



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO:  
Tribal Government Services -FA

MAR 16 1980

## Memorandum

**To:** Assistant Secretary - Indian Affairs  
**From:** Deputy Assistant Secretary - Indian Affairs (Operations)  
**Subject:** Notice of Proposed Finding Against Federal Acknowledgment of the Snohomish Tribe of Indians of Washington

Attached is a Notice of Proposed Finding against Federal Acknowledgment of the Snohomish Tribe of Indians of Snohomish, Washington as an Indian tribe. This publication is required pursuant to 25 CFR 83.9(f).

We recommend the Notice be approved and transmitted to the Federal Register Division for publication.

Attachment

## **MEMORANDUM TO READER**

The text of the attached copy of the recommendation and summary of evidence for the proposed finding against Federal Acknowledgment of the Snohomish Tribe of Indians has been annotated to show the primary sources of evidence upon which the report is based. This addition to the report has been made at the request of Evergreen Legal Services, attorneys for the Snohomish, to assist them in preparation of comments and evidence in response to the proposed finding.

Branch of Federal Acknowledgment  
December 1983

### Technical Note

The references cited and the sources listed are the most important and directly pertinent out of the total body of materials which could be cited. The research files may contain additional documents or materials which relate to a particular point. Sources are frequently too numerous to permit complete citation. The reader is also advised that any given statement is intended to be understood against a general background of knowledge about the case and the history of the area, and not solely on the basis of the cited source. The list of sources therefore includes many items intended as general sources, not all of which are cited specifically in the text.

Each item in the list of sources has been given a number which is used as the means of citation in the text of the original report. In order to provide additional background or more detailed information about sources for a particular statement, some additional sources have been added to those in the original report. These appear following the last page of the original report. No sources have been added which were not used in the research for the original report.



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IN REPLY REFER TO:

Tribal Government Services (FA)

MAR 16 1983

Memorandum

To: Assistant Secretary - Indian Affairs

From: Deputy Assistant Secretary - Indian Affairs (Operations)

Subject: Recommendation and Summary of Evidence for Proposed Finding Against Federal Acknowledgment of the Snohomish Tribe of Indians, Inc., Pursuant to 25 CFR 83

## RECOMMENDATION

Based on our findings, we recommend that the Snohomish Tribe of Indians, Inc., not be acknowledged as an Indian tribe entitled to a government-to-government relationship with the United States. We further recommend that a letter be forwarded to the petitioner advising them of the proposed finding, and that a notice of the proposed finding that they do not exist as an Indian tribe within the meaning of Federal law be published in the Federal Register.

## SUMMARY OF FINDINGS

The petitioning organization, the Snohomish Tribe of Indians, Inc., of Washington State, was formed in 1950 in connection with the Snohomish claim before the Indian Claims Commission. The organization's membership is composed of descendants of 19th-century pioneer-Indian marriages. The descendants of these marriages, which occurred mainly between 1856 and 1875, maintained few if any ties with the Snohomish tribe proper. Approximately 41 percent of the petitioning group's membership are not of demonstrable Snohomish Indian descent but are descendants of Clallam, Snoqualmie or other Indians.

The petitioning organization and its member's ancestors have not historically formed part of the historic Snohomish tribe proper, i.e., the tribe derived from several bands which were signatory to the 1855 Point Elliott Treaty. The historic Snohomish tribe became centered on the Tulalip Reservation soon after the treaty and is the predominant tribe on that reservation. In 1935, the Snohomish and the other Indians on the Tulalip Reservation formed a tribal government under the Indian Reorganization Act.

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 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 Reservation in the 19th and early 20th centuries.

The current petitioning organization, formed in 1950, is derived from part of the membership of a previous claims organization formed in 1926. The 1926 organization functioned primarily for claims purposes in connection with the Duwamish treaty claims suit and was disbanded in 1935 after that suit was lost. The membership and the leadership of this organization were drawn both from a large body of non-reservation descendants of Snohomish or other Indian ancestry and from the historic Snohomish tribe proper based on the Tulalip Reservation. The current petitioner's membership is mostly derived from the Indian descendant portion of the 1926 organization's membership. There is only a very small number of reservation Snohomish in the current organization.

The 1926 organization was not a formalization of the political structure of the historic Snohomish tribe as it existed at that time. It was a limited organization in which reservation Snohomish participated, but with a much wider membership, not tribal in character. Reservation Snohomish leaders participating in this organization did not function as political leaders for the Indian descendants except in the context of this organization. The 1926 organization did not oppose the 1935 formation of a Tulalip Reservation tribal government which included the reservation Snohomish.

No Snohomish organization existed from 1935 until 1950, when the current petitioner was formed in connection with the Snohomish claim. The current organization includes very few reservation Snohomish and has exercised very limited functions. This organization is somewhat related to the organization formed in 1926 in that it is derived from part of the membership of the earlier organization, but no political continuity exists between the two.

We find that the current petitioner is a limited organization, established in 1950, with little social cohesion and exercising few functions. It does not have historical continuity as a community or political entity with the aboriginal Snohomish tribe. Forty-one percent of its membership have not been able to demonstrate Snohomish ancestry. The group has submitted a constitution which defines the current membership criteria. Less than one percent of the membership are enrolled members of any other North American Indian tribe. The Snohomish Tribe of Indians has not been the subject of Congressional legislation which has expressly terminated or forbidden a relationship with the Federal Government. We conclude that the group meets criteria d, f, and g, and does not meet criteria a, b, c, and e of Section 83.7 of the Acknowledgment regulations.

#### BACKGROUND DESCRIPTION

The current petitioner is almost exclusively derived from marriages of early pioneers and Indian women, occurring mainly between 1856 and 1875. These descendants maintained few if any social ties with the main body of the historic Snohomish tribe, which came to be based on the Tulalip Indian Reservation. Historically they have been confused with what was at one time a substantial number of Snohomish who were (22,23,28, unable or unwilling to move onto the Tulalip Reservation. Later, they were also 44,103,120 confused with reservation and non-reservation Indians who were unable to get 152,153) allotments. They have incorrectly believed themselves to be and have incorrectly been identified by others as descendants of off-reservation members of the historical Snohomish tribe.

The aboriginal Snohomish tribe was a signatory to the Treaty of Point Elliott in 1855. (7, 11, 45, 2) Under that treaty, several temporary reservations were set up in preparation to settling the Indians on one larger reservation at Tulalip Bay, within the traditional Snohomish territory, just north of the present town of Everett, Washington. The treaty, however, was not ratified until 1859, and an agency was not fully established until 1861. Although many Snohomish Indians initially went onto the new reservation, they subsequently left after a brief stay when it became evident that there were too many Indians for the land provided, that the promised annuities and rations were in short supply and that the Government was not going to provide quickly the necessary resources to develop the reservation. see p.12

In the nineteenth century, there were three general categories: (1) the Snohomish Indians who moved onto the Tulalip Reservation and remained there (hereafter referred to as reservation Snohomish), (2) the Snohomish Indians who either did not move onto the reservation or who moved on and then quickly left because of early conditions (hereafter referred to as the off-reservation Snohomish), and (3) the descendants of a large number of early marriages (extending from approximately 1856 to 1875) between non-Indian pioneers and Indians, many but not all of whom were Snohomish (hereafter referred to as Indian descendants). The membership of the current petitioner is derived from this last category.

The descendants of these early pioneer-Indian marriages, even in the first generation, almost exclusively married non-Indians and maintained few if any ties with their Indian relatives or with the Snohomish on the Tulalip Reservation. The Indian descendants were regarded as citizens and lived as members of non-Indian communities, rather than as Indians. They made a clear distinction between themselves and groups of off-reservation Snohomish or other Indians living near them. see p.11

The majority of the current membership, of both Snohomish and non-Snohomish ancestry, can be traced to three geographic localities. In the late 19th and early 20th centuries, these three localities were rural non-Indian settlements with large numbers of Indian-white marriages, many Indian descendants, and also significant populations of Indians. These Indian populations were in some cases a mixture of individuals from different tribes, including Snohomish. The three areas of geographic origin of the current membership 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. There was little social contact between the ancestors of the current members outside of their own locality. (188)

The largest number of family lines of Indian descendants came from the Chimacum-Port Townsend area. This was one of the earliest areas of non-Indian settlement in Washington Territory and attracted Indians from many locations outside the area. It was outside aboriginal Snohomish territory. Some Snohomish moved into the area earlier, around 1839, but it could not be determined whether the Snohomish Indian descendants in the area later were connected with them. The major populations and settlements in historical times which were regarded as Indian were Clallam rather than Snohomish. Two important leaders from this area were Thomas Bishop, founder of the Northwest Federation of American Indians, the key Indian claims organization before 1925, and his brother William Bishop, president of the 1926 Snohomish claims organization and also a state senator from 1897 to 1934. (200) (6, 23, 98, 1 150, 200) (191, 192)

The town of Monroe, on the edge of traditional Snohomish territory, and several other river settlements, were upriver from the Tulalip Reservation and the heart of traditional Snohomish territory. This was evidently a popular area for Indians in the (18,31,98) 19th and 20th centuries to find work logging or to maintain fishing sites. Besides Snohomish, there were many Snoqualmies from the area just south, and probably also Skykomish, whose territory was just east of the Snohomish. This was the area of the earliest Snohomish claims organization activities. Important Indian descendant leaders (46,64) from a 1917 claims organization, the "Snohomish Indian Tribe," and from the current petitioner were from this area. Three of them, Charles Harriman, Forrest Elwell and Clifford Allen, were of Snoqualmie descent. (98,99)

The southern part of Whidbey Island is the least important of the three areas in terms of numbers of current descendants. It is just across from Tulalip Reservation and was (31,32) the site of two aboriginal Snohomish villages. Of the three areas, this was the one probably most slowly settled by whites. Snohomish associated with Tulalip Reservation continued to live there or to utilize seasonal fishing grounds until quite late. In 1880, half of the population still consisted of Indian families. In addition there were numerous Indian-white families. (15,128,140,142,188)

Twenty-two of 35 family lines, about two-thirds of the current enrollment, are accounted for by these areas. These include many Snoqualmie and Clallam lines as well as Snohomish. Thirteen other lines are of widely scattered geographical origin around the Puget Sound area. Three lines, with one current member each, were not included in this count.

The membership of the modern-day petitioner is derived from 38 different and essentially separate family lines which are not appreciably intermarried and which originate from a number of geographical areas. Nineteen of the 38 family lines, representing 41 percent of the current membership, did not document Snohomish ancestry. Half of this number are of documented Clallam or Snoqualmie ancestry. From this it must be concluded that the membership of the petitioning group is not derived from a single tribal community or geographic area. It is instead a collection of Indian descendants, many of whom are not of Snohomish descent and not derived from off-reservation Indian communities.

see criteria b a e.

Soon after 1900, the Puget Sound tribes began to seek redress for unfulfilled treaty obligations. By 1911, partially as a result of urging by the Tulalip Superintendent, Congress passed the Quinault Act providing for the allotment of surplus Quinault (9,98,99) Reservation lands to other tribes. Although the Act itself was fraught with problems, it provided the impetus to the claims movement. Around 1913 or 1914, Thomas (94) Bishop, a part-Snohomish descendant, organized the Northwest (originally Northwestern) Federation of American Indians as a major force to pursue the Indian claims in the area. The organization included local branches on most reservations and for most non-reservation groups. (54,56,95)

Bishop, through the Northwest Federation, was able to convince the Indian Office to make a list of "homeless, unattached Indians" who had not benefited from the treaty. Beginning in 1916, C. R. Roblin compiled a list of claimants who were not enrolled or holding allotments. Roblin's report, submitted in 1919, indicated the mass of those listed were descendants of Indian-white marriages, with little Indian orientation. (98,99,151)

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.

Researchers found mention of an organization existing in 1917 which referred to itself as the "Snohomish Indian Tribe." Evidence available indicates it was a local branch of the Northwest Federation, possibly formed as early as 1914, composed of Indian descendants around Monroe and other upriver areas whose intention was to press claims matters. There is little information or evidence of any kind of formal organization of Snohomish Indian descendants between 1917 and 1925. Little Northwest Federation activity went on after the completion of the Roblin survey, especially by the local chapters. see p.12

Bills to address Indian claims were introduced as early as 1918. In 1925 an Act was passed authorizing the Puget Sound area Indians to sue before the Court of Claims, (56,125) leading to the Duwamish v. U.S. suit, filed the same year. All of the Snohomish representatives elected in 1925 to handle claims matters related to Duwamish were reservation Snohomish. They were selected at a meeting of the "Snohomish and allied tribes" to represent the Snohomish tribe in selecting an attorney to pursue the claims.(81,82,104)

Another formal organization referred to as the "Snohomish Tribe of Indians" was begun, probably in 1926, with the primary purpose of pursuing the 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 (168,169, members and elected by the Board of Directors. Information available at this time 172) 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 the 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.

The Snohomish organization of 1926 is significant from the standpoint that reservation Snohomish, off-reservation Snohomish Indians, and Snohomish and non-Snohomish Indian descendants were involved in pursuit of a common interest, Indian claims. Once the claims issue was viewed as settled, albeit unfavorably to the claimants, the organization collapsed. The members of the 1926 organization did not pursue reestablishment of an organization until after the passage of the Indian Claims Commission Act in 1946.

The collective interest of the three categories of individuals in the 1926 Snohomish claims organization, i.e., the common desire to press treaty claims, has served to confuse the actual status of the Indian descendants, both in their own minds and in the perception of outside observers. As a result of the common interest and interaction on the early claims issues, the petitioner has become convinced over the years that they are descended from off-reservation Snohomish Indians. Despite the petitioner's strong conviction in this matter and the fact that other organizations, including the local Bureau officials, have been fairly consistently confused about this, research does not support the petitioner's beliefs.

The local Bureau of Indian Affairs agency's treatment of the petitioner and of other non-reservation groups in Western Washington in general during the post-1950 period has been characterized by ambiguity and inconsistency. The local agency did not consistently draw a sharp distinction between recognized tribes, unrecognized groups, and claims organizations. In part this appears to have been a continuation of the earlier historical circumstances in which local agencies in Washington State were considered to have jurisdiction over a number of clearly Indian off-reservation communities which survived after the turn of the century. There was a tendency to lump together the Snohomish and similar claims organizations with such off-reservation communities for administrative purposes. (10, 36, 48, 70, 78)

The petitioner was formed in 1950 as an organization to pursue the Snohomish claim before the Indian Claims Commission. The group viewed itself as the successor to the 1926 organization and apparently adopted as its first bylaws the bylaws of the earlier organization. Virtually all of the Tulalip, Snohomish have remained separate and distinct from the petitioner and have not participated as they did in the 1926 organization. The present membership of the group is widely scattered around the Puget Sound area. The membership of the petitioning group has no discernible cultural differences from non-Indians and no membership-wide social institutions other than the council itself and its committees. There was little knowledge of or evident contact with recognized tribes except for some attendance at meetings and, in some instances, at holiday events on reservations. (see p.14) see p.17  
crit. d  
(175) see  
crit. f

The petitioner has carried out few functions until recent years beyond dealing with the claims issue. It sought a reservation in 1970 and petitioned for Federal acknowledgment in 1975 as a result of Judge Boldt's decision in U.S. v. Washington.

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. In 1975, the Western Washington Agency forwarded a memorandum supporting the Snohomish petition for recognition submitted that year. The Area Office forwarded it to Washington without comment. (50)

In November 1956, the Indian Claims Commission issued a Finding of Fact that "the Snohomish Tribe of Indians, petitioner herein, is an identifiable group of Indians within the meaning of the Indian Claims Commission Act..." and that the petitioner was the successor in interest to the aboriginal Snohomish proper (Sdohobc), the Sdocohbc, and the Kwehltmanish Indians. No comments were made about the character of the group. The finding meant only that the group had standing to bring the claim. (73, 74)

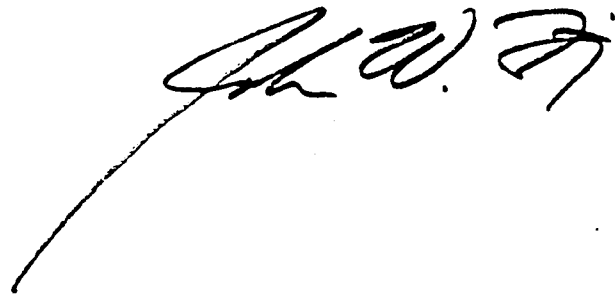
In 1974, the U.S. v. Washington (Boldt) decision affirming treaty fishing rights brought the question of unrecognized groups to the fore. The Snohomish and four other unrecognized groups which were not parties to the original suit petitioned in 1974 to intervene. In 1979, after extensive hearings and briefings, Boldt ruled against the five, holding that none was a political continuation of or political successor in interest to the treaty signers and further that only recognized tribes were entitled to exercise treaty fishing rights. On appeal, the Circuit Court held that Federal "recognition" was not a prerequisite to the exercise of treaty rights. Reexamining the evidence, it held that the five intervenors had not maintained sufficient political and social cohesion to (130) (131)

constitute Indian tribes and therefore were not entitled to exercise treaty fishing rights. The Supreme Court declined to review the case.

The petitioner has been active in several national and local Indian organizations. The group was active in the Inter-Tribal Council of Western Washington in the 1950's. This (85) organization, made up of recognized tribes and unrecognized groups, was active fighting termination and defending Indian hunting and fishing rights. The Snohomish group is also a member of the Small Tribes Organization of Western Washington (STOWW), a service group encompassing small recognized tribes and unrecognized groups. The Snohomish organization is also a member of the Affiliated Tribes of Northwest Indians (ATNW), a regional organization composed of recognized tribes and unrecognized groups. The petitioner has been a member of the National Congress of American Indians (NCAI) since about 1970.

NCAI and ATNW passed resolutions in 1975 supporting Snohomish recognition. Various (35,91) recognized tribes in Western Washington have dealt with the Snohomish from time to time. STOWW also supports recognition. No resolutions from recognized tribes supporting acknowledgment of the group have been received, although the Suquamish (110,111) and Swinomish allowed the group to have temporary invitational fishing rights in 1975, pending a ruling on the applicability of the Boldt decision to the group. The Tulalip Tribes, Inc., have very strongly opposed recognition of the group, taking the position that they, the Tulalips, are the successors in interest to the aboriginal Snohomish. (198,208)

The Governor of the State of Washington, Daniel Evans, supported recognition of the (63) Snohomish in 1974. The petitioner was a member of the Governor's Indian Advisory Council, formed in the early 1970's. The Snohomish chairman, Clifford Allen, was chairman of the Non-reservation Tribes Council of the Governor's Council in 1973 and (64) 1974. There has been no official position on recognition expressed by the State since that time but it has opposed the inclusion of the group under the Boldt decision.



EVALUATION OF THE SNOHOMISH PETITION BY THE CRITERIA IN PART 83 (FORMERLY PART 54) OF TITLE 25 OF THE CODE OF FEDERAL REGULATIONS

Included in 25 CFR 83 (formerly Part 54) are seven criteria which petitioning groups must meet before acknowledgment can be extended. The Snohomish were unable to meet four of the seven criteria.

83.7(a) 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.

There is no post-treaty identification of groups or communities ancestral to the present petitioner's membership as Snohomish prior to the "Snohomish Indian Tribe" organization which was in existence in 1917. There is no identification of any local Snohomish community, except the historical Snohomish tribe per se, in any period. None of the post-treaty localities in which most of the current petitioner's members' ancestors resided was identified as a Snohomish community. Roblin's extensive 1916-1918 survey of off-reservation Indians and Indian descendants, which identified many individual Snohomish descendants, identified no such community (see discussion of criterion b). The Indian descendants of the early Indian-white marriages from which the group's membership is derived were not part of the federally-recognized Snohomish Indian tribe which historically was primarily based on the Tulalip Indian Reservation.

The Snohomish organization created in 1926 was identified by the Federal Government and other Indian groups and some others as a group of Snohomish, and was dealt with by the Federal Government as in part representative of Snohomish interests. see p. 15 & 16

There are no identifications of a Snohomish group outside the Tulalip Reservation between 1935 and 1950. The current petitioner is almost entirely derived from the non-Tulalip Reservation portion of the membership of the 1926 Snohomish organization. The current petitioner has been consistently identified as a group of Snohomish only since its formation in 1950. Some of this identification has been by the local Bureau of Indian Affairs agency, which has dealt with it primarily in terms of claims and a few other matters. see p.6

Since its formation in 1950, the group has been active in several local Indian organizations, such as STOWW. It has been a member of NCAI since about 1970. Various recognized tribes in Western Washington have from time to time dealt with the group and identified it as an Indian group. NCAI and STOWW have endorsed Federal recognition of the group. No resolutions from recognized tribes supporting recognition were received. One resolution opposing recognition was received from the Tulalip Tribes, Inc., whose membership includes more persons of Snohomish ancestry than any other tribal background. see p.7

In 1974, Governor Evans of the State of Washington supported recognition of the Snohomish, and the Snohomish were members of the Governor's Indian Advisory Council. No official position on recognition has been expressed by the State since then. see p.7

Although the 1926 claims organization was generally identified as Snohomish, no off-reservation group was recognized or even identified as a Snohomish Indian tribe or as a Snohomish community between 1900 and 1950. While there were frequent lists of non-reservation Indian groups in Western Washington which were identified by the Indian Service and often treated as under Indian Service jurisdiction, e.g., listing groups such as Skagit and Nooksack, none of these lists included a Snohomish group. Jurisdiction of the Tulalip Agency was formally extended in 1913 to include "non-reservation" Indians in counties in its vicinity. However, the term "Indian" as defined in Interior Department policy at the time meant individuals who were socially and culturally Indian and were members of tribal communities. It specifically excluded people of Indian descent who were fully integrated into non-Indian society and "living as citizens." All references in correspondence and reports to the "Snohomish tribe" refer specifically to the 1926 claims organization or refer to the aboriginal Snohomish as one of the Point Elliott Treaty tribes under the Tulalip Agency jurisdiction. (113,116, 117,135) (13,45) (8) (39,59,116,117,134,13

Local agency identification of the petitioner after 1950 reflects the tendency of the agency during that period to treat the Snohomish claims organization, which did not constitute a community or have very many members of Indian communities in it, as having the same status as the non-reservation Indian communities which in earlier periods were clearly under agency jurisdiction. The pre-1950 distinctions were no longer made. see p.6

A limited, one-week study of unrecognized Western Washington groups done by Bureau staff in 1975 in connection with the Boldt decision recommended that the Snohomish be recognized. Failing to distinguish adequately between the different historical populations involved, it concluded that the group had had treaty relations, that it had been treated as having collective rights in tribal lands and funds, that it had exercised political authority over its members, and that it had been provided services and benefits by the Federal Government. None of the recommendations of this informal study, for or against groups, was carried out, pending further, more thorough research through an established process. (137)

We conclude 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 year for which there is 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, Inc. 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, see crit.1

there is no other continuity between the petitioner and 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.

83.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area and that its members are descendants of an Indian tribe which, historically inhabited a specific area.

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 the several geographical areas from which some of them are 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 continue 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 includes only a handful of individuals enrolled at Tulalip Reservation.

#### Historical Analysis of Family Lines and Locations

The present membership is derived from 38 different family lines which originated in a variety of geographical areas. There is almost no intermarriage between these lines. Those few intermarriages which took place were limited to early generations and to families in close geographical proximity. There is little evidence of significant social contact, past or present, between component families except for those who came from the same immediate geographical area (cf. below).

The current membership is not descended from Tulalip Reservation allottees or enrollees, nor from siblings of the latter who were unable to move onto the Tulalip

Reservation. Only 14 of the 35 major family lines have any identifiable relatives on the Tulalip Reservation and the common ancestor for some of these family lines dates from before treaty times. The limited kinship ties with the Snohomish on the Tulalip Reservation are consistent with evidence of limited past or present social contact with the Tulalip Snohomish. (98,144-156-9)

Nineteen of the 38 distinguishable family lines, representing 41 percent of the current enrollment, have not established Snohomish ancestry. Five of these lines are of Clallam descent, deriving post-historically from the Chimacum-Port Townsend area, where many Clallam moved beginning in the 1850's. Five other lines are of Snoqualmie descent, deriving post-historically from the Monroe-Snohomish River area, where Snoqualmies evidently moved in the latter part of the 19th century seeking work. The enrollment of descendants of differing tribal backgrounds from these areas in 1917, 1926, and again in the 1950's, appears to reflect enrollment based on residence in a common area rather than tribal background.

With the exception of a few small family lines, the membership of the current petitioning organization is composed of descendants of early Indian-white marriages who for several generations have been integrated into non-Indian society and living as non-Indians. These individuals are descendants of marriages between white pioneers and Indian women during the early settlement of several areas of Western Washington between 1856 and 1875, with most occurring between 1860 and 1870. The descendants of these marriages, particularly after the first generation, maintained few ties with their Indian relatives or with the main body of Snohomish on the Tulalip Reservation. Some of the first generation maintained some ties with Indian society and there were, in a minority of families, some marriages with Indians or other descendants of Indian-white marriages. This diminished greatly in the second generation and disappeared in succeeding generations among those ancestral to the present membership. A few first and a very few second generation Indian descendants were listed on censuses as Indian. A few were given limited services by the Indian Service such as boarding school education or treatment at Cushman Indian Hospital. (126-7,188; 98,142,144; 51,207; 140,142)

Documentary and oral historical materials, as well as marriage and residence patterns, indicate that these Indian descendants were socially and physically members of non-Indian communities. They regarded themselves and were regarded by non-Indians as members of non-Indian communities. Though proud of their Indian ancestry they functioned as citizens and they and others made a clear distinction between themselves and off-reservation Indians living in their vicinity in the early part of the century. Similarly, in the 20th century at least, social contacts with the reservation Snohomish were minimal and they made a definite distinction between these "Indians" and themselves. (51,207; 13,15,18; 14,46,128,142,188)

Approximately two-thirds of the current petitioner's membership (of both Snohomish and non-Snohomish ancestry) is derived from three fairly specific geographical localities, Chimacum-Port Townsend, Monroe-Snohomish River, and Whidbey Island (see discussion above). These localities in the latter part of the 19th century were non-Indian settlements with large numbers of Indian residents and many marriages between Indian women and white men. Only a few of these Indian-white marriages are represented in the current organization's enrollment. In each area there were also identifiable Indian populations and to some degree identifiable Indian settlements. see p. 3 & 4 (31,140,142; 98)

In the past there was some sense of community between Indian descendant families from the same local area, since these were small rural communities with small populations. The current descendants are much more scattered, although there is still some remaining sense of affiliation with these local areas and knowledge of other families from the same area among older members. These earlier local communities also account for some contact by earlier generations with the Indian residents, who in some cases were relatives. (30,188)

Roblin's 1916-1918 survey of non-reservation, unenrolled Indians and other claimants clearly indicates that no off-reservation Snohomish Indian community existed at the time. No such community is discussed in his account of various off-reservation Indian communities. The population listed as Snohomish was widely scattered around Puget Sound. The earlier concentrations of Indian descendants near Chimacum and Monroe had diminished and the descendants of these families were more widely scattered. (98,151)

The ancestors of the petitioner were distinct from the substantial body of Indians, Snohomish and otherwise, who remained off-reservation after the Treaty of Point Elliott in 1855. There were significant numbers of Indians, including Snohomish, who did not settle on the Tulalip Reservation as the treaty stipulated or who stayed there only a short time and then left. The reservation was undeveloped initially and the reservation areas were more attractive because of the availability of wage work and continued access to traditional fishing sites. Many areas were not heavily settled by non-Indians for quite a few years. The exact number of Snohomish who settled at Tulalip in the 1860's versus those who were elsewhere could not be determined exactly nor could exact figures be developed for succeeding decades. There was a significant number off reservation until at least 1880, although by the 1870's, if not earlier, the main body of the tribe was probably using the reservation at least as a base, going off for seasonal work. (22,23,49,128)(3,7,16,12)(13,46,199)(5,45,140,142)

The number of Snohomish Indians based off-reservation decreased, probably gradually, from 1870 on, as white settlement increased and Indian fishing resources and access to them decreased. It is probable that the off-reservation Snohomish population was greatly reduced by the late 1890's. By this time the reservation was more developed and attractive, partly as a result of logging begun in the 1870's. Many land allotments were made in 1885. A second round of allotments occurred in 1905 and 1906. It is likely that only some off-reservation Snohomish eventually moved onto Tulalip and that others moved onto other reservations, merged with the general population, or died out under the increasingly difficult conditions. (18,31,32,45)

#### Snohomish Claims Organizations

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 Roblin 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 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. As such it may have been formed as early as 1914. (38,40,46,69,77)

The 1926 Snohomish organization's enrollment was much broader than an enrollment of the historic Snohomish tribe as it existed at that time would have been. A complete list was not available, but two partial lists with a total of 542 names were located, as (152-3) well as lists of officers and some original applications (see criterion e). This compares with an enrollment figure of 973 given in testimony in 1927 by William Shelton, an (23) officer of the group. The organization's leadership embraced reservation Snohomish, off-reservation Snohomish Indians and Snohomish descendants from a variety of areas.

No direct relationship could be established between the 1917 Snohomish organization and the 1926 Snohomish organization. There was no information available concerning any activities by this organization except in 1917. There was no evidence to indicate whether or how long it continued to exist after that. The 1917 organization was (46,49) apparently much more limited in membership because it was confined to a limited geographical area. The Tulalip Snohomish do not appear to have been directly involved in it. With one exception, the few families known to have been involved in the 1917 organization also appear to have been enrolled in the 1926 organization. (77)

The 1926 organization's membership included many Snoqualmie and Clallam descend- see crit. ants as well as Snohomish descendants. The membership also included a few remaining Snohomish Indians living off-reservation and at least 70 allotted and unallotted Snohomish enrolled at Tulalip Reservation. As far as could be determined from the partial membership lists available, the Tulalip Snohomish and the off-reservation (144-6,15) Snohomish Indians comprised a minority of the organization's membership. The (153) 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.

The 1926 enrollment was similar to the 1919 Roblin roll in that those listed were broadly distributed around the Puget Sound area. It differed in that it also included Tulalip members and many families which were listed by Roblin as Snoqualmie. About 70 percent of those listed by Roblin as Snohomish can be linked to families enrolled in the current (1950) organization. At least 56 of the current membership appear on the partial lists from the 1926 organization and some others on these lists are parents or other relatives of current members. Most of the members of the current petitioner, from 34 of the 38 family lines, can be traced back to the 1926 organization's enrollment.

The exact criteria for enrollment could not be determined. The enrollment process (100,171,1 was described as a hearing before the "Snohomish Tribal Committee," made up of older (204) Snohomish Indians, to determine if the individual's ancestry was Snohomish, i.e., that a member of the committee knew the applicant's ancestors. There is no indication that maintenance of tribal relations was a criterion. The degree of acceptance of Indian descendants by reservation Snohomish is not clear, but they apparently felt that the Indian descendants had some right to receive claims shares or even allotments. (103,127)

#### Contemporary Petitioning Organization

The petitioning organization has a membership of 836. Fifty-nine percent are of see crit. Snohomish ancestry. Forty-one percent could not establish Snohomish ancestry but

were descendants of other tribal backgrounds. Membership in the organization is open to anyone who is accepted by the council of the organization as a Snohomish Indian descendant.

There is no geographical concentration or concentrations of members which form an identifiable Snohomish community around which the group is oriented or group activities revolve. Although some members live within close proximity to others (156,157, within the State of Washington, these do not form a Snohomish group or groups distinct 159,188) from the surrounding population. They are even more widely dispersed than the membership of the 1926 organization or the Snohomish listed on Roblin's roll, who were in turn more widely scattered than the last 19th century ancestors of the current membership.

Available evidence indicates that members of the organization are generally not familiar with very many other members. Interaction among members is limited. Members generally do not indicate a distinction between themselves and other surrounding populations except for the claim of Snohomish Indian ancestry. The organization's members often cannot distinguish members from non-members, including some of those living in the immediate area. (188)

Members of the Snohomish organization do not appear to have a wide range of (188) contacts or shared experiences with other members of the organization. Participation (175,180) by members is generally limited to formal organization activities such as occasional attendance and voting at meetings, paying dues, enrollment, and pursuing claims. Social contacts are usually limited to social events related to the annual meeting. Marriage outside the group is almost universal, and has been for several generations. Moreover, marriage with other Indians or Indian descendants is unusual. (98,140,142,147,151,156-

Little distinction is made between members and non-members. Socially and culturally, (188) members are part of the non-Indian neighborhoods in which they reside and most references to participation or involvement in groups or associations are not to Snohomish organization activities. The groups they are active in are part of the non-Indian society, such as the Lions Club and Daughters of the Pioneers of the State of Washington.

Evidence indicates that many of the members do not strongly identify themselves as (188) Snohomish Indians. Rather they appear to identify as non-Indians with a single Snohomish ancestor several generations back. This ancestor is referred to as the Indian individual in the family.

### Conclusion

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. The diverse and numerous family lines in the membership have few historical or kin ties with each other and forty-one percent of the membership cannot establish Snohomish ancestry. Members of the group are almost entirely descendants of early pioneer marriages with Indians whose descendants for several generations have been integrated into non-Indian communities and have been distinct from the historic Snohomish tribe. 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.

83.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The 19th-century localities which included the ancestors of the current group were local, mostly white communities, not distinct Indian communities. These Indian descendants were for the most part living socially as whites and did not maintain significant social ties with the main body of the Snohomish tribe on the Tulalip Reservation, although they may have had individual ties with Indians in their local area. Thus they cannot be considered to have been integrated into the political body of the historic Snohomish tribe nor to have been under the influence of the clearly recognizable Snohomish tribal leaders of the time. No separate off-reservation Snohomish communities were discovered.

The first formal organization and first identifiable group, the 1917 organization known as the "Snohomish Indian Tribe," was, as far as is known, solely for the purpose of pursuing Snohomish claims, although not in fact solely Snohomish in membership. It was probably a local branch of the Northwest Federation of American Indians. Its activities concerned applications for Roblin's roll and hiring a lawyer to present claims. see crit.

No evidence of organizational activity between 1917 and 1925 was presented by the petitioner or found by the Acknowledgment staff. There were no clear Snohomish representatives at claims-related meetings until 1925, although at least one individual reservation Snohomish was active in pursuing claims (36, 57, 59, 103, 109)

Another formal organization known as the Snohomish Tribe of Indians was formed, (104.) probably in 1926, after the filing of the Duwamish claims suit in 1925. In 1927 this (168, 169) organization was formally incorporated in the State of Washington. The officers included William Bishop and other Indian descendants, William Shelton, Robert Shelton, and Charles Jules, Tulalip Snohomish leaders, and also William Hicks and George Morrison, off-reservation Snohomish Indians who had only been added to the Tulalip (144) rolls shortly before then. The organization thus had the cooperation of influential reservation Snohomish as well as important Indian descendants. It would appear that the Sheltons, particularly Robert Shelton, were the most important figures in the organization. (100, 188)

The purpose of the organization, particularly as seen by the Sheltons, was to initiate (23, 103, 12) the specific claims in Duwamish and further to seek the betterment of the Indians in (188) other ways. Robert Shelton in particular was also concerned with getting allotments for the Tulalip Snohomish who had none, and felt that some off-reservation people also (103) deserved them. More broadly, the organization's aim was improvement of health and economic conditions. (170, 172)

The claims-related activities of the organization included hiring the lawyer and monitoring the progress of the suit, and most especially conducting the enrollment of those with a potential share in the claim. The Sheltons had begun this process in 1926, before the organization was incorporated. Besides claims, the organization did sponsor a fair and a pageant at Tulalip. It attempted to obtain the Tulalip potlatch grounds for the Snohomish tribe's use as a fairgrounds. Occasionally they provided aid to needy (170) members. They had speakers, including the Governor of the state one year and the agency superintendent who spoke on the Indian Reorganization Act (IRA).

The organization had a board of directors, headed by William Bishop as president, with Robert Shelton as secretary and other reservation Indians and Indian descendants as officers. It also had a "Snohomish Tribal Committee," elected for life, headed by (116,171) Charles Jules, the last Snohomish chief. This consisted entirely of older reservation Snohomish, except for William Hicks and his wife. The Tribal Committee's role was to make determinations of eligibility for enrollment purposes.

The local superintendent at times dealt with the organization as representative of Snohomish interests, and referred some Tulalip enrollment application decisions to the "Snohomish Indian Committee" for recommendation. (61,210)

Despite the participation of influential Snohomish leaders from the reservation, the 1926 organization does not appear to have been considered by them to be a formalization of the political, organization of the historic Snohomish tribe, which continued to function in most contexts. The limited contacts with Indian descendants make it unlikely the reservation leaders were considered to be their leaders except in the context of the claims organization.

There was some attempt by Robert Shelton to include "off-reservation Snohomish" (not defined by him) when a business council was organized from the Tulalip Reservation in 1930. After lengthy debate, the superintendent ruled this out.(60)

The Tulalip Business Council endorsed the Indian Reorganization Act (IRA) in 1934. (121) The Indians of the Tulalip Reservation adopted a constitution under that Act and elected a reservation government in 1935. Neither the records of the Tulalip agency (118,122,1) concerning the IRA nor the minutes of the 1926 Snohomish organization indicate that (170) 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 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.

There is no record of the 1926 Snohomish claims organization after 1935. According (129) to the testimony of Harriet Shelton, when the Duwamish case was lost in 1935 the organization was disbanded. No Snohomish delegate is listed in available minutes or (95) records of the Northwest Federation after that date, although there were "Tulalip" representatives. There are vague oral history references to meetings in the latter (38,39,40, 1940's, in connection with organizing for the Indian Claims Commission suit. There is (71,147) no definite evidence of activity in this period until shortly before the current petitioner was organized in August 1950.

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. It has occasionally lobbied on other Indian issues and in the past few years has carried on a few programs such as food stamps and alcoholism counseling. In 1970 it sought a reservation and in 1975 it presented a petition for Federal acknowledgment as a tribe. The character of the present membership is outside any concept 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. (175,180,188)

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 in their membership. Although reservation Snohomish leaders 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.

83.7(d) 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.

The petitioning organization has submitted a 1978 constitution and bylaws as its current governing document. The document submitted provides for a governing body to be elected by the group's members and includes a section which deals specifically with membership. Eligibility for membership is further interpreted and described by an enrollment ordinance which was also adopted in 1978.

Several earlier, undated variations of the 1978 bylaws were also provided by the petitioner. While it appears fairly certain that they originated in the 1960's and early 1970's, none of the variations could be positively identified in the minutes.

In addition to the current (1978) documents and the undated variations from the sixties and seventies, the petitioner also submitted bylaws for the 1926 claims organization. This organization was incorporated under the laws of the State of Washington in August of 1927. Bylaws for the organization were dated August, 1928. The corporation was disbanded in 1935. see crit. c

The 1928 bylaws are believed to have also been used by the organization created in (84,172) August, 1950. However, annual meeting minutes between 1950 and 1977 made only occasional, incomplete references to a constitution and bylaws and no clear record could be found of how the group adopted governing documents or which documents were actually in use at what points in this period.(169,175)

Articles of incorporation as a non-profit organization entitled the "Snohomish Tribe of Indians" were filed in 1974. The corporation lapsed three years later because required materials were not filed.(203)

The petitioning organization has provided copies of its current governing documents which describe membership criteria now in use. We conclude that they meet criterion 83.7(d) of the regulations.

83.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

The organization as a whole is a collection of Indian descendants of Snohomish, Clallam, Snoqualmie, and other Indian ancestry. Based on evidence available at this time, 59 percent of the petitioning organization's total membership of 836 have been able to document Snohomish Indian ancestry for acknowledgment purposes. The balance of the membership (41 percent) has been determined to be either descendants of other Indian tribes (33 percent) or of undetermined Indian ancestry (8 percent).

Three separate aspects of the group's membership were researched: 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.

#### Membership Lists--Past and Present

A total of eight separate lists/rolls were available to Acknowledgment researchers: four provided by the petitioner; the balance obtained from evidence submitted to the courts. Six of the eight rolls, including all of those submitted by the petitioner and two obtained from the courts, were selected for evaluation in greater depth because they represented the membership as it is believed to have existed at critical periods in the petitioner's history. All of the rolls are included in the bibliography. Only the six rolls examined in depth, however, are discussed in any detail here.

#### Current Membership Roll, 1981

For acknowledgment purposes, the current roll is actually a combination of two of the four lists submitted by the petitioner: one received with the petition in December, 1979, and one dated January, 1981, submitted in response to a subsequent request for(158)

current addresses. Differences which were found when these lists were compared (159) ultimately led to their use in combination. Several additional names which were not on either list were also added, since ancestry charts had been provided for them.

Staff members were informed during field research that approximately 150 new members had been enrolled after the petition was submitted. This information could not be confirmed. Applications for four new members were received in November, 1982. These members were presumed to be part of the 150, and were added to the "current roll."

For acknowledgment purpose, the petitioning group is considered to have 836 members and calculations which involve the current membership are based on this figure.

#### U.S. v. Washington Roll, 1976

The third roll submitted by the petitioner was one which had been prepared and submitted in 1976 to the court at the request of Judge Boldt for use in U.S. v. Washington. (157) The court order stipulated that this roll should contain for each member his complete name, tribal blood quantum, current address, and all former residences used during his lifetime.

Francine Cooper (appointed by the petitioner to prepare the roll) testified in 1976 that "To facilitate the gathering of the information requested by the court, a questionnaire (sic) was sent to all enrolled members for whom the tribe has a current address. A total of 650 questionnaires (sic) were mailed out, from which approximately 450 were answered and returned." Cooper further testified that the roll submitted to the court "...was developed from the questionnaires (sic) and through checking with the BIA. The roll contains 459 persons each without a doubt a Snohomish descendant." (52)

#### Snohomish Membership Roll, 1954

The fourth and earliest of the four rolls submitted by the petitioner was dated September 26, 1954. It contained the names, addresses, and blood degrees of 510 (154) members. The group stated that this was the earliest tribally-prepared roll available and that it was prepared for claims purposes. (154, 205)

#### List of Members of the 1926 Claims Organization

Two lists were prepared in the twenties of members of the 1926 claims organization. Both of these lists were obtained from U.S. v. Washington court records and were examined in detail. For identification purposes, they will be referred to here as "1926A" and "1926B."

1926A. List A, entitled "Members of Snohomish Tribe, over 21 years of age, who have (152) no allotment," is randomly arranged. In its original form, it is believed to have included a total of 428 members. As submitted to the court, however, one page is missing leaving a total of 386 names. This figure (386) includes 55 persons who can be identified on the 1934 Tulalip base membership roll and 140 persons who cannot be identified in any way. These 195 persons were not included in the total used for making percentage calculations in order to insure that figures obtained from this roll would be comparable with those obtained from other rolls. Therefore, calculations involving the 1926A list have been based on a membership figure of 191.

1926B. List B which is alphabetically arranged and, as it was obtained from the court, (153) begins with the letter "C." We assume the list began with the letter "A" in its original form and therefore estimate that it initially included the names of approximately 520 members. Four hundred sixty-three names appeared in the portion which was available for examination. Seventy-one could be identified on the 1934 Tulalip base membership roll; 180 could not be identified in any way. As with List A, these 251 persons were not included in the total used for making percentage calculations. Calculations involving the 1926B list are based on a membership figure of 212.

Based on our research, we estimate that the two lists originally differed in size by approximately 90 members. Half (46) of this difference may be attributed to the lack of surnames beginning with "A" or "B" on the 1926B list.

Thirty-four of the 38 family lines identified in the current organization are present on one or both of the 1926 lists. The four lines not present include three of the 19 Snohomish lines (two large, one small), and one small line of undetermined ancestry.

#### Other Rolls

The two remaining rolls obtained from court records were not evaluated in depth. These rolls had been submitted as evidence in U.S. v. Washington and were prepared in (155,156) 1974 and 1975. They appear, on the surface at least, to contain essentially the same people as are present in the current roll. The only difference between them seems to lie in the presence or absence of young children rather than entire families.

#### Comparison of Rolls

A comparison was made of the five rolls examined in detail—1926(2), 1954, 1976, and 1981. All rolls appeared to be substantially the same in terms of composition and were consistent with the finding that the current organization is a collection of Indian descendants of Snohomish, Snoqualmie, Clallam, and other Indian ancestry and the earlier 1926 organization largely such a collection.

Based on the figures reported in the table below, at least one-third of the membership has been, and continues to be, of non-Snohomish ancestry. Most of the non-Snohomish Indian members were of Snoqualmie or Clallam ancestry; a few were of Puyallup, Duwamish/Nisqually, or Alaska Native ancestry.

	Membership Rolls				
	<u>1981</u>	<u>1976</u>	<u>1954</u>	<u>1926A</u>	<u>1926B</u>
Total members	(836)	(459)	(510)	(191)	(212)
Snohomish	59%	63%	46%	63%	60%
Other Indian (non-Snohomish)	33%	25%	37%	34%	37%
Undetermined	8%	12%	17%	3%	3%

The percentage of other non-Snohomish Indian descendants is lowest (25%) on the 1976 roll prepared for U.S. v. Washington. This roll omitted descendants of many of the non-Snohomish and undetermined lines which are now present and which were present in earlier rolls.

### Membership Criteria

The petitioner states that the criteria for membership found in the 1928 bylaws were also used in 1950 when the group was reorganized to pursue a claim with the Indian Claims Commission. These criteria as well as those found in the present constitution and bylaws and the enrollment ordinance adopted in 1978 are vague. (68,205)

Based on the 1928 bylaws, all "members of the Snohomish tribe" were eligible. Additionally any others elected by majority vote of the Board of Directors were also eligible. Members paid an "initiation fee" and could be dropped from membership for non-payment of dues. (172)

Currently, membership criteria are found in Section I of Article III of the petitioner's 1978 constitution and bylaws. These criteria are further defined and interpreted by an enrollment ordinance (also 1978) which describes persons eligible in the following categories: (183)

- 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 which 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." (184)

Although the criteria for membership outlined in the 1978 and the 1928 governing documents appear to restrict membership primarily to persons of Snohomish descent, genealogical research does not indicate that this has actually happened. Based on evidence available at this time, 33 percent of the group's current members have been found to be Callam, Snoqualmie, or other Indian descendants for acknowledgment purposes--but not Snohomish. Another eight percent are, as yet, of undetermined Indian ancestry.

Similar inconsistencies in composition are also present in the membership shown on the 1926 and 1954 rolls. These inconsistencies are due at least in part to the initial vagueness of the 1928 bylaws which defined persons eligible as "all members of the Snohomish tribe," but did not define who were the Snohomish tribe at that time. Based

on our research, the "Snohomish tribe" enrolled under the 1928 bylaws appears to have included many persons of "other Indian" descent who had associated over the years, due to residence or common claims interests, with the Snohomish Indian descendants. Since the membership of the 1926 organization as well as that of the current organization has included a significant number of members who were not of Snohomish descent, the practice of citing earlier group membership rolls as evidence of Snohomish ancestry has perpetuated an existing problem rather than resolved it. Unfortunately, however, present generations now unwittingly accept as tribal ancestry what has, in fact, been group membership.

Notwithstanding the above, the petitioner has technically met two of the three aspects of 83.7(e). They have presented current and previous membership rolls. Although the group's members meet the group's own defined membership criteria, this is possible only because of the vagueness of their criteria and does not imply that as a group they descend from a historical Snohomish tribe or from tribes which combined and functioned as a single autonomous entity.

#### Determining Descent From the Historical Tribe

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. Of this figure, 15 percent are determined to be Clallam descendants; 13 percent Snoqualmie descendants; and five percent are descendants of a variety of other tribes. Eight percent of the members are as yet of undetermined Indian ancestry and it seems unlikely that new evidence which could support a subsequent determination as Snohomish could be found for more than half of the eight percent.

In making the percentage calculations cited above, credit was always given for any Snohomish Indian blood which could be documented by reliable sources. In instances where evidence indicated Snohomish as well as other tribal blood, the family was counted as Snohomish.

Determinations regarding the descent of each family from the historical tribe were based on the evaluation of information gathered from a variety of different sources. A discussion of these sources will be found in the paragraphs below.

#### Roblin's Affidavits and Schedule of Unenrolled Indians...

Considerable importance has been placed on the individual affidavits given to Charles E. Roblin from 1916 to 1918 by the ancestors of many of the petitioner's members. These affidavits and other documents were used by Roblin as a basis for his Schedule of Unenrolled Indians of Western Washington, dated 1919. In 1916, Roblin had been instructed by the Commissioner of Indian Affairs "to investigate and report on (the) unenrolled Indians of Western Washington." In Roblin's own words, (99)

This matter arose as follows: For many years Thomas G. Bishop and the 'Northwestern Federation of American Indians' had made claim that there were many thousand Indians in western Washington who had never shared in any of the benefits derived from any of the treaties of early days and who were

entitled to some (sic) recognition by the Government and some remunerations for lands taken from them, either in the shape of an allotment on the Quinaielt Reservation, or by the payment of the cash equivalent of such an allotment. These were supposed to be 'Indians' who were not enrolled at any agency on the coast. Mr. Bishop made several trips to Washington on behalf of these homeless Indians, and was advised by the Office that there were no records in the Office showing who these Indians were and that there was no foundation for a request to Congress for relief for them. In 1916 Mr. Bishop urged the Office to have an enrollment made of these Indians, so as to get such information in the record. The Office agreed to have such an enrollment made, with the distinct understanding that such an enrollment would not be recognition of any claims made by the Indians; but an endeavor to have the record show what their claims were (Roblin 1926).(99)

Roblin's report to the Commissioner was supported by original applications, his handwritten notes of testimony taken and affidavits subsequently signed by the affiants, as well as any supporting information or papers he had been able to collect. (98)

The original testimony taken and the signed affidavits subsequently prepared from that testimony were in many instances more important for acknowledgment purposes than the schedule itself. This was because the affiant often identified all of his tribal blood and Roblin selected one ancestry over others for use on the schedule. The individual's other Indian ancestry which was not selected cannot be determined from looking at the schedule; the researcher must seek out the affidavit and/or other supporting documentation which was submitted by Roblin. By relying more heavily on the affidavits than the schedule, the ancestor or his descendant can be given credit for Snohomish ancestry even if Roblin chose not to place him in the listing as Snohomish. Several of the persons interviewed by Roblin between 1916 and 1918 are the "original ancestors" of family lines present in the petitioner's membership or are members of their immediate families. Since the affiants had no reason to identify their ancestry as any one tribe over another, their testimony and affidavits are considered to be a more sound basis for a decision than the schedule itself. (151)

The petitioner currently uses the Roblin schedule as a source document for determining eligibility for membership and states "that anyone whose name appears on any page of the Roblin schedule is eligible regardless of whether Roblin identified them as of the Snohomish Tribe or of some other tribe." This interpretation of the Roblin schedule has included persons whose ancestors' affidavits make no mention of Snohomish ancestry and will unfortunately continue to create a membership which includes a substantial number who are descendants of other Indian tribes and are unable to establish Snohomish Indian ancestry. (151) (196,206)

Other sources used in the process of determining Indian ancestry included, but were not limited to, applications for enrollment in the 1926 claims organization, descendancy rolls, and the Schedule of Clallam Indians. These and other sources are discussed in some detail in the paragraphs which follow.

### Applications for Enrollment in 1926 Claims Organization

Approximately 21 "Questionnaire(s) for Enrollment in Snohomish Tribe" were available from the 1926 claims organization. These undocumented applications could not be used for purposes of establishing tribal ancestry because they had been prepared for the purpose of asserting the individual's claim to being Snohomish in anticipation of a potential judgment award. However, a second reason was that more than half of the applications available were from individuals whose families had been found, for acknowledgment purposes, to be of Clallam or of other undetermined Indian ancestry based on a preponderance of other, more reliable evidence. Because the applications of the late twenties included individuals not of Snohomish ancestry, this cast doubt on their value as evidence. The enrollment goes well beyond any conception of a Snohomish tribe that might have existed at that time. The Snohomish enrollment in the twenties was part of a larger process of segregation of claimants into different tribal groups, with the Snohomish, the Samish, the Swinomish, and perhaps others, simultaneously reviewing applicants; it appears to have been a process of enrolling claimants to a potential judgment and not a process of setting down the known membership of an existing group.

### Descendancy Rolls

Two descendancy rolls were used to verify Indian ancestry, namely a roll of Snohomish prepared by the BIA for distribution of an award in Indian Claims Commission Docket (166,167) 125 and a similar roll prepared of Snoqualmie in Docket 93. Both rolls were prepared by the local agency and were completed and payment made in early 1980.

Participation in the Snohomish judgment award was limited to persons who were "lineal descendants of members of the Snohomish Tribe...as (it) was constituted in 1855" and was further restricted to persons who had not shared and were not eligible (201) "to share in a per capita distribution...recovered by any other tribe." One thousand one hundred and ninety-two persons shared in the judgment awarded the Snohomish under Docket 125, including many of the petitioner's current members.

Research by the Bureau's Branch of Federal Acknowledgment (BFA) on the group's petition for acknowledgment was begun in January, 1981, approximately one year after the award on Docket 125 was paid. This new research has led the BFA to reach different conclusions from those reached by the agency regarding the tribal ancestry of some of the ancestors identified as Snohomish on the descendancy roll.

The fact that different conclusions have been reached is due to several factors. The BFA utilized Roblin's original notes of testimony taken from and affidavits subsequently signed by the "original ancestors" themselves or their immediate descendants. These records are on deposit at the National Archives in Washington, D.C. and apparently were not used by the local agency.

In some instances, the BFA relied more heavily on evidence which is of earlier, as opposed to later or more recent, origin than the local agency appears to have done and, thus, was using evidence closer to the original ancestor. Particular emphasis has been placed on analyzing the source of information in order to compensate for the tendency on the part of some informants and previous researchers to assume an

individual's tribal ancestry based on his place of birth, his residence, or his organizational membership at the time. A number of verifiable inaccuracies were found.

#### Schedule of Clallam Indians of the State of Washington, 1926

The Schedule of Clallam Indians, prepared by Walter F. Dickens (then Superintendent of the Tulalip Indian Agency) pursuant to the Act of Congress of March 3, 1925 (43 Stat. L. 1102), lists the 1,225 persons who applied to share in the payment to be made to Clallam Indians as a result of the Act (Dickens 1926). Although applicants listed are predominantly of Clallam Indian descent, blood derived from other Indian tribes is also noted.<sup>(150)</sup>

#### Census Records

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 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 were identified as Indian or "half-breed," there was no tribal designation.<sup>(140-3,149)</sup>

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 could be found, they could not be said to represent a significant portion of the reservation's population. The 1934 Tulalip census was the only one of the five Indian census rolls examined that identified the tribal blood of persons enumerated. Although the Tulalip population is known to have included many persons of Snoqualmie descent, none was identified as Snoqualmie on the 1934 Tulalip census--all were identified as Snohomish. (The membership roll of the Tulalip Tribes as of January 1, 1935, which is based on the 1934 census, does show Snoqualmie ancestry.)<sup>(145,164)</sup> Since Snoqualmies as well as Snohomish are labeled as "Snohomish" on the 1934 census, it could not be used by itself as evidence of Snohomish ancestry.

Thus, the principal use of all census records was as a tool for validating genealogical information obtained from other sources.

#### Other Sources

Bits and pieces of information were also gleaned from many sources other than those previously mentioned. Some of the sources include, but are not limited to, vital records, published county histories, the work of the Washington Pioneer History Project, newspapers, land records, miscellaneous agency correspondence and records, and the petition itself as well as the genealogical charts, applications and affidavits of members which had been provided by the petitioner. These sources were used mainly to confirm family relationships. They did not generally speak to the question of Indian ancestry.

### Conclusion

Based on our research, 59 percent of the petitioner's membership have established Snohomish Indian ancestry; 33 percent are found to be Indian descendants of other tribes; 8 percent are of undetermined Indian ancestry. Current membership criteria are vague. The group's practice of citing earlier membership rolls which also contained significant numbers of "other Indian descendants" as evidence of Snohomish ancestry has weakened--and continues to weaken--the group's claim to descent from a historical tribe. When viewed in conjunction with the group's vague and loosely applied membership criteria, the presence of a large number of non-Snohomish members is not consistent with the concept of an Indian tribe as anticipated in 83.7(a-g) of the regulations. We conclude that the organization as a whole is a collection of Indian descendants of Snohomish as well as Clallam, Snoqualmie, and other Indian ancestry and that the petitioner, therefore, does not meet 83.7(e).

83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

Dual enrollment is not permitted under the petitioner's present governing documents. (183) Only seven members were noted on a recent--but unofficial--roll of the Tulalip Tribes. (This roll, which is dated 9/30/79 and includes supplements dated September 30 of 1980 (165) and 1981, is unofficial because it has not yet been approved or certified.) One additional member appears to be an enrolled member of the Jamestown Band of Clallam Indians. (197)

The petitioner's enrolled membership does not include all persons now enrolled with the Tulalip Tribes, Inc., who are known to have Snohomish Indian ancestry. Further, although the current Tulalip membership includes many persons who are of Snohomish Indian ancestry, there has been no indication that any of them would relinquish their rights at Tulalip for membership in the petitioning organization if it were acknowledged.

Less than one percent of the Snohomish membership appears to be dually enrolled at this time. Thus the petitioning organization is composed principally of persons who are not members of any other North American Indian tribe and meets criterion 83.7(f).

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

The Snohomish Tribe of Indians does not appear on current lists of "Indian Tribes Terminated from Federal Supervision" or "Terminated Tribes Restored to Federal Status" prepared by the Bureau of Indian Affairs. The group has not been the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship. Although the group's name was included in a rough draft of termination legislation prepared by the Bureau in September 1953, the draft was marked "For Discussion Purposes Only" and it was not enacted into law. The petitioner is, therefore, determined to meet criterion 83.7(g) of the regulations. (47)

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- 133 1935 Superintendent, Tulalip Agency to Ernest Hutchison, Secretary of State, Washington State. FRC-S Tul. 307.3.
- 134 1936 Letter from Superintendent, Tulalip Indian Agency to George L. Harris, March 7. Pet. Exh. 51.
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- 137 1974 Memorandum for the Record. June 6. BFA.
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- 138 1935 Letter from Acting Secretary of the Interior to Oscar Upchurch, Superintendent, Tulalip Agency. October 29. Pet. Exh. 306.
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- 152 c. 1926 List of "Members of Snohomish Tribe, over 21 years of age, who have no allotment." Exh. T-12, Civil 9213, U.S. District Court for Western District of Washington. (List 1926A).
- 153 c. 1926 Snohomish Membership List. Untitled list of members of the Snohomish Tribe of Indians, Inc. (1926). Exh. T-M-4, Civil 9213 U.S. District Court for Western District of Washington. (List 1926B).
- Snohomish Tribe of Indians (1950)
- 154 1954 "Membership Roll--Snohomish Tribe of Indians--September 26, 1954." Pet. Exh. 271.

- 155 1974 Roll entitled "Snohomish Tribe 1-3-74." Exh T-14, Civil 9213, U. S. District Court for Western District of Washington.
- 156 1975 Current Tribal Roll. List submitted October 28, 1975 as Exhibit SNH-53, Civil 9213, U.S. District Court for Western District of Washington.
- 157 1976 Tribal roll containing 459 members, prepared by Francine Cooper for use in U.S. v. Washington, attached to June 1, 1976 Cooper affidavit. Pet. A.
- 158 1979(?) "Enrollment List - Enrollment Numbers," no date. (Used as current roll in conjunction with 1981 list.) Pet. A.
- 159 1981 List submitted in response to BFA request for current addresses. January. (Used as current roll in conjunction with undated "Enrollment List...") Pet. A.
- 160 n.d. Snohomish card file of members. Pet. Exh. 276.
- Snoqualmie Indian Tribe
- 161 n.d. Enrollment Index, List of Applications for Membership and List of Deceased. 1980. Pet. for Acknowledgment of Snoqualmie Tribe of Indians, Exh. R136.
- Tulalip Agency
- 162 1907-18 Marriage Registers. FRC-S Tul. Box 472.
- 163 1911-19 Heirship Ledger. FRC-S Tul. Box 334.
- Tulalip Tribes
- 164 1935 Tulalip Tribes of Washington Base Membership Roll as of January 1, 1935, corrected to February 1, 1965. PSA.
- 165 1979 Draft of new roll for Tulalip Tribes as of 9-30-79 and supplements. PSA.
- Western Washington Agency
- 166 1978 "Snohomish Indian Judgment Roll," Docket 125 (Snohomish):  
a. Alphabetical printout of D. 125 eligibles as of 7/07/78; Pet. Exh. 274.  
b. Listing by Roll Number of D. 125 payees as of 7/07/78. BFA.
- 167 1978 Alphabetical printout of Docket 93 (Snoqualmie) eligibles, as of 7/07/78; run entitled "Snohomish Indian Judgment Roll." Snoqualmie Pet. Exh. R137.

Documents of Snohomish Organizations

- 168                    Snohomish Tribe of Indians (1926)  
                       1927            Agreement to Associate for the Purpose of Forming a Corporation Under the Name and Style of Snohomish Tribe of Indians. July 21. Pet. Exh. 247.
- 169                    1927            Articles of Incorporation. August 8. Article 63738, Book 147, pp. 435-6, Domestic Corporations. State of Washington. In Exhibit T-8, Civil 9213, U.S. District Court for Western District of Washington.
- 170                    1927-34        Minutes of the Snohomish Tribe of Indians and of the Board of Trustees, 1927 to 1934. In Exhibit T-8, Civil 9213, U.S. District Court for Western District of Washington.
- 171                    1928            Minutes of Meeting of the Snohomish Tribal Committee. August 5. NARS Tul. 52780 1927 053.
- 172                    1928            Bylaws of the Snohomish Tribe of Indians. April. (Annotated in handwriting on title page "When reorganized in Aug. 1950, Mr. Gross recommended these bylaws be adopted. Later was revised and adopted.") Pet. 1975.
- Snohomish Tribal Council
- 173                    1950            Report of a Meeting of July 22, 1950. BFA.
- Snohomish Tribe of Indians (1950)
- 174                    1950            Minutes of a General Council Meeting of the Snohomish Tribe Held at the Tulalip Agency on August 12, 1950. Pet. Exh. 243.
- 175                    1950-1982     Minutes of Council and Annual Meetings (partial set). Pet. various exhibits, Pet. 1975, Pet. A., PSA.
- 176                    c.1959         Petition to President Eisenhower re: Closing of Cushman Hospital. Pet. Exh. 263.
- 177                    c. 1961/2      "Bylaws of Snohomish Tribe of Indians," Undated (probably originated between 8/21/61 and 9/15/62). Pet. Exh. 250.
- 178                    1962            Minutes of Annual Meeting (bylaws amended). September 15. Pet. 1975.
- 179                    1974?         "Constitution of the Snohomish Tribe of Indians." Undated. (Probably the document referred to in Superintendent Lozar's letter of September 17, 1974, to Clifford Allen.) Pet. 1975.
- 180                    1975-78        Newsletters of August 1975, May 1976, September 1976, August 1977, date unknown 1977, and April 11, 1978. Pet. A.

- 181            1976            Snohomish Tribe of Indians Ceremonial and Subsistence Salmon Requirements. Pet. Exh. 254.
- 182            1977            Annual Meeting Minutes (re: new proposed constitution revision and adoption). September 18. Pet. A.
- 183            1978            "Constitution of the Snohomish Tribe of Indians." (Current governing document). Pet. pp. 84-102.
- 184            1978            "Proposed Enrollment Ordinance, April 30, 1978." In four parts, marked "Final" (incomplete). Pet. Exh. 270. (Also a separate submission, marked "Draft...Received 4/2/78" (complete)).
- 185            1978            Newsletter, announcement of annual meeting, agenda to include vote on new enrollment ordinance, constitutional amendment and resolution. September. Pet. A.
- 186            1980            List of Council Members 1960-80 and Committee Members 1975-80. Pet. A.
- 187            1981            Petition of members re: Legal Services Corporation Act. Pet. A.

188            Field Data

Research trips were conducted in the Puget Sound region of Western Washington between June 12 and June 19, 1982 and between July 25 and August 9, 1982 for the purpose of verifying and adding to the information submitted in the petition.

Abbreviations

BFA	Branch of Federal Acknowledgment
FRC-S	Federal Records Center, Seattle
GS	General Service
NARS	National Archives and Records Center, Washington, D.C.
Pet.	Snohomish Petition of December 1979
Pet. A	Materials submitted as addenda to Snohomish petition
Pet. 1975	Snohomish Petition submitted in 1975
PSA	Puget Sound Agency, Everett, Washington
RG	Record Group (all archives and records center references are to Record Group 75, Bureau of Indian Affairs, unless otherwise cited).
Samish Pet.	Materials submitted with Samish Tribe of Indians petitions for acknowledgment
Tul.	Tulalip Indian Agency

## ADDITIONAL SOURCE MATERIALS AND REFERENCES CITED (12/83)

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- 190 1940 Clara Woodley, County Resident 79 Years, Dies. News clipping, no source given. Pet. A.
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- 191 1920 Letter from President, Northwestern Federation of American Indians to Commissioner of Indian Affairs. March 2. NARS 11691 1919 Taholah, 053, pt. 2.
- Bishop, William
- 192 1926 Letter from State Senator, 24th District of Washington to A. N. Taylor. August 21. FRC-S Tulalip 921, Box 302.
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- 200 1977 Identity, Treaty Status and Fisheries of the Port Gamble Indian Community. Report prepared for U. S. Department of Interior and the Port Gamble Indian Community.

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- 203 1983 Personal communication. February 16.
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- 204 1926-31 Questionnaires for Enrollment in Snohomish Tribe. Snohomish Tribal Committee. Pet., Pet. A. (copies of Questionnaires from various individuals)
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- 206 1982 First Response to letter from Hazel Elbert (196) Received October 12 (includes vital records, genealogical charts, enrollment questionnaires and text).
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- 210 1932 Letter from Superintendent, Tulalip Indian Agency to Commissioner of Indian Affairs. December 6. Pet. A.
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