

Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 03-1105-372

Amendment to Enrollment Ordinance Clarifying the Application of the "1870 Annuity Payrolls" and the Durant Roll of 1908

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Anishinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article II, Section 4 of the Constitution, "to establish ordinances governing membership, including but not limited to enrollment and disenrollment;" and

WHEREAS, the Tribal Council has been presented with the question by the Enrollment Commission of application of Article II, Section 1 of the Constitution in regards to membership qualifications and the application of the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan (*1870 Annuity Payrolls*) and the Durant Roll of 1908 as approved by the Secretary of the Interior in 1910 (*Durant Roll of 1908*); and

WHEREAS, the 1870 Annuity Payrolls were created to identify those members of the Chippewa and Ottawa nations eligible to receive annuity payments made by the federal government; and

WHEREAS, the Durant Roll of 1908 was created under authorization of 35 State. L. 71, et seq. (25 U.S.C. 12, et seq.), for the purposes of identifying members of various tribes eligible to receive annuity payments made by the federal government; and

WHEREAS, the Durant Roll of 1908 was based on descendants identified on the 1870 Annuity Payrolls, and contains many notations and markings identifying family and tribal relationships which are important to interpretation of the document; and

WHEREAS, the Tribal Council determined, by adoption of Resolution # 03-0924-305 that the 'red' and 'blue' check marks in the Durant Roll of 1908 referred only to eligibility to receive annuity payments and not membership; and

WHEREAS, the Tribal Council has meet in Work Sessions with the Enrollment Commission and the Enrollment Department to determine the extent of the information related to the 1870 Annuity Payrolls and the Durant Roll of 1908; and

WHEREAS, the Tribal Council, as a result of that consultation, has determined that the application of the supplemental reference information identified in the "Number Column" of the Durant Roll of 1908 is applicable to questions of eligibility for enrollment and should be utilized by the Enrollment Department and the Enrollment Commission in eligibility determinations; and

WHEREAS, the Tribal Council, as a result of that consultation, has also determined that the Enrollment Department and the Enrollment Commission shall utilize as primary resources the information in the 1870 Annuity Payrolls, the Durant Roll of 1908, and the supplement reference information identified in the "Number Column" of the Durant Roll of 1908;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby amends the Enrollment Ordinance, #02-200-01, as set forth below and directs the ordinance number be set as #03-200-01.

Section 4. Persons Entitled to Membership

4.01. *Eligibility for Membership.* An individual is eligible for membership in the Tribe, if he/she possesses at least one-fourth (1/4) degree Indian blood, of which at least one-eighth (1/8) degree must be Grand River Ottawa or Michigan Ottawa blood and:

- a. Is a lineal descendant of a member of the historic Grand River Bands who resided in Manistee, Mason, Wexford or Lake Counties in the State of Michigan, who was listed on the schedule of Grand River Ottawa in the Durant Roll of 1908 as approved by the Secretary of the Interior on February 18, 1910; or,
- b. Is a lineal descendant of individuals listed on the 1870 Annuity Payrolls of Chippewas and Ottawas of Michigan listed under the following Ottawa Chiefs:

Kewacushkum	Pay-quo-tush	Me-tay-wis
Shaw-be-quo-ung	Penayse	Kaw-gay-gaw-bowe
Maw-gaw-ne-quong	Ching-gawa-she	Aken Bell; and,

c. Is not currently enrolled in any other federally recognized Indian Tribe, band, or group.

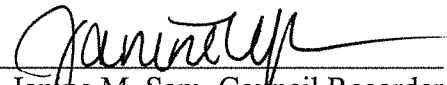
4.02. *Notations on Durant Roll of 1908.* The notations of 'red' and 'blue' markings on the Durant Roll of 1908 shall not be utilized for the purpose of determining eligibility for membership.

4.03. *Supplemental Reference Information in 1870 Annuity Payroll and the Durant Roll of 1908.* The Durant Roll of 1908 is built upon the information in the 1870 Annuity Payroll and contains references to that document as well as to the supplemental reference material as identified in "Number Column" in the Durant Roll of 1908. The supplemental reference material in the Number Column may be utilized in the determination of eligibility for enrollment and maintained by the Enrollment Department. Provided that, an applicant shall be responsible for obtaining any reference information identified in the 1870 Annuity Payroll or the Durant Role of 1908 that may reference other historical materials and annuity or rolls created by a federal agency.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that the amendments shall take effect upon adoption of this resolution.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 5, 2003, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.


Janine M. Sam, Council Recorder


Stephen Parsons, Council Speaker

Attest:

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