



ISABELLA COUNTY

Tribal family's disenrollment overturned

Hearing officers cite documentation of lineal ancestry

By Susan Field

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Sharon Cole and her family fervently hope that the long journey that started years ago is finally over.

After years of the ups and downs of being kicked out of the Saginaw Chippewa Indian Tribe, then being reinstated after appealing, then having the case re-

opened and being ousted again, Cole and her relatives, the Mays family, are back in the Tribal community.

Late last week, Cole and her relatives heard from their attorney, Paula M. Fisher, that the Tribal Office of Administrative Hearings overturned the Tribe's disenrollment of 18 members of the Mays family.

A few days later, it was still surreal for Cole, who acts as the fam-

ily's spokeswoman.

Cole, a resident of Mt. Pleasant, is glad it's over and it turned out the way it did.

"I feel that justice has been served," she said.

She's hoping this will give her family closure so she can contribute to the Tribal community instead of fighting for her family's membership.

Hearing officers granted summary judgement for the Mays family, citing the Tribe failing to "submit clear and convincing evi-

dence that the (family's) membership was procured as the result of a mistake.

They also said the Tribe failed to prove that the family would not be eligible for membership under current standards and failed to establish the family was not eligible for membership under the legal standards in effect on the date their membership was certified.

In the opinion issued by the OAH, hearing officers noted that the family became members during open enrollment and are of

lineal descent, although the Tribe argued that the family did not lineally descend from a person whose name appears on the rolls in the Tribe's Constitution.

Officers also said in the judgement that the family have a lineal trace to the 1891 Constitution Base Roll, which established credible evidence.

An argument by the Tribe that the descendant, Nancy Brokenstick (aka Nancy Silas, Nancy Elk, Wahsehewonque,

FAMILY » PAGE 2

Family

FROM PAGE 1

Wawsehewawnoquay, Wawsehewawnoqua and Wahsegehawoquay and believed to be #46 on the 1891 base roll), was mistaken for someone with a similar Ojibwe name, Clarissa Root (Wawsagezhewoquay) but hearing officers noted that the family submitted evidence that Nancy Brokenstick is more likely to be Waw-sau-aw-no-quay listed in the 1981 base

roll based on age, marital status and similarities in their Ojibwe names, according to the opinion.

The Tribe, however, "has suggested a number of different people as possibly the person identified as Wawsay-aw-no-quay" on the base roll, according to the opinion.

"During the course of this matter it has been determined that all but one of those suggested individuals could not be the individual identified as #46 on the 1891 base roll," according to the

opinion. "The remaining individual that the Tribe claims may be the same person as Waw-say-aw-no-quay is Clarissa Root Nottawa."

The differences between Clarissa Root Nottawa and Waw-say-aw-no-quay include age, her husband's death in 1880 and the linguistic differences in the Ojibwe names, according to the opinion.

Saying she is overwhelmed and happy, Cole is glad to be back in the Tribal family.

Other families are in the

process of fighting disenrollment, and Cole has advice for them: Get professional help.

She praised Fisher for winning the case for the Mays family and said hiring genealogy and handwriting experts is a must.

Because the Tribe has evolved, what might have been easy decades ago isn't anymore, Cole said.

Modern day help is needed to weave through the court and administrative hearing systems, Cole said.