PUBLIC HEARING

PROPOSED CHINOOK USE AND DISTRIBUTION PLAN

DECEMBER 2, 2021

BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR
477550
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THURSDAY, DECEMBER 2, 2021

BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR
MR. MERCIER: Welcome. Thank you for attending this virtual public hearing of record. I am Bryan Mercier, Northwest Regional Director of the Bureau of Indian Affairs. With me today are Sharon Jackson and Greg Norton, tribal government specialists.

Normally we would conduct such a hearing in person. However, due to the COVID-19 pandemic, we are holding this online.

We will begin with Sharon providing a briefing that will explain the purpose of the hearing, provide a background of events and summary of the proposal.

Please note that during Sharon's presentation, the audience's microphone will be turned off. Sharon will explain the ground rules about speaking before turning the hearing over to the moderator for questions and comments.

Please note that this hearing is being recorded.

MS. JACKSON: Thank you, Regional Director Mercier. The purpose of this hearing of record is to gather input for development of the Chinook
judgment funds use and distribution plan. Input is sought from individuals and tribal entities with lineal descendant ties to those people mentioned in the Clatsop and Lower Chinook band of Indians referred to in this hearing as the 1914 roll.

As the regional director stated, this hearing is being recorded. A link to the video will be posted on www.bia.gov/c-h-i-n-o-o-k, chinook, after completion of the hearing.

We begin with a background and draft plan briefing. After the briefing, you will be provided with an opportunity to pose your questions and comments. During that time, we respectfully request that you please limit your questions and comments relevant only to the development of the plan.


The ICC then ruled that the individuals identified as Clatsop or Lower Band of Chinook on
the 1914 per capita payment roll or their lineal descendants as beneficiaries of the awarded compensation.

The Bureau of Indian Affairs, or BIA, was then tasked with developing a plan for the use and distribution of the funds. The BIA held a hearing of record on June 8th, 1974, in Skamokawa, Washington to receive input on how the funds should be used or distributed.

The BIA hearings officer estimated that in 1974 there were between 5,000 and 6,000 individuals who could potentially claim eligibility for a per capita distribution.

If the awarded compensation was to be distributed on a per capita basis in 1970, the estimated distribution would likely have been less than $10 per recipient.

Because the awarded compensation amount of money was so small and because there could be a potentially large number of prospective per capita recipients, the results of the hearing on outcome was that the funds should be used to establish an educational scholarship account.

Thus the acting superintendent, Western Washington Agency, now Puget Sound Agency,
recommended to the acting director of Portland Area
Office, now Northwest Regional Office, that the
judgment funds be used for an educational
scholarship fund. The acting director of Portland
Area Office concurred and forwarded the
recommendation to the Commissioner of Indian
Affairs.

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
Docket 234 order, and that is that the funds benefit the individuals listed on the 1914 rule or their lineal descendants.

In March of 2021, the BIA was directed to resume development of a plan for the use and distribution of the ICC Docket 234 judgment funds. As the hearing of record was conducted over 50 years ago, the Bureau is actively reaching out to gather input from individuals and tribal groups who believe they have lineal descendancy connections to the 1914 roll.

On July 22nd, 2021, the Bureau distributed letters to the 45 Federally recognized tribes in the Northwest Region of the United States as well as the nonrecognized Tribal entity claiming Lower Chinook and Clatsop ancestry.

Three tribes or tribal entities responded: The Federally recognized Confederated Tribes of the Grand Ronde Community of Oregon, or Grand Ronde; the Confederated Tribes of Siletz Indians of Oregon, or Siletz; and the non-Federally recognized Chinook Indian Nation, or Chinook.

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

Annual revenue from the fund would be
distributed through the oversight board to
successful grant recipients.

No holdover of funds from year to year
would be allowed.

These are the basics of the draft plan.

We will now move to the comments and
questions portion of the hearing. The procedure
for commenting is as follows:

Please raise your hand. You raise your
hand by clicking the icon with the hand symbol at
the bottom of the webinar screen. If you are
calling in via a phone, dial star 9 on your phone
in order to raise your hand.

Once your hand is raised, the panelist
will be alerted that you wish to speak.

When it is your turn to speak, the
moderator will verbally address you by either your
screen name or, if calling by phone, by the last
four digits of your phone number.

After addressing you, you will be unmuted
and you will be able to ask your question and make
a verbal comment for up to three minutes.
Please begin your comments by stating your full name.

There is a three-minute time limit for comment. If your comment exceeds three minutes, you can submit additional testimony at chinook.comments@bia.gov.

To allow for all comments to be expressed, please limit your questions and comments relevant only to the development of a plan.

I will now turn the meeting over to our moderator.

MODERATOR: Thank you. When your name is called, please state your name and your connection to the 1914 Lower Chinook and Clatsop payment roll.

The first person to speak is James Coon. Please unmute your phone and begin.

MR. COON: Thank you, Madam Moderator.

My name is James S. Coon. I am an attorney with Thomas, Coon, Newton & Frost in Portland, Oregon, and I represent the Chinook, both in Federal Court and at this hearing today.

My first question would be whether it's possible for us to present our testimony on behalf of the Chinook as a group, or will the participants be called on at random?
Is there an answer to that question?

Very well -- oh.

MODERATOR: The participants will be
called in the order that they raise their hand.

MR. COON: Okay. Thank you very much. I
appreciate that.

As I said, I represent the Chinook both in
Federal Court and here. And I would ask you to
consider that the question before you today is not
who can claim some Chinook ancestry among their
enrolled members. I think there are dozens of
tribes in the Northwest who could make that claim.

The question is: Who is the proper
organizational representative of the Docket 234
trust?

And in that connection, the Chinook Tribe
alone brought the Docket 234 claim in 1951 for
76,000 acres of ancestral land at the mouth of the
Columbia. They alone were recognized by the Indian
Claims Commission as the proper party to bring that
claim. They were the ones alone who hired the
lawyers, paid for them, paid expert witnesses and
appraisers to pursue the claim for 20 years, until
final judgment in November of 1960 -- excuse me,
1970.
The Siletz had their own docket, 240, two four zero, for the Tillamook and Nehalem Tribal folks, but they had no part in the Docket 234 proceedings.

The Chinook alone are the repository of records for Docket 234. In Federal Court, when this issue was litigated, the agency's record included many, many documents. None of them concerned any tribe other than the Chinook. And they covered 40 years of contact concerning investment, concerning use of the funds, every matter that can -- that can happen between a fiduciary and someone -- and a beneficiary of a trust, all with the Chinook, none with the Siletz or with anyone else.

The agency has mentioned recognition. Recognition is irrelevant to trust fund entitlement, and that's what the -- that's what the Court held in sending this case back. The Court held it was arbitrary and capricious for the agency to base trust fund entitlement on recognition in any way. So that's already been ruled on in Federal Court.

The Siletz did nothing with respect to Docket 234 until 2018, 67 years after we filed the
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 Indian Nation that's satisfactory to Chinook in regards to this matter and also to ask the Siletz Tribe, my own tribe, to drop their interest.

I am doing that because of my understanding of my family's ancestry and other Chinook families' ancestry as Siletz.

And I'd like to offer some clarifying points about enrollment practices at Siletz that are pertinent to this case.

Upon having our Tribal status restored at Siletz, our Tribe elected to count all Indian blood rather than only Indian blood from ancestries appearing on a roll at Siletz towards our Tribal citizens' blood quantum at Siletz.

Our enrollment practice at Siletz at restoration required our Tribal members to show direct descendancy from our termination roll, which at that time did not include the McChesney roll.

Our current enrollment process at Siletz is broad but also opaque, as Tribal Council retains the right to add and remove which rolls signal eligibility for consideration in Tribal membership, 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.
(Speaking Tribal language.) Thank you. I am finished.

MODERATOR: Thank you. The next person to speak is Carlee Wilson.

MS. WILSON: Hi, everybody. My name is Carlee Wilson. I am a citizen of the Chinook Nation and a direct descendant of Askalwich, who signed the Tansy Point Treaty.

I am testifying to oppose the proposed distribution plan. I ask that the BIA follow the law and work directly with the Chinook Indian Nation. I also ask the Siletz to end their claim against us.

We may not be Federally recognized, but we are a recognized people. The states of Washington and Oregon, many politicians, many Northwest tribes, many supporters recognize us for who we are, the Chinook Indian Nation.

I again urge you to make the distribution plan directly with the Chinook Nation and our Tribal Council.

Thank you.

MODERATOR: Thank you.

The next person is Jae Viles-Erdelt.

MR. VILES-ERDELT: Hello, BIA. My name is
Jae Viles-Erdelt. I am a descendant of the Chinook People of the Columbia River and a descendant of the Sixes People -- the Joshua People of the Sixes River.

I am here to read a letter that I'm going to be -- that my family has written that we intend to send to the Siletz Tribal Council.

"Dear Siletz Tribal Council, our Tribe's, the Siletz Tribe's, continued involvement in Docket 234 legal proceedings between the BIA and Chinook Indian Nations concerns us greatly.

"Would you please resist interfering in the Chinook Indian Nation's claims? Because more than a few Siletz Tribal members have Chinook Indian ancestry, including our family, the Tribe states that Siletz has a right to lay claims to funds awarded to the Chinook Indian Nation in 1970.

"We disagree for these reasons: Chinook ancestry at Siletz is not equal to Chinook identity. Marriage of our Siletz ancestor Ada Carson Service to a Chinook man, Robert Service, can never alter the historical and continuing fact that we descendants of this union have always traced our Siletz lineage and eligibility for Siletz citizenship through our Siletz matriarch,
not our Chinook patriarch.

"Robert's Chinook Indian blood should be counted towards our blood quantum in the same way his Flathead blood is, as relevant Indian blood for blood quantum calculation, not as a means to lay claim to property of other indigenous nations.

"Other Lower Chinook- and Clatsop-descended people at Siletz are similar to our family. Their Chinook ancestors have been legally weaponized for use against the Chinook Indian Nation" -- "their Chinook" -- "and their Chinook relatives."

The -- the rest of this letter will be read later by my cousin. Thank you.

MODERATOR: Thank you.

The next speaker is Rachel Cushman.

MS. CUSHMAN: (Speaking Tribal language.) Hello. (Speaking Tribal language.) My name is Rachel Cushman. (Speaking Tribal language.) I am the elected secretary/treasurer of the Chinook Indian Nation.

I am a direct descendant of Clatsop Chief Wasilta, also known as Washington. My grandfather was one of two negotiators and signers for the 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
others with that descendancy.

I ask the BIA to follow the law and to work directly with us, the Chinook Indian Nation, to develop a use plan that is acceptable to our community and benefits our Tribal programs.

I would also like to ask the Siletz representatives here to drop the claim.

(Speaking Tribal language.) Thank you.

MODERATOR: Thank you.

The next speaker is Donovan Wargo. Please state your name and your connection to the 1914 roll.

The next person to speak is Ann Squier. Please unmute yourself.

If anybody is having any technical difficulties, please call the number on the slides, and we can get assistance if you're having trouble with your microphone or unmuting.

Moving to the next person, Chris Mercier. Please unmute yourself.

MR. LANGLEY: So this is Michael Langley, and I think somehow we got our names mixed up because I just got asked to unmute.

MODERATOR: Ah, okay. Yes, you're the one that was selected. Please state your comments.
You have three minutes.

MR. LANGLEY: Oh, so Michael Langley, go ahead?

MODERATOR: Yes, please.

MR. LANGLEY: Okay.

So good afternoon. My name is Michael Langley, and I am the Tribal Council secretary for the Confederated Tribes of Grand Ronde Community of Oregon.

And I know people have brought this up before on this, and my blood from the Tribe is Umpqua. I am also Klickitat, and I am also Chinook; and from my grandma's side I am Shoshone-Bannock.

And in all those cases, nowhere does those allow me the rights in those other tribes to speak for them. And what I'm speaking for today is just for our own Confederated Tribes.

And as a Tribe, we have really benefited from the CARES and the ARPA funds, and it's really sad that our Chinook relatives were not considered in that funding and were unable to benefit from the funds made to the tribes throughout the nation.

And especially so because when I -- we 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
relatives to strongly reconsider their claim on Chinook's land-claim dollars and ask them to consider regular financial donations to support their Chinook relatives' needs.

We urge everyone, not just the Siletz Tribe, we urge everyone to do what's right and to hand these funds over to the Chinook Indian Nation.

Thank you.

MODERATOR: Thank you.

Ann Squier, can you unmute yourself?

MS. SQUIER: Thank you.

Good afternoon. I am Ann Squier. I reside in Portland, and for the -- more than five years I have been privileged to support the Chinook Indian Nation in its struggle to achieve justice. As with other ICC awards, the Docket 234 funds are held in trust by the United States for the beneficiary Chinook Tribe, CIN.

Many interactions over the years, including the regular Docket 234 statements, confirm BIA's recognized fiduciary obligation to CIN. BIA has communicated with the Chinook Nation on issues surrounding Docket 234 over the past half century, including holding a hearing in Skamokawa and creating proposed uses for the funds in the
mid-'70s.

The historic record shows that correspondence from the Federal government about Docket 234 has been exclusively with the Chinook Tribe.

CIN is in possession of the physical record. No other person or tribe has these documents, and no one else has any legitimate claim to benefit from those dollars held in trust.

BIA treated CIN as the sole beneficial owner of the trust for more than 40 years, until it made the decision that the District Court recently declared to be in error.

The Chinook Tribe is and always has been the beneficial owner of the Docket 234 funds, yet BIA created today's proposal and process as if there were no CIN entity in Bay Center, Washington.

Rather than following the process set out in Federal code to work with the beneficiary, CIN, to craft a plan for use of its funds, BIA proposes a scheme developed without any contact or consultation with the Chinook Tribe. No contact.

The government's trust responsibility is to the Chinook Nation.

The current proposal is entirely
unacceptable to the Chinook Nation. The Chinook Tribal Council's August resolution describes the uses to which the beneficiary would like to put its funds.

I urge BIA to honor its fiduciary obligations and work directly with CIN to create an appropriate plan for use of the Docket 234 funds.

I may supplement these brief remarks with a written submission for the record.

Thank you very much.

MODERATOR: Thank you.

The next person to speak is Donovan Wargo.

MR. WARGO: Hi. My name is Donovan Wargo. I am Clatsop and Lower Chinook man, and I have been enrolled in the Chinook Indian Nation since before I could talk.

I am born, raised and continue to work, hunt and fish on our ancestral lands, and I oppose the proposed plan, in that the BIA must work directly with the Chinook on an acceptable use plan.

I have worked for the Quinault Indian Nation and currently work for the Shoalwater Bay Indian Tribe. I am the youngest of nine elected Council members of the Chinook Indian Nation, and I
am a forester by trade.

The tribes I have worked for and most of all of our -- most of all our neighboring tribes could claim hundreds of thousands of the Chinook descendants. They all chose not to make a claim on our Docket 234 trust fund because they respect our tribe, our work and our sovereignty.

Siletz should follow the lead of all of the other Northwest tribes and rescind this claim.

(Speaking Tribal language.) Thank you.

MODERATOR: Thank you.

The next speaker is Councilwoman Pulliam.

COUNCILWOMAN PULLIAM: Hello. I am Jane Pulliam. I am a councilwoman for the Chinook Indian Nation, and I am the second person in my family to serve as a councilperson, and I am very proud to say that Donovan Wargo is the third person in my family to serve.

I am descended from a Clatsop and Lower Chinook woman, Tonwah Redhead, who was orphaned by the smallpox epidemics.

I am here to testify in opposition of this distribution plan. Our community wants the funds to be used for our tribal programs.

My grandmother, her siblings, my mom and
her siblings all donated money to hire the
appraisers for the Docket 234 claim.

My mom remembers her mother and aunts
getting dressed up to attend Docket 234 meetings in
the 1950s. She says that my grandmother always
baked a cake for the potluck, and I would have to
say I would love to have a slice of that now.

Thank you very much. (Speaking Tribal
language.) I am done.

MODERATOR: Thank you.

The next speaker is Janet Barron. Please
unmute yourself.

Janet Barron, please unmute yourself.

MS. BARRON: Sorry about that.

My name is Janet Barron. I am a citizen
of the Chinook Nation and a descendant of one of
our Tansy Point Treaty signers.

I am testifying today to oppose the
proposed distribution plan. I ask the BIA to
remember that the Siletz are not Chinook and would
ask you to follow the law and work directly with us
to develop an agreed-upon plan.

Thank you.

MODERATOR: Thank you.

The next speaker is Tiffany Waters.
Please unmute yourself to speak.

MS. WATERS: Thank you.

My name is Tiffany Waters. I am a Clatsop woman, and I am a member of the Chinook Indian Nation.

Many other tribes could claim the same thing that Siletz has done here. Some of those tribes have even more Chinook descendants than Siletz does. Tribes as far north as Lemhi have Chinook surnames like Cultee, Oliver and Johnson and could undoubtedly list hundreds of our descendants amongst their enrolled members, but this does not make them us.

So some background about me. I am Clatsop, member of the Chinook Indian Nation, but I grew up not far from the Skokomish tribal community. I went to the school on the reservation there and many of my relatives are Chinook and Skokomish, and that's because my aunt married into the Skokomish Tribe and raised her children there. So her children, her grandchildren, and now her great-grandchildren have both Skokomish and Clatsop heritage.

And as you have heard quite a bit here today, that's not unique. Tribes have been
However, while Skokomish has members that also have Clatsop heritage, at no time has Skamokawa considered themselves to be the inheritor of our Chinook People's rights because that would be wrong.

We are the Chinook Indian Nation who brought this claim against the United States for illegally taking our lands. And I strongly oppose any use or distribution plan that involves any community other than our own as the beneficiaries.

That's really all I wanted to say today. Thank you for your time. (Speaking Tribal language.) I am done.

MODERATOR: Thank you.

The next speaker is K.C. Johnson. Please unmute yourself to speak.

MR. JOHNSON: My name is K.C. Johnson, and I am a proud Clatsop, Lower Chinook and Wahkiakum man.

Our people were never removed to Siletz, and I do not understand their claim whatsoever. In fact, the Chinook Indian Nation's unclear status 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 forever.

   Back in 2000 my father was the chairman, and I watched him go back to D.C. and sign the papers to get us our recognition. And I had to watch all of our elders then, who thought they had achieved the recognition, watch it be taken away and watch them pass over the last years, and my brother is now the Tribal chairman.

   We have never left. We never will leave. I do not understand Siletz claims whatsoever. It makes me sad. We had people scatter all over to different tribes, like everyone on here, and I am very proud of everyone that's came on here have acknowledged the fact that this is Chinook.

   The money put in Docket 234 was ridiculous from the beginning, but it should be the Chinook Tribe and only the Chinook Tribe that make the decisions when it comes to that money.

   I will hope that the Siletz will back off and remember who they are and be proud of who they are, but stay out of Chinook Tribal business.

   Thank you.

MODERATOR: Thank you.

The next speaker is Chris Mercier. Please
MR. MERCIER: Okay. Can you hear me?

MODERATOR: Yes.

MR. MERCIER: (Speaking Tribal language.)

Good afternoon. My name is Chris Mercier, and I am the vice chairman for the Confederated Tribes for the Grand Ronde Community of Oregon.

As far as our connections with the Chinook, we have a number of ancestral connections and cultural connections. Quite a few people in our tribe claim Chinook heritage and have Chinook blood running through their veins, including one of our elder former council members, very well-known man by the name of Wink Soderberg, had Chinook blood in himself and in his descendants.

We have always maintained a cultural connection with the Chinooks. Every year we send a delegate of tribal members to participate in the winter gathering up at Ridgefield. We also send tribal members who participate with the Chinooks at the mouth of the Columbia, up north of Astoria, every summer for the first salmon ceremony.

And I can't -- I don't know if I have enough time to explain just the cultural 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.

They supported our people during termination and while we were seeking restoration, and we are grateful for the relationship and shared teaching between us.

We urge you to do the right thing. These funds belong to the Chinook Indian Nation and to the Chinook Indian Nation alone. (Speaking Tribal language.)

MODERATOR: Thank you.

The next speaker is Bryan Davis. Please unmute.

MR. DAVIS: Can you hear me?

MODERATOR: Yes.

MR. DAVIS: (Speaking Tribal language.) My name is Bryan Davis. I am a Lower Chinook, Clatsop and Snohomish man and current member of the Chinook Tribal Council.

As a community leader, I am here today with a heart full of emotions. For generations the government has failed in their obligation to my people. This has caused nothing but pain and trauma for our community.

Two wrongs do not make a right. To put it simply, if you give a kid a candy bar, tell and
reassure them that that candy bar is theirs and
then snatch it away from them, that causes trauma.
The same thing is happening in Indian country here
today.

    I oppose the BIA's distribution plan and
would like them to fulfill their
government-to-government obligation to the Chinook
Indian Nation by working with us to develop a use
plan.

    I also want to ask representatives from
Siletz to drop their claim.

    (Speaking Tribal language.) Thank you.
MODERATOR: Thank you.
The next speaker is Gasun McCabe.

    MR. McCABE: Hello. Can you hear me?
MODERATOR: Yes.

    MR. McCABE: All right. Perfect.
    I am going to be continuing the -- the
letter partially read by Jae Viles-Erdelt earlier.
We split this up for time concerns.

    I'm a Siletz Tribal member and a
descendant of Robert Service, a man who is on the
McChesney roll.

    The rest of the letter, I am reading this
as follows:
"Our Siletz values direct us to support and help strengthen the Chinook Indian Nation. May the words of our Siletz constitution direct us.

"It says, 'Maintain good relationships with other Indian tribes' and 'Insure that our people shall live in peace and harmony among themselves and with all other peoples.'

"Our responsibility as Indian people is to remember our relations, both within and beyond narrow political boundaries. Walking our talk is the best way now to counter those cynical observers who say that Siletz is taking advantage of Chinook Indian Nation's current lack of Federal recognition or who state that Siletz's continued involvement in Docket 234 issues is a Machiavellian effort to expand our political power at the expense of our Chinook relatives.

"As proud Siletz people with Chinook ancestors and many living Chinook Indian Nation relatives, we request that you join the Confederated Tribes of Grand Ronde and resist interfering with the Chinook Indian Nation as they resolve the distribution issue of Docket 234 funds.

"These points were addressed back at the August 4th, 2018, Siletz general council member
where some of my family spoke, and please note that
we have provided further public comment at," today,
"the 2nd of December 2021 BIA hearing."

All right. That's all the letter -- or
that's all the letter I will read now. I am done.

Thank you.

MODERATOR: Thank you.

The next speaker is Doris Cushman. Please
unmute yourself.

MS. CUSHMAN: Hello. My name is Doris
Cushman. I am a direct descendant of Clatsop Chief
Wasilta, also known as Washington, and I am a
member of the Chinook Indian Nation.

Our people were never removed to the
Siletz Indian reservation, and no one can prove
otherwise.

In fact, the Chinook Indian Nation's
unclear status with the Federal government is a
direct product of our refusal to leave our
territory as a condition of treaty negotiation in
1851 and 1855, despite threats of physical violence
against our community.

My family, like many others, remained in
territory at the Indian village in Seaside, Oregon,
and in the village at Bay Center, Washington, or in
more remote villages within territory. The McChesney rolls' testimonies prove that.

I am testifying today to oppose the proposed distribution plan. I ask the BIA to follow the law and work directly with us to develop a use plan that is acceptable to our community and benefit our Tribal programs.

I would also like to ask the Siletz representatives here to drop this claim.

(Speaking Tribal language.) I am done.

MODERATOR: Thank you.

The next person to speak is Samuel Robinson. Please unmute yourself.

MR. ROBINSON: (Speaking Tribal language.) I am the third great-grandson of Thomas Huckswelt, a Lower Chinook headsman and a signor of the Anson Dart Treaty in 1851 at Tansy Point. His wife was Cha'isht, a Willapa woman, and I am also Chehalis.

I was born in South Bend, Washington, and I have a home in Bay Center, Washington, both in Chinook country, and my home in Bay Center is only a few hundred yards from where my third great-grandmother lived.

I have served on the Chinook Indian Nation 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.
On August 14th, 2021, our general membership meeting -- at our general membership meeting a resolution was passed unanimously confirming that we continue to support the decision of our -- that our relatives made in 1974 to not have a distribution of Docket 234 funds, but to continue to support using the funds for much-needed programs for the Chinook Indian Nation.

I testify today that I oppose this distribution plan, and I ask that you work directly with the Chinook Indian Nation to create a use plan that is acceptable.

(Speaking Tribal language.) I am done.

MODERATOR: Thank you.

The next speaker is Tony Johnson. Please unmute yourself to speak.

MS. OLSON: Did you call Meg Olson or Tony Johnson?

MODERATOR: Oh, there seems to be two Tony Johnsons.

Meg, please continue.

MS. OLSON: Oh, okay.

Hello. My name is Meg Olson, and I have been an enrolled member of the Chinook Tribe my entire life. My family has never left our land. I
am the descendant of Edna Clark. She is my
great-grandmother, Sam Robinson's aunt. I am a
holder of the McChesney roll book.

I am the descendant of grandfather Tom
Huckswelt, who signed the 1851 Treaty. I have
lived here my entire life. My family has never
left our lands. And I was raised here and -- and
am raising my children here. I am speaking as a
descendant.

I oppose the proposed plan that has been
put forward, and I am asking on behalf of my family
and ancestors that you only work with the Chinook
Indian Nation while we -- on our Chinook Nation,
only on the behalf of our Chinook Nation.

Sorry, I couldn't read my own notes.

And also my grandmother, Edna Clark, has a
tape at the UW speaking in our Chinook Nation
language. Also, we are holders of land, and if we
don't get recognized, we lose that, we lose
everything.

And my grandfather is part Chehalis and
was born on the Chehalis reservation.

And I am just speaking on behalf of our
ancestors that this be opposed and that -- and
that's it. (Speaking Tribal language.) I am kind
of nervous. So (speaking Tribal language.) I am done.

MODERATOR: Thank you.

The next speaker is Leslie McMillan.

MS. MCMLLAN: Thank you.

My name is Leslie McMillan. I am the grant liaison for the Chinook Indian Nation.

My great-great-grandmother Amelia Aubichon Petit is listed on the 1914 annuity payroll. We have an unbroken line of constructive Chinook Tribal participation and enrolled Tribal membership.

I might add that grandmother Amelia and 40 of her direct descendants, along with Chief Comcomly, are laid to rest in the tiny Ilwaco cemetery in the heart of Chinook country. So, in keeping with our long cultural history, we literally could not leave the bones of our ancestors.

I am testifying today to oppose the proposed usage plan. I deeply value the rule of law, and I ask the BIA to follow the law according to America's highest ideals. That means working directly with the Chinook Indian Nation, no others, to develop a use plan that is acceptable to our
community and benefits our Tribal programs.

I would also like to ask the Siletz representatives here to drop this claim.

This is America's time for simple justice for our people. (Speaking Tribal language.) Many thanks to the panel for being part of that calling.

MODERATOR: Thank you.

The next speaker is Devon Abing.

Devon Abing, there appears to be an issue with your ability to unmute. Please call the IT line in order to get that corrected.

The next caller is Lisa Leno.

MS. LENO: (Speaking Tribal language.)

Good afternoon. My name is Lisa Leno, and I am a council member for the Confederated Tribes of Grand Ronde Community of Oregon.

The people of the Chinook Nation have been here since time immemorial. They practice their lifeways and are a constant within their community. I have known Tony Johnson and the members of the Chinook Nation for more than 25 years and grew up in Cathlamet, Washington. They are a people that honor and respect others and are only asking for what is right.

In view of cultural ties to the Chinook
People from the mouth of the river being resident at Grand Ronde, the Tribe has for many years maintained a government-to-government relationship with our relative, the Chinook Indian Nation. We have met regularly with their leaders, traveled 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 petitioned the ICC and were awarded funds in Docket 234.

Grand Ronde objects to anyone other than the Chinook Nation receiving any Docket 234 funds. Chinook People from the mouth of the Columbia River are family. However, the Chinook Nation alone is entitled to the Docket 234 funds.

I urge you to do what's right. (Speaking Tribal language.)

MODERATOR: Thank you.

The next speaker is Jessica Porter.

Please unmute yourself.

MS. PORTER: (Speaking Tribal language.)

I am Jessica Marie Porter, a citizen of the Chinook Indian Nation and a lineal descendant of Wa'ose'qua, 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.
I will reserve further comments for the written testimony I intend to submit. Thank you.

MODERATOR: Thank you.

The next speaker is Bethany Barnard.

Please unmute yourself to speak.

MS. BARNARD: Greetings. This is Bethany Barnard, and I'm grateful for this opportunity that you have afforded me today to speak and provide this testimony, and felt that it was appropriate that you actually went in this order, as I am the twin sister of Jessica Porter. So she laid the foundation of our ancestral heritage, and I am grateful for that.

My traditional name is Tutsley Mox, and as she is, I am a descendant of Chief Huckswelt, Lower Chinook signer of the 1851 Tansy Point Treaty.

We also share Chehalis blood through Nellie Cecina from the Satsop band of the Chehalis Tribe.

Our mother, Midge Ariss Porter, was a former council member, just as my sister Jessica was a former Council member.

I have the honor and opportunity of serving our community as a current Council member 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.

MODERATOR: Thank you.

The next speaker is Drew Viles.

MR. VILES: Catherine Obershaw, Melissa Tellier, Robert Service, these Chinook ancestors are my ancestors. They are on the list that's been posted on the website associated with this hearing.

My name is Drew Viles. I am a Siletz citizen.

I am speaking here today solely in my personal capacity. My purpose here today is to respond to the BIA plan, distribution scheme for Docket 234 funds.

Please register my strong opposition to that plan. It's unwise, that plan, because it includes Siletz as a party to that distribution scheme.

The attempt by Siletz Nation to assert rights of ownership over Docket 234 funds is weak because it depends on unbelievable claims.

I am going to explain the unbelievability by drawing an analogy from contemporary news reports.

Meghan Markle, U.S. actress, marries Harry, English prince. This is like my Chinook grandfather, Robert Service, marrying my Siletz
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."

If pressed more, my grandparents would say, "And besides, who would ever believe such a claim? How would that be believable by anyone? How could our marriage, a Siletz woman and a Chinook man, give the Siletz Nation the right to claim the property belonging to the Chinook Nation? Nobody would ever believe that."

My parents are right. That claim is not believable. My advice to the BIA: Don't believe it. The Siletz Nation conflates the right of individual Siletz Tribal members to claim Chinook identity and Chinook ancestry. They confuse that individual right with the Siletz Nation's right to lay claim to Chinook property. That confusion yields unbelievable claims in this case.

I appreciate the chance to share my views in this matter. (Speaking Tribal language.)

MODERATOR: Thank you.

The next speaker is Jerome Viles. Please unmute yourself to speak.

MR. VILES: (Speaking Tribal language.)

My name is Jerome Viles, and I am enrolled in the Confederated Tribes of Siletz Indians, millennial descendant of Robert Service, who is on the 1914
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 through our Siletz ancestors that Robert Service and Mary Goodell married.

Siletz is attempting to appropriate Chinook Indian Nation's political and legal history and claims to these funds by posthumously adopting Mary and Robert as Siletz Indians, and I am strongly opposed to that.

That my Tribe is inappropriately using my ancestor and my relatives' ancestor in this way makes me wonder how many of the Chinook- and Clatsop-descended people on Siletz's rolls are the result of intermarriage. I also wonder how many of them are aware that their names are being used to interfere in the claims of their Chinook relatives.

At our general council in 2018, members of my family asked our Tribal Council to stop inappropriately using our Chinook ancestry and that of other Chinook people as Siletz to lay illegitimate claim to the history and judgment funds of our Chinook relatives.

I urge the BIA to work directly with the Chinook Indian Nation to develop a distribution plan for their Docket 234 funds.

I also request that my tribe, the
Confederated Tribes of Siletz Indians, drop all claims to these funds immediately and join our neighbors at Grand Ronde in supporting the Chinook Indian Nation.

I would also like to remind my Tribe and the BIA that the Tansy Point Treaty does not belong to the tribes and bands of Indians that comprise our confederation as outlined in our constitution.

I have provided this comment to the BIA today because it is important for us as Indian people to stand up for each other, and it's important for my family to remember who we are by keeping our Chinook ancestors Chinook and our Siletz ancestors Siletz.

Thank you.

MODERATOR: Thank you.

The person who has called in with the last four digits 1216, it is your turn to speak.

MR. ABING: Can you hear me?

MODERATOR: Yes.

MR. ABING: All right.

My name is Devon Abing. I was born and raised in Astoria, Oregon. I have always been a member of Chinook Indian Nation. I currently serve as the Tribal Council member as a direct descendant
of Lower Chinook Chief Comcomly.

I am asking you, the BIA, to do the right thing by my family and our ancestors and by working with our community and council to develop a use plan that benefits our programming.

We the community sorely need access to serve our long-neglected people.

(Speaking Tribal language.) Done.

MODERATOR: Thank you.

That concludes all of the people who had their hands raised. Oh, if anybody else would like to speak, please raise your hands by using the button at the bottom of the screen or pressing star 9 on your phone.

The next person to speak is Tony Johnson.

MR. JOHNSON: (Speaking Tribal language.) Can you hear me?

MODERATOR: Yes.

MR. JOHNSON: (Speaking Tribal language.)

My name is Tony Johnson. My tribal name is Naschio, and I am the current elected chairman of the Chinook Indian Nation. My family is Lower Chinook, Clatsop, Wahkiakum, Tchinouk, Tillamook and Upper Chehalis, and my wife is Lower Chinook 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
course on the current -- or currently proposed plan
and begin working directly with us and only us.

In closing, during the Indian Claims
Commission, the Siletz community was denied the
right to sue for our lands. Instead our Chinook
community was acknowledged as the heirs to both the
Lower Chinook and Clatsop Tribes. Siletz and Grand
Ronde were acknowledged as the heirs of the
Tillamook People directly south of us, and they
were allowed to sue for those lands.

You should honor the work of the Claims
Commission by doing the same. (Speaking Tribal
language.) That's the end of what I have to say.
(Speaking Tribal language.)

And frankly, I do believe there's some
other folks that may be having technical
difficulties.

MODERATOR: Thank you.

If there's anyone who is having technical
difficulties, please call the number on the slide
and someone will assist you.

The next speaker is Rayna Viles.

MS. VILES: Hello. Can you hear me?

MODERATOR: Yes.

MS. VILES: Okay.
(Speaking Tribal language.) Hello. My name is Rayna Viles. I am a Siletz Tribal member with Chinook ancestry of interest through lineage including Robert Service, who is included on the 1914 roll.

I am testifying to oppose the proposed distribution plan for Docket 234. I find that the Siletz has no claim to retroactively involve themselves in the Chinook Nation's trust established solely between them and the Federal government.

Having tribal members with Chinook heritage is not sufficient proof of rights to these funds, especially when considering the history of intermarriage and mixed heritage common within tribal communities.

Having mixed heritage does not negate the sovereign rights of tribal nations as negotiated with the government, Federally recognized or otherwise.

I urge the BIA to work directly with the Chinook Nation concerning the distribution of the Docket 234 funds, as they are the legal and rightful stewards of these funds, and this will always remain true, despite Federal recognition or
lack of.

I also urge the Siletz Tribe, which I am a member of, to drop their interest to these claims and recognize that their interest is not in alignment with their Tribal members of Chinook ancestry who have spoken today.

(Speaking Tribal language.) Thank you. I am finished.

MODERATOR: Thank you.

The next speaker is Mary Johnson. Please unmute yourself.

MS. JOHNSON: Good afternoon. My name is Mary Johnson, and I am a descendant of the Clatsop Tansy Point Treaty signer Wasilta. I am a proud Clatsop and Lower Chinook woman who was enrolled in the Chinook Indian Nation as a child.

I am currently enrolled in the Shoalwater Bay Indian Tribe, but despite that, I firmly believe that the Chinook Indian Nation and only the Chinook Indian Nation should determine the proper use of the Docket 234 judgment funds.

Taking more from our Chinook relatives is unacceptable, and I ask that you do not move forward with the proposed plan, but instead work directly with the Chinook Indian Nation government
to develop an acceptable use plan that benefits
their programming.

    (Speaking Tribal language.) That's all.

MODERATOR: Thank you.

The next speaker is Drew Viles.

MR. VILES: Melissa Tellier, Robert
Service, Catherine Obershaw, they are still my
ancestors. My name is Drew Viles. I am a Siletz
citizen, and I am still speaking solely in a
personal capacity.

    I want to say a few more words in
opposition to the planned distribution scheme for
Docket 234 funds.

    I strongly oppose that planned scheme. It
is unwise. It is unwise because your plan lacks
basic fairness. The plan is unfair because you,
the Bureau of Indian Affairs, have rescinded
Federal recognition of the Chinook Indian Nation.

    If that had not been your choice, my
family and I would not be here today opposing this
unfair distribution plan that you're now proposing,
and the Chinook Indian Nation and the BIA would
have long ago sat down and worked out a fair
distribution plan for Docket 234 funds.

    As a consequence of the BIA's failure to
continue the recognition of the Chinook Indian
Nation, you, BIA, have set the stage for other
tribes who are not rightful awardees of Docket 234
funds to make claims for these funds.

    Most tribes, virtually all tribes, have
resisted the urge to make such a claim. However,
the temptation has proved too great for the Siletz
Nation. The Siletz Nation is making a claim on
these Docket 234 funds.

    Siletz representatives here, please hear
me. Please in the future resist the temptation to
lay claim to Docket 234 money awarded to the
Chinook Indian Nation.

    It's unfair for Siletz to do that. When
Siletz was an unrecognized tribe, Warm Springs and
many others did not make claim on Siletz wealth,
did not make a grab on Siletz wealth or territory.
Those other tribes supported us, even though the
U.S. government did not recognize us.

    Warm Springs and other tribes didn't claim
our wealth or our territory during our times of
relative powerlessness. They helped us. They
strengthened us.

    This proposed plan lacks fairness. It
needs a change. The change required is for the BIA
to work exclusively with the Chinook Indian Nation as it develops a distribution plan.

Thank you. (Speaking Tribal language.)

MODERATOR: Thank you.

The next speaker is Denise Proutt.

MS. PROUTT: Hi. My name is Denise Proutt. I am a direct descendant.

I oppose and hope that the BIA works with Chinook. I remember when we got Federally recognized, how my grandmother and great-grandmother just was overjoyed, and then when it got taken away, how long they cried.

I am a descendant of Quinault also.

However, you do not see me going and trying to get any of those rights. My family has stayed with Chinook the whole time, knowing that that is where we belong.

I hope that the BIA will work with Chinook Indian Nation.

Thank you.

MODERATOR: Thank you.

If anyone else would like to make a comment, please raise your hand by pressing the button at the bottom of your screen or by pressing star 9 on your phone.
The next speaker is Gary Johnson. Gary Johnson, please unmute yourself to speak.

MR. JOHNSON: Can you hear me?

MODERATOR: Yes.

MR. JOHNSON: Thank you.

(Speaking Tribal language.) My name is Gary Johnson. I am a -- I am an 80-year-old Chinook, Clatsop and Wahkiakum man, and I am a proud Chinook Indian Nation elder. I hold several roles on our Tribal Council, including chairman, and I remain on the Chinook Tribal Council today.

I speak today as a part of a long line of hereditary leaders from our Chinook community. I descend from a Lower Chinook and Clatsop man, John Pickernell Junior. My grandmother, Lizzie Pickernell Johnson, was the product of a marriage between John and a Wahkiakum and Lower Chinook woman, Margaret Ero.

Grandma Lizzie was born in a traditional village on the Columbia River in 1884 when the salmon berries were in bloom.

My great-grandfather John Pickernell Junior was part of a group of hereditary leaders who hired our first attorneys in the 1890s to 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
associated with this case except the Chinook Indian Nation.

We have a responsibility to protect and defend this sacred history, our lands and our waters. I have done so for my whole life. I have taught my children and grandchildren and now great-grandson to do the same.

I am confident that you will see the light regarding this proposed distribution plan and to decide to work exclusively with our community to develop a fair use plan that benefits the Chinook Indian Nation's programs.

We will clarify our saddests. We will prevail, and please remember we have long memories.

I am done for now. Thank you. (Speaking Tribal language.)

MODERATOR: Thank you.

The next speaker is Drew Viles. As you have had an opportunity to speak twice before, please keep these final comments short. Please unmute yourself to speak.

MR. VILES: Thank you.

Catherine Obershaw, Melissa Tellier, Robert Service are my Chinook ancestors. My name 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 Siletz Nation recently, quote, accepted Mary Evaline Goodell as a Siletz ancestor.

That is the Tribal Council Resolution No. 2020-110, March 25th, 2020, the addenda -- addendum to that resolution. That claim has repeated -- been repeated in other Tribal Council resolutions.

Preliminary research that I have conducted indicates that only Chinook ancestors have recently been targeted by the Siletz Nation for misidentification as Siletz ancestors. In other words, 100 percent of the persons, quote, accepted as Siletz ancestors newly by the Siletz Nation are Chinook ancestors.

Siletz -- the attempt of the Siletz Nation to appropriate Chinook ancestors and Siletz's attempt to appropriate Chinook Indian Nation Docket 234 funds are cut from the same cloth.

Do not accept this distortion of history. Please reject Siletz, their attempts to misappropriate wealth of the Chinook Nation in either form. (Speaking Tribal language.)

MODERATOR: Thank you.

If anybody else would like to speak, 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 that. But please submit those in written format as we move to wrap up the hearing today.

And again, thank you for taking the time. I assure you there's me, and other Federal colleagues are on today, and we have heard all your feedback, and I really appreciate it. Thank you.

Plan development and next steps.

Thank you for providing your valuable input. Development of a final plan will take into consideration the input provided at the hearing of record conducted on June 8th, 1974; the responses provided in 2021 by Chinook, Grand Ronde and Siletz; and the written and oral testimony gathered from this virtual public hearing of record.

The next steps in the process are to review the hearing transcripts and written submittals, finalizing the draft in winter 2021.

We will then present the draft to the assistant secretary the -- this next spring with the goal of submitting the finalized plan to Congress for approval the spring or summer of 2022.

Additional written comments can either be emailed to chinook.comments@bia.gov or mailed to the Northwest Regional Director, Attention: Chinook
Comments, Bureau of Indian Affairs, 911 Northeast 11th Avenue, Portland, Oregon 97232. The deadline for written comment is December 15th, 2021.

Again, thank you for attending. This concludes our hearing.

(Whereupon the proceedings were concluded at 2:41 p.m.)

---o0o---
REPORTER'S CERTIFICATE

---o0o---

STATE OF CALIFORNIA )
COUNTY OF SAN FRANCISCO ) ss.

I, BALINDA DUNLAP, certify that I was the official court reporter and that I reported in shorthand writing the foregoing proceedings; that I thereafter caused my shorthand writing to be reduced to typewriting, and the pages included, constitute a full, true, and correct record of said proceedings:

IN WITNESS WHEREOF, I have subscribed this certificate at San Francisco, California, on this 22nd day of December, 2021.

____________________________________
BALINDA DUNLAP, CSR NO. 10710, RPR, CRR, RMR

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PROPOSED CHINOOK USE AND DISTRIBUTION PLAN

PUBLIC HEARING
December 2, 2021

Barky Court Reporters

Robinson's - Squier

(11) Robinson's - Squier
PROPOSED CHINOOK USE AND DISTRIBUTION PLAN

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