Summary under the Criteria and Evidence for

Proposed Finding

Cowlitz Tribe of Indians.

Prepared in response to a petition submitted to the Secretary of the Interior for Federal Acknowledgment that this group exists as an Indian tribe.

Approved: X FEB 12 1997

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INTRODUCTION

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs (Assistant Secretary) from the Cowlitz Indian Tribe (CIT) seeking Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR 83).

Part 83 establishes procedures by which unrecognized Indian groups may seek Federal acknowledgment of a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit documentary evidence that the group meets the seven criteria set forth in Section 83.7 of 25 CFR, "Procedures for Establishing That an American Indian Group Exists as an Indian Tribe." Failure to meet any one of the seven criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

Applicable Regulations

Under the revised Acknowledgment regulations which became effective March 28, 1994, section 83.8 modifies the standards of evidence for those petitioners who demonstrate evidence of unambiguous prior Federal acknowledgment. As the Cowlitz Tribe of Indians was determined to have had unambiguous previous Federal acknowledgment at least as of the date of the 1855 Chehalis River treaty negotiations, this finding has been prepared under the provisions of section 83.8. The applicable sections of the regulations read:

83.8. Previous Federal acknowledgment.

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

(d) To be acknowledged, a petitioner that can demonstrate previous Federal acknowledgment must show that:

(1) The group meets the requirements of the criterion in 83.7(a), except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity.

(2) The group meets the requirements of the criterion in section 83.7(b) to demonstrate that it comprises a distinct community at present. However, it need not provide evidence to demonstrate existence as a community historically.

(3) The group meets the requirements of the criterion in section 83.7(c) to demonstrate that political influence or authority is exercised within the group at present. Sufficient evidence to meet the criterion in section 83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing

body who exercise political influence or authority, together with demonstration of one form of evidence listed in section 83.7(c).

(4) The group meets the requirements of the criteria in paragraphs 83.7(d) through (g).

(5) If a petitioner which has demonstrated previous Federal acknowledgment cannot meet the requirements in paragraphs (d)(1) and (3), the petitioner may demonstrate alternatively that it meets the requirements of the criteria in section 83.7(a) through (c) from last Federal acknowledgment until the present.

Latest date of unambiguous Federal acknowledgment. Under the revised regulations, the petitioner needs to demonstrate tribal existence only from the latest date of prior Federal acknowledgment. In the case of this petitioner, the date of March 2, 1855, the end of the Chehalis River treaty negotiations, was used as the last date of unambiguous previous Federal acknowledgment. It is not to be taken as a determination by the Department that this was necessarily the latest date of prior Federal acknowledgment. As the petitioner had already essentially completed the research process and had submitted a complete, documented petition at the time the revised regulations became effective, expenditure of staff time to determine the latest date of prior acknowledgment would not have reduced the research burden on the petitioner. Acceptance of the obvious date of the treaty negotiations was sufficient to enable the petitioner to proceed under the provisions of section 83.8.

The Department's position is, and has always been, that the essential requirement for acknowledgment is continuity of tribal existence rather than previous acknowledgment. Some petitioning groups may be recently formed associations of individuals who have common tribal ancestry but whose families have not been associated with the tribe or each

other for many generations. The Department cannot accord acknowledgment to petitioners claiming previous acknowledgment without a showing that the group is the same one as recognized in the past. The present-day group is required to demonstrate that it connects with the previously acknowledged tribe through continuous historical existence as a distinct political community.

The Upper Cowlitz Indians (also known as the Cowlitz Klickitats), who were not represented at the Chehalis River Treaty Council, were later gradually amalgamated with the Lower Cowlitz Indians. After 1863, Federal government policies combined the Upper and Lower Cowlitz for administrative purposes, and during the 1860's attempted to place the two on the Chehalis Reservation. By 1878, the Indian agent reported that prior hostilities between the two bands had ended and that they were beginning to intermarry. An actual community and political or tribal merger occurred gradually throughout the second half of the 19th century. Both groups have been part of the formal tribal organization since its founding in 1912. Therefore, the Bureau of Indian Affairs (BIA) determined that the prior unambiguous Federal acknowledgment, for purposes of 83.8, extended to the Upper Cowlitz Indians.

Additionally, the BIA determined that the prior unambiguous Federal acknowledgment extended to the Cowlitz métis by virtue of their direct descent from, continuing close relationship to, and regular interaction from before 1855 through the latter 19th century with the Lower Cowlitz bands which were represented at the Chehalis River Treaty Council. Like the Upper Cowlitz, the Cowlitz métis have been part of the formal tribal organization since its founding in 1912.

Nature of a Federally acknowledgeable group under 25 CFR Part 83. The Federal acknowledgment regulations confirm that it is historically valid for tribes to have combined and functioned together as a unit. Under the regulations in 25 CFR Part 83, tribes which divided because of historical circumstances may be acknowledged in so far as the subgroups

involved continued to function as separate tribal units. Tribes which combined because of historical circumstances may be acknowledged in so far as the group resulting from the amalgamation continued to function as a single tribal unit. The petitioner is an example of a group which has evolved from linguistically distinct and politically independent bands which combined.

Procedures

Publication of the Assistant Secretary's proposed finding in the FEDERAL REGISTER initiates a 180-day response period during which arguments and evidence to support or rebut the evidence relied upon are received from the petitioner and any other informed or interested party. Such evidence should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Acknowledgment and Research, Mail Stop 4603-MIB. A copy must be provided by the party to the petitioner.

The petitioner shall have a minimum of 60 days to respond to any submissions by interested and informed parties during the response period. At the end of the periods for comment, the Assistant Secretary will consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence submitted during the response periods. The petitioner and interested parties will be notified of the date such consideration begins. The Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will be published in the FEDERAL REGISTER within 60 days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins. This determination will become effective 90 days from its date of publication unless a request for reconsideration is filed pursuant to 83.11.

If at the expiration of the response periods this proposed finding is reversed, the Assistant Secretary will analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

Administrative History

The Bureau of Indian Affairs received a documented petition for Federal Acknowledgment from the Cowlitz Indian Tribe (CIT) on September 17, 1975. The Bureau did not act upon the petition because consideration was then being given to the establishment of the Federal Acknowledgment Project, designed to deal with acknowledgment issues under a uniform set of regulations rather than on a case-by-case basis. The Federal Acknowledgment Project was established in 1978. The Cowlitz Indian Tribe's petition was then transferred to this process. Their petition was then assigned priority number 16.

Under the 25 CFR Part 83 regulations, the Cowlitz Indian Tribe submitted a documented petition on February 1, 1983, and was sent an obvious deficiency (OD) letter dated June 15, 1983. The group withdrew the 1983 petition and on February 10, 1987, submitted a second documented petition dated January 20, 1987, as a response to the OD. The BIA reviewed the 1987 petition and sent the CIT a second OD letter dated October 21, 1988. The CIT submitted a response to the second OD dated January 29, 1994, and received by the BIA on February 24, 1994. After reviewing this response, the BIA determined the petition to be ready for active consideration on April 4, 1994.

The revised Federal acknowledgment regulations became effective March 28, 1994. The Cowlitz Indian Tribe was determined eligible to proceed under the provisions of section 83.8 by a letter dated May 3, 1995. The petition was placed on active consideration July 11, 1995.

LIST OF ACRONYMS AND ABBREVIATIONS

AS-IA = Assistant Secretary - Indian Affairs

BAR = Branch of Acknowledgment and Research, Bureau of Indian Affairs

BIA = Bureau of Indian Affairs

CIT Pet. = Narrative petition submitted by the Cowlitz Indian Tribe (CIT) to the Assistant Secretary - Indian Affairs on January 20, 1987.

CIT Resp. = Narrative and exhibits submitted by the CIT to the Assistant Secretary - Indian Affairs January 29, 1994, in response to the Obvious Deficiency letter provided by the BIA.

CIT Supp. = Additional documentary materials submitted by the CIT during BIA field work, July 1995.

COIA = Commissioner of Indian Affairs

Cowlitz Indians = During the pre-1855 period, the inhabitants of those villages described as "Cowlitz" by explorers, fur traders, Federal officials, and other external observers.

Cowlitz Klickitats = See Upper Cowlitz.

CTI = Cowlitz Tribe of Indians. Former name of the Cowlitz Indian Tribe (CIT), the petitioner, 1950-1973.

CTO = Cowlitz Tribal Organization. Former name of the Cowlitz Indian Tribe (CIT), the petitioner, 1912-1950.

Ct. Cl. = United States Court of Claims

Ex. = Documentary Exhibit submitted by the Petitioner

FD = Field data (research conducted by BAR staff for the purpose of verifying and adding to the information submitted in the petition)

ICC = Indian Claims Commission

Lower Cowlitz = The Salish-speaking component of the petitioner's ancestral community.

OIA = Office of Indian Affairs, nineteenth-century title of the Bureau of Indian Affairs

STOWW = Small Tribes of Western Washington (umbrella organization)

Taitnapam = See Upper Cowlitz. There are numerous spelling variants for this term.

Upper Cowlitz = The Sahaptin-speaking component of the petitioner's ancestral community. Also referred to as Taidnapam, Taitnapam, and Cowlitz Klickitats.

STANDARDIZED SPELLINGS

When discussing Indian tribes and bands in the body of the narrative, the technical reports use the current standardized spellings, for example, "Cowlitz." Where specific historical documents are quoted within the technical reports, these names are spelled as found in the original.

Many of the family surnames common to the history of the Cowlitz Indians are found in official records under a variety of spellings. Where specific documents are discussed within the attached reports, individual names will be spelled as they appear in the original. However, in general discussions not dealing with specific documents, the Branch of Acknowledgment and Research (BAR) has attempted to standardize the spelling of names to conform with spellings found in the group today.

SUMMARY UNDER THE CRITERIA
§§83.7(a-g) and §§83.8(a-d)

In accordance with the regulations, failure to meet any one of the seven mandatory criteria set forth in 25 CFR 83 requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law. Evidence submitted by the Cowlitz Indian Tribe (hereinafter the petitioner or CIT), submitted by interested and informed third parties, and obtained through independent research by BIA researchers demonstrates that the petitioner does meet all seven criteria required for Federal acknowledgment.

This is a proposed finding based on available evidence, and, as such, does not preclude the submission of other evidence to rebut or support the proposed finding during the 180-day comment period which follows publication of this finding. Such new evidence may result in a change in the conclusions reached in the proposed finding. The final determination, which will be published separately after the receipt of the comments, will be based on both the new evidence submitted by the petitioner, and interested and informed parties, during the response periods to the proposed finding and the original evidence used in formulating the proposed finding.

In the summary of evidence which follows, each criterion has been reproduced in boldface type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criteria.

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

83.8(d) To be acknowledged, a petitioner that can demonstrate previous Federal acknowledgment must show that:
(1) The group meets the requirements of the criterion in 83.7(a), except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity.

Requirements of the criterion. In the case of criterion 83.7(a), the modification in section 83.8(d)(1) extended the time period for which the CIT was required to demonstrate criterion 83.7(a): not merely since 1900, but since the point of last Federal acknowledgment. In the case of the CIT, this date was determined to be February 27 through March 2, 1855, the date of the Chehalis River treaty negotiations. This date was used for purposes of this finding not to determine that this was necessarily the last date of previous unambiguous Federal acknowledgment of CIT, but because (1) the treaty negotiations between the Lower Cowlitz chiefs and representatives of the Federal Government clearly constituted unambiguous Federal acknowledgment; and (2) since the petitioner had already completed the research for its documented petition and submitted the completed petition, ascertaining a later date would not in this case have reduced the burden of research for the group.

The 1855 Chehalis River treaty negotiations constitute identification of the Lower Cowlitz only. Subsequent Federal documents created during the period from 1855 through 1904 identified both the Lower Cowlitz and the Upper Cowlitz, sometimes as separate bands, and sometimes in combination. The Cowlitz métis were not separately identified in Federal documents. When mentioned, as in the

McChesney Report and the Roblin Roll, they were considered administratively as a part of the Lower Cowlitz.

Analysis of available records. The petitioner had no difficulty in meeting the requirement under 83.8(d)(1) of external identification as an American Indian entity for the period 1855-1900. External identification for that time period would not have been required under 83.7(a). Throughout the second half of the 19th century, there were repeated Federal (BIA) identifications of both the Lower Cowlitz Indians and the Upper Cowlitz Indians as bands or entities, as well as several descriptions of the groups by pioneer settlers.

Neither did the petitioner encounter difficulty in demonstrating that it was the structural successor of the group previously acknowledged by the Federal Government. In this context, it should be noted that to a considerable extent, the Cowlitz Indian Tribe, the petitioner as it exists today, has been shaped by Federal identification of its several historical components as a single group for administrative purposes. From the perspective of the Federal Government during the second half of the 19th century, the Cowlitz Indians were those Indians who lived in the Cowlitz River Valley, although some distinctions between the bands were made as late as 1880. These prior Federal policy decisions were taken fully into account by this decision in evaluating the historical development and modern structure of the group.

Roman Catholic church records before 1855 referred to Cowlitz Indians around Cowlitz Prairie mission, near Vader, Washington and documented the close genealogical and social connections between the Lower Cowlitz and the Cowlitz métis. There was no available Catholic documentation identifying a Cowlitz entity after 1855. No negative conclusions could be drawn from this absence, since the mission records from the later 19th century were destroyed by fire.

Federal efforts to place the Cowlitz Indians on a reservation during the later 1860's dealt with both the Upper Cowlitz and Lower Cowlitz bands. Between 1855 and 1919, the Federal Government's Office of Indian Affairs (OIA), administratively amalgamated the Lower Cowlitz and the Upper Cowlitz bands, the latter which had not been represented at the Chehalis River Treaty negotiations. This administrative amalgamation did not occur through any one edict, but through a gradual, de facto process described in the historical Technical Report to this proposed finding. In 1919, Special Agent Charles E. Roblin identified the Cowlitz as one of only two unenrolled Washington Indian groups whom he identified as a tribe.

External identifications of the Cowlitz Indians as an entity in non-Federal records were complicated by the nature of Cowlitz history. The bands ancestral to the modern petitioner were never, from the earliest historical records, in one village. Instead, they were scattered for a distance of some 80 miles along the length of the Cowlitz River. As a result, most external observers in the second half of the 19th century and first half of the 20th century did not see the complete "Cowlitz entity". Rather, external observers identified Cowlitz who happened to live in the vicinity of Kelso or Olequa, or Cowlitz Indians who had contact with their own particular organization, or Cowlitz Indians who were known to their immediate neighbors.

Extended external identifications of individuals known generically as Cowlitz Indians, of families known similarly as Cowlitz Indian, and of the component Cowlitz settlements which were part of the Cowlitz Tribal Organization and its successors, were frequent. However, other than the BIA records discussed above, few of these external observers referred to the whole of which the components were a part.

From the death of the Lower Cowlitz leader Kiskox in 1875 onwards, including the death of later chiefs such as Anton Stockum in 1912, references implied the existence of an ethnically-distinct group for when they were leaders.

Obituaries of Cowlitz leaders from Kiskox, in 1875, through Atwin Stockum, in 1912, described them as chiefs of the Cowlitz Indian Tribe, but provided no descriptions of the Tribe as such. Since 1912, the obituaries of the elected leaders described them as officers of the Cowlitz Indian Tribe.

From the 1880's until the present, newspapers and county vital records also reported the marriages and deaths of private individuals (not leaders) identified as Cowlitz Indians. Unlike the obituaries of the chiefs, this type of coverage did not specifically identify the Cowlitz Indians as an entity except by implication. "By implication" means such cases as a reference to the deceased as a "member" of the Cowlitz Indian Tribe, implying that such a tribe existed, rather than referring to the deceased as a "descendant" of the Cowlitz Indian tribe or simply as a Cowlitz Indian.

The evidence submitted also included numerous newspaper feature articles, dealing both with the retrospective history of the Cowlitz Indians and with contemporary Cowlitz Indians, published between the early 1900's through the late 1930's. In such feature articles, individuals and families were regularly described as Cowlitz Indians and as members of the Cowlitz Indian Tribe, but the entity itself was not described.

The 20th-century ethnography (1904-1934) included studies such as Curtis (1907), Gunther (1934), and Adamson (1934). These studies did not focus on the political or social organization of the Cowlitz tribe of that era. Rather, the researchers sought the input of individual informants, who were identified by the researchers as Cowlitz Indians, for comparative studies of folklore, herbalism, basket making, and other cultural elements. These studies described the individuals' Salish and Sahaptin language use, competence in traditional knowledge, and, to a limited extent, genealogy. However, they provided no systematic examination of the Cowlitz as an organized social entity for purposes of

83.7(a). More recent studies of the Cowlitz, such as Verne Ray (1938, 1966) and Darlene Fitzpatrick (1986) identified the existence of the "Cowlitz" as an entity..

Local histories written since 1950 and newspaper feature articles published from the 1950's through the 1970's discussed individual Cowlitz Indians as members of well-known Cowlitz families, and discussed particular Cowlitz families as members of specific local Cowlitz Indian residential settlements. Such identifications of portions of the group as an Indian entity are of some evidentiary value under criterion 83.7(a). However, none of them described the umbrella tribal organization, nor did they describe how the particular Cowlitz families or settlements were participating in the incorporated tribal organization. For the period since 1970, the most useful local history for identification of the Cowlitz as an American Indian entity was the work of Judith Irwin, since it was based not only on academic research, but also on extensive personal contact with several Cowlitz families for a period of more than 25 years.

The BIA has determined that in the case of the CIT, the evidence pertaining to criterion 83.7(a) must be evaluated in the light of the impact of prior Federal policies as they affected the petitioner's predecessor bands. During the 20th century, the Cowlitz Tribal Organization, the Cowlitz Tribe of Indians, and the Cowlitz Indian Tribe, successively, structured the existence of their formal entity in accordance with BIA definitions of their political existence. Since this formal structure of the "Cowlitz entity" was not perfectly congruent with the underlying social structure of the Indian settlements along the Cowlitz River Valley, evidence pertaining to the individual settlements has been judged as contributing, in the aggregate, to the identification of the Cowlitz as an "American Indian entity" under criterion 83.7(a).

Chronology of identifications as an American Indian entity. The minutes of the Chehalis River Treaty Council, one of the

treaty negotiations held in 1855 by Governor and *ex officio* Indian Superintendent Isaac Ingalls Stevens, show that Federal officials dealt with an entity identified as the Cowlitz Indians. Based on the named leaders, this entity appears to have consisted of the Lower Cowlitz bands. These treaty discussions did not result in a ratified treaty. Throughout the 1860's, however, records show that an undefined entity known as the "Cowlitz" was under the jurisdiction of the Chehalis Agency, the southern part of the former Western or Coast District. In 1862, Superintendent C.H. Hale requested that treaties be entered into with the Chehalis, Cowlitz and other tribes. On March 20, 1863, the president issued a proclamation which opened for sale the lands upon which the Cowlitz tribe had been residing. On June 20, 1868, Superintendent McKenney reported that a group known as the Cowlitz Indians attended, by invitation, a distribution of goods and provisions. The report also showed that the Indians refused these goods and provisions out of concern that acceptance would amount to surrender of their title to their lands. Commissioner of Indian Affairs reports identified the undefined "Cowlitz" as an entity throughout the remainder of the 1860's and 1870's.

The first specific evidence that the Upper Cowlitz, or Cowlitz Klickitat, band was included among the "Cowlitz" by the OIA appeared in the late 1870's. The 1878 census conducted by Superintendent R.H. Milroy identified both the Upper and Lower Cowlitz bands, listing family heads for both. However, the OIA census reports sharply distinguished the Lewis River Klickitat from the above two bands, even though the petitioner's claims and the CIT petition for Federal acknowledgment included the area occupied by the Lewis River Klickitat as "Cowlitz" territory.

Throughout the 1880's and 1890's, Chemawa Indian school and Puyallup Agency land records referred to the Cowlitz Indians, as did Yakima allotment records between 1898 and 1914. Cushman Indian school correspondence in 1911 referred to the Cowlitz around Toledo, Olequa, and Randall, as members of the Cowlitz Tribe eligible for allotment at

Quinault, and recommended that they be enrolled and allotted there. Also, from the 1880's through the 1940's, approximately 40 individual Cowlitz Indians (including Lower Cowlitz, Upper Cowlitz, and Cowlitz métis) obtained Indian homesteads and public domain land allotments in the Cowlitz River valley which were held in trust by the BIA. Under Section four of the General Allotment Act, public domain allotments were to have been limited to Indians maintaining tribal relations with a recognized tribe.

Local histories included Olson's retrospective description of the Cowlitz when she was growing up in the 1890's, providing a major external identification of the entity for a period during which BIA documentation was thin (Olson 1947).

The BIA McChesney and Roblin reports of 1910 and 1919 respectively were part of government responses to Cowlitz claims activities initiated in 1904. Puyallup Agency correspondence showed that the Federal Government undertook these investigations because it lacked adequate information on the membership of several groups which were pressing claims, not only the Cowlitz. The 1910 report submitted by BIA Special Agent McChesney specifically referred to the group's historical origins in the Upper Cowlitz and Lower Cowlitz bands, identified the existing group as the "Cowlitz tribe living in the vicinity of Olequa, Washington," described approximately 400 people as Cowlitz, and recommended allotments for some of them. In 1919, Special Agent Charles E. Roblin's final report provided a list of 891 unenrolled Cowlitz. In his report summary he identified the Cowlitz as a single group, still maintaining a community, and described these Indians as constituting the "blue blood of Western Washington."

Newspapers regularly provided coverage of the annual meetings of the Cowlitz Tribal Organization from 1912 through 1939. These articles not only provided specific external identifications of a Cowlitz entity, but also

mentioned various leaders and significant business considered at the meetings.

The BIA McDowell Report of 1920 described the Cowlitz as "only a few hundred," classing them primarily as "mixed bloods." BIA correspondence from 1922-1932 between John Ike Kinswa, president of the Cowlitz Tribal Organization, and Taholah Agency officials presumed the existence of the Cowlitz as an entity with which the BIA could communicate through Kinswa. The BIA also contacted Cowlitz leaders from among Upper Cowlitz and Boisfort/Peell families and asked their direct assistance in keeping track of individual school attendance of Cowlitz children, and in clarifying probate and inheritance questions.

The BIA dealt with the Cowlitz Tribal Organization in connection with its attempts to get legislation authorizing the "Cowlitz Tribe of Indians" to submit claims to the Court of Claims, from 1915 through the mid-1930's. COIA correspondence in 1929 described membership requirements for the Cowlitz, and in 1930 showed that the COIA assisted in proposing legislation to authorize the Cowlitz to sue in the Court of Claims.

In 1931, Halbert et al v. The United States declared members of the "Cowlitz Tribe" eligible for allotment on the Quinault Reservation. The petition also maintained that the BIA recognized the Cowlitz Tribe, as an entity, but later dropped their recognition as a consequence of the passage of the Indian Reorganization Act in 1934. However, the fact that the BIA did not allow the Cowlitz to vote on the IRA does not show they were recognized in the years immediately preceding the Act's passage, nor does it show any evidence of a BIA policy change toward the Cowlitz Tribal Organization as an entity after 1934.

Four of the obituaries submitted which identified the deceased as a "member of the Cowlitz Indian Tribe" dated to the decade of the 1940's. The only other newspaper coverage from the 1940's was in connection with the World War II

service of individuals who were identified as Cowlitz Indians in the articles. While the articles discussed only individuals, they stated that they were "members of the Cowlitz Indian tribe," indicating that an ethnically distinct entity existed. They did not state merely that these individuals were Cowlitz descendants, or in other ways imply that the tribal entity no longer existed. On the contrary, they specified current tribal membership.

Since 1950, there has been regular newspaper coverage of the Cowlitz Tribe of Indians and Cowlitz Indian Tribe incorporated organizations. Since the 1970's, there has also been regular identification of a Cowlitz entity by academic scholars, and in BIA documents for the purposes of 83.7(a) as modified by 83.8(d)(1).

Summary. The BIA described the Cowlitz as an entity until the early 1880's, and again in the period 1910-1933, and since 1950. The overall combination of Federal documentation, church records, publications by academic scholars, local histories, and newspaper articles showed that non-Cowlitz and non-Indian sources regularly identified the petitioner's ancestors as members of an entity known as the Cowlitz Indians or Cowlitz Tribe, even when those sources provided no specific description of that entity. The paucity of descriptions of the full entity is considered to be a consequence of the historically dispersed residential pattern of the groups in the Cowlitz River valley. Local non-Indian residents knew those Cowlitz near their own homes, but did not know those who lived 30 or 40 miles upstream or downstream, even when other evidence indicated that the Indians in these various settlements maintained regular contact with one another and were active members of the various Cowlitz tribal organizations between 1912 and the present.

The combination of the various forms of evidence, taken in historical context, provide adequate external identification of the Cowlitz as an American Indian entity from 1855 until

the present. Therefore, the petitioner meets criterion 83.7(a) as modified by criterion 83.8(d)(1).

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

83.8(d)(2) **The group meets the requirements of the criterion in section 83.7(b) to demonstrate that it comprises a distinct community at present. However, it need not provide evidence to demonstrate existence as a community historically.**

The language of section 83.8(d)(2) requires the previously acknowledged petitioner as it exists today to meet the criterion for community (criterion 83.7(b)). As 83.7(b) is modified by 87.8(d)(2), demonstration of historical community is not required. For purposes of Federal acknowledgment:

> *Community* means any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. *Community* must be understood in the context of the history, geography, culture, and social organization of the group (25 CFR 83.1).

When the petitioner is proceeding under 83.8(d)(2), the BIA may examine evidence pertaining to criterion 83.7(b) for earlier periods. This does not constitute a requirement that the petitioner demonstrate historical community. Rather, the data may be used both to provide context for the development of the observed contemporary situation under

83.8(d)(2), and to contribute to the discussion of criterion 83.7(c) under provision 83.7(c)(3), which provides that:

> **A group that has met the requirements in paragraph 83.7(b)(2) at a given point in time shall be considered to have provided sufficient criterion to meet this criterion at that point in time (83.7(d)(3)).**

The discussion of a longer period, from 1950 through 1984, in the Anthropological Technical Report to this Proposed Finding therefore was not based on a requirement that the petitioner demonstrate the existence of community during the longer period of time. No such requirement has been imposed in this Proposed Finding.

Historical perspective on the modern Cowlitz subgroups. In the mid-19th century, United States officials identified two separate Indian groups as Cowlitz. The first group included the Salish-speaking Lower Cowlitz, who lived along the Cowlitz River below Cowlitz Prairie, from near what is today Vader, Washington, to the mouth of the Cowlitz River near Kelso, Washington. The second group included the Sahaptin-speaking Upper Cowlitz, who lived along the Cowlitz River above Cowlitz Prairie.

In the mid-19th century, Federal officials did not mention a third category which would later emerge as a distinct subgroup, the Lower Cowlitz métis. These families resided primarily at Cowlitz Prairie. This group was made up of descendants of marriages between mostly Lower Cowlitz Indian women and French Canadian Hudson's Bay Company employees which had taken place from the 1820's through the 1840's. Similarly, in the mid-19th century, the Cascade métis and the Boisfort-Peell Cowlitz had not yet emerged as distinct subgroups, and thus could have no separate political identity or leadership.

The Lower Cowlitz and the Cowlitz métis maintained close familial relationships with political implications

throughout the second half of the 19th century. For example, Hudson's Bay Company officials recorded Scanewa as a leader of the Lower Cowlitz until his death in 1828. Scanewa s son Atwin Stockum was later recorded as a Lower Cowlitz leader. An important patron among the métis was the French-Canadian Simon Plamondon, Sr., Scanewa's son-in-law. Daniel Plamondon, president of the Cowlitz Tribal Organization in the early 1920's, was grandson of Scanewa, son of Simon Plamondon Sr., and nephew of Atwin Stockum.

During the second half of the 19th century, the most important distinction of the métis from the Lower Cowlitz, from the perspective of the OIA, was primarily one of practical jurisdiction. Since their French-Canadian fathers had entered Washington Donation Land Claims, the first-generation métis inherited land to which they held title in fee simple rather than obtaining public domain allotments which were administered on their behalf by the Federal agents and superintendents. Consequently, the Indian agents had less direct contact with them.

Socially, the métis emerged as a distinct subgroup as a consequence of their use of the French language as the primary language within their households, their commitment to Roman Catholicism, their association, in many cases, with the Cowlitz Prairie Mission, and their resultant extensive intermarriage with one another. From 1870 to 1920 this intermarriage was statistically much more extensive than their marriage back into the Lower Cowlitz band.

Between 1878 and 1904, the Upper Cowlitz and Lower Cowlitz bands not only merged politically as a consequence of Federal policy, but also to some extent socially, under the leadership of important Lower Cowlitz religious leaders such as Iyall Wahawa, whose Indian Shaker faith bridged the differences between the bands after 1893. Both Wahawa and Annie (White) Wannassay's brother Lincoln White, also a Lower Cowlitz, ministered to the Upper Cowlitz, as well as to members of their own group. Shaker ceremonies involved mobilizing economic resources in the form of food, from

within the family of the member, whom the leader was ministering, for purposes of feeding the congregation. The mobilizing of economic resources shows not only political influence, which is evidence under 83.7(c), but also shows community organization of individuals among whom the resources were mobilized.

Throughout the later 19th century and first half of the 20th century, common economic activities for all Cowlitz subgroups, including the métis, included commercial and subsistence berry picking, commercial hops picking, subsistence fishing, and commercial logging. The petitioner submitted substantial evidence demonstrating the existence of these economic activities undertaken by groups of Cowlitz men and clusters of Cowlitz families working together, but there was no indication that they were organized by the leaders of the formal tribal organization. Rather, these undertakings were arranged by the informal leadership of men and women in each of the individual Cowlitz settlements.

Genealogical relationships within the subgroups discussed below remain comparatively close: within each subgroup, today's adults ordinarily share a set of grandparents. Within the Cowlitz as a whole, the majority of the adult membership shares at least one set of great-grandparents. Matrimonial endogamy among the Cowlitz and Cowlitz metis and patterned out-marriages with other Indian groups constituted more than half of the marriages through the 1920's and continued at a significant level into the 1950's. This type of evidence, in supporting Criterion (b), also supports Criterion (c).

Analysis of the nature of the modern CIT and its subgroups. The modern CIT is a two-level tribal community in which there is comparatively intense community within defined subgroups and a looser community encompassing the overall membership. This analysis has been undertaken primarily in the context of the CIT's demonstrating evidence under the provisions of 83.7(b)(1)(ii) and 83.7(b)(1)(iii), as the petitioner did not submit significant evidence of modern

community under the other evidentiary subcategories of criterion 83.7(b).

In the context of the Cowlitz Indians, it is deemed significant that the modern situation does not represent a post-World War II dispersal of a once tightly-knit and more closely related group, but the continuation of a long-standing historical pattern. The residential pattern of the modern Cowlitz membership is geographically dispersed in locations and percentages closely parallel to those reported by BIA Special Agent Charles Roblin in 1919. The currently existing subgroups can be traced to ancestors of the general membership who lived in the later 19th century. They have been documented to have interacted in consistent ways and similar patterns at least since the formation of the predecessor of the modern CIT organization in 1912.

The modern CIT consists of several socially-defined, genealogically overlapping, subgroups or social categories which have evolved from the historical components that merged to become the present-day Cowlitz Indians. Members of each subgroup distinguish themselves from members of other subgroups, even though in fact they often share common ancestry and the boundaries around them are not rigid because of the interaction and kinship ties. The members also see all of the Cowlitz subgroups as sharing common features that distinguish them from non-Indians living in the same area and from other nearby Indian tribes with whom the Cowlitz share common ancestry.

The defined subgroups are more complex than simply descendants of the historical Upper Cowlitz band and Lower Cowlitz band. The members of the present groups define themselves as: (1) Upper Cowlitz, or Taitnapam, descendants; (2) Lower Cowlitz métis from the Cowlitz River valley; (3) Cowlitz Indians, of mixed Upper Cowlitz and Lower Cowlitz descent, who since 1900 have traditionally resided in the Boisfort and Peell areas near Oakton, Washington; (4) Lower Cowlitz métis descendants whose ancestors have resided since the later 19th century in the Cascade regions and

along the Columbia River east of the Cowlitz Valley; and (5) Lower Cowlitz families which historically resided and still reside near the mouth of the Cowlitz River, in the Kelso, Washington, area. The existence of these groups is good evidence for social community because their existence reflects the occurrence of social interaction and resulting attitudes and social opinions.

The interaction within and among these subgroups: (1) constitutes strong social community within each subgroup; (2) demonstrates both permeable boundary between, and weak but demonstrable community among, the subgroups; and (3) distinguishes the members of all the subgroups from non-Cowlitz, whether other Indians or non-Indians.

As a consequence of the nature of the historical development of the Cowlitz entity, as discussed under criterion 83.7(a) above, the social interaction among these subgroups at the tribal level is primarily political in nature. While there is communication and interaction between members of the different subgroups, the subgroups do not have separate formal leadership. Instead, members of one subgroup know who within another subgroup is an effective political contact or communications liaison. The subgroups form a single political system, with no signs of considering breaking away, despite the presence of conflicts.

These conclusions concerning the nature of the group are not based solely on the documentation and narrative submitted by the petitioner. In addition to the evidence included in the CIT petition, the BIA anthropologist conducted extensive direct interviewing with a systematic selection of the petitioner's members. The numerous comparisons and contrasts made by Cowlitz members in discussing the tribe provided evidence that individual Cowlitz have extensive knowledge about other Cowlitz members outside of the individual's own extended family and subgroup. However, it is important to note that interaction between subgroups is weak and primarily political in nature, while interaction within subgroups is much stronger. Nevertheless, while

interaction between subgroups is weak, it is well-defined and recognizable. The following analysis presents first a discussion of evidence for community within each Cowlitz subgroup, and second a discussion of the evidence for weak but recognizable community within the tribal organization as a whole.

Evidence for community within each contemporary subgroup.

Grave sites. Within each subgroup, Cowlitz members maintain grave sites. In accordance with the historically dispersed residential pattern of the Cowlitz Indians, there is no single Cowlitz tribal cemetery. Members of the various extended families within the subgroup maintain grave plots, with specific grave sites often reserved for individual living members, and exclude non-group members unless they married in.

Extended-family reunions. Cowlitz members hold extended-family reunions. Today, members deliberately schedule these reunions to coincide with annual General Council meetings. However, members have long considered the General Council meetings at least as important (if not more important) for renewing contact with relatives as for conducting political business. As early as the 1930's, Cowlitz members who were planning to attend the annual meeting of the Cowlitz Tribal Organization might include in the newspaper article a list of the distant cousins whom they expected to encounter. Because of overlapping ancestry, many Cowlitz members attend more than one reunion.

The individual extended-family reunions are not in themselves significant evidence for demonstrating community under the 25 CFR Part 83 regulations. However, their close association with the General Council meetings and inclusion of Cowlitz members from extended family lines beyond the sponsoring family add to their significance as evidence under criterion 83.7(b). The frequency with which individual family lines held these reunions has risen and fallen periodically in the past, as individuals important

for coordinating the reunions passed away and descendants took their place. This periodicity applied to all social subgroups, but there was never a time at which the custom as a whole was relinquished.

Religious affiliation. The Cowlitz tribe as a whole has no single religious focus, but multiple foci exist within the subgroups. Upper Cowlitz families maintain ties with the Indian Shaker religion practiced on the Yakima and Chehalis reservations, although not all of them are Shakers. Additionally, the ancestors of the Kelso-area Lower Cowlitz families were important Shaker leaders in the 1890's, and their descendants attended Shaker services as late as the 1950's. The métis in large part descend from Catholics who had attended the Cowlitz Prairie Mission in the late 19th and early 20th Centuries. Additionally, there is today an attempt initiated by individuals from a broad range of family lines and social subgroups within the membership to enlist relatives and friends from neighboring Indian reservations to help revive at least certain aspects of traditional Indian religions through the construction of a sweat house and regular ceremonies conducted around it.

Evidence for weak community-level interaction within the tribal entity as a whole. At the tribal level, Cowlitz interaction as a whole consists primarily of political functioning. Additionally, the subgroups form a single social system, based on knowledge and contact outside the subgroup. There is an overall boundary between Cowlitz and non-Cowlitz, and some degree of kinship ties that cross-cut the entire membership.

Grave sites and subsistence fishing locations. In 1955 the General Council leadership sued the City of Tacoma to protect the grave sites and subsistence fishing of families affected by the damming of the Cowlitz River. Elderly Upper Cowlitz witnesses provided testimony about both their own and also Lower Cowlitz family sites, indicating familiarity with the activities of Cowlitz settlements that crossed subgroup lines and individual geographical concentrations.

Grave sites are used almost entirely by members of particular families, and subsistence fishing, during the 1950's, was also organized primarily within the family lines. Nevertheless, the 1955 lawsuit is important because it shows that the Tribal Council intervened to protect the grave sites and subsistence fishing rights of their membership affected by the proposed dams.

Religious affiliation. On the tribal level, there is recent evidence for a conscious effort to prevent the religious diversity of the subgroups from having a centrifugal effect on the tribe as a whole. The Tribal Council has had to mediate among three different orientations. The first orientation is held by some Upper and Lower Cowlitz families who have maintained ties with the Shakers. These people were instrumental in constructing the sweat house mentioned above. The orientation represents an attempt to revitalize some Native American religion and ceremonialism, and serves to mobilize Tribal resources to keep generations within families unified.

The second orientation is held by some Tribal Council leaders. Here, some Native American ceremonialism is incorporated into Christian Protestant religion. The adherents of this orientation conduct pan-Indian ceremonies, and the activities appear largely commemorative in nature.

The third is a Catholic religious orientation held especially by some métis descendants. These adherents have objected, in some instances, particularly to the practices associated with the second orientation.

The differences among these adherents became most pronounced when descendants of métis, Boisfort-Peell, and Upper Cowlitz families, with assistance from Chehalis relatives, built the sweat lodge, mentioned above, on land that had been purchased by the CIT with funds contributed to them from the Lewis County Public Utilities Department. The builders held elders' dinners, ceremonial revivals, and other activities

on the property. They also rigidly forbade the consumption of alcoholic beverages on this property.

The political nature of these orientation differences emerged when these activities provoked disputes about religion between the leadership, who espoused the second orientation, and those who built the sweatlodge, who espoused the first orientation. As these disputes have extended to the general membership, the Tribal Council attempted unsuccessfully to reconcile the differences by instituting an apprenticeship program. At present, the disputes are still unresolved.

Formal definition of enrollment qualifications to reflect effective social boundaries. Overall Cowlitz membership definition constitutes more than a trivial boundary: there is a distinctness which is more than a minimal identification by outsiders. Prior to 1973, eligibility for membership in what then became, and is now, the Cowlitz Tribe of Indians (CTI) was formally defined on the basis of descendance. Such eligibility allowed individuals whose primary social ties lay elsewhere to pay the nominal dues and hold membership. However, this did not mean that there was a lack of eligibility concerns: the organization consistently maintained a committee whose function was to scrutinize the genealogy of applicants. Because the requirement was descendance, however, some persons who were enrolled in Federally acknowledged tribes and whose primary interest was in claims, and some persons who had assimilated into the wider society and whose primary interest was ancestral nostalgia, maintained voting membership.

In 1973, the CTI Tribal Council passed resolutions, approved by the General Council, to exclude from voting membership ("green card" membership) individuals who (1) were enrolled with other Indian tribes, and/or (2) had a blood quantum of less than 1/16 Cowlitz Indian. These provisions adjusted the formal membership requirements to reflect the existence of the known social community. They indicated that the CTI was a community, and not just a claims organization or an

organization of descendants. These changes were incorporated into the 1974 constitution by vote of the general membership.

The decisions affected comparatively few persons who had been active in Cowlitz tribal activities since the 1950 reorganization, and in fact had little impact on most families who had been active in the 1920's and 1930's. However, primarily as a result of the impact of the 1946 Yakima Act, some persons who continued to be enrolled in what was then known as the Cowlitz Indian Tribe (CIT) after the 1973 CTI resolutions did have close relatives -- parents, siblings, and first cousins -- who were Yakima-enrolled. As a result, this provision divided a small proportion of the Cowlitz general membership within family lines, causing intrafamilial disputes and resentments between certain family lines and other subgroups which have not yet been fully reconciled.

The decision to enforce a blood quantum requirement for CIT voting membership also affected directly the membership status of comparatively few family members who had remained active in CTI and CIT undertakings: the majority of those persons with less than 1/16 Cowlitz ancestry were primarily interested in the issue of eligibility to participate in the ICC claims award. The only once-prominent family affected was the Sareault lineage, since the descendants of former CTI president James E. Sareault, who had died in 1963, and the descendants of his siblings, no longer qualified as voters under the 1/16 blood quantum provision.

However, the relatives of those directly affected who did remain with the CTI membership have voiced objections to the present day about the decision, and have made explicit efforts to ensure that representatives of their family lines serve on the Tribal Council. Their service on the tribal council, in turn, is to ensure that their voting interests and eligibility to receive claims from the ongoing Indian Claims Commission settlement are protected.

Summary. The evidence shows strong tribal relations among families within subgroups, and weak, but consistent, relations among families between subgroups. Relations and interaction within subgroups are manifest through family reunions, group economic subsistence activities, and religious affiliation.

The evidence shows weak but consistent relations between subgroups. First, kinship genealogies link families from different subgroups. Thus, for example, individuals from one subgroup will attend the reunions of other subgroups simply because they are related to members of different subgroups through intermarriage. Second, members of these subgroups indicated considerable knowledge of kinship, group subsistence activities, religious differences, and political activities regarding members from among different groups. Third, members from family groups within various subgroups made explicit efforts to ensure that their voting, membership, Indian Claims Commission status, and other interests were adequately represented. Together, these weak but consistent social relationships among the different subgroups show the existence of tribal community.

Viewed in the light of the requirement in 83.1 that the criterion for community be "understood in the context of the history, geography, culture, and social organization of the group," we find that the historical development of the Cowlitz Indian Tribe (CIT) has resulted in a two-level community structure, in which community is stronger at the level of the subgroup and looser, but still consistently extant, at the level of the tribe as a whole. Therefore, the petitioner meets criterion 83.7(b) as modified by criterion 83.8(d)(2).

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

83.8(d)(3) The group meets the requirements of the criterion in section 83.7(c) to demonstrate that political influence or authority is exercised within the group at present. Sufficient evidence to meet the criterion in section 83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body who exercise political influence or authority, together with demonstration of one form of evidence listed in section 83.7 (c).

Under criterion 83.7(c), the changes introduced under section 83.8(d)(3) reduce the burden of evidence for previously acknowledged tribes to demonstrate continued tribal existence. The revisions, however, still maintain the same requirements regarding the character of the petitioner. Under Section 83.8(d)(3) a streamlined demonstration of criterion 83.7(c) is provided. Although these changes have been made, the revisions maintain the essential requirement that to be acknowledged a petitioner must be tribal in character and demonstrate historic continuity of tribal existence.

Since the Chehalis River treaty negotiations in 1855, there has been an unbroken named sequence of Cowlitz leaders. From 1855 until his death in 1875, Federal officials identified Kiskox as the Lower Cowlitz leader, but no evidence indicates that he was leader of the Upper Cowlitz as well. At the Chehalis River Treaty Council negotiations of 1855, Federal officials urged the Indians living along

the Cowlitz River to move to reservations. The Lower Cowlitz leaders present refused to sign the treaty, or move to a reservation. There is no evidence that the métis were separately represented at the Chehalis River Treaty Council (most of the first-generation métis were still under 21 in 1855 and did not constitute a distinct political subgroup), while the Upper Cowlitz were not represented.

There is evidence that by 1860, some of the Upper Cowlitz had intermarried with the Lower Cowlitz. There is no evidence, however, that the two bands were united under a single political leadership. During the 1860's and 1870's, BIA officials distinguished the Lower Cowlitz and Upper Cowlitz bands but classified both as "Cowlitz" Indians, as, for example, when attempting to place them on the Chehalis Reservation in 1864. In 1867, an assemblage of undefined "Cowlitz" refused goods which an OIA agent attempted to distribute to them, out of concern that acceptance would signify approval of relocation to a reservation. The OIA agent did not indicate who the leaders were, or give the identity of any subgroups that participated in this meeting.

Federal agents noted Atwin Stockum as chief of the Lower Cowlitz in 1870. When the OIA officially "appointed" Stockum as chief of the Lower Cowlitz in 1878, the associated correspondence that the Lower Cowlitz and the Upper Cowlitz or "Cowlitz Klickitat" had "made peace" some time around 1868. Stockum refused to accept responsibility for the "Klickitats," so in 1878, local residents recommended to the BIA that the Upper Cowlitz Captain Peter be appointed chief of the "Cowlitz Klickitats" or Upper Cowlitz band.

The Lower Cowlitz métis living along the Cowlitz River Valley were distinct from the Lower Cowlitz band <u>per se</u> during the period 1855-1880 in the limited sense that they resided in French-speaking households headed by French-Canadian fathers who were in a position to act and did act as patrons in the band's interactions with both local authorities and the Federal Government from the 1850's

through the 1870's. However, there is no evidence that the métis were regarded by Federal authorities, or regarded themselves, as having any political leadership other than that provided by the chiefs of the Lower Cowlitz band. During the 1860's, the majority of the first-generation Cowlitz métis were still too young to appear in leadership positions. As the first-generation Cowlitz métis matured during the 1870's and 1880's, and came into leadership positions in the early 20th century, they did not form a political subgroup that was clearly distinct from the Lower Cowlitz, but remained closely associated with the BIA-appointed Lower Cowlitz leaders. This intermediary role is evidence of leadership, since the BIA is depending on their knowledge of the community and ability to influence informally the decisions of Indians under the care of the BIA.

The political influence of the later 19th-century and early 20th century named leaders can also be inferred from the close kinship ties that had developed among the various Cowlitz subgroups. For example, Atwin Stockum, himself a Lower Cowlitz, was the uncle of the prominent first-generation métis Plamondon family members. He was described as a "cousin" of Kitty Tillikish who, with her husband, resided in his household in 1910. Tillikish had previously been married to Stockum's former brother-in-law, Simon Plamondon, from Cowlitz Prairie. She was also related closely to Upper Cowlitz and métis through marriage: both métis and Upper Cowlitz relatives claimed interest in the inheritance of her public domain trust homestead.

This example of multiple inter-relationships was not an isolated one. In the period from 1870 through 1920, an extensive network of marriage connections existed not only within the Upper Cowlitz and Lower Cowlitz bands, but between the Upper Cowlitz and the Lower Cowlitz (as, for example, in the marriage of Mary Kiona's parents) and among the métis families. The named leaders, as a consequence, had close kinship ties with all three subgroups. This kind of kinship connection provides a foundation for leadership

which effectively supports the formal BIA designations. While neither Shaker activity (see discussion under criterion 83.7(b)) nor kinship ties alone would provide adequate evidence of political influence, the combined data indicates the existence of actual informal, noncoercive political influence along with a system of formally-appointed BIA-appointed leaders in the later 19th and early 20th century.

From 1904 through 1934, evidence of continuous political leadership includes the smooth shifting of leadership from the federally-recognized chieftainship and political influence of Atwin Stockum and Captain Peter, to a council of elected officers. In 1904 Lower Cowlitz Chief Atwin Stockum and his nephew, Cowlitz métis leader Simon Plamondon, Jr., initiated efforts to obtain restitution from the Federal government for title to lands they allegedly lost through Federal government action. Captain Peter, the Upper Cowlitz leader, was also involved in these claims activities until his death in 1910. These leaders presided over meetings and social gatherings held among Upper and Lower Cowlitz as early as 1908.

Although Captain Peter died in 1910, Atwin Stockum survived to see the establishment of the Cowlitz Tribal Organization in 1912. At the first meeting, the tribe elected a committee to assist him because he was "aged and infirm." After his death later that year, the Cowlitz Tribal Organization elected his successor, with many of the same men selected to aid Stockum serving on an executive committee.

After the death of Atwin Stockum, the Cowlitz Tribal Organization was headed by elected presidents, a succession of alternating métis and Upper Cowlitz leaders until 1936. Thus, Baptiste "Bat" Kiona (Upper Cowlitz) was followed by Daniel Plamondon (Lower Cowlitz métis), who was followed by John Ike Kinswa (Upper Cowlitz), who was followed by John B. Sareault (Lower Cowlitz). After the 1936 death of John B. Sareault, the alternation ended when he was succeeded by his

son, James E. Sareault, who retained the titular leadership until 1950.

From 1910 through 1919, the Cowlitz were involved in the Quinault adoptions cases, and assisted Thomas Bishop and Charles Roblin in their attempts to enroll non-reservation Indians. However, the evidence clearly indicates that the Cowlitz meetings and councils did not arise in response to the movement to enroll outsiders at Quinault. Neither did they result from the making of the Roblin Roll. Rather, the Cowlitz tribe existed prior to these events and the formal Cowlitz tribal organization operated independently of these activities.

Documentation from the period 1912 - 1936 also shows that Kelso-based Lower Cowlitz families, Boisfort/Peell Cowlitz families, and Cascade Cowlitz métis families participated actively in the formal tribal organization, paying dues and attending the annual meetings. Thus, participation in the Cowlitz Tribal Organization was not limited to a small coterie from any one subgroup. Both Lower Cowlitz and Upper Cowlitz, as well as métis descendants and a few Yakima-enrolled Cowlitz descendants, served as delegates to approve lawyer contracts, as lobbyists in Washington, D.C., and on the tribal organization's enrollment committees. The purpose of the enrollment committees was to screen and validate the genealogical descent of general membership applicants.

Throughout the 1920's and 1930's, Federal officials maintained contact with elected Cowlitz leaders such as John Ike Kinswa. The BIA asked them to help track the progress of individual Cowlitz students at the Indian and public schools, to intercede and clarify land inheritance and probation issues for various families. The BIA also responded to complaints from Kinswa and others regarding the State of Washington's penalties for alleged fishing violations. This intermediary role is evidence of leadership, since the BIA consulted with them on their knowledge of the community, and depended on their ability to

influence informally the decisions of Indians under the care of the BIA.

Thus, the political influence of the named Cowlitz leaders extended well beyond "claims" issues as usually defined. For example, in the 1930's, Council activities included inconclusive consideration of assertions by Wannassay family descendants that they had recently been defrauded of land in Kelso that the family had owned as late as 1910.

Other activities included Tribal-level action to advocate for subsistence fishing and protection of family burial plots. Families from all Cowlitz subgroups fished the Cowlitz River to supplement subsistence, as late as the 1950's. Despite increasing regulation of fishing by the State of Washington in the 1950's, game officials knew individual families living along the river, and allowed fishing to continue. Similarly, family burial sites still in use during the 1950's and later were well known to the membership. The Cowlitz Tribal Organization, in 1934, passed a resolution and proposed a petition to protest the increased regulation of fishing by the State of Washington. In 1955, the Cowlitz Indian Tribe (CIT) sued the City of Tacoma in an attempt to mitigate damages to family burial sites and subsistence fishing from the proposed Mayfield Dam. These incidences show that the Tribal Council attempted to advocate on behalf of its membership to protect activities of importance to all members, even though the activities themselves were not necessarily coordinated politically at a Tribal level. They also show that the Council engaged in activities other than claims. Thus, the governing council and wider membership were actively involved politically in subsistence fishing issues as a tribal entity.

No direct documentary evidence for political activity 1939-1950 was submitted in the petition. The Sareault family did not make available the papers retained by John B. Sareault and James E. Sareault. For the period 1934-1950, some individual petitioner members submitted to the BIA a few

copies of correspondence between Cowlitz individuals and the president of the organization. Letters from the BIA to Clifford Wilson suggest that Cowlitz claims activities continued in the mid-1940's.

The leaders who initiated the 1950 Cowlitz reorganization effort were the same as those who had held office at the time the prior organization ceased to hold regular meetings, and to whom individual Cowlitz directed correspondence as tribal officers during the interval when no meetings were held. Newspaper coverage of the 1950 meeting stated that the newly elected president and vice-president had "traded the positions they had held since 1941." The minutes of the post-1950 CTI also referred to the participation of many non-officers who had been named in the organizational minutes from the 1930's. This information is evidence of continued leadership, whose activities during the 1950's were discussed in the paragraphs above.

For the period from 1912 through 1950, the existence of an externally named leadership, along with limited evidence for the continuation of structured political activity and influence under 83.8(d)(3), was supplemented by considerable evidence of informal leadership exercised within the component subgroups by non-elected elders, under 83.7(c), as provided by 83.8(d)(3). Generally, the continuity of leadership between the 1930's and the 1950's, the continuity of participation by most of the same families in the 1930's and the 1950's, the continuation of claims activities, the pursuit of non-claims-related advocacy, and the numbers attending meetings, in combination, are evidence that there was continued political influence on the part of the named leaders, and acknowledgment of influence from the followers.

Since 1950, there has been an uninterrupted sequence of named, elected leadership in what was known from 1950 through 1973 as the Cowlitz Tribe of Indians (CTI), and since 1974 has been formally designated as the Cowlitz Indian Tribe (CIT). The CTI minutes showed that annual

meeting attendance by qualified voters varied from about 64, in 1950, to 145 in 1956.

There is limited evidence that these elected leaders were considered by knowledgeable external sources to have followers. In 1953, the BIA notified the CTI, through its elected leader, of the pending western Washington termination legislation. In 1964, the council and some of the general membership became involved in a dispute concerning the approval of an attorney contract for pursuing claims litigation under the 1946 Indian Claims Commission (ICC) Act. While there is no evidence that the disputants aligned themselves along factional lines, the disputes were perceived by Federal officials as a threat to the leadership's stability, indicating that the membership exerted influence on the formally elected leadership.

In 1967, an informally functioning executive committee was expanded by resolution of the general membership at the annual meeting into a formal tribal council. The Tribal Council was then incorporated into the 1974 constitutional revision, which also was adopted by vote of the general membership. However, the annual membership, or General Council, meetings have remained the primary political center. There are political strains over its role vis-a-vis that of the Tribal Council and rivalries between the elected leadership of the General Council and the Tribal Council.

Concerns by Council members about some of the general membership's involvement in Quinault allotment litigation comprise indirect evidence of wider interest in activities undertaken by some of the leadership. Together, these developments provide evidence for continuous functioning by leaders, leaders' influence over membership, and acknowledgment of leaders by followers under 83.8(d)(3). In addition, there was considerable evidence of informal leadership during the period 1950-1973 by community elders, applicable as supportive evidence under the provisions of 83.7(c).

A few members of the General Council joined with the Quinault Tribe in a lawsuit against the Federal Government, beginning in 1971. While the leadership and some members were involved in the lawsuit, there is no evidence that the Cowlitz Tribal Council or General Council as such developed any policy on the issue. Cowlitz members not involved in the litigation later voiced concern that these individual members were attempting to use the Cowlitz Council to enhance their position in these Quinault disputes.

The "compromise settlement" on the ICC judgment award, which the CTI Tribal Council voted to accept in 1973, gave rise to a challenge to the elected leadership. Shortly after the signing, BIA officials noted the existence of a splinter group, the Sovereign Cowlitz, as partial justification for not recommending approval of the claims disbursement in 1974. From 1974 through 1981, the Sovereign Cowlitz received publicity through newspaper articles, and Congressional hearings. While a variety of the members expressed sympathy for the objections voiced by the Sovereign Cowlitz, the group itself did not directly involve a significant segment of the general membership, and its attempts to gain wider influence were successfully contained and limited through counter-measures undertaken by the elected leadership.

In 1973, two CTI decisions regarding membership defined formal membership eligibility in such a way that it matched the group's effective membership as a social and political community up to that time (see discussion above under criterion 83.7(b)). While the resulting disputes concerning dual enrollment and blood quantum issues are not in themselves adequate evidence for the political involvement of the larger general membership, they are contributory evidence for "widespread knowledge, communication and involvement in political processes by most of the group's members."

The 1973/1974 decisions concerning enrollment qualifications have continued to have political impact until the present

day. Some family groups, especially from among the Kelso-area Lower Cowlitz descendants, maintain that they remain active in the Tribal Council to protect their membership status and report suspicion about special interests pursued by the representatives of other family groups on the Council.

The 1/16 Cowlitz blood-quantum provision continued to provoke membership-eligibility disputes within the general membership and within the Tribal Council as recently as the early 1990's. In the course of one dispute in early 1992, an ally of the then-Tribal Council Chairman announced an intention to form a new Cowlitz organization with no blood quantum restrictions, and allegedly stole all membership files. While the incident itself involved neither a large number of people nor a broad representation of subgroups, it did highlight the concern many members still had for their own voting status within the Tribe.

During the 1980's and the 1990's the Tribal and General Councils have responded to demands from the general membership to broaden the focus of CIT activities beyond claims and Federal acknowledgment, and to intervene in other matters of concern to the general membership, or of concern to particular extended families or socially-defined categories within the general membership. These categories were described in the discussion of 25 CFR 83.7(b) above, as were several of the sequences of events. These interventions, in turn, have incited further efforts by members of other social categories to ensure that their interests were not slighted.

For example, the involvement of some CIT General Council leadership in the Quinault Allottees Association has provoked suspicions among some Lower Cowlitz and Upper Cowlitz families that the leadership was using their office to promote interests on the Quinault Reservation at the expense of the wider Cowlitz membership.

Similarly, when self-selected Tribal Council and General Council members constructed a sweat lodge, a dispute over religion and membership ensued. The Tribal Council found itself caught between those who undertook the project, under the guidance of Shaker relatives, and Cowlitz members who observed the Catholic religion. As discussed under 83.7(b) above, attempts to reconcile the differences through an apprenticeship to senior Tribal Council leaders were unsuccessful. Membership disputes were provoked when one of the sweat lodge builders was denied the opportunity to speak and vote because he was less than 1/16 Cowlitz blood quantum. Others among the general membership then asserted that some Tribal Council members had a similarly low quantum. The issue, while resolved within the Tribal Council, has not been fully resolved among the general membership.

In a different example, the Tribal Council advocated on behalf of members who wanted to adopt Cowlitz children released for adoption to non-members. In one case, the Tribal Council enlisted the support of the Quileute Tribe's legal counsel.

Taken together, these instances are evidence for continuous functioning by leaders, leaders' influence on the membership, members' influence on the policies of the governing body, and acknowledgment of leaders by followers under 83.89(d)(3).

Summary. An unacknowledged group without a land base cannot be expected to exercise political influence or authority in many of the ways that exist within reservation tribes. The role of the formal leadership is necessarily more limited. Within those constrictions, the petitioner's elected leaders have initiated policies and have responded, sometimes reluctantly, to the expressed concerns of the general membership. On limited issues, the councils have mobilized testimony from knowledgeable elders indicating a depth of informal leadership within the petitioner beyond the formal constitutional structures.

From 1855, until 1912 there was continuous identifiable leadership among the Lower Cowlitz, Upper Cowlitz, and Cowlitz métis. While Upper Cowlitz and métis were not represented at the Chehalis River treaty negotiations in 1855, evidence from interaction with the Federal government shows that these leaders influenced both followers among their respective groups, as well as each other. Evidence from involvement in the Shaker church shows that these leaders influenced each other increasingly throughout the 19th century as kinship networks among the different groups, already existing at the time of the treaty negotiations, further developed.

From 1912 to 1934 evidence from interaction with the BIA shows that leaders of the Cowlitz Tribal Organization, such as John Ike Kinswa collected information for the Federal government, influenced followers, as well as informing them of Federal initiatives and in turn informing the Federal government of membership complaints and concerns.

From 1934 through the 1950's the leadership have responded to particular concerns from different subgroups from among the membership, such as protection of subsistence fishing and family grave sites.

From the 1950's to the present the leadership of the General Council have had to resolve conflicts over various political issues that have been important to members throughout different subgroups, and that have been issues of contention between different subgroups. Issues have included membership, religious expression, involvement with the Quinault Reservation's land use planning, and child adoption.

The evidence thus shows that the CTI and CIT were more than claims organizations, although at some periods most of the formal records pertained to claims activities. The annual meetings of the 1920's and 1930's, the General Council of the 1950's and 1960's, and the Tribal Council of the 1970's to the present have provided a forum in which the elected

leadership exerted political influence upon the general membership, and in which the general membership, in turn, expressed its concern to the leadership. In general, the evidence indicates that the scope of activities undertaken by the CIT organization since the adoption of the current constitution in 1974 has not diminished, but rather has gradually expanded to take on functions previously performed by subgroups, as the group's resources and expertise have increased.

Therefore, we conclude that the petitioner meets criterion 83.7(c) as modified by criterion 83.8(d)(3).

83.7(d) A copy of the group's present governing document, including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures

The petitioner provided copies of the current constitution and by-laws, which include a detailed statement of membership qualifications and enrollment procedures. The petitioner also provided copies of two prior constitutions dated 1950 and 1974, both of which included information on membership qualifications and enrollment procedures.

Therefore, the petitioner meets criterion 83.7(d).

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

Under the provisions of section 83.8, the petitioner must show that it meets criterion 83.7(e), descent from a historical Indian tribe or tribes which combined and functioned as a single autonomous political entity. The second of these provisions applies to the CIT. Collectively, the petitioner's members descend from the Lower Cowlitz band as it existed at the time of the Chehalis River treaty negotiations in 1855, from métis descendants of Lower Cowlitz women who had married French-Canadian employees of the Hudson's Bay Company prior to 1855, from the Upper Cowlitz and Lower Cowlitz bands as enumerated by the OIA in 1878, and from persons enumerated as Cowlitz Indians on the BIA's 1919 Schedule of Unenrolled Indians in Western Washington prepared by special agent Charles Roblin.

There was no one source which identified all Cowlitz Indians who lived at any time in the past. The 1900 and 1910 Federal censuses identified individuals as Cowlitz Indians, but did not necessarily identify all persons of Cowlitz descent as Cowlitz Indians. The Roblin Roll of 1919 was an attempt to enumerate unenrolled Indians. It listed families as Cowlitz, but was not a census of the Cowlitz as an entity or of all Cowlitz descendants. It omitted those Cowlitz who as of 1919 were enrolled on Federal reservations.

The current membership also descends from individuals identified as Cowlitz Indians in pre-1855 Roman Catholic Church records, persons identified as Cowlitz Indians in public vital records, and from individuals identified as Cowlitz Indians on BIA allotment records (for public domain allotments and Yakima Reservation allotments) and in affidavits filed with the BIA between 1911 and 1918 in connection with applications for adoption and allotment on the Quinault Reservation.

Many of the above categories overlap: that is, the same individual often is identified as Cowlitz in a baptismal record at the St. Francois Xavier mission at Cowlitz Prairie, on the special Indian Population schedules in 1900 and 1910, in an allotment application, and on the Roblin

Roll; or otherwise in a sequence of independently created documents. In addition to official documentation, ancestors of the petitioner's members were regularly identified as Cowlitz Indians in late 19th-century and 20th-century newspaper birth and wedding announcements, and in obituaries.

Previous acknowledgment decisions have allowed for the movement of families between bands and tribes, as well as the formal or informal merger of bands and tribes. This phenomenon is allowed for in this finding by discussing the consolidation of the Lower Cowlitz and Upper Cowlitz by OIA policy, and by the association of non-Cowlitz métis families with the Cowlitz Indians in the society which developed at the Hudson's Bay Company settlement on Cowlitz Prairie prior to the 1855 date of prior unambiguous Federal acknowledgment. The process by which non-Cowlitz métis families became associated with the Cowlitz Indians was carefully analyzed by the BIA. It was concluded that descent from such associated métis families constituted descent from the historical tribe within the meaning of criterion 83.7(e) for the following reasons:

(1) inter-tribal marriages were customary in the Pacific Northwest;
(2) the associated families have consistently lived among and intermarried with families of documented Cowlitz descent since the 1830's;
(3) Roman Catholic church records indicated that the process of association had been completed prior to 1855, the date of unambiguous prior Federal acknowledgment being used for this Proposed Finding; and
(4) the descendants of these families had been consistently accepted and identified as Cowlitz by the Federal government and the BIA.

The lines of descent for individual families have been verified through BIA rolls and BIA-maintained vital records of births, marriages, and deaths; Federal census records

from 1850 through 1920; public vital records of births, marriages, and deaths; and Roman Catholic sacramental records of baptisms, marriages, and burials. Only one family (8 members) on the current (1994) membership list could not be verified by the BIA genealogist as meeting the petitioner's own enrollment criteria. This was less than one per cent of the petitioner's membership, which today numbers 1,577.

Therefore, the petitioner meets criterion 83.7(e).

83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that it has functioned throughout history until the present as a separate and autonomous Indian tribal entity, that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group.

The requirements of section 83.7(f) are designed to prevent the breakup of existing Federally acknowledged tribes. This section still applies under the provisions of section 83.8.

The petitioner's constitution prohibits dual enrollment, and has prohibited dual enrollment since 1973. Enrollment

practices of the CIT include checking for possible dual enrollment on the part of the applicant. The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.

Therefore, the petitioner meets criterion 83.7 (f).

83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

There is no evidence that the petitioner is subject to congressional legislation that has terminated or forbidden the Federal relationship.

Therefore, the petitioner meets criterion 83.7 (g).

Historical Technical Report
Cowlitz Indian Tribe

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HISTORICAL TECHNICAL REPORT

COWLITZ INDIAN TRIBE

SUMMARY OF THE EVIDENCE

Historically, during the first half of the 19th century, the usage of the term "Cowlitz Indians" was geographical rather than linguistic or ethnic. The "Cowlitz" were those Indians who resided mainly along the length of the Cowlitz River, in what is now Cowlitz County and Lewis County, Washington, from near the mouth of the river as far north as Randle, Washington, a distance of some 80 miles. Smaller affiliated groups are said to have lived along the Toutle River (a tributary of the Cowlitz) and the Lewis River.[1] No contemporary documentation was located for the Toutle River group. The Lewis River band was mentioned in 19th century documentation, but was consistently identified as Klickitat.

In connection with the Cowlitz Tribe of Indians' ICC claim, Dr. Verne F. Ray maintained the existence of a group of "Mountain Cowlitz" or "Kwalhiokwa" prior to the 1855 treaty period (Ray 1974, 250-252, 258). His description of the supposed structural and linguistic amalgamation of this group with the Lower Cowlitz could not be confirmed by contemporary documentary evidence. The Hudson's Bay Company journal of events at Fort Nisqually in the 1830's mentioned "Mountain Cowlitz," but did not identify them with the Kwalhiokwa (Bagley 1915-1916). Most primary sources indicated only that references to the now-extinct Kwalhiokwa (or Willapa) designated a distinct Athapaskan group that lived along the Willapa River toward the head of the Chehalis River, which should not be confused with the Chinookan/Salish Willapa who lived toward the mouth of the same river (Spier 1974, 12-13). They contained nothing to identify the Kwalhiokwa as "Mountain Cowlitz," nor did other scholars prior to Ray classify them as "Mountain Cowlitz" (Curtis 1913, 153). The ICC finding summed up as follows:

> The other area which we have found the Cowlitz did not use and occupy was in the northwest, referred to as the Willapa Hills area. The evidence clearly establishes that these lands were not

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[1] The Indian name of the Lewis River was Cathlapotle or Cathlapootle, which according to Irwin was "derived from the Chinookan village at its outlet" (Irwin 1995, [1]).

> occupied by Cowlitz but rather were the territory of the Athapaskan-speaking Indians known as the Kwalhiokwas . . . Further, there is no evidentiary basis for concluding that such an amalgamation [with the Cowlitz] occurred. In fact Dr. Ray is virtually the sole authority for the claim of Cowlitz occupancy of these lands (21 Ind. Cl. Comm. 143, 147-148; CIT Pet. Ex. A-1048 - A-1049).

Identification as an American Indian entity since 1855. The Cowlitz Indians refused to sign the treaty proposed at the Chehalis River Treaty Council in 1855. In the later 1860's and early 1870's, the OIA again considered placing them on a reservation. When Kiskox, the chief who had represented the Cowlitz at the Chehalis River Treaty Council in 1855, died on Cowlitz Prairie in 1875, he received a lengthy newspaper obituary. In 1878 and 1880, the OIA took censuses of both the Lower Cowlitz and Upper Cowlitz bands. These censuses omitted the French-Canadian metis families.[2] However, correspondence from the 1855-1856 Indian war and from a series of "disturbances" in 1878 indicated a continuing close relationship between the identified Cowlitz bands and the metis families who were their close relatives. Throughout the second half of the 19th century, the Cowlitz Indians were mentioned in the annual published reports of the COIA: the longest hiatus was between 1883 and 1893.

Cowlitz claims activity preceded the founding of Bishop's Northwestern Federation of American Indians (NFAI) in 1910. The original claims case was brought in 1904 by Atwin Stockum, who had been formally appointed chief of the Lower Cowlitz band by the OIA in 1878, and by his metis nephew (his sister's son), Simon Plamondon, Jr. The resulting Cowlitz Tribal Organization, founded in 1912 before Atwin Stockum's death and formalized in 1915, alternated the presidency between Lower Cowlitz metis and Upper Cowlitz Taidnapam full-bloods through the 1930's. Its activities on behalf of the "Cowlitz Indians" received ongoing news (not feature article) coverage in local newspapers.

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[2] This report uses the word "metis" to indicate individuals and families of mixed French-Canadian and American Indian descent. It uses the term "Cowlitz metis" to indicate individuals and families of mixed French-Canadian and Cowlitz Indian descent. See the Genealogical Technical report for a detailed discussion of the Cowlitz metis families between 1820 and 1840, and the incorporation of other metis families into the Cowlitz, resulting from the fur trade.

Feature articles on Cowlitz Indians featured individual families, speeches before the local historical society, folklore, basketry, fishing, and burial grounds. While these never directly addressed the issue of "entity," they regularly identified the subject as a member of the Cowlitz Tribe. Local historians and local newspapers, in reports appearing from 1900 to the present, have consistently mentioned not only the historical heritage of the 19th century Cowlitz Indians in the Cowlitz River valley, but have known who the locally resident contemporaries were. The umbrella tribal organization wasl also regularly identified as an American Indian entity by newspaper accounts from the periods 1912-1939 and 1950 to the present.

In the 1890's, in accordance with the prevailing Indian policy of the Federal Government, the OIA maintained that the Cowlitz had dispersed among the white population and did not exist as an entity. At the time, Indians living off reservations were not seen as wards, but as citizens. Therefore, the Cowlitz Indians were not considered legal wards of the Government, since they did not have a reservation. Both full-blood Cowlitz and Cowlitz metis families did, however, continue to be treated as Indians on an individual basis for such purposes as attendance at BIA schools and heirship determinations for public domain trust allotments and homesteads. Enrollees and allottees on both the Yakima Reservation and the Quinault Reservation were identified as Cowlitz (and known variant terms) on the reservation censuses. In 1900 and 1910, full-blood Cowlitz, Cowlitz metis families, and metis families associating with the Cowlitz were identified as Cowlitz (and known variant terms) Indians on the Federal census special Indian population schedules.

In accordance with Federal policy changes, by the 1910-1920 period, the BIA's McChesney and McDowell reports were more inclined to see a Cowlitz entity than had been the local agents in the 1890's. The 1919 Roblin Roll, also prepared during this time period, was a schedule of unenrolled Indians, and did not specifically address the issue of tribal entity, although the Cowlitz, along with the Snoqualmie, were one of the two unenrolled Indian groups whose continuing existence Roblin specifically mentioned in his prefatory material:

> The Cowlitz tribe was a powerful tribe, and in the early days constituted the "blue blood" of western Washington. They were independent, fearless and aggressive; and they refused to subordinate

> themselves to the white man by entering into a treaty with him. Their descendants have the same qualities which placed their ancestors in the position of leaders. They have been progressive and industrious, and there are very few of the present representatives of the tribe who are not in good circumstances (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-958).

During the 1920's, the Taholah Indian Agency became aggressive in claiming jurisdiction over the Cowlitz, to the point of the misstatement that they had a "reservation" for which the agency was responsible. In fact, the BIA was responsible for Cowlitz public domain allotments and homesteads. On at least two occasions, the Taholah Agency intervened with Lewis County authorities to prevent sale of these lands for delinquent taxes by defending the trust title. It also conducted heirship determinations for these lands.

Anthropological study of Cowlitz Indians began in the era from 1906 to 1913, and continued active through the 1930's. During the 1920's and 1930's, anthropologists identified their individual informants as "Cowlitz Indians," but did not specifically address the existence of an entity of which they were part. The component settlements comprising the umbrella tribal organization were described by local residents and local historians from the 1890's through the 1960's. More recent studies of the Cowlitz (Ray 1938, 1966; Fitzpatrick 1986) identified the existence of the "Cowlitz" as an entity.

No documentation was presented for the World War II period, with the exception of occasional mention of the war service of individual Cowlitz (Olson 1947, 76; Irwin 1995, 203). Activities of the Cowlitz claims organization are once again documented in 1949/1950 after the passage of the ICC Act. The level of participation was comparatively high, according to reports of BIA observers who attended some of the meetings. The organization's functions from 1950 through 1973 were not limited to claims. Rather, it represented the interests of "Cowlitz Indians" in such matters as fishing rights and burial grounds. Newspaper reports of hearings and court cases identified these activities as being conducted on behalf of the "Cowlitz Tribe of Indians."

During the last 25 years, the BIA's identification of the Cowlitz as an entity has fluctuated, being sometimes

positive and sometimes negative. In response to the ICC award and the controversies concerning the distribution terms, in 1974 the COIA stated:

> Throughout the 1850's and 60's the United States made a concerted effort to conclude a treaty [with the Cowlitz] . . . From that time to the present, there has been no continuous official contact between the Federal Government and any tribal entity which it recognizes as the Cowlitz Tribe of Indians. The original petition before the Indian Claims Commission was not filed by a tribal entity, but by an individual, Simon Palmondom [sic] 'on relation of the Cowlitz Tribe of Indians' (Thompson to Abourezk 10/29/1974, ICC Award, Docket 218, BIA).

At the same time, the COIA emphasized that the BIA had never maintained an official Cowlitz roll. This statement by the COIA, however, defined the forms of contact between the BIA and the Cowlitz very narrowly, and ignored the many other contacts between the BIA and the petitioner between the 1860's and 1974 which have been documented in the body of this report.

Since the mid-1970's, the Cowlitz Indian Tribe (CIT) has been consistently identified as an American Indian entity by STOWW, other American Indian organizations, the state government, local government entities including parks and museums, newspaper accounts, and local histories.

Maintenance of community. Petitioners proceeding under section 83.8 do not need to demonstrate continuous historical community since the last date of unambiguous prior Federal acknowledgment, but only show the existence of modern community. However, since under the provisions of the regulations, petitioners may under certain circumstances utilize the evidence that the group had community at certain historical periods to establish a presumption that it also exercised political authority or influence during the same time frame. Therefore, evidence pertaining to the Cowlitz Indians' historical community, based on residential patterns and marriage within the group, has been incorporated into the Historical and the Genealogical Technical Reports, although it was not needed per se under 83.8.

In connection with the continuing controversy over distribution of the Cowlitz ICC award, it is here noted that descendancy of an individual from a member of an Indian

group whose leaders participated in treaty negotiations with representatives of the Federal Government is not the same thing as the participation or membership of that individual in a tribal community. Under 25 CFR Part 83, not only culturally patterned outmarriages, but also associations with other Indians, are understood to be included under the definition of community. Each 19th-century tribe was free to assimilate both outside Indian and non-Indian individuals who married into its membership, and outside Indian families who moved into its settlements, as members of the group. Such persons and families thereby became functionally a part of the host community.

Consequently, the modern membership of a petitioning group may include descendants of several bands which signed different treaties, or whose ancestors were not party to any treaty. The modern membership may also include descendants of individual non-Cowlitz, without prejudice to the group's acknowledgability, as long as the non-Cowlitz ancestors and their descendants in the membership today have maintained tribal relations with the Cowlitz community on a continuing basis through history since the last date of unambiguous prior Federal acknowledgment, and the core population of the petitioner demonstrates its modern political social cohesiveness under 25 CFR Part 83.8.

Maintenance of tribal political influence or other authority. Petitioners proceeding under section 83.8 need to demonstrate the existence of a named sequence of leaders identified by reliable external authorities since the last date of unambiguous prior Federal acknowledgment, together with one other form of evidence as listed in criterion 83.7(c). Kiskox, the chief who represented the Cowlitz Indians at the Chehalis River Treaty Council in 1855, did not die until 1875. He had an extensive newspaper obituary. Some 25 years later when his son, Henry Cheholtz, spoke to the Lewis County Historical Society, he was introduced as the son of "Old King Cheholtz."[3] The OIA took censuses of both the Lower Cowlitz and Upper Cowlitz bands in 1878, three years after Kiskox' death, indicating that at that date over 50% of the members were still living in defined bands.

Atwin Stockum, named as a Cowlitz chief in an OIA report of 1870, was formally appointed chief of the Lower Cowlitz band

[3] The version of the name provided by early settler Edwin Huntington was "Childose" (Huntington 1963, 6).

by the OIA in 1878, and did not die until 1912. At the same time, in 1878, local settlers recommended to the OIA the appointment of Captain Peter [Wiyaneschet] as chief of the Upper Cowlitz band. No official record of the appointment was located, but the newspaper obituary described him as its chief when he died in 1910.

OIA correspondence in 1878 indicated that the formal appointment of Atwin Stockum as the new Lower Cowlitz chief was made with the understanding that he would take responsibility for the actions of his band, whereas he in turn posited in writing to the Superintendent of Indian Affairs for Washington Territory that he did not wish to assume any responsibility for the Klickitats. He continued to be mentioned as chief in OIA records. The newspaper account of his second marriage in 1895 described him as the chief of the Cowlitz Indians.

During 1878, a petition objecting to the proposed removal of the Lower Cowlitz and Upper Cowlitz bands from the Cowlitz River valley to a reservation was signed by the majority of the Cowlitz metis men who were living in the Cowlitz River valley. They recommended Captain Peter as the man who should be appointed chief of the Upper Cowlitz Indians because they considered him capable of controlling their actions in such matters as pasturing horses on the lands of white settlers.

During the 1890's, Atwin Stockum, as chief, and his brother Iyall Wahawa, were the leaders in introducing the Indian Shaker Church among the Cowlitz Indians. Their documented leadership in the Shaker church continued until their deaths, in 1912 and 1908, respectively. Atwin Stockum, together with his metis nephew Simon Plamondon, Jr., was one of the initiators of Cowlitz claims activity in 1904. Captain Peter also participated in the early stages of Cowlitz claims initiatives prior to his death. Stockum was mentioned as chief in local newspaper coverage of the activities of the Cowlitz Indians in 1912.

During the second half of the 19th century, Federal officials described the two component groups, the Salish-speaking Lower Cowlitz and the Sahaptin-speaking Upper Cowlitz, separately, but negotiated with them together. The two subgroups have been considered together as "Cowlitz Indians" by the Federal Government since the early 20th century. The elected leadership of the formal Cowlitz organization, from 1912 through the 1930's, alternated between men from the two constituent subgroups.

There was a regularly elected, unbroken sequence of presidents and committees from 1912-1974, and there has been a sequence of elected chairmen with a tribal council from 1974 to the present.

Meetings were held at least annually from 1915 through 1941, and have been held at least annually, usually more frequently, since 1950. The heirs of the president of the Cowlitz organization from 1936 through 1949 did not make his papers available to researchers. Newspaper coverage indicated that meeting attendance was comparatively high during the 1920's and 1930's, but provided no precise statistics.

Although newspaper coverage of the Cowlitz organization from 1912 through the 1930's focussed primarily on its claims activities, it was not solely a claims organization. During the 1920's, when John Ike [Kinswa] was president, he received correspondence from the Taholah Indian Agency on a variety of topics. The agent requested that he provide a census of the Cowlitz, that he provide reports on Cowlitz school children, that he explain the new State of Washington fishing regulations to the "members of the tribe," and that he arrange for a representative of the agency to attend a Cowlitz meeting to issue certificates of appreciation to the Cowlitz' World War I soldiers. He provided evidence at several heirship determinations. In 1934, 64 persons identifying themselves as members of the Cowlitz Tribe of Indians, including representatives of both full-blood and metis families, submitted a petition on Cowlitz fishing rights to the State of Washington.

During the 1950's, in addition to claims activity, the Cowlitz organization represented its members in a suit against Tacoma Power and Light because of the impact that the proposed Mayfield Dam would have on traditional burial grounds. During the 1950's and 1960's, individual members requested its aid in matters of education, obtaining BIA cards to permit them to purchase liquor, getting out of jail, and obtaining fishing rights. James E. Sareault, president from 1936 through 1949 and vice president from 1949 through 1963, was also an attorney capable of representing the group and its members in legal matters such as the suit against Tacoma Power and Light. For several years, he was not only the organization's vice president, but also under BIA-approved contract as its attorney in the ICC suit.

INTRODUCTION

The petitioner, the Cowlitz Indian Tribe (hereinafter the petitioner or CIT), is located in the southwestern portion of the State of Washington. The CIT is based in Lewis County, Washington, the historical center of the Cowlitz population, with a tribal office currently located in Longview. The petitioner represents a combination of the Salish-speaking Lower Cowlitz and the Sahaptin-speaking Taidnapam (Upper Cowlitz, or Cowlitz Klickitats).

DEFINITIONS

Nature of a Federally acknowledgeable group under 25 CFR Part 83. Under the Federal acknowledgment regulations, separate tribes or bands which have combined and functioned together as a unit can be acknowledged. Under the regulations in 25 CFR Part 83, tribes which may have combined and divided as historical circumstances provided can be acknowledged, as long as the subgroups involved continued to function as tribal units.

Petitioner's self-definition. The introduction to the 1987 CIT petition stated that:

> The petitioning tribe is the Cowlitz Indian Tribe, which formerly occupied a large portion of the southwester [sic] part of the present State of Washington of the present United States of America (CIT Pet. Narr., iii).

The petitioner's narrative presentation stated that identifications of the Cowlitz Indians could be traced back as far as the Lewis and Clark expedition of 1805-1806 (CIT Pet. Narr., 1). The narrative of the pre-1856 period covered records of other explorers and the Hudson's Bay Company (CIT Pet. Narr., 1-7), the Roman Catholic mission located on Cowlitz Prairie near present-day Toledo, Washington, and the March, 1855, Chehalis River Treaty Council negotiations with the Federal Government (CIT Pet. Narr., iii, 8-10). The CIT petition asserted that:

> The Cowlitz tribe's insistence that its members be alloted [sic] land near their tribal fishing and hunting grounds resulted in their failure to gain status as a tribe with a ratified treaty (CIT Pet. Narr., 10).

The petition also stated that:

> The Cowlitz Tribe never accepted the government of the United States' offer to relocate on an established reservation, and overcame the persistent endeavors of the government to entice the tribe to move; consistently refusing to leave the homeland of its ancestors, a force something the United States government never quite understood (CIT Pet. Narr., iii).

While granting that during the late 19th and early 20th centuries individual Cowlitz went onto established reservations in search of economic advantages, the petition maintained that, "never did the Cowlitz Tribe relocate to an established reservation" (CIT Pet. Narr., iii). The petition pointed out that other Cowlitz took Indian homesteads within the traditional tribal territory (CIT Pet. Narr., iv). It noted that the Cowlitz initiated claims activity in 1904, and by 1912 had a formal organization with elected leadership and annual (sometimes semi-annual) meetings (CIT Pet. Narr., iii-iv). With the exception of a hiatus between the 1941 meeting and the 1950 meeting, this organization has held at least annual meetings until the present day under the names Cowlitz Tribe of Indians and Cowlitz Indian Tribe.

Previous Federal acknowledgment and reduced burden of proof under revised 25 CFR Part 83 regulations. Under 25 CFR 83.8, unambiguous previous Federal acknowledgment of a petitioner does not require that each individual within the petitioning group be the direct lineal descendant of an individual who personally signed a treaty: only that the petitioning group be structurally, or collectively, descended from a tribe or band whose leaders signed a Federal treaty or was otherwise unambiguously Federally acknowledged.

Consideration of the CIT under Section 83.8. The Cowlitz Indians never signed a treaty with the Federal Government.[4] However, in late February and early March, 1855, the Cowlitz sent representatives to the Chehalis River Treaty Council negotiations held near modern Cosmopolis, Washington

[4] This was misstated in the 1976 Task Force Ten Report on Terminated and Nonfederally Recognized Indians, which indicated that the Cowlitz had a unratified treaty. The same chart erred in other categories, for instance by marking "no" under the category, "Group asserts its fishing rights" (American Indian Policy Review Commission 1976, 186).

Territory. Governor Isaac Ingalls Stevens, Superintendent of Indian Affairs, who was representing the Federal Government), attempted to persuade the Cowlitz chiefs to cede their lands and accept a reservation placement (see below). Treaty negotiations can only take place with a sovereign entity.[5] This determination that those bands of Cowlitz Indians represented at the Chehalis River Treaty Council were acknowledged as late as March 1855 enables the Cowlitz to proceed through the Federal acknowledgment process under the provisions of section 83.8.

A post-1855 date of unambiguous Federal acknowledgment for the Cowlitz Indians has not been determined for this finding, since the CIT petition research had been essentially completed by the time the revised 25 CFR Part 83 regulations went into effect in 1994. Determination of a later date would not, therefore, have reduced the research burden on the petitioner. The 1855 date is being used for the sake of efficiency in producing the technical reports. The use of the 1855 date by the BIA in these reports is not to be regarded as a determination by BIA that unambiguous Federal acknowledgment of the bands of Cowlitz Indians represented at the Chehalis River Treaty Council, or of bands of Cowlitz Indians not represented at that council, ceased at that date.

Impact of Section 83.8 on coverage in the Historical Technical Report. Under the revised 25 CFR Part 83.8 regulations, the historical report on the Cowlitz Indians prior to 1855 provides only a sufficient introduction to the early history of the Cowlitz to enable a reader to comprehend the context of the more detailed analysis of the developments since 1855. However, the issue of external identification as an American Indian entity is considered not from 1900 to the present as required by criterion 83.7(a), but from 1855 to the present, as required by criterion 83.8(d)(1).

Distinctions between definitions of Cowlitz Indians for Federal acknowledgment purposes and definitions of Cowlitz Indians used in claims cases. Verne F. Ray's Handbook of the Cowlitz Indians (Ray 1966, Ray 1974) was prepared for the specific purpose of maximizing Cowlitz land claims

[5] "Federal regulation of Indian tribes, therefore, is governance of once-sovereign political communities; it is not to be viewed as legislation of a 'racial' group consisting of 'Indians'" (United States v. Antelope, 430 U.S. 641, 646 (1977)).

before the Indian Claims Commission (hereafter cited as ICC). Much of the analysis of the membership of Cowlitz groups done heretofore by the Federal Government has been for the purpose of identifying potential recipients of the ICC claims award (21 Ind. Cl. Comm. 143; 25 Ind. Cl. Comm. 442). The definition of members of Indian tribal groups for Federal acknowledgment purposes under 25 CFR Part 83 is not identical to the definitions of eligible claimants that were used by the United States Court of Claims (hereafter cited as Ct. Cl.) and by the ICC awards.

The claims award defined eligible recipients as descendants of the Cowlitz Tribe as it was constituted in 1863 (25 Ind. Cl. Comm. 442). It would be immensely difficult, if not impossible, to identify such all eligible recipients, as no census or enumeration of any of the Cowlitz bands as of 1863 exists, or apparently ever did exist. Under 25 CFR Part 83, such descendants, if identified, would need to have maintained tribal affiliation with the petitioner. Even beginning with much later primary documentation than 1863, there are today many more persons with documentable Cowlitz ancestry than there are persons who meet the constitutional eligibility requirements for membership in the CIT.

Each petitioning group has the right to determine its own membership criteria, a right which is recognized by 25 CFR Part 83. The petitioner uses as one major basis for determining membership eligibility the presence of a person's ancestor, designated as Cowlitz, on BIA Special Agent Charles Roblin's 1919 listing of unenrolled Indians in western Washington (NARS M-1343, 6 rolls, Roblin's file on western Washington enrollment applications). The Roblin Roll was not a list of the members of any particular Cowlitz community in Washington during the first quarter of the 20th century, nor was it a census listing of Cowlitz descendants in their entirety. In 1919, there were many Washington residents of Cowlitz descent who were not listed on the Roblin Roll. Some of them were enrolled in other reservation tribes: these were not included by Roblin because his specific task was to enumerate unenrolled Indians. Others had assimilated into the wider society and did not, at that time, seek to be identified as Indians. Conversely, not all persons identified as Cowlitz by Roblin had descendants who have maintained membership in the CIT until the present. The Roblin Roll, however, is a good indicator of unenrolled Indians of Cowlitz descent as of 1919.

There is no requirement under 25 CFR Part 83 that every current member of the petitioner be a direct descendant of at least one individual who was a member of the Cowlitz Tribe as it was constituted in 1863 (25 Ind. Cl. Comm. 442). Under 25 CFR Part 83, not only culturally patterned outmarriages, but also associations with other Indians, are included under the definition of community, and varying circumstances are taken into account.

BRIEF SURVEY OF THE COWLITZ BEFORE 1855

Ethnic and linguistic groupings. The intermingling of various culturally and linguistically distinct tribes in western Washington is a recognized feature of the American Indian history of the region, and was not limited to the groups antecedent to the CIT.

> The marital, economic, and ceremonial ties that linked groups within the Southern Coast Salish region extended into adjacent regions . . . Contact between inland groups was by well-known trails. Even the Cascade Range was not a barrier . . . upriver people in the Puyallup and Nisqually drainages had considerable contact with Sahaptin-speaking Kittitas and Yakima. In the middle of the nineteenth century, there were perhaps as many speakers of Sahaptin as of Lushootseed in some villages in the upper Puyallup and Nisqually valleys (Smith 1940, 13, 21-22).

The people of at least one of these transitional villages outside the Cowlitz region have been identified as both Sahaptin and Salish by anthropologists. Jacobs was told by Sahaptin speakers that a small band of "Sahaptins called Meshal" lived on the upper Nisqually River (Jacobs 1931, 95), whereas M.W. Smith (Smith 1940, 13) identified this band as a "Nisqually group" on the Mashel River (Suttles and Lane 1990, 488).

The pioneering ethnohistorical research done on the Cowlitz Indians freely referred to the multiple nature of the modern group's origins. In 1930, Curtis wrote that the villages near the mouth of the Cowlitz River were jointly inhabited by Cowlitz and Chinookans, while those farthest upstream

were jointly inhabited by Cowlitz and Taidnapam[6] (Curtis 1913, 9:5, 172-173; cited *in* Hajda 1990, 505). In 1934, Thelma Adamson wrote that:

> [Salish] Cowlitz was spoken by the Cowlitz proper, in the drainage of the Cowlitz River from just above its mouth to just below the site of Mayfield Dam; a group along the Toutle River; a group in the drainage of the Newaukum River; and the transitional group on the South Fork of the Chehalis (Adamson 1934, x-xi).

In the first Cowlitz petition for Federal acknowledgment, submitted to the BIA in 1975 prior to the establishment of the Federal Acknowledgment Project (FAP), the group's own anthropologist wrote that, "the Cowlitz, as they are currently known, were not in aboriginal times one tribe but two. These tribes were different in language, linguistic family, linguistic stock and culture" (Taylor n.d., 2; included **in** Cowlitz Pet. 1975). These two tribes referenced by Taylor were the Lower Cowlitz and the Upper Cowlitz. According to Taylor:

> The Indians occupying the Lower Cowlitz drainage were Cowlitz proper who spoke a coast Salishan language of the Salishan linguistic stock. They had a typical riverine, lower Northwest coast culture depending primarily upon fishing and secondly upon hunting and gathering for their subsistence. They were not normally politically united although occasionally for purposes of war and negotiation they banded together under one of their more powerful chiefs or head men. In normal

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[6] Ta'iDnapam (Wanukt, Upper Cowlitz). I am following Jacobs in assigning the upper Cowlitz drainage alone to the Ta'iDnapam, although this is questionable in the light of earlier information. Gibbs writes that apart from the Klikitat are "reckoned the Tai-tin-a-pam, a band said to live apart in the country lying on the western side of the mountains, between the heads of the Cathlapoot'l [north fork of Lewis River] and Cowlitz." This would bring the Ta'iDnapam somewhat farther south on the west side of Mount St. Helens. Curtis, who may however have been following Gibbs, places them only at the head of Lewis River. Teit, as we have seen, cites their occupation of both the Lewis and Cowlitz River districts (Spier 1974, 12).

> times the lower Cowlitz villages were quasi-autonomous, however, they were an identifiable ethnic unit. Hudson's Bay Company officials, missionaries and early historians all refer to them as the Cowlitz or Lower Cowlitz Indians. They all spoke the same language and had a collective name for themselves--the Stlpulimuhkl (Taylor n.d., 2; included **in** Cowlitz Pet. 1975).

Some modern analysts have specifically limited their research to the Salish-speaking Lower Cowlitz, who came into sustained contact with non-Indians at least thirty years before the Upper Cowlitz did so. For example, in their epidemiological analysis, Taylor and Hoaglin stated that for the purposes of their study the "Cowlitz" were:

> A Salishan-speaking group now known as the Lower Cowlitz, who around 1820 lived on the Cowlitz River, from about the present town of Mossy Rock, Lewis County, Washington, to a few miles above the juncture of the Cowlitz and Columbia Rivers. The term specifically does not include the Sahaptin-speaking Taidnapam, now known as Upper Cowlitz, who live on the upper reaches of the Cowlitz River, nor does it include the Chinookan-speaking Skillout (Kreluit) who lived at the mouth of the Cowlitz River. The Skillout are subsumed under the term Chinook" (Taylor and Hoaglin 1962, 161; quoted **in** 21 Ind. Cl. Comm. 143, 164; reproduced Cowlitz Pet. 1975, 50).

According to Taylor:

> In 1820 the Lower Cowlitz occupied the drainage of the Cowlitz river from approximately where Mossy Rock stands today to within a few miles of its juncture with the Columbia. In the period between 1820 and 1850, the Cowlitz moved onto the Columbia itself in the region immediately north and immediately south of the mouth of the Cowlitz--they there intermarried with the remnants of the Chinookan people who had previously occupied the region (Taylor n.d., 2 cont.).

Taylor identified the second tribe as follows:

> The Indians inhabiting the upper reaches of the Cowlitz were Plateau in cultural tradition and Sahaptin in linguistic stock . . . These Indians

> were called 'Taidnapam'. They were recent immigrants into the region from the headwaters of the Lewis River across the Cascades" and there is no proof they had moved in before 1820 (Taylor n.d., 2; included **in** Cowlitz Pet. 1975).

Taylor stated that:

> The Taidnapam occupied the drainage of the upper Cowlitz from the area about Mossy Rock to the various headwaters of the Lewis River on the other side of the watershed. The Taidnapam ranged as far north westward as the drainage of the Newaukam and as far north as the watershed between the Cowlitz River and the Nisqually River" (Taylor n.d., 2 cont.).

Early Cowlitz Population and Locations. The CIT petition asserts, based on the research of anthropologist Dr. Verne Ray (Ray 1966, 16) that the Cowlitz were identified by the Lewis and Clark expedition on March 27-29, 1806 (CIT Pet. Narr., 1). The BIA does not accept Ray's assertion that the "Hul-lu-et-tell" or "Hul-loo-el-lell" at the mouth of the Cowlitz River were the predecessors of the petitioning group.[7] Rather, this appears to have been a Chinookan band. There is no evidence that Lewis and Clark ascended sufficiently far up the Cowlitz River from the Columbia to have observed the villages of the Salishan-speaking Lower Cowlitz, much less to have encountered ancestors of the Sahaptin-speaking Upper Cowlitz, who probably had not yet moved into the valley (see discussion below).

In his 1966 Handbook of the Cowlitz Indians (Ray 1966), Ray wrote in the introduction to "Part II EXCERPTS FROM THE DOCUMENTS" that:

> The object of the excerpts in the present part of this Handbook is to provide the reader with all [emphasis in original] the pertinent data from such documents, but no more (save for the demands of contextual understanding) and to furnish (within square brackets) translations or contemporary synonyms for all names and terms

[7] Neither is their reason to accept Ray's assumption (Ray 1966, B-17) that in 1824 the reference by John Work of the Hudson's Bay Company to the "Holloweena" referred to the Cowlitz (Work 1212, 207-211). Work did specifically refer to the Cowlitz, but elsewhere in his journal, at a different stage of his trip (Work 1912, 226-227).

> which would otherwise be ambiguous or meaningless (Ray 1974, 263).

He continued:

> The results are presented here for the convenience of the reader, and he never need feel frustrated by the lack of further context, or curious about the elisions, because every excerpt is keyed to the original by author's name, document number, and page, and the full text is immediately available in the accompanying reproductions of the documents (Ray 1974, 263-264).

Unfortunately, neither the 1966 nor the 1974 printed versions of the Handbook (Ray 1966, Ray 1974) included the accompanying documentary exhibits. Upon returning to the originals, the BIA researcher found that in many instances, Ray's elisions and contextual interpretations were seriously misleading. These cases will be dealt with individually below, as appropriate. The problem is highlighted here because of the extensive dependence of several later writers (Bishop and Hansen 1978, Fitzpatrick 1986,[8] Hajda 1990) on Ray for historical background in their discussion of the Cowlitz Indians.

First sustained contacts with non-Indians. There is no reason to doubt that the Lower Cowlitz Indians were residing along the Cowlitz River by the approximate date of the Lewis and Clark expedition, since only seven years later, in 1812, Robert Stuart, a Pacific Fur Company employee, navigated the "Cow-lit-sic" River and identified the "Le-cow-lit-sic nation of 250 Men" (Stuart 1953, 46; CIT Pet. Ex. A-670, A-679, A-684). By the period 1813-1821, the Pacific Fur Company and North West Company representatives were dealing with the Cowlitz and naming their chiefs (Ross 1956, 129-130; CIT Pet. A-670, A-679, A-680; Henry and Thompson 1897(2), 839, 880; CIT Pet. A-675). Between 1821 and 1855, mentions of the Cowlitz in fur trade records were frequent. These will be discussed below as applicable to particular topics. There is no need to array them chronologically, as the revised Federal acknowledgment regulations which became effective March 28, 1994, now require external

[8] Fitzpatrick's dissertation in its entirety was included in the Response to the OD letter as an integral part of the CIT petition. It is therefore addressed in the technical report more extensively than otherwise would have been the case.

identification as an American Indian entity only since the last date of previous unambiguous Federal acknowledgment (25 CFR 83.7(a) as modified by 83.8(d)(1)). It should, however, be noted that no early tribal leader named "Chief Cowlitz," as mentioned in Senate testimony by Dr. Verne F. Ray on December 7, 1982 (Ray 1982, 62), was ever mentioned in any document. It is doubtful that a Chief Cowlitz ever existed.

Population prior to first sustained contact with non-Indian settlers. There is no demographically valid basis upon which to make an estimate of Lower Cowlitz population prior to the fur trade era. For the year 1780, Mooney's estimated population figure was the very round number of 1,000 for "Chehalis, Cowlitz, etc. (including Humptulip)" (Mooney 1928, 15).[9] Taylor and Hoaglin commented that:

> This figure appears remarkably low and the group estimated is wondrously conglomerate. One cannot escape the impression that they received such short shrift because there were no pre-epidemic figures for these tribes (Taylor and Hoaglin 1962, 8).

Taylor and Hoaglin gave a 1780 Lower Cowlitz estimated population figure of 1,500, which they described as, "far above Mooney's estimate and far below that of Curtis" (Taylor and Hoaglin 1962, 10).

Evidence from the fur trade, 1813-1828. The earliest sustained contact between the Lower Cowlitz and non-Indians was initiated by the expansion of the fur trade into the Columbia River Valley between 1810 and 1820. In 1812, Robert Stuart, of the Pacific Fur Company, mentioned the Le-cow-lit-sic Indians, a nation of "250 men" (CIT Pet. Narr., 2). There is no firm basis upon which to assume a multiplier from this figure to the total population. Taylor and Hoaglin apparently used a very conservative multiplier for this 1812 figure in estimating a Cowlitz population of 1,000 in 1825 (Taylor and Hoaglin 1962, 10).

Subsequent mentions of the Cowlitz Indians in fur trade records throw little additional light on the population. In 1812, fur traders based at Astoria on the Columbia estuary

[9] The reliability of this estimate may be questioned, since for 1907, a period for which much more reliable statistics were available, Mooney estimated a population of only 170 for the same groups, and classified the "Klikitat and Taitinapam" as extinct (Mooney 1928, 15).

traveled up the Cowlitz River (Hajda 1990, 514; citing Stuart 1935, 46). Alexander Ross, who worked for both the Pacific Fur Company and the North West Company, reached the Cowlitz River and mentioned Chief How-How, but he provided no population estimate (CIT Pet. Narr., 2). In 1825, George Simpson of the Hudson's Bay Company mentioned the killing of 13 Cowlitz by Northwest Fur Company traders as "some years ago" (CIT Pet. Narr., 4). This reference provided no basis for a population estimate.

In approximately 1813-1814, Alexander Henry of the North West Company wrote that Cowlitz, to the number of 100 men, had a battle with Casino (a Multnomah Chinookan chief) at the lower entrance of the Willamette. According to Henry, the Chinooks said that the Cowlitz and their allies formed a party of 40 canoes and 300 warriors (CIT Pet. Narr., 2). However, Henry did not indicate who the allies were.

An event of long-lasting significance resulting from fur trade interest in the Cowlitz River valley was the marriage which took place about 1820 between Simon Plamondon, Sr., a French-Canadian employee of the North West Company, and a daughter of the Lower Cowlitz chief Scanewa (Plamondon 1953, 41). Although Plamondon's Cowlitz wife died relatively young, in approximately 1827, and Scanewa was killed in a conflict with the Clallam in 1828, Simon Plamondon remained in the Cowlitz Valley. He was elected a representative to the Oregon Territory provisional legislature in 1846 (Plamondon 1853, 31) and was one of the signers of the 1852 petition to Congress requesting the separation of Washington Territory from Oregon (Plamondon 1853, 32). He was still an influential figure at the time of the 1855-1856 Indian War, serving then as the Federal Government's Office of Indian Affairs (OIA) agent for the Lower Cowlitz (Plamondon 1953, 43; CIT Pet. A-38).

Simon Plamondon lived until 1881. His brother-in-law, Scanewa's son Atwin Stockum, lived much longer. Cowlitz claims activity would be initiated in 1904 by Atwin Stockum, who was appointed Lower Cowlitz chief by the BIA in 1878 and survived until 1912, together with his nephew, Simon Plamondon, Jr.[10] While Simon Plamondon, Sr. was probably the single most influential of the French-Canadian fur trade employees who settled among the Cowlitz, he was by no means the only one.

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[10] The official name of ICC Docket 218 was Simon Plamondon, On Relation of the Cowlitz Tribe of Indians v. The United States of America.

In 1821, an Act of Parliament merged the North West Company into the Hudson's Bay Company (CIT Pet. Narr., 6), which continued fur trade activity along the Columbia River. Fort Vancouver, in modern Clark County, Washington, was opened by the Hudson's Bay Company in 1825 (Hajda 1990, 514). In the mid-1820's, ". . . the Cowlitz chief Schannanay competed with the Chinook chief Concomly and his son-in-law Casino at Fort Vancouver for control of trade" (Hajda 1990, 514; citing Simpson 1931, 86). The journals of David Douglas mentioned that he, "found at the Cow-a-lidsk a small boat which Schachanaway the chief, had borrowed from the establishment a few days before" (Douglas 1904-1905; CIT Pet. Ex. A-670).

More useful for purposes of population estimates is the 1824 description by John Work of the Hudson's Bay Company, who traveled to Puget Sound by way of the Chehalis and Black Rivers (Hajda 1990, 514). He stated that there were 30 Indian houses between the part of the Cowlitz River just downstream from Cowlitz Landing and the Forks (CIT Pet. Narr., 3). It must be emphasized that there is no firm basis for assuming a multiplier from houses to population. One possible indication is that in 1833, Tolmie mentioned an Indian lodge with about 12 inhabitants near Cowlitz Landing (Ray 1974, 295). In 1828, Sir George Simpson made the general statement the Cowlitz were a "large population" living along the banks of the river (Fitzpatrick 1986, 153; Taylor and Hoaglin 1962, 9; citing Simpson 1847, 107).

Impact of the intermittent fever, 1829-1840. The Lower Cowlitz population as it existed in the 1820's decreased significantly beginning with the appearance of the "intermittent fever" among the Cowlitz in 1829 (Taylor and Hoaglin 1962, 9). On October 11, 1830, Dr. John McLaughlin, the Hudson Bay Company's chief factor at Fort Vancouver, wrote that the intermitting fever had appeared and "carried off" 3/4 of the Indian population in the immediate vicinity (Taylor and Hoaglin 1962, 11-12). Early scholars assumed that this disease was malaria, but Taylor and Hoaglin, on the basis of a closer analysis of its symptoms and pattern, concluded that it was probably influenza (Taylor and Hoaglin 1962, 18). The greatest Indian depopulation of the entire Lower Columbia River area as a result of this epidemic took place between 1831 and 1833 (Taylor and Hoaglin 1962, 14). At the mouth of the Cowlitz, villages that had been Cathlamet became Cowlitz (Gibbs 1885:428). According to Hajda, the Suwa division of Kwalhioqua became absorbed by the Upper Chehalis and Cowlitz (Hajda 1990, 514). This may be based on Gibbs' statement, which, however, did not

mention the Cowlitz. He said that, "the Willopahs, or, as called by Capt. Wilkes, Qualioquas, may be considered as extinct, a few women only remaining, and those intermarried with the Chinooks and Chihalis" (Gibbs 1967, 34).

Cowlitz population, 1840-1855. In 1840, the Catholic missionary Blanchet described the Cowlitz only as "rather numerous, but poor" (Warner and Munnick 1972, A-17). The BIA researcher concluded that a floor could at least be placed under the Cowlitz population for the period 1839-1844 by tracking those individuals mentioned by name in the Catholic missionary records. Excluding metis children (children whose father was French Canadian and whose mother was Cowlitz), and including only those Indians specifically identified as Cowlitz in the entry (thus not including all Indians baptized and interred at the St. Francis Xavier mission at Cowlitz Prairie), the data summarized in Table I emerged for this five-year period.

In addition to the Vancouver records, during this period Father Blanchet and Father Demers also recorded records pertaining to Cowlitz Indians in the registers of St. Paul, Oregon. In 1842 alone, there were 19 Cowlitz children and one adult man baptized (Munnick and Warner 1979, 53-56).

TABLE I
KNOWN COWLITZ, 1839-1844

Adult men: Total Mentions: 27
- 1 baptism
- 5 simultaneous baptisms/burials (1 overlap with "fathers" category)
- 22 "infidels" mentioned as fathers of children*

Adult women: Total Mentions: 41
- 5 baptisms
- 11 simultaneous baptisms/burials
- 24 "infidels" mentioned as mothers of children*
- 2 burials (1 overlap with baptismal category)

Children: Total Mentions: 53
- 49 baptisms
- 4 simultaneous baptisms/burials
- 7 burials (all overlaps with baptisms)

Burials (no age given) Total Mentions: 3

Total Cowlitz Mentioned by Name 1839-1844: 124

*The number of male and female parents named is not the same, because some of the children presented for baptism were the offspring of widows or widowers. Additionally, some children were baptized for whom no parents were listed.

On April 24, 1840, Sir James Douglas, under the marginal notation "Cowelitz Statisticks," noted:

> The inhabitants of the Cowelitz River were at one time numerous; but are now reduced to something less than 60 men principally occupied in fishing: few of them evincing a desire to become hunters by courting the noble elevating and more arduous exercises of the chase.
>
> The decrease of population cannot be clearly traced to any one cause in particular -- it with more probability proceeds from a union of evils. The whites best acquainted with the former and present state of the River, and the Natives themselves, however ascribe it with one voice to the Ague. As it is only since the appearance of that incredibly destructive visitation among them that they have wasted away to a shadow of their former numbers.

> Plomondo says that in 1830 the first ague summer, the living sufficed not to bury the dead. but fled in terror to the sea coast abandoning the dead and dying to the birds and beasts of prey" (Douglas, Private Papers, Second Series (Bancroft Collection); quoted **in** Taylor and Hoaglin 1962, 9).

Taylor and Hoaglin concluded that, "Douglas' estimate of 60 'men' in 1840 would suggest a total [Lower] Cowlitz population of 200 or so at that time" (Taylor and Hoaglin 1962, 9). Again, they used a very conservative multiplier. In 1841, Hale estimated the Cowlitz population as 300 (Ray 1974, 296).

At Cowlitz Landing farm[11] in 1841, Lieutenant Charles Wilkes stated that:

> The Indians belong to the Klackatack tribe, though they have obtained the general name of the Cowlitz Indians. In a few years they will have passed away, and even now, I was informed, there are but three Indian women remaining in the tribe. The mortality that has attacked them of late has made sad ravages; for only a few years since they numbered upwards of a hundred, while they are now said to be less than thirty (Wilkes 1845, 4:316).

Wilkes' other statements did not conform to the above very low estimate. In his published exploration narrative, Wilkes' formal 1841 estimate of Cowlitz population was 330 (Wilkes 1845, 5:141). He made no mention of the Klickitats[12] or Taidnapam in that table. Taylor and

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[11] "**Cowlitz Farm**. The Puget Sound Agricultural Company was a branch of the Hudson's Bay Company formed in the late 1830's to raise crops and stock for Company use. The main farm was at the portage on the Cowlitz River, just north of the present Toledo. Charles Forrest had charge of the large operation until he was succeeded by George B. Roberts in 1846. At that time about 1500 acres were in cultivation and the stock numbered hundreds of cattle, horses, sheep, and swine" (Warner and Munnick 1972, A-17). In 1841, Lieutenant Charles Wilkes provided a general description of the operations (Wilkes 1845, 4:307-308) and a specific description of the Cowlitz Farm operation (Wilkes 1845, 4:315-316).

[12] The term Klikitat has been loosely applied to a variety of peoples centering more or less around the southern end of the Cascade range in Washington. It seems best to restrict the term in the manner suggested by Jacobs. He writes:

Hoaglin's statement that Wilkes estimated the population of "Cowelitz or Klakatacks" at 350 (Taylor 1974b, 417) was based on Wilkes' diary, which actually reads: "Cowlitz--including the head waters of Chekalis & also the Head waters of Cowlitz (Klakatuck tribe)" (Wilkes 1925, 296). The two lists of Indian population differ very little, providing no basis for Ray's argument that the "330" figure pertained to the Lower Cowlitz and the "350" figure to the Upper Cowlitz. The passage cited by Ray as "Wilkes, p. 290-291" (Ray 1974, 295) was not located by the BAR researcher.[13]

The only Cowlitz population estimate inconsistent with the above general figures was provided by Edward S. Curtis (Curtis 1913). About 1913, a Cowlitz woman whom he identified as Kaktsamah, identified by name 29 Cowlitz villages which Curtis dated to about 1840. On this basis, he estimated a Cowlitz population of about 6,000 in 445 plank slab houses (Curtis 1913, 9:172). Kaktsamah was Esther Millet, wife of Sam Millet, a Chinook/Cowlitz. She was born about 1835 at the earliest. Curtis apparently assumed that all the sites Esther Millet identified were occupied simultaneously about 1840, during her early childhood. As a result, his estimate was far out of line with other post-epidemic estimates. He did not distinguish among summer villages, permanent winter villages, fishing and berrying sites, etc. Curtis apparently used a universal multiplier from houses to population of 12, based on the one comment by Tolmie (see above), or of 15, based on Esther Millet's estimate (Curtis 1913, 172 n1; CIT Pet. Ex. A-792).

> "While used most often for the *xwa'lxwaipam* of the Lewis, White Salmon and Klickitat rivers, it has been applied frequently to the adjacent *ski'n* and Yakima bands, while the upper Cowlitz ta'iDnapam--who must not be grouped with the *xwa'lxwaipam* either linguistically or geographically--are very often termed Cowlitz Klikitats. Apparently Klikitat has been used by whites to apply to Sahaptins living in and about the Cascades of Washington. In reality the term Klikitat covers no general native language, cultural or tribal grouping. For the purpose of more exact description, I apply Klikitat solely to the *xwa'lxwaipam* band, not to ski'ns, Yakima, or ta'iDnapam (Spier 1974, 11).

[13] Irwin quoted an unidentified source: "In 1845 an observer estimated 800 living on the Cowlitz River, 250 Cathlapoodles (Taidnapams or Upper Cowlitz) on the Lewis River, and about 1 100 mixed Nisqually, Cowlitz, and Klickitats on the Kalama River. (CCHQ 1962 IV:5ff.)" (Irwin 1995, 50).

Klickitat immigration into the Cowlitz valley. Klickitat immigration into the Cowlitz Valley apparently began to occur in the 1830's as a response to the decrease of the Lower Cowlitz population. Fitzpatrick stated that "in 1829," large numbers of Klickitat from eastern Washington moved into the Cowlitz valley because of a fever epidemic (Fitzpatrick 1986, 144; citing Teit 1928, 99), but this date must be too early. Jacob stated that it was during the 1830's that Sahaptin groups in the Cascade Mountains, generally identified as Klickatats, "began filling the vacated territory" (Jacobs 1931, 94-96; citing Gibbs 1877, 170-171). This apparently referred to Gibbs' mention of the 75-member Taidnapam band of Klickatats living near the head of the Cowlitz River (Gibbs 1967, 34), but Gibbs did not date the beginning of their settlement.

Lewis River Cowlitz. In 1834, John Kirk Townsend noted several lodges of "Kowalitsk" Indians near Warrior's Point, "probably one hundred persons" (Townsend 1978, 282).[14] A more recent scholar has described the Lewis River Indians somewhat differently: "Another group of Klikitat moved into former Chinookan territory on the Lewis River, and they too may have eventually joined the Cowlitz (Ray 1974)" (Hajda 1990, 514). The ICC summarized the issue as follows:

> There are, however, two areas which we have found were not exclusively used and occupied by the plaintiff Indians. One of these is the Lewis River area. Plaintiff's expert, Dr. Ray, identifies the aborigines along Lewis River as "Lewis River Cowlitz." However, virtually all of the contemporary as well as the historical and

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[14] Townsend described the location of Warrior's Point as about 20 miles below Fort Vancouver, near the western end of the Willamette River (Townsend 1978, 190). The editor stated: "Warriors' Point is at the lower end of Wappato (or Sauvie) Island, the eastern boundary of the lower Willamette mouth" (Townsend 1978, 190 n.85). Ray annotated, "[near the mouth of the Lewis River]" (Ray 1974, 280).

According to Irwin, Townsend estimated that the overwhelming majority (99 out of 100) of the Cowlitz had died in the intermittent fever epidemic and that though they remained numerous in some places, they appeared half-starved (Irwin 1995, 38; citing Townsend 1839, 332-333). However, his narrative does not contain any such statistics for the Cowlitz: the estimate pertained to the Columbia River Indians (Townsend 1978, 223). The reference to the ague was to Indians in the neighborhood of Fort Vancouver, rather than Cowlitz (Townsend 1978, 197). The reference to "starvation" referred to 52 Indians of an unspecified tribe whom he encountered on May 6, two days' travel down river after their May 4, 1834, stop at Mt. Coffin and two days before their May 8 arrival at Fort George (Townsend 1978, 200-201).

> anthropological reports have identified the aborigines on the Lewis River as belonging to other tribal groups--specifically the Chinook and the Klickitat" (21 Ind. Cl. Comm. 143, 146; CIT Pet. Ex. A-1047).

Evidence concerning tribal structure and leadership 1841-1855.

Definitions and descriptions of Lower Cowlitz. Little is known of Lower Cowlitz leadership between the death of Scanewa and the Chehalis Treaty Council. In 1828, at the time of Scanewa's death, Francis Ermatinger referred to another Cowlitz chief, "Old Towlitz," whom he also called "Lord St. Vincent" (Ermatinger 1907, 16-19). During the mid-1830's, at least two Cowlitz chiefs traded at Fort Nisqually: Sin-ne-tre-aye, whose home was on the Cowlitz Portage,[15] and Cah-le-fer-quoy, who died in the later 1830's. Both men had female relatives married to the Nisqually chief La-ha-let (Carpenter 1986, 69, 76-77). In 1841, Horatio Hale, an American government explorer and linguist, stated that the Nisqually, Chehalis, Cowlitz, and Tillamooks "differ considerably in dialect, but little in appearance and habits, in which they resemble the Chinooks . . . ." The Cowlitz, "Kawelitsk or Cowelits" were "settled on the banks of a small stream known as the Cowelits" (CIT Pet. Narr., 5; Hale 1846, 211, cited in CIT Pet. Ex. A-672).

The extensive depopulation that had resulted from the epidemic was described in 1842 by Sir George Simpson. While ascending the Cowlitz River, he wrote that "during the whole of our day's course, till we came upon a small camp in the evening, the shores were silent and solitary, the deserted villages forming melancholy monuments of the generation that had passed away" (Simpson 1847, 107; quoted **in** Taylor and Hoaglin 1962, 9). In 1847, Paul Kane, a Canadian artist and explorer, spent some time at the Hudson Bay Company's Cowlitz farm. He described the Cowlitz under Kiskox as a small tribe of about 200, which practiced head flattening and spoke a language similar to Chinook (Kane 1968 [reprint of 1925 rev. ed.], 140-141; in CIT Pet. Narr., 6; CIT Pet. Ex. A-672). See also Taylor and Hoaglin 1962, 9-10.

Returns filed by the Hudson's Bay Company to the House of Commons in 1848 listed "two tribes on the Cowletz River"

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[15] There is no apparent reason to identify this man with Richard Sinnewah, or Tyee Dick.

with a total of 500 persons (Taylor 1974b, 416). At about the same period, in 1850, Oregon territorial governor Joseph Lane reported that Agent Thornton, based on information from Hudson's Bay Company factor W. F. Tolmie, stated that the Lower Cowlitz Indians, from mouth to Cowlitz Landing, numbered about 120 (Ray 1974, 297). However, in 1851, Anson Dart reported that he had "no reliable information as to their number" (Dart 1851, 477; cited **in** Ray 1974, 275). During the 1855 Chehalis River treaty negotiations, Col. Simmons mentioned a measles epidemic that had reached the Cowlitz, apparently about 1849, in which many Indians died (CIT Pet. Ex. A-923).[16]

E.A. Starling at Steilacoom, Indian Agent for Puget Sound District, said in 1852 that the Cowlitz and other groups numbered 200, intermixed with Chehalis (Fitzpatrick 1986, 153; citing Adams 1969, 462). A year later, Gibbs stated that the 216 Upper Chehalis were a connecting link between the Cowlitz, the Lower Chehalis, and the Nisqually (Gibbs 1877, 171-172; quoted **in** Taylor 1974, 128). Governor Isaac I. Stevens' 1854 report to the COIA stated:

> The Cowlitz, likewise a once numerous and powerful tribe, are now insignificant and fast disappearing. The few bands remaining are intermingled with those of the Upper Chihalis. According to the best estimates obtained, the two united are not over one hundred and sixty-five in number, and are scattered in seven parties between the mouth of the Cowlitz and the Satsop (Stevens 1854, 240 **in** COIA Report 1854; see also identical wording in Gibbs 1967, 34; CIT Pet. Ex. A-1228).

Definitions and descriptions of Upper Cowlitz. External descriptions of the Taidnapam (Upper Cowlitz or Cowlitz Klickitats), did not appear as early as those of the Lower Cowlitz. Washington Territory was separated from Oregon Territory in 1853. During 1853-1854, the Pacific Railroad conducted surveys in Washington Territory. These explorations focused on finding a suitable pass through the Cascade Range. Members of the Northern Division of the Surveys, under the command of Isaac I. Stevens, passed back and forth through the Cowlitz River and Lewis River watersheds (CIT Pet. Narr., 7). Stevens' official report,

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[16] Could this be the "smallpox" epidemic which McChesney said broke out among the Cowlitz in 1857 [sic] and reduced their number to about 600 or 700 (McChesney to COIA, 20 April 1910 in CIT Pet. A-114)?

dated September 16, 1854, was included in the 1854 COIA Report. In connection with his description of the Klickatats, for whom together he reckoned a total population of no more than 300 (Stevens 1854, 252 **in** COIA Report 1854), he wrote:

> In this, however, are not reckoned the "Tai-kie-a-pain," a band said to live apart in the country lying on the western side of the mountains, between the heads of Cathlapootl and Cowlitz, and which probably did not enter into the former estimate. But little is known of them, and their numbers are undoubtedly small (Stevens 1854, 225 **in** COIA Report 1854).

George Gibbs, linguist and ethnographer, was one of the explorers attached to the Northern Division of the Surveys in 1853, under the command of Isaac I. Stevens. Gibbs and Stevens used identical wording to say:

> The Tai-tin-a-pam, a band of Klikatats already mentioned, living near the head of the Cowlitz, are probably about seventy-five in number. They are called by their eastern brothers wild or wood Indians.
>
> Until very lately they have not ventured into the settlements, and have even avoided all intercourse with their own race. The river Indians attach to them all kinds of superstitious ideas, including that of stealing and eating children, and of travelling unseen (Stevens 1854, 240 **in** COIA Report 1854; see also Gibbs 1853-1854, 428; CIT Pet. Ex. A-677 - A-688; Gibbs 1967, 34; CIT Pet. Ex. A-1228).

Stevens attitude toward the tribes with which he was treating came through clearly in his report. He concluded that:

> In regard to all these tribes, scattered as most of them are in small bands at considerable distances apart, it seems hardly worth while to make any arrangements looking forward to permanence or involving great expense. The case of the Chinooks and Cowlitz Indians in particular, seems desperate. They are all intemperate, and can get liquor when they choose. They are, besides, diseased beyond remedy, syphilis being, with them, hereditary as well as acquired (Stevens

> 1854, 241 **in** COIA Report 1854; see also Gibbs 1967, 34; CIT Pet. Ex. A-1228).

It should be noted that when the Indian wars of 1855-1856 broke out, Stevens' opinion of the military capabilities of the Cowlitz was widely at variance with the picture he had painted a year earlier. At the time when he was preparing to negotiate the treaties, however, he stated:

> The speedy extinction of the race seems rather to be hoped for than regretted, and they look forward to it themselves with a sort of indifference. The duty of the government, however, is not affected by their vices, for these they owe, in a great measure, to our own citizens. If it can do nothing else, it can at least aid in supporting them while they survive. They live almost altogether among the whites, or in their immediate neighborhood, taking and selling salmon, or doing occasional work, and for the rest letting out their women as prostitutes. No essential advantage would, it is feared, be obtained by removing them to any one location, for they would not long remain away from the old haunts, and probably the assignment of a few acres of ground for their villages and cemeteries, and the right of fishing at customary points, would effect all that could be done. Still, if they should manifest such a wish, the experiment might be tried of settling each tribe in one village at some place not yet occupied, and constituting it a reserve. This, except during the salmon season, might remove them somewhat further from temptation (Stevens 1854, 241 **in** COIA Report 1854; see also Gibbs 1967, 34; CIT Pet. Ex. A-1228).

As a population estimate in 1854, Stevens combined "Cowlitz and Upper Chihalis" on the Cowlitz river and the Chehalis above the Satsop, saying, "the two have become altogether intermarried," at 165 (Stevens 1854, 249 **in** COIA Report 1854). These he distinguished from an estimated 300 other Chehalis Indians on Gray's Harbor, the lower Chehalis River, and the northern forks of the Chehalis River (Stevens 1854, 249 **in** COIA Report 1854), while he located the Taidnapam at the "base of mountains on Cowlitz, &c.," again giving an estimate of 75 as elsewhere in his report to the COIA (Stevens 1854, 249 **in** COIA Report 1854).

Development of the Cowlitz Metis families. The French-derived word "metis," meaning "mixed-blood," is customarily used, in western Canada and the Pacific Northwest, to describe families descended from French-Canadian men and their Indian wives, but could also indicate mixtures of Iroquois with western Indians, Hawaiian with Indian, and various combinations of the above (Warner and Munnick 1972, Preface). The Indian wives came from tribes along the fur trade routes--Cree, Snake, Walla Walla, and other Canadian tribes and tribes east of the Cascades, as well as other Columbia River tribes.

In the region of the Columbia and Cowlitz Rivers, the majority of the husbands who entered into marriages with Indian women were Canadian fur traders of either French-Canadian or Scottish ethnicity. Although some early settlers from the United States also married Indian wives, the Cowlitz metis referenced in these technical reports descend from the marriages to French-Canadian fur trade employees. Many of the earliest pioneer families of the Oregon Territory, including what is now the state of Washington, were metis. Warner and Munnick pointed out that:

> The population of the Oregon Country had by 1838 become greatly mixed. The native tribes had shrunk to a fraction of their original numbers . . . As slavery was commonly practiced among the coastal tribes, the names of remote tribes may show up unexpectedly in the records. The non-indigenous inhabitants included the Company officers, who were mainly of Scottish descent, their French Canadian crews, a large number of Sandwich Islanders, another large number of Iroquois boatmen from eastern Canada, and the Cree and Sauteaux wives of the crewmen. During the early 1840's or earlier, the advance waves of American settlers arrived . . . Faced with the combinations, . . . the priests often struggled with small success to write down the names and parentage of their motley flocks (Warner and Munnick 1972, Introduction).

Roman Catholic Church missions and records. The above discussion on Cowlitz population mentioned the Hudson's Bay Company's agricultural depot, the Cowlitz Farm, which it established in 1839 on at the southern end of the Cowlitz Trail (Hajda 1990, 514). Hudson's Bay Company employees had been settling on Cowlitz Prairie for some time prior to the

official opening of the Cowlitz Farm. On December 16, 1838, Father Norbert Blanchet offered the first mass at Cowlitz Landing at the home of Simon Plamondon, Sr. (CIT Pet. Narr., 130). In April, 1839, missionary priests Norbert Blanchet and Modeste Demers formally established the St. Francis Xavier mission on Cowlitz Prairie (CIT Pet. Narr., 130). For information on the surviving records of this mission and other records concerning the Cowlitz metis families, see the Genealogical Technical Report to this proposed finding.

Was there a Cowlitz "reservation"? The 1978 discussion of the Cowlitz Indians in "The Landless Tribes of Washington State" in the American Indian Journal (Bishop and Hansen 1978) has left an extensive residue of misinformation concerning the supposed existence of a Cowlitz Indian reservation at Cowlitz Prairie in the pre-1855 period. This 1978 article was based on their work as consultants for the Report on Terminated and Nonfederally Recognized Indians. Task Force Ten. Final Report to the American Indian Policy Review Commission (American Indian Policy Review Commission 1976). Bishop and Hansen stated that:

> . . . in 1848, Isaac Stevens, then Indian Affairs Superintendent of the Oregon Territory, set aside 640 acres of land on the west side of the Cowlitz River, 15 miles south of the town of Toledo for the express use of the Cowlitz. This land had been occupied by the Head Chief of the Cowlitz, Scan Inewa, and was later referred to by the federal government as the Cowlitz Reservation (Bishop and Hansen 1978, 27).

There was never any such reservation. This statement apparently was a misinterpretation of a private Oregon Donation Land Claim entered by Simon Plamondon, Jr., under the 1850 Donation Land Act. There is extensive reference to this early claim in the claims presented to the government by Simon Plamondon, Jr. and his uncle Atwin Stockum in the period 1904-1910.[17] See also the discussion

[17] April 28, 1908. Acting COIA to Superintendent, Puyallup Agency, re. affidavits of Simon Plomondon and Chief Atwin in regard to 640 acres, with patent (CIT Pet. Ex. A-81). Letter from Attorney C. F. Nessly, to ? Johnson, ca. 1908: "The law of 1850 provided that a white man might take 640 acres. An Indian 320 acres for himself and 320 for his wife and 160 for each of his children. That the Indian land should not be subject to taxes by state or territory as long as it remained in possession of the Indian" (CIT Pet. Ex. A-94).

below under Cowlitz claims activity, and discussion of donation land claims generally in the Genealogical Technical Report. These 640 acres on Cowlitz Prairie did not constitute a Federal or territorial reservation, but were a private land claim. As is clear from the documentation, the 640-acre claim was sold (possibly fraudulently) to Edward D. Warbass by Plamondon's father in a personal transaction that had nothing to do with Warbass' Federal military appointment.[18] Although Oregon Territory was organized by the Organic Act in 1848,[19] the Oregon Donation Land Act was

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Atwin Stockum may have at some point believed that land other than the private Plamondon claim had been set aside. See also the letter from the OIA to Superintendent, Puyallup Indian School, October 8, 1908 (CIT Pet. Ex. A-1) referring to a:

> letter dated September 5, 1908, from Stackum Corwin, who claims to be Chief of the Cowlitz Indians, saying that the Indians have been informed that there was a part of the Cowlitz Prairie in Lewis County set aside as a reservation for these Indians and that the same is now known as the Mission of the Catholic Church and that the Indians have received no benefits from the use and occupation of this reservation.
>
> The Office is unable to find any record as to the setting aside of any land in what is now Lewis County as a reservation for the Cowlitz Indians (OIA to Superintendent 10/3/1908, CIT Pet. Ex. A-15).

There is also undocumented reference to a Cowlitz reservation near Cowlitz Landing part of a letter contained in a COIA Report (CIT Pet. Ex. A-33).

Refer to the Genealogical Technical Report to this proposed finding for a survey of Cowlitz spouses and Cowlitz metis who obtained donation land claims and a survey of other HBC employees who retired to the Cowlitz Farm area with donation land claims.

[18] This assertion by Bishop and Hansen is probably referring to Simon B. Plamondon's post-1850 donation land claim which his father transferred to E.D. Warbass--see the 1908 affidavits, esp. detailing Warbass' sales of parcels of the 640 acres by quit-claim deeds, W 1/2 of Section 18k T 11 N. R 1 W, WM; E 1/2 of Sec. 13 T 11 N, R 2 W. WM, and N 1/2 of NE 1/4 of Sec. 24 T 11 N, R 2 W, containing 640 acres more or less (CIT Pet. Ex. A-87 - A-89). Claim No. 40, Oregon City (CIT Pet. Ex. A-93).

[19] Organic Act (9 U.S. Stat 323), August 14, 1848. Joseph Lane was appointed governor and superintendent of Indian affairs in March 1849. In 1850, Congress separated the position of superintendent of Indian Affairs from that of the governor. "Anson Dart, the first full-time superintendent for Oregon Territory, launched a treaty program in August 1851 at Tansey Point . . . Dart's treaties not only provided for small reservations within the tribes' homelands but also reserved rights of fishing, hunting, freedom of passage, harvest of whales washed ashore, grazing livestock, and cutting timber for fuel and building purposes . . . Although signed and forwarded to Washington, D.C., none of these treaties gained ratification" (Beckham 1990, 181).

not passed until 1850, so Plamondon's claim could not have been filed before that date.

Isaac I. Stevens could not possibly have set aside a "reservation" in 1848. He was not appointed governor of the newly organized Washington Territory and ex officio superintendent of Indian affairs until 1853 (Marino 1990, 169). Washington was separated from Oregon Territory on March 28, 1853, but Stevens, a major in the U.S. Army, did not arrive until September 29 (Glassley 1953, 109).

There is no historical data to support a supposition that the Cowlitz were included in the Anson Dart treaty negotiations in 1851 (CIT Pet. Narr., 8; Seeman 1986, 41; Beckham 1990, 181). According to Marino, the 1851 treaties of Tansey Point, Oregon, included the Upper Chehalis, Lower Chehalis, Chinook, and "other small bands who had been parties" (Marino 1990, 171; citing to Beckham 1977:123-126). Dart himself was certainly aware of the existence of the Cowlitz: he referred to them on several occasions in reference to the negotiation of the Tansey Point treaties. He was also aware of the location of the Cowlitz (Dart 1851 **in** Coan 1921, 70) and did not classify the Kwalhioqua as Cowlitz. Rather, he stated that:

> The next treaty I would speak of in detail, is the one concluded with the remnant bands of Wheelappas[20] and Quillequeoquas.[21] The only males living of which tribes, are the *two* signers

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However, Beckham's "Table 1. Unratified Treaties, Western Oregon, 1850-1855" does not include the Cowlitz: only the Cathlamet Chinook on August 9, 1851 (Beckham 1990, 181).

[20] The treaty specifically identified the Wheelappa as Chinooks (Coan 1921, 78-81). It contained the following provision:

> *Article 6th.* The cession made in Article 1st. is intended to embrace the land formerly owned by the Quille-que-o-qua, Band of Indians of whom only one man remains, Moaest, who is a signer of this treaty (Coan 1921, 80).

[21] According to Spier's analysis, these would have been the Chinookan Willapas and the Athapaskan Kwalhiokwa (see above). Ray maintained that the two groups were identical, and that the Kwalhiokwa were "Mountain Cowlitz" (Ray 1974, 266).

> to the treaty; there are however several females--women and children yet living.[22]
>
> The tract of country purchased of them is situated on what is known as "Shoal-water Bay" upon the Pacific having about twenty miles of Coast and running back inland about forty miles--bounded on the north by the country owned by the Chehales Indians--on the east by the lands of the Cowlitz band,--and on the south by the lower band of Chinooks (Dart 1851 **in** Coan 1921, 70).

Dart distinguished between two groups in this treaty. His intention was to set aside this tract of land as a reservation for all the neighboring bands if they would agree to settle on it, but he had no expectation that they would do so (Dart 1851 **in** Coan 1921, 70-71).

There is no documentary data concerning an 1852 treaty that the Cowlitz supposedly signed, but which was not ratified. There were no treaties negotiated in 1852, although the Dart treaties were forwarded to the U.S. Senate on July 31, 1852 (CIT Pet. Narr., 8; citing Confidential Congressional Document No. 39, 39th Congress, 1st Session [the 39th Cong was 1866; Chinook Pet. says U.S. Congress 1852, Confidential Doc. No. 39, 32 Cong., 1 Sess., in Cong. Serial Set; not located in US Serials Set Index]). The Stevens Commission's records, on December 7, 1854, included among "Probable Reserves" in the officials' negotiation plans for Washington Indians, "8. Cowlitz and Upper Chihalis, Two Villages," although it was noted that, "It is however proposed, if practicable . . . generally to admit as few Reservations as possible, with a view of finally concentrating them in One" (CIT Pet. Narr., 84; CIT Pet. Ex. A-8).[23]

OIA organization in Washington Territory. In 1852, the agent in charge of the Nisqually, etc. was E.A. Starling (Ray 1974, 297). On or about May 1, 1854, the OIA established the Columbia River (Southern) District, which had jurisdiction over the tribes along the north bank of the Columbia River and south of the Skookumchuck and Chehalis rivers, including all of the Cowlitz area. There were five

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[22] According to Dart, there were 13 in these remnant groups (Dart 1851, 476; cited **in** Ray 1974, 297).

[23] In December 1854, Stevens was negotiating the Medicine Creek treaty for lower Puget Sound with the Nisqually, Puyallup, Steilacoom, Squaxin, etc. If there's a reference to the Cowlitz, it would have to be there at that date (see Taylor 1974b).

local agents. According to the CIT petition narrative, from May 1854 through 1856, the "Cowlitz Locality" was one of the five local agencies (CIT Pet. Narr., 14). This apparently referred to the sub-agency under Simon Plamondon.

CHEHALIS RIVER TREATY COUNCIL NEGOTIATIONS, March, 1855

Background. The Chehalis River Treaty Council was one of the series of treaty negotiations held in 1855 by Governor and *ex officio* Indian Superintendent Isaac Ingalls Stevens with the Indian tribes of Washington Territory.[24] In preparation for the series of treaties to be negotiated, Stevens instructed George Gibbs to gather the necessary information. For the area of southwestern Washington, west of the Cascades to Shoalwater Bay and north from the Columbia to the Skookumchuck River, Gibbs was to be assisted by William H. Tappan[25] (Irwin 1995, 124; citing NA WSIA letters 7 and 8 July 1854; 22 and 23 March 1854 to Simmons and Tappan), whom Stevens had appointed "agent for the coast and river Indians on the Chehalis and Columbia rivers, Gray's Harbor, and Shoalwater Bay" shortly after his arrival in Washington (Stevens 1900, 1:416).

On December 19, 1854, Stevens wrote to Tappan mentioning the possibility of "removing some tribes, including the Cowlitz, either to a reservation on the Columbia river or across the Cascades to live with the Yakimas. (NA WSIA Letter 19 December 1854 to Tappan)" (Irwin 1995, 124). "Two days

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[24] Seeman's recent narrative (Seeman 1986, 49-63) does not go significantly beyond the contents of the council journal.

[25] Stevens' more detailed instructions to Tappan stressed employing an interpreter in all situations and giving out commissions to chiefs and headmen who were invited to attend the treaty session. Aware of the Indian dissatisfactions with settlers in the southern sector, Stevens also instructed Tappan to make chiefs responsible for Indian offenders against settlers, taking away their land if chiefs resisted. At the same time, Tappan was to investigate charges by Indians against settlers, such as for wages not paid or property taken. If justice required, Tappan could call on the Superintendent's office for help. Most particularly, Tappan was to suppress liquor traffic on the Columbia and in Shoalwater Bay. Finally, his reports were due quarterly. (NA WSIA letters 22 & 23 March 1854 to Simmons & Tappan) (Irwin 1995, 124).

later, with no reports from Tappan to include in his packet to the D.C. Indian Affairs office, the Superintendent Stevens reported Tappan's ineffectiveness. (NA WSIA Letters 19 Dec 1854 to Tappan; Dec. 21 1854 & 11-1-1855, to Manypenny)" (Irwin 1995, 124-125).[26]

The narrative of this council began on February 20, 1855. It was held at the mouth of the Chehalis River, near Gray's Harbor, Washington or near modern Cosmopolis, Washington (Fitzpatrick 196, 146).[27] The CIT petition contains a typed transcript of the minutes (CIT Pet. Ex. A-909 - A-939).[28] The "Records of the Proceedings" were kept by George Gibbs (CIT Pet. Ex. A-946), while an unofficial narrative by local resident James G. Swan was later incorporated into Hazard Stevens' biography of his father (Stevens 1900, 2:2-8).

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[26] According to Irwin:

> Unlike special-agent Simmons, who in the northern sector had largely succeeded in explaining the treaties to the various tribes and in gaining prior concensus [sic] on reservation sites, special-agent Tappan in the southern sector disappoionted [sic] Superintendent Stevens, who reported to Commissioner Manypenny of the Bureau of Indian Affairs that Tappan's "efforts to collect Indians for treaties on the Columbia River have not been attended with the desired success." (NA WSIA. Letter 3 May 1855 to Manypenny) Meeting Tappan on his way to the treaty session from Shoalwater Bay, James Swan wryly noted that the special-agent seemed to have misunderstood his instructions: "He refused to have any of them [the Chinooks and Shoalwater Bay Indians] accompany us except the few he had with him and the few who lived on the north side of the Bay, whom he classed as Chehalis Indians." ([1857] 1973, 328) (Irwin 1995, 130).

[27] On February 20, 1855, "Mr. Simmons, Indian Agent, and Mr. Gibbs, Secretary, with the employees of the party, rendezvoused at Judge Fords on the Chehalis River, and proceeded down in canoes to the place previously selected for the Council ground, the claim of Mr. Pilkenton, a few miles above the entrance of the Chihalis into Gray's Harbor, which they reached on the 22nd" (CIT Pet. Ex. A-910).

[28] These minutes are a typed transcript, not a photocopy of the original; there is no citation to source and no indication of who prepared the transcript. Title: "Text of the Records of the Proceedings of the Commission to Hold Treaties with the Indian Tribes of Washington Territory February 20 to March 2, 1855. Council with the Upper and Lower Chehalis, Lower Chinook, Cowlitz and Quinaiutl Indians Including the Proposed Treaty Which Was Not Signed" (CIT Pet., Ex. A-909). In the absence of copies of the originals, the BIA relied on these transcripts.

Federal participants. The official Federal participants at the Chehalis River Treaty Council were: Isaac Ingalls Stevens, Governor of Washington Territory and Superintendent of Indian Affairs; Col. Michael T. Simmons, Indian Agent; George Gibbs, Secretary; Judge Sydney S. Ford, Sr., Agent; B. F. "Frank" Shaw, Interpreter and Special Agent; and William Tappan, Sub-Agent for the District (Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-910, A-912).

Cowlitz participants. "Mr. Shaw arrived[29] on Monday [February 26] with the delegation of Cowlitz and Chinook Indians" (Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-911 - A-912). The records of the Chehalis Treaty Council contain information on three of the Cowlitz spokesmen. One was Kiskox (Kish-cok, Kisskaxe), designated as the head chief (CIT Pet. Narr., 167). Kiskox, also called Kah'hotz (Irwin 1995, 195), has been identified by BAR staff as being the same chief whose name was later often spelled "Cheholtz."[30] He was mentioned as Cowlitz chief by Kane in 1847 (Kane 1968 [reprint of 1925 rev. ed.], 140-141; in CIT Pet. Narr. 1987, 6; CIT Pet. Ex. A-672) and died in 1875 at Cowlitz Prairie (Schoenberg 1987, 245). The other two Cowlitz leaders present were Owhye[31] and a sub-chief named Kwonesappa[32] (CIT Pet. Narr., 186). According to Joe Peter's recollections written in 1951, Kiskox/Cheholtz was

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[29] "Mr. Frank Shaw, one of the Interpreters and Special Agent had previously been sent by way of the Cowlitz and Columbia Rivers to act in connection with Mr. Tappan Sub Agent for the District, in bringing in delegations from the tribes living on those waters" (Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-910 - A-911).

Swan wrote: "After supper we all gathered round the fire to smoke our pipes, toast our feet, and tell stories. While thus engaged, we heard a gun fired down the river, and shortly the party arrived, having Colonel Shaw with them. He had brought a few Cowlitz Indians and a couple of Chenooks . . ." (Swan 1857, 338-341).

[30] Statement of Joe Peter, June 2, 1951: The 1855 delegation was divided into "3 groups, three parties, Ive forgot names I only remember one - Cheholtz - This Cheholtz great grandfather of all Cheholtz now living That from middle part of Cowlitz near Toledo" (CIT Pet. Ex. A-1159).

[31] There is little data to be found elsewhere pertaining to this individual. An adult Cowlitz woman who accepted baptism at the St. Francis Xavier mission on Cowlitz Prairie was named as "Liduvine Ayauac" and "Lydwine Ayawae." She married Charles Tlapat (Warner and Munnick 1972, 75:B-890; 75:M-2; 76:B-894).

[32] Kwonesappa [no other data elsewhere or later]. In 1955, Mary Kiona also mentioned a chief Wach-q-uoy (Cowlitz Pet. Ex. A-1099). She mentioned Tsoya at Cowlitz Falls.

from the middle part of the Cowlitz River near Toledo, Washington, while the other two were, "then one man from lower Cowlitz One man from upper Cowlitz" (Peter 1951; CIT Pet. Ex. A-1159). The petition narrative states that two Cowlitz chiefs, Yach-kanam from the lower Cowlitz River and Umtux, near Ft. Vancouver and the Lewis River, were not present (CIT Pet. Narr., 168). Yach-kanam was named specifically by the Cowlitz representatives during the negotiations (CIT Pet. Ex. A-937),[33] but Umtux was not mentioned by them.[34] Irwin stated that "Chief Kiskox and Chief Atwin Stockum with twenty headmen followed B.F. Shaw" (Irwin 1995, 131; citing Journal of the Expedition... 1854-55, 37 & 20-21), but the minutes of the treaty council give no indication that Stockum was present.

Preparations. Stevens and Tappan arrived on Saturday, February 24 (Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-910). According to the official description:

> . . . on Sunday a count was made of the tribes present and their report obtained of the number of individuals absent. This was done in the usual manner, each band or village giving in a bundle of sticks corresponding to the individuals left behind.
>
> The tribes thus counted were
>
> | | | |
> |---|---|---|
> | The Upper Chihalis numbering all | 216 | |
> | " Lower do | 217 | |
> | " Quinaiutl and Sub Band Kwehtsa | 158 | |
> | To which were added upon the arrival of Mr. Shaw Delegates from the others, to wit | | |
> | Lower Chinooks, numbering as before | 112 | |
> | Cowlitz | 140 | |
> | Giving a total of 370 Indians present, representing Tribes and Bands, whose total numbers are | | 843 |

[33] No documentary data on Yach-kanam has been located elsewhere.

[34] No documentation was located to support the CIT petition's contention that, "Umtux's villages, off the Cowlitz River to the southeast near Ft. Vancouver and the Lewis River, were by-passed by the interpreter, Frank Shaw, who was hastily dispatched by Governor Stevens to summon the Cowlitz and Lower Chinook to Gray's Harbor" (CIT Pet. Narr., 168). For a discussion of whether or not Umtux was a Cowlitz, see below in the discussion of the hostilities of 1855-1856. In any case, if not treated with, and if not subsequently combined with the Lower Cowlitz by Federal policy, his band would not receive the presumption of unambiguous prior Federal acknowledgment under 25 CFR 83.8 on the basis of the Chehalis River Treaty Council proceedings.

(Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-910 - A-911).[35]

James G. Swan, an early settler on Willapa Bay, attended the treaty sessions as a non-official observer. According to his description, which simply paraphrased Gibbs:

> Around the sides of the square were ranged the tents and wigwams of the Indians, each tribe having a space allotted to it. The Coast Indians were placed at the lower part of the camp; first the Chenooks, then the Chehalis, Queniult and Quaitso, Satsop or Satchap, Upper Chehalis, and Cowlitz. These different tribes had sent representatives to the council, and there were present about three hundred and fifty of them, and the best feelings prevailed among all (Swan 1857, 337-338; cited **in** Ray 1966, B-5; CIT Pet. Ex. A-673).

Council proceedings. The Chehalis River Treaty Council opened formally on February 27, 1855, and Col. Simmons announced its objects. Speech by Gov. Stevens followed (Minutes, CIT Pet. A-912). Governor Stevens made a

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[35] The minutes stated that, "These, excepting the Upper Chinooks and a part of the Klikitat were not summoned to treat at this point, were supposed to constitute all the remaining Indians of the Territory West of the Cascade Range. The Kwillehyutes, numbering about 300, living between the Chihalis and the Makahs, with a language totally different from the Quinault, were not notified and were unrepresented." Gibbs added the comment that, "The necessity of Ethnological inquiry in concluding arrangements for treating with or locating Indians is strikingly shown in this instance" (Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-911).

The other population figures cited from this period are apparently all based on Gibbs' account (see, for instance, Swan 1857, 343 et. seq.; cited **in** Taylor 1974, 127). Hazard Stevens pointed out that when the treaty with the Quinault and Quileute was signed in January 1856, they numbered 493, "a number greatly in excess of the census given in Swan's account" (Stevens 1900, 2:9). He continued:

> In their distrust the Indians invariably reported less than their actual numbers, and nearly every tribe was found to be larger than the first estimate. The numbers of the Chinook, Chehalis, and Cowlitz Indians were reported by Governor Stevens in 1857 as one thousand one hundred and fifteen (Stevens 1900, 2:9).

Stevens stated that "A census of all the tribes in the Territory, returned with Governor Stevens's report and map of April 30, 1857, is given in the Appendix" (Stevens 1900, 2:9 n1).

statement to the Chinook and Cowlitz (Minutes, CIT Pet., Ex. A-913 - A-914), to which Kiskox replied as follows:

> Speech of Kish-kok, head Chief of the Cowlitz. The French, Hudson's Bay People first came among them against their will and did not use them well. When Mr. Shaw came he told them a straight story and they hurried to come along. Mr. Shaw had told them that they would have an Agent to look out for them and a Doctor. When the Bostons (the Americans) came they were glad to see them and wanted them to settle in their country. Wanted now to know where they themselves were to have a piece of land. He described the bounds of his country as in the report. They wanted a strip of country crossing the Cowlitz and taking in a small part of the Puget's Sound Farm. That where the Kammas ground was (Chehalis River Treaty Council Minutes; CIT Pet. Ex. A-918).

His statement was echoed by another Cowlitz spokesman:

> Speech of Ow-hye, a Cowlitz Delegate. Formerly the King Georges (English) came. They only paid them a shirt to go from Cowlitz to Vancouver. The Indians were very much ashamed at their treatment. They just now find out what the land was worth by seeing the French sell to the Whites. Several hundred dollars for a small piece with a house on it. It was not their land, but the Indians after all. They were willing to put up with a very small piece of land but they want it at that place. When the Americans came, they first saw money and knew its value. They have been paid well for everything they had done - women as well as men. When they went back they could show their commissions as Chiefs, and they wanted one to show where their grounds were so that the French would know. As soon as they got back to the Cowlitz, they would gather their people up and make them live in one place. They were now scattered every- [sic] (Minutes, CIT Pet. Ex. A-918). He wanted the same ground with Kish-kok because there was a fishery on it, where they could go in winter, and to go on the prairie to live for their houses [sic]. He wanted Davis, an American settler, to live near him as he worked for him. Davis treated him like a brother and gave him flour and he gave Davis salmon. He wants to stay there till he

> dies. All his children have died there but one (Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-919).

Stevens' response did not directly address much of this. He said that, "It would be eighteen months before the paper would come back, in the meantime they could live where they liked provided it was not on a settler's claim" (CIT Pet. Ex. A-919).

Terms offered. Basically, the Indians wanted small reservations where they lived, whereas Stevens insisted that the president would decide where the reservations would be, and wanted to consolidate the various Indian groups together to provide for easier OIA services--agent, doctor, schools, farmer, etc. (CIT Pet. A-912, A-919).[36] The CIT petition narrative described the negotiations in the following terms: "Although [Stevens] repeatedly threatened that the Cowlitz lands would be taken without compensation if they refused to agree to the government's terms, . . . " (CIT Pet. Narr., 9). This statement implies that Stevens was threatening that the Federal Government would take their lands without compensation if they did not comply with the treaty terms. What Stevens actually seemed to be saying, over and over, was that white settlers were coming, and that the Federal

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[36] Stevens' statements on February 27, 1855, included the following:

> One of the reasons why the former treaties were rejected was that they gave the same sort of little reserves as they now wanted. The Great Father had tried many ways and he thought this Treaty the best. He wanted many Indians to be in one place where they could be taken care of. They could then travel about and work and fish. They were to think over his and make up their minds" (CIT Pet. A-920 - A-921).
>
> The Treaty provided an Agency, School &c. and it was necessary in order to take care of them that they should be together. A large body of them in one place. The paper would be sent to the President and when he saw it he would decide where that place should be (CIT Pet. A-921 - A-922).

See also the statement written by Joseph Peter in 1951 concerning his father, Captain Peter's, recollections of what had been offered at the council, including a reservation, a saw mill, a flour mill, a choice of horse or mule team, and hunting and fishing rights (CIT Pet. Ex. A-1159 - A-1160).

Government would not be able to keep them off scattered Indian lands.[37]

Refusal to sign. On Wednesday, February 28, 1855, the Quinault signed the proposed treaty (CIT Pet. Ex. A-927), but the Upper Chehalis refused to sign (CIT Pet. Ex. A-927 - A-928). Gibbs described the Cowlitz reaction as follows:

> A long desultory explanation ensued. Cowlitz came up and Chinooks. Were willing to sign themselves as soon as the others did, but as the Upper Chihalis had come first, they ought to sign first. It was not evident that great difficulty would be found in bringing these bands together. Not only was each very much averse to quitting its own soil, but the jealousy of each other was very apparent. A further adjournment was made till afternoon (CIT Pet. Ex. A-928).

During the afternoon of February 28, the treaty was read again and explained again (CIT Pet. Ex. A-929). The minutes for March 1 contained a long statement by Stevens (CIT Pet. Ex. A-929 - A-930), to which the Indians responded with the following compromise offer:

> Annannata Sub Chief Upper Chihalis. My Father. I have many people. I speak for the Cowlitz and Satsop too. We will give up all our lands to you except from opposite the mouth of Black River down to the lower end of Smith's Prairie. That is the spot we have chosen. They are very proud at the promises made them but don't want all to come

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[37] See Steven' statement on February 27, 1855:

> What each of you has said, has been written down and will be sent to the Great Father. The Great Father has many children away to the rising sun and knows what is good for them. If we gave you all the little spots you want, the Great Father could not be your Father, though he desires to be so, for he could not take care of you. His white children are coming here in great numbers. He cannot stop them and they will crowd upon you. To take care of you, you must have a winter home. Each band must have their own spot on the general reserve and that should be fenced. There must be with you an Agent who can always be on the ground to take care of you. You already know about the school and about your children coming there to learn. I want you to see that the paper is right in this matter" (CIT Pet. Ex. A-922 - A-923).

See also Stevens' statements on 28 February 1855 (CIT Pet. Ex. A-925, A-926 - A-927).

together. They did not want to unite with the others (CIT Pet. Ex. A-930).

Kwonesappa, Cowlitz Sub Chief. They were all of one mind there. Would not forget what had been promised, were wiling to give up all their lands on that river and come down on the Chihalis. It was good for them to go so far, but did not want to go below. He was glad they would be made as white people. He had long wished for this. He wanted the privilege of travelling as you have said. They are much rejoiced to be clothed and enjoy these benefits. It makes their hearts good (CIT Pet. Ex. A-930).

Yowannus [identified as head chief of the Upper Chihalis on A-914]. Last night we came to this conclusion and now only ask for a small piece of land. We are glad to have united. We are afraid of being driven among different people whose languages we did not understand. We have finally settled on a place for these five bands, the Cowlitz, Upper Cowlitz, Upper Chihalis, Satsop, and Mountain Indians (a remnant of the Kwalkwi o quas.). We have heard all our Father has said patiently. It is all good except the place he proposes as our reserve. We don't like the idea of going among other people speaking a different language (CIT Pet. Ex. A-931).

Cowlitz Chief. Owhye. We are very proud of our Father. He has but one tongue. We are the same in face and are willing to come together (with the Upper Chihaliz, &c.). We are willing to give up our land. We want the privilege of going to our old grounds and want a paper to show that we may do so. We are glad to think that the roads are open to us, that we may go where we wish. We were very glad to see the first Americans who came among us. Are glad we can still visit them (CIT Pet. Ex. A-932).

During the evening of Thursday, March 1, after further presentation from Stevens, the Cowlitz head chief stated:

Kish-kok. He knew very little of these other people, but he gave up his own country, the whole of it (and it was a very good one) to come to the Satsop country. There were many of the Cowlitz

> and so on of the others and they had given up much. He never saw Mr. Shaw but once and he never told any one before what he had told him. The Governor called the indians [sic] his children, and he thought all they could do was to yield to their father all their land and to come down with the Mountain people as far as the Satsop. Supposed he would be satisfied with it. He gave away the whole of his country at all events. It was all first rate land. He thought to please the Great father by doing so. When Mr. Shaw saw him he told him the Governor would be glad to have him give up his lands and he now did so, and wanted one Boston to live with them and take care of them. If they moved and settled at the mouth of the Satchall, he wanted a white man to stake it out and put down corner stakes. When they came down the Cowlitz, Yach-kanam (an old chief) was mad at him for coming to make the trade. He however adhered to what he said (CIT Pet. Ex. A-936 - A-937).

In his reply, Stevens insisted they could not have the location they wanted and they had to let the president choose a reservation (CIT Pet. A-937 - A-938). The proposed location would have been on the Pacific Coast between Gray's Harbor and Cape Flattery (CIT Pet. A-941; copy of draft treaty, CIT Pet. A-940 - A-946). Since the Indians would not agree to this, on Friday, March 2, Stevens broke up the council, saying that there was no treaty (CIT Pet. Ex. A-938 - A-939), and that:

> We have now been here a week. I have heard you all. Only one band the Kwinaiutl have hearts like mine,[38] but the paper is nothing without all six . . . There can therefore be no Treaty . . . but next summer I shall send Col. Simmons through that country to examine it and when a good place is found I shall say to the Great Father put these people upon it. There will then be no treaty, no promises but you will be in the hands of the Great Father to do as we please. We shall recollect however the willingness of the Kwinaiutl and the

[38] James G. Swan commented that the Quinault were evidently most agreeable to the proposal, "from the fact that the proposed reservation included their land, and they would consequently remain at home" (Stevens 1900, 2:7).

good behavior of the Cowlitz, Chinook and Upper Chehalis (CIT Pet. Ex. A-938 - A-939).

On Saturday, March 3rd. "It having been found impracticable to bring the Indians voluntarily upon one reservation, Governor Stevens dismissed them and this morning started on his return" (CIT Pet. Ex. A-939).

Summary of the Chehalis Treaty Council Proceedings. The documentary evidence of the Chehalis Treaty Council, presented in the exhibits to the petition, does not fully support the interpretations of the events advanced by Ray (Ray 1966, Ray 1974) or by Fitzpatrick (Fitzpatrick 1986). While it is true that the Cowlitz representatives did not sign a treaty ceding the tribe's lands, it is nevertheless also true, as stated in the CIT petition narrative,[39] that they made a conditional offer to do so, if Governor Stevens had been willing to meet their request for the location of a reservation.

There is no indication in the minutes of the Chehalis River Treaty Council that any of the Cowlitz metis families were represented, that any of the Cowlitz metis families participated, or that the Cowlitz metis families were, at this time, regarded as a component part of the Cowlitz Indians by Governor Stevens or the other OIA agents. Neither is there any indication that the metis families would have been included in the population to be removed to a reservation, had one been established, since under the law, "American half-breed" Indians had a right to file for donation land claims.

THE COWLITZ 1855-1877

Available Records. For a general survey of the available documentation in addition to that specifically cited below, refer to the Genealogical Technical Report to this proposed finding.

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[39] The CIT petition states that:

> the tribe balked at the treaty provisions which would force them to share a reservation with the Quinault Indians on the western margin of the Olympic Peninsula. They requested, instead that they be allowed to remain on their own lands or consolidate with the Chehalis Indians on a combined reservation (CIT Pet. Narr., 9).

Indian War, 1855-1856. The CIT petition narrative appears to conflate at least three separate sequences of events--those at Cowlitz Prairie, at Chehalis, and at Vancouver--in its summary of this period (CIT Pet. Narr., 11-13). The petition states that although the Cowlitz did not join this uprising, "their presence in the midst of farms and settlements generated anxiety among federal officials" (CIT Pet. Narr., 11; citing Sen. Exec. Doc. No. 5, 34th Cong., 3d Sess. 1856, 739-740; CIT Pet. Ex. A-12).

Generally, the most sensible historical treatment of the Cowlitz involvement in the unrest of 1855-1856 is that of Glassley (Glassley 1953), who categorized all of the events in western Washington as simply a minor component of the Yakima war. He pointed out that, "the Indians who lived on several of the Puget Sound rivers, namely, the Snoqualmie, Nisqually, Puyallup, Cowlitz, Cedar, Green, and White rivers, were all related to the Yakimas and the Klickitats" (Glassley 1953, 127).

The least well-founded description is that of Bishop and Hansen (Bishop and Hansen 1978). Building upon their assumption of the existence of the never-established "Cowlitz Reservation" (see above), they wrote:

> To prevent the Cowlitz from joining in a general Indian uprising, the Cowlitz Reservation was occupied by U.S. military personnel . . . In payment for their willing cooperation with the Washington Territorial government . . ., the Cowlitz received food and clothing through the Indian agent assigned to the tribe. But the Cowlitz Reservation remained occupied and in later years was sold in parcels to non-Indians by the federal Military officer in charge of the occupation (Bishop and Hansen 1978, 27, 29).

There was no Cowlitz Reservation, in the sense of an established Federal Indian reservation. Therefore the Cowlitz Reservation was not occupied by U.S. military personnel. The land sold by Edward D. Warbass, the "federal Military officer" in charge of the non-existent "occupation," was the 640-acre Plamondon Donation Land Claim, which he had obtained in a private transaction.

Bishop and Hansen's statement that the Cowlitz Indians received food and clothing seems to be based Governor Isaac I. Stevens' March 21, 1856, mention of two temporary military internment camps as "reservations" in a letter to

the Secretary of War: "Between this place and Cowlitz landing are two Indian reservations. The Chehales[40] and Cowlitz" (U.S. Congress. Senate. Exec. Doc. #66, 34; CIT Pet. Ex. A-33). Neither of these sites had previously been established nor would later be established as a permanent Federal Indian reservation. In a report to COIA George Manypenny dated May or June 1856, Stevens mentioned a "local reservation," but the actual description indicates that he was merely referring to the Cowlitz Farm settlement:

> I turn now to the local reservation in charge of Simon Plomondeau [sic]. It is near Cowlitz Landing, in the county of Lewis. A considerable portion of the inhabitants are Canadians and half-breeds, between whom and those of American origin there is much jealousy. The Canadian population have confidence in the Indians. The Americans have not. it has been believed by the latter that the Indians have several times been on the eve of an outbreak; yet not only have peace and good feeling been maintained, but not a case has occurred of individual ill treatment" (CIT Pet. Ex. A-11, 740; U.S. Congress. Senate. Exec. Doc. No. 5, 34th Cong., 3d Sess., 1857, 739-740).

The same Cowlitz Landing area temporary internment camp was apparently referenced by BIA Agent Charles McChesney in 1910:

> During the war of 1855-56 the Cowlitz Indians, being friendly to the whites were all assembled under Gov. I. I. Stevens's direction at a point on the Cowlitz River, near Sopenah, or Little Falls, Wash., about 23 miles from Chehalis, where they were subsisted by the Government until after the close of the war (McChesney to COIA 4/20/1910; CIT Pet. Ex. A-114).

McChesney, apparently basing his report on the same letter from Stevens to the Secretary of War, confused the Indians who were interned at Cowlitz Prairie during the uprising with the "Cowlitz Indians."[41] This section of the

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[40] The actual Chehalis Reservation was not established until 1864, by presidential proclamation.

[41] McChesney's 1910 report suffered from other factual errors. He stated that in 1857, smallpox broke out among the Cowlitz and reduced their number to about 600 or 700 (McChesney to COIA, 20 April 1910 in CIT Pet. A-114). However, no such epidemic was reported to the COIA by the

Historical Technical Report will attempt to document reliable answers to the following questions:

What happened at Cowlitz Prairie during 1855-1856?
Which group of Cowlitz fought for the Americans in the Washington territorial militia?
Which group of Indians was interned at or near Cowlitz Prairie?
Which group of Indians was interned at Ft. Vancouver?
What became of the interned groups?

OIA Chain of Command. On October 2, 1855, Sidney S. Ford, Sr., assumed duties as Local Agent for the Upper Chehalis Tribe. During the military events of 1855-1856, Simon Plamondon, as sub-agent on Cowlitz Prairie, reported to Sidney S. Ford, Sr. (Ford to Stevens, May 20, 1856; CIT Pet. Ex. A-55 - A-57).

Masterson pointed out that the Chehalis were located on the border between the Puget Sound District and the Columbia River District and stated that OIA records did not make clear whether Ford was subordinate to Agent Michael T. Simmons of the former, or to Agent John Cain of the latter (Masterson 1946, 38-39). On November 8, 1855, John Cain as Acting Superintendent of Indian Affairs reported that Samuel [sic] Plemondo had been appointed as "Local Indian Agent of this place during the present Indian difficulties." He was to have 'general supervision over all the Indians who may come into our camp and surrender thier [sic] arms. Also to furnish them such provisions as may be necessary at current market rates. For all of which I will be responsible" (CIT Pet. Ex. A-38). Plamondon continued to act in this capacity at least through the autumn of 1856.[42] On May 20, 1856, Ford's report to Stevens recommended Marcel Bernier to assist him (CIT Pet. Ex. A-55 - A-57).

Events at Cowlitz Prairie. No documents pertaining to the handling of the Upper Cowlitz and Lower Cowlitz Indians during the autumn of 1855 and winter of 1855-1856 were submitted by the petitioner. All documents pertain to the spring of 1856.

Indian agents during 1857-1858.

[42] Payment vouchers for "Cowlitz reservation" from August 1856 mentioned Marcel Bernier, Simon Plamondon, and Fred A. Clark (CIT Pet. Ex. A-43 - A-46; CIT Pet. Ex. A-1230).

Internment of Klickitats and Bois Fort Indians on Cowlitz Prairie. Presumably, the internment camp under Plamondon's supervision was in existence from November 1855, but no information exists in regard to its occupants during the winter of 1855-1856. On March 15, 1856, Governor Stevens wrote to Simon Plamondon, at Cowlitz Landing, saying that 17 Indians at Bois Fort were in communication with the hostiles and directing Plamondon to remove them to his place (CIT Pet. Ex. A-42). Four days later, Columbia River district superintendent Cain wrote to Plamondon, objecting that he allowed the Indians under his charge to "have their arms in their possession." He directed that "in no case you will allow them to have their arms, and that you retain them in your possession or store them in some perfectly secure place" (Cain to Plamondon, March 19, 1856; CIT Pet. Ex. A-39). On April 7, 1856, Stevens wrote to Plamondon concerning complaints from the citizens of Lewis County in regard to the Indians under Plamondon's charge, stating that he had requested Col. Crosbie to investigate. Stevens stated that it was the "intention of the Supt. to supply them with all the food they really need. It is absolutely necessary that they should not roam at large, for we know not when the County may become the war ground of the hostiles" (CIT Pet. Ex. A-40).

Removal of Indian Weapons by Captain Edward D. Warbass. The petition states that on May 12, 1856, Captain Edward D. Warbass, commander of I Company, 2d Regiment, Washington Territorial Militia, entered Cowlitz Indian Agent Simon Plamondon's home and confiscated firearms that belonged to the "Cowlitz Tribe." The petition states that this action was opposed by Simon Plamondon and scout Pierre Charles, but that the weapons were not returned (CIT Pet. Narr., 12-13). The petition included a list of the confiscated firearms (CIT Pet. Ex. A-50).

The petitioner's own documentary exhibits (CIT Pet. Ex. A-47, A-48 - A-59), dated May through July, 1856, do not clearly support the interpretation that the weapons taken at this time were the property of the Cowlitz tribe.[43] Warbass confiscated firearms and ammunition, but they may have belonged to the interned Klickitats. On May 15, 1856, Warbass wrote, "I had the guns at Plomondeaus brought down

[43] However, in 1857 OIA Special Agent J. Ross Browne stated of the Lower Cowlitz that, "since the war they have been deprived of their fire-arms" (Cain 1857, 20-21 in Browne 1977). See a more extensive discussion of the postwar developments below.

to the Fort here, and also arrested two Klikatats" (CIT Pet. Ex. A-48, 15 May 1856). He also referred to: "the wife of one of the prisoners (Wieno)[44] - he is a Lewis river Indian, of well known bad character, and my attention has been frequently called to him by persons from Vancouver, as an Indian to be watched" (CIT Pet. Ex. A-49). As is shown elsewhere in this technical report, there is no contemporary documentary evidence to classify the Lewis River Indians as Cowlitz.

On May 19, 1856, a "meeting of the Canadians of the Cowlitz" took a series of resolutions against Warbass' actions. Named participants were primarily formerly Hudson's Bay Company employees who had retired to the Cowlitz Prairie farm: John Cantwell, President; Elie Sareault, Secretary; movers and seconders, Francois Desnoyers, Pierre Bercier, Jean Baptiste Brule, Simon Gill; Elie Sarault, Andrew St. Martin, Simon Plamondon Jr., Jean Baptiste Bouchard Sr., Jean Baptiste Provost, Dominick Farron, and Jean Baptiste Bouchard Jr. (CIT Pet. Ex. A-52 - A-54). Most of these men were married to Indian women. Several had married Cowlitz women (see the Genealogical Technical Report which identifies the names and tribes of their wives). Two were metis sons of Hudson's Bay Company employees (see the Genealogical Technical Report). On May 20, 1856, Indian Agent Sydney S. Ford Sr. visited Cowlitz Landing and reported the events to Governor Stevens (CIT Pet. Ex. A-55 - A-57). On June 2, Ford wrote to Stevens from Chehalis criticizing Warbass and his unit in relation to the actions taken at Cowlitz Prairie, saying that "Old Pierre Charles can watch the Upper Cowlitz[45] better than Capt. Warbass' whole company" (CIT Pet. Narr., 13; citing Ford 1856 **in** COIA Report 1856: CIT Pet. Ex. A-59).

Thus, for the period 1855-1856 at Cowlitz Prairie, although the petitioner asserted that a Cowlitz tribe was interned there, the BIA concludes that the interned Indians were Lewis River Klickitats and Bois Forte Indians, while the Upper Cowlitz and Lower Cowlitz, particularly the Lower Cowlitz metis, were allied with the Americans.

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[44] Was this the same Wieno referenced by Curtis in 1913 as a slave-trader (Irwin 1995, 30)?

[45] The context of the letter does not make it possible to determine whether "Upper Cowlitz" referred to a geographical region or to the tribe. The scouting reports submitted by Charles, however (see below), make it more probable that he was referring to the region.

Cowlitz in the American Military Service. The CIT petition stated that during the Indian war,

> pacification of the Cowlitz Tribe at Cowlitz Landing proved so successful that several tribal members agreed to aid the militia . . . [as] auxiliaries employed chiefly in scouting operations . . . [and] received food and other supplies from the federal government during the war" (CIT Pet. Narr., 12).

This narrative seems to confuse several different phenomena. The Cowlitz "tribal members" who were formally enrolled in the militia were the metis sons of retired Hudson's Bay Company employees (Irwin 1995, Notes 35, Ch. 9n5).[46] This may not have made the American settlers feel any more secure, since according to Peter Crawford's recollections, "many assumed that those of mixed blood and the French Canadian Catholics were 'prime movers in inciting the war'" (Irwin 1995, 140; citing Crawford 1879-80, n.p.; see Hazard Steven's comments concerning the Olympia area, Stevens 1900, 2:242). The metis themselves did not share the American settlers' perspective that the hostile Indians regarded the metis as allies and would not harm them. Simon Plamondon's daughter, Mary Ann St. Germain, "reminisced years later how during the panics she had taken her small children into the very center of a field or concealed them in the branches of trees to protect them from 'maddened Indians'" (Irwin 1995, 148).

In addition to the metis enlisted in the militia, Hazard Stevens, in his biography of his father, wrote in more general terms that, "Lieutenant Pierre Charles, with a force of Cowlitz and Chehalis Indians, scouted up the Cowlitz and Newarkum rivers, and captured a number of the enemy" (Stevens 1900, 187; cited in Ray 1974, 275). There is other evidence that Indian auxiliary forces were used. On February 25, 1856, James Tilton, Adjutant General W.T.

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[46] The French-Canadian and metis enlistees in the "Cowlitz Rangers," from the Cowlitz River valley, as listed by the Washington National Guard, were: "Marcel Chappellier, 1st Lt.; Simon Plomondon, Jr., 2nd Sgt; Joseph St. Germaine, 3rd Sgt.; John B. Bouchard, 4th Sgt.; Edward Cottonoire, Andrew St. Martin, Narcisse Farron, Dominique Farron, Cpls.; Peter Bercier, Basile Bercier, Lewis Blanchette, Dominique Faron, Jr., Antoine Gobin, Louis LeDoux, Peter LaPlante, Ignoce Locier, Moses Plomondon, Eli Saurault, Peter St. Germain, Michael Thibault, Joachim Thibault (1855, 129-30 & 134-35)" (Irwin 1995, Notes 35-36, Ch. 9 n5). No full-blood Indians were members of this company.

Volunteer Forces, wrote: "14th. Sidney S. Ford, jr., is appointed a captain, and detached for the special service of organizing a force of friendly Indians of the Chehalis and Cowlitz tribes" for operation upon the Puyallup (CIT Pet. Ex. A-32). This was also included in Stevens' March 9, 1856, letter to the Secretary of War (U.S. Congress. Senate. Exec. Doc. #66, 30). On April 5, 1856, Stevens wrote to Simon Plamondon as "Local Indian Agent Lewis County," stating that he had employed Pierre Charles to take a small party of friendly Indians to examine the trails and get information. He requested that Plamondon "aid in every possible way" (CIT Pet. Ex. A-34).[47] Edward D. Warbass, captain of the militia unit, wrote to Stevens, opposing this, on the grounds that he considered Plamondon's plans potentially hostile. Warbass stated that he had consulted with Pierre Charles, saying, "he has chosen 10 indians from the reservation--7 of whom are Klickitats" (CIT Pet. Ex. A-35 - A-36), but he seemed mainly irritated by the fact that on May 13, two or three women were preparing to go with Charles' scouting party (CIT Pet. Ex. A-48).

After the end of the active hostilities, on June 3, 1856, Pierre Charles reported to the governor on his scouting with Indians, as far north as Tumwater. He stated that, "Arms having been refused to my Indians I was unable to do nothing more" than mark a new road to Klickitat Prairie (CIT Pet. Ex. A-52). On July 11, Charles reported that he had returned the previous day "from a scout up the Cowlitz river with a party of friendly indians [sic] from Mr. Plamondon's reservation," adding:

> I will state that if I am sent out again, I wish to know how I am to get guns for my Indians, as I had some difficulty in getting arms for them on my 1st trip, as Capt Warbass only furnished me two guns, and I had to furnish the others myself (CIT Pet. Ex. A-47).

Thus, the evidence indicates that the Cowlitz metis were formally enrolled in the American militia, while Cowlitz Indians, as well as Chehalis Indians, served the American forces as scouts under the command of French Canadian settlers.

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[47] "This nine-man Cowlitz band, which included "Capt." Peter and Indian Charlie of Olequa, was distinguished from the hostile Indians by caps of deep blue with red facings sewn by the governor's wife and other ladies in Olympia. The scouts prized these caps as 'life insurance.' (Keatley 1965, 18; Hazard 1952, 187-88)" (Irwin 1995, 148).

Internment of Cowlitz Groups. The issue of "internment" of the Cowlitz Indians during 1855-1856 is part of a broader policy undertaken during the Yakima War. In his biography of his father, Hazard Stevens wrote that during the war of 1855-56,

> Governor Stevens's responsibilities and labor were vastly increased by the great number of Indians on the Sound who did not actively join in the outbreak, but who caused constant care and anxiety, on the one hand to prevent their aiding their kindred who had taken the warpath, and on the other to protect them from retaliatory violence at the hands of infuriated settlers, . . . and from the destructive whiskey traffic with vicious and debased white men (Stevens 1900, 2:254).

The tribes affected by the internment policy were primarily those on Puget Sound:

> Five thousand of such Indians were placed upon the insular reservations and supported, in large part, under the charge of reliable agents; . . . The governor's plan of enlisting them as auxiliaries, and sending them out under white officers to hunt down the enemy, although attended at first with great risk of treachery, was the most effective means of confirming their fidelity, . . . (Stevens 1900, 2:254).

The CIT petition stated that during 1855,

> The Cowlitz Indians were contained in two locations. Part of the tribe was quartered in the north near Cowlitz Landing under Chief Kiscox. Officials moved the other portion, under Chief Umtux, south to Ft. Vancouver (CIT Pet. Narr., 11).

The historical records does confirm that the Cowlitz Indians remained in the vicinity of Cowlitz Landing during the 1855-1856 period (see above). The historical record does not confirm that any Cowlitz were interned at Fort Vancouver (see below). Hazard Stevens indicated that the Indians gathered at Vancouver were Chinooks, under agent J. Cain (Stevens 1900, 2:257). There were 200 Klickitats on the White Salmon, under A. Townsend (Stevens 1900, 2:257). The only mention of the Cowlitz internment in Hazard Stevens' biography of his father was, "the Cowlitz, 300, near

Cowlitz, under Pierre Charles" (Stevens 1900, 2:257), which does not accord with the contemporary documentation, which indicated that Simon Plamondon, Sr. was supervisor of the camp near Cowlitz Landing.

Relationship of the OIA with the Lower Cowlitz Indians. There is no clear evidence that the Lower Cowlitz Indians, under Chief Kiskox, were ever interned. All the Indians mentioned in the military correspondence as having been interned under the supervision of Simon Plamondon were either from Bois Fort or were Klickitats. Simon Plamondon's daughter, Mary Ann St. Germain, recalled that her father "resorted to killing his own cattle, hogs, and even work horses" to feed the detainment camp (Irwin 1995, 144). It does appear that the Lower Cowlitz Indians had been disarmed by the end of the hostilities (Browne 1977, 20; CIT Pet. Ex. A-52, A-47, A-74).

Internment of the Lewis River Indians under Umtux at Fort Vancouver. A band of Indians under the leadership of Chief Umtux [Umtuchs] was interned at Vancouver. According to Irwin:

> Portland and Fort Vancouver were also rife with rumors: six hundred Indians were said to be massed at the mouth of the Lewis River; however, when thirty armed settlers visited the Indian camp they found about three hundred men, women, and children, "peaceful and greatly frightened." (Reed n.d., 15) Actually, the band consisted mostly of Taidnapams under the leadership of chief Umtuch and sub-chief Yakatowit (Irwin 1995, 141).
>
> Two weeks later from the detention camp outside Fort Vancouver Chief Umtuch led half the band, a hundred and fifty with two to three hundred pack horses and baggage, northeast toward the Yakima country. Two emissaries from Chief Kamiakin had slipped into the Taidnapam camp and persuaded him to join them. The half under sub-chief Yakatowit refused to go. (BBGW 1972, 45 & 46) (Irwin 1995, 141).
>
> Two days later after the exodus was discovered, Captain William Strong with a contingent of a few regulars and thirty volunteers, including several with Indian blood, located Chief Umtuch's band about twenty miles north at the lake in the crater of low-lying Mt. Bell (Irwin 1995, 141-142).

After negotiation, Umtux agreed to return, but shortly afterwards was killed (see below). Strong, after taking the Indians' guns and horses, left them to bury Umtux, after which they promised to return to the detention camp at Vancouver. The band did return. The confiscated goods were returned to them the following spring (Irwin 1995, 142-143).

The Identity of Umtux. "Henry" Umtux's modern descendants on the Yakima Reservation identify him as having been from the Lewis (formerly Cathlapotle) River (Irwin 1995, 71; citing George Umtuchs in CLARK COUNTY 1960, 1:61)--not from the Cowlitz River, as was the chief described by early settlers Peter Crawford, who encountered him in 1848 (Summers 1978, 122-123) and Edwin Huntington (Huntington 1963, 6). The petition narrative assumes that the Lewis River Indians led by Umtux in 1855 were Cowlitz, but the contemporary documentation does not affirm such an assumption.[48] Judith Irwin wrote, in listing the mid-19th century Cowlitz leaders, "Umtuch, a headman near the mouth of the Cowlitz River, and a second, Henry Umtuch, a headman on the Lewis River" (Irwin 1995, 40). Elsewhere, Irwin's narrative suffered from confusion as the result of her accepting Ray's interpretation that the Lewis River band were Taidnapam (Irwin 1995, 71).

The "Vancouver Indians" were mentioned as early as 1851 in Anson Dart's report to the COIA. From the mouth of the Columbia River, to about 60 miles up, on both sides, the land was Chinook.[49] Then:

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[48] In 1854, Stevens named the Klickitat head chief as "Towetoks" (Stevens 1854, 228 **in** COIA Report 1854). On October 3, 1855, Superintendent of Indian Affairs Joel Palmer, at The Dalles, named "an Indian by the name of Tum E Tas, who was recently arrested and placed in the guard-house at Vancouver, is represented as being acting in concert with Camaekin and Skloom, a band over which he acts as chief, and only awaiting his return to unite with the disaffected of war party. It would be well to keep him in custody" (Palmer 1855, 194 **in** COIA Report 1855).

[49] "In October of 1830, Governor George Simpson calculated that three-fourths of the Indians in the Fort Vancouver vicinity had died" (Irwin 1995, 38).

In 1854, Isaac Stevens did not list the "Vancouver Indians" as such: He estimated Upper Chinooks, five bands, not including Cascade band, Columbia river, above the Cowlitz, 15 200, saying "the upper of these bands are mixed with the Klikatats; the lower with the Cowlitz." For the Lower Chinooks, he named the Chinook band on the Columbia River, below the Cowlitz, with 66 persons; and four others, estimating 50 persons; and commenting, "one of these is intermarried with the Cowlitz; the rest with Chihalis" (Stevens 1854, 249 **in** COIA Report 1854).

> For a distance of about eighty miles from the Cowlitz river to the Cascades, there are now no real owners of the land living. It is occupied by the Vancouver Indians, of whom it will have to be purchased. Their band numbers in all sixty (Dart 1851, 214 **in** COIA Report 1851).

The November 18, 1855, letter from William Kelly to Acting Governor Charles H. Mason reporting the events surrounding the Lewis River Umtux' death did not identify him as Cowlitz (CIT Pet. Ex. A-19 - A-8), nor did the much later May 3, 1905, statement of A. L. Coffey pertaining to Umtux' death identify him as Cowlitz (CIT Pet. Ex. A-23 - A-25).

What, then, was the basis for the widespread assumption that the Lewis River headman was Cowlitz? Pioneer settlers mentioned the "Imtuch" or Umtux who resided on the Cowlitz River. Peter Crawford indicated at the time of his arrival, in 1847, he encountered a Chief Umtux,[50] who identified himself as a chief of the "Cowel-iskies" and asserted that Crawford had built his cabin on the tribe's land near the mouth of the river, even though Umtux' village was "far away" up the Cowlitz River (Summers 1978, 122).[51]

> In 1854, Agent Tappan placed these migrating bands at the Kalama River and in the Cathlapotle ("Chah-wah-na-hi-ooks"; Lewis) river valley. Tappan and others reported them also in the higher interior prairies and plateaux--on the southern slopes of Mt. St. Helens, on the elevated plateau south of Mt. St. Helens and Mt. Adams, including Camas Prairie (a little east of the White Salmon river in present-day Skamania county), and higher still, on the westward ridge of the Cascades, bordering Yakima territory. (Proposed Findings...89 August 1951, 28-29) (Irwin 1995, 71).

[50] Spelling as transcribed by Camilla Summers (Summers 1978). The original of Crawford's journal was not submitted in evidence.

[51] Crawford was near the mouth of the Cowlitz River in 1847 (Irwin 1995, 67). His land claim was on the east bank about a mile above the location of Monticello on the west bank (Irwin 1995, 111). Crawford's narrative mentioned that he lived near the home of Antoine Gobin or Gobar and his Indian wife (Summers 1978, 92-93, 123), and "the French Canadian, Gobar" was also mentioned in the reminiscences of Edwin Huntington as living "just across the river from where we did" (Huntington 1963, 6). Gobar resided in Clark County, Washington, at the time of the 1850 census (Moyer 1931-1932, 1), but this part of the 1850 Clark County was what later became Cowlitz County. Two Gobin sons were baptized in 1852 "at the mouth of the Cowlitz River (Warner and Munnick 1972, 2:128, B.10 and B.11). The Gobin family had moved to Cowlitz Prairie in Lewis County by 1870 (U.S. Census 1870a).

Edwin Huntington, son of H.D. Huntington, an early settler on the Cowlitz River near Castle Rock, 11 miles north of Kelso (Olson 1947, 41, 47), on whose land the Lower Cowlitz band resided in 1878 (NARS M-234, Roll 219, 94), was nine years old when the family arrived in Washington in 1848 (Huntington 1963, 2). They moved to the lower Cowlitz River in 1850 (Huntington 1963, 4). In his reminiscences, published in 1921 (Huntington 1963), he named the Cowlitz River chief as "Imtuch" and stated that, "there was a large camp near where we lived, which was maintained for many years" (Huntington 1963, 6). Edwin Huntington knew the band well. He stated that besides Imtuch's widow and sons, he personally remembered included "Shelip, Yakena, Tomma, Atwine, Boss and Charley Pete," a woman called Shorty, and Captain Peter, "who was then a boy" (Huntington 1963, 6). He stated that:

> [a]t the Indian camp mentioned above there used to be gatherings of Indians from all over the country, which would last for several days at a time, at which time they would have singing and dancing and gambling[52] and sometimes horse raching [sic] . . . (Huntington 1963, 6).

Huntington described the early pioneer village at Monticello, including the Huntington Donation Land Claim and store, the location of the priest's house, the Hudson Bay Company warehouses, a store and dwelling built by Warboss [sic] and Townsend, a blacksmith shop, and another shop. In the context of this description, he recalled that beyond the settlement's orchard:

> on both sides of the river were the camps of 300 Cowlitz Indians. The Chief, Imtuch, whose tepee shadowed a friendly fire and kindly interest in the white newcomers, made his home on the old J.D. McGowan place at Mt. Coffin. This peaceful tribe

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[52] Huntington provided a quite specific description of the gambling:

> Gambling was the most popular amusement. Their manner of gambling was to arrange themselves in two parallel rows acing each other with a board in front of each tow and while some of them with short sticks beat upon the boards and sang, others would pass a small piece of bone from one hand to the other, with their hands sometimes in front, sometimes behind and sometimes under a blanket and always shaking and singing while those in the opposite row would endeavor to locate the piece of bone and that was the game and they would keep it up day and night for days at a time (Huntington 1963, 6).

> swung the sacred remains of their dead in hammocks (Huntington 1963, 9).

He also specified that:

> [t]heir chief, Imtuch, died about the year 1853 and was buried with their usual rites and ceremonies opposite the mouth of the Toutle River near the bank of the Cowlitz, and in his mouth were placed two fifty-dollar slugs (Huntington 1963, 6).

This specific recollection of the circumstances of the burial, together with the date (at which time Hunting would have been about 14 years old), are strong evidence that "Imtuch," the Cowlitz River chief, was not the same man as the Lewis River chief whose band was interned at Fort Vancouver in 1855-1856. A Cowlitz Umtux or Imtuch, residing near Kelso, is documented by two independent pioneer recollections. However, Huntington's reminiscences indicated that he died prior to both the Chehalis River Treaty Council of 1855 and the hostilities of 1855-1856.

An Umtux from the mouth of the Lewis River, half-way up the Columbia River toward Fort Vancouver, is also documented (see Map Supplement). On July 8, 1854, the missionary priest at St. James, Vancouver, Washington, baptized, "in danger of death, Mary (a girl 7 years old) daughter of Humptux an Indian who lives at the mouth of Lewis River Washington Territory" (Warner and Munnick 1972, 2:148).

The confusion between the two men appears to be based on an early historical work. In 1906, a book by a local historian, Thomas Nelson Strong, Cathlamet on the Columbia, both described Umtux as a Cowlitz (Strong 1906, 64),[53] and linked him to the Fort Vancouver area during the 1855-1856 war (Strong 1906, 82-93). However, in a 1915 interview, the Lewis River Umtux' daughter, Catherine Cosike, indicated that their band, which lived at the mouth of the Lewis River

[53] The depth of Strong's knowledge is questionable. He stated that "from 1800 on to the end," only four chiefs were "borne in remembrance," namely "Comcomly, of the Chinooks; Chenamus, of the Clatsops; Wahkiakum, of the Cathlamets, and Umtux, of the Coweliskies" (Strong 1906, 63-64). He stated specifically that "Wahkiakum is known from a line or two in Washington Irving and as the founder of Cathlamet, while Umtux emerges from obscurity only by reason of his tragical end at the battle-ground back of Fort Vancouver during the Indian war of 1855'65" (Strong 1906, 64).

where it met the Columbia, was "Cathlapotle Chinook" (Portland Oregonian 8/8/1915, cited **in** Ruby and Brown 1986, 13).[54] The 1910 Federal census of Clark County, Washington, identified the families descended from the Lewis River Umtux as Klickitat.

According to the petition, the "Lewis River Cowlitz" under Umtux spoke a dialect of the Sahaptin language that was mutually intelligible to both the Klickitat and the Yakima (CIT Pet. Narr., 169). However, the 1879 BIA document to which this appears to refer spoke only of the "Lewis River band," not the "Lewis River Cowlitz," and made no reference to its being a successor to Umtux' group (Milroy 1872, 149 **in** COIA Report 1879; CIT Pet. Ex. A-1349). The documentation below indicates that Umtux' band interned at Vancouver in 1855 was more likely the same group that was elsewhere termed the "Vancouver Indians," who would be settled in the White Salmon area after the hostilities. No significant number of descendants of the supposed "Lewis River Cowlitz" are included in the petitioner's membership.

The Death of the Lewis River Umtux. During the autumn of 1855, the Lewis River Indians under Umtux were interned at Vancouver. On November 9, 1855, a group of Indians under Umtux left the Vancouver reservation, and were pursued by an American military detachment. Umtux was killed on November 12 (CIT Pet. Narr., 11). According to the November 18, 1855, letter sent by William Kelly to Acting Governor Charles H. Mason:

> unfortunately Umtux their Chief was Killed in a short time afterwards. The Indians accuse the whites for killing him, and the whites say that it was the Indians who were dissatisfied with his consent to return. In any case it is bad, if they Believe the Whites have done it, they are bound to revenge, and if it was done by themselves it shows a Most inveterate hatred to us. As he was a man of welth [sic], and had several Connections in the tribe, the Result [sic] of his death was that the Indians have not returned yet (CIT Pet. Ex. A-20).

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[54] In 1845, a population of 250 "Cathlapoodles" was estimated on the Lewis River, with 100 mixed Nisqually, Cowlitz, and Klickitats on the Kalama River (Irwin 1995, 50). Stevens' 1854 listing of the names of Chinook chiefs did not include Umtux, but he named only four (Stevens 1854, 239 **in** COIA Report 1854).

According to the Yakima, and according to the oral tradition of the Charley family, his grandsons, Umtux was accidentally shot by one of his own men (Irwin 1995, Notes 33-34, Ch. 9n2). There exists a statement dated 3 May 1905, Portland, OR, of A.L. Coffey, Private of Company A, Mounted Rifles, Strong's Company: relative to the killing of Chief Umtux, on Strong Battleground, about 15 miles north of Vancouver.[55] Coffey said that in 1855, two Yakima Indians were charged with killing the chief and that has always been the belief of the citizens in general.

> But the facts are as follows: Capt. William Strong was sent with a detachment of volunteers, by order of Lieut, John Withers, who was in command of Ft. Vanc., to apprehend Umtux and his followers who had left Vancouver to go on the War path, 30 or 40 all told, and bring them in to Vanc. without fighting if possible" Umtux agreed to return, went for his horse; two privates under Strong, William Tooley and Smith, overheard that he was going for his horse, followed him, and assassinated him (CIT Pet., Ex. A-23).

According to Coffey, Tooley and Smith were the ones who accused Captain Strong of cowardice; both were killed violently during 1856. He stated that his information derived from D.C. Pickett, a partner of Smith (CIT Pet. Ex. A-24).

The Disposition of the Lewis River Umtux' Band. In her 1986 dissertation, Darlene Fitzpatrick assumed that Umtux was chief of a Cowlitz band that removed to the Yakima Reservation. For example, she stated that the "Cowlitz were forced into 'concentration camps' (Ray 1966) in the Lewis River area and with the death of chief Umtux were forced to relocate on the Yakima reservation" (Fitzpatrick 1986, 146-147). Elsewhere, Fitzpatrick said, from 1855 to 1860, some Taidnapam moved to Yakima; that "women and small children of Umtux' band" were moved "by the Army" to Yakima after his death, while in 1856-60 the Lewis River Taidnapam [sic] were moved (Fitzpatrick 1986, 191). One passage phrased it as follows:

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[55] Irwin recorded two independent traditions of Umtux' burial, one that it was "about 1853" on the Cowlitz River across from the mouth of the Toutle, with no reference to the war; another that it was near Battleground in 1855, later moved to Vancouver. This may indicate a real possibility that two different men were under discussion here.

> Others in the Lewis and Cowlitz River districts around Silverdale (Silverlake) became known as Taidnapam when the main body of this group [of Klickitat and Cowlitz?] was moved to the Yakima Reservation and Rockland in 1858 (Ray 1966:37) even though some Taidnapam and Klikitat stayed behind. The Indian settlement at Pt. Cook on the Columbia River is what remains today of the group who did not leave (Fitzpatrick 1986, 144).

According to the CIT petition, also, Umtux' "Cowlitz subsequently surrendered to the volunteers and resided near Fort Vancouver until the conclusion of the War in June, 1856" (CIT Pet. Narr., 13). This appears to be based on Verne F. Ray's interpretation of a passage in the COIA Report for 1857. Ray's extract read:

> 1857 (Pet. Ex. 64) Commissioner of Indian Affairs Page 349: Local Agent A. Townsend--"About eight hundred persons were subsisted during the winter on the reservation [where the friendly Indians of the Columbia River District were held, at Vancouver, these Indians being the "Vancouver Indians," the Cascade Chinookans, and the Lewis River Cowlitz (Taitnapam)] (COIA Report 1857; cited **in** Ray 1974, 299).

Most of this passage--the portion in brackets--consisted of Ray's interpretive interpolation. The addition of the words "the Lewis River Cowlitz (Taitnapam)" by Ray had no basis in the original documents. The July 25, 1857, report of John Cain, "Indian Agent, Columbia River District," reported that it included "all the country in Washington Territory bordering on the Columbia river from its mouth to the vicinity of the Dalles" (Cain 1857, 345-346 **in** COIA Report 1857). He gave a clear definition of Townsend's responsibilities:

> The greater portion of the Indians of this district are under charge of Local Agent A. Townsend, at White Salmon reservation.[56] The

[56] Townsend stated, "The reservation lies in the Klikatat country, between the Klikatat and White Salmon rivers, a distance of fifteen miles along the Columbia river, and extending back to the La Camas prairie about twenty miles, lying in and on the east slope of the Cascade mountains . . . Headquarters of the reservation are situated four miles above the mouth of White Salmon river, on the Columbia, being the only place always accessible to steamboats, ..." (Townsend 1857, 348 **in** COIA Report

> Indians number about eight hundred, made up of the Vancouver Indians and Cascade Indians, and the remainder, mostly Klikitats, that were scattered along the river, and roaming over the country at large. Since locating them on the reservation, ..." (Cain 1857, 346 **in** COIA Report 1857).

Townsend's own report, dated June 30, 1857, stated that he had been:

> appointed local agent in charge of Indians at White Salmon Reservation September 1, 1857. Indians consisted of the Vancouver and Lewis river tribe of Klikitats and the Cascade Indians, who had remained friendly during the war, numbering three hundred and forty persons; also, branch of the Klikatat tribe, who were among the hostiles, and with whom Colonel Wright effected a peace treaty and induced to leave the hostile ranks; these, with a few additions from Simcoe and the Yakima, increased the number to about eight hundred persons (Townsend 1857, 348 **in** COIA Report 1857).

Townsend's description of the "Vancouver Indians" makes it probable that these were probably Umtux' band. He did not, however, identify them as Cowlitz. He indicated that before the war, these Vancouver Indians had lived in close proximity to whites, had numerous free-ranging horses and small patches of cultivated land, hunted, and fished, so that:

> they were able to procure a very comfortable livelihood. At the commencement of the war, it became necessary, on account of the fears of the whites, and to prevent intercourse between those who professed friendship and the hostile forces, to keep them closely confined on the reserve at Vancouver; during which time a large number of their horses and other property that was left at their old habitations was stolen or destroyed. With the remnants they were then removed to this reservation. Winter was approaching, and I saw and reported to you the fact that they could not but be almost entirely dependent on the department for their subsistence until spring, and to a

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1857).

> degree still larger; for Indians who have been raised among whites, and who have acquired many of the habits and wants of civilized life, cannot be expected to readily assume those of the savage and be contented with the hard, scanty fare of their progenitors; nor, I apprehend, is this a species of progression that would meet the views of the government (Townsend 1857, 348-349 **in** COIA Report 1857).

At this point in his report, Townsend inserted the sentence about the subsistence of 1800 Indians with which Ray began his excerpt (Ray 1974, 299).

On August 1, 1858, Agent R. H. Lansdale reported from the White Salmon Indian Agency that he had been in charge of the Columbia River district since Cain's resignation the previous November, including the "portion of Washington Territory lying north of the Columbia river and east of Cascade mountains" (Lansdale 1858, 275 **in** COIA Report 1858). He referred briefly to the fact that,

> many of the Klikatats were removed during the late war from their former homes west of the Cascade mountains to this agency. They has [sic] lost most of their horses while under surveillance of the military; they became very poor, and had to be fed and clothed partially by the bounty of the government. As they are, lately, beginning to recruit their own means of living, I have judged it best gradually to lessen the supplies furnished, and trust that their little fields now in cultivation, with the cattle they are about to receive, will, with their fisheries and root grounds, furnish them a pretty good living" (Lansdale 1858, 275 **in** COIA Report 1858).

Between 1858 and 1859, Nesmith was succeeded as Superintendent by Edward R. Geary. More importantly, for understanding developments pertaining to the "Vancouver Indians," the June 9, 1855, Yakima treaty was ratified on March 8, 1859, and the modern Yakima Reservation established with its headquarters at Fort Simcoe, replacing the White Salmon reservation upon which the group had been located (Lansdale 1859, 410-411 **in** COIA Report 1858). Agent Lansdale noted specifically that:

> Besides the work done on the reservation, many small fields and patches of ground were plowed and

> put in crops for the Indians at White Salmon, on the Klickitat river, at Cammash lake, and on Columbia river, previous to its being known that the treaty was ratified. Some fifty acres were thus put in and turned over to those for whom the fields were made, and which will inure to their benefit (Lansdale 1859, 411 **in** COIA Report 1859).

In arguing for the existence of the "Lewis River Cowlitz," Ray included the following excerpt:

> 1859 (Pet. Ex. 66) Commissioner of Indian Affairs Page 780: Agent R. H. Lansdale--"The following table contains an approximate census of the Indian tribes with whom I have relations as Indian Agent:
>
> | Tribes. | Number. |
> |---|---|
> | Klikitat | 633 |
>
> [etc.; the Lewis River Cowlitz, belonging to Lansdale's district, are not listed].
>
> "There are many bands known to belong to the Columbia river district not put in the above table, as I have no data upon which to make even an approximate estimate" (COIA Report 1859; as excerpted **in** Ray 1974, 299).

The other tribes included in this table were the Wisham, Columbia River, Yakima, and Wenatcha (Lansdale 1859, 412 **in** COIA Report 1859). Given the context of discussion over the prior two years, although Ray annotated "[etc.; the Lewis River Cowlitz, belonging to Lansdale's district, are not listed]," it is to be presumed that "Lewis River Klickitats" were classified as Klickitats, while the "Vancouver Indians," never termed Cowlitz in these OIA reports, were among the 808 "Columbia River" Indians listed by Lansdale in 1859 (Lansdale 1859, 412 **in** COIA Report 1859).

The idea that Umtux' band was Taidnapam is apparently based entirely upon Ray's 1966 Handbook of the Cowlitz Indians. Even Ray's version provided no authority for the assumptions that the removal was directly from the Vancouver internment camp to the Yakima Reservation, that it was undertaken by the army, or that it ensued shortly after Umtux' death. As Ray excerpted the passage, it read:

> 1860 (Pet. Ex. 67) Commissioner of Indian Affairs Page 430. Agent R. H. Lansdale--"I have felt myself compelled [to remove] the bands of Lewis River Klikitats [Lewis River Cowlitz, Taitnapams], because of the threatening aspect of relations

between those Indians and the white settlers....This band of Klikitats [Cowlitz], however, have never been treated with, or their lands purchased. White settlers have occupied the most valuable places for grazing, field culture, and fishing. So driven from post to pillar was this scattered and injured people, that but one white settler, and he a former member of Congress, would allow them to remain, even temporarily, on lands yet belonging to them, the title to which has always heretofore been acknowledged by our government as vesting in the aboriginal inhabitants till fully treated with and ample compensation allowed. The agent [R. H. Lansdale, the writer] has undertaken to remove them personally, with the aid of head chief and interpreter, without the expensive interposition of superintendent of removal, conductors, &c., &c. A careful account of expenditures will be kept, for which the agent will file his own voucher, and he is confident the mode of removal pursued will prove far cheaper than if done by contract.

"The band named number, as well as can be ascertained in their scattered condition, 100 souls, thirty-seven of whom were transported by steamer from Lewis river to Rockland, Washington Territory. They are now en route from the latter place to this agency. Forty-three have undertaken to remove their horses, their cattle, and themselves, over the Cascade mountains to Yakima reservation, and the remainder the agent has not yet succeeded in inducing to leave willingly their old hunting and fishing lands, though he yet hopes to accomplish so necessary an undertaking as soon as possible.

These Indians have been badly treated by the whites; driven without compensation from their own lands; their houses burned and otherwise destroyed; the graves of their people inclosed in the white man's fields. They unwillingly consent to remove to please the government agent, hoping and trusting that their great father will yet provide some compensation for their lands in the form of annuities for beneficial objects, apart from the other bands treated with and settled on the Yakima reservation." (Ray 1974, 276-277).

This document appears to be Document No. 84 for the Yakima Agency in Washington Territory in the 1860 COIA Report,

although it appears on pages 205-207, rather than on page 430. The introductory section of the relevant passage reads:

> Nothing of special note is yet effected in the removal of distant band of Indians to this agency and reservation. No funds of any kind have been furnished for such purpose, no appropriations having been made for fulfilling the treaty of June 9, 1855, till March 29, 1860, when Congress appropriated $90,850 for fulfilling the stipulations of said treaty, of which not one dollar is yet remitted to the proper agent. Though destitute of ready means, I have felt myself compelled to anticipate the arrival of funds by removing, in advance, the band of Lewis River Klickitats, because of the threatening aspect of relations between those Indians and the white settlers. Provision was made in the treaty of June 9, 1855, to consolidate said band with others of the Yakima nation. This band of Klickitats, however, have never been treated with, or their lands purchased (Lansdale 1860, 206 **in** COIA Report 1860).

Lansdale then continued with the more extensive passage included by Ray from "White settlers" through "apart from the other bands treated with and settled on the Yakima reservation" (Lansdale 1860, 206-207 **in** COIA Report 1860). He then added:

> According to the principle adopted in the treaties with Indians of Washington Territory in 1855, this band is entitled to $10,000, appropriated for their exclusive benefit. That sum is but a trifle of the true value of the lands formerly occupied by them and now grasped by the white settlers (Lansdale 1860, 207 **in** COIA Report 1860).

It is clear from the full context that Lansdale classified this band not as "Lewis River Cowlitz," but as Klickitats who had been encompassed by the provisions of the 1855 Yakima treaty, even if not thereby compensated for the land they lost. Throughout the 1870's, the OIA reports and censuses included the Lewis River band (see below), but they never identified that band as Cowlitz Indians, as the petition states (CIT Pet. Narr., 20-21), based on Ray's interpretation. Moreover, they were apparently not the same people as Umtux' band, who were described as the "Vancouver

Indians." Thus, the CIT's inclusion of the Vancouver Indians or Lewis River Band histories and citations to support their petition is not accepted by the BIA.

Some Indians who had intermarried with both the Cowlitz and the Yakima were living near the mouth of the Lewis River as late as the 1880 Federal census of Clark County, Washington. Family names indicate that they may have belonged to Umtux' band (see Genealogical Technical Report). These known families do not seem to have begun to move to Yakima until after reservation allotments there were opened to non-treaty Indians in the 1890's. Several of these families were still in Clark County in 1900.

By contrast, the Indians from the Lewis River region who were removed to the Yakima Reservation in 1860 were Klickitats who had been incorporated into the 1855 Yakima treaty, as specifically stated by Lansdale in 1860. No contemporary documentary evidence indicating that they were Cowlitz was submitted by the petitioner nor located by BIA researchers.

Post-war Federal Government and BIA policies toward the Cowlitz Indians. According to the CIT petition narrative, by a letter dated April 25, 1856, Governor Stevens appointed Sidney S. Ford, Jr. [sic], as Special Agent to succeed John Daniels and to exercise authority over the Western District, including the Cowlitz, the Upper and Lower Chehalis, Quileute, Quinaielt [Quinault], and Toitinipan [Taidnapam] (CIT Pet. Narr., 14).[57] However, Stevens' own words in

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[57] Masterson described the scope of Ford Sr.'s appointment rather differently:

> Governor Stevens appointed Ford as Special Agent to succeed [special agent Travers] Daniels and to exercise authority over the Western District, including the Cowlitz, the Upper and Lower Chehalis tribes, and those northward to Cape Flattery (Masterson 1946, 39).

The CIT petition narrative stated that on or before May 18, 1856, the Superintendent transferred the Cowlitz jurisdiction to the Western or Coast District, agent Sidney S. Ford (CIT Pet. Narr., 14). This appears again to be a paraphrase of Masterson, who stated that on May 15, 1856,

> the Cowlitz Indians, with their local agent, were transferred explicitly to the Western District from the Columbia River District; and the tribes in Ford's jurisdiction were listed as the Cowlitz, Upper and Lower Chehalis, Quileute, Quinaielt, and Toitnipan. Of these at least the Quileute and Quinaielt tribes had formerly been the nominal charge of the Puget Sound

reporting to COIA Manypenny indicate that this appointment was for Sidney S. Ford, Sr., whose earlier jurisdiction had simply been expanded. He reported that Captain Sydney S. Ford, Jr. and Lieutenant W. Goswell [Gosnell] successfully led Indian auxiliaries the past winter and were suitable persons for local agents--Ford Jr. already had charge of the local agency opposite Steilacoom. He then continued:

> The father of Captain Ford, the Hon. S. S. Ford, sen., an honored citizen of the Territory since 1846, has been throughout the war the local agent of the Upper Chehalis, and I have since appointed him to the charge of a district, including the Upper and Lower Chehalis; the Indians on the coast and the Cowlitz Indians are in charge of special Agent Simon Plomondeau. Both the upper Chehalis and the Cowlitz have been repeatedly on the verge of hostility, especially the upper Chehalis (CIT Pet., Ex. A-12, 738-739).

J. W. Nesmith succeeded Governor Stevens as Superintendent of Indian Affairs for Washington and Oregon Territories on June 2, 1857 (COIA Report 1857, 315). He reported:

> The Chehalis and Cowlitz Indians claim a large and valuable district of country in the heart of the settled portion of Washington Territory, between the Columbia river and Puget's Sound. They have never been treated with, but are anxious to sell their country. I would recommend that a treaty be concluded with them for the extinguishment of their rights to the soil (Nesmith 1857, 321 in COIA Report 1857).

There was no indication in this statement that Nesmith considered the Lewis River region to be included in the area that the Cowlitz Indians might cede. The 1857 report by Michael T. Simmons as "Indian Agent, Puget's Sound district" to the COIA clearly indicated that by July 1, 1857, the Chehalis and the Cowlitz were within the jurisdiction of the Puget's Sound District:

> The Chehalis and Cowlitz Indians, occupying the southern portion of this district, are under the charge of Mr. S. S. Ford. They have never been treated with, and their principal men are

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District (Masterson 1946, 39).

> expressing great uneasiness upon the subject. The judicious management of Mr. Ford prevented any outbreak during the hostilities; but I wish it to be understood that I consider it an imperative necessity that these Indians, as well as those on the Sound, be speedily settled with to their satisfaction (Simmons 1857, 334 **in** COIA Report 1857).

As "special Indian agent, in charge of the Indians of the western district of Washington Territory," Sidney S. Ford Sr. sent an extensive report to the COIA for the year ending June 30, 1857. He reported that his district had an Indian population of about 1200, including the Upper Cowlitz and Lower Cowlitz.[58] He stated that by contrast, in the spring 1846, the Indian population of the district had been at least 4,000, attributing the decrease to two visitations of smallpox and measles, the flux, venereal disease, and alcoholism with its associated problems (Ford 1857, 341 **in** COIA Report 1857; CIT Pet. Ex. A-62). Concerning the Cowlitz, he stated specifically that:

> In the late Indian war none of the Indians of this district participated in the hostilities against the whites. The Chihalis and Cowlitz tribes, however, at one time were ripe for revolt, and had it not been for the prompt and energetic steps taken by the Indian department here there would have been a general outbreak. In speaking of the measures adopted by the department, I refer principally to the successful policy of collecting all the friendly Indians at proper localities, not allowing them to roam about, but keeping them together, and feeding them when necessary. The success of this policy was probably more fully and completely exemplified in the case of the Indians under my charge than in that of any other tribe in the Territory. The Cowlitz and Chihalis Indians living upon the prairies, as expert in the use of the rifle as they are in the management of horses, intimately acquainted with all the road, trails and fastnesses of the country, as well as

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[58] The others were the Upper Chihalis, Lower Chihalis, Quenoith, Quelits, Quilehutes, and Shoalwater Bay. The Lower Chihalis consisted of the Clickquamish, Satsop, and Wanoolchie, plus the Lower Chihalis properly so called at Gray's Harbor. Shoalwater Bay included the Willopah and a number of small bands "now nearly extinct" (Ford 1857, 341 **in** COIA Report 1857).

> possessing much knowledge of the whites, were well calculated to do great injury, and were not wanting in the requisite spirit. Immediately upon the outbreak I was directed to collect the Indians together, which order had been complied with, in effect, before it was received (Ford 1857, 342-343 **in** COIA Report 1857).

Ford had collected the Chehalis Indians in the immediate area of his own farm and provisioned them there during the uprising. He indicated that by the summer of 1857, the policy of internment and disarmament had been abandoned for the Indians of his district:

> Afterwards, as the danger grew less, a few of the most trustworthy were allowed to hunt, and indeed, ammunition in small quantities was furnished them, until by degrees, as the danger passed off, the issues [of provisions] were reduced to a very low point, and the Indians were permitted to roam at large, as formerly (Ford 1857, 343 **in** COIA Report 1857).

Ford strongly recommended that the Government make treaties with the Indians of his district and provide them with reservations (Ford 1857, 343-344 **in** COIA Report 1857). Andrew J. Cain[59] visited the vicinity as Special Agent in 1857 (Masterson 1946, 39). The 1858 COIA Report included J. Ross Browne's statement, on the basis of a visit of September 7, 1857, that the following tribes were under the local agency of Sydney S. Ford:

> *Upper Cowlitz*, whose country begins at the Cowlitz Landing, and extends up the river of that name to its source in the Cascade mountains.
>
> This tribe is intermarried with the Klickatats, and numbers about seventy-five. At a distance of twenty miles above the Landing as a fine open prairie, upon which they chiefly reside. They are nearly wild, and have had but little intercourse with the whites. In the salmon season they procure abundance of fish, and with game killed in the chase and the usual supply of berries they manage to live tolerably well.

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[59] October, 1858. Andrew J. Cain Agent in charge of the "Coast District" (CIT Pet. Narr., 14, 16; Masterson 1946, 39; CIT Pet. Ex. A-1365).

> *Lower Cowlitz*, numbering 250, extends from the Cowlitz farms to the mouth of the river. They live chiefly by fishing. Formerly they hunted to some extent, but since the war they have been deprived of their fire-arms. They are scattered along the banks of the river from the Landing to Monticello, where they loiter about the farms, sometimes working, but generally idle. These are expert canoe men, and can earn from one to two dollars per day on the river. But whiskey has nearly destroyed them. They are all diseased, and cannot exist more than a few years longer (Cain 1857, 20-21 **in** Browne 1977; CIT Pet. Ex. A-74, incomplete).

Masterson stated that, "Ford's letters to the Superintendent were continued til January 26, 1858, but his jurisdiction soon ceased to bear any particular name." In 1859,

> Edward R. Geary, superintendent of the Oregon and Washington superintendency, in his annual report called the attention of this office to the importance of treating with the remaining tribes under the jurisdiction of that superintendency not then parties to any treaty. As a method best calculated to secure the quiet of the country and the greatest good of the Indians, as well as economical to the Government, he recommended that they be confederated and placed on reservations with tribes already treated with, according to their locality and affinities. He suggested that in the region west of the Cascade Mountains the Cowlitz and Upper Chehalis Bands might be confederated with those included in the treaty of Medicine Bow (64th Congress, 1st Session, HR Report No. 829; 6 January 1916; includes 24 October 1904, A.C. Tonner, Acting COIA, to Hon. Francis W. Cushman, Tacoma, Wa, re: Senate bill 2458; CIT Pet. A-111).

> In his annual report for 1859, Superintendent of Indian Affairs Edward R. Geary recommended that treaties be entered into with the remaining non-treaty Indians in Oregon and Washington. He suggested that the Cowlitz and Upper Chehalis Tribes be moved onto the reservation already occupied by the tribes party to the Treaty of Medicine Creek of December 26, 1854 (25 Ind. Cl. Comm. 442; Horr 1974, 3:404).

In 1860, Superintendent Geary called the COIA's attention to his recommendation of the previous year (CIT Pet. Ex. A-111).

Population Estimates. The 1860 Federal census of Lewis County, and Cowlitz County, Washington Territory, enumerated the Cowlitz metis families, but did not include families headed by Indians (see the Genealogical Technical Report to this proposed finding for details). In 1860, Agent Michael T. Simmons estimated that the Upper and Lower Chehalis, the Cowlitz and Chinook, who "are not parties to the existing treaties," as a combined total, numbered between 700 and 800 (CIT Pet. Narr., 16; COIA Report 1860 [Simmons 1860], 422; Ray 1974, 299; CIT Pet. Ex. A-705).

On August 1, 1861, W.B. Gosnell, Indian Agent for Washington Territory, submitted a population table which showed a combined population of 405 for the "Upper Chehalis and Cowlitz Indians" (CIT Pet. Ex. A-111; Ray 1974, 299, transcribed the number as 450). This census has not been located. Gosnell stated, "In making out the above table, I had to rely entirely upon my own knowledge of the different bands and tribes, and such information as I received from old settlers and persons who had been living among them, as no correct census had ever been taken of them" (CIT Pet. Narr., 16; Gosnell 1861, 799 cited in Ray 1966, B-37; CIT Pet. Ex. A-705).

> In 1861, Indian Agent W.B. Gosnell reported that the Upper Chehalis and Cowlitz still wished to treat with the United States. He stated that a tract of land at the confluence of the Chehalis and Black Rivers had been selected as a possible reservation for these two tribes. Commissioner of Indian Affairs, William P. Dole, in his 1861 Annual Report indicated that the Cowlitz and Upper Chehalis were now willing to come under the protection of the United States and stated that the Chehalis-Black River tract was a suitable reservation for these two tribes (25 Ind. Cl. Comm. 442; Horr 1974, 3:404).

According to Masterson, "during the third quarter of 1862 Agent George A. Paige, . . . was engaged in taking a census of the Chehalis, Cowlitz, and neighboring tribes. After this date, no correspondence from officials assigned to the former Western or Coast District was received before 1866" (Masterson 1946, 39).

Attempts to place the Cowlitz on the Chehalis Reservation, 1862-1869. During the 1860's, OIA officials in Washington Territory made several efforts to consolidate the Cowlitz Indians with the Chehalis Indians on a single reservation. Given the compromise which had been offered to Governor Stevens by the Cowlitz and Upper Chehalis at the Chehalis River Treaty Council in March 1855, this proposal would not have seemed unreasonable. It was not, however, successful. By 1862, the Cowlitz were under the jurisdiction of the Chehalis Agency, the southern part of the former Western or Coast District. This agency had jurisdiction over the Chehalis, Cowlitz, and Chinook tribes in southwestern Washington, which were not parties to any treaty (Masterson 1946, 40; CIT Pet. Ex. A-1366, A-1372; CIT Pet. Narr. 16).

In 1862, Agent A.R. Elder's report indicated that the "reservation" upon which the Chehalis were then living had not been formally established and that a white settler claimed title to the land.[60] Elder stated that he was unable to convince any of the Cowlitz to move to the Chehalis "reservation." He stated that the Cowlitz Indians were "very few in number, and prefer living among the whites in their vicinity, who furnish them with employment upon their farms. Force would have to be resorted to in order to make them live upon the reservation" (25 Ind. Cl. Comm. 442; Horr 1974, 3:405).

Although few in number, OIA officials still regarded the Cowlitz Indians as a tribe. In his 1862 report, Superintendent C. H. Hale, requested that treaties be entered into with the Chehalis, Cowlitz and other tribes. He included the sum of $7500.00 for the expenses of holding a treaty council with these tribes in his estimate of expenses for 1863. There is no indication in the record that this request was either approved or formally rejected (25 Ind. Cl. Comm. 442; Horr 1974, 405).

> On March 20, 1863, a proclamation was issued under the signature of President Lincoln which directed that certain public lands in Washington Territory be sold . . . Following the Presidential Proclamation of March 20, 1863, the United States exercised sufficient dominion and control over the

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[60] "Last winter" the Chehalis Indians were placed upon a reservation at the mouth of the Black River--1863 annual report of C.H. Hale, superintendent of Indian affairs for Washington Territory (mentioned in Tonner to Cushman, CIT Pet. A-112).

> lands of the Cowlitz Tribe so as to deprive the plaintiff of its aboriginal Indian title without its consent and without the payment of any consideration therefor (25 Ind. Cl. Comm. 442; Horr 1974, 3:409-411).

This date, March 20, 1863, was established by the Indian Claims Commission (ICC) in "Opinion on Rehearing," June 23, 1971, as the "date of taking" of the lands of the Cowlitz Indian Tribe (25 Ind. Cl. Comm. 442; CIT Pet. Ex. A-1054).

The Federally established Chehalis Reservation, located near Oakville, Washington, was set apart by Executive Order of the Secretary of the Interior dated July 8, 1864 (Executive Orders 1975, 174; Tonner to Cushman 1904, CIT Pet. A-112).[61] The CIT petition stated that it "was set apart for the benefit of the Chehalis, Cowlitz, and Chinook non-treaty tribes, but not organized in that year" (CIT Pet. Narr., 16, 169), but the records of the Department of the Interior mentioned only the "Chehalis Indians in Washington Territory" (Executive Orders 1975, 172-173). However, by September 7, 1865, Joseph Hubbard, the Chehalis Reservation's hired farmer, wrote to Indian Agent A.R. Elder, "I think all of the Upper Chehalis and a portion of the Cowlitz tribe can be induced to come here. There is but a remnant of the Cowlitz tribe left" (CIT Pet. Narr., 17; citing Hubbard 1865, 81-82 *in* COIA Annual Report, CIT Pet. Ex. A-1337 - A-1338).

On January 26, 1867, the Senate received, and ordered to be printed, the "Report of the Joint Special Committee appointed under the Joint Resolution of March 3, 1865, directing an inquiry into the condition of the Indian tribes and their treatment by the civil and military authorities of the United States." In Washington Territory, the investigation was carried out by Special Agent J. Ross Browne, who reported on the reservations under the charge of Agent Elder, plus the following non-reservation groups:

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[61] By executive order of October 1, 1886, "it was directed that the tract of country in Washington Territory hereinbefore described reserved by order of the Secretary of the Interior on July 8, 1864, for the use and occupancy of the Chehalis Indians and other tribes, was restored to the public domain" (Executive Orders 1975, 174). "It was further ordered that the south half of section 3 and the northwest quarter of section 10, township 13 north, range 4 west, be withdrawn from sale or other disposition and set apart for the use and occupation of the Chehalis Indians" (Executive Orders 1975, 174; Tonner to Cushman, 10/24/1904; CIT Pet. Ex. A-113).

> The Chehalis and Cowlitz are a couple of small tribes who reside upon the rivers of those names within the settled portion of Washington Territory. No treaties have been made with them, though their land has been surveyed and much of it disposed of by the government. They are a docile people, and more industrious than the majority of the Indians within that Territory, and it would seem but just that some permanent provision should be made for them (United States. Congress 1867, 8; J. Ross Browne 1977, 8).

On July 26, 1867, T. J. McKenney, Superintendent of Indian Affairs for Washington Territory, in his annual report to COIA, discussing the non-treaty tribes, stated: "In the southwest are the Chehalis, Cowlitz, Chinooks and Shoal Water Bay Indians, numbering about 350. The lands of these Indians have all been taken for settlement, and only the small tract [Chehalis Reservation] reserved as above noted" (COIA Report 1867, 32). He continued, as a matter of policy recommendation:

> Since the government seems averse to increasing the number of reservations, . . . I would therefore recommend the enlarging of the Chehalis and concentration of all these tribes thereon, notwithstanding their great aversion to leaving their homes and burying-grounds of their ancestors (McKenney 1867, 32 *in* COIA Annual Report; CIT Pet. Narr. 17; CIT Pet. Ex. A-1339).

By this time, however, the surviving Cowlitz were no longer willing to leave the Cowlitz River valley to combine with the Chehalis. On June 20, 1868, describing his distribution of goods to non-treaty Indians at a meeting on the Chehalis Reservation, Superintendent McKenney reported:

> As it has not been the policy of former superintendents to distribute goods to these Indians, and as there seemed to be an invidious distinction between them and other neighboring traders who received from time to time these regular annuities under the treaties, I deemed it wise to remove all grounds of complaint, strengthen the bonds of peace, and give encouragement to the uniform good behavior of these Indians, by making a generous distribution of useful and necessary goods to the Chehalis and other tribes of the southwest not party to any

> treaty. Accordingly I summoned all these Indians to the reservation on the 20th of June last, having previously collected beef and other provisions for their comfort while convened, and by the aid of resident employes [sic], assisted by Sub-agent Hale from Tulalip and Sub-agent Winsor from Quinaielt, proceeded to issue presents, as shown by abstract G of presents, contained in property accounts of second quarter, 1868.
>
> The Cowlitz Indians obeyed the invitation to be present at the distribution stated in a former communication, but refused to accept either goods or provisions, believing, as they declared, that the acceptance of presents would be construed into a surrender of their title to lands on the Cowlitz, where they have always lived, and their ancestors before them, and where they desire that the Great Father in Washington would give them a small reservation, which if he would do, they would accept of presents, but never until then.
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> One main point in my policy in this distribution of goods was to induce, if possible, all of both tribes to come and take up their permanent abode on the Chehalis reservation. And though this effort was not fully realized, yet it will be in a measure accomplished, and the number of Indians on the reservation will be increased from among those heretofore scattered up and down the river (CIT Pet. Narr., 17-18; McKenney 1868, 96-97 *in* COIA Annual Report; CIT Pet. Ex. A-1340 - A-1341; CIT Pet. Ex. A-67).

In the 1869 COIA Annual Report, Samuel Ross, Superintendent of Indian Affairs for Washington Territory included a table of "Indians not parties to any treaty." Those enumerated for the Chehalis Reservation were "Shoal-water Bay, Cowlitz, Chinook, Chehallis" with an estimated population of 900 (Ross 1869, 136 **in** COIA Report 1869; CIT Pet. Ex. A-1355). McKenney omitted the Cowlitz from his 1869 report on the Chehalis Reservation (McKenney 1869, 127 **in** COIA Report 1869; CIT Pet. Ex. A-1342), but E.S. Parker mentioned them in his December 23, 1869, letter published in the 1870 Report (Parker 1870, 12 **in** COIA Report 1870; CIT Pet. Ex. A-1354).

Mentions of the Cowlitz in BIA reports and correspondence, 1870-1877. In 1870, Superintendent Ross reported to the COIA concerning the non-reservation Indians and commented that:

> The Cowlitz and Klickatat are the most thrifty and industrious of these tribes. Some of them have bought land from the Government, and raise crops, pay taxes, and educate their children after the manner of the white settlers. Others are engaged in running a canoe line for the convenience of travelers on the Cowlitz River, and earn a fair subsistence" (CIT Pet. Narr., 19; citing Ross 1870, 27 **in** COIA Report 1870; CIT Pet. Ex. A-1357).

For specific population estimates of the Cowlitz bands during this time period, from both Federal census records and OIA records, see the Genealogical Technical Report. As in 1850 and 1860, the Cowlitz metis families continued to appear on the 1870 Federal census. At this time, some of the Indian families also began to be included.

During the 1870's, mention of the Cowlitz in OIA reports was both regular and terse. In 1871, there was a "Tabular statement of the Indians in Washington Territory. No treaty. Chehalis Reservation. Agent: farmer in charge. Includes Shoalwater Bay, Cowlitz, Chinook, and Chehalis. Total population 660" (Report of the Secretary of the Interior, p. 694; CIT Pet. Ex. A-70). In 1872, James H. Milroy omitted the Cowlitz from his report on the Chehalis Reservation (COIA Report 1872, 359; CIT Pet. Ex. A-1344), but they were included in the general report of his father, Superintendent R. H. Milroy, on non-treaty Indians (COIA Report 1872, 334-336; CIT Pet. Ex. A-1345 - A-1347). He mentioned a remnant of the Cowlitz tribe as one group for which the Chehalis reservation was set apart (CIT Pet. Ex. A-1345):

> The Indians for whom this reservation was set apart, being parties to no treaty, number at least 600, and consist of remnants of the Chehalis, Chinook, Shoal Water Bay, Clatsop, Humptolops, Cakokian, and Cowlitz tribes. The Chehalis is the largest of these tribal remnants, and reside mostly on the reservation, which contains about 5,000 acres, . . . (Milroy 1872, 334 **in** COIA Report 1872; CIT Pet. Ex. A-1345; also Exec. Doc. 34d Session 42nd Cong. 1872-73, 718, Report of the Secretary of the Interior; CIT Pet. Ex. A-66).

He added the following comment:

> Now, considering the relation of the Government toward these once powerful tribes, is it asking too much of her to make liberal appropriations for tiding them over the rough breakers from savage to civilized life? These tribes when first discovered by the white man were in peaceable possession of, and had the just right to, all the country around Gray's Harbor, and from about ten miles north of that bay, south sixty miles along the Pacific coast to the mouth of the Columbia River. The rich valley of the Chehalis and all the country south of that valley to the Columbia River; the valley of the Cowlitz and all the country west of it to the Pacific; embracing the present counties of Pacific, Wahkiakum, Cowlitz, west half of Lewis, south half of Chehalis, and the southwest fourth of Thurston: in all near two million acres of land, which our Government, without treaty, purchase, or contract, or right of any kind, save that which is governed by might, took from these weak, powerless barbarians and appropriated to her own use (Milroy 1872, 335 **in** COIA Report 1872; CIT Pet. Ex. A-1346).

Milroy pointed out that the only recompense had been the setting apart of the Chehalis Reservation, and added:

> The Cowlitz, Chinook, Shoalwater Bay, and Humtolops, have never recognized this [Chehalis] reservation as their home, and refused to come and reside on it; nor have they consented to receive a present of any kind from Government, fearing it might be construed into a payment for their lands (Milroy 1872, 335 **in** COIA Report 1872; CIT Pet. Ex. A-1346; also mentioned **in** Tonner to Cushman 1904; CIT Pet. Ex. A-112).

When he had called a meeting at the Chehalis Reservation on September 10 and 11, 1871, none of the Cowlitz, Chinooks, or Shoalwater Bay tribes had come (Milroy 1872, 335 **in** COIA Report 1872; CIT Pet. Ex. A-1346).

From 1873 through 1877, the COIA Report for each year normally included only the reservations in Washington Territory. The one exception was 1874, when Agent H.D. Gibson, who had arrived from Iowa on September 2 and was reporting on September 28 after touring his new responsibilities with Superintendent Milroy, included the Cowlitz among the nine non-treaty tribes in his jurisdiction

that he had found "mentioned in the report of 1870, page 18" (Gibson 1874, 326 **in** COIA Report 1874).

THE COWLITZ 1878-1904

1878 BIA appointment of Upper/Lower Cowlitz Chiefs. Kiskox, the chief who had led the Cowlitz at the 1855 Chehalis River Treaty Council, died in 1875, described as the "oldest Indian on Cowlitz Prairie" (Schoenberg 1987, 245).[62] Because of alleged "depredations" conducted by the Cowlitz, local non-Indian settlers, within a few years, urged the BIA to appoint chiefs who could be held responsible for the behavior of the Lower Cowlitz and Upper Cowlitz bands.

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[62] **DEATH OF THE OLDEST INDIAN ON THE COAST.** Cowlitz Prairie, W.T., Dec. 20th, 1875.

The oldest Indian on this Coast died at Cowlitz Prairie, W.T., last week, at the age of 114 years. His christian name was Simon, and he was a Christian only three years. In his youth he used to be called Kisskaxe. He was one of the greatest Chiefs of the Cowlitz tribe, and was renowned for his prudence and warlike courage. Twenty years ago, when making an enrollment of his subjects, he stood at the head of 936 warriors, to-day he leaves a tribe of only five families to mourn his loss. Small-pox and whiskey did the work here as elsewhere.

In early days when Bishop Demers was evangelizing this part of the country, old Kisskaxe was his interpreter, and always proved himself to be a friend and a help to the priests. For reasons unknown Kisskaxe refused the saving waters of Baptism up to three years ago, when he was also married in the Catholic Church.

He never touched a drop of liquor but twice in his long lifetime, and that was when he was taken down with the fever and ague somewhere along the Columbia River. Not long ago he was heard to address in the following manner a white man who was addicted to evil intimacy with king alcohol: 'You Boston-man, you kill Indians, you kill yourself. An Indian drinks and has no boots, no pants, no coat, no hat, no nothing, no wife, no children, no gun. You Boston-man, you die and you have no clothes around you in your coffin; your head, your feet, and your body, but no clothes. You go down in the coffin, down in the grave, and your feet knock the coffin flox! flox! because no clothes, because you drink.

As an honor, the Indians who arrive to a very old age, get their name changed and so Kisskaxe became Tghemals. Shortly before dying he received the last sacraments, repeated several times all his prayers in the Indian dialect which he had learned when interpreter and had taught to his tribe over thirty-five years ago, when believing but not professing the Catholic faith. Finally, with all the fervor of a dying Christian, he recommended himself to the Blessed Virgin, and her Son, sang the beautiful hymn: 'Oias Skukum maika," etc., laid down his head and died.

When aid in the coffin, he was dressed in a suit of the finest black cloth, imported by the Hudson Bay Company, which he had bought some thirty years ago, and which he used to show to his brethren of the forest as the reward of temperance. R.I.P.

Yours Devotedly,

P.F.H. (cited **in**: Schoenberg 1987, 245).

Milroy Correspondence 1877-1880 (CIT Pet. Suppl. Ex. A-3371 - A-3444). At the request of the BAR historian, the petitioner obtained and submitted as supplementary petition documentation in July 1995 a series of BIA letters and census enumerations pertaining to the Cowlitz Indians which the petition had referenced, but which had not been included in the original petition exhibits. Typed transcripts of this material were prepared by the Cowlitz ethnohistorian, Dr. Stephen Dow Beckham, and included in the supplementary exhibits.

On January 7, 1878, R. H. Milroy, U.S. Indian Agent at the "Puyallup-Nisqually &c Agency" (as he himself wrote the title), wrote to E.A. Hayt, COIA, referencing a letter of November 15, 1877, from the Hon. O[range] Jacobs. As the result of complaints from a Mr. H. D. Huntington,[63] Jacobs had called the attention of the COIA to alleged "depredations of a small band of Indians who claim that the mouth of the Cowlitz River in Washington Territory is their

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[63] ". . . on account of the young men, which hunting ducks, game & the water fowl, breaking openings in his picket fences, and for taking apples and for pasturing their horses on his meadows &c." (Milroy to Hayt 1/7/1878, NARS M-234 Roll 219, 94).

In a letter from Huntington dated December 27, 1877, which Milroy attached to his report, the complainant expressed the view that his tribulations could be assuaged by a payment of Federal money:

> Dear Sir in Regard to the Indians Here. I have Had a Talk with them They seem Terably averse to Leaving and I have made up my Mind that if The Government will Pay Me about five Hundred Dollars a year and Protect me from Thair Thieving Propensities By apointing One or two more Indians with Power to look after and Punish them for Those Things, I will Let them Remain whare They are and will furnish them with all the Pasture They want Both Those that Life Here and thair visitors all Except the Cascade Indians Them I Dont want Here at all Those of the Cowlitz Indians Living Here and along the Cowlitz River and at the Cowlitz Prairie and thair Comeins and goins will average the year through about forty Horses and it is nothing But Rite that Some Provision Should Be Made for them to Have at Least a Place to turn their Horses and as I Have furnished them with Pasture for Over Twenty years without any Remuneration what Ever; I feel that I am not asking anything More than justice from the Hands of the government. There is also two or three Old and allmost Helpless Indian women that Ought to Have some Provision Made for them a Hundred or Two Dollars juditiously Layed Out for them would make them Mutch more Comfortable (Huntington to Milroy 12/27/77, NARS M-234 Roll 919, 99-100).

Milroy referred Huntington to Orange for a congressional appropriation.

country, and that they have never surrendered it by treaty or otherwise to the Government" (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 90, 93). The COIA had directed Milroy, "at the earliest period practicable to proceed to the place designated and make a full investigation of the facts, connected with these Indians with a view to having them removed to some suitable reservation and make report thereof to this office, with such recommendations as you (I) may deem advisable" (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 90).

Accordingly, Milroy had gone to the mouth of the Cowlitz River on the Columbia River on the 12th-14th of December 1877. He commented to the COIA that if he had known Huntington was the only person complaining, it would have greatly abridged his work. His report provided the COIA with a retrospective report on the Cowlitz Indians, as follows:

> The Cowlitz Tribe of Indians, some thirty years ago, according to the statements of the first white Settlers on the Columbia, were about three thousand strong. At this time to the present they number less than one dozen old & young male & female.[64] When first discovered they occupied the Cowlitz Valley from the mouth up about thirty miles. Previous to that time a powerful band of the Klickatat Tribe who belong East of the Cascade Mountains to Wilburs Agency became detachd from their Tribe and settled on the Upper Cowlitz. Between them and the Cowlitz Indians there existed a deadly hostility for many years, and continued war.[65] The first gifts of our white civilization

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[64] Compare this to the actual numbers on Milroy's 1878 census.

[65] See perhaps local resident Melvin Core [Kohr]'s recollection of relations between Cowlitz and horse-stealing Klickitat near Klickitat Prairie, or modern Mossyrock (Irwin 1995, 55,). After the 1855-1856 Indian war,

> An aged Cowlitz warrior told Victor Wallace afterwards that the Cowlitz Indians had no plans to attack. He conjectured that the Klickitats had not come because, before his father was born, there had been a battle at Rocky Point, north of Kelso, where the Cowlitz killed many Klickitat, who wanted slaves, and captured and burned their chief in a great pile of logs. The old warrior speculated that perhaps the Klickitat remembered that defeat and did not quite trust the Lower Cowlitz. (Wallace, M., [1949] 1968, 23) (Irwin 1995, 140).

> (!) to the Indians on this Coast were Whiskey and Syphilis (See Report Com. Ind. Affs. for 1872, pp. 332 & 333.), these with said war rapidly exterminated the Cowlitz Indians. The remnant of the tribe became concentrated in the "large band" mentioned by Delegate Jacobs (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 91) [footnotes added].

The information that Milroy provided to the COIA is useful in determining the residence of the Lower Cowlitz in 1877. He stated that, "[t]he greater part of the lands in said band, consisting of about 2000 acres was purchased from the Government over 25 years ago by Mr. H. D. Huntington who still owns said land. The Cowlitz Indians were domiciled on said land when he purchased it from the Govt. and have been permitted by him to remain there ever since" (Milroy to Hayt 1/7/1878, NARS M-234, Roll 19, 92).[66] Milroy's investigations also provided useful information concerning the internal structure and relationship between the Lower Cowlitz and Upper Cowlitz at this date:

> Their Chief At-win (preferably Antoine) (See Report Coms. Ind. Affs. for 1870, p. 18), is considered a reliable and trustworthy man. His people and said band of Klickatats made peace some ten years ago and are intermarried and bands of them live with At-wain on Mr. Huntington's land . . . The few Klickatats present agreed to abide by what AT-win said. Most of the Klickatats reside on the upper Cowlitz . . . I have also written Agent Wilbur to know whether he could not use some influence to have the Cowlitz band of Klickatats to rejoin the main portion of said tribe under his charge, . . . There are at this time not to exceed forty of said band (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 92, 95-96).

Milroy included a general description of the work done by the Cowlitz (and also the Cascade, Nisqually, and Chehalis) Indians for the farmers in the region, not only hop-picking, but also "slashing, clearing land, plowing, planting,

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See also Rule's recollections (Irwin 1995, 117; citing Rule 1945, 3).

[66] It should be possible to obtain a legal description of the location of Huntington's land purchase from either BLM records or Lewis County, Washington, deed records.

harvesting, etc." (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 94). Beyond the immediate topic of dispute, Milroy provided the COIA with some general background information:

> The Cowlitz Indians and said band of Klickatats are non-treaty Indians, as are all the Indians in this region of country between this place and the Columbia River and between the Cascade range of Mountains and the Pacific Ocean, South of this place So that said Indians have an equitable right to said region, as they were found in possession of it when the whites first came to this Country; and said equitable right was recognized by the Government through his authorized official Gov. I. I. Stevens in 1855, . . . (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 92).

Milroy commented that after the Chehalis River Treaty Council had broken up, "the Government took possession of Said region, Surveyed & Sold the best of it to her citizens without the Consent of her helpless Wards (!!!)" (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 93). He also included some policy recommendations,[67] recommending industrial boarding schools on the reservations for the children, but saying that:

> if the Govt. does not intend to so gather up and educate the children of her wards, and thus perpetuate the Indian race, I would recommend that said Cowlitz and Klickatat Indians be left undisturbed where they are to dwindle out of existence, which they will in less than one generation, as their rapid rate of decrease. I have always encouraged these scattered Indians to take homestead claims, and some have done so, and others intend doing so as stated by At-wain (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 97-98).

Atwin Stockum did not want to be responsible for the Klickitats. In a letter to Milroy dated December 17, 1877,

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[67] For Milroy's policy recommendations, see also his letters of May 11, 1878, to COIA Hayt (Milroy to Hayt 5/11/1878, NARS M-234 Roll 919, 392-393); March 8, 1880, to COIA R.E. Trowbridge (Milroy to Trowbridge 3/8/1880, NARS M-234, Roll 920, 1438-1451); and March 11, 1880 to COIA Trowbridge (Milroy to Trowbridge 3/11/1880, NARS M-234, Roll 920, 1432-1436).

he summarized his discussions with Mr. Huntington on conditions for remaining on his land and then added:

> I will look out for my own people the Cowlitz Indians just as we talked of . . . I will go on my own land in the Spring & build me a house on it & slash on it to make me a home . . . if I have any trouble at any time I will come over & See You in regard to it as I stated before I will look out for my own people but will not have a thing to do with the click a tat.
> if [sic] my proposition suits you please drop me a line & Oblige (Stokum to Milroy 12/17/77, NARS M-234 Roll 919, 101-102).

Apparently Stockum's reluctance to take responsibility for the Klickitat was generally known, for on December 25, 1877, William Pumphrey, a white settler married to a Cowlitz woman, wrote to Milroy from Olequa, Washington, that:

> We in this Settlement would ask you to make Captain Peter Chief of the Clickatats Indians as we know him to be a good Indian and we think it is the wish of all the Settlers in the Cowlitz that he can manage the Indians better than any other Pearson [sic]: I will Send you a Petition Signed by all the People in the neighborhood if necessary Also the wish of Indians . . . PS we are wiling [sic] to have all the Indians left here on this River (Pumphrey to Milroy 12/25/1877, NARS M-234 Roll 219, 103).

Milroy replied requesting the petition and, besides the endorsement of Captain Peter, asking him to "state the wishes of settlers generally about having Indians to remain where they are" (Milroy notation, NARS M-234 Roll 219, 103). The petition itself, dated "Cowlitz River Wash Territory January 1878," stated that:

> we the undersigned citizens residing in the Valley of the Cowlitz River having heard that their is Some Talk of the Government Removing the Indians residing in Said Valley to Some reservation and knowing Said Indians to be Peaceable and well disposed and Generally usefull to the whites Settlers as Laborers Respectfully Petition and ask that they be Permitted to Remain where they are undisturbed. We also Petition that Capt. Peter who we know to be a good trusty Indian be

> appointed Chief of the Klickatat Indians in Said Valley (NARS M-234 Roll 919, 105).

Of the 23 signers of this petition (NARS M-234 Roll 919, 105-106), at least 11 were either married to Cowlitz women or were themselves metis (see the Genealogical Technical Report to this proposed finding). Of the 25 signers of a second petition dated January 1878 to the same effect, only one was identifiable as metis (NARS M-234 Roll 219, 215-216).

In 1878, Agent R.H. Milroy, "late Superintendent of Indian Affairs," issued a certificate on behalf of the United States to Antoine [Atwin] Stockum citing him as chief of the Cowlitz tribe (CIT Pet. Narr., 20; CIT Pet. Ex. A-78).[68] According to tradition, Stockum was a son of Scanewa, the Cowlitz chief who was killed in 1828, and a brother-in-law of Simon Plamondon, Sr.

Although no certificate has been located, in 1878, as well, local citizens requested that Captain Peter [Wyaneschet] be appointed chief of the Upper Cowlitz/Cowlitz Klickitat. In considering the correspondence in BIA records, these appointments appear to have been made in response to requests from white and metis settlers along the Cowlitz River, from Kelso north. It is clear from the correspondence that the settlers knew the Cowlitz bands. No chief was appointed at this time for the Lewis River Band. It is not clear whether there already was one in office, or whether none was appointed because the settlers in that area were not requesting one. No data pertaining to this issue was located in BIA records.

1878/1879 BIA censuses. Apparently as a result of the interest caused by the installation of the new chiefs, during the next two years the Indian agents paid a considerable amount of attention to the Cowlitz Indians, including the taking of two censuses.

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[68] Harold Otho Stone, a non-Indian eyewitness to Stockum's Shaker resurrection about 1907, described his status as follows:

> Atwin Stockum was the hereditary chief of the Cowlitz Indians and also had been appointed as their chief by Ulysses S. Grant when as a young officer Grant was stationed in the territory which is now the state of Washington (Stone 1959; CIT Pet. Ex. A-867).

1878 Milroy Census, Lower Cowlitz. In 1878, Superintendent R.H. Milroy compiled a "List of heads of families and no. of each and of individual Indians belonging to the remnant of the Cowlitz Tribe, residing on the Lower Cowlitz River in Cowlitz County Washington Territory" (NARS M-234 Roll 919, 454-455). There were 66 persons (CIT Pet. Suppl. Ex. A-3414 - A-3415). See the Genealogical Technical Report, Appendix I, for the contents. On August 28, 1879, Milroy reported to the COIA concerning the Cowlitz Band, consisting of 66 Indians, men, women, and children, and situated on Cowlitz River near its mouth, 65 miles south of Olympia (Milroy 1879, 148 **in** COIA Report 1879; CIT Pet. Ex. A-1348). He stated that the Lower Cowlitz band was the remnant of a once powerful tribe and spoke "a language different from all others" (Milroy 1879, 149 **in** COIA Report 1879; CIT Pet. Ex. A-1349).

1878 Milroy Census, Upper Cowlitz. Simultaneously, Milroy compiled a census of the Upper Cowlitz, the: "List of heads of families and number of each, and of individual Indians belonging to the Cowlitz Klickatat band of Indians residing in Louis County, Wash. Tery." (NARS M-234 Roll 919, 456-458; CIT Pet. Suppl. Ex. A-3417 - A-4319). See the Genealogical Technical Report, Appendix B, for the complete contents. In his August 28, 1879, report to the COIA, he reported that this Cowlitz Klickitat band consisted of "105 Indians, men, women, and children, and situated on the Upper Cowlitz River and tributaries, about 40 miles southeast of Olympia" (Milroy 1872, 149 **in** COIA Report 1879; CIT Pet. Ex. A-1349).

No 1878 census of the Lewis River band has been located in the BIA records. However, also on August 28, 1879, Milroy's report to the COIA included the: "Louis River Band, consisting of 104 Indians, men, women, and children, and situated on the Louis River and tributaries, about 90 miles southeast of Olympia" (Milroy 1872, 149 **in** COIA Report 1879; CIT Pet. Ex. A-1349). Milroy added that, "the Upper Cowlitz Klickitat and Louis River bands talk one language, the Klickitat spoken by most of the Yakamas" (CIT Pet. Ex. A-1349).[69]

For discussion of Cowlitz and Cowlitz metis families who were included in the 1870 and 1880 Federal census records, see the Genealogical Technical Report.

[69] 1879 Table of Statistics, Nisqually Agency: Cowlitz 66; Cowlitz Klickitat 105; Louis River Klickitat 104 (Report of the Secretary of the Interior, p. 348; in CIT Pet. Ex. A-71).

Mentions in BIA records, 1880-1904. Yvonne Hajda was apparently taking the total numbers of the 1878 count, including the Lewis River band, when she wrote:

> In 1879, about 275 Cowlitz were still in their own territory, though White settlers had gradually pushed them out of lands in Cowlitz Prairie to areas farther up the Cowlitz. The nonreservation Cowlitz made a living by working for Whites and running Canoe and ferry services on the Cowlitz River. Whites bought fish the men caught and berries picked by the women. Logging and railroading provided jobs in the 1870s and 1880s, and logging continued to be important in the early twentieth century (Hajda 1990, 515).

However, Milroy's 1880 report to the COIA indicated that he regarded them as three separate bands:

> The seven bands belonging to this agency, not on or belonging to any reservation, number in all about 450 persons, and consist of the Gig Harbor, Mud Bay, South Bay, Olympia, Cowlitz, Cowlitz Klickitats, and Louis River (Report of the Secretary of the Interior; in CIT Pet. Ex. A-73).

Milroy reported to the COIA that he had encouraged these off-reservation Indians to take homesteads (pursuant to the modifications in 1875 of the Homestead Act allowing Indian tracts to pass into trust).[70] He stated that a number of

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[70] That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, who may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "an act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however*, That the title to lands acquired by any indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance ot the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided*, That any such Indian shall be entitled to his distriubtive share of all annuities, tribal funds, lands, and other property, the same as though he had

the Indians had filed for these lands (CIT Pet. Narr., 21; citing Milroy 1880, 160 **in** COIA Report 1880; CIT Pet. Ex. A-1351), but BIA researchers found no evidence of filings this early (see also the more extensive discussion below of the Cowlitz public domain allotments. A list of the Cowlitz Indian homsteaders and public domain allottees is to be found in the Genealogical Technical Report, Appendix III).

Superintendent R.H. Milroy reported the following figures in 1881 for the 1880 "careful and complete census of the Indians belonging to this agency *not taxed*. In compliance with said direction and instructions I had such census taken and forwarded at different times last spring, one copy to your bureau and one copy to the Census Office." The figures were: "Lower Cowlitz band," 56; "Upper Cowlitz band," 71; and no count for the "Lewis River band" (Milroy 1881, 164 **in** COIA Report 1881; CIT Pet. Ex. A-1352).[71] He explained the "falling off or difference" between the 1878 and 1880 figures by pointing out that many non-reservation Indians had been included on the Federal census because they were taxed (Milroy 1881, 164 **in** COIA Report 1881) and that, "The census of 1878, having been mostly taken or obtained from chiefs and head men, was perhaps somewhat exaggerated and not very reliable" (Milroy 1881, 165 **in** COIA 1881; CIT Pet. Ex. A-76, A-1353). In 1881, the Cowlitz were under the

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maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void (18 Stat. (Pt. 3) Ch. 131).

[71] 2nd. It will be seen that not one of the Lewis River band, which, by the census of 1878, numbered 104, was included in the Indian census of this agency, which was occasioned by the following facts: I was informed that the greater part of them had been taken by the enumerator of the white census, and those not taken were scattered over a region of country fully as large as the State of Delaware--out of the way, very broken, heavily timbered, and difficult of access--and to have hunted up these scattered Indians, probably not to exceed twenty-five or thirty in all, would have required the time and expense of an enumerator for perhaps three weeks, which I considered would not pay. The enumerator whom I employed to take the census of Upper and Lower Cowlitz and the Lewis River bands after completing the census of the two first named bands declined to take that of the latter, and it being late, I did not engage another enumerator (Milroy 1881, 165 **in** COIA Report 1881).

jurisdiction of the Puyallup, Nisqually, and Chehalis Agency (CIT Pet. Ex. A-113); in 1883, the Upper and Lower Cowlitz were under the jurisdiction of the Nisqually, S'Kokomish, and Tulalip Agency. The 1883 estimated census was the same count as 1881 (mentioned in Tonner to Cushman, CIT Pet. Ex. A-113)

Report of a Local Resident. Mrs. Mary (Benefiel) Quigley, whose father took a homestead near Toledo, Washington, in 1882, reported that during her youth:

> The Cowlitz tribe had their reservation about one half mile from our house and had many pow-wows. Indians came from many miles and we surely lost many nights of sleep from their drums, yells, and dogs, although we had no fear of them (Toledo Community Story n.d. 74; CIT Pet. Ex. A-14).

Technically, of course, the Cowlitz did not have a reservation. The statement is nonetheless illuminating as to the view of the group held by local non-Indians in the later 19th century.

Cowlitz Public Domain Allotments and Indian Homesteads, 1888-1945. Milroy's efforts in 1877-1878 to persuade the Cowlitz Indians to enter land were made possible by the provisions of a Federal acts, an 1875 modification of the Homestead Act. Juridically, the March 3, 1875, modification of the Homestead Act was different from the July 4, 1884, modification of the Homestead Act.[72] Both Indian Homestead acts were distinct from the General Allotment Act of 1887 (also known as the Dawes Act).[73]

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[72] Indians who were tribal members were not considered citizens, and thus they were not eligible to homestead under the Homestead Act when it was passed in 1862. Two Indian Homestead Acts, dated March 3, 1875, and July 4, 1884, allowed Indians to use the Homestead Act, and also exempted them from paying the usual filing fees. the 1875 act exempted the homesteads from taxation during an initial five year trust period. The 1884 act changed this trust period to 25 years, identical to the trust period for public domain allotments (BAR 9/23/96, 54).

[73] Public domain allotments must be distinguished by petition researchers from Indian homesteads. Although Indian homesteads also enabled Indians to obtain individual plots of land held under the protection of the Federal trust, they do not provide good evidence of previous Federal acknowledgment.

Some of the allotments held by Cowlitz individuals under the Taholah Agency were clearly documented as Indian homesteads. Others, however, particularly those assigned by the Yakima Agency within its territorial jurisdiction, were clearly documented by BIA records as public domain allotments.

The 1875 Indian Homestead Act provided that Indians were eligible if they had been born in the United States and were Indians "who have abandoned or shall abandon tribal relations" (BAR 9/23/96, 54; citing Cohen 1937, 259). In spite of Milroy's urgings in 1877/1878, it does not appear that any Lower Cowlitz or Upper Cowlitz took Indian Homesteads under the 1875 Act. The 1884 Indian Homestead Act did not specifically require abandonment of tribal relations, but neither did it repeal the provisions of the 1875 act (BAR 9/23/96, 54-55).[74] Under this act, the first Cowlitz Indian homestead was assigned in 1888 (see Genealogical Technical Report, Appendix III).[75]

The reasons have to do with the laws under which the homesteads were made and the way the program was administered (BAR 9/23/96, 53-54).

[74] That such Indians as may now be located on public lands, or as may under the direction of the Secretary of the Interior, or otherwise, hereafter, so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, one thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in the case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever (Appropriations, Act of July 4, 1884, Ch. 180).

[75] The homesteads were obtained through application to the local offices of the General Land Office. Action was frequently by the individual Indian alone, with no role necessarily taken by an Indian Service official. This contrasts to the central part played by the Indian Service in establishing public domain allotments (Hauke 1919). Thus the awarding of Indian

Most information on the Cowlitz Indian homesteads is located in the Taholah Agency Records, now at Hoquiam, Washington.[76] For a more detailed discussion, see the Genealogical Technical Report, especially Appendix III. The petitioner submitted a map of these homestead locations (CIT Pet. Narr., 181; CIT Pet. Ex. A-1233). The petition states that these lands were in the vicinity of Randle, Washington (CIT Pet. Narr., 36; CIT Pet. Ex. A-1231 - A-1291). The map indicates that they were located along the Cowlitz River above Olequa as far north as Randle, a distance of some 60 miles.

By contrast to the Homestead Act, the 1887 General Allotment Act (or Dawes Act) provided both for the allotment of reservations and for individual Indian allotments on public land outside of reservations, based on the existence of tribal relations. Section Four of the General Allotment Act applied to Indians "not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress or Executive order . . . ." Nonreservation

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> homesteads, unlike public domain allotments, does not provide good evidence [of] an acknowledged government to government relationship with a tribe.
>
> The Indian Homestead Acts do not define "Indian" and no regulations or policy statements were found which defined "Indian" for these purposes. The acts and policies do not establish the clear requirement to be maintaining tribal relations that the public domain allotment laws did. They merely mean that General Land Office agents should not use the Indian status (non-citizen status) or ancestry of an individual to deny them homesteads. the application of the Indian Homestead Acts for the benefit of individual indians, therefore, does not provide clear evidence of previous acknowledgment of the existence of a tribe, or that the individual homesteader was part of a tribe (BAR 9/23/96, 55).

[76] The petition authors knew that the Taholah Agency was established in 1914 (CIT Pet. Narr., 25), but nonetheless repeatedly referred to the "Superintendent of the Taholah Agency" in reference to events as early as 1910 (CIT Pet. Narr., 26-27).

> Once a homestead was granted, the Indian Service, in theory at least, had responsibility for the trust land. In addition, the allottee then was considered a "ward" Indian and hence the responsibility of the agency. The Commissioner of Indian Affairs in 1895 reported that some efforts were being made by special Indian agents or U.S. District Attorneys, where feasible, to assist Indians with challenges to their homestead entries. However, in practice, the agency did not necessarily maintain accurate or complete records of the homesteads nor of the Indians holding them (BAR 9/23/96, 55-56).

allotments were commonly known as "public domain" allotments or sometimes as "fourth section" allotments. They were to be held by the United States in trust for the allottee for 25 years, but the act provided that the president had the discretion to extend the trust period. A 1906 amendment to the General Allotment Act allowed the Secretary of the Interior to issue a fee patent to the land, taking it out of trust, and declared that the allotment remained in trust, even after 25 years, until a fee patent was actually issued (for further specifics, see generally, BAR's California Acknowledgment Working Paper 9/23/96 Draft).[77]

The Department of the Interior limited participation in the public domain allotment program to individual Indians who were "maintaining tribal relations." The Department of the Interior's regulations in 1928 stated that, "[a]n applicant for an allotment under the fourth section is required to show that he is a recognized member of an indian tribe or is entitled to be so recognized" (Department of the Interior 1928). The regulations stated that "such qualifications may be shown by the laws and usages of the tribe." In some cases, the agency made inquiries to tribes to determine whether the applicant was a tribal member (Department of the Interior 1914). The Department's rules also stated that "[t]he possession of Indian blood, not accompanied by tribal affiliation or relationship, does not entitle a person to an allotment on the public domain" (Hauke 1911). Thus Second Commissioner of Indian Affairs C.F. Hauke told a rejected applicant that the "quantity of Indian blood does not determine the right of an Indian to an allotment either on a reservation or on the public domain. Membership or the right to membership in any Indian tribe is necessary . . . ." (Hauke 1911).[78]

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[77] The public domain allotment provision of the General Allotment Act was used aggressively throughout the West from the passage of the act through the 1920's to provide land to non-reservation members of reservation tribes and to members of tribes without reservations . . . In some instances, the public domain allotments made to members of a tribe were located close together and within the tribe's traditional lands . . . In other instances, public domain allotments appear to have been scattered, reflecting either the dispersed location of tribal members or the location of land that was available for allotment (BAR 9/23/96, 47-48).

[78] The above indicates that allotting agents and superintendents . . . determined if the individuals were maintaining tribal

The public domain allotments assigned to Cowlitz Indians lay within the jurisdiction of the Yakima Agency (see Genealogical Technical Report, Appendix III). The petitioner submitted no evidence relative to these allotments.[79]

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relations, and, by implication, that a tribe existed. the right of individual Indians to be allotted land therefore rested on the existence of a tribe. The application form for a public domain allotment required applicants to state the tribe which they were part of. The application required a corroborative affidavit which also included a statement verifying the applicant's tribal affiliation (DOI 1918, 22-23) (BAR 9/23/96, 50-51).

No documentation has been found which explicitly declares that a public domain allottee's tribe had to have been under Federal jurisdiction at the time the allotment was made. However, the overall context of Indian Service directives and agency documents concerning public domain allotments very strongly indicates that the U.S. only sought allotments for tribes for which it had acknowledged responsibility. The history of the General Allotment Act itself strongly supports the same conclusion (BAR 9/23/96, 51).

This conclusion is supported by the fact that the Act does not treat fourth section (public domain) allotments differently than reservation allotments, except for procedural requirements growing out of the legal status of the land from which an allotment is being made. Further, there is nothing in the language of section four itself which distinguishes between the Indians to whom it applies (Indians from reservation tribes who were not residing on their reservation or for whom no reservation had been provided) and Indians resident on a reservation, to whom the rest of the act applies. The only distinction is the source of land for the allotment. The law does not imply a distinction in tribal legal status or nor [sic] in the allottee's status as a tribal member (BAR 9/23/96, 51-52).

A 1989 report by the Office of the Assistant Solicitor for Tribal Government and Alaska concerning an allotment appeal reviewed the laws concerning public domain allotments as well as associated regulations and decisions. The report concluded that ". . . section four implicitly requires membership in a tribe that is federally recognized . . ." (Keep 1989, 2). Section four of the General Allotment Act remains law today (BAR 9/23/96, 52).

[79] The fact that a member of a petitioning group or their ancestor was given a public domain allotment, even if it was later cancelled or withdrawn, is good evidence that the petitioning group was an acknowledged tribe at the time the allotment was made. The law establishing the public domain allotments appears to treat non-reservation groups whose members got such allotments as having the same status as

BIA Administrative Developments 1885-1904. General R.H. Milroy retired from the OIA in August 1882 (COIA Report; CIT Pet. Ex. A-1360). By 1885, Edwin Eells served as Agent for the Chehalis, Nisqually, and Puyallup reservations,[80] and the non-treaty, off-reservation tribes of south-central Washington Territory (CIT Pet. Narr., 22; Eells 1885:193, A-1336). In 1888, Eells had responsibility for the consolidated Puyallup Agency, formed from merging the Nisqually-S'Kokomish and the Quinault Agencies (CIT Pet. Narr., 23). In 1895, the Puyallup Consolidated Agency was made up of the Puyallup, Chehalis, S'Kokomish, Quinaelt, Nisqually, Squaxon, and Georgetown reservations, and supervision of the S'Klallam and Cowlitz Indians who had no reservations (CIT Pet. Narr., 24; citing Newberne 1895:404; CIT Pet., Ex. A-1378).

Mentions of Cowlitz Indians in COIA Annual Reports, 1883-1898. In 1904, Acting COIA Tonner reported that after 1883, no further mention of the Cowlitz Indians was made in reports of United States Indian agents for a number of years (Tonner to Cushman 10/24/1904; CIT Pet. Ex. A-113). This statement must refer only to the published reports contained in the annual Report of the COIA, which did not mention the Cowlitz again until 1893. Other BIA documents, such as the records of the Chemawa Indian School,[81] show references to Cowlitz Indians during the later 1880's and early 1890's, as did the land records referenced above. Hodge's Handbook reported that in 1887, there were "127 Cowlitz on Puyallup res., Wash., no longer called Cowlitz, being evidently officially classed as Chehalis" (Hodge 1907, 355). The

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clearly recognized, reservation tribes. The program itself is based on a recognition that there were substantial number of Indians, including entire tribes, for which no reservations had been established by 1887 and for whom the Federal government had a responsibility. public domain allotments were made by agents of the Indian Service, largely by special agents operating from the central office in Washington. This is supporting evidence that the allotment was based on a Federal relationship (BAR 9/23/96, 53).

[80] According to Marino, Edwin Eels, Congregational Church, served as Indian Agent at the Skokomish agency, later consolidated with the Puyallup agency, from 1871 until 1895 (Marino 1990, 172-173).

[81] This was the Training School for Indian Youth, established in 1880 in Forest Grove, OR; moved in 1885 near Salem OR (Marino 1990, 173).

source of Hodge's statement was not stated in the Handbook and was not located by the BIA researcher.

A change in Federal Indian policy was inaugurated in 1939 with the appointment of Thomas J. Morgan as Commissioner of Indian Affairs. His first annual report stated clearly his presumptions that the reservation system should soon cease to exist, that Indians should be absorbed into national life as American citizens, that Indians "must conform to 'the white man's ways,' peaceably if they will, forcibly if they must," and that:

> The tribal relations should be broken up, socialism destroyed, and the family and the autonomy of the individual substituted. The allotment of lands in severalty, the establishment of local courts and police, the development of a personal sense of independence, and the universal adoption of the English language are means to this end (Prucha 1990, 177).

When mention of the Cowlitz reappeared in the 1893 annual Report of the COIA (CIT Pet. Ex. A-113), it accorded with the above policy. Dated August 31, 1893, it stated that, "The Cowlitz Indians, living in the southern part of the State, are scattered, and most of them live on small farms of their own. They are so much absorbed into the settlements that they hardly form a distinct class any more" (Eels 1893:330; CIT Pet. Ex. A-1366 - A-1367).[82] In 1894, Eels stated generally that, "The principal work that the government does for the non-reservation Indians is to maintain schools for their benefit and supply them with medicines and medical attendance" (CIT Pet. Narr., 24; citing Eels 1894:319; CIT Pet. Ex. A-1374-1375).[83] He added specifically that, "The Cowlitz Indians are all scattered among the whites. Some have homes on land of their own, and some roam about and work for others. They mingle with the whites rather more than the others" (CIT Pet. Narr., 24; citing Eels 1894:320; CIT Pet. Ex. A-1374 - A-1375).

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[82] By contrast, see the description below of the Cowlitz Indians near Kelso in the 1890's (Olson 1947).

[83] The petition materials contained spotty information from the Taholah Indian Agency, Hoquiam, Washington, pertaining to medical services furnished to individual Cowlitz Indians, including Peter Satanas in 1927 (CIT Pet. Ex. A-231 - A-236) and the family of Mary L. (Plamondon) Bouchard Wilson King in 1940 (CIT Pet. Ex. A-270 - A-271).

In August, 1895, R.E.L. Newberne, Superintendent of the Puyallup School, reported: "What is known as the Puyallup Consolidated Agency is made up the Puyallup, Chehalis, S'Kokomish, Quinaelt, Nisqually, Squaxon, and Georgetown reservations, and the supervision of S'Klallam and Cowlitz Indians who have no reservations" (Newberne 1895:404; A-1378). His comments on the Cowlitz paraphrased those of Eels: "The Cowlitz Indians are scattered among the whites and are rapidly losing their identity. Some own their own homes, while others are content to wander about and work for others" (CIT Pet. Narr., 24; citing Newberne 1895:405, CIT Pet. Ex. A-1379). On August 20, 1897, Frank Terry, School Superintendent in charge of the Puyallup Consolidated Agency, spoke only of "scattered Indians around the south and west shores and arms of Puget Sound and along the Chehalis and Cowlitz rivers" (Terry 1897:293; CIT Pet. Ex. A-1380), while in 1898 Terry reported on the reservations under the agency and then stated that: "In addition to these there are Indians scattered throughout the country, including Cowlitz and others not classified, . . ." (Terry 1898:302; CIT Pet. Ex. A-1382).

Yakima allotments. In her 1986 dissertation, Darlene Fitzpatrick wrote that, "between 1873 and 1914, when the Yakima tribe closed its rolls, Cowlitz could enroll with the Yakima or the Quinault" (Fitzpatrick 1986, 163). This statement was not accurate for either of the above reservations. The situation was much more complex.

Very few Cowlitz families appear in the Yakima reservation records prior to 1900 (see Genealogical Technical Report). Those who did appear prior to 1900 appear to have received allotments not because they were Cowlitz, but because part of their ancestry was Klickitat--a band included in the provisions of the 1855 Yakima treaty. This was particularly the case with families from the Lewis River area, but also applied to such Lower Cowlitz families as the Wannassays. After 1892, some may also have fallen under the provisions for the Cascade Indians.[84] One major branch of the

[84] "The Cascade Indians were also alloted [sic] upon the Yakima Reservation. This group of Indians lived upon the Columbia River and occupied a territory adjacent to, but outside of the ceded area. This group of Indians in 1892 made a contract with a Mr. Foote, Attorney, Washington, D. C. to represent them in a claim against the United States Government for the loss of their territory and fishing rights. The territory described in the contract is not a part of the territory ceded by the Yakima Tribes under the Treaty of 1855. The alloting committee classed them as a part of the Yakima Tribes and they were given allotments

Garrand/Weaser Cowlitz family received allotments on Yakima because the maternal ancestress was Cascade.

A former resident of the Cowlitz River region, Mrs. Mary (Benefiel) Quigley of Seattle, Washington, wrote that her father first settled in Freeport (Kelso) and then in 1882 took a homestead "one mile south of Toledo--to the left of the highway and north of Salmon Creek" (CIT Pet. Ex. A-14). During this period, which would have been after 1882:

> We knew Indian George very well for many years. He had his fish traps set on our property along Salmon creek . . . Later this tribe of Indians were taken and annexed to the Yakima tribe. It was there that Indian George was killed when he was thrown from his horse that had stepped in a prairie dog hole. We also knew Indian Kitty . . . (Toledo Community Story n.d., 74; CIT Pet. Ex. A-14).

Fitzpatrick stated:

> Another group is the Yakima Cowlitz, descendants of Cowlitz Taidnapam speakers who migrated to Yakima, at the turn of the century, in order to enroll with that Nation and obtain reservation land during the allotment period; they are not formally organized and represent a band or ethnic group within the Yakima Nation. Many Taidnapam families remained active in the Cowlitz efforts to resolve their dispute with the federal government over lands taken from them (Fitzpatrick 1986, 29, 226).

The petition presented no information pertaining to Cowlitz allotments on the Yakima Reservation. In 1950, writing to the COIA, Darrell Fleming of the Yakima Indian Agency provided a succinct summary of the allotment procedure on the Yakima Reservation:

> Those allottees who received allotments before the year 1910 were for the most part descendants of

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although their affidavits revealed that they were not descended from any tribes other than the Cascade Indians" (Darrell Fleming, Yakima Indian Agency, to COIA, 28 February 1950; BIA Area Office, Portland, OR, Folder 1306-06 Yakima Enrollment "Cascade Blood").

the 14 Original Tribes,[85] but those who received allotments after 1910 and their descendants presented a real problem to the enrollment committee in determining their degree of blood and the tribes and bands from which they were descended.

After those Yakima Indians, who did accept them, were given allotments upon the Yakima Reservation, there remained a great deal of agriculture land which had not been alloted. At that time there was a 14 member alloting committee composed of leaders of the Yakima Tribes whose duty it was to pass upon a persons eligibility for an allotment. The committee was of the opinion that if the remaining land classed as agricultural was not alloted, the reservation might be thrown open for white settlement as had been done in past on other reservations. In order to protect themselves from such an eventuality, they sent delegates to the neighboring tribes, especially on the west side of the Cascade Mountains, who invited their relatives and friends to come upon the Yakima Reservation to obtain allotments. Indians from other tribes who had no established reservation and who could not obtain allotments on their own reservation because there was no longer any land remaining to be alloted, came upon the Yakima Reservation and made application for allotments. Each applicant was required to file an affadavit stating hat he was descended from a person who was a member of the 14 Original Yakima Tribes or Bands. The affadavits were supported by the statements of two disinterested parties who claimed that they knew the applicant and his family history. Many of the applicants, their parents or grandparents had never lived upon the Yakima Reservation or the ceded area. These people could not have been descended from members of the 14 Original Yakima Tribes, parties to the Treaty of June 9, 1855, as their ancestors were born outside of the ceded area prior to 1855 [grammar, spelling, and

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[85] The major exception consisted of the Cascade Indians from along the Columbia River, who in 1892 were classed as part of the Yakima Tribes and given allotments on the basis of a claims action (Fleming to COIA, February 28, 1950, 2).

> punctuation sic] (Fleming to COIA, February 28, 1950, 2).

The Yakima Agency realty records have extensive information on these allotments. The tract books are at the Bureau of Land Management in Seattle, Washington. Families later identified as Cowlitz who were allotted under the Act of Congress approved February 8, 1887, in accordance with instructions from Commissioner of Indian Affairs dated May 8, 1889, included Wannassay, Waters, Umtuch, Cleparty, Farron, Northover, and Zack.[86] Subsequent acts providing for allotments on Yakima were dated February 28, 1891; December 21, 1904; May 6, 1910; and June 25, 1910. Families allotted under the later acts included Kiona, Cheholtz, Satanas, Iyall, Phillips, White, Eyle, and other clearly Lower Cowlitz and Upper Cowlitz families whose residence was in the Cowlitz River valley.

Emma Mesplie apparently dated the move of the Northover family to Yakima at about 1896, but her statement conflated the actual move with the beginning of Cowlitz claims activity, which did not occur until much later, about the World War I time period:

> The first Cowlitz Indian meetings after removal were held at the Northover home here on the Yakima Reservation. My father, Joseph Northover, was the chairman. Annie Johnson was the secretary until her death, and then August Mesplie was secretary until 1952 (Emma Mesplie statement, 24 June 1986; BIA Claims File, Docket 218, #2).

Yakima records indicate that many of the Cowlitz families that received allotments never became Yakima residents, while others did not move to their allotments until the 1920's. However, a few families from the Cowlitz River valley did move to Yakima.

Impact of the Indian Shaker Church. The Indian Shaker church had its origins in the early 1880's on the Squaxin

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[86] Zack is recalled as a Cowlitz Indian who while hunting near Chelatchie Prairie on the Lewis River saw 200 armed warriors and hurried downstream to warn American settlers during the 1855-1856 war (Irwin 1995, 147-148).

In his discussion of Shakerism, H.G. Barnett wrote: "For some time before this, the Yakima had heard rumors of the religious excitement over the mountains. One of them, William Zack, had married a woman from Longview; . . ." (Barnett 1957, 70).

Island reservation (Barnett 1957, 5-7). It is still influential on the Chehalis and Yakima reservations. By the early 1890's, it was having an impact on the Cowlitz, whose contact with Christianity up to that point had been essentially Roman Catholic.[87] According H.G. Barnett:

> Although some Cowlitz Indians lived with the Chehalis around Oakville, others had never agreed to accept this as a reservation and remained on scattered farms on the prairies adjacent to the Cowlitz River. Most of them in the 1880's were around Longview and Kelso, at the mouth of the river near its junction with the Columbia. An Indian living in Kelso, Aiyel Wahuwa [Iyall Wahawa], had relatives among the Chehalis. Because of these connections he made an early acquaintanceship with the religion and became an important agent for its dissemination (Barnett 1957, 69).

In 1896, John Mooney stated that, "The Shaker church now has a building for church purposes at Mud Bay, Oyster Bay, at Cowlitz, Chehalis, and Puyallup. . . the . . . Cowlitz . . . either belong or are in sympathy with its teachings . . ." (Mooney 1896, 759). According to Barnett, the Shaker church at Longview was in existence by 1893, because, "there was a nucleus of adherents around Kelso and Longview who helped

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[87] Barnett pointed out the close relationship between some Shaker and some Roman Catholic customs:

> When the Cowlitz, under the leadership of Aiyel, became acquainted with this form they made a translation into their own language, and in doing so arrived at a different meaning. The Cowlitz form is not available, but both the Yakima and the Wishram (Chinook) followed the interpretation established around Longview and they reveal the following modification. Instead of saying, "in the name of" the Yakima say, literally, "here is." Consequently their sign of the cross, as they touch the forehead, center, left and right breast regions, signifies, "Here is the father, here is the son, here is the good heart. All the time this way good." Not quite parallel is the Wishram meaning, which runs: "This is the father, this his son, this his good heart. Thus always good (Barnett 1957, 234).

Stone's 1959 description of the ca. 1907 resurrection of Atwin Stockum, a ceremony to which he was eyewitness, included a rendering of part of Paddy White's ritual in Cowlitz (Stone 1959; CIT Pet. Ex. A-867).

Aiyel build a church on his homestead.[88] Very shortly, however, Aiyel sold his land to a white man . . ." (Barnett 1957, 69).

Barnett noted that the church building at Longview no longer existed by 1900, and that Iyall Wahawa, with his family, had moved to Yakima and obtained an allotment there (Barnett 1957, 70). In fact, several Cowlitz, including Paddy White, Lincoln White, and Johnny Johnson, as well as Iyall Wahawa, became important Shaker leaders around the turn of the century: it may be significant that of the Cowlitz families who were early allottees on Yakima, most were Shakers (Barnett 1957, 71).[89] During the earliest development of Shakerism on Yakima, the Cowlitz leaders were called to the reservation to conduct ceremonies (Barnett 1957, 70). After his move to Yakima, Iyall Wahawa's influence reached as far as the Umatilla Reservation, in Oregon by 1906 (Barnett 1957, 82).

However, it would be a mistake to think that Iyall Wahawa's move to Yakima immediately reduced the Shaker influence among the Cowlitz. One of the prominent "resurrections" that took place was that of Atwin Stockum, the Lower Cowlitz chief, about 1907 (Stone 1959; CIT Pet. Ex. A-867). A narrative of this event, by a non-Indian eyewitness, was published in 1959 in the Seattle Times. He stated that the Shaker preacher who invited him to the ceremony was, "a Nez Perce Indian from Idaho who had married into the Cowlitz Tribe" (Stone 1959; CIT Pet. Ex. A-867).[90] It took place at Stockum's home, which included a "quite large" room "not only used as a living room but as a chapel in which the services of the Shaker Church were held." He added, "Besides being chief of the tribe Atwin was also the high

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[88] Wa-Ha-Wa, Ayell, 1891, T11N, R2W, 160 acres, Lewis County, Washington.

[89] Additionally, many of the families later mentioned as "Yakima Cowlitz" had early ties to Shakerism, such as Hoffer, Lumley, Teio, and Enoch Abraham.

[90] "He had traveled widely among the tribes of three states and in addition to English and Chinook the trade jargon of the tribes spoke fluently several Indian dialects. He was not only my sponsor but my interpreter at the ceremony I attended that afternoon" (Stone 1959; CIT Pet. Ex. A-867). Barnett indicated that the Yakima Methodist leaders, including George Waters, were in touch with the Nez Perce as early as the 1890's (Barnett 1957, 83). Both the Waters and Umtuchs families claimed Nez Perce marriage alliances.

priest of their sect,[91] although there were other leaders who shared the honor . . ." (Stone 1959; CIT Pet. Ex. A-867). At the resurrection service, according to Stone, there were almost 100 Indians present; it was conducted by Paddy White, "another Shaker priest of the tribe who had come from some 30 miles down the river to officiate," a second, unnamed, Cowlitz Shaker leader,[92] and the Nez Perce, also unnamed (Stone 1959; CIT Pet. Ex. A-867).

These ceremonies in the 1890's were applied also to the cure of the sick. A local white child recalled in her memoirs that while she was attending a term at the Freeport schopl, Susie Lewis, a Cowlitz child, invited her to "go over and help drive the evil spirits away" from a sick man:

> Being accommodating little girls, we went. As we drew near the "sick" hut we saw Indians, hands joined, jumping up and down and yelling, "Ky-ya-ky-ya." On the other side, another group was beating on pans and ringing bells, keeping time and yelling with the others. Two small girls began to feel they shouldn't have been quite so curious, but Susie led us on to the circle. We joined in and began to "ky-ya" very meekly, but a few turns around the hut gave us more courage. . . . Poor Grandmother just didn't understand. . . . The Indian recovered and for several years this writer cherished within her heart the thought that she had aided his recovery (Olson 1947, 78).

Joyce (Kiona) Eyle, born in 1914, made affidavit in 1975 that when she was a child:

> The older people had their meetings at these feasts [on Cowlitz Prairie] but us kids were not allowed to make noise or listen but we learned what was going on. They discussed how the white

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[91] This would not prevent Stockum from being buried as a Catholic at the St. Francois Xavier mission on Cowlitz Prairie in 1912.

[92] According to the CIT petition:

> Iyall Wahawa died on July 7, 1908. Richard Iyall, a member of the Cowlitz Tribe in 1984, has reported that Iyall Wahawa, his great grandfather, was present at the "resurrection" of Atwin Stockum, . . . "My uncle Archie [Iyall] . . . has said that my great-grandfather, Iyall Wahawa, was a Shaker Priest, and that he was present at the 'resurrection'" (CIT Petition Narr. 136; citing Iyall 1980).

> man's missionary was trying to break up our Indian Shaker Church for the white man's religion. The whole tribe including my grandmother, Mary Kiona; and her father William Yoke attended these meetings to protect their church that they had attended all their lives [sic] (Eyle 1975).

It is possible that Indian Shaker records from the continuing churches on the Chehalis and Yakima reservations would provide more information on activity of the Cowlitz in Shakerism. However, no records of this type were submitted with the petition.

Description by Local Resident, 1890's. In 1947, Mrs. Charles Olson of Kelso, Washington, wrote a memoir of her childhood. She grew up in the 1890's and knew the Cowlitz Indians of the area: Susan White, who worked for her family, had a flattened head (Olson 1947, 74-75). She was personally acquainted with the Wannassay family, and remarked that after the death of Jack Wannassay, during the early 1900's his widow "lived with her relatives on Squaw Island and visited frequently among the Olequa and Toledo Indians" (Olson 1947, 75). She continued:

> A picture that stands out from childhood memory is the coming of the Indians down the Columbia in the spring of the year for their yearly "Pow Wow" fathering on "Wappatoe" Island near Cathlamet. . . . What a thrill: watching the coming of ten or more canoes, each one holding from six to twenty Indians, chanting while every paddle dipped the water in unison. . . . On the lower end of the farm was a large sand bar covered with drift wood. Here the Indians always camped for the night on their yearly journey to Cathlamet (Olson 1947, 76-77).

She discussed her mother's preparations for this annual visit, with sacks full of biscuits, butter, pails of milk, bacon, and smoked salmon, for which the thanks would be, "Mahsie Kopa Mika, Mika potlatch kopa neska hiaskloshe mucka muck" (Olson 1947, 77). After a week of "bartering and gambling," the Indians would return home (Olson 1947, 77).

Additionally, Olson described the Indians' annual berry picking:

> During the season of the wild blackberry (olallies), which grew in profusion over the hills

> and along the river bans, the Indians were frequent callers. Many Indians, starting out very early in the morning, stopped at the farm homes for breakfast before going on to the "olallie patches." They were thoughtful enough to divide the pickers, not over four stopping at one home. During the season the farm wives, while stirring the sour batter for hotcakes which they always "set" the night before, would make enough extra for three or four visitors. At five o'clock in the morning the expected company would be squatting on the porch waiting for hot cakes swimming in sugar syrup along with cups of coffee. Late in the afternoon they wended their way, single file, down the roads to their homes, carrying large baskets of berries on their backs. They picked with both hands, throwing the berries over their shoulders into the basket. They wild blackberries were dried and used as winter food. Sometimes after the drying process, they were compressed to form a large cake from which chunks could be broken. The farmers' wives were never disappointed when "olallie" time was over (Olson 1947, 78).

Olson also mentioned that the Indians worked in the hop fields near Olequa in the 1880's and 1890's (Olson 1947, 82), and commented that the Cowlitz Indian women who regularly visited her grandmother's house a mile above Kelso usually carried elaborate handwoven baskets to sell (Olson 1947, 77).

1900 Federal Census. For coverage of Cowlitz Indians in the 1900 Federal census, see the Genealogical Technical Report.

THE COWLITZ 1904-1934

Introduction. The year 1904 has been chosen as a breaking point in the discussion because it represents the initiation of Cowlitz claims activity, which within ten years led to the establishment of the predecessor of the modern CIT organization. To some extent, the year 1904 is a purely arbitrary breaking point for a process which took place gradually during the decade prior to World War I, which saw the death of almost all the Cowlitz leaders who had been influential since the 1870's.

Newspaper Mentions. The petition exhibits included comparatively few articles from 1913 onwards pertaining to the Cowlitz other than those pertaining to coverage of the annual meetings, which are discussed below. There were a number of obituaries and similar genealogical information, which are discussed in the Genealogical Technical report, and a few news and feature articles, particularly on the Wannassay family, Mary Pete, and Mary Kiona, published from the 1930's through the 1970's. The BIA researcher did not determine whether this material (CIT Pet. Ex. A-857 - A-892) represented the full extent of newspaper coverage, or whether the petitioner's researchers had decided not to utilize newspaper material fully.

The newspaper coverage indicated that the local community was aware not only of the historical existence of the Cowlitz tribe in the past, but that contemporaries were still members of that tribe. For example, the obituary of Marguerite (Wannassay) Cavett, who died in 1943 at Kelso, Washington, mentioned that she was "one of the few remaining members of the Cowlitz Indian tribe" and that she had been "born on Squaw Island in the Cowlitz river, home of many of the Cowlitz Indians" (Wannassay Papers 1943).

The Beginning of Claims Activity. It has often been generalized that Indian claims activity in the Pacific Northwest was the product of the founding of the Northwest Federation of Indians by Thomas G. Bishop in 1910 (CIT Pet. Narr., 162). John B. Sareault did include a statement on behalf of the "Cowletz Tribe" in Bishop's pamphlet (Bishop 1915, 39-41; CIT Pet. Ex. A-1837 A-1839). However, the start of Cowlitz claims activity predated Bishop's organization by several years.

Initiation by Atwin Stockum and Simon Plamondon, Jr. On August 8, 1904, Atwin Stockum and his nephew, Simon Plamondon, Jr., started an inquiry concerning possible Cowlitz claims by means of an attorney in Toledo, Washington, who wrote on their behalf, saying, "in substance that the Cowlitz Tribe of Indians in that State have never had any reservation lands allotted to them, the region formerly occupied by said Indians being now cultivated and occupied by white men; that Mr. Carpenter has been employed by the Indians to secure for them an indemnity in lieu of reservation rights . . ." (Tonner to Cushman, October 24, 1904; CIT Pet. Ex. A-111). The immediate response by the Federal Government was that on October 24, 1904, the Acting COIA A. C. Tonner sent a long overview of Cowlitz history

(based on what had appeared in published COIA Reports) to the Honorable Francis W. Cushman saying:

> It does not appear necessary to now consider the question as to whether these Indians are entitled to indemnity for the alleged claim on lands, and to determine their rights, if any, to the lands claimed would require, it seems to this office, a very careful investigation in the field as well as the files and records of this office (Tonner to Cushman 10/24/1904; CIT Pet. Ex. A-113).

Tonner continued:

> It is the purpose of the office to endeavor to see that the wards of the Government receive justice; that whatever claims they may have be duly and properly considered; also that the interests of the Government be protected. It would seem that if these Indians have a just claim, as they aver, that the same should be presented by petition or other appropriate form to the office or to Congress. Such claim should be accompanied by a statement of all the facts in the case and such evidence as they may see fit to file. There would then be something tangible before the office for consideration (Tonner to Cushman 10/24/1904; CIT Pet. Ex. A-113).

Stockum and Plamondon responded by developing and submitting the required affidavits. On April 28, 1908, the Acting COIA wrote to the Superintendent in Charge, Puyallup Agency, Tacoma, in follow-up:

> I inclose for your investigation and report two affidavits by Simon Plomondon and "Chief" Atwin, respectively, in regard to the alleged right of the former to certain land (640 acres) in T. 11 N., R. 1 W., Washington, covered by donation claim No. 41, the N./2 of which was patented to him (Simon Plomondon), and the S./2 to his wife Henriette Plomondon, by joint patent issued January 6, 1865. Mr. Plomondon claims to be an American Indian, and says that the lands covered by the patent (certified copy of which is inclosed for your use and information) were sold by his father without right or authority to one A. D. Wabuss for a jug of whiskey; that the purchaser and his successors have no title to the land and

> that they have ever since the sale held it unlawfully and by force. He prays that legal steps be taken to recover the land and put him in possession of it.
>
> You are requested to make a careful and thorough investigation of this case and report the results accompanied by any evidence in the form of affidavits which you may deem necessary, with recommendation (Acting COIA to Superintendent in Charge, Puyallup Agency, 4/28/1908; CIT Pet. Ex. A-81).

This first claim pertained not to a general Cowlitz tribal claim for indemnity, but specifically to 640 acres on Cowlitz Prairie, which Plamondon defined as his personal donation land claim, which had, he asserted, been illegally disposed of by his father on April 20, 1861, to Edward D. Warbass for whiskey. The petition exhibits include a copy of this complaint of Simon Bonaparte Plamondon, "a born member of the Cowlitz tribe of Indians," in affidavit form, dated June 16, 1908, and submitted to Superintendent H.H. Johnson at the Cushman Indian School, prepared by D.F. Nessly, an attorney from Toledo, WA (CIT Pet. Narr., 187; CIT Pet. Ex. A-83 - A-87). This affidavit would serve as the basis of the Cowlitz claims case all the way through to the final 1973 ICC judgment award.

Federal Government Response. In succeeding years, the Cowlitz claim was broadened from the original focus on the Plamondon donation land claim. On October 8, the Chief Clerk of the Indian Affairs Office requested that the superintendent of Puyallup Indian School investigate a letter dated September 5, 1908:

> from Stackum Corwin, who claims to be Chief of the Cowlitz Indians, saying that the Indians have been informed that there was a part of the Cowlitz Prairie in Lewis County set aside as a reservation for these Indians and that the same is now known as the Mission of the Catholic church and that the Indians have received no benefits from the use and occupation of this reservation (Conser to Superintendent 10/8/1908; CIT Pet. Ex. A-15).

Conser's letter stated that the OIA was "unable to find any record as to the setting aside of any land in what is now Lewis County as a reservation for the Cowlitz Indians" and requested the superintendent at Puyallup "to investigate this matter and furnish the Office all the information

available" (Conser to Superintendent 10/8/1908, CIT Pet. Ex. A-15; CIT Pet. Narr., 84).[93]

On July 9, 1909, the Cowlitz presented a further claims petition, dated July 7, to the Secretary of the Interior through attorneys Harmon & Hull of Chehalis, Washington (CIT Pet. Narr., 187).[94] This further claim was a broader assertion of aboriginal title to the traditional tribal area, and was once more accompanied by an affidavit of Simon Plamondon (CIT Pet. Narr., 46). On March 15, 1910, Assistant COIA F.H. Abbott formally instructed Charles E. McChesney, Esq., Special United States Indian Agent, Pendleton, Oregon, to investigate the basis of the Cowlitz petition (Abbott to McChesney 3/15/1910; CIT Pet. Ex. A-2120 - A-2125).

McChesney Report. After McChesney's investigation, BIA correspondence and reports reflected a significant change in attitude toward the Cowlitz Indians since the COIA reports of the 1890's which had indicated that the tribe was dispersed among white settlers and effectively assimilated. On the basis of his March 15, 1910, instructions, McChesney met in Chehalis, Washington, with 30 Cowlitz. Interpreters were present, one of whom was Frank Iyall (Fitzpatrick 1986, 171). McChesney's report to the COIA was dated April 20, 1910 (CIT Pet. Ex. A-114 - A-115). He stated:

> That the Cowlitz Indians, consisting of the Upper and Lower Bands, occupied in 1855, and had occupied for many years before (the Indians claim probably 200 years), the country somewhat indefinitely described in their petition above referred to [July 7, 1909], and which, perhaps, contains 3,500 square miles . . . (McChesney to COIA 4/20/1910; CIT Pet. Ex. A-114).

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[93] There were extensive controversies over Catholic church property in Washington, particularly in the late 1880's between the U.S. Army and St. James in Vancouver (Schoenberg 1987, 333-335). This statement by Stockum may reflect a confused recollection of that 640-acre St. James Mission Claim.

[94] May 22, 1911. Legal brief to Secretary of the Interior in re Land Contracts with Cowlitz Indians. No.55826-1909 No. 84903 - 1910, J.G .D. In reply to a letter of November 9, 1910, addressed to U.E. Harmon, National Bank of Commerce Building, Tacoma, WA (CIT Pet. Ex. A-419 - A-423).

McChesney estimated a Cowlitz population of 400, about equally divided between full and mixed bloods (McChesney to COIA 4/20/1910; CIT Pet. Ex. A-114). He concluded:

> As the result of my investigation, I am of the opinion that the claim of the Cowlitz Indians is a just one, and that they should receive compensation for the land they occupied, and recommend that the necessary action be taken with such end in view. The Cowlitz Indians are willing to leave the amount of compensation they should receive to the Government. These Indians are industrious and self-supporting and reasonably intelligent, and would make good use of any money that might be paid them (CIT Pet. Ex. A-114 - A-115; A-951 - A-954).

On the basis of McChesney's investigation, in July 1910, the superintendent wrote:

> I would also recommend that the Cowlitz tribe living in the vicinity of Olequa, Washington, be also allotted [illegible] reservation. These Indians, like the Clallams, have never had any recognition at the hands of the Government and were active allies of the United States during the Indian troubles of the early days. These Indians are industrious and should be accorded recognition. I estimate that there are about 100 members of this tribe.[95] The Clallam and the Cowlitz Tribes are the only two tribes in Southwestern Washington who have preserved their tribal identity who have not had any recognition from the government" (CIT Pet. Ex. A-178 [incomplete copy]) [footnote added].

Beginnings of Scholarly Ethnographic Study of the Cowlitz Indians. Scholarly ethnographic study of the Cowlitz was also beginning during the decade from 1904 to 1914. The Cowlitz were briefly mentioned in Lewis' 1906 survey, but only in connection with basketry (Lewis 1906). In 1913, Edward S. Curtis published the results of his work with a Cowlitz woman named Kaktsamah [Esther Millet], who had been born in the village of Wiyamitih, to document historic Cowlitz village locations (CIT Pet. Narr., 165; A-791-792;

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[95] For coverage of Cowlitz Indians by the 1910 Federal census, see the Genealogical Technical Report.

figure B1). Curtis did not study the Cowlitz as they existed in 1913, but rather worked with Esther Millet to determine the locations of the pre-1855 Lower Cowlitz villages.[96]

Establishment of a Cowlitz Organization. The establishment of a formal Cowlitz tribal organization seems to have been prompted not directly by the efforts of Plamondon and Stockum, but by the passage of the 1911 Quinault allotment act. Norbert Bouchard, a Cowlitz tribal officer who had been born in the spring of 1902, indicated that the early meetings were also social occasions. He made affidavit in 1975 that:

> I remember in the summer of 1908, the members of the Cowlitz tribe got together for a feast on the Cowlitz Prairie. People brought food like sun dried salmon, and smoked salmon, smoked and dried Deer meat, and berries. I can remember attending about three gatherings like this. Many of the old families came from all over Cowlitz country by walking or driving wagons to visit each other and have a feast (Bouchard 1975).

Quinault adoptions and allotments. The Act of March 4, 1911 (36 Stat. 1345) directed the Secretary of the Interior to make allotments on the Quinaielt Reservation:

> to all members of the Hoh, Quileute, Ozette or other tribes of Indians in Washington who are affiliated with the Quinaielt and Quileute tribes in the treaty and who may elect to take allotments on the Quinaielt Reservation rather than on the reservations set aside for these tribes (Cowlitz Pet. 1975, 4).

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[96] Fitzpatrick pointed out that Curtis' work did not cover the Upper Cowlitz area:

> Curtis recorded the location of 30 Lower Cowlitz prairie settlements along the Cowlitz River to the point where it turns south toward the Columbia River. But, he failed to note the presence of the Upper Cowlitz or Taidnapam language group. Although, he noted that people living at Qe'lt, ten miles east of Toledo (Tawniluhawihl), were intermarried with the Klikitat, a Sahaptin speaking group. Unlike Ray (1966) he found them allied by speech and proximity but lacking an overall political organization" (Fitzpatrick 1987, 125).

On December 4, 1911, the Superintendent, Cushman Indian School, Tacoma, Washington, to COIA, referring to a BIA Office letter of November 28, 1911 offered "suggestions to facilitate the enrollment of Indians eligible to allotment under the Act of March 4, 1911" (CIT Pet. Ex. A-961). He suggested calling a council of the Clallam tribe to revise their roll, "and that this schedule be accepted as the roll from which allotments to the Clallam tribe be made . . ." (CIT Pet. Ex. A-964 - A-965). He continued:

> The above suggestions apply equally to the Cowlitz tribe. This tribe is scattered over Southwestern Washington, the largest settlements being at Toledo, Olequa, and Randall. A council held with this tribe a few months ago brought out clearly that they were considered as affiliated with the Quinaielts and Quileutes in the treaties cited above. The Indians state that the Government tried to force them to move to the Quinaielt reservation many years ago, probably shortly after the issuance of the Executive order on November 4, 1873.[97] I recommend that I be also authorized to hold a council with the Cowlitz Indians and that a roll be prepared in the same manner as suggested above for the Clallam tribe" (CIT Pet. Ex. A-964 - A-965).

The Superintendent continued:

> When the executive order of November 4, 1873, was issued all the Indians in western Washington, except the Neah Bays, were under one jurisdiction and I am of the opinion that it was the intention to include in the executive order cited above all Indians in Washington west of the Cascade Mountains who had not been definitely located on some reservation (CIT Pet. Ex. A-966).

Numerous Indians from throughout western Washington, from a variety of tribes, applied for allotments on the Quinault reservation under the above act. A large number were "adopted" by the Quinault council in 1912, an action that was later revoked after an extensive BIA investigation. The process generated extensive informative files which are more extensively discussed in the Genealogical Technical Report

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[97] This order enlarged the original territory of the Quinault Reservation.

(NARS M-1344, 5 rolls; BIA Special Agent Charles Roblin's File on Quinaielt Adoptions).

While from 1911 through the spring of 1913, the BIA had taken the position that "adoptions" resulting in enrollment were needed before Cowlitz Indians could be allotted on Quinault,[98] it reversed this policy in a letter dated March 5, 1913 (Superintendent, Taholah Indian Agency to COIA 12/14/1926, citing COIA to Jackson 1/14/1914; CIT Pet. Ex. A-436).

> On a further examination of the treaties with the respective tribes in the State of Washington and the provisions of the Executive Order by which the Quinaielt Reservation was created, the Office was led to conclude that those members of the Clallam, Cowlitz, Squaxin Island and Port Gamble bands and other "fish eating Indians of the Pacific Coast" who had not been provided with land elsewhere were entitled to allotment on the Quinaielt Reservation without the necessity of showing affiliation with the Quinaielt tribe proper, or enrollment therewith by adoption or otherwise . . . Accordingly, the matter was presented to the Department and on March 5, 1913 the recommendations of the Office were approved (Superintendent to COIA 12/14/1926, citing COIA to Jackson, 1/14/1914; CIT Pet. Ex. A-435).

On March 21, 1913, the Chehalis Bee-Budget reported that Secretary of the Interior Franklin K. Lane had ordered allotments at Quinault for members of the Cowlitz, Clallam, and Squaxon tribes. The paper reported that these allotments were to be made by Superintendent Johnson of the Cushman Indian School and F.R. Archer (CIT Pet. Narr., 59; CIT Pet. Ex. A-844). Subsequently, however, the BIA's central office took the position that no instructions had been issued to the allotting agents (Finch R. Archer and H.H. Johnson, former superintendent) to the effect that Indians from Georgetown Bay Center as far south as the Columbia River be allotted on Quinault (see the November 17, 1919, BIA letter saying that no allotments were to be made

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[98] "Prior to the early part of 1913 the Office advised members of the Clallam, Cowlitz and other 'fish eating tribes of the Pacific Coast' that in order to obtain allotments on the Quinaielt Reservation it would be necessary for them to become affiliated by enrollment with the Indians of that reservation" (Superintendent to COIA 12/14/1926; citing COIA to Jackson, 1/14/1914; CIT pet. Ex. A-435).

at Quinault for unenrolled Indians pending legislation in Congress; CIT Pet. Narr., 57; CIT Pet. Ex. A-424 - A-425). The letter of December 14, 1926, surveyed the history of the Quinault allotment project and was designed to clarify the situation (Superintendent to COIA 12/14/1926; CIT Pet. Ex. A-434).

Cowlitz Response to the Quinault Allotment Proposals. After the 1911 passage of the Quinault allotment act, on June 6, 1912, the Chehalis Bee-Nugget reported that 233 Cowlitz Indians met at the Glide Theatre in Chehalis to consider their land claims against the United States.[99] The tribal members were told that a bill was pending before Congress that would permit the Cowlitz to take lands at Quinault reservation in lieu of a cash settlement should it become law. The newspaper reported: "The Cowlitz Indians do not feel at this time that they wish to go to the Quiniault [sic] country to settle on lands away from their homes, and near strange Indians with whom they have never had anything in common" (CIT Pet. Ex. A-841). According to the paper, because "their aged chieftain, Atwin Stockum of Toledo, being infirm and thus incapacitated to act for them," the meeting appointed an eight-man committee with authority to act for them: John Plomondon of Castle Rock, T.F. Eynard of Castle Rock, W.G. Meyers of Winlock, Jim Suterlick of Nesika, Bat Kiona of Randle, Jim Iyall of Wapato, Peter Kalama of Roy,[100] and J.B. Sareault of Cowlitz (CIT Pet. Ex. A-841; see also The Morton Mirror, June 14, 1912).

Deaths of the Chiefs Appointed by the BIA. The reorganization of the Cowlitz administrative structure in 1911-1912 was apparently accelerated by the deaths of the two long-lived traditional chiefs. Captain Peter died in 1910. He had served as chief of the Upper Cowlitz Band for 32 years. A narrative written by his son, Joe Peter, about 1952, indicated that he had been involved with the early Cowlitz claims activity, and that Peter Kalama had taken his

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[99] "There are perhaps in the northwest fully a thousand people who are entitled to be considered in the proposed government settlement with the Cowlitz tribe. Of the original tribe it is estimated that there are 150 full bloods living, all being quite aged. The others of the one thousand are full blood descendants and mixed by birth" (Chehalis Bee-Nugget June 6, 1912; CIT Pet. Ex. A-841).

[100] In 1934, Kalama was secretary of the Nisqually Tribe. He was married to a Cowlitz woman, the stepdaughter of Captain Peter (Peter 1954; CIT Pet. Ex. A-1151 - A-1152).

Peter Kalama died in 1947, age 87. He was the son of a Hawaiian father and a Nisqually mother (Olson 1947, 50).

papers (Peter 1951; CIT Pet. Ex. A-1161 - A-1162). Atwin Stockum died December 1, 1912. Formally appointed by the BIA in 1878, he had served as chief of the Lower Cowlitz Band for at least 34 years. There were newspaper, BIA, etc. mentions of them in those capacities throughout the period.

1912/15 Beginning[101] of a Cowlitz Organization with Elected Leadership. After the deaths of Atwin Stockum and Captain Peter, there were no longer separate chiefs of the Lower Cowlitz and Upper Cowlitz bands. However, from its inception, the formal Cowlitz organization featured, for many years, alternation of the presidency between Lower Cowlitz metis families and Upper Cowlitz families (see the Genealogical Technical Report for an extensive analysis of this phenomenon).

As of June 29, 1913, the Upper Cowlitz Baptiste "Bat" Kiona had been "recently chosen chief of the tribe to succeed the late Atwin Stockum."[102] The Seattle Post-Intelligencer reported that the Cowlitz Central Committee, meeting at Chehalis, decided to reject the proposal to allot Cowlitz on the Quinault Reservation and offer a counter-proposal (Seattle Post-Intelligencer 6/30/1913; CIT Pet. Ex. A-843).

One modern scholar, Darlene Fitzpatrick, whose 1986 dissertation was included as part of the CIT petition (Fitzpatrick 1986), has ascribed considerable significance to the Cowlitz annual meetings: "The Cowlitz Meeting developed in its present form in 1915 when they met above

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[101] At one place, Fitzpatrick indicated that Cowlitz meetings began to be held at the Grange Hall in Cowlitz Prairie, Toledo, Washington, shortly before World War II (Fitzpatrick 1987, 68). However, there is extensive documentation of Cowlitz meetings beginning in 1912. Fitzpatrick's statement in this instance was apparently based on Emma Mesplie's ICC testimony, with no reference to the documentation. Fitzpatrick discussed the 1915 meeting elsewhere.

[102] "Leslie Spier (1936) documented the existence of an Upper Cowlitz chief and his following when he noted: 'Some ten years ago Mr. Thomas Crumb of Morton in the Upper Cowlitz valley told me of a small Sahaptin group near that place. They were called Kaioni or a few families under their own chief.' This term is undoubtedly a derivation for the Kiona family surname" (Fitzpatrick 1986, 143-144).

Baptiste Kiona died January 24, 1922. Generally speaking, during the 1920's and 1930's, the anthropologists who wrote about the Cowlitz tended to depend very heavily on oral information gathered from informants, both Indian and non-Indian, and apparently made no effort to verify and support the material they collected by using official historical records or even local newspapers.

George Bertrand's general store in Olequa. The Meeting was called by Dan Plamondon . . ." (Fitzpatrick 1986, 65-66). She stated that the:

> Cowlitz institutionalized a gathering, the Meeting, in 1915 which occurs today on a biannual basis. At the Meeting, held in the aboriginal area, Cowlitz principally discuss the land rights suit and distribution of the Indian Claims Commission award, related issues, and federal acknowledgement as an American Indian tribe. The Meeting proper is an event involving social structural and cultural content alluded to above. The class system is operative. And, the Meeting has generated emergent Cowlitz ethnicity. However, Cowlitz ethnic identity is forged on an anvil of their own creation with one another as against tradition" (Fitzpatrick 1986, Abstract [ii]).

Fitzpatrick stated that, "today, Cowlitz also discuss, as they did at the first Meeting, who are the rightful Cowlitz . . . " (Fitzpatrick 1986, 67). According to Fitzpatrick, one member still alive, Evelyn Byrnes, recalled attending the 1915 meeting in Olequa with her parents (Fitzpatrick 1986, 68; Irwin 1995, 195).

According to contemporary newspaper reports, however, the "1915 Meeting" was actually a series of meetings, none of which were held at Olequa.[103] On March 2, 1915, at Chehalis, Washington, the Cowlitz met with "a few Willapas and some Yakimas" to select a delegation to Washington, D.C., choosing Frank Eyell [Iyall] and Peter Kalama: "the meeting Monday was presided over by the chief of the Yakimas" (Chehalis Bee-Nugget 3/5/1915, CIT Pet. Ex. A-847; see also Tacoma Tribune 3/2/1915, CIT Pet. Ex. A-845). On March 6, a newspaper mentioned recent meetings of the Cowlitz Tribe (CIT Pet. Ex. A-844; Tacoma Daily Ledger). On September 17, 150 persons again met in Chehalis to discuss the Cowlitz land claims settlement (CIT Pet. Ex. A-844, A-847). According to the Chehalis Bee-Budget, the meeting had been held Monday and Tuesday of that week. It indicated that the persons attending came from a wide area of western Washington, and that many were enrolled on Federal reservations:

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[103] See the extensive discussion of the 1915/17 list of persons who paid dues to this organization in the Genealogical Technical Report.

> Lancaster Spencer of Toppenish, Wash., presided as chairman and George Jack of Gate City was secretary. Sam Williams of The Dalles, Ore., Charles Pete of Castle Rock, Mrs. Mary Longfred of Roy, Mrs. Annie Hiten of Tenino and Mrs. Frances Northover of Wapato, were named as a committee whose business it will be to make up a certified and absolutely accurate roll of all of the surviving members of the Cowlitz tribe. This list is necessary as a basis on which to make a request of congress for an appropriation covering a money settlement with the Cowlitz people (Chehalis Bee-Nugget 9/17/1915; CIT Pet. Ex. A-847).

Cowlitz Tribal Organization: Record Retention and Destruction. The majority of the official records kept by the Cowlitz Tribe of Indians organization from 1915 through the 1960's were supposedly destroyed by a fire in the home of a former secretary (Irwin 1995, 212). The petition submitted, and BIA researchers were also given during their field research, numerous documents which had been retained unofficially by former officers and members. During the summer of 1995, the CIT submitted a petition supplement containing papers of Clifford Wilson who was chairman during the 1960's. The major series of material that may survive, but which was not made available to BIA researchers, were any papers retained by the Sareault family for the period from the mid-1930's through the 1950's. As is noted below, that is the least well-documented period, for which very little evidence pertaining to the organization's internal activities and membership has been located. However, external accounts documented the organization's continued existence and, to a limited extent, its activities.

Little evidence of the activity of this group, other than claims material, was found in BIA records. One example was that on July 11, 1922:

> a representative of the Cowlitz tribe of Indians called at this office for the purpose of protesting against the action of Examiner of Inheritance Stuart H. Elliott in regard to the heirship hearings . . . at Auburn, Washington. . . . The Indians advise me that the expense incident to attending this hearing would be about $20. per head and would take them away from their farming work, and labor in the camps, and they respectfully request that this and all other hearings involving the lands of the deceased

> Cowlitz Indians be held at Mossy Rock which is the most central point for the Indians and the place they hold all of their meetings (Sams to COIA 7/12/1922; CIT Pet. Ex. A-441).

This indicated that for purposes other than claims, Cowlitz meetings were being held not at Chehalis, but in the Cowlitz River valley.

Compilation of Charles A. Roblin's Schedule of Unenrolled Indians in Western Washington (Roblin Roll), 1919. The circumstances leading up to the preparation of this list were described on November 17, 1919, by E. B. Merritt, Assistant COIA, in a letter to Dr. Otis O. Benson, Supt. Taholah Indian School (CIT Pet. Ex. A-424 - A-425).[104] The instructions to Roblin were issued on November 27, 1916, covering both an investigation of applications for Quinault enrollment and allotment and preparation of a list of "unattached" Indians of northwestern Washington and the Puget Sound area (CIT Pet. Ex. A-424). Roblin's letter to the COIA accompanying his final report was dated January 31, 1919 (CIT Pet. Ex. A-955 - A-960). Roblin's full assessment of the situation of the Cowlitz Tribe was as follows:

> The idea that the Government will pay six thousand dollars per head to persons of Indian blood is particularly persistent among the descendants of the Cowlitz Indians. This is probably due to the fact that the Cowlitz tribe seems to have a better foundation for a claim than the other tribes of western Washington. No treaty was ever made and concluded with the Cowlitz indians and no benefits were ever received by this tribe in return for their being dispossessed of their lands. This is not, apparently, from any fault of the United States, but because the Cowlitz Indians persistently refused to enter into a treaty. Their status is practically the same as that of the Chinook tribe, with whose descendants a

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[104] The Taholah Agency developed as follows during this period:

1914 Establishment of Taholah Indian Agency (Cowlitz Pet. Narr. 1987, 25). It originally included only the Quinaielt and Shoalwater Bay reservations (A-408).

1920 July 1. Taholah Agency jurisdiction enlarged to include Skokomish Reservation, Chehalis Reservation, Nisqually Reservation Squaxin Island Reservation (A-408).

1933 July 1. Neah Bay Indian Agency discontinued. Taholah Agency enlarged to include Makah, Quileute, Ozette, and Hoh (A-408).

settlement was made a few years ago (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-958).

There are very few full-blood Cowlitz Indians left. Those few are settled along the upper reaches of the Cowlitz river, and most of them have taken up homesteads in the mountain valleys. The great majority of the descendants of this tribe are mixed bloods. They are scattered all over the states of Washington and Oregon. There are some Cowlitz families in San Juan County, and northern island [sic] county of the State of Washington, and I found them in practically every county in Western Washington (Roblin to COIA, 1/31/1919; CIT Pet. Ex. A-958).[105]

In the early days this tribe was closely associated with the Klickitat and Yakima Indians, and, as they had no reservation of their own, many of them drifted across the mountains or up the Columbia River, lived with and intermarried with the Indians on the Yakima Reservation, and were eventually allotted lands there. I was on the clerical force at Yakima Agency for four years, from 1903 to 1907, and I remember talking with some of the Yakima allottees, who were Cowlitz Indians, of the early history of the Cowlitz Tribe (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-958).

The Cowlitz tribe was a powerful tribe, and in the early days constituted the "blue blood" of western Washington. They were independent, fearless and aggressive; and they refused to subordinate themselves to the white man by entering into a treaty with him. Their descendants have the same qualities which placed their ancestors in the position of leaders. They have been progressive and industrious, and there are very few of the present representatives of the tribe who are not in good circumstances. They have homesteaded lands, made good homes, raised families much above the average, are in good standing in the communities in which they live, and are far from "homeless" or "indigent" (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-958).

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[105] The petition contained a distribution map based on the Roblin Roll (CIT Pet. Narr., 182). See Map Supplement for a copy.

> The present representatives of this tribe are active in the work of the Northwestern Federation of American Indians, and they have prepared lists of members, one of which was forwarded to your Office, I am informed, by the late Dr. McChesney, Supervisor. I know from my own knowledge of the Yakima allotment schedules that this list contains the names of many Yakima allottees. It is very difficult to get accurate or dependable information about the membership of this tribe. The prospect of a fat payment has brought forth a horde of claimants, many of whom have been allotted or are enrolled at some of the Washington agencies, but who can probably establish the possession of some Cowlitz blood. I have tried to eliminate all those from the schedule submitted, as well as I could (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-959).

The petition exhibits and supplementary exhibits presented copies of numerous affidavits made for purposes of the Roblin Roll, and a map of Cowlitz population in 1919 based entirely on it (CIT Pet. Narr., 182). The full file is available on microfilm (Roblin 1919a; NARS M-1343) and was utilized by BIA researchers. For full discussion, see the Genealogical Technical Report.

For discussion of the Cowlitz population as it appeared in the 1920 Federal census, see the Genealogical Technical Report.

Post-Roblin Roll Cowlitz contacts with the BIA, 1920-1934: chronology and analysis. In 1918, the report of the BIA's Cushman Trades School at Tacoma, Washington, had stated:

> Members of the Cowlitz and Clallam tribes scattered among the whites on the public domain maintain a business organization which meets periodically at Tacoma to discuss ways and means for obtaining recognition in the way of lands or money from the U. S. government. So far as is known, this organization, or organizations, have no official recognition and exert little influence except among the land hungry (CIT Pet. Narr., 137; CIT Pet. Ex. A-623).

McDowell Report, 1920. On November 1, 1920, Malcolm McDowell issued a "Report on the Indians of Western Washington" to the Board of Indian Commissioners (CIT Pet.

Ex. A-1408 - A-1416). He estimated the existence of 490 unattached Cowlitz Indians (McDowell 1920, 77), mentioned the pending legislation to authorize Cowlitz claims (McDowell 1920, 78), and summarized the situation as follows:

> The Cowlitz Indians in 1855 lived in the southwestern part of Washington. The Johnson bill, introduced in their behalf, has received a favorable report from the Secretary of the Interior, for there seems to be no question that their land was taken from them without compensation, without their consent, and that no reservation was set apart for them.
>
> In 1909 the Cowlitz Indians presented their claims in a petition to the Secretary of the Interior, who sent Special Indian Agent McChesney to Washington to investigate the matter. Mr. McChesney arrived at the conclusion that the claim of the Cowlitz Indians was a just one and that they should receive compensation for the land which they had occupied and of which they had been dispossessed. There are only a few hundred Cowlitz Indians in Washington and some of them are called Chehalis. In early days the Cowlitz was a powerful tribe and refused to enter into any treaties with the white man. The majority of these Indians living in Washington are classed as mixed bloods (McDowell 1920, 79-80).
>
> The lands of the Cowlitz Indians simply were taken away from them without payment or promise, turned into the public domain, and later acquired by white men, all the proceeds going to the Government . . . There appears to be sound justification back of the claims of the Cowlitz and Clallam Indians, and though I am opposed to what seems to be a growing tendency to send any tribal claim to the Court of Claims, I am of the opinion that Congress should pass a bill giving the Cowlitz and Clallam Indians, at least, the right to go to that tribunal (McDowell 1920, 82).

BIA interaction with Cowlitz Indians 1920-1934. The petition did not present newspaper coverage of Cowlitz annual meetings from 1922 to 1950. However, material submitted by the Wannassay family included newspaper coverage of the meetings of 1927, 1934, 1937, and 1938, all

of which were held at Chehalis (Wannassay Papers). In 1975, Cowlitz Tribal Chairman Joseph E. Cloquet, who had been born in 1921, made affidavit that the first meeting he attended with his father was held in 1929 (Cloquet 1975). By April, 1922, John Ike Kinswa had been chosen to succeed Daniel Plamondon. At that time, he wrote from Silver Creek, Washington, to "Dear Sir" at the Taholah Agency, stating:

> Well Jack Skamink was here last week he was telling me that you told him for me to make Cowlitz Indians sign up and I don't really understand what for I will make them sign up and I want you to explain to me about that and sent me the copy if you got it and soon I will show it the people here and it is all for this time. Ans soon (Ike to Taholah Agency 4/28/1922).

The superintendent at Taholah replied that he was trying to obtain a census of the Cowlitz Indians:

> [w]hat I wish is a list of all the Cowlitz Indians by families, what is called a census. If you can give me this information, or have records of these people from which I can make up a correct census, I would like to meet you at Chehalis and make up the same. I have a list of the Indians as prepared by Mr. Roblin,[106] but he has included the Chehalis Indians and other Indians who are on other rolls, and I want a roll of just the Cowlitz Indians who live in that section of the country or who are not on any other roll, or allotted anywhere else (Sams to Ike 5/3/1922; CIT Pet. Ex. A-431, A-316).

During the mid-1920's, the Taholah Agency under Superintendent William B. Sams became much more aggressive about claiming jurisdiction over and responsibility for the Cowlitz, sometimes to the point of overstepping technical accuracy in its statements. On January 12, 1923, the Taholah Indian Agency's head referred to a "Cowlitz Reservation" which was "situated East of Chehalis, on Cowlitz River" as under his authority (Taholah Indian Agency to Chief Medical Supervisor of the Indian Affairs Bureau

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[106] Sams had requested a copy of the Cowlitz section of the Roblin Roll from Superintendent W. F. Dickens at Tulalip on April 15, 1922, "as I wish to check over the list with some of the Indians and find out who is dead, married born &c." (Sams to Dickens 4/15/1922; CIT Pet. Ex. A-431).

1/12/1923; CIT Pet. Ex. A-16; CIT Pet. Ex. A-432). Again, on April 12, 1923, "the Cowlitz Reservation located in the Cowlitz River Valley" was mentioned by Taholah as under its jurisdiction:

> In addition thereto there are large numbers of detached Indians homesteaders scattered from Eatonville, in the North East of LaGrande, Longmire, Randle, Cispus, Mossy Rock, Silvercreek, Ethel, Chehalis, Toledo, Castle Rock, Kelso, Carrols, Kalama, Vancouver, Camas, Stevenson and other points. There are also a number of allotted enrolled Indians belonging to the Quinaielt Reservation who are living at Castle Rock, Kelso, ... (CIT Pet. Ex. A-17; CIT Pet. Ex. A-444 [incomplete]).

However, on October 8, 1924, Sams wrote to Mr. C.B. Fitzgerald, State Chairman, State Central Committee, Seattle, Washington, that, "[a]mong the unattached Indians, I note the Cowlitz Indians--490. They are under my jurisdiction, but I can advise you that they are scattered all over the northwest, and there are not more than thirty or forty of them in the Cowlitz country" (Sams to Fitzgerald, 10/8/1924). As a comparison with the residential pattern of a federally acknowledged tribe in the same time period, Sams indicated in the same letter that of the 719 Indians who belonged to the Quinault Reservation, "less than 150 live on the reservation. The others are scattered around at Bay Center, Seattle, Tacoma, Portland and all over the northwest, and I have no way of reaching them as their addresses are not known to me" (Sams to Fitzgerald, 10/8/1924).

It is not clear that the Cowlitz at the time were fully appreciative of this revived level of BIA concern. W.B. Sams, Superintendent of the Taholah Agency, on July 24, 1924, included "the Cowlitz Tribe who are living on the public domain in the Cowlitz River Valley" when he identified the Indians under his jurisdiction who had served in World War I for the COIA (Sams to COIA 7/24/1924, CIT Pet. Ex. A-428). On January 7, 1925, he wrote to the COIA:

> I have been unable up to this time to get any of the Cowlitz Indians to meet for the purpose of delivering the certificates of appreciation [for World War I military service]. While it is an easy matter to get a crowd of reservation Indians together almost any time, the outside Indians,

> such as the Cowlitz, live long distances apart and it is almost impossible to get them together except in the summer time when they can travel about with some degree of comfort. Most of them are engaged in work in the woods and mills where they are drawing good wages and they do not like to leave their work for the purpose of holding meetings (Sams to COIA 1/7/1925; CIT Pet. Ex. A-430).

March 30, 1925, Superintendent Sams wrote to John Ike about coming to the Cowlitz Indian meeting in May to present certificates of appreciation for World War I military service (CIT Pet. Narr., 54; CIT Pet. Ex. A-327).

As late as May 14, 1926, Superintendent at Taholah, writing to the COIA justifying his request for a salary increase, stated that, "this jurisdiction covers the entire Southwest Washington, including the small reservations of Quinaielt, Skokomish, Nisqually, Squaxin Island, Chehalis, Georgetown, Cowlitz, Humptulips, and the unattached Indians scattered all through the jurisdiction" (Sams to COIA 5/14/1926; CIT Pet. Ex. A-18). In 1929, Sams described Charles Forrest as "a half-blood Indian of the Cowlitz Tribe" (Sams to Chief of Police, Tacoma, Washington, 7/12/1929).

This jurisdictional claim on the part of the superintendent of the Taholah Agency was not backed by policy statements from the office of the Commissioner of Indian Affairs. On October 25, 1933, COIA John Collier wrote to Mr. Lewis Layton of Tacoma, Washington, making quite explicit that under the standards applied by the BIA at that date, the Cowlitz Indians were not officially regarded as a tribe:

> The receipt is acknowledged of your letter of October 5, making application for enrolment [sic] with the Cowlitz tribe of Indians; and stating that several of your relatives would like to be enrolled therewith.
>
> No enrolments [sic] are now being made with the remnants of the Cowlitz tribe which in fact, is no longer in existence as a communal entity. There are, of course, a number of Indians of Cowlitz descent in that part of the country, but they live scattered about from place to place, and have no reservation under Governmental control. Likewise, they have no tribal funds on deposit to their credit in the Treasury of the United States, in

> which you and your relatives might share if enrolled.
>
> Only Indians who have the status of Federal wards are entitled to free hospitalization at a Government Indian hospital (Collier 1933).

Throughout this period, the majority of BIA contacts with the Cowlitz concerned the Upper Cowlitz families who held public domain trust allotments and homesteads. This included not only heirship determinations (CIT Pet. Narr., 38-41, including some non-Cowlitz properties), but also prohibition of attempted county government sales for non-payment of taxes (Sams to Treasurer of Lewis County, 3/17/1924; CIT Pet. Ex. A-320). During the 1920's, Taholah also represented the interests of the Cowlitz Indians vis a vis state and county agencies. In 1928, writing re Cowlitz fishing rights (CIT Pet. Ex. A-544 - A-547), the superintendent commented that, "It would look as though the State intends to enforce the law against the Cowlitz Indians for the reason that they have no treaty with the Government and no reservation" (CIT Pet. Narr., 53; CIT Pet. Ex. A-546).[107] The state refused to change its position, so the superintendent requested John Ike to explain the new regulations to the tribe (CIT Pet. Ex. A-546 - A-547). Joyce (Kiona) Eyle recalled in 1973 that John Ike "use to visit around and talk one place and then another," and that the Upper Cowlitz, during the 1920's, would visit and discuss claims, "sometimes at George Santanas' sometimes at Sarah Castami's, and sometimes at Walter Philip's place" (CIT Pet. Narr., 191-192; citing Irwin 1973). In 1975, recalling meetings held by Cowlitz elders to defend the Shaker church (see above), she stated:

> The people I can remember attending those meetings were my grandmother, Mary Kiona; My great-grandfather William Yoke; the Philips, the Sudaiegs, James Scarborough, the Casamis, Satanas. Bat Kiona was the leader along with Old man Ike also Iyle and Eyle. Lot more families were there but I can't remember all of them as I was just a young girl when I saw and heard these things (Eyle 1975).

[107] It should be noted that the three specific cases cited in the CIT petition narrative pertained not to Cowlitz Indians, but to non-Cowlitz Indians who were fishing in the Cowlitz River (CIT Pet. Narr., 52, 115).

For information concerning the attendance of Cowlitz children (both Upper Cowlitz families and Lower Cowlitz metis families) at BIA schools during the 1920's and 1930's, and Taholah Agency supervision of Cowlitz Indian children in the public schools during the same period, see the Genealogical Technical Report.

On May 23, 1929, the Taholah Agency Report estimated the Cowlitz population at 600 Indians "widely scattered in Southwestern Washington" in "seven or eight counties" (CIT Pet. Narr., 84; CIT Pet. Ex. A-3). On July 1, 1929, the agency informed the COIA:

> In response to your card dated June 24, 1929, the following information relating to the status of the lands occupied by the Chinook and Cowlitz Indians: A very few of the Cowlitz Indians have Indian homesteads on the public domain, twelve in number.[108] These Indians have no reservation lands. They live among the white people and are widely scattered in Chehalis and Lewis Counties (Taholah to COIA 7/1/1929; CIT Pet. Ex. A-80) [footnote added].

During this period, the Taholah Agency also had contact with individual Cowlitz on miscellaneous matters. For example, on February 9, 1928, W.B. Sams, Superintendent, Taholah, wrote to Mrs. L. E. Lane, Portland, Oregon (a Wannassay descendant). She had written on February 4, 1928, stating that she was full blood Cowlitz and desired an allotment on Quinault. He replied that since she had informed him that her parents and older siblings were allotted on Yakima, she should apply there (Sams to Lane 2/9/1928; CIT Pet. Ex. A-413). In 1930, Dorothy Seale of Rochester, Washington, wrote the agency concerning the welfare of Harry J. Cheholtz, son of James H. Cheholtz (Cowlitz) and Katie (Williams) Cheholtz (Chehalis, who lived on the Oakville reservation) (Seale to Indian Field Agency, Hoquiam, Washington, 6/3/1930). The superintendent replied:

> Mr. James H. Cheholtz to whom you refer is not an enrolled member of any tribe, but what is known as a citizen Indian having lived among the white people and away from reservations all his life.

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[108] This count was too low. See the Genealogical Technical Report, Appendix III.

> The County authorities are obliged to feed such people and you should call him to their attention at once. You may show them this letter (Sams to Seale, 6/4/1930).

Attempts to get legislation authorizing the "Cowlitz Tribe of Indians" to submit claims to the Court of Claims, 1915 - 1927. The petition included a summary schedule listing of bills submitted on behalf of the Cowlitz Indians' claims initiative, in both the House and Senate, for 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1923, 1924, 1927, 1928, which was passed, but vetoed by Calvin Coolidge on May 18, 1928 (H.R. Exec. Doc. No. 319, 70th Cong., 1st Sess. (May 19, 1928); CIT Pet. Ex. A-96 - A-98), and 1929 (CIT Pet. Ex. A-167). This series of bills was introduced in Congress to give the Court of Claims jurisdiction over the Cowlitz case (CIT Pet. Narr., 45, 78). Generally, in accordance with the official Federal Government policy at the time, the Department of the Interior opposed the proposed legislation. On March 28, 1924, Secretary Hubert Work wrote to Honorable J.W. Harreld, Chairman, Committee on Indian Affairs, United States Senate:

> The records show that as early as 1893 these Indians were reported as being scattered through the southern part of the State of Washington, most of them living on small farms of their own; that they hardly formed a distinct class, having been so completely absorbed into the settlements; and that fully two-thirds of them were citizens and very generally exercised the right of suffrage. In 1910 Special Agent Charles E. McChesney reported that these Indians were industrious, self-supporting, and reasonably intelligent.
>
> In view of the foregoing it will be seen that the Cowlitz Indians are without any tribal organization, are generally self-supporting, and have been absorbed into the body politic.
>
> Furthermore, it may be said that this tribe never entered into any treaty or agreement with the United States whereby its right and title to any particular tract or reservation of land were recognized by the Government, and it is doubted, therefore, whether it has any claims which would stand the test of judicial inquiry, as the courts have held that the rights of Indians to the lands they occupied in their natural state were merely rights of habitat and usufruct, and that the Indians acquired no proprietary interests in the

> vast territory over which they roamed. (Johnson v. McIntosh, S. Wheat. 542) (Work to Harreld 3/28/1924).

In his 1928 veto, President Coolidge stated:

> These claims are not based on any treaty or agreement between the United States and these Indians, nor does it appear to me that they are predicated upon such other grounds as should obligate the Government at this late day to defend a suit of this character. The Government should not be required to adjudicate these claims of ancient origin unless there be such evidence of unmistakable merit in the claims as would create an obligation on the part of the Government to admit them to adjudication. It seems to me that such evidence is lacking (H.R. Exec. Doc. No. 319, 70th Cong., 1st Sess (May 19, 1928).

Most of the surviving records of the Cowlitz tribal organization pertain to the claims initiative. By February 1, 1917, the Cowlitz Tribe of Indians was sufficiently well organized that J. F. Spencer, of Toppenish, Washington, wrote to Frank Wannassay, of Kelso, Washington, on "Cowlitz Tribe of Indians" letterhead. According to the letterhead, the organization had the following officers: President, D. A. Plomondon, Castle Rock, Washington; Vice President, C. C. Eynard, Castle Rock, Washington; Secretary, J. F. Spencer, Toppenish, Washington; Treasurer and Delegate, Frank Iyall, Toppenish, Washington. The executive committee comprised Charles Pete, Castle Rock, Washington; John Ike, Silver Creek, Washington; Tenas Pete, Oakville, Washington; and Mary Longfred, Nisqually, Washington.

On November 9, 1917, the Chehalis Bee-Budget reported that representatives of the Cowlitz Indian tribe had again met in Chehalis, on this occasion to hire an attorney for land claims: "Much Indian oratory was manifested, some of the men being splendid speakers." Dan Plamondon presided (CIT Pet. Ex. A-848). It was mentioned that during the spring, "an agent from Washington secured an accurate enrollment of all members of the tribe" (CIT Pet. Ex. A-848). This was apparently a reference to the compilation of the Roblin Roll (see below).

> The attendance was not as large as was expected owing to the fact that word of the meeting failed to reach some of the members in other parts of the

> state. There were delegates present from Wapato, North Yakima, Willapa Harbor, Gray's Harbor, Lewis county, Pacific county and various other places . . . Owing to the fact that there were not representatives of all the Indians present to sign the contract, Sam Smith of the Oakville reservation was assigned to visit members of the tribe at other meetings to be held soon at North Yakima, Olequa and other places, to secure their signatures (CIT Pet. Ex. A-848).

During the next couple of years, Yakima Indians continued to play an important role in the Cowlitz organization. On February 20, 1918, Frank Iyall mentioned Mr. J. F. Spencer, "treasurer of the Cowlitz organization, who is also the secretary" (F. A. Iyall, Delegate of The Cowlitz Tribe of Indians, New Capitol Hotel, Washington, D.C. to the members of the Executive Committee of the Cowlitz Tribe of Indians, c/o Mr. Joe Northover, Harrah, WA; BIA Area Office, Portland, Oregon). J.F. Spencer was the son of Yakima chief Lancaster Spencer.

On May 13, 1921, Dan Plamondon, president of Cowlitz Tribe, presided over the "annual tribal meeting" in Chehalis. Frank Iyall was selected to return to Washington, D.C. to press the claims. "There were many speeches made, both in English and in the Indian language" (Chehalis Bee-Nugget, 5/13/1921; CIT Pet. Ex. A-849). There were "about fifty present, representatives from Lewis county points, Pacific county, Yakima, Toppenish, and various points in Oregon" (Chehalis Bee-Nugget, 5/13/1921; CIT Pet. Ex. A-849).

In 1925, the Cowlitz were omitted from the successful general Washington claims authorization bill H.F. 2694 at their own request (CIT Pet. Ex. A-98, A-173). There is one reference in BIA correspondence to an annual meeting having been planned for May of that year (Sams to Ike 3/30/1925; CIT Pet. Ex. A-327).

The efforts to collect money from persons residing on the Yakima Reservation to support Cowlitz claims efforts, as shown by the 1915/17 dues list (see the Genealogical Technical Report), apparently continued during the next decade. On March 8, 1927, the assistant COIA wrote to Evan W. Estep, Superintendent of the Yakima Agency, responding to Estep's letter of February 26, 1927, regarding Cowlitz claims:

> This Office has received no information concerning any persons collecting money from individuals of the Cowlitz tribe, in order to finance the presentation of the Cowlitz' claims to the Court of Claims or to Congress. You are requested to obtain as full information as is possible at your agency and report to this Office at the earliest practicable date as to the extent of these collections and the approximate amount of money collected from Cowlitz Indians of your agency" (CIT Pet. Ex. A-153 - A-154)

In 1928, President Coolidge vetoed a Cowlitz claims authorization bill that had successfully passed both houses of Congress (Fitzpatrick 1986, [235]). On May 3, 1929, the Assistant COIA wrote Mrs. Alice McCoy of Castle Rock, Washington, re two bills on Cowlitz claims that had been introduced in the 70th Congress, H.R. 167 and S. 740:

> Should the Cowlitz Indians obtain a jurisdictional act and have their claims adjudicated by the Court of Claims none of those who are of the blood of that tribe will be permitted to assume tribal membership now with the Cowlitz Indians if they have become affiliated with some other tribe and receive benefits elsewhere. Nor will any one be permitted to go into the Cowlitz Tribe unless the tribe approves an application to have the Secretary grant authority for them to participate (CIT Pet. Ex. A-162).

On June 5, 1929, O.H. Keller, Deputy Disbursing Agent, Taholah Indian Agency wrote to E.G. Potter that:

> the Cowlitz Tribe of Indians are within my jurisdiction but I do not have anything to do with the papers in connection with establishing the claim of the Cowlitz Indians. They are evidently in the hands of the attorney or of the Business Committee of the Cowlitz Indians who are looking after the matter. I am unable to tell you who these parties are (Keller to Potter 6/5/1929; CIT Pet. Ex. A-410).

In 1930, apparently because of the 1928 veto, an effort was made to amend the more general 1925 bill to authorize the Cowlitz to sue in Court of Claims (CIT Pet. Ex. A-173). This effort was continued in 1930 (CIT Pet. Ex. A-173 - A-176).

The next specific references to the holding of Cowlitz annual meetings occurred in 1931, when one was held on June 6 (CIT Pet. Ex. A-395). Another was held October 3, 1931, at Chehalis, Washington, the minutes of which were examined by a BIA official in 1932 (CIT Pet. Ex. A-395). As of 1932, James E. Sareault was serving as attorney for the Cowlitz Indian Tribe (CIT Pet. Narr., 47). On January 23, 1932, Sareault notified H.O. Nichelson, U.S. Indian Agent, Hoquiam, that the Cowlitz Tribe of Indians would call a meeting in Chehalis soon to enter into attorney contract for claims (CIT Pet. Ex. A-254). On February 15, 1932, Frank Iyall, J.B. Sareault, Mrs. Henry Senn, and Henry St. Germain signed contracts on behalf of the Cowlitz with the law firms of William B. Lewis of Spokane, and Serven & Patten & John G. Carter of Washington, DC (CIT Pet. Narr., 48, 190).

On April 15, 1932, Frank A. Cloquet of Yelm, Washington, wrote N.O. Nicholson, Superintendent of the Taholah Agency, asking when and where the next Cowlitz Indian meeting was to be held and asking if there was any news of a settlement since the last time Cloquet had been at Hoquiam in March (Cloquet to Nicholson 4/15/1932). The superintendent replied that he had no information (Nicholson to Cloquet 4/16/1932).

This 1932 meeting was held in the Moose Hall, Chehalis, Washington (CIT Pet. Ex. A-256). The BIA official present compiled a report on February 16 which indicated that about 65 people, "apparently all Cowlitz Indians," were present in the morning. When it reconvened in the afternoon, about 92 were present. The meeting elected four delegates and four alternates. The BIA observer noted that the meeting had been advertised in three Tacoma papers, two Portland papers, two Chehalis papers, one Centralia paper, and one Winlock paper; additionally, notices had been mailed by the secretary[109] to 50 or 60 persons whom it was thought might not receive notice of the meeting through the papers (CIT Pet. Ex. A-394 - A-396).

Scholarly Studies, 1920's and 1930's. Academic researchers continued studies of the Cowlitz Indians throughout the 1920's and the 1930's. The major studies were by James Teit (Teit 1928), Thelma Adamson (Adamson 1934), Erna Gunther (Gunther 1940), and Melville Jacobs (Jacobs 1937). Jacobs worked with Upper Cowlitz informants on linguistics, but

[109] March 16, 1932, Mrs. Henry Senn, was Secretary of the Cowlitz Tribal Council (A-898 - A-894).

much of his research remains unpublished. There is a collection of papers, including Cowlitz research conducted from 1927 through 1931, in the University of Washington Archives, Seattle, Washington. His major Cowlitz informants were Sam N. Eyley, Jr.; Sam Eyley, Sr.; Mary Eyley, Jim Yoke, and Lewis Castama (CIT Pet. Narr., 145-146; CIT Pet. Ex. A-734 - A-743). All of these studies identified individual informants as Cowlitz Indians, but none was interested in describing contemporary community or tribal interaction. The anthropologists had some difficulty in tracking down their informants, who tended to go on long visits to relatives who were dispersed from White Swan on the Yakima Reservation to Oakville on the Chehalis Reservation.

THE COWLITZ 1934-1950

Introduction. The petitioner maintains that the relationship between the BIA and the Cowlitz Indians was altered by the passage of the Indian Reorganization Act (IRA) in 1934 (CIT Pet. Narr., 61). The petition states:

> The Bureau of Indian Affairs did not perceive that the Cowlitz Tribe should vote on the I.R.A. Since one of the major concerns of I.R.A. was protection of the tribal land base, the Taholah Agency . . . did not propose to organize the Cowlitz either because of the allotment of 57 members on the Quinault Reservation nor because of the 20 Indian homesteads, public domain allotments, or tracts taken into trust for members of the Cowlitz Tribe (CIT Pet. Narr. 187, 62).

Continued Contacts of Individual Cowlitz Indians with the BIA, 1934-1950. Although the Cowlitz did not vote on the IRA and COIA John Collier had formally denied their existence as a "tribal entity" in 1933 (Collier 1933), this did not end contact between the BIA and individual Cowlitz Indians, which continued in a manner similar to that which had occurred before 1934. During the period 1934-1950, the BIA continued to have contact with individual Cowlitz Indians on a variety of topics. Attendance of Cowlitz children at BIA schools continued, as did heirship determinations for public domain trust land and income payments to family members from public domain trust land (LaVatta to Case, 3/7/1944; Case to Hoquiam Indian Agency, 4/14/1947).

In some cases, the BIA itself was not clear on the status of the decedent, as in that of Anthony Edward Cloquet, who died in 1936, leaving a small home in Kelso, Washington. The superintendent of the Tacoma Hospital stated that he understood "that Mr. Cloquet had an allotment in the Cowlitz reservation," and therefore placed his funds that remained in Cloquet's hospital account on deposit with the Taholah Agency (Alley to Nicholson, 2/26/1936), but the Taholah Agency superintendent wrote to the person in charge of Cloquet's estate that "our records do not show that he has an allotment or that he ever applied for any, hence the money to his account here will be held here until such time as an administrator to his estate has been appointed" (Nicholson to Hora, 3/5/1936).[110]

A significant number of the communications dealt with the question of whether Cowlitz Indians might purchase liquor. On December 11, 1935, COIA Collier wrote Manuel L. Forrest of Aberdeen, Washington (who later in 1950 would be elected chairman of the Cowlitz Tribe of Indians):

> Referring further to your request for a certificate showing that you are not a ward of the Government, we would like to know for what purpose you intend to use this certificate: that is, whether to obtain employment provided by the State and, if so, why such a certificate is necessary.
>
> Upon receipt of this information, your case will have further attention (Collier to Forrest, 12/11/1935).

A carbon copy of the above letter was sent by the COIA to the Taholah Indian Agency saying:

> We have received several requests for certificates of this nature. Do you know whether there is any State regulation or requirement which would prohibit any ward Indians from obtaining employment on state projects. If so, please advise the circumstances under which such regulation was adopted (Collier to Forrest, 12/11/1935).

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[110] Anthony Edward Cloquet's brother, Augustus Cloquet, was a Cowlitz allottee on the Quinault Reservation; his brother Eugene Cloquet was allotted on Yakima. This may have been the source of some of the confusion.

Superintendent Nicholson replied that, "we have no record of nor know nothing of this person. He is not enrolled or listed as an Indian of any of the tribes within this jurisdiction" (Nicholson to COIA, 12/16/1935). Nicholson stated that he knew of no state regulation which prohibited "ward or other Indians from obtaining employment on State projects," and speculated that the inquiries might be in connection with obtaining county or state welfare benefits, but was more probably connected with Forrest's desire to "obtain a liquor permit to purchase liquor in the State liquor stores" (Sams to COIA, 12/16/1935). On January 17, 1936, the COIA's office sent Forrest the requested information on his status (Daiker to Forrest, 1/17/1936).[111]

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[111] Under the laws in effect during the 1930's, some Cowlitz would have been prohibited from purchasing liquor because they held public domain allotments, but the majority of the Cowlitz would not have been prohibited. Definition of an individual Indian's status for purposes of liquor purpose was not tied to the status of an Indian's tribe, whether federally recognized or not. As an indication of what the issue of ineligibility to purchase liquor indicated in the 1930's in reference to the status of an individual, Fred H. Daiker, Assistant to the COIA, wrote on April 25, 1938, to O. C. Upchurch, Superintendent of the Tulalip Agency:

> The Office can not agree with your general statement that in view of the Act of June 18, 1934, persons of less than one-half blood are not Indians. Different acts prescribe limits of Indian blood for the purpose of the particular act. With reference to intoxicating liquor, your attention is invited to the Act of January 30, 1894 (29 Stat. 506) which forbids the sale, gift, etc., of intoxicating liquor to
>
> 1. Any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government.
>
> 2. Any Indian a ward of the Government under charge of any Indian superintendent or agent.
>
> 3. Any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship.
>
> There is no law which specifies a minimum quantity of blood for the purpose of said act (Daiker to Upchurch 4/25/1938).

On January 28, 1937, the Taholah Agency replied to an enquiry from Mr. J.C. Walker of Ryderwood, Washington, concerning whether or not Edd Lambert and Norb Bouchard of Ryderwood, Washington, and Norman Cotterware [sic] of Vader, Washington, were wards of the government (Nicholson to Walker, 1/28/1937), and confirmed to N.P. Cottenware, at his request (Cottenware to Taholah Indian Agency, 4/20/1937), on April 24 that, "you are not enrolled or carried in any way as an enrolled, ward Indian on any of the reservations under this jurisdiction" (Nicholson to Cottenware, 4/21/1937). On June 7, 1937, Alvie C. Bouchard wrote to the Taholah Agency requesting a card. He stated that he was Lower Cowlitz, was not enrolled, paid tax, and wanted the card to prove he was no ward of the government, so he could buy beer (CIT Pet. Ex. A-271). On May 15, 1950, Taholah received an inquiry from the Washington State Liquor Control Board concerning David Ike, a member of the Cowlitz Tribe but not a ward of the state, who did not reside on a reservation and had requested permission to purchase liquor (CIT Pet. Ex. A-556 - A-557).

On July 27, 1936, Otis Cottenware of Vader, Washington, said in a letter to the Taholah superintendent, "I am wrighting you fore a card shoing I am not a word of the Govermint. The State require us to get one. So I am wrighting to you aboute it" (Cottenware to Nicholson 7/25/1936). The superintendent replied, "The records of this office fail to disclose that you have any restricted property under this jurisdiction, and you are not, as far as our records disclose, a ward Indian" (Nicholson to Cottenware, 7/27/1936). The repeated requests from Cowlitz members on this issue from the 1930's through the early 1950's indicated that in the Cowlitz River valley communities in which they lived, the non-ward Cowlitz were generally known as "Indian" to the extent that they were refused liquor service by vendors.

In other ways the BIA continued to interact with individual Cowlitz Indians much as it had done for the preceding 15 years. For example, on May 15, 1937, M.A. Johnson, Superintendent of the Yakima Agency, provided information to N. O. Nicholson, of the Taholah Agency, concerning the blood quantum of the grandchildren of Charles LaDue, holder of Yakima Allotment No. 2361, one of the sons of Louis and Marguerite (Cowlitz) LaDue (Johnson to Nicholson 5/15/1937). James T. Rehily, the BIA Examiner of Inheritance based at the Yakima Agency, dealt with several estates of allotted Cowlitz Indians. These included Yakima allotments, Quinault allotments, Warm Springs allotments, and public domain

allotments (Rahily 2/24/1934, Rahily 9/9/1937, Rahily 6/17/1937). The superintendent at Yakima corresponded with the Field Aid at The Dalles concerning approval of an educational plan for Charles Pete Eyle (Johnson to Davis 12/19/1940). On September 17, 1941, the Taholah Agency wrote Leo E. Cottenoir at Fort Washakie, Wyoming, saying, "I am unable to find any reference to the boy's mother, Sadie Josephine C. Rhodes, or to yourself, as being listed on the Cowlitz roll" (Phillips to Cottenoir 9/17/1941).

On May 25, 1945, the COIA notified the superintendent of the Taholah Agency of the death of Harry J. Cheholtz, an Indian under his jurisdiction, and requested that his estate be sent to the Examiner of Inheritance (COIA to LaVatta 5/25/1945; enclosing copy of Adjutant General's May 8, 1945, notification to Mrs. Katie Wulf of the death of her son). On October 4, 1948, the superintendent of the Taholah Agency replied to an inquiry concerning probate of the land of the late James H. Cheholtz, a Yakima enrollee who had died in 1937 (Wulf to Taholah Agency, 9/30/1948), saying he was not enrolled at Taholah and held no property there, advising the widow to consult the Yakima Agency (Helander to Wulf, 10/4/1948).

On October 23, 1945, Otis Cottonware again wrote the Taholah Agency requesting a statement showing that he was not a ward of the Government (Cottonware to Taholah Agency 10/23/1945). On August 29, 1946, Mrs. H.R. Swanton (nee Cecile Cottonware) wrote from Kelso, Washington, to obtain confirmation from the Taholah Agency that she was not a ward of the Government (Swanson to Taholah Agency 8/29/1946).

On April 25, 1950, Leo E. Cottenoir wrote to Taholah, needing information on his enrollment in an organized Indian tribe and blood degree in order to enroll his daughter at Wind River (Shoshone). He stated that he had graduated from Chemawa in May 1933, listed as 1/2 blood Indian of the Cowlitz tribe (Cottenoir 1950; CIT Pet. Ex. A-283). The reply, dated May 1, said that his name was not recorded in their jurisdiction (Keeler 5/1/1950; CIT Pet. Ex. A-285).

Cowlitz Organization. In 1934, John B. Sareault succeeded John Ike as president of the tribe (CIT Pet. Narr., 192). He died in 1936, and was apparently succeeded by his son James E. Sareault, who had already been engaged by the organization as one of its attorneys (CIT Pet. Narr., 192-193). The petition presented no further information on the internal activities of the organization until 1950.

During the site visit conducted by BIA researchers in July 1995, members of the Wannassay family submitted copies of papers and correspondence maintained by the family. These included unidentified newspapers clippings from 1937 and 1938 reporting on the activities of the annual meetings. The newspaper article hand-dated May 21, 1934, indicated that the annual meeting would be held on June 2, and stated that Frank Wannassay, whose home had been damaged by flood relief activities, planned to attend the meeting with a cousin who lived in Battle Ground, Washington, and "present before the tribe his claim to the land on which he lives, which he says was formerly part of an Island in the Cowlitz River" (Wannassay Papers 1934). An unidentified newspaper clipping hand-dated October 15, 1934, indicated that Congressman Martin F. Smith had been the main speaker at the meeting of the Cowlitz Tribe of Indians at Chehalis on October 13. Frank Wannassay of Kelso, his wife, and daughter, had attended and he had meet relatives and "presented a petition to the members present asking for fishing and hunting rights for the Indians, which all members of the tribe signed" (Wannassay Papers 1934).

A newspaper clipping, hand-dated June 14, 1937, headed Chehalis, stated:

> James E. Sareault was elected president of the Cowlitz Indian tribe Saturday when that group met in Chehals for its annual session.
>
> Sareault succeeds his father, J.B. Sareault, who served as head of the organization for over 25 [sic] years. The elder Sareault died list winter.
>
> Other officers elected include Lewis Castama, Silver Creek, as vice-president, and Mrs. Margaret Ray of Oakville, secretary-treasurer.
>
> The Cowlitz tribe is one of the oldest in the United States to maintain its tribal unity and organization. Many of its members are now sons and daughters of pioneers who married into the tribe years ago.
>
> Among the subjects discussed at the session was the maintenance of the organization and the tribe's claims against the federal government, amounting to some $2,000,000 for fishing, hunting an land rights which have been pending in the United States court of claims for over 30 years (Wannassay Papers 1937).

The 1938 notice, hand-dated June 7, 1938, and headed "Tribe Holds Election," was briefer. It stated:

> James E. Sareault, Lewis county prosecutor, was re-elected president of the Cowlitz Indian tribe at its meeting at Moose hall here Saturday afternoon. Maude Wannassay, Kelso, was elected vice president and Margaret Ray, Hoquiam, was re-elected secretary-treasurer. Frank Iyall, Toppenish, was re-elected to serve as the tribe's delegate to Washington, D. C. The tribe also made plans to hold a huge pow-wow next year at the old meeting place of the Indians on Cowlitz prairie (Wannassay Papers 1938).

No newspaper of the "pow-wow" planned for 1939 was submitted. It is not known whether or not it was held. In 1940, the Centralia [Washington] Daily Chronicle published an article on May 31, headed, "Cowlitz Indian Tribe to Meet," at the Moose Hall in Chehalis. The article included the statement:

> The Cowlitz is one of the few tribes remaining in the United States which have kept intact their organizations. Several years ago the group dropped the Indian titles of "chief," etc., and adopted the white man's official names of "president" and "vice-president" (Cowlitz Indian Tribe to Meet, 5/31/1940).

At least one further meeting was apparently held and conducted elections, since newspaper coverage of the 1950 meeting stated that M.J. Forrest of Aberdeen, the newly elected president, and James Sareault of Chehalis, vice-president, had "traded the positions they had held since 1941" (Wannassay Papers 1950; Longview Daily News, May 16, 1950).

Quinault Allotments. The major aspect of Cowlitz contact with the BIA in the mid-1930's resulted from a new round of allotments on the Quinault Indian Reservation. On June 1, 1931, Halbert et al v. The United States was decided by the U.S. Supreme Court (CIT Pet. Narr., 58). It provided that:

> 1. Indians of the Chehalis, Chinook and Cowlitz Tribes, not allotted elsewhere, are among those who, under the Act of March 4, 1911, are entitled to take allotments on the Quinaielt Reservation in the State of Washington.
> 2. Personal residence on the reservation is not essential to the right of allotment (p. 753).

On August 1, 1932, seven Cowlitz claimants in the suit were placed on the Quinault census (CIT Pet. Narr., 60). By 1934, as a result of Halbert, 57 Cowlitz individuals (in 31 families) had been placed on the Quinault census. Nine of the 31 families (29%) resided on the reservation (14 of the 57 allottees, or 25%) (CIT Pet. Narr., 60). The petition presented a breakdown of Cowlitz Allottees on the 1934 Quinault census (CIT Pet. Narr., 42-44; CIT Pet. Ex. A-1842 - A-1846), the 1934 Quinault census itself (CIT Pet. Ex. A-1417 - A-1442), and excerpts from the 1932 and 1937 Quinault census (CIT Pet. Ex. A-493 - A-501, A-522 - 523). It also included the 1935 Quinaielt voters' list (CIT Pet. Ex. A-1459 - A-1473). The petition states that in 1935, 30 adult members of the Cowlitz Tribe qualified to vote on the IRA at Quinault (CIT Pet. Narr., 63).[112]

Some individual situations resulting from the mid-1930's allotment policy on Quinault were complex. On October 18, 1940, the Taholah Agency wrote Superintendent C. Upchurch, Tulalip Indian Agency re the family of Mary L. (Plamondon) Bouchard Wilson King. He reported that on July 13, 1932, the family had refused to take allotments, preferring to wait for the results of the Cowlitz suit. He added that Charles Roblin, the allotting agent, had further noted, "The Secretary of the Interior authorized the allotment of Oliver D. Bouchard and his family on the Quinaielt Reservation as Cowlitz Indians. They refused to accept the land which was available when they came over; so they were not allotted." Then, apparently, on October 19, 1932, Oliver Bouchard had written the allotting agent for blanks for his three sons to make application for allotment, but the allotting agent had replied that there was no land and it would be useless for them to make application (Taholah to Upchurch, 10/18/1940; CIT Pet. Ex. A-271). The Taholah Agency added the general explanation that:

> The Cowlitz Tribe has no reservation and there has never been an official census roll made for these Indians. Members of the Cowlitz Tribe were granted allotments on the Quinaielt Reservation under decision of the United States Supreme Court on the grounds that they were entitled by reason of the fact that they were "fish-eating" Indians of this particular section, and not because they

[112] Marino wrote that, "Although they acquired Quinault lands, Chehalis, Chinook, and Cowlitz allottees were never given voting rights by the Quinault" (Marino 1990, 175).

had any rights to such allotments as Quinaielt Indians nor as Cowlitz Indians (Taholah to Upchurch, 10/18/1940; CIT Pet. Ex. A-271).

The Cowlitz were also mentioned in the Taholah Agency's November 22, 1940, request to the COIA for a social worker. "The Office is aware of the fact that while many of our Indians are allotted and enrolled on the Quinaielt Reservation, they do not live upon the reservation and are, in fact, scattered throughout western Washington. This is especially true of the Cowlitz and Chinook tribes" (Taholah to COIA, 11/22/1940; CIT Pet. Ex. A-392).

Families of Cowlitz descent who believed that they were or should have been allotted on Quinault under Halbert were corresponding with the Portland, Oregon, BIA area office as late as the 1950's (Goulter to U.S. Indian Service, 4/20/1950; Keeler to Goulter, 5/4/1950).

Attempted Muck Creek IRA Organization. In addition to the Cowlitz who were allotted on Quinault, on June 29, 1935, a petition of the proposed Muck Creek Tribe (Pierce County, Washington), included a list of "1/2 Degree Indians," contained several names associated with Cowlitz (Steilacoom Pet. Resp. 1994). These were Pierce County families of partially Cowlitz descent rather than families from the Cowlitz River valley.

Fishing rights. On October 15, 1934, the Cowlitz submitted a petition protesting State of Washington fishing regulations for Indians. The petitioners signed as members of the Upper Cowlitz and the Lower Cowlitz Indian Tribes. It contained 64 names, some with place of residence. Of these, 28 were Upper Cowlitz full-bloods and 36 were Lower Cowlitz metis. The residential locations named were Cinnabar, Rochester, Alpha, Kelso, Centralia, Chehalis, Mayfield, Nesika, Morton, Randall, Packwood, Winlock, Silver Creek, and Nisqually, all in Washington (CIT Pet. Ex. A-551 - A-552).

The petition contained no data on the Cowlitz organization's activities from 1936 through 1946 (see the discussion elsewhere on the unavailability of the Sareault papers). None was located by the BIA researcher. Several families provided the BIA researcher with copies of newspaper clippings pertaining to individuals' World War II military and civilian service. Each of these clippings identified the individual as a Cowlitz Indian. The CIT petition contained two letters dated August 13, 1942, from "Jas. E.

Sareault, Pres., Cowlitz Tribe of Indians," one to Otis Cottonware of Castle Rock, Washington, and the other to Jesse Pete of Ryderwood, Washington. Each stated that "an examination of the records of this tribe show that you are a member but you are not, as far as the records show, a ward of the government" (CIT Pet. Ex. A-979, A-980).

1946 Purge of Yakima Enrollment and its Impact on the Cowlitz. Darlene Fitzpatrick's 1986 dissertation described the impact of Yakima enrollment modifications on the Cowlitz without providing a great deal in the way of context. She stated that:

> Salish Cowlitz . . . were removed from the Yakima roll in the post-1946 period when the Yakima Nation reviewed and revised their enrollment process. This situation has meant there are Cowlitz enrolled members whose parents, older brothers and sisters, grandparents, aunts, and first cousins were or are enrolled Yakima but they themselves are not. They are instead enrolled with the Cowlitz Tribe" (Fitzpatrick 1986, 88-89).

The Act did not apply specifically to "Salish Cowlitz." Under an Act of Congress, the Yakima Nation purged its rolls of those persons who were not at least one-quarter blood quantum from one of the confederated bands in the 1855 treaty, or a pre-1914 allottee, or descendants of pre-1914 allottees who met certain age and residential qualifications. For further discussion of the technicalities of the Act of Congress under which this procedure was undertaken, see the Genealogical Technical Report. From the political point of view, this action was significant for the future of the CIT organization: two later CIT chairmen, Joseph Cloquet and Roy I. Wilson, had been born to Yakima-enrolled families and were disenrolled under the 1946 Act, as were several future CIT council members.

THE COWLITZ 1950-1974

Introduction. In 1952, John Reed Swanton's Indian Tribes of North America was published by the Bureau of American Ethnology as Bulletin 145 (Swanton 1952). Taking its place as the basic reference work on the topic for two generations, it was of less than no use for the Cowlitz. It identified only the Salish branch, mentioned only two of the traditional villages, listed some derivative place names,

cited a few population estimates, and said that "later they were divided between Chehalis and Puyallup Reservations" (Swanton 1979, 25).

Local History Mentions. In the post-World War II period, a number of local histories mentioned the Cowlitz Indians (Olson 1948, McClelland 1953, Olson 1953, Toledo Community Story 1953). However, most of these mentions were along the lines of nostalgia: they mentioned events of the late 19th and early 20th centuries and recollections dating to the writer's childhood, often including reproductions of photographs of Cowlitz Indians taken during those periods, but had little to say about the contemporary group. Several newspaper feature articles also fell into this nostalgia category (Peery 1950; cited in CIT Pet. A-870, A-871, A-874 - A-876as "Perry 1953"), but others did refer to continuation of traditional activities by living Cowlitz Indians, such as basketry and fishing (CIT Pet. Ex. A-877, A-865, A-868 - A-869). Irwin's bibliography indicated the existence of much more contemporary newspaper coverage of the Cowlitz than was submitted in the petition exhibits (Irwin 1995).

Revived Cowlitz Tribe of Indians Organization, 1950-1955. There was a period of time, from the later 1930's through World War II, during which documentary absence would indicate that organized Cowlitz tribal activity was essentially dormant (see only the two 1942 letters from President James E. Sareault to tribal members discussed above). In 1975, Norbert I. Bouchard gave an affidavit that the meetings has resumed "around 1947" (Bouchard 1975; CIT Pet. 1975, Appendix VII:69), while Joseph Cloquet gave affidavit that he had attended meetings "during the 1930's and 1940's" (Cloquet 1975, CIT Pet. 1975, Appendix VII:70). One internal indication that the May 13, 1950, meeting was the first for a significant span of years was that time was set aside to "honor members who gave their lives for our country: Harry James Cheholtz - Japan - son of Mrs. Kate Wulfe; David Doug Jack - Oakville; Lewis St. Germaine - Angeles Beach; Ray Steffan - Saipan" (CIT Pet. Ex. A-1147, Minutes 13 May 1950).

The Cowlitz Tribe of Indians, as an organization reconstituted in 1950, pursued claims. Many of the records which survive were generated by its claims activity. However, it was not exclusively a claims organization, as discussed below in the section headed, "Non-Claims Activities of the CTI."

On May 13, 1950, the Cowlitz Tribe of Indians held a "reorganization" meeting at the Cowlitz Prairie Grange Hall, with attendance from as far as the San Juan Islands, the Yakima region, and Bend, Oregon (Wannassay Papers 1950). The officers elected were: James E. Sareault, president; M.L. Forrest, vice president; and Mrs. Maude Snyder, secretary-treasurer. According to the newspaper, Forrest and Sareault "traded positions" they had held since 1941, while Mrs. Snyder was re-elected (Wannassay Papers 1950).

Newspaper coverage of the May 13, 1950, meeting stated specifically that it was the "first held by the Cowlitz Tribe since 1941," and that it was held "to form an organization" to "seek recognition from the federal government for claims which are so far unrecognized" (Wannassay Papers 1950). It established a dues schedule of $2 per year from full-blood Cowlitz and minors, and $5 per year for "each member of the tribe who is not a full blooded member of the Cowlitz tribe" (Wannassay Papers 1950). A representative from the BIA's Western Washington Agency at Hoquiam talked about claims procedures (CTI Minutes May 13, 1950; CIT Pet. Ex. A-1146).

There are indications, however, that at least some claims activity had been continued during the 1940's. On August 13, 1946, the Indian Claims Commission (ICC) was established (CIT Pet. Ex. A-98). On January 31, 1947, the Taholah Indian Agency wrote Clifford Wilson of Kelso, Washington, who later would serve as Chairman of the Cowlitz Tribe of Indians during the 1960's, in reference to "your letter dated December 2, 1946, requesting information on the Indian Settlement Bill and if it in particular concerns the Cowlitz Indian Tribes" (Helander to Wilson 1/31/1947). Helander quoted a letter from the COIA which stated:

> Apparently you refer to the suit instituted [sic] under the jurisdictional act of February 12, 1925 (43 Stat. 886) conferring jurisdiction on the United States Court of Claims to hear and determine the claims of a number of Indian tribes, including the Chehalis Indians. The Cowlitz Indians are officially designated as Chehalis Indians (Handbook of American Indians, Bulletin No. 30, Bureau of American Ethnology, page 355). Pursuant to the 1925 act, the Quinaielt Tribe filed a suit against the United States in the Court of Claims for the value of land which it was alleged was excluded from the Quinaielt

> Reservation by an erroneous survey of the northern boundary thereof (Helander to Wilson 1/31/1947).
>
> On October 2, 1944, the Court of Claims handed down an interlocutory decree holding that as a matter of law the Indians were entitled to recover on the claims asserted (102 Ct. Cls. 822). The actual amount of recovery was reserved for final determination by the court. It was further held that the Quinaielt Indians were not entitled to exclusive rights in the reservation, but that the Quilleutes, Hohs, Quits, Chehalis, Chinook and Cowlitz Tribes are also entitled to an interest therein (Helander to Wilson 1/31/1947).
>
> As stated, no amount of money was mentioned in the interlocutory decree of the court. It may be that the gratuity expenditures made by the United States for the benefit of the plaintiff Indians and which the United States would be permitted to credit against any judgment will offset completely any recovery by the Indians. It will not be known until the court hands down its final decision whether the Indians will be awarded any substantial recovery (Helander to Wilson, 1/31/1947).

The Cowlitz had apparently been doing some preparatory work prior to the meeting held May 13, 1950. In a circular letter dated May 22, 1950, addressed to "Chairman of Skokomish, Makah, Quileute, Chehalis and Clallam Tribal Councils, also to Attorneys: Kenneth R.S. Simmons, E. L. Crawford and J. Duane Vance," the Acting Superintendent of the Taholah Indian Agency stated:

> While in attendance at a recent meeting of the Cowlitz Tribe of Indians, Mr. Beaulieu of this agency was shown a large map of the Indian Nations and Tribes of the Territory of Washington and Nebraska made under the direction of Isaac I. Stevens, . . . Mr. James H. Sareault, a member of the Cowlitz tribe and practicing attorney at Chehalis, Washington, has loaned us the map and we hope to have at least half a dozen photostat copies made, if the tribes who intend to file claims against the Government will cooperate in defraying the cost . . . [If] your tribe has or intends to present a claim against the Government,

> and [sic] you should, by all means, obtain a copy of this map (Keeler to Chairmen, 5/22/1950).

In a letter of May 23, 1950, the BIA informed Mr. Jack Z. Anderson of the U.S. House of Representatives that:

> The Cowlitz Indians are a party in the case entitled The Quinaielt Tribe of Indians v. The United States now pending in the Court of Claims. In an interlocutory decree of February 5, 1945 (102 Ct. Cls. 822) the Court found that the Cowlitz Tribe, among other tribes, was entitled to recover. In accordance with Rules 39(a) the amount recovered would be determined in a later proceeding. Mr. Ralph H. Case, Washington, D. C., is attorney for the plaintiffs (COIA to Anderson 5/23/50, CIT Pet. Suppl. Ex. A-3525).

Revival of Claims Activity. The renewal of Cowlitz claims activity under provisions of the ICC act ensued within two years. According to a statement of Emma Mesplie, who after 1974 would become a leader of the "Yakima Cowlitz" organization (see below):

> The meetings in Cowlitz Prairie Grange Hall began in about 1949. There were only about 30 people attending the meetings in those days. John Serrault was the first president and Jackie Hill was secretary. Joe Serrault became president after his father died. All of us paid dues at that time. Thirty to 100 members attended meetings until 1970 when the judgement award was established" (Statement of Emma Mesplie, 24 June 1986; BIA Claims File, Docket 218, #2).

Contemporary documentation (see above) did not fully support the accuracy of Mrs. Mesplie's recollection, either as to the dates, the number of persons attending, or as to the officers of the organization. John B. Sareault had died in 1936; his son was James; and the secretary was Jacqueline Hill's mother. On one motion taken at the May 13, 1950, meeting, the recorded vote was 34 ayes to 39 nays, indicating the attendance of at least 73 voters rather than "about 30," but newspaper coverage indicated that the attendance was "some 200 strong" (Wannassay Papers 1950). An attendance count at the June 6, 1953, meeting showed 93 persons present (CTI Minutes June 6, 1953; CIT Pet. Ex. A-1170).

From May 13, 1950, until the ICC claims award in 1973, CIT records contain a great deal of correspondence pertaining to attorneys' contracts and other associated business. On July 1, 1950, the CIT adopted a constitution and by-laws "to put forth an organized effort to obtain just recognition from the United States Government and the settlement of the Claim of the Tribe and its members against the United States Government" (CIT Pet. Narr., 194, 198; CIT Pet. Ex. A-1146 - A-1149). For technical discussion of the contents of this document, see the Genealogical Technical Report. A further meeting was held on August 10, 1950 (CTI Minutes, August 10, 1950; CIT Pet. Ex. A-1150). On October 14, 1950, a Cowlitz meeting was called by the BIA Western Washington Agency for the purpose of electing delegates to sign the contract with attorneys; it was held at Cowlitz Prairie Grange Hall with "quite a large number" in attendance (CIT Pet. Narr., 193-194; CIT Pet. Ex. A-1445 - A-1447).[113] On November 4, the Cowlitz Tribe of Indians entered into a contract with Gladys Phillip and James E. Sareault (who was also the group's vice-president) (Weston to Mr. Jack Sareault, July 12, 1974, BIA Portland).

In 1951, Superintendent Raymond H. Bitney of the BIA's Western Washington Agency, Everett, WA summed up the situation of the Cowlitz Tribe of Indians' organization as he saw it:

> However, the group has always and still do maintain their tribal organization for the mutual welfare of its members, holding semi-annual and annual gatherings where problems of the tribe are discussed. . . . While this tribe is landless and without Official recognition of its tribal status, it nevertheless is, and has been an existing and identifiable group within the meaning of the Act of August 13, 1946, supra (CIT Pet. Narr., 50, citing Bitney 1951; CIT Pet. Ex. A-1449).

The BIA approved the Cowlitz Tribe of Indians' Cowlitz attorney contract on March 16, 1951 (CIT Pet. Narr., 50).

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[113] Called to order by the Vice-President, James E. Sareault of Chehalis, WA: M.L. Forrest absent due to a death in the family. Secretary: Jacqueline Cassity. Delegates elected: Mary King, Vader, WA; Simon Plamondon, Vader, WA; Henry St. Germain, Vader, WA. Present: Victor Peterson, Longview, WA; Irene Brimeire, Gresham, OR; A. J. Plamondon (CTI Minutes, October 14, 1950; CIT Pet. Ex. A-1151, A-1445 - A-1447).

On November 16, 1951, Dillon S. Myer, COIA, wrote to Congressman Russell V. Mack, estimating 200 members of the Cowlitz Tribe as among those unenrolled to whom the Western Washington Indian Agency extended services (CIT Pet. Narr., 66; CIT Pet. Ex. A-1673 - A-1677).[114] For a discussion of the membership of the organized group at this time, based upon a mailing list dated 1952/53 on the basis of internal evidence, see the Genealogical Technical Report.

In 1952, Superintendent Raymond Bitney of the BIA's Taholah Agency, at Hoquiam, referenced the burden which the claims activity placed on the agency:

> In addition to this, we have the remnants of the Cowlitz Tribe and the various Chinook Tribes, Kikiallus, San Juan Islands, as well as the Samish that we have to extend services to as the present campaign to get the Indian Claims against the Government before the Indian Claims Commission burdens us with many demands for services relative to the family history and tribal records regarding tribal membership by many, many people who have some Indian blood that they desire to identify with some particular tribe, group or band (CIT Pet. Narr., 64; CIT Pet. Ex. A-1504).

On August 5, 1953, Mary Kiona and Sarah Costama testified on behalf of the Cowlitz claim in ICC Docket 218. Mary Kiona testified through the assistance of Cowlitz interpreter Howard Ike Kinswa (CIT Pet. Narr., 71; citing Indian Claims Commission 1953; CIT Pet. Ex. A-1064 - A-1145, A-791). In 1955, the BIA approved modification of Cowlitz attorney contract (CIT Pet. Narr., 51).

Non-Claims Activities of the Cowlitz Tribe of Indians. However, claims were not the only interest of the organization. On June 20, 1952, the Longview Daily News contained an article which stated that Mrs. Maude Snyder of

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[114] The Taholah Agency, at this time, spoke of its responsibility wholly in the context of responding to claims activity:

> we extend service to some 2,600 unenrolled, unalloted Indians, although I believe it will probably amount to twice that number, who are members of the Duwamish, Snoqualmie, Cowlitz, Stillaquamish, San Juan, Samish, Kikialus and Chinook who have suddenly become active in hiring attorneys and presenting claims against the Government under the Claims Commission Act (Bitney to Pryse 10/12/1951; CIT Pet. Ex. A-1670 - A-1672).

West Kelso, secretary of the Cowlitz Indian Tribe, had appeared before the Kelso city council and presented five reasons why the tribe wanted to see a new bridge named the "Cowlitz Way" bridge rather than the "Peter Crawford" bridge (Indian Tribe Favors Cowlitz Name 1952; CIT Pet. Ex. A-859).

The Cowlitz were included by the BIA in the reservation and non-reservation tribal organizations to receive notification concerning the proposed Western Washington Termination Act in 1953. A rough draft of the bill dated September 15, 1953, indicated that it was "to provide for the termination of Federal supervision over the property of the following Indian tribes, bands, communities, organizations, or groups, and the individual members thereof; . . . [and] for a termination of Federal services furnished such Indians because of their status as Indians; . . ." (CIT Pet. Ex. A-994). Superintendent Bitney at Taholah contacted the Cowlitz chairman, James E. Sareault (Bitney 1953; CIT Pet. Ex. A-1507). At least one meeting held by the BIA to explain the measure included the Cowlitz, Chinook, Shoalwater and Georgetown Indians, on October 3, 1953, at South Bend, Washington (CIT Pet. Narr., 64-65; CIT Pet. Ex. A-987 - A-1008; A-1506 - A-1507). Sareault was expected by the BIA to present the information to the members (Libby 1953; CIT Pet. Ex. A-991, A-1673 - A-1679).

The minutes of the June 7, 1952, CTI meeting at Cowlitz Prairie, Washington, included a request from Raymond Bitney, BIA Superintendent at Everett, Washington, to James E. Sareault that "Indians give blood donations to replace blood used" at the BIA's Cushman hospital (CTI Minutes 6/7/1952; CIT Pet. Ex. A-1164). The minutes of the Cowlitz Meeting, Saturday, June 5, 1954, at the Cowlitz Prairie Grange Hall, indicated that about 75 members attended.[115] The meeting adopted a resolution to oppose a bill in the House of Representatives which would remove Indian hospitals from the jurisdiction of the Department of the Interior to the Department of Health (CTI Minutes, June 5, 1954; BIA Portland). At the June 4, 1955, meeting, it was decided to join the National Congress of American Indians (NCAI) (CTI Minutes, June 4, 1955; CIT Pet. Ex. A-1181).

At the June 4, 1955, annual meeting, a motion was adopted "that we file an injunction. against the city of Tacoma

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[115] June 5, 1954. List of names and addresses of annual meeting attendees (CIT Pet. Ex. A-1177 - A-1179). For discussion, see the Genealogical Technical Report.

about the dam" (CTI Minutes June 4, 1955; CIT Pet. Ex. A-1181). In 1955, the Cowlitz Tribe of Indians brought suit against the City of Tacoma Dam Project. The progress of this suit was discussed at both the 1956 and 1957 annual meetings (CTI Minutes June 2, 1956; CIT Pet. Ex. A-1183; CTI Minutes June 1, 1957, CIT Pet. Ex. A-1185 - A-1186). Testimony was given by Isaac Ike Kinswa, Frank Thomas, John Eyle, and Sarah Castama concerning the projected Mayfield and Mossy Rock projects (CIT Pet. Narr., 71; CIT Pet. Ex. A-558 - A-567). Isaac Ike Kinswa spoke mainly concerning burial grounds, with some reference to fishing (CIT Pet. Ex. A-558 - A-559). The burial grounds referenced were not ancient archaeological sites, but cemeteries which had been in active use within living memory of the speakers: at least one was still used. Frank Thomas concentrated on fishing (CIT Pet. Ex. A-560 - A-561). John Eyle talked about Cowlitz public domain homesteads, the traditional fishing grounds of several families, and burial grounds (CIT Pet. Ex. A-562 - A-564). Sarah Castama spoke mainly concerning burial grounds, but included a bit on fishing (CIT Pet. Ex. A-565 - A-567). Of the burial grounds mentioned, only one had a number of graves relocated prior to the filling of the Mayfield Dam Reservoir (CIT Pet. Ex. A-1848 - A-1876). One traditional burial ground not affected by the reservoir remains in active use (CIT Pet. Ex. A-2140 - A-2142). The loss of this suit was reported in the minutes of the June 2, 1962, meeting (CTI Minutes June 2, 1962; CIT Pet. Ex. A-1191).

Activity of Yakima Cowlitz in the 1950 Cowlitz Tribe of Indians Organization. According to Darlene Fitzpatrick's 1986 dissertation,

> the Yakima Cowlitz have a tendency to see the Cowlitz struggle historically as all of a piece from 1915 to the present.[116] On the other hand, I found the Lower Cowlitz leaders tended to see the history of Cowlitz litigation from 1951: the

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[116]

1918-1939 Great grandfather of Vera Mesplie Azure was Cowlitz treasurer (Public Hearing, 1 June 1974; BIA Claims File, Docket 218).

1918-1952 Grandfather of Vera Mesplie was Cowlitz secretary (Public Hearing, 1 June 1974; BIA Claims File, Docket 218). August Mesplie was secretary of the Cowlitz organization on the Yakima Reservation until 1952 (Emma Mesplie statement, 24 June 1986; BIA Claims File, Docket 218).

> date when they were given a docket number for their ICC suit (Fitzpatrick 1986, 97) [footnote added].

What does appear from various statements of Yakima Cowlitz members is that they participated in the Cowlitz Tribe of Indians exclusively for the purpose of pursuing the claims case. The documents do not indicate that they participated in the non-claims activities mentioned above, which involved the Cowlitz River valley families. Fitzpatrick stated that according to Kay Northover, usually only 30 or 40 people attended annual Cowlitz meetings until the judgment was awarded (Fitzpatrick 1986, 100). Kay Northover's brother made a similar statement (Statement of William D. Northover, 24 June 1986; BIA Claims File, Docket 218, #2). About 1955, Mrs. Frances Northover and Thomas Umtuch testified before the ICC in reference to Cowlitz claims (BIA Claims File, Docket 218, #2; newspaper photograph; CIT Pet. Ex. A-866).

Continuing Cowlitz Tribe of Indians Activity, 1955-1973.

Non-Claims Activity, 1955-1973. On February 18, 1955, a memorandum was sent from a Mr. Cohn, Attorney for Indian Affairs, to Portland Area Director stating that the Steilacoom may adopt Cowlitz Indians (Steilacoom Resp. 1994, 15).

Fitzpatrick stated that in 1956, a granddaughter of Simon Plamondon, Sr. signed a 100 year lease to the church for the St. Francois Mission land on Cowlitz Prairie (Fitzpatrick 1986, 95). The petition contained no documentation concerning this transaction. It is more probable that it pertained to one of the cemeteries, rather than to the church property.

One reference was unclear: "In 1968, Chester J. Higman, the enrollment officer, informed Isaac Kinswa of the Cowlitz tribe: 'There are some very limited exceptions for Indians who are recognized members of a reservation tribe, but these do not apply to the Cowlitz who are not a reservation group and who are not presently recognized as an organized tribe by the United States'" (Porter 1992, 130; citing Chester J. Higman to Isaac Kinswa 9/27/1968, RG 75 BIA, Western Washington Agency, Tribal Operations Branch, General Correspondence, 1953-70, Decimal File .063; Porter 1992, 135). Porter did not indicate what "exception" was the subject of the correspondence.

For activities of the Quinault Allottees Association during this period, see the Anthropological Technical Report.

Interaction with Other Indian Tribes and State Agencies. Approximately 1966, the Cowlitz Tribe of Indians was a member of the Governor of Washington's Indian Advisory Committee (CIT Pet. Ex. A-568). In 1970 (Irwin said 1968 (Irwin 1995, 219)), the Small Tribes of Western Washington (STOWW) organization was founded (CIT Pet. Narr., 163). According to Fitzpatrick, this initiative was headed by a Cowlitz individual (Fitzpatrick 1986, 79).[117] By 1972, the Cowlitz Tribe was a member of the Governor's Indian Advisory Council (CIT Pet. Narr. Ex. A-568).

Claims Activity 1955-1973. On March 2, 1962, the Cowlitz elected delegates to renew the claims contract with attorneys Sareault and McLeod. Those chosen were Mike St. Germain, Roy King, and Archie Iyall. Alternates were Nina Iyall, Georgia Bernobich, and Tony Umtuch. According to the recollections of Evelyn Byrnes, the organization was comparatively informal at this time:

> I think Joe Cloquet was chairman for only a year or two in the early 1960's. He was living in Yakima at the time. In those days we had no tribal council, just an executive committee: Archie Iyall, Norb Bouchard, and my brother Mike St. Germain. They were the "watchdogs," watching over me (Secretary-Treasurer), Clifford Wilson, and whoever was vice-president. If we wanted anything done, we had to go to them to get it done. I remember when we got rid of Malcolm McLeod as lawyer . . . (Byrnes Affidavit 1989, CIT Pet. Ex. A-2368).

[117] "During World War II Clifford Wilson, grandson of Simon Plamondon, Jr., was one of the first truck drivers to move to the front in the Battle of the Bulge. After the war, while working twenty-five years for the Reynolds Metals Company, he also served as a Post Commander of the Longview Veterans of Foreign Wars, president of the Kelso Eagles Lodge, and an Odd Fellows Lodge in Kelso. In addition, the governor appointed him an overseer for veterans in JOBS NOW programs and a member of the governor's Advisory Committee for Indian Affairs. Subsequently, Wilson worked full time for Small Tribes of Western Washington (STOWW). (DAILY EWS 21 Sept. 1972; Wilson 1973)" (Irwin 1995, 203).

> When I first was elected secretary-treasurer,[118] the tribal chairman was a man by the name of Phillip Simmons, from Port Angeles. So they re-elected him, as I remember, and elected me as secretary. When I got home that night, Clifford [Wilson] called and said, "Well, I'm your new chairman." I said, "What?" He said that Phillip Simmons didn't want the chairmanship, so McLeod [a lawyer] told Clifford to take it. But how Clifford got in there, I don't know. I thought you had to have the vote of the Tribe to get elected as chairman or president . . . When I became secretary-treasurer about 1963, after Jackie Wannassay Hill . . . (Byrnes Affidavit 1989, CIT Pet. Ex. A-2368) [footnote added].

As the ICC case approached a resolution in the later 1960's, the organization continued to hold meetings on a fairly regular basis. Newspaper coverage of the 1964 annual meeting of the Cowlitz Indian Tribe reported the election of Clifford Wilson of Kelso, Washington, as president and indicated that more than 200 tribe members, including Mary Kiona of Randle, Washington, "reported to be 113 years old," had attended the meeting at the Cowlitz Prairie Grange near Toledo (Wannassay Papers 1964). A September 19, 1964, Cowlitz tribal meeting was mentioned in a BIA summary report of the March 13, 1965, Cowlitz meeting (BIA Portland). At this March 13, 1965, Cowlitz "quarterly meeting," approximately 130 adults were in attendance. A July 10 annual meeting was scheduled (Tribal Operations Officer to Superintendent, March 22, 1965, BIA Portland; CIT Pet. Ex. A-1198 - A-1201), and was, according to the newspaper, attended by about 200 members who reelected the incumbent officers, legal counsel, anthropologist Verne F. Ray of the University of Washington, and Paul Weston of the BIA area office in Portland, Oregon (Wannassay Papers 1965). Another meeting was held on November 13, 1965 (BIA Portland).

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[118] This election was in June 1965. In 1964, the organization's officers were J. Philip Simmons, chairman, Cowlitz Tribe, Route 1, Box 417, Kelso, WA; Miss Jacqueline Hill, Secretary (CIT Pet. Narr., 68).

At the June 4, 1966, semi-annual meeting, Cowlitz Prairie Grange Hall, 71 members were present. It adopted a resolution on claims attorneys and discussed a loan. The officers, Clifford Wilson, President; Norbert I. Bouchard, Vice president; Evelyn Bashor, Secretary-Treasurer, were all reelected unopposed for another year (Minutes, June 4, 1966; BIA Portland).

At the June 3, 1967, annual meeting of the Cowlitz Tribe at the Cowlitz Prairie Grange Hall, Chairman Clifford Wilson presided. He called for a moment of silence in memory of Eva Martin and Sam Eyle. This meeting initiated a more formal administrative structure. A motion carried for the chairman to appoint 15 members of the tribe to form a council to take care of any urgent business for the Tribe. The incumbent officers were reelected. Manuel Forrest moved that all members who were unable to attend the meetings be allowed to vote by proxy, but this was rejected (Minutes, June 3, 1967, BIA Portland; CIT Pet. Ex. A-1202 - A-1204). On June 24, 1967, the organization held a special meeting in regard to a government loan, and scheduled another meeting for November 4 (Minutes, June 24, 1967, Portland; CIT Pet. Ex. A-1205).

1969 ICC Award. Finalization of the ICC case occupied four years. On June 25, 1969, the ICC awarded the Cowlitz a settlement, based on a taking date of March 3, 1855 (21 Ind. Cl. Comm. 143; CIT Pet. Ex. A-1044 - A-1045). The Cowlitz sought and on December 10, 1969, obtained a rehearing on the issue of the effective date of taking. On June 23, 1971, the ICC issued the opinion on rehearing, establishing the effective date of taking as March 20, 1863 (25 Ind. Cl. Comm. 442; CIT Pet. Ex. A-1054).

1973 Compromise Settlement. On March 3, 1973, the CTI held a special meeting to consider the proposed ICC settlement. It was chaired by Roy I. Wilson who, as vice-president, had served as executive officer since the death of Clifford Wilson the preceding September. The overall vote was 172 in favor of accepting the settlement and 36 opposed (Irwin 1995, 221). Among the opponents, however, were influential members of the group, including Donald Cloquet and John Barnett, which would lead to the formation of the short-lived "Sovereign Cowlitz Nation" (SCN) (see below).

The final compromise settlement granted an award of $1,500,000, made on April 12, 1973 (CIT Pet. Narr., 70, 78-79). The CIT determined that ten per cent of the money received would be set apart for a land base. For the remainder, eligibility would be limited to lineal descendants of 1/16 degree or more of Cowlitz blood, barring dual enrollment with other tribes, recognized or

unrecognized.[119] As of 1996, this money has not been distributed because of the continuing internal conflict between the CIT and the Yakima concerning eligibility, and the question of Federal acknowledgment of the Cowlitz Indian Tribe (the petitioner). Fitzpatrick stated in 1986 that the funds had not been distributed as of 1986 (Fitzpatrick 1986, 29) "while Cowlitz compile a tribal membership roll acceptable to the Bureau of Indian Affairs" (Fitzpatrick 1986, 85). This was not a fully adequate explanation of the situation, as will be seen in the discussion of the compromise settlement below.

The CIT, 1974 - PRESENT

Introduction. See the Anthropological Technical Report for an in-depth discussion of the Cowlitz modern community from 1974 to the present. The following is designed primarily as a chronological survey of the documentation. During this time, many articles in the Cowlitz County Historical Quarterly and other local historians mentioned the early history and development of the Cowlitz Indians (Irwin 1979, Ott and York 1983, Nix and Nix 1985), but only Irwin's 1995

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[119] "The Cowlitz removed Yakima enrolled members, many of whom were close relatives, from the Cowlitz roll in 1973" (Fitzpatrick 1986, 88).

> When the Cowlitz suit was settled Cowlitz removed members from their roll who were enrolled with other tribes such as the Yakima. The Cowlitz Tribe interpreted the ICC award to mean that only enrolled Cowlitz would share in its distribution and they were preparing to petition for federal acknowledgement. Taidnapam objected to being removed from the Cowlitz roll, and with the support of the Yakima Nation Tribal Council, held up Cowlitz Congressional bills for distribution of the award (Fitzpatrick 1986, 29).
>
> The Cowlitz tribal membership roll involves at least two problems. Cowlitz already have a tribal roll giving the names, addresses, and genealogical information of their tribal members. . . They were acknowledged by the ICC as a tribe solely for the purpose of the suit, which could mean that the only people who are eligible to share in the ICC award are the names listed on the Cowlitz roll. . . cases where Indian people share a dual descent in two tribes . . . Up until the Cowlitz award was made Cowlitz accepted dual enrollment and that meant enrolled members of the Yakima Nation, who were descended from Cowlitz families who migrated to the reservation, were also on the Cowlitz tribal roll. The same is true of Quinault members except that the Quinault affiliated people who could prove Cowlitz descent, have not been as vigorously involved . . . (Fitzpatrick 1986, 86).

manuscript was based on significant research on the contemporary group (Irwin 1995).

ICC Judgment Award and its Impact. In the mid-1970's, the majority of the documentation pertaining to the CTI/CIT was generated by the impact of the ICC award, the terms of the compromise settlement, and the response of the affected population groups.

Constitutional Revision. On April 18, 1973, the CTI General Council (the general membership meeting) accepted the ICC compromise settlement and determined the eligibility requirements (BIA Claims File, Docket No. 218, #1). On November 7, 1974, the CTI formally revised the group's constitution, adopted the Cowlitz Indian Tribe (CIT) name, and established a tribal council as the governing body headed by a chairman. Joseph Cloquet was elected chairman (CIT Pet. Narr. 197-198, 196; CIT Pet. Ex. A-1023 - A-1036). For a detailed discussion of the membership requirements established by the 1974 constitution, see the Genealogical Technical Report.

Proposals for Distribution of ICC Award. On June 2, 1973, at the CIT annual meeting, held at Cowlitz Grange Hall, several motions were made regarding disbursement of the funds appropriated by Congress July 1, 1973 (PL 93-58) in accordance with the ICC award (Minutes 6/2/1973; BIA Portland). On August 4, 1973, a special meeting of the Cowlitz Tribal Council and Executive Committee was held at the Kit Carson Cafe, Chehalis, Washington (Minutes 8/4/1973; BIA Portland). Shortly afterwards, the CIT revised the 1969 membership list with notes about blood quantum (1/16) and removing enrolled Yakima (see the Genealogical Technical Report for discussion of this procedure).

Formation of the Sovereign Cowlitz Nation. The membership of the CIT did not vote unanimously to accept the ICC compromise settlement (Fitzpatrick 1986, 85). In the view of Joseph Cloquet and John Barnett, people were permitted to vote at the April 18, 1973, meeting who did not have the right to vote (Fitzpatrick 1986, 101). In 1973, one group of opponents formed the Sovereign Cowlitz Nation, a splinter group (Fitzpatrick 1986, 101). The resolution objecting to the settlement was signed by 46 persons (CIT Pet. 1975). Donald Cloquet, its head, gave the membership as 238 (Irwin 1995, 222). By contrast, his brother, Joseph Cloquet, gave the CIT membership at the time as 1,801 (Irwin 1995, 222). The group's energetic letter-writing and petition campaign

to the ICC and BIA concerning Docket 218 distribution[120] was for a time a contributing factor to the delay in distributing the award, as were the protests of the Yakima Cowlitz. However, the SCN was much less long-lived than the Yakima Cowlitz. It went out of existence in late 1974, with its members reabsorbed into the CIT (Irwin 1995, 227).

Yakima Cowlitz Protest. On May 22, 1974, a resolution was submitted to the BIA on behalf of the lineal descendants of Cowlitz Indians on the Yakima Indian Reservation protesting that they should have a right to share in the Cowlitz Award of Docket No. 218 (BIA Claims File, Cowlitz Tribe of Indians). For a more detailed discussion of this issue, see below under a separate heading. It was arranged for the ICC to hold a hearing in Tacoma on June 1, 1974 (ICC Docket 218): the meeting was held on that date, but at Cowlitz Landing, Washington. The hearing officer was David Paul Weston of the BIA's area office in Portland, Oregon.

Distribution Proposals. In response to the factionalism surrounding the issue of distribution, the following statement was made by Susan Pratt, daughter of Fabian Cottnair:

> The cultural and traditional bonds of our Tribe have become weakened with the time. The gatherings that we have here[121] -- all of us really have to agree, have only come about because we have been discussing the money. We have been trying to figure out how we can get the most for what is due us and what is a fair way to disperse it. But what's going to happen once the money is dispersed? What is going to happen to the Tribe? Those of us who don't have White blood have Yakima blood and we are split. There are also questions coming up now as to, 'Will we be giving up all rights -- fishing rights -- health and education rights -- things that may not be important to us right now, but in 10 years they will?' These are questions that I don't think we have considered before. And the one thing that we haven't

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[120] See, for example: April 28, 1974. Plan for Use or Distribution of Indian Judgement Funds Pursuant TO Part 60 to 25 CFR (Public Law 93-134; 87 Stat. 466, 467, 468). Funds Arising from Docket No. 218. Approved by the Council of Chiefs, SOVEREIGN COWLITZ TRIBE (BIA Claims File, Docket No. 218 #1).

[121] Presumably a reference to the annual meetings.

> discussed is enrollment. If I am not mistaken, the Secretary of the Interior has a responsibility to help us determine what the actual enrollment of Cowlitz is. The estimates have gone from 200 now to 5,000. If there are 5,000 of us, we will all be left with loose change in our pockets; and this is -- we can't throw away a tribal tradition or a culture. We can't throw away these people and disband the meetings for loose change. It isn't worth it.
>
> So it's my suggestion that we unify ourselves as best we can -- work on the enrollment, find out how many of us are there and dedicate ourselves, not to the quarreling, but to a unity to see what we really want to do. Maybe we don't want that money, for $200 apiece. Maybe we would rather buy land with all of it and leave it right here so we have some place to come back to (ICC File, Docket 218, BIA) [footnote added].

No agreement was reached at this meeting. On June 6, 1974, the Yakima Cowlitz filed additional protests against the Docket 218 compromise settlement (BIA Claims File, Docket 218 #1). The Subcommittee on Indian Affairs held hearings on the distribution of the ICC award on April 17, 1975 (Distribution of Judgment Funds to the Cowlitz Indians. Hearing before the Subcommittee on Indian Affairs, 94th Congress, 1st Session, H.R. 5090, April 17, 1975, Serial No. 94-14. Printed for the use of the Committee on Interior and Insular Affairs. Complete transcript in 1975 Cowlitz Pet.; BAR Files).

BIA Statement of Position. In 1975 the Department of the Interior (DOI) took a position in favor of a strictly per capita distribution of the judgment award funds, with no portion set aside for the CIT per se. On September 24, 1975, a letter expressing the views of DOI on S.1334, a proposal to distribute the award, stated: "The Cowlitz Tribe of Indians is not a Federally-recognized tribe. Therefore, there is presently no Federally-recognized successor to the aboriginal entity aggrieved in 1863" (ICC File, Docket 218, BIA). On October 29, 1975, a letter from COIA Morris Thompson to Senator James Abourezk stated:

> Throughout the 1850's and 60's the United States made a concerted effort to conclude a treaty . . . From that time to the present, there has been no continuous official contact between the Federal Government and any tribal entity which it

> recognizes as the Cowlitz Tribe of Indians. The original petition before the Indian Claims Commission was not filed by a tribal entity, but by an individual, Simon Palmondom [sic] 'on relation of the Cowlitz Tribe of Indians' (Thompson to Abourezk 10/29/1974, ICC Award, Docket 218, BIA).

Further, when asked to "Provide instances where the Cowlitz roll has been used by the Bureau of Indian Affairs for official purposes," Thompson stated:

> In response to an inquiry from this office, the Western Washington Agency stated that it has never seen a copy of the Cowlitz membership roll. They further stated that "Individual education employment assistance had been extended to individual Cowlitz Indians on a blood degree determination made from agency records, basically the Charles Roblin Report of Unenrolled Cowlitz Indians" (Thompson to Abourezk 10/29/1974, ICC Award, Docket 218, BIA).
>
> The Roblin Roll is an enumeration of unenrolled Indians. Any Cowlitz who were enrolled with any recognized tribe, i.e. Yakima etc., were not included in this census. So the Roblin Roll is not even a complete listing of the known Cowlitz Indians who were alive in 1919 (Thompson to Abourezk 10/29/1974, ICC Award, Docket 218, BIA).

The Federal acknowledgment issue. Because of the issue of lack of Federal acknowledgment, the CIT petitioned the BIA for organization under IRA on September 22, 1975. With the establishment of the Federal acknowledgment project in 1978, this petition was transmitted to the newly established Branch of Acknowledgment and Research (BAR Files).

The 1977 Final Report of the American Indian Policy Review Commission listed the Cowlitz in its report on nonfederally recognized Indians. It did manage to get them located in southwest Washington (American Indian Policy Review Commission 1977b, 473), which was an improvement on the preliminary version, which stated they were in Spokane (American Indian Policy Review Commission 1977a, 11 - 13-1).

In 1978, based on the 1977 report on terminated and federally non-recognized tribes, Bishop and Hansen wrote in The American Indian Journal that the Cowlitz tribe had "a

current enrollment of 1,801, nearly 1,000 of whom are enrolled on various reservations including the Warmsprings and Yakima reservations" (Bishop and Hansen 1978, 27). The basis for this estimate is not known, as the numbers did not match with the CIT enrollment, the SCN enrollment, or the Yakima Cowlitz petition lists.

In 1981, the CIT offered a revision of the formula for distribution of the ICC award. S.2931 provided for distribution of the ICC award to include the Yakima Cowlitz family members and their descendants who had been involved through the years in the claims effort. This the bill was stopped in committee (Fitzpatrick 1986, 89-90). "Lila Walaweetsa, the Yakima Cowlitz chairman, refused to endorse the bill until she had read it . . ." (Fitzpatrick 1986, 93). The CIT meeting of November 1983 adopted a resolution to "direct the Secretary of the Interior to follow the guidelines of the 1973 Distribution Act" and take a portion of the funds and award them to lineal descendants. Under this resolution, the remainder of the funds would go to the Tribe for its use and benefit. The suggested split 20% individual/80% tribe (Fitzpatrick 1986, 90-91). The bill introduced in 1984-1985 proposed a 30% land purchase/70% individual split (Fitzpatrick 1986, 91).

The Fitzpatrick study. By 1986, thirteen years after the ICC award, the amount had expanded significantly. On April 30, 1986, the BIA estimated Cowlitz population[122] for Cowlitz Indian Judgment Funds in Docket 218 as follows:

> Status of Funds as of 04/30/86 - $4,302,056.
> Unrecognized Cowlitz Group seeking acknowledgment as of February 1, 1983 1,358 Members
> Yakima Cowlitz per Yakima Agency, B.I.A. estimate 4,000 Members
> Estimated number of other descendants 652 Individuals
> Total Estimated Number 6,000
> $4,302,056 divided between 6,000 members - $717 per capita (BIA Claims File, Docket 218, #2).

According to Fitzpatrick, at that date,

> Yakima and Salish Cowlitz are in agreement that the involved families of the former group will

[122] See the Genealogical Technical Report for a discussion of membership issues.

> share in the [ICC] award. But, the Taidnapam object to the Salish proposal to buy land for a reservation with a percentage of the award and they have, as a result, been able to convince all Washington Congressmen not to sponsor any further Cowlitz bills for distribution of the ICC award ceremonies (Fitzpatrick 1986, 29-30).

Fitzpatrick stated that, "The active Cowlitz families, even though scattered today, keep in touch with one another informally and through the biannual Meetings at Cowlitz Prairie near Toledo, Washington in November and June" (Fitzpatrick 1986, 31). She added that the:

> Cowlitz give the impression they are victims of both the federal government and other Indians who are members of tribes with reservation land and considerable power such as the Yakima and the Quinault. These tribes have, in the past, taken the Cowlitz in as enrolled members, as allottees in some cases, and then later dropped some of them from their membership rolls (Fitzpatrick 1986, 82-83).[123]

The following year, 1987, the CIT submitted a documented petition for Federal acknowledgment through the 25 CFR Part 83 regulations. The petition indicated that there were 1,366 members of the Cowlitz Indian Tribe (the petitioner) (CIT Pet., Enrollment Forms and Ancestry Charts).

Non-Claims Activity, 1974-1994.

Petition for Federal Acknowledgment. On September 22, 1975, the CIT petitioned the BIA for organization under the IRA (BAR Files). See the further discussion under the impact of the ICC award.

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[123] Fitzpatrick described the primary interviewees upon whose data her dissertation was based as follows:

> Most, but not all, of my sample of sources for interviews were drawn from the families represented in the Tribal Councils whose relatives have been involved in the Cowlitz issue since 1915. . . . 7 men and 11 women . . . In addition, because of the factions Cowlitz develop; four are Yakima enrolled, four were Yakima enrolled, two are Quinault allottees who are Cowlitz enrolled, and one is enrolled with both the Quinault and the Cowlitz" (Fitzpatrick 1986, 72-73).

Fishing Rights. The 1979 CIT minutes reflected involvement in fishing rights issues. In 1980, the CIT joined with the Wahiakum Band of Chinook (Fitzpatrick 1986, 107)[124] in The Cowlitz Tribe of Indians, Chinook Tribe, Inc., et al. v. Ralph Larson et al on the issue of fishing rights. Cowlitz plaintiffs were John R. Barnett, Norman R. Monohan, Roger Nelson, Mae E. Pursell, Carolee Green, Nadine McKinney, Mary L. Wetzel, Joseph E. Cloquet, Richard Iyall, David Ike, Linda Foley and Daniel Van Mechelen (CIT Pet. Narr., 71).

Relationships with Other Tribes. The petition presented little documentation pertaining to the activities of CIT members who also are members of the Quinault Allottees Association. The CIT minutes did not reflect any substantial interest in this issue on the part of the CIT Tribal Council or General Council.

The "Yakima Cowlitz" Controversy. For the specific impact of changes made in the 1974 CIT constitution on membership eligibility, see the discussion above, under impact of the ICC award, and in the Genealogical Technical Report. According to Yakima Cowlitz representative William D. Northover:

> Many of the Cowlitz descendants at Yakima were active in pushing our claim before the Indian Claims Commission and we used to attend meetings that were irregularly held near Toledo, Washington at the Cowlitz Prairie Grange Hill [sic] I can remember attending these meetings prior to the Indian Claims Commission ruling and there would be maybe 30 people in attendance all of whom were clearly Indian and were without question of Cowlitz descent. Some of our leaders included Sam Williams, Frances Northover who was my grandmother, and there were representatives of some of the large Cowlitz families such as the Umtuch family (Statement of William D. Northover, 24 June 1986; BIA Claims File, Docket 218, #2).

Post-1974 Yakima Cowlitz Contacts with BIA, etc. There is no indication that this controversy has moved closer to compromise or resolution since 1973. The minutes of the quarterly meeting of the Cowlitz Indian Tribal Council, November 4, 1978, showed the presence of a Yakima-Cowlitz

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[124] The Chinook are another federally nonrecognized group whose petition is currently on active status under 25 CFR Part 83.

delegation consisting of: Cecil J. James, Jr., Parker, Washington; Bessie Lou Bristain Aiello, Yakima, Washington; Sarah Northover Carlsen, Harrah, Washington; Vera Mesplie, Toppenish, Washington; and Caroline Mills (CIT Pet. Ex. A-1903). The CIT called a special meeting May 5, 1979, at the Cowlitz Prairie Grange Hall, to discuss the involvement of the Yakima Tribe in distribution (CIT Pet. Ex. A-1906 - A-1908).

On March 19, 1983, Salish[125] and Yakima Cowlitz met at Morton, Washington, to try to resolve the differences on the ICC judgment award. This meeting was convened by the CIT lawyer, Dennis Whittlesy. It was held at the home of Victor Cloquet, a Catholic priest in Morton who was enrolled with the CIT (Fitzpatrick 1986, 96). Fitzpatrick described the participants as follows:

> Bill Northover (Yakima)--grandmother was Taidnapam
> Kay Northover, sister of Bill (Yakima)
> Emma Mespli, elder, great aunt of Bill Northover (Yakima)
> Rosalie Charles (Yakima)
> Lorraine Chappell (Yakima)
> Victor Cloquet (Salish)
> John Barnett (Salish)
> Marsha Williams.

This dichotomy ignored the fact that prior to 1946, the ancestors of Cloquet, Barnett, and Williams had been enrolled at Yakima. However, the CIT participants were well aware of this, and of its implications for the distribution. John Barnett pointed out, "that using lineal descent as the method will bring in people from Warm Springs, Yakima, Quinault, Muckleshoot and probably all of the reservations in Washington" (Fitzpatrick 1986, 106).

At this 1983 meeting at Morton, Washington:

> Bill Northover began the presentation of issues from his family's point of view by saying that his grandmother was a member of the Taidnapam "tribe" and that most of the people who were bringing the Cowlitz claim to the attention of the federal government in 1921 through the 1930's were the

[125] Generally, Fitzpatrick simply classed all CIT members as "Salish Cowlitz," ignoring the fact that there are numerous Upper Cowlitz or Taidnapam descendants in the CIT membership.

> Yakima or Taidnapam Cowlitz (Fitzpatrick 1986, 98).

This meeting did not result in a resolution of the issue. On June 24, 1986, William D. Northover identified himself as a member of the Board of Directors of the Lineal Descendants of the Cowlitz Indians, Route 1, Box 1061, Toppenish, Washington 98948, in a formal statement before the House Interior and Insular Affairs Committee. He said:

> I live on the Yakima Indian Reservation. My great grandmother is buried at an Indian cemetary [sic] by the Catholic church in Toledo, Washington. My grandmother, Frances Northover, was a leader in the effort to bring about a settlement for the Cowlitz Indians dating back to the 1920's . . . . (BIA Claims File, Docket 218, #2).

Fitzpatrick described the split between the group as based to a considerable extent on ethnicity:

> Today Yakima-Cowlitz consider themselves Indian and the Salish Cowlitz as 'white indians'. For instance, Chappell said the reason they oppose the Salish Cowlitz idea to buy tribal land and be federally acknowledged is because they are too white, in a few years they will be totally white. She said, "they are like a social club." Yakima Cowlitz criteria are boundaries such as class and weigh heavily upon blood quantum, physical appearance, and certain culture traits such as language, religion, knowledge of traditions and legends . . . they are not Salish Cowlitz criteria . . . (Fitzpatrick 1986, 92-93).

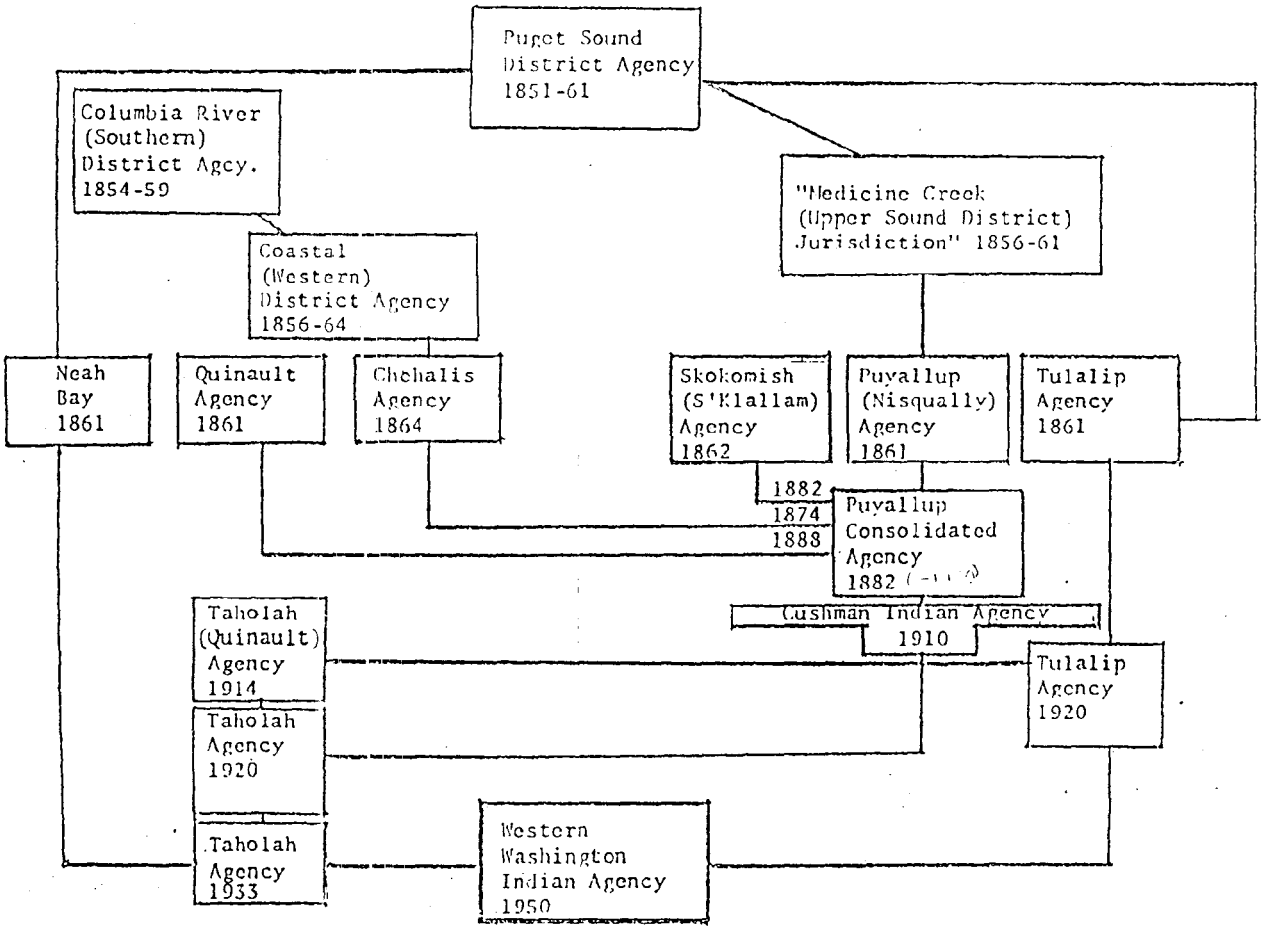
During July of 1995, during field work for this Proposed Finding, a BIA researcher met with representatives Nina Umtuch Elwell and William and Roseline Charley of the Yakima Cowlitz at the agency office. The organization's position vis-a-vis distribution of the award has not changed.

Appendix I

Chart, Origin of the Western Washington Indian Agency

(NARS Seattle, Puyallup Preliminary Inventory)

I. ORIGINS OF THE WESTERN WASHINGTON INDIAN AGENCY



Anthropological Technical Report
Cowlitz Indian Tribe

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0 SUMMARY OF THE EVIDENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

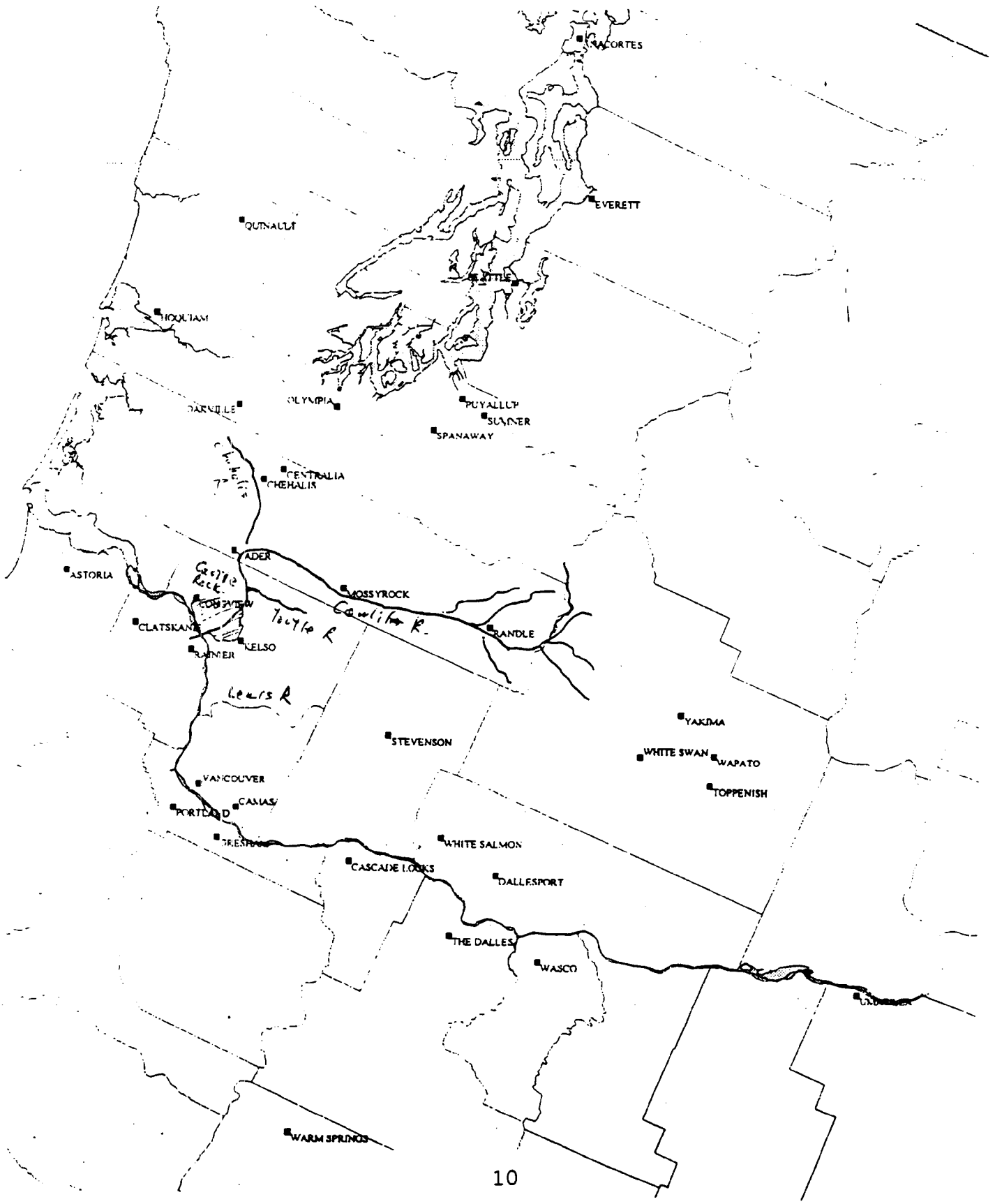
During the 1970's, the CIT Tribal Council, with the Small Tribes Organization of Western Washington (STOWW), monitored archaeological and cultural resource management activities

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

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

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

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


ANACORTES
EVERETT
QUINAULT
SEATTLE
HOQUIAM
OLYMPIA
PUYALLUP
SUMNER
SPANAWAY
CENTRALIA
CHEHALIS
ASTORIA
ADER
MOSSYROCK
CLATSKANIE
KELSO
RANDLE
Cowlitz R.
Toutle R
Lewis R
STEVENSON
YAKIMA
WHITE SWAN
WAPATO
TOPPENISH
VANCOUVER
CAMAS
PORTLAND
WHITE SALMON
CASCADE LOCKS
DALLESPORT
THE DALLES
WASCO
WARM SPRINGS

Anthropological Technical Report - Cowlitz Indian Tribe

1 INTRODUCTION

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

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

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

1.1 Methodology

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

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

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

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

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

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

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

1. the planning and sequencing of family get-togethers, including activities, who are contacted, etc.;

2. economic activities such as berry picking, hops picking, fishing, etc. that were mentioned;

3. important issues and disputes that have arisen in the Council;

4. how important issues such as the above were resolved, and if not, what happened;

5. school attendance;

6. what people were doing during phases of their lives when they were not involved actively in Tribal Council activities;

7. other indicators that might demonstrate a way of life distinct from the surrounding non-Indian communities.

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

1. principal social categories, as discussed by the speakers;

2. interaction with the Federal and state governments through land transfers, trust obligations, and handling of fishing rights;

3. grave site and burial rights issues taken up by the various councils and the family lines;

4. major events for which official meetings were held, and the issues considered at these meetings; and

5. informal leadership and authority that emerged from time to time.

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

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

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

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

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

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

Charles' second marriage was to Mary Cottonoire. Mary Cottonoire was a métis descendant, born about 1881. She was the granddaughter of Julia, or Hosquah, who married Edward Lozier, around 1854. Their daughter Dalia Lozier (born c. 1860) married David Cottonoire. While described as 3/4 Quinault, records show that David Cottonoire was ½ Cowlitz, son of Michel Cottonoire, a métis descendant, and Maria Hachea, a Quinault born c. 1834. Through a succession of marriages, then, the Petes were related to Quinault and Yakima-enrolled Indians, as well as to métis. Today's descendants through second marriages include the DeNobrega family and the children of Jesse Pete, Jr.

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

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

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

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

[3]Presumably through a different marriage.

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

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

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

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

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

associate certain characteristics and interests with these categories.

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

1.2 Designation of Modern Community and Political Authority

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

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

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

2 1950-1973: THE BEGINNING OF MODERN COMMUNITY

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

2.1 Main Characters

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

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

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

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

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

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

2.1.1 Upper Cowlitz Taitnapam Descendants

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

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

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

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

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

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

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

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

> "before the Catholic Church and government required two names, the old Indians knew a person only by one name. Ike Kinswa was simply "Ike" until president Harrison gave him a patent for 165 acres of trust land, meaning it could not be taxed or taken from him although he could sell it. The name "Kinswa" was added for legal purposes."
>
> Following Indian practice, Ike Kinswa's son John was John-son-of-Ike, thus John Ike, rather than John Kinswa. In turn John Ike's son Isaac, keeping to Indian practice, would have been Isaac John; and, in fact, some Indians called him that. But, adapting to the white man's way of taking the father's last name, Isaac became "Isaac Ike."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> You'd think in Union Gap they would have a lot of Indian kids, but they didn't. The other kids all stood off and wouldn't associate with us. No, it wasn't because we were apple-pickers' kids. There were only three or four other Indian kids there.
>
> I remember when I went out to recess, I couldn't go around to the other side of the building. What was I supposed to do? I was the only one part-Indian on that side. Then I did go around on the other side, and Patty was in the same situation I was.
>
> Adults in the school treated me much the same way. They didn't talk to me unless they had to (Wendy Kinswa, Irwin Affidavit, 7/26/1989, Petition A-2426).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council meeting minutes show that the Cowlitz Tribe of Indians, the organization pursuing claims at this time, took on the lawsuit, not to obtain land but "compensation for the land to be covered by water" (CTI Meeting Minutes 6/2/1956). Wendy Kinswa observed, later, that Howard Ike, John Ike Kinswa, and David Ike maintained they had helped the leadership in supplying and translating testimony for Plamondon v. United States (Wendy Kinswa, BIA Interview 8/2/1995). The leadership, they maintained, should help them in turn in by protecting grave sites.

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

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

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

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

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

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

He then recalled that the Shaker preacher

> . . . hadn't thought what he was going to say. What he did say was aimed at their grandson Billy, who had come to the funeral with a guard escort from prison. For half an hour he berated Billy in the strongest words, saying how Billy had shamed himself, his grandmother, and the Indians. As I heard later, Isaac Ike was so upset with that sermon that afterwards he came close to pounding that preacher.
>
> At graveside I gave the committal service; then the Shaker minister spoke, and the older Indians chanted for the dead in the traditional way (Core, Irwin Affidavit 6/13/1989, Petition A-2383).[10]

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

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

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

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

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

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

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

> Clifford Wilson[11] at Kelso, chairman of the Cowlitz Tribe, explained that it was not yet settled where Mary Kiona would be buried. The younger people, he said, [prefer] the Kiona graveyard near Mossyrock, but granddaughter Mrs. Joyce Eyle of Silver Creek wants Mary buried in Oakville. He said "it will be settled after today's services at the Oakville Shaker Church. It is not the Indian tradition to argue while the deceased lies in state. After then it can be discussed" (Spiro n.d., Petition A-884).

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

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

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

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

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

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

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

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

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

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

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

2.1.2 Métis Descendants

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

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

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

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

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

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

> Well, at this time Barney St. Germaine[13] played the fiddle. And he would fiddle. And they would square dance. And we had a player piano that . . . we'd play the old rolls -- on the player piano. And they would dance. My grandparents were beautiful dancers. They'd win the dancing contest.
>
> Oh, [they would play] all those old songs. My grand-dad played the Jews Harp -- and the Harmonica. And they would sing all the songs -- you know -- in their era. [These songs would include] Alexander's Rag Time Band, and Red Red Robin come Bob Bob Bobbing Along, and Indian Love Call -- that was one of their favorites, Indian Love Call -- and Missouri Waltz . . . He would sing to my baby sister some French songs that I don't know the names of. He'd set for hours when she

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

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

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

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

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

> But my grandparents, when they started to school, they spoke all [i.e., the schools] English. And they just spoke French [i.e., the grandparents], so they were very embarrassed over this. So they didn't teach my sisters and me French. Which I wish they had. But when the relatives came to visit, they really really talked a lot of French. And that was what they talked. Sometimes maybe we didn't know what they were talking about, but they did talk French a lot when the relatives came.
>
> My uncle will be out for our reunion, which will be in August. And I wish that he were here so that you [i.e., the BIA researcher] could talk to him, because he could tell you so many more things about their growing up. He speaks just a little bit of the [Chinook] Jargon. My granddad knew some, but they mainly talked French, but he did understand some Jargon (Mae Ernestine Purcell, BIA Interview 7/25/1995).

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

> When we lived at Olequa we walked from Olequah to the Catholic Church up in Vader. That was during the Depression. There wasn't much money. So we didn't have much money at the mass . . . but we thoroughly enjoyed the walk.
>
> My grandmother was a very religious old lady, and when we lived in Winlock, twice on Sunday's we'd go to church. And then the relations would come later in the day, between services -- for our dinner (Mae Ernestine Purcell, BIA Interview, 7/25/1995).

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

While they reported little discrimination in the local schools, métis descendants were denied liquor, as Indians. On June 7, 1937, Alvin Cleo Bouchard[14] had written Western Washington Agency Superintendent N.O. Nicholson on behalf of himself and other "lower Cowlitz Indians" for "a card or letter that proves we or I am no ward of the government so as we or I may buy beer, wines [sic] or liquor like other tax payers do" (Bouchard to Nicholson 6/7/1937, in Phillips to Upchurch 10/18/1940, 2; Petition A-270).

Lenore Cottonware Monohon[15] reported how she was refused service she went to a tavern:

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

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

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

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

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

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

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

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

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

> -- I didn't go to all of them. He'd invite me in, my brother [too] . Then there was a time lapse -- high school and college days -- in which I did not have too much Tribal involvement, other than contact with my Dad, just telling me what was going on. At that time period -- when you have too much else going on as you're growing up and getting educated -- these things. So my actual Tribal involvement as far as attending meetings -- there was that lapse there.
> I stayed in contact after my Uncle Gus [Auguste Cloquet] died -- with my other cousins, Joe Cloquet and Don Cloquet specifically -- on different things going on within the Tribe, you know, just with passing conversations with my cousins. No real involvement on my part of going to meetings at that time (John Barnett, BIA Interview, 8/4/1995).

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

2.1.3 Boisfort/Peell/Chehalis Salish Descendants

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

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

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

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

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

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

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

2.1.4 Cascade Descendants

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

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

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

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

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

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

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

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

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

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

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

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

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

2.1.5 Lower Cowlitz Kelso Descendants

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

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

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

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

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

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

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

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

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

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

> Those socially or financially prominent usually are accorded more attention on their passing than are just ordinary folks . . . But the service held for 97-year-old Annie Wannassay an Indian native of Cowlitz county who was not prominent socially nor financially, was to me one of the most impressive that I have ever witnessed, because of participation by members of the Sea Scout Ships Wannassay and Cowlitz [sic].
>
> Appearing in their attractive uniforms as pall-bearers and mourners, the Sea Scouts exemplified dignity that would have done honor to a person of national or international prominence.

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

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

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

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

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

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

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

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

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

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

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

> My grandfather did have a great big piece of land --all the way down to Third Ave -- taking in all the area west of the railroad tracks beside the Cowlitz River. Finally he settled for the 7 ½ acres on Squaw Island, and it kept getting smaller until they gave us the land from the river to the river road. Next thing I knew, we didn't have it; I was told Bruce Rodman had it. Now it is a restaurant and a Hall of Justice and the boat club

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no evidence of school discrimination.

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

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

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

2.1.6 Description of Interaction

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

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

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

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

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

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

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

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

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

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

2.2 Council Meetings and Formal Leadership

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.2.1 Claims

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

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

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

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

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

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

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

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

Since many votes taken by the general council were unanimous, the split vote indicated some disagreement within the group. By August 5, 1963, the Western Washington Agency of the Bureau of Indian Affairs had disapproved the contract "submitted by James Sareault and Malcolm McLeod" and James Sareault had died in the meantime[26] (Felshaw to Simmons, 1/6/1964). Clifford Wilson was elected Chairman in June 1964.

On September 19, 1964, the Agency Operations Officer attended a CTI meeting[27] at which "the great majority . . . appeared to have very little Indian blood" (Agency Operations Officer meeting notes 9/19/1964).[28] This visual

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

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

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

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

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

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

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

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

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

According to the Agency Operations officer's notes, McLeod responded to questions from the newly-designated CTI Chairman Clifford Wilson[29] about the fate of the contract by presenting the members with "a folder bulging with papers"

Yakima Cowlitz.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> We believe the Area Director was fully justified in his actions concerning Mr. McLeod and his contracts with the Chinook, Puyallup and Cowlitz Tribes. A few Indians, like the Chinook officials, Mr. Wilson of the Cowlitz Tribe, and some others who judge Mr. McLeod on the basis of facts and not with their emotions, feel his services have been inadequate and understand the necessity to replace him.
>
> However, the problem is convincing the majority that disapproving Mr. McLeod's contracts was not capricious or arbitrary, and to show them that Mr. McLeod actually has not worked in the interest of his Indian clients. This is not being accomplished with the present approach. For example, recent meetings with Cowlitz and Puyallup groups have only strengthened the convictions of most of the Indians present that there is no

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

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

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

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

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

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

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

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

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

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

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

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

2.2.2 Burial Rights

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

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

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

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

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

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

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

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

2.2.3 Membership/Enrollment

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

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

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

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

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

2.2.4 Fishing Rights

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

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

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

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

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

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

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

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

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

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

> I don't remember the Cowlitz Tribe protecting our fishing rights. When we were very young, I doubt the Cowlitz Tribe even knew we kids existed. We didn't go to school with other Indians. I didn't know other Indians even existed. Even when I went to school in Toledo, there weren't any other Indians there.
>
> I just remember Uncle Howard telling Daddy that he had paid our tribal dues. I don't know whether he kept them up-to-date. We sort of hit and miss all the time (Petition A-2427-2428)

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

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

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

2.2.5 Termination

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

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

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

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

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

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

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

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

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

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

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

2.3. Discussion

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

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

In 1973, changes in the constitution resulted in a change in name from the Cowlitz Tribe of Indians (CTI) to Cowlitz Indian Tribe (CIT). The year 1973 was also the year when the Cowlitz leadership approved a settlement with the Federal government for the Indian Claims Commission Act. With this settlement came two major membership changes, also in 1973. One was the elimination from the CIT of members who were dually enrolled on Indian reservations. A large proportion of these dually-enrolled members were enrolled on the Yakima reservation, and have been referred to as "Yakima Cowlitz." The other was the elimination of all CIT members whose blood quantum was below 1/16.[37]

3.1 Main Characters

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

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

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

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

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

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

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

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

3.1.1 Upper Cowlitz Taitnapam Descendants

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

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

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

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

3.1.2 Lower Cowlitz "Plamondon" Descendants of Salish Métis

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

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

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

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

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

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

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

3.1.3 Boisfort/Peell/Chehalis Descendants

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

3.1.4 Cascade Descendants

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

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

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

> At that time I was acquainted with Gene Wiggins through my work, because I'm a school counselor, and he was there before. So I knew Gene Wiggins. He was the only person in the [tribal council], at that point, that I knew.
>
> Just what I remember is, at one general council meeting in the '70s there, I tried to nominate Gene Wiggins to the tribal council, and John [Barnett] was running the meeting, and he said "Well, Gene's already on the council, but how about <u>you</u>!?" And he didn't know who I was, but he said "You look like you're intelligent, so what's your name? Why don't <u>you</u> run?" I said "OK" so I ran, and was elected to the council. And then my sister Linda [Foley] was elected to the council in a couple of years (emphasis original, Marsha Williams, BIA Interview 7/24/1995).

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

> We had always known we were of Indian descent because it was talked about in our house and our Grandmother and her husband looked very Indian, so that was always around us. But more important was the fact that we were welcomed by the Cowlitz. It wasn't that the Yakima ever did anything bad to us, but we knew we couldn't be members[40]. We wanted to have an attachment to our Indian background, which we got with the Cowlitz (Marsha Williams 1991, 31, footnote added).

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

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

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

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

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

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

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

They also revived their family reunions.

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

3.1.5 Lower Cowlitz Kelso Descendants

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

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

[42]The minutes indicate that 47 people were present.

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

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

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

> A member got up and said he was ashamed because at the hearing only money was discussed. This was the only topic of the hearing . . . all else was out of order.
>
> I feel these people should have their rights, but where were they before this went to the claims commission. Our leaders did not put up much of a fight for rights. I see no reason why a fight for recognition can not be continued. If the tribe will work together for that good (Grace Ann Dunckel, n.d., letter).

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

> We had a big whoop-te-doo with John Barnett[43] here a couple of years ago. He was saying "well, they all went over to Yakima, smiling, volunteered." I said "[expletive] they did, . . . they were told to go over there." It's like her [i.e. Mary Kiona, whom he was discussing during the interview], she was told to go over there; they burned her house down, and everything. She goes "you want to play that game?" She went over there, got her an allotment number, and then come back home (Jacque Cassity, BIA Interview, 7/27/1995, footnote added).

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

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

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

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

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

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

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

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

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

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

> have been trying. They've been running for years. I don't know who Council votes [for] but even the time we thought there was enough votes, they were told they lost (Grace Lane, BIA Interview 7/291995).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.1.6. Conclusion

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

3.2 Council Meetings and Formal Leadership

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

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

	General Council	
President	Clifford Wilson	1964-1973
	Roy I. Wilson	1973-1982
	John Barnett	1982-
Vice President	Gene Wiggins	1973-1982
	Marsha Williams	1982-
Secretary	Evelyn Bashor Byrnes	-1975
	Gina Kling	1975-1982
	Linda Foley	1982-
Present		
	Tribal Council	
President	Joe Cloquet	1972-1988
	Gerald Bouchard	1988-1992
	Ronald C. Aalvik	1992-
Vice President	Ted Cottonware	1988-1989
	Ronald C. Aalvik	1988-1992
Secretary	Evelyn Bashor Byrnes	1964-1975
	Gina Kling	1975-1982
	Linda Foley	1982-

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

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

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

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

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

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

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

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

Wendy Kinswa made a similar explanation.

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

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

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

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

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

3.2.1 Claims: Docket 218 and the "Sovereign Cowlitz"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> Roy Wilson read an article that appeared in the Tacoma News Tribune, which had stated that the Chairman of the Sovereign Cowlitz Tribe had called a meeting to be held at the Indian Adult Learning Center. He then read a letter from the Tribal Attorney Jeff Schuster stating that in his opinion the article could be interpreted as the Sovereign Cowlitz Tribe being a separate body and according to our Constitution and ByLaws, which does not allow duel [sic] enrollment, any person enrolled in the Sovereign Cowlitz Tribe could be susceptible to disenrollment in the Cowlitz Tribe.
>
> John Barnett . . . stated that Business Manager Mary Cloquet had no authorization to request that the Sovereign Cowlitz Tribe be asked to hold its meeting elsewhere.
>
> Tribal Council Vice Chairman, Mike Iyall, responded by saying that it was very important to make it clear that we are, not anyone else, the Tribal Council of the Cowlitz Indian Tribe. He then moved that Mary Cloquet be congratulated on the action she took on behalf of the Cowlitz Tribe (CTI Tribal Council Meeting Minutes, 11/4/1978).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.2.2 Membership/Enrollment

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

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

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

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

3.2.2.1 Dual Enrollment and the "Yakima Cowlitz"

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

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

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

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

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

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

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

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

> I was tribal chairman[49] at that time. Those who were enrolled in those tribes, we simply told them "you have to make a decision. Are you going to remain Yakima, Quinault, whoever you are, or are you going to become Cowlitz? And if you are going to drop that . . . then we need a letter from that tribal council proving that your name has been

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

[49]Actually, documents show he was General Council Chairman.

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

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

> I remember my cousins, at one of the family gatherings, they finally broke their silence and came up to me and said "I suppose you'll try to keep us out of the land claims settlement also." And I said "It has nothing to do with what I say, it's going to be."
>
> And I said "if you want to know my personal opinion" - and I was talking to Dorothea and Louise - "when you received as Yakimas your settlement on building the Dalles Dam . . . when you yearly receive the yearly tribal checks on the logging, you have never shared a penny of that with me, so why in hell should we share anything with you out of our land claims settlement? You're Yakima; you chose Yakima, and I chose to be Cowlitz." Well, that didn't go over very well with them (Roy I. Wilson, BIA Interview, 7/27/1995).

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

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

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

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

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

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

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

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

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

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[50]A delegation from the Yakima Cowlitz attended this meeting.

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

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

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

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

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

Robert Bruce, another assistant to Kyl, added:

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

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

In a Special General Council meeting May 5, 1978, the general membership discussed HR 5523, a bill[51] for settling the claims. The Council then voted 75-44 "allowing for the inclusion of the Yakima-Cowlitz in sharing in the distribution award." The motion was introduced by Al Ockfen.[52] John Barnett and Don Cottenware abstained and "asked that it be recorded in the minutes" (CIT Special General Council Meeting 5/5/1979)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.2.2.2 The Blood Quantum Requirements

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

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

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

> and go to any degree and on. But, since we've worked with the applications with what we have adopted here for eligibility, and it cuts the roll to about half[53] (Joe Cloquet in Walling 1977, 4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bouchard also brought up for discussion a document to which he referred as "Resolution 92-1" approving the Council to submit an alternative funding grant to ANA[57] for economic development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In 1993, the Tribal Council removed Jim Holycross from "holding a position on the Tribal Council, even though[60] his Cowlitz blood quantum is 1/32." The minutes explained that:

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

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

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

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

Others questioned whether Bouchard was motivated toward a coup attempt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[63]The whereabouts of this land are presently unknown.

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

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

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

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

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

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

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

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

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

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

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

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

> DB: I think what happened is they want a cultural committee, but they don't know what they want it to encompass.
> WK: They don't know what they want it to do, and I thought it should be there to do things like Elders Dinners, and getting the older people together for social things, and somewhere there we also need to get the older people together for the children. I mean, how else are they supposed to . . .
> DB: . . . interact and learn (David Burlingame and Wendy Kinswa, BIA Interview, 7/25/1995).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[67]For more information, please consult:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> DB: I think it's a fear of the unknown. They've never done it, and are afraid -- or very much intimidated -- because they don't know what's going to happen.
>
> WK: Plus, on the council there <u>are</u> some members who are Christians. And it really interferes with their religion. The things that are talked about -- sweat lodge -- when you talk about all living things having a spirit it goes against their religion. So there's a little of a division there, too, because of the religion factor (David

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

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

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

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

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

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

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

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

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

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

> But you know, the problem was, that other council members didn't know how to construct it. I know that Greg and Randy both talked to my uncle [i.e., David Ike[68]] about it. And I know he gave them

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

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

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

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

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

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maintains the Ike Cemetery.

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

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

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

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

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[70]John Barnett maintained Grove's status as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> . . . of the ninety or so petition signers, at least 24 are presently voting Quinault Tribal members, 2 are Shoalwater Bay, at least 3 are Chehalis Tribal members. Of the remainder, 23 are 1/4 degree Indian blood or greater. That means that 52 are either members of a Federally recognized tribe, or are eligible for membership in one.
>
> The petition signatories include 11 full blood Indians, two 7/8, two 3/4, thirteen ½, seven 3/8, and fourteen 1/4. The remaining signatories are without exception eligible for adoption into the Quinault Tribe, contingent on approval of the general Council. Without exception, the signatories are original Quinault Allottees who were recognized as legal Quinault Indian voters in 1935 (Indians of the Quinault Reservation Newsletter 9/1979, 3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> It is the feeling of a large number of allottees on the Quinault Reservation that the group should not stop meeting to share common problems and to be better informed of issues that pertain to your land after the conclusion of the Mitchell case, which is almost completed Special Meeting Announcement, 3/16/1991).

Documentation shows that in August 13, 1993, the Portland Area Office BIA refused to "recognize the newly-formed 'AA&AT' [Allottees Association and Affiliated Tribes] as 'the governing body of the Reservation'" (Portland Area Director, 8/13/1993, to Gloria A. Reed Brown).

The Allottees Association and Affiliated Tribes of the Quinault Reservation continued to communicate concerns to the BIA that the Quinault Tribe was attempting to take over individual land. That is, they maintained that the Quinault Tribe was attempting, through the land use planning and environmental regulation, to control increasingly the kinds of decisions landowners could make. These decisions, the members concluded, would allow the Quinault Tribe to assume gradual ownership of the lands. The BIA, they maintained, supported the Quinault efforts (John Barnett, BIA Interview 8/4/1995). The BIA dismissed the concerns as "broad accusations" (Crowell to Superintendent, Olympic Peninsula Agency, 8/24/1993).

3.2.5.2. U.S. v. Mitchell

On April 15, 1980, the United States Supreme Court found against Helen Mitchell and returned the case to the Court of Claims to consider law other than the General Allotment Act upon which to base the claim (Mitchell et al. Certiorari to the United States Court of Claims. No. 78-1756. Argued December 3, 1979 -- decided April 15 1980). (10-11).

On October 21, 1981, The Court of Claims, upon reconsideration, found that

> The timber management statutes . . . reflected congressional intent to maximize Indian revenues for the long term. The court could see no room to question that an action could be maintained to compel the United States to disgorge the actual proceeds of timber sales

In 1989, the Federal government agreed to pay the allottees for damages (Hobbs to Capoeman-Baller 5/23/1994), and the Quinault Allottees Committee accepted a compromise settlement.

On July 31, 1990, the Quinault Allottees Association distributed a report to its members "detailing the award to be made to you as a plaintiff in this case" (Gloria Reed Brown, Memo 7/31/1990), and solicited objections which would be due September 10, 1990. Later correspondence showed that:

> According to the Allocation Plan, flat Awards are to be distributed to all heirs of any deceased plaintiff equally, and not according to any percentages or shares that might be specified in or follow from the terms of the probate order. So long as the heir is listed on the probate order as having inherited something, that person will share equally in the Flat Award (Hobbs 10/1/1990).

Hobbs explained that any other kind of distribution would require evaluating the merits of individual wills. This task, implied the letter, was beyond the scope of what the law office could do, since it would involve the law office in arbitrating individual family wills (Hobbs 10/1/1990).

3.2.5.3. Discussion

John Barnett reported that, during this time, he maintained contact with CIT members who were Quinault allottees. Among the 57 listed as allotted with the Quinault in the 1950's, Barnett recalled Evelyn Byrnes, her daughter Lorraine Newberg, and Charles Forespring:

> in all those years, I had not only represented myself, as a landowner on the reservation, but I represented all the other Cowlitz people that owned land on the Reservation -- Evelyn Byrnes, Charles Forespring -- there's a whole host of them, but those are two examples of people that have allotments -- Lorraine Newberg -- on the reservation. And these people would come to me for advice, as to what to do in terms of signing a power of attorney, to the Bureau to sell timber, or whatever it happened to be. Forestry advice (John Barnett, BIA Interview, 8/4/1995).

Both Pearl Capoeman Baller, Quinault Chairman, and John Barnett, CIT General Council Chairman, agreed that neither the Quinault Allottees Association nor the Indians of the

Quinault Reservation exist today. However, Barnett maintains that the present Quinault Allottees Association membership have created a third organization, i.e.,

> . . . an allottees association and affiliated tribes. And this was an organization that was not involved with the Quinault Allottees Association, was not part of the Indians of the Quinault Reservation, but it did consist of the same people, basically. And they formed this organization for the same protection that the Indians of the Quinault Reservation had formed -- for protection of their personal trust property and their rights as Indians, many of whom were members of other tribes, like Chehalis or Dan Mechelen being a Chinook -- although he's also enrolled at Quinault he's also a Chinook. And this organization persists today. And what we did . . . maybe 4 or 5 years ago, is challenge the jurisdiction of the Quinault Nation to have exclusive government at Quinault (John Barnett, BIA Interview, 8/4/1995).

While not confirmed during the interview, the organization to which he refers is most likely the "Allottees Association and Affiliated Tribes" described in 3.2.5.1 above. BIA researchers did not interview Helen Sanders or others regarding Mitchell v. United States.

There is no evidence of widespread involvement by the CIT in political issues regarding the Quinault.[71] However, as mentioned briefly above, some CIT members are concerned that the present leadership of CIT may be using their leadership position within CIT, and the Federal acknowledgment process, to obtain leverage in land use decisions within the Quinault (Steve Meyers, BIA Interview 7/29/1995).

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[71]However, Petition documentation and BIA research shows that CIT still is involved in the disposition of Quinault lands. Robin Torner (BIA Interview 7/28/1995) has continued to advocate for landholder rights.

3.2.6 Fishing Rights

The CIT petition emphasized the topic of fishing rights. According to John Barnett, the CIT joined in the fishing rights case along with the Wahkiakum Chinook band, The Wahkiakum Band of Chinooks v. Bateman, in 1978. In 1980, STOWW lawyer Dennis Whittlesey filed for an injunction

> to restrain the defendants from restricting and violating exercise of their aboriginal and Federally guaranteed rights to take fish. Plaintiffs have no adequate remedy at law and will suffer further irreparable injury unless the injunctive relief sought is granted by this Court (Petition A-1536-37).

Cowlitz plaintiffs included John Barnett, Norman R. Monohon, Roger Nelson, Mae E. Purcell, Carolee Green, Nadine McKinney, Mary L. Wetzel, Joseph E. Cloquet, Richard Iyall, David Ike, and Linda Foley. Plaintiffs included both métis descendants such as Monohon, Nelson, Purcell, Green, McKinney, Wetzel, and Cloquet. Upper Cowlitz descendants included Ike, and Lower Cowlitz descendants such as Iyall.

To fund these lawsuits, John Barnett asked for CIT Tribal Council members to sign a petition offering to pay lawyer costs by paying a percentage of what they would be paid from their Docket 218 claims funds. A total of 36 signed (Petition A-1922).

As far as CIT involvement is concerned, John Barnett maintained that the CIT members did not have commercial fishing interests. No documentation has been found indicating that they did. Instead, Barnett refers to "attachment to the river and its resources"

> Not that fishing is going to be a big issue with the tribe, but there are a lot of people that are interested in it. They resent the fact that they can't fish as Indians in their own rivers. This really bothers them. Some more than others. I think -- well, my Uncle Joe Cloquet, myself, presently people like Mike Hubbs, Randy Cottonware -- They have a real attachment to that river, and to the resources in it, and they have a real

> feeling that they have that right to fish as Cowlitz Indians (John Barnett, BIA Interview, 8/4/1995).

This attachment is limited to ceremonial interests and no longer involves subsistence. Randy Cottonware negotiated with the State Fisheries Department to obtain fish for use in revitalized ceremonies (See 3.2.4 ff above, Kinswa, BIA Interviews 7/25/1995, 8/2/1995).

Before pursuing larger-scale commercial fishing rights, the CIT has decided, according to John Barnett, simply to wait until acknowledgment has been decided (John Barnett, BIA Interview, 8/4/1995). Not all CIT members were in favor of the fishing rights involvement. For example, Evelyn Byrnes maintained that the effort distracted the CIT from what its primary efforts should have been -- Federal acknowledgment. When she objected, she reported, she was voted down:

> Well, there were too many voting for it . . . I was the only one voting against it . . . and then when they had this fishing business going on. They had that hearing in Portland on fishing. I told them at the meeting in Olympia. "It don't do you any good because you can't get fishing rights without being recognized." They went ahead anyway (Evelyn Byrnes, BIA Interview, 7/28/1995).

CIT involvement in fishing rights did not involve CIT membership with an interest in commercial fishing, either on the Cowlitz River or elsewhere. Present involvement is ceremonial and is negotiated informally with the State Department of Fisheries, and does not involve the wider membership directly.

3.2.7 Adoption Proceedings

Meeting minutes show that the CIT became involved in child adoption proceedings initially through solicitation for involvement from the Washington Department of Social and Health Services. CIT member Dianna Smalley (Kinswa) maintained contact with these agencies. CIT Tribal Council meeting minutes reveal the first such involvement arose in 1989. The Department informed the CIT that they "would like to receive word from the tribe as to our desire for

involvement in future adoptions of [two] children of Cowlitz heritage." The minutes continue to explain:

> Following discussion, John Barnett moved that we notify this agency that the tribe wishes to reserve the right to approve the adoption of these children, and his motion also included enrolling the [two] children . . . in the tribe (CIT Tribal Council Meeting Minutes 7/15/1989).

The motion carried. Tribal Council meeting minutes for October 14, 1989, reveal that

> An Indian-based group has intervened, requesting that they be removed from their present foster home and be adopted by an Indian family. The Cowlitz Tribe, however, continues to support adoption by the present foster family (CIT Tribal Council Meeting Minutes 10/14/1989). Minutes show that on January 23, 1993, the Tribal Council again discussed issues of adoption. The minutes do not make clear exactly what issues were involved, but "vote was taken by secret ballot due to the controversy expressed within the group, and results given later were . . . 6 for and 9 against, 2 abstentions" (CIT Tribal Council Meeting minutes, 1/23/1993).

Documentation for this case is lacking, but CIT members maintained that the controversy involved a lesbian couple adopting a child of Cowlitz descent (Burlingame, BIA Interview, 8/2/1995). As Carolee Morris explained:

> The people that wanted to adopt it was not a woman and a man couple; it was two women. One of the women was Nez Percé. And she brought the baby to a council meeting and asked for permission for adoption. And our council voted against the adoption, because it was . . . a Lesbian couple, apparently. And the couple won![72] (Carolee Morris, BIA Interview, 7/24/1995, footnote added).

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[72]That is, the couple kept the child.

Another case, however, involved CIT families who came to the CIT Tribal Council for intervention on their behalf. A California-based adoption agency had asked the CIT for a "release from the tribe to place the soon-to-be-born child for adoption" (Chasko to Carolee Morris, 12/2/1994). According to Michael Hubbs, CIT Tribal Council Enrollment Committee Chairman:

> It was simple, I got contacted through an agency that the child was up for adoption. So I checked into it, and it turned out to be my cousin. So I called the grandmother of the child that was to be born, and it was my first cousin. She informed me that her daughter had had an accident, was pregnant, [and] was due in a few months. So I talked with her; she said she would keep me in mind -- she had basically picked a family already -- but that it was still not anything written in concrete -- she could always change her mind. And, hell, we pursued it -- I kind of let it fall to the side at first . . . because I didn't get a reaction from my wife. I guess I understood her reaction of just quietness as being "no." And so finally, I just took it on my initiative again, and I pursued it a little more. I found out that the girl had left to go to California. My second Cousin. And that's when the big fight started (Michael Hubbs, BIA Interview, 7/24/1995).

John Barnett, CIT General Council Chairman, then contacted the Quileute Tribal Council, asking them to intervene on behalf of CIT member Mike Hubbs. The Tribal Council responded that

> The Quileute Tribal Council has considered your request to assert jurisdiction . . . We have instructed the Quileute Tribal Court to take whatever steps necessary to accomplish this (Woodruff to Barnett, 4/20/1995). Legal documentation shows that after a hearing 6/12/1995, the Superior Court of the State of California, San Mateo County, decided that the State of California has jurisdiction over the child, and that the Indian Child Welfare Act does not apply. While further documentation in the case was not available, the

> CIT members maintained that after the two court decisions, the Quileute had to drop the case because they lacked the resources to continue (John Barnett, BIA Interview, 8/4/1995).

The information presented above shows that the CIT became involved in adoption issues as a result of various officials' interpretation of the American Indian Child Welfare Act's Federal consultation requirements. There is some evidence, however, that individual CIT members became interested in adoption issues on their own, and that the CIT has intervened and advocated on their behalf. As this individual adoption has propelled the CIT Tribal Council into an advocacy role, they enlisted the assistance of other recognized tribes.

4. WHERE ARE THEY ALL NOW?

A total of 1,030, or 65 percent, of today's 1,577 total CIT voting and non-voting membership reside in Washington State. The other states where most of the CIT membership reside include Oregon (184, or 11.7 percent) and California (120 or 7.6 percent). There are 85, or 5.4 percent, whose addresses are unknown, and 158, or roughly 10 percent, who reside in other states. The following table summarizes for states overall. In the following analysis, and all other analyses in this subsection, no distinction is made between voting or non-voting members.

STATE	COUNT	Percent of National total
Unknown	85	5.4%
Washington	1,030	65.3%
Oregon	184	11.7%
California	120	7.6%

The most populous of these other states include Nevada, Wyoming, Texas, and Alaska, with 17, 15, 14, and 12 respectively. The remaining states include Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Michigan,

Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New Jersey, New York, North Dakota, North Carolina, Oklahoma, South Dakota, Utah, Virginia, and West Virginia.

Of the 184 who live in Oregon, 114, or 70 percent, live in the cities of Portland (32), Newport (15), Milwaukie (12), and Madras (11). The remainder are scattered throughout 52 other cities. Portland has by far the largest concentration of CIT members, and is only a 30-mile, or 45-minute drive, at most, from Kelso, Washington.

Of the 120 who live in California, the largest number live in Sacramento (19 or 15 percent), with nine (7 percent) residing in Eureka. The remainder are scattered throughout 52 other communities.

Within Washington State itself, by far the largest proportion reside in Tacoma (153 or 14.9 percent), Olympia (78 or 7.6 percent), Seattle (68 or 6.6 percent), and Longview (42 or 4.1 percent). The total of 341 is 33.1 percent of the total Washington Cowlitz population. Another 22.9 percent, or 236, are scattered through communities containing from 20 to 39 CIT members. These communities are summarized in the following table.

CITY	Number	Percent Subtotal of total Washington Residence	
Castle Rock	33	3.2%	236
Roy	29	2.8%	
Puyallup	27	2.6%	
Spokane	23	2.2%	
Friday Harbor	22	2.1%	
Chehalis	21	2.0%	
Vancouver	21	2.0%	
Yakima	20	1.9%	
Spanaway	20	1.9%	
Centralia	20	1.9%	

Finally, another 401, or 38.9 percent are scattered throughout 119 other communities in Washington. Each of

these communities varies in number of CIT members from 1 to 19. The following table lists these communities.

Residual Modern Day Cowlitz Population Distribution: Washington State

Graham 19	Forks 3	Granite Falls 1
Kelso 18	Orting 3	Grapeview 1
Federal Way 17	Sedro Woolley 3	Gresham 1
Tumwater 16	Sequim 3	Hansville 1
Raymond 15	Springdale 3	Harrah 1
Shelton 15	Sumner 3	Kalama 1
Lacey 14	Wauna 3	La Center 1
Winlock 14	Allyn 2	La Conner 1
Everett 12	Bellevue 2	La Grande 1
Aberdeen 10	Buckley 2	Lake Stevens 1
Anacortes 10	Burlington 2	Lynnwood 1
Bellingham 10	Edmonds 2	McCleary 1
Gig Harbor 10	Fife 2	McMillan 1
Toledo 10	Grayland 2	Milton 1
Yelm 10	Hoodsport 2	Montesano 1
Port Townsend 9	Keyport 2	Montlake Terrace 1
Bremerton 8	Kingston 2	Moses Lake 1
Vader 8	Mead 2	Mossyrock 1
Arlington 7	Monroe 2	Moxee 1
Bothell 7	Mount Vernon 2	North Bend 1
Hoquiam 7	Nine Mile Falls 2	Oak Harbor 1
Port Angeles 7	Port Orchard 2	Palmer 1
Kent 6	Redmond 2	Port Ludlow 1
Morton 6	Silvana 2	Prosser 1
Oakville 6	Snohomish 2	Rainier 1
Randle 6	Steilacoom 2	Ridgefield 1
Stevenson 6	Walla Walla 2	Ryderwood 1
Toppenish 6	Ashford 1	Silverdale 1
Westport 6	Bold Bar 1	Snoqualmie 1
Copalis Crossing 5	Brinnon 1	South Prairie 1
Long Beach 5	Camas 1	Stanwood 1
Marysville 5	Carlsborg 1	Taholah 1
Onalaska 5	Carson 1	Tenino 1
Renton 5	Cathlamet 1	Tracytown 1
Eatonville 4	Chattaroy 1	Union 1
Napavine 4	Copalis Beach 1	Union Gap 1
Auburn 3	Custer 1	White Salmon 1
Battle Ground 3	DuPont 1	Winthrop 1
Belfair 3	Elma 1	Zillah 1
Clarkston 3	Ethel 1	

It should be emphasized that presenting this summary in bands of 1-19, 20-39, and 40+ is for ease of summarizing only, and is not of itself indicative of sociological significance.

This residency distribution, analyzed at this level of generality, does not show the presence of any geographically-defined community. It shows that in recent times that a large proportion of the CIT membership has resided in communities located in the western half of the State of Washington.

Some individual CIT members distinguished between where they presently resided and their family homes. The latter, they maintained, were near the residences where one of the relatives who maintained a family cemetery. Those who made this distinction sometimes said they planned to be buried in these cemeteries (Wendy Kinswa, BIA Interview 7/29/1995; Marsha Williams, BIA Interview 7/24/1995). Others, such as the Wannassay members, maintained that their ancestral home was near the land they claimed, near Squaw Island, in Kelso.

The following information from the 1919 Roblin Rolls shows that the petitioner membership has resided in the above dispersed pattern throughout the 20th Century. The following table summarizes the distribution by state

Cowlitz Roblin Roll Distribution: Nation-Wide

State	Number	Percent
Unknown	209	23.5%
Washington	583	65.4%
Oregon	51	5.7%
California	12	1.3%
Alaska	7	0.8%
British Columbia	6	0.7%
Montana	5	0.6%
Alberta	4	0.4%
Nebraska	4	0.4%
Kansas	3	0.3%
Idaho	2	0.2%
Massachusetts	1	0.1%
Mexico	1	0.1%
Minnesota	1	0.1%
New York	1	0.1%
North Dakota	1	0.1%
TOTAL	891	100.0%

The proportion between those who live in Washington, as opposed to elsewhere, is very similar to the present. The three most populous states are, again, Washington, Oregon, and California.

Within the state of Washington, the towns of residence are again scattered primarily throughout the area west of the Cascades. The following chart summarizes the towns with largest concentration (i.e. 20 + people living in them).

Cowlitz Roblin Distribution Within Washington

Town	Number	Percent
Friday Harbor	74	12.7%
Winlock	42	7.2%
Seattle	39	6.7%
Castle Rock	35	6.0%
Roy	35	6.0%
Tacoma	27	4.6%
Vader	22	3.8%
Alpha	21	3.6%
Centralia	21	3.6%

The following table summarizes the distribution for residences with fewer than 20 people.

Residual 1919 Roblin Roll Cowlitz Population Distribution: Washington State

Cathlamet 19	Olympia 4	Spanaway 2
Roche Harbor 15	Yakima Allotment 4	Union Mills 2
Silver Creek 14	Auburn 3	Wildwood 2
Chehalis 11	Carson 3	Battle Ground 1
Puyallup 10	Ceres 3	Brown's Pt 1
South Bend 10	East Sound 3	Delphi 1
Randle 9	Forest 3	Hoquiam, 1
Tenino 9	Gate 3	Little Rock 1
Bremer 8	Toledo 3	Lyndon 1
Orting 8	Vancouver 3	Milton 1
Charleston 7	West Sound 3	Onalaska 1
Harrah 7	Anacortes 2	Oysterville 1
Nesika 7	Bay Center 2	Ridgefield 1
Oakville 7	Bellingham 2	Sequin/Dungeness 1
Rochester 7	Cosmopolis 2	Spokane 1
Yelm 7	Ethel 2	Stevenson 1
Aberdeen 6	Hartline 2	Sumner 1
Humptulips 6	Lewis 2	Toppenish 1
Cispus 5	Mossy Rock 2	Waldron 1
Eatonville 5	Nisqually 2	Westport 1
Moclips 5	Olequa 2	Wichersham 1
Munroe 4	South Tacoma 2	

Of a total of 583, 188, or 32.2 percent reside in groups smaller than ten, in towns throughout the Washington State area.

Genealogical Technical Report
Cowlitz Indian Tribe

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"Among strangers, they would be asked, as Coyote was,
'Why are you here?' and 'Where are you from' (Jacobs 1934, 112).
As Joycie Eyle said, the next question might be,
'How are we related?'" (Irwin 1995, 12-13).

GENEALOGICAL TECHNICAL REPORT

COWLITZ INDIAN TRIBE

SUMMARY OF THE EVIDENCE.

Governing documents and Enrollment Criteria. The petitioner, the Cowlitz Indian Tribe (hereafter cited as CIT), submitted copies of the current (1993) constitution, the 1974 constitution, and the 1950 constitution. Records indicated that the group had a written constitution between 1912 and 1950, but if so, the CIT has no copy in its records and none was located by BAR researchers.

The petitioner submitted a current (1994) membership list that contained all data requested for evaluation under the 25 CFR Part 83 regulations, and copies of all extant prior membership lists. These were dated to 1915/17 (partial), 1921 (Yakima Cowlitz only), 1952/53, 1966/69, and 1978. The CIT also provided a typed list of "Yakima Cowlitz Signers" attributed to approximately 1921, and an attendance list for the 1954 annual meeting. Then-current membership rolls with ancestry charts also accompanied the 1983 and 1987 CIT petitions for Federal acknowledgment. It is known that one important prior list, a ledger containing a record of dues-paying members from the formation of the Cowlitz tribal organization in 1912 through the 1960's, was destroyed in a fire at the home of a former secretary of the tribal organization. The minutes of the CIT annual meetings since 1950 were of some assistance in filling the gaps, as it was customary each year to name and keep a moment of silence in remembrance of those members who had died within the previous twelve months.

Descent from the Historical Tribe. Based on data in Federal censuses, BIA censuses, BIA reservation rolls, Washington state vital records, and church records, all of the petitioner's members are of Indian descent. The question of descent from the historical Cowlitz Indians is somewhat more complex.

Historically, the Cowlitz Indians were essentially those Indians living in the Cowlitz River Valley in the areas which are now Lewis County and Cowlitz County, Washington. These included primarily two separate groups, the Lower Cowlitz (Salish) and the Upper Cowlitz (Sahaptin), which combined during the second half of the 19th century.

Since 1974, the petitioner's constitutional requirement for voting membership has been 1/16 Cowlitz descent, with no dual enrollment permitted. For practical purposes, the petitioner uses identification of an ancestor as Cowlitz on the 1919 Schedule of Unenrolled Indians in Western Washington compiled by BIA Special Agent Charles Roblin (Roblin 1919a, hereafter referred to as the Roblin Roll) as the fundamental membership standard. Known, documented, Cowlitz families who were enrolled on reservations in 1919, and therefore not included on the Roblin Roll, are eligible for CIT membership if not now enrolled elsewhere. The petition included a map of Cowlitz membership distribution in 1919 based entirely on the Roblin Roll (CIT Pet. Narr., 182).

Most of the enrolled CIT members (64 percent) are documented to be of either Lower Cowlitz or Upper Cowlitz descent on the basis of 19th-century BIA records (pre-Roblin Roll), and meet the constitutional 1/16 Cowlitz blood quantum on the basis of the petitioner's own computational standards. These standards are necessarily somewhat arbitrary in the context of the history of Indian population in the Pacific Northwest.

In accordance with Pacific Northwest cultural patterns, considerable documented intermarriage took place among the various tribal groupings in southwestern Washington State throughout the 19th century. Identification of an individual as "Cowlitz" by explorers, neighbors, and/or Bureau of Indian Affairs officials was more a matter of his/her residential location and primary social ties than of his/her bilateral genealogical origin. Therefore, an individual who was counted as "4/4 Cowlitz" by Charles Roblin in 1919, and is consequently counted as "full blood" by the CIT in determining the blood quantum of current membership applicants, may well, in fact, have had a Yakima or Chinook grandmother or grandfather, or a Haida or

Nisqually great-grandmother or great-grandfather.[1] Many of the historical Cowlitz families identified by Roblin do not have descendants in the current membership of the CIT, but do have descendants on Federal reservations or in the wider society, tribally unaffiliated.

A portion of the CIT's members (35 percent) descend from non-Cowlitz ancestresses from other Indian tribes who were brought to Cowlitz Prairie by fur trader husbands prior to the 1855 Chehalis River Treaty Council negotiations. These women, along with their children, became associated with the Cowlitz Indians during the first half of the 19th century. Many of their children and grandchildren intermarried with Lower Cowlitz and Upper Cowlitz families. These "associated" families have functioned as Cowlitz Indians since before the date of prior unambiguous Federal acknowledgment (1855) used for this proposed finding. BIA Special Agent Charles Roblin categorized them as Cowlitz in 1919. At least one of these extended families has been legally defined as Cowlitz for purposes of allotment by a Federal District Court decision.

A few CIT members (approximately 1 percent) have not shown Cowlitz ancestry, and appear to be descended from other tribes not historically associated with the Cowlitz. At least one of these families, which had been enrolled by the Cowlitz Tribe of Indians in 1964, was rejected by the CIT membership committee during the 1970's on the basis of inquiries to the BIA (Van Risswick to Cloquet, March 7, 1974), but has been re-accepted within the last five years (see United States. Bureau of Indian Affairs. Area Office, Portland, Oregon. Folder Cowlitz Tribe (Family Research Info.).

[1] For example, in 1917, Lucy Petewaw deposed that she was born about 1843. Her father, Ched-dalth-che, was a "full blood of the Cowletz and Chehalis tribes" and died at Muck in Pierce County, Washington, about 1852, aged about 50. Her mother, See-yahl-klas, who died at Muck, Pierce county, Washington, about 1862, had a Yakima father and a Skagit mother. Lucy Petewaw's first husband was a "Cowletz and Yakima." Then she went on to say that his mother was an "Upper Dalls" Indian and his mother's father was a Yakima (Roblin Enrollment Applications, NARS M-1343).

INTRODUCTION

Current Membership. The 1994 membership list of the Cowlitz Indian Tribe (CIT) contains 1,410 "green card holders" who meet the constitutional requirement for voting membership. This list includes both adult members and children under 18 years of age. The current membership of the CIT resides primarily in southwestern Washington State, with the majority of the remaining members living in the Pacific Northwest. For a more detailed analysis of the petitioner's contemporary geographical distribution, see the Anthropological Technical Report to this proposed finding.

Impact of Section 83.8 on coverage in the Genealogical Technical Report. This report has been completed under the provisions of 25 CFR 83.8. Section 83.8 modifies some of the provisions of 25 CFR 83.7 in the cases of those petitioners who can demonstrate the existence of prior unambiguous Federal acknowledgment. In 1855, the Federal government negotiated a treaty with the historical Cowlitz tribe of Indians as it existed at that date. Some of the Cowlitz who participated in those treaty negotiations can be demonstrated to have represented structural predecessor groups of the petitioning organization (see the Historical Technical Report for further information) and to have been genealogical ancestors of some of the petitioner's membership.

While Section 83.8 does not directly modify the requirements of either criterion 83.7(d) or 83.7(e), which are the criteria primarily addressed by the Genealogical Technical Report, its general provisions have been taken into account where applicable.

THE COWLITZ HISTORICAL POPULATION

A discussion of the historical Cowlitz population has been placed at this point in the report because much of the material on enrollment and membership criteria cannot be understood without some perspective on the petitioner's development. The historical Cowlitz Indians had, traditionally, a dispersed residential pattern. From the earliest descriptions of explorers, the historical Cowlitz Indians lived mainly along the length of the Cowlitz River, from slightly above its mouth, or juncture with the Columbia

River, as far upriver as the area of Randle, Washington.[2] This was a distance of some 80 miles. There were also villages and/or hunting camp sites along other nearby rivers such as the Toutle and the Lewis. The historic population was dispersed in comparatively small groups, which rarely contained more than ten households (see the more detailed demographic estimates contained in the Historical Technical Report). A few such residential groups can be clearly identified as late as the 1880 Federal census.

Omission of the "Mountain Cowlitz" or "Kwalhiokwa" from Genealogical Consideration. One supposed ancestral group, the "Mountain Cowlitz" or Kwalhiokwa, discussed by Dr. Verne F. Ray in his work for the Indian Claims Commission (ICC) (Ray 1966, Ray 1974) has been omitted from the genealogical discussion in this technical report because no genealogical information on it was submitted by the petitioner or located by BIA researchers. The "Mountain Cow-lists" were mentioned as trading at Fort Nisqually in the 1836-1838 time period (Carpenter 1986, 93), but it could not be determined by the BIA researcher whether this reference was to the Kwalhiokwa or to the Taitnapam. The Kwalhiokwa had essentially ceased to have an independent existence prior to 1855, the date of prior unambiguous Federal acknowledgment used for this proposed finding. It had no separate representation at the 1855 Chehalis River Council. Rather, the Kwalhiokwa were already associated with the Chehalis and the Cowlitz (CIT Pet. Ex. A-931).[3]

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[2] "In 1820 the Lower Cowlitz occupied the drainage of the Cowlitz river from approximately where Mossy Rock stands today to within a few miles of its juncture with the Columbia. In the period between 1820 and 1850, the Cowlitz moved onto the Columbia itself in the region immediately north and immediately south of the mouth of the Cowlitz--they there intermarried with the remnants of the Chinookan people who had previously occupied the region. The Taidnapam occupied the drainage of the upper Cowlitz from the area about Mossy Rock to the various headwaters of the Lewis River on the other side of the watershed. The Taidnapam ranged as far north westward as the drainage of the Newaukam and as far north as the watershed between the Cowlitz River and the Nisqually River" (Taylor n.d., 2 cont.).

[3] March 1, 1855. Yowannus [identified as head chief of the Upper Chihalis on A-914]. "Last night we came to this conclusion and now only ask for a small piece of land. We are glad to have united. We are afraid of being driven among different people whose languages we did not understand. We have finally settled on a place for these five bands, the Cowlitz, Upper Cowlitz, Upper Chihalis, Satsop, and Mountain Indians (a remnant of the Kwalkwi o quas.). We have heard all our Father has said patiently. It is all good except the place he proposes as our reserve. We don't like the idea of going among other people speaking a

The Historical Lewis River Band. The Lower Cowlitz were described in 19th century documents as having had a close, if not always amicable, relationship with the Lewis River Klickitats to the east. It has not been possible for BIA researchers to determine clearly from extant documentation whether or not the mid-19th century Lewis River chief Umtux and his band were actually Taitnapam Cowlitz, as claimed by Verne F. Ray (Ray 1966, 37). No original source material was located that supported his contention. Most of the original documents indicated that the Lewis River band was probably Klickitat, or, according to the 1915 statement of one of Umtux' daughters, "Cathlapoodle" Chinook (see extensive discussion of the issue of his identity in the Historical Technical Report). Several families that originated in this band were still residing in Clark County, Washington, at the time of the 1880 Federal census: some were still there as late as 1910.

The petitioner's membership contains very few descendants of the Lewis River band, whether it consisted of Lewis River Cowlitz or Lewis River Klickitats or Lewis River Chinook. The majority of the identifiable Lewis River area families were allotted on the Yakima Indian Reservation during the 1890's and are currently enrolled at Yakima.

The Historical Lower Cowlitz. The historical Lower Cowlitz,[4] who were of Salish language and culture,[5] were

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different language" (CIT Pet. Ex. A-931).

In 1853-54, George Gibbs stated that, "The Willopahs, or, as called by Capt. Wilkes, Qualioquas, may be considered as extinct, a few women only remaining, and those intermarried with the Chinooks and Chihalis" (Gibbs p. 428; cited in Ray 1974, 305). In 1856, Gibbs stated: "Of the Willopah (Kwalhiokwa,), or, as they call themselves, Owillapsh, there are yet, it appears, three or four families living...." (Gibbs p. 171; cited in Ray 1974, 305). About 1910, Curtis stated that, "Only two descendants of the Willapa survived in 1910--Tonamahl, a woman on Nisqualli reservation, and her aunt Saishimulyut, residing near Rochester, Washington" (Page 154; cited in Ray 1974, 306).

[4] According to Taylor and Hoaglin, the historical "Cowlitz" discussed in their article were:

> A Salishan-speaking group now known as the Lower Cowlitz, who around 1820 lived on the Cowlitz River, from about the present town of Mossy Rock, Lewis County, Washington, to a few miles above the juncture of the Cowlitz and Columbia Rivers. The term specifically does not include the Sahaptin-speaking Taidnapam, now known as Upper Cowlitz, who live on the upper reaches of the Cowlitz River, nor does it include the Chinookan-speaking Skillout (Kreluit) who lived

greatly reduced in population by an epidemic of "intermittent fever" which began in 1829 and continued endemically through the early 1840's (Taylor and Hoaglin 1960, 9). On October 11, 1830, Dr. John McLaughlin, Chief Factor of the Hudson's Bay Company at Fort Vancouver, wrote that the intermitting fever had appeared and carried off 3/4 of the Indian population in the vicinity (Taylor and Hoaglin 1960, 11-12). The Lower Cowlitz component of the modern petitioner can be documented to descend from this greatly reduced tribal stock,[6] as it existed when Roman Catholic missionary activity began among the tribe in 1838.

The Historical Upper Cowlitz (Cowlitz Klickitats or Taitnapam). In the course of the 19th century, the Lower Cowlitz moved from a relationship of antagonism to one of

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at the mouth of the Cowlitz River. The Skillout are subsumed under the term Chinook (Taylor and Hoaglin 1962, 161; quoted in 21 Ind. Cl. Comm. 143, 164; reproduced Cowlitz Pet. 1975, 50).

[5] Paul Kane, Canadian artist and explorer, was speaking only of the Lower Cowlitz when he wrote in 1847. "We landed at the Cowlitz farm, which belongs to the Hudson's Bay Company . . . Here I remained until the 5th of April, and took the likeness of Kiscox, the chief of the Cowlitz Indians, a small tribe of about 200. They flatten their heads and speak a language very similar to the Chinooks" (Cowlitz Pet. Narr. 1987, 6). See also Taylor and Hoaglin 1960, 9-10.

[6] April 24, 1840. Sir James Douglas, under marginal notation Cowelitz Statisticks, in Private Papers, Second Series (Bancroft Collection):

"The inhabitants of the Cowelitz River were at one time numerous; but are now reduced to something less than 60 men principally occupied in fishing: few of them evincing a desire to become hunters by courting the noble elevating and more arduous exercises of the chase.

The decrease of population cannot be clearly traced to any one cause in particular -- it with more probability proceeds from a union of evils. The whites best acquainted with the former and present state of the River. and the Natives themselves. however ascribe it with one voice to the Ague. as it is only since the appearance of that incredibly destructive visitation among them that they have wasted away to a shadow of their former numbers.

Plomondo says that in 1830 the first ague summer, the living sufficed not to bury the dead. but fled in terror to the sea coast abandoning the dead and dying to the birds and beasts of prey" (quoted in Taylor and Hoaglin 1960, 9). "Douglas' estimate of 60 'men' in 1840 would suggest a total Cowlitz population of 200 or so at that time" (Taylor and Hoaglin 1960, 9).

alliance and intermarriage[7] with a band of Sahaptin-speaking Klickitats (or Taitnapam)[8] who had settled on the upper reaches of the Cowlitz River after 1829 (Fitzpatrick 1986, 144; citing Teit 1928:99). These Taitnapam also had a continuing close relationship with the Yakima on the east side of the Cascade Mountains. Oral tradition indicates it was, in fact, the Yakima Ow-hi's son or grandson Wi-an-ash-et,[9] known as "Captain Peter," who was recommended to the OIA as chief of the Taitnapam on the upper reaches of the Cowlitz River in 1878 (Iyall 1995). During the second half of the 19th century, Bureau of Indian Affairs officials moved from describing the Taitnapam group as "Klickitat," to "Cowlitz Klickitat," and finally to "Upper Cowlitz."

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[7] "Their Chief At-win (preferably Antoine) (See Report Coms. Ind. Affs. for 1870, p. 18), is considered a reliable and trustworthy man. His people and said band of Klickatats made peace some ten years ago and are intermarried and bands of them live with At-wain on Mr. Huntington's land" (Milroy to Hayt, 1/7/1878, NARS M-234 Roll 219, 92).

[8] "The Cowlitz, as they are currently known, were not in aboriginal times one tribe but two. These tribes were different in language, linguistic family, linguistic stock and culture. The Indians occupying the Lower Cowlitz drainage were Cowlitz proper who spoke a coast Salishan language of the Salishan linguistic stock. They had a typical riverine, lower Northwest coast culture depending primarily upon fishing and secondly upon hunting and gathering for their subsistence. They were not normally politically united although occasionally for purposes of war and negotiation they banded together under one of their more powerful chiefs or head men. In normal times the lower Cowlitz villages were quasi-autonomous, however, they were an identifiable ethnic unit. Hudson's Bay Company officials, missionaries and early historians all refer to them as the Cowlitz or Lower Cowlitz Indians. They all spoke the same language and had a collective name for themselves--the Stlpulimuhkl.

The Indians inhabiting the upper reaches of the Cowlitz were Plateau in cultural tradition and Sahaptin in linguistic stock . . . These Indians were called 'Taidnapam'. They were recent immigrants into the region from the headwaters of the Lewis River across the Cascades" and there is no proof they had moved in before 1820 (Taylor n.d., 2; included in Cowlitz Pet. 1975).

[9] A man with a very similar name, Weyanoshat or Wayanoshat, had a daughter baptized at Vancouver in 1839: he was described as "Tlikatat infidel" (Warner and Munnick 1972, 24:B7).

Historical Relationship between Lower Cowlitz and Upper Cowlitz. After the epidemic period, the Cowlitz population seems to have stabilized. Throughout the later 1840's, the 1850's, and 1860's, official population estimates of the Cowlitz consistently remained at between 150 and 350 for the Lower Cowlitz, and between 75 [men] and 250 [total] for the Upper Cowlitz. From 1840 to 1880, there was an excess of births over deaths among the Cowlitz. However, spin-offs (the movement of Cowlitz families onto established reservations at Yakima, Nisqually, Puyallup, Chehalis, and Quinault, where they became socially identified as part of the reservation tribes) counterbalanced the natural population increase (see Historical Technical Report to this proposed findings for details of the demographic development).

Though the Lower Cowlitz and Upper Cowlitz were identified by non-Indian neighbors and BIA officials as separate bands with separate chiefs as late as 1878 (NARS, RG 75, M-234, Roll 918, get cite for pages), by 1919 BIA Special Agent Charles Roblin categorized families descended from both bands simply as "Cowlitz." Because of intermarriage since 1870, 20th-century members of the petitioner have been able to show both Lower Cowlitz and Upper Cowlitz ancestry. An excellent example was Mary (Yoke) Kiona. Members of the petitioner tend to classify her as having been Taitnapam because of the language she spoke (Beckham 1991, 34-35), but her mother, Lucy (Quil-a-nut), was a Lower Cowlitz woman from near Kelso at the mouth of the Cowlitz River.

The merger of the linguistically and culturally distinct bands of the Lower Cowlitz and Upper Cowlitz that took place during the second half of the 19th century was not in any way contrary to Federal Indian policy in the Pacific Northwest during the period in which it was occurring. In most ways, it was a product of that policy. Many Federal reservations established in the region (Yakima, Tulalip, etc.) combined several distinct bands into what are now federally recognized Indian tribes. Had the Cowlitz Indians obtained the treaty provisions they proposed at one point during the 1855 Chehalis River Treaty Council, they would have agreed to become part of a combined reservation including the Cowlitz, Upper Cowlitz, Upper Chehalis, Satsop, and Mountain Indians (CIT Pet. Ex. A-930 - A-931, A-936), though they still drew the line at being amalgamated with the Quinault. As Governor Isaac Stevens, in encouraging the delegates to accept any reservation placement determined by the Federal Government, said to the

delegates in response to the desire of each tribe to remain within its own traditional territory:

> I want you to agree to a paper which will be good for you, and that the Great Father shall select this Country where twice as many used to live and where all of you now shall. You say you speak different languages. We know it but I have told you how many children the Great Father has, and Indians speaking different languages are often placed together (CIT Pet. A-934).

Stevens referenced both Federal policy towards the Puget Sound Indians (CIT Pet. A-934, A-936) and that which had been pursued with the California Indians, according to which unrelated groups were involuntarily moved on to reserves (CIT Pet. A-935, A-938).

Impact of the Fur Trade: Development of Metis Families.

> Yes, I am basically saying that those who descended from the Cowlitz/French-Canadian marriages, make up, for the most part, the present-day Cowlitz Tribe" (Byrnes Affidavit 1989, CIT Pet. Ex. A-2366).

Definition. For the purposes of this report, the word "metis" is defined as those descendants of French Canadian fur traders and American Indian women who existed in sufficient numbers at a given time and place to form a society that was, to some extent, distinct from both parent societies--formally Roman Catholic in religion, and speaking both French and Indian languages. In the context of the Cowlitz, this metis society was centered at Cowlitz Prairie in the 19th and early 20th centuries. The majority of the male ancestors were former employees of the Hudson's Bay Company.

Development of Cowlitz Metis Families. In addition to the distinction between the Salish-speaking Lower Cowlitz and the Sahaptin-speaking Upper Cowlitz, the 19th century development of the historical Cowlitz tribe was affected to a very significant degree by the presence of fur traders, who arrived in the region between 1800 and 1820. About 1820, Simon Plamondon, Sr., a French-Canadian employee of the North West Company, married Thas-e-muth, a daughter of the Lower Cowlitz chief Scanewa (Plamondon 1953, 41), who was known according to family tradition by the Europeanized name Veronica (Roblin Enrollment Applications, Statement of

John Baptiste Plamondon, CIT Pet. Ex. A-1663; Statement of Daniel A. Plamondon, CIT Pet. Suppl. Ex. A-3309). Veronica died relatively young, about 1827/1833. Scanewa was killed in a conflict with the Clallam in 1828. However, Simon Plamondon remained in the Cowlitz Valley. His four children by Scanewa's daughter were baptized by the Catholic missionaries at various times between 1838 and 1843 (Warner and Munnick 1972, 19:B201, 20:B203, 71:B859, 74:B881), but the church records referred to the mother only as a "woman of the country, infidel" (Warner and Munnick 1972, 19:B201) and as a "Cowlitz woman, now dead" (Warner and Munnick 1972, 71:B859).

Non-Cowlitz Metis Families at Cowlitz Prairie. The Hudson's Bay Company established a depot and farm at Cowlitz Landing in 1839 (Hajda 1990, 514). Numbers of HBC French-Canadian servants retired there, in due time becoming naturalized American citizens and receiving Washington Territory donation land claims (NARS M-815, Oregon and Washington Donation Land Files 1851-1903. Rolls 93-108, Washington Territory). Several of these men married Cowlitz women and established families.[10] Others of the fur trade employees brought with them, when they settled along the Cowlitz River, Indian wives from a wide variety of Canadian, eastern Washington, other western Washington, and Oregon tribes (Pollard 1982, 121, 128) (see the more detailed discussion below in this report).

By the time that BIA Special Agent Charles Roblin completed his 1919 listing of unenrolled Indians (Roblin 1919a), the Roblin Roll, he categorized numerous persons from this Cowlitz Prairie settlement as "Cowlitz Indians," even when they themselves, in their affidavits (Roblin Enrollment Applications), specifically described their actual, non-Cowlitz, tribal ancestry (Roblin 1919b). The petitioner, the Cowlitz Indian Tribe, contains some member families which trace ancestry only into these "associated" families. The impact of this association on the petitioner's membership structure is analyzed below.

Metis Society. During the 19th century and the first quarter of the 20th century, the Cowlitz metis and Cowlitz-

[10] For example, Louis Leclerc m. 1843, Susanne Cowlitz (Warner and Munnick 1972, 76:M5); Louis Ledoux m. 1843, Marguerite Cowlitz (Warner and Munnick 1972, 76:M6).

associated metis families married mainly among one another[11] or with pioneer families of non-French-Canadian European ancestry,[12] but some married back into full-blood Cowlitz families. An excellent example of "all of the above" marriage practices among the metis families is found in the 1918 Roblin Enrollment applications filed by the daughters of Angelique (Plamondon) Gill. Annie Gill-Sullivan-Julius stated that she was 1/8 Indian; her mother, Angelique Plamondon was 1/4 Indian [Cree, associated metis], a daughter of Simon Plamondon and Emilie Finlay. Annie Gill's father, Simon Gill, was white [French-Canadian]; her first husband, Mike Sullivan, was white [Irish]; her second husband, James Julius, was 1/2 Chinook [and, though she did not say so, he was the widower of Susan Quatanna, a full-blood Cowlitz woman whose first husband had been French-Canadian] (CIT Pet. Suppl. A-3277). Lucy Gill-Lozier-McKinney stated that her first husband, Adolph Lozier, was a mixed-blood Indian allotted on Yakima; her second husband was white (CIT Pet. Suppl. A-3294).

The metis families maintained a certain continuing level of identification as Cowlitz. Of the 23 "undersigned citizens residing in the Valley of the Cowlitz River" who in January 1878 signed one petition to the BIA because they had heard:

> that their is Some Talk of the Government Removing the Indians residing in Said Valley to Some reservation and knowing Said Indians to be Peaceable and well disposed and Generally usefull to the whites Settlers as Laborers Respecfully Petition and ask that they be Permitted to Remain

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[11] This sometimes involved extensive cousin marriage. Jane Gill, granddaughter of Simon Plamondon Sr. and Emilie Finlay, was married first to her 1/2 first cousin Peter St. Germain, and second to another 1/2 first cousin, Simon A. Plamondon. Her two husbands were full first cousins (Roblin Enrollment Applications, CIT Pet. Suppl. A-3325).

Similarly, John St. Germain, son of Joseph St. Germain and Marie Anne Plamondon (a daughter of Simon Plamondon and Veronica), married in 1882, Cowlitz Prairie, WA, Louise "Laloot" Plamondon, daughter of Daniel Moise/Mose Plamondon (a son of Simon Plamondon, Sr. and Emilie Finlay) and of Elizabeth Jarvis, Umatilla.

[12] Since the records of the St. Francois Xavier mission at Cowlitz Prairie for the period 1844-1902 burned, it is necessary to rely upon public vital records and BIA records for the marriages, and census records for the births. While these are useful, they do not give the extensive insight into interaction that is provided by the sacramental records that include sponsors and witnesses.

> where they are undisturbed (NARS M-234 Roll 919, 105),

at least 11 were either married to Cowlitz women or were themselves metis.[13] Cowlitz metis children were often sent to BIA schools such as Chemawa (NARS Seattle. RG 75. Records of Chemawa Indian School).

Another aspect of the "metis" issue in analyzing the petitioner's membership through time is that until the constitutional changes in 1974, many Cowlitz metis families that had continued to live in Lewis and Cowlitz Counties, Washington, remained consistently active in the Cowlitz tribal organization, even when their genealogical tie to the tribe came through a remote ancestress and all subsequent marriages in their family lines had been to non-Indians. When the requirement for 1/16 Cowlitz blood quantum was adopted in 1974 and subsequently enforced in practice, the structure of Cowlitz membership changed significantly (see discussion below). Several locally resident Lewis County, Washington, and Cowlitz County, Washington, family lines that had heretofore been active in the affairs of the Cowlitz organization were no longer eligible for voting membership. The post-1974 Cowlitz membership lists differ dramatically from the 1968 and prior lists not only because of the exclusion of the "Yakima Cowlitz" families by forbidding dual enrollment, but also because of the removal of many metis family lines from voting membership.

Ties to the Yakima Indian Reservation. It was mainly through the Lewis River Klickitats and the "Cowlitz Klickitats," that the historical Cowlitz tribe maintained close genealogical ties to many persons who received allotments on the Yakima Indian Reservation, east of the Cascade mountain range, during the period 1892-1914.[14]

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[13] The signers were William Pumphrey, Gas Clookie [Auguste Cloquet], Robert Stead, James Lorma, Edward Cottinoir, David Cottinoir, Basil Bercier, Simon Gill, John H. Pumphrey, Frank M. Pumphrey, B. S. Plamondon, James Wilson, L. D. Dubeau, J. B. Plomondon, James McDonald, William Griffin, Christian Reitzig, J. Barton, Chas. L. Reed, S. W. Parsons, Jim Julious, John C. Cantwell, and William Whittle (NARS M-234 Roll 919, 105-106).

[14] These ties, in fact, existed much earlier, and may have included the Lower Cowlitz families as well as the Taidnapam. In the pre-treaty period, the high-status families of the southwestern Washington area established intermarriage networks equivalent to those of European royal families.

However, Lower Cowlitz families such as the Iyalls and Wannassays also, through intermarriage with Klickitat and Yakima women, qualified for and received allotments on Yakima: numerous members of such families enrolled there.

In 1946, eligibility for enrollment in the Yakima Nation was determined by Federal statute (60 Stat. 933, pp. 968-969, August 9, 1946). By virtue of this act, a number of Cowlitz families that had been allotted on Yakima were no longer eligible for enrollment there, as they did not descend from the 14 bands originally combined on the Yakima Reservation (the Confederated Tribes and Bands of the Yakima Indian Nation which was a party to the Yakima treaty of 1855, 12 Stat. 951).[15] Other Cowlitz families, such as Iyall and Wannassay, ended up split, with the older members enrolled at Yakima under a grandfather clause, but younger siblings born after the date of approval of the Act no longer eligible for enrollment there.

Since the ICC judgment award and the resulting membership eligibility changes instituted by the Cowlitz Indian Tribe in its 1974 constitutional revision, a complex and often antagonistic relationship has developed between the petitioner and the "Yakima Cowlitz" descended from the Lewis River Cowlitz and Upper and Lower Cowlitz families allotted on Yakima. For additional details on these developments, see the constitutional discussion below and the Historical

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The family tree submitted by the Iyall family showed Iyall Wahawa as the descendant of Scanewa, the Cowlitz chief who died in 1828, by a Yakima wife. (Scanewa is said to have had seven wives, another of whom has been identified as Haida.) Iyall Wahawa, in turn, married Margaret Powety, who was identified as "Nisqually." Margaret's mother, however, was shown on the Iyall family tree as the daughter of a Nisqually father and of a Yakima mother: through her mother, Margaret (Powety) Iyall was described as a first cousin of the Yakima war chief, Kamiakin.

[15] The treaty listed: Yakima [Yakama], Palouse, Pisquouse, Wenatshapam, Klickatat, Kinquit [Klinquit], Kow-was-say-ee [Know Was-say-ee], Ki-ay-was, Wish-ham [or Wishram], Skyuks [Shyiks], Oche-chotes, Kah-milt-pay [Kah-milt-pah], Se-op-cat [Se-ap-cat], and Skin-pah. The U.S. v. Washington report identified these by modern names as: (1) Salish-speaking, Chelan, Entiat, Wenatchee, and Columbia; (2) Sahaptin-speaking Kittitas, Yakima, Klickitat, Wanapam, Palus/Palouse, and Skeen; (3) Chinookan-speaking, Wishram, totalling approximately 5,000 Indians (BAR Files).

In 1950, Darrell Fleming of the Yakima Indian Agency stated that in the course of the enrollment work resulting from the 1946 Act, none of the applicants claimed to be descended from the Pisquouse, Klinquit, Kaw-was-say-ee, Ki-ay-was, Shyiks, Ochi-chotes, Kah-milt-pah, or Se-ap-cat bands (Fleming to COIA, February 28, 1950, 1).

Technical Report to this proposed finding. The "Yakima Cowlitz" are not part of the CIT membership evaluated for purposes of this petition.

Ties to the Quinault Indian Reservation. During the 19th century, the Lower Cowlitz also interacted extensively with several of the Salish tribes to the west (Chehalis, Nisqually, Puyallup, etc.). In the early 20th century, several peripheral Lower Cowlitz families received allotments on the Quinault Reservation (Roblin 1919c). In the 1930's, as the result of an eligibility decision rendered by the U.S. Supreme Court on June 1, 1931, in Halbert et al v. The United States,[16] several current CIT families were allotted on Quinault (Roblin to COIA, 6/16/1932; CIT Pet. Suppl. A-2289), although they were not eligible for enrollment with the Quinault Tribe (see the Historical Technical Report and Anthropological Technical report to this proposed finding for details). Consequently, several current members of the CIT have been active in the Quinault Allottees Association, although they are not enrolled in the Quinault Tribe. Some Cowlitz descendants did enroll at Quinault (1932 Annual Statistical Report Quinaielt Reservation, CIT Pet. Ex. A-467; Quinaielt Legal Voters, 1935 Census; CIT Pet. A-1459 - A-1473), but these families are not now CIT members.

GOVERNING DOCUMENTS

Current governing document. The Cowlitz Indian Tribe is currently governed by a constitution revised in 1993 (CIT Pet. Suppl. Ex. A-2662 - A-2669). The General Council[17] adopted the revisions on June 5, 1993, at the Annual Meeting. A copy of the constitution as revised in 1993 was submitted to the BIA as part of the supplement to the Cowlitz petition for Federal acknowledgment. The current constitution is supplemented by the "By-Laws of the Cowlitz Indian Tribe." A copy of these by-laws, with revisions enacted by the General Council on June 5, 1993, was submitted to the BIA as part of the supplement to the

[16] See the Historical Technical Report to this proposed finding for a detailed discussion of this case.

[17] The General Council consists of all duly enrolled members of the Cowlitz Indian Tribe, Article III, Section 2 (A-2664). Voting membership consists of "all enrolled members of the Cowlitz Indian Tribe at least eighteen (18) years of age who are of one-sixteenth (1/16) or more blood degree and who hold a green membership card," Article V, Section 1 (A-2664).

Cowlitz petition for Federal acknowledgment (CIT Pet. Suppl. A-2670-2676).

Adoption of the 1993 Constitution. In 1993, the CIT proposed revisions to the 1974 constitution, particularly as they applied to the "1/16 Cowlitz blood quantum" membership requirement, but after extensive discussion, no changes were made to the 1/16 requirement (see extensive discussion below in the section on current membership criteria). This issue had been under consideration for quite some time. At the October 19, 1991, meeting of the Tribal Council,[18] there was extensive discussion of the situation at the time the 1/16 requirement was originally adopted: it was moved and carried that a "proposed amendment to change blood quantum requirement be presented to the General Council" (CIT Pet. Suppl. A-2593).

This motion was extended at the Tribal Council meeting of January 11, 1992, to "clarification of the tribal Constitution" (CIT Pet. Suppl. A-2613). It was moved and carried that a committee of seven persons be established "to propose changes or amendments to the Constitution and By-Laws" (CIT Pet. Suppl. A-2613). The Tribal Council elected this committee from among its own members (CIT Pet. Suppl. A-2614-2615). At the Tribal Council meeting on August 15, 1992, it was mentioned that, "the finalized draft with suggested revisions will be completed to present to the General Council in November" (CIT Pet. Suppl. A-2639). On October 24, 1992,

> General Council Chairperson [sic, actually Vice-Chairman] Marsha Williams next gave her report. In relation to the Cowlitz Constitution revisions that were proposed in June, she expects General Council action to implement the changes at the November meeting. She requested that any other changes be brought to her attention prior to that time for inclusion in the final draft. She asked for and obtained input as to how to best present the changes to the general body (CIT Pet. Suppl. A-2642).

The petitioner submitted, together with the 1994 supplement, copies of the minutes of most Tribal Council and General Council meetings from 1987 through August 7, 1993 (CIT Pet.

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[18] See below for a discussion of the functions of the Tribal Council vis-a-vis the General Council.

Suppl. A-2501-2660). Specifically, these included the minutes of the June 5, 1993, General Council meeting at which the constitutional revisions were adopted (CIT Pet. Suppl. A-2651-2654). According to the minutes of the June 5, 1993, General Council meeting, the 1974 constitution and 1974 by-laws and the proposed changes had been presented to the membership at the June 1992 General Council meeting (minutes not contained in the supplement), at a November 1992 meeting (minutes not contained in the supplement), and had been reviewed in the tribal newsletter. They were reviewed orally at the June 5, 1993, General Council meeting. Although "some of those in attendance expressed concern at having so little time to study the document," a motion to take the ballot passed by a vote of 55 aye, 12 nay. The revisions themselves were adopted by a hand vote of 55 aye, 8 nay (CIT Pet. Suppl. A-2653). A description of the current constitution, as revised in 1993, follows.

Contents of the 1993 Constitution. The 1993 constitution and by-laws describe how CIT governs its affairs and its members. They contain primarily conventional constitutional provisions, in that they specify the constitutional offices, qualifications for office, terms of office holding, election procedures, etc.

Article I: Name and Jurisdiction defines the name of the petitioner as the Cowlitz Indian Tribe (it has previously been, on legal documents, the Cowlitz Tribe of Indians). It generally claims "maximum jurisdiction possible under tribal and Federal law" over their aboriginal lands and natural resources therein, fishing rights, etc. Specifically, it states that the Cowlitz Indian Tribe "shall have jurisdiction over land designated by the Indian Claims Commission as the Cowlitz aboriginal lands in claims docket 218" (CIT Pet. Suppl. Ex. A-2263).

For Article II. Membership, see the detailed discussion of provisions below in the section on membership criteria.

Article III establishes the General Council; Article IV the Tribal Council. Electoral qualifications and election procedure are defined by Article V. Article VI covers vacancies and recall; Article VII establishes a referendum procedure.

Article VIII: Powers of the Cowlitz Tribal Council specifies that, "subject to all applicable laws of the United States and this constitution," the Cowlitz Tribal Council shall conduct the business of the tribe; purchase,

buy and accept any land or other property for the tribe with final approval of the general membership; take and accept land in trust; negotiate and communicate with the Federal, state, or local governments and their agencies; administer funds or property held by the tribe and make expenditures for public purposes; administer charity; manage all economic affairs of the tribe consistent with the constitution and articles of incorporation; charter or authorize tribal corporations, etc; employ or appoint legal counsel, etc. It may also exercise powers delegated to it by the General Council; any powers not expressly referred to are reserved by the Cowlitz Indian Tribe.

Article IX is a Bill of Rights; Article X covers amendment procedure (see detailed discussion below); Article XI reserves inherent powers to the Cowlitz Indian people; Article XII provides for the enaction and revision of by-laws. According to Article XII, Section 3, proposed by-law revisions must be submitted to the General council at a regularly scheduled meeting and voted on at the following regularly scheduled meeting. These also require approval by a 2/3 majority vote of the voters casting ballots, with at least 50 eligible voting members participating in the election (CIT Pet. Suppl. A-2669).

Current amendment procedure. The revised 1993 constitution, Article X, provides for an amendment procedure:

> (a) The Tribal Council may by a majority vote submit a proposed constitutional amendment or revision to the General Council for approval.
> (b) Any proposed constitutional amendments or revisions must be submitted to the General Council at a regularly scheduled meeting and voted on at the following regularly scheduled meeting.
> (c) The eligible voters of the Tribe must approve the constitutional amendment by a two-thirds (2/3) vote of the voters casting ballots. At least fifty (50) eligible voting members of the Tribe must participate in the election (CIT Pet. Suppl. A-2669).

Former Governing Documents. The 1993 CIT constitution was an outgrowth of several prior constitutional documents. These are discussed below in reverse chronological order, beginning with the most recent.

1974 Constitution. The 1993 revised Cowlitz Indian Tribe constitution is based on the constitution which was adopted

on November 2, 1974 (CIT Pet. 1030; CIT Pet. Suppl. A-2669). The 1974 constitution was passed at a general membership meeting by a vote of 47 yes and 3 no votes (CIT Pet. Suppl. A-2662 - A-2669), and was accompanied by a set of by-laws (CIT Pet. A-1031 - A-1036). Copies of the 1974 constitution and bylaws were submitted to the BIA as part of the Cowlitz petition for Federal acknowledgment in 1983 and 1987 (CIT Pet. A-1023 - A-1036).

The 1974 constitution (CIT Pet. A-1023 - A-1030) established an 18-person Tribal Council as the governing body, headed by the Chairman. It contained a preamble, the section on membership, a section defining the Tribal Council and officers, and sections on elections, vacancies and recall, referendum, powers of the tribal council, and "ordinances, resolutions, and rules." There was a Bill of Rights (Article VIII), followed by sections on amendments, inherent powers, and by-laws.

1950 Constitution. The 1974 constitution, in turn, was a revision of a prior constitution that had been adopted in 1950. On May 13, 1950, the "Cowlitz Tribe of Indians' held a "reorganization meeting" at the Cowlitz Prairie Grange Hall. On one called vote, there were 34 aye and 39 nay votes, giving a minimum number of 73 persons for adult attendees (CIT Pet. A-1146).

According to the minutes of the May 13, 1950, meeting, in addition to setting up a dues schedule and requesting that in order to bring the enrollment up to date, all names, ages, and ancestors were to be sent to the tribal secretary, "a motion was made and seconded that the officers be authorized to draw up the constitution and a meeting later to pass on constitution. Seconded by Brooling. Motion carried" (CIT Pet. A-1147). The petition contains copies of the minutes of both meetings at which the 1950 constitution was discussed and approved (CIT Pet. A-1146 - A-1149).

On July 1, 1950, the Cowlitz met again at the Cowlitz Prairie Grange Hall. The constitution and by-laws were read by Manuel L. Forrest, President. Provisions included that the officers were to be the President, Vice President, and Secretary-Treasurer; these, together with a member chosen by the tribe, would constitute an Executive Committee. It prescribed the date and place of annual meetings, set a quorum for the transaction of business, and provided for election and amendment procedures (CIT Pet. A-1018 - A-1022).

Minutes of the July 1 meeting at which the 1950 constitution was adopted indicate that several amendments were offered from the floor, including one to combine the offices of secretary and treasurer (carried) and another to elect a member from the floor to fill the vacancy on the Executive Committee that would be left by the combination (carried). An "Obituary Committee" was added to the list of committees. The amended constitution and by-laws were adopted unanimously (CIT Pet. A-1148).

In 1973, a BIA officer wrote:

> There is also a tribal Council [sic] with 14 members not provided for in the constitution. The council shares the responsibility with the Executive committee [sic] in handling tribal business and making various proposals for consideration. It is possible that the constitution may have been amended to provide for these changes in the governing body but there is no record of it (Irene I. Day, Western Washington Agency Acting Superintendent, to the Area Director, Portland Area Office, 10/2/1973).

Pre-1950 constitution. The 1950 stated that, "This Constitution and By Laws shall supersede and replace the Constitution and By Laws heretofore governing the Cowlitz Tribe of Indians" (CIT Pet. A-1022). This statement indicates that there were prior written governing documents. However, none were submitted with the petition.

Membership Criteria

Former membership criteria. Specific membership requirements were not spelled out in written documents prior to the adoption of the 1974 constitution. However, from the beginning of the formal tribal organization with elected officers, the Cowlitz realized the importance of determining membership and appointed "recognition" committees to oversee enrollment. For example, in 1915, Sam Williams of The Dalles, Oregon; Charles Pete of Castle Rock, Washington, Mrs. Mary Longfred of Roy, Washington, Mrs. Annie Hiten of Tenino, Washington; and Mrs. Frances Northover of Wapato, Washington, were named as "a committee whose business it will be to make up a certified and absolutely accurate roll of all of the surviving members of the Cowlitz tribe

(Chehalis Bee-Nugget, Chehalis, Washington, September 17, 1915; CIT Pet. A-847).[19]

In 1915, there was not unanimous agreement as to the identity of "all surviving members of the Cowlitz tribe." Evelyn Byrnes, a member of the petitioning group who formerly served as tribal secretary, stated that about that year she had attended a Cowlitz meeting in Olequa, Washington, with her parents. She stated that it had been held in George Bertrand's store. In an interview with an anthropologist during the 1980's, she recalled:

> The first meeting I ever went to I was about six years old and that was the first meeting they had on the Cowlitz Tribe. It was a knock-down-and-drag-out I will tell you. They fought about who was Cowlitz and who wasn't. They were all Cowlitz that were there. Some didn't want the others in there. That's because they all lived in that area: Cottonwares, Bouchards, Petersons, Plamondons, Charlie Plamondon, Catlins, Petes, St. Germaine, Bertrand (quoted in: Fitzpatrick 1986, 68, without source citation).

In her 1986 doctoral dissertation, Darlene Fitzpatrick commented that Byrnes had:

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[19] To the honorable Cato Seills, commissioner of Indian affairs Washington. Dear Sir. We are Members of the Cowlitz Tribe of Indians and committee of the Low Cowlitz Indian our delegate is Frank Iyall is in Washington D.C. again for our Claim. Executive Committee Charlie Peter, Sam Wallison, Mrs. Joe Northover, Mrs. Annie Hayton, Mrs. Mary Longfred. We are the Committee of the low Cowlitz of Indians. We are the oldest full blood Indian and we are only received the membership of the Cowlitz Indian we Take in only this People we know there farther and Grand farther and there morther Grandmorther. The silver Creek Indian up the Cowlitz River the taltse Ineffrenee [?] and low Cowlitz Indian. Just inform you that we has received the member of the Cowlitz Indians the father or morther or Grand morther belong to the low Cowlitz Indian. Hoping to hear soon I am your friend
Mary Longfred (Mary Longfred to COIA, received January 25, 1917; 8387, 1917, Cushman, File No. 260; Nisqually Response to Steilacoom Petition).

> mentioned, in her remarks, only Lower Cowlitz families of mixed blood. No mention is made of families such as Iyall, Kalama, Kiona, Ike or Wannassee who are Upper Cowlitz and except for Kalama and Ike are Yakima enrolled. These are rivals or opposed groups in the matter of being Cowlitz as will be shown to be the case throughout this dissertation (Fitzpatrick 1986, 68).

Fitzpatrick's commentary was not strictly accurate. The Iyall and Wannassee families were, in part, enrolled at Yakima. However, their lineage was Lower Cowlitz. The Kiona family was mixed Upper Cowlitz and Lower Cowlitz. The Kalama family was not Cowlitz at all, but Nisqually with some Cowlitz in-laws and step-relations.

Every family line listed by Byrnes in the above recollection still is represented in the petitioner's current membership. All represented Cowlitz metis families. By contrast, most of the members appointed to the 1915 "recognition committee" were Cowlitz Indian descendants who were enrolled on Federal reservations (usually by virtue of having married Indians who were members of those reservations). Williams was at Warm Springs,[20] Hiten at Puyallup (BIA Census Rolls, NARS M-595, Roll 407, 1888, No. 334 [Hyton]),[21] Longfred at Nisqually (BIA Census Rolls, NARS M-595, Roll 93, 1912, No. 28),[22] and Northover at Yakima (BIA Census Rolls, NARS M-595, Roll 672, 1898, No. 1042-1047).[23] Of the 1915 "recognition committee" members, only Charles Pete was ordinarily identified as a "Cowlitz Indian," and only

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[20] #73. SW-NW & Lot 4, Sec 4, Twp 3N, Range 10E, 79 30/100 A. Samuel Williams for minor Georgia Williams, age 11. Cowlitz. Allotted 16 May 1900; patent 14 December 1908 (NARS Regional, Seattle, WA, RG 75, Box 113: Box 113. RG75. BIA Yakima. Vancouver Allotments 1893 - 6/19/10 (unboxed). List of allottees of lands outside Yakima Res. but under Yakima jurisdiction. Washington Territory, Vancouver Land Office).

[21] Her Quinault affidavit indicated that her parents were Cowlitz and she was born on Cowlitz Prairie in 1838; her husband was Puyallup, although described as a "relative" of the Cowlitz chief Scanewa's son Tyee Dick.

[22] A descendant of a sister of the Cowlitz chief Scanewa, who prior to 1836 had married a Nisqually chief.

[23] See discussion below of the ancestry of the major "Yakima Cowlitz" families. Family tradition said that Northover's daughter Annie Guyette was a "cousin" of Sam Williams.

Charles Pete has descendants among the petitioner's current membership. This is in conformity with other data that the membership of the modern CIT descends from those Cowlitz Indians who refused to go to reservations which had been set apart for other tribes.

On February 20, 1922, Frank Iyall, the delegate representing the Cowlitz attempt to get claims legislation in Washington, D.C. wrote to the Chairman of the Senate Committee on Indian Affairs that:

> the identity of the members of the Cowlitz tribe is so definitely fixed that I feel justified in saying to you that our tribal council has a record which will give the names of at least 20_ [?] of the living Cowlitz Indians who are descendants of the members of the Cowlitz tribe with which Governor Isaac Stevens negotiated about the year 1855 . . . at the present time there are, all told, probably from 800 to 1,000 members (Wilson Papers, BAR Files).

1950 constitution. According to the 1950 constitution: "Article 2. 1. The membership shall consist solely of Cowlitz Indians and their descendants" (CIT Pet., A-1018). Neither the 1950 constitution nor the 1950 by-laws specified how "Cowlitz Indians and their descendants" were to be determined. On May 13, 1950, at a Cowlitz "reorganizational meeting" at the Cowlitz Prairie Grange Hall, a representative of the BIA's Hoquiam Agency talked about claims procedures: "In order to bring the enrollment up to date - all names are to be sent to the Secretary. Also send name of ancestors. Also ages" (CIT Pet. Ex. A-1146, Minutes 13 May 1950).

It is clear from Cowlitz records that some formal enrollment procedures were followed. The minutes of the annual meeting held on May 13, 1952, read:

> Nominated from the floor to be a member of the recognition committee: Mr. C. C. Eynard,[24] Frank Thomas,[25] Mrs. Mary King,[26] James McAllister, and

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[24] Ladue/Cloquet family line.

[25] Thomas family line.

[26] Plamondon/Farron family line.

> Agnes Dobbs.[27] Mrs. Mary King is to be the member from the floor. Mrs. Mary Eyle[28] was the member appointed by the president (Tribal Minutes, May 13, 1950; CIT Pet. Ex. A-1148-1149).

The minutes of Cowlitz Meeting, Saturday, June 5, 1954, at Cowlitz Prairie Grange Hall, listed the Recognition Committee as: Mary King, Vader, Washington; Joe Peter,[29] Wapato, Washington; and Frank Thomas, Oakville, Washington (BIA Portland, Meeting Minutes). Minutes of the June 2, 1962, annual meeting listed the Recognition Committee as: John Eyle,[30] Norbert Bouchard,[31] Mayme Peterson,[32] and Delia Scarborough[33] (CIT Pet. Ex. A-1189, Tribal Minutes).

1974 constitution. The 1974 constitution, adopted after the ICC claims judgment award, was much more specific on the topic of membership qualifications:

> ARTICLE II - MEMBERSHIP
>
> SECTION 1. Membership in the Cowlitz Indian Tribe shall be open to the following persons provided they do not denounce [sic] such membership or hold membership in another tribe except as provided for under the provision for honorary membership:
>
> (1) All children born to any member of the tribe and who are one-sixteenth (1/16) degree or more of Cowlitz Indian blood.
>
> (b) Corrections may be made in the tribal membership roll by the tribal council.

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[27] Plamondon/St. Germain family line.

[28] Nee Thomas family line; married Eyle family line. Newspaper coverage of the meeting stated, "The oldest living member of the tribe, Mrs. Mary Eyle, of Oakville who is 100 years old, was honored as 'tribe mother' at the meeting. She is a member of the group's recognition committee" (Wannassay Papers 1950).

[29] "Captain Peter" family line.

[30] Eyle and Thomas family lines.

[31] Plamondon/Farron family line.

[32] Plamondon/Finlay family line.

[33] Plamondon/St. Germain family line.

(c) Only spouses of tribal members shall be eligible for honorary membership but honorary members cannot hold tribal office or vote (CIT Pet. A-1024).[34]

The implementing by-laws for the membership provisions in the 1974 constitution were quite elaborate:

TITLE I - MEMBERSHIP

SECTION 1. The Cowlitz Tribal Council shall set up a tribal membership committee to review and evaluate applications for membership in the Cowlitz Indian Tribe.

(a) The tribal chairman shall appoint, with the approval of the tribal council, a chairman of the tribal membership committee.

(b) The Chairman of the tribal membership committee shall appoint twenty-one (21) tribal members to the tribal membership committee.

(c) The tribal membership committee shall need a quorum of ten (10) members to conduct committee business.

SECTION 2. All determinations and decisions of the tribal membership committee shall be made by a majority vote of committee members voting.

SECTION 3. All determinations and decisions of the tribal membership committee are subject to review by the tribal council.

SECTION 4. The Cowlitz Tribal Council shall have the sole power to vest tribal membership by a majority vote of tribal council [capitalization s.c] members voting.

SECTION 5. The Cowlitz Tribal Council may deprive any person of tribal membership if they fail to meet the constitutional requirements.

[34] On January 23, 1993, the Tribal Council discussed the possibility of bestowing honorary membership on Dr. Mike Roe to express "appreciation for his numerous voluntary hours of service to the Tribe" (Cowlitz Pet. Suppl. A-2649). The minutes gave no indication that this limitation on honorary membership in the then-effective constitution was taken into consideration during the discussion.

TITLE II - HONORARY MEMBERSHIP

SECTION 1. The tribal membership committee shall receive all applications for honorary membership in the Cowlitz Indian Tribe.
SECTION 2. Only the tribal council may vest honorary membership in a person by a majority vote of the tribal council members voting (CIT Pet., A-1031).

The mention of "complimentary membership" in the tribal minutes of June 2, 1984, was apparently equivalent to the "honorary" membership described in the constitution, although the term "complimentary" could be interpreted to mean non-dues-paying membership (Tribal Minutes, June 2, 1984: CIT Pet. Ex. A-1941).

The minutes of the "Cowlitz Tribal Council & Cowlitz Enrollment Committee" of March 23, 1974 (CIT Pet. Ex. A-1880 - A-1890) showed that at that juncture, the CTI was paying close attention to membership eligibility. Mary Cloquet reported that 532 enrollment applications has been sent out; 33 had been returned as undeliverable, and 250 were awaiting action (CIT Pet. Ex. A-1884). Action was taken as follows: Accepted, 112; Accepted, but More Information Needed, 4; Rejected, 15; More Information Needed, 56; No Answer on Tape, 2. However, the majority of the council minutes for the 1970's contained no votes on accepting members. A vote was taken on February 2, 1980, accepting six persons (Tribal Council Minutes, CIT Pet. Ex. A-1930); on February 8, 1981, nine applicants were accepted (Tribal Council Minutes, CIT Pet. Ex. A-1933). The minutes for the General Council meeting of June 5, 1982, noted that 28 new members had been enrolled since the last general meeting (General Council Minutes, CIT Pet. Ex. A-1934). The Tribal Council Minutes of June 2, 1984, accepted eight new members and 14 "complimentary" members: one person was to be contacted for more information (Tribal Council Minutes, CIT Pet. Ex. A-1941). Among the committees of the tribal council listed on August 10, 1984, were "Membership Application Committee," which consisted of Jim Holycross and Lenore Monohon (CIT Pet. Ex. A-1939).

Current Membership Criteria.

Constitutional provisions. The Cowlitz Indian Tribe's current formal membership criteria, as stated in Article II of the 1974 revised constitution, comprise the following requirements:

> SECTION 1. Membership in the Cowlitz Indian Tribe shall be open to the following persons provided they do not denounce [sic] such membership or hold membership in another tribe except as provided for under the provision for honorary membership.
> (a) Individuals who can verify that they are one-sixteenth (1/16) degree or more of Cowlitz Indian blood shall be granted a green card with full voting privileges and the right to share in the land claim judgement [sic] fund under Docket 218.
> (b) Individuals who can verify that they have some degree of Cowlitz Blood, but who are less than one-sixteenth (1/16) degree of Cowlitz blood shall be granted a red card[35] designating non-voting privileges. They shall not share directly in the land claim judgement fund distribution under Docket 218.
> (c) Corrections may be made in the tribal membership roll by the Tribal Council. Individuals who are found to be enrolled in another tribe as well as the Cowlitz Tribe will be given the opportunity to choose between the two memberships.
> (d) Honorary membership in the Cowlitz Tribe may be granted by the General Council, but honorary members cannot hold tribal office, vote or receive land claim judgement [sic] funds except through inheritance or probate.
> (e) The holding of any elected position with the Cowlitz Indian Tribe shall be reserved to those members of one-sixteenth (1/16) or more degree of Cowlitz blood (CIT Pet. Suppl. A-2663 - A-2664).

Implementing by-laws. Implementation procedures for the membership criteria in the 1993 Cowlitz Indian Tribe constitution are contained in TITLE I, Membership (CIT Pet.

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[35] The petition provided no count of red card holders as of 1994. However, tribal minutes from 1987 through 1993 indicated the following breakdown of persons whose names were submitted by the membership committee:

1/8 or more	36	79 applicants qualified for voting membership
3/32	3	
1/16	40	
3/64	6	67 applicants not qualified for voting membership
1/32	47	
1/64	15	

Suppl. A-2670). For a discussion of these provisions, see below in the section on enrollment procedures.

Adoption. The Cowlitz Indian Tribe's current constitution makes no provision for the adoption of members, whether adults or children. Analysis of the 1994 membership list indicates that the petitioner does not currently have any adopted members. Therefore, the issue of adoption of members into the tribe is not a concern in the analysis of this petition.

Enrollment process.

Application forms. Since the late 1960's, at least, the Cowlitz Indian Tribe has required that applicants for membership complete a formal application. This form is normally completed by the applicant, or parent in the case of minor children. Some of the earlier applications still on file (which were completed in the 1960's and 1970's) indicate that in some cases, one family member completed most of the forms for an entire extended family.

Each application form is accompanied by an ancestry chart (see below for a more detailed discussion). The application form must be completed and submitted before the potential member is considered by the enrollment committee and acted upon by the tribal council. According to the tribal genealogist, the applications are usually filled out at home and mailed in. Sometimes applicants come to the tribal office and fill the form out on the spot.

Copies of the application forms and ancestry charts for nearly all of the petitioner's members were submitted to the BIA as exhibits to the petition for Federal acknowledgment. The missing forms were identified by the BIA researcher while preparing the historical membership data base. The Cowlitz tribal office then supplied copies of these in July 1995 in order to complete the documentation.

Application of formal membership criteria in practice. During the field visit by the BIA researcher to the Cowlitz Indian Tribe's office in Longview, Washington, there was extensive consultation with the tribal genealogist and the office manager about the procedures in use for applying the petitioner's official membership criteria in the case of new applicants for membership. The membership requirements contained in the constitution are, in fact, enforced. The procedures used for enforcing them are simultaneously (1) usually and ordinarily very informal, and (2) usually

effective in spite of their informality. The BIA researcher found that the conclusions reached by the enrollment committee were usually accurate and matched the BIA review of sample cases.

In the case of applications that cannot be evaluated informally, the Cowlitz Indian Tribe does use more formal procedures, which include inquiries sent to federally recognized tribes and to the BIA, and requests sent to the applicant for complete documentation through vital statistics records. During field work undertaken in July 1995, the BIA researcher saw examples of such inquiries from the Cowlitz Tribe of Indians to the BIA concerning the genealogy of applicants, dating as early as the 1960's, in the records of the BIA Area Office in Portland, Oregon (BAR Files).

Tribal membership records. At the Cowlitz tribal office in Longview, Washington, the tribe maintains full membership records. Folders are maintained in three categories: active members, deceased members, and "other tribes." The folders for active members are coded as to whether or not they are "green card holders" or "red card holders" (persons with less than 1/16 Cowlitz blood quantum, not eligible to vote or hold office). The "other tribes" folder contains the records of persons who are of Cowlitz descent, but ineligible for membership because of the prohibition on dual enrollment.

The folders in the "other tribes" and "deceased members" categories are originals, many of which were set up in the mid-1960's and early 1970's. The folders for active members were stolen from the tribal office in 1992 (Newsletter cite). These folders have been reconstituted by the tribal genealogist and office manager, as far as possible, from the genealogical records collected in connection with Docket 218. Copies of these had been submitted with the petition for Federal acknowledgment in 1987. The stolen folders are apparently held by someone who is aware that the Cowlitz Indian Tribe's petition is currently under active consideration. The BIA received, anonymously, during August 1995, copies of the contents of the original membership folders for current members of the tribal council. In many cases, these contained correspondence and notations going back to the 1960's and 1970's in addition to the genealogical records (Cowlitz Folders, BAR Files).

In addition to the system of folders, the petitioner now also maintains computerized membership and genealogical

records. The genealogical records are as full as possible, including many known Cowlitz descendants who are not eligible for tribal membership, and eligible persons who have never completed applications for membership.

Verification procedures. The enrollment committee and tribal council's review of applications has not ordinarily required the submission of birth certificates, marriage certificates, and other legal documents verifying the applicant's genealogy back to the qualifying Cowlitz ancestor--in most cases, to someone listed on the Roblin Roll (see discussion of the Roblin Roll elsewhere in this report). Rather, as the tribal genealogist put it, "someone" on the Tribal Council is "bound to be related" to any qualified applicant and know him/her. If there's any question about an application or problem in understanding it, the committee just, "calls his grandfather, or his uncle, or somebody else who lives right around here" (DeMarce, Field Notes on CIT office genealogical files, July 19, 1995). In fact, the folders containing recent new applications were peppered with small, yellow post-it notes indicating that so-and-so had called so-and-so on a given date.

The BIA researcher pointed out to the tribal genealogist that it would be desirable that the petitioner require the submission of formal genealogical documentation with applications. He indicated that he had previously suggested this procedure to the Tribal Council, and that implementation was beginning for new applications (DeMarce, Field Notes on CIT office genealogical files, July 19, 1995). The BIA researcher also suggested to the chairman during the field visit in July 1995 that formal documentation of ancestry would be desirable. The petitioner was very responsive when BAR pointed out this deficiency. As a beginning for the documentation project, the petitioner agreed to obtain promptly and submit to the BIA prior to the publication of the proposed finding, such documentation for all current members of the Tribal Council (who represent most of the major Cowlitz ancestral lines) and for a limited sample of the membership to be generated by the BIA researcher (DeMarce, Field Notes, July 22, 1995). Full documentation for eighteen council members to the Roblin Roll was submitted to the BIA on March 29, 1996, representing the major descent lines of Skloutwout/Gerrand, Wahawa/LaDue, Kinswa, Cottonware/Lozier, Scanewa/Plamondon, Wahawa/Iyall, and Iusemuch/Sherlafoo.

Procedures for applying membership criteria. The By-laws of the Cowlitz Indian Tribe, Title I, Membership, provide that the Cowlitz Tribal Council "shall set up an enrollment committee to review and evaluate applications for membership in the Cowlitz Indian Tribe" (CIT Pet. Suppl. A-2670). The Tribal Council chair appoints the enrollment committee with the approval of the Tribal Council: it shall have a minimum of three members (CIT Pet. Suppl. A-2670). Section 2 provides that, "All determinations and decisions of the enrollment committee shall be made by a majority vote of committee members voting" (CIT Pet. Suppl. A-2670).

Beyond the work of the enrollment committee, the By-laws also provide for the active participation of the Tribal Council:

> SECTION 3. All recommendations of the tribal enrollment committee are subject to ratification by the Tribal Council.
> SECTION 4. The Cowlitz Tribal Council shall have the sole power to vest tribal membership by a majority vote of tribal council members voting.
> SECTION 5. The Cowlitz Tribal Council may deny any person tribal membership if he/she fails to meet the constitutional requirements (CIT Pet. Suppl. A-2670).

Computation of Cowlitz blood quantum. The Federal acknowledgment regulations under 25 CFR Part 83 do not include a blood degree requirement. The BIA evaluates the application of such a requirement only in the light of a petitioner's own enrollment criteria.

The constitution of the Cowlitz Indian Tribe does require a 1/16 Cowlitz blood quantum as a qualification for voting membership. Tribal Council minutes indicate that when the enrollment committee presents names to the Tribal Council for approval, these names are accompanied by computation of the individual's blood quantum by fraction (CIT Pet. Suppl. A-2516, A-2540, A-2541, A-2553). The validity of the computations are, upon occasion, subject to council discussion (CIT Pet. Suppl. A-2502, A-2647). Membership applications have been denied by the council if the genealogy could not be confirmed (CIT Pet. Suppl. A-2523), and upon occasion the council directs that further investigation be undertaken (CIT Pet. Suppl. A-2541). One questionable line, which had been denied during the 1970's, has since been accepted by the Council (CIT Pet. Suppl. A-2657).

The computation of Cowlitz blood quantum by the enrollment committee and tribal genealogist is based primarily on the 1919 Roblin Roll. The majority of the ancestry charts that accompany membership applications trace the applicant back to an individual listed on the Roblin Roll, with notation of the blood quantum of the qualifying ancestor as given by Roblin. For families which were listed on the Roblin Roll in 1917, Roblin's attribution of blood quantum is ordinarily accepted. The majority of the members trace their ancestry to families on the Roblin Roll.

In the case of applicants descended from historical members of the Cowlitz tribe who were not listed at all on Roblin's list of unenrolled Indians in Western Washington, or who were not listed as "Cowlitz" on Roblin's list of unenrolled Indians in Western Washington, the petitioner uses other sources of documentation. The value of these varies. Cowlitz membership applications from the Wannassay family, which was not included on the Roblin Roll because the ancestors alive in 1919 were Yakima-enrolled through their maternal line, were accompanied by a 1935 letter from the Washington State Department of Fisheries that identified Frank Wannassay as a Cowlitz Indian (CIT Pet. 1983, Ex.). By itself, this would be evaluated by the BIA as a very weak form of documentation: however, the identification of Frank Wannassay's father as Cowlitz was easily verifiable by the BIA researcher back to the 1878 BIA census of the Lower Cowlitz (NARS RG75, M-234, Roll 1919, 454-455) and the 1900 Federal census special schedules for Indian population in Cowlitz County, Washington (U.S. Census 1900b, 121A, #309).

A few applicants have submitted as verification of Cowlitz ancestry only affidavits made during the 1950's. The enrollment committee during the 1970's investigated these families through the BIA Area Office in Portland, and refused membership in most cases. Recently, however, some individuals have been accepted on the basis of these family lines, even though they have submitted no adequate documentation of Cowlitz ancestry. In some cases, BIA records indicate that the actual Indian ancestry of these families, none of which has been historically associated with the Cowlitz River valley, was from Oregon, from Puget Sound, etc. This line accounts for 8 of 1,400 members, or less than 1 per cent of the CIT membership.

Dual Enrollment. The issue of affiliation with other federally recognized tribes and unrecognized groups is addressed in the petitioner's governing documents: it is

prohibited by the constitution. There is substantial evidence that the policy is applied.

Dual (i.e., concurrent) enrollment is not permitted, nor does the petitioner enroll persons who are enrolled in another tribe. This issue is investigated at the time a membership application is received. The application contains a question asking whether the applicant is enrolled elsewhere; also where the applicant's parents are enrolled. If the application indicates that the applicant or family members are enrolled elsewhere, the office manager or tribal genealogist calls the other tribe to confirm the information.

If enrollment elsewhere is confirmed, the applicant is given the option of choosing which tribe he/she wishes to affiliate with, as exemplified by the Tribal Council minutes of July 15, 1989. When the Tribal Council considered enrollments proposed by the enrollment committee, it was mentioned that, "The last five individuals named are former members of the Steilacoom Tribe and have supplied proof in the form of a letter from that tribe that they have relinquished membership" (CIT Pet. Suppl. A-2541).

Membership Lists

Current (1994) membership list. The current membership list of the Cowlitz Indian Tribe being used for purposes of this Genealogical Technical Report is dated 1994. It was submitted to the BIA as part of the supplement to the group's petition. It has been certified by the petitioner's governing body.

The 1994 list contains 1,410 persons. This includes all persons whom the group recognizes as voting members, plus all persons under age 18 who will be qualified as voting members when they reach age 18. It was prepared by the petitioner with technical assistance from STOWW. It provides the full name of each member. For the great majority of members, it includes the maiden name of women; the mailing address, and the date of birth. The petitioner is attempting to complete the missing items.

At the request of the BIA, the petitioner undertook, during the summer of 1995, a survey to ensure that the mailing addresses of a selected group of members validly reflected their mailing addresses. This was done in those cases were several mature adults were listed at the address of a parent

or a sibling. The corrections were provided to the BIA by the petitioner in 1995.

The petitioner's current membership list goes through a constant process of updating. The petitioner maintains computerized membership records. In addition to submissions from members, the office manager watches the local newspaper for daily birth announcements, obituaries, etc.

Former membership lists. The past membership records of the petitioner are comparatively extensive, but not complete. In both 1983 and 1987, the petitioner submitted complete membership lists, current as of those dates, with versions of the petition for Federal acknowledgment. The petition also included a map showing geographical distribution of the membership in 1984 (CIT Pet. Narr., 183).

Additionally, during the field visit in July 1995, the BIA researchers obtained several earlier membership lists, which are discussed in detail below. BAR staff combined the current and all prior membership lists into a single data base for purposes of correlation. The BAR researchers believe that they obtained copies of all former membership lists known to the CIT council and officers. It is possible that some pertinent membership records might still exist in the personal papers of James E. Sareault, who served as tribal attorney until his death in 1963 (CIT Pet. Suppl. A-3446), but these were not made available either to the CIT or to the BAR researchers.

In 1919, BIA Special Agent Charles Roblin wrote in his report:

> The present representatives of this tribe are active in the work of the Northwestern Federation of American Indians, and they have prepared lists of members, one of which was forwarded to your Office, I am informed, by the late Dr. McChesney, Supervisor.[36] I know from my own knowledge of the Yakima allotment schedules that this list contains the names of many Yakima allottees. It is very difficult to get accurate or dependable information about the membership of this tribe. The prospect of a fat payment has brought forth a horde or claimants, many of whom have been

[36] This list may have been compiled in connection with McChesney's investigation in 1910 (see the Historical Technical Report).

> allotted or are enrolled at some of the Washington agencies, but who can probably establish the possession of some Cowlitz blood. I have tried to eliminate all those from the schedule submitted, as well as I could (CIT Pet. Ex. A-959).

The petitioner did not submit and the BIA researcher did not locate this list which McChesney had sent to the COIA.

The official membership records, maintained in a "ledger" which recorded the receipt of dues from at least the 1930's through the 1960's (possibly from ca. 1912-ca. 1973), were apparently destroyed in a fire at the house of one of the secretaries of the tribal organization, although she maintained that she had transferred the ledger properly to her successor (Hill 1986). In 1956, the tribal organization issued membership cards to all members, signed by tribal secretary (Tribal Minutes, CIT Pet. Ex. A-1183 - A-1184); see also statement of Emma Mesplie, 24 June 1986; BIA Claims File, Docket 218, #2).[37] There is no extant list of the individuals to whom these cards were issued, but some people still have their originals.

Enumeration and purpose of extant former membership lists. Some of the prior membership lists were dated; the remainder could be dated within a few months by internal evidence.

Spencer list, 1915/1917. The BAR researchers were provided, during field work, by former secretary of the CIT, with a copy of a 1915/17 list "Descendants of the Cowlitz Tribe of Indians" (Spencer 1917), which represented a list of persons paying dues to the organization founded to pursue Cowlitz claims (possibly inspired by Bishop's Northwestern Indian Federation). This list, which was apparently a partial list, was maintained by J.F. Spencer, Secretary of the Cowlitz organization and seems to consist mainly of Cowlitz descendants enrolled at Yakima (Spencer 1917, BAR Files). The Spencer list was to some extent confirmed by the submission by the Wannassay family of copies of the 1916 dues receipts issued to Frank and Annie Wannassay (Wannassay Papers 1916). The Wannassay family also submitted receipts for 1920 and 1921, signed by Mrs. Henry Senn.

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[37] "In 1956, they gave us enrollment cards and all the Northover family received their cards. My enrollment card No. is 783, and I received it on May 3, 1956. It is signed by Jackie Hill, the secretary and treasurer" (Statement of Emma Mesplie, 24 June 1986; BIA Claims File, Docket 218, #2).

Yakima Cowlitz Signers list, ca. 1921. The petitioner submitted an undated typed list, said to be dated approximately 1921, of "Yakima Cowlitz signers" (CIT Pet. Enrollment Forms and Ancestry Charts).[38] The petition supplied no provenance for this list or indication of a basis for the ascribed date. It was not a precise duplicate, in content, of the 1915/17 list of "Descendants of the Cowlitz Tribe of Indians" (Spencer 1917). Ms. Judith Irwin, a local historian who has done extensive research on the Cowlitz, provided the BIA with a photocopy of the original of the "about 1921" list, which contained 162 individual names, of which eight were identified as minors (Yakima Cowlitz Signers n.d.). Some individuals paid for additional unnamed persons, as "Sam Ashue Paid for seven ___ 3.50" (Yakima Cowlitz signers n.d., 4). The heading mentioned:

> the undersigned members of the CoWlitze [sic] Tribe of Indians, residing on the Yakima Indian Reservation . . . do hereby appoint as our Special Delegate, Mr. Lancaster Spencer, to accompany our regular Delegate Mr.Frank [sic] Iyall and other Delegates to Tacoma for the Purpose of securing legislation in the interest of the Cowlitze Tribe (Yakima Cowlitz Signers n.d, 1).

Roblin Roll. The 1919 Roblin Roll, discussed elsewhere in this report, was neither a list of Cowlitz descendants nor a list of members of the Cowlitz tribal organization. It was a list compiled by a BIA special agent of unenrolled Indians in western Washington. It is discussed extensively elsewhere in this report. In talking with CIT members and CIT consultants working on the Federal acknowledgment petition, it appeared that there was considerable confusion

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[38] List of Cowlitz-Yakima signers (no date "about 1921," no gen. data), "only 7% or 85 applicants [for membership in the CIT] declared an ancestoral [sic] link to the signers of that petition" (Cowlitz Acknowledgement Petition, Enrollment Forms and Ancestry Charts . . . as of January 1, 1987).

The surnames contained on the 1921 list were: Abraham, Andy, Appeson, Ashue, Arquette, Aylie, Billie, Bob, Boone, Butler, Carlson, Chelems, Colfax, Charlie, Cree, Cleparty, Dick, Dixon, Farron, Franklin, Foster, French, Guyette, Gilbert, Harrison, Hashneth, Henry, Howart, Iyall, Jackson, John, Johnson, Klickatat, Lee, Lewis, Lumley, McGinn, Mesple, Miller, Northover, Olney, Peter, Peters, Pollon, Rueben, Richards, Riddle, Sam, Shike, Sohappy, Spencer, Smith, Stamill, Tannawasher, Tohigh, Tom, Tow-yash-noon, Umtuch, Vivian, Wachano, Wapannowya, Wasseegum, Wesley, White, Whitefoot, Wa-pan-nan Ya, and Yoke.

about function of the Roblin Roll in relation to determining the modern CIT membership.

Fishing Rights petition, 1934. The CIT petition for Federal acknowledgment contained one document which was not a membership list, but which nonetheless provided information about individuals who considered themselves to be "members of the Upper Cowlitz and the Lower Cowlitz Indian Tribes": a 1934 petition defending Indian fishing rights (CIT Pet. Ex. A-551 - A-552). It contained 64 signatures, 28 of which were from full-blood Cowlitz Indian families (Eyle, Cheholtz, Castama, Phillips, Kiona, Yoke, Suterlick, Ike, Iyall, Wannassay, Lewis) and the remaining 36 from Lower Cowlitz metis families, indicating a fairly even membership distribution at that date. However, all of the metis signers appeared to be from the various Plamondon descendancy lines, there being none from the Ladue/Cloquet or Skloutwout/Garrand/Weaser lines which are prominent in the membership of the current petitioner.[39] There were no major "Yakima Cowlitz" families on this list, although the Cowlitz Wannassay extended family, allotted on Yakima, was represented with 6 members.

1942 letters. The CIT petition contained two letters dated August 13, 1942, from "Jas. E. Sareault, Pres., Cowlitz Tribe of Indians," one to Otis Cottonware of Castle Rock, Washington, and the other to Jesse Pete of Ryderwood, Washington. Each stated that "an examination of the records of this tribe show that you are a member but you are not, as far as the records show, a ward of the government" (CIT Pet. Ex. A-979, A-980). This indicates that the group was, in fact, maintaining informative membership records as of 1942.

1952/53 mailing list. In 1987, the petitioner submitted a "Cowlitz Tribe of Indians - Mailing List" which was believed at that time to date to about 1945 (CIT Pet. Ex. A-1961 - A-1985). Investigation by the BIA researcher on the basis of internal evidence, with cooperation of the CIT office manager, was able to date the list more precisely to

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[39] The fact that these families did not sign the petition does not necessarily indicate that they were not active in the Cowlitz tribal organization in 1934. Newspaper coverage of the October 13, 1934, meeting of the Cowlitz Tribe of Indians at Chehalis, Washington, named the following members of the Skloutwout/Gerrand descent line who were present: Mrs. Lucy Duprey, age 67; Mrs, Celeste Nelson and Mrs. Lucy Purcell, as well as Miss Laura Purcell, and a sister of Mrs. Duprey, Mrs. Louise West, all of Onalaska and all described as "relatives" of Frank Wannassay of Kelso (Wannassay Papers 1934).

1952/53. The purpose is unknown: it was perhaps a mailing list put together in connection with Docket 218, ICC Claims activity. The preparer is also unknown. One of the documents which assisted in dating the above list was a list of attendees at the Cowlitz Tribe of Indians annual meeting on June 5, 1954 (CIT Pet. Ex. A-1177 - A-1179).

1966/69 list. Also included in the 1987 petition was a typed, undated list (CIT Pet. Ex. A-1986 - A-2116). The list was roughly alphabetical, with children listed under the name of the parent as well as, sometimes, independently. For the surnames beginning with "A" and "B", this list contained handwritten notes sorting out persons who were no longer qualified for membership after the 1974 constitutional changes. During the field work conducted by the BIA researcher in July 1995, with assistance of the CIT office manager, it was determined that this list was from records maintained by Mary Cloquet when she served as business manager for the Cowlitz Tribe of Indians. Internal evidence indicated that it must be dated between late 1966 and early 1969 (CIT Membership List 1966/69, BAR Files). On the basis of comparison of data, it appears that this 1966/69 list had been compiled from the individual information forms and ancestry charts submitted to the CIT in the late 1960's for persons who wished to participate in the pending ICC judgment award to the Cowlitz Indians (see CIT Pet. 1983 and CIT Pet. 1987).

1978 membership list. Additionally, during the field work undertaken in July 1995, former CIT chairman Roy I. Wilson furnished the BIA researcher with a typed list of "Cowlitz Enrollment" dated July 1978. This alphabetical list contained names and addresses, with numerous handwritten corrections, but no genealogical information. Numerous addresses were missing (CIT Membership List 1978, BAR Files).

Summary of former membership lists prior to 1983. The purposes for which these former membership lists were prepared varied. The 1915/17 was a list of those persons who had paid dues to support a claims suit: it may or may not be the same as the full membership of the Cowlitz tribal organization that existed at the same date, but it appears to be partial. The "about 1921" list was specifically of Cowlitz descendants on the Yakima reservation who had paid 50 cents each to support the sending of delegates to obtain enabling legislation. The 1952/53 list seems to have been essentially a mailing list, but may also have been associated with ICC claims activity. There is no indication

that either of these two lists had been reviewed and accepted by the group's governing body. The 1966/69 list and the 1978 list were obtained from the records of former officers of the tribal organization (duplicate copies which had been kept by a former business manager, Mary Cloquet, and a former Tribal Chairman, Roy I. Wilson).

Lists associated with the Federal acknowledgment petition. Both the 1983 Federal Acknowledgment petition submitted by the CIT and the 1987 Federal acknowledgment petition submitted by the CIT contained properly certified membership lists which were backed up by multiple volumes of personal family information sheets and ancestral charts for members. The list in the 1987 petition represented the CIT membership as of 1986. Most of these had been filled out during the late 1960's and early 1970's.

Judgment rolls. There are no BIA-approved judgment rolls applicable to the case of this petition. The 1973 ICC judgment award was never distributed. However, in the late 1960's and early 1970's, Cowlitz filled out applications in anticipation of an upcoming judgment award: these forms still apparently serve as the starting point and fundamental basis of the modern enrollment system.

There is no evidence of confusion on the part of the CIT as to the difference between these judgment award applications and the CIT's actual membership list. If the 1973 judgment funds are eventually awarded per capita, recipients will not automatically qualify for membership in the Cowlitz Indian Tribe. Membership is determined by the enrollment eligibility provisions in the CIT constitution.

Comparison of current and former membership. For the approach used by the BIA researcher in handling the various membership lists, see the discussion below under "Methodology" in the section on Genealogical Selection/Documentation. Analysis indicates that each available list from 1915/17 to the present contains some individuals from each subgroup that contributed the ancestry of the modern petitioner. However, the proportions varied widely from list to list. Since some of the surviving lists may represent only an incomplete enumeration of the membership at that date, no conclusions could be reached on this basis.

The major fluctuation in the size and composition of the petitioner is the contrast between the CIT's pre-1973 and post-1974 membership rolls. At the June 2, 1973, annual

meeting, the CTI membership voted to exclude from receipt of judgment fund awards those persons who had up to that time been CTI members, but who fell into the following categories: (1) persons previously allotted land or receiving funds from other tribes; (2) persons currently enrolled elsewhere (these applied primarily to the "Yakima Cowlitz"); and (3) Cowlitz descendants with less than 1/16 blood quantum (because of provisions of Public Law 9358). These provisions were incorporated into the 1974 constitution, as discussed above, resulting in a significant change in the enrolled membership.

A special meeting of the Cowlitz Executive Board and the Cowlitz Enrollment Committee was held on October 13, 1973, with Chester J. Higman, BIA Tribal Operations Officer, Western Washington Office, Everett, Washington (Minutes October 13, 1973; CIT Pet. Ex. A-1877 - A-1879) to clarify the meaning of the resolution passed on June 2. These issues were further discussed with Higman and with BIA Portland Office representative Paul Weston at the March 23, 1974, meeting (Minutes March 23, 1974; CIT Pet. Ex. A-1880 - A-1883).

GENEALOGICAL SELECTION/DOCUMENTATION

The basic question to be answered for evaluation of a petitioner under criterion 83.7(e) is: Do the petitioner's members descend from the historic tribe, or from tribes which amalgamated historically? In the case of this petitioner, the answer is affirmative in the context of Cowlitz history. Over 98% of the petitioner's members have at least 1/16 documented "Cowlitz" ancestry. The definition of "Cowlitz" is that an individual (an ancestor of the contemporary person on the petitioner's membership list) was socially/politically identified as Cowlitz in historic times and was so recorded on historical documents and records. Under this definition, a qualifying ancestor officially defined as 4/4 Cowlitz for the purpose of calculating the blood quantum of his or her descendants may well have had non-Cowlitz Indian ancestry dating to the pre-treaty period. In fact, given the marriage customs of the tribes of the Pacific Northwest, such persons almost certainly had non-Cowlitz ancestry. All of the petitioner's members have documented North American Indian ancestry from the Pacific Northwest, and have been associated with the Cowlitz Indians since prior to the 1855 date of prior unambiguous Federal acknowledgment used in this finding. There is supposedly only one living "Cowlitz fullblood," but many members are

4/4, 3/4, or 1/2 American Indian, counting other neighboring tribes.

Methodology. In preparation for making the following analysis, the BIA researcher took a two-pronged approach.

First, one procedure worked from the present to the past. The BIA researcher used the petitioner's 1994 list of "green card" holders as the foundation of a data base, which was expanded into a "historical membership data base" to which were added all persons who had appeared on the 1986, 1983, 1978, 1966/69, 1952/53, and 1915/17 lists, which allowed a comparison of the membership structure over time. The BIA researcher found that it was not possible to use the "ancestral family" category as it existed on the 1994 membership list for analytical purposes, as these family names had been entered inconsistently: sometimes using the original ancestral family name, but sometimes using the name of a more recent ancestor with a different surname. Therefore, this category was revised and made consistent on the "historical membership data base." This allowed analysis of the structure of the petitioning group by ancestral line(s).

Second, using other documentation, the BIA researcher produced a descendancy file (Cowlitz GTKY, BAR Files) which began with the earliest individuals mentioned as members of the historical Lower Cowlitz and Upper Cowlitz tribes in the historical records, tracing the descendants of these historical Cowlitz families from the past to the present. Included in this procedure was an attempt to identify the family antecedents of all persons who were ever, at any time, identified as "Cowlitz" in BIA records, Federal census records, state vital statistics, newspaper articles, local history books, and other documentation included in the petition and obtained by the research of BAR staff members--even if these persons did not now have descendants on the petitioner's membership list. The purpose of this was to define the structure of the historical tribe over time.

Records Utilized. One major function of the Genealogical Technical Report is to analyze how the ancestors of the petitioning group were identified in the records. The first question is whether they were identified as North American Indians; if so, secondly, whether they were identified as members of the historic tribe claimed as the predecessor of the petitioning group; and if so, thirdly, whether they were identified as members of earlier tribal organizations which served as predecessors to the petitioning organization. In

the current case, the following major record groups were used.

Roman Catholic missionary and church records. In April, 1839, missionary priests Norbert Blanchet and Modeste Demers formally established the St. Francis Xavier mission on Cowlitz Prairie (Cowlitz Pet. Narr. 1987, 130). The sacramental records of this mission (baptisms, marriages, and burials) survive in the church registers of St. James at Vancouver, Washington, for the period 1839-1844 and have twice been published in abstracts (Nichols 1941; Warner and Munnick 1972). The later 19th-century records of the mission, prior to 1902, were unfortunately destroyed by fire, but some of the later registers from Vancouver, Washington, and St. Paul, Oregon, contained material pertaining to CIT ancestors (Warner and Munnick 1972; Munnick and Warner 1979). The relevant material is utilized below.

Federal Census Records, 1850-1920.[40] The petition included a limited number of copies and abstracts of Federal census records as exhibits (CIT Pet. Ex. A-1292 - A-1322). The BIA researcher expanded this material by consultation of microfilmed copies of all available relevant Federal census records.

Concerning the 1880 Federal census of Washington Territory, BIA Superintendent R.H. Milroy wrote to the COIA that:

> The enumerators of the census of 1880 of the whites in this Territory were instructed to include in such census all Indians who were taxed. Many Indians belonging to tribes on reservations live off the reservations, around among the whites. Some of these have taken homesteads; some have purchased a few acres from white men. In both cases they pay taxes. Others have leased lands from the whites and own a few horses and cattle for which they are taxed. Others, again being simple and ignorant often pay taxes when called on by the tax collector, when not legally liable. The enumerators of the white census, being paid per head, were anxious to swell the numbers enumerated, and therefore included every Indian, old and young, male and female, on the

[40] Almost all population schedules of the 1890 Federal census were destroyed by fire.

> slightest pretext . . . The Indians belonging to said seven bands being all surrounded and mixed up with the whites, were of course gobbled up to a much greater extent in proportion to their numbers by the census enumerators of the whites than were the reservation tribes (Milroy 1881:165-165; CIT Pet. Ex. A-1352 - A-1353).

While General Milroy found this distressing, the inclusion of the Cowlitz fullbloods on the 1880 Federal census proved useful. When the names on the census were correlated with the 1878 census of the Cowlitz bands taken by Milroy, the BIA researcher could determine the residential locations of the Cowlitz fullbloods. This enabled the BIA to determine their geographical relationship to the Cowlitz metis families that Milroy had omitted from the 1878 census of the bands.

The overwhelming majority of the Upper Cowlitz, Lower Cowlitz, and Cowlitz metis families were in Lewis County, Washington, in the Cowlitz River valley. This county included over 80 per cent of the Cowlitz population in the 1880 and 1900 Federal censuses (refer to the map supplement).

Lewis County, Washington

Lewis County, formed in 1845, was one of the original administrative counties of the Oregon Territory. Its existence actually preceded that of Oregon Territory, which was organized in 1848. Washington Territory was separated from Oregon Territory in 1853. Washington became a state in 1889.

Lewis County, Oregon Territory. 1850 Federal census. Moyer included the 1850 Federal census for Lewis County and Clark County, Oregon Territory, including the ethnic designations, in her typed version of the 1860 census of Washington Territory (Moyer 1931-1932). A surname-indexed typed version of this census, which omitted almost all ethnic designations, is available (Index, First Federal Census of Oregon n.d.).

The CIT petition narrative stated that in the 1850 Federal decennial census of Lewis County, Oregon Territory (U.S. Census 1850a), a number of the Cowlitz metis families were enumerated as "mulatto," including Bercier, Bernier, St.

Martin, Laramie, Latour,[41] Cottonoire, Pumphrey, Bastian, Provoe, Riel, Gill, St. Germain, and Ferron (CIT Pet. Narr. 1987, 75; CIT Pet. Ex. A-1292 - A-1298). Moyer indicated that on this census, "M" designated not "mulatto," but "mixed-blood" (Moyer 1931-1932, 14). Cowlitz families headed by Indian men or women were not included on this census.

Lewis County, Washington Territory. 1860 Federal census. Washington Territory was separated from Oregon Territory in 1853. A typed version of the Lewis County census is available (Moyer 1931-1932), as well as two general indexes for Washington Territory (Stucki 1972; Jackson 1979a). Several Cowlitz metis families were listed (CIT Pet. Ex. A-1299 - A-1302). Ordinarily, the husband was enumerated as white and the wife as Indian (U.S. Census 1860a, 234, #466, #467, 471). In instances where the head of household was himself metis, he was listed as Indian (U.S. Census 1860a,

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[41] For example, consider the following testimony in a Quinault Adoption case (Quinault Adoptions, NARS M-1344, No. 38), in which Cowlitz descendants had become identified as Nisqually. The deponent, Rose Andrews, born May 14, 1864, wife of Henry Andrews (a white man), stated that:

Louis Latour, a French-Canadian, had married Betsy (Yalulitza, daughter of Hotassa, a Cowlitz woman, and a Nisqually father). Betsy was a "full blood Cowlitz-Nisqually." This marriage to "Betsey Nesqually" is elsewhere recorded as having taken place on September 10, 1839, during a mission to Fort Nisqually (Warner and Munnick 1972, 51:M69). Betsey Nesqually was baptized the same day, age 17, "born of infidel parents of Nesqually" (Warner and Munnick 1972, 51:B205). An Indian woman named Hotassa was mentioned in the early missionary records as the wife of "Stomeloh" or "Stomelouh" at Vancouver, but was identified as Klickitat (Warner and Munnick 1972, 52:B113, 57:B178).

According to the deposition, Ellen Latour, daughter of Louis and Betsey, was born at Latour Place in Pierce County, Washington, and died November 20, 1870 (Quinault Adoptions, NARS M-1344, No. 38). However, on December 16, 1838, "at the Cowlitz," Father Blanchet had baptized "Helene, aged 3 years, natural child of Louis Latour, engage, and of a woman of the country" (Warner and Munnick 1972, 19:B199), while Louis' marriage to Betsy recognized "as his legitimate child, issue of another woman, Helene aged 3 years" (Warner and Munnick 1972, 51:M69).

Returning to the deposition, Rose Andrews stated that Ellen had married (1) Kaidadolght [Kaidedolgha], a full-blood Nisqually, who died May 20, 1864: these were Rose's parents; Ellen had married (2) Asa Sears, a white man.

Additionally, said Rose, Mrs. Mary Longfred was a first cousin of her mother's, Mrs. D[aniel] Mounts was related to her through her grandmother [both of these women appear in later records pertaining to the petitioner and the Mounts family has descendants in the current CIT membership], Chief Mason at Quinault was a first cousin of her great-grandmother Hotassa, and Mrs. Lucy Hall at Quinault was related to Rose through Lucy's father, Jack Skamink.

230, #426/426; 233, #455, #456, #458, #459, #462; 234, #469, for examples).

Lewis County, Washington Territory. 1870 Federal census. A general all-name index of the 1870 Federal decennial census is available (Jackson 1979b). No Lower Cowlitz or Upper Cowlitz fullblood families were included on the 1870 Federal census of Lewis County. In Cowlitz Prairie Precinct, Lewis County, Washington Territory, enumerators identified some Cowlitz metis, particularly women, as "I" or Indian, while their children were listed as 1/2, often written over as white (CIT Pet. Narr., 75; CIT Pet. Ex. A-1303 - A-1310). Several metis family heads were either originally counted as white, or written over from 1/2 to white (CIT Pet. Ex. A-1303, #843/777, #844/778). The majority of the metis families were in Cowlitz Prairie Precinct (U.S. Census 1870a, 149-151), while a few were in Newaukum Precinct (U.S. Census 1870a, 151r-153r).

Lewis County, Washington Territory. 1880 Federal census. The petition presented very limited excerpts from the 1880 Federal census of Lewis County, Washington (CIT Pet. Ex. A-1311 - A-1315). The petition narrative stated that enumerators used both "M" and "I" designations and frequently identified children as 1/2 (CIT Pet. Narr., 75). As it was almost impossible to identify whether the limited number of partial-page photocopies submitted represented Cowlitz County or Lewis County records, the BIA researcher did not use these copies, but consulted the microfilmed census directly. This census has a published index (Smeltzer 1973).

The majority of the metis families such as Bernier were identified as white (U.S. Census 1880a, #99/98, #100/99, #107/106, #166/165, #167/166, #220/219, #223/222, #233/232, #244/243). Among these was the family of August Clucky [Cloquet] (U.S. Census 1880a, #257), which in 1885 would be counted on the Puyallup Reservation roll. At least one family which had been shown as metis in 1870 was counted as white in 1880 (U.S. Census 1880a, #231/230).

Indian households, such as that of Marcel Thomas (listed with the names reversed) and Gilless LaQuass, were listed as Indian (U.S. Census 1880a, #96/95, #117/116). Indian settlements were listed together (U.S. Census 1880a, #132/131 - #145/144, #178/177 - #178-177, #186/185 - #188/187). The family of Jack Wannassay was identified as Indian (U.S. Census 1880a, #206/205). Several individuals identified as Indian on this census could not be connected

to the petitioner's ancestors (U.S. Census 1880a, #253 - #255). Some were apparently working as laborers (U.S. Census 1880a, #70, #106, #110, #117). Other names appeared to be Chehalis (U.S. Census 1880a, #148 - #152).

Lewis County, Washington. 1900 Federal census. The 1900 Federal census of Lewis County, Washington, copies that were submitted by the petitioner listed some Cowlitz on the special schedules of the "Indian Population" (CIT Pet. Ex. A-1316 - A-1322). The petitioner stated that in Lewis County, the Cowlitz so listed resided in Randle, Agate, and Tilton precincts (CIT Pet. Narr., 75). As the material was again very incomplete (CIT Pet. Narr., 173), the BIA researcher consulted the microfilmed census directly. It proved to have much useful additional information.

Two families were on the "Special Census, Indian Population" schedules for Salmon Creek Precinct (U.S. Census 1900a, ED 133, 13 #277, #278). These were headed by Atwin Stalkum (Chief Atwin Stockum) and by Shehot Slick Waukum. Both families were enumerated as "B", with no further information on tribal affiliation, etc. filled out.

The "Special Census, Indian Population" schedules for Harmony Precinct were much more complete (U.S. Census 1900a, ED 135, 1 #1, #2, #3), on which the Laquash, Ike, and Seanigan families were identified as Klickitat (not as Upper Cowlitz, or as Cowlitz Klickitat). For Agate Precinct (U.S. Census 1900a, ED 123, 13, #1, #2, #3), they showed Sam "Ivley" [Eyle] as Yakima, with a Yakima father and a Klickitat mother; his wife Mary and her parents were Newaukum. Jack Castamia and his wife Sarah were Cowlitz (with no distinction as to Upper Cowlitz or Lower Cowlitz), with Cowlitz parents. Joseph "Ivley" [Eyle] was Yakima, with a Yakima father and a Newaukum mother; his wife Susie was Yakima, with Yakima parents.

In Randle Precinct (U.S. Census 1900a, ED 125, 10 #1, #2, #3, #4, #5, #6, #7, #8, #9), the families on the "Special Schedule, Indian Population" sheets were identified either as Cowlitz or as Cowlitz Klickitat. These included Satanas, Tumwater aka Satanas, Kiona, Phillips [aka Sulwa], and York [Yoke].

In Alpha, Little Falls, Cowlitz, Toledo, and Drews Precincts, Lewis County, Washington, in 1900, the Cowlitz metis families were enumerated as white (U.S. Census 1900a, ED 123, 10 #163; ED 124, 3 #47, #50, #76; ED 132, 1 #9, #10; 2, #41, #42, #55; ED 133, 4 #86, #88). However, in Salmon

Creek Precinct, they were enumerated as "B" (U.S. Census 1900a, ED 133, 9 #189, #190, #191, #192), as were the Cowlitz Indian families on the special schedules for Indian population (see above).

Lewis County, Washington. 1910 Federal census. The petitioner submitted no 1910 Federal census records. The microfilmed records contained extensive relevant data. In most precincts, the Cowlitz metis families were enumerated as white, for example the households of Augustus Cloquet in Stillwater Precinct (U.S. Census 1910a, ED 126, 10A, #46) and John B. Sareault in Cowlitz Precinct (U.S. Census 1910a, ED 142, 1A, #3). However, in Salmon Creek Precinct, where both Indian and metis families had been classified as "B" in 1900, both categories were now included on the "Special Schedule - Indian Population" and identified as Cowlitz (U.S. Census 1910a, ED 145, 9A-9B, #23, #63, #64, #65, #66, #67). These included the household of Atwin Stakum [Stockum], plus the metis households of Eugene Cottonoire, Simon A. Plamondon, Simon B. Plamondon, Mary L. Bouchard, John B. St. Germain, and Daniel Catlin.

In Agate Precinct, the Indian Population schedules included the Eyle and Satanas families, identified as various combinations of Cowlitz, Yakima, and Tumwater, with the notation that two elderly women spoke "Chinook" (U.S. Census 1910a, ED 123, X8, #1). In Randle Precinct, the Indian Population schedules for the Kiona, Pete, and Suterlick families provided identification of individuals and their parentage as Cowlitz, Cowlitz Klickitat, Warm Springs, and Klickitat (U.S. Census 1910a, ED 128, 1A, #168, #169, #170, #171). In Vorndale Precinct, the "Special Schedule - Indian Population" listed the Silweh [Phillips, Sulwa] and Satanas families as Chehalis/Cowlitz, Yakima/Cowlitz, and Klickitat, with parents as Cowlitz, Chehalis, Yakima, and Klickitat: in one instance, "Siwash" was crossed out (U.S. Census 1910A, ED 128, 18B, #172, #173).[42] The Kemphouse [Kimpus] household in Cowlitz Precinct was listed as both 87-year-old

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[42] The frustrated enumerator, James A. Ulch, added on May 18, 1910:

> It was impossible to get correct answers as to tribe of Indian or Father or Mother. I have lived among them here for 25 years and never could find out anything except what I have written on the Schedules. I had to make three visits before I could find them at home (U.S. Census 1910a, ED 128, 18B).

John and his 67-year-old wife Mary being Cowlitz full-bloods (U.S. Census 1910a, ED 142, 6A, #1).

Lewis County, Washington. 1920 Federal census. The petitioner submitted no 1920 Federal census records. This is the most recent Federal census open to the public for research. The majority of the Cowlitz metis families were enumerated as white, such as that of John B. Sareault in Cowlitz Precinct (U.S. Census 1920a, ED 134, 1B #20). However, in Little Falls Precinct, the households of John St. Germain and Simon Plamondon were classified as "Mu" (U.S. Census 1920a, ED 09, 21 #37/39; 41 #93/95). In Alpha Precinct, the household of Frank Ladue was "In" (U.S. Census 1920a, ED 110, 1B, #21), while in Cinibar Precinct, Lucy [nee Bernier], the wife of Vital Duprey, and her brother Peter, were also classified as "In" (U.S. Census 1920a, ED 110, 2B #44).

Of the Upper Cowlitz families, all were classified as "In" in all the precincts where they appeared: Randle, Cowlitz, Eden, Ethel, Sulphur Creek, Klickitat Prairie, and Verndale (U.S. Census 1920a, ED 111, 1b #19/20, #20/21; ED 135, 7a #52/52; ED 140, 13A, #55/56, #57/57; ED 145, 1A #5, #6; ED 147, 2B #31, #32; ED 147, 9A, #53; ED 147 Supplement; ED 148, 7a #134/135).

Cowlitz County, Washington

Cowlitz County had not yet been separated from Lewis County, Oregon Territory, in the 1850 Federal census. It was established in 1854.

Cowlitz County, Washington Territory. 1860 Federal Census. Although "Indian" was not a prescribed ethnic category in 1860, this record included the family of William Pumphrey, whose wife was Cowlitz. He was identified as white, and she as Indian (U.S. Census 1860b, 145, #513/495). No other families antecedent to the petitioning group appeared on this census.

Cowlitz County, Washington. 1870 Federal Census. A large number of Cowlitz metis appeared on the 1870 census of Cowlitz County, Washington (U.S. Census 1870b), adjacent to the households of William Pumphrey and Simon Plamondon Sr. At that time, the post office address was at Vancouver,

Washington.[43] Apparently this constituted some type of employment cluster rather than a permanent residential location.

Cowlitz County, Washington Territory. 1880 Federal Census. The 1880 Federal census of Cowlitz County, Washington, showed numerous families identified as Indian, but not identified by tribe (U.S. Census 1880b, 175, 178r, 179, 180-180r, 183-183r, 184r, 185-185r, 187, 193r, #244/253 - #252/262). Several of the Cowlitz metis families were identified as "I" for Indian on this census (U.S. Census 1880b, 183, #31/33; 183r, #39/41; 184r, #71/74; 185, #83/86; 187r, #131/137; 189, #166/179), but the majority of the metis families and the Indian or metis wives of white men were counted as white.

Cowlitz County, Washington. 1900 Federal Census. The petition presented no information from this census. When consulted, it showed the highest concentration of Cowlitz families in Olequa Precinct. Many of the metis families, such as Bertrand, Gill, St. Germain, and Rabie, were enumerated as white (U.S. Census 1900b, 80A, #109, #110, #111; 80B, #119; 82A, #150). However, in Olequa Precinct, several of the other metis families were counted on the "Special Schedule - Indian Population" sheets along with the full-bloods: for example, the household of John and Matilda (Provost) Plamondon was noted as 3/4 white on the special Indian Population schedule (U.S. Census 1900b, 84A #2). Along with a French/Klickitat Lozier (U.S. Census 1900b, 84A #6) and two white/Cowlitz Cottonoire families (U.S. Census 1900b, 84A-84B #7, #8), Plamondon was enumerated together with Kittie Clover aka Yizeting (Cowlitz/Klickitat), Captain Peter aka Wyanashutt (Klickitat with a Cowlitz wife), and

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[43] 1870 U.S. Census, Cowlitz Co., P.O. Vancouver, WA, p. ???, #58/68: Pumphrey, W, 29, m, W, farmer, 11,000/3,700, b. VA; Cecil, 27, f, W, b. WA; Louise, 9, f, W, b. WA; Virginia, 1, f, W, b. WA; Lozier, Julia, 17, f, W, domestic servant, b. WA; Plamondon, A, 16, m, W, laborer, b. WA; Cottonoir, F, 16, m, W, laborer, b. WA; Reed, C.L., 39, m. W, saloon keeper, $100, b. MA; Stevens, E.A., 30, m, W, telegraph Operator, $200/100, b. MA; Plamondon, Simon, 65, m, W, laborer, $300, b. Canada; McDonald, Terence, 40, m, W, Laborer, b. Ireland; Cottenwire, D, 40, m, W, laborer, b. WA; Cottonwire, Edward, 42, m, W, laborer, b. WA; Plamondon, M, 39, m, W, laborer, b. Wa; Plamondon, John, 25, m. W, laborer, b. WA; Plamondon, Bonaparte, 40, m, W, laborer, b. WA; Pratt, John, 40, m, W, carpenter, b. MD; Scott, Frederick, ??, m, W, laborer, $100, b. OH; Shostz, Robert, 25, m, I, laborer, b. WA.
#59/59: Plamondon, Mary, 30, f, B 1/2 W, keeping, house, b. WA; Daniel, 12, m, B, 1/2 W, b. WA; Leonidas, 6/12, m, B 1/2 W, b. WA.
#60/60: Cottonoire, Louise, 30, f, B 1/2 W, keeping house, b. WA; Louise, 4, f, W, b. WA.

Charley Pete (white/Cowlitz). The ethnic complexity was demonstrated by the entry for Mary Tom aka Wilylely, born about 1815, who was Kittie Clover's aunt. Mary was recorded as Cowlitz, her father was Cowlitz and Klickitat; her mother was Cowlitz and Nisqually (U.S. Census 1900b, 84A, #3, #4, #5).

Henry Cheholtz was on the Indian Population Schedule for Arkansaw Precinct. He was age 69, his father Cowlitz and Toutle, his mother Cowlitz (U.S. Census 1900b, 83A #1). Several Cowlitz families were counted on the Indian population schedules of Monticello Precinct: Mary Pete (father Cowlitz, mother Warm Spring); Frank Wannassay (father Puget Sound [sic, cf. entry for Jack Wannassy, below], mother Cowlitz) and his wife Anne (Cowlitz); Paddy and Susan White (both Cowlitz), and Andrew Lewis (Cascade) and his wife Susan (Cowlitz) (U.S. Census 1900b, 160A, #1, #2, #3, #4). Frank Wannassay's father Jack Wannassay (Cowlitz) and his wife Sallie (Klickitat) were on the Special Schedule - Indian Population for Kelso Precinct (U.S. Census 1900b, 121A #309), as were the non-Cowlitz Indian Henry Cluchie family (U.S. Census 1900b, 121A, #308).[44] There were also several non-Cowlitz Indian families in St. Helen's Precinct (U.S. Census 1900b, 142A, #1, #2, #3, #4).

Cowlitz County, Washington. 1910 Federal Census. On the Indian Population census schedules for Olequa Precinct, Charles Pete was shown as Cowlitz; his mother Mary was Cowlitz with a Cowlitz father and a Quinault mother; his wife Mary [nee Cottonware] was Quinault, with a Yakima father and Quinault mother (U.S. Census 1910b, #1), although in their own record (see below) these identifications were reversed. Edward Romeo, born in Oregon, was Clackamas; his Cowlitz wife Sallie A. spoke Klickitat (U.S. Census 1910b, #2). Included on the same schedule were the families of Frank Rabie (Yakima), Captain Peter (Cowlitz), David and Delia Cottonware (he Quinault and she Yakima), and John and Isabell Plamondon (he Yakima with a white father and Yakima mother; she with a Yakima father and Quinault mother) (U.S. Census 1910b, #3, #4, #5).

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[44] Upon occasion in later years, it was mistakenly assumed that the Cluchie family was Cowlitz because it had resided at Kelso for many years. However, a letter from E. A. Towner, Attorney, Portland, Oregon, to the Superintendent of the Taholah Agency on November 7, 1948, indicated specifically that Henry Cluchie's wife, Sophie Wilson, was a full-blood Cascade (Towner to Taholah Agency 11/17/1948).

In Monticello Precinct in 1910, Frank Wannassee was identified as Quinault, with a Quinault father and a Yakima mother; his wife Anna was identified as Klickitat, while the household included a nephew identified as Chinook (U.S. Census 1910b, #88/91).

Cowlitz County, Washington. 1920 Federal Census. In Olequa Precinct, the following families were listed as "In": Charley Pete, Daniel A. Plamondon, David Rabbie, John Plamondon, and David Cottonwire (U.S. Census 1920b, ED 43, 1A #8; 1B, #17/16, #21, #25/21; 1B-2A, #29/24). In Monticello Precinct, the Frank Wannassay family was also identified as Indian (U.S. Census 1920b, ED 52, 2B #41).

Clark County, Washington

Clark County, one of the original administrative counties of the Oregon Territory, was organized in 1844. Originally called Vancouver County, the name was changed to Clark County in 1849.

Clark County, Oregon Territory. 1850 Federal Census. Of the metis families later identified as Cowlitz on the Roblin Roll, only that of Antoine Gobar [Gobin] was enumerated in Clark County in 1850 (Moyer 1931-1932, 1).

Clark County, Washington Territory. 1860 Federal Census. No families antecedent to the petitioner could be identified on this census.

Clark County, Washington Territory. 1870 Federal Census. A typed copy of this census is available (Porter 1983). This census includes the important Cowlitz lineal family of Lucy (Skloutwout) Garrand Weaser (spelled Weser) (Porter 1983, 28-29 #284/264), shown living among exclusively white neighbors. Of non-Cowlitz Indian families ancestral to the petitioner's membership, it shows that of Abraham and Julie Robie [Rabbie], with Abraham "white," Julie "Indian," and the children as "1/2B" (Porter 1983, 11 #106/101). None of the other numerous metis and Indian families shown on this census could be connected with the petitioning group with the exception of Simon Gill, who was working as a laborer in an unrelated household (Porter 1983, 57 #582/550).

Clark County, Washington Territory. 1880 Federal Census. The 1880 Federal census of Yackalt Precinct, Clark County, Washington, enumerated nine Indian families totalling 35 individuals (U.S. Census 1880c, 31, #50-53 - #57/62), several of whom can be identified as "Lewis River"

ancestors. Other Indian families were enumerated in Cathlapoodle Precinct (U.S. Census 1880c, 36, #162/171-175 - #163/175; 36r, #170/184 - #175/188); in Enumeration District #23 (U.S. Census 1880c, 41r, 46), and in Enumeration District #3 (U.S. Census 1880c, 55). The Indian families enumerated in Vancouver City had no names pertinent to Cowlitz research (U.S. Census 1880c, 57r). Simon Plamondon, Sr. and his third wife were enumerated in Vancouver City, District No. 3 (U.S. Census 1880c, 56r, #26/41).

Clark County, Washington. 1900 Federal Census. The families of James Charley and Catherine Kasiker [Cosike] were listed on Indian Population Schedules for Eaton Precinct. The three Charley men were identified as Klickitat; the tribe of the daughter-in-law was unknown (U.S. Census 1900e, 127 #154/154). Catherine Kasiker was identified as Klickitat, her husband Sam Jackson as Cowlitz. A boarder and one grandson were Cowlitz; another grandson and a granddaughter were Klickitat (U.S. Census 1900e, 127 #155/155).

Clark County, Washington. 1910 Federal Census. The 1910 Federal census of Eaton Precinct, Clark County, Washington, on the Indian Population Schedules, identified the families of both George Charlie, an Umtux descendent, and John Eyle, who had married into the Pete family, as Klickitat (U.S. Census 1910e).

Because the 1920 census provided for no tribal identifications and few families associated with the Cowlitz Indians resided in Clark County, the BIA researcher did not check the 1920 census for Clark County, Washington.

Chehalis County, Washington

Federal census records are available for Chehalis County, Washington, from 1860 through 1880. However, they did not appear to contain information pertinent to Cowlitz ancestry.

Chehalis County, Washington. 1900 Federal Census. The 1900 Federal census of Chehalis County, Washington, did not show any persons identified as Cowlitz Indians, or as having parents who were identified as Cowlitz Indians, on the Indian population schedules of any precinct. These Indian Population Schedules included the residents of the Chehalis Reservation and the Quinault Reservation (U.S. Census 1900f).

Chehalis County, Washington. 1910 Federal Census. The 1910 Federal census of Chehalis County, Washington, showed three families containing Cowlitz Indians in Oakville Precinct, those of David Provoe (U.S. Census 1910d, #7/8), James Julius and his wife Susan [Quatanna] (U.S. Census 1910d, #9/10), and Edward and Anna (Reed) Farron, who were listed as "Ned Fern" and family (U.S. Census 1910d, #12/13). David Provoe was identified as a white man born in Canada, but his wife was shown as Indian; Susan Julius was shown as having a Cowlitz father and a Chehalis mother; Edward and Anna Farron were both shown as "Chehalis," with their fathers both white and their mothers both Cowlitz.

Chehalis County, Washington. 1920 Federal Census. Because the 1920 census provided for no tribal identifications and few families associated with the Cowlitz Indians resided in Chehalis County, the BIA researcher did not check the 1920 census for Clark County, Washington.

Yakima County, Washington

Yakima County, Washington, was established in 1865. Federal census records prior to 1900 did not indicate the presence of a significant number of Cowlitz families. None appeared on the 1870 or 1880 census, the latter of which has been indexed (Roberts 1971). Unusually, a copy of the 1890 Federal census of the Yakima Indian Reservation survives in the records of the Yakima Indian Agency at the Regional Archives in Seattle (NARS Seattle, RG 75 BIA, Yakima Indian Agency, Box 260). It was headed, "Census 1890. Indians. Yakama Klickitat and Wasco Tribes. Capt. Chas. Wannassay the Great." Some pages were enumerated by other persons. The census included whites who lived on the reservation. Very few persons were identified as Cowlitz by tribe: Chas. Wannassay, 29, can speak & write English; Jacon Wannassay, 5; Otis Wannassay, 1; Ida Wannassay, Klickatat, 40; farther down on same page, Cowlitz John, Cowlitz, 40, can't speak English/can't read or write English; Sarah, Klickitat, 49, can't speak English/can't read or write English.

Yakima County, Washington. 1900 Federal Census. This census is available in a published, indexed transcription (Yakima Valley Genealogical Society 1980). The Yakima Indian Reservation was enumerated separately, and indicated the tribe of the individual and the individual's parents (Yakima Valley Genealogical Society 1980, 208-241). It indicated at least partial Cowlitz ancestry for some families who elsewhere are identified with other tribes. In the case of the Northover family, for example, Joseph

Northover was shown on this census as having an English father and Cowlitz mother.[45] His wife Frances was shown as having a Snohomish father and a Cowlitz mother (Yakima Valley Genealogical Society 1980, 211 #45).

In order to determine the origins of many Yakima Cowlitz families, it would be necessary to concatenate this census with all other available late 19th and early 20th century evidence, including the Yakima realty records discussed elsewhere in this report and the reservation rolls discussed elsewhere in this report.

Yakima County, Washington. 1910 Federal Census. Like 1900, the 1910 Federal census of Yakima County included the Yakima reservations, and identified individuals and their parents by tribe, although the great majority of entries had all three filled out as "Yakima" with a stamp. Louis La Clair was Puyallup, with a white father and a Puyallup mother; his wife was Puyallup (U.S. Census 1910c, ED 302 #8/9). Joseph Northover was Yakima, with a white father and Yakima mother (U.S. Census 1910c, ED 303, #9/10). Albert Mesplie was shown as Walla Walla (U.S. Census 1910c, #183/207). There was no necessary consistency, Frank Iyall was listed as Yakima with Yakima parents (U.S. Census 1910c, ED 302, #32/36), but his sister Louise, wife of Frank Ross, was listed as Cowlitz with Cowlitz parents (U.S. Census 1910c, ED 302, #61/68), while sisters Susan, wife of Philip Olney,[46] and Margaret, wife of Frederick Walkechaw (aka Fred Sam],[47] were again identified as Yakima (U.S. Census 1910c, ED 302, #79/88, #83/92). The family of Lincoln White, shown as Cowlitz in almost every other document, was

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[45] By contrast, the Washington Donation Land Claim for William Northover indicated that he was born in Dorsetshire Co., England, arrived in Oregon Territory on May 25, 1851, and married his wife Kitty on June 4, 1854, in Pierce County, Washington Territory (NARS M-815, Roll 99, 904-930).

Katie (Stolib) Northover was Nisqually, according to Roblin (Roblin Roll 1919, 59).

[46] Susan Iyall's marriage license identified her as Nisqually (NARS Seattle, RG 75, Yakima Indian Agency 1901-1917, Box 282).

[47] Margaret was also the widow of Andrew Richards, the son of Tyee Dick.

here listed with his father white, his mother "Takelman," and his wife Yakima (U.S. Census 1910c, #172/195).[48]

Lancaster Spencer, whose son would be secretary of the Cowlitz claims organization in 1917, was shown as having a Klickitat father and a Wasco mother (U.S. Census 1910c, ED 302, #12/13). The George Waters family, to which numerous Yakima Cowlitz families trace, was shown with the husband's parents Klickitat and the wife's parents Yakima (U.S. Census 1910c, 132/149); similarly the George Cleparty family was shown with the husband Klickitat and the wife "Toppenish" (U.S. Census 1910c, #160/183).

Yakima County, Washington. 1920 Federal Census. This census (U.S. Census 1920c) provided no information on tribal affiliation. It would be of genealogical value for determining ancestry and relationships among identified Yakima Cowlitz families, but not for determining enrollment and tribal ancestry.

Pierce County, Washington

Pierce County was established in 1852. Basically, Pierce and Thurston Counties, Washington, lay outside the Cowlitz occupancy area. The majority of their territory was included in the cessions made by the 1855 Treaty of Medicine Creek (Taylor 1974b, 409). Many of the Cowlitz metis families that settled in Pierce County had close ties to the HBC through the Puget Sound Agricultural Company's two settlements at Cowlitz Prairie and at Fort Nisqually, and were related to Nisqually metis families. The BIA genealogical researcher assigned to the Steilacoom petition for Federal acknowledgment has pointed out that many these Cowlitz who settled in Pierce County, Washington, are also claimed as ancestors by the Steilacoom petitioner for Federal acknowledgment.

Pierce County, Washington Territory. 1860 Federal Census. No families associated with the Cowlitz Indians were identified on this census.

Pierce County, Washington Territory. 1870 Federal Census. For families known to descend from Cowlitz Indians, the index showed John D. Chalafon [sic, Chalifoux, later Sherlafoo] (Jackson 1969b, 46), and the children of Louis

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[48] In 1947, a Yakima enrollment application counted Wilson White, son of Lincoln and Mary White, as 4/4 Yakima (BAR Files).

and Betsy Latour (Jackson 1969b, 151), who were categorized as "Half breeds not otherwise counted (U.S. Census 1870d, 184r). The family of Mary Cottonoire, wife of Joseph LeGard, showed Joseph Legard, a white man, in one household (U.S. Census 1870d, 190 #31/28), while his wife and children were listed separately in the category "Half breeds not otherwise counted (U.S. Census 1870d, 185). The six living children of Philomene Boscillet, three by J.B. Lapotrie and three by Esdras St. Cyr, were also in this category (U.S. Census 1870d, 184r). "Mrs. McCloude" was listed as an Indian, while Katie McCloude was counted as a half-breed (Jackson 1979b, 174). Daniel M. Mounts was listed as white, but "Christian" Mounts as a half-breed (Jackson 1979b, 193).

Pierce County, Washington Territory. 1880 Federal Census. Several families classified as Cowlitz by Roblin in 1919 appeared on this census. Isaac Bastian was listed as "HB" [half-breed] (U.S. Census 1880d, 469, #100/105). For Dominick Corcoran, the enumerator listed the husband as white and his wife as "HB" (U.S. Census 1880d, 470, #112/117). E[sdras] St. Cyr was listed as white, with his wife Philomene [nee Boscillet], "I" (U.S. Census 1880d, 470r, #127/133). Daniel M. Mounts, born in Illinois and employed by the OIA, was listed as white: so was his half-Cowlitz wife [nee Catherine McLeod] and their children (U.S. Census 1880d, 468-468r, #79/84). The great majority of the metis families listed in Pierce County in 1880 had no known Cowlitz connection and were not ancestors of CIT members.

Summary, Pierce County, Washington. Generally speaking, those families of Cowlitz descent which moved to Pierce County, Washington, did so early, by the mid-1860's, and remained there consistently. The census showed no evidence of a pattern of moving back and forth between Pierce County and the Lewis County and Cowlitz County area. Only one of the Cowlitz women whose husbands settled in Pierce County has significant numbers of descendants in the CIT membership.

Thurston County, Washington

Thurston County, Washington, was established in 1852. No families associated with the Cowlitz Indians were identified on the 1860 Federal census of Thurston County. The index to the 1870 Federal census showed the family of Augustus and Cecelia Cluckey [Cloquet] (Jackson 1979b, 52), and also that of Isidore Bernier (Jackson 1979b, 20). This Bernier line has no descendants in the modern membership, and had returned to Lewis County by 1880. The Cloquet family, which

has many descendants on the petitioner's membership list, had also returned to Lewis County by the 1880 census and remained there in 1900.

More problematic for the modern petitioner's membership are the descendants of Martha (Williams) Simmons (see discussion below).

Island/San Juan County, Washington

Island (San Juan) County, on the Puget Sound, was established in 1853. One issue for CIT membership, not from the perspective of Cowlitz lineal descent, but from the perspective of tribal coherence and continuity, is the presence on the current membership roll of several families descended from three Cowlitz women whose non-Indian husbands had removed to the San Juan Islands by the mid-1870's. These San Juan Island families apparently did not maintain close contact with the Cowlitz River valley after the death of the original ancestresses, but were identified as Cowlitz when the children enrolled at Chemawa (Chemawa Registers) and identified themselves as Cowlitz in affidavits submitted to the Northwestern Federation of American Indians in 1913 (Roblin Enrollment Applications, M-1343) and subsequently. They were identified as Cowlitz on the Roblin Roll and have descendants in the petitioner's current membership. Descendants of these families account for many of the CIT members who today live scattered in the urban areas of Washington State. No descendants of the San Juan Island families now live in the Cowlitz River valley.

The original migration to Island County is apparently explained by the fact that the French-Canadian heads of these ancestral families were associated with, or worked for, Edward D. Warbass, who had lived on Cowlitz Prairie in Lewis County at the time of the 1856 Indian War (see the Historical Technical Report to this proposed finding), and who later, together with his Indian wife, removed to Island County.

San Juan (Island) County, Washington Territory. 1880 Federal Census. The 1880 census of San Juan County showed the descendants of Catherine (Delaunais) LaPlante Verrier in a number of households on several different islands. Catherine Verrier herself was on San Juan Island (U.S. Census 1880f, 8, #197/205), as were the families of J.C. Archambault (U.S. Census 1880f, 5r, #135/140) and Charles McKay (U.S. Census 1880f, 6, #141/141). Peter LaPlant [Jr.] was on Orcas Island (U.S. Census 1880f, 2, #41/42); Charles

Wiggins was on Waldron Island (U.S. Census 1880f, 11, #260/276). The enumerator meticulously recorded individuals as "I" for Indian, "1/2 I," and "1/4 I," with mathematical consistency.

As will be seen elsewhere in this report, children of these families attended Chemawa in the 1890's and early 1900's. No families in this county were identified as Cowlitz on the Indian Population Schedules of the 1900 Federal census (U.S. Census 1900d). Their descendants were identified as Cowlitz on the Roblin Roll. However, there is little evidence of continued social contacts between this extended family and the main body of the petitioner prior to the 1970's. The Lozier/Wiggins line has 71 descendants on the current CIT membership list. There are 40 Quatanna/Archambault descendants; 19 Quatanna/Smith descendants, 8 Quatanna/Delaunais descendants, and 7 Delaunais/LaPlante descendants, for a total of 145 persons, or just over 10 per cent of the current CIT membership.

Territorial and State Census Records. Because of the ample documentation provided by Federal and BIA census materials, the BIA researcher determined that a line-by-line search of all the territorial and state censuses of Washington was not necessary for this technical report.

The 1871 territorial census for Lewis County, Washington Territory, has been published (Patton and Stone 1979). Given names were abbreviated to initials. The Cowlitz metis families included in this listing were, with one exception, identified as white. Indian families were not included. The territorial censuses of Yakima County for 1871, 1883, 1885, and 1887 had also been published, but contained no significant data (Lines 1983b).

Oregon Territory and Washington Territory Donation Land Claims. None of the material available in the General Land Office Records pertaining to Donation Land Claims was presented by the petitioner. Abstracts of the Oregon Territory Donation Land Claims have been published (Genealogical Forum of Portland, Oregon 1957-1975), as have abstracts of the Washington Territory Donation Land Claims (Seattle Genealogical Society 1980). A limited filming of the records was done by the National Archives in 1951 (NARS RG 49, Records of the General Land Office, M-203), and a full filming in 1970 (NARS RG 49, Oregon and Washington Donation Land Files 1851-1903, M-815). All of the above material was consulted by the BIA researcher.

The basic condition was that:

> An Act of Sept. 27, 1850 . . . contained provisions for the donations of public lands to settlers. Every male settler over 18 years of age who was a citizen or had declared intention to become one, who had become a resident of the Territory before December 1 1850 and who had lived on the land for four years could be granted 320 acres of land. If he was married, his wife could also receive 320 acres in her name (NARS M-815, Introduction).

Included in the definition of "settlers" were "every white settler or occupant of the public lands, American half-breed Indians included" (Johansen 1957, vi). The Act provided smaller donations of 160 acres to settlers who entered the Territory between December 1, 1850, and December 1, 1853, and to settlers who became 21 or married after entering. The provisions were later extended until December 1, 1855 (NARS M-815, Introduction).

While the claims were all entered prior to 1855, the date of unambiguous prior Federal acknowledgment for the Cowlitz Indians being utilized for this finding, the Donation Land Claim material is useful not only for determining the actual settlement pattern of the metis families, but also, through the affidavit material, for showing the continued interaction among the various retired Hudson's Bay Company employees who settled in the area of Cowlitz Prairie. Because many claims were not finalized immediately, there is sometimes data extending into the 1870's and 1880's. Frequently, but not uniformly, the information includes the place and date of the applicant's birth, the place and date of the applicant's marriage, the maiden name of the applicant's wife, and the names of the heirs-at-law if the applicant had died before the claim was finalized. The tribal affiliation of an Indian wife was rarely given: in fact, the fact that the wife was Indian was rarely mentioned in these records. They do provide the dates of some "lost" marriages that took place at the St. Francois Xavier mission.

Material is available under the following certificate numbers pertaining to the metis families of Pierre LaPlante 0-78, Joseph St. Germain 0-79, Simon Plamondon 0-80 [papers missing from file], Oliver Bouchard 0-82, Ignace Lozier 0-85, Andre St. Martin 0-138, Marcel and Julien Bernier 0-161 and 0-162, Pierre Bercier 0-379, Michel Cottonoire 0-380,

Antoine Gobar 0-393, John Baptist Reille [Riel] 0-462, Lewis Latour 0-513, William Northover 0-518, Joseph Legard 0-523, Michel Cottonoire, Jr. 0-530, Isaac Bastian 0-541, Dominick Corcoran 0-588, John B. Bouchard 0-596, Louis LaDue 0-643, Pierre Charles 0-659, John B. Provost 0-686, and many other former HBC employees who interacted with the above men in the records, but who did not become so closely associated with the Cowlitz Indians (Seattle Genealogical Society 1980).

It is necessary to read through the records of the entire group to derive the maximum information concerning any one individual, since occasionally a man would give information about his background in an affidavit on someone else's behalf that he had not included in his own affidavit, and upon occasion one claimant's papers have become mixed in another man's file. Most of the men indicated that they were born in Quebec Province between 1790 and 1810, had entered the Oregon Territory in the 1820's or 1830's, and had married during the late 1820's through the mid-1840's.

The birthplaces of some of the younger "French-Canadian" men, such as Joseph St. Germain (1828 on McKinzie's Run on the Red River in the British Provinces) (NARS M-815 Roll 93, 403, 834), give credence to later assertions that they were themselves metis. Emilie (Finlay) Bercier Plamondon's son Pierre Bercier stated that he had arrived in Oregon on March 14, 1823, by being born at Fort Spokane, and was thus a native-born citizen (NARS M-815, Roll 97, 936). Marcel Bernier also stated that he was native-born in Oregon Territory, near Spokane Village Clear Lake in 1820 (NARS M-815, Roll 95, 329-341). On the declaration of John B. Bouchard, who said he was born in Oregon Territory on January 4, 1829, the words "white settler" were crossed out (NARS M-815, Roll 101, 62-76).

BIA Census Records and Rolls. The Bureau of Indian Affairs compiled several sets of statistics pertinent to the Cowlitz Indians in the decade 1870-1880.

1870 Tabulation. On September 1, 1870, the report of Superintendent Ross included a tabular "Census of Indians in Washington Territory." His table included "Parties to no treaties--west of Cascade Mountains." Among the eight tribes enumerated were:

> Tribe: Cowlitz and Klickatat
> Chief: At-waine
> Numbers: 90 men, 105 women, 122 children: total 317

> (CIT Pet. Narr., 18; Ross 1870, 18 **in** COIA Report 1870; CIT Pet. Ex. A-1356).

It was not specified what groups or bands were comprised in this count, but presumably it referred to both the Lower Cowlitz and Upper Cowlitz. BIA records indicate clearly that the 1870 "At-waine" was, in fact, Atwin Stockum (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 92). Officially, Atwin Stockum did not replace Kiskox as chief of the Lower Cowlitz until after the latter's death in 1875. He was already functioning as chief in 1877, prior to the date of the BIA certificate appointing him (Milroy to Hayt 1/7/1878, NARS M-234 Roll 919, 91).

1878 Milroy Census, Lower Cowlitz. This BIA listing omitted all the Cowlitz metis families. For a full picture of the petitioner's ancestral community at this time period, the BIA enumerations must be correlated with the Federal and territorial censuses. The full enumeration by head of household was submitted as part of the petition supplement (CIT Pet. Suppl. Ex. A-3414 - A-3415). See Appendix I for the full contents. Three years later, Milroy wrote that, "The census of 1878, having been mostly taken or obtained from chiefs and head men, was perhaps somewhat exaggerated and not very reliable" (Milroy *in* COIA 1881; CIT Pet. Ex. A-76). However, this may have been a generalization. For the Cowlitz, it is consistent with all other available documentation. Several of the names appear in later BIA records pertaining to the Cowlitz Indians.

1878 Milroy Census, Upper Cowlitz. This document (CIT Pet. Suppl. Ex. A-3417 - A-4319) was parallel in form to the Lower Cowlitz census taken the same year. See Appendix II for the full text. The majority of the names can be tied to Upper Cowlitz families that appear in later BIA records of other types.

On June 7, 1878, Milroy explained to the COIA that:

> I have not yet succeeded in obtaining the census of the Louis River Klickatat band of Indians, residing in Clark & Skamania Counties about 130 miles from this office, over a difficult & expensive rout[e]. Said band numbers somewhere between 70 & 150. So it is safe to say I have written several letters and delayed for some time in hope of obtaining the census of the Louis River Klickatat Bands. Will forward it as soon as

> obtained (Milroy to Hayt 6/7/1878, NARS M-234 Roll 919; CIT Pet. Suppl. A-3421).

1879 Milroy Census Summary, Cowlitz. In 1879, Superintendent R.H. Milroy prepared a detailed report on "Reservations, Tribes, and Bands" in western Washington Territory. Among those he identified were the following:

> Cowlitz Band, consisting of 66 Indians, men, women, and children, and situated on the Cowlitz river near its mouth, 65 miles south of Olympia. "The Lower Cowlitz band is the remnant of a once powerful tribe and talks a language different from all others."
>
> Cowlitz Klickitat Band, consisting of 105 Indians, men, women, and children, and situated on the Upper Cowlitz River and tributaries, about 40 miles southeast of Olympia. "The Upper Cowlitz Klickitat and Louis River bands talk one language, the Klickatat spoken by most of the Yakamas."
>
> Louis [Lewis] River Band, consisting of 104 Indians, men, women, and children, and situated on the Louis River and tributaries, about 90 miles southeast of Olympia (CIT Pet. Narr., 20-21; citing Milroy 1879:148-149; CIT Pet. Ex. A-1348-1349; CIT Pet. Narr., 21; citing Milroy 1881:164; CIT Pet. Ex. A-1352).

Milroy indicated that the Cowlitz were under the supervision of the Nisqually Agency (CIT Pet. Ex. A-113).

1880 Milroy Census Summary, Cowlitz. For the 1880 census of Indians belonging to his agency, R.H. Milroy reported the following count: Lower Cowlitz Band, 56; Upper Cowlitz Band, 71; Lewis River Band -- [enumerated on Federal schedule] (CIT Pet. Narr., 21; citing Milroy 1881:164, CIT Pet. Ex. A-1352).

In the "Reports of Agents, Washington Territory, 1881," R.H. Milroy wrote to COIA H. Price, on August 31, 1881, explaining the difference between the 1878 census and the 1880 census. By directive of September 27, 1880, he had been ordered to take "a careful and complete census of the Indians belonging to this agency and not taxed." He explained that taxed Indians were included on the Federal census. He then added:

> "2nd. It will be seen that not one of the Lewis River band, which, by the census of 1878, numbered 104, was included in the Indian census of this agency which was occasioned by the following facts: I was informed that the greater part of them had been taken by the enumerator of the white census, and those not taken were scattered over a region of country fully as large as the State of Delaware--out of the way, very broken, heavily timbered, and difficult of access--and to have hunted up these scattered Indians, probably not to exceed twenty-five or thirty in all, would have required the time and expense of an enumerator for perhaps three weeks, which I considered would not pay. The enumerator whom I employed to take the census of Upper and Lower Cowlitz and the Lewis River bands after completing the census of the two first named bands declined to take that of the latter, and it being late, I did not engage another enumerator" (CIT Pet. Ex. A-76).

1880 was apparently the last BIA enumeration which included the Upper Cowlitz Band and Lower Cowlitz Band.

Reservation Rolls. The BIA Census Rolls for Federal Indian reservations from 1885 through 1940 have been microfilmed by the National Archives (NARS M-595). They throw a considerable amount of light on the relationship of Cowlitz Indians to federally acknowledged tribes during the chronological period they cover. The following discussion does not exhaust the information that was located, but rather indicates the type of information obtainable from this record series.

Yakima. The earliest available Yakima census roll, that of 1885, did not include any identifiable historical Cowlitz families. Lancaster Spencer, who would later be involved in the 1915 Cowlitz claims organization, was listed (BIA Census Rolls, Roll 671, 1885, No. 27), but he was not classified as Cowlitz. Two other families were listed as Cowlitz (BIA Census Rolls, Roll 671, 1885, No. 115, No. 119), but neither could be connected with either the 1878 BIA census of the Upper and Lower Cowlitz or with the 1919 Roblin Roll.

The earliest Yakima census indicating a significant number of historical Cowlitz families and families ancestral to modern CTI members as enrolled was that of 1898 (BIA Census Rolls, Roll 672). It included the families of John and Nancy Dick (BIA Census Rolls, Roll 672, 1898, No. 340-347),

Edward and Annie (Reed) Farron (BIA Census Rolls, Roll 672, 1898, No. 424-430), Iyall Wahawa (BIA Census Rolls, Roll 672, 1898, No. 609-613), Louis Leclair (BIA Census Rolls, Roll 672, 1898, No. 851-858), Joseph and Frances Northern [Northover] (BIA Census Rolls, Roll 672, 1898, No. 1042-1047), Frank Wannassay (BIA Census Rolls, Roll 672, 1898, No. 2197-2200), and Lincoln White (BIA Census Rolls, Roll 672, 1898, No. 2243-2250). The John Guyette family, to which many Yakima Cowlitz families trace, also appeared on the Yakima roll in 1898 (BIA Census Rolls, Roll 672, 1898, No. 467-471), although it was still also carried on the Nisqually reservation census at that date.

The 1899 Yakima roll included the family of Andrew and Susan (White) Lewis (BIA Census Rolls, Roll 672, 1899, No. 855-859), and that of Abraham Arquette and several of his sons (BIA Census Rolls, Roll 672, 1899, No. 35[?-page torn]). In 1902, Mary Stooquin was enrolled with her daughter Abbie L. [Gerrand/Weaser], through whom a large group of modern CIT members trace their Cowlitz lineage (BIA Census Rolls, Roll 672, 1902, #167.2-167.3).

By 1917, members of many more historical Cowlitz families were enrolled on Yakima: George Cheholtz, Samuel and John Eyle, James Satanas, James Suterlick, and Alexander Yoke; while the Iyall, Northover, Guyette, Mesplie, Dick, Leclair, Edward Farron, Stoquin [Gerrand/Weaser], Wannassay, and White families continued to be listed (BIA Census Rolls, Roll 674, 1917, Nos. 466, 606, 612, 622, 717, 923, 1409, 1434, 1746, 2129, 2145, 2559, 2668, 2675). On the 1921 Yakima census, which distinguished between resident and non-resident enrollees, several of the historical Cowlitz and CIT ancestral families were noted as non-resident. These included Cheholtz, Eyle, Abbie Stoquin [Gerrand/Weaser], Phillips, William R. Wilson, and Wannassay (BIA Census, Rolls, Roll 674, 1921, No. 446/439, No. 1604/1603, No. 1715/1998), as well as that of Morris Charles (husband of Caroline Brendale), which had previously been listed on Nisqually (BIA Census Rolls, Roll 674, 1921, No. 297/292). In 1923, Mary Kiona [Mrs. Charl. Kiona] was listed as a non-resident enrollee (BIA Census Rolls, Roll 675, 1923, #349/333), as were Mary Kiona's daughter Ora Smith (BIA Census Rolls, Roll 675, 1923, No. 510/475). and Eugene Cloquette (BIA Census Rolls, Roll 675, 1923, #104/98). The Iyall, Mesplie, Guyette, Northern [Northover], and Frank Wannassay families, among others, continued to be listed as residents at Yakima in the 1934/39 rolls, although it was specified that the Wannassay family resided at Kelso,

Washington (BIA Census Rolls, Roll 679, 1934/39, Nos. 963, 1934, 1513, 2584).

Quinault. Numerous families that were historically identified as Cowlitz, but which do not have descendants on the CIT membership lists, appeared at various times on the Quinault Reservation census rolls. These included the family of Isaac Bastian in 1912 (BIA Census Rolls, Roll 93, 1912, No. 19) and 1915 (BIA Census Rolls, Roll 564, 1915, No. 28/28). The Quinault census are also useful for identifying persons of historical interest in the CIT petition exhibits, such as Emma (Millett) Luscier (BIA Census Rolls, Roll 595, 1912, No. 233; Roll 564, 1915, No. 413/409) and Jack and Catherine Skamink (BIA Census Rolls, Roll 93, 1910, No. 168). Other families which were counted on Quinault in the early 19th century are now enrolled with CIT, such as descendants of the McLeod/Mounts family (BIA Census Rolls, Roll 564, 1915, No. 496/463-476/470).

Chehalis. The BIA researcher read the Chehalis Reservation censuses from 1885 through 1936. (BIA Census Rolls, Roll 93, Roll 302, Roll 564). Generally speaking, the Chehalis Reservation censuses show, for Cowlitz, only specific individuals who had married Chehalis enrollees, and whose descendants are not today in the CIT membership (some of the Thomas family, for example). They are useful for framing the total genealogies of some historical Cowlitz families (e.g., Captain Peter's stepdaughter Julia Kayger; Lucy Youckton), for identifying Chehalis individuals who interacted socially with Cowlitz Indians (e.g., Silas Heck), for identifying some persons who were mistakenly called "Cowlitz" in BIA correspondence of the 1920's and 1930's included in the CIT petition exhibits (e.g., Jack Skamink), and in accounting for some of individuals of "Cowlitz" ancestry who were listed in the Quinault allotment records (e.g., the non-Cowlitz Pete family, Wesley-Bobb). However, they did not prove to be directly relevant to issues of CIT ancestry and membership.

Nisqually. It was impossible to determine whether the "Antoine Sta qum" listed in 1885 on the Nisqually census (BIA Census Rolls, Roll 302, 1885, No. 166) was the same person as the Cowlitz chief Atwin Stockum. Peter Kalama, chosen as one of the delegates to go to Washington, D.C. by the Cowlitz claims organization in 1915, was enrolled at

Nisqually in 1912 (BIA Census Rolls, Roll 93, 1912, No. 18).[49] He was later prominent as a Nisqually leader. The Arquette family, classified as Cowlitz by Roblin in 1919, was on Nisqually in 1885 (BIA Census Rolls, Roll 302, #135); the family of Morris and Carrie (Brendale) Charley was on Nisqually in 1903 (BIA Census Rolls, Roll 409, 1903, #119) before later transferring to Yakima. Several persons mentioned in Quinault records as associated with the Cowlitz Indians were also enrolled at Nisqually, such as Mary Longfred (BIA Census Rolls, Roll 93, 1910, No. 3; 1912, No. 28; Roll 564, 1921, No. 34/33), Emma Luciers Millet [sic] (BIA Census Rolls, Roll 93, 1912, No. 283), and Jack and Catherine Skamink (BIA Census Rolls, Roll 407, 1892, No. 8; Roll 93, 1910, No. 26; 1912, No. 53; Roll 564, 921, No. 61/59).

Puyallup. In 1885, the Puyallup census showed a one-time-only appearance of the Augustus Clucky [Cloquette] family (BIA Census Rolls, Roll 302, 1885, #142). A large number of CIT members trace their lineage through his wife Cecile Ledoux. The 1885 and 1886 censuses of Puyallup verified the presence of Dick Richards [Tyee Dick], a son of the Cowlitz Chief Scanewa, and his family (BIA Census Rolls, Roll 302, 1885, No. 32; 1886, No. 30). He continued to be listed at Puyallup until his death. The McLeod/Mounts family descends from a sister of Tyee Dick and now has descendants on the CIT rolls.[50] It was also listed at Nisqually as early as 1890 (BIA Census Rolls, Roll 407, 1890) before being allotted on Quinault. The Guyette family mentioned by many Yakima Cowlitz as ancestral was enrolled at Puyallup (BIA Census Rolls, Roll 407, 1890, No. 243; Roll 407, 1891, No. 305; Roll 595, 1901, No. 213) was later allotted on Yakima.

The Louis Leclair family was also on Puyallup in 1885 (BIA Census Rolls, Roll 302, 1885, No. 313), and continued to be enrolled on Puyallup until it moved to Yakima. Katie, wife of George Yanakish, was also listed with her husband on Puyallup in 1888 (BIA Census Rolls, Roll 407, 1888, #359) and subsequent years.

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[49] The Peter Kalama name appeared on earlier BIA census rolls at Warm Springs, Oregon, but it could not be determined if these records pertained to the same person.

[50] See also, Washington Territory Donation Land Claim 0-22 (Seattle Genealogical Society 1980, 5), 0-149 (Seattle Genealogical Society 1980, 33), and 0-463 (Seattle Genealogical Society 1980, 103).

Warm Springs. The Gerrand/Weaser family, through whom many CIT members trace their lineage, had several members listed as absentee allottees at Warm Springs, Oregon, in 1904 (BIA Census, Rolls, Roll 635, Nos. 9, 10, 25, 26, 70, 74). Louis Gerrand, the father of Abbie L. Stooquin/Gerrand/Weaser (see Yakima), was carried on the Warm Springs census in 1900 under "Piutes" (BIA Census Rolls, Roll 635, 1900, #228), and also listed with his wife Eliza in 1902, 1904, and 1908 (BIA Census Rolls Roll 635, 1908, #138).[51] Sam Williams of Celilo Falls, on the Cowlitz recognition committee in 1915, was enrolled at Warm Springs.

Quinault Adoption Files. In April 1912, the Indians on the Quinault Reservation adopted a considerable number of non-Quinault families, making them eligible for allotment on the reservation under an Act of Congress of March 4, 1911 (35 Stats.L. 1958 1345), which authorized the Secretary of the Interior to make allotments to all members of the "Hoh, Quileyute, Ozette or other tribes of Indians in Washington who are affiliated with the Quinaielt and Quileyute tribes in the treaty of July 1, 1855, and January 23, 1856" (Roblin 1919c, 1). Because of widespread doubts that these adoptions were valid, the BIA sent Special Agent Charles Roblin to conduct an inquiry. His files have been microfilmed by the National Archives and Records Service as Microfilm Series M-1344, and include not only his 1919 report on the "Council of Indians of Quinaielt Reservation, December 18, 19 and 20, 1918, Taholah, Washington" (Roblin 1919c), but also copies of the applications, affidavits, and other backup documentation (United States. National Archives and Records Service, Record Group 75, Microfilm Series M-1344; hereafter cited as Quinault Adoptions). The microfilmed affidavits and associated documentation pertain to the families listed in the following paragraph.

Roblin's report on Quinault adoptions (Roblin 1919c) included summary information on the historical Cowlitz Indian descendant families and Cowlitz Indian associated families of: [First Series, Quinault Actions] St. Cyr/Ockfen (No. 7), McLeod (No. 16), Byrd (No. 30), Spencer (No. 32), Bertrand (No. 33), Arquette (No. 59), Lussier (No.

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[51] The genealogical basis for this enrollment is not known. Mary Stooquin, who bore a daughter to Louis Garrand, was eligible at Warm Springs by virtue of being a Cascade Indian. Warm Springs represented a combination of the Cascade, Hood River, and The Dalles bands of Wasco Indians, and the nino, Wyam, Tygh, and John Day River bands of Wayampam [Wyumpam] Indians (Quinn to Holtz, January 6, 1964).

84), Arquette (No. 96), Eidemiller (No. 112), Sanders (No. 125); [Second Series, Roblin's Recommendations] Provoe (No. 1), Potter/Nix (No. 5), Simmons (No. 6), St.Cyr/Ochfen [sic] (No. 7), Peterson/McLeod (No. 16), Spencer (No. 28 and No. 32), Lyons (No. 29), Byrd (No. 30), Bertrand (No. 33), Northover (No. 36), Andrews [Latour descendants] (No. 38), Smith/Carroll (No. 41), Arquette (No. 59), and Sanders (No. 125).

BIA School Records: Chemawa, Tulalip, and Listings of Cowlitz Indians in Public School.

For the Cowlitz enrollments at Chemawa, see Appendix V. In 1924, the Tulalip Reservation school reported that two of its 62 students were Cowlitz, but they were not identified by name (CIT Pet. Ex. A-448).[52] Also in 1924, the Taholah Agency listed by name 22 "Cowlitz Indian Reservation" school children under its jurisdiction. Of these, one was at Chemawa and three were at Tulalip. One 17-year-old girl was not in school. The remainder were attending local public schools. The number of Cowlitz students reported by Taholah that year exceeded the number of students classified as Nisqually, or as Squaxin (CIT Pet. Ex. A-449). The Taholah Agency also corresponded with the parents concerning their children (CIT Pet. Ex. A-227, A-238). In 1927, Mrs. Eugene Cottonware, "who claims to be of Indian blood, belonging to the Cowlitz Tribe" appealed from Winlock, Washington, to have her children enter Chemawa (CIT Pet. Ex. A-282). In connection with her appeal, the agent commented that "[t]he Cowlitz Tribe is under this jurisdiction" (CIT Pet. Ex. A-282). Leo E. Cottonoir graduated from Chemawa in May 1933 (CIT Pet. Ex. A-283). In 1948, the Lewis County Welfare Department investigated the eligibility of three Cowlitz Indian children for enrollment at Chemawa (CIT Pet. Ex. A-287).

Roblin Roll, 1919. The portions of the 1919 schedule of unenrolled Indians in Western Washington that were designated by BIA Special Agent Charles Roblin as pertaining to the Cowlitz Tribe were submitted by the CIT as part of

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[52] Apparently, they would have been Daniel and Adam Satanas, who according to a 1925 Taholah letter were at Tulalip "last year" (CIT Pet. Ex. A-221). A 1926 letter from the Taholah Agency identified one Cowlitz student at Tulalip as Pete Satanas (CIT Pet. Ex. A-205) and another as Joseph Suterlick (CIT Pet. Ex. A-206). A November 5, 1925, letter from Taholah to George Satanas informed him that there was no room for his sons at Tulalip, recommending that he enroll them at Chemawa (CIT Pet. Ex. A-220).

the group's petition for Federal acknowledgment (Roblin 1919a; CIT Pet. Ex. A-1629 - A-1655. Additionally, the petition contained typed copies of some of the affidavits and other documentation that accompanied the Roblin Enrollment Applications (Roblin 1919b; CIT Pet. Ex. A-1656 - A-1672).

The full 1919 Roblin Enrollment Applications, for the "Schedule of Unenrolled Indians," with backup documentation, have been microfilmed by the National Archives (United States. National Archives and Records Service, RG 75, Microfilm Series M-1343). Since Roblin's assignment of families to particular tribal groups has, in the case of multiple tribal ancestry, been analyzed by the BAR researchers in other western Washington cases to have sometimes been arbitrary, the actual statements of the applicants concerning their tribal background were used by the BIA researcher. During field work undertaken by BAR in July 1995, Dr. Stephen Dow Beckham, ethnohistorian for the CIT, submitted photocopies of much of this documentation as a petition supplement (CIT Pet. Suppl. A-3261 - A-3370).

Other BIA reports on Cowlitz population. In 1920, the Report, Cushman Trades School, Tacoma, Washington, identified the Cowlitz Tribe as "unattached" with a population of 490 (CIT Pet. Narr., 137; CIT Pet. Ex. A-624).

On May 3, 1922, the Taholah Indian Agency, BIA, sent a request to John Ike, head of the Cowlitz organization, for a census of the Cowlitz Indians. "I have a list of the Indians as prepared by Mr. Roblin, but he has included the Chehalis Indians and other Indians who are on other rolls, and I want a roll of just the Cowlitz Indians who live in that section of the country or who are not on any other roll, or allotted anywhere else" (CIT Pet. Narr., 191; CIT Pet. Ex. A-431, A-316).

On May 23, 1929, the Taholah Agency Report estimated the Cowlitz population at 600 Indians "widely scattered in Southwestern Washington" in "seven or eight counties" (CIT Pet. Narr., 84; CIT Pet. Ex. A-3).

A certain amount of confusion resulted within BIA record-keeping procedures as a result of Halbert et al. v. The United States (283 U. S. 753). On January 23, 1933, the BIA instructed the Taholah Agency that as a result of Halbert,

> certain Chinook, Chehalis and Cowlitz Indians were entitled to allotments at Quinaielt, not as

> Quinaielt Indians, but as of the tribes first above mentioned. Therefore, you should continue to carry Chehalis allottees on the Chehalis census rolls; the Chinook allottees on the Chinook census rolls, and the Cowlitz on the census rolls of that tribe (Taholah to COIA, November 28, 1934; CIT Pet. Ex. A-2135).

On January 28, 1933, the Taholah Indian Agency replied to the COIA, "with further reference to my letter of December 28, 1932; office reply of January 23, 1933; my letter of January 26, 1933":

> There has never been, as the Office is aware, a census roll of the Chinook Tribe nor of the Cowlitz Tribe, and this agency never reported them on any census roll up until the time they were granted allotments on the Quinaielt Reservation. To gather the necessary information for a complete census roll of these tribes would require the entire time of one employee and much traveling over a period of many weeks, due to the fact that these Indians do not live on any reservation but are scattered over the entire Northwest. We do not have a complete list of Indians of either of these tribes" (CIT Pet. Ex. A-400).

On April 5, 1933, the BIA central office replied that in fact, the rolls should be kept as reservation rolls, with the Chehalis and Cowlitz who were allotted on Quinaielt entered there (CIT Pet. Ex. A-2136). However, on April 4, 1934, the BIA central office instructed Taholah that under Halbert:

> Chinook, Chehalis, and Cowlitz Indians born within a certain territory were entitled to allotments of land on the Quinaielt Reservation. These persons were not made Quinaielt Indians by the decree of the court, and they should be enrolled, if under your jurisdiction, as Chinook, Chehalis, and Cowlitz Indians. The rolls should be maintained separate and distinct from those of the Quinaielt Indians [emphasis in original] (CIT pet. Ex. A-2135 - A-2137).

Apparently, Taholah compromised by listing the known tribal background of allottees on the 1934 Quinaielt reservation census.

The 1937 Annual Report of the Taholah Agency included the statement, "This jurisdiction further includes, approximately, 500 unattached Indians, largely of the Cowlitz Tribe, residing throughout Southwest Washington" (Cowlitz Pet. Narr. 1987, 139; CIT Pet. Ex. A-642, A-408). The statement was repeated in the 1938 report (CIT Pet. Ex. A-643).

Realty records: Yakima Allotments. The petition presented no information pertaining to Cowlitz allotments on the Yakima Reservation. In 1950, writing to the COIA, Darrell Fleming of the Yakima Indian Agency provided a succinct summary of the allotment procedure on the Yakima Reservation:

> Those allottees who received allotments before the year 1910 were for the most part descendants of the 14 Original Tribes,[53] but those who received allotments after 1910 and their descendants presented a real problem to the enrollment committee in determining their degree of blood and the tribes and bands from which they were descended.
>
> After those Yakima Indians, who did accept them, were given allotments upon the Yakima Reservation, there remained a great deal of agriculture land which had not been alloted. At that time there was a 14 member alloting committee composed of leaders of the Yakima Tribes whose duty it was to pass upon a persons eligibility for an allotment. The committee was of the opinion that if the remaining land classed as agricultural was not alloted, the reservation might be thrown open for white settlement as had been done in past on other reservations. In order to protect themselves from such an eventuality, they sent delegates to the neighboring tribes, especially on the west side of the Cascade Mountains, who invited their relatives and friends to come upon the Yakima Reservation to obtain allotments. Indians from other tribes who had no established reservation and who could not obtain allotments on their own reservation because

[53] With the exception of the Cascade Indians from along the Columbia River, who in 1892 were classed as part of the Yakima Tribes and given allotments on the basis of a claims action (Fleming to COIA, February 28, 1950, 2).

> there was no longer any land remaining to be alloted, came upon the Yakima Reservation and made application for allotments. Each applicant was required to file an affadavit stating hat he was descended from a person who was a member of the 14 Original Yakima Tribes or Bands. The affadavits were supported by the statements of two disinterested parties who claimed that they knew the applicant and his family history. Many of the applicants, their parents or grandparents had never lived upon the Yakima Reservation or the ceded area. These people could not have been descended from members of the 14 Original Yakima Tribes, parties to the Treaty of June 9, 1855, as their ancestors were born outside of the ceded area prior to 1855 [grammar, spelling, and punctuation sic] (Fleming to COIA, February 28, 1950, 2).

Yakima Agency Records. During field work, on July 26, 1995, the BIA researcher visited the Yakima Agency and used the microfiched allotment case records pertinent to the historical Cowlitz. Time did not permit an exhaustive search for data pertaining to all Cowlitz families allotted on Yakima. Rather, the researcher took a sampling of the allotment and probate records for the portion of the historical Cowlitz population that was allotted on Yakima. These included families now identified as members of the petitioning group and of families now identified as Yakima Cowlitz. Extensive data was available for the Wannassay/White and Iyall lines (BAR Files).

BLM Tract Books. The BIA researcher examined the tract books pertaining to the Yakima Indian reservation at the offices of the Bureau of Land Management in Portland, Oregon on July 27, 1995, extracting those names which pertained to families in the historical Cowlitz population. These records provide a good overview of which families were allotted under which specific Acts and their provisions. However, the same material is available, with much additional detail, from the realty records at the Yakima Agency.

Realty Records: Quinault Allotments. The petition presented extensive information pertaining to Cowlitz allotments on the Quinault Reservation (CIT Pet. Ex.).

BLM Tract Books. The ethnohistorian for the CIT, Dr. Stephen Dow Beckham, brought this material to the attention

of the BIA researcher in July 1995. The tract books for allotments on the Quinault Reservation are available at the offices of the Bureau of Land Management in Portland, Oregon. Because the petitioner had not submitted this information as part of the petition or response to the OD letter, and as a result of limited field visit time in July 1995, the BIA researcher did not utilize these records.

Realty Records: Public Domain Allotments and Homesteads. The petition presented a listing of the Cowlitz Public Domain allotments and homesteads which were administered by the Taholah Agency from 1914 to 1950 (CIT Pet. Ex. A1231 - A-1232), copies of the documents (CIT Pet. Ex. A-1233 - A-1291), and a map (CIT Pet. Ex. A-1233). See Appendix III for a list of these. The allotment to James Satanus in 1892 described him explicitly as "an Indian of the Cowlitz Klickitat tribe or band" (Patent No. 2 Vancouver, CIT Pet. Ex. A-191), as did that to George Spearchachen in 1893 (CIT Pet. Ex. A-1242 - A-1243). The 1919 Lewis County, Washington, deed by which John Kimpus and his wife sold their homestead described them as "noncompetent Cowlitz Indians" (CIT Pet. Ex. A-1267). The public domain homesteads and allotments apparently do not provide a complete listing of the landholdings of Cowlitz Indians in the Cowlitz River valley. In 1878, BIA agent R.H. Milroy, referring to Atwin Stockum, said that he "had bought 40 acres from the Government some years ago about 20 miles up the Cowlitz, upon which he expected to make his home" (Milroy to Hayt, 1/7/1878, NARS M-234 Roll 919, 94).

Agency Records. The BIA Western Washington Agency now located at Hoquiam, Washington, holds extensive additional records pertaining to the estate settlements and heirship determinations, etc. for these public domain allotments and Indian homesteads. Of these documents created by the Taholah Agency, nonsystematic samples were submitted with the petition (CIT Pet. Ex. A-190 - A-203, A-208 - A-219, A-224, A-239, A-243, A-248 - A-250, A-253, A-313 - A-325, A-326 - A-344). The holdings were viewed by the BIA anthropologist in July, 1995. One full case file, that pertaining to Kitty Tillakish, was taken as a sample of the contents (BAR Files).

Additionally, a listing of the "Vancouver Allotments" administered by the Yakima Agency in 1893, which included some allottees identified as Cowlitz, was located by the BIA historian at the Regional Archives in Seattle (NARS Seattle, RG 75 BIA, Yakima Indian Agency, Box 773).

Public Vital Records. For the purposes of determining enrollment eligibility, the petitioner relies primarily on the 1919 Roblin Roll. In the great majority of cases, applicants are traced to that roll for purposes of verification. Because of the comparatively late date of the roll, the petition contained comparatively little genealogical information from public vital statistics records prior to 1919. The BIA researcher located an index of Washington's First Marriages of the 39 Counties (Carter 1987) which provided some information on pertinent family names. However, as it just listed the first 100 marriages in each county, the dates covered varied widely depending on the beginning date of county records and the density of county population. Cowlitz County, Washington, was apparently omitted from this compilation. For Clark County, Washington, a more extensive marriage index was checked, but provided no additional data (Clark County Genealogical Society 1982), nor did abstracts of early Clark County land records (Zimmerman 1980).

Lewis County, Washington. The petition included some typed abstracts from the Lewis County, Washington, marriage certificate and probate record indexes. The earliest date was 1854 (CIT Pet. Ex. A-1688 - A-1695). These were roughly alphabetical by first letter of surname. An index of Lewis County, Washington, Territorial Marriages, 1847-1889 has also been published (Gage 1978). These were of use in indicating the type of records that might be available pertaining to historical Cowlitz families. In particular, these records indicated that frequently not only the metis families, but also the Cowlitz full-blood families, often formally recorded marriages and births with the county clerk. To some extent, these records may be used to compensate for the destruction of the St. Francois Xavier mission records during the second half of the 19th century. The data also provided confirmation for many statements made in the Roblin Enrollment Applications.

The BIA researcher also located published abstracts of Lewis County death records from 1891-1906 (McNeill 1978). These were supplemented with pubished abstracts of Lewis County mortuary records (private) from 1895 through 1910 (Lewis Cunty Genealogical Society 1990).

Cowlitz County, Washington. No original public vital records from Cowlitz County, Washington, were submitted for use in this evaluation. A published probate index covering the period 1861-1907 was checked (Hagle 1988). An index to

cemetery records through 1983 was also consulted (Lower Columbia Genealogical Society 1989).

Yakima County, Washington, and Yakima Indian Reservation. Several volumes of abstracts of Yakima County records have been published (Yakima Valley Genealogical Society 1975a, Yakima Valley Genealogical Society 1975b, Yakima Valley Genealogical Society 1975c, Yakima Valley Genealogical Society 1975d, Lines 1983a, Lines 1986). These were of most use in identifying Yakima Cowlitz families and Cowlitz families ancestral to the petitioner's membership who were enrolled at Yakima in the 1869-1917 time period. The vital records of the Yakima Tribe at the National Archives Regional Archives in Seattle, Washington (NARS Seattle, RG 75 BIA, Yakima Indian Agency 1901-1917, Box 282), contained many additional marriage, birth, and death records which were apparently never filed with the county clerk.

Taholah Agency Vital Records. For those Cowlitz families that held either Quinault allotments or public domain trust allotments or homesteads, the BIA maintained files of birth and death records. The petitioner presented extracts from these (CIT Ex. A-447; A-455 - A-460, A-471 - A492, A-524 - A-537). In 1927, Superintendent W.B. Sams of the Taholah Indian Agency wrote to the Registrar, State Board of Health, requesting a plan by which he could receive copies of all birth and death certificates of Indians under the jurisdiction of the agency, including the Cowlitz tribe (Sams to Registrar, August 19, 1927, CIT Pet. Ex. A-543).

Newspaper records. A series entitled Lewis County Washington Newspaper Abstracts covering the period 1883-1899 was published in five volumes in 1978 (McNeill and Lyden 1978). Three newspapers were covered: the Lewis County Bee, the Chehalis Nugget, and the Peoples Advocate. The compilers described the series as an effort "to abstract all genealogical data from local newspapers, a.e. [sic] death notices, birth notices, marriage notices, homestead filings, divorces and items of a genealogical nature" (McNeill and Lyden 1978, 1:Foreword). The BIA researcher utilized this series and incorporated all identifiable references to families of Cowlitz descent into the data base. To some extent, this material compensated for the destruction of the

St. Francois Xavier mission records for the later 19th century.[54]

Some individual newspaper items of genealogical interest, such as obituaries, from other dates and from newspapers published in other counties, were included in the petition exhibits. Beyond these, the BAR researchers did not attempt an exhaustive reading of southwestern Washington's early newspapers, though it is probable that additional information on Cowlitz families could be located from this source.

Records of the Cowlitz Tribal Organization. The petition included a handwritten document, "Cowlitz Tribe of Indians--Names of Deceased.--" (CIT Pet. Ex. A-1166 - A-1169). While undated, it may have been compiled about 1952 (based on analysis of internal evidence). By comparing the handwriting to that of other documents in the petition, the BIA researcher concluded that it might have been compiled by Joe Peter. It was arranged in geographical categories: "Mouth of Cowlitz, Lower Cowlitz, Kathlemt [Cathlamet] Way, Around Monteslo [Monticello] and up, Midway Castle Rock and up, Uper Cowliz [sic]." The BIA researcher used this list extensively in preparing the historical Cowlitz population data base. It was particularly useful for identifying historical Cowlitz families not listed on the Roblin Roll because they were enrolled on Federal reservations.

Problem lines. Certain categories of ancestral family lines present problems in the analysis of the Cowlitz Indian Tribe's current membership. Discussions of these follow.

Families with non-Cowlitz Indian Ancestry that have Entered into the Cowlitz Indian Tribe's Membership by Association. Not recently, but in the course of the 19th century, several

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[54] For example:

Chehalis Bee-Nugget - Fri. Nov. 3, 1893. MARRIAGE LICENSE: Atwin Stockhurn & "Sulsan", an Indian maiden. Bee - Nov. 3, 1893 reports - an Indian named Atwin Stockhum secured a marriage license. He didn't know his bride's given name but it is assumed she is the d/o Pete Sulsan of near Toledo (McNeill and Lyden 1978, 3:163). Bee - Fri. Nov. 24, 1893. MARRIED: tues last, Chief Atwin Stouckhum grand sachem of the siwashes & Miss Lannie Cosmopolis, a siwash belle, the pride & beauty of the tribe were united in wedlock by the J.P. (McNeill and Lyden 1978, 3:164). Bee - Oct. 23, 1896. DIVORCE: Atwin S. Stockum vs Lena Stockum (McNeill and Lyden 1978, 4:153).

families that cannot document actual Cowlitz Indian ancestry merged into the historical Cowlitz tribe. By 1919, when BIA Special Agent Charles Roblin compiled his Roll, he classified at least some individuals from these families as "Cowlitz."

As an example, on June 16, 1932, Roblin wrote to the COIA referring to his "report of unattached Indians of western Washington, submitted under date of January 31, 1919" (Roblin 1919a, hereinafter referred to as the Roblin Roll) (CIT Pet. Suppl. A-2289). Roblin continued:

> I listed as Cowlitz Indians David Provoe and his children and grandchildren, and the children and grandchildren of Harriet Provoe-Farron-Bouchard, then deceased. Harriet Provoe was a sister of David Provoe, both being children of John B. Provoe, a French Canadian, and a full-blood Stikine woman who had come "from the North", had been adopted by the Cowlitz Indians of Washington and was recognized by them as a member of the Cowlitz tribe, and who lived and died among the Cowlitz Indians.[55]
>
> The United States District Court for the Western District of Washington, Southern Division, in an exhaustive memorandum opinion filed in deciding a large number of cases, held, on pages 50 to 57, in specific discussion of the Provoe Case, No. 309E, that David Provoe was born into tribal membership with the Cowlitz Indians and decreed allotments on the Quinailt Reservation to those of his descendants who were litigants in that case (Roblin to COIA 6/16/1932; CIT Pet. Suppl. A-2289).

Ancestresses of the "associated" family lines. All of the ancestresses of these "associated" are known to have lived

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[55] No evidence of formal adoption is likely to be found. In 1918, Emma Plamondon Peterson stated on her Roblin Enrollment Application that her mother was Matilda-Provoe Plamondon, "an Indian of the half-blood, who has been recognized and considered as a member of the Cowlitz tribe of Indians" (Roblin Enrollment Applications, CIT Pet. Suppl. A-3302). John Baptiste Plamondon stated that his mother-in-law "was an Indian of full-blood from the Stikeen tribe, Alaska, who was born in 1809, came to the Cowlitz country, Washington in 1829, and lived among the Cowlitz Indians till her death, in 1854" (Roblin Enrollment Applications, CIT Pet. Suppl. A-3319).

in the Cowlitz Prairie area at some time during the mid-19th century. Most of them, or their children, acquired Cowlitz relatives or Cowlitz in-laws. Some came to Cowlitz Landing from a considerable distance because of marriage to Hudson's Bay Company employees. Others were apparently members of nearby tribes, but came to Cowlitz Prairie only because of the employment of their husbands by the Hudson's Bay company. These "associated" ancestresses of metis families at Cowlitz Prairie prior to the 1855 date of prior unambiguous Federal acknowledgment used for the purposes of this proposed finding were:

Emilie Finlay [1/2 Canadian Cree, 1/2 Scottish],[56] m. (1) Pierre Bercier; m. (2) Simon Plamondon;
Josephte [Makah/Clallam], m. Dominique Farron;
Contoe aka Isabelle [Stikeen] m. John Baptiste Provoe;
Marie Cathier [Ketse or Quinault] m. Michel Cottonoire. At the baptism of their son Edouard Coutenoir at the St. Francois Xavier mission on December 16, 1838, she was described as "woman of the country, infidel" (Warner and Munnick 1972, 20:B202);
Hosquah aka Julie [Snake] m. Ignace Lozier (Warner and Munnick 1972, 76:M4);[57]

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[56] Dr. Verne F. Ray, Consulting Anthropologist to the Cowlitz Indian Tribe, in prepared testimony presented to a U.S. Senate hearing on December 7, 1982 (Select Committee on Indian Affairs, United States Senate, 97th Congress 2nd Session on S.2931, Washington, U.S. Government Printing Office, 1983) stated that "Emelie Marie," born in 1796, was the daughter of a "Chief Cowlitz" (Ray 1983, 62) No "Chief Cowlitz" was referred to in early historical documents.

Her son, John Baptiste Plamondon, stated in his Roblin affidavit that his mother,

> was an Indian of the half-blood, named Amelia, belonging to the Cowlitz tribe of Indians. Her father was a white man, name unknown to me. Her mother was an Indian of full-blood, belonging to the "Turtle" sub-tribe, a part of the Lower Cowlitz tribe of Indians. The mother of Amelia Plamondon died in 1845, in the Cowlitz country (CIT Pet. Ex. A-1663).

The Catholic record of her marriage indicated that her father was Francis Finlay and her mother was Josephte, Cree (Warner and Munnick 1972, 37:B-102).

[57] The "Special Schedule - Indian Population" of Olequa Precinct, Cowlitz County, Washington, in 1900 counted Julia Lozier as Klickitat, with both of her parents as Klickitat (U.S. Census 1900b, 84B #8). Her daughter Delia (Lozier) Cottonoire's Roblin

Shaldow aka Kasina/Harriet Katel [Lower Chehalis or Montesano/Wynoochee].[58] Her daughter was Philomene Boscillet, who m. (1) John Baptiste Lapotrie and (2) Esdras St. Cyr. J.B. Lapotrie's first marriage in 1843 had been to Marguerite Cowlitz, who had been baptized the same day with Sophie Plamondon serving as her godmother (Warner and Munnick 1972, 76:B895, 76:M3);
Martha Warbuss [Puyallup/white] m. Louis Leclair;
Clockomolt [Chehalis/Black River - Snohomish] m. Charles Forrest;
Martha Williams [South Bay/Cascade] m. Andrew Jackson Simmons;
Margaret/Marguerite Kukakum or Waponte [Chinook/Chehalis] m. Abraham Arquette; and
Washcanoe/Washkuma aka Julie [Chinook] m. Abraham Rabbie.

Documented connections between these non-Cowlitz Indian ancestresses and documented members of the historical Cowlitz tribe. The majority of the persons technically of "non-Cowlitz" ancestry who are on the petitioner's membership list descend, clearly, from persons who were in some way closely connected to the historic Cowlitz tribe prior to the 1855 date of unambiguous prior Federal acknowledgment being used for this report. They were part of the metis society that had developed on Cowlitz Prairie, and many were close relatives of Cowlitz metis. Simon Plamondon's second marriage in 1839 was to Emilie Finlay, widow of Pierre Bercier, and daughter of Francois Finlay and a Canadian Cree woman (Warner and Munnick 1972, 37). His children from the second marriage came to be regarded as just as much "Cowlitz" as their older half-siblings from his first marriage to a Cowlitz wife. However, Emilie Finlay's Bercier children by her first marriage rarely became

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affidavit stated that,

> my mother was Julia Lozier, a full-blood Indian belonging to the Cowlitz tribe of Indians. That she died at Olegua [sic], Cowlitz county, Wash, in October, 1910. That she was a member of the Cowlitz tribe of Indians all her life and was recognized by the tribe as a member, an lived among them all her life (CIT Pet. Ex. A-1657).

[58] According to testimony of Frances (Katell) Northover and her daughter Emma (Northover) Mesplie, they were related to this woman through the Katell line. This may indicate that George Katell, the unidentifiable "Cowlitz" ancestor of the Northovers, was actually Lower Chehalis Montesano/Wynoochie.

identified as "Cowlitz" by association, although they grew up in the same household.[59]
Only two of the petitioner's current members descend from Emilie Finlay's first marriage to Pierre Bercier: 58 descend from her second marriage to Simon Plamondon of Cowlitz Landing, widower of Chief Scanewa's daughter Veronica.

Similarly, Louis DeLaunais married Marie Cowlitz in 1844 (Warner and Munnick 1972, 77:M7). Delaunais had earlier married, in 1841 at the St. Francis Xavier mission, Elizabeth "Kwoith by nation" (Warner and Munnick 1972, 67:M5). The descendants of the first marriage came to be identified as Cowlitz.

Descendants of several other non-Cowlitz metis families at Cowlitz Prairie, particularly descendants of families in which the father's background was French Canadian, associated in many ways with the local Lower Cowlitz Indians and the Cowlitz metis families in Cowlitz County and Lewis County, Washington. For example, Sophie Plamondon, daughter of Simon Plamondon and a Cowlitz mother, was baptized at the St. Francois Xavier mission on Cowlitz Prairie on June 7, 1842, the same day that she married Michel Cotnoir, who was described as the son of Michel Cotnoir and a "Tchinouk woman now dead" (Warner and Munnick 1972, 71:M4). The children of Dominique Farron and "Josephte, Tlalam by nation" were baptized at the St. Francois Xavier mission in 1842 and 1843 (Warner and Munnick 1972, 72:B869, 73:B872).

Dominique Farron's second wife, Susan Quatanna, was Cowlitz (Roblin Enrollment Applications, Edward Farron, NARS M-1343, Roll 1). Therefore, the children of Farron's first marriage, like the children of Simon Plamondon's second marriage, had Cowlitz half-siblings. Some of the children of Farron's first marriage also married into Cowlitz metis families. Daniel A. Plamondon, head of the Cowlitz tribal organization in 1917-1921, was the son of Simon Plamondon

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[59] Basile Bercier, son of Pierre Bercier and of Finlay, "infidel woman," age 5 years, was baptized on December 16, 1838, the same day as Marie Anne, daughter of Simon Plamondon by his deceased Cowlitz wife (Warner and Munnick 1972, 19:B200, 19:B201). They shared as godfather Francois Faillant [Piette dit Faignant], whose wife was Felicite Sassete [a Shasta Indian]. On the same day, Faillant was godfather to Daniel Plamondon, born of the common-law marriage of Simon Plamondon and "a metisse woman, infidel" [Emilie Finlay] (Warner and Munnick 1972, 20:B204) and to Edouard Coutenoir, son of Michel Coutenoir and a "woman of the country, infidel" (Warner and Munnick 1972, 20:B202).

Jr. and Mary Farron. In 1918, he said that his maternal grandmother "was from some Indian tribe in British Columbia, but lived with the Cowlitz Indians and was recognized as a member of the Cowlitz tribe" (Roblin Enrollment Applications, CIT Pet. Suppl. A-3309).

On other occasions, Cowlitz Indians filling out Roblin Enrollment Applications sometimes clearly misidentified the ethnicity of their ancestresses. Emilie Finlay was clearly identified as 1/2 Cree in her 1839 marriage record to Simon Plamondon: in 1918, her son John Baptiste Plamondon stated that his mother:

> was an Indian of the half-blood, named Amelia, belonging to the Cowlitz tribe of Indians. Her father was a white man, name unknown to me. Her mother was an Indian of full-blood, belonging to the "Turtle" sub-tribe, a part of the Lower Cowlitz tribe of Indians. The mother of Amelia Plamondon died in 1845, in the Cowlitz country (Roblin Enrollment Applications; CIT Pet. Suppl. A-3319).

Of his wife's maternal grandmother Julia, wife of Ignace Lucier, who was clearly identified as a Snake Indian in her marriage record, Daniel A. Plamondon stated in 1918 that "she was a full-blood Cowlitz Indian, who died at Olequa, Cowlitz Co., Wash., about 1914" (Roblin Enrollment Applications, CIT Pet. Suppl. A-3309).

In time, several non-Cowlitz metis families associated to the point that they became identified, both by themselves and by external observers, as Cowlitz Indians, even though in some cases no actual intermarriage with Cowlitz families had taken place. This report has used the term "association" for this process in preference to "adoption," because there is no indication that there was ever a formal adoption process. French-Canadian men, their Catholic Indian wives from various tribes, and their older metis children served regularly as witnesses to one another's marriages and sponsors for one another's children throughout the 1839-1844 period for which records exist.[60]

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[60] For example, on January 29, 1843, the priest baptized 16 persons at the St. Francois Xavier mission. The fathers were mostly French-Canadian, though one was Chehalis, one was Maskegon, and one was Snake. The mothers were Clallam, Flathead, Chehalis, Walla Walla, Semas, Kuaitlan, Kwoith, Cowlitz, a Cree metisse, and Snake. One adult baptized was identified as Maskegon. The

Additionally, French-Canadian men, Catholic Indian wives, and older metis children served as baptismal sponsors, marriage witnesses, and burial witnesses for numerous persons identified as Cowlitz Indians (Warner and Munnick 1972, 75:B889, B890, B891, B893; 75:M2; 75:S25; Warner and Munnick 1972, 75:B894, B895, B896; 77:B902; 77:S31, 78:S33 for examples).

The Washington Donation Land Claim entered by John B. Lapotrie [LaPartree] was contested in 1887, long after his death, when his widow, nee Philomene Boscillet, had remarried to Esdras St. Cyr. The testimony on behalf of Philomene, "a full-blooded Indian," was provided by three "half-breeds," all of whom were Cowlitz or associated as Cowlitz: Bonaparte [Simon B.] Plamondon, Edward Cottonoire, and Mrs. Jonas Pike [nee Julia Gobin] (NARS M-815 Roll 108, 453). Their testimony specified that Philomene had been "brought up at the Mission" (NARS M-815, Roll 108, 471), and that Lapotrie after his marriage had left Lewis County and gone to Pierce County, "on the Sound at Nisqually," from which neither he nor any of his family had returned (NARS M-815, Roll 108, 540-541).

In other cases, it is simply not clear from the historical record what reason Roblin had for identifying a family as Cowlitz. This is particularly the case in the instance of the descendants of Margaret, wife of Abraham Arquette. The early Catholic missionary records indicate that she was Chinook (Warner and Munnick 1972, 32; Munnick 1979, 39-40). On the 1860 and 1870 Federal censuses, the family was in Marion County, Oregon (Marion County Oregon [1970], 4, 64), but Isaac Arquette and his nuclear family were on the 1880 census of Lewis County, Washington (U.S. Census 1880a, #68), as was the family of his brother Thomas (U.S. Census 1880a, #145). On his Roblin Enrollment Application, Isaac Arquette mis-stated his father's name, but said:

> My mother belonged to a wandering band of Indians on the Columbia River near the Pacific Coast. She was stolen from this band by some other Indians and by them sold to Mitchell [sic] Arquet then of the Hudson Bay Company's Post at Ft. Steilacoom. Mitchell Arquet was a French Canadian and they

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godparents were French-Canadian (including Charles Forrest, the HBC clerk), a Cowlitz metisse, two Cree metisses, a Walla Walla, and a Shasta.

> lived together until my mother's death. They kept up tribal relations until death (NARS M-1343).

The BIA researcher did not locate any documentation indicating that the Arquette or Rabbie ancestral families were ever classified as Cowlitz prior to their inclusion on the Roblin Roll in 1919, which indicates one of the hazards that exists when a tribal enrollment committee relies excessively on a single document for verification purposes.

Proportion of the current Cowlitz Indian Tribe membership descended from each of these non-Cowlitz ancestresses. The following proportion of the Cowlitz Indian Tribe's 1994 membership descends, on the basis of information provided to BAR by the petitioner and verified by additional research undertaken by BAR staff, from each of the above non-Cowlitz Indian ancestresses:

Contoe/Isabelle Stikeen Provoe	145[61]
Hosquah/Julie Serpent/Snake Lozier	94
Washcanoe/Julie Chinook Rabbie	58
[possibly 4 more]	
Emilie (Finlay) Bercier Plamondon	60
Shaldow/Philomene Boscillet	43
Martha (Williams) Simmons	31
Marie Cathier/Ketse Cottonoire	29
Martha (Warbuss) Leclair	13
Josephte Makah Farron	11
Clockomalt Forrest	7
TOTAL:	491

This amounts to 35% of the petitioner's membership, or just over one-third (1/3) of the total membership. Subtracting the 145 Provoe descendants gives 346, or 25 percent of the total CIT membership falling in this category. All of these families had family associations with the Cowlitz by the time of the Roblin Roll (Roblin 1919a), and most much earlier, by the mid-19th century. Some of their descendants have been allotted on the Quinault Reservation as "Cowlitz."

The Provoe, Lozier, Bercier/Plamondon, Boscillet, Cottonoire, Farron, and Forrest ancestresses were on Cowlitz Prairie prior to 1855, the date of unambiguous prior Federal acknowledgment being utilized for this report. At least

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[61] Note the discussion above indicating that in 1932, a Federal court delcared this family legally Cowlitz for allotment purposes.

five of these ancestresses were already living at Cowlitz Prairie when the first Catholic missionaries arrived in 1839: their marriages and the baptisms of their children were listed in the early Catholic records of the church at Cowlitz Landing. Two others, Philomene Boscillet and Martha Williams, were supposedly born at Cowlitz Prairie, although they did not rear their families there. Only in the case of Julie Rabbie and Clockmalt Forrest were the primary ties of the ancestress elsewhere than along the Cowlitz River.

Ordinarily, the BAR would not have analyzed the pre-1855 ancestry in such detail in a situation where the determination will be made under the "prior unambiguous Federal acknowledgment" provisions of the 25 CFR Part 83 regulations, according to which consideration of the petitioner's historical development is beginning with 1855, the date of the treaty negotiations. On the basis of the existing evidence, it is clear that the descendants of all of these ancestresses except the Leclair family functioned as part of the Cowlitz social community throughout the later 19th and early 20th centuries. However, the actual genealogical configuration of the lineage of the petitioner's members may have a significant impact on several areas in this case. These include:

(1) understanding the structure of the Cowlitz tribe as it existed in 1855 at the date being used for previous unambiguous Federal acknowledgment for this proposed finding;
(2) clarifying the issue of "descendancy" from the Cowlitz tribe as it may impact the distribution of ICC judgment award funds to persons descended from the Cowlitz Tribe "as it was constituted in 1863"; and
(3) defining the effective meaning of the petitioner's own constitutional requirement of 1/16 "Cowlitz" ancestry to qualify for voting membership.

To resolve each of these three issues, it will be necessary to reach a clear definition of the meaning of "Cowlitz" at that particular time and for that particular purpose.

Cowlitz metis families who remained very active in membership and leadership until 1973, but were then excluded under the blood quantum rule. When the "1/16 Cowlitz" blood quantum rule was adopted in the 1974 constitution and subsequently enforced, many locally resident families who had heretofore been active in the Cowlitz Tribe of Indians organization no longer qualified for voting membership. This included many of the descendants of Theresa (Plamondon)

Sareault--including, specifically, many of the direct descendants and collateral relatives of James E. Sareault, a former tribal president and the attorney who had represented the Cowlitz before the ICC.

Influential Cowlitz families with demonstrable Cowlitz ancestry and strong Cowlitz social ties that are enrolled elsewhere. See the Anthropological Technical Report to this proposed finding for a discussion of this phenomenon in such Cowlitz families as Iyall.

Cowlitz Marriage Patterns, 1855-1920. The following information has been extrapolated as conservatively as possible. This analysis does not overstate patterns of Cowlitz marriage within the Indian communities of the State of Washington: it may possibly understate them.[62] It was not developed for the purposes of analyzing historical community under 83.7(b), as this is not required for petitioners proceeding under the provisions of 83.8. Rather, it was developed to demonstrate the complexity of marriage patterns in the Pacific Northwest, which cannot be reduced to simple endogamy vs. exogamy. A meaningful analysis required ten separate categories.[63]

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[62] In the absence for formal tribal rolls, the BIA researcher followed the following presumptions:
(1) include all marriages of direct ancestors of current CIT members;
(2) include all marriages of persons on the 1919 Roblin Roll, but do not continue to subsequent generations if the known descendents were not members of the Cowlitz Tribal Organization, the CTI, or the CIT;
(3) do not include the descendants of Cowlitz who married into federally acknowledged tribes (primarily Chehalis, Yakima, Puyallup, and Nisqually) and whose children enrolled with those tribes;
(4) assume that the spouse was non-Indian in all cases where the ethnicity was not specified;
(5) if no specific date was supplied for the marriage, extrapolate to one year prior to the birth of the oldest child;
(5) if the birth of the oldest child was not given, but the birth date of the individual was available, assume that women were married by age 20 and men by age 22.

[63] For Cowlitz marriages, the possible categories by subgroup were: Cowlitz (Upper Cowlitz or Lower Cowlitz)/non-Indian; Cowlitz metis/non-Indian; Lower Cowlitz/Lower Cowlitz; Lower Cowlitz/Upper Cowlitz; Upper Cowlitz/Upper Cowlitz; Lower Cowlitz/Cowlitz metis; Upper Cowlitz/Cowlitz metis; Cowlitz metis/Cowlitz metis; Cowlitz/other Pacific Northwest Indian; Cowlitz metis/other Pacific Northwest Indian.

1855-1880. The identification of specific Cowlitz marriages prior to the 1880 census is incomplete. The 1878 band censuses indicated 15 married Lower Cowlitz men who were heads of household, and 24 married Upper Cowlitz men who were heads of household. All wives were Indian, but the band censes give no data on when these marriages took place, the specific tribal origins of the wives, or information as to how many of the unmarried heads of Cowlitz households in these 1878 band censuses were widows or widowers.

Genealogical data on individual Cowlitz families provided the following specific information on some of the Cowlitz marriages which took place during the period 1855-1880. There may be, in the categories of the Cowlitz Indian/Cowlitz Indian marriages, some overlap with the marriages that were listed in the 1878 band censuses.

Identified Cowlitz New Marriages, 1855-1880

Cowlitz/non-Indian	3[64]
Cowlitz metis/non-Indian	26
Lower Cowlitz/Lower Cowlitz	5*
Upper Cowlitz/Upper Cowlitz	5*
Lower Cowlitz/Upper Cowlitz	3*
Cowlitz metis/Cowlitz metis	10*
Cowlitz/other I	5
Metis/other I	6

* Marriages: double-count to ascertain number of individuals.

During the period 1855-1880, of all the specific known marriages, 46 Cowlitz persons married within the greater Cowlitz community; 11 Cowlitz individuals married to other Pacific Northwest Indians; and 29 Cowlitz individuals married non-Indians.

1881-1900. For the period 1881-1900, there were no unknown marriages such as were represented by the 1878 band censuses. During this period, 66 Cowlitz individuals married within the Cowlitz community; 27 Cowlitz individuals married other Pacific Northwest Indians, and 65 Cowlitz individuals (all metis) married non-Indians.

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[64] All three of these marriages took place in the mid-1850's to French Canadians, representing a continuation of the pre-treaty metissage pattern.

Cowlitz New Marriages, 1881-1900

Cowlitz/non-Indian	0	
Cowlitz metis/non-Indian	65	
Lower Cowlitz/Lower Cowlitz	3*	
Upper Cowlitz/Upper Cowlitz	8*	
Lower Cowlitz/Upper Cowlitz	3*	
Upper Cowlitz/Cowlitz metis		1*
Cowlitz metis/Cowlitz metis	18*	
Cowlitz/other Indian	15	
Cowlitz metis/other Indian	12	

* Marriages: double-count to ascertain number of individuals.

1901-1910. The two decades following 1900 were of particular interest since the marriages which took place established the basic pattern which would be pictured in the 1919 Roblin Roll. The BIA researcher separated the two decades in order to see if there were significant changes taking place at this time.

Cowlitz New Marriages, 1901-1910

Cowlitz/non-Indian	0
Cowlitz metis/non-Indian	58
Lower Cowlitz/Lower Cowlitz	0
Upper Cowlitz/Upper Cowlitz	7*
Lower Cowlitz/Upper Cowlitz	0
Lower Cowlitz/Cowlitz Metis	2*
Cowlitz/other Indian	5
Cowlitz metis/other Indian	5

* Vlarriages: double-count to ascertain individuals.

In the decade 1901-1910, 18 persons married within the Cowlitz community, 10 persons married other Pacific Northwest Indians, while 58 persons, all metis, married non-Indians.

1911-1920. The pattern that had been established by the period 1901-1910 did not change significantly in the next decade. Between 1911 and 1920, 12 individuals married within the Cowlitz community, 12 individuals married other Pacific Northwest Indians, while 71 individuals married non-Indians.

Cowlitz New Marriages 1911-1920

Cowlitz/non-Indian	2
Cowlitz metis/non-Indian	69
Lower Cowlitz/Lower Cowlitz	0
Upper Cowlitz/Upper Cowlitz	2*
Lower Cowlitz/Upper Cowlitz	0
Upper Cowlitz/Cowlitz Metis	1*
Cowlitz Metis/Cowlitz Metis	3*
Cowlitz/other Indian	5
Cowlitz metis/other Indian	7

1855-1920 Overall. A broader interpretation of the pattern of Cowlitz new marriages in the period 1855-1920 is as follows:

Summary of Cowlitz New Marriages, 1855-1920

Time Period	Cowlitz/ Cowlitz	Cowlitz/ Indian	Cowlitz/ non-Indian
1855-1880	46	11	29
1881-1900	66	27	65
1901-1910	18	10	58
1911-1920	12	15	71
Total:	142	63	223

1920-1995. Since 1920, the overwhelming majority of the persons enrolled with the Cowlitz Tribal Organization, the CTI, and the CIT, have married non-Indians. This has been the case for Upper Cowlitz fullbloods, Lower Cowlitz fullbloods, and Cowlitz metis. Since 1920, there have been only three marriages of Cowlitz fullbloods to one another (all in the decade 1931/1940) and 12 marriages of Cowlitz to other Pacific Northwest Indians, while 63 Cowlitz have married non-Indians. Since 1920, there have been only six marriages of Cowlitz metis to one another (between 1921 and 1950) and 11 marriages of Cowlitz metis to other Pacific Northwest Indians (eight of these between 1921-1940).

The reporting of the marriages of Cowlitz metis since 1920 was skewed, statistically, by the constitutional requirement of a 1/16 Cowlitz blood quantum for membership. As this takes effect and children are no longer eligible for enrollment, persons ceased to report their marriages at all. The reported marriage of Cowlitz metis to non-Indians by decade were:

1921-1930	66
1931-1940	92
1941-1950	89
1951-1960	89
1961-1970	60
1971-1980	20
1981-1990	11
Total:	427

Between 1920 and 1980, 12 Cowlitz fullbloods married other Indians in the State of Washington. None of the children of these marriages are currently enrolled with the CIT, but rather are enrolled with the federally acknowledged tribes of the other parents. Since 1920, 11 Cowlitz metis have married other northwest coast Indians. Most of the children of these marriages are not enrolled with the CIT, but with the federally acknowledged tribes of the other parents.

Summary. A large proportion of Cowlitz metis married non-Indians throughout the period 1855-1920, but the proportion of Cowlitz marriages within the Cowlitz community and to other Pacific Northwest Indians remained at a significant level through 1920. The pattern is important in understanding the modern membership. This survey, unfortunately, does not give a totally accurate view of the direct ancestors of the modern membership of the CIT, because of the inclusion in the analysis of all persons included on the 1919 Roblin Roll. Many of the families counted as Cowlitz by Roblin in 1919 were in the process of assimilating into the dominant society, and have not subsequently maintained social ties with other persons of Cowlitz descent nor membership in the Cowlitz Tribal Organization, the CTI, or the CIT. Consequently, this survey understates the percentage of endogamy among the ancestors of the current CIT members.

The "Yakima Cowlitz." The "Yakima Cowlitz" have not been included in the membership of the CIT since the 1974 constitutional revision which prohibited dual enrollment. The BIA researcher did not have the membership roll, or the

ancestry charts, of the members of the "Yakima Cowlitz" organization to use in preparation of this report. Consequently, the BIA has not evaluated the "Yakima Cowlitz" in the process of evaluating the CIT petition for Federal acknowledgment.

During field work under taken in July 1995, the BIA researcher spoke with three representatives of the Yakima Cowlitz organization at the enrollment office of the Yakima Agency (Nina Elwell, William and Rose Charley). These representatives indicated that the group has a formal membership list and genealogical documentation showing lineal descent of its members from the Cowlitz Tribe as it existed in 1863, the date established by the 1973 ICC award (DeMarce Field Notes 1995, BAR Files).[65]

On May 29, 1974, many of the Yakima Cowlitz group signed a petition from "The Tribe of Cowlitz Indians of the State of Washington" as representing the "Lineal Descendants on the Yakima Reservation in part of the 1863 Cowlitz Indians" to the BIA in connection with the ICC award (BAR Files). From the BIA Area Office in Portland, Oregon, the BIA researcher obtained a copy of a handwritten list entitled "Applics. for membership Cowlitz Tribe to W. Wash 12/11/74." The main list contained 565 names; a supplementary page contained 24 additional names (United States. Bureau of Indian Affairs. Portland Area Office 1974); BAR Files). Neither of these lists included addresses or genealogical data.

For discussion of the background and consequences of the ICC award, see the Historical Technical Report and Anthropological Technical Report to this proposed finding. It should be noted that the terms of the ICC award are not, under the 25 CFR Part 83 regulations, in any way determinative in establishing the petitioner's membership criteria.

The petitioner submitted an undated typed list, said to be approximately 1921, of "Yakima Cowlitz signers" (CIT Pet.

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[65] Such membership lists and ancestry charts exist. In a letter to Senator Inouye, dated July 7, 1992, from the "Cowlitz Descendants, Yakima Indian Nation, P.O. Box 151, WA 98948," the Yakima Cowlitz stated that, "We, the people of Cowlitz Descendence, have completed a roll book containing 3,942 individuals. We have proof of lineal descent by requiring the name of the Cowlitz person of whom the individuals are a descendant of, as well as providing a family tree" (Yakima Cowlitz to Inouye 7/7/1991; BIA Claims File, Docket 218, #2).

Enrollment Forms and Ancestry Charts; see discussion above under 'Prior Membership Lists"). The petition supplied no provenance for this list or indication of a basis for the ascribed date. It was not a precise duplicate, in content, of the 1915/17 list of "Descendants of the Cowlitz Tribe of Indians" (Spencer 1917; see discussion above under "Prior Membership Lists"). From the CIT tribal office, the BIA researcher obtained copies of those CIT applications that had been rejected because the applicant was enrolled at Yakima. However, the BIA had no way of determining if such rejected CIT applicants were current (1995) members of the "Yakima Cowlitz" organization. The following analysis is based upon the above information in the historical record and information submitted to the ICC in connection with Docket 218.

The Major "Yakima Cowlitz" families. In 1986, Emma Mesplie stated:

> In 1974, Cowlitz people from Western Washington threw us out. They formed their own organization. They elected officers and eliminated all the people from Yakima. From this point on, we had the two organizations. They refused to attend our meetings.
>
> At the meeting of the Western Washington Cowlitz' in 1974, Joe Cloquet made a resolution to make myself, Kathryne Northover Merritt, Lucy Northover James, and Aleathea Northover Carlsen honorary members of the Cowlitz Tribe. I thought this to be rather odd that someone would propose to make me, a patriarch of the Cowlitz people, an 'honorary' Cowlitz, but I guess it does show that some of them know a little history of the familes [sic] of the once great Cowlitz people" (Statement of Emma Mesplie, 24 June 1986; BIA Claims File, Docket 218, #2).

Ancestry of the Yakima Cowlitz. Within the limits of the material available to the BIA researcher, it appears that some persons whose names appeared on the 1974 Yakima Cowlitz petition descended from families which in the 19th and early 20th centuries were clearly among the historical Cowlitz population, but which are now enrolled at Yakima (Iyall, Castama, Satanas, Eyle, etc.).

The majority, however, appear to belong to two other family lines: Katell descendants and Umtuchs descendants. The Katell descendants are found primarily in the Northover,

Mesplie, and related family lines. As the Indian ancestry of Joseph Northover was Puyallup, and the Indian ancestry of August and Albert Mesplie was from Oregon, the claim to Cowlitz ancestry for this extended family must be sought in the line of Frances (Katell) Northover, daughter of George and Mary Katell. Testimony given by Frances Northover and her daughter Emma Mesplie contained internal inconsistencies. The origins of Mary Katell are not given. According to oral tradition, George Katell did apparently run a boat line from Kelso to Toledo on the Cowlitz River in the late 19th century (Notes, Application of Alma Frances Armstrong, CIT Pet. Ancestry Charts; Irwin 1995, 165). However, most indications are that he was a combination of Lower Chehalis and Snohomish. The BIA researcher could not identify his name on any 19th-century document listing Cowlitz individuals.

Another large component of the "Yakima Cowlitz" consists of families claiming descent from Chief Umtux of the Lewis River band. These individuals, descended through the Umtuchs and Charley families, have been enrolled at Yakima for many years. Some information on these families was located in Clark County Pioneers: A Centennial Salute (Clark County Genealogical Society 1989). According to George Umtuchs' 1973 recollections, the families that had been with Umtux before the war included Charley, Williams, St. Martin, Eyle, and Iyall; that after the war, the families that remained on the Lewis river were some of the Petes, Eyles, Jacksons, Siplayanns, and Charleys, "concentrated at Daybreak Bridge, five miles southeast of LaCenter" (Irwin 1995, 169).

Of other families that appeared on the 1915/17 and ca. 1921 lists of Yakima contributors to the Cowlitz claims organization, many did not appear to have documentable Cowlitz ancestry on the basis of statements made in the Yakima Agency heirship determinations. Several, such as Cleparty and Waters, were identified as Klickitat in Yakima Agency records, but never as Cowlitz Klickitat.

Yakima Cowlitz involvement in Cowlitz Tribe of Indians Activities. Individuals from the Yakima reservation were involved in the Cowlitz claims organization as early as 1915/17 (see discussion of the 1915/17 membership list above). Prominent among these were some families, such as Spencer, which had no known Cowlitz lineage.

Members of "Yakima Cowlitz" families, particularly Frances Northover and Emma Mesplie, presented testimony concerning

Cowlitz claims before the ICC in the 1940's and 1950's, and made affidavits of Cowlitz ancestry for applicants for membership in the Cowlitz Tribe of Indians.

Unquestionably, many of the persons in the "Yakima Cowlitz" group were enrolled in the Cowlitz Tribe of Indians during the period 1950-1973, holding membership cards (Legal Services Office of the Colville Confederated Tribes to Schlick, June 13, 1974) and participating actively. On March 2, 1962, when the Cowlitz Tribe of Indians elected delegates to renew the claims attorneys' contract with Sareault and McLeod, the alternates included a "Yakima Cowlitz" (Tony Umtuch) (CIT Pet. Ex.).

Representatives of the "Yakima Cowlitz" have expressed skepticism concerning the Cowlitz descent of the petitioner's members. In 1986, William D. Northover, a Yakima Cowlitz leader, stated at a Congressional hearing:

> I also attended a meeting/hearing in 1974 after the Indian Claims Commission had rendered its finding and was amazed to see a room filled with 200 or more people all claiming to be members of the tribe, most of who did not appear to be even remotely Indian (i.e. blue eyes, blond hair) not to mention of Cowlitz descent. I think this committee should ask the BIA to share with you any material supplied by the 'Cowlitz Tribe' showing how their present membership was determined and from which Cowlitz Indian they descend" (Statement of William D. Northover, 24 June 1986; BIA Claims File, Docket 218, #2).

This skepticism is not justified, based upon the genealogical documentation submitted to the BIA by the CIT.

Relationship of CIT and Yakima Cowlitz since 1974. Since 1974, the relationship between the petitioner and the "Yakima Cowlitz" organization has been acrimonious. For discussion, see the Historical Technical Report and Anthropological Technical Report to this proposed finding.

Other Impact of the 1974 Constitution: Steilacoom Disenrollment. At various dates in June 1974, the Steilacoom organization received letters from several persons requesting disenrollment from the Steilacoom tribe in order to meet the new Cowlitz membership provisions: these letters covered 16 adults and 19 children (Steilacoom Resp. 1994, 15) (BAR Files).

Genealogical analysis of the past leadership of the historical Cowlitz tribe and the Cowlitz tribal organizations.

Kiskox, Cowlitz chief from before 1847 until his death in 1875. BAR researchers have concluded, on the basis of the evidence, that Kiskox was alternatively known as "Kah-hotz" (Irwin 1995, 165) and as Cheholtz.[66] Cheholtz currently has descendants in the petitioner's membership.

In 1847, Paul Kane, Canadian artist and explorer, wrote: "We landed at the Cowlitz farm, which belongs to the Hudson's Bay Company . . . Here I remained until the 5th of April, and took the likeness of Kiscox, the chief of the Cowlitz Indians, a small tribe of about 200. They flatten their heads and speak a language very similar to the Chinooks" (CIT Pet. Narr., 6; see also Taylor and Hoaglin 1960, 9-10).

Kiskox was one of the chiefs who represented the Cowlitz at the March 1855 treaty negotiations with Isaac I. Stephens at the Chehalis River Treaty Council held at Cosmopolis, Washington (CIT Pet. Narr., 8-10; Fitzpatrick 1986, 146). Kish-cok was one of three Cowlitz leaders present, designated as head chief (CIT Pet. Narr., 167; A-909-946). A discussion of the Chehalis River Treaty Council negotiations and the obituary of Simon Kisskaxe [Kiskox], described as the oldest Indian on Cowlitz Prairie, published in the Sentinel on December 20, 1875, (Schoenberg 1987, 245), are to be found in the Historical Technical Report to this proposed finding.

1878 BIA-appointed/recognized chiefs.

Lower Cowlitz: Atwin Stockum (son of Scanewa) to 1912. In 1878, BIA Agent R.H. Milroy, "late Superintendent of Indian Affairs," in Washington Territory, issued a certificate on behalf of the United States to Antoine Stockum citing him as chief of the Cowlitz tribe (CIT Pet. Narr., 20: citing Milroy 1878; A-78). Atwin (or Antoine) Stockum, who lived and retained this office until his death on December 1, 1912, was a son of the Cowlitz Chief Scanewa, who had died in 1828. He was a sister of Veronica who had married Simon

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[66] Statement of Joe Peter, June 2, 1951: The 1855 delegation was divided into "3 groups, three parties, Ive forgot names I only remember one - Cheholtz - This Cheholtz great grandfather of all Cheholtz now living That from middle part of Cowlitz near Toledo" (Peter 1951; CIT Pet. Ex. A-1159).

Plamondon, Sr., and thus an uncle to four of the Plamondon metis family lines located around Cowlitz Prairie.

In 1904, "Atwain" Stockum and his nephew, Simon Plamondon, Jr., started an inquiry through the local superintendent, H.H. Johnson, at the Cushman Indian School in Tacoma (CIT Pet. Narr., 187). This initiation of claims by the Cowlitz preceded Bishop's Northwest Indian federation (founded 1910). For further relevant information, see the Historical Technical Report. No information is available concerning the leaders who assisted him until June 6, 1912, when the Chehalis Bee-Nugget reported that since the "aged chief, Atwin Stockum of Toledo, is infirm," a meeting of the Cowlitz Indians had appointed a committee of eight to assist in prosecution of the tribe's claims: John Plomondon of Castle Rock, T.F. Eynard of Castle Rock, W.G. Meyers of Winlock, Jim Suterlick of Nesika, Bat Kiona of Randle, Jim Iyall of Wapato, Peter Kalama of Roy,[67] and J.B. Sareault of Cowlitz (The Chehalis Bee, June 6, 1912; CIT Pet., Ex. A-841).

Upper Cowlitz/Taitnapam: Captain Peter, d. 1910, Olequa, WA. Local residents urged the BIA to appoint Captain Peter as chief of the Upper Cowlitz band in Lewis County, Washington, in 1878, at the same time that Antoine Stockum was appointed chief of the Lower Cowlitz Band. No formal record of the appointment survived, but in subsequent years, Captain Peter was the Upper Cowlitz chief. He lived to 1910, almost as long as his counterpart. His Indian name was Wyanashet: probably he was either Wi-en-ash-ut, son of Ow-hi, or a son of "Old Wyaneschet" and grandson of Owhye. His son, Joe Peter, was on the recognition committee of the Cowlitz Tribe of Indians 1950-52 (CIT Pet. Ex. A-1157-1163).

Formation of a tribal organization with elected officers, 1912-present. For details of the purpose and proceedings of the 1912 founding meeting of the Cowlitz tribal organization, see the Historical Technical Report to this proposed finding.

1913-1917: Baptiste Kiona, d. 24 January 1922. age 80.. Baptiste Kiona, an Upper Cowlitz, was elected as chief of the "Cowlitz Tribe" at a meeting of the tribal organization on June 29, 1913. On this date, it was reported that the Cowlitz Central Committee under "Chief Bat Kiona" opposed the BIA proposal to allot Cowlitz on Quinault Reservation

[67] In 1934, Kalama was Secretary of the Nisqually Tribe.

(CIT Pet. Narr., 59, 157; A-843-844). However, Kiona did not function as presiding officer of the Cowlitz tribal organization. The March 2, 1915, meeting, which selected a delegation to go to Washington, DC, to pursue Cowlitz claims, was convened by Daniel Plamondon (Fitzpatrick 1986, 65-66). The delegates were Frank Eyell [Iyall] and Peter Kalama (CIT Pet. Narr., 157; The Tacoma Tribune, March 2, 1915, 8:5, CIT Pet. Ex. A-844 - A-845). Kalama, as noted above, was a "stepson-in-law" of Captain Peter. Frank Iyall was son of Iyall Wahawa and a nephew of Antoine Stockum.

The September 17, 1915, Chehalis Bee-Budget, reported that the general Cowlitz membership had met in Chehalis with about 150 "representatives of the Cowlitz Indian Tribe" present and approved of the decision to send delegates to Washington, DC (CIT Pet. Narr., 189; A-847). For unspecified reasons, "Lancaster Spencer of Toppenish, WA, presided as chairman; George Jack of Gate City was secretary" (CTI Pet. Ex. A-847). Neither of these latter men was a Cowlitz: Lancaster Spencer and his family were from the Yakima reservation, while George Jack, married to a Cowlitz woman from the Thomas family, was a Chehalis (BIA Census Rolls 1921, Roll 564, #37/29) who was allotted on Yakima. This aspect of the leadership of the second 1915 Cowlitz meeting would appear to be associated with the compilation of the 1915/1917 list of persons who paid dues to prosecute Cowlitz claims (see detailed discussion of that list elsewhere in this report). That list was compiled by J. F. Spencer of Toppenish, Washington, who was serving as secretary of the Cowlitz tribal organization.[68] He was a son of Lancaster Spencer. None of the families mentioned in the report of the September 17, 1915, meeting now has descendants in the CIT.

1917-1921: Daniel A. Plamondon, son of Simon Plamondon, Jr., and Mary Farron. A letter written on February 1, 1917, from J. F. Spencer to Frank Wannassay of Kelso, Washington, on "Cowlitz Tribe of Indians" letterhead, showed the following leadership. The officers were: President, D. A. Plomondon, Castle Rock, Washington; Vice president, C. C. Eynard, Castle Rock, Washington; Secretary, J. F. Spencer, Toppenish, Washington; Treasurer and delegate, Frank Iyall,

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[68] February 20, 1918. Mr. J. F. Spencer, treasurer of the Cowlitz organization, who is also the secretary (Letter from F. A. Iyall, Delegate of The Cowlitz Tribe of Indians, New Capitol Hotel, Washington, D.C. to the members of the Executive Committee of the Cowlitz Tribe of Indians, c/o Mr. Joe Northover, Harrah, WA (BIA Portland).

Toppenish, Washington. The Executive Committee consisted of: Charles Pete, Castle Rock, Washington; John Ike, Silver Creek, Washington; Tenas Pete, Oakville, Washington; and Mary Longfred, Nisqually, Washington. Of these persons, J. F. Spencer and Frank Iyall were enrolled at Yakima; Tenas Pete was enrolled at Chehalis; and Mary Longfred was enrolled at Nisqually. Plamondon and Eynard were from metis families; Iyall and Charles Pete were Lower Cowlitz; Ike was Upper Cowlitz.

1922-ca. 1930: John Ike Kinswa. John Ike Kinswa, an Upper Cowlitz full-blood, was elected the next leader of the Cowlitz tribal organization in 1922 (CIT Pet. Narr., 190). He was a son of Isaac Ike Kinswa and his wife Atele. The Taholah Agency of the BIA remained in contact with him throughout the 1920's on issues pertaining to welfare, school attendance, etc. of individual Cowlitz. He served as a deponent on heirship determinations as late as 1941.

According to statements made by two "Yakima Cowlitz" members, August Mesplie was secretary of the "Cowlitz organization on the Yakima Reservation" until 1952 (Emma Mesplie statement, 24 June 1986; BIA Claims File, Docket 218; Vera Mesplie statement, Public Hearing, 1 June 1974; BIA Claims File, Docket 218). This may have been a claims organization of Cowlitz descendants enrolled at Yakima. Available documents indicate that Mary Senn, a Plamondon descendant, served as secretary of the CIT predecessor, the Cowlitz tribal organization, during much of this period. On February 15, 1932, Frank Iyall, J.B. Sareault, Mrs. Henry Senn, and Henry St. Germain signed contracts on behalf of the "Cowlitz Tribe" (CIT Pet. Narr., 48). In an affidavit, Evelyn Byrnes stated:

> I think I have a membership list from the 1920's and '30's or when Mary Senn was secretary, that shows how much everyone paid in dues and how many there were in the family and so on. I can remember her, a heavy-set woman sitting there, from when the Tribe first held tribal meetings on the Prairie. She was quite a woman. Those papers must be in the tribal office because I gave Mary and Joe Cloquet everything that I had to copy (Byrnes Affidavit 1989, A-2367).

It is not clear from the documents the precise date between 1928 and 1931 that John Ike ceased to function as head of the Cowlitz tribal organization. A BIA report of the 1932 Cowlitz meeting had two handwritten pages appended including

the notation, "John Ike 2 yrs ago," followed by the name "Sam Eyle," with no explanation (CIT Pet. Ex. A-398).

1931?-1936, John B. Sareault, son of Elie Sareault and Therese Plamondon; 1937-1949, James E. Sareault, son of John B. Sareault. By 1931, John B. Sareault, a Plamondon descendant, had succeeded John Ike as president of the tribe (CIT Pet. Narr., 192). He died in 1936, and was succeeded by his son James E. Sareault, an attorney who resided in Chehalis, Washington (CIT Pet. Narr., 192-193; CIT Pet. Ex. A-618, A-1146). The Sareault family has not made the papers of these two leaders available to the petitioner or to BIA researchers. Attention was still apparently paid to having a leadership balance between the metis and full-blood families. In 1937, an Upper Cowlitz, Louis Castama of Silver Creek, Washington, served as vice president under Sareault; in 1938 Castama was succeeded as vice president by Maude Wannassay of Kelso. In both years, Mrs. Margaret Ray of Oakville was secretary-treasurer (Wannassay Papers 1937, Wannassay Papers 1938). In 1949, the Cowlitz organization's secretary was Maude (Wannassay) Snyder, and then from 1953, her daughter Jacqueline Cassity Hill (CIT Pet. Ex. A-1171, Minutes, June 6, 1953).

1950-1960: Manuel L. Forrest. On May 13, 1950, the Cowlitz Tribe of Indians held a "reorganization meeting" at the Cowlitz Prairie Grange Hall. A motion to retain the same officers (James E. Sareault, president; M.L. Forrest, VP; Mrs. Maude Snyder, Secretary-Treasurer) failed by a vote of 34 aye/39 nay. Then the two top officers were reversed, with Manuel L. Forrest as president, James E. Sareault as vice-president, and, Maude (Wannassay) Snyder continuing as secretary-treasurer (CIT Pet. Ex. A-1146).

Manuel L. Forrest was a son of Charles and Mary Lucy (Plamondon) Forrest. His paternal grandparents were HBC clerk Charles Forrest and an Indian woman who may or may not have been Clockomalt,[69] and who, on the basis of conflicting testimony in the documents, was probably

[69] "John Smith, Capt. Carson and William Choke of the Chehalis tribe of Indians were cousins of Clockomolt" (NARS M-1344, Quinaielt Adoption Case No. 5, affidavit of Millie Powell).
"The father of Clockomolt the elder was one named Walktie, a hyas tyee, who was part Cowlitz and part Black river with some Snohomish relation" (NARS M-1344, Quinaielt Adoption Case No. 5).

Cowlitz;[70] his maternal grandparents were John Baptiste and Matilda (Provoe) Plamondon. Born in 1903, he worked and resided in California. His vice-president, James E. Sareault, lived in Chehalis, Washington; the secretary, Maude Snyder, in Kelso, Washington (Tribal Minutes, June 2, 1951, CIT Pet. Ex. A-1156). Each person on the "Recognition Committee" represented an additional family line or sub-line. Mary King, of Vader, Washington (daughter of Simon B. Plamondon and Mary Farron);[71] Frank Thomas of Raymond, Washington, a Lower Cowlitz full-blood whose family lived on the Chehalis Reservation[72] (son of Marcel Thomas and Sophia Galla), and Joseph Peters, Upper Cowlitz, of Wapato, Washington (son of Captain Peter) (CIT Pet. Ex. A-1156).

1961-1963: Joseph Cloquet, General Council Chairman. 1973-1985, Tribal Council Chairman. Joseph Cloquet replaced Manuel L. Forrest as president of the Cowlitz Tribe of Indians on June 2, 1962 (the other officers remained the same). He would serve for only two terms in this office, but later would serve for many years as chairman of the tribal council after the 1973 reorganization. He was of the Cowlitz metis Ladue/Cloquet family line descended from Marguerite Cowlitz, wife of Louis Ladue, and Cecile Ladue, wife of Auguste Cloquette. The other officers continued in office.

> I think Joe Cloquet was chairman for only a year or two in the early 1960's. He was living in Yakima at the time. In those days we had no tribal council, just an executive committee: Archie Iyall, Norb Bouchard, and my brother Mike

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[70] Statement No. 66. State of Oregon, Multnomah County, ss: Mrs. Annie T. Hunter of 335 Ivy street, Albino, East Portland, Oreg., . . . says she is 66 years of age . . . a Lower Chinook Indian and was alive in 1851 in August of that year . . . my father was Charles Forrest, a white man, who died in 1852. My mother's name I do not remember, but she was a Lower Chinook woman. My maiden name was Annie T. Forrest. I have no sisters and never had any. I have a half-brother, but by a different mother, and he is not an heir, being a Cowlitz descendant" . . . Note--"Annie T. Hunter's mother was Wiltamst, a lower Chinook woman, who died before 1851, say Bay Center people" (McChesney 1906, 55).

[71] See CIT Pet. Ex. A-345 - A-349.

[72] In 1917, the Cushman Indian School Superintendent listed as among the "Indians under my jurisdiction" who were in the military and naval service of the United States were Frank Thomas, Chehalis, and Eugene Cloquette, Cowlitz (CIT Pet. Ex. A-427).

> St. Germain. They were the "watchdogs," watching over me (Secretary-Treasurer), Clifford Wilson, and whoever was vice-president. If we wanted anything done, we had to go to them to get it done. I remember when we got rid of Malcolm McLeod as lawyer . . . (Byrnes Affidavit 1989, A-2368).

1963-1964: J. Phillip Simmons. Joseph Cloquet was succeeded in 1963 by J. Phillip Simmons. During his second term, at the 1964 election, Evelyn Byrnes, daughter of John and Louise (Plamondon) St. Germain, became secretary-treasurer. She was a "double-barrelled" Plamondon descendant, through both the first and second marriages of Simon Plamondon, Sr.

> When I first was elected secretary-treasurer, the tribal chairman was a man by the name of Phillip Simmons, from Port Angeles. So they re-elected him, as I remember, and elected me as secretary. When I got home that night, Clifford called and said, "Well, I'm your new chairman." I said, "What?" He said that Phillip Simmons didn't want the chairmanship, so McLeod [a lawyer] told Clifford to take it. But how Clifford got in there, I don't know. I thought you had to have the vote of the Tribe to get elected as chairman or president . . . When I became secretary-treasurer about 1963, after Jackie Wannassay Hill . . ." (Byrnes Affidavit 1989, A-2368).

1964-1972: Clifford Wilson. Clifford Wilson, who accepted the presidency in 1964, continuing until his death in September 1972, was a son of William and Mary L. (Plamondon) Wilson; grandson of Simon B. and Mary (Farron) Plamondon. In 1965, his vice-chairman, Norbert I. Bouchard, was also his half-brother, the son of Oliver David and Mary L. (Plamondon) Bouchard. Bouchard descended not only from the Plamondon family, but also from the Bouchard/Provoe line. Evelyn (St. Germain) Bashor Byrnes continued as secretary-treasurer. This was the first time that all the officers were from metis family lines.

1972-1981: Roy I. Wilson. Clifford Wilson died during his last term in office, in September 1972. At the Cowlitz Indian Tribe annual meeting, Cowlitz Grange Hall, on June 2, 1973, Roy I. Wilson presided as Chairman. In spite of the shared surname, he was not related to his predecessor, being

part of the Skloutwout/Garrand line with strong family ties to the Yakima Reservation.

According to a "Cowlitz Info Sheet" prepared by BIA Western Washington Agency, Everett, Washington, at some time in the 1970's, the structure of the officers was [genealogical annotations added in brackets]: Chairman, Roy I. Wilson [Skloutwout/Garrand line]; Vice-Chairman, John Barnett [Ladue/Cloquet line]; Secretary, Esther Scott [Lozier line]; Treasurer, Evelyn Byrnes [double Plamondon line]; Business Manager, Mary Cloquet [non-Indian wife of Joseph Cloquet]. The full council included: Joseph Cloquet [Ladue/Cloquet], Lenore Monohan [Plamondon], Archie Iyall [Iyall Wahawa], Vera Andrews [Plamondon/Bertrand], Gene Wiggins [Lozier], JoAnne Swanson [Bouchard/Simmons],[73] Ted Cottonware [Lozier/Cottonoire], Clyde Edwards [Plamondon], Helen Burke [Plamondon], Mike Iyall [Iyall Wahawa], Norb Bouchard [Plamondon/Bouchard/Provoe], Roy King [Farron/Provoe]; Joan Beals [Iyall Wahawa], Claudia Bacon [Forrest], Werner Barnett [Ladue/Cloquet], Alvie Bouchard [Plamondon/Bouchard/Provoe], and Keith Wiggens [Lozier].

At this time, thus, shortly after the 1974 reorganization, the entire council represented Lower Cowlitz ancestry and, with the exception of the Iyalls, Lower Cowlitz metis families, several of which had been enrolled on Yakima prior to the 1946 Yakima Act, but had been disenrolled at Yakima under the provisions of that Act. For the remainder of the 1970's, the leadership pool remained essentially drawn from the same family lines.[74]

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[73] Birth recorded 1939, Taholah Indian Agency, as 1/4 Chinook-Cowlitz, residence Tumwater, WA (CIT Pet. Ex. A-524).

[74]

1974 March 23. Cowlitz Tribal Council Minutes. Joe Cloquet, Chairman. Executive Board Evelyn Basher, John Barnett, Tana BeBee, John Swanson. Members: Vera Andrews, Lorraine Allen, Otis bouchard, Norbard Bouchard, Helen Burke, Joe Cloquet, Ted Cottenware, Leona Champion, Agnes Dobbs, Al Staffman, Teresa Saureault, Clyde Edwards, Holly Lewis, Roy King (CIT Pet. Ex. A-1880).

1975 September 13. Minutes of the meeting of the Cowlitz Indian Tribal Council. Officers: Chairman, Joe Cloquet; Vice chairman, Mike Iyall; Secretary, Claudia Bacon. Others mentioned: Tribal Chairman Roy Wilson; John Barnett, Mary Cloquet, Leo LaClair, Norb Bouchard, Werner Barnett, Keith Wiggins (CIT Pet. Ex. A-1891).

Splinter Group Leadership. In 1973, in a protest against CIT acceptance of the ICC award, a splinter group developed which termed itself the Sovereign Cowlitz Nation (Fitzpatrick 1986, 101). It continued in existence until at least 1979, when, according to a "Cowlitz Tribal Faction"

1975 December 6. Cowlitz Tribal Council Minutes. Replacement for Pearl Tull (CIT Pet. Ex. A-1895).

1976 September 11. Cowlitz Indian Tribal Council Minutes - Quarterly Meeting. Absent Clyde Edwards, Roy King, Roy Wilson. Present: Vera Andrews, Claudia Bacon, John Barnett, Werner Barnett, Norbert Bouchard, Helen Burke, Evelyn Byrnes, Joe Cloquet, Ted Cottonware, Archie Iyall, Mike Iyall, Lenore Monohon, Olive Moran, Carolee Morris, Laurine Newberg, Tom Ragan, JoAnn Swanson, Gene Wiggins, Keith Wiggins. Also, Mary Cloquet, Business Manager; Frank LaFoutaine, STOWW Atty (CIT Pet. Ex. A-1897).

1979 May 5. Cowlitz Indian Tribe, Special General Council Meeting. Chairman Roy Wilson. Re: Yakima Cowlitz, Sovereign Cowlitz Tribe. Tribal council members present: Roy I. Wilson, Evelyn Byrnes, Gina Kling, Joe Cloquet, Mike Iyall, Werner Barnett, Don Cottenware, Carolee Green, Rodger Nelson, Laurine Newburg, Gene Thayer, John Barnett, Marsha Williams, Margaret Edwards. Roll of deceased members; Edna Taylor, Raymond Brooling, Ruby Berry, James Smith, Irene Sareault. Others: Robin LaDue, Al Ockfen, Bernice Cornett (CIT Pet. Ex. A-1907).

1979 June 19. General Council Meeting, Cowlitz Indian Tribe. Cowlitz Prairie Grange Hall, Toledo, WA. Roy Wilson, Chairman. Tribal Council present: in addition to above: Gloria MacIsaac, Gene Wiggins, Olive Moran. Roy King resigned from Tribal Council (CIT Pet. Ex. A-1918). Roy Wilson, John Barnett, Mike Iyall nominated for Tribal Chairman, Roy Wilson reelected. Gene Wiggins, John Barnett, and Mike Iyall nominated for Vice Chairman, Gene Wiggins re-elected. Evelyn Burns and Gina Kling nominated for Tribal Secretary, Gina Kling re-elected. Evelyn Byurnes re-elected treasurer. Elections to Trivbal Council: Norbert Bouchard, Archie Iyall, Sue Sander, Lenore Monohon, Carolee Green, Vera Andrews (CIT Pet. Ex. A-1919).

1980 February 2. Cowlitz Tribal Council Minutes. Joe Cloquet, Chairman. Members present: Joe Cloquet, Roy Wilson, Gene Wiggins, Evelyn Byrnes, John Barnett, mike Iyall, Marshal Williams, Gene Thayer, Werner Barnett Norbert Bouchard, Helen Burke, Margaret Edwards, Gloria Mac Isaac, Laurine Newburg, Rodger Nelson, Carolee Green, Jim Holycross, Lee Rhodes, Gina Kling (CTI Pet. Ex. A-1927).

newspaper clipping, its Chairman was Don Cloquet of Lakewood [Ladue/Cloquet line]. He stated that the group was headquartered in Tacoma, with about 200 members. No documentation was submitted to the BIA to support the claim of this large a membership, nor was the BIA provided with governing documents or a membership list for this group. It has since ceased to exist. At the time, current CIT chairman John Barnett was a participant in the Sovereign Cowlitz Nation organization.

Genealogical Analysis of the Cowlitz Indian Tribe's Current Leadership. The petition supplement contained lists of Cowlitz tribal officers and tribal council members from June 1985 through June 1993 (CIT Pet. Suppl. A-2492-2500). For purposes of the following analysis, it was determined to use the list dated June, 1993, the latest submitted as part of the official petition supplement (CIT Pet. Suppl. A-2500). As of June 1993, there were 18 members of the Cowlitz Tribal Council (6 with terms expiring 1994; 6 with terms expiring 1995; 6 with terms expiring 1996). The four General Council officers, the Tribal Council officers, and two others made up an Executive Council of 8 members (CIT Pet. Ex. A-2500) The petitioner has submitted the lists resulting from the 1994 and 1995 elections to the BIA.

General Council Officers. The chairperson of the General Council descended from Marguerite Cowlitz' marriage to Louis Ledoux (LaDue family, Cloquet sub-line). The vice-chair and secretary of the General Council both descended from Lucy Skloutwout through the Gerrand subline. The treasurer of the General Council descended from Lucy Skloutwout through the Bernier subline.

Tribal Council Officers. The chairperson of the Tribal Council descended from Lucy Skoutwout through the Gerrand subline; the vice-chair of the Tribal Council descended from Chief Scanewa through the Iyall Wahawa family. The secretary of the General Council also served as secretary of the Tribal Council.

Tribal Council Members. The members of the Cowlitz Tribal Council in June, 1993, traced their lineage to the following historical Cowlitz: Kitty Tillakish (1); to Chief Scanewa through the Iyall [Wahawa] family (2); to Chief Scanewa through the Mounts family (2); to Chief Scanewa through the

Plamondon family, Chappelier subline (1);[75] to Chief Scanewa through the Plamondon family, subline of the marriage of Simon Plamondon, Jr. to Mary Farron and to Josephte Makah/Clallam[76] through the Farron family (4); to Marguerite Cowlitz [Wahawa] through the LaDue family, Cloquet subline (1); to Chief Scanewa through the Plamondon family, St. Germain subline (1); to the Kinswa family (3); to Lucy Skloutwout through the Wilson subline (1); to Harriet Iusemuch through the Sherlafoo family, Smith subline (1).

Major Subgroups within the Petitioner's Membership.

Lower Cowlitz Ancestry in the Petitioning Group. Many of the petitioner's members trace to more than one Cowlitz ancestor. These current members were not double-counted in the following computation. Each was traced to the historical Cowlitz individual listed as the first qualifying ancestor on the membership application. Distribution is as follows:

1.	Scanewa/Plamondon descendants		**230**
	By Sophie:		
	Plamondon/Cottonoire:	25	
	Plamondon/Cottonoire/Senn:	30	
	Plamondon/Chappelier:	1	
	By Simon Jr.:		
	Plamondon/Farron:	62	
	Plamondon/Catlin:	22	
	Plamondon/Bouchard:	26	
	By Therese:		
	Plamondon/Sareault:	20	
	By Marie Anne:		
	Plamondon/St. Germain:	35	
	Plamondon/Pete:	9	
2.	Lucy Skloutwout:		**173**
	Divided since the 19th century into several sublines: Bernier, Brandle, Gerrand, LeGard, Weaser, Wilson		

[75] Apparently, this person is not on the 1994 membership list: it is probable that he did not meet the 1/16 Cowlitz qualification for voting membership and officeholding as prescribed by the Cowlitz constitution.

[76] See the discussion of amalgamated/assimilated but originally non-Cowlitz Indian family lines.

3.	Quatanna: One subline of this family had moved to San Juan County, Washington, prior to 1880.		**109**
4.	Marguerite Cowlitz/WooA [Wahawa]		**94**
	LaDue:	38	
	LaDue/Cloquet:	56	
5.	Iyall Wahawa:		**51**
6.	Wannassay:		**50**
7.	Harriet Iusemuch: Divided since the 19th century into sublines: Sherlafoo, Smith/Carroll, Corcoran.		**41**
8.	Scanewa/Mounts and Scanewa/Mounts/Marcus:		**26**
9.	Thomas:		**16**
10.	Cheholtz:		**10**
11.	White:		**7**
12.	Tillakish:		**6**
13.	St. Andre:		**5**

Upper Cowlitz ancestry in the petitioning group. Comparatively few of the Upper Cowlitz families whose activities were monitored by the BIA in the period 1900-1950 (Kiona, Satanas, Eyle) have descendants on the petitioner's current membership list. While many descendants of these families maintain social ties with members of the Cowlitz Indian Tribe, the majority of the Upper Cowlitz descendants are currently enrolled members of other federally recognized tribes. The CIT includes the following descendants:

1.	Kinswa/Ike:	43
2.	Pete:	17
3.	Yanakish:	6

Geographic dispersion. With the exception of the early move of part of the Quatanna descendants to the San Juan Islands, there does not appear to be any distinct pattern of dispersion by family line. For those Cowlitz still residing in the Cowlitz River valley, it does appear still to be true that Upper Cowlitz prefer to live upriver and Lower Cowlitz prefer to live further downriver. Consult the Anthropological Technical Report for further geographical analysis of the residential pattern of the petitioner's membership.

Political factions. Political factions seem to cross family lines within the petitioning group. Again, consult the Anthropological Technical Report for analysis.

Potential for Membership Growth

Potential enrollees not on the current membership list. There are numerous Cowlitz descendants who are enrolled with other federally recognized tribes because of non-Cowlitz ancestry in other family lines. Some of these have strong Cowlitz social and kinship ties and might be inclined to transfer enrollment if the Cowlitz were federally acknowledged. It is impossible to estimate how large this group might be. There are also some qualified near relatives of current CIT members who "just haven't bothered to "fill out their papers" (DeMarce Field Data 1995). As long as the current membership criteria remain in effect, that group will be comparatively small. The CIT is encouraging qualified relatives to complete the enrollment process, mainly by word of mouth (DeMarce Field Data 1995).

Persons referred to in the petition and in related documentation appear on the current and former membership rolls. Persons listed on former rolls, who do not appear on the current roll, do not, by and large, represent families that have died out. Some nuclear families have died out, but the larger familial descendancy groups by and large all continue to have representatives. Historical Cowlitz family lines no longer represented on the current membership have, by and large, been prohibited from enrollment either because of the dual enrollment prohibition in the constitution (Castama, Kiona) or because of the 1/16 Cowlitz blood quantum requirement in the constitution (Sareault, Meyer, Senn). Additionally, numerous persons appeared on the 1915/17 Claims organization list who never appeared again and whose descendants never appear on later membership lists.

"Red Card" Holders. The major immediate potential for membership expansion among the Cowlitz lies in two groups. The first is Cowlitz "red card" holders who have provided proof of Cowlitz descent to the petitioner, but who are of less than 1/16 Cowlitz ancestry. The other is persons of Cowlitz descent who are now enrolled with other federally acknowledged tribes, but who might decide to transfer their membership if the Cowlitz became federally acknowledged, because their strongest social ties are Cowlitz.

No count of current Cowlitz "red card" holders was provided to the BIA with the petition. It was not required that the petitioner provide such a count, as such persons are not on the membership list under the 1974 and 1993 constitutions. The Cowlitz Indian Tribe's new membership applications since

1987 indicate that there are still a significant number of 1/8 Cowlitz blood quantum children being born. However, within the past ten years, only one new applicant showed a 1/4 blood quantum. A survey of the blood quanta computed by the tribe for its current green card holders shows that if the 1/16 requirement remains in force, the size of the tribe's voting membership will diminish rapidly over the course of the next two generations.

Transfers from Other Federally Recognized Tribes. Transfers from other federally acknowledged tribes might expand the Cowlitz membership. Such transfers would not change the character of the group other than by somewhat expanding the proportion of members with Upper Cowlitz ancestry as compared to the proportion with Lower Cowlitz ancestry. The potential for expansion among Cowlitz descendants who have less than a 1/16 Cowlitz blood quantum and who are not currently enrolled in other federally acknowledged tribes cannot be determined. It would depend on how the Cowlitz Indian Tribe might in the future choose to modify its constitutional membership requirements.

Possible "Descendancy" Rule. During the past ten years, Cowlitz tribal minutes contain evidence of extensive discussion about moving from a 1/16 rule to a simple "descendancy" rule. If such a change should be made in the Cowlitz constitution, applying a "descendancy" qualification only to children and grandchildren of persons <u>on the current roll</u>, the official membership would expand significantly--perhaps double.

One proposal which has been advocated by some CIT members is a "descendancy" qualification written in such a way as to define as eligible for membership "all persons who descend from individuals whose names have appeared on the Cowlitz membership lists since the 1950 constitution was adopted and who are not currently enrolled in other federally acknowledged Indian tribes." If this proposal were adopted, the potential expansion would be much greater. It would include not only current "red card" holders, but also many Cowlitz metis family lines that have been excluded from voting membership since 1974 and whose members have not bothered to obtain the non-voting "red cards." If such persons again became eligible for full membership, it is probable that many would apply.

Another proposal discussed by the petitioner was a "descendancy" qualification which would provide for accepting as Cowlitz Indian Tribe members "all persons who

can document Cowlitz ancestry from the period of mid-19th century records until the present, and who are not currently enrolled in another federally acknowledged Indian tribe." If such a proposal were adopted, the CIT membership would expand exponentially. This would change the entire nature of the petitioning entity.

In the 1993 constitutional revision, none of the above proposed revisions was adopted. The CIT retained the 1/16 Cowlitz blood quantum requirement for membership.

APPENDIX I
1878 BIA MILROY CENSUS, LOWER COWLITZ

"List of heads of families and no. of each and of individual Indians belonging to the remnant of the Cowlitz Tribe, residing on the Lower Cowlitz River in Cowlitz County Washington Territory. M-234, Roll 1919, Frames 454-455. 66 persons (CIT Pet. Suppl. Ex. A-3414 - A-3415).

Atwin Stokum	1 wife	1 boy	1 girl		Total 4
Henry Chaholtz	1 wife	1 boy		1 mother	Total 4
Joe Chaholtz	1 wife				Total 2
Robert Shorty[77]	1 wife				Total 2
Sam Chefwamsh	1 wife	1 boy			Total 3
Billey Joe	1 wife	1 boy	2 girls		Total 5
Jack Limish	1 wife	1 boy			Total 3
Dick Chilcan					Total 1
Catharina					Total 1
Chehamish					Total 1
Henry Chaloth	1 wife	1 boy			Total 3
Joe Chaloth	1 wife	2 boys	3 girls		Total 7
Tomsnoa	1 wife				Total 2
Mrs. Stokum		1 boy			Total 2
George Billese	1 wife	1 boy	1 girl		Total 4
Jack Wenesice	1 wife	2 boys	2 girls		Total 6
Capt. Slickwauken	1 wife	3 boys	2 girls		Total 7
Edward Kekin	1 wife				Total 2
Kitty		1 boy			Total 2
Charley Dick	1 wife	1 boy	1 girls		Total 3
					Total 66

[77] Name "Shorty," of a woman, mentioned in Irwin 1995.

APPENDIX II

1878 BIA MILROY CENSUS, UPPER COWLITZ

"List of heads of families and number of each, and of individual Indians belonging to the Cowlitz Klickatat band of Indians residing in Louis County, Wash. Tery. M-234, Roll 919, Frames 456-458 (CIT Pet. Suppl. Ex. A-3417 - A-4319).

Pallechupet	1 wife	2 boys			Total 4
Henry Williams	1 wife		1 girl		Total 3
Olman Samityar		1 boy		1 sister	Total 3
Sam	1 wife		1 girl	1 father	Total 4
Mrs Wankaras			1 girl		Total 2
Anwork	1 wife	1 boy			Total 3
Winch-neer	1 wife				Total 2
Aspetux	1 wife		1 girl		Total 3
Mary Cotlano					Total 1
Quabay	1 wife	1 boy	1 girl		Total 4
Kimsha					Total 1
Tepust					Total 1
Nekehune	1 wife	1 boy		1 mother	Total 4
Sataniss	1 wife	2 boys	3 girls		Total 7
Jim Yowankish	1 wife	1 boy			Total 3
Ike Ohutscher	1 wife	1 boy	2 girls		Total 5
[illegible on copy]					
John Skinshirt	1 wife		2 girls		Total 4
Mintorn Tallonce	1 wife	3 boys	1 girl		Total 6
Harvy Castomy	1 wife			1 mother	Total 3
Lewy Castomey	1 wife		1 girl		Total 3
Jimy Keeple	1 wife	1 boy	2 girls		Total 5
Jack Waxnute	1 wife				Total 2
Phillip Sulowah	1 wife		1 girl	1 sister	Total 4
Columbus Kiewana	1 wife	2 boys			Total 4
Batteses Kiewana	1 wife				Total 2
Oleman Stanican	1 wife	2 boys	2 girls		Total 6
Oleman Castamu	1 wife		1 girl		Total 3
Oleman Tollonu	1 wife	1 boy	1 girl		Total 4
Oleman Pissars	1 wife	1 boy	1 girl		Total 5
					Total: 105

APPENDIX III

COWLITZ PUBLIC DOMAIN ALLOTMENTS AND HOMESTEADS

Cowlitz Indians' public domain homesteads and allotments, 1888-1945 (Taholah Agency Records):

Charley Petawa, 1888, T12N, R2W, 160 acres;
Lewis Castoma, 1889 [1890], T12N, R2E, 82 acres;
Batiste Kiowania [Kiona], 1889, T12N, R3E, 49 acres (fee title);
Isaac Kinswa, 1890, T12N, R2E, 76 acres;
William Yowok [Yoke], 1890, T11N, R4E, 80 acres;
James Yowok [Yoke], 1890, T11N, R4E, 80 acres;
John Kimpus, 1891, T12N, 41E, 76 acres;
Ayell Wa-Ha-Wa, 1891, T11N, R2W, 160 acres;
Sam Eyely, 1892, T11N, R4E, 80 acres;
George Spearchachen, 1892, T12N, R6E, 160 acres;
James Satanus, 1893, T11N, R6E, 153 acres;
Columbus Ky-way-ah [Kiona], 1894, T12N, R6E, 160 acres (extended 1947);
Doctor She-An-Un-Custom, 1897, T13N, R2E, 80 acres;
Thomas Satanus, 1900, T12N, R6E;
D. Jim, 1902, T12N, R6E, 44 acres;
Katie Talikish, 1911, T12N, R3E, 31 acres;
Maggie Eyley, 1924, T13N, R3E, 3 acres (transferred from fee to trust title);
Lucy Castama, 1926, T13N, R3E, 40 acres (transferred from fee to trust title);
Mary Pete St. Germaine, 1942, T11N, R2W, 5 acres (transferred from fee to trust title);
Sally (Purcell) Ike, 1945, T12N, R1E, 2.5 acres (transferred from fee to trust title);
(Cowlitz Pet. Narr. 1987, 31-32).
King Phillip, T11N, R5E, Sec. 6, lots 1.-4, W.M.
(Cowlitz Pet. Narr. 1987, 33).

Public domain allotments mentioned in Cowlitz petition, but not mapped:

Ho Ho
Mary LaQuash Satanas: See Yakima Agency public domain allotments.

Yakima public domain allotments for Cowlitz (NARS Regional, Seattle, WA):

Box 113. RG75. BIA Yakima. Vancouver Allotments 1893 - 6/19/10 (unboxed). List of allottees of lands outside the Yakima Reservation but under Yakima jurisdiction. Washington Territory, Vancouver Land Office. There were many more assignments to non-Cowlitz Klickitats not abstracted here.

p. 3

#22. N2-NW-(lots 3 & 4) Sec 3 Twp 4 Range 16#, 78 63/100 A. Levi Sampson. Cowlitz. Allotted 28 June 1892. Patent 7 August 1893.

p. 7

#65. SW-SW Sec 28 Twp 12 Range 6#, 40 A. Frank Peter, P.O. Cora, WA. Age 10. Cowlitz Klickitat. Allotted 29 December 1899. Patent 1 October 1907.

#67 SE-SE 24/4/13 and Lot 4 & E2-SW 19/4/14. 160 64/100 A, Dick Son e wah, Wishum, allotted 13 February 1900; patent 5 June 1906. #68 Eddie, age 19; #69, Mattie; #70, Minnie.

#71. Lots 5 & 6. Sec. 8, Twp. 12N, Range 3 E, 58 92/100. Mary LaQuash. Klickitat. 7 March 1900. Patent 5 June 1906.

#73. SW-NW & Lot 4, Sec 4, Twp 3N, Range 10E, 79 30/100 A. Samuel Williams for minor Georgia Williams, age 11. Cowlitz. Allotted 16 May 1900; patent 14 December 1908.

p. 8

#79. NW 4 Sec 10 Twp 3 N Range 19 S. 160 A. Kiamtus, age 21. Klickitat. Allotted 29 August 1900; patent 1 October 1907.

p. 10

#107. NE 4 Sec 19 Twp 5 Range 19E. 160 A. Cutemas, age 35, Klickitat. Allotted 15 November 1901; patent issued 19 May 1910.

p. 13: Imtook, age 60, Klickitat; Walkti, age 60, Klickitat.

APPENDIX IV

LIST OF DECEASED COWLITZ

"Cowlitz Tribe of Indians, Names of Deceased" (CIT Pet. Ex. A-1166 - A-1169). [Probably dating to about 1952, possibly compiled by Joe Peter.]

Mouth of Cowlitz: Wakty, Zeekean, Williams, Marry, Wamaka, Celes Romeo, Teepnee, Jim Johns, Bill Plush, Tomy Push Pum, Talee Kiush

Lower Cowlitz = Deceased: Chuch-Pat, Sweytitat, Stups, Lewyer, Sumyanie, Charlie, Sam Jakson, Alphen Lewis, Chouhemtk, Yiystanie = Kity Clover, Teeyelshen, Timens, Clark (Skalero, Romeo, Steve, Johnie Patnon = Kathlemt Way)

Around Monteslo [Monticello, Cowlitz Co., WA] and up: Patty, Z-A-K-E, Wansay, Tumar, Stakum, Shakel, Lincoln White, Jim White, Thomas White, Wilson White, Joseph ZAKE, William ZAKE, To qusar, Jim Whites sister

Midway Castle Rock and up: Iyall, Northover, Henry Cheholtz, Topnoon, John Kimhus, Kach Kap, Quayous, Ho Ho, Hoot, Slowtian, Y??lwak, ??shall, ??len-chi, Maryan, Ashlick, Nad Fern, Howard, Ladue, Swayal, Forst, Lagard

= Deceased: Frank Rabbie, Comayemor, Charlie Pete, Carl Olson, Jim Rabbie, Dave Lowuzer, Ed Louwuzer [Lozier], John Plumondon, Panapat, Dave Cottenware, John Sanjerman [St. Germain], Frank Sanjerman, Captian Peter = Wiyanshet, Mary Peter, Lucy Satans, Lucy Youckton

Uper Cowliz. Desesd: Laques, Tales = or Tillie (=Joe Peter granPa, " " Granma, " " Gran Pa), Old Wiyanshet, Old Umtuch, Tom Satans, Dick Satans, Phi lips, Sam Eyle, Mary Eyle, William Yoke, Jim Yoke, Pee Saw = Indian Pete, Frank Pete, Old Man Kiona, Bat Kiona, Charlie Kiona, Deaf Annie Howard, James Suttlick, Willie Sam

= Decesd: Johns, Captain George, old Ike, Sheankin, Chaliee Sheankin, Sister Sheankin, Lewis Kustumie, Jack Kustumie, Willie Kustumie, Sallian, Old Satans, Joseph Sutulick.

APPENDIX V

SELECTED ENROLLEES AT CHEMAWA INDIAN SCHOOL

NARS Regional Archives, Seattle, Washington. RG 75 BIA. Chemawa Indian School, Oregon. Register of Students 1880-1928. ["Box 181 A" is crossed out.]

1. Ashue, Charles	Puyallup
2. Ashue, Samuel	"
487. Archambault, Anastatia	San Juan Is 1889 age 10
488. Archambault, Lewis	" 1889 age 14
489. Archambault, Lizzie	" 1889 age 17
491. Archambault, Matilda	" 1889 age 12
520. Archambault, Alice	" 1889 age 19
521. Archambault, Blanche	" 1889 age 9
634. Archambault, Lucretia	"
603. Barnes, Freddie	Orcas Is
604. " , Amy	"
605. " , Minnie	"
2646. Bateman, Louise	Cowlitz
6291. Burr, Alfred	Cowlitz
915. Cottonware, Belle	Olequa 1/2 1893 age 7
916. Cottonware, Louise	Olequa 1/2 1893 age 10
917. Cottonware, Mary	Olequa 1/2 1893 age 11
1112. Carlson, Etta	Cowlitz 1/4 1895 age 12
1410. Crook (Carrew), Julia Ethel	Kelso [Carran?] 1/4 1898 age 8
1411. " (Carrew), Lillie Opal Louise	Kelso [Carran?] 1/4 1898 age 5
2843. Carru, Geo. Rupert	Cowlitz [Carrau] 3/4 1907 age 12
4235. Cottonware, Edward	Cowlitz 1/2 1914 age 19
471. De Jaunney, Joseph	San Juan Is 1888 age 17
579. Duke, Albert	Cowlitz 1/4 1891 age 15
1175. Duke, Victor	Cowlitz 1/4 Rainier 1896 age 5
1577. David, Lizzie	Yakima full Kelso 1899 age 15
1578. Dixon, William	Klickitat
1770. David, Earnest	Puyallup? full Kelso 1901 age 13
Also recorded as 2480. David, Ernest	Cowlitz
599. Esterbrook, Mary Alice	Cascade
4265. Estabrook, Virgil	Cascade
6106. Eyle, Lena	Cowlitz
6162. Eyle, Margaret	Cowlitz
6629. Eyle, Helen	Cowlitz
484. Girard, Lewis	Cowlitz 1888 age 11
485. " , Maggie	" 1888 age 13
486. " , Frances	" 1888 age 7
557. Guthrie, Minnie	San Juan Is
558. " , Rosa	"
899. Girard, Georgia	Cowlitz 1/4 1893 age 10
900. " , Mattie	" 1/4 1893 age 10
918. Gill, Annie	Olequa 1/2 1893 age 14

919.	" , Frank	" 1/2 1893 age 12
6983.	Hatfield, Andrew	Cowlitz
6984.	" , Walter	"
6985.	" , Nomah	"
7427.	Iyall, Evelyn	Yakima
7.	Kalama, Peter	Nisqually
622.	LePlante, Blanche	San Juan Is
523.	LePlante, Frank	"
524.	" , Louise	"
525.	" , Willie	"
610.	LePlante, Peter	Orcas Is
637.	" , Odell	"
638.	" , James	"
1771.	Logan, Geo 1/2	Puyallup? Kelso, WA 1901 age 9
895.	Lyon, John	Olequa 1/2 1893 age 18
1055.	Lyons, Lawrence	Roy, WA
1056.	" , Mary Hannah	"
4472.	Lewis, Grant	Cowlitz
580.	Miller, Frederick	Cowlitz 1/4 1893 age 18
617.	Mesplie, Albert	Cascade 1/2 1890 age 14
2397.	McKay, Hazel	Cowlitz
2402.	McKay, Lawrence	"
3522.	Miller Frederic	Cascade
7193.	Mesplie, Floyd	Grand Ronde
7436.	Mesplie, Eddie	Yakima
7527.	Northover, Aleatha	Yakima
907.	Plomondon, Celia	Olequa 1/2 1893 age 11
908.	" , Lucy	" 1/2 1893 age 17
909.	" , Norbet	" 1/2 1893 age 15
920.	Patton, Linna	" 1/2 1893 age 14
929.	Patton, William	" 1/4 1893 age 6
930.	" , Annie	" 1/4 1893 age 9
4155.	Piel, Joseph	Cowlitz
3338.	Reed, Bennett	Cowlitz
3339.	Reed, Charles	"
3340.	" , Blanche	"
6167.	Reed, George	Cowlitz
600.	St. Martin, Aurelia	Cascade
601.	" , Katie	"
602.	" , Maggie	"
618.	" , Amos D.	"
619.	" , Isadore	"
620.	" , Olivia	"
645.	St. Martin, David E.	Cascade
646.	" , Joseph	"
647.	" , Ida Bell	"
7537.	Satanos, Daniel	Cowlitz
848.	Teabo, Henry	Cowlitz
849.	" , Joseph	"
731.	Underville, Amelia	Snoqualmie or Cowlitz [Snoqualmie Sound]
7869.	Umtuch, George	Yakima
541.	Verrier, Tillie	San Juan Is 1/2 1889 age 15

542.	" Joseph	" 1/2 1889 age 16
222.	Waters, Nora	Klickitat Yakima Agency 1884 age 7
223.	Waters, Ella	" Yakima Agency 1884 age 7
224.	Waters, Mrs.	" Yakima Agency 1884
546.	Wiggins, August	San Juan Is 1/2 1889 age 6
547.	" Charles	" 1/2 1889 age 13
548.	" Chase	" 1/2 1889 age 12
549.	" Dollie	" 1/2 1889 age 11
550.	" Henry	" 1/2 1889 age 8
556.	Whitley, Minnie	Cowlitz 1/4 1889 age 12
1586.	Wanrassy, Jason	Cowletz 3/4 Spalding Agcy 1899 age 14
1630.	Whitley, Ada	Yakima
2742.	Wanrassy, Otis	Yakima [wrong index number]
5771.	White, Lillian	Cowlitz
6139.	White, Lillian	Cowlitz

There were far more students labeled Yakima and Klickitat, and from the various San Juan islands. The BIA researcher did not extract these because the family names did not seem to have a connection with the modern CIT membership list nor to the names on the 1974 Yakima Cowlitz presentation to the ICC.

Appendix VI.

Roblin Roll Map.

CIT Pet. Narr., 182.

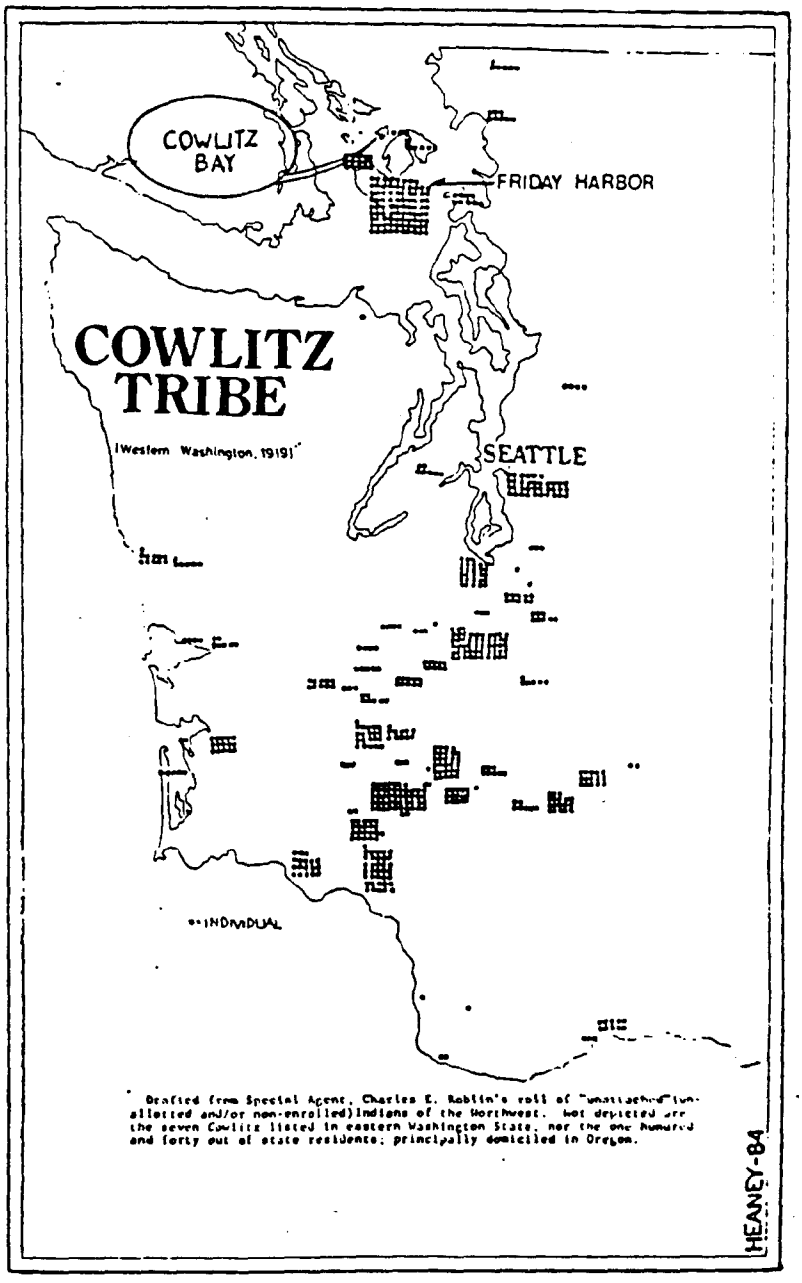


Figure B5 Compiled from Special Agent Charles E. Roblins 1919 roll of unattached Indians of the Northwest (Preface to Geneaology portion of this petition).

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