

**TESTIMONY OF RON YOB, CHAIRMAN
GRAND RIVER BANDS OF OTTAWA INDIANS**

Hearing on S. 1058

The Grand River Bands of Ottawa Indians of Michigan Referral Act

Before the

SENATE COMMITTEE ON INDIAN AFFAIRS

September 25, 2008

628 Dirksen Senate Office Building

2:15 p.m.

Good afternoon Chairman Dorgan, Vice Chairman Murkowski and Members of the Senate Committee on Indian Affairs. My name is Ron Yob and I am Chairman of the Grand River Bands of Ottawa Indians (“Tribe”) of Michigan. Thank you very much for holding this hearing today on the bill, S. 1058, that would expedite review of the Tribe to secure a timely and just determination of whether the Tribe is entitled to recognition as a Federal Indian tribe. We would like to take this opportunity to express our deep appreciation to Senator Levin and Senator Stabenow for their interest and support of our Tribe and for introducing this legislation on our behalf.

The two Senators also introduced a bill on behalf of the Tribe in the 109th Congress, S. 437, on which this Committee held a hearing on June 21, 2006. No companion bill has been introduced in the House of Representatives, although we are working with Congressman Hoekstra on a bill to provide direct congressional recognition of the Tribe in the same manner as Congress, in 1994, recognized our sister tribes, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians.

For many valid reasons, the Tribe is very hopeful that the Committee will favorably consider S. 1058 or a similar bill. The story of our Tribe is long and varied, as is the story of recognition of all of the Michigan Indian Treaty Tribes of which the Grand River Bands of Ottawa Indians may be the only one that remains unrecognized.¹ The Grand River Bands of Ottawa Indians is the largest unrecognized Treaty Tribe in Michigan -- and perhaps in the entire United States. Our members live primarily in western Michigan, in the same area we have lived since before the Europeans first arrived there. Many elders speak our Ottawa language. Our pre-history burial mounds are located along the Grand River near the City of Grand Rapids and in many other areas of the River from below Lansing to Grand Haven.

¹ Burt Lake was not a named group in the treaties but its members may descend from treaty signatories. It was denied recognition by the BIA and Representative Stupak has introduced legislation to recognize that group.

Tribal History

Who We Are: The Grand River Bands of Ottawa Indians of Michigan is composed of the 19 bands of Ottawa Indian who occupied the territory along the Grand River Valley and other river valleys in what is now Southwest Michigan, including the cities of Grand Rapids and Muskegon. The Tribe has about 700 enrolled members and the majority live in and around the counties of Kent, Muskegon and Oceana.

Treaties: The members of Grand River Bands of Ottawa Indians are descendants of the signatories of the 1795 Treaty of Greenville, the 1807 Treaty of Detroit, the 1821 Treaty of Chicago, the 1836 Treaty of Washington (DC), and the 1855 Treaty of Detroit. The Grand River Bands of Ottawa Indians is a political successor Tribe to the original Tribes represented at the Treaty signings. Other Michigan Treaty Tribes include the Little Traverse Bay Bands of Odawa Indians, the Little River Band of Ottawa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Indian Community. Their members are also descendants of the signers of the 1836 Treaty of Washington and the 1855 Treaty of Detroit. All of these successor Tribes have now been recognized by the United States except for the Grand River Bands of Ottawa Indians and, perhaps, the Burt Lake Band of Ottawa Indians. Below is a description of our Tribe, our continued efforts as a community to seek redress of our tribal land claims, and our recognition efforts.

Continuous Existence: The Grand River Bands of Ottawa Indians consists of several inter-related extended families which comprise a kinship organization that functions today much the same way we did before Treaty times. As a community we gather for religious celebrations, social gatherings, and to attend to the graves of our ancestors. We also host the annual Homecoming of the Three Fires Pow Wow in Grand Rapids as we did again in June 2008. The political leadership of our Tribe has, to a great extent, been passed down from Headmen and Chiefs of Treaty times, within the same families. Each generation of leaders has represented the Tribe in dealings with the United States and other Tribes, and tried to provide health, education and economic assistance to tribal members by whatever means available.

Tribal Land Claims: In the 1940s, the Grand River Bands of Ottawa Indians organized with other Tribes in Michigan under the name of the Northern Michigan Ottawa Association to pursue claims for reservation lands that were taken from us without compensation. The Tribe filed claims under the Indian Claims Act of 1946 (25 USC §70; Chap.2A) and the Indian Claims Commission (ICC) awarded judgment in favor of the Tribe in several dockets. These awards for Grand River Bands of Ottawa Indians and others became the subject of two settlement Acts of Congress for the distribution of the funds.

1976 Tribal Judgment Fund Distribution Settlement Act: In 1976, the Congress enacted P.L. 94-540, the Grand River Band of Ottawa Indians–Disposition of Funds to provide for the distribution of funds awarded to the Tribe in Docket 40-K of the ICC. The funds were allocated to persons of Grand River Bands of Ottawa Indian blood who were descendants of

persons who appeared on the 1908 Durant Roll or other census rolls acceptable to the Secretary and who were one-quarter (1/4) degree Grand River Bands of Ottawa Indians blood.

1997 Michigan Indian Land Claims Settlement Act: In 1997, the Congress passed the Michigan Indian Land Claims Settlement Act to implement distribution of several land claim awards. By this time, five Michigan successor Tribes to the Ottawa and Chippewa Treaties had been recognized by the United States. The first, Bay Mills Indian Community (Chippewa), was recognized by the Secretary in 1935-37. In the 1970s, the Sault Ste. Marie Tribe of Chippewa Indians was recognized by the Department of the Interior prior to promulgation of the 1978 regulations governing federal acknowledgment procedures. The Grand Traverse Band of Ottawa and Chippewa Indians was the first to be recognized under the new regulations. Finally, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians were recognized by an Act of Congress in 1994.

The 1997 Settlement Act provided for the distribution of funds awarded in ICC dockets 18-E, 58, and 364 (Ottawa and Chippewa) and docket 18-R (Bay Mills and Sault Ste. Marie). The Act reflected the Tribes' agreement as to distribution and shares. The per capita shares for the members of the unrecognized Tribes were included in the 1997 Act along with a set-aside for any Tribes that might be recognized within a specific time frame. Section 106(d)(1) of the Act describes the potential eligible unrecognized treaty tribes as: Grand River, Traverse, Grand Traverse, Little Traverse, Maskigo, or L'Arbre Croche, Cheboigan, Sault Ste. Marie, Michilmackinac. In the 1997 Act, we believe the Congress used tribal names that were contained in the treaties that gave rise to the land claims.

Of the nine other Michigan groups currently on the BIA list of groups petitioning for federal recognition, the Grand River Bands of Ottawa Indians is the only one that represents—by name—a historic Michigan Treaty Tribe. This is important because the 1997 law set aside funds for treaty descendants who are not members of a federally recognized tribe but who are one-quarter blood Ottawa/Chippewa. It also set aside funds for the unrecognized Tribes, such as the Grand River Bands of Ottawa Indians, for the operation of tribal programs.

The Act provided that, to be eligible for the set-aside, an unrecognized Tribe must have filed its *documented petition* by December 15, 2000 (3 years after date of enactment). The Grand River Bands of Ottawa Indians filed its petition on December 8, 2000. The Act gave the BIA six years to issue a final determination. Unfortunately, despite the fact that the Tribe filed its petition within the timeframe set by Congress, the Bureau of Indian Affairs' Office of Federal Acknowledgment has still, to this day, failed to act on the Tribe's petition. The judgment funds were paid to members in June 2007, about eight weeks after our bill, S. 1058, was introduced in the 110th Congress. Our Tribe will not receive its share of the judgment funds or the bonus funds that Congress had set aside in the 1997 Act for newly recognized treaty tribes. That money is now gone forever, yet there is no penalty against the BIA for its failure to abide by the requirements of the law.

Tribal Recognition Efforts: In 1934, the Tribe filed to reorganize its government under the Indian Reorganization Act enacted that same year. Commissioner of Indian Affairs John Collier (and author of the IRA) concluded that the Tribe was eligible for reorganization.

However, we were put on hold because of federal funding issues. After World War II, the Federal government's position toward Tribes changed and the Termination era took hold in earnest in the 1950s. Thus, reorganization was not an option politically so the Tribe's efforts were put on hold again. (The Tribe remained actively engaged during this period, however, in pursuing our Treaty land claims as discussed above.). During the 1970s and 1980s Tribal leaders did not pursue Federal Recognition as some of our elders and leaders, believing we were already recognized by the United States, feared that this process would actually threaten our status as a sovereign nation.

However by the early 1990s we recognized that formal federal recognition would be necessary for us to pursue treaty, statutory rights and the protection of our people. In 1994, the Tribe filed a letter of intent with the BIA to file a petition for recognition and the Grand River Bands of Ottawa Indians is petitioner #146.

After making our submission on December 8, 2000 (21 boxes – three sets each of seven archival boxes), the Grand River Bands of Ottawa Indians did not hear from the Bureau of Indian Affairs until April 2004 when they granted us a technical assistance meeting at the request of Congressman Pete Hoekstra. It took another nine months for us to receive our 29-page technical assistance (TA) letter on January 26, 2005. The Grand River Bands of Ottawa Indians spent the next 17 months gathering materials and preparing a 63-page legal response supported by a 265 page ethno-historical response to the TA letter, including additional documents and two certified copies of all of our membership documents. The Tribe filed this response to the TA letter on June 9, 2006.

Conclusion: We know the Committee is well aware of the time consuming and very expensive work that goes into filing a petition for Federal recognition as an Indian Tribe. We have no doubt that the Grand River Bands of Ottawa Indian meets the seven criteria set out in the regulations and is qualified to be recognized by the Federal government and to enjoy the benefits of the trust protection and the government-to-government relationship that will ensue. If S. 1058 is not passed and the Grand River Bands of Ottawa Indians remains mired in the Federal Acknowledgment Process, we estimate it will take 15 to 25 years for recognition to come. In the meantime, our tribal citizens do not share the benefits that their cousins in other Michigan Tribes enjoy. And many of our elders will be gone without having had the benefit of recognition. Our Indian children will not be considered to be Indian children for purposes of the Indian Child Welfare Act, 25 USC § 1901 et seq., and will not be protected as Congress intended.

The Grand River Bands of Ottawa Indians has the support of its community, other Michigan Tribes, and our Senators, as evidenced by their introduction of S. 1058. This bill does not directly recognize the Tribe but instead refers the matter to the Bureau of Indian Affairs for a determination, with timelines for deciding the Tribe's status and filing a Report to Congress.

Now that the BIA has utterly failed to meet its obligations under the 1997 Act, we hope that Congress will grant federal status to the Grand River Bands of Ottawa Indians in the same manner that it reaffirmed the existence of four other Michigan Tribes -- Lac Vieux Desert in 1988, and, in 1994, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Pokagon Band of Potawatomi Indians. There is ample precedent for

direct reaffirmation of our status. We are painfully aware that Congressional Acts to recognize Tribes have fallen out of favor and believe S. 1058 will give Congress the needed assurance that the Grand River Bands of Ottawa Indians is deserving of the Federal relationship.

The September 2004 issue of National Geographic magazine contains a map of historic Indian country which shows the "Grand River Ottawa" as the historic Tribe of Southwestern Michigan. We know that the opinion of mapping scholars does not match the exhaustive work of the OFA in determining whether an existing tribal group is indeed the successor to an historic Tribe, but we are confident that the Grand River Bands of Ottawa Indians is such a Tribe and take pride in realizing that many others think so, too.

The Grand River Bands of Ottawa Indians has always been an active leader in the Michigan Indian community. We participate, though often unofficially, in Indian Child Welfare cases, NAGPRA repatriation matters and other Indian affairs dealings with state, local and private entities. We also spearheaded the return of the original 1855 Treaty to Grand Rapids that was exhibited in the Museum named for former President Gerald Ford.

We are attaching the "Resolution of the Grand River Bands of Ottawa Indians June 18, 2002" that authorizes the Tribe to seek legislation in Congress to direct the Department of the Interior to act timely on our petition.

Thank you again for you attention to S. 1058 and we implore the Committee to act quickly on this legislation.

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