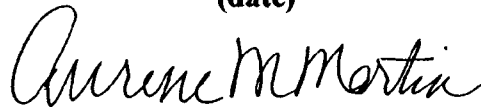


**Summary under the Criteria for the  
Final Determination  
Against Federal Acknowledgment  
SNOHOMISH TRIBE OF INDIANS**

**Prepared in response to a petition submitted to the Assistant  
Secretary-Indian Affairs for Federal Acknowledgment that  
this group exists as an Indian Tribe**

Approved: DEC 01 2003  
(date)



**Principal Deputy Assistant Secretary - Indian Affairs**

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## Summary under the Criteria for the Final Determination

on the

### SNOHOMISH TRIBE OF INDIANS.

## INTRODUCTION

### *Bases for the Final Determination*

The Assistant Secretary – Indian Affairs (AS-IA) of the Department of the Interior (Department) bases this Final Determination (FD) on the evidence in the record that the petitioner Snohomish Tribe of Indians (STI) (petitioner #12) of Edmonds, Washington and third parties submitted to the Department. The AS-IA also bases this FD on the evidence that the Department’s Office of Federal Acknowledgment (OFA), formerly known as the Branch of Acknowledgment and Research (BAR) under the Bureau of Indian Affairs (BIA), obtained while evaluating and verifying the record. This FD presents the consideration of the evidence for the Proposed Finding (PF), the petitioner and third party comments to the PF, the petitioner’s responses to third party comments, and evidence gathered by the OFA. For a complete understanding of the evidence, this FD should be read together with the PF. The AS-IA issues this FD in accordance with Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83), “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.”

### *Administrative History*

#### Administrative History of the Proposed Finding

The PF provides a detailed administrative history up to 1983. In short, BIA received a request for Federal acknowledgment as an Indian tribe from the STI group on March 3, 1975 (STI Letter of Intent 3/3/1975). When the Department promulgated its Federal acknowledgment regulations in 1978, the Department accepted the STI’s letter of intent as part of its petition, published notice of the receipt of the petition in the *Federal Register*, and assigned the group petition number 12 (44 FR 116). On March 18, 1983, the AS-IA signed the PF against Federal acknowledgment of STI and the Department published notice in the *Federal Register* on April 11, 1983 (48 FR 15541).

#### Administrative History since the Proposed Finding

Following the *Federal Register* publication in April 1983, a 120-day period was initiated for the

petitioner and third parties to comment on the PF of the STI petition. However, the start of this comment period was delayed due to the BIA's preparation of a Freedom of Information Act (FOIA) response to a June 24, 1983, STI request for all of the administrative record. Almost all of the FOIA request was responded to promptly in August 1983. The FOIA response included 5,000 documents 95 percent of all the files. It withheld the field notes and privacy materials. In August 1990, the BIA began preparing an additional FOIA response and in March 1991 the BIA delivered the FOIA response to STI. The BIA provided the petitioner with raw field notes, edited for privacy. As part of the FOIA response, the BIA also supplied additional extensive technical assistance. In May 1991, STI requested a transcribed copy of some of the research field notes. The BIA responded in June 1991 that it was not required under FOIA to create and supply new documents by transcribing field notes, but that it was willing to discuss the notes and their specific contents in detail in a technical assistance meeting.

In October 1991, the Department extended the deadline for STI's response to third-party comments and at the petitioner's request allowed the comment period to reopen on December 1, 1991. The comment period closed in January 1992. In May 1992, STI requested an extension of its response period and the Department extended the response period from July 9, 1992, to April 1, 1993, pending resolution of issues in *Green v. Lujan*, concerning the Samish petitioner. In February 1993, STI requested another extension of the response period or that STI be granted a hearing. In response to this request, the Department suspended the response period indefinitely. In March 1994, STI indicated that its response would be sent to the Department, but none was received.

The Department revised its acknowledgment regulations effective March 28, 1994. STI elected to be considered under the revised regulations as stated in their Resolution 94-4-2 (Betty Tippeconnic, Acting Director, the Office of Tribal Services, Bureau of Indian Affairs, to Alfred B. Cooper, STI, 5/14/1994). On August 31, 1994, the BIA provided a technical assistance meeting with the petitioner in Seattle, Washington, in which it also reviewed the work in progress, including the issue of previous unambiguous Federal acknowledgment. On November 11, 1994, the BIA provided another technical assistance letter defining questions the petitioner needed to answer concerning a determination of previous unambiguous Federal acknowledgment. In January 1995, STI submitted an "information paper" addressing its history and reorganization. The BIA also provided other meetings with STI and provided technical assistance over the telephone to the petitioner.

In December 1997, the Department informed STI that the suspension of the active consideration would be lifted. On December 15, 1997, the Department resumed active consideration of the STI petition providing a 120-day extension to the public comment period, ending on April 14, 1998. STI then had 60 days to respond to any third party comments. However, STI objected to being returned to active consideration and requested further time to prepare its response to public comments. At the petitioner's request, the AS-IA extended the public comment period to September 11, 1998, with STI's 60-day response period to end on November 3, 1998. However,

on September 10, 1998, STI requested another extension to the public comment period and the Department extended it to March 12, 1999, with the petitioner's response period to begin on May 13, 1999, and close on November 6, 1999.

On May 12, 1999, STI submitted its comments on the PF. The comments consisted of a narrative, several supplementary reports, and extensive supporting documents. Extensive comments on the PF from the Tulalip Tribes of the Tulalip Reservation, an interested party, arrived on the same day. On November 5, 1999, the Department received STI's response to third party comments.

On October 18, 2002, the Department recommended to STI that the Department prepare a second PF (an amended, revised version of the initial PF) instead of a FD because of the length of time that had elapsed since the publication of the PF in 1983. The petitioner initially agreed that a second amended PF was appropriate, but subsequently decided to oppose it. Tulalip Tribes also opposed this recommendation.

The Department notified STI and its interested parties that it began consideration of the FD on January 27, 2003, after weighing other competing priorities, availability of staff, resources, and the status of other petitioning groups in the process. Because of conflicts in staff responsibilities, OFA requested an extension to issue the FD, and the AS-IA extended the issuance of the FD with the publication date for the FD to November 17, 2003. On November 14, 2003, OFA informed the petitioner that the AS-IA expected to issue the FD on December 1, 2003.

### *Overview of the Proposed Finding*

The PF found that the STI petitioner was a limited organization, established in 1950, maintaining little social cohesion and exercising few functions. The evidence available at the time of the PF did not show the group had historical continuity as a community or political entity with the aboriginal Snohomish tribe. Forty-one percent of its members did not demonstrate Snohomish ancestry. The group submitted a constitution that defined its membership criteria. Less than one percent of the petitioner's members were enrolled members of any North American Indian tribe. The petitioner had not been the subject of Congressional legislation that expressly terminated or forbade a relationship with the Federal Government. Therefore, the AS-IA concluded that the group met criteria 83.7(d), (f), and (g), but did not meet criteria 83.7(a), (b), (c), and (e) of the acknowledgment regulations.

### *Previous Unambiguous Acknowledgment, and Definition of the Historical Snohomish Tribe.*

Revised acknowledgment regulations became effective March 28, 1994. One major change to the new regulations was the addition of section 83.8, Previous Federal Acknowledgment. The

regulations (section 83.1) define “previous Federal acknowledgment” as

action by the Federal government clearly premised on identification of a tribal political entity and indicating clearly the recognition of a relationship between that entity and the United States.

The definition of previous Federal acknowledgment in section 83.1 has two essential elements: (1) the action by the Federal Government was clearly premised on identification of a tribal political entity, and (2) the action indicated clearly the recognition of a relationship between that entity and the United States. For section 83.8 to apply, it must also be established that the petitioner is the same as the previously acknowledged tribe or is a portion that has evolved from the tribe as it existed at the last time of Federal acknowledgment (83.8(d)(1)).

According to the revised regulations, unambiguous previous Federal acknowledgment

is acceptable evidence of the tribal character of a petitioner to the date of such previous acknowledgment. If a petitioner provides substantial evidence of unambiguous Federal acknowledgment, the petitioner will then only be required to demonstrate that it meets the requirements of 83.7 to the extent required by this section (83.8(a)).

The petitioner has made no direct argument or provided specific evidence regarding the issue of previous unambiguous Federal acknowledgment of its ancestors as a tribal entity. Mainly, the petitioner asserts it evolved from the Snohomish treaty tribe “indisputably recognized by the government of the United States in the treaty of Point Elliot in 1855” (STI Narrative 1999, 1.1). The 1983 PF, however, concluded that “the petitioning organization” and its members’ ancestors had not “historically formed part of the historic Snohomish tribe proper” which it defined as having evolved from the “several bands” that had signed the Point Elliot Treaty of 1855.<sup>1</sup> Shortly after the treaty, according to the PF, the “historic Snohomish tribe became centered on the Tulalip Reservation” where it emerged as the “predominant” tribe. In 1935, the “Snohomish and the other Indian groups on Tulalip formed a tribal government under the Indian Reorganization Act” (Snohomish PF 1983, 1). The PF also concluded the following:

The ancestors of the petitioning group did not historically form distinct off-reservation Indian communities. Because of residence in the same area as off-reservation Indians and subsequent involvement in Snohomish claims organizations in the 20th century, the current group and its immediate ancestors

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<sup>1</sup>For a full discussion, with citations, of the historic Snohomish tribe at Tulalip and the STI ancestors lack of significant political connection to it, particularly from 1855 to 1917, see the description and analysis for criterion 83.7(c).

have for several generations incorrectly believed themselves, and were identified by some others, to be derived from the once substantial body of Snohomish and other Indians who were unable or unwilling to move onto the Tulalip in the 19th and early 20th centuries (Snohomish PF 1983, 1).

The evidence submitted does not support any change to that conclusion. Elsewhere in the comments, the petitioner claims “all of the available evidence indicates that we were Federally recognized, at least to 1974, and BAR has not found any record of a decision to withdraw that recognition” (STI Narrative 1999, 1.1, 5.10).<sup>2</sup> To the contrary, the available evidence does not demonstrate that the Federal Government ever unambiguously acknowledged the petitioning group or any group of its ancestors as a tribal political entity. In fact, the available record does not show the existence of such an entity from 1855 to the present that the Federal Government could have recognized.

The Federal Government recognized only the historic Snohomish Indian tribe residing on or carried on census records at the Tulalip agency. The Federal Government negotiated a treaty with the historic Snohomish and 21 other allied tribes in 1855, which it ratified in 1859. As part of the treaty, the government created four reservations in the Puget Sound area, including one at Tulalip where many Snohomish Indians eventually settled. The current petitioner claims that some of its ancestors were descendants of some of the treaty signers.<sup>3</sup> But the available evidence shows that the current members of the petitioner are the descendants of Indian women who married non-Indians and settled in a number of localities with large non-Indian populations in western Washington following the treaty. There is little evidence to demonstrate that these women, and less evidence that their children or grandchildren, maintained significant social or political relations with the historic Snohomish tribe at Tulalip or that they made up an identifiable off-reservation Snohomish entity. Many of the petitioner’s ancestors, as Federal censuses and other data show, settled in predominately non-Indian areas where they integrated into mainstream society. As such, the petitioning group did not evolve as a group from the recognized entity. Also there is no available evidence that these STI ancestors were ever recognized as a tribe.

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<sup>2</sup>Petitioner’s contention that no record withdraws recognition fails not only because the petitioner did not carry its burden to demonstrate they had previous unambiguous acknowledgment, but also because it erroneously shifts the burden to the agency. This shifting of the burden was rejected in *United Tribes of Shawnee Indians v. U.S.*, 253 F.3d 543, 548 (10th Cir. 2001) and in *Burt Lake Band v. Norton*, 217 F.Supp.2d 76, 79 (D.D.C. 2002).

<sup>3</sup>In 1991, the chairman of the petitioning group in testimony before a Senate committee alleged that “more than 25 percent of our 871 enrolled members today directly descend from Snohomish treaty signers” (Cooper Testimony 1991).

The 1983 PF described “three areas of geographic origin” for the current group membership in the late 19th and early 20th centuries. These were (1) “the Chimacum-Port Townsend area on the Olympic Peninsula, (2) Monroe and other towns along the Snohomish River and its tributaries, and (3) the southern half of Whidbey Island.” The “largest number” of the petitioner’s ancestors came from the Chimacum and Port Townsend region (Snohomish PF 1983, 3). Based on the available evidence, Federal officials did not identify these areas as having off-reservation Snohomish tribal political entities. Furthermore, that evidence does not demonstrate that any knowledgeable Federal officials ever identified leaders from these locations who had political influence over a tribal political entity of STI ancestors.

Some ancestors of the current petitioner were members of the “Snohomish Tribe of Indians,” a claims organization formed in 1926 and incorporated in 1927 to initiate legal action against the government for persons of Snohomish ancestry as part of the *Duwamish* case.<sup>4</sup> This organization contained both Tulalip Snohomish and off-reservation descendants, some of whom were the ancestors of the petitioning group. But BIA officials had very limited dealings with this 1926 claims group and the available evidence does not demonstrate they ever unambiguously recognized it as a tribal political entity encompassing both the Tulalip Snohomish and an off-reservation entity of STI ancestors. The 1926 claims group mainly engaged in claims activities, with limited social and cultural pursuits. The petition evidence does not indicate that the petitioner’s ancestors who were part of the 1926 Snohomish claims group opposed the incorporation of the reservation Snohomish and other tribes as the Tulalip Tribes under the IRA in 1935. When the 1926 organization lost its claims suit in 1935, evidence of it ceased to exist in the available record. There is no available documentary evidence to demonstrate that the petitioner’s ancestors were part of a separate Indian entity between 1935 and 1950.

The current petitioner organized in 1950 to pursue Snohomish claims before the Indian Claims Commission. In 1956, the Commission allowed the current petitioner to seek claims as the successor in interest for the aboriginal Snohomish Tribe of Indians. As stated in the 1983 PF, such action did not constitute an acknowledgment by the Federal Government that the group was tribal in character, only that it had standing as descendants to bring suit. From the 1950's to the 1970's, the BIA dealt with the group as a claims organization but did not recognize it as a tribal political entity.

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<sup>4</sup>Previous acknowledgment decisions have concluded that similar claims statutes and litigation allowed individual descendants of treaty tribes to seek compensation for aboriginal lands and to allotments of land, but that these decisions and the naming of individual beneficiaries in them did not depend on the identification of an existing Indian entity (see for example, Chinook RFD 2002, 28-33).

Snohomish Tribe of Indians: Final Determination – Summary under the Criteria

For the foregoing reasons, this FD concludes that the Federal government never unambiguously acknowledged the STI petitioning group, and it will not be evaluated under the requirements of 83.8.<sup>5</sup>

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<sup>5</sup>The Tulalip Tribes stated in its comments on the proposed finding that from “a review of the voluminous historical record compiled for this report, it is our opinion that the Snohomish Petitioner has not been the subject of unambiguous prior Federal Acknowledgment” (Nicklason Historical Report 9/1998, 241). It also maintained that “while many of the documents in the historical record mention reservation or non-reservation entities they do not mention the petitioner. In addition those that do lump it clearly with non-recognized entities. In addition, many Federal documents after 1950 . . . clearly describe the ‘Snohomish tribe of Indians’ as a claims group” (Nicklason Historical Report 9/1998, 243). The Department concurs with this conclusion.

**Abbreviations and/or Acronyms Used in the Final Determination**

ANA	Administration for Native Americans
AS-IA	Assistant Secretary - Indian Affairs.
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs. (formerly BFA in 1983, changed to OFA on 7/27/2003)
BFA	Branch of Federal Acknowledgment, Bureau of Indian Affairs.
BIA	Bureau of Indian Affairs.
CFR	<i>Code of Federal Regulations.</i>
Ex.	Documentary exhibit submitted by petitioner or third parties.
FD	Final Determination.
FR	<i>Federal Register.</i>
IRA	Indian Reorganization Act
Narr.	Petition narrative.
NFAI	Northwestern Federation of American Indians
OD	Obvious deficiencies letter issued by the BIA.
OFA	Office of Federal Acknowledgment, Bureau of Indian Affairs (formerly BAR).
PF	Proposed Finding.
STI	Snohomish Tribe of Indians (petitioner #12).
TA	Technical assistance letter issued by the BIA.
TED	Tulalip Enrollment Department.
U.S.	United States.

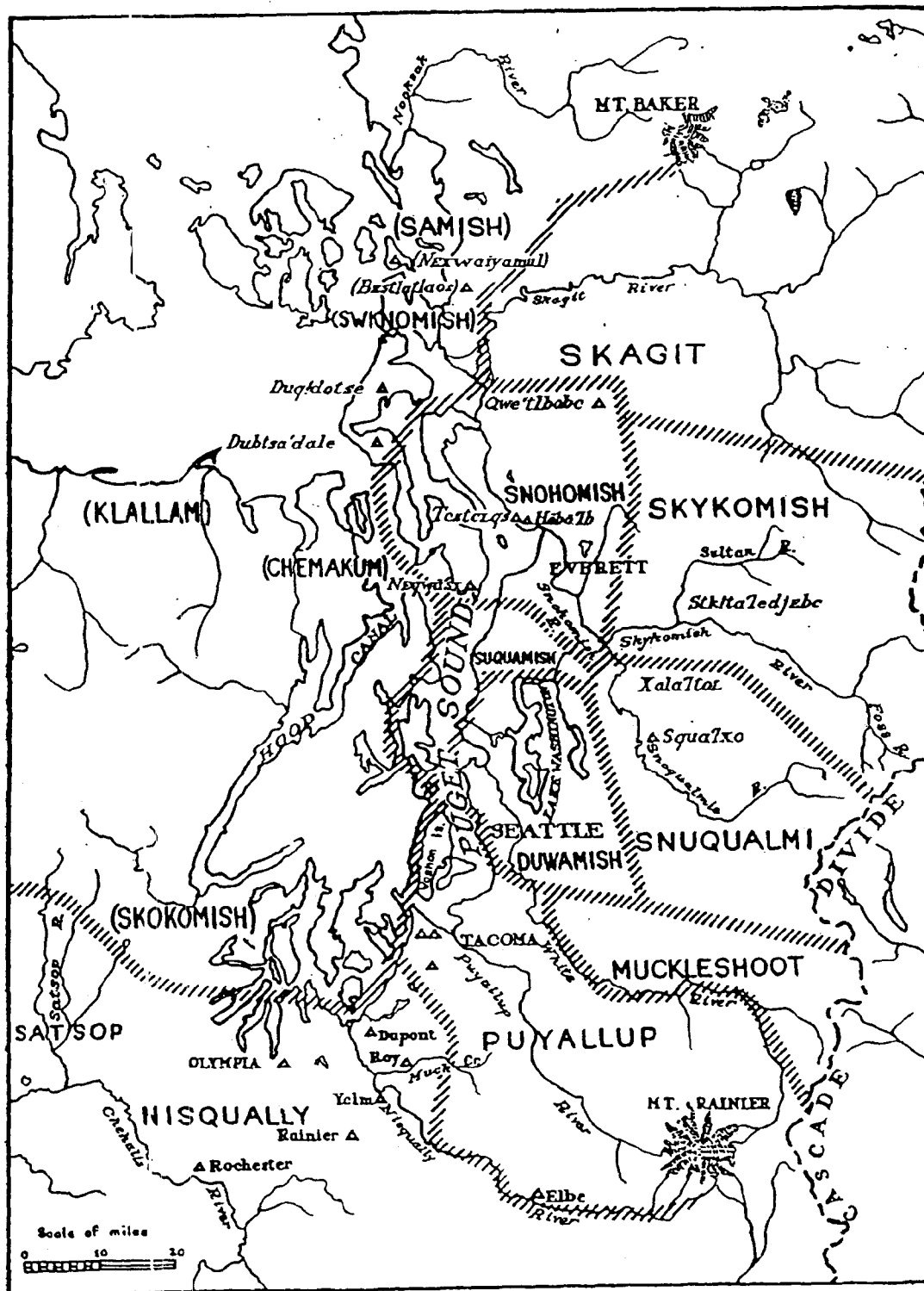
### **Standardized Spellings**

When discussing Indian tribes and bands, place names, and names of individuals, this Summary uses current standardized spellings. Where specific historical documents are quoted, these names are spelled as found in the original. One concrete example of this is the variation between the standardized spelling of the name “Jimmicum” and forms used in historical documents, e.g., “Jimicum” or “Chimicum.” Similarly, the name Indian of STI ancestress Ellen (John) Johnson appears in historic quotations as Sla-la-has, Tsee-hah-hah-kash, and many other variants.

Additionally, direct quotations from territorial documents are not furnished with a [*sic*] after every obsolete or variant spelling of a word. In direct quotations, punctuation and spelling remain “as is.”

Map 1

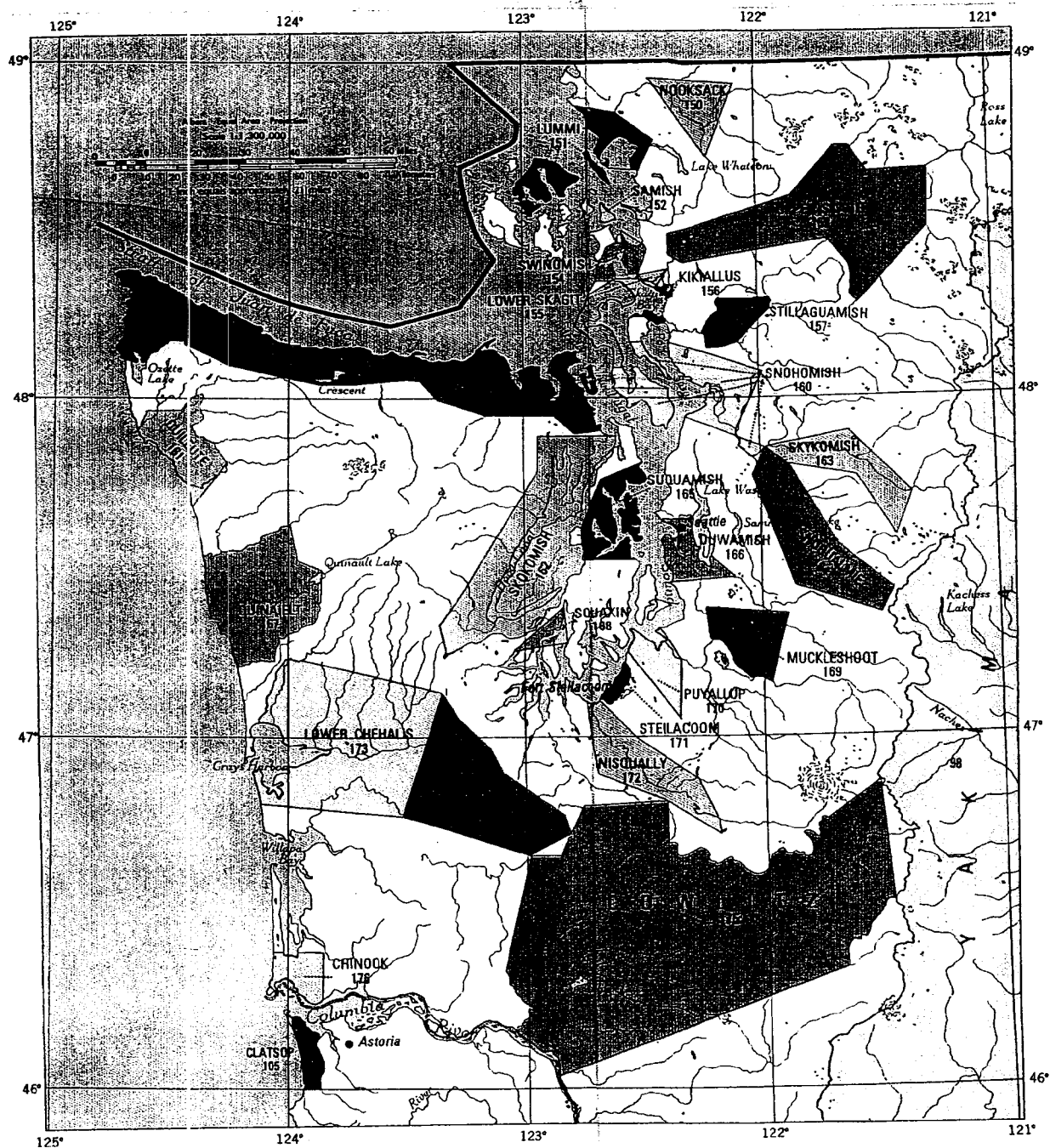
Distribution of Puget Sound Tribes. From *The Indians of Puget Sound*, 1930, Hermann Haeberlin and Erna Gunther, University of Washington Press, Seattle, University of Washington Publications in Anthropology vol. 4(1), p. 8, fig. I.



### Map 2

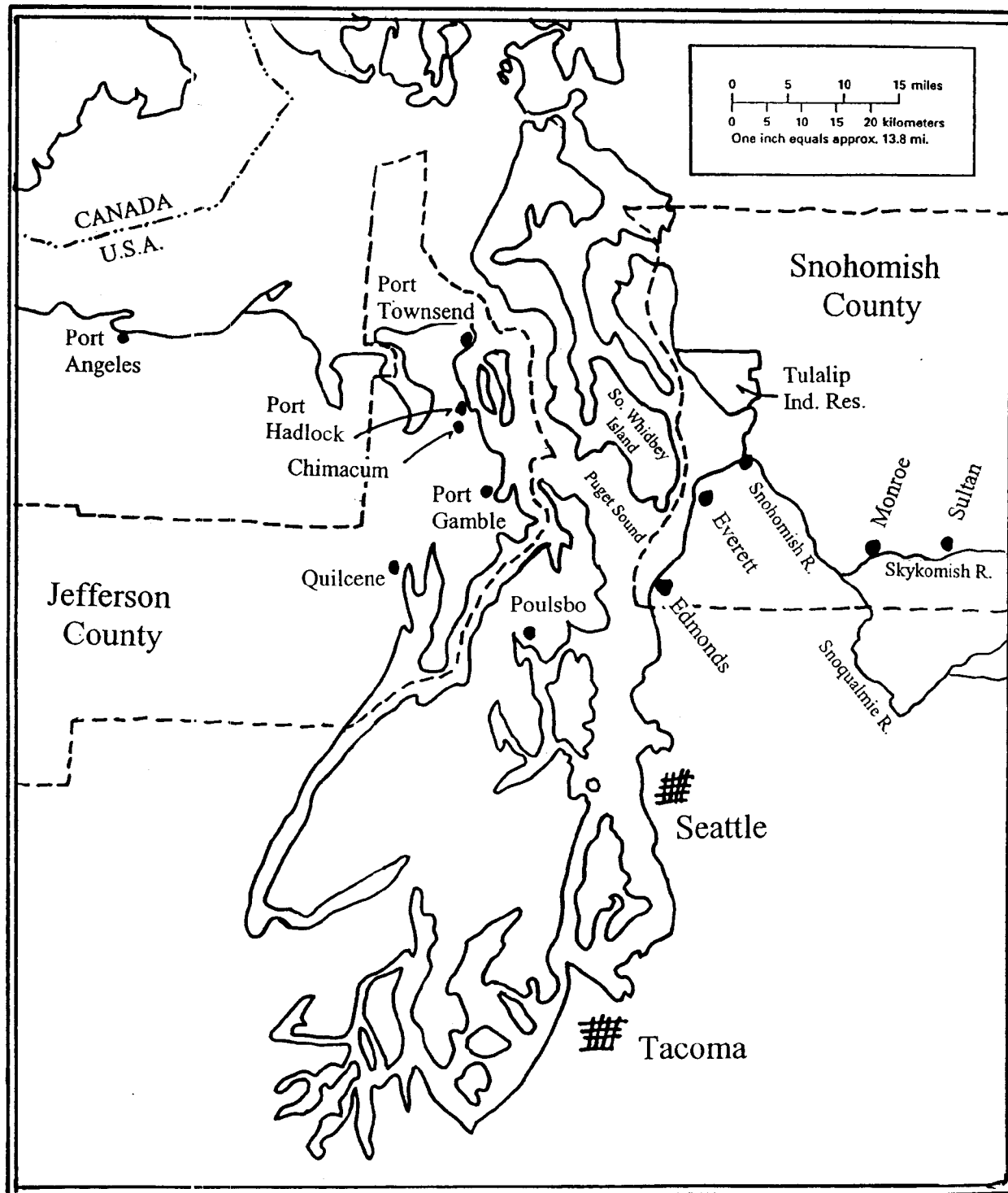
Indian Land Areas Judicially Established – 1978: Western Washington Inset. This map portrays the results of cases before the U. S. Indian Claims Commission or U.S. Court of Claims in which an American Indian tribe proved its original tribal occupancy of a tract within the continental United States. Each tract so established is outlined and the number in each tract refers to the Indian Land Area Map Index case citations.

From *Final Report*, 1978. U.S. Indian Claims Commission.



**Map 3**

Puget Sound area showing modern communities and geographic features mentioned in the text of this document.



**CONCLUSIONS UNDER THE CRITERIA (25 C.F.R. § 83.7)**

*Summary Discussion of the Evidence under the Mandatory Criteria*

Evidence submitted by the petitioner and obtained through third parties and independent research by the staff of the OFA demonstrates that the petitioner, Snohomish Tribe of Indians (STI), does not meet all seven criteria required for Federal acknowledgment. Specifically, the petitioner does not meet criteria 25 CFR 83.7(a), (b), (c), or (e). In accordance with the regulations set forth in 25 CFR 83.10(m), failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

The review of all the evidence in the record concludes that the STI has satisfied the requirements of criteria 25 CFR 83.7(d), (f), and (g). That is, the petitioner's constitution describes its membership criteria and governing procedures, the group is principally composed of persons who are not members of any acknowledged North American Indian tribe, and neither the group nor its members are the subject of congressional legislation expressly terminating or forbidding the Federal relationship.

The review finds that the petitioner has not satisfied the requirements of 25 CFR 83.7(a), (b), (c), or (e). The petitioner has not provided sufficient evidence that it has been identified as an Indian entity on a substantially continuous basis since 1900. The petitioner has not provided sufficient evidence that it has comprised a distinct community on a substantially continuous basis under criterion 83.7(b). The petitioner has not provided sufficient evidence that it has maintained tribal political influence or other authority over its members as an autonomous entity from first sustained contact until the present under criterion 83.7(c). The petitioner has not provided sufficient evidence that its membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes that combined and functioned as a single autonomous political entity under criterion 83.7(e).

When a FD is negative, the regulations direct that the petitioner be informed of alternatives to this administrative process for achieving the status of a federally recognized tribe, or other means by which the petitioner's members may become eligible for services and benefits as Indians (25 CFR 83.10(n)). Some individual members may be eligible for membership in recognized tribes or eligible for individual services or benefits under certain Federal statutes.

Criterion 83.7(a) requires that

**The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met.**

*Conclusions under the Proposed Finding<sup>6</sup>*

The PF of March 1983 was issued under the original acknowledgment regulations, which became effective in 1978. For criterion 83.7(a), the earlier regulations required

a statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as “American Indian,” or “aboriginal.” A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years (43 FR 39363).

The PF concluded that the petitioner had not met criterion 83.7(a). It stated

that the petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner before 1950. The 1917 organization known as the “Snohomish Indian Tribe” was identified as Snohomish in that year, the only one for which there is a record of the organization. Some of its members appear to have also been a small part of the 1926 claims organization known as the Snohomish Tribe of Indians. The membership of the latter organization to some extent overlapped with the historic Snohomish tribe on the Tulalip reservation.

The 1926 organization was identified by the Bureau and others as a Snohomish group up to its disbandment in 1935. Although the membership of the petitioning organization is derived from the Indian descendant portion of the 1926 organization's membership, there is no other continuity between the petitioner and

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<sup>6</sup>For a more detailed discussion of the identifications with full citations please see the description and analysis for criterion 83.7(a).

the 1917 and 1926 organizations. No identifications of any Snohomish group were found between 1935 and 1950 except for the Snohomish on the Tulalip Reservation. This tribe in 1935 participated in the formation of a combined tribal government with the other Indians on the Tulalip reservation. *The petitioner has only been identified as a Snohomish group since 1950 when it was formed. We conclude that the petitioning organization has not been historically identified as a Snohomish Indian group on a substantially continuous basis and therefore does not meet the requirements of criterion a* (Snohomish PF 1983, 9-10; emphasis added).

#### *Effect of the 1994 Revised Regulations on Criterion 83.7(a)*

Under the revised regulations, which the petitioner elected to proceed under, for criterion 83.7(a), the petitioner has to demonstrate that it has “been identified as an American Indian entity on a substantially continuous basis since 1900” (25 CFR 83.7(a)) rather than from historical times. Because the 1983 PF concluded that external observers had not identified the petitioner on a substantially continuous basis before 1950, this final determination will analyze in detail only the periods from 1900 to 1949 and from 1980 to the present, since evidence for criterion 83.7(a) for the 1983 PF covered the period before 1980. For a review of the identifications for 1950 to 1980 please see the description and analysis for criterion 83.7(a). The review of those identifications affirms the conclusion of the 1983 PF that external observers identified the petitioner on a substantially continuous basis for 1950 to 1980. Identifications as an Indian entity may come from Federal authorities, State governments, county, parish, or other local governments, anthropologists, historians, and/or other scholars, newspapers and books, Indian tribes or national, regional, or state Indian organizations (25 CFR 83.7(a)(1)-(6)).

#### *The Definition of the Historical Community for the Petitioner*

The PF stated that the petitioner and its ancestors had not “historically formed part of the historic Snohomish tribe proper,” which had evolved from the “several bands” that had signed the Point Elliot Treaty of 1855. Shortly after the treaty, the “historic [*sic*] Snohomish tribe became centered on the Tulalip Reservation” where it emerged as the “predominant” tribe. In 1935, the Snohomish and the other Indian groups on Tulalip reorganized a tribal government under the IRA (Snohomish PF 1983, 1). The PF also stated that the “ancestors of the petitioning group did not historically form distinct off-reservation Indian communities.” Because these ancestors lived in the same areas as other off-reservation Indians and were later part of various Snohomish claims organizations in the 20th century, the petitioner and its ancestors “incorrectly believed themselves, and were identified by some others, to be derived from the once substantial body of Snohomish and other Indians who were unable or unwilling to move onto the Tulalip in the 19th and early 20th centuries” (Snohomish PF 1983, 1).

In its comments on the PF, the petitioner disputed this conclusion. The group maintained that until the “incorporation of the Tulalip Tribes, Inc. there was only one Snohomish community” (STI Narrative 1999, 1.5). It claimed that

the genealogical, demographic, and oral-historical studies presented in these Comments clearly show that most Snohomish lineages (1) were represented both on-reservation and off-reservation, and (2) continued to have significant social interaction with each other until the 1930s. The division came only after most of the Snohomish Indians living at Tulalip joined their non-Snohomish neighbors in creating the Tulalip Tribes, Inc. under the Indian Reorganization Act in 1935. Only then did the Snohomish community split into two parts: the on-reservation Snohomish who opted for a primary affiliation with the non-tribal Tulalip Tribes, Inc. and the off-reservation Snohomish who maintained their affiliation with the Snohomish Tribe. Until the 1960s, furthermore, the Tulalip Tribes Inc. regarded the Snohomish Tribe of Indians—that is the formal organization of Snohomish Indians who did not join the Tulalip-residents organization—as the political successor to the aboriginal Snohomish (STI Narrative 1999, 1.7-1.8; emphasis in original).<sup>7</sup>

The petitioner also claims a Snohomish entity existed in the Chimacum area as early as the 1850’s. It states that the “*Snohomish Indian community on the Quimper Peninsula was centered in the valley of the Chimacum Creek. A large number of Snohomish Indians, including many lineages that must be considered to be within the ‘social core’ of the Snohomish Tribe, have lived in the Chimacum area since the 1850’s, if not earlier*” (STI Narrative 1999, 3.9; emphasis added).

Given the PF’s conclusions and the petitioner’s claims, this FD will analyze the evidence for external identifications of the petitioner and its ancestors, submitted as part of the group’s comments on the proposed finding and by interested parties, in the following manner:

Identifications of an Indian entity will be accepted as an identification of the

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<sup>7</sup>In its 1979 narrative, the petitioner did not always claim such close social ties between its off reservation ancestors and the historical Snohomish tribe on Tulalip before 1935. Instead, the petitioner sometimes appeared to describe its ancestors as a mostly distinct group of off-reservation Snohomish. According to the narrative, “most of the present-day Snohomish Tribe of Indians and their ancestors, the majority of whom never lived on the Tulalip Reservation, have survived intact as an Indian Tribe in an emerging white society without the protections customarily extended to Indians by the United States government” (STI Narrative 1979, 13). Elsewhere, the narrative described Thomas Bishop, an ancestor of the group for whom it claims a major leadership role in the early 20th century, as “one of the un-allotted members of an off-reservation tribe—the Snohomish tribe of Indians” (STI Narrative 1979, 19). In practice, however, the petitioner tended to conflate identifications of the Snohomish community at Tulalip as one entity that included its alleged ancestors.

petitioning group if they were an identification of

(1) 1900-1935: Identification of an off reservation entity of STI ancestors, which either existed separately or was historically part of the historical Snohomish tribe at the Tulalip reservation. The petitioner and its ancestors are distinct from the historical Snohomish tribe centered on or near the Tulalip reservation. The 1983 proposed finding described “three areas of geographic origin” for the current membership of the group in the late 19th and early 20th centuries. These were (1) the Chimacum-Port Townsend area on the Olympic Peninsula, (2) Monroe and other towns along the Snohomish River and its tributaries, and (3) the southern half of Whidbey Island. The “largest number” of the petitioner’s ancestors came from the Chimacum-Port Townsend region (Snohomish PF 1983, 3).<sup>8</sup>

(2) 1936-1949 and 1980 to the present: Identification of an off-reservation entity of the petitioner’s ancestors separate from the Tulalip Snohomish who had organized a tribal government with other tribes as part of the IRA.

The terms “reservation Snohomish” or “Tulalip Snohomish” as used in this FD are meant to apply to the Snohomish Indians enrolled on the agency census for the Tulalip reservation. These terms do not necessarily imply that these people were all residents of the reservation. The Tulalip reservation census listed allotted Indians, and other Indians, resident or not, who had **retained tribal** relations or had some legal interest in the reservation. The use of term “off reservation” (or occasionally “non-reservation”) when applied to the petitioner’s ancestors is not meant to imply a connection to the reservation Snohomish. The term “off-reservation” is one of convenience since the available evidence demonstrates that the petitioner’s ancestors, with only minor exceptions, were not enrolled on the Tulalip reservation census records, did not have allotments on the reservation, and lived primarily “off-reservation” in non-Indian communities.

The Tulalip Tribes in its comments made no direct response to the PF’s conclusions regarding criterion 83.7(a). In a discussion of whether the Federal government had previously unambiguously acknowledged the petitioner, Tulalip Tribes argued that for the period before 1915 “no primary source” described a “separate off-reservation Snohomish tribe during these early years” (Nicklason Historical Report 9/1998, 58). Elsewhere it asserted that between 1916 and 1934, there was “no evidence in the record . . . of a separate off-reservation Snohomish tribe” (Nicklason Historical Report 9/1998, 239). For 1935 to 1950, it claimed there was no evidence

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<sup>8</sup>The proposed finding portrayed these three localities as “rural non-Indian settlements with large numbers of Indian-white marriages, many Indian descendants, and also significant populations of Indians.” It characterized Chimacum-Port Townsend, never a part of the aboriginal Snohomish territory, as “one of the earliest areas of non-Indian settlement” in Washington. This region “attracted many Indians from many locations outside the area.” All these locales contained a “mixture of different tribes, including Snohomish” (Snohomish PF 1983, 3).

in the “historical record . . . of an off-reservation Snohomish tribe or any off-reservation Snohomish organizational entity” (Nicklason Historical Report 9/1998, 240).

*Summary Analysis of Evidence, 1900-1949, 1980-Present*

This FD affirms the 1983 PF’s conclusion for 83.7(a). The petitioner does not meet the requirements of 83.7(a) because it has been identified as an American Indian entity only since 1950. The bulk of the available evidence for the pre-1950 period, provided by the petitioner and the Tulalip Tribes, an interested party, came from the records of the Tulalip Indian Agency and concerned the historical Snohomish tribe on the Tulalip reservation. What follows is a summary of the types of evidence available for 1900-1949, and 1980 to the present.

The petitioner and the Tulalip Tribes submitted a number of documents from Tulalip agency officials for 1900 to 1917. They included correspondence, annual reports, agency censuses, employee records, and court documents. The records dealt with such issues as Indian work habits, reservation allotments and enrollment, agency censuses, employment, Indian fairs, timber sales, and fishing rights. The material does not demonstrate that the petitioner’s ancestors were involved in these matters. While many of the records identified the historical Snohomish tribe on the Tulalip reservation, they did not identify an off reservation entity of STI ancestors that existed separately from or in combination with the reservation group. In these records, agency officials did not identify any such entity involved in determining who received reservation allotments, gained employment, harvested and sold timber, or participated in Indian fairs. A few documents from this period also concerned the Tulalip agency’s jurisdiction over “non-reservation” Indians. The evidence does not demonstrate that the documents regarding jurisdiction identified an entity of STI ancestors.

The petitioner submitted excerpts of city directories from 1900-1910 for the area around Port Townsend, where many of its ancestors lived. None of the directories identified the existence of an entity of STI ancestors in that region. Instead, they simply listed the names of some of the petitioner’s ancestors who lived in a non-Indian community.

The petitioner and Tulalip Tribes submitted several documents from 1916-1917 and 1919 that dealt with the efforts of Thomas Bishop, ancestor of some petitioner members, to seek claims for a number of unenrolled and unallotted Indians around Puget Sound. In 1914, Bishop, of part Snohomish descent, founded and became President of the Northwestern Federation of American Indians (NFAI), an intertribal organization dedicated to pursuing claims. The available evidence does not demonstrate that these documents about Thomas Bishop identified an off-reservation entity of STI ancestors separate from or connected with the reservation Snohomish. Agency officials did not describe Bishop in the available record as a member or leader of a Snohomish entity on or off the reservation.

Evidence for 1917 also included references to an off-reservation claims organization known as the “Snohomish Tribe of Indians,” which included some of the petitioner’s ancestors. An evaluation of the available documents does not demonstrate that external observers identified this claims organization as an American Indian entity. The Assistant Commissioner of Indian Affairs referred to contracts entered into by “certain Snoqualmie and Snohomish Indians” (Merritt to Simmons 10/25/1917) and to the “Indians who have entered into contracts” (Merritt to Buchanan (1025/1917)). The Superintendent of the Tulalip Agency referred to the attorney’s “alleged clients,” to a council “attended by individuals,” and to “signers” of the alleged contracts (Buchanan to Commissioner of Indian Affairs 11/2/1917). When the superintendent wrote to these Indians, he sent a letter to each individual rather than sending a letter to a group or entity. The Indians who signed the contracts with an attorney may have formed a claims group, but these letters by BIA officials used no language that characterized those Indians as a group or entity, and instead referred to them as individual Indians who had contracted with an attorney. The only “identifications” of the organization in the available evidence came from its own officers or from the lawyer hired as their spokesperson.

The available record contained about 30 documents from the Federal government for the 1920's, most of which dealt with and identified the Tulalip reservation Indians. Some documents concerned routine matters like Indian fairs, census records, jurisdictional questions, and enrollment. The available evidence does not demonstrate that these documents identified an off-reservation entity of STI ancestors apart from or combined with the reservation Snohomish.

Some of the Federal documents from the 1920's also concerned the claims movement started by Thomas Bishop and the NFAI. The documents described meetings between agency officials and various NFAI councils, representatives of the NFAI, and lawyers hired by Indian groups to pursue claims. The available evidence, however, does not demonstrate that this material identified an entity of STI ancestors apart from or combined with the reservation Snohomish.

A portion of the Federal documents from the 1920's described Snohomish political groups on the reservation or claims organizations. Around 1923, the reservation Snohomish formed their first formal political organization separate from the other Tulalip Indian groups. In the late 1920's and early 1930's, this “Snohomish Tribal Committee” approved enrollment applications for a Snohomish claims organization, and it sometimes advised the agency superintendent on reservation enrollment. All of the members of the committee were listed on the agency censuses from the 1920's. Agency officials viewed the 1923 tribal committee as a reservation political entity. To the extent that BIA officials identified this group in the available evidence, they did not identify a group of STI ancestors.

In 1925, the reservation Snohomish elected a slate of delegates to represent them in hiring an attorney to pursue claims. All five delegates were Snohomish listed on the agency reservation census. The evidence does not demonstrate that the STI ancestors were part of this delegation. None of the available documents from outside observers concerning the election or the

subsequent hiring of the claims lawyer identified any off-reservation entity of STI ancestors separate from or connected to the Tulalip Snohomish.

Around 1926 another claims group called the “Snohomish Tribe of Indians” came into being. The group included some non-reservation ancestors of the petitioning group, a few other off-reservation Snohomish Indians, and some of the reservation Snohomish. In the late 1920's, the Tulalip superintendent occasionally dealt with this claims organization on some very limited matters involving the reservation Snohomish. Most of the organization's activities, however, dealt with claims. Most important the composition of the 1926 Snohomish claims organization, which ceased to exist in the available record in 1935, was markedly different from the 1950 Snohomish organization. The latter organization was composed almost entirely of the off-reservation ancestors of the petitioning group. The reservation Snohomish and the other off-reservation Snohomish descendants who were members of the 1926 Snohomish claims organization were not part of the 1950 Snohomish organization. Therefore, identifications in the 1920's, and in the 1930's, of the 1926 Snohomish claims organization do not qualify as an identification of an STI entity.

The petitioner submitted one document from the State government in the 1920's describing two Indians accused of violating fishing regulations, and three newspaper articles describing a large meeting of the NFAI. None of these described a Snohomish entity, on or off the reservation. The petitioner also submitted three maps, one from 1925, and two from 1927. The earlier map was a portion of Jefferson County near Port Townsend Bay. The later maps were of Snohomish County around the Monroe area. The maps listed the names of various households and businesses in these areas, including some belonging to the petitioner's ancestors, but did not identify any Snohomish entity. The Tulalip Tribes submitted one item from an Indian organization detailing a meeting of the NFAI Advisory Board. This document did not identify a Snohomish entity, on or off the reservation.

The petitioner and the Tulalip Tribes submitted about 50 documents from Federal officials in the 1930's. Many involved routine matters on the Tulalip reservation like surveys and censuses, services, enrollment, cemetery funds, and tribal fairs. The available evidence does not demonstrate that these items identified an off-reservation entity of STI ancestors separate from or connected with the Tulalip Snohomish.

A small number of Federal documents from 1930 dealt with the establishment of a Tulalip reservation business council. The Tulalip superintendent prohibited off-reservation Indians from participating in this multi-tribal organization. The organization was strictly a reservation entity and predecessor to the governing body organized under the IRA. It did not include the STI ancestors. In addition, none of the available Federal documents describing the Tulalip or Snohomish political organizations from 1930 to 1935, before the organization of the Tulalip Tribes under the IRA, showed that agency officials identified an off-reservation entity of STI ancestors.

A number of Federal documents from 1935 to 1936 relate to the organization of the Snohomish and other tribes at the Tulalip reservation as the Tulalip Tribes under the IRA. The BIA prohibited most off-reservation Indians from participating in the voting for the act on the Tulalip reservation. None of the available records concerning the reorganization identified an off-reservation entity of STI ancestors separate from or connected with the Tulalip Snohomish. Additionally, the evidence did not demonstrate that any of the off-reservation STI ancestors who belonged to the 1926 Snohomish claims organization opposed the formation of the new IRA government, as one might expect if they viewed themselves as part of the historical Snohomish tribe. Nor did the available evidence indicate that BIA officials ever included the 1926 Snohomish claims organization in the planning for the IRA vote.

Most of the available agency records for 1936 to 1939 concerned the organization of other Indian groups, the tax-exempt status of the Tulalip Tribes, and the continued pursuit of claims by other off-reservation groups. These materials revealed that for the remainder of the 1930's Federal officials did not identify the existence of a separate off-reservation entity of STI ancestors, which the petitioner in its comments claimed existed after 1935.

The petitioner and the Tulalip Tribes submitted four newspaper and periodical articles from the 1930's. None of these documents identified a group of the petitioner's ancestors. The petitioner and the Tulalip Tribes submitted three documents from Indian organizations in the 1930's. Two came from the NEAI. These documents did not identify a STI entity. The final document came from leaders of the Snoqualmie Tribe, who wrote the Commissioner in April 1934 voicing their opposition to the proposed IRA. It did not identify an off-reservation entity of STI ancestors that existed separately from or in combination with the reservation Snohomish.

The petitioner and the Tulalip Tribes submitted a number of documents from Federal officials in the 1940's. Some described continued efforts by the Tulalip agency to incorporate certain Indian groups under the IRA. These types of records did not identify an off-reservation group of STI ancestors. A few documents dealt with services the Tulalip agency provided to individuals who were ancestors of the petitioning group. While many of the documents described these persons as having Snohomish or Indian ancestry, the evidence does not demonstrate that they identified an off-reservation group of STI ancestors. Periodically during the 1940's, the agency also sent out notices to the Indian groups with which it dealt. The evidence does not demonstrate that there were identifications of an off-reservation group of STI ancestors in these records.

The Tulalip Tribes submitted three letters from Indian organizations in the 1940's, all dealing with controversial fishing rights issues. The evidence does not demonstrate that an off-reservation group of STI ancestors, or any individual representing such an entity, was identified in this correspondence. The petitioner submitted an unidentified 1940 press release or biographical statement about college football player Tommy Yarr, an ancestor of some petitioners. While the document did identify Yarr as having Snohomish ancestry, it did not identify a group of STI ancestors.

For the period since 1980, the petitioner has submitted minimal but sufficient evidence to show that Federal officials, Indian groups, non-profit organizations, scholars, and newspapers have identified it as an American Indian entity. In early 1980 the Forest Service conducted a study, along with the nonprofit Institute of Cooperative Research, on American Indian religious practices in the Mount Baker-Snoqualmie National Forest. The petitioner was identified as one of the “Native American Groups” that had a possible interest in the project. In 1981, Wilbur Paul, a Blackfoot Indian with the U.S. Department of Commerce, identified the petitioner and its council as part of his efforts to nominate Thomas Yarr, a person of Snohomish descent and an ancestor of some petitioning group members, to the American Indian Athletic Hall of Fame. In October 1998, the National Museum of Natural History conducted a study on various Indian remains in Oregon and Washington and identified the petitioner as one of the American Indian entities in the area.

In 1990 scholar Frank W. Porter wrote a study of Federal policy on landless Indians in western Washington from 1855 to the 1960's, which appeared in *American Indian Quarterly*. The article identified the petitioner as one of the landless Indian groups in western Washington in 1990. Scholar Alexandra Harmon in 1998 published *Indians in the Making*, a study of western Washington Indians and the evolution of their ethnic identity. The book's afterward identified the contemporary petitioner in a discussion of its petition for Federal acknowledgment.

There were two online newspaper articles from the *Port Townsend Leader*, from 1999 and 2000 respectively, which identified the petitioner. Both articles described powwows held by the “Snohomish Tribe of Indians” at Fort Flagler State Park.

### *Conclusion*

The FD affirms the conclusion of the 1983 PF that the petitioner does not meet the requirements of criterion 83.7(a) because the available evidence demonstrates that it has been identified as an American Indian entity only since 1950. The evidence shows that the petitioner and its ancestors were not part of the historical Snohomish tribe on the Tulalip reservation. Therefore, identifications of the Snohomish reservation tribe before 1950 do not qualify as identifications of an entity of the petitioning group's ancestors. References to a 1917 organization called the “Snohomish Tribe of Indians,” which contained some of the group's ancestors, occurred only in that year. The evidence does not demonstrate that external observers identified the 1917 claims organization as an American Indian entity. The only available identifications of this organization as an Indian entity came from members of the organization or a lawyer hired to be their spokesperson.

The 1926 Snohomish claims organization was identified until 1935 as claims group, but these identifications are not identifications of a predecessor of the petitioner. The available evidence

**Snohomish Tribe of Indians: Final Determination – Summary under the Criteria**

**does not include any identifications of an off-reservation STI entity from 1935 to 1949.  
Therefore, petitioner has not provided evidence sufficient evidence to meet criterion 83.7(a).**

Criterion 83.7(b) requires that

**A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.**

*Conclusions under the Proposed Finding*

The PF found little evidence of important social relationships among members of STI:

The membership of the petitioning organization does not currently form a community nor are they distinct from non-Indians living in their vicinity. The membership is scattered geographically around the Puget Sound area, with little concentration of members within any locality. The membership is a collection of numerous and diverse family lines which have few ties with each other historically, outside of several geographical areas from which some of them have derived. Forty-one percent of the membership (19 of 38 family lines) could not establish Snohomish ancestry, but were of Snoqualmie, Clallam or other Indian ancestry.

The members of the group are almost entirely the descendants of Indian white marriages occurring soon after treaty times. The descendants of these marriages for the most part historically functioned as part of non-Indian communities and distinguished themselves from Indian populations in their vicinities. . . . They do not in general have identifiable common ancestors with the Snohomish population of Tulalip reservation, and historically have had few social ties with the latter outside the framework of the 1926 claims organization. (Snohomish PF 1983, 10)

It concluded

The members of the petitioning organization do not now and have not historically formed a community nor have they been distinct from non-Indians living in their vicinity. . . . Except for common participation in the 1926 Snohomish claims organization, the group and its ancestors have had little contact or social ties with the historic Snohomish tribe based on the Tulalip Indian Reservation. We conclude that the group does not now form and has not formed in the past a community viewed as American Indian and that it does not meet the requirements of criterion b. (Snohomish PF 1983, 15)

### STI Comments on the Proposed Finding

The petitioner argued in its 1999 submission of *Comments on the Proposed Finding* that the three categories of Snohomish descendants distinguished by the PF (on-reservation Snohomish, off-reservation Snohomish, and pioneer descendants) did not exist. The group contended that until “the incorporation of the Tulalip Tribes, Inc. there was only one Snohomish community” (STI Narrative 1999, 1.5). It claimed that

the genealogical, demographic, and oral-historical studies presented in these Comments clearly show that most Snohomish lineages (1) were represented both on-reservation and off-reservation, and (2) continued to have significant social interaction with each other until the 1930s. The division came only after most of the Snohomish Indians living at Tulalip joined their non-Snohomish neighbors in creating the Tulalip Tribes, Inc. under the Indian Reorganization Act in 1935. Only then did the Snohomish community split into two parts: the on-reservation Snohomish who opted for a primary affiliation with the non-tribal Tulalip tribes, Inc. and the off-reservation Snohomish who maintained their affiliation with the Snohomish Tribe. (STI Narrative 1999, 1.5)

As evidence, the petitioner submitted new analyses of previously submitted Federal, Indian and reservation census records from the mid- and late-19th century in order to demonstrate that the ancestors of the petitioner and the ancestors of the members of the Tulalip Tribes were living in similar circumstances, both on the Tulalip reservation and in towns and cities off the reservation. However, the available data showed that Jefferson County, which included Port Townsend, Chimacum, Hadlock, and other towns where most of the petitioner’s ancestors lived, was a largely non-Indian county with some mixed Indian/non-Indian households and some all-Indian (mostly S’Klallam) households. The children of the mixed Indian households were well integrated into the larger community. The available evidence did not indicate that any distinct Indian group of STI ancestors existed in this area.

### Comments Submitted by the Tulalip Tribes

The Tulalip Tribes submitted a document by Allan D. Ainsworth, Ph.D., entitled “Analysis of the Methodology and Techniques Employed in the Production of Anthropological and Ethnohistorical Works.” Dr. Ainsworth’s text did not directly address the materials submitted by STI, but instead addressed what the Tulalip Tribes believes is the over-reliance STI placed on oral history and interviews for specific historic periods when both primary and secondary documentation was lacking. STI’s response to the comments of the Tulalip Tribes did not directly respond to anything in Dr. Ainsworth’s text. However, it did accuse the Tulalip Tribes of holding a double standard when relying on oral history to support its own arguments regarding

the history of the 1926 organization (STI Narrative Response to Tulalip Tribes 1999, 35). The Department's position on oral history is consistent with Dr. Ainsworth's position, and OFA utilized available documentary evidence to supplement oral histories supplied by both the Tulalip Tribes and the petitioner.

The Tulalip Tribes also submitted a 1999 interview with Kyle Lucas, a former member (and council member) of STI, now enrolled in the Tulalip Tribes. According to Ms. Lucas, STI was focused almost exclusively on obtaining Federal acknowledgment during her time as a council member (approximately 1983-1984), and had little interest in the cultural activities. STI also submitted a letter from Chairman William Matheson written in 1999, in which he alleged the interview with Ms. Lucas had been staged. Ms. Lucas was interviewed by OFA in 2003, and related essentially the same information. Her 2003 interview was not staged or rehearsed. OFA treated both of Ms. Lucas's interviews in the same manner it treated other interviews, as part of a greater whole. The information gained from all interviews and oral histories was evaluated in conjunction with primary and secondary documentation in order to obtain the most complete "picture" possible.

#### Analysis for the Final Determination

##### "Direct Ancestors" and "Indirect Ancestors"

The petitioner defines the term "direct ancestors" as "Persons included on the Snohomish lineage charts as descendants of the identified Snohomish ancestor, and siblings and descendants of siblings of the identified Snohomish ancestor" (STI Narrative 1999, iii). The petitioner defines "indirect ancestors" as "persons we have been able to identify as having a consanguineal or affinal relationship to a direct Snohomish ancestor, but which are not direct ancestors" (STI Narrative 1999, iv). Both of these definitions are erroneous according to accepted genealogical standards.

A "direct ancestor" is a person from whom an individual descends (for example, a parent or grandparent). It does *not* include the siblings of one's direct ancestors, or their descendants. The siblings of one's lineal relative and their descendants are properly defined as *collateral* relatives (Keesing 1975, 148). There is no such thing as an "indirect ancestor," although collateral relatives do descend from some common ancestor one or more generations in the past. Descent is a "straight line" issue (from grandparent to parent to child to grandchild, etc.). *Consanguineal* (from Latin, meaning "with blood") kin are relatives by birth, and would include collateral relatives. *Affinal* kin are relatives acquired either through one's own marriage, or the marriage of one's blood relations (for example, a brother-in-law can be the brother of one's spouse or the spouse of one's sibling). The petitioner has labeled collateral relatives as "direct ancestors" rather than going back to the (more distant) common ancestor that those collateral relatives share. The petitioner also has used the term "indirect ancestor" to indicate people who married the collateral relatives of the petitioner's ancestors.

The petitioner has used two incorrect terms in the construction of a number of exhibits submitted to demonstrate their connections to people they claim are their ancestors on the Tulalip reservation. One of these exhibits is a map entitled “Tulalip Allotments” (STI Narrative, Map 3.13), and purports to indicate allotments on the Tulalip reservation received by people termed “direct ancestors” or “indirect ancestors.” The “direct ancestors” are, in some cases, genuinely ancestors of the petitioner. However, in other cases, the individuals referenced are really collateral or affinal kin, in other words, the consanguines and affines of the petitioner’s ancestors. The relationships between the STI ancestors and the Tulalip Snohomish descendants, as can be determined by the genealogical information submitted by the petitioner, is not close enough to assume that the individuals associated with each other without additional evidence.

Two names indicated on the map will serve as examples. The petitioner has designated Anastasia Spithill as a “Direct Ancestor.” Anastasia Spithill is the great-grandmother of current Tribal Historian John (“Jack”) Kidder. She is therefore accurately designated a “Direct Ancestor” because she has descendants in the petitioner. On the other hand, William Shelton is also identified as a “Direct Ancestor.” William Shelton is a collateral relative of some of the petitioner’s ancestors. However, he has never had any known descendants enrolled in the petitioner, which is why the designation of “Direct Ancestor” is incorrect.

The “Direct Ancestor”/ “Indirect Ancestor” terminology is used in several other charts and tables to inform the petitioner’s analysis and to demonstrate that their ancestors were related to and maintained relationships with other Snohomish.<sup>9</sup> However, because of the inaccurate definitions, they do not accurately depict the ancestral relationships of the petitioner and means that some of the petitioner’s analyses are not useful. The maps and charts, as they currently exist, do not accurately demonstrate ancestral relationships between the petitioner’s ancestors and other Snohomish people, both on and off the Tulalip reservation. Even if they were reworked, they would not be helpful without additional evidence of interaction between the petitioner’s ancestors and descendants of the Snohomish living on the Tulalip reservation.

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<sup>9</sup>See Table 3.2 “Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1880 Federal Census” (STI Narrative 1999, 3.20), Table 3.3, “Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1900 Federal Census” (STI Narrative 1999, 3.25), Table 3.4, “Tulalip Reservation Allottees of Snohomish Ancestry 1932 (STI Narrative 1999, 3.28), Table 3.5 “Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1910 Special Indian Census” (STI Narrative 1999, 3.32); “Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1920 Federal Census” (STI Narrative 1999, 3.35-3.36).

*Intermarriage Between Indians and Non-Indians*

STI Comments on the Proposed Finding

The petitioner argues that the PF overestimated the rate of intermarriage with non-Indians over the years, and underestimated the amount of intermarriage that took place among the Snohomish residents of the Tulalip reservation (STI Narrative 1999, 3.48). As evidence, they cite testimony from a variety of sources detailing marriage patterns among Coast Salish<sup>10</sup> people. According to the source quoted by the petitioner, preferred pre-contact marriage partners were found outside of one's own tribe in order to form alliances between villages and to obtain access to various natural resources in different areas (Suttles in STI Narrative 1999, 3.46- 3.47). Early marriages to non-Indian pioneers were considered advantageous to both the Indians and non-Indians, as an Indian wife could provide a non-Indian with knowledge about the landscape and neighboring tribes, provide the Indian family with access to material goods through the husband, and establish social and political links across both communities. Therefore, the petitioner maintains, one should not expect to find a large number of Snohomish people married to each other. The petitioner also offers some statistics from the early 20th century to demonstrate that many Indians on reservations throughout the Puget Sound area had one or more non-Indian ancestors (STI Narrative 1999, 3.48). The petitioner also submitted a document compiled by the petitioner entitled "Snohomish Indian Marriages," which purports to demonstrate additional marriages between the petitioner's ancestors and other Indians, as well as marriages between current members of STI and other Indians.

Analysis for the Final Determination

Under the regulations, no specific Indian blood quantum is required of a petitioner's members. However, in cases where the rates of marriage within the petitioner's membership meets or exceeds 50 percent, the regulations allow that the petitioner meets the requirements for community, under criterion 83.7(b)(2)(ii), without requesting other evidence. Marriage is used as an indicator of social cohesion because people are assumed generally to associate with the people they marry and because marriage establishes kin ties across family lines. Therefore, if a group has a high rate of marriage among its members, it is taken as evidence of continued association between members. If the group's rate of intermarriage is less than 50 percent, then other evidence demonstrating social cohesion and association must be presented to demonstrate the existence of community.

This FD does not dispute the scholarly work on Coast Salish marriage patterns, or the presence of intermarriage with non-Indians among the residents of various reservations. The PF also recognized the complexity of Coast Salish marriage patterns, and, contrary to the petitioner's

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<sup>10</sup>"Coast Salish" is a term used to refer to speakers of 14 contiguous Salishan languages, including Lushootseed, the language spoken by the historical Snohomish and other tribes (Suttles 1990, 15).

assertion, did not only become aware of the intricacies “subsequent to the Proposed Finding” (STI Narrative 1999, 3.46). The language of 25 CFR 83.7(b)(1)(i) (“Significant rates of marriage within the group, and/or, as may be culturally required, patterned out-marriages with other Indian populations”) recognizes patterned out-marriage with other Indians as a valid indicator of cultural maintenance. However, the petitioner’s members are not descended primarily from “culturally required patterned out-marriages with other Indians,” but from several generations of marriages to non-Indians, particularly during the 20<sup>th</sup> century. As described in the PF, the petitioner descends primarily from a number of Indian women who married non-Indian pioneers between 1850 and 1880 and had limited associations with other Snohomish or other Indians. These married women’s families were distributed primarily in three geographic areas (Chimacum, Monroe/Snohomish, and Whidbey Island) in western Washington. The PF also noted that some of the first generation of STI ancestors (the children born of the initial marriages between Indian woman and non-Indian men) did marry other children of mixed Indian ancestry, but subsequent generations had married non-Indians almost exclusively. Lacking these intermarriages, there is no evidence for continued kinship ties within the group or for social ties created by marriage with other members of Puget Sound Indian society.

The petitioner submitted a chart entitled “Snohomish-Indian Marriages” (STI 1999, Folder B, Exhibit 3). The chart purports to show 190 marriages of Snohomish people, either to other Snohomish or to other Indians, over nearly 200 years (1800-1999). The chart includes the marriages of Snohomish people who, according to genealogical information submitted by the petitioner, do not now have descendants in STI, and are not known to have had descendants in the past. The chart contains some inconsistencies of tribal identification, and many of the marriage partners are identified as “Indian-unknown.” The chart also does not include a means to substantiate or verify that the people being identified as Indians were actually Indian. The claimed identities of these spouses are impossible for OFA to verify based on the evidence submitted. Thus, the chart is not useful evidence to demonstrate community.

The petitioner has offered statistics it maintains demonstrate that the reservation communities in the area also had substantial rates of intermarriage with non-Indians. Even if this is the case, the statistics offered by the petitioner are irrelevant. The important issue is the ability to demonstrate continued interaction and association among the petitioner’s members, not what has occurred in Federally-recognized tribes.

In conclusion, the petitioner has not met its burden of proof to change the conclusions reached in the PF regarding rates of marriage within the group, or patterned out-marriages as provided at 83.7(b)(1)(i). Therefore, this FD affirms the conclusions of the PF on the rates of intermarriage among the petitioner’s members and ancestors between 1855-1900, and on patterned out-marriages to other Indians from 1855 to the present.

*1991 Social Network Analysis*

Background from the Proposed Finding

The PF stated

Members of the Snohomish organization do not appear to have a wide range of contacts or shared experiences with other members of the organization. Participation by members is generally limited to formal organization activities such as occasional attendance and voting at meetings, paying dues, enrollment, and pursuing claims (Snohomish PF 1983, 14).

In order to refute the conclusions of the PF that present members of the group did not regularly associate with other members, the petitioner submitted a document prepared in 1991 by Dr. Helen Norton entitled "Membership Survey of the Snohomish Tribe of Indians." It was comprised of a number of questionnaires and interviews with group members. However, the survey is flawed and cannot be evaluated for acknowledgment purposes. Respondents were only identified by family line, so there was no way of knowing which member of a specific family line knew which other members of other family lines. There was no information indicating the identity (such as numbers or pseudonyms) of the participants, the answers could not be "tracked" across the questionnaire. The information obtained was supposed to demonstrate relationships between members of the group, but without some form of identification to indicate just who the people were supposed to be, the information they gave is not useful in determining the relationships with others. The survey does not indicate whether people had known other members years ago, or whether they knew them currently. The survey also purported to show the linkages between members of different family lines, but without some indication of the identity of the people within those family lines, the information is not particularly useful in evaluating the petitioner under 83.7(b).

This FD finds that the 1991 membership survey is not a valid instrument for demonstrating community among the members of STI. Therefore, the conclusions of the PF regarding the lack of interaction among members of the contemporary group are affirmed.

STI Comments on Relationships Between Ancestors in the Chimacum, Monroe/Sultan, and South Whidbey Island Areas

The petitioner maintains that the STI ancestors who settled on the Quimper Peninsula in the 1850's and 1860's maintained relationships with the ancestors of other STI members who remained in the Sultan/Monroe area as well as those living on Whidbey Island until the establishment of the 1926 claims organization. As evidence of this, the petitioner has submitted a report by Dr. Barbara Lane, Jack Kidder and Karen James entitled "Public Domain Indian Homesteads Along the Snohomish-Skykomish River System: Use of Land Records to Document

Some of the Indian Communities ancestral to the Petitioner Snohomish Tribe of Indians.” Dr. Lane’s work utilizes numerous documents in an attempt to demonstrate three points: that several of the families classified in the PF as “Snoqualmie” have demonstrable Snohomish ancestry (this is addressed under criterion 83.7(e)); that there were non-reservation communities in the 1870’s in which some of the petitioner’s ancestors are identifiable; and that these individuals maintained relationships with other Snohomish people on the Tulalip Reservation and elsewhere.

#### Analysis for the Final Determination

Dr. Lane’s report is intended to demonstrate that the Indian and mixed Indian/non-Indian households who established homesteads near the rural community of Sultan along the Skykomish River interacted with each other and with other Indians. However, of the 21 families described in the report, only 6 have descendants in the petitioner, accounting for approximately 15 percent of the family lines in the petitioner. The other 15 families are not ancestral to the petitioner, although some appear to be collateral relatives of the petitioner’s ancestors. The petitioner has only provided a small amount of evidence of interaction between those collateral relatives and the STI ancestors, and the relationships between most of the collaterals are not close enough to assume interaction among those Sultan residents and the STI ancestors. The evidence presented in the document does not indicate that any marriages took place between the Sultan area residents and the residents of the Chimacum area or of Whidbey Island, or that any groups traveled to or from these areas to visit the residents of Sultan.

The nature of the relationship between the Indian and mixed-Indian households in the Sultan area described in the report also is uncertain. According to Lane’s report, some of the residents of the area (including the petitioner’s ancestors) did marry into each other’s families and into the families of other Indians or mixed-Indian descendants, including those from the Tulalip Reservation. The majority of these marriages took place before 1900, although the relationships formed by these marriages continued into the 20th century. At the same time, the available evidence does not indicate that the families described in the report acted together as a group or had any identifiable leaders. For example, the document discusses the importance of hop picking among several of the homestead claimants (Lane 1999, 50), but the report does not indicate that anyone organized “crews” to travel and pick the hops. The report also does not indicate that the families either picked hops together with the other Indian families mentioned, or with any of the ancestors of STI members living in other areas. Outside of the marriage networks created prior to 1900, the evidence presented is insufficient to determine that the group comprised their own independent community.

Lane’s report on Indian homesteaders is helpful in understanding some of the activities of a subset of the petitioner’s ancestors and a number of their collateral and affinal relatives. It does not address what the majority of the petitioner’s ancestors were doing during this same time period (approximately 1870-1920), or offer evidence to support interaction between the ancestors living in the Chimacum area and the Monroe/Sultan area.

The petitioner has not included information indicating significant interaction between those descendants residing on Whidbey Island (home to one of the petitioner's largest single family lines, the Newberry descendants), or additional information to indicate other social connections between the Whidbey Island descendants, and those in the Chimacum area during this era (approximately 1870-1920). One 1996 interview did mention people attending dances on Whidbey Island in 1930, but the discussion is brief and the dances do not appear to have been important social events for a significant number of the families in the area.

There is insufficient information to support the petitioner's assertion that the descendants in the three different areas formed a single community prior to the 1900's. There also is insufficient evidence to demonstrate that the descendants in each formed an autonomous community that later coalesced into one. The available evidence for interaction between descendants from the three areas first appears in the contexts of the 1917 and 1926 claims organizations.

Overall, the evidence submitted by the petitioner in order to demonstrate relationships between the Snohomish descendants in the Sultan/Chimacum/Whidbey Island areas from approximately 1870-1920 is insufficient to meet the requirements of criterion 83.7(b).

### *Interviews and Affidavits*

#### STI Comments on the Proposed Finding—1935-1950

In 1999, the petitioner submitted interviews with 14 group members that include information from the early 1900's to the 1990's, with a specific emphasis on the period from 1935-1950. This period was addressed specifically in order to refute the conclusions of the PF that there was no evidence for community during this period. Although the interviews describe life in the Chimacum/Sultan/Whidbey Island areas, the information does not describe an Indian community or a number of intertwined independent Indian communities. What it does describe, specifically in the Chimacum area, is a predominantly non-Indian rural community in which there were a number of people of part-Indian descent. The parties, get-togethers, and excursions described in the interviews were predominantly family and extended-family gatherings. There are some memories of traveling to Tulalip in order to be enrolled in the 1926 claims organization, but few people described any other trips to the reservation, or to other reservations or Indian communities. Those in the Chimacum area who did mention other Indians often mentioned S'Klallams, such as the Patsy and Newman families, who lived nearby.

The main social events the subjects discussed during the period 1935-1950 were picnics on the beach and visiting other people. There are no mentions of anyone from the Tulalip Reservation or anyone from the Whidbey or Sultan areas participating in any of these picnics. Photographs provided by the petitioner indicate that most of these were extended-family events (for example,

a 50th wedding anniversary celebration or grandmother's birthday party with her descendants present).

Two of the interviews directly addressed one of the main issues of the PF: namely that the character of the 1926 Snohomish claims organization was that of a claims group which included many people of non-Snohomish Indian ancestry (Tilda Palla Interview 1996; Myrtle Stuckey Interview 1996). These interviews indicated that William Bishop and other people invited or encouraged people of non-Snohomish Indian ancestry to enroll in the group, possibly on the basis of residency in the Chimacum area. These interviews further support the conclusions reached in the PF regarding the characteristics of the 1926 claims organization.

Three affidavits sworn in 1999 were also included in the petition. The affidavits were by William Matheson (the then and current Chairman), Al Cooper (a former Chairman), and John ("Jack") Kidder (Tribal Historian). Affidavits are a form of oral history. They differ from interviews in that the person states whatever he or she chooses to, without evidence of an interviewer posing additional queries or probing responses. They are useful in that the affiant has the ability to correct or clarify a response. Therefore, while the affidavits provide some additional political and social information, they are of limited value. Regardless, no significant data from the 1935-1950 period was revealed in the three affidavits submitted with the petition.

This Final Determination affirms the conclusions reached in the PF. The interviews and affidavits, in conjunction with the other evidence in the record, do not demonstrate that the descendants formed a community between 1935 and 1950.

#### Contemporary Analysis

As of 1983, the date of the PF, the "character of the present membership "was outside any concept of a tribal community." Most of the group's membership had little contact with each other or with the group's leadership. As one means to evaluate the presence of community among the contemporary group, OFA conducted interviews with 25 members of STI in August of 2003. Of the 25 interviewed subjects, 12 were currently serving as members of the council. Several of the members interviewed had enrolled in the organization within the past 10 years. The interviews indicated that the group has introduced particular elements of Coast Salish culture, such as naming ceremonies, into their annual meetings. These culture elements had not been part of the group's activities before the mid-1990's. The organization has also instituted additional gatherings outside of the annual meeting, such as a "powwow."

The interviews did not demonstrate that most members of the group maintain contact with each other outside of formal functions sponsored by the group. Other than some of the members who still live in the Chimacum area, most of the people interviewed do not know or regularly associate with other members other than close family members, even those who live in their area. There are no organizations, such as churches or community groups, which involve a number of

STI members. Several members not serving on the council knew little about the political or social history of the group.

The interviews from 2003, while indicating that the membership has become somewhat more active in the past 20 years, is consistent with the conclusions regarding the lack of community found in the PF. The interviews do not demonstrate that the group meets criteria 83.7(b) for the period 1983 to the present.

### *Conclusion*

The evidence submitted by the petitioner, in conjunction with the other evidence in the record, is not sufficient to demonstrate community as defined under criterion 83.7(b) at any time from 1855 to the present. The petitioner's members are largely descended from a number of mid- and late 19<sup>th</sup> century marriages between Indian women and non-Indian men. Few subsequent marriages have occurred among either members of STI or among members of STI and other groups of Puget Sound Indian ancestry, and thus the group lacks the kinship ties that such marriages create. The petitioner has not demonstrated that a significant number of its ancestors maintained relationships with the historical Snohomish tribe located on the Tulalip reservation, or with other Snohomish descendants living off of the Tulalip reservation prior to the formation of the 1926 Snohomish claims organization. This claims organization also included non-Snohomish Indian descendants who are ancestors of many of the current petitioner's members. Interviews and affidavits submitted by the petitioner provide no evidence for community among the petitioner's members from 1935 until 1950. Interviews conducted in 2003 indicate that most current members have not interacted regularly with each other outside of events sponsored by the formal STI organization.

This FD therefore affirms the PF. The petitioner has not submitted sufficient evidence to meet criteria 83.7(b).

Criterion 83.7(c) requires that

**The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**

*Conclusions under the Proposed Finding*

The PF was issued under the 1978 acknowledgment regulations. For criterion 83.7(c), the original regulations required

a statement of facts which establishes that the petitioner has maintained tribal political influence or authority over its members as an autonomous entity throughout history until the present (43 FR 39363).

Revised acknowledgment regulations became effective March 28, 1994. The essential requirements for criterion 83.7(c) remain unchanged, as a petitioner still needs to demonstrate that it has “maintained political influence or authority over its members as an autonomous entity from historical times until the present” (25 CFR 83.7(c)).

The PF of March 1983 concluded that the petitioner had not met criterion 83.7(c). It stated the following:

In summary, the current petitioning organization and the predecessor Snohomish organization which existed from 1926 to 1935 have been limited organizations which have not carried out significant governmental functions and particularly have not exercised significant political influence over the scattered and uncohesive populations of their membership. Although reservation Snohomish participated in the earlier claims organization, it was apparently not considered by them to be a formalization of the political structure of the historic Snohomish tribe. There is no evidence it was considered to be in conflict with the IRA government formed at Tulalip in 1935. *The ancestors of the current group were not politically integrated with the historic Snohomish tribe or under its leadership. Moreover, they were not part of separate off-reservation Snohomish Indian communities with separate leadership. We conclude therefore that the petitioner does not meet the requirements of criterion (c) (Snohomish PF 1983, 17; emphasis added).*

In general, the PF reported that the “19th century localities which included the ancestors were local, mostly white communities, not distinct Indian communities.” The ancestors of the current

group did not maintain tribal relations with the reservation Snohomish or demonstrate any political influence or authority over any identifiable off-reservation entity during the late 19th and early 20th centuries. Not until 1917 was there available primary evidence of any political organization by some of the ancestors of the current petitioner. As far as the available evidence shows, the organization, the “Snohomish Tribe of Indians,” existed for one year and engaged only in claims activities. It had no apparent connection to the historical Snohomish on the reservation (Snohomish PF 1983, 15).

The PF also indicated that there was no available evidence of political activity by an off-reservation group of STI ancestors between 1917 and the mid-1920's. According to the PF, a “Snohomish Tribe of Indians” organization emerged in 1926, and incorporated the following year. Its membership and leadership contained Tulalip Snohomish and off-reservation Snohomish descendants, the latter being mainly the ancestors of the current petitioner. The group, however, was primarily involved in claims activities, with some limited social activities. This organization ceased to exist after 1935 when the Snohomish and other Indian tribes on Tulalip formed a reservation government under the IRA. There was no record of the 1926 Snohomish claims group afterwards, and the available evidence did not demonstrate the existence of an off-reservation entity of STI ancestors between 1935 and 1950 (Snohomish PF 1983, 15-16).

The PF also concluded that the current petitioner organized in 1950 to “pursue the Snohomish claim before the Indian Claims Commission.” Between 1950 and 1970 its activities were mostly limited to claims matters. As of 1983, the date of the proposed finding, the “character of the present membership” was “outside any concept of a tribal community.” Most of the members had little contact with each other or the group leadership. In addition, the available evidence did not demonstrate that the members had “influenced or been influenced by the decisions of the council” (Snohomish PF 1983, 17).

#### *Comments on the Proposed Finding*

The Tulalip Tribes made no direct response to the PF conclusions regarding criterion 83.7(c). The Tulalip Tribes generally claimed that between the “early 1860's and 1935, a voluminous number of documents found in the historical record . . . support the BAR conclusion that the historic Snohomish Treaty Tribe and its political leadership was at the Tulalip Reservation” (Nicklason Historical Report 9/1998, 237). In its 243-page response to the PF, the Tulalip Tribes did not discuss the current petitioner in detail until page 185, when it began analyzing the creation of the 1950 Snohomish Tribe of Indians claims organization. For the period between 1935 and 1950, it argued that there was no identification of the petitioner in the historical record (Nicklason Historical Report 9/1998, 237, 240). The Tulalip Tribes stated the record “clearly” showed that the “Snohomish petitioner, which calls itself the ‘Snohomish Tribe of Indians,’ was an organization of Snohomish descendants formed in 1950 to pursue treaty claims before the

Indian Commission.” It also asserted that “many Federal documents after 1950, and statements by others, including the group’s own leadership continued to clearly describe the ‘Snohomish Tribe of Indians’ as a claims group” (Nicklason Historical Report 9/1998, 243).

In its comments on the 1983 PF, the petitioner disputed the conclusions of the PF for 1855 to 1935. The group contended that until “the incorporation of the Tulalip Tribes, Inc. there was only one Snohomish community” (STI Narrative 1999, 1.5). It claimed that

the genealogical, demographic, and oral-historical studies presented in these Comments clearly show that most Snohomish lineages (1) were represented both on-reservation and off-reservation, and (2) continued to have significant social interaction with each other until the 1930s. The division came only after most of the Snohomish Indians living at Tulalip joined their non-Snohomish neighbors in creating the Tulalip Tribes, Inc. under the Indian Reorganization Act in 1935. Only then did the Snohomish community split into two parts: the on-reservation Snohomish who opted for a primary affiliation with the non-tribal Tulalip tribes, Inc. and the off-reservation Snohomish who maintained their affiliation with the Snohomish Tribe.

In its comments on the 1983 PF the petitioner claimed that “on reservation and off-reservation [Snohomish] leaders largely worked together until at least 1935” (STI Narrative 1999, 4.1).

#### *Analysis of the Evidence for Political Influence and Authority—1855-1914*

This FD affirms the PF’s conclusion and not the petitioner’s assertions for 1855 to 1914. First, there is no available evidence of off-reservation leadership by STI ancestors for this period. The petitioner asserted in its comments and oral histories that informal political activity occurred among STI ancestors in the Port Townsend and Chimacum area of Jefferson County, where the majority of its ancestors lived during the late 19th and early 20th centuries. The available evidence, however, did not support this vision of the area as a center of political activity for an off-reservation Indian entity composed of STI ancestors. There was no evidence, such as newspaper accounts, Indian office reports, or other evidence to indicate that the area functioned as a political focal point for any such group. The available data showed that Jefferson County, which included Port Townsend and Chimacum, was a largely non-Indian community with some Indians of mixed ancestry. Most of the Indians of mixed ancestry had assimilated into the larger community. The available evidence did not indicate that any distinct Indian group of STI ancestors existed in this area or that there was political leadership among them.

Second, the available evidence did not demonstrate political interaction between the Tulalip Snohomish and any off-reservation entity of STI ancestors and its leaders. Also, agency officials did not acknowledge or identify any such off-reservation group that may have existed in the available

evidence. In addition, there was no evidence to demonstrate that they knew of any such entity of STI ancestors in the Port Townsend and Chimacum area.

The available evidence affirms the 1983 PF that the historical Snohomish tribe “became centered on Tulalip shortly after the Point Elliot treaty,” most likely by the early 1870's, and remained the “predominant” group on the reservation (Snohomish PF 1983, 1). The petitioner’s ancestors, with only minor exceptions, were not a part of the reservation Indians. In addition, the record indicated that these reservation Indians had named leaders and exercised political influence over their members. In the case of the petitioner’s ancestors, however, the available documentary record revealed no named leaders, and no examples of political influence over an identifiable membership, or dealings as an off-reservation Indian entity with Federal officials. Most important, the available evidence did not show any off reservation STI leaders working with the Tulalip Snohomish leaders on political issues. Therefore, the petitioner does not meet the requirements of criterion 83.7(c) for the period from 1855 to 1914.

*Analysis of the Evidence for Political Influence and Authority—1914-1935*

As stated before, the petitioner disputed the PF conclusions, claiming that “on reservation and off-reservation [Snohomish] leaders largely worked together until at least 1935” (STI Narrative 1999, 4.1). This FD affirms the PF’s conclusion for the period from 1914 to 1935. The available evidence did not demonstrate political interaction between the Tulalip Snohomish and any off-reservation entity or entities of STI ancestors and its leaders between those years. The available documentary record showed that agency officials did not acknowledge or identify any such group. There was no available evidence to demonstrate that they knew of any off-reservation entity of STI ancestors in the Port Townsend and Chimacum area, either independent of, or part of, the Snohomish tribe on the Tulalip reservation.

The petitioner maintained that the claims activities of Thomas Bishop, an ancestor of some petitioner members, constituted evidence of political influence and authority for the group. The available documentary record did not support this contention. Around 1913 or 1914, Thomas Bishop, who was of part Snohomish descent, founded and became President of the Northwestern [later Northwest] Federation of American Indians, an intertribal organization dedicated to pursuing claims for so-called “unattached” Indians (generally Indians not allotted or enrolled as part of any tribe at a reservation) in Washington. He remained the head of the organization until his death in 1923. But the available evidence showed that agency officials did not identify Thomas Bishop as a leader of an off-reservation Snohomish group. In the available evidence, Bishop portrayed himself as acting on behalf of the unattached Indians in the region, and did not claim to be a leader of any off-reservation Snohomish community. Nor did the available evidence show him interacting as a leader of an off-reservation entity with the political leaders of the Tulalip Snohomish on matters important to the reservation.

In 1917, some STI ancestors from around the town of Monroe briefly established a Snohomish claims organization and hired a lawyer to speak for them, as a result of the activities of the NFAI in that vicinity. The exact number of people who belonged to this claims organization is unknown, since the available record contained the names of only the leaders and a few members. The available evidence did not demonstrate that the Monroe claims organization had any connection to the Tulalip Snohomish or their leaders. The available documentary record did not indicate this organization functioned as an Indian or Snohomish tribal political entity before 1917, and there was no evidence in the record that it existed after that year. Some of the members of this group later became members of the 1926 Snohomish claims organization, but the available evidence did not show that they assumed positions of leadership in that later group or played a role in its creation.

For the period between 1917 and 1925, the petition evidence did not demonstrate that the STI ancestors were significantly involved in the claims activities of the NFAI, except for Thomas Bishop. At Tulalip, Robert Shelton, a reservation Snohomish, dominated most of the claims activities. There was no evidence showing that Shelton coordinated his activities with any off-reservation group of STI ancestors. Instead, most of the Snohomish upon whose behalf he pursued claims during these years were enrolled members of the reservation.

In 1923, the Tulalip Snohomish created a formal tribal committee composed of residents and enrolled members of the reservation. Two of the members of this committee, William and Jennie Hicks, came from Chimacum and were collateral ancestors of some members of the petitioning group. The Hickses had appeared on agency censuses and maintained close relations with the Tulalip Snohomish. Before 1923, and after, there was no available evidence to demonstrate that the Hickses provided leadership for an off-reservation group of STI ancestors, or that they were part of such a group.

The 1923 Snohomish tribal committee remained in existence until 1935, and advised the agency superintendent on some enrollment and allotment issues. In 1929, the Tulalip agency identified the 1923 tribal committee as the business council for the reservation Snohomish. Several of the reservation members of this committee were elected as delegates in 1925 to hire a lawyer to help the Snohomish pursue claims as part of the *Duwamish* case. There was no available evidence to indicate that any leaders from an off-reservation entity composed of STI ancestors played a role in the election of these delegates.

In 1926, Snohomish descendants from both on and off the reservation formed the “Snohomish Tribe of Indians” to pursue claims. This organization incorporated in 1927. Some of the off-reservation members were STI ancestors. The available evidence did not demonstrate that these STI ancestors were part of a previously existing off-reservation Snohomish political entity, or that they had maintained significant relations with the Tulalip Snohomish.

Except for some limited social activities, the 1926 Snohomish organization was essentially a

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claims organization and did not represent a formalization of the political structure on or off the reservation. It had only minimal interaction with agency officials from 1926 to its dissolution in 1935. During this time, the reservation Snohomish continued to have named political leaders who exercised influence over their members and were acknowledged by the Tulalip Indian Agency. The agency did not identify in the available record an off-reservation group of STI ancestors exercising influence on or off the reservation.

In 1930, the agency authorized the formation of a resident-only business council that excluded off-reservation Indians. Then in 1935, the agency excluded most off-reservation Indians from participating in the formation of the multi-tribal (including reservation Snohomish) IRA government at Tulalip. There was no available evidence to demonstrate that the off-reservation STI ancestors who were part of the 1926 claims organization opposed either of these actions or that they clashed with the Tulalip Snohomish over them. Nor did BIA officials refer to the 1926 Snohomish organization in its planning for the voting on the IRA at the Tulalip reservation. The available record did not demonstrate that the 1926 Snohomish claims organization continued to exist after it lost its case on appeal to the Supreme Court in 1935.

This FD finds that the petitioner has not demonstrated that its ancestors participated in a reservation Snohomish political process, or maintained political influence or authority over its members as an autonomous entity from 1914 to 1935.

*Analysis of the Evidence for Political Influence and Authority—1935-1950*

The PF was not able to identify any political activity in the 1926 claims organization from the period of 1935-50. The petitioner maintains that the organization continued to meet during the post-claims period, although admits the frequency of meetings decreased. However, the petitioner has not submitted documentary evidence to substantiate this claim. The petitioner submitted some interviews in which people claim to remember group meetings during this era. Two members interviewed claimed to remember meetings being held during the late 1940's and one of those two people claimed to have attended a meeting on the Tulalip reservation during this time (Hank Hawkins Interview 1975, 5-7; Myrtle Stuckey Interview 1996, 16). These memories are fragmentary at best and are not shown to be shared by most members of the group. The petitioner also maintains that the field notes of a former BAR researcher indicate that two of the people interviewed in 1983 had referred to meetings taking place in the 1940's (STI Narrative 1999, 4.26), but a re-reading of the field notes of those two interviews do not indicate any mention of meetings occurring during this time (Forcia 1983, Williams Interview, Bendick Interview). There are no written records included in the submission to support the occurrence of any meetings in the 1940's. Interviews conducted by OFA in 2003 did not describe any other meetings during this era, although they did include some additional information (which supplemented a 1996 interview) indicating that George Woodley may have exercised some authority over the group while he served as game warden during part of the 1930's (Irving

Matheson Interview 1996, 7 and 13; Ruth Woodley Sprague Interview 2003).

The petitioner makes the argument that a combination of factors- including the deaths of several elder members of the community, the defeat of the claims case, the adoption of the IRA by the Snohomish living on the reservation, the Great Depression, and the advent of World War II- led to the lack of evidence of political activity during these years. There is no doubt that all of these factors would have affected the group, as they affected other groups in the Puget Sound area. Regardless of the reasons why, there is no evidence of any political activity during this period. The petitioner has not submitted evidence, such as informal leadership activities carried out by a group or by an individual on behalf of a group, which would indicate that a group was asserting authority over its members.

The petitioner makes the argument that Indian office records from 1941 acknowledge a separate organization existing for the Snohomish who were not enrolled in the Tulalip Tribes. The 1941 letter the petitioner refers to quotes almost verbatim an August 13, 1934 letter from O.C. Upchurch to Commissioner John Collier, regarding the status of the Snoqualmie Tribal Organization. The 1941 letter refers to the 1926 Snohomish organization, and was not an identification of any entity in existence in 1941.

The petition includes some correspondence between individual members of STI and Indian agents regarding obtaining certification as Indians (Yarr to Morrison 1/24/1940; Upchurch to Commissioner 7/29/1940; Yarr to Skidmore 2/10/1941). Available evidence does not indicate any correspondence between a leader, a council or group of members writing to the agency in order to request information or to assist individual members in securing the required paperwork to obtain positions in the Indian service, places in Indian schools, or for any other reason.

This FD affirms the PF. The petitioner has not submitted sufficient evidence of political activity among the group during the years 1935-1950 to satisfy 87.3(c).

#### *Analysis of the Evidence for Political Influence and Authority— 1950-1969*

The Proposed Finding stated

The petitioner was organized in 1950 to pursue the Snohomish claim before the Indian Claims commission. Most of its activities from 1950 to 1970 concerned the Snohomish claim and related matters. The character of the present membership is outside any contact of a tribal community, with much of the membership having little contact with the other members or with the formal organization. There is no evidence that the large majority of the membership has any significant contact with the leadership or that they have influenced or been influenced by the decisions of the council (PF 1983, 17).

The petitioner makes the argument that the organization formed in 1950 was a reorganization of the 1926 organization. The evidence for this is discussed more thoroughly under criterion 83.7(a), and does not support the petitioner's thesis. The 1950 organization differed from the 1926 organization in that it had very few members from the Tulalip Reservation community. Most of the reservation residents had become enrolled in the IRA government organized in 1935, although agency documents indicate that some also were involved in the 1950 organization because they anticipated receiving a sizable claims settlement. Nevertheless, by the mid 1950's, the reservation residents were no longer involved. Further, the organization differed not only in membership, but also in purpose. The social element present in the 1926 organization, such as the organization of fairs and canoe races, was greatly reduced in the 1950's organization.

In order to refute the PF's conclusions, the petitioner submitted the minutes of the organization from 1983-1998 (copies of minutes from 1950-1982 were also resubmitted), as well as numerous documents related to the group's political activities. These include information regarding actions taken to prepare for the claims litigation (including enrollment), hunting and fishing rights (including the Boldt decision), participation in Indian organizations, council elections, land acquisition, and programs sponsored by the group. Interviews conducted in 1996 and submitted by the petitioner, as well as interviews conducted by OFA in 2003, were also examined for any additional evidence of formal or informal political activity

Throughout the 1950's and 1960's, the major topic of concern, as evidenced in the minutes and other documents, was the claims issue. Hunting and fishing rights were also topics of discussion. In 1953, the group secured 250 Indian Identification Cards from the state of Washington, which allowed them to hunt and fish without state licenses, and dispensed them to all of the members who asked for them. The group did not provide records of how many Indian Identification Cards it distributed or identify who received the cards. The group also joined intertribal organizations, such as Small Tribes of Western Washington (STOWW) and the National Congress of American Indians (NCAI). Two letters concerning a cleanup of the Snohomish (County) graveyard by a local troop of scouts were also submitted. The group also protested the closing of Cushman Indian Hospital in 1959. Beyond these issues, the remaining minutes deal with the business of the council itself- collecting dues from members, compensating members for travel expenses or car repair (when the car had been used for official business), and the election and resignation of people on the council.

The group's annual meeting was instituted in 1950. There are few sign-in sheets or attendance lists from 1950-1969, which makes it impossible to determine just who in the group's membership was taking part in these meetings during this time. Elections were recorded, but many years the group unanimously agreed to allow the members currently serving on the Council to "carry over" to the next term, without any indication of an actual election having taken place. The largest meeting recorded during this era was in 1964, when the sign-in sheet indicated 143 people in attendance. However, the copy is very difficult to read and makes no consistent distinction between members and non-member spouses and guests. These minutes do not

demonstrate that members of the group influenced leaders or vice versa.

As the claims case progressed, the leadership unsuccessfully sought to have the claims of the historical Skykomish included in their own settlement. They also protested the use of part of the cash award to pay for the BIA's preparation of the judgment roll. In 1967, the leadership also passed a resolution that limited any potential payment from the claims case to only those people who had not received any other claims or money from the government. Originally, BIA officials told the group that the claim would be distributed solely on the basis of descent, but the distribution was eventually limited to those who had not received any other claims payment.

The petitioner makes the claim that BAR (now OFA) applied criterion 83.7(c) unfairly in the PF. According to the allegation, OFA had, in other Findings, characterized the tribal councils of the Jamestown S'Klallam, Tunica-Biloxi, and Poarch Creek as "organized chiefly for claims purposes" (STI Narrative 1999, 4.31), yet found they met the criterion. A careful reading of those three Findings does not substantiate this allegation. OFA found that claims action was part of the petitioners' political histories. However, OFA also detailed the many other political issues that each group faced before and during this same period, including maintaining the Shaker Church (Jamestown S'Klallam) protesting segregated schooling for their children (Poarch Creek), and seeking economic aid so that relatives who had moved away could afford to return (Tunica-Biloxi).

Although claims activities may provide evidence of political authority, claims activities in and of themselves are not sufficient evidence of political influence and authority between the leaders of a claims organization and the membership. The key issue is to demonstrate whether the issue is of importance to a significant number of group members. The nature of the claim, whether it represents a long-ago loss, or a recent one that can therefore reasonably be expected to be important to many of the membership, also is relevant to demonstrating its political significance. The petitioner has not demonstrated that the claims issue and the right to hunt and fish without a license were significant political issues among most members of STI, or that concern over the issues ever resulted in conflicts or controversy about how the claims were proceeding or what steps the leadership should take. Further, the petitioner also has not submitted other kinds of evidence to demonstrate that a significant political relationship had been maintained among the members and that the leadership has exercised authority within the membership (See Chinook RFD 2002, Snoqualmie FD 1997).

The available evidence submitted by the petitioner is not sufficient to demonstrate that the petitioner has met the requirements for criterion 83.7(c) from 1950-1969. The evidence affirms the conclusion of the PF that the group was primarily, but not exclusively, a claims organization.

*Analysis of the Evidence for Political Influence and Authority—1970-1983*

As the claims case neared its resolution towards the end of the 1960's, the meeting minutes indicate that the political interests of the group changed somewhat. In 1969, chairman Clifford Allen began to pursue obtaining a reservation, and in 1975 the group obtained one acre of land in the Sultan area that they hoped would be made into a reservation. The issue of land acquisition also produced the only heated debate recorded within the group over the distribution of the claims settlement. Some members wanted the claims money distributed in a lump sum in order to purchase land, while others favored a per-capita distribution. The group eventually voted in favor of a per-capita payment.

In 1973, the group obtained the first of a number of grants from the Health and Human Services' Administration for Native Americans (ANA). Additional grants were received until the early 1980's for such purposes as a cultural study, the CETA work program, and for "tribal operations." The group also began to administer some programs for its members, such as distributing food vouchers. There is some evidence that the leadership began to consider acting as more of an advocate for members, particularly in matters relating to children placed in State foster care, but whether that consideration translated into action is uncertain during this period.

Much of the group's activities focused on obtaining treaty-fishing rights. The group secured temporary invitational fishing rights with the Suquamish and pursued obtaining invitational rights with the Swinomish, although the latter invitation was withdrawn due to pressure from other members of the Point Elliot Treaty Council and the Tulalip Tribes. The group also devoted considerable time and energy to obtaining acknowledgment and submitted its petition in 1975. After the PF was issued in 1983, the group concentrated on preparing its response.

Information presented by the petitioner does not indicate a substantial number of members were taking part in the political processes of the group. Meeting minutes during this era reflect only a small number of members in attendance at the group's annual meeting, and there is little information identifying who attended the meetings. The largest attendance recorded in the minutes was in 1981, when 49 members attended, including 13 members of the council. Attendance at monthly council meetings, which were open to members, also does not appear to involve a significant number of members. The minutes from this era include only a few sign-in sheets or lists to indicate who was in attendance. There is also no evidence to demonstrate political activity outside of meetings. There is insufficient evidence to demonstrate that there was widespread knowledge or communication about political processes within the membership as discussed under 83.7(c)(iii).

The evidence submitted demonstrates that the group's leadership expanded its activities after the resolution of the claims settlement. However, the evidence submitted by the petitioner does not overcome the original conclusion of the PF, namely that the leadership has had very little contact with the large majority of the membership or that the membership has influenced or been

influenced by the council's decisions. Therefore, this FD affirms the decision of the PF.

*Analysis of the Evidence for Political Influence and Authority—1983-2003*

From 1983 until the present, the group has continued to pursue Federal acknowledgment. The group received at least ten grants from ANA to prepare their petition response (whereas the ANA grants received during the 1970's were for purposes other than acknowledgment). They also have continued to distribute food vouchers and administer programs through Western Washington Indian Employment and Training Program (WWIETP) and Small Tribes of Western Washington (STOWW). Some information from the 1996 interviews submitted by the petitioner, and information gained during OFA's field visit and interviews in 2003 appears to demonstrate that the chairman, William Matheson, has been personally active in intervening with State and local agencies, particularly regarding children who have been placed in foster care or are being made available for adoption.

Annual meetings continued to serve as the main political meeting of the year, although it is still not possible to determine the attendance over the years because several sets of minutes include only the names of the council members present and not the names of members in attendance. Monthly council meeting minutes, which also are open to members, do not indicate that a significant number of non-council members attend regularly. The leadership currently publishes a quarterly newsletter called the *Snohomish Sound* that contains social notes and keeps the membership apprised of the ongoing acknowledgment case. However, the petitioner still has not demonstrated that it maintains a close relationship with a significant majority of its membership, other than the small portion of members who grew up in or still live in the Chimacum area.

The available evidence also has not demonstrated that the leadership has maintained political influence or authority over the membership. There is little discussion or disagreement over what issues other than acknowledgment the group should address. Neither the interviews from 1996 nor those conducted by OFA in 2003 identified any substantive political debates or discussions occurring during this time, or demonstrated any internal conflicts that show "controversy over valued group goals, properties, policies, processes, and/or decisions" (25 CFR 83.7(c)(2)(v)).

*Conclusion*

The information submitted by the petitioner, in conjunction with other evidence in the record, does not show that the leadership of STI maintained political influence or authority over its members as an autonomous entity from first sustained contact with non-Indians to the present. The available evidence does not demonstrate any separate political leadership, formal or informal, for a separate off-reservation group of the petitioner's ancestors before 1917, when

some of the petitioner's ancestors were part of a short-lived claims organization. The available evidence does not demonstrate that the organization continued to exist after 1917. Many of the petitioner's ancestors were also part of the 1926 Snohomish claims organization, which included reservation and non-reservation Snohomish descendants, as well as STI ancestors. There is no evidence that the 1926 organization exerted any political influence over the petitioner's ancestors or an actual off-reservation entity of the petitioner's ancestors. The 1926 claims organization ceased to appear in the available record in 1935 after the group lost its claims suit. There is no evidence in the available record to demonstrate that the petitioning group maintained any type of political organization, formal or informal, between 1935 and 1949.

In 1950, the petitioner formed the "Snohomish Tribe of Indians" in order to pursue claims under the Indian Claims Commission Act. There is no available evidence to support the petitioner's contention that the 1950 organization was a continuation of the 1926 organization. The available evidence also does not demonstrate that the petitioner has maintained political authority or influence over its members since 1950. The 1950 organization was composed almost exclusively of off-reservation descendants and had little of the social element that was part of the 1926 organization. The group's leadership concentrated their energy on the claims lawsuit, with some additional discussion and concern over hunting and fishing rights. Claims activities in and of themselves are not sufficient evidence of a maintenance of political authority over the group's membership. The petitioner has not demonstrated that the claims issue and the right to hunt and fish without a license were significant political issues among most members of STI. The group's leaders continued to pursue the claims issue, which was settled in the late 1960's. The leadership pursued obtaining land they hoped would be made into a reservation in 1970, and filed a petition for Federal acknowledgement in 1975. Between 1983 and 2003, the group's leaders continued to pursue acknowledgment, and appear to have become somewhat more active on behalf of some members. However, the evidence presented by the petitioner does not demonstrate that the leadership maintained a bilateral relationship with the majority of the group's members, or that most of the members were involved in or knowledgeable about the group's political processes. There is insufficient evidence to demonstrate that the actions taken by the leadership were of importance to a majority of the group's members. Therefore, the conclusions of the PF are affirmed. The petitioner has not demonstrated that it meets the requirements of criterion 83.7(c).

Criterion 83.7(d) requires that

**A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.**

*Conclusions under the Proposed Finding*

The PF concluded that the petitioner met the requirements of criterion 83.7(d) insofar as it provided “its current governing documents which describe membership criteria now in use” (Snohomish PF 1983,18). With its petition, the petitioning organization submitted a 1978 constitution and by laws as its current governing document. The document did not appear to have been separately certified by the governing body and lacked a clear definition of qualifying ancestors from whom prospective members must show descent. It specified members only as persons enumerated by Roblin (Roblin’s Schedule 1/31/1919) as Unenrolled Snohomish, persons of Snohomish descent named on any “authenticated” membership roll of the “Snohomish Tribe,” and any child born to a tribal member after the 1978 Constitution was enacted (STI Narrative 1979, 86-87). However, it met the requirements of the regulations.

*Analysis of the Evidence*

The OFA obtained from the petitioner a copy of an amended constitution labeled “Revised 1991, with amendments” which was adopted at the October 17, 1993, STI annual general tribal meeting (Petitioner 2003). The amendments incorporated in the 1991 constitution include council election dates, temporary appointments to council, geographic area of STI legislative and judicial authority, membership eligibility (descent, dual enrollment), council officers and their duties, and confidentiality of records. It specifies as members, in addition to those named in the original constitution, direct descendants of Snohomish signers of the Treaty of Point Elliot, persons who are named on the BIA judgment roll (BIA 7/19/1971, Docket 125) [constitution does not specify Snohomish only], and persons on Snohomish membership rolls approved by the “1926 Snohomish Enrollment Committee” or Snohomish Tribal Council (Article III, Section 1 (a) and (b)). This document also includes a section forbidding membership or eligibility for membership of persons enrolled in another tribe (Article III, Section 3 (a) and (b)). The document does not appear to have been separately certified by the petitioner’s governing body.

No enrollment provisions were added to the Constitution to specify documentation of descent or lineage required of an individual to verify ancestry. Additionally, the amended constitution (Petitioner 1993) still lacks a clear identification of the individuals in the historical Snohomish

tribe from which the members must prove descent. Current membership applications do include a statement of voluntary affiliation, a statement that the applicant is not enrolled in a recognized tribe, and a section for descent information. However, no statements are included that require the submission of official birth records showing parentage, adoption records, marriage records, death records, or name/identity change records. Although this document is insufficiently specific in order to be an effective membership-screening tool, it still the minimum requirement of the criterion.

*Conclusion*

The petitioner has a constitution that describes its membership criteria and the procedures through which it governs its affairs and its members. Therefore, the conclusion of the PF that the petitioner meets §3.7(d) is affirmed.

Criterion 83.7(e) requires that

**The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.**

**(2) The petitioner must provide an official member-ship list, separately certified by the group's governing body, of all known current members of the group.**

### *Conclusions under the Proposed Finding*

After evaluation and analysis of the evidence, the AS-IA concluded in the PF that the petitioner did not meet criterion 83.7(e) based upon “the presence of a large number of non-Snohomish members” combined with “the group’s vague and loosely applied membership criteria,” which led to the conclusion that the petitioner was “a collection of Indian descendants of Snohomish as well as Clallam, Snoqualmie, and other Indian ancestry” (Snohomish PF 1983, 26). There were 836 members descending from about 38 different family lines at the time of the PF.

The PF concluded that only 59 percent (494 of 836) of the petitioner’s membership documented descent from the historic Snohomish tribe. Half of the petitioner’s ancestral families (19 of 38 or 39 lines) were found to be of Snoqualmie, Clallam, Puyallup, Duwamish/Nisqually, and Alaska Native ancestry. Where there was good evidence of descent from Snohomish and from some other tribe as well, for purposes of demonstrating descent from the historical Snohomish tribe, such lines were counted as Snohomish.

Membership criteria in the 1978 constitution and by-laws, with additional definition and interpretation provided in a 1978 enrollment ordinance, were found sufficient to meet the requirements of 83.7(e). However, the PF also stated that STI’s membership criteria were “vague and loosely applied” (Snohomish PF 1983, 26).

### *Comments on the Proposed Finding*

On March 12, 1999, STI submitted a revised membership list (actually two separate membership lists) containing a total of 1,390 names to satisfy the requirement for an up-to-date accounting of the petitioner’s membership for the Final Determination. This list included persons labeled as deceased, duplicated entries, and members who had disenrolled (not labeled on the list), which resulted in an adjusted total of 1,113 members currently. A significant number (120 or 11

percent) of the members' addresses were blank, incomplete, or given as post office boxes rather than the required residence address. The membership lists were separately certified by the petitioner's governing body, but no statement of their preparation circumstances was included in the comments.

The petitioner's comments on the evaluation of criterion 83.7(e) of the PF addressed issues pertaining to tribal descent, including multiple ancestry, alternative tribal designation, adoption, slavery, and multiple names or identities, in addition to other related subjects (STI 1999, v.1, 2.1-2.7). The petitioner also challenged BIA's tribal classifications of the individual family line groups and the identifications of their descent from tribes other than Snohomish (STI 1999, v.3, 5-50).

The petitioner provided various documents (birth, marriage, and death certificates, probate records, homestead records, and others) as well as updated ancestry charts coded to identify Indian progenitors, descendants who are current members, and descendants who are not current members (STI 1999).

Third-party materials submitted before the close of the comment period on March 12, 1999, contained additional evidence pertaining to criterion 83.7(e). Probate files, marriage records, affidavits, agency records, reservation censuses, and family genealogical records of Snohomish members of Tulalip Tribes provided verification of Snohomish descent.

#### *Analysis for the Final Determination*

STI's membership list and enrollment criteria submitted with the 1983 petition were amended by documentation submitted in STI's Comments (STI 1999). In addition to an updated and expanded membership list, STI also revised the group's constitution in 1991, particularly with regard to membership and enrollment criteria, and provided additional genealogical documents.

The STI submitted a "Petition Roll" with 766 names and a "Supplemental Enrollment" with 624 names, for a total membership of 1,390. The 1999 list contained a large number of discrepancies, including 17 duplicate entries (under both same name and different name), 213 members listed as deceased (later updated to 253), 9 withdrawals, several surname discrepancies resulting from marriage and adoption, and numerous birthdate and membership number discrepancies, as well as several members not shown on the accompanying lineage charts. After correcting the discrepancies, the OFA concluded the current adjusted membership totals 1,113. Comparison of the STI's March 12, 1999, membership list with the membership list used for the PF revealed that they were virtually identical except for the addition of new members (i.e., no deceased or disenrolled members were removed) and additional details such as membership numbers.

The petition evaluated for the FD did not include a statement describing the circumstances surrounding the preparation of the membership lists dated March 12, 1999. Such statements are required under criterion 83.7(e)(2). The member lists were certified separately from the rest of the submission (Comments) as required under criterion 83.7(e)(2) by a letter dated October 14, 2003.

The petitioner's assertions concerning multiple ancestries, alternative tribal designation, adoption, slavery, and other descent-related topics commonly did not include citations or references to any supporting evidence. In one example, the petitioner states "there is evidence that they [disputed members] have been part of the Snohomish social and political community for at least 70 years and in some cases much longer" (STI Narrative 1999, 2.1). In this case, no documentation was cited for Snohomish adoption, intermarriage, or descent; and social affiliation, by itself, does not substantiate descent.

Many examples provided in the petitioner's *Comments on the Proposed Finding* referred to persons affiliated with the Tulalip Snohomish rather than to ancestors of the petitioning group (STI 1999). These examples were presented to substantiate the possibility of Snohomish ancestry for the STI family lines that did not meet the documentation necessary to be identified as descendants of the historical Snohomish tribe. Without specific documentation of Snohomish ancestry for the petitioner's members, STI's assertions and examples are not persuasive in identifying sources which demonstrate Snohomish ancestry for STI progenitors.

The petitioner also asserted that the "Schedule of Unenrolled Indians of Western Washington" in 1919, prepared by Charles E. Roblin, was incomplete and was misinterpreted by the BIA in the PF (STI Narrative 1999, 2.10-2.12). Although it is possible that Roblin failed to document multiple tribal ancestries for some of the STI ancestors, Roblin's handwritten notes are primary information because he interviewed Indians who were alive in the mid-19th century (during treaty times) and their children. In response to STI's assertion, however, OFA has re-examined the available evidence for documentation of previously undetected tribal ancestries, particularly for those STI family lines classified as non-Snohomish in the PF (see Appendix A and Appendix B in the Description and Analysis). As stated in the PF, "In instances where evidence indicated Snohomish as well as other tribal blood, the family was counted as Snohomish" (Snohomish PF 1983, 22).

Re-evaluation of STI family line tribal designations involved the re-examination of a variety of primary and secondary sources including Federal Indian and general population censuses for 1900 and 1910, BIA probate records, Roblin's 1916-1919 notes, affidavits and lists of unenrolled Indians, the *Schedule of Clallam Indians of the State of Washington* for 1926, and the Tulalip reservation Indian censuses, and BIA judgment files for Snohomish (Docket 125), Snoqualmie (Docket 93) and Upper Skagit (Docket 92) claims. Additional historical and genealogical documents submitted by the petitioner and the Tulalip Tribes provided during the comment and response periods augmented genealogical information provided in the petition. An audit of the

petitioner's membership files clarified the identification of each member's family line affiliations and their relationship to other members within the same family line.

As a result of this re-evaluation of STI family lines, the FD confirms that all 20 of the family lines found to be descended from the historical Snohomish tribe in the PF were indeed sufficiently documented as Snohomish. Two family lines previously determined to be of non-Snohomish ancestry – Newberry and Preston - now were sufficiently documented to show descent from the historical Snohomish tribe. For purposes of this review, two “new” family lines, Bailey-2 and Williams-2, were detached from pre-existing family lines and reviewed separately because step-children had been mistakenly treated as biological children in the evaluation for the PF. Both of these family lines also were found to be of Snohomish descent.

As shown in Appendix B of the Description and Analysis, these changes result in a total of 41 STI family lines, with 24 family lines (763 members) found to be of Snohomish descent and 17 family lines (350 members) found to be of non-Snohomish Indian descent. Two members whose ancestry and family lines could not be determined were entered as Unknown. Consequently, only 59 percent of the STI family lines have provided sufficient evidence of descent from the historical Snohomish tribe. This means that approximately 69 percent of the STI membership (763 of 1,113) has provided sufficient evidence under the criterion to confirm descent from the historical tribe.

The petitioner has not demonstrated by a reasonable likelihood that the other 17 family lines, while descending from other Indian tribes, had amalgamated with the petitioner's Snohomish ancestors at some point in history to form a separate and distinct tribal entity. See criterion 83.7(b). Therefore, approximately 31 percent of the petitioner's members have not established descent from the historical Snohomish tribe.

Criterion 83.7(e) requires that the petitioner demonstrate that its “membership consists of individuals who descend from a historical Indian tribe. . . .” The language of the criterion does not qualify that requirement either by providing that some members may lack descent from the historical tribe or by establishing a minimum percentage of members who must descend from the historical tribe. The Department's precedent has been to take into account the particular circumstances in which a portion of the petitioner's members might not be able to demonstrate that they meet the requirement of the criterion (see the comments on the 1994 regulations at 59 FR 9289).

All previous petitioners who have met this criterion in a final determination have demonstrated that at least 80 percent of their members descend from a historical tribe. However, in the proposed finding on the Little Shell petitioner, the previous AS-IA explicitly departed from that precedent to find that criterion (e) was met with demonstrated descent from a historical tribe by 62 percent of the petitioner's members. That contemplated departure from precedent was explained in part by the “historical situations” faced by the Little Shell petitioner and the

Snohomish Tribe of Indians: Final Determination – Summary under the Criteria

“dynamic nature of tribal populations” in the 19th century (Little Shell PF 2000, 7). Also, genealogical charts were missing for the petitioner’s members added since 1987, a large portion of the Little Shell membership, and that missing data precluded many members from demonstrating their ancestry (Little Shell PF 2000, 43). This circumstance was one reason why the Little Shell proposed finding observed that the supplementary evidence submitted during the comment period may create “a more complete factual basis for the final determination, and thus eliminate or reduce the scope of these contemplated departures from precedent” (Little Shell PF 2000, 7).

The Snohomish petitioner, in contrast to the Little Shell petitioner, has had the opportunity to submit a complete documentary record during the comment period. The historical circumstances in the Snohomish case are not comparable to the migrations over time of métis populations from eastern Dakota and Canada to central Montana at issue in the Little Shell case. The Snohomish petitioner has not demonstrated that any particular historical circumstances in its case relating to people lacking tribal descent merit evaluation of the issue of descent in a manner different from prior cases. The petitioner has not demonstrated that its non-Snohomish ancestors were either part of the Snohomish tribe historically or part of a distinct community together with its Snohomish ancestors. There are no special circumstances in this case that would justify a departure from the precedent established in previous final determinations.

*Conclusion*

The evidence indicates that 69 percent of the petitioner’s current members descend from persons who were members of the historical Snohomish tribe in the 19th century, which is not sufficient to meet the requirements of criterion 83.7(e). Therefore, the conclusion of the PF that the petitioner does not meet 83.7(e) is affirmed.

Criterion 83.7(f) requires that

**The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.**

*Conclusions under the Proposed Finding*

The PF concluded that the petitioner met criterion 83.7(f) (Snohomish PF 1983, 26).

*Comments on the Proposed Finding*

No comments were received or new evidence submitted in connection with criterion 83.7(f).

*Analysis of Evidence*

During an audit of the petitioner's membership files, OFA researchers found that a revised application form was being used which included a section that provides an opportunity for an applicant to sign a statement indicating whether they are enrolled in any federally-recognized tribe, and, if so, in what tribe they are enrolled. Copies of the membership application forms containing this enrollment declaration section were reviewed by OFA during the audit. Many of the files contained previous versions of the application form that did not include the enrollment declaration section. Most applicants using the new application forms had filled in the enrollment section and signed and dated the form, affirming that they were not enrolled in any federally recognized tribe.

Examination of the membership lists of federally recognized tribes in the area did not reveal any names of STI members. Consequently, none of the petitioner's members appear to be enrolled in a federally recognized tribe at this time.

*Conclusion*

Review of the petitioner's membership files and comparison of the petitioner's membership lists with those of federally recognized tribes in the area indicate that the petitioner is composed principally of persons who are not members of any acknowledged North American Indian tribe. Therefore, the conclusion of the PF that the petitioner meets 83.7(f) is affirmed.

Criterion 83.7(g) requires that

**The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.**

*Conclusions under the Proposed Finding*

Under criterion 83.7(g), the PF concluded that neither the petitioner nor its members were the subject of congressional legislation that had expressly terminated or forbidden the Federal relationship (Snohomish PF 1983, 26).

*Comments on the Proposed Finding*

No comments were received or new evidence submitted in connection with criterion 83.7(g).

*Conclusion*

Therefore, the conclusion of the PF that the petitioner meets criterion 83.78(g) is affirmed.

*Overall Conclusion*

As stated in 25 CFR 83.10(m), the “Assistant Secretary shall decline to acknowledge that a petitioner is an Indian tribe if it fails to satisfy any one of the criteria in § 83.7.” The conclusion reached in the PF, that the petitioner has not satisfied criteria 83.7(a), (b), (c), and (e), is affirmed in this FD. The following section, entitled “Description and Analysis of the Evidence,” discusses the evidence and reasoning for the conclusion under each criterion.

**Final Determination**

**on the**

**SNOHOMISH TRIBE OF INDIANS**

**DESCRIPTION AND ANALYSIS**

**OF THE**

**EVIDENCE**



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**APPENDICES**

Appendix A: Distribution of Membership by Snohomish or Not Snohomish Ancestry and Family Line as Presented in Proposed Finding

Appendix B: Distribution of Membership by Snohomish or Not Snohomish Ancestry and Family Line as Concluded for the Final Determination

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## Criterion 83.7(a)

### *The Petitioner's Comments on Criterion 83.7(a)—Identification by the Federal Government*<sup>1</sup>

This section is a topical, rather than a chronological, analysis of the petitioner's specific comments regarding criterion 83.7(a) in the order they appeared in its narrative response to the conclusions of the 1983 proposed finding (PF). The terms "reservation Snohomish" or "Tulalip Snohomish" as used in this final determination are meant to apply to the Snohomish Indians enrolled on the agency census for the Tulalip reservation. These terms do not necessarily imply that these people were all residents of the reservation. The Tulalip reservation census carried allotted Indians, and other Indians, resident or not, who had retained tribal relations or had some legal interest in the reservation. The term "off-reservation" (or occasionally "non-reservation") when applied to the petitioner's ancestors is not meant to imply a connection to the reservation Snohomish. The petitioner's ancestors, with only minor exceptions, were not enrolled on the Tulalip reservation census records, did not have allotments on the reservation, and lived primarily "off-reservation" in non-Indian communities.

#### Federal Dealings with the Group

The petitioner claimed in its 1999 comments on the 1983 PF that "Bureau records are replete with evidence of Federal consultations with the Snohomish tribe [the petitioning group] at least since the 1950s" (STI Narrative 1999, 5.2). As evidence of those dealings, the petitioner listed two documents from 1951 and one from 1974 (McDermott to Bitney 10/20/1951; Bitney to McDermott 11/19/1951; STI Narrative 1999, 5.2). Since the petitioner met criterion 83.7(a) for 1950 to about 1980 in the 1983 PF, and a review of the documents for that time affirms the PF's conclusions, it was unnecessary to describe these documents in detail. A review of the pertinent documents from 1950 to 1980 can be found later in this description and analysis of criterion 83.7(a). The petitioner did not describe any evidence regarding what it calls "Federal dealings" with the group from 1900 to 1949 or from 1983 to the present to satisfy the criterion for those periods.

#### Federal Benefits to Individuals

The receipt of Federal benefits by persons of Indian descent does not necessarily demonstrate that such individuals were part of a recognizable American Indian entity. Identifications of individuals as Indians are not identifications of an entity. Documents dealing with the recipients of such benefits must be examined on a case-by-case basis for an actual identification of such an entity.

As evidence of Federal benefits, the petitioner asserted that the "United States issued Indian

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<sup>1</sup>For a discussion of the PF's conclusions, the effect of the 1994 revised regulations on the FD for criterion 83.7(a), and the definition of the historical group for the petitioner see the summary under the criteria for 83.7(a). This section is a detailed description and analysis of the available evidence rather than a summary of how the evidence meets or does not meet each criterion.

homestead patents to a number of ancestors of the Snohomish Tribe in the Snohomish/Skykomish valley” (STI Narrative 1999, 5.2). To document this assertion, the petitioner submitted a research report and 21 folders of various documents from the 19th and 20th centuries on these ancestors. The records described 14 Indian homesteads mainly around the towns of Monroe and Sultan. The homestead patents, however, were mostly from the 1870's and 1880's, and therefore, may not qualify as identifications for criterion 83.7(a) under the 1994 revised regulations because they are pre-1900 documents. Most of the other documents were affidavits, testimonies, and statements by members of the petitioning group or their ancestors. Such documents may not qualify as external identifications of an American Indian entity, whatever the date of origin, because criterion 83.7(a) requires identification by other than the petitioner's members. The homestead records did contain a few post-1900 documents from external observers, but they identified only individuals of Indian ancestry. They did not describe an off-reservation entity of STI ancestors that existed separately from or in concert with the Tulalip Snohomish (Lane 1999).

The petitioner stated in its comments that

many individual Snohomish Indians have been identified as Indians and have received Federal Indian benefits, although they lived off-reservation and were not carried on the rolls of the Tulalip Tribes, Inc. or other reservation entities (STI Narrative 1999, 5.2).

Identifications of individuals of Indian ancestry and granting of individual services do not qualify as an identification of a contemporary American Indian entity. In addition, the Bureau of Indian Affairs offered many of these benefits to individuals of a certain degree of Indian descent (1/2 Indian ancestry) regardless of whether they resided on a reservation, maintained tribal relations, or belonged to a federally recognized tribe.

The petitioner claimed that a 1940 “letter of reference” from the Tulalip Indian Agency to Walter Allen, an ancestor of petitioning group members, was an identification of an American Indian entity (STI Narrative 1999, 5.3). Allen was seeking to market some lumber on his 30-acre property in Arlington. The agency superintendent stated that Allen was of half-Indian ancestry but did not connect him to a specific American Indian entity. This document was only an identification of a person with some Indian ancestry (Upchurch to Whom it May Concern 7/18/1940). Therefore, this letter was not an identification of an entity of STI ancestors.

The petitioner asserted that two 1940 endorsements by Bureau officials for a Marian Yarr to take an examination for the Indian service were an identification of an American Indian entity (STI Narrative 1999, 5.3). Both officials identified Yarr, an ancestor of current group members, as having Indian descent, but neither specified the Indian entity to which she belonged (Morrison to Upchurch 7/25/1940, Upchurch to Commissioner of Indian Affairs 7/29/1940; see also Skidmore to Yarr 7/31/1940, 2/10/1941). Accordingly, these two documents did not identify an American

Indian entity that included the petitioner's ancestors.

The petitioner stated "Al Cooper's father [an ancestor of current petitioner members] was treated at Cushman Indian Hospital for the stroke that eventually led to his death" (STI Narrative 1999, 5.3). The petitioner supplied no document from an external source or dated reference to support this claim. An unsupported statement from the petitioner regarding an ancestor who received care at an Indian hospital does not qualify as an external identification of an American Indian entity that included the petitioner's ancestors.

The petitioner declared that William Palmer, an ancestor of group members, "was born and raised at Port Luclow but attended the Chemewa and Tulalip Indian Schools from 1887-1903" (STI Narrative 1999, 5.3). An unsigned 1942 affidavit, documenting the ancestry of Palmer's daughter, confirmed his attendance at the two schools for that time (Palmer Affidavit 1942). The affidavit, however, did not identify Palmer's tribal affiliation or descent or describe an off-reservation entity of STI ancestors. As stated in previous acknowledgment findings, children of Indian descent could attend agency schools without being members of a federally recognized tribe (Chinook RFD 2002, 120-123). Therefore, this statement does not qualify as an external identification of an American Indian entity that included the petitioner's ancestors for 1900 to 1903 or 1942.<sup>2</sup>

In addition, the petitioner claimed that a March 1942 letter from the Tulalip superintendent to Margaret (Palmer) Bugher, William Palmer's daughter, regarding her candidacy for the "Indian service," was an identification of a STI entity. In February 1942, Palmer had written the superintendent concerning her application, and had also included a request for "registration as an Indian in the Snohomish tribe" (Bugher to Upchurch 2/18/1942). In response, the superintendent informed Palmer the evidence was "sufficient for me to issue an affidavit of Indian blood." However, he counseled Palmer that enrollment in the Tulalip tribes, "would require action by the general council, supported by a petition by five members of the Tulalip Tribe and approval by the Board of Directors" (Upchurch to Bugher 3/2/1942). This statement indicated that the superintendent believed Palmer was seeking enrollment with the Tulalip Tribes, rather than with an off-reservation entity of STI ancestors. Nothing in the letter indicated that he recognized the existence of such an entity, which the petitioner claimed in its comments existed after 1935. Therefore, this letter identified only an individual of Indian descent. It did not describe an American Indian entity that included the petitioning group's ancestors.

The petitioner referenced a 1929 letter from the Tulalip superintendent to the Commissioner of Indian Affairs that concerned in part the enrollment of Andrew Elwell's children in an Indian school (STI Narrative 1999, 5.3). Elwell, an ancestor of some group members, and his family

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<sup>2</sup>William Palmer, his wife, Alice, and son, William, were all listed as adult members of the 1926 Snohomish claims organization. As stated below, this organization was a claims group with on- and off-reservation Snohomish as members. The evidence does not indicate that the leadership of this claims group represented any off-reservation entity of STI ancestors while it existed from 1926 to 1935.

resided at Cashmere in central Washington, some 100 miles east of the Tulalip reservation. According to the superintendent, the Elwells had never appeared on an agency census, but were “recognized” by the Snohomish tribe.<sup>3</sup> Duclos probably meant that they had been recognized by the 1926 Snohomish claims organization, because Andrew Elwell’s name only appeared on two partial rolls of people seeking claims belonging to that group. But he also expressed considerable confusion about the legal rights of off-reservation Indians like the Elwells, whom he referred to as “citizen Indians,” implying they had not maintained tribal relations. In this case, the superintendent pointed out that the Elwells had never lived on any reservation in the Puget Sound and had only associated from “time to time” with the Snohomish tribe. The superintendent did not identify an off-reservation entity of STI ancestors separate from or combined with the Tulalip Snohomish (Duclos to Commissioner of Indian Affairs 7/27/1929).

Citing a 1999 affidavit by group member William Matheson, the petitioner stated that Matheson’s grandmother, Ada (Smith) Caul, “attended Carlisle Indian School along with her siblings” (STI Narrative 1999, 5.3; Matheson Interview 1999, 1). A retrospective affidavit by a petitioner member does not qualify as an external identification of an Indian entity for an earlier period. The affidavit states that “Ada graduated from Carlisle in 1900 and Edwin [her brother] graduated from Carlisle in 1901.” A list of the school’s graduates from 1891 to 1914 did not contain Ada Smith’s name in 1900 or any other year. School records indicated that she was of Clallam ancestry and left the school in 1900 (Smith School Record 1896-1917). In other school records Ada (Smith) Caul identified herself as Clallam. Edwin Smith, from Chemewa, Oregon, appeared on the graduate’s list for 1901, but also with a tribal ancestry as Clallam not Snohomish (Carlisle 1914).

The petitioner stated that Josephine Yarr, a group member, “recalled” in a 1996 interview that “Annie Twiggs [an ancestor of some petitioner members] had attended Carlisle Indian School, and others had attended Chemewa Indian School.” A recollection by a group member in which

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<sup>3</sup>According to the PF the

1926 organization’s membership included many Snoqualmie and Clallam descendants as well as Snohomish descendants. The membership also included a few remaining Snohomish Indians living off-reservation and at least seventy allotted and unallotted Snohomish enrolled at Tulalip reservation. As far as could be determined from the partial lists available, the Tulalip Snohomish and the off-reservation Snohomish Indians comprised the minority of the organization’s membership. The character of the membership of the 1926 organization appears to have been broader than that of the historic Snohomish tribe that existed at the same time. The 1926 membership rolls appear to be lists which were compiled of claimants to a potential judgment roll (Snohomish PF 1983, 13).

These two partial lists did not contain the names of all of the enrolled and allotted Snohomish on Tulalip, so they lack the character of tribal membership rolls. The available evidence does not show that the STI ancestors of this claims group were part of a recognizable off reservation American Indian entity that had existed separately or had combined politically and socially with the Tulalip Snohomish (Snohomish Tribe List 1926 A/B).

she refers to another member is not an external identification of an Indian entity for an earlier period. Moreover, in the interview, Josephine Yarr described the Twiggs family as Canadian Indians not Snohomish (STI Narrative 1999, 5.3; Yarr Interview 1996, 32).

For identifications in the 1930's and 1940's, the petitioner referred to documents dealing with the Woodley family, from which some group members descend (STI Narrative 1999, 5.3). These were three letters about placing one or more of George Woodley's children in an Indian School. None of the correspondence identified Woodley or his children as Snohomish. There was no mention of a Snohomish entity, off or on the reservation. In 1939, Ruth Woodley applied and gained admittance to the Chemewa School in Oregon, but two years later she had yet to attend the facility (Wentz to Upchurch 9/1/1940, Rauch to Upchurch 12/17/1941; Upchurch to Rauch 12/19/1941).

The petitioner claimed that Irving Matheson, an ancestor of some petitioner members, "was treated at the Toppenish Indian Hospital in 1934, as a Snohomish Indian," according to a September 2, 1934, letter from the Tulalip Superintendent to the Yakima Superintendent (STI Narrative 1999, 5.4). In the letter, Matheson's mother was identified as "Snohomish." The document did identify two individuals as having Snohomish ancestry, but it did not describe any Snohomish entity, on or off the reservation (Upchurch to Whitlock 9/2/1934).

The petitioner stated that two documents from the 1930's involving claims activities identified a STI entity. It referenced the first document, a 1932 General Accounting Office (GAO) Report, in its comments on the proposed findings (STI Narrative 1999, 5.4). However, no copy of the report was submitted by the petitioner or found in the available record. According to the petitioner, the report sought to "compute the value of services received by each of the Point Elliot Treaty tribes." The second document, the 1934 findings of the Court of Claims in *Duwamish et al. v United States*, did reference the historical Snohomish treaty tribe as it existed at the time of the takings of aboriginal territory on several occasions (U.S. Court of Claims 1934). The Court of Claims also briefly referred to the GAO report. These documents did not identify any off-reservation entity of STI ancestors separate from or combined with the Tulalip Snohomish. Previous acknowledgment decisions have concluded that similar claims statutes and litigation allowed individual descendants of treaty tribes to seek compensation for aboriginal lands and to allotments of land, but that such actions and the naming of beneficiaries in them did not depend upon the identification of an existing Indian entity (Chinook RFD 2002, 28-33).

#### Federal Censuses

As evidence for criterion 83.7(a), the petitioner stated that "the ancestors of members of the Snohomish Tribe were frequently identified as 'Indians' in Federal census schedules, particularly on the 1880 and 1900 general Federal censuses and on the 1910 Special Indian Census" (STI Narrative 1999, 5.4). Identifications of individuals as "Indian" on general Federal censuses do not qualify as an identification of an American Indian entity. While the identification of some

off-reservation Indians as Snohomish in the 1910 Special Indian Census may be useful for criterion 83.7(b), it does not constitute valid evidence for criterion 83.7(a) unless the census identified the individuals as part of a specific Indian village or community, which was not the case for the STI ancestors.<sup>4</sup>

#### Other Possible Identifications by the Federal Government

The petitioner asserted that a report by the Smithsonian's National Museum of Natural History "regarding the repatriation of 37 sets of human remains" identified the "Snohomish Tribe" (STI Narrative 1999, 5.5). The report indicated that the museum contacted various northwest Indian groups to determine which might have a claim to some of the human remains housed in its collections. The report, dated October 5, 1998, listed about 37 American Indian entities the museum intended to consult, including the petitioning group, which was incorrectly described as federally recognized. This report was an identification of the petitioner in 1998 (NMNH Report 1998).

As evidence for criterion 83.7(a), the petitioner stated that a November 19, 1919, letter by the Acting Commissioner of Indian Affairs "probably" identified its ancestors. It alleged the following:

the Proposed Finding (at 5, 12) states that Roblin listed "a number of off-reservation Indian groups with varying degrees of community organization and retention of culture but no Snohomish community was among them." Roblin himself never claimed his list was exhaustive, however, and on reviewing it, Acting Commissioner Merritt [*sic*] expressed his disappointment that Roblin "discusses the status of but eight of the large tribes to which the applicants belong." The Snohomish were one of those large tribes, and Merritt [*sic*] was probably thinking of us, since the Roblin report was prepared in response to pressures from the Northwest[ern] Federation of American Indians (NFAI), of which a prominent Snohomish, Thomas Bishop, was then president (STI Narrative 1999, 5.5).

A review of the letter revealed that Merritt impassively made the following statement:

The Special Agent particularly discusses the status of but eight of the large tribes

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<sup>4</sup>The 1983 PF asserted the following: "No federal, state, or territorial population census records were found enumerating the members of the petitioning organization as a separate group, identified as Snohomish or otherwise as it is said to have existed in the historical past. Census records in general did not provide information relative to the specific tribal ancestry of individuals families except in a very few instances. This was due to the fact that the members and ancestors of the petitioning group had, for the most part, married non-Indians and lived in non-Indian communities. In almost every instance where members of petitioning families were found and identified as Indians or 'half-breeds,' there was no tribal designation" (Snohomish PF 1883, 25).

to which the applicants belong—Nooksack, Skagit, Snoqualmie, Cowlitz, Clallam, Chinook, Mitchell Bay, Shoalwater Bay and associated bands (Merritt to Benson 11/17/1919).

Nothing in his letter implied that he “probably” believed in the existence of an off-reservation entity that included those applicants among the petitioner’s ancestors whom Roblin had identified as having Snohomish ancestry. Indeed, elsewhere in the letter, Merritt declared that a

large proportion of the applicants are the children of Indians who have been allotted on reservations in western Washington and for whom no tribal lands remain for allotment, and many of the families are shown never to have associated or affiliated with any Indian tribe or tribes but have maintained their status as citizens, have voted, paid taxes and owned property the same as the whites among whom they have lived (Merritt to Benson 11/17/1919).

Therefore, this document did not identify any off-reservation entity of STI ancestors separate from or combined with the federally recognized Tulalip Snohomish.

*The Petitioner’s Comments on Criterion 83.7(a)—Relationships with Neighbors*

The petitioner claimed that several references by Chimacum valley residents were identifications of an Indian entity. One such document is the *Egg and I*, a semi-autobiography written by Betty McDonald in 1945, which contained an account of two Indian characters, whom the petitioner claims were “modeled” on “Snohomish tribe members,” although the author never identified their tribal ancestry or actual names (STI Narrative 1999, 5.6; McDonald 1945, 202-212). On one hand, the petitioner described the McDonald book as a work of pure fiction. On the other, it maintained the book provided “evidence that the Snohomish were still considered Indians in the Chimacum Valley around the 1930’s, albeit a better class of Indians” (STI Narrative 1999, 5.6). A portrayal of two individuals with fictitious names as Indians with no tribal identification in a semi-autobiographical book does not qualify as an external identification of an Indian entity.

The petitioner claimed two cemeteries and two “nearby clusters of graves” in the town cemetery of Sultan allegedly containing some of the group’s Indian ancestors were identifications (STI Narrative 1999, 5-6). Headstones of individuals of Indian ancestry at town cemeteries or plats of town cemeteries that list the gravesites of people of Indian ancestry do not constitute identifications by external observers of a contemporary American Indian entity. Such items only identify the burial sites of individuals of Indian ancestry.

As a possible identification, the petitioner referred to a passage from a local history not submitted as part of the petition documentation. The book, published in 1959, allegedly quotes a Sultan resident who recalled that in “Christmas week of 1889, Mr. Stevens decided that there should be a Christmas tree, with a gift of candy for every child in the vicinity. This was to be in

the Congregational Church. A few citizens were quite annoyed because he invited Indian children” (STI Narrative 1999, 5.6). A reference to a retrospective account in a local history that refers only to “Indian children” from 1889 does not qualify as an identification of the petitioner as an American Indian entity since 1900.

The petitioner cited, but did not provide, an article from the *Sultan Star* of October 12, 1905. The newspaper recounted that among the “finest apples that has been placed on exhibition at the post office, the finest for size are two bought in by Johnny Reed, an Indian” (STI Narrative 1999, 5.6). A statement about a newspaper reference to a person of Indian ancestry does not qualify as evidence for criterion 83.7(a).

*The Petitioner’s Comments on Criterion 83.7(a)—Dealings with other Indian Groups*

In its comment on the PF, the petitioner argued that BAR ignored the documentary evidence we provided that other Puget Sound Indian Tribes had consistently recognized us as a separate tribe, and had consistently included us in regional Indian organizations since the 1910s” (STI Narrative 1999, 5.7).<sup>5</sup>

Membership by a petitioning group’s members or leaders in national, regional, or state Indian organizations does not necessarily qualify as an identification of an American Indian entity. Evidence of relationships with such groups must be examined on a case-by-case basis to determine if each document contains an actual identification of such an entity.

In support of this claim, the petitioner declared that “Thomas Bishop was the founder of the Northwest[ern] Federation of American Indians, the first regional intertribal organization in the Pacific Northwest, and he served as its president through the 1920s” (STI Narrative 1999, 5.7).

Bishop, the son of a Snohomish woman and a non-Indian settler from Chimacum, founded the NFAI around 1913 or 1914 and remained its president until his death in 1923. An intertribal organization, the NFAI was mostly engaged in claims activities for unenrolled and unattached Indians until its demise in the late 1940’s. The available record contains about twenty documents by external observers, from 1916 to 1924, which dealt with Thomas Bishop and his work with the NFAI.<sup>6</sup> These documents identified the NFAI, but that intertribal organization was not the

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<sup>5</sup>In actuality, the PF acknowledged the petitioner’s active involvement in Indian organizations since 1950. Many of these associations provided suitable identifications for 1950-1980 under criterion 83.7(a) (Snohomish PF 1983, 7-8).

<sup>6</sup>They included: Hawke to Bishop 5/24/1916; Merrit to Secretary of the Interior 6/1/1916; Hawke to Bishop 6/1/1916; Merrit to Bishop 6/5/1916; Hawke to Bishop 6/5/1916; Vogelsang to Secretary of the Interior 9/2/1916; Shelt to Buchanan 9/16/1916; Hawke to Buchanan 10/2/1916; Sells to Roblin 11/27/1916; Egbert to Buchanan 1/6/1917; Buchanan to Commissioner of Indian Affairs 11/2/1917; Roblin to Commissioner of Indian Affairs

petitioning group. None described an off-reservation entity of STI ancestors apart from or connected to the Tulalip Snohomish, or identified Thomas Bishop as a member or leader of such an entity. Instead, most of the material dealt with Bishop's efforts for the NFAI on behalf of unenrolled and unattached Indians, who claimed descent from a number of treaty tribes. Therefore, these documents did not identify a predecessor group of the petitioner as an American Indian entity.

The petitioner claimed that “[a]fter the war, the Snohomish tribe was active in a number of new regional and national intertribal organizations” (STI Narrative 1999, 5.7). It mentioned several groups and the period of involvement: Inter-Tribal Council of Western Washington Indians (1950's-1960's); National Congress of American Indians (1960's); and Small Tribes Organization of Western Washington (1970's-present). Because the 1983 PF concluded, and a review of available documents from the original petition affirms, that the petitioner met criterion 83.7(a) for 1950 to about 1980, it was unnecessary to examine additional identifications in detail from Indian organizations for that period. A review of these identifications can be found later in this description and analysis for criterion 83.7(a).

As evidence from other Indian groups, the petitioner submitted correspondence regarding the 1981 nomination of Thomas C. Yarr (1908-1941) to the American Indian Athletic Hall of Fame. Yarr, ancestor of some petitioning group members, was a star football player at Notre Dame University in the 1930's. The driving force behind Yarr's nomination was Wilbur Paul, a Federal employee and Blackfoot Indian. Two letters from Paul regarding the nomination identified the “Snohomish Tribe of Indians” and its chairman. In one letter, Paul asked the chairman for any assistance his “tribe” could provide in determining Yarr's tribal ancestry (Paul to Matheson 2/10/1981; Paul to Neudorfer 12/17/1981). Hence, these documents were identifications of the petitioner in 1981.

*The Petitioner's Comments on Criterion 83.7(a)—Analysis of the Petitioner's Comments Entitled “Comparison with BAR Research”*

The petitioner's comments on the proposed findings for criterion 83.7(a) contained a section entitled “Comparison with BAR Research” (STI Narrative 1999, 5.8-5.10). In this section, the petitioner maintained the following:

We do not believe that we should be here today arguing that we are a real Indian tribe, because we have a documented history of routine administrative dealings

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1/31/1919a; Roblin to Commissioner of Indian Affairs 1/31/1919b; Sells to Roblin 3/5/1920; Minutes of Meeting 12/12/1921; *Everett Daily Herald* 3/2/1922; Unidentified Newspaper 3/13/1922; Dickens to Commissioner of Indian Affairs 1/29/1923; Dickens to Burke 1/17/1924. Most of these documents are discussed at greater length in the Description and Analysis for criterion 83.7(c).

with the Bureau of Indian Affairs, continuing through the 1960s (STI Narrative 1999, 5.8).<sup>7</sup>

Criterion 83.7(a) asks only whether outside observers identified the petitioner as an American Indian entity on a substantially continuous basis. The criterion does not require that a petitioner demonstrate that it is a “real Indian tribe.” Criteria 83.7(b) and (c) require the petitioner to demonstrate that a predominant portion of the group comprises a distinct community since historical times and has maintained political influence or authority over its members. The descriptions and analyses for those two criteria respond to most of what the petitioner discussed in this section. In the section, however, the petitioner described a series of “administrative dealings” with the Bureau of Indian Affairs dating from 1950 to 1975. Since the petitioner had already demonstrated, and a review of the pertinent documents affirms, that it met the criterion for 1950 to about 1980, it was unnecessary to describe these documents extensively for the FD. What follows is an examination of other evidence for criterion 83.7(a) for 1900 to 1949 and 1980 to the present. The evidence for 1900 to 1949 is arranged by decade for the sake of convenience.

#### *Chronological Summary and Analysis of Other Evidence—1900-1949, 1980-Present*

The following is a comprehensive description and analysis of the evidence of possible identifications in the petition record by outside observers. The petitioner and the Tulalip Tribes provided most of this evidence, and some of it the OFA discovered. Much of the available evidence from before 1950 came from the Tulalip Indian agency and dealt primarily with the historical Snohomish tribe on the Tulalip reservation. This section examines in detail the period, 1900 to 1949, for which the petitioner did not meet criterion 83.7(a) in the 1983 PF, and 1980 to the present.<sup>8</sup> A brief overview of 1950 to 1980 is also provided.

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<sup>7</sup>The PF accepted many of these dealings as suitable identifications from 1950-1983 for criterion 83.7(a) (Snohomish PF 1983, 9). However, it described these interactions in the following manner:

Although the Bureau of Indian Affairs, especially at the local level, has dealt with the group in a number of ways, particularly in the 1950's, which were similar to treatment of recognized tribes, the group has neither been acknowledged nor listed as a federally-recognized tribe (Snohomish PF 1983, 6).

<sup>8</sup>Most of the identifications for the 1983 PF were pre-1980.

1900-1909

Evidence from the Federal Government

**General Correspondence and Reports from the Tulalip Superintendent**

There were several documents, submitted by the petitioner and the Tulalip Tribes, from agency officials during the decade from 1900 to 1909, produced mainly by Charles Buchanan, originally head physician and later superintendent at Tulalip. The superintendent supervised several reservations, including Tulalip where the Snohomish were the dominant tribe. In June 1901, then physician Buchanan wrote the Tulalip Indian agent requesting September leave. According to Buchanan, the fall months were an opportune time to take leave because the reservation Indians, whom he never identified by tribal affiliation, were off working in the hop fields, canneries, and fisheries of Puget Sound. In an October 1901 letter to the Commissioner of Indian Affairs, then Superintendent Buchanan expressed annoyance at having to conduct the annual census during these months. While Buchanan described the migratory and work patterns of the Tulalip Indians in these two letters, he did not mention any off-reservation entity of STI ancestors that existed separately from or in connection with the Tulalip Snohomish (Buchanan to Mills 6/20/1900; Buchanan to Commissioner of Indian Affairs 10/23/1901).

In June 1903, Buchanan informed the Commissioner of the latest round of proposed reservation allotments, determined after consultation with the Tulalip tribal court. The 1904 agency report confirmed that these were among the few remaining allotments on the reservation, although some assignments continued until 1909. Although Buchanan mentioned persons of Indian ancestry at the Tulalip reservation in the 1903 letter, he described no specific Snohomish entity, on or off reservation. The 1904 report also did not identify a specific entity (Buchanan to Commissioner of Indian Affairs 6/30/1903; Commissioner's Report 10/17/1904).<sup>9</sup>

In 1909, Buchanan answered a correspondent who wished to know about the cultural habits of the Tulalip Indians. While Buchanan mentioned in his that the Snohomish were the "predominant tribe" at Tulalip, he did not describe the STI ancestors or any off-reservation entity of STI ancestors under his jurisdiction (Buchanan to Halsey 10/12/1909).

The decade's evidence also contained agency employee records for 1908 and 1909. Some of the employees were Indians, serving as judges on the Court of Indian Offenses or as reservation police (Tulalip Agency Employee Records 1908, 1909). None of the records, however,

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<sup>9</sup>The available record contained three other agency reports for this decade, statistics for 1903, 1906, and 1908. All identified a Snohomish entity on the Tulalip reservation. None identified any off-reservation entity of STI ancestors that existed separately from or in combination with the Tulalip Snohomish (Tulalip Annual Report 1903, 1906, and 1909).

identified a Snohomish entity on or off the reservation.<sup>10</sup> The available evidence did not indicate that any of the direct ancestors of the petitioning group were reservation employees.

### **The Spithill Case**

Included among the Federal documents are various materials related to the Anastasia Spithill case. The case centered on Spithill's alleged Snohomish ancestry and her eligibility for allotment on the Tulalip reservation. Spithill, an ancestor of some petitioner members, had periodically lived on the reservation, but in 1901 the reservation tribal council had refused to recognize her "as an Indian having tribal relations with them." Spithill brought suit, and the court eventually ruled in her favor, permitting an allotment because she was of Snohomish ancestry. Other than Spithill, no STI ancestors were identified in these documents. The identification of one ancestor as Snohomish does not constitute an identification of all the STI ancestors. Nor did the documents identify any off-reservation entity of STI ancestors independent of or associated with the Tulalip Snohomish (*Spithill et al* 1904-1908; *Spithill et al* 1904).

### Other Possible Identifications by Outside Observers

The petitioner submitted excerpts of city directories from around Port Townsend for 1909-1910. One directory identified William Bishop, ancestor of some group members, as the owner of a creamery in Chimacum, but did not describe him as an American Indian or as a member of an American Indian entity. None of the directories provided evidence of an off-reservation entity of STI ancestors in that region (Jefferson County 1909-1910).

1910-1919

### Federal Government Documents

#### **Routine Matters on the Tulalip Reservation**

There were about three-dozen documents by Federal authorities for 1910 to 1919, many of which

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<sup>10</sup>By 1910 the list of Indian employees had expanded to include a clerk and a carpenter (Tulalip Agency Employee Records 1910). These employees were well-known reservation Indians. The agency also produced a yearly census after 1900, which did not list the tribal ancestry of enrolled Indians until 1930. The census carried allotted Indians, and other Indians, resident or not, who had retained tribal relations or had some legal interest in the reservation. "Un-attached Indians," at the agency described them, were listed starting in 1920. These were about 100 public domain Indians from Snohomish and King counties with land held in trust under agency supervision. For the most part, they were Snohomish women married to other Indians or non-Indian men. The available evidence did not indicate that any of the petitioner's ancestors were among these Indians.

were submitted by the petitioner and the Tulalip Tribes. Some records concerned the Tulalip agency's routine involvement in reservation allotments, jurisdictional issues, timber sales, Indian fairs, enrollment questions, and fishing rights. For example, Superintendent Buchanan informed the Commissioner of Indian Affairs in May 1913 that he had received a "delegation of Indians directly or indirectly tributary" to the Tulalip reservation representing "themselves as landless, without allotments and any immediate prospect of same." The delegates, Tulalip Indians long associated with the reservation, were demanding allotments on the Quinault Reservation, which lay outside Buchanan's jurisdiction. The superintendent listed 23 Indians, but he did not identify any entity of STI ancestors involved in this matter (Buchanan to Commissioner of Indian Affairs 5/20/1913). The individuals listed were not STI ancestors.

A few documents dealt with the Tulalip agency's jurisdiction over "non-reservation" Indians. In September 1913, the Commissioner instructed Superintendent Buchanan that his jurisdiction had been "extended so as to include all non-reservation Indians in Whatcom, Skagit, and Snohomish Counties" (Sells to Buchanan 9/6/1913). The commissioner did not specify any Indian entities in this letter. Most of the non-reservation Indians that now fell under the Commissioner's edict were never part of Indian entities that had previously interacted with the agency. Buchanan in an August 1914 letter to the Commissioner revealed that he knew little or nothing about these Indians and would need additional resources to deal with them. He advised:

Your office . . . is proposing to widen the jurisdiction of the agency by attaching to it certain non-reservation unattached Indians. These Indians have never been enrolled. We have no data, rolls, records, census, allotment schedules, etc., etc., of these people and can give no definite concerning them. A definite report upon the proposed jurisdiction was made in detail to your office under date of August 21st, 1914. These Indians have not yet been turned over to us. If they are turned over to us we shall undoubtedly need assistance for proper care and supervision of these newly-acquired wards (Buchanan to Commissioner of Indian Affairs 8/26/1914; see also Tulalip Annual Report 1914).

Therefore, these documents did not identify an STI entity.

Another agency document concerned logging practices on the reservation. The Commissioner of Indian Affairs informed the Secretary of the Interior in April 1914 that a Tulalip Indian council had met on March 1, 1913, to discuss the timber situation on the reservation. Apparently, there had been considerable waste in the contract logging operations and the Indians were complaining. Thirty-eight council members had signed a petition to the Secretary expressing

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<sup>11</sup>At the time agency policy limited jurisdiction to off-reservation Indians who had maintained tribal relations. It excluded persons of Indian ancestry who had separated from their tribe, or those who had integrated into non-Indian society as citizens, which with only a few exceptions was the case for the petitioner's ancestors. In some instances, Indians who had abandoned tribal relations remained the agency's responsibility if their individual allotments remained in trust (Snoqualmie FD 1997, 18).

concerns and demanding improvements. The Commissioner, however, identified none by tribal affiliation, nor did he describe any Snohomish entity on or off the reservation (Sells to Secretary of the Interior 4/6/1914). The available evidence did not indicate that any ancestors of the petitioning group as part of a Snohomish entity or on their own took part in the council.

Some of the records detailed yearly Indian fairs held at Tulalip from 1915 to the early 1920's. The documents identified the Indians who organized or participated in these gatherings, but they did not describe any Snohomish entity on or off the reservation. The available evidence did not demonstrate that the ancestors of the petitioning group attended these festivities or aided in their organization (*Everett Daily Herald* 10/8/1915; *Tulalip Bulletin* 10/1916, 10/1918, 11/1918). Two 1916 items reported the establishment of a Tulalip Civic Society on the reservation. The Civic Society was an intertribal organization composed of reservation Snohomish and other Indians that remained in existence until 1931. The records identified the Tulalip Indians who established and represented the society, but none described a Snohomish entity on or off the reservation (*Marysville Globe* 8/18/1916; Buchanan to Mrs. Arthur Hatch et al. 8/22/1916). The available evidence did not indicate that any ancestors of the petitioning group took part in the society.

The OFA found a November 1916 agency letter concerned the enrollment of John Howard Anderson, an unidentified Indian from Everett, “with the Tulalip tribe of Indians.” The chief clerk for the Cushman Agency wrote Superintendent Buchanan to determine Anderson’s ancestry, and if the tribe recognized him as having maintained relations. He also advised Buchanan to submit the matter to “a meeting of the tribal representatives or business committee,” and forward the records of the meeting to him. No answer to this letter exists in the available record and John Howard Anderson’s name did not appear on any agency census after 1916. This letter was not an identification of a STI entity (Hawke to Buchanan 11/15/1916).

In April 1917, Superintendent Buchanan informed the Commissioner of a petition from two Tulalip Indians protesting illegal fishing by non-Indians on the reservation. Buchanan sought advice on how to proceed. The letter identified two Indians on Tulalip but did not specify to what tribe they belonged (Buchanan to the Commissioner of Indian Affairs 4/4/1917).<sup>12</sup>

### **Claims Activities, Thomas Bishop, and the Northwestern Federation of American Indians**

Several documents, mainly from 1916-1917 and 1919-1920, dealt with the efforts of Thomas Bishop to secure claims for a number of unenrolled and unattached Indians around Puget Sound as president of the NFAI.<sup>13</sup> At first, Bishop and his organization sought to obtain allotments for

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<sup>12</sup>The original petition contained the names of about 60 Tulalip Indians. The petition did not identify the individuals with a tribal designation (Tulalip Tribes Petition 3/29/1917).

<sup>13</sup>Bishop’s activities are discussed in more detail in criteria 83.7(b) and (c).

some Indian claimants on the Quinault reservation. Later, his activities led the Office of Indian Affairs to count the unenrolled and unattached Indians in the region. The actual list, known commonly as the 1919 Roblin Roll, contained the names of non-reservation Indians descended from about 40 treaty tribes, including the Snohomish.

None of the available documents relating to Thomas Bishop identified any off-reservation entity of STI ancestors separate from or connected with the Tulalip Snohomish.<sup>14</sup> Agency officials did not describe Bishop in the available record as a member or leader of a Snohomish entity on or off the reservation. In fact, two documents indicated that Bishop had no tribal affiliation with an American Indian entity. In one, the Indian Office described Bishop as a “half-blood Snohomish” who had “taken his place in the State and city as a white man and a citizen.” In another, the Commissioner of Indian Affairs wrote Bishop in March 1920 and informed him that the “applications of yourself and your children for enrollment and allotment with the Indians of the Quinaielt reservation” had been rejected because he and his children had not been “affiliated” or “identified” with the group (Meritt to Secretary of the Interior 10/28/1918; Sells to Thomas Bishop 3/5/1920).

### **The Roblin Roll**

Bishop’s claims activities led the Bureau of Indian Affairs to appoint a special agent, Charles Roblin, to conduct a census of the unenrolled and unattached Indians in Puget Sound. Roblin began his work in late 1916 and submitted his findings in January 1919. In the report accompanying his schedule of unattached Indians, Roblin described two classes of people on the roll. One was the “children and grandchildren of Indians” who had been allotted on “one or another Indian reservations of Western Washington, for whom no tribal lands remained for allotment.” The other class, by far the “larger,” was the “descendants of Indian women who married the early pioneers of the country and founded families of mixed blood Indians.” For the most part, these applicants had “never associated or affiliated with any Indian tribe or tribes for several decades or even generations” (Roblin to Commissioner of Indian Affairs 1/31/1919a). According to Roblin, many of the applicants had never made any claims from the United States Government until a few years before. The available evidence demonstrated that most of the petitioning group’s ancestors listed on the roll fell into Roblin’s second category. As the PF stated, Roblin “did list a number of off-reservation Indian groups with varying degrees of community organization and retention of culture but no Snohomish community was among them” (Snohomish PF 1983, 5). This evaluation of the documents for 1910 for 1919 involving Roblin affirms that conclusion (Sells to Roblin 11/27/1916; Roblin to Commissioner of Indian

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<sup>14</sup>The documents included: Hawke to Bishop 5/24/1916; Meritt to Secretary of the Interior 6/1/1916; Hawke to Bishop 6/1/1916; Meritt to Bishop 6/5/1916; Hawke to Bishop 6/5/1916; Vogelsang to Secretary of the Interior 9/2/1916; Shelt to Buchanan 9/16/1916; Hawke to Buchanan 10/2/1916; Egbert to Buchanan 1/6/1917; Meritt to Secretary of the Interior 10/28/1918; Roblin to Commissioner of Indian Affairs 1/31/1919a, 1/31/1919b; Commissioner of Indian Affairs to Bishop 3/5/1920.

Affairs 1/31/1919a, 1/31/1919b; Roblin's Schedule 1/31/1919; see also Roblin to Dickens 5/10/1926).

### **The 1917 Organization Known as the "Snohomish Tribe of Indians"**

Evidence for this 1910 to 1919 included references to an organization called the "Snohomish Tribe of Indians," which included as members some ancestors of the current petitioner. According to the PF, this group "was a local branch of the Northwest Federation" containing "Indian descendants around Monroe and other upriver areas whose intention was to press claims matters." The PF also concluded that the organization "was identified as Snohomish" only in 1917, the only year for which there was a record of the group (Snohomish PF 1983, 5, 9).

An evaluation of available documents revealed that Federal authorities did not describe this group as a Snohomish entity, but set into motion inquiries regarding the status of the individuals who belonged to it. The first reference to the group in agency records occurred in September 1917, when Jesse Simmons, a lawyer employed by the organization, wrote the Assistant Commissioner of Indian Affairs that he had "entered into two separate contracts" to represent "two separate tribes of Indians," the Snoqualmie and the Snohomish, in their claims against the government (Simmons to Commissioner 9/25/1917).<sup>15</sup> One month later, the Assistant Commissioner acknowledged receipt of the letter, briefly mentioned the contract with "certain Snoqualmie and Snohomish Indians," and assured Simmons the matter would receive "proper consideration" (Meritt to Simmons 10/25/1917). At the same time, he dispatched a letter to the Tulalip Superintendent and asked him to "carefully investigate" the matter. He instructed him to file a report and "set out clearly" if the "Indians who had entered into contracts" were "members of bands or tribes under your jurisdiction" and "residing and maintaining affiliations with those tribes," or, if they were unrecognized and living as "citizens of the United States and the State of Washington" (Meritt to Buchanan 10/25/1917). The instructions demonstrate that the Assistant Commissioner did not assume the individuals involved in these contracts were actually members of a Snohomish or Snoqualmie entity.

In his initial investigation response, the Tulalip superintendent mainly gave a brief history of the Snohomish and Snoqualmie tribes on the reservation. But he was careful to refer to the people who hired Simmons only as "witnesses" or "signers" of "alleged" Snohomish or Snoqualmie contracts. Nowhere in the document did he identify an off-reservation entity of STI ancestors separate from or combined with combined with the Tulalip Snohomish (Buchanan to Commissioner of Indian Affairs 11/2/1917). When the superintendent wrote to these Indians, he sent a letter to each individual rather than sending a letter to a group or entity (Buchanan to Krieschel et al. 11/6/1917). Additional documents generated by the investigation also failed to

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<sup>15</sup>The Simmons reference to the organization did not qualify as identification by an outside observer, because he as hired a lawyer and spokesperson for the group. Two other documents in the record, an affidavit and a letter were self-identifications by group members (Ellen Short Affidavit 2/14/1917; Harriman to Buchanan 11/9/17).

identify an Indian entity (Buchanan to Cook 11/7/1917; Buchanan to Commissioner of Indian Affairs 11/12/1917; Sells to Simmons 1/23/1918). The Indians who signed these contracts may have formed a claims group, but in these letters by BIA officials used no language that characterized those Indians as a group or entity, and instead referred to them as individual Indians who had contracted with an attorney.<sup>16</sup>

## *1920-1929*

### Documents from Federal Authorities

There are about 30 available documents for 1920 to 1929, mostly submitted by the petitioner and the Tulalip Tribes. A small number identified a Snohomish entity on the reservation, but none identified any off-reservation entity of STI ancestors apart from or combined with the federally recognized Tulalip Snohomish.

### **Routine Matters on the Tulalip Reservation**

Some documents concerned routine matters like Indian fairs, census records, jurisdictional questions, and enrollment matters. The Tulalip-sponsored Indian fairs begun in 1915 continued into the early 1920's. Advertisements and correspondence about the fairs identified individual Indians and the Tulalip Snohomish, but they did not identify any off-reservation entity of STI ancestors (Tulalip Fairs 1920-1922; Tulalip Agency 7/27/1928). The available evidence did not demonstrate that the ancestors of the petitioning group attended these festivities or aided in their organization.

The agency continued to conduct censuses at Tulalip during these years. In 1920, it began counting "unattached" Indians, as the agency called them, who lived on public domain allotments in the counties around Tulalip. Generally, the Tulalip census included about 100 public domain Indians during the 1920's. The agency provided no tribal designation for these Indians, or the ones on the reservation for that matter, until 1930, when it began listing most of them indiscriminately as Snohomish. Most of the unattached Indians appeared to be female Snohomish married to other Indians or non-Indians. There was no evidence to demonstrate that they maintained tribal relations with the Tulalip Snohomish. The census records from the 1920's did not identify any off reservation entity of STI ancestors (Tulalip Annual Census 1920, 1921, 1922, 1928, 1929). The ancestors of the petitioner, with only minor exceptions, did not appear

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<sup>16</sup>The record contained one local government document relating to the 1917 organization, a letter by the town clerk of Monroe, Washington, who described some these individuals as tax payers and property owners, but did not identify them as part of any Snohomish entity (Cook to Wardall 11/10/1917). The letter was in response to part of the superintendent's investigation of the attorney's contracts.

on any agency lists either as enrolled reservation or “unattached” Indians.<sup>17</sup>

Some of the 1920's documents concerned the agency's jurisdiction over what it called “unattached” Indians. The agency viewed some public domain Indians carried on its census rolls as properly under its jurisdiction.<sup>18</sup> Occasionally, the agency identified some individual unenrolled and unattached Indians of Snohomish ancestry, including the petitioner's ancestors, in documents on jurisdictional matters, but it did not describe them as members of a tribe or as part of any off-reservation entity of STI ancestors apart from or combined with the Tulalip Snohomish (Dickens to Brown 9/1/1921; Dickens to Humphrey 3/1/1927; McDowell to Secretary of the Interior 3/7/1929; Duclos to Commissioner of Indian Affairs 7/27/1929).

A few documents from the late 1920's dealt with the enrollment of the Allen family on the Tulalip reservation. Benjamin Allen and his family, ancestors of some members of the petitioner, had once been sharecroppers and renters on the reservation. Apparently, they were related to some allotted Snohomish and were “recognized by the tribal committee of the Snohomish tribe of the Tulalip reservation,” but their names had not appeared on the agency census. In August 1928, the Office of Indian Affairs approved Allen's enrollment after the Snohomish tribal committee, authorized to “pass on all cases of applicants for enrollment with the Indians of the Tulalip reservation,” had given approval.<sup>19</sup> The appearance of one ancestor's name on an agency census was not an identification of all the petitioner's ancestors. In addition, none of the available agency documents relating to the Allens identified any off-reservation group of the petitioner's ancestors separate from or combined with the Tulalip Snohomish (Gross to Commissioner of Indian Affairs 1/4/1928; Gross to Commissioner of Indian Affairs 2/28/1928; Meritt to Gross 8/23/1928).

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<sup>17</sup>The 1983 PF concluded: “Indian census rolls of the Tulalip reservation (aka Snohomish reservation) were examined for 1885, 1898, 1910, 1925, and 1934. Although a few individual members or ancestors of the petitioning group can be found, they cannot be said to represent a significant portion of the reservation's population” (Snohomish PF 1983, 25).

<sup>18</sup>In 1921, the Tulalip superintendent described the “un-attached” Indians under his jurisdiction and carried on the reservation rolls as from the “Snoqualmie, Snohomish, and Suiattle, Skagit, and Nooksack River Valleys, besides scattered Indians on Whidbey Island.” The “un-attached” Snohomish most likely would have been mainly from the Snoqualmie and Snohomish River valleys and Whidbey Island. The superintendent failed to mention any off reservation Snohomish from the Port Townsend and Chimacum area (Dickens to Brown 9/1/1921). In some cases, the agency also included unattached Indians living off the reservation who had retained tribal relations or a legal interest in the reservation. For the most part, however, Indians without allotments who had severed tribal relations, like most of the petitioner's ancestors, remained outside the agency's purview, although they may have received some services. The agency seemed unclear as to the rights and legal status of such Indians throughout the 1920's (Duclos to Commissioner of Indian Affairs 7/27/1929).

<sup>19</sup>When the Snohomish on the reservation formed the Tulalip Tribes under the IRA in 1935, Benjamin Allen appeared on the base roll for the reservation group (Tulalip Tribes Base Roll 1935).

### **Claims Activities, Thomas Bishop, and the Northwestern Federation of American Indians**

About 10 documents concerned the claims movement of the 1920's engendered by Thomas Bishop and the Northwestern Federation of Indians. Following a lull during World War I, agitation for claims grew and eventually led Congress to pass legislation in 1925 authorizing Puget Sound Indians to sue in the Court of Claims under *Duwamish et al. v. United States*. The documents described meetings between agency officials and various reservation councils, representatives of the NFAI, and lawyers hired by Indian groups to pursue claims.<sup>20</sup> Three items detailed meetings with a council of the "Duwamish and allied tribes," which represented the Snohomish and other Indians on the Tulalip Reservation (Dickens to Sicaide and Wilton 12/2/1921a; Dickens to McCluskey et al. 12/2/1921b; Dickens to Commissioner of Indian Affairs 2/15/1922).<sup>21</sup> None of this material, however, described a specific Snohomish entity on or off the reservation.

### **Snohomish Tribal and Claims Organizations in the 1920's**

Around 1923, the Snohomish tribe at the reservation created their first formal political organization that was separate from the other tribes on Tulalip. The first documentation of the organization occurred in April 1923 meeting minutes for the Snohomish Tribe of Indians at the Potlatch House on Tulalip. The minutes indicated that there had been a previous meeting of the group. A motion was made to elect a tribal committee to "consider all applications for enrollment in the Tribe." Twelve people were elected to life terms. Charles Jules, a longtime Snohomish chief on the reservation, became chairman (Minutes of Meetings 4/26/1923). All the committee members, according to agency census and probate records, were allotted or listed on agency censuses at Tulalip in the 1920's and also the 1930's (Tulalip Annual Census 1920, 1921, 1922, 1924; 1928, 1929; Dan Probate 1932; Upchurch to Commissioner of Indian Affairs 6/30/1932).<sup>22</sup> Two members, William Hicks and his wife, were Indians of Snohomish ancestry from the Chimacum area. Both Hickses, however, appeared on agency censuses in the 1920's and 1930's, and had maintained long-term associations with the reservation Snohomish (Hicks

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<sup>20</sup>They included the following: Burke to Dickens 11/17/1921; Dickens to Wilbur 11/25/1921; Dickens to Sicaide and Wilton 12/2/1921a; Dickens to McCluskey et al 12/2/1921b; Minutes of Meeting 12/12/1921; Dickens to Commissioner of Indian Affairs 2/15/1922; Finney to Spencer 4/19/1922; Dickens to Commissioner of Indian Affairs 1/29/1923; Dickens to Burke 1/7/1924. None of these documents specifically identified a reservation Snohomish entity either.

<sup>21</sup>Sometimes BIA officials used the term "Duwamish and other allied tribes" to refer to the Indians on the Tulalip reservation. The term was originally applied to the groups that had signed the Point Elliot Treaty.

<sup>22</sup>Sam (Sughhadim) Dan was the only delegate not on the Tulalip reservation census. Dan, a Snohomish, had an allotment at Swinomish, another reservation under the Tulalip agency's jurisdiction (Dan Probate 1932; Upchurch to Commissioner of Indian Affairs 6/30/1932).

Affidavit 5/25/1918; Hicks Probate File 1930-1956<sup>23</sup>). Available evidence did not demonstrate that the 1923 tribal committee on the Tulalip reservation exercised influence over any off-reservation entity of STI ancestors separate from or combined with the Tulalip Snohomish. In the late 1920's and early 1930's, this 1923 tribal committee approved enrollment applications for a Snohomish claims organization, and it sometimes advised the superintendent on reservation enrollment issues.

Agency officials mentioned the 1923 Snohomish tribal committee in several documents from the available record for the 1920's.<sup>24</sup> These documents revealed that officials viewed the Snohomish committee as a reservation political entity. There was no available evidence that the 1923 tribal committee was identified as a predecessor group of the petitioner. In September 1923, for example, the Tulalip superintendent wrote to the Commissioner of Indian Affairs regarding an investigation of alleged land claims for the Tulalip Snohomish tribe, presented by Robert Shelton, the 1923 committee secretary. Shelton, in a July 1923 letter to the Commissioner, had contended that about 50 members of the “tribe living on the reserve” and “about 100 Indians, including mixed bloods living off the reservation—mainly in the towns of Snohomish and Monroe” had possible claims (Shelton to Commissioner of Indian Affairs 7/19/1923). The Tulalip superintendent referred to Shelton’s assertions as the “alleged claims of the Snohomish Indians belonging to the Tulalip or Snohomish reservation.” Nowhere in the letter did the superintendent refer to Shelton or the committee as representing a separate entity of STI ancestors. Moreover, a February 1924 letter to the Commissioner listing the names of the nonresident and reservation claimants to which Shelton referred demonstrated that only a few of them were the ancestors of the current petitioner (Dickens to Commissioner of Indian Affairs 2/29/1924).<sup>25</sup>

Two other documents also indicated that agency officials did not believe the 1923 tribal committee’s influence extended beyond the reservation. In 1929, the Tulalip agency farmer referred to members of the committee that represented “the Snohomish tribe of Indians residing on the Tulalip Indian reservation, Washington” (Agency Farmer to Duclos 4/6/1929). That same year, the Commissioner of Indian Affairs listed members of the committee as the tribal business organization for the Tulalip reservation (Burke to Frazier 4/25/1929; see also Meritt to Administrative Division 3/13/1929; Burke to all Superintendents 3/14/1929).

In 1925, the reservation Snohomish elected a slate of delegates to represent them in hiring an attorney to pursue claims. All five delegates were Snohomish listed on the Tulalip agency

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<sup>23</sup>William Hicks also had a legal interest in two allotments on the Tulalip reservation (Hicks Probate File 1930-1956).

<sup>24</sup>This FD examines this committee in more detail under the description and analysis for criterion 83.7(c).

<sup>25</sup>See the description and analysis for criterion 83.7(c) for more details about the identity of the claimants.

census. Four lived on the reservation or in the town of Marysville outside its borders. Only one, Robert Shelton lived elsewhere at the time, but he had grown up on the Tulalip reservation, and had a long association with its residents through his father, William Shelton, a well-known Snohomish chief on the reservation, and other family members and friends. The petitioner's ancestors were not part of this delegation. None of the documents from outside observers concerning the election or the subsequent hiring of the claims lawyer identified any off-reservation entity of STI ancestors connected to the Tulalip Snohomish (Dickens to Commissioner of Indian Affairs 3/5/1925; Dickens to Griffin 9/23/1925; Dickens to Sams 1/18/1926).

Around 1926 another group called the "Snohomish Tribe of Indians" was established. The 1983 PF concluded that the group organized

with the primary purpose of pursuing Snohomish claims. It was incorporated under Washington State law in 1927. Its membership was open to "all members of the Snohomish tribe" and any other persons nominated by at least two members and elected by the Board of Directors. Information available at this time indicates its membership included reservation Snohomish, off-reservation Snohomish Indians, and Indian descendants of Snohomish or other Indian ancestry. Although the organization conducted some functions other than pursuing Snohomish claims, it did not represent a formalization of the political organization of the historical Snohomish tribe. The organization disbanded in 1935 after the *Duwamish* case was lost. There is no record of a Snohomish organization after that point (Snohomish PF 1983, 5).

The conclusion of the PF is affirmed. In the late 1920's, the Tulalip superintendent occasionally dealt with this claims organization on some very limited matters related to the reservation Snohomish.<sup>26</sup> He also interacted at times with members of the 1923 tribal committee on the reservation, which approved applications from persons of Snohomish ancestry for membership in the incorporated organization. Once, in 1928, agency officials referred to leaders of the 1926 claims organization as the business committee for the Snohomish. Several other times, however, they also described the members of the 1923 tribal committee as the business council, once in an official document to the Commissioner of Indian Affairs listing the heads of tribal business organizations across the country. Nothing in the few available documents from agency officials regarding the 1925 claims organization indicated that they viewed it as representing or having authority over any off-reservation entity of STI ancestors, despite the group's having some of them as members (Tulalip Annual Report 1928, 1929; Gross to Commissioner of Indian Affairs 9/25/1928; Agency Farmer to Duclos 4/6/1929; Burke to Frazier 4/25/1929; see also Meritt to Administrative Division 3/13/1929; Burke to all Superintendents 3/14/1929). The agency's few

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<sup>26</sup>For more details about the 1926 claims organization see criterion 83.7(c).

dealing with the 1926 Snohomish organization did not constitute an identification of a formal Snohomish tribal political entity on the reservation that included the ancestors of the petitioning group. On the important issues of enrollment and allotment on Tulalip, the agency relied on the 1923 tribal committee, composed of Snohomish elders living on the reservation, or listed on the agency censuses. There was no available evidence to demonstrate that the 1926 Snohomish claims organization was identified as a predecessor group of the off-reservation organization that the petitioner's ancestors formed in 1950 to pursue claims under the ICC.

#### State Government Documents

The petitioner submitted one document from the State government in the 1920's. It was a letter from Charles R. Pollock, Supervisor of Fisheries at the Department of Fisheries and Game, to William Bishop, an ancestor of some petitioning group members. Pollock wrote in response to Bishop's letter "relative to the arrest of Harry Sampson and Louis James," two Indians accused of violating fishing regulations by selling fish they had caught commercially.<sup>27</sup> The document did not identify a Snohomish entity (Pollock to William Bishop 8/19/1926).

#### Newspaper Articles

The petitioner submitted three newspaper articles from 1922. The articles described a large meeting of the NFAI, which was pressuring Congress to pass legislation to permit Washington Indians to bring action in the Court of Claims. None of these accounts identified any Snohomish entity (*Everett Daily Herald* 3/2/1922, 3/3/1922, 3/13/1922).

#### Indian Organization

There was one document, submitted by the Tulalip Tribes, from an Indian organization. The document was the minutes of a meeting of the NFAI Advisory Board from October 1925. At the meeting, delegates passed a resolution expressing displeasure over the contract the Indian Office had drawn up for some tribes to hire an attorney. None of these documents, however, described a Snohomish entity (Minutes of Meeting 10/3/1925).

#### Other Forms of Evidence

The petitioner submitted three maps, one from June 1925, and two from April 1927. The earlier map was a portion of Jefferson County near Port Townsend Bay, a largely non-Indian community. It showed the households of this area, including those of William Bishop (non-Indian) and his son by a former Snohomish wife, William Bishop Jr., who were ancestors of some petitioning group members. No one on the map was identified as an Indian. Nor was there

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<sup>27</sup>Neither Sampson's nor Martin's name appeared on the list of the 1926 Snohomish claims organization.

an identification of a Snohomish entity. The later maps were of Snohomish County around the Monroe area. They listed various households and businesses, including several holdings that a few of the petitioner's ancestors owned, but did not identify them as Indian or as part of any Snohomish group (Jefferson County Map 6/1925; Snohomish County Maps 4/1927).

1930-1939

#### Documents from Federal Officials

There were about 50 documents from Federal officials for the period from 1900 to 1939, mainly submitted by the petitioner and the Tulalip Tribes. Many concerned routine reservation matters like surveys and censuses, services, enrollment, cemetery funds, and tribal fairs.

#### **Routine Matters at the Tulalip Reservation**

The National Resource Board sent a questionnaire, undated but possibly created around 1930, to the Tulalip agency regarding the reservation. The superintendent's responses provided information on reservation resources and property, and on its two main tribes, the Snohomish and Snoqualmie. In addition, he described plans to purchase land for the off-reservation group of Snoqualmie led by Jerry Kanim. The superintendent, however, did not identify an off-reservation entity of STI ancestors separate from or combined with the Tulalip Snohomish (NRB Questionnaire ca. 1930).

The record also contained annual agency censuses and statistical reports. In 1930, the agency began listing the tribal ancestry of persons appearing on the censuses. Most of the people whose names appeared on the annual agency censuses for the 1930's were indiscriminately listed as Snohomish or a mixture of Snohomish and some other tribe. There were also a few Snoqualmie, Skagit, and other ancestries. The "un-attached Indians," or public domain Indians also appeared on the lists.<sup>28</sup> In 1930, they numbered about 77, mostly identified as of Snohomish ancestry or a mix of Snohomish and another group, many with unknown addresses. They had been appearing on agency censuses since 1920, and continued to appear on the ones in the record as late as 1937, two years after the Snohomish and other tribes on the reservation organized as the Tulalip Tribes

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<sup>28</sup>In his 1930 report, the superintendent described these Indians as follows:

There are about 40 Indian families living in Snohomish and King Counties off the Indian reservation. They are carried on the census of the Tulalip Reservation. Quite a number of them received allotments on the public domain. Most of these families own some land through inheritance from the original inheritance (Tulalip Annual Report 1930).

The report did not identify any off-reservation entity of STI ancestors in Jefferson County, the location of the towns of Port Townsend and Chimacum.

under the IRA. These “un-attached Indians” did not vote for the IRA, and did not appear on the 1935 base roll of the newly incorporated Tulalip Tribes. The ancestors of the petitioner, with only minor exceptions, did not appear on any agency lists either as enrolled or unattached Indians (Tulalip Annual Census 1930, 1931, 1932, 1933, 1934, 1937; Tulalip Tribes Base Roll 1935).<sup>29</sup>

During the 1930's, the superintendent also provided statistical overviews of the Indian population at Tulalip. For example, in 1933 he reported that the enrolled population as of April was 643. About 452 enrollees resided at Tulalip, while 7 lived at other agency reservations, and 184 lived off the reservation. The superintendent did not provide any tribal ancestry for the population. In 1934, the population had grown to 663, and 556 were Snohomish.<sup>30</sup> By 1935, the total number had grown by one; in 1936 it equaled 678. The superintendent did not identify an off-reservation entity of STI ancestors in any of the 1930's reports (Tulalip Annual Statistical Report 1933, 1934, 1935; Preliminary Statement 4/1936; Tulalip Annual Report 1936).

Some documents from the 1930's dealt with services provided to individuals of Snohomish or other Indian ancestry. About seven items from 1933 concerned the Indian Office providing funds to Ora Elwell, an ancestor of some petitioning group members, for training at an agency hospital. The documents identified her as having alleged Snohomish ancestry, but they did not describe any Snohomish entity on or off the reservation (Upchurch to Ora Elwell 8/16/1933; Bronson to Ora Elwell 9/11/1933; Upchurch to F. M. Elwell 10/3/1933; Cavill to Commissioner of Indian Affairs 10/16/1933; Tulalip Agency-Memorandum of Agreement 10/1933; Collier to Cavill 11/7/1933; Cavill to Everett General Hospital 11/13/1933). A 1934 document concerned supplying hospital care to Irving Matheson, also an ancestor of some petitioner members. It identified him and his mother as having Snohomish descent without identifying an Indian entity (Upchurch to Whillock 9/2/1934).

A few items dealt with enrollment and allotment requests on Tulalip from persons of Indian descent, including some who were the petitioner's ancestors. In March 1931, for instance, the Tulalip superintendent wrote the Commissioner regarding a reservation allotment for Victor Bailey, an off-reservation Indian from Seattle who claimed to be Snohomish. The superintendent reported that Bailey, who was not on any census rolls, could make application for membership with the “Snohomish” “association,” presumably the 1926 claims organization. According to the superintendent, “several Indians of the Snohomish blood” appeared on the

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<sup>29</sup>The 1983 PF concluded: “Indian census rolls of the Tulalip reservation (aka Snohomish reservation) were examined for 1885, 1898, 1910, 1925, and 1934. Although a few individual members or ancestors of the petitioning group can be found, they cannot be said to represent a significant portion of the reservation's population” (Snohomish PF 1983, 25).

<sup>30</sup>In 1933, 316 of the enrolled were eligible to vote. In 1934, it was 300 (Tulalip Annual Statistical Report 1933, 1934).

membership rolls of that group but not on any agency rolls. As stated before, the 1926 Snohomish claims organization contained both on and off reservation members. However, nothing in this letter demonstrated that the agency believed the off-reservation members of the organization who were STI ancestors constituted a separate Indian entity or that they were part of the Snohomish tribe of the reservation (Duclos to Commissioner of Indian Affairs 3/3/1931).

A few months later, the superintendent wrote to a Mrs. Ed Ciesefake regarding her “status as a Snohomish Indian” and possible enrollment on the reservation (Duclos to Ciesefake 6/22/1931). He advised Ciesefake that the “Tribal Committee for the Snohomish Indians” kept a list of the members and to contact them for information. He stated the following:

The Snohomish Tribe of Indians have a number of claims against the Government but the question of the payment of these claims is so remote that I am unable to say if the tribe will ever realize anything therefrom. These Indians have tribal tide lands which they will sell some day and at that time, the Snohomish Indians living will share in the funds. At that time an approved roll will be made by the government (Duclos to Ciesefake 6/22/1931).<sup>31</sup>

The superintendent then reminded Ciesefake that if the committee did not recognize her as a member of the tribe and approve her enrollment, his “office would be in no position to help you at this time.” He closed the letter by asserting: “At this time there does not appear to be any particular advantage, from a financial standpoint, in being enrolled” (Duclos to Ciesefake 6/22/1931). The letter did not identify any off-reservation entity of STI ancestors apart from or combined with the Tulalip Snohomish. It did indicate, however, that the Tulalip agency worked closely with the 1923 Snohomish tribal committee on enrollment questions on the reservation. In addition, the letter demonstrated that the agency viewed enrollment on the reservation and participation in claims suits as two distinct matters. The 1923 Snohomish tribal committee handled the former, and the 1926 Snohomish claims organization the latter. For a person to become enrolled on Tulalip required a legal interest in the reservation based on close social or familial ties to Indians on the reservation. On the other hand, the 1926 Snohomish claims organization’s membership list, which contained both off and on reservation Indians, was only a precursor to a judgment roll that would be prepared if the suit was successful.

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<sup>31</sup>It was routine for Indian groups involved in claims activities to have many more members on their claims rolls than the agency had enrolled on its census. When suits were successful, the actual number of approved claimants often fell far short of the actual applicants. The successful claims case of the Clallam Tribe of Indians is instructive. According to the superintendent, at one time there had more than 1,225 Clallam applicants, but only 533 were actually approved for payment the 1927 roll. Meanwhile, the agency had 783 Clallam enrolled on its census. For the most part, the agency limited its services to individuals enrolled on the census. The status of unenrolled and unattached Indians appearing on the membership list of claims organizations remained ambiguous (Duclos to Commissioner of Indian Affairs 7/27/1929).

One document from the 1930's concerned funds for the maintenance of Snohomish cemeteries. In December 1932, Superintendent Upchurch informed the Commissioner that "the Snohomish Tribe of Tulalip had \$3,000 to its credit" and the council wished to use some of the money for "the care of their cemeteries" (Upchurch to Commissioner of Indian Affairs 12/6/1932). This document identified a Snohomish reservation entity only. Finally, there is a July 1936 letter regarding the annual Treaty Day celebration for agency Indians. In the letter, the Tulalip superintendent informed a correspondent that the "annual Indian gathering of tribes under the Tulalip jurisdiction" was taking place at the Swinomish reservation. He also advised that the Treaty Day celebration at Tulalip had been discontinued for "some years," although Chief Shelton may have had "other meetings at Tulalip from time to time which he arranged privately" (Upchurch to Gable 7/9/1936). This document did not specifically identify any Snohomish entity.

### **The Tulalip Reservation Business Council**

A small number of documents dealt with the establishment of a reservation business council in 1930. The Tulalip superintendent prohibited off-reservation Indians from participating in this multi-tribal organization that included Snohomish, Snoqualmie, and Skagit representatives. Robert Shelton, a leader of the reservation Snohomish, did attempt to include some off-reservation Snohomish in the council. In a meeting called to adopt the council, Shelton stated "that several members of the Snohomish tribe were living off the reservation because of insufficient lands for allotments" on the reservation. He added that these off-reservation Indians, "while they were non-residents and still carried on the Snohomish roll," should "have [a] voice in selecting the council and share in tribal property" (Duclos to Commissioner of Indian Affairs 4/12/1930; Minutes of Meeting 3/29/1930<sup>32</sup>). Shelton never defined exactly who these "non-resident" Indians "still carried" on the agency roll were. The STI ancestors, with only minor exceptions, were not listed on agency rolls. There was no available documentary evidence that any of the off-reservation STI ancestors who were part of the 1926 Snohomish claims organization voiced opposition to being excluded from the council. In the end, the Tulalip Indians, following the superintendent's directions, voted against permitting any non-residents on the council. This council became the formal tribal political entity for the reservation Snohomish and other tribes on Tulalip.

None of the available Federal documents detailing the Tulalip or Snohomish political organizations from 1930 to 1935, before the organization of the Tulalip Tribes under the IRA, demonstrated that agency officials identified an off-reservation group of STI ancestors. The 1926 Snohomish claims organization remained in existence until 1935, and was identified in a few available agency documents, but the evidence did not show that Tulalip officials viewed it as representing any off-reservation entity of STI ancestors (Collier to Upchurch 3/3/1934;

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<sup>32</sup>These minutes did not constitute identification by an external observer.

Upchurch to Commissioner of Indian Affairs 8/13/1934).

### **The Indian Reorganization Act and the Tulalip Tribes—1934-1936**

About 20 Federal documents from 1934 to 1936 dealt with the organization of the Snohomish and other tribes at the Tulalip reservation as the Tulalip Tribes under the IRA.<sup>33</sup> The Office of Indian Affairs prohibited most off-reservation Indians from participating in the reorganization process. There was evidence, however, that in the early stages of the reorganization the Indian Office considered the possibility of giving a limited number of off-reservation Indians, those who had a “legal interest in the affairs of the tribe” and maintained a “residence, actual or constructive” at Tulalip, the right to vote for the IRA (Collier to Percival 3/27/1935). The off-reservation ancestors of STI, with only minor exceptions, were not part of this category of Indians.

Some of the evidence involved reservation Snohomish and other Indians on Tulalip who opposed aspects of the IRA, including voting eligibility for non-residents, in the early stages of the process (Minutes of Meeting 3/17/1934, 4/15/1934, 8/19/1934 10/13/1934; Percival to Collier 3/14/1935; Steve to Upchurch 10/4/1934; LaVatta to Commissioner of Indian Affairs 7/24/1935; Kanim and Williams to Collier 4/14/1934; Chester Williams to Collier 4/14/1934; Collier to Kanim 4/27/1934). None of the available Federal documents concerning the IRA, however, identified the existence of an off-reservation entity of STI ancestors separate from or connected with the Tulalip Snohomish.

### **Evidence of an Off-Reservation Group of Snohomish—1935-1939**

The PF asserted:

The 1926 Snohomish organization was formally disbanded at the same time that the reservation government was being created. There is no evidence that at the time it was felt that the “off-reservation Snohomish” had been cut off from their political body, and no attempt was made by the Indian descendants to form a separate organization or to continue the 1926 organization without the Tulalip Snohomish (1983 Snohomish PF, 16).

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<sup>33</sup>For fuller details see criterion 83.7(c). The documents included: Collier to Upchurch 3/3/1934; Collier to Kanim 4/27/1934; Collier to Upchurch 10/6/1934; Swinomish Reservation 10/1934; Nicholson to Commissioner of Indian Affairs 1/16/1935, 2/1/1935, 2/15/1935; Collier to Percival 3/27/1935; Upchurch to Commissioner of Indian Affairs 4/10/1935; LaVatta to Commissioner of Indian Affairs 7/24/1935; Collier to Tulalip Tribes Council 9/10/1935; Collier to Upchurch 10/14/1935a; Collier to Secretary of the Interior 10/14/1935b; Cohen to Office of Indian Affairs 10/15/1935, 10/17/1935; Partial List of Voters for Ratification of the IRA 11/1935; Upchurch to Office of Indian Affairs 11/1/1935; LaVatta and Upchurch to Commissioner of Indian Affairs 11/24/1935; Upchurch to Commissioner of Indian Affairs 11/25/1935, 2/8/1936; Zimmerman to Secretary of the Interior 8/29/1936; Daiker to the Secretary of the Interior 11/9/1936.

This FD affirms this conclusion. There was no available evidence from 1935 to 1939 that identified an off-reservation entity of STI ancestors, which the petitioner claimed existed at that time. The petition record showed no off-reservation group of STI ancestors during these years trying to organize or to pursue further claims. Most of the other records for this period concerned the organization of other Indian groups and the tax-exempt status of the Tulalip Tribes. In these materials Federal officials did not identify the existence of an off-reservation entity of STI ancestors, as the petitioner claimed in its comments existed as that time.<sup>34</sup>

The documents regarding the tax-exempt status of the Tulalip Tribes were particularly revealing. Apparently, in late 1937 the Internal Revenue Status had confused the newly incorporated Tulalip Tribes with that of the 1926 Snohomish claims organization. When the Tulalip superintendent, O.C. Upchurch, dispatched several letters to the IRS to clarify the matter, he only further managed to confuse the matter (Sherwood to Snohomish Tribe of Indians 11/2/1937; Upchurch to Commissioner of Internal Revenue 12/8/1937; Kirk to Upchurch 9/8/1938; Upchurch to Commissioner of Internal Revenue 9/13/1938; Kirk to Upchurch 9/29/1938). The superintendent finally resolved the issue in October 1938 when he informed the IRS that the 1926 “corporation” known as the “Snohomish Tribe of Indians” had been “largely a social organization” and that at “least three of the persons signatory” to the incorporation certificate were dead. He also stated his belief that there had been no meeting of the group for two or three years (Upchurch to Kirk 10/6/1938). In this evidence, the superintendent did not inform the IRS of the continued existence of any off-reservation entity of STI ancestors that might have had tax-exempt status.

#### Newspapers and Periodicals

The petitioner and the Tulalip Tribes submitted four newspaper and periodical articles from the 1930's. The first, from September 1930, was an excerpt from a periodical called the *Scholastic*. It portrayed the athletic feats of Notre Dame football player Tommy Yarr, whose mother was identified as having “Indian blood,” and being a “member of the Snohomish, a small tribe in the state of Washington.” This was only an identification of an individual of Snohomish ancestry, from which some members of the petitioning group descend. The article did not identify any off-reservation entity of STI ancestors apart from or combined with the Tulalip Snohomish (*Scholastic* 9/1930).

A second article, dated August 1935, described reservation Chief William Shelton’s participation

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<sup>34</sup>The documents included: Meiklejohn to Cohen 11/9/1936; Margold to Commissioner of Indian Affairs 3/6/1937; Sherwood to Snohomish Tribe of Indians 11/2/1937; Upchurch to Commissioner of Internal Revenue 12/8/1937; LaVatta to Commissioner of Indian Affairs 3/19/1938; Kirk to Upchurch 9/8/1938; Upchurch to Commissioner of Internal Revenue 9/13/1938; Kirk to Upchurch 9/29/1938; Upchurch to Kirk 10/6/1938; LaVatta to Commissioner of Indian Affairs 11/8/1938; Zimmerman to Assistant Commissioner of Indian Affairs 11/8/1938.

in a Seattle potlatch. Shelton, a longtime leader of the reservation Snohomish, performed some traditional dances, along with his daughter, Harriet Shelton Williams, and recited some legends at the event. A group of Tulalip Indians took part in the festivities along with the Sheltons. This account only identified the “Snohomish tribe from the Tulalip reservation” and not separate group of STI ancestors as the petitioner claimed existed after the April 1935 IRA vote on the Tulalip reservation (*Marysville Globe* 8/8/1935). The available evidence did not show that the petitioner’s ancestors were involved in the potlatch.

One other 1935 article detailed an Indian water festival at Whidbey Island. The event attracted participants from tribes all over the Pacific Northwest and thousands of non-Indians. The article mentioned that Skagit, Nooksack, Lummi, Sauk, and Suquamish had attended, but it did not describe any Snohomish entity off or on the reservation (*Monroe Monitor* 8/9/1935).

The remaining article recounted the 1938 funeral of reservation Chief William Shelton. It reported that William Bishop and Stephen Bishop, sons of William Bishop, Sr., attended the ceremony. The newspaper, the *Port Townsend Leader*, informed its readers that Shelton had visited “Chimacum many times, and was a close friend of the late Williams Bishop, Sr.” The article, however, did not identify a separate entity of STI ancestors, as the petitioner claimed existed at that time (*Port Townsend Leader* 2/17/1938).

#### Documents from Indian Organizations

There were three documents from Indian Organizations, submitted by the petitioner and the Tulalip Tribes. Two came from members of the NFAI. In June 1933, officers of the group sent a series of resolutions to the Commissioner of Indian Affairs. They mentioned the Lummi and Swinomish reservations and the tribal council at Tulalip, but did not describe any specific Snohomish entity (McDowell and Hillaire to Collier 7/10/1933). In December 1934, the NFAI chairman sent out an announcement informing the “Indians of the Tulalip Agency” of a forthcoming visit by Commissioner John Collier, who, along with several tribal representatives from the Tulalip jurisdiction, was scheduled to give a talk. The document listed Wilfred Steve, head of the Tulalip business council, as the Snohomish representative. In actuality, Steve appeared as the representative for all the Tulalip Indians.<sup>35</sup> The document did not identify an off-reservation group of STI ancestors apart from or connected with the Tulalip Snohomish (McDowell to Indians of the Tulalip Agency 12/6/1934).

The final document came from Jerry Kanim and Chester Williams of the Snoqualmie Tribe. They wrote the Commissioner in April 1934 voicing their opposition to the proposed IRA, which they feared would permit the government to control the money received from a possible claims

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<sup>35</sup>The Tulalip Reservation was also commonly referred to as the Snohomish reservation, which may have led to this misidentification. In regards to Steve’s tribal affiliation, the 1935 Tulalip Tribes base roll listed him as 1/2 Snoqualmie, 1/2 Puyallup.

decision. Kanim was leader and a member of a community of mostly off-reservation Snoqualmie. He did not identify any off-reservation entity of STI ancestors apart from or connected with the Tulalip Snohomish (Kanim and Williams to Collier 4/14/1934).

1940-1949

#### Documents from Federal Authorities

There were about 20 documents from Federal officials in the record for 1940 to 1949, many of which were submitted by the petitioner and the Tulalip Tribes.

#### **Organization Efforts under the IRA at the Tulalip Agency**

Some items had to do with continued efforts by the Tulalip agency to incorporate certain Indian groups under the IRA. A few of these efforts focused on landless groups of Indians such as the Snoqualmie under Jerry Kanim. The Kanim Indians had remained separate from the Snoqualmie who had organized with the reservation Snohomish to become the Tulalip Tribes under the IRA. According to agency officials, the off-reservation Snoqualmie continued to meet and increase in number. They also persisted in their claims efforts despite the negative outcome in the *Duwamish* suit (Upchurch to Commissioner of Indian Affairs 2/1/1940). Agency officials even attempted to purchase land for the group in the late 1940's (Upchurch to Collier 4/7/1941). They also made attempts to organize the landless Nooksack Indians (Daiker to LaVatta 9/28/1940). This evidence did not show the agency identifying any off-reservation group of STI ancestors, as the petitioner claimed existed after 1935 (Upchurch to Lavatta 2/14/1940, Lavatta to Meiklejohn 3/28/1940; Gross to Commissioner of Indian Affairs 1/1/1947).

#### **Agency Benefits to Individuals of Indian Descent**

A few documents dealt with services provided by the Tulalip agency to individuals claimed as ancestors by the petitioning group. Except for one document, all of these were discussed earlier in this section entitled "Federal Benefits to Individuals."<sup>36</sup> None described an off-reservation group of STI ancestors, as the petitioner claimed existed after 1935. The one previously undiscussed document was a February 1944 letter from the Tulalip Superintendent to Mrs. Lloyd Knapp, an ancestor of some petitioning group members. Knapp, a member of the Elwell family, had written the superintendent requesting proof of her "blood" to qualify for treatment at an Indian hospital. She claimed to be a one-quarter Indian of Snohomish descent, enrolled on the Tulalip census but living at the Colville Reservation in eastern Washington. In his response, the

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<sup>36</sup>They were: Upchurch to Whom it May Concern 7/18/1940; Morrison to Upchurch 7/25/1940; Upchurch to Commissioner of Indian Affairs 7/29/1940; Skidmore to Yarr 7/31/1940, 2/10/1941; Wentz to Upchurch 9/1/1940; Rauch to Upchurch 12/17/1941; Upchurch to Rauch 12/19/1941; Upchurch to Bugher 3/2/1942.

superintendent acknowledged that the Elwell family was “known to the Snohomish Indians here as being of part Snohomish Indian blood.” But according to his records, they had never lived on the reservation, appeared on the agency census, or had any legal interest in the reservation or trust lands. While the superintendent identified the Elwell family as being Snohomish in descent, he did not identify them as part of an off-reservation group of STI ancestors, which the petitioner claimed existed after 1935 (Upchurch to Knapp 2/16/1944).

### **Jurisdictional Matters at the Tulalip Agency**

One 1943 letter was a request for an update of the names and officials of Indian groups with which the agency dealt. There was no mention of any off-reservation entity of STI ancestors (Jennings to Upchurch 10/1/1943). Periodically during the 1940's, the agency sent out notices to the Indian groups. One 1947 document involved a special agency course on the administration of justice on Indian reservations. The superintendent sent notices to 14 groups, including landless ones, but he did not send one to an off-reservation entity of STI ancestors (Gross to the Tribal Officials 2/3/1947). That same year the agency sent out two other memorandums to the groups. Although the documents listed off-reservation groups, neither of them identified an off-reservation entity of STI ancestors (Gross to Tribal Officials 3/3/1947, 3/6/1947).

### **Enrollment Matters**

Two letters concerned Tulalip agency enrollment matters. In May 1947, Joseph K. Porter of Tacoma, an ancestor of some petitioning group members, wrote the Tulalip agency chief clerk regarding his “registration” at the agency. He claimed to be “of the Snohomish Tribe.” After searching the records, the clerk informed Porter that neither he nor his mother was “registered” with the “Snohomish tribe.” He advised Porter to provide more information, and that he would put his case “before the members of the tribal council of the Snohomish tribe.” There was no evidence to demonstrate that this “tribal council of the Snohomish tribe” was an off-reservation entity. The clerk was most likely referring to the Tulalip Tribes Council, which represented a large Snohomish population. As chief clerk, he dealt with matters of enrollment at the agency. Moreover, Porter wrote regarding his registration at the Tulalip agency, and not about membership in any off-reservation group of STI ancestors, as the petitioner claimed existed after 1935. Therefore, these agency documents did not identify a predecessor group of STI ancestors (Porter to Tulalip Indian Agency 5/19/1947; Neal to Porter 5/23/1947).

In October 1949, the Tulalip superintendent sent a letter to several Indian groups. Apparently, the Board of Directors of the Tulalip Tribes was preparing an official membership roll and had discovered some dual enrollment in other groups. The superintendent wanted the Tulalip Enrollment Committee to confer with the various Indian councils to clear up the matter. Each letter contained a list of the dual enrollees, which totaled about 117, although in several cases their names appeared on more than one list. He dispatched letters to the Suquamish Tribal Council, the Swinomish Indian Senate, the Suiattle Tribal Council, the Snoqualmie Tribal

Council, and the Skagit Tribal Council, the last two being off-reservation groups. He did not forward a letter to an off-reservation entity of STI ancestors, even though Snohomish Indians were by far the largest proportion of Tulalip enrollees. The superintendent did not describe the existence of an off-reservation group of STI ancestors, which the petitioner claimed existed after 1935 (Gross to Suquamish Tribal Council et al 10/24/1949).

#### Documents from Indian Organizations

The Tulalip Tribes submitted three letters from Indian organizations in the 1940's, all dealing with controversial fishing rights issues. In December 1944, Sebastian Williams, Acting Secretary of the Tulalip Tribes, wrote a letter addressed to "All Indian Councils." It concerned a December 1944 meeting of several Indian groups at Tulalip regarding a fishing rights controversy, and called for a similar meeting in January 1945. Williams sent out 15 letters, including one to an off-reservation group of Snoqualmie. The record contained no such letter for an off-reservation entity of STI ancestors, and none of the 15 letters described the existence of such a group or its leaders (Sebastian Williams to All Indian Councils 12/26/1944).

The NFAI held a general meeting in January 1946 with Federal and State officials over the continuing fishing rights controversy. There were 45 names among the attendees, including some leaders of off-reservation Indian groups. There were no off-reservation STI ancestors on the list or in the minutes (Minutes of Meeting 1/8/1946).

In December 1949, there was an intertribal meeting on fishing rights at Tulalip. Chief Kanim of the Snoqualmie attended, as did representatives from the Skagit, Suiattle, Tulalip, and Puyallup tribes. No off-reservation group of STI ancestors, or an individual representing such an entity, was identified (Minutes of Meeting 12/3/1949).

#### Other Forms of Evidence

The petitioner submitted an unidentified press release or biographical statement from 1940 on Tommy Yarr, an ancestor of some petitioning group members. It identified Yarr as a star athlete from Notre Dame University, and as an "Irish-Indian center from Dabob, Washington." This was an identification of an individual of Indian ancestry. The document did not identify an off-reservation entity of STI ancestors (Yarr Biographical Statement 11/11/1940).

#### *1950 to 1980*

The 1983 PF concluded that external observers had identified the petitioner on a substantially continuous basis since 1950 (Snohomish PF 1983, 8-10). The evidence for the 1983 PF covered the period before 1980. A review of the documents for 1950 to 1980 from the original petition affirms the conclusion of the PF that the petitioner was identified on a substantially continuous

basis for that period.

The local BIA agency in western Washington provided many of the identifications in its dealings with the petitioner on claims matters from the early 1950's to the 1970's. Several local Indian organizations, like the NCAI and the STOW, also identified the group as an American Indian entity throughout this period. The governor of the State of Washington also identified the group in 1974 when he supported the petitioner's Federal acknowledgment efforts. The group was also identified as an American Indian entity in several State documents due to the service of group leaders on the governor's Indian Advisory Council in the 1970's. In addition, the petitioner was identified as an Indian entity in many Federal documents generated by the group's pursuit of claims through the Indian Claims Commission.

#### *1980-present*

The petitioner submitted only a handful of documents from outside observers since 1980. Other documents were located by the OFA.

#### Identifications by Federal Officials, Indian Groups, and Non-Profit Organizations

In early 1980 the Forest Service conducted a study, along with the nonprofit Institute of Cooperative Research, on Native American religious practices in the Mount Baker-Snoqualmie National Forest. For the study, the Forest Service and the Institute sought the advice of various Indian groups in western Washington. The petitioner was identified as one of the "Native American Groups" that might have had an interest in the project. This document was an identification of the petitioner for 1980, the "Snohomish Tribe of Indians," by an agency of the Federal Government and a nonprofit organization (Jones to Chairman, Snohomish Tribe of Indians 3/7/1980).

In 1981, Wilbur Paul, a Blackfoot Indian "working with the U.S. Department of Commerce-EDA Indian Program" in Washington, D.C., nominated Thomas Yarr to the American Indian Athletic Hall of Fame. Two documents written by Paul in 1981 detailing his efforts on behalf of Yarr identified the petitioner as the Indian entity known as the "Snohomish Tribe of Indians" (Paul to Matheson 2/10/1981; Paul to Neudorfer 12/17/1981).

In October 1998, the National Museum of Natural History conducted a study called the "Inventory and Assessment of Human Remains and Funerary Objects from the Lower Columbia River Valley, Oregon and Washington States in the National Museum of Natural History." During the study, the Museum contacted various Indian groups in western Washington to determine which might have a claim to the remains. The report listed about 32 American Indian entities the museum expected to consult, including the petitioner, although it incorrectly identified the group as federally recognized (NMNH Report 1998). The federally recognized Tulalip Tribes at the reservation was separately identified. This document was an identification

of the petitioner in 1998.

### Identification by Scholars

In 1990 Frank W. Porter wrote a study of Federal policy on landless Indians in western Washington from 1855 to the 1960's, which appeared in *American Indian Quarterly*. On the first page of the article he stated:

The tribal status of the Samish, Snohomish, Snoqualmie, Duwamish, Steilacoom, Cowlits, and Chinook has been historically questioned, anthropologically misunderstood, and frequently challenged by the federal government and the state of Washington. Although the landless tribes of western Washington have not been formally and legally recognized by the federal government, they have maintained their tribal identity, fought legal battles, in both state and federal courts over treaty rights, and most recently have petitioned individually the Bureau of Indian Affairs for federal recognition (Porter 1990).

This book was identification of an Indian entity by a scholar in 1990. This article appeared in a similar form in 1992 as “Without Reservation: Federal Indian Policy and the Landless Tribes of Washington,” in *State and Reservation: New Perspectives on Federal Indian Policy*, edited by George P. Castile, and Robert L. Bee, and published by the University of Arizona.

Alexandra Harmon in 1998 published *Indians in the Making*, a study of western Washington Indians and the evolution of their ethnic identity. She also covered the relationship between Indian groups and Federal and local authorities. The book’s afterward identified the contemporary petitioner in a discussion of its petition for Federal acknowledgment (Harmon 1998).

### Identifications by Newspapers

There were two online newspaper articles from the *Port Townsend Leader*, from 1999 and 2000, which identified the petitioner. The first article described a powwow held by the “Snohomish Tribe of Indians” at Fort Flagler State Park. It identified the chairman of the group, Bill Matheson, and estimated that more than 200 members attended the gathering (*Port Townsend Leader Online* 8/11/1999a). The second article described the gathering of the “Snohomish Tribe of Indians” in 2000 and mentioned that more than 300 members were in attendance (*Port Townsend Leader Online* 8/16/2000). Both of these articles identified the petitioner.

### Criterion 83.7(b)

#### *Conclusions under the Proposed Finding*

The PF concluded

The membership of the petitioning organization does not currently form a community nor are they distinct from non-Indians living in their vicinity. The membership is scattered geographically around the Puget Sound area, with little concentration of members within any locality. The membership is a collection of numerous and diverse family lines which have few ties with each other historically, outside of several geographical areas from which some of them have derived. Forty-one percent of the membership (19 of 38 family lines) could not establish Snohomish ancestry, but were of Snoqualmie, Clallam, or other Indian ancestry.

The members of the group are almost entirely the descendants of Indian white marriages occurring soon after treaty times. The descendants of these marriages for the most part historically functioned as part of non-Indian communities and distinguished themselves from Indian populations in their vicinities. The members of the petitioning group are not descendants of off-reservation Snohomish Indian groups whose members could not obtain land on the Tulalip reservation, although they have been erroneously identified as such by others. For several generations in the past they have believed themselves to have been derived from such populations, and have continued to hold this erroneous belief. They do not in general have identifiable common ancestors with the Snohomish population of Tulalip reservation, and historically have had few social ties with the latter outside the framework of the 1926 claims organization. The current organization has only a handful of individuals enrolled at Tulalip reservation (Snohomish PF 1983, 10).

In response, the petitioner submitted numerous documents, including, but not limited to, several sections of the petition narrative, files prepared by Dr. Sally Snyder in regards to Snohomish genealogy in the 19 disputed family lines, two documents prepared by Dr. Helen Norton entitled "The Snohomish Tribe of Indians, Their History, Ecology, Economics, Genealogy, Social and Political Relationships in the Late 19th and Early 20th Centuries, and Social, Marital, Economic and Political Relationships of the Snohomish Tribe of Indians in the Late 19th and Early 20th Century," as well as a 1991 Membership Survey. Additional documents include a volume prepared by Dr. Earbara Lane, Jack Kidder and Karen James entitled "Public Domain Indian Homesteads Along the Snohomish-Skykomish River System: Use of Land Records to Document

Some of the Indian Communities Ancestral to the Petitioner Snohomish Tribe of Indians,” as well as three affidavits and twelve interviews conducted with members of the petitioning group in 1996. Interviews conducted by OFA in August of 2003 with members of both the Snohomish Tribes of Indians (STI) and Tulalip Tribes of Washington were also used in the analysis of the previously submitted materials. All of these materials, as well as the documentation submitted in 1982 for the PF, were examined in preparation for the issuance of the FD.

Materials submitted by the Tulalip Tribes of Washington, an interested party in the case, included, but are not limited to, an oral history by Harriet Shelton Dover (the last secretary of the 1926 claims organization), several newspaper articles, an interview with former STI member Kyle Lucas, numerous probate and heirship files, and genealogical information relating to the Snohomish population of the Tulalip reservation.

#### *Early Community and Family Line Evidence*

The petition asserts that a viable Snohomish community existed in the area of Chimacum Creek on the Quimper Peninsula by the 1870's. Prior to 1853, the area was the acknowledged territory of the Chemakum Indians. The Chemakum vexed any number of tribes traveling through their territory, and were eventually defeated by a succession of Indians allied against them (including the Snohomish). After the Chemakum had been defeated in or about 1855 the S'Klallam (also spelled Clallam) became the dominant Indian presence on the peninsula when they moved into areas formerly controlled by the Chemakum. Some Snohomish appear to have been present in the area prior to this time, but the petitioner has presented no documentation that links those very early Snohomish to those who later moved into the vicinity.

The Snyder genealogy report submitted by the petitioner disputes the claim that 19 of the family lines, representing 41 percent of the 1983 membership did not descend from the historical Snohomish tribe. Of that 41 percent, the petitioner acknowledges that some of the disputed family lines (including two of the most politically-active lines, the Coopers and Quinta descendants) identified in the 1983 finding cannot definitively trace their ancestry to the Snohomish. However, the petitioner asserts that they should still be considered members of STI for the purpose of acknowledgment by virtue of their involvement in the 1926 Snohomish claims organization and in STI in the years since 1950. The evidence for genealogical descent is discussed more thoroughly under criterion 83.7(e), but the additional information submitted by the petitioner does support the petitioner's assertion that two of the family lines (Newberry and Preston) identified in the PF as non-Snohomish can provide sufficient documentation to demonstrate Snohomish ancestry. This brings the number of Snohomish family lines in the petitioner to 24, and brings the total of the current membership able to document Snohomish ancestry to 69 percent (763 members). However, this still leaves 17 family lines, comprising 31 percent of the membership (350 members), which have not provided sufficient documentation to demonstrate Snohomish ancestry.

The information submitted by the petitioner affirms the conclusions reached by the PF, namely that the membership is descended primarily from a number of Indian women, many Snohomish, some of multiple Puget Sound ancestries (including Snohomish), and others from Alaska, Canada or from uncertain tribal origins. The women of that prime STI generation (defined here as the full-blood Indian women born approximately between 1830 and 1860 and married between 1853 and 1880) in and around the Chimacum/Port Hadlock/Port Ludlow area all married non-Indians. There do not appear to have been any social barriers to marriage between the ancestors of the petitioner and non-Indians as such unions were common in western Washington. The available evidence does not indicate that the selection of mates during the prime generation by either the Indian women or non-Indian spouses constituted any recognizable pattern, such as marriage along particular lines of religious affiliation. The non-Indian husbands of the prime generation came from diverse ethnic and national backgrounds, including British, Finnish, Irish, and American. Some of the men had jumped ship together and established homesteads in the area, and maintained lifelong professional and social relationships. Others arrived alone in the area to log timber or find other employment.

#### “Direct Ancestors” and “Indirect Ancestors”

The petitioner defines the term “direct ancestors” as “Persons included on the Snohomish lineage charts as descendants of the identified Snohomish ancestor, and siblings and descendants of siblings of the identified Snohomish ancestor” (STI Narrative 1999, iii). The petitioner defines “Indirect ancestors” as “persons we have been able to identify as having a consanguineal or affinal relationship to a direct Snohomish ancestor, but which are not direct ancestors” (STI Narrative 1999, iv). Both of these definitions are erroneous according to accepted genealogical standards.

A “direct ancestor” is a person from whom an individual descends (for example, a parent or grandparent). It does *not* include the siblings of one’s direct ancestors, or their descendants. The siblings of one’s lineal relative and their descendants are properly defined as *collateral* relatives (Keesing 1975, 148). There is no such thing as an “indirect ancestor,” although collateral relatives do descend from some common ancestor. Descent is a “straight line” issue (from grandparent to parent to child to grandchild, etc.). *Consanguineal* (from Latin, meaning “with blood”) kin are relatives by birth, and would include collateral relatives. *Affinal* kin are relatives acquired either through one’s own marriage, or the marriage of one’s blood relations (for example, a brother-in-law can be the brother of one’s spouse or the spouse of one’s sibling).

The petitioner has used two incorrect terms in the construction of a number of exhibits submitted to demonstrate their connections to people they claim are their ancestors on the Tulalip reservation. One of these exhibits is a map entitled “Tulalip Allotments” (STI Narrative, Map 3.13), and purports to indicate allotments on the Tulalip reservation received by people termed “direct ancestors” or “indirect ancestors.” The “direct ancestors” are, in some cases, genuinely

ancestors of the petitioner. However, in other cases, the individuals referenced are really collateral or affinal kin, in other words, the consanguines and affines of the petitioner's ancestors. The relationships between the STI ancestors and the Tulalip Snohomish descendants, as can be determined by the genealogical information submitted by the petitioner, is not close enough to assume that the individuals associated with each other without additional evidence.

Two names indicated on the map will serve as examples. The petitioner has designated Anastasia Spithill as a "Direct Ancestor." Anastasia Spithill is the great-grandmother of current Tribal Historian John ("Jack") Kidder. She is therefore accurately designated a "Direct Ancestor" because she has descendants in the petitioner. On the other hand, William Shelton is also identified as a "Direct Ancestor." William Shelton is a collateral relative of some of the petitioner's ancestors. However, he has never had any known descendants enrolled in the petitioner, which is why the designation of "Direct Ancestor" is incorrect.

The "Direct Ancestor"/ "Indirect Ancestor" terminology is used in several other charts and tables to inform the petitioner's analysis and to demonstrate that their ancestors were related to and maintained relationships with other Snohomish.<sup>37</sup> However, because of the inaccurate definitions, they do not accurately depict the ancestral relationships of the petitioner and means that some of the petitioner's analyses are not useful. The maps and charts, as they currently exist, do not accurately demonstrate ancestral relationships between the petitioner's ancestors and other Snohomish people, both on and off the Tulalip reservation. Even if they were reworked, they would not be helpful without additional evidence of interaction between the petitioner's ancestors and descendants of the Snohomish living on the Tulalip reservation.

In order to challenge the conclusions of the Proposed Finding regarding the number of marriages between the petitioner and other people of Indian descent, the petitioner submitted a chart compiled by Dagny Svoboda entitled "Snohomish-Indian Marriages" (STI 1999, Folder B, Exhibit 3). The chart purports to show 190 marriages of Snohomish people, either to other Snohomish or to other Indians. The list of marriages spans approximately 200 years (from 1800 until "today") and includes the STI family line affiliation of the Snohomish ancestor. The chart also uses the erroneous categories of "direct ancestor" and "indirect ancestor," to describe how the people on the list were/are related to the current petitioner. Further, the chart includes the marriages of people who do not now have descendants in the petitioner, and are not known to have had descendants in the petitioner's membership in the past.

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<sup>37</sup>See Table 3.2 "Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1880 Federal Census" (STI Narrative 1999, 3.20), Table 3.3, "Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1900 Federal Census" (STI Narrative 1999, 3.25), Table 3.4, "Tulalip Reservation Allottees of Snohomish Ancestry 1932 (STI Narrative 1999, 3.28), Table 3.5 "Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1910 Special Indian Census" (STI Narrative 1999, 3.32); "Off-Reservation Indian Household Clusters in the Snohomish Historical Territory, 1920 Federal Census" (STI Narrative 1999, 3.35-3.36).

The chart contains some inconsistencies of tribal identification. For example, Helena Rethlefsen is identified on page four as a Snohomish, but on page five as “Cherokee.” Hannah Bates, wife of Charles Williams Jr. is identified on page five as “Cherokee,” but evidence elsewhere in the petition indicates that she was Skokomish (Roblin’s Schedule 1/31/1919, 101 and 103; Hannah Bates-Williams Affidavit 1918). Ellen Porter, wife of Charles Twiggs, is also identified as a Snohomish member of the Newberry lineage on page four, but evidence submitted elsewhere in the petition identifies her as S’Klallam (STI 1999, Exhibit B, Broderson Appendix).

Many of the marriage partners are identified as “Indian-unknown,” or are identified as members of tribes located across the country (for example, Cherokee or Choctaw). If a spouse’s tribal identification is unknown, or if the spouse belongs to a tribe that was not part of traditional Coast Salish marriage exchanges, the marriage cannot properly be classified as a patterned out-marriage.

The chart does not include any way to substantiate or verify that the people being identified as Indians were or are Indians. There are no additional documents that allow OFA to substantiate these claims or any information explaining where or how STI obtained the information. Although it might be possible to examine the claims of those the petitioner maintains were Snohomish/Snohomish marriages, the other claimed identities are impossible for OFA to verify based on the evidence provided.

The petitioner has also submitted statistics it maintains demonstrates that the reservation communities in the area also had substantial rates of intermarriage with non-Indians. According to the petitioner, “as early as 1910, 29% of the Indians on the Tulalip Reservation reported having at least one white ancestor, and rates were even higher for the Suquamish (41% ) and Puyallups (39%)... by 1943, 39% of the Tulalip were of mixed ancestry.”(STI Narrative 1999, 3.48) Even if this were the case, the statistics offered by the petitioner are irrelevant to determine if the petitioner is a community within the meaning of the regulations. STI must demonstrate continued interaction and association among its own members, regardless of whatever else might have been taking place on nearby reservations.

By the time the children of the first generation (most born approximately between 1855 and 1890) were of marrying age, most married non-Indians. A significant minority (approximately 30 percent) of those first generation children appear to have married other people of European and Indian ancestry, but the majority married people of European descent.<sup>38</sup> The marriages between part-Indian descendants appear to have ceased by the early-1900s, and very few marriages between STI ancestors and other Indians occurred in subsequent generations. In recent years, few members of STI have married within the group. Lacking intermarriage within STI itself or with

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<sup>38</sup>The number of marriages to non-Indians is probably undercounted, because the petitioner did not include information on all of the marriages in a given generation if the children of those people have no descendants in the petitioner.

members of STI and members of other Puget Sound Indian communities, the petitioner has provided no evidence for continued kinship ties within the group, or within the larger Puget Sound Indian society.

*Evidence for Community 1855-1900*

The petitioner submitted a report by Dr. Helen Norton entitled “Social, Marital, Economic and Political relationships of the Snohomish Tribe of Indians In the Late 19th and Early 20th Centuries,” which purports to describe the social relationship of STI ancestors, primarily in the Chimacum area, between 1855 and approximately 1930. One of the sources referenced was a diary said to contain information of some members of the petitioner’s ancestors working together in a mill (Norton 1993, 33). However, no photocopies of the diary’s pages were included with the document, nor do any appear to have been submitted separately or located elsewhere in the petition. As the diary was cited as being in the possession of a STI member, there are no copies available in libraries or archives. Therefore, the actual diary was not examined by OFA. Dr. Norton also included a number of statements concerning community leadership from STI families in local government positions such as school board officials, election officials, justices of the peace, postmasters, sheriffs, teachers, county commissioners and legislators (Norton 1993, 35); however, she did not identify exactly who the people were who served in these positions. She did not identify which STI families they came from or detail when they served in these leadership roles. Neither did she demonstrate how these people, who appear to have held leadership positions among the general population, acted as leaders within a distinct Snohomish community that may have existed.

Dr. Norton’s characterization of the family structure during this period is also problematical. Regarding the issue of marriage between Indian women and non-Indian men, she notes that non-Indian men often migrated to Washington without any other family members and states:

the parent-in-law relationship was eliminated on the paternal (EuroAmerican) side intensifying the power and autonomy of Indian family group relations. In cross-cultural marriages there were no spousal affines to claim children thus the maternal (Indian) line gained authority and control over the rearing of the Indian’s most important resource, children (Norton 1993, 7).

The petitioner has not presented evidence to bear out this conclusion. While this pattern may be possible in a community with a significant number of Indian families into which non-Indians marry, Norton does not address the issue that most of the Indian women in the prime STI generation had few family members in the area. Some of the women in the prime STI generation appear to have been sisters or cousins to each other, but the only Indian male in the prime generation of STI ancestors living near his female relatives in the Chimacum area was William Hicks, brother of Boedah Hicks Strand, and the exact date of his arrival in the area is difficult to

establish. The available evidence does not indicate that the women's close kin, including their parents, brothers, or Indian sisters-in-laws, lived in Chimacum. In 1870, the Indian males documented in the area appear to have been S'Klallam, with some transient workers from Canada (US Census Extracts 1870, Jefferson County). The community was predominantly non-Indian, with the overall population of Jefferson County changing from approximately 2,600 in 1870, then decreasing to 1,600 in 1880, and then increasing to 5,600 in 1900. The documented Indian presence from all tribes in the area remained under 300, adults and children included (USCB Schedules 1870, 1880, 1900). Thus, the available evidence does not demonstrate that the Indian family members controlled or influenced children any more than non-Indian family members (such as non-Indian step-parents, half-siblings, or aunts and uncles) to support Dr. Norton's general statement

There is also very little evidence indicating regular visits between the petitioner's ancestors living in Jefferson county and those living in either the Monroe/Sultan area, on the Tulalip reservation or with those on Whidbey Island. Two interviews indicated that a number of the women used to canoe to the Tulalip reservation and stop on Whidbey Island for the night in the years between 1915 and 1925 (Josephine Yarr Interview 1996, 16), and an interview conducted on the Tulalip reservation (Kyle Lucas 2003 OFA Interview) also referred to these visits. Those trips may have also taken place in the years prior to these specific recollections, but there is no information available regarding any specific visits among Chimacum, Whidbey Island, and the Tulalip reservation that may have occurred in the years prior to 1915. The interviews also did not contain information to indicate how often these visits took place, their duration, or with whom specifically the women traveled or visited.

The petitioner has included little information on the actual status of the STI ancestral population during this era. Individuals interviewed in 2003 said that they remembered their grandparents either discussing the discrimination they and their parents had suffered, such as lying about their degree of Indian ancestry and minimizing it in order to obtain employment (Caulkins, Porter, and Evans OFA Interview 2003) or being fastidious in their appearance to avoid the stigma of being called a "dirty Indian" (Garten, Osborne, and Steele OFA Interview 2003). However, no evidence points to any discrimination suffered by the ancestors of STI as a group, rather than as being discriminated against as individuals of Indian ancestry.

The petitioner cites Boedah (Hicks) Strand (ca. 1834-1928) as an important figure in the community during this early period. Her Finnish-born husband Edward Strand (1820-1910) operated a sawmill when he first arrived in the area in 1854, and there is some indication that Boedah came to the area (either by herself or with relatives) seeking employment at the mill prior to her meeting and marrying her husband (Josephine Yarr Interview 1987, 86-87). The 1870 Federal census records her, her husband, and her children Albert, Edward, Caroline, Melvina and Thomas (USCB Schedules 1870, Jefferson Co., WA, 93b, Line 3). The Strands owned a farm that the petitioner claims was as a gathering place for many of the Indian people in the Chimacum area, and some people of Indian descent also worked there. Boedah and Edward Strand are

reported to have taken in Fred Caul, a non-Indian boy who grew up on with the Strands and eventually married Ada Smith, a woman of mixed-Indian ancestry he met when she came to work as a housekeeper on the farm (William Matheson Affidavit 1999, 1; Josephine Yarr Interview 1987, 109). None of the interviews indicated that Boedah took in any Indian children who had been orphaned, although a nine-year old half-Indian boy named John Simms did appear with the Strand family on the 1880 census (USCB Schedule 1880, Jefferson County 224A). He and a 19-year old Indian man named James Scott were both enumerated as servants, but the document also records Simms as attending school. No other information about this boy has been submitted by the petitioner or located by OFA, so there is no way of knowing if the child was the relative of a worker on the Strand farm or if he was being cared for by the Strand family. Simms was not enumerated in the household in the 1889 Territorial census (US Census Extracts 1889, Territorial Census, 41), and has not been located elsewhere in Jefferson County.

The available evidence does not include any examples of Boedah Strand acting in any leadership capacity, such as leading food-gathering or berry-picking expeditions that extended beyond her family members. Additional interviews indicate that she and Sally (Bishop) Williams would occasionally go berry picking together at a camp with several other Indians (Josephine Yarr Interview 1996, 12); however, she is not identified as a leader in these expeditions. Boedah was also a noted basket weaver, but there are no known instances of her teaching anyone outside of her family members how to weave.

The petitioner also claimed Boedah Strand's brother William Hicks (ca. 1850-1930) and his wife Jenny (Friday) Hicks (1853-1938) as important figures in the community during this time. William and Jenny Hicks (also spelled "Haix") also appear to be among the few people in the Chimacum area who maintained a verifiable relationship with the Snohomish descendants on the Tulalip Reservation. Their names were included on a 1924 list (prepared by reservation leader Robert Shelton) of Indians who should have received an allotment on the Tulalip reservation (Dickens to Commissioner 2/29/1924). However, what influence the Hicks family may have had over the people in the Chimacum area in the years prior to 1900 is unknown, because the family's presence cannot be documented in the area prior to that year. A 1918 affidavit filed by William Hicks states that he had been born "about 75 years ago" (about 1843). The 1900 Indian census records his birth as having taken place in 1850, a difference of eight years. He stated that he had first arrived in Port Townsend when he was about six years old, which would have been 1848 if he had been born in 1842, or 1856 if he was born in 1850 (the latter date comes closer to corresponding to the date of his sister's marriage, if he traveled with her from their birthplace near the present town of Sultan). He then stated that he had arrived in Irondale "about 45 or 50 years ago," or sometime between 1868 and 1873. Current research has not located anyone named "William Hicks" or "William Haix" on either the 1870 or 1880 census, although his sister, who was married to a non-Indian, was located on both. No man named "William Hicks" was identified on either the 1870 or 1880 Snohomish county census, where his two sons from his first marriage were living. No Indian men named "William" with a wife named either "Lucy" (his first wife) or "Jenny" (his second wife) was located on these censuses. No other records, such as

church or court documents, have been included to substantiate the presence of the Hicks family in the Chimacum area before 1900.

The petitioner asserts that the “Indian village” recorded in 1891 on the U.S. Coast and Geodetic Survey Sheet 6450 was the “Hicks’ settlement” (STI Narrative 1999, 3.13). This is not substantiated by any additional documentation. The area indicated on the map was in the regular territory of several S’Klallam families, including the Prince of Wales, Duke of York and Patsy families, all of whom are recorded living and working in the Chimacum/Port Ludlow area. Several S’Klallam settlements were recorded in 1887, including one in Port Ludlow and one in Port Townsend (Eels 1887, 607), and the “Indian village” may well have belonged to them. The Hicks family was not enumerated on the 1889 Territorial census in Irondale or anywhere else in Jefferson County. The first definitive recording submitted by the petitioner of the Hicks family in Jefferson County is on the 1900 census. On this census, William and Jenny Haix were recorded on the Special Indian Schedule as a part of a multi-tribal Indian settlement located on Water Street in Port Townsend (USBC 1900a, 167, lines 18-19). The Hicks were also recorded in Irondale with their children in on the 1910 Indian census, at the mouth of Chimacum Creek, with one other family enumerated as Snohomish (this family has no descendants in the petitioner).

The lack of documentation regarding the presence of William and Jenny Hicks in the Chimacum area prior to 1900 does not substantiate the petitioner’s claim that they provided leadership in the Chimacum community prior to 1900. There are also no additional documents included in the submission that detail their claimed leadership activities in the Chimacum area. The first indication of their providing any leadership actually comes in the context of the Tulalip Reservation, not in the Chimacum area. Their role in the 1923 “Tulalip tribal committee” and the 1926 claims organization will be discussed later in the text.

#### First-Generation Descendants in Chimacum

No interviews of first-generation children (defined here as children of the initial Indian/non-Indian marriages, the majority born between 1857 and 1890) in the Chimacum area have survived, if, indeed, any were ever conducted. Interviews with their children and grandchildren submitted by the petitioner (born between 1900 and 1930 and interviewed between 1975 and 1996) do not indicate that the community of mixed-Indian descendants was socially distinct from the rest of the community, although some interview subjects maintained that many part-Indians in the early days had lied about the amount of Indian ancestry they possessed in order to secure employment or to avoid the discrimination that others were experiencing (Calkins, Evans and Porter Interview 2003). None of the interviews reported any of the people of that generation speaking any language other than English. The available evidence does not indicate that these descendants inhabited a separate society than their non-Indian counterparts. Just as they had gone to public schools, their children also attended public schools. There was no one church that most of the part-Indian families attended, or any one political or social institution (such as the Grange or an all-Indian baseball team) to which a majority of the families belonged. Many photographs

from this era are pictures of work crews or sawmill baseball teams, but none can be classified as all Indian or even mostly Indian.

The part-Indian descendants appear to have been well integrated into the local community, with their Indian ancestry not at issue. The part-Indian descendants sometimes married other part-Indian children, but most married non-Indians, with an important difference from the generation of their parents: whereas many white men had married Indian women because there were no white women available, the next generation, both male and female, chose non-Indian spouses. According to lineage charts submitted by the petitioner, of 157 marriages of first-generation children, 110 (or approximately 66 percent) married non-Indians. Myrtle “Mickey” Stuckey (who was born in 1906) indicated that her father had been temporarily disowned by his parents because he married an Indian (Myrtle Stuckey Interview 1996, 5), which indicates that there was some discrimination against intermarriage in this generation. However, it appears that the economic status of many of the people in the area trumped the issue of ethnicity. Poor non-Indians and recent immigrants do not appear to have seen a disadvantage in marrying Indians or part-Indians who were equally poor. In cases which part-Indians were better off financially than non-Indians, their ancestry may have been irrelevant. There may have been some instances of discrimination against individuals, but none of the interviews or other documents included in the petition indicated that, as a group, the mixed-Indian descendants separated themselves out of the general population or were separated out by others.

The processes by which the first generation offspring in the Chimacum area became “unbraided” from the community of Snohomish descendants on the Tulalip Reservation before the end of the 19th century appear to be numerous and complex. The distance to the reservation (1996 and 2003 OFA interviews indicate that it took approximately two day’s travel by canoe, with an overnight stay on Whidbey Island) appears to have been one factor. While their mothers were willing to make the trip, the first-generation offspring appear to have concentrated their attentions on their families in the immediate area. This may also help explain why some of the petitioner’s ancestors in the Sultan area, who were geographically closer to the reservation, maintained more social relationships and kin ties with the Snohomish descendants into the 20th century.

The land the children either purchased or inherited from their non-Indian father’s homesteads appears to have provided some measure of economic security. The lack of correspondence between the reservation agent and the descendants in the Chimacum area indicates that the members were not asking for or receiving any annuities or goods on the basis of their Indian descent. Part-Indian children with protective non-Indian fathers in the home had a degree of physical and economic safety that other Indian descendants living in markedly Indian communities lacked. For example, Thomas Bishop described the burning and forced relocation of two bands of S’Klallam in his 1916 report *Sacred Promises* (Bishop 1916, 19). Indian males who headed households in the Sultan area also appear to have faced repeated efforts from non-Indians who tried to exploit the Indians’

ignorance of American law to obtain their land. Thomas Smith, a Sultan resident, testified in regard to his homestead that “ Being a full blooded Indian, not being acquainted with the customs of the Boston man (white man), I neglected making a filing thereon...I was ordered off of my land by one Ferguson who claims to have made a filing upon same.” (Smith in Lane, 1999, 31) William Hicks also testified that his brother, John Sultan, had a homestead, but “...the white people came in and kept crowding him out of that homestead. Finally he had to leave it.” (William Hicks Testimony 3/8/1927, 231) No similar threats against the property of the petitioner’s ancestors in the Chimacum area have been described in the submission.

The continued arrival of non-Indians in the Chimacum area who did not set up strict boundaries between themselves and part-Indians also appears to have made the incorporation of part-Indians into the larger society easier. The members of the group, male and female alike, did not have to turn to other Indians or part-Indians in order to find marriage partners or social institutions that would accept them. It also appears that some of the non-Snohomish Indian women who arrived in the area did not have had a connection to the residents of the Tulalip reservation in the first place. This combination of factors all seems to have played a part in widening the cultural distances between many of the petitioner’s ancestors on the Quimper Peninsula and the Snohomish community on the Tulalip Reservation at a relatively early date.

#### Cultural/Religious Practices

The petitioner has presented little evidence of any traditional religious or cultural practices maintained by the group as a whole. Helen Norton’s 1993 document maintains that Indian ceremonies “were rarely reported in the majority controlled press and eradication of such ‘primitive’ behaviors was the official dictate” (Norton 1993, 38). However, there is very little information to indicate that any traditional practices were maintained within the group. The report specifically cites the 1891 potlatch hosted by Old Patsy, a well-known S’Klallam and the participation of the people from Tulalip in hosting an all-night dance in his longhouse on the beach (Norton 1993, 38). However, there is no information included to determine how many of the estimated 500 Indians from across the entire Puget Sound area were the ancestors of the current petitioner, or any details explaining how they might have participated. The report cites a newspaper (the *Morning Leader*) as having printed some information about it, but the petitioner did not include a copy of the article, or reproduce quotes from it.

#### Petitioner’s Ancestors in Snohomish County

Dr. Barbara Lane’s “Public Domain Indian Homesteads Along the Snohomish-Skykomish River System: Use of Land Records to Document Some of the Indian Communities Ancestral to the Petitioner Snohomish Tribe of Indians” describes a number of Indian families or part-Indian families in and around the Sultan/Monroe area (approximately 45 miles east of Chimacum). According to Lane’s research, several of the petitioner’s family lines (particularly the Allen,

Harriman/Kanum, John Elwell, Johnson, John Kreishel, and John Jimmicum families) obtained Indian homesteads in the vicinity of the Snohomish/Skykomish river system, which was part of the aboriginal territory of the Snohomish. Other households neighboring these homesteads also included a number of households headed by non-Indian males married to Indian women. In addition to providing evidence to demonstrate community, the document also presents additional information regarding some of the families the AS-IA determined were of Snoqualmie descent in 1983. These records were not submitted with the original petition documentation.

Dr. Lane's report purports to show that the Indian and mixed Indian-white households who established homesteads along the Skykomish River interacted with each other and with other Indians. However, of the 21 families described in the report, only 6 (approximately 15% of the family lines represented in STI) have descendants in the petitioner. Of those six, two (the Johnson and John Kreishel families) are able to provide sufficient documentation of Snohomish ancestry, while the other four are not (see discussion under criterion 83.7(e)). The other 15 families are not ancestral to the petitioner, although several are collateral relatives of the petitioner's ancestors. The petitioner has provided little of evidence of interaction between those collateral relatives and the STI ancestors. For example, Sultan John (ca. 1845-1905) was a brother of William Hicks and Boedah Strand. He spent his life in the Sultan area, near the intersection of the Snohomish and Skykomish rivers. He applied for and received an Indian homestead, which was made final in 1890. He is reported to have died at the Irondale home of his brother William Hicks. It is not unusual for siblings to take care of one another in times of illness, as seems to be the case here. However, the petitioner has not submitted evidence of Sultan John's interaction with any of the other ancestors of the current petitioner, although it is assumed that he communicated with his sister Boedah Strand even though no actual evidence of these contacts are present in the submission. The evidence presented in the document does not indicate that members of the two groups of ancestors (those in the Chimacum area and those in the Monroe/Sultan area) married each other extensively, or that members of either group married extensively with the petitioner's ancestors living on Whidbey Island (approximately 25 miles east of Chimacum and 25 miles west of Sultan). An interview conducted in 1996 did mention that some people had attended dances on Whidbey Island in approximately 1930 (Myrtle Stuckey Interview 1996, 13-14), but these dances do not appear to have been important social events for a significant number of STI families.

The nature of the relationship between the Indian and mixed-Indian households described in the Lane report is also uncertain. Some of the residents of the Monroe/Sultan area did marry into each other's families and into the families of other Indians or mixed-Indian descendants, particularly from the Tulalip reservation. However, most of these marriages took place prior to 1900, although the relationships established by those marriages lasted into the 20th century. The document also provided some evidence that the people in this area maintained some relationship with the families residing on the Tulalip reservation. A newspaper account from 1916 reproduced in the report describes a group of Indian Shakers from Tulalip holding a meeting at the home of one of these Sultan-area families when returning from a visit to Tolt (Lane 1999,

47).

At the same time, the available evidence does not indicate that the families described in the report acted together as a group or had any identifiable leaders. For example, the Lane report discusses the importance of hop picking among several of the homestead claimants (Lane 1999, 50). Indians from all over the Puget Sound area and beyond were engaged in hop picking during the later part of the 19th and early 20th century, and often traveled considerable distances to do so.<sup>39</sup> The Lane report does not indicate that the Indian homesteaders described here either picked hops with the other Indian families mentioned in the report or with any of the ancestors of STI members living in other areas. No one is identified as organizing “crews” to travel together and pick hops. The Lane report also mentions that one of the hop farms in the area was located on the farm of a Snohomish woman and her non-Indian husband (Lane 1999, 50) but does not include evidence to demonstrate that the family employed the Indian homesteaders mentioned in the text or any of the STI ancestors located in the other geographical areas. The report also maintains that the “annual encampments continued to serve as venues for social and political meetings and consultations” (Lane 1999, 50) without offering evidence of these meetings having taken place, naming participants, or describing any of the topics that were discussed during these events.

The report makes two mentions of an interview conducted with Cecelia Jones (a member of the Tulalip Tribes of Washington) in 1981, in which she mentions that she had visited the Reed homestead every summer and fall when she was a young girl (Lane 1999, 31 and 36). This interview was not included in the report, or cited under “References Cited.” Information submitted by the petitioner indicates that John Reed was either her grandfather, or her great-uncle who had raised her mother Nancy. It is not unusual for grandchildren to spend time with their grandparents, and is not indicative of a relationship across family lines that would be necessary to help demonstrate community. A 1979 interview with Cecelia Jones was included in a report entitled “An Ethnohistorical Report Showing the Presence of the Snohomish and Snoqualmie Indians Prior to 1855, Ancestors to the Tulalip Tribes.” (Pembroke 1981, 65) In this interview, Cecilia Jones described traveling by canoe from Whidbey Island to Hoods Canal for fish in autumn when she was very young. Records submitted by the Tulalip Tribes indicate Cecelia (Jackson) Jones was born in 1898, (Tulalip Tribes Enrollment Department Informational Report No. 2 1998, 6) so these trips are estimated to have taken place prior to 1910. She also mentioned that her family shared a smokehouse with two people she identified as Old Tom and Susie. She did not indicate whether this smokehouse was on Whidbey Island or in the Hoods Canal area, but if it was in the Hoods Canal area she may have been referring to Willow Point Tom and his wife Susie, who were recorded living in Port Townsend on the 1900 Indian Census and enumerated as Snohomish (USBC 1900a, 167, lines 16 and 17). However, the petitioner has

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<sup>39</sup>For example, when William Bishop was growing hops in Chemicum, many of his Indian harvesters traveled from Neah Bay, 120 miles away (Woodley, Nansen, Matheson Interview 1987, 3; Kathleen Adams Bishop Interview, nd).

not submitted additional evidence to substantiate this relationship. Cecelia Jones is not known to have any descendants in the petitioner, although Willow Point Tom does have direct descendants in the petitioner.

Maps of the Sultan area submitted by the petitioner in the narrative are also included to demonstrate the locations of Snohomish households in 1913 and 1920, as well as a diagram of the Sultan cemetery indicating the presence of 3 clusters of graves identified as “Indian” (STI Narrative 1999, Map 3.6; Map 3.8; Map 3.7). These maps are of relatively little value. Map 3.6 is a map of the town of Sultan (dated 1913), but does not indicate where any of the petitioner’s ancestors were supposed to live at the time. Map 3.8 (dated 1920) indicates nine households in the town of Monroe the petitioner identifies as Snohomish. However, the map does not include any indication of just who was supposed to be living in each of these households. The map includes no scale, but the households identified by the petitioner are not clustered in any one section or neighborhood of the city. The spacing of the households would indicate that there were many non-Indians living in between the Indian households. Map 3.7 (dated 1920, redrawn from the 1911 plat book) indicates the graves of five families identified as “Indian” in the Sultan cemetery. However, the petitioner has not included any additional information to demonstrate that the Indians buried there are their ancestors. The petitioner only identified the individuals by their surnames (Hicks, Smith, Deason, Reed and Hathaway), and did not include the first names of the people interred. There is also no evidence indicating that the Hathaways identified on the map are related to the petitioner. The surname “Hathaway” does not appear in the petitioner until the 1940’s, long after the Indian Hathaways had been buried in the Sultan cemetery.

Lane’s report on Indian homesteaders is helpful in understanding some of the activities of a subset of the petitioner’s ancestors and a number of their collateral and affinal relatives. It does not address what the majority of the petitioner’s ancestors were doing during this same time period or provide a significant amount of information regarding interaction between the petitioner’s ancestors to demonstrate community during this period. The information in the report, combined with other information included in the submission, has not demonstrated that the activities engaged in by a portion of the petitioner’s ancestors were typical of the larger group, provided sufficient evidence to demonstrate that the Sultan area residents comprised their own separate community, or demonstrated that the ancestors of the petitioner living in the Chimacum, Monroe/Sultan, or Whidbey Island areas associated with each other.

### *Evidence for Community 1900-1935*

The early 20th century brought with it considerable political activity by and on behalf of Indian people looking for redress against the U.S. government. The claims activity of numerous tribes across the country mobilized several groups throughout the state of Washington. Two Snohomish descendants from the Chimacum region who became active in the legal struggle for claims were brothers Thomas Eishop (1859-1923) and William Bishop (1861-1934), the sons of Sally

(Wilson) Bishop Williams (ca. 1843-1916). Their father, William Bishop Sr. (1833-1906), was a prosperous English dairy farmer and cattleman, and the children had grown up in his household after he and Sally separated (US Census Extracts 1880, Barsh's Abstract, Household 135). Sally remarried and was subsequently enumerated erroneously under the name "Jennie" with her second husband, two stepdaughters and two biological children in Chimacum precinct (US Census Extract 1880, Barsh Abstract, Household 125).

Thomas Bishop became the founder of NFAI, and spent many years as an advocate for landless Indians in Washington State. His first effort came in the early 1900's when he attempted to secure allotments on the Quinault reservation (approximately 120 miles southwest from Monroe/Sultan and 80 miles southwest of Chimacum) for himself, a number of unallotted Indians, and people of Indian descent. He secured a number of affidavits and powers of attorney from people all across the state, which included information about their tribal descent, residences, and familial relationships. The allotments were never granted due, in part to the Quinault Indians rejecting nearly all of the people it had earlier adopted once they realized how much land they would lose. Bishop, however, did not stop advocating on behalf of the landless Indians. His agitation led to the creation of a list of the unenrolled and unallotted Indians in Washington, compiled by Charles Roblin between 1916 and 1918, which was published in 1919. Bishop eventually moved to Washington D.C., where he continued working with NFAI and other pan-Indian organizations until his death in 1923.

The petitioner asserts that Thomas Bishop was an important Snohomish leader of the Chimacum area residents of Snohomish descent. However, Bishop's writings reveal that he did not identify himself as the leader of the Snohomish, neither of an off-reservation group of Snohomish that may have existed, or of the Snohomish residing on the Tulalip reservation. He certainly held himself out as a leader of all uncompensated Indians (Bishop to Commissioner 2/21/1920), but in regards to the Snohomish, on at least one occasion he referred a person interested in enrolling with the Snohomish tribe to Chief William Shelton on the Tulalip reservation (Bishop to Brown 2/13/1922). He himself was not carried on the reservation census.

In the document *Sacred Promises*, in which Thomas Bishop detailed the injustices suffered by Indian communities across the state of Washington, he identified several communities of Indians residing in the Chimacum area. At the same time, he does not identify a Snohomish community, but discusses the S'Klallam:

Let it be understood that the Indians or groups here involved, are of the Salishan and Chirikum. Two little bands of Indians living on Dungeness Spit and at Port Townsend were summarily seized, their little homes burned to the ground, and they were transported by force and arms to the Skokomish reservation (Bishop 1916, 19).

He also referred to communities of people descended from marriages to non-Indians, but again, none were the Snohomish community the petitioner claims he led:

There are many who for reasons best known to themselves, have wandered, till they can go no farther. Many of them have families through marriage to white settlers, and have located on or acquired land. . . . Many of these descendants of tribal Indians are affected by the Point No Point treaty. . . . These Indians habitat principally on the shores of Mitchell Harbor on San Juan Island, and Deer Harbor, on Orcas Island (Bishop 1916, 28).

Bishop appears to have taken many affidavits and powers of attorney from his family members in Chimacum; however, there is no evidence to suggest that he acted as a leader of a particular community or advocated specifically for their cause. Rather, his writings read like those of a concerned outsider instead of a member of a persecuted community. The evidence presented indicates that he advocated more vociferously for others than for his own relations, but not specifically for a Snohomish group centered around Chimacum and off of the Tulalip reservation. He died in May of 1923 (*Port Townsend Weekly Leader* 5/25/1923).

William Bishop, Thomas's brother, spent his life closer to the Chimacum area, and does not appear to have become politically active in trying to secure the claims of the Snohomish until the 1920's.<sup>40</sup> William Bishop had been a partner in a successful logging operation and had also managed the dairy farm that had once been owned by his father. His Indian ancestry was not a bar to public office, as he successfully ran for state Senate in 1898, and continued to serve as a state senator until his death in 1934.

The petitioner has presented little evidence of William Bishop demonstrating a leadership role for the Indian descendants in the area (or the Snohomish descendants in particular) prior to 1926. Several interviews mention the recollections of parents who said they had worked for Bishop or had had Sunday dinners at his home (Josephine Yarr Interview 1996, 9). Bishop undoubtedly hired many local people of Indian descent, but Indians from outside the area were also brought in to work picking hops or for other tasks (Kathleen Adams Bishop Interview, nd). Many non-Indians were also in Bishop's employ (*Port Townsend Jefferson County Leader* 11/30/1994). Irving Matheson (born in Chimacum in 1918) stated that Senator Bishop had played a role in having him admitted to Cushman Hospital when he was diagnosed with tuberculosis (Irving Matheson Interview 1996, 14).<sup>41</sup> However, existing documentation cites Bishop's business

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<sup>40</sup>Thomas Bishop applied for allotments on the Quinalt reservation for himself and his family. His brother William is not known to have applied. He was, by 1898, the owner of at least 500 acres of land and a prosperous stockman, as his father had been. Years later he also acquired two other farms in the Chimacum Valley, but had to sell them during the Great Depression (*Port Townsend Jefferson County Leader* 11/30/1994).

<sup>41</sup>This belief does not appear to be born out by available documentation. The only letter in the files regarding Irving Matheson's admission to Cushman Hospital is a 1934 letter from the agent at the Tulalip reservation, who contacted Cushman hospital regarding Matheson's tribal affiliation. He wrote to say that the child was not Clallam, but Snohomish, and that the boy's mother had contacted his office and wanted the mistake corrected

activities rather than any involvement in Indian affairs. Available evidence does not indicate that he was involved in his brother's activities in NFAI on his own behalf or on the behalf of others.

The first available documentation involving William Bishop's interest in Indian affairs is part of a correspondence between Bishop and C. Pollock, Supervisor of Fisheries for the State of Washington's Department of Fisheries and Game. The letter that generated the response was not included in the petition, but the reply addressed the issue of two Indians, Harry Sampson and Louis James (neither of whom appears to be affiliated with the Snohomish), who had been arrested for illegal fishing and had had their equipment confiscated. The letter does not give any indication as to how Bishop came to be interested in the case, but it does state that a similar letter was also received from W. F. Dickens, the Tulalip agent at the time (Pollock to Bishop 8/19/1926). The letter was addressed to "Hon. William Bishop," so it appears that Bishop wrote to Pollock in his capacity as a state senator. Bishop's letter to A.H. Taylor in regard to the case of Sampson and James was written on Bishop's official letterhead, and indicated that he was serving on the "Game and Game Fish" committee at this time (Bishop to Taylor 8/21/1926). It is possible he was involved in the case because he was the local representative and was currently serving on the relevant committee. The information in the documents does not indicate that he was the leader of an Indian community at this time. Available evidence does not indicate that Bishop had previously served as an Indian advocate.

William Bishop's first known involvement in the claims issue began in 1927, when he and several other people incorporated the Snohomish Tribe of Indians.<sup>42</sup> Bishop served as president of the organization, and worked alongside acknowledged reservation leaders William and Robert Shelton and Charles Jules. He also worked with Snohomish members such as William Hicks and George Morrison, who were recognized by the reservation residents as having Snohomish ancestry and maintaining significant ties to the reservation community although they did not live on the reservation. Hicks and Morrison had both been included on a 1924 list of 16 "Indians of the Tulalip Reservation" who had never received an allotment (Dickens to Commissioner, 2/26/1924).<sup>43</sup> Available evidence does not indicate that the Hicks family or any of the other Indians living along the beach in Port Hadlock sought out William Bishop's help because they were landless. Information submitted by the petitioner indicates that William Hicks and Bishop's mother (Sally Wilson Bishop Williams) were first cousins, but the only documentation indicating that the Hicks family may have asked Bishop for any assistance occurred in 1930, when William

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(Upchurch to Superintendent 9/2/1934). William Bishop suffered a stroke sometime in 1932 and died in November of 1934, so it is possible, but unlikely, that he helped Irving Matheson's mother write the letter that generated the 1934 response from the agent. No prior correspondence regarding Irving Matheson was submitted with the petition or located by OFA.

<sup>42</sup>The organization began to take form in 1926, but was formally incorporated in 1927 (Minutes of Meeting 7/21/1927).

<sup>43</sup>There are no known direct descendants of the Hicks family in the petitioner's membership (although the Strand descendants are collateral relatives), but there appear to be Morrison descendants in the petitioner

Hicks died and William Bishop is recorded as having testified at his probate hearing on the Tulalip reservation (Hicks Probate File 7/16/1931).

The purposes of the 1926 Snohomish Tribe of Indians appears to have primarily, but not exclusively, focused on the issue of the claims in the *Duwamish* lawsuit. The organization hired a lawyer, collected dues to cover postage, refreshments, and other fees, and discussed the case at the meetings. The group also included a “membership committee” which appears to have included the 1923 “tribal committee” which had been formed “to consider all applications for enrollment in the tribe” (Minutes of Meeting 4/26/23). The membership committee, which was composed mostly of older reservation residents, also included William and Jennie Hicks, who lived in Irondale, and Sam Dan, a Snohomish who was allotted on the Swinomish reservation (Dan Probate 1932; Upchurch to Commissioner of Indian Affairs 6/30/1932). This committee approved the applicants for enrollment in the organization. Additionally, there was also a social and cultural component to the organization. Members of the group discussed social events, such as producing a pageant and putting on a fair (Minutes of Meeting 10/2/1927, 6/30/1929). The group pursued having the Tulalip potlatch grounds secured specifically for the Snohomish tribe, even though several other tribes were also in residence on the reservation (Minutes of Meeting 12/10/1927). The group is also recorded as having sent flowers to the funerals of members.

The criteria for enrollment in the 1926 claims organization were vague. Existing applications required the applicant to state their tribal designation as a Snohomish as well as declare that they had not severed tribal relations. The resulting enrollment, however, appears to include people of any Indian ancestry, including people who had been turned down in other claims settlements (particularly the S Klallam claim settlement). Two interviewees stated that their family originally became involved with the organization because, although they knew they were Indian, they did not know what tribe they belonged to, and they found acceptance among the group. Tilda Palla stated that her mother Sophie did not know what tribe she actually belonged to because Sophie’s mother (Tilda’s Indian grandmother) had died when she was six. Tilda stated that her mother tried to enroll the family in both the Duwamish and the Ho before the Snohomish enrolled them (Tilda Palla Interview 1996, 8). She also maintained that the other people in the area “must have known that Mama was Snohomish. . . . But they never told her. They probably figured she knew” (Tilda Palla Interview 1996, 36). Myrtle “Mickey” Stuckey also stated that William Bishop

was the one that kept my Mother interested in signing up for the Snohomish Tribe, cause we were Indians. At the time, we were Indians. . . . I said, well, have we decided yet if we want Snohomish, or what are we? From Alaska or where? (Myrtle Stuckey Interview 1996, 23).

No available documentation indicated that anyone had been refused enrollment because they could not demonstrate Snohomish ancestry.

The petitioner maintains that the nature of pre-contact Puget Sound tribal relations allowed for a

very broad interpretation of tribal affiliations that could include almost anyone from the area, and that the inclusion of a number of people of non-Snohomish ancestry constituted their adoption by the Snohomish (STI Narrative 1999, 2.1). However, the issue is not as clear-cut as it may seem. Harriet Shelton Dover, who had been the secretary of the organization, stated in her oral history that many of the Snohomish on the reservation had been concerned about the arrival of so many unfamiliar people attending their meetings, particularly those who appeared to have very little Indian ancestry (Harriet Shelton Dover 8/12/1991, 260-261). Her brother, however, assured the elders that when the claims were decided, the government would prepare a roll, the implication being that the roll would eliminate many who were not properly Snohomish.<sup>44</sup> Nevertheless, many people were enrolled by the 1926 organization, even those who did not have previously-acknowledged Snohomish ancestry or relationship with the larger Snohomish community at Tulalip.

William Bishop's name recognition and political experience was no doubt seen as an asset to the organization. Minutes from the meetings indicate that the organization paid \$100 in May of 1929 to pay for a trip to Washington D.C. and Philadelphia, Pennsylvania (Minutes of Meeting 5/27/1929). He appears to have taken the trip sometime during the month of June, as he gave a report to the group on June 30, 1929 (Minutes of Meeting 6/30/1929). He attended several meetings, and in February 1932 suggested that the school band from Chimacum attend the next meeting. Several subsequent meeting minutes note Bishop's absence after that point due to illness, and an additional source (Edward Bishop Interview 1993) indicates that he suffered a stroke sometime in 1932. The meetings continued in his absence, and the group continued sending him copies of the minutes up until his death in November 1934. An obituary obtained by OFA indicated that his funeral was well-attended by people from all over the Puget Sound area, including listing William Shelton as a honorary pall bearer, but does not mention his involvement in the Snohomish organization (*Port Townsend Leader* 11/8/1934). When William Shelton died in 1938, the *Port Townsend Leader* noted that Bishop's sons had attended Shelton's funeral and that he and Bishop had been friends, but did not mention that Bishop and Shelton had served in the Snohomish claims organization together. The obituary also mentioned that Shelton had visited Chimacum "many times," but none of the interviews submitted by the petitioner included any descriptions of William Shelton visiting the homes of the part-Indian Snohomish families in the Chimacum area, either formally for business related to the claims organization, or informally for other reasons.

### William and Jenny Hicks

William Hicks and his wife Jenny (Friday) Hicks served on the reservation-based 1923 tribal committee that later approved applications for the 1926 Snohomish claims organization. The petitioner maintains that they also served as leaders of the STI ancestors in the Chimacum area

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<sup>44</sup>Because the lawsuit failed, no government officials ever scrutinized or modified the list compiled by the 1926 organization.

where they lived for a number of years. However, available documentation does not support this claim. Although they had lived in the Irondale section of Port Hadlock for many years, several documents indicate that the Hicks associated more with other full-blood Indians in the area and on the Tulalip reservation than with the part-Indian Snohomish descendants in the Chimacum vicinity. Their enumeration on the 1900 special Indian census records them living with other Indian families from several different tribes along the beach in Port Townsend (USBC 1900a 167, 18-19). In 1924, they were included by Robert Shelton on a list of 164 Indians born prior to 1904 who should have received an allotment on the Tulalip reservation but had not received one (Dickens to Commissioner 2/26/1924).

Two interviews with William Hicks's grandniece Josephine Yarr (one, which was located by OFA, was conducted in 1987; one, conducted by the petitioner in 1996, was included with the submission) also indicate that most of the Hicks family regular associates were people other than the part-Indians in Chimacum [all grammar and punctuation *sic*]:

(1987 Interview)

Hermanson- Did your folks ever go over to visit your grandmother's family or did relatives come to see her when you were a small child?

Yarr- Yes, I was present many times when her brother and sister-in-law came and they used to work for Johnny Worthington on that old home farm. They weeded the mangels and carrots and things like that for a little extra money. We always saw them there. Mama would visit them once or twice a year and try to have a picnic at the mouth of the creek. (86)

(1996 Interview)

J.Y Of course, there were the Hicks, Grandma's brother and his family lived at the mouth of Chemicum River, Chemicum Creek.

DS- And did you see them a lot?

JY- Not too often. . . . My they were poverty stricken throughout there, but they seemed to be happy. They lived like that down there. Lillie of course was the last one, and she died in the rest home in Port Townsend. See she was the only real Indian I think we had in the county at that time. (6)

DS- What kind of things would you say were Indian ways? What kind of things would they do that made them different?

JY- Well, they went berry picking and stayed perhaps for two weeks. Grandma used to go up to Hood Canal during the huckleberry season, and you didn't see Grandma or the Hicks and other Indians for about two or three weeks. They camped up there, and they just picked just loads of huckleberries. Then they

brought them home and gave them to all the members of their family and friends. .  
.. (12)

The materials submitted by the petitioner (along with additional materials located by OFA) indicate that the Hicks family associated predominantly with other Indians living along the beach in the Chimacum area or with those on the Tulalip reservation, rather than with the part-Indian ancestors of most of the petitioner's members. Josephine Yarr's description of the Hicks interaction indicates that there were significant differences in the social networks the "real Indians" and their part-Indian relatives. William died in 1930, but Jenny was included on the base role of the Tulalip Tribes when it was formed under the IRA in 1935.<sup>45</sup> Their residence in Irondale appears to have been incidental to their role on the 1923 Snohomish tribal committee.

In summary, the evidence offered to demonstrate the leadership of either of the Bishop brothers or William and Jenny Hicks on behalf of the Indian descendants in the Chimacum valley is not sufficient to demonstrate their leadership of a Chimacum-based Snohomish community, or any other off-reservation group. Nor does it demonstrate that any of these individuals provided leadership of a Snohomish tribe based on the Tulalip reservation that included the petitioner's ancestors.

#### The Monroe/Sultan Area

Barbara Lane's 1999 submission describing the Snohomish descendants in the Monroe /Sultan area included a newspaper article from 1916, in which a group of Indian Shakers performed a ceremony at the Monroe home of Mrs. James Jimmicum (nee Emma Libby) (Lane 1999, 47). The Indian Shaker church, which began in the late 19th century, became a very important religious force among the Native people of the Washington, Oregon and even in some communities in California. Congregations of Shakers traveled to different reservations and communities all across the Puget Sound area and beyond in order to fellowship with each other. The article indicates that the Shakers were returning to the Tulalip Reservation from a visit to Tolt, home to the well-known Snoqualmie community headed by Jerry Kanim. The Jamestown S'Klallam also had a Shaker church in their community. There were no similar articles on any Shaker visits to the Snohomish descendants in the Chimacum area. If the Shakers from Tulalip visited the Shakers at Jamestown, there is no record included in the submission to indicate a visit to any of the Snohomish descendants living in the vicinity. The only reminiscence regarding Shakers from the members of STI was from Irving Matheson, who said that he remembered Old Patsy (a S'Klallam) holding a Shaker ceremony to heal his wife's facial tumor. Although he could hear the service from his home, his non-Indian father would not allow him to attend (Irving Matheson Interview 1996, 5). He did not mention any people of Snohomish descent attending the

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<sup>45</sup>The Hicks children do not appear to have been enrolled with either the Tulalip Tribes of Washington or STI. They did not appear on any reservation censuses or on the two partial enrollment lists of the Snohomish claims organization compiled in 1926 or 1932. Lillian (or Lillie) lived until 1976, yet her name does not appear on any of the petitioner's lists compiled before that time.

ceremony.

### *Evidence for Community 1935-1949*

In 1935, the US Court of Claims turned down the claims of those under *Duwamish et al.* The court agreed that the terms of the Treaty of Point Elliot had not been fulfilled, but also ruled that the amount of money owed to the descendants had been offset by the amount spent by the government on the health and maintenance of the Tulalip Reservation. By their calculations, the Snohomish owed the government a considerable amount. Harriet Shelton, who was the secretary of the 1926 Snohomish claims organization at the time, wrote a letter to the members asking what steps they should take next, but there is no available information in the submission regarding subsequent meetings of the organization, if any took place. Reservation residents of all tribal ancestries soon voted to accept the IRA form of government proposed by Commissioner John Collier, and adopted the name “Tulalip Tribes Incorporated”<sup>46</sup> for their government. Although the petitioner argues that the adoption of the IRA began the “rift” between the Snohomish living on the reservation and those living elsewhere, there is little evidence to demonstrate that relationships (outside of the claims organization) existed among the ancestors of the group prior to 1935. Interviews submitted by the petitioner did not mention people traveling to Tulalip to visit or to attend life crisis events, and few mentions are made of associations between the individuals living in Chimacum, Monroe/Sultan, or Whidbey Island. Obituaries for William Bishop (1934) and William Shelton (1938) indicate that at least some members of the groups of descendants attended or were invited to attend the funerals of these men, but there is no indication of just how many attended. Available evidence does not indicate that people from the Chimacum area attended any activities on the reservation (such as Shaker church meetings or smokehouse ceremonies), or that reservation residents attended the picnics cited by the petitioner as important community events. The available evidence does not include any documents written by reservation leaders on behalf of any of the petitioner’s ancestors.

### Social Interaction 1935-1949

The petitioner submitted 12 interviews with a total of 14 people (ten single interviews and two

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<sup>46</sup>The petition document makes the argument repeatedly that the Indians living on the Tulalip reservation tried to usurp the rights of the Snohomish tribe of Indians by maintaining that they, not the members of Tulalip tribes, are the true heirs to the Snohomish signers of the Treaty of Point Elliot. They also make the point repeatedly that there is no such thing as a “Tulalip Indian,” and that Tulalip Tribes was a creation of the 1934 IRA. This is a moot point, since no one has ever maintained that there *is* such a thing as a Tulalip Indian. Reservation residents readily acknowledge that their tribal entity is a confederation of several ancestral tribal communities, including the Snohomish, Snoqualmie, Stillaguamish, Pilchuck, Duwamish, and several others. The name “Tulalip Tribes” was chosen in order not to alienate any of the tribal groups in residence on the reservation (Tulalip Tribes Comments on STI Proposed Finding 1999, 1; Tulalip Tribes Group Interview 2003). That people sometimes refer to or are referred to as “Tulalips” is simply shorthand, similar to referring to the members of the Confederated Tribes of the Colville Reservation as “Colville Indians.”

small group interviews, with one person in one of the groups also interviewed individually), and three affidavits. All of the interview subjects were over the age of 60 at the time of their interviews (1975-1996), and a particular emphasis was placed on events from 1935 to 1949. This time period was important because it was identified in the PF as the time when no evidence of political or social activity had been demonstrated. Four different interviewers conducted the interviews, with the majority of the interviews (nine) conducted in 1996 by a researcher named Dagny Svoda. One was conducted by the group's lawyer (Alan Stays) in 1975, another compiled by Russell Barsh in 1987, and one was conducted by Al Cooper in 1992, when he was still serving as Chairman. Some of the interviews also contain information supplied by other people who were present when the interviews took place, such as spouses. None of the Svoda interviews was conducted with only Ms. Svoda and the interview subject present: the current chairman, William Matheson, was present at seven of the 1996 interviews, and former Chairman Al Cooper was present at two. The presence of these two prominent individuals may have influenced the responses of the interview subjects, even though they were not themselves conducting the interviews.

The interviewees represented nine groups of descendants within the petitioner's membership:

- 5 Woodley /Strands (James Woodley, Frances Nansen, Irving Matheson, Ruth W. Sprague, Josephine Yarr)
- 1 Twiggs (1) (Tilda Palla Anderson)
- 1 Twiggs (2) (DeEtte "Bill" Broderson)
- 1 McPhail (Marvin Daily)
- 1 Thomas (Marjorie Daniels)
- 2 Williams (2) (Jack and Clayton Keogan)
- 1 Elwell (Evelyn Knapp)
- 1 Cooper (Myrtle "Mickey" Stuckey)
- 1 Hawkins (2) (Hanford "Hank" Hawkins).

The Woodley/Strand family contributed approximately 35 percent of the total number of interviews. The Williams family provided slightly less than 15 percent. The other families provided approximately 7 percent each. The Harriman, Kreishel, and Newberry families all lack representation, even though they were among the largest in the petitioner at the time (50, 53 and 56 members, respectively, on the petitioner's 1982 membership list). The Woodley/Strand descent group, while nearly as large (49 members in 1982), was over-represented in the interviews submitted.

The interviewees described growing up in a number of communities in the area, mostly in Chimacum, but also Port Angeles, Friday Harbor, Everett, Monroe and Port Ludlow. The respondents shared many memories of eating dried clams, salt fish, and salmon (particularly when split, staked out on sticks, and cooked outdoors). Some also mentioned the older women preparing *sopalalli*, or whipped salmonberry shoots. They identified all of these foodstuffs as

“Indian,” but did not attribute any sacred or ceremonial aspects to them. A few people mentioned suffering from anti-Indian sentiments, and Irving Matheson stated that his non-Indian father did not like Indians and resented having to marry one (Irving Matheson Interview 1996, 7-8), but most denied they had ever experienced “discrimination.” However, three people from the Chimacum area did indicate that they had distinguished themselves from the full-blood Indians living in the area:

JK: “I never associated with full-blooded Indians.”

CK: “Patsys and all of them.”

JK- “No, I never did. I wouldn’t drink with a full blooded Indian, only one, one guy that used to mechanic and stuff like that and he didn’t live on no reservation. But what I’ve seen of them Indians on reservation, they’re lazy, quite a few of them, and like in Neah Bay I worked down there in the woods and these Indians, they lived there and they was gonna do a job in that logging camp down there, and they just stood around.”

CK: “I saw that, too.”

JK- “John Worthington [another STI member] was worried about that . . . he had a bunch of Indians under him and he said they was the laziest . . . he ever saw.”

JK: “But I could see the difference with the full-blooded and the part-Indian, I don’t know. Not all of them. I’ve met some that was . . . I never did associate with many of them. . . .” (Jack and Clayton Keogan Interview 1996, 30 and 31).

Josephine Yarr also indicated a difference between “real Indians” and the part-Indian residents in the valley. When discussing the William Hicks family (her great uncle, his wife and their children), she indicated that they lived a largely separate life from the descendants:

DS- Who were the families that would do things together. . . . The Hicks would come with you?

JY- No. Hicks never came out in public except to their relative’s homes.

DS- Why is that do you think?

JY- Well, they just had things to do down there I guess. You didn’t see any real Indians at the gatherings and picnics, but they would go with relatives.

DS- Did they stick to themselves a lot \_\_\_? \_\_\_? arriving Indian \_\_\_?

JY- Yes. I think the Hicks stuck to themselves. They had Indian friends. They had Mama and all her sisters, cousins and everything, and they went to the store. (Josephine Yarr Interview 1996, 16)

Her statement implies that the “real Indians” and the part-Indian descendants largely inhabited separate spheres, with a few of the first generation part-Indians, such as Yarr’s mother, occasionally going back and forth between the two. However, Josephine Yarr also implied that she maintained some connection to the people on the beach through her mother, who continued to socialize, at least occasionally, with their “real Indian” relatives.

“Real” Indians were identifiable by occupation (“clam digger”) and by residential location (“on the beach”). One interview implied that Indians dressed in a distinctive manner, although did not provide details (Myrtle Stuckey Interview 1996, 35). However, the information provided in the interviews does not describe a separate community of part-Indians operating separately from both the Indians and non-Indians in the area. The part-Indian descendants, while not entirely disassociating themselves from the “real Indians” in the area, appear to have associated more and more with the non-Indian residents in their vicinity.

As in the previous era, the children attended the public school. Some of the interview subjects remember being called names such as “siwash,” (a particularly offensive taunt) “clam digger,” or “bow and arrow,” and said that they remembered when people looked down on Indians as “low class” (Irving Matheson Interview 1996, 9 and 10; Jack and Clay Keogan Interview 1996, 9). Others, however, did not remember any prejudice or discrimination, and even denied that it was actually experienced by others who maintained that it had (Tilda Palla Interview 1996, 12). Whatever prejudice may have existed does not appear to have been widespread and appears to have dissipated by the time the children were in high school. Marriages between part-Indians and non-Indians continued and increased. According to lineage charts provided by the petitioner, of the 221 marriages recorded between second-generation descendants (dating approximately from 1900 to 1930), 196, or approximately 90 percent, were to non-Indians. No one interviewed indicated any family encouragement to marry another person of Indian descent and none of the people interviewed mentioned discrimination in hiring or in choice of residence. The only institutionalized examples of discrimination mentioned involved selling alcohol. Some taverns in the area would not serve Indians as late as the 1950’s (Jack and Clayton Keogan Interview 1996, 11-12). The interview subjects also noted that the law was not applied uniformly, and people who could not get served at one place would be served in others.

The information in the interviews does not demonstrate that the part-Indian descendants in the Chimacum area formed a separate, bounded community. Rather, they appear to have been well integrated into the non-Indian community. Discrimination and prejudice, while not non-existent, was not constant or particularly limiting. Marriages to non-Indian became even more the rule than they had been in the previous generation.

The Indian descendants living in the Chimacum area appear to have been well integrated into the larger non-Indian community, with occasional mentions of discrimination. Donna (Garten) Caulkins (born in 1936) recalled seeing her grandfather cry at the start of World War II because the hospital in Port Gamble did not want to keep her because she was an Indian, and she had to be transferred to another hospital (Caulkins, Porter, and Evans OFA Interview 2003). Marriages to non-Indians continued, and none of the people interviewed by OFA in 2003 indicated that they had experienced any discrimination when they were courting. One non-Indian spouse did say that prior to her 1946 marriage, someone in the community had taken her aside and asked her if she knew her future husband was an Indian (Berniece Matheson in William Matheson OFA Interview

2003). Another non-Indian spouse also married in 1946 (her husband grew up in the town of Anacortes on the northern part of Whidbey Island, rather than in the Chimacum area) remembered that her mother had been concerned about the possibility that she might marry an Indian:

Well, my mother . . . some of the Indians over there [in Omak] were very poor . . . poor, poor, and everything, and my mother worried, she, she thought, you know, maybe I shouldn't marry an Indian. So I married him and found out after I was married that he was an Indian (Celeste Kidder in John ("Jack") Kidder OFA Interview 2003).

Official correspondence submitted from this era indicates that a few people originally from the Chimacum/Sultan/Monroe area wrote to reservation officials in order to obtain certificates of Indian blood or other certification which would allow them to attend Indian schools or to apply for positions in the Indian service (Yarr to Morrison 7/24/1940; Upchurch to Commissioner of Indian Affairs 7/29/1940; Upchurch to Bugher 2/18/1942). The reservation agent did identify many of the people as being of Indian ancestry and did issue a number of certificates. However, there are no documents included in the petition written by a group of Snohomish descendants on their own behalf, or anyone else's. People who wrote did so on their own behalf or on behalf of close family members, and the responses generated were generated on behalf of individuals of Indian descent, not as members of a tribal entity. No letters from leaders representing a group of non-reservation group of descendants were included in the petition.

The petitioner maintains that several factors contributed to the lack of documentary evidence during this period, including the defeat of the claims cases, the deaths of many of the prime and first generation members, the Great Depression, and the changes that accompanied World War II. However, this does not explain the lack of evidence for community during this period. No newspaper clippings that demonstrate any activities spanning a number of STI families have been included in the submission. For example, the petitioner has not submitted any examples of the non-reservation descendants enlisting in the armed services together, although a number of men did enter the military. The petitioner has not included examples of local political or social organizations in which a majority or a significant minority of STI members participated. Photographs of events included in the petition (for example, the Matheson family photographs included in Exhibit B) do not appear to represent multiple STI family lines, but extended family gatherings. A caption included with an earlier (1927) photograph of the 50th anniversary of Clara and Frank Woodley (STI 1999, Photo Albums and Photographs File) indicates that the group of approximately forty people included extended family members and some people employed on the Strand ranch, rather than a number of people from different STI families.

Between 1935 and 1949, several STI children were placed in State-run foster care facilities or homes. There are no examples included in the petition of any members of STI intervening in these cases. In one case, a non-Indian family unrelated to any of the STI families in the Chimacum area wrote concerning the children of a family whose non-Indian mother had died.

The father was having a difficult time finding work, and the death of his own mother had left no one to care for these children (Wentz to Upchurch 9/1/1940). Subsequent correspondence from the State Welfare department indicated that the office was attempting to arrange a place at Chemawah Indian School for one of the children (Rauch to Upchurch 12/17/1941), but no spaces were available that year (Upchurch to Rauch 12/19/1941). Non-Indian relatives also raised orphaned or displaced children, with varying degrees of contact remaining among the siblings (Ruth Sprague Interview 1996, 9; Ruth Sprague OFA Interview 2003).

A 1996 interview with DeEtte “Bill” Broderson and his wife Doris (Smith) Broderson described a fire in which his mother’s sister and her daughter had died (no date was given for the fire, but he and his wife were married at that point, and other records indicated the couple was married sometime in the 1940’s). When asked if the community had drawn together to support the surviving children, both spouses said they supposed other people did, but neither gave any specific examples of how the rest of the community had supported the children after the death of their mother and sister (DeEtte Broderson Interview 1996, 10).

Those STI descendants who chose to leave the Chimacum and Monroe/Sultan areas for employment in cities such as Tacoma and Seattle appear to have left on their own (as opposed to traveling in a group) and also settled in diverse areas of the city. No evidence has been presented to indicate that people moved to specific areas to be close to other STI descendants. Available evidence does not indicate that the community “reformed” itself by moving simultaneously and resettling in close proximity to each other, as has happened to other communities whose residents moved from a rural to an urban setting. No evidence has been presented to demonstrate that members of the group played an active role in the Seattle pan-tribal community during this time.

#### *Evidence for Community 1950-1970*

In 1946, the Indian Claims Commission Act authorized a second round of claims litigation. In 1950, a meeting of 45 Indians (only 3 names are recorded) was held at the Masonic Hall in Monroe in order to discuss filing a claim. On August 12, 1950, a second meeting was called, with attendance recorded at 76. F. A. Gross, the Tulalip superintendent, was credited with calling the meeting together, but he more than likely did so on behalf of the individuals who had met the previous month and voted to pursue the case. Gross explained to those gathered that they had one year in which to file a claim, and the assembled group voted to organize and file suit. Members also paid dues that paid the attorney’s fees, postage, and reimbursed council members for travel expenses.

Noticeably absent from this group was the large number of reservation residents who had been an active part of the leadership and membership of the 1926 Snohomish claims organization, which had also been called the Snohomish Tribe of Indians. Reservation residents of Snohomish descent had joined with other reservation residents under the 1934 IRA government and formed

the Tulalip Tribes. Wilfred Steve, who attended one of the group's early meetings, stated that the Tulalip residents had not yet decided to file a claim, but encouraged the STI group to go ahead and file their own, with one caveat: dual enrollment was prohibited. Although the STI was not an acknowledged tribe, there appears to have been some concern regarding people enrolling in multiple claims organizations and that the multiple enrollments might cause confusion.

### The Annual Meetings

The petitioner has submitted a considerable amount of information regarding the annual meetings held by STI. These meetings, instituted immediately after the Snohomish Tribe of Indians formed in the 1950's, were cited as important social and political events for group members. Interviews conducted by OFA in 2003 bear out that the meetings were very important events in the lives of those who attended, particularly in regards to affirming the Indian (or Snohomish) identity of those who experienced them.

Some interviews indicate that reservation residents were still occasionally attending annual meetings through the 1950's and 60's (Hank Hawkins Interview 1975, 10, 13, 33), but the identities of those attendees cannot be discerned from the available documentation. There are few surviving sign-in sheets, and although the minutes of the September 19, 1954 meeting included a motion to purchase a sign-in book in order to demonstrate "that they are keeping up their tribal relations," no such book was submitted for OFA's review (STI Minutes 9/19/1954). One interview named Wayne Williams, son of Harriet Shelton, as a reservation resident who used to attend STI's meetings (Hank Hawkins Interview 1975, 33), but Williams maintained that he had never attended a meeting of the group except for once unlocking the Dining Hall for the group to use (Jones, Williams and Gobin OFA Interview 2003). Williams also mentioned in the same interview that his mother had told him she had attended one meeting and had been applauded as the daughter of William Shelton and for her own role in the 1926 claims organization. It is nevertheless safe to say that the early meetings were attended predominantly by Snohomish descendants with no formal connection to the Tulalip Tribes. Later meetings appear to have been attended almost exclusively by non-Tulalip Snohomish descendants.

The annual meetings were held on the Tulalip reservation for a number of years (documentation submitted by the petitioner indicates that the last was in 1967). By all accounts, these meetings lasted one day and were devoted to the business of the organization, which was primarily the claims case. Officials were elected to serve on the council for the next year. Hunting and fishing rights were also of concern to the group. Interviews conducted by OFA in 2003 indicate that children were either kept quiet or excluded from the meetings entirely and sent outside to play. Two interview subjects remember the meetings as a "dress up occasion," where people put on their fanciest clothes (Pat Schultz OFA Interview 2003; Sally Osbourne OFA Interview 2003); an interview subject on the Tulalip reservation also indicated that he remembered seeing the people from STI arrive at the dining hall wearing very dressy clothing (Williams, Jones, Gobin interview 2003). Children played together and saw other children they seldom saw during the rest of the

year (Connie and Amy Coulter OFA Interview 2003; Garten, Osbourne, Steele OFA Interview 2003). Very little interaction appears to have occurred between the members of STI and the reservation residents, and no one reported staying on the reservation longer than the one day of the meeting. None of the people interviewed who were children at the time recalled playing with any children from Tulalip. Several of the older people remembered the “Tulalip ladies” preparing the salmon lunch, but no one was able to name any of them.

#### “The Snohomish Tribe of Indians” 1950-1969

The minutes of both the council meetings, which mostly involved the elected officers, and the Annual meetings (which was the yearly meeting of the group as a whole) support the PF’s conclusion that the organization was primarily interested in pursuing the claims settlement and securing hunting and fishing rights. A 1975 interview with Hank Hawkins indicated that another reason was “to get this group together . . . to hold the people together as a unit” (Hank Hawkins Interview 1975, 8), but this is not supported by the information provided in the minutes or the interviews. Hawkins maintained that the reservation residents did not participate because they were informed by the group that they would not be eligible to receive any claims (Hank Hawkins Interview 1975, 9), but the minutes submitted indicates that the issue of whether or not Tulalip residents would be able to participate in the claims settlement was not discussed until the 1960’s. If this truly were the case, then the position that the group was primarily a claims organization would be strengthened. If there had been an additional social or cultural component, there may have been more of a reason for reservation residents to stay involved. The petitioner has not offered any examples of how excluding the reservation residents from receiving a portion of the claims settlement was supposed to “hold the people together as a unit,” or demonstrated ways in which the members of STI reached out to other Snohomish descendants in order to maintain cohesion.

Addresses compiled from the group’s 1954 mailing list indicate that the group of 496 was widely dispersed throughout the state of Washington. There were 32 members in Chimacum, 25 in Hadlock, 23 in Langley (a town located on Whidbey Island), 55 in the combined areas of Everett and Monroe, and 19 in Snohomish. Seattle had 87 members and Tacoma had 31 members. The remaining 224 members were listed in many other towns and communities throughout Washington and across the United States. The petitioner has not discussed how its members remained in contact across the distances, and has not submitted evidence to demonstrate that the group members were associating with each other in any of the areas of concentration other than in the Chimacum area.

The minutes for the first 20 years of the organization dealt predominantly with preparing and submitting the claims case, pursuing hunting and fishing rights, and administrative tasks related to both issues. The group submitted results of their elections to the Western Washington Indian Agency, and there were occasional addresses from the Agency officials regarding such issues as keeping Indian children in school, preparing tribal roles, and hunting and fishing rights (STI

Minutes 8/11/1957, 3). The group also joined pan-Indian organizations such NCAI (National Congress of American Indians) and ICWW (Intertribal Council of Western Washington).

In addition to pursuing the claims issue, some members of the group obtained “blue cards” in 1953. The cards came as the result of a 1948 lawsuit that allowed Indians who were “recognized members of treaty tribes” to hunt and fish without state licenses. A number of unrecognized groups, such as the Duwamish and Chinook, were also able to gain access to the program because of the Indian descent of their members. The cards were issued by the Bureau of Indian Affairs and mailed to members who requested them. It is uncertain just what role the group’s leadership played in securing these cards for its members (such as providing genealogical information), or if the members secured the cards by themselves. The state of Washington also issued 250 blank “Indian Identification Cards” to STI to distribute to its members, which also allowed people descended from treaty tribes to fish and hunt without a state license. It is unclear just how many STI members requested or received these cards, as no records from the organization have been submitted detailing which members applied for the Indian Identification Cards. The “blue card” program and the Indian Identification Card program ended with the *US v. Washington* lawsuit in the 1970’s.

The petitioner has presented little evidence of any STI gatherings other than those involving close family members. There is little information provided to demonstrate any examples of association between the members of STI other than the annual meeting and the accompanying lunch. A number of photographs offered for OFA’s examination appear to be extended family photographs, rather than including a number of diverse family lines. Other than people living in the Chimacum area, few people remembered associating regularly (or even occasionally) with other members of STI outside their immediate and extended families. Among those living in Chimacum, no one remembered or reported any fundraisers or events (dances, box suppers, bake sales or the like) to support or benefit the group. There is no indication that groups of members attended any of the numerous other Indian functions in the state, although individuals stated that they had attended some events at various reservations, including Lummi (Patricia (Hawkins) Schultz and Patricia (Schultz) Holyen OFA Interview 2003). Leaders (particularly Hank Hawkins and Jack Kidder) were cited as having attended many of the pan-tribal organizations that formed during this era to address treaty rights and other Indian issues, but the body of the group appears to have left attending those meetings to them. The available evidence does not indicate that the organization sponsored or encouraged any social activities or events during the rest of the year.

#### Relationship with Tulalip Tribes

The contention made by the petitioner that the reservation residents “left” STI in favor of the reservation-based IRA governments or had a “rift” with the members of STI is not substantiated by any of the documentation or interviews. Members of the Tulalip Tribes interviewed by OFA in 2003 deny that there was any significant association between the members even before 1935. After the loss in *Duwamish et al.* in 1935, whatever relationship had existed between the

reservation residents and the off-reservation members of the 1926 Snohomish claims group ended. The deaths of the women in the prime generation (most born between 1830 and 1860), who appear to have had the strongest relationship with the reservation and its residents, undoubtedly played a role in this. However, there is little evidence to show that the relationship had been deep to begin with. Tulalip residents interviewed by OFA in 2003, although they visited many other families who lived off of the reservation and on other reservations, did not remember any visits to the Chimacum area (Tulalip Group OFA Interview 2003) and have only vague memories of STI's annual meetings held on the Tulalip reservation. While acknowledging that some of the people may have had some degree of Snohomish ancestry, they maintain that the members of STI rarely associated with the descendants on the reservation (even those to whom they may have been related). The only time they remembered encountering some members of STI was in the context of formal meetings of groups such as Small Tribes of Western Washington (STOWW) and other anti-poverty programs administered during the Johnson administration (Williams, Jones, Gobin OFA Interview 2003).

#### *Evidence for Community 1970-1982*

The group's leaders began to address a more diverse body of issues during the 1970's. The decade saw both a rise in activism on behalf of Indian people all across the country and an increase in the number of services and programs available to Indians. STI took advantage of some of these programs and began to develop some social programs for its members, such as a food voucher distribution program. However, there is little information available to determine how many members were served by these programs over the years. Some group members participated in pan-Indian political organizations, such as STOWW and NCAI. STI members Clifford Allen, Kathleen Bishop, and Virginia Ryan also served on the Landless Tribes Committee, a group composed of representatives of unrecognized Indian groups from all over Washington (Indian Task Force 1973, 39, 43).

The group's leaders concentrated much of its energy during this time litigating over fishing rights. There are no examples of any members taking part in any of the more radical protests or fish-ins that occurred in Washington in the early 1970's, although the leadership did become involved as an intervenor tribe under the *U.S. v. Washington* lawsuit. Members of the group fished under the invitation of the Squamish tribe after the *U.S. v. Washington* legal decision, but there is no indication that any relationship between the two governing bodies was formed or persisted after the invitation ended in December of 1976. The group also began to pursue obtaining land for a reservation in the early 1970's, and filed a petition for Federal acknowledgment in 1975.

The group's leaders undertook a demographic survey in 1975 and published a newsletter for the first time, although it is not clear how many times per year they were published. Six issues of the newsletter were submitted with the group's 1982 submission, dating from between 1975-1978. These newsletters apprised members of the ongoing legal issues concerning acknowledgment and fishing rights, with some mention of the group's newly established food stamp and food-voucher

program, and the establishment of a formal office. An undated flyer also included in the group's 1982 submission addressed the issue of children in need of foster care, and asked members to volunteer to serve as foster parents for STI children. However, there is no indication of how many children were in need of placement, or how many members served as foster parents.

The group's leaders also appear to have involved themselves more with the greater community of Puget Sound, inviting several members of other unrecognized groups to address their meetings. The leadership began acting as an advocate for members in cases with local law enforcement by supporting members who were ticketed for fishing without state license. The record also demonstrates somewhat more contact among individuals and occasional social contacts among members of the group, but these generally occurred either in the context of the organization's meetings, or among those living in the Chimacum area. In 1978, the group began the Hebolb Community Foundation, and ran a bingo game at a local VFW hall (STI Minutes 8/8/1978), but there is no information on whether the games were attended by members, non-Indians, or a combination of both. The bingo ended abruptly after approximately two years (STI Minutes 2/8/1981). No reason was given for the termination of the bingo, but it appears to have contributed more than \$1,000 to the group's general fund. Although the leadership of the group became somewhat more politically active during this time, there are still very few examples of regular informal social contact among members. The group also established an office after years of meeting in member's homes or offices. However, there is no information included in the submission that would indicate that the office became a focal point for informal member interaction. The membership at this time was still widely dispersed, and other than the annual meeting, there is little indication that most members of the group interacted with each other or maintained communication with each other during the rest of the year.

During this period, the group began to diversify from its former emphasis on claims, which had been settled, and moved on to other political issues. The group began to explore acquiring a reservation, and pursued fishing rights under *U.S. v. Washington*. The group also sought Federal acknowledgement and made its first steps toward establishing programs for its members. However, the information submitted during this period does not demonstrate that the petitioner has satisfied criterion 83.7(b) for this period. The group's membership was widely dispersed across Washington State and the available evidence does not demonstrate that the membership was regularly interacting during this time. There is little evidence to demonstrate that members of the group acted together outside of the confines of the organization.

#### *Evidence for Community 1983-Present*

In order to refute the conclusions of the PF that members of the contemporary group did not regularly associate with other members, the petitioner submitted a document prepared in 1991 by Dr. Helen Norton entitled "Membership Survey of the Snohomish Tribe of Indians." According to the petitioner, Dr Norton interviewed 68 adult members of the group in 1991 (the precise

membership of the group at that time is not known, but the group claimed 836 members in 1982). These included 19 “core” members, defined as “tribal members who are or were recently council members,” 12 who had been interviewed previously by BAR (now OFA) in 1982, and 46 selected at random. Of the “random” group, 23 members lived out of state and were sent questionnaires in the mail. The 19 “core” members and the 12 “previously interviewed members” appear to have overlapped by 8 members, which means that approximately 40 percent of the surveys came from the highly active “core.” Citing concerns of privacy, the interviewer did not reveal the names of the individuals who were interviewed. There is no way of knowing which respondents were interviewed by OFA or which overlapped with the people now referred to as “core” members.

Dr. Norton purposely arranged the data so that “no one individual can be tracked throughout the entire series of questions” (Norton 1991, 2). To do this, she abstracted all the answers to her 14 questions and then grouped together all of the answers to the same question (all answers to question one were compiled and listed together, all answers to number two compiled and listed together, and so on). This decision results in a survey where the questions are connected, but the responses are deliberately disconnected. For example, there is no way of determining if individuals who answered that they knew many of the current leaders (Question 5) were also the same persons who defined themselves as active members (Question 2) and/or one were was currently serving on the Council (Question 3). If such a person is not currently serving on the Council and knows whom the representatives are anyway, this may be indicative of the involvement of a wider array of people interested in the political affairs of the group. If a person is currently serving on the Council, then it stands to reason that they would know other members also serving on the Council and a positive answer to whether they know other people on the Council would be of no particular value. A negative answer to the same question would indicate that the council may not actually meet regularly or that the person elected was not fulfilling his or her responsibilities on the council.

Dr. Norton also did not indicate which answers were generated by members of the “core” group, members previously interviewed by BAR, or by the members of the “random” group. This is important in evaluating the answers given in response to the survey questions. For example, question 11 asks, “Have you been to any Indian social or cultural events in the past year?” There is no additional clarification to indicate whether the events were specific to STI, or included other Indian events. The summary of the answers provided in the beginning of the document does not discuss this question at all. The list of responses begins with the statement “Responses which were simply “no” are not included” (Norton 1991, HHN Q11-1), with no indication of just how many negative responses were actually received. However, the positive answers to the question include responses ranging from a simple “Yes,” to a more specific “Yes. Annual meeting and Council Meetings.” There is nothing to indicate whether the individual was referring specifically to STI’s meetings. If they were, there is no indication whether the positive response had come from a Council member or one of the “random” members. If the answer came from a “random” member, it might indicate some involvement by members of the group in

the activities of the group. If the answer came from a member currently serving on the Council, it indicates only that the person was fulfilling their responsibilities on the Council.

The survey has other methodological flaws as well. The interviewer did not differentiate between individuals who had responded only to the written survey and those who had been interviewed in person. This is problematical because she indicates in three instances (Norton 1991, HHN Q6-0, HHN Q7-0, HHN Q13-0) that she modified the questions mailed to out-of-state residents and reworded it for both in-state residents who requested surveys sent to them in the mail and with those people whom she interviewed in person. However, Dr. Norton did not indicate which set of responses was generated by which form of the questions.

It is also unclear just how many face-to-face interviews were actually conducted. In the introduction, Dr. Norton states that she interviewed 12 of the 26 people interviewed by BAR in 1982 (Norton 1991, 2). However, she also sent questionnaires to 23 people who lived out of state, and it is not clear whether or not those out-of-state people were also interviewed in person, by telephone, or if the questionnaire responses themselves are being defined as interviews. She also states that some Council members (she does not specify whether these were current or former Council members) living out of state were contacted either by phone or in person, and were given survey questionnaires to return. It is unclear whether these questionnaires were also defined as interviews, or if the surveys served as the basis for additional face-to-face interviews. There is a difference between interviews and questionnaires, particularly because 3 of the 14 questions were modified. Additionally, an interview submitted by the petitioner in 1999 had actually been conducted for the membership survey. The information included with the interview states, "On January 18, 1992, Evelyn met with Snohomish tribal member Al Cooper, who asked her questions as part of the 1991 Snohomish tribe of Indians Membership Survey being supervised by Dr. Helen Norton" (Evelyn Knapp Interview 1992, np). Aside from the fact that Dr. Norton had stated that the information was collected in October and November of 1991 (Norton 1991, 1) and this interview was conducted in January of 1992, Dr. Norton did not state that people other than herself had conducted interviews. Al Cooper was also the Chairman at the time he conducted the interview in question, which would have hardly qualified him as an impartial interviewer. It is also unclear whether or not the responses from the Knapp interview were included in Dr. Norton's report.

The survey responses were used to construct a diagram labeled "Figure 2" that purports to demonstrate the social connections between STI members (Norton 1991, 10). Thirty family lines are represented in this figure, and lines are drawn to indicate when a member of one family line indicated a connection to a member of another family line. There is no indication of which direction a given relationship is supposed to travel. For example, there is no indication of whether a line connecting family line "A" to family line "CO" is supposed to indicate that a person in "A" stated they knew someone in "CO", if a person in "CO" stated that they knew someone in "A," or if the same people in "A" and "CO" stated that they knew each other.

The use of family lines to define these relationships is also not valid because the categories are

simply too broad. For example, there is no indication that the same member of family line “M” who is indicated as knowing someone in family line “CO” is the same person who reported knowing someone in family line “SP.” It is entirely possible that two members of the same family may not know each other, or that they may encounter people in other families with no knowledge of whom their distant relatives may know. The survey also does not distinguish between people who currently know another member and people who knew other people in the past. It is possible that people who knew many other members in their youth may not associate with any members currently. The converse is also true: the survey fails to indicate whether the people who claim to know people in other family lines knew them in the past, or only became acquainted with them recently.

The anonymity of the survey also disguises the identity of particularly active members who may be able to name a number of individuals or their family lines, creating the impression of multiple linkages between members of family lines. People from the “core” group who were currently serving or had served on the Council might be acquainted with a number of individuals, while other members of their family lines may have little or no interaction with STI members other than their own family. The opposite may also be true in that a very well known person may be cited by a number of different people as someone they know, while having few other contacts with anyone else in the group. Without a way to identify the people who claimed knowledge of members of other family lines, the number of relationships postulated between these lines cannot be substantiated, and the significance cannot be evaluated for acknowledgement purposes.

Overall, the membership survey is methodologically flawed and does not serve as a legitimate instrument for measuring interaction between the members of STI.

The petitioner also maintains that a 1987 socio-economic survey was conducted and a copy of the report submitted to OFA in Volume 8 of its 1999 submission (STI Narrative 1999, 3.62). However, a careful search of the submission did not reveal this report. As the report cannot be located, it cannot be examined by OFA.

### Cultural Activities

During this time, the group continued to hold council meetings and annual meetings, and also instituted some additional social events such as clambakes. A newsletter, the *Snohomish Sound*, was instituted with money from a grant from the Episcopal diocese (STI Minutes 8/23/87). The role of the newsletter was to keep the group informed of the case for recognition, as well as including information such as births, deaths, and graduations (Connie and Amy Coulter OFA Interview 2003). As of 2003, it was reportedly printed and distributed quarterly. However, copies of this newsletter do not appear to have been included in the petitioner’s submission.

In the 1980’s, some of the members became interested in material and spiritual aspects of Coast Salish culture. This subject had been discussed infrequently during previous decades. A few

people became interested in learning the Lushootseed language, and in learning traditional dances and crafts. Their instructors in these endeavors, however, were not older members of STI, or even Snohomish descendants on the Tulalip reservation; they were people from a variety of tribes and other unrecognized groups, including the Samish, Upper Skagit, and Steeliacoom.

Interviews conducted by OFA in 2003 identified two events that have been recently instituted, but have become important social and cultural markers within the community: the powwow and naming ceremonies.

The powwow was instituted and financed by the Garten family (a family within the Cooper lineage, now prominent on the tribal council) in 1997, members of which believed there was a need for gatherings that would encourage people to get to know each other (STI Minutes 2/22/1998).

A STI powwow, as described by participants, is not similar to a Plains-style powwow and does not feature traditional dancing or competitions. The powwows have been held in a public park (1999 and 2000's powwows were held at Fort Flagler) where people can make arrangements to camp and spend the night. It features a salmon and clam "feed," games for children, and a chance for people to see and associate with each other outside of the annual meeting. No estimates of attendance or sign-in sheets were submitted by the petitioner, but a 1999 newspaper article gave an attendance figure of 200 over the course of a weekend, as well as noting the attendance of guests from the Jamestown S'Klallam, Chinook and Steeliacoom (*Port Townsend Leader* 8/11/1999). A 2000 newspaper article indicated a Snohomish attendance of 300 over two days (*Port Townsend Leader* 8/16/2000).<sup>47</sup> Some powwows have also included a naming ceremony. The event is not advertised to the public, but information on the location and time is either delivered by word-of-mouth or in the newsletter.

Robert "Cougar" Garten was credited with establishing and coordinating the powwow events. His sisters Donna (who also works in the group's office) and Sally were also cited as being very active in the running of the powwow. Other members described helping out cooking during the powwows (Connie and Amy Coulter OFA Interview 2003; Patricia Schultz and Patricia Holyen OFA Interview 2003). Some of the members with grandchildren and young nieces and nephews described the positive effect the children's games and activities (such as giving the children Lushootseed nicknames) had had on their young relatives.

Naming ceremonies were also cited as important cultural events. Historians and anthropologists have researched such ceremonies, which are traditional to several Coast Salish cultures (Haeberlin and Gunther 1930, 46-8). They are hosted by the person who receives the name, which may be the name of an important ancestor, or, if the person's accomplishments call for it, a newly created name. According to all interviews, these ceremonies did not begin among STI members until the

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<sup>47</sup>This total may include non-Indian spouses.

1990's. The first notice of such an event occurred in the minutes of the group in September of 1994 when Flora Dalglish received a name (STI Minutes 9/17/1994, 3). Since then, four other members of the group have undergone naming ceremonies (Jack Kidder stated that he had received a name from a woman living on the Swinomish reservation, but there was no accompanying ceremony). Another ceremony was being planned for October of 2003. They have taken place at both the powwow and the annual meeting, but may be held at other places and at other times. It is not certain how many people have attended these ceremonies; photos of two naming ceremonies included with the petitioner's 1999 submission do not appear to show more than 30 people at either event (Matheson 1998, 26 and 27).

Two of the people interviewed in 2003 (Michael Evans and David Davis) had been recipients of names at naming ceremonies. Davis received the name of one of his ancestors, Swuakilum, and stated that he had been instructed to ask permission from all of his relatives to take that particular name which his father, had given to him before he passed away. Michael Evans, who was identified by several members as very knowledgeable regarding aspects of traditional culture, received a new, non-historical name from several non-Snohomish elders, particularly Vi Hilbert of the Upper Skagit. Evans stated that the elders had identified something in him and felt that he should have a name to reflect that quality. Elements of the event included a giveaway and a large meal as well as the ceremony itself, and involved the participation of the recipient's family as well as friends and other members. Elders from both the families of the participants and people from recognized tribes such as the Samish and Upper Skagit were noted as having taken part in these two ceremonies.

Evans and Davis both described the months of preparation that each went through to obtain the required gifts for the giveaways. Both described spending several months acquiring the money and gifts necessary for the event, including procuring cash to give to the speakers and elders, including Chairman Matheson and Jack Kidder. Blankets were also identified as an important item for the giveaway, as were handmade shawls and other items. Davis stated that there was a preference for shawls and other items, such as jewelry, to be made by hand because handmade gifts are considered more meaningful than those purchased. The food for the meal also had to be acquired and prepared. Evans stated that he and his immediate family had prepared and served the food, which included berries, salmon and venison. Davis's description of the ceremony did not include details about the preparation of an accompanying meal.

Although these events appear to be meaningful to the participants, they appear to be purely symbolic expressions of identity and as such are not cultural patterns that demonstrate the maintenance of a cohesive, distinct social community (see 25 CFR 83.7(b)(1)(vii)). The available evidence does not support the naming ceremonies as being anything other than a symbolic revival. The powwow is a new event, and does not qualify as a revival. Available evidence does not indicate that STI has maintained distinct cultural customs that are important to the group as a whole.

Other Organizations and Events

The Tribal Enterprise is another organization that appears to have become important, particularly to some of the women in the group. The enterprise sells tee shirts, jackets, and other items bearing the STI logo in order to raise funds and to increase the group’s visibility. Items are sold at group events, such as the annual meetings and the powwows, and also at some local community events such as Hallock Days. The organization has also accepted donations of member’s craft items for sale, with the proceeds benefiting STI. Women appear to have taken the lead in managing the Enterprise by obtaining or ordering the merchandise, overseeing the sales at various events and maintaining the financial records of the organization. The Enterprise also provides the children’s activities at the powwow (Connie and Amy Coulter OFA Interview 2003).

Group members also reported more social interaction with other tribes and unrecognized groups than in the past. Ken Hansen of the of the Samish officiated at David Davis’s naming ceremony (Davis OFA Interview 2003), and the 2003 powwow grounds were blessed by an individual from Quileute (STI Council Meeting, OFA Field Visit 2003). The group also secured a log and carved a canoe in 1996 (STI Minutes 3/10/1996). Vi Hilbert, a noted Upper Skagit elder and Lushootseed linguistic expert, attended some meetings of the group and also participated in Michael Evan’s and Flora Salgish’s naming ceremony (STI Minutes 9/18/1994; Caulkins, Evans, and Porter OFA Interview 2003). Interview subjects mentioned attending the naming ceremony of a killer whale hosted by the Swinomish (Connie and Amy Coulter OFA Interview 2003). Several older members of the group (William Matheson, Ruth Sprague, Aileen McDaniels) reported socializing monthly at an Elder’s luncheons hosted by the Jamestown S’Klallam. The S’Klallam also host bus trips to California and Las Vegas, and some STI members have gone on these trips as well.

OFA Interviews 2003

OFA conducted twenty-five interviews with STI members representing nine family lines from August 23, 2003, through August 29, 2003 (names and family lines are listed below):

- 4 Quinta -Connie (Matheson) Coulter, William (“Bill”) Matheson, Amy Coulter, Sharon (Matheson) Steele
- 5 Cooper- Donna (Garten) Calkins, Jacqueline Calkins, Robert (“Cougar”) Garten, Sally (Garten) Osbourne, Michael Evans
- 2 Hawkins (2)-Patricia (Hawkins) Schultz, Patricia (Schultz) Holyen
- 2 Newberry- Linda Porter, Gaylord Porter
- 1 Johnson -Penny (Russell) Platt
- 1 Spithill- John (“Jack”) Kidder
- 4 Wilson/Bishops- Nancy McDaniel, Aileen (Ammeter) McDaniel, Earl (“Tom”) Ammeter, Alfred (“John”) Ammeter
- 1 Clawson- Bruce Nilsen

1 Ruth (Woodley) Sprague

4 Undetermined Family Lines- Ailese Moran, Aletha Enright, David Davis, Raymond Broderson<sup>48</sup>

OFA staff submitted a list of 22 potential interview subjects based on membership lists, meeting attendance sign-in sheets, and other information included in the petition. OFA also agreed to talk to other members the group suggested might be able to provide information. In all, 25 people were interviewed. The interview subjects range in age from 27 to 87. Nine people were interviewed individually, six were interviewed in three groups of two, six were interviewed in two groups of three, and four people were interviewed in one group. All of the subjects interviewed were currently living in the state of Washington.<sup>49</sup>

Of the 22 interview subjects OFA submitted, interviews were conducted with 6 of those members. Two of those members (Connie (Matheson) Coulter and Donna (Garten) Calkins) were presently serving on the council. Two others (Michael Evans and Linda Porter) had previously served on the council and on committees. The other two subjects (Penny (Russell) Platt and Gaylord Porter) had never served on the council or on any committees. The remaining interview subjects were suggested by the petitioner. They included 10 people currently serving on the council: Patricia (Schultz) Holyen, William Matheson, Nancy McDaniels, Tom and John Ammeter, Robert Garten, Sally (Garten) Osbourne, Jacqueline Caulkins, Sharon (Matheson) Steele, and Ruth (Woodley) Sprague.

John (“Jack”) Kidder had formerly served on the tribal council for many years, and is currently the group’s historian. A descendant of the Snohomish Treaty signer Bonaparte, he was also given the title of “hereditary chief” in 1990 at the suggestion of then-Chairman Alfred Cooper (STI Minutes 9/16/1990, 3). This appears to be an honorary title with no accompanying responsibilities.

The remaining eight interview subjects (Amy Coulter, Bruce Nilsen, Aletha Enright, Ailese Moran, Patricia (Hawkins) Schultz, Aileen (Ammeter) McDaniels, Raymond Broderson, and David Davis) had varying levels of involvement with the group. They ranged from having been involved with the activities of the group consistently since they were children to having been

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<sup>48</sup>These four people appear to have enrolled after the 1999 membership list was submitted to OFA. They appear to represent at least three additional family lines (Swaakilum, Stolib/Northover, and Twiggs (2)) in addition to another member of the Cooper line. Without proper documentation, however, these lines cannot be confirmed. It is also not known how many adults have been added to the group’s membership since the 1999 membership list was submitted.

<sup>49</sup>The group’s 1999 membership list indicated that the approximately 71 percent of the group’s membership (789 of 1113) who live within the state of Washington was very widely dispersed. Although 90 members (approximately 8 percent of the total membership, or 11 percent of the in-state membership) were listed in the Chimacum area on the Quimper Peninsula (11 listed in Chimacum, 32 in Port Hadlock, 20 in Port Ludlow and 27 in Port Townsend), the remaining members were spread throughout approximately 130 towns and cities within the state.

placed for adoption as a child and having no contact with family or other group members until a few years ago. One member did not know she was Indian until she was a young adult because her father had died before she was born, and had not told his wife of his Indian ancestry. Some had been enrolled as children, while others had enrolled themselves within the past 10 years.

The members interviewed were all passionate about their identity as members of STI, even though many did not know a great deal about the group's recent history. Some of the people who had enrolled recently expressed more of an interest in spiritual and cultural aspects of Indian identity, while many of the people who had been involved for a long time, particularly the older members, were more interested in tangible things such as hunting and fishing rights. All interview subjects identified acknowledgment as a political subject that the group had been dealing with for many years, but few, even the older members, named the land claims issue as an important political issue that had occupied the group until the issue was specifically brought up by the interviewer. The people interviewed did not identify any issues that had caused any conflict or divisiveness within the group. Several people also expressed frustration and anger with the Tulalip Tribes of Washington for maintaining that they, and not STI, are the true successors to the treaty tribe of the 1855 Treaty of Point Elliot. One person said that they had been the recipient of the food voucher program run by the group, but no other social service programs run by the group was specifically mentioned by a member.

The members who had only become involved recently often did not have a lot of information about the group, other than what they had recently learned, or what they had learned from close family members. Many people cited William Matheson, Jack Kidder, and Al Cooper (who passed away prior to 2003) as people they talked to or had contacted when they needed information about the group, but most people did not know or speak to many group members (other than family members) other than the people who worked in the group's office. Two people noted that they had known or worked with someone for more than 10 years before they found out (either by attending a meeting or through conversation) that they were both members of STI.

In summary, STI has become a somewhat more active organization over the past 20 years. These developments notwithstanding, the group has not displayed the minimal level of community that would enable it to meet criterion 83.7(b) for this period. The social and cultural elements, such as the naming ceremonies, are of very recent introduction, and there is not enough information to indicate that these events are of more than symbolic value to the larger group. Although the group has recently instituted a powwow and other occasions for members of the group to congregate, the petitioner has not demonstrated that a significant portion of its widely-dispersed members regularly associate with each other outside the confines of STI.

#### *Comments by the Tulalip Tribes*

The Tulalip Tribes of Washington submitted a document by Allan D. Ainsworth, Ph.D., entitled

“Analysis of the Methodology and Techniques Employed in the Production of Anthropological and Ethnohistorical Works.” Dr. Ainsworth’s text did not directly address the materials submitted by STI, but instead addressed what the Tulalip Tribes believes is the over-reliance STI placed on oral history and interviews for specific historic periods when both primary and secondary documentation was lacking. According to Dr. Ainsworth, oral history should not stand alone when trying to explain specific historical events. It must be supplemented with documentation, both primary and secondary, in order to keep the perceptions of the present from interfering with accurate recollections of the past.

The Tulalip Tribes also submitted a 1999 interview with Kyle Lucas, a former member (and council member) of STI, now enrolled in the Tulalip Tribes. According to Ms. Lucas, the group was focused almost exclusively on obtaining Federal acknowledgment during her time as a council member (approximately 1983-1984), and had little interest in the cultural activities. In 1993, when she was no longer serving on the council, she stated that she had tried to get the group interested in joining the canoeing renaissance among Puget Sound Native Americans, but that the group had not been particularly interested. She finally withdrew from the group after the 1994 annual meeting, when her canoe presentation was greeted with hostility from the group.

#### STI Response

STI’s response to the comments of the Tulalip Tribes did not directly respond to anything in Dr. Ainsworth’s text. However, it did accuse the Tulalip Tribes of holding a double standard when relying on oral history, particularly the testimony of Harriet Shelton Dover, to support its own arguments regarding the history of the 1926 organization (STI Narrative Response to Tulalip Tribes 1999, 35).

STI also submitted a letter from Chairman William Matheson written in 1999, which disputes Ms. Lucas’s recollection of events. According to Chairman Matheson, the relationship between Ms. Lucas and STI broke down after her husband had disrupted a 1994 council meeting by making threatening gestures and using foul language toward the sitting council members. Copies of letters written by council members in 1994 in response to the event were also submitted. Chairman Matheson also wrote that he believed the interview had been staged.

#### OFA Response

OFA recognizes the importance of oral histories (including affidavits) and interviews; however, OFA also recognizes the limitations of the information and the biases of interview subjects. Interviews and oral histories are utilized by OFA to obtain information that substantiates and supplements primary and secondary documentation. Therefore, they are used in a manner consistent with Dr. Ainsworth’s thesis. They are not taken at face value or used as substitutes for missing or absent documentation. Further, single oral histories which claim to provide information about historical, social or political events are problematical, particularly when the

information is accompanied neither by other informants sharing similar recollections nor documentation recording the events. The information gained from interviews and oral histories is evaluated in conjunction with primary and secondary documentation in order to obtain the most complete picture possible.

Ms. Lucas was interviewed by OFA in 2003, and related essentially the same information regarding the focus of the group during her time on council, and their lack of association outside of the annual meeting as she had in her 1999 interview. Her 2003 interview was not staged or rehearsed. She also denied the claims written by Chairman Matheson and the other members of the group regarding her husband's actions.

OFA treated both of Ms. Lucas's interviews in the same manner it treated other interviews. The information she related about her experience was compared with documentation submitted by STI corresponding to the same time period. It was also compared with information submitted by STI members interviewed by OFA staff in 2003. OFA is also aware of Ms. Lucas's biases, and took those into account. Ultimately, the Lucas interviews served as one piece of evidence of a much larger whole.

### Criterion 83.7(c)

#### *Analysis of the Evidence for Political Influence and Authority—1855 to 1914*

##### Introduction: Petitioner's Response to the 1983 Proposed Finding

In its comments on the 1983 PF, the petitioner claimed that “on reservation and off-reservation [Snohomish] leaders largely worked together until at least 1935” (STI Narrative 1999, 4.1).<sup>50</sup> An analysis of the available documentary record did not demonstrate the validity of this assertion for 1855 to 1914. The evidence did not demonstrate the existence of political leaders for an off-reservation entity of STI ancestors acting separately from or in concert with Snohomish political leaders from the Tulalip reservation.

The petitioner contended there were informal political activities of alleged off-reservation group leaders in Jefferson County, an area outside of the Snohomish aboriginal territory, where the majority of its ancestors lived, during the late 19th and early 20th centuries. It made these assertions in both its narratives and oral histories, but provided no documentary evidence for such claims before about 1914. For example, one of the petitioner's researchers stated:

The family centered pastoral communities of Jefferson County had not been blind to the paternalism and ineptness of government or the heavy-handed agents it sent to govern those impounded on reservations. Their considerable economic, social and political contacts with Indians throughout the region informed them of the bureaucratic hubris which sought to separate unallotted Indian from their heritage. Since the 1860's the Bishop holdings at Chimacum had been an especially important meeting place for both visiting and local Indians. At informal meetings news of near and distant Indian communities was compared with news of governing policy and law. Those attending these informal Tribal and inter-Tribal meetings became repositories of information which was synthesized into political

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<sup>50</sup>The group contended that until “the incorporation of the Tulalip Tribes, Inc. there was only one Snohomish community” (STI Narrative 1999, 1-5). It claimed that

the genealogical, demographic, and oral-historical studies presented in these Comments clearly show that most Snohomish lineages (1) were represented both on-reservation and off-reservation, and (2) continued to have significant social interaction with each other until the 1930s. The division came only after most of the Snohomish Indians living at Tulalip joined their non-Snohomish neighbors in creating the Tulalip Tribes, Inc. under the Indian Reorganization Act in 1935. Only then did the Snohomish community split into two parts: the on-reservation Snohomish who opted for a primary affiliation with the non-tribal Tulalip tribes, Inc. and the off-reservation Snohomish who maintained their affiliation with the Snohomish Tribe (STI Narrative 1999, 1-5).

action as Snohomish members rose to leadership positions in the Snohomish tribe, the broader population of western Washington and the State legislature. The Snohomish launched a two-pronged non-partisan campaign—one not solely to the advantage of Snohomish but, rather to the advantage of all Indians of the region—aimed at organizing all Indians of the region into tribal governments and an inter-Tribal alliance capable of meaningful action in relieving the yoke of paternalism which had splintered and dulled Indian hearts. The actions, vision and inter-tribal efforts of the children, Thomas and William Bishop, grandson, Alfred van Trojen and later the granddaughter, Kathleen Bishop, of Sallie Wilson along with her cousins, William and Jenny Hicks, would alter the course of history for the Snohomish Tribe of Indians and thousands of Indians in western Washington (Norton 1993, 43-44).

The available evidence did not support this vision of Chimacum as a center of political activity among the STI ancestors. Except for assertions in interviews long after the claimed events, there was no available primary evidence of informal or formal meetings, tribal or intertribal, among the STI ancestors as part of an Indian entity at the Bishop property holdings for the late 19th and early 20th centuries. There was no available evidence, such as newspaper accounts or Indian office reports, to indicate that the Bishop lands functioned as a political center for any such Snohomish group or any other type of Indian entity.<sup>51</sup> Research conducted at the Jefferson County Historical Society and the Port Townsend Public Library in the *Port Townsend Leader*, the local newspaper for the Port Townsend area since 1889, uncovered no articles describing any Indian entity of STI ancestors or its named political leaders. Among the materials examined were all the Native American articles from 1889 to 1956 listed on the newspaper index at the Jefferson County Historical Society, and all the following years of the *Port Townsend Leader* located at the Port Townsend library: 1922 (Feb.-Dec.), 1923, 1924, 1925 (Jan.-Sep.), 1933 (Jan.-Sep.), 1937 (Jul.-Dec.), 1939 (Jul.-Dec.), 1940. Also examined were the microfilm editions of the *Port Townsend Leader*, 1902-1904, available online from the University of Washington library. Such research in other areas of Washington had previously provided evidence of

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<sup>51</sup>William Bishop Sr. (1833-1906), an English immigrant, had a brief common law marriage (1858-1865) to Sally Bishop (1843? -1916), a Snohomish Indian. After this first marriage, the elder Bishop married a non-Indian. His two sons from the first marriage were Thomas Bishop (1859-1923) and William Bishop Jr. (1861-1934). In 1994 the *Port Townsend Jefferson County Leader* published two articles on the Bishop family members and the role they and their holdings played in the history of the Port Townsend area. Neither article described any of the Bishops as the leaders of an Indian entity of STI ancestors or their properties as a meeting place for any such Indian group. Instead, they portrayed the holdings as non-Indian commercial enterprises (*Port Townsend Jefferson County Leader* 11/9/1994, 11/30/1994; see also William Bishop Sr's obituary in *Port Townsend Leader* 1/13/1906). According to these articles, the father sold his holdings in the Chimacum area in 1880 to a banking firm that set up a commercial dairy on the land. His son, William Bishop Jr., managed this private enterprise until 1898, when he purchased 500 acres of farmland in Chimacum for his own commercial dairy farm. He also operated a commercial logging operation in the area from 1906 to just before the First World War (*Port Townsend Jefferson County Leader* 11/9/1994, 11/30/1994).

community, identification by outside observers, as well the names of leaders of the group or tribe. Census data for the late 19th and early 20th centuries showed that Jefferson County, which included Port Townsend and Chimacum, was a largely non-Indian community with some Indians of various ancestry, including the ancestors of the petitioner who were mainly the children of pioneer and Indian marriages.<sup>52</sup> Most of the Indians of mixed ancestry had assimilated into the larger community. The available evidence did not indicate that any distinct entity of STI ancestors existed in this area.

Thomas Bishop (1859-1923) did not begin his political activities until around 1914, when he created the NFAI, an intertribal organization that represented many Washington Indians. Thomas Bishop, who was part Snohomish, did not portray himself in the available record as a leader of a Snohomish entity, on or off the reservation. His political activities mostly involved pursuing claims for unenrolled or unallotted Indians. William Bishop (1861-1934), a longtime State Senator and the brother of Thomas, became involved in Snohomish claims activities only in the late 1920's. Many other claimed political leaders of the group from the Port-Townsend and Chimacum area, such as Alfred van Trojen (1881-1953), and William (1850? -1930) and Jennie Hicks (1853-1938), participated in limited claims activities only in 1917 or after. Nor did the available evidence show any significant political connection between the Tulalip Snohomish and the off-reservation ancestors of the current petitioner before the claims activity of the 1920's.

#### Political Organization in the Treaty and Immediate Pre-Treaty Era

Almost all of the documentation for this period concerned the historical Snohomish tribe on or near the Tulalip reservation. Most of the Snohomish Indians in western Washington initially

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<sup>52</sup>The 1870 census data, for example, revealed a largely non-Indian community inhabited with migrants drawn from the eastern states and immigrants from Europe and Asia. Most of the Indians were females living with their non-Indian pioneer husbands and children among the general population. The census did not identify any of these isolated Indians by tribal ancestry. The only recognizable Indian groups were about 50 Hydah Indians and about one dozen Queen Charlotte Indians from British Columbia employed as laborers and house servants (U.S. Census Extracts Jefferson County 1870). Other census data in the record for Jefferson County in 1870 indicated that there were 12 Indians in Chimacum out of a total population of 133; 46 Indians at Port Ludlow out of 259; 45 Indians at Port Jefferson out of 593 (USBC Reports 6/1/1870). The 1890 census revealed only 195 "civilized [taxed] Indians," in all of Jefferson County (USBC Reports 6/30/1890). Census data from 1900 and 1910 provided a similar picture (USBC Schedules, Jefferson County 1900, 1910). The 1983 PF found the Federal census records of limited value in identifying the tribal ancestry of the current petitioner's ancestors. It concluded: "No federal, state, or territorial population census records were found enumerating the members or ancestors of the petitioning organization as a separate group, identified as Snohomish or otherwise as it is said to have existed in the historical past. Census records in general did not provide information relative to the specific tribal ancestry of individual families except in very few instances. This was due to the fact that the members and ancestors of the petitioning group had, for the most part, married non-Indians and lived in non-Indian communities. In almost every instance where members of petitioning families were found and identified as Indian or 'half-breed,' there was not a tribal designation" (Snohomish PF 1983, 25). The PF came to this conclusion after analyzing the Federal censuses for Washington from 1880 to 1900.

encountered American settlers in significant numbers during the 1840's.<sup>53</sup> The first Americans to describe the Snohomish in their aboriginal lands generally located the historical tribe on the southern end of Whidbey Island and on the eastern shores of Puget Sound along the mouth of the Snohomish river up to present-day Monroe.<sup>54</sup> They also identified two other tribes with very similar cultural traits, the Snoqualmie and Skykomish, as living near the Snohomish Indians.<sup>55</sup> The Snoqualmie lived mainly along the Snoqualmie River south of the Snohomish Indians, while the Skykomish inhabited the upriver regions of the Skykomish River east of the Snohomish tribe. Early estimates of the Snohomish population ranged from 250 to 350, but these numbers were probably low (De Harley 1849; Jones 9/1/1853; Starling to Stevens 12/10/1853; Stevens 1/1854; see also Tomlie 1844). The early American settlers apparently had difficulty identifying the leaders of the various tribes because of the social, cultural, and political similarities between the native groups (Jones 9/1/1853). The first description of a Snohomish chief in the record occurred in 1854, when George Gibbs filed a report on Washington tribes. He stated the following:

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<sup>53</sup>The United States gained control of the Washington area in 1846 after settling a boundary dispute with the British government. The government created the Oregon Territory in 1848, which took in the present states of Oregon, Washington, Idaho, and parts of Montana and Wyoming. Washington became a separate territory in 1853, and the 42nd state in 1889. Non-Indians began settling the area in the early 1850's, and quickly outnumbered the Indian population that went into decline from disease and other factors. During the late 19th century, numerous settlers came from other western states, Canada, Sweden, Norway, England, Germany, Finland, Italy, Russia, Denmark, and Scotland (Marino 1990, 169, 171; Suttles and Lane 1990, 500; Everton 2002, 725).

<sup>54</sup>See also Swanton 1952, 443; ICC, Findings of Fact 11/21/1956, 4-549-4-563.

<sup>55</sup>The petitioner claimed that the Skykomish and Snohomish were actually one tribe, with the former being an upriver band of the latter, and that the identifications of its members as Skykomish are equal to identifications as Snohomish (STI Narrative 1999, 2-9). The documentary record did not validate this contention. With only minor exceptions, Tulalip and other government officials consistently identified the Snohomish, Snoqualmie, and Skykomish as separate groups with different leaders until 1881 (O'Keane 1/1/1881; see also ICC, Findings of Fact 11/21/1956, 4-549 to 4-563). The last reference in a government document to an actual Skykomish entity in the available record occurred in 1890 (USBC Reports 6/30/1890). After that agency officials stopped referring to the group as a separate entity, possibly because many of its members had intermarried with the Snohomish, Snoqualmie, and other tribes at the Tulalip reservation, although there still continued to be isolated descriptions of individual Indians of Skykomish ancestry. In 1956, the Indian Claims Commission concluded that the Skykomish and the Snohomish were not the same group, and prohibited the current petitioner, the Snohomish Tribe of Indians, from pursuing claims as the successor in interest on behalf of the descendants of the Skykomish tribe (ICC, Opinion of the Commission 11/21/1956, 4-567 to 4-571). The Court of Claims in 1967, on appeal from the Indian Claims Commission, permitted the Snoqualmie Tribe of Indians to present the claim of the Skykomish tribe solely because there were Skykomish descendants among its members at the time. However, the court specifically concluded that the Skykomish had ceased to exist by the late 19th century because of extensive intermarriage with several Indian groups. For the earlier period, the court determined that the Skykomish were a separate political entity (U.S. Court of Claims 2/17/1967, 570-593). The documentary record appears to support the conclusions of both the ICC and the Court of Claims. Modern scholars have also described the three groups as separate entities (see, for example Suttles and Lane 1990, 485- 487.)

The southern end of Whidbey's island and the country on or near the mouth of the Sin-a-ho-mish river belong to the Sin-a-ho-mish tribe. These number, including the bands connected with them, a little over three hundred. Their chief is S'Hoot-soot, an old man who resides chiefly at Skagitshead (Gibbs to Manypenny 9/1854).

It is unclear how far S'Hoot-soot's authority may have extended. In 1956, the Indian Claims Commission described early Snohomish political organization and leadership in the following manner:

In 1855, and in aboriginal times, each of the Snohomish villages appear to have been largely autonomous in a political sense, which was the type of political organization then found among the Indians throughout the Puget Sound area. Each village was made up of a number of families and had a chief or leader called a Tyee, Seab, or Seam, but there was no strong central organization or chief with complete authority in a political sense over all the Snohomish villages. Between the villages there were, however, ties of kinship, their village areas were more or less contiguous, and they shared a common culture and dialect of the Salish language different from that of adjacent village groups, and considered themselves a distinct group and were so considered by . . . neighboring groups (ICC, Finding of Facts 11/21/1956, 4-561; see also Suttles and Lane 1990, 494.).

In January 1855, territorial Governor Isaac Stevens negotiated a treaty with the Snohomish, Snoqualmie, Skykomish, and about 21 other tribes in western Washington. As part of the agreement, commonly known as the Treaty of Point Elliot, the Indians ceded much of their land in exchange for a monetary payment and the establishment of several reservations. Included among the Snohomish sub-chiefs who signed the treaty were Bonaparte, George Bonaparte, Joseph Bonaparte, Jackson, John Taylor, and Peter. The Snohomish, along with the Snoqualmie and Skykomish, were to settle at the Tulalip Bay reservation. But Congress did not ratify the treaty until 1859, and, as a result, the Office of Indian Affairs did not set up the reservation until the early 1860's (Treaty of Point Elliot 1/22/1855 and 4/11/1859; Suttles and Lane 1990, 500, Marino 1990, 169-172).<sup>56</sup>

#### Evidence of Political Activity—1855-1870

Almost all of the available evidence for any kind of political activity for this period concerned the historical Snohomish tribe on or near the Tulalip reservation. It did not demonstrate political authority or influence for any off reservation Indian entity composed of STI ancestors. For the

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<sup>56</sup>President Grant issued an executive order establishing the exact boundaries of the Tulalip reservation on December 23, 1873 (Executive Order 12/23/1873).

next 15 years very few Snohomish or other treaty Indians moved to the Tulalip reservation. Most were reluctant to relocate for several reasons, but the major drawback was that the heavily wooded area proved poorly suited for the agricultural lifestyle the Indian agency expected the natives to adopt (Simmons to Geary 1/1/1861). Rather than settle at Tulalip, the Snohomish and other Indians migrated about the surrounding area fishing and picking berries, working for non-Indians, staying near or on the reservation during the winter for shelter or to receive annuities (Hill to Stevens 7/30/1856, 8/16/1856; 11/30/1856; Commissioner's Report 1/2/1862, 9/1/1863; Marino 1990, 172; Suttles and Lane 1990, 500). As non-Indian settlers flocked to the area, however, many Indians succumbed to disease, malnutrition, alcoholism, or lost their traditional land and lifestyles (Commissioner's Report 8/1/1865; Marino 1990, 172; Suttles and Lane 1990, 501).<sup>57</sup> Meanwhile, the agency labored to clear the land on the reservation, and erect government facilities and some homes for the Indians. By 1869, there were probably 50 houses for the native residents. Catholic priests also established a boarding school on the reservation (Commissioner's Report 8/1869; Marino 1990, 172; Suttles and Lane 1990, 500).

During this time the agency identified several leaders of the historical Snohomish tribe, which were the dominant tribe at the reservation because it lay within their traditional territory. The head chief was Napoleon Bonaparte, who remained influential on and near the reservation until the 1870's. Other leaders included Hootstoot, George and Joseph Bonaparte, Jackson, John Taylor, and Peter (Special Indian Agent to Stevens 4/20/1856; Simmons to Stevens 5/5/1856, 12/29/1856; Elder to McKenney 2/16/1869). The available evidence did not indicate that the agency acknowledged or identified any political leaders from an off-reservation entity of STI ancestors.

The reservation leaders frequently interacted with government officials. In 1856, chiefs from the Snohomish, Snoqualmie, and Skykomish petitioned the territorial governor and requested the appointment of a Dr. Maynard as agency physician (Puget Sound Indians Memorial 1856). Three years later, the chiefs "living near and at Tulalip" wrote the reservation agent and expressed fears that non-Indian settlers might take their land. They were also concerned the agency might remove the Catholic priest (Chiefs of Snohomish et al to Simmons 8/16/1859). The agency also began appointing chiefs for the historical Snohomish tribe on the Tulalip reservation by the early 1860's (Tulalip Agency-Club Shelton Appointment 6/1862).

It is unclear how far beyond the reservation the authority of these Snohomish chiefs extended. Most likely they still exerted some influence in the traditional Snohomish territories, although

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<sup>57</sup>The nomadic habits of the Indians and their aversion to the reservation made it difficult for the agency to estimate the actual number of Snohomish under its care. In 1855, the government estimated 291 (Treaty of Point Elliot Tabular Statement 1855). One year later a special agent counted 442 (Simmons to Stevens 5/5/1856). For the next 15 years, the agency rarely broke down the number of Indians under its control by tribal affiliation. In 1862, the Tulalip agent, for example, reported 1,200 Snoqualmie, Snohomish, and Skykomish in the vicinity of Tulalip (Commissioner's Report 10/19/1862).

the growing number of settlers and government officials certainly diminished their power. For their part, BIA officials generally limited their interaction to Snohomish Indians and leaders who lived at or near the reservation, even if only seasonally, because they viewed the nomadic habits of the non-reservation Indians with little sympathy (Simmons to Geary 1/1/1861; Commissioner's Report 1/2/1862, 10/19/1862; Elder to McKenney 2/16/1869).

There was no available evidence to demonstrate political interaction between the STI ancestors from the Port Townsend and Chimacum area and the reservation Snohomish. The available record did not show that a distinct entity composed of the petitioner's ancestors existed in the Chimacum area or elsewhere.<sup>58</sup> On the whole, agency officials described the Port Townsend and Chimacum area as containing several Indian groups, with the Clallam being the largest. For example, in February 1856, a special Indian agent described some Snohomish living among the Clallam Indians at Port Gamble with his and the local military commander's approval (Special Indian Agent to Stevens 2/10/1856). The two groups verged on open combat following the death of a Snohomish in a brawl with some of the Clallam. Three months later a special agent identified about 100 "Chemakum" Indians near Port Townsend (Simmons to Stevens 5/5/1856).

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<sup>58</sup>In a 1975 report on the Snohomish tribe of Indians for the Department of Interior, anthropologist Barbara Lane stated that "some Snohomish" people were "living in the Chemakum creek area on the west side of the Sound at treaty times," but she did not provide a reference for her claim, so it was unclear just how many individuals, Snohomish or otherwise, she believed were in that location (Lane 1975, 19). Two years later in a similar report on the Port Gamble Indians, Lane claimed that the Clallam, along with some Chemakum, had the only settlements in the region, an assertion borne out by contemporary observers like Myron Ells as late as 1887 (Lane 1977, 1-19, also Appendix 1, 38; Snohomish PF 1983, 3; STI Narrative 1999, 3-12; Ells 1887, 606-609; see also Bridges and Duncan 2002, 35 and Beckwith, Hebert and Woodward 2002, 51). Other evidence indicated that members of the Hicks family, who were of Snohomish, Skagit, and Chemakum ancestry, lived along the beach near the mouth of the Chimacum Creek in the town of Port Hadlock, located between Port Townsend and Chimacum, possibly beginning in the late 19th century and continuing into the 1920's. The petitioner claimed that William Hicks and his wife were leaders of its group. Census records from 1900 and 1910 indicated that the Hickses and a few other Snohomish briefly lived at this location in a small unorganized group of Indians of several tribal ancestries that stretched a short distance along the beach from Chimacum Creek to lower Hadlock Bay. The available evidence did not demonstrate that this group was a Snohomish community (USBC Schedules 1900, 1910 Jefferson County; Edward Bishop Interview 1993, 72-4; Yarr Interview 1987, 8-9, 44, 85-8, 90). None of the petitioner's direct ancestors belonged to this group, and the few Snohomish who lived there, including the Hickses, were a distinct minority. Moreover, there was no available evidence that the Hickses viewed themselves as leaders of any off-reservation entity of STI ancestors. In 1918, William Hicks and his family claimed in a sworn affidavit to be members of the Skagit tribe, to which they were making application for enrollment. The family, according to Hicks, had also moved three times in the Chimacum area since the 1870's after displacement by non-Indian settlers, and in 1918 were squatting on private land owned by a mill (Hicks Affidavit 5/25/1918). Census data provided by the petitioner or obtained by the OFA did not indicate the presence of the Hicks family in the area before 1900 (USBC Schedules 1870, 1880, 1900; 1910, Jefferson County; U.S. Census Extracts, 1870, 1880, 1889). Later, in the 1920's Hicks and his wife became enrolled members of the reservation Snohomish. The evidence did not show the two engaged in any Snohomish political activity until the 1920's when they became members of the Snohomish tribal committee on the Tulalip reservation and later began approving applications for membership in the 1926 Snohomish claims organization. William Hicks died in 1930, and his wife was listed on the 1935 base roll of the Tulalip Tribes after that reservation group, which was predominately Snohomish, organized under the IRA. The current petitioner has no members who descend from William Hicks or his wife.

Disease, famine, and attacks from the Snoqualmie, the Snohomish, the Suquamish and other tribes had reduced the Chemakum in number (Snoqualmie PF 1993, Anthropological Technical Report, 7; Olympia Indian Agency to Superintendent of Indian Affairs 7/1/1857).<sup>59</sup> During a visit to Port Townsend in late 1856, the agent left some rations for the Chimacum and also met with the Clallam, indicating these two groups comprised the majority of Indians dealt with by the government in that region following the treaty (Simmons to Stevens 12/29/1856). Modern scholars Barbara Lane, Cesare Marino, and William Elmendorf also described the Chemakum and Clallam as the dominant groups in the area at the time (Lane 1977, 1-5; Marino 1990, 171; Elmendorf 1990, 438-439).<sup>60</sup>

By 1870, however, as stated earlier, the Port Townsend and Chimacum area had already become largely populated by non-Indian pioneers, a few of whom married female Indians from several tribes, including the Snohomish. Census records for 1870 already depicted a non-Indian community that had apparently pushed out most of the Indians described in earlier documents. Moreover, there was no available evidence that showed any of the inhabitants of this area acting politically as a Snohomish Indian entity composed of the petitioner=s ancestors. The available evidence did not demonstrate that any of the individuals from this region who were the ancestors of the current petitioner interacted with the historical Snohomish leaders at Tulalip. Agency officials never identified, acknowledged, or interacted with any leaders from an off-reservation STI entity from 1855 to 1870.

#### Evidence for Political Influence and Authority—1870-1883

Almost all of the evidence for this period concerned the historical Snohomish Indian tribe at the Tulalip reservation. The available evidence did not indicate the existence of political authority between the petitioner's off-reservation ancestors or a separate off-reservation entity of STI ancestors and the Tulalip Snohomish. In the 1870's and early 1880's, the Indian population at the Tulalip reservation slowly began growing, while the overall Indian population within the Tulalip jurisdiction declined due to disease or encroachment by settlers. The increased population at Tulalip was most likely due to logging and the opening of a sawmill at the reservation that brought revenue and provided cleared land for homes and farms. Indians may have also found

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<sup>59</sup>The petitioner claimed that the Snohomish wiped out most of the Chemakum near the Chimacum Creek in 1857 (*Port Townsend Leader Online* 8/11/1999b). Other sources suggested that the Clallam, Makah, Twana, Duwamish, and Suquamish might have been equally responsible (*Port Townsend Leader Online* 5/29/2002; Ells 1887, 607). William Elmendorf noted the Clallam had taken control of their territory by 1854, but that in 1860 there were still 73 Chemakum living in 18 lodges at Point Hudson near Port Townsend mixed among the Clallam (Elmendorf 1990, 439; see also Lane 1977, 3-5). By 1887, only about ten remained who had not married non-Indian men or into the Clallam or other tribes (Ells 1887, 607; Lane 1977, 3-5).

<sup>60</sup>In 1887, Myron Ells, an Indian agent, missionary, and amateur anthropologist, still described the Clallam as the dominant Indian group in the northeastern region of the Olympic Peninsula. (Ells 1887, 606-9).

the reservation more appealing as the influx of non-Indian settlers and the resulting competition for land and resources forced them out of traditional lands (Commissioner's Report 9/1/1870; Chirouse to Commissioner of Indian Affairs 8/27/1873; Sister Mary Louise 1932, 53-85).<sup>61</sup>

The exact numbers of Indians, Snohomish or otherwise, on and around Tulalip at the time was difficult to determine because the agency usually supplied only rough population estimates and frequently neglected to distinguish Indian groups by tribal ancestry. The documentary record suggested that about 3,000 Indians were under the Tulalip agency's jurisdiction, a considerable drop from treaty times.<sup>62</sup> Of these 3,000, about 1,000 probably lived in the vicinity of the Tulalip reservation (Commissioner's Report 10/20/1873, 9/21/1875; Watkins to the Commissioner of Indian Affairs 9/15/1877). The reservation itself had anywhere from 150 to 500 inhabitants at or right around it depending on the time of year (Chirouse to Commissioner of Indian Affairs 8/27/1873; Chirouse Statement 10/27/1873). Usually there were more Indians in residence during the winter months, and fewer at other times when they were off working in hop fields and lumber camps, or fishing and hunting (Kimble to Commissioner of Indian Affairs 11/8/1873; Commissioner Report 11/20/1874; Chirouse to Commissioner of Indian Affairs 8/2/1876; Mallet to Commissioner of Indian Affairs 9/18/1877).

In 1878 the special agent estimated there were 482 Snohomish on Tulalip in 125 families, 34 Skykomish in 10 families, 364 Snoqualmie in 108 families, and 34 Queith and 147 Stillaquamish Indians (Marion to the Commissioner of Indian Affairs 4/19/1878). Most likely these figures represented the number of Indians on and around the reservation. In addition, agency records showed that each year more Indians were using the Tulalip reservation as a winter base and as a source of income from logging operations (Chirouse to Secretary of the Interior 2/6/1874; Blinn to Commissioner of Indian Affairs 2/23/1874).

During this period the agency identified leaders for the historical Snohomish tribe at Tulalip. Some leaders included Napoleon Bonaparte, Joseph Tala-walk, Tyee Peter, Charley Jules, Charley Shelton, Hallam, William Stetchel, and others. They did not identify any leaders for an off-reservation entity of STI ancestors. The reservation leaders interacted extensively with agency officials. For example, in August 1871, Napoleon Bonaparte and other reservation chiefs, including a number of Snohomish sub-chiefs, held a tribal council with the chairman for Board of Indian Commissioners in which they voiced displeasure over agency mistreatment of Indians (Minutes of Council 8/28/1871). When the Secretary of Interior halted reservation

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<sup>61</sup>Chirouse arrived at the Tulalip area in 1857 and established his school soon after. He served as Indian sub agent from 1871 to 1876 (Whitfield 1926, 827-8; Sister Mary Louise 1932, 40-87).

<sup>62</sup>Marino, citing Governor Stevens, estimated the treaty population at 7,559, but this number represented all the Indians west of the Cascades (Marino 1990, 169). Suttles and Lane put the number of Southern Coast Salish in the region at 5000 in the 1850's, and estimated that the number may have dropped to around 2,000 by 1885, although these numbers probably did not include all off-reservation Indians (Suttles and Lane 1990, 501).

logging operations in 1874, the Snohomish leaders complained to the agent and petitioned the President of the United States for redress (Chirouse to Secretary of the Interior 2/6/1874; Chirouse to Commissioner of Indian Affairs 1/27/1874; Chirouse to Blinn 1/28/1874, 2/2/1874). The Secretary soon rescinded the ban (Secretary of Interior to Commissioner of Indian Affairs 2/7/1874). There was no available evidence that any off-reservation STI ancestors or leaders or an off-reservation entity of STI ancestors cooperated on any of these matters.

In the late 1870's and early 1880's, the Tulalip Snohomish leaders voiced strong opposition, including another petition to the president, to repeated plans to remove all the reservation Indians in Puget Sound to the Lummi reservation (Snohomish Tribe Petition 3/6/1875; Mallet to Commissioner of Indian Affairs 10/30/1878; O'Keane to Commissioner of Indian Affairs 3/10/1879; Brooke to O'Keane 4/5/1879; Chiefs and Sub Chiefs of Tulalip Reservation to Commissioner of Indian Affairs 4/28/1882). They also dispatched petitions protesting their indebtedness to a corrupt Indian trader, illegal reservation logging, and the dismissal of a popular Indian police chief who had accused the agent of embezzlement (Chirouse to Commissioner of Indian Affairs 11/18/1874, 5/17/1876; Tulalip Reservation Indians 1/20/1879; Thomas to President of United States 12/22/1879, 3/1/1880; Chiefs of Tulalip Tribes to President of United States 3/7/1880; Thomas to Commissioner of Indian Affairs 4/10/1881). There was no available evidence that any off-reservation STI ancestors or leaders from an off reservation entity of STI ancestors cooperated on any of these issues.

The agency continued appointing reservation Snohomish chiefs. It named Charley Jules sub-chief in 1870, and reappointed him in 1879 (Tulalip Agency-Jules Appointment 3/1870, 3/3/1879). Public meetings of the head chiefs were discouraged, but they often met in secret to discuss conditions on the reservation.<sup>63</sup> There was no available evidence to indicate that any off-reservation leaders from a group of the petitioner's ancestors took part in any of these meetings. The agency also established a police force in the late 1880's, composed of a captain, a sergeant, and privates, all of whom were Snohomish (Hays to Marion 3/3/1879; Nicklason Historical Report 9/1998, 33).<sup>64</sup> Apparently, the agency hoped the police force would diminish the traditional reservation chiefs' authority, but this desire proved futile as the police and the chiefs often worked together to oppose unpopular policies. For instance, in 1881, the reservation chiefs demanded the agent's removal after he tried to dismiss the police chief who had accused him of stealing money (Thomas to Commissioner of Indian Affairs 4/10/1881; Hallam to Pollock 7/9/1881; Thomas to Pollock 7/10/1881; Chiefs and Sub Chiefs of Tulalip Reservation to Commissioner of Indian Affairs 4/28/1882). Thus the police force became another means of exerting political influence on the reservation. More important, all these protests demonstrated

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<sup>63</sup>The Tulalip agency followed this policy of discouraging tribal politics and meetings from the 1880's to the 1910's. Nevertheless, they did occur. Apparently, the head chiefs on the reservation met secretly in a committee on Sundays for most of this period. They discussed health and welfare, roads and land clearing, maintenance of cemeteries, etc (Harrie: Shelton Dover Testimony 10/29/1975, 367-8).

<sup>64</sup>The use of Indian police systems on reservations began in the late 1870's. See Prucha 1986, 195-197.

that the Tulalip Snohomish were increasingly committed to the reservation and willing to use political influence to improve its conditions.

There was no available evidence, however, to demonstrate that the Tulalip Snohomish leaders interacted with any off reservation STI ancestors or leaders or an off-reservation entity of STI ancestors on any political issue on or off the reservation from 1870 to 1883. The record did not indicate that any such off-reservation entity functioned as a tribal political entity at that time. The evidence did not show that agency officials identified, acknowledged, or collaborated with any such off-reservation group, in Port Townsend or any other area. In fact, the Federal government generally limited its responsibilities to reservation Indians during this time.<sup>65</sup> For example, in 1875 the Indian Office issued a circular letter which, for the “purpose of inducing Indians to labor and become self-supporting,” required “all able bodied males between the ages of 18 and 45 to perform service upon their respective reservations to the amount equal in value to the supplies to be delivered” (Commissioner’s Report 9/21/1875).

#### Evidence of Political Influence and Authority—1883 to 1900

For the period from 1883 to 1900 almost all of the available evidence of political activity related to the historical Snohomish tribe on the reservation. There was no available evidence to demonstrate political cooperation between the Tulalip Snohomish and any STI ancestors or leaders from a off-reservation entity of STI ancestors. The Population at the reservation did stabilize between 1883 and the turn of the century. A discernible pattern of social and economic relations also emerged. During the winter months the Tulalip population, which remained predominately Snohomish, hovered between 400 and 500 (Gardner to Secretary of Interior 11/26/1887; Marcum to Secretary of Interior 4/16/1889; Gardner to Commissioner of Indian Affairs 9/22/1890; Tulalip Annual Report 1896, 1897, 1898). The reservation essentially functioned as a home base for the reservation Snohomish during the colder months. In the summer and the fall, the population dwindled as the Indians moved around Puget Sound in search of work and subsistence (Buckley to the Commissioner of Indian Affairs 9/3/1886; Talbot to Commissioner of Indian Affairs 9/10/1887). Most migrant Indians found employment as lumberjacks, fishermen, and migrant farm hands (Gardner to Commissioner of Indian Affairs 9/22/1890).

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<sup>65</sup>The 1997 Snoqualmie Final Determination stated:

Beginning sometime between the mid-1870's and the early 1890's, the Federal government stated that its responsibility to Indians was consequently limited to those who had moved to the reservations. However, despite some explicit statements of this policy, there continued to be some dealings with off reservation Indians and tribes. Non-reservation Indians were recognized as having rights to allotments on the reservations “set aside for their tribe's benefit” if there was sufficient land. They were required to move onto the reservation in order to be allotted (Snoqualmie FD 1997, Technical Report, 13).

As more Indians called the reservation home, the number of permanent homes on it increased significantly. In addition, the Catholic school enrolled increasing larger number of students. Between 1883 and 1900, the students in attendance rose from about 100 to 150 boys and girls (Commissioner=s Report 1884).<sup>66</sup> At the same time, the agency began allotting plots of land on the reservation. By the early 1890's, it had parceled out 97 separate allotments, further increasing the commitment residents had to the reservation (Commissioner's Report 8/19/1891). The available evidence did not demonstrate that the ancestors of the STI made up a significant number of these allotted Indians. The available evidence did not indicate that any of-reservation STI ancestors or any political leaders from an off-reservation entity of STI ancestors played a role in the distribution of allotments.

The Tulalip Snohomish interacted extensively with the agency throughout this period. The agency dealt with leaders like Charley Jules, increased the number of policemen, and established an Indian court to maintain order and hand out fines for misdemeanors (Tulalip Agency Employee Records 1888, 1889, 1890; Commissioner's Report 8/10/1890; Tulalip Annual Report 1896, 1897, 1898)<sup>67</sup> There was no evidence, however, that the police or the court exercised any political or legal authority outside the reservation, particularly over any STI ancestors or any off-reservation entity of STI ancestors. The chiefs also persisted in adopting petitions to voice their displeasure over agency policy (Commissioner's Report 8/15/1889). In November 1893, Charles Jules and 35 other Snohomish petitioned the president opposing the appointment of a new agent, promoted by a reservation employee the petitioners disliked (Jules and other Indians to Cleveland 11/21/1893; see also Commissioner's Report 9/1/1870).<sup>68</sup> They also expressed support for the incumbent agent, who some non-Indians had targeted for removal by circulating a forged "Indian" petition. Included among the signers of the petition were William Shelton, Charles Hilliare, and Old Hallam. In 1899, Jules and the others again petitioned the President when some non-Indians repeated attempts to have a favored agent removed (Thornton to Commissioner of Indian Affairs 7/19/1898).

But the available evidence for this period did not demonstrate the existence of any STI ancestors or an off-reservation entity of STI ancestors that had political ties to or which cooperated with the reservation tribe these political matters. Nor did the record show the Tulalip Snohomish exerting any political authority over any off-reservation STI ancestors or any off-reservation group or vice versa. The available evidence did not indicate that the agency identified an off-reservation entity of STI ancestors or its political leaders. There was no available evidence that portrayed any STI political leaders from or any STI entity in Port Townsend and Chimacum

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<sup>66</sup>In 1875, the school had only 50 students, aged 6-17 of both sexes (Commissioner=s Report 9/21/875).

<sup>67</sup>The Office of Indian Affairs established the system of Indian courts in April 1883 (Prucha 1986, 218-9).

<sup>68</sup>The employee, Alexander Spithill, was a non-Indian pioneer married to an off-reservation Indian, from whom some of the current petitioner's members descend.

engaged in political activity with the Tulalip Snohomish or agency officials during this time. On the whole, the agency provided services to the Snohomish on the reservation, not the petitioner's ancestors who were not associated with the reservation.

#### Evidence of Political Influence and Authority—1900-1914

Almost all of the available evidence of political activity for the period from 1900 to 1914 concerned the historical Snohomish tribe of the Tulalip reservation. The available evidence did not indicate the existence of a political authority for any off-reservation entity of STI ancestors acting separately from or in cooperation with the Tulalip Snohomish. The social, political, and economic patterns that emerged at Tulalip in the late 19th century persisted into the early 20th century. Throughout this period, the Snohomish tribe remained the largest group as the reservation population fluctuated between 400 and 500 (Buchanan to Halsey 10/12/1909). Many Indians continued working in the logging camps, fisheries, and canneries during the warmer months (Buchanan to Mills 6/20/1900; Buchanan to Commissioner of Indian Affairs 10/23/1901). In the winter, they returned to the reservation or nearby areas to take up residence until the cycle of seasonal work resumed. Older Indians generally remained on the reservation all year long, farming on small plots. Logging on the reservation also endured as an income source for the Snohomish and other smaller tribes (Sells to Secretary of Interior 4/6/1914).

The allotment process started in the early 1880's ran its course by 1909 as the remaining unallocated land passed into Indian hands (Buchanan to Commissioner of Indian Affairs 6/30/1903; Commissioner's Report 10/17/1904; Tulalip Agency and School 4/6/1915, 16).<sup>69</sup> There was no available evidence to indicate that any STI ancestors or political leaders from an off-reservation entity of STI ancestors played any role in this allotment disbursement. At the time reservation administration was under the control of Charles Buchanan, superintendent from 1901 to 1920. During his tenure, Buchanan consolidated the formal political and legal system established in the late 19th century. He expanded the agency police force and made the Indian court an integral fixture of reservation life (Tulalip Employee Records 1908, 1909, 1910). According to agency reports, the court mainly dispensed justice for common offenses (Commissioner's Report 10/17/1904). It also assisted the superintendent in determining eligibility for allotments (Buchanan to Commissioner of Indian Affairs 6/30/1903). There was no available evidence to demonstrate that the police force or court had any interaction with STI ancestors or an off-reservation entity of STI ancestors.

The Snohomish Indians on the reservation continued interacting with the agency through political means beyond the agency mechanisms of police and court. Petitions remained an effective form of influence. During this time, the leaders of the Snohomish and other tribes on

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<sup>69</sup>By the early 1930's there were between 119 and 129 allotments on the reservation (Tulalip Annual Statistical Reports 1933, 1934).

the reservation petitioned to rebuild a church destroyed by fire, and to protest wasteful logging practices (Snohomish Petition 1/10/1904; Tulalip Tribes Petition 3/1/1913).<sup>70</sup> Among the reservation Snohomish, leaders on the petitions included Charles Hilliare and several members of the Shelton family. A council of 38 Indians drew up the petition on logging practices after meeting with Superintendent Buchanan to demand an end to what they viewed as careless timber harvesting on the reservation. This intervention proved successful and shortly afterwards, the agency, with the council's assistance, reorganized the logging practices and improved the financial return to the Indians (Sells to Secretary of Interior 4/6/1914). There was no available evidence to demonstrate that any political leaders from an off-reservation entity of STI ancestors cooperated with the reservation leaders on these political issues.

Snohomish leaders at Tulalip also formed delegations and tribal councils to negotiate with the superintendent. In 1913, for example, a “delegation of Indians directly or indirectly tributary to this agency who represent themselves as landless, without allotments” visited Buchanan to request allotments on the Quinault Reservation. Included among the 23 delegates were many leading reservation Snohomish, like Charles Hillaire, William Shelton, and Sam Shelton, and Snoqualmie (Buchanan to Commissioner of Indian Affairs 5/20/1913), none of whom were the ancestors of the current petitioning group. Nor is there evidence that they represented the petitioner's ancestors.

For this period there was no available evidence of political interaction between the Tulalip Snohomish and the STI ancestors or any identifiable off-reservation entity of STI ancestors. Agency officials did not identify or acknowledge any such off-reservation group or its leaders. Nothing in the available record indicated that the agency interacted with the leaders of any off-reservation group of STI ancestors from the Port Townsend and Chimacum area.

For the most part, the agency relationship with off-reservation Indians, Snohomish or otherwise, remained ambiguous. In September 1913, the Commissioner of Indian Affairs informed Superintendent Buchanan that his jurisdiction had been “extended so as to include all non-reservation Indians in Whatcom, Skagit, and Snohomish Counties” (Sells to Buchanan 9/6/1913). At the time, however, agency policy limited jurisdiction to off-reservation Indians who had maintained tribal relations. It excluded people of Indian ancestry who had separated from their tribe, or those who had integrated into mainstream society and were living as regular citizens, which was the case for most of the ancestors of the petitioning group (Snoqualmie FD 1997, 18). Later the Indian office defined the expansion of off-reservation jurisdiction to extend to Indians with individual trust assets in the form of public domain allotments. These Indians began appearing on agency censuses in the 1920's. There was no available evidence to indicate that this change in policy brought the STI ancestors or the leaders of an off-reservation entity of STI

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<sup>70</sup>By 1926, the tribal timber was gone and the agency had closed down the reservation sawmill (Smith 1978, 40).

ancestors into political activity with the reservation.

Apparently, many of the additional off-reservation individuals that now fell under the Commissioner's edict were never part of an Indian community or communities that had previously interacted with the agency. Superintendent Buchanan in an August 1914 letter to the Commissioner, for example, revealed that he knew little or nothing about these Indians and would need additional resources to deal with them. He advised:

Your office . . . is proposing to widen the jurisdiction of the agency by attaching to it certain non-reservation unattached Indians. These Indians have never been enrolled. We have no data, rolls, records, allotment schedules, etc., etc., of these people and can give no definite information concerning them. A definite report upon the proposed jurisdiction was made in detail to your office under date of August 21st, 1914. These Indians have not yet been turned over to us. If they are turned over to us we shall undoubtedly need assistance to proper care and supervision of these newly-acquired wards (Buchanan to Commissioner of Indian Affairs 8/26/1914; see also Tulalip Annual Report 1914).

*Analysis of the Evidence for Political Influence and Authority—1914-1935*

Thomas Bishop and the Northwestern Federation of American Indians

The petitioner maintained that the claims activities of Thomas Bishop, an ancestor of some petitioner members, were evidence of political influence and authority for the group. The available documentary record did not support this claim. Around 1913 or 1914, Thomas Bishop, who was of part Snohomish descent, founded and became President of the Northwestern [later Northwest] Federation of American Indians, an intertribal organization dedicated to pursuing claims for unallotted Indians in Washington. In the beginning, Bishop and his organization attempted to obtain allotments on the Quinault reservation for some Indian claimants, and later persuaded the Office of Indian Affairs to count the unenrolled and unallotted Indians in Puget Sound. The resulting list, known as the 1919 Roblin Roll, contained the names of off-reservation Indians descended from about 40 treaty tribes, including the Snohomish.

But an analysis of the available evidence showed that agency official during this time did not identify Thomas Bishop as a leader of an off-reservation Snohomish group.<sup>71</sup> In his available

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<sup>71</sup>See Hawke to Bishop 5/24/1916, 6/1/1916; Merrit to Secretary of Interior 6/1/1916; Merrit to Bishop 6/5/1916; Hawke to Bishop 6/5/1916; Vogelsang to Secretary of Interior 9/2/1916; Shelt to Buchanan 9/16/1916; Hawke to Buchanan 10/2/1916; Egbert to Buchanan 1/6/1917; Roblin to Commissioner of Indian Affairs 1/31/1919a, 1/31/1919b; Commissioner of Indian Affairs to Bishop 3/5/1920; Dickens to Commissioner of Indian Affairs 1/29/1923 (in this document the Tulalip superintendent described Thomas Bishop as belonging to the Clallam tribe).

correspondence, Bishop only portrayed himself as acting on behalf of all the unenrolled Indians in the region, and did not claim to be a leader of any non-reservation Snohomish community.<sup>72</sup> Nor did the available evidence show him interacting as a leader of an off-reservation entity of STI ancestors with the named political leaders of the Tulalip Snohomish on matters important to reservation residents.

In fact, two government documents indicated that Thomas Bishop had not maintained tribal relations with any Indian group. For example, in March 1920 the Commissioner of Indian Affairs wrote Bishop to inform him that the Indian Office had rejected the “applications of yourself and your children for enrollment and allotment with the Indians of the Quinaielt reservation” due to a lack of tribal affiliation with the group. In addition, he described Bishop as a “half-blood Snohomish” who had “taken his place in the State and city as a white man and a citizen” (Sells to Thomas Bishop 3/5/1920; see also Meritt to Secretary of the Interior 10/28/1918).

Charles Roblin came to a similar conclusion regarding the tribal status of the off-reservation people of Snohomish ancestry like Thomas Bishop who appeared on his census of unenrolled Indians. In his report on the census, Roblin concluded that two classes of people appeared on the list. One class was the “children and grandchildren of Indians” who had been allotted on “one or another Indian reservations of Western Washington, for whom no tribal lands remained for allotment.” The other class, by far the “larger,” was the “descendants of Indian women who married the early pioneers of the country and founded families of mixed blood Indians” (Roblin to Commissioner of Indian Affairs 1/31/1919b). The ancestors of the current petitioner who appeared on the list fell mainly into this class (Roblin’s Schedule 1/31/1919). For the most part, such applicants had “never associated or affiliated with any Indian tribe or tribes for several decades or even generations” (Roblin to Commissioner of Indian Affairs 1/31/1919b). According to Roblin, many had not made any claims for recognition by the United States Government until a few years before. Roblin did identify a few off-reservation Indian groups with some degree of community organization and distinct Indian culture, none of which were an off-reservation Snohomish entity (Roblin to Commissioner of Indian Affairs 1/31/1919b, see also Sells to Roblin 11/27/1916; Roblin to Commissioner of Indian Affairs 1/31/1919a; Roblin to Dickens 5/10/1925). Bishop and his family, who appeared on Roblin’s list as living in Tacoma, were part of that class of descendants of Indian women who had married non-Indian pioneers and had not sustained tribal relations (Roblin’s Schedule 1/31/1919).

An analysis of the available evidence showed that during the height of his career, from 1914 until his death in 1923,<sup>73</sup> Bishop did not work with leaders of the Tulalip Snohomish on their

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<sup>72</sup>See Thomas Bishop to Commissioner of Indian Affairs 5/25/1916, 2/21/1920; Bishop to Enos Brown 2/13/1922.

<sup>73</sup>Thomas Bishop’s obituary in the *Port Townsend Weekly Leader* did identify him as president and secretary of the NFAI. It did not describe him as a leader of a Snohomish entity in Port Townsend or anywhere else

reservation political activities, which involved considerable interaction with agency officials.<sup>74</sup> For example, in 1915 almost 100 Tulalip Indians, mainly Snohomish and Snoqualmie, established a cemetery fund with agency approval to purchase some reservation burial grounds located on allotted property (Tuallip Tribes Petition 6-7/1915). That same year, leading reservation Snohomish like William Shelton, Charles Hilliare, and Charles Jules, joined with some Snoqualmie leaders to sponsor a Tulalip Indian fair (*Everett Daily Herald* 10/8/1915). These fairs, attended by Indians and non-Indians alike, soon became an annual event and lasted until the early 1920's (*Tulalip Bulletin* 10/1916; Tulalip Fairs 1920-1922). In 1916, Robert Shelton, along with other prominent Snohomish and Snoqualmie, formed a Tulalip Civic Society to improve reservation living standards (Buchanan to Hatch et al 8/22/1916). This society, later called the Tulalip Improvement Club, remained in existence until 1931 (*Tulalip Bulletin* 10/1918, 11/1918, Minutes of Meeting 4/18/1931). One year later, leading Snohomish like William Shelton, Robert Shelton, Charles Hillaire, Charles Jules, and about sixty other Tulalip Indians circulated a petition protesting illegal fishing by outsiders on the reservation (Petition from Various Indians 3/29/1917; Buchanan to Commissioner of Indian Affairs 4/4/1917). And in the early 1920's, the Tulalip Snohomish established a tribal committee, which had a subcommittee investigating logging conditions on the reservation (Minutes of Meeting 4/26/1923; Rober: Shelton to Commissioner of Indian Affairs 7/12/1923).

There was no available evidence to demonstrate that Thomas Bishop cooperated with the Tulalip Snohomish leaders or had any knowledge of these activities.

#### The 1917 Snohomish Indian Tribe Organization

The petitioner contended that by “early 1917 the Snohomish Tribe had structured a formal twentieth century organization” (STI Narrative 1999, 4.3). The 1983 PF, however, described this organization in the following manner:

The Snohomish Indian Tribe organization at Monroe in 1917 appears to have been a *limited organization* focused around Snohomish and Snoqualmie descendants primarily in that local area. No roll is known to exist, but it was stated by a member of the group that 100 Snohomish in the area had been signed up by Rotlin when he came through. All of the officers and members whose names are known were from Monroe or other upriver areas except for Alfred Van

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(*Port Townsend Weekly Leader* 5/25/1923).

<sup>74</sup>Records indicated that Bishop lived in Washington, D.C. throughout most of this period, where he lobbied on behalf of the NFAI and its intertribal claims activities for unenrolled and unattached Indians. See Thomas Bishop to Commissioner of Indians Affairs 5/25/1916, 2/21/1920; Thomas Bishop to Enos Brown 2/13/1922; *Everett Daily Herald* 3/2/1922, 3/13/1922; Dickens to Commissioner of Indian Affairs 1/29/1923, 1/7/1924).

Trojen, from the Chimacum area. The names included families of Snoqualmie descent, such as Elwell and Harriman, as well as families of Snohomish descent. The group appears to have been a local branch of the Northwest Federation and not a tribal organization (Snohomish PF 1983, 12).

The FD affirms the PF and concludes that the 1917 Snohomish Tribe of Indians was a limited and short-lived organization that included non-reservation Indians of Snohomish and Snoqualmie descent with little or no previous interaction with the Tulalip Snohomish. Nor did the available evidence show any of the Snohomish leaders on the reservation participating in the activities of this group, which contained some ancestors of the STI group, while it was in existence.

The first mention of the “Snohomish Tribe of Indians” group in the available record was from a February 1917 affidavit for allotment for Ellen Short of Monroe, Washington. The affidavit stated Short was a full-blooded Indian and member of the Snohomish Tribe of Indians. The “Snohomish Indian Committee” consisted of Chairman Charles Krieschel, Secretary Charles Harriman, Treasurer John Johnson, and Joe Lindley. All of these individuals signed and certified the document, and indicated they were from the Monroe area. The affidavit also listed Alfred Van Trojen of Chimacum as a member of the Executive Committee, but he did not sign the document. Short claimed to have married a non-Indian and had nine children, but at the time of the affidavit, her husband and four of her children were dead. In addition, she claimed never to have had an allotment and to have lived all her life in Monroe. The affidavit also stated that the Snohomish Indian Committee . . . and “practically all of the Indians of the Snohomish tribe” acknowledged her as a member (Short Affidavit 2/14/1917).

The first mention of the group in agency records came from September 1917, when Jesse Simmons, a lawyer employed by the organization, wrote and informed the Commissioner of Indian Affairs that he had “entered into two separate contracts with two separate tribes of Indians,” the Snoqualmie and the Snohomish tribes, to represent them in their claims against the government (Jesse Simmons to Commissioner of Indian Affairs 9/25/1917). One month later, the Assistant Commissioner acknowledged receipt of the letter, briefly referenced the Simmons’s contract with “certain Snoqualmie and Snohomish Indians,” and informed him the matter would receive “proper consideration” (Meritt to Simmons 10/25/1917).

At the same time, the Assistant Commissioner dispatched a letter to Superintendent Buchanan of the Tulalip Agency and asked that he “carefully investigate” the matter. He instructed Buchanan to “set out clearly” if the Indians involved in the contract were “members of any bands or tribes under your jurisdiction;” if they were “residing and maintaining affiliations with those tribes;” or if they were unrecognized by any tribe and were living as “citizens of the United States and the State of Washington” (Meritt to Buchanan 10/25/1917). These instructions indicated that the Assistant Commissioner did not necessarily assume that the individuals involved in these attorney contracts belonged to the actual Snohomish or the Snoqualmie tribes on the reservation.

In his initial investigation response, Buchanan gave a brief history of the Snohomish and Snoqualmie tribes on the Tulalip reservation. He was careful to refer to Simmons's clients only as "witnesses" or "signers" of "alleged" Snohomish or Snoqualmie contracts. Nowhere in the document did the superintendent identify an off-reservation entity of STI ancestors that existed apart from or in combination with the Tulalip Snohomish (Buchanan to Commissioner of Indian Affairs 11/2/1917).<sup>75</sup> Additional documents prompted by Buchanan's investigation also failed to identify any such entity (Buchanan to Krieschel et al. 11/6/1917; Buchanan to Cook 11/7/1917; Sells to Simmons 1/23/1918).

On November 6, 1917, Buchanan wrote the people involved in the contracts to determine whom and what they represented. He included a questionnaire with the letter. Among the off-reservation recipients of STI ancestry were Charles Krieschel, Charles F. Harriman, John Johnson, Joseph Lindley, and A. J. Van Trojen. All of these men were from Monroe, except Van Trojen, who was from Chimacum. There were seven other names, all Snoqualmie, including Jerry Kanim, head of the off-reservation Snoqualmie at Tolt. Two of the Snoqualmie, Johnnie E. James and Bill Kanim, were Tulalip residents (Buchanan to Krieschel et al. 11/6/1917). The next day, Buchanan also sent a letter to G. F. Cook, the Monroe town clerk, for information on Krieschel, Harriman, Johnson, and Lindley (Buchanan to Cook 11/7/1917). He eventually discovered that all of these men were taxpayers and freeholders or the spouses of freeholders (Cook to Wardall 11/10/1917).

Two days later, Charles Harriman wrote Buchanan explaining the reason for his claims activities. He credited Thomas Bishop with getting the work started three years before, and stated that it was actually an effort by Bishop to obtain some sort of settlement for unallotted Indians. He referred to Simmons as the legal representative of the "Snohomish Indians," but his comments indicate that he was referring not to an actual tribal political entity but simply to unallotted and unenrolled Indians of Snohomish ancestry in the Monroe area whom Bishop presumed had a claim against the government.<sup>76</sup> He stated the following:

Now my Dear Mr. Buchanan. this is all too deep for me, but as near as I can

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<sup>75</sup>The petitioner claimed that this letter demonstrates "that Superintendent Buchanan understood the 1917 organization to be a Snohomish tribal organization, and that it included both on and off-reservation contingents of the Snohomish community" (STI Narrative 1999, 4-4). A careful reading of the document revealed that Buchanan came to no such conclusion. He doubted the legitimacy of the two groups and their claims, and did not identify either as tribal organizations. The only reservation Indians he specifically referred to were Snoqualmie Indians and not Snohomish. He did mention two councils, held at Monroe and Tolt, attended by some allottees from Tulalip to discuss matters with attorney Jesse Simmons. But Buchanan never specified whether the reservation participants were Snohomish or Snoqualmie (Buchanan to Commissioner of Indian Affairs 11/2/1917). Later documents indicated they were probably the latter (Buchanan to Krieschel et al. 11/6/1917; Buchanan to Cook 11/7/1917; Sells to Simmons 1/23/1918).

<sup>76</sup>See Thomas Bishop to Friends 12/18/1916.

understand what Mr. Bishop is trying to get a settlement from the Government. Either Land or Money. for all the Indians that has never received any Allotment. Never took up Homestead or recieved no aid from the Government. this is the claim we make from the Government [spelling, punctuation, and capitalization in original] (Harriman to Buchanan 11/9/1917).

According to Harriman, Roblin had enrolled 100 Indians in that part of Snohomish County near Monroe. The letter did not distinguish the 100 Indians by tribal ancestry or give any specifics about their history, so they may have descended from several tribes.<sup>77</sup> In addition, Harriman asserted that he did not “represent” anyone “outside” of his family (Harriman to Buchanan 11/9/1917).

In his final report to the Commissioner on November 12, 1917, Buchanan concluded that the organization leaders, Charles Krieschel, Charles F. Harriman, Joseph Lindley, John Johnson, and A. J. Van Trojen, had assimilated into non-Indian society and had not maintained relations with the Tulalip Snohomish. He did not describe any of them as belonging to an Indian entity under agency jurisdiction. Indeed, during his 23-year tenure, Buchanan had never seen or heard of any of these individuals, except for Harriman. According to Buchanan the last time he had heard of Harriman was 16 years before, when Harriman had applied for and been rejected for enrollment on the reservation (Buchanan to Commissioner of Indian Affairs 11/2/1917).

The available record had no evidence of this organization after 1917. Some of its leaders became members of the 1927 Snohomish claims organization, but none acceded to leadership positions or appeared to be instrumental in its formation. There was no documentary record that they or their organization engaged in claims activities or worked with Tulalip Snohomish leaders or agency officials on reservation matters between 1917 and 1927.<sup>78</sup> In the final analysis, the group was little more than a short-lived claims organization, which briefly enrolled some unallotted Indians and then vanished from the documentary record.

#### Claims Activity and Evidence of Political Influence and Authority—1917-1925

The 1983 PF found “little information or evidence of any kind of formal organization of the Snohomish Indian descendants between 1917 and 1925” (Snohomish PF 1983, 5). It also concluded that there were “no clear Snohomish representatives at claims related meetings until

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<sup>77</sup>Roblin’s 1919 schedule contained the names of about 81 Snoqualmie and 35 Snohomish from the Monroe/Snohomish area (Roblin’s Schedule 1/31/1919).

<sup>78</sup>The petitioner claimed that this organization continued to function between “1917 and 1925” and cites affidavits from the mid-1970’s by two members, “both of whom recalled tribal meetings during this period.” In its narrative discussion of this period, however, the petitioner only described claims activities associated with the NFAI and the activities of the reservation 1923 Snohomish tribal committee (STI Narrative 1999, 4-5 to 4-7). The available documentary record contained no evidence of activity by the 1917 group or its leaders during this time.

1925, although at least one individual reservation Snohomish was active in pursuing claims” (Snohomish PF 1983, 15). The petitioner, on the other hand, asserts “tribal organizational activity was regularly occurring” during this time (STI Narrative 1999, 4.5). This FD affirms the PF’s conclusions.

Many documents in the available record concerned the 1920’s claims movement inspired by Thomas Bishop and the NFAI. Following a lull in activity during and after World War I, agitation for claims slowly regained momentum in the early 1920’s and eventually led Congress to pass an act in 1925 authorizing Puget Sound Indians to sue in the Court of Claims under *Duwamish et al. v. United States*. These documents described meetings between agency officials and various NFAI councils, representatives of the NFAI, and lawyers hired by Indian groups to pursue claims. The leaders of the Tulalip Snohomish were largely uninvolved in these events because the NFAI council representatives from Tulalip were reservation Snoqualmie like Henry Steve. Indeed, several important documents describing meetings between the agency and the NFAI council of the Duwamish and allied tribes did not specifically identify the Snohomish Indians on the reservation (Dickens to Sicaide and Wilton 12/2/1921a; Dickens to McCluskey et al 12/2/1921b; Dickens to Taylor 12/2/1921c; Dickens to Commissioner of Indian Affairs 2/15/1922).<sup>79</sup>

Moreover, none of the documents discussed the activities of any off-reservation group of STI ancestors or leaders or showed them working with the Tulalip Snohomish on claims matters.<sup>80</sup> While it was true that Thomas Bishop participated in many claims activities, he did not represent himself in the available record as the leader of any Snohomish entity, on or off the reservation. Rather, he spent most of this time in Washington, D.C. lobbying as head of the NFAI, which remained an intertribal organization from its founding to its demise in the 1940’s.

In April 1923, the Snohomish on the Tulalip reservation created their first formal political organization, which was separate from the other Indian groups on Tulalip. The first documented meeting of the group occurred in April 1923 at the Potlatch House on Tulalip. The minutes of the meeting, the only ones extant for this specific group, indicated that there had been an earlier meeting of the group. At the April 1923 meeting, a motion was made to elect a tribal committee to “consider all applications for enrollment in the Tribe.” Twelve people were selected to serve

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<sup>79</sup>The only connection found in the available record between the petitioner’s ancestors and the early 1920’s claims activities occurred in the December 12, 1921, meeting of the Executive Committee of the General Council of the NFAI. Lillian Rethlefsen, a member of the 1926 Snohomish claims organization, was listed as a member of the executive committee. However, she was designated as the NFAI representative and treasurer for the Indians from the San Juan Islands (Minutes of Meeting 12/12/1921; Dickens to Commissioner of Indian Affairs 2/15/1922). In 1926, she was living in Seattle. No other record listed her as a leader of any Indian organization.

<sup>80</sup>See the following: Burke to Dickens 11/17/1921; Dickens to Wilbur 11/25/1921; Minutes of Meeting 12/12/1921; Finney to Spencer 4/19/1922; Dickens to Commissioner of Indian Affairs 1/29/1923; Dickens to Burke 1/7/1924.

for life. Charles Jones, a longtime Snohomish chief on the reservation, was elected Chairman (Minutes of Meetings 4/26/1923). Eleven of the committee members, according to agency census and probate records, were allotted or enrolled at Tulalip in the 1920's and 1930's (Tulalip Annual Census 1924; Dan Probate 1932; Upchurch to Commissioner of Indian Affairs 6/30/1932).<sup>81</sup> Five individuals named Shelton had committee positions, including Robert Shelton as secretary (Minutes of Meetings 4/26/1923).

In the late 1920's and early 1930's, this tribal committee, identified as such by the superintendent and the Commissioner of Indian Affairs, made determinations of membership eligibility for a Snohomish claims organization, and sometimes advised the superintendent on enrollment and allotment issues at Tulalip (Gross to Commissioner of Indian Affairs 2/28/1928; Meritt to Gross 8/23/1928; Duclos to Ciesefake 6/22/1931). The available evidence, however, did not demonstrate that the 1923 tribal committee exercised influence, as the petitioner claims, over an off-reservation group of STI ancestors that existed separately from or in combination with the Tulalip Snohomish. Two committee members, William Hicks and his wife Jenny, were Indians of Snohomish ancestry from the Irondale section of Port Hadlock near the Port Townsend and Chimacum area. Both of these individuals are collateral ancestors of some current petitioning group members. But there was no available evidence to demonstrate that the Hickses were leaders of an off-reservation group of STI ancestors; rather, their strongest connection seemed to be to the reservation. The two Hickses appeared regularly on agency censuses throughout the 1920's and 1930's, and they had also maintained a traditional, although somewhat migratory, Indian lifestyle, along with long term associations with the Tulalip Snohomish (Hicks Affidavit 5/25/1918; Hicks Probate File 1930-1956<sup>82</sup>).

Indian Office officials consistently viewed the 1923 Snohomish tribal committee as a reservation political entity. In September 1923, for example, W. F. Dickens, Tulalip superintendent, wrote a letter to the Commissioner of Indian Affairs regarding an investigation of alleged Snohomish tribe claims presented by committee secretary Robert Shelton (Dickens to Commissioner of Indian Affairs 9/25/1923). Shelton, in a July 1923 letter to the Commissioner, had contended that about 50 members of the "tribe living on the reserve" and "about 100 Indians, including mixed bloods living off the reservation mainly in the towns of Snohomish and Monroe" had possible claims (Robert Shelton to Commissioner of Indian Affairs 7/19/1923). Shelton did not specify whom these "mixed bloods" were or where they lived. But Dickens in his September 1923 report to the Commissioner referred to Shelton's assertions as the "alleged claims of the Snohomish Indians belonging to the Tulalip or Snohomish reservation."

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<sup>81</sup>Sam (Sughladim) Dan was the only one not carried on the Tulalip reservation census. Dan, a Snohomish, had an allotment at the Swinomish reservation, which was also under the Tulalip agency's jurisdiction (Dan Probate 1932; Upchurch to Commissioner of Indian Affairs 6/30/1932).

<sup>82</sup>William Hicks also had a legal interest in two allotments on the Tulalip Reservation.

In February 1924, Dickens, in another letter to the Commissioner, clearly identified the Snohomish Indians Shelton had described in his July 1923 letter. They were unallotted “Indians of the Tulalip Reservation now living, who were born prior to January 1904,” the “date of the last allotment of land on the Tulalip Indian reservation” and whose claims could “be supported by testimony of competent Indian witnesses, as well as by the records of the Department” (Dickens to Commissioner of Indian Affairs 2/29/1924). Dickens attached a list of these Indians, entitled “Exhibit D,” which contained 165 names, which he said were the “claimants recently represented by Robert E. Shelton, who visited the office in July 1923.” Of the 165 individuals, 162 had appeared on Tulalip agency census records from 1921 to 1924,<sup>83</sup> which indicated they had a formal relationship with the Snohomish tribe under Federal supervision. Listing on the census in theory required residence or allotment on the reservation, or strong social or family ties to residents that engendered a legal interest to the Tulalip reservation, where the Snohomish remained the predominant tribe (Tulalip Annual Census 1921, 1922, 1924). The overwhelming majority of the claimants listed by the Superintendent, with only a few possible exceptions, were not the current petitioner’s ancestors.<sup>84</sup> These documents demonstrated that Robert Shelton was the leading claims proponent for the reservation Snohomish between the end of World War I and the 1925 election of Tulalip Snohomish delegates to hire a lawyer for claims purposes. The evidence does not show him pursuing these activities with the direction of the NFAI or the assistance of STI ancestors or any off-reservation leaders from an entity of STI ancestors.

Other documents indicated that agency officials believed the 1923 tribal committee’s influence was limited to the reservation Snohomish. In 1929, the Tulalip agency farmer, for example, referred to the group’s members as the committee that represented the “Snohomish tribe of Indians residing on the Tulalip Indian reservation, Washington” (Agency Farmer to Duclos 4/6/1929). That same year, the Commissioner of Indian Affairs listed the committee members as the tribal business organization for the Tulalip reservation (Burke to Frazier 4/25/1929; see also Meritt to Administrative Division 3/13/1929; Burke to all Superintendents 3/14/1929).

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<sup>83</sup>The three not on the censuses were Mary Krishel, Eugene Sheldon, and Thomas Ewye (although several other documents described Ewye and Sheldon as Tulalip residents). As best as can be determined only six claimants appeared on Roblin’s 1919 schedule as unattached Snohomish (Roblin’s Schedule 1/31/1919). Only about 53 claimants (based on an analysis of most likely similar names) later appeared on the two partial membership lists of the 1926 Snohomish claims organization. Of those 53 on the 1926 lists, 33 were from Tulalip or the adjacent town of Marysville. Four were from Everett, four from Seattle, seven from Langley, and one each from Monroe, Nisqually, Kingston, Whidbey Island, and Marietta (Snohomish Tribe List 1926A/B). None of the leaders from the 1917 Snohomish organization were on this 1924 list of Tulalip Snohomish claimants. Two claimants, William and Jennie Hicks, were from the Chimacum area. Both the Hickses were members of the 1923 Snohomish tribal committee, but did not appear on the lists of the 1926 Snohomish claims organization. As mentioned before, the Hickses maintained relations with the reservation Snohomish and appeared on agency censuses regularly in the 1920’s and 1930’s. William Hicks died in 1930. When the reservation Snohomish Indians organized as the Tulalip Tribes in 1935, the new group listed Jennie Hicks as a member on its base roll (Tulalip Tribes Base Roll 1935).

<sup>84</sup>About nine of the 165 claimants appear to have possible descendants in the current petitioning group.

In 1925, the Tulalip Snohomish elected a slate of delegates to represent them in hiring an attorney to pursue claims. All five Snohomish delegates appeared on the agency census. None were STI ancestors. Four lived on the reservation or in the town of Marysville right outside its borders. Only one, Robert Shelton lived elsewhere at the time, but he had grown up on the Tulalip reservation, and had maintained a long association with its residents through his father, William Shelton, a well-known Snohomish chief, and other Shelton family members and friends. None of the available documents regarding the election or the subsequent hiring of claims lawyer, Arthur Griffin, identified any off-reservation entity of STI ancestors separate from or connected to Tulalip Snohomish (Dickens to Commissioner of Indian Affairs 3/5/1925; Dickens to Griffin 9/23/1925; Dickens to Sams 1/18/1926). Before this election the Tulalip Snohomish leaders seemed largely uninvolved in the claims issues that centered on the NFAI. There was no available evidence to indicate that they were working with a group of leaders from an identifiable off-reservation entity of STI ancestors.

#### The 1926 Snohomish Claims Organization

Around 1926, a claims organization, called the “Snohomish Tribe of Indians,” was established to file suit under the *Duwamish* case.<sup>85</sup> The 1983 PF described the group as formed

with the primary purpose of pursuing Snohomish claims. It was incorporated under Washington State law in 1927. Its membership was open to “all members of the Snohomish tribe” and any other persons nominated by at least two members and elected by the Board of Directors. Information available at this time indicates its membership included reservation Snohomish, off-reservation Snohomish Indians, and Indian descendants of Snohomish or other Indian ancestry [mainly the ancestors of the petitioning group]. Although the organization conducted some functions other than pursuing Snohomish claims, it did not represent a formalization of the political organization of the historical Snohomish tribe. The organization disbanded in 1935 after the *Duwamish* case was lost. There is no record of the Snohomish organization after that point (Snohomish PF 1983, 5).

The petitioner asserted that the PF “erroneously viewed the 1927 Snohomish tribal organization as separate and distinct from an unidentified political organization which was asserted to be the true political organization of the historic Snohomish tribe” (STI Narrative 1999, 4.3).

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<sup>85</sup> Previous acknowledgment decisions have concluded that similar claims statutes and litigation allowed individual descendants of treaty tribes to seek compensation for aboriginal lands and to allotments of land, but that these decisions and the naming of individual beneficiaries in them did not depend on the identification of an existing Indian entity or on membership in an existing entity (Chinook RFD 2002, 28-33).

This FD affirms the PF's conclusion. The Snohomish claims organization incorporated in 1927, but there was evidence to demonstrate that it probably existed and was taking membership applications from Indians of Snohomish descent from Puget Sound a year earlier. William Shelton and his son Robert apparently were the guiding force behind the group's creation (Harriet Shelton Dover Testimony 10/29/1975, 368-370). The elected officials included William Bishop as president, George Morrison as vice-president, William Shelton as treasurer, and Robert Shelton as secretary. Flora Vandervoort, Alice Palmer, and Jacques Scott were trustees (Minutes of Meeting 8/7/1927).

William Bishop was the brother of Thomas Bishop, and had been a state legislator from Port Townsend since 1898. Before 1927, however, the available record did not indicate that William Bishop identified himself as the leader of any off-reservation entity of STI ancestors.<sup>86</sup> There was no available evidence to demonstrate that he interacted with the Tulalip Snohomish before 1926 or that agency officials identified him as a Snohomish leader, on or off the reservation.<sup>87</sup> Although his brother was heavily involved in NFAI claims activities, the available evidence did not show William Bishop significantly involved in such matters.

William and Robert Shelton were Tulalip Snohomish carried on the agency census. Both had a long history of leadership on the reservation and interaction with agency officials. The Sheltons were also members of the 1923 Snohomish tribal committee. George Morrison lived in Langley, Washington, but appeared on the Tulalip agency censuses throughout the 1920's and 1930's, indicating that he was a member of the reservation tribes and had close ties to reservation residents. In 1935, when the Tulalip Tribes organized under the IRA, Morrison's name appeared on the newly organized tribe's base roll (Tulalip Tribes Base Roll 1935).

Vandervoort came from Everett, Washington. Her name previously appeared as a witness on an allotment application for her mother taken by members of the 1917 Snohomish organization (Short Affidavit 2/14/1917). There was no available evidence, however, of her engaging in any political activity or maintaining tribal relations with the Tulalip Snohomish between 1917 and 1927. Palmer resided in Tacoma. The available record did not demonstrate that she took part in

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<sup>86</sup>The 1934 obituary for William Bishop in the *Port Townsend Leader* did not identify him as having Indian ancestry or as the leader of any Snohomish entity in Port Townsend or elsewhere (*Port Townsend Leader* 11/8/1934).

<sup>87</sup>On August 7, 1926, William Bishop wrote Charles R. Pollock, a supervisor for the Department of Fisheries and Game in Washington, regarding the arrest of two Indians for violating fishing regulations. This marks the first instance in the available record of William Bishop's involvement in any Indian related matters. It is unclear if the two Indians were Snohomish, but in his response Pollock never identified Bishop as the leader of any off-reservation group of STI ancestors. Bishop did not identify himself in that fashion either in his letter. In fact, he wrote Pollock in his capacity as a State Senator and a member of the committee on fisheries (see Pollock to Bishop 8/19/1926; the William Bishop to Pollock letter is not in the available record but it is referenced in Bishop to Taylor 8/21/1926).

any politics or maintained tribal relations with any Snohomish entity off the reservation before 1927, other than the act of witnessing for her mother. The petition record contained little information on Jacques Scott. Bishop, Morrison, Vandervoort, and Palmer were ancestors of some current petitioning group members.

The PF described the group's membership as follows:

The 1926 organization's membership included many Snoqualmie and Clallam descendants as well as Snohomish descendants [the petitioner's ancestors]. The membership also included a few remaining Snohomish Indians living off-reservation and at least seventy allotted and unallotted Snohomish enrolled at Tulalip reservation. As far as could be determined from the partial lists available, the Tulalip Snohomish and the off-reservation Snohomish Indians comprised the minority of the organization's membership. The character of the membership of the 1926 organization appears to have been broader than that of the historic Snohomish tribe that existed at the same time. The 1926 membership rolls appear to be listings which they compiled of claimants to a potential judgment roll (Snohomish PF 1983, 13).

The FD affirms the conclusions of the PF. No complete list of the 1926 claims group's membership exists, but two partial lists are in the record, which suggest the group contained about 500 adults (Snohomish Tribe List 1926A/B; Snohomish PF 1983, 19-20; Harriet S. Williams Deposition 7/14/1932; no children were listed on these two documents). The majority of these were the off-reservation Snohomish descendants of pioneer-Indian marriages from the late 19th century. The PF indicated that about seventy members of the 1926 claims group were allotted and unallotted Snohomish enrolled at Tulalip. Many of the off-reservation individuals were the ancestors of most of the current petitioning group. But the available evidence did not demonstrate that they had ever functioned as part of any identifiable off-reservation group of STI ancestors. Rather, their involvement in the 1926 organization evolved from the 1925 claims suit. Nor can one view the organization's membership rolls as actual, complete tribal lists for the Snohomish Tribe of Indians. Although the lists contained some individuals who were allotted and unallotted Snohomish enrolled at Tulalip, they did not include the many Snohomish adults and children enrolled on the reservation. The lists could potentially have become judgment rolls if the Snohomish claims had been successful.<sup>88</sup>

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<sup>88</sup>It was routine for Indian groups involved in claims activities to have many more members on their claims rolls than the agency had enrolled on its census. When suits were successful, the actual numbers of approved claimants often fell far short of the actual applicants. The successful claims case of the Clallam Tribe of Indians is instructive. According to the superintendent, at one time there had been more than 1,225 Clallam applicants, but only 533 were actually approved for payment on the 1926 roll. Meanwhile, the agency had 783 Clallam enrolled on its census. For the most part, the agency limited its services to individuals enrolled on the census. The status of unenrolled and unallotted Indians appearing on claims organizations' membership lists remained ambiguous (Duclos to Commissioner of Indian Affairs 7/27/1929; see Tulalip Agency 5/22/1926; Transcript of Proceedings 10/29/1975,

The 1926 claims group's leaders spent most of their time pursuing claims as the available minutes of their periodic meetings attested. They undertook some limited social activities, such as planning for fairs and pageants, distributing some charity, and maintaining the Tulalip potlatch house in which they held most of their meetings (Minutes of Meeting 8/7/1927, 10/2/1927, 4/14/1928, 6/30/1929; 7/19/1929). Yet the available evidence did not demonstrate that the rank and file of the claims group was significantly involved or interested in these efforts. In the case of pageants and fairs, for example, the available record contained no evidence indicating where they occurred or who participated. The general membership held annual meetings from 1927 to 1934, but the available evidence did not indicate how many persons attended. There was no evidence in the available record showing that the membership, particularly the off-reservation STI ancestors, interacted socially at any other times as a group.

The available evidence did not demonstrate that agency officials viewed the claims organization as having authority over an off-reservation community of STI ancestors, despite its having off-reservations individuals as members. For matters affecting the agency, before the creation of a Tulalip-only business council in 1930, the available evidence indicated that the influence of this group rarely extended to reservation concerns (Tulalip Annual Report 1928, 1929; Gross to Commissioner of Indian Affairs 9/25/1928; Agency Farmer to Duclos 4/6/1929; Burke to Frazier 4/25/1929; see also Meritt to Administrative Division 3/13/1929; Burke to All Superintendents 3/14/1929). Probably the most significant interaction between the 1926 claims organization's leadership and the agency occurred when they sought to have the Tulalip potlatch house set aside for the sole use of the Snohomish. While the superintendent viewed the proposal favorably, mainly because the Snohomish dominated the reservation, he doubted its legality because he believed the reservation's other smaller tribes had an equal claim to the building (Minutes of Meeting 12/10/1927; Snohomish Tribe of Indians Petition 5/10/1928; Gross to Commissioner of Indian Affairs 9/25/1928). In November 1928, the Office of Indian Affairs denied the request for exclusive use (Bitney to Commissioner of Indian Affairs 3/27/1953). On the important questions of enrollment and allotment at the reservation, the agency relied not on the 1926 claims organization but on the 1923 Snohomish tribal committee, composed mostly of Tulalip Snohomish elders (Minutes of Meeting 8/5/1928a; Gross to Commissioner of Indian Affairs 2/28/1928; Meritt to Gross 8/23/1928).

#### Business Councils at Tulalip—1928-1935

In the late 1920's, the Bureau of Indian Affairs began encouraging recognized tribes to adopt business councils as their form of government. There was no formal policy or legal requirement for this effort.<sup>89</sup> The BIA had been using the term "business council" since at least the early

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<sup>89</sup>As one government official stated: "The first suggestion for the incorporation of tribes was advanced in 1927 by the Klamath Indian tribe of Oregon. Indians of other tribes, including Vice-President [Charles] Curtis, a Kaw Indian, contributed many ideas which were embodied in the [later IRA] bill" (Haas 1947, 1).

1900's as one of many possible designations to describe the myriad forms of tribal government that existed among federally recognized Indian tribes. The term was synonymous with others like "tribal committee," "council," or "representatives," and simply meant a form of Indian tribal authority. On the Tulalip reservation, there was no evidence of business councils for any of the tribes before 1927 (Tulalip Annual Report 1927). In his 1928 report, the superintendent indicated that the reservation Snohomish were the first group to form such an entity to conduct business with the agency. But he did not identify the council's members and doubted its usefulness to him. While he believed it might "be necessary to develop such organizations in the future for the purpose of disposing of tribal tide flats," until then, he saw "no need for such councils," and, indeed, the available record indicated that he had only limited involvement with such groups between 1928 and 1930 (Tulalip Annual Report 1928, 28-29).

The available evidence showed that the agency viewed the 1923 tribal committee rather than the 1926 claims organization as the Snohomish business council or tribal government from 1928 to 1930. For example, on August 23, 1928, the Assistant Commissioner of Indian Affairs identified the 1923 tribal committee as the Snohomish reservation government and judged it qualified to pass on Tulalip enrollment questions (Meritt to Gross 8/23/1928). One month later, however, the Tulalip superintendent identified the 1926 Snohomish claims organization leaders, some of who were the off-reservation ancestors of the petitioning group, as the business council on Tulalip when he was describing their efforts to reserve the reservation potlatch house for the sole use of the Snohomish (Gross to Commissioner of Indian Affairs 9/25/1928). Yet, the superintendent actually had very few significant business dealings with this group between 1928 and 1930. In March 1929, Senator Thomas of Oklahoma suggested before a Senate Subcommittee investigating Indian matters that it would be a good idea to invite all federally recognized tribes to form business councils (Meritt to Administrative Division 3/13/1929). Galvanized by the Senator's request, the Bureau of Indian Affairs attempted to identify all the business councils and other elected bodies among federally recognized tribes (Meritt to Administrative Division 3/13/1929; Burke to All Superintendents 3/14/1929). In April 1929, the Tulalip superintendent, at the Commissioner's request, identified the twelve members of the 1923 tribal committee as the business council for the Tulalip Snohomish (Agency Farmer to Duclos 4/6/1929). Shortly afterwards, the BIA formally notified the Senate committee of the composition of the business council for the Tulalip Snohomish (Burke to Frazier 4/25/1929).<sup>90</sup>

Eleven of the 12 members of the business council were listed on the agency census, and 10 of them were Snohomish elders. These eleven had originally been elected for life terms in 1923. Only William Bishop, listed as the group's president, was not carried on the agency census. The inclusion of William Bishop's name was unexplained and possibly a mistake, because he was actually the president of the 1926 Snohomish claims organization, and had not been elected to a

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<sup>90</sup>The Snoqualmie, a predominantly off reservation group with some reservation members, was listed as having their own business council.

life term on the 1923 Snohomish tribal committee, as had the other eleven. When the committee formed in 1923, Charles Jules, an official chief of the reservation Snohomish, was elected chairman. It was the 1923 tribal committee that the superintendent relied on for advice on questions of enrollment and allotment at the reservation (Minutes of Meeting 8/5/1928a; Gross to Commissioner of Indian Affairs 2/28/1928; Meritt to Gross 8/23/1928). More important, the board of directors of the 1926 claims organization's frequently referred to the 1923 group in its minutes as the "tribal committee," and had sought out its advice on approving claims applications, thus indicating that these entities were separate (Minutes of Meeting 8/5/1928b). All these facts indicated that the 1923 Snohomish tribal committee was part of the formal political organization for the Snohomish at the Tulalip reservation. The group known as the 1926 Snohomish Tribe of Indians, on the other hand, was mainly a claims organization acting on behalf of Indians of Snohomish descent, whether enrolled with the reservation tribe or not, who had possible claims against the government.

In 1930, the Tulalip agency established a resident-only business council to handle all the business dealings of the various reservation tribes.<sup>91</sup> The superintendent chose to prohibit off-reservation Indians from participating in this multi-tribal organization that included Snohomish, Snoqualmie, and Skagit representatives. Robert Shelton, a Snohomish reservation leader, attempted to include some off-reservation Snohomish in the business council. In a meeting called to adopt the council, Shelton stated "several members of the Snohomish tribe were living off the reservation because of insufficient lands for allotments." He added that while these off-reservation Indians "were non-residents and still carried on the Snohomish roll they should have [*sic*] voice in selecting the council and share in tribal property" (Duclos to Commissioner of Indian Affairs 4/12/1930; Minutes of Meeting 3/29/1930). Shelton never indicated who these "several" Indians were.<sup>92</sup> It is probable that Shelton was referring to unallotted Snohomish carried on census rolls who owing to social or family ties had some kind of interest in tribal property, or Indians with public domain homesteads carried on the agency roll as unattached Indians (Malcolm McDowell to the Secretary of the Interior 3/7/1929, 16; Tulalip Annual Report 1930, 2; Tulalip Annual Census 1930, 1931, 1932, 1933, 1937; Tulalip Annual Statistical Reports 1933, 1934, 1935). Without a list of individuals Shelton considered "members of the Snohomish tribe," it cannot be assumed that he was including the STI ancestors who were neither on Tulalip agency censuses as members of the reservation Snohomish nor as "unattached Indians."

Almost all the off-reservation and unenrolled STI ancestors, who had assimilated into non-Indian

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<sup>91</sup>The creation of this business council was not the product of any formal policy from the Commissioner's office. Apparently, a state court had ruled that tidal lands on the reservation were tribal property. A recreation company wanted to develop the land and the superintendent needed the business council to approve leases for the property (Duclos to Commissioner of Indian Affairs 4/12/1930; Minutes of Meeting 3/29/1930).

<sup>92</sup>Robert Shelton died shortly after this meeting.

society and had not maintained relations with the reservation Snohomish, had little or no claim to Tulalip tribal property. There was also no available evidence that any off-reservation STI ancestors belonging to the 1926 claims organization, including the leaders, voiced opposition to their exclusion from the business council. In addition, the available evidence did not indicate that agency officials consulted the off-reservation STI ancestors for their opinion on the composition of the business council. In fact, the available minutes for the meetings of the 1926 claims organization for 1930 showed that the creation of the business council was never discussed (Minutes of Meeting 6/11/1930, 6/23/1930, 8/3/1930).

Wilfred Steve, a Snoqualmie, became chairman of the new business council in 1930; William Shelton, Alex Young, Sebastian Williams, all reservation Snohomish, and Hubert Coy, a Clallam long affiliated with the Snohomish, became representatives (Duclos to Commissioner of Indian Affairs 4/12/1930; Minutes of Meeting 3/29/1930). The business council met regularly until 1935 when the Tulalip Tribes replaced it under the IRA reorganization. For the next five years, the agency dealt almost exclusively with this business council on important business matters. None of the available Federal documents concerning any of the Tulalip or Snohomish political organizations from 1930 to 1935 demonstrated that agency officials recognized or dealt with an off-reservation entity of STI ancestors. The 1926 Snohomish claims organization remained in existence until 1935, and was identified in a few agency documents, but the evidence did not demonstrate that Tulalip officials viewed it as the political representative for any such off-reservation entity (Collier to Upchurch 3/3/1934; Upchurch to Commissioner of Indian Affairs 8/13/1934).

#### The Indian Reorganization Act and the Tulalip Tribes—1934-1935

In 1935, the Snohomish Indians and the other tribes on the Tulalip reservation voted to incorporate as the Tulalip Tribes under the provisions of the Indian Reorganization Act.<sup>93</sup> The 1983 PF viewed this development in this manner:

The Tulalip Business Council endorsed the Indian Reorganization Act (IRA) in 1934. The Indians of the Tulalip Reservation adopted a constitution under the Act and elected a reservation government in 1935. Neither the records of the Tulalip agency concerning the IRA nor the minutes of the 1926 Snohomish organization indicate that the latter opposed the organization of Tulalip Reservation under the IRA. Further, there is no indication that the two organizations were rivals. The 1926 Snohomish organization was formally disbanded at the same time that the reservation government was being created. There is no evidence that at the time it was felt that the “off-reservation” had been cut off from their political body, and

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<sup>93</sup>The Indian Reorganization Act, also known as the Wheeler-Howard Act, became law in June 1934, although authorized appropriations remained unavailable until May 1935. It allowed certified tribes and their tribal organizations to operate as business corporations.

no attempt was made by the Indian descendants to form a separate organization or to continue the 1926 organization without the Tulalip Snohomish (Snohomish PF 1983, 16)

The petitioner disputed this analysis. They contended that the off-reservation Snohomish descendants had “significant social interaction” until 1935 and that a division

came only after most of the Snohomish Indians living at Tulalip joined their non-Snohomish neighbors in creating the Tulalip Tribes, Inc. under the Indian reorganization in 1935. Only then did the Snohomish community split into two parts: the on-reservation Snohomish who opted for a primary affiliation with the non-tribal Tulalip Tribes, Inc. and the off-reservation who maintained their affiliation with the Snohomish Tribe (STI Narrative 1999, 1.7-1.8).<sup>94</sup>

This FD affirms that the PF was correct in its analysis of the 1935 reorganization. The available evidence did not reveal any “split” between the off-reservation STI ancestors and the Tulalip Snohomish over the 1935 incorporation, because the former were not part of the Tulalip organization at that time. Available documentary records did not demonstrate that the off-reservation STI ancestors belonging to the 1926 claims organization resisted or protested the adoption of the IRA government.

Simply put, voting eligibility for the Indian Reorganization Act as written probably would not have applied to most off-reservation Indians. The legislation defined the issue of voter eligibility as follows:

Sec 18. This act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this act, to call such an election, which election shall be held by secret ballot upon 30 days notice.

Sec. 19. The term “Indian” as used in this act shall include all persons of Indian

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<sup>94</sup>The petitioner also maintained that until “the 1960’s, furthermore, the Tulalip Tribes, Inc. regarded the Snohomish Tribe of Indians—that is, the formal organization of Snohomish Indians who did not join the Tulalip residents organization—as the political successor to the aboriginal Snohomish” (STI Narrative 1999, 1-8). In fact, the available evidence from the 1950’s shows that the Tulalip Tribes pursued a suit under the Indian Claims Commission because they believed they were the actual political successors to the aboriginal Snohomish. The ICC ruled against them. Elsewhere, the Commission concluded that the current petitioner simply had standing to bring suit. Such a ruling did not imply that the ICC recognized the tribal identity of the Snohomish Tribe of Indians formed in 1950, which the Federal government has never unambiguously acknowledged as an American Indian entity. Nor did the ruling against the Federally recognized Tulalip Tribes, a predominantly Snohomish group, constitute a rejection of its tribal identity.

descent who are members of any recognized tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1934, residing within the present boundaries of any Indian reservation . . . (Wheeler Howard Indian Bill, S. 3645, June 16, 1934).

Nevertheless, the Indian Office under Commissioner John Collier, following the advice of the Department of Interior Solicitor, did acknowledge that some off-reservation Indians who had a “legal interest in the affairs of the tribe,” and who had also maintained a “residence, actual or constructive” at Tulalip would be eligible to vote for the IRA (Collier to Percival 3/27/1935). This gesture appeared to be a modification of the law’s provisions on voting eligibility, but a close reading of the Interior Solicitor’s December 1934 opinion upon which Collier based his decision shows that it was very limited in scope and circumstance. The Solicitor’s office, bedeviled by questions from across the country regarding voter eligibility for the IRA stated the following regarding the issue:

*[T]he construction of section 18, in order to carry out the intent of Congress, should be such as to grant the right to vote in this referendum to those Indians and only those who may be seriously affected by the application of the Wheeler - Howard Act to a given reservation. This means that physical presence is not a proper criterion of voting rights, and that those who are entitled to vote are those who in some sense “belong” on the reservation, i.e., those who have some rights in the property or tribal affairs of the reservation. Only such individuals are directly interested in the application of the act to the reservation. In my judgment the statutory references to Indians “in” the reservation is properly to be construed as comprising in its scope those Indians who reside on the reservation and at the same time have some legal interest in the affairs of the reservation (Margold to the Secretary of Interior 12/13/1934, 486; emphasis added).*

Under this interpretation of voter eligibility requirements, most off-reservation Indians, particularly those like the unallotted and unenrolled ancestors of the current petitioner with few or no legal ties to reservations, were ineligible to vote. Exceptions were possible, however. Indians who were temporarily absent, but who had a legal interest in the reservation would have been permitted to vote. Allotted Indians, residents or not, were eligible. On the other hand, temporary residents of the reservation would have been excluded. In addition, some enrolled Indians may have been ineligible if they had no significant legal ties to the reservation or had abandoned tribal relations. Unenrolled residents and residents enrolled elsewhere may or may not have been prohibited from casting a vote depending on the idiosyncrasies of how the various reservations decided to organize their Indians (Margold to Secretary of the Interior 12/13/1934, 487-488). The issue was further complicated at the Tulalip reservation because more than one tribe was organizing under the IRA. So the question of voter eligibility for the IRA referendum was not a simple question of reservation versus non-reservation. Indeed, the issue was so complex that it apparently perplexed many agency officials and Indian tribes in Washington and

elsewhere.

Collier's desire to allow some off-reservation Indians, those who had a "legal interest in the affairs of the tribe," and also maintained a "residence, actual or constructive" at Tulalip to vote would have affected only a small group of non-reservation Indians with very close social, economic, and geographical ties to the Snohomish at the reservation. Most of the off-reservation STI ancestors did not have a legal interest in the reservation due to "actual or constructive" residence, because they mainly lived in non-Indian communities and had not maintained tribal relations with the Tulalip Snohomish. Their political interaction with the reservation Snohomish began only in 1926 and was largely claims related. In addition, the agency had formally excluded them from reservation politics since 1930. And only a very few of them owned restricted property on the reservation or received significant services, such as rations, from agency employees.

Moreover, there was no available evidence of a disagreement between the off-reservation STI ancestors and the on-reservation Snohomish over the IRA vote. Some reservation Snohomish and other Indians on Tulalip in the early stages opposed or expressed concerns about various aspects of the IRA, including voting eligibility for nonresidents (Minutes of Meeting 3/17/1934, 4/15/1934, 8/19/1934 10/13/1934; Percival to Collier 3/14/1935; Steve to Upchurch 10/4/1934; LaVatta to Commissioner of Indian Affairs 7/24/1935). For instance, William Shelton, the leading representative for reservation Snohomish voiced unspecified opposition to the IRA bill before it became law during some Tulalip Tribes council meetings (Minutes of Meeting 3/17/1934, 4/15/1934). Shelton, however, did not express any opposition to or support for off-reservation Indians voting for the IRA during any of the available minutes from these meetings, and eventually he supported the reorganization. Nor did he state any concern about the IRA or the issue of voter eligibility in his capacity as treasurer of the 1926 Snohomish claims organization in the available minutes of its meetings up to summer of 1935. Hubert Coy, a Cillam at Tulalip, also expressed unspecified opposition to the bill at Tulalip Tribes meetings, but he did not specifically voice any concern about off-reservation Indians voting in any of the available records (Minutes of Meeting 2/13/1935).

The two strongest supporters of the IRA reorganization were Wilfred Steve, a reservation Snoqualmie, and chairman of the Tulalip business council, and Edward Percival, a part Snohomish with an allotment on the reservation, who had a longstanding political affiliation to the Snoqualmie Tribal Organization led by Jerry Kanim (Snoqualmie PF 1993, 20). Steve was an ardent IRA supporter, but the available documentary record did not indicate that he publicly opposed off-reservation Indians participating in the process (Minutes of Meeting 4/15/1934; Wilfred Steve to Upchurch 10/4/1934). Edward Percival was perhaps the most vocal critic of permitting nonresidents to vote. Percival apparently believed that allowing such Indians to vote would jeopardize the chances of the IRA because the Federal government would have to expend money to buy the land. In March 1935, he wrote a letter to the Commissioner detailing these concerns. John Collier's answer included the statement quoted previously that the Indian Office

planned to allow off-reservation Indians who had a “legal interest in the affairs of the tribe” and who maintained a “residence, actual or constructive” at Tulalip the right to vote (Percival to Collier 3/14/1935; Collier to Percival 3/27/1935). But this interpretation of voting eligibility affected a very limited number of off-reservation Indians, and almost none of the petitioner’s ancestors.

The major opposition to the IRA at Tulalip did come from a largely off-reservation group, but it was not a Snohomish one. The Snoqualmie Tribal Organization led by Jerry Kanim feared the law might interfere with their claims settlement. In April 1934, this group passed a resolution, supported at that time by Edward Percival, declaring its opposition to the IRA for that very reason (Kanim and Williams to Collier 4/14/1934; Chester Williams to Collier 4/14/1934; Collier to Kanim 4/27/1934).<sup>95</sup>

The evidence did not demonstrate that any of the off-reservation STI leaders or members of the 1926 Snohomish claims organization opposed the IRA, even though agency officials briefed them on the legislation’s ramifications (Minutes of Meeting 8/19/1934). By late 1934, the 1926 organization’s leadership had undergone several personnel changes due to illness and death. Robert Shelton had died in 1930, and his sister, Harriet Shelton Williams, had taken over the secretary’s position (Minutes of Meeting 6/11/1930; 6/23/1930). William Bishop died in late 1934 after a long illness following a stroke in 1932, and the group’s vice-president George Morrison, a Snohomish from Langley carried on the agency census, assumed his duties (Minutes of Meeting 3/29/1933, 11/19/1933; Harriet Shelton Williams to Bishop 8/9/1933; *Port Townsend Leader* 11/8/1934; Edward Bishop Interview 1993, 7).<sup>96</sup> Flora Vandervoort also died in 1934, and Ezra Hatch, whose name also appeared on the agency census, replaced Vandervoort as trustee (Minutes of Meeting 6/3/1934, 8/19/1934). These changes indicated that the leadership of the 1926 claims organization leadership had become primarily Tulalip Snohomish. Nevertheless, none of the leaders, on or off the reservation, expressed concern about the IRA reorganization or the voting eligibility issue in the available minutes of their meetings. Claims remained the dominant topic of those meetings. There was no available evidence that the group’s rank and file members of the 1926 Snohomish claims organization, reservation residents or not, supported or opposed the IRA, or even believed it fell within the purview of a claims organization. More important, there was no available evidence that BIA officials referred to the 1926 claims group in its planning for the vote on the IRA at the Tulalip reservation.

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<sup>95</sup>The Snoqualmie Tribal Organization continued to meet and pursue reorganization after the IRA went into effect at Tulalip. In fact, in the early 1940’s, the agency sought to purchase land for the group to facilitate its reorganizing separately under the IRA. There was no evidence, however, that the off-reservation STI ancestors continued as an organized entity with political authority or that the agency recognized their existence.

<sup>96</sup>The minutes of the group’s meetings showed that Morrison was acting president of the group by March 1933 (Minutes of Meeting 3/29/1933).

Shortly after the adoption of the new IRA government on Tulalip in 1935, the 1926 Snohomish organization lost its claims suit on appeal to the Supreme Court. Harriet Shelton wrote and informed the group of the court's ruling, and asked whether the Board of Directors should meet to discuss what to do next (Harriet S. Williams to Dear Friend 7/9/1935).<sup>97</sup> The petition record did not include a reply to her request, and there was no available documentary evidence to demonstrate that the 1926 claims group met again (Harriet S. Williams to Dear Friend 7/9/1935; Harriet Shelton Dover Testimony 12/13/1974, 196-198).<sup>98</sup> These facts provided further evidence that the 1926 Snohomish organization was largely a claims group. The organization came into existence shortly after Congress passed the act enabling it to bring claims against the government, and it ceased to exist in the available record following the Supreme Court's rejection of that suit in the summer of 1935 (Harriet Shelton Dover Testimony 12/13/1974, 220; 10/29/1975, 373-4).

In the end, 215 Tulalip Indians, mostly Snohomish, were eligible to vote in the April 1935 election for the IRA.<sup>99</sup> There was no complete list of the eligible reservation voters, but most of the identifiable voters came from the reservation or the adjacent town of Marysville, as the petitioner stated (STI Narrative 1999, 4.17). These were the Indians most likely to have a legal interest in the reservation and the closest social and family ties. Of the 211 who cast votes, 143 (77 present; 66 absentees) voted for the IRA, and 68 (62 present; 6 absentees) voted against it (Upchurch to Commissioner of Indian Affairs 4/10/1935). The final tally showed that not all the Indians on Tulalip supported reorganization.

The petitioner, however, asserted that the Bureau of Indian Affairs and the Tulalip agency decided to prevent the STI ancestors and other off-reservation Snohomish from casting a vote due to the pressure of reservation Indians who opposed the participation of nonresidents in the IRA process. As proof, the petitioner essentially pointed to one document written by John Collier to the Secretary of the Interior in October 1935 regarding the outcome of the IRA elections on Tulalip:

Collier's letter . . . refers to 663 eligible voters, 211 votes cast, and 143 in favor of

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<sup>97</sup>Williams did not mention the IRA vote in this letter.

<sup>98</sup>In December 1974, Harriet Shelton Dover testified in court that the group "had a meeting, and they were, nearly all of them were there, off reservation and on, and they decided that they would, you know, have the attorney contact Olympia and recall or whatever you do, to recall and declare null and void the articles of incorporation" (Harriet Shelton Dover Testimony 12/13/1974, 218; see also her testimony 10/29/1975, 373-374).

<sup>99</sup>While 215 eligible adults voted for the IRA government, 531 men, women, and children became part of the newly organized Tulalip Tribes in 1935 (Tulalip Tribes Base Roll 1935). A second vote took place in November 1935 to draft a constitution and by-laws for a newly organized group under the IRA. Only 107 eligible reservation voters took part in this vote. No complete list of these voters exists.

the Indian Reorganization Act, in the April 1935 referendum. This contradicts previous documents—including the election certificate—which put the eligible voters at 215 and the affirmative vote cast as 148. Previous documents may have confused the number of eligible voters with actual votes cast. The November 1935 voting list contained 212 names, however, which suggest that the April 1935 list was of roughly the same size. There were 319 Indians (including children) living on the Tulalip Reservation according to the 1920 Federal census, and this would be consistent with approximately 200 adults. Thus the figure of 663 eligible voters must have been based on including a *majority* of off-reservation adults. Yet the surviving voter list was comprised almost entirely of reservation residents. Collier had wanted off-reservation Indians to vote, while the agency was under pressure to exclude them (STI Narrative 1999, 4.19; emphasis in original).

The available evidence did not support this conclusion. John Collier did indeed consider allowing a very limited number of off-reservation Indians who had a “legal interest in the affairs of the tribe” and who maintained a “residence, actual or constructive” to vote in April 1935, based on the Solicitor’s opinion from December 1934. Most of the petitioner’s off-reservation ancestors, however, did not fit into this category. Other evidence indicated that Collier in his October 1935 letter to the Secretary of the Interior simply confused the number of eligible voters with the enrolled population of the reservation carried on the agency census (Collier to Secretary of the Interior 10/14/1935b). For example, a 1947 BIA pamphlet on the IRA process, clearly showed that the 663 number cited by Collier actually represented the enrolled population of the Tulalip reservation, while the number of eligible voters was 215 (Haas 1947, 19-20). The pamphlet also showed that there were significant differences between the enrolled and eligible voting populations that voted for the IRA at the other reservations under the agency’s jurisdiction.<sup>100</sup>

Other agency records confirmed that the 663 represented the enrolled population of the reservation (556 of the 663 were listed as Snohomish, see Tulalip Annual Statistical Report 1934). For example, a 1936 agency report on social and economic conditions at Tulalip, based partly on the 1935 reservation census,<sup>101</sup> put the enrolled population of Indians at Tulalip at 664 (Tulalip Agency 1936). Of those, 459 were living on the reservation; 2 were residing at another reservation, and 203 were living elsewhere within agency jurisdiction. There were also 19 Indians living on the reservation, carried on the agency census, who were either unenrolled Indians or Indians enrolled elsewhere. The report also cited a 1933 Civil Works Administration survey that put the overall reservation population at 480, 425 enrolled and 55 unenrolled. Other

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<sup>100</sup>Lummi: population 667, voting population 287; Muckleshoot 200, 97; Port Madison: 171, 110; Puyallup: 328, 190; Swinomish: 273, 123; Nooksack: 235, 135; Skagit-Suiattle: 205, 123.

<sup>101</sup>The petition record contained only a portion of this census.

agency census records for the 1930's gave fairly similar numbers (Tulalip Annual Statistical Report 1933; 1934, 1935; Tulalip Annual Report 1936).<sup>102</sup>

Some of the Indians included among the 663 were listed as “un-attached Indians” on the agency censuses for the 1930's. They were primarily women identified as Snohomish married to other Indians or non-Indians, living on public domain homesteads in King and Snohomish Counties. Agency censuses had included them since the early 1920's and other official documents clearly identified their presence (Tulalip Annual Report 1930, 2). In 1934, there were 76 of them.<sup>103</sup> The agency carried them on the roll because it had a trust responsibility in their lands (Tulalip Annual Census, 1931, 1932, 1933, 1934). These Indians, however, did not become part of the newly organized IRA government at the reservation and their names did not appear on the Tulalip Tribes 1935 base roll (Tulalip Tribes Base Roll 1935). They were not eligible to vote in the April 1935 referendum or for the November 1935 ratification of the IRA constitution (Margold to Secretary of the Interior 12/13/1934, 493-494; Indian Reorganization Act, S. 3645, Section 8). The off-reservation STI ancestors were not among these Indians.

Eligible voters for the IRA also had to be 21 or older, and a significant number of the Indians represented by the 663 number were simply too young to participate.<sup>104</sup> The 1933 annual statistical report counted 316 adults and the 1934 report listed 300 as eligible to vote on tribal questions (Tulalip Annual Statistical Report 1933, 1934). Given that the agency interpreted voter eligibility strictly for the 1935 IRA referendum, the number of voters was comparatively small.<sup>105</sup> Therefore, based on such statistics, the total of 215 who actually voted for the April 1935 IRA referendum was a significant number, representing more than 2/3rds of the adult population. There was simply no available evidence that the petitioner's off reservation ancestors were excluded from the IRA. Almost all of them had not appeared on agency censuses before 1934 or on a list of eligible voters. The available evidence also indicated that the Bureau of Indian Affairs and the Tulalip agency followed the Department of Interior's legal guidance on

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<sup>102</sup>The 1934 agency census record also put the population at 663. There were 129 allotments in that year. Of the total population, 437 resided at Tulalip, 187 were enrolled but resided elsewhere within the Tulalip jurisdiction, and 2 were enrolled but residing in some other jurisdiction. There were 556 Snohomish and 300 were eligible to vote, although the agency did not identify the voting qualifications (Tulalip Annual Census 1934).

<sup>103</sup>The agency still carried these Indians on its rolls in 1937, even after the reservation Indians reorganized as the Tulalip Tribes (Tulalip Annual Census 1937).

<sup>104</sup>The 1936 report on social and economic conditions at the reservation cited a 1933 CWA survey estimate that 211 people out of 480 Indians living on the reservation were under the age of 17 (Tulalip Preliminary Statement 1936).

<sup>105</sup>An analysis of the 1934 agency census showed roughly 290 Indians under the age of 21 out of a population of 663, indicating the relative youth of the reservation population. The 1935 Tulalip Tribes base roll also contained a fairly large number of Indians under the age of 21.

determining voter eligibility regardless of local pressure on them to exclude certain Indians from the IRA process. There was no evidence that BIA officials included the STI ancestors who were part of the 1926 claims organization in the planning for the IRA vote. Nor did the available documentary evidence indicate that the off-reservation STI ancestors who belonged to the 1926 claims group desired to be part of the IRA organization or that they complained about being excluded. Moreover, there is no available documentary evidence to demonstrate that the off-reservation STI ancestors in the 1926 claims organization and the reservation Snohomish formally split or even disagreed over the issue.

*Analysis of the Evidence for Political Influence and Authority—1935-1949*

Political Activity—1935-1949

After the claims of *Duwamish* case were lost on appeal to the Supreme Court, the 1926 Snohomish claims organization ceased functioning. The petitioner has presented no documentary evidence for any additional meetings in reference to any group, although other groups (including the Duwamish) continued to pursue their claims (Zimmerman to O. C. Upchurch 12/22/1939). The petitioner has conceded that it has been unable to locate any documentary evidence of continuing group meetings, and has also been unable to provide interviews which detail any meetings during this time. Hank Hawkins maintained that the group had meetings that consisted of a “bunch of Indians [who] got together” (Hank Hawkins Interview 1975, 11 and 12), but this is not substantiated by any dates, times or places that these “get-togethers” might have taken place, or what exactly was discussed. William Matheson, the group’s current chairman, did his World War II military service in the Naval Reserves and thus did not leave the Chimacum area during the war, but he could offer no evidence that meetings took place (William Matheson Affidavit 1999).

The petitioner makes the argument that a combination of factors, including the deaths of several elder members of the community, the defeat of the claims case, the adoption of the Indian Reorganization Act by the Snohomish living on the reservation, the Great Depression, and the advent of World War II, led to the lack of evidence of political activity during these years. There is no doubt that all of these factors may have had their impact. However, they do not account for the cessation of political activity. Even though the Supreme Court refused the appeal of the claims case, there is no indication that any group met to discuss other political strategies, or to continue the social events that were also a part of the 1926 Snohomish claims organization. Available evidence does not indicate that any of the people from the Chimacum areas displayed any apprehension about the implementation of the IRA by those on the reservation. Available documentation also does not indicate that anyone from the area corresponded with any of the Snohomish people on Tulalip or with any Indian agency, inquiring if the adoption of the IRA would have any effect on the descendants living elsewhere. The Depression was already well underway by 1932, yet the 1926 Snohomish claims group had continued meeting at Tulalip until

1935, so several years of the economic downturn had not prevented these people from traveling and meeting. Gasoline rationing during World War II, which was also cited by the petitioner as an obstacle to frequent visits between members, should not have presented a significant difficulty to people who lived in relatively close proximity to each other. This would have been the case for the people living in the Chimacum area.

The petitioner has also not submitted any correspondence between members living in different parts of the state indicating that people were keeping in contact with each other when they were not able to travel personally. Some correspondence did occur between individual members of STI and Indian agents regarding obtaining certification as Indian (Yarr to Morrison 1/24/1940; Upchurch to Commissioner 7/29/1940; Yarr to Skidmore 2/10/1941), but there is no indication of any correspondence between any council or group writing to the agency to request information or to assist individual members in securing the required paperwork to obtain positions in the Indian service, places in Indian schools, or for any other reason. Interviews mentioned social visits occurring during this time, but did not include any indication that these visits included a political dimension.

#### Informal Leadership—1935-1949

The petitioner has only submitted a small amount of information on people who served as local officials (such as school board members) or in other community-wide positions of authority (such as in a volunteer fire company), and supposedly asserted authority over or advocated on behalf of STI ancestors. There is some evidence that George Woodley, who served as the game warden for the Chimacum area, may have asserted some leadership, but only in his capacity as a state employee, and not as a representative for any Indian entity. An interview with his daughter indicated that she believed he had been made game warden by local officials because “they thought he could keep the Indians under control” (Ruth Sprague OFA Interview 2003). She also indicated that he might have allowed people to hunt out of season or take game out of season if he knew the family needed the food. Another interview with his nephew indicated that he also visited people across the area and relayed news and information from the other towns (Irving Matheson Interview 1996, 13), although no additional details of what type of information or whom he may have relayed the information to were included. It is uncertain how long George Woodley held the position of game warden, but he moved to Seattle to seek employment after the deaths of his wife and his mother, sometime around 1940.

In an interview conducted by OFA in 2003, Gaylord Porter reported that his father Omer had been a deputy sheriff on Whidbey Island, and was also courted by numerous politicians because of some of the wealth he had inherited from his own father. He also related that his father had once saved an Indian man on the island from being jailed for a murder he did not commit. The man (who may have been from Tulalip, Gaylord was not certain) had been arrested for murdering a local woman, and the local police were convinced that the Indian man had committed the crime. Omer is said to have persuaded the other policemen to continue to look for

additional suspects, and further investigation proved that they had indeed arrested the wrong man (Gaylord Porter OFA Interview 2003). There is, however, no information to demonstrate that Omer Porter had ever advocated specifically for any members of STI.

The three Yarr sisters (Josephine, Marian and Grace) all taught school in Chimacum for many years. Several group members spanning the generation were taught by one or more of the women, and all expressed admiration for their teaching abilities (Amy and Connie Coulter OFA Interview 2003, John Ammeter OFA Interview 2003, Clayton and Jack Keogan Interview 1996, 23). However, there is no evidence to indicate that the respect they garnered translated into community-level leadership specifically geared toward STI members, or that they encouraged any kind of distinct cultural behavior. One interview subject stated that she had not realized that Josephine Yarr was also a member of STI until 1983, even though she had been her third grade teacher (Connie and Amy Coulter OFA Interview 2003).

Interviews indicate that some members of STI were Methodists, and attended the Methodist church (Connie and Amy Coulter OFA Interview 2003; McDaniels and Ammeter OFA Interview 2003). The Yarrs were Catholic, and attended the nearby Catholic Church, and Thomas Yarr played football for Notre Dame. None of the interviews indicated that members of STI utilized any committees or boards within the churches as positions of authority. None of the interviews indicated that any STI members served the community as ministers or pastors, or that any particular non-Indian religious leaders ministered to STI members. There is no information regarding the religious affiliation of STI members who lived in the Monroe area, although a 1917 newspaper clipping indicated that some individual Indians in the area might have been Shakers. There is no indication of whether this relationship continued beyond that time. A member of the Porter family on Whidbey Island indicated that her family had been active in the local fundamentalist Christian church (Linda Porter OFA Interview 2003), but did not indicate that other members of STI belonged to the same church.

The petitioner has not presented any evidence of the female members of STI organizing women's groups through which they could assert themselves. One interview mentioned several young women and their mothers forming a "Birthday Club" where the women would go to each other's houses and celebrate their birthdays (Marjorie Daniels Interview 1996, 5). However, only a few of the women she named as belonging to the club are identifiable as members of STI, and there is also no indication how long this club lasted. In any case, the "Birthday Club" was a social organization rather than a political one, and the interview made no mention of a political dimension for any group. The interviews did not mention any organizations, such as the League of Women Voters, which contained a number of STI women. The available evidence does not mention STI women organizing any groups in order to support the troops during WWII, such as rolling bandages for the Red Cross or assisting at the local USO.

*Analysis of the Evidence for Political Influence and Authority—1950-1969*

Political Activity 1950-1969

In 1950, Captain Forest Elwell called together the first meeting of the group that would come to be called the “Snohomish Tribe of Indians.” An attendance of 46 was listed in the minutes, although no sign-in sheet identifies the attendees (STI Minutes 7/22/50). Those in attendance indicated their desire to pursue their claim against the government, and another meeting was scheduled for the next month, to be held on the Tulalip reservation. That meeting was held on August 12, apparently with some assistance from Superintendent F.A. Gross, who is credited with having called the meeting (STI Minutes 9/12/50). 76 people of Snohomish descent attended this meeting, although, like the July meeting, no sign-in sheet indicates just who those 76 may have been (for example, there is no indication whether or not those 76 were all adults or if children were included in this total). Gross is reported to have informed those present of the actions of the ICC and the possibility of filing a claim before the 1951 deadline. Wilfred Steve, then Chairman of the Tulalip Tribes, also attended the meeting and informed those present that the people on the reservation had voted to accept the IRA, and that any members enrolled with the Snohomish could not be enrolled in some other tribe. He is reported to have stated that the members of the Tulalip Tribes had not yet filed a claim, but had not ruled out doing so, and in the meantime advised the Snohomish group to file its own claim. The Snohomish group headed by Elwell then voted to pursue the claims and elected a council composed of a chairman, vice-chairman, secretary, treasurer, and six additional council members. The group then took up the topic of hiring an attorney to represent their case, and voted to hire Frederick Post and Kenneth Selander to represent their interests. They also elected a finance committee, discussed the fees to be paid to the attorney, and the length of the attorney’s contract.

A copy of a document entitled “Minutes since Tulalip Meeting in September 30” indicates that two additional meetings of the finance committee (composed of Evelyn Knapp, Joseph Lindley and Luella O’De.) were held at the home of Ed Johnson in Monroe (STI Minutes 9/30/50). Another document, also dated September 30, 1950, indicates that a special meeting had been called to determine the amount of the enrollment fee and to order printed enrollment blanks (STI Minutes 9/30/1950). A special meeting was held at the Masonic Hall in Monroe on October 14, 1950, to enroll members, pay bills, and to update the members on the status of the attorney’s contract. The members (there is no indication of how many people were in attendance) also voted to have an annual meeting and picnic the following July (STI Minutes 10/14/1950). This appears to be the first of the annual meetings, which would become important social events in the future.

The minutes for November 1950 indicate that the meeting was held in Everett at the home of Anna Roberts. In addition to discussing having ID cards printed for members, the group leaders also appear to have discussed whether or not they wanted to apply for a share of elk meat from some elk that had been slaughtered in Yellowstone Park and was then being distributed to

Indians (STI Minutes 11/11/1950). The December meeting minutes indicate that the meat proposition was dropped (with no explanation given), and that several individual council members resigned and others were elected to take their place. Outstanding bills for were also settled, generally for small amounts covering fuel and local travel expenses.

The petitioner maintains that the 1950 organization was a continuation of the 1926 organization. However, the available evidence does not support this statement. The years of political inaction between 1935 and 1950 do not indicate that the original organization was continued at all. Harriet Shelton maintained that the organization had been officially disbanded, but no documentation to support the cancellation of the order of incorporation has been submitted. The 1926 Snohomish claims group also differed significantly from the group organized in 1950. The earlier group consisted of Snohomish reservation residents, off-reservation Snohomish with significant ties to the reservation community, and non-reservation STI ancestors. The 1950's group did not have a significant number of reservation residents involved, even though the group continued to hold annual meetings on the reservation. Most of the reservation Snohomish had joined Tulalip Tribes soon after its incorporation, and there was considerable concern voiced by the officials on the reservation regarding dual enrollment. Wilfred Steve addressed this issue when he spoke to the group in 1950, and the issue had also been addressed in a set of letters written by Superintendent Gross in 1949. He had written to individual tribes and groups (including the Snoqualmie Tribal Council, Suquamish Tribal Council, Swinomish Indian Senate and the Skagit Tribal Council) which had members enrolled on Tulalip Tribes as well as on individual tribal rolls, and requested that members choose which group they wanted to be politically affiliated with (Gross to Various 10/24/1949) but there is no letter addressed to any Snohomish group, on-reservation or off. Three months after the group held its meeting and voted to pursue its claims, the new Tulalip Superintendent Raymond Bitney wrote to Col. E. Morgan Pryse, the Area Director of the Bureau of Indian Affairs, and addressed the issue of people being dually enrolled in TTI and with the "Snohomish Tribe of Indians" (Bitney to Pryse, 10/17/1950). He stated that some of the people did not yet want to withdraw from the Snohomish Tribe of Indians because they were anticipating sharing in any future claims settlement (Bitney to Pryse 10/17/1950), which seems to indicate that at least some reservation residents were still involved with the nascent organization.

In 1951, Bitney wrote to the Commissioner of Indian Affairs regarding the Snohomish organization, inquiring if they had the right, under the Tulalip constitution, to represent the Snohomish tribe, considering that they were "an unorganized group. . . . None of the delegates who executed the contract are either officially recognized or enrolled at any agency under this jurisdiction. . . . This group has never been recognized as an officially identifiable group" (Bitney to Price 10/17/1951). The group did eventually obtain status as an organization for the purpose of filing claims, but the documentary record indicates that confusion about the exact status of the group continued for a number of years. For example, a 1952 letter from the group's Corresponding Secretary to the group's Financial Secretary contained information regarding the group's enrollment. After some type of consultation with Bitney, the Corresponding Secretary

maintained that a member could not enroll an adopted non-Indian child in the group “as we are an organized tribe of Indians, under the western Washington Agency, and we will have to abide by the rulings of the agency” (McDermott to Bitney 11/20/1952). The perception within the group that it was “an organized tribe” contradicts the 1951 letter. It also conflicts with a 1953 report from Bitney to Pryse, in which he estimated that 200 to 250 off-reservation Snohomish Indians were part (not the entirety) of the Snohomish claims group. These individuals were eligible for some medical services and some educational benefits (although the reservation school had closed in 1932), but also indicated that these individuals had lived and worked among non-Indians for a long time (Bitney to Pryse 9/30/1953).

There appears to have been very limited interaction between members of STI and those residing on the Tulalip reservation of the reservation community. Harriet Shelton had been the secretary for the 1926 Snohomish claims group, and she and her mother appear to have met with STI’s Financial Secretary in 1955 to assist the group in assembling its membership roll (McDermott to Ringey 6/28/1955). Jack Kidder stated in his affidavit that he had met with Ruth and Harriet Shelton during the 1950’s and that Harriet had served as an interpreter when Ruth told him the story she had heard about the murders of Chief Bonaparte, his mother, and one of his sons on Whidbey Island (John “Jack” Kidder Affidavit 1996, 2). The available evidence does not indicate that any group of members of STI traveled to the reservation other than for the annual meeting, or that any members of the reservation community traveled to the Chimacum area. Correspondence indicates that interaction was limited to the group making arrangements to hold their annual meeting on the reservation (STI Minutes 6/12/1955; Krieschel to Williams 7/20/1955). No sign-in books or sheets for this era have been submitted for review, so it is not possible to say just who may have attended these meetings.<sup>106</sup> Nevertheless, by the mid-1950’s the meetings were being attended almost exclusively by non-reservation people. Most of the group’s meetings during the 1950’s dealt directly with the claims issue (including the preparation of a roll) and administrative concerns relating to the maintenance of the organization.

The group’s leaders also began joining several inter-tribal organizations, such as the Intertribal Council of Western Washington Indians (ICWWI) and the National Congress of American Indians (NCAI). Some members of STI sought and obtained leadership positions in these groups. Hanford (Hank) Hawkins who served as chairman of STI from 1957 to 1967 was chairman of NCAI’s rules committee (Hank Hawkins Interview 1975, 27). Minutes also indicate that the group’s leadership drafted a letter in 1959 protesting the closing of Cushman Indian Hospital (STI Minutes 5/24/1959).

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<sup>106</sup>Minutes from the Sept. 19 1954 council meeting indicated that the group voted to purchase a sign-in book for the annual meeting. “This will then prove that they [the members of STI] are keeping up their tribal relations.” The book was supposed to be maintained by Archie Burnstead. However, no such book has been submitted for examination, nor are there subsequent mentions of any sign-in book in the documents presented to OFA.

The leadership also discussed hunting and fishing rights regularly. However, it is unclear whether the concern over these rights stemmed from a direct affect on the lifestyle and livelihood of the group's members, or because it was something they felt that their ancestors had enjoyed and to which they felt entitled. There is little information included in the petition detailing the number of members who were either part-time or full-time subsistence hunters or fisherman. STI member George Bailey was interviewed in 1980, and stated that he had fished commercially, gillnetting and trawling, since approximately 1915. However, he also stated that he had purchased his licenses until 1947, when he was told by a local official that he did not need a commercial license to fish because of his Snohomish ancestry (Bailey in Pembroke 1981, 61). Jack Kidder first stated in his 2003 interview that he had fished commercially from the time he was 15 years old (approximately 1939) until 1979, but additional conversation with his wife clarified that he had held full-time jobs (including several years spent out of state) until his retirement in 1966. From 1966 until 1976 (13 years) he fished commercially, but at his own leisure (Jack Kidder OFA Interview 2003).

In 1953, the group secured 250 blank Indian Identification Cards from the state of Washington (District Supervisor to Odell 1953). Individual members could also write to the BIA and request a "blue card," which would also allow members to hunt and fish without paying state license fees. It is unclear whether the leadership supplied any of the information necessary (such as genealogical information) for members to receive "blue cards" from the BIA. It also appears that members of STI referred to both cards as "blue cards," although they were issued by separate state and Federal agencies. In 1955, the group's leaders voted to suspend the distribution of "blue cards" until a membership roll had been prepared (STI Minutes 6/12/1955), but subsequent minutes do not indicate if this was put to a vote by the membership, or if the distribution of cards resumed at a later date. The minutes of 1956 also mention "Courtesy Cards" being issued by the state game Department, but it is not clear whether these were the same as state Indian Identification Cards. Chairman Hawkins proposed a motion, which passed unanimously, to reject the "Courtesy Cards" because he felt the state did not have the right to establish a degree of Indian blood to determine who should be able to hunt and fish without a license (STI Minutes 8/12/56). The group did not provide any records of how many Indian Identification Cards it distributed or name to whom they gave the cards, and there is also no mention of how many members may have requested a "blue card" from the BIA. Other unrecognized groups also received the Indian Identification Cards, including the Duwamish and Chinook. The group did not specify if it had any internal hunting or fishing ordinances that members would have had to adhere to in order to maintain their cards.

During the 1960's, the group's leaders continued to pursue its claims case. At the annual meeting in 1960, the group appeared to have its first discussion of the amount of set-offs from the claims settlement, and passed a motion approving the council to negotiate no more than \$67,000 worth of set-offs. There is no information to indicate from where the figure of \$67,000 arose. Minutes from 1963 also indicate a concern over the potential amount of set-offs to be deducted (STI Minutes, 4/21/1963).

At the 1964 annual meeting, the report from Chairman Hawkins stated that the council had adopted a resolution that stated that the money from the claims settlement should be paid out on a per capita basis, and that none of the money should be turned over to the Tulalip reservation (or, presumably, those Snohomish descendants living on the Tulalip reservation). He also stated that he had attempted to get this same resolution supported by NCAI, but that he had been unsuccessful (Chairman's Annual Report 9/20/1964). At a 1965 council meeting, the group resolved to accept a claims settlement of \$180,770, minus \$44,534.41 in set-offs (STI Minutes 8/22/1965).

The group's leaders also sued (unsuccessfully) to have the claims of the Skykomish incorporated along with their own, arguing that the Skykomish were merely upriver Snohomish instead of a separate band. In 1956, the Indian Claims Commission had concluded that the Skykomish and the Snohomish were not the same group, and prohibited the current petitioner, the Snohomish Tribe of Indians, from pursuing claims as the successor in interest on behalf of the descendants of the Skykomish tribe (ICC, Opinion of the Commission 11/21/1956, 4-567 to 4-571). The Court of Claims in 1967, on appeal from the Indian Claims Commission, permitted the Snoqualmie Tribe of Indians to present the claim of the Skykomish tribe solely because there were Skykomish descendants among its members at the time. However, the court specifically concluded that the Skykomish had ceased to exist by the late 19th century because of extensive intermarriage with several Indian groups. For the earlier period, the court determined that the Skykomish were a separate political entity (U.S. Court of Claims 2/17/1967, 570-593).

As the claims process continued into the late 1960's, it became clear that the amount of money was not going to be anywhere near as large as they had anticipated. Further, the claims legislation had made no prohibition against people receiving multiple awards if they could demonstrate descent from multiple historic tribes. Knowing that many people outside STI could demonstrate Snohomish descent and substantially reduce the award going to each individual member, the group passed a resolution in 1967 to limit the distribution of the award to those who could not participate in any other claims award (STI Minutes 11/12/1967). This excluded many Snohomish descendants on the Tulalip reservation from claiming part of the Snohomish claims settlement.<sup>107</sup> On July 23, 1971, Congress and the President enacted legislation that appropriated funds for the Snoqualmie, Snohomish, Upper Skagit, and Skykomish judgment award from the ICC. This statute directed the Secretary of the Interior to prepare separate rolls of the lineal descendants of those who were members of these tribes in 1855 and to distribute the award on a per-capita basis among eligible applicants. BIA officials first maintained that the claim would be

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<sup>107</sup>The Tulalip Tribes Incorporated had also initially filed suit against the government, but had eventually withdrawn it in order to avoid repeated appeals. As a corporate entity, it was not a signatory to the Treaty of Point Elliot in 1855, and therefore ineligible. Some members of Tulalip Tribes were eligible to receive claims awards from claims Dockets 92, 93, and 125 if they were able to demonstrate descent from the Suiattle-Sauk, Snoqualmie and Skykomish, and Upper Skagit (25 CFR 1979, 89).

distributed on a descent basis, regardless of whether or not a person could trace descent to multiple tribes, but when the rolls were finally prepared, the claims of the Snohomish were limited to those who were not eligible to receive claims through any other tribe (25 CFR 41.1, 4/1/1979, 88-9). Additional documents from 1970 also record the group's leaders protestation over having to use a portion of its claim to pay for the BIA's preparation of a judgment role (Snohomish Tribe Resolution 6/13/1970; Skarra to Allen 2/27/1970).

Coincidentally or not, 1967 was also the last year that the annual meeting was held on the reservation. Al Cooper maintained that the reason the group stopped meeting at Tulalip was because the rent on the hall was raised to \$50 and because "they were not going to prepare lunch for them, so I was asked to, or I even suggested that we meet in a different place." (Al Cooper in Hank Hawkins Interview 1975, 34) Jack Kidder maintained that there was an "iciness" in the air after the Tulalip claims of Docket 262 were denied, and that the group made STI unwelcome by raising the rent and not offering the salmon meal (John "Jack" Kidder Affidavit 1999, 15). One interview mentioned that the cooks has started to prepare the salmon indoors rather than outside, and that the meal did not taste as good (Myrtle Stuckey Interview 1996, 31). The charge of raising the rent on the hall cannot be taken seriously. The last receipt submitted for the rent of the hall in 1967 was \$35. According to Al Cooper, the price was raised to \$50. Even in 1967 dollars, an increase of \$15 paid once a year could hardly be described as a prohibitive increase.<sup>108</sup> There is no information from either the Tulalip Tribes or by STI regarding the reason for the meal not being offered for sale (according to information gathered on OFA's 2003 field visit to the Tulalip reservation, the meal was prepared and sold separately by a Catholic ladies organization and was never included with the rental of the hall. Additional minutes from STI also indicate that the meal was always sold separately and not included in the cost of the hall rental). As to any change in attitude towards the group by the members of the Tulalip Tribes, none of the interviews named any person or group of people who said or did anything to specifically discourage the members of STI from returning. In any case, the group held its future annual meetings in a variety of locations, including fairgrounds and public parks. The evidence presented to OFA affirms the Preliminary Finding that the group was primarily, but not exclusively, a claims organization. Throughout the 1950's and 1960's, the major topic of concern as evidenced in the minutes and other documents was the claims issue. There are occasional mentions of hunting and fishing rights and the distribution of "blue cards," and one mention in the minutes of a letter from the Pioneer Boys and Girls Club of Snohomish asking permission to make the old Indian cemetery in the town of Snohomish into a park (STI Minutes 8/15/1955). Beyond these issues, the remaining minutes deal with the business of the council itself- collecting dues from members, compensating members for travel expenses or car repair

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<sup>108</sup> According to Wayne Williams, who had been manager of Tulalip Tribes for many years, the price increase affected all people who wanted to rent the hall. This included local non-Indians who rented it for wedding receptions and other functions because it was, at the time, one of the largest facilities available in the area. The increase was not directed solely at STI (Jones, Williams and Gobin Interview, 2003).

(when the car had been used for official business), and the election and resignation of people on the council.

The petitioner claims that the PF applied criterion 83.7(c) unfairly. According to the allegation, other Findings, characterized the tribal councils of the Jamestown S’Klallam, Tunica-Biloxi, and Poarch Creek as “organized chiefly for claims purposes” (STI Narrative 1999, 4.31), yet found they met the criterion. A careful reading of those three Findings does not substantiate this allegation. AS-LA found that claims action were indeed a legitimate part of the petitioners’ political histories, but only a part. The PFs detailed the many other political issues that each group faced before and during this same period. For example, the Jamestown S’Klallam council maintained the community water system and establishing a blood quantum for membership in the tribe during the early 1950’s (Jamestown Clallam PF 1980, 14, 15). The Poarch Creek protested the actions of the local school district because the local school bus would not pick up Poarch Creek children and take them to the local junior high and high school (Poarch Creek PF 1983, 35). The Tunica-Biloxi traveled to Washington D.C to seek economic aid so that relatives who had moved to Texas could afford to return to Louisiana, and sought help to enable the rest of the group to be able to maintain their community (Tunica-Biloxi PF 1980, 20, 21). Additionally, other Findings also declined to acknowledge other petitioners, such as the Duwamish Tribal Organization, whose governing bodies concentrated almost solely on claims. Claims activities may provide evidence of political authority, but are not in and of themselves evidence of the maintenance of political influence or authority of the leaders of a claims organization over the membership. The key issue is to demonstrate whether the issue is of importance to a significant number of group members. The nature of the claim, whether it represents a long-ago loss, or a recent one that can therefore reasonably be expected to be important to many of the membership, is also relevant to demonstrating its political significance (see Snoqualmie FD and Chinnock RFD). The petitioner has not demonstrated that the claims issue and the right to hunt and fish without a license were a significant enough political issue among members of STI to result in conflicts or controversy about how the claims were proceeding or what steps the leadership should take. Further, the petitioner has also not submitted other kinds of evidence to demonstrate that a significant political relationship had been maintained among the members and that the leadership has exercised authority within the membership.

Although some leaders of the group became very active on behalf of the organization, particularly in regard to filing claims against the U.S. government, the available evidence does not demonstrate that either the council or any other individual or group of individuals maintained authority over the group as a whole. Most people referenced only their own family members as sources of authority. Later, as the Indian rights movement grew across the Puget Sound area and across the county, the group’s leaders began to address other issues and to act as an advocate for its members but only in a limited context. These issues will be discussed in the next section.

*Analysis of the Evidence for Political Influence and Authority–1970-1983*

Land Acquisition

Chairman Clifford Allen launched the first effort by the group's leaders to secure a reservation. Prior to his efforts, there is no evidence in any of the minutes or other documents to indicate that obtaining land was a priority for the group. Many of the group's members owned or inherited land, particularly those in the Chimacum area, but the group's leaders had never discussed obtaining land in common. The first mention of obtaining land for the group appeared in the minutes of a 1970 meeting when Clifford Allen is recorded as having been told by the BIA that the group had no fishing or hunting rights because they did not have a reservation (STI Minutes 9/20/1970,3). He therefore decided to pursue obtaining land for a reservation, and the group supported his decision. Allen tried for several years to locate a suitable location for the group, and records indicate he viewed several parcels. One member reported that she had disagreed with one of his choices because it was too small, and had no room to expand (Tilda Palla Interview 1996, 27). Minutes from a 1975 meeting also indicate that a member of the group offered to donate land in order to build a community smokehouse, but the discussion was tabled until a later date and not mentioned again in future minutes (STI Minutes 11/23/1975). The issue of obtaining land also led to one of the only large disputes the group ever recorded having. The group's leaders apparently held a meeting to discuss whether the money from the claims settlement should be paid out on a per-capita basis, or to the group as a whole to purchase land. Jack Kidder indicated that the discussion grew heated (John "Jack" Kidder Affidavit 1999, 17). The membership eventually voted to receive the money on a per-capita basis, and when the claim was eventually paid out in 1981, each person received a check for \$234. There is nothing to indicate that the group's leaders ever discussed pooling those claims checks in order to establish a land acquisition fund.

The group's leaders eventually did acquire one acre of land in the Sultan/Monroe area that had been part of the Indian Homestead of Jerry Deason, which had been inherited by a member of the Jimmicum family. The land appears to have been acquired in 1978, when the council went to visit "the tribe's land" (STI Minutes 6/14/1978). According to William Matheson, the land was purchased for \$2000, with money raised by council members. They were later reimbursed by STI (William Matheson Affidavit 1999, 14). The petitioner has stated that the land is "in trust" for STI (Lane 1999, 40); however, the petitioner has not defined in what type of "trust" the land is supposed to be held. No documents have been submitted to demonstrate that this land has been taken into trust by the Federal government on behalf of the group.

United States. v. Washington

The 1970's brought many political changes in Indian country, and the Puget Sound region was one of the most volatile in the country. Much of the political activity and demonstrations that went on involved treaty rights, particularly those to hunt and fish without state licensing. This

was not a new issue; for many years, Indians had been arrested and prosecuted for fishing and hunting outside of their reservations. At the same time, many non-Indians engaged in commercial fishing were buying larger and more powerful boats to harvest more and more fish, leaving many fewer for Indians. Indians also reported abuses from non-Indians, including slashing nets and damaging other equipment. Some Indians, specifically members of the Puyallup and Nisqually tribes, staged “fish-ins,” political demonstrations to protest the abrogation of their treaty rights.

On September 18, 1970, the United States, on behalf of seven western Washington tribes, filed suit against the State of Washington in an effort to resolve the long-standing issue of treaty fishing rights. The list of plaintiffs in this landmark case of *United States v. Washington* did not include the Snohomish (Snoqualmie PF 1993, 116). Eventually, STI joined other western Washington tribes and unrecognized groups in a suit to have their treaty-reserved rights to fish affirmed by the Court. Other intervenors included the Jamestown, Lower Elwha, and Port Gamble Clallam, and the Nooksack, Suquamish, Swinomish, Nisqually, Puyallup, and Tulalip tribes (Snoqualmie PF 1993, 116). STI had addressed the issue of hunting and fishing rights during the 1950's and 1960's, but became more active in the 1970's as one of the intervenor tribes. STI established a “Fisheries Board” sometime in 1974, chaired by E.J. Kidder, and had created “Marine Gill Net Fishing Regulations” that same year (STI 4/28/1974).

On February 12, 1974, Judge George H. Boldt issued a decision in *United States v. Washington* (Snoqualmie PF 1993, 118). His ruling, known generally as the “Boldt decision,” reaffirmed the Government's historic pledge to secure fish for the treaty tribes. It held that the plaintiff tribes had definable rights to salmon, steelhead, and other fish, and that they were entitled to an opportunity to catch 50 percent of the harvestable fish that was destined to pass through their usual and accustomed off-reservation fishing grounds and stations. However, the five intervenors were not considered heirs to the treaty of Point Elliot. In an effort to gain affirmation of reserved treaty fishing rights, the Snoqualmie, Snohomish, Samish, Steilacoom, and Duwamish filed motions in June 1974 to intervene in the *United States v. Washington* litigation.

On September 13, 1974, the U.S. District Court granted the motion of the five intervenor tribes to intervene in *United States v. Washington* and referred the matter of the intervenors' tribal treaty status to a specially appointed Magistrate or Master. U.S. Magistrate Robert E. Cooper was ordered to hear evidence on the question of whether the intervenors constituted tribal entities entitled to share in the treaty fishing rights defined in the District Court's initial decision in the case, also known as Final Decision No. 1 (Snoqualmie PF 1993, 124-125). On March 5, 1975, the Master issued his report, recommending that the intervenor tribes were not entities entitled to exercise tribal treaty fishing rights. Specifically in regard to the Snohomish Indian Tribe [sic], the judge found that the organization was not recognized by the United States to be an “Indian governmental or political entity possessing any political powers of government over any individuals or territory,” and that “none of its organizational structure, governing documents, membership requirements or membership roll “ had been federally approved “for the purposes of

administration of Indian affairs” (U.S. District Court 1975, 1-2).

On August 14, 1975, Judge Boldt issued an order that granted conditional fishing rights to the five other intervenor tribes until such time as the District Court could issue a final decision regarding their treaty status. These temporary rights included the right to fish without a State license and without regard to State limited entry laws, and to exercise other treaty fishing rights at the invitation and under the regulation of any of the tribes whose entitlement to treaty rights had been established by the District Court in Final Decision No. 1. The conditions placed on these special rights were that each tribe had to certify and file with the Court a list of its members eligible to fish and to issue photo identification cards certified by the tribal chairman to each eligible member. Prior to engaging in invitational fishing, the tribes had to furnish the Court with a copy of the terms and conditions of the agreement worked out with the inviting tribe, and a tribal declaration that all members who wished to fish would obey the regulations established by the inviting tribe. The intervenor tribes had also to provide the State Department of Fisheries with copies of all its identification cards, as well as a certification that all the eligible members had such cards (Boldt 1975; U.S. District Court 1978, 1057-58). A report from the Northwest Indian Fisheries in 1976, recorded 17 Snohomish registered fisherman (STI Minutes 3/7/1976), and the group obtained the right to fish by invitation of the Suquamish that same month. Five members were allowed to fish under the Swinomish tribal regulations for a year. Minutes from the July STI council meeting indicate that two members had received citations for fishing illegally and had to appear in court, and the council voted to support them if they had any trouble relative to the summons (STI Minutes 7/18/1976); however, no other mention of the issue is made in any subsequent documents. The invitation from the Suquamish ended on December 31 1976, and there is no indication of any further activity between the Suquamish and STI. In 1978, the group leader issued each of 22 fishermen a “Tribal identification card” which conformed to the requirements established under the “Conditional Fishing Rights of Certain Plaintiff Intervenor Tribes” (Schlosser 5/4/1978).

The Snoqualmie Tribal Organization and its Fishing Committee sponsored a joint meeting of the five intervenor tribes at Issaquah on April 17, 1977 (Snoqualmie PF 1993, 133). STI minutes from that time do not mention the meeting specifically, although there was a mention of a general discussion on fishing and a reference to “the constitution that the Point Elliot Treaty Tribes are writing up” (STI Minutes 4/24/1977, 1). The group also pursued fishing under an invitation from the Swinomish, who, along with several other tribes (particularly the Tulalip Tribes), were members of the Point Elliot Treaty Council (STI Minutes 7/16/1977). However, minutes from a subsequent meeting state that the invitation was withdrawn due to pressure from other members of the Point Elliot Treaty Council and the Tulalip Tribes (STI Minutes 8/21/1977).

On March 23, 1979, the District Court finally issued its findings of fact, conclusions of law, and decree regarding the status of the five intervenor tribes in *United States v. Washington*. The ruling was not favorable to the intervenor tribes, for Judge Boldt had merely signed the order that

had been originally proposed and lodged by the United States in March of 1976. The order was not retyped or changed in any way, although the District Court later (on April 3, 1979) corrected an error in the Findings of Fact confusing references to the Snoqualmie and Snohomish Tribes. The finding held generally that Federal recognition was required for an Indian tribe to establish and exercise treaty rights. Regarding the Snohomish specifically, it concluded that the tribe had not lived as a “continuous separate, distinct and cohesive Indian cultural or political community.” It declared further that had no “common bond or residence or association” existed other than their voluntary affiliation as members of STI. It also concluded that the group was not an entity which had descended from the tribal entity that was signatory to the Point Elliott Treaty, and that it had not maintained an “organized tribal structure in a political sense” (U.S. District Court 1979, 12).

Judge Boldt's decision shocked the intervenor tribes. Consequently, their attorney, Alan Stay, filed a motion for reconsideration with the District Court on April 5, 1979 (Snoqualmie PF 1993, 139). In the meantime, on July 12, 1979, the U.S. Supreme Court upheld almost all of the Boldt decision of 1974 regarding the treaty fishing rights of the federally recognized tribes of western Washington. After numerous cases and appeals filed on behalf of the intervenor tribes, the Supreme Court declined to review the decision of the Court of Appeals. The temporary permission granted the Snohomish and other intervenor tribes the right to exercise treaty-fishing rights expired and was not renewed (Snoqualmie PF 1993, 140).

### Social Concerns

The council embarked on its first social programs during the 1970's. The availability of funds from various state and Federal agencies enabled the group establish an office, hire staff to administer the programs and also maintain the group's enrollment information. The group leader's involvement with STOWW allowed it to develop some programs to distribute food stamps and food vouchers. The food voucher program appears to have continued until the present, and one member of the group interviewed in 2003 stated that she had been the recipient of food vouchers from the group. Members of the council also began to administer some programs through the Western Washington Indian Employment and Training Program (WWIETP). There is a reference to the group leaders paying for council member Merle Richardson to take an anthropology class at a local institute (STI Minutes 12/4/1979), but there is no discussion of whether the council itself paid the bill from its own funds, or whether the class was paid for by funds acquired through any of the various grant programs. The leadership also began to publish a newsletter, although it is unclear how often the newsletter was distributed.

The group's leaders also expressed their first concern for Indian children who had been placed for adoption when it proposed helping an Indian girl working for the Nisqually tribe determine if she was Snohomish (STI Minutes 6/20/1975). There is no further mention of the young woman in the minutes, and no further information to indicate how this situation was resolved. An undated flyer also included in the group's 1982 submission addressed the issue of children in need

of foster care, and asked members to volunteer to serve as foster parents for STI children. However, there is no indication of how many children were in need of placement, or how many members served as foster parents.

*Analysis of the Evidence for Political Influence and Authority—1983-present*

Federal Acknowledgment

After the settlement of the claims issue and during the fishing litigation, the group's leadership began to work for Federal Acknowledgment. Meeting minutes indicate that the first mention of a petition was in 1973 (STI Minutes 2/23/1973). The letter of intent to petition was filed in 1975. The negative PF was issued in 1983 and astonished the group's leaders, perhaps even more so than the finding issued under the Boldt decision. The group's leaders have spent most of its energy since 1983 working on the petition for Federal acknowledgment. The leadership started a "war chest" after the petition was declined (STI Minutes 5/15/1983) in order to fund the response, but the lack of a mention in subsequent minutes indicates that it was placed in the group's general fund. The group's council received its first Administration for Native Americans (ANA) grant to fund their Federal acknowledgment efforts in April 1987, with Mary Hansen (a contractor and a member of the Samish petitioner) appointed bookkeeper of grant (STI Minutes 4/12/1987). The group has received several additional ANA grants since then to assist in the preparation of its response. In 1987, a grant from the Episcopal church enabled the group to start issuing a quarterly newsletter, the *Snohomish Sound*, which was described by several members in 2003 as important in keeping them informed of what was going on within the group.

The relationship between the Snohomish and two influential members of the Samish (Ken and Mary Hansen) appears to have been particularly close during this time. Ken Hansen first appeared as a consultant in 1980 (STI Minutes 3/9/1980, 1). The group's leaders later entered into a contract with Mary Hansen (Ken Hansen's mother) and her firm, Totem Services (STI Minutes 10/13/1985, 2). The minutes do not record any meetings between the Samish council and the Snohomish council, but in the early 1990's, the \$130,000 ANA grant received by the Snohomish included \$65,000 to be sub-contacted to the Samish. According to meeting minutes, "This is the only way ANA or the Commission could get the money to the Samish, as they were all through with the Federal Acknowledgment Process" (STI Minutes 2/14/1993). The group accepted the responsibility for administering the money to the Samish for that year, and there is no further mention of any additional administrative dealings between the two entities. When the Samish were acknowledged in 1996, they held a celebration, which several STI members attended (STI Minutes 7/28/1996). Ken Hansen has since continued to assist the group in participating in several of STI's naming ceremonies (see criterion 83.7(b) for further discussion of Ken Hansen's involvement with the group).

### Internal Concerns

In 1980, a number of tribes and unrecognized groups in the state of Washington were contacted to take part in a survey of the Mt. Baker-Snoqualmie National Forest in order to identify cultural and religious resources in the forest (Jones to Chairman 3/7/1980). The study was conducted by the Institute for Cooperative Research, and funded by the US Forest Service. Tanya Merle Richardson, a council member and Chair of the STI Forestry Committee, sent out questionnaires to the members of the STI group, but the petition did not include data on how many people responded, who they were, or what type of information they had submitted. The petition included a copy of a 1999 article in the *Seattle Post-Intelligencer*, which mentioned the survey, but did not mention STI.

In 1985, the group's council had to deal with a member who, as an employee, embezzled money from the organization (STI Minutes 4/14/1985). According to the documents submitted, the employee had admitted to stealing \$3,000 to support a drug problem. The council considered suing in Small Claims Court, but tried to reach an agreement in which she could repay the money. The council voted twice to send a letter to the member's husband informing him of the situation (STI Minutes 11/10/1985, 9/21/1986), but only a small part of the stolen money was ever repaid. Other than the letter writing, there is no indication that the council pursued any remedy to recover the stolen money.

In February of 1978, council member Kathleen Bishop Turner died suddenly. A fund was established in her memory (STI Minutes 2/11/1978, 1), but the record contains no mention of what the fund was supposed to be for (scholarships, emergency expenses, petition, etc.). A separate account for the money was established, but it was accessed only once in 1988 to pay for a banner at the Burke Museum (STI Minutes 10/23/1988, 3). Two years later, at least a portion of the money was used to refurbish a trailer that the group council used as an office (STI Minutes 4/29/1990, 3). In 1991, the fund was discontinued, and the balance of \$569.81 deposited into the "Snohomish Tribal Funds." There was no discussion in the minutes as to why the fund was terminated.

Members of the group also attended the dedication of a statue of Sultan John in the town of Sultan (STI Minutes 6/23/1985). Some of the members were Sultan John's collateral descendants, the grandchildren and great-grandchildren of Boedah Strand. The information submitted by the petitioner, however, indicates that the move to erect the statue came from the local historical society. Available evidence does not indicate that the group's leaders had any involvement in the creation of the statue or had petitioned to have the statue erected.

The leadership has also been somewhat more active in advocating for individual members, particularly concerning situations where STI children enter the foster care system or are placed for adoption (STI Council Meeting, OFA Field Visit 2003). One interview also indicated that the chairman had been active in a court case where some kids had gotten a "raw deal," but there

was no further information in the minutes or additional interviews referring to this case (Connie and Amy Coulter OFA Interview 2003).

### Annual Meetings

According to records submitted to OFA, attendance at the group's annual meetings had remained relatively static over the last 50 years, although the group's membership has increased steadily. The meetings were initially held in August, but have been held in September for many years. Elections are held each year at this meeting. The lack of sign-in sheets for most of the meetings makes it difficult to identify just which members of the group have taken part (see Appendix-C Snohomish Annual Meeting Attendance).

The current council consists of members from 5 family lines:

- 4 Quinta (Q),
- 4 Cooper (CO),
- 3 Bishop (SB),
- 2 Strand (WS)
- 1 Hawkins (H2).

Within these lines, people were closely related to each other:

Quinta- Father, Daughter, Grandson, Niece

Cooper- Three natal siblings (Two sisters, one brother), Adult daughter of one of the sisters

Bishops - Two brothers, one first cousin of the brothers

Strands- Two sisters

Hawkins- One member, no relatives on council.

In addition, one member of the Cooper line was formerly married to one of the Quinta members, and they have children together. This is the only marriage between members of the group recorded in the last 50 years.

It is also significant that two of the most politically active lines (the Coopers and Quintas) cannot definitively trace their ancestry to the historic Snohomish tribe (see criterion 83.7(e) for discussion on this subject). The Hawkins line also cannot trace its heritage to the historic Snohomish tribe. Therefore, of 14 sitting council members in August 2003, 9 are from family lines that cannot sufficiently document Snohomish ancestry.

Ten of the 12 council members interviewed by OFA in 2003 grew up in the Chimacum vicinity, and seven still live there. No one on the current council represents the families in the Everett and Monroe area, or of the Whidbey Island residents, although they appear to have been represented on the council in the past. There is little information about the people who live in the cities of Seattle, Tacoma, or Olympia.

### Council History

Forrest Elwell served as the first chairman of the group when it formed in 1950. He served until 1954, when Jo Jewett was elected. Jewett served until 1957, when Hanford (“Hank”) Hawkins was elected. He appears to have served consecutively until 1968, when the minutes indicate that Clifford Allen replaced him as Chair. Allen appears to have served until 1976, when William Matheson was elected for the first time. He was either reelected or reappointed to the position until 1986, when Robert Woodley was elected. Woodley served until 1990, when Alfred (Al) Cooper was elected. Cooper resigned as Chair on April 1, 1993, and Matheson took his place. Matheson appears to have served as Chairman until the present.<sup>109</sup> Of the 7 chairmen that the organization has had over 50 years, five (Elwell, Hawkins, Allen, Matheson, and Cooper) cannot definitively trace their ancestry to the historic Snohomish tribe (see criterion 83.7(e) for discussion on this issue).

Nothing in the minutes indicates that there have been any election controversies or struggles for leadership. Affidavits submitted by the petitioner support this conclusion (William Matheson Affidavit 1999; John “Jack” Kidder Affidavit 1999). There is also no indication that the group has ever divided politically according to any regional, familial, or ideological lines. From 1950 until 1970, it is difficult to tell how many people attended the annual meeting or voted for a given candidate because the minutes often include no information on how many people attended. There are also years when there are no records of elections being held (1965-1972, 1975, 1981-1983), and the council of the previous year was simply carried over to serve another term. At other times, a notation in the minutes records only that a person was elected by unanimous ballot. For example, in 1968, five people were elected by unanimous ballot, even though they were not present at the meeting (STI Minutes 9/11/68).

The petitioner has not demonstrated that a large percentage of the membership maintains contact with the leadership. Membership at annual meetings, when elections take place, is relatively small. The lack of sign-in-sheets for many years, as well as the lack of annual meeting minutes for annual meetings for at least 12 years between 1950-1998 makes it difficult, if not impossible, to tell who was in attendance, or if a significant number of family lines are present at these meetings. Minutes from monthly council meetings, which are also open to members, do not indicate that a significant number of members attend these meetings regularly. There is little information to demonstrate that the group is responsive to the concerns of most of its members, or that political issues are important outside of meetings.

Since the mid-1970’s, the group has dedicated most of its energy to pursuing Federal acknowledgment. There is no indication that the group has any interest groups within it (divided along residential or ideological lines) that might help to understand what issues (other than

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<sup>109</sup>OFA does not have STI’s minutes for 1999-2003, but correspondence indicates that he continued to serve in the position during that time.

acknowledgment and fishing rights) are important to the group. Although the leadership has become more organized and implemented some programs to serve its members, there is insufficient information to determine how many members these programs actually serve. Outside of the quarterly newsletter instituted in 1987, there is insufficient evidence to demonstrate that there is widespread knowledge or communication about political processes within the membership. There is little evidence of the petitioner's maintenance of political influence or authority over the group's membership.

### Criterion 83.7(d)

#### *Conclusions under the Proposed Finding*

The PF concluded that the petitioner met the requirements of criterion 83.7(d) insofar as it provided “its current governing documents which describe membership criteria now in use” (Snohomish PF 1983,18). The petitioning organization submitted with its petition a 1978 constitution and by laws as its current governing document. The document submitted provided for a governing body to be elected by the group’s members and includes a section that deals specifically with membership. Eligibility for membership was further defined and interpreted through Article III, Section 2, which empowered the Tribal Council to enact ordinances governing enrollment and disenrollment procedures, enrollment hearings, and maintenance of official membership rolls and files (Petitioner 1979, 87).

The 1978 governing document lacked a clear definition of qualifying ancestors from whom prospective members must show descent. It specified members only as persons enumerated by Roblin (Roblin’s Schedule 1/31/1919) as unenrolled Snohomish, persons of Snohomish descent named on any “authenticated” membership roll of the “Snohomish Tribe,” and any child born to a tribal member after the 1978 Constitution was enacted (Petitioner 1979, 86-87). The document did not appear to have been separately certified by the governing body. However, it met the requirements of the regulations.

#### *Comments on the Proposed Finding*

The petitioner did not prepare comments or submit evidence in response to the PF on criterion 83.7(d).

Third-party materials submitted before the close of the comment period on March 12, 1999, did not contain any evidence pertaining to criterion 83.7(d).

#### *Analysis for the Final Determination*

The OFA obtained a copy of the petitioner’s amended constitution, labeled “Revised 1991, with amendments,” which was adopted at the October 17, 1993, STI annual general tribal meeting (Petitioner 2003). The amendments incorporated in the 1991 constitution include council election dates, temporary appointments to council, geographic area of STI legislative and judicial authority, membership eligibility (descent, dual enrollment), council officers and their duties, and confidentiality of records. It specifies as members, in addition to those named in the original

constitution, direct descendants of Snohomish signers of the Treaty of Point Elliot, persons who are named on the BIA Snohomish judgment roll (BIA 7/19/1971 Docket 125), and persons on Snohomish membership rolls approved by the “1926 Snohomish Enrollment Committee” or Snohomish Tribal Council (Article III, Section 1 (a) and (b)). This document also includes a section forbidding membership or eligibility for membership of persons enrolled in another tribe (Article III, Section 3 (a) and (b)). The document does not appear to have been separately certified by the petitioner’s governing body.

The 1991 amendments do not include new enrollment provisions to specify the types of documentation necessary to verify descent or lineage. The constitution does not require that applicants submit official birth records showing parentage, adoption records, marriage records, death records, or name/identity change records. Additionally, the amended constitution (Petitioner 1993) still lacks a clear identification of the individuals in the historical Snohomish tribe from which the members must prove descent. Current membership applications do include a statement of voluntary affiliation, a statement that the applicant is not enrolled in a recognized tribe, and a section for descent information. Although this document is insufficiently specific in order to be an effective membership-screening tool, it still meets the minimum requirements of the criterion, that is, the petitioner has a constitution that describes its membership criteria and the procedures through which it governs its affairs and its members.

### Criterion 83.7(e)

#### *Conclusions under the Proposed Finding*

The PF concluded that the petitioner did not meet criterion 83.7(e), descent from a historical tribe, based upon “the presence of a large number of non-Snohomish members” (only 59 percent of the petitioner’s members could document descent from a historical Snohomish tribe) combined with “the group’s vague and loosely applied membership criteria,” which led to the evaluation of the petitioner as “a collection of Indian descendants of Snohomish as well as Clallam, Snoqualmie, and other Indian ancestry” (Snohomish PF 1983, 26).

The PF on criterion 83.7(e) was based upon three areas of evaluation: “1) present and past membership lists, their composition and relationship to one another; 2) the organization’s membership criteria and members’ eligibility under the group’s own defined criteria; and 3) descent from a historical tribe or from tribes which combined and functioned as a single autonomous entity” (Snohomish PF 1983, 18). The following is a brief summary of each area followed by the petitioner’s comments on the PF and the OFA researchers’ analysis of all of the evidence for this FD.

#### 1) Membership Lists

The 1979/1981 membership list, used for the PF, was a combination of two membership documents: the December 1979 list submitted with the initial petition and the January 1981 list submitted in response to an AS-IA request for additional information. The 1979/1981 combined membership list totaled 836 names.

The PF identified the 836 members as descending from 38 distinct family lines and concluded that only 59 percent of the STI members were able to document Snohomish Indian ancestry. The remaining 41 percent of the members (comprising 19 of the STI ancestral family lines) were unable to document Snohomish ancestry and were found to be mostly Snoqualmie or Clallam, although Puyallup, Duwamish/Nisqually, and Alaska Native ancestry were also represented.

#### 2) Membership Criteria and Eligibility

For its evaluation, the PF used membership criteria found in the 1978 constitution and by laws and additional definition and interpretation provided by a 1978 enrollment ordinance. Drawing from these sources, the PF compiled identified three membership eligibility categories used by the petitioner:

- a) Those of “Snohomish Indian blood whose names appear on the Charles

Roblin Schedule of Unenrolled Indians,” and their descendants. The petitioner states that this does not mean that they must be identified as “Snohomish” on Roblin’s schedule, but merely that they be Snohomish (by the group’s own determination) and be found somewhere on the schedule.

- b) Descendants of persons on the base roll (which is identified as the group’s current membership roll) or on any roll of the Snohomish tribe that has been authenticated by the group’s tribal council.
- c) “. . . persons of Snohomish Indian blood whose ancestors’ names do not appear on any membership roll of the Snohomish tribe . . . .” “Persons of Snohomish Indian blood” as defined in the group’s adopted enrollment ordinance are persons “who are descended from the aboriginal Snohomish Tribes and bands” (Snohomish PF 1983, 21).

### 3) Descent from the Historical Tribe

The PF evaluation concluded that, “based on genealogical evidence available at this time, 41 percent of the petitioner’s membership are unable to document Snohomish Indian ancestry for acknowledgment purposes.” Because many, if not most, individuals of Indian ancestry in western Washington are able to demonstrate descent from more than one tribe, “in instances where evidence indicated Snohomish as well as other tribal blood, the family was counted as Snohomish” (Snohomish PF 1983, 22).

The conclusions reached in the PF were based on a variety of different sources of information, including Roblin’s Affidavits and Schedule of Unenrolled Indians, applications for enrollment in the 1926 Snohomish Claims Organization, descendancy rolls, ICC Docket 125 [Snohomish](ICC 3/30/1967) and Docket 93 [Snoqualmie](ICC 9/23/1968), the BIA 1926 Clallam census (Tulalip Agency 5/29/1925), census records (Tulalip Reservation, General Population), and other public and private publications and records.

#### *Comments on the Proposed Finding*

With its comments on the PF, STI submitted a revised membership list, composed of two separate membership documents (STI 1999, Vo. 2), to satisfy the requirement for an up-to-date accounting of the petitioner’s membership for the FD.

#### 1. Membership Lists

The first document, entitled “Petition Roll,” contained 766 entries on 17 pages and the second document, entitled “Supplemental Enrollment,” contained 624 entries on 13 pages, totaling 1,390

names in all. For purposes of brevity, these two lists will be referred to collectively as the 1999 membership list. This list was on legal-sized spreadsheets, each containing eleven columns labeled Enroll. #, Last Name, First Name, Middle, Sex, Maiden Name, Street Address, City, State, Zip Code, Birth Date, DOD [death date], and Death [“yes” if deceased]. A significant number (120 or 11 percent) of the members’ addresses were blank, incomplete, or given as post office boxes rather than the residence address required by 83.7(e)(2). The petitioner’s governing body separately certified the membership lists, but the comments included no statement of the circumstances surrounding their preparation (STI Narrative 1999).

## 2. Membership Criteria and Eligibility

Sections of “Article III – Membership” in the STI constitution were amended in 1991 with regard to membership eligibility and enrollment in another tribe. See the discussion for criterion 83.7(d). No comments were submitted by the interested party.

## 3. Descent from the Historical Tribe

The petitioner’s comments on criterion 83.7(e) (STI 1999, Vo. 1, pt. 2) addressed issues pertaining to tribal descent, including multiple ancestry, alternative tribal designation, adoption, slavery, and multiple names or identities, in addition to other related subjects. In a separate genealogical report (STI 1999, Vo. 3), the petitioner also challenged BIA’s classification of some of the STI family lines as Indian but not Snohomish (see Appendix A).

In response to the observation in the PF that few vital records appeared to be cited as evidence in documenting members’ ancestry, the petitioner obtained and submitted birth, marriage, and death certificates, and probate and homestead records. They also submitted updated ancestry charts coded to identify Indian progenitors and their descendants who are and are not current members.

Third-party materials submitted before the close of the comment period on March 12, 1999, contained additional information pertaining to criterion 83.7(e) in the form of reservation rolls and censuses, historic affidavits, Snohomish ancestry charts, probate records, and government judgment documents.

### *Analysis for the Final Determination*

#### 1) Membership Lists

The AS-IA’s comparison of the March 12, 1999, membership list to the 1979/1981 membership list used for the PF revealed that they were virtually identical except for the addition of new members and detailed information such as membership numbers. No deceased or disenrolled members were removed. The PF identified a total STI membership of 836. The STI 1999

membership list submitted for the FD contained a total of 1,390 names (766 on the “Petition Roll” and 624 on the “Supplemental Enrollment”) (STI 1999, Vo. 2). The 1999 list contained a large number of discrepancies, including 16 duplicate entries,<sup>110</sup> 213 members listed as deceased (later updated to 253, see below), several surname discrepancies resulting from marriage and adoption, and numerous birth date and membership number discrepancies.<sup>111</sup> Several members were not shown on the accompanying ancestry charts. A summary of the PF and FD membership information for the petitioner is shown in the table at the end of this section.

Additional information provided by the petitioner and obtained by OFA researchers in August 2003 resolved virtually all of the above-mentioned problems associated with the 1999 membership list. The petitioner’s membership (enrollment) files were made available to the OFA for inspection at the petitioner’s office in Edmonds, Washington. The files were segregated based on members listed on 1999 “petition roll,” members listed on 1999 “supplemental enrollment,” deceased enrolled members, and disenrolled or withdrawn members. Missing and corrected addresses and birthdates were provided by STI, and OFA researcher staff obtained updated surname, death, withdrawal/disenrollment, membership number, and ancestry information from individual members’ files. The audit revealed nine withdrawn members (disenrolled) and additional deceased members not noted as such of the 1999 membership list. As a result of this review and analysis, the total number of living persons listed as STI members appears to be 1,115. The distribution of these members among the various family lines is shown in Appendix B.

#### Background on the Membership List Preparation Statement

The petition evaluated for the FD did not include a statement describing the circumstances surrounding the preparation of the membership lists dated March 12, 1999. Such statements are required under criterion 83.7(e)(2). The member lists were certified separately from the rest of the petition as required under criterion 83.7(e)(2).

#### 2. Membership Criteria and Eligibility

Additional membership criteria and eligibility requirements as specified in the 1999 revision of the STI’s governing document expand application criteria and forbid membership in another tribe. A statement of voluntary affiliation with STI and a statement that the applicant is not enrolled in a recognized tribe, which are found on the group’s updated membership application form, provide for minimal screening of new applicants.

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<sup>110</sup> Some persons were entered twice under the same name and some were entered twice under different names, such as by maiden name and married name.

<sup>111</sup> Some persons had more than one membership number and some shared the same membership number(s) with another person or persons.

### 3. Descent from the Historical Tribe

The historical Snohomish tribe was represented by several chiefs and sub-chiefs who signed the Treaty of Point Elliott in 1855. The present record does not contain a census or base roll of the historical Snohomish tribe. As discussed in the PF, the record to date provides no comprehensive documentation of tribal members other than leaders until shortly after the treaty, when the “historic Snohomish tribe became centered on the Tulalip reservation” (Snohomish PF 1983, 1). However, the historical records described above provide significant evidence of a number of Snohomish families living in the treaty era, including at least twenty of the families ancestral to the petitioner who were determined to have some Snohomish descent.

Some Tulalip censuses enumerated a few individuals from the Allen, Jimmicum, Morrison, Preston and Spithill lines, most of whom had inherited interest in reservation allotments from collateral relatives or had married into Tulalip families. A rare few actually became allottees in their own right at Tulalip, for example, Anastasia Spithill and Isaac Preston (STI 1999, Vo. 3, Family Files).

Most of the petitioner’s ancestors did not move to the Tulalip Reservation and were not documented with the larger portion of the Snohomish tribe that settled on the reservation. There are no historic Snohomish tribal rolls prior to 1926 to which the petitioner may be linked. As a result, the FD used a variety of documents, some new and some previously submitted, to re-examine the tribal designation of the petitioner’s ancestors for those family lines not classified as Snohomish in the PF. These documents included Federal census Indian schedules of 1900 and 1910 for Jefferson and Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), Roblin’s “Affidavits and Schedule of Unenrolled Indians” (Roblin’s Schedule 1/31/1919), including Roblin’s handwritten notes when available (Roblin’s Notes 1919), BIA probate records (STI Response 1999; TED Exhibits), early 19th century school records, the 1926 Schedule of Clallam Indians of the State of Washington (STI 1999, Vo. 3) and the late 20th century Indian Claims Judgment Rolls for Docket 125 [Snohomish](ICC3/30/1967), Docket 93 [Snoqualmie](ICC 9/23/1968), and Docket 92 [Upper Skagit](ICC 9/23/1968), and other records as available. When reliable documentation provided reasonable new evidence of Snohomish as well as other tribal descent, the ancestor and family line was designated as Snohomish.

The petitioner provided arguments and analysis in its comment narrative (STI Narrative 1999, Vo. 7, Declaration of Sally Snyder) addressing the family lines that BIA concluded did not demonstrate Snohomish descent. These arguments and analysis, as well as those of the interested party, along with new historical documents submitted by the petitioner and the interested party, were carefully examined and considered for the ancestry analysis conducted for this FD.

### *Reexamination of STI Membership and Family Lines*

The following section is a discussion of the information used for the re-evaluation of STI family lines and the basis for determining Snohomish ancestry. Summaries of the family line ancestry determinations and membership distribution are shown in Appendix A for the PF and in Appendix B for the FD.

#### 1. Clarification of STI Family Lines Determined to be of Snohomish Descent in the PF

All of the petitioner's family lines that were determined to be of Snohomish descent in the PF were re-examined in the FD and found to descend from the historical Snohomish tribe. Two lines, Bailey (coded "B" in the PF) and Wilson/Bishop (coded "SB" in the PF), were found to have descendants included who were not descendants of the original progenitor, but were descended from the progenitor's non-Indian husband through a different marriage. To clarify which Indian ancestor the members actually descend from, the Bailey and Wilson/Bishop lines were re-designated: Bailey-1 and Bailey-2, and Wilson/Bishop and Williams-2.

##### **BAILEY-1**

This family line is the same as the "Bailey" family line that was coded "B" in the PF. The progenitor of this line, as submitted by the petitioner, was a Snohomish woman named Yabolitsa Phillis who married Robert S. Bailey (who the petitioner maintained was a non-Snohomish Indian from Virginia). A closer examination of the petitioner's ancestry charts revealed that approximately half of the descendants of this Bailey family line, specifically those descending from Laura (Bailey) Jewett, are not descendants of Yabolitsa Phillis Bailey, but are the descendants of Robert S. Bailey and his second wife, Charlotte Ladue. Charlotte (Ladue) Bailey was reported to be full Snohomish in a 1917 affidavit by her daughter, Laura (Bailey) Jewett (STI Response 1999, Vo. II, Bailey Family File). Therefore, although the two separate lines have a common Indian father who was non-Snohomish, both lines have Snohomish ancestresses. The petitioner's members who descend from Charlotte (Ladue) Bailey were placed in a separate family line referred to in this FD as Bailey-2 (see below).

##### **WILSON/BISHOP**

The "Wilson/Bishop" family line was coded "SB" in the PF. The progenitor of this line, as submitted by the petitioner, was Klastatute Sallie Wilson. A closer inspection of the petitioner's ancestry charts and petition documents revealed that Minnie Mary (Williams) Keogan and Annie (Williams) McMillan were not descendants of Klastatute Sallie Bishop-Williams, but that they were the daughters of Charles Williams (Klastatute Sallie Bishop's second husband) and his first wife Mary Williams, who was reported by her daughter Minnie also to be of Snohomish ancestry. Minnie Keogan and Annie McMillan and their descendants were placed in a separate family line referred to in this FD as Williams-2 (see below).

## 2. STI Family Lines Determined to Be of Snoqualmie Descent in the PF

### **ALLEN-1**

This Allen family line (coded Allen-A in the PF) was classified as being of Snoqualmie descent in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Mitchell (Klabula-ite or Klabolaitsa or Tubilica) (b.c.1846, d.c.1911), who married a non-Indian man named George Allen around 1853. Three statements recorded by Roblin (Roblin's Notes 1919), which report that Mary (Mitchell) Allen was part-Snohomish, were provided by a daughter-in-law, a son-in-law, and a grandson who was seven years old at the time of Mary (Mitchell) Allen's death. None of her children, who also provided depositions for Roblin, referred to any Snohomish ancestry for themselves or for their mother (STI 1999, Vo.3, Allen Family File). Therefore, the statements from the in-laws, although contemporary, are less reliable sources, and do not outweigh the evidence given by the actual descendants.

Minnie (Allen) Young, a daughter of Mary (Mitchell) Allen, was enumerated as Snohomish on the 1934 Tulalip roll (STI 1979 "Rolls") along with her husband and two children. She was a full sister to George P. Allen and Annie (Allen) Burn, ancestors of the Allen descendants who are members of the STI. Unfortunately, the 1934 Tulalip roll alone does not provide reliable information regarding individual ancestry, as some of the enrollees were enumerated as Snohomish when they had no Snohomish ancestry at all (e.g., many Samish were enumerated as Snohomish and none were enumerated as Samish). The listing of seven current STI Allen-1 descendants as Snohomish on Claims Docket 125 (ICC 3/30/1967) does not provide reliable new evidence to support the claim as it post-dates the 1934 Tulalip roll and may have relied on the 1934 Tulalip census for information (the original applications for Roblin's Schedule of Unenrolled Indians and his notes do not appear to have been available to the BIA field office when it compiled the judgment roll dockets).

A closer inspection of the petitioner's ancestry charts and petition documents revealed that Margaret/Maggie (Allen) Roberts on the Allen-1 chart is not a descendant of Mary Mitchell. She is the daughter of George Allen (Mary Mitchell's husband) and his first wife Ya-wel-i-cum, who was reported by her daughter, Margaret, to be of Snoqualmie ancestry. Margaret (Allen) Roberts and her descendants were assigned to "Loose 6 – Allen" in the PF. To help clarify the different Allen family lines, this FD has designated Mary (Allen) Roberts' family as "Allen-6" (see below).

New information submitted by the petitioner and the interested party, such as land and census records, was not sufficient to contradict Roblin's Notes (Roblin's Notes 1919; STI 1999 Vo. 3 Family Files), taken during the lifetime of Mary (Mitchell) Allen's children, which document Snoqualmie ancestry for the Allen family line. Based on information in the record at this time, the FD concludes that there is no reliable, contemporary evidence that the ancestress Mary Mitchell (Kla-bu-a-ite) was Snohomish or part Snohomish. Therefore the Allen-1 family line

will not be reclassified as Snohomish for purposes of the FD.

### **ELWELL**

The Elwell family line (coded “E” in the PF) was classified as being of Snoqualmie descent in the PF. The progenitor of this line, as submitted by the petitioner, was Susan (Quaquiath, Keka-ta-dose) (b.1843, d.1943), who married a non-Indian man named John Elwell in 1864. Susan Elwell deposed in 1917 that she was full Snoqualmie, and that both of her parents were full Snoqualmie. Similar statements by most of her children formed the basis for Roblin listing Susan Elwell and her descendants as Snoqualmie (Roblin’s Notes 1919).

Two county histories (Kempkes 1945, 149; Whitfield 1926, 550) and an ethnographic history (Tweddell 1953, 80) provided secondary information that Susan Elwell was descended from the Snohomish tribe of Indians, but the sources of their information are not provided in the record.

Although 18 STI members (one of these members is now deceased) descending from Susan Elwell were approved for payment as Snohomish descendants on the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967), Susan Elwell’s own deposition and Roblin’s notes (1919) still remain the strongest contemporary sources of information.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Elwell family line to Snohomish.

### **HARRIMAN**

The Harriman line (coded “HK” in the PF) was classified as being of Snoqualmie descent in the PF. The progenitor of this line, as submitted by the petitioner, was Elizabeth Kanum (Se-liz-beths, Pera/Perd)(b.1844, d.1898), who married a non-Indian man named Charles Harriman in about 1867.

In 1916, four of Elizabeth Harriman’s children (Casper, Horace, Charles and Ella) and a granddaughter (Ella’s daughter, Bessie Tucker Pearsall) signed affidavits for the NFAI. Casper, Horace and Charles deposed that they were part Snohomish, while Ella and her daughter, Bessie, deposed that they were part Snohomish and Duwamish (STI 1999, Vo. III, Harriman Family File). One year later in 1917, Ella and another daughter of Elizabeth Harriman, Emma, deposed that they were part Snoqualmie, whereas Casper and Horace and a third Harriman daughter, Elizabeth, deposed that they were part Skagit River and Snoqualmie. In 1919, Roblin listed Elizabeth (Harriman) McDevitte Hyde on his Skagit schedule of unenrolled Indians (Roblin’s Schedule 1/31/1919); her brothers (Casper, Horace, and Charles), her sisters (Ella and Emma), and her niece (Bessie) were listed on the Snoqualmie Schedule of Unenrolled Indians (Roblin’s Schedule 1/31/1919) (see also discussion under Jimmicum-1).

Elizabeth (Kanunt) Harriman and her children do not appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry.

None of the Harriman descendants appear on the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967). Three members from the Harriman line, Joseph Foster Munn, Howard Harriman Jr., and William Borsheim were approved for payment as Snoqualmie descendants on Docket 93 (ICC 9/23/1968).

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Harriman family line to Snohomish. At best, the information in the record at this time is ambiguous. Two sets of affidavits, given a year apart by the same individuals who were siblings and children of the progenitor, claim both Snohomish and Snoqualmie or Skagit or Duwamish ancestry. The earliest depositions are the only references to Snohomish ancestry and other, equally reliable evidence contradicts the affidavits. Although these documents may evince multiple ancestries, they are not evidence sufficient to establish any one of the ancestral lines.

#### **JIMMICUM-1**

The Jimmicum-1 line (coded “J1” in the PF) was classified as Snoqualmie in the PF. The progenitors of this line, as submitted by the petitioner, were Mary Jenne (b.c.1855) and John Jimmicum (Chimicum)(b.1850, d.1911), who married each other about 1867. Mary Jenne, John Jimmicum and their children do not appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry.

Roblin Roblin’s Schedule 1/31/1919) listed the Jimmicum family and their descendants on the Snoqualmie schedule of unenrolled Indians as a result of information given by the nine children of Mary Jenne and John Jimmicum in their depositions. They variously reported their tribal ancestry as Snoqualmie, Skikomish [Skykomish], Snohomish, and Duwamish. For example, Mary Jenne Jimmicum deposed in a 1916 affidavit that she married John Jimmicum and that her father was full Snoqualmie and her mother was full Snohomish. In the same year, Mary Jenne Jimmicum deposed that her father was full Snoqualmie and her mother was Snoqualmie and Duwamish; she also reported that her husband, John Jimmicum was Duwamish.

James Jimmicum (La-ko-buck), son of John and Mary Jimmicum, died in 1928 (STI 1999. Vo. 3 Descent Charts). However, the 1934 Tulalip Agency census enumerated his wife, Emma (Libby) Jimmicum, and her adult children (Ada and Steve) all as full Snohomish. Emma (Libby) Jimmicum claimed direct descent from a brother of Willow Point Tom, the Snohomish father of Catherine Cogushid, progenitor of the Deming family line. However, as discussed in the PF, the 1934 Tulalip census (Tulalip Annual Census 1934) is unreliable as the sole source for

information on tribal ancestry.

On the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967), only one STI member descending from Mary Jenne and John Jimmicum was approved for payment as a Snohomish descendant. This was Ada Jimmicum Ides, a daughter of the above-discussed James Jimmicum and Emrna (Libby) Jimmicum. Her Snohomish ancestry could have been inherited solely through her mother.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Jimmicum-1 family line to Snohomish. Neither the BIA nor the petitioner or the Tualip Tribes of the Tualip Reservation provided additional probate records or other evidence contemporary to Mary Jenne Jimmicum or John Jimmicum to confirm the 1916 claims of Snohomish descent.

### **SKOOKUM/ROBERTS**

The Skookum/Roberts line (was coded “SK” in the PF) was classified as Snoqualmie in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Slayhart (Skookum Mary, Sa-ah-da) (b.1842, d.1902), who married a non-Indian man named Joseph B. Roberts in 1857. Mary Slayhart Roberts and her children do not appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry.

Roblin classified the Skookum/Roberts family as Snoqualmie (Roblin’s Schedules 1/31/1919). In 1917, Roblin took a deposition from Frank Roberts, son of Mary Slayhart Roberts, who deposed that he was ½ Snoqualmie.

On the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967), four STI members descending from Mary Slayhart Roberts were approved for payment as Snohomish descendants, three children and one grandchild of Mary C. (Roberts) McFarland, a daughter of Mary Slayhart Roberts. There is no evidence in the record to support the Skookum/Roberts descendants’ claim to payment on Docket 125.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Skookum/Roberts family line to Snohomish.

### **3. STI Family Lines Determined to be of Clallam Descent in the PF**

#### **COOPER**

The Cooper line (coded “CO” in the PF) was classified as Clallam in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Jane Hastings Gray Jones (Squa-ka-blu-keiuk)

(b.c.1842/5), who married a non-Indian man named John A. Cooper in 1878. There is no information on her parents in the record. On the 1910 Federal census Indian schedule for Pt. Ludlow Precinct in Jefferson County, Washington (USBC 1910a), Mary Jane (Hastings) Cooper was enumerated as Indian with Tsimshian ancestry, along with her daughter, Ellen (Cooper) Watson, and Ellen's two adult sons. In the same precinct, Mary Cooper's son, Charles, two of her married daughters, Mary (Cooper) Kimball and Matilda (Cooper) Libby, and her married granddaughter, Ida [Ada] Watson Pemment (daughter of Ellen Watson), were also enumerated as Tsimshian.

In 1919, Roblin classified the Cooper family as Clallam (Roblin's Schedule 1/31/1919), perhaps because they were residing in Clallam territory, or perhaps because Edward Pemment, the husband of Mary Cooper's granddaughter, Ada (Watson) Pemment, was Clallam. Edward Pemment was enumerated as ½ Clallam on the 1926 Tulalip Agency Clallam census (Tulalip Annual Census 5/29/1926) along with his and Ada's two grown children; the Clallam tribal committee recognized their membership and Clallam ancestry. There are no affidavits or notes from Roblin's research in the current record that refer to Cooper descendants to document his reason for listing the Cooper descendants as Clallam.

On the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967), 63 STI members descending from Mary Jane Hastings Cooper (5 of whom are now deceased) were approved for payment as Snohomish descendants. All of these persons descend from four of Mary Hastings Cooper's children: Ellen (Cooper) Watson, Mae/Mary Helen (Cooper) Kimball, Alfred John Cooper, and Andrew Cooper. There is no evidence in the record to support the Cooper descendants' claim to payment on Docket 125.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Cooper family line to Snohomish. There is no contemporary, reliable evidence to demonstrate Snohomish ancestry for Mary Jane (Hastings) Cooper or her descendants.

## **HAWKINS-1**

The Hawkins-1 family line (coded "H2" in the PF) was classified as Clallam in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Laudebauche (b.c.1845/50), who married a non-Indian man named William E. Hawkins around 1868. Mary (Laudebauche) Hawkins and her descendants were not located in any of Roblin's notes or on any of his schedules contained in the available documentation (Roblin's Schedule 1/31/1919; Roblin's Notes 1919). The 1926 Tulalip Clallam census (Tulalip Annual Census 5/29/1926) indicated that Mary Hawkins and a large number of her descendants applied for Clallam enrollment, but the Clallam committee classified them all as "unrecognized, unknown" or "unrecognized, disputed" Clallam (Tulalip Agency 5/29/1926).

There is no evidence in the record that Roblin interviewed or enumerated any members of Mary (Laudebauche) Hawkins' family. Mary (Laudebauche) Hawkins and her children do not appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry. The Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967) lists two STI members descending from Mary (Laudebauche) Hawkins as approved for payment as Snohomish descendants. However, there does not appear to be any evidence contemporary to the lives of Mary (Laudebauche) Hawkins and her children that identifies them as Snohomish Indians.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Hawkins-1 family line to Snohomish.

#### **QUINTA**

The Quinta family line (coded "Q" in the PF) was classified as Clallam in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Ann Quinta (b.1852), who married a non-Indian man named Charles Adolphus Smith around 1870.

In 1918, Mary (Quinta) Smith deposed that her father was Clallam, her mother was from Neah Bay [Makah tribe], and that she considered herself Clallam. Her daughter, Ada (Smith) Caul, and her son, Edwin A. Smith, both stated in affidavits that same year that they were Clallam. As a result, Roblin enumerated Mary Smith, her children and grandchildren all on the Clallam unenrolled Indians schedule (Roblin's Schedule 1/31/1919).

On the Upper Skagit Judgment Roll for Docket 92 of the ICC (ICC 9/23/1968), 22 STI members descending from Mary (Quinta) Smith were approved for payment as Upper Skagit descendants and rejected on Docket 125 (Snohomish Judgment Roll) (ICC 3/30/1967). Mary (Quinta) Smith and her children do not appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish County, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Quinta family line to Snohomish.

#### **THOMAS**

The Thomas line (coded "T" in the PF) was classified as Clallam in the PF. The progenitor of this line, as submitted by the petitioner, was Matilda Webber (b.c.1859/61, d.1893), who married a non-Indian man named Daniel Thomas in 1878. All five of Matilda (Webber) Thomas' children are enumerated on the 1910 Federal census Indian schedule as Makeh/Makah Indians for Hadlock Precinct, Jefferson County, Washington (USBC 1910a). Neither Matilda Thomas

nor her children appear to have been enumerated as Snohomish on the 1900 Federal census Indian schedule for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b), which also shows tribal ancestry.

In 1918, Roblin took depositions from five family members, all children of Matilda (Webber) Thomas; they all deposed that they were of Clallam ancestry. Roblin classified the five children of Matilda Thomas as Clallam (Roblin's Schedule 1/31/1919), including Amy (Thomas) Wood's five children. All of these persons were living at Hadlock, Washington, except Hannah (Thomas) McMahon, who was living at Port Worden, Washington.

These same five siblings and the five Wood children applied for enrollment with the Tulalip Clallam tribe. They were all determined "unrecognized, Clallam blood denied by Committee." Four descendants of Matilda Thomas were paid as Snohomish under Docket 125 (ICC 3/30/1967). However, there is no new evidence contemporary to the life of the original progenitor to confirm this late 20th century identification.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Thomas family line to Snohomish.

## WILLIAMS

The Williams line (coded "WL" in the PF) was classified as Clallam in the PF. To distinguish this line from the new Williams-2 line named in this FD, the original Williams line has been re-designated "Williams-1." The progenitors of this line, as submitted by the petitioner, were Mary Clancy (b.c.1847/50), who married a non-Indian man named Alexander Bain around 1861, and Whee-op-ia (b.c.1850, d.1885), who married a non-Indian man named Alfred Williams around 1861 also. Descendants of the Williams-1 family line do not appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry. Three of Whee-op-ia Williams' children, one daughter-in-law, and three grandchildren were enumerated as "White" on the 1900 Federal general census for Chimacum Precinct, Jefferson County, Washington (USBC 1900a).

Frederick Williams, a grandson of both Whee-op-ia Williams and Mary (Clancy) Bain, told Charles Roblin in 1917 (Roblin's Notes 1919) that he was Clallam/Lummi, and that his mother (Annie Bain Williams) was an Alaska Native. Also in Roblin's notes is an entry recording that Whee-op-ia Williams was full Lummi/Clallam. A 1918 affidavit by Charles Williams, a son of Whee-op-ia Williams, states that his mother (Whee-op-ia) was Lummi and that he has a brother at Lummi. On the basis of this information, Roblin listed Whee-op-ia's children and grandchildren on the Lummi unenrolled Indians schedule (Roblin's Schedule 1/31/1919).

Whee-op-ia's son, Frederick W. Williams, and grandson, Winman F. Williams, applied for

enrollment with the Tulalip Clallam tribe. Their applications were ruled “unrecognized, unsupported” by the Clallam committee, which means that they had not provided sufficient documentation.

On the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967), seven STI members descending from Mary (Clancy) Bain and Whee-op-ia Williams were approved for payment as Snohomish descendants. However, there is no available evidence current in the record, which is contemporary to the lives of Mary (Clancy) Bain or Wheecopia Williams, to support that conclusion.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Williams family line to Snohomish.

#### 4. STI Family Lines Determined to be of Other Descent in the PF

There were nine family lines and one group designated as “Unknown” (the latter containing individuals with undetermined ancestry) classified as “Other” in the PF.

##### **ALLEN-5**

The Allen-5 line (coded “Loose 5” in the PF in reference to the type of file that papers were in, not to the character of the family) was classified as “Other (??)” in the PF. The progenitor of this line, as submitted by the petitioner, was Catherine/Katherine Bonaparte (Zia-weed-zas or Seswasub or Zeswəhub) (b.1847, d.1967), who married a non-Indian man named William Boulan in 1867. Fred Allen and his wife, Mary Eva Boulan, the daughter of Catherine (Bonaparte) Boulan, along with 5 of their 13 children, were enumerated as Indians on the 1900 Federal general census for Everett Precinct, Snohomish County, Washington (USBC 1900b). However, none of the other descendants of the Allen-5 family line appear to have been enumerated as Snohomish or as Indian in Jefferson or Snohomish counties, Washington, on the 1900 or 1910 Federal general population census or on the Indian schedules, which show tribal ancestry (USBC 1900a, 1900b, 1910a, 1910b). None of Roblin’s notes (1919) were found in the available record for the Catherine (Bonaparte) Boulan or for her descendants.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Allen-5 family line to Snohomish.

##### **ALLEN-6**

The Allen-6 line (coded “Loose 6” in the PF) was classified as “Other (??)” in the PF. The progenitor of this line was Ya-wel-i-cum (b.unknown, d.bef.1868), the first wife (married c.1853) of George Allen, who was also the husband of Mary Mitchell of Allen-1, discussed above (Roblin’s Notes 1919). Descendants of Ya-wel-i-cum and George Allen do not appear to

have been enumerated as Snohomish on the 1900 Federal census Indian schedule for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b), which shows tribal ancestry.

The only STI member who was a descendant of this Allen family line was Raymond J. Fox, now deceased.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Allen-6 family line to Snohomish.

#### ANDERSON

The Anderson line (coded "TW1" in the PF) was classified as "Other (Duwamish/Nisqually)" in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Margaret Jackson (b. bef. 1850), who married a non-Indian man named Benjamin N. Woodard around 1862. According to the documentary evidence available at this time, none of the descendants of Mary (Jackson) Woodard appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedule for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which shows tribal ancestry.

In 1916, two granddaughters of Mary (Jackson) Woodard, Catherine (Anderson) Broderson and Sophia (Anderson) Widman, deposed that they were Duwamish. In 1919, Roblin interviewed Catherine Broderson and wrote in his notes that she said her mother (Margaret Matilda (Woodard) Anderson) was Nisqually, Duwamish, and Steilacoom (Roblin's Notes 1919). Roblin classified the Anderson family as Nisqually on his schedule of unenrolled Indians (Roblin's Schedule 1/31/1919).

One descendant of this family line, Yvonne Phyllis (Curtis) White (Mrs. John Minnish) (b. 1927, now deceased) was designated in the PF as a STI member in the group of members whose tribal ancestry and family line was "Unknown." According to STI records, she never enrolled with the petitioner. Her daughter is currently enrolled in the petitioning organization.

On the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967), Yvonne Phyllis (Curtis) White's application for payment was denied with the notation "Descendancy Not Established." One other descendant of the Anderson family line was paid on Docket 125 as Snohomish. However, there is no new evidence, contemporary to the life of the claimed progenitor, to substantiate the claim of Snohomish descent.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Anderson family line to Snohomish.

## CLAWSON

The Clawson line (coded “C” in the PF) was classified as “Other (Alaska Native)” in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Cleanchenarch (b.1834, d.1920), who married a non-Indian man named Peter A. Clawson in 1868. Mary (Cleanchenarch) Clawson, a daughter named Maggie and a married daughter named Mary Ann (Clawson) Ryan were enumerated as Indian (no tribe) on the 1900 Federal general population census for Chimacum Precinct, Jefferson County, Washington (USBC 1900a, 153b, lines 81-83); Mary’s birthplace was entered as Alaska. On the 1910 Federal census Indian schedule for Hadlock Precinct, Jefferson County, Washington, Mary Clawson and her daughter, Mary Ann (Clawson) Ryan, were enumerated as Makah and Mary Clawson’s birthplace was entered as Canada (USBC 1910a, 103b, lines 89-91). Mary Clawson’s son, Andrew Clawson, was enumerated with his family in the same precinct in 1910 (USBC 1910a, 105b, lines 85-95), but he was listed as “white;” however, his wife, Hanna Oakes, was recorded as Makah. No other descendants of Mary (Cleanchenarch) Clawson appear to have been enumerated on the 1900 or 1910 Federal census Indian schedules, which show tribal ancestry.

Roblin’s notes from an interview with Mary Clawson reveal that she reported being from Nootka Sound [Vancouver Island, B.C., Canada], and that she and her son Andrew Clawson lived near Clallam people but did not marry into the Clallam tribe (Roblin’s Notes 1919). Roblin’s notes further record that Mary Clawson “came from the far north.” However, Roblin did list the Clawson family on the Clallam Schedule of Unenrolled Indians (Roblin’s Schedule 1/31/1919).

No descendants of this Clawson family line have been located on any of the Judgment Roll Dockets.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Clawson family line to Snohomish.

## HAWKINS-2

The Hawkins-2 line (coded “H2” in the PF) was classified as “Other (Tsimshian)” in the PF. The progenitor of this line, as submitted by the petitioner, was Anna Lapike (b.1848), who married a non-Indian man named Horace Hawkins in 1878. Anna (Lapike) Hawkins, her sons, Horace and Benjamin, and Benjamin’s two sons were enumerated as Tsimshian on the 1910 Federal census Indian schedule for Pt. Ludlow Precinct, Jefferson County, Washington (USBC 1910a, 97b, lines 24-25, 31-33). No other descendants of Anna Hawkins appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry.

In an affidavit made in 1919, Anna Hawkins’ younger son, Benjamin (B.J.), deposed that his

mother was “Simcian” [Tsimshian] or “Metlacatla” and that she had “not severed” relations from her tribe. Roblin listed Benjamin Hawkins and his two sons as Tsimshian on the Alaska Tribes schedule (Roblin’s Schedule 1/31/1919).

None of the Hawkins-2 family line members were known to have applied for nor were they listed as applicants on the 1978 Snohomish Judgment Roll for Docket 125 (ICC 3/30/1967).

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Hawkins-2 family line as Snohomish.

### **HUME**

The Hume line (coded “HU” in the PF) was classified as “Other(Puyallup)” in the PF. The progenitor of this line, as submitted by the petitioner, was Annie Swan (b.1895), who married a non-Indian man named Ray Hume around 1914. None of the Hume family or their descendants appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry.

Roblin classified the Hume family as Puyallup (Roblin’s Schedule 1/31/1919). He interviewed William David Swan (b.1861), father of Annie (Swan) Hume, who deposed that his mother (Martin Wyyette Jane, d.1868) and father (John M. Swan [non-Indian?] b.c.1824) were both full Puyallup Indians.

STI researcher Sally Snyder (STI 1999, Vo. 7, Declaration of Sally Snyder) found no additional information for tribal ancestry other than Puyallup for the Hume family line. However, on the Snohomish Judgment Roll for Docket 125 of the ICC (ICC 3/30/1967), 13 STI members descending from Annie (Swan) Hume were approved for payment as Snohomish descendants. One of these members is now deceased. There does not appear to be any evidence contemporary to the lives of the earliest known progenitors of this family, William David Swan and Annie (Swan) Hume, to demonstrate Snohomish descent.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the Hume family line to Snohomish.

### **MCLOUTH**

The McLouth line (coded “Loose 3” in the PF) was classified as “Other (Skagit)” in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Warren (b.1847), who married a non-Indian man named Jacob D. Fowler around 1862. None of the McLouth family or their descendants appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a,

1910b), which show tribal ancestry.

OFA researchers have not located any descendants of Mary (Warren) Fowler who were paid on ICC dockets. The sole STI member descending from Mary (Warren) Fowler was denied payment on the 1978 ICC Docket 125 [Snohomish] (ICC 3/30/1967) with the notation “descendancy was not established.” This indicates only that insufficient documentation was submitted to the Commission to determine Snohomish descendancy. However, the application was accepted for Upper Skagit ancestry.

No new information was submitted by the petitioner or interested party sufficient to change the ancestry determination for the McLouth family line to Snohomish.

### **NEWBERRY**

The Newberry (coded “NB” in the PF) line was classified as “Other(Unknown)” in the PF. The progenitor of this line, as submitted by the petitioner, was Jane/Jenne Newberry (Zah-toh-litsa or Ho-tela) (b.1857, d.1945), who married a non-Indian man named William T. Johnson around 1872. New information submitted by the petitioner indicated that the ancestry of the Newberry family line, as defined in the PF, should be reconsidered.

The 1912 probate file for James Tedachkadim, aka Long Jim, who died in 1907 at age 70, states that he was a Tulalip allottee of Snohomish ancestry, and that he had a brother named Whil-tay-lahlth (TED, Ex. 450). In this document, Jennie Oliver (aka Jenne Newberry Johnson Oliver) is named as the daughter of Whil-tay-lahlth, and an heir of James Tedachkadim as his niece.

There is no evidence in the record that Roblin interviewed or enumerated any members of the Newberry family. However, on the Snohomish Judgment Roll for Docket 125 of the Indian Claims Commission (ICC 3/30/1967), 50 STI members descending from Jane (Newberry) Johnson were approved for payment as Snohomish descendants. Neither Jane (Newberry) Johnson nor any of her descendants appear to have been enumerated as Snohomish on the 1900 or 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1900a, 1900b, 1910a, 1910b), which show tribal ancestry.

Based on new information in the form of an early 20th century probate record, it is reasonable to assume that this Newberry family descends from a Snohomish ancestor, namely Jane (Newberry) Johnson, and therefore should be redesignated as descending from the historical Snohomish tribe.

### **PRESTON**

The Preston line (coded “No Chart” in the PF) was classified as “Other (Unknown)” in the PF. The progenitor of this line, as submitted by the petitioner, was Mary Sye-dah-bo-deitz

(b.c.1841/51, d.1922), who married a non-Indian man named Perrin Preston in 1878. New information submitted by the petitioner indicated that the ancestry of the Preston family line, as defined in the PF, should be reconsidered. On the 1900 Federal census Indian Schedule for the Tulalip Reservation, Snohomish County, Washington, Mary (Sye-dah-be-deitz) Preston was enumerated as Clallam/Snohomish and living in the home of her son-in-law, Thomas Phillips (enumerated as Clallam). Her daughter, Leah Washington (Preston) Phillips, was living in the same residence and was enumerated as Snohomish/White (USBC 1900b, 200, lines 25-29). Neither Mary Preston nor any of her descendants appear to have been enumerated as Snohomish on the 1910 Federal census Indian schedules for Jefferson or Snohomish counties, Washington (USBC 1910a, 1910b), which also show tribal ancestry.

In 1917, Leah (Preston) Phillips deposed that her mother, Mary Preston, and her mother's parents were full Snohomish (STI 1999, Vo. 3, Preston Family File). Three of Leah Phillips' children, George Perron, Mary Regina, and [Thomas] Raymond, signed affidavits (essentially identical with each other) in about the same year, stating that their mother was half Snohomish. These affidavits were recorded by NFAI.

George P., Mary Regina, and Thomas Raymond Phillips (children of Leah (Preston) Phillips) were enumerated as Clallam on Roblin's 1919 schedules (Roblin's Schedule 1/31/1919), and all were living in Birmingham, Washington. Their father, Thomas F. Phillips, was Clallam (Roblin's Schedule 1/31/1919).

A "School Census of Indian Children" at Tulalip Reservation by the BIA in about 1922 listed Myrtle Preston (Female, age 13, ¼ Snohomish) and Alice Preston (Female, age 11, ¼ Snohomish), as the children of Isaac Preston of Seattle (STI 1999, Vo. 7, Declaration of Sally Snyder). Another Indian school census, again taken at Tulalip in approximately 1925, listed Myrtle Preston (Female, age 16, ¼ Snohomish) and Alice Preston (Female, age 14, ¼ Snohomish), as children of Isaac Preston of Seattle (STI 1999, Vo. 7, Declaration of Sally Snyder).

Leah (Preston) Phillips, along with her husband and three of their four children ([Thomas] Raymond, Dudley, and [Mary] Regina), and Leah's brother, Isaac Preston, with his two daughters (Myrtle and Alice), were enumerated on the 1927 and 1928 Tulalip Agency Indian census (STI 1999, Vo. 3, Preston Family File). Unfortunately, no tribal designation is indicated on the copies of these censuses.

Isaac Preston, Mary Preston's son, was listed as Snohomish on the 1932 Tulalip Agency list of allottees on the Tulalip reservation (STI 1999, Vo. 3, Preston Family Files). His brother-in-law, Leah (Preston) Phillips husband, Thomas Phillips, was listed as Snohomish and Lummi.

Leah (Preston) Phillips was enumerated as full Snohomish on the 1934 Tulalip Agency Indian census (STI 1979 "Rolls"), clearly an error because her father was white. This census, which

listed the family as living in Rothe Harbor, Island County, also included her husband, Thomas, and two of her children, [Thomas] Raymond and Dudley, all of whom were enumerated as full Snohomish and Lummis. Her brother, Isaac Joseph Preston, and his two daughters (Myrtle and Alice), were enumerated on this same census as  $\frac{1}{2}$  and  $\frac{1}{4}$  Snohomish, respectively, and recorded as living at Warm Beach, Snohomish County (STI 1999, Vol. 3, Preston Family Files).

Based on the new information now in the record, the FD concludes that the historical evidence beginning at least as early as 1900 and continuing through the Roblin era of depositions in 1916-1919, and later school censuses and Tulalip Reservation censuses sporadically, but consistently, attribute at least some Snohomish ancestry to the Preston family. Therefore, the Preston family line should be redesignated as descending from a member of the historical Snohomish tribe.

## UNKNOWN

STI members included in the “Unknown” category (named “Loose 4” in the PF; see discussion under Allen-5) are those for whom Indian ancestry and family line could not be determined from the evidence in the record at that time. The PF listed only one STI member as “Unknown.” No family line or Indian ancestry information was submitted for two STI members listed on the 1999 membership list. Since no Indian ancestry or family affiliation could be determined for these members, the FD does not assume that they were Snohomish.

## 5. New Family Lines Detached From Lines Determined to be of Snohomish Descent in the PF

### BAILEY-2

Fourteen members of the petitioner, listed on the 1999 membership list (two now deceased), were detached from the Bailey-1 family line because they descend from Robert S. Bailey (a non-Indian man and husband of progenitor Yabolitsa Phillis) and his second wife, Charlotte Ladue (b.1850)(married about 1868). Descendants of this line are not the direct descendants of the Bailey-1 line Snohomish progenitor, Yabolitsa Phillis.

However, Laura Bailey Jewett, daughter of Robert Bailey and Charlotte Ladue, was listed as Snohomish on Roblin’s Schedule of Unenrolled Indians (Roblin’s Schedule 1/31/1919), along with her four children. Ten STI members descended from this family line were listed on the Snohomish Indian Claims Commission Docket 125 (ICC 3/30/1967). No other information was found in the record on the tribal ancestry for descendants of Robert S. Bailey and Charlotte Ladue.

Based on information in the record at this time, it appears that both wives of Robert S. Bailey were Snohomish women and therefore both Bailey families can demonstrate descent from a member of the historical Snohomish tribe.

**WILLIAMS-2**

Nine members of the petitioner, listed on the 1999 membership list (four now deceased), were detached from the Wilson/Bishop family line because they descend from Charles Williams (a non-Indian man and second husband of progenitor Sallie Wilson) and his first wife, Mary Williams (b.bef.1850, d.1868)(married before 1861). Descendants of this line are not descendants of Wilson/Bishop line Snohomish progenitor Sallie Wilson. Mary Williams was reported to be full Snohomish by her daughter, Minnie Mary (Williams) Keogan, in an affidavit deposed in 1918, and by Francis Ira McMillan (daughter of Mary William’s second daughter, Annie) in an affidavit also deposed in 1918 (STI 1999, Vo. 3, Wilson/Bishop Family File).

Minni (Williams) Keogan, along with her son, and Annie (Williams) McMillan, with her three children and three grandchildren, were listed as Snohomish on Roblin’s schedule (Roblin’s Schedule 1/31/1919). Five STI members descended from this family line were listed as Snohomish on ICC Docket 125 (ICC 3/30/1967). No other information was found in the record on the tribal ancestry for descendants of Charles Williams and Mary Williams.

Based on the contemporary evidence, it is reasonable to assume the Williams-2 family can demonstrate descent from a member of the historical Snohomish tribe.

**6. Summary of Membership Descent**

A summary of the re-evaluated distribution of STI membership by ancestry (descent from historical tribe) and family line is shown in Appendix B. The conclusions of the FD on the distribution of Snohomish and Non-Snohomish descent for the petitioner’s member is compared with the conclusions of the PF in the table below.

STI Membership and Descent Determined in the FD and the PF

	Final Determination	Proposed Finding
Total members	1,113	836
Snohomish	69 %	59 %
Other Indian (Non-Snohomish)	31 %	33 %
Undetermined	< 1 %	8 %

The evidence shows that 69 percent of the petitioner’s current members have demonstrated that they descend from persons who were members of the historical Snohomish tribe in the 19th

century. Additionally, 31 percent of the STI members did not document Snohomish Indian ancestry or descent from persons who were members of the historical Snohomish tribe. Less than one percent of the petitioner's members are of undetermined ancestry.

### **Criterion 83.7(f)**

#### *Conclusions under the Proposed Finding*

The PF concluded that the petitioner met criterion 83.7(f) (Snohomish PF 1983, 26).

#### *Comments on the Proposed Finding*

No comments were received or new evidence was submitted pertaining to criterion 83.7(f).

#### *Analysis for the Final Determination*

The petitioner has revised its membership application to include a section that provides an opportunity for the applicant to sign a statement indicating whether they are enrolled in any Federally recognized tribe and, if so, in what tribe they are enrolled. There are no instructions on the form informing the applicant that signing the statement is required.

Copies of the membership application forms containing the enrollment declaration section were reviewed by OFA during an audit of the petitioner's membership files. Many of the files contained previous versions of the application form that did not include the enrollment declaration section. Most applicants had filled in the enrollment section and signed and dated the form. However, quite a few of the applicants had failed to respond to that section of the application. Although the lack of a completed enrollment statement in a large number of membership files may fail to document fully the information to ensure compliance with the acknowledgment regulations, the regulations do not require 100 percent compliance. The regulations require only that the petitioning group be composed principally of persons who are not members of any acknowledged North American Indian tribe.

Examination of the membership lists of federally recognized tribes in the area did not reveal any names of STI members. Consequently, none of the petitioner's members appear to be enrolled in a Federally recognized tribe at this time.

**Criterion 83.7(g)**

*Conclusions under the Proposed Finding*

Under criterion 83.7(g), the PF concluded that neither the petitioner nor its members were the subject of congressional legislation that had expressly terminated or forbidden the Federal relationship (Snohomish PF 1983, 26).

*Comments on the Proposed Finding*

No comments were received or new evidence submitted in connection with criterion 83.7(g).

*Analysis for the Final Determination*

Examination of the evidence does not indicate that the petitioner or its members were the subject of congressional legislation that had expressly terminated or forbidden the Federal relationship.

## Appendix A

### Distribution of the 1979/1981 STI Membership by Snohomish or Not Snohomish Ancestry and Family Line as Presented in Proposed Finding

This table summarizes the PF's findings about the distribution of the STI membership by (1) the historical tribe(s) from which they demonstrated descent, and (2) the ancestral family line from which they descend. Column 2 contains the name of the "prime generation" ancestor. Column 3 contains the number of members as determined at the time of the PF. Compare with Appendix B for reclassified family lines.

Ancestry Family Line Name	"Prime Generation" Progenitor(s)	1983 # Members	1983 % Total
<b>SNOHOMISH</b>		494	59 %
Bailey	Yabolitsa Phillis/ Charlotte Ladue	20	
Brown	Mary Shelton	11	
Benston/Young	Jane Yasolitsa	42	
Deming	Catherine Cogusbit	23	
Fallerdeau/Peterson	Louise Bob Agnes	5	
Jimmicum-2 (Shelton/Williams)	Jasolesa/Lahoossee?	1	
Johnson	Ellen John/Mary Ann Tseeskadib	19	
Krieschel	Mary McYale	53	
McPhail	Margaret Mowiche	18	
Morrison	Sara Saus-bault	8	
Quacadum/Wood	Mary Quacadum	33	
Reddington-7/8	Robert Sheldon/ Jennie Gwaskalk	9	
Reed	Elizabeth Lapatshel	45	
Spithill	Anastasia Bonaparte	46	
Stolib/Northover	Katie Stolib	31	
Swaukilum	Rosa Che-lal-a-cum	28	
Twiggs	Elizabeth	5	
Wilson/Bishop	Klastitute Sallie Wilson	48	
Woodley/Strand	Boeda Hicks	49	

Continued on next page.

**Appendix A, continued**

<b>Ancestry Family Line Name</b>	<b>"Prime Generation" Progenitor(s)</b>	<b>1982 # Members</b>	<b>1982 % Total</b>
<b>NOT SNOHOMISH</b>		342	41 %
Allen (Snoqualmie)	Mary Mitchell	15	
Elwell (Snoqualmie)	Susan Kektadose	18	
Harriman (Snoqualmie)	Elizabeth Kanum	50	
Jimmicum-1 (Snoqualmie)	John Jimmicum/Mary Jenne	14	
Skookum/Roberts (Snoqualmie)	Skookum Mary Slayhart	9	
Cooper (Clallam)	Mary Jane Hastings	62	
Hawkins-1 (Clallam)	Mary Laudebauche	23	
Quinta (Clallam)	Mary Ann Quinta	28	
Thomas (Clallam)	Matilda Webber	9	
Williams (Clallam)	Whee-op-ia	8	
Allen-5 (??)	Mary Eva Boulan	3	
Allen-6 (??)	Yawelicum	1	
Anderson (Duwamish/Nisqually)	Mary Margaret Jackson	11	
Clawson (Alaska Native)	Mary Cleanchenarch	15	
Hawkins-2 (Tsimshian)	Anna Lapike	4	
Hume (Puyallup)	Annie Swan	9	
McLouth (Skagit)	Mary Warren	1	
Newberry (??)	Jane/Jenny Newberry	56	
Preston (??)	Mary Syedahbodeitz	5	
Unknown (??)	Unknown	1	
<b>Total of Snohomish and Not Snohomish</b>		<b>836</b>	<b>100%</b>

## Appendix B

### Ancestry of the Current STI Membership by Snohomish and Not Snohomish Family Lines

This table shows the total number of STI members arranged by (1) Snohomish or Not Snohomish ancestry and (2) the ancestral family line from which they descend as revised for the FD. "Not Snohomish" designated those family line that have not demonstrated descent from the historical Snohomish tribe. Column 2 contains the name of the "prime generation" ancestor. Column 3 contains the number of members based on the 1999 STI membership list as updated by the OFA audit in 2003 (numbers do not include deceased and disenrolled members or members who have joined since 3/12/1999). Family lines in **Bold** have been reclassified by the Final Determination.

<b>Ancestry Family Line Name</b>	<b>"Prime Generation" Progenitor</b>	<b>1999 # Members</b>	<b>1999 % Total</b>
<b>SNOHOMISH</b>		763	69 %
Bailey-1 <sup>1</sup>	Yabolitsa Phillis	1	
<b>Bailey-2<sup>2</sup></b>	Charlotte Ladue	11	
Brown	Mary Shelton	6	
Benston/Young	Jane Yasolitsa	54	
Deming	Catherine Cogusbit	20	
Fallerdeau/Peterson	Louise Bob Agnes	4	
Jimicum-2(Shelton/Williams)	Jasolesa/Lahoosee?	0	
Johnson	Ellen John/Mary Ann Tseeskadib	18	
Krieschel	Mary McYale	66	
McPhail	Margaret Mowiche	36 <sup>3</sup>	
Morrison	Sara Saus-bault	6	
<b>Newberry</b>	Jane/Jenny Newberry	78	
<b>Preston</b>	Mary Syedahbodeitz	1 <sup>4</sup>	
Quacadum/Wood	Mary Quacadum	35	
Reddington-7	Robert Sheldon	0	
Reddington-8	Jennie Gwaskalk	6	
Reed	Elizabeth Lapatshel	53	
Swaukilum	Rosa Che-lal-a-cum	65	
Spithill	Anastasia Bonaparte	53	
Stolib/Northover	Katie Stolib	55	
Twiggs	Elizabeth	5	
<b>Williams-2<sup>5</sup></b>	Mary Williams	5	
Wilson/Bishop <sup>6</sup>	Klastitude Sallie Wilson	49 <sup>7</sup>	
Woodley/Strand	Boeda Hicks	136	

Continued on next page.

<sup>1</sup> See also Bailey-2 line detached from Bailey-1 line.

<sup>2</sup> New family Line detached from Bailey-1 line.

<sup>3</sup> Includes 12 members who also descend from the Preston line.

<sup>4</sup> Does not include 12 Preston descendants who are counted with McPhail line.

<sup>5</sup> New family Line extracted from Wilson/Bishop line.

<sup>6</sup> See also Williams-2 line severed from Wilson/Bishop line.

<sup>7</sup> Includes 1 member who also descends from the Skookum/Roberts line.

**Appendix B, continued**

<b>Ancestry Family Line Name</b>	<b>"Prime Generation" Progenitor</b>	<b>1999 # Members</b>	<b>1999 % Total</b>
<b>NOT SNOHOMISH</b>		350	31%
Allen-1 (Snoqualmie)	Mary Mitchell	14	
Allen-5 (Unknown)	Mary Eva Boulan	0	
Allen-6 (Snoqualmie?)	Yawelicum	0	
Anderson (Duwamish/Nisqually)	Mary Margaret Jackson	12	
Clawson (Alaska Native)	Mary Cleanchenarch	11	
Cooper (Alaska Native/Tsimshian)	Mary Jane Hastings	94 <sup>8</sup>	
Elwell (Snoqualmie)	Susan Kektadose	27	
Harriman (Snoqualmie)	Elizabeth Kanum	82 <sup>9</sup>	
Hawkins-1 (Clallam)	Mary Laudebauche	9	
Hawkins-2 (Alaska Native/Tsimshian)	Anna Lapike	7	
Hume (Puyallap)	Annie Swan	18	
Jimmicum-1 (Snoqualmie)	John Jimmicum/Mary Jenne	7 <sup>10</sup>	
McLouth (Skagit)	Mary Warren	1	
Quinta (Makah/Clallam)	Mary Ann Quinta	40 <sup>11</sup>	
Skookum/Roberts (Snoqualmie)	Skookum Mary Slayhart	4 <sup>12</sup>	
Thomas (Makah/Clallam)	Matilda Webber	16	
Williams-1 (Lummi/Clallam)	Whee-op-ia	6	
Unknown	Unknown	2	
<b>Total of Snohomish and Not Snohomish</b>		<b>1113</b>	<b>100%</b>

<sup>8</sup> Includes 12 members who also descend from the Quinta line.

<sup>9</sup> Includes 3 members who also descend from the Jimmicum-1 line.

<sup>10</sup> Does not include 3 Jimmicum-1 descendants who are counted with Harriman line.

<sup>11</sup> Does not include 12 Quinta descendants who are counted with the Cooper line.

<sup>12</sup> Does not include 1 Skookum/Roberts descendant who is counted with the Wilson/Bishop line.

## Appendix C

### Snohomish Annual Meeting Attendance

Date	Member Attendance*	Council Attendance	Attendance List/Sheet
1950 (1 <sup>st</sup> Gen. Meeting)	76	10 Elected	No
1951	No Minutes Provided	N/A	N/A
1952	No total	Note says all were present	No
1953	No Minutes Provided	N/A	N/A
1954	Letter regarding minutes rather than minutes themselves	11 elected	No
1955	No Minutes Provided	N/A	N/A
1956	Memo regarding minutes rather than minutes themselves	12 elected	No
1957	87	6 elected, all other previous members carried over	No
1958	No total	9 listed	No
1959	No total	11 elected/reelected	No

\*Attendance includes council members

## Appendix C

### Snohomish Annual Meeting Attendance

Date	Member Attendance*	Council Attendance	Attendance List/Sheet
1960	109	7 (3 absent, 1 deceased)	No
1961	No total given	13 (3 absent)	No
1962	No total given	17	No
1963	No total given	16	No
1964	88 votes casts, 143 total, includes guests	17	Yes- many illegible names- no standard way to distinguish members from non-members
1965	No Minutes Provided	N/A	N/A
1966	No Minutes Provided	N/A	N/A
1967	No total given	5 listed	No
1968	No total given	17 members elected- 5 in absentia	No
1969	No Minutes Provided	N/A	N/A

\*Attendance includes council members

## Appendix C

### Snohomish Annual Meeting Attendance

Date	Member Attendance*	Council Attendance	Attendance Sheet/List
1970	No total	11 (6 Absent)	No
1971	No Minutes Provided	N/A	N/A
1972	No Minutes Provided	N/A	N/A
1973	25 votes cast	(unsure- 4? 6?)	No
1974	35 votes cast	17	No
1975	No Minutes Provided	N/A	N/A
1976	45 votes cast, 49 total attendance	17	Yes
1977	26 votes cast, 43 total attendance	11	Yes
1978	35 votes cast	15	No list attached (note indicates that one existed)
1979	23 votes cast	13 (4 Absent)	No list attached (note indicates that one existed)

\*Attendance includes council members

## Appendix C

### Snohomish Annual Meeting Attendance

Date	Member Attendance* or Votes Cast	Council Attendance	Attendance Sheet/List
1980	No Minutes Provided	N/A	N/A
1981	31 votes recorded- 49 members, 54 attendees total	12	Yes
1982	No Minutes Provided	N/A	N/A
1983	No Minutes Provided	N/A	N/A
1984	29 total (members and guests)	13 (1 absent)	Yes
1985	25	8	No
1986	No Total	8 (8 absent)	No
1987	No Total	11 elected or re- elected	No
1988	29 members, 3 Guests	7 elected	Yes
1989	24	12 listed as Council or Alt.	Yes

\*Attendance includes council members

## Appendix C

### Snohomish Annual Meeting Attendance

Date	Member Attendance* or Votes Cast	Council Attendance	Attendance Sheet/List
1990	42+ 4 "families"	10 (6 absent)	Yes
1991	39 voting members, 54 members and guests total	16	Yes
1992	Total of 33 given	10 noted/elected	No
1993	47 votes cast	11 noted/elected	No
1994	No total given**	16 (1 absent)	No
1995	No total given **	16 (1 absent)	No
1996	61 votes cast	13 (2 absent)	No
1997	No Minutes Provided	N/A	N/A
1998	Minutes stapled to wrong agenda; no total given	11 (5 absent)	No

\*Attendance includes council members

\*\*Minutes for 1994 and 1995 are identical- unsure of which year they actually represent



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**Snohomish Tribe of Indians Petition #12**

[last revised on: 11/17/03]

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**Snohomish Tribe of Indians Petition #12**

[last revised on: 11/17/03]

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Revised 11/17/03