

Anthropological Technical Report
Cowlitz Indian Tribe

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0 SUMMARY OF THE EVIDENCE

The following evidence must be evaluated as a body, since weighing each element alone will not provide a full evaluation of evidence either for the existence of modern community, or of political leadership. The Cowlitz were a loosely-organized network of extended families whose residence patterns have remained consistent throughout the 20th Century. The extended families were connected by key individuals important either in organizing reunions, conducting political business, or both. These families at times have demanded that the Council advocate for them, and have expressed dissatisfaction when the council has failed to do so.

BIA research of modern community revealed five broad social groups. The first included Upper Cowlitz, or Taitnapam, descendants. Many of them lived, during the 1950-1984 period, around Mossyrock and Randle, Washington, above the historic Cowlitz Prairie Mission settlement near Vader, Washington. The second group included the métis descendants from marriages during the 1840's and 1850's between French Canadian fur traders residing around the Cowlitz Prairie Mission and Salish women. The third group included Indian descendants identified as residing in the Boisfort and Peell areas near Oakton, Washington. Many of these residents married both Upper Cowlitz and Yakima Indians, as well as métis and Indians enrolled on the Quinault Reservation. As with the métis, some of their relatives received allotments at the Quinault and Yakima Reservations. The fourth group included Indian descendants whose ancestors had resided in the Cascade regions and along the Columbia River east of the Cowlitz Valley. They married both métis descendants and Yakima-enrolled Indian allottees. The fifth included Indians who were descended from Lower Cowlitz Salish. Around the end of the 19th Century and early 20th Century, they resided around Kelso, Washington, and maintained contacts with relatives at Yakima and Nisqually.

The members of all these groups saw themselves as different from members in the other groups. However, not only had they intermarried, but they also saw themselves as sharing common features that distinguished them from non-Indians living in the same area. Members of these categories compared or contrasted each other by where they maintained

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their family grave sites, the religion under which they grew up, attendance of family reunions, economic activities such as berry picking, hops picking and fishing, and involvement in the General Council that reorganized in 1950, as well as the Tribal Council that formed in 1967. Taken together, these comparisons and contrasts show evidence of knowledge and social interaction indicative of community.

Family members maintained grave plots, with individual grave sites often identified for individual members presently living. Family members restricted these grave sites from non-family members, even if they were Cowlitz, but sometimes included some family members who were not Cowlitz. Both Upper Cowlitz and métis descendants were buried together at some of the older grave sites such as Cowlitz Prairie Mission. Upper Cowlitz families restricted grave sites to extended family, and did not include other Cowlitz members. Cascade descendants reported including family members who were not Cowlitz members.

There is no evidence that members maintained tribal sites for all Cowlitz members. However, there is some evidence that the General Council tried to protect family grave sites. The General Council leadership sued the City of Tacoma in 1955 to gain compensation for the loss of grave sites and subsistence fishing to families affected by the damming of the Cowlitz River in the 1950's. Upper Cowlitz families, in particular, testified in 1955 about the extensive knowledge they had of the grave site location, the location of homes where their families and ancestors had grown up, about how fishing, upon which they depended for partial subsistence, would be adversely affected. Their testimony also shows that they knew the grave, home, and fishing locations of members of family lines from other social categories through the 1950's. This testimony, and later interview information, provides evidence that families expected the leadership to advocate on their behalf.

Upper Cowlitz families maintained ties with practitioners of the syncretistic Shaker religion practiced on the Yakima and Chehalis reservations. However, they also interacted socially with petitioner members who were Catholics and adherents of other denominations.

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Métis descendants were mostly Catholic. Older members mentioned attending mission schools, and later public schools. They also reported continued adherence to the Catholic religion.

The Cascade descendants did not indicate adherence to any particular Christian sect, but did report attending Christian churches. Lower Cowlitz families reported Shaker connections and attendance of services until the 1960's. The ancestor of one of the Lower Cowlitz families, the Iyalls, was an important Shaker minister in the late 19th and early 20th Century. While some members reported that they were Catholic, their conversion was recent and not connected to the mission.

Cowlitz leadership saw these religious differences as a source of potential conflict. These conflicts are evidence both of community and of political involvement. Some métis criticized Roy Wilson and others on the Tribal council who added American Indian symbolism to the practice of Christianity, and who conducted some ceremonies. Other differences arose when a group of Upper Cowlitz, métis, and Boisfort/Peell families constructed a sweat lodge in 1995, and began holding ceremonies. Guided by Upper Cowlitz relatives and Chehalis friends, these practices were seen as clashing with the ceremonialism of the Tribal council members. The Tribal Council thus saw themselves caught in the middle, and tried to reconcile some of these differences by starting an unsuccessful apprenticeship of younger members under the instruction of a formal General Council Chairman.

Family réunions differed in size, frequency, and extent of family lines involved. They were similar, however, because members scheduled them to coincide with Tribal Council meetings. The reunions also tended to include relatives from marriages outside the social groups, both within and outside the petitioner's membership.

The reunions all followed a natural history in which their frequency and extent would rise or fall according to who coordinated them. Elder women often coordinated them, and when they passed away, there was a period of inaction until other members were either asked, or took it upon themselves to begin coordinating them. Petitioner members reported

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that as they grew up, in their early 20's, they would leave the effort of helping with the reunions to older members, and often not attend until they grew older.

Since the beginning of the 20th Century, evidence shows that some members considered the annual (and later bi-annual) General Council meetings important for renewing contact with relatives. In the late 1980's extended family groups began to rely on the Tribal Council to facilitate these reunions through distributing announcements and advocating more of them to be held.

Group economic activities included commercial and subsistence berry picking, commercial hops picking, subsistence fishing, and commercial logging. Upper Cowlitz, Cascade and some Lower Salish families related to Yakima families reported picking berries in the Sawtooth. Sawtooth is a site in the Cascade Mountains between Yakima and the Cowlitz Valley. The Upper Cowlitz, métis, Cascade, and Lower Cowlitz Salish families reported picking berries in areas near their home areas for subsistence and local sale. Because of contact with the Yakima, Upper Cowlitz and Cascade families reported picking with the Yakimas. Others picked in other areas easily accessible to them. Berry picking was a group activity coordinated primarily within the family, although various families also coordinated with each other.

All families reported fishing the Cowlitz River for subsistence. While subjected to increasing regulatory pressure, they reported that game officials allowed them informally to fish for subsistence. In 1995, petitioner members mentioned the use of salmon in the First Fish ceremony, conducted as part of an Elder's Dinner. Some members saw this ceremony as part of a revitalization of traditional Indian values. Insufficient evidence exists at this time to determine the ceremony's significance.

The petition mentioned involvement of the Council in fishing rights litigation in the late 1970's and early 1980's. While about 36 members signed a petition pledging financial support of the litigation, there is no evidence that the support was forthcoming, or that a significant part of the membership was otherwise involved. Thus, while subsistence fishing provides some evidence of community life and

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political involvement during the litigation in 1955, fishing rights litigation of the 1970's and 1980's does not.

Fifty-seven métis and Boisfort/Peell members were listed as inheriting timber land allotments on the Quinault Reservation, though not enrolled as members of the Quinault Tribe, and were potential beneficiaries from the proceeds associated with the U.S. v. Mitchell lawsuit. However, available evidence shows that only a small number of the petitioner were actively involved in the Quinault Allottees Association activities. This organization protested the Quinault Tribe's land use planning and regulation in the late 1970's. However, some petitioner members having no interest in the Quinault express concerns that the Tribal Council leadership who do have such interests are trying to further their own interests at the expense of the interests of other members in the Cowlitz Indian Tribe. The Quinault Reservation issues, therefore, provide some evidence that the disposition of timber lands on the Quinault Reservation affect the petitioner politically as a whole, and are thus evidence of community.

Petitioner members reported that they attended annual or bi-annual general council meetings with their parents or other older relatives. These meetings were held from the 1950's on at the Cowlitz Prairie Grange Hall near Vader, Washington. They reported that as children and adults they did not attend every meeting. However, they maintained that some relatives always attended, reported back to those who did not, and paid membership dues for them.

Petitioner members reported a natural history of meeting attendance similar to the attendance of the family reunions that were held concurrently. That is, they would attend with their parents when young, then cease attendance during their teens and early twenties, and then resume attendance at a later stage in their lives. Petitioners reported that they decided to resume attendance, first, when an important relative had died. They also resumed attendance out of a desire to know more about the decisions made within the Tribal Council. They often maintained that such knowledge would help insure that the interests of their family lines could better be represented.

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Some Cascade descendants reported that they had attended tribal council meetings on the Yakima, and had later transferred to the Cowlitz Tribe on the advice of older relatives who had attended General Council meetings in the 1930's. These examples highlight the ways in which Cowlitz Indian Tribe members have relied on family connections to integrate themselves into the Tribal Council leadership.

Politically, the membership undertook claims activities, and hired lawyers to press claims litigation under the 1946 Indian Claims Commission Act, determined eligible membership to receive claims, and to informed the membership on claims progress.

The leadership also considered issues other than Federal claims. In 1955 the CTI sued the City of Tacoma to obtain compensation for loss of subsistence fishing, and to protect the grave sites and subsistence fishing of families affected by the damming of the Cowlitz River. The council enlisted Upper Cowlitz elders to testify. Also, in the 1970's, the Wannassay family asked CTI help in their own land claims. There is thus some evidence that the CTI General Council could mobilize general membership, and that least some of the general membership expected the General Council leadership to promote some of their own interests in return.

In the 1990's The Tribal Council also attempted to intervene in family adoption cases. These cases were initiated on behalf of families who wanted children of Cowlitz parents adopted by Cowlitz people. Leadership relied on help from Quileute lawyers to intervene through the 1978 Indian Child Welfare Act. While the interventions were unsuccessful, they were conducted on behalf of individual families as an activity independent of claims.

The General and Tribal Council were also involved in disputes. Members reported that the governing council leaders held no meetings from 1957 to 1962 because of personal disputes between Joseph Cloquet, the new President, and James Sareault. In 1964, BIA records of meetings describe a further dispute over the choice of a lawyer. The evidence did not show directly how much the dispute involved the general membership. However, it did show that BIA officials, Congressional staff, and CTI leadership were concerned that the latter would be unable to maintain

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consensus or orderly voting within the general membership. Minutes and correspondence also show that the leadership took specific steps to resolve the conflict by discrediting the dissidents within the leadership and general membership, and maintain orderly decision making.

In 1967, the general membership amended their constitution to set up a Tribal Council. Its purpose was to conduct routine business for the General Council, and to set the latter's meeting agenda. In 1973 the constitution was again amended. The organization changed its name from the Cowlitz Tribe of Indians to the Cowlitz Indian Tribe of the State of Washington (CIT).

The Quinault Reservation's lawsuit and land use plan were mentioned above. While the Cowlitz Indian Tribe's General Council sent a delegate to represent Cowlitz interests in the Quinault Tribe's land use planning, Quinault Allottees Association documentation shows that only one of the petitioner's members, John Barnett, as active in the Quinault Allottees Association. He, in turn, mentioned only two other CIT members. Thus, there is little evidence of widespread petitioner political involvement in the U.S. v. Mitchell case or in activities opposing Quinault Tribal land use planning. However, other petitioner members expressed concern that petitioner leaders were using their positions within the CIT Tribal Council to influence the activities of the Quinault Tribe for their own benefit. The issues associated with the Quinault land use planning are thus indirect evidence for the political involvement of the general membership under 25 CFR §83.7(c).

In 1973 the Tribal Council voted to accept a compromise settlement on the Indian Claims Commission Act. Federal hearings held in 1974 showed that 37 individuals objected to the settlement as too small, and as approved by voters whom they did not consider members. About three of these individuals formed a loosely-organized group known as the Sovereign Cowlitz. This organization declared itself separate from the general membership and not subject to laws of the United States.

Evidence shows that the Sovereign Cowlitz did not receive widespread support from among the general membership. Their objections to the ICC Claims, Settlement from 1974-1981,

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however, received wider support. Interview information and Tribal Council Meeting minutes show that Tribal Council leaders saw the group as a threat to leadership stability, and took what they saw as necessary steps to discredit the dissidents and re-establish an orderly decision process among the general membership.

Also in 1973, the Tribal Council passed resolutions, approved by the General Council to exclude from the general membership individuals who (1) were enrolled with other Indian tribes, and (2) had a blood quantum of less than 1/16 Cowlitz Indian. Federal testimony about the first decision in 1974 showed that it divided the general membership, both within some family lines, and between family lines. While the decisions affected only a small number of people directly, interview information from 1989 and 1995 shows that these divisions still remain unreconciled, and have encouraged some extended family groups to remain active in the Tribal Council to protect their membership status.

The petition maintains that fishing rights issues were an indication of political leadership within the General and Tribal Councils from the 1950's to the present. The lawsuit in 1955 against the City of Tacoma was mentioned above, and provides indirect evidence that the General Council intervened to protect fishing rights. In 1978, the CTI tried unsuccessfully to intervene in the U.S. v. Washington Fishing Rights case. In 1981, the CIT intervened with the Chinook Tribe, another Federal Acknowledgment petitioner, in the Wahkiakum Band of Chinooks vs. Bateman Fishing Rights case, against the State of Washington.

A petition containing the signatures of 36 people pledged a percentage of the ICC claims payment to fund lawyers to pursue the litigation. Some members objected to any CIT intervention in the fishing rights issues. However, there is no evidence about the outcome of the pledges, of the general membership's economic interest in commercial or subsistence fishing, or other evidence that the fishing rights issues involved politically a large proportion of the CIT general membership.

During the 1970's, the CIT Tribal Council, with the Small Tribes Organization of Western Washington (STOWW), monitored archaeological and cultural resource management activities

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conducted by the Lewis County Public Utility Department (PUD) and the City of Tacoma. These utilities were building more hydroelectric dams in the upper Cowlitz River Valley. As part of the cultural resource mitigation measures, the Lewis County PUD arranged with the Tribal Council, in 1987, to purchase approximately 18 acres of land for the Council's use. The land was located on the Cowlitz River, near Vader, Washington.

There was no evidence that the land purchasing efforts themselves involved a significant portion of the petitioner's general membership. However, the land was an important stage for the sweat lodge, and ensuing religion disputes described above.

These political examples provide evidence that, first, the general membership expected the Tribal Council to advocate for family concerns other than simply claims or acknowledgment. Second, they show Tribal Council members often started such activities in response to these complaints. The Tribal Council leadership, in turn, did not always approve these activities. Third, these initiatives engendered conflict within the general membership which came to involve the Tribal Council leadership.

In sum, the evidence shows that the General Council of the 1950's and 1960's, and the Tribal Council of the 1970's to the present have exercised political influence and leadership over the general membership. They have also responded to influence from the general membership in turn. The councils have mobilized testimony from knowledgeable elders for land claims. Council members, moreover, have stated that the councils have responded -- sometimes with reluctance -- to demands from the general membership to intervene in ways seen as promoting the interests of certain extended families and social categories. These categories have been described in the discussion of 25 CFR §83.7(b) above. These interventions, in turn, incite further efforts by members of other social categories to insure that their interests are not slighted. These latter concerns are especially noticeable in issues concerning dual enrollment and membership eligibility.

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1 INTRODUCTION

The following is the Anthropological Technical Report. It is submitted as part of the evaluation of the petition for acknowledgment as an Indian Tribe under 25 CFR §§83.7(b) and © submitted by the Cowlitz Indian Tribe. The evaluation for this petition is conducted under the regulations for an entity with previous acknowledgment, per 25 CFR §83.8.

This Technical Report posits a working date for prior recognition as 1855. In keeping with the regulations for prior recognition under 25 CFR §83.8 the Anthropological Technical Report may direct its inquiry under 25 CFR §83.7(b), demonstration of continuous tribal existence, to the modern day community. Under 25 CFR §83.8, the Anthropological Technical Report may then also address inquiry for criteria under 25 CFR §83.7(c), demonstration of political authority and leadership, to describing a sequence of leaders from 1855.

The year 1855 is the date established for prior recognition, to the present, and showing evidence that these individuals were in fact recognized as leaders.

1.1 Methodology

Evaluation of the petitioner for the Anthropological Technical Report relied on primary documentation and interviews. Primary documentation included meeting minutes, affidavits, and correspondence found either in the petition or collected from a site visit conducted by the BIA researchers July 24 - August 4, 1995. Interviews were collected during the site visit July 24 - August 24, 1995.

The site visit research design includes both a sampling component and interview strategy. In the sampling component the researcher met with the Chairmen of the General Council, Tribal Council, and the Tribal Council Enrollment Committee, to determine all the family lines from whom to choose individuals for interview. The General Council represents all membership listed by the petitioner. The Tribal Council conducts routine business on behalf of the general council. The Enrollment Committee is part of the Tribal Council. Please see the Genealogical Technical Report for more information.

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The sampling design was iterative. Through the succeeding days, preliminary interview information showed that certain individuals and groups should be assigned high priority for interviewing, and the initial scheduling was altered to include these people. Priority was changed to guarantee that as many different kinds of people as possible were represented, and as many points of view and interpretations as possible obtained from the speakers' points of view. Thus, the researcher was able to change the initial interview schedule in order to make best use of scarce time.

A total of 32 people were interviewed. The anthropologist conducted five of these interviews without the benefit of tape recorder, in two cases because of the informal setting, and in one case because the informant refused to be tape-recorded. The anthropologist conducted 20 individual interviews tape-recorded. Average length of the interviews was 1.2 hours. The remaining interviews were conducted with at least three people at one time, with the benefit of a tape recorder. One of the groups was interviewed twice. With the exception of three individual interviews, all interviews have been transcribed.

As with the sampling design, the interview strategy was iterative. Interviews began with an open-ended question asking the informant to describe his or her "life as a Cowlitz." The anthropologist then followed up the answers with two kinds of additional questions. The first included requests for further explanation, description, or examples. In the second follow-up question, the anthropologist asked for specific dates, times, names of individuals involved, numbers of people in attendance, and duration of events.¹

The second open-ended question asked the informant to describe the exact conditions that impelled him or her to decide to become active in Cowlitz life. Follow-up questions were similar to the first, and included the following:

¹Of particular value was the Historian's GTKY file, which included a partial list of modern-day Cowlitz and all genealogically-relevant information.

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1. the planning and sequencing of family get-togethers, including activities, who are contacted, etc.;
2. economic activities such as berry picking, hops picking, fishing, etc. that were mentioned;
3. important issues and disputes that have arisen in the Council;
4. how important issues such as the above were resolved, and if not, what happened;
5. school attendance;
6. what people were doing during phases of their lives when they were not involved actively in Tribal Council activities;
7. other indicators that might demonstrate a way of life distinct from the surrounding non-Indian communities.

The documentation and interview information show five features important in characterizing the modern community and political leadership for the Cowlitz Tribe of Indians (CIT), Inc. from the 1950's to the present:

1. principal social categories, as discussed by the speakers;
2. interaction with the Federal and state governments through land transfers, trust obligations, and handling of fishing rights;
3. grave site and burial rights issues taken up by the various councils and the family lines;
4. major events for which official meetings were held, and the issues considered at these meetings; and
5. informal leadership and authority that emerged from time to time.

Interview and genealogical information revealed five major social categories of interrelated family lines whose descendants are part of today's CIT membership. The first

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includes descendants of the Taitnapam ancestors such as Isaac Kinswa and Louis Castama, who resided along Upper Cowlitz River around Mossyrock and east toward the Yakima Reservation in the late 19th Century. They include modern day descendants such as Kinswa, Smalley, and Burlingame. Families such as Eyle, Kiona, and Yoke, were important until 1973. However, they are today enrolled on Yakima, and are not on today's petitioner list.

Many of the Upper Cowlitz families were connected with the Shaker Church on both the Yakima and Chehalis Reservations. The Shaker religion was initiated by John Slocum in 1883. It is a syncretistic religion that combines the beliefs of Christianity and the traditional ceremonies practiced by the Salish tribes during the 19th Century. While today's members do not identify themselves as Shakers, they still attend Shaker weddings and funerals. They also maintain contact with Shaker relatives on these reservations. They jokingly referred to themselves as among the "blue bloods" who maintain contact with Reservation Indians and know well the people residing in the Upper Cowlitz region (Wendy Kinswa, BIA Interview 7/29/1995).

The second category, the métis, are descendants of French Canadian fur traders and Lower Cowlitz Salish women who were residing on the Cowlitz Prairie, near the present town of Vader, in the 1840's and 1850's. Family surnames include Gerrand, Bercier, Plamondon, and Cottonoir (Cottonware). Also included here are métis descendants identified as Cowlitz by Roblin in 1919 who resided in the Anacortes area in the late 19th Century and early 20th Century. Those descendants today include the Wiggins. Also, some métis descendants hold allotments on the Quinault Reservation.

The third social category includes descendants of Salish-speaking Indians, Sahaptin-speaking Indians, and métis living in the Boisfort/Peell/Chehalis areas, to the west of the Cowlitz River. These people are related to Indians residing on both the Quinault and the Chehalis reservations. Included today are descendants of Charlie Pete, born 1860 at Cowlitz Prairie. Charles Pete's first wife, Mary Ann, was a full-blooded Indian from Yakima. Their daughter Julia married John Eyle. Eyle was one of the Upper Cowlitz Eyles who moved later to Yakima. None of the descendants from

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Charles Pete and Mary Ann are known members of the CTI or today's petitioner.

Charles' second marriage was to Mary Cottonnoire. Mary Cottonnoire was a métis descendant, born about 1881. She was the granddaughter of Julia, or Hosquah, who married Edward Lozier, around 1854. Their daughter Dalia Lozier (born c. 1860) married David Cottonnoire. While described as 3/4 Quinault, records show that David Cottonnoire was 1/2 Cowlitz, son of Michel Cottonnoire, a métis descendant, and Maria Hachea, a Quinault born c. 1834. Through a succession of marriages, then, the Petes were related to Quinault and Yakima-enrolled Indians, as well as to métis. Today's descendants through second marriages include the DeNobrega family and the children of Jesse Pete, Jr.

The fourth category includes the descendants of Cowlitz métis and Indians who resided in the Cascade Mountains and the Dalles. All were descendants of Lucy Skloutwout (1830-1902), a Lower Cowlitz woman, and Louis Garrand, a French Canadian contemporary of Simon Plamondon, Sr. Lucy later also married John Weiser. Descendants from both these marriages are part of today's petitioning group. Of their children, six were descended from the first marriage, with Louis Garrand.

One child, Peter Garrand (1854-3873) married Felicite Pichet, who, records indicate, was the Indian daughter of a métis couple at Cowlitz Prairie. Their son, William Rae (b. 1876) was raised by the non-Indian family of Ben Wilson after Felicite's remarriage.² His grandson, Roy I. Wilson, was General Council President until 1982.

A second son of Lucy Skloutwout, named Louis Garrand (d. 1910) married Mary Stoquin, a Cascade Indian and Yakima allottee c. 1886. He was also enrolled at Warm Springs.³ His only child by Mary Stoquin was Abbie Lucy Gerrand. She married Morris Reynolds, a non-Indian. Her daughter

²The 1917 Census (#2809) of the Yakima Reservation shows William Wilson living at the Yakima Reservation, with four children, including Roy E. Wilson (b. 1909).

³Presumably through a different marriage.

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Lucille Marie Reynolds (b. 1913) married Albert Aalvik, a non-Indian of Norwegian descent. Their son Ronald C. Aalvik, Jr., or Sonny Aalvik, is today the Chairman of the CIT Tribal Council. Lucille Marie Reynolds' sister, Kathleen Juanita Reynolds, is the mother of Marsha Williams and Linda Foley, who are today the Vice Chair and Secretary, respectively, of the CIT General Council.

Clearly, while both the descendants of Peter Garrand and Louis Gerrand share a common ancestor, Skloutwout, the descendants of the latter are those to whom others refer as the Cascade descendants, and who themselves observe that they still have close ties with the Warm Springs Reservation (Marsha Williams, BIA Interview 7/24/1995). However, both are related to people enrolled on the Yakima Reservation through Peter Garrand.

The fifth category includes descendants who lived along the Lower Cowlitz River, around Kelso. One group is descended from Jack Wannassay, recorded as lower Cowlitz (1878 BIA Census), and Sally "Patch-Eye," a Klickitat woman. They are represented by families such as Meyers, Drummond, Hill, Dunckel, and Cassity, today. Another group includes descendants of Iyall-Wahawa, the son of Wahawa and Wannassay, originally from around Cowlitz Prairie, near Vader.⁴ They are represented today by Iyall, Fawcett, Iyall-Vasquez, and Chappell.

It is important to emphasize that these categories, while used and defined by the interviewees, do not include mutually-exclusive genealogical family lines. That is, they are sometimes descended from more than one genealogical category. In fact, evidence will show, first, that there are individuals who serve as points of contact between genealogically-defined family lines. Second, evidence will show that there is considerable interaction among individuals across these social categories. Finally, the evidence will show that speakers distinguish these categories by shared history and other experiences, and

⁴Iyall family members maintain that Iyall Wahawa was a son of Scanewa. BIA research and petition documentation shows that Iyall Wahawa was the son of the parents listed above; and born some 17 years after Scanewa's death.

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associate certain characteristics and interests with these categories.

In presenting this evidence, it is important to stress that these categories or groups include all members of today's petitioner. In describing the histories of these groups, however, this report does not describe all the individual family lines. Thus, what are presented are case studies. This report proposes that these case studies represent the entire petitioner because, first, they best explain the interview and documentary evidence obtained as part of the BIA research. Second, no alternative explanation emerges that refutes the BIA explanation.

1.2 Designation of Modern Community and Political Authority

The actors and issues of the modern community and political authority are described through the assessment summarized above. However, to provide a full understanding of community and political authority, the BIA researchers found it necessary to study past events, organization, and leadership. The Anthropological Technical Report chooses the year 1950 as the starting point for a full explanation of modern community because, first, it was the year that an organization known as the Cowlitz Tribe of Indians (CTI) adopted its first known constitution and bylaws. This constitution and bylaws, in amended form, remains in effect today.

Second, in 1953 CTI members provided testimony for the lawsuit Plamondon v. United States. This case was submitted in 1951 (Chief, Tribal Operations officer, to Mr. Donald Rhodes, 3/18/1963), in response to the 1946 United States Indian Claims Commission Act, and its effects remain important to this day.

Third, the 1950's is a decade from which most of the interviewees can recall either their childhood or adulthood. However, while the 1950's will be used as a starting point to explain modern community and leadership, earlier periods of time will also be reviewed, particularly to explain political leadership and authority.

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2 1950-1973: THE BEGINNING OF MODERN COMMUNITY

The principal defining events of the 1950's and 1960's were the new constitution and bylaws adopted in 1950, the lawsuit Plamondon v. U.S. in 1953, and the Cowlitz Tribe v. City of Tacoma, lawsuit in 1955. These three events set the stage in the 1960's for major disputes in hiring a lawyer to prosecute Plamondon v. U.S. in 1964, the formation of a Tribal Council in 1967, and involvement of some Cowlitz, in 1968, in what was to become the court case United States v. Mitchell. This period ends with a proposed settlement for Plamondon v. U.S. in 1973.

2.1 Main Characters

Documentation shows that members of the five major social categories defined above were residing in different areas primarily along the Cowlitz River, as well as elsewhere in southwest Washington. Evidence shows, first, that the Taitnapam Upper Cowlitz resided in the Mossyrock area, interacted intensively with various reservation Indians in subsistence and religious activities, served on the Council of what was then known as the Cowlitz Tribe of Indians (CTI), and testified as witnesses in the two claims cases mentioned above. The generation growing up in the 1950's spoke English with bilingual Sahaptin/English-speaking parents, attended public schools, and experienced little or no discrimination. They were, nevertheless, recognized distinctly as Indians by their non-Indian neighbors, by the Bureau of Indian Affairs, and by their relatives who lived and were enrolled on the Yakima and Chehalis Reservations.

Second, Lower Cowlitz métis descendants worked as farmers and loggers, and recalled large extended family reunions which distant collateral relatives attended. These people served as leaders on the General Council and Executive Committee, and one family, the Sareault, were lawyers for the Council. Today's petitioners maintained that their grandparents spoke French to one another and the Chinook Jargon to Indian neighbors into the 1940's. While evidence shows a cultural life different from the Upper Cowlitz and the families in other social categories, this cultural and social life was in turn distinct in religion and social interaction from non-Indians in the surrounding communities. At the same time it shared social and political

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relationships with other social category members different from what was shared with non-Cowlitz.

Third, some Boisfort/Peell/Chehalis Salish descendants enrolled at Quinault, and their descendants, as members of CTI, held interest in land allotments provided at Quinault. These people continued to reside at Castle Rock in the Cowlitz River Valley, although they were also being enrolled at Quinault. Their families married Yakima, métis, and other Indian families. Evidence does not show what non-English language, if any, these people spoke. Some evidence suggests that they differed from some métis in religion. Little information is available on social life. BIA records show some leaders among them were consulted periodically by the Federal government, as were Upper Cowlitz leaders.

Fourth, documents show that Cowlitz métis relatives of Cascade Indian families resided around Stevenson, Washington. They recalled visiting Yakima relatives. While older family members were enrolled there, younger members did not qualify for Yakima enrollment, and joined what became known as the Cowlitz Indian Tribe (CIT) in the 1970's. They joined through relatives who had previously been members. They then became active in CIT political life.

Fifth, Lower Cowlitz Salish descendants such as the Wannasays resided in Kelso during the 1950's and 1960's, as they had done since the turn of the century. Their relatives also had enrolled at Yakima. Relatives of the Iyall families, were enrolled at Yakima and Nisqually. Members in both families were active in the CTI Council.

2.1.1 Upper Cowlitz Taitnapam Descendants

Correspondence from the BIA shows that throughout the 1930's, descendants of the Castama, Suterlick, Satanias, and Kinswa/Ike families lived in the Mossyrock area on the Cowlitz River. Also living in the area were one family of Kiona-related Eyles.⁵ All these people had been

⁵This Eyle family moved to the Yakima Reservation after 1974. The Historical Technical Report shows that few Cowlitz families appeared in Yakima Reservation records

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predominantly Sahaptin-speaking Upper Cowlitz, or Taitnapam, Indians. The relatives of many of these people had enrolled on the Yakima Reservation, and had been allotted land there.

The Ike family included John Ike, Isaac's son, and his brothers Howard Ike and David Ike.⁶ Meeting minutes showed that John Ike Kinswa, Isaac's son, was elected Chairman of the Cowlitz General Council in 1922, succeeding Dan Plamondon. Meeting minutes for 1932 show that Kinswa, in turn, was succeeded by James Sareault (Petition, 190).

Throughout the 1920's and 1930's John Ike received letters of inquiry from the Portland Area Bureau of Indian Affairs. These letters asked whether the children of Taitnapam families were enrolled at Bureau of Indian Affairs schools, or public schools if they were not enrolled at the Bureau Schools (Petition A-253).

The Kinswa line is represented by individuals today such as the three sisters Wendy and Patty Kinswa and Diane Smalley, and their brother Mickey. Wendy Kinswa recalled growing up in a rural isolated household around the town of Mossyrock

before 1900. Those who did appear before then were married to Klickitats, and include families such as the Wannassays.

⁶As Melvin Core pointed out, Ike and Kinswa are used interchangeably to describe the Kinswa group:

"before the Catholic Church and government required two names, the old Indians knew a person only by one name. Ike Kinswa was simply "Ike" until president Harrison gave him a patent for 165 acres of trust land, meaning it could not be taxed or taken from him although he could sell it. The name "Kinswa" was added for legal purposes."

Following Indian practice, Ike Kinswa's son John was John-son-of-Ike, thus John Ike, rather than John Kinswa. In turn John Ike's son Isaac, keeping to Indian practice, would have been Isaac John; and, in fact, some Indians called him that. But, adapting to the white man's way of taking the father's last name, Isaac became "Isaac Ike."

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on the Upper Cowlitz River during the 1950's. In the summers she recalled picking berries with her grandmother Martha, and other Indians at Sawtooth. Sawtooth is a popular site among the Yakimas for picking blackberries and blueberries, in June and early July, and later in the summer for raspberries and huckleberries.

those were the places where our grandmother used to go every summer, and meet with other Indian people. There were a lot of people from other tribes up there. They would camp up there, maybe for a month or a week at a time. So we went up there and camped (Wendy Kinswa, BIA Interview 7/25/95)

Wendy Kinswa recalled the three-week berry-picking season in more detail with her grandmother:

Ulla [Martha Ike] wanted me to drive [to the mountains] to pick huckleberries' because our big old Chevrolet was high enough to go over the ruts . . . Ulla [Martha Ike's Indian title] knew the Yakima and could talk Yakima too. Joyce Eyle [another Yakima-speaking Taitnapam Cowlitz] was up there with her son Bubbles. We put a tent up and put down the more tender fir boughs for a pretty good bed under our blankets. We didn't have sleeping bags and stuff (Wendy Kinswa, Irwin Affidavit 7/6/1989, Petition A-2416).

Dianna Smalley observed that while her father and uncle, David Ike, all spoke Taitnapam, none wanted to teach the language to their children

Daddy wouldn't teach us the Indian way because Mom told him we needed to learn the white man's way too, that we wouldn't be living in an Indian world. He said that was fine. He did try to teach me to mend a net though (Dianna Smalley, Irwin Affidavit, 7/6/1989, Petition A-2417).

Their uncle, Howard Ike, was a member of the Shaker Church and lived close by them across the Cowlitz River. However, visiting could occasionally be arduous.

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In the summer, Dad would walk and swim across the river, and walk to Uncle Howard's house. Otherwise drive to Toledo, but didn't have gas money (Dianna Smalley, Irwin Affidavit, 7/6/1986, Petition A-2422).

Their other uncle, David Ike, born 1927, also lived nearby. Living presently in Ethel, Washington, he is considered the last Cowlitz speaker. He also has taken on the responsibility of maintaining the family cemetery (Wendy Kinswa, BIA Interview, 7/25/1995).

In 1950 Joseph P. Lavin, Asst. Attorney General, reported to Taholah Agency Superintendent George P. LaVatta, 5/19/1950 regarding a request from David Ike to:

be issued a permit to purchase liquor. He stated that he is twenty-two years of age and that while is a member of the Cowlitz Tribe he is not a ward of the United States. He referred to the fact that members of said tribe do not reside on a reservation (Lavin to LaVatta 5/19/1950, Petition A-556).

While the disposition of this case is unknown, evidence shows that David Ike was considered an Indian by the surrounding community.

The Kinswa sisters (David's and Howard's nieces) also recalled joining the family picking hops and berries for commercial farmers in southwest Washington and Oregon. Wendy recalled that when she was 11, and too young to pick with the others:

I had to stay at the cabins, baby-sitting my two cousins' babies, Douglas and Leonard, all day. They were still in their baby-boards and it was so hot! I felt so sorry for them with their hair sticking down (Wendy Kinswa, Irwin Affidavit 7/6/1989, Petition A-2415).

When attending school in Onalaska, Dianna Smalley mentioned little discrimination as Indians, largely because their father and uncles were well known as respected by non-Indians in the area.

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In the school in Onalaska we didn't run into much trouble because everyone knew who our dad was. If there was a slighting remark, I gave them a really mean look, and they would drop it quick (Dianna Smalley, Irwin Affidavit 7/26/1989, Petition A-2426).

When their family was unable to return to their home, however, Wendy Kinswa recalled a time when she had to attend school in Union Gap, Oregon. She did not enjoy it because she felt homesick and out of place because she was part-Indian:

You'd think in Union Gap they would have a lot of Indian kids, but they didn't. The other kids all stood off and wouldn't associate with us. No, it wasn't because we were apple-pickers' kids. There were only three or four other Indian kids there.

I remember when I went out to recess, I couldn't go around to the other side of the building. What was I supposed to do? I was the only one part-Indian on that side. Then I did go around on the other side, and Patty was in the same situation I was.

Adults in the school treated me much the same way. They didn't talk to me unless they had to (Wendy Kinswa, Irwin Affidavit, 7/26/1989, Petition A-2426).

Dianna Smalley attended Shaker meetings when they were young. She pointed out that while they were not always allowed to be active in these Shaker prayer meetings, they were nevertheless present. In one example:

At Ulla's house when Matthew was a baby, they had the Shakers come. We kids were not permitted in the house and we were freezing outside where we were watching through the kitchen window. Matthew was crying all the time, and it was something about a spirit that was there that wasn't supposed to be. That was in the shack after we put up the house for Ulla (Dianna Smalley, Irwin Affidavit, 7/26/1989, Petition A-2420).

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The Kinswas mentioned that they went to Cowlitz Tribe of Indians (CTI) meetings occasionally. John Ike, one of the Council leaders in the 1930's ". . . took care of all the legal stuff" while Howard Ike paid dues. In general, however, the meetings were adult affairs i.e., "There were a lot of things the older folks thought were not for kids and that they shouldn't be there. If they were, they should be seen and not heard" (Wendy Kinswa, Irwin Affidavit 7/6/1989, Petition A-2424).

Another famous household living near the Kinswas included Mary Kiona. She was a widely-respected elder among CTI members. As Roy Wilson, Skloutwout métis descendant,⁷ recalled, she was very knowledgeable about his ancestry, as well as that of the métis who were part of his line:

Mary Kiona was a very very special person in my life. Many many times I talked to her. Of course she wouldn't speak in English. She'd only spoke in the Taitnapam, a dialect of the Sahaptin. But Joe Peters would usually interpret for me. And she -- I can remember one time, at one of those events, where . . . I wanted to know some things about some of my own ancestors, and I asked her if she had known Felicia Pechet. Felicia Pechet being a great grandmother of mine . . . and Mary said she remembered Felicia very well, and told me many stories about her. That was real special (Roy Wilson, BIA Interview, 7/29/1995).

Mary Kiona testified in 1955 for what was then the Cowlitz Tribe of Indians (CTI), when they sued the City of Tacoma (Civil No. 1934) in the Cowlitz Tribe of Indians v. The City of Tacoma, December 6, 1955 (Petition A-560). Tacoma Power and Light, a publicly-owned utility, proposed placing a dam at the town of Mayfield, on the Cowlitz River. This dam

⁷As a Skloutwout descendant, Roy I. Wilson is distantly related to Cascade families such as Marsha Williams and Ronald Aalvik. While he is a métis descendant, his father was enrolled at Yakima.

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would flood out a number of Indian cemetery sites and river fisheries.⁸

Her testimony was about fishing in the Cowlitz River, and demonstrated that she had considerable knowledge of Upper Cowlitz, Lower Cowlitz, and métis families.

All Cowlitz Indians living in the vicinity of the Cowlitz River fished in said river; among said Indians being the following families: White (Kelso), Skokol (Kelso), Cheholtz (Castle Rock), Captain Peter (Olequa), Cottennoire (Olequa), Iyall (above Olequa), Stokum (near Toledo), Kimpus (Cowlitz Prairie), Kinswa, Castama, Sheungun (Mayfield), Tal-u-ya (Mossyrock), [Y]oke and Eyle (Nesika and Kosmos), Satanas and Kionas (Cowlitz Falls - Randle), Tai-I-kan (Riffe) (Mary Kiona, Civil No. 1934, Petition A-564-565).

Notice that Upper Cowlitz families such as Kimpus, Castama, Satanas, Kiona, and Kinswa; Lower Cowlitz families such as White and Iyall; and métis families such as Cottonnoire were represented. Kiona was not specific as to when these people were fishing in the area, but these sites were close to where they had been living.

During the lawsuit, Isaac Ike Kinswa also testified. His testimony showed that he knew of the Nesika burial site and Harmony burial site across the Tilton River (Ike Cemetery). He mentioned that there were other Indian cemeteries near Harmony, too, but they were not known to the public. He also testified that he had seen "the burial grounds at Nesika, the Ike Cemetery, another cemetery now on the Core place, all of which cemeteries have grave markers indicating particular graves" (Petition A-559).

Sarah Castama, who owned land across the river from him, also testified (Petition A-565). Howard Ike translated for both Mary Kiona and Sarah Castama into English. James Sareault, a métis descendant prominent in the CIT Council,

⁸Wendy Williams (1983) wrote that the burial site for which the lawsuit was launched was a "Shaker cemetery on the banks of the Cowlitz River."

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took the depositions (Plamondon v. United States 1953, Petition, A-1064).

Council meeting minutes show that the Cowlitz Tribe of Indians, the organization pursuing claims at this time, took on the lawsuit, not to obtain land but "compensation for the land to be covered by water" (CTI Meeting Minutes 6/2/1956).

Wendy Kinswa observed, later, that Howard Ike, John Ike Kinswa, and David Ike maintained they had helped the leadership in supplying and translating testimony for Plamondon v. United States (Wendy Kinswa, BIA Interview 8/2/1995). The leadership, they maintained, should help them in turn in by protecting grave sites.

Sarah Castama died around 1960. At the request of John Ike, Melvin Core was one of the officiators at the funeral. He noted that while Ike Kinswa and David Ike were connected with the Shaker religion:

All the services for the Ikes were Christian,⁹ just like I would conduct for a white person, not at all like the Shaker services I saw at Chehalis Indian Reservation (Melvin Core, Irwin Affidavit 6/13/1989).

Core noted that there were "about a hundred Indians at her funeral in Toledo," suggesting that Sarah Castama too was a highly-respected elder among the Indians residing in the area.

I had been asked to conduct the funeral service for Sarah Castama, but at the funeral home it was clear that the older Indians also wanted one of the Shaker preachers from Oakville to preach, so I cut my words short to leave him time. Still, I preached a good funeral service for Sarah, for as far as I was concerned I was burying my mother

⁹Neither the Petition documents nor BIA research made clear whether the Christianity included in the funeral services was an aspect of the inclusiveness of the Shaker religion, or an indicator of a religious difference between David Ike and other Shakers.

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(Core, Irwin Affidavit 6/13/1989, Petition A-2383).

He then recalled that the Shaker preacher

. . . hadn't thought what he was going to say. What he did say was aimed at their grandson Billy, who had come to the funeral with a guard escort from prison. For half an hour he berated Billy in the strongest words, saying how Billy had shamed himself, his grandmother, and the Indians. As I heard later, Isaac Ike was so upset with that sermon that afterwards he came close to pounding that preacher.

At graveside I gave the committal service; then the Shaker minister spoke, and the older Indians chanted for the dead in the traditional way (Core, Irwin Affidavit 6/13/1989, Petition A-2383).¹⁰

Dianna Smalley, Wendy Kinswa, and Patty Donaldson all recalled attending the Shaker funeral for Sarah Castama.

When Sarah Castama died, they brought her body into the house for a wake, but this was something kids were not supposed to be involved in, but we peaked [sic] through the window and saw people sitting there with the lamps on. There were Shakers there too (Wendy Kinswa, Irwin Affidavit 7/6/1989, Petition A-2418).

Although her family maintained contacts with members of the Shaker Church, Wendy maintained that "I believe in many of

¹⁰The Petition documentation supplies a slightly different version of the service's ending, but the pattern remains the same.

After the service at the funeral parlor Indian Louis (Sarah's brother-in-law) was ready to fight the Shaker minister but when everyone calmed down we went to the Ike cemetery at Ethel where Sarah was to be buried. Such fervency continued throughout the service which followed at the graveyard (Petition A-1852).

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the old Indian beliefs, but I don't claim any particular religion" (Wendy Kinswa, Irwin Affidavit 7/6/1989, Petition A-2422). Nevertheless, her father was an active Shaker (Dianna Smalley, Irwin Affidavit 7/6/1989, Petition A-2428).

Mary Kiona passed away in 1970. Newspaper articles described a similarly large funeral, but also showed that there was a disagreement between her close relatives and various Shakers as to where she would be buried (Spiro n.d.).

Clifford Wilson¹¹ at Kelso, chairman of the Cowlitz Tribe, explained that it was not yet settled where Mary Kiona would be buried. The younger people, he said, [prefer] the Kiona graveyard near Mossyrock, but granddaughter Mrs. Joyce Eyle of Silver Creek wants Mary buried in Oakville. He said "it will be settled after today's services at the Oakville Shaker Church. It is not the Indian tradition to argue while the deceased lies in state. After then it can be discussed" (Spiro n.d., Petition A-884).

Mary Kiona had been living with Joyce Eyle at Silver Creek, near Mossyrock, for the five years preceding her death. Subsequently, the decision was made to bury her at Oakville, where "Grieving Cowlitz, Yakima Indians carry Mrs. Mary's Kiona's body from Oakville Church" (Sunday Olympian, 6/21/1970). The Newspaper article added that:

More than 150 mourners gathered at the Indian Shaker Church on the Oakville reservation on a sunny spring day to pay final tribute to Mrs. Kiona, considered the senior member of the Cowlitz tribe. Besides the casket, the only objects in

¹¹Clifford Wilson was a métis descendant of Simon Plamondon, an early French Canadian settler. Simon's daughter Mary Plamondon's second husband was William Wilson, a 1/4 Cowlitz métis descendant. Her first husband was Oliver David Bouchard. Clifford Wilson lived in Castle Rock, at this time. Castle Rock is below Mossyrock, on the Cowlitz River, the area where the Ike/Kinswas lived, and thus located approximately between Mossyrock and Oakville.

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the church Friday were a few pews and benches and a simple altar covered by a white cloth. Several younger Indians attended the service in tribal costume (Sunday Olympian, 6/21/1970).

Dianna Smalley reported that she and her sisters remembered Mary Kiona's funeral, but "Uncle Howard passed away, then Daddy passed away; then Mary Kiona passed away. We didn't go to Mary Kiona's funeral. I wasn't done grieving after Daddy's funeral yet" (Dianna Smalley, Irwin Affidavit | Petition A-2422).

The death of these elders in the 1960's and early 1970's coincides with what today's Upper Cowlitz petitioners describe as a decline in the frequency of social interaction both with neighboring kin and with relatives on the Yakima Reservation. Wendy Kinswa explained that part of the reason for the decline in visiting and other social interactions is that some of her neighbors had decided to enroll and move to the Yakima Reservation.¹²

We kind of lost contact with each other for several years. They were the ones who used to live across the Cowlitz River from us. They had to go all the way down to Toledo [see map] and come back up the other side [i.e., for a normal visit]. And then when all these kids got older they went to the Reservation over there. Because when you turn a certain age you start getting a monthly allotment. And I think that part of the requirement is that you have to live on the reservation to receive your allotment. So that's how a lot of them got over there (Wendy Kinswa, BIA Interview 7/25/1995).

She added, however, that normal life during this time prevented them visiting each other as often as they used to.

¹²These neighbors included Howard Ike's children. Again note that Howard Ike, a Taitnapam Upper Cowlitz, had translated for Mary Kiona in 1955, with James Sareault, a Métis, as Counsel.

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I think that is because people get engrossed in their own life. They say "I don't have time to do these things; I'm too tired when I get home from work. I've got other things that are going on." And it seems like you're rushing from one place to another, and I know I used to do that too, until I started to really think about this (Wendy Kinswa, BIA Interview 8/2/1995).

This trend was to change in the late 1970's as family members reported reaching a stage in their lives where the passing of certain relatives caused them to re-establish ties with relatives who had moved to the Yakima Reservation, as well as with others within the Cowlitz Tribe of Indians.

2.1.2 Métis Descendants

Métis families included the descendants of Louis Gerrand, Francois Bercier, Jean Baptiste Bouchard, Joseph St. Germain, Michael Cottonnoire (Cottonware), and others. These men were French Canadian Hudson's Bay Company fur traders who had married Cowlitz women at the Cowlitz Prairie Mission around Vader, Washington in the 1840's and 1850's. Descendants of the métis comprise the largest proportion of today's CIT membership.

Some of these métis descendants had obtained farm land along the Cowlitz River. There, as the Genealogical Technical Report shows, a few married Indians from Yakima and Boisfort/Peell. Others married other métis. Still others married non-Indians. Many of these latter are not part of today's petitioner membership.

Métis descendants such as Nadine Martin (Cottonnoire) described family reunions that attracted as many as 100 family, neighbors, and others. While these were held in the late 1930's and early 1940's, some were held in the 1950's. These reunions involved as much as a year's planning to establish a schedule and location, and to inform relatives living far-off. They would be coordinated to occur around holidays and would last several days.

Grandma West[sp] -- which was my grandmother's stepmother's birthday -- the 29th of June. And then my grandmother's birthday was the 30th of

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June. And they all came at the fourth of July. So we'd have this get-together the 29th until after the Fourth of July. Everybody would come, and there was dancing, and singing, and just have a wonderful time at the get-together, visiting and enjoying each other's company (Ernestine Purcell, BIA Interview, 7/25/1995).

At the reunions themselves, relatives brought and shared food they had prepared. Meals were followed by singing and dancing to the tune of fiddles or other instruments, as well as games for the children. Another example of a reunion, from the 1940's, shows how the music and dancing that went with these activities were Western European in origin:

Well, at this time Barney St. Germaine¹³ played the fiddle. And he would fiddle. And they would square dance. And we had a player piano that . . . we'd play the old rolls -- on the player piano. And they would dance. My grandparents were beautiful dancers. They'd win the dancing contest.

Oh, [they would play] all those old songs. My grand-dad played the Jews Harp -- and the Harmonica. And they would sing all the songs -- you know -- in their era. [These songs would include] Alexander's Rag Time Band, and Red Red Robin come Bob Bob Bobbing Along, and Indian Love Call -- that was one of their favorites, Indian Love Call -- and Missouri Waltz . . . He would sing to my baby sister some French songs that I don't know the names of. He'd set for hours when she

¹³Barney St. Germaine (b. 1889) first married Mary Cottonnoire Pete, widow of Bois Fort descendant Charles Pete. He then married Blanche Reed in 1924. Blanche Reed was granddaughter of Lucy Skloutwout, who had married Louis Garrand, and was ancestor of some of the Cascade group. Her mother Sophie was registered on the Warm Springs Reservation, as well. Barney himself was the great grandson of Simon Plamondon, Sr., through his grandmother Marie Anne Plamondon, who had married Henri St. Germaine. Thus, Barney, himself a métis, had married into the Boisfort Peell lines, as well as having relatives with the Warm Springs Reservation relatives of the Cascade group.

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was a baby and rock her (Mae Ernestine Purcell, BIA Interview 7/25/1995).

These reunions were important because, as Ernestine Purcell pointed out, logging jobs sometimes caused particularly the father to be absent for protracted periods of time.

My granddad was a logger, so we moved to where the logging was. But always we had relatives that would come, wherever we would move to. They would come for the holidays (Mae Ernestine Purcell BIA Interview 7/25/1995).

Mae Ernestine Purcell recalled her childhood, in the 1940's, when she lived with her grandparents. Both parents spoke French and English in their homes, and Chinook Jargon among Indian neighbors. Ernestine, however, was taught English in the schools, and the grandparents spoke English to her at home:

But my grandparents, when they started to school, they spoke all [i.e., the schools] English. And they just spoke French [i.e., the grandparents], so they were very embarrassed over this. So they didn't teach my sisters and me French. Which I wish they had. But when the relatives came to visit, they really really talked a lot of French. And that was what they talked. Sometimes maybe we didn't know what they were talking about, but they did talk French a lot when the relatives came.

My uncle will be out for our reunion, which will be in August. And I wish that he were here so that you [i.e., the BIA researcher] could talk to him, because he could tell you so many more things about their growing up. He speaks just a little bit of the [Chinook] Jargon. My granddad knew some, but they mainly talked French, but he did understand some Jargon (Mae Ernestine Purcell, BIA Interview 7/25/1995).

The métis families were primarily Catholic in religion. Today's petitioners recalled that their parents and grandparents attended mission church. Mae Ernestine Purcell shows that during her childhood:

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When we lived at Olequa we walked from Olequah to the Catholic Church up in Vader. That was during the Depression. There wasn't much money. So we didn't have much money at the mass . . . but we thoroughly enjoyed the walk.

My grandmother was a very religious old lady, and when we lived in Winlock, twice on Sunday's we'd go to church. And then the relations would come later in the day, between services -- for our dinner (Mae Ernestine Purcell, BIA Interview, 7/25/1995).

Métis families picked berries and hops commercially on farms, and the children occasionally had to attend school in other communities. Such berry picking produced both a small monetary income and the benefit of produce for canning and storing. Speakers recalled that most the money went to the household. They used some, however, to purchase school clothes, bicycles, and other supplies (Gerald Bouchard, BIA Interview 7/23/1995).

While they reported little discrimination in the local schools, métis descendants were denied liquor, as Indians. On June 7, 1937, Alvin Cleo Bouchard¹⁴ had written Western Washington Agency Superintendent N.O. Nicholson on behalf of himself and other "lower Cowlitz Indians" for "a card or letter that proves we or I am no ward of the government so as we or I may buy beer, wines [sic] or liquor like other tax payers do" (Bouchard to Nicholson 6/7/1937, in Phillips to Upchurch 10/18/1940, 2; Petition A-270).

Lenore Cottonware Monohon¹⁵ reported how she was refused service she went to a tavern:

¹⁴Alvin Cleo Bouchard, incidentally, was an uncle to Clifford Wilson, mentioned above, and a father to Norbert Bouchard, who served on the Council in the 1960's at the same time as Clifford Wilson. See below.

¹⁵Lenore Monohon was also descended from Simon Plamondon, as was Clifford Wilson. Her grandfather Daniel Plamondon was Mary Plamondon's brother. Mary Plamondon was Clifford Wilson's grandmother.

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I was asked if I was Indian. I said "yes." Why would I lie? The bartender said, "I can't serve you." "You can't serve me?" That was when I learned about race (Monohon, Irwin Affidavit 4/6/1989, Petition A-2435).

However, she added that this incident occurred when she was 21 years of age, and before then had not experienced this kind of discrimination (Monohon, Irwin Affidavit 4/6/1989, Petition A-2435).

In these cases the Bureau of Indian Affairs generally explained that these individuals were not wards of the U.S. Government, implying that there was no reason they could not be served alcohol or purchase a liquor license (Lavin to Lavatta 5/22/1950, Petition A-556-557). This problem ceased to be an issue after the 1950's.

Family reunions declined periodically. Evelyn Byrnes described how "when my brother Barney and Edward Cottonware went to World War I, it kind of broke up the family" (Evelyn Bashor Byrnes, Irwin Affidavit, 12/29/1989, 6/13/1989, Petition A-2358). Conversation with Mae Ernestine Purcell and others suggested that the reunions would decline when the individuals important in initiating or maintaining these functions died or departed. The reunions would then start up again when a younger member of the family was either asked to initiate these activities (see also Marjorie Cassity,¹⁶ BIA Interview, 7/17/1995) or took it upon themselves to do so.

Attendance at CTI Council meetings had many parallels to family reunions. People would attend the meetings with parents when young, and not attend during their teens and early '20's. They resumed attending usually at the behest of a relative or in response to some important event. John Barnett, illustrates the pattern from his own recollections.

Intermittently, when I was a pre-teen I would go to a meeting every two or three years, with my Dad

¹⁶Marjorie Cassity, a non-Indian, is married into the Cassity family, who are descendants of the Lower Cowlitz Wannassay. Their reunion pattern, however, is similar.

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-- I didn't go to all of them. He'd invite me in, my brother [too]. Then there was a time lapse -- high school and college days -- in which I did not have too much Tribal involvement, other than contact with my Dad, just telling me what was going on. At that time period -- when you have too much else going on as you're growing up and getting educated -- these things. So my actual Tribal involvement as far as attending meetings -- there was that lapse there.

I stayed in contact after my Uncle Gus [Auguste Cloquet] died -- with my other cousins, Joe Cloquet and Don Cloquet specifically -- on different things going on within the Tribe, you know, just with passing conversations with my cousins. No real involvement on my part of going to meetings at that time (John Barnett, BIA Interview, 8/4/1995).

Gerald Bouchard added: "Then I drifted away from the tribal meetings until about the early 1970's,¹⁷ when Uncle Cliff got me involved again" (Bouchard, Irwin Affidavit 6/17/1989, Petition A-2352). Speakers considered this sort of drifting normal for people whose childhood had been in the 1950's and 1960's (Barnett, BIA Interview 8/4/1995; Kinswa BIA Interview, 8/2/1995).

2.1.3 Boisfort/Peell/Chehalis Salish Descendants

Superintendent W.B. Sams wrote September 17, 1924, to Charles Pete, at Castle Rock, requesting school data on Lawrence Pete and Jesse Pete (Petition A-1987, 29). These inquiries were similar to the ones to John Ike Kinswa mentioned earlier.

Jesse Pete, Sr., born 1920, at Castle Rock, enrolled at Quinault, where his mother, Mary Cottonoire, had obtained an allotment. While he is not a member of today's petitioner, his sons Jessie Thomas Pete, Jr. and Ernest Dean Pete, are members of CIT.

¹⁷Meetings minutes and notes suggest strongly that Bouchard was active in Council meetings in 1964.

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Métis Mae Ernestine Purcell remembered Mary Cottonnoire Pete, and was aware of the Yakima connections.¹⁸ Purcell shows, in addition, that through Mary Cottonnoire Pete some métis, too, were also related to Yakima families.

And my aunt Mary Pete -- she was Cowlitz and French -- but my uncle Charlie was also Yakima. . . So they had quite a bit of land over in Yakima. And my aunts and uncle used to go over. She used to take them with her, and then they would come back and tell us about what they did with the Indian people over there (Mae Ernestine Purcell, BIA Interview, 7/25/1995).

Charles Pete was active in the Cowlitz governing council in 1915 "on a committee whose business it will be to make up a certified and absolutely accurate roll of all the surviving members of the Cowlitz Tribe (Petition A-487). His son, Jesse Pete, Sr. (b. 1920), however, was not a member. While some of the petitioner members considered his decision not to join the Cowlitz as "controversial" (John Barnett, BIA Interview 8/3/1995), Jesse Pete, Sr. gave a simple reason: "when you're allotted at the Quinault, you're Quinault" (Jesse Pete, Sr., BIA Interview, 7/25/1995).

Neither interview nor documentary evidence shows whether these Boisfort/Peell families maintained a separate or distinct religious and social life. However, evidence cited about reunions in 2.1.2 and the relationships with métis suggest strongly that they were involved in family reunions and similar social life in the area.

2.1.4 Cascade Descendants

As mentioned before, when the petitioner members referred to Cascade descendants, they were describing descendants of Louis Garrand and Mary Stoquin. Marsha Williams noted that during the 1950's and 1960's she attended Yakima meetings with her mother. However, she observed that her mother and older sisters had enrolled on Yakima, but were unallotted.

¹⁸Remember, the Cottonnoire (or Cottonware) families of métis such as Lenore Monohon, mentioned above, were also related.

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She herself was therefore ineligible for Yakima enrollment (Marsha Williams, BIA Interview 7/24/1995).

Marsha recalled visiting her grandmother during the 1950's, and berry picking with her in the summers in the Cascades around Sawtooth. Her grandmother, while allotted at Yakima, also had land around Stevenson, Washington (Marsha Williams, BIA Interview 7/24/1995).

She maintained that while her grandmother spoke the Wasco Indian dialect, her mother did not.

Oh, my mom just speaks English. My grandmother spoke Chinook Jargon. But I don't -- and I'm sure my mom heard it -- know if my mom ever spoke that. And my grandmother also knew the Indian language up the river, which would be Wasco dialect, or Chinook dialect. But I don't think my mother heard that (Marsha Williams, BIA interview, 7/24/1995).

Marsha attended public school in Stevenson, and experienced little or no discrimination from non-Indians. Her main observation was that the non-Indians did not seem to know their extended families as well as she and her people did. (Marsha Williams, BIA Interview 7/24/1995).

She was not exposed either to Shakers or Catholics, since her grandmother "had a disdain for religion."

So, we always went to whatever church was closest to the house. And it happened to be Baptist churches as I was growing up, but we went to Sunday School; we didn't go to church. We weren't members -- whatever -- we weren't involved that way. Just the Sunday School teaching (Marsha Williams, BIA Interview 7/24/1995).

Sonny Aalvik's family also resided in Stevenson, Washington. By the 1940's they had located farm land near where Marsha Williams, his first cousin, lived with her family.

I picked huckleberries with my grandparents. I had five brothers. I'm the oldest. But we were not raised as traditional Indian way. As my

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father being Norwegian, and he was born and raised in Stevenson, Washington (Sonny Aalvik, BIA Interview 7/25/1995).

Sonny Aalvik went to school at Stevenson, and experienced little discrimination from non-Indians. Both he and Marsha Williams joined the CIT in the mid 1970's.

2.1.5 Lower Cowlitz Kelso Descendants

Included here are families such as Wannassay and Iyall. The Wannassay family traces its ancestry to Jack Wannassay, a Lower Cowlitz, born between 1820 and 1840, and Sallie (A.K.A. Annie) Patch-Eye, a Klickitat. Frank Wannassay (1873-1934), the fourth of Jack and Sallie's children, lived in a houseboat on the Cowlitz River at the present town of Kelso. Frank's wife, Annie White, was enrolled and allotted at Yakima (C.F. Haucke, Chief Clerk, 11/25/1921, Letter to Annie Wannassay). Thus, Frank had interest in lands at Yakima. He also owned property in Kelso in the 1920's, placed under trust by the BIA (Dunham to Sams 10/26/1925).

W.B. Sams also helped Wannassay regarding fishing rights. He wrote to say, for example,

I noticed in the papers that they had passed a law that permits the Indians who were born prior to 1875 to fish at any time for their own use in any stream . . . Just as soon as I get a copy of it I will advise you further. (Sams to Wannassay 3/7/1929).

Frank and Annie Wannassay had five children. Of those five, two have descendants on today's membership. They are Maude Wannassay Snyder and Marguerite (Marge) Wannassay.

Evidence suggests strongly that in the 1940's and 1950's, Jackie Wannassay Hill was involved with the Shakers.

In the Yakima Valley you always participate in Shaker service for a funeral. Indians hold a wake where everybody watches the casket. But even there the funeral and burial services now are much like a white man's funeral except for the wake. For that we always cooked for a least a hundred

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people at a time . . . From our side of the mountains, we always took the little wild blackberries because we had them growing on our place by the river whereas the Yakima have to come across the mountains to get them (Jacqueline Wannassay Hill, Petition -32).

Their involvement in the Shaker Church is not surprising when it is considered that Lincoln White (1845-1925), the brother of Annie Wannassay, joined Iyall Wahawa in assuming "an active role in the growth of the cult among the Yakima" (Barnett 1957, 70-71). Iyall Wahawa was the founder of the Lower Cowlitz Iyall family, and will be discussed below.

Yakima Indian Agency Superintendent L.W. Shotwell reported that John F. Wannassay, Charley Wannassay, Maude Wannassay, and Mary G. Wannassay were allotted at Yakima as of September 20, 1948 (Shotwell to Wannassay, 9/20/1948). Thus, the Wannassays had relatives enrolled at Yakima.

In November 1948, Annie Wannassay died. Kelso citizen Pat Reardon noted that Annie Wannassay was well-regarded in Kelso as a Cowlitz Indian.¹⁹ He also wrote of his surprise at the large number of people who showed up at the funeral for someone whom he saw as "not prominent socially nor financially."

Those socially or financially prominent usually are accorded more attention on their passing than are just ordinary folks . . . But the service held for 97-year-old Annie Wannassay an Indian native of Cowlitz county who was not prominent socially nor financially, was to me one of the most impressive that I have ever witnessed, because of participation by members of the Sea Scout Ships Wannassay and Cowlitz [sic].

Appearing in their attractive uniforms as pall-bearers and mourners, the Sea Scouts exemplified dignity that would have done honor to a person of national or international prominence.

¹⁹Notes attached to Reardon's letter show that the funeral was held Saturday, 2:00 PM, with Rev. Jerry Nelson of the Central Christian Church officiating.

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It was a most impressive tribute to the memory of an ordinary grand old lady, and certainly was in keeping with the Scout "good turn" policy (Reardon to Anderson 11/22/1948).

She was then buried at the Catlin Cemetery. Genealogical documentation shows that the Catlin family included Annie Plamondon Catlin (b. 1885), a Plamondon descendant, and thus related to métis Lenore Monohon, and the Cottonware line. Annie Catlin was also the sister of Mike Hubbs' grandmother. Mike Hubbs is today the chair of the Tribal Council Enrollment Committee. Thus, while not described specifically, evidence suggests that Annie Wannassay interacted with métis, as well as Yakima Shakers.

One of the Wannassay daughters, Maude Wannassay Snyder, was re-elected secretary of the CIT Saturday, May 12, 1950 (CIT General Council Meeting Minutes 5/12/1950). The Longview Daily News included a photograph of Maude Wannassay Snyder with her daughter and grandson Jacque posing with a 1950 Federal Census enumerator.

. . . Assistant District Supervisor Don Willman, above, presents his identification card and displays his official portfolio to Maude Wannassay Snyder . . . and Mrs. Jacqueline Cassity, of West Kelso, as Mrs. Cassity's 5 year old son Jacque looks on . . . Mrs. Snyder is a member of the Cowlitz Indian Tribe -- first residents of the area and among the first to be counted in the current census (Longview Daily News, 1950)

In 1953, Maude Wannassay Snyder's daughter, Jacqueline Wannassay Hill, was elected secretary of CIT (General Council Meeting Minutes 6/6/1953) and served until 1964. The descendants of Maude Wannassay Snyder's sisters, Marguerite (Wannassay) and Grace (Wannassay) Lane, are today also members of the CIT. On March 13, 1957, Jacqueline Wannassay Hill, "descendent of the Wannassay Clan of Cowlitz Indians," was photographed processing smelt (George Hess, Longview Daily News, Wednesday, March 13, 1957, 9).

Jacque Cassity, mentioned in the quote above, recalled growing up in Kelso in the 1950's. He maintained that he

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and his relatives visited relatives at the Yakima Reservation, where he watched stick games and other activities associated with gatherings on the Yakima.

I don't think it was all traditional, and stuff. It was pow-wows and stuff there. But I remember an awful lot of older people would follow that. Most of us, in those days, were chasing beer, boxing gloves, stuff like that. I've seen a lot of women setting around playing that [i.e., stick games]. I don't remember too much drumming, though. That was back in the '50s. There was dancing, some drumming (Cassity, BIA Interview 7/17/1995).

In all, the documents and interviews show that the Wannassay family at Kelso was well known as a Cowlitz Indian family throughout the 1950's. The Wannasseay family was also active in the council. As early as 1934, Frank Wannassay had presented a claims to the General Council for lands he had allegedly lost to the City of Kelso. Frank was on the Cowlitz County tax rolls, and the BIA had to intercede to help clarify his tax status (Sams to Wannassay, 10/29/1925). The land was later sold for delinquent taxes in 1928 (Sams to Wannassay, 9/12/1928).

There is no indication from the minutes as to the outcome of Wannassay's claim, but later observations by Jacqueline Wannassay Hill (Irwin Affidavit 4/5/1989) suggest strongly that this pre-1950's council took no action. Wannassay family members maintained at the present day that the lack of response was due to a failure of what was then the Cowlitz Tribe of Indians to represent their family interests properly. Jacqueline Wannassay Hill's account differs somewhat:

My grandfather did have a great big piece of land --all the way down to Third Ave -- taking in all the area west of the railroad tracks beside the Cowlitz River. Finally he settled for the 7 1/2 acres on Squaw Island, and it kept getting smaller until they gave us the land from the river to the river road. Next thing I knew, we didn't have it; I was told Bruce Rodman had it. Now it is a restaurant and a Hall of Justice and the boat club

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was bought out. They said they paid my uncle, but they never paid him a thing because he couldn't sell it by himself because I and other family members were part owners. Since nobody knew there was anything going on, it wasn't as if the Tribe could help (Jacqueline Wannassay Hill, Irwin Affidavit 4/5/1989).

In 1964, Jacqueline Wannassay Hill was replaced as Secretary by Evelyn Bashor (St. Germaine) Byrnes, a métis descendant. From the departure of Jackie Wannassay Hill as CIT Secretary/Treasurer, in 1964 until 1993, documentation did not show much Wannassay family involvement in CTI or later CIT activities. They continued, however, in their own attempts to obtain equity for land allegedly taken from them by the City of Kelso. On January 18, 1972, the Cowlitz County Chief Deputy Assessor responded to an inquiry from Grace Wannassay Lane, saying

I have checked every possible lead from your letter about the Wannassay property. I cannot locate it from the information you give . . . does the island lie in the Columbia River? Who are the possible heirs to the estate? Where does the property lie in relationship to the nearest city? Do you have any old tax statements for the property? In about what year did Frank Wannassay acquire the land? (MacKey to Lane, 1/18/1972).

Grace Wannassay Lane had enlisted lawyers ". . . to find authority upon which to base [her] claim to the land known as "Squaw Island" (MacKey to Lane, 1/18/1972). Grace Wannassay Lane (b. 1906) was the fifth child of Frank and Annie Wannassay. She may have been inquiring into the land that the City of Kelso claimed for taxes in 1934, and which in turn may have been at issue in the 1934 Council Meeting. In any event, the lawyers informed her that:

Our efforts in this regard have been to no avail. We have employed the Land Title of Cowlitz County to assist us and received a report from them . . . and have incurred costs in the amount of \$105.00 for which you have reimbursed us \$25.00 (MacKey to Lane, 1/18/1972).

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Other family members maintained that the issue was not pursued further (Steve Meyers, BIA Interview 7/29/1995). Neither the petition nor BIA research reveals any further activities until 1993.

Iyall. Iyall Wahawa (1846-1908) was the ancestor of the Iyall family line. In 1882, with Lincoln White, the brother in law to Jack Wannassey, Iyall Wahawa was a Shaker leader important in spreading the religion among the Yakima, and in 1893 among the Indians of Oregon (Barnett 1957, 70-72). He also had relatives who lived on the Chehalis. Some of his family migrated to Yakima around 1900.

His son Frank Andrew Iyall, 1876-1938, was active as a delegate to Washington, D.C., for the CIT from 1915 (Petition A-846) until his death in 1938. During this time Frank lived in Toppenish, at Yakima (Petition A-847). One of his sons, Daniel, is allotted at Yakima.²⁰ Another of Franklin Iyall's sons, Archie, was very active in CIT affairs in the 1960's. As will be discussed in more detail below, Archie's nephew Mike was on the Council in the 1980's and his niece Katherine Iyall Vasquez is the Vice-Chairman of the CIT Tribal Council today.

Katherine's father Francis Benjamin had married a Nisqually woman, and Katherine grew up in Olympia. She recalled that during the 1950's her family would visit her grandmother at Nisqually during the summer.

We have ties with the Nisqually. Our family owns the oldest standing home on the Nisqually reservation. We spent our summers. My grandmother had all the kids out there. We'd spend weeks at a time. All the girls would come for one month. All the girl cousins. Pretty primitive. She didn't have any running water or

²⁰Dan Iyall attended the CIT meeting 7/23/1995, and spoke publicly. Katherine Iyall, his niece, maintains that he keeps in contact with the CIT despite the fact that he is enrolled as member of the Yakima Tribe (Katherine Iyall Vasquez, BIA Interview, 8/1/1995). Katherine Iyall maintains that while he is not a member of CIT, he still attends General Council meetings.

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electricity, because that was the way she was raised and that was the way she wanted it. So, they hauled their water from the river. We bathed in a tub in the kitchen. Heated with wood. Cooked with wood (Katherine Vasquez-Iyall, BIA Interview 8/1/1995).

Although the Iyalls had Shaker connections, Katherine grew up Catholic. She added that her "grandmother had Catholic church services at her home on the reservation for the Indians at Nisqually. And so [they] would have church on Sunday" (Katherine Iyall-Vasquez, BIA Interview 8/1/1995). Lillian Iyall, Katherine's Aunt, described how the Catholic conversion occurred.

When my older brother Archie was ill, he nearly died of a mastoid operation in Olympia. In fact they thought he was going to die. They were paying last rights, and the nurse that was tending him thought he should be baptized, because he was so near death. And so he was. And our mother became a convert, and then all of us were baptized (Lillian Iyall, BIA Interview 8/3/1995).

Their tradition of Catholicism thus did not have the same origins as that of many of the métis.

There was no evidence of school discrimination.

Descendants of the Iyall family remained on council through the 1960's and 1970's. Influential during this time was Archie Iyall. Meeting minutes (Minutes 3/2/1962) show that Archie Iyall was with:

Mike St. Germain, Roy King . . . selected as delegates with the following as alternates: Nina Iyall, Georgia Bernobich and Tony Umtuch, [were] . . . empowered to execute, for and on behalf of the Cowlitz Tribe, renewal of the expired claims contract or to negotiate a new claims contract with Jas. E. Sareault, and Malcolm S. McLeod and Quinby R. Bingham and Donald McGavick, attorneys (CTI General Council Minutes 3/2/1962).

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He served until February 1980, when he was replaced, because he "had missed three consecutive meetings unexcused" (CIT Meeting Minutes 2/2/1980).

2.1.6 Description of Interaction

The five subgroups interacted both within their groups and among them in ways that differentiated all of them from non-Cowlitz, and distinguished them from each other. They were distinguished from the non-Cowlitz both by the interaction within their families and subgroups, and between these families and subgroups. The interaction between the subgroups, in turn, highlighted some of the differences. These differences are important because they show how members maintained boundaries between subgroups. At the same time, they maintained these social boundaries despite genealogical overlap between the subgroups.

First, all participated in family reunions. The frequency of these reunions rose and fell with the life cycles of individuals responsible for leading them. While these reunions were conducted primarily within family groups, intermarriage guaranteed that these activities would include members from outside the immediate families. Also these reunions were historically a part of Cowlitz social life and not simply an artifact of later political activities. For example, the Historical Technical Report shows that the General membership considered council meetings as important occasions for family reunions, just as they do now.

Second, members of these subgroups knew and attended the funerals of elders who were widely known throughout the different subgroups. Moreover, these funerals were attended by large numbers of people from these different subgroups.

Third, the subgroups contrasted in religion. The métis were clearly Catholic, and contrasted themselves from Indian neighbors who practiced other religions. Lower Cowlitz were descended from Shaker leaders of the 1890's who were active among the Yakima as well. Upper Cowlitz maintained relations with both Yakima and Chehalis Shakers, but appeared to have different connections to the Shaker Church than had the Lower Cowlitz. Little is known of the Boisfort/Peell, although available information suggests that they were connected with Lower Salish religious movements.

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The Cascade descendants were not aligned with any of the major religious movements.

Fourth, with the exception of the Cascade group, there is evidence that they all interacted at this time. Métis such as James Sareault served as Counsel and Upper Cowlitz such as John Ike Kinswa, Mary Kiona, and Sarah Castama were important in providing testimony. This testimony is noteworthy because it shows that the Cowlitz Council relied on these subgroups for information about all other family subgroups in matters such as the location of burial sites and subsistence fishing grounds along the Cowlitz River.

Fifth, particularly before the 1950's there were differences in language use. The métis spoke French, the Upper Cowlitz Taitnapam, the older Lower Cowlitz spoke both Salish and Taitnapam, and the Cascade spoke some Wasco dialects and Chinook Jargon. The métis also reported knowing the Chinook Jargon, as did some of the Lower Cowlitz (Grace Wannassey Lane, personal communication 9/9/96).

Sixth, some of these subgroups had important individuals known to others outside the subgroups. Among the Upper Cowlitz were Sarah Castama, Mary Kiona, and John Ike Kinswa. Among the Lower Cowlitz were Frank Wannassey, Maude Wannassay Snyder, Jacqueline Wannassay Hill, Frank Iyall, and Archie Iyall. Among the métis were elected officials such as James Sareault and Clifford Wilson, and among the Boisfort/Peell were Charles Pete and Jesse Pete, Sr. Also, families such as the Cottonoire (or Cottonware) were married with Quinault, Boisfort/Peell, métis, and Yakima families.

Finally, the petitioners maintained that group economic activities such as berry picking and fishing were indicators that members were maintaining social relationships between different social groups. Both activities were coordinated primarily within family groups. However, as with reunions, intermarriage among different groups insured that individuals from different subgroups were involved in these group economic activities.

There was thus considerable contact both within and between these groups. These groups, in turn, while maintaining boundaries between each other, were genealogically interrelated, and were distinguishable from non-Cowlitz.

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2.2 Council Meetings and Formal Leadership

At a "reorganization meeting" held May 12, 1950 (Minutes 5/13/50, Petition A-1146), 73 people elected Manuel Forrest President, James Sareault Vice President, and Maude Wannassay Snyder Secretary/Treasurer. On July 1, 1950, a group met to adopt the constitution, establish a recognition committee, and also elect Manuel Forrest and James Sareault delegates to Washington, D.C. "to gather any further information to the benefit of the tribe." Maude Wannassay Snyder was an alternate. The Bureau of Indian Affairs received the Constitution and Bylaws dated July 1, 1950, "the time when the group established an organization to prosecute its claim against the United States" (Acting Superintendent Irene I. Day, Western Washington Agency, to Area Director, Portland Area Office, 10/2/1973). The following table is a summary of the officers during the 1950's.

President:	James E. Sareault	1950-1951
	Manuel Forrest	1951-1959
	Joe Cloquet	1959-1962
	J. Philip Simmons	1963-1964
	Clifford Wilson	1964-1973
Vice-President	Manuel Forrest	1950-1951
	James E. Sareault	1951-1963
	Norbert Bouchard	1963-1975
Secretary	Maude Wannassay Snyder	1952-1957
	Jacqueline Wannassay Hill	1957-1964
	Evelyn Bashor Byrnes	1964-1975

The métis James Sareault (1895-1963) and Manuel Forrest were descended from Simon Plamondon, Sr. Sareault was descended from Therese Plamondon (1832-1909), a sister to Daniel Plamondon. The Sareaults were thus related to the Monohons and Wilsons. Manuel Forrest was descended from John Baptiste Plamondon, a brother to Daniel Plamondon, as well as having a separate Cowlitz line through Charles Forrest's wife Clockomolt. Simmons was a descendant of Jean Baptiste Provoe, a French Canadian contemporary of Simon Plamondon. These families were all related to descendants from Simon

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Plamondon. Maude Wannassay Snyder and Jacqueline Wannassay Hill were Lower Cowlitz Salish descendants through the Wannassay line.

As the Historical Technical Report shows, the assumption of Sareault and Forrest broke a tradition, started in 1912, of alternating Upper Cowlitz and métis for presidency. Nevertheless, from the 1950's on, the Upper Cowlitz maintained a presence in the general membership and in the Tribal Council.

According to the constitution and bylaws the President, Vice President, and Secretary Treasurer "together with a member chosen by the tribe, shall constitute the Executive Committee." Officers were elected at the annual meetings. According to the Constitution and Bylaws, meetings were held "annually on the first Saturday in June."

According to Evelyn Byrnes, "we didn't have any meetings during World War II. They didn't start in again until 1950" (Evelyn Byrnes, BIA Interview, 7/28/1995, footnote added).

Attendance at these meetings varied from around 40 people to over 200. The General Council meetings time consisted of a business meeting, at which the Executive Committee would set the agenda; the general meeting, at which the membership would vote on the agenda's contents; and a picnic and pot-luck afterward. Petitioners recalled attending these meetings as children and playing outside the Grange Hall with other children. They also observed that it was an opportunity for relatives who had not seen each other to exchange news and talk.

Métis descendant John Barnett, today's CIT General Council chairman, recalled a meeting some time either in the late 1940's or early 1950's in which at least some of the meeting's discussion was not in English.

At the age of approximately 8 years,²¹ my Dad took me to the first Cowlitz meeting. I believe it was

²¹John Barnett was born in 1937, so these meetings may have taken place around 1945-1950. An estimate of 1950, is more reasonable, since it would have followed the wartime lapse.

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one held at Chehalis, if I remember right. And I was awestruck -- as an eight-year-old would be -- at all the Indians around me. A lot of Indian talk in Indian language. I was impressed immensely at the long-winded speeches of some of the elders and tribal officials (John Barnett, BIA Interview 8/4/1995).

Another métis descendant Gerald Bouchard,²² CIT Tribal Council Chairman from 1989 to 1992, recalled when he was young that he was not familiar with all the Indians at the meeting.

I can remember standing outside the building, scared spitless, because of all the Indians in there with their braids, their cowboy hats and cowboy boots. They looked tough and rough. I remember from the time of my surgery at the Cushman Hospital thinking that they were all cowboys, bronc riders, and bull riders, and they were drinkers. I just knew from looking at them -- they were so stoic -- that they would just soon eat me as anything else (Bouchard, Irwin Affidavit, 6/17/1989).

Judging by descriptions of the Indians' dress, it is reasonable to conclude that these were Upper Cowlitz Taitnapam or Yakima Indians related to the Upper Cowlitz. These examples support the conclusions above, i.e., that the métis descendants were culturally different from the Sahaptin-speaking Indians, even though they were related to them and interacted with them.

Meetings minutes for the 1960's and early 1970's show that Joseph Cloquet was elected General Council President in 1962 (CIT General Council Meeting minutes 6/2/1962), with James E. Sareault as Vice President, and Jacqueline Wannassay Hill as Secretary/Treasurer. Jacqueline Wannassay Hill observed that holding office involved little campaigning, and suggested that the job was hers because she was a Wannassay descendant.

²²Gerald Irwin Bouchard was born, 1937, and is approximately the same age as John Barnett.

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. . . I had no idea what those in the Tribe who elected me thought when I was elected secretary-treasurer -- except that no one else wanted the job. That's it pure and simple -- nobody wanted to be secretary. It may be that they thought about my mother having the secretary job before me, but I'm not going to say what somebody else was thinking. We held elections just like any other organization and elected a president, vice-president, and secretary-treasurer (Jacqueline Wannassay Hill, Irwin Affidavit 4/5/1989, Petition A-2304).

Joseph Cloquet did not stay President for long. In 1963, Philip Simmons was elected General Council Chairman, with Clifford Wilson as Vice-Chairman, and served for a year. In 1964, Vice-Chairman Clifford Wilson was chosen to succeed Simmons. (Evelyn Byrnes, Irwin Affidavit 12/29/1989 and 6/13/1989, Petition A-2368).²³

In 1989, Mary Cloquet recalled that her late husband Joe Cloquet had not been living locally, and that the CIT Council had become inactive from 1957 to 1962. She attributed the inactivity to interpersonal difficulties between James Sareault and Joe Cloquet.

The Cowlitz Tribe would have a meeting at Cowlitz Prairie every year, but they didn't do much more than sign attorney contracts. They didn't have social gatherings after the meetings then. At the end of the 1950's Joe was having big battles with the Cowlitz Chairman James Sareault, who seemed envious of Joe and didn't like him. When Joe was elected tribal chairman, he wouldn't hand anything over to Joe, absolutely nothing. So Joe became chairman without even a piece of paper. To talk to James Sareault, Joe had to communicate with him through a BIA officer, now dead (Mary Cloquet, Irwin Affidavit 4/9/1989, Petition A-2373).

²³Byrnes said that Clifford Wilson called her up and told her that Simmons had quit and that he had been chosen. Please see the Historical Technical Report.

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Neither petition documentation nor BIA research revealed whether the dispute involved a large number of people or was aligned along factional lines. However, petitioners suggest that Therese Sareault may have documentation informing this question (Evelyn Byrnes, BIA Interview, 7/28/1995).

Evelyn Byrnes observed that the Executive Council continued to function, and maintained that at least some leaders did monitor decisions and administration.

I think Joe Cloquet was chairman for only a year or two in the early 1960's. He was living in Yakima at the time. In those days we had no tribal council,²⁴ just an executive committee: Archie Iyall, Norb Bouchard, and my brother Mike St. Germain. They were the "watchdogs," watching over me (Secretary-Treasurer), Clifford Wilson, and whoever was vice-president. If we wanted anything done, we had to go to them to get it done (Evelyn Bashor Byrnes, Irwin Affidavit 12/29/1989, 6/13/1989, Petition A-2368, footnote added).

Archie Iyall was Lower Cowlitz; Norbert Bouchard was métis related to Boisfort/Peell (see 2.1.3). Thus, Lower Cowlitz métis, and possibly Boisfort/Peell descendants were on the Executive Committee.

Petition documentation and BIA research show that on June 3, 1967, a motion carried for the Chairman to appoint 15 members of the General Council to form a council to take care of urgent business. This new council was the Tribal Council, and was to assume considerable importance through the 1970's, 1980's, and 1990's.

From the 1950's to the 1970's, the new Council addressed issues such as claims, membership enrollment, Indian termination, burial rights, and fishing rights. Evidence will show the following. First, the claims activities highlight disputes about hiring lawyers. While these disputes may not have involved more than a few métis

²⁴She is referring to the Tribal Council that was implemented officially in 1967.

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families, they involved enough of the general membership to cause concern about political stability.

Second, burial rights issues may have arisen from concerns voiced by Upper Cowlitz families about the Mayfield Dam flooding of cemeteries and destruction of fishing areas. These cemeteries were still in use, and cemeteries like them remained in use after this court case. Similarly, subsistence fishing was practiced by many families during this time. These issues thus show concern beyond claims matters.

Third, membership eligibility emerged as a serious issue. Eligibility disputes, however, were of issue in the Council long before this time, and appear to involve more than just claims issues.

Fourth, fishing rights on the Cowlitz River were of issue to the Council members preceding the 1950 Council, and are of issue to today's petitioner. The protection of subsistence fishing emerged as an issue in association with the Mayfield Dam dispute. Subsistence fishing was clearly an activity undertaken by many different families. Fishing issues manifested themselves in different form during the late 1970's, as the Council became involved in commercial fishing disputes.

Finally, while there is evidence that the CTI monitored Federal Congressional legislation for termination of Indian Tribes in the 1950's, the CTI did not take it on as a serious issue. Of course there is no reason why it should have been a serious issue, since the CTI was not a recognized tribe.

2.2.1 Claims

On October 1, 1950, an executive committee meeting unanimously passed a resolution "that the president of the tribal Association and the Secretary dispatch a letter to the Western Washington Agency, asking that a meeting be called for the purposes of considering the employment of council [sic] and for the election of delegates . . ." (CTI General Council Meeting Minutes 10/1/1950, Petition A-1152).

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On October 14, 1950, 64 people attended a "meeting called by the agency" (CTI Special Meeting Minutes 10/14/1950, Petition, A-1151) . . . "for the purpose of electing delegates to sign the contract for the attorneys and . . . to select attorneys to present our case before the government" (General Council Meeting Minutes 10/14/1950, Petition A-1152). There was no information on which families or which subgroups attended this meeting.

Vice President James Sareault also served as counsel until his death in 1963. In 1951 the governing council approved a contract with attorney Gladys Phillips, to assist Sareault. In 1956, however, she resigned, and the CTI approved a resolution (145 yes, 0 no) to amend the contract to replace Gladys Phillips with Malcolm McLeod.

On August 8, 1951, James Sareault filed a claim with the Indian Claims Commission "requesting adequate payment for land in what is now the State of Washington which was allegedly taken from the Cowlitz tribe in 1855 and subsequent years" (Chief, Tribal Operations Officer, to Mr. Donald Rhodes, 3/18/1963). During the prosecution of this case, Upper Cowlitz elders such as Mary Kiona and Sarah Castama testified. They described their descent from well-known leaders in the early 19th Century, whom they married, where they lived, the Indians whom they considered members of what they designated as their tribe, Indians with whom they were not on good terms, and land areas where these Indians hunted, fished, or picked berries (Mary Kiona 1953, Petition 1-1065). Mary Kiona and others testified in their native languages. Howard Ike, an Upper Cowlitz, translated both for her and her neighbor Sarah Castama.

From 1957 to 1963 there is little or no evidence of political activity by the Council, or involvement by Mary Kiona or others. As will be shown below, the Bureau of Indian Affairs sent letters expressing their concern about the CTI's inaction on pressing claims.²⁵ In March 1963,

²⁵On March 16, 1961, the original contract with Sareault and McLeod expired (Acting Superintendent, Western Washington Agency, to R.D. Holtz, Area Director, Portland, 3/5/1964). Throughout 1962, the BIA first wrote Sareault (DeCelle to Sareault, 2/2/62), and later Joe Cloquet, attempting to

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Western Washington Agency, Superintendent George Felshaw wrote Sareault, telling him about a letter from Quimby Bingham, another attorney working with the CTI, that "indicates there is a lack of communication and possibly interest between the attorneys" (Felshaw to Sareault 3/22/1963).

On June 5, 1963, 69 members of the CTI met and approved a contract to retain Sareault and McLeod with 48 in favor and 21 opposed (CTI Special Council Meeting Minutes, 6/1963). Again, there was no information on which families or which subgroups attended this meeting.

Since many votes taken by the general council were unanimous, the split vote indicated some disagreement within the group. By August 5, 1963, the Western Washington Agency of the Bureau of Indian Affairs had disapproved the contract "submitted by James Sareault and Malcolm McLeod" and James Sareault had died in the meantime²⁶ (Felshaw to Simmons, 1/6/1964). Clifford Wilson was elected Chairman in June 1964.

On September 19, 1964, the Agency Operations Officer attended a CTI meeting²⁷ at which "the great majority . . . appeared to have very little Indian blood" (Agency Operations Officer meeting notes 9/19/1964).²⁸ This visual

determine whether the Cowlitz Tribe of Indians had submitted a contract to the BIA.

²⁶Sareault died August 18, 1963. He is buried at St. Francis Mission, Cowlitz Prairie.

²⁷ 115 adults were present (Agency Operations Officer meeting notes 9/19/1964). There is no indication of why there was a large number attending this meeting. It is possible that the 115 attending may have been due to the contentious nature of the meeting.

²⁸The report cites this observation only to indicate who was attending the meetings. It should be noted that the 25 CFR §83 regulations do not include a blood quantum requirement for Federal acknowledgment. However, this blood quantum has been an issue in the relations between the CIT and the

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assessment is of interest, because the evidence will show that many of the principal actors in the ensuing conflict were closely-related métis descendants.

The Operations Officer also noted that the CIT general membership complained about knowing little of what the leadership was doing.

Only three people indicated they knew the contract had expired in 1961. They also were not aware of the efforts made to secure a renewal since 1960. It was brought out that none of the Bureau letters concerning a renewal of the contract had ever been read or discussed at a meeting (Agency Operations Officer meeting notes 9/19/1964, p. 2).

The members also maintained, however, that they fully expected the leadership to act on their behalf and were disgruntled with its apparent failure to do so.

Some of the members said it was the tribe's responsibility to see that the contract was being renewed and they felt the former officers had not handled it properly. Comments were made [that] the officials had not kept the members informed and there seemed to be general agreement with the comments of one member who said all the Chairmen for the last twenty years had been dragging their feet on the claims case. They were also critical of the attorneys for their lack of attention to the contract and carrying the case forward (Agency Operations Officer meeting notes 9/19/1964, p. 2).

According to the Agency Operations officer's notes, McLeod responded to questions from the newly-designated CTI Chairman Clifford Wilson²⁹ about the fate of the contract by presenting the members with "a folder bulging with papers"

Yakima Cowlitz.

²⁹G. Phillip Simmons was re-elected at the June 1964 meeting, but after the end of the meeting declined to serve another term. Clifford Wilson, as Vice Chairman, succeeded him.

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representing \$2,500 worth of work "which he had done for the Cowlitz Tribe on their case." When Clifford Wilson asked McLeod if he would like to respond to the BIA letters, which had been read to the membership, McLeod "assumed an indignant and angry pose, indicating that if this was the attitude of the group, he would quit and 'slap a lien on the case'" (Agency Operations Officer meeting notes 9/19/1964, p. 4).

Notes from the same meeting show that McLeod offered to enlist the aid of Senator Henry "Scoop" Jackson against the BIA. These remarks:

appealed to many of the people, and his remark, "Is the Bureau going to select the attorney or are the Cowlitz Indians?" was greeted with loud clapping. Mr. McLeod told the people they had the ballot box and could take the matter up with Senator Jackson (Agency Operations Officer meeting notes 9/19/1964, p. 4).

However, the notes show that other members were not satisfied with McLeod's explanation for the delay in renewing the contract. Some of the members questioned why he had been fired by the Chinook and Puyallup Tribes (Agency Operations Officer meeting notes 9/19/1964).

Votes taken at the end of the meeting show still more that those attending the meetings were divided. A motion to retain McLeod and conduct the vote for delegates by secret ballot was tabled "by a standing vote of 53 for and 16 against" (Agency Operations Officer meeting notes 9/19/1964, p. 7). Finally, a vote was approved to send a petition to Senator Jackson protesting the disapproval of the contract, "although a number of people did not vote at all" (Agency Operations Officer meeting notes 9/19/1964).

After this meeting, the CTI leadership met with Federal officials to clarify the situation, in view of factions they perceived forming within the Council. Gerald Bouchard reported that on September 28, 1964, Clifford Wilson, Alvie Bouchard, and he met with McLeod to clarify the problem. They told McLeod that no petition had been sent to Senator Jackson. After an angry confrontation, McLeod told Bouchard that he knew that the Council was divided in their support,

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and ". . . stated that he feels that there are factions in our Tribe that are against him. I agreed with him" (Bouchard, Meeting Notes, 9/28/64, Petition A-3459).

The next day, Clifford Wilson, Gerald Bouchard, and Alvie Bouchard met with Western Washington Agency Superintendent R.D. Holtz. Holtz assured the two that there was no way that the Bureau would approve a contract with McLeod, but that there was also no way that McLeod could delay the claims litigation process if he were not hired (Bouchard, Meeting Notes, 9/29/64, Petition A-3460).

The next council meeting, held November 14, 1964, was very different from the meeting held September 18, 1964, and suggested that the leadership had developed a political strategy. First, Wilson confronted McLeod directly with the question of whether he had resubmitted the contract as requested at previous meetings. McLeod said "he had sent it to Senator Jackson's office because he thought this would carry more weight and it would not get locked up in the Bureau." The Operations Officer, who was also at the meeting, asked McLeod when the contract had been sent. "He [McLeod] was vague about the date but indicated it was during the week of November 9" (BIA Meeting Notes 11/14/1964, 3). At the end of the questioning, Wilson criticized McLeod, saying that "he thought that after fourteen years, the claim should be much farther along than it is now."

Second, Wilson and David Cottonware invited Bureau of Indian Affairs officials, as well as lawyers from the Chinook and Puyallup tribes. Jeremiah Long, attorney for the Chinook, then told the group that the reason McLeod had been released from the Chinook contract was due to unauthorized expenses, and:

. . . stated the Chinook Tribe felt Mr. McLeod had represented them poorly, and as a result, terminated his contract. He told the Cowlitz that in his opinion, they had no alternative - that if they want Mr. McLeod, they will be without a claims contract. He indicated Mr. McLeod's standing with the Indian Claims Commission is poor (BIA Meeting Notes 11/14/1964, p. 5).

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Two other lawyers, Fred Frohmader and Ben Hansen, supported Long's account (BIA Meeting Notes 11/14/1964, p. 5).

The notes reveal that some of the membership questioned the leadership's strategy of inviting other officials, as well as the right of Clifford Wilson to lead the Council at all.³⁰

Others were critical of the manner in which Mr. Wilson was conducting the meeting and accused him of trying to run the tribe. He was asked if the tribe gave him permission to invite Mr. Long to the meeting. The claim was also made that Mr. Wilson was not legally elected but merely appointed and so really had no authority to act as Chairman of the tribe, but was running it, together with three or four other people who were his relatives (BIA Meeting Notes 11/14/1964, 5).

Wilson and Dave Cottonware responded by summarizing what they had found at the meetings with the Bureau officials, and then confronting those at the meeting with a demand to vote one way or another:

. . . [Wilson said] if they didn't want to believe what he said they should make an appointment to talk with the Area Director and find out for themselves what the situation is. He said that some members had gone and they all received the same answer. It was also brought out that he has a right to invite persons like Mr. Long in the interests of the tribe. Mr. Dave Cottonware said it was he who invited Mr. Frohmader and Mr. Hansen to be present (Tribal Operations Officer Meeting Notes 11/14/1964, 6).

After further heated discussion, the council, diminished in numbers, voted 8 for and 13 against the motion to approve

³⁰Today's CIT members reported that Wilson, who had been Vice President, replaced Philip Simmons in 1964 (Byrnes, Irwin Affidavit 6/13/1989, 12/29/1989). Since Wilson was Vice President at the time, his succession was not extraordinary.

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McLeod that had been tabled at the meeting September 29.
(Tribal Operations Officer Meeting Notes 11/14/1964, 6).

At the next meeting, March 13, 1965,³¹ Norbert I. Bouchard and Philip Simmons, both supporters of McLeod, demanded that McLeod be given a chance to defend himself, and questioned the legality of Wilson's actions (Higman 3/22/1965). However, the meeting notes show that Bouchard and Simmons, by that time, commanded only a minority.

A motion was made and seconded to uphold the action of the Board and it was approved by a standing vote of 53 for and 11 against. An indication was made that a sizeable majority of those present either opposed Mr. McLeod or believed that he would not be approved by the Bureau and felt it would be necessary to secure another attorney (Higman, 3/22/1965).

On October 18, 1965, Western Washington Agency Superintendent George Felshaw wrote Clifford Wilson to inform him that Weissbrodt and Weissbrodt, of Washington, D.C., and Lyle Keith and P.H. Winston were approved as lawyers to press the claims case (Felshaw to Wilson 10/18/1965). Beulah Wilson, in 1989, recalled that Clifford Wilson had first contacted Lyle Keith to ask for help (Wilson, Irwin Affidavit 6/14/1989, Petition A-2450). Keith, in turn, had contacted Weissbrodt and Weissbrodt.

The principal protagonists involved in this dispute were all closely related métis descendants. Included here are descendants from Simon Plamondon, Julia Hosquah/Edward Lozier, Archambault/Delaunais, and the LaDue/Cloquet family lines.

Norbert I. Bouchard and Gerald Bouchard were brothers, sons of Alvie Cleo Bouchard. Alvie Cleo Bouchard was the one who complained to the BIA about not being able to buy beer in the 1930's (see above). Alvie Bouchard, in turn, was

³¹"approximately 130 adults were in attendance" as well as Verne Ray, Colin Tweddell, and Jeremiah Long.

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originally descended from Simon Plamondon. Sr.³² through Simon's second son, Simon Bonaparte Plamondon and Bonaparte's daughter Mary Bouchard. Gerald and Norbert, Alvie's sons, were half brothers. Clifford Wilson, Alvie's brother, was thus Norbert's and Gerald's uncle.

David Cottonware was a descendant of Julia Hosquah, a Snake Indian woman who married Edward Lozier, a French Canadian contemporary of Simon Plamondon.³³

Joseph Cloquet was descended from Marguerite Cowlitz (b 1825) and from Louis LaDue, whom she married in 1843. Their eldest daughter Cecelia LaDue (1844-1900) married Auguste Cloquet (d. 1913). Their ninth son, Eugene Ernest Cloquet married a non-Indian and was father of Joseph.³⁴

Manuel Forrest was descended of Clockomolt, an Indian woman from Cowlitz Prairie (1810-1852) and Charles Forrest, a French Canadian fur trader. Their third son, Charles, married Mary Lucy Plamondon, a descendent of Simon Plamondon. His son Manuel (b. 1903) was thus related to the Plamondons.

Phillip Simmons was descended from Mary Quatana (1832-1852), and John DeLaunis, a French Canadian. They resided at Cowlitz Prairie. Their daughter Mary (1849-1901) married James Archambault, a Frenchman, in 1863, at San Juan Island. Their son Louis married Alice Whitener, a non-Indian at San Juan Island. In 1881, their daughter Frances (b. 1907)

³²Again, Simon Plamondon, Sr., was one of the original French Canadian Hudson's Bay Company employees who settled at Cowlitz Prairie in the 1840's.

³³This individual appears to have been David Eugene Cottonware, b. 1889, m. Mary Josephine Plamondon. He was the father of Nadine Hubbs, Michael's mother. He may have also, however, been David Otis Cottonware Nephew of David Eugene. We are not certain.

³⁴Joseph's brother Don Cloquet was important in the later Sovereign Cowlitz. John Barnett, today's General Council Chairman, is descended from Frank Cloquet (1868-1891) brother to Eugene Cloquet.

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married James Leroy Simmons, a non-Indian. Their son Phillip was the short-term President.

Evelyn Bashor Byrnes, as the Genealogical Report shows, was a "double-barreled" Plamondon. She is great granddaughter of Marie Anne Plamondon, the fourth daughter of Simon Plamondon, Sr., and Veronica. Marie Anne (1832-1917) married Joseph St. Germain (1825-1908), a French Canadian. Their son, John St. Germain (b. 1859) married Louise Plamondon, daughter of Daniel Moise Plamondon and Elizabeth Jarvis, a Umatilla woman.

James Sareault, too, was a Plamondon descendent through Therese Plamondon, third child of Simon Plamondon Sr. and Veronica. James was Therese's grandson.

All these people were either descendants or relatives of the Plamondons, or descended from French Canadian/Cowlitz Indian marriages of Simon Plamondon's contemporaries at Cowlitz Prairie. As the Genealogical report also shows, only Maude Wannassay Snyder and Jackie Wannassay Hill were not métis.

Although the recorded conflict appeared to be among close relatives, it was clear that the Bureau was concerned about the potential for McLeod and his supporters to disrupt the claims process for the whole organization.

We believe the Area Director was fully justified in his actions concerning Mr. McLeod and his contracts with the Chinook, Puyallup and Cowlitz Tribes. A few Indians, like the Chinook officials, Mr. Wilson of the Cowlitz Tribe, and some others who judge Mr. McLeod on the basis of facts and not with their emotions, feel his services have been inadequate and understand the necessity to replace him.

However, the problem is convincing the majority that disapproving Mr. McLeod's contracts was not capricious or arbitrary, and to show them that Mr. McLeod actually has not worked in the interest of his Indian clients. This is not being accomplished with the present approach. For example, recent meetings with Cowlitz and Puyallup groups have only strengthened the convictions of most of the Indians present that there is no

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foundation to the reasons given for disapproving Mr. McLeod's contracts, particularly after Mr. McLeod gave what appeared to them to be truthful and satisfactory explanations, while the Bureau representatives had to confine their explanation to quoting the Area Director's letters (Felshaw to Holtz, 12/4/1964).

The conflict also shows how the leadership handled the situation. Wilson first had to determine, from McLeod and the BIA officials, the merits of the dispute and reasons for the contract's delay. Rather than attempting a direct confrontation with McLeod, he allowed a series of meetings to be used in order for all parties within the General Council to make their positions explicitly known. Witnesses such as the Puyallup Chairman were allowed to state their cases in support of McLeod. Then, he and his supporters, such as Dave Cottonware, brought in lawyers from Chinook and other officials to support their position. Only after this lengthy informal process of cross examination did he press for a vote. Attempts by members to force a vote earlier in the process were not supported by the General Council membership at the meetings.

His successor Roy I. Wilson (no direct relation to Clifford)³⁵ cited a similar strategy in dealing with factions who opposed decisions made by the CIT. This strategy will be described further in the next section.

Finally, the incident reveals one other problem: the succession of secretaries and the loss of records. Jacqueline Wannassay Hill was Secretary/Treasurer from 1953 until 1964. When Clifford Wilson became Chairman, he introduced the office of a business manager for the CTI. The work of the business manager revealed a suspicion of mismanagement by the former secretary and treasurer, Jacqueline Wannassay Hill. When Ms. Hill left, the Council had considered court action against her, but did not do so because she was too

³⁵Roy Wilson, as mentioned above, is descended from the Skloutwout/Garrand line, whose descendants include, but are not limited to, the social category of métis descendants known as Cascade people.

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poor to make restitution (Agency Operations Officer Meeting Notes 9/29/1964).

Council members also maintained, however, that when Ms. Hill quit, she took important membership information with her. BIA meeting notes show that the Executive Committee gave this alleged disappearance as the reasons for not informing all the membership of the 11/14/1964 meeting.

A motion was made that the tribe accept the decision of the B.I.A. rejecting Mr. McLeod as claims attorney. There were numerous objections which set off another long round of arguments. One member said that such a small number was present that a vote would not be representative of the wishes of the whole tribe. Another claimed no notification of the meeting reached her. The Chairman explained that over 200 notices were sent out from records they have [sic], but they will have to build up a new list because the former Secretary had not furnished any of this information (BIA Meeting Notes 11/14/1964, 7).

BIA information indicated that this information had not been retrieved by 1973, and had hampered CIT officials' ability to determine membership systematically (Day to Portland Area Office Director, 10/21/1973). The BIA, however, reported this difficulty despite the evidence that Mary Cloquet had compiled a membership list by 1966 (see Genealogical Technical Report).

In effect, the dispute appeared to be contained within a small group of métis relatives. However, both the BIA and leadership saw the dispute as politically destabilizing, and requiring political control. The lost records appear to be an endemic problem. Jackie Wannassay Hill denied taking them (Jacqueline Wannassay Hill, Irwin Affidavit 4/5/1989, Petition A-2304). BIA research shows, however, that Evelyn Bashor Byrnes had records at her home as well, and keeping these records may have been a common practice.

The lost records caused the leadership trouble in reaching the general membership without the list. This evaluation, however, can attach no significance regarding ease of communication and maintaining social relationships from this

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incident, since it is possible that dispersed and frequently change residences may have contributed to the problem.

2.2.2 Burial Rights

As mentioned before, the CTI sued Tacoma Power and Light, a publicly-owned utility, which had proposed placing a dam in the Cowlitz River at the town of Mayfield. John Ike Kinswa testified on the location of two grave sites. Mary Kiona, with Howard Ike translating, described where the Cowlitz had been fishing, and Sarah Castama, with Howard Ike translating, described who was living in the area. These people were all living in the Upper Cowlitz. James Sareault, a métis Plamondon descendant, was the CTI Counsel who took the depositions.

At the June 1957 General Council meeting, James Sareault announced that the Tacoma Dam Case was heard May 6, with no decision yet. Lawyer Malcolm McLeod, who was assisting Sareault, added that CIT was suing the City of Tacoma for \$30 million and the United States \$80 million "on our original land claims."

The Cowlitz Tribe lost the case of The Cowlitz Tribe of Indians v. the City of Tacoma. Williams (1983) maintains that while the Tacoma project directors did not conduct an in-depth study of the Upper Cowlitz people and their burial sites, they did consult with James Sareault in April 1961. Consultation was part of a plan to remove both Indian and non-Indian graves (Williams 1983, 48; Petition A-1853), and Indians were to be involved in the plan in no other way (Williams 1983, 50; Petition A-1855).

By July 1961, Williams reported, the "cemetery commissioners had voted to provide the city with a thirty-six-foot square in Harmony Cemetery . . ." (Williams 1983, 51; Petition A-1856). Throughout that summer, city officials consulted with Sareault, and later contacted Howard Ike Kinswa to identify unmarked burial sites. Howard Ike Kinswa, his mother Martha Ike Kinswa, George Satanus, Isaac Kinswa, and Sam Eyle, signed consent forms for the reinterment.

That same year, Williams reported, the City of Tacoma proceeded with construction at Mossyrock Dam, "the final step in the Cowlitz River Hydroelectric Project" (Williams

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1983, 58; A-1864). Following rumors of graves at Nesika, the chief engineer contacted the BIA, who referred the inquiry to "the local Cowlitz tribal spokesman in Chehalis, requesting that any burial records for the area be sent to Tacoma officials" (Williams 1983, 58; A-1864). However, the City officials forbade the field staff to communicate with any of the people who maintained family grave sites in the area, and an archaeologist determined that no burials were in the area.

At a 1962 CTI council meeting, lawyer Malcolm McLeod reported that Tacoma spent \$35,000 "plus expenses, in the cases, and that they conceded that the loss of fish destroyed would be great" (CIT General Council Meeting Minutes, 6/2/1962, Petition A-1197). The petition documents also suggest that the City of Tacoma administrators "conceded the city's responsibility to remove any remains from the Shaker cemetery to a new location" (Williams 1983, 48). The petition documentation shows that some of these burials were placed in county-maintained cemeteries.

The Mossyrock Dam was finally dedicated in 1969. BIA research shows that these burial sites were still in use. Some of the tombstones at the Harmony Cemetery, for example, were placed there well after 1950. Significantly, the documentation suggests that the CTI Council undertook the court case to mitigate the impacts of the flooding on family cemetery plots that had continued to be important to families within the membership. The court cases were not undertaken to obtain claims from sites that were used in the past but no longer of importance. Similarly, the court case forced the City of Tacoma to acknowledge the severity of fish loss. The petition documentation shows that subsistence fishing continued to be important to families at this time. It is thus reasonable to conclude that the Council was defending group economic and subsistence activities.

2.2.3 Membership/Enrollment

The petition cited Evelyn Byrnes' observation that the membership was arguing about "who was Cowlitz and who wasn't" even when she attended her first meeting, c. 1917. (Evelyn Bashor St. Germaine Byrnes, Irwin Affidavit 6/13/1989, 12/29/89, Petition A-2361).

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The meeting was at the old Bertrand's store in Olegua, where they had their dances on Saturday night. That first meeting was something else. I never saw so much arguing, screaming, and quarreling. Some of them didn't want others in there as near as I can remember. They were trying to tell each other who was Cowlitz and who wasn't. I think it was when they were getting information for the Roblin's Roll, and everybody was there who had a claim to be Cowlitz is the way I remember it. They'd argue, and even though you knew they were Cowlitz Indians, someone else would say that they weren't. They just didn't want them in there (Evelyn St. Germain Bashor Byrnes, Irwin Affidavit 6/13/1989, 12/29/1989, Petition A-2361).

Evelyn Byrnes added, to the BIA researcher, that "it's just like it is today, everyone was just arguing about who was valid and who wasn't." She further explained "who was valid" as who was or was not of Yakima descent.

[They still argue about] whether they were of Cowlitz descent or not. Because there were a lot of them that were from Yakima and from other Tribes. So that's what they were arguing about. Like just what they do today, too (Evelyn Byrnes, BIA Interview, 7/28/1995).

The minutes for the reorganization meeting on May 13, 1950 show that members similarly discussed making a roll, although the action taken is not clear CTI (CTI General Council Meeting Minutes, 5/13/1950). Enrollment and membership thus remained important issues.

2.2.4 Fishing Rights

All petitioner families who lived along the Cowlitz River, no matter what their backgrounds, reported that they fished for salmon, steelhead, and trout. As mentioned before, Mary Kiona and John Ike Kinswa testified in 1955 about where various families customarily fished. Throughout the 1920's, BIA officials such as N.O. Nicholson had pushed aggressively for the State of Washington to allow subsistence fishing in the Cowlitz River. The BIA wrote on behalf of Frank Wannassay, at Kelso (Brennan to Nicholson 9/8/1934, petition

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A-550-551). The BIA limited the defense of these rights to subsistence fishing (Sams to Klatush 9/8/1924, Petition A-539). By 1934, the State of Washington agreed that Indians could take fish "for personal use" but "only in rivers flowing through or bordering on reservations within five miles of the boundaries thereof (Brennan to Nicholson 9/8/1934).

On October 15, 1934, Frank Wannassay filed a petition in Centralia, Washington (Lewis County), signed by 63 people. The petition asked "the law-making bodies of the State of Washington, and of the United States, in Washington, D.C." to allow the Cowlitz to:

take fish from any stream, or body of water, in the State of Washington, which were originally Indian fishing grounds, at and in the usual manner, for food for themselves and family, either in or out of season, without being stopped or arrested. Provided, however, that any Indian wishing to secure fishing rights, must first file application for and be issued his Fishing-Permit from the State without cost or charge" (Frank Wannassay 10/15/1934, Petition A-551).

The names on the list included surnames such as Ike, Eyle, and Kiona, from Upper Cowlitz; Plomondon, Sareault, Hoerling, and Nelson, among the métis; and Wannassay and Iyall, from among the Lower Cowlitz.

Throughout this time, and well into the 1950's CIT members reported that their families served the fish fresh at gatherings, reunions, or council meetings. They also reported that they would smoke the fish in smokehouses, pickle the fish in brine, or salt it. Sometimes the families would consume this fish in their own households. In other instances, petitioners recalled that they would barter the fish with neighbors for produce, or sell the fish either to more distant neighbors, or to local stores in Vader, Mossyrock, or Kelso. They would then advance the money from these sales toward school supplies, clothes, or toward an item such as a bicycle that they could otherwise not afford.

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In addition, petitioners recalled that the local game wardens knew the individual families, and informally allowed them to take fish and hunt some game out of season, in order to feed their families and households (Gerald Bouchard, BIA Interview, 7/23/1995). Wendy Kinswa recalled similar conditions when they were growing up.

We didn't get caught, but the game warden knew our Dad and knew that he had children at home and he wasn't wasting anything, so he just looked another way. My dad told me the game warden looked the other way also when Dad shot a couple of deer out of season. He knew with a family it wasn't going to waste (Wendy Kinswa, Irwin Affidavit 7/26/1989, Petition A-2427).

The State of Washington issued special Indian cards to the petitioner up through the 1950's. Petition documentation shows that the State of Washington issued some cards simply for monitoring fish supplies.³⁶

The Upper Cowlitz Kinswas reported that as children, they lived in an isolated area, and their recollections of the CTI's involvement in fishing rights seems parallel to their participation in CTI life. As Dianna Smalley summarized:

I don't remember the Cowlitz Tribe protecting our fishing rights. When we were very young, I doubt the Cowlitz Tribe even knew we kids existed. We didn't go to school with other Indians. I didn't know other Indians even existed. Even when I went to school in Toledo, there weren't any other Indians there.

I just remember Uncle Howard telling Daddy that he had paid our tribal dues. I don't know whether he kept them up-to-date. We sort of hit and miss all the time (Petition A-2427-2428)

Documentation shows that the State of Washington energetically attempted to regulate subsistence fishing, and

³⁶Both the petitioners themselves and the documents showed that these cards were not the same as the so-called "blue cards" issued to Indians in the Puget Sound area.

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that for the Cowlitz subsistence fishing tended, through time, to be more and more restricted. When the Cowlitz Indian Tribe (CIT) attempted unsuccessfully to intervene in U.S. v. Washington and separate lawsuits against the states of Oregon and Washington, the character of the fishing rights advocacy changed. In the 1950's and before, the Council intervened to protect the subsistence fishing of families living on the Cowlitz River. With the intervention in U.S. v. Washington, advocacy was no longer for families conducting subsistence fishing, but for commercial fishing conducted by recognized tribes.

2.2.5 Termination

Issues regarding Termination were of less interest to the CTI than they were to recognized Indian tribes. At one meeting held by the BIA to assess tribal reaction to the termination plan, James Sareault was the only representative of the Cowlitz who attended (Libby to Bitney 10/7/53, Petition A-389).

2.2.6 The Quinault Allottees Association and U.S. v. Mitchell

Throughout the 1950's, very few of the 57 petitioner's collateral relatives enrolled on the Quinault had been living on the allotments they received on the Quinault Reservation. The land had been used almost entirely for logging. The BIA supervised contracts arranged between individual allottees and timber companies to do the logging. These companies would then build their own roads and develop other needed infrastructure.

On March 29, 1968, James Jackson, President of the Quinault Tribe, signed an agreement at that Tribe's annual meeting in Taholah, Washington (approved 59 - 0) on behalf of:

. . . persons, who now are, or were, or whose predecessors in interest were, owners of trust land on the Quinault Indian Reservation (herein we shall be called the "Allottees"), on our own behalf and on behalf of all other present or former owners of trust land on the Quinault reservation [sic] (Agreement of March 29, 1968, Quinault Allottees File).

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The Agreement also allowed for seven members, to be selected as "an Allottee Claims Committee," whose task was to

. . . represent and speak for all of the Allottees in matters relating to the investigation and prosecution of the claims under this Agreement, except as to a fundamental question which is defined as settlement of any of the claims by compromise, or renegotiation of the timber cutting contracts or major changes in the Agreement (Agreement of March 29, 1968, 1, Quinault Allottees File).

The agreement was signed by seven members of the allottee claims committee, and endorsed by the Quinault Tribe ". . ." as an owner of trust land on the Quinault Reservation ". . ." (Agreement of March 29, 1968, 7). The members included Helen Mitchell, Mary Slade, Francis McCrory, Clark Reed, Anna M. Koontz, James Jackson, and C. Dorman, Sr. (Agreement March 29, 1968, 7). None of these people appeared as members of the CIT from the 1966 list.

Retaining the law firm of Wilkinson, Cragun and Barker, of Washington, D.C., 1,465 "individual allottees of land contained in the Quinault Reservation, the Quinault Tribe, which now holds some allotments, and the Quinault Allottees Association, an unincorporated association formed to promote the interests of the allottees of the Quinault Reservation" filed suit in 1971, known as U.S. v. Mitchell. The suit alleged that the Secretary of the Interior had failed to (1) obtain a fair market value for the timber, (2) manage the timber on a sustained yield basis, (3) obtain payment for some merchantable timber, (4) develop a proper system of roads and easements, (5) pay interest on certain funds, and had (6) paid insufficient interest on certain funds and (7) exacted excessive administrative fees from allottees (Mitchell et al. 1979). The principal plaintiff, Helen Mitchell (now Helen Sanders) "was . . . an Indian logger on the [Quinault] Reservation" and remained an important leader of the Quinault Allottees Association (John Barnett BIA Interview 8/4/1995).

While individual Cowlitz such as John Barnett recalled the issues associated with U.S. v. Mitchell, there is no documented evidence of CIT members initially involved in

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this lawsuit. However, the legal documents defined Cowlitz allottee holders as interested parties in the lawsuit.

2.3. Discussion

In the 1950's and 1960's, then, the CTI had reorganized. The governing system consisted of a General Council with a President, Vice-President, and Secretary/Treasurer. By 1967 they had formed a Tribal Council as well, whose 18-21 people were charged with setting the General Council meeting agenda and taking care of routine business between General Council meetings. As many as 200 people attended General Council meetings. Much of the General Council's activity was centered around hiring lawyers to pursue claims and determining who was eligible to receive such claims. However, evidence suggests that the membership expected the leadership to advocate on their behalf in other matters as well as pressing claims. The five genealogically-defined social categories were involved.

3 1973-PRESENT: UNITY IN THE FAMILIES, DIVISION IN THE COUNCILS, AND THE AFTERMATH

In 1973, changes in the constitution resulted in a change in name from the Cowlitz Tribe of Indians (CTI) to Cowlitz Indian Tribe (CIT). The year 1973 was also the year when the Cowlitz leadership approved a settlement with the Federal government for the Indian Claims Commission Act. With this settlement came two major membership changes, also in 1973. One was the elimination from the CIT of members who were dually enrolled on Indian reservations. A large proportion of these dually-enrolled members were enrolled on the Yakima reservation, and have been referred to as "Yakima Cowlitz." The other was the elimination of all CIT members whose blood quantum was below 1/16.³⁷

3.1 Main Characters

Available petition evidence will show that some of the social category members discussed above reported resuming

³⁷Note again, that Yakima decisions in 1946 resulted in the disenrollment of many petitioner families who had once been enrolled at Yakima, but who no longer qualified.

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family reunions, and later urging the Tribal Council to support them in their efforts. Tribal Council newsletters, initiated in 1987, were used to announce these family reunions, and carried articles encouraging their assumption.

Several Cowlitz extended families held reunion picnics during the summer, among them the Wannassays, the Barnetts, the Plamondon/Cottonnoires, and probably many others. If this tradition has not yet become established in your family, maybe I can entice you to begin mentally organizing such an event to be held next summer . . . My mom was inspired to do just that close to 25 years ago as she saw her mother and step dad die off and realized that her links to her larger family were weakening with the death of each older member. She felt intimidated at first by the responsibility of trying to bring a large group together, but the drive to get to know her distant cousins and to strengthen her knowledge of her heritage won out (Marsha Williams, CIT Yooyoolah 10/1993, 2).

Marsha Williams (Cascade subgroup), who wrote the above newsletter column, maintained that the annual reunions in her family attracted 50 to 75 people (Marsha Williams, BIA Interview 7/24/1995). She recommended that those wishing to hold a reunion (1) define whom they wish to attend by a common ancestor, (2) "enlist the moral support and help of other clan members whom you already know, like your brothers and sisters or nearby cousins," and (3) consult about the best dates and locations "and then settle on whichever seems the most workable and stick with it, even if a few people have conflicts that keep them away the first year" (Marsha Williams, CIT Yooyoolah Newsletter 10/1993, 2).

Marsha added that her family reunion meets at a state park (Marsha Williams, CIT Yooyoolah Newsletter 10/1993, 2). The BIA anthropologist attended a Wannassay reunion, at which about 50 people were present, at a city park in Kelso. An announcement that appeared in the May 1993 Yooyoolah Newsletter for the Cottonnoir, or Cottenware, family reunion named Lewis and Clark State Park as the reunion site, and August 14, 1993 as the reunion date.

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It is important to note that all these gatherings were primarily gatherings of members within extended families. However, as previous discussion has shown, family members have married widely among fellow members of CIT, as well as other Indians and non-Indians. Thus, there is at least a likelihood that these reunions involve various CIT members from other family lines because CIT members will belong to more than one extended family line.

Also, the above quotes show that the CIT has made some effort to encourage these gatherings to address what the membership sees as a need to re-integrate members of extended families who had drifted apart throughout the 1960's and 1970's. Addressing this integration was also the basis for Tribal council activities such as the building of a sweat lodge, in sponsoring an elder's dinner, and a children's feast, during the spring and summer of 1995. These events will be discussed in more detail under Tribal Council activities, 3.2.5.

3.1.1 Upper Cowlitz Taitnapam Descendants

For Taitnapam Upper Cowlitz families such as the Ike/Kinswa, it was the catastrophic loss of one of the relatives that propelled their family to renew contacts with other family members at Yakima.

And then we just lost contact. They were over there [.e. at Yakima] and we were over here [i.e. on the Cowlitz River, near Vader]. And then just out of the blue we lost the youngest in my cousin's family. He was eight years younger than me. And the following year we lost the oldest. And we lost two her of grandchildren too. They all died in a car accident over there.³⁸ And, things like that makes you realize you haven't been keeping contact like you should (Wendy Kinswa, BIA Interview 7/25/1995).

³⁸While BIA did not identify exactly who these cousins were, petition documentation suggests that they were Howard Ike's children (Petition A-2414).

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Two daughters of Isaac Ike Kinswa -- Wendy Kinswa and Dianna Kinswa Smalley -- became active members of the CIT Tribal Council in 1991. Wendy Kinswa's reason for wanting to join the Tribal Council was "to know the Cowlitz people better." Wendy's son David Burlingame became active in 1994, when he was enlisted to work on the CIT Culture Committee. Records from Docket 218 show, however, that Wendy Kinswa, Dianna Smalley, Patty Donaldson, Mickey Kinswa, and David Ike were active as early as 1974, when they joined John Barnett in protesting the ICC Claims settlement. This involvement will be described in more detail below.

3.1.2 Lower Cowlitz "Plamondon" Descendants of Salish Métis

Métis descendants such as former Council President Joe Cloquet became active in health care services management, and were active in intertribal affairs throughout Western Washington through the Small Tribes Organization of Western Washington (STOWW) (STOWW Minutes 8/26/1980, 4). Joe Cloquet died in 1988. John Barnett, his nephew, maintained that the funeral was a large affair.

. . . there were people from all walks of life there. And I'd say probably 200, 250 people were at Joe's funeral. And there were Indian leaders. I mean, there were a whole host of -- all the Cowlitz Council people were there, executive leaders. And there were a whole host of Indians from STOWW, from recognized tribes that had been friends of Joe's -- just a composite of Indian people -- and not only Indian people but other people from the political arena (Barnett, BIA Interview, 8/4/1995).

Métis descendants such as Gene Wiggins (BIA Interview 7/27/1995) recalled becoming active in CIT during the 1970's as a result of his experiences growing up in the Anacortes and Everett areas. He recalled that while growing up in Everett, Washington, his father, in the 1930's and 1940's, had urged him to consider mostly his French Canadian background. However, this pressure not to stress what he termed his Indian background appeared to be opposed by two influences. First, he observed that he was occasionally taunted by non-Indians for looking like an Indian.

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Second, genealogical evidence shows that he was descended from Mary Lozier (b 1854), daughter of Julia, or Hosquah, a woman who had become associated with the Cowlitz Prairie Settlement, and died in Olegua "in 1910," and Louis Lozier, a French Canadian logger. Mary Lozier was shown married to Charles Henry Wiggins, a non-Indian, and living in the San Juan Islands c. 1880 (U.S. Census 1880). Gene Wiggins is a son of Samuel Wiggins, one of Mary's nine children (b. 1900), and non-Indian wife Leona. The genealogical evidence thus shows that while he may have been instructed to stress his French-Canadian background, he was well-related to the other 27 Lozier descendants who are today part of the CTI.

Gene Wiggins finished high school in Seattle, Washington, and began conducting research into his background while in college, at the University of Washington. With the Civil Rights Movement of the 1960's, he maintained, he "came out of the closet" while working in the Everett School system. He reported that after talking to his father, Samuel Wiggins,³⁹ he began attending CIT meetings in the 1970's. CIT meeting minutes showed that he was elected as vice chairman of the CIT Tribal Council at a general council meeting held June 2, 1975 (CIT General Council Meeting Minutes 6/2/1975).

Again, the evidence suggests that while some members of the various descent lines may for protracted periods of time have not attended CTI and CIT meetings, they were related to people who did attend. When they decided to become active in political affairs, they would re-integrate through networks of such kin groups.

³⁹He also reported talking about his descendance to his grandmother Mary Lozier. It is not clear when he did this, but (1) she was born in 1854, so she would have been as old as 116 in 1970, when he reported he was thinking about this issue seriously. Since he was born in 1937, it is likely he had been talking to her at a much earlier age, if he talked to her at all.

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3.1.3 Boisfort/Peell/Chehalis Descendants

Boisfort/Peell descendants such as Jesse Pete remained at Castle Rock during this time. Little else is known of what these people were doing.

3.1.4 Cascade Descendants

The Cascade descendants mentioned that conditions during the 1960's and 1970's finally propelled some of them to join the CIT. In 1974, for example, Marsha Williams enrolled at the CIT after she found she was unable to enroll with the Yakima. She found out about the CIT through her mother.

I wasn't able to be enrolled, because of my blood quantum. And it was probably in the Yakima tribal newspaper -- in the '70s -- that my mom saw an article that mentioned the Cowlitz, and she says to me "you know, you're part Cowlitz; you can maybe get enrolled over there." And that's the first time I really knew about the Cowlitz, because we'd always focused on the Cascades (Marsha Williams, BIA Interview, 7/24/1995).

Through Gene Wiggins, a métis descendant mentioned above, she then became active in CIT Council activities.

At that time I was acquainted with Gene Wiggins through my work, because I'm a school counselor, and he was there before. So I knew Gene Wiggins. He was the only person in the [tribal council], at that point, that I knew.

Just what I remember is, at one general council meeting in the '70s there, I tried to nominate Gene Wiggins to the tribal council, and John [Barnett] was running the meeting, and he said "Well, Gene's already on the council, but how about you!?" And he didn't know who I was, but he said "You look like you're intelligent, so what's your name? Why don't you run?" I said "OK" so I ran, and was elected to the council. And then my sister Linda [Foley] was elected to the council in a couple of years (emphasis original, Marsha Williams, BIA Interview 7/24/1995).

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At first glance, it appears that Marsha knew nothing of the CTI except through her mother and a professional acquaintance with Gene Wiggins. However, the following quote shows that the family had at least discussed their Indian background.

We had always known we were of Indian descent because it was talked about in our house and our Grandmother and her husband looked very Indian, so that was always around us. But more important was the fact that we were welcomed by the Cowlitz. It wasn't that the Yakima ever did anything bad to us, but we knew we couldn't be members⁴⁰. We wanted to have an attachment to our Indian background, which we got with the Cowlitz (Marsha Williams 1991, 31, footnote added).

Ronald C. (Sonny) Aalvik, her cousin, provided more detail from his own background. He maintained that in the 1960's he too had tried to enroll on the Yakima, but could not. After the attempt:

We just kind of let it go dormant for a while. And then Marsha found out we could be a Cowlitz, and she contacted me, and I was just elated to submit my qualifications and be accepted by the Cowlitz. And I attended every meeting they have ever had. This was back in the '70s. I think I joined about 1977 or 78, something like that (Sonny Aalvik, BIA Interview, 7/25/1995).

By checking with their relatives, they determined that they were related to CIT members.

We discovered that, through our great grandfather, Louis Garrand, we qualified. Louis was French Canadian. And Mike Hubbs [Enrollment Committee Chairman], here, established that also, and Roy Wilson [Previous General Council Chairman] was talking to me Saturday, at the picnic, and said we may be related! . . . He goes down through the

⁴⁰Her older sisters and brother, who enrolled prior to 1949, could remain enrolled in Yakima.

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Garrand side, too (Sonny Aalvik, BIA Interview, 7/25/1995).⁴¹

Marsha Williams and her sister Linda Foley have continued to serve on the Tribal Council, following their election in 1975. Marsha Williams was elected Vice Chairman of the Tribal Council June 5, 1982 (CIT General Council Minutes, 6/5/1982).⁴² That same year, Linda Foley was elected secretary.

They also revived their family reunions.

Our extended family have been meeting at the Cascades, at Beacon Rock on the Columbia River, in a family picnic each summer. My mother started it in 1980 as one of the memorials to my grandmother, who passed away in 1968. Actually, my own family when I was growing up in Klickitat County visited back and forth with the Aalviks and the Millers, my mother's other sister's (Auntie Mary's) family in Skamania County and had dinner at my grandmother's house practically every Sunday when we were growing up. So those family ties had always been continual (Marsha Williams, Irwin Affidavit, 1989).

3.1.5 Lower Cowlitz Kelso Descendants

Wannassay and Iyall family activities highlight how the family lines campaigned actively during the 1970's and 1990's to insure that someone served on the Tribal council who would represent their interests. The Constitutional changes to disenroll dually-enrolled Yakima and Quinault Cowlitz affected these families because both had relatives at Yakima and in the CIT. Both families, in official testimony, deplored the exclusion of family members enrolled at Yakima. Grace Ann Dunckel maintained that her relatives, the Wannassays, had long been active with the Cowlitz claims activities, and deplored those who justified the exclusion

⁴¹See 2.1.4 for details on the kin-based relationship.

⁴²The minutes indicate that 47 people were present.

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on the assumption that the Yakima-enrolled Cowlitz were simply trying to receive money.

There are those who say the Yakima did not work on this settlement. This is wrong . . . enrollment sometimes is Yakima as well as Cowlitz. I could name two past secretaries who were Cowlitz and Yakima who worked many years for the tribe. Others in other capacities. Many of these dual enrollees have paid dues to the Cowlitz tribe for many years. Many of these members are old and their degree of Cowlitz blood is higher than those who say they are not entitled. They are no more responsible for the act of their forebears [sic] than those with a lesser degree of blood, whose ancestry mixed with the White. All lost their property and rights for the same reason (Grace Ann Dunckel, n.d., letter)

She added that those who deplored people who wanted the funds disbursed per capita in favor of building a centralized "tribal" system had themselves not tried to help those who had worked all these years for claims. Indeed, she makes explicit the idea that the CIT should campaign for the "rights" of the individuals, as well as push for recognition as a group.

A member got up and said he was ashamed because at the hearing only money was discussed. This was the only topic of the hearing . . . all else was out of order.

I feel these people should have their rights, but where were they before this went to the claims commission. Our leaders did not put up much of a fight for rights. I see no reason why a fight for recognition can not be continued. If the tribe will work together for that good (Grace Ann Dunckel, n.d., letter).

Years afterward, members of the Wannassay family maintained that Plamondon descendants and other métis unfairly portrayed their Yakima relatives as people who had gone to Yakima to take advantage of benefits there.

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We had a big whoop-te-doo with John Barnett⁴³ here a couple of years ago. He was saying "well, they all went over to Yakima, smiling, volunteered." I said "[expletive] they did, . . . they were told to go over there." It's like her [i.e. Mary Kiona, whom he was discussing during the interview], she was told to go over there; they burned her house down, and everything. She goes "you want to play that game?" She went over there, got her an allotment number, and then come back home (Jacque Cassity, BIA Interview, 7/27/1995, footnote added).

While research does not support the forcible resettlement of Indians onto the Yakima reservation, it shows that the families differed in their perception of their history.

Jacqueline Wannassay Hill suggested that her own ouster as secretary/treasurer in 1964 was due in part to an attempt by others to discredit the Wannassay family by blaming her for missing information.

I felt like I was had. Though I couldn't point a finger at anybody, I felt like someone did away with Roblin's ledger because it had my family's and other Cowlitz family's history in it (Jacqueline Wannassay Hill, Irwin Affidavit 4/5/1989).

Steven Meyers, a Wannassay descendent, is presently on the Tribal Council. He presently feels that the Council is controlled by the Plamondon descendants i.e., the métis.

They fail to recognize that the original natives of this area were actually taken up and held in concentration camps and forced on to some of these reservations in the 1850's. They got records of 300 of the Cowlitz being taken to Fort Vancouver to be classified as Yakimas, and marched all the way up to Fort Simcoe. They're saying that since

⁴³See 3.1.3.1. below. John Barnett was a métis descendant who advocated diverting 80 percent of the Claims funds to buying land and building some sort of tribal government.

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they weren't taken up to a reservation they feel they were never on a reservation and they never gave up any rights. Thing is, they were living with the Plamondon Family, and they were white, and that's the reason they weren't taken up (Steven Meyers, BIA Interview, 7/29/1995).

The position expressed by Wannassay members refers to historical interpretation. That is, they feel the Yakima Cowlitz members of their families are entitled as much as, if not more than, the métis to "rights" within the Cowlitz Tribe. As the following quote shows, the issue is not simply blood quantum.

Many of these members are old and their degree of Cowlitz blood is higher than those who say they are not entitled. They are no more responsible for the act of their forebears [sic] than those with a lesser degree of blood, whose ancestry mixed with the White. All lost their property and rights for the same reason (Grace Dunckel, n.d.)

Helen Dunckel, Grace Dunckel's daughter, explicitly stated that she wanted "to see one of our clan on the council" (Helen Dunckel, BIA Interview 7/29/1995). Grace Lane added that members of the Wannassay families:

have been trying. They've been running for years. I don't know who Council votes [for] but even the time we thought there was enough votes, they were told they lost (Grace Lane, BIA Interview 7/29/1995).

One of the interests that they wanted protected by one of their clan on the council was simply maintaining the genealogical status of their relatives

There was one other thing that came to my mind when you were asking about changes. And that was within the past year my grandchildren -- during the record loss -- a couple of my grandchildren

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were receiving red cards instead of green cards,⁴⁴ which meant that they weren't ... able to vote, or were an issue of blood. And so I wrote in and did the family tree for them again, and sent it back in. They finally got their cards back again. Corrected. But they were all messed up (Bonnie Drummond, BIA Interview, 7/29/1995).

Finally, they made clear that to them, the claims disbursement in which they were attempting to participate meant a recognition of what their own family lost.

My reasons for claiming a part of the Cowlitz Settlement [is] I lost an island. A part of Squaw Island, though only 7 ½ acres, it was one of the best fishing spots on the Cowlitz River for smelt and salmon, and trout (Grace Wannassay Lane, 6/5/1975).

On November 29, 1993, an organization known as the Wannassay Clan of Cowlitz Indians informed CIT Tribal Council President Ronald C. (Sonny) Aalvik that they had "retained Mr. Randy Harrisson of Tacoma to represent us in a land claim suit in Federal court." The letter was signed by Grace Wray Lane, Steven Meyers, Thomas P. Hill, Anita Wilson, and Daniel Meyers (Wannassay Clan of Cowlitz Indians, 11/29/1993, to Ronald C. Aalvik). There is no evidence that the Wannassay Clan of Indians is still in effect.

Iyall. The descendants of Francis Benjamin Iyall (Katherine Iyall-Vasquez, BIA Interview 8/2/1995) continued to be active on the CIT. The issue of the Yakima Cowlitz found members of the Iyalls, too, advocating for their Yakima-enrolled relatives. Lillian Iyall Chappell, Katherine Iyall-Vasquez's aunt, wrote in favor of keeping the Yakima Cowlitz in the CIT. As with the Wannassays, she pointed out the history of her ancestors' political involvement with the Cowlitz.

⁴⁴See Genealogical Technical Report. Green cards are issued to those having a right to vote and receive claims. Red cards are certification that an individual is on the membership list, and confer no rights or privileges.

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My family in those early days put out a lot of time and personal money to keep the Cowlitz Claim alive. My father and eldest brother Raymond, raised horses, and had to sell their horses for extra expense money (Lillian Iyall Chappell 6/7/1974).

She added that she and others like her were not eligible for Yakima benefits.

I firmly believe the money awarded the Cowlitz Indians should be paid to those who can show a direct descendency [sic]. I also believe being 1/4 of anything in this day and age is a lot! I am not eligible for any benefits in Yakima as I do not live there (Lillian Iyall Chappell 6/7/1974).

As will be detailed below, Mike Iyall, Katherine's brother, was active on the CIT Tribal Council in attempts to reconcile disputes between Yakima-enrolled Cowlitz and the métis. Mike Iyall was a member of the CIT Tribal Council, and was nominated for Tribal Council Chairman at the General Council meeting 6/2/1975. Although he lost the Council Chairman election to Roy Wilson, he continued to be active in the CIT Tribal Council until 1987, when he resigned (CIT Tribal Council Minutes 6/10/1987).

Meeting minutes show that Wendy Kinswa and Don Cloquet were candidates both for his position and another position vacated at the same time by Gene Wiggins (CIT Tribal Council Meeting Minutes 1/10/1987). However, Mike Iyall's sister, Katherine Iyall Vasquez, reported that members of her family had decided that the Iyall family needed to be represented.

So anyway, he [Mike Iyall] had to resign from the council, and we didn't have an Iyall on the Council for a few years, and we decided we needed to have representation again. So, it was one of the times that I had gone with my Uncle Archie. I had picked him up and taken him with me. And because of Margaret and her family and my other cousin, Danny Thomas, and some other family members were there too. And Margaret asked me if I wanted to run, and I said "sure, I'd love to." And so she nominated me, and I was elected. And

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I've been on ever since (Katherine Iyall-Vasquez, BIA Interview 8/1/1995).

When asked in greater detail what running for the council involved, she described how:

. . . I just got up and said a few words about myself and what being Cowlitz means to me, and what my service to the tribe would be. I think I had a pretty wide spread in votes, too. And each time when we have elections, each of the candidates gets up and says a few words about what it means to them to be on the council, and what it means to them to be Cowlitz (Katherine Iyall-Vasquez, BIA Interview 8/1/1995).

Meeting minutes show that she was "welcomed as a new member" October 19, 1991 (CIT Tribal Council Meeting Minutes, 10/19/1991). By April 4, 1992, she had been elected vice-chairman of the Tribal council, a position she has maintained to the present day.

Katherine Iyall-Vasquez described her own family reunion, held at the Nisqually Reservation, noting that people from outside the extended family as well as within it, were involved.

My immediate family -- my brothers and sisters -- and I get together every Christmas, lots of birthdays. I have six brothers and sisters, and they all have children, so we see each other quite frequently. Those are our main events. We also have the family reunions, where we invite everyone. Any family tie or friends that are involved (Katherine Iyall-Vasquez, BIA Interview, 8/1/1995).

She added, that the reunions were held at Nisqually because her uncle, who works for the Nisqually Tribe, is well respected there.

And whenever we have a family gathering, that is where we get together, is out at Nisqually. The tribe . . . they usually put on a big salmon feed for us. Our family is very well respected

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throughout the Indian community in the Northwest. And, the Tribe put on a big celebration for my uncle Archie's eightieth birthday. And -- we had -- all of our relatives came and my dad's cousins and his cousins. Children, grandchildren, great grandchildren. We all were there to celebrate (Katherine Iyall-Vasquez, BIA Interview, 8/1/1995).

The attendance was "well over a hundred" (Katherine Iyall-Vasquez, BIA Interview, 8/1/1995).⁴⁵

3.1.6. Conclusion

The issue of the Yakima Cowlitz and imposition of minimum blood quantum requirements will be discussed in 3.2.1 ff below. The above section shows, however, that at least some of the members of these different social groups became active in the Cowlitz Tribal Council and General Council, as well as with family reunions, after a period of inactivity in their personal lives. Their political interest in CIT Council involvement appears based on the desire, first, to know more of the people with whom their elder relatives had interacted. Second, they became more active to protect what they perceived as the voting rights and other interests of their family groups.

3.2 Council Meetings and Formal Leadership

The CIT Tribal Council had been implemented in 1967. The following table summarizes the leadership succession for General and Tribal Councils.

⁴⁵The BIA research did not obtain information indicating whether or not these reunions had been discontinued at any time.

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General Council

President	Clifford Wilson	1964-1973
	Roy I. Wilson	1973-1982
	John Barnett	1982-
Vice President	Gene Wiggins	1973-1982
	Marsha Williams	1982-
Secretary	Evelyn Bashor Byrnes	-1975
	Gina Kling	1975-1982
	Linda Foley	1982-
Present		

Tribal Council

President	Joe Cloquet	1972-1988
	Gerald Bouchard	1988-1992
	Ronald C. Aalvik	1992-
Vice President	Ted Cottonware	1988-1989
	Ronald C. Aalvik	1988-1992
Secretary	Evelyn Bashor Byrnes	1964-1975
	Gina Kling	1975-1982
	Linda Foley	1982-

John Barnett succeeded Roy Wilson as General Council Chairman in 1982,⁴⁶ with Marsha Williams, Vice Chairman, Roger Nelson Treasurer, and Linda Foley Secretary (CIT General Council Minutes 6/5/1982). Petition documentation shows that Joe Cloquet was Tribal Council Chairman from 1973 until his death in 1988. Tribal Council members included Lenore Monohon, Margaret Edwards, Carolee Green/Morris, Randy Cottonware, Jim Holycross, Gerald Bouchard, Linda Foley, Helen Burke, Laurine Newburg, Werner Barnett, Evelyn Byrnes, Gene Wiggins, Shirley Norwood, Bernice Edwards, and

⁴⁶The Petition maintains 1974 (p. 196). There may be confusion between Tribal Council and General Council positions.

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Karen Cota. Most of these people were métis descendants. Also included were Upper Cowlitz descendants Diane Smalley, Wendy Kinswa, and David Burlingame, as well as Lower Cowlitz descendants Archie Iyall, Mike Iyall, and Katherine Iyall-Vasquez.

After Joe Cloquet's death in 1988, the Tribal Council agreed that Ted Cottonware "would assume the duties of chairmanship through the remainder of the term" (CIT Quarterly Tribal Council Meeting Minutes 2/20/1988). Cottonware was succeeded by Gerry Bouchard later that year (CIT Tribal Council Meeting Minutes 9/17/1988). At this time, too, Ronald C. (Sonny) Aalvik became vice chairman, while Linda Foley retained the position of secretary. Gerry Bouchard was succeeded by Sonny Aalvik in 1993; Aalvik's vice-chairman position was filled by Katherine Vasquez-Iyall (CIT Tribal Council Minutes, 4/4/1992)

Early in the 1970's the Tribal Council initiated a working relationship with the Small Tribes Organization of Western Washington (STOWW). Through STOWW, CIT developed an emergency food distribution program (Cloquet to Clements 8/24/1983) funded from the State of Washington Department of Community Development; a solar-powered greenhouse (STOWW 6/1981); and obtained VISTA volunteers (Clements and Boney to Keller, 8/6/1987). Through STOWW funding the CIT also operated a farm.

General Council Chairman John Barnett maintained that the Tribal Council members tended to undertake various activities that were important to individuals on the Tribal Council. For example, Dianna Smalley and Michael Hubbs undertook dealing with family adoption. Others, such as Marsha Williams (see above) took the lead on dealing with the utilities and obtaining land to be held by the CIT as a corporate entity. Barnett explains the dynamics as follows:

They've more or less fell into the things they have an interest in. For instance, Diana Smalley, Mike Hubbs have been interested for years in Indian children -- Indian Child Welfare -- those types of things. Myself, I've been involved basically in the politics. And working, you know, on behalf of the tribe on a whole host of different areas that I'll get into in the next few

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minutes. And people more or less found their own level of involvement in the council. And it has worked very well because it enabled us to have people put into the positions in which they are interested in, and it's not only say "you be on this committee and you be on this committee." They're there because they have an interest in that particular committee that they're involved in. For example, Bill Iyall . . . is most interested in economic development. So, he's chairman of our economic development committee, as an example (John Barnett, BIA Interview, 8/3/1995).

Wendy Kinswa made a similar explanation.

Mostly the way things get done is just whoever says "I can do that." It's that simple. It's not assigning people tasks. It's asking for help. It's a group of people that realize if they don't volunteer, it won't get done (Wendy Kinswa, BIA Interview, 8/2/1995).

A number of events discussed below highlighted properties both of the political structure of the petitioner and the involvement of the wider membership. The first involves the Cowlitz approval of the Indian Claims Commission Settlement in 1973, and the disputes that arose from it. These disputes involve the rise of the Sovereign Cowlitz, a group protesting the approval of the Claims judgment itself. The second includes the disputes that arose from the General Council's approval of a decision to exclude the Yakima-enrolled Cowlitz from participating in the Claims judgment. The third involves the controversy involving the exclusion from membership of all individuals less than 1/16 Cowlitz descent.

Associated with these disputes were later disputes, in the 1990's, involving an attempted takeover of the Tribal Council by a small group of people, and disputes about religion and membership, arising from cultural revitalization activities.

Also discussed will be the outcomes of the fishing rights issues, the involvement of the CIT membership in the

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Quinault Reservation U.S. v. Mitchell case, and the Tribal Council involvement in child adoption and custody cases.

3.2.1 Claims: Docket 218 and the "Sovereign Cowlitz"

In March 13, 1973, "250-275 people were in attendance and 208 voted" to approve the Indian Claims Commission settlement. On July 1, 1973 Congress appropriated funds, and in October 19, 1973, Congress passed the Judgment Funds Act (PL 93-134) to authorize fund disbursement through the BIA. Within less than a year there were problems.

A group of people calling themselves the Sovereign Cowlitz wrote to President Richard Nixon objecting to the payment as too small, designating itself as a sovereign entity demanding direct treatment by the Federal government, and laying claim to large tracts of land it considered aboriginal.

In addition to the payment being too small, some members objected to the fact that the BIA called this meeting, not the CIT. They also objected to the BIA's allowing attendance by those whom today's petitioner did not consider actively participating members. As John Barnett explained.

At that meeting on the approval I might add there was no roll taken, no membership cards shown. I mean you [i.e., the BIA researcher] could have walked in there, and voted to accept our compromise settlement. And that was one of our complaints we had, at the District Court in Tacoma. There was no record of who voted. It was just a hand vote. No sign-in sheets. Nothing.
(John Barnett, BIA Interview 8/4/1995).

At the ICC hearings held June 1, 1974, Don Cloquet gave a rambling description of the Sovereign Cowlitz, and demanded it be read into the record. Paul Weston attempted to keep Cloquet's testimony to the purposes of the testimony, which was to hear reactions to the proposed disbursement of funds. Membership openly disagreed with Cloquet, but demanded the opportunity for him to speak.

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Then, John Barnett introduced a resolution that underscored the objections to the ICC claims for which the Sovereign Cowlitz also stood.

We would like to petition the Congress of the United States to set up a special committee to review the entire case of the Cowlitz Indians. We are aware of the fact that the land itself can, in all probability, never be returned. This does not mean that its actual value, plus the value of the natural resources found there, cannot be fairly and justly negotiated between the United States of America and The Cowlitz Indians living today (Barnett, ICC Claims Hearings, 6/1/1974).

Affixed to the petition were the names of 37 métis, including John Barnett and Don Cloquet, and Upper Cowlitz descendants. The métis descendants included 11 Plamondon three non-Cascade Skloutwout, six LaDue/Cloquet (including John Barnett and Don Cloquet), six Boscillet/Ockfen,⁴⁷ one Lozier/Wiggins, and one for whom no ancestry could be determined. The Upper Cowlitz descendants were Kinswas. Absent were any Cascade métis or Lower Cowlitz Wannassay or Iyall descendants.

According to John Barnett, the organization consisted of Tom Edwards, Don Cloquet, and John Barnett himself, and lasted only two years.

. . . for a period of, oh probably two years, we pretty much disassociated ourselves from the Cowlitz tribe - held our own meetings, developed a constitution and ByLaws which we never did pass (John Barnett, BIA interview, 8/4/1995).

John Barnett maintained that during the two years of the Sovereign Cowlitz existence, he had also become vice-chairman of the CIT Tribal Council, and attended meetings

⁴⁷Descendants of the marriage between Shaldow aka Philomena Boscillet, a Montesano/Cowlitz Indian. Philomena Boscillet's granddaughter Sophie married Charles Ockfen, a non-Indian. Philomena, children, and grandchildren were associated with Chehalis in the early 1900's.

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with both. Moreover, at the General Council meetings, the Sovereign Cowlitz served as a platform from which he could voice his disapproval of events.

I used to attend the regular Cowlitz meetings at the same time, and I did voice my . . . non-agreement with what happened, time and time again, until people got probably tired of hearing me say it. Nonetheless, I did (John Barnett, BIA interview, 8/4/1995).

Meeting minutes and other documentation show, however, that the "Sovereign Cowlitz" existed in some form for more than two years. Also, while meetings may have served as a sounding board for his organization, others attending the meetings made clear in the records that they did not like the meetings being used for this purpose. For example, in 1978, Roy Wilson raised an issue regarding the "problem of the sovereign Cowlitz and its effect on the body:"

Roy Wilson read an article that appeared in the Tacoma News Tribune, which had stated that the Chairman of the Sovereign Cowlitz Tribe had called a meeting to be held at the Indian Adult Learning Center. He then read a letter from the Tribal Attorney Jeff Schuster stating that in his opinion the article could be interpreted as the Sovereign Cowlitz Tribe being a separate body and according to our Constitution and ByLaws, which does not allow dual [sic] enrollment, any person enrolled in the Sovereign Cowlitz Tribe could be susceptible to disenrollment in the Cowlitz Tribe.

John Barnett . . . stated that Business Manager Mary Cloquet had no authorization to request that the Sovereign Cowlitz Tribe be asked to hold its meeting elsewhere.

Tribal Council Vice Chairman, Mike Iyall, responded by saying that it was very important to make it clear that we are, not anyone else, the Tribal Council of the Cowlitz Indian Tribe. He then moved that Mary Cloquet be congratulated on the action she took on behalf of the Cowlitz Tribe (CTI Tribal Council Meeting Minutes, 11/4/1978).

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Iyall's motion carried "by an overwhelming majority (possibly 7 decenting)[sic]" (CIT Tribal Council Meeting Minutes 11/4/1978).

Barnett said that Don Cloquet proposed a constitution and ByLaws for this group some time around 1981. Barnett reported that these documents were "a bit far fetched" and he began to be disenchanted with the organization. By October 1982, both Barnett and Cloquet submitted affidavits stating that the Sovereign Cowlitz have "'buried the hatchet' with the Cowlitz Tribe and are now united as one" (Cloquet 10/22/1982; Barnett 10/25/1982).

Three important properties are important to remember about the Sovereign Cowlitz. First, it was a small and not highly organized group. It nevertheless carried the potential for disruption because larger numbers of people might for a short period of time be involved with it.

. . . during those years of the Sovereign Cowlitz tribe, we held encampments, and different things - - particularly in the Guifford Pinchot National Forest, around Packwood, we had several weekend campouts, you know, in which we invited not only sympathizers, but members from other tribes. It was kind of a miniature pow-wow type situation, I guess you might say. And we'd have anything from 20-40 people that would come to the encampment for the weekend. Just generally get together (John Barnett, BIA interview, 8/4/1995).

Second, other CIT members saw further potential for disruption. Evelyn Byrnes blamed the Sovereign Cowlitz, with their non-approved constitution and by-laws, for interfering with the Docket 218 disbursement.

The Cowlitz Tribe's first bill for distribution of the monies before Congress could have passed, but Don wrote a letter saying the Sovereign Cowlitz Tribe (his branch) was not settling. That blew our very first bill (Evelyn Byrnes, Irwin Affidavit 6/3/1989, 12/29/1989, Petition A-2378).

Roy Wilson, too, reported he was concerned about the potential for disruption both of the CIT's internal

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functions, and by how the problems were viewed from the outside.

Instead of democratically following the majority, they decided to fight that decision by forming what they called the Sovereign Cowlitz Tribe, a flash in the pan that fell out of favor and disappeared. But it caused us a great deal of anguish, bitterness, and hurt. It hurt us in our Federal hearings when Joe Cloquet and I testified before Senate and House subcommittees. The Sovereign Cowlitz were constantly thrown at us, and some congressional people said, "Go back home. We don't want anything to do with you." It cost us a lot of ground at the federal legislative level (Roy Wilson, Irwin Affidavit, 6/6/1989, Petition A-2463).

Documentary evidence shows that the Sovereign Cowlitz did indeed affect the claims funds disbursement process. It was, however, only one of several problems to which the BIA responded in justifying their opposition to legislation for the distribution of judgment funds. The issue of the Yakima Cowlitz, to be discussed in the next subsection, appeared to be at least of equal importance.

According to Wilson, the primary problem was not the content of the disagreement as much as the form the disagreement took.

What was so hard for the Tribe about Don's position was not accepting the majority's choice. It wasn't his position so much as the way he went about it (Roy Wilson, BIA Interview 7/27/1995).

Wilson's concerns about potential internal disruption were confirmed to him.

The one year I was running, the vote was so close I almost lost. Joe and Mary Cloquet -- Joe was Tribal Council Chairman -- Joe and Mary were strong supporters of me. They got very upset with me. They said "don't you know that Don Cloquet and John Barnett are going all over the country; they're in Olympia, they're in Tacoma, they're in

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Seattle. They're meeting with the Cowlitz Indians everywhere. And they're really campaigning strong against you, and you're not doing a thing." I said "I can run on my record and I don't have to fight. I'll just do all mine at the tribal meeting." [They said] "Aw, you're going to lose, Roy." [I said] "We'll see" (Roy Wilson, BIA Interview 7/27/1995).

Wilson recalled that he took different actions with Barnett and Cloquet to correct the situation. With John Barnett:

after years of this, one day, I told John, I said "John, you really want this job so bad . . . if you just wake up and give up that stupid Sovereign Cowlitz nonsense, and stop this opposition -- fall in line with me, and support me for one year -- I won't run next year, and you can have it. I'm tired." He was wise enough to do it. Because I told him, I says, "I'll never let you in as long as you fight me. I'll just stay here until I die." And so he supported me strongly, and it was the end of the Sovereign Cowlitz. And next year I refused to run, and he's been the Chairman ever since (Roy I. Wilson, BIA Interview, 7/27/1995, emphasis original).

He also observed that his confrontation with Barnett is a pattern to which CIT leaders have had to resort frequently.

He's doing a great job, and now he's finding he had to do the very same things I was doing. You know, those things you do with the will of the people. And he's made a good leader (Roy I. Wilson, BIA Interview, 7/27/1995, emphasis speaker).

With Don Cloquet Roy Wilson took action that looks similar to what Clifford Wilson took with Norbert Bouchard, Malcolm McLeod, and their allies. That is, he made sure that what these people were saying was well known and recorded, and then refuted them publicly.

The thing is, the Longview paper and the Seattle [Post] Intelligencer, and the Tacoma News Tribune,

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all these papers were coming out with articles quoting Don Cloquet, and I kept cutting these out. And when it finally came to the Tribal General Council Meeting, after the end of our business, it was time for election of officers . . . And I was tribal [i.e., General Council] chairman and I could recognize anyone, he raised his hand, and I was ready for him. And I said "Don, rather than talk from back there why don't you come up here and take the mike so everyone can hear you." And he came up, strutting like a little peacock. And I started on him, by saying "Oh wait a minute, Don, before I give you the mike, I have some questions. Seattle Post Intelligencer, on such-and-such a date quotes you as saying . . . did you make that statement?" [and he says] "Well, uh uh uh, uh yea, I . . . yea" And I quote one newspaper after another, and finally when I got through I said. "OK you got these people to face, because these people of this tribe know the truth. They were there when these events took place. They know the truth, so what are you going to say to them?" (Roy I. Wilson, BIA Interview, 7/27/1995).

As with the McLeod incident in the 1960's, the incidents recounted here do not necessarily show the alignment of large factions along particular lines. Rather, they highlight, first, the concern that many of the CIT general membership could be turned against those leaders who assumed responsibility for decisions on behalf of the general membership. The petition submitted by John Barnett in 1974 suggests strongly that a broad range of families among the membership were indeed dissatisfied with the settlement process and outcome, even if they did not necessarily support the activities of the Sovereign Cowlitz.

Thus, dissident members could affect affairs both inside, as well as outside, the Council. Joseph Cloquet's concerns for Roy Wilson's Presidency are supported not only by Roy Wilson's report of the vote, but by 1974 petitions and testimony from 1974.

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Second, the incidents show that the leadership had a definite strategy for making the dissidents conform to the decision process accepted as orderly and democratic by the Council members. This strategy consisted primarily of marginalizing the opposition, or threatening them with being marginalized. The style is similar to that used by Clifford Wilson against Malcolm McLeod and his CTI supporters. The Tribal Council meeting minutes of 1978, moreover, suggest that Wilson's confrontations with John Barnett and Don Cloquet were not sudden moves.

In sum, the Sovereign Cowlitz was no two-year flash in the pan. Although involving only a small number of people, the organization was of concern to the leadership because a larger membership agreed with the Sovereign Cowlitz's objections. Also, this protesting membership was not limited to closely-related métis families. Neither the general membership nor the leaders, however, supported the Sovereign Cowlitz's tactics or activities.

3.2.2 Membership/Enrollment

The transcripts of an October 13, 1973 Tribal Council meeting show that issues of membership had been contentious for an undetermined period of time. As Chester Higman stated:

I said that a number of staff have attended the meetings of the Cowlitz over the years, a principle [sic] topic has been how the judgment fund should be distributed. A big majority of those attending consistently expressed the opinion that the award should be paid out on a per capita basis, but there has been a sharp disagreement about who should be allowed to share it. Particularly involving the Yakima, I believe there was a lot of discussion there (Walling 1977, 3).

Enrollment issues were contentious for two reasons. First, both the BIA and CIT were concerned about the size of the per capita payments. That is, minimum blood quantum would make the per capita distribution of claims funds expensive to implement by the Federal government, and of little value to the recipients (Higman in Walling 1977, 2). Second, some of the general membership wanted a proportion of the funds

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for the purchase of land, to be used by all the membership. A Tribal Council resolution June 3, 1973, recommended a cut-off point of 1/16 as minimum blood quantum (Walling 1977, 2).

3.2.2.1 Dual Enrollment and the "Yakima Cowlitz"

Hearings held June 1, 1974, showed that some family lines in today's petitioner group maintained explicit positions on how the funds were to be disbursed. The Cowlitz families dually enrolled on the Yakima Reservation, and some of their off-reservation relatives who were petitioner members maintained that the claims judgment funds should be administered entirely by the BIA, and distributed entirely on a per capita basis. They maintained that they were entitled to these funds because their families had been active in working with the Cowlitz Indian Tribe for claims, and because their families had not always received full benefits to which other Yakimas were entitled (Vera Mesplie Azure 1973, 43).

However, hearings suggest that they considered themselves separate from the Cowlitz Tribe of Indians, and maintained that:

a group which identifies itself as 'The Tribe of Cowlitz Indians of the State of Washington' does not represent the only descendants of the 1863 Cowlitz Indians (Whalawitsa, Testimony 6/1/1974).

The Genealogical Technical Report shows that the Yakima-enrolled Cowlitz were a very small proportion of the Cowlitz general membership from the beginning of an official organization in 1911 to 1973. Thus, the dual enrollment restriction simply made more definitive the boundaries of the petitioner by removing more marginal families. However, the restriction affected all members politically. As shown in 3.1 ff above, the restriction caused dissention between the families of certain subgroups, such as the Lower Cowlitz Iyalls and Wannassays, against other members. Second, it caused dissention within some family lines. As mentioned above, the Iyalls and Wannasseys wanted their Yakima-enrolled relatives included in the claims settlement.

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The métis families, however, maintained that the Yakima Cowlitz themselves had benefitted from other payments from which the non-Reservation Cowlitz had been excluded, and maintained that the ICC payments should go to non-Reservation Cowlitz.⁴⁸

The position of the Upper Cowlitz Kinswa families could be attributed to either the métis or Yakimas. The following quote from Mickey Kinswa deplors the bickering without ascribing the problem to either side.

What I call "bickering" is trying to get something that is not entitled to you; and we are not even getting a tenth of what is entitled to us; and I can't see letting go what is proper to us (Mickey Kinswa, ICC Testimony 6/1/1974, 35).

The non-Cascade Skloutwout métis descendants sided with the CIT position, and against their Yakima-enrolled relatives. For example, Roy Wilson's cousins were métis descendants who were enrolled at Yakima. As Roy Wilson explained:

I was tribal chairman⁴⁹ at that time. Those who were enrolled in those tribes, we simply told them "you have to make a decision. Are you going to remain Yakima, Quinault, whoever you are, or are you going to become Cowlitz? And if you are going to drop that . . . then we need a letter from that tribal council proving that your name has been

⁴⁸See in particular the testimony of Vera Andrews (1974, 26) and Susan Cottonair Pratt (1974, 36). Susan Pratt was a descendant of Simon Plamondon. Susan was the daughter of Fabian Cottonnoire and grand-daughter of Sophie Plamondon and Michel Cottonnoire. Vera Andrews was descended through Simon Plamondon Sr's son Simon Bonaparte. His daughter Sarah Alice (b. 1882) married Eugene Cottonnoire. Their daughter Vera (b. 1903) is the sister of Nadine Rhodes, who is the mother of Michael Hubbs, today's Tribal Council Enrollment Committee Chair. She is thus related to both the Plamondons and the Cottonnoirs.

⁴⁹Actually, documents show he was General Council Chairman.

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removed from those rolls and you can remain on this roll. Without that your name will be removed from these rolls." Well, my cousins Dorothea and Louise, my father, many others in the family, when they retained their Yakima enrollment, they were removed from these rolls. That portion of that family took it as a direct offense on my part, and they felt that I was the one that kicked them out of the Cowlitz tribe . . . for years, they wouldn't even talk to me (Roy I. Wilson, BIA Interview, 7/27/1995).

When Roy Wilson's relatives later talked to him about the claims issue, he recalled that the issues of sharing summarized above resurfaced.

I remember my cousins, at one of the family gatherings, they finally broke their silence and came up to me and said "I suppose you'll try to keep us out of the land claims settlement also." And I said "It has nothing to do with what I say, it's going to be."

And I said "if you want to know my personal opinion" - and I was talking to Dorothea and Louise - "when you received as Yakimas your settlement on building the Dalles Dam . . . when you yearly receive the yearly tribal checks on the logging, you have never shared a penny of that with me, so why in hell should we share anything with you out of our land claims settlement? You're Yakima; you chose Yakima, and I chose to be Cowlitz." Well, that didn't go over very well with them (Roy I. Wilson, BIA Interview, 7/27/1995).

The testimony also shows, however, that claims disbursement was not the only issue being debated. Also at issue was the CTI's interest in becoming a recognized tribe. Susan Cottonair Pratt described the issue as follows:

The gatherings that we have here -- all of us really have to agree, have only come about because we have been discussing the money But what's going to happen once the money is dispersed? What is going to happen to the Tribe? Those of us who

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don't have White blood have Yakima blood and we are split (Susan Cottonair Pratt, ICC Testimony 6/1/1974, 36).

Bill Northover, speaking for the Yakima Cowlitz, maintained that the Yakima Cowlitz could work with the CTI to achieve recognition, once the claims had been disbursed.

I don't think that that [i.e., the Claims settlement] would be the end of it -- I really don't. I think if we can stand together and fight together, we can bring about some realization from the Bureau of Indian Affairs, to bring this into a recognized tribe. Other people have done this (Bill Northover, ICC Testimony 6/1/1974, 38).

The year before, on June 3, 1973, the CTI passed a resolution asking that \$10,000 be set aside to purchase land that could be placed in trust for the CTI. In May 22, 1974, just before the ICC Hearings, the CTI passed another resolution asking that \$300,000 be set aside for purchasing land (CTI Resolution 5/22/1974).

In later years, the CTI tied the ICC claims judgment award more and more closely to the purchase of potential trust land. On November 4, 1978, for example, the CIT passed a resolution identifying \$310,000, or 20 percent of the total judgment award to purchase land (CIT Quarterly Tribal Council, meeting 11/4/1978).⁵⁰ By 1983, the CIT had altered their position to include 80 percent of the judgment award to buy land, and 20 percent for per capita distribution (BCCO-5440 7/22/1983).

The BIA sided with the Yakima Cowlitz, maintaining that a large number of people potentially eligible for claims disbursement would be excluded. On June 28, 1974, the Department of the Interior took the position that:

if the plan of the Tribe of Cowlitz Indians is adopted as many as 60 percent of the lineal descendants of the Cowlitz Tribe of 1863 would be

⁵⁰A delegation from the Yakima Cowlitz attended this meeting.

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excluded from participation in the award. We do not believe that it is equitable to exclude over half of those we considered to be legitimate beneficiaries of the award because they are members of an organized, recognized Indian tribe (R.B. Morton to Albert 11/4/1974, 3).

The BIA was also concerned with the Sovereign Cowlitz. On November 4, 1974, the BIA submitted a plan for disbursement, but withdrew it because of the disputes among the Yakima Cowlitz and the Sovereign Cowlitz and

because of the possibility of Federal recognition being extended to the Cowlitz Tribe as one of the ramifications of the United States vs. Washington decision recently rendered in the U.S. District Court of the Western District of Washington (R.B. Morton to Albert 11/4/1974, 3).

Testimony a year later, however, shows that the BIA's estimates were not reliable. In a response to a question posed by Congressman Meeds, Mike Smith responded for John Kyl by saying:

...the sixty percent is an estimate, first of all. It is approximately 60 percent, and the estimate comes -- it is an estimate made by the Area Director of the Portland area office [sic]. There is no way of actually knowing until you ask them to declare their Cowlitz ancestry, which has not been done (Mike Smith, HR 5090 Testimony 4/17/1975, 14-15).

Robert Bruce, another assistant to Kyl, added:

I would guess it is based upon the estimate of the people in the Portland area office who deal day to day with the various Indian groups, and their estimate or understanding of who they believe are Cowlitz descendants (Robert Bruce, HR 5090 Testimony 4/17/1975, 16).

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By 1978, the Cowlitz Tribe attempted a dialogue with the Yakima Cowlitz.

In a Special General Council meeting May 5, 1978, the general membership discussed HR 5523, a bill⁵¹ for settling the claims. The Council then voted 75-44 "allowing for the inclusion of the Yakima-Cowlitz in sharing in the distribution award." The motion was introduced by Al Ockfen.⁵² John Barnett and Don Cottenware abstained and "asked that it be recorded in the minutes" (CIT Special General Council Meeting 5/5/1979)

On November 4, 1978, the CIT Tribal Council passed a resolution to add to their enrollment:

those Cowlitz persons displaced by the government to the Yakima Indian Reservation who have continued their interest and support of the Cowlitz Tribe (CIT Tribal Council Meeting 11/4/1978).

The motion carried unanimously. However, there is no evidence that either the motion or the reconciliation in general made any further progress.

In 1981, HR 3612 was introduced, and again, BIA maintained the same objections as in 1973 and 1975 (Hayes HR 3612 Testimony 6/9/1981). In 1982, STOWW Lawyer Dennis Whittlesey asked that 20 percent of the judgment funds be

⁵¹This Bill and others like it are all worded similarly:

To provide for the disposition of funds appropriated to pay a judgment in favor of the Cowlitz Tribe of Indians in Indian Claims Commission docket numbered 218 and for other purposes.

⁵²Albert Louis Ockfen (b. 1904) is the son of Sophia St. Cyr (b. 1869) and Charles Nicholas Ockfen, a non-Indian, and grandson to Philomena Boscillet (1832-1895) and Esdras St. Cyr. He is also the brother of Charles Peter Ockfen (b. 1898), who signed the June 1, 1974 petition read by John Barnett at the ICC Claims Hearings June 1, 1971.

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set aside for purchasing land until the CIT had completed the Federal Acknowledgment Process (BCCO-5440 7/22/1983).

In 1983, Emma Mesplie Northover, one of the Yakima Cowlitz, asked the BIA for help in introducing their own roll. BIA research did not reveal whether such a roll was submitted, or what has happened regarding the Yakima Cowlitz (Mesplie to Smith, 1983).

At the October 29, 1983 General Council meeting, Tribal Council member Mike Iyall "requested another Yakima-Cowlitz meeting between their representatives and delegates from our Tribe." John Barnett and Marsha Williams reported that they had attended a meeting beforehand, and reported that "They [i.e., the Yakima Cowlitz] do not seem interested in compromising so as to come to an agreement and have not since contacted our Tribe as they stated they would" (CIT General Council Meeting 10/29/1983). There is no indication that any further action was taken on Mike Iyall's request.

From 1990 on, Tribal and General Council meeting minutes show that CIT leadership has corresponded with the Yakima Cowlitz. Both have conducted separate meetings. At a Tribal Council Meeting July 6, 1991, Gerald Bouchard reported plans to meet with Donald Tahkeal, Nina Umtuch Ellwell, and Ida Tahkeal, of the Yakima Cowlitz. Minutes show he reported that:

The purpose of their contact was to request a tribal representative be present at their council meeting on July 11th in White Swan to establish another meeting, this one between both tribal councils to discuss and negotiate on future distribution funds. Jerry [sic] plans to attend the July 11th meeting and try to unify the two groups. John [Barnett] cautioned Jerry to carefully scrutinize the motive behind this series of events, as the Cowlitz Tribe's best interest may not be their intent for future dealings (CIT Tribal Council Meeting Minutes 7/6/1991).

In sum, there is no evidence that the Yakima Cowlitz controversy involved a large proportion of the membership directly, either today or in the past. In fact, the genealogical technical report shows that the dual enrollment

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restriction simply made more explicit the boundaries of the petitioning group and eliminated peripheral members. Neither the BIA nor the Yakima Cowlitz groups have produced lists refuting the small proportion. Its effects, however, were to divide some social groups against others, and to cause dissention within other social groups. The CIT leadership, spurred primarily by Lower Cowlitz family members, have attempted unsuccessfully to reconcile the problem in two ways. The first was to admit a handful of Yakima Cowlitz who were in fact active with the council in earlier years preceding the 1950's. The second was to continue some negotiation process.

There is no evidence that either measure has been successful. The evidence also suggests that the Lower Cowlitz families, to this day, have maintained a presence on the Tribal Council to insure that their interests are not jeopardized further in any way (Grace Wannassey Lane, 9/9/1996).

3.2.2.2 The Blood Quantum Requirements

On March 3, 1973, the CIT also eliminated all members whose blood quantum was less than 1/16 Cowlitz. Quantum determination was based on the 1919 Roblin Roll and other historical material acceptable to the Tribal Council Enrollment Committee members. This change of status required that while people of less than 1/16 could still be listed as members of the CIT, they could not vote or share in the proceeds of the Docket 218 claim.

Speakers at a discussion held at the October 13, 1973 Tribal Council meeting observed that Yakimas present at the June 3, 1973 meeting had voted in favor of the 1/16 minimum, although no numbers were given re votes. Joe Cloquet indicated that the issue was not new, but implementing both the new blood quantum requirement and dual enrollment would affect the overall numbers considerably.

Now, in our case, Mr. Higman, we have definitely stated and we have been working on this for a good many years. We worked it out accordingly and all the applications will be read that have been approved. There are about 1800, the 1800 applicants I'm speaking about are duly enrolled

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and go to any degree and on. But, since we've worked with the applications with what we have adopted here for eligibility, and it cuts the roll to about half⁵³ (Joe Cloquet in Walling 1977, 4).

Even at the October 13, 1973 meeting, members voiced concerns. As one member stated it:

I represent a large family that is going to be cut out of this, and when that vote was taken of 73 for and 31 against that room was full of people who belonged to 2 or 3 different tribes at that time, so they voted for this 1/16 cut. But now you are saying also that there will be no dual enrollment (Unidentified speaker, Walling 1977, 8).⁵⁴

Joe Cloquet responded "I didn't cut these people out, the motion was made at the General Meeting and it was passed, and I can't change the voice of the body" (Cloquet in Walling 1977, 8). The decision held for the 1/16 base, in any event.

Again, the Genealogical Report shows that the quantum restriction affected few members directly, made more explicit the boundaries of the petitioner's group, and eliminated peripheral members. In this case the peripheral members were primarily those métis descendants who had married non-Indians or non-métis descendants for several generations. However, it did affect the descendants of a few families who had been active politically. One example concerns the descendants of James Sareault, the leader during the 1950's who had died in 1963, during the McLeod incident.

After James Sareault's death, the Sareaults wouldn't have anything to do with the tribe. We

⁵³Neither BIA research nor petition materials revealed evidence substantiating Cloquet's evidence.

⁵⁴Cloquet observed that the vote was actually 81 for and 19 against. The meeting appeared to be contentious, in any event.

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couldn't even get any of the papers that they kept . . . Toby Sareault and his sister were living in Chehalis . . . Michael Hubbs tried to talk to the Sareaults, but they said they don't want anything to do with the Cowlitz tribe . . . (Evelyn Bashor Byrnes, Irwin Affidavit 6/13/1989, 12/29/1989; Petition A-2465).

Also, this decision may have been linked to the attempted "coup" by Gerry Bouchard and Jim Holycross in 1991. The latter had been active on the Tribal Council and was later asked to leave the Tribal Council for having less than 1/16 blood quantum.

3.2.3 The Gerald Bouchard "Coup": The Specter of Enrollment Disputes

Gerald Bouchard was elected Tribal Council Chairman in 1988. Meeting minutes showed that on January 4, 1992, he called a meeting to explain why he locked out Business Manager Carolee Morris from the CIT offices, to recommend personnel action against Carolee Morris, to clarify purported charges of fraud by a "Senate inspector general" [sic], irregularities in the Constitution and Bylaws allowing the improper election of the General Council officers, and irregularities in the way the CIT attempted to "reform" the acknowledgment criteria used by the BIA's Branch of Acknowledgment and Research (CIT Tribal Council Meeting Minutes, 1/4/1992).

The meeting was held not in the CIT offices in Kelso, but at a neighboring office where Bouchard's wife worked. He then ejected Linda Foley, the Tribal Council (and General Council) Secretary, from the meeting and asked Patricia Sellards to write the minutes. He then asked Katherine Iyall to conduct the meeting, as a "non-biased facilitator" (CIT Tribal Council Minutes, 1/4/1992).⁵⁵

The minutes suggest that the Tribal Council members were not taken by surprise at this meeting. Linda Dombrowski, of

⁵⁵Linda Foley continued to write the minutes anyway. Carolee Morris and Roy Wilson reported that Bouchard called the police. When the police arrived, Wilson and Barnett talked the police out of arresting Foley.

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STOWW, had been invited and attempted to distribute information on the CIT Tribal Council to members, before being asked to leave by Gerry Bouchard (CIT Tribal Council Meeting Minutes, 1/4/1992). The minutes also show that the Council members were prepared to debate the legality of Bouchard's actions to close the office December 26, 1995.

In light of these problems . . . on December 26 he called the following people and told them he was going to close the tribal office: Sonny Aalvik, Lenore Monohon, Carolee Morris, Jim Gilchrist, Werner Barnett, Laurine Newburg, Ole Peterson, Evelyn Byrnes, Charles Forespring, Katherine Iyall, Dianna Smalley, Roy Wilson and James Holycross. He stated that two of them asked him not to do it, with that then representing 11 people which is a majority vote of the Council, and he took that as a consensus to close the office. Dianna [Smalley] asked for a correction in relation to her name and was ruled out of order (CIT Tribal Council Meeting Minutes 1/4/1992).

The minutes showed that Bouchard then raised the issue of whether General Council or Tribal Council could elect Tribal Council members, as well as a "chief" or "tyee" (CIT Tribal Council Meeting Minutes 1/4/1992).⁵⁶ Bouchard maintained that the General Council should elect Tribal Council officers. Thus, he maintained that the offices of John Barnett, Linda Foley, and Marsha Williams were invalid. Again, it appears that the Tribal Council members had come prepared.

Katherine clarified that at the last Tribal Council meeting the decision was made to bring this matter before the General Council before any action was taken. Wendy added the information that this was brought before the General Council at the November meeting for consideration, to be further discussed at the next General Council meeting in June. Thus, any action by the Tribal

⁵⁶See 1974 Constitution, Petition A-1023, 1030. There is no such provision.

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Council at this time on this matter would be out of order (CIT Tribal Council Minutes 1/4/1992).

Bouchard also brought up for discussion a document to which he referred as "Resolution 92-1" approving the Council to submit an alternative funding grant to ANA⁵⁷ for economic development.

On January 8, 1992, attorney Dennis Whittlesey responded to the questions Bouchard raised at this meeting. In his letter he concluded that there was no ANA investigation of CIT and no "Inspector General of the United States Senate." He also found that the four elected Tribal Council officials are "constitutionally Mandated as Members of the Cowlitz Tribal Council." He then added that "it would be proper for a member to move, pursuant to Roberts Rules of Order, to suspend the regular Order of Business for the purposes of taking up a motion to remove the Tribal Council Chairman" (Whittlesey to CIT 1/8/1992).

Neither the petition nor BIA research revealed minutes for any meeting conducted January 11, 1992. Minutes are available, however, for a meeting held January 18, 1992. With 21 present, 2 excused and one member absent, the Tribal Council agreed to conduct the meeting through Katherine Iyall, again, as a "non-biased facilitator" according to the agenda. The Tribal Council agreed unanimously to limit Bouchard to "conducting legitimately-called Tribal Council meetings only" (CIT Tribal Council Meeting Minutes 1/18/1992).

On February 7, 1992, Gerry Bouchard submitted a grant application to ANA for \$116,135 federal funds and \$35,400 contributed funds for one year (CIT to ANA 2/7/1992). This proposal did not include the support of the Federal acknowledgment activities. A set of affidavits from the CIT Tribal Council members, submitted by Dennis Whittlesey March 30, 1992, show that a Tribal Council meeting was held

⁵⁷ANA, or Administration for Native Americans, is a program within the United States Department of Health and Human Services that funds American Indian economic development programs. The ANA provided funding, through STOWW, to support the CIT acknowledgment efforts.

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January 11, 1992 as well as January 18, 1992. The affidavits also reiterated the January 18 meeting minutes, limiting Bouchard's activities "solely to conducting legitimately-called meetings of the Tribal Council (emphasis original, Whittlesey to Aguirre 3/30/1992, 5). The cover letter affirmed, in short, that Bouchard's ANA grant application was not approved by the Tribal or General Councils.

Meeting minutes for April 4, 1992, noted that Gerald Bouchard "had been present prior to the beginning of the meeting but left before it began." At that meeting, the Tribal council members voted unanimously to accept Linda Foley's notes, rather than those of Patricia Sellards as the minutes for the January 4 and 11 meetings. They also voted to send letters out to the general membership describing what had happened. Finally, a two-thirds majority voted to remove Gerry Bouchard from office. He was to be informed by letter of the decision (CIT Tribal Council meeting Minutes 4/4/1992).

Meeting minutes for May 2, 1992, showed that Gerry Bouchard was relieved of his position as Tribal Council president and Sonny Aalvik elected to replace him. CIT members recalled hearing nothing more from Bouchard until he attended the general council meeting in June 1995. At that meeting, they recalled that he apologized to General Council for what he did, and explained to them that he had been suffering from extreme illness at the time.

During the so-called coup, few of the CIT general membership reported being involved.⁵⁸ Within the Council itself, however, the results were traumatic. First, CIT members recall that the first meeting, particularly, was more traumatic than the minutes suggest. For example, not only did Bouchard relieve Linda Foley of her secretarial duties,

⁵⁸Representatives from STOWW, as indicated above, were involved in providing legal advice. Also, officials of the Administration for Native Action (ANA) became involved. Meeting minutes report that other Indian groups inquired about what was happening. However, BIA research has revealed no evidence available about formal or informal involvement by CIT members at this time.

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he also called the police in an attempt to arrest her. John Barnett recalled the incident with bitterness.

I think Bouchard -- he apologized to the General Council. He never personally apologized to me for what he did, or the Tribal Council . . . He literally gave that gal [Carolee Morris, CIT Business Manager] a nervous breakdown. And Linda Foley, when he called the cops on her. I mean, at the time he did that, he was laughing -- when the cops were called on Linda Foley, our secretary. He was openly laughing when the cops came and attempted to haul her away -- until I intervened and took the cop outside and told him what was going on. You know, it was a big joke for him . . . to me the whole thing was bizarre (Barnett, BIA Interview, 8/4/1995).

Others, while seeing the issue as traumatic, were relieved when Bouchard returned to the General Council meeting in 1995 to apologize.

Myself, I'm glad to see that he's involving himself again. I mean, as a council member. Certainly not as the chair. But at least having involvement, because I don't think it would be right to shut him out, either. It took a lot of guts on his part to come to that council meeting, and he had his Pendleton blanket draped on his arm, and he got up and apologized to everybody. And that couldn't have been easy for him, to do that. And he said he never meant to hurt anybody. I believe that (Wendy Kinswa, BIA Interview 8/2/1995).

Second, CIT members reported that the Bouchard incident was not considered traumatic because it was symptomatic of factional alignment. Rather, they maintained that it destabilized the political relationship of the CIT Tribal Council to the CIT membership. The Tribal Council ultimately responded by amending the Constitution and Bylaws to spell out more clearly the relationship between the Tribal Council and General Council that had been developing over the years.

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Third, when the Tribal Council met after the lockout December 26, 1991, the members noted that four file drawers, containing files of members since 1981, had been removed. The CIT Tribal council decided to call the police. CIT Council members maintained that the removal of the files was indicative of the role of Jim Holycross, who had sided with Bouchard (Wendy Kinswa, BIA Interview, 8/2/1995). Jim Holycross, they maintain, may have been concerned about the possibility that he or his descendants might be less than 1/16 quantum and therefore ineligible for voting membership and to share in the docket 218 claims.⁵⁹ Jim Holycross was a métis descendent of Simon Plamondon's daughter Sophie (1825-1887), who had married Michel Cottonoire, himself the son of a Chinook woman and a French Canadian contemporary of Simon Plamondon.

Neither petition evidence nor BIA research indicate clearly the role of Jim Holycross. However, minutes suggest that the issue may have been related to the membership eligibility based on blood quantum. Minutes show Jim Holycross on the Tribal Council since February 1980 (CIT Tribal Council Meeting Minutes 2/2/1980). In 1988 he and Dianna Smalley were elected to fill two new at-large positions. In 1991, however, minutes showed that Holycross wrote to the CIT offering that his wife could work to review enrollment committee applications. The Council decided informally that Lenore Monohon and Karen Cota, who were already on the Committee, could do the job (CIT Tribal Council Minutes, 1/5/1991).

After Bouchard had been ousted, the Tribal Council received information that Holycross had said that "there would be a new Cowlitz Tribe by October of this year, made up of 9000 members, with no blood quantum requirements for membership." Minutes show that the Council discussed the possibility of a lawsuit, but took no further action (CIT Tribal Council Meeting Minutes 8/15/1992). No evidence revealed that Jim Holycross got his proposed organization started.

⁵⁹The only descendant on today's CIT "green card" roll is Helen Lucille (Holycross) Burke, who is 1/16 Cowlitz. She is the sister of James and Samuel Holycross.

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In 1993, the Tribal Council removed Jim Holycross from "holding a position on the Tribal Council, even though⁶⁰ his Cowlitz blood quantum is 1/32." The minutes explained that:

A great deal of discussion ensued in relation to past reflections on and present considerations of the wishes of the General Council. When discussion was completed, Mike Hubbs moved that Jim Holycross be removed from the Tribal Council secondary to his Cowlitz blood quantum, in accordance with the Tribal Constitution. [One vote opposing] (CIT Tribal Council Minutes 8/7/1993).

The problem of blood quantum thus may have been an underlying issue here.

Fourth, the issue highlights the distrust of the Tribal Council held by some of the general membership. Some members saw Gerry Bouchard as trying to do something good particularly for the CIT elderly, but being thwarted by John Barnett and the Tribal Council. For example, one speaker suggested that while Bouchard did not act well toward the Tribal Council, their charges against him were never proven.

And they did accuse him of having records, but they couldn't prove it. And they never charged him [legally] (Grace Lane, BIA Interview, 7/29/1995).

Others questioned whether Bouchard was motivated toward a coup attempt.

Was it last year? They said there was word come out that they thought that Jerry Bouchard was planning a coup to take over the tribe and get them all out of office. Well, Gerry Bouchard had heart trouble. He never had any intention of doing anything like that. And his wife doesn't

⁶⁰The use of "even though" may have been an error in transcription, because the constitution clearly requires 1/16 Cowlitz descent to qualify for voting membership. Holycross did not appear to have this level.

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want him involved in the tribe at all (Steven Meyers, BIA Interview, 7/29/1995).

Underlying this skepticism is a doubt by some about how well the CIT represents them, particularly regarding determining membership by blood quantum.

I think they should learn to be honest, open minded, and willing -- and unite the people -- and not split them like they are splitting them. If there's any show of a Cowlitz blood, they should be eligible. Not one person or two persons or what few people on the committee decide -- but for the Tribal group itself -- all the tribe -- to vote on that. Not just a few people. Got to be united. If we don't unite, we're all fallen. That's what's happening to the whole tribe. Been going on too long. Ever since they voted and accepted the money, they've been splitting the tribe. And it's not the original Cowlitz that's doing it (Helen Drummond, BIA Interview 7/29/1995).

Steven Meyers explained that "original Cowlitz" were distinctly not what he referred to as "Plamondons" or métis. He added that the Cascade descendants were more closely allied with these métis. They similarly voiced suspicions that the métis leadership was using the acknowledgment process to gain leverage for intervention in the Quinault Reservation.⁶¹

Finally, part of the perceived problem appears to be not trusting the role of STOWW and the activities of the CIT leadership.

[The present CIT leadership are] the original founders of STOWW. They've been getting grant money since 1968,⁶² and that's where they got part

⁶¹BIA research did not probe in detail the nature of this agenda.

⁶²No documentation obtained by the BIA indicates a date for the beginning of STOWW or its involvement with the Cowlitz.

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of the money to hire the attorneys from Washington, D.C. And in the last few years, they've got some rather large grants, and over the years they've got no explanation of what's happened to this grant money and how it's spent (Steve Meyers, BIA Interview, 7/29/1995).

Resolving the issues is beyond the scope of the BIA's petition evaluation. However, the petition documentation and BIA research indicated, first, that the incident was resolved within the Tribal Council, and did not require broad involvement. The General Council membership was then made aware of the issue either through family networks or through the CIT Newsletter after decisions had been made.

Second, it showed that while the general membership was not involved directly, they nevertheless had definite opinions on what had happened. These opinions differed according how much the individuals expressed trust in the CIT Tribal Council leadership.

Third, the issue shows that the membership saw it as part of a larger problem associated with membership rules. In particular, at least some of the members maintained that the blood quantum requirements were not applied uniformly, and were not decided democratically enough. These issues are in part the fallout of the 1973 constitutional revisions mentioned above.

3.2.4 Land, Burial Rights, Cultural Revitalization, and Council Support. Also, Enrollment, Again

Documentation shows that CIT continued to monitor archaeological projects associated with dam construction in the Cowlitz Valley through STOWW during the mid to late 1970's. Evidence indicated that the CIT continued to monitor the graves repatriation during the 1970's and 1980's. However, the goal of this monitoring shifted from obtaining claims to obtaining money to buy land for the CIT as a collective. To obtain land, the CIT also attempted to raise money from the Docket 218 award. The evidence will also show, however, that once the CIT obtained land, they were confronted with new issues about how to use this land. These issues highlight old patterns. For example, they show how a network of individuals within the Tribal council undertook

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various controversial activities. This network cross-cut genealogical lines.

STOWW attorneys worked with CIT regarding the aftermath of Cowlitz Tribe of Indians v. City of Tacoma that had been overturned in 1957. Mary Cloquet, CIT Business Manager had inquired into "examining records of the City of Tacoma" (Schuster to Cloquet 4/16/1977). The attorneys also attempted, unsuccessfully, to obtain Cowlitz papers from Malcolm McLeod (Schuster to STOWW Attorneys, 10/18/1977). These inquiries were part of support given to CIT in pursuing legal action for the protection of Indian graves. As Schuster explained:

I thought that I would send these over to the office after our discussion the other day on the flooding of Indian cemeteries. When cemeteries are flooded or have to be moved for other construction [sic] purposes, the builders of the dam or other project [sic] are under a duty to remove the human remains to another cemetery in accordance with the wishes of the descendants [sic] of the people buried in the cemetery. There are records of this process going on when the Mossy Rock Dam was built. If you know of any Indian cemeteries that are in danger of being flooded or otherwise disturbed due to construction there is action that can be taken to protect the cemeteries and the human remains buried therein (Jeffrey S. Schuster, Evergreen Legal Services, Native American Division, STOWW Office, to Mary Cloquet, CIT, 2/17/1978).

Documentation on CIT activities submitted with the petition does not show in detail what CIT was doing with repatriation. Nevertheless, STOWW documentation shows that CIT was at least monitoring activities.

Through the 1970's the Bonneville Power authority conducted further development of dams, and CIT members voiced further official concern about the effects of these dams on grave sites. Marsha Williams maintained that in her own family's instance, these dams continued to affect individual families and the grave sites they maintained.

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When Bonneville Dam was being built in the '70s -- it was a real hard time for us with the cemetery, because the cemetery had not been maintained, except by our family, and it was beautiful. It was densely wooded with fir trees. But it was just this little couple-of-acre area. And next to it they cleared all the trees that were there because some construction company set its headquarters up there. Well, when you cut down the trees in one place, then there's this big wind that causes the trees in the cemetery to fall down, and break the headstones and stuff, and knock over the fences (Marsha Williams, BIA Interview 7/24/1995).

She reported that on behalf of the CIT she undertook efforts to obtain compensation for damage to Indian burials. These included CIT consultation and oversight of an archaeological excavation of sites in the way of dam construction; negotiation with Tacoma City Light and Power on the development of Taitnapam Park; and negotiating with the utility to obtain land near Vader. After negotiating with the utilities:

We went out and located the acreage, and negotiated that. We got the utility to give us some money, and then we contacted some landowners on that land. I have the deed at my house on that property. So, I feel, personally, like those are some of the things that I accomplished (Marsha Williams, BIA Interview 7/24/1995).

CIT minutes show that June 10, 1987, the General Council was informed that the Lewis County Public Utilities had donated five acres of land to CIT (CIT General Council Minutes 1/10/1987).⁶³ At the Quarterly Tribal Council Meeting August 1987, Marsha Williams was "empowered to select a piece of property and place earnest money on it, purchase subject to Tribal Council approval" (CIT Tribal Council Minutes 8/1987). On October 14, 1989, she reported that she had signed purchase papers for 18 acres on land along the Cowlitz River near Vader (CIT Tribal Council Meeting Minutes 10/14/1989).

⁶³The whereabouts of this land are presently unknown.

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By 1989, the Council reported that 39 acres of land had been obtained.⁶⁴ The CIT Tribal Council discussed various options for using the land. In April 1995, however, Tribal Council members Wendy Kinswa, David Burlingame, Randy Cottonware, Michael Hubbs, and others began to build a sweat lodge on the grounds. The sweat lodge was located on the new CIT property in a woodland adjacent to an open fenced-in grassland along the Cowlitz River.

In designing the sweat Lodge, Wendy Kinswa maintained that the group relied on her uncle David Ike and on Ross Davis, a close friend who was from Chehalis and who visited the Kinswas frequently.

DB: Ross was the leader of the first sweat I had ever gone to. Greg had invited both me and Ron. It was the first for both of us. He invited us out to his place, and that's where I met Ross.

WK: Actually, Ross was the one who came down to the property and instructed Greg and Randy and you [i.e. DB], Ron and Mike -- all the guys that were down there -- he was the one who instructed them in how to put together the sweat lodge. How to construct it. Because it's supposed to be done just so . . . And how to dig the pit for it. He's been really helpful in that respect--that he was willing to come down and do this. Well, you [i.e. BIA researcher] saw the lodge. It's pretty good size.⁶⁵ You can get quite a few people in there (Wendy Kinswa and David Burlingame, BIA Interview 7/25/1995).

Other members of CIT assisted in constructing the sweat lodge, once the planning had been done. The first sweat held some time in April 1995. Families attending included the Wendy Kinswa and Patty Donaldson, and their children,

⁶⁴Documentation is not clear on the steps taken to acquire this land, nor did BIA research investigate the issue in detail.

⁶⁵While measurements were not available, various CIT members maintained that the lodge could hold about 70 people.

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Greg Grove, Randy Cottonware and their families, Gerry Bouchard, and Michael Hubbs.

From a genealogical standpoint, descendants of Upper Cowlitz, métis, and even Boisfort/Peell families were represented. Greg Grove is a sixth-generation métis descendant of Marguerite Cowlitz and Louis Ladue, a Hudson's Bay employee at Cowlitz Prairie and contemporary of Simon Plamondon. Randy Cottonware is a sixth generation descendant of Michel Cottonnoire and Marie Cathier, through David Cottonnoire, Sr., Otis Irving Cottonware, Donald James Cottonware, Sr., and Donald James Cottonware, Jr. He is related to the Plamondon line through David Eugene's wife Mary Josephine, and to the Boisfort/Peell Pete family through David Eugene's sister Mary Cottonnoire, who has been mentioned in 1.3.ff earlier. Wendy Kinswa, Patty Donaldson, and David Burlingame are descended from the Ike/Kinswa, Upper Cowlitz Taitnapam line. Michael Hubbs is the son of Nadine Rhodes, who is a Plamondon métis descendant. Gerry Bouchard, as mentioned before, is also a Plamondon métis descendant.

CIT Members reported that the construction was an outgrowth of Wendy's and David's service on the CIT Tribal Council Culture Committee. Originally, David Burlingame was assigned simply to collect elders' stories on videotape to add to the information Michael Hubbs, Enrollment Committee Chairman, had been collecting on genealogies. Burlingame reported that his job was then expanded from collecting elders' stories to being on the Culture Committee

And then it kind of got shifted, and suddenly I'm the cultural committee, because of the videotaping, and then they're asking about my involvement in the Sesquicentennial committee, too, without putting that on the agenda. So, it kind of got shifted because suddenly they're talking to me as if I'm the leader or committee chairman, or what have you, of the cultural committee that I didn't even volunteer for (David Burlingame, BIA Interview 7/25/1995).

David Burlingame was nominated and elected to the council in 1993. That year, he undertook a project to interview elders, (CIT Tribal Council Meeting Minutes, 8/7/1993), a

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project begun by Michael Roe, at the Evergreen University (Roe BIA Interview 7/27/1995). Thus, the sweat house construction came about from two directions. The first was a desire on the part of Kinswa and others for the Tribal council to support cultural activities through strengthening the families. The second direction was the lack of specific directive not to build it.

DB: I think what happened is they want a cultural committee, but they don't know what they want it to encompass.

WK: They don't know what they want it to do, and I thought it should be there to do things like Elders Dinners, and getting the older people together for social things, and somewhere there we also need to get the older people together for the children. I mean, how else are they supposed to . . .

DB: . . . interact and learn (David Burlingame and Wendy Kinswa, BIA Interview, 7/25/1995).

Since this time, these individuals have visited the area on weekends, to camp on these lands and conduct sweats. The numbers of visitors were as large as 70 during summer 1995.

The people who took the lead in building the sweat lodge have decided that no alcoholic beverages are allowed at the encampment on the land, and have enforced their rule..

There was a little concern, last year, at the encampment, because there was somebody's parent -- I'm talking about somebody who's about my age -- and their parent was going to have a beer in their motor home. I said "well, we all talked about this and we'd rather they didn't even have it at all, on the property." And they said "Well, I don't feel that I can tell them they can't bring that." I said "I have no problem telling them they can't bring it. I mean, they're here for a purpose. If they want to drink they can stay home." That's just the way I see it . . . Meaning we're here to get together, enjoy each other's company and not have people slobbering crying drunk wandering around amongst our kids. Even if

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the person's staying in their trailer, or whatever, I still don't like the idea of anybody bringing alcohol down on the property (Wendy Kinswa, BIA Interview, 8/2/1995)

The issue resolved itself: "They didn't even come down. They didn't even show up. So we didn't have to worry about it."

Also in April 1995, Wendy Kinswa, Patty Donaldson, David Burlingame, Greg Grove, and Randy Cottonware undertook an elder's dinner. This dinner was held at the Grange Hall at Cowlitz Prairie, in Vader. Greg Grove arranged with the State of Washington Fish Hatchery to obtain salmon for a First Salmon ceremony. Wendy Kinswa described how she instructed him on basic logistics.

I gave Randy the name of the guy at the head of the Fishery. Because you aren't going to find any of these people in the phone book. You can't find anything in a regular telephone book. But I work for the State, so I have a scan book. I have that list to look from. So I gave it to him, and he contacted the department of Fisheries, and he just . . . gave him fish. This was a Salmon Hatchery on the Cowlitz River. This is where we wanted it. And he said "yea, you can do that," (Wendy Kinswa, BIA Interview, 7/25/1995).

They then worked with some of the CIT Tribal council members to mail announcements.

Then we did it. Randy and his wife. Greg and his wife Mary. My sister Patty. Me. Steve [Barnett]⁶⁶ helped out. We all sat down, and decided what we wanted to say on those invitations to the Elders dinner. And . . . we had brought this to the whole council (Wendy Kinswa, BIA Interview, 8/2/1995).

⁶⁶Steve Barnett, son of Werner Barnett and nephew of John Barnett is a métis descendant.

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They then contacted the elders by phone. In one case Wendy Kinswa recalled that she met some of the elders for the first time. For example, she mentioned the Daubenbergers, one of the San Juan Island group of métis descendants related to the Wiggins.

When we sent out all the invitations, I only gave phone numbers to call. So the reason they cornered me was I was the person that answered the phone when they called. So boom! I was her link basically back to the tribe. And so we ended up talking about a half hour or 45 minutes (Wendy Kinswa, BIA Interview, 8/2/1995).

Unlike many previous pot lucks, the children were instructed to serve the elders first, rather than each individual helping him or herself. This practice was noticed favorably by those who had attended (Nadine Martin, BIA Interview, 7/28/1995).

Wendy Kinswa added that their primary motive was not to schedule a commemorative activity. It was to address the concern among the Upper Cowlitz elders that the CIT asked them to testify and translate, on behalf of the claims activities, but did little for the families themselves.

I can't say these things happen, it's just a feeling I get. And, you know, just little bits of information I get here and there. And when you talk to some of the elder people, they say "well, nobody ever comes around; they never come and see me; they don't visit; the only time they come around is when they want something. What happened to just coming and sitting with us and visiting? Like people should do?" . . . And it's true, people just get so busy they just don't have time. They don't take the time out to go visit people, just for the sake of visiting. Some of them do, but a lot of them don't (Wendy Kinswa, BIA Interview 7/25/1995).

Elders from the Lower Cowlitz Wannassay family had favorable comments about the occasion, even though they had not been active in CIT Tribal Council activities.

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Well, the tribe never had anything before -- well, this year, for the first time, they had an elder's dinner. The tribe just never done that before. But when the young people wanted to do it they asked the council -- part of them are members of the council -- they asked if they could do it. The Council says "yes, but you go ahead and do it, but it's all right." So they went ahead and did it, and they made the plans themselves, and they planned everything, and they sent out the invitations, and they invited Cowlitz people from everywhere. From Yakima, and Chehalis, Warm Springs, Umatilla -- everywhere. Anybody they knew were Cowlitz people (Grace Lane, BIA Interview, 7/25/1995).

Jacque Cassity, another Wannassay descendant commented favorably on the bone and stick games played at these gatherings, recalling them from his childhood visits to Yakima.

[Back in the 1950's and 1960's] I wasn't paying attention to that, too much. It was party time. But that's [i.e. the sweat lodge] what I've been trying to get back into [nowadays]. [In general,] when I ask somebody something, they either don't know, or won't admit it. Or else they've got that boarding school attitude (Cassity, BIA Interview 7/17/1995).

As suggested in the Grace Wannasse Lane's quote above, Tribal council support for both the sweat house and the elder's dinner was ambivalent. Both those who undertook these two activities and other CIT Tribal Council members themselves acknowledged the ambivalence.

First, the CIT Tribal Council members noted that those who undertook both activities did so without guidance from the leadership. Wendy mentioned that she had been trying to conduct this kind of activity, but had not gotten any response until she met with Greg and Randy.

I had been talking about this for a couple of years, and I didn't get a response -- for someone to say "yea, go ahead and do it." Well, I

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couldn't do it by myself, and then I got to know Greg. And Randy came on council. And I found they were interested in the same sort of thing. So, we got together, decided how we were going to do this, what we wanted to provide, and we set out on the different paths (Wendy Kinswa, BIA Interview, 8/2/1995).

Second, some of the Council members maintained that those initiating the sweat lodge had attempted to be too assertive in Tribal Council activities. For example, CIT Tribal Council minutes show that

Marsha [Williams] expressed her feelings of being left out, since she and others had not been advised of [the sweat house's] being built, and Greg [Grove] advised her that they were not able to inform everyone until now. He reassured her that more sweats will be held soon, and Roy [Wilson] suggested that one might be planned for the morning prior to the General Council meeting in June (CTI Tribal Council Meeting Minutes 5/6/1995).

Similarly, John Barnett, General Council Chairman, maintained that Greg Grove and Randy Cottonware said more than they should have at meetings, and did not show others adequate respect.

When Greg comes to our council meeting, he becomes an active participant, as if he were a council member. And a lot of the old time council members look at this as not the proper protocol . . . Giving advice on every subject that comes up (John Barnett, BIA Interview 8/4/1995).

Third, Greg and Randy introduced a style of religious revitalization that was at odds with both the Catholicism held by many of the petitioner members, and with the position taken by some Tribal Council members. BIA research and petition materials suggest that three major religious alignments existed. These alignments, do not reflect all the religious persuasions that exist among the petitioner, but they do emerge in political interaction among the membership. The first religious alignment is represented by

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Roy Wilson. CIT leadership had considered Roy Wilson as their spiritual leader ever since he stepped down as Tribal Council Chairman in 1982. Roy Wilson, a United Methodist minister, maintained that he reconciled what he called his Christian and Native spirituality by stating that:

I object and reject the doctrine of original sin, which was invented by St. Augustine in the Sixth Century, and therefore the whole Redemption Theology which is built on that doctrine of original sin, and go back to what the Church knew in the first five centuries, that creation theology, which brings me right back to my native traditional ways, the Earth Mother spirituality (Roy Wilson, BIA Interview, 7/27/1995).

Through the Creation Theology, he was able to assimilate what he knew of Native American spirituality into a Christian world view.

And so it was my Earth Mother spirituality -- looking at my Christian faith through my native eyes -- that changed me theologically as a Christian. It made me a more powerful, stronger, freer Christian. And so these are some of the examples of how my native spirituality impacted and changed my life as a Christian, and made me who I am culturally today (Roy Wilson, BIA Interview, 7/27/1995).⁶⁷

In his ceremonial observances he encouraged conducting smudging ceremonies, utilizing the Salish Talking Stick, and holding the blanket when speaking publicly.

⁶⁷For more information, please consult:

Wilson, Roy I., 1994, Medicine Wheels: Ancient Teachings for Modern Times. New York, New York: The Crossroad Publishing Company.

Wilson, Roy I., 1994, The Gospel According to Matthew: A Longhouse Version. Lima, Ohio: CSS Publishing Company.

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Members of the CIT Tribal Council, such as John Barnett and Sonny Aalvik, maintained that Roy Wilson's approach was appropriate to them as a means to communicate spirituality.

I look to a spiritual leader to rekindle the spirituality in me. And they do that through old ceremonies, speaking in the old ways, speaking the old language, smudging ceremonies, handling desanctification ceremonies -- all the old traditional spirituality issues of the Cowlitz people. And I think this is what the Cowlitz Council was looking for (John Barnett, BIA Interview, 8/4/1995).

Not all the petitioners agreed with them. Some members protested Roy Wilson's historical interpretation of Christianity, and was thus disrespectful of those who practiced Catholicism. As Chris Johnson wrote, in a letter to the Tribal Council:

Ever since I enrolled and attended meetings some very negative things have been said about the Catholic Church. I am Catholic and very grateful [sic] that my ancestors converted. A couple of examples: In the recent newsletter Roy Wilson stated he didn't think the missionaries ever read Indian legend [sic]. He doesn't know that for sure. I'm sure the missionaries made some mistakes . . . don't we all when dealing with each other. The missionaries [sic] were sent by God to tell His beloved Indian people about Him and his son Jesus who died for our sins. At the last meeting Mr. Plomondon [Martin Plamondon, a non-member] mentioned that since the Catholic church has apologized it would be a good time to take advantage and ask that the bones that were discovered be buried in the Catholic cemetery [sic]. The way he said it was very negative and it hurt me. I think Roy and Mr. Plomondon are some of the hardest working, most active members we have and I sincerely appreciate all their efforts. I don't think they realize how what they say affects some of us.

The fact is the Catholic Church has apologized and we as a tribe need to say your

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[sic] forgiven and go on with living. Every time the old hurts are [dredged] up it brings us down and robs us of our joy. A joy that God wants to give us to share with one another [sic] (Chris Johnson to Tribal Council, n.d., Petition A-2373 - 2374).

Christine Johnson is a Cottonnoire descendant, and thus a métis descendant related to Boisfort/Peell. Many of the métis descendants, as noted above, were Catholic converts from the missions in the area.

The Tribal Council members who agreed more with Roy Wilson expressed discomfort with what they termed religious expressions, both by the Catholics and by those promoting the sweat lodge. For example, Sonny Aalvik considered a Christian prayer by Katherine Iyall Vasquez to be inappropriate.

A dear lady, Catherine Iyall-Vasquez . . . volunteered to have opening prayer at a Council meeting. And I said OK, Katherine. And she proceeded with a total Christian prayer! It embarrassed me. I don't mind saying it. I love her; she's a beautiful lady, but this was a Native American council meeting! And at that you need to have the Native American spirituality approach. Pray to the north, and to the east, and to the south, and to the west -- grandfather. Addressing God as Grandfather is totally á propos, in my way of thinking. . . . And, I love to hear Roy do that (Sonny Aalvik, BIA Interview 7/25/1995).

According to John Barnett, Greg Grove did not use Roy Wilson's approach. Instead, he would preach at the Council meetings and at other gatherings about spirituality, and not do so ritualistically.

He rebels against the ways things were being done. And sometimes just for the sake of rebelling. And the way he conducted himself: when he was called upon several times to give the spiritual message, when Roy could not be there through sickness or whatever the reason -- and one of the times was at the dedication of . . . Taitnapam Falls Park --

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and Greg's interpretation of giving a spiritual message is to get up there and just say what he thinks. You know, his impression of things.

And I'm not saying that his impression is wrong or that I'm disagreeing with what he says. But to me it's not a spiritual message in the old Indian way. To me it's more like going to church on Sunday and sitting in a pew and listening to a preacher give his sermon (John Barnett, BIA Interview, 8/4/1995).

Sonny Aalvik made a similar observation. They disagreed not with the content but with the style.

By presentation I mean the way that you bring in - - antics, for [lack of a] better word -- to illustrate what you are talking about. Like the smudging ceremonies. That's no different than giving thanks and cleansing your body to that smudging so that you speak with honesty and truthfulness, as Greg standing up there and saying we have to honor our grandfathers and do things the same way he did. Except that it's done in a different way (Sonny Aalvik, BIA Interview, 7/25/1995).

Wendy Kinswa and David Burlingame suggest that the reluctance of the CIT Tribal council leadership to be involved actively either in the sweat lodge activities or to promote further the elders dinner was both because they were uncomfortable and were worried about what the Catholics would think.

DB: I think it's a fear of the unknown. They've never done it, and are afraid -- or very much intimidated -- because they don't know what's going to happen.

WK: Plus, on the council there are some members who are Christians. And it really interferes with their religion. The things that are talked about -- sweat lodge -- when you talk about all living things having a spirit it goes against their religion. So there's a little of a division there, too, because of the religion factor (David

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Burlingame and Wendy Kinswá, BIA Interview,
7/25/1995).

Characteristically, then, some of the métis descendants tended to adhere with the Catholics. Other métis sided with the adapted Methodist Christianity of Roy Wilson. The Kinswas, as Upper Cowlitz, adapted a more revitalized Indian religion, obtained through relatives who had Shaker connections. The Wannasseys, with earlier connections to the Shakers, appeared to support the sweat lodge activities. Only Katherine Iyall appeared to side with the Catholics, despite the history of Iyall Wahawa's Shaker activities at the turn of the century. However, as noted above, some of the Iyalls had converted to Catholicism in the 1950's or 1960's.

The CIT Tribal Council attempted to reconcile what they saw as fundamental differences in religious approach by arranging for Greg Grove to be a spiritual apprentice to Roy Wilson. Greg Grove declined the apprenticeship after less than a year. BIA research did not reveal the reasons for Greg Grove declining the apprenticeship, nor did it reveal the nature of this apprenticeship. Nevertheless, the May 1995 Yooyoolah Newsletter thanked:

Spiritual apprentices Greg Grove, Randy Cottonware and Michael Hubbs, [who] under the direction of tribal spiritual leader Roy Wilson, have erected the sweat lodge on our tribal land. They initiated the lodge with a sacred sweat, and the sweat lodge will be available at the event of the June meeting (Yooyoolah 5/1995, 2).

However, Wendy Kinswa observed that she did not like the way the Newsletter gave Roy Wilson credit for overseeing the construction of the sweat house. Equally important, however, is her observation that the guidance for construction of the sweat house came not from the predominantly Christian based ceremonialism of Roy Wilson and the Tribal Council, but from Ross Davis, of Chehalis.

I don't like that, because he [i.e. Roy Wilson] wasn't even there. And I don't think he's even been down to the property. I don't like the idea that they said "under his guidance this was built"

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because it wasn't under his guidance. It was under Ross's. Because Roy's too busy and his health's been bad. I understand that. Sometimes people can't do everything they want to do, and he's not getting any younger. And at that time I know he's having health problems, and he couldn't have been there. So it shouldn't have been written in the way it was written, like he was telling these guys how to construct the sweat lodge, and all that kind of stuff. That irritates me (Emphasis original, Wendy Kinswa, BIA Interview, 8/2/1995).

Mixed in with the religious differences were other issues. One of them simply involved giving credit where credit is due.

When we were building that sweat lodge, almost all of us had a little part in building it because, we said "well, everybody has to be here, even if you just come here and hold a couple of poles or do something like that, it shows you had a part." And most of our families got together and donated blankets for covering. Even my mom (Wendy Kinswa, BIA Interview 8/2/1995).

Significantly, then, métis were conferring with Upper Cowlitz in how to build this sweat house. The Upper Cowlitz, as stressed before, were connected with the Shakers. As shown in 2.1.1, while the Ike Kinswa family may or may not have been practicing Shakers, they maintained close contact with Yakima and Chehalis relatives and friends who did. Thanks to these connections, maintained Wendy Kinswa, those constructing the sweat lodge had access to cultural knowledge that the other Tribal Council members did not.

But you know, the problem was, that other council members didn't know how to construct it. I know that Greg and Randy both talked to my uncle [i.e., David Ike⁶⁸] about it. And I know he gave them

⁶⁸See 2.1.1. David Ike was considered the last of two speakers of Sahaptin Cowlitz. He is 60 years old and

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some information on how a sweat lodge was built when he was a young man -- when he used to go. So they combined the information from my uncle -- and along with the help from Ross Davis -- to construct the sweat lodge and to do the first ceremony there, and how to build the pit, the altar, everything (Wendy Kinswa, BIA Interview, 7/2/1995).

Disputes involving religious differences broke out at some of the meetings, when the CIT maintained that Greg and Randy had exceeded the bounds of respect, particularly toward Roy Wilson. As Sonny Aalvik explained:

We were sitting here . . . Roy Wilson was sitting here, Greg Grove was here. Greg wanted to say something. I would not allow him to say anything, because the teacher was sitting right here. The student needs to sit there and listen to what the teacher has to say. He don't have anything to volunteer that's going to be as important as what the teacher has to say. And maybe I'm not very tactful at times -- his feelings got hurt. And his big brother -- I mean Greg -- He's a typical big brother.⁶⁹ He jumped up to Greg's defense. "Why did you do this to Greg? Why did you do that? You hurt his feelings" (Sonny Aalvik, BIA Interview, 7/25/1995).

Behind the religious differences and Tribal Council involvement lay two other issues. The first was the influence of Gerald Bouchard. As described in the previous section, Bouchard had led an attempted takeover of the Tribal Council in 1992. Meeting Minutes (CIT Tribal Council Meeting Minutes 4/6/1991) show that Bouchard was an avid supporter of constructing a sweat lodge on the CIT land. John Barnett and others maintained that Wendy mistrusted the

maintains the Ike Cemetery.

⁶⁹The two are not genealogically brothers, since Greg Grove is from the Ladue line and Randy Cottonware is from the Cottonnoire line. While not probed during BIA research, the "big brother" is probably a role.

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council to some degree, and he expressed concern about the possible influence of Bouchard. Wendy Kinswa and David Burlingame disagreed:

I don't think so. It all comes back to the same old thing. There are council members who haven't made an attempt to join in the sweat lodge. Some of them -- whether it's for religious reasons or for their own preference -- I don't know. And I think that a lot of them are afraid of what they don't know. And I don't know what it is that possibly may happen to them if they came down there for a sweat (Wendy Kinswa, BIA Interview 8/2/1995).

The second issue involves fallout from the imposition of the minimum 1/16 blood quantum requirement. Greg Grove was less than 1/16 Cowlitz according to the standards and documentation used by the Tribal Council's Membership Committee.⁷⁰ Other members mentioned, however, that one of the other Council members had a similarly low quantum, but still got to serve on the Council because the ancestry, while not Cowlitz, was Indian. On or about 9/17/1994, both wrote letters to the Enrollment Committee (Greg Grove, 9/17/1994; Randy Cottonware n.d.). The Tribal Council Minutes 5/6/1995 showed that arguments about their blood quantum had emerged at the meetings.

⁷⁰John Barnett maintained Grove's status as follows:

I knew his mother Mary a long time; she was one of plaintiffs in the Cowlitz fishing case way back when in the '70's, so she's been around a long time -- and I like Mary as a person and a tribal member, and here was her son coming back and getting involved with the Cowlitz Indians. And [18.23] because of our current enrollment requirements he's not eligible because of blood quantum to be a voting member of the tribe. He's a member of the tribe but he's not a voting member, as per our constitution, as it stands right now (John Barnett, BIA Interview 8/4/1995).

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Greg first apologized to the council for the angry way he has sometimes acted with Council members at past meetings. He also apologized directly to Steve Barnett for the incident involving his questioning of Steve's blood quantum. Steve accepted his apology and apologized himself for his angry reaction at the time (CIT Tribal Council Meeting Minutes 5/6/1995).

The minutes and other information suggest that both the Tribal Council and sweat lodge builders attempted reconciliation. For example, Tribal Council meeting notes show that "Roy and Greg discussed the availability of the lodge, the dress expectations, and the need for a fire keeper and spiritual leader to lead the sweat" (Minutes 5/6/1995, 2). Also, subsequent phone conversations between BIA researchers and petitioner members show that a three-day get-together was held, and was attended by over 100 people. In addition, the sweat lodge was used throughout the summer of 1995. Individuals such as Carolee Morris, who had not attended, were reported subsequently to have done so (Wendy Kinswa, 3/3/1996). Some of the dissension appeared to have subsided (Wendy Kinswa, Phone conversation with Mark Schoepfle, 3/11/1996).

However, other evidence shows that the disputes later flared. The CIT Newsletter reported that:

At the January 27, 1996 Cowlitz Tribal Council meeting Cowlitz member Greg Grove presented the Council with a two-page statement from the "Cowlitz Indian Peoples Coalition." Contact persons listed at the end of the paper were Greg Grove, Wendy Kinswa, and Patty Donaldson (Kinswa). Wendy is a member of the Cowlitz Tribal Council (Yooyoolah 5/1996, 2).

The report's writer, Marsha Williams (Cascade), emphasized that this organization, whatever its nature, was not supported by the Tribal Council:

The motives and interests of this group and its members will be revealed in its actions over time. Mention is made of it here in order to inform members and friends of the Cowlitz Tribe that the

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"Coalition is not affiliated in any official way with the Cowlitz Indian Tribe and does not represent or speak for the Cowlitz Tribe. The Cowlitz Tribal Council and General Council executive officers represent the interests of the Tribe as a whole in all matters pertaining to the Tribe, whether day-to-day business or more visible issues such as proposed land developments, federal acknowledgment, hunting rights, and others (Yooyoolah 5/1996, 2).

Again, the specter of Gerald Bouchard's attempted "coup" was raised, thus implying concerns about the Tribal Council's ability to maintain an orderly process among the general membership.

Clarifying the lack of association between the Cowlitz Tribe and the coalition is essential due to our experience as a tribe in 1991 when Gerald Bouchard attempted to transact business in the name of the Tribe without the knowledge of either the General Council or the Tribal Council (Yooyoolah 5/1996, 2).

Wendy Kinswa responded that these were "paranoid statements" and that "we will explain [them] further" (Wendy Kinswa, written comments on Yooyoolah 5/1996, 2).

Time limitations did not allow BIA researchers to interview Greg Grove or Randy Cottonware, or to pursue further the relative merits of this issue. Thus, a clarification of the disagreements discussed above is beyond the scope of this evaluation. However, the information presented here shows that different segments of the Cowlitz tribe banded together without direct CIT Tribal Council insistence to undertake a religious revitalization activity. It also shows that the ensuing disputes spilled out beyond simply the Tribal Council and caused the Tribal Council considerable concern.

3.2.5 The Quinault Allottees Association and U.S. v. Mitchell

Neither contemporary nor later documentation shows that either the CIT, the Quinault Tribe, or another recognized or non-recognized group gave political support to the Allottees

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Committee during the 1970's. Two events concerning the Quinault were occurring. The first was the organization of objections to the 1979 Taholah Land Use Plan. The other was the pursuit of U.S. v. Mitchell, initiated by both the Quinault Tribe and the Quinault allottee land holders.

3.2.5.1. Quinault Tribe and the Quinault Landholders:
Opposition to Regulation

On May 13, 1978, the Allottees Association "presented a petition to the Secretary of Interior asking that [they] be allowed to organize under the 1934 Indian Reorganization Act" (Yooyoolah 1978, 3). According to Dan Van Mechelen, Association President,

. . . of the ninety or so petition signers, at least 24 are presently voting Quinault Tribal members, 2 are Shoalwater Bay, at least 3 are Chehalis Tribal members. Of the remainder, 23 are 1/4 degree Indian blood or greater. That means that 52 are either members of a Federally recognized tribe, or are eligible for membership in one.

The petition signatories include 11 full blood Indians, two 7/8, two 3/4, thirteen 1/2, seven 3/8, and fourteen 1/4. The remaining signatories are without exception eligible for adoption into the Quinault Tribe, contingent on approval of the general Council. Without exception, the signatories are original Quinault Allottees who were recognized as legal Quinault Indian voters in 1935 (Indians of the Quinault Reservation Newsletter 9/1979, 3).

In July 19, 1979, an organization known as the Indians of the Quinault Reservation appeared. Barnett and Van Mechelen both maintained that the organization was open to "all original Quinault Allottees, their descendants and blood heirs. Membership in the Quinault Tribe is not." The organization's principal complaint hinged around the observation that

...the BIA is in the final stages of a contract with the Quinault Tribe for management of the Taholah Logging Unit. It is our experience that

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our objections are very seldom responded to, but we have some direct questions and would appreciate direct answers (Dan Van Mechelen and John Barnett, Indians of the Quinault Reservation to Vincent Little, 7/19/1979).

The BIA and the Quinault Tribe had been developing some kind of land use plan (Assistant Area Director, Economic Development to Van Mechelen and Barnett, 8/17/1979). On September 27, 1979, the Bureau of Indian Affairs and the Quinault Nation issued a four-part memorandum of understanding that initiated the Taholah Land Management Plan. Its stated purpose was

to provide for comprehensive management and use of those lands comprising the Taholah Logging Unit to which the United States has a trust responsibility, notwithstanding differences in the ownership of beneficial interests in such land (Memorandum of Understanding 9/27/1979).

Later known as the 1979 Taholah Land Management Plan, the Memorandum of Understanding explicitly separated the interests of the Quinault Reservation from other, so-called "allottee-landholders" but made the interests of the latter subject to regulations governing land use, environmental protection, and contract supervision. In the event of a dispute between the allottee-landholder and the Quinault Tribe, "final determination of obligations of the parties, will be made by the Superintendent" (Memorandum of Understanding 9/27/1979, 16).

In February and March 1980 the Quinault Allottees Association, with Helen Sanders Kirschling, continued to voice objections to the BIA and the Quinault Tribe granting powers of attorney to individual landholders, per the Taholah Land Use Plan. In March 1980, the association approved a resolution

directing [Wilkinson, Cragun and Barker] to file an injunctive action against the Bureau of Indian Affairs to prevent them from processing the aforementioned powers of attorney until such time that the Quinault Allottees Committee is confident that the Indian landowners have adequate and sufficient

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information to make a knowledgeable judgment on their own behalf (Quinault Allottees Association Resolution No. 80-01, 3/8/1980).

The Association's letterhead shows that six out of its 11 Committee members were also Directors of the 1979 Indians of the Quinault Reservation. With the exception of Helen Sanders (John Barnett, BIA Interview, 8/4/1995), the officers on both were identical. Barnett maintained that Sanders did not support Van Mechelen's attempt to form a separate tribe under the IRA, and was not part of the Indians of the Quinault. Barnett added that she returned to the Allottees Association as soon as the Indians of the Quinault ceased to function in whatever form it had assumed (John Barnett, BIA Interview 8/4/1995).

On April 7, 1980, the Commissioner of Indian Affairs wrote Dan Van Mechelen, informing him that the Associate Solicitor for Indian Affairs concluded that "the Secretary lacks legal authority to call an election such as you have requested in your petitions" and denied the request for an election. There is no further indication that the Indians of the Quinault existed after 1980.

On August 14, 1980, the BIA wrote to John Barnett informing him that a "Committee to review the Taholah Management Agreement for the purpose of identifying areas of concern for the landowners and recommending solutions to these areas has been established." It listed Helen Sanders Kirschling and John Barnett as approved members.

A letter dated April 3, 1981, from the Cowlitz Indian Tribe documents show that the CIT Tribal Council responded to a request from Portland Area BIA Forestry Robert O. Wynecoop, to select a delegate to attend a Forest Management Plan Task Force Committee meeting. The letter said that they had selected John Barnett "as the delegate from the Cowlitz Tribe to attend the Task Force Committee meeting on April 15, 1981." The letter added that "John is a trust land owner with full authority to speak for other tribal members" (Roy Wilson to R.O. Wynecoop, 4/3/1981).

While the letter provided no further clarification, BIA researchers concluded that Barnett attended these meetings on behalf of the General Council and reported regularly to

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the Tribal Council. However, Evelyn Bashor Byrnes, also a landholder in the Quinault, maintains that the CIT never had an official role.

I've been to some of the Quinault meetings, and I'll be going to the one on June 24th to discuss the lawsuit. Individual Cowlitz of Quinault allotments, not the Cowlitz Tribe, are involved in the lawsuit (Evelyn Bashor, Irwin Affidavit 12/29/1989 and 6/13/1989, Petition A-2366).

Thus, while documentation shows that Barnett was designated officially as a delegate for the CIT, the documentation does not show how many of the CIT general membership were involved, or how they were involved.

Other letters from the Quinault Tribe announced meetings to the CIT "with representatives from the tribes and Allottee groups" to discuss a proposal to develop an Intertribal Planning Group Committee (Guy McMinds to Roy Wilson, 9/2/1981). A letter from the BIA to Roy Wilson, CIT chairman, asked for "a Tribal Resolution" supporting the establishment of a forestry advisory board "for the purpose of obtaining input and dissemination of information concerning forestry matters on the Quinault Reservation (Director, BIA Portland Area Office to Roy Wilson, 9/19/1981).

Correspondence from the Quinault Allottees Association shows that the Quinault Allottees Committee continued functioning, holding annual meetings (Quinault Allottees Association Meeting Notice 2/15/1988).

In March 16, 1991, BIA research documents show that a special Allottees Association Meeting was called because:

It is the feeling of a large number of allottees on the Quinault Reservation that the group should not stop meeting to share common problems and to be better informed of issues that pertain to your land after the conclusion of the Mitchell case, which is almost completed Special Meeting Announcement, 3/16/1991).

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Documentation shows that in August 13, 1993, the Portland Area Office BIA refused to "recognize the newly-formed 'AA&AT' [Allottees Association and Affiliated Tribes] as 'the governing body of the Reservation'" (Portland Area Director, 8/13/1993, to Gloria A. Reed Brown).

The Allottees Association and Affiliated Tribes of the Quinault Reservation continued to communicate concerns to the BIA that the Quinault Tribe was attempting to take over individual land. That is, they maintained that the Quinault Tribe was attempting, through the land use planning and environmental regulation, to control increasingly the kinds of decisions landowners could make. These decisions, the members concluded, would allow the Quinault Tribe to assume gradual ownership of the lands. The BIA, they maintained, supported the Quinault efforts (John Barnett, BIA Interview 8/4/1995). The BIA dismissed the concerns as "broad accusations" (Crowell to Superintendent, Olympic Peninsula Agency, 8/24/1993).

3.2.5.2. U.S. v. Mitchell

On April 15, 1980, the United States Supreme Court found against Helen Mitchell and returned the case to the Court of Claims to consider law other than the General Allotment Act upon which to base the claim (Mitchell et al. Certiorari to the United States Court of Claims. No. 78-1756. Argued December 3, 1979 -- decided April 15 1980). (10-11).

On October 21, 1981, The Court of Claims, upon reconsideration, found that

The timber management statutes . . . reflected congressional intent to maximize Indian revenues for the long term. The court could see no room to question that an action could be maintained to compel the United States to disgorge the actual proceeds of timber sales

In 1989, the Federal government agreed to pay the allottees for damages (Hobbs to Capoeman-Baller 5/23/1994), and the Quinault Allottees Committee accepted a compromise settlement.

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On July 31, 1990, the Quinault Allottees Association distributed a report to its members "detailing the award to be made to you as a plaintiff in this case" (Gloria Reed Brown, Memo 7/31/1990), and solicited objections which would be due September 10, 1990. Later correspondence showed that:

According to the Allocation Plan, flat Awards are to be distributed to all heirs of any deceased plaintiff equally, and not according to any percentages or shares that might be specified in or follow from the terms of the probate order. So long as the heir is listed on the probate order as having inherited something, that person will share equally in the Flat Award (Hobbs 10/1/1990).

Hobbs explained that any other kind of distribution would require evaluating the merits of individual wills. This task, implied the letter, was beyond the scope of what the law office could do, since it would involve the law office in arbitrating individual family wills (Hobbs 10/1/1990).

3.2.5.3. Discussion

John Barnett reported that, during this time, he maintained contact with CIT members who were Quinault allottees. Among the 57 listed as allotted with the Quinault in the 1950's, Barnett recalled Evelyn Byrnes, her daughter Lorraine Newberg, and Charles Forespring:

in all those years, I had not only represented myself, as a landowner on the reservation, but I represented all the other Cowlitz people that owned land on the Reservation -- Evelyn Byrnes, Charles Forespring -- there's a whole host of them, but those are two examples of people that have allotments -- Lorraine Newberg -- on the reservation. And these people would come to me for advice, as to what to do in terms of signing a power of attorney, to the Bureau to sell timber, or whatever it happened to be. Forestry advice (John Barnett, BIA Interview, 8/4/1995).

Both Pearl Capoeman Baller, Quinault Chairman, and John Barnett, CIT General Council Chairman, agreed that neither the Quinault Allottees Association nor the Indians of the

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Quinault Reservation exist today. However, Barnett maintains that the present Quinault Allottees Association membership have created a third organization, i.e.,

. . . an allottees association and affiliated tribes. And this was an organization that was not involved with the Quinault Allottees Association, was not part of the Indians of the Quinault Reservation, but it did consist of the same people, basically. And they formed this organization for the same protection that the Indians of the Quinault Reservation had formed -- for protection of their personal trust property and their rights as Indians, many of whom were members of other tribes, like Chehalis or Dan Mechelen being a Chinook -- although he's also enrolled at Quinault he's also a Chinook. And this organization persists today. And what we did . . . maybe 4 or 5 years ago, is challenge the jurisdiction of the Quinault Nation to have exclusive government at Quinault (John Barnett, BIA Interview, 8/4/1995).

While not confirmed during the interview, the organization to which he refers is most likely the "Allottees Association and Affiliated Tribes" described in 3.2.5.1 above. BIA researchers did not interview Helen Sanders or others regarding Mitchell v. United States.

There is no evidence of widespread involvement by the CIT in political issues regarding the Quinault.⁷¹ However, as mentioned briefly above, some CIT members are concerned that the present leadership of CIT may be using their leadership position within CIT, and the Federal acknowledgment process, to obtain leverage in land use decisions within the Quinault (Steve Meyers, BIA Interview 7/29/1995).

⁷¹However, Petition documentation and BIA research shows that CIT still is involved in the disposition of Quinault lands. Robin Torner (BIA Interview 7/28/1995) has continued to advocate for landholder rights.

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3.2.6 Fishing Rights

The CIT petition emphasized the topic of fishing rights. According to John Barnett, the CIT joined in the fishing rights case along with the Wahkiakum Chinook band, The Wahkiakum Band of Chinooks v. Bateman, in 1978. In 1980, STOWW lawyer Dennis Whittlesey filed for an injunction

to restrain the defendants from restricting and violating exercise of their aboriginal and Federally guaranteed rights to take fish. Plaintiffs have no adequate remedy at law and will suffer further irreparable injury unless the injunctive relief sought is granted by this Court (Petition A-1536-37).

Cowlitz plaintiffs included John Barnett, Norman R. Monohon, Roger Nelson, Mae E. Purcell, Carolee Green, Nadine McKinney, Mary L. Wetzell, Joseph E. Cloquet, Richard Iyall, David Ike, and Linda Foley. Plaintiffs included both métis descendants such as Monohon, Nelson, Purcell, Green, McKinney, Wetzell, and Cloquet. Upper Cowlitz descendants included Ike, and Lower Cowlitz descendants such as Iyall.

To fund these lawsuits, John Barnett asked for CIT Tribal Council members to sign a petition offering to pay lawyer costs by paying a percentage of what they would be paid from their Docket 218 claims funds. A total of 36 signed (Petition A-1922).

As far as CIT involvement is concerned, John Barnett maintained that the CIT members did not have commercial fishing interests. No documentation has been found indicating that they did. Instead, Barnett refers to "attachment to the river and its resources"

Not that fishing is going to be a big issue with the tribe, but there are a lot of people that are interested in it. They resent the fact that they can't fish as Indians in their own rivers. This really bothers them. Some more than others. I think -- well, my Uncle Joe Cloquet, myself, presently people like Mike Hubbs, Randy Cottonware -- They have a real attachment to that river, and to the resources in it, and they have a real

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feeling that they have that right to fish as Cowlitz Indians (John Barnett, BIA Interview, 8/4/1995).

This attachment is limited to ceremonial interests and no longer involves subsistence. Randy Cottonware negotiated with the State Fisheries Department to obtain fish for use in revitalized ceremonies (See 3.2.4 ff above, Kinswa, BIA Interviews 7/25/1995, 8/2/1995).

Before pursuing larger-scale commercial fishing rights, the CIT has decided, according to John Barnett, simply to wait until acknowledgment has been decided (John Barnett, BIA Interview, 8/4/1995). Not all CIT members were in favor of the fishing rights involvement. For example, Evelyn Byrnes maintained that the effort distracted the CIT from what its primary efforts should have been -- Federal acknowledgment. When she objected, she reported, she was voted down:

Well, there were too many voting for it . . . I was the only one voting against it . . . and then when they had this fishing business going on. They had that hearing in Portland on fishing. I told them at the meeting in Olympia. "It don't do you any good because you can't get fishing rights without being recognized." They went ahead anyway (Evelyn Byrnes, BIA Interview, 7/28/1995).

CIT involvement in fishing rights did not involve CIT membership with an interest in commercial fishing, either on the Cowlitz River or elsewhere. Present involvement is ceremonial and is negotiated informally with the State Department of Fisheries, and does not involve the wider membership directly.

3.2.7 Adoption Proceedings

Meeting minutes show that the CIT became involved in child adoption proceedings initially through solicitation for involvement from the Washington Department of Social and Health Services. CIT member Dianna Smalley (Kinswa) maintained contact with these agencies. CIT Tribal Council meeting minutes reveal the first such involvement arose in 1989. The Department informed the CIT that they "would like to receive word from the tribe as to our desire for

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involvement in future adoptions of [two] children of Cowlitz heritage." The minutes continue to explain:

Following discussion, John Barnett moved that we notify this agency that the tribe wishes to reserve the right to approve the adoption of these children, and his motion also included enrolling the [two] children . . . in the tribe (CIT Tribal Council Meeting Minutes 7/15/1989).

The motion carried. Tribal Council meeting minutes for October 14, 1989, reveal that

An Indian-based group has intervened, requesting that they be removed from their present foster home and be adopted by an Indian family. The Cowlitz Tribe, however, continues to support adoption by the present foster family (CIT Tribal Council Meeting Minutes 10/14/1989). Minutes show that on January 23, 1993, the Tribal Council again discussed issues of adoption. The minutes do not make clear exactly what issues were involved, but "vote was taken by secret ballot due to the controversy expressed within the group, and results given later were . . . 6 for and 9 against, 2 abstentions" (CIT Tribal Council Meeting minutes, 1/23/1993).

Documentation for this case is lacking, but CIT members maintained that the controversy involved a lesbian couple adopting a child of Cowlitz descent (Burlingame, BIA Interview, 8/2/1995). As Carolee Morris explained:

The people that wanted to adopt it was not a woman and a man couple; it was two women. One of the women was Nez Percé. And she brought the baby to a council meeting and asked for permission for adoption. And our council voted against the adoption, because it was . . . a Lesbian couple, apparently. And the couple won!⁷² (Carolee Morris, BIA Interview, 7/24/1995, footnote added).

⁷²That is, the couple kept the child.

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Another case, however, involved CIT families who came to the CIT Tribal Council for intervention on their behalf. A California-based adoption agency had asked the CIT for a "release from the tribe to place the soon-to-be-born child for adoption" (Chasko to Carolee Morris, 12/2/1994). According to Michael Hubbs, CIT Tribal Council Enrollment Committee Chairman:

It was simple, I got contacted through an agency that the child was up for adoption. So I checked into it, and it turned out to be my cousin. So I called the grandmother of the child that was to be born, and it was my first cousin. She informed me that her daughter had had an accident, was pregnant, [and] was due in a few months. So I talked with her; she said she would keep me in mind -- she had basically picked a family already -- but that it was still not anything written in concrete -- she could always change her mind. And, hell, we pursued it -- I kind of let it fall to the side at first . . . because I didn't get a reaction from my wife. I guess I understood her reaction of just quietness as being "no." And so finally, I just took it on my initiative again, and I pursued it a little more. I found out that the girl had left to go to California. My second Cousin. And that's when the big fight started (Michael Hubbs, BIA Interview, 7/24/1995).

John Barnett, CIT General Council Chairman, then contacted the Quileute Tribal Council, asking them to intervene on behalf of CIT member Mike Hubbs. The Tribal Council responded that

The Quileute Tribal Council has considered your request to assert jurisdiction . . . We have instructed the Quileute Tribal Court to take whatever steps necessary to accomplish this (Woodruff to Barnett, 4/20/1995). Legal documentation shows that after a hearing 6/12/1995, the Superior Court of the State of California, San Mateo County, decided that the State of California has jurisdiction over the child, and that the Indian Child Welfare Act does not apply. While further documentation in the case was not available, the

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CIT members maintained that after the two court decisions, the Quileute had to drop the case because they lacked the resources to continue (John Barnett, BIA Interview, 8/4/1995).

The information presented above shows that the CIT became involved in adoption issues as a result of various officials' interpretation of the American Indian Child Welfare Act's Federal consultation requirements. There is some evidence, however, that individual CIT members became interested in adoption issues on their own, and that the CIT has intervened and advocated on their behalf. As this individual adoption has propelled the CIT Tribal Council into an advocacy role, they enlisted the assistance of other recognized tribes.

4. WHERE ARE THEY ALL NOW?

A total of 1,030, or 65 percent, of today's 1,577 total CIT voting and non-voting membership reside in Washington State. The other states where most of the CIT membership reside include Oregon (184, or 11.7 percent) and California (120 or 7.6 percent). There are 85, or 5.4 percent, whose addresses are unknown, and 158, or roughly 10 percent, who reside in other states. The following table summarizes for states overall. In the following analysis, and all other analyses in this subsection, no distinction is made between voting or non-voting members.

STATE	COUNT	Percent of National total
Unknown	85	5.4%
Washington	1,030	65.3%
Oregon	184	11.7%
California	120	7.6%

The most populous of these other states include Nevada, Wyoming, Texas, and Alaska, with 17, 15, 14, and 12 respectively. The remaining states include Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Michigan,

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Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New Jersey, New York, North Dakota, North Carolina, Oklahoma, South Dakota, Utah, Virginia, and West Virginia.

Of the 184 who live in Oregon, 114, or 70 percent, live in the cities of Portland (32), Newport (15), Milwaukie (12), and Madras (11). The remainder are scattered throughout 52 other cities. Portland has by far the largest concentration of CIT members, and is only a 30-mile, or 45-minute drive, at most, from Kelso, Washington.

Of the 120 who live in California, the largest number live in Sacramento (19 or 15 percent), with nine (7 percent) residing in Eureka. The remainder are scattered throughout 52 other communities.

Within Washington State itself, by far the largest proportion reside in Tacoma (153 or 14.9 percent), Olympia (78 or 7.6 percent), Seattle (68 or 6.6 percent), and Longview (42 or 4.1 percent). The total of 341 is 33.1 percent of the total Washington Cowlitz population. Another 22.9 percent, or 236, are scattered through communities containing from 20 to 39 CIT members. These communities are summarized in the following table.

CITY	Number	Percent Subtotal of total Washington Residence	
Castle Rock	33	3.2%	236
Roy	29	2.8%	
Puyallup	27	2.6%	
Spokane	23	2.2%	
Friday Harbor	22	2.1%	
Chehalis	21	2.0%	
Vancouver	21	2.0%	
Yakima	20	1.9%	
Spanaway	20	1.9%	
Centralia	20	1.9%	

Finally, another 401, or 38.9 percent are scattered throughout 119 other communities in Washington. Each of

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these communities varies in number of CIT members from 1 to 19. The following table lists these communities.

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Residual Modern Day Cowlitz Population Distribution:
Washington State

Graham 19	Forks 3	Granite Falls 1
Kelso 18	Orting 3	Grapeview 1
Federal Way 17	Sedro Woolley 3	Gresham 1
Tumwater 16	Sequim 3	Hansville 1
Raymond 15	Springdale 3	Harrah 1
Shelton 15	Sumner 3	Kalama 1
Lacey 14	Wauna 3	La Center 1
Winlock 14	Allyn 2	La Conner 1
Everett 12	Bellevue 2	La Grande 1
Aberdeen 10	Buckley 2	Lake Stevens 1
Anacortes 10	Burlington 2	Lynnwood 1
Bellingham 10	Edmonds 2	McCleary 1
Gig Harbor 10	Fife 2	McMillan 1
Toledo 10	Grayland 2	Milton 1
Yelm 10	Hoodspoint 2	Montesano 1
Port Townsend 9	Keyport 2	Montlake Terrace 1
Bremerton 8	Kingston 2	Moses Lake 1
Vader 8	Mead 2	Mossyrock 1
Arlington 7	Monroe 2	Moxee 1
Bothell 7	Mount Vernon 2	North Bend 1
Hoquiam 7	Nine Mile Falls 2	Oak Harbor 1
Port Angeles 7	Port Orchard 2	Palmer 1
Kent 6	Redmond 2	Port Ludlow 1
Morton 6	Silvana 2	Prosser 1
Oakville 6	Snohomish 2	Rainier 1
Randle 6	Steilacoom 2	Ridgefield 1
Stevenson 6	Walla Walla 2	Ryderwood 1
Toppenish 6	Ashford 1	Silverdale 1
Westport 6	Bold Bar 1	Snoqualmie 1
Copalis Crossing 5	Brinnon 1	South Prairie 1
Long Beach 5	Camas 1	Stanwood 1
Marysville 5	Carlsborg 1	Taholah 1
Onalaska 5	Carson 1	Tenino 1
Renton 5	Cathlamet 1	Tracytown 1
Eatonville 4	Chattaroy 1	Union 1
Napavine 4	Copalis Beach 1	Union Gap 1
Auburn 3	Custer 1	White Salmon 1
Battle Ground 3	DuPont 1	Winthrop 1
Belfair 3	Elma 1	Zillah 1
Clarkston 3	Ethel 1	

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It should be emphasized that presenting this summary in bands of 1-19, 20-39, and 40+ is for ease of summarizing only, and is not of itself indicative of sociological significance.

This residency distribution, analyzed at this level of generality, does not show the presence of any geographically-defined community. It shows that in recent times that a large proportion of the CIT membership has resided in communities located in the western half of the State of Washington.

Some individual CIT members distinguished between where they presently resided and their family homes. The latter, they maintained, were near the residences where one of the relatives who maintained a family cemetery. Those who made this distinction sometimes said they planned to be buried in these cemeteries (Wendy Kinswa, BIA Interview 7/29/1995; Marsha Williams, BIA Interview 7/24/1995). Others, such as the Wannassay members, maintained that their ancestral home was near the land they claimed, near Squaw Island, in Kelso.

The following information from the 1919 Roblin Rolls shows that the petitioner membership has resided in the above dispersed pattern throughout the 20th Century. The following table summarizes the distribution by state

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Cowlitz Roblin Roll Distribution: Nation-Wide

State	Number	Percent
Unknown	209	23.5%
Washington	583	65.4%
Oregon	51	5.7%
California	12	1.3%
Alaska	7	0.8%
British Columbia	6	0.7%
Montana	5	0.6%
Alberta	4	0.4%
Nebraska	4	0.4%
Kansas	3	0.3%
Idaho	2	0.2%
Massachusetts	1	0.1%
Mexico	1	0.1%
Minnesota	1	0.1%
New York	1	0.1%
North Dakota	1	0.1%
TOTAL	891	100.0%

The proportion between those who live in Washington, as opposed to elsewhere, is very similar to the present. The three most populous states are, again, Washington, Oregon, and California.

Within the state of Washington, the towns of residence are again scattered primarily throughout the area west of the Cascades. The following chart summarizes the towns with largest concentration (i.e. 20 + people living in them).

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Cowlitz Roblin Distribution Within Washington

Town	Number	Percent
Friday Harbor	74	12.7%
Winlock	42	7.2%
Seattle	39	6.7%
Castle Rock	35	6.0%
Roy	35	6.0%
Tacoma	27	4.6%
Vader	22	3.8%
Alpha	21	3.6%
Centralia	21	3.6%

The following table summarizes the distribution for residences with fewer than 20 people.

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Residual 1919 Roblin Roll Cowlitz Population Distribution:
Washington State

Cathlamet 19	Olympia 4	Spanaway 2
Roche Harbor 15	Yakima Allotment 4	Union Mills 2
Silver Creek 14	Auburn 3	Wildwood 2
Chehalis 11	Carson 3	Battle Ground 1
Puyallup 10	Ceres 3	Brown's Pt 1
South Bend 10	East Sound 3	Delphi 1
Randle 9	Forest 3	Hoquiam, 1
Tenino 9	Gate 3	Little Rock 1
Bremer 8	Toledo 3	Lyndon 1
Orting 8	Vancouver 3	Milton 1
Charleston 7	West Sound 3	Onalaska 1
Harrar 7	Anacortes 2	Oysterville 1
Nesika 7	Bay Center 2	Ridgefield 1
Oakville 7	Bellingham 2	Sequin/Dungeness 1
Rochester 7	Cosmopolis 2	Spokane 1
Yelm 7	Ethel 2	Stevenson 1
Aberdeen 6	Hartline 2	Sumner 1
Humtulsips 6	Lewis 2	Toppenish 1
Cispus 5	Mossy Rock 2	Waldron 1
Eatonville 5	Nisqually 2	Westport 1
Moclips 5	Olequa 2	Wichersham 1
Munroe 4	South Tacoma 2	

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Of a total of 583, 188, or 32.2 percent reside in groups smaller than ten, in towns throughout the Washington State area.