; to-wit. (1.) One piece of land six miles square at or near Loromie's store before mentioned. (2.) One piece two miles square at the head of the navigable water or landing on the St. Mary's river, near Girty's town. (3.) One piece six miles square at the head of the navigable water of the Au-Glaize river. (4.) One piece six miles square at the confluence of the Au-Glaize and Miami rivers, where Fort Defiance now stands. (5.) One piece six miles square at or near the confluence of the rivers St. Mary's and St. Joseph's, where Fort Wayne now stands, or near it. (6.) One piece two miles square on the Wabash river at the end of the portage from the Miami of the lake, and about eight miles westward from Fort Wayne. (7.) One piece six miles square at the Ouatanon or old Wees towns on the Wabash river. (8.) One piece twelve miles square at the British fort on the Miami of the lake at the foot of the rapids. (9.) One piece six miles square at the mouth of the said river where it empties into the Lake. (10.) One piece six miles square upon Sandusky lake, where a fort formerly stood. (11.) One piece two miles square at the lower rapids of Sandusky river. (12.) The post of Detroit and all the land to the north, the west and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine on the south, lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of lake Erie, and Detroit river. (13.) The post of Michillimackinac, and all the land on the island, on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measure six miles on lake Huron, or the strait between lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait, and also the island De Bois Blanc, being an extra and voluntary gift of the Chipewa nation. (14.) One piece of land six miles square at the mouth of Chikago river, emptying into the south-west end of Lake Michigan, where a fort formerly stood. (15.) One piece twelve miles square at or near the mouth of the Illinois river, emptying into the Mississippi. (16.) One

TREATY WITH THE WYANDOT, ETC., 1795.

Turtle Tribe:	Tuscaroras:
Shonoblevo, war chief, his x mark, [L. S.]	Theulondauwaygon, sachem, his x mark, [L. S.]
Peter Konnauterlook, sachem, his x mark, [L. S.]	Kanatjogh, or Nicholas Cusick, war chief, his x mark, [L. S.]
Daniel Teouneslee, son of Skenendo, war chief, his x mark, [L. S.]	

Witnesses to the signing and sealing of the agent of the United States, and of the chiefs of the Oneida and Tuscarora nations:

S. Kirkland,
James Dean, Interpreter.

Witnesses to the signing and sealing of the four chiefs of the Stockbridge Indians, whose names are below:

Saml. Kirkland,
John Sergeant.
Stockbridge Indians:

Hendrick Aupaumut,	[L. S.]
Joseph Quonney,	[L. S.]
John Konkapt,	[L. S.]
Jacob Konkapt,	[L. S.]

TREATY WITH THE WYANDOT, ETC., 1795.

A treaty of peace between the United States of America and the Tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawaes, Chipeans, Putawatines, Miamis, Ed-river, Weas's, Kickapoo's, Piankashaw's, and Kaskaskias.

Aug. 8, 1795.
1 Stat., 49.
Proclamation, Dec. 2, 1795.

To put an end to a destructive war, to settle all controversies, and to restore harmony and a friendly intercourse between the said United States, and Indian tribes; Anthony Wayne, major-general, commanding the army of the United States, and sole commissioner for the good purposes above-mentioned, and the said tribes of Indians, by their Sachems, chiefs, and warriors, met together at Greenville, the head quarters of the said army, have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the said Indian tribes.

ARTICLE I.

Henceforth all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place between the said United States and Indian tribes.

Peace established.

ARTICLE II.

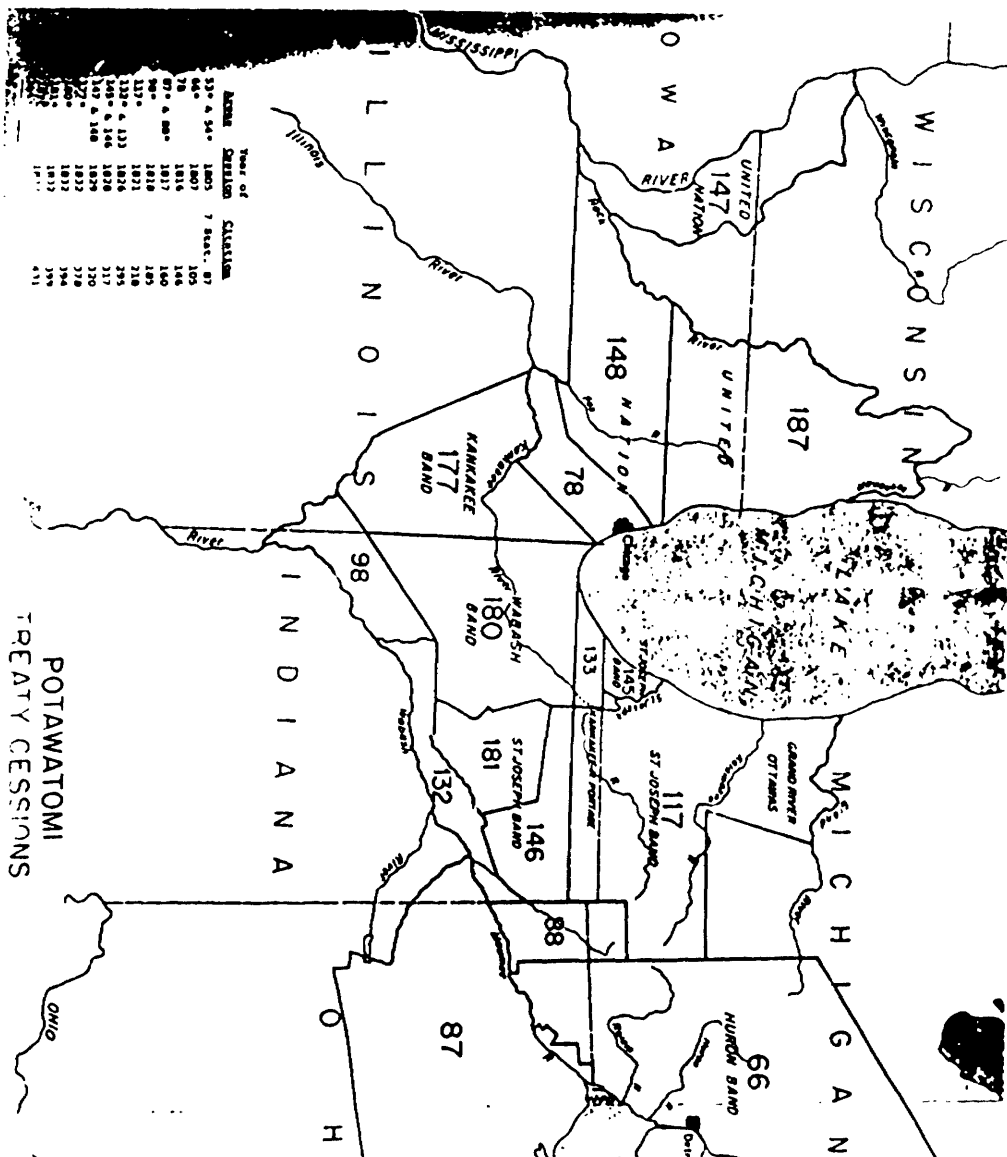
All prisoners shall on both sides be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof, to the general or commanding officer at Greenville, Fort Wayne or Fort Defiance; and ten chiefs of the said tribes shall remain at Greenville as hostages, until the delivery of the prisoners shall be effected.

Prisoners on both sides to be restored.

ARTICLE III.

The general boundary line between the lands of the United States, and the lands of the said Indian tribes, shall begin at the mouth of Cayahoga river, and run thence up the same to the portage between

Boundary line established.



INDIAN CLAIMS COMMISSION AND COURTS RULED THAT GRAND RIVER OTTAWA HAD LEGITIMATE CLAIM TO LANDS BELOW GRAND RIVER TODAY'S GUN LAKE BAND STILL LIVES IN THIS REGION-OUR HOMELAND

OUR CHIEF SIGNED THE 1807 TREATY-COURTS HAVE RULED THAT ONLY THOSE WHO WERE PRIMARY PARTIES TO 1795 GREENVILLE TREATY COULD SHARE IN 1807 TREATY-NAME SPELLED "SAGAMAW" THIS TIME.

TREATY WITH THE OTTAWA, ETC., 1807.

Nov. 17, 1807.
 1 Stat. 101
 Proclamation, Jan.
 7, 1808

Articles of a treaty made at Detroit, this seventeenth day of November, in the year of our Lord, one thousand eight hundred and seven, by William Hull, governor of the territory of Michigan, and superintendent of Indian affairs, and sole commissioner of the United States, to conclude and sign a treaty or treaties, with the several nations of Indians, north west of the river Ohio, on the one part, and the sachems, chiefs, and warriors of the Ottawa, Chippeway, Wyandotte, and Pottawatamie nations of Indians, on the other part. To confirm and perpetuate the friendship, which happily subsists between the United States and the nations aforesaid, to manifest the sincerity of that friendship, and to settle arrangements mutually beneficial to the

parties; after a full explanation and perfect understanding, the following articles are agreed to, which, when ratified by the President, by and with the advice and consent of the Senate of the United States, shall be binding on them, and the respective nations of Indians.

ARTICLE I. The sachems, chiefs, and warriors of the nations aforesaid, in consideration of money and goods, to be paid to the said nations, by the government of the United States as hereafter stipulated; do hereby agree to cede and forever quit claim, and do in behalf of their nations hereby cede, relinquish, and forever quit claim, unto the said United States, all right, title, and interest, which the said nations now have, or claim, or ever had, or claimed, in, or unto, the lands comprehended within the following described lines and boundaries: Beginning at the mouth of the Miami river of the lakes, and running thence up the middle thereof, to the mouth of the great Au Glaize river, thence running due north, until it intersects a parallel of latitude, to be drawn from the outlet of lake Huron, which forms the river Sinclair; thence running north east the course, that may be found, will lead in a direct line, to White Rock, in lake Huron, thence due east, until it intersects the boundary line between the United States and Upper Canada, in said lake, thence southwardly, following the said boundary line, down said lake, through river Sinclair, lake St. Clair, and the river Detroit, into lake Erie, to a point due east of the aforesaid Miami river, thence west to the place of beginning.

ART. II. It is hereby stipulated and agreed on the part of the United States, as a consideration for the lands, ceded by the nations aforesaid, in the preceding article, that there shall be paid to the said nations, at Detroit, ten thousand dollars, in money, goods, implements of husbandry, or domestic animals, (at the option of the said nations, seasonably signified, through the superintendent of Indian affairs, residing with the said nations, to the department of war,) as soon as practicable, after the ratification of the treaty, by the President, with the advice and consent of the Senate of the United States; of this sum, three thousand three hundred and thirty three dollars thirty three cents and four mills, shall be paid to the Ottoway nation, three thousand three hundred and thirty three dollars thirty three cents and four mills, to the Chippeway nation, one thousand six hundred sixty six dollars sixty six cents and six mills, to the Wyandotte nation, one thousand six hundred sixty six dollars sixty six cents and six mills, to the Pottawatamie nation, and likewise an annuity forever, of two thousand four hundred dollars, to be paid at Detroit, in manner as aforesaid: the first payment to be made on the first day of September next, and to be paid to the different nations, in the following proportions: eight hundred dollars to the Ottoways, eight hundred dollars to the Chippeways, four hundred dollars to the Wyandottes, and four hundred dollars to such of the Pottawatamies, as now reside on the river Huron of lake Erie, the river Raisin, and in the vicinity of the said rivers.

ART. III. It is further stipulated and agreed, if at any time hereafter, the said nations should be of the opinion, that it would be more for their interest, that the annuity aforesaid should be paid by instalments, the United States will agree to a reasonable commutation for the annuity, and pay it accordingly.

ART. IV. The United States, to manifest their liberality, and disposition to encourage the said Indians, in agriculture, further stipulate, to furnish the said Indians with two *blacksmiths*, one to reside with the Chippeways, at Saguina, and the other to reside with the Ottoways, at the Miami, during the term of ten years; said blacksmiths are to do such work for the said nations as shall be most useful to them.

ART. V. It is further agreed and stipulated, that the said Indian nations shall enjoy the privilege of hunting and fishing on the lands

Consideration.

Cession.

Boundaries.

How the consideration is to be apportioned and paid

United States will agree to a reasonable commutation for the annuity, &c.

United States to supply the Indians with blacksmiths.

Indians to have the privilege of hunting, &c., on lands ceded.

ceded as aforesaid, as long as they remain the property of the United States.

Reservations.

ART. VI. It is distinctly to be understood, for the accommodation of the said Indians, that the following tracts of land within the cession aforesaid, shall be, and hereby are reserved to the said Indian nations, one tract of land six miles square, on the Miami of lake Erie, above *Rocbe de Boeuf*, to include the village, where *Tondaganis*, (or the Dog) now lives. Also, three miles square on the said river, (above the twelve miles square ceded to the United States by the treaty of Greenville) including what is called *Presque Isle*; also four miles square on the Miami bay, including the villages where *Mashkenu* and *Waugau* now live; also, three miles square on the river *Raisin*, at a place called *Macon*, and where the river *Macon* falls into the river *Raisin*, which place is about fourteen miles from the mouth of said river *Raisin*; also, two sections of one mile square each, on the river *Rouge*, at *Saginsioin's* village; also two sections of one mile square each, at *Tonquish's* village, near the river *Rouge*; also three miles square on lake St. Clair, above the river Huron, to include *Machonod's* village; also, six sections, each section containing one mile square, within the cession aforesaid, in such situations as the said Indians shall elect, subject, however, to the approbation of the President of the United States, as to the places of location. It is further understood and agreed, that whenever the reservations cannot conveniently be laid out in squares, they shall be laid out in *parallelograms*, or other figures, as found most practicable and convenient, so as to contain the area specified in miles, and in all cases they are to be located in such manner, and in such situations, as not to interfere with any improvements of the French or other white people, or any former cessions.

Indians acknowledge the protection of the United States.

ART. VII. The said nations of Indians acknowledge themselves to be under the protection of the United States, and no other power, and will prove by their conduct that that are worthy of so great a blessing.

In testimony whereof, the said William Hull, and the sachems and war chiefs representing the said nations, have hereunto set their hands and seals.

Done at Detroit, in the territory of Michigan, the day and year first above written.

William Hull,	(l. a.)	Tonquish, his x mark,	(l. a.)
Chippewas:		Miott, his x mark,	(l. a.)
Peewanshemengh, his x mark,	(l. a.)	Meetugesheck, or the Little Cedar,	(l. a.)
Mamansheganta, or Bad Legs, his x mark,	(l. a.)	his x mark,	(l. a.)
Pooquiganboswie, his x mark,	(l. a.)	Ottawas:	
Kiosk, his x mark,	(l. a.)	Aubauway, his x mark,	(l. a.)
Poquaquet, or the Ball, his x mark,	(l. a.)	Kawachewan, his x mark,	(l. a.)
Segangewan, his x mark,	(l. a.)	Sawgamaw, his x mark,	(l. a.)
Quitcheonequit, or Big Cloud, his x mark,	(l. a.)	Ojose, his x mark,	(l. a.)
Quiconquisb, his x mark,	(l. a.)	Wamagahick, his x mark,	(l. a.)
Puckeneze, or the Spark of Fire, his x mark,	(l. a.)	Pattawattimas:	
Negig, or the Otter, his x mark,	(l. a.)	Toquish, his x mark,	(l. a.)
Measita, his x mark,	(l. a.)	Noname, his x mark,	(l. a.)
Macquettequet, or Little Bear, his x mark,	(l. a.)	Nawame, his x mark,	(l. a.)
Nemekaa, or Little Thunder, his x mark,	(l. a.)	Ninnewa, his x mark,	(l. a.)
Sawanabense, or Pechegabus, or Grand Blanc, his x mark,	(l. a.)	Skrush, his x mark,	(l. a.)
		Wyandots:	
		Skahomet, his x mark,	(l. a.)
		Miera, or Walk in the Water, his x mark,	(l. a.)
		Iyonayotha, his x mark,	(l. a.)

In presence of—

George McDougall, chief judge court D. H. and D.

C. Rush, attorney general.

Jacob Visger, associate judge of the D. court.

Jos. Watson, secretary to the legislature of Michigan.

Abijah Hull, surveyor for Michigan Territory.

OUR MAIN WAR CHIEF WHO WOULD HAVE BEEN 26 YEARS OLD, PENASEE, SIGNED THE 1815 PEACE TREATY. OUR OLD CHIEF, SAGINAW, WAS AT GREEN BAY AT THE TIME AND RECEIVED NEWS OF THE TREATY TOO LATE TO SIGN. HE BROUGHT THE PIPE TO MICHIGAN TO SMOKE WITH GRAND RIVERS AND POTTAWATOMI TO INSURE THEIR COMPLIANCE.

TREATY WITH THE WYANDOT, ETC., 1815.

A Treaty between the United States of America and the Wyandot, Delaware, Seneca, Shawanoe, Miami, Chippewa, Ottawa, and Potawatimie Tribes of Indians, residing within the limits of the State of Ohio, and the Territories of Indiana and Michigan.

Sent. A. 1815.
7 Stat. 331.
Ratified Dec. 26, 1815.

WHEREAS the Chippewa, Ottawa, and Potawatimie, tribes of Indians, together with certain bands of the Wyandot, Delaware, Seneca, Shawanoe, and Miami tribes, were associated with Great Britain in the late war between the United States and that power, and have manifested a disposition to be restored to the relations of peace and amity with the said States; and the President of the United States having appointed William Henry Harrison, late a Major General in the service of the United States, Duncan M'Arthur, late a Brigadier in the service of the United States, and John Graham, Esquire, as Commissioners to treat with the said tribes; the said Commissioners and the Sachems, Headmen, and Warriors, of said tribes having met in Council at the Spring Wells, near the city of Detroit, have agreed to the following Articles, which, when ratified by the President, by and with the advice and consent of the Senate of the United States, shall be binding on them and the said tribes:

ARTICLE 1. The United States give peace to the Chippewa, Ottawa, and Potawatimie, tribes.

Peace given to certain tribes.

Said tribes restored to the pacific relations of 1811.

ART. 2. They also agree to restore to the said Chippewa, Ottawa, and Potawatimie tribes all the possessions, rights, and privileges, which they enjoyed, or were entitled to, in the year one thousand eight hundred and eleven, prior to the commencement of the late war with Great Britain; and the said tribes, upon their part, agree again to place themselves under the protection of the United States, and of no other power whatsoever.

United States pardon the hostilities of the Wyandots, Delaware, etc.

ART. 3. In consideration of the fidelity to the United States which has been manifested by the Wyandot, Delaware, Seneca, and Shawanoe, tribes, throughout the late war, and of the repentance of the Miami tribe, as manifested by placing themselves under the protection of the United States, by the treaty of Greenville, in eighteen hundred and fourteen, the said States agree to pardon such of the chiefs and warriors of said tribes as may have continued hostilities against them until the close of the war with Great Britain, and to permit the chiefs of their respective tribes to restore them to the stations and property which they held previously to the war.

Treaty of Greenville, etc. ratified and confirmed.

ART. 4. The United States and the beforementioned tribes or nations of Indians, that is to say, the Wyandot, Delaware, Seneca, Shawanoe, Miami, Chippewa, Ottawa, and Potawatimies, agree to renew and confirm the treaty of Greenville, made in the year one thousand seven hundred and ninety-five, and all subsequent treaties to which they were, respectively, parties, and the same are hereby again ratified and confirmed in as full a manner as if they were inserted in this treaty.

Done at Spring Wells, the eighth day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States, the fortieth.

In testimony whereof, they, the said commissioners, and the sachems, head men and warriors of the different tribes, have hereunto set their hands, and affixed their seals.

William Henry Harrison,	[L. a.]	Onquogesh, or ugly fellow, his x	[L. a.]
Duncan McArthur,	[L. a.]	mark,	[L. a.]
John Graham,	[L. a.]	Menitugawboway, or the devil	[L. a.]
Wyandot chiefs:		standing, his x mark,	[L. a.]
Tarhee, or the crane, his x mark,	[L. a.]	Kelyston, or first actor, his x mark,	[L. a.]
Harrouyeou, or Cherokee boy, his	[L. a.]	Ottawas from Mackinack:	
x mark,	[L. a.]	Kemenechagon, or the bastard, his	[L. a.]
Banohske, or long house, his x	[L. a.]	x mark,	[L. a.]
mark,	[L. a.]	Karbenoquane, or the one who went	[L. a.]
Outoctutimoh, or cub, his x mark,	[L. a.]	in front, his x mark,	[L. a.]
Myecruh, or walk in the water, his	[L. a.]	Ottawa from Grand River:	
x mark,	[L. a.]	Meebeques, his x mark,	[L. a.]
Tyanumka, his x mark,	[L. a.]	A Winnebago from Mackinack:	
Mymehamkee, or Barnett, his x	[L. a.]	Wamschum, or first to start the	[L. a.]
mark,	[L. a.]	whites, his x mark,	[L. a.]
Shawanoe chiefs:		Chippewa chiefs:	
Cutawekeshah, or black hoof, his	[L. a.]	Papnescha, or turn round about, his	[L. a.]
x mark,	[L. a.]	x mark,	[L. a.]
Nutsheway, or wolf's brother, his	[L. a.]	Nowgeschick, or twelve o'clock, his	[L. a.]
x mark,	[L. a.]	x mark,	[L. a.]
Tamenatha, or butler, his x mark,	[L. a.]	Shamanetoo, or God Almighty, his	[L. a.]
Shemenetoo, or big snake, his x	[L. a.]	x mark,	[L. a.]
mark,	[L. a.]	Wissenesuh, his x mark,	[L. a.]
Outhowwaheahegath, or yellow	[L. a.]	Cacheonquet, or big cloud, his x	[L. a.]
plume, his x mark,	[L. a.]	mark,	[L. a.]
Quatawweppay, or capt. Lewis, his	[L. a.]	Pasheskiakquashcuu,	[L. a.]
x mark,	[L. a.]	Menactome, or the little fly, his x	[L. a.]
Mishquathree, or capt. Reid, his x	[L. a.]	mark,	[L. a.]
mark,	[L. a.]	Enewame, or crow, his x mark,	[L. a.]
Tecumtequah, his x mark,	[L. a.]	Nauaquoto, his x mark,	[L. a.]
Ottawa chiefs:		Paanasee, or the bird, his x mark,	[L. a.]
Tontegenah, or the dog, his x mark,	[L. a.]	Delaware chiefs:	
Tashcuynon, or McArthur, his x	[L. a.]	Toctowayning, or Anderson, his x	[L. a.]
mark,	[L. a.]	mark,	[L. a.]
Okemaa, or little chief, his x mark,	[L. a.]	Lamahtanquez, his x mark,	[L. a.]
Nashkemah, his x mark,	[L. a.]	Mataboopen, his x mark,	[L. a.]
Wataahnewah, his x mark,	[L. a.]	Ashpepan, or the buck, his x mark,	[L. a.]

TREATY WITH THE OSAGE, 1815.

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Jim Killbuck, his x mark,	[L. s.]	Kaitchaynee, his x mark,	[L. s.]
Captain Beaver, his x mark,	[L. s.]	Waymeego, or W. H. Harrison, his	[L. s.]
McDonald, his x mark,	[L. s.]	x mark,	[L. s.]
Seneca chiefs:		Louison, his x mark,	[L. s.]
Tahumindoyah, or between	[L. s.]	Oseouskeebec, his x mark,	[L. s.]
words, his x mark,	[L. s.]	Miami chiefs:	
Yonundankvkeurent, or John	[L. s.]	Pacan, his x mark,	[L. s.]
Harris, his x mark,	[L. s.]	Singomesha, or the owl, his x mark,	[L. s.]
Masomea, or Civil John, his x mark,	[L. s.]	Totanas, or the butterfly, his x	[L. s.]
Saceorawahyah, or wiping stick,	[L. s.]	mark,	[L. s.]
his x mark,	[L. s.]	Osage, or the neutral, his x mark,	[L. s.]
Potawatimie chiefs:		Wabsioug, or the white skin, his	[L. s.]
Topeneebee, his x mark,	[L. s.]	x mark,	[L. s.]
Noungceasi, or five medale, his x	[L. s.]	Wapaasabins, or white racoon, his	[L. s.]
mark,	[L. s.]	x mark,	[L. s.]
Naynauaweehaw, his x mark,	[L. s.]	Otteutaqua, or a blower of his	[L. s.]
Joeonce, his x mark,	[L. s.]	breath, his x mark,	[L. s.]
Cocneg, his x mark,	[L. s.]	Makatasabins, or black racoon, his	[L. s.]
Ohshawkeebee, his x mark,	[L. s.]	x mark,	[L. s.]
Waineamaygoas, his x mark,	[L. s.]	Wapesheas, or white appearance in	[L. s.]
Meekawahyah, his x mark,	[L. s.]	the water, his x mark,	[L. s.]
Mongaw, his x mark,	[L. s.]	Motoamea, or Indian, his x mark,	[L. s.]
Nawnawmee, his x mark,	[L. s.]	Shacanbe, his x mark,	[L. s.]
Chay Chauk, or the crane, his x	[L. s.]	Shequar, or the poor racoon, his x	[L. s.]
mark,	[L. s.]	mark,	[L. s.]
Wanaunsiskee, his x mark,	[L. s.]	Cartanquar, or the sky, his x mark,	[L. s.]
Pashapow, his x mark,	[L. s.]	Okemabensach, or the king bird,	[L. s.]
Houkemani, or the chief, his x	[L. s.]	his x mark,	[L. s.]
mark,	[L. s.]	Wapenasemo, or the collector of	[L. s.]
Neemcatimeneemay, his x mark,	[L. s.]	birds, his x mark,	[L. s.]
Pongceasals, his x mark,	[L. s.]	Medinnabee, or the setting stone,	[L. s.]
Nounnawkeskawaw, his x mark,	[L. s.]	his x mark,	[L. s.]
Chickawno, his x mark,	[L. s.]	Annawba, his x mark,	[L. s.]
Mittecay, his x mark,	[L. s.]	Masheposheewingqua, or tiger's	[L. s.]
Meeseceawee, his x mark,	[L. s.]	face, his x mark,	[L. s.]
Neepoabe, his x mark,	[L. s.]		

Signed in the presence of—

A. L. Langhan, secretary to the commis-
sion,
Lewis Cass,
James Miller, brig. general U. S. Army,
Willoughby Morgan, major U. S. Army,
A. B. Woodward,
Hy. B. Brevoort, late Major Forty-fifth
Infantry,
John Bidder, Captain U. S. Corps Artil-
lery,
James May, J. P.,
Peter Audrain, Reg. L. O. D.,
Jn. K. Walker, Wyandot Interpreter,

Francis Jansen,
James Riley, interpreter,
William King,
Francis Meaton,
John Kenia, interpreter,
F. Duchouquet, United States Inter-
preter, W.,
Louis Bufalt, Indian interpreter,
J. Bta. Chandonnal, interpreter,
W. Knappa,
Antoine Bondi,
Jean Bt. Massac, his x mark.

TREATY WITH THE OSAGE, 1815.

A treaty of peace and friendship, made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, Commissioners Plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part; and the undersigned King, Chiefs, and Warriors, of the Great and Little Osage Tribes or Nations, on the part and behalf of their said Tribes or Nations, of the other part.

Sept. 12, 1815.
Stat. 133
Ratified Dec. 26, 1815.

THE parties being desirous of re-establishing peace and friendship between the United States and the said tribes or nations, and of being placed in all things, and in every respect, on the same footing upon which they stood before the war, have agreed to the following articles:

ARTICLE 1. Every injury, or act of hostility, by one or either of the contracting parties against the other, shall be mutually forgiven and forgot.

Injuries, etc. not given.

WHEN ONE OF OUR GRISWOLD CHIEFS, KEWAYGOOSHUM, SIGNED THE 1821 TREATY, HE WAS HEAD CHIEF OF ALL THE GRAND RIVERS. AFTER HE SIGNED HE WAS REMOVED AND LATER KILLED FOR HIS PART IN THE SIGNING.

SAGINAW COULD HAVE SIGNED BUT DID NOT. ANOTHER OF OUR CHIEFS DID. THAT WAS MASHIPENASHIWISH "BAD BIRD (THE YOUNGER)". HE WAS PROVIDED A RESERVATION AT KALAMAZOO. SAGINAW WAS ALSO PROVIDED A RESERVATION AT HIS PLACE OF RESIDENCE ATTESTING TO HIS EMINENCE. THESE RESERVATIONS WERE CEDED IN 1827.

WE RECEIVED LITTLE OR NOTHING FOR CEDING THESE LANDS, EXCEPT THE 360 ACRES AT GRISWOLD (WAYLAND TOWNSHIP, ALLEGAN COUNTY) WHICH WAS ILLEGALLY TAKEN BY STATE COURT IN 1884. STATE DID NOT REALIZE OR IF IT DID IT CHOSE TO STRIP US OF THIS LAND. STATE OF MICHIGAN VIOLATED NONINTERCOURSE ACT.

TREATY WITH THE OTTAWA, ETC., 1821.

AUG. 29, 1821
7 Stat. 218
Proclamation No. 25, 1822

Articles of a treaty made and concluded at Chicago, in the State of Illinois, between Lewis Cass and Solomon Silley, Commissioners of the United States, and the Ottawa, Chippewa, and Pottawatamie Nations of Indians.

Cession of land
within the boundaries
described

ARTICLE I. The Ottawa, Chippewa, and Pottawatamie Nations of Indians cede to the United States all the Land comprehended within the following boundaries: Beginning at a point on the south bank of the river St. Joseph of Lake Michigan, near the Parc aux Vaches, due north from Rum's Village, and running thence south to a line drawn due east from the southern extreme of Lake Michigan, thence with the said line east to the Tract ceded by the Pottawatamies to the United States by the Treaty of Fort Meigs in 1817, if the said line should strike the said Tract, but if the said line should pass north of the said Tract, then such line shall be continued until it strikes the western boundary of the Tract ceded to the United States by the Treaty of Detroit in 1807, and from the termination of the said line, following the boundaries of former cessions, to the main branch of the Grand River of Lake Michigan, should any of the said lines cross the said

River, but if none of the said lines should cross the said River, then to a point due east of the source of the said main branch of the said river, and from such point due west to the source of the said principal branch, and from the crossing of the said River, or from the source thereof, as the case may be, down the said River, on the north bank thereof, to the mouth; thence following the shore of Lake Michigan to the south bank of the said river St. Joseph, at the mouth thereof, and thence with the said south bank to the place of beginning.

ART. 2. From the cession aforesaid, there shall be reserved, for the use of the Indians, the following Tracts: Reservations.

One tract at Mang-ach-qua Village, on the river Peble, of six miles square.

One tract at Mick-ke-saw-be, of six miles square.

One tract at the village of Na-to-wa-se-pe, of four miles square.

One tract at the village of Prairie Ronde, of three miles square.

One tract at the village of Match-e-be narb-she-wish, at the head of the Kekalamazoo river.

ART. 3. There shall be granted by the United States to each of the following persons, being all Indians by descent, and to their heirs, the following Tracts of Land: Grants to persons named.

To John Burnet, two sections of land.

To James Burnet, Abraham Burnet, Rebecca Burnet, and Nancy Burnet, each one section of land; which said John, James, Abraham, Rebecca, and Nancy, are children of Kaw-kee-me, sister of Top-ni-be, principal chief of the Potawatamie nation.

The land granted to the persons immediately preceding, shall begin on the north bank of the river St. Joseph, about two miles from the mouth, and shall extend up and back from the said river for quantity. Location of the preceding grants.

To John B. La Lime, son of Noke-no-qua, one-half of a section of land, adjoining the tract before granted, and on the upper side thereof. Further grants.

To Jean B. Chandonai, son of Chip-pe-wa-qua, two sections of land, on the river St. Joseph, above and adjoining the tract granted to J. B. La Lime.

To Joseph Dazé, son of Chip-pe-wa-qua, one section of land above and adjoining the tract granted to Jean B. Chandonai.

To Monguago, one-half of a section of land, at Mish-she-wa-ko-kink.

To Pierre Moran or Peeresh, a Potawatamie Chief, one section of land, and to his children two sections of land, at the mouth of the Elk-heart river.

To Pierre Le Clerc, son of Moi-qua, one section of land on the Elk-heart river, above and adjoining the tract granted to Moran and his children.

The section of land granted by the Treaty of St. Mary's, in 1818, to Peeresh or Perig, shall be granted to Jean B. Cicot, son of Pe-say-quot, sister of the said Peeresh, it having been so intended at the execution of the said Treaty.

To O-she-ak-ke-be or Benac, one-half of a section of land on the north side of the Elk-heart river, where the road from Chicago to Fort Wayne first crosses the said river.

To Me-naw-che, a Potawatamie woman, one-half of a section of land on the eastern bank of the St. Joseph, where the road from Detroit to Chicago first crosses the said river.

To Theresa Chandler or To-e-ak-qui, a Potawatamie woman, and to her daughter Betsey Fisher, one section of land on the south side of the Grand River, opposite to the Spruce Swamp.

To Charles Beaubien and Medart Beaubien, sons of Man-na-ben-na-qua, each one-half of a section of land near the village of Ke-wi-go-shkeem, on the Washtennaw river.

To Antoine Roland, son of I-gat-pat-a-wat-a-mie-qua, one-half of a section of land adjoining and below the tract granted to Pierre Moran.

To William Knaggs or Was-es-kuk-son, son of Ches-qua, one-half of a section of land adjoining and below the tract granted to Antoine Roland.

To Madeline Bertrand, wife of Joseph Bertrand, a Potawatamie woman, one section of land at the Parc aux Vaches, on the north side of the river St. Joseph.

To Joseph Bertrand, junior, Benjamin Bertrand, Laurent Bertrand, Theresa Bertrand, and Amable Bertrand, children of the said Madeline Bertrand, each one half of a section of land at the portage of the Kankakee river.

To John Riley, son of Me-naw-cum-a-go-quoi, one section of land, at the mouth of the river Au Foin, on the Grand River, and extending up the said River.

To Peter Riley, the son of Me-naw-cum-e-go-qua, one section of land, at the mouth of the river Au Foin, on the Grand River, and extending down the said river.

To Jean B. Le Clerc, son of Moi-qua, one half of a section of land, above and adjoining the tract granted to Pierre Le Clerc.

To Joseph La Framboise, son of Shaw-we-no-qua, one section of land upon the south side of the river St. Joseph, and adjoining on the upper side the land ceded to the United States, which said section is also ceded to the United States.

Grants not transfer-
able without consent.

Tracts to be located
after survey.

Payment for said
cession.

Land to be reserved
for blacksmiths and
teachers.

Right of Indians to
hunt on land ceded.

United States may
make a road through
Indian country.

Treaty binding
when ratified.

The Tracts of Land herein stipulated to be granted, shall never be leased or conveyed by the grantees or their heirs to any persons whatever, without the permission of the President of the United States. And such tracts shall be located after the said cession is surveyed, and in conformity with such surveys as near as may be, and in such manner as the President may direct.

ART. 4. In consideration of the cession aforesaid, the United States engage to pay to the Ottawa nation, one thousand dollars in specie annually forever, and also to appropriate annually, for the term of ten years, the sum of fifteen hundred dollars, to be expended as the President may direct, in the support of a Blacksmith, of a Teacher, and of a person to instruct the Ottawas in agriculture and in the purchase of cattle and farming utensils. And the United States also engage to pay to the Potawatamie nation five thousand dollars in specie, annually, for the term of twenty years, and also to appropriate annually, for the term of fifteen years, the sum of one thousand dollars, to be expended as the President may direct, in the support of a Blacksmith and a Teacher. And one mile square shall be selected, under the direction of the President, on the north side of the Grand River, and one mile square on the south side of the St. Joseph, and within the Indian lands not ceded, upon which the blacksmiths and teachers employed for the said tribes, respectively, shall reside.

ART. 5. The stipulation contained in the treaty of Greenville, relative to the right of the Indians to hunt upon the land ceded while it continues the property of the United States, shall apply to this treaty.

ART. 6. The United States shall have the privilege of making and using a road through the Indian country, from Detroit and Fort Wayne, respectively, to Chicago.

ART. 7. This Treaty shall take effect and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Solomon Sibley, commissioners as aforesaid, and the chiefs and warriors of the said Ottawa, Chippewa, and Pottawatima nations, have hereunto set their hands, at

Chicago aforesaid, this 29th day of August, in the year of our Lord one thousand eight hundred and twenty-one.

Lewis Cass,
Solomon Sibley.

Ottawas:

Kewagouscum, his x mark,
Nokawjegaun, his x mark,
Kee-o-to-aw-be, his x mark,
Ket-che-me-chi-na-waw, his x mark,
Ep-pe-san-ee, his x mark,
Kay-nee-wee, his x mark,
Mo-a-put-to, his x mark,
Mat-che-pee-na-che-wish, his x mark,

Chippewas:

Met-tay-waw, his x mark,
Mich-el, his x mark,
Pattiwatimas:
To-pen-ne-bee, his x mark,
Mee-te-ay, his x mark,
Chee-banase, his x mark,
Loui-son, his x mark,
Wee-saw, his x mark,
Kee-po-taw, his x mark,
Shay-suk-ke-bee, his x mark,
Sho-mang, his x mark,
Waw-we-uck-ke-meck, his x mark,
Nay-ou-chee-mon, his x mark,
Kon-gee, his x mark,
Shee-shaw-gan, his x mark,
Aysh-cam, his x mark,
Meek-say-mank, his x mark,
May-ten-way, his x mark,
Shaw-wen-ne-me-tay, his x mark,
Francola, his x mark,
Mauk-see, his x mark,
Way-me-go, his x mark,
Man-daw-min, his x mark,

Quay-guee, his x mark,
Aa-pen-naw-bee, his x mark,
Mat-cha-wee-yaas, his x mark,
Mat-cha-pag-gish, his x mark,
Mongaw, his x mark,
Pug-gay-gaus, his x mark,
See-cobe-mesh, his x mark,
Chee-gwa-mack-gwa-go, his x mark,
Waw-neh-baw, his x mark,
Pee-chee-co, his x mark,
Quoi-quoi-taw, his x mark,
Pe-an-nish, his x mark,
Wy-ne-naig, his x mark,
Onuck-ke-meck, his x mark,
Ka-way-sin, his x mark,
A-meck-koee, his x mark,
Os-see-meet, his x mark,
Shaw-ko-to, his x mark,
No-shay-we-quat, his x mark,
Mee-gwun, his x mark,
Mee-she-ke-ten-now, his x mark,
Kee-no-to-go, his x mark,
Wa-baw-nee-she, his x mark,
Shaw-waw-nay-see, his x mark,
Atch-wee-muck-quee, his x mark,
Pish-she-baw-gay, his x mark,
Waw-be-saye, his x mark,
Meg-gee-seee, his x mark,
Say-gaw-koo-nuck, his x mark,
Shaw-way-no, his x mark,
Shee-shaw-gun, his x mark,
To-to-mee, his x mark,
Ash-kee-wee, his x mark,
Shay-suk-ke-bee, his x mark,
Aw-be-tone, his x mark.

In presence of—

Alex. Wolcott, Jr. Indian agent,
Jno. R. Williams, Adjutant-General, M.

Ma.

G. Godfrey, Indian agent,
W. Kuagga, Indian agent,
Jacob Vigeet,
Henry J. Hunt,
A. Phillipe, paymaster, U. S. Army,
R. Montgomery,

Jacob B. Vernum, United States factor
John B. Beaubien,
Conrad Ten Eyck,
J. Whippley,
George Miles, jun.
Henry Connor,
James Barnard,
John Kensis, subagent.

The tract reserved at the village of Match-e-be-nash-she-wish, at the head of the Ke-kal-i-ma-zoo river, was by agreement to be three miles square. The extent of the reservation was accidentally omitted.

The tract at Match-e-be-nash-she-wish to be 3 miles square.

Lewis Cass,
Solomon Sibley.

NOSE PROMISES OF RESERVATION LANDS FOR OUR CHIEFS THAT NEVER MATERIALIZED OR WERE FOR A SHORT DURATION. THE CONSOLIDATION OF INDIANS ON OR NEAR RIVERS WAS ACHIEVED TO INDUCE REMOVAL AND MAKE REMOVAL VIA STEAMBOAT EFFICIENT. AGAIN IT IS LIKELY WERE NEVER FULLY COMPENSATED FOR THESE LANDS EXCEPT FOR THE 360 ACRES AT GRISWOLD THAT THE STATE OF MICHIGAN EVENTUALLY TOOK FROM US VIA ILLEGAL COURT ACTION.

TREATY WITH THE POTAWATOMI, 1827.

A treaty between the United States and the Potawatami Tribe of Indians.

Sept. 18, 1827.
7 Stat., 928.
Proclamation, Feb.
28, 1829.

In order to consolidate some of the dispersed bands of the Potawatami Tribe in the Territory of Michigan at a point removed from the road leading from Detroit to Chicago, and as far as practicable from the settlements of the Whites, it is agreed that the following tracts of land, heretofore reserved for the use of the said Tribe, shall be, and they are hereby, ceded to the United States.

Cession of land by
the Indians.

Two sections of land on the river Rouge at Seginairn's village.

Two sections of land at Tonguash's village, near the river Rouge.

That part of the reservation at Macon on the river Raisin, which yet belongs to the said tribe, containing six sections, excepting therefrom one half of a section where the Potawatami Chief Moran resides, which shall be reserved for his use.

One tract at Mangschqua village, on the river Peble, of six miles square.

One tract at Mickesawbe, of six miles square.

One tract at the village of Prairie Ronde, of three miles square.

One tract at the village of Matchobeshewish, at the head of the Kekalamazoo river, of three miles square, which tracts contain in the whole ninety nine sections and one half section of land.

And in consideration of the preceding cession, there shall be reserved for the use of the said tribe, to be held upon the same terms on which Indian reservations are usually held, the following tracts of land.

Sections numbered five, six, seven and eight, in the fifth township, south of the base line, and in the ninth range west of the principal meridian in the Territory of Michigan.

The whole of the fifth township, south, in the tenth range, west, not already included in the Nottawa Sape reservation.

TREATY WITH THE CREEKS, 1827.

Sections numbered one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six, in the fifth township, south, and eleventh range, west.

The whole of the fourth township, south, in the ninth range, west.

Sections numbered eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one and thirty-two, in the fourth township, south, and ninth range, west.

Sections numbered one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, in the fourth township, south, and eleventh range, west.

Which tracts of land will form a continuous reservation, and contain ninety-nine sections.

Treaty binding when ratified.

After this treaty shall be ratified by the President and Senate, the same shall be obligatory on the United States and the said tribe of Indians.

In testimony whereof, Lewis Cass, commissioner on the part of the United States, and the chiefs and warriors of the said tribe, have hereunto set their hands at St. Joseph, in the territory of Michigan, this nineteenth day of September, A. D. one thousand eight hundred and twenty-seven.

Lewis Cass,
Mise-a-bee, his x mark,
Shoo-to-maig, or marsh fish, his x mark,
Pee-nai-sheish, or little bird, his x mark,
Kue-o-suck-o-wah, his x mark,
Maise-ko-see, his x mark,
A-bee-ta-que-tic, or half day, his x mark,
Ko-jai-waince, his x mark,
Sa-kee-maus, his x mark,
Mitshe-pe-nain-she-wiab, or bad bird,
his x mark,

Ma-tai-bat-to, his x mark,
Ne-kee-quin-nish-ka, his x mark,
Wa-kai-she-maus, his x mark,
Peerish Morau, his x mark,
Mee-she-pe-she-wa-nou, his x mark,
O-tack-quen, his x mark,
Que-quan, his x mark,
Wai-sai-gan, his x mark,
O-kee-yau, his x mark,
Me-sai-wai, his x mark.

In presence of—

John L. Leib,
R. A. Forsyth,
Benj. B. Kercheval,
Isaac McCoy,
G. W. Silliman,
James J. Godfroy,
Joseph Bertrand,
T. T. Smith.

IN THIS TREATY OUR CHIEF SAGINAW, HERE CALLED "SOU-KA-MOCK", TOOK PART BECAUSE HE WAS ORIGINALLY FROM MILWAUKEE AND CAME TO SOUTHWEST MICHIGAN AS A WARRIOR IN THE 1780'S. HE BECAME PROMINANT, AND AS A POTTAWATOMI, HE WAS SEATED AT THE COUNCILS WITH THE ST. JOE POTTAWATOMI IN THE 1795 TREATY. HE WAS PART OTTAWA AND WAS SEATED WITH THE OTTAWA IN THE 1807 TREATY AND MORE LIKELY BECAUSE HE HAD SETTLED IN THE PRAIRIE RONDE REGION SOUTH OF KALAMAZOO, MICHIGAN. IN THE WAR OF 1812 PRAIRIE RONDE WAS AN IMPORTANT HIDEAWAY WHERE AS MANY AS 600 INDIANS RESIDED AND BROUGHT THEIR WEAPONS TO BE REPAIRED BY THEIR BRITISH FRIENDS WHO HAD A FORGE THERE. OUR CHIEF WAS WITH TECUMSEH THE DAY HE DIED AND TECUMSEH'S SILVER PIPE WAS SEEN BY A NEWS PAPER MAN (darius Cook) WHO LATER WROTE ABOUT OUR CHIEF AND THE GRISWOLD SETTLEMENT AFTER HIS VISIT IN THE YEAR 1839.

TREATY WITH THE CHIPPEWA, ETC., 1829.

Articles of a treaty made and concluded at Prairie du Chien, in the Territory of Michigan, between the United States of America, by their Commissioners, General John McNeil, Colonel Pierre Menard, and Caleb Atwater, Esq. and the United Nations of Chippewas, Ottawas, and Potawatamie Indians, of the waters of the Illinois, Milwaukee and Manitowick Rivers.

July 21 1829
1 Stat. 220
Proclamation, Jan
2, 1830.

ARTICLE I.

THE aforesaid nations of Chippewas, Ottawas, and Potawatamie Indians, do hereby cede to the United States aforesaid, all the lands comprehended within the following limits, to wit: Beginning at the Winnebago Village, on Rock river, forty miles from its mouth, and running thence down the Rock river, to a line which runs due west from the most southern bend of Lake Michigan to the Mississippi river, and with that line to the Mississippi river opposite to Rock Island; thence, up that river, to the United States' reservation at the mouth of the Ouisconsin; thence, with the south and east lines of said reservation, to the Ouisconsin river; thence, southerly, passing the heads of the small streams emptying into the Mississippi, to the Rock River aforesaid, at the Winnebago Village, the place of beginning. And, also, one other tract of land, described as follows, to wit: Beginning on the Western Shore of Lake Michigan, at the northeast corner of the field of Antoine Quitmette, who lives near Gros Pointe, about twelve miles north of Chicago; thence, running due west, to the Rock River, aforesaid.

Certain lands ceded
to United States.

thence, down the said river, to where a line drawn due west from the most southern bend of Lake Michigan crosses said river; thence, east, along said line, to the Fox River of the Illinois; thence, along the northwestern boundary line of the cession of 1816, to Lake Michigan; thence, northwardly, along the Western Shore of said Lake, to the place of beginning.

ARTICLE II.

Consideration there-
for.

In consideration of the aforesaid cessions of land, the United States aforesaid agree to pay to the aforesaid nations of Indians the sum of sixteen thousand dollars, annually, forever, in specie: said sum to be paid at Chicago. And the said United States further agree to cause to be delivered to said nations of Indians, in the month of October next, twelve thousand dollars worth of goods as a present. And it is further agreed, to deliver to said Indians, at Chicago, fifty barrels of salt, annually, forever; and further, the United States agree to make permanent, for the use of the said Indians, the blacksmith's establishment at Chicago.

ARTICLE III.

Certain lands re-
served.

From the cessions aforesaid, there shall be reserved, for the use of the undernamed Chiefs and their bands, the following tracts of land, viz:

For *Wau pon-eh-see*, five sections of land at the Grand Bois, on Fox River of the Illinois, where *Shaytee's* Village now stands.

For *Shab-eh-nay*, two sections at his village near the Paw-paw Grove. For *Awn-kote*, four sections at the village of *Saw-meh-nauy*, on the Fox River of the Illinois.

ARTICLE IV.

Certain tracts to be
granted to certain de-
scendants from the In-
dians.

There shall be granted by the United States, to each of the following persons, (being descendants from Indians,) the following tracts of land, viz: To Claude Laframboise, one section of land on the Riviere aux Pleins, adjoining the line of the purchase of 1816.

To Francois Bourbonné, Jr. one section at the Missionary establishment, on the Fox River of the Illinois. To Alexander Robinson, for himself and children, two sections on the Riviere aux Pleins, above and adjoining the tract herein granted to Claude Laframboise. To Pierre Leclerc, one section at the village of the As-sim-in-eh-Kon, or Paw-paw Grove. To Waish-kee-Shaw, a Potawatamie woman, wife of David Laughton, and to her child, one and a half sections at the old village of Nay-ou-Say, at or near the source of the Riviere aux Sables of the Illinois. To Billy Caldwell, two and a half sections on the Chicago River, above and adjoining the line of the purchase of 1816. To Victoire Pothier, one half section on the Chicago River, above and adjoining the tract of land herein granted to Billy Caldwell. To Jane Miranda, one quarter section on the Chicago River, above and adjoining the tract herein granted to Victoire Pothier. To Madeline, a Potawatamie woman, wife of Joseph Ogee, one section west of and adjoining the tract herein granted to Pierre Leclerc, at the Paw-paw Grove. To Archange Ouilmette, a Potawatamie woman, wife of Antoine Ouilmette, two sections, for herself and her children, on Lake Michigan, south of and adjoining the northern boundary of the cession herein made by the Indians aforesaid to the United States. To Antoine and Francois Leclerc, one section each, lying on the Mississippi River, north of and adjoining the line drawn due west from the most southern bend of Lake Michigan, where said line strikes the Mississippi River. To Mo-ah-way, one quarter section on the north side of and adjoining the tract herein granted to Waish-kee-Shaw.

The tracts of land herein stipulated to be granted, shall never be leased or conveyed by the grantees, or their heirs, to any persons whatever, without the permission of the President of the United States.

ARTICLE V.

The United States, at the request of the Indians aforesaid, further agree to pay to the persons named in the schedule annexed to this treaty, the sum of eleven thousand six hundred and one dollars; which sum is in full satisfaction of the claims brought by said persons against said Indians, and by them acknowledged to be justly due.

United States to pay claims against Indians.

ARTICLE VI.

And it is further agreed, that the United [States] shall, at their own expense, cause to be surveyed, the northern boundary line of the cession herein made, from Lake Michigan to the Rock River, as soon as practicable after the ratification of this treaty, and shall also cause good and sufficient marks and mounds to be established on said line.

United States to survey boundary line of cession.

ARTICLE VII.

The right to hunt on the lands herein ceded, so long as the same shall remain the property of the United States, is hereby secured to the nations who are parties to this treaty.

Right to hunt reserved.

ARTICLE VIII.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

Treaty binding when ratified.

In testimony whereof, the said John McNeil, Pierre Menard, and Caleb Atwater, commissioners as aforesaid, and the chiefs and warriors of the said Chippewa, Ottawa, and Potawatamie nations, have hereunto set their hands and seals, at Prairie du Chein, as aforesaid, the twenty-ninth day of July, in the year of our Lord one thousand eight hundred and twenty-nine.

John McNeil,
Pierre Menard,
Caleb Atwater,

Commissioners

Sin-eh-pay-nim, his x mark,
Kaw-bauk-we, his x mark,
Wau-jon-eh-see, his x mark,
Naw-geh-ay, his x mark,
Shaw-a-nay-see, his x mark,
Naw-geh-to-nuk, his x mark,
Meek-ay-mauk, his x mark,
Kaw-gaw-gay-ehoc, his x mark,
Maw-geh-oot, his x mark,
Meek-eh-so, his x mark,
Awn-kote, his x mark,
Shuk-eh-nay-buk, his x mark,
Sho-men, his x mark,
Nay-a-mush, his x mark,
Pat-eh-ko-suk, his x mark,
Mash-kak-mik, his x mark,

[L. s.]	Pooh-kin-eh-naw, his x mark,	[L. s.]
[L. s.]	Waw-kay-zo, his x mark,	[L. s.]
[L. s.]	Sou-ka-mock, his x mark,	[L. s.]
[L. s.]	Chee-chee-pin-quay, his x mark,	[L. s.]
[L. s.]	Man-eh-bo-zo, his x mark,	[L. s.]
[L. s.]	Shah-way-ne-be-nay, his x mark,	[L. s.]
[L. s.]	Kaw-kee, his x mark,	[L. s.]
[L. s.]	To-rum, his x mark,	[L. s.]
[L. s.]	Nah-yah-to-shuk, his x mark,	[L. s.]
[L. s.]	Mee-chee-kee-wis, his x mark,	[L. s.]
[L. s.]	Ee-kaw-bey-wis, his x mark,	[L. s.]
[L. s.]	Wau-pay-kay, his x mark,	[L. s.]
[L. s.]	Michel, his x mark,	[L. s.]
[L. s.]	Nee-kong-gum, his x mark,	[L. s.]
[L. s.]	Mee-quaw-be-no-quay, her x mark,	[L. s.]
[L. s.]	Pe-l-tun, her x mark,	[L. s.]
[L. s.]	Kay-wau, her x mark,	[L. s.]
[L. s.]	Wau-kaw-ou-ay, her x mark,	[L. s.]
[L. s.]	Shem-naw, her x mark.	[L. s.]

In presence of—

Charles Hempstead, secretary to the commission,
Alex. Wolcott, Indian agent,
Jos. M. Street, Indian agent,
Thomas Forsyth, Indian agent,

Z. Taylor, Lieutenant-Colonel U. S. Army,
John H. Kinzie, subagent Indian affairs,
R. B. Mason, captain, First Infantry,
John Garland, major, U. S. Army,
H. Dodge.

HERE WE ARE ASSIGNED LAND FOR THE LAND WE CEDED IN 1827. OUR CHIEF SAGINAW, THEY SPELL AS SAGANA, WAS A PARTY TO THIS TREATY.

THE CHIEF OF THE PERE MARQUETTE CHIPPEWA WAS ALSO NAMED SAGENAW AND ALSO WAS KNOWN AS SAGAMAW. HE DID NOT RECEIVE LAND IN THIS TREATY. BOTH OF THESE PERSONS APPEAR ON THIS TREATY. IN 1839 BOTH THESE CHIEFS ARE PART OF GRAND RIVER AND SIGN ON SAME PAGE WITH SIMILAR SPELLINGS. OUR CHIEF SAGINAW WAS A GREAT WARRIOR BUT COULD NOT READ OR WRITE OR SPEAK ENGLISH. THE OTHER SAGAMAW WAS AN ENGLISH SPEAKER AND LATER BECAME LINKED WITH NORTHERN OTTAWA. OUR SAGINAW DIED AND WAS BURIED SOUTH OF THE GRAND RIVER.

NOTE: MATCHIPENASHIWISH DID NOT SIGN NOR RECEIVE LAND FOR THAT WHICH HE CEDED AT KALAMAZOO IN 1827. NEVER COMPENSATED BUT PLACED AT GRISWOLD WITH OTHER OLD CHIEFS AND HE IS OUR ANCESTOR. PENASEE ALSO SIGNS.

FRANK J. Allen

TREATY WITH THE POTAWATOMI, 1832.

Oct. 7, 1832.
7 Stat. 399.
Proclamation, Jan.
21, 1833.

Articles of a Treaty, made and concluded on the Tippecanoe River, in the State of Indiana, on the twenty-seventh day of October, in the year of our Lord eighteen hundred and thirty-two, between Jonathan Jennings, John W. Davis and Mark Crum, Commissioners on the part of the United States, and the Chiefs and Warriors of the Potawatomies, of the State of Indiana and Michigan Territory.

Cession of land to
United States.

ARTICLE I. The Chiefs and Warriors aforesaid cede to the United States, their title and interest to lands in the States of Indiana and Illinois, and in the Territory of Michigan, south of Grand river.

Reservations

ARTICLE II. From the cession aforesaid, the following reservations are made, (to wit:) The reservation at Po-ca-gan's village for his band, and a reservation for such of the Potawatomies as are resident at the village of Notta-we-sipa, agreeably to the treaties of the nineteenth of September, eighteen hundred and twenty-seven, and twentieth of September, 1828.

For the band of Kin-Kash, four sections:

For O-ca-chee, one section:

For the band Mes-qua-buck, four sections, to include his village:

For the band of Che-kase, four sections, to include his village:

For the band of Che-Chaw-kose ten sections, to include his village:

For the Potawatomies, two sections, to include their mills on Tippecanoe river.

For the band of To-i-sas brother Me-not-way, and Che-quam-ka-ko, ten sections to include their village:

For the band of Ma-sac, four sections:

For the band of Ash-kum and Wee-si-o-mua, sixteen sections, to include their village:

For the band of Wee-sau, five sections of land, including one section, granted to him by the Treaty of eighteen hundred and twenty-eight, and to include his present residence:

For the bands of Mo-ta and Men-o-quet, four sections, each, to include their villages:

For Be-si-ah, four sections.

ARTICLE III. The United States agree to grant to each of the following persons, the quantity of land annexed to their names, which lands shall be conveyed to them by patent:

For Mon-i-taw-quah, daughter of Swa-gaw, one section, to include Wi-me-gos village:

For Wee-saw, three sections:

For Po-quia, the sister of Jose, one section:

For Ben-ack, eight sections:

For Ursule Du-quin-dre, one section:

For Ge-neir, one section:

To To-pen-ne-bee, principal chief, one section:

To Poch-a-gan, second Chief, one section:

To Pet-chi-co, two sections:

To Sau-gana, one section:

To Louis Barnett, one section:

To Mam-qua, daughter of Sau-ga-na, one section:

To Mish-a-wa, adopted daughter of Pit-e-chew, one section:

To Kesis-Shadana, one section:

To Louis Chadana, one half section:

To Charles Chadana, one half section:

To John B. Chadana, one section:

To Pier Navarre's wife, one section:

To John B. Ducharm, one section:

To Mie-saw-bee, one quarter section:

To Baptiste L. Clare, one half section:

To Mary Lacombe's children, one half section:

To Joseph Bertrand's, jr. children, one half section jointly:

To Francis Page, jr. one half section:

To Alexander Rollane, a half blood, one half section:

To Ko-re-mo-sau, (alias) Panish, one section and one half section, on the McCou, on the river Raisin, in the Michigan Territory, which was reserved to his use at St. Joseph's treaty, of eighteen hundred and twenty-eight:

To Mary Nedean, one quarter section:

To Saw-grets, son of Pier Moran, one half section:

To Isadore Mo-mence and Wa-be-ga, sons of Pier Morans, one quarter section each:

To Poch-a-gan's wife, one section:

To Pet-qua and Kee-see, sons of Ma-kee-sa-be, one half section:

To Pe-nem-chis, one half section:

To Neu-a-tau-naut, one half section:

To Francis de Jean, one section:

To Mary Ann Ben-ack, wife of Edward McCartney, three sections of land, to be located on the south side of the Turkey creek prairie:

For Francis Besion, one half section:

For Miss-no-qui, a chieftess, four sections:

For Luther Rice, one quarter section:

For Med-lin Aucharm, one quarter section:

For Sheaupo Truckey, one section:

For Ju-be Actrois, one section:

For Ash-kum, two sections:

For Pee-pees-kah one section:

For Po-ka-kause, one half section:

For Nas-wau-kee, one section:

For Man-me-nass, one half section:

For Paul Longlois, one half section:

For Peter Longlois, junr., one half section:

For Shaw-bo-wah-tuck, one quarter section:

For Betsey Rousau, one quarter section:

For John Davis, one half section:

For Nancy Cicott, one quarter section:

TREATY WITH THE POTAWATOMI, 1832.

For Amelia Cicott, one quarter section:
 For Lazetto Allen, one quarter section:
 For Polly Griffith, daughter of Ne-bosh, two sections:
 For Chop-y-tuck, or John Payne, one section:
 For Joe Borisau, one quarter section:
 For Quash-mau, one quarter section:
 For Mas-co, one quarter section:
 For Mis-sink-qu-quah, six sections:
 For Aub-e-naub-bee, ten sections:
 For Nee-kaw Dizzardee, one quarter section:
 For Mog-see, one half section:
 To Kaubee, one half section:
 To old Ann Mac-i-to, one half section:
 To old Wee-saw, one half section:
 To Pe-te-no-on, one half section:
 To Tou-se-qua, the wife of Joe Baily, one section:
 To Au-taw-co-num, daughter of the Crane, one section:
 To Sen niss-quah and her daughter Nancy, two sections:
 To James Burnett, one section:
 To To-gah, a Potawatomi woman, one quarter section:
 To Mary Ann Bruner, one quarter section.

The foregoing reservations shall be selected, under the direction of the President of the United States, after the lands shall have been surveyed, and the boundaries to correspond with the public surveys.

Annuitie and pay-
ments.

ARTICLE IV. In consideration of the aforesaid cession, the United States will pay fifteen thousand dollars annually for twelve years; Thirty-two thousand dollars, in goods, will be paid as soon after the signing of these articles, as they can be procured, and ten thousand dollars, in goods, will be paid next spring, at Notta-wa-si-pa, and to be paid to that band, and pay their just debts, agreeably to a schedule hereunto annexed, amounting to twenty thousand seven hundred and twenty-one dollars.

Tract to be bought
by United States.

The section of land granted by the treaty of St. Joseph to To-pe-nau-koung, wife of Peter Longlois, shall be purchased by the United States, if the same can be done for the sum of eight hundred dollars.

Education.

The United States agree to appropriate, for the purpose of educating Indian youths, the annual sum of two thousand dollars, as long as the Congress of the United States may think proper, to be expended as the President may direct.

Treaty, when to
take effect.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified, by the President of the United States, by and with the advice and consent of the Senate.

In testimony whereof, the said Jonathan Jennings, John W. Davis, and Marks Crume, commissioners as aforesaid, and the chiefs, head men, and warriors of the Potowatomies, have hereunto set their hands at Tippecanoe, on the twenty-seventh day of October, in the year eighteen hundred and thirty-two.

Jonathan Jennings,
 J. W. Davis,
 To-pe-ne-be, his x mark,
 Po-ka-gou, his x mark,
 Sa-ga-nah, his x mark,
 Pe-che-co, his x mark,
 We-is-saw, his x mark,
 Che-shaw-gun, his x mark,
 Ghe-bause, his x mark,
 O-saw-o-wah-co-ne-sh, his x mark,
 Mah-gah-guk, his x mark,
 Sa-gue-na-nah, his x mark,
 Louison Burnet, his x mark,
 Shaw-wah-nuk-wuk, his x mark,
 Mix-sau-bah, his x mark,
 Ne-wah-ko-to, his x mark,

Che-bah, his x mark,
 Wah-osee, his x mark,
 Ship-ehe-wa-no, his x mark,
 Kaw-kaw-bee, his x mark,
 Oge-mah-caw-so, his x mark,
 Mash-kee, his x mark,
 Saw-ge-maw, his x mark,
 Nah-che-ke-zhie, his x mark,
 Mis-ke-qua-tab, his x mark,
 Now-o-le-naw, his x mark,
 Tuck-e-now, his x mark,
 Marks Crume.
 Mo-nis, his x mark,
 O-go-maw-be-tuk, his x mark,
 Kaw-kaw-ke-moke, his x mark,
 Ke-wah-be-v, his x mark,

Win-keese, his x mark,
 To-posh, his x mark,
 Kawk-moc-a-sin, his x mark,
 Sa-maw-cab, his x mark,
 Ko-mack, his x mark,
 O-guon-cote, his x mark,
 Quis-sin, his x mark,
 Chou-a-ma-see, his x mark,
 Pat-e-ca-sha, his x mark,
 Pe-nah-seh, his x mark,
 Mix-e-nec, his x mark,

Pe-na-shee, his x mark,
 So-wah-quen, his x mark,
 Gib-e-nash-wish, his x mark,
 Louison, his x mark,
 Che-chaw-cose, his x mark,
 Bee-zaw-yo, his x mark,
 O-shah-yaw, his x mark,
 Ash-kam, his x mark,
 O-ketch-chee, his x mark,
 Weh-see-oness, his x mark,
 Aub-bee-noub-bee, his x mark.

Witness:

H. Hoover, secretary,
 Th. J. V. Owen, United States Indian
 agent,
 Marius Willet,
 J. Stewart, subagent,
 J. Bt. Chandonnais,
 J. E. Aunt,
 Peter Godfroy,

G. A. Everts,
 Robert Simerwell,
 L. M. Taylor,
 Francis Comperret,
 E. N. Cicott, sint,
 J. B. Baure, sint,
 H. Lasselle,
 Henry Osem.

After the signing of this treaty, and at the request of the Indians, two thousand seven hundred dollars were applied to the purchasing of horses, which were purchased and delivered to the Indians under our direction, leaving the sum to be paid in merchandise, at this time, twenty-nine thousand three hundred dollars.

Horses delivered.

Jonathan Jennings,
 J. W. Davis,
 Marks Crume,
 Commissioners.

It is agreed on the part of the United States, that the following claims shall be allowed, agreeable to the fourth article of the foregoing treaty, viz:

Claims to be paid.

To Erasmus Winslow, three hundred dollars,
 Squire Thompson, one hundred dollars,
 L. Johnson, three hundred and seventy-five dollars,
 Francis Comperret, two thousand four hundred and fifty dollars,
 Ica Rice, fifteen hundred dollars,
 T. P. and J. J. Godfroy, two hundred and fifty dollars,
 Joseph Smith, twenty-six dollars,
 James Aveline, ninety-eight dollars,
 Edward Smith, forty-seven dollars,
 Gustavus A. Everts, two hundred dollars,
 Alexis Coquillard, five thousand one hundred dollars,
 Lathrop M. Taylor, two thousand two hundred and eighty dollars,
 Peter and J. J. Godfroy, three thousand five hundred dollars,
 R. A. Forsyth, eighteen hundred dollars,
 Louis Dupuis, forty dollars,
 Timothy S. Smith, three hundred and ninety dollars,
 William Huff, one hundred dollars,
 Thomas Jones, two hundred and seventy-five dollars,
 Michael Cadieux, four hundred and ninety dollars,
 Arthur Patterson, nine hundred dollars,
 Samuel McGeorge, three hundred and fifty dollars,
 D. H. Colerick, one hundred and fifty dollars,
 James Conuer, one thousand dollars.

Jonathan Jennings,
 J. W. Davis,
 Marks Crume,
 Commissioners.

THE 1833 TREATY

THIS WAS THE LAST TREATY OUR CHIEF SIGNED. HE PROBABLY SIGNED RELUCTANTLY. HE WAS ALREADY IN HIS LATE 70'S BUT IN GOOD HEALTH.

TIME HAS OBSCURED WHETHER OUR CHIEF SIGNED THE 1833 TREATY ON THE FIRST DAY OR THE SECOND DAY. IF HE SIGNED THE FIRST DAY IT WOULD HAVE BEEN OUT OF CHARACTER FOR HIM TO ALLOW HIMSELF TO BE SEEN AS A TRAITOR. HE PROBABLY SIGNED THE SECOND DAY AND IS THE SAUK-E-MAU ON PAGE 411. THE SAU-KE-NOEK ON PAGE 403 HAS SIGNED ALONG WITH THE SON OF WAUKAZOO, (joseph) AN OTTAWA, AND MOST LIKELY IS THE PERSON WHO SIGNED THE FIRST DAY.

AT ANY RATE THIS TREATY WAS THE MOTHER OF ALL TREATIES. WE LOST IT ALL RIGHT HERE. OUR CHIEF, HAVING RIGHTS FROM THE 1795 TREATY SET HIS SIGHTS ON OPEN LAND BELOW THE GRAND RIVER IN ALLEGAN COUNTY IN THE GUN LAKE REGION WHERE PENASEE ALREADY WAS RESIDING WITH THE CHIPPEWA THERE. SAGINAW MOVED NORTH AND DECIDED NOT TO REMOVE WEST AS DOES PENASEE WHO GAVE A LENGTHY ORATION ON THE SUBJECT IN OCTOBER, 1838. IT WAS IN LATE 1838 WHEN THE STEAMBOATS LOADED WITH FLESH MOVED MANY OF THE SOUTHWEST MICHIGAN POTTAWATOMI OUT WEST. OUR CHIEFS OF GRISWOLD WERE NOT AMONG THEM.

AGAIN, MATCHIPENASHIWISH "BAD BIRD" DID NOT SIGN THIS TREATY. HE NEVER SOLD HIS RIGHTS TO THE KALAMAZOO THREE MILE SQUARE.

TREATY WITH THE CHIPPEWA, ETC., 1833.

Sept. 26, 1833

7 Stat., 431.
Proclamation. Feb.
21, 1836.See supplementary
articles, post, #10.

Articles of a treaty made at Chicago, in the State of Illinois, on the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and thirty-three, between George B. Porter, Thomas J. V. Owen and William Weatherford, Commissioners on the part of the United States of the one part, and the United Nation of Chippewa, Ottawa and Potawatamie Indians of the other part, being fully represented by the Chiefs and Head-men whose names are hereunto subscribed—which Treaty is in the following words, to wit:

Lands ceded to
United States.

ARTICLE 1st.—The said United Nation of Chippewa, Ottawa, and Potawatamie Indians, cede to the United States all their land, along the western shore of Lake Michigan, and between this Lake and the land ceded to the United States by the Winnebago nation, at the treaty of Fort Armstrong made on the 15th September 1832—bounded on the north by the country lately ceded by the Menominees, and on the south by the country ceded at the treaty of Prairie du Chien made on the 29th July 1829—supposed to contain about five millions of acres.

Lands west of the
Mississippi assigned to
the Indians.

ARTICLE 2d.—In part consideration of the above cession it is hereby agreed, that the United States shall grant to the said United Nation of Indians to be held as other Indian lands are held which have lately been assigned to emigrating Indians, a tract of country west of the Mississippi river, to be assigned to them by the President of the United States—to be not less in quantity than five millions of acres, and to be located as follows: beginning at the mouth of Boyer's river on the east side of the Missouri river, thence down the said river to the mouth of Naudoway river, thence due east to the west line of the State of Missouri, thence along the said State line to the northwest corner of the State, thence east along the said State line to the point where it is intersected by the western boundary line of the Sacs and Foxes—thence north along the said line of the Sacs and Foxes, so far as that when a straight line shall be run therefrom to the mouth of Boyer's river (the place of beginning) it shall include five millions of acres. And as it is the wish of the Government of the United States that the said nation of Indians should remove to the country thus assigned to them as soon as conveniently can be done; and it is deemed advisable on the part of their Chiefs and Headmen that a deputation should visit the said country west of the Mississippi and thus be assured that full justice has been done, it is hereby stipulated that the United States will defray the expenses of such deputation, to consist of not more than fifty persons, to be accompanied by not more than five individuals to be nominated by themselves, and the whole to be under the general direction of such officer of the United States Government as has been or shall be designated for the purpose.—And it is further agreed that as fast as the said Indians shall be prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes.—It being understood, that the said Indians are to remove from all that part of the land now ceded, which is within the State of Illinois, immediately on the ratification of this treaty, but to be permitted to retain possession of the country north of the boundary line of the said State, for the term of three years, without molestation or interruption and under the protection of the laws of the United States.

Moneys to be paid
by United States.

ARTICLE 3d.—And in further consideration of the above cession, it is agreed, that there shall be paid by the United States the sums of money hereinafter mentioned: to wit.

One hundred thousand dollars to satisfy sundry individuals, in behalf of whom reservations were asked, which the Commissioners refused to grant: and also to indemnify the Chippewa tribe who are parties to

this treaty for certain lands along the shore of Lake Michigan, to which they make claim, which have been ceded to the United States by the Menominee Indians—the manner in which the same is to be paid is set forth in Schedule "A" hereunto annexed.

One hundred and fifty thousand dollars to satisfy the claims made against the said United Nation which they have here admitted to be justly due, and directed to be paid, according to Schedule "B" hereunto annexed.

One hundred thousand dollars to be paid in goods and provisions, a part to be delivered on the signing of this treaty and the residue during the ensuing year.

Two hundred and eighty thousand dollars to be paid in annuities of fourteen thousand dollars a year, for twenty years.

One hundred and fifty thousand dollars to be applied to the erection of mills, farm houses, Indian houses and blacksmith shops, to agricultural improvements, to the purchase of agricultural implements and stock, and for the support of such physicians, millers, farmers, blacksmiths and other mechanics, as the President of the United States shall think proper to appoint.

Seventy thousand dollars for purposes of education and the encouragement of the domestic arts, to be applied in such manner, as the President of the United States may direct.—[The wish of the Indians being expressed to the Commissioners as follows: The united nation of Chippewa, Ottawa and Potawatamie Indians being desirous to create a perpetual fund for the purposes of education and the encouragement of the domestic arts, wish to invest the sum of seventy thousand dollars in some safe stock, the interest of which only is to be applied as may be necessary for the above purposes. They therefore request the President of the United States, to make such investment for the nation as he may think best. If however, at any time hereafter, the said nation shall have made such advancement in civilization and have become so enlightened as in the opinion of the President and Senate of the United States they shall be capable of managing so large a fund with safety they may withdraw the whole or any part of it.]

Fund for the purposes of education, etc.

Four hundred dollars a year to be paid to Billy Caldwell, and three hundred dollars a year, to be paid to Alexander Robinson, for life, in addition to the annuities already granted them.—Two hundred dollars a year to be paid to Joseph Lafromboise and two hundred dollars a year to be paid to Shabelnay, for life.

Annuities.

Two thousand dollars to be paid to Wau-pon-eh-see and his band, and fifteen hundred dollars to Awn-kote and his band, as the consideration for nine sections of land, granted to them by the 3d Article of the Treaty of Prairie du Chien of the 29th of July 1829 which are hereby assigned and surrendered to the United States.

Payments for sections of land.

ARTICLE 4th.—A just proportion of the annuity money, secured as well by former treaties as the present, shall be paid west of the Mississippi to such portion of the nation as shall have removed thither during the ensuing three years.—After which time, the whole amount of the annuities shall be paid at their location west of the Mississippi.

Where annuities shall be paid.

ARTICLE 5th.—[Stricken out.]

This treaty after the same shall have been ratified by the President and Senate of the United States, shall be binding on the contracting parties.

Treaty binding when ratified

In testimony whereof, the said George B. Porter, Thomas J. V. Owen, and William Weatherford, and the undersigned chiefs and head men of the said nation of Indians, have hereunto set their hands at Chicago, the said day and year.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,
To-jen-o-bee, his x mark,

Sau-ko-noek,
Che-che-bin-quay, his x mark,
Joseph, his x mark,
Wah-mix-i-co, his x mark,

Ob-wa-quas-unk, his x mark,
 N-saw-way-quet, his x mark,
 Puk-quech-a-min-nee, his x mark,
 Nah-che-wine, his x mark,
 Ke-wase, his x mark,
 Wah-bou-seh, his x mark,
 Mang-e-sett, his x mark,
 Caw-we-naut, his x mark,
 Ah-be-te-ke-zhic, his x mark,
 Pat-e-go-shuc, his x mark,
 E-to-wow-cote, his x mark,
 Shim-e-nah, his x mark,
 O-hee-pwaise, his x mark,
 Ce-nah-gu-win, his x mark,
 Shaw-waw-naa-see, his x mark,
 Shab-eh-nay, his x mark,
 Mac-ta-o-zhic, his x mark,
 Squah-ke-sic, his x mark,
 Mah-che-o-tah-way, his x mark,
 Cha-ke-to-ah, his x mark,
 Me-am-ese, his x mark,
 Shay-tee, his x mark,
 Kee-new, his x mark,
 Ne-bay-noo-ecum, his x mark,
 Naw-bay-caw, his x mark,
 O'Kee-mase, his x mark,
 Saw-o-tnp, his x mark,
 Me-tai-way, his x mark,
 Na-ma-ta-way-shuc, his x mark,
 Shaw-waw-nuk-wuk, his x mark,
 Nah-che-wah, his x mark,
 Sho-bon-lier, his x mark,
 Me-nuk-quet, his x mark,
 Chie-in-ke-bah, his x mark,
 Mix-e-manng, his x mark,
 Nah-bwait, his x mark,

Sen-e-bau-um, his x mark,
 Puk-won, his x mark,
 Wa-be-no-say, his x mark,
 Mon-tou-iah, his x mark,
 No-nee, his x mark,
 Mas-quat, his x mark,
 Sho-min, his x mark,
 Ah-take, his x mark,
 He-me-nah-wah, his x mark,
 Che-pec-co-quah, his x mark,
 Mis-quat-o-no-quah, his x mark,
 Wah-be-Kai, his x mark,
 Ma-ca-ta-ke-zhic, his x mark,
 Sho-min, (2d.) his x mark,
 She-mah-gah, his x mark,
 O'ke-mah-wah-ta-see, his x mark,
 Na-mash, his x mark,
 Shab-y-a-tuk, his x mark,
 Ah-ah-o-mah, his x mark,
 Quah-quah, tah, his x mark,
 Ah-sag-a-miah-cum, his x mark,
 Pa-mob-a-mee, his x mark,
 Nay-o-say, his x mark,
 Ce-tah-quah, his x mark,
 Ce-ku-tay, his x mark,
 Sauk-ee, his x mark,
 Ah-quec-wee, his x mark,
 Ta-can-ko, his x mark,
 Me-ahim-e-nah, his x mark,
 Wah-see-kuk, his x mark,
 Pe-nay-o-cat, his x mark,
 Fay-maw-ec, his x mark,
 Pe-che-ka, his x mark,
 Shaw-we-mon-o-tay, his x mark,
 Ah-be-nah, his x mark,
 Sau-sau-quas-ec, his x mark.

In presence of—

Wm. Lee D. Ewing, secretary to commis-
 sion,
 E. A. Brush,
 Luther Rice, interpreter,
 James Conner, interpreter,
 John T. Schermerhorn, commissioner,
 etc. west,
 A. C. Pepper, S. A. R. P.
 Gho. Kercheval, sub-agent,
 Geo. Bender, major, Fifth Regiment In-
 fantry,
 D. Wilcox, captain, Fifth Regiment,
 J. M. Bazley, captain, Fifth Infantry,
 R. A. Forsyth, U. S. Army,
 L. T. Jamison, lieutenant, U. S. Army,
 E. K. Smith, lieutenant, Fifth Infantry,
 P. Maxwell, assistant surgeon,
 J. Allen, lieutenant, Fifth Infantry,
 I. P. Simonton, lieutenant, U. S. Army,
 George F. Turner, assistant surgeon, U. S.
 Army,
 Richd. J. Hamilton,
 Robert Stuart,
 Jona. McCarty,

Daniel Jackson, of New York,
 Jno. H. Kinzie,
 Robt. A. Kinzie,
 G. B. Hubbard,
 J. C. Schwarz, adjutant general M. M.
 Jn. B. Beaubrier,
 James Kinzie,
 Jacob Beeson,
 Saml. Humes Porter,
 Andw. Porter,
 Gabriel Godfroy,
 A. H. Arndt,
 Laurie Marsh,
 Joseph Chaunier,
 John Watkins,
 B. B. Kercheval,
 Jas. W. Berry,
 Wm. French,
 Thomas Forsyth,
 Pierre Menard, fils,
 Edmd. Roberts,
 Geo. Hunt,
 Isaac Nash.

SCHEDULE "A."

(Referred to in the Treaty, containing the sums payable to individuals in lieu of Reservations.)

	Dollars.
Jesse Walker	1500
Henry Cleveland	800
Rachel Hall	600
Sylvia Hall	600
Joseph Laframboise and children	1000

Sept. 27, 1833.
Goods purchased
and delivered.

Agreeably to the stipulations contained in the 3d Article of the Treaty, there have been purchased and delivered at the request of the Indians, goods, provisions and horses to the amount of sixty-five thousand dollars (leaving the balance to be supplied in the year one thousand eight hundred and thirty-four, thirty-five thousand dollars.)

As evidence of the purchase and delivery as aforesaid under the direction of the said Commissioners, and that the whole of the same have been received by the said Indians, the said George B. Porter, Thomas J. V. Owen and William Weatherford, and the undersigned Chiefs and Head-men on behalf of the said United Nation of Indians have hereunto set their hands the twenty-seventh day of September in the year of our Lord one thousand eight hundred and thirty-three.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,
Jo-pen-e-bee, his x mark,
We-aw, his x mark,
Ne-kaw-noeh-kee, his x mark,
Wai-aw-o-ke-ne-aw, his x mark,
Ne-see-waw-bee-tuck, his x mark,
Kai-kaw-tai-mon, his x mark,
Saw-ko-nosh,

Tabe-Tah-e-chin-be-quay, his x mark,
Joseph, his x mark,
Shab-e-nai, his x mark,
Ah-be-ke-ke-zhu, his x mark,
E-to-won-rote, his x mark,
Shab-y-a-tuk, his x mark,
Me-am-ese, his x mark,
Wah-be-me-mee, his mark,
Shim-e-nah, his x mark,
We-in-co, his x mark.

In presence of—

Wm. Lee D. Ewing, secretary to the
commission,
R. A. Forsyth, U. S. Army,
Madn. F. Abbot,
Saml. Humes Porter,

Andw. Porter,
Joseph Bertrand, junr.
Jno. H. Kinzie,
James Conner, interpreter,
J. E. Schwarz, adjutant-general, M. M.

Sept. 27, 1833.
7 Stat., 642.

Articles supplementary, to the treaty made at Chicago, in the State of Illinois, on the 26th day of September, one thousand eight hundred and thirty-three, between George B. Porter, Thomas J. V. Owen and William Weatherford, Commissioners on the part of the United States, of the one part, and the United Nation of Chippewa, Ottawa, and Pottawatamie Indians, of the other part, concluded at the same place on the twenty-seventh day of September, one thousand eight hundred and thirty-three, between the said Commissioners on the part of the United States of the one part, and the Chiefs and Head-men of the said United Nation of Indians, residing upon the reservations of land situated in the Territory of Michigan, south of Grand river, of the other part.

Cession of land to
United States

ARTICLE 1st—The said chiefs and head-men cede to the United States, all their land situate in the Territory of Michigan south of Grand river being the reservation at Nottawac, of 3 miles square contained in the 3d clause of the 2d article of the treaty made at Chicago, on the 29th day of August 1821, and the ninety-nine sections of land contained in the treaty made at St. Joseph on the 19th day of Sept. 1827;—and also the tract of land on St. Joseph river opposite the town of Niles, and extending to the line of the State of Indiana, on which the villages of To-po-ne-see and Pokagon are situated, supposed to contain about 49 sections.

Chiefs and headmen
parties to treaty.

ARTICLE 2d—In consideration of the above cession, it is hereby agreed that the said chiefs and head-men and their immediate tribes shall be considered as parties to the said treaty to which this is supplementary, and be entitled to participate in all the provisions therein contained, as a part of the United Nation; and further, that there shall be paid by the United States, the sum of one hundred thousand dollars: to be applied as follows.

Ten thousand dollars in addition to the general fund of one hundred thousand dollars, contained in the said treaty to satisfy sundry individuals in behalf of whom reservations were asked which the Commissioners refused to grant;—the manner in which the same is to be paid being set forth in the schedule "A," hereunto annexed.

Moneys to be paid for lands relinquished.

Twenty-five thousand dollars in addition to the sum of one hundred and fifty thousand dollars contained in the said Treaty, to satisfy the claims made against all composing the United Nation of Indians, which they have admitted to be justly due, and directed to be paid according to Schedule "B," to the Treaty annexed.

Twenty-five thousand dollars, to be paid in goods, provisions and horses, in addition to the one hundred thousand dollars contained in the Treaty.

Goods, provisions, etc.

And forty thousand dollars to be paid in annuities of two thousand dollars a year for twenty years, in addition to the two hundred and eighty thousand dollars inserted in the Treaty, and divided into payments of fourteen thousand dollars a year.

Annuities.

ARTICLE 3d—All the Indians residing on the said reservations in Michigan shall remove therefrom within three years from this date, during which time they shall not be disturbed in their possession, nor in hunting upon the lands as heretofore. In the mean time no interruption shall be offered to the survey and sale of the same by the United States. In case, however, the said Indians shall sooner remove the Government may take immediate possession thereof.

Indians to remove in three years.

ARTICLE 4th—[Stricken out. See 4th Amendment at end of treaty.]

Obligatory when added.

These supplementary articles after the same shall have been ratified by the President and Senate of the United States shall be binding on the contracting parties.

In testimony whereof, the said George B. Porter, Thomas J. V. Owen, and William Weatherford, and the undersigned chiefs and head men of the said United Nation of Indians, have hereunto set their hands at Chicago, the said day and year.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,
To-pen-o-bee, his x mark,
We-saw, his x mark,
Ne-kaw-nosh-kee, his x mark,
Wai-saw-o-ko-ne-aw, his x mark,
Po-ka-gon, his x mark,
Kai-kaw-tai-mon, his x mark,
Pe-pe-ah, his x mark,
Ne-see-waw-bee-tuck, his x mark,
Kitchee-bau, his x mark,
Pee-chee-ko, his x mark,
Nai-gaw-geucke, his x mark,
Wag-maw-kan-so, his x mark,
Mai-go-ai, his x mark,
Nai-chee-wai, his x mark,
Aka-puck-sick, his x mark,
Kaw-kai-mai, his x mark,
Mans-kai-wick, his x mark,
I'am-ko-wuck, his x mark,
No-taw-gai, his x mark,
Kauk-muck-kisin, his x mark,
Wec-see-mon, his x mark,
Mo-so-ben-net, his x mark,
Kee-o-kum, his x mark.

Maatch-kee, his x mark,
Kaw-bal-toe-ai, his x mark,
Wec-ke-qua-tap, his x mark,
Ship-she-wuh-no, his x mark,
Wah-co-mah-o-pe-tuk, his x mark,
Ne-so-wah-quet, his x mark,
Shay-o-no, his x mark,
Ash-o-nees, his x mark,
Mix-i-nee, his x mark,
Ne-wah-ox-see, his x mark,
Sauk-e-mau, his x mark,
Shaw-waw-nuk-wuk, his x mark,
Mo-rah, his x mark,
Suk-see, his x mark,
Qesh-a-wase, his x mark,
Pat-e-go-to, his x mark,
Mash-ke-oh-see, his x mark,
Mo-nase, his x mark,
Wah-e-kaie, his x mark,
Shay-ob-new, his x mark,
Mo-gua-go, his x mark,
Pe-qua-shuc, his x mark,
A-muwa-noc-sey, his x mark,
Kau-ke-che-ke-to, his x mark,
Shaw-waw-nuk-wuk, his x mark,

In presence of

Wm. Lee D. Ewing, secretary to the commission,
E. A. Brush,
Luther Rice, interpreter,
James Conner, interpreter,
Joseph Bertrand, jr., interpreter,
Geo. Kercheval, sub Indian agent,

J. L. Thompson, lieutenant Fifth Infantry,
J. Allen, lieutenant Fifth Infantry,
P. Maxwell, assistant surgeon U. S. Army,
Geo. F. Turner, assistant surgeon U. S. Army,

TREATY WITH THE CHIPPEWA, ETC., 1833.

B. B. Kercheval,	L. M. Taylor,
Thomas Forsyth,	Pierre Menard, fils,
Daniel Jackson, of New York,	Jacob Beeson.
J. E. Schwars, adjutant-general M. M.	Samuel Humes Porter,
Robt. A. Kinsie,	Edmd. Roberts,
G. S. Hubbard,	Jno. H. Kinsie,
Geo. Bender, major Fifth Regiment In-	Jas. W. Berry,
fantry,	Gabriel Godfroy, jr.
D. Wilcox, captain Fifth Regiment,	Geo. Hunt,
J. M. Baxley, captain Fifth Infantry,	A. H. Arndt,
R. A. Forsyth, U. S. Army,	Andw. Porter,
L. T. Jamison, lieutenant U. S. Army,	Isaac Nash,
O. K. Smith, lieutenant Fifth Infantry,	Richard J. Hamilton.

SCHEDULE "A."

Referred to in the Article supplementary to the Treaty, containing the sums payable to individuals, in lieu of Reservations of Land.

	Dollars.
Po-ka-gon	2000
Rebecca Burnett } Edward Brooks Trustee for each {	600
Mary Burnett }	250
Martha Burnett (R. A. Forsyth Trustee)	250
Madaline Bertrand	200
Joseph Bertrand Junr.	200
Luke Bertrand Junr.	200
Benjamin Bertrand	200
Lawrence Bertrand	200
Theresa Bertrand	200
Amable Bertrand	200
Julianne Bertrand	200
Joseph H. Bertrand	100
Mary M. Bertrand	100
M. L. Bertrand	100
John B. Du Charme	200
Elizabeth Du Charme (R. A. Forsyth Trustee)	200
George Henderson	400
Mary Nado and children	400
John St. Chandonal	1000
Charles Chandonal } For each of whom R. A. Forsyth is Trustee {	400
Mary Chandonal }	400
Mary St. Comb and children	200
Sa-gen-nais' daughter	200
Me-chain, daughter of Pe-che-co	200
Alexis Rolan	200
Polly Neighbush	200
Francois Page's wife and children	200
Pierre F. Navarre's children	100
Jarmont (half breed)	100
Ten thousand dollars	\$10,000

Sept. 27, 1833.

Agreeably to the stipulations contained in the Articles supplementary to the Treaty, there have been purchased and delivered at the request of the Indians, Goods, Provisions and Horses to the amount of fifteen thousand dollars (leaving the balance to be supplied hereafter ten thousand dollars.)

As evidence of the purchase and delivery as aforesaid, under the direction of the said commissioners, and that the whole of the same been received by the said Indians, and the said George B. Porter, Thomas J. V. Owen, and William Weatherford, and the undersigned chiefs and head men on behalf of the said United Nation of Indians, have hereunto set their hands the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty-three.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,

To-pen-o-bee, his x mark,
Wee-saw, his x mark,
Ne-kaw-noah-kee, his x mark,

Wai-saw-o-ko-ne-aw, his x mark,	Ah-be-to-ke-Zhic, his x mark,
Ne-see-waw-be-tuk, his x mark,	E-to-wau-coto, his x mark,
Kai-kaw-tai-mon, his x mark,	Shab-y-a-tuk, his x mark,
Saw-Ka-Nosh, his x mark,	Mo-ant-ese, his x mark,
Tshee-tshee-chin-ke-bequay, his x mark,	Wah-be-me-mee, his x mark,
Joseph, his x mark,	Shim-e-nah, his x mark,
Shab-e-nai, his x mark.	We-in-co, his x mark.

In presence of--

Wm. Lee D. Ewing, secretary to the commission,	Saml. Humes Porter,
R. A. Forsyth, U. S. Army,	Joseph Bertrand, Junr.
John H. Kinzie,	Andw. Porter,
Madn. F. Abbott,	J. E. Schwarz, adjutant-general M. M. James Conner, interpreter.

On behalf of the Chiefs and Head men of the United Nation of Indians who signed the treaty to which these articles are supplementary we hereby, in evidence of our concurrence therein, become parties thereto.

And, as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan, have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation on which they now reside shall be paid to them at, L'arbre, Croche.

Witness our hands, the said day and year.

Saw-ka-nosh, his x mark,	O-cheep-pwaise, his x mark,
Che-obe-ble-quay, his x mark,	Mang-e-ett, his x mark,
Ah-be-to-ke-zhic, his x mark,	Shim-e-nah, his x mark,
Shab-e-nay, his x mark,	Ke-me-nah-wab, his x mark.

In the presence of--

Wm. Lee D. Ewing, secretary to the commission,	R. A. Forsyth, U. S. Army,
John H. Kinzie,	Saml. Humes Porter,
Richd. J. Hamilton,	J. E. Schwarz, adjutant-general M. M. James Conner, interpreter.
Robert Stuart,	

The Commissioners certify that when these supplementary articles were ready for signature, the original paper of which the annexed is a copy was presented by Messrs. Peter and James J. Godfroy, and the due execution of it was made satisfactorily appear to the Commissioners, the subscribing witnesses R A Forsyth and Robert A Kinzie being present.—The Chiefs and Head men present recognizing this as a reservation, it was agreed that it shall be considered in the same light as though the purport of the instrument had been inserted in the body of the treaty;—with the understanding that the rejection of it by the President and Senate of the United States shall not affect the validity of the treaty.

G. B. PORTER,
TH. J. V. OWEN,
WILLIAM WEATHERFORD.

(Copy of the instrument referred to in the above certificate.—)

Know all men by these presents that we the undersigned Chiefs and Young men of the Potawatamie tribe of Indians living at Na-to-wa-se-pe in the territory of Michigan, for and in consideration of the friendabip and aundry services rendered to us by Peter and James J.

May 18, 1830.

Godfroy we do hereby by these presents give, grant, alien, transfer and convey unto the said Godfroys their heirs and assigns forever one entire section of land situate lying and being on our reserve of Na-to-wa-se-pe, in the Territory aforesaid to be located by said Godfroys wherever on said reserve they shall think it more to their advantage and benefit.

It is moreover the wishes of the undersigned Chiefs and Young men as aforesaid, that so soon as there shall be a treaty held between the United States and our said tribe of Pottawatmics, that our great father the President confirm and make good this our grant unto them, the said Godfroys by issuing a patent therefor to them and to their heirs forever.—In so doing our great father will accomplish the wishes of his children.

Done at Detroit, this eighteenth day of May, A. D. one thousand eight hundred and thirty.

In witness whereof, we have hereunto signed, sealed, and set our hands and seals, the day and year last above written.

Penenchese, his x mark,	[L. S.]
Pit-goit-ke-so, his x mark,	[L. S.]
Nah-o-te-nan, his x mark,	[L. S.]
Ke-a-sac-wa, his x mark,	[L. S.]
Sko-paw-ka, his x mark,	[L. S.]
Ce-ce-baw, his x mark,	[L. S.]
Na-wa-po-to, his x mark,	[L. S.]
To-ta-gas, his x mark,	[L. S.]
Pierre Morin, alias Perish, his x mark,	[L. S.]
We-say-gab, his x mark,	[L. S.]

Signed, sealed, and delivered in the presence of us—

R. A. Forsyth,
Robt. A. Kinzie,
G. Godfroy,

Witnesses to the signature of Pierre Morin, alias Perish,
and We-say-gab.

Richard Godfroy,
Francis Mouton.

Chicago, Illinois, Oct. 1, 1834.

THO. J. V. OWEN, Esqr. }
U. S. Indian Agent. }

Oct. 1, 1834.

FATHER: Feeling a disposition to comply with the resolution of Senate of the United States, and the views of the Government in relation to an alteration in the boundaries of the country ceded to the United nation of Chippewa, Ottawa, and Potawatamic Indians at the treaty at Chicago in the State of Illinois, concluded on the 26th and 27th days of September 1833:—we therefore propose as the chiefs of the said united nation, and for and on their behalf that we will accept of the following alteration in the boundaries of the said tract of country viz:—Beginning at the mouth of Boyer's river; thence down the Missouri river, to a point thereon; from which a due east line would strike the northwest corner of the State of Missouri; thence along the said east line, to the northwest corner of said State; then along the northern boundary line of the said State of Missouri, till it strikes the line of the lands of the Sac and Fox Indians; thence northwardly along said line to a point from which a west line would strike the sources of the Little Sioux river; thence along said west line, till it strikes the said sources of said river; then down said river to its mouth; thence down the Missouri river to the place of beginning: *Provided* the said boundary shall contain five million of acres; but should it

contain more, then said boundaries are to be reduced so as to contain the said five millions of acres.

And, in consideration of the alteration of said boundary we ask that ten thousand dollars should be paid to such commissioner, as shall be designated by us to receive the same west of the Mississippi river, at such place on the tract of country ceded to the said united nation as we may designate, and to be applied, as we may direct for the use and benefit of the said nation. And the further sum of two thousand dollars to be paid to Gholson Kercheval, of Chicago, Ill.: for services rendered the said united nation of Indians during the late war, between the U. S. Government and the Sacs and Foxes; and the further sum of one thousand dollars to George E. Walker for services rendered the said United nation, in bringing Indian prisoners, from west of the Mississippi river to Ottawa, LaSalle county, Ill. for whose appearance at the circuit court of said county, the said nation was bound.

The foregoing propositions are made with the expectation, that with the exception of the alteration in the proposed boundary, and the indemnity herein demanded as an equivalent for said exchange, the whole of the treaty made and concluded at this place on the 26th and 27th days of September 1833, be ratified as made and concluded at that time, within the space of five months from the present date; otherwise it is our wish that the whole of the said treaty should be considered as cancelled.

In witness whereof, we, the undersigned chiefs of the said United Nation of Chippewa, Ottawa, and Pottawatamie Indians, being specially delegated with power and authority to effect this negotiation, have hereto set our hands and seals, at Chicago, in the State of Illinois, on the first day of October, A. D. 1834.

R. Caldwell,	[L. S.]
Kee-tsbee-zhing-ee-beh, his x mark,	[L. S.]
T-hee-tsbee-beeng-guay, his x mark,	[L. S.]
Joseph, his x mark,	[L. S.]
Ob-ee-tah-kec-zhik, his x mark,	[L. S.]
Wau-bon-see, his x mark,	[L. S.]
Kay-kot-ee-mo, his x mark,	[L. S.]

In presence of—

Richd. J. Hamilton,
Jno. H. Kenzie,
Dr. P. Maxwell, U. S. Army,
J. Grant, jr.,
E. M. Owen,
J. M. Baxley, captain Fifth Infantry.

[NOTE.—This Treaty and Supplementary Articles thereto, were ratified and confirmed, upon the conditions expressed in the two resolutions of the Senate in relation to the same; which conditions as contained in the first named resolution, are as follows:

1. That the Senate do advise and consent to the ratification of the Treaty, made on the 26th day of September 1833, at Chicago, by George B. Porter and others, Commissioners on behalf of the United States, and the United Nation of Chippewas, Ottawas, and Pottawatamie Indians, and the supplementary articles thereto, dated on the 27th day of September, 1833, with the following amendments and provisions, to wit: 1st. amend the third article in Schedule A, by striking out the word "ten" and inserting the word five as to each of the sums to be paid to Billy Caldwell and Alexander Robinson; so that the sum of five thousand dollars only will be paid to each of them, and the sum of ten thousand dollars, thus deducted, to be paid to the Indians.—2d. All the debts, mentioned in schedule B, in the same article, and which are specified in exhibit E, to the report of the committee, to be examined by a commissioner to be appointed by the President, with the advice and consent of the Senate, and the individuals to be paid only the sums found by said commissioner, to have been justly due; in no instance increasing the sum agreed to be paid; and whatever sum is saved by deduction or disallowance of the debts in exhibit E, to be paid to the Indians, and the residue to the claimants respectively. 3d. Strike out article 5th in the Treaty. 4th. Strike out article 4th in the supplementary articles: and provided, that the lands

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHIEFS AND DELEGATES

OF THE

OTTAWA AND CHIPPEWA NATIONS OF INDIANS.

CONCLUDED MARCH 11, 1836—RATIFIED MAY 27, 1836.

THIS IS A COPY OF AN ACTUAL COPY OF THE 1836 TREATY. SAGINAW WAS NOT ELIGIBLE, NOR WOULD HE HAVE TRIED TO SIGN AWAY SOMEONE ELSE'S LAND. HE WAS THEN IN ALLEGAN COUNTY NEAR GUN LAKE LIVING ON WHAR IS NOW KNOWN AS HASTING'S POINT IN THE LAKE. THERE WAS RUMBLINGS OF ANOTHER BORDER WAR LIKE 1812. THIS MADE SAGINAW AN IMPORTANT PERSON. NOON DAY AND BLACKSKIN SIGNED.

IN APRIL OF 1838 A MURDER OF A WHITE FAMILY BROUGHT ALL THE WORST FEARS OF AN INDIAN UPRISING INTO THE OPEN. WAR DEPARTMENT AND THE PRESIDENT CREATE NEW PLAN TO PUT SAGINAW AND OTHER WARRIOR CHIEFS ON LANDS AWAY FROM PEOPLE WHERE THEY CAN BE WATCHED. IT WAS A NEW POLICY. ON JUNE 5, 1838, A COMPACT WAS SIGNED AND THE GUN LAKE BAND WAS CREATED AND SAGINAW, PENASEE, MATCHIPENASHIWISH, AND KEWAYGOOSHCUM WERE PLACE AT GRISWOLD JUST EAST OF GUN LAKE. GRISWOLD WAS THEN LOCATED ON THE LAST HIGH GROUND OVER LOOKING TEN MILES OF SWAMP THAT STRETCHED TO THE WEST. IT LATER TURNED OUT THE HUSBAND KILLED THE WHITE FAMILY BUT BY THIS TIME THE GUN LAKE BAND HAD IT'S TRUST LAND THAT WAS THEN HELD BY BISHOP MCCOSKRY.

THE COMPACT OF JUNE 5, 1838 HAS BEEN OVER LOOKED BY HISTORIANS. THIS DOCUMENT CREATED COLONIES TO COMPLETE AGREEMENTS NOT DONE FROM 1833 TREATY AND SUPPLEMENTAL AGREEMENT.

BEST AVAILABLE COPY



ANDREW JACKSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these presents shall come, Greeting:

WHEREAS a Treaty was made and concluded at the city of Washington, in the District of Columbia, between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chippewa nations of Indians, by their chiefs and delegates, on the twenty-eighth day of March one thousand eight hundred and thirty-six; and an article supplementary thereto was also agreed upon on the thirty-first day of March in the same year; which Treaty and supplementary article are in the following words, to wit:

Articles of a treaty made and concluded at the city of Washington in the District of Columbia, between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chippewa nations of Indians, by their chiefs and delegates.

ARTICLE FIRST, The Ottawa and Chippewa nations of Indians cede to the United States all the tract of country within the following boundaries: Beginning at the mouth of Grand river of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the treaty, of Chicago of the 29th of August 1821, thence, in a direct line, to the head of Thunder-bay river, thence with the line established by the treaty of Sagawaw of the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the treaty of Ghent, through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of Gitchy Seeling, or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of the Skonawba river of

Green bay, thence down the south bank of said river to its mouth, thence, in a direct line, through the ship channel into Green bay, to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved,

ARTICLE SECOND, From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts, namely: One tract of fifty thousand acres to be located on Little Traverse bay: one tract of twenty thousand acres to be located on the north shore of Grand Traverse bay, one tract of seventy thousand acres to be located on, or north of the *Piere Marquette* river, one tract of one thousand acres to be located by Chingassanoo,—or the Big Sail, on the Cheboigan. One tract of one thousand acres, to be located by Mujcekewis, on Thunder-bay river.

ARTICLE THIRD, There shall also be reserved for the use of the Chippewa living north of the straits of Michilimackinac, the following tracts, that is to say: Two tracts of three miles square each, on the north shores of the said straits, between *Point-au-Barbe* and *Mille*

Coyuin river, including the fishing grounds in front of such reservations, to be located by a council of the chiefs. The Beaver islands of Lake Michigan for the use of the Beaver-island Indians. Round island, opposite Michilimackinac, as a place of encampment for the Indians, to be under the charge of the Indian department. The islands of the *Chenos*, with a part of the adjacent north coast of Lake Huron, corresponding in length, and one mile in depth. Sugar island, with its islets, in the river of St. Mary's. Six hundred and forty acres, at the mission of the Little Rapids. A tract commencing at the mouth of the *Pississoring* river, south of Point Iroquois, thence running up said stream to its forks, thence westward, in a direct line to the Red water lakes, thence across the portage to the *Tacquinon* river, and down the same to its mouth, including the small islands and fishing grounds, in front of this reservation. Six hundred and forty acres, on Grand island, and two thousand acres, on the main land south of it. Two sections, on the northern extremity of Green bay, to be located by a council of the chiefs. All the locations, left indefinite by this, and the preceding articles, shall be made by the proper chiefs, under the direction of the President. It is understood that the reservation for a place of fishing and encampment, made under the treaty of St. Mary's, of the 16th of June 1820, remains unaffected by this treaty.

ARTICLE FOURTH. In consideration of the foregoing cessions, the United States engage to pay to the Ottawa and Chippewa nations, the following sums, namely. 1st. An annuity of thirty thousand dollars per annum, in specie, for twenty years; eighteen thousand dollars to be paid to the Indians between Grand river and the Cheboigan; three thousand six hundred dollars, to the Indians on the Huron shore, between the Cheboigan and Thunder-bay river; and seven thousand four hundred dollars, to the Chippewas north of the straits, as far as the cession extends; the remaining one thousand dollars, to be invested in stock by the Treasury Department and to remain incapable of being sold, without the consent of the President and Senate, which may, however, be given, after the expiration of twenty-one years. 2nd. Five thousand dollars per annum, for the purposes of education, teachers, school-

houses, and books in their own language, to be continued twenty years, and as long thereafter as Congress may appropriate for the object. 3rd. Three thousand dollars for missions, subject to the conditions mentioned in the second clause of this article. 4th. Ten thousand dollars for agricultural implements, cattle, mechanics' tools, and such other objects as the President may deem proper. 5th. Three hundred dollars per annum for vaccino matter, medicines, and the services of physicians, to be continued, while the Indians remain on their reservations. 6th. Provisions to the amount of two thousand dollars; six thousand five hundred pounds of tobacco; one hundred barrels of salt, and five hundred fish barrels, annually, for twenty years. 7th. One hundred and fifty thousand dollars, in good and provisions, on the ratification of this treaty, to be delivered at Michilimackinac.

ARTICLE FIFTH. The sum of three hundred thousand dollars shall be set apart for the payment of just debts against the said Indians. All claims for such debts shall be examined by a commissioner to be appointed by the President and Senate, who shall act under such instructions as may be given to him, by the order of the President, for the purpose of preventing the allowance of unjust claims. The investigation shall be made at Michilimackinac, and no claims shall be allowed, except such as were contracted by Indians living within the district of country hereby ceded; and to citizens or residents of the United States; No claim shall be paid out of this fund unless the claimant will receive the sum allowed to him, as full payment of all debts, due to him by the said Indians. If the fund fall short of the full amount of just debts, then a ratable division shall be made. If it exceed such amount, the balance shall be paid over to the Indians, in the same manner, that annuities are required by law to be paid.

ARTICLE SIXTH. The said Indians being desirous of making provision for their half-breed relatives, and the President having determined, that individual reservations shall not be granted, it is agreed, that in lieu thereof, the sum of one hundred and fifty thousand dollars shall be set apart as a fund for said half-breeds. No person shall be entitled to any part of said fund, unless he is of Indian descent and actually resident with-

in the boundaries described in the first article of this treaty, nor shall any thing be allowed to any such person, who may have received any allowance at any previous Indian treaty. The following principles, shall regulate the distribution. A census shall be taken of all the men, women, and children, coming within this article. As the Indians hold in higher consideration, some of their half-breeds than others, and as there is much difference in their capacity to use and take care of property, and, consequently, in their power to aid their Indian connexions, which furnishes a strong ground for this claim, it is, therefore, agreed, that at the council to be held upon this subject, the commissioner shall call upon the Indian chiefs to designate, if they require it, three classes of these claimants, the first of which, shall receive one-half more than the second, and the second, double the third. Each man woman and child shall be enumerated, and an equal share, in the respective classes, shall be allowed to each. If the father is living with the family, he shall receive the shares of himself, his wife and children, if the father is dead, or separated from the family, and the mother is living with the family, she shall have her own share, and that of the children. If the father and mother are neither living with the family, or if the children are orphans, their share shall be retained till they are twenty-one years of age provided, that such portions of it, as may, be necessary may, under the direction of the President, be from time to time applied for their support. All other persons at the age of twenty-one years, shall receive their shares agreeably to the proper class. Out of the said fund of one hundred and fifty thousand dollars, the sum of five thousand dollars shall be reserved to be applied, under the direction of the President, to the support of such of the poor half-breeds, as may require assistance, to be expended in annual instalments for the term of ten years, commencing with the second year. Such of the half-breeds, as may be judged incapable of making a proper use of the money, allowed them by the commissioner, shall receive the same in instalments, as the President may direct.

ARTICLE SEVENTH. In consideration of the cessions above made, and as a further earnest of the disposition felt to do full justice to the Indians, and to

further their well being, the United States engage to keep two additional blacksmith-shops, one of which, shall be located on the reservation north of Grand river, and the other at the *Sault Ste. Marie*. A permanent interpreter will be provided at each of these locations. It is stipulated to renew the present dilapidated shop, at Michilimackinac, and to maintain a gunsmith, in addition to the present smith's establishment, and to build a dormitory for the Indians visiting the post, and appoint a person to keep it, and supply it with firewood. It is also agreed, to support two farmers and assistants, and two mechanics, as the President may designate, to teach and aid the Indians, in agriculture, and the mechanic arts. The farmers and mechanics, and the dormitory, will be continued for ten years, and as long thereafter, as the President may deem this arrangement useful and necessary; but the benefits of the other stipulations of this article, shall be continued beyond the expiration of the annuities, and it is understood that the whole of this article shall stand in force, and inure to the benefit of the Indians, as long after the expiration of the twenty years as Congress may appropriate for the objects.

ARTICLE EIGHTH. It is agreed, that as soon as the said Indians desire it, a deputation shall be sent to the west of the Mississippi, and to the country between Lake Superior and the Mississippi, and a suitable location shall be provided for them, among the Chippewas, if they desire it, and it can be purchased upon reasonable terms, and if not, then in some portion of the country west of the Mississippi, which is at the disposal of the United States. Such improvements as add value to the land, hereby ceded, shall be appraised, and the amount paid to the proper Indian. But such payment shall, in no case, be assigned to, or paid to, a white man. If the church on the Cheboigan, should fall within this cession, the value shall be paid to the band owning it. The mission establishments upon the Grand river shall be appraised and the value paid to the proper boards. When the Indians wish it, the United States will remove them, at their expense, provide them a year's subsistence in the country to which they go, and furnish the same articles, and equipments to each person, as are stipulated to be given to the Pottawatamies in the final treaty of cession concluded at Chicago.

ARTICLE NINTH, Whereas the Ottawas and Chippewas, feeling a strong consideration for aid rendered by certain of their half-breeds on Grand river, and other parts of the country ceded, and wishing to testify their gratitude on the present occasion, have assigned such individuals certain locations of land, and united in a strong appeal for the allowance of the same in this treaty; and whereas no such reservations can be permitted in carrying out the special directions of the President on this subject, it is agreed, that, in addition to the general fund set apart for half-breed claims, in the sixth article, the sum of forty-eight thousand one hundred and forty-eight dollars shall be paid for the extinguishment of this class of claims, to be divided in the following manner: To Rix Robinson, in lieu of a section of land, granted to his Indian family, on the Grand-river rapids, (estimated by good judges to be worth half a million,) at the rate of thirty-six dollars an acre: To Leonard Slater, in trust for Chiminonoquat, for a section of land above said rapids, at the rate of ten dollars an acre: To John A. Drew, for a tract of one section and three-quarters, to his Indian family, at Cheboigan rapids, at the rate of four dollars; to Edward Biddle, for one section to his Indian family at the fishing grounds, at the rate of three dollars: To John Holiday for five sections of land to five persons of his Indian family, at the rate of one dollar and twenty-five cents; to Eliza Cook, Sophia Biddle, and Mary Holiday, one section of land each, at two dollars and fifty cents: To Augustin Hamelin junr, being of Indian descent, two sections, at one dollar and twenty-five cents; to William Lasley, Joseph Daily, Joseph Trotier, Henry A. Lenake, for two sections each, for their Indian families, at one dollar and twenty-five cents: To Luther Rice, Joseph Lafrombois, Charles Butterfield, being of Indian descent, and to George Moran, Louis Moran, G. D. Williams, for half-breed children under their care, and to Daniel Marsac, for his

Indian child, one section each, at one dollar and twenty-five cents,

ARTICLE TENTH. The sum of thirty thousand dollars shall be paid to the chiefs, on the ratification of this treaty, to be divided agreeably to a schedule hereunto annexed.

ARTICLE ELEVENTH. The Ottawas having consideration for one of their aged chiefs, who is reduced to poverty, and it being known that he was a firm friend of the American Government, in that quarter, during the late war, and suffered much in consequence of his sentiments, it is agreed, that an annuity of one hundred dollars per annum shall be paid to Ningweegon or the Wing, during his natural life, in money or goods, as he may choose. Another of the chiefs of said nation, who attended the treaty of Greenville in 1793, and is now, at a very advanced age, reduced to extreme want, together with his wife, and the Government being apprized that he has pleaded a promise of Gen. Wayne, in his behalf, it is agreed that Chusco of Michilimackinac shall receive an annuity of fifty dollars per annum during his natural life.

ARTICLE TWELFTH. All expenses attending the journeys of the Indians from, and to their homes, and their visit at the seat of Government, together with the expenses of the treaty, including a proper quantity of clothing to be given them, will be paid by the United States.

ARTICLE THIRTEEN. The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement.

In testimony whereof, the said Henry R. Schoolcraft, commissioner on the part of the United States, and the chiefs and delegates of the Ottawa and Chippewa nations of Indians have hereunto set their hands, at Washington the seat of Government, this twenty-eighth day of March, in the year one thousand eight hundred and thirty-six.

HENRY R. SCHOOLCRAFT.

JOHN HULBERT, Secretary.

Oroun Aishkum, of Maskigo,	his mark x
Wassangazo, of do	his mark x
Osawya, of do	his mark x
Wabi Windego, of Grand river,	his mark x
Megiss Ininee, of do	his mark x
Nabun Ageezhig, of do	his mark x
Winnimissagee, of do	his mark x
Mukutaysee, of do	his mark x
Wasaw Boqum, of do	his mark x

Ainse, of Michilimackinac,	his mark x
Chabowaywa, of do	his mark x
Jawba Wadick, of Sault Ste. Marie,	his mark x
Waub Ogeeg, of do	his mark x
Kawgayosh, of do	his mark x
by Maidosagee,	his mark x
Apawkozigun, of L'Arbre Croche,	his mark x
Keminitchagun, of do	his mark x
Tawaganeé, of do	his mark x
Kinoshamaig, of do	his mark x
Naganigobowa, of do	his mark x
Ontiasino, of do	his mark x
Mukuday Benais, of do	his mark x
Chingassamo, of do	his mark x
<u>Aishquagonabee, of Grand Traverse,</u>	his mark x
Akosa, of do	his mark x
Oshawun Epenaysee, of do	his mark x

LUCIUS LYON,
 R. P. PARROT, *Capt. U. S. Army,*
 W. P. ZANTZINGER, *Purser U. S. Navy,*
 JOSIAH F. POLK,
 JOHN HOLIDAY,
 JOHN A. DREW,
 RIX ROBINSON,
 LEONARD SLATER,
 LOUIS MORAN
 AUGUSTIN HAMELIN, JR.,
 HENRY A. LENAKE,
 WILLIAM LASLEY,
 GEORGE W. WOODWARD,
 C. O. ERMATINGER.

Schedule referred to, in the tenth article.

1. The following chiefs constitute the first class, and are entitled to receive five hundred dollars each, namely: On Grand river, Mucutay Osha, Namatippy, Nawequa Geezhig or Noon Day, Nabun Egeezhig son of Kewayguabowequa, Wabi Windego or the White Giant, Cawpenossay or the Walker, Mukutay Oquot or Black Cloud, Megiss Inince or Wampum-man, Winnimissagee; on the Maskigo, Osawya, and Owun Aishcum; at L'Arbre Croche, Apawkozigun, or Smoking Weed, N. sawakeout, Keminechawgun; at Grand Travers, Aishquagonabee, or the Feather of Honor, Chabwosun, Mikenok; on the Cheboigan, Chingassamo, or the Big Sail; at Thunderbay, Mujeekiwiss; on the Manistic North, Mukons Ewyau; at Oak Point on the straits, Ains: at the Chenos, Chabowaywa; at Sault Ste. Marie, Jawba Wadick and Kewayzi Shavano; at Tacquimenon, Kawgayosh; at Grand Island, Oshawun Epenaysee, or the South Bird.

2. The following chiefs constitute the

second class, and are entitled to receive two hundred dollars each, namely: On Grand river, Keeshawwash, Nugogikaybee, Kewaytowaby, Wapoo or the Rabbit, Wabitouguaysay, Kewatondo, Zhaquina, Nawiqua Geozhig of Flat river, Kenaytinunk, Weenonga, Pabawboco, Windecowiss, Mucutay Penay or Black Patridge, Kaynotin Aishcum, Boyuashing, Shagwabeno son of White Giant, Tushetowun, Keway Goosheum the former head chief, Pamossayga; at L'Arbre Croche, Sagitoadowa, Ogirman Wininee, Megisawba, Mukuday Benais; at the Cross, Nishcaminnee, Nawamushcota, Pabamitabi, Kimmewun, Gitchy Mocoman; at Grand Traverse, Akosa, Nebauquaum, Kabibonocca; at Little Traverse, Miscomaningwa or Red Butterfly, Keezhigo Benais, Pamanikinong, Pamossega; on the Cheboigan, Chonees, or Little John, Shawcenossagey; on Thunder bay, Sugankwato; on Maskigo, Wassangazo; on Ossigomico or Platte river, Kaigvaidosay; at Manistee, Keway Goosheum; on river Pierre Markets, Saugima; at Saulte Ste.

Marie, Neegaubayun, Mukudaywacquot, Cheegud; at Carp river west of Grand island, Kaug Wyanaïs: at Mille Cocquin on the straits, Aubunway: at Michilimackinac, Missutigo, Saganosh, Akkukogeesh, Chehyawboas.

3. The following persons constitute the third class, and are entitled to one hundred dollars each, namely: Kayshe-wa, Penasee of Gun lake, Kenisoway, Keenabie of Grand river: Wasso, Moseniko, Unwatin Oasheum, Nayogirna, Itawachkochi, Nanaw Ogonoo, Gitchy, Peendowan or Scabbard, Mukons, Kinochimaig, Tekamosimo, Pewaywitung, Mudji Kegubi, Kewayaum, Paushkizigun or Big Gun, Onaasino, Ashquabaywiss, Negaunigabowi, Petossegay, of L'Arbre Croche: Poices or Dwarf and Pamosay of Cheboigan: Gitchy Ganocquot and Pamossegay of Thunder bay: Tabusshy Geeshuck and Mikenok, of Carp river south of Grand Traverse; Waposo, Kaubinau, and Mudjeekee of river Pierre Marquette: Pubokway, Manitowaba, and Mishewatig, of White river: Shawun Epenaysee and Agausgee of Grand Traverse: Micquimsut, Chusco of Mackinac; Keeshkidjiwun, Waub Ojeeg, Aukudo, Winikis, Jaubeens, Maidosagee, Autya, Ishquungwunaby, Shaniwaywunabi son of Kakake, Nittum Egabowi, Magisanikway, Ketekewegauboway, of Sault Ste. Marie: Chogauzhee and Waubudo of Grand island: Ashegon; Kinuwais, Misquanonaby and Mongons of Carp and Chocolate rivers: Gitchy Pénais son of Grosse Tete, and Wnubissnaig of Bay de Nocquet: Kninwaybekis and Pazhikwaywitung of Beaver islands: Neczhick Epenais of the Ance: Ahdanima of Manistic: Mukwyon, Wahzahkoon, Oshawun, Oneshanocquot of the north shore of Lake Michigan: Nagauniby and Keway Gooshkum of the Chenos.

HENRY R. SCHOOLCRAFT.

Commissioner.

	Owun Aishkum, of Maskigo,	his mark x
	Wassangazo, of do	his mark x
ROBERT STEWART,	Osawya, of do	his mark x
WM. MITCHELL,	Wabi Widego, of Grand river,	his mark x
JOHN A. DREW,	Megiss Inince, of do	his mark x
AUGUSTIN HAMELIN, jr.	Nabun Ageezhig, of do	his mark x
RIX ROBINSON,	Anse, of Michilimackinac,	his mark x
C. O. ERMATINGER	Chabowaywa, of do	his mark x
	Jauba Wadick, of Sault St. Marie,	his mark x
	Waub Ojeeg, of do	his mark x
	Kawgayosh, of do	his mark x
	by Maidosagee,	his mark x

Supplemental article.

To guard against misconstruction in some of the foregoing provisions, and to secure, by further limitations, the just rights of the Indians, it is hereby agreed: that no claims, under the fifth article shall be allowed for any debts contracted previous to the late war, with Great Britain, or for goods supplied by foreigners to said Indians, or by citizens, who did not withdraw from the country, during its temporary occupancy by foreign troops, for any trade carried on, by such persons, during the said period. And it is also agreed: that no person receiving any commutation for a reservation, or any portion of the fund provided by the sixth article of this treaty, shall be entitled to the benefit of any part of the annuities herein stipulated. Nor shall any of the half-breeds, or blood relatives of the said tribes, commuted with, under the provisions of the ninth article, have any further claim on the general commutation fund, set apart to satisfy reservation claims, in the said sixth article. It is also understood, that the personal annuities, stipulated in the eleventh article, shall be paid in specie, in the same manner that other annuities are paid. Any excess of the funds set apart in the fifth and sixth articles, shall, in lieu of being paid to the Indians, be retained and vested by the Government in stock under the conditions mentioned in the fourth article of this treaty.

In testimony whereof, the parties above recited, have hereto set their hands, at Washington the seat of Government, this thirty-first day of March in the year, one thousand eight hundred and thirty-six.

HENRY R. SCHOOLCRAFT.

JOHN HULBERT, *Secretary.*

Apawkozigun, of L'Arbre Croche,	his mark x
Keminitchagun, of do	his mark x
Tawagnee, of do	his mark x
Kinoehemaig, of do	his mark x
Naganigabowi, of do	his mark x
Oniasino, of do	his mark x
Mukaday Benais, of do	his mark x
Chingassamoo, of Cheboigan,	his mark x
Aishquagonabee, of Grand Traverse,	his mark x
Akosa, of do	his mark x
Oshawun Epenaysee, of do	his mark x

NOW THEREFORE BE IT KNOWN, THAT I, ANDREW JACKSON, President of the United States of America, having seen and considered the said Treaty, and the article supplementary thereto, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twentieth day of May, one thousand eight hundred and thirty-six, accept, ratify, and confirm the same, with the following amendments thereto, as expressed in the aforesaid resolution of the Senate.

ARTICLE TWO, line two, after the word "tracts, insert the following words, to wit: "for the term of five years from the date of the ratification of this treaty, and no longer;" unless the United States grant them permission to remain on said lands for a longer period.

ARTICLE THREE, after the word "tracts," in the second line, insert the following words, to wit:

For the term of five years from the date of the ratification of this treaty, and no longer, unless the United States grant them permission to remain on said lands for a longer period.

ARTICLE FOUR,—at the close thereof insert these words—"and also the sum of two hundred thousand dollars, in consideration of changing the permanent reservations in articles two and three to reservations for five years only, to be paid whenever their reservations shall be surrendered, and until that time the interest on said two hundred thousand dollars shall be annually paid to the said Indians."

ARTICLE FIVE—Strike out the whole article and insert the following:

"The sum of three hundred thousand dollars shall be paid to the said Indians to enable them with the aid and assistance of their agent, to adjust and pay such debts as they may justly owe, and the overplus if any to apply to such other use as they may think proper.

ARTICLE EIGHT—Strike out after the word "the" where it first occurs in line two, to the word "States," in the eighth line, and insert in lieu thereof these words—"South-west of the Missouri river, there to select a suitable place for the final settlement of said Indians, which country, so selected, and of reasonable extent, the United States will forever guaranty and secure to said Indians.—"

In the **EIGHTH ARTICLE**—Strike out all between the word "it" in the eleventh line, and the word "when" in the thirteenth line, and insert these words:—"The net proceeds of the sale of the one hundred and sixty acres of land, upon the Grand river, upon which the Missionary Society have erected their buildings, shall be paid to the said Society in lieu of the value of their said improvements."

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-seventh day of May, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixtieth.

ANDREW JACKSON.

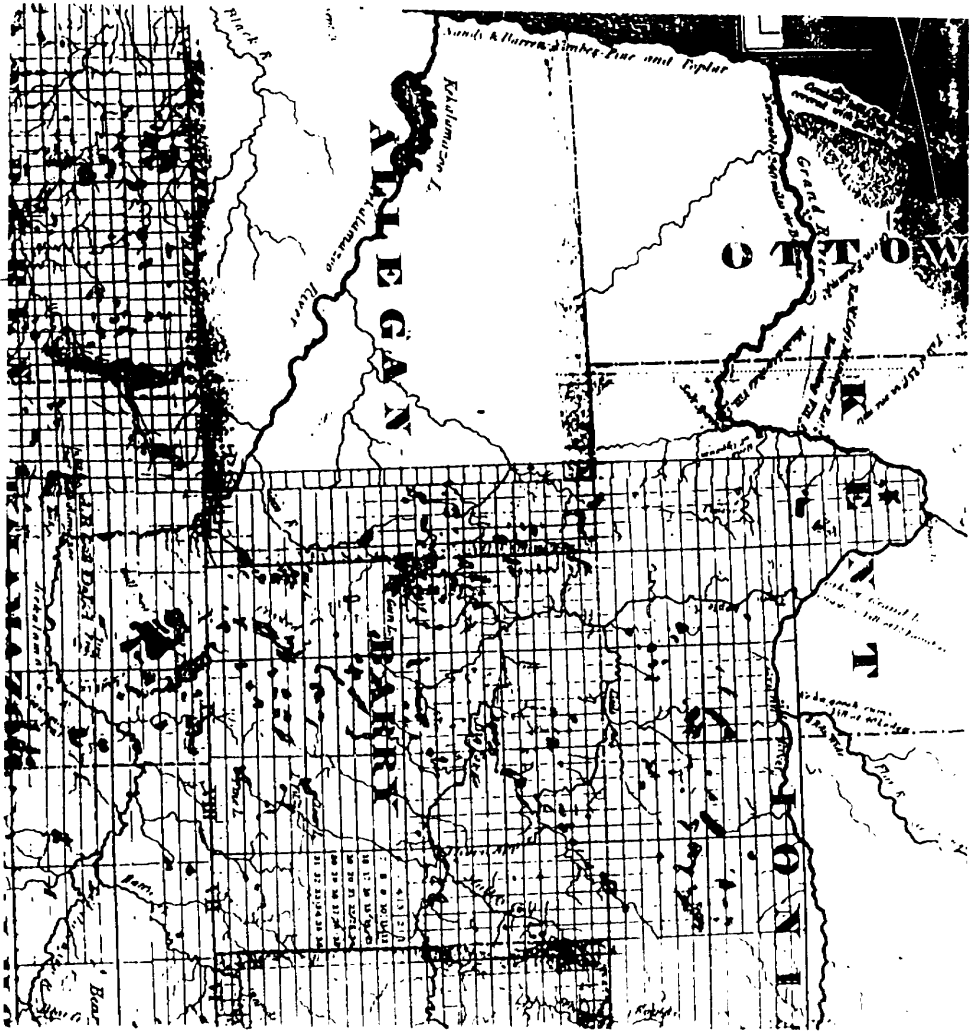
By the President:

JOHN FORSYTH,

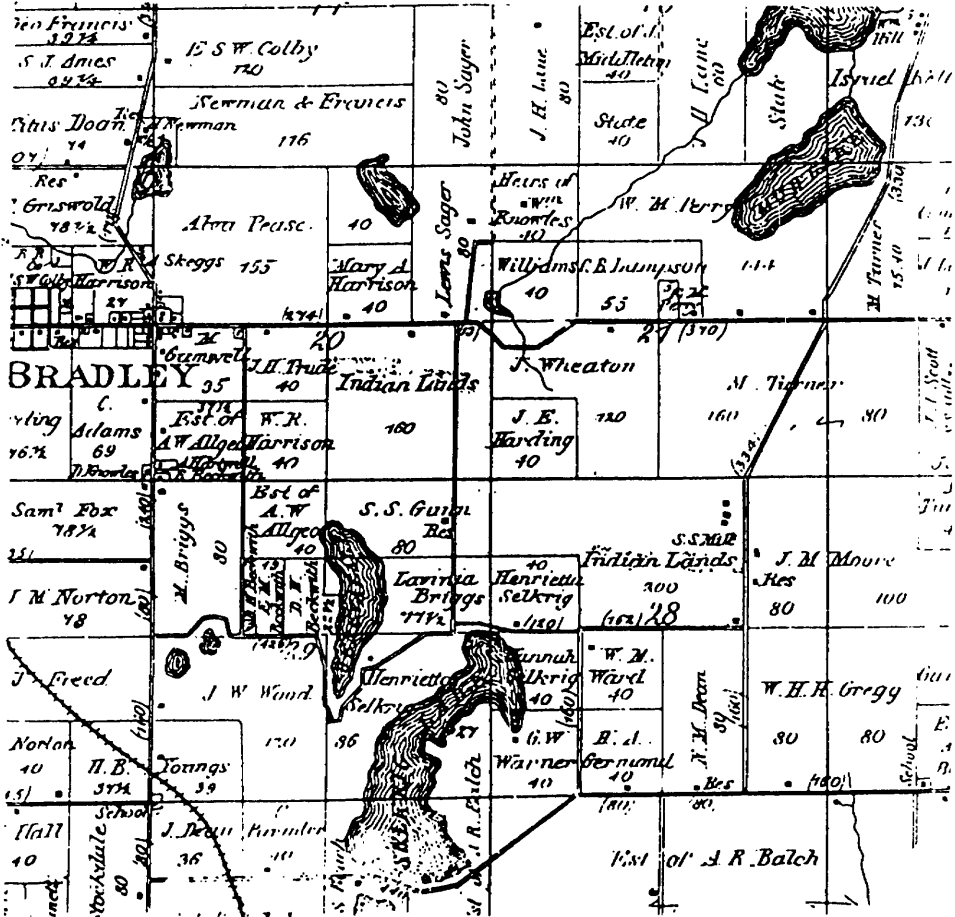
Secretary of State.



THIS IS AN 1831 MAP OF ALLEGAN COUNTY, MICHIGAN, SHOWING THE AREA THAT SAGINAW SOUGHT OUT TO AVOID REMOVAL BASED UPON PRIOR RIGHTS FROM THE 1795 TREATY. ALLEGAN COUNTY WAS NOT COMPLETELY SOLD UNTIL AFTER 1838. THE COLONIES CREATED IN ALLEGAN COUNTY WERE A POLICY ATTEMPT TO PACIFY THE GREAT NUMBERS OF WARRIORS THAT REMOVED TO ALLEGAN RATHER THAN KANSAS. KIND OF LIKE THE MOGADISHU OF THE PAST CENTURY IN MICHIGAN. X MARKS EVENTUAL SITE OF GRISWOLD COLONY.



HERE'S A COPY OF AN 1873 PLAT MAP OF ALLEGAN COUNTY SHOWING THE INDIAN LANDS (360 ACRES) THAT MADE UP THE GRISWOLD COLONY. NOTICE IT'S PROXIMITY TO BRADLEY. IN BRADLEY THERE WAS A LOT WHERE THE CHIEF LIVED THAT IS SHOWN ON THE MAP. THIS IS WERE OUR PEOPLE LIVE TODAY. THIS IS THE LAND THAT WAS TAKEN FROM US ILLEGALLY. THIS IS THE LAND THAT WAS HELD IN TRUST BY BISHOP MCCOSKRY AND WAS PURCHASED WITH 1836 TREATY FUNDS AND WAS PROVIDED FOR SAGINAW. OUR TRIBE HOLDS 13 ACRES OF THIS LAND IN COMMON TODAY AND IS OUR RESERVATION. WE DESIRE TO RECOVER THE REST OR OTHER LAND IN LEIU OF OUR ALIENATED SOIL.



Detroit January 8th 1838

Attorn of Gull Prairie,
My Children,

Your talk, sent by Mr. Slater
has been received. Your Arrears for 1837 under the
old treaty, will be paid to you in a few days by
Sibley. Your proportion of the salt tobacco & lupine goods
remains as shakineso, and will be delivrd to a delegate
of your Chief whenever sent for, as I have told you before.

I have already written to you, and told you
of your Arrears under the ~~old~~ treaty, not being paid to
hands. It was because no delegation of Chief came
th. You say the U.S. promised you the Arrears for
Tues! but you were not promised that the money shall
be distributed among villages and bands.

You say, you were promised ~~money~~
Tues! but the treaty states they shall be employed
your education, such as U.S. money for the

You say you were promised teachers
some time was supplied to find
not till lately, that the President
apply the money. He has now divided it among five
denominations of Christians
teach your children wherever
your location at Gull Prairie
employed

42556 but in one case more

LETTER FROM HENRY SCHOOLCRAFT TO LEONARD SLATER REGARDING INDIAN
LAND FUNDS FROM 1836 TREATY. LETTER INDICATES THAT "IT WAS
NOT TILL LATELY THAT THE PRESIDENT (MARTIN VAN BUREN) DETERMINED
HOW TO APPLY THE MONEY. HE HAS NOW DIVIDED IT AMONG FIVE
DENOMINATIONS OF CHRISTIANS AND THEY WILL TEACH YOUR CHILDREN
....."

LETTER DATED JANUARY 8, 1838, signed by Henry Schoolcraft.

THE FOLLOWING DOCUMENTS ARE FROM THE NATIONAL ARCHIVES

RECORD GROUP M234, Roll 423, pages 146, 147, 153, 168, 171, 448, 450, and 451.

THESE ARE LETTERS FROM HENRY SCHOOLCRAFT, MICHIGAN AGENCY, TO THE COMMISSIONER OF INDIAN AFFAIRS-WASHINGTON D.C.

#146, 47:

Detroit April 4, 1838.

Sir,

In my letter of the 13th untine, I had the honor to detail the principal causes of dissatisfaction in the minds of the Grand River Indians, so far as they are known to me, and so far as it is conceived that these causes are, in any just sense, attributable to the acts of the officers of the department, or the Government.....

"Forty three years of official intercourse with the Chippewa, Ottawa, and Pottawatomis during which they have been in a constant state of change, has thrown a degree of obscurity about their treaty affairs, which does not attach to the negotiations with any other of the northwestern tribes.

During this period they have often changed locations, fluctuated in population, united and separated, been recognized under different names, and stand in the treaty books, as parties either jointly with each other, or with other N.W. Tribes to no less than 78 treaties. They constitute the leading tribes, speaking dialects of the Algic type of language, who, at the early period, spread themselves over the region of the lakes".

.....etc.

#153, Cover sheet for report from Schoolcraft to Commissioner.

#168, notes section 4 "Schools and Moral Instruction".

#171, (excerpt, paragraph 2)

"Bishop McCoskry of the Episcopal Church in this state, has had under consideration, the establishment of a school, a Mission for the tribes, and he executed a visit to the country to learn the wants of the Indians & to judge the feasibility of making a systematic effort for their improvement. With this gentleman, I have had several interviews, in relation to this subject and entertain a confident belief that no time, nor opportunity will be omitted to bring about the desired object. In all efforts of this nature, it is much easier to rush into indiscreet action, than a plan a system for instruction, which shall meet the manner of the Indians & secure, at the same time, permanency in the application of the means".

Henry Schoolcraft

Continued ~~after 171~~ after 171

#146

Acting Superintendent Indian Affairs
 Detroit April 4th 1838

Sir,

In my letter of the 13th ultimo, I had the honor to detail the principal causes of dissatisfaction in the minds of the Grand River Indians, so far as they are known to me, and so far also, as it is conceived that these causes are, in any just sense attributable to the acts of the officers of the Department, or of the Government. I have not been unfruitful of the other branch of inquiry contained in your letter of the 2nd of March. But the subject is one, requiring much caution, and the results to be obtained, depend upon a species of research, of which the details cannot, and are not necessary to be detailed in an official letter. As yet, I have not prepared the materials for exhibiting a practical digest of the relative interests of the three tribes named, as the Department requires. No time will however be lost in furnishing it. Only three years of official intercourse with the Chippewas, Ottawas & Pellowatomies, during which they have been in a constant state of change, has thrown a degree of obscurity about their treaty affairs, which does not attach to the negotiations with any other of the northwestern tribes.

tribes. During this period they have often changed locations, fluctuated in population, united and separated, been recognized under different names, and stand in the treaty books, as parties either jointly with each other, or with other N. W. Tribes, separately, to no less than 78 treaties. They constitute the leading tribes, speaking dialects of the Algonic type of languages, who, at an early period, spread themselves over the region of the Lakes.

I allude to these facts, not from any necessity that exists for introducing historical data to your notice, but for the purpose of indicating, that I am under the necessity of respecting such data, in order to show how the tribes share, or were intended to share, in the several treaties formed with them by the U. States. Should my report, therefore, be delayed, the Department will attribute it, to a wish to measure the subject with care.

I Am Sir,

Very Respectfully
 G. P. O. S. S. S.

G. A. Harris Esq.
 Commissioner Indian Affairs
 War Department
 Washington

Henry Schoolcraft
 Ac. S. S. S.

#153

Office Indian Affairs
 Wickliffina Street Sept 30th 1835

Sir,

The accompanying abstracts and sub reports, numbered from one, to ten, indicate the entire Indian population, within the limits of this superintendency, the number of mechanics, & other persons employed for their benefit, the amount of labor done, the number of trades licenses, and other classified facts, necessary in exhibiting the organization and operations of this office during the year. Referring to these papers for details, I submit the subjoined observations on the condition & prospects of the Indians, their intercourse with the government & with each other, and the general business & policy of the Indian department in this quarter.

1. Tribes in Charge of this office

The Indians generally, in the north west, have got through the

It is found that this class of Missionaries, will effect more good, both by their work & their instructions, if sent from large villages, & not left so long at our particular Stations. By this distribution of their labours, jealousy among bands occupying so extensive an area is also checked.

4. Schools & Moral Instruction

Less has been accomplished in this branch, during the last year, than was anticipated when the distribution of the Education Mission fund, was first made. But this has been owing almost wholly, to the delay & consequent suspending teachers and getting them on the ground, by the respective boards. & showing the disbursements & application of these funds is a point. From the Bishop & Clergy of the Catholic Church of Michigan no written reports have been received at this date, which is probably attributable, to the Bishop's long absence in Europe. I have however, recently conferred with him, since his return, & stated in answer to his inquiries, that the Department does not wish to prescribe, ^{in all the details} arbitrarily the mode of applying this fund, but leaves it, in a great measure, to the discretion & experience of the several ecclesiastical in Michigan boards, whose judgment & responsibility, in the application, it seems to an act itself of. That, as a principal, the department looks mainly to the result of Schools for Indian Children & requires

with neighboring nations. The school at New York is
 out of the question. Mr Bang, the secretary of this board
 at New York, writes to me, that their efforts will be con-
 tinued among these Indians, without abatement, and
 that they are desirous of extending them, as far as practi-
 cable, and it is presumed, that means to revive their sch-
 ool among the Chippewa, of St. Mary's will be adopted
 the present autumn. I have however no reports, of recent
 date, from which I can deduce facts.

Bishop McCreary of the Episcopal Church
 in this State, has had under consideration, the establi-
 shment of a school, or Mission for these tribes, and he executed
 a visit to the Country, to learn the wants of the Indians, &
 to judge of the feasibility of making a systematic effort
 for their improvement. With this gentleman, I have had
 several interviews, in relation to this subject, and entertain
 a confident belief, that no time, nor opportunity will be omi-
 tted to bring about the desired object. In all efforts of this
 nature, it is much easier to rush into indiscreet actions, than
 to plan a system of instruction which shall meet the man-
 ners of the Indians & secure, at the same time, permanency in
 the application of the means.

The board of Missions of the Presbyterians

#448, (excerpt) paragraph two,

The application of the funds assigned by these tribes for the purposes of education and missions could, it was thought, be best made, through the intervention of organized boards, devoted to similar objects. And a division of the sum annually applicable for 20 years, was made among the five principal religious denominations of the country, including the Roman Catholic Church. The result of their efforts with these tribes during the fiscal year is shown by abstract C....."etc.

#450-51 (excerpt, begins with paragraph two)

"Bishop Mc Coskry of the Episcopal Church reports under the date of July 30 th that the fund committed to him has been and is in the process of being applied to the object with good prospect of success. In several councils held by him with the Ottawa of th Grand River, a part of the tribe consented to concentrate for the purpose of moral and religious instruction under his supervision. He has subsequently appointed the Rev. Mr. Selkrig of Niles to take the immediate superintendance of the school and make the necessary purchase of land and construct buildings. Under this authority 160 acres of land has been purchased in a favorable situation, and the necessary contracts were made and it was expected the school would be in operation in a very short time. Every confidence is felt that the trust committed to him will be faithfully executed.

"EVERY CONFIDENCE IS FELT THAT THE TRUST COMMITTED TO HIM WILL BE FAITHFULLY EXECUTED". (excerpt and highlighting added)

#140 National Archives
M234, Roll 424, page 140

Transmittal of funds from U.S. to Mc Coskry from the Agricultural Fund in the year 1840. (Copy of letter attached).
Henry Schoolcraft

263

GENERAL STATEMENT OF THE Indian population within the limits of jurisdiction of the Acting Superintendency of Michigan, September 30, 1840.

"SOUTHERN OTTAWA, LOCATION, SOUTH OF THE GRAND RIVER, POPULATION (estimated) 150,

(document attached).

265, list of tribes, including GUN LAKE BAND, OR GRISWOLD, AND NOTATION OF ADDITION BY:
Compact of June 5, 1838.
(document and note attached to assist in reading it.)

#1418

thought this can be done, I shall lose no time in appraising the department of the circumstances of the Indians, and recommending suitable individuals. The true policy has been found to be in relation to all mechanics, except Smiths and also with respect to Farmers to teach the Indians, and to aid them in working, but not to work exclusively for them. Whatever skill, in the mechanical arts, does not excite the enmity of the natives is not found to be permanently advantageous to their condition.

The application of the funds assigned by these tribes for the purposes of education and missions could, it was thought, be best made, through the intervention of organized boards, devoted to similar objects. And a division of the sum annually applicable for 20 years, was made among the five principal religious denominations of the country, including the Roman Catholic Church. The result of their efforts, with these tribes, during the fiscal year, is shown by abstract C and by copies of the several

#450
 and making both in the French and English languages. — Mr. Standel states in his report, that his pupils at S'Abbe Croche understand well their own Indian books, and are able to write down their sentiments on paper. The chief difficulty they encounter is from the want of a settled orthography. They are also instructed in the science of numbers, and in various economical arts. His pupils at the village of the Crofs are also instructed in their own language and can read their own books and the men are no wise behind those of S'Abbe Croche, and live well and comfortably.

M 234
 100
 423
 Bishop McCracken of the Episcopal Church reports under the date of July 30th that the fund committed to him has been and is in process of being applied to the object with good prospect of success. In several councils held by him with the Ottawas of Grand River a part of them have consented to contribute for the purpose of moral and religious

#451

instruction under his supervision. He has subsequently appointed the Rev. Mr. Kellogg of Niles to take the immediate superintendency of the school, and make the necessary purchase of land and construct buildings. Under this authority 100 acres of land has been purchased in a favourable situation and the necessary contracts were made, and it was expected the school would be in operation in a very short time. Every confidence is felt that the trust committed to him will be faithfully executed.

The Presbyterian board of Foreign Missions at New York, has created a mission and school among the Chippewas, at Green Bay, on the east side of Lake Michigan. The Rev. John S. ... their agent reports favourably of the location and the disposition the Indians manifest to send their children to school and engage themselves in the active course of erecting houses & planting fields. The soil and climate appear to be

Ms 234, roll 424
page 140

Network Archives

Acting Superintendent Indian Affairs
Detroit June 1st 1840

Sir,

Bishop McCreedy has this day applied for aid from the agricultural fund provided by the treaty with the Ottawas & Chippewas of March 1836, for the Indians under his charge. I embrace this occasion to recommend the expenditure of \$500 for all objects connected with that fund, within this Superintendency, during the year 1840.

With respect

Your Obedt. Servant,

Henry R. Edwards

Acty. Sup. Ind. Affs.

J. Hartley Crawford Esq.
Commissioner Indian Affairs
War Department
Washington

The Griswold Mission to the Ottawas

by

THE REV. HENRY PENN KRUSEN

Sometime Secretary of the Historical Commission

of the

Diocese of Western Michigan

On U. S. Highway 131 between Grand Rapids and Kalamazoo at a point about midway between the villages of Bradley and Shelbyville in Allegan County a country road joins the highway on the east, and at this junction a small sign bears the marking, "Selkirk Lake," and an arrow pointing eastward. No doubt many Churchmen of Western Michigan have passed that intersection and observed that sign, but there are probably very few who are aware of the fact that its legend contains a name of real historical importance to the Church in this State; for Selkirk bears the name (in modern guise) of the man who was the senior priest of the Diocese of Western Michigan at the time of its creation, the Rev. James Selkrig, and near the shores of that lake, a scant mile and a half from the junction, is the site of Bishop McCoskry's Griswold Mission to the Ottawas, the mortal remains of the Church's only effort in Michigan to win the allegiance of the American Indians.

In 1836 the United States Government concluded a treaty with the Ottawa and Chippewa Nations of Indians in Michigan by which there was ceded to the United States all the Lower Peninsula North and west of a line following the course of Grand River from Lake Michigan to a point near Grand Rapids and thence north-eastward to Thunder Bay on Lake Huron near the site of the present city of Alpena, together with the eastern part of the Upper Peninsula. In return for these lands the United States agreed to pay to the Indians for a period of twenty years a cash annuity of \$18,000, and to provide an equal amount yearly for the same period for their educational, religious and agricultural advancement. In 1838 the Rt. Rev. Samuel Allen McCoskry entered into negotiations with Henry R. Schoolcraft, Superintendent for Indian Affairs in Michigan, (whether upon his own or Schoolcraft's initiative is not certain) with the purpose of establishing a mission for the Indians under the direction of the Episcopal Church with financial aid provided by the Government under the terms of the treaty of 1836. The result was that sometime in

the early months of 1839 Schoolcraft appropriated to Bishop McCoskry the sum of \$1,100 annually until the expiration of the treaty for the establishment and operation of such a mission. By the time of the Diocesan Convention, June 7, 1839, the Bishop had already appointed the Rev. James Selkirk to assume charge of the proposed mission under his direction.

The Rev. James Selkirk, who thus became the active superintendent of the mission had come west from western New York State in 1834 with Palmer Dyer, pioneer priest of the Church in Illinois, and settled in Niles. At Niles he founded and built Trinity Church of which parish he remained as rector until the fall of 1838. He had also for a short period conducted services at St. Joseph, though it cannot be said that he founded a Church because after his brief service there the work was not resumed for many years. Early in 1838 he had accepted an appointment from Bishop Jackson Kemper as missionary at Elkhart, Goshen and Bristol, Indiana, but he had made but one circuit of these towns when he received and accepted a call from Bishop McCoskry to return to Michigan to establish the Indian Mission. From that time until the mission was finally abandoned by the Church, some forty years later, the story of the mission was the story of his life.

The project first assumed the semblance of reality when on June 22, 1839, Selkirk acquired the following lands in Wayland Township, Allegan County, in the name of the Rt. Rev. Samuel Allen McCoskry of the City of Detroit: by 'location,' the S.E. $\frac{1}{4}$ of Section 20; by purchase from Lawrence Van de Walker and Sarah W. Van de Walker, his wife, both of Kalamazoo, for \$600, the west $\frac{1}{2}$ of the N.E. $\frac{1}{4}$, the East $\frac{1}{2}$ of the N.W. $\frac{1}{4}$, and the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 28. The land thus acquired comprised in all 360 acres, 200 acres on Sec. 28 and 160 acres on Sec. 20. Its location today may be described as south and east of the village of Bradley; indeed the northwestern corner of the property is less than a half mile from U.S. 131 at Bradley Corners. It should be noted here that the mission property did not touch the shore of Selkirk Lake as has been frequently stated by some writers on the subject. The S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 28 was purchased from the Van de Walkers by James Selkirk personally in 1840, and ten years later he added to his property the entire S.W. $\frac{1}{4}$ of Section 28, thus gaining personal title to the northern end and shore of the lake which today bears his name.

During the summer of 1839 Selkirk cleared a part of the land on the S.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec. 28, built a house, and moved there with his family. The house became and remained the center of the mission's life. The actual work began in November, 1839 when the first Indians moved to the reservation; a band of Ottawas numbering about 80 or 90 persons, under their Chief Saginaw, who had been living for years on a peninsula on the east shore of Gun Lake in Barry County, now occupied by the Hastings Gun Lake Association. On November 10, 1839, Selkirk held his first service for the Indians, at which he was assisted by Maubese, an educated Ottawa, who acted as interpreter. Thus began in reality the Griswold Mission to the Ottawas, for 'Griswold' was the name given to the Mission by Bishop McCoskry

in honor of the Rt. Rev. Alexander Viets Griswold, Bishop of the Eastern Diocese and at that time Presiding Bishop of the Church.

The period of the Mission's prosperity extended from its founding in 1839 to 1855 when the Government subsidy ended, though some activity continued sporadically for some twenty years longer. The work of the missionary included not only religious instructions and the operation of a church for the Indians, but also the supervision of a school and instruction in farming. Needless to state these were responsibilities that may well have daunted any man, however vigorous and capable; but James Selkirk, in spite of the fact that he was in his 49th year (an age regarded as 'old' in those days) when he undertook his new charge, entered into the work with enthusiasm, faith and courage. Many were the difficulties that he was to encounter in the course of the next twenty years; but notwithstanding the hardships of life in a practically unbroken wilderness, the peculiarities of the Indians' character and outlook, the obstructions and even enmity of the gradually increasing white population about him, and the general lack of interest on the part of the Church that he represented, his work was not without a certain degree of success.

From the beginning he laboured without ceasing to convert the Indians to the Christian religion. His progress in this respect was at first slow, but at the end of the first winter (1839-40) he reported 16 baptisms, including four adults amongst whom was the Chief Saginaw. From that time onward to 1856 there were practically every year a number of baptisms of both adults and children. From 1840 to 1857 a total of 92 confirmations are reported in the Diocesan Journals, and there were probably a greater number of Indians who were communicants; for after 1845 Bishop McCoskry appears to have made only two visitations and the missionary would have admitted candidates to the Sacraments as soon as sufficiently instructed. During the early years his greatest problem was the Indians' habit of drunkenness, especially at the times of the payment of the annuity in the fall of the year—a habit upon which the local white traders capitalized. Lack of industriousness, a general disinclination for a settled mode of life, loose marriage habits, and even incest, were amongst other personal characteristics that the missionary encountered in his efforts to bring some degree of decency of life to the people committed to his care. During the winter of 1842-43 Chief Saginaw and another of the men of the band were murdered in drunken brawls, and Selkirk apparently was so successful in making an example of these tragedies that from that time the general moral situation improved; at any rate thereafter Selkirk reported almost every year that there had been little drunkenness, and by the end of the first decade all of the Indians of the original group were apparently Christians.

Church services were held each Sunday throughout the period of the mission's active existence, at first in an arbor beside the Mission House, and after 1844, when Selkirk built his house on his own property, at the Mission House itself, part of which was converted into a chapel. In 1844-45

Morning Prayer, Evening Prayer, and the Ante-Communion were translated into the Ottawa language by a 'Mr. George Johnston of Grand Traverse Bay' and authorized by Bishop McCoskry for use at Griswold. In 1851 the Bishop secured an organ for the chapel and a bell was provided by Dr. Francis Cuming, Rector of St. Mark's Church, Grand Rapids.

The progress of the school, which was begun in the fall of 1840 and continued to 1855 or 1856, was never very great, although there is evidence that two or three of the Indians from the mission school were later recognized by the whites as 'educated.' It is doubtful that the instruction was ever carried beyond the most elementary subjects; for the main purpose appears to have been to provide the Indian children with sufficient equipment to speak and write English in a simple fashion. The Rev. Mr. Selkirk probably did the teaching himself during the first year. For one period at least the supervision of the school was in the hands of a Government superintendent who was also in charge of one or two other schools in the vicinity, including the Baptist Mission at Gull Prairie, and the teachers appear to have been appointed by him. For a time one Joseph, an educated Indian, was the teacher at Griswold, but in 1846 or 47 he was replaced by Maubese, Selkirk's interpreter who continued to serve the mission until his death by freezing in February, 1856. In 1849 or 1850 a female assistant was added to the staff for the purpose of teaching the girls to sew; this may have been a certain 'Miss Corbin,' mentioned in some accounts of the mission in some late 19th century documents. Still later, James Selkirk, Jr., who had grown up at the mission and spoke the Ottawa tongue, assisted with the teaching. The educational program was at first impeded by the annual exodus of the Indians in the fall and winter for the purpose of making maple sugar; but after the first ten years attendance was somewhat more regular. The average number of scholars was about 17, and at no time did it exceed 25.

The farm program appears to have been carried out with somewhat less difficulty than the work of education and evangelization; land was cleared and planted rather speedily after the first year. It is true that the Indians at first showed more of a disposition to obtain their necessary wants by hunting than by tilling the soil; but probably because the increasing number of settlers eventually over-ran their hunting grounds the necessity of providing themselves with food forced them to give more attention to agriculture. The mission farm was at first run as a communal enterprise with all sharing in the work and in the products of the land. As early as 1842, however, Selkirk, acting with the Bishop's approval, divided the land amongst the families and each was presumably expected thereafter to support himself. The missionary guided and directed the Indians in their farm work, and there is little doubt that he himself provided much of the labor expended in wresting a living from the soil. Selkirk was at first assisted on the farm by Nelson Pollard, a young man whom he had brought with him from Kalamazoo when he moved to the mission property. In the summer of 1843, however, one Stephen Fairbanks was appointed 'Assistant Farmer to the Ottawa and Griswold Colonies,'

i.e. he was to assist in supervising the farm work at both Griswold and the Baptist Mission farm at Gull Prairie. This arrangement appears to have continued for several years, though possibly Fairbanks had a number of successors. With this supervision the Indians appear to have been able to provide for their needs from the land as long as the project was in official existence, though it can scarcely be said that they ever became experts in agriculture.

In 1855 the assistance provided by the treaty of 1836 came to an end and a new treaty was made with the Indians whereby they were granted outright ownership of lands in Oceana County. The majority of the Griswold Indians took advantage of the provisions of this new treaty and moved northward. A few families, however, appear to have remained; they had their own homes and were probably reluctant to leave. The land at Griswold was still theirs; for Bishop McCoskry considered that he held it in trust for them, not as the property of the Church.

With this exodus of the Indians the effective work of Griswold Mission came to an end. When the annual Government subsidy was terminated Bishop McCoskry's interest waned; indeed his interest had apparently been slackening for some time, for from 1846 to 1857 he visited Griswold only once, and during this period the Rev. Dr. Cuming held the title of Superintendent and made reports to the Office of Indian Affairs on the Bishop's behalf. Although he stated to his Convention in 1857 that he hoped to revive the school (and he may have done that for a short time) he never again visited the mission. From the beginning the Church had done nothing to assist the mission or the missionary, and in 1855 there was apparently no interest amongst influential Churchmen in assuming the responsibility of continuing the project as a Church institution.

Within ten years, however, most of the Griswold Indians had lost their lands in Oceana County, and many had returned to the mission grounds. James Selkirk lived on at his home nearby until October 6, 1877, when he died at the age of 87 years. He was ever the friend and protector of the Indians, and when he was physically able he continued to provide occasional ministrations such as baptisms and marriages. After inauguration of the Diocese of Western Michigan, Bishop Gillespie visited Griswold on two or three occasions, but by that time the Methodists had begun to provide services at Griswold and the Bishop showed little disposition to reclaim the Church's children. Eventually even the family of Selkirk (now called Selkirk) was lost to the Methodists. Finally in 1834, six years after he had resigned Samuel Allen McCoskry resigned his trust to the Circuit Court of Allegan County, and the mission land was divided into parcels and deeded outright to nineteen descendants of the original band. Within a few years practically all of the Indians had lost their land to white men by reason of failure to pay their taxes. Today a few families of the descendants of Selkirk's original band, living as tenants or servants on land that was once their own, and a weed-grown cemetery are the only remains of the Griswold Mission to the Ottawas.

General Statement of the Oaking Operations within the limit or jurisdiction of the Oaking Superintendent of
 Michigan, September 30, 1890.

Class	Location	Number Trees by Class	Number Stubs	Value	Remarks
1. Bluffs	Michigan	2022		2507	
2. Bluffs		3345		3265	
3. Bluffs		161		161	
4. Bluffs	W. of Huron Co. Rd.	5015	2000	2000	
5. Bluffs	Michigan		103	103	Not for sale as of 2. 1891
6. Bluffs		1264		1164	
7. Bluffs			75	75	
8. Bluffs			200	200	
9. Bluffs	W. of Huron Co. Rd.	173		172	Transfer to new Oaking ground
10. Bluffs	W. of Huron Co. Rd.		150	150	
11. Bluffs			200	200	
12. Bluffs			600	600	
13. Bluffs	Michigan	121		121	
14. Bluffs	Michigan		16	16	Not assigned to 1890
15. Bluffs	Michigan		150	150	
		8327	4060	10391	Total

Oaking Superintendent of Michigan
 September 30, 1890.

Murray Plummer
 Oaking Superintendent

260
 75
 97

263

760
 700
 200
 160
 100
 1260

3.33

RECORDS FROM THE NATIONAL ARCHIVES

M-1, Letters Sent, 1836-51, Volume I, Michigan Superintendent at Mackinac Agency.

Letter 510.

From Acting Superintendent Indian Affairs Michilimackinac June 18th 1838.

Sir:

I have the honor to enclose to you, a compact entered into with the Grand River Ottawa referred to in my official report of the 12th instant, which has, this day, received the assent of the other Indians. The line of demarcation established for fiscal purposes, so long as the Indians reside on the lands ceded, is a just and proper one, and by equalizing the burden and expenses of the annual journey, between the respective bands, has given satisfaction, and, together with the other incidental provisions of the compact and the mutual explanations which the conference have produced, will have a beneficial effect in preserving a good understanding with these tribes.

The following is a brief synopsis of the compact. Section first fixes a line of division, by definite geographical boundaries and bands, which cannot be mistaken; and section second determines the proportion of the annuities in coin which the respective bands are to receive. These provisions will enable the paymasters at Grand River to prepare their pay rolls, without respect to the annually varying population, in the other district. The third section carries out, the principal with respect to tobacco, salt, and other annuities. An equivalent in money, is agreed to be paid to the Grand River Indians, in lieu of barrels-an article which these bands, do not require, as they take no fish.

Heretofore no treaty of friendship has ever been established between the United States and these Indians...

GUN LAKE BAND ADDED TO GRAND RIVER AS A RESULT OF THIS COMPACT, OTHERWISE KNOWN AS GRISWOLD COLONY, (See M234, Roll 424, page 273).

510

No 1, Row 37, pg. 510

Acting Superintendent Indian Affairs
Mechanicville June 18th 1838.

Sir I have the honor to enclose to you, a copy of the inter-tribe with the Grand River Ottawa Agency to which I have referred of the 18th instant, which has, this day, received the assent of the other Indians. The line of demarcation established for fiscal purposes, so long as the Indians reside on the lands ceded, is a just and proper one, and by equalizing the burden and expenses of the annual journey, between the respective bands, has given satisfaction, and, together with the other necessary provisions of the compact and the mutual explanations which the conference has produced, will have a beneficial effect in preserving a good understanding with the tribes.

The following is a brief synopsis of the compact. Section first fixes a line of division, by geographical boundaries and bands, which cannot be mistaken; and section second determines the proportion of the annuities in goods which the respective bands are to receive. These provisions enable the paymaster at Grand River to collect their pay rolls, without respect to the increasing population, in the other bands. Section third carries out, the principle of the tobacco salt and other duties, which in money, is agreed to be paid to the Indians, in lieu of barter. The respective bands, do not require to be established.

M 234, Reel 424, page 265

THIS DOCUMENT IS PART OF A SCHEDULE FOR ANNUITY PAYMENTS AUTHORED BY HENRY SCHOOLCRAFT, ACTING SUPERINTENDENT OF INDIAN AFFAIRS FOR MICHIGAN. THE HEADING READS:

STATEMENT OF THE NUMBER OF OTTAWA AND CHIPPEWA INDIANS WITHIN THE AGENCY OF MICHILIMACKINAC WHO ARE ENTITLED TO RECEIVE ANNUITIES UNDER THE TREATY OF THE 28TH MARCH, 1836, DESIGNATING THEIR NAME, NUMBERS, LOCATION AND RULING CHIEF OF EACH BAND FOR THE YEAR TERMINATING 30TH SEPTEMBER 1840.

listing of tribes, etc

- x
- x
- x
- x
- x
- x
- x
- x
- x
- x

THE LAST TRIBE LISTED IS THE GUN LAKE BAND, OR GRISWOLD COLONY CHIEF SAHGENAW, 13 MEN, 14 WOMEN, 41 CHILDREN, 68 TOTAL PERSONS.

UNDER REMARKS:

"COMPACT OF JUNE 5, 1838"

Statement of the number of the Officers and Shipboard's Chores within the Agency of the Administration, who are entitled to receive emoluments under the terms of the 20th March 1838 by way of remuneration, under the regulations, books and sailing (Chief of the Staff for the year terminating 31st December 1838.)

Name of the Officer or Shipboard's Chore	Rank	Date of Appointment	Particulars of the Service										Remarks						
			Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct							
Admiral	Admiral	11	12	29	32	11													
Commodore	Commodore	7	7	28	31	1													
Major-General	Major-General	17	21	40	102	51													
Colonel	Colonel	16	16	24	74	11													
Major	Major	13	22	33	53	11													
Captain	Captain	10	14	22	48	15													
Subaltern	Subaltern	1	21	22	20	21													
Shipboard's Chore	Shipboard's Chore	22	27	45	150	22													
Surgeon	Surgeon	1	7	30	42	10													
Quartermaster	Quartermaster	30	40	45	27	44													
Boatswain	Boatswain	11	14	14	44	15													
Steward	Steward	29	27	109	199	23													
Shipboard's Chore	Shipboard's Chore	33	29	140	193	21													
Shipboard's Chore	Shipboard's Chore	27	21	37	102	57													
Shipboard's Chore	Shipboard's Chore	10	16	31	57	13													
Shipboard's Chore	Shipboard's Chore	10	16	44	70	16													
Shipboard's Chore	Shipboard's Chore	11	19	46	77	17													
Shipboard's Chore	Shipboard's Chore	9	11	42	61	11													
Shipboard's Chore	Shipboard's Chore	27	27	150	299	34													
Shipboard's Chore	Shipboard's Chore	15	15	20	27	37													
Shipboard's Chore	Shipboard's Chore	16	21	27	14	32													
Shipboard's Chore	Shipboard's Chore	27	27	159	323	23													
Shipboard's Chore	Shipboard's Chore	26	25	76	119	22													
Shipboard's Chore	Shipboard's Chore	21	29	107	217	57													
Shipboard's Chore	Shipboard's Chore	37	32	54	121	47													
Shipboard's Chore	Shipboard's Chore	10	10	30	40	1													
Shipboard's Chore	Shipboard's Chore	5	5	9	14	6													
Shipboard's Chore	Shipboard's Chore	22	22	116	234	70													
Shipboard's Chore	Shipboard's Chore	11	23	64	105	35													
Shipboard's Chore	Shipboard's Chore	11	15	53	77	17													
Shipboard's Chore	Shipboard's Chore	6	1	16	20	9													
Shipboard's Chore	Shipboard's Chore	10	21	39	156	39													
Shipboard's Chore	Shipboard's Chore	22	26	71	197	65													
Shipboard's Chore	Shipboard's Chore	20	25	74	136	34													
Shipboard's Chore	Shipboard's Chore	15	15	40	53	9													
Shipboard's Chore	Shipboard's Chore	21	24	41	111	33													
Shipboard's Chore	Shipboard's Chore	21	26	66	113	30													
Shipboard's Chore	Shipboard's Chore	24	25	41	91	20													
Shipboard's Chore	Shipboard's Chore	21	40	54	140	41													
Shipboard's Chore	Shipboard's Chore	29	38	40	106	41													
Shipboard's Chore	Shipboard's Chore	17	24	62	103	35													
Shipboard's Chore	Shipboard's Chore	23	14	41	51	15													
		918	1120	1401	5720	127	42	229	471	5720									

1838 2nd Dec 2nd Dec

1838 2nd Dec 2nd Dec

1838 2nd Dec 2nd Dec

1838 2nd Dec 2nd Dec

Office of the Secretary of the Admiralty

Henry Boscawen

Statement of the number and location of Indian Schools and the sum appropriated to each within the Superintendency of Michigan during the year ending 31st September 1840.

Name of School	County	Location of School	Amount appropriated to each school	School Statistics										Miscellaneous Facts		Total amount of disbursements			
				Boys	Girls	Adults	Children	Total	Days	Months	Teachers	Under Teaching							
Catholic School of Sable	Chippewa	St. Ignace	1000	1	2	6	28	30	34	36	104	1	1	1	1	1	1	1	
		Point St Ignace	1000	1	2	6	27	27	34	36	104	1	1	1	1	1	1	1	1
		Village of the Cross	1000	1	2	16	35	35	48	48	136	1	1	1	1	1	1	1	1
		La Roche creek	1000	1	2	37	37	37	65	65	195	1	1	1	1	1	1	1	1
Episcopal School of Sable	Chippewa	Les mission	1000	1	1	10	10	10	10	20	1	1	1	1	1	1	1	1	
		Grand River	1000	1	1	10	10	10	10	20	1	1	1	1	1	1	1	1	
Baptist School of Sable	Chippewa	Grand Traven Bay	1000	1	1	11	11	11	11	22	1	1	1	1	1	1	1	1	
		Gull Prairie	1000	2	1	11	11	11	11	22	1	1	1	1	1	1	1	1	
Methodist Conference School	Chippewa	South St Ignace	1000	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	
		Little Rapids	1000	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	
M'Gregor School to build for	Ottawa	Keweenaw Lake	750	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	
		North Black River	750	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	
			1750	11	11	75	75	75	75	150	11	11	11	11	11	11	11	11	
Total for Bands of Chippewa and Ottawa allotted to the benefit of the appropriation																		3200	
Total amount of disbursements																		5172	

#1600 applied to
 Grand River
 84.0
 page # 273
 M234, roll 424

Office Superintendency of Michigan
 September 30 1840.
 Henry R. Schoolcraft
 Chief Superintendent

Schedule of children selected during the year ending Sept. 30, 1913, under the Treaty of March 28, 1856, during the year ending Sept. 30, 1913.

Principal	Denominations	Locations	Scholarship			Remarks
			1912-13	1913-14	Total	
Rev. Friedrich Riese	Roman Catholic	L'Abre Roche	2	34	64	# 476
		Village of the Croix	2	10	42	
		Sault Ste Marie	1		32	
		Point St Ignace	1		16	
		Michilimackinac	1		16	
Rev. J. M. Mackay	Protestant Episcopal	Barry County	1			
John Dinghart	Presbyterian	Frank Travers Bay	2		12	For a part of the year in this school. The
Thomas Slater	Baptist	Ottawa Colony	1	14	26	noted is exclusive of a
John Dinghart		Sault Ste Marie	1	41	46	which is not reported
W. H. Brockway	Methodist Episcopal	Little Rapids	1		24	
			11		304	

Archives location:
 M 234
 Box 423
 93' 496 @

Miss Indian Affairs
 Michilimackinac Sept 30, 1913
 Henry Schoolcraft

THIS IS A COPY OF THE FIVE DENOMINATIONS SELECTED BY THE WAR DEPARTMENT FOR THE COLONIES. IT IS FROM THE NATIONAL ARCHIVES FROM A REPORT SIGNED BY HENRY SCHOOLCRAFT. McCoskry Mission not yet implemented and then thought to be placed in Barry Co.

M234, Roll 425, document # 191, National Archives, Report from James Selkrig, Griswold Mission, to T. Hartley Crawford.

Miscellaneous information about Griswold School including financial arrangements, where he states that:

GRISWOLD MISSION

LOCATED IN ALLEGAN COUNTY, State of Michigan, etc, 360 acres (with general description), and "This Mission was located in July, 1839, by the Rev. James Selkrig, acting under the direction of the Rt. Rev. Samuel Allen McCoskry, Bishop of Michigan and supported entirely by the Government of the United States. The name of the Post Office is called Kalamazoo".

SHOWS OTTAWA, POTTAWATOMI AND CHIPPEWA MEMBERS BEING SERVED.

*amt of Govt
funds per annum
\$1100.00
From Missionary per year
\$0*

in order the Superintendent of the New Jersey College,

Date	Amount of all the money collected during the year ending on the 31st of Decr 1884			Remarks
	From Parents	From Pupils	From Other Sources	
1884	\$110.72	\$200.00	\$284.24	

I hereby certify that the above is a true and correct statement of the money received during the year ending on the 31st of Decr 1884.
 Wm. J. ...
 Superintendent

M 234, Page 425, No. #191

Annual Report showing the State of the School at Waverly during the year ending the 31st

Name of the School	Amount received from Parents	By whom collected	Prof. Salary	Exp. Salary	Books	Fuel	Light	Amount of the amount by funds paid for annum
Waverly School	Locals in Waverly Town of Waverly from the school of Waverly and \$1100.00 from the Waverly School of Waverly	By whom collected	1	2	13			\$1100.00

M 234, Box 425, Dec. #191

I have kept an accurate account of the expenses of this mission during the year ending on the 31st of Sept. and find that with the amount of the proceeds of the mission this last year the expenses of the year are \$1100.00 and the balance of the school is \$1100.00. I have also kept an account of the proceeds of the mission and find that the amount of the proceeds is \$1100.00. I have also kept an account of the proceeds of the mission and find that the amount of the proceeds is \$1100.00.

Depl'd to
 Hon. S. Handy, Secy. Genl.
 Comr. of Indian Affs.
 Washington D.C.

Dep. Missions Comr.
 Date Sep. 5. 1840

Sir I beg leave respectfully to inform you that there are now due to our Board two quarterly payments of Eight Hundred Dollars each for the support of schools among the Indians. I drew in April last for \$1100 but as the appropriation for the Indian Department had not then been made the draft was not accepted. As I suppose the appropriations were made before the adjournment of Congress, and as we greatly need the money to aid in our efforts in the Indian schools under our care we hope now to have your permission to draw as proposed. Will you have the goodness to favor me with a reply to this at your earliest convenience?

I have the honor to be very respectfully
 Your Obedt. Servant

Herman Levinson Jr.
 A. B. F. Missions

Herman Levinson Jr.

THIS IS A LETTER OF BILLING FROM THE AMERICAN BOARD OF FOREIGN MISSIONS IN BOSTON SHOWING THAT FUNDS INDEED FLOWED THROUGH THEM AND THEY IN TURN PAID FOR THE DEVELOPMENT OF THE SCHOOLS FOR THE INDIANS INCLUDING GRISWOLD. AFTER 1843 GRISWOLD FUNDS WERE ROUTED THROUGH C.C. TROWBRIDGE TO DETROIT, A FRIEND OF LEWIS CASS, WHO INTERVENED IN A DISPUTE AND MADE SURE FUNDS GOT TO THE GRISWOLD MISSION IN A TIMELY FASHION.

over

L. 1001 June 30. 1856

Geo. W. Mangum Esq
 Commissioner of Indian Affairs
 Sir

I have the honor to transmit
 herewith my accounts and vouchers as Fiscal Agent of the
 Indian Mission of Griswold, Michigan, for the half year
 ending March 31. 1856.

Expecting to be absent during the
 present quarter, I shall not send my draft as usual
 into your account, for the next half year.

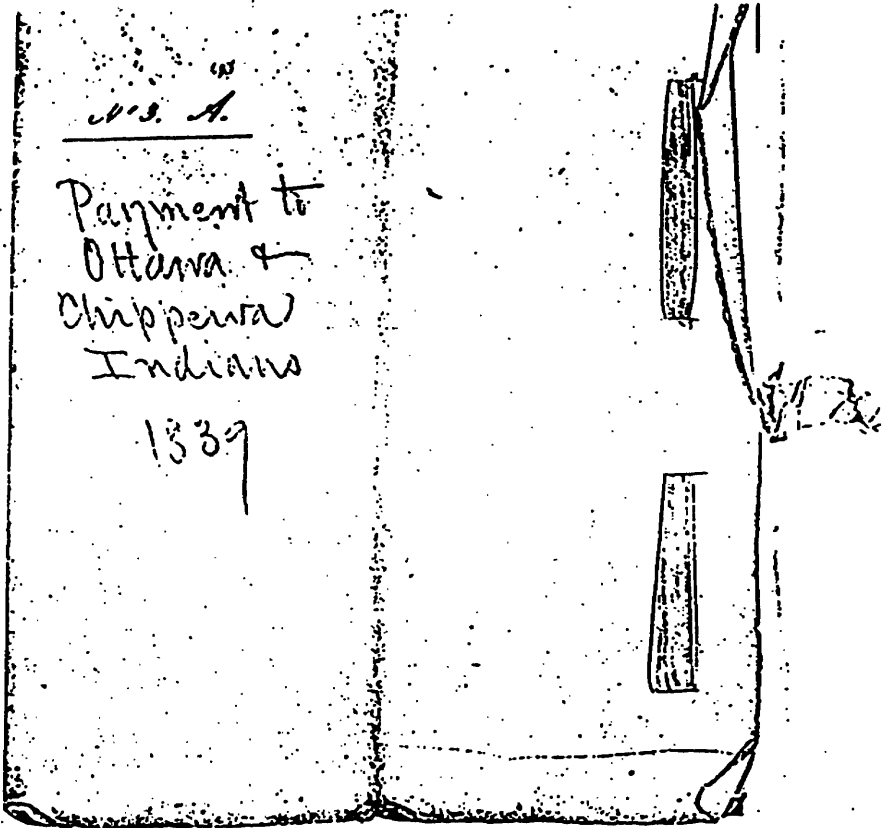
Very respectfully

Wm. C. Trowbridge

Wm. C. Trowbridge
 Fiscal Agent

M 234
 Recd. 789

THIS LETTER IS ENCLOSED WITH TESTIMONY TO SHOW THAT C. C. TROWBRIDGE
 HANDLED THE AFFAIRS OF THE GRISWOLD COLONY INSTEAD OF THE
 AMERICAN FOREIGN MISSION BOARD OUT OF BOSTON FOR THE BIA AND
 THE GUNLAKE BAND.



THESE ARE PAGES FROM NATIONAL ARCHIVES OF ANNUITY PAYMENT FOR THE YEAR 1839 WHICH SHOW THE GUN LAKE VILLAGE (GRISWOLD) BAND AND THE NEARBY OTTAWA COLONY WHICH JOINED GRISWOLD AFTER 1853 AND ARE NOW AMONG OUR COMMUNITY ANCESTORS.

No.	Description	Families					Total		Amount	
							Debit	Credit	Debit	Credit
		Acct	Am	From	Thru	Yr	Dr	Cr	Dr	Cr
	<i>Green Lake Village</i>									
									<i>Amount carried forward</i>	
1	Sh. ge. man (chip)	li x	1		3	6	7	33	29 52	
2	Don. ce. ch. am	x	1			2			14 66	
3	Sh. ge.	x	1		1	3			21 99	
4	li. ch. pen. a. ce	x	1		1	3			21 99	
5	li. vry. keel. com	x	1		1	3			21 99	
6	Pay. mov. ge. son	x	1			3			14 66	
7	li. a. ce. be. ge. quoy	x	1		6	5			36 65	
8	ly. ar. ba. man. d. suit	x	1		1	3			21 99	
9	li. a. ce. r. a. sy	x	1		10	13			87 96	
10	li. a. ce. wa	x	1		3	5			36 65	
11	li. a. ce.	x	1		5	11			73 30	
12	sh. ge. a. pen. a. ce. suit	x	1		6	8			53 64	
13	li. a. ce. th. suit	x	1		3	5			36 65	
14	li. a. ce. quoy	x	1		1	2			10 66	
15	li. a. ce. wry. man	x	1			1			7 33	
	<i>Amount of debt past due paid to the above lands</i>					68			8 51	
									<i>10.131 26</i>	

0 4 U 8 7 0

Ranking	Oltowa colony Band	Families					Distribution		Amount Paid		
		Adult	Sub	Imm	Other	Sub	Imm	Dollars	Cents		
									5,988	65	
1	Star. wing. juv. - pyghead (ship)	x				4	6	7	33	43	97
2	Bel. can. horn	x				4	6			43	97
3	Star. com. a. pyghead	x				4	6			14	66
4	Star. com. be. - green	x				4	6			43	97
5	Pyg. man. ba. - gr	x				4	6			43	97
6	Star. co. guano	x				4	6			21	99
7	Ch. man. bee	x				4	6			7	33
8	Star. bis. vis. ee	x				4	6			21	99
9	Mud. ant	x				5	7			57	31
10	Mud. a. lay. com. clay	x				2	4			29	32
11	Ch. ge. v. a. e. lay. r. gray	x				4	2			14	66
12	Star. m. na. ant	x				4	2			21	99
13	Red. put. in. r. gray	x				4	2			7	33
14	Star. m. na. ant	x				4	2			21	99
15	Prism. but. to	x				4	2			14	66
16	Star. jr. ka	x				4	2			7	33
17	Star. com. r. gray	x				4	2			14	66
18	Star. com. be. pyghead	x				4	2			7	33
19	Star. com. a. juv. r. gray	x				4	2			14	66
20	Star. com. be. pyghead	x				4	2			21	99
21	Pyg. com. na. - gel. br. wing	x				4	6			43	97
22	Star. com. na. - green	x				4	6			7	33
23	Star. put. lay	x				4	2			21	99
24	Star. com. na. - green	x				4	2			14	66
25	Star. com. na. - green	x				4	2			36	85
26	Star. com. na. - green	x				4	2			7	33
27	Star. com. na. - green	x				4	2			29	32
28	Star. com. na. - green	x				4	2			21	99
29	Star. com. na. - green	x				4	2			7	33
30	Mud. the. wing	x				4	2			6,567	65

04116 015

EXCERPTS FROM 1853 ANNUITY ROLL OF GRAND RIVER OTTAWA SHOWING THE GRISWOLD COLONY AND THE OTTAWA COLONY GROUPS. BY THIS TIME THE GROUPS HAD MERGED WITH THE BULK OF THE OTTAWA COLONY MOVING TO THE GRISWOLD LAND AND TAKING PART IN THE INSTRUCTION AND THE ACTIVITY THERE.

Couv from uhotostat-

WE THE CHIEFS, Headmen, Heads of Families and Individuals without families of the OTTAWA tribe of Indians within the Michigan Agency of the United States Indian Department do hereby acknowledge the receipt, and payment to us by Henry C. Gilbert Indian Agent (in distribute shares of \$1.37 dollars each) of the sum of ONE THOUSAND and SEVEN HUNDRED DOLLARS in coin, in the several sums appended to our respective names; it being our proportion of the Annuity due the said tribe, for the year 1853 under the treaties of Aug. 3, 1795 - Nov. 17, 1807 - Sep. 17, 1818, and Aug. 29, 1821.

SHARE \$1.37 - - - AMOUNT \$1.700

RECAPITULATION

Forks Thorn Apple Band No.1	151	\$ 206.87
Forks Thorn Apple Band No.2	83	113.71
Wood Rapids Band	47	64.39
North Thorn Apple Band	32	43.84
Flat River Band	75	102.75
Branch Flat River Band	84	115.08
British Lake's Band	46	63.02
Woods River Band	114	156.18
Forks Grand River Band	33	45.21
Fish Creek Band	53	72.61
Meshemenecon's Band	119	163.03
Brizwald Colony Band	142	194.54
Fort Village Band No.1	31	47.78
Fort Village Band No.2	55	75.35
Ottawa Colony Band	83	113.71
Thorn Apple River Band No.1	26	35.62
Thorn Apple River Band No.2	63	86.31
Aggregates	1,237.	\$1,700.00

Copy from photostat

WE THE CHIEFS, Headmen, Heads of Families and Individuals without families of the OTTAWA tribe of Indians within the Michigan Agency of the United States Indian Department do hereby acknowledge the receipt, and payment to us by Henry G. Gilbert Indian Agent (in distribute shares of \$1.37 dollars each) of the sum of ONE THOUSAND and SEVEN HUNDRED DOLLARS in coin, in the several sums appended to our respective names; it being our proportion of the Annuity due the said tribe, for the year 1853 under the treaties of Aug. 3, 1795 - Nov. 17, 1807 - Sep. 17, 1818, and Aug. 29, 1821.

SHARE \$1.37 - - - AMOUNT \$1,700

GRISWOLD COLONY BAND

1.	Pe nay se. Chief	x	1	1	3	5	6.85
2.	Shaw be quo ung	x	1	1		2	2.74
3.	Pe nay se wa' ba' no	x	1	1		2	2.74
4.	Pay she nin ne	x	1	1	4	6	8.22
5.	Mawbeece	x	1	1	2	4	5.48
6.	Chiupe waw	x	1	1	3	5	6.85
7.	Key o cush cum	x	1	1	3	5	6.85
8.	Nsh tay a' sung (Jsh tay a' sung)	x	1	1	3	5	6.85
9.	Ma' cam tay na'zosh	x	1	1		2	2.74
10.	Squa' jaw nuq	x	1	1	1	2	2.74
11.	Aish co tay nin ne	x	1	1	5	7	9.59
12.	He sa' wa' quot	x	1	1		2	2.74
13.	Aish keba' gosh	x	1	1		1	1.37
14.	Kin neece	x	1	1	1	3	4.11
15.	A' che ma'	x	1			1	1.37
16.	Chiupeway	x	1			1	1.37
17.	Shaw waw nay rezhick	x	1	1	3	5	6.85
18.	Aish ke ba' za' sung	x	1	1	2	4	5.48
19.	Ke che ue nay se	x	1	1	3	5	6.85
20.	Key sha a' nay	x	1	1		2	2.74
21.	Aish quav cam tick	x	1	1	4	6	8.22
22.	Aken	x	1			1	1.37
23.	Ma' cantay	x	1	1	1	3	4.11
24.	Ush tay quot	x	1	1	2	4	5.48
25.	Coway rezhick	x	1	1	2	4	5.48
26.	Na' mev zuse	x	1	1		2	2.74
27.	Wexo	x	1	1	1	3	4.11
28.	Ke chick	x	1	1	2	4	5.48
29.	Key se nin ne	x	1	1	1	3	4.11
30.	Wa' sa' toe	x	1	1	2	4	5.48
31.	Battise	x	1	1	2	4	5.48
32.	Zabo quav	x	1	1	4	6	8.22
33.	Waw oh	x	1	1	2	3	4.11
34.	Wa' quash co to quav	x	1	1		1	1.37
35.	Pay quav naish kung	x	1	1	1	2	2.74
36.	E co we new be	x	1	1	2	4	5.48
37.	May se tay	x	1			1	1.37
38.	Shay waw co shing	x	1			1	1.37
39.	Shaw' con yay	x	1			1	1.37
40.	Wambay kee	x	1	1	2	4	5.48
41.	Was say quo um	x	1	1		2	2.74

Page 6 - Griswold Colony Band Continued - - -

42.	Ke sis o quav	x	1	5	4	5.48
43.	Waw says oaw no quav	x	1		1	1.37
44.	Me shanz xaw no quav	x	1		1	1.37
45.	Shing zo kee	x	1		1	1.37
46.	Waw so	x	1	1	5	9.59
					142	194.54

OTTAWA COLONY BAND

1.	Ke be ne seh. Chief	x	1	1	3	5	6.85
2.	Wish coot	x	1	1	6	8	10.96
3.	Louis Jeneroux	x	1	1	4	6	8.22
4.	Way tow nie ne say	x	1	1	1	2	2.74
5.	Way me show way	x	1	1	3	5	6.85
6.	How che o quis	x	1	1	1	3	4.11
7.	To ne bow	x	1	1	2	4	5.48
8.	Pe bow wegezick	x	1	1	1	3	4.11
9.	Eto neze zhick (EM)	x	1	1	3	5	6.85
10.	How aw toy ve say	x	1	1	4	6	8.22
11.	Ke oin day quav	x	1	1		1	1.37
12.	Ke ope	x	1			1	1.37
13.	Wish kebaw ne quav	x	1	1	1	3	4.11
14.	Wak she quav	x	1	1	1	2	2.74
15.	Pe towne co gezhick	x	1			1	1.37
16.	Show waw now quo um	x	1	1	2	4	5.48
17.	Bot oon unk	x	1	1		2	2.74
18.	Woub sin	x	1	1	1	3	4.11
19.	Way bowne cam bow we	x	1	1	3	5	6.85
20.	Min ne we ze zhe zo quav	x		1		2	2.74
21.	Ke nis se no quav	x		1		2	2.74
22.	Wobe no kw	x	1			1	1.37
23.	Pokebe	x		1		1	1.37
24.	How cam toy won	x	1			1	1.37

Page 7 - Ottawa Colony Band Continued - - -

25.	Show waw no quav	x		1		1	1.37
26.	Wick se now bow	x	1	1		2	2.74
27.	Cambe me ne xaw ne	x			2		2.74
28.	Waw say yaw	x		1		1	1.37
29.	Paw ke cam wawnow quot	x	1			1	1.37
						83	113.71

HERE IS A COPY OF THE 1855 TREATY. THIS IS THE TREATY THAT THE POTTAWATOMI AT GRISWOLD WERE NOT SUPPOSED TO HAVE TO TAKE PART IN BECAUSE GILBERT AND MANYPENNY (agent and Commissioner, respectively) HAD AGREED AND ORDERED A SEPARATE TREATY FOR US.

OUTCOME:

MANYPENNY LEFT THE COMMISSIONER JOB IN A HURRY; HENRY GILBERT WAS REMOVED FROM OFFICE IN WITHOUT EVER COMPLETING THE TREATIES FOR THE GRISWOLD, AND HURON POTTAWATOMI.

ON THE 31st OF JULY, 1856, ONE YEAR AFTER THE TREATY WAS NEGOTIATED THE AMENDMENTS WERE SIGNED. PENASEE, SAGINAW'S HEIR APPARANT AS GUN LAKE BAND CHIEF DID NOT SIGN THE TREATY. THUS WHILE THE GRAND RIVER OTTAWA ELEMENT OF THE GRISWOLD COLONY SIGNED, THE CHIPPEWA, AND THE POTTAWATOMI DID NOT. THIS IS IMPORTANT BECAUSE THE UNITED NATION ASPECT OF THE OTTAWA, POTTAWATOMI, AND CHIPPEWA, WAS NOT EXTINGUISHED BY THE TREATY OF 1846 IN MICHIGAN. Thus some of the ottawa removed north to take land selections in the early 1870's and others stayed behind on the land at griswold until it was taken from us by court action.

THE COURTS HAVE RULED THAT SUBSEQUENT TREATIES CANNOT TAKE AWAY THAT WHICH HAS BEEN GIVEN IN AN EARLIER TREATY WITHOUT IT BEING DULY EXPRESSED. OUR LAND WAS GIVEN BY THE 1836 TREATY AND THE COMPACT OF JUNE 5, 1838, AND WAS NOT EXTINGUISHED BY THE TERMS OF THE 1855 TREATY.

WE CAN FIND NO DOCUMENTS OR REFERENCES THAT SHOW THAT THE GUN LAKE BAND, OR GRISWOLD COLONY, THE CHARACTER OF WHICH WAS POTTAWATOMI, OR LISTED AS SOUTHERN OTTAWA, SUBJGATED ITSELF IN A LEGAL SENSE TO THE LEADERS OF THE OTTAWA COLONY EXCEPT IN A VOLUNTARY COMMUNAL SENSE WHICH WAS OUR LEADERSHIP PROCESS WHERE SHAPQUOUNG SERVED AS OUR CHIEF IN OPERATION OF THE AFFAIRS OF THE GRISWOLD COLONY AFTER THE OTTAWA COLONY ATTACHED THEMSELVES TO GRISWOLD. IF PENASSEE WOULD HAVE SIGNED IT WOULD HAVE MEANT THAT (GRISWOLD) WAS PART OF THE 1855 TREATY.

TREATY WITH THE OTTAWA AND CHIPPEWA, 1855.

Articles of agreement and convention made and concluded at the city of Detroit, in the State of Michigan, this the thirty-first day of July, one thousand eight hundred and fifty-five, between George W. Many-penny and Henry C. Gilbert, commissioners on the part of the United States, and the Ottawa and Chippewa Indians of Michigan, parties to the treaty of March 28, 1836.

July 31, 1855.
11 Stat., 621.
Ratified April 18,
1856.
Proclaimed Sept. 10,
1856.

In view of the existing condition of the Ottowas and Chippewas, and of their legal and equitable claims against the United States, it is agreed between the contracting parties as follows:

ARTICLE 1. The United States will withdraw from sale for the benefit of said Indians as hereinafter provided, all the unsold public lands Certain lands in Michigan to be withdrawn from sale.

within the State of Michigan embraced in the following descriptions, to wit:

For use of the six bands at and near Sault Ste. Marie.

First. For the use of the six bands residing at and near Sault Ste. Marie, sections 13, 14, 23, 24, 25, 26, 27, and 28, in township 47 north, range 5 west; sections 18, 19, and 30, in township 47 north, range 4 west; sections 11, 12, 13, 14, 15, 22, 23, 25, and 26, in township 47 north, range 3 west, and section 29 in township 47 north, range 2 west; sections 2, 3, 4, 11, 14, and 15 in township 47 north, range 2 east, and section 34 in township 48 north, range 2 east; sections 6, 7, 18, 19, 20, 28, 29, and 33 in township 45 north, range 2 east; sections 1, 12, and 13, in township 45 north, range 1 east, and section 4 in township 44 north, range 2 east.

For the use of the bands north of the Straits of Mackinac.

Second. For the use of the bands who wish to reside north of the Straits of Mackinac townships 49 north, ranges 1 and 2 west; township 48 north, range 1 west, and township 44 north, range 12 west.

For the Beaver Island band.

Third. For the Beaver Island Band—High Island, and Garden Island, in Lake Michigan, being fractional townships 38 and 39 north, range 11 west—40 north, range 10 west, and in part 39 north, range 9 and 10 west.

For certain other bands.

Fourth. For the Cross Village, Middle Village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them, townships 34 to 39, inclusive, north, range 5 west—townships 34 to 38, inclusive, north, range 6 west—townships 34, 36, and 37 north, range 7 west, and all that part of township 34 north, range 8 west, lying north of Pine River.

For bands who are usually paid at Grand Traverse Township.

Fifth. For the bands who usually assemble for payment at Grand Traverse, townships 29, 30, and 31 north, range 11 west, and townships 29, 30, and 31 north, range 12 west, and the east half of township 29 north, range 9 west.

For the Grand River bands.

Sixth. For the Grand River bands, township 12 north, range 15 west, and townships 15, 16, 17 and 18 north, range 16 west.

For the Cheboygan band.

Seventh. For the Cheboygan band, townships 35 and 36 north, range 3 west.

For the Thunder Bay band.

Eighth. For the Thunder Bay band, section 25 and 36 in township 30 north, range 7 east, and section 22 in township 30 north, range 8 east.

Purchase for bands who wish to locate near the missionary lands at Iroquois Point.

Should either of the bands residing near Sault Ste. Marie determine to locate near the lands owned by the missionary society of the Methodist Episcopal Church at Iroquois Point, in addition to those who now reside there, it is agreed that the United States will purchase as much of said lands for the use of the Indians as the society may be willing to sell at the usual Government price.

Grant of lands to each Indian.

The United States will give to each Ottawa and Chippewa Indian being the head of a family, 80 acres of land, and to each single person over twenty-one years of age, 40 acres of land, and to each family of orphan children under twenty-one years of age containing two or more persons, 80 acres of land, and to each single orphan child under twenty-one years of age, 40 acres of land to be selected and located within the several tracts of land hereinbefore described, under the following rules and regulations:

Selection, how made.

Each Indian entitled to land under this article may make his own selection of any land within the tract reserved herein for the band to which he may belong—*Provided*, That in case of two or more Indians claiming the same lot or tract of land, the matter shall be referred to the Indian agent, who shall examine the case and decide between the parties.

List of those entitled to be prepared.

For the purpose of determining who may be entitled to land under the provisions of this article, lists shall be prepared by the Indian agent, which lists shall contain the names of all persons entitled, designating them in four classes. Class 1st, shall contain the names of heads of families; class 2d, the names of single persons over twenty-one years of age; class 3d, the names of orphan children under twenty-

one year of age, comprising families of two or more persons, and class 4th, the names of single orphan children under twenty-one years of age, and no person shall be entered in more than one class. Such lists shall be made and closed by the first day of July, 1856, and thereafter no applications for the benefits of this article will be allowed.

At any time within five years after the completion of the lists, selections of lands may be made by the persons entitled thereto, and a notice thereof, with a description of the land selected, filed in the office of the Indian agent in Detroit, to be by him transmitted to the Office of Indian Affairs at Washington City.

Selections may be made within five years.

All sections of land under this article must be made according to the usual subdivisions; and fractional lots, if containing less than 60 acres, may be regarded as forty-acre lots, if over sixty and less than one hundred and twenty acres, as eighty-acre lots. Selections for orphan children may be made by themselves or their friends, subject to the approval of the agent.

To be according to usual subdivisions.

After selections are made, as herein provided, the persons entitled to the land may take immediate possession thereof, and the United States will thenceforth and until the issuing of patents as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued, in a suitable form, guaranteeing and securing to the holders their possession and an ultimate title to the land. But such certificates shall not be assignable and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein.

Possession may be taken at once.

After the expiration of ten years, such restriction on the power of sale shall be withdrawn, and a patent shall be issued in the usual form to each original holder of a certificate for the land described therein, *Provided* That such restriction shall cease only upon the actual issuing of the patent; *And provided further* That the President may in his discretion at any time in individual cases on the recommendation of the Indian agent when it shall appear prudent and for the welfare of any holder of a certificate, direct a patent to be issued. *And provided also*, That after the expiration of ten years, if individual cases shall be reported to the President by the Indian agent, of persons who may then be incapable of managing their own affairs from any reason whatever, he may direct the patents in such cases to be withheld, and the restrictions provided by the certificate, continued so long as he may deem necessary and proper.

Sale within ten years forbidden.

After ten years a patent shall issue and restrictions on sales cease.

Should any of the heads of families die before the issuing of the certificates or patents herein provided for, the same shall issue to the heirs of such deceased persons.

Provision for case of death.

The benefits of this article will be extended only to those Indians who are at this time actual residents of the State of Michigan, and entitled to participate in the annuities provided by the treaty of March 28, 1836; but this provision shall not be construed to exclude any Indian now belonging to the Garden River band of Sault Ste. Marie.

To whom this treaty shall extend.

All the land embraced within the tracts hereinbefore described, that shall not have been appropriated or selected within five years shall remain the property of the United States, and the same shall thereafter, for the further term of five years, be subject to entry in the usual manner and at the same rate per acre, as other adjacent public lands are then held, by Indians only; and all lands, so purchased by Indians, shall be sold without restriction, and certificates and patents shall be issued for the same in the usual form as in ordinary cases; and all lands remaining unappropriated by or unsold to the Indians after the expiration of the last-mentioned term, may be sold or disposed of by the United States as in the case of all other public lands.

After five years the remaining lands may be entered in the usual manner by Indians for five years, and then by anyone.

Nothing contained herein shall be so construed as to prevent the appropriation, by sale, gift, or otherwise, by the United States, of any tract or tracts of land within the aforesaid reservations for the location of churches, school-houses, or for other educational purposes, and

Grants for churches, schools, etc., may be made.

Indians may sell
with President's con-
sent.

for such purposes purchases of land may likewise be made from the Indians, the consent of the President of the United States, having, in every instance, first been obtained therefor.

It is also agreed that any lands within the aforesaid tracts now occupied by actual settlers, or by persons entitled to pre-emption thereon, shall be exempt from the provisions of this article; provided, that such pre-emption claims shall be proved, as prescribed by law, before the 1st day of October next.

Any Indian who may have heretofore purchased land for actual settlement, under the act of Congress known as the Graduation Act, may sell and dispose of the same; and, in such case, no actual occupancy or residence by such Indians on lands so purchased shall be necessary to enable him to secure a title thereto.

In consideration of the benefits derived to the Indians on Grand Traverse Bay by the school and mission established in 1838, and still continued by the Board of Foreign Missions of the Presbyterian Church, it is agreed that the title to three separate pieces of land, being parts of tracts Nos. 3 and 4, of the west fractional half of section 85, township 30 north, range 10 west, on which are the mission and school buildings and improvements, not exceeding in all sixty-three acres, one hundred and twenty-four perches, shall be vested in the said board on payment of \$1.25 per acre; and the President of the United States shall issue a patent for the same to such person as the said board shall appoint.

The United States will also pay the further sum of forty thousand dollars, or so much thereof as may be necessary, to be applied in liquidation of the present just indebtedness of the said Ottawa and Chippewa Indians; provided, that all claims presented shall be investigated under the direction of the Secretary of the Interior, who shall prescribe such rules and regulations for conducting such investigation, and for testing the validity and justness of the claims, as he shall deem suitable and proper; and no claim shall be paid except upon the certificate of the said Secretary that, in his opinion, the same is justly and equitably due; and all claimants, who shall not present their claims within such time as may be limited by said Secretary within six months from the ratification of the treaty, or whose claims, having been presented, shall be disallowed by him, shall be forever precluded from collecting the same, or maintaining an action thereon in any court whatever; and provided, also, that no portion of the money due said Indians for annuities, as herein provided, shall ever be appropriated to pay their debts under any pretence whatever; provided, that the balance of the amount herein allowed, as a just increase of the amount due for the ceasions and relinquishments aforesaid, after satisfaction of the awards of the Secretary of the Interior, shall be paid to the said Chippewas or expended for their benefit, in such manner as the Secretary shall prescribe, in aid of any of the objects specified in the second article of this treaty.

Payments to said In-
dians.

Eighty thousand
dollars in ten equal
annual instalments.

Seventy-five thou-
sand dollars in five
equal annual instal-
ments.

ARTICLE 2. The United States will also pay to the said Indians the sum of five hundred and thirty-eight thousand and four hundred dollars, in manner following, to wit:

First. Eighty thousand dollars for educational purposes to be paid in ten equal annual instalments 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.

Second. Seventy-five thousand dollars to be paid in five equal annual instalments of fifteen thousand dollars each in agricultural implements and carpenters' tools, household furniture and building materials, cat-

tle, 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.

Third. Forty-two thousand and four hundred dollars for the support of four blacksmith-shops for ten years.

Forty-two thousand and four hundred dollars for blacksmith shops
Three hundred and six thousand dollars to be paid per capita

Fourth. The sum of three hundred and six thousand dollars in coin, as follows: ten thousand dollars of the principal, and the interest on the whole of said last-mentioned sum remaining unpaid at the rate of five per cent. annually for ten years, to be distributed *per capita* in the usual manner for paying annuities. 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.

Thirty-five thousand dollars in ten annual instalments.

Fifth. The sum of thirty-five thousand dollars in ten annual instalments of three thousand and five hundred dollars each, to be paid only to the Grand River Ottawas, which is in lieu of all permanent annuities to which they may be entitled by former treaty stipulations, and which sum shall be distributed in the usual manner *per capita*.

Liabilities under former treaties released.

ARTICLE 3. The Ottawa and Chippewa Indians hereby release and discharge the United States from all liability on account of former treaty stipulations, it being distinctly understood and agreed that the grants and payments hereinbefore provided for are in lieu and satisfaction of all claims, legal and equitable on the part of said Indians jointly and severally against the United States, for land, money or other thing guaranteed to said tribes or either of them by the stipulations of any former treaty or treaties; excepting, however, the right of fishing and encampment secured to the Chippewas of Sault Ste. Marie by the treaty of June 16, 1820.

ARTICLE 4. The interpreters at Sault Ste. Marie, Mackinac, and for the Grand River Indians, shall be continued, and another provided at Grand Traverse, for the term of five years, and as much longer as the President may deem necessary.

Interpreters.

ARTICLE 5. The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved; and if at any time hereafter, further negotiations with the United States, in reference to any matters contained herein, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of any usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every respect, as if all were represented.

Tribal organization dissolved in most respects.

Future treaties: how made.

ARTICLE 6. This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

Treaty: when to be binding.

In testimony whereof the said George W. Manypenny and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned chiefs and headmen of the Ottawas and Chippewas, have hereto set their hands and seals, at the city of Detroit the day and year first above written.

Geo. W. Manypenny, [L. S.]
Henry C. Gilbert, [L. S.]

Commissioners on the part of the United States.

J. Logan Chipman,
Rich'd M. Smith,
Secretaries.

TREATY WITH THE OTTAWA AND CHIPPEWA, 1855.

Sault Ste. Marie Bands:			
O-shaw-waw-no-ke-wain-se, chief, his x mark.	[L. a.]	Naw-te-nash-cum, headman, his x mark.	[L. a.]
Waw-bo-jieg, chief, his x mark.	[L. a.]	Grand Traverse Bands:	
Kay-bay-no-din, chief, his x mark.	[L. a.]	Aish-quay-go-nay-be, chief, his x mark.	[L. a.]
O-maw-no-maw-ne, chief, his x mark.	[L. a.]	Ab-ko-say, chief, his x mark.	[L. a.]
Shaw-wan, chief, his x mark.	[L. a.]	Kay-quay-to-sy, chief, his x mark.	[L. a.]
Pi-aw-be-daw-sung, chief, his x mark.	[L. a.]	O-naw-maw-nince, chief, his x mark.	[L. a.]
Waw-we-gun, headman, his x mark.	[L. a.]	Shaw-bwaw-sung, chief, his x mark.	[L. a.]
Pa-ne-gwon, headman, his x mark.	[L. a.]	Louis Mich-saw-bay, headman, his x mark.	[L. a.]
Bwan, headman, his x mark.	[L. a.]	May-dway-aw-she, headman, his x mark.	[L. a.]
Taw-meece, headman, his x mark.	[L. a.]	Me-tay-o-meg, chief, his x mark.	[L. a.]
Naw-o-ge-zhick, headman, his x mark.	[L. a.]	Me-naw-quot, headman, his x mark.	[L. a.]
Saw-gaw-giew, headman, his x mark.	[L. a.]	Little Traverse Bands:	
Grand River Bands:		Waw-so, chief, his x mark.	[L. a.]
Ne-baw-nay-ge-zhick, chief, his x mark.	[L. a.]	Mwaw-ke-we-naw, chief, his x mark.	[L. a.]
Shaw-gwaw-baw-no, chief, his x mark.	[L. a.]	Pe-law-ec-gay, headman, his x mark.	[L. a.]
Aish-ke-baw-goeb, 2d chief, his x mark.	[L. a.]	Ke-ne-me-chaw-gun, chief, his x mark.	[L. a.]
Nay-waw-goo, chief, his x mark.	[L. a.]	May-tway-on-daw-gaw-she, head- man, his x mark.	[L. a.]
Ne-be-ne-esh, chief, his x mark.	[L. a.]	Me-ge-se-mong, headman, his x mark.	[L. a.]
Waw-bo-gay-kake, chief, his x mark.	[L. a.]	Pi-a-zhick-way-we-dong, headman, his x mark.	[L. a.]
Ke-ne-we-ge-zhick, chief, his x mark.	[L. a.]	Key-way-ken-do, headman, his x mark.	[L. a.]
Men-daw-waw-be, chief, his x mark.	[L. a.]	Mackinac Bands:	
Maish-ke-aw-she, chief, his x mark.	[L. a.]	O-saw-waw-ne-me-ke, chief, his x mark.	[L. a.]
Pay-shaw-ec-gay, chief, his x mark.	[L. a.]	Ke-no-shay, headman, his x mark.	[L. a.]
Pay-baw-me, headman, his x mark.	[L. a.]	Peter Hance, headman, his x mark.	[L. a.]
Pe-go, chief, his x mark.	[L. a.]	Shaw-be-co-shing, chief, his x mark.	[L. a.]
Ching-gwoah, chief, his x mark.	[L. a.]	Shaw-bway-way, chief, his x mark.	[L. a.]
Shaw-be-quo-ung, chief, his x mark.	[L. a.]	Pe-ane, headman, his x mark.	[L. a.]
Andrew J. Blackbird, headman, his x mark.	[L. a.]	Saw-gaw-saw-quaw-de, headman, his x mark.	[L. a.]
Ke-sie-saw-bay, headman, his x mark.	[L. a.]	Nay-o-ge-maw, chief, (Little Tra- verse,) his x mark.	[L. a.]

Executed in the presence of—

Jno. M. D. Johnston,
John F. Godfroy,
Gbt. Johnston,
Aug. Hamlin,
Interpreters.

L. Campau,
Joseph F. Mursul,
G. D. Williams,
P. B. Barbeau,
A. M. Fitch,
W. H. Godfroy.

We, the undersigned chiefs and headmen of the Chippewa Indians living near Sault Ste. Marie, Mich., having had the amendments adopted by the Senate of the United States to the treaty concluded at Detroit on the 31st day of July, 1855, fully explained to us and being satisfied therewith, do hereby assent to and ratify the same.

In witness whereof we have hereunto set our hands this 27th day of June, A. D. 1856.

Pi-aw-be-daw-sung, his x mark.
Te-goee, his x mark.
Saw-gaw-jew, his x mark.
Ehaw-ano, his x mark.
Waw-bo-jick, his x mark.
Ray-bay-no-din, his x mark.
Shaw-wan, his x mark.

O-me-no-mee-ne, his x mark.
Pay-ne-gwon, his x mark.
Waw-we-gwon, his x mark.
Ma-ne-do-ecung, his x mark.
Naw-we-ge-zhick, his x mark.
Yaw-mence, his x mark.
Bawn, his x mark.

Signed in presence of—

Ebenr Warner,
Jno. M. Johnston, United States Indian Interpreter.
Placides Ord.

We, the undersigned chiefs and headmen of the Ottawa and Chippewa nation, having heard the foregoing amendments read and explained to us by our agent, do hereby assent to and ratify the same.

In witness whereof we have hereto affixed our signatures this 21 day of July, A. D. 1855, at Little Traverse, Mich.

Waw-so, his x mark
Meaw-ke-we-naw, his x mark
Ne-aw-waw-quot, his x mark
A-w-ee-go, his x mark
Ke-zhe-go-ne, his x mark
Kain-waw-be-kus-ee, his x mark
Pe-aise, his x mark

Pe-taw-ee-guy, his x mark
Ke-ne-me-chaw-gun, his x mark
Nay-tway-on-day-gaw-she, his x mark
Me-ge-ee-mong, his x mark
Key-way-ken-do, his x mark
Nay-o-ge-maw, his x mark

In the presence of—

Henry C. Gilbert, Indian Agent,
Aug. Hamlin, Interpreter,
John F. Godfroy, Interpreter,
G. T. Wendall,
A. J. Blackbird.

We, the chiefs and headmen of the Ottawa and Chippewa Indians residing near Grand Traverse Bay, having heard the foregoing amendments adopted by the Senate of the United States to the treaty of July 31, 1855, read, and the same having been fully explained to us by our agent, do hereby assent to and ratify the same.

Done at Northport on Grand Traverse Bay, Mich., this 5th day of July, A. D. 1856.

Aiah-quay-go-nay-be, his x mark.
Ah-ko-may, his x mark.
O-naw-mo-neeco, his x mark.
Kay-qua-to-may, his x mark.
Peter-waw-ka-zoo, his x mark.
Shaw-bwaw-sung, his x mark.
Louis-mick-saw-bay, his x mark

In presence of—

H. C. Gilbert, Indian agent,
J. F. Godfroy, interpreter,
Geo. N. Smith,
Peter Dougherty,
Normon Barnes.

We, the undersigned, chiefs and headmen of the Grand River bands of the Ottawa and Chippewa Indians of Michigan having heard the amendments of the Senate to the treaty of the 31st of July, 1855, read, and the same having been fully explained to us, do hereby assent to and ratify the same.

Done at Grand Rapids in the State of Michigan this 31st day of July, A. D. 1856.

Caw-be-mo-ay, his x mark
Shaw-gwaw-baw-oo, his x mark
Aiah-ke-baw-gosh, his x mark
Waw-be-gay-kake, his x mark
Ne-be-ne-eh, his x mark
Ching-gwoeb, his x mark
Maab-caw, his x mark

Gaw-ga-gaw-bwa, his x mark.
Nots-oo-kay, his x mark
Ne-baw-nay-ge-thick, his x mark.
Pay-baw-me, his x mark.
Shaw-be-quo-ung, his x mark
~~Men-daw-gaw-be, his x mark.~~

In presence of—

John F. Godfroy, United States interpreter
Wm. Cobnoey,
F. N. Gontfy.

This is not Penassee!

Grisswold Ottawa Chief

Penassee, Chief of Saginaw's Band who held Grisswold land Trust did not sign

HERES A COPY OF THE DEED OF LAND ENTRUSTED TO MC COSKRY FOR THE GUN LAKE BAND OF OTTAWA INDIANS AS PREVIOUSLY DESCRIBED AND DOCUMENTED. IT SHOW 160 ACRES, TWO HUNDRED ACRES ADDED LATER AS SHOWN IN 1873 PLAT MAP.

"TO MC COSKRY AND HIS HEIRS, FOREVER", IT READS.

To all to whom these Presents shall come, Greeting:

WHEREAS Samuel A. McCoskey of Wayne County, Michigan

has deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at Kalamazoo whereby it appears that full payment has been made by the said

Samuel A. McCoskey according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," for the South East quarter of Section twenty, in Township three North, of Range eleven West, in the District of Land subject to sale at Kalamazoo, Michigan, containing one hundred and thirty acres

according to the official plat of the survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract has been purchased by the said Samuel A. McCoskey

NOW KNOW YE, That the

United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Samuel A. McCoskey

and to his heirs, the said tract above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereto belonging, unto the said Samuel A. McCoskey and to his heirs and assigns forever.

In Testimony Whereof, I, Martin Van Buren

PRESIDENT OF THE UNITED STATES OF AMERICA, have caused this Letter to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the tenth day of October in the Year of our Lord one thousand eight hundred and forty fifth end of the INDEPENDENCE OF THE UNITED STATES the Sixty fifth

BY THE PRESIDENT, Martin Van Buren
By: [Signature] Secretary of the General Land Office

647881

HERE'S THE TRUST SPELLED OUT FOR THE COURT IN 1855 ON THE EVE
OF THE NEXT OTTAWA-CHIPPEWA TREATY.

WITH REFERENCE TO THE LAND IT READS,

"TO MAKE SUCH ALLOTMENT IN OCCUPANCY AND NOT IN FEE SIMPLE...."

2

We Typed the hand written
page from Court records
See next page
C

THE McCOSKRY TRUST STATEMENT OF JULY 26, 1855 (FOR GRISWOLD COLONY) AS ENTERED INTO ALLEGAN COUNTY COURT RECORDS, ALLEGAN, MICHIGAN, AND DATED SEPTEMBER 4, 1855. (Liber 13, page 205)

To all persons unto whom these presents shall come, Greeting. Know ye that whereas I Samuel A McCoskry am seized in fee of the following lands and premisis in the County of Allegan in the State of Michigan to Wit: The West half of the North East Quarter the East half of the North West quarter and in the North West quarter of the North West quarter of section number Twenty Eight in Township three North of Range Eleven West, and the South East quarter of Section number twenty in the same township anend range and whereas the same is held by me in trust for the purposes herin after mentioned, (*) I do hereby declare that I do hold the same accordingly in Trust for the benefit of the band of Ottawa Indians formerly under the Chief Saginaw afterwards under the Chief Penasee and now under the Chief called Shopquaung in manner following that is to say I hold the same for the occupation and improvement thereof by said band in such individual allotments as I shall find adviseable and I agree to make such allotment in occupancy and not in fee simple as generally and equitably as possible and in the case said band shall hereafter desire to remove from said land to another place I am at liberty to sell said land and reinvest the proceeds for the same purpose it being the purpose of this trust to manage and administer said lands and the proceeds thereof to the best of my discretion for the benefit of said band and for no other purposes whatever. In testimony whereof I have hereafter set my hand and seal this twenty sixth day of July in the year of our Lord one thousand eight hundred and fifty five in token of the trust and purposes aforesaid In the presence of James O.Campbell / S.D. Miller

Signed

Samuel A McCoskry (his seal)

State of Michigan

On this 26th day of July A.D. 1855 County of Wayne before me a notary Public for said County personally appeared the above named Samuel A McCoskry to me known to be the person described in and one who specified the foregoing declaration of Trust and acknowledged the same to be his free act and deed for the uses and purposes specified therein.

James O Campbell, Notary Public, Wayne County, Michigan.

Received for record September 5, 1855 at 6 O'Clock P.M.

James P. Porter, Register

(*) Highlighting and emphasis added.

Leber 13 Page 205

James D. Foster Esq.

J.C.

In all persons unto whom these presents shall come. Greeting
Know ye that whereas I Thomas W. McCastry and assignors of
the following lands and premises in the County of Allegan
in the State of Michigan to wit The West half of the North East
quarter the East half of the North West quarter and the North
West quarter of the North West quarter of Section number Twenty
Six in Township Three North of Range Eleven West, and the
South East quarter of Section number twenty in the same town-
ship and Range and also the same is held by me in trust
for the purpose herein after mentioned, I do hereby declare
that I do hold the same accordingly in trust for the
benefit of the band of Ottawa Indians formerly under
the Chief Saginaw afterwards under the Chief Penasse and
now under the Chief called Shogwaganing in manner
following that is to say I hold the same for the occupation
and improvement thereof by said band in such individual
allotments as I shall find advisable and I agree to make
such allotments in company and not in fee simple
as generally and equitably as possible and in case said band
shall hereafter desire to remove from said land to another
place I am at liberty to sell said land and reinvest the

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the proceeds for the same purpose it being the purpose of this trust to manage and administer said lands and the proceeds thereof to the best of my discretion for the benefit of said lands and for no other purposes indicated by testimony whereof I have hereunto set my hand and seal this twenty sixth day of July in the year of our Lord one thousand eight hundred and fifty five in token of the truth and purposes aforesaid
in presence of

James Campbell Henry & Miller James W McQuerry

State of Michigan)
County of Wayne)
On this 26th day of July A.D. 1855
before me a notary Public for said County
personally appeared the above named Edward W McQuerry to
me known to be the person described in said order and to
the foregoing declaration of Trust and as though got the same to
his free act and deed for the uses and purposes aforesaid therein
James Campbell Notary Public Wayne County Michigan
Refer me out Sept 5 1855 at 6 o'clock P.M.

James B. Fisher Register

✓ No 2072

IN 1884 MC COSKRY IN OLD AGE AND FROM NEW YORK SURRENDERED HIS TRUST, AND THAT OF THE BUREAU OF INDIAN AFFAIRS, TO THE STATE COURT IN MICHIGAN FOR JUSTICE TO BE DONE.

-THE STATE COURT APPOINTED A NEW TRUSTEE

-TAXES HAD ALREADY BEEN ASSESSED BY THIS TIME AND THE LAND "NOT REDEEMED BY THE INDIANS" (ACTUALLY QUITE WITHOUT THE INDIANS KNOWLEDGE AS TAXES HAD NOT BEEN APPLIED AS WE ALL KNEW IT WAS A TRUST).

-THEN THE STATE COURT RENDERED AN OPINION AND TOOK OUR LAND, A CLEAR VIOLATION OF THE NONINTERCOURSE ACT. AS WE WERE NEVER TERMINATED OR NOT OPERATING AS A TRIBE. OUR CHIEFS CAN BE NAMED SINCE 1795 TO THE PRESENT. OUR COMMUNITY IS OVER 50% HALF BLOODS. WE STILL OWN PART OF THIS RESERVATION IN COMMON IN THE NAME OF THE GUN LAKE BAND OF GRAND RIVER OTTAWA.

State of New York, January 14, 1884.

State of New York

County and City of New York

ss.

Liber 158, p. 496

On this 14th day of January, A.D. 1884, personally appeared before me a Commissioner of the State of Michigan, Right Reverend Samuel A. McCoskey, who being by me sworn, doth depose and say, that he has read the foregoing petition by him subscribed and the contents thereof, and the same is true.

M. Parparh,
(Commissioner Seal) Commissioner for Michigan.

State of Michigan

Circuit Court for the County of Allegan, In Chancery.

In the matter of the title of the following described lands, situated in the County of Allegan and State of Michigan, to-wit: The Southeast quarter of Section Twenty; the west half of the north east quarter, the east half of the north west quarter, and the north west quarter of the north west quarter of section Twenty eight, all in township three north of range eleven west.

At a session of said Circuit Court for the County of Allegan In Chancery, held at the Court House in the Village of Allegan, in said County, on the twenty fifth day of February, A.D. 1884.

Present, Hon. Dan J. Arnold, Circuit Judge.

In the matter of the title to the above described lands, heretofore held in trust by the Right Reverend Samuel A. McCoskey, a declaration of said trust bearing date July 25th, A.D. 1855, made public and recorded in the office of the Register of Deeds, in and for said County, in Liber 13 of Deeds on page 205, and the said Samuel A. McCoskey having this day presented his resignation of said trust and asked to be discharged therefrom; and one David K. Foster, an Indian and one of a band of Ottawa Indians named in said trust having also this day presented his petition in behalf of himself and others interested in said lands, praying amongst other things that a suitable competent person may be appointed by this Court for the purpose of completing said trust and conveying said lands in fee to the proper persons who may be found entitled thereto in individual tracts or parcels in severalty, or to sell and dispose of the same and distribute the proceeds to hold the title in trust for the said band of Indians, as to the Court shall seem meet and proper. Due consideration being therefor had, it is ordered; that the resignation of the said Samuel A. McCoskey be and hereby is accepted and that he be, and hereby is, discharged from said trust and it is hereby further ordered that William B. Williams of Allegan in said County, be and hereby is appointed trustee, for the purpose of completing said trust, and that said trustee, with all convenient speed, investigate the title and condition of the lands embraced in said trust, Describe as follows, to-wit:- the south east quarter of section twenty, the west half of the north east quarter, the east half of the north west quarter and the north west quarter of the north west quarter of section twenty eight, all in township three north of range eleven west, and that he further ascertain and report what Indians are entitled to an interest in said lands and the parts

State of Michigan
The Circuit Court for the County of Allegan, In Chancery.

In the matter of the title of the following described lands, situated in the County of Allegan and State of Michigan, to-wit: The south east quarter of section twenty, the west half of the north east quarter, the east half of the north west quarter and the north west quarter of the north west quarter of section twenty eight, in township three north of range eleven west. The report of William B. Williams special trustee of the above described land appointed by the order and decree of this Court on the 25th day of February, A.D. 1884, for the purpose of completing the trust theretofore held by the Rt. Rev. Samuel A. McCaskey under a declaration of trust bearing date July 26th, A.D. 1855, and conveying the lands in fee to the persons found entitled thereto, in individual tracts or parcels in severalty or to sell and dispose of the same and distribute the proceeds, or to hold the title in trust as this Court shall direct, as in and by said order and decree will more fully appear, respectfully shows: -----

Libm 155, pg. 497

That under the instructions contained in said order and decree I visited the premises therein described and met with the Indians who claim to be the persons entitled to the lands under the declaration of trust; that after consultation with said Indians, I would recommend that said lands be divided and set apart in severalty to the Indians named in a schedule hereto attached with the number of acres to each therein named, to have and to hold the same in fee subject how ever to sundry tax titles thereon. I find that these lands have been sold for the taxes of 1874, 1875, 1876, 1877, 1878 and 1880 and do not appear to have been redeemed. That while said lands have been overpaid in severalty by the Indians named and distinct improvements made, they have been assessed by the Government descriptions and they have been unable to collect among themselves the money to pay the taxes on the entire tract. It is claimed that while some are willing to pay on their respective proportions, others are not and therefore the lands have been sold and to avoid this difficulty in the future they desire a division of the property. The lands were assessed for taxation in 1883 as follows: -----

The S.E. 1/4 of Section 20 et	-----	\$1900.
The W. 1/2 of S.E. 1/4 " 28 "	-----	-1000.
The E. 1/2 of S.W. 1/4 " 28 "	-----	-1000.
The N.W. 1/4 of S.W. 1/4 " 28 "	-----	-400.

Trust NOT Surrendered until 1884!!

That in consequence of the improvements made in said lands being in distinct tracts or parcels with small houses and outbuildings upon each, it would be difficult to determine a fair aggregate value of the entire tract and in view of the fact that the parties themselves have agreed upon the number of acres each are entitled to and the respective location and description of each as designated by a plat hereto attached it does not appear to be necessary to determine with certainty the actual value of said lands.

State Court recommends

I would therefore recommend that said lands be divided and conveyed to said Indians in severalty as follows, subject to all claims thereon for taxes and the reasonable costs and expenses of this proceeding: that is to say, that there be set apart in severalty to each of the persons hereinafter named, that part or portion of said premises following each of said names as paraphrased. -----

EXCERPT FROM HOLST REPORT (VISIT OF BIA TO MICHIGAN AFTER THE
IRA WAS PASSED) OUR COMMUNITY WAS ENUMERATED AS POTTAWATOMI.
I ASSUME THEY THOUGHT ALL GRAND RIVER OTTAWA HAD REMOVED NORTH.
WE NEVER SAW THIS REPORT UNTIL A COUPLE YEARS AGO.

THE POTTAWATOMIS

The Pottawatomis live in the southwestern part of the State in three scattered groups around Bradley, Dowagiac, and Athens respectively.

The Bradley group consisting of 23 families is scattered over twenty miles of country from Burnips to Shelbyville. Most of them have land. Silas Bush near Middleville bought 50 acres for \$750.00 and has plans for a comfortable home. He is building up rapidly. Stevens at Burnips has 85 acres, Church a well-farmed 40 acres, and several others have from one to 40 acres. Some baskets are made in this section, otherwise there are no native crafts.

The Dowagiac group is almost as widely scattered as the Bradley group. In general the families are larger and the homes more crowded. They do not have as much land as those in the Bradley area, but the Persons, and Alexis families have farms. John Williams at ... Creek and Thomas Ance at Dowagiac are sometimes regarded as ... for the Pokagon group. Peter ... Chief Wesaw, and others ... and have a sale ... out of Dowagiac. There ... of ... families as suchman. The ... and the Dowagiac group are Catholic while the Athens and Bradley groups are Protestant. The ... of the Pokagon while the one at Athens is ...



COPY OF OUR LETTER TO THE DEPARTMENT OF THE INTERIOR REQUESTING RESTORATION OF OUR STATUS AS A TRIBE ON 28, MARCH, 1992 AND RESPONSE OF INTERIOR SECRETARY BROWN.

March 28, 1992

United States Department of the Interior,
Mr. Eddie F. Brown, Assistant Secretary, B.I.A.,
MS-4140-MIB,
1849 C Street, N.W.,
Washington, D.C. 20240

Dear Mr. Brown,

This letter is to notify the United States Department of Interior, Bureau of Indian Affairs, that the Grand River Band of Ottawa Indians located below the Grand River in Michigan have decided to seek restoration of it's status as a Nation.

One hundred fifty six years ago to the day our chiefs, or at least some of them, signed a treaty that relinquished much of what is now Michigan to the Federal Government. Reservation lands that were promised in the March 28, 1836 Treaty that our chiefs signed, were deleted by the President. Then the treaty was sent back to the Michigan Territory for more negotiation. Fewer of our Chiefs signed the revised Treaty than the original. Hence, many Michigan Ottawas have stubbornly refused to formally file for Federal Acknowledgement. This is especially true for the Grand River Band which contained most of our remaining warrior societies which had not been neutralized by the War Department by the year 1836.

In special agreements concluded by Henry R. Schoolcraft and President Van Buren with the Ottawa in 1838 lands were provided for them in Allegan and Barry Counties. This was achieved through the assistance and cooperation of Protestant Church organizations. Grand River Band War Chiefs and their families, and remaining followers were settled on these tracts. We have remained here to this day and part of our original reservation is still in our possession. Other parts are not.

In 1855 many, but not all, of the Grand River Band (there were 13 Grand River Annuity rolls in 1836) were provided lands above the Grand in Mason and Oceana Counties as part of the 1855 Treaty. Many of us stayed behind in our homeland in Allegan County. Others of our band removed but were back in a few years.

For years our leaders have steadfastly refused to petition Washington for Federal Acknowledgement maintaining that it was not necessary for a U.S. Government agency to confer upon us what had been ours for over a century of dealings with the French, British, and then the Americans. I speak of Nation status. We maintain we never ceased to Be a Nation.

Today however our contemporary leaders have decided to formally petition for Federal Acknowledgement under the rules promulgated by the Indian Reorganization Act of 1934. Our tribe has not previously rejected nor been denied acknowledgement. We are in our original homelands and were not removed to the Mississippi region. We are listed as the Gun Lake Village Band and Ottawa Colony Band of Grand River Ottawa Indians from the 1836 Treaty between the U.S. and Michigan Ottawa and Chippewa.

We are requesting restoration of our status as a nation. In addition we cite Article 5 of the 31 July, 1855 Treaty between the United States and Michigan Ottawa and Chippewa Indians under which we now request negotiations. Lands were held in "trust" for us in Allegan County well beyond 1855 as part of an arrangement between the United States represented by Henry R. Schoolcraft and our Principal Chiefs Saganaw and Noonday (Na-way-qua-gezick) and Episcopal Bishop Samuel McCoskry.

The Smithsonian notes our continued existence as a tribe following 1855 (we are also known as the Griswold Colony). Schoolcraft in his census of Indians of Michigan dated September 15, 1837, for the War Department estimates "Saganaws of Michigan" at 1000 (Chief Saganaw was one of our chiefs) and 500 other Ottawa, Pottawatomi, and Chippewa Indians below the Grand River. By 1838 only a few hundred of us remained. We became part of the Compact of June 5, 1838, between the War Department, Henry Schoolcraft, and our Chiefs at Grand Rapids, Michigan.

We have created a non profit organization which has been chartered with the State of Michigan under the name of the United Nation of Chippewa, Ottawa, and Pottawatomi Indians of Michigan, Inc. Our principal office is presently located at 5721 Grand River Drive, Grand Ledge, Michigan. 48837. Our Phone number is (517) 627-3645.

Mr. Bill Church has been appointed as Secretary of State for our Nation and will handle state and federal liaison for the Gun Lake Band of Grand River Ottawa Indians, (a.k.a. the Griswold Colony). Our Chief is Rev. Lewis White Eagle Church, Great-Great-Grandson of Muck-i-tayosha, first listed Principal Chief from the 1836 Treaty and Grand River Band leader. Mr. Church is a direct descendant of Pontiac, also a Grand River.

The Grand River Band of Ottawa Indians has been recognized by the Michigan Commission on Indians Affairs (under NGO Traditional organizations affiliated with the Northern Michigan Ottawa Association). The Gun Lake Band of Grand River Ottawa Indians is a member of the Confederated Historic Tribes of Michigan, Mr. Philip V. Alexis, Executive Director.

We have enclosed a summary history of our tribe and a few pertinent documents and items to detail our continued existence in Michigan. It is truly an historic occasion for the Grand River Band, the leading warrior division of the Michigan Ottawa, to seek to formally restore and affirm it's nation status in the form of Federal Acknowledgement.

The Gun Lake Band of Grand River Ottawa Indians represents only members of the tribe who were party to the 1836 Treaty and resided below the Grand River. The Indian Claims Commission supported our claim to lands below the Grand and after a 60 year legal battle we were finally compensated for our claims.

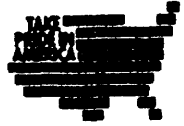
Respectfully Submitted,


William L. Church, Secretary of State,
Gun Lake Band Grand River Ottawa Indians.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



JUL 08 1992

Mr. William L. Church
5721 Grand River Drive
Grand Ledge, Michigan 48837

Dear Mr. Church:

This letter is to acknowledge our receipt, on June 24, 1992, of the undocumented petition for Federal acknowledgment of the Gun Lake Band of Grand River Ottawa Indians. An official notice of receipt of the petition will also be sent to the Governor and Attorney General of Michigan and will be published in both the FEDERAL REGISTER, and the Independent News.

Enclosed is a copy of the regulations and guidelines for preparing a documented petition for Federal acknowledgment as an Indian tribe. These guidelines are designed to assist petitioning groups in the preparation of their petition and are not additional requirements. We recommend, however, that you make every effort to follow the guidelines as closely as possible. Although the Bureau of Indian Affairs (BIA) cannot do the actual research on behalf of your group, we will be happy to provide suggestions and advice upon request.

As explained in the guidelines and regulations, you will have to submit a documented petition addressing the seven mandatory criteria set forth in Part 83.7 of Title 25 of the Code of Federal Regulations (25 CFR 83.7) before we can begin active consideration of your group. Your documented petition will then be given a preliminary review (known as the obvious deficiency), as required by 25 CFR 83.9(b), for any obvious deficiencies or significant omissions. If no deficiencies or omissions are found in the petition, it will then be considered ready for active consideration by a research team comprised of an historian, a cultural anthropologist, and a genealogist. However, if deficiencies or omissions are found, your group will be informed of them by letter and will be given an opportunity to strengthen the petition before it is placed under active consideration.

During active consideration by the Branch of Acknowledgment and Research (Acknowledgment) staff, your documented petition will be carefully evaluated by the research team in order to verify or add to the information submitted as it applies to the mandatory criteria. The research team will work very closely with you and your petition researcher(s) and will visit your group at least once during the active consideration phase.

The evaluation process is deliberately thorough because the decision to acknowledge an Indian tribe establishes a perpetual government-to-government relationship with the United States. As a result, only a few documented petitions can be actively considered at one time. The BIA's Acknowledgment staff has two research teams which can evaluate two to four petitions each year, depending on their complexity. Petitions are considered on a first-come, first-served basis and are numbered on a priority register, which is based on the date of filing of the initial request for acknowledgment. Your priority number is 128. Once you submit a fully documented petition, and that petition is considered ready for active consideration, it will then be placed ahead of all undocumented petitions. Among fully documented petitions which are awaiting active consideration, priority is determined by the lowest priority number.

Once a petition is placed under active consideration, the BIA has one year in which to publish in the FEDERAL REGISTER a proposed finding either to grant or deny Federal acknowledgment to the petitioning group. This period may be extended up to an additional 180 days by the Assistant Secretary - Indian Affairs for due cause. Upon publication of the proposed finding, your group and any other interested parties will have a 120-day response period in which to present factual or legal arguments and evidence to rebut or support the evidence relied upon in the proposed finding.

If you have further questions, please contact Ms. Elizabeth Colliflower, the Acknowledgment staff member with administrative responsibility for your petition. You may call her at (202) 208-3592, or write to her c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 2611-MIB, 1849 C Street, N.W., Washington, D.C. 20240.

We would appreciate if you would let us know the approximate size of your group.

Sincerely,


Assistant Secretary Indian Affairs

Enclosure

STATEMENT OF HON. WILLIAM CHURCH

Mr. CHURCH. Thank you, D.K. often we, Mr. Chairman, would refer to ourselves as the lost tribes of Allegan County. We have seen the other tribes, and we all come from some of the very same treaties. We are in an overlap area between the 1833 treaty and the 1836 treaty.

Our Chiefs were signers of the 1795 Greenville Treaty, and we can document our Chiefs name by name from 1795 to the present with Mr. Sprague. We became lost, and we weren't paid in many of the payments for both the northern Ottawas and the southwest Michigan Potawatomis where the Herons and Pokagon Bands are paid because of a curious situation where as war bands, and if my elders were here, they may by this time apologize for burning Chicago and Buffalo and some of the other towns that we were involved with, but we were placed in 1838 in lands in Allegan county.

According to the 1795 treaty, we could still always move to the open lands and hunt and fish. In 1836 when the Ottawa treaty was taking place, we were then still seen as Detroit Ottawa and Potawatomis, and took our treaty rights and moved to Allegan County where there was open territory. When the light comes on, I would imagine this is the remainder of time for Mr. Sprague's—

Mr. RICHARDSON. You will get an additional five minutes.

Mr. CHURCH. Okay. The important piece out of this is that when the 1836 treaty was concluded, there were Potawatomis in some of our blood lines from southwest Michigan that yet hadn't been fully taken care of from the 1833 treaty.

In the 1836 Ottawa treaty we were not part of the original signers. Part of our group was and part of our group wasn't, but the situation was in 1838 there was a specific compact that was signed. On June 5, 1838 it was concluded by Henry Schoolcraft. Its direction came from President Martin Van Buren. It also separated the payment sites for northern Ottawas from the Grand River Ottawas, specified certain things about barrels and fish and payments.

In that particular agreement, five religious denominations were earmarked as flow-through points for treaty monies from the 1836 treaty. The remaining war bands of Potawatomis from southwest Michigan were then grandfathered in with the approval of the Grand River Band Ottawa Chiefs, and we became the Gunn Lake Band of Grand River Ottawas in that specific compact.

We were provided a reservation of 360 acres of which we still live on or near and own parts of it yet, and part of my testimony is to request assistance from the United States for trade and intercourse violation by the State of Michigan on that particular piece of land. It was known then at times as the Celtic Reservation or the Griswold Colony lands.

We were there from 1838 to 1855 when the treaty took place. In the meantime a majority of the Grand River Band Ottawa Chiefs also received a colony ten miles away from us. Their colony failed in 1851. They joined us at Griswold. A third colony that was provided was over by Holland, 1,320 acres which had northern Ottawas and it had Potawatomis on it. It failed in 1847 and they joined us.

Therefore today we are made up of ancestors of Ottawa, Potawatomi and Chippewa. We have truly never been removed from our territories. We lost our land in a court case in 1884. They said because the government hadn't treated with us.

I am here to say that two tribes of which we have blood lines to, the Huron Potawatomi and the other Potawatomi groups and Ottawa at Griswold were to be dealt with by Manypenny. It is in the Archives that said there was supposed to be an additional treaty after 1855. It was never concluded.

I will summarize just by saying that we are completing our histories, we will seek to see that the Bureau of Acknowledgment and Research process with the BIA works, we have never voted down the Indian Reorganization Act.

I think one of the reasons that we weren't involved is because our communities always said we are tribes and retained that we didn't have to go somewhere else to prove we are Indians, but I think maybe our generation is looking at the systems and saying that this process here can assist us.

If you have any questions, I would appreciate.

[Prepared statement of Mr. Church follows.]

Statement of
 Mr. Bill Church, Secretary of State
 Gun Lake Band of Grand River Ottawa Indians
 at Hearings on the Status of Certain Tribes in Michigan
 before the
 Subcommittee on Native American Affairs
 Natural Resources Committee
 U. S. House of Representatives
 September 17, 1993

The Grand River Band of Ottawa Indians, as a Tribe, is well known to historians who study the Great Lakes region. But truthfully the Tribe is not as well known as the Gun Lake Bands of Grand River Ottawa. This name denotes a particular period in their long history just as the phrases "rise of the common man"; or the era of "Jacksonian Democracy" bring to mind a specific time in America's History. For the Grand River Band, it was the Colonization Period. For the War Department it was the Mackinac Agency Emigration Period of 1838-39.

After the 1836 Ottawa-Chippewa Treaty, the Grand River Band of Ottawa Indians leadership became concentrated around Gun Lake, Michigan, by policy initiatives created by the U.S. Department of War, and the President. The Allegan County region is also where remnants of the Pottawatomi Nation was gathered together in the years just prior to the 1836 Treaty as they took full advantage of the last Treaty rights enjoyed from their participation in the 1795 Treaty of Greenville. By the stipulations of that treaty the Tribes who signed could hunt, fish, and live freely on the land until it was sold by the United States. Until the late 1830's Allegan County was largely unsold and became like an oasis in the desert, or a port in the storm. It was our last refuge.

The Gun Lake Bands of Grand River Ottawa Indians, their Chippewa neighbors from the east, and Pottawatomi from the south all migrated to Allegan County in the late 1830's seeking refuge from the steady stream of treaty cessions which had reduced their range to this one single county in the lands below the Grand River. By 1838 these few Chippewa, Ottawa, and Pottawatomi were the largest concentration of War Chiefs and warriors who remained in Michigan. We had vowed "never to remove" from Michigan.

Among those who sought refuge in Allegan County, Michigan, were Chiefs and warriors who once were the most powerful military confederation confronted by the U.S. after the Revolutionary War. By 1838 our Chiefs knew that active resistance by using military force was unrealistic. We had pledged to remain at

peace in the Treaty of 1815. And the U.S. government wanted no conflict in the region as Michigan Territory braced itself for the massive emigration of settlers who bought land to carve out new lives in the fertile wilderness. The farmlands of Michigan had been ceded by Indians for pennies on the dollar or through Treaties where payments were not even made.

This was especially true for ancestors of the Indians who remain in Allegan County today. We are the portion of the Grand River Band of Ottawa Indians who still remain in our ancestral homelands. The popular belief is that we Indians were all removed to Kansas or other parts of the Mississippi River region. The Truth of the matter is that after a series of Treaties and earlier removals from one part of Michigan territory to another stretching over a 50 year period of time from 1795 to 1838, the confederation of Chiefs and warriors who gathered in Allegan County had run out of space. Our ancestors are better known to scholars as the United Nation of Chippewa, Ottawa, and Pottawatomi Indians of Michigan by which we appeared in numerous treaties from 1795 to 1836. What is left of that military confederation is now peacefully located near Wayland Township in the south-central lower Michigan county of Allegan just thirty miles south of Grand Rapids, Michigan.

The Gun Lake Band Tribe of the Grand River Ottawa Indians who appear before you today is descended from a band of Ottawa, Pottawatomi and Chippewa warriors whose Chief, Saganaw, was a party to the 1795 Greenville Treaty. By a decision of President Martin Van Buren in 1838 the "Saganaw's Band of Ottawa and Pottawatomi" as we we then known, were formally excepted from removal from Michigan by the Compact of June 5, 1838, and provided a 360 acre reservation from funds authorized by Article 2 of the March 28, 1836 Ottawa-Chippewa Treaty. For the next 20 years we became known as the Gun Lake Band, or more often we were referred to as the Griswold Colony. In achieving the right to permanently stay in Michigan we were provided the same benefits as those Michigan Indians who had chosen to be removed to Kansas where other Colonies had been established there. Many of those Colonies are now federally recognized.

Prior to the placement of the Gun Lake Band in Allegan County, Michigan, by the War Department in 1838, the Tribe had previously been located on two reservations 40 miles to the south through provisions granted by the August 29, 1821, Treaty of Chicago. This Treaty was specifically between the United States and the United Nations of Chippewa, Ottawa, and Pottawatomi Indians.

In 1827 the Tribe ceded their two-three mile square reservations which had been located at Kalamazoo, and Prairie Ronde, for other lands promised us near Mendon, Michigan. Our concentration and placement on the St. Joe River at the enlarged Nottawaseppi Reserve would make it easy for us to board steamboats there and be efficiently removed to new location in Kansas.

But soon these lands too were also ceded to the United States in the September 26, 1833, Treaty at Chicago, between the United States and the United Nation of Chippewa, Ottawa,

and Pottawatomi Indians. This Treaty was designed to remove all Indians from southwest Michigan but in truth contained the language which ultimately allowed us to legally remain in Michigan and become recognized by the War Department as a Michigan Indian Tribe. By the terms of the the Supplementary Articles of the 1833 Treaty some Pottawatomi gained a specific exemption and others were later spared from removal by instruction of the President of the United States. Saganaw's Band of Ottawa and Pottawatomi Indians moved north to Allegan County and settled in the Gun Lake region with Chippewa friends. While here we were sought out by the War Department and given the opportunity to become a new Colony. When the Colony became a reality by being annexed to the 1836 Ottawa-Chippewa Treaty by the Compact of June 5, 1838, we were named the Gun Lake Band by the War Department. The "Gun Lake Band" of Grand River Ottawa Indian Colony (Griswold) as well as two other Colonies were placed in Allegan County by the War Department. These are the Pottawatomi who gained an exemption from removal.

Although the Grand River Ottawa Indians on our membership rolls today who are currently seeking Federal Acknowledgment are known under the name of "The Gun Lake Band", this was essentially done so that the Bureau of Indian Affairs could readily identify us as the group of 68 Indians under four major United Nation Chiefs who were added to the Grand River Band rolls after an agreement by President Van Buren and recognized as a tribe by the Compact of June 5, 1838. We are more commonly known in Federal records and reports to be found in the National Archives today in the period from 1838 to 1856 as the "Griswold Colony". These are the facts that we have not had the ability to gather and put forward in earlier periods of our history when we remained lost as larger issues confronting the Grand River Band who were removed north again after 1855 in another Treaty pushed our agenda to the background.

The Griswold Colony, by all accounts, was an innovative public policy experiment of the War Department implemented after the President and the War Department appointed five Christian denominations to carry out "moral and religious instruction" to Michigan Tribes located on reservation lands purchased by Treaty funds. The five denominations selected to cooperate with the War Department were: The Methodist-Episcopal, Episcopal, Catholic, Baptist, and Presbyterian Churches in America. Their activity was coordinated by the American Board of Foreign Missions located at Boston, Massachusetts, which received treaty funds directly from the War Department and coordinated the administration of the Indian Mission Colonies for the government which were placed on land purchased and held in trust by the Missions for the Indian Tribes. This innovative structure was necessitated by a shortage of agents in the War Department in 1838 and thus the American Churches and their Missionaries served as sub-agents to assist the U.S. to carry out the multitude of Treaty obligation concluded in the 1830's.

The War Department and American Board of Foreign Missions thus initiated the establishment of Indian Missions, Indian

Colonies, Michigan Indian Reservations, some of Michigans first day schools, as well as the provision of agricultural instruction. These were all formal policy initiatives of the Indian Affairs Department designed to aid in the civilization of the Michigan Indians exempted from Removal by the Department of War and the President.

The Band of warriors located at Griswold were radically changed by these pioneer civilization efforts of the War Department, inspired by Acting Superintendent of Indian Affairs, Henry Rowe Schoolcraft. Saganaw (our Chief) and his Band of Ottawa and Pottawatomi warriors are historically known to have burned Chicago and Buffalo during the War of 1812, We were allies of Tecumseh and were with him at the Battle of the Thames when he was killed in 1813, Records retrieved from the National Archives reveal that prior to the creation of the Griswold Colony for the Gun Lake Band headed by Saganaw agents requested to be placed "as far away from white settlers as possible".

In 1848 the Griswold Colony absorbed other Pottawatomi from also located by the War Department in Allegan County when the Old Wing Colony, originally located near Holland, Michigan, was over run by Dutch settlers. It's Ottawa members were removed to Northport, Michigan. After 1851 the Ottawa Colony, located 10 miles southeast of Griswold for Noon-Day's Ottawa and Chippewa, was formally dissolved. Many of Noonday's Grand River Band Ottawa and Chippewa joined the Griswold Colony including many of the remaining Principal Chiefs of the Grand River Band.

In the 1851 Census, 199 Ottawa, Chippewa, and Pottawatomi were enumerated at Griswold. Today this historic Band, descended from the warriors contained in the Griswold Colony, still remain in close proximity to their reservation in Allegan County.

In 1855 when a Treaty subsequent to the 1836 Ottawa-Chippewa Treaty was concluded the Pottawatomi who were allowed exemption from removal and prospering at Griswold were not contacted or included. Records from the National Archives conclusively verify that Commissioner Manypenny had approved separate Treaties were to be concluded for the Huron Pottawatomi and the "Pottawatomi at Griswold". These treaties never took place as Manypenny soon left the BIA and by 1857 Agent Gilbert was also gone.

From 1856 to the present the Band placed at Griswold, spared from removal from Michigan by the President, given a reservation, and taught to live in peace have lived in the shadow of the Grand River Band, to whom they were officially attached in 1838.

We stand before you today to state our claim that we are the Grand River Band Ottawa located near Gun Lake and we will prove beyond a shadow of a doubt that we are a Tribe worthy of Federal Acknowledgment.

Detroit January 8th 1838

Ottawas of Gull Prairie,
My Children,

Your talk, sent by Mr. Slater, has been received. Your annuity for 1837 under the old treaty, will be paid to you in a few days by Genl Sibley. Your proportion of the salt, tobacco & lupine goods remains as unchanged, and will be delivered to a delegate of your Chiefs whenever sent for, as I have told you before.

I have already written to you, and told you each of your annuity under the old treaty, not being paid to your hands. It was because no delegation of Chief came for it. You say the U.S. promised you the annuity for all your lives! but you were not promised that the money should be sent to every village and band.

You say, you were promised farmers & school teachers! but the treaty states they will be employed at your allocations, not on the other, or private land.

You say you were promised teachers. True! but some time was necessary to find good ones. I will not tell, lately, that the President has not applied the money. He has now decided to employ five denominations of Christian men to teach your children wherever they are, at your location at Gull Prairie. He will also employ

Your annuity for 1837 will be paid to you in a few days at the place you will be informed of. We will discuss this subject again soon.

NOTE: President made decision

Schedule of Indian schools among the Indians and Chippewas of Michigan,
 under the Treaty of March 20th 1836, during the year ending 30th September

Principals	Denominations	Locations	Scholars			Remarks
			Boys	Girls	Total	
A. P. ...	Roman Catholic	L'Abbe Croche	1	34	64	
	"	Village of the Crofs	1	10	42	
	"	Sault Ste Marie	1		32	
	"	Point St Ignace	1		46	
	"	Michilimackinac	1		46	
J. P. ...	Protestant Episcopal	Barry County	1		12	For a part of the year den
Peter Doughty	Presbyterian	Frank Traverse Bay	2		26	in this school. The n
Edmond ...	Baptist	Ottawa Colony	1	41	36	part is exclusive of a
Abel Bingham	"	Sault Ste Marie	1		24	which is not reported
W. H. Brockway	Methodist Episcopal	Little Rapids	1			
			11		304	

Office Indian Affairs
Michilimackinac Sept 30th 1836.
Henry R. Schooley
 6

Mr. RICHARDSON. Let me just recognize that my good friend and colleague from the State of Hawaii, Congressman Neil Abercrombie, who has shown a tremendous interest in Native American issues is here. I want to acknowledge his presence.

Mr. ABERCROMBIE. Thank you, Mr. Chairman.

Mr. RICHARDSON. I would like to also turn over the Chair to him as we conclude these witnesses.

Mr. Abercrombie is a champion on many of these issues, and I think as he chairs this hearing you will see why. Chairman Abercrombie.

Mr. ABERCROMBIE [presiding]. Mr. Church, you can see that all I have to do is come in the room and the Chairman immediately acknowledges that I should take over. Thank you.

Mr. Church, thank you very much. I regret that for those others who have been here that I couldn't get here sooner. I had some business in Hawaii. We have a time difference here of six hours, so we had some difficulties there.

I want to tell you before we proceed, and I do appreciate the Chairman's kind remarks about my interest in this, you may be surprised, some of you, to see me here and then have someone say that I represent Hawaii.

I am Hawaii's answer to affirmative action. I am sure you can appreciate that. The situation in Hawaii is such that I have a great deal of inherent sympathy for your plight. We have a situation which may seem, while your difficulties are very apparent to you, if you can imagine what it is like for Native Hawaiians not to even be recognized by the Federal Government as having any relationship whatsoever with the United States, having been an independent kingdom at one time, having been overthrown by merchant bandits, and a renegade republic established and then subsequently having a territory established by annexation of the United States and then subsequently, of course, becoming the last State to join the union.

Then after having that history, having the United States Government indicate that they do not recognize that there is even an indigenous people in Hawaii called Hawaiians. Believe me, with that kind of a history going on right up to the present time, my membership in this committee is not perfunctory, and your plight, as you are presenting it today and the issue you seek to have resolved, is one that not only has the Chairman's attention but has my close and personal attention.

Mr. CHURCH. Thank you.

Mr. ABERCROMBIE. Had you finished your testimony for all intents and purposes?

Mr. CHURCH. The one last piece that I wanted to say just for the record is that during the course of this particular compact from 1838 and following the 1855 treaties, all of us here, we all have the same treaties, we all have the same treaties so we have those types of likenesses.

The place where we became lost is in the transfer of these lands to the American—the society in Boston, the monies that went from the Bureau back to these colonies below the Grand River that concentrated much of the chieftancy into Allegan County for a period of time, and with the Grand River Band Ottawas their chieftancy

never removed north, a good deal of it, with the exception of Kamoosa, which is the chief of the Grand Rivers who went north.

A lot of our members did receive land in 1855, but those lands were never given patents, either, so—

Mr. ABERCROMBIE. I am sorry. I missed the last part of what you said.

Mr. CHURCH. So the lands that we were provided with from the 1855 treaty there were certificates given, but there were never land patents delivered to a good deal of these, so the treaties have been great promises all the way through, and it may be because things had to move so fast or it might have just been outright fraud.

We never got a good deal of our lands. We are in our homelands because we were provided a reservation.

Mr. ABERCROMBIE. Well, back in Hawaii the parallel to this is there was something called the Great Mahae which was the great land division in which land was held in trust on behalf of everyone, I am sure you can relate to this, and for which Hawaiian Chiefs, kings and queens and others in what were called the Alii, the royalty, held the land in common for everybody's benefit.

Then western land practices were brought in, and there was a division of the land, and virtually the same thing happened, there was a division of the land all right. When you mention Boston, for example, it was Boston missionaries that came out to Hawaii, they came out to do good and did very well for themselves. We still have the grandsons and granddaughters or great grandsons and granddaughters of the missionaries preaching to the Hawaiians, telling them what a good deal it was for them, for the grandsons and granddaughters of the missionaries to continue to hold control and power over the Hawaiians.

So I think we are seeing off the same page from different books, but nonetheless the information and the story is the same. So to the degree that you are looking for recognition of the consequences of the past for you today, believe me, you have a sympathetic ear in this member.

Mr. CHURCH. These are precisely why we call ourselves the Grand River Band of Ottawa Indians, and we are, I would say, the Gunn Lake Band chapter, so to speak, because the Gunn Lake Band chapter are those Ottawa and Potawatomis from the 1833 that were grandfathered in, the compact of June 5th of 1838 and then about two-thirds of the major Chiefs then lived and were part of our community, and we trace our blood lines to those, but there is another portion of the Grand Rivers that were removed north and are now part of the northern Ottawas, but I will conclude by saying that we are all part of the same treaties, we have just been lost in different actions, but we have a particular piece of land that was given by the government, came out of the treaty lands, and we have just been looking like the dickens to be able to figure out a way to get it back. The last time we were here was in 1959.

Mr. ABERCROMBIE. That was when we became a State, so you have had a long history of trying to get justice since our time stated, we have been struggling with that, too. Lands that were supposed to have been given back to the Hawaiians in 1959 according to the Admissions Act have yet to be given back, and we are having arguments even today.

Mr. CHURCH. It must be fate.

Mr. ABERCROMBIE. Yes, that we are here. Well, I do want to say to you, you are going to be listened to. This committee was formed under Mr. Richardson's auspices by Chairman Miller precisely because we are going to see an end to this.

From my point of view, all of this has to be settled. It is not right, it is not fair for you to have to trek to Washington just to beg for recognition. I know you are not begging, but I mean in effect what is happening is you have to come here to Washington again and again over how many hundreds of years now in one form or one context or another to make the same case over and over again.

The only thing I can say to that is that this is politics, and the essence of political success is the repetition of emotion, so even if this is the 350th time that you had to come and say the same thing, if you bring the same passion to it, I can assure you this time there won't have to be a 351, and that is what we are going to try to do here, get all of these issues settled.

May I ask you, although you may have already told the Chairman and it may be a bit repetitious, have you submitted copies or even the originals of the treaties that you refer to? Do you have any access to that?

Mr. CHURCH. Oh, yes. They are well documented.

Mr. ABERCROMBIE. Submitted for the record of these hearings?

Mr. CHURCH. The pieces that we have in the parts of these hearings are the letter from the Department of War, Indian division of Henry Schoolcraft that relates that the President has made a decision on how to handle treaty funds from the 1836 treaty for our colonies in our region.

It then relates that five distinct denominations would be provided this, and he names how. I take a page then from the Archives that shows which five were involved. It has got our two colonies on it. Then I merely took the page that shows our reservation.

Mr. ABERCROMBIE. You make reference then to the documents to which you are referring here in your testimony?

Mr. CHURCH. Correct.

Mr. ABERCROMBIE. Those documents are existent, they do exist?

Mr. CHURCH. You have them in your possession.

Mr. ABERCROMBIE. Okay.

Mr. CHURCH. I just put those briefly in. I realize we have a two week period to put the treaties and everything in, but those really are the key items that show our point of becoming recognized as the groups have said, and we have never not been recognized.

In fact, the 1855 treaty our Chiefs weren't even included in it, and we were supposed to have another treaty after that with the Huron Band and us and they never got around to it and we got lost. That is why I say we are the lost tribes in this area.

Mr. ABERCROMBIE. Thank you very much indeed.

Mr. Gary Shawa, the Executive Director of Burt Lake Band of Ottawa and Chippewa Indians I believe is next.

Mr. Shawa, aloha.

STATEMENT OF GARY SHAWA

Mr. SHAWA. Thank you, Mr. Chairman, and members of this committee. I had initially, I was going to prepare written testimony to present here, but because of the—we were notified that we were not going to be given adequate time to present oral testimony, I didn't bring mine with me, so I am going to—

Mr. ABERCROMBIE. You can submit it for the record, Mr. Shawa.

Mr. SHAWA. I guess what I will do at this point is just kind of wing it for a few minutes. Like many of the earlier speakers have mentioned, the Burt Lake Band are signatory tribes to the treaties of 1836 and 1855, and they have made numerous references to improprieties that were committed on the part—or I should say maybe misinterpretation on the part of the Federal Government with respect to those treaties, namely the treaty of 1855 and Article 5 which seemingly dissolved the, quote, Nation of the Ottawa peoples when in essence what it did was just simply return the power that those people had back to the individual units where it began all along, which basically meant it returned to the bands, the individual bands that comprised the Ottawa Nation.

In addition to that, the other major point that I want to highlight is that there was a memorandum that was passed between—in the Office of Indian Affairs in I believe it was 1934, I believe it was, that did indicate that because of a lack of appropriations, that services would be discontinued to the Indians in Michigan's lower peninsula, and that also included the Burt Lake Band of which we are one.

Those are I guess, you know, some of the major issues that have ultimately contributed to our current situation, and the unfortunate thing is that people apparently were unaware or maybe not cognizant of the northwest ordinance of 1787 which referred to the fact that the utmost good faith should always be remembered in dealings with the Indians.

In essence, that basically means that any type of negotiations, treaties or whatever need to be interpreted in the manner that the Indians had best understood them. I think that through it all, that that has not been the particular case with the Indians in Michigan, particularly those in the lower part of Michigan.

[Prepared statement of Mr. Shawa follows:]



THE BURT LAKE BAND OF
OTTAWA & CHIPPEWA INDIANS, INC.

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Testimony of
Gary A. Shawa, Executive Director
Burt Lake Band of Ottawa & Chippewa Indians

Submitted To The House Natural Resources
Subcommittee On Native American Affairs

Mr. Chairman and members of the Committee, "Thank You" for allowing me the opportunity to submit this written testimony on why the Burt Lake Band wants their status reaffirmed.

The Burt Lake Band of Ottawa & Chippewa Indians are the modern day political successors in interest to the Cheboygan River Band, one of the signatory tribes to the 1836 Treaty at Washington and the 1855 Treaty at Detroit. This specific type of historical documentation can only be drawn up between two consenting independent governments and therefore proves that the Burt Lake Band has a government's government relationship with the U.S. Federal Government. Since neither treaty has been abrogated or altered in any way shape or form and since the Burt Lake Band has never been terminated by an act of Congress, the Burt Lake Band feels that their status as a recognized group still exists.

The Burt Lake Band therefore are seeking to have their status reaffirmed in order to maintain their tribal identity, cultural uniqueness and develop a strong tribal government. The Burt Lake Band strongly feels that the results of "non-recognition" upon Indian communities and individuals has been devastating and highly similar to the results of termination. For Example; the continued erosion of tribal lands or the complete loss thereof; the deterioration of cohesive, effective tribal governments and social organizations; and the elimination of special federal services.

Tribal existence forms the core of any Indian community's ability to become independent and self-sufficient and the Burt Lake Band's tribal existence is one of the Band's continued highest priority areas. Consequently, the legislative approach that some groups are pursuing before Congress are of paramount importance to those of us who are not as fortunate as the majority of Indian tribes designated as "recognized".

The 1836 Treaty at Washington and the 1855 Treaty at Detroit recognized the Cheboygan River Band (A.K.A. Burt Lake Band) as an independent self-governing political entity capable of entering into contractual agreements with other separate governments. (U.S. Federal Government) It should be noted that Article # 5 of the 1855 Treaty specifically returns the authority to negotiate future agreements back to the individual groups/Bands where in essence the authority had been all along. The article is quoted in full and is as follows:

"The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of the agreement, it is hereby dissolved; that if any time hereafter, further negotiations with the United States, in reference to any matters contained here-in, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of the usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the U.S.. without concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every aspect, as if all were represented."

The Burt Lake Band has had a long and continuous relationship with not only the federal government but state government as well. The Burt Lake Band has maintained continuous contact with both the federal and state government over the years regarding issues the Band felt were of vital importance, such as the forced removal of the Band from their traditional land of occupancy.

The "Burn-Out" of the Burt Lake Band occurred October 9, 1900 and their subsequent pleas for assistance from either the federal or state government to intervene on their behalf received only a token amount of attention. The Burt Lake Band and the federal government initially entered into an agreement to place the property owned by the Band in trust with the state governor with the Band's understanding that the land could not be sold. However, this soon proved to be a fallacy, one that resulted in the Band's forced eviction off their own property.

Another example that made a significant impact on the Band consists of a purely arbitrary decision by low level governmental employees to eliminate services to the Indians in Michigan's lower peninsula and can best be summed up by the following passage:

"Unless we have the funds and personnel to do a real job in lower Michigan, we should stay out of the territory. We all know that neither the personnel or funds are available. Hence, it would be a crime to disturb the present excellent relations between the states, counties and the Indians..."
(Walter Woehke, memo to Indian Affairs Commission, 10/11/39)

It must be stressed that this was purely an arbitrary budgetary management decision that they had neither the authority nor the power to do. It in no way alters the fiduciary responsibility the federal government has to the Indians in Michigan's lower peninsula nor does it change or alter their social, legal or political status with respect to their treaty rights.

However, The Burt Lake Band has continued to persevere in it's quest for recognition and currently finds itself involved in the FAP process. It is extremely ironic that the burden of proof is placed upon tribal groups that have already been determined to be sovereign nations through the treaties that they were party to. The Burt Lake Band continues to strive to maintain tribal existence

pursuing the FAP process even though it is an extremely expensive, time consuming task and a tremendous drain on the Band's extremely limited resources. At the current rate of recognition at the Branch of Acknowledgement and Research (one and half to two a year) and given the Burt Lake Band's filing number (101), it will take at least fifty-one (51) years before we are considered and then it may take an additional ten to fifteen years before a decision is made.

"Recognition" may compel the Burt Lake Band to go back to the underlying precepts of the relationship between Indian tribes and the United States. Inquiries into the recognition issue may very well lead to the conclusion that since 1978 the Congress has abdicated its responsibilities of recognizing Indian tribes and has left it to an administrative procedure that is carrying on with a life of its own, and now needs Congressional intervention.

The fact that Congress continues to recognize or restore tribes, and even legislate to authorize the Interior Department to acknowledge tribes substantiates a continual trust relationship between the federal government and petitioning tribes; not one dependent on or thwarted by fiscal policy; one that the Burt Lake Band finds to be extremely inviting at this point in history and will actively pursue in the immediate future.

Michigan's current leadership opposes the recognition of additional tribes and does not want to be bothered by it. However, it should be noted that no Michigan tribes have been terminated during the period of 1943-1961, called the termination period. The State of Michigan never assumed or received jurisdiction over any of the tribes within its boundaries under the Public Law, Act 280: "an act which transferred civil and criminal jurisdiction over many Indian tribes to the states in which those tribes were located". Act 280 was amended in 1968, so as to require tribal consent for any further transfers of jurisdiction to states.

It should be remembered that Indians were not granted rights by any treaty or court decision. They reserved the rights in question today and today's courts continue to reaffirm those rights. It should also be noted that "treaties" are legally binding documents under the Constitution and that the U.S. Constitution is the supreme law of the land and great leaders like great nations should honor their commitment to upholding those basic tenets. If there was a grantee in the treaty process, it was the U.S. government. In the treaty of 1836 the State of Michigan was the beneficiary.

The Burt Lake Band simply wants their status reaffirmed so that they may once again practice their right to self-determination and remain a proud people. Mr. Chairman and honorable members of this Committee, you have a unique and awesome responsibility to respond to the needs of your constituents, the Burt Lake Band of Ottawa & Chippewa Indians. Thank you.

Mr. ABERCROMBIE. When you referred to the 1934 incident, you said the lack of appropriations. Am I correct?

Mr. SHAWA. Yes, that is correct.

Mr. ABERCROMBIE. At that point, was there an argument that the appropriations were not coming forward because they were not due you or that there was lack of funds?

Mr. SHAWA. Lack of funds.

Mr. ABERCROMBIE. So there was no argument that this was illegal or improper, that if the appropriations, had they been available, would have been made available because there was a recognition that they were legitimate?

Mr. SHAWA. That is correct.

Mr. ABERCROMBIE. In other words, the appropriations were not forthcoming not because someone thought that they were an illegitimate appropriation, but rather that they didn't have the money or they didn't choose to appropriate it or something of that nature, is that correct?

I am trying to establish here for the record whether or not there was an argument at the time as to whether or not the appropriations were appropriate.

Mr. ALEXIS. Mr. Chairman, I have a quote here in my written testimony that Gary could read to you, and it references where that came in. It was in a memo that was written.

Mr. ABERCROMBIE. That is all right. Then we will wait for your testimony. That is okay. You understand why I am raising the issue. I want to make sure that whether or not there is—at any-time someone has disputed, particularly when money is involved, if there is a dispute.

I am taking it up until Mr. Alexis testifies in any event that your understanding, Mr. Shawa, is that the appropriations simply were not forthcoming for whatever reason, but that there was no reason to your knowledge that someone questioned whether or not this was a legal or legitimate appropriation?

Mr. SHAWA. To my knowledge, this was an arbitrary decision by some low level at the time government officials who just arbitrarily made that decision, a unilateral decision. They neither had the authority nor that they had the power to make that decision.

Mr. ABERCROMBIE. Okay. Thank you.

Yes, Mr. Church.

Mr. CHURCH. With reference to that, I know Phil's comment won't touch what I would add to that, it was more than a lack of funds. There was a concerted effort on the part of some part of the United States Government, probably through the Bureau of Indian Affairs at that time, to not only cite that the funds weren't available but also to state that we were so assimilated in Michigan that we didn't really need any of this.

There was a report that was developed, it came out to Michigan to visit all the kids who had been in Indian schools so people knew where a lot of our kids met, and it was called the Holst report, and this report seems to cite everybody who has a piece of ground. The whole thing was in our thing was to make us as self-reliant as possible, so they cite so-and-so has 40 acres and so-and-so has 80 acres. And the inference is if they have land, they don't need any services from the government.

This Holst report was extremely damaging to us at the very same time they were looking at the appropriations process that you will be later hearing about. Thank you.

Mr. ABERCROMBIE. Again, I am familiar with these similar arguments that if one has been assimilated in a social or sociological sense or can be construed to have been assimilated, that therefore there is no obligation continuing.

Mr. CHURCH. It is really comical looking at that report because we are looking at some heavy issues and they are looking to see how many people still make baskets. Well, certainly we are making baskets in various parts of the state, but that is their idea of the—when we retain our culture that it shows up only in material culture.

They didn't have a way to look inside our minds and be able to see that we still had our traditional ways among our people even though we may have had these country churches that were part of the missions and had our own bishops because of these churches that we were given didn't have a structure for us, so we ran our own missions.

Mr. ABERCROMBIE. Was there anything ever existent in any treaty that you know of that gave governmental authority other than your own, the option of stating that at some point they could decide whether or not the treaty obligations were still required to be observed?

Mr. CHURCH. I have never seen any.

Mr. ABERCROMBIE. Okay. I doubt it exists as well. Anything else, Mr. Shawa, at this point?

Mr. SHAWA. No, sir.

Mr. ABERCROMBIE. Thank you very much. Then we will move to Mr. Alexis, the Executive Director, Confederated Historic Tribes.

Aloha to you, Mr. Alexis.

STATEMENT OF PHIL ALEXIS

Mr. ALEXIS. Aloha to you, Mr. Chairman.

Originally I prepared a statement and submitted it, and maybe to make a little bit of comments they asked us to cut everything down to three minutes, and so I highlighted.

Mr. ABERCROMBIE. The statement will be entirely in the record. If you care to summarize it, you are welcome at this time.

Mr. ALEXIS. Right. So I prepared to summarize it to stay within the deadlines of what we were talking about. One of the things that I wasn't going to mention was this memo, but I will as I skim through this report.

Mr. ABERCROMBIE. Please.

Mr. ALEXIS. I would like to thank the committee for having me here. I am Phil Alexis, the Executive Director of the Confederated Historic Tribes of Michigan. I am also a member and a former Chairman of the Pokagon Band of Potawatomi Indians of Michigan. I thank you again for asking me here.

The Confederated Historic Tribes of Michigan is a unique organization consisting of five historic tribes in Michigan, each recognized by the State of Michigan as Indian tribes. Each is signator to treaties in the United States Government and currently not recognized by the Federal Government as Indian tribes.

The Confederation was created by the Michigan Commission on Indian Affairs in 1988 at the request of these tribal councils and incorporated as a nonprofit in 1989 to assist the State's historic tribes in reestablishing their trust status as independent Indian nations and to enhance their capability for self-government and self-sufficiency.

The members of the Confederated Historic Tribes are the Burt Lake Band of Ottawa Indians, the Gunn Lake Band of Grand River Ottawas, the Little Traverse Bay Band of Ottawa Indians—Odawa Indians, excuse me, the Little Traverse Bay Band of Odawa Indians, and the Pokagon Potawatomis.

At this time the Confederation is assisting each of the member tribes to complete the petition for recognition within the Bureau's Bureau of Acknowledgment.

As you have heard from the other panels this morning, three of the Confederation's member tribes are also requesting Congress to legislatively reaffirm their tribal status in H.R. 878 and H.R. 2376. The other historic tribes are actively working to complete the required ethnohistories, compile documentation of the membership and respond to the seven criteria for recognition.

As this work is completed, each member tribe will be submitting this documentation to the Bureau of Acknowledgment and Research and requesting bar to reaffirm their trust status as Indian tribes.

As the Confederation and its member tribe has previously testified in the earlier panels, the petition process places an enormous financial and human resource burden on the petitioning tribes. Further, the process is extremely time consuming and serves to continue a denial of right that should not have occurred in the first place.

In reference to the memo that we are talking about, the Office of Indian Affairs wrote a memo in the late 1930s containing statements concerning the implementation of the IRA in Michigan. This is what it says: "Unless we have the funds and personnel to do a real job in lower Michigan, we should stay out of the territory. We all know that neither the personnel nor the funds are available. Hence, it would be a crime to disturb the present excellent relationship between the states, counties, and the Indians."

And there was other statements. This is a memorandum from Walter Wolke to the Indian Affairs Commissioner dated October 11, 1939. Each of the Confederation's member tribes are treaty tribes and all were previously receiving services from the Federal Government.

The history and circumstances of these Michigan tribes was substantially similar to other tribes in Michigan who have had their status reaffirmed. Since 1934, the Grand Traverse Band of Ottawa and the Sault Ste Marie band of tribe of Chippewas which have identical circumstances as the Confederation's member tribes have subsequently been permitted to reorganize under the BIA and the IRA. Both the Sault Ste Marie tribe and the Grand Traverse Band reorganized in the mid 1970s.

It is sufficient to note that both these tribes reestablished their tribal status just prior to implementation of the cumbersome Federal acknowledgment process. The bills currently before this com-

mittee, H.R. 878 and H.R. 2376, ask the Congress of the United States to reaffirm the legal status of the Pokagon Band of Potawatomi, the Little River Band of Ottawa Indians, and the Little Traverse Bay Band of Odawa Indians as independent Indian nations.

The Confederated Historic Tribes of Michigan strongly support the passage of these bills to correct an erroneous and improper administrative decision which continues to deny these tribes their rights and privileges as Indian nations.

Mr. Chairman, the Confederated Historic Tribes further voices its strong support for the Gunn Lake Band and the Burt Lake Bands' petition for Federal acknowledgment. However, given the laboriously slow pace of Federal acknowledgment and unless the process is revised to expedite petitions, these tribes are also prepared to submit their own legislative asking Congress to clarify their status.

The Confederation of historic tribes will support and assist these initiatives from our tribal members. These historic tribes of Michigan should never have had their status as recognized tribes discontinued by the administrative decision and in no other way has their status as federally recognized tribes been broken or denied.

It is unfortunate that we have to come here before you today to correct something that should never have occurred in the first place, to protect our existence and assert our rights as Indian nations. Each of the historic tribes of Michigan is requesting the United States Government to correct a wrongful act and reaffirm our status as independent Indian tribes.

I thank you, Mr. Chairman, for the concern for which you and the committee have shown for these historic tribes of Michigan in their efforts to normalize their legal status, and I, as the Executive Director of the Confederated Historic Tribes of Michigan, stand ready to assist this committee to bring this process to a successful conclusion.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Alexis follows:]



CONFEDERATED HISTORIC TRIBES, INC.

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Statement of

Mr. Philip V. Alexis, Executive Director
Confederated Historic Tribes of Michigan

at Hearings on the Status of Certain Tribes in Michigan

before the

Subcommittee on Native American Affairs
Natural Resources Committee
U.S. House of Representatives

September 17, 1993

Good morning, Mr. Chairman and members of the Committee. My name is Philip Alexis. I am the Executive Director of the Confederated Historic Tribes of Michigan. I am also a member and former Chairman of the Pokagon Band of Potawatomis of Michigan. We thank you for the opportunity to speak to you today.

The Confederated Historic Tribes of Michigan is a unique organization consisting of five historic Tribes of Michigan; each recognized by the State of Michigan as Indian Tribes; each a signatory to Treaties with the United States government and each currently not recognized by the federal government as Indian Tribes. The Confederation was created by the Michigan Commission on Indian Affairs in 1988 at the request of its members' Tribal Councils and incorporated as a non-profit organization in 1989 to assist the State's Historic Tribes in re-establishing their "Trust" status as independent Indian nations and to enhance their capacity for self-government and self-sufficiency as tribes.

The Confederation is governed by a Board of Directors comprised of two representatives from each of its member Tribes.

The Tribes include:

- * The Burt Lake Band of Ottawa and Chippewa Indians
- * The Gun Lake Band of Grand River Ottawas
- * The Little River Band of Ottawa Indians
- * The Little Traverse Bay Band of Odawa Indians, and
- * The Pokagon Band of Potawatomi Indians.

At this time, the Confederation is assisting each of its member Tribes to complete the petition process for recognition with the BIA's Bureau of Acknowledgement and Research. As you have heard from the other panels this morning, three of the Confederation's member Tribes are also requesting Congress to legislatively re-affirm their Tribal status in H.R. 878 and H.R. 2376.

Each of the Confederation's member Tribes is at a different stage in the petition process. The Pokagon Band of Potawatomi has completed the documentation of their petition and have responded to obvious deficiencies identified by the Bureau of Acknowledgment and Research. They are currently waiting for their petition to be put on formal review by the B.A.R. This has been a ten year process for the Pokagon Band.

The other historic Tribes are actively working to complete the required ethno-histories, compile documentation of their membership and to respond to the seven criteria for recognition.

As this work is completed, each member Tribe will be submitting this documentation to the Bureau of Acknowledgement and Research and requesting the B.A.R. to re-affirm their Trust status as Indian Tribes.

As the Confederation and its member Tribes have previously testified before Congress, the petition process places enormous financial and human resource burdens on the petitioning Tribes. Further, the process is extremely time consuming and serves to continue a denial of rights that should not have occurred in the first place.

As Treaty signatories, all of the Confederation's member Tribes were treated as recognized Tribes throughout their history until the 1930's. In 1934, Congress reversed its assimilation policy and tried to strengthen or re-establish tribal government with the Wheeler-Howard Indian Reorganization Act. Although the Michigan Tribes applied for reorganization, all of the bands of lower Michigan - including all the Confederation's members - were either ignored or rejected. Congress had not appropriated adequate funds to carry out the mandates of the IRA and consequently, officials at the Office of Indian Affairs arbitrarily chose to end the delivery of services to the Indian peoples of Michigan's lower peninsula.

Office of Indian Affairs memoranda written during the late 1930's contain revealing statements concerning the implementation of the IRA in Michigan; for example:

"Unless we have the funds and personnel to do a real job in Lower Michigan, we should stay out of the territory. We all know that neither the personnel or the funds are available. Hence, it would be a crime to disturb the present excellent relations between the states, counties and the Indians..."

(Memorandum from Walter V. Woehlke to the Indian Affairs Commission, October 11, 1939)

It must be stressed that the Office of Indian Services' failure to apply the IRA in lower Michigan in no way alters the political, social and legal status of the Tribes that remain in existence. The Bureau of Indian Affairs does not have the authority to terminate a Tribe's federal status and at no time in their history have the Confederation's member Tribes' status as federally-recognized Tribes been terminated by an Act of Congress. These treaty-signatory Tribes have the same status as any other Indian Tribe regardless of the Office of Indian Services' financial inability to include them in implementing the IRA.

Each of the Confederation's member Tribes are treaty tribes. All were previously receiving services from the federal government. The history and circumstances of these Michigan tribes are substantially similar to other tribes in Michigan which have had their federal status reaffirmed. Since 1934, the Grand Traverse Band of Chippewa and Ottawa and the Sault Ste. Marie Tribe of Chippewa, which have almost identical circumstances as the Confederation's member Tribes, have subsequently been permitted to reorganize under the IRA.

Both the Sault Ste. Marie Tribe and the Grand Travers Band reorganized in the mid 1970's. It is significant to note that both these tribes re-established their status just prior to the implementation of the cumbersome federal-acknowledgement process.

The bills currently before this committee - H.R. 878 and H.R. 2376 - ask the Congress of the United States to re-affirm the legal status of the Pokagon Band of Potawatomi Indians, the Little River Band of Ottawa Indians and the Little Traverse Bay Band of Odawa Indians as independent Indian nations. The Confederated Historic Tribes of Michigan strongly support the passage of these bills to correct an erroneous and improper administrative decision which continues to deny these Tribes their rights and privileges as Indian nations.

The Confederation further voices its strong support for The Gun Lake Band's and the Burt Lake Band's petitions for federal acknowledgement. However, given the laboriously slow pace of the federal-acknowledgement process and unless that process is revised to expedite petitions, these Tribes are also prepared to submit their own legislation asking Congress to clarify their status. The Confederation will support and assist this initiative.

These historic Tribes of Michigan should never have had their status as recognized Tribes discontinued by an administrative decision and in no other way has their status as federally-recognized Tribes been broken or denied. It is unfortunate that we have to come before you today to correct something that should not have occurred in the first place. To protect our existence and assert our rights as Indian nations, each of the historic Tribes of Michigan is requesting the United States government to correct a wrongful act and reaffirm our status as independent Indian tribes.

Thank you, Mr. Chairman, for the concern which you and the committee have shown for the historic Tribes of Michigan and their efforts to normalize their legal status. I, as its Executive Director, and the Confederated Historic Tribes of Michigan stand ready to work with this Committee to bring this process to a successful conclusion.

**Testimony of Michigan Indian Legal Services
on behalf of the Confederated Historic Tribes
in support of H.R. 878 before the House Committee on Natural
Resources , Subcommittee on Native American Affairs
September 17, 1993**

The Confederated Historic Tribes is a non-profit corporation formed by the state recognized historic Indian tribes of Michigan. All of the member tribes are recognized by the State of Michigan but are not currently on the BIA's published list of federally recognized tribes. All of the tribes that are members of CHTI entered into treaties with the United States. These historic treaty tribes formed CHTI to pool their resources and knowledge in their pursuit of federal acknowledgment.

The members of CHTI are pursuing federal acknowledgment both through the administrative federal acknowledgment process and Congress. However, because of their treaty status and history of dealings with the federal government, none of the Michigan tribes should have to go through the BIA's FAP, or any other administrative process. All of the tribes are federally acknowledged through treaty. None were ever terminated by act of Congress. All of CHTI's member tribes are federally recognized but have simply been ignored by the BIA. Congressional action is necessary to order the BIA to follow the law: federally recognized tribes can only be terminated by explicit Congressional legislation.

Following the law with respect to treaty tribes would not throw the BIA's acknowledgment process into disarray. Only a tiny fraction of the petitioning tribes are treaty signatories. Congress cannot allow the BIA to unilaterally terminate tribal status, which is exactly what it has done to the historic tribes of Michigan.

CHTI's members fall into two treaty areas: The Chippewa and Ottawa members signed the 1836 and 1855 treaties that ceded much of northern Michigan. The Potawatomi members entered into a number of treaties in the early nineteenth century culminating in the Chicago treaty of 1833 that ceded much of southwest Michigan.

The exclusion of most of the 1855 treaty tribes from the BIA's list resulted from historic mistakes and neglect. From pre-treaty times through the present, Chippewa and Ottawa tribal political units were loosely affiliated small bands and villages. There was never a Chippewa or Ottawa nation. Yet, the United States created a fictional Chippewa and Ottawa nation for expediency in treaty negotiations. Article five of the 1855 treaty dissolved this fictional united nation:

ARTICLE 5. The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for

the purpose of carrying into effect the provisions of this agreement, is hereby dissolved; and if at any time hereafter, further negotiations with the United States, in reference to any matters contained herein, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of any usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every respect, as if all were represented.

It is critical to understand that this provision did not terminate the individual bands which were the tribal political units all along. It only terminated something that never existed in the first place, a united Ottawa and Chippewa nation. However, the BIA interpreted this provision as terminating all tribal groups. The BIA's historic position that the 1855 treaty terminated all tribal units has been repeatedly repudiated by both federal and state courts.

The BIA itself deviates from its own historic interpretation of the treaty by recognizing the Bay Mills Indian Community, the Sault Ste Marie Tribe of Chippewa Indians and the Grand Traverse Band of Ottawa and Chippewa Indians. This recognition of some, and exclusion of other 1855 treaty tribes is wholly arbitrary. The current inequitable situation is due to the BIA's misinterpretation of the treaty and its running out of money to implement the Indian Reorganization Act during the 1930's. The historic treaty tribes excluded from the BIA's list are the victims of historic happenstance.

The Potawatomi Bands of southwestern Michigan ceded the lands that were to become southwestern Michigan in a series of treaties ending in the 1833 Treaty of Chicago. The 1833 treaty was a Jackson era removal treaty. The majority of the Potawatomi signers were forced to leave the Michigan territory under the provisions of the treaty. However, Pokagon's Band refused to enter into the treaty until a special provision was added allowing them to remain in Michigan.

The BIA ignores the tribal status of the groups that remained in Michigan. Annuity payment records prove that the BIA was fully aware of the tribal groups remaining in southwestern Michigan. However, as with the Ottawa and Chippewa to the north, the Potawatomi groups were denied reorganization during the 1930's due to a lack of appropriations to implement the IRA.

The BIA recognizes the groups that left southern Michigan after the 1833 treaty, including the Forest County Potawatomi, the Hannahville Indian Community, and the Citizens Band of Potawatomi.

The BIA's recognition of the groups that left and exclusion of the groups that still live where they did during treaty times is completely irrational. The Potawatomi tribes in southern Michigan are also the victims of mistake and neglect on the part of the federal agency entrusted with a fiduciary responsibility toward them.

The BIA's past and continuing breach of the trust responsibility caused these tribes' exclusion from the list of federally recognized tribes. The United States had no trouble recognizing the Michigan historic tribes when it needed their land. It is unfair and absurd to now subject them to an administrative process to prove that they are federally recognized.

Mr. ABERCROMBIE. Thank you, Mr. Alexis. Is your job as Executive Director for the Confederated Historic Tribes Inc.—is the Confederated Historic Tribes Incorporated a nonprofit entity that has as its foundation the five tribes mentioned?

Mr. ALEXIS. That is right. They sit on our board, two representatives from each group, and it just happens to be their Chairman and one other delegate, usually it is the counsel. Our main objective right now has been the acknowledgment process for the member tribes.

Mr. ABERCROMBIE. And you are a member yourself of which tribe?

Mr. ALEXIS. I am a member of the Pokagon Potawatomi that were on panel two.

Mr. ABERCROMBIE. Okay. Now, the difficulty here under the present resolutions that are under consideration, 878 and 2376, the Gunn Lake Band and the Burt Lake Band are still up in the air; is that right?

Mr. ALEXIS. Well, they are not so much up in the air. They haven't determined—well, I can't speak for them really. In a way a little bit, but they have not decided to pursue legislative actions yet. I would yield the floor to both the Burt Lake Band and the Gunn Lake Band to answer that, Mr. Chairman.

Mr. ABERCROMBIE. Okay. Well, perhaps you have already gone over that with the Chairman.

Mr. CHURCH. Our band, we—

Mr. ABERCROMBIE. I just want to make sure that I have a clear understanding.

Mr. CHURCH. We will come to you guys for legislation if the bar don't work for us. We are giving that bar one last chance.

Mr. ABERCROMBIE. I see. Okay. That settles it.

Mr. FRAZIER. Mr. Chairman, the Burt Lake Band is also in the process of accumulating their documents to file with the Bureau, and we hope to in the immediate future seek special legislation also.

Mr. ABERCROMBIE. So the intention is there?

Mr. FRAZIER. Right.

Mr. ABERCROMBIE. And that is on the record?

Mr. FRAZIER. Right.

Mr. ABERCROMBIE. For both bands?

Mr. FRAZIER. Well, we haven't officially taken our documentation into the Bureau, but we will—we are getting to the point of completion where we can come to Washington to the Bureau and hand them our documents.

Mr. ABERCROMBIE. But you made a public statement of your intentions?

Mr. FRAZIER. Right.

Mr. ABERCROMBIE. Okay. Very good. I wanted to say that I do find it rather ironic that I was at a signing of an agreement on the White House lawn between the Palestinians and the Israelis, and we seemed to move that along and we seem to have to have a whole routine going on here about recognition of people.

Mr. CHURCH. Those were splinters of our tribes.

Mr. ABERCROMBIE. I notice we can't wait to get the money over there, too. In fact, where I was sitting every time someone on the

stage mentioned how important it was that we all understand and recognize the historic opportunity that existed with the agreement signed on Monday, I heard someone behind me saying this is getting more expensive by the minute.

So I hope we can show at least as much regard for the native people of this continent as we can for others existing elsewhere in the world. If we are going to recognize brothers and sisters overseas, we ought to be able to recognize brothers and sisters on the same continent upon which we walk.

Let's see. I have sermonized sufficiently, Mr. Alexis, I presume for you for the moment, right?

Mr. ALEXIS. Okay.

Mr. ABERCROMBIE. Okay. Thank you very much. I appreciate that. I did have one other question I wanted to ask you. Is it your understanding, would it be the position of the Confederated Historic Tribes Incorporated that the Indian Reorganization Act of 1934 was clearly intended by President Roosevelt and the supporters to reestablish the idea of tribal recognition and tribal action as opposed to based strictly assimilationist disintegration attitude which may have existed previous to the act.

Mr. ALEXIS. I think the Wheeler-Howard Act of 1934 was a change in direction by Washington to discontinue the practice of assimilation prior to that, and it was an attempt to establish and recognize the tribes in the country.

I think each one of us members of Confederated Historic Tribes had made communication and requests to Washington in regards to reorganization under the IRA, and I think Mr. McClurken in the two previous panels mentioned that. It is mentioned in Pokagon's ethnohistoric report that was submitted to bar, I think it is mentioned in the other tribes ethnohistories and cited in their documentation for acknowledgment.

The Bureau had made trips to Michigan, and I also am familiar with that, to look at and let us believe that they would purchase land within our communities, as much as 100 and 150 acres, but it never came about. And all of a sudden we realized that in 1938, I believe it was, the administration arbitrarily made decisions that denied us those rights, and that is why we are talking about some of the decisions that the administration has made. It was never Congress, it was never the President, it was a decision that we want corrected.

Mr. ABERCROMBIE. Okay. So the reason I bring that up is that assimilation—my own view of this is that assimilation, per se, is not necessarily a bad thing. That is to say that you live in the real world, you live in the world in which you actually exist. If one has mental problems, you live in a world of imagination exclusively, so if you do live in the real world, you have to deal with those elements that exist around you at that time in contemporary time.

So my view was—

Mr. ALEXIS. Mr. Chairman, my father was one of those who spoke Indian, and my mother does yet, still speak Potawatomi. They were taken away from their home and placed in boarding schools in Mount Pleasant. That is also cited in some of our documentation. It was an attempt on behalf of the government to do that.

Our elders in our council, and I think Tom mentioned that, too, we have a strong traditional background. We have strong cultural ties, we maintain our language, our tribe. Right now, on Wednesday, we teach language classes in the hall. We are not federally recognized, but we are a tribe, we still maintain those rights.

We still look for—we are not asking for handouts or programs, we are asking for our legal right back to act as a tribe, to assist the members with the needs that they need.

We talked about Indian Child Welfare, that is just the program. As leaders and as elected leaders and spokesmen for our people, we have to represent them, we have to address the needs. That is our responsibility, and that is what we are talking about when we come and ask for reaffirmation of our treaty rights. That is the right that we are really talking about.

Mr. ABERCROMBIE. I understand. Again, I will draw a parallel. Hawaiian children were taken at one time, put into the schools and forbidden to speak Hawaiian under activities initiated when I was in the legislature and when some others were in the legislature. And under our current superintendent of education, we now have total immersion classes in Hawaiian in Hawaii, in elementary schools.

The interesting thing is, what I wanted to bring up about assimilation, is that we find that children who are in total—Hawaiian children who are in total immersion Hawaiian schools speak English better than those and have a better command of English than those who have not had the experience of total immersion.

Mr. ALEXIS. English is the hardest language for me to speak. It has so many meanings. If you have another word you know what a verb means, it makes it a lot easier, I agree.

Mr. ABERCROMBIE. A lot easier, right, in a whole lot of ways. Again, the reason I brought that up is my contention has always been that there is a confusion, speaking the multiple means of English. Assimilation means—assimilation should not mean obliteration, and my view was that the assimilationist policy was viewed by the government or some people on—who oppose the tribes as actually meaning obliteration, whereas to me, assimilation means the opportunity to operate from one's cultural and traditional base in the world as it exists now with a solid foundation, a sense of self, a sense of place, a sense of history that would not otherwise be available to you, you would not be cast adrift.

Well, that is again my reflections on this, but I do believe that assimilationism was a code word for many people in authority for obliteration.

Mr. CHURCH. It also was a process of a certain period of time in our dealings with the government because there are others within this room that also have lands like we did, the lands that were provided to some of the tribes like the bands of Burt Lake in the 1850s through church organizations and held through church organization were lands that were there.

The policy changes that took place first were to those of us that still had annuity payments, were receiving annuity payments, they thought that was damaging for us to be able to get money for just living on these reservations, so there was about a 10 to 15-year pe-

riod where this was a great philosophic debate so we lose our annuities.

The next piece was that we had these lands just prior to the Dawes Land Allotment Act, they still had church organizations working along with us. Everybody thought it was a bad thing for us to just have this land and not have to do very much, and so we ended up having the land all parted out individually.

I don't know how many others besides our two bands got the land parted out, and it is a good thing, we thought, to get this land, but how the hell do we get all five years of taxes the very first day that we get the deed and how are we going to pay these kind of things? Then when you get from 1890 to the 1930s, the idea was we don't have anything, let's assimilate these groups all the way into society. There is a process.

In 1939, it is odd that the United States Government deals with us almost in 50-year periods and unfortunately for us guys—maybe not for some other tribes, but for us guys—we have been dealt with in the 50-year periods when the United States has been in depressions.

In 1830—

Mr. ABERCROMBIE. Your sense of timing isn't so hot, is it?

Mr. CHURCH. We had the most land, and that was the thing. The United States bailed its economy out in the 1830s to 1841 on our treaties in Michigan. In 1841 was the last time the Federal budget was balanced, and it was balanced on the back of our treaty lands that was parted from us and sold.

The Dawes Land Allotment Act came in a particular period in American history when America was again economically on the rocks. Our lands are parted out, taken into the Federal trusts and then sold out again in the 1930s. By that time, we didn't have land and the idea was to make taxes for everybody.

I think in that period of time, we all became Indians to a certain degree, we became citizens in 1924. I think the benefit there was so that those of us who had jobs could pay taxes to support the government.

Thank you.

Mr. ABERCROMBIE. Okay. God save you from those who want to help you.

Mr. CHURCH. That is right.

Mr. ABERCROMBIE. Okay. I think we are going to conclude, then, with Mr. James Keedy of Michigan Indian Legal Services.

Aloha, Mr. Keedy. Thank you for being here and thank you for your patience.

STATEMENT OF JAMES KEEDY

Mr. KEEDY. Thank you, Mr. Chairman. I just have a few brief points. One of the interesting things that I have noticed in all this discussion is there is two basic groups in Michigan in one way. There is the Ottawa Chippewa tribes that had the 1836–1855 treaty, and then there is the Potawatomi groups that concluded their land sessions with the 1833 treaty.

If you look at those two groups, you will see the haphazard nature of Federal recognition. The 36–55 treaty of those bands that made up those treaty signatories, the Grand Traverse Band of Ot-

tawa Chippewa Indians is federally recognized, the Bay Mills Band of Chippewa Indians is federally recognized, the Sault Ste Marie tribe of Chippewa Indians is federally recognized.

These other groups are also signatories to these treaties and are not fairly recognized. The 1833 treaty of Chicago with the Potawatomi groups, the Hanaville Indian community in Upper Michigan is federally recognized, the Forest County Potawatomi are federally recognized, the Pokagon Band of Potawatomi Indians is not federally recognized and the other Potawatomi bands in Michigan aren't recognized. Same treaties, same people, different results.

I think part of the answer to your question that you raised earlier about the IRA, was there a legal reason why the money couldn't be appropriated, is answered in the same way. You look at the organization under the IRA, the 36-55 Chippewa Ottawa groups, the Bay Mills Indian community was organized under the IRA. The other groups that are here today were not.

The Hanaville Indian community was organized prior to the IRA, so it is not quite the same argument, but they are again organized in the 1900s in appropriated money by Congress to establish a reservation like 1913 I think was the year.

So again haphazard, some groups the same treaty are recognized, some aren't, some under the IRA are, some aren't. Another point you mentioned I think I would like to make is about the branch of acknowledgment and research and in the assimilationist policies.

One of the reasons that the groups are here before Congress today is that the branch of acknowledgment research is using assimilation to extinguish tribes.

Mr. KEEDY. They look at social aspects. We come to them with 150 years of political action on behalf of the tribal counsels. They say, well, we have to look at social interaction. Who goes to marriages? Who goes to funerals? And then we will describe whether you are a tribe or not. They are extinguishing political rights.

[Prepared statement of Mr. Keedy and attachments follow:]

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Testimony of James A. Keedy, Michigan Indian Legal Services
 before the House Natural Resources Committee
 Subcommittee on Native American Affairs
 in support of H.R. 878
 a bill to reaffirm the federal relationship with
 the Pokagon Band of Potawatomi Indians

September 17, 1993

I would like to thank the committee for allowing me to give testimony in support of H.R. 878. This bill would reaffirm the long standing relationship between the Pokagon Band of Potawatomi Indians and the United States. It will at long last give the tribal council the tools needed to provide for their people, many of whom live in poverty. The Pokagon Band has successfully struggled to maintain its identity as a people and a right to decide for themselves how best to live their lives. The bill, by restoring the promised federal assistance, will assist them in continuing to do so.

The history of the Pokagon Band is a simple quest to be left alone to live as they choose. The beginning of this quest was in 1833. The tide of European immigrants to their homeland made it inevitable that they would be required to enter into treaties with the United States in an attempt to preserve some of their way of life. The treaty making began in 1795 and ended in 1833 with the Treaty of Chicago. In that treaty every other Potawatomi band agreed to move from Michigan. The Pokagon Band alone insisted that they should remain in Michigan to pursue the way of life they had led for hundreds of years and practice the Catholic beliefs they first adopted when French missionaries came to them in Southern Michigan in the 1600's.

The adoption of Catholicism aided the band in its strategy to remain in their homeland. The Church provided a buffer against the encroaching Europeans. As with the Pueblo peoples of the Southwest, they adapted Catholicism into their traditional way of life, and actually used it to strengthen and protect their Indian identity. The Kalamazoo diocese, in southwest Michigan, through its Indian ministry, has become a staunch defender of the Pokagons' traditional practices.

The Pokagons immediately found that their negotiated right to remain in Michigan would be difficult in spite of the promises. The treaty required they move north by 1836 to L'Arbre Croche (the Crooked Tree near present day Good Hart, Michigan) but they found that in that same year the Ottawa and Chippewa had

ceded that land to the US and there was no place to go. They had to buy back their own land in southwestern Michigan where they have continued to live to this day.

But to live among the many settlers in the rich farm land of southern Michigan meant that they had to compete with farmers for land and livelihood. Soon most of the game land was under plow. Fortunately, the farmer found little use for the huckleberry marshes and some of the people sitting in this room continued the annual celebration gathering to harvest huckleberries as had their ancestors for hundreds of years.

To compete with the farmer (and pay taxes on their land) they needed the money from the perpetual annuities promised in the treaties as compensation for their land cessions. The federal government's failure to pay the annuities at all led to the first of many long collective battles to enforce promises made by the United States. During the critical time from 1836 to 1843 when they were still subsistence farmers and hunters they received none of their land cession payments. Because the United States did not keep its word the Pokagon Band lost its land to tax sales and distress sales to pay debts. The tribe petitioned officials in Indian Affairs and finally succeeded in getting a small portion of their promised annuities paid until 1866. During these years they worked hard to gain the full amount due them. They repeatedly petitioned Congress. Reports of the 36th, 37th and 38th Congress agreed that the promises had not been kept and the United States owed them money. In 1866 the Band was paid a portion of what was due, but Congress wrongly stipulated that the 1866 payment would be payment in full for all claims past, present and future.

The band's business committee (the arm of the tribe that dealt with the outside world) immediately set about to remedy this latest breach of the promise to pay annuities and reports of the 41st, 42nd, 43rd, 44th, 45th, 47th, 49th and 51st Congresses testify to their persistence. As part of their struggle the band hired an attorney, whose contract with the tribe was approved by Commissioner on Indian Affairs in 1882. Finally, Congress recognized the wrong committed them and authorized a suit against the United States in the Court of Claims. Many years of litigation resulted before payment of the claims were made in 1896.

Even though business with the government did not continue to be a priority for the Band again until the 1930's, the tribal government continued to function and meet. We have meticulous hand written minutes from the 1890's, 1900's, 1910's and 1920's concerning elections of chiefs and chairmen, problems with membership questions and sanctions for unacceptable behavior. The council continued to be a vibrant institution for Band members. Band members do not have to rely upon written records to retain

the history of the functioning of the tribal council through the years. For example, present tribal council treasurer Rae Daugherty's grandfather, Kawtuckmuck, was a young man at the time of the treaty in 1833. Her father, Michael Williams, born in 1880, was on the council from the late 1890's to his death in 1969 as interpreter, secretary or chairman. Many other present day council members can count fathers, uncles and other relatives among the members of past councils.

The 1930's saw the end of a practice that has caused great harm to the Pokagons' desires to choose their own path. Many Pokagon Band members were sent to the Indian school in Mt. Pleasant, Michigan. Current tribal member Phil Alexis' father, former tribal chairman, Mark Alexis attended the school. Phil attended another government Indian school, Holy Childhood, in Harbor Springs, Michigan. Another tribal member, Elizabeth Ballew, recounted at a gathering of elders in 1991 that she did not speak English until government people forced her to go to the Indian school in Mt. Pleasant. She stayed at the school until it closed in 1934. She commented how strange it is that she no longer speaks any Indian.

In the 1930's the federal government finally passed legislation that allowed Indian tribes to gain the necessary legal protection so that they could live in the midst of an overwhelming majority while continuing to follow their own way. It was the Indian Reorganization Act (IRA), Act of June 18, 1934, 48 Stat. 984. It promised relief especially for landless Indians like the Pokagon Band. The Pokagon Band council set about immediately to organize under the IRA.

Unfortunately, the economic depression of the 1930's curtailed the government's plans and a decision was made to refuse the request for reorganization under that act to any tribe in Michigan's lower peninsula.

That decision had unfortunate consequences for the Pokagon Band because the depression worked greater hardship on the Pokagon Band members than the general public. In a 1940 letter to the government John Williams, Rae Daugherty's uncle, wrote "Winter is coming again and it is hard for an Indian to rent a house, no work no money, all they can get is the berry shanties to live in for the winter and sometimes they live in tents all winter."

Even worse, as a result of the refusal to apply the IRA to lower Michigan, the Pokagon Band's ability to be left alone to propagate their culture and beliefs was put to an extreme test. Just this week tribal member, Earnest Daisy, came to the council to ask for its assistance in obtaining custody of his nephews and niece. They have been placed in non-Indian foster homes. They will likely lose contact with their culture. The federal Indian

Child Welfare, Act 25 USC § 1901 et seq., was passed by Congress to solve problems like this. But the act has been interpreted by state courts to apply only to children of federally recognized tribes. Attorneys from Michigan Indian Legal Services have represented several band members who sought to keep Indian children in Indian homes. MILS attorneys have not had any success because the courts rely upon BIA's statement that the Pokagon Band is not recognized by the federal government.

The Pokagon Band's long struggle has had one fortunate side effect. The government always demanded that the Band members show their relationships to the people who gained the treaty right to stay in Michigan. Thus, the Court of Claims in 1892 left to the Commissioner of Indian Affairs (COIA) to decide who was to be paid the back annuities it awarded. The Commissioner decided that it was the people paid annuities from 1843 to 1866. That decision was approved by the Secretary of the Interior. See Secretary of Interior to COIA, January 4 & 10, 1896; in NAM M606 R87: 248 & 262. Thus the COIA sent Indian agents to the Pokagon Band to conduct a census. A copy of the transcription of Agent Shelby's census is attached. It is this census that defines membership in the Pokagon Band today. Because of the struggle to obtain their rights the Pokagon Band has a clearly documented listing of their members from the 1833 Treaty of Chicago, to the annuity rolls of 1843 and finally Agent Shelby's census of 1896 which is used today to define membership in the Band.

This week in this city an agreement was signed that brought thousands of people into the streets of Jericho to express their joy at being given limited self rule. The Pokagon Band members have been petitioning the federal government to reaffirm their right to exercise limited self rule far longer than the Palestinians.

The Pokagon Band has come to Congress because it is the only proper forum for a request for reaffirmation of their relationship with the federal government. Congress, by treaty and statute, has recognized the Pokagon Band. For some reason the administrative branch of the government has ignored that and insists that the Band must be re-recognized in order to exercise limited self rule, preserve their culture and protect their children.

To require a treaty recognized tribe, like the Pokagon Band, to go through the process set forth in 25 CFR 83 is wrong and is against the policy and law of the United States. There are over 300 tribes in the continental United States and only 8 have been acknowledged through the process set up by 25 CFR 83. Inequities are created by the process, not solved by it. The Branch of Acknowledgment and Research has had the Pokagon Band's petition for federal acknowledgment since 1988. There is no telling how

much longer the Pokagon Band members will have to wait if they are required to go through the process.

The vast majority of tribes have been recognized by the Congress of the United States through treaties ratified by the Senate or both the House and Senate. There is no credible source that has claimed that Congress has recognized even one tribe that was not a genuine Indian tribe.

An additional number of tribes have been recognized through the executive branch of the government, either through an executive order of the President or through action of the Bureau of Indian Affairs. In 1976 (two years before the effective date of 25 CFR 83) the Solicitor in a memorandum to the Secretary of the Department of Interior reported that tribes had been recognized by various officials in the Department of the Interior without any action by Congress or the President, including two tribes recognized by the Acting Deputy Commissioner on Indian Affairs, one by Commissioner on Indian Affairs, one by a letter from the Assistant Secretary of the Interior for Indian Affairs with a supporting letter from the Acting Director of the Office of Indian Services.

Last year in testimony before this committee, Vine Deloria, Jr., listed 143 tribes that had been recognized between 1900 and 1950. The process then was a simple act of formalizing a relationship between the federal government and Indian people because of the haphazard way federal services had been applied in the past. Now the process has become a complex, cumbersome and expensive procedure that effectively terminates Indian tribes.

The criteria for acknowledging an Indian tribe as set forth in 25 CFR 83 are not the sole criteria for acknowledging all tribes. To apply the criteria to all tribes is inequitable. Bud Shapard, former Chief, Branch of Acknowledgment and Research, stated in testimony before this committee on July 8, 1992 that the process set forth in 25 CFR 83 was not meant to apply to all tribes.

The criteria set forth in 25 CFR 83 do not comport with the law. In 1976 the Solicitor of the Department of the Interior reviewed the history of federal acknowledgment in a memorandum to the Secretary of the Interior. The memorandum first looked at the definition adopted by Felix Cohen's Handbook of Federal Indian Law;

The considerations which, singly or jointly, have been particularly relied upon in reaching the conclusion that a group constitutes a 'tribe' or 'band' have been:

- (1) That the group has had treaty relations with the United States.

- (2) That the group has been denominated a tribe by act of Congress or Executive Order.
- (3) That the group has been treated as having collective rights in tribal lands or funds, even though not expressly designated a tribe.
- (4) That the group has been treated as a tribe or band by other Indian tribes.
- (5) That the group has exercised political authority over its members, through a tribal council or other governmental forms.

Other factors considered, though not conclusive, are the existence of special appropriation items for the group and the social solidarity of the group F. Cohen, Handbook of Federal Indian Law 271 (1942) (footnotes omitted).

Memorandum from the Solicitor to the Secretary of the Interior, p 5 (1976).

The Solicitor further found that "It has not been necessary for a tribe seeking to be 'recognized' to satisfy all five principal criteria..." However, the Pokagon Band does meet all five as shown above. It was specifically singled out in the 1833 Treaty of Chicago and the Acts of Congress in 1866 and 1896. Both acts of Congress recognized the Pokagon Band as a tribe and its right to pursue past due annuities collectively. Tribes in Michigan and elsewhere have treated the Pokagon Band as a tribe. The brief history above has shown that over the course of years the Band has acted on behalf of its members and bound them to the result. The Michigan Commission on Indian Affairs (Michigan law has placed the commission in the Governor's office and commissioners are appointed by the Governor) in written testimony submitted to this committee states that it recognizes the Pokagon Band as an Indian tribe. Just last Saturday the Police Administrator (similar to a chief of police) of the Weesaw Township Police Department came before the tribal council and asked permission to use a likeness of Chief Wesaw (an 1833 treaty signatory and member of one of the groups collectively known as the Pokagon Band). The Police Administrator recognized the authority of the council to act on behalf of all its members.

The Pokagon Band has been repeatedly recognized as an Indian tribe by Congress. The administrative branch of the government has no authority to repudiate that. In summarizing the criteria for recognizing Indian tribes the Solicitor reviewed The Kansas Indians, 72 U.S. 737 (1867). As a result it concluded that the Court had issued an opinion "... making clear that one of the prime indicia of federal recognition of an Indian tribe is the

execution of a treaty with the tribe." The Solicitor concluded "In our opinion, tribal existence continues until specifically terminated by Congress, and we can find no solid authority for the proposition that this Department can alone disestablish a tribe". By refusing to provide services to the Pokagon Band the Department of the Interior has sought to disestablish the tribe without authority to do so.

This matter is where by law it ought to be, before the Congress of the United States.

Congress must reaffirm the political status of the Pokagon Band of Potawatomi Indians because there is no other proper forum for their request.

Not only was the process set out in 25 CFR 83 not meant for treaty tribes it does not work for treaty tribes. It is time consuming and expensive. Already it has been five years since the Pokagon Band petition has been submitted. The Branch of Acknowledgment and Research (BAR) has since 1991 considered them "ready" to go on active consideration but they are currently fourth on the list to be reviewed. Since the BAR assigned priority numbers based on first contact with tribes, tribes with lower priority numbers can and will come along and push the review of the Pokagon Band petition further down the list. It may be 10 or 20 years before review of the Pokagon Band petition is completed. The BAR has completed work on 21 petitions since 1978 for an average of 1.4 a year.

Basic fairness demands that Congress act. The United States has long held out the promise of limited self rule for Indian tribes to induce their cooperation. But the tools for that depend on "recognition". Rae Daugherty's father worked his entire life on these issues, from a young teen until his death at age 89. The present council is entitled to see this process completed before they too are gone.

Annuity Pay Roll certificate of witnesses.

We, the undersigned here by certify on honor, that we were present and witnessed the payment by H.D.Shelby Spl. United States Indian agent, on the respective dates mentioned in the foregoing payroll of the several sums to the individuals opposite whose name our signature are affixed as witnesses, and that we saw said individuals sign the same by writing their name or making their mark, and the pages of said Payroll are numbered from one (1) to ten (10) inclusive and contains the names of, two hundred seventy two (272) persons, numbered from (1) to (272) inclusive, and we further declare our entire disinterestedness in this matter.

Dec. 9, 1896, Alvah C. Smith.	Nov. 12, 1896, J. W. Clark.
Dec. 10, 1896, C. Martin.	Dec. 1, 1896, Thomas Topash.
Dec. 10, 1896, C. Crovin.	Dec. 3, 1896, H. C. Wiley.
Dec. 11, 1896, Daniel Nowso.	Dec. 3, 1896, Simon Pokagon.
Dec. 15, 1896, A. B. Gardner.	Dec. 5, 1896, H. C. Crosby.
Dec. 15, 1896, D. H. Owen.	Dec. 8, 1896, Chas. Blaine.

Certificate of the Interpreters.

We, the undersigned Interpreters, hereby certify and we were present and witnessed the payment by H.D.Shelby Spl. Indian agent on the respective dates mentioned in the foregoing Pay Roll, of the several sums to the individuals who have received for the same; that we saw said individuals sign the same, by writing or making their mark; that we fully explained the nature of the said payments to the said individuals; that the pages of the said Pay Roll are numbered from one (1) to ten (10) inclusive and contain the names of two hundred seventy two (272) persons, numbered one (1) to two hundred seventy two (272) inclusive.

Dec. 9, 1896, Isaac Hall.	Dec. 1, 1896, Thomas Topash.
Dec. 10, 1896, C. Martin.	Dec. 3, 1896, Simon Pokagon.
Dec. 11, 1896, Daniel Nowso	Dec. 8, 1896, Joseph Cushway.

I, H.D. Shelby Spl. United States Indian agent, hereby certify, on honor, that on the respective dates mentioned in the foregoing Pay Roll I made payment of several sums to the individuals who received for the same; that the pages of the said Pay Roll are numbered from one (1) to ten (10) inclusive, and contain the names of two hundred seventy two (272) persons numbered from one (1) to two hundred seventy two (272) inclusive and the aggregate amount of said payments were, one hundred five thousand no hundreds and twenty five and 07/100 dollars \$105,025.07.

Payments to numbers-9-40-51-52-53-58-60-61-62-63-64-65-94-114-121-139-141-147-165-176-177-196-208-209-213-219-249-253-259-272, amounting to three thousand five hundred nine and 45/100 dollars, (\$13,509.45) not having been made.

December 15, 1896.

H. D. Shelby. Indian Agent.

COPIED FROM THE RECORDS OF THE BUREAU OF INDIAN AFFAIRS.

1895 CENSUS AND PAYROLL NUMBERS OF THE P'YATATCHEE INDIANS OF INDIANA AND MICHIGAN.

#1- SBL-30-YAW, and wife dead.

#2--1 John Mix age 80

- 2 Elizabeth Mix age 50 Dau. of #1 2nd wife of #2.
 3 Julia B.ursisa age 48 Dau of #2. by 1st wife.
 4 Laurance Mix age 39 son of #2. by 1st wife.
 5 RC Mix age 12 son of 4.
 6 LP Mix age 9 son of 4.
 7 William Mix age 33 son of #2. by 1st wife.
 8 Agnes Mix age 25 dau. of #23.
 9 John Mix jr. age 25 son of #2, by 1st wife.
 10 Lena Bird age 13 dau. of 9, adopted name.
 11 Bessie Bird age 10 dau. of 9, adopted name.
 12 Angelina Cushway age 45 dau of #2. by 1st wife.
 13 Clara, A. Cushway age 19 dau. of 12.
 14 Charles, H. Cushway age 16 son of 12.
 15 James, E. Cushway age 12 son of 12.
 16 Annie, C. Cushway age 7 dau. of 12.
 17 Martha, A. Cushway Rider age 25 dau. of 12.
 18 Emory, J. Rider age 4 son of 17.
 19 John, A. Rider age 2 son of 17.
 20 Nora, J. Cushway Bushaw age 23 dau. of 12.
 21 Joseph Bushaw age 2 son of 20.
 22 Mary, F. Cushway Wilson age 21 dau. of 12.

#3 HAW-GE-ZHE-YAW and wife dead.

- 23 Mary Josephine King age 49 dau. of #3 widow no children.
 24 Anna Winchester age 40 dau. of #4, widow of John Winchester.
 25 Thomas Winchester age 21 son of 24.

#4-26 John Quigano age 64 wife dead.

- 27 Dominick Quigano age 15 son of 26.
 28 Isaac Quigano age 40 son of #4.
 29 Michael Quigano age 20 son of 28.
 30 Julia Quigano age 17 dau. of 28.
 31 Francis Quigano age 9 son of 28.
 32 Sarah Quigano age 7 dau. of 28.
 33 John Quigano age 33 son of #4.
 34 Angeline Quigano age 26 dau. of #14.
 35 Elizabeth Quigano age 11 dau. of 33.
 36 Mary Quigano age 9 dau. of 33.
 37 Louisa Quigano age 4 dau. of 33.
 38 Peter Quigano age 2 son of 33.
 39 Henry Quigano age 10 mo. son of 33.
 40 William Battice age 40
 41 Terresa Battice age 21 dau. of #4 second wife of 40.
 42 Mary Battice age 6 dau. of 40. by 2nd wife.
 43 Dencie Battice age 4 son of 40. by 2nd wife.
 44 Alice Battice age 2 dau. of 40. by 2nd wife.
 45 Nancy Battice age 1 dau. of 40. by 2nd wife.
 46 Frank Battice age 15 son of 40. by 1st wife.
 47 Joseph Battice age 13 son of 40. by 1st wife.
 48 Henry Battice age 11 son of 40. by 1st wife.

#11- KECHÉ SÉTONE and wife dead.
 97 Isaac Set no age 35 son of #11.
 98 Angeline Sotone age 27 dau. of #8.
 99 Laurence Sotone age 6 son of 97.
 100 Louis Set no age 3 son of 97.

#12-101 KECHÉ-MAY-GC- name changed to Chenigar Alexis age 70.
 102 David Alexis age 40 son of #12.
 103 Arthur Alexis age 13 son of 102.
 104 Samuel Alexis age 11 son of 102.
 105 Robert Alexis age 7 son of 102.
 106 Mary Elizabeth Alexis age 2 dau. 102.
 107 Patrick Alexis age 32 son of #12.
 108 Betsey Rapp Alexis age 30 dau of #8.
 109 Charles Alexis age 18 son of 107.
 110 Henry Alexis age 10 son of 107.
 111 Leo Alexis age 6 son of 107.
 112 St. Patrick Alexis age 1mo. son of 107.
 113 Michael Alexis age 45 son of #12.
 114 Elizabeth Alexis age 17 dau. of 113.
 115 Louise Alexis age 3 dau of 113.
 116 Nora Alexis age 1 dau. of 113.
 117 Mary Lewis age 28 dau. of #12.
 118 Ida Lewis age 10 dau. of 117.
 119 William Lewis age 7 son of 117.
 120 Jacob Lewis age 5 son of 117.
 121 Martha Lewis age 3 dau. of 117.
 122 Julia Lewis age 1 dau. of 117.

#13- O-GE-MAW-Me dead.

#14- JOSÉPH MAWSO dead.

123 Nancy Saugaa age 40 dau of #14.
 124 Peter Mawso age 38 son of #14.
 125 Treasa Mawso age 1 dau of 124.
 126 Mary Elizabeth Gibson age 36 dau. of #14.
 127 Martha Gibson age 7 dau. of 126.
 128 James Gibson age 5 son of 126.
 129 Issac Gibson age 2 son of 126.
 130 Alexis Mawso age 32 son of #14.
 131 Martha Mawso age 13 dau. of 130.
 132 Daniel Mawso age 21 Grd. son of #14. Joe Mawso jr.s child. Joe Mawso jr. dead.
 133 Mary Mawso age 16 Grd. dau of #14. Joe mawso jr.s child.
 134 Louisa Mawso age 14 Grd. dau. of #14. Joe Mawso jr.s child.
 135 Edward. H. Mawso age 3 Grd son of #14. Joe Mawso jr.s child.
 136 Louisa Mawso age 25 dau. of #14.
 137 Mary Walker age 23 dau. of #14.
 138 Martha Walker age 6 dau. of 137.
 139 Angoline Walker age 4 dau. of 137.
 140 John Walker age 2 son of 137.
 141 Alice Mawso age 21 dau of #14.

#15 AKEN dead.

142 Mary Green Aken age 60.
 143 Paul Green Aken age 17. son of 142.
 144 Alexander Pokagon age 40 son of #15.
 145 Joseph Pokagon age 12 son of 144.
 146 William Pokagon age 7 son of 144.
 147 White Pigeon Pokagon age 1 son of 144.

#16-148 KOK-TUCK-HOCK age 75
 149 Elizabeth Williams age 55 wife of #16.
 150 Michael Williams age 15 son of #16.
 151 Peter Williams age 29 son of #16.
 152 Frank Williams age 25 son of #16.
 153 John Williams age 23 son of #16.
 154 Angeline Williams age 21 dau. of #16.

#17 Mrs. LEVIE PARSONS dead.
 155 Joseph Parsons age 41 son of #17.
 156 Frank Parsons age 11 son of 155.
 157 Nora Parsons age 9 dau of 155.
 158 Louis Parsons age 39 son of #17.
 159 Charles Parsons age 31 son of #17.
 160 Peter Parsons age 25 son of #17.

#18 AN-QUE-KE-NAW dead.
 161 Agnes Knapp age 45 dau. of #18.
 162 Joseph O'Kief age 25 son of 161.
 163 Paul Knapp age 8 son of 161.

#19 William Augustus wife both dead.
 164 Joseph Augustus age 34 son of #19.
 165 Isaac Augustus age 32 son of #19.
 166 Lawrence Moose age 36 son of Mrs. Augustus 1st husband.

#20 Leopold Pokagon dead.
 167 Simon Pokagon age 65 son of #20.
 168 Victoria Pokagon age 50 dau. of #4.
 169 William Pokagon age 28 son of #20.
 170 Lizette Pokagon age 25 dau. of #14.
 171 Julia Pokagon age 13 dau. of 169.
 172 Mary pokagon age 11 dau of 169.
 173 Cecelia Pokagon age 2 dau. of 169.
 174 Jewitt Pokagon age 3.mo. son of 169.
 175 Charles Pokagon age 26 son of 167.
 176 Josephine Pokagon age 14 dau of 175.
 177 Elizabeth Pokagon age 8 dau. of 175.
 178 Lucy Pokagon age 6 dau. of 175.

#21 O-SAW-GE-QUAY dead.
 179 Mary Bush age 41 dau. of #21.
 180 Frank Bush age 18 son of 179.
 181 Foster Bush age 14 son of 179.
 182 Joshua Bush age 6 son of 179.
 183 Silas Bush age 2 son of 179.
 184 Mary Thompson age 61 dau. of #21.

#22 TAN-CAW-NAW-GAY dead.
 185 Mary Tan-Caw-Naw-Gay age 65 wife.
 186 Paul Tan-Caw-Naw-Gay age 45 son of #22.
 187 John Tan-Caw-Naw-Gay age 16 son of 186.
 188 Nora Tan-Caw-Naw-Gay age 11 dau. of 186.
 189 Martha Tan-Caw-Naw-Gay age 9 dau. of 186.
 190 James Tan-Caw-Naw-Gay age 7 son of 186.
 191 Minnie Tan-Caw-Naw-Gay age 5 son of 186.
 192 Daniel Tan-Caw-Naw-Gay age 3 son of 186.

- #23 SETHONE dead.
- #24 JAMES FOKAGON dead.
193 Frank Hamilton age 19 Grd. son of #24.
- #25 MAW-NEDO-CHE-SANCE dead
194 Sarah White age 30 Grd. dau. of #25..
195 Goldie Helen White age 1 dau. of 194.
196 Louisa Shennon age 26 Grd. dau. of #25.
197 Jerome Manish age 21 Grd. son of #25.
- #26-190 Marion Hawgee age 56 or Mrs. Joe Bevinus.
199 Elizabeth Gezick age 33 dau. of #26.
200 Angelina Gezick age 18 dau. of 199.
201 Cecelia Gezick age 4 dau. of 200.
202 Agnes Gezick age 2 dau. of 200.
203 Julia Gezick age 10 dau. of 199.
204 Lucy Gezick age 7 dau. of 199.
205 Sullivan Gezick age 5 son of 199.
206 Tier Gezick age 3 son of 199.
207 Avase Gezick age 1 son of 199.
208 Joseph Riffle age 10 son of #26.
209 George Riffle age 8 son of #26.
- #27-210 JOSEPH TOQUIN age 70 wife dead.
211 Dominick Toquin age 25 son of #27.
- #28 HICK-SE-MOCK dead.
212 Mary Jane Hick-Se-Mock age 22 dau. of #28.
213 Louis Sherborn age 21 Grd. son of #28.
- #29 KE-NO-MAW-NE-QUAY dead.
214 Stephen Peppyar age 39 Grd. son of #29.
215 Joe, H. Cushway age 45 adopted son of #29. drew in 1866.
216 Alexis Lewis age 37 adopted son of #29. drew in 1866.
217 Joseph Lewis age 6 son of 216.
218 Ella Lewis age 3mo. dau of 216.
- #30 MAW-CHU-WE-TAW and wife dead.
- #31 ME-SQUAW-BAW-NO-QUAY and wife dead.
- #32 AISH-NE-BE and wife dead.
- #33 MAY-ME-CHE and wife dead.
219 John Augusta age 48 son of #47.
220 Madeline Augusta age 38 dau. of #33.
221 William Augusta age 19 son of 220.
222 Mary Augusta age 16 dau. of 220.
223 Lucy Silan Augusta age 18 dau. of 220.
224 Sarah Augusta age 8 dau. of 220.
- #34 PE-QUAY-CO-SAY dead.
225 Josephino Pen-To-Pe dau of #34.
- #35-226 KAW-O-GO-NIO age 62 Frank Williams.
227 Angelina Toquash age 52 dau. of #37.

- #36 KEY-TOSH or Joseph Notay same person see descendance #9.
- #37 ANTOHE RAIL dead.
228 Elizabeth Rail age 45 dau. of #37.
- #38 KE-HE-SO-QUAY dead.
- #39 PIY-CO-SAN dead.
- #40- 229 LOUIS WEZO age 51 .
- #41 NAV-O-KEE and wife dead.
- #42 SO-ZETTE dead.
230 Nancy Battice age 30 adopted by #42.
- #43 KE-CHE-WEZO dead.
231 Finnces Wezo age 23 son of #43 (called big wezo).
232 James Wezo age 21 son of #43.
- #44 KEZ-Nick dead.
233 Mary Solomon age 64 was wife of #44.
- #45 SIN-GO-QUAY dead.
- #46 Marv Brazil dead.
234 Neyco Brazil age 45 son of #45.
235 Alice Brazil age 44 Grd. dau. of #21.
236 June Brazil age 20 dau. of 234.
237 Charles Brazil age 18 son of 234.
238 Lewis Brazil age 16 son of 234.
239 Elizabeth Brazil age 13 dau. of 234.
240 Sarah Brazil age 11 dau. of 234.
241 Mary Brazil age 8 dau. of 234.
- #47-242 PE-NAV-QUS-NUM age 80 (Agusta)
- #48 JOHN BAZIL dead.
243 Elizabeth watson age 49 1st.husband Brazil 2nd.husband Watson.
244 Henry Brazil age 23 son of 243.
245 Nancy Jane Watson age 10 dau. of 234.
246 Sarah Ann Watson age 8 dau. of 234.
247 Agnes Brazil age 26 dau. of #48.
248 Margaret Brazil age 3 dau. of 247.
- #49 Lawrence Pokagon dead.
249 Eward Pokagon age 25 son of #49.
- #50 FRANCIS POKAGON dead.
250 Betsy Pokagon age 70 widow.
251 Mary Elizabeth Burrell age 50 dau. of #50.
252 Joseph Blackman age 32 son of 251.
253 Martha Dixon age 29 dau. of 249.
254 Elizabeth Jane Dixon age 11 dau. of 253.
255 Corn Dixon age 9 dau. of 253.
256 Lucy Dixon age 7 dau. of 253.
257 Jane dixon age 5 dau. of 253.
- #51 DOMINICK dead.

#52 MOOSE dead.

#53 Mrs. AITCHIE AUSE dead.
 258 Peter AUSE age 27 son of #53.
 259 John AUSE age 25 son of #53.

#54 John CUSHWAY dead.

#55 MAWINE T. PASH dead.
 260 Thomas Topash age 36 son of #55.
 261 Mary Topash age 37 widow.
 262 Louisa Topash age 8 son of 261.
 263 Levi Topash age 6 son of 261.
 264 Cecelia Topash age 3 dau. of 261.
 265 Joseph Topash age 1½ son of 261.
 266 Cecelia Sarah Topash age 28
 267 Agnes Topash age 1 dau. of 266.
 268 Daniel Topash age 27 son of #55.
 269 Theresa Topash age 25 dau. of #55.

#56 Louis Augustus dead.

#57 Peter Battice dead.

#58-270 John Battice age 60 or John Blackman or short Tise.

#59 SAW-GO-MAW-QUAY dead.

#60 MAISH QUOS dead.

#61 Mrs. MAW-GO-KO-WE-MAW dead.

#62 JACKSON dead.

#63 OGE-MAW-QUAY dead.

#64 JOSEPH-KAW-KU dead.
 #65 WAW-SO dead.

#66 ELIZABETH-SIN-GO-TAW see wife of #2.
 271 Angeline Pokagon age 28
 272 Elizabeth Aiken age 17 dau. of 271.

93½ supplemented John Wagin sr. age 78 Enrolled by authority of Sec. of Interior 8-

Department of the Interior Office of Indian Affairs (Washington June 23, 1899).
 Certified True Copy and correct duplicate of the payroll filed in the office

Of W.A. Jones,
 Commissioner.

AN ABBREVIATED CHRONOLOGY OF EVENTS IN THE HISTORY OF THE POKAGON BAND OF POTAWATOMI INDIANS

DOCUMENTS REFERRED TO IN THE TEXT ARE ATTACHED AND NUMBERED
ACCORDING TO THE PARAGRAPH NUMBER OF THE REFERENCE

1. 9/26-9/27 1833. Treaty of Chicago. In a supplementary article to the treaty the Pokagon Band was the only band in the entire Potawatomi Nation to negotiate a right to remain in Michigan. 7 Stat. 431; Kappler, *Indian Treaties 1778-1883*, 402-415. A copy of the supplementary article is attached.
2. 8/24/1842. Brig. General Hugh Brady, who had been ordered to evacuate all Indians from southwestern Michigan, recognized the treaty right of the Pokagon Band members to remain in Michigan. Attached is a copy of a letter General Brady wrote to the Commissioner of Indian Affairs explaining his actions. Note that it was at this time that the Pokagon Band bought land in Silver Creek Township, Michigan for a tribal homeland. Because the copy is of poor quality a letter from Dr. Clifton summarizing the contents of the Brady letter is also attached.
3. 1843-1866. Annuities owed to Pokagon Band members under various treaties were paid to them in southwestern Michigan. Copies of the annuity rolls (totalling 103 pages) were attached to the first document submission supporting the Pokagon Band petition for Federal acknowledgement. Copies will be provided upon request.
4. 7/28/1866. Congress passed a joint resolution directing the Secretary of the Interior to pay the Pottawatomie Indians of Michigan \$39,000 as full payment for any claim past, present or future arising out of any treaty with them, 14 Stat. 370 (1866). The Pokagon Band was not consulted and was not given advance notice that Congress would unilaterally terminate the perpetual annuities granted by treaty.
5. 1861-1890. The Pokagon Band business committee petitioned Congress to honor treaty obligations made by the United States. Congressional reports from the 36th, 37th, 38th, 41st, 42d, 43d, 44th, 45th, 47th, 49th, and 51st Congress document the persistence of the business committee. Copies of the reports were filed with the Pokagon Band's petition for Federal acknowledgment first document submission. The reports total 131 pages. Copies will be provided upon request.
6. 3/19/1890. As a result of the petitions by the Pokagon Band Business Committee Congress authorized the Pottawatomie Indians of Michigan and Indiana to make a claim against the United States in the Court of Claims to try

all questions of differences arising out of treaty stipulations, notwithstanding the 1866 joint resolution. 26 Stat. 24 1890. See attached.

7. 6/27/1892. The Court of Claims finds for the plaintiff Potawatomi Indians and against the United States in the amount of \$104,626 for annuity payments owed under various treaties dating from 1795 to 1833. The plaintiff Potawatomi Indians who comprised the plaintiff class were those who came under the supplementary provisions of the Treaty of Chicago 1833 (see #1 above). The opinion is attached.
8. 4/19/1893. The United States Supreme Court affirms the judgement of the Court of Claims. *Pam To Pee v United States*, 148 US 691, 13 S Ct 742 (1893). A copy of the opinion is attached.
9. 8/5/1895. Census of the Potawatomi Indians of Indiana and Michigan by the United States Department of the Interior, John W. Cadman. The purpose of the census was to determine the names of those entitled to payment under the judgment of the Court of Claims.
10. 3/14/1896. Another census by the Department of Interior, Marcus D. Shelby, was made to confirm that all those who could trace ancestry to any of the 1843-1866 annuity rolls were listed on the census. Only two names were added to the census completed by Cadman. The Pokagon Band of Potawatomi Indians currently uses the Cadman/Shelby rolls to determine eligibility for membership in the Band. The Band's proposed constitution, to be adopted after federal recognition, also uses these same rolls to determine eligibility for membership.
11. 1/8/1917. The United States Supreme Court affirms the dismissal of Pokagon Band's suit against the City of Chicago for land reclaimed from Lake Michigan by the City. The plaintiff's claimed the reclaimed land was a part of Lake Michigan at the time of the treaty and therefore was never ceded by treaty. *John Williams, Chief et al. v Chicago et al.*; 242 US 435, 61 L. Ed 414 (1917). A copy is attached.
12. 12/4/34. John Collier, Commissioner of Indian Affairs, United States Department of the Interior, writes to Michael Williams, Secretary of the Pokagon Band business committee, acknowledging receipt of their request for the benefits of the 1934 Indian Reorganization Act (IRA). Among its provisions is authorization for the Secretary of Interior to buy land for landless Indians and thereby allow them to organize a government under other provisions of the IRA. A copy of the letter is attached.
13. 1935. The members of the Pokagon Band respond to the request for information made by John Collier in his letter of 12/4/1934. In this letter they point out that almost the entire band is composed of people "either half, or more, to full

bloods". They also identify themselves as the ancestors of those that were to benefit by the supplementary article to the Treaty of Chicago 1833. A copy of the letter is attached.

14. 10/11/39. Walter V. Woehlke in a memorandum to the Commissioner of Indian Affairs states that "unless we have the funds and personnel to do a real job in Lower Michigan, we should stay out of that territory. We all know that neither the personnel nor funds are available...". A copy of the letter is attached.
15. 12/1/39. Peru Farver, Superintendent of the Tomah Indian Agency, wrote to the Commissioner of Indian Affairs stating "I fully agree that no further extension of organization under the Indian Reorganization Act should be made in lower Michigan and that no action tending to designate these people as a separate group should be taken." But Mr. Farver goes on to recognize that his recommendation creates inequities "This issue will be kept alive for many years in view of the fact that most of the groups in the upper peninsula have been recognized....the Ottawas and Potawatomes are the only tribes in Michigan which have been denied assistance under the Indian Reorganization Act." A copy of the letter is attached.
16. 5/29/40. John Collier, Commissioner on Indian Affairs rules that "there be no further extension of Organization under the Indian Reorganization Act in Lower Michigan". A copy of the letter is attached.
17. 7/31/51 - 8/10/51. Two letters from J.C. Cavill, Superintendent, Great Lakes Consolidated Agency, United States Department of the Interior, to Michael B. Williams, Chairman, Pokagon Band of Potawatomi of Indiana and Michigan. At this time the Pokagon Band began to work toward filing a claim against the United States under the 1946 Indian Claims Commission Act. The letters gave guidance to the Band on selecting an attorney to prosecute the claim. Each of the letters recognizes the governmental existence of the Pokagon Band. The 7/31/51 letter asks; "We are wondering if the Pokagon group has selected an attorney or attorneys to prosecute the *tribal* claims" (emphasis supplied). The 8/10/51 letter states; "... probably the attorney or attorneys in the best position to represent the Pokagon Band would be those who have represented your Band in the successful prosecution of *tribal* claims in the past..." (emphasis supplied). Both letters are attached.
18. 9/14/51. A letter from J.C. Cavill, Superintendent of the Great Lakes Agency, U.S. Dept. of the Interior, to "The Tribal Council of Pokagon Band of Potawatomi". This letter announces the retirement of the Superintendent. It is significant because it shows that a representative of the United States who claims "thirty-seven years of my life has centered around Indian people" recognizes the

existence of the Pokagon Band and its government. A copy of the letter is attached.

19. 2/6/52. The Pokagon Band incorporates a Michigan non-profit named Potawatomi Indians of Indiana and Michigan, Inc.
20. 10/7/69. The name of Band's non-profit corporation, Potawatomi Indians of Indiana and Michigan, Inc., is changed to Potawatomi Indian Nation, Inc.
21. 12/26/73. The Indian Claims Commission finds that the Potawatomes of Michigan and Indiana, Inc. (*sic*) along with the Hannahville Indian Community, Forest County Potawatomi Community, the Citizens Band of Potawatomi Indians of Oklahoma and the Prairie Band of the Potawatomi Tribe of Indians are identifiable groups of American Indians having the right and capacity under Section 2 of the Indian Claims Commission Act to bring and maintain claims on behalf of the Potawatomi Indian Tribe or Nation. 32 Ind Cl Comm 400, 414. Copies of the relevant pages are attached.
22. 7/14/78. The Indian Claims Commission made a final award of \$1,809,552.57 to the plaintiffs and intervenors, including the Potawatomi Indians of Indiana and Michigan, Inc. 42 Ind Cl Comm 205.
23. 11/23/81. The Pokagon Band filed a petition for federal acknowledgment with the Secretary of Interior. A copy of the notice of receipt as published in the Federal Register is attached.
24. 11/2/88. The Pokagon Band files the documentation to support its petition for Federal acknowledgment. The documentation consists of four letter size volumes containing the 54 page petition statement and over 1,000 pages of supporting documentation.
25. 11/10/88. The Chief, Division of Tribal Government Services, Bureau of Indian Affairs, acknowledges receipt of the documented petition for federal acknowledgment. A copy of the letter is attached.
26. 2/22/90. Hazel E. Elbert, on behalf of the Bureau of Indian Affairs, Branch of Acknowledgment and Research (BAR) writes to Daniel Rapp, Chairperson of the Pokagon Band, to list obvious deficiencies it has found in the petition documentation. The letter encourages the Band to respond. One of the deficiencies noted related to genealogical information. The letter stated that ancestry charts and enrollment applications would be helpful, but that "you do not have to submit copies of any documentation" that the Pokagons require applicants to submit. The letter further stated that after a review of that information the

BAR would ask for "detailed genealogical information of selected families" (emphasis in original) A copy of the letter is attached.

27. 5/3/90. Lynn Forcia, Acting Chief, Division of Tribal Government Services, responds to concerns that Pokagon Band had about privacy issues related to genealogical information. She states that such information is protected from release under the Freedom of Information Act because it is personal data. A copy of the letter is attached.
28. 6/13/91. The Pokagon Band files it response to the letter of obvious deficiency by sending the BAR seven letter size volumes of documents containing over 1,000 pages.
29. 6/19/91. The BAR acknowledges receipt of the documentation. It states the BAR is "committed to placing the Pokagon petition on active consideration this calendar year. We will place the Pokagon Band of Potawatomi Indians' petition for Federal acknowledgment on active consideration on November 18, 1991". The letter also stated that "We currently have a contract in place with First Computer Concepts, Inc....They are now beginning preliminary work on the Pokagon petition...". A copy of the letter is attached.
30. 8/20/91. Ronal Eden, Director, Office of Indian Services, Bureau of Indian Affairs, sent a letter to Daniel Rapp claiming that it did not have complete genealogical information about the Pokagon Band members and work on the petition must cease. The letter asked the Band to tell Tribal Government Services what action it planned to take within 30 days. The documentation filed in 1988 gave the BAR the name and address of every member, sex, birth date, birth place, relationship to person on base roll, base roll number, and name on base roll. It seems the only additional information that was requested was ancestry charts. A copy of the letter is attached.
31. 9/5/91. The Pokagon Band not only responded by informing Mr. Eden of action it planned to take, it also fully complied with all requests for additional information by sending the requested genealogical information. With this letter the Band included the enrollment applications and ancestry charts for all of their 1,400 plus members. *It appears to the Band that Tribal Government Services was not interested in obtaining this information because it never bothered to open the box containing the information until it was opened in the presence of, and at the insistence of, Tribal Council member Tom Topash on July 9, 1992. See number 35 below.* A copy of the letter is attached.
32. 11/19/91. The Pokagon Band wanted to know what qualified First Computer Concepts (FCC) to conduct a review of a petition for Federal acknowledgment. It asked James Keedy of Michigan Indian Legal Services to investigate qualifications

of FCC. In the course of that investigation (8/21/91) he was told by John Fritz, Vice President of FCC, that FCC did not have a contract to review the Pokagon petition as stated in the 6/19/91 letter from the BAR. Mr. Fritz also stated that FCC had not done any work yet on the Pokagon petition, thus contradicting the statement made in the 8/20/91 Eden letter. On October 29, 1991 Mr. Keedy spoke to Cindy Rogers, Director of Research at FCC, and was told that approximately August 28, 1991 the BAR told FCC that the Pokagon petition was taken off active consideration. Note that in the 8/20/91 letter the BAR gave the Pokagon Band 30 days to respond to its concerns.

33. 12/4/91. The BAR acknowledges the receipt of the Pokagon Band's response to the BAR's review for obvious deficiencies on September 18, 1991. This letter apparently refers to the 9/5/91 submission of additional material. The letter also states that it cannot give a date when the petition will be put on active consideration but, notes that FCC is currently putting together a team to work on the petition. A copy of the letter is attached.
34. 2/11/92. Rep. Fred Upton writes to the Band to say that the BAR is in the process of contracting with a private consulting team to review the Pokagon petition. As soon as the contract is finalized, anticipated to take one month, the petition will be put on active review. No mention is made of FCC which was supposedly putting together a team to review the petition in December of 1991. To date the Pokagon Band petition has not been put on active consideration. A copy of the letter is attached.
35. 7/9/92. Tom Topash, at the time a Pokagon Band Tribal Council member, visits the BAR office in Washington, D.C. During a discussion with BAR officials about the status of Pokagon Band petition's he is shown the box containing the response to Mr. Eden's 8/20/91 letter. The box had not been opened. At Mr. Topash's insistence the box is opened by Holly Record, Acting Chief, Branch of Acknowledgment and Research.
36. 8/92. An official from Rep. Fred Upton's staff telephones the BAR to inquire about the progress of work on the Pokagon Band petition. He is told that the BAR will put the Pokagon Band petition on active consideration immediately if the Pokagon Band will waive the regulatory requirement that mandates completion of the review within 12 months. This information is relayed to Daniel Rapp, Chairman of the Pokagon Band Tribal Council.
37. 8/92. Following the suggestion of Rep. Upton's staff Mr. Rapp telephones Elizabeth Colliflower at the BAR and asks about the offer. The offer as revealed to Mr. Rapp is similar to the one made to Rep. Upton's staff.

38. 8/25/92. A committee of the Pokagon Band Tribal Council meets to consider the offer. During the discussion it is agreed that not enough is known about the offer. For example, will the Band's petition be put on active consideration effective immediately upon agreement to waive the 12 month review period? In that case would the Band be protected against a latter arriving petition with a lower priority number so that no other petition would be reviewed prior to the Pokagon Band's? Why wasn't the offer made in writing? Because of these and other unanswered questions the committee decided to write to the Bar and ask it to clarify the offer.
39. 9/3/92. The Pokagon Band wrote to Holly Record, Chief of the Branch of Acknowledgment and Research, to ask for clarification of the offer. A copy of the letter is attached.
40. 10/30/92. The Band receives a reply to its 9/3/92 letter stating the offer had been withdrawn because the BAR had received a fully documented petition from another group. The letter also states that the offer had been made personally to Mr. William Church on August 12, 1992. Mr. Church is not a member of the Pokagon Band and does not have any official connection with the Band. Mr. Church has never been authorized to act on behalf of the Pokagon Band. He may have been acting on behalf of the Confederated Historic Tribes, Inc. of which the Pokagon Band is a member. A copy of the letter is attached.

Exhibit 1.

TREATY WITH THE CHIPPEWA, ETC., 1833.

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Wa-mw-o-ho-beaw, his x mark,	Ah-be-to-ke-Zhic, his x mark,
Ne-see-waw-be-tah, his x mark,	E-to-wan-rotis, his x mark,
Ka-ha-tai-mon, his x mark,	Shah-y-a-tuk, his x mark,
Ma-Ka-Neah, his x mark,	Me-an-ese, his x mark,
Tah-e-tah-e-chin-ke-bequay, his x mark,	Wah-be-me-nec, his x mark,
Joseph, his x mark,	Shim-e-nah, his x mark,
Shal-e-nai, his x mark,	We-in-co, his x mark.

In presence of--

Wm. Lee D. Ewing, secretary to the commission,	Saml. Humes Porter,
R. A. Forsyth, U. S. Army,	Joseph Bertrand, junr.
John H. Kinzie,	Andw. Porter,
Madn. F. Abbott,	J. E. Schwarz, adjutant-general M. M. James Conner, interpreter.

On behalf of the Chiefs and Head men of the United Nation of Indians who signed the treaty to which these articles are supplementary we hereby, in evidence of our concurrence therein, become parties thereto.

And, as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan, have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation on which they now reside shall be paid to them at L'arbre, Croche.

Witness our hands, the said day and year.

Saw-ka-nosh, his x mark,	O-cheep-waise, his x mark,
Che-obe-ban-quay, his x mark,	Maug-e-sett, his x mark,
Ah-be-to-ke-zhic, his x mark,	Shim-e-nah, his x mark,
Shal-e-nay, his x mark,	Ke-me-nah-wah, his x mark.

In the presence of--

Wm. Lee D. Ewing, secretary to the commission,	R. A. Forsyth, U. S. Army,
John H. Kinzie,	Saml. Humes Porter,
Richard J. Hamilton,	J. E. Schwarz, adjutant-general M. M. James Conner, interpreter.
Robert Stuart,	

The Commissioners certify that when these supplementary articles were ready for signature, the original paper of which the annexed is a copy was presented by Messrs. Peter and James J. Godfroy, and the due execution of it was made satisfactorily appear to the Commissioners, the subscribing witnesses R. A. Forsyth and Robert A. Kinzie being present.—The Chiefs and Head men present recognizing this as a reservation, it was agreed that it shall be considered in the same light as though the purport of the instrument had been inserted in the body of the treaty,—with the understanding that the rejection of it by the President and Senate of the United States shall not affect the validity of the treaty.

G. B. PORTER,
TH. J. V. OWEN,
WILLIAM WEATHERFORD.

(Copy of the instrument referred to in the above certificate.—)

Know all men by these presents that we the undersigned Chiefs and Young men of the Potawatamie tribe of Indians living at Na-to-wa-se-pe in the territory of Michigan, for and in consideration of the friendship and sundry services rendered to us by Peter and James J.

May 12, 1833.

KAPPLER, Indian Treaties 1778-1843, Reprint 1972

#2

*James A. Clifton, Ph.D.*332 BRETCOE DRIVE
GREEN BAY, WISCONSIN 54302
OFFICE (414) 465-2325 • HOME (414) 468-0971

April 18, 1983

Dear Phillip:

The Very Important Document enclosed is the first one, on top--the letter from Brig. General Hugh Brady to the Commissioner of Indian Affairs of 24 August 1840. I think it is probably the most important document I have found so far concerning the Pokagons. In 1840 General Brady was ordered to evacuate all of the Indians from southern Michigan and northern Indiana (the United States was preparing for the possibility of War with Great Britain over the northwest frontier controversy), and when he met with Pokagon and others he immediately ran into a problem, finally surrendering. This document contains a list of the headmen in the Pokagon band as of that date and the numbers in each household; it indicates that Pokagon et al had purchased 1400-1500 acres of land through the Kalamazoo land office; it indicates that Pokagon had sought legal advice from a judge in Detroit and received a promise of legal protection in remaining in Michigan from the judge; and it indicates that General Brady had immediately excepted this situation, deferring to the President for further action. A very nice and very important piece.

While in Washington I got all of the documents concerning the Pokagons and the Indian Reorganization business in the 1930s. Since the facts of the documented record are very different from the "traditional" remembered account of this business, this month's report will contain a summary of what happened. This will be an example of the difficulties of relying on traditional accounts exclusively. For example, in December, 1934, a few months after the IRA was passed, the Pokagon Council was fully aware that this legislation did not apply to them and that they were not eligible for organization under it. This makes for an interesting account, the point of which is that the Pokagons persisted--in spite of understanding the difficulties, in seeking some form of recognition. It is the latter matter--evidence of organization and persistence, that supports your present case.

Best



Clifton

M234 R361 1840 Brady

Brig Genl Brady
Detroit Michigan
Aug 24 1840

Major Genl
H. V. Brady -
Detroit 24 Aug 1840.

Relating to migration of
Pianatium & Indians

Mr Longmire has been able to ascertain from 400 of the South of Indian
The migration difficulties have
been caused by winter
Mr C. has stated that
what he has collected
apparently had the
men to remove all
remaining - &c &c
a list of the heads of families
& number of each family
Contract who have been
to remain on the land
own camps at the
the Post. See
with J. S. Bond, Aug 20
for the command of the
& others -

Contract enclosed enclosed
to Mr. [unclear] & [unclear]
See [unclear] 1840
Aug 21 / Sept. 1840

(over)

Headquarters 7th Mil. Regt.
Detroit. 21st August 1821

J. H. Crawford Esq.
Sir.

I have just returned from South Land (Indiana), near which place Mr. Coquillard was collecting a party of Indians for his expedition, and it gives me to say, he has not been able to assemble more than four hundred and fifty. Difficulties have been created by bad white men who have induced the Indians to believe they have lands, still unsold to the United States, & that they cannot be removed.

Mr Coquillard started for the West, with what Indians he had been able to collect, on the 17th inst.

As Mr Coquillard could not emigrate all the Indians as contemplated, I have made arrangements with two other Settlers, to remove all that are now remaining. They had a meeting with the most obstinate Pami, & left them, under the impression that no obstacle would be raised, to prevent their emigration at an early day. But during their absence, a French trader went to their village, & told them that the Troops were advancing on them, with orders to kill them — and that the Troops

had the small pox. This information alarmed them so much that they deserted, & concealed themselves in the woods. This movement will in some measure delay, but not defeat the Emigration, as I trust I shall be able to collect them.

A party of 18 was brought in by Capt. Salt of the 4th Art'y, and among them is a man of Influence with the people. He has been sent to them, with a friendly message, & is confident he can induce them to return. He is now aware that the small pox is not prevalent among the troops, & was treated with the utmost kindness by them. He was also informed that the troops would remain in the field until the snow fell, if they did not sooner proceed in emigrating the Indians. His actions, will, I trust hasten their return, & enable ^{me} to be able to assemble them soon. I shall probably return to the troops at Marshall (120 miles west of Detroit) in a few days.

For the information of the Secretary of War, I desire to state that on the 17th inst., I met a party of about 150 Indians, at their request, about 26 miles from their village, where they had assembled to obtain the opinion of Judge Ransom, one of the District Judges of this State, in reference to their Emigration. Sixteen families have purchased land from the Gov. & have either

The President's patent, or the magnitude of their
 distresses of the Senate Office. The Judges informed
 me that in the event of their applying to him,
 he should feel bound to relieve them by Habeas
 corpus, from any forcible effort, made to emigrate
 them. I therefore advised them that they could
 remain on their lands, until the pleasure of
 the President was made known to them.

The remainder of this Pair (about 120 souls) ^{are to}
 pay the Emigrants. Judge Edwards, the ^{Commissioner}
 of the Matamoras Land Office, thinks the Indians
 have purchased 11, or 13 hundred acres of
 land.

Herewith, I send you a list of the heads of
 families, also the number of each family.

I also enclose the Contract with the Agency
 Company, by which you will see that the
 emigration of these people, will cost much
 more than I had any reason to suppose.
 This is to be attributed entirely to the interference
 of mischievous white men. I shall not
 attempt to describe the difficulties I have seen
 or anticipate - but I feel confident that
 by industrious perseverance, I shall be able
 to effect the duties assigned me, however
 perplexing they may be.

Seppold Pokagow Sen. etc.	18
Peter Pokagow	8
Ma. sec. to	8
Rep. com. sec.	7
Ma. time am to	5
Jean Baptista	8
Mag. ce. co. Suck	5
Map. pas. sa	10
Pee. pu. yah	9
Augustine	8
To. ap. pash	9
Ka. kake	8
Joseph Rutland	15
	<hr/> 105

The above named persons have permission to remain on the lands now occupied by them until such time as the will of the President be made known as to their removal west of the Mississippi

By order of Rufus S. Bradley
 Francis Pickens
 Secy. of War

6.

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FIFTY-FIRST CONGRESS. SER. 1. CHS. 30, 40. 1890.

<p>March 19, 1890.</p> <p>Preamble.</p> <p>Pottawatomie Indians of Michigan and Indiana Court of Claims to try, etc., claim of.</p> <p>To review <i>de novo</i>.</p> <p>Not estopped by Res. No. 97, vol. 14, p. 570, nor by receipt in full.</p> <p>Limitation of fact evidenced by receipt.</p> <p>Attorney-General to appear.</p> <p>Appeal.</p> <p>Proviso.</p> <p>Precedence to be given in courts.</p> <p>Commencement of action.</p>	<p>CHAP. 39.—An act to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana.</p> <p>Whereas representatives of the Pottawatomie Indians of Michigan and Indiana, in behalf of all the Pottawatomie Indians of said States, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: Therefore,</p> <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference <i>de novo</i>, and it shall not be estopped by the joint resolution of Congress approved twenty-eighth July, eighteen hundred and sixty-six, entitled "Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor shall said receipt be evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States the Attorney-General may within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawatomie Indians may also appeal to said Supreme Court: <i>Provided,</i> That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such precedence.</p> <p>SEC. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatomie Indians claim to recover, and the amount of their claims, and said petition may be verified by a member of any "Business Committee" or authorized attorney of said Indians as to the existence of such facts, and no other statements need be contained in said petition or verification.</p> <p>Approved, March 19, 1890.</p>
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<p>March 19, 1890.</p> <p>District of Columbia Tax arrearage sales Listing.</p> <p>Publication and distribution of pamphlets.</p> <p>Notice in newspapers.</p>	<p>CHAP. 40.—An act prescribing the times for sales and for notices of sales of property in the District of Columbia for over-due taxes.</p> <p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i> That the Commissioners of the District of Columbia shall prepare a list of all taxes on real property in said District, subject to taxation upon which said taxes are levied and in arrears on the first day of July, eighteen hundred and eighty-nine, and each and every year thereafter, including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the County of Washington, and the District of Columbia. And the said Commissioners shall publish the same with a notice of sale in a pamphlet of which not less than three thousand copies shall be printed for distribution to taxpayers applying therefor. Said Commissioners shall, on the first Tuesday in April, eighteen hundred and ninety, and the third Tuesday in March of each year thereafter, give notice which shall contain the name of each and every person in which each piece of property is assessed together with the amount of assessment upon each piece by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in said District, that said pamphlet has been printed and that a copy thereof will be delivered</p>
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2690

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7.

Syllabus.

THE POTAWATOMIE* INDIANS v. THE UNITED STATES.

PHINEAS PAM-TO-PEE AND 1,371 OTHERS v. THE SAME.

[Nos. 16743, 16812. Decided June 27, 1892.]

On the Proofs.

The treaty 1833, providing for the removal of the Potawatamies has a supplemental paragraph "on behalf of the chiefs and headmen of the united nation" in these words: "As since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation in which they now reside shall be paid to them at L'Arbre Croche." In 1838, 233 Indians, who have not removed, are found and paid in southern Michigan. No payment is made at L'Arbre Croche. In 1850 Congress pass an act referring "all questions of difference with" the "Potawatamie Indians of Michigan and Indiana." Two parties appear. The questions involved relate to the conflicting rights of the adverse claimants and to the amounts remaining due of various annuities.

- I. The *Potawatamie Indians Act 12th March, 1850* (28 Stat. L., p. 24) recognizes the fact that claims exist on account of various treaty provisions.
- II. The court is to determine the aggregate right, leaving the distribution, as the administration of a trust, to the Interior Department.
- III. The supplemental paragraph attached to the *Supplementary Article 8th September, 1833* (7 Stat. L., pp. 442, 445), having been recognized by the Senate and proclaimed by the President as a part of the treaty, must be considered as such.
- IV. That the commissioners who negotiated a treaty did not sign a supplemental paragraph does not affect its validity if the President and Senate recognized it as a part of the treaty.
- V. The object of the treaty 1833 was to secure the removal of the Potawatamies to the West; but it is too late to insist that removal and continued residence form a condition precedent to the right of those who remained in Michigan to participate in the various treaty funds.

*As spelled in the treaties of 1833. In the jurisdictional act referring the claim to this court the recent spelling of Potawatamie is substituted.

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Reporters' statement of the case.

- VI. The Indians who were allowed to remain in Michigan are not entitled to any entire annuity, but only to their "just proportion" in the ratio of those who remained to those who removed.
- VII. The jurisdictional act does not authorize the court to treat perpetual annuities as ended and allow a recovery for the valuation of the same.

The Reporters' statement of the cases:

The following are the facts of these cases as found by the court:

I. In an article supplementary to treaty of 27th September, 1833, it is provided that a part of the band residing on the reservation in the Territory of Michigan, on account of their religious creed, might remove to the northern part of the peninsula of Michigan, and, in case of such removal, the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation on which they then resided should be paid to them at L'Arbre Croche. (7 Stat. L., pp. 442-443.)

II. Some of the Pottawatamie Indians of Michigan and Indiana did remove, in obedience to this article, from their reservation to the northern part of the peninsula of Michigan, but most of them remained in southern Michigan, to which the Government did not object, and dealt with them, not enforcing the requirement of removal, as hereinafter shown.

III. The said Indians have not received since 1835 any payments from the annuity of \$1,000 under the fourth article of the treaty of August 3, 1795. (Ib., p. 51.)

They have not received any payments since 1835 under the third article of the treaty of September 30, 1809. (Ibid., p. 114.)

They have not received any payment since 1835 under the third article of the treaty dated October 2, 1818. (Ibid., p. 185.)

They have not received any payment under the fourth article of the treaty of August 29, 1821 (Ibid., p. 220) since the year 1835.

They have not received any payment under the third article of the treaty of October 16, 1826. (Ib., p. 295.)

They have not received any payments since 1835 under the second article of the treaty of September 20, 1823. (Ib., p. 317.)

IV. Under the treaty of July 29, 1829 (ib., p. 320), the claimants have received payments as hereinafter shown.

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V. The said Indians have not received any payments since 1835 under the third article of the treaty of October 20, 1822. (Ibid., p. 379.)

They have not received since 1835 any payments under the third article of the treaty of 26th of October, 1832.

They have not received any payments under the treaty of June 17, 1840. (Ib., p. 55.)

VI. The said Indians have received a portion of the sum of \$2,000 under the articles supplementary to the treaty of October 26, 1833 (ib., p. 442), as shown in finding VIII.

VII. Amount paid Pottawatamie Indians of Michigan and Indiana:

There were paid the said Indians from the year 1843 to 1863 inclusive, 21 years, \$1,567.50 per annum.	63,922.50
In 1864	1,237.50
In 1865	1,567.50
In 1866, in accordance with public act.....	29,000.00
	75,727.50

The payments made between 1843 and 1863 were paid as the said Indians' proportion of the \$16,000 annuity accruing under the treaty of July 29, 1829, and \$2,000 under the supplemental treaty of September 26, 1833; the \$39,000 under the *Joint Resolution July 28, 1866* (14 Stat. L., p. 270); said payments were made out of the funds of the United States. No funds due the Pottawatamie Nation have ever been received by the Government for the payment of the Indians of that nation residing in the States of Michigan and Indiana.

In making the said payment of \$1,567.50 from the year 1843 and the \$39,000 the following basis was assumed by the defendants:

"TREASURY DEPARTMENT,

"SECOND AUDITOR'S OFFICE,

"Washington, D. C., May 4, 1871.

"WM. U. SEVERANCE, Esq.,

"415 9th Street, Washington, D. C.:

"SIR: In reply to your letter of the 29th ult., asking for information relative to payments made by U. S. as annuities, etc., to Pottawatamies of Michigan and Indiana since 1835, and also the number of Indians that received for said annuities, I have to state that the records of this office show that

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the Chippewas, Ottawas, and Pottawatomies of Michigan, within the Mackinac Indian Agency, were paid as follows:

Year.	Name.	No. paid.	Amount.
1823	Robert Stuart	253	\$1,567.50
1824	do	253	1,567.50
1825	Wm. A. Richmond	217	1,567.50
1826	do	217	1,567.50
1827	do	217	1,567.50
1828	do	217	1,567.50
1829	Chas. F. Babcock	219	1,567.50
1830	do	219	1,567.50
1831	Wm. Sprague	214	1,567.50
1832	do	219	1,567.50
1833	Henry T. Gilbert	216	1,567.50
1834	do	216	1,567.50
1835	do	217	1,567.50
1836	do	217	1,567.50
1837	A. N. Fitch	217	1,567.50
1838	do	217	1,567.50
1839	do	218	1,567.50
1840	do	218	1,567.50
1841	Dr. Wm. C. Leach	216	1,567.50
1842	do	216	1,567.50
1843	do	217	1,567.50
1844	do	217	1,567.50
	Principal in currency		5,274.74
	Gold premium in currency		1,567.50
1823	Rich'd M. Smith	272	22,000.00
1828	do	272	22,000.00

* Should be 276 Indians.

"The latter payment was made Nov. 21, 1866, and the caption to the voucher is as follows:

"We, the chiefs, headmen, heads of families, and individuals without families of the Chippewas, Ottawas, and Pottawatomies, Michigan Indians, within the Mackinaw Indian Agency, do hereby acknowledge the receipt and actual payment to us by Rich. M. Smith, United States Indian agent, in distributive shares of \$169.50 each, of the sum of thirty-nine thousand dollars in currency, it being the amount allowed us by joint resolution of Congress, approved July 28, 1866, and which is in full and complete satisfaction of all claims and demands of every kind and nature whatsoever, past, present, or future, in our favor, and against either the said United States or Pottawatomie Nation of Indiana therein, and whether such claims or demands arise out of any treaty heretofore made with us, the said Chippewas, Ottawas, and Pottawatomies, or any band or confederation thereof or otherwise."

"E. B. FRENCH,
"Second Auditor."

The said distribution was made in substantially the following ratio: 253 east and 2,814 west.

VIII. The following table is an exhibit of the different amounts specified in the various treaties and the enumeration of the Indians who emigrated west of the Mississippi and those

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remaining east as coming within the supplemental articles to the treaty of September 26, 1831:

Treaty.	Annual amount.	Time.	Amount due fourth semi-annual decade to 1825.	Amount due 5th semi-annual decade to 1831.	Amount due sixth semi-annual decade to 1835.	Amount due seventh semi-annual decade to 1841.	Amount due to 1871 for one year.
Aug. 8, 1795	\$1,000	Perpetual	\$ 50,000	\$ 50,000	50,000	50,000	\$1,000
Sept. 20, 1800	1,000	do	2,500	2,500	2,500	2,500	2,500
Oct. 2, 1810	2,000	do	12,500	12,500	12,500	12,500	12,500
Aug. 20, 1821	5,000	20 years					
Oct. 14, 1823	2,000	22 years					
Sept. 20, 1828	2,000	Perpetual	5 50,000	5 50,000	50,000	50,000	1,000
Sept. 20, 1829	1,000	20 years					
July 28, 1830	10,000	Perpetual	5 50,000	5 50,000	50,000	50,000	1,000
Oct. 20, 1832	15,000	20 years					
Oct. 20, 1833	20,000	do					
Oct. 27, 1835	15,000	22 years					
June 17, 1840	200	Perpetual	5 1,500	5 1,500	1,500	1,500	200
Total			111,500	111,500	111,500	111,500	22,000

Treaty.	Annual amount.	Time.	Amount due in 1825.	Amount due 5th semi-annual decade to 1831.	Amount due sixth semi-annual decade to 1835.	Amount due seventh semi-annual decade to 1841.	Amount due to 1871 for one year.
Aug. 8, 1795	\$1,000	Perpetual	\$1,000	\$ 5,000	\$ 5,000	\$ 5,000	\$1,000
Sept. 20, 1800	1,000	do	2,500	2,500	2,500	2,500	2,500
Oct. 2, 1810	2,000	do	5,000	5,000	5,000	5,000	5,000
Aug. 20, 1821	5,000	20 years	2,500	10,000	10,000	10,000	2,500
Oct. 14, 1823	2,000	22 years	2,000	10,000	10,000	10,000	2,000
Sept. 20, 1828	2,000	Perpetual	2,000	10,000	10,000	10,000	2,000
Sept. 20, 1829	1,000	20 years	1,000	5,000	5,000	5,000	1,000
Oct. 20, 1832	15,000	20 years	15,000	75,000	75,000	75,000	15,000
Oct. 20, 1833	20,000	do	20,000	100,000	100,000	100,000	20,000
Oct. 27, 1835	15,000	22 years	15,000	75,000	75,000	75,000	15,000
June 17, 1840	200	Perpetual	200	1,000	1,000	1,000	200
Total			50,000	500,000	500,000	500,000	210,000

Years.	Indians west of the Mississippi.	Indians in Michigan and East.	Total number of Indians.	Amount due the nation.
1820	2,248	258	2,506	\$66,650.00
1821	2,270	272	2,542	68,100.00
1822	2,291	286	2,577	69,550.00
1823	2,312	299	2,611	71,000.00
1824	2,333	313	2,646	72,450.00
1825	2,354	327	2,681	73,900.00
1826	2,375	341	2,716	75,350.00
1827	2,396	355	2,751	76,800.00
1828	2,417	369	2,786	78,250.00
1829	2,438	383	2,821	79,700.00
1830	2,459	397	2,856	81,150.00

IX. The said Indians have not been paid any money of an annuity of \$2,000 under the treaty of October 16, 1825, for the year 1848; nor any money of an annuity of \$1,000 under the treaty of September 20, 1828, for the year 1848; nor of an annuity of \$15,000 under treaty of October 20, 1832, for the year 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852;

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nor of an annuity of \$20,000 for the year 1852 under treaty of October 26, 1832; nor of an annuity of \$15,000 for the year 1844 under treaty of October 27, 1832. Calculated at the ratio of 291 to 2,812, their just proportion would amount to the sum of \$17,630.67 to June 30, 1892. The amounts are of the treaties set forth in finding VIII, and represent omitted payments under the different treaties.

X. During a period commencing in 1836 and extending to 1872 the relative number of Indians remaining in Michigan under said treaty of September 27, 1833, and those emigrating was in the proportion of 291 to 2,812. The said number 291 and 2,812 is an average from 1833 at the time of the treaty who resided in the reservation in southern Michigan.

A number of other Indians residing in said reservation remained in the State of Michigan, as is shown by the findings hereafter. The court finds that the number of Indians remaining in the State of Michigan after the treaty of September 27, 1833, residing in the reservation in the Territory of Michigan who staid on account of their religious creed, is as set forth in finding X, to wit, 291 to 2,812 emigrating under said treaty.

XI.—Many of the Indians residing in the State of Michigan on said reservations were opposed to emigrating west with the main tribe and refused to go. They were dissatisfied with the treaty which made it their duty to go; and the result was the Government had to resort to force to compel their departure. In the struggle incident to the enforcement of the treaty many Indians refused to go. Those Indians did not come within the supplemental clause of the treaty of September 27, 1837, as construed by the agents of the Government. In evading the officers and agents of the Government they scattered into different parts of the State, many of them going to the northern portion. It is impossible to determine with substantial accuracy the number so remaining, but they outnumbered the Indians who remained by consent of the agents of the Government as coming within the exception as to removal. The two classes numbered 1,100.

XII.—A portion of the Indians who remained as coming within the exemption of the treaty of September 27, 1833, are represented in both petitions; those who did not emigrate and who were not recognized by the agents and officers of the de-

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fendants as coming within said exemption are represented in petition No. 16842.

XIII.—The payments mentioned in finding VII were made in southern Michigan, and none of the Indians so paid permanently removed to the northern part of the peninsula of the State of Michigan. The payments mentioned in said finding were made to a part of the Pokagan and a portion to the Nottawasipi bands of the Potawatomes.

The rest of the Indians residing on said reservations in 1833 and 1836 received no part of said money mentioned in finding VII.

XIV. The Indians mentioned in finding VIII described as "those remaining east and coming within the supplemental articles to the treaty of September 26, 1833, are those parts of the Pokagan and Nottawasipi bands to whom the payment mentioned in the said letter of Hon. E. B. French was made, as shown in finding VII.

But few of the Indians mentioned in finding VIII removed to the northern part of the peninsula of Michigan. The great body of them remained in southern Michigan, and were there paid, as shown in finding VII.

The United States never made any tender to any Indians at L'Arbre Croche; nor made any payment in the northern part of the State of Michigan. The agents of the Government did not insist upon the removal of the Indians as a condition of their right of payment at any time either before or at the time of payment.

Mr. John B. Shipman for Phineas Pam to-Pee and others.

Mr. John Critcher and *Mr. George N. Huestell* for the Potawatome Indians of Michigan and Indiana.

Mr. James H. Nixon (with whom was *Mr. Assistant Attorney-General Cotton*) for the defendants.

WELDON, J., delivered the opinion of the court:

In order to judicially determine the claim of certain Indians against the United States, Congress in the year 1840 passed an act entitled "An act to ascertain the amount due the Potawatome Indians of Michigan and Indiana," as follows:

Whereas representatives of the Potawatome Indians of Michigan and Indiana, in behalf of all the Potawatome In-

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dians of said States, make claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon: power is hereby granted the said court to review the entire question of difference de novo, and it shall not be estopped by the joint resolution of Congress approved twenty-eighth July, eighteen hundred and sixty-six, entitled "Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor shall said receipt be evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States, the Attorney-General may, within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawatomie Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such cases precedence.*

"*Sec. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatomie Indians claim to recover and the amount of their claims, and said petition may be verified by a member of any "Business Committee" or an authorized attorney of said Indians as to the existence of such facts, and no other statement need be contained in said petition or verification.*

"Approved March 19, 1890."

On the 14th of April, 1890, a petition was filed in case No. 16743 in behalf of the Pottawatomie Indians by Mr. John Critcher; and as it is alleged "the authorized attorney of said Indians, as appears by agreement between said Critcher and the 'business committee' of said Indians dated September 29, 1887." On the 5th day of November, 1890, another petition was filed in the name of Phineas Pam-to-peo and 1,371 other Pottawatomie Indians of Michigan and Indiana in case No. 16843. The last petition was filed by Mr. John B. Shipman as attorney for petitioners.

On January 8, 1891, the defendants made a motion to consolidate the causes; and on January 19, 1891, made a motion to

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dismiss case No. 16842; both of which motions were by order of the court reserved to be decided on the trial of the cases, which were ordered to be tried together. It is insisted by the counsel for the Government that under the act of our jurisdiction but one petition can be filed, and that, when case No. 16743 was brought, the power and purpose of the statute was exhausted and accomplished. In this jurisdiction the substance of proceedings rather than the form is the material consideration; and the object which Congress had in the passage of the law will be accomplished if possible.

About the year 1830 the Government adopted the policy of extinguishing by purchase all the Indian title to lands east of the Mississippi, and in pursuance of that policy, on the 26th and 27th of September, 1833, entered into two treaties with the united nation of Chippewa, Ottawa, and Pottawatomie Indians, by virtue of which the United States purchased from said united nation 5,000,000 acres of land on the western shore of Lake Michigan, besides three reservations in the southern part of the then Territory of Michigan (7 Stat. L. 442). One of the conditions of the purchase was that the said united nation should within three years remove to a tract of country west of the Mississippi, to be assigned to them by the President, to be not less than 5,000,000 acres.

To the treaty executed on the 27th of September, which was and is supplementary to the treaty of the 26th, there is attached the following provision: "On behalf of the chiefs and headmen of the united nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of concurrence therein, become parties thereto. And as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation on which they now reside shall be paid to them at L'Arbre Croche." (7 Stat. L., 442, 445.)

This supplemental clause to the treaty of the 27th of September, 1833, has been, and is now, the source of the contention and difference between the defendants and that portion of the united nation which did not emigrate beyond the Missis-

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issippi River with the Pottawatomie tribe. Under the terms of this supplement a portion severed its connection with the united nation, and thereby lost its identity with the Pottawatomies as a tribe, in order that it might avail itself of the privilege of remaining in the Territory of Michigan. In ceasing to be a part of the united nation, it did not retain any part of the political or corporate power of the tribe, that was undivided and still inherent in the body which emigrated beyond the Mississippi pursuant to the terms and requirements of the treaty. The portion remaining may have acquired a right to share in the annuities, but the corporate power of the tribe remained intact and incident to the larger body which emigrated.

The reservation spoken of in the treaty consisted of 164 sections, and was situated in the southern portion of Michigan, not far from the State line of Indiana. In case No. 16743 the petition assumes to represent 91 Indians, who are the representatives, as it is alleged, of a part of the band residing on the reservations in the Territory of Michigan; the petition in No. 16842 assumes to represent 1,371 Indians, who are alleged to be a part of the united nation occupying the reservations ceded by the supplementary treaty of September 27, 1833, and which were and are included in the exception (as to removal) of the supplemental article of the treaty of September 27.

It is contended by counsel in No. 16743 that the petitioners in No. 16842 have no rights under the treaties of 1833, and therefore no legal capacity to appear by independent or supplemental petition; and that whatever judgment is recovered must be for the benefit of the 91 persons and those they represent, to the exclusion of any claim upon the part of the individuals represented in case No. 16842. The petitioners in the latter case concede the right of the parties in case No. 16743 to bring the suit and have their claims adjudicated, but insist upon an equal right of investigation and determination.

The preamble to the special law of jurisdiction recites: "Whereas representatives of the Pottawatomie Indians of Michigan and Indiana, in behalf of all the Pottawatomies of said States, make claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore, *Be it enacted*, That the Court of Claims is hereby authorized to take jurisdiction of and try all ques-

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tions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana." The right to sue in some form is given to "all the Pottawatomie Indians" of Michigan and Indiana, and the plaintiffs or petitioners in such a suit are subject only to the qualification or limitation of being Pottawatomie Indians of Michigan and Indiana. The qualification is well defined, and the right extends to all having that qualification. Some of the persons directly represented in the first petition are descendants of persons who belonged to a particular branch of the united nation, and some of the persons named in the second petition are descendants of other persons who belonged to the same band or other bands of Pottawatomies.

In the legislation of our jurisdiction, Congress, have recognized the fact and condition, that representatives of the Pottawatomie Indians of Michigan and Indiana, in behalf of all the Pottawatomies of said States, make claim against the United States on account of various treaty provisions, and upon that fact and condition have provided a jurisdiction in this court, to determine all questions of difference between the United States and said Indians. The purpose of the statute is to settle in an authoritative and judicial form all questions of difference arising from the claim of Pottawatomie Indians of Michigan and Indiana, and any proceeding which accomplishes that purpose, irrespective of technical rules of pleading, is proper and legal under the law of our jurisdiction.

The second section provides that said action shall be commenced by petition stating the facts, and that the same may be verified by a "business committee" or authorized attorney of said Indians. Both of the petitions in this proceeding are verified by the affidavit of the attorney appearing in each case, and in that particular are identical. In each case it appears that by special appointment the attorneys represent some of the Pottawatomies who remained in the State of Indiana and Michigan under the supplemental article to the treaty of 27th of September, 1833. In this view of the statute the court allows the motion of the defendants to consolidate the cases, made on the 8th day of January, 1891, and overrules the motion to dismiss cause No. 16842, made on the 19th January, 1891.

This brings the issue by both petitions to the consideration

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of the court, to be disposed of upon the broad ground of the right of all the Pottawatomies of Michigan and Indiana. Congress have recognized by the very title of the act a claimant designated as the "Pottawatomie Indians of Michigan and Indiana," and under that generic head is to be determined the aggregate right of such claimant, leaving the question of distribution to that Department of the Government, which by law has in-umben^d on it the administration of the trust, which in legal contemplation exists between the United States and the different tribes of Indians. Irrespective of the technical question of who has the right to maintain a suit under the statute, whatever claim any or all of the Indians may have against the defendants grows out of the alleged supplemental article to the treaty of 27th September, 1833. If this is the law, it is a recognition on the part of the defendants of a separate and independent right of a part of the united nation of Chippewa, Ottawa, and Pottawatomie Indians to a division of and a participation in a portion of the fund belonging to the whole nation. It is insisted by counsel for the defendants that said article is no part in law of the treaty of 1833, that it is not binding on the United States, that it is unilateral in form, being unsigned by the commissioners, and that it is not a part of the treaty of the 27th, which it purports to be.

Upon examination of the seventh volume of "United States Statutes at Large," page 445, entitled the Indian Treaties, we find said supplemental article attached to the supplementary articles of the 27th of September, 1833, being supplementary to the treaty of the 26th of September, 1833. The volume of Indian Treaties was published by authority of Congress in the year 1861, and the rights of the United States in the stereotype plates is recognized according to the provisions of the joint resolution of Congress passed on the 3d day of March, 1845; said article has been recognized and acted upon by the executive department of the Government since the year 1833; it was proclaimed by the President as a part of the treaty when the treaty was promulgated, and its binding force is recognized by the provisions of the law of our jurisdiction, because without it the claimant would have no standing in the court.

The fact that the commissioners did not sign it, does not invalidate it as a subsisting and binding obligation, as the con-

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stitutional right of the President to make a treaty with the concurrence of the Senate does not depend upon the action of the commissioners designated to negotiate with the other contracting party.

It is insisted upon the part of counsel for the defendants that the removal of the Indians was a condition precedent to their right to participate in the general fund of the united nation recognized by the treaties of the 26th and 27th days of September, 1833.

That can not now be considered as an original question. The Government, by its agents, laws, and resolutions of Congress, has treated the removal and continued residence in the northern peninsula of Michigan as immaterial, and it is now too late to attempt to ingraft upon the right of the Indians, a removal and continued residence as a condition precedent to their right to participate in the funds arising from the various treaties made with the united nation.

The litigation arises from the provisions of the statute giving this court jurisdiction as applied to the various treaties made between the defendants and the Indian tribes, which constituted in law and fact the representatives of the claimants from the year 1795 to 1836, at which time the main body of the Indians removed west of the Mississippi, leaving the claimants in the States of Michigan and Indiana, under the supplemental article of the treaty of the 27th of September, 1833, already quoted. These suits were brought to recover the alleged share of claimants to annuities secured to them under said treaties.

The consolidated record represents two claimants, each insisting upon a very different result and liability against the defendants. The petition in No. 16743 claims as the balance due from the United States the sum of \$223,033.16 as the just proportion of the Pottawatomie Indians of Michigan and Indiana under the supplementary articles to the treaty of September 27, 1833, while the petition in the case No. 16842 upon like grounds claims the sum of \$963,034.50 as due the entire body, \$804,383.80 of which it is alleged belongs to the petitioners represented in said case. It is rather strange that two claimants, predicated their rights upon substantially the same legal grounds, should differ so materially upon the details of the demand and the aggregate liability of the defendants. The petitioners in case No. 16842 reduce in their request the amount

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of their claim to \$724,907.94, which leaves a difference between them and the claimants in No. 16743 of more than \$500,000.

The difference in the demands arises from the fact that, in No. 16743 the proportion of the fund due at and from the making of the treaty in 1833 is based upon a ratio of less than 300 to about 4,000, while in No. 16842 it is based on a ratio of nearly 1,200 to about 4,000. The subject-matter of this claim has been a source of contention between the claimants in 16743 and the defendants since 1836, that being the time when under the treaty of 1833 the Pottawatomies were to emigrate to lands west of the Mississippi. The claim has been before Congress at many sessions and the subject of investigation and statement in the Indian Department at various times.

In 1866 an appropriation of \$39,000 was made in pursuance of a settlement between the claimants in 16743 and the defendants, which sum was paid and accepted by them in fulfillment and consummation of that settlement; but the act of our jurisdiction provides that we shall not be estopped by "The joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians, nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor shall said receipt be evidence of any fact except the payment of the amount of money mentioned in it." The \$39,000 appropriated and accepted is to operate simply as the payment of that much money on account, leaving the question of differences to be adjusted upon the merits of the whole claim. There is no dispute as to the amount paid the claimants since 1836. Besides the amount of \$39,000 under said resolution, the claimants in 16743 have received the further sum of \$36,162.50, making in the aggregate the sum of \$75,162.50.

The claim in 16842 is based upon the contention that the number of Indians remaining on the reservation in the Territory of Michigan at the time of emigration was 1,173 besides those of 16743, and that the fund arising from the different treaties in which the Michigan Indians have a right to participate must be distributed upon that basis.

As has been said, the policy of the defendants in making the treaty of 1833, was to have the Indians emigrate west of the Mississippi, and it would be remarkable indeed, if they agreed to a supplemental and subsidiary article to said treaty, the effect of which would be to permit so many to remain in the

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State of Michigan. The testimony taken in No. 16842 upon the question of the number remaining, coming from the sources it does, is very unreliable as tending to any definite or satisfactory results. The evidence in the cause indicates that the Indians were so very loath to leave the State of Michigan that the Government was compelled to resort to force in order to compel their emigration, and it is not strange that many Indians remained, in violation of their duty to emigrate, who did not come within the exception. The Government officers, commencing with 1843, in the distribution of the annuity of \$18,000, after an examination and inquiry satisfactory to themselves, and presumably to do justice between the Indians remaining and those emigrating, ascertained and determined the number as coming within the article giving the right to stay at 253, and for a period of twenty-three years, the defendants distributed the annuity of \$1,587.50 and the \$39,000 upon a basis ranging in numbers from 204 to 290, the first being in 1843 at 253, and the last being in 1866 at 230. During all of that time the United States, by its officers and agents, proceeded in the belief that those numbers represented the class which was to participate in the annuity fund without being compelled to remove beyond the Mississippi with the main body of the nation, and the claim now made in 16842 for more than 1,400 first assumed definite form when the statute of our jurisdiction was passed.

This claim as embraced in case No. 16743 has been before Congress, and reports of different committees have reached different results, but Congress and the Departments have in all their investigations assumed the number of Indians remaining under the clause of the treaty entitling them to remain at substantially the number claimed by the petitioners in 16743. There being no dispute as to the amount paid by the Government, and it being expressly provided that the \$39,000 paid under the joint resolution shall be paid on account only, the liability of the defendants is settled by the ratio of the Indians remaining to those emigrating.

In finding VIII will be found a table, which gives the relative number for a period of thirty-six years, antedating the time of the table in finding VII, and on which the \$1,587.50 was distributed, and covering a period of six years later than the table in finding VII. By reference to these findings it will

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be seen that they only differ slightly in the number of persons remaining, but they differ substantially in the number of Indians removing. That table (in finding VIII) was prepared by the officers of the Department, and it seems to the court the most reliable data on which to predicate a finding of the relative proportion of those emigrating and those remaining. The average extending through the thirty-six years is as 291 is to 2,812.

In the preliminary opinion the question whether, under the additional article to the supplementary articles of September 27, 1833, to the treaty of September 26, 1833, the \$38,000 passed *in solido* to the petitioners or only "a just proportion" of the same, was not decided. It was reserved for the final determination of the court, upon the coming in of the statement of the account upon, the ratio indicated in the preliminary statement.

The clause to the supplementary articles, from which the rights of the petitioners originate is as follows: "It is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation on which they now reside shall be paid to them at L'Anbre Croche." (7 Stat. L., 415, entitled "Indian Treaties.")

Both classes of claimants insist that the proper construction of said article is, that the petitioners are entitled to recover in this proceeding the gross sum of said annuity, and not "a just proportion." The counsel for the Government insist that it is to be distributed in a just proportion.

This claim of petitioners is not without persuasive construction in their favor. In the report of the Committee on Indian Affairs of the Senate of the United States entitled "Senate Report No. 121, Forty second Congress, second session," it is said: "The annuity of \$1,587.50 paid the Michigan Indians from 1843 to 1865 was regarded by the commissioners as their just proportion of an annuity of \$16,000 pledged by the treaty of 1829 and of the \$2,000 made payable annually by the supplementary treaties of September 27, 1833:

"Whereas, in the judgment of your committee as expressed in their construction of this and the several treaties, they are entitled to the entire annuity of \$20,000."

This construction of the rights of the petitioners is concurred in by the report of the Committee on Indian Affairs of

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September 27, 1833, of the Fiftieth Congress, first session, Report No. 3502.

The same view of the extent of the rights of the petitioners was taken by the Commissioner of Indian Affairs in his reply of May 12, 1890, to the honorable Secretary of the Interior.

The amount of this annuity in gross is claimed and stated at the sum of \$38,000, which, upon the construction herein indicated, goes to the exclusive benefit of the petitioners, and is to be added to the sum to which they are entitled. We do not think the words of the article providing in favor of the remaining Indians will bear the construction contended for by the petitioners. They were to have, as we construe the words of the treaty, "a just proportion" of the annuities arising from all the treaties provided for in the supplementary articles of the 27th of September, 1833. Those who emigrated under the supplementary articles did not lose their right to participate in the general fund because of the additional clause to said articles. They were not parties to it, and their rights should not be affected by it. To give the whole of the annuity to the remaining Indians would be enlarging the additional article beyond the purpose of its adoption, and in violation of the obvious construction of the language employed in its terms. The remaining Indians simply obtained by the additional article exemption from the obligation of removal and the right to enjoy their share or "just proportion" of the money arising from the provisions and stipulations of the treaty. For these reasons we are constrained to determine that in this proceeding the petitioners are only entitled to "a just proportion" of the \$38,000 provided for in the supplementary articles of September 27, 1833.

The account may be stated as follows:

Of the sum of \$1,432,800, as shown in finding, the proportion of 291 to 3,103 makes the sum of \$134,368.26.

Proportion of the \$38,000 annuity (of \$2,000), \$3,653.00.

Same proportion of annuities \$41,626.00, being the amount due claimants from the perpetual annuities of \$22,300.

From which deduct the sum paid, \$75,162.50.

It is insisted by counsel for the petitioners that in the judgment to be rendered by this court we are to consider perpetual annuities ended, and allow a gross sum for the value of the same. That view was taken by a committee of Congress, and

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in legislating upon the subject Congress had complete control of the matter, and might exercise their discretion upon the grounds of public policy. We must follow the statute of our jurisdiction and determine the rights of the parties as it directs and intends. The purpose of the law was to ascertain the state of the account between the parties, and render a judgment for what might be due the petitioners, if anything. It did not intend to precipitate the payment of perpetual obligations, but to ascertain the present state of indebtedness. It is true that we are empowered "to review the entire question of difference *de novo*;" but it does not follow from that provision of the statute, that perpetual annuities are to be treated as consummated obligations. That provision of the statute was evidently intended to destroy the legal effect of the resolutions referred to in the law and the receipt in full which was executed by the petitioners when the \$28,000 was paid to them in 1866.

We therefore hold, that permanent annuities did not mature as present obligations by the terms of law under which we are proceeding, and we are not authorized to allow the item of \$41,626, representing the perpetual annuity of the just proportion of claimants in the annuity of \$22,300. There is no dispute as to the amount paid petitioners. They received the sum of \$39,000 under the joint resolution of Congress and the additional sum of \$36,162.50, as shown in finding VII.

There is another item in the account and contention of claimants, to wit, the sum of \$17,630, as their just proportion of certain omitted payments, as shown in finding IX. The sum of \$134,368.20 necessarily includes this claim, and as that is an exhibit of the full amount due the claimants under all the treaties, and the fact that there was an omission to pay for the years stated would not increase the amount due the claimant in finding VIII, which states the different accruing rights of the Indians who are parties to the various treaties from and through which the claimants derive their title to share under the additional clause to the supplemental treaty of September 27, 1853.

The case as it existed in the testimony, consisting of oral proof, documents, and reports, and the different results as shown by the conclusions and judgment of the different Departments and committees, made its elements most difficult to

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adjust upon a basis satisfactory to the requirements of judicial accuracy.

The claimants in No. 17922 insisted upon a claim represented by the asserted rights of more than 1,200 persons as coming within the purpose and intent of the supplemental article to the treaty of September 27, 1853.

The Government, from the time its attention through its officers was directed to the rights and interests of the non-emigrating Indians, calculated their numbers at substantially the number which is the basis of the ratio we find in determining the just proportions existing between the emigrating and non-emigrating Indians of the Potawatamie Nation coming within the supplemental article. Allowing to the Potawatamie Indians of Michigan and Indiana what they are entitled to under the various treaties after deducting the payments, a judgment of \$104,626, as shown in the conclusion of law attached to the findings, will be entered.

NOTT, J., concurring:

It seems to me that if any of these Indians are entitled to the unpaid annuities in the Treasury, they are those who went west in conformity with the terms of the treaty and those who went north in conformity with the intent of the supplemental article, but I concur in the judgment of the court, as the simplest method for bringing the whole subject of their conflicting rights to the final arbitration of the Supreme Court.

PERLLE, J., took no part in the decision, the cases having been heard before he took his seat.

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plaintiffs to error any right arising out of the construction of the Federal statutes. It was said by the Chief Justice, in *Cook County v. Calumet & C. Canal & D. Co.*, 138 U. S. 635, 653 [34: 1110, 1116]: "The validity of a statute is not drawn in question every time rights claimed under such statute are controverted, nor is the validity of an authority every time an act done by such authority is disputed."

The attempt to raise for the first time a Federal question in a petition for rehearing, after judgment, even assuming that the petition presented any such question, is clearly too late. It has been repeatedly decided by this court that a Federal question, when suggested for the first time in a petition for rehearing after judgment, is not properly raised so as to authorize this court to review the decision of the highest court of the state. *Texas & P. R. Co. v. Southern Pac. R. Co.*, 137 U. S. 48, 54 [34: 614, 617]; *Butler v. Gage*, 138 U. S. 52 [34: 606]; *Winona & St. P. R. Co. v. Plainville*, 143 U. S. 871 [36: 191]; *Looper v. Texas*, 139 U. S. 462 [35: 225].

In the case of *Barbarie v. Mobile*, 50 U. S. 9 How. 451 [13: 212], it was held that under the twenty-fifth section of the Judiciary Act this court "cannot re-examine the decision of a state court upon a question of boundary between coterminous proprietors of lands depending upon local laws."

The question involved in the present case turned largely upon the provisions of section 8149, Mills' Annotated Statutes of Colorado, and the decisions of the supreme court of that state construing the same, as shown by the case of *Patterson v. Hitchcock*, 3 Colo. 533, which limited the width of mining claims to 100 feet in width on each side of the center of the lode or vein at the surface. The controverted question in the case at bar turned upon which direction the Monitor lode properly ran south of the discovery shaft, and it being found by the jury that the lode or vein did not bear westwardly toward the Annie lode, but southeastwardly and across the western side line of the Monitor claim at a distance exceeding 150 feet from the center of the Annie lode, it followed that the claim of the plaintiff below was sustained, and the jury accordingly returned its verdict that the plaintiff below was entitled to the possession thereof.

The question thus presented and decided involved no construction of any Federal statute, nor did it become necessary to determine the rights of the parties under the Federal mining statutes.

In *Hoby v. Colshour*, 146 U. S. 159 [36: 924], Mr. Justice Harlan, speaking for the court, said: "Our jurisdiction being invoked upon the ground that a right or immunity, specially set up and claimed under the Constitution or authority of the United States, has been denied by the judgment sought to be reviewed, it must appear from the record of the case whether that right, so set up and claimed, was expressly denied, or that such was the necessary effect in law of the judgment."

Applying this rule to the case at bar, there is clearly presented no Federal question, for no right, immunity, or authority under the Constitution or laws of the United States was set up by the plaintiffs in error, or denied by

the supreme court of Colorado, nor did the judgment of that court necessarily involve any such question, or the denial of any such right. We are, therefore, of opinion that the motion to dismiss is well made, and should be allowed, and it is accordingly so ordered.

Mr. Justice Field did not sit in this case, or take part in its decision.

PHINEAS PAM-TO-PEE ET AL., *Apples*,
v.
UNITED STATES.

POTTAWATOMIE INDIANS, *Apples*,
v.
UNITED STATES.

(See S. C. Reporter's ed. 691-705.)

Amount due the Pottawatomie Indians—annuity provided by treaty—distribution of the same—power of Court of Claims—settlement of amounts.

1. The Act of March 19, 1890, to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana, conferred jurisdiction upon the Court of Claims to try all questions of difference arising out of treaty stipulations with the said Indians and to render judgment thereon.
2. The Pottawatomie Indians of Michigan and Indiana are entitled not to the whole, but to a just proportion of the annuity provided for in the supplemental articles of September 27, 1833, to the treaty of September 26, 1833, between the United States and the Pottawatomie tribe or united nation.
3. The two treaties of the United States with the Pottawatomie Indians, of September 26, 1833, and the supplemental one of September 27, 1833, were substantially one treaty, and the annuity given by the supplemental articles was distributable among both classes named in said treaties, giving those who were permitted to remain east a just proportion thereof.
4. No power was given by the Act of March 19, 1890, to the Court of Claims to convert the perpetual annuities due the Pottawatomie Indians into a sum for present payment.
5. How the moneys awarded by the Court of Claims to the Pottawatomie Indians in pursuance of the Act of March 19, 1890, shall be distributed among the several claimants, is a question to be dealt with by the authorities of the government when they come to distribute the fund.

[Nos. 1125, 1133.]

Argued Jan. 9, 10, 1893. Decided April 17, 1893.

APPEAL from a decree of the Court of Claims, establishing the amount that the Pottawatomie Indians of Michigan and Indiana are entitled to recover of the United States, under treaty stipulations with them, and giving judgment for the said Pottawatomie Indians for that amount. *Affirmed*.

See same case below, 27 Ct. Cls. 408.

Statement by Mr. Justice Shiras:

The questions involved in this case grow out of the stipulations of certain treaties entered into between the United States and the Pota-

NOTE.—As to Indians and Indian tribes, their status and rights; jurisdiction and control over them, see note to *Worcester v. Georgia*, 5: 453.

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watome Indians within the period covered by the years 1795 to 1846, inclusive. In some of the treaties various tribes united with the Pottawatomes, but the tribes were recognized by the government as being distinct from one another, and their respective rights and duties under the treaties were therein defined and set forth. In others the Pottawatome Indians were included in the tribe designated as the United Nation of Chippewa, Ottawa, and Pottawatome Indians, but the government seems to have dealt with the united nation as though it were identical with the Pottawatome tribe, and we shall so consider it in the present case. By the various treaties the Indians ceded lands to the government, and received for the same other lands, money, etc., and also pledges of specified annuities. By a treaty made on September 26, 1833, the said United Nation ceded to the United States a tract of land on the western shore of Lake Michigan, containing 5,000,000 acres, and received as the consideration for the cession a reservation 5,000,000 acres in extent, west of the Mississippi river, various sums of money, and the promise from the government of \$250,000, to be paid in annuities of \$14,000 a year for twenty years. It was provided by the treaty that a just proportion of the annuity money named therein, as well as a just proportion of the annuities stipulated for in the former treaties, should be paid west of the Mississippi to such portion of the nation as should have removed thither within three years, and that after the expiration of that time the whole amount of the annuities should be paid at the reservation west. On the day following the execution of that treaty an article supplementary thereto was made on behalf of the chiefs and head men of the nation, by which they ceded to the United States certain lands in the territory of Michigan, south of the Grand river, containing about 164 sections. It was agreed that the Indians making this cession should be considered as parties to the treaty of the preceding day, and be entitled to participate in the benefits of the provisions therein contained, as part of the United Nation. To the supplemental article another provision was added, as follows:

"On behalf of the chiefs and head men of the United Nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of our concurrence therein, become parties thereto.

"And, as since the signing of the treaty a part of the band residing on the reservations in the territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties and that arising from the sale of the reservation on which they now reside shall be paid to them at l'Arbre Croche."

Upon the basis of provisions contained in the various treaties, claims for unpaid annuities have been presented to Congress from time to time on behalf of Indians alleged to represent the part of the band mentioned in the last provision of the said supplemental article, and for the purpose, presumably, of having all questions connected with those claims finally

settled, Congress passed an Act which was approved March 19, 1890 (26 Stat. at L. [693] 24) entitled "An Act to Ascertain the Amount Due the Pottawatome Indians of Michigan and Indiana." The Act is as follows:

"Whereas representatives of the Pottawatome Indians of Michigan and Indiana, in behalf of all the Pottawatome Indians of said states, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: Therefore,

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatome Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference *de novo*, and it shall not be estopped by the joint resolution of Congress approved twenty-eighth July, eighteen hundred and sixty-six, entitled "Joint Resolution for the Relief of Certain Chippewa, Ottawa, and Pottawatome Indians," nor by the receipt in full given by said Pottawatomes under the provisions of said resolution, nor shall said receipt be evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney General is hereby directed to appear in behalf of the government, and if the said court shall decide against the United States the Attorney General may, within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawatome Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Pottawatome Indians shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such cause precedence.

"SEC. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatome Indians claim to recover, and the amount of their claims, and said petition may be verified by a member of any 'business committee' or authorized attorney of said Indians as to the existence of such facts, and no other statements need be contained in said petition or verification."

On behalf of the Pottawatome Indians of Michigan and Indiana, John Critcher filed a petition in the Court of Claims, April 14, 1890, averring that he was the authorized attorney of the said Indians, as, he stated, would appear by an agreement between himself and the business committee of the Indians, dated September 29, 1887, and claiming certain unpaid annuities under the said treaties. The claimant exhibited a table showing by periods of five years, from 1836 to 1872, inclusive, an enumeration of the Indians in Michigan and of those west of the Mississippi, from which it appeared that the average number of the former during that time was 291, and of the latter 2812. The petition contains a statement in detail of the various annuities claimed to be due, and asks for a judgment against the United States in the sum of \$223,035.40, as being in the ratio of 291 to 2812 to the entire amount

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alleged to have been pledged to all the Pottawatomie Indians under the various treaties, plus the amount of \$38,000, the sum of the annuities for nineteen years under the treaty of 1833. The latter sum was claimed on the assumption that the claimants should receive, of the annuities arising from the cession of their lands in southern Michigan, not a just proportion, but the whole amount. The claimants averred that the main tribe of Indians moved to their reservation west of the Mississippi, and that the part of the band which was to remove to the north did so remove in obedience to the terms of the provision supplementary to the treaty of 1833; that they are the representatives of that part of the band, and, as such, are entitled to all the benefits secured by the said supplemental provision.

On November 5, 1890, another petition was filed in the name of Phineas Pam-to-pee and 1871 other Pottawatomie Indians of Michigan and Indiana, by John B. Shipman, their attorney, alleging that they were entitled to share in the annuities secured to the Pottawatomie Indians by the said treaties; that they were not represented in the petition first filed, and that (1915) the attorney named in that petition "had no authority to act for them in the premises. This petition was filed on behalf of certain Indians, citizens of the United States, who were individually described by name and residence, alleged to be all the Pottawatomie Indians, so far as could be ascertained, resident in the said states, except not exceeding 250, from 91 of whom they alleged that the attorney named in the first petition derived his authority to act. The claimants stated, however, that their petition was intended for the benefit of all Indians included in the provisions of the Act of Congress who might choose to take part in the proceedings in the said court. They averred that the Indians designated in the Act, or their ancestors, were parties to all the said treaties, and entitled to share per capita in the annuities secured thereby to the Pottawatomies, and that the conditions imposed upon them by the treaties had been complied with. The claimants alleged that they were entitled to a just proportion of all the annuities provided for by the treaties in question. They interpreted the last provision of the treaty of 1833, as did the claimants in the first petition, to be that the Indians exempted from the requirement of removal west should receive the entirety of the annuity stipulated for in that provision. Under the treaty of 1833 they, therefore, claimed the sum of \$38,000, being \$2000 per year for the nineteen years the same remained unpaid. They also contended that the perpetual annuities provided for should be capitalized and the amounts thereof, in the sum of \$446,000, added to the sum of the past unpaid determinate and perpetual annuities, namely, \$2021,200. Under a treaty made subsequently to 1833, to wit, on June 17, 1846, with the said Indians who emigrated west, the petitioners claimed that the Indians who remained in Michigan were entitled to the sum of \$446,974.80. It is averred that by that treaty the said reservation west of the Mississippi was ceded to the United States by the said Indians, who were promised therefor, in addition to a perpetual annuity of \$2000, the sum of \$850,000, less certain deduc-

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tions provided for in the treaty; that after making such deductions, the balance remaining was \$643,000, which was to be held by the Government as a trust fund for "the Indians, (696 and was to bear interest at 5 per cent, payable annually for thirty years, and until the nation should be reduced below one thousand souls; that the first instalment of interest became payable in 1849; that the total amount of interest up to and including the year 1890 was \$1,850,300, and the value of the same as a capitalized annuity was \$643,000, making an aggregate of \$1,993,300. The petitioners averred that when the final provisions of the treaty of 1833 were executed, the number, as nearly as they could ascertain, of the Indians removing west of the Mississippi was 8840, and the number of those remaining in Michigan was 1110. They, therefore, alleged that the gross amounts stated (with the exception of the said amount of \$38,000), should be apportioned between the Indians who removed west and those who remained in Michigan in the ratio of 8840 to 1110. They deduct from the total of the amounts ascertained as above the sum of \$75,162.50, which they admit that the Indians remaining in Michigan received from the government under the treaties of July 29, 1829, and September 26, 1833, and under the Act of Congress of July 28, 1866, leaving the sum of \$963,038.50. This is the amount alleged to be due the Indians exempted from the requirement of removal west, upon the assumption that their number has remained the same as it was in 1833. The petitioners claimed to represent the Indians only who went north, whose number they alleged to have been the difference between 1110 and the number of those who remained in southern Michigan, and, therefore, the petitioners asked for a judgment for themselves in the sum of \$804,833.80.

On January 8, 1891, the United States moved the Court of Claims to consolidate the cases, and on January 19, 1891, made a motion to dismiss the case presented by the last named petition. The motions were reserved to be decided on the trial, and the court ordered that the cases be tried together. Upon the trial the motion to consolidate the cases was allowed, and the motion to dismiss the second case overruled. The court was of opinion that the purpose of the Act of March 19, 1890, was to have all questions of difference arising from the "claims of the Pottawatomie Indians of (697 Michigan and Indiana settled in an authoritative and judicial form, and that any proceeding which would accomplish that purpose, irrespective of technical rules of pleading, was proper under the Act of Congress. It was further observed by the court that in each case it appeared that by special appointment the attorneys named in the petitions represented some of the Pottawatomie Indians who remained in the states of Michigan and Indiana, and that the essential requirements of the statute were thus fulfilled.

After due proceedings were had in the consolidated case, the Court of Claims, on March 28, 1892 (27 Ct. Cl. 408) found, in substance, the following facts: In obedience to the last provision of the article supplementary to the treaty of September 26, 1833, a few of the Pottawatomie Indians of Michigan and In-

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diana removed to the northern part of the peninsula of Michigan, but the great body of them remained in southern Michigan. To this failure to remove the government did not object, and did not force them to remove. Within the period from 1843 to 1866, inclusive, the Indians remaining in southern Michigan were there paid, by government agents, an aggregate amount of \$75,182.50, \$39,000 of which was the amount provided for by the joint resolution of Congress referred to in the Act giving the Court of Claims jurisdiction in this case. The remaining amount, \$36,182.50, was paid to the Indians as their proportion of annuities secured to them by the treaties of July 29, 1829, and the supplemental provision of the treaty of 1833. During the said period, as shown by a table in the office of the Second Auditor of the Treasury, the average number of Indians in southern Michigan was 253, and of those west of the Mississippi, 2834, and payments were made to the Indians in Michigan in this ratio. None of the Indians so paid permanently removed to the northern part of Michigan. During the period from 1836 to 1872, the average number of Indians in Michigan who remained under the treaty of 1833 was 291, and the average number west of the Mississippi was 2812. A number of other Indians residing on the reservation in Michigan in 1833 remained in the state of Michigan. 608] *Those Indians, and the 291 who stayed on account of their religious creed, numbered in all 1100. Many of the Indians who were in Michigan at the time the treaty of 1833 was made were dissatisfied with the requirement that they should emigrate west with the main tribe, and refused to go. It was necessary for the government to use force to compel them to leave, and in the struggle caused by this attempt to enforce the treaty many of the Indians, in evading the officers and agents of the government, scattered into different portions of the state, and many went to the northern portion. Those Indians did not come within the supplemental provisions of the said treaty, as construed by the agents of the United States. What their number was cannot be ascertained, but they outnumbered the Indians who remained by consent of the government as coming within the final provision of the treaty of 1833. The United States never made any tender to any Indians at l'Arbre Croche, nor in the northern part of Michigan. The agents of the government did not insist upon the removal of the Indians as a condition of their right of payment at any time.

Since 1835 the Pottawatomie Indians of Michigan and Indiana have received no payments of annuities provided for by the treaties of the following dates: August 3, 1795 (art. 4); September 30, 1809 (art. 3); October 2, 1818 (art. 3); August 29, 1821 (art. 4); September 20, 1828 (art. 2); October 20, 1832 (art. 3); October 26, 1832 (art. 3). Of the annuities promised by the treaties of October 16, 1826 (art. 3), and June 17, 1846, they have received no payments. The court also finds, specifically, that the said Indians have not been paid any money of an annuity of \$2000 under the treaty of October 16, 1826, for the year 1848; nor of an annuity of \$1000 under the treaty of September 20, 1828, for the year 1848; nor

of an annuity of \$15,000 under the treaty of October 20, 1832, for the years from 1843 to 1853, inclusive; nor of an annuity of \$20,000 under the treaty of October 26, 1832, for the year 1852; nor of an annuity of \$15,000 under the treaty of October 27, 1833, for the year 1844.

*The claimants in both cases included [609] in the list of treaties under which they requested the court to find annuities to be due them for the time subsequent to 1836, the last named treaty, to wit, that of October 27, 1832, but the court made no finding with regard to payments made thereunder except as to the year 1844.

Upon the foregoing facts the court determined, as a conclusion of law, that the Pottawatomie Indians of Michigan and Indiana were entitled to recover the sum of \$104,626, and gave judgment for the said Pottawatomie Indians in that amount. From that judgment the claimants in both petitions appealed to this court.

Mr. Jno. B. Shipman for appellants in No. 1125.

Messrs. John Critcher and Geo. S. Boutwell for appellants in No. 1133.

Mr. A. X. Parker, Assistant Atty. Gen., for United States.

Mr. Justice Shiras delivered the opinion of the court:

The Act of March 19, 1890, entitled "An Act to Ascertain the Amount Due the Pottawatomie Indians of Michigan and Indiana," conferred jurisdiction upon the Court of Claims to "try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon." The Act granted power to said court to "review the entire question of difference *de novo*," and provided for an appeal to this court by either party.

In pursuance of the provisions of this statute, on the 14th of April, 1890, a petition was filed in the Court of Claims by the Pottawatomie Indians, by their agent and attorney, John Critcher, and on the 5th of November, 1890, another petition by the Pottawatomie Indians, by their agent and attorney, John B. Shipman.

The United States objected to the filing of two petitions, and the court below, over-700 ruling a motion to dismiss the latter petition, consolidated the causes, and dealt with them as one. The two classes of claimants unite in the appeal to this court.

They agree in complaining of the insufficiency of the sum allowed the Indians by the decree of the court below, but they disagree, as between themselves, in respect to the division of the moneys awarded by the decree. The Indians represented by John Critcher claim the entire fund; those represented by John B. Shipman claim a right to participate in the fund, and claim, likewise, as we understand them, that only 91 Indians are really represented in the first petition. We shall first consider the merits of the appeal as against the United States, and afterwards deal with the question of distribution.

The first controverted question is as to whom is due the annuity of \$2000 for twenty years, granted by the last clause of the supplemental

treaty of September 27, 1833. The petitioners claim the entire amount, \$38,000. The United States contend that this amount is distributable between the Indians who went west under the provisions of the treaty of September 26, 1833, and those who remained in Michigan under the supplemental treaty of September 27, in proportion to their respective numbers.

To answer this question, we must resort to the language of the treaties. The 4th article of the treaty of September 26, 1833, is as follows:

"A just proportion of the annuity money, secured as well by former treaties as the present, shall be paid west of the Mississippi to such portion of the nation as shall have removed thither during the ensuing three years. After which time the whole amount of the annuities shall be paid at their location west of the Mississippi." 7 Stat. at L. 431.

The articles supplementary, of September 27, provided as follows (7 Stat. at L. 442):

"Article 1st. The said chiefs and head men cede to the United States all their land situate in the territory of Michigan south of Grand river, being the reservation at Notawasepe, of 4 miles 70 1/2 square, contained in the 3d clause of the 2d article of the treaty made at Chicago on the 29th day of August, 1821; and the ninety-nine sections of land contained in the treaty made at St. Joseph on the 19th day of September, 1827; and also the tract of land on St. Joseph river opposite the town of Niles, and extending to the line of the state of Indiana, on which the villages of To-pe-ne-bee and Pokagon are situated, supposed to contain about 49 sections.

"Article 2d. In consideration of the above cession it is hereby agreed that the said chiefs and head men and their immediate tribes shall be considered as parties to the said treaty to which this is supplementary, and be entitled to participate in all the provisions therein contained as a part of the United Nation; and further, that there shall be paid by the United States the sum of \$100,000, to be applied as follows: Here follows a specific disposition of \$60,000 of it.

And then this is added:

"And \$40,000 to be paid in annuities of \$2000 a year for twenty years, in addition to the \$280,000 inserted in the treaty, and divided into payments of \$14,000 a year.

"Article 3d. All the Indians residing on the said reservations in Michigan shall remove therefrom within three years from this date, during which time they shall not be disturbed in their possession, nor in hunting upon the lands as heretofore. In the meantime no interruption shall be offered to the survey and sale of the same by the United States. In case, however, the said Indians shall sooner remove the government may take immediate possession thereof."

On page 445 appears the following, signed by eight Indians but not signed by the commissioners:

"On behalf of the chiefs and head men of the United Nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of our concurrence therein, become parties thereto.

"And as since signing of the treaty a part of

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the band residing on the reservations in [702] the territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of the peninsula of Michigan, it is agreed that in case of such removal the just proportion of all annuities payable to them under former treaties, and that arising from the sale of the reservation on which they now reside shall be paid to them at l'Arbre Croche."

The court below held, with the United States, that under these provisions these claimants were entitled, not to the whole, but to "a just proportion" of this annuity provided for in the supplemental articles of September 27, 1833; and in this view we concur.

It was admitted that the one year's annuity, \$2000, had been paid, leaving to be paid \$36,000, of which amount the court awarded in favor of the claimants, as "a just proportion thereof," the sum of \$3653.60. The court arrived at this particular sum by taking the number of the Indians who went west at 2312, and the number of those who were permitted to remain east as 291.

It is claimed that the court below erred in this method of computation, because it gives an interest to Indians who were not entitled, under the supplemental treaty of September 27, 1833, to participate in this fund. An examination of that treaty shows that the annuity of \$2000 for twenty years was in part consideration of the cession by the Indians who took part in it of 49 sections of reservations on which they were then settled; and it is claimed with considerable force that the proceeds of the sale of such reservations, so far as this annuity was concerned, should be distributed among the Indians on whose behalf the supplemental treaty was made, to the exclusion of those who had made the treaty of the day before.

However, we think the court below was right in refusing to adopt this view of the case, and in regarding the two treaties as substantially one, and that, therefore, this annuity was distributable among both classes, giving to those who were permitted to remain east "a just proportion thereof."

The conclusion arrived at by the court below, in its 8th finding, was that, under the [703] several treaties and upon the entire account, there had accrued to the entire tribe, those who had gone west and those who had remained in Michigan and Indiana, the sum of \$1,432,800; that the portion of this that belonged to the petitioners was \$134,863.26. To this is to be added the proportion awarded the petitioner of the \$2000 annuity under the supplemental treaty of September 27, 1833, being, as we have already seen, \$3653.60. The court below further awarded the petitioners, as their proportionate share of the money due and unpaid of the perpetual annuities under the treaties of September 26 and 27, 1833, the sum of \$41,026. As against these sums the court below charged the petitioners with the sum of \$75,162.50, which amount it is admitted has been received. The court below was urged to decree that the perpetual annuities under said treaties should be reduced to a cash basis, as of the present time, and be now paid. Such a disposition of these annuities would be a very

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convenient one, and all the claims of the petitioners would thereby be finally closed. But the court properly held that no power had been given it to convert the perpetual annuities into a sum for present payment; and that matter must be left to be hereafter dealt with by Congress.

As the United States took no appeal, the several contentions on their behalf are not before us for consideration.

Accepting, as we must do, the facts of the case as found by the court below, we perceive no error in its decree establishing the sum due to the petitioners.

How the moneys so awarded shall be distributed among the several claimants it is not easy for us to say. The findings of the court below, and the contradictory statements of the several briefs filed by the appellants, have left this part of this subject in a very confused condition. The court says:

"The second section that said action shall be commenced by petition, stating the facts, and that the same may be verified by a 'business committee,' or authorized attorney of said Indians. Each of the petitions in this proceeding is verified by the affidavit of the attorney appearing in each case, and in that particular are [704] identical. In each case it appears that by special appointment the attorneys represent some of the Pottawatomies who remained in the states of Indiana and Michigan, under the supplementary article to the treaty of September 27, 1833. In this view of the statute the court allows the motion of the defendants to consolidate the cases made on the 8th day of January, 1891, and overrules the motion to dismiss cause No. 16,842, made on the 19th of January, 1891.

"This brings the issue by both petitioners to the consideration of the court, to be disposed of upon one broad ground of the right of all the Pottawatomies of Michigan and Indiana. Congress have recognized by the very title of the Act a claimant designated as the 'Pottawatomie Indians of Michigan and Indiana,' and under that generic head is to be determined the aggregate right of such claimant, leaving the question of distribution to that department of the government, which by law has incumbent on it the administration of the trust which in legal contemplation exists between the United States and the different tribes of Indiana."

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On the other hand, it is contended, with great show of reason, by the petitioners who are represented in case No. 1125 (16,842 in the court below) that the question of what Indians are entitled to participate in the fund is one of law, to be settled by the court, and should not be left to clerical functionaries. Our difficulty, in disposing of this part of the subject, is that we have neither findings nor concessions that enable us to deal with it intelligently.

It is to be observed that the court below found, as a fact (see finding 10) that the average proportion between the Indians who removed west and those who remained was as 2312 of the former to 291 of the latter, and the court used that relative proportion of numbers as a factor in computing the amount due the petitioners.

The petitioners, however, number 1371 in case No. 1125, but the number represented in No. 1133 (16,473 in the court below) is not precisely stated. It is alleged in the brief filed in behalf of petitioners in case No. 1125 that only 91 Indians are actually represented in case No. 1133, and that the "other 200 Indians [705] are among those represented in case No. 1125.

But these facts are not found for us in any authoritative form. Nor, indeed, would it seem that the court below was furnished with information sufficient to enable it to define what Indians or what number of Indians, entitled to distribution, are represented by the respective attorneys or agents.

Unable as we are to safely adjudicate this question as between these classes of claimants, we can do no better than acquiesce in the suggestion of the court below, that it is one to be dealt with by the authorities of the government when they come to distribute the fund.

As these petitioners no longer have any tribal organization, and as the statutes direct a division, of the annuities and other sums payable, by the head, and as such has been the practice of the government, perhaps the necessities of the situation demand that the identification of each claimant entitled to share in the distribution shall be left to the officers who are the agents of the government in paying out the fund. *United States v. "Old Settlers," ante*, p. 509.

The decree of the court below is affirmed.

court's decision in *The Pennsylvania*, 10 Wall. 125, 22 L. ed. 148, a [433] privileged vessel, which, before a collision with a burdened vessel, ported her helm in violation (*prima facie*, at least) of article 21 of the International Regulations, may be held responsible for the collision,"

"Subsequent to the decision of the circuit court of appeals your petitioner instituted proceedings for limitation of liability, which, after the denial by this court of the original petition, were prosecuted to a decree under which payments were made to the respondents by the clerk of the district court. As these payments were made under compulsion, they would be recoverable by your petitioner in the event that this court should reverse the decision of the circuit court of appeals."

In their memorandum opposing the second petition for certiorari, counsel for the Insurance Association said: "The case is settled and closed." And after referring to steps taken in the limitation proceeding, and quoting from the decree therein, dated April 22, 1915, they added: "All the claimants have been paid the respective proportions of the fund ascertained to be due them, and have executed receipts of discharge in the terms provided by the decree. The case is, therefore, finally closed and settled as between all the parties, and such settlements have been made without any reservation of rights on the part of the petitioner."

We were not advised by petition of June 15, 1915, or memorandum opposing it, that the final decree in the limitation proceedings was based upon an express compromise agreement; otherwise the writ would not have been allowed. At the hearing counsel expressed different views concerning the ultimate effect of that decree and the reasons for its form; and they made it quite plain that there was no purpose to mislead us. Nevertheless, in the circumstances, we think it was incumbent upon counsel for both sides to see that the petition and reply thereto disclosed the real situation. The oversight has resulted [434] in unfortunate delay and needless consumption of time.

During the last term one hundred fifty-four petitions for certiorari were presented and acted upon. Because of recent legislation—Act of September 6, 1916, chap. 448, 39 Stat. at L. 726—their number hereafter may greatly increase. Such petitions go first to every member of the court for examination,

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and are then separately considered in conference. This duty must be promptly discharged. We are not aided by oral arguments, and necessarily rely in an especial way upon petitions, replies, and supporting briefs. Unless these are carefully prepared, contain *appropriate* references to the record, and present with *studied accuracy, brevity, and clearness* whatever is essential to ready and adequate understanding of points requiring our attention, the rights of interested parties may be prejudiced and the court will be impeded in its efforts properly to dispose of the causes which constantly crowd its docket.

Dismissed.

JOHN WILLIAMS, Chief; Michael Williams, Secretary, et al., Appts.,

v.

CITY OF CHICAGO, Illinois Central Railroad Company, et al.

(See S. C. Reporter's ed. 434-438.)

Indians — relative title of Indians and government — occupancy or fee.

1. The only possible immemorial right which the Pottawatomie Nation had in the country claimed as their own at the time of the concluding of the Greenville Treaty of Peace of August 3, 1795 (7 Stat. at L. 51), was that of occupancy.

[For other cases, see *Indians, V.*, in Digest Sup. Ct. 1908.]

Indians — tribal lands — treaty stipulations — occupancy or fee.

2. Nothing more than a right of continued occupancy could be claimed by the Indians under the Greenville Treaty of Peace of August 3, 1795 (7 Stat. at L. 51), by which the United States stipulated with the Pottawatomies and other Indians that, generally, in respect of a large territory westward of a line passing through Ohio, "the Indian tribes who have a right to those lands are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell

Note.—As to enforceability of rights of Indians in court of justice—see note to *Missouri P. R. Co. v. Cullers*, 13 L.R.A. 542.

As to titles derived from Indian sources—see *Briggs v. Sample*, 10 L.R.A. 132.

As to construction and operation of treaties—see note to *United States v. The Amistad*, 10 L. ed. U. S. 826.

As to rights and status of Indians—see note to *Worcester v. Georgia*, 8 L. ed. U. S. 484.

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their lands or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States and against all other white persons who intrude upon the same." When this right of occupancy was abandoned, all legal right or interest which both tribe and its members had in the territory came to an end.

[For other cases, see *Indians, V.*, in *Digest Sup. Ct.* 1908.]

[No. 128.]

Argued December 22, 1916. Decided January 8, 1917.

APPEAL from the District Court of the United States for the Northern District of Illinois to review a decree dismissing the bill in a suit by Pottawatomie Indians to establish title to lands reclaimed from Lake Michigan. Affirmed.

The facts are stated in the opinion.

Mr. J. G. Grossberg argued the cause, and, with Mr. W. W. De Armond, filed a brief for appellants:

The primary title to the country known to history as the Northwest Territory, whatever the nature of that title, was in the Indians.

Northern P. R. Co. v. United States, 227 U. S. 355, 366, 57 L. ed. 544, 550, 33 Sup. Ct. Rep. 368; *Johnson v. McIntosh*, 8 Wheat. 543, 547, 596, 5 L. ed. 681, 682, 694; *Barker v. Harvey*, 181 U. S. 481, 45 L. ed. 963, 21 Sup. Ct. Rep. 690; *Mitchel v. United States*, 9 Pet. 711, 754, 9 L. ed. 283, 298; *United States v. Joseph*, 94 U. S. 614, 24 L. ed. 295; *Fellows v. Blacksmith*, 19 How. 366, 15 L. ed. 684; *Worcester v. Georgia*, 6 Pet. 515, 544, 545, 8 L. ed. 483, 495; *Indian Land Cessions*, 535, 553, 554, 640; 1 *American State Papers*, Class II, "Indian Affairs," pp. 13, 53.

This title included lakes and rivers and their islands and the submerged lands as well as the upland.

Winters v. United States, 207 U. S. 564, 52 L. ed. 340, 28 Sup. Ct. Rep. 207; *Knight v. United Land Assn.* 142 U. S. 161, 35 L. ed. 974, 12 Sup. Ct. Rep. 258; *San Francisco v. Le Roy*, 138 U. S. 656, 34 L. ed. 1096, 11 Sup. Ct. Rep. 364; 1 *American State Papers*, Class R. pp. 573, 574.

The treaty of cession of 1783 whereby the country was ceded by Great Britain to the United States conveyed merely whatever claim or title Great Britain had, and was subject to that of the Indians.

In other words, the United States acquired no greater title than Great Britain had before that.

Worcester v. Georgia, 6 Pet. 515, 544, 555, 8 L. ed. 483, 495, 499; *Johnson v. McIntosh*, 8 Wheat. 543, 584, 5 L. ed. 681, 691; *United States v. Percheman*, 7 Pet. 51, 86, 8 L. ed. 604, 617; *Mitchel v. United States*, 9 Pet. 711, 734, 9 L. ed. 283, 291; *Strother v. Lucas*, 12 Pet. 410, 435, 9 L. ed. 1137, 1146; *Wilson v. Wall*, 6 Wall. 83, 18 L. ed. 727; *Holden v. Joy*, 17 Wall. 211, 21 L. ed. 523; *Francis v. Francis*, 203 U. S. 233, 239, 51 L. ed. 165, 167, 27 Sup. Ct. Rep. 129.

The so-called Greenville Treaty of August 3, 1795, between the United States and the twelve Indian Nations or Tribes of the Northwest Territory, was, for practical purposes, a deed in partition; and each party to the partition took an absolute fee-simple title in the part deeded to him.

Worcester v. Georgia, 6 Pet. 515, 553, 582, 8 L. ed. 483, 498, 508; *Rutherford v. Greene*, 2 Wheat. 196, 4 L. ed. 218; *New York Indians v. United States*, 170 U. S. 1, 16, 20, 42 L. ed. 927, 932, 934, 18 Sup. Ct. Rep. 531; *Libby v. Clark*, 118 U. S. 250, 30 L. ed. 133, 6 Sup. Ct. Rep. 1045; *Winters v. United States*, 207 U. S. 564, 576, 52 L. ed. 340, 346, 28 Sup. Ct. Rep. 207; *Jones v. Meehan*, 175 U. S. 1, 10-12, 44 L. ed. 49, 53, 54, 20 Sup. Ct. Rep. 1; *Kansas Indians (Blue Jacket v. Johnson County)* 5 Wall. 737, 18 L. ed. 667; *Choctaw Nation v. United States*, 119 U. S. 1, 30 L. ed. 306, 7 Sup. Ct. Rep. 75; *Choate v. Trapp*, 224 U. S. 665, 675, 56 L. ed. 941, 945, 32 Sup. Ct. Rep. 565; *Northern P. R. Co. v. United States*, 227 U. S. 355, 366, 367, 57 L. ed. 544, 550, 551, 33 Sup. Ct. Rep. 368; *United States v. Rickert*, 188 U. S. 432, 47 L. ed. 532, 23 Sup. Ct. Rep. 478; *Indian Land Cessions*, p. 535; *Francis v. Francis*, 203 U. S. 233, 239, 51 L. ed. 165, 167, 27 Sup. Ct. Rep. 129; *United States v. Paine Lumber Co.* 206 U. S. 467, 473, 51 L. ed. 1139, 1142, 27 Sup. Ct. Rep. 697.

As between the twelve Indian nations who were party to the Greenville Treaty the land was held in severalty by the respective Nations; and the land in question was the property of the United Nation of Ottawas, Chippewas, and Pottawatomies; usually, though, referred to as the Pottawatomie Tribe or Nation.

Doe ex dem. Mann v. Wilson, 23 How. 457, 16 L. ed. 584; *Phineas Pam-To-Pee v. United States*, 148 U. S. 691, 37 L. ed. 613, 13 Sup. Ct. Rep. 742.

Prior to 1871 there was no way of

extinguishing the title to any Indian land except by conquest or by voluntary cession from the Indians to the government.

2 *Koppler, Indian Affairs*, p. 42; *United States v. 43 Gallons of Whisky (United States v. Lariviere)* 93 U. S. 188, 23 L. ed. 846; *Annual Report of Commissioner of Indian Affairs for 1890*, p. 29; *New York Indians (Fellows v. Denniston)* 5 Wall. 761, 18 L. ed. 708; *New York v. Dibble*, 21 How. 366, 16 L. ed. 149.

The nature of the Indian title which existed prior to the Greenville Treaty is entirely immaterial, for courts cannot go behind a treaty.

Fellows v. Blacksmith, 19 How. 366, 15 L. ed. 684; *United States v. Paine Lumber Co.* 206 U. S. 467, 51 L. ed. 1139, 27 Sup. Ct. Rep. 697; *Worcester v. Georgia*, 6 Pet. 515, 593, 8 L. ed. 483, 512.

A sole exception to the absolute right to the soil in the Indians, even independently of the Treaty of Greenville, was that imposed by irresistible power which excluded them from intercourse with any other European potentate, and imposed restrictions upon alienation of their land accordingly.

Worcester v. Georgia, 6 Pet. 515, 559, 8 L. ed. 483, 500.

There can be no claim of title upon the theory of abandonment. Affirmative action is required on the part of the Indians and also a legislative or judicial proceeding in the nature of an inquest of office to constitute an abandonment of title. Mere failure to assert title is not sufficient.

Mitchel v. United States, 9 Pet. 711, 742, 749, 9 L. ed. 283, 294, 297; *New York Indians v. United States*, 170 U. S. 1, 20, 42 L. ed. 927, 934, 18 Sup. Ct. Rep. 531; *Schulenberg v. Harriman*, 21 Wall. 44, 22 L. ed. 551; *Van Wyck v. Knevals*, 106 U. S. 360, 27 L. ed. 201, 1 Sup. Ct. Rep. 336; *St. Louis I. M. & S. R. Co. v. McGee*, 115 U. S. 469, 29 L. ed. 446, 6 Sup. Ct. Rep. 123; *Rowland v. Ladiga*, 21 Ala. 9; *Indian Land Cessions*, pp. 535, 539.

At least, cessation of occupancy must be in pursuance of agreement of cession, to constitute abandonment.

Buttz v. Northern P. R. Co. 119 U. S. 55, 30 L. ed. 330, 7 Sup. Ct. Rep. 100.

Even treating the Indian title as one of permanent occupancy, that title is superior to the title of the government, and limits necessarily its power of disposal.

Barker v. Harvey, 181 U. S. 481, 45

L. ed. 963, 21 Sup. Ct. Rep. 690; *New York Indians v. United States*, 170 U. S. 1, 20, 42 L. ed. 927, 934, 18 Sup. Ct. Rep. 531; *United States v. Joseph*, 94 U. S. 614, 24 L. ed. 295.

Even the right of occupancy can be extinguished only by voluntary cession to the government.

United States v. 43 Gallons of Whisky (United States v. Lariviere) 93 U. S. 188, 23 L. ed. 846; *Leavenworth, L. & G. R. Co. v. United States*, 92 U. S. 733, 23 L. ed. 634; *Buttz v. Northern P. R. Co.* 119 U. S. 55, 30 L. ed. 330, 7 Sup. Ct. Rep. 100.

It is not enough that the complainants' ancestors had removed from the vicinity of the lands in question. Their removal without sale does not affect their title.

New York Indians (Fellows v. Denniston) 5 Wall. 761, 18 L. ed. 708; *New York v. Dibble*, 21 How. 366, 16 L. ed. 149; *United States v. 43 Gallons of Whisky (United States v. Lariviere)* 93 U. S. 188, 23 L. ed. 846; *Choate v. Trapp*, 224 U. S. 665, 678, 56 L. ed. 941, 947, 32 Sup. Ct. Rep. 565; *Cherokee Tobacco (Boudinot v. United States)* 11 Wall. U. S. 616, 20 L. ed. 227.

If the Pottawatomie Nation be considered to have taken the land in question from the United States under the Greenville Treaty, conditioned upon their "hunting and dwelling thereon," their ceasing to "hunt and dwell" thereon, if at all applicable to the then submerged land, would constitute a condition subsequent, and, as such, it could be set up only by the grantor, the United States, and the United States may waive it.

Holden v. Joy, 17 Wall. 211, 21 L. ed. 523; *Buttz v. Northern P. R. Co.* 119 U. S. 55, 30 L. ed. 330, 7 Sup. Ct. Rep. 100; *Beecher v. Wetherby*, 95 U. S. 517, 24 L. ed. 440; *Schulenberg v. Harriman*, 21 Wall. 44, 22 L. ed. 551; *St. Louis, I. M. & S. R. Co. v. McGee*, 115 U. S. 469, 29 L. ed. 446, 6 Sup. Ct. Rep. 123.

Mr. W. S. Horton argued the cause, and, with Messrs. Robert Redfield, W. D. McKenzie, and Francis O'Shaughnessy, filed a brief for appellees:

The United States, like the British government before it, holds the sovereignty and the ultimate title to all lands occupied by the Indians within the geographical limits of this country; the Indian right is that of mere occupancy, which the government may extinguish either by purchase or conquest.

Johnson v. M'Intosh, 8 Wheat. 543, 573, 586-588, 5 L. ed. 681, 688, 691, 692; 242 U. S.

Mitchel v. United States, 9 Pet. 711, 745, 9 L. ed. 283, 295; *United States v. Cook*, 19 Wall. 591, 592, 22 L. ed. 210, 211; *Shively v. Bowlby*, 152 U. S. 1, 14, 38 L. ed. 331, 337, 14 Sup. Ct. Rep. 548; *Martin v. Waddell*, 16 Pet. 367, 409, 410, 10 L. ed. 997, 1012, 1013; *United States v. Rogers*, 4 How. 567, 571, 11 L. ed. 1105, 1106; *Cherokee Nation v. Georgia*, 5 Pet. 1, 48, 8 L. ed. 25, 42.

The court will take notice that whatever of occupancy the Indian tribes had of the waters or submerged lands of Lake Michigan in question has long been abandoned; that they have not occupied even the adjoining lands for more than seventy-five years. When there is abandonment by the Indians of occupied territory, their rights therein cease.

United States v. Cook, 19 Wall. 591, 593, 22 L. ed. 210, 211; *Cherokee Nation v. Georgia*, 5 Pet. 1, 16, 8 L. ed. 25, 30; *United States v. Arredondo*, 6 Pet. 691, 746, 8 L. ed. 547, 567.

The treaties upon which complainants rely do not cede the Great Lakes to the Indians. The description of the territory relinquished by the United States is of "Indian lands" "westward and southward of the Great Lakes and the waters uniting them."

Shively v. Bowlby, 152 U. S. 1, 13, 38 L. ed. 331, 336, 14 Sup. Ct. Rep. 548; *Martin v. Waddell*, 16 Pet. 367, 411, 10 L. ed. 997, 1013.

The complainants rely upon the Treaty of August 3, 1795, but an examination of it discloses no intention on the part of the United States to relinquish to the Indian tribes any other title than that of occupancy, and none whatever in the waters of Lake Michigan or its submerged lands. The relinquishment was of "Indian lands," which were described as "westward and southward of the Great Lakes;" and all of those lands were subsequently re-ceded to the United States by treaties of which the court will take judicial notice.

Worcester v. Georgia, 6 Pet. 515, 8 L. ed. 483; *United States v. The Peggy*, 1 Cranch, 103, 2 L. ed. 49; *Talbot v. Seeman*, 1 Cranch, 37, 40, 2 L. ed. 26, 27; *United States v. Reynes*, 9 How. 127, 147, 13 L. ed. 74, 82; *Myers v. Mathis*, 2 Ind. Terr. 3, 46 S. W. 178; *Kreuger v. Schultz*, 6 N. D. 310, 70 N. W. 269; *United States v. Beebe*, 2 Dak. 292, 11 N. W. 505; *Gay v. Thomas*, 5 Okla. 1, 46 Pac. 578; *United States v. Martin*, 8 Sawy. 473, 14 Fed. 817; *United States v. Rauscher*, 119 U. S. 407, 418, 30 L. ed. 61 L. ed.

ed. 425, 428, 7 Sup. Ct. Rep. 234, 6 Am. Crim. Rep. 222.

The continuous exercise of sovereignty and acts of ownership over the waters of the Great Lakes, together with the recession to the United States of all the "Indian lands" covered by the earlier treaties, is consistent only with a purpose to free all this territory from Indian claims. Any recognition of sovereignty over or ownership of Lake Michigan or its submerged lands will be utterly inconsistent with the government's policy, the treaties, and the repeated decisions of this court.

Lone Wolf v. Hitchcock, 187 U. S. 553, 565, 47 L. ed. 299, 306, 23 Sup. Ct. Rep. 216; *Stephens v. Cherokee Nation*, 174 U. S. 445, 483, 43 L. ed. 1041, 1054, 19 Sup. Ct. Rep. 722; *Choate v. Trapp*, 224 U. S. 665, 671, 56 L. ed. 941, 944, 32 Sup. Ct. Rep. 565; *Missouri, K. & T. R. Co. v. Roberts*, 152 U. S. 114, 116, 38 L. ed. 377, 379, 14 Sup. Ct. Rep. 496; *Kindred v. Union P. R. Co.* 94 C. C. A. 112, 168 Fed. 648.

Mr. Chester E. Cleveland also argued the cause, and, with Mr. Samuel Ettelson, filed a brief for appellees:

The fact that for practically a century the United States, and, under it, the state of Illinois and its municipalities and private owners, have been openly and notoriously asserting sovereignty and ownership, and acting with respect to these lands in a manner utterly inconsistent with the construction now sought to be put upon ancient documents and treaties, coupled with the further fact that the entire world, including these appellant Indians and their ancestors, has acquiesced during all this long time in such assertions and actions, is the very best evidence that such ancient documents and treaties are not susceptible of the construction now sought to be put upon them.

13 Cyc. 608, 609.

Mr. Justice McReynolds delivered the opinion of the court:

The claim set up in this cause is without merit, and the amended bill was properly dismissed, upon motion, for want of equity.

Complainants are eight Pottawatomie Indians, members of the Pokagon Band, and residents of Michigan. They undertake to sue "on behalf of themselves and of all members of the Pokagon Band of Pottawatomie Indians, and of all oth-

er members of the Pottawatomie Nation of Indians, if any are entitled to join herein with them, and of all others, if any, who are entitled to join herein with them."

Defendants are the city of Chicago and certain corporations now occupying valuable lands within the geographical limits of Illinois, which have been reclaimed from Lake Michigan.

The bill proceeds upon this theory:

That from time immemorial, on August 3, 1795, and [436] thereafter, the Pottawatomie Indians were the owners and in possession as a sovereign nation, as their country, of large tracts of land around and along the shores of Lake Michigan, south of a line running from Milwaukee river, Wisconsin, to Grand river, Michigan, and extending "east and west of said two points and including all of Lake Michigan which is south of said line,"—a stretch of a hundred miles.

That by the Treaty of Peace entered into at Greenville, Ohio, August 3, 1795, the United States relinquished to the Pottawatomie and other tribes their claims to Indian lands westward of a designated line passing through the state of Ohio, and lying "northward of the River Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the King of Great Britain in the Treaty of Peace made between them in the year of 1783 [8 Stat. at L. 80]." [7 Stat. at L. 51.]

That by later treaties the Pottawatomie Nation ceded to the United States all such lands up to the shores of Lake Michigan, but those within the geographical limits of Illinois which were formerly beneath the waters of Lake Michigan, "whether reclaimed, artificially made, or now or formerly submerged . . . have remained and still are the property of these complainants . . . and any attempts on the part of any persons, firms, and corporations to appropriate same, or any part thereof, were and are in violation of said treaties and the rights of these complainants."

That in 1833, with the exception of the Pokagon Band, in pursuance of a treaty with the United States, the Pottawatomie Nation migrated west of the Mississippi river, leaving that band in possession, occupation, control, and sovereignty of so much of the Nation's original country as remained unceded.

That the United States has refused to

purchase the reclaimed [437] lands and consequently complainants are at liberty to occupy, sell, lease, or dispose of the same as their own in fee simple.

The bill prays that defendants be enjoined from occupying or building upon the specified land, or from asserting any claim, title, or interest therein; that they be required to pay a reasonable compensation for its use; and that the complainants' title thereto be quieted, established, and confirmed.

The only possible immemorial right which the Pottawatomie Nation had in the country claimed as their own in 1795 was that of occupancy. *Johnson v. M'Intosh*, 8 Wheat. 543, 5 L. ed. 681. If, in any view, it ever held possession of the property here in question, we know historically that this was abandoned long ago, and that for more than a half century it has not even pretended to occupy either the shores or waters of Lake Michigan within the confines of Illinois.

By the Treaty of Greenville the United States stipulated with the Pottawatomies and other Indians that generally, in respect of a large territory westward of a line passing through Ohio, "the Indian tribes who have a right to those lands are quietly to enjoy them, hunting, planting and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same." We think it entirely clear that this treaty did not convey a fee-simple title to the Indians; that under it no tribe could claim more than the right of continued occupancy; and that when this was abandoned, all legal right or interest which both tribe and its members had in the [438] territory came to an end. *Johnson v. M'Intosh*, 8 Wheat. 543, 584, 586, 588, 5 L. ed. 681, 691, 692; *Mitchel v. United States*, 9 Pet. 711, 745, 9 L. ed. 283, 295; *United States v. Cook*, 19 Wall. 591, 592, 22 L. ed. 210, 211; *Beecher v. Wetherby*, 95 U. S. 517, 525, 24 L. ed. 440, 441.

It is unnecessary to consider other reasons suggested by counsel in support of the decree below.

Affirmed.

102
12.

PLEASE REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRSCoor.
59239-34

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Mr. Michael Williams,
618 E. Madison St.,
South Bend, Indiana.

100-41204

Dear Mr. Williams:

This will acknowledge receipt of a letter signed by you and other Indians and addressed to the Secretary of the Interior wherein you ask how you can obtain the benefits of recent legislation. No doubt, you have reference to the Indian Reorganization Act, a copy of which is enclosed for your information.

Attention is invited to Section 19 defining an Indian for the purposes of said act. It will be necessary for us to know whether you fall within any of the three classifications made and, if so, which one. If you and the others are members of any tribe, please indicate the name of same. This information should be furnished as to each individual listed and any others in your community.

Sincerely yours,

John Collier
Commissioner.

Enclosure 436393.

13.

POTAWATOMIS
of Michigan and Indiana

13.

518 East Madison Street,
South Bend, Indiana.

Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

This is in further relation to the matter acknowledged in
your Office letter of the 4th instant, "Coon 59239-3 4."

Regarding the information you request we will hereby
make the following qualified and tenable declarations:

The people our committee is delegated to represent
are in fact and in all truth Indians.

We have an organization here generally denominated
a "band," and numbers perhaps two hundred-fifty or
three hundred souls.

Almost the entire percentage of the membership is
composed of people of either half, or more, to full
bloods.

We are descendants of Potawatomis and should now
be a participating fractional part of the original
Nation in matters of annuities and land grants only
that we have been barred and denied by the United
States Government on grounds purely technical and
superficial.

The major portion of our members are resident
of the Counties of Allegan, Berrien, Cass and Van
Buren, of the State of Michigan, and St. Joseph
County, of Indiana, while some of our members, in
pursuit of livelihood, are scattered about here and
there in various other states.

Our forefathers were accorded the "extraordinary"
privilege to remain in this part of the midwest by
special treaty at Chicago, September 27, 1833, and
in addition therewith they were amply assured there
would be no forfeiture of their tribal rights and
dues. (We have never of our own volition
waived such tribal rights and dues, nor have we
forgotten the promises made us.)

gated

we do not have a complete roll
else it would be submitted herewith.

Appendix I

14.

OCT 11 1939

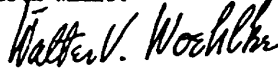
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

October 11, 1939

MEMORANDUM FOR THE COMMISSIONER:Subject: Lower Michigan Report

Mr. Holst and Mr. Phinney have done a good job. The facts they marshalled are complete and strongly support their recommendations. On the whole, I agree with their recommendations. Unless we have the funds and personnel to do a real job in Lower Michigan, we should stay out of that territory. We all know that neither the personnel nor the funds are available. Hence, it would be a crime to disturb the present excellent relations between the state, counties and the Indians. I doubt whether it is possible to obtain from Congress special legislation and special appropriations for the benefit of the Lower Michigan Indians; even if it were possible to obtain such aid, I doubt the wisdom of establishing such a precedent.

If the Arts and Crafts Board can spare a worker to organize Indian crafts in Lower Michigan, as suggested by Mr. Phinney, the job would be worth while.



Walter V. Woehlke.

Copy sent Ind. Div.

15.

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076

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Tomah Indian Agency
Tomah, Wisconsin
December 1, 1939

Commissioner of Indian Affairs
Washington, D. C.

Attention: Fred H. Daiker

Sir:-

This is in reference to Office letter dated Oct. 3, 1939, submitting a report of the survey of Indian groups of the Lower Peninsula of Michigan made by Supervisor, John H. Holtz.

The general trend of this report indicates that the economic status of these people is above the average that could be expected among low income groups throughout the country. This idea is evidently based upon what was found among the near-white living in towns, cities, and villages. It would seem that more definite information could have been furnished had a distinct line of demarcation been made between the near-white and those more definitely Indian. Perhaps my attention has been attracted only to the less fortunate. However, it may be recalled that such individuals as Levi McClellan of Petoskey, Enos Pego of Hart, George Antoine of Omena, John Williams of Dowagiac, and Miss Amelia Schaub, Prosecuting Attorney for Leelanau County have written many letters to the Office and to Congressional representatives requesting meetings and wanting to know why these people were not recognized. Such requests have necessitated a visit to many homes and the holding of a number of meetings and my impression has been that those more nearly Indian are for the most part a destitute people. This thought is expressed in that portion of the report which reads as follows:

"As the white man pressed upon him and took from him the lion's share of his natural resources, the Indian was forced to a wage economy for which he was wholly unprepared either

Daiker

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M. C. 1/31

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-2-

by experience or aptitude, and through which he is finding it exceedingly difficult to rise to any satisfactory standard of living. He is now following as he can, the ways of his ancestors into the new economy. The more limited areas of wild berries and fruits still call him for brief seasons as he makes the transit to the berry and fruit orchards of his white neighbors who pay him by the unit quantity. Where he hunted the deer and other game for his meat supply, he now finds occasional calls to guide the foreign hunter for pay. He finds seasonal employment where he can, and sometimes turns his ancient craftsmanship to the making of imitations for a little tourist coin. But gradually he is learning to adjust himself to new occupations and is entering various fields in competition with other skilled labor, or taking his place in the professions."

The last sentence of this statement, I should say, is more nearly applicable to the near-white.

I fully agree that no further extension of organization under the Indian Reorganization Act should be made in Lower Michigan and that no action tending to designate these people as a separate group should be taken. However, it is believed that there is a definite need of rehabilitation among some of these groups. The housing facilities of many are deplorable and it was hoped that through this survey some plan would be developed through State and Federal cooperation to improve the living conditions of many of these people. It is believed that with some assistance from the Federal Government, the State could be interested in undertaking a re-housing program for those in the rural areas. If some assistance were extended through the State without the Federal Government being recognized as taking part, it would relieve an acute need and thereby lessen the plea for recognition as Indians.

The statement of Mr. Levi McClellan that no assistance is needed is in direct contrast with his activities for the past 4 or 5 years and his present contentment can only be attributed to the fact that he has been employed as a foreman on a WPA project for some time and is perhaps receiving a better income than he has been able to earn at any time in the past. As a matter of fact, his last request for a meeting was in July of this year. As soon as emergency relief projects are discontinued, we may well expect to hear from such in-

dividuals as Mr. McClellan.

This issue will be kept alive for many years in view of the fact that most of the groups in the upper peninsula have been recognized and we are likewise contributing to the Chippewas of Lower Michigan. In other words, the Ottawas and Potawatomes are the only tribes in Michigan which have been denied assistance under the Indian Reorganization Act. There are some 35 Ottawa and Potawatome children receiving Boarding Home Care and Public School Assistance at this time and so far as I know none have been denied enrollment in Government boarding schools on the basis of belonging to these tribes. The fact that we are rehabilitating all other groups in the state and are granting certain benefits to these two tribes keeps alive a ray of hope and a realization that there is an Indian Service.

✓ I agree that immediate steps should be taken to repeal the Indian Liquor Law. This statute is not being enforced, though it is common knowledge that such law exists and that it is being violated when an Indian is sold intoxicating liquors.

✓ The State is exercising and the Indian is accepting, State jurisdiction. However, it is believed legislation should be enacted granting State jurisdiction on Government-owned and restricted Indian lands. There is every reason to believe that State jurisdiction will eventually be questioned in those areas where we hold restricted lands and have purchased IRA land.

If it should be decided that no assistance is to be given the Ottawas and Potawatomes of Lower Michigan then it would seem that a definite statement of policy to that effect should be made.

Respectfully,



Peru Farver
Superintendent

PF:ft

16.

Ind-Org.
(JHR)
DMcN

UNITED STATES
DEPARTMENT OF THE INTERIOR
Office of Indian Affairs
Washington

May 29, 1940

To: Superintendent W. O. Cavill
Superintendent Peru Farver
Supervisor Frank Christy
School Social Worker, Olive Gwinn
Field Agent Archie Phinney

For Lake States Region.

At a conference held January 24, 1939, participated in by the following: Mr. Beatty, Mr. Wheat, Mr. McNickle, Mr. Hitchfield, Mr. Daker, Superintendent Farver, Superintendent Cavill, Mr. McCaskill, Mr. Roe Cloud and Mr. Jennings, the question of the relationship of the Indian Service to the Indians of Lower Michigan was fully discussed. In the light of previous correspondence between officials of the Indian Service and members of Congress and Indians of Lower Michigan. It was developed in the discussion that on several occasions Indians, citizens, and members of Congress have been promised that the Indian Service would make a study of the various groups of Indians in Lower Michigan who have petitioned or requested the Indian Office for benefits to which they might be entitled under the Indian Reorganization Act.

It was agreed by the conference that a study should be made of those groups which have been the subject of such correspondence. It was tentatively agreed that Mr. Holst should make a study of these groups of Indians with assistance from Mr. Phinney and Miss Gwinn, and some assistance from Superintendents Farver and Cavill, State Superintendent of Schools, Mr. Christy, and certain members of the Extension staff located in the Great Lakes area.

The study was begun about the middle of July and was completed about the middle of September. The report was mimeographed and distributed to Division Heads in the Indian Office and to administrative officers in the fields affected. Its marshalling of facts was recognized as quite complete and as strongly supporting its recommendations. It met with general approval.

The following conclusions and recommendations from the report have the approval of the Indian Office:

1. That the present understanding and arrangements between the Federal Government and the State of Michigan, relating to the general welfare and education of Indian children be continued, except that the sponsorship of the Federal Government may be diminished gradually as the state agencies extend their responsibilities for the common welfare of all citizens.

2. That there be no further extension of Organization under the Indian Reorganization Act in Lower Michigan.

3. That the Indian Office shall not attempt to set up any additional or supplementary educational or welfare agencies for the Indians of Lower Michigan that in any way tend to recognize Indians as a separate group of citizens.

(Signed) John Collier ✓

Commissioner.

(4 isa 13)

5 isa 23

17,

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Great Lakes Consolidated Agency
Ashland, Wisconsin

August 10, 1951

Mr. Michael B. Williams, Chairman
Pokagon Band of Potawatomi of Indiana
and Michigan
618 1/2 North Michigan Street
South Bend 1, Indiana

Dear Mr. Williams:

We are now in receipt of letter of August 3 from the Indian Office in Washington, D. C., in reply to our letter regarding your situation with respect to the employment of an attorney. We are enclosing a copy of the letter from the Washington Office for your information.

You will note that the Indian Office feels that we have given all the advice that can be given, provided we have informed you of the time limitation on filing claims, which of course we have. We have been informed that the proposed legislation to extend the time for filing claims is pending before the Senate Interior and Insular Affairs Committee, who have referred it to the Justice Department for a report.

You will note, also, that the Indian Office suggests that we emphasize the necessity for the Pokagon Band to employ an attorney for any claim it may have, as it would not be practicable for the Band to attempt to handle the claim without an attorney.

It is our belief that probably the attorney or attorneys in the best position to represent the Pokagon Band would be those who have represented your Band in the successful prosecution of tribal claims in the past if they are still living; those attorneys who represent other Potawatomi groups; those who will prosecute claims under treaties entered into with the United Nation of Chippewa, Ottawa, and Potawatomi; and those attorneys who have a general knowledge of Indian laws and treaties.

We trust that you will be able to find an attorney you feel is qualified to represent the Pokagon Band in the prosecution of tribal claims if you have not already done so. We shall be pleased to be informed of any decision you reach regarding the employment of an attorney.

Sincerely yours,
[Signature]
G. Cowill
Superintendent

Copy to:
Mr. John Winchester
Mr. C. W. Ringey
Area Office, Minneapolis

*Rec'd Aug 14
1951*

17.

Great Lakes Consolidated Agency
Ashland, Wisconsin

July 31, 1951

Mr. Michael B. Williams, Chairman
Pokagon Band of Potawatomi of Indiana
and Michigan
612 1/2 North Michigan Street
South Bend 1, Indiana

Dear Mr. Williams:

We are wondering if the Pokagon group has selected an attorney or attorneys to prosecute the tribal claims. We should be pleased to have you advise us on this point and are enclosing, for this purpose, a franked, self-addressed envelope, which does not require any postage.

As you perhaps have heard, a bill has been introduced in the Congress for a one-year extension of the present five-year limitation from August 13, 1946, for filing Indian claims.

We have written to the Central Office in Washington, D. C., about the situation of the Pokagon group with regard to legal representation, but to date we have not received any reply.

Sincerely yours,

J. C. Cavill
Superintendent

va

Enclosure

Copy to: Mr. John Winchester ✓
Cassopolis, Michigan

#18.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Great Lakes Consolidated Agency
Ashland, Wisconsin

September 14, 1951


The Tribal Council of
Pokagon Band of Potawatomi
South Bend, Indiana

Gentlemen:

This letter is written to inform you that my connection with the Indian Service will terminate on October 5, 1951. This decision to leave the Indian Service is made because the Indian Office is placing the administrative direction of this Agency directly in the Minneapolis Area Office.

I have enjoyed working with you and I am very grateful for the cooperation I have always received from you. For the past thirty-seven years my life has centered around the Indian people and you may be assured of my continued interest in your problems. If at any time I can be of assistance to you and your people, I hope you will call upon me. For the present at least, I plan to continue to make my home at 1019 Ellis Avenue here in Ashland, and both Mrs. Cavill and I will always be glad to have our Indian friends visit us.

Sincerely yours,


J. C. Cavill
Superintendent

#2 21

32 Ind. Cl. Comm. 400

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BEFORE THE INDIAN CLAIMS COMMISSION

CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA, et al.,)	Docket No. 216
)	
THE PRAIRIE BAND OF THE POTAWATOMI TRIBE OF INDIANS, et al.,)	Docket No. 15-L
)	
HANNAHVILLE INDIAN COMMUNITY, et al.,)	Docket No. 29-I
)	
JAMES STRONG, et al., AS THE REPRESENTATIVE AND ON BEHALF OF ALL MEMBERS BY BLOOD OF THE CHIPPEWA TRIBE, INCLUDING ALL DESCENDANTS OF THE CHIPPEWA MEMBERS OF THE UNITED NATION OF INDIANS,)	Docket No. 13-K
)	
RED LAKE, PEMBINA AND WHITE EARTH BANDS OF CHIPPEWA INDIANS, et al.,)	Docket No. 18-P
)	
ROBERT DOMINIC, et al., AS THE REPRESENTATIVE AND ON BEHALF OF ALL MEMBERS BY BLOOD OF THE OTTAWA TRIBE OF INDIANS,)	Docket No. 40-I
)	
Plaintiffs,)	
)	
POTAWATOMI INDIANS OF INDIANA AND MICHIGAN, INC.,)	
)	
Intervenor,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: December 26, 1973

FINDINGS OF FACT ON TITLE

1. The Parties Plaintiffs.

The Prairie Band of the Potawatomi Tribe of Indians, plaintiff in
Docket 15-L; the Hannahville Indian Community, the Forest County Potawatomi

Community, and the Potawatomes of Michigan and Indiana, Inc., plaintiffs in Docket 29-I; and the Citizen Band of Potawatomi Indians of Oklahoma, plaintiff in Docket 216, are identifiable groups of American Indians each having the right and capacity under Section 2 of the Indian Claims Commission Act, 60 Stat. 1049, 1050, to bring and maintain the claims asserted herein arising out of the Treaty of August 24, 1816, 7 Stat. 146, on behalf of the Potawatomi Indian Tribe or Nation. Prairie Band of the Potawatomi Tribe of Indians v. United States, Docket 15-C, et al., 28 Ind. Cl. Comm. 454, 469 (1972).

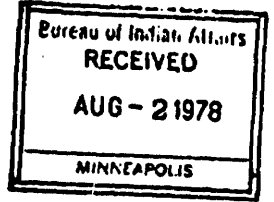
Under Section 10 of the Indian Claims Commission Act the individuals listed as plaintiffs in this proceeding have no standing to present or maintain this suit. The individuals listed as plaintiffs in the October 13, 1953 petition in Docket 29-I, are not parties plaintiff. Their names were added to the petition without approval of the Commission when the petition was reprinted as a separate cause of action.

On July 15, 1965, the Potawatomi Indians of Indiana and Michigan, Inc., filed a motion to intervene on behalf of the Potawatomi Tribe or Nation in all pending Potawatomi dockets including those herein. The Commission has previously determined that the intervenor under similar circumstances has demonstrated during the relevant treaty times that its membership is descended from the Potawatomi Tribe or Nation. Accordingly we find that said intervenor has a common interest in the subject matter

22.

42 Ind. Cl. Comm. 205

205



BEFORE THE INDIAN CLAIMS COMMISSION

THE POTAWATOMIE NATION OF INDIANS, THE PRAIRIE BAND, et al.,)	Docket No. 15-P
)	
Plaintiff,)	
)	
THE HANNAHVILLE INDIAN COMMUNITY, et al.,)	Docket No. 29-N
)	
Plaintiffs,)	
)	
CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA, et al.,)	Docket No. 306
)	
Plaintiffs,)	
)	
POTAWATOMI INDIANS OF INDIANA AND MICHIGAN, INCORPORATED,)	Docket Nos. 15-P, 29-N and 306
)	
Intervenors,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FINAL AWARD

On June 8, 1978, an interlocutory order was entered herein awarding the plaintiffs the amount of \$1,809,552.57, less any gratuitous offsets which may be subsequently allowed to the defendant (41 Ind. Cl. Comm. 399, 508). In a letter to the Commission dated July 5, 1978, copies of which were sent to the attorneys of record for the above-named plaintiffs and intervenors, counsel for the defendant refers to the interlocutory award of June 8, 1978, and advises:


"To expedite the entry of a final award in the above-consolidated cases, the defendant reserves any claim for gratuitous offsets against the award for other docketed cases involving these several plaintiffs."


UPON CONSIDERATION of the said letter from counsel for the defendant and the plaintiffs' motion to enter final award as contemplated by that letter, which motion was filed on July 13, 1978,

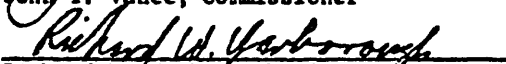
IT IS THEREFORE ORDERED that, as a final award in full satisfaction of all claims against the defendant in consolidated Dockets 15-P, 29-N and 306, plaintiffs and intervenors in these dockets do have and recover from defendant on behalf of the Potawatomi Tribe as constituted in 1832 the sum of \$1,809,552.57, and

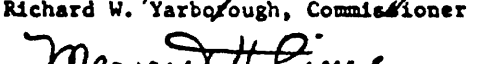
IT IS FURTHER ORDERED that any gratuitous offsets which defendant could have claimed as chargeable against the award herein be, and the same hereby are, reserved for defendant to claim in any other docketed case brought by the same plaintiffs under the provisions of the Indian Claims Commission Act, 60 Stat. 1049 (1946).

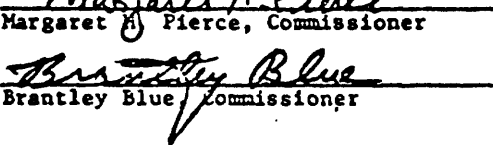
Dated at Washington, D. C., this 14th day of July 1978.


 Jerome K. Kuykendall, Chairman


 John T. Vance, Commissioner


 Richard W. Yarborough, Commissioner


 Margaret H. Pierce, Commissioner


 Brantley Blue, Commissioner

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Receipt of Petition for Federal
Acknowledgment of Existence as an
Indian Tribe; Potawatomi Indian
Nation, Inc.**

January 20, 1982

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.6(a) notice is hereby given that the Potawatomi Indian Nation, Inc., c/o Philip V. Alexis, P.O. Box 716, Dewitt, Michigan 48820, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on November 23, 1981. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.6(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or opposition to the group's petition. Any information submitted will

be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 180 1st C Street, N.W., Washington, D.C. 20212.

Ray H. Sampuel,
Acting Assistant Secretary—Indian Affairs

U.S. GPO: 1981-2-048-0101
GALING CODE 47-0-00-01



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

Tribal Government Services - AR

Mr. Daniel Rapp
53237 Townhall Road
Dowagiac, Michigan 49047

Dear Mr. Rapp:

This will acknowledge our receipt on November 2 of three copies of the four volume documented petition for Federal acknowledgment of the Pokagon Band of Potawatomi Indians. The Branch of Acknowledgment and Research staff enjoyed meeting with you and discussing your petition.

As required by Part 83.9(b) of Title 25 of the Code of Federal Regulations, the petition will be given a preliminary review for obvious deficiencies and significant omissions. You will be notified of the results of this review. If any deficiencies or omissions are noted, you will be given an opportunity to strengthen the petition prior to its being considered ready for active consideration. Unfortunately, we cannot give you an estimate of when this review will be accomplished.

The Branch of Acknowledgment and Research has an unprecedented backlog of petitions in various stages of the petitioning process. Understandably, each group is anxious that its petition be given immediate attention. The Branch has to set its administrative priorities within the regulations, 25 CFR 83. These priorities are predicated on fair and equal attention being given to each of the petitioning groups. The obvious deficiency review is extensive, requiring that the staff read the petition and the supporting documents to determine whether there are any obvious technical or other deficiencies.

If you, your staff or researchers have any questions, please contact Gary Stein of the Acknowledgment staff. He has administrative responsibility for Michigan groups. In his absence you should contact Lynn Forcia, Chief of the Branch of Acknowledgment and Research. They may be reached at (202) 343-3592 or by writing to the Bureau of Indian Affairs, Branch of Acknowledgment and Research, MS 4627-MIB, 18th & C Streets, N.W., Washington, D.C. 20240.

Sincerely,

Chief, Division of Tribal
Government Services



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

Tribal Government Services - AR

FEB 22 1990

Mr. Daniel F. Rapp
53237 Town Hall Road
Dowagiac, Michigan 49057

26.

Dear Mr. Rapp:

The Branch of Acknowledgment and Research (Acknowledgment staff) has completed an initial review for obvious deficiencies and significant omissions of the Pokagon Band of Potawatomi Indians' petition for Federal acknowledgment as an Indian tribe. This letter describes the deficiencies and/or omissions that have been found in the Pokagon petition.

The obvious deficiencies (OD) review is provided for in the Acknowledgment regulations to insure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The OD review does not purport to be a preliminary determination of any case. This OD letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in this letter. Nor does the fact that a petitioner responds to the OD review imply in any way that the group meets the seven mandatory criteria by simply submitting additional data. The OD review of the petition merely provides the petitioner the opportunity to submit additional information or clarification prior to the actual active consideration period. The OD review is a limited review conducted over a period of several weeks by a staff anthropologist, genealogist, and historian. Only during active consideration is the petition reviewed and evaluated in depth by the Acknowledgment staff to determine whether the group meets the requirements to be acknowledged as an Indian tribe.

With the requested information and/or documentation, the Acknowledgment staff can begin to evaluate the petition when it is placed on active consideration. The staff's research during the active consideration period is for the purpose of verifying and/or elaborating on an already complete petition. The staff's caseload no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have at times done in the past.

Petitioners have the option of responding in part or in full to the OD review or of requesting us to proceed with the petition using the materials already submitted. The decision as to whether the group chooses to address the deficiencies noted in the OD review should be made by the group and not solely by its researchers. If your group requests that the materials submitted in response to the OD review also be reviewed as to

their adequacy, the Bureau of Indian Affairs (Bureau) will provide the additional assistance. The additional review will not be automatic, and will be conducted only at the request of the petitioner. The limits of these preliminary reviews must be taken into consideration. We do not know all of the questions that an in-depth review during active consideration might raise.

Our comments and questions are organized below in the following order: (1) comments and questions regarding documentation, and (2) comments and questions pertaining to the specific Acknowledgment criteria.

COMMENTS AND QUESTIONS REGARDING DOCUMENTATION

In general, your petition is well done. However, there is a problem with the documentation. The petition is based heavily on James A. Clifton's book, The Pokagons, 1683-1983, which is, in turn, based on a large number of sources which are not available readily to the Acknowledgment staff. Therefore, we request that you provide copies of the documents listed below, if at all possible.

NEWSPAPERS

Please provide copies of the newspaper clippings cited in Clifton's book which are not among the 16 supplied as Appendix XII in the documented petition.

ARCHIVAL SOURCES

Please send copies of the relevant pages of those documents cited in Clifton's book which are in various local and regional archives. His references include materials from archives at Notre Dame University; The Isaac McCoy Papers, Kansas State Historical Library; Ohio Valley Great Lakes Ethnohistory Archives; Draper Collections, University of Wisconsin; Susan Pokagon Papers; Michael Daughterty Papers of the Pokagon Band; Johnston Lykins Journal, Kansas State Historical Library; Robert Simmerwell, Journals and Correspondence, Kansas State Historical Library; copies of relevant deeds cited in Clifton's footnote 59; and materials which were cited as being in the Federal Records Center, Chicago.

BOOKS

There were several books and published materials cited which are not easily available to us. If possible, please submit copies of the relevant pages from the following:.

Annales de l'Association de la Propagation de la Foi.

Bishop, Henry
1900 Settlement of New Buffalo.

Hunziker, Barbara Wood
1977 Summerville and Pokagon, Cass County, Michigan.

- Littlejohn, F.J.
1875 Legends of Michigan and the Old Northwest.
- McDonald, Daniel
1899 Removal of the Potawatomie Indians from Northern Indiana.
- Pokagon, Simon
1899 Life of O-Ji--Maw-Kwe-Mit-I-Gwa-Ki, Queen of the Woods.
1901 The Pottawatomies in the War of 1812. Arena 26: 48-45.

ORAL HISTORY INTERVIEWS

Since much of the evidence on the current Pokagon community seems to come from oral history interviews, would it be possible to get copies of the relevant portions of these, but have them edited in such a manner that the anonymity of the informants can be protected? This is crucial data for any review and evaluation of the petition. Lacking these, we need other documentation to substantiate the statements made in the petition.

MINUTES OF THE BUSINESS COMMITTEE

The petition indicates that the Business Committee has been functioning for a long time and that a census was authorized in October of 1901. Please provide a copy of that census, if available. As noted under criterion (c) below, we would also like additional minutes of later meetings.

COMMENTS AND QUESTIONS ON SPECIFIC CRITERIA

CRITERION (b):

We need a better description of both the modern and historic Pokagon community in terms of its social relations and communal activities. We are interested in knowing how the somewhat scattered membership has maintained contact with the Pokagon Band during this century. What activities have served to bring group members together? What have been the lines of communication within the group? Evidence directed toward these questions might include documentation or a description of homecoming events, visiting patterns, inter-family gatherings, or cooperative activities, as well as accounts by ethnographers and/or others familiar with the group which indicate that it constitutes a community.

Although there is reference to Pokagon social institutions in the petition, these are not clearly described. The recent pow-wows appear to be inter-tribal events. Are they also the main activity which serves to bring Pokagon members together? Have there been or are there now any similar community or homecoming events held just for Pokagon members? Any such activities during this century should be described as fully as possible. What, for example, was the function of the pow-wows held during the 1920's (as referenced by Clifton at pages 131-32)? Wherever possible, you need to document (or at least provide an estimate of) the number of group members involved in these activities.

CRITERION (c):

It is important that the description of the overall political system be expanded. At present the outlines seem to be there, but many things are not clear, such as the manner in which the present governing body functions. The Bylaws do not make it explicit how the current system operates. A more detailed description of the events leading to the loss of the name of Potawatomi Indians of Indiana and Michigan, Inc. and how this issue was resolved with what is described as the "rump" organization would assist us in understanding the political process of this particular dispute.

The petition needs to provide more documentation of how political influence or authority is and was maintained over Pokagon members. Insofar as possible, you need to provide more specific examples of how group leaders and the governing body made decisions, resolved conflicts, and/or enforced standards of behavior. How did they garner group support? What kinds of issues were they expected to decide? What sanctions did they impose on those who ignored or rejected their authority or influence? These are the kinds of questions with which our evaluation under this criterion is concerned.

Please provide us with information about how group members are informed. For example, How is information passed from the governing body to the membership as a whole? Mention is made of the number of decisions faced by the governing body, but it is not clear how these are passed on to the membership to recruit help or assistance in various group projects or how the information about the governing body's decisions are disseminated.

The petition provides limited samples of minutes from Business Council meetings between 1899-1950 (Appendix VIII). Most of these deal with the Pokagon claims and give no indication of the kinds of internal issues or other external issues the council handled during this time period. You need to document specific examples of the governing body's or any other tribal political organization's involvement with issues and affairs important to the group, whether they be formal, such as changing the system of governance, or informal, such as organizing a social affair. You should also provide a brief description of the major disputes and internal conflicts with which the group has had to deal with during this century.

It would be extremely beneficial to our evaluation of the history of your group's leadership if you could provide a chronological chart of leaders and Business Council members, especially for the period since 1900. We would also like any records (or at least estimates) you might have of attendance at both Business and general council meetings during this century.

CRITERION (d):

We will need a statement describing the membership criteria used to compile the list of members submitted for acknowledgment purposes. In this description, please discuss any changes that may have been made in determining who would be eligible for membership.

Could you also provide documentation, such as a council resolution, showing when the bylaws of the Potawatomi Indian Nation, Inc., were adopted, and, if available, provide a copy of the bylaws for the Potawatomi Indians of Indiana and Michigan that was incorporated in 1952?

CRITERION (e):

In order for the Acknowledgment staff to determine that the group meets that part of 83.7(e) of the Acknowledgment regulations regarding descent from the historical tribe, it is necessary that genealogical information on the group's members be submitted. According to the copy of the group's enrollment application, an ancestry chart must be filled out by each member. The ancestry charts on the enrollment applications would provide the necessary information that the Acknowledgment staff needs. We suggest you submit copies of the enrollment applications of your members. You do not have to submit copies of any documentation that the group required each applicant to submit. Following a review of the charts on the enrollment applications, the Acknowledgment staff will contact the group's leaders for detailed genealogical documentation of selected families.

The membership list submitted for acknowledgment purposes should be certified by the group's governing body or membership committee. You can submit this certification with any supplemental lists of members when you are notified that the petition is being placed on active consideration. The certification should cover both the list submitted with your petition and any supplemental lists which are to be considered part of the acknowledgment membership list.

You should continue to keep your membership list current by recording new births and deaths which will take place in the interim before the petition is placed on active consideration. When you are notified that the petition is being placed on active consideration, a supplemental list should be submitted which will include additions to the membership, such as newborn infants and those individuals who were inadvertently omitted from the list. The supplemental list should also note those members, named on the list submitted with the petition, who are deceased.

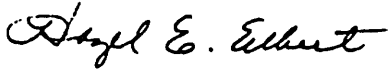
Copies of any available former lists of members should be submitted. The petition indicates that there may have been lists made in the early 20th century by the group as well as lists made in the 1950's and 1960's as part of the group's litigation before the Indian Claims Commission. Clifton, on page 121, mentions that in 1934 the group was required to compile a list of half-blood members. If such a list was compiled and is still available, please provide a copy.

If your group chooses to respond to this OD review letter, we encourage you and your researchers to consult with the Acknowledgment staff before preparing a response, so that you might utilize your research resources more effectively. The Acknowledgment staff can provide technical assistance, but cannot be responsible for actual research on the part of the petitioner. It is likely that additional new questions will be raised by your response to the OD review, and it may be necessary to request

additional information during the period of active consideration of your petition. The Acknowledgment staff will make every effort to consult with you and your researchers regarding these questions and/or requests prior to the publication of a proposed finding.

We recommend that you contact Gary Stein, the Acknowledgment staff member who has administrative responsibility for Michigan petitioners, so that we can make arrangements to provide additional technical assistance to you and your researchers. You may write him c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 18th and C Streets, N.W., Washington, D.C. 20240, or call him at (202) 343-3592.

Sincerely,



Deputy to the Assistant Secretary -
Indian Affairs (Tribal Services)

RECEIVED MAY 07 1990



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

BY REPLY REFER TO:

Tribal Government Services - AR

MAY 3 1990

Mr. Daniel F. Rapp
53237 Town Hall Road
Dowagiac, Michigan 49057T L
27.

Dear Mr. Rapp:

We are responding to your concerns regarding the genealogical information required for the Pokagon Band of Potawatomi Indians' petition for Federal acknowledgment as an Indian tribe. The release of Bureau of Indian Affairs (Bureau) files, as with all other Federal agencies, is governed by the Freedom of Information Act, Privacy Act and various regulations. The policy of the Department of the Interior (Department) is to make the records of the Department available to the public to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

Membership lists and genealogical material pertaining to members of a petitioning group, however, contain personal data which is protected by the Privacy Act and which is withheld from public review. The purpose of the Privacy Act is to ensure that systems of records containing information about individuals are publicly identified, that only information which is legally authorized and necessary is collected, and that such information is maintained in a manner which precludes unwarranted intrusions upon individual privacy.

A petitioner must meet all seven of the mandatory criteria in the Acknowledgment regulations in order to be acknowledged as an Indian tribe. Without the genealogical information we requested in our obvious deficiency letter of February 27, 1990, we could not make an evaluation as to whether the group meets that part of criterion 83.7(e) which requires that a group's membership consist of individuals who have established descent from a historical tribe or from historical tribes which have combined and functioned as a single autonomous entity. As we discussed with you on April 24, when the group is ready to submit their response to the obvious deficiency letter, please contact us so that we can discuss what genealogical information should be sent.

We recommend that you contact Gary Stein, the Acknowledgment staff member who has administrative responsibility for Michigan petitioners, if you have further questions regarding this matter. You may write him c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 1849 C Street, N.W., Washington, D.C. 20240, or call him at (202) 208-3592.

Sincerely,

Acting Chief, Division of Tribal
Government Services



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Tribal Government Services - AR

RECEIVED
JUN 15 1991
Aidat P. A. J.
6-25-91
KJ

JUN 15 1991

29.

Mr. Daniel F. Rapp
53237 Town Hall Road
Dowagiac, Michigan 49057

Dear Mr. Rapp:

This is to acknowledge, in writing, our receipt on June 13, 1991, of the Pokagon Band of Potawatomi Indians' response to the Branch of Acknowledgment and Research's (BAR) review of the Pokagon documented petition for Federal acknowledgment for obvious deficiencies and significant omissions. Your response was hand carried by you and other members of your governing body.

When you and other members of the Pokagon Band delivered the response, you requested that the Assistant Secretary proceed with the active consideration of the documented petition utilizing the materials submitted by your group. You stated that the Pokagon Band did not want the Bureau of Indian Affairs (BIA) to review the materials submitted in terms of their adequacy in response to the obvious deficiency letter.


We informed you at that time that the BIA was committed to placing the Pokagon petition on active consideration this calendar year. We will place the Pokagon Band of Potawatomi Indians' petition for Federal acknowledgment on active consideration on November 18, 1991. The Acknowledgment regulations at 25 CFR 83.9(f) require that a proposed finding be published within one year of the date the petition is placed on active consideration.

We currently have a contract in place with First Computer Concepts, Inc., a research firm based in Rosebud, South Dakota, for a research team consisting of an anthropologist, historian, and genealogist to evaluate the petition. They are now beginning preliminary work on the Pokagon petition prior to its being placed on active consideration.

We look forward to close cooperation between the BAR, the contractor, and your group's governing body and its researchers during the preliminary work and the active consideration of your petition. If you have any questions regarding this matter, please contact the Branch of Acknowledgment and

Research by telephone at (202) 208-3592 or by writing c/o the Bureau of Indian Affairs, 1849 C Street, N.W., Mail Stop 2612-HIB, Washington, D.C., 20240.

Sincerely,

A handwritten signature in cursive script, appearing to read "David G. Malton".

Deputy Commissioner of Indian Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20245



IN REPLY REFER TO

Tribal Government Services - AR

30.

Mr. Daniel F. Rapp
53237 Town Hall Road
Dowagiac, Michigan 49057

Dear Mr. Rapp:

The Pokagon's response to the Bureau of Indian Affairs (BIA)'s obvious deficiency review of their petition for Federal Acknowledgment as an Indian tribe was received on June 13, 1991. At that time, the group indicated that they did not want another obvious deficiency review, and wished to be considered ready for active consideration.

In our June 19 letter, we informed you that we had submitted the petition to a contractor to begin some preliminary work. As a result of this preliminary work, it has been brought to our attention that the questions regarding the Pokagon's membership criteria were not addressed as requested in the February 22, 1990, obvious deficiency letter; that genealogical information as requested in the obvious deficiency letter and the May 3, 1990, letter has not been submitted; and that we may not have a complete list of all the group's members.

We recommend that without the requested information, active consideration not commence on the petition. This information is vital in order to determine whether the group meets criteria 83.7(d) and 83.7(e) of the Acknowledgment regulations. We do not want to decline any groups based on insufficient submission of data. We request that you let us know within 30 days what action, if any, you plan on taking to resolve this problem. In the meantime, for lack of information, preliminary work on your petition must cease.

Membership criteria

The February 22, 1990, obvious deficiency letter requested a statement describing the membership criteria used to compile the list of members submitted for acknowledgment purposes. It is not clear what are the actual membership criteria. Any resolutions, ordinances, etc., that have been passed by the group's governing body or membership regarding the membership criteria and enrollment process should also be submitted.

The constitution that was submitted with the petition appears to be a proposed governing document that has not been adopted by the group. Therefore, the membership criteria stated within that document may not be in effect.

The bylaws submitted with the petition appear to be the group's current governing document. Article IV, Section 1, states that a member must descend from the tribal rolls of the southwest Michigan Potawatomi Indians (no specific rolls are mentioned) and must be 18 years or older.

A sample copy of your enrollment application sent to the Branch of Acknowledgment and Research (Branch) in 1987, states that a member must descend from specific rolls (the Cadman and Shelby rolls) and must possess at least one-quarter Indian blood. Please clarify exactly what membership criteria are being used to enroll members.

Genealogical Material

Our obvious deficiency letter stated that it was necessary for genealogical information on the group's members to be submitted in order for the Acknowledgment staff to be able to determine that the group meets criterion 83.7(e) of the Acknowledgment regulations regarding descent from the historical tribe. Our May 3, 1990, letter was a follow-up letter after the group raised concerns about privacy. The BIA has not agreed that the genealogical records would be reviewed at the group's office during the active consideration period.

As stated in the obvious deficiency letter, you do not have to submit copies of any supporting documentation that proves a member's ancestry at this time. However, charts showing how members trace their ancestry to the historic tribe are absolutely necessary. Following a review of the genealogical charts, the Acknowledgment staff will contact the group's leaders for detailed genealogical documentation of selected families after the petition is under active consideration.

The genealogical information being requested is requested from every group that submits a petition for Federal acknowledgment. The BIA protects the privacy of the group's members in accordance with the Privacy Act. This information is not released to the public, and is only used by the Acknowledgment staff in evaluating the petition.

Many groups use the suggested sample forms found in the Acknowledgment guidelines for submitting the genealogical information on their members. The obvious deficiency letter noted that the ancestry charts on your enrollment applications have the necessary information. Therefore, if copies of these applications were submitted, you would not need to do any further work on this aspect of the documented petition. The genealogical information may be provided in any form you desire so long as it provides the staff with the information needed to perform the required analysis. We cannot construct families from the membership list.

Membership List

A petitioner's membership lists should be drawn up according to its own criteria for identifying members. It is not necessary to enroll all descendants of the historic Pokagon Potawatomi on the current membership list, unless that is the desire of the group. A tribe's membership list does not usually include all descendants from the historic tribe. Many

individuals may be eligible to receive a per capita payment based solely on their descent from a historic tribe, but may not be members of either a recognized tribe or an unrecognized Indian group because they have not been maintaining tribal relations. A tribal membership roll is thus different from a descendency roll created where a payment is to be made to all descendants of a historic tribe, e.g., for a land claim. If acknowledged, the group's membership list submitted for acknowledgment purposes will become the group's base roll for Bureau purposes and, as such, will be binding on the group for some time to come except for minor corrections.

You can submit a supplemental list of members enrolled since the date of your membership list submitted with the documented petition. The supplemental list, along with the list submitted with the documented petition, should be certified by the group's governing body or membership committee as being the list of members submitted for acknowledgment purposes.

If you have any questions regarding this matter, please contact the Branch of Acknowledgment and Research by telephone at (202) 208-3592 or by writing c/o the Bureau of Indian Affairs, 1849 C Street, N.W., Mail Stop 2612-MIB, Washington, D.C. 20240.

Sincerely,

/s/ Ronal Eden

Director, Office of Indian Services

cc: Minneapolis Area Director
 Confederated Historic Tribes, Inc.
 Administration for Native Americans
 Michigan Commission on Indian Affairs
 Honorable John Hiler
 Honorable Frederick S. Upton
 Senator Dan Coats
 Senator Carl Levin
 Senator Richard G. Lugar
 Senator Donald W. Riegle, Jr.
 Michigan Indian Legal Services
 First Computer Concepts, Inc.

Michigan
Indian
Legal Services

Old City Hall, 160 East State Street
Traverse City, Michigan 49684
Phone (616) 947-0127

#-31.

September 5, 1991

Mr. Ronal Eden
Director, Office of Indian Services
United States Department of the Interior
Bureau of Indian Affairs
1849 C Street, N.W.
Mail Stop 2612-M1B
Washington, D.C. 20240

Re: Tribal Government Services - AR

Dear Mr. Eden:

This letter is written in response to your letter of August 20, 1991. As you will discover as you read further all the points raised in your letter have been answered. Therefore, the Pokagon Band of Potawatomi Indians' Petition for Federal Acknowledgement (hereafter referred to as the petition) remains ready for active review. The review should begin as scheduled.

Enclosed with a copy of this letter under separate cover are copies of the enrollment applications of the more than 1,400 members of the Pokagon Band of Potawatomi Indians (Band). This information would have been sent sooner but discussions with staff at the Branch of Acknowledgment and Research (BAR) had led the Band to believe that this material would be reviewed at the Band's office during a field trip by the BAR staff. Each application contains an ancestry chart and other information that should be sufficient to convince the BAR staff that the membership of the Band consists of individuals who have established descentancy from members of the Band that negotiated the right to remain in Michigan in the 1833 Treaty of Chicago. Much of this information was included on the membership list submitted with the Petition in November 1988. On that list each member and the member's ancestor from the Cadmun/Shelby roll are recorded as well as the member's relationship to the ancestor. As explained in more detail below the 1833 Cadmun/Shelby roll is one of the "[d]escentancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money..." 25 CFR § 83.7(e)(1).

Also raised in the February 22, 1990 obvious deficiency letter and in your August 20, 1991 letter is the question of certification of the membership rolls by the Band's tribal council. On page 53 of the petition submitted to the BAR in

November of 1988 is the statement that the membership roll of the Band is attached as Appendix Xx. A certification that the Band's Tribal Council adopted the petition appears on page 2 of the petition. Therefore, the membership roll was certified by the Tribal Council. So as not to cause further delay the Tribal Council again certifies the membership list and the certificate is enclosed with this letter. The same certificate also certifies the supplemental list enclosed.

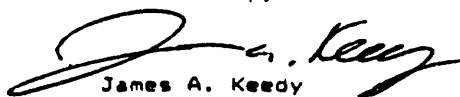
Your letter also states that it is not clear what are the actual membership criteria for the Band. On page 51 of the petition submitted in November 1988 it states that the Band is using the membership criteria contained in the proposed constitution. The proposed constitution contains the membership criteria that the Band has used for a very long time. The bylaws submitted with the Petition are the bylaws of a Michigan non-profit corporation that the Band first formed in 1952. The Band itself has existed from historical times. The membership criteria in the bylaws only define eligibility for membership in the corporation.

The process of defining the group by reference to written rolls was a gradual one. The Band cannot point to a precise instant in time when it first began using that method. Initially it was the federal government itself that defined the Band using written rolls by creating annuity payment rolls beginning in 1841. Then in 1895 the Office of Indian Affairs ordered first Cadmun then Shelby to create a census to include only members of the Band because it believed that Congress approved payment only to members of the Band. See Clifton, The Pokagons, 1683-1983 Catholic Potawatomi Indians of the St. Joseph River Valley, p.105. Thus the federal government was the first to define the Band's membership criteria by reference to rolls.

You also state that the Band's membership criteria is not clear to you because a copy of the Band's application form that you have obtained states that an applicant must possess one-quarter Indian blood. The application form sent to the BAR is confusing because it was copied without change from another source, perhaps the Bureau of Indian Affairs. The Band never used a quarter blood requirement and that requirement has not been used to judge the completed applications. The application forms used currently do not state a one-quarter Indian blood requirement. A copy of the current application form is enclosed for your review.

Thank you for your comments. I believe all your concerns have been addressed. If that is not the case please contact me immediately and I am certain that any other questions can be answered.

Sincerely,


James A. Keedy
Executive Director



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20245



IN REPLY REFER TO:

Tribal Government Services - AR

DEC 4 1991

Mr. Joseph Winchester
53237 Townhall Road
Dowagiac, Michigan 49047

Dear Mr. Winchester:

This letter will acknowledge receipt by the Branch of Acknowledgment and Research (BAR) of the Pokagon Band of Potawatomi's official response to the BAR's review of the Band's petition for obvious deficiencies and significant omissions (the OD review). Your response was received on September 18, 1991.

Based on a telephone conversation between you and Ms. Holly Reckord of the BAR staff, we understand that this response is to be considered complete and ready for active consideration and that no review for adequacy is desired.

As Ms. Reckord explained, the Pokagon petition will be reviewed by contract. Contract researchers play a purely advisory role, and the BAR researchers will actually deliberate and write the final reports for the Assistant Secretary's review. We regret that we cannot at this time give you a date as to when the Pokagon petition will be placed on active consideration. The contractor, First Computer Concepts Incorporated (FCCI), is currently putting together a team of three researchers, an anthropologist, genealogist and historian, to work on your petition. The names of the researchers that you gave Ms. Reckord were forwarded to FCCI. We will inform you immediately when your petition is placed on active consideration.

A public hearing on the Proposed Revised Regulations for Federal Acknowledgment will be held December 10, 1991, 10:00 a.m. to 4:00 p.m. at the Radison Hotel, 2040 Airport Drive, Greenbay, Wisconsin. If someone from the Pokagon Band would like to speak at this hearing, please contact Ms. Holly Reckord at (202) 208-3592 to make arrangements.

Sincerely,

Harold A. Manning
Chief, Division of Tribal
Government Services

12-6-91

DEPUTY REPUBLICAN WHIP
COMMITTEE
ENERGY AND COMMERCE
PUBLIC WORKS AND TRANSPORTATION
SELECT COMMITTEE ON HUNGER
SOCIAL SECURITY CAUCUS
ADOPTION COALITION
GREAT LAKES CAUCUS
LYNN BACHS STAFF DIRECTOR



Congress of the United States
House of Representatives

FRED UPTON
8TH DISTRICT, MICHIGAN
February 11, 1992

1713 LONGWORTH OFFICE BUILDING
WASHINGTON, DC 20518
PHONE 225-3751
225 WEST BETH STREET
P.O. BOX 1817
HOLLAND MI 49422-1817
MI 264-4200
100 PORTAGE AVENUE
P.O. BOX 428
THREE RIVERS MI 49093
MI 313-8122
431 MAIN STREET
ST. JOSEPH, MI 49085
MI 907-1900

Mr. Joe Winchester
Secretary, Pokagon Band
Potawatomi Indian Nation
95931 Wild Wood Drive
Dowagiac, Michigan 49047

Dear Joe,

This letter is to confirm your conversation two weeks ago with Pete Dame of my Washington staff regarding the status of the review of the Potawatomi Pokagon Band application for federal recognition.

At your request, Pete Dame contacted the Congressional committee with jurisdiction over the Department of the Interior (DOI), the House Committee on Interior Affairs, Indian Affairs Office. Catherine Wilson of the House Committee contacted the DOI Bureau of Acknowledgement and Research (BAR) to inquire about the status of the Pokagon application. BAR officials confirmed that they were in the process of contracted a private consulting team to review and research the Pokagon application. As soon as that contract was finalized, a process anticipated to take approximately a month, the Pokagon application would be under "active consideration." BAR officials reported to Catherine Wilson of the House Committee that this review normally takes from one to two years. No additional funds were requested from Congress or are necessary to hire this review team.

I hope that this information is helpful to you. If there is anything else I may do to assist you, please let me or Pete Dame of my staff know. Until then, I remain

Very truly yours,


Fred Upton
Member of Congress

FSU:pp

34.

received
FEB 15 1992

PLEASE REPLY TO WASHINGTON OFFICE UNLESS INDICATED. ST. JOSEPH HOLLAND THREE RIVERS
SATELLITE OFFICE HOURS IN NINE ADDITIONAL LOCATIONS: CALL THE OFFICE CLOSEST TO YOU FOR INFORMATION
THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

POTAWATOMI INDIAN NATION INC.

AKA Pokagon Band of Potawatomi Indians

83237 Town Hall Road, Douglas, MI 49617

Telephone 616-762-6323/016-762-7633

September 3, 1992

RECEIVED SEP 04 1992

Holly Record
 Branch of Acknowledgment
 and Research
 1849 C Street, N.W.
 Mail Stop 2612-M1B
 Washington, D.C. 20240

Dear Ms. Record:

On behalf of Potawatomi Indian Nation, Inc. (PINI), I have been asked to correspond to you in regards to communications from yourselves to our tribal chairperson for the Pokagon Band of Potawatomi Indians, Daniel Rapp.

It is our understanding that it was conveyed to Mr. Rapp that there was a request that we agree to waive our twelve-month waiting period from the point of active consideration and, rather, agree to an eighteen-month time period. To assist our Board of Directors, could you please clarify this request.

Thank you for your anticipated cooperation.

/s/

John N. Low
 Tribal Attorney, on behalf
 of the Board of Directors

cc: Congressman Fred Upton
 PINI

bps: Congressman Fred Upton, Constituent Services

I understand that the above offer was made verbally to Mr. Rapp with the understanding that if we agreed to the extension of the time period for completion of consideration from 12 to 18 months, that we would be placed on active consideration commencing December, 1992. If you think this is feasible and in our best interest to do so, please advise. Thank you.

John N. Low



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20215



IN 10253-101/1-87

Acknowledgment & Research

OCT 27 1992

Mr. Daniel Rapp
Potawatomi Indian Nation, Inc.
53237 Town Hall Road
Dowagiac, Michigan 49047

Dear Mr. Rapp:

On August 12, 1992 Mr. William Church visited our office on behalf of your group. The discussion concerned the date your petition could be placed on active consideration. We offered to place the Pokagon Band of Potawatomi Indians on active consideration as soon as possible providing you would agree to waive the 12-month consideration period and allow us to extend the active consideration period to 18 months. During the meeting we requested a response as soon as possible. On September 9, 1992 we recieved a letter from your attorney, Mr. John W. Low, requesting that our office clarify this request. We regret to inform you that we must withdraw the offer because another group provided our office with a fully documented petition. At this point your group is second in line to go on active consideration.

If you have any questions, please contact our office.

Sincerely,

ACTING

A. C. Rieker

Chief, Branch of Acknowledgment
and Research

Mr. ABERCROMBIE. Do they say that formally, too? What do they mean who goes to funerals or marriages?

Mr. KEEDY. Those are the questions that you get when you talk about your tribal history. Those are the questions that they ask like in the obvious deficiency letters they send after you submit your documentation to them.

They come back with a letter of obvious deficiency saying you have not listed patterns of social interaction in your petition. That is an obvious deficiency in your petition.

Mr. ABERCROMBIE. Is that a formal part of it? I didn't understand that to be the case. Are you saying that out-marriage is considered by the Bureau of Acknowledgement and Research as grounds for saying that the tribe no longer exists or has been obliterated in such a way as not to be recognizable?

Mr. KEEDY. Those are the things they look at. They look at marriages and that is why they want the census.

Mr. ABERCROMBIE. Is that part of the formal law or rules and regulations? That is nonsense.

Mr. KEEDY. They don't say that in the regulations, but that is the way they interpret them.

Mr. SHAWA. There are very few formal rules in the BAR. There is a policy that might be there because it is administratively created.

Mr. ABERCROMBIE. I understand. I hope no one appears from the Department of Interior BAR in front of me and starts raising that.

Mr. SHAWA. These are the questions they ask.

Mr. ABERCROMBIE. They should not. That is foolish. Let you get a little bit more land and you watch how many people all of a sudden start running back trying to say oh, yes, well, my great uncle got over the fence and all of a sudden—you know, now that the Hawaiians have made a little bit with what we call ceded lands, lands ceded to the government, and now they are getting an income and we are starting to settle the money, you should see the scramble of people trying to show they are 1-28th Hawaiian. People who would never admit to it before are now running all around trying to figure out—I mean people who look like me trying to pretend that they are full-blooded Hawaiian or something like that. In their dreams maybe.

Anyway, Mr. Keedy, as far as I can see, that has no legitimacy. The assimilation by definition from my point of view is a sociological phenomenon. It has nothing to do with legal or political rights or wrongs.

Well, it could have a lot to do with wrongs, but in terms of legal rights, that is immaterial.

It is like saying, you know, you wear a tie. I have this tie on as a courtesy to the institution and recognition of the institution as the means by which we conduct our business in a civil manner with one another.

I have gifts of necklaces given to me by my Hawaiian brethren and we have in Hawaii a phenomenon where people can be adopted formally and informally. It would strike some people as odd or not upholding family values as is understood by certain groups in this country. I would wear that out of courtesy. They understand why I have this tie on that is choking me here today. I understand why

I have it. Everybody in Hawaii understands why I get rid of it as soon as I can.

That is immaterial. That is assimilation. There is nothing wrong with that. That shows basic courtesy from one group to another or one person to another or one institution to another. You have a suit and tie on today. That is immaterial. That has nothing to do with the historic political rights of a tribe or an individual within a tribe or organization or a group. I trust you agree with that.

Mr. KEEDY. Absolutely.

Mr. ABERCROMBIE. You said it was a philosophical discussion that took place or Mr. Church maybe said it was a philosophical discussion. I am quite willing to discuss philosophy or theology, for that matter, at any time. But I don't think that necessarily has to then rule. It may be helpful. It may be illuminating. It may offer perspective. But it doesn't offer a definitive course of political action and that is what we are here about in this committee.

Mr. KEEDY. I concur 100 percent, Mr. Chairman. The only final point I have is that we have, from this panel and the other panels groups at various stages. For example, the Pokagan Band has completed the process, but they have been waiting since 1988 to hear a result from the Branch of Acknowledgement and Research.

But because of the political relationship that we documented in the earlier panel, and these are all bands of the same tribes and some are recognized and some are not, they should all be recognized. That is what we ask.

Thank you.

Mr. ABERCROMBIE. The Michigan Indian Legal Services, can you give me, for the record, what your charter is? In other words, what is your basis of existence?

Mr. KEEDY. We were organized in the mid-1970s by the Michigan Commission on Indian Affairs.

Mr. ABERCROMBIE. Is that a State organization?

Mr. KEEDY. Yes. They did not form us, but they were the impetus for forming us. They formed a nonprofit organization. Our charter, really, is to help the Indian population of Michigan attain treaty rights, statutory rights, basically those kind of problems.

We do now receive funding from the Legal Services Corporation. That limits our services primarily to people whose income is below the poverty level.

Mr. ABERCROMBIE. Have you dealt with the question of those who may be members of the tribe, and here I am not going to deal with blood quantum questions, you know, 1-28th, 50 percent, all those kind of things.

Let's just assume for conversation's sake that anyone who can, for example with the Hawaiians, trace their ancestry on either side to the time of the arrival of Captain Cook in the Islands, which was the first real contact with westerners, anybody who can trace that and there is a very strong oral history, I presume there is a strong oral history here as well.

So that it is possible to trace really quite a significant number of generations back simply by oral history.

What about people who live outside the geographic boundaries of Michigan? Do you take up the question as to what their rights may or may not be? I guess a better question is: Are you prepared to

represent them as well even if they are not residing actually within the borders of Michigan?

Mr. KEEDY. I think indirectly, because we represent the bands, the tribes in Michigan, that some of them do have members in other States. But our representation is primarily just to people or organizations in Michigan.

Mr. ABERCROMBIE. But at some point then one would have to take up the question of if there was, any one of a series of activities that might take place, health care, land distribution, income dispersal, programs of one kind or another that might be established either internally or by external application of Federal law.

I raise that question again because it is clear to me coming from Hawaii that we are going to have to in the end deal with questions of those Hawaiians who have been dispersed away from Hawaii for one reason or another.

What precisely then is their relationship to the income that is now accruing? What is their relationship to the possibility of getting land under the Hawaiian Homes Act?

Mr. CHURCH. We tribes might be better able to answer that. I think what you are asking is do you not only have a long and true oral history, but can you write it down? The answer is: Each one of these tribes can.

We all have membership criteria that is based on treaties. Some are more liberal than others. Some have various blood quantum and sometimes those come under the treaties themselves. But we all have those.

To answer your question about out-of-State questions, one of the informal questions that the BAR asked, they have been drawing a smaller and smaller net around what the community is for the last few years. It does not show up in any of the written policies, but it comes up in private conversations.

So that community now is almost to be defined as those that regularly do business with your tribe or come back to funerals or have dinners or some such way. It is the only type of definition that is there.

Mr. ABERCROMBIE. The reason I brought that up is that I reject that. I think it should be handled intra-tribally.

Mr. CHURCH. It is difficult for us because we have a couple of members who married—we have a lot of missionary type persons who come out of our tribe, because they were created by the missions—who moved out of State and then they get parked out in South Dakota or somewhere and then their husbands die and, you know, they are part of that community.

Well, we have made them part of our band. It is an extended piece. It kind of flies in the face of what the Bureau wants to do, but they are still our families.

Mr. ABERCROMBIE. I understand. I didn't mean for you to have to give a definitive comment today. I merely raised the issue that at some point all tribes will have to deal with that question, I believe, internally.

I believe it is a question to be decided by the tribes themselves as to how you deal with those who have been dispersed. Again, I find it ironic that we seem to be so concerned about others, Pal-

estinians, Israelis, et cetera, who have been dispersed throughout the world. I am all for dealing with that.

I mean some of my ancestors were dispersed, too, the Scots and the Irish were pushed out because of what the English did. I don't blame the average person in England now. I would not belong to the Conservative Party anyway.

So we got kicked off our lands in Scotland because English landlords came in and ran people off so they could put sheep in there.

I am proud of the fact that I think some of my ancestors had to leave Scotland because they were accused of killing the sheep of English landlords. I hope they got nice coats and ate hardy out of them. Maybe they should have killed the two-legged animals instead of the four-legged animals.

Mr. CHURCH. We tried that and it didn't work.

Mr. ABERCROMBIE. Maybe some had to leave for that reason, too. What I am saying is that everybody in the world has a history where they can show oppression and injustice, I think.

Our duty here today, it seems to me then, is to try not to make up for it but to deal with things as they are today and to try to help each other to lead just lives in which we don't continue oppression or continue the legacy of oppression.

My final point is, with respect to those who may not be in Michigan proper today. I mean after all those boundaries were all arbitrarily drawn, too. You may have people in Canada. I mean if you are up in Michigan, for all I know, the bands here, the five tribes, may exist as the Kurds do today across all these arbitrary borders that were drawn in the Middle East by colonial powers.

Mr. ALEXIS. Mr. Chairman, right now we do have that situation in relation to the Pokagon Band who have members and the band itself has members in the State of Michigan and members in the State of Indiana and provides services to its members in six counties in Indiana and four counties in Michigan.

It has an office on campus of the University of Notre Dame and also their main offices in Dowagiac, their main offices. There are tribal members who live on Mawpoll Island which is in Canada. We internally are having to discuss the same issues that you are talking about.

Mr. ABERCROMBIE. You need not necessarily go on the record, but I take it from what you are saying that the problem is understood.

Mr. ALEXIS. Right, the problem is understood.

Mr. ABERCROMBIE. Right. In fact, I take that back. It is not a problem. It is not a problem. The opportunity is understood.

Mr. ALEXIS. Right. The opportunity is understood. One other little comment I would like to make for the record, and I don't think anybody has mentioned it, each one of these groups at one time had been—maybe was one of the reasons they looked at not giving them recognition—each one of these groups acted as tribes and each one of them presently, right now, have their own land which is something that each one of them has done in different ways, whether it was securing it back from a church who had it or whether it was purchasing the land themselves and doing it in common, but they all have land now.

Those are really some things to look at, the community, the things these people do, the tribal initiatives that they have taken on.

Mr. ABERCROMBIE. And they are self-defined?

Mr. ALEXIS. Right.

Mr. ABERCROMBIE. Mr. Keedy, do you have anything else at this point?

Mr. KEEDY. No, sir. Thank you.

Mr. ABERCROMBIE. Mr. Church.

Mr. CHURCH. When attorneys deal with us from Michigan, it has been a custom to look at the 1833 treaties and the 1836 treaties and divide groups into two distinct camps as if all of the Indians were moved out of the lower area that were not taken care of by the 1833 treaty.

I think one of the things that we are just now able to develop and patch together is that there is a third category. The third category are those groups that were excepted from the 1833 treaty that were supposed to have payment sites up north—it didn't work out—and were created by the War Department into specific colonies in the Lower Grand River.

Those Lower Grand River colonies, then, are the ones that we represent. Two of them failed. They were all conglomerated into one and are still there in and that land, we, maintain, has never been out of our possession.

That is why we say we have trade and intercourse violation on this piece of ground and we have just been snowed under by the paperwork and sometimes by the bulk of the claims of the Indians on either side of us.

So our brothers have been working through their problems for years and years and ours has been sitting on the back burner. I am here to say that there are three distinct categories of Indians even though there are two treaties.

Mr. ABERCROMBIE. I understand your point. I can assure you that that will not only be part of the record, but will be taken into consideration by Chairman Richardson on this committee and the Interior Committee on whatever action we take.

Mr. ALEXIS. I would like to make a last comment. I appreciate your giving us the opportunity to submit the Holtz report and also the treaties for the record. We will make sure that we do that within the next week.

Mr. ABERCROMBIE. I would say in conclusion, don't fear to give too much information. I have never been involved in any legislative activity, particularly in the Congress, yet in which there was any such thing as too much information. If you think something even peripherally might be important, make sure it comes in and say why you think it is there.

Otherwise, somebody, just as sure as I am sitting here, will say I didn't know anything about that. That was not part of the record. It is too bad you didn't submit that. Believe me, when they talk about submitting for the record, that is not a pro forma record. Everything that is in there is gone over in fine detail by staff and committee when conclusions are referred.

The people here are serious about their undertakings. They are serious about their responsibilities. I can assure you that your ef-

forts here today will not go into a void somewhere or go into limbo. Everything that has been said here today, everything that has been submitted, everything that is implied will be gone into and taken up in short order.

With that, then, I will conclude this hearing and say mahalo, thank you very much for being here today and good luck.

[Whereupon, at 12:12 p.m., the subcommittee was adjourned.]



A P P E N D I X

SEPTEMBER 17, 1993

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

OPENING STATEMENT ON HR 878 AND HR 2376

I believe that my views on legislative recognition outside the BIA process are well known, so I will keep my comments brief. While I deeply appreciate the unique problems faced by native american groups in this country which lead them to pursue federal acknowledgement, I have grave concerns about the two bills we will be examining today.

Despite the authors' attempts to veil these bills in restoration language, it is clear that the principal objective of these bills is to grant federal recognition to Indian groups not previously formally acknowledged as tribes on a government-to-government level -- the Pokagon Band of Potawatomi and two Bands of the Anishnabek.

Like any tribe, the groups sought to be brought under the purview of these bills should have a full opportunity to make their cases for federal acknowledgment. In my view, however, in the absence of highly unusual extenuating circumstances not present here, the only proper way to do so is through the established recognition process that is carried out by the Bureau of Indian Affairs pursuant to 25 C.F.R. § 83.

I can understand the frustration of those who feel that the Bureau's review process moves too slowly. I do not, however, believe that the proper way to address this concern is to circumvent the established administrative procedures. It is unfair both to those tribes who have successfully completed the recognition process and to those groups with equally meritorious claims who are pursuing recognition through the proper channels.

In addition, legislative recognition replaces the standardized with the arbitrary; historical merits examined by objective and neutral professionals are supplanted by emotional arguments, influential sponsors, and the partisan nature of this institution. The result is a lack of uniformity which dilutes the concept of tribal sovereignty and the government-to-government relationship between the tribes and the United States.

The increasing frequency with which we bypass established administrative processes in favor of the "quick-fix" of congressional recognition serves to subvert the federal acknowledgment program by encouraging other groups to do the same. The work of this committee confirms this disturbing trend. An ever-expanding number of Indian groups come before us, each contending that its case is accompanied by "unique" special circumstances entitling it to skirt the acknowledgement process.

Although some have petitions pending with the BIA, others have made only cursory attempts to seek administrative recognition, seeming to prefer instead the legislative alternative. For example, according to the BIA the Little Traverse Bay Band has only submitted a letter of intent to petition (September, 1989), as has the Little River Band (June, 1991). More to their credit, the Pokagon Band has a completed petition on file which is about to be placed under active consideration.

Each tribe that comes before us today argues that it has experienced some unique historic event which entitles it to preference over all other tribes seeking acknowledgement through the BIA and which compels the bestowing of legislative recognition. But Mr. Chairman, I can think of no nonrecognized Native American group that cannot lay claim to some unique past hardship as a rationale for coming before this subcommittee. Should they all be legislatively acknowledged as a result, and if not, where do we draw the line between those that should and those that should not?

There are many who argue that congressional recognition is compelled by the length of the petition process and the money required to complete it. But if that process is unnecessarily cumbersome or protracted, then it is towards its reform that we should turn our attention. Mr. Chairman, we would be best served by taking up consideration of legislation to overhaul the process, rather than circumventing it entirely with piecemeal legislative recognition.

If the Majority is correct that the BIA FAP process is so cumbersome that it is unfair to make groups such as the Odawa or the Lumbee go through it, then it is equally unfair to make any other nonrecognized group do so. If this subcommittee continues to move recognition legislation forward based on this premise, then I will accede to the Democrats' argument and introduce separate bills to legislatively recognize each of the 101 groups presently in the BIA process. We will then see what becomes of the Majority's arguments.

Thank you, Mr. Chairman.

**TESTIMONY OF CONGRESSMAN DALE E. KILDEE ON H.R. 2376
LEGISLATION TO REAFFIRM THE GOVERNMENT-TO-
GOVERNMENT RELATIONSHIP
BETWEEN THE UNITED STATES OF AMERICA
AND THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND
THE LITTLE RIVER BAND OF OTTAWA INDIANS**

**SUBMITTED TO THE HOUSE NATURAL RESOURCES
SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS
FRIDAY, SEPTEMBER 17, 1993**

Mr. Chairman and members of the Committee, thank you for allowing me the opportunity to submit this testimony on H.R. 2376, a bill which I have introduced along with Congressmen Peter Hoekstra and Dave Camp, to reaffirm the government-to-government relations between the government of the United States and the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians.

I use the word reaffirm rather than recognize because historical documentation proves that these tribes have, in fact, had formal government-to-government relations with the United States from the time Americans first entered the Great Lakes region to the present. It is simply the legal status of that relationship that we seek to reaffirm through this legislation.

Both these tribes have treaty relations with the United States. They entered into treaties in 1795, 1803, 1821, 1836 and 1855 as signatories from the "Ottawa and Chippewa" nation.

Politically, there was never a statewide Ottawa tribe or Ottawa and Chippewa Tribe. The individual bands of Ottawa have always been the political tribal entities. However, for expediency in treaty making, the federal government created an "Ottawa and Chippewa" tribe. Article 5 of the 1855 treaty dissolved this artificial organization and reaffirmed the tribal status of the individual bands. The tribes' current non-recognized status resulted, in part, when Article 5 was incorrectly interpreted as "terminating" the bands' tribal status by a few Bureau of Indian Affairs employees in the 1870's. That incorrect interpretation gradually became Bureau policy. Federal court decisions and the BIA's own recognition of three other Chippewa and Ottawa tribal signatories of that treaty prove that the 1855 treaty did not terminate the tribal status of the Ottawa bands.

In addition, historic records are replete with evidence of continuing political dealings between the tribes and the federal government from the time of the 1855 treaty to the present.

Indian Agents and other federal officials are charged with protecting the property and other rights guaranteed these tribes under treaty. However, the federal government did not, in many cases, fulfill its responsibility. Due to this oversight, the tribes were illegally dispossessed of most of the lands reserved for the tribes under the 1855 treaty. In addition, federal Indian services guaranteed them were either never provided or were gradually withdrawn. The tribes have continued to petition the federal government for recognition and enforcement of these rights ever since.

In an effort to restore many of the federal services wrongfully denied them, and to acquire additional lands, both tribes petitioned to reorganize their governments under the Indian Reorganization Act in 1935. Despite the fact their local BIA Superintendent had assisted them in obtaining options to purchase 7,000 acres of land, and despite the fact that John Collier supported their recognition efforts, Congress refused to appropriate the funds necessary to acquire the land base for the tribes. In an even more disreputable move, despite the fact that the BIA continued to administer trust lands for members of the Tribes, the BIA used the tribe's purported lack of a land base as a justification to deny them reorganization assistance under the Indian Reorganization Act.

In addition, although BIA personnel maintained that the tribes had been terminated, the agency continued to provide services to members of the bands and, as recently as 1976, Commissioner of Indian Affairs, Morris Thompson, acknowledged that the tribes were "functioning as or at least are accepted as tribal political entities by the Minneapolis Area and Great Lakes Agency".

This legislation merely seeks to confirm "in law" the legal status of these Tribes, which has been continuously recognized "in fact" by other federally-recognized tribal governments, state and local governments, the Bureau of Indian Affairs and the Congress.

It is appropriate and necessary for these tribes to seek reaffirmation of their political relationship with the federal government through this legislation rather than the Federal Acknowledgement Process administered by the BIA's Branch of Acknowledgement and Research (BAR). Mr. Bud Shepard, former chief of the BIA's Branch of Acknowledgement

The Honorable Dale E. Kildee
September 17, 1993
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and Research, who helped draft the current regulations, has testified on several occasions before the House Interior and Insular Affairs Committee that this process was never intended to apply to treaty tribes which have been previously acknowledged. At oversight hearings conducted September 15, 1992, by the House Interior and Insular Affairs Committee concerning the Federal Acknowledgement Process, it was the unanimous opinion of the experts testifying that the process as currently administered is arbitrary and unworkable.

It would be manifestly unjust to require these two tribes to submit to the expensive and lengthy Federal Acknowledgement Process administered by the BIA. These tribes have been petitioning the United States Government for reaffirmation and enforcement of their treaty guarantee rights for over 100 years. At the current rate of progress, these tribes will be forced to wait at least another 50 years before their petitions are acted upon at the BAR. Based on their documented, continuous political dealings with, and acknowledgement by, the United States, these should already be included on the BIA's list of federally recognized tribes.

Mr. Chairman, many of the witnesses and tribal members present today are the children and grandchildren of tribal leaders who have tirelessly petitioned Washington in the past. Too many generations of tribal leaders have been forced to struggle just to get the government to recognize and enforce the promises made to their tribes. The time to acknowledge our obligations to these tribes is long overdue. This legislation will permit this and future generations of tribal leaders to move on to the more pressing problems of providing for the economic and social welfare of their people. For these reasons, I urge my colleagues to support this most important legislation and I am committed to working for the enactment of this legislation in the 103rd Congress. Towards this end, I have requested Chairman Richardson to schedule H.R. 2376 for markup at his earliest convenience. I would also like to take this opportunity to express my support for H.R. 868, as introduced by my colleague Fred Upton, to restore federal services to the Pokagon Band of Potawatomis, as well as the commendable efforts of the other tribes seeking recognition before this committee.

STATEMENT OF CONGRESSMAN FRED UPTON
HOUSE SUBCOMMITTEE ON NATIVE AMERICAN AFFAIRS
REGARDING FEDERAL RECOGNITION OF MICHIGAN INDIAN TRIBES
INCLUDING HR 878 --
RESTORING FEDERAL SERVICES TO POKAGON BAND OF POTAWATOMIS
SEPTEMBER 17, 1993

Mr. Chairman. Thank you for holding this hearing on HR 878 -- to restore federal services to the Pokagon Band of Potawatomi Indians; HR 2376 -- to reaffirm and clarify the federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes; and issues relating to the federal recognition status of Michigan's Indian tribes. I applaud your long-standing record of leadership on issues relating to Native Americans. I applaud your willingness to fully examine the circumstances of the various Michigan tribes in this hearing today.

I strongly believe that the federal government's refusal to formally recognize Michigan's lower peninsula tribes under the 1934 Indian Reorganization Act is one of the most glaring uncorrected injustices in this country's history of unjust treatment of Native Americans. If enacted, HR 878, which I have introduced with Representative Tim Roemer, and HR 2376, which Representative Dale Kildee has sponsored, would correct this situation. In the other chamber, Michigan Senator Riegle has introduced a companion to HR 878 -- S 1066; and Michigan Senator Levin has introduced a companion to HR 2376 -- S 1357. I support all of these bills, and urge the House Subcommittee to consider and approve them as quickly as possible. In the case of these Michigan tribes, justice delayed truly is justice denied.

I will confine the rest of my remarks specifically to the case of the Pokagon Potawatomis whose approximately 3000 members that live primarily in Representative Roemer's and my Congressional districts. In February, at the start of the session of the 103rd Congress, Congressman Tim Roemer and I reintroduced HR 878, a bill we had first introduced at the very end of the 102nd Congress to restore federal services to the Pokagon Band of the Potawatomi Indians. This bipartisan legislation would formally establish that the government of the United States of America recognizes the tribal government and people of the Pokagon Band of Potawatomis. The formal recognition that this government-to-government arrangement embodies would ensure that the Pokagon Band of Potawatomis finally receives the fair and equitable treatment that has been lacking in our government's policy toward the Potawatomis.

It is no secret that our nation's treatment of Native Americans has not been exemplary. In fact, it has too often been the opposite. The treatment of the Potawatomis has certainly been no exception. The most serious inequity is that the federal government has arbitrarily excluded the Pokagon Band from federal recognition. This recognition is important because it would make the tribe and its members in southern Michigan and northern Indiana eligible for federal Indian programs and

services to which their ancestors in the early 1800's were once entitled. These programs -- including education, health, housing, and economic development -- would have a positive impact on tribal members, many of whom are poor. These programs would give tribal members a chance to succeed and enrich not just their own lives but those of fellow community members.

But more than that, affirming formal federal recognition would restore fairness and legitimacy to the recognition process and to the government's treatment of the Pokagons. Under the 1934 Indian Reorganization Act, tribes not receiving federal services were authorized to petition the government for federal recognition. In 1940 the Pokagon Band was turned down because federal officials decided their case not on the merits but simply because they did not want to extend recognition to tribes in the lower peninsula. It did not matter that other bands of Potawatomis do have federal recognition.

The time is long overdue for the Pokagon band of Potawatomis to join the league of Indian nations recognized by the United States. It would elevate the relationship between the United States government and the tribal government, as well as between the Pokagons and previously recognized tribes, to the appropriate level of respect. More than just program eligibility, recognition entails a trust relationship as described by decision written by the former Supreme Court Chief Justice John Marshall in the 19th Century.

The Potawatomis have a long and proud history in the area we now know as northern Indiana and southwestern Michigan. They inhabited the St. Joseph River basin as well as Northern Illinois and Wisconsin long before European explorers discovered America. As other Native Americans and even other Potawatomi bands were being removed west of the Mississippi River, Leopold Pokagon shrewdly negotiated an exception to the 1833 Treaty of Chicago that permitted his Potawatomi band to stay in the Michiana region. The Pokagon band has been an integral part of the development of this region ever since. Many names of natural features and even cities like Dowagiac ("Place of Plenty") and Kalamazoo ("Boiling Water") are from the Potawatomi language. Tribal tradition holds that they donated the land to establish the University of Notre Dame in South Bend. Other churches throughout the area were also started by land grants from the Potawatomis. Throughout the 19th and 20th century, many outstanding Potawatomi individuals have contributed to the development of the communities of our region. To this day, schoolchildren in Michiana read and learn about the history of the Potawatomis in the area.

Congressman Roemer and I are pushing this legislation because we are frustrated by the Department of Interior's administrative process for recognition. The Pokagon Band of Potawatomis restarted their drive for recognition in 1981. Even though boxes and boxes of materials have been submitted, very little real progress has been made. For the last two years, efforts have been at a standstill. The Pokagons have been ready to go under the stage called "active consideration." My staff, their tribal leadership, and

even the House Interior Committee staff on at least one occasion have been told throughout those two years that it will be just another month before active consideration happens – but it never happens and still has not happened. Only one or two tribes per year get placed on active consideration, and other tribes keep bumping the Pokagons from this necessary review even though the Pokagons' application has been ready far longer. In fact, the Bureau's most recent quarterly status report indicated that instead of being closer to active review after a full two years of waiting, they sunk from first to fourth on the list. A review of the petitions which appear to be nearly ready to be eligible for active consideration indicates that they will continue to sink lower on the waiting list.

We have come to the conclusion that the administrative process is fundamentally flawed and broken. We are not alone in that assessment. A panel of experts before this Congressional Subcommittee on the current recognition process unanimously concluded last year that the process it is arbitrary and unworkable. For this reason, we are turning to the legislative process for progress. We are now appealing to other Congressional legislators' sense of fairness and justice to restore federal services and affirm federal recognition to the Pokagon Potawatomis. It seems we have no place left to turn. Since these administrative procedures have been set up in 1978, more tribes have been recognized by legislation than through this process. At the current rate of administrative review, it could be well into the 21st century before all the reviews for pending tribes are considered. This is a terrible state of affairs; and to wait for the system to be fixed someday in the future is also not fair for a group that has waited far too long already.

Furthermore, as the representatives of the Michigan Indian Legal Services will point out in greater detail, there is some question whether tribes which had been parties to treaties with the United States, like the Pokagon Band of Potawatomis, should even have to submit to the rigorous analysis of administrative recognition process set up in 1978. As a signatory to 11 treaties from 1795 through 1833, the Pokagon Band were regarded as federally recognized tribes and received federal services, payments and annuities at various times from the United States government because of this status. In this light, the administrative process is almost like a re-recognition of a relationship which already exists. In fact only 8 of the approximately 300 recognized tribes in this country were recognized by the administrative process, and more tribes have actually been recognized by legislation than through the administrative process since 1978.

In the mid-1930's, the Pokagons petitioned the federal government to reorganize under the Indian Reorganization Act of 1934. However, the Pokagons were unfairly and arbitrarily rejected in their petition due simply to their location in the lower Peninsula of Michigan. There was no law or executive order that terminated the Pokagons status as federally recognized tribe. The government justified the denial of reorganization entirely on a lack of funding. Since Congress has never delegated the authority for the Executive Branch to terminate a tribes legitimate status and relationship with a tribe, I believe that the government should be able to simple restore federal services in full force and effect to the Pokagon's because the government's trust status with this treaty tribe was never

relinquished. Nonetheless, it seems that legislation like HR 878 to clarify this intent and will of Congress will be necessary before services will resume.

What is most frustrating is that the Pokagon Potawatomis' case for recognition even under the criteria of the administrative process is almost textbook clear. Even Indian Affairs officials would admit that their grounds for recognition appear sound. The Pokagon Band meets all of the criteria and requirements including tracing its roots to before the Europeans landed, inhabiting a distinct area, maintaining a continual tribal influence over its members, and documenting a history of federal government treatment of the tribe as a distinct entity in court cases, treaties, and letters stretching back to 1795. These contacts and all of evidence necessary for federal recognition are extensively documented by the Michigan Indian Legal Services, and in the material presented to the Bureau.

I must conclude that at this point, it seems manifestly unfair to make the Potawatomis wait until however long it may take to fix the Department of Interior's process. I am certainly more than willing to work with the Subcommittee Members to help resolve any outstanding questions about the specifics of the legislation, and urge that we all push for the quick enactment of recognition legislation.

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September 14, 1993

Hon William RICHARDSON, Chairman
 Subcommittee on Native American Affairs
 Committee on Natural Resources
 B-308 Rayburn Office Building
 Washington, D.C.

Dear Chairman Richardson:

This letter is to give my strong support on behalf of the Little Traverse Bay and Little River Bands of Odawa Indians in their efforts to secure the passage of H.R. 2376 and S. 1357 which would clarify their status as federally recognized Indian nations and reaffirm the legal and political relationships which they formerly enjoyed with the United States.

Never has there been such a clear case of malfeasance and misadministration in the dealings of the United States with Indian nations. These bands once controlled the major parts of the Great Lakes region and had treaties with France and England long before the founding of the United States. In post-Revolutionary decades the Odawa and their allies possessed great land areas and constituted a powerful military force in what was then known as the old Northwest. Their representatives were present at numerous treaty negotiations held by the Chippewa, Odawa and Potawatomi - the famous "Three Fires" confederacy. Indeed it was the presence of these Indian nations that inspired the classic phrasing in the Ordinance of 1787 wherein the United States promised to exercise the "utmost good faith" in dealing with the Indian nations.

Sadly that promise has not been kept and to the great embarrassment of Indian historians and legal scholars the Bureau of Indian Affairs has been placed in the position of demanding that two bands of Indians having indisputable proof of federal recognition in formally ratified treaties of 1836 and 1855 now come forward and prove that they are Indians. This situation is not simply an injustice of major proportions, it is a travesty of logic that boggles the rational mind. Treaty recognition is the highest form of diplomatic status - for decades the United States debated the question of the recognition of Communist China and when President Nixon finally did visit China to arrange trade agreements, it was not necessary for the Chinese leaders to prove their ethnic or racial identity. If signing a treaty which is then subsequently ratified by the United States Senate and proclaimed by the chief

executive officer of the United States is not a recognition of the status of a nation - any nation - then there is no process by which nations contract with each other diplomatically.

For many years now these two bands of Odawa have had to raise funds, seek federal agency grants and foundation largess in order to compile documentation which states what is already a matter of public record and, if we are to read the Constitution clearly, a part of the supreme law of the land. The Odawa "lost" their federal rights to services simply because low level federal bureaucrats refused to carry out their responsibilities. This injustice has been compounded recently by the requirement that the Odawa satisfy the curiosity of another generation of federal bureaucrats who spend their time unnecessarily compounding the complexities which they have themselves devised in order to perpetuate the office of Federal Recognition.

In the course of American history there have been at least one hundred treaties in which a multiplicity of tribes and bands were participants. In very few cases have federal bureaucrats decided to arbitrarily exclude signatory parties to these treaties because they wished the member of those bands to take up farming or to manage their property by themselves. If we would draw a comparison to other Indian nations appearing as signatory parties to treaties, it would be ludicrous to argue that federal bureaucrats had the power to recognize the Oglalas and Brules but deny the Hunkpapas and Sans Arc bands of Sioux Indians from the 1868 treaty at Fort Laramie or to pretend that only the Puyallup but not the Nisqually nation was a beneficiary of the 1854 Medicine Creek treaty or that the Cheyennes but not the Arapahoes were signatories receiving formal status in the Medicine Lodge treaty of 1867.

The actions of the federal bureaucracy in denying immediate recognition to these bands of Odawa have destroyed the logical symmetry of treaty law and have placed Congress in the embarrassing position of allowing low level federal employees to negate deliberate acts of previous Congresses. The peril to existing federally recognized Indians nations is apparent: if low level bureaucrats can deny recognition to treaty signatories, the whole edifice of treaty and trust relationships depends on the emotional state of clerks in a minor federal agency and there is no law except the personal whims of the bureaucracy. In order to avoid this conclusion this committee must act immediately and decisively and forward this legislation, with its unqualified endorsement, to the floor of the House of Representatives for immediate passage.

In 1871 the House of Representatives attached a rider to the Indian appropriation bill stating that henceforth no further treaties would or could be made with the Indian nations. Although the Senate at that time understood the rider as a limitation on the constitutional powers of the President of the United States, it receded and allowed the House language to be passed into law. Today we need the House of Representatives to live up to the responsibilities which it demanded in 1871 and to ensure that treaties made and ratified prior

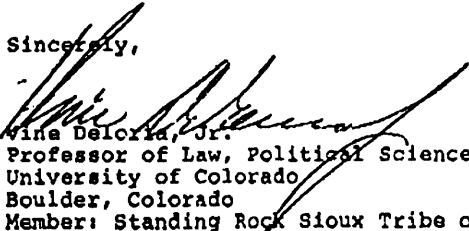
to that date are upheld in law in every detail.

This subcommittee has the opportunity today to take the lead in creating a new era in Indian legislation. As the subject of federal recognition has become more complicated with the reluctance of the Bureau of Indian Affairs to look at reasonable evidence and the historical record, other federal legislation is beginning to suffer a handicap as proposed bills must now make some provision for the unrecognized Indian nations. Thus in defining who is an Indian for the purposes of preventing fraud in arts and crafts, a problem that deals essentially with cultural integrity rather than political status, the existence of a group of federally unrecognized Indian communities creates the necessity of anticipating possible conflicts in the definition of "Indian" for arts and crafts purposes. Again, in the present hearings dealing with the religious freedom of American Indians, supporters of the legislation and representatives of federal agencies which would be affected by the proposed act must consider the existence of living Indian traditional religions of Indian nations which do not presently have political recognition or, in the case of these bands, a clarification of existing treaty status.

As this committee meets today I must remain in Colorado where I am hosting a conference on "Indians and Animals" where traditional religious practitioners are speaking of the relationship of human beings and specific animals. One of our major presentors in this conference is Mr. Simon Otto, an Odawa elder of the Little Traverse Band, and a person recognized nationally as a traditional expert on the deer. His knowledge and insights on this animal are invaluable and if we paid heed to the present posture of the Bureau of Indian Affairs, we could not invite this important traditional leader to be with us to share his wisdom - because the Bureau of Indian Affairs would not classify him as an Indian.

It is past time that Congress once again took over control of the federal policy on American Indians and gave clear and incontestable instructions to the Bureau of Indian Affairs to expedite this process of recognition and advance these treaty tribes to full political status. I believe a positive report on this legislation is imperative under the Ordinance of 1787 which in my studied view was written precisely to assure the Odawa and other Indian nations of the old Northwest of the integrity of the promises of the United States. Those promises, long delayed, but now be fulfilled.

Sincerely,



Vine Deloria, Jr.
Professor of Law, Political Science, History and Religious Studies,
University of Colorado
Boulder, Colorado
Member: Standing Rock Sioux Tribe of North Dakota

Testimony of Daniel John Chingwa

To the United States House Natural Resources Committee

Subcommittee on Native American Affairs

September 17, 1993

Good day Mr. Chairman, Members of the House Natural Resources Committee, honored guests, ladies and gentleman:

I am Daniel John Chingwa, Project Director for Little Traverse Bay Bands of Odawa Indians (LTBB), in Petoskey, Michigan. I was born in the heart of my tribe's traditional homeland at Waganagisi, or Crooked Tree Place, and grew up in the town of Petoskey. Growing up Odawa was difficult. I heard my language in my home. My Grandfather told me the stories of my tribe, but this traditional knowledge was not valued in my school or any other non-Indian setting. The non-Indians discouraged the practice of our culture and tried to shame me and other Odawas my age into giving up our Indian identity. I and many others in my Little Traverse Bay community could not and did not abandon our heritage or our claim to tribal rights.

The story of my life and my struggle to maintain my tribal identity is like so many others of my peers. I was born in 1959 into a family of 11 children. I attended St. Frances Catholic School and Petoskey High School. I had to give a book report. The book I finally selected was Sergeant Major of the Marine Corps. After reading the book and doing the report, I knew I wanted to be a Marine. When I was growing up in Petoskey I was befriended by a Native American policeman named Dean Shomin. He always watched out for me and he was the first person who was a positive role model for me. After knowing Dean I wanted to be a police officer. Upon graduation from high school, I enlisted in the United States Marine Corps and the Marine Corps made my dream come true. I became a Military Police Officer. My tour of duty took me to Camp Lajeune, North Carolina; Guantanamo Bay, Cuba; Camp Pendleton, California; Okinawa, Japan and Korea.

During my tour in the Marines I was happy to find that some of the things I learned as a young Odawa were still important in the Marine Corps. The Marine Corps would hold Native American Marine luncheons sometime each fall. The Native Americans would assemble from all over America and I soon learned of the many different tribes in America. At one luncheon, a Captain, who was Native American, talked about prejudice and how he dealt with it. He said he would turn and walk away from the prejudice, as it was that person's problem. The Captain said that if he fought or argued about it, there would be another person to take his place. So I adopted the Captain's philosophy of dealing with prejudice. It helped me to walk away from unnecessary fights that would have gone nowhere. It was not until I was in Korea that I witnessed a young white Marine experience his first act of prejudice. He turned to me and asked, "Why does this Korean hate me?"

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I told him, "Remember you are the foreigner in his land." Then I told him it was better to turn and walk away from the prejudice.

On the same trip to Korea it was almost winter time. One morning when I woke up and opened the front of my tent, there was a light snow all around. I got up and walked about looking at the trees and snow which reminded me so much of home that I became homesick. At this time, I decided to leave the Marine Corps at the end of my enlistment. The more I thought about home, the four seasons went through my mind. Running through the woods in the spring looking for wild morrels, picking wild leeks and eating the sweet meat of wild rabbit. Hot summer days swimming in Lake Michigan, waiting for the cool crisp air of fall and bird season. Being at deer camp late at night looking into the camp fire and looking up at the sky for the North Star. I have always enjoyed winter time. Fishing through the ice, snowshoeing through the woods, looking for the white snowshoe rabbits and watching the snow fall on a bright winter day. All these childhood memories I relived in my mind until I returned home and started living them again.

I returned from the service determined to live as a role model for young Odawa people. Soon after returning home, I started to do beadwork once again. As a child of 8 years of age, I had taken a summer job working with my Aunt Mary selling beadwork in Pennsylvania Park, in the middle of the downtown Petoskey shopping district. This time I enjoyed the craft more than I had as a child. I now know that beadwork is a form of art from my Odawa heritage. I spend many hours teaching others this traditional art.

After beginning the beadwork again, I felt a stronger need to help my people in other ways. In 1991, tribal chairman Frank Ettawageshik asked me to fill a vacancy on the LTBB board. While serving on the board, it became very important to me that I receive my Indian name, an act that symbolically links me to the world of my ancestors. I am now called "Ne-Ga-Nash-Gay," which means, "One Who Shines the Brightest."

My wife Janada and I share an interest in promoting Odawa art and culture. Janada accepted a seat on the Governing Board of the Andrew J. Blackbird Museum, the tribal museum of the Little Traverse Odawa. The Museum now sponsors the Odawa Homecoming Pow-Wow, a celebration of our culture which exposes the entire community, Indian and non-Indian, to Odawa culture with songs, dances, companionship and food. The Pow-Wow is held at the Ottawa Ceremonial Stadium which has been used for our public ceremonies for many years. Our drums echo over the waters of Lake Michigan as they have for centuries. The Odawa and other tribes gathered at our stadium on land where they have met for centuries at the land of the crooked tree to share, to teach and to pass on our Native American culture. This year I was the Trader Chairperson for the Odawa Homecoming Pow-Wow.

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I also serve my tribe as an administrator. My first year on the LTBB board I served as a member-at-large. I was then elected Secretary of the board, a position I held until I was selected for the job as Project Director of the LTBB Tribal Sovereignty Project, our acknowledgment project funded by a grant from Administration for Native Americans. I soon learned the responsibilities that the community expects of the Little Traverse Bay Band of Odawa Indians and its Project Director. I have found myself testifying in Probate Court, giving presentations to school teachers of the community and addressing the Department of Social Services and the Friendship Center of Emmet County. I am responsible for preparation of our tribal roll, establishing clear procedures for all levels of our tribal administration, preparation of tribal documents and reports, as well as working to meet the needs of tribal members.

I found myself assisting in taking care of the very young to the very old. The LTBB office currently operates five programs without federal funding. Our food pantry is open to anyone; and we do not turn anyone away who is in need of food. Our tribe receives the food it distributes from Manna, which is a Catholic distribution center. At first we received food every other week, now we go every week because the demand is growing. We also work with local utility companies to provide emergency heat, lights and water. In times of extreme need we help with rent for housing. Public non-Indian programs are hard for the Native Americans to use. In most cases, people who need the help have no car, no phone, and no close relatives to let us know they need help. We try our best to aid all of the most needy people in our community, either in providing direct aid, or in linking them to public services. Again, we do not turn away anyone who qualifies.

The LTBB offices are also a center for personal support. We express our care for the welfare of our members by creating a caring social network. Every Wednesday at the office, Alcoholics Anonymous meetings are held. Our Substance Abuse Program Developer uses her expertise to help all of our people who have identified need. Our elders are also important to us. We hold Elders' luncheons at the tribal office. The Friendship Center of Emmet County provides the food and we prepare it for our family and friends. The Odawa Elders enjoy the luncheons at the office where they can talk in their native tongue without the fear of ridicule.

The LTBB youth council serves our youngest members, or rather, they serve their community. The young people are assigned community problems to solve, create strategies to meet them, and work to meet their goals. Unlike my generation who grew up ashamed of their Indian heritage, our young will grow up with a sense of self-worth and responsibility.

Our tribe is alive and well, despite all efforts by local, state and federal governments to assimilate us. Back in 1836 and 1855, when our fathers signed treaties with the United States, they believed in the solemn agreements they made. I wonder how my ancestors

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would feel if they knew that they had sold all of their land to a country that would betray a sacred trust. The Bureau of Indian Affairs arbitrarily ended the government-to-government relationship that our tribe had with the United States. Still, we continue.

In closing, I feel strongly about, and urge the passing of H.R. 2376. This legislation will promote social and economic development for Little Traverse Bay Bands of Odawa Indians. We have been deprived of our treaty rights for far too long. To reconfirm our relationship would help us in our struggle to keep our programs going and provide for our future generations. By restoring us our rightful governmental status, we will not have to depend on others for help; we can help ourselves. Again I strongly urge that you recommend passing this Bill.

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STATE OF MICHIGAN

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MICHIGAN DEPARTMENT OF CIVIL RIGHTS
Nanette Reynolds, Director

JOHN ENGLER, Governor

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The Michigan Commission on Indian Affairs is an executive commission created by the Michigan Legislature to act as a liaison between the Indian tribes and communities within the state and state government.

The State of Michigan recognizes the Pokagon Band of Potawatomi Indians as a distinct Indian tribe. The Pokagon Band was party to a number of treaties with the United States. The last treaty entered into by the tribe was the Chicago treaty of 1833. The tribe negotiated the right to remain in Michigan so was uniquely singled out in that treaty. Following the 1833 treaty, the Band purchased land communally. The Band has resided in southwest Michigan continuously through the present as an Indian tribe in both a social and political sense.

There is no factual, legal, or moral basis for the Band's lack of federal recognition. The State of Michigan in large part owes its existence to the treaties entered into by this Indian tribe. It is bitterly ironic that descendants of Potawatomi groups that were removed from their Michigan homeland are recognized by the federal government, whereas this tribe that negotiated the right to remain is not. The tribe is being punished for its unwillingness to go off on the trail of tears, and its steadfast, sober negotiating that enabled it to remain. The Pokagons lack of federal recognition amounts to an unconscionable reaffirmation of the genocidal nineteenth century removal policy.

The Michigan Commission on Indian Affairs supports the immediate passage of HR 878 to correct this grave injustice.

