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8	PUBLIC HEARING
9	PROPOSED CHINOOK USE AND DISTRIBUTION PLAN
10	DECEMBER 2, 2021
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24	BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR 477550 BARKLEY
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8	PUBLIC HEARING
9	PROPOSED CHINOOK USE AND DISTRIBUTION PLAN
10	THURSDAY, DECEMBER 2, 2021
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24	BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR
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1	REMOTE VIA ZOOM, DECEMBER 2, 2021
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3	MR. MERCIER: Welcome. Thank you for
4	attending this virtual public hearing of record. I
5	am Bryan Mercier, Northwest Regional Director of
6	the Bureau of Indian Affairs. With me today are
7	Sharon Jackson and Greg Norton, tribal government
8	specialists.
9	Normally we would conduct such a hearing
10	in person. However, due to the COVID-19 pandemic,
11	we are holding this online.
12	We will begin with Sharon providing a
13	briefing that will explain the purpose of the
14	hearing, provide a background of events and summary
15	of the proposal.
16	Please note that during Sharon's
17	presentation, the audience's microphone will be
18	turned off. Sharon will explain the ground rules
19	about speaking before turning the hearing over to
20	the moderator for questions and comments.
21	Please note that this hearing is being
22	recorded.
23	MS. JACKSON: Thank you, Regional Director
24	Mercier. The purpose of this hearing of record is
25	to gather input for development of the Chinook

Τ	judgment funds use and distribution plan. Input is
2	sought from individuals and tribal entities with
3	lineal descendant ties to those people mentioned in
4	the Clatsop and Lower Chinook band of Indians
5	referred to in this hearing as the 1914 roll.
6	As the regional director stated, this
7	hearing is being recorded. A link to the video
8	will be posted on www.bia.gov/c-h-i-n-o-o-k,
9	chinook, after completion of the hearing.
10	We begin with a background and draft plan
11	briefing. After the briefing, you will be provided
12	with an opportunity to pose your questions and
13	comments. During that time, we respectfully
14	request that you please limit your questions and
15	comments relevant only to the development of the
16	plan.
17	On November 14, 1970, the Indian Claims
18	Commission, ICC, decided Docket 234, ruling in
19	favor of the Lower Band of Chinook and Clatsop
20	claimants. The ICC awarded \$48,692.05 in
21	additional compensation for the loss of Lower Band
22	of Chinook and Clatsop lands in the Treaty of Tansy
23	Point.
24	The ICC then ruled that the individuals
25	identified as Clatsop or Lower Band of Chinook on

1	the 1914 per capita payment roll or their lineal
2	descendants as beneficiaries of the awarded
3	compensation.
4	The Bureau of Indian Affairs, or BIA, was
5	then tasked with developing a plan for the use and
6	distribution of the funds. The BIA held a hearing
7	of record on June 8th, 1974, in Skamokawa,
8	Washington to receive input on how the funds should
9	be used or distributed.
10	The BIA hearings officer estimated that in
11	1974 there were between 5,000 and 6,000 individuals
12	who could potentially claim eligibility for a per
13	capita distribution.
14	If the awarded compensation was to be
15	distributed on a per capita basis in 1970, the
16	estimated distribution would likely have been less
17	than \$10 per recipient.
18	Because the awarded compensation amount of
19	money was so small and because there could be a
20	potentially large number of prospective per capita
21	recipients, the results of the hearing on outcome
22	was that the funds should be used to establish an
23	educational scholarship account.
24	Thus the acting superintendent, Western

Washington Agency, now Puget Sound Agency,

1	recommended to the acting director of Portland Area
2	Office, now Northwest Regional Office, that the
3	judgment funds be used for an educational
4	scholarship fund. The acting director of Portland
5	Area Office concurred and forwarded the
6	recommendation to the Commissioner of Indian
7	Affairs.
8	To date the distribution has not vet

To date the distribution has not yet occurred due to a statutory requirement that limits per capita distributions to 80 percent of a particular judgment.

Even at 100 percent, the amount remains insignificant, including the inherent difficulties in determining all the rightful beneficiaries, the 1970 estimate was 5,000 to 6,000, and the lack of Federal recognition status for the Lower Band of Chinooks and Clatsop Indians.

During this 50-plus-year period, a group claiming status as the successors in interest to the Lower Chinooks and Clatsops embarked on an unsuccessful attempt at Federal recognition. With the recognition issue having been decided pending litigation on said decision, and there still being no Federally recognized Lower Chinook or Clatsop Tribe, we refer back to the mandate of the ICC

1	Docket 234 order, and that is that the funds
2	benefit the individuals listed on the 1914 rule or
3	their lineal descendants.
4	In March of 2021, the BIA was directed to
5	resume development of a plan for the use and
6	distribution of the ICC Docket 234 judgment funds.
7	As the hearing of record was conducted over 50
8	years ago, the Bureau is actively reaching out to
9	gather input from individuals and tribal groups who
LO	believe they have lineal descendancy connections to
L1	the 1914 roll.
L2	On July 22nd, 2021, the Bureau distributed
L3	letters to the 45 Federally recognized tribes in
L4	the Northwest Region of the United States as well
L5	as the nonrecognized Tribal entity claiming Lower
L6	Chinook and Clatsop ancestry.
L7	Three tribes or tribal entities responded:
L8	The Federally recognized Confederated Tribes of the
L9	Grand Ronde Community of Oregon, or Grand Ronde;
20	the Confederated Tribes of Siletz Indians of

We now provide a summary of the proposed draft use and distribution plan. At present, the secretary's proposed draft plan builds on the

Chinook Indian Nation, or Chinook.

Oregon, or Siletz; and the non-Federally recognized

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findings of the ICC regarding the rightful
beneficiaries on the consensus reached at the 1974
hearing of record with the accompanying BIA
recommendation.

The judgment funds would be managed in perpetuity to provide annual funding of educational scholarships for the lineal descendants of the 1914 roll.

A six-member oversight board would be established, with Chinook, Grand Ronde and Siletz each selecting two members. In the event one of the three entities decides not to participate, selection of the positions they would have chosen would be split among the remaining members.

The oversight board would solicit and accept annual applications from individuals who are able to verify their lineal descendancy from those individuals listed on the 1914 roll, regardless of whether the individual was an enrolled member of a particular tribe or tribal group. With limited funding, additional eligibility criteria and award amounts would be established by the oversight board.

The balance of the fund on the deed of Congressional approval of the final plan submitted

by the secretary would serve as the base fund and 1 2 be managed and reinvested in perpetuity. 3 Annual revenue from the fund would be distributed through the oversight board to 4 successful grant recipients. 5 No holdover of funds from year to year 6 7 would be allowed. These are the basics of the draft plan. We will now move to the comments and 9 10 questions portion of the hearing. The procedure for commenting is as follows: 11 12 Please raise your hand. You raise your hand by clicking the icon with the hand symbol at 13 the bottom of the webinar screen. 14 If you are 15 calling in via a phone, dial star 9 on your phone 16 in order to raise your hand. 17 Once your hand is raised, the panelist will be alerted that you wish to speak. 18 19 When it is your turn to speak, the moderator will verbally address you by either your 20 21 screen name or, if calling by phone, by the last four digits of your phone number. 22 23 After addressing you, you will be unmuted 24 and you will be able to ask your question and make a verbal comment for up to three minutes. 25

1	Please begin your comments by stating your
2	full name.
3	There is a three-minute time limit for
4	comment. If your comment exceeds three minutes,
5	you can submit additional testimony at
6	chinook.comments@bia.gov.
7	To allow for all comments to be expressed,
8	please limit your questions and comments relevant
9	only to the development of a plan.
10	I will now turn the meeting over to our
11	moderator.
12	MODERATOR: Thank you. When your name is
13	called, please state your name and your connection
14	to the 1914 Lower Chinook and Clatsop payment roll.
15	The first person to speak is James Coon.
16	Please unmute your phone and begin.
17	MR. COON: Thank you, Madam Moderator.
18	My name is James S. Coon. I am an
19	attorney with Thomas, Coon, Newton & Frost in
20	Portland, Oregon, and I represent the Chinook, both
21	in Federal Court and at this hearing today.
22	My first question would be whether it's
23	possible for us to present our testimony on behalf
24	of the Chinook as a group, or will the participants
25	be called on at random?

1 Is there an answer to that question? 2 Very well -- oh. 3 MODERATOR: The participants will be called in the order that they raise their hand. 4 5 MR. COON: Okay. Thank you very much. Ι 6 appreciate that. 7 As I said, I represent the Chinook both in Federal Court and here. And I would ask you to 8 9 consider that the question before you today is not 10 who can claim some Chinook ancestry among their enrolled members. I think there are dozens of 11 12 tribes in the Northwest who could make that claim. 13 The question is: Who is the proper 14 organizational representative of the Docket 234 15 trust? And in that connection, the Chinook Tribe 16 17 alone brought the Docket 234 claim in 1951 for 76,000 acres of ancestral land at the mouth of the 18 19 Columbia. They alone were recognized by the Indian 20 Claims Commission as the proper party to bring that 21 They were the ones alone who hired the claim. lawyers, paid for them, paid expert witnesses and 22 23 appraisers to pursue the claim for 20 years, until 24 final judgment in November of 1960 -- excuse me, 25 1970.

1	The Siletz had their own docket, 240, two
2	four zero, for the Tillamook and Nehalem Tribal
3	folks, but they had no part in the Docket 234
4	proceedings.
5	The Chinook alone are the repository of
6	records for Docket 234. In Federal Court, when
7	this issue was litigated, the agency's record
8	included many, many documents. None of them
9	concerned any tribe other than the Chinook. And
LO	they covered 40 years of contact concerning
L1	investment, concerning use of the funds, every
L2	matter that can that can happen between a
L3	fiduciary and someone and a beneficiary of a
L4	trust, all with the Chinook, none with the Siletz
L5	or with anyone else.
L6	The agency has mentioned recognition.
L7	Recognition is irrelevant to trust fund
L8	entitlement, and that's what the that's what the
L9	Court held in sending this case back. The Court
20	held it was arbitrary and capricious for the agency
21	to base trust fund entitlement on recognition in
22	any way. So that's already been ruled on in
23	Federal Court.
24	The Siletz did nothing with respect to

Docket 234 until 2018, 67 years after we filed the

1 claim at the Indian Claims Commission.

And the Court denied their request in 2018 to intervene in the Federal case because, as the Court said, in "nearly five decades" "since the ICC entered its judgment," "the Siletz" "makes no showing that it received account statements," "ever formally requested" "funds" "or" "has taken any interest in the funds" in question.

There is only one tribe that has any organizational interest in this -- in this fund. It is not the Siletz. It is not anyone else. It's the Chinook Indian Nation. They should be the sole rightful beneficiary.

MODERATOR: Mr. Coon, we appreciate your comments. Your three minutes has elapsed.

MR. COON: Thank you. I appreciate it.

MODERATOR: The next person to speak is Carson Viles. Please unmute your phone.

MR. VILES: Hello. My name is Carson

Viles. I am a direct descendant of a person of
interest, Robert Service. (Speaking Tribal
language.) I am going to do my best today to speak
to this issue.

I am here as a Siletz Tribal member and also as a Chinook descendant to request that the

BIA adopt a new plan and partnership with Chinook 1 2 Indian Nation that's satisfactory to Chinook in 3 regards to this matter and also to ask the Siletz Tribe, my own tribe, to drop their interest. 4 I am doing that because of my 5 understanding of my family's ancestry and other 6 Chinook families' ancestry as Siletz. 8 And I'd like to offer some clarifying points about enrollment practices at Siletz that 9 10 are pertinent to this case. 11 Upon having our Tribal status restored at 12 Siletz, our Tribe elected to count all Indian blood 13 rather than only Indian blood from ancestries appearing on a roll at Siletz towards our Tribal 14 15 citizens' blood quantum at Siletz. 16 Our enrollment practice at Siletz at 17 restoration required our Tribal members to show direct descendancy from our termination roll, which 18 19 at that time did not include the McChesney roll. 20 Our current enrollment process at Siletz 21 is broad but also opaque, as Tribal Council retains the right to add and remove which rolls signal 22 23 eligibility for consideration in Tribal membership, 24 and to my knowledge, there is no list available to

Tribal members of what rolls are currently

constituting our enrollment.

Siletz, like all tribes, does have a right to use rolls outside of those taken from our own reservation as a basis for Tribal citizenship in recognition of common ancestry, familial ties or any other pertinent factors.

So while a number -- a substantial number of descendants of Chinook Indians are enrolled as Siletz, this demographic is largely resulting from a history of intermarriage and, therefore, does not support the Siletz Tribe's claim of entitlement to these funds.

As an example, my ancestor, Robert

Service's, Indian blood, never during his lifetime

nor after his lifetime, was a means for us to

establish our descendancy as Siletz people.

Instead, my great-grandma Ada Carson Service's

ancestry made our family eligible to enroll, and

Robert's Chinook ancestry was allowed as additional

blood quantum to be counted for our descendants.

Again, I am asking that the BIA work directly with Chinook Indian Nation to develop a satisfactory plan for dispersing these funds and that my own Tribe, Siletz, remove any interest in this case.

1	(Speaking Tribal language.) Thank you. I
2	am finished.
3	MODERATOR: Thank you. The next person to
4	speak is Carlee Wilson.
5	MS. WILSON: Hi, everybody. My name is
6	Carlee Wilson. I am a citizen of the Chinook
7	Nation and a direct descendant of Askalwich, who
8	signed the Tansy Point Treaty.
9	I am testifying to oppose the proposed
10	distribution plan. I ask that the BIA follow the
11	law and work directly with the Chinook Indian
12	Nation. I also ask the Siletz to end their claim
13	against us.
14	We may not be Federally recognized, but we
15	are a recognized people. The states of Washington
16	and Oregon, many politicians, many Northwest
17	tribes, many supporters recognize us for who we
18	are, the Chinook Indian Nation.
19	I again urge you to make the distribution
20	plan directly with the Chinook Nation and our
21	Tribal Council.
22	Thank you.
23	MODERATOR: Thank you.
24	The next person is Jae Viles-Erdelt.
25	MR. VILES-ERDELT: Hello, BIA. My name is

1 Jae Viles-Erdelt. I am a descendant of the Chinook 2 People of the Columbia River and a descendant of 3 the Sixes People -- the Joshua People of the Sixes River. 4 I am here to read a letter that I'm going 5 to be -- that my family has written that we intend 6 7 to send to the Siletz Tribal Council. "Dear Siletz Tribal Council, our Tribe's, the Siletz Tribe's, continued involvement in Docket 9 10 234 legal proceedings between the BIA and Chinook 11 Indian Nations concerns us greatly. 12 "Would you please resist interfering in the Chinook Indian Nation's claims? Because more 13 than a few Siletz Tribal members have Chinook 14 15 Indian ancestry, including our family, the Tribe states that Siletz has a right to lay claims to 16 17 funds awarded to the Chinook Indian Nation in 1970. "We disagree for these reasons: Chinook 18 19 ancestry at Siletz is not equal to Chinook identity. Marriage of our Siletz ancestor Ada 20 21 Carson Service to a Chinook man, Robert Service, can never alter the historical and continuing fact 22 that we descendants of this union have always 23 24 traced our Siletz lineage and eligibility for 25 Siletz citizenship through our Siletz matriarch,

not our Chinook patriarch. 1 2 "Robert's Chinook Indian blood should be 3 counted towards our blood quantum in the same way his Flathead blood is, as relevant Indian blood for 4 5 blood quantum calculation, not as a means to lay 6 claim to property of other indigenous nations. 7 "Other Lower Chinook- and 8 Clatsop-descended people at Siletz are similar to our family. Their Chinook ancestors have been 9 10 legally weaponized for use against the Chinook Indian Nation" -- "their Chinook" -- "and their 11 12 Chinook relatives." The -- the rest of this letter will be 13 14 read later by my cousin. Thank you. 15 MODERATOR: Thank you. 16 The next speaker is Rachel Cushman. 17 MS. CUSHMAN: (Speaking Tribal language.) Hello. (Speaking Tribal language.) My name is 18 19 Rachel Cushman. (Speaking Tribal language.) I am the elected secretary/treasurer of the Chinook 20 21 Indian Nation. I am a direct descendant of Clatsop Chief 22 23 Wasilta, also known as Washington. My grandfather 24 was one of two negotiators and signers for the 25 Clatsop Tribe of Chinooks at the Anson Dart

Treaties at Tansy Point, Oregon in 1851. I am proud of that fact.

I am also a doctoral student in indigenous race and ethnic studies with a focus in indigenous anticolonial studies. I write about resistance, Federal Indian policy, again, the lateral violence and sovereignty.

I am testifying today to oppose the proposed distribution plan. Siletz's intervention in our Docket 234 Indian court of claims judgment funds is a direct challenge to every tribe's sovereignty.

Should tribes, on the basis of having descendants from other communities, be allowed to access other tribes' funds, rights and resources?

No. The Chinook Indian Nation is a sovereign nation, regardless of our Federal status. We have the right to self-determination and stewardship of our territory.

I am also Tillamook and Chehalis. But does the Chinook Indian Nation represent those tribes? No. They do not represent them in government-to-government relationships, nor does the Chinook hold aboriginal title over their lands because of my enrollment and/or the enrollment of

1 others with that descendancy. 2 I ask the BIA to follow the law and to 3 work directly with us, the Chinook Indian Nation, to develop a use plan that is acceptable to our 4 community and benefits our Tribal programs. 5 I would also like to ask the Siletz 6 7 representatives here to drop the claim. 8 (Speaking Tribal language.) Thank you. MODERATOR: Thank you. 9 10 The next speaker is Donovan Wargo. Please 11 state your name and your connection to the 1914 12 roll. 13 The next person to speak is Ann Squier. 14 Please unmute yourself. If anybody is having any technical 15 16 difficulties, please call the number on the slides, and we can get assistance if you're having trouble 17 with your microphone or unmuting. 18 19 Moving to the next person, Chris Mercier. 20 Please unmute yourself. 21 MR. LANGLEY: So this is Michael Langley, and I think somehow we got our names mixed up 22 23 because I just got asked to unmute. 24 MODERATOR: Ah, okay. Yes, you're the one 25 that was selected. Please state your comments.

1 You have three minutes. 2 MR. LANGLEY: Oh, so Michael Langley, go 3 ahead? 4 MODERATOR: Yes, please. 5 MR. LANGLEY: Okay. So good afternoon. My name is Michael 6 7 Langley, and I am the Tribal Council secretary for the Confederated Tribes of Grand Ronde Community of Oregon. 9 10 And I know people have brought this up 11 before on this, and my blood from the Tribe is 12 Umpqua. I am also Klickitat, and I am also Chinook; and from my grandma's side I am 13 Shoshone-Bannock. 14 15 And in all those cases, nowhere does those 16 allow me the rights in those other tribes to speak 17 for them. And what I'm speaking for today is just for our own Confederated Tribes. 18 19 And as a Tribe, we have really benefited from the CARES and the ARPA funds, and it's really 20 21 sad that our Chinook relatives were not considered in that funding and were unable to benefit from the 22 funds made to the tribes throughout the nation. 23 24 And especially so because when I -- we 25 were a terminated tribe, and when we were restored,

we know what that feels like. Because in all those years of termination, we just went on being Indian.

And I know we would run into the Chinook people when we were fishing or we were clamming or we were dipping smelt. I have always seen the Chinook people. I have never not seen them as an organized people.

This settlement money is not ours to claim. The funds should go to the Chinook Nation and no other tribe should be able to claim or lay claim to them. It -- they are the ones that did the work on behalf of their nation, and they have -- they continue to do the work as well.

We have supported -- as a tribe, we have supported the Chinook Indian Nation in their efforts for not only this case, but in for recognition itself. And moving forward, we will continue to support their efforts and will support them with regular financial assistance to help them with their community needs as well.

You know, as the Chinook people often say, they have all the problems of Indian country, but no means of fixing them because of their neglect by the Federal government.

And with this in mind, we ask our Siletz

1 relatives to strongly reconsider their claim on 2 Chinook's land-claim dollars and ask them to 3 consider regular financial donations to support their Chinook relatives' needs. 4 5 We urge everyone, not just the Siletz 6 Tribe, we urge everyone to do what's right and to 7 hand these funds over to the Chinook Indian Nation. Thank you. MODERATOR: Thank you. 9 10 Ann Squier, can you unmute yourself? 11 MS. SOUIER: Thank you. 12 Good afternoon. I am Ann Squier. reside in Portland, and for the -- more than five 13 14 years I have been privileged to support the Chinook 15 Indian Nation in its struggle to achieve justice. As with other ICC awards, the Docket 234 funds are 16 17 held in trust by the United States for the beneficiary Chinook Tribe, CIN. 18 19 Many interactions over the years, 20 including the regular Docket 234 statements, 21 confirm BIA's recognized fiduciary obligation to BIA has communicated with the Chinook Nation 22 CIN. on issues surrounding Docket 234 over the past half 23 24 century, including holding a hearing in Skamokawa 25 and creating proposed uses for the funds in the

1	mid-'70s.
2	The historic record shows that
3	correspondence from the Federal government about
4	Docket 234 has been exclusively with the Chinook
5	Tribe.
6	CIN is in possession of the physical
7	record. No other person or tribe has these
8	documents, and no one else has any legitimate claim
9	to benefit from those dollars held in trust.
10	BIA treated CIN as the sole beneficial
11	owner of the trust for more than 40 years, until it
12	made the decision that the District Court recently
13	declared to be in error.
14	The Chinook Tribe is and always has been
15	the beneficial owner of the Docket 234 funds, yet
16	BIA created today's proposal and process as if
17	there were no CIN entity in Bay Center, Washington.
18	Rather than following the process set out
19	in Federal code to work with the beneficiary, CIN,
20	to craft a plan for use of its funds, BIA proposes
21	a scheme developed without any contact or
22	consultation with the Chinook Tribe. No contact.
23	The government's trust responsibility is
24	to the Chinook Nation.

The current proposal is entirely

unacceptable to the Chinook Nation. The Chinook 1 2 Tribal Council's August resolution describes the 3 uses to which the beneficiary would like to put its funds. 4 I urge BIA to honor its fiduciary 5 obligations and work directly with CIN to create an 6 7 appropriate plan for use of the Docket 234 funds. 8 I may supplement these brief remarks with a written submission for the record. 9 10 Thank you very much. 11 MODERATOR: Thank you. 12 The next person to speak is Donovan Wargo. MR. WARGO: Hi. My name is Donovan Wargo. 13 I am Clatsop and Lower Chinook man, and I have been 14 15 enrolled in the Chinook Indian Nation since before I could talk. 16 17 I am born, raised and continue to work, hunt and fish on our ancestral lands, and I oppose 18 19 the proposed plan, in that the BIA must work directly with the Chinook on an acceptable use 20 21 plan. I have worked for the Quinault Indian 22 Nation and currently work for the Shoalwater Bay 23 24 Indian Tribe. I am the youngest of nine elected 25 Council members of the Chinook Indian Nation, and I

1 am a forester by trade. 2 The tribes I have worked for and most of 3 all of our -- most of all our neighboring tribes could claim hundreds of thousands of the Chinook 4 descendants. They all chose not to make a claim on 5 our Docket 234 trust fund because they respect our 6 7 tribe, our work and our sovereignty. Siletz should follow the lead of all of 8 the other Northwest tribes and rescind this claim. 9 10 (Speaking Tribal language.) Thank you. 11 MODERATOR: Thank you. 12 The next speaker is Councilwoman Pulliam. COUNCILWOMAN PULLIAM: Hello. I am Jane 13 Pulliam. I am a councilwoman for the Chinook 14 15 Indian Nation, and I am the second person in my 16 family to serve as a councilperson, and I am very proud to say that Donovan Wargo is the third person 17 in my family to serve. 18 I am descended from a Clatsop and Lower 19 20 Chinook woman, Tonwah Redhead, who was orphaned by 21 the smallpox epidemics. I am here to testify in opposition of this 22 distribution plan. Our community wants the funds 23 24 to be used for our tribal programs. 25 My grandmother, her siblings, my mom and

1	her siblings all donated money to hire the
2	appraisers for the Docket 234 claim.
3	My mom remembers her mother and aunts
4	getting dressed up to attend Docket 234 meetings in
5	the 1950s. She says that my grandmother always
6	baked a cake for the potluck, and I would have to
7	say I would love to have a slice of that now.
8	Thank you very much. (Speaking Tribal
9	language.) I am done.
10	MODERATOR: Thank you.
11	The next speaker is Janet Barron. Please
12	unmute yourself.
13	Janet Barron, please unmute yourself.
14	MS. BARRON: Sorry about that.
15	My name is Janet Barron. I am a citizen
16	of the Chinook Nation and a descendant of one of
17	our Tansy Point Treaty signers.
18	I am testifying today to oppose the
19	proposed distribution plan. I ask the BIA to
20	remember that the Siletz are not Chinook and would
21	ask you to follow the law and work directly with us
22	to develop an agreed-upon plan.
23	Thank you.
24	MODERATOR: Thank you.
25	The next speaker is Tiffany Waters.

1 Please unmute yourself to speak. 2 MS. WATERS: Thank you. 3 My name is Tiffany Waters. I am a Clatsop woman, and I am a member of the Chinook Indian 4 Nation. 5 Many other tribes could claim the same 6 7 thing that Siletz has done here. Some of those tribes have even more Chinook descendants than 9 Siletz does. Tribes as far north as Lemhi have 10 Chinook surnames like Cultee, Oliver and Johnson 11 and could undoubtedly list hundreds of our 12 descendants amongst their enrolled members, but 13 this does not make them us. So some background about me. 14 I am 15 Clatsop, member of the Chinook Indian Nation, but I grew up not far from the Skokomish tribal 16 17 community. I went to the school on the reservation there and many of my relatives are Chinook and 18 19 Skokomish, and that's because my aunt married into the Skokomish Tribe and raised her children there. 20 21 So her children, her grandchildren, and now her 22 great-grandchildren have both Skokomish and Clatsop 23 heritage. 24 And as you have heard quite a bit here 25 today, that's not unique. Tribes have been

intermarrying for a millennia. 1 2 However, while Skokomish has members that 3 also have Clatsop heritage, at no time has Skamokawa considered themselves to be the inheritor 4 5 of our Chinook People's rights because that would 6 be wrong. 7 We are the Chinook Indian Nation who 8 brought this claim against the United States for 9 illegally taking our lands. And I strongly oppose 10 any use or distribution plan that involves any community other than our own as the beneficiaries. 11 12 That's really all I wanted to say today. 13 Thank you for your time. (Speaking Tribal 14 language.) I am done. 15 MODERATOR: Thank you. 16 The next speaker is K.C. Johnson. Please unmute yourself to speak. 17 MR. JOHNSON: My name is K.C. Johnson, and 18 19 I am a proud Clatsop, Lower Chinook and Wahkiakum 20 man. 21 Our people were never removed to Siletz, and I do not understand their claim whatsoever. In 22 fact, the Chinook Indian Nation's unclear status 23 24 with the Federal government is a direct product of

us refusing to leave our territory. Even though we

signed two treaties, we have been dealing with this 1 2 forever. 3 Back in 2000 my father was the chairman, and I watched him go back to D.C. and sign the 4 5 papers to get us our recognition. And I had to watch all of our elders then, who thought they had 6 7 achieved the recognition, watch it be taken away and watch them pass over the last years, and my 9 brother is now the Tribal chairman. 10 We have never left. We never will leave. 11 I do not understand Siletz claims whatsoever. 12 makes me sad. We had people scatter all over to different tribes, like everyone on here, and I am 13 very proud of everyone that's came on here have 14 15 acknowledged the fact that this is Chinook. 16 The money put in Docket 234 was ridiculous 17 from the beginning, but it should be the Chinook Tribe and only the Chinook Tribe that make the 18 19 decisions when it comes to that money. 20 I will hope that the Siletz will back off 21 and remember who they are and be proud of who they 22 are, but stay out of Chinook Tribal business. 23 Thank you. 24 MODERATOR: Thank you.

The next speaker is Chris Mercier. Please

1 unmute yourself to speak. 2 MR. MERCIER: Okay. Can you hear me? 3 MODERATOR: Yes. (Speaking Tribal language.) 4 MR. MERCIER: Good afternoon. My name is Chris Mercier, and I am 5 the vice chairman for the Confederated Tribes for 6 the Grand Ronde Community of Oregon. 7 8 As far as our connections with the Chinook, we have a number of ancestral connections 9 10 and cultural connections. Quite a few people in 11 our tribe claim Chinook heritage and have Chinook 12 blood running through their veins, including one of 13 our elder former council members, very well-known man by the name of Wink Soderberg, had Chinook 14 15 blood in himself and in his descendants. 16 We have always maintained a cultural 17 connection with the Chinooks. Every year we send a delegate of tribal members to participate in the 18 19 winter gathering up at Ridgefield. We also send tribal members who participate with the Chinooks at 20 21 the mouth of the Columbia, up north of Astoria, every summer for the first salmon ceremony. 22 And I can't -- I don't know if I have 23 24 enough time to explain just the cultural 25 contributions that Chairman Tony Johnson has made

to this Tribe.

But we oppose the distribution plan as drafted and believe the law requires you to work directly with the Chinook Indian Nation to create a plan that is acceptable to them.

We defer to the Chinook Indian Nation to decide what is acceptable and believe no other tribe should have a say in the use or distribution of Docket 234 trust funds.

Many other funds, and I explained this -many other tribes, explained this before, including
the Grand Ronde, can claim Chinook descendants
amongst their enrollment, but this does not make us
the Chinook Indian Nation from the mouth of the
Columbia River.

Our decision to not make a claim on their funds was shared by all other Pacific Northwest tribes with similar histories, with one exception.

And the Docket 234 case was brought by the Chinook Indian Nation community. We admire their efforts at the time of the Indian Claims

Commission, and their ownership of these funds should not be disputed. They are a sovereign

Tribal nation that is culturally thriving and that has maintained a constitutional government since

the 1920s. 1 2 They supported our people during 3 termination and while we were seeking restoration, and we are grateful for the relationship and shared 4 teaching between us. 5 We urge you to do the right thing. 6 7 funds belong to the Chinook Indian Nation and to the Chinook Indian Nation alone. (Speaking Tribal 9 language.) 10 MODERATOR: Thank you. 11 The next speaker is Bryan Davis. Please 12 unmute. 13 MR. DAVIS: Can you hear me? 14 MODERATOR: Yes. 15 MR. DAVIS: (Speaking Tribal language.) 16 My name is Bryan Davis. I am a Lower Chinook, 17 Clatsop and Snohomish man and current member of the Chinook Tribal Council. 18 19 As a community leader, I am here today with a heart full of emotions. For generations the 20 government has failed in their obligation to my 21 people. This has caused nothing but pain and 22 23 trauma for our community. 24 Two wrongs do not make a right. To put it 25 simply, if you give a kid a candy bar, tell and

- 1 reassure them that that candy bar is theirs and
- 2 then snatch it away from them, that causes trauma.
- 3 The same thing is happening in Indian country here
- 4 today.
- 5 I oppose the BIA's distribution plan and
- 6 would like them to fulfill their
- 7 government-to-government obligation to the Chinook
- 8 Indian Nation by working with us to develop a use
- 9 plan.
- 10 I also want to ask representatives from
- 11 | Siletz to drop their claim.
- 12 (Speaking Tribal language.) Thank you.
- MODERATOR: Thank you.
- 14 The next speaker is Gasun McCabe.
- MR. McCABE: Hello. Can you hear me?
- MODERATOR: Yes.
- 17 MR. McCABE: All right. Perfect.
- I am going to be continuing the -- the
- 19 | letter partially read by Jae Viles-Erdelt earlier.
- 20 We split this up for time concerns.
- 21 I'm a Siletz Tribal member and a
- 22 descendant of Robert Service, a man who is on the
- 23 McChesney roll.
- 24 The rest of the letter, I am reading this
- 25 as follows:

"Our Siletz values direct us to support 1 2 and help strengthen the Chinook Indian Nation. 3 the words of our Siletz constitution direct us. "It says, 'Maintain good relationships 4 with other Indian tribes' and 'Insure that our 5 people shall live in peace and harmony among 6 themselves and with all other peoples.' 7 8 "Our responsibility as Indian people is to 9 remember our relations, both within and beyond 10 narrow political boundaries. Walking our talk is 11 the best way now to counter those cynical observers 12 who say that Siletz is taking advantage of Chinook 13 Indian Nation's current lack of Federal recognition or who state that Siletz's continued involvement in 14 15 Docket 234 issues is a Machiavellian effort to 16 expand our political power at the expense of our Chinook relatives. 17 "As proud Siletz people with Chinook 18 19 ancestors and many living Chinook Indian Nation relatives, we request that you join the 20 21 Confederated Tribes of Grand Ronde and resist interfering with the Chinook Indian Nation as they 22 resolve the distribution issue of Docket 234 funds. 23 24 "These points were addressed back at the

August 4th, 2018, Siletz general council member

where some of my family spoke, and please note that 1 2 we have provided further public comment at," today, 3 "the 2nd of December 2021 BIA hearing." That's all the letter -- or 4 All right. that's all the letter I will read now. I am done. 5 6 Thank you. MODERATOR: Thank you. 8 The next speaker is Doris Cushman. Please unmute yourself. 9 10 MS. CUSHMAN: Hello. My name is Doris 11 Cushman. I am a direct descendant of Clatsop Chief 12 Wasilta, also known as Washington, and I am a 13 member of the Chinook Indian Nation. 14 Our people were never removed to the Siletz Indian reservation, and no one can prove 15 16 otherwise. 17 In fact, the Chinook Indian Nation's unclear status with the Federal government is a 18 19 direct product of our refusal to leave our territory as a condition of treaty negotiation in 20 1851 and 1855, despite threats of physical violence 21 against our community. 22 23 My family, like many others, remained in 24 territory at the Indian village in Seaside, Oregon,

and in the village at Bay Center, Washington, or in

more remote villages within territory. 1 2 McChesney rolls' testimonies prove that. 3 I am testifying today to oppose the proposed distribution plan. I ask the BIA to 4 follow the law and work directly with us to develop 5 6 a use plan that is acceptable to our community and benefit our Tribal programs. I would also like to ask the Siletz 8 representatives here to drop this claim. 9 10 (Speaking Tribal language.) I am done. 11 MODERATOR: Thank you. 12 The next person to speak is Samuel 13 Robinson. Please unmute yourself. 14 MR. ROBINSON: (Speaking Tribal language.) 15 I am the third great-grandson of Thomas Huckswelt, a Lower Chinook headsman and a signer of the Anson 16 17 Dart Treaty in 1851 at Tansy Point. His wife was Cha'isht, a Willapa woman, and I am also Chehalis. 18 19 I was born in South Bend, Washington, and I have a home in Bay Center, Washington, both in 20 21 Chinook country, and my home in Bay Center is only a few hundred yards from where my third 22 23 great-grandmother lived. 24 I have served on the Chinook Indian Nation 25 Tribal Council for the past 20 years, and I

continue to do so today as the vice chairman.

I have memories of sitting in the living rooms of my great-uncle Clyde; my great-auntie

Edna, who was a secretary/treasurer during the land claims process; and my great-auntie Anna, listening to them talking with my father about the importance of the lands claim, Docket 234.

In 1974 our general membership voted not to do a per capita distribution but instead to invest the money into much-needed programs for Chinook. The BIA superintendent of Western Washington Agency recommended supporting the Chinook community plan at a Skamokawa meeting. The DOI BIA Northwest Area Office director concurred with this plan.

Congressman Bonker agreed with the Tribe to not allow a per capita distribution.

In 1977 the director of Office of Trust
Responsibility stated that denying a non-Federally
recognized tribe access to the judgment fund would
seem to violate the intent, if not the literal
meaning of the act Public Law 93-134 and, further,
that non-Federal recognition of the Tribe would
seem to be inadequate grounds for not considering
the implementation of the Tribal plan.

1	On August 14th, 2021, our general
2	membership meeting at our general membership
3	meeting a resolution was passed unanimously
4	confirming that we continue to support the decision
5	of our that our relatives made in 1974 to not
6	have a distribution of Docket 234 funds, but to
7	continue to support using the funds for much-needed
8	programs for the Chinook Indian Nation.
9	I testify today that I oppose this
10	distribution plan, and I ask that you work directly
11	with the Chinook Indian Nation to create a use plan
12	that is acceptable.
13	(Speaking Tribal language.) I am done.
14	MODERATOR: Thank you.
15	The next speaker is Tony Johnson. Please
16	unmute yourself to speak.
17	MS. OLSON: Did you call Meg Olson or Tony
18	Johnson?
19	MODERATOR: Oh, there seems to be two Tony
20	Johnsons.
21	Meg, please continue.
22	MS. OLSON: Oh, okay.
23	Hello. My name is Meg Olson, and I have
24	been an enrolled member of the Chinook Tribe my
25	entire life. My family has never left our land. I

am the descendant of Edna Clark. She is my 1 2 great-grandmother, Sam Robinson's aunt. I am a 3 holder of the McChesney roll book. I am the descendant of grandfather Tom 4 Huckswelt, who signed the 1851 Treaty. I have 5 lived here my entire life. My family has never 6 7 left our lands. And I was raised here and -- and am raising my children here. I am speaking as a 9 descendant. 10 I oppose the proposed plan that has been 11 put forward, and I am asking on behalf of my family 12 and ancestors that you only work with the Chinook Indian Nation while we -- on our Chinook Nation, 13 only on the behalf of our Chinook Nation. 14 15 Sorry, I couldn't read my own notes. 16 And also my grandmother, Edna Clark, has a 17 tape at the UW speaking in our Chinook Nation language. Also, we are holders of land, and if we 18 19 don't get recognized, we lose that, we lose 20 everything. 21 And my grandfather is part Chehalis and was born on the Chehalis reservation. 22 23 And I am just speaking on behalf of our 24 ancestors that this be opposed and that -- and

that's it. (Speaking Tribal language.) I am kind

of nervous. So (speaking Tribal language.) 1 2 done. 3 MODERATOR: Thank you. The next speaker is Leslie McMillan. 4 MS. McMILLAN: 5 Thank you. My name is Leslie McMillan. I am the 6 7 grant liaison for the Chinook Indian Nation. 8 My great-great-grandmother Amelia Aubichon 9 Petit is listed on the 1914 annuity payroll. We 10 have an unbroken line of constructive Chinook 11 Tribal participation and enrolled Tribal 12 membership. 13 I might add that grandmother Amelia and 40 of her direct descendants, along with Chief 14 15 Comcomly, are laid to rest in the tiny Ilwaco 16 cemetery in the heart of Chinook country. So, in 17 keeping with our long cultural history, we literally could not leave the bones of our 18 19 ancestors. 20 I am testifying today to oppose the proposed usage plan. I deeply value the rule of 21 law, and I ask the BIA to follow the law according 22 to America's highest ideals. That means working 23 24 directly with the Chinook Indian Nation, no others, 25 to develop a use plan that is acceptable to our

community and benefits our Tribal programs. 1 2 I would also like to ask the Siletz 3 representatives here to drop this claim. This is America's time for simple justice 4 5 for our people. (Speaking Tribal language.) thanks to the panel for being part of that calling. 6 MODERATOR: Thank you. The next speaker is Devon Abing. Devon Abing, there appears to be an issue 9 10 with your ability to unmute. Please call the IT line in order to get that corrected. 11 12 The next caller is Lisa Leno. MS. LENO: (Speaking Tribal language.) 13 Good afternoon. My name is Lisa Leno, and I am a 14 council member for the Confederated Tribes of Grand 15 16 Ronde Community of Oregon. 17 The people of the Chinook Nation have been here since time immemorial. 18 They practice their 19 lifeways and are a constant within their community. I have known Tony Johnson and the members of the 20 21 Chinook Nation for more than 25 years and grew up in Cathlamet, Washington. They are a people that 22 23 honor and respect others and are only asking for 24 what is right. 25 In view of cultural ties to the Chinook

People from the mouth of the river being resident 1 2 at Grand Ronde, the Tribe has for many years 3 maintained a government-to-government relationship with our relative, the Chinook Indian Nation. 4 have met regularly with their leaders, traveled 5 6 with their members on Canoe Journey and supported their efforts to obtain Federal recognition. Grand Ronde recognizes the Chinook Nation as the political successor to the people who 9 10 petitioned the ICC and were awarded funds in Docket 11 234. 12 Grand Ronde objects to anyone other than the Chinook Nation receiving any Docket 234 funds. 13 Chinook People from the mouth of the Columbia River 14 15 are family. However, the Chinook Nation alone is entitled to the Docket 234 funds. 16 17 I urge you to do what's right. (Speaking 18 Tribal language.) 19 MODERATOR: Thank you. The next speaker is Jessica Porter. 20 21 Please unmute yourself. MS. PORTER: (Speaking Tribal language.) 22 I am Jessica Marie Porter, a citizen of the Chinook 23 24 Indian Nation and a lineal descendant of Wa'se'qua, 25 Catherine Hawks George and John Hawks, listed

within the 1914 Lower Chinook and Clatsop annuity roll.

I join you today from the shores of the Willapa River in one of the cultural villages where citizens of the Chinook Indian Nation continue to reside. And to the left of my home stands the house where my grandmother lived, and to my right is the house where my mother drew her last labored breaths in this life.

For the record, my grandmother is Ruth
Shaw Ariss Edwards and my mother is Margaret Linn
Ariss Porter, both enrolled members of the Chinook
Indian Nation and descendants of the 1914 roll.

As one of their surviving descendants, I feel obligated to testify in opposition of the BIA's proposed plan for distribution and urge the BIA to consult with and develop a plan that is satisfactory to the Chinook Indian Nation.

The BIA has historically neglected and made very ill-informed decisions regarding the Chinook Indian Nation.

Furthermore, the Chinook Indian Nation is the only governmental entity that is properly informed to guide the development of a plan for distribution of the Docket 234 funds.

Τ.	I WIII reserve further comments for the
2	written testimony I intend to submit. Thank you.
3	MODERATOR: Thank you.
4	The next speaker is Bethany Barnard.
5	Please unmute yourself to speak.
6	MS. BARNARD: Greetings. This is Bethany
7	Barnard, and I'm am grateful for this opportunity
8	that you have afforded me today to speak and
9	provide this testimony, and felt that it was
10	appropriate that you actually went in this order,
11	as I am the twin sister of Jessica Porter. So she
12	laid the foundation of our ancestral heritage, and
13	I am grateful for that.
14	My traditional name is Tutsley Mox, and as
15	she is, I am a descendant of Chief Huckswelt, Lower
16	Chinook signer of the 1851 Tansy Point Treaty.
17	We also share Chehalis blood through
18	Nellie Cecina from the Satsop band of the Chehalis
19	Tribe.
20	Our mother, Midge Ariss Porter, was a
21	former council member, just as my sister Jessica
22	was a former Council member.
23	I have the honor and opportunity of
24	serving our community as a current Council member
25	and take that into a sense of deep pride and

humbled by that opportunity and, as afforded here, to testify on behalf of our people and our ancestors.

It is extremely important that the BIA recognize the Chinook Indian Nation's sovereignty as we move forward with an acceptable distribution plan. As mentioned before, this is -- the proposed distribution plan is not acceptable and does not do right by our ancestors, as we have stayed in our community and the government has continued to hold that against us, when we have prided ourselves with staying here on the bones of our ancestors.

We grew up on Willapa Bay. And growing up, my mother would love to watch the salmon jumping in the Willapa River from our family home. And growing up in Tribal Council meetings at a very young age has been a part of our being and our sense of Tribe, just a sense of pride, as have my children as well.

I urge and am appealing directly to the Siletz representatives here today and asking you to not pursue any further claim against our trust funds. These are Chinook trust funds, and they need to stay within the Chinook community.

And appreciate this opportunity.

(Speaking Tribal language.) I am done. 1 2 MODERATOR: Thank you. 3 The next speaker is Drew Viles. MR. VILES: Catherine Obershaw, Melissa 4 Tellier, Robert Service, these Chinook ancestors 5 6 are my ancestors. They are on the list that's been 7 posted on the website associated with this hearing. My name is Drew Viles. I am a Siletz citizen. 9 I am speaking here today solely in my 10 personal capacity. My purpose here today is to 11 respond to the BIA plan, distribution scheme for 12 Docket 234 funds. 13 Please register my strong opposition to that plan. It's unwise, that plan, because it 14 15 includes Siletz as a party to that distribution 16 scheme. 17 The attempt by Siletz Nation to assert rights of ownership over Docket 234 funds is weak 18 19 because it depends on unbelievable claims. 20 I am going to explain the unbelievability 21 by drawing an analogy from contemporary news 22 reports. Meghan Markle, U.S. actress, marries 23 24 Harry, English prince. This is like my Chinook grandfather, Robert Service, marrying my Siletz 25

grandmother, Ada Service.

Meghan and Harry's descendants have every right to claim British identity because their very British father married their Hollywood mother.

That's like me and my relatives; we are Siletz, but we have every right to claim Chinook identity.

And yet the State of California cannot fairly include Meghan and Harry's descendants in a claim of ownership to Buckingham Palace. That would be grossly unfair. That would be absurd, you'd say. That would be unbelievable, you'd say. That would never happen, you would say, and yet it is possible.

How to test the possibility? Travel back in time to about 1920, when my grandparents married. Someone then with extreme powers of foresight might have advised my parents, my grandparents, "Do you know that Siletz Nation will use your marriage -- this marriage to claim Chinook Indian Nation property?"

My grandparents likely would have only laughed. If pressed, they would have said, "Why would Siletz ever do that? Siletz Tribe and Chinook Tribe are neighbors. They're friends, not enemies. Why would Siletz do that? That's

unbelievable to us." 1 2 If pressed more, my grandparents would 3 say, "And besides, who would ever believe such a How would that be believable by anyone? 4 claim? How could our marriage, a Siletz woman and a 5 Chinook man, give the Siletz Nation the right to 6 7 claim the property belonging to the Chinook Nation? Nobody would ever believe that." My parents are right. That claim is not 9 10 believable. My advice to the BIA: Don't believe 11 The Siletz Nation conflates the right of 12 individual Siletz Tribal members to claim Chinook 13 identity and Chinook ancestry. They confuse that individual right with the Siletz Nation's right to 14 15 lay claim to Chinook property. That confusion 16 yields unbelievable claims in this case. 17 I appreciate the chance to share my views in this matter. (Speaking Tribal language.) 18 19 MODERATOR: Thank you. The next speaker is Jerome Viles. Please 20 21 unmute yourself to speak. MR. VILES: (Speaking Tribal language.) 22 My name is Jerome Viles, and I am enrolled in the 23 24 Confederated Tribes of Siletz Indians, millennial

descendant of Robert Service, who is on the 1914

roll.

I am speaking today in opposition to the BIA's proposed distribution plan for these Docket 234 funds.

I am opposed to the BIA's proposed plan because it is counter to the wishes and interests of the Chinook Indian Nation, who are the sole rightful heirs to this judgment fund.

I am also opposed because the BIA seeks to grant inappropriate decisionmaking power to the Confederated Tribes of Siletz Indians over the distribution of these funds. The Siletz Tribe is basing claim to these funds on a number of Chinook-and Clatsop-descended people who are enrolled as Siletz.

I believe this is inappropriate and counter to historical fact. My family is Chinook through intermarriage, and our Chinook heritage, which comes from our ancestor Robert Service, has never been the basis for our enrollment at Siletz.

I know the same is true for members of my extended family who are descendants of Mary Evaline Goodell. At no point in their lives were Robert or Mary considered by their community or by themselves to be Siletz Indians.

Our families are enrolled at the Tribe 1 2 through our Siletz ancestors that Robert Service 3 and Mary Goodell married. Siletz is attempting to appropriate 4 Chinook Indian Nation's political and legal history 5 and claims to these funds by posthumously adopting 6 7 Mary and Robert as Siletz Indians, and I am strongly opposed to that. 9 That my Tribe is inappropriately using my 10 ancestor and my relatives' ancestor in this way 11 makes me wonder how many of the Chinook- and 12 Clatsop-descended people on Siletz's rolls are the 13 result of intermarriage. I also wonder how many of them are aware that their names are being used to 14 15 interfere in the claims of their Chinook relatives. 16 At our general council in 2018, members of 17 my family asked our Tribal Council to stop inappropriately using our Chinook ancestry and that 18 19 of other Chinook people as Siletz to lay illegitimate claim to the history and judgment 20 21 funds of our Chinook relatives. I urge the BIA to work directly with the 22 Chinook Indian Nation to develop a distribution 23 24 plan for their Docket 234 funds.

I also request that my tribe, the

1	Confederated Tribes of Siletz Indians, drop all
2	claims to these funds immediately and join our
3	neighbors at Grand Ronde in supporting the Chinook
4	Indian Nation.
5	I would also like to remind my Tribe and
6	the BIA that the Tansy Point Treaty does not belong
7	to the tribes and bands of Indians that comprise
8	our confederation as outlined in our constitution.
9	I have provided this comment to the BIA
10	today because it is important for us as Indian
11	people to stand up for each other, and it's
12	important for my family to remember who we are by
13	keeping our Chinook ancestors Chinook and our
14	Siletz ancestors Siletz.
15	Thank you.
16	MODERATOR: Thank you.
17	The person who has called in with the last
18	four digits 1216, it is your turn to speak.
19	MR. ABING: Can you hear me?
20	MODERATOR: Yes.
21	MR. ABING: All right.
22	My name is Devon Abing. I was born and
23	raised in Astoria, Oregon. I have always been a
24	member of Chinook Indian Nation. I currently serve
25	as the Tribal Council member as a direct descendant

of Lower Chinook Chief Comcomly. 1 2 I am asking you, the BIA, to do the right 3 thing by my family and our ancestors and by working with our community and council to develop a use 4 5 plan that benefits our programming. We the community sorely need access to 6 7 serve our long-neglected people. 8 (Speaking Tribal language.) Done. 9 MODERATOR: Thank you. 10 That concludes all of the people who had their hands raised. Oh, if anybody else would like 11 12 to speak, please raise your hands by using the button at the bottom of the screen or pressing star 13 14 9 on your phone. 15 The next person to speak is Tony Johnson. 16 MR. JOHNSON: (Speaking Tribal language.) 17 Can you hear me? 18 MODERATOR: Yes. 19 MR. JOHNSON: (Speaking Tribal language.) My name is Tony Johnson. My tribal name is 20 21 Naschio, and I am the current elected chairman of the Chinook Indian Nation. My family is Lower 22 23 Chinook, Clatsop, Wahkiakum, Tchinouk, Tillamook 24 and Upper Chehalis, and my wife is Lower Chinook 25 and Clatsop as well as Tillamook and Lower

Chehalis. We are both descendants of Tansy Point Treaty signers. I was born and continue to live and work here in Chinook country.

Docket 234 and its associated trust fund is our community's inheritance. It is your legal obligation to work directly with us to develop a use plan for these funds.

This is a highly personal thing that you're engaging in. You're asking our community to accept a pittance for the taking of our aboriginal lands. Working to dilute that payment even further is unconscionable, and I ask that you begin approaching us humbly, in a different way and with more understanding of what you're doing.

The most recent and relevant trust fund distribution plan that I'm aware of was passed in 2004. The Cowlitz Tribe Distribution of Judgment Fund Act was developed in consultation with the Cowlitz Indian Tribe and has zero consideration for the literally thousands of Cowlitz descendants enrolled in other Northwest tribes. That was supported by the BIA and Congress and again exclusively benefits their community.

This should be the model you follow regarding Docket 234, and I ask that you reverse

1	course on the current or currently proposed plan
2	and begin working directly with us and only us.
3	In closing, during the Indian Claims
4	Commission, the Siletz community was denied the
5	right to sue for our lands. Instead our Chinook
6	community was acknowledged as the heirs to both the
7	Lower Chinook and Clatsop Tribes. Siletz and Grand
8	Ronde were acknowledged as the heirs of the
9	Tillamook People directly south of us, and they
10	were allowed to sue for those lands.
11	You should honor the work of the Claims
12	Commission by doing the same. (Speaking Tribal
13	language.) That's the end of what I have to say.
14	(Speaking Tribal language.)
15	And frankly, I do believe there's some
16	other folks that may be having technical
17	difficulties.
18	MODERATOR: Thank you.
19	If there's anyone who is having technical
20	difficulties, please call the number on the slide
21	and someone will assist you.
22	The next speaker is Rayna Viles.
23	MS. VILES: Hello. Can you hear me?
24	MODERATOR: Yes.
25	MS. VILES: Okay.

1	(Speaking Tribal language.) Hello. My					
2	name is Rayna Viles. I am a Siletz Tribal member					
3	with Chinook ancestry of interest through lineage					
4	including Robert Service, who is included on the					
5	1914 roll.					
6	I am testifying to oppose the proposed					
7	distribution plan for Docket 234. I find that the					
8	Siletz has no claim to retroactively involve					
9	themselves in the Chinook Nation's trust					
10	established solely between them and the Federal					
11	government.					
12	Having tribal members with Chinook					
13	heritage is not sufficient proof of rights to these					
14	funds, especially when considering the history of					
15	intermarriage and mixed heritage common within					
16	tribal communities.					
17	Having mixed heritage does not negate the					
18	sovereign rights of tribal nations as negotiated					
19	with the government, Federally recognized or					
20	otherwise.					
21	I urge the BIA to work directly with the					
22	Chinook Nation concerning the distribution of the					
23	Docket 234 funds, as they are the legal and					
24	rightful stewards of these funds, and this will					

always remain true, despite Federal recognition or

lack of. 1 2 I also urge the Siletz Tribe, which I am a 3 member of, to drop their interest to these claims and recognize that their interest is not in 4 alignment with their Tribal members of Chinook 5 6 ancestry who have spoken today. 7 (Speaking Tribal language.) Thank you. am finished. 8 Thank you. 9 MODERATOR: 10 The next speaker is Mary Johnson. 11 unmute yourself. 12 MS. JOHNSON: Good afternoon. My name is Mary Johnson, and I am a descendant of the Clatsop 13 14 Tansy Point Treaty signer Wasilta. I am a proud 15 Clatsop and Lower Chinook woman who was enrolled in the Chinook Indian Nation as a child. 16 17 I am currently enrolled in the Shoalwater Bay Indian Tribe, but despite that, I firmly 18 19 believe that the Chinook Indian Nation and only the 20 Chinook Indian Nation should determine the proper 21 use of the Docket 234 judgment funds. Taking more from our Chinook relatives is 22 23 unacceptable, and I ask that you do not move 24 forward with the proposed plan, but instead work

directly with the Chinook Indian Nation government

1 to develop an acceptable use plan that benefits 2 their programming. 3 (Speaking Tribal language.) That's all. 4 MODERATOR: Thank you. The next speaker is Drew Viles. 5 Melissa Tellier, Robert 6 MR. VILES: Service, Catherine Obershaw, they are still my 7 8 My name is Drew Viles. I am a Siletz ancestors. citizen, and I am still speaking solely in a 9 10 personal capacity. 11 I want to say a few more words in 12 opposition to the planned distribution scheme for 13 Docket 234 funds. 14 I strongly oppose that planned scheme. 15 is unwise. It is unwise because your plan lacks 16 basic fairness. The plan is unfair because you, 17 the Bureau of Indian Affairs, have rescinded Federal recognition of the Chinook Indian Nation. 18 19 If that had not been your choice, my 20 family and I would not be here today opposing this 21 unfair distribution plan that you're now proposing, and the Chinook Indian Nation and the BIA would 22 have long ago sat down and worked out a fair 23 24 distribution plan for Docket 234 funds. 25 As a consequence of the BIA's failure to

1	continue the recognition of the Chinook Indian
2	Nation, you, BIA, have set the stage for other
3	tribes who are not rightful awardees of Docket 234
4	funds to make claims for these funds.
5	Most tribes, virtually all tribes, have
6	resisted the urge to make such a claim. However,
7	the temptation has proved too great for the Siletz
8	Nation. The Siletz Nation is making a claim on
9	these Docket 234 funds.
10	Siletz representatives here, please hear
11	me. Please in the future resist the temptation to
12	lay claim to Docket 234 money awarded to the
13	Chinook Indian Nation.
14	It's unfair for Siletz to do that. When
15	Siletz was an unrecognized tribe, Warm Springs and
16	many others did not make claim on Siletz wealth,
17	did not make a grab on Siletz wealth or territory.
18	Those other tribes supported us, even though the
19	U.S. government did not recognize us.
20	Warm Springs and other tribes didn't claim
21	our wealth or our territory during our times of
22	relative powerlessness. They helped us. They
23	strengthened us.
24	This proposed plan lacks fairness. It

needs a change. The change required is for the BIA

to work exclusively with the Chinook Indian Nation 1 2 as it develops a distribution plan. 3 Thank you. (Speaking Tribal language.) 4 MODERATOR: Thank you. The next speaker is Denise Proutt. 5 6 MS. PROUTT: Hi. My name is Denise 7 I am a direct descendant. Proutt. I oppose and hope that the BIA works with 9 Chinook. I remember when we got Federally 10 recognized, how my grandmother and 11 great-grandmother just was overjoyed, and then when 12 it got taken away, how long they cried. 13 I am a descendant of Quinault also. 14 However, you do not see me going and trying to get 15 any of those rights. My family has stayed with Chinook the whole time, knowing that that is where 16 17 we belong. I hope that the BIA will work with Chinook 18 19 Indian Nation. 20 Thank you. 21 MODERATOR: Thank you. If anyone else would like to make a 22 23 comment, please raise your hand by pressing the 24 button at the bottom of your screen or by pressing 25 star 9 on your phone.

1 The next speaker is Gary Johnson. 2 Johnson, please unmute yourself to speak. 3 MR. JOHNSON: Can you hear me? 4 MODERATOR: Yes. 5 MR. JOHNSON: Thank you. 6 (Speaking Tribal language.) My name is 7 Gary Johnson. I am a -- I am an 80-year-old 8 Chinook, Clatsop and Wahkiakum man, and I am a 9 proud Chinook Indian Nation elder. I hold several 10 roles on our Tribal Council, including chairman, 11 and I remain on the Chinook Tribal Council today. 12 I speak today as a part of a long line of hereditary leaders from our Chinook community. I 13 descend from a Lower Chinook and Clatsop man, John 14 Pickernell Junior. My grandmother, Lizzie 15 Pickernell Johnson, was the product of a marriage 16 17 between John and a Wahkiakum and Lower Chinook woman, Margaret Ero. 18 Grandma Lizzie was born in a traditional 19 village on the Columbia River in 1884 when the 20 21 salmon berries were in bloom. My great-grandfather John Pickernell 22 23 Junior was part of a group of hereditary leaders 24 who hired our first attorneys in the 1890s to 25 address the illegal taking of our lands.

All nine current Chinook Indian Nation council members descend at least from one of the individuals who were involved in that lawsuit, and all nine of our elected council members are either Lower Chinook, Clatsop or both.

We have all had a long history with Docket 234. I first served on the Chinook Tribal Council in 1971, the year after Docket 234 case was concluded, and I knew the leaders or have served on council with the descendants of all those people who initiated the claim.

I do not have time to list all of our leaders during this short testimony, but I plan to submit written testimony that details more fully what I am going to say to you now.

The Chinook Indian Nation was the sole initiators of the Docket 234 litigation. We were acknowledged by the Court of Claims as the heirs of the Lower Chinook and Clatsop Tribes. We have been the only tribal government to discuss use and dispersal of these funds with the BIA, and we are the only tribe that received quarterly statements from them for more than 40 years.

No other tribe participated in Docket 234, and no other tribe possesses any physical record

1 associated with this case except the Chinook Indian 2 Nation. 3 We have a responsibility to protect and defend this sacred history, our lands and our 4 I have done so for my whole life. I have 5 waters. 6 taught my children and grandchildren and now 7 great-grandson to do the same. 8 I am confident that you will see the light regarding this proposed distribution plan and to 9 10 decide to work exclusively with our community to 11 develop a fair use plan that benefits the Chinook 12 Indian Nation's programs. 13 We will clarify our saddests. We will prevail, and please remember we have long memories. 14 15 I am done for now. Thank you. (Speaking 16 Tribal language.) 17 MODERATOR: Thank you. The next speaker is Drew Viles. As you 18 19 have had an opportunity to speak twice before, please keep these final comments short. Please 20 21 unmute yourself to speak. 22 MR. VILES: Thank you. Catherine Obershaw, Melissa Tellier, 23 24 Robert Service are my Chinook ancestors. My name 25 is Drew Viles, a Siletz citizen. I am speaking

again exclusively in a personal capacity.

As you know, my recommendation is to

exclude Chinook -- Siletz Nation from the planned distribution scheme.

I am going to address another reason.

Please do that because Siletz Nation's -- their

claim depends upon historical distortions.

I'll explain. A single thought has spawned the historical distortions I am going to be outlining currently being made by the Siletz Nation. Here's the single thought.

Because the BIA has rescinded recognition of the Chinook Indian Nation, the Siletz Nation can now fairly claim the wealth of the Chinook Indian Nation. That's the macro level on the malicious thought -- the malicious thought fuels the Siletz Nation's attempt to gain possession of Docket 234 awards. That's the result of that thought on the macro level.

On the micro level, this same malicious thought has given rise to the misidentification of Chinook ancestors as Siletz ancestors. I'm going to quote from Siletz law. It's Resolution No. 2020-109 from 25th March 2020, just a few months ago. It's the Confederated Tribes of Siletz

Indians Tribal Council.

The addenda -- the addendum reads, "Robert Service has been accepted as a Siletz ancestor." I am going to read that again. "Robert Service has been accepted as a Siletz ancestor." That claim has been promulgated many times more by similar means, i.e., the resolution of the Siletz Tribal Council.

Robert Service is my grandfather. He never identified as a Siletz Indian. In addition, the Siletz Nation never counted or claimed Robert Service as a Siletz Indian from the time of his birth in the 1890s until, well, just a few months ago.

Never before has anyone inside or outside our family ever claimed that Robert Service was a Siletz ancestor. Never before has anyone used Robert Service as a means to claim Siletz descendancy.

This misidentification of our ancestor is -- is more extensive than just our ancestor.

Mary Evaline Goodell, like Robert Service, was a Chinook person who married into the Siletz tribe. Her Siletz descendants never identified her as a Siletz Indian, and Mary Evaline Goodell never

identified herself as a Siletz Indian. And yet the 1 Siletz Nation recently, quote, accepted Mary 2 3 Evaline Goodell as a Siletz ancestor. That is the Tribal Council Resolution No. 4 2020-110, March 25th, 2020, the addenda -- addendum 5 to that resolution. That claim has repeated --6 7 been repeated in other Tribal Council resolutions. 8 Preliminary research that I have conducted indicates that only Chinook ancestors have recently 9 10 been targeted by the Siletz Nation for misidentification as Siletz ancestors. In other 11 12 words, 100 percent of the persons, quote, accepted 13 as Siletz ancestors newly by the Siletz Nation are Chinook ancestors. 14 15 Siletz -- the attempt of the Siletz Nation 16 to appropriate Chinook ancestors and Siletz's 17 attempt to appropriate Chinook Indian Nation Docket 234 funds are cut from the same cloth. 18 19 Do not accept this distortion of history. Please reject Siletz, their attempts to 20 21 misappropriate wealth of the Chinook Nation in either form. (Speaking Tribal language.) 22 23 MODERATOR: Thank you. 24 If anybody else would like to speak, 25 please raise your hand by selecting the button on

the bottom of your screen or by pressing star 9 on your phone.

MR. MERCIER: Thank you, Moderator.

And for the participants that are on the call today, my name is Bryan Mercier. I'm the regional director of the BIA. While you all heard a recording of me earlier, I want to assure you I have been on the call and have heard all your comments, and I appreciate the sincerity and you all taking time today out of your busy lives to participate.

I want to remind everyone, the attendees in particular from the Chinook Indian Nation, that we at the BIA are guided by Federal statute, in particular Section 87 of the Federal Code of Regulations, on how we are to proceed with this distribution.

As part of that process, this public comment and this hearing today will help guide us. So I would encourage you all to take the opportunity to provide further comment in written format, in particular, on any specifics for the distribution.

The proposal here today really is for a scholarship fund. So we didn't hear much feedback

on that. So we'd love to hear more from you all on 1 that. But please submit those in written format as 2 3 we move to wrap up the hearing today. And again, thank you for taking the time. 4 I assure you there's me, and other Federal 5 colleagues are on today, and we have heard all your 6 7 feedback, and I really appreciate it. Thank you. 8 Plan development and next steps. Thank you for providing your valuable 9 10 Development of a final plan will take into 11 consideration the input provided at the hearing of 12 record conducted on June 8th, 1974; the responses provided in 2021 by Chinook, Grand Ronde and 13 Siletz; and the written and oral testimony gathered 14 15 from this virtual public hearing of record. 16 The next steps in the process are to 17 review the hearing transcripts and written submittals, finalizing the draft in winter 2021. 18 19 We will then present the draft to the assistant secretary the -- this next spring with 20 the goal of submitting the finalized plan to 21 22 Congress for approval the spring or summer of 2022. Additional written comments can either be 23 24 emailed to chinook.comments@bia.gov or mailed to 25 the Northwest Regional Director, Attention: Chinook

1	Comments, Bureau of Indian Affairs, 911 Northeast
2	11th Avenue, Portland, Oregon 97232. The deadline
3	for written comment is December 15th, 2021.
4	Again, thank you for attending. This
5	concludes our hearing.
6	(Whereupon the proceedings were
7	concluded at 2:41 p.m.)
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2	REPORTER'S CERTIFICATE
3	000
4	STATE OF CALIFORNIA)
5) ss. COUNTY OF SAN FRANCISCO)
6	
7	I, BALINDA DUNLAP, certify that I was the
8	official court reporter and that I reported in
9	shorthand writing the foregoing proceedings; that I
10	thereafter caused my shorthand writing to be
11	reduced to typewriting, and the pages included,
12	constitute a full, true, and correct record of said
13	proceedings:
14	IN WITNESS WHEREOF, I have subscribed this
15	certificate at San Francisco, California, on this
16	22nd day of December, 2021.
17	
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19	B. Durlay
20	
21	BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR
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