Summary Under the Criteria and Evidence for

Final Determination under 25 C.F.R. 83

for the

Duwamish Tribal Organization

Prepared in response to a petition submitted to the Assistant Secretary of the Interior for Indian Affairs for Federal acknowledgment that this group exists as an Indian Tribe.

Approved: 9-25-01
(Date)

Assistant Secretary - Indian Affairs

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ABBREVIATIONS

AS-IA	Assistant Secretary - Indian Affairs
ATR	Anthropologist's Technical Report
BAR	Branch of Acknowledgment and Research
BIA	Bureau of Indian Affairs
COIA	Commissioner of Indian Affairs
DOI	Department of Interior
DTO	Duwamish Tribal Organization (the petitioner)
FD	Final Determination
GTR	Genealogist's Technical Report
HTR	Historian's Technical Report
ICC	Indian Claims Commission
IRA	Indian Reorganization Act
PF	Proposed Finding

Summary under the Criteria for the Final Determination

for the

Duwamish Tribal Organization

BASES FOR THE FINAL DETERMINATION

This Final Determination (FD) is based on a consideration of new evidence and arguments submitted by the Duwamish Tribal organization (DTO). The extensive evidence and arguments presented for the Proposed Finding (PF) or generated by the Branch of Acknowledgment and Research's (BAR) staff in conducting its own research in preparing the PF were also considered in making this FD. Therefore, this FD report and accompanying charts should be read together with the PF.

ADMINISTRATIVE HISTORY

Administrative History Preceding the Proposed Finding.

The revised Federal acknowledgment regulations became effective March 28, 1994, and they included a provision at §83.8 which allowed petitioners who had demonstrated unambiguous previous Federal acknowledgment to proceed using a reduced evidentiary burden. However, by a letter dated April 5, 1994, from Cecile Maxwell-Hansen to the chief of the Branch of Acknowledgment and Research, the petitioner notified the Bureau of Indian Affairs (BIA) under 83.3(g) of the 1994 regulations "that the Duwamish Tribe elects to have its petition processed under the old regulations as opposed to the new regulations published in the *Federal Register* on February 24, 1994." Thus, the DTO chose to continue pursuing acknowledgment under the 1978 regulations which had no special provision for previous Federal acknowledgment.

Unless otherwise specified, citations in this report are to the 1978 regulations.

Administrative History Since the Proposed Finding.

Notice of the PF to decline to acknowledge the DTO as an Indian tribe was published in the *Federal Register* (61 F.R. 33763) on June 28, 1996. This finding was based on a

determination that the petitioner met criteria (d), (e), (f), and (g), but did not meet criteria (a), (b) and (c) of section 83.7 of the acknowledgment regulations (25 C.F.R. Part 83, 1978). In accordance with section 83.9(g) of these 1978 regulations, interested parties were given 120 days in which to submit factual or legal arguments and evidence to rebut or support the evidence relied upon in the 1996 PF.

Subsequent to the 1996 PF, the DTO requested numerous extensions to the deadline for their comment. The first request was for a four-month extension; the BIA granted them their full request (120 days) on November 4, 1996. A second request for a six-month extension was submitted January 16, 1997, and an extension of 150 days was granted by letter of March 11, 1997. The DTO made a third request on July 23, 1997, for another 150-day extension, which the BIA granted in full by letter dated July 25, 1997. Finally, on December 16, 1997, the DTO requested a 30-day extension which was granted by a letter dated December 22, 1997. In this letter, the BIA notified the petitioner that no further extensions would be granted to them. The reply period closed January 21, 1998. The DTO had a total of 570 days in which to prepare comment after the PF was issued.

The BIA's policy then provided for a 60-day period during which the petitioner could respond to third-party comments. That period closed March 23, 1998. A year later, Senator Patty Murray wrote a letter on behalf of the DTO requesting information about the BIA's resources, budget, and workload as it related to the petitioner. The BIA responded in a March 26, 1999, letter to Cecile Hansen from Robert R. Jaeger, Acting Director, Office of Tribal Services, with specific information concerning the BIA's workload. This letter said that the DTO would be informed when work on their petition would begin. On February 23, 2000, the BIA received an out-of-time comment, "Puget Sound Geography: Duwamish Place Names Recorded in 1919-22 by Theodore Talbot Waterman."

Almost two years after the close of the comment period, the DTO was notified on February 28, 2000, that researchers had been assigned to their case and that evaluation of it was progressing. Three weeks earlier Assistant Secretary for Indian Affairs (AS-IA) Kevin Gover had issued a directive concerning "Changes in the Internal Processing of Federal Acknowledgment Petitions." In this directive, the AS-IA states that he is "directing the BIA that, in conducting its review of petitions and third party comments, it is not expected or required to locate new data in any substantial way." As a result, this FD is based on the documents which the petitioner and third parties submitted during the response period and the materials already in the record at the time of the PF. The AS-IA also directs the BIA that "[i]n cases where petitioners or third parties submit data that they have not analyzed, the BIA shall not itself conduct extensive analysis of these data to demonstrate that the criteria have or have not been met. . . ." Therefore, BIA analysis done for this FD is done to evaluate the analysis or data submitted by the petitioner in order to determine whether their statements are accurate; new analyses based on alternative theories developed by the BIA is not made.

OVERVIEW OF THE DUWAMISH PROPOSED FINDING

1. Introduction: Relationship of the Summary under the Criteria to the Technical Reports.

Decisions on Federal acknowledgment of Indian tribes are made by the Assistant Secretary - Indian Affairs, under the authority delegated to him by the Secretary of the Interior. The ultimate responsibility for acknowledgment decisions lies with the AS-IA. These are Departmental decisions, not BIA or BAR, decisions, as sometimes stated by the petitioner and the commenters.

To produce the Duwamish PF, the BAR, which is located within the Office of Tribal Services of the BIA, first conducted a review of the documented petition, next initiated research to analyze the documented petition, and finally made recommendations to the Assistant Secretary - Indian Affairs. The Summary Under the Criteria and Evidence for the Proposed Finding was accompanied by three technical reports prepared by BIA researchers -- an anthropologist, genealogist and historian. These technical reports analyzed and evaluated the evidence submitted by the petitioner and gathered by the BIA during the evaluation process.

The Summary Under the Criteria, which was the decision signed by the AS-IA, described how the evidence available to date was weighed to determine whether the criteria were met. The decision was based on a substantial body of evidence, derived from a variety of sources, rather than a single document. The Summary Under the Criteria did not specifically describe every piece of evidence relied upon; rather, it summarized how the evidence did or did not meet the criteria.

A finding considers a broad variety of evidence that is presented in a petition. The BIA reviews and considers all materials submitted by the petitioner and by third parties, as well as material obtained by BIA researchers. The administrative record of a case includes all of the materials considered in reaching a determination, whether or not specifically cited, in a technical report or decision. The administrative record also includes documents that may support or not support the decision. The technical reports do not describe every piece of evidence that is considered. That a particular document is cited, discussed, or described in a technical report shows that it is evidence which was considered but does not mean that it was evidence relied upon to support the decision.

2. Duwamish Proposed Finding Conclusions under the Mandatory Criteria.

The AS-IA found in the PF that the DTO met criteria (d), (e), (f), and (g). The PF also determined that the historical Duwamish tribe met criteria (a) and (b) before 1900, but the petitioner (DTO) met criterion (a) only intermittently since 1939 and did not meet (b) after

1900. The PF found that the DTO was a new organization established in 1925 and therefore did not meet criterion (c) at any time before that date, nor did the DTO arise out of an earlier organization. Readers should consult the PF which detailed how the evidence available at that time was insufficient to show that the petitioner as a whole met these criteria.

Under criterion 83.7(d), the petitioner submitted a copy of its governing document and membership requirements, thus meeting this criterion (DTO PF Summary, 37).

Under criterion 83.7(e), the BIA determined that 386 out of 390 members on the petitioner's 1992 membership roll clearly descend from historical Duwamish Indians. This is more than 99 percent of the membership. Therefore, the group, as a whole, met criterion 83.7(e) (DTO PF Summary, 39).

Under criterion 83.7(f), there is no evidence that a significant proportion of the petitioner's membership belongs to any federally recognized tribe. Therefore, the petitioner met criterion 83.7(f) (DTO PF Summary, 39).

Under criterion 83.7(g), neither the petitioner nor its members were the subject of congressional legislation that expressly terminated or prohibited the Federal relationship. The petitioner, therefore, met criterion 83.7(g).

NEW MATERIALS UNDER CONSIDERATION FOR THE FD

The FD takes into consideration all materials in the case file at the time of the PF and all the materials submitted by the petitioner and third parties, and located by BIA researchers, since the issuance of the PF.

1. Comments.

The third party comments to the PF consist of four letters received by the BIA between October 10, 1996, and February 21, 1997. Three of the letters were submitted by individuals and one was submitted by the Tulalip Tribes, a federally recognized Indian tribe in western Washington. These comments were not extensive.

2. Petitioner's Response to Proposed Finding.

The petitioner's response to the proposed finding consisted of a narrative report by the DTO attorney, Dennis J. Whittlesey, that was received by the BIA January 21, 1998, and corrections to that report received on the same day. Also submitted were several categories of materials which Whittlesey claimed responded directly to criteria (a), (b) or (c).

Materials submitted in conjunction with criterion 83.7(a) included an affidavit of Dr. Kenneth D. Tollefson, dated January 2, 1998; Tollefson's *Curricula Vitae*, dated January 1997; and seven articles written by Tollefson. These articles were published between 1989 and 1996.

Reports by Linda M. Dombrowski and Dr. Stephen Dow Beckham were submitted concerning criterion 83.7(b). Dombrowski's article "Continuity of Duwamish Tribal Membership" was dated January 1998. Beckham's article "Duwamish Indian Tribe: Tribal Initiatives, 1896-1935 and the Continuity of Membership" was dated January 1998. Appendices were attached to both of these reports.

Another report, entitled "Duwamish Indian Modern Community," was submitted in conjunction with discussion of criterion 83.7(c). This report was written by Dr. Micheal D. Roe. His *curricula vitae* was also submitted.

An "Exhibits Volume" consisted of 47 file folders, almost all containing genealogical charts. Some of the individuals on these charts are identified by the petitioner as being on various membership lists for either the historical Duwamish tribe or the present-day DTO.

On February 23, 2000, the Department received a comment after the close of the public comment period. This comment was a report prepared for the petitioner by Stephen Dow Beckham, dated September 30, 1999, and entitled "Puget Sound Geography: Duwamish Place Names Recorded in 1919-22 by Theodore Talbot Waterman." Pursuant to Section 83.10(l)(1), comments submitted after the close of the response period "will not be considered in the preparation of a final determination." This comment was forwarded to the Office of the Solicitor for retention and submission to the Interior Board of Indian Appeals in the event of an appeal, or to the Assistant Secretary - Indian Affairs in the event of a remand. Although this comment was not considered for purposes of this Final Determination, it appears to be material considered for the PF. The bibliography for the PF cited the personal papers of T. T. Waterman in box 1864 at the National Anthropological Archives at the Smithsonian Institution in Washington, D.C. Beckham (p.86) cites Waterman's "Puget Sound Geography" as "MS No. 1864, National Anthropological Archives, Smithsonian Institution, Washington, DC."

3. Petitioner's Response to Third Party Comments.

The petitioner did not respond to the materials submitted by informed and/or interested parties.

OVERVIEW OF ISSUES RAISED BY DTO

The petitioner repeatedly raises issues which fail to address the historical facts of the case,

to respond specifically to the 1996 PF's determinations, and to link their submitted materials to the PF or criteria (a), (b), and (c). Rather, DTO addresses what it construes as an unfair administrative process and an unwillingness on the part of the BIA to accept their researcher's submissions without question or evaluation.

1. The petitioner argues that the disruptive events of history mitigate the absence of evidence in their case; and argue that it is remarkable that the petitioner has remained together in the face of this adversity.

One thread of the petitioner's argument is that the mistreatment of Indians during the contact period should reduce their burden to show that they meet the regulations. Understanding the historical context in which documents were created is taken into consideration during the evaluation. The contact deprivations suffered by some of the DTO ancestors, like many other Indians, were harsh. However, many other of the petitioner's ancestors were married to non-Indians who owned land and businesses, and successfully participated in the new economy and non-Indian society.[1] The activities of individuals in both groups appear to be documented. Thus in this case, it does not appear that absence of documentation for group activities is due to harsh circumstances which destroyed significant evidence; rather, it results because evidence cannot exist for events, activities, meetings, and interactions that never occurred.

The 25 C.F.R. Part 83 regulations allow the evaluators to take into consideration impacts which may affect the availability of documents, or to explain fluctuations of tribal activity; however, they do not allow the evaluation to overlook a lack of tribal continuity even if it is caused by the impact of contact.

2. The petitioner argues that academic articles of Dr. Tollefson, the petitioner's researcher, were ignored by the BIA researchers.

The petition response includes seven articles by the petitioner's primary researcher, anthropologist Kenneth Tollefson. These articles, written by the petitioner's primary researcher, are from academic journals. Attorney Whittlesey also submits an affidavit by Tollefson in which he states, "Based on my analysis and the past 11 years of field research, I have found a continuous existence of the tribe and a continuous identification of the tribe [DTO] by outside entities, etc."

Whittlesey holds that Tollefson, as the petitioner's researcher and expert, is due deference in determining whether the petitioner meets the criteria (DTO 1998, 10). It should be

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[1] The petitioner's specific examples of treatment after contact rarely refer to the DTO ancestors. For example, see Beckham's discussion of illness documented in the Catholic church records, XI. St. George School, Archives, Chancery Office, Seattle, Washington and the analysis in this report.

noted that Tollefson's work is not widely accepted, and in fact goes against prevailing academic opinion specifically on the topic of proto-contact Duwamish political organization. This controversy is highlighted in several articles in the academic literature not submitted by the petitioner and is noted by the BIA researchers in the PF and this summary report. With this in mind, the BIA's evaluation of Tollefson's articles has also found that several of them were irrelevant because they concerned tribes other than the petitioner, related to the aboriginal or pre-treaty period which is not at issue here because the petitioner's ancestors were part of a tribal entity that met the criteria during that early time period, or are general theoretical papers containing little factual information which would provide evidence under the regulatory criteria.

Tollefson's Duwamish publications fail to provide citations to documents or interviews to support his assertions. Discrepancies between his assertions and the evidence submitted by the petitioner are discussed in this summary under criteria (a), (b) and (c), and in the charts accompanying this summary report. Many of his assertions conflict with the findings of the BIA, which were based on primary documentary evidence contemporary with the activities being discussed.

The petitioner's attorney placed these articles in an envelope labeled, "Materials Submitted in Conjunction with Discussion of Criterion 83.7(a)." Because the articles sometimes discussed issues concerning community and political authority, criteria 83.7(b) and (c), the BIA evaluators drew out of these articles any topics and points which related to the deficiencies in the petition that were noted in the PF.

Attorney Whittlesey argues that the failure of the BIA to include the seven articles in the evaluation for the PF is a serious error and requires a new review of the petition "*ab initio,*" or from the beginning. The 1978 regulations state at 83.6(d): "The Department shall not be responsible for the actual research on behalf of the petitioner."[2] The burden to submit evidence to demonstrate the DTO meets the acknowledgment criteria lies with the petitioner. No harm, however, resulted from the petitioner's not submitting these articles for the PF because they were reviewed for this FD.[3] The BIA charts which lay the

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[2] This quotation also is found in the 1994 regulations at 83.5(c).

[3] The petitioner submitted as part of the response to the PF, a draft of an unsigned letter to Hazel Elbert on Seattle Pacific University letterhead (Duwamish Tribal Council 9/20/1988). A later letter does submit the 1994 article which is referenced in the PF's technical report's bibliography. It states that four of the articles are submitted with the letter. However, the BIA has no record in their Duwamish administrative file of receiving either the documents or the letter, and letters from months surrounding the date of this draft imply that no letter was received in the intervening months. Nevertheless, even if the BIA had received the documents as part of a late response or as part of another petition's documentation and had not included them in the Duwamish record, the problem is now cured by evaluation of these articles during this FD.

foundation for the FD show in detail the BIA evaluation of these articles under the regulatory criteria.

In addition, Tollefson was the petitioner's primary researcher and the principal author of the original petition. The BIA is entitled to assume that Tollefson's opinions, research, and analysis are best presented in the petition, the primary vehicle for demonstrating that his client meets the criteria. The BIA may fairly assume that if Tollefson had published information that related to the petitioner's ability to meet the criteria, he most likely would have incorporated that information into the petitioner's original petition.

Finally, in numerous technical assistance meetings with Tollefson,[4] petitioner members and their attorney, the BIA requested the kinds of data which would have enabled the petitioner to demonstrate that they actually interacted with one another or undertook political activities.

3. The Petition and Narrative include a sociological study that is methodologically flawed and does not speak to the criteria as they have been applied since 1978.

Part of the petitioner's submission is "Duwamish Indian Modern Community" by Michael D. Roe, dated January 19, 1998. Problems with the methods used by Roe will be discussed in sections of this report dealing with criteria (b) and (c). Generally, Roe's work was biased toward a small group of leaders and their families and made no attempt to determine whether they are representative of the entire petitioning group.

4. The petitioner does not coherently link the response and the various sub-parts of it to specific acknowledgment criteria. The reports do not speak to the criteria.

The DTO response arranges the petition materials according to the criteria. Several brown envelopes contain the studies commissioned by the DTO as part of their response to the PF. Affixed to the front of three of the envelopes is a notation that the contents are in response to either criterion (a), (b), or (c). However, the contents generally do not directly speak to each criteria and frequently appear irrelevant to the criteria to which they purportedly respond. The BIA evaluators have attempted to review each envelope's contents, in whole or in part, under the relevant criterion or criteria.

[4] The petitioner's attorney and researchers have worked on this case and other acknowledgment cases in western Washington.

SUMMARY CONCLUSIONS UNDER THE CRITERIA (25 C.F.R. 83.7 (a) - (g))

INTENT OF THE ACKNOWLEDGMENT REGULATIONS

The Federal Government has an obligation to protect and preserve the inherent sovereign rights of all Indian tribes, whether a tribe has been recognized in the past or not. See *Passamaquoddy v. Morton 528F. 2d 370 (1st Cir. 1975)*. The regulations governing the acknowledgment process (25 C.F.R. Part 83) state the mandatory criteria that unrecognized groups must meet to be acknowledged as meriting a government-to-government relationship with the United States.

The legal precedents for acknowledgment are codified in the regulations. These precedents also provide the fundamental bases for interpreting the regulations. The acknowledgment criteria are based on and consistent with past determinations of tribal existence by Congress, the Courts, and the Executive Branch. These past determinations have required that to be acknowledged as having tribal status, a group must have maintained its social solidarity and distinct "community" and exercised political influence or authority over its members throughout history until the present.

Fundamental to the definition of a tribe is the nature of tribal membership. The Department has long said that an Indian tribe is an entity whose members maintain a bilateral political relationship with the tribe. The courts have supported this interpretation in *Masayesva v. James* 792 F. Supp. 1178 (D. Ariz. 1992)), *United Houma Nation v. Babbitt* 1997 WL403425 (D.D.C. 1997), and *Miami Nation of Indians of Indiana v. Babbitt*, 887 F.Supp. 1158 (N.D.Ind. 1995).

The preamble to the acknowledgment regulations published in 1978 indicated their intent by stating that "groups of descendants will not be acknowledged solely on a racial basis. Maintenance of tribal relations – a political relationship – is indispensable" (BIA 1978, 39361-2). The regulations require that petitioners have continuously maintained a significant level of community and political influence or authority in order to be entitled to a government-to-government relationship with the United States.

CRITERION A

83.7 (a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian" or "aboriginal."

Proposed Finding

The PF for the DTO petition was published in 1996. It concluded that external identifications of the petitioner "have been found only for the years since 1939" (DTO PF Summary, 4). The PF noted that a historical Duwamish tribe had been identified by outside observers in the 1850's and by the Federal Government in 1855 treaty negotiations. In addition, two traditional Duwamish villages were identified by external observers as late as 1900. However, there was insufficient evidence to establish a reasonable likelihood that the present-day DTO maintained a continuous connection to the historical Duwamish Indian tribe or to demonstrate the DTO's identification as an American Indian entity on a substantially continuous basis from historical times to the present.

There were several reasons for the petitioner's failure to meet criterion (a) at the time of the PF. Identifications of the "Duwamish and allied tribes" of the 1855 treaty continued to be made for the century following the treaty, but those identifications applied to the federally recognized tribes of the treaty reservations (Lummi, Port Madison, Swinomish, and Tulalip), not to the petitioner. The identifications made of the petitioner since 1939 did not portray it as having maintained continuous existence from the treaty tribe of 1855 or from the Duwamish villages of about 1900, and other evidence did not establish that continuity. Most importantly, a lack of identifications between 1855 and 1939, or between 1900 and 1939, meant that the petitioner had not been identified on a "substantially continuous" basis "from historical times until the present" (DTO PF Summary, 4).

Comments on the Proposed Finding

1. The Petitioner argues that the BIA ignored the petitioner's own researcher, while the BIA responds that their researcher's arguments either were discussed in the PF or did not pertain to the Duwamish.

Rather than responding to the PF with new evidence of identifications of the petitioner prior to 1939, DTO based its reply on an affidavit of its own researcher, Kenneth

Tollefson, who stated that it was his "professional opinion" that the petitioner meets the criterion. In addition, the petitioner has submitted seven published articles by its researcher. Only two of those articles specifically address the Duwamish, and none of those articles deal directly with the issue of the identification of the petitioner by external observers. In general, the arguments made by this researcher in his published articles were made in the narrative he prepared for the documented petition, and were evaluated in that form for the PF. The only new evidence submitted for the FD was a pair of 1916 newspaper articles which referred to a Duwamish organization. That organization, which represented only some of the petitioner's ancestors, had been thoroughly discussed in the PF.

The petitioner argues that since "Dr. Tollofson [*sic*] has been certified as an expert witness in both state and federal courts, . . . his work and analysis has been recognized as authoritative and entitled to deference in the matters addressed by him" (DTO 1998, 10).[5] It states that Tollefson's affidavit and opinions "cannot lightly be discounted . . . just as they would not be discounted by judicial reviewers" (DTO 1998, 12). Tollefson states that it is his "professional opinion" that his research has revealed "a continuous identification of the [Duwamish] tribe by outside entities, etc." (Tollefson 1998).

Expert testimony is given some deference in the findings, but, as in court, is never accepted uncritically. It must always be reasonably persuasive to gain acceptance. The evidence supplied in Tollefson's affidavit does not meet the requirements of criterion (a), or the standards of proof for acknowledgment as stated in the revised regulations in §83.6. In a codification of prior practice, the revised regulations state that a documented petition must contain "detailed, specific evidence" in support of its request for acknowledgment (§83.6(a) [1994]). The regulations also note that a documented petition "must include thorough explanations and supporting documentation" in response to the criteria (§83.6(c) [1994]). Tollefson's affidavit itself does not cite any examples of identification of the petitioner as an Indian group by outside observers. The petitioner does not meet criterion (a) solely on the basis of its request for deference to the opinions of its researcher.

The petitioner asserts that Tollefson's seven articles were "virtually ignored" during the review of the petition for the PF (DTO 1998, 12). At least four of the seven articles submitted for this FD were published *after* active consideration of the petition began for the PF, and thus were not available in time for consideration. However, Tollefson's submission on behalf of the petitioner for the PF presented most of the arguments made in his articles, and his analysis was evaluated for the PF in the form it took in the petition documentation.

The petitioner asserts that Tollefson's work "goes directly to the matters considered under

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[5] Note that the Government's researchers have also appeared as expert witnesses in court.

criterion 83.7(a). . . ." (DTO 1998, 11). Even if that were the case, only two of the seven articles are specifically about the Duwamish. In addition, Tollefson's affidavit did not include two of the other five articles among his list of his "research on the Duwamish Tribe. . . ." (Tollefson 1998). An article about the Tlingit made no mention of the Duwamish (Tollefson 1995a). Tollefson's other six articles are evaluated below individually. Even taken as a whole, Tollefson's articles do not address the basic requirement of criterion (a) that the DTO have been identified as an American Indian entity by outside observers on a substantially continuous basis from historical time to the present.

Tollefson's 1989 article, "Political Organization of the Duwamish," reviewed evidence which showed that anthropologists and some eyewitness observers had discussed the Duwamish and Duwamish culture as they existed at the time of initial contact with non-Indians (Tollefson 1989). His 1995 article, "Duwamish Tribal Identity and Cultural Survival," noted that an aboriginal village near modern Renton was described by outside observers in 1855 and 1856, and by later historians and anthropologists (Tollefson 1995b). The PF concluded that the first Federal officials and non-Indian settlers in western Washington Territory identified a historical tribe of Duwamish Indians, including the Renton village site, and that later historians, anthropologists, and the Indian Claims Commission (ICC) concluded that a historical Duwamish tribe existed at the time of first sustained contact with non-Indians (DTO PF Summary, 2-3; DTO PF HTR, 4-10, 26-29; DTO PF ATR, 7-31). Thus, Tollefson's articles were consistent with the conclusions of the PF about the identification of a historical Duwamish tribe before and during the 1850's.

The petitioner submitted two of Tollefson's articles about the Snoqualmie in which he presented his "chiefdom model" (Tollefson 1987, 1996a). The Historical Technical Report for the PF mentioned Tollefson's chiefdom model, and its critics (DTO PF HTR, 9). Tollefson's 1987 article included a paragraph on Chief Seattle's alleged leadership of a six-tribe council. In response to scholarly criticism of this article, Tollefson's 1996 article appeared to revise his original argument and to suggest that Chief Seattle had been head of a confederacy that included the Duwamish and predated the treaty of 1855. The 1987 article cited anthropologist J. P. Harrington as having mentioned a historical Duwamish village in a 1910 article, and the 1996 article cited a 1909 local history, also cited by the Historical Technical Report, which claimed that the Duwamish had a head chief, other than Seattle, at the time of the first non-Indian settlement of Puget Sound. This evidence is consistent with the conclusions of the PF about the identification of a historical Duwamish tribe before 1855.

Tollefson's 1996 article, "Tribal Estates: A Comparative and Case Study," included a brief historical survey of the Duwamish (Tollefson 1996b). All of the historical issues mentioned by Tollefson in this article -- the treaty of 1855, the relocation of the historical Duwamish, and the Duwamish claims efforts before the Court of Claims and the ICC -- had been discussed thoroughly in the Historical Technical Report for the PF. No new

information or argument was added by this article, except its introduction of an error about the Indian Reorganization Act (IRA). This article cited no contemporary identifications of the Duwamish. Thus, this article does not require any modification in the conclusions of the PF on criterion 83.7(a).

In his 1992 article, "The Political Survival of Landless Puget Sound Indians," Tollefson claimed that Duwamish "communities" have existed in the form of a Sackman family community and a Fowler family community. He then asserted that these "communities have been consistently identified as being Indian by local historical societies" (Tollefson 1992, 221). However, Tollefson did not cite a single example of an identification of these Sackman family or Fowler family "communities" as Indian groups by an external observer at any time. He did not cite a single example of an identification of these family "communities" by local historical societies. Therefore, this article provides no evidence that the petitioner meets the requirements of criterion 83.7(a).

In the previously mentioned 1995 article, "Duwamish Tribal Identity and Cultural Survival," Tollefson discussed the "cultural symbols" used by the Duwamish to maintain their sense of identity against outsiders (Tollefson 1995b). Because it focused on the *internal* values rather than the *external* identification of an ethnic group, this article is irrelevant to the requirements of criterion (a). In the previously mentioned 1996 article, "Tribal Estates: A Comparative and Case Study," Tollefson reported the results of a survey of members of the petitioner (Tollefson 1996b). Because the results of the survey dealt with the values and activities of members rather than with the external identification of the petitioner, this information is irrelevant to the requirements of criterion (a).

Commenter James Bergsma of Kent, Washington, submitted a five-page comment and copies of three historical maps (Bergsma 10/10/1996). Bergsma noted documentary evidence of references to an Indian village on the Black River in the form of an 1869 petition by non-Indian settlers and an 1879 [1870] visit to the village by Federal agents, and he provided historical maps, dated 1877 and 1890, of an Indian village on the Black River near its junction with the Cedar River (Bergsma 10/10/1996, 1-2, 4, exhibits). The documentary evidence noted by Bergsma was discussed in the PF Historical Technical Report (DTO PF HTR, 27, 29-30), and the maps he provided are consistent with the conclusions of the PF. Thus, Bergsma's evidence from the 19th century confirms the findings of the technical reports and the PF for that period.

Bergsma also provided a copy of a 1907 survey map which showed an "Indian village" in the vicinity of Tukwila. He claimed that it showed that the "Duwamish maintained a tribal presence throughout the area" after 1916 when the level of Lake Washington was lowered, affecting the Black River settlement site (Bergsma 10/10/1996, 3, exhibit). This map by itself did not identify this village as Duwamish or associate this village with any of the petitioner's ancestors. It is not clear that the map referred to an existing Indian village rather than to a historical village site. Contrary to Bergsma's claim, a map of 1907 does

not provide evidence that a settlement continued to exist after 1916. Nor does a map of one location provide evidence about a tribal presence throughout an area. Thus, by itself, this map does not identify the petitioner as an Indian group in 1907 or any more recent date.

The petitioner submitted copies of two newspaper articles from Tacoma in 1916. The article of December 24, 1916, recounted the history of the aboriginal Duwamish tribe as told by claims activist Thomas Bishop. The article stated that, "Charles Satiacum, is now recognized chief of the remnants of this once powerful branch of the old Salishan Indians. . . ." It also stated that, "The Duwamish tribe is now disbanded. . . ." (Exhibit 47). The 1916 article both identified a contemporary group led by Satiacum and identified it as an entity other than the "disbanded" historical Duwamish tribe. Thus, it assumed a break in historical continuity. The PF technical reports evaluated the membership of Satiacum's group, as well as the "enrollment" process of Indian Agent Charles Roblin referenced in the articles. The PF concluded that only a portion of the petitioner's ancestors belonged to Satiacum's group in 1915 and that the petitioner had not shown that it had evolved from Satiacum's group. Thus, this identification of an Indian entity has not been shown to be an identification of the petitioner.

The lists of the unenrolled Indians of Washington State produced by Agent Roblin in 1919 were discussed in the technical reports and PF (DTO PF Summary, 3; DTO PF HTR, 41-45). The petitioner argues that although Roblin was not instructed to identify tribes, his 1917 notice to potential enrollees was directed to members of tribes (DTO 1998, 13). However, the petitioner's quotation from Roblin shows that he asked potential enrollees to show that they were either a member of a tribe *or* descended from a tribal member. Thus, contrary to the petitioner's interpretation, individual descendants could be included on Roblin's lists without being identified as a member of a contemporary tribe or group. Roblin's report identified only Cowlitz and Snoqualmie entities. The petitioner's argument on this issue provides no basis for changing the conclusion of the DTO PF that Roblin's list of 1919 identified individuals rather than a Duwamish group or entity. Roblin's instructions and report do not meet the requirements of criterion 83.7(a) for the Duwamish.

2. The petitioner claims that the PF "glossed over the identification of Duwamish as an Indian entity in 1953 by both Congress and the BIA. . . ."

The petitioner alleges that the PF "elected to ignore" this identification (DTO 1998, 13). On the contrary, the PF said: "Both Congress and the BIA identified this organization as an Indian entity in 1953" (DTO PF Summary, 3). Thus, the PF explicitly accepted this evidence as an identification of an Indian entity. Rather than glossing over this evidence, the PF Historical Technical Report discussed it in detail (DTO PF HTR, 66-68). That technical report also showed, however, that the identifications made in the 1953 congressional report were inconsistent, with some references identifying Duwamish

Indians as the Indians of the four treaty reservations and with congressional staff, but not the BIA, listing a Duwamish organization. Other evidence showed that the BIA dealt with an organization of Duwamish descendants in 1953 only for limited, specific purposes. The identifications made in 1953 applied to 1953. Such identifications are acceptable evidence for 1953 but not for the entirety of the historical period.

3. Comment by Third Parties

Commenter Bergsma submitted copies of local newspaper articles from the years between 1990 and 1996 which described the activities of the members of a Duwamish group (Bergsma 10/10/1996, 3, exhibits). These articles identified a contemporary Indian group, which appears to be the petitioner, and therefore, identified the petitioner as an Indian entity in the 1990's. This evidence does not apply to the period prior to 1990. This evidence about the decade of the 1990's is consistent with the conclusion of the DTO PF that identifications of the petitioner had been made since 1939.

Comments were received from three other third parties (Giese 2/18/1997; Gleeson 2/20/1997; Tulalip Tribes 2/21/1997) which do not address the requirements of criterion 83.7(a) nor the conclusions of the PF on criterion 83.7(a).

Evaluation

The petitioner claims to link, without a break in continuity, to Indians who lived in the southern Puget Sound area before 1855. These Indians lived at the confluence of the Black, Cedar, and Duwamish Rivers south of Lake Washington, as well as along the Green and White Rivers, around Lake Washington, and along the eastern shore of Puget Sound in the area of Elliott Bay. These Indians and their geographical territories were identified in numerous historical records. In 1855, Federal negotiators combined the Duwamish and other tribes or bands into confederated "treaty tribes" for the purposes of making a treaty. The Federal Government continued to identify and deal with treaty-reservation Indians as the "Duwamish and allied tribes" until approximately 1900. After that date, the PF found that no Duwamish entity was identified in contemporary Government documents or other records until 1939.

The PF found that these 19th century identifications of a historical Duwamish tribe did not identify the petitioner as a historical entity because the petitioner's organization is actually a new organization which was established in 1925 by Duwamish descendants. It is not the historical Duwamish tribe or a modern reorganization of the historical Duwamish tribe. The PF found that the petitioner formed in 1925 when eight men announced their "intention of forming" an organization. The membership, leadership and activities were substantially different than the Duwamish tribe identified in earlier documents. Not until 1939, did documents created by outside observers identify the new organization -- the

petitioner -- as an Indian entity.

The new submissions in response to the PF included an affidavit of Kenneth Tollefson, the petitioner's researcher, and seven journal articles written by him. The affidavit was dated January 2, 1998, and asserts that the petitioner is "the successor in interest to a political continuation of the historic treaty signers of the Point Elliott Treaty of 1855." This 1998 identification of the petitioner as an Indian entity does not respond to the requirement of criterion 83.7(a) with any contemporary identifications before 1940. It is not evidence that changes the PF. This affidavit, however, does add a contemporary identification dating to 1998 to the evidence for criteria 83.7(a).

The seven articles also do not change the PF. Only two of the articles are about the Duwamish, and none of the those articles directly address the issue of the petitioner's identification by external observers as required under criterion 83.7(a). In general, the arguments made by Tollefson in these articles had been made in the narrative prepared and submitted as part of the documented petition evaluated under the PF. They do not change the PF under 83.7(a) because they do not refer to new contemporary evidence identifying the petitioner as an Indian entity before 1939, although are acceptable for the identification of the petitioner from the last decade. The petitioner already met criterion 83.7(a) for the last decade (and for the period following 1940) for the PF.

The only new documentation submitted that relates to criterion 83.7(a) and DTO's status prior to 1939 includes two newspaper articles concerning a Duwamish organization in 1916. This organization was thoroughly discussed in the PF and found not to represent the same organization as the petitioner's organization, which was founded a decade later. These articles, therefore, do not identify the petitioner's organization and are not relevant evidence under 83.7(a). Therefore, they do not change the PF that identifications of this 1916 organization do not apply to the petitioner.

New or reasserted analysis was also proposed by the petitioner concerning the 1953 identifications of the petitioner's organization by Congress and the BIA. The petitioner claims that the BIA "glossed over" these identifications. However, the PF accepted these identifications as evidence under 83.7(a). Therefore, they do not change the PF that identifications were made of the petitioner in the 1950's.

Commenter Bergsma, an informed party, submitted local newspaper articles from 1990 to 1996. This new evidence of identification of the petitioner's organization as an Indian entity pertains to the 1990's. This evidence agrees with the PF that the petitioner in the 1990s was identified by outsiders as an Indian group at that time. It does not change the PF that the petitioner was not identified as an Indian entity on a substantially continuous basis from historical times to the present.

The comments on the DTO PF provide no basis for changing the PF's conclusion that

there is insufficient evidence of a substantially continuous series of identifications that connect the contemporary petitioner with the historical tribe and demonstrate its continuous identification by external observers from historical times until the present.

The available evidence does not show that the petitioner was identified by external observers on a substantially continuous basis prior to 1939. Therefore, the petitioner does not meet the requirements of criterion 83.7(a).

Summary Conclusion under Criterion 83.7(a)

The evidence provided is not sufficient to show outside identification of a historical Duwamish tribe or band antecedent to the petitioner from 1855 to the present, on a substantially continuous basis. The DTO petitioner does not meet criterion 83.7(a).

CRITERION B

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

Proposed Finding.

The PF found that the available evidence did not show that the DTO was a continuation of the historical Duwamish Indian tribe.

Some of the evidence submitted by the petitioner in response to the PF attempts to refute the above proposition by showing that:

1. The petitioner's ancestors were part of the historical Duwamish tribe before and after 1898;

2. The 1915 and 1926 lists of individuals identified as Duwamish represent a single and continuous entity; and

3. The petitioner has maintained a community under the regulations between 1925 and the present.

All of these issues concern the continuity of the petitioner and respond to the question required by the regulations: Does the current petitioner represent a continuously existing entity? In the remainder of this section questions raised by the PF and the submissions will be addressed chronologically.

Comments on the Proposed Finding

1. Did the petitioner submit new evidence which establishes that their ancestors were part of the historical Duwamish tribe after 1898?

The DTO PF found that the petitioner's ancestors were widely distributed in non-Indian communities and family enclaves around Puget Sound and did not interact with each other or with the Duwamish Indians who were living on reservations or in Indian communities. The petitioner's comment states that this residential distribution pattern was caused by the impact of European contact and refers to one of their researcher's published articles. Tollefson says that, after European settlers arrived in the Duwamish area in 1850, they appropriated land and resources from the Duwamish and undermined their political economy, reducing their "chiefdoms" to isolated communities and enclaves of Indian families.

Past evaluations of petitions have taken into account historical situations when interpreting the evidence under the 1978 and the 1994 regulations. Specifically, the DTO evaluations take into account the impact that certain social conditions, such as contact, racism, war, poverty, or forced movement of the Duwamish to reservations may have had on the availability or the destruction of records. However, historical events do not cancel the regulation's requirements to demonstrate continuous existence of a tribal community under criterion (b).

In this case, the DTO's interpretation of historical events pertaining to its ancestors is not accurate or complete, even when the circumstances of contact are taken into consideration. For example, Tollefson's article referred to above does not give specific descriptions of each of the petitioner's isolated family enclaves which the writer says were widely distributed in the Puget Sound region. The PF found that many Duwamish maintained contact with one another or those who moved to reservations, despite the impact of Euro-American settlement. However, these Duwamish were *not* the petitioner's ancestors. The petitioner's ancestors were not in contact with the Duwamish tribe.

As described in the PF, the petitioner descends primarily from a number of Indian women who married non-Indian pioneers. These married women's families were widely distributed in western Washington, often in households composed of a nuclear family. The petitioner has not demonstrated that the petitioner's ancestors interacted with one another or with other Indians or maintained social networks or geographical communities.

Other evidence indicates that they did not.

In another article, Tollefson makes a specific description of one residence area where the Sackman family lived (Tollefson 1992, 99-100). His 1992 article discusses a logging settlement, headed by a white man, Daniel Sackman, who married an Indian woman named Marie (Sanko or Sanchos, according to the petitioner). He maintains that the "Sackman logging community" was a Duwamish Indian community. Tollefson states:

> Many of Marie's relatives settled around the Sackmans and formed a Duwamish community based upon logging and their traditional subsistence economy. Daniel Sackman, a white man, served as cultural broker and advocate for the settlement. Three Sackman sons married local Indians, inherited their father's logging business, and perpetuated their community and the Duwamish culture . . . some twenty or thirty Indians usually resided in the community (Tollefson 1992, 99).

The PF discussed at length the Sackman logging community. The PF found that the Sackmans were not generally interacting with other Duwamish Indians, even if they did communicate with the Garrison family, also a pioneer-Duwamish marriage family. Evidence for the PF showed that the community where the Sackmans lived and worked from 1860 through 1890 was a multi-racial logging community, not an Indian or Duwamish community. People of Asian, African, and European heritage and Indians, including mixed-bloods, from several tribes lived there and worked for Daniel Sackman. Also, no documentary evidence was submitted which supports the author's contentions that the Garrisons and the Sackmans were interacting between 1860 and 1916 with the Indians from the Lake Fork, Lake Washington, Green/White Rivers, or the Port Madison and Muckleshoot Reservations, where the Duwamish Indians had been relocated.

The PF stressed that the people identified as Duwamish in records and often cited in the petition did not interact with the petitioner's ancestors. Rather, they eventually moved to reservations and do not have descendants on the petitioner's membership list:

> A historical Duwamish tribe, which existed at the time of first sustained contact with non-Indians, was later identified by ethnographers, historians, and the Indian Claims Commission. The existence of a Duwamish community at a traditional location near the junction of the Black and Cedar Rivers was identified by external observers as late as 1900. These . . . various Duwamish entities before 1900 and after 1940, however, do not identify the same entity. . . . (61 Fed. Reg. 33763).

In partial response, the petitioner submitted several sets of excerpts from Catholic Church records compiled in an attempt to show that some of their ancestors were interacting with other Indians. Utilizing the 1915 Duwamish list (the list of individuals associated with

Chief Satiacum's Duwamish Tribe) as a guide for identifying Duwamish ancestors, the petitioner's historical researcher Stephen Dow Beckham copied 13 items dating from 1876 through 1899 from the Catholic church chancery office.

The following names appeared in these Catholic records: Adams, Seattle, Contrero, Dixon, Garrison, James, John, Kanim, Hilaire, Jack, Kelly, Kelley, Kitsap, Wanasaeh, Slarem (Beckham 1998, Appendix A). Beckham asserts that the 13 selected records demonstrate:

> . . . not only the concentration of Duwamish families in specific missions and parishes, they document the connections of family and friendship. This is seen clearly in the sponsors and witnesses to marriages and baptisms. The church became another place where Duwamish families affirmed and renewed their ties in the early twentieth century (Beckham 1998, 41).

Beckham's interpretation of this evidence is problematical. The BIA found that only seven of these 13 records cited more than one family line. Two of these seven records list the names Garrison and James, which are surnames found on the petitioners' membership list, although in small numbers. The petitioner has not shown whether any of those named in the church records have actual descendants in the petitioner. It appears that most, if not all, of those listed belong to the Duwamish who moved to reservations in the late 19th century and do not have descendants in the current petitioner or on the 1926 list.[6] The six records mentioning a single family line do not show the petitioner's ancestors interacting with Indians other than their own immediate family members. Even if these documents concerned the petitioner's ancestors, the information is skimpy and insignificant. While these records show kin relationships within a handful of nuclear families, they do not show on-going interactions between Duwamish people who belong to various family lines and who live in various localities. The evidence by itself or combined with other evidence does not describe a network of interaction tying together the DTO ancestors.

A second problem is that these individual listings are sporadic. Sometimes, four years

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[6] For example, **Adams**, **Dixon** and **Kitsap** were not on the 1926 list and have no descendants in the current petitioner. (DTO PF ATR, 97) ". . . the names of some family lines who appeared on the 1915 list did not appear at all on the 1926 list. These names included **Adams** (6), Alexis (1), Dominic (13), Rogers (12), **John** (8), and Satiacum (8). . . . They were all families of people originally from the Lake Fork, Lake Washington, and White, Cedar, and Green River areas who later went to the Port Madison, Muckleshoot or Puyallup Reservations. Other names included Young (12), whose family lived in the Puyallup area (Waterman 1920); **Kitsap** (4), who were relatives of the Rogers at Port Madison; and **Dixon** (8). These names denoted known family lines of Duwamish descendants who had in many cases enrolled on nearby reservations. Their absence from the 1926 list further supports a difference in social character between the organizations listed in 1915 and 1926" (DTO PF ATR, 97).

elapse between the events memorialized in the documents, which were created over a nine-year period. These occasional events do not show that these individuals were meeting regularly which would indicate that they were part of the Indian communities where the events took place. In fact, some of the baptisms occurring on the same date were for several children in one family, implying that the family came together especially for the baptisms or that the family converted to Catholicism at that time. The record does not demonstrate that the individuals attended the mission church on a regular basis. Finally, virtually all of the families appearing in these records are known to have lived on either Port Madison or Muckleshoot reservations by 1911 and not in families that were to become part of the petitioning group.[7] Beckham's analysis of these documents and others deals with the period in the 19th century when the existence of a traditional village was already noted in the PF; he does not deal with the early twentieth century for which period the PF noted a significant deficiency in evidence.

Linda Dombrowski also utilized transcripts from the Catholic Church records. She analyzed the records from the Catholic Church 1888-1893.[8] Like Beckham's work above, these records are selected transcriptions of the records of St. George's School, using "the 1915 list of Duwamish members as a checklist." All of the entries are in a section entitled "Puyallup Reservation." With two exceptions, the individuals mentioned in this document do not appear to be ancestors of the petitioning group. Most of the entries do have individuals acting as sponsors who do not appear to be from their own family. However, the evidence that Duwamish were sponsoring one another is irrelevant here because these are not the Duwamish who are ancestral to the DTO.

Beckham also looked at the St. George School Archives for the years 1903 and 1939 and extracted certain records according to the last name of the individual. This list of students at the St. George's School is in Appendix A of Steven Dow Beckham's report (Beckham 1998, Appendix A). He "extracted" these names by checking them against the 1915 list. Names are listed under each school year between 1909-10 and 1922-23. Many of the names appear several times over several years. Some 42 separate names appear on the list. Beside each name is listed either "Puyallup," "Muckleshoot," or "Suquamish." No one was identified as "Duwamish."

The BIA has analyzed the names on this list. Of the 42 records in this collection, only six concern individuals whose names appear on a post-1915 DTO listing of Duwamish submitted by the petitioner. All of these individuals are children and grandchildren of Lyman Siddle and Julia John Siddle. Virtually all of the remaining individuals on the

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[7] The petitioner did not include analysis that would show how the individuals listed in these records are related to the petitioner; therefore, the BIA evaluators performed a simple analysis by cross-referencing genealogical materials already in the record.

[8] C. DeDecker and P.F. Hylebos, 1888-1893. Archives, Chancery Office, Seattle, WA.

document prepared by Beckham appear to be individuals who after 1915 were not documented as being involved with the 1925 organization or any activities the new organization may have had after that date. These individuals, including the Siddles, appear to be closely associated with the Muckleshoot Reservation.

Of these 42 separate names, only two appear on both the 1915 list and the 1926 list, Walker James, Jr. and Hazel Siddle. Among the parents of these students, only Hazel Siddle's father, David, appears on any list of the petitioner's members subsequent to 1915. These new documents, therefore, do not illustrate that the petitioner's ancestors were involved with the St. George's School, except in two cases. This petitioner has not shown that others on this school list had Duwamish ancestry. They most likely were members of the reservations associated with this school. This document does not show that there was interaction between the reservation Duwamish and the petitioner's ancestors.

The new data submitted as part of the DTO response support the original analysis done in the PF. The records show that those individuals with Duwamish names or connections who were interacting with the reservation communities at Muckleshoot, Nisqually, or Puyallup were distinct from the individual descendants who later would form the DTO petitioner. The people on the records of St. George School are not on the post-1915 listings of DTO members. The petitioner says that the St. George School records from 1903 to 1939 show the Siddle family interacting with individuals on the reservations (Beckham 1998, 41).[9] In particular, the Siddle family maintained some on-reservations connections longer than others. Their numbers decreased significantly between 1915 and 1926. The PF stated:

> . . . the Siddles were part of the first category of pioneer marriage descendants i.e., of second-generation pioneer marriage descendants who married into Indian families and eventually enrolled on Indian reservations. Again, only six descendants, or 1.5 percent, are represented in today's DTO membership. The Siddles thus differed from second-generation pioneer marriage descendants who married into other families of pioneer marriage descendants, or married non-Indians. These latter two types of descendant categories . . . comprise over 93 percent of today's DTO membership (DTO PF ATR, 30).

The petitioner tried to connect some of their other ancestors to the on-going Duwamish tribe at the turn of the 20th century, but their arguments were not accepted in the PF. For a specific example, the Anthropology Technical Report (ATR) questioned the petitioner's statement that a close relationship existed between Dr. Jack, reputed to have been a late

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[9] These are Stephen Dow Beckham's notes from Catholic church records, XI. St. George School, Archives, Chanery Office, Seattle, Washington. He made the excerpts using the "1915 list of Duwamish Indians . . . as a checklist."

19th century Duwamish leader, and the child Myron Overacker, who would become a DTO leader after 1926. The PF found that "[b]ecause Doctor Jack died on July 4, 1901, and Myron Overacker was born July 3, 1889, any relationship would have been brief no matter how intense." The ATR states:

> Ann Rasmussen (Kennum), a pioneer marriage descendant, and member of today's petitioning group, maintained that the Shaman Dr. Jack was her great uncle, and that her father Myron Tuttle Overacker, 'had a great love for Dr. Jack," and used to see him 'when he . . . was small.'. . . Further information about interaction between Dr. Jack and those around him would be very important in characterizing social and community life among pioneer marriage descendants and Lake Fork residents (DTO PF ATR, 51).

Neither BAR interviews nor documentary research done after the petition was placed on active consideration had revealed evidence about such relationships, if any existed. At the same time, these materials show that, while Myron Tuttle Overacker may have interacted with reservation Indians and with Dr. Jack until his death, evidence does not show that Overacker's children, such as Ann Rasmussen, continued interacting with them.

In response, the petitioner submitted an anonymous, unsigned letter. It incidentally asks: "Please tell me how is doctor Jack and his neffew [*sic*]" (Anonymous ca. 1898-1901). This letter is not signed and the salutation reads "dear cousin." No information on the letter indicates who wrote this letter or when it was written. It may only be said that it was probably written before 1901, the time of Dr. Jack's death.

The petitioner's researcher argues that this letter was found among the Overacker family papers, which indicates that it was written by an Overacker to a cousin about their kinsman Charlie Hamilton. The petitioner's researcher interprets this letter to show that a mutually influential relationship existed between Dr. Jack and the Overackers during this period (Beckham 1998, 54). This single piece of evidence is neither dated nor signed, which diminishes its value as evidence. The "cousin" to whom it is written is also not identified. Nevertheless, even if everything the researcher says about it were accurate, the letter's contents still would be too limited to indicate that the Overackers were involved in an on-going significant social or political relationship with Dr. Jack in the late 1890's much less during the 20th century.

The PF found that the census returns for 1910 and 1920 did not show any Indian settlements remaining in the White and Green River area. The PF cited other evidence to support this contention, including reservation censuses which showed that many Indians from these traditional settlements were listed on the Indian census rolls of these reservations during the last quarter of the 19th century. Duwamish had generally moved to, or affiliated with, the Port Madison Reservation after 1856, the Lummi and Muckleshoot Reservations after 1857, and the Puyallup Reservation during the 1880's and

1890's. According to the 1900 Federal census, about half the petitioner's Duwamish ancestors lived in a number of different precincts in which only one or two households contained Duwamish ancestors of the petitioner. In 1919, Roblin's survey found the off-reservation Duwamish descendants living throughout the Puget Sound region with 27 different Post Office addresses. Thus, the PF found that these three reliable sources (Indian census, Federal census, and Roblin report) showed the petitioner's ancestors were widely dispersed and that geographical data does not demonstrate that the petitioner meets criterion (b). Other data would have to be submitted.

This petitioner disputes these findings and continues to argue that after 1855 their members moved throughout their aboriginal area and lived in small groups, while maintaining their connections to each other (Beckham 1998, 58). In support of their arguments, the petitioner submitted what at first appears to be abstracts of the 1910 U.S. census. However, these are neither abstracts nor transcriptions. They are charts of information extracted from the 1910 census and other information has been added in some entries, compiled by Stephen Beckham. It shows various category headings of: "Name, Sex, Race, Age, Status and Notes" (Beckham 1998, Appendix C). Beckham has listed people with names he believes to be Duwamish from the 1910 Federal Census. He states, "The names are listed alphabetically with notes confirming relationships to others enumerated in this census" (Beckham 1998, Appendix C).

The BIA's evaluation of this compilation/chart shows that virtually everyone on it was living only with very close relatives of their own family line, e.g. in nuclear families. The data does not show interactions across family lines. In addition, the 21 families lived in 16 separate enumeration districts. No more than two families lived in any one enumeration district. Thus, this data does not show individuals interacting across family lines, and it corroborates the PF's conclusions that the petitioner's ancestors were scattered throughout western Washington. According to the chart, the distribution of the individual ancestors on the census indicates first, that unrelated families were not living near one another in groups or settlements, and second, that there were no distinct off-reservation communities of Duwamish at this time.

The petitioner's response includes a transcription of a 1976 tape recording of Henry Moses and Myron Overacker discussing what they remember of earlier times and what their parents told them (Exhibit 40). Much of the discussion concerns the first decades of the 20th century. None of the activities discussed indicate that there was an ongoing Duwamish community at Renton either historically or at the time of the interview. Talking to one another, they tried to make sense in the interview of what they had heard orally about events that happened before their lifetimes or when they were very young. When they discussed Dr. Jack, they referred to newspaper articles about him, rather than personal experiences. The taped discussion does not provide new evidence after 1917 for evaluation under criterion 83.7(b).

Duwamish Final Determination

In 1919, Indian Agent Charles Roblin created a list or schedule of unenrolled Indians in western Washington who could trace their ancestry to treaty tribes. (See discussion in DTO PF GTR, 36, and in this report under criterion 83.7(a)). It included some individuals with Duwamish ancestry. While Roblin's evidence about Duwamish descendants is valuable, his report identified individuals rather than a tribal entity. The petitioner generally holds that those identified as having Duwamish ancestry on the Roblin Roll were part of an off-reservation Duwamish entity. With regard to the Roblin Roll, Tollefson stated that:

> Roblin's data included some four thousand landless Indians from forty tribes averaging approximately 13% full-bloods per tribe . . . 36% for the Duwamish, almost three times the average for the forty tribes in the survey. . . . The Roblin blood quantum data provide an objective means for determining which groups were affiliating with Indian tribes. If the Duwamish and Snoqualmie were merely descendants of Indian women who married white pioneers, then the Roblin roll would have shown them to possess only one-eighth Indian blood quantum levels in 1919 some three generations after the 1850's pioneers arrived (Tollefson 1992, 109).

The BIA's analysis indicates that some 33 percent of living individuals on Roblin's list of unenrolled Duwamish are listed as "full-bloods." However for these statistics to fully respond to the PF, these individuals must be connected to the 1926 DTO. The petitioner made no attempt to indicate which of the individuals are connected to the DTO. A BIA analysis found that only a quarter of the 33 percent appear on the 1926 DTO list. Thus 8 percent of the individuals listed by Roblin are "full-blood" and actually connect to the DTO.

In addition, some of the individuals listed as "full-blood" by Roblin are elderly heads of a family line whose members had not married into Indian society for three generations. (Two of the listed individuals are actually deceased.) The full blood status of these elders therefore only indicates that their parents were interacting with other Indians at the birth of their child, in these cases in the mid-19th century. The 1919 presence of high-blood elderly individuals who themselves and whose descendants have continuously married outside of Indian society does not demonstrate a continuous interaction with other Indians. Most of the marriages producing full-blood off-spring who appear on the 1926 list took place in the 19th century. One marriage may have occurred as late as 1911. Thus, the interaction on which these marriages are based occurred before 1900. The issue raised in the PF for the DTO is after that date. Therefore, other evidence would be required to show that a predominant proportion of the listed individuals continued to interact in a tribal environment well into the 20th century, and certainly past 1926.

2. Can the petitioner show continuity between the entities associated with the 1915 and 1926 lists of Duwamish?

The petitioner submitted in response "Duwamish Indians Found in Fourteenth Census and on 1915 and 1927-34 Lists," a chart created by Stephen Dow Beckham (Beckham 1998, Appendix D). It shows some people who were enumerated on the 1920 Federal Census. Beckham states that he has extracted names of individuals reputed to be Duwamish who "appeared on special Indian Schedules; others appeared on the regular population schedules."[10] Beckham's stated purpose in submitting this material is to "confirm[] relationships to others enumerated in this census."

Beckham lists some 38 households where individuals he identifies as Duwamish were living. It does not appear that these households necessarily have descendents in the DTO, although some do. To "confirm relationships with other individuals," he lists all the individuals; in a column after each name, he lists with whom they appear on the census. In virtually every case, the individuals are shown with their nuclear families. Eleven households are shown at Port Madison in Kitsap County, and the remaining 27 households are dispersed in 20 other enumeration districts in many counties. Only four of these districts have more than a single household in them. These include Muckleshoot (3 households), Skokomish (2 households), Lake Sammamish, where some Snoqualmie were living (2 households), and the Sackman logging camp (2 households). This evidence does not demonstrate tribal relations maintained across family lines. In fact, even if some of these individuals are related to DTO, the distribution corroborates the conclusion of the PF that the petitioner's ancestors lived widely dispersed and that geographical distribution alone did not provide the evidence needed to demonstrate that the petitioner meets the requirements of criterion 83.7(b).

The petitioner submitted another chart created by Beckham entitled, "People not on 1915 or 1927-34 Lists but Appearing to be Connected to Those Who were so Listed." This is a listing of 35 individuals "not on any lists but appearing to be connected to individuals who are." Beckham's stated purpose in submitting this material is to "confirm[] relationships to others enumerated in this census." However, he does not denote exact relationships between these individuals on the census and individuals on the 1915 and 1927-34 lists, stating only that the names *appear* to be connected. BIA research shows that for the households Beckham lists, all but two of the individuals and the people to whom they are connected are first degree relatives, meaning they are siblings, parents, and children. The evaluation assumes that these individuals -- especially if they are inhabiting a household --

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[10] There are no special Indian schedules for the year 1920, although the 1900 and 1910 Federal Censuses had special schedules for "Indians, living on reservations or in tribal relations, and also by the enumerators in certain counties containing a considerable number of Indians" (Census Bureau 1910).

are interacting by virtue of their close relationships; however, because no relationship across family lines are shown, either to individuals on the 1915 and 1927-34 lists, the evidence does not meet the requirements of criterion (b). The remaining two households are characterized by grandparent/grandchild relationships, also very close lineal kin.

3. Does the petitioner meet the requirement for community since 1925 and in the modern-day?

Neither petition materials nor BIA research provide sufficient evidence of social interaction among members which is indicative of the existence of a community at any time since 1925. The petitioner's ancestors, primarily descendants of marriages between Duwamish Indians and pioneer settlers, had little or no interaction either with the Indians of the historical Duwamish settlements or with those Duwamish who moved to reservations.

The petitioner submitted a selection of papers, mostly created in the late 1930's, pertaining to Kitty Bigelow's inheritance of Dr. Jack's homestead. Dr. Jack died at the turn of the 20th century. The petitioner claims that these papers demonstrate that the petitioner had a relationship with Dr. Jack. The record actually shows that the individuals claiming the homestead and the direct descendants of Dr. Jack were not in close contact with one another. The heirs were unaware of events concerning the homestead, and their collateral relatives did not know the whereabouts of the heirs. The BIA correspondence also indicates that the Overackers were not cooperative with the agency in locating the heirs. A letter of 1939 describes the events. It states:

> Jack Bigelow, Dr. Jack or Leo E. Taku, received a Homestead Certificate on Government Lots 9 and 10, of Section 24, Township 23, North, Range 5 E.W.M. of King County, State of Washington under the Act of Congress of July 4th, 1884. The restricted Homestead patent was dated August 18th, 1897, but was not filed for record until July 27, 1927, when it was determined that Kitty Bigelow was the descendant's only heir (Bogle, Bogle & Gates 1/31/1939).

An earlier letter written from the Tulalip Agency to the Commissioner of Indian Affairs (COIA) in 1924 indicates that even Dr. Jack's association with the Duwamish at the turn of the century was in doubt at the agency by 1924. This letter is in response to a letter that requested:

> . . . that the Office advise whether or not a certificate of competency was ever issued [on Dr. Jack]. It appears that [Dr. Jack] was of the Black River tribe, but had severed all tribal relations. His name was signed by mark on the application. . . . [I]t appears that this land has passed out of the hands of the Indian allottee and information is being obtained upon the

request of his niece, Mrs. Edward Moses (Dickens 6/24/1924).

In a 1935 letter, Nellie Tuttle Overacker wrote to Indian Agent O. C. Upchurch, Superintendent of the Tulalip Indian Agency, and told him that the Indian office should have nothing to do with Dr. Jack's land probate:

> I do not know what you are trying to do . . . Jack Bigelow homesteaded that track of land. His dealings was at the Land Office at Olympia Wash. . . . lived on it for 5 years and proved up on it. . . . He never had any thing to do with any Indian Agency or was it allotted to him by them. When he pass [*sic*] on, his Widow Kittie probated it according to the Laws of the State. It is on record at the Court House (Overacker 11/29/1935).

First, the plain language of this letter clearly says that Dr. Jack did not deal with the Indian office in land matters. Second, this letter does not add new information to the actual interactions between the Overackers and Dr. Jack during his lifetime. Third, as a letter concerning the inheritance of property, it only concerns individuals in a single family line and does not contribute new information about interactions and connections which cross family lines.

In response, Commissioner John Collier told agent O. C. Upchurch to settle the matter, writing a month later "it appears that the trust period extends to 1947," and he stated that he wanted this issue settled through a hearing. He asked Upchurch to check whether state taxes have been paid on the property (Collier 12/23/1935). This appears to be a purely administrative matter from the point of view of the BIA, whose agents were primarily concerned with whether or not the state has been improperly administrating a trust property, and what steps should be taken to rectify this jurisdictional mistake. Concerning the information in the letter about family relationships, this correspondence, like earlier letters, indicated that the heirs of Dr. Jack had lost contact with one another (Upchurch 1/4/1936).

Several letters from 1939 again discuss Dr. Jack's trust lands (Melzner 2/28/1939; Bogle, Bogle & Gates 1/31/1939). The gist of the letters is that although the state court was in error in making a decision about Dr. Jack's land, the BIA would be inclined to uphold that decision even if the actual heirs were located because it is so long after the original mistake. Nevertheless, there is a request that the heirship determination read "heirs of Jack Bigelow," rather than a specific individual's name so that if the actual heirs were located, they would not have any judicial impediment to claiming their property.

The lack of clarity, the long period that elapsed after his death before heirs sought to clarify the inheritance, and the confusion about their kin relationships does not support the contention that the individuals involved were close socially. These letters concern an individual allotment and do not demonstrate tribal relations or interactions outside a family

line. This document does not provide evidence that the petitioner meets 83.7(b).

The petitioner submitted a November 15, 1935, letter written to Myron T. Overacker which they claim confirms a wide set of familial and tribal connections. The letter was typed with a Tulalip Indian Agency return address, but signed by "Effie." A hand notation attributes this letter to an Overacker author, although the text itself does not identify the author "Effie" by surname, by relationship to addressee Myron Overacker, or by tribal affiliation.

The letter makes the following statements about other people: "My daddy and Uncle are over here the other day," "how is lil Ann," and "Emily Allick is staying with mom. She lost her son not very long ago. He just graduated from Publif [*sic*] High School at Coupeville. Imagine it broke her up pretty much" (Overacker 11/15/1935). Of these, "Lil Ann" and "Emily Allick" likely refer to Duwamish members, namely, Myron's six-year-old daughter Anna Overacker, and Emily (Percival) Kittle/Allick, respectively. However, the unclear authorship reduces the usefulness of this document as evidence. This single letter does not demonstrate wide-ranging connections or significant interaction between the Overackers and other Duwamish.

The petitioner also submitted a letter from 1939. This letter, written by M.D. Sackman to Myron Overacker, includes an attachment entitled "Duwamish Indian enrollment under Point Elliot Treaty." The letter states, "my friend I have copied the enrollment of the Duwamish Tribe of American Indians for your convenience as a councilman of said Tribe. . . ." (Sackman 8/6/1939). However, the attachment is not a roll in the sense that it is maintained with individuals being added and others noted as deceased. It appears to be a hand-written copy of the 1927-34 list. This document does not reflect on-going activity between 1927 and 1939. In fact, it seems to imply that little if any activity concerning enrollment had occurred during those years.

According to the *Federal Register* Notice for the Duwamish PF, "Since 1925, the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families, but not with members outside their own family lines" (61 F.R. 33763). The petitioner submitted an article by their researcher that states that some 63 percent of individuals had "contact with one or two Duwamish households (outside their treaty families) in the past ten years" (Tollefson 1996b, 134). This describes a situation of very little, if any, contact. The 63 percent apparently includes people who have had only a single contact in ten years, perhaps in a formal meeting or during a telephone call possibly initiated by the petitioner's governing body. This is not the extent and type of regular, significant social contact and interaction, which would show that the petitioner forms a community.

4. The PF found that besides annual meetings that occurred during their childhoods in the 1940's and 1950's, the only other activities recalled by today's members of the petitioner were shared gift giving, cooperative hunting, and summertime berry picking.

Tollefson's 1992 article, "The Political Survival of Landless Puget Sound Indians," states that David Fowler made an annual trek to Dewatto (where his grandfather had lived) to "get their winter supply of salmon and venison" in the mid-1930's. He continues: "Many others came also from Renton, Seattle, and Tracyton. They stayed with Fowler hosts" (Tollefson 1992, 100-102). The Sackmans in Tracyton are also mentioned in Tollefson's article, but no description of their interaction with any Fowlers is given. The described contacts were limited to other family members. Tollefson does not provide numerous examples of these contacts or cite specific instances. Autumn hunting and fishing by members of a single family line (the Fowlers) is not evidence of tribal activity and does not demonstrate interaction widely distributed among the tribal members or across family lines. No other family lines are mentioned by name. Therefore, the DTO response does not provide new evidence to refute the PF that interactions were primarily within single family lines. This evidence is not sufficient to demonstrate community.

The same article states that 79 percent of respondents (N=175) said that they had participated in tribal meetings, Indian spiritual practices, bingo, bone games, powwows, Indian naming, canoe races, conferences, potlatches, and other gatherings (Tollefson 1996b, 135). There are many methodological problems in dealing with this statement to demonstrate that the DTO meets criterion 83.7(b). The article does not detail when these activities occurred or imply the ages of the interviewees. What the petitioner must show is that the "bingo, bone games, powwows, Indian naming, canoe races," and other activities were organized as group activities of the petitioner and that these activities were significant in people's lives, not merely symbolic statements about one's heritage. This evidence was not provided.

In western Washington, some petitioners have shown that they participate in a Puget Sound Indian social network and this participation has been accepted in part as evidence to meet criterion 83.7(b). The petitioner did not submit evidence that indicated that the DTO or sub-groupings within that organization put on activities such as these (with the exception of annual meetings) either formally or informally, or that members were participating in a regional Indian network. From other contexts, such as oral histories and materials submitted for the DTO PF, DTO members' participation in these kinds of activities were generally rare and organized by people who were not members of the DTO petitioner and attended by only a few DTO members. The scattered references to individual DTO members attending "traditional" events, such as those defined here, would be significantly strengthened as evidence if it were also shown that a majority of the petitioner's members interacted in significant ways with one another at any event, whether traditional or non-traditional.

5. Because there have been no marriages between members of the families that make up the present membership for many generations, the members of the Duwamish Tribal Organization do not have close kinship ties with each other.

Under the regulations, no specific blood quantum is required of a petitioner's members. However, in petition cases with high rates of in-group marriage, meaning that the petitioner's members frequently marry one another, the BIA has assumed that the petitioner meets the requirements for community, criterion 83.7(b), without requesting other evidence. The Duwamish PF did not find that, generally, there had been marriages between ancestors of DTO members since the mid-1800's; therefore, marriage patterns could not be used as evidence to meet the requirement of community, criterion 83.7(b). Other evidence would have to be presented to meet criterion 83.7(b).

The petitioner's anthropologist refers to a 1986 survey he did of 54 adults, which he says demonstrated their shared "Duwamish identity" (Tollefson 1995b, 91). He also says that he found that 69 percent have 1/8 Duwamish descent and "are eligible for membership in federally recognized tribes with reservation facilities and federal subsidies." Even if these assertions were accurate, they do not demonstrate the level of interaction within the group which is necessary to document community under the regulations. This survey has many methodological flaws. The "shared symbols" to which he refers are "essentialized" symbols and too general to be meaningful evidence for the community criterion 83.7(b). For example, questions asked whether the respondent cared about the environment and how much and how often he ate salmon. Individuals would be hard pressed not to intuit the "correct" meaning or the "typically Indian" answer. None of these expected answers would be distinctly Duwamish.

Under the meaning of the regulations, shared identity which results from shared, long-term and significant interactions at a level to meet criterion 83.7(b) would be specific and systematic and would involve specific cultural inventories such as kinship systems, detailed religious practices, ceremonies, languages, etc. In order to clarify the reasoning behind the BIA's weighing of the petitioner's statements as evidence for criterion (b), community, consider the petitioner's amorphous claims concerning salmon. In a traditional community, shared identity around the taking of salmon would possibly be manifested by activities such as first fish ceremonies, spiritual requirements for fishing, special practices about how one speaks of salmon, such as taboos in presenting its image or using its name in some contexts, clans associated with salmon, arts and dances in honor of salmon, reciprocal sharing of salmon and other foodstuffs, knowledge of taking, storing and serving salmon that are specific to the group and learned and practiced in group contexts.

In modern contexts, shared identity around taking salmon may include tribally organized fishing ventures, organized lobbying for fishing rights and laws, a tribal salmon "feed" after the fishing season ends, a salmon component to the tribal food bank maintained to

help indigent members, a Christian ceremony blessing the tribal fleet, a widespread custom of taking salmon broth to sick persons including non-relatives because it is considered necessary to good health, and other practices. None of these kinds of activities were revealed in Tollefson's survey. Enjoying salmon at home on a monthly or even weekly basis does not demonstrate a special shared tribal identity and does not distinguish the petitioner from most inhabitants of the Pacific Northwest of any heritage.

Another of the petitioner's researchers, Michael Roe, makes statements based on a survey which he says shows a number of "cultural values" which include attitudes such as "commitment to Duwamish way of life, attendance at Duwamish gatherings, skin color, preference for Indian food" (Roe 1998, 23). He arranges them in a hierarchy according to the number of positive answers each category received to determine what topic or issue statements are most widely accepted by the people being surveyed. He compares the responses from 1983 and from 1996 and finds "although there were slight drops in magnitude of the mean ratings between the 1987 and 1996 surveys, the order of the hierarchies remained quite similar." The respondents are not named and no data are available to evaluate the accuracy of Roe's evaluations. Even if it were known who the respondents were and how the sample was taken, the responses would not reveal significant information about the petitioner relating to criterion 83.7(b). This is because most of the survey questions are overly general and reveal little about a specific Duwamish community.

The survey responses do not provide evidence for the existence of a distinct community. For example, "attendance at Duwamish gatherings" was rated next to last in the hierarchy of importance. Yet, "passing Duwamish Culture to the next generation" was rated highly. This would seem to suggest that Duwamish culture is viewed by the few individuals who were surveyed as an individual or familial belief system rather than a shared set of beliefs, activities, and interactions preserved in a group context. Finally, this evidence deals primarily with self declarations of what people believe and not actual evidence about their activities, which is necessary to document criterion (b).

6. The petitioner's members do not participate either as individuals or as a group in any cultural activities that indicate the maintenance of a social organization separate from the surrounding population.

The petitioner's researcher questioned "six council members and two executive officers" about whether they would maintain a requirement of Duwamish ancestry for membership. Because they answered yes, he believes this shows "a rigid descent boundary" (Tollefson 1995b, 109-110). That eight individuals share conclusions concerning a requirement of descent does not in itself rise to the standard of maintaining a distinct community under the regulations.

Maintaining a boundary under criterion 83.7(b) refers to maintenance of an actual social

boundary. Social boundaries at a level acceptable to demonstrate 83.7(b) would be based on documentation of activities which indicate that individual members actually interact with other members often or in significant ways which are different from the way they interact with non-members, regardless of the group's membership requirements. Such verbal or constitutional assertions by petitioners that they would maintain descent boundaries in the future do not provide evidence that the petitioner actually maintains behaviorally defined social boundaries in the present or did so historically under 83.7(b).

7. The petition documentation includes references to the petitioner's participation, as an organization, in commemorative events and pow-wows. Participation by the organization's leadership in pow-wows and other commemorative events is not evidence of the maintenance of internal social cohesion.

The petitioner's researcher Michael Roe submitted a three-part study. Study I extracts information from interviews with 14 present or former council members and revamps it into a survey format (Roe 1998, 11-12). Data on self-identification as Duwamish, limited to 14 council members, can not be viewed as typical or representative of the membership as a whole. Roe states that the 14 participants described "Duwamish cultural activities in which they participated." The cultural practices included:

> Powwows, Potlatches, Smoke house ceremonies, Indian storytelling, Carving, Indian dancing, making baskets, Making drums, Making beaded jewelry, Performing Indian music, Indian ceremonial dress, Paddling dugout canoe, fishing and clamming, Hunting, Berry Picking, Preparing Indian food (fry bread, game, salmon) (Roe 1998, 11-13).

Eight of the 14 named "cultural practices" were mentioned by three or fewer individuals; five practices were mentioned by five or six individuals; three were mentioned by seven or more individuals. Among the most popular responses were preparing Indian food, berry picking, fishing and clamming, all activities also popular among non-Indians in this part of the country, and activities often performed alone or with family.

Individual rituals which follow a distinct cultural pattern, even those considered to be "Indian," when learned, performed or undertaken individually rather than as a group do not on their face provide evidence that the individuals are part of a community which practices these activities in a community context, which is significant in showing that the petitioner meets criterion 83.7(b). The Snoqualmie participation in Shaker religious practices indicated that they were involved in a regional cultural network. Other petitioners have shown distinct cultural patterns practiced within an institution associated with their group (the Mohegan Church or the Jena Choctaw language). In other acknowledgment cases, activities which may not be viewed by the general public as "Indian" (e.g., Christian church socials, controlling the taxes in a New England township, socializing in segregated dance halls, and church cemetery clean-ups) have been accepted

as evidence under 83.7(b), when the petitioner demonstrated that a representative number of members organized and attended these activities, and considered them to be significant to their cultural expression. Showing that a group of individuals also share cultural beliefs that are distinct and specific would support a finding for the petitioner under 83.7(b). Roe's sample of 14 individuals who are all council members is not representative of the membership in general and the data do not indicate that these activities were undertaken as a tribe.

On a related topic and using a similar methodology and the same data source, Roe notes that

> . . . seven of the respondents noted their participation in elements of American Indian spirituality. These elements included living in harmony with all God's creation (i.e., all my relatives), power of spirit creatures (see Tollefson, 1987, pp. 66-91) and many different types of traditional ceremonies. The Hansen (1987) survey reported that 16.7% of respondents participated in traditional Indian ceremonies or Pow-wows. No other Hansen data were relevant to this category (Roe 1998, 22).

Seven individuals is a very small sample, and the results can not reveal anything about the participation of the DTO membership in Native American religious ceremonies. Even for this group, however, participation was minimal. One person had been to a smokehouse ceremony, and five had attended potlatches. Roe appears to be discussing in his analysis general values often attributed to Indians such as "living in harmony with all God's creation," a sentiment in line with the beliefs of Hindus, Buddhists, Franciscans, many other Indians as well as non-Indians, depending on one's definition of "god."

Participation in religious institutions, whether derived from Native American or Christian traditions,[11] have been accepted as evidence under criterion 83.7(b) if a representative distribution of members of the petitioning group interact with one another in a distinct institution which is predominantly under the control of the petitioners. An example is the tribally controlled Congregational church of the Mohegan in Connecticut. The DTO PF Summary under the Criteria explained:

> The petition documentation includes references to the petitioner's participation, as an organization, in commemorative events and pow-wows. Participation in public events such as these, however, does not function as more than merely symbolic identification of the group or organization as Indian. It is not evidence in itself of actual differences in cultural beliefs or social organization. Further, participation has been only by a few

[11] Christianity just happens to have characterized the religion of most petitioners for acknowledgment. Any religious tradition is accepted under the regulations.

> individual officers of the organization. Thus, participation by the organization's leadership in pow-wow and other commemorative events is not evidence of the maintenance of internal social cohesion (DTO PF Summary, 10).

The repeated arguments, now supported by a limited collection of general survey results, do not provide evidence that a substantial portion of petitioning group's members participate in shared and distinctive activities.

8. Participation in Duwamish revitalization projects is limited to a single family line. The organization's wider membership is not involved. Consequently, the examples of revitalization projects do not demonstrate that the Duwamish membership as a whole is culturally distinct from non-Indians.

The PF stated:

> Members of the petitioner reported involvement as individuals in efforts at revitalization of Duwamish culture. Such involvement could indicate that members had continuing relationships with Indians of the region that distinguishes them from others living in a region. Duwamish Tribal Organization members cited examples of learning the Salish language and participating in one name-giving ceremony and in canoe building projects. However, participation in all these activities was limited to only three or four individuals. All of these individuals are from a single family line and are a part of the organization's leadership. There is no indication of involvement by the wider membership. Consequently, these examples do not demonstrate that the Duwamish membership as a whole is culturally distinct from non-Indians (DTO PF Summary, 11).

The petitioner's response again focuses entirely on how certain leaders felt strongly about passing on Duwamish history and culture to future generations, rather than on what actions they took to accomplish that goal. Roe points out that "[o]nly its [the petitioner's] role in preserving the tribe's culture and heritage received more than 50% acknowledgment by the participants" (Roe 1998). The belief that preserving heritage is important by more than 50 percent of the survey sample is not good evidence unless this belief is made real by the activities of the petitioner's members or constituents or unless it is distinct and specific and distinguishes DTO beliefs from others. Few members are actually involved in heritage activities, and the activities that a few individuals from a single family line undertake are not significant in the lives of most DTO members. Nondescript beliefs about the importance of heritage can not substitute for actually preserving heritage, overseeing the steps that others, including named leaders, take to preserve heritage, or participating oneself in projects that preserve heritage.

9. There is no evidence of the existence of a social core among the petitioner's current members, either as a network of interacting individuals and families or a geographically-defined community.

The *Federal Register* notice for the PF stated:

> The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population. No geographical area of concentrated settlement provides them with a social core. The group's geographical dispersion is consistent with other evidence showing the members do not maintain, and have not maintained significant social contact with each other (61 F.R. 33763).

Roe discusses theory, starting with Ferdinand Tonnies' "community and society" dichotomy. He says that Tonnies' dependence on "territorially based interaction represents only one pattern of community." Roe adopts Bender's definition of community:

> . . . a network of social relations marked by mutuality and emotional bonds; which include a limited number of people in restricted social space or network, who have mutual access to one another, who share understandings and sense of obligation, and who also may find themselves in conflict with one another at times. . . . [such a network] does not require dwelling in close proximity to one another (Roe 1998, 32).

This definition of community is very close to the concept of community promulgated by the regulations, which is the legal basis of acknowledgment evaluations. Precedent in the interpretation of the regulations has not required that members live in "close proximity to one another." Where they do live in close proximity (Poarch Creek or Jena Choctaw), meaning a "village like setting" or "exclusive neighborhood," the BIA evaluators have been able to assume that interaction has existed without requiring other evidence. This practice was codified in the revised regulations of 1994 at 25 C.F.R. 83.7(b)(2)(i).[12]

It must be stressed, however, that such a geographical distribution is not required, and petitioners whose members do not live in geographical proximity may demonstrate that they meet criterion (b) for community utilizing other evidence such as interaction, social networks, conflict and resolution of conflict, cooperative relationships, and similar activities which are close to those described by Bender. Where members are widely

[12] The revised regulations read: "More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community."

dispersed and have been dispersed for generations, the BIA has required other kinds of significant evidence that the members are actually interacting in a community. Roe writes as if to imply that the BIA requires the members to live in close proximity, which is inaccurate. In this case, Roe's general theoretical point is in agreement with the theoretical basis of the regulations concerning community. The petitioner has not submitted evidence, whether geographical in nature or non-geographical in nature, which demonstrates that the petitioner maintains networks, resolves conflicts or even has conflicts, maintains reciprocal obligations incorporating the membership, or shares other activities at levels sufficient to meet the regulations.

The Summary under the Criteria for the PF found that:

> . . . activities recalled by today's members . . . shared gift giving, cooperative hunting, and summertime berry picking. . . . took place . . . among brothers, sisters, aunts, uncles, nieces, and nephews, not among members outside of their own extended families. Today's members did not have contact with other members outside their own extended families until they were adults, and then only in the restricted setting of Duwamish Tribal organization meetings (DTO PF Summary, 9).

Micheal Roe's report appears to relate to criterion (b), even though it was submitted under criterion (c). According to Roe, "Social Networks . . . [c]learly the dominant social networks described by these participants were within their extended Duwamish families" (Roe 1998, 27). This position agrees with the PF. He launches the following theoretical discussion:

> . . . the noted social scholar Robert Nisbet characterized the archetype of community to be the family (e.g. Nisbet, 1953). In the case of the Duwamish, this is not simply a useful metaphor for their social relationships, it is also an accurate concrete description of their social relationships, family ties permeate the social world of the Duwamish, such as funerals and weddings, and many informally socialize with Duwamish who are family. Most came to know of their Duwamish roots and cultural heritage through teaching and socialization within the family context (Roe 1998, 33).

There are factual and conceptual problems with Roe's statements. First, evidence to support his picture of active family or kinship based interactions "that permeate the social world of the Duwamish" beyond their own family lines has not been submitted. Second, the type of kin-based interactions he describes are typical of human behavior everywhere and do not distinguish tribal groups from others. Most Americans interact with other family members, meaning individuals within limited lineage groupings (groups of individuals who descend from sets of grandparents or great-grandparents). For kinship

interactions to be useful evidence under 83.7(b), they must connect individuals from a number of different family lines over many generations. In this tribal context, crisscrossing connections link the entire membership and generate over time a dense network of ties and obligations. Some people may be peripheral to the group while others form a close knit core or even several inter-related cores. These types of kin-based networks and related interactions are acceptable evidence for community under §83.7(b), although they are not required if other evidence is available to show that significant numbers of the petitioner's members interact in other ways which do not rely on kinship ties. However, this petitioner presents as evidence for §83.7(b) only the everyday interactions of individuals in their own families which does not show that a community exists encompassing the petitioner's membership as whole.

Family relationships, such as those described by the petitioner's researchers, may provide supporting evidence for criteria 83.7(b) or 83.7(c) only if such relationships occur in a tribe where interaction is also characterized by formal and informal interactions across family lines or where such interactions are demonstrated to influence and shape larger group processes.

Informal social interactions are suggested by an anecdote concerning an elderly woman who was brought fish by other Duwamish when she was ill. This anecdote is in the petitioner's response. The context of the narrative indicates that the individuals involved were old when the narrator was a child, placing the events in the early 20th century. No names or other details are given in the report (DTO 1998, 16-17). This example is not well documented, the individuals involved are not named, and the story content itself tends to imply that the individual discussing the events was related to other Duwamish only through elderly individuals who died early in the 20th century. This singular example of an informal tribal welfare effort may be an example of the kind of activity which would be evidence to meet criteria 83.7(b) or 83.7(c) had they been typical of relationships between group members and had they continuously occurred into the present-day. However, the data are limited. The data available do not demonstrate that such interactions were characteristic of interactions for a predominant proportion of the membership and whether these kinds of informal activities occurred in the present as well as a century ago.

The petitioner's researcher Roe postulated that the Duwamish interacted with other Indians:

> Beyond the Duwamish tribe, seven participants described significant relationships to other Indian peoples, such as the Suquamish, Snohomish, Muckleshoot, and Puyallup. These connections often were through relatives or friends. Also, seven respondents described participation in pan-Indian events, such as Pow-wows (Roe 1998, 17).

The only evidence he gave for this opinion was to assert that a small number (7 of 390) of

the petitioner's members had significant interactions with other Indians, although he offered no clear definition of what a "significant" interaction would be and who exactly was involved in the interaction. This is insufficient evidence to change the PF that

> [t]here is . . . no evidence that the petitioner's members from 1925 to the present have interacted with reservation Indians, attended potlatches, or visited reservations. The only exception is when, in the past as children, they accompanied their parents and grandparents (DTO PF Summary, 9).

The BIA's analysis showed that a small group of six or seven individuals, representing only one family line, was primarily involved in these kinds of activities. In the Snoqualmie and some Michigan petitioner's FDs, the BIA evaluation has accepted as evidence under 83.7(b) patterns of interactions with other Indian tribes by the petitioner. This would include marriage networks, visiting networks, and other patterns of relationships which joined the petitioner's members in significant and widespread patterns of interaction with other tribes and regional tribal networks. Self proclamations of having Indian friends does not rise to the level of evidence used in these precedent cases. The activities of a smattering of individuals from one family does not provide sufficient evidence that the petitioner meets the requirements of 83.7(b).

10. Miscellaneous Issues

The Whittlesey narrative states that the Federal census counts the Duwamish as Indians in 1990 (DTO 1998, 16). The 1990 Federal census based Indian identification on self-reporting which is not acceptable evidence under the regulations. This self-identification is comparable to individual Duwamish identifying themselves as Duwamish on the membership list and other documents, which were already considered during the PF. In addition, the 1990 census manuscript schedules of individual forms will not be available until 72 years after it was taken, and as a result the underlying data regarding named individuals are not available for this finding. A statistical breakdown is available to the public. It is so general, however, it cannot be used for acknowledgment purposes. Self-identification as Duwamish by the petitioner's members was not an issue in the PF in this case, and generally is not evaluated in acknowledgment cases because it is not relevant to the criteria in 83.7(a)-(g).

The issue of identity or self-identification is raised by Whittlesey and Roe. Roe's "Study I" extracts information from interviews with 14 present or former council members and revamps it into a survey format. Roe found that the 14 council members "identify strongly with Duwamish ethnicity" (Roe 1998, 11-12). Data on self-identification with Duwamish ethnicity, limited to 14 council members (about 3 percent of the total membership), presumably among the most active members of the petitioner, can not be viewed as typical or representative of the membership. The sample is much too limited to show that a predominant proportion of the membership shares this viewpoint. Even if it

were shown, the regulations are designed to evaluate how people act as a group more than how they say that they think or feel about being Indian. Roe may be arguing that this shared identity may somehow demonstrate shared culture. If a petitioner can show significant examples of shared culture, it may be used as evidence that the petitioner meets criterion 83.7(b). In past cases, petitioners have shown that they share an Indian language or dialect, unique religion, kinship system, and so forth. General and amorphous "feelings" about ethnicity do not rise to the level of evidence that is acceptable under the regulations for showing that the petitioner's members live in a distinct community, especially in the absence of objective data demonstrating they act as a group.[13]

The petitioner's researcher Roe makes many arguments concerning identity. He says:

> The Duwamish participants in the present study are modern American Indians; they are not fully assimilated 'Anglos' who are descendants of Indians. They demonstrate an integration mode of acculturation, in that they have maintained distinct ethnic identities while participating in the dominant society. Their Federal unacknowledged status has been irrelevant to their Duwamish Indian identity. Most have identified themselves to themselves and others as American Indian for their entire lives (Roe 1998, 34).

No data were submitted that would demonstrate that "most" of the petitioner's members have "identified as Duwamish their whole lives." This is an assertion that Roe makes even though he points out that the sample he is working with is extremely limited. Roe also tried to utilize the Hansen survey done in 1987 by a past chairman of the petitioner and critiqued in the PF. Roe emphasizes its findings on identity, saying that "only two items from the Hansen (1987) survey are relevant to this category. Basically the people interviewed identified as Duwamish or part Duwamish (Roe 1998). Self-identification does not provide evidence under 83.7(b).

How individuals identify themselves is not evidence that is acceptable or relevant under the acknowledgment regulations. Virtually all petitioners are made up of individuals who, at least in part, identify themselves as Indian. This is true even for those who have not demonstrated Indian ancestry or who only recently have located an Indian ancestor. Conversely, the fact that members may switch racial/ethnic identities in certain social environments has not been viewed as evidence that a petitioner does not meet the regulations.

One of Roe's arguments concerned a general requirement of the regulations that

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[13] Such feelings do not distinguish petitioners. Virtually all petitioners profess that they "feel Indian" or "identify with Indians."

continuous existence be demonstrated.[14] Roe claims that it is necessary to look only at "endpoints," apparently taking the position that a Duwamish tribe existed historically and the petitioner claims to be the Duwamish tribe and so exists now. He assumes that similarities at the "endpoints" allow an assumption of continuity between the endpoint. He says:

> These participants demonstrate continuity and synthesis in their endpoints of acculturation. Continuity is evident in their 'characteristic Duwamish' attitude and behavior toward a personal natural world, American Indian cultural symbols, and in their participation in a variety of cultural practices (Roe 1998, 34).

These general statements about the three "studies" described in the petitioner's submission authored by Roe have not been validated because first, the studies did not examine actual behavior; second, the concept of what are "American Indian cultural symbols" used in these studies is unclear and not uniquely Duwamish; and third, past determinations have not accepted the comparison of "endpoints," as advocated in these studies, as relevant evidence under the regulations.

The regulations require that contemporary evidence demonstrate continuous community and political authority from historical times to the present. It is useful to note that the BIA has worked with many petitioners, some who can not establish Indian ancestry, who have asserted the same or similar cultural symbols and values as Roe utilizes for the DTO. This background and experience with other petitioners and the application of general anthropological methodology enables evaluators to discern that the cultural continuities asserted by this petitioner are too general to show that the present political organization was continuously maintained from a specific Duwamish traditional cultural pattern. In addition, Roe's report does not indicate that these "American Indian cultural symbols" are shared among a substantial proportion of the petitioning group today or that they are significant to their lives.

Roe argues that acculturation is not synonymous with assimilation (Roe 1998). This is true; however, the issue here is whether the Duwamish petitioner has continued to exist as a distinct community, whether acculturated or not. The regulations and their past applications have not penalized petitioners who have by and large acculturated (taken on the culture of a dominant society) and may even appear to their neighbors to be somewhat assimilated (become an integral part of the dominant society). The issue is whether they have maintained on their own a separate and distinct social community. Thus, even institutions which may appear to be non-Indian in cultural origin, such as Christian

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[14] A showing of continuous existence is required by law and regulation. The Federal Government through the administrative process merely acknowledges tribes that have continued to exist.

churches, segregated dance halls, or a small town government, have in past cases been accepted as evidence that a community and political authority have been maintained by the petitioner. Additionally, most petitioners, including those that have been acknowledged through the acknowledgment regulations, live and work in the dominant society. The problem the Duwamish petitioner has is that they have not demonstrated any community, whether acculturated or not acculturated in character. What is possible is not at issue. The facts of the DTO case are at issue. The DTO submission of Roe's study did not provide relevant evidence to meet the requirements of 83.7(b).

Evaluation

The PF found that the petitioner did not meet 83.7(b) at any time. It found that before 1925, when the DTO was first established, the petitioner's ancestors had little or no interaction either with the Indians of the historical Duwamish settlements in the southern Puget Sound area or with Duwamish who had already moved to reservations. It also found that after 1925, the petitioner's members, outside of the annual meetings, interacted only with individuals from their own family lines. Finally, it found that the petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population.

The petitioner responded by submitting interpretations of data from Catholic church documents before 1935 and census records. Evaluation of these submissions reinforced the PF that the petitioner's ancestors were widely dispersed throughout the Puget Sound area and that evidence did not indicate that they commonly interacted with one another as part of an off-reservation Indian community, with communities where Indians lived or with reservation Indians. The census records did not locate off-reservation Duwamish communities in 1910 or in 1920.

The petitioner specifically responded to statements in the PF about Myron Overacker's relationship to Dr. Jack, a turn of the century Duwamish man. The document which was submitted, however, was undated and unsigned and its content did not link Overacker's leadership of the DTO after 1925 with a Duwamish leader in the late 19th century. The DTO submitted a transcript of a 1976 discussion between two elderly men, Myron Overacker and Henry Moses. They discussed events which did not deal with DTO, activities which they had eye-witnessed sixty or seventy years before, or undertakings by 19th century Duwamish they had read about in newspapers or heard about from their elders. These recollections are not adequate to describe a community associated with the petitioner before or after 1925.

The petitioner persists in rearguing their point that the Roblin Roll identifies an off-reservation Duwamish community. Roblin himself denied this position and said that many individuals of Indian ancestry on his roll had given up tribal relations years earlier. The

petitioner also submits a series of correspondence concerning the probate of Kitty Bigelow. These documents tend to reinforce the PF that the petitioner's ancestors were not in contact with other Indians and demonstrate that they may not be in contact with distant relatives of their own family line.

Although Micheal Roe's study was submitted by the petitioner in reference to criterion 83.7(c), some of the arguments contained in it appear to refer to criterion 83.7(b) rather than 83.7(c), especially when he argues that the DTO membership share "cultural values" and "commitment to Duwamish way of life, attendance at Duwamish gatherings, skin color, preference for Indian food." He does not show how these issues relate to political activities. However, if a researcher could show that a petitioner's membership did share specific and distinct "cultural values" based upon on-going interactions, then this could be used as evidence to demonstrate the petitioner meets criterion 83.7(b). In this case, this is not demonstrated because the "cultural values" discussed in the Roe report are not specific to DTO members, not based on their interactions or group acculturation processes, and do not distinguish them from others living in the Pacific northwest. In addition, the surveys on which Roe bases his statements are methodologically flawed and conflict with one another. Other arguments made by Roe concerning social networks, activities, and visiting are not supported by evidence other than a series of unverifiable surveys; they are only asserted in Roe's text.

The use of the 1990 census to show that the DTO members identify themselves as Duwamish Indians cannot be accepted as evidence under 83.7(b) (or other criteria) because the census identifications are based on self-identification of individuals to the enumerators and it is impossible to know who specifically identified as Duwamish. Other instances of self-identification as Duwamish cannot be accepted. Many individuals who are not members of Indian tribes and who may not even have Indian ancestry similarly identify themselves as Indians. Self-identification does not indicate that a tribal community exists, especially in the absence of other evidence.

In sum, the comments submitted in response to the DTO PF provide no basis for changing the conclusions that there is insufficient evidence that the petitioner meets the requirements of criterion 83.7(b) for community. No new evidence was submitted to show that the petitioner met criterion 83.7(b) at any time since it was founded in 1925, or that it was a continuation of a prior existing community.

In general, the submission did not directly refer to the regulations' requirements or to the PF. Some of the interpretations seem to misrepresent the regulations and how they have been applied in past decisions. The handful of contemporary documents that were submitted tended to support the conclusions of the PF. The attempts by the petitioner to use the Catholic church records, the Federal Census data from 1900, 1910 and 1920, and Overacker's family papers tended to corroborate the PF that the petitioner's ancestors were not interacting with Duwamish Indians on or off reservations.

Summary Conclusion Under Criterion 83.7(b)

The available evidence did not establish by a reasonable likelihood that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, even though the petitioner's members do descend from an Indian tribe or band that inhabited the Southern Puget Sound region in 1855.

CRITERION C

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

Proposed Finding

The PF concluded that the petitioner evolved from an organization formed in 1925, and had not demonstrated that it was a continuously existing group which had maintained political influence over its members throughout history until the present. The PF granted that a historical Duwamish tribe or band had continued to exercise political influence at a traditional village site until about 1896 (DTO PF Summary, 12). Between 1896 and 1925, the PF concluded, there was partial evidence of the existence of a political entity only for the period from 1915 to 1917. The available evidence did not demonstrate continuity between a 1915 Duwamish organization and the DTO formed in 1925 (DTO PF Summary, 13-15).

Evidence about the DTO was limited mostly to the years after 1935 during claims initiatives. The major reasons for the petitioner's failure to meet criterion 83.7(c) for the years after 1925 were findings that: (1) the DTO organization had played only a very limited claims role in the lives of its members; (2) members were not involved in the organization and in making decisions for the organization; and (3) no instrumental political relationship or political interaction existed between the organization's small set of leaders and its members (DTO PF Summary, 15-16). In short, there was insufficient evidence that the petitioner's members or ancestors existed as a group with a functioning bilateral political process, as has been required in acknowledgment cases.

Comments on the Proposed Finding

1. Description of the submission under criterion 83.7(c); DTO submission "Tribal Initiatives 1896-1935 and the Continuity of Membership" by Stephen Dow Beckham.

Duwamish political activities and leadership between 1896 and 1935 are reviewed in a report submitted by the petitioner in response to the PF entitled "Tribal Initiatives, 1896-1935 and the Continuity of Membership" by Stephen Dow Beckham (Beckham 1998). Although Beckham does not mention any particular acknowledgment criterion in the text of his report, and although the petitioner's attorney has attached a title page indicating that this report is a response to criterion 83.7(b), in fact the issues addressed by Beckham's report relate to criterion 83.7(c). The petitioner claims to have responded to criterion 83.7(c) with a report by Professor Micheal D. Roe entitled "Duwamish Indian Modern Community" (Roe 1998). Roe's report deals exclusively with the petitioner's members' beliefs and attitudes in recent years and relates more to criterion 83.7(b) than to criterion 83.7(c).

The vast majority of Beckham's report cites to evidence submitted for the PF, rather than presenting new evidence, and repeats arguments made in submissions for the PF, rather than responding to the evaluation presented in the Summary under the Criteria or the analysis presented in the technical reports for the PF. All of the events discussed in Beckham's new report had been discussed or mentioned in the PF technical reports, and Beckham's report has not attempted to refute the technical reports directly.

Roe's report is more a discussion of academic theory than a presentation of evidence relevant to the acknowledgment criteria, which he does not mention. His report contains only eight pages about "tribal participation," and that presentation consists almost exclusively of tables of the priorities and goals of a small selection of the petitioner's members, rather than evidence of any actual group political activities. Roe also does not comment directly on the Summary under the Criteria or the technical reports of the PF.

In addition, anthropologist Tollefson's articles touch on information that seems to fall under criterion 83.7(c), although labeled by the petitioner as applying to criterion 83.7(a). The petitioner's response argues that the BIA ignored a number of Tollefson's articles, including his article on chiefdoms:

> . . . the Bibliography for the 1996 Ruling fails to identify much of [Tollefson's] body of work on Duwamish issues as having been among the materials reviewed and utilized by BAR. This omission is startling since Tollefson is universally recognized as the leading authority and expert on the Duwamish Tribe (DTO 1998, 10 n.10).

Much of this criticism seems to be setting up a straw man by incorrectly characterizing the PF and the BIA's evaluation. The PF HTR discussed Tollefson's work at length (DTO PF HTR, 8).

2. Discussion of petitioner's ancestors or Duwamish Tribe before 1896 does not change the PF.

Since the PF found that a historical Duwamish tribe met 83.7(c) until 1896, additional evidence about political processes prior to 1896 is not necessary in response to the PF. However, several of the Tollefson articles promote his theories concerning the existence of a Duwamish chiefdom[15] during treaty times. The PF cited studies by other anthropologists and concluded that, "With the lone exception of the petitioner's researcher, the scholars who have studied the aboriginal cultures of western Washington have concluded, as David Buerge has written, that 'a centralized authority was not highly developed among the Puget Sound peoples. . . .'" (DTO PF HTR, 8).[16]

A discussion of aboriginal and proto-contact political organization is unnecessary here because the period before 1896 is not in question. It is not clear how the petitioner believes that Tollefson's position would have changed the PF. The PF already found that a Duwamish tribe did exist until this time, and that "Federal negotiators combined the historical Duwamish tribe with other tribes and bands into confederated 'treaty tribes' for the purpose of making a treaty in 1855 and continued to deal with treaty-reservation Indians as the 'Duwamish and allied tribes'" (61 F.R. 33763). Other acknowledgment decisions from Puget Sound also found that the issue of pre-treaty organization generally has not been an issue (see Cowlitz FD and Snoqualmie FD).

Tollefson's article "Political Organization of the Duwamish" says that after European settlers arrived in 1850, they appropriated the land and resources of the Duwamish and undermined their political economy, reducing the chiefdoms to isolated communities and enclaves of Indian families. Tollefson does not describe specifically the isolated communities he references. However, the description of isolated Indian families agrees with the PF's specific descriptions of how the petitioner's ancestors lived in isolated family enclaves widely distributed around Puget Sound. New evidence was not submitted to show that they interacted with each other or with the Duwamish Indians who were living on reservations or in Indian communities. This article does not provide evidence or

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[15] "Chiefdom" is a technical term used by anthropologists to describe a level of political organization where access to power and authority is differentially distributed by rank within a common kinship system. On the northwest coast, this generally meant that lineages were ranked. The famous northwest coast potlatches tended to reinforce ranking while redistributing wealth.

[16] See Buerge 1980, 14; Smith 1941, 197; Drucker 1965, 47, 70; Ruby and Brown 1986, 72; Cole and Darling 1990, 128; Tollefson 1989, 135; Miller and Boxberger 1994, 279, 288.

argument to alter the PF.

The specific example of the Sackman logging community offered in the petitioner's response maintains that the PF underestimated the importance of the Sackmans and their community between 1860 and 1890. They offer Tollefson's work in response (Tollefson 1992). As previously addressed, this article discusses the Sackman logging settlement, headed by a white man, Daniel Sackman, who married an Indian woman. Tollefson propounds the view that Daniel Sackman acted as an intermediary between the Indians and non-Indians: "Daniel Sackman, a white man, served as cultural broker and advocate for the settlement. . . . Three Sackman sons married local Indians, inherited their father's logging business, and perpetuated their community. . . ." (Tollefson 1992, 99). The petition did not give specific examples of Daniel Sackman acting as a mediator. The activities of a non-Indian spouse on behalf of a family does not provide evidence that the petitioner had leaders or political processes.

Beckham also attempts to deal with the political issue. His report does not provide specific examples of the exercise of Duwamish political influence between 1896 and 1915. Rather, Beckham simply asserts that after the death of Chief William in 1896, his nephew William Rogers replaced him as chief between 1896 and 1915 (Beckham 1998, 7). Beckham describes no leadership activities of Rogers prior to 1915, and the petitioner provides no new documents from the years between 1896 and 1915 relating to Duwamish political leadership or a Duwamish group's political influence over its members. Instead, Beckham seeks to demonstrate Duwamish political influence with outsiders.

First, Beckham contends that a Duwamish group "mounted a successful political program to secure direct [congressional] appropriations" for its members (Beckham 1998, 30). The historical technical report for the PF surveyed the history of congressional appropriations between 1880 and 1923 on behalf of the "Duwamish and allied tribes" of the Treaty of Point Elliott of 1855 and the four reservations created by that treaty (DTO PF HTR, 22-23).[17] Beckham makes claims, contrary to the PF, that the appropriations made in the ten years between 1905 and 1915 were made explicitly for the "D'Wamish Indians" rather than for the allied tribes (Beckham 1998, 30). The evidence which he cites from the appropriation statutes, however, shows that all of those acts used the language "D'Wamish and other allied tribes" in Washington (Kappler 3:48, 133, 245, 301, 344, 420, 446, 549, 584). The evidence does not support Beckham's contention that these were "nine special appropriations . . . exclusively benefitting the Duwamish Tribe," much less benefitting the DTO petitioner or its possible antecedents (Beckham 1998, 30). More

[17] The PF Historical Report states: "While the appropriations were being made for the support of the Duwamish and the other treaty tribes, officials of the Office of Indian Affairs testified before Congress that these funds were necessary for 'Indians who reside on four widely separated reservations' (U.S. House 1922)." Beckham erroneously equates the "D'wamish" mentioned in these appropriations with the petitioner.

to the point, Beckham offers not a shred of evidence that the petitioner or its members participated in a political program or political activity in order to secure appropriations from Congress.

Second, Beckham contends that the Duwamish cooperated with visiting anthropologists and scholars in order "to carry out a commitment to preserve their history and culture in the years after 1896" (Beckham 1998, 31). Beckham notes the anthropological research of George Dorsey in 1898-1900, the "ethnogeographical" research on place names of Thomas Waterman about 1920, and the literary research of Arthur Ballard in 1916-1929 (Beckham 1998, 31-36). He also lists publications of Herman Haeberlin and Franz Boas, and the manuscript field notes of John Peabody Harrington (Beckham 1998, 36-37). With the exception of Boas, whose article was a linguistic study, all of these scholars were cited in the technical reports for the PF (DTO PF ATR, 7, 9, 11-16, 23-26, 32-34, 37-40, 51-52, 54, 59, 70-73, 84; DTO PF HTR, 6, 30-31). Beckham does not describe the participation of the informants for these scholars as anything other than individual participation by a few individuals. He describes the activities of outside researchers, not the activities of a group and its leaders.

Beckham provided no new evidence about the leadership of William Rogers before 1914, congressional appropriations before 1914, or anthropological research between 1896 and the 1920's, and thus has provided no basis for changing the conclusions of the PF. Because Beckham's discussion of leaders, appropriations, and anthropological research during the period before 1914 furnishes no evidence of the political activities of members, the maintenance of political influence over members by leaders among the petitioner's ancestors, or a bilateral political relationship between members and leaders throughout history until the present, it does not provide sufficient evidence that meets the requirements of criterion 83.7(c).

3. DTO's submission for the period 1914 - 1917 and the Roblin Enrollment Process provides no basis for changing the PF.

Between 1914 and 1916, Beckham argues that a Duwamish group undertook political activities to obtain a reservation and to protect fishing rights (Beckham 1998, 7-16). Beckham's sources are affidavits made in 1914 or 1915 by William Rogers, James Moses, and Charles Satiacum, and an account of a 1916 meeting between the BIA and Thomas Bishop, the president of the Northwestern Federation of American Indians. These affidavits, the notes of this meeting, and these historical issues were discussed in the technical reports for the PF (DTO PF HTR, 45-49; DTO PF ATR, 79-88). Beckham describes goals mentioned in affidavits by three men at one specific time, but does not show either that they influenced followers to act or that they stated these goals in response to political activity by members. Beckham describes no activities by members or leaders, except to mention that a meeting of Duwamish individuals was held in 1916. The only actions Beckham describes are those of non-Duwamish Thomas Bishop of an intertribal

organization Beckham presents this intertribal activity, erroneously, as if it were Duwamish tribal activity.

A 1915 list of the members of a Duwamish organization, and its leaders, was discussed in the technical reports for the PF (DTO PF HTR, 45-48, 52-55; DTO PF ATR, 81-82, 86, 95-103). Beckham notes that the 1915 list of members referred to Charles Satiacum as "chief" and William Rogers as "sub-chief" (Beckham 1998, 61). Beckham also lists William Rogers as "chief" from 1896 to 1915, and Satiacum as the successor of Rogers in 1915 and "chief" from 1915 to 1925 (Beckham 1998, 7). However, Beckham cites Court of Claims testimony which made Rogers the successor of Satiacum, and cites Waterman's 1920 field notes in a way which implies that Rogers (not Satiacum) was considered a "chief" in 1920 (Beckham 1998, 5-6). Beckham offers no explanation of how "chief" Rogers became subordinate to "chief" Satiacum in 1915, or how a transition of leadership occurred at that time.

Beckham contends that the 1915 membership list was an incomplete work, citing its reference to members "to this date." He calls the list a work "in progress" that "was part of an unfolding project of the tribe to enumerate its members" (Beckham 1998, 62). However, the use of the phrase "members . . . to this date" can also be read not as a statement of incompleteness, but as a statement that people born in the future would not be excluded from membership. Beckham's argument, that the 1915 membership list was an initial list which later expanded into a fuller membership list by an ongoing process of enrollment, would have merit if the individuals on the 1915 list had remained on the later list in 1926. The technical reports for the PF demonstrated, however, that this was not the case (DTO PF HTR, 52-55; DTO PF ATR, 95-103). Beckham does not show continuity of leadership in 1915 from Rogers to Satiacum and does not demonstrate an implied continuity of membership lists after 1915.

The petitioner's only new substantive evidence about the years prior to the present are a pair of newspaper articles about a Duwamish meeting in December 1916, at the start of the BIA's project to list the unenrolled Indians of Washington State (Tacoma *Daily News* 12/19/1916, and Tacoma *News-Ledger* 12/24/1916). The existence of this meeting was specifically acknowledged in the anthropological technical report for the PF (DTO PF ATR, 91). Beckham notes that these Tacoma newspapers referred to Charles Satiacum as a "leader of the Duwamish Indians" who had called people together for a meeting with Indian Agent Charles Roblin (Beckham 1998, 16-19). These newspaper articles provide some evidence that outsiders attributed leadership to Satiacum and an ability to summon people to meet. Thus they indicate the existence of some political influence among some Duwamish descendants in 1916. However, the 1915 membership list of Satiacum's group showed that it represented only some of the petitioner's ancestors. Further, it has not been demonstrated that the petitioner has evolved from Satiacum's group.

The Roblin enrollment process was described in the technical reports for the PF (DTO PF

HTR, 41-45; DTO PF ATR, 88-93). Beckham contends that a 1917 letter by Roblin reveals that he "was assisting the Duwamish Tribe in its own enrollment efforts" because he mentioned sharing information with the Duwamish claims attorney. However, Roblin's letter indicated that the only genealogical information he proposed to share with the attorney concerned Indians already enrolled on reservations, because they would not be listed in his report (Beckham 1998, 63-64). The emphasis of criterion 83.7(c) is not on Federal activities, but on the petitioner's activities. At best, Roblin's letter refers to an attorney's activities, not to a group's own activities. Beckham's brief account of Roblin's enrollment project does not describe group political activities or a group's political influence over its members.

Beckham notes that Attorney Arthur Griffin and a committee of Duwamish entered into a contract in December 1917, which provided that he would represent them in a claim against the United States. That attorney contract and attorney Griffin's activities were described in the technical reports for the PF (DTO PF HTR, 16, 48-49; DTO PF ATR, 87-88). Although the technical report noted that this claim sought land, Beckham emphasizes that Griffin presented the Duwamish claim as a request for land, not just for a cash settlement (Beckham 1998, 20-23). This is a largely irrelevant distinction for the requirements of criterion 83.7(c). The issues for criterion 83.7(c), which Beckham's report does not address, are: whether the claim for land or money was significant to members, not just to a small number of leaders; whether claims activity demonstrated the existence of bilateral political processes in which members and leaders influenced each other; and whether the group's political activities included issues other than claims and constituted an internal group political process. Beckham describes this attorney's activities, rather than presenting new evidence about group activities.

Beckham contends that between 1917 and 1925 the Duwamish "mounted a political campaign to secure a jurisdictional act" to submit a claim to the Court of Claims (Beckham 1998, 23). He also describes that effort, however, as one in which the intertribal Northwestern Federation of American Indians mounted the lobbying effort to obtain such a bill. The legislative history of the jurisdictional act of 1925 was described in the historical technical report for the PF (DTO PF HTR, 55-56). Beckham's account adds a few new details to the legislative history of jurisdictional bills. However, Beckham merely reviews the bills and presents no evidence that there were activities of DTO leaders or members to obtain such an act.

The petitioner's response has provided no new evidence about the affidavits of 1914-1915, the 1915 membership list, or the 1917 attorney contract, and minimal new information about a 1916 meeting related to the Roblin enrollment project and the jurisdictional bills to authorize a claims suit during 1917-1925. Thus, Beckham has provided no basis for changing the conclusions of the PF about the period from 1914 to 1925.

The PF noted that there was partial evidence of group political activity on only three occasions between 1896 and 1925, all of which occurred in the brief period from December 1915 to December 1917 (DTO PF Summary, 13-14). In December 1915, a membership list of 361 individuals was created for a Duwamish organization under the leadership of Charles Satiacum. In March 1916, a resolution was signed by 184 individuals to request the Northwest Federation of American Indians to lobby on behalf of the Duwamish. In December 1917, a contract was approved by a committee of Duwamish and attorney Arthur Griffin. The petitioner's response has added evidence about Satiacum's political influence in summoning people to a meeting with Agent Roblin in December 1916. Thus, to the extent that the record for this case contains limited evidence of political influence among the petitioner's ancestors, it was confined to a brief period of about two years out of the 29 years between 1896 and 1925, and related mostly to a historical organization (Satiacum's 1915 organization) which has not been shown to be a precursor to the DTO petitioner.

4. The DTO's response concerning the post-1925 organization and membership lists between 1925 and 1934 does not provide a basis for changing the PF.

A 1925 constitution of a Duwamish organization was discussed in the technical reports for the PF (DTO PF HTR, 49-51; DTO PF ATR, 93-95). Beckham notes the existence of that constitution, provides information about its eight signers, lists its statement of purpose, and makes the point that it stated purposes beyond the pursuit of claims (Beckham 1998, 24-28). He argues that the signers claimed a link to the past with a reference to "Business Councils of the early days" (Beckham 1998, 26). The historical technical report noted, however, that the constitution and signers did not claim any continuity from Satiacum's 1915 organization (DTO PF HTR, 49). Beckham argues for continuity of the 1925 leaders from the 1915 organization, while the technical reports found a lack of continuity of a predominant portion of the membership from 1915 to 1926 (DTO PF HTR, 52-55; DTO PF ATR, 95-103). The constitution's signers and purposes also were discussed in the technical reports, which acknowledged the point that the constitution stated purposes other than claims. A constitution's statement of purposes, however, does not show the maintenance of actual political participation by members or the political influence of a group over its members.

The PF concluded that the actual governing style or form which characterized the post-1925 organization demonstrated that the DTO was not a continuation of an earlier tribal organization, even though it had a constitution and officers. Tollefson argues that this governing document provides for officers with characteristics he believes are based on traditional leadership roles (Tollefson 1995b, 90). The author attempts to show that:

> [s]ome additional powers of a traditional Puget Sound chief (Sieb) were retained in the new Duwamish Constitution through the office of the 'president' of the tribe -- currently referred to as the tribal chairperson. . . .

> the Duwamish Tribe never replaced the office of tribal chief and so created the office of president (chairperson) with special powers much like that of an aboriginal chief. Both tribal constitutions retained the life term of office for members of the tribal council. . . . The constitutional description of the Duwamish tribal chairperson with the power to veto over the council retained many features of the traditional chief found in the literature of the northwest Coast cultural area. The . . . chairperson, much like their former chiefs, serves for a term of life, represents the Tribe in public functions, participates in council decisions, approves new members, calls tribal meetings, has veto powers over the council, and presides at tribal council meetings (Tollefson 1995b, 90).

The problem as discussed in the PF Summary under the Criteria (DTO PF Summary, 14) is that the post-1925 organization and its leaders "played a very limited role in the lives of its members. . . . This business consisted of formal action to elect officers, accept new members, endorse attorney contracts, or delegate members to attend inter-tribal meetings" (DTO PF Summary, 14). The PF questioned whether the chief actually performed functions as provided in the written document. The problem raised in the PF was that DTO, no matter how it was organized on paper, did not make decisions, hold regular meetings, maintain a membership list, vote or informally pass-on decisions to accept new members or function as a tribe in many ways after its founding in 1925. Because the evidence from the PF indicated that the post-1925 leaders played very limited roles in the daily lives of the DTO membership, new relevant evidence would have to be submitted to show otherwise. It was not submitted. Rather, the same assertions rejected in the PF are made again, without submitting the evidence needed to demonstrate they are accurate descriptions of the petitioning entity.

Beckham argues that the Duwamish hired an attorney in 1925 to pursue claims against the United States, and renewed that contract in 1933 (Beckham 1998, 29-30). Both the 1925 attorney's contract and the 1933 contract renewal were discussed in the historical technical report for the PF (DTO PF HTR, 56-57). Beckham implies that this attorney's contract was made with the new Duwamish Tribal Organization (DTO) formed in 1925. The historical technical report pointed out, however, that the contract was made with a general council of descendants from all of the historical tribes represented in the 1855 treaty. The 1933 renewal of the contract was signed by representatives or descendants of 15 treaty tribes and bands. Beckham contends that continuity exists between the 1925 and 1933 contract signers and the individuals enumerated on the 1915 Duwamish membership list; however, analysis of this and other relevant evidence in the technical reports found a lack of continuity between the 1915 membership list and the DTO's 1926 membership list (DTO PF HTR, 52-55; DTO PF ATR, 95-103). Following review and consideration, it was determined that Beckham's report contains no new evidence that requires a revision of the conclusions of the PF.

A 1926 list of individuals was discussed and thoroughly analyzed by the technical reports for the PF (DTO PF HTR, 51-55; DTO PF ATR, 94-103). Beckham does not attempt to compare the 1915 and 1926 lists, nor to evaluate the comparison of those lists in the technical reports. Beckham makes a vague reference to "other lists of members" developed between 1926 and 1934. He does not provide, identify, or cite such lists. He contends that the 1926-1934 lists "were the next evolution" of the petitioner's membership list which began in 1915. He also states that the creation of Duwamish membership lists after 1926 was an informal process (Beckham 1998, 66-67). The fact that a group's membership process was informal rather than formal has no impact on an evaluation of criterion (c). If the 1926 list of members, or later lists of members, were an "evolution" of the 1915 list of members, then all members on the 1915 list, except those who had died in the interim, should have been included on the later lists. The technical reports for the PF demonstrated, however, that this was not the case for the 1926 list (DTO PF HTR, 52-55; DTO PF ATR, 95-103). Beckham's report does not demonstrate continuity between the 1915 list and any subsequent lists.

The petitioner claims that the PF underestimated the importance of the Sackman family as leaders in the early 20th century. (See previous discussion of Sackmans.) A table in Tollefson's 1995 article shows "Sackman representatives on the Tribal Council," beginning with Maurice Sackman (1925-51) (Tollefson 1995b, 100). The article says that even though the Sackman community was located across Puget Sound from Seattle, it always maintained political ties with the Duwamish Tribal Council. It is accurate to say that the Sackmans have been part of the post-1925 DTO. Some also appear on the 1915 list and the Roblin Roll. However, the Historical Technical Report for the PF pointed out that "the Sackman family of Kitsap County emerged to prominence in the 1926 list."

These isolated and disjointed facts drawn from various membership lists do not explain the relationship of the Sackman family to the DTO families. Participation by a few individuals in the DTO claims organization does not demonstrate community or political authority in a tribal entity. They are not shown to be part of a DTO social or political entity that deals with significant issues or plays a significant role in individual members' lives. Any evidence about the Sackman family and their possible relationships to other Duwamish were discussed in detail in the PF. Although the family has participated in DTO affairs since 1926, a relationship to the Duwamish Tribe before 1915 is not demonstrated even though a depiction of their life and work in their father's logging camp in Kitsap County has been documented and submitted as evidence. (See above).

Beckham has provided no new evidence about the 1925 constitution, the 1925 and 1933 contracts with a claims attorney, or any membership lists after 1925. Thus, Beckham, like Roe and Tollefson, has provided no basis for changing the conclusions of the PF. Because Beckham's discussion of the constitution, contracts, and membership lists during the period from 1925 to 1935 provides no evidence of the political activities of DTO's members, the political influence over members by leaders, or a bilateral political

relationship between members and leaders, it does not provide sufficient evidence that meets the requirements of criterion 83.7(c).

Linda Dombrowski submitted 47 exhibits in manila files in which she makes specific arguments to show that there was more continuity in membership between the 1915 and 1926 membership lists than revealed in the PF. The BIA genealogist's evaluation of Dombrowski's specific arguments about particular family lines appears in an appendix to this document.

Dombrowski claims that BIA's PF Appendix D, comparing names from both 1915 and 1926 lists, failed to account for (i) ages, (ii) deaths, (iii) name changes, and (iv) the effects of those phenomena. The PF acknowledged these factors. Dombrowski also refers BIA to Tollefson's work for evidence of "tribal social and political continuity." She claims that the BIA failed to apply the demographic evidence it generated or was provided, and ignored the impact of 1915-1926 mortality factors, including Spanish influenza, small pox, and World War I. The petitioner's response to the PF included a variety of presentations by Dombrowski, a researcher who worked with a number of petitioners through grants to STOWW, the Small Tribes Organization of Western Washington, to illustrate their points; these included narrative summaries, arranged by individual persons or family groups, in which arguments were given or evidence cited (but not furnished) for births, marriages, deaths or probable deaths (Dombrowski 1998), a database printout of persons appearing in lists from 1915 to 1951 (Exhibit 42), a report of deceased members (Exhibit 41), and annotated descendant tree charts for selected families (Exhibits 1-39).

The petitioner's response helped clarify the identities of the listed individuals on the 1915, 1926, 1927-34, and 1951 lists, which assisted in the development of a more accurate statistical comparison of the 1915 and 1926 (and now 1927-34) lists. However, the difference between the PF analyses and the analyses which can now be made is minimal. The PF found "[o]nly 19 percent (60 of 319) of the named members of the 1915 list appeared on the 1926 list as well," but allowed that this calculation

> underestimates the actual persistence of membership from 1915 to 1926. Some 1915 members did not appear on the 1926 list because they had died during the intervening decade. Spellings of names were inconsistent and typing errors were frequent on these lists, so some names on the two lists may not have been recognized as those of a single individual, and some name changes due to marriage between 1915 and 1926 may have been missed (DTO PF HTR, 52).

Considering just those 319 named persons on the 1915 list, the petitioner's response included claims of marriages, misidentifications, deaths, and probable deaths which together would result in 280 yet remaining alive by 1926. Of those 280 individuals, 70 appeared on the 1926 list, accounting for 25 percent of the 1915 members yet living in

1926.

The petitioner's response also sought to identify persons who were implied but not named on the 1915 list, such as "children" ascribed to a named parent. This identification by the petitioner results in a new total of 368 persons listed in 1915. Factoring in the marriages, misidentifications, deaths, and probable deaths for these persons results in a total of 326 persons from the 1915 list yet living by 1926. Of these 326, 88 (or 27 percent) also appeared on the 1926 list. Thus, the information provided in the petitioner's response affects the raw numbers and percentages given in the PF, but not the conclusion, that only a "minority of members of the 1915 organization also were members of the 1926 organization" (DTO PF HTR, 52).

Conversely, the analysis presented in the PF concluded that a "majority of the members of the Duwamish organization formed by the constitution of 1925, probably more than two-thirds of them, had not been members of the Duwamish organization founded in 1915" (DTO PF HTR, 54). The PF acknowledged a total of 389 persons listed in 1926, 123 of whom were of ages (10 or under) which placed their births *after* the 1915 list was made, meaning that only 266 of the 389 were alive in 1915. Factoring in the marriages, misidentifications, deaths, and probable deaths asserted by Dombrowski, the adjusted total of persons appearing on both 1915 and 1926 lists rises to 90, from 60 direct name-to-name matches reported in the PF, which assumed 15 more matches between 1926 members and 1915 unnamed children (DTO PF HTR, 53), as mentioned previously.

The 90 persons on the 1926 list who also appear on the 1915 list therefore comprise 34 percent (90 of 266) of the 1926 members who were alive in 1915. This adjusts the conclusion of the PF only slightly. The data available for the PF resulted in a calculation that 28 percent (75 of 266) of 1926 members were also members in 1915 (DTO PF HTR, 54), and an estimation that "probably more than two-thirds" had not been members in 1915. The petitioner-supplied materials support a calculation of and conclusion that two-thirds (66 percent, or 176 of 266) of the 1926 membership who were alive in 1915 were not part of that earlier organization.

The inclusion of the 1927-34 membership list, submitted in the petitioner's response, in this analysis changes the equation minimally. The 1927-34 list represents 415 persons total, 386 of whom (or 93 percent) also appear on the 1926 list. Thirteen persons from the 1926 list (including ten marked as deceased) do not appear on the 1927-34 list, and 29 persons on the 1927-34 list do not appear on the 1926 list. The PF noted that 123 of the 389 members in 1926 were born since 1915 (DTO PF HTR, 54); the 1927-34 list includes all but one of these children from the 1926 list (122), plus an additional 18 children born since 1915 who were not on the 1926 list (122 plus 18 equals 140 born since 1915). Therefore, only 275 (415 minus 140) of the 415 members listed on the 1927-34 list were alive in 1915. A total of 88 out of the 321 persons (27 percent) on the 1915 list who were yet living by the end of 1934 also appear on the 1927-34 list. Conversely, those 88

persons represent 32 percent (88 of 275) of the 1927-34 membership who were alive in 1915.

Dombrowski advocates a departure from a pure name-by-name analysis of lists for consideration of continuity of family representation between and among lists. Her descendant tree charts (Exhibits 1-39) are color-coded to indicate (among other things) each individual's presence on the 1915 list, the 1926 or 1927-34 list, and the 1951 list, and these make possible quick visualization of that phenomenon (to the extent that the charts are correct).

However, as the petitioner pointed out, not every individual or family was charted and annotated in this fashion. The changes promulgated by the petitioner's response to the PF resulted in a total of 560 individuals represented by the 1915, 1926, and 1927-34 lists, yet Dombrowski developed descendant tree charts embracing about half of that total. Moreover, to the extent that the color annotation is correct, only 27 of these 39 charts depict members of extended families who appear on several membership lists over time.[18]

Measuring this phenomenon of continuity of family representation on the various membership lists presents a challenge, and, indeed, the petitioner's response does not include a separate analysis which attempts to quantify the representation, other than family-by-family narrative descriptions (Dombrowski 1998) and the color-annotated descendant tree charts (Exhibits 1-39).

One approach to measuring continuity between the 1915 and 1926 lists would be to ask how many people on the 1915 list had a close kin relationship to someone on the 1926 list, and vice versa. In this analysis, even if an individual on the 1915 list did not remain on the later 1926 list, he or she would have a close kin relationship to someone on the 1926 list if one of the following people was on the 1926 list: a spouse, any child or grandchild, any parent or grandparent, or any sibling. Note that, in this analysis, one person on the 1926 list could provide evidence of a close kin relationship for many different individuals on the 1915 list.

Dombrowski's submissions combine information from the 1926 list with information from the 1927-34 list. That is, an individual's presence on either the 1926 or the 1927-34 is color-coded orange on the charts submitted as Exhibits 1-39, and information from the 1926 list is noted in the 1927-34 category, rather than appearing in a category of its own, of Exhibit 42. Therefore, the 1926 and 1927-34 lists were combined for purposes of analyzing Dombrowski's theory of continuity.

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[18] Exhibit 1 depicts persons who do not appear on any of the aforementioned membership lists; exhibits 2, 27-32, 34, 38 show persons on the 1915 membership list; and exhibits 31 and 39 show persons on the 1926 or 1927-34 membership lists.

Whereas the PF sought to take a "snapshot" of the 1926 membership at that one time — excluding those marked as deceased in 1926 as well as children born since 1915 — this continuity analysis for the FD needs to embrace all persons considered members throughout the 1926 and 1927-34 era. Merging the 1926 list (399 individuals, typed on the list as living or dead) and the 1927-34 list (415 individuals; none entered as deceased) resulted in a total of 428 individuals.

When applied to the 1915 list, this analysis would ask how many of the individuals on that list had a close kin relationship to someone on the later 1926 or 1927-34 lists, or were on those lists themselves.[19] Of 368 persons on the 1915 list, 92 were on the 1926 or 1927-34 lists, and an additional 51 had close kin on those lists. This total of 143 persons represents 39 percent (143 of 368) of the 1915 membership who were present themselves or had close kin in the 1926 or 1927-34 membership.

This form of analysis also may be applied to individuals on the 1926 and 1927-34 lists by asking how many of those individuals had a close kin relationship to someone on the earlier 1915 list, or were on the 1915 list themselves. As mentioned above, 92 individuals from the combined 1926 and 1927-34 lists were on the 1915 list themselves; they account for 21.5 percent (92 of 428) of the combined 1926 and 1927-34 membership. Another 73 individuals had close relatives on the 1915 list. Thus, 165 individuals, or 38.5 percent (165 of 428), of the 1926 or 1927-34 membership are represented personally (92) or by close relatives (73) on the 1915 list.

In summary, this analysis of kinship ties among members enumerated in the 1915, 1926, and 1927-34 lists provided the following results. Of 368 persons on the 1915 list, 92 appeared themselves and 51 were represented by close kin on the 1926 or 1927-34 lists; the remaining 225 persons on the 1915 list had neither type of representation. Of the 428 persons on the 1926 and 1927-34 lists, 92 appeared themselves and 73 were represented by close kin on the 1915 list; the remaining 263 persons on the 1926 and 1927-34 lists had neither type of representation.

Kinship ties, however, are but one measure of the continuity which the PF found to be lacking between the 1915 list and the 1926 list.

To accept Dombrowski's analysis depends on accepting that individuals who share grandparents and great-grandparents (e.g., in the same family line) may be assumed to interact. Some of the members of these family lines were already only distantly related to each other as second or third cousins in 1915. The Overacker correspondence concerning the heirship of Kitty Bigelow illustrates that even in the early 20th century some cousins had lost touch with one another. Thus, one may not assume that all descendants of a

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[19] Close kin defined as a spouse, any child or grandchild, any parent or grandparent, or any sibling.

shared ancestor were in contact with one another or involved in the same group activities. Evidence that such remotely linked relatives were actually interacting would be required to support Dombrowski's position that members of a single family line (computed as descendants of a common ancestors) who appear on the 1926 list, are assumed to have been interacting with their cousins who are on the 1915 list. While Dombrowski illustrates that distantly related members of single family lines are present on both the 1915 and 1926 lists, evidence of interaction among these distantly related family members would be required to support her theory of continuity between the two lists.

5. The petitioner's claims about the IRA are unproven.

The petitioner has claimed in the past that the DTO turned down the IRA in 1935. One of Tollefson's articles states:

> When the Indian Reorganization Act (IRA) was passed in 1934, the Duwamish turned it down for two reasons; first because they had previously adopted a constitutional form of tribal government in 1925 . . . and second, because the Tribal Council refused to let them stipulate how the money was to be spent (Tollefson 1996b, 328).

This interpretation is wrong. The Duwamish never voted on the IRA and thus never turned it down. The Act only allowed groups which held land to vote to accept or reject the IRA. The BIA Superintendent at Tulalip held conferences with seven tribal groups and claimed that the result was the acceptance of the bill when put to a vote by every tribe under his jurisdiction (BIA Tulalip 1935, 5-6). The DTO was not one of these voting tribes. He thus did not include the DTO in these seven voting tribes. The PF ATR discussed the IRA and demonstrated that prior to passage of the IRA, DTO's Chairman Peter James said that he did not want to participate in the IRA because his members wanted individual claims payments, not tribal assets, and that they objected to community self-government. However, after the Act passed, DTO were not given the option of voting on the IRA. No new data were submitted which would alter the PF's conclusions on this topic.

6. New correspondence submitted from the 1930's tends to support the PF rather than change its conclusions.

The petitioner submitted a letter to Myron T. Overacker from "Effie" written on stationery of the Tulalip Indian Agency in November 1935 (Overacker 11/15/1935). Effie is not identified. She writes: "There is a tribal meeting tonight. Mr. LaVatta is here for it. Mr. Upchurch is leaving for Portland tonight. He forgot all about it until the last minute, and he is to have a meeting up at Swinomish tomorrow, too, but just had to go to Portland." This letter's reference to a "tribal meeting" does not explain the purpose of the meeting, nor does it clearly identify what tribe is meeting. No reference is made to other meetings

which would indicate that meetings were scheduled on a regular basis. On the one hand, because the BIA staff was attending, it may have concerned DTO attempts to redress their claims case, denied in 1934, through legislation. On the other hand, it may not deal with DTO at all. The lack of specificity diminishes this document's value as evidence in the acknowledgment case. The PF concluded that claims activities occurred during this period, but found that the DTO limited itself to pursuing claims against the United States for its dues-paying members.

7. New evidence submitted for the 1950's and 1960's supports the Proposed Finding that fishing rights and claims activities lacked leadership that was in contact with the group's members.

The example in the PF of a fishing rights case brought during the 1970's illustrated a lack of interest among the general membership and some leaders about taking political action on this issue. The available evidence shows that a decision to intervene on an important fishing rights case was made by the chairman on his own. After his death, no members participated in completing the paperwork in that case which would have allowed members to utilize fishing rights temporarily (61 F.R. 33763).

The petitioner seeks to make a contrary point with an example from the 1950's. A June 1954 transcript of the Duwamish Annual Meeting contained in "Continuity of Duwamish Tribal Membership" by Linda Dombrowski relates that people discussed health issues, the Cushman Hospital, and fishing cards. In response to a question concerning the slow response or lack of response in providing paperwork for fishing, the minutes the tribal Chairman replied:

> . . . during Mr. Sackman's life, he was our Secretary and Treasurer, he kept a pretty good correspondence with the Indians Agency [*sic*] in Everett. But after him passing away, we got this man who just past [*sic*] away this past 6 months or so, William Eley, and he was just like I am. I guess just as far as work was concerned, he tried to get away from it just as much as he possibly could. . . . (Duwamish Annual Meeting 1954).

The undercurrent of meaning here supports the PF's position that the internal workings of this organization often depended on a single individual. When that person died, activities stopped and were not picked up again. It should also be noted that the people attending the meeting introduced themselves to each other, as if they did not know each other. Also, the previous meeting had been a year earlier. No reference was made to intervening council or other types of meetings during the year.

In his article "The Political Survival of Landless Puget Sound Indians," Tollefson claims that in 1962, "the money [claims award of $62,000] was never given to the Duwamish tribe. Instead, the Federal Government made a per capita disbursement to approximately

1,148 descendants of Duwamish Indians, some 75 percent of whom were neither on the tribal rolls nor had any ties to the Duwamish Tribe (L'Esperance 1964)" (Tollefson 1992, 123). Substantial correspondence indicates that the BIA was concerned that the DTO, a dues-paying organization, would cut out Duwamish descendants, many of whom lived on reservations and had not paid dues to DTO. Departmental policy has been that unrecognized groups do not receive a lump sum claim. Only recognized tribes receive tribal funds. These facts concerning the Duwamish claims are not pertinent to DTO meeting the acknowledgment regulations. It is possible that groups who did not receive tribal funds could become recognized so long as they met the criteria at 83.7(a)-(g). DTO did not.

The on-reservation Duwamish had little to do with DTO, but DTO was not the "Duwamish tribe." The DTO, in meetings with Agency personnel, insisted that they had a right to distribute the money only to their members and their children, who constituted only a small percentage of Duwamish descendants. The PF found that the DTO's stance during the claims disbursement was that of a claims organization only, not a tribe. By submitting Tollefson's article as a component of its response, the petitioner continues to maintain the interpretation that the non-member Duwamish descendants had given up tribal relations with their tribe when they joined reservation tribes, leaving the DTO to represent the historical tribe. The petitioner has not submitted sufficient evidence to justify changing the PF's conclusion that a historical tribe had not continuously existed as a tribe and been reorganized in the form of the DTO.

8. Survey Data submitted and analyzed by DTO in response to the Proposed Findings does not change the PF's conclusions about modern community.

The PF found that there was a lack of sufficient evidence to demonstrate the existence of informal leadership or political influence within the DTO beyond the formal structure of the organization (61 F.R. 33763). Informal political influence may provide evidence of political process, leadership, and other factors important to demonstrating the petitioner meets criterion 83.7(c). In this case, where little information has been submitted to show formal organization, such as an on-going council and leadership responsive to the member's concerns, council or committee meetings, policy initiatives, effective officers in touch with members, and tribally sponsored activities, informal political influence may hold the key to demonstrating that criterion 83.7(c) is met. However, most of the petitioner's claims of informal political processes are not verified by sufficient evidence. This is true for both the modern period since 1990 and for the decades preceding 1990.

For example, Tollefson discusses Frank Fowler II's purported leadership of the Fowler extended family and says that his position on the Board of Directors was directly linked to this representation of this family (Tollefson 1995b, 107; 1992, 217, 229). Tollefson states that Fowler had been groomed for this position. However, the DTO submitted no evidence demonstrating that Mr. Fowler or any other DTO member consulted with their

extended family members concerning issues of importance to the group. A chart in a 1992 article by Tollefson reported that some of the Fowlers maintained regular contact with Mr. Fowler. No specific, documented examples demonstrated how family lines played an effectual part in DTO's overall political processes. DTO submitted no new evidence which would demonstrate that the members from other family lines discussed their positions on issues with the head of other DTO families. Nor did they submit new evidence that actual political influence was applied by extended family leaders to formulate DTO policies, execute DTO activities, or inform the DTO leadership of family members' shared or consensual political viewpoints.

Tollefson's 1992 article also states that in a survey of members, 57 percent said that they had talked to other members about "tribal concerns," 27 percent said they had voted in "tribal elections," and 11 percent had been elected or appointed to council or office (Tollefson 1992, 135). Questions arise that can not be answered from the case record. Who were the other members that individuals talked to? Were they family members? Did they reciprocate their answers,[20] indicating high accuracy in the survey? Are there specific instances when these discussions led to actions?

In another article, Tollefson asserts that "many of the accouterments of the chiefdom still cling to Duwamish political organization, and Renton continues to symbolize the center of their former way of life" (Tollefson 1989, 146). The location of the organization in Renton is significant, according to Tollefson, as it was the traditional center for the Duwamish. The DTO location in Renton may be purely symbolic rather than a continuation of tradition. That individuals may feel historically connected to the location of a historical tribe does not, in itself, demonstrate that the tribe exerts political authority or that this authority is the same as that which was asserted there historically. General assertions of similarity in the form of political authority during the present and past can not be assumed to show continuity, in the absence of intervening documentation.

Tollefson uses similar methodology in a 1995 article when he says,

> The 1925 Duwamish Tribal Constitution, presently in force, designates six heads of six single drainage systems as they apparently once did, they do serve as representatives of several 'historic treaty families' (Tollefson 1995b, 105).

A review of the PF anthropologist's report (DTO PF ATR, 134) shows that six different river drainages have not been represented on the DTO business council from 1925 to the

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[20] In other words, if person A says that they often talked to person B, did person B report that they often talked to person A? These kinds of evaluations of petitioner's analysis may reveal potential problems with a survey's accuracy because they expose when individuals are using the different standards (for "often" in the example) and are reporting inaccurately.

present and some of these aboriginal river drainages are not represented in the current membership. No evidence indicates that six regions existed historically. The petitioner's named leaders are predominantly from the Fowler and Garrison family lines -- the descendants of Chief Seattle's mother, Scholitza. One is a non-Indian spouse. However, even if the six areas had been represented, the evidence needs to be submitted to refute the PF that the DTO "exercised no meaningful influence or authority over its members" (61 F.R. 33763).

Thus, DTO's assertions of preserved cultural continuities are general and attempt to establish that its present-day political structure reflects a specific and maintained traditional tribal pattern of political influence, governance, or other authority over its members as an autonomous entity throughout history to the present. They are attempting to demonstrate continuity between the present-day DTO and an Indian tribal organization in the past using only analogies of a general nature, rather than a systematic sequence of documentary evidence which show actual continuity, as required by the regulations and precedent.

The petitioner submitted Micheal Roe's commissioned study entitled "Duwamish Indian Modern Community" in a brown envelope labeled "Materials Submitted in Conjunction with Discussion of Criterion 83.7(c)." Most of the information in this report relates to criterion 83.7(b). (See the discussion of Roe's materials above). Roe's analysis reworks some data in the record when the PF was issued, but also discusses other data from 1996. From these combined sources he extrapolates a statistical analysis. This methodology of combining a number of different data sources causes problems. Roe himself states on page 10:

> Undoubtedly the samples in these four studies overlapped. Also, it was not possible to ascertain how representative these samples were of the larger Duwamish membership. . . . With these two recent studies in particular, it is fairly likely that they provide reasonable representations of the active membership of the tribe (Roe 1998, 10).

Roe is therefore aware that the data sets used in his analysis may not be comparable. The sources of data do not appear in his bibliography. The original sources of data extrapolated by Roe to make generalizations about the activities of the present day Duwamish were not submitted. Because the data sets for these last sources utilized in the study were not submitted, it is not possible to evaluate the accuracy of Roe's evaluation. The net result is that the sample is too small, the content is not comparable in some cases, and there are unknown overlaps. These overlaps may mean that an individual is actually represented two or three times in the sample, which would mean that the sample may be even smaller than claimed.

The following specific example illustrates the problems of evaluating this study. Roe

presents two of Tollefson's questions, one for 1987 and one for 1996. The 1987 question asks: "How many times have you contacted the Duwamish Tribe office in the past ten years? The choices are "1-2, 3-4, 5-6, 7-8, 9-10, 11+." The 1996 question was: "How often have you contacted or been contacted the Duwamish Tribal Office?" (Roe 1998, 28). The answers are "weekly, monthly, quarterly, yearly, and never." Ninety percent answered either weekly, monthly, quarterly, or yearly. This question shows why this survey displays problems in methodology. The possible choices in the 1996 survey may determine the relatively high positive response of 90 percent concerning communications with the petitioner's office. The study design may determine the responses because the answers available in the 1996 questionnaire forced the respondents to respond that they had contact with the office at least once a year or never. Many possible and likely answers between once a year and never were not available for the interviewee to select. In addition, no distinction was made between the respondent contacting the office and the office contacting the respondent, two quite different situations with different significances.

Evaluation

The PF found that the petitioner did not at any time maintain tribal political influence or authority over its members. It found that DTO has limited its activities to pursuing claims for its dues-paying members and that the organization was run by a tiny fraction of the membership. Also, the PF found that annual meetings consisted of a formal presentation of the claims situation and motions to elect officers, accept members, or endorse attorney's contracts. Other activities such as those concerning culture, welfare, governance, money-raising, subsistence activities, language maintenance, births, deaths, memorials, land acquisition, planning, and the maintenance of cemeteries, religious buildings, community centers or other institutions of any kind were not discussed by DTO leaders or members who were recognized from the floor. Although active participation in all of these activities is not required by the regulations, some indication that a majority proportion of the members were active in one or more of them or similar kinds of activities would provide relevant evidence that the petitioner undertook non-claims political activity. No such evidence was submitted and discussions in meetings in the 1950's refer to the lack of participation by both DTO leaders and members.

The petitioner's submission fails to cure those inadequacies. The response lacks new specific data and examples concerning possible influence of the group's members on leaders and possible authority exerted by purported leaders on the members. For example, there is no discussion of decision-making, conflict resolution, how events and programs are undertaken and run, or the functioning of any other activities which would reveal political processes from 1925 to the present.

The PF was unable to link the petitioner after 1925 with a Duwamish organization that was documented before 1917. Statistical analysis of various membership lists and a

comparison of leaders was done to show that a minority proportion of the individuals named on a 1915 list for one organization appeared on lists prepared for the petitioner's organization after 1925. The PF noted that a more careful analysis showing the relationships of close relatives who may appear on the lists might demonstrate that a higher proportion of the two memberships are linked. Linda Dombrowski provided data on individuals to show in which cases individuals from a single family line may appear on both lists, even though single individuals themselves may not. The BIA genealogist performed further analysis based on this new submission and found that by including close relatives in the analysis, a larger proportion, but still not a majority, of members could show they were linked to both organizations either on their own or through a close relative. This analysis tends to support the statements in the PF that although more individuals could probably be linked to both organizations, a majority could not be linked. The new analysis, however, is insufficient when weighed with the other available evidence, to change the conclusion in the PF that DTO does not meet criteria 83.7(c).

The petitioner proposed that the Fowler family, lead by Frank Fowler II, consulted family members in decision-making. However, this kind of family-based political organization was not confirmed with evidence pertaining to the Fowler family or to other families. The organization of the council along the lines of river drainages also was not born out in the submitted evidence. Other descriptions of political organization did not pertain to recent years.

Summary Conclusion Under Criterion 83.7(c)

The petitioner has not provided, nor has the BIA been able to devise a statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The evidence and arguments submitted in response to the PF under criterion 83.7(c) do not change the finding that the petitioner does not meet 83.7(c).

CRITERION D

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

Proposed Finding

The PF determined that the Duwamish Tribal Organization submitted a copy of its current governing document, which fully described its governance procedures and membership requirements, thereby meeting the requirements of criterion 83.7(d).

Comments on the Proposed Finding

No comments or additional submissions were received pertaining to this criterion. Therefore, there is no basis to alter conclusions of the PF.

Summary Conclusion Under Criterion 83.7(d)

The PF conclusion that the DTO meets criterion 83.7(d) is confirmed.

CRITERION E

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

Proposed Finding

The PF for the DTO petitioner concluded that approximately 99 percent of the 1995 membership list descended from the historical Duwamish tribe.

Comments on the Proposed Finding

Criterion 83.7(e), in part, requires the petitioner to submit:

> . . . a copy of each available former list of members based on the tribe's own defined criteria.

A total of nine membership lists served as the basis for the positive PF on this criterion (DTO PF Summary, 19). The petitioner referred to a tenth membership list — a May 1934 list made by Peter James — a copy of which was neither submitted to nor found by the BIA (DTO PF GTR, 10).[21] Although the petitioner's response to the PF implies their belief that the BIA possessed and analyzed that list prior to the PF,[22] the petitioner nevertheless supplied a copy of the list in question during the response period. The title page of this list reads: "Re-enrollment of the Duwamish Tribe from December 23, 1915. [*sic*] and Enrollment of the Duwamish Tribe January 1927 and to May, 1934, by Enrollment Council and Peter J. James, Chairman of the Council" (hereinafter "1927-34"

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[21] The petition documents include the title page to this list, but the typed list which follows it is identical to the 1926 membership list.

[22] "BAR mentions the 1927-1934 list in its findings as a source used during the land claims process. There are not many differences between the 1927-1934 list and the 1926 list, BAR made no effort to factor in these differences" (Dombrowski 1998, 5). In fact, BAR had no such membership list, and therefore could not make comparisons to the other membership lists.

membership list). Including this 1927-34 list made by Peter James, the petitioner submitted a total of three additional former lists of members in the response period. These lists are: (1) 1927-34 list, (2) 1939 list, and (3) 1976 list.

1. The 1927-1934 Membership List [23]

Although it meets the definition and burden of the first part of criterion 83.7(e), the 1927-34 membership list was furnished, cited, and analyzed by the petitioner as part of its response to issues raised in the PF under criteria 83.7(a) and (b). The 1927-34 list of members was submitted under a cover sheet which appears to be a photocopied list of exhibits (DU-1 through DU-20) admitted on October 28, 1975, in Case 9213 (*U.S. v. Washington*); this membership list is itemized thereon as exhibit "DU-11."

The 1926-1934 list of members (found as a separate item in exhibit 42 folder) contains 416 typed names, although self-totaled as "410" names. It contains 30 names not found on the 1926 membership list,[24] half of which represent children under age eight who may have been born since the 1926 list was made (depending upon the accuracy of their reported ages, and the date at which each was added to the 1927-34 list). Conversely, the 1926 membership list contains three then-living persons who are not recorded on the 1927-34 list.[25]

The two membership lists discussed below are described as "two additional updated Duwamish rolls" found in the course of the petitioner's research (Dombrowski 1998, 31). The submission of the first such list, transcribed in 1939, does not address any PF issue, nor any criterion other than 83.7(e).

2. The 1939 Membership List

The second of the three former lists of members (Exhibit 43) is a handwritten transcription made by M. D. Sackman of "the enrollment of the Duwamish Tribe," and sent to Myron Overacker on August 6, 1939, self-totaled as containing 436 names. The creation date of

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[23] Additional analyses of the 1915, 1926, and 1927-34 membership lists, as compared to additional genealogical claims and data submitted by the petitioner, were prepared as "working papers" for the use of the historian and anthropologist in evaluating the merits of the petitioner's "continuity of membership" presentation in response to the PFs under 83.7(a) and (b).

[24] See BAR working paper entitled "1926 vs. 1927-34." Two of those 30 members (*viz.*, Annie Jack Lobelean and Laura Siddle Carville or "Courville") appeared on the earlier 1915 membership list, although under their birth names.

[25] Ten deceased persons are also included on the 1926 list who, logically, are not found on the 1927-34 membership list. This analysis also appears in BAR working paper "1926 vs. 1927-34."

the original list from which this transcription was made is not known; although presumed to be a listing of all living members, it includes seven members who had been hand-noted as "deceased" or "dead" on the 1927-34 list,[26] and one member who was typed in as deceased on the 1926 list.[27]

3. The 1976 Membership List

The third of the three former lists of members (Exhibit 44) submitted in the petitioner's response does appear to address PF issues raised in a criterion or criteria other than 83.7(e):

> The BAR findings indicated that the Duwamish Tribe [did] not submit a roll as part of the Boldt Case and weighed this as evidence of lack of tribal participation and interest in fishing rights as evidenced by other Washington tribes participating in the Boldt Case at that time. Apparently, the list was late but it was produced (Dombrowski 1998, 31).[28]

In terms of criterion 83.7(e) alone, this does meet the definition of a former list of members, and consists of 128 typed names, representing adult members as of June 1, 1976 [post-dated?], as submitted in *U.S. v. Washington*, on May 28, 1976.

Summary

Aside from the submissions of additional former lists of members, no other response was received to amplify or challenge the positive PF for this criterion.

Summary Conclusion Under Criterion 83.7(e)

The PF conclusion that the DTO meets criterion 83.7(e) is confirmed.

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[26] *Viz.* (in order of appearance), Hazel Siddle, Ada James, Silas Hawk, David Daniel, Nellie Overacker, Abner J. Hamley, and Donald Hamilton.

[27] Bessie Bell Robertson was considered "dc'd" on the 1926 membership list, yet is listed on the 1939 membership list with no mortality qualifiers.

[28] This appears to refer to the DTO PF ATR, 128.

CRITERION F

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

Proposed Finding

The PF for the DTO petitioner concluded that there was no evidence that a significant percentage of the petitioner's members belong to any federally recognized tribe.

Comments on the Proposed Finding

No significant comment was submitted.

Summary Conclusion Under Criterion 83.7(f)

The PF conclusion that the DTO meets criterion 83.7(f) is confirmed.

CRITERION G

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

Proposed Finding

The PF concluded that there is no evidence that the petitioner was subject to congressional termination legislation (DTO PF Summary, 20).

Comments on the Proposed Finding

No new evidence has been submitted or discovered to challenge the conclusion of the PF. The petitioner's response to the PF does not address criterion 83.7(g). Thus the petitioner appears to accept the conclusion of the PF on this criterion. None of the third party

comments address the requirements of criterion 83.7(g) or the conclusions of the PF on criterion 83.7(g).

Summary Conclusion Under Criterion (g)

There is no evidence that the petitioner or its members have been explicitly terminated or forbidden a Federal relationship by an act of Congress. Therefore, the petitioner meets the requirements of criterion 83.7(g).

BIA RESPONSE TO DOMBROWSKI'S APPENDICES A and B

APPENDIX A

The petitioner's response included a report by Linda M. Dombrowski entitled "Continuity of Duwamish Tribal Membership" which begins with this self-description:

> This brief narrative report along with attached family charts [Exhibits 1-39] offers alternative interpretations and new materials in support of the continuity of the Duwamish Tribe from 1900 to 1925 and in opposition to BAR's finding of 'two different organizations and two different memberships.'

All but one of the "family charts" to which Dombrowski refers consist of computer-generated descendant tree charts showing descendants of specific forebears.[1] The name and birth/death years of each descendant appear in a small box, and all individuals in each generational tier are arrayed horizontally, with several such generational tiers on each chart. The individuals' boxes on these charts were then color-coded to reflect, among other things, their presence on the 1915 (yellow), 1926 or 1927-34 (orange), and 1951 (pink) membership lists. As quoted elsewhere in this Final Determination, Dombrowski warns that "[c]harts are not provided for every family or individual" (Dombrowski, exhibits preface). She further described that her report was "intended to complement the work of Dr. [Stephen Dow] Beckham," whose materials also appear in the petitioner's response (Dombrowski 1998, 1).[2]

Exhibit 42 of the petitioner's response summarizes data found (such as appearances in membership lists, "Indian Census" sources, cemetery records) or conclusions reached (such as "probably deceased," "probable child of Anna") for each individual found in the membership lists of 1915, 1927-34, and 1951 (self-totaled at 762 individuals, but appears to contain a few duplications and omissions[3]). The petitioner's response did not include

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[1] The one exception is a pedigree or ancestry chart identified as Exhibit 16: "Ancestors of Henry Moses."

[2] Beckham's report is entitled "Duwamish Indian Tribe: Tribal Initiatives, 1896-1935[,] and the Continuity of Membership."

[3] For example, Charles Alexis/Alixes, Benjamin Frederick, and Josephine (James) Oliver appear to be duplicates. Conversely, no entries were located for Eva Dan Jack, Iola Jack Lobehan Bill, Ada Arlene James, and Ruth Tuttle. Without an index, Exhibit 42 remained difficult to

additional documentation such as death certificates, marriage records, obituaries, or probate records to support Dombrowski's claims of name changes, deaths, and the like, but occasionally cited evidence found in the documented petition (e.g., "hand-written Queacton (Kuulsh Kanim) family chart") or elsewhere (e.g., St. Peter's Catholic cemetery records).

The petitioner's response folder labeled "Exhibit 42" also contained a copy of a Duwamish membership list entitled "Re-Enrollment of the Duwamish Tribe from December 23, 1915. [*sic*] and Enrollment of the Duwamish Tribe January 1927 and to May, 1934, by Enrollment Council and Peter J. James, Chairman of the Council." This list was not among the documented petition data, and, therefore, was not reflected in any analysis presented in the Proposed Finding. Dombrowski's analysis is based upon information found in both the 1926 and the 1927-34 membership lists, so any response to her submission must incorporate both lists.

In its family-by-family analysis, Dombrowski's narrative refers to these and other exhibits to illustrate her claims of membership continuity between 1915 and 1926 or 1927-34, in terms of her arguments both for the presence of more individuals on two or more lists than was credited in the PF and for the representation of families on two or more lists.

In preparing the Proposed Finding for this petition, BIA staff researchers compiled some of their working notes into five appendices. These appendices were not made part of the formal PF; however, photocopies of all five were furnished to the petitioner as part of the BIA response to their Freedom of Information Act ("FOIA") request. Appendix B presented the typed names from the "Duwamish Membership Roll, 1915."[4] Appendix C presented the typed names and ages from the "Duwamish Membership Roll, 1926."[5] Appendix D presented a compilation of names from both: "Duwamish Membership Rolls, 1915 and 1926," and indicates the names which the BIA recognized as appearing on both lists.[6]

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search and utilize for analysis purposes.

[4] BIA DTO PF Working Papers, Appendix B, also presents the results of a search for those names among the census rolls of 1915 for various identified reservations (National Archives micropublication M-595).

[5] BIA DTO PF Working Papers, Appendix C, also presents additional evidence of birth dates from reservation census rolls of 1926 and 1927 which included some of these Duwamish individuals (NA M-595).

[6] Endnotes to BIA DTO PF Working Papers, Appendix D, define the variables assumed in the comparison process.

These identifications and totals served as bases for the analyses made and described in the PF. The petitioner's response to the PF includes evidence and analyses challenging some of those conclusions. Therefore, BIA evaluation of the petitioner's response materials, described here and elsewhere in this Final Determination, makes reference to these Appendices B, C, and D, and the data they contain.

The BIA review of Dombrowski's family-by-family analysis follows, using the same headers and exhibit references (to the descendant tree charts) as appear in her "Continuity of Duwamish Tribal Membership" report.

Rogers Extended Family (Exhibit 15)

Summary: Dombrowski claims five pre-1926 deaths occurred in this extended family (William Rogers, Emma Celia Kuulsh-Kanim Mason, Harry Mason, Agnes Kelly, and Ellen Contraro Coy), thus precluding their appearances in the membership list of that year. Dombrowksi further claims one case of an individual being counted as two (Jennie/Jimmie versus James Rogers), and one case of a logical non-appearance in 1926 (the 1915 non-Duwamish husband Soloman Mason who does not appear after his wife's pre-1926 death).

Exhibit 15 is a descendant tree chart entitled by the petitioner as "Descendants of Kwiashten (Queaucon)." This chart depicts William Rogers's daughter-in-law Annie (Moses) Rogers as another pre-1926 death, even though Dombrowski's text for this family does not address it. The Exhibit 15 chart does not depict the next generation which would include Celia (Rogers) Mason's children, two of whom *do* appear on 1926 list. The chart expands laterally to illustrate the presence of William Rogers's cousins (first cousin Jenny Moses and her children) on the 1926 list.

BIA Response: The claims made are reasonable. Documentary evidence did not accompany the report; citations to "St. Peter's Catholic" cemetery appear in Exhibit 42 for four of the deaths (with page numbers in some instances, suggesting these records exist in book form somewhere), and a "hand-written Queacton (Kuulsh Kanim) family chart" obtained by FOIA request of BIA materials is cited as the source of the fourth death date. All of the claimed deaths and the one claim of separating one individual into two are accepted for purposes of re-analysis by the BIA.

Lyman Siddle & Julia John Family (Exhibits 7, 8, 9)

Summary: Dornbrowski claims three inferred deaths (Lyman Siddle, Olive Siddle, and August Bill), and two cases (three if the 1927-34 list is used) in which women who were single in 1915 and married in 1926 were miscounted (Clara Bill/Bangs, Lena Siddle/Rainey, and the 1927-34 example of Laura Siddle/Courville). Also offered is a discussion of (1) siblings and cousins (John women) who are "closely related" to members on the 1915 list even though they themselves do not appear thereon, and (2) the

children of Lyman Siddle and Julia John who appear on the 1915, 1926, and 1951 lists. Dombrowski's states: "According to Cindy Williams of the Duwamish Tribal Office Staff, BAR took a copy of the Siddle Chart during its site visit to the Duwamish Tribal Office and actuallyy had [*sic*] this source material, yet somehow these important facts were missed by BAR in its review and evaluation." Dombrowski further states that "BAR mentions the 1927-1934 list in its findings as a source used during the land claims process. There are not many differences between the 1927-1934 list and the 1926 list, but BAR made no effort to factor in these differences."

Dombrowski also disputes the passage in Anthropological Report (DTO PF ATR, 100) which claims that of nine identified members of the Siddle family (including one misidentified son Lyman B. Siddle who should be James Hogan Siddle) on the 1915 list, only three are on the 1926 list.

Exhibit 7 is a descendant tree chart, entitled by the petitioner as "Descendants of Common Ancestor of Julia and Jennie John," which depicts the two John sisters and one John first cousin, as well as the children of the John sister who married Lyman Siddle. The petitioner's attorney, Dennis Whittlesey, sent the BIA a correction by facsimile transmission dated January 21, 1998, the language of which indicates James Walker and son Charles Walker do not belong on this John family chart.

Exhibit 8, "Descendants of Lucy Stillman (Duwamish)," depicts August Bill's parents ("Joesph" Bill and Lucy Stillman) as well as August's children and grandchildren.

Exhibit 9, "Descendants of Stuck [Kahl-stch] Jack," depicts the maternal line of the Bill grandchildren of Exhibit 8, and includes their Payne cousins.

BIA Response: Documentary proof of Lyman Siddle's death date of March 17, 1918, is found in his BIA "Report on Heirship" (BIA Genealogical Document G-388). Olive's death as inferred seems reasonable. August Bill was enumerated in the 1920 U.S. census, Clara was listed as a widow on the 1924 Muckleshoot Census (Exhibit 42, p. 86), and no evidence was cited for Clara's remarriage before 1926 to a Mr. Bangs. Nevertheless, all of these claimed deaths and remarriages are accepted for purposes of re-analysis.

There are two important issues here as to the accuracy of the petitioner's allegations. First, no "Siddle Chart" appears in the BIA document log of genealogical materials copied at the tribal office, although a partial Siddle pedigree chart was photocopied at Sand Point (BIA Genealogical Document G-387; however it does not include a Mr. Bangs among the husbands attributed to Clara Siddle). No "Siddle Chart" from the tribal office has been located in the petition documents, nor would its data constitute "important facts" or "proof" in and of itself.

Second, as stated earlier in the Final Determination, no copy of the 1927-1934 list matching that submitted by the petitioner as part of Exhibit 42 is found in the

documentation submitted by the petitioner or found by the BIA prior to the PF. Petitioner's references to it were acknowledged in the PF, but not as characterized by Dombrowski, rather as follows: "...there is considerable reference made to a May 1934, Duwamish membership list made by Peter James (U.S. BIA n.d.), however no copy was submitted by the petitioner nor found during the research process" (DTO PF GTR, 10). A membership list in the petition documents bears title page which is identical to the title page of the 1927-1934 list submitted by Dombrowski (even bearing the same handwritten "File 063 Duwamish, 11" in the upper right margin) but its contents are identical to the 1926 list (U.S. District Court, Western District of Washington, n.d., DU-11).

Because Dombrowski's report uses this 1927-1934 list in its analysis, whereas the BIA used the 1926 list in its PF, the BIA's response to Dombrowski incorporates both lists.

Regarding Dombrowski's dispute with the Anthropological Report's claim that only three of nine Siddles appear on the 1926 list (DTO PF ATR, 100), the new data indicates that only seven of those nine Siddles were living by 1926, and of those seven, there were four on the 1926 list, and five on the 1927-34 list.

Moses Family (Exhibit 15)

Summary: Dornbrowski takes issue with the conclusions expressed in the Anthropological Report, which, although slightly misquoted by Dombrowski (Dombrowski 1998, 5), appears in the PF as: "... the number of members listed in 1926 is much smaller than that of the members listed in 1915. The immediate families of Henry and Joseph Moses are found on both lists. However, Charles Moses and his relatives are not on the 1926 list" (DTO PF ATR, 100). Dombrowski cites the Roblin Roll to document the facts that Henry and Joseph were brothers to Charles Moses, and that Charles's mother Jennie Moses was on the 1926 list; Dombrowksi then deduces that Charles was himself deceased (whether with or without a family of his own by 1926 is not clear from the submission, nor learned independently).

Exhibit 15, "Descendants of Kwiashten (Queaucon)," depicts this Moses family (along with the Rogers family) as descendants of Kwiashten (Queaucton).

BIA Response: The petitioner offered no evidence that Charles died before 1926, although his pre-1937 death is deduced; his name does not appear among the names of Jennie Moses's surviving sons in her 1937 obituary (Dombrowksi notes that this obituary was among the BIA materials the petitioner obtained through FOIA request). Nevertheless, Charles Moses is considered deceased before 1926 for purposes of re-analysis. Only one of William Rogers's two children charted in Exhibit 15 is annotated as being on the 1915 list; however, his grandchildren via both children were on 1915 list, and, if living, on the 1926 list. William Rogers's great-grandchildren via the one non-1915 child are also on the 1915 list.

Kennum/Tuttle Family (Exhibits 17, 18)

Summary: Evidence is provided by Dombrowski (and Beckham) on Dr. Jack Bigelow and his female relatives. Dombrowski avers that the PF claims (citation not given) Bigelow's heirs "are never mentioned[,] implying that they have severed their relationships with the tribe after marrying white pioneers. BAR is quite insistent that showing interaction for these women is important as 'pioneer marriage descendants are ancestral to over 4/5 of the present DTO'" (Dombrowski 1998, 16). Transcriptions of a circa 1963 interview of (or conversation between) Henry Moses and Myron Overacker (Exhibit 40), probate record descriptions (Upchurch 1/4/1936), and a personal letter (Overacker 11/15/1935) offer evidence of activities and inter-relatedness.

Exhibits 17 ("Descendants of Tyee Mary [Mary Kennum]") and 18 ("Descendants of Anna [Quio-Iitza] Kennum") depict Dr. Jack Bigelow's heirs via his sister Tyee Mary and via her daughter Anna.

BIA Response: Exhibits 17 and 18 do not reflect all of the heirs of Dr. Jack Bigelow as claimed in the narrative or supported by submitted documentation. For example, missing from Dombrowski's listing (Dombrowski 1998, 14, 15) of [Dr. Jack's niece] Anna Tuttle's heirs in 1913 is Anna's daughter Katie (Bigelow) SinClair and Katie's four children (Upchurch 1/4/1936, 2). Exhibits 17 and 18 depict Anna's daughter as "Kittie Bigelow," but without her SinClair husband and children. The SinClairs do not appear on any submitted Duwamish membership list. Also, no descendant tree chart is provided which depicts Dr. Jack Bigelow's heirs via his sister Amelia (Beckham 1998, 54). Nor is there a chart to show the descent of Mike Williams and Isaac Allen who appear on the 1915 membership list and who are described by Dombrowski in this Kennum section as "cousins" (Dombrowski 1998, 16, 17).

Some heirs of Dr. Jack Bigelow appear to be represented in the Duwamish membership lists of 1915, 1926, 1927-34, and 1951. The 1915 list includes Mike Williams and Isaac Allen (asserted but not documented or charted by the petitioner as descendants of Dr. Jack Bigelow's sister), the 1926 list includes seven grandnieces and grandnephews of Dr. Jack Bigelow, the 1927-34 list includes those same seven (some of whom are hand-noted as deceased), and the 1951 list includes one remaining grandnephew of Dr. Jack Bigelow's and children of four other grandnieces and grandnephews.

This new information is considered part of the comparison of the 1915 and 1926 and 1927-34 lists. See the FD for discussion and analysis of the specific documents submitted (criterion (b) section) and for the evaluation of family representation across the membership lists (criterion (c) section).

Hamilton Family (Exhibit 19)

Summary: Dombrowski does not claim any BIA error in identifying deceased, remarried, or "split" individuals in this family. This section presents non-genealogical and chiefly pre-1915 evidence affecting criterion 83.7 (b).

Exhibit 19, "Descendants of Bill Hamilton [Sala-ka-bas]," depicts Major Hamilton's parents, child, and grandchildren.

BIA Response: No genealogical response needed. Major Hamilton, his son, and his grandchildren were present on all lists created in their respective lifetimes, except 1951.

Kittle Family (Exhibit 25)

Summary: Dombrowski's analysis of the Roblin affidavits, Emily Kittle's probate records, and a 1935 letter led her to conclude that the "Alex Kittles & 4 ch." appearing on the 1915 list pertain to Alex's two sons (Charles and Carl) and two grandsons (Eddie and Elson), only one of whom (Carl) is unaccounted for on lists of 1926 and 1927-34. Dombrowski also points out the PF error in presenting Emily Kittle of 1926 as one of Alex's children when she was, in fact, Charles's wife. Dombrowski emphasizes that the BIA had sufficient data to reach these same conclusions (the BIA chart drafted from Roblin affidavits and Emily Kittle's probate records were obtained by the petitioner through FOIA). She also responds to PF's statements about certain persons on the 1915 and 1926 lists who are "not ancestral to the DTO" by stating, "[t]he fact that a family appears to have died out later is not relevant to the issue of whether the family appeared on the 1915 and 1926 lists."

Exhibit 25, "Descendants of Kittle [Chow-schlech-it]," depicts this family, but appears to err in estimating the death date of Elson Kittle (born 1915 - died "abt 1928") whose recent death after graduating high school was mentioned in a November 1935 letter (Overacker 11/15/1935).

BIA Response: For purposes of re-analyzing the list data, the above Dombrowski conclusions or identifications are accepted. It is the burden of the petitioner, not the BIA, to account for its membership over time; the PF served its purpose in alerting the petitioner to the fact that further analysis of the membership between 1915 and 1926 was needed. The Dombrowski statement that a family's dying out is not relevant to whether they appeared on both lists (1) presumes the descendants died out rather than ended tribal relations (in which latter case it would be relevant), and (2) mixes criterion 83.7 (b) and 83.7 (e) issues.

Sampson Ellesman (Exhibit 27)

Summary: Dombrowski cites Roblin's data on Lucy Sampson for evidence that Lucy's husband was Sampson Ellesman (a.k.a. Ells Sampson) who was born circa 1836, and states that Lucy was listed as a widow in 1926 (Dombrowski's Exhibit 42:60 entry for "Sampson Ellesman" includes in the "Some Related Indian Census Sources" column the following: "1922 unattached Muckleshoot, widow listed in 1926"). Lucy is not on the petitioner's 1926 or 1927-34 list. Dombrowski asserts that "[f]rom its own research BAR should have been aware that there were some very elderly individuals on the [1915] list."

Exhibit 27 ("Descendants of Ail-suid") indicates that Sampson and three of his Sloan grandchildren appear on the 1915 list; the chart does not depict Sampson's niece Susie Williams who is also mentioned in the Sampson passage on page 20 of Dombrowski's report.

BIA Response: Sampson's estimated death date is acceptable, despite the reference to an unnamed 1926 list, presumably a Muckleshoot census (Ex. 42: 14/60). Nevertheless, Sampson's three surviving Sloan grandchildren do not appear on later lists of 1926, 1927-34, or 1951. Finally, the BIA *was* aware that there were some very elderly individuals on the 1915 list; the Historian's Report (DTO PF HTR, 52) articulated the variety of circumstances which could account for the non-appearance of 1915 individuals on the later list(s).

Susie Williams and Thomas Dixon Family [no exhibit cited]

Summary: Dombrowski does not explain here if or how Susie Williams and the Thomas Dixon family are related, although Exhibit 42 lists "Dixon" as one of Susie Williams's names, and states that she resided with the Thomas Dixon family (no citation to evidence of when or where). Dombrowski lists Susie as an individual who probably died between 1915 and 1926. Exhibit 42:4 mentions Susie was 68 in 1915, and Ex. 42:50 shows Susie was a 72-year-old widow on the "1919 Tributary to Tulalip Agency." Exhibit 42 does cite evidence that Tommie Dixon was deceased by 1926 (his wife is referred to as a widow in Tulalip records of 1926; Ex. 42:49). Dombrowski cites the Anthropological Report (DTO PF ATR, 134) for evidence that a Dixon family member, Marcia Maitsburger, served on a Duwamish committee even though most of this family became affiliated with the Puyallup.

BIA Response: Despite lack of evidence other than advanced age, the death of Susie Williams is acceptable for list-comparison purposes, as is the death of Tommie Dixon.

Julia Whatulach Family (Exhibit 33)

Summary: Dombrowski describes Julia Whatulach O'Bryant's non-appearance on the 1915 list as possibly due to the fact she traveled with her Indian agent husband, and mentions that the family was well-represented on later lists of 1926 and 1951.

Exhibit 33 ("Descendants of Julia Whatulach") depicts Julia (no birth or death dates listed), her three children (born 1859-1869), her grandchildren, and great-grandchildren.

BIA Response: No genealogical response is needed with respect to oversights of marriages, deaths, or differing names. According to the color-annotations on the Exhibit 33 descendant tree chart, the Duwamish lists of 1915, 1926, or 1951 do not include Julia's children, but only Julia's grandchildren and great-grandchildren.

Davis, Zackuse, Lewis Families (Exhibits 32, 34)

Summary: Dombrowski explains the non-appearance of the Davis, Zeackuse, Lewis, and "probably" Monohan and Josh families on post-1915 lists as due to their choosing to enroll in the Snoqualmie Tribe around 1925, which, since that time, has recognized and kept a "cooperative working relationship" with the Duwamish. She also claims that Josephine Brown and children appear on the Suak-Suiattle Census after 1919.

Exhibit 32 ("Descendants of Taqualqual") depicts George Davis, his sister, George's one child and three grandchildren, all of whom appear in 1915 but not later. Exhibit 34 depicts Amelia (Brown) Zeackuse, her three children, and one grandchild, all of whom appear on the Duwamish list of 1915 but not later.

BIA Response: No anomalies are claimed in this section.

Sarah Seymore/Seymour Family (Exhibit 22)

Summary: The Duwamish matriarch of this family, Sarah, died in 1913, and although her surviving family did not appear on the 1915 list, they appear "in numbers" on the later 1926 and 1951 lists.

Exhibit 22 ("Descendants of Sarah Seymour") begins with Sarah. Sarah's children, grandchildren, and great-grandchildren are color-coded to show who appears on the lists of 1926 and 1951.

BIA Response: Here, too, no changes are claimed to the raw numbers as presented in the PF.

Sackman Family (Exhibits 1, 2, 3, 4, 5, 6)

Summary: Dombrowski describes the interrelatedness of the various Sackmans, but does not claim any missed deaths, marriages, nor confusion of names.

Exhibit 1 ("Descendants of Scolitza") depicts the major branches from Chief Seattle. Exhibit 2 ("Descendants of Chief [Noah] Seattle") depicts Chief Seattle's direct descendants. Exhibit 3 ("Descendants of Princess Angeline") breaks out Princess Angeline and her descendants down to her great-grandchildren (some of whom on both 1915 and 1926 lists). Exhibit 4 ("Descendants of Lula B. McPhee") breaks out Princess Angeline's great-granddaughter Lula (McPhee) Sackman, and shows her children (some on 1915 and 1926 lists), grandchildren (born after 1915, and some on 1926 and 1951), and great-grandchildren. Exhibit 5 ("Descendants of Maria Sanko [Citeeath]") illustrates the Sackman brothers — Joseph, Isaac, and David — and their children and grandchildren. Exhibit 6 ("Descendants of William [Qui-alk] DeShaw") depicts Mary Talese (Chief Seattle's granddaughter), her children, grandchildren, and great-grandchildren. After Mary's death, her husband William DeShaw married twice more; his third wife was on 1927-34 list, but none of Mary's depicted descendants are color-coded as appearing on Duwamish lists.

BIA Response: No changes are claimed to the raw numbers as presented by in the PF.

Garrison Family (Exhibit 37)

Summary: Dombrowski claims that "[t]he Garrison family appears on the 1915 list as 'L. R. Henry and family' on the signature sheet." She challenges the PF statement that "[a]ll of the families in the current membership, except...Garrison...had at least one direct ancestor on the 1926 constitutional roll" (DTO PF GTR, 10) by stating "one of the direct ancestors of the Garrisons in the current membership, Annie Garrison Henry, had died by 1926."

Exhibit 37 ("Descendants of Jane [Jenny]") depicts John and Jenny Garrison, their children, grandchildren, and great-grandchildren. Among the eight children of John and Jenny Garrison, Annie (who married Leroy Henry) is the only one color-coded as having appeared on the 1915 Duwamish list, although Dombrowski's narrative does not claim Annie appeared by name but rather is implied by her husband's signing "L. R. Henry and family."[7] Color-coding denotes the presence on the 1926 or 1927-34 lists of three

[7] Analysis undertaken for the Proposed Finding considered all of the names entered on the 1915 Duwamish list, but not "[h]andwritten entries or signatures at the conclusion of the list" (see note at end of BIA DTO PF Working Papers, Appendix B, as described in the preface to this report). Thus the names of Leroy Henry, his wife, and children do not appear in the analysis of the 1915 list, nor in the name-to-name calculations. However, in the new analysis (continuity of

children of John and Jenny Garrison (viz., Ben Franklin Garrison, Henry Garrison, and Kate (Garrison) Anderson) and three children of Annie (Garrison) Henry (viz., Ione (Henry) Ryner, Ethel Henry, and Ada/Ida (Henry) Frank). Ione's two-year-old son, Homer Ryner Jr., appears on the 1926 and 1927-34 lists, but is not color-coded as such on this descendant tree chart.

BIA Response: Annie (Garrison) Henry's death, although not proven (Exhibit 42:52 gives death information as "about 1920" but no evidence cited), is accepted here for re-analysis purposes. The Duwamish Judgment "Family Tree Chart for the Descendants of Jennie Garrison" (BIA Genealogical Document G-435) lists Annie with a death date of "1919," yet the Federal census enumerated Annie (age 39) with her husband and family in January 1920 (BIA Genealogical Document G-55).

It is not made clear how Dombrowski concludes Mrs. Henry is the direct ancestor of any Garrisons in the current membership. Certainly no children or grandchildren of Annie (Garrison) Henry as depicted on Exhibit 37 are Garrisons or married Garrisons. The PF accommodates the presence of Annie's direct descendants — regardless of their surnames — in the current membership where it states that "the four members of the Garrison family on the 1926 roll do not have direct descendants in the DTO, but some descendants of Garrison siblings are on the DTO" (DTO PF GTR, 10).

[Dombrowski identities the "Annie Garrison" and "Elizabeth Garrison" on the 1915 Duwamish list on her Exhibit 28 as Annie (Nason) Garrison and her daughter Elizabeth Garrison.]

Scheurman Family (Exhibit 21)

Summary: Dombrowski concurs with the PF's findings of continuity for "16 members" of this family on the 1915 and 1926 lists.

Exhibit 21 ("Descendants of Peggy Margaret Curley") depicts the progeny of Margaret Curley and her husband Christian Scheurman.

BIA Response: The chart comprising Exhibit 21 seems to point out a single-to-married name change which was not claimed in Dombrowski's report: Catherine Scheurman of 1915 *appears to be* Catherine Furness by 1926. No evidence is furnished of her marriage, but Mrs. Catherine Furness is grouped with the Scheurmans in the 1926 and 1927-34 lists. For re-analysis purposes, Catherine Scheurman and Catherine Furness are considered to be one and the same person, now counted as appearing in both lists, rather than as two separate individuals, each of whom appeared on one list only.

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family representation) undertaken for the Final Determination, an effort was made, and noted, to determine how the inclusion of the Henry progeny would affect the calculations made.

Dr. James Family (Exhibit 35)

Summary: Dombrowski gives background rather than raise issues of error for this family; however, she points out that "Rudby" James of the 1915 list is actually "Percy" James of the 1926 list, thus establishing one more person showing continuity between the two lists. No separate proof is offered or cited for the correction.

Exhibit 35 ("Descendants of Dr. James [Al-la-bath]") depicts Dr. James's children and grandchildren, color-coded for their presence in the Duwamish lists.

BIA Response: The identification of "Rudby" James as "Percy" James is considered reasonable, and thus is counted as a single person appearing on both 1915 and 1926 lists.

Sallie Willison [Wilson] Family (Exhibit 29)

Summary: Dombrowski cites St. Peter's Cemetery record abstracts which show that Sallie and five of her children died "during the period from 1916 to 1927." She mentions that none of Sallie's children survived into the 1950's. However, she does not state whether *their* progeny (if any) survived into the 1950's.

Exhibit 29 ("Descendants of Duwamish Father of Sallie Wilson") depicts Sallie's "Duwamish father" and her nine children; no grandchildren depicted.

BIA Response: A type-over in the 1915 list resulted in an entry which may be Sallie "Williams" or Sallie "Willison." Since Sallie's entry heads the listing of Willison children, it is reasonable to deduce that her entry intends to say "Willison." After Sallie's entry in the 1915 list appear Philomena Willison, Fredrick Willison, Raymond Willison, "& other ch." Dombrowski's cemetery record extracts (Ex. 42:1/47 and 42:22/68) plus Beckham's 1920 Census extract (Beckham 1998, Appendix D, 11) show that at the time of the 1915 list Sallie had three or even four unnamed children, in addition to three named children in her household and one married child.

Sallie and five of her eight children died before 1926, two more children died by the end of 1932, and her eighth child died by 1937, according to the cemetery record extracts. However, since Sallie's "other ch." on the 1915 list was considered to be just one child for list comparison purposes, then just one death among the newly-identified children is noted here. Thus, of the five Willisons attributed to the 1915 list by the PF, the FD acknowledges Fredrick Willison as the only one to have survived to 1926; Sallie, Philomena, Raymond, and one unnamed child are noted as deceased before that date.

Martin and Eli George [no exhibit cited]

Summary: Dombrowski states simply that "George Eli" [*sic*] died in France in 1922 at age 26, and his brother "George Martin" [*sic*] died in 1926. Compiled genealogical data on these two men (in Exhibit 42:6/29/52/75) cite "St. Peter's Catholic. p. 2" under "Cemetary" [*sic*] references for both; Eli's entry under "Remarks Burial" reads "B. March 15, 1893, D. France."

BIA Response: As these cemetery record references did not accompany the petitioner's response, it remains unknown whether St. Peter's Catholic church or cemetery was noting Eli's death abroad, Eli's burial at St. Peter's, or both. Both George brothers are nevertheless added to the list of those now believed to be deceased by 1926.

Joresich Family (Exhibit 39)

Summary: Dombrowski states that the petitioner was not able to "locate any information in its files on what appears to be the Joresich extended Family" which, by Dombrowski's count, "may have accounted for up to 31 individuals on the 1926 list." These persons do not appear in the lists of 1915 or 1951. "Because of their numbers it appears that undue weight would given [*sic*] to these two families in any statistical analysis comparing lists based solely on the names appearing on each list" (Dombrowski 1998, 28).

Exhibit 39 ("Descendants of Duwamish Ancestor Married to Joresich") presents a speculative chart reconstructing the possible family tree of a Duwamish woman who married a Mr. Joresich shortly after the Civil War. This descendant tree chart depicts three generations, each of which is represented in the 1926 and 1927-34 lists. "The sole purpose of Exhibit 39 is to estimate the number of names and individuals attributable to this one extended family" (Dombrowski 1998, 28).

BIA Response: As Dombrowski warns, her reconstruction of the Joresich family is "only a guess" [emphasis in original], without citations to evidence and without identification of an actual Duwamish forebear. Statistical analysis based solely on the appearance or non-appearance of their names on Duwamish membership lists appears to be the *only* type of analysis possible, as no other data on them is offered (such as evidence of participation on the council or other activities which would demonstrate they were a part of a Duwamish organization after 1927-34). Regardless of whether they are few or many, or whether they are interrelated in the ways theorized by Dombrowski, these individuals appear on the 1926 and 1927-34 lists, and thus cannot be removed from analysis. These individuals remain in the analysis for the FD.

Summary

The BIA's review of the genealogical information provided in Linda Dombrowski's "Continuity of Duwamish Tribal Membership" and Exhibits 1-42 resulted in (1) a re-evaluation of the identities of the persons on the 1915 Duwamish list; (2) a re-evaluation of the comparisons made between the 1915 and 1926 lists (expanded to include the newly-submitted 1927-34 list); and (3) a new evaluation of the continuity of family representation among the 1915, 1926, and 1927-34 lists.

With this new information, but following the parameters given in the PF,[8] the BIA accepts that the 1915 Duwamish list of typed names represents 368 identifiable persons. In addressing BIA's name-to-name comparisons between the 1915 and 1926 lists, the new information points out name changes which would alter the analyses reported in the PF. Five are spelling or typing variations (three Dan/Daniels, Rudby/Percy James, Jennie/James Mason), and five are name changes due to marriage (Alice Lester Cross, Catherine Scheuerman Furness, Clara Siddle Bill Bangs, Laura Siddle Courville/Carville, and Lena Siddle Rainey). The number of 1915 members who are claimed as deceased or probably deceased totals 42 persons by 1926, or 47 persons by 1934. As anticipated in the language of the PF, the petitioner's additional research resulted in an increase in the name-to-name matches. It also made possible a truer assessment of the proportionate carryover of membership between and among these membership lists than was possible for the PF.

The new evaluation, of the continuity of family representation, required an analysis which began with the expanded list of persons on the 1915 Duwamish list. Any such person on the 1915 list who was not personally present on the lists of 1926 or 1927-34 was researched further in the information furnished in Exhibits 1-39 and 42 to learn the relationship of that person's closest relative found on the 1926 or 1927-34 list (if any). Similarly, all persons on the 1926 or 1927-34 lists were researched to determine their personal presence or representation by kin on the 1915 list.

The results of the re-evaluations and the one new evaluation, made after factoring in the petitioner-provided changes, are given in the text of the FD.

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[8] For example, handwritten entries or signatures at the conclusion of the 1915 list are not included (BIA DTO PF Working Papers, Appendix B, 8); however, the third type of analysis (continuity of family representation) does report the effect of including the progeny of one such signatory.

APPENDIX B

1939 Duwamish Roll (Exhibit 43)

Summary: Dombrowski describes the handwritten 1939 membership roll as "almost identical" to the 1927-34 list, except that some members who were marked as deceased on the 1927-34 list are deleted from the 1939 list.

Response: Limited analysis was made of the 1939 list which is self-totaled as including 436 members. Indeed, some (11 of 18) of the 1927-34 deceased members' names have been removed; however, seven of the 18 members hand-noted as deceased on the 1927-34 list are listed as if living members on the 1939 list (viz., Hazel Siddle, Ada James, Silas Hawk, David Daniel, Nellie Overacker, Abner Hamley, and Donald Hamilton), and one member noted as deceased on the 1926 list reappears as a living member in 1939 (Bessie Bell Robertson). Fewer than 10 members from the 1927-34 list are missing from the 1939 list.

A total of 32 names appearing on the 1939 list are "new" in the sense that they were not typewritten entries on the 1927-34 list, although 15 of them were handwritten additions to that 1927-34 list. Of those 15, four were added in handwriting to the end of the 1927-34 list, and 11 had been handwritten into the margins of the 1927-34 list. The remaining 17 "new" names on the 1939 list bear surnames matching those of members found elsewhere on the 1939 list, suggesting that these are children who had been born since the 1927-34 list was written.

The submission of this 1939 membership list meets the definition of part of the requirement of 83.7 (e), to submit each available former list of members; however, it does not affect the positive determination of the PF that the petitioner meets 83.7 (e).

1976 Duwamish Roll (Exhibit 44)

Summary: This roll of 128 names, originally submitted in *U.S. v. Washington*, apparently did not accompany the petition documents, and Dombrowski states that the PF (apparently DTO PF ATR, 128) considered the previous non-submission of this roll as "evidence of lack of tribal participation and interest in fishing rights" (Dombrowski 1998, 31; in addition to the roll comprising Exhibit 44, other evidence of Duwamish fishing rights activities is furnished in Exhibit 45). It is self-described as a listing of adult members, and does not include approximately 20 additional adults "whose membership is pending further Council action" (Exhibit 44, cover).

Response: The submission of this 1976 membership roll meets the definition of the part of 83.7 (e) requiring the submission of each available former list of members; however, its submission intends to address PF concerns about criterion 83.7 (c) issues.

Bibliography for the Final Determination

for the

Duwamish Tribal Organization

SOURCES CITED

Anonymous

ca. 1898-1901 Unsigned letter to "Dear Couisan," written at Tracyton, Washington, n.d. *In* Beckham 1998, Appendix F.

Assistant Secretary - Indian Affairs

1996 Summary under the Criteria and Evidence for Proposed Finding Against Acknowledgment of the Duwamish Tribal Organization, June 18, 1996. [Note: A notice of the proposed finding was published in the *Federal Register* on June 28, 1996 (61 F.R. 33763).] (Cited as: DTO PF).

1997 Summary under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Snoqualmie Tribal Organization, August 22, 1997. [Note: A notice of the final determination was published in the *Federal Register* on August 29, 1997 (62 F.R. 45864).] (Cited as: Snoqualmie FD).

2000 Summary under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Cowlitz Indian Tribe, February 14, 2000. [Note: A notice of the final determination was published in the *Federal Register* on February 18, 2000 (65 F.R. 8436).] (Cited as: Cowlitz FD).

ATR

See: Bureau of Indian Affairs 1996, Anthropological Technical Report

Beckham, Stephen Dow

1998 Duwamish Indian Tribe: Tribal Initiatives, 1896-1935 and the Continuity of Membership (67 pp. & Appendices A-F). Jan. 1998. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(b).

Bergsma, James R.

10/10/ 1996 Letter with enclosed oversized exhibits. *In* Comments on Proposed Finding, BAR Files.

Duwamish Final Determination - Sources Cited

BIA
See: Bureau of Indian Affairs

BIA DTO PF Working Papers
See: Bureau of Indian Affairs n.d., Working Papers

BIA Genealogical Documents
G-55 *See:* Census Bureau 1920

G-387 *See:* Bureau of Indian Affairs n.d.

G-388 *See:* Bureau of Indian Affairs 1919

G-435 *See:* Bureau of Indian Affairs 1970

Bogle, Bogle & Gates
1/31/ 1939 Letter to Commissioner of Indian Affairs. *In* Beckham 1998, Appendix F.

Buerge, David
1980 Defining the Extent of Duwamish Territory. Manuscript. Petition 1989, 5:1597-1639.

Bureau of Indian Affairs (Cited as: BIA)
4/14/ 1919 Duwamish Judgment. Federal Records Center - Seattle, RG 75, 929481, Box 9. "Report on Heirship," Lyman Siddle. (Cited as: BIA Genealogical Document G-388).

1970 Duwamish Judgment. Federal Records Center - Seattle, RG 75, 929493, Box 21. "Family Tree Chart for the Descendants of Jennie Garrison." (Cited as: BIA Genealogical Document G-435).

1978 Procedures for Establishing that an American Indian Group Exists as an Indian Tribe. August 24, 1978. 43 F.R. 39361 (September 5, 1978).

1996 Anthropological Technical Report, Proposed Finding for the Duwamish Tribal Organization. BAR files. (Cited as: DTO PF ATR).

1996 Genealogical Technical Report, Proposed Finding for the Duwamish Tribal Organization. BAR files. (Cited as: DTO PF GTR).

1996 Historical Technical Report, Proposed Finding for the Duwamish Tribal Organization. BAR files. (Cited as: DTO PF HTR).

n.d. Duwamish Judgment. Federal Records Center - Seattle, RG 75, 929481, Box 9. "Siddle." (Cited as: BIA Genealogical Document G-387).

n.d. Working Papers, Appendix B, "Duwamish Membership Roll, 1915." (Cited as: BIA DTO PF Working Papers, Appendix B).

Bureau of Indian Affairs (cont.)
n.d. Working Papers, Appendix C, "Duwamish Membership Roll, 1926." (Cited as: BIA DTO PF Working Papers, Appendix C).

n.d. Working Papers, Appendix D, "Duwamish Membership Roll, 1915 and 1926." (Cited as: BIA DTO PF Working Papers, Appendix D).

Bureau of Indian Affairs, Tulalip Agency (Cited as: BIA Tulalip)
1935 Annual Report. National Archives microfilm, M-1011, roll 156.

Census Bureau
1910 Instructions for filling out the Special Indian Schedule.

1920 Federal Population Census, Washington State. Kitsap County, Enumeration District 275, page 1-B: Port Madison Indian Reservation. National Archives, RG 29, Micropublication T-625, roll 1932. (Cited as: BIA Genealogical Document G-55 [transcription appears as G-26]).

Cole, Douglas, and David Darling
1990 History of the Early Period. *Handbook of North American Indians*, 7:119-134. Washington, D.C.: Smithsonian Institution.

Collier, John. Commissioner of Indian Affairs.
12/23/ 1935 Letter to Superintendent O. C. Upchurch. *In* Beckham 1998, Appendix F.

Cowlitz FD
See: Assistant Secretary - Indian Affairs 2000

Dickens, W. F. Superintendent, Tulalip Agency.
6/24/ 1924 Letter to Commissioner of Indian Affairs. *In* Beckham 1998, Appendix F.

Dombrowski, Linda M.
1998 Continuity of Duwamish Tribal Membership (30 pp. & Appendices A-B). Jan. 1998. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(b).

Drucker, Phillip
1965 *Cultures of the North Pacific Coast.* San Francisco: Chandler Publishing.

DTO
See: Duwamish Tribal Organization

DTO PF ATR
See: Bureau of Indian Affairs 1996, Anthropological Technical Report

DTO PF GTR
See: Bureau of Indian Affairs 1996, Genealogical Technical Report

DTO PF HTR
See: Bureau of Indian Affairs 1996, Historical Technical Report

DTO PF Summary
See: Assistant Secretary - Indian Affairs 1996

Duwamish Annual Meeting
1954 Transcript [n.d.] of Duwamish Annual Meeting of June 1954. Petitioner's Ex. 46. *In* DTO 1998, Exhibits Volume.

Duwamish Tribal Council
9/20/ 1988 Draft letter, unsigned, to Hazel E. Elbert, Deputy to the Asst. Secretary of Indian Affairs. *In* "Duwamish Publications" *in* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

Duwamish Tribal Organization (Cited as: DTO)
1998 Duwamish Response to BAR's [*sic*] Proposed Denial of Federal Acknowledgment for Duwamish Tribe, by Dennis J. Whittlesey. Jan. 21, 1998. *In* Final Response of Duwamish Indian Tribe.

Exhibit
In: Duwamish Tribal Organization 1998, Exhibits Volume.

Giese, Peter
2/18/ 1997 Letter. *In* Comments on Proposed Finding, BAR Files.

Gleeson, Karen
2/20/ 1997 Letter. *In* Comments on Proposed Finding, BAR Files.

GTR
See: Bureau of Indian Affairs 1996, Genealogical Technical Report

HTR
See: Bureau of Indian Affairs 1996, Historical Technical Report

House of Representatives, Committee on Appropriations
1922 Interior Department Appropriation Bill, 1923. Hearings, 67 Cong., 2 sess.

Kappler, Charles J., comp.
1913 *Indian Affairs: Laws and Treaties*, Vol. 3. Washington, D.C.: Government Printing Office.

Melzner, A. B. Chief of Probate Division.
2/28/ 1939 Letter to Bogle, Bogle, and Gates. *In* Beckham 1998, Appendix F.

Miller, Bruce G., and Daniel L. Boxberger
1994 Creating Chiefdoms: The Puget Sound Case. *Ethnohistory* 41:267-293.

Moses, Henry, and Myron Overacker
1997 Tape Recording Transcription [n.d.], of Henry Moses and Myron Overacker, 1963 (9 pp.). (Cited as: Exhibit 40).

Office of Indian Affairs
See: Bureau of Indian Affairs

Overacker, Effie (see note)
11/15/ 1935 Letter to Myron T. Overacker. *In* Beckham 1998, Appendix F.
[Note: This letter is signed only "Effie"; the petitioner has assumed this to be Effie Overacker.]

Overacker, Nellie Tuttle
11/29/ 1935 Letter to Superintendent O. C. Upchurch. *In* Beckham 1998, Appendix F.

Roe, Micheál D.
1998 Duwamish Indian Modern Community (40 pp. & vita). Jan. 19, 1998. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(c).

Ruby, Robert H., and John A. Brown
1986 *A Guide to the Indian Tribes of the Pacific Northwest.* Norman: University of Oklahoma Press.

Sackman, M. D.
8/6/ 1939 Letter to Myron Overacker, Aug. 6, 1939. Petitioner's Ex. 43. *In* DTO 1998, Exhibits Volume.

Smith, Marian W.
1941 The Coast Salish of Puget Sound. *American Anthropologist* 43:197-211. Petition 1989, 5:2000-2007.

Snoqualmie FD
See: Assistant Secretary - Indian Affairs 1997

Tacoma *Daily News*
12/19/ 1916 Aged Chief Helps to Enroll His Tribe. Petitioner's Ex. 47. *In* DTO 1998, Exhibits Volume.

Tacoma *News-Ledger*
12/24/ 1916 Duwamish Indians Name Agent Roblin "Qua-Whad," After Title of Old Wise Man. Petitioner's Ex. 47. *In* DTO 1998, Exhibits Volume.

Tollefson, Kenneth D.
1987 The Snoqualmie: A Puget Sound Chiefdom. *Ethnology* 26:121-136. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

1989 Political Organization of the Duwamish. *Ethnology* 28:135-149. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

Tollefson, Kenneth D. (cont.)

1992 The Political Survival of Landless Puget Sound Indians. *American Indian Quarterly* (Spring). *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

1995a Potlatching and Political Organization Among the Northwest Coast Indians. *Ethnology* 34:53-73. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

1995b Duwamish Tribal Identity and Cultural Survival. *Northwest Anthropological Research Notes* 29:103-116. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

1996a In Defense of a Snoqualmie Chiefdom Model. *Ethnohistory* 43:145-171. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

1996b Tribal Estates: A Comparative and Case Study. *Ethnology* 35:321-338. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

1998 Affidavit, Jan. 2, 1998. *In* Materials Submitted in Conjunction with Discussion of Criterion 83.7(a).

Tulalip Tribes

2/21/ 1997 Letter. *In* Comments on Proposed Finding, BAR Files.

Upchurch, Oscar C. Superintendent, Tulalip Agency.

1/ 4 / 1936 Letter to Commissioner of Indian Affairs. *In* Beckham 1998, Appendix F.

U.S. District Court, Western District of Washington

5/28/ 1976 *United States v. Washington.* List of Tribal Members of the Duwamish Tribe (8 pp.). (Cited as: Exhibit 44).

n.d. Exhibit DU-11: Re-Enrollment of the Duwamish Tribe from December 23, 1915[,] and Enrollment of the Duwamish Tribe January 1927 and to May, 1934, by Enrollment Council and Peter J. James, Chairman of the Council (12 pp.). *In* Exhibit documents (DU-1 to DU-20; USA 102, 108, 115, 120; SU-SM 24, 44) for *United States v. Washington.* BAR files.

U.S. House

See: House of Representatives

Waterman, T. T.

1920 Personal Papers, box 1864, folders 13-14. Anthropological Archives, Smithsonian Institution, Washington, D.C.

Whittlesey, Dennis J.

See: Duwamish Tribal Organization 1998

DUWAMISH TRIBAL ORGANIZATION: FINAL DETERMINATION - SUMMARY CHART

CRITERION 83.7(g) - The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship. (25 CFR 83.7(g) [1978])

Note: When revised acknowledgment regulations were adopted in 1994, the petitioner chose to be evaluated under the original regulations adopted in 1978.

Summary of Evidence: There is no evidence that the petitioner or its members have been explicitly terminated or forbidden a Federal relationship by an act of Congress.

Date	Evidence	Issue / Description	Rule / Precedent	Analysis	Conclusion
passim	PF Summary, 20	The Proposed Finding concluded that there is no evidence that the petitioner was subject to congressional termination legislation.	This finding is consistent with the FD for every petitioner, except the Tchinouk which was found to have been explicitly forbidden a Federal relationship by the Western Oregon Termination Act.	No new evidence has been submitted or discovered to challenge the conclusion of the PF. There is no evidence that the Duwamish were explicitly terminated or forbidden a Federal relationship by congressional act.	The evidence indicates that the petitioner meets criterion (g).
1996 Oct 10	Bergsma comment	Commenter Bergsma does not discuss the issue of termination.		This comment is not relevant to this criterion.	This comment is not relevant to criterion (g).
1997 Feb 18	Giese comment	Commenter Giese does not discuss the issue of termination.		This comment is not relevant to this criterion.	This comment is not relevant to criterion (g).
1997 Feb. 20	Gleeson comment	Commenter Glesson does not discuss the issue of termination.		This comment is not relevant to this criterion.	This comment is not relevant to criterion (g).

Date	Evidence	Issue / Description	Rule / Precedent	Analysis	Conclusion
1997 Feb 21	Tulalip Tribes comment	Commenter Tulalip Tribes argues that the Federal acknowledgment process may not properly "reopen" matters relating to treaty fishing rights adjudicated in *U.S. v. Washington* (W.D. Wash., 1979)		This comment does not respond to this criterion.	This comment does not deal with evidence directly relevant to criterion (g).
1998 Jan 21	Petitioner's response	The Petitioner's response to the PF does not address criterion (g).		The petitioner accepts the conclusion of the PF on this criterion.	This response supports the conclusion that the petitioner meets criterion (g).

Recommendation:

Because there is no evidence that the petitioner or its members have been explicitly terminated or forbidden a Federal relationship by an act of Congress, the petitioner meets the requirements of criterion 83.7(g).

Date	Evidence	Issue / Description	Rule / Precedent	Analysis	Conclusion
passim	Tollefson 1992, "The Political Survival of Landless Puget Sound Indians" (Petitioner's ex for criterion 83.7(a))	Tollefson's article claims that Duwamish "communities" have existed in the form of a Sackman family community and a Fowler family community (pp. 214-217). Tollefson asserts that these family "communities have been consistently *identified* as being Indian by local historical societies" (p. 221)	§ 83.6(a) [1994]. A documented petition must contain "detailed, specific evidence" *in support of* its request for acknowledgment. See Preamble to revised regulations, 59 Fed. Reg. 9280 (1994). See Indiana Miami, 112 F. Supp. 2d 742, 760 (N.D. Ind. 2000)	Tollefson does not cite a single example of an identification of these Sackman family or Fowler family "communities" as Indian groups by an external observer at any time. Tollefson does not cite a single example of an *identification* of these family "communities" by local historical societies	This article provides no evidence that the petitioner meets criterion (a)
passim	Tollefson 1995a, "Potlatching and Political Organization Among the Northwest Coast Indians" (Petitioner's ex. for criterion 83.7(a))	Tollefson's article on the Tlingit makes no mention of the Duwamish	An identification of an entity must apply to the petitioner	This article is irrelevant to criterion (a) for this petitioner.	This article provides no evidence that the petitioner meets criterion (a).
passim	Tollefson 1995b, "Duwamish Tribal Identity and Cultural Survival" (Petitioner's ex. for criterion 83.7(a))	Tollefson's article discusses the "cultural symbols" used by the Duwamish to maintain their sense of identity against outsiders	Matchebenashshewish FD 1998, 7-8, rejected some arguments because, "Some of the [third party] comments which mentioned the 'identity' of the petitioner referred to the petitioner's own self-identification, not to identification by external sources under 83.7(a)."	By focusing on the *internal* values rather than the *external* identification of an ethnic group, this article is irrelevant to the requirement of criterion (a)	This article provides no evidence that the petitioner meets criterion (a)
passim	Tollefson 1996b, "Tribal Estates: A Comparative and Case Study" (Petitioner's ex. for criterion 83.7(a)) PF Historical T.R., 1-3, 10-18, 18-22, 26-39, 41-45, 49, 55-60, 69-72, and *passim*	Tollefson's article includes a brief historical survey of the Duwamish (pp. 126-129). See also entry for 1996 ca.	The conclusions of the Proposed Finding stand unless revised by new evidence.	The PF Historical Technical Report dealt with the issues of the treaty of 1855, the relocation of the historical Duwamish, and the Duwamish claims efforts before the Court of Claims and the Indian Claims Commission. Tollefson's article adds no new information, except to introduce an error about the Indian Reorganization Act. The article cites no contemporary identifications of the Duwamish. Tollefson's article does not address the requirement of criterion (a) of the external identification of an Indian group.	This article provides no basis for rejecting the PF, and no evidence to expand the period of time during which the PF found that the petitioner had been identified by external observers

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1850's	Tollefson 1989, "Political Organization of the Duwamish" (Petitioner's ex for criterion 83.7(a)) PF Summary, 2 PF Historical T R , 4-10	The Proposed Finding concluded that the first Federal officials and non-Indian settlers in western Washington Territory identified a historical tribe of Duwamish Indians Historians, anthropologists, and the Indian Claims Commission have concluded that a historical Duwamish tribe existed at the time of first sustained contact with non-Indians Tollefson's 1989 article reviewed evidence which showed that anthropologists and some eyewitness observers have discussed the Duwamish and Duwamish culture as they existed prior to contact with non-Indians	The conclusions of the Proposed Finding stand unless revised by new evidence	The evidence presented in the PF indicates that a historical Duwamish tribe in the 1850's has been identified by contemporary observers and by modern experts However, the petitioner has not shown that it is an entity which has evolved from the tribe identified in the 1850's. Tollefson's article is consistent with the conclusions of the PF about the identification of a historical tribe	There is evidence of the identification of a *historical* Duwamish tribe or band at the time of first contact with non-Indians However, it has not been demonstrated that the petitioner has evolved from and maintained the continuous existence of that group Therefore, this evidence by itself does not show that the *petitioner* meets criterion (a) for this time period.
ca 1850's	Tollefson 1987, "The Snoqualmie A Puget Sound Chiefdom," p 132 (Petitioner's ex for criterion 83.7(a)) Tollefson 1996a, "In Defense of a Snoqualmie Chiefdom Model" (Petitioner's ex for criterion 83.7(a)) Tollefson affidavit 1/2/1998 (Petitioner's ex for criterion 83.7(a))	Tollefson's 1987 article on the Snoqualmie included a paragraph on Chief Seattle's alleged leadership of a six-tribe council prior to the treaty of 1855 Tollefson's 1996 article in response to scholarly criticism of his 1987 article appeared to revise his original argument and to suggest that Chief Seattle had been head of a confederacy that included the Duwamish and predated the treaty of 1855 Tollefson's 1998 affidavit does not include these two articles among his list of his "research on the Duwamish Tribe " Tollefson's "chiefdom" model, and its critics, were mentioned in the PF Historical T R , 9	An identification of an entity must apply to the petitioner.	The paragraph in the 1987 article did not deal with the issue of the identification of a historical Duwamish tribe by outsiders It cited anthropologist Harrington as having mentioned a historical Duwamish village. The 1996 article cited an example of an identification of a historical tribe by citing a local history of 1909 which claimed that the Duwamish had a head chief, other than Seattle, at the time of the first non-Indian settlement of Puget Sound. That 1909 history was cited by the PF Historical Technical Report. The minimal evidence cited in Tollefson's articles on the Snoqualmie is consistent with the conclusions of the PF about the identification of a historical tribe.	These articles provide no basis for rejecting the PF.

Date	Evidence	Issue / Description	Rule / Precedent	Analysis	Conclusion
1855	PF Summary, 2 PF Historical T R , 10-18, see also 24-25	The Proposed Finding concluded that the Federal Government negotiated the Treaty of Point Elliott with the Duwamish and 21 "allied tribes " The Federal negotiators consolidated aboriginal tribes and bands into larger treaty "tribes" for the purposes of making the treaty	The conclusions of the Proposed Finding stand unless revised by new evidence	The evidence presented in the PF indicates that the Federal Government identified a Duwamish tribe by the Treaty of Point Elliott in 1855 However, the petitioner has not shown that it is an entity which has evolved from the tribe identified in the treaty The evidence presented in the PF Historical Technical Report demonstrated that currently recognized tribes have evolved from the treaty tribes and reside on the treaty reservations, and that those federally recognized tribes were referred to for at least a century after the treaty as the "Duwamish and allied tribes "	There is evidence of the identification of a *historical* Duwamish treaty tribe However, it has not been demonstrated that the petitioner has evolved from and maintained the continuous existence of that treaty tribe. Therefore, this evidence by itself does not show that the *petitioner* meets criterion (a) for this time period
1855 - ca 1900	PF Summary, 3 PF Historical T R , 26-37 PF Anthro T R , 45-55, 69-71, see also 17-45 Tollefson 1995b, "Duwamish Tribal Identity and Cultural Survival," pp 105-106 (Petitioner's ex for criterion 83 7(a)) Bergsma comment, 1-2, 4 Map of 1877 by King Co (Bergsma ex) Map of 1890 by GLO (Bergsma ex)	The Proposed Finding concluded that Federal agents and non-Indian observers noted the existence of two Duwamish villages near the junction of the Black and Cedar Rivers until about 1900 Tollefson's article notes that an aboriginal village near modern Renton, WA, was described by Gibbs in 1855 and an Indian agent in 1856, and by later historians and anthropologists Commenter Bergsma notes documentary evidence of references to an Indian village on the Black River in the form of an 1869 petition by non-Indian settlers and an 1879 [1870] visit to the village by Federal agents, and provides historical maps, dated 1877 and 1890, of an Indian village on the Black River near its junction with the Cedar River	The conclusions of the Proposed Finding stand unless revised by new evidence.	The evidence presented in the PF indicates that outside observers identified the existence of a traditional Duwamish village until about 1900 The documentary sources mentioned by Tollefson were discussed and cited in the PF Historical Technical Report. The documentary evidence noted by commenter Bergsma was discussed in the PF technical reports (PF HTR, 27, 29-30). The maps provided by commenter Bergsma are consistent with the conclusions of the PF technical reports. Thus, the evidence noted by Tollefson and Bergsma confirms rather than contradicts the conclusion of the PF about the identification of a historical village until about 1900 The petitioner has not shown that it is an entity which has evolved from the group residing at the village or villages identified in the late-19th century	There is evidence of the identification of a *historical* Duwamish village group as late as 1900. However, it has not been demonstrated that the petitioner has evolved from and maintained the continuous existence of that village group. Therefore, this evidence by itself does not show that the *petitioner* meets criterion (a) for this time period

Date	Evidence	Issue / Description	Rule / Precedent	Analysis	Conclusion
1855 - 1920's	PF Summary, 2-3 PF Historical T R , 22-23, 24-25	The Proposed Finding concluded that Federal officials referred to the four reservations created by the Treaty of Point Elliott as Duwamish reservations, and referred to the residents of those treaty reservations as Duwamish Indians or as members of the "Duwamish and allied tribes." Congress appropriated funds for the "Duwamish and allied tribes" on these treaty reservations	Snohomish PF 1983, 9, held that "the [Snohomish] petitioner, and the *ancestors of the current membership*, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in *different* historical periods do not constitute identification of the petitioner . . ." The conclusions of the Proposed Finding stand unless revised by new evidence.	The evidence presented in the PF indicates that the Federal Government identified groups of Indians and reservation entities as successors of the confederation of treaty tribes. The groups so identified were federally recognized groups and entities. The petitioner has not shown that this evidence constituted an identification of an off-reservation, unrecognized group of its ancestors. The petitioner has not shown that it has evolved from a reservation group identified by these sources.	Because this is evidence of identification of federally recognized tribes rather than the petitioner, this evidence does not meet criterion (a)
1900 - 1950	PF Summary, 3 PF Historical T R , 19-45, 64-66	The Proposed Finding concluded that Federal agents were aware of the existence of individual descendants of the Duwamish, but referred to them as being scattered throughout western Washington and as living separate from each other, rather than as forming a social group	Samish amended FD 1995, 4, held that evidence was not "relevant to *criterion (a) because it deals with the identification of individuals*, while criterion (a) requires external identification of the *group's* Indian identity." The conclusions of the Proposed Finding stand unless revised by new evidence.	References to individuals of Duwamish descent do not constitute identifications of a group or entity.	Information about individuals does not meet criterion (a). Evidence which does *not* identify the petitioner as an Indian entity does not meet criterion (a).
1907	Bergsma comment, 3 Map of 1907 [author *unknown*] (Bergsma ex)	Commenter Bergsma provides a 1907 survey map which shows an "Indian village" in the vicinity of Tukwila, and claims that it showed that the "Duwamish maintained a tribal presence throughout the area" after 1916 when the level of Lake Washington was lowered, affecting the Black River settlement site	A reference to Indians in general is not a reference to the specific petitioner. A reference to a historical village is not an identification of a contemporary entity.	This map by itself does not identify a Duwamish settlement, or associate this village with any of the petitioner's ancestors. It is not clear that the map reference was to an existing Indian village rather than to a historical village site. A map of 1907 does *not* provide evidence that a settlement continued to exist after 1916. A map of one location does not provide evidence about a tribal presence throughout an area.	This evidence by itself does not identify the petitioner's ancestors or the petitioner as an Indian entity, and thus does not meet the requirement of criterion (a)

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1916	Newspaper articles Tacoma 12/19/1916, Tacoma 12/24/1916 (Petitioner's Ex 47) PF Historical T R , 41-49	These articles described the efforts of Indian agent Charles Roblin to "enroll" Indians of Washington State The article of 12/24/1916 recounted the history of the aboriginal Duwamish tribe as told by activist Thomas Bishop The article stated that, "Charles Satiacum, is now *recognized chief of the remnants* of this once powerful branch of the old Salishan Indians " It also stated that, "The Duwamish tribe is now disbanded "	Snohomish PF 1981, 9, held that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner "	The PF Historical Technical Report described Roblin's "enrollment" process and his meetings with a group led by Chief Satiacum The 1916 article submitted by the Petitioner both identified a contemporary group led by Satiacum and identified it as an entity other than the "disbanded" historical Duwamish tribe Thus, it assumed a break in historical continuity The PF concluded that the petitioner had not shown that it had evolved from Satiacum's group as identified about 1915	Although these articles are evidence of the identification of a group in 1916, it has not been demonstrated that the petitioner has evolved from that group In 1916, that group represented only some of the petitioner's ancestors, and did not represent the petitioner's ancestors as a whole. By itself, this evidence does not show that the *petitioner* meets criterion (a)
1919	Petitioner's response, 13 PF Summary, 1 PF Historical T R , 41-45 Roblin 4/12/1917 [cited, but not submitted] Roblin Roll 1919	The Proposed Finding concluded that Indian agent Charles Roblin created a list of off-reservation individuals of Duwamish ancestry Petitioner argues that although Roblin was not *instructed to identify* tribes, his 1917 notice to potential enrollees was directed to members of tribes	Samish amended FD 1995, 4, held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the *group's* Indian identity." Cowlitz PF 1997, 13, noted that Roblin characterized only two of the lists of unenrolled Indian descendants as tribes or entities See Preamble to revised regulations, 59 Fed Reg 9280 (1994); See Indiana Miami, 112 F Supp 2d 742, 760 (N D Ind. 2000)	Roblin's report identified individuals rather than a group or an entity. The Petitioner's quotation from Roblin shows that he asked potential enrollees to show that they were either a member of a tribe *or* descended from a tribal member. Thus, contrary to the Petitioner's interpretation, individual descendants could be included on Roblin's lists without being identified as a member of a contemporary tribe or group.	This evidence does not meet criterion (a) because it does not constitute an identification of a group or entity.

Date	Evidence	Issue / Description	Rule / Precedent	Analysis	Conclusion
1939 - 1966	PF Summary, 3 PF Historical T R , 58-60, and 69-72	The Proposed Finding concluded that the BIA dealt with an organization of Duwamish descendants, especially to approve a contract with an attorney to assist in the group's claims efforts BIA officials, however, did not portray the organization as having maintained continuous existence from the treaty tribe or from a 19th century community	Matchebenashshewish FD 1998, 8, noted that "Identification as a 'tribe' is not required under criterion 83 7(a), which specifies only identification as an 'entity'." The conclusions of the Proposed Finding stand unless revised by new evidence See Preamble to revised regulations, 59 Fed Reg 9280 (1994), See Indiana Miami, 112 F Supp 2d 742, 760 (N D Ind 2000)	The evidence presented in the PF indicates that the Federal Government identified a group of Indian descendants for certain purposes The Government dealt with a Duwamish group pursuing claims against the U S from 1939 to about 1966 Other evidence suggests that the petitioner's organization has evolved from the group identified by the BIA after 1939	This evidence meets criterion (a) for the period from 1939 to the mid-1960's
1953	Petitioner's response, 13 PF Summary, 3 PF Historical T R , 66-68 H Rept 2503, 82d Cong	Petitioner claims that the Proposed Finding "glossed over the identification of Duwamish as an Indian entity in 1953 by both Congress and the BIA " Petitioner claims that the PF "elected to ignore" this identification (p 13) The Proposed Finding said "Both Congress and the BIA identified this [Duwamish] organization as an Indian entity in 1953" (p 3)	Matchebenashshewish FD 1998, 8, noted that "Identification as a 'tribe' is not required under criterion 83 7(a), which specifies only identification as an 'entity'." The conclusions of the Proposed Finding stand unless revised by new evidence. See Preamble to revised regulations, 59 Fed Reg 9280 (1994); See Indiana Miami, 112 F Supp 2d 742, 760 (N D. Ind 2000).	The Petitioner's statement that this identification was ignored in the PF is demonstrably false The PF explicitly accepted this evidence as an identification of an Indian entity Rather than glossing over this evidence, the PF Historical Technical Report discussed it in detail That technical report also showed, however, that identifications in a 1953 congressional report were inconsistent, with some references identifying Duwamish Indians as the Indians of the four treaty reservations and with congressional staff but not the BIA listing a Duwamish organization Other evidence showed that the BIA dealt with an organization of Duwamish descendeants in 1953 only for limited, specific purposes The identifications made in 1953 applies to 1953, not to the entirety of the historical period.	This evidence meets criterion (a) for 1953
1990's	Bergsma comment, 3 Newspaper articles, 1990-1996 (Bergsma ex)	These newspaper articles describe the activities of the members of a Duwamish group	Chinook PF 1997, 7, accepted local newspaper coverage of the petitioner's activities in the 1970's as an identification of the petitioner at that time	This evidence identifies a contemporary Indian group and appears to identify the petitioner as an Indian group in the 1990's	This evidence meets criterion (a) for the 1990's

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1996 ca	Tollefson 1996b, "Tribal Estates: A Comparative and Case Study" (Petitioner's ex. for criterion 83.7(a))	Tollefson's article reports the results of a survey of members of the petitioner	Matchebenashshewish FD 1998, 7-8, rejected some arguments because, "Some of the [third party] comments which mentioned the 'identity' of the petitioner referred to the petitioner's own self-identification, not to identification by external sources under 83.7(a)."	The results of the survey deal with the values and activities of members rather than with the external identification of the petitioner. This information is irrelevant to the requirement of criterion (a)	These survey results provide no evidence that the petitioner meets criterion (a)
1996 Oct 10	Bergsma comment	Commenter Bergsma discusses Duwamish history *up until about 1916*. In addition, he encloses copies of historical maps and newspaper clippings from the 1990's	The conclusions of the Proposed Finding stand unless revised by new evidence	This comment provides evidence consistent with the conclusions of the PF for both the 19th century and the decade of the 1990's. This evidence is evaluated in this report in its relevant chronological place. This comment does not provide evidence of substantially continuous identification of an entity between the 19th century and the 1990's.	This comment provides no basis for rejecting the PF.
1997 Feb 18	Giese comment	Commenter Giese notes that the only river entering Elliot Bay is named the Duwamish River and notes that the city of Seattle is named after a chief by that name		This comment provides no evidence that the petitioner was identified as an Indian group at any time period. The commenter's question -- "What are your criteria for tribal status?" -- indicates that he is not aware of the regulatory criteria, and this explains why he does not respond to this criterion	This comment provides no evidence that the petitioner meets criterion (a)
1997 Feb 20	Gleeson comment	Commenter Gleeson notes that the "Duwamish Indians" recently lost an opportunity to place a longhouse along the Duwamish River because of their lack of recognition. She asserts that the Duwamish deserve recognition, that recognition would help the people of Seattle know their roots, and that recognition would help children to grow up with a respect for the environment and "the heritage of this land."		This letter appears to identify the petitioner as an Indian group at present. This comment provides no evidence of an identification of the petitioner as an Indian group at any time prior to the present. This comment does not respond to this criterion	This comment may be accepted as supporting evidence that the petitioner meets criterion (a) at present.

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

Note When revised acknowledgment regulations were adopted in 1994, the petitioner chose to be evaluated under the original regulations adopted in 1978.

Summary of the Evidence

The PF found that the petitioner did not meet 83.7(b) at any time. The petitioner submitted analyses of Catholic church documents before 1935 and Federal census records which a BIA evaluation showed reinforced the PF. It found that before 1925, when DTO was established, the petitioner's ancestors were widely dispersed and they did not interact as part of an off-reservation Indian community, with communities where Indians lived or with reservation Indians. After 1925, the petitioner's members interacted only within their own family lines. Today, DTO members do not maintain a community distinct from non-Indians.

The petitioner specifically responded to items in the PF about a claimed DTO leader's relationship to a turn-of-the-century Duwamish leader, reargued their point that the Roblin Roll identified an off-reservation Duwamish community, and tried to provide more links among members using a probate record, oral history and other documents. However, these submissions do not change the PF because either they were undated and unsigned, or unpersuasive and few in number, or relative to only a tiny portion of the membership.

The petitioner submitted articles by their researcher Kenneth Tollefson, some of which had not been submitted or analyzed for the PF, and others of which had not been written at the PF. DTO raised procedural issues which are moot given that the articles are analyzed for the FD. Assertions made in the articles concerning community are not proved by the evidence and do not address major deficiencies under 83.7(b) noted in the PF.

While Michael Roe's study was submitted by the petitioner for criterion 83.7(c), some of his discussion refers to criterion 83.7(b). He argues that DTO members share "cultural values" and "commitment to Duwamish way of life, attendance at Duwamish gatherings, skin color, preference for Indian food." These "cultural values" are not specific to DTO members, not based on their interactions or group acculturation processes, and do not distinguish them from others or indicate they form a community. Roe utilizes methodologically flawed surveys. His statements concerning social networks and activities are not supported by evidence.

The 1990 census cannot be accepted as evidence under 83.7(b) (or other criteria). The census identifications are based on self-identification of individuals to enumerators and only percentages are published. Many individuals who are not members of Indian tribes and who may not have Indian ancestry similarly identify as Indians. Self-identification does not indicate that a tribal community exists, especially in the absence of other evidence.

In sum, the comments submitted in response to the DTO PF provide no basis for changing the conclusions that there is insufficient evidence that the petitioner meets the requirements of criterion 83.7(b) for community. No new evidence was submitted to show that the petitioner met criterion 83.7(b) at any time since it was founded in 1925.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
One article by Dr. Kenneth Tollefson is reviewed and its accuracy is questioned by the Duwamish PF technical reports	The petitioner submits seven articles by their researcher, Dr. Kenneth Tollefson, and says that the failure of the BIA to include them in the evaluation for the proposed finding is a serious error and requires a new review of the petition *ab initio*. The petitioner's response raises procedural issues, rather than specific criticisms of the research and evaluation results	1840's - 1990's	Tollefson, 1989; 1987, 1995, 1996, 1995,1992,1996	These articles, written by the petitioner's primary researcher, are from academic journals. They discuss Tollefson's research on several NW Coast groups. The petitioner's response does not indicate what specific points in these articles show how the petitioner meets criteria on 83.7(b) now, when they did not meet it for the PF. The point the petitioner is making is that they should have been included in the materials evaluated during the PF. However, the petitioner does not show that they submitted these articles originally.	The burden of proof is on the petitioner. See 25 C.F.R. 83.6(d) (1994) which states "The Department shall not be responsible for the actual research on behalf of the petitioner."	These articles will be reviewed here and will become part of the record for the Final Determination. The BIA evaluators were aware of Dr. Tollefson's work from other cases. However, these articles had not been submitted for the PF by the petitioner. The BIA evaluators did not consider them particularly germane to the evaluation because they generally discussed pre-contact socio-political organization, tribes other than the Duwamish (one concerned a tribe in Alaska), were published after the evaluation had begun, or were controversial and criticized by other scholars. In addition, Dr. Tollefson, as the petitioner's principal researcher, had ample opportunity to set forth these findings in the petition narrative, itself, which evaluators assumed was Dr. Tollefson's definitive statement as to how the petitioner meets criterion 83.7(b). Dr. Tollefson's work on the petition was given the same scrutiny as anyone else's work. Finally, peer review of academic articles does not lessen the BIA's responsibility to evaluate the statements made in these articles under the criteria once they are submitted.	Because it was the petitioner's responsibility to submit these articles for this case if they expected them to be evaluated, the BIA may not be held responsible for not utilizing them, especially when they are not considered germane. The fact that these articles were not before the evaluators for the PF, if an issue at all, is cured in the FD, and does not require a new PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The petitioner's ancestors were widely distributed in non-Indian communities and family enclaves around Puget Sound and evidence was not submitted to show that they interacted with each other or with the Duwamish Indians who were living on reservations or in Indian communities	This pattern was caused by the impact of contact	1855	"Political Organization of the Duwamish," by Kenneth Tollefson, p 139	This article says that after settlers arrived in 1850, they appropriated land and resources of the Duwamish and undermined their political economy, reducing the chiefdoms to isolated communities and enclaves of Indian families	Past evaluations of petitions have taken into account historical situations when interpreting the evidence even under the 1978 regulations. The revised regulations include this as policy. HURON POTAWATOMI PF, 1995, 11	Tollefson does not describe specifically the isolated communities he references. However, the description of isolated Indian families agrees with the PF's specific descriptions of how the petitioner's ancestors lived in isolated family enclaves widely distributed around Puget Sound. The PF demonstrated that many other Duwamish, not part of the petitioning group or among its ancestors, maintained contact with one another or those who moved to reservations. The impact of Euro-American settlement, although real, does not remove the requirement of the regulations to show the petitioner's ancestors maintained tribal relations with one another and to meet 83.7(b). The petitioner would need to show how the petitioner's ancestors, whether individuals or families, interacted with other Duwamish to meet criteria 83.7 (b).	This description does not alter the PF's description of the petitioner's ancestors. It does not alter the PF

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The Sackman community was not interacting with other Duwamish Indians, other than the Garrison family; also a pioneer marriage family	The response indicates that the PF underestimated the importance of the Sackmans and their community	1860 to 1890	"The Political Survival of Landless Puget Sound Indians," by Kenneth D Tollefson, 1992	This article discusses the Sackman logging settlement, headed by a white man, Daniel Sackman, who married an Indian woman. Tollefson states, "Many of Marie's relatives settled around the Sackmans and formed a Duwamish community based upon logging and their traditional subsistence economy. Daniel Sackman, a white man, served as cultural broker and advocate for the settlement. Three Sackman sons married local Indians, inherited their father's logging business, and perpetuated their community and the Duwamish culture ...some twenty or thirty Indians usually resided in the community."	Interaction should be widespread and encompass the entire membership. SNOQUALMIE PF 1993, 8; NARRAGANSETT PF 1982, 9; POARCH CREEK PF 1983, 4	The PF discussed at length and over time, the Sackman's logging community However, it did not find evidence for this author's assertions that where the Sackman's lived was an Indian community, inhabited by anyone other than members of Sackman's family and another family of pioneer marriage descendants -- the Garrisons Also, no documentary evidence was submitted to support the author's contentions that these two families were interacting in significant ways between 1860 and 1916 with "the Indians from the Lake Fork, Lake Washington, Green/White Rivers, or the Port Madison and Muckleshoot Reservations," or any Duwamish in the historical tribe, or that they maintained Duwamish culture, or followed "traditional subsistence economy," as Tollefson argues at the same time as running a successful logging business, which hired Indians of many tribes and non-Indians of all races	This article does not provide new evidence to demonstrate that the Sackman's logging community was a Duwamish community It does not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Many Duwamish in records cited in the petition to show the existence of a Duwamish Tribe ended up on reservations and do not have descendants in the present-day group (the petitioner), nor were they interacting with the petitioner's ancestors	Some of these people were interacting with other Indians as indicated in the Catholic Church Records	1876 to 1899	Steven Dow Beckham's notes from Catholic church records 1876-1899. Fr P L Riochard, E C Chirouse, & J B Boulet. Archives, Chancery Office, Seattle, Washington	The following people are the names that Dr Beckham copied Adams, Seattle, Contrero, Dixon, Garrison, James, John, Kanim, Hilaire, Jack, Kelly, Kelley, Kitsap, Wanasach, Slarem, Beckham says that the 1915 list was used as a guide to which records to copy. Beckham asserts that the 13 selected records demonstrate: "...not only the concentration of Duwamish families in specific missions and parishes, they document the connections of family and friendship . . .is seen clearly in the sponsors and witnesses to marriages and baptisms." [Beckham, p. 41]	LOWER MUSKOGEE CREEK PF 1981, 3; MOWA FD, 1999	The BIA found that 7 of 13 records cited more than one family line. The 6 records mentioning a single family line cannot show the petitioner's ancestors interacting with other Indians and cannot cure the problem pointed out in the PF. Two of the 7 remaining records list the names Garrison and James, which are on the current membership list, although in small numbers. It was not shown if those named have actual descendants in the DTO. It appears that most, if not all, of those listed belong to Duwamish who moved reservations in the late 19th century and do not have descendants in the petitioner or on the 1926 list. . . . These purported Duwamish listings are sporadic. Four years may elapse between the events in the documents which were created over a nine year period. [No documents were created after 1892.] Some of the baptisms are for children of diverse ages of a single family, implying that the family came for the baptisms but did not regularly attend the mission church. Finally, for the families that could be traced genealogically, virtually all in this submission are known to have lived on either the Port Madison or Muckleshoot reservations by 1911.	These records predate 1900 and do not cure the problem identified in the Duwamish proposed finding, interaction of a community from the 1915 to the 1926 group. This is not a gap. This means that one group disappeared and a second replaced it. Showing that some of the 1915 people were interacting with the reservation people demonstrates what was said in the PF. These records do not really deal with this petitioner's ancestors.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Many Duwamish in records cited in the petition to show the existence of a Duwamish Tribe ended up on reservations and do not have descendants in the current group/nor were they interacting with the petitioner's ancestors	Some of these people were interacting with other Indians as indicated in the Catholic church Records	1886-1893	Linda Dombrowski's transcript from the Catholic Church records, St George School, Enumclaw, Buckley, Carbonado, Puyallup, Muckleshoot, and Nesqually reservations, Slaughter, Orting, etc C DeDecker and P F. Hylebos, 1888-1893 Archives, Chancery Office, Seattle, WA.	These are selected transcriptions of the records of St George's School done by Linda Dombrowski, using "the 1915 list of Duwamish members []as a checklist." All of the entries are in a section entitled "Puyallup Reservation "	MOWA FD, 1999	With a couple of exceptions, the individuals mentioned in this document do not appear to be members of the petitioning group . Although most of the entries do have individuals acting as sponsors who do not appear to be from the family, the fact that Duwamish are sponsoring one another is irrelevant because these are not the Duwamish who were the ancestors of the petitioning group	These records do not relate to the petitioner's ancestors and cannot be used to meet 83.7(b)
The petitioner's ancestors did not interact with one another or with other Duwamish on or off reservations	Dr Jack was close to Myron Overacker	9/18/1897	Letter to the Commissioner of Indian Affairs from Bogle, Bogle and Gates dated 1/31/1939	This letter says that Jack Bigelow, Dr. Jack or Leo E. Taku, received a Homestead Certificate on Government Lots 9 and 10, of Section 24, Township 23 North, Range 5 E W M of King County, State of Washington under the Act of Congress of July 4th, 1884. The restricted Homestead patent was dated August 18th, 1897, but was not filed for record until July 27, 1927, when it was determined that Kitty Bigelow was the decedent's only heir.		This letter should be read with related documents below	

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The AIR states at page 51 "Ann Rasmussen (Kennum), a pioneer marriage descendant, and member of today's petitioning group, maintained that the Shaman Dr Jack was her great uncle, and that her father Myron Tuttle Overacker, 'had a great love for Dr Jack,' and used to see him 'when he was small.' Further information about interaction between Dr Jack and those around him would be very important in characterizing social and community life among pioneer marriage descendants and Lake Fork residents. However, neither BAR interviews nor documentary research revealed further information about such relationships, if any."	Anonymous letter reads "Please tell me how is doctor Jack and his neffew [sic]." Dr Jack was close to Myron Overacker	1898-1900	Anonymous N D [1898-1901 according to SDB, petitioner's researcher] Letter to "cousin," Tracyton, Washington, in "Overacker/Rasmussen Family Papers." "Duwamish Indian Tribe Tribal Initiatives 1896-1935" by Stephen Dow Beckham	This document is anonymous and undated, which seems to indicate that an Overacker (the letter is among that family's papers) communicated to a cousin about their kinsman Charlie Hamilton, and incidently asked about Dr Jack and his nephew. The petitioner's researcher interprets this letter to show that an instrumental relationship exists between Dr Jack and the Overackers during this period	SNOQUALMIE PF 1993, 15-16	This single piece of evidence is neither dated nor signed, which diminishes its value as evidence. The "cousin" to whom it is written is also not identified. Even if everything the researcher says about it were accurate, the letter still would not indicate that the Overackers were involved in an on-going significant relationship with Dr. Jack and that Dr. Jack was a leader who acted upon issues of importance to them in the late 1890's. It would only indicate that the Overackers may not have directly communicated in writing with Dr. Jack (who other evidence says signed with his mark and probably did not read), but would have been aware of his whereabouts and concerned about his welfare. This single unclear instance of a purported relationship does not provide sufficient evidence for the petitioner to meet criterion (b). The PF agrees with the petitioner's researcher that "[b]ecause Doctor Jack died on July 4, 1901, and Myron Overacker was born July 3, 1889, any relationship would have been brief no matter how intense." Other evidence shows that the number of Jacks involved with the petitioner after 1926 is very small when compared to the number of Jacks involved in the 1915 Duwamish organization	This letter and interpretation of it is not sufficient to demonstrate that the petitioner meets criterion (b)

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The petitioner's ancestors did not interact with one another or with other Duwamish on or off reservations	Overackers inherited Dr Jack's land and this demonstrates that they were close to him	6/24/1924	Letter of W J Dixon, Tulalip Indian Agency to the Commissioner of Indian Affairs, [Appendix F of Petitioner's Response]	This letter is in response to a letter that requested "that the Office advise whether or not a certificate of competency was ever issued [Dr Jack] It appears that [Dr Jack] was of the Black River tribe, but had severed all tribal relations. His name was signed by mark on the application. . . . [I]t appears that this land has passed out of the hands of the Indian allottee and information is being obtained upon the request of his niece, Mrs Edward Moses."	SNOQUALMIE PF 1993, 15-16	This letter and similar letters concern the inheritance of Dr Jack's allotment land The lack of clarity, the long time period that elapsed after his death before heirs sought to clarify the inheritance, and the confusion about their exact relationship does not support the contention that the individuals involved were close socially	This letter does not provide evidence to show that the petitioner meets 83 7 (b) during this time period

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
the Siddles were part of the first category of pioneer marriage descendants i e , of second-generation pioneer marriage descendants who married into Indian families and eventually enrolled on Indian reservations Again only six Siddle descendants are present in today's DTO membership The Siddles thus differed from second-generation pioneer marriage descendants who married into other families of pioneer marriage descendants, or married non-Indians These two latter types of descendant categories comprise over 93 percent of today's DTO membership " (ATR p 30)	The data concerning the Siddle family shows them interacting with individuals on the reservation	1903-1919	Steven Dow Beckham's notes from Catholic church records, XI St George School, Archives, Chancery Office, Seattle, Wa	The excerpts were made by Stephen Dow Beckham in the Catholic Church Archives in Seattle, WA , using the "1915 list of Duwamish Indians []as a checklist "	SNOQUALMIE PF 1993, 15 & 18	The new data submitted as part of the Duwamish response supports the analysis done for the Proposed Findings It shows that those with Duwamish names or connections who were interacting with the reservation community (in this document at Muckleshoot, Nesqually and Puyallup) became separated from other individual descendants who later joined together to become the DTO petitioner The people on this document are not on the post 1915 listings of DTO members The Siddle family maintained some on-reservation connections longer than others, but even they eventually separated from the petitioner Their numbers decreased significantly between 1915 and 1926 This example of interaction is too small to show significant rates of informal social interaction	This document supports the Proposed Finding It does not change the Proposed Finding The evidence does not show that the DTO meet 83 7 (b).

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
	"The records confirm that many of the students were ill, some died while at the school Students were sometimes withdrawn from the school by their parents because of their need for medical attention or home nursing The marginal notes confirm the poor health of those attending this institution " [notes on document submitted by petitioner]	1901-1919	Steven Dow Beckham's notes from Catholic church records, XI St George School, Archives, Chancery Office, Seattle, Wa	The excerpts were made by Stephen Dow Beckham in the Catholic Church Archives in Seattle, WA., using the "1915 list of Duwamish Indians []as a checklist "	LOWER MUSKOGEE CREEK PF 1981, 3)	One thread of the petitioner's argument for Federal acknowledgment concerns the treatment of Indians during the contact period This appears to be the way Beckham believes this document should be used However, the individuals mentioned are not part of the petitioner, in general, and the connection between the illness of these children, who are clearly part of the reservation communities and the petitioner's case is not shown The 25 C F R 83 regulations allow the evaluators to take into consideration impacts which may affect the availability of documents; however, they do not allow the evaluation to discount a lack of community on the basis of the impact of contact	This document and analysis does not change the Proposed Finding

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Are the petitioner's ancestors part of the Duwamish Tribe in the later 1800's? The evidence indicates that a distinct Duwamish community has not existed since about 1900. "A historical Duwamish tribe, which existed at the time of first sustained contact with non-Indians, was later identified by ethnographers, historians, and the Indian Claims Commission. The existence of a Duwamish community at a traditional location near the junction of the Black and Cedar Rivers was identified by external observers as late as 1900. These various Duwamish entities before 1900 and after 1940, however, do not identify the same entity." FED REG, 1996, 33763	Asserts that the Duwamish Treaty Tribe continued to assert separate political authority after 1900	1903-1919	Steven Dow Beckham's notes from Catholic church records, XI St George School, Archives, Chancery Office, Seattle, Wa.	The St. George's School Catholic Church Records, 1903-1919, from the Archives, Chancery Office, Seattle, WA. (Appendix A of Beckham) This list of students at the St. George's School was made by Steven Dow Beckham. He "extracted" these names by checking them against the 1915 list. Approximately eight names are listed under each school year between 1909-10 and 1922-23. Many of the names appear several times over several years. Some 42 separate names appear on the list. Beside each name is listed either "Puyallup", "Muckleshoot," or "Suquamish." No one is identified as "Duwamish."	GRAND TRAVERSE BAND PF 1979, 5; SNOQUALMIE PF 1993, 8, 8-9	The BIA analyzed this list. Of the 24 records, only six concern individuals whose names appear on a post-1915 listing, either in 1926 or in 1951. All of these individuals are children and grandchildren of Lyman Siddle and Julia John Siddle. Virtually all of the remaining individuals on the document prepared by Beckham appear to be individuals who after 1915 were not documented as being involved with the 1926 organization and the activities of the new DTO organization may have had after that date. These individuals, including the Siddles, appear to be closely associated with the Muckleshoot Reservation. Of these 42 names, only two appear on both the 1915 list and the 1926 list, Walker James, Jr. and Hazel Siddle. Among the parents of these students, only Hazel Siddle's father appears on a list after 1915. These documents, therefore, do not show that DTO's ancestors were involved with the St George's School, except in two cases. While the others listed may have had Duwamish background, although the analysis showing that was not produced by the petitioner, they most likely were members of the reservations associated with this school. This document does not show that there was interaction between the reservation Duwamish and the petitioner	This evidence does not demonstrate - that the DTO meet 83.7 (b)

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
census returns for 1910 & 1920 do not show any Indian settlements remaining in [White & Green Rivers] reservation censuses showed that Indians from traditional settlements were listed on the Indian rolls of reservations during the last quarter of the 19th century They moved to, or affiliated with, the Port Madison Reservation after 1856, the Muckleshoot Reservation after 1857, and the Lummi and Muckleshoot Reservation after 1857, and the Lummi and Puyallup reservations during the 1880's and 1890's in 1900 about half the petitioner's Duwamish ancestors lived in precincts in which only one or two households contained Duwamish descendants Roblin's survey found the off-reservation Duwamish descendants living throughout the Puget sound region with 27 different Post Office addresses The only location he reported with a large number of Duwamish was a single-family settlement "	The petitioner holds that after 1855, their members moved throughout their aboriginal area and lived in small groups, while maintaining their connections to each other	1910	"Duwamish Indian Tribe Tribal Initiatives, 1896-1935" by Stephen Dow Beckham Abstracts of the 1910 U S census which were created by the petitioner	Extracts names from the Federal Census	SNOQUALMIE PF 1993, 8; NARRAGANSETT PF 1982, 9; GRAND TRAVERSE BAND PF, 1979, 5; POARCH CREEK PF 1983, 4	In fact these are not abstracts or transcriptions They are charts of information extracted from the 1910 census, some other information has been added in some entries, and the context of the census information is lost The distribution of the individual ancestors indicates that they were not living together, and that there were no off-reservation communities of Duwamish at this time.	This chart is not good evidence to show that the petitioner meets criterion 83 7(b)

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The data does not demonstrate that the Duwamish petitioner and their ancestors lived in tribal relations or that they interacted with other Duwamish Indians on or off reservation		1910	Appendix C, a chart made by Stephen Dow Beckham, shows such categories of data for various individuals' as Name, Sex, Race, Age, Status and Notes "Duwamish Indians Found in Thirteenth Census and on 1915 and 1927-34 lists."	Beckham has taken names from the 1910 Census of Washington He says, "The names are listed alphabetically with notes confirming relationships to others enumerated in this census."	MIAMI	The BIA's evaluation of this compilation/chart indicates that virtually everyone on it is shown to be living only with very close relatives of their own family line. The data does not show interactions across family lines In addition, the 21 families live in 16 separate enumeration districts. No more than two families live in any one enumeration district. Thus, this data does not show individuals interacting across family lines as one would expect to find in a tribal community, and in fact, it corroborates the PF that the petitioner's ancestors were scattered throughout western Washington.	This evidence only shows nuclear family relationships, which are assumed in acknowledgment evaluations, and therefore does not change the recommendations of the PF.

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Other than meetings at Charles Satiacum's house, the petition did not submit evidence of regularly-held council meetings or similar activities that would characterize the social and political life of the council members. Nor did the petition include any of this period of time. The principal indication that Thomas Bishop even attended meetings, other than the meetings he mentioned to C. F. Hauke, let alone was involved in any of the decision-making process with the Duwamish, comes from the following fragment of an undated newspaper page. It includes a circa 1916 photograph that picutres only a small number of the Duwamish Indians who gathered in answer to Chief Satiacum's. "(ATR, p. 87)	"The News-Ledger published a photograph of 'a number of the Duwamish Indians who gathered to answer to Chief Satiacum's summons.' Agent Charles E. Roblin, Chief William Rogers, John Seattle, and chief Charles Satiacum were among those in the picture. The presence of a number of tribal members and leaders-documented in the photograph published in the newspaper and in the article accompanying it - confirmed the serious commitment of the Duwamish Tribe toward achieving the goal of Bureau of Indian Affairs enrollment of its members. It is important to observe that chiefs Charles Satiacum and William Rogers participated fully in Agent Roblin's efforts to enumerate the Duwamish Indians and enroll them. These tribal leaders certified dozens of Duwamish Indians who in later years were active members of the tribe. The contemporary press affirmed their role in the certification."	1/9/1916 12/19/1916	"Duwamish Indians Name Agent Roblin 'Qua-Whad.' After Title of Old Wise Man" Tacoma Sunday News-Leger, Tacoma, Washington, in "Continuity of Duwamish Tribal Membership" by Linda Dombrowski, Ex. 46 "Aged Chief Helps to Enroll his Tribe" Tacoma Daily News, newspaper articles about Roblin enrollment	This newspaper article describes the enrollment of the Duwamish by Roblin. "Satiacum has given several affidavits from a mind clear and keen ...many names and references for the full Indian names were referred to by the aged chief ...Names mentioned are Chief Satiacum, Chief William Rogers of the "Suquamish Indians'.. John Seattle. Also present is Thomas Bishop of the NW Federation."	SNOQUALMIE PF 1993, 11	Nothing in these newspaper articles says that Rogers was a Duwamish chief and was active in certifying members. He is present in the photo. The photo does show that the individuals are present at a meeting of a Duwamiash entity, only that they are with Roblin. Nothing in this evidence addresses what happened after the newspaper articles were published, a major problem in the PF. There is no indication that the group associated with Satiacum is the DTO	This evidence does not provide evidence that the petitioner meets 83.7(b) for this time period

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1900-1920	"Tape Recording Transcription" Henry Moses and Myron Overacker, edited by Myron Overacker, Duwamish Tribal councilman. Transcribed by Linda Dombrowski, 1997. Exhibit 40 in Continuity of Tribal Membership by Linda Dombrowski	Henry Moses and Myron Overacker discuss with each other what they remember of earlier times	DUWAMISH PF 1996, 10	None of the activities discussed by Moses and Overacker indicate that there was an ongoing community at Renton historically or when the interview was made. Moses and Overacker try to make sense of what they have heard orally about events that happened before their lifetimes. When they discuss Dr. Jack, they refer to newspaper articles.	This interview does not provide sufficient evidence that the petitioner meets criterion (b) for any time period, even when combined with other evidence.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1910 ancestors were not part of a Duwamish community in 1920	Beckham's stated purpose in submitting this material is to "confirm[] relationships to others enumerated in this census."	1920	"Duwamish Indians Found in Fourteenth Census and on 1915 and 1927-34 Lists." Chart created by Stephen Dow Beckham of some people on the 1920 Federal Census	Beckham has extracted names of individuals reputed to be Duwamish that "appeared on special Indian Schedules, others appeared on the regular population schedules."[1]	SNOQUALMIE PF 1991, 11	Beckham lists some 38 households where individuals he identifies as Duwamish are living. To "confirm relationships with other individuals," he lists all the individuals and in a column after each name, he lists who they are with on the census. In virtually every case, the individuals are shown with their nuclear families. Eleven households are shown at Port Madison, and the remaining 27 households are spread thinly in 20 enumeration districts. Only four of these districts have more than a single household in them. These include Muckleshoot (3 households), Skokomish (2 household), Lake Sammamish, where some Snoqualmie were living (2 households), and the Sackman logging camp (2 households). This does not demonstrate tribal relations maintained across family lines. In fact, it corroborates the Proposed Finding that the petitioner's ancestors lived widely dispersed.	This evidence shows that the selected individuals are living in nuclear families which are widely dispersed in a large area of western Washington; this does not provide evidence that the petitioner meets (b).

[1] This makes little sense, because there are no special Indian schedules for the year 1920, although the 1900 and 1910 Federal Censuses had special schedules for "Indians, living on reservations or in tribal relations, and also by the enumerators in certain counties containing a considerable number of Indians" (Instructions for filing out the Special Indian Schedule, 1910)

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The DTO ancestors were not part of a Duwamish community in 1920	Beckham's stated purpose in submitting this material is to "confirm[] relationships to others enumerated in this census"	1920	"People not on 1915 or 1927-34 Lists but Appearing to be Connected to Those Who were so Listed"	This is a listing of 35 individuals "not on any lists but appearing to be connected to individuals who are"	LOWER MUSCOGEE CREEK PF, 1981, 3	The intent of this list is unclear. All but two of the individuals and the people they are connected to are first degree relatives. The BIA has performed new analysis assuming that these individuals are interacting by virtue of their close relationships. Other documents have been included in the analysis. The remaining two are grandparent/grandchild relationships. It shows that individuals who are closely connected do not appear on the same lists. This evidence, combined with other similar evidence has been reanalyzed and new percentages developed to show the relationship between the 1915 list and the DTO's 1925 membership list. However, the change in the percentage is not great enough to change the PF.	Although this evidence changes the percentages of individuals connected between the organization with a 1915 list and the DTO's 1925 list, it is not significant and does not change the conclusions in the PF.
DTO ancestors may have been involved in fishing demonstrations in 1927, although to demonstrate this, the names of individuals would have to be provided	The Duwamish undertook fishing demonstrations	1927	Appendix E "1927 Witnesses in Duwamish Tribe et al v United States"	This is a list of those persons who testified during Duwamish et al., v. U.S. compiled by Stephen Dow Beckham. Name, Sex, Age, Residence and "Notes" are the headings.	LOWER MUSCKOGEE CREEK PF, 1981, 3.	These individuals were not associated with DTO. They were associated with Shoalwater Bay Reservation, where many Duwamish descendents live	This evidence does not demonstrate that the petitioner meets 83.7(b)

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The relationship between Dr Jack a late 19th century Duwamish Shaman and purported leaders of the DTO claims organization is not established	There is a direct connection between Dr Jack and Myron Overacker	11/29/1915	Letter to O C Upchurch, Superintendent of the Tulalip Indian Agency, from Nellie Tuttle Overacker	Nellie Overacker writes to the Indian Agent and basically tells him that the Indian office should have nothing to do with Dr Jack's land probate: "I do not know what you are trying to do... Jack Bigelow homesteaded that track of land. His dealings was at the Land Office at Olympia Wash.... lived on it for 5 years and proved up on it.. He never had any thing to do with any Indian Agency or was it allottee to him by them When he pass on, his Widow Kittie probated it according to the Laws of the State. It is on record at the Court House."	SNOQUALMIE PF 1993, 15-16	The language of this letter clearly says that Dr Jack did not deal with the Indian office. This does not add new information to the actual interactions between the Overackers and Dr Jack during his lifetime. As a letter concerning the inheritance of property, it addresses only individuals in a single family line and does not contribute new data about cross-family interactions.	This document does not provide evidence that the petitioner meets criterion (b)
Virtually no tribal activities after 1900, ATR p 116 " the interview information suggests that those not connected with reservations interacted with other Indians only through their parents or grandparents Other contacts were limited to other family members "	Autumn hunting and fishing by members of the Fowler family line are evidence of tribal activity	1935	"The Political Survival of Landless Puget Sound Indians" by Tollefson, p 100-102	The author states that David Fowler made an annual trek to Dewatto (where his grandfather had lived) to "get their winter supply of salmon and venison." Many others came also from Renton, Seattle, and Tracyton. They stayed with "Fowler hosts." The Sackmans in Tracyton are mentioned, but no description of their interaction with Fowlers is made here	SNOQUALMIE PF, 1993, 16-17.	No names other than Fowler are mentioned in this discussion of autumn hunting, and the evidence does not respond to the issue in the PF that interactions were primarily mediated through family lines only A network of interactions among people from different family lines, which typifies tribes and is indicative of community under criterion (b), is not demonstrated by these assertions.	This assertion does not demonstrate that a significant interaction that was widely distributed among members of the DTO group, and across their family lines, members, across family lines It only shows interaction within a family. Therefore, it does not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The petitioner's ancestors, primarily descendants of marriages between Duwamish Indians and pioneer settlers, had little or no interaction either with the Indians of the historical Duwamish settlements or with those Duwamish who moved to reservations	"The letter from Effie Overacker to Myron T Overacker dated November 15, 1935, confirms a wide set of familial and tribal connections Particularly relevant are the following 'My daddy and uncle are over here the other day ' - 'How is lil Ann?' - 'Emily Allick is staying with mom She lost her son not very long ago He was just graduated from Publif [sic] High School at Coupleville Imagine it broke her up pretty much '	11/15/1935	Letter to Myron T Overacker, Los Angeles, Washington, from "Effie," Tulalip Indian Agency, Tulalip, Washington	This letter refers to the author's family members, and probably to the addressee's young daughter (lil Ann"), but only one other known Duwamish member is named (Emily Allick)	SNOQUALMIE PF 1993, 8,8-9, HURON POTAWATOMI PF 1995, 11	This single letter does not demonstrate wide-ranging connections between the Overackers and other DTO The proposed finding assumes that individuals are in contact with their close family members, such as fathers and mothers The uncle mentioned is not named, but is most likely of the same family line as the writer, who is also unnamed The text of the letter does not describe the author "Effie" by surname, by relationship to addressee Myron Overacker, or by tribal affiliation	This evidence does not demonstrate that the petitioner meets 83 7 (b) alone or in combination with other evidence
Dr Jack, a 19th century Duwamish Shaman links to Myron Overacker, a purported leader of the DTO was not found to be established or significant	Myron Overacker received his credibility as a leader from links to Dr Jack, a 19th century Shaman	12/23/1935	Letter of John Collier to O C Upchurch, Supt. Tulalip Indian Agency, Appendix F of Petitioner's Response	This letter concerns Nellie Overacker's letter about Dr. Jack's land He states that "it appears that the trust period extends to 1947," and he states he wants this issue settled through a hearing He also wants Upchurch to check whether state taxes have been paid on the property	SNOQUALMIE PF 1993, 18	This appears to be a purely administrative matter from the point of view of the BIA, and as an inheritance document concerns individuals of a single family line only	This letter does not provide evidence that the petitioner meets 83 7(b) alone or in combination with other evidence

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The tenuous link between Myron Overacker and Dr Jack are not significant in showing a continuous existance of a Duwamish entity	Myron Overacker's links to Dr Jack are significant	2/3/1936 1/31/1939 2/28/1938	Letter of A B Metzner, Acting Commissioner, to O C Upchurch, Supt. Tulalip Agency Appendix F of Petitioner's Response Letter to CO-IA from Bogle, Bogle and Gates Letter from A B Melzer, Chief of Probate Division to Bogle, Bogle, and Gates, attorneys at Law	This letter says that although the state court was in error in making a decision about Dr Jack's land, it would be inclined to uphold that decision even if the actual heirs were located because it is so long after the original mistake. This requests that the heirship determination read "heirs of Jack Bigelow." This letter says that until a decision is made by the Examiner, the final decision concerning Dr. Jack's probate will not be made.	SNOQUALMIE PF 1993, 15-16	These letters concern an individual allotment and do not demonstrate tribal relations or interactions beyond a family line	This document does not provide evidence that the petitioner meets (b)
The link between Dr. Jack and Myron Overacker is not established	The link between Dr. Jack and Myron Overacker is significant in showing continuous existence	1/4/1936	Letter to the Commissioner of Indian Affairs from O. C. Upchurch, Tulalip Agency	This letter outlines the inheritance of Dr. Jack's land	LOWER MUSKOGEE CREEK PF 1981, 3	This letter indicates that the descendants of Dr Jack do not have on-going relationships with one another	This document does not provide evidence that the petitioner meets (b)

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Identity and blood quantum were not issues in the proposed finding		1966	"Duwamish Tribal Identity and Cultural Survival," Tollefson, p. 91	Tollefson refers to a survey he did of 54 individuals, which he says demonstrated their shared "Duwamish identity." He also says that 69% have 1/8 Duwamish descent and "are eligible for membership in federally recognized tribes with reservation facilities and federal subsidies."	SNOQUALMIE PF, 1993, 9, 13	This survey has been criticized for flaws in methodology previously. The shared symbols are common and general. They could apply to many people. It would be difficult for individuals not to know what the "correct" meaning "[stereo]typically Duwamish" answer would be. (Do you care for the environment? How much salmon do you eat? And similar topics). The second statement concerning blood degree and eligibility on reservations is also too simplistic to accept, as tribal membership requirements vary from one tribe to another and often require that applicants meet criteria other than blood degree. Even if these statements were correct, identity and 1/8th blood degree do not provide evidence to demonstrate that the petitioner met 83.7(b) and (c) in 1966, because it does not demonstrate actual interaction, nor does it show that the individuals were in close and on-going contact which would provide an environment for selecting spouses from the Duwamish membership	This evidence has been previously considered. This submission does not alter the PF
"Since 1925, the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families but not with members outside their own family lines." FED REG 1996, 33763		1992	"The Political Survival of Landless Puget Sound Indians," by Kenneth Tollefson, p. 133	Author says that some 60% of individuals had "contact with one or two Duwamish households (outside their treaty families) in the past ten years."	MIAMI FD, 1992, SNOQUALMIE PF 1993, 8, 8-9	This describes a situation of very little, if any, contact, and the 60% figure includes people who have had only a single instance of contact in ten years, perhaps in a formal meeting. This is not the extent and type of regular, significant contact and interaction, required to meet criterion (b)	The contact and interaction described does not rise to the level of evidence acceptable under the regulations. It does not alter the PF for criterion (b).

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Since 1925, the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families, but not with members outside their own family lines." FED REG 1996, 11761		1992	"The Political Survival of Landless Puget Sound Indians," Tollefson, p. 111	Author says that 79% of respondents (n-175) said that they had participated in tribal meetings, Indian spiritual practices, bingo, bone games, powwows, Indian naming, canoe races, conferences, potlatches, and other gatherings.	GRAND TRAVERSE BAND PF 1979, 5; SNOQUALMIE PF 1993, 9-10	What the petitioner needs to show is that the tribe organized such activities and that they were significant in people's lives. No evidence indicated that the DTO organized activities such as these (with exception of annual meetings) either formally or informally. Whether the petitioner attended "traditional" events, such as those defined here, is not as important as showing that the petitioner's members interacted in significant ways at these occasions. Statements like these do not shed any light on the significance or organization of these contacts. Who attended these gatherings, how they were organized, etc., is not indicated.	The evidence is too general to demonstrate that the petitioner meets criterion (b). This does not alter the PF under (b) or (c).
		1993	"Duwamish Tribal Identity and Cultural Survival," by Kenneth Tollefson, p. 109	The author questioned "six council members and 2 executive officers" about whether they would maintain a requirement of Duwamish ancestry in membership. Because they answered yes, he believes this shows "a rigid descent boundary."	SNOQUALMIE PF, 1993, 13, 21-22.	This ancestry requirement does not distinguish the petitioner from a claims organization. Social boundaries at a level acceptable to satisfy criterion (b) would be based on documentation of actions which indicate that individuals actually interact with other group members often or in significant ways and in patterns of interaction. Such verbal or constitutional assertions by petitioners that they would maintain boundaries in the future are not sufficient evidence for criteria (b) unless accompanied by evidence of significant interaction patterns that show that they maintain social boundaries in the present or historically.	Because no new evidence indicating that the DTO membership maintained significant social contact or interaction was submitted, the PF is not altered for criterion (b).

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Tollefson's work is not universally accepted, and in fact goes against prevailing academic opinion	Whitlesey states that they are basing their response on Dr Tollefson's articles and affidavit, and says that it was ignored previously Whitlesey holds that Dr Tollefson is due deference in determining whether the petitioner meets the criteria (Duwamish Response to BAR's Proposed Denial of Federal Acknowledgment for Duwamish Tribe, p 10)	1994	"Draft" letter to Ms Hazel Elbert from Duwamish Tribal Council	This draft states that it is forwarding four articles by Dr Tollefson to be included in the petition materials	The burden of proof is on the petitioner See 25 C F R 83.5 (c) which states "The Department shall not be responsible for the actual research on behalf of the petitioner " Golden Hill Paugussett vs. Babbitt; Ramapough vs. Babbitt; Miami vs. Babbitt	This letter is not in the Duwamish administrative file in the BAR, and correspondence from the same period does not refer to it, nor indicate that a letter is missing from the file It is not clear that this letter was finalized or that the articles were actually submitted A later letter does submit the 1994 article which is referenced in the PF's technical report bibliography Tollefson's views were not ignored in the PF, as he was the primary author of the petition The BIA is entitled to assume that the petition narrative is the definitive work of Dr Tollefson and specifically deals with evidence and how it meets the criteria, while academic articles often have a lower standard of proof and focus on issues not relevant to the criteria, e g , identity, aboriginal social systems, and discussions of theoretical issues in general rather than as they relate specifically to the petitioner and its ancestors	The response does not add any new information or documentation concerning Dr. Tollefson's views which would alter the proposed findings under 83.7(b)

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	Study I takes information from interviews with 14 present or former DTO council members and tries to extrapolate the into a survey format. The study found that the 14 "identify strongly with Duwamish ethnicity" pp. 11-12.	JENA CHOCTAW FD 1995, 60 FR 28480; SNOQUALMIE PF 1993, 19-20	Identification with Duwamish ethnicity is not relevant to any of the acknowledgment criteria. The data, limited to 14 DTO council members, presumably among the most active members of the petitioner, may not be viewed as typical or representative of the members as a whole. The regulations are designed to measure how people act, rather than how they think or feel about being Indian. Even if the petitioner were to argue that this showed shared culture, which has been interpreted under the regulations to apply to a shared Indian language or dialect, unique religion, kinship system, etc., not general and amorphous "feelings," the sample is much too limited to show that a predominant proportion of the membership shares a distinct cultural institution.	This study does not show that a predominant portion of the petitioning group shares a distinct cultural institution. It does not alter the proposed finding.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1996	"Duwamish Indian Modern Community" by Michael D Roe, January 19, 1998	Study I takes information from interviews with 14 present or former DTO council members and tries to extrapolate the information in the interviews into a survey format. "All 14 participants described Duwamish cultural activities in which they participated" These "cultural practices" included: Powwows, Potlatches, Smoke house ceremonies, Indian storytelling, Carving, Indian dancing, making baskets, Making drums, Making beaded jewelry, Performing Indian music, Indian ceremonial dress, Paddling dugout canoe, fishing and clamming, Hunting, Berry Picking, Preparing Indian food, such as fry bread, game, salmon p 11-13	Mohegan FD 1994, 15, JENA CHOCTAW PF, 1994, 4, POARCH Creek pf 1983, 4.	Eight of the 16 named "cultural practices" were mentioned by three or fewer individuals; five were mentioned by five or six individuals, three were mentioned by seven and more. Among the last three were preparing Indian food, berry picking, fishing and clamming, all activities also popular among non-Indians in this part of the country. However, this misses the point which must be made here. Cultural practices, considered generically "Indian," when done individually rather than as a group do not provide evidence acceptable to the Secretary to show they meet criteria (b) or (c). In precedent cases, activities which may not be viewed by the general public as "Indian" (e g. Christian church socials, controlling the taxes in a New England township, socializing in segregated dance halls , and cemetery clean-ups) have been accepted as evidence under (b) or (c), as long as the petitioner demonstrated that a representative number of members organized, attended, and considered these activities to be significant. Roe's sample of 14 individuals who are DTO council members is not representative of the membership in general and the data does not indicate that these activities were undertaken as a tribe	This evidence js not sufficient to demonstrate that the petitioner meets criteria (b) or (c).

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
"The petition documentation includes references to the petitioner's participation, as an organization, in commemorative events and pow-wows. Participation in public events such as these, however, does not function as more than merely symbolic identification of the group or organization as Indian. It is not evidence in itself of actual differences in cultural beliefs or social organization. Further, participation has been only by a few individual officers of the organization. Thus, participation by the organization's leadership in pow-wow and other commemorative events is not evidence of the maintenance of internal social cohesion." SummCrit [p. 10]		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	".. seven of the respondents noted their participation in elements of American Indian spirituality. These elements included living in harmony with all God's creation (i.e. all my relatives), power of spirit creatures (see Tollefson, 1987, pp. 66-91) and many different types of traditional ceremonies "The Hansen (1987) survey reported that 16.7% of respondents participated in traditional Indian ceremonies or Pow-wows. No other Hansen data were relevant to this category." (p. 22)	SNOQUALMIE PF 1993, 13; NARRAGANSETT PF 1982, 11	This very small sample and associated statistics reveal that participation in Native American religious ceremonies is minimal. One person had been to a smokehouse ceremony, five to potlatches. Roe appears to discuss "stereotypical Indian" values such a "living in harmony with all god's creation." Roe uses a circular logic: Interviewees have values. They are Indians. Thus, the values they have are Indian values. Religious institutions, whether of a Native American and/or Christian, have been accepted as evidence under criteria (b) if they demonstrate that a wide distribution of members of the petitioning group interact with one another. These cultural values are too general to be considered specifically Duwamish, do not demonstrate that the petitioner shared cultural institutions, and are not shown to be continuous. In order to use heritage events as evidence for 83.7 (b), the petitioner must show that the activity is not merely undertaken by an individual or several individuals but is a tribal event undertaken by the petitioner. This would mean that the tribe functions to put on pow-wows, that there is a process for organizing it, and that it incorporates a significant proportion of the petitioner.	Evidence of individual participation in pan-Indian heritage events by a few individual leaders does not provide evidence for criterion (b) and does not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Neither petition materials nor BIA research provide evidence of social interaction among members, at any time since 1925, which is indicative of the existence of a community. Members reported that they knew very little of the petitioner's organization, and that it affected their lives very little. There is no evidence that the petitioner's ancestors interacted with each other outside the annual meetings of the general membership, or that the present membership has *done so to any significant* degree from 1925 to the present."	The petitioner cannot be expected to interact at high levels because they were so decimated by the impact following contact	1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"Social Networks. Clearly the dominant social networks described by these participants were within their extended Duwamish families." One example is about an older woman being brought fish when she was ill. The individuals involved seem to have been old when the narrator was a child, placing the events in the early 20th century. No names are given. pp 16-17.	*SNOQUALMIE* PF 1993, 15-16,	"...activities recalled by today's members shared gift giving, cooperative hunting, and summertime berry picking...took place among brothers, sisters, aunts, uncles, nieces, and nephews, not among members outside of their own extended families. Members did not have contact with other members outside their own extended families until they were adults, and then only in the restricted setting of Duwamish Tribal organization meetings." [SummCrit p 9] Family relationships may provide supporting evidence for criteria (b) if it occurs in an entity where interaction is characterized by formal and informal interactions across family lines or where such interactions are demonstrated to be an instrumental part of a larger group process. The data presented responses from only 14 individuals who had served as council members not representative of the petitioner as a whole. The single example of tribal welfare related by one of the individuals being interviewed may be an example of the kinds of activities which would be evidence to meet criteria (b) and/or (c) had they typified the members' relations and continuously occurred. However, the data is limited and it is impossible to determine if such interactions were characteristic of interactions for a predominant proportion of the membership and if these kinds of activities occurred in the present as well as 69 years ago. This example is not well documented, the individuals involved are not named, and the story itself tends to imply that the individual discussing the events, related to other Duwamish only through elderly individuals who died early in the 20th	This data is very limited and can not be viewed as representative of the Duwamish today and it does not demonstrate that a Duwamish community exists. It does not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1998	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"...the noted social scholar Robert Nisbet characterized the archetype of community to be the family (e.g. Nisbet, 1953). In the case of the Duwamish, this is not simply a useful metaphor for their social relationships, it is also an accurate concrete description of their social relationships. family ties permeate the social world of the Duwamish, such as funerals and weddings, and many informally socialize with Duwamish who are family. Most came to know of their Duwamish roots and cultural heritage through teaching and socialization within the family context." p 33	SNOQUALMIE PF 1993, 11, 8, 8-9	Most Americans interact with their family, meaning those individuals within limited lineage groupings (groupings of individuals who descend from sets of grandparents or great grandparents). What distinguishes tribal behavior is that individuals are related across family lines over many generations. Criss-crossing connections permeate the membership and form a dense network of ties and obligations. These types of networks and the related interactions would be acceptable evidence for community under criterion (b) and at high levels of interrelatedness this evidence can be converted to evidence for criterion (c). However, the everyday interactions of individuals within their families do not show that a community exists encompassing the petitioner's membership as a whole	This evidence of interaction within families does not demonstrate that the petitioner's membership is in contact with one another concerning issues of significance. The description of family interaction does not differ from that already in the PF and therefore does not alter the PF.

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"There is no evidence that the petitioner's members for 1925 to the present have interacted with reservation Indians, attended potlatches, or visited reservations. The only exception is when, in the past as children, they accompanied their parents and grandparents."		1996	"Duwamish Indian Modern Community" by Michael D. Roe, *January 19, 1998*, p. 17	"Beyond the Duwamish tribe, seven participants described significant relationships to other Indian peoples, such as the Saquamish, Snohomish, Muckleshoot, and Puyallup. These connections often were through relatives or friends. Also, seven respondents described participation in pan-Indian events, such as Pow-wows." p. 17	SNOQUALMIE PF 1993, 8, 8-9, HURON POTAWATOMI PF 1995, 11	Roe contends that a small number [7] of the petitioner's members had *significant* interactions with other Indians, although he offered no clear definition of what a "*significant*" interaction would be. The BIA's analysis showed that a small group of 6 or 7 individuals, representing only one family line, was most involved in these kinds of activities. In the Snoqualmie and some Michigan petitioner's *Findings*, the BIA evaluation has accepted as evidence under criterion (b) patterns of interactions with other Indian tribes by the petitioner. This would include marriage networks, visiting networks and other patterns of relationships which joined the petitioners members in significant and widespread patterns of interaction with other tribes and regional tribal networks. Self proclamations of having Indian acquaintances does not rise to the level of evidence used in precedent cases	Roe's restatement of statistics available in the PF does not alter the conclusions of the PF.

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The Duwamish petitioner has not demonstrated that they have maintained a community from historical times to the present		1998	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"These participants demonstrate continuity and synthesis in their endpoints of acculturation. Continuity is evident in their 'characteristic Duwamish' attitude and behavior toward a personal natural world, American Indian cultural symbols, and in their participation in a variety of cultural practices." p. 34	LOWER MUSKOGEE CREEK PF 1981, 3	These general statements about the three "studies" described in the petitioner's submission have not been demonstrated because the studies did not examine actual behavior, the concept of what are "American Indian cultural symbols" is unclear and not specifically Duwamish, and looking at "endpoints" alone is not acceptable evidence under the regulations, which require that contemporary evidence demonstrate continuous community and political authority from historical times to the present. The BIA has evaluated some petitioners who cannot establish Indian ancestry but who have asserted the same and similar cultural symbols and values as Roe points to here. The asserted cultural continuities are too general to show that the present political organization arose from a specific traditional cultural pattern which has been continuously maintained. In addition, these studies do not indicate that these attitudes are shared among a predominant proportion of the petitioning group or that they are significant to their lives	Roe's arguments are too general, too limited, and are unsubstantiated to demonstrate the petitioner meets criterion (b). The PF is not altered.

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The Duwamish petitioner has not demonstrated that they have maintained a community from historical times to the present		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	After a limited survey of DTO members' attitudes, Roe offered a number of "cultural values" which included things like "commitment to Duwamish way of life, attendance at Duwamish gatherings, skin color, preference for Indian food." He puts them in a hierarchy. He compares the responses, and finds "although there were slight drops in magnitude of the mean ratings between the 1983 and 1996 surveys, the order of the hierarchies remained quite similar."		Because the respondents are not named and no empirical data is available to evaluate the accuracy of Roe's evaluations, this analysis cannot be evaluated or used in determining if the petitioner meets the regulations. "Attendance at Duwamish gatherings" was next to last in the hierarchy. Passing Duwamish culture to the next generation was rated highly. This may indicate that Duwamish culture is viewed as an individual belief system rather than a set of beliefs, activities, interactions, etc., shared by a community. This evidence deals primarily with self declarations of what people believe. It is not useful in determining whether the petitioner actively maintains community or political authority.	This analysis does not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Identity not an issue in PF		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"The Duwamish participants in the present study are modern American Indians, they are not fully assimilated 'Anglos' who are descendants of Indians. They demonstrate an integration mode of acculturation, in that they have maintained distinct ethnic identities while participating in the dominant society. Their Federal unacknowledged status has been irrelevant to their Duwamish Indian identity. Most have identified themselves to themselves and others as American Indian for their entire lives."	MACHIS CREEK PF 1987, 3	No data was submitted that would demonstrate that "most" of the petitioner's members have "identified as Duwamish their whole lives." This is an assertion that Roe makes even though he points out that the sample he is working with is limited. However, identity is not really the issue. How individuals identify is not evidence that is acceptable or relevant under the acknowledgment regulations. Virtually all acknowledgment petitioners are made up of individuals who, at least in part, identify as Indian, even those who have not demonstrated Indian ancestry. Conversely, the fact that members may switch identities in certain social environments has not been viewed as negative evidence that a petitioner does not meet the regulations.	Self-identification of DTO members as Duwamish is not evidence for criterion (b) under the regulations. These assertions concerning how the petitioner's members identify themselves does not alter the PF

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
"The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population. No geographical area of concentrated settlement provides them with a social core. The group's geographical dispersion is consistent with other evidence showing the members do not maintain, and have not maintained significant social contact with each other." FED REG NOTICE		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	Roe discusses theory, starting with Ferdinand Tonnies' "Community and society" and the Gemeinschaft (community) and gesellschaft (society) dichotomy. He says that Tonnies' dependence on "territorially based interaction represents only one pattern of community." Roe adopts Bender's definition of community "as a network of social relations marked by mutuality and emotional bonds, which include a limited number of people in restricted social space or network, who have mutual access to one another, who share understandings and sense of obligation, and who also may find themselves in conflict with one another at times. . . .does not require dwelling in close proximity to one another."	SNOQUALMIE PF 1993, 11	The regulations and their applications have not required that members live in "close proximity to one another." Where they do live in close proximity (Pearch Creek or Jena Choctaw), meaning a "village like setting" or "exclusive neighborhood," the BIA evaluators have been able to assume that interaction has existed without requiring other evidence. However, where members are widely dispersed and have been dispersed for generations, in order to show that a social community exists, the BIA has required other kinds of significant evidence that the members are actually interacting in a community. Roe writes as if the BIA requires the members to live in close proximity, which is inaccurate. In this case, Roe's general theoretical point is in agreement with the theoretical basis of the regulations concerning community.	This theoretical argument concerning the non-geographical definition of community is in line with the basic theoretical underpinnings of the regulations and has no effect on the PF. These points do not alter the proposed finding

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"The petitioner's current members do not maintain a *community* that is distinct from the surrounding non-Indian population." FED REG NOTICE		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"Acculturation is not synonymous with assimilation. This was demonstrated about fifteen years ago among a native Canadian tribe in an event of great speed and magnitude."	MOHEGAN FD 1994, 15	The regulations and their past applications have not penalized petitioners who have by and large acculturated (taken on the culture of a dominant society) and may even appear to neighbors to be somewhat assimilated (become part of the dominant society). The issue is whether they have maintained on their own a *separate and distinct social community* and have exerted political authority on issues of significance within that community. Thus, even acculturating institutions, such as Christian churches or a small town government, have *in* past cases been accepted as demonstrating institutions where community and political authority has been maintained by the petitioner. The problem the DTO has is that they have not demonstrated any community, whether acculturated or not acculturated in character.	Roe presents a theoretical point that is inaccurate as far as its relevance to the petitioner is concerned. This point does not change the analysis. Nor does it provide new data which would change the analysis. It does not alter the PF
		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"Ethnic Identity: Only two items from the Hansen (1987) survey are relevant to this category. Basically the people interviewed identified as Duwamish or part Duwamish." p. 20		Ethnic self-identity is not evidence of criteria (b) or (c). Virtually all petitioners' before the BIA are made up of *individuals who identify* as Indians, whether they can actually link to an Indian tribe or not. Although this study purports to be from the general membership, many of the same problems that applied to the survey of leaders also applies to this "survey."	This evidence can not be used to *demonstrate* the petitioner meets 83.7 (b)

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		1998	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	Roe's analysis reworks some data already before the BIA when the PF was evaluated, and other data from 1996 which has never been submitted to the BIA. Roe states: "Undoubtedly the samples in these four studies overlapped. Also, it was not possible to ascertain how representative these samples were of the larger Duwamish membership....With these two recent studies in particular, it is fairly likely that they provide reasonable representations of the active membership of the tribe." p. 10		Roe does not adequately describe the data sets used in his analysis. The sources of data do not appear in the bibliography. Ambiguity is also introduced in the descriptions given. For example, Roe refers to Wiggen's work with the Cowlitz as if it is one of the data sets. Because the data sets for these last sources of data utilized in the study were not submitted, it is not possible to evaluate the accuracy of Roe's evaluation. The problems raised by Roe, himself, concerning how representative the data is, makes it impossible to evaluate this data and Roe's analysis under the regulations. The sample is too small and the content is not comparable in some cases. In addition, there may be overlaps (which may mean that an individual is actually represented two or three times in the sample.) This would mean that the sample may be even smaller than claimed.	The original source data extrapolated by Roe to make generalizations about the activities of the present day Duwamish was not submitted. It is not possible to evaluate the analysis without it. However, methodological problems exist which would indicate that the study has serious flaws which make it unusable in evaluating a petitioner under criteria (b) or (c). Therefore, this document does not alter the PF

DUWAMISH TRIBAL ORGANIZATION: FINAL DETERMINATION - SUMMARY CHART

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

Note: When revised acknowledgment regulations were adopted in 1994, the petitioner chose to be evaluated under the original regulations adopted in 1978.

Summary of the Evidence. The PF found that the petitioner did not at any time maintain tribal political influence or authority over its members, that DTO has limited its activities to pursuing claims for its dues-paying members, and that the organization was run by a tiny fraction of the membership. Also, the PF found that annual meetings consisted of a formal presentation of the claims situation and motions to elect officers, accept members or endorse attorney's contracts. Other activities such as those concerning culture, welfare, or governance were not discussed by leaders or members who were recognized from the floor. Some indication that a majority proportion of the members were active in the group's affairs would provide evidence that the petitioner undertook non-claims political activity. No such evidence was submitted and discussions in meetings in the 1950's specifically refer to the lack of participation by both leaders and members.

The petitioner's submission indicates that Roe's report is their main response to deficiencies noted in the PF. As such, it fails to cure the inadequacies noted in that finding. His conclusions are based on flawed surveys. Roe's statements and positions, drawn from these surveys, center on individuals' identities and beliefs, rather than political processes. The response lacks new specific data and examples concerning possible influence of the group's members on leaders and possible authority exerted by purported leaders on the members. For example, there is no discussion of decision-making, conflict resolution, how events and programs are undertaken and run, or the functioning of any other activities which would reveal political processes from 1925 to the present.

The PF was unable to link the petitioner after 1925 with a Duwamish organization that was documented before 1917. Statistical analysis of various membership lists and a comparison of leaders was done to determine what proportion of the individuals named on a 1915 list for one organization appeared on lists prepared for the petitioner's organization after 1925. The PF noted that a more careful analysis showing the relationships of close relatives who may appear on the lists may demonstrate that a higher proportion of the memberships are linked. Linda Dombrowski provided data on individuals to show in which cases individuals from a single family line may appear on both lists, even though single individuals themselves may not. The BIA genealogist performed more analysis based on this new submission and found that by including close relatives in the analysis, a larger proportion, but still not a majority, of members could show they were linked to both organizations either on their own or through a close relative. This analysis tends to support the statements in the PF that although more individuals could probably be linked to both organizations, a majority could not be linked. No new information demonstrated that the organizations, their leaders and membership, the management of issues, or any other activities were continuous between 1915 and 1925.

The petitioner proposed that the Fowler family, lead by Frank Folwer II, consulted family members in decision-making. However, this kind of family based political organization was not confirmed with evidence pertaining to the Fowler family or to other families. The organization of the council along the lines of river drainages also was not demonstrated in the submitted evidence. Other descriptions of political organization did not pertain to recent years and the petitioner did not demonstrate they met 83.7(c) in the present.

The FD found that the petitioner did not meet 83.7(c)

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
"Federal negotiators combined the Duwamish with other tribes and bands into confederated 'treaty tribes' for the purpose of making a treaty in 1855 and continued to deal with treaty-reservation Indians as the 'Duwamish and allied tribes'" FED REG, 1996 The Proposed Finding referenced one article by Dr. Kenneth Tollefson, the petitioner's principal researcher. (Tollefson, 1989) This article argued for a united Duwamish "Chiefdom" in pre-treaty times.	The petitioner's response argues that the BIA ignored Tollefson's work " the Bibliography for the 1996 Ruling fails to identify much of Dr. Tollefson's [sic] body of work on Duwamish issues as having been among the materials reviewed and utilized by BAR This omission is startling since Dr. Tollefson is universally recognized as the leading authority and expert on the Duwamish Tribe. (Whittlesey, p. 10) Tollefson is committed to the position that the Duwamish were a united Chiefdom under a paramount chief pre-treaty	pre-1850	(Buerge 1980, 14); (Smith 1941, 197) (Drucker 1965, 47, 70); (Ruby and Brown 1986, 72); (Cole and Darling 1990, 128); (Tollefson 1989, 135; Miller and Boxberger 1994, 279, 288)	The PF IITR (p. 8) discussed at length Dr. Tollefson's work and cited substantial criticism of it from other anthropologists to conclude that "with the lone exception of the petitioner's researcher, the scholars who have studied the aboriginal cultures of western Washington have concluded, as David Buerge has written, that a centralized authority was not highly developed among the Puget sound people. . ."	On the issue of the Department's responsibility to demonstrate the petitioner's case for them, the regulations state that the burden of proof is on the petitioner. See 25 C.F.R. 83.6(d) which states "The Department shall not be responsible for the actual research on behalf of the petitioner." Fed Reg Notice, Duwamish Tribal Organization, June 28, 1996. COWLITZ FD; SNOQUALMIE FD	Despite the rejection in the PF of Dr. Tollefson's theory of a Duwamish pre-treaty chiefdom, the PF accepted the treaty tribe as the "Duwamish and allied tribes." Thus, both the PF and Tollefson basically deal with one Duwamish entity after 1855. The primarily academic issue of whether or not the Indians living along the Duwamish, Green, White, Cedar and Black Rivers and around Lake Washington were a single tribe pre-treaty (Dr. Tollefson's controversial position) or a number of smaller tribes, became a moot point that has no bearing on the ultimate acknowledgment of this petitioner. It is not clear how the petitioner believes that Dr. Tollefson's position would change the PF. Other acknowledgment decisions from Puget Sound have also accepted the Government's definition of united treaty tribes, and the issue of pre-treaty organization generally has not been an issue.	The petitioner's argument in their response concerning the pre-treaty nature of the Duwamish is irrelevant to the decision and does not alter the PF which accepts the existence of a single Duwamish treaty tribe.

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One article by Dr. Kenneth Tollefson is reviewed and its accuracy is questioned by the Duwamish PF technical reports.	The petitioner submits seven articles by their researcher, Dr. Kenneth Tollefson, and says that the failure of the BIA to include them in the evaluation for the proposed finding is a serious error and requires a new review of the petition *ab initio*. The petitioner's response raises procedural issues, rather than specific criticisms of the research and evaluation results.	1840's - 1990's	Tollefson, 1989, 1987, 1995, 1996, 1995, 1992, 1996	These articles, written by the petitioner's primary researcher, are from academic journals. They discuss Tollefson's research on several NW Coast groups. The petitioner's response does not indicate what specific points in these articles show how the petitioner meets the criteria now, when they did not meet it for the PF. The point the petitioner is making is that they should have been included the materials evaluated during the PF. However, the petitioner does not show that they submitted these articles.	The burden of proof is on the petitioner. See 25 C.F.R. 83.6(d) which states "The Department shall not be responsible for the actual research on behalf of the petitioner."	These articles will be reviewed here and will become part of the record for the Final Determination. The BIA evaluators were aware of Tollefson's work from other cases. However, these articles had not been submitted for the PF by the petitioner. The BIA evaluators did not consider them particularly germane to the evaluation because they generally discussed pre-contact socio-political organization, dealt with tribes other than the Duwamish (one concerned a tribe in Alaska), were published after the evaluation had begun or were controversial and criticized by other scholars. In addition, Tollefson, as the petitioner's principal researcher, set forth these findings in the petition narrative, itself, which evaluators assumed was Dr. Tollefson's definitive statement as to how the petitioner meets the criteria. Tollefson's work on the petition was given the same scrutiny as anyone else's work. Finally, peer review of academic articles submitted for publication does not lessen the BIA's responsibility to evaluate the statements made in these articles under the criteria once they are submitted.	It was the petitioner's responsibility to submit these articles for this case if they expected them to be evaluated. Most of the articles are not considered germane. The articles are reviewed for the FD.

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The petitioner submitted one article by Kenneth Tollefson for the PF	The petitioner submits seven articles by their researcher, Dr Kenneth Tollefson, and says that the failure of the BIA to include them in the evaluation for the proposed finding is a serious error and by itself requires a new review of the petition *ab initio*	1840	"Potlatching and Political Organization among the Northwest Coast Indians" by Kenneth Tollefson, 1995	This article is about potlatching among the Klingits of panhandle Alaska in some unknown past. The author reviews various functions of potlatching in managing conflict, and its other social and political functions. The petitioner's response does not indicate what specific points in this article show how the petitioner meets the criteria.	The burden of proof is on the petitioner. See 25 C.F.R. § 83.6(d) which states "The Department shall not be responsible for the actual research on behalf of the petitioner." Data about another tribe's, or peoples', history cannot be applied to another petitioner's case. See MOWA PF and RAMAPOUGH FD.	This article, published after the evaluation was underway, does not discuss the Duwamish. The point of submitting this paper may be to show that potlatching theoretically had social and political functions, a point already accepted in the PF. Specific incidents of 19th century potlatching in the Duwamish tribe were discussed in the PF, which found that a distinct Duwamish tribe existed to 1900. There are no documented instances in the petition materials of the petitioner potlatching after 1900. No specific description of potlatching by this petitioner were submitted which specifically relate to a tribal activity of the petitioner's members. Non-specific references to attending a potlatch after 1900 were sporadic. (See Roe questionnaire) Because these latter instances were mentioned by only a couple of people in one of Roe's questionnaires, potlatching as a Duwamish Tribe would seem unlikely. These references may be to attendance at events given on reservations or by non-Duwamish.	Because this article is not about the petitioner's ancestors, and because possible theoretical considerations raised in it were already taken into consideration in the PF for instances of potlatching in the record (all before 1900), it does not alter the proposed finding's conclusions concerning the existence of a tribe after 1900.
The Duwamish did not have a large unified chiefdom before 1855	Whittlesey maintains that the BIA ignored Tollefson's work which primarily discussed the chiefdom controversy	1840	"The Snoqualmie: A Puget Sound Chiefdom" by Kenneth D. Tollefson, 1987	This article seeks to resolve the academic controversy Tollefson believes exists concerning the nature of Puget Sound political organization by describing the political organization of the Snoqualmie during the 1840's and analyzing the social, economic, political, and religious behavior and customs.	The BIA accepts the government's contemporary definition of the Snoqualmie and Cowlitz Treaty tribes. See Cowlitz FD, 2000; Snoqualmie FD, 1999.	This article is not about the Duwamish. However, whether or not the petitioner was a chiefdom in the 1840's was made irrelevant to the present decision when the PF accepted the definition of the Duwamish Treaty tribe as a combination of the Indian peoples living along the Cedar, Black, White, Duwamish Rivers and around Lake Washington and the Lake Fork. The issue for this petitioner is not whether there was a Duwamish Tribe made up of bands from a number of areas post-treaty, but whether their ancestors were part of that tribe, especially after 1900.	Because this article is not about the petitioner's ancestors, it does not change the proposed finding's conclusions.

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The petitioner's ancestors were widely distributed in non-Indian communities and family enclaves around Puget Sound, and evidence was not submitted to show that they interacted with each other or with the Duwamish Indians who were living on reservations or in Indian communities	This pattern was caused by the impact of contact	1855	"Political Organization of the Duwamish," by Kenneth Tollefson, p. 139	This article says that after settlers arrived in 1850, they appropriated land and resources of the Duwamish and undermined their political economy, reducing the chiefdoms to isolated communities and enclaves of Indian families.	Past evaluations of petitions have taken into account historical situations when interpreting the evidence even under the 1978 regulations. The revised regulations include this as policy. HURON POTAWATOMI PF, 1995, 11.	Tollefson does not describe specifically the isolated communities he references. However, the description of isolated Indian families agrees with the PF's specific descriptions of how the petitioner's ancestors lived in isolated family enclaves widely distributed around Puget Sound. The PF demonstrated that many other Duwamish, not part of the petitioning group or among its ancestors, maintained contact with one another or those who moved to reservations. The impact of Euro-American settlement, although real, does not remove the requirement of the regulations to show the petitioner's ancestors maintained tribal relations with one another and meets (b) and (c). The petitioner would need to show how the petitioner's ancestors, whether individuals or families, interact with other Duwamish to meet criteria (b) for community.	This description essentially agrees with the PF's description of the petitioner's ancestors, but not all Duwamish. It does not alter the PF.
The Sackman community was not interacting with other Duwamish Indians, other than the Garrison family, also a pioneer marriage family	The response indicates that the PF underestimated the importance of the Sackmans and their community.	1860 to 1890	"The Political Survival of Landless Puget Sound Indians," by Kenneth D. Tollefson, 1992	This article discusses the Sackman logging settlement, headed by a white man, Daniel Sackman, who married an Indian woman. Tollefson states, "Many of Marie's relatives settled around the Sackmans and formed a Duwamish community based upon logging and their traditional subsistence economy. Daniel Sackman, a white man, served as cultural broker and advocate for the settlement. Three Sackman sons married local Indians, inherited their father's logging business, and perpetuated their community and the Duwamish culture....some twenty or thirty Indians usually resided in the community."	Interaction should be widespread and encompass the entire membership. MIAMI; SNOQUALMIE	The PF discussed at length, the Sackman logging community. However, it did not find evidence for this author's assertions that this community was an Indian community, other than members of Sackman's family and interactions with another family of pioneer marriage descendants -- the Garrisons. Also, no documentary evidence was submitted to support the author's contentions that these two families were interacting in significant ways between 1860 and 1916 with "the Indians from the Lake Fork, Lake Washington, Green/White Rivers, or the Port Madison and Muckleshoot Reservations."	This article does not provide new evidence to demonstrate that the Sackman logging community was a Duwamish community. It does not alter the PF.

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Are the petitioner's ancestors part of the Duwamish Tribe in the later 1800's? The evidence indicates that a distinct Duwamish community has not existed since about 1900. "A historical Duwamish tribe, which existed at the time of first sustained contact with non-Indians, was later identified by ethnographers, historians, and the Indian Claims Commission. The existence of a Duwamish community at a traditional location near the junction of the Black and Cedar Rivers was identified by external observers as late as 1900. These various Duwamish entities before 1900 and after 1940, however, do not identify the same entity ..." FIED REG, 1996	Asserts that the Duwamish Treaty Tribe continued to assert separate political authority after 1900	1896	"The Political Survival of Landless Puget Sound Indians," by Kenneth D Tollefson, 1992 . "In Defense of a Snoqualmie Political Chiefdom Model," by Kenneth Tollefson, 1996	This article says that the leadership and exercise of political authority over the membership did not suddenly stop with the death of Chief William in 1896. The author must assume William had political authority over the current petitioner because no documentary evidence of political activity between 1860 and 1925 which includes the petitioner is referenced in this article. "This article states "Kwiashten's son, William, eventually became head chief and served in that capacity until his death in 1896...The Duwamish district was the ranking district among the chiefdom drainage systems. Renton was the residence of the ranking Kwiashten family, and when that family died out, so did the office of Chief." p. 70.	cont. from last column: It is important that only one person mentioned in any of these records appears on the 1915 and 1926 lists.	These articles make conflicting statements. The PF states that a Duwamish entity existed until 1900, however, because the Duwamish entity is not the same as the petitioner, which was formed only in 1925, the response had to show specifically how the petitioner's ancestors were related to the historical Duwamish tribe 1840-1900, and how they separately meet criteria (b) and (c) from 1900 to 1926, or jointly with other Duwamish meet criteria (b) and (c) from 1900 to 1926. The 1992 article makes a series of undocumented assertions. The 1996 article asserts what the PF found and accepted about the history of the historical Duwamish tribe. The latter article states that when Kwiashten died, so did the office of chief. This happened in 1896. This doesn't cure the problem [above] pointed out in the PF.	The PF already accepted the argument that the Duwamish continued to exist until 1900. The new assertion that political activity continued between 1860 and 1925 is not corroborated with primary source evidence. Therefore, the undocumented assertions cannot be accepted as evidence that the petitioner can demonstrate political authority after 1900.
		1896 - 1915	Beckham 1998, "Tribal Initiatives, 1896-1935," p 7 (Petitioner's Ex. for criterion 83.7(b))	Beckham lists William Rogers as "chief" from 1896 to 1915, following the death in 1896 of Chief William at the traditional village on Cedar River (p.7).	The conclusions of the Proposed Finding stand unless revised by new evidence.	Beckham describes no leadership activities of Rogers prior to 1914. The Petitioner provides no new documents relating to political leadership or a Duwamish group's political influence over its members during the years between 1896 and 1914.	No new evidence was submitted. This assertion provides no evidence that the petitioner meets criterion (c) for the years between 1896 and 1915.

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Are the petitioner's ancestors part of the Duwamish Tribe in the later 1800's? The evidence indicates that a distinct Duwamish community has not existed since about 1900. "A historical Duwamish tribe, which existed at the time of first sustained contact with non-Indians, was later identified by ethnographers, historians, and the Indian Claims Commission. The existence of a Duwamish community at a traditional location near the junction of the Black and Cedar Rivers was identified by external observers as late as 1900. These various Duwamish entities before 1900 and after 1940, however, do not identify the same entity." FED REG, 1996		1894-192	Steven Dow Beckham's notes from Catholic Church records, XI St. George School, Muckleshoot, Nesqually and Puyallup reservations, Auburn and Roy C. DeDecker Archives, Chancery Office, Seattle, Wa.	These are Beckham's typed notes of records of St. George School, Muckleshoot, Nesqually and Puyallup Reservations, Auburn and Roy C. DeDecker, 1894-1923. Archives, Chancery Office, Seattle, WA. The records are translated from the Latin. All of the entries were made "in the section for Muckleshoot Reservation." Beckham states that he made the selections using "the 1915 Duwamish roll [] as a checklist."	MIAMI, SNOQUALMIE	Only eight of the 77 individuals in the 24 records were on post-1915 lists and they are all from the Siddle line. This supports the Proposed Finding that collateral relatives of the petitioner's ancestors went onto the reservations (in this case Muckleshoot) and never participated in the petitioner's organization	These findings support the PF. These do not change the PF

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		1896 - 1929	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 31-41 (Petitioner's Ex. for criterion 83.7(b)) Ballard was cited in the PF as Ballard 1927, Ballard 1929, and Ballard n.d. Dorsey was cited in the PF as Dorsey 1902. Haeberlin was cited in the PF as Haeberlin 1918 and Haeberlin and Gunther 1930 Harrington was cited in the PF as Harrington 1910 and Harrington n.d. Waterman was cited in the PF as Waterman 1920, Waterman 1973, Waterman and Greiner 1921, and Harrington n.d.	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 31-41 (Petitioner's Ex. for criterion 83.7(b)) Ballard was cited in the PF as Ballard 1927, Ballard 1929, and Ballard n.d. Dorsey was cited in the PF as Dorsey 1902. Haeberlin was cited in the PF as Haeberlin 1918 and Haeberlin and Gunther 1930. Harrington was cited in the PF as Harrington 1910 and Harrington n.d. Waterman was cited in the PF as Waterman 1920, Waterman 1973, Waterman and Greiner 1921, and Harrington n.d.	Miami FD 1992, 15: "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected."	Beckham describes the activities of outside researchers, not the activities of a group and its leaders. The participation of informants is not described as anything other than individual participation. This anthropological research is not new evidence as these anthropologists were discussed in the anthropological technical report for the PF. Beckham makes no reference to that PF report and no response to the PF Summary.	Not new evidence. Because this discussion provides no evidence of political activities of members, political influence over members by leaders, or a bilateral political relationship between members and leaders, it does not provide evidence which meets the requirements of criterion (c).

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The DEO, the petitioner, and its ancestors do not connect to the well known and documented leadership of the historical Duwamish Tribe. "Before 1925, the petitioner's ancestors, primarily descendants of marriages between Duwamish Indians and pioneer settlers, had little or no interaction either with the Indians of the historical Duwamish settlements or with those Duwamish who moved to reservations" FED REG, 1996	The petitioner's response discusses the leadership of the historical Duwamish Tribe: Satiacum, William and Rogers	1903	"Duwamish Tribal Identity and Cultural Survival" by Kenneth D Tollefson, 1995	The author writes "Sometime during the lifetime of William Moses, his nephew Roger Williams (1835-1925; the son of his older militant brother Tecumseh) was designated as a sub-chief (Denny 1909:377). Following the death of his uncle, sub-chief Roger Williams continued to live along the Black River until 1903, when he was given an 80-acre allotment in addition to his wife's 50 acre-allotment on the Suquamish Reservation."		This restates and asserts facts which are not in question in the proposed finding, while not discussing the issues which were raised. In this case, evidence is required that would show that the petitioner's ancestors were interacting and under the political influence of these named leaders. No evidence has been submitted which demonstrates any relationship existed between these leaders and the petitioner's ancestors, who had generally left the Duwamish tribe shortly after treaty times, almost 45 years earlier.	This evidence does not address the problems stated in the proposed finding and does not alter it.
The PF found "the evidence indicates that a distinct Duwamish community has not existed since about 1900 and that political activity linked to residents of traditional settlements has not occurred since about 1916." (FED REG Notice, 1996)		1896 to 1915	"Duwamish Indian Tribe: Tribal Initiatives, 1896-1935" by Stephen Dow Beckham	"...the Duwamish Tribe is firmly grounded in the historical record. The leadership and exercise of political authority over the membership did not suddenly stop with the death in 1896 of Chief William. Rather, the Duwamish were able to turn out dozens of persons for attendance at meetings and did so fully two decades after William's death when on December 22, 1915, they developed a tribal list and again in December, 1916, when they met for four days with BIA Enrollment Agent Charles E. Roblin....."		The PF dealt extensively with the evidence concerning a historical Duwamish tribe and the findings do not differ from those stated by Beckham. However, the petitioner's response is not responding to the real issue raised in the PF which was how the ancestors of more than 90% of the petitioner's members were related to that historical tribe.	This evidence is not responsive to the issues raised in the PF. The PF is not altered by these assertions

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		1905 - 1914	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 30-31 (Petitioner's Ex for criterion 83.7(b)) The PF Historical Technical Report summarized these appropriation acts: 21 Stat. 129 (1880) 21 Stat. 499 (1881) 22 Stat. 83 (1882) 22 Stat. 446 (1883) 23 Stat. 89 (1884) 23 Stat. 377 (1885) 24 Stat. 41 (1886) 24 Stat. 461 (1887) 25 Stat. 230 (1888) 25 Stat. 995 (1889) 26 Stat. 351 (1890) 26 Stat. 1004 (1891) 27 Stat. 134 (1892) 27 Stat. 627 (1893) 28 Stat. 302 (1894) 28 Stat. 891	Beckham asserts that, "The *Statutes-at-Large* confirm that the Duwamish Tribe mounted a successful political program to secure direct appropriations to *assist in the welfare of its members.*" He lists a series of appropriation acts between 1905 and 1914 (p.30). He cites the Indian Claims Commission on appropriations (p.31). Congressional appropriations between 1880 and 1923 were discussed in the PF Historical Technical Report (HTR, 22-23). That report made the point that the appropriations were made on behalf of all of the tribes and reservations of the 1855 Treaty of Point Elliott with the "Duwamish and allied tribes." The opinions of the Court of Claims and Indian Claims Commission also were mentioned in that report (HTR, 23, 69)	The conclusions of the Proposed Finding stand unless revised by new evidence. To meet the criterion, evidence must relate to the petitioning group. § 83.6(a) [1994]: A documented petition must contain "detailed, specific evidence" in support of its request for acknowledgment. § 83.6(c) [1994]: A documented petition "must include thorough explanations and supporting documentation" in response to the criteria. The 1994 regulations codify practices under the 1978 regulations: 59 Fed Reg 9280.	Beckham offers no evidence that the petitioner or its members participated in a political program to secure appropriations. He merely reviews the statutes. Beckham claims that the appropriations made in the ten years between 1905 and 1914 were made explicitly for the "D'Wamish Indians" rather than for the "D'Wamish and Allied Tribes" (p.30). He cites to Kappler vol 1, although it is actually vol 3. One of his ten cites is an error (3:508). The other nine appropriation acts all used the language "D'Wamish and other allied tribes" in Washington (Kappler 3:48, 133, 245, 301, 344, 420, 446, 549, 584). The evidence does not support Beckham's contention that these were "nine special appropriations ... exclusively benefitting the Duwamish Tribe," much less benefitting the petitioner (p.30). Beckham provides a new quotation from the Indian Claims Commission, but this evidence shows that these appropriations were considered to have been made by the *Government* "*at the agency or reservations having jurisdiction*" for the provisions of the 1855 treaty (p.31), not for an unenrolled off-reservation group. Beckham's evidence also shows that the Commission referred to the historical tribe's "proportionate share" of the consideration paid by the U.S. "under the provisions of the Point Elliott Treaty of 1855" (p.31), not to any exclusive appropriation. The appropriation statutes are not new evidence as they were discussed in the historical technical report for the PF. Beckham makes no reference to that PF report and no response to the PF Summary.	Not new evidence Because this discussion provides no evidence of political activities of members or of political influence over members by leaders, it does not provide evidence which meets the requirements of criterion (c).

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The petitioner's ancestors did not live in Duwamish communities nor interact with other Duwamish, by and large Summ Crit "The census returns for 1910 and 1920 do not show any Indian settlements remaining in Lake Fork, Lake Washington, the White and Green Rivers." "There is no evidence that the petitioner's ancestors interacted with each other outside the annual meetings of the general membership, or that the present membership has done so to any significant degree from 1925 to the present." PF 1996, 9		1910, 1920	"Duwamish Tribal Identity and Cultural Survival" by Kenneth D Tollefson, 1995	This article says in part that "early in the twentieth century, Joseph Fowler and several relatives moved to Dewatto, also to get away from white people, and formed another Duwamish community." The residents of Dewatto were only Fowlers.	MIAMI; SNOQUALMIE PF, 1993, 18; GRAND TRAVERSE BAND PF, 1979, 5;	No evidence was submitted to demonstrate the Fowler's motives in moving to Dewatto or that they lived in a Duwamish community there or interacted with other Duwamish. The documented character of the Fowler family's community, does not demonstrate that they were Duwamish communities and not family enclaves. To meet criterion (b), the petitioner would have to show significant contact between the Fowlers and Duwamish of other family lines."	No evidence has been submitted to demonstrate that the Fowlers lived in a Duwamish community. This article does not alter this proposed finding

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The petitioner's ancestors were not part of the Duwamish Tribe represented by these leaders "Before 1925, the petitioner's ancestors, primarily descendants of marriages between Duwamish Indians and pioneer settlers, had little or no interaction either with the Indians of the historical Duwamish settlements or with those Duwamish who moved to reservations" FED REG, 1996	The response cites Tollefson's articles which present perspectives, assertions, and data already considered in the PF	1910	"Duwamish Tribal Identity and Cultural Survival," by Kenneth Tollefson. "The Political Survival of Landless Puget Sound Indians" Tollefson, p. 7-8	"In this process of adapting to the changing economic conditions under white domination, the traditional Duwamish political structure changed from a council composed of leaders from six mini-drainage sections of a watershed, to a tribal council composed of leaders from different treaty families." Author states: "Even though the historical data regarding the districts and the sub-chiefs of the Duwamish are somewhat confused at this late occasion, there is general agreement that the number of divisions was six and that they were organized under a head chief. Sub-chief Charlie Satiacum succeeded Chief William Moses in 1896 and served as head chief until his death in 1926. Sub-chief William Rogers became the assistant head chief in 1896 and served in that capacity until his death in 1926"	Past evaluations have taken into account historical situations even under the 1978 regulations. The revised regulations include this as policy.	The asserted cultural continuities are too general to show that the present political organization arose from a specific traditional cultural pattern which had been maintained. The attempt here appears to be to demonstrate continuity to an Indian organization in the past using only (morphemic) analogies of extremely general nature, rather than documentary evidence of actual (genetic) continuity, as required by the regulations and precedent. What evidence does he cite for these statements? He claims confusion when his analysis isn't born out in the meager data he does have. However, even if what he says were demonstrated, virtually none of the descendants of these individuals are in the current petitioner, which is a different entity than the Duwamish tribe these named people represented as leaders. The ATR at p. 34 states "in sum, each of the individual Indians from along the Green and White Rivers [Moses and Satiacum] were later members of the 1915 list. They participated in the Roblin Process...were interacting with each other...through marriage...[virtually] none of the descendants of these people are part of today's DTO."	The information about leadership of Satiacum and Moses concern a Duwamish Tribal entity that the ancestors of this petitioner were not involved with. Therefore, Tollefson's analysis does not change the proposed findings.

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1914 1916	The leadership of the 1915 organization and the 1926 organization was the same	1915	"Duwamish Tribal Identity and Cultural Survival" 1995, by Tollefson. "The Political Survival of the Landless Puget Sound Indians" by Kenneth Tollefson, 1992, p 7	"In 1915 Peter James, a grand-nephew of chief Satiacum, was elected as the first chairperson of the Duwamish Tribe and held that position until failing health forced his resignation in 1947." In this article the author says something different: "Charles Satiacum, serving from 1915 to 1925, and then to his grandson, Peter James...who lived with his family on his wife's allotment on the Lummi Reservation.		In 1915, Charles Satiacum was listed as chief and William Rogers as sub-chief. The petitioner's statement is inaccurate, and later correspondence (Satiacum and Rogers 12/22/1915) also indicates that Satiacum and Rogers were the chiefs in 1915.[1] The statement that Peter James was chief of the Duwamish tribe in 1915 is inaccurate and therefore he did not hold the position of chief in both the 1915 Board and the 1926 DTO entity. The continuity that would be implied by Tollefson's unsupported depiction of James' role, is not valid. In an earlier article, Tollefson stated that Satiacum was chief in 1915. No new evidence was submitted that would explain why Tollefson changed his presentation of this data between 1992 and 1995.	Inaccurate statements, which also conflict with previous statements by the DTO researchers, were presented without new data to support them and therefore, the assertions cannot alter the PF.

[1] ATR p. 81 "the letter also listed a Board of Directors, with Charles Satiacum chief and William Rogers sub-chief. The Board of Directors included Peter James, Charles Alexis, Joseph Moses, James Tobin, Solomon Mason, George Young, Lyman Siddle and Louis Satiacum ... James Tobin and Joe Moses are the only individuals for whom there is no evidence of on-reservation enrollment."

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		1915	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 5-7, 61-62 (Petitioner's Ex. for criterion 83.7(b)) List of members 1915, cited in the PF as Satiacum and Rogers 12/23/1915 (BAR's PF Ex., from the National Archives, M-595, roll 584)	Beckham notes that the 1915 list of members refers to Charles Satiacum as "chief" and William Rogers as "sub-chief" (p.61). Beckham lists William Rogers as "chief" from 1896 to 1915, and Satiacum as the successor of Rogers in 1915 and "chief" from 1915 to 1925 (p.7). However, Beckham cites Court of Claims testimony which made Rogers the successor of Satiacum (p.5), and cites Waterman's 1920 field notes in a way which implies that Rogers (not Satiacum) was considered a "chief" in 1920 (p.6). Beckham contends that the 1915 membership list was an incomplete work, citing its reference to members "to this date." He calls the list a work "in progress" that "was part of an unfolding project of the tribe to enumerate its members" (p.62). The 1915 list of members and leaders was discussed in the PF Historical Technical Report (HTR, 45-48, 52-55) and Anthropological Technical Report (ATR, 81-82, 86, 95-103).	The conclusions of the Proposed Finding stand unless revised by new evidence.	Beckham offers no explanation of how "chief" Rogers became subordinate to "chief" Satiacum in 1915, or how a transition of leadership occurred at that time. Beckham's argument, that the 1915 membership list was an initial list which later expanded into a fuller membership list by an ongoing process of enrollment, would have merit if the individuals on the 1915 list had remained on the later list in 1926. The PF technical reports demonstrated that this was not the case. The use of the phrase "members ... to this date" can be read not as a statement of incompleteness, but as a statement that people born in the future would not be excluded from membership. The 1915 list of members is not new evidence as it was discussed thoroughly in both the historical and anthropological technical reports for the PF. Beckham makes no reference to the PF reports and no response to the PF Summary.	Not new evidence Beckham fails to show his asserted continuity of leadership in 1915 Beckham fails to demonstrate his implied continuity of membership lists after 1915.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1916 - 1919	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 63-65 (Petitioner's Ex for criterion 83.7(b)) Roblin's letter, cited in PF as Roblin 6/28/1917 (BAR's PF Ex., from the National Archives, M-1334, roll 3) Roblin's report, cited in PF as Roblin 1/31/1919 (BAR's PF Ex., from the National Archives, RG 75, Central Classified Files 1907-1939, Taholah 053 (file 11697-1919))	Beckham discusses Agent Roblin's enrollment project and cites a 1916 Roblin circular, a 1917 Roblin letter, and Roblin's 1919 report. He contends that the 1917 letter reveals that Roblin "was assisting the Duwamish Tribe in its own enrollment efforts" (p.63). However, Roblin's letter indicated that the only information he proposed to share concerned Indians already enrolled on reservations, because they would not be listed in his report (p.64). The Roblin enrollment process was described in the PF Historical Technical Report (HTR, 41-45) and Anthropological Technical Report (ATR, 88-93).	The conclusions of the Proposed Finding stand unless revised by new evidence. Miami FD 1992, 15: "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected."	Beckham's apparent point is a contention that Agent Roblin assisted the Duwamish organization by sharing genealogical information on claimants with the Duwamish claims attorney. The emphasis of criterion (c), however, is not on Federal activities, but on the petitioner's activities. At best, this letter refers to an attorney's activities, not to a group's own activities. Beckham's brief account of Roblin's enrollment project does not describe group political activities or a group's political influence over its members. Beckham provides a new quotation from a 1916 Roblin circular. It announced his intention to list Indians who were "not now enrolled" and who believed they had "a claim against the United States Government" for treaty benefits (p.63). This new source adds no information that requires a revision of the Proposed Finding. Roblin's 1917 letter and Roblin's 1919 report are not new evidence as they were cited in the PF technical reports. The Roblin enrollment process is not new evidence as it was discussed in the technical reports for the PF. Beckham makes no reference to the PF reports and no response to the PF Summary.	Not new evidence. Because this discussion provides no evidence of political activities of members, political influence over members by leaders, or a bilateral political relationship between members and leaders, it does not provide evidence which meets the requirements of criterion (c).

Pf Issue	Response to Pf Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1916 Dec	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 16-19 (Petitioner's Ex for criterion 83.7(b)) Tacoma *Daily News* 12/19/1916 Tacoma *News-Ledger* 12/24/1916 (Petitioner's Ex.47)	Beckham notes that at the beginning of the BIA's project to list the unenrolled Indians of Washington State, Tacoma newspapers referred to Charles Satiacum as a "leader of the Duwamish Indians" who had called people together for a meeting with Agent Charles Roblin (pp. 16-19). The Roblin enrollment process was described in the PF Historical Technical Report (HTR, 41-45) and Anthropological Technical Report (ATR, 88-93). The existence of a December 1916 meeting was specifically acknowledged in the anthropological report (ATR, 91).	The conclusions of the Proposed Finding stand unless revised by new evidence.	These newspaper articles provide some evidence that outsiders attributed leadership to Satiacum and an ability to summon people to meet Although the two newspaper accounts of a 1916 meeting are new evidence, the Roblin enrollment process, and the role of Satiacum and Rogers in witnessing applications, were discussed in the technical reports for the PF. Beckham makes no reference to the PF reports and no response to the PF Summary.	These articles indicate the existence of some political influence among some Duwamish descendants in 1916. However, it has not been demonstrated that the petitioner has evolved from Satiacum's group. In 1916, that group represented only some of the petitioner's ancestors, and did not represent the petitioner's ancestors as a whole. By itself, this evidence does not show that the *petitioner* meets criterion (c) in 1916.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1917 Dec	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 20-23 (Petitioner's Ex for criterion 83.7(b)) Attorney's letter, cited in the PF as Griffin 7/8/1916 (Petitioner's PF Ex., 2:578-579) Attorney's contract, cited in the PF as Satiacum and Rogers 12/13/1917 (Petitioner's PF Ex., 2:581)	Beckham notes that attorney Arthur Griffin wrote a letter to the BIA seeking information so that he could reply to a committee of Duwamish as to whether he would represent them in a claim against the U.S. Beckham notes that Griffin and a committee of Duwamish entered into a contract in December 1917. The attorney contract with Griffin and attorney Griffin's activities were described in the PF Historical Technical Report (HTR, 16, 48-49) and Anthropological Technical Report (ATR, 87-88)	The conclusions of the Proposed Finding stand unless revised by new evidence. Miami FD 1992, 15: "It must be shown that there is a political connection between the membership and leaders and thus that the members of a tribe maintain a bilateral political relationship with the tribe. This connection must exist broadly among the membership. If a small body of people carries out legal actions or makes agreements affecting the economic interests of the group, the membership may be significantly affected without political process going on or without even the awareness or consent of those affected."	Beckham emphasizes that attorney Griffin presented the Duwamish claim as a request for land, not just for a cash settlement. This is a largely irrelevant distinction for the requirements of criterion (c). The issues for criterion (c), which Beckham's report does not address, are: (1) whether the claim for land or money was significant to members, not just to a small number of leaders; (2) whether claims activity demonstrated the existence of a group bilateral political process in which members and leaders influenced each other; and (3) whether the group's political activities concerned issues other than claims and constituted an internal group political process. Beckham presents this attorney's activities as if they were tribal activity. The attorney contract with Griffin and Griffin's letter to the BIA are not new evidence as they were discussed in the technical reports for the PF. Beckham makes no reference to the PF reports and no response to the PF Summary	Not new evidence

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1917 - 1925	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 23-24 (Petitioner's Ex. for criterion 83.7(b)) Jurisdictional Act of 1925, cited in the PF as U.S. Statutes 1925 (BAR's PF Ex., from 43 Stat. 886)	Beckham contends that between 1917 and 1925 the "Duwamish Tribe mounted a political campaign to secure a jurisdictional act" to submit a claim to the Court of Claims (p. 23). He also describes that effort, however, as one in which the intertribal Northwestern Federation of American Indians mounted the lobbying effort to obtain such a bill (p. 23). The legislative history of the jurisdictional act of 1925 was described in the PF Historical Technical Report (HTR, 55-56). Beckham's account adds a few new details to that history.	The conclusions of the Proposed Finding stand unless revised by new evidence § 83.6(a) [1994]: A documented petition must contain "detailed, specific evidence" in support of its request for acknowledgment. § 83.6(c) [1994]: A documented petition "must include thorough explanations and supporting documentation" in response to the criteria	Beckham briefly recounts the legislative history of jurisdictional bills, but presents not a shred of evidence of the activities of Duwamish leaders or members to obtain such a bill. The jurisdictional act for a Court of Claims suit is not new evidence as it was discussed in the historical technical report for the PF. Beckham makes no reference to that PF report and no response to the PF Summary.	No new evidence was submitted. Because this discussion provides no evidence of political activities of members or of political influence over members by leaders, it does not provide evidence which meets the requirements of criterion (c).

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The Roblin Roll -- SummCrit Indian Agent Charles Roblin created a list of such off-reservation individuals in 1919. It included some individuals with Duwamish ancestry. While Roblin's evidence about Duwamish descendants is valuable, his report identified individuals rather than a tribal entity.	The petitioner generally holds that those listed as Duwamish on Roblin's Roll of Unenrolled Indians are part of a Duwamish entity with members who do not live on reservations.	1919	"The Political Survival of Landless Puget Sound Indians" Tollefson, p. 109	Roblin's data included some four thousand landless Indians from forty tribes averaging approximately 13% full-bloods per tribe. 36% for the Duwamish, almost three times the average for the forty tribes in the survey. The Roblin blood quantum data provide an objective means for determining which groups were affiliating with Indian tribes. If the Duwamish and Snoqualmie were merely descendants of Indian women who married white pioneers, then the Roblin roll would have shown them to possess only one-eighth Indian blood quantum levels in 1919, some three generations after the 1850's pioneers arrives."	JENA CHOCTAW FD, 8/29/1995	BIA analysis indicates that some 33% of living individuals on Roblin's list of unenrolled Duwamish are listed as "full-bloods." However for this to fully respond to the PF, these individuals must be connected to the 1926 DTO. The petitioner made no attempt to indicate which of the individuals are connected to the DTO. A BIA analysis found that only 1/4 of of the 33% appear on the 1926 DTO list. Thus only 8% of the individuals listed by Roblin are "full-blood" and actually connect to the DTO. Some of the individuals listed as "full-blood" by Roblin are elderly heads of a family line whose members had not married into Indian society for three generations. (Two of the listed individuals are actually deceased.) The full blood status of these elders therefore only indicates that their parents were interacting with other Indians at the birth of their child, in these cases in the mid-19th century. The 1919 presence of high-blood elderly individuals who themselves and whose descendants have continuously married outside of Indian society does not demonstrate a continuous interaction with other Indians. Most of the marriages producing full-blood off-spring who appear on the 1926 list took place in the 19th century. One marriage may have occurred as late as 1911. Thus, the interaction on which these marriages are based occurred before 1900. The issue raised in the PF for the DTO is after that date. Therefore, other evidence would be required to show that a predominant proportion of the listed individuals continued to interact in a tribal environment well into the 20th century, and certainly past 1926.	This interpretation of the Roblin Roll is inaccurate regarding DTO because the individuals who are listed as "full-blood" by Roblin are highly unlikely to connect to the DTO organization in 1926. This evidence and analysis does not alter the PF under 83.7(c).

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The Constitution and governance of the post-1926 organization indicate that it had a limited function. The 1926 organization was not a continuation of an earlier tribal organization	The DTO's governing papers describe officers with characteristics the DTO's researcher believes are based on traditional leadership roles	1925	"Duwamish Tribal Identity and Cultural Survival" by Kenneth Tollefson, p. 89 p. 109	Author attempts to show continuity when he asserts: "Some additional powers of a traditional Puget Sound chief (Sieb) were retained in the new Duwamish Constitution through the office of the 'president' of the tribe -- currently referred to as the tribal chairperson." "...the Duwamish Tribe never replaced the office of tribal chief and so created the office of president (chairperson) with special powers much like that of an aboriginal chief. Both tribal constitutions retained the life term of office for members of the tribal council,...The constitutional description of the Duwamish tribal chairperson with the power to veto over the council retained many features of the traditional chief found in the literature of the northwest Coast cultural Area. The ...chairperson, much like their former chiefs, serves for a term of life, represents the Tribe in public functions, participates in council decisions, approves new members, calls tribal meetings, has veto powers over the council, and presides at tribal council meetings."	JAMESTOWN CLALLAM PF 1980, 3; GRAND TRAVERSE BAND PF 1979, 6; SNOQUALMIE PF 1993, 25; NARRAGANSETT PF 1982, 13;	The problem is not that additional powers were added to the traditional job of Puget Sound Chief. The problem as discussed in the PF Summary under the Criteria, p. 14, is that the post-1926 organization and its leaders "played a very limited role in the lives of its members... This business consisted of formal action to elect officers, accept new members, endorse attorney contracts, or delegate members to attend inter-tribal meetings." Tollefson's circular reasoning is based on an assumption that continuity existed and therefore the office of president post-1926 was a continuation of the Sieb before 1900. The task is not to assume the continuity existed, but to demonstrate, using specific evidence, that it existed. In fact, these powers may be similar to those of an aboriginal chief, although the similarities are very general and such general similarities do not necessarily provide evidence for continuity between the 1915 entity and the 1926 entity, which is necessary under the regulations. The PF did not question that the DTO descend from Indians in the Northwest Coast Culture area. The problem raised in the PF was that this group, no matter how it was organized on paper, did not make decisions, hold many meetings, keep a membership list or vote on new members or function as a tribe in many ways after its founding in 1926.	Because the evidence from the PF indicated that the post-1926 leaders played very limited roles, new evidence would have to be submitted to show otherwise. It was not submitted. Rather, the same assertions rejected in the PF are made again, without submitting the evidence needed to demonstrate they are accurate descriptions of the petitioning entity. The PF stands.

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" the Sackman family of Kitsap County emerged to prominence in the 1926 list. A general difference between the two organizations was that 1926 members were much less likely than 1915 members to be listed on the agency's Indian census rolls." HTR (p. 55)	The petitioner claims that the PF underestimated the importance of the Sackman family. (See also 1860-1890)	1925	"The Political Survival of Landless Puget Sound Indians" by Kenneth Tollefson, p. 100	Table shows "The Sackman representatives on the Tribal Council," beginning with Maurice Sackman (1925-51)....Even though the Sackmans were located across the Sound from Seattle, it always maintained political ties with the Duwamish Tribal Council.	SNOQUALMIE PF 1993, 28-29, 29; JAMESTOWN CLALLAM PF 19080, 3; NARRAGANSETT PF 1982, 13, TUNICA-BILOXI PF 1980, HTR 1.	It is true that the Sackmans have been part of the post-1925 organization. Some appear on the 1915 list and the Roblin Roll. These isolated facts do not respond to other issues: e.g. the relationship of the Sackman family to the DTO families. Participation by a few individuals in the DTO claims organization does not demonstrate community or political authority in a tribal entity. They are not shown to be part of a DTO social or political entity that deals with significant issues or plays a significant role in individual member's lives. Any evidence about the Sackman family and their possible relationships to other Duwamish were discussed in detail in the PF. Although an important component of the DTO since 1926, their relationship to the Duwamish before that is unknown even though a picture of their life and work in their non-Indian father's logging camp in Kitsap County is documented.	No new information to show that the Sackman's interacted with other Duwamish were submitted. Therefore, the PF is not altered.

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		1925 Feb.	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 24-28 (Petitioner's Ex for criterion 83.7(b)) Constitution of 1925, cited in the PF as Duwamish 1925b (Petitioner's PF Ex., 2:718-721)	Beckham notes that a Duwamish Tribal Organization adopted a constitution in February 1925. He lists the constitution's "Statement of Purpose" (pp. 24-25). He lists and provides information about the eight signers of the constitution (pp. 26-28). The 1925 constitution, its statement of purposes, and its signers were described and analyzed in the PF Historical Technical Report (HTR, 49-51) and Anthropological Technical Report (ATR, 93-95).	The conclusions of the Proposed Finding stand unless revised by new evidence.	Beckham makes the point that the constitution stated purposes beyond the pursuit of claims. That point was made in the PF technical reports (HTR, 49-50). A statement of purposes does not show actual political participation by members or the political influence of a group over its members. Beckham argues that the signers claimed a link to the past with a reference to "Business Councils of the early days" (p.26). The PF historical report noted, however, that the constitution and signers did not claim any continuity from Satiacum's 1915 organization (HTR, 49). Beckham argues for continuity of the 1925 leaders from the 1915 organization, while the technical reports found a lack of continuity of all members, including leaders, from 1915 to 1926 (HTR, 49, 51-55; ATR, 95-103). The 1925 constitution is not new evidence as it was discussed in the technical reports for the PF. Beckham makes no reference to the PF reports and no response to the PF Summary.	Not new evidence.

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		1925 Apr	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 29-30 (Petitioner's Ex for criterion 83.7(b)) Attorney's contract 1925, cited in the PF as Duwamish and Allied Tribes 4/2/1925 (Petitioner's PF Ex., 2:734) Attorney's contract 1933, cited in the PF as Griffin 3/30/1933 (Petitioner's PF Ex., 3:774)	Beckham argues that the Duwamish hired an attorney in 1925 to pursue claims against the U.S. (p.29). He notes that the contract was renewed in 1933 (pp. 29-30). The 1925 attorney's contract was discussed in the PF Historical Technical Report (HTR, 56-57). The 1933 contract renewal was discussed in the PF Historical Technical Report (HTR, 57).	The conclusions of the Proposed Finding stand unless revised by new evidence. To meet the criterion, evidence must relate to the petitioning group.	Beckham implies that this attorney's contract was made with the new Duwamish Tribal Organization formed in 1925. The PF historical report pointed out, however, that the contract was made with a general council of descendants of all of the historical tribes represented in the 1855 treaty, not just the Duwamish. The 1933 renewal of the contract was signed by representatives or descendants of 15 treaty tribes and bands. Beckham argues for continuity of the 1925 and 1933 contract signers from the 1915 organization, while the technical reports found a lack of continuity of all members, including leaders, from 1915 to 1926 (HTR, 49, 51-55; ATR, 95-103). The 1925 and 1933 attorney's contracts are not new evidence as they were discussed in the historical technical report for the PF. Beckham makes no reference to that PF report and no response to the PF Summary.	Not new evidence

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		1926 - 1934	Beckham 1998, "Tribal Initiatives, 1896-1935," pp. 66-67 (Petitioner's Ex for criterion 83.7(b)) Beckham cites Merit 2/16/1928 and Neal 2/3/1928. The 2/3/1928 letter was among BAR's PF Exhibits, but was not cited in the technical reports. List of members ca. 1926, cited in the PF as Duwamish 1926 (Petitioner's PF Ex)	Beckham makes a vague reference to "other lists of members" developed between 1926 and 1934. He does not identify or cite such lists. He contends that the 1926-1934 lists "*were the next evolution*" of the petitioner's membership list which began in 1915 (p.66). Beckham presents an example from 1928 to claim that membership was an ongoing process (pp. 66-67). Beckham states that the creation of Duwamish membership lists after 1926 was an informal process (p.67). A circa 1926 list of members was discussed and thoroughly analyzed by the PF Historical Technical Report (HTR, 51-55) and Anthropological Technical Report (ATR, 94-103).	The conclusions of the Proposed Finding stand unless revised by new evidence. Jamestown Clallam PF 1980, 3, noted that acceptable evidence for criterion (c) of *political influence* included leadership by an informal group of leading men.	If the 1926 list of members, or later lists of members, were an "evolution" of the 1915 list of members, then all members on the 1915 list, except those who had died in the interim, should have been included on the later lists. The PF technical reports demonstrated that this was not the case for the 1926 list. Beckham's report does not demonstrate continuity from the 1915 list to any list later than 1926. Beckham does not attempt to compare the 1915 and 1926 lists, or to evaluate the BAR's comparison of those lists in the technical reports for the PF. The fact that a group's membership process was informal rather than formal has no impact on an evaluation of criterion (c). The 1926 list of members is not new evidence as it was discussed in the technical reports for the PF. The petitioner submitted a later and expanded version of that list, but Beckham has not cited it in this analysis. Beckham makes no reference to the PF reports and no response to the PF Summary.	This argument does not provide a basis for revising the conclusions of the PF about a lack of continuity between 1915 and 1926 Duwamish organizations. Beckham fails to demonstrate his asserted continuity of membership lists after 1915.
		1927	Appendix E "1927 Witnesses in Duwamish Tribe et al. v. United States"	This is a list of those persons who testified during Duwamish et al., v. U.S. compiled by Stephen Dow Beckham. Name, Sex, Age, Residence and "Notes" are the headings.		These individuals are not part of DTO.	

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The PF ATR discusses the IRA and demonstrated that the DTO's chairman, Peter James, did not want to participate in the IRA because his members wanted individual claims payments, not tribal assets, and that they objected to "community self-Government" (Duwamish 3/24/1934)	The DTO turned down the IRA	1934	"The Political Survival of Landless Puget Sound Indians" by Tollefson, p 129	"When the Indian Reorganization Act (IRA) was passed in 1934, the Duwamish turned it down for two reasons, first because they had previously adopted a constitutional form of tribal government in 1925 ...; and second, because the Tribe Council refused to let them stipulate how the money was to be spent."		The petitioner's researcher's assertions about the Duwamish turning down the IRA are false. The Duwamish never turned it down because they did not vote on it. The Act allowed only groups with had land to vote to accept or reject the IRA. The BIA Superintendent at Tulalip held conferences with seven tribal groups and claimed that the result was the acceptance of the bill when put to a vote by every tribe under his jurisdiction (U.S. BIA Tulalip 1935, 5-6). He thus did not include the DTO in these seven voting tribes.	The petitioner never voted to reject the IRA. In regards to the IRA, the DTO acted consistent with a claims organization not a tribe, and were treated as such by the Agency. No new data was submitted which would alter the proposed finding.
The available evidence shows that this organization has played a very limited role in the lives of its members, and there is not evidence of the existence of informal leadership or political influence within the group outside the formal organization [Summary under the Criteria p 8] . A decision to intervene on an important fishing rights case was made by a single individual the chairman. No members participated in completing the paperwork in that case which would have allowed members to utilize fishing rights temporarily. Fed. Reg. Notice		June, 1954	"transcript - June, 1954 - Duwamish Annual Meeting" in "Continuity of Duwamish Tribal Membership" by Linda Dombrowski	The minutes show people discussing health issues and Cushman Hospital and fishing cards. In response in a question concerning the slow response or lack of response in providing paperwork for fishing it is written, "The tribal Chairman replied, "during Mr. Sockman's life, he was our Secretary and Treasurer, he kept a pretty good correspondence with the Indians Agency in Everett. But after him passing away, we got this man who just past [sic] away this past 6 months or so, William Eley, and he was just like I am. I guess just as far as work was concerned, he tried to get away from it just as much as he possibly could.....		There is an undercurrent of meaning here that would support the PF. This is that the workings of this organization depend on a single individual. When that person died, activities stopped and were not picked up again. The people there also introduce themselves to each other, as if they do not know each other. The last meeting was June 10, 1953, which indicates that this is a once a year meeting, at most. Claims are discussed. A claims attorney is present.	This document supports the PF that the petitioner does not meet criterion (c).

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		11/15/ 1935	Letter to Myron T Overacker, Los Angeles,Wash-ington, from "Effie," Tulalip Indian Agency, Tulalip, Washington.	"There is a tribal meeting tonight Mr LaVatta is here for it Mr Upchurch is leaving for Portland tonight. He forgot all about it until the last minute, and he is to have a meeting up at Swinomish tomorrow, too, but just had to go to Portland "		This letter refers to a "tribal meeting " It is unclear what it is about No reference is made to other meetings which would indicate that meetings were scheduled on a regular basis Because of the BIA staff attendance, it may concern the Duwamish attempts to redress their claims case, denied in 1934, through legislation.	This letter does not provide sufficient evidence for the petitioner to meet criterion (c) for this time period.
The DTO "has limited itself to pursuing Federal acknowledgment and claims against the United States for its dues-paying members "		1962	"The Political Survival of Landless Puget Sound Indians," by Kenneth Tollefson, p. 123	Author states "... the money [claims award of $62,000] was never given to the Duwamish tribe. Instead, the Federal government made a per capita disbursement to approximately 1,148 descendants of Duwamish Indians, some 75 percent of whom were neither on the tribal rolls nor had any ties to the Duwamish Tribe (L'Esperance 1964)." p. 123		This statement is true but the context is not presented accurately. Substantial correspondence indicates that the BIA was concerned that the DTO, a dues paying organization, would cut out the majority of descendants, many of whom lived on reservations and had not paid dues to DTO, which had no approved constitution or roll. The DTO, in meetings with Agency personnel, insisted that they had a right to distribute the money only to their members and their children, only a small percentage of Duwamish descendants. The PF found that the DTO's stance during the claims disbursement was that of a claims organization only, not a tribe and the above actions and the position of the DTO illustrate this position. No new documents were submitted that would contradict the information already in the record. The petitioner's interpretation is that the non-member Duwamish descendants had given up tribal relations with their organization when they joined reservation tribes. This interpretation does not accord with available evidence which shows that they had maintained a close association with a historical Duwamish Tribe from 1855 - 1915, even while living on reservations. The members of the DTO, by and large, cannot show ties to the historical tribe during the same period.	No new documentation was submitted which would show the DTO was other than a claims organization in the 1960's. Therefore, the PF is not altered.

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Identification with place was not an issue in the proposed finding		1976	"Duwamish Tribal Identity and Cultural Survival," by Kenneth Tollefson,	Tollefson states that the DTO identify Renton as the "central meeting place of their tribe." Says that the city dedicated a totem pole to them in a shopping center, named the swimming pool after Henry Moses, and the high school made a war canoe.	MIAMI, MOHEGAN MOWA (state recognition)	These are purely symbolic expressions of the city's connection to the historical Duwamish. The assertions do not refer to evidence that would clearly show the city is honoring the DTO or a Duwamish petitioner historical tribe.	These activities do not alter the PF.
There is no evidence of the existence of informal leadership or political influence within the group outside of the formal organization, FED REG, 1996		1990	"Duwamish Tribal Identity and Cultural Survival" by Kenneth Tollefson, p. 129	The author discusses Frank Fowler II's purported leadership of the Fowler extended family and says that his position of the Board of Directors was directly linked to this representation of this family. Tollefson states that Fowler had been groomed for this position.	SNOQUALMIE, PF, 1993, 17	There was no evidence submitted which demonstrated that Mr. Fowler consulted with extended family members concerning issues of importance to the DTO, and in fact, the PF found that this organization did not deal with issues of importance, other than claims. Although a chart in a 1992 article by Tollefson reported that some Fowlers maintained regular contact with Mr. Fowler, no specific examples demonstrated how family lines were instrumental parts of DTO's political process. No new evidence was submitted which would demonstrate that the members did inform leaders concerning their positions on issues other than claims or that actual political processes involving the membership and leaders occurred	Because no new documentation was submitted, the PF can not be altered under criterion (c).
"The available evidence shows that this organization has played a very limited role in the lives of its members, and there is no evidence of the existence of informal leadership or political influence within the group outside of the formal organization." FED REG, 1996		1992	"The Political Survival of Landless Puget Sound Indians," Tollefson, p. 135	Author points out that 57.3% said that had "talked to other members about tribal concerns", 27.2% said they had "voted in tribal elections," and 11.2 % had been elected or appointed to council or office.	SNOQUALMIE, PF 1993, 17.	The requirement has been to demonstrate political process and involvement in decision-making. A poorly conceived and unscientific survey does not reveal much about political processes or even what the individuals thought they were saying. For example, who were the other members that . individuals talked to? Were they family members? Did they reciprocate their answers, indicating high accuracy in the test? Are there specific instances when these discussions led to actions?	This survey does not provide accurate and sufficient evidence to demonstrate the petitioner meets (c), even when combined with other evidence

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
"Since 1925, the social activities of the petitioner's members with other members, outside the organization's annual meetings, took place within their own extended families, but not with members outside their own family lines." FED REG 1996		1992	"The Political Survival of Landless Puget Sound Indians," Tollefson, p. 133	Author says that 79% of respondents (n-175) said that they had participated in tribal meetings, Indian spiritual practices, bingo, bone games, powwows, Indian naming, canoe races, conferences, potlatches, and other gatherings.		What the petitioner needs to show is that the tribe organized such activities and that they were significant in people's lives. No evidence indicated that the DTO organized activities such as these (with exception of annual meetings) either formally or informally. Whether the petitioner attended "traditional" events, such as those defined here, is not as important as showing that the petitioner's members interacted in significant ways at all. Statements like these do not shed any light on the significance or organization of these contacts. Who attended these gatherings, how they were organized, etc., is not indicated.	The evidence is too general to demonstrate whether the petitioner meets criterion (c) This does not alter the PF under (b) or (c)
The petitioner did not submit evidence to show political authority in the present. "The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population. No geographical area of concentrated settlement provides them with a social core." FED REG, 1996		1994	"Political Organization of the Duwamish," by Kenneth Tollefson, p. 139	Tollefson asserts that many of "the accouterments of the chiefdom still cling to Duwamish political organization, and Renton continues to symbolize the center of their former way of life."	RAMAPOUGH PF, 1993, 14-15 (See discussion on clans)	The asserted cultural continuities are too general to show that the present political organization arose from a specific traditional cultural pattern which had been maintained. The attempt here appears to be to demonstrate continuity to an Indian organization in the past using only analogies of an extremely general nature, rather than documentary evidence of actual continuity, as required by the regulations and precedent. The location of the organization in Renton is purely symbolic. That individuals may feel historically connected to the location of a historical tribe does not, in itself, demonstrate social cohesion, in the way that evidence of actual interaction, residence, or activity in Renton would show it	These assertions are not specific to the petitioner and no evidence demonstrates their validity. Therefore, this article does not alter the proposed finding's conclusion that the petitioner does not meet (b) and (c) in the present

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Tollefson's work is not universally accepted, and in fact goes against prevailing academic opinion	Whittlesey states that they are basing their response on Dr. Tollefson's articles and affidavit, and say that it was ignored previously. Whittlesey holds that Dr. Tollefson is due preference in determining whether the petitioner meets the criteria. (Duwamish Response to BAR's Proposed Denial of Federal Acknowledgment for Duwamish Tribe, p. 10)	1994	"Draft" letter to Ms. Hazel Elbert from Duwamish Tribal Council	This draft states that it is forwarding four articles by Dr. Tollefson to be included in the petition materials	The burden of proof is on the petitioner. See 25 C.F.R. 83.5 (c) which states "The Department shall not be responsible for the actual research on behalf of the petitioner." Golden Hill Paugussett vs. Babbitt; Ramapough vs. Babbitt; Miami vs. Babbitt	This letter is not in the Duwamish administrative file in the BAR, and correspondence from the same period does not refer to it, nor does it indicate that a letter is missing from the file. It is not clear that this letter was finalized and that the articles were actually submitted. A later letter does submit the 1994 article which is referenced in the PF's technical report's bibliography. It is difficult to understand what specific points made in these articles the petitioner thinks may be relevant to the evaluation, so the evaluators attempted to pick up the relevant points, particularly those that may positively effect the petition. Tollefson's views were not ignored in the PF, as he was the primary author of the petition. The BIA is entitled to assume that the petition narrative is the definitive work of Dr. Tollefson and specifically deals with evidence and how it meets the criteria, while academic articles often have a lower standard of proof and focus on issues not relevant to the criteria, e.g., identity, aboriginal social systems, and discussions of theoretical issues in general rather than as they relate specifically to the petitioner and its ancestors. The Agency has developed expertise in acknowledgment and should be given deference in applying the regulations and in determining whether the evidence submitted meets the criteria	In general, the response does not add any new information or documentation concerning Dr. Tollefson's views which would alter the proposed findings under (b) or (c).

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
"The [DTO] organization has functioned for limited purposes since 1925 and has exercised no meaningful political influence or authority over its members." FED REG, 1996		1995	"Duwamish Tribal Identity and Cultural Survival" by Kenneth Tollefson, 1995.	Author states, "The 1925 Duwamish Tribal Constitution, presently in force, designates six heads of six single drainage systems as they apparently once did, they do serve as representatives of several 'historic treaty families.'"		A quick review of the PF ATR, at p. 134, shows that in six different areas have not been represented on the Duwamish Tribal Organization business council and some of these aboriginal areas are not represented in the current membership. The group's named leaders are predominantly from the Fowler and Garrison lines -- the descendants of Chief Seattle's mother, Scholitza. One is a non-Indian spouse. Even if the six areas were represented, the point is irrelevant because the PF found the DTO "exercised no meaningful influence or authority over its members."	This statement concerning the operation of the tribe's governing body is not demonstrated in the data available. In fact, the data disproves it. Therefore, this evidence does not change the proposed finding for criterion (c).

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
"The petition documentation includes references to the petitioner's participation, as an organization, in commemorative events and pow-wows. Participation in public events such as these, however, does not function as more than merely symbolic identification of the group or organization as Indian. It is not evidence in itself of actual differences in cultural beliefs or social organization. Further, participation has been only by a few individual officers of the organization. Thus, participation by the organization's leadership in pow-wow and other commemorative events is not evidence of the maintenance of internal social cohesion." SummCrit [p. 10]		1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"... seven of the respondents noted their participation in elements of American Indian spirituality. These elements included living in harmony with all God's creation (i.e. all my relatives), power of spirit creatures (see Tollefson, 1987, pp. 66-91) and many different types of traditional ceremonies. "The Hansen (1987) survey reported that 16.7% of respondents participated in traditional Indian ceremonies or Pow-wows. No other Hansen data were relevant to this category." (p. 22)	MOHEGAN. MATCH-E-BE-NATCH-SHE-WISH POTTAWATOMI MIAMI	This is a very small sample and the actual statistics seem to reveal that participation in Native American religious ceremonies is actually minimal and that the DTO do not have a position of political authority in these religious ceremonies. One person had been to a smokehouse ceremony, only five to potlatches. Religious institutions, whether of a Native American and/or Christian, have been accepted as evidence under criterion (c) if they demonstrate that a wide distribution of members of the petitioning group interact with one another, and govern a distinct institution predominantly under the control of the petitioners. The shared cultural values referred to by the petitioner's researcher do not demonstrate that the petitioner shared cultural institutions at a level acceptable to show the DTO meets criterion (c) under the regulations, and are not shown to be continuous (only endpoints are discussed). In order to use heritage events as evidence for (c), the petitioner must show the activity is undertaken not merely by an individual or several individuals but is a tribal event undertaken by the petitioner -- that their leaders exert authority over the events and their members join together in deciding how the event is planned and put on. This would mean that the tribe functions to put on pow-wows, that there is a process for organizing it, and that it incorporates a significant proportion of the petitioner.	Evidence of individual participation in pan-Indian heritage events by a few individual leaders does not provide evidence for criterion (c) and can not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
"Members of the petitioner reported involvement as individuals in efforts at revitalization of Duwamish culture. Such involvement could indicate that members had continuing relationships with Indians of the region that distinguishes them from others living in a region. Duwamish Tribal organization members cited examples of learning the Salish language and participating in one name-giving ceremony and in canoe building projects. However, participation in all these activities was limited to only three or four individuals. All of these individuals are from a single family line and are a part of the organization's leadership. There is no indication of involvement by the wider membership. Consequently, these examples do not demonstrate that the Duwamish membership as a whole is culturally distinct from non-Indians."	Leaders felt strongly about passing on Duwamish history and culture to next generations.	1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	"Only its [the petitioner's] role in preserving the tribe's culture and heritage received more than 50% acknowledgment by the participants."		The belief that preserving heritage by more than 50% of the membership does not provide evidence that the petitioner meets criterion (c) at present. This is especially true because so few members are actually involved in heritage activities, and the activities that a few members of a single family line are involved in are not significant in the lives of the membership or distinct to the Duwamish.	Beliefs about the importance of heritage is not evidence that the petitioner meets criteria (c). Therefore this does not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1998	"Duwamish Indian Modern Community" by Michael D Roe, January 19, 1998	" the noted social scholar Robert Nisbet characterized the *archetype of community* to be the family (e g Nisbet, 1953) In the case of the Duwamish, this is not simply a useful metaphor for their social relationships, it is also an accurate concrete description of their social relationships, family ties permeate the social world of the Duwamish, such as funerals and weddings, and many informally socialize with Duwamish who are family. Most came to know of their Duwamish roots and cultural heritage through teaching and socialization within the family context." p 33	JAMESTOWN CLALLAM PF 1980, 3; SNOQUALMIE PF 1993, 24;	Most Americans interact with their families, meaning those individuals within limited lineage groupings (groupings of individuals who descend from a sets of grandparents or great-grandparents) What *distinguishes tribal behavior is that individuals are* related across family lines over many generations Criss-crossing connections permeate the membership and form a dense network of ties and obligations. These types of networks and the related interactions would be acceptable evidence for community under (b) and at high levels of interrelatedness this evidence can be converted to evidence for (c). However, the everyday interactions of individuals in their families do not show that a community exists encompassing the petitioner's membership as a whole.	This evidence of interaction within families does not demonstrate that the petitioner's membership is in contact with one another concerning issues of significance. The description of family interaction does not differ from that already in the PF and therefore does not alter the PF under criterion (c)
"The petitioner's current members do not maintain a community that is distinct from the surrounding non-Indian population " FED REG NOTICE		1996	"Duwamish Indian Modern Community" by Michael D Roe, January 19, 1998	"Acculturation is not synonymous with assimilation. This was demonstrated about fifteen years ago among a native Canadian tribe in an event of great speed and magnitude."	GRAND TRAVERSE BAND PF 1979, 6, JAMESTOWN CLALLAM PF 1980, 3.	The regulations and their past applications have not penalized petitioners who have by and large acculturated (taken on the culture of a dominant society) and may even appear to neighbors to be somewhat assimilated (become part of the dominant society). The issue is whether they have maintained *on their own a separate and distinct social community* and have exerted political authority on issues of significance within that community Thus, even acculturating institutions, such as Christian churches or a small town government, have in past cases been accepted as demonstrating that political authority has been maintained by the petitioner. The problem the Duwamish petitioner has is that they have not demonstrated any community, whether acculturated or not acculturated in character.	Roe presents a theoretical point that is inaccurate as far as its relevance to the petitioner is concerned This point does not change the analysis Nor does it provide new data which would change the analysis It does not alter the PF

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		1998	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	Roe's analysis reworks some data already before the BIA when the PF was evaluated, and other data from 1996 which has never been submitted to the BIA. Roe states: "Undoubtedly the samples in these four studies overlapped. Also, it was not possible to ascertain how representative these samples were of the larger Duwamish membership ...With these two recent studies in particular, it is fairly likely that they provide reasonable representations of the active membership of the tribe." p. 10		Roe does not adequately describe the data sets used in his analysis. In fact, the sources of data do not appear in the bibliography. Ambiguity is also introduced in the descriptions given. For example, Roe refers to Wiggen's work with the Cowlitz as if it is one of the data sets. Because the data sets for these last sources of data utilized in the study were not submitted, it is not possible to evaluate the accuracy of Roe's evaluation. The problems raised by Roe, himself, concerning how representative the data is, makes it impossible to evaluate this data and Roe's analysis under the regulations. The sample is too small and the content is not comparable in some cases. In addition, there may be overlaps (which may mean that an individual is actually represented two or three times in the sample.) This would mean that the sample may be even smaller than claimed.	The original source data extrapolated by Roe to make generalizations about the activities of the present day Duwamish was not submitted. It is not possible to evaluate the analysis without it. However, methodological problems exist which would indicate that the study has serious flaws which make it unusable in evaluating a petitioner under (b) or (c). Therefore, this document does not alter the PF.
		1998	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	Roe presents two of Tollefson's questions, one for 1987 and one for 1996. The 1987 question asks: "How many times have you contacted the Duwamish Tribe office in the past ten years? The choices are "1-2, 3-4, 5-6, 7-8, 9-10, 11+" The 1996 question was "How often have you contacted or been contacted the Duwamish Tribal Office?" The answers are "weekly, monthly, quarterly, yearly, and never." Ninety percent answered either "weekly, monthly, quarterly, or yearly."		This is a good example of how unreliable these surveys appear. Clearly, the possible choices in the 1996 survey determine the relatively high response of 90% in communications with the petitioner's office. The choices available forced the answers made.	The methods used in the survey are unreliable. The analysis based on the survey does not alter the PF.

PF Issue	Response to PF Issue	Date of Activity	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
	The petitioner submitted the Roe paper with a cover, "Materials Submitted in Conjunction with Discussion of Criterion 83.7(c)."	1996	"Duwamish Indian Modern Community" by Michael D. Roe, January 19, 1998	This report compiles information from several sources into a survey format.		The Roe paper is not written in reference to criterion (c) and it is virtually impossible to determine how the statements he makes relate to the criterion. Roe misstates the Department's position on the interpretation of the regulations and also what the plain language of the regulations state.	This report submitted by the petitioner in response to the PF's evaluation under (c) offered little new information which would be relevant to criterion (c), and it does not alter the PF.

Recommendation:

The petitioner has not provided, nor has the BIA been able to devise a statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The evidence and arguments submitted in response to the PF under criterion 83.7(c) do not change the finding that the petitioner does not meet 83.7(c).

Duwamish Tribal Organization: Final Determination - Summary Chart

CRITERION 83.7 (d) - The petitioner has submitted its governing document including its membership criteria.

Note: When revised acknowledgment regulations were adopted in 1994, the petitioner chose to be evaluated under the original regulations adopted in 1978.

Summary of the Evidence: The Duwamish Tribal Organization submitted a copy of the "Constitution and By Laws of the Duwamish Tribal Organization of Duwamish American Indians," dated February 26, 1925, as their present governing document. The constitution states that the officers of the Duwamish are the president (later called the chairman or chairperson), the secretary-treasurer, and a six member business council, or board of council. Members hold office until they die or resign. The chairperson and the secretary-treasurer are also members of the board or council. The constitution also describes the duties of the officers, calls for annual meetings, states the purposes of the tribal organization, and defines the membership.

The membership, as defined by the constitution, consists of adults over 21 years of age. Members must be of Indian blood, and must descend from the Duwamish tribe. There is no provision in the constitution which describes how an individual proves descent. The 1925 constitution does not include a blood quantum requirement, and none appears to be needed for membership in the current organization.

Council minutes from the 1950's, a letter by the superintendent of the Western Washington Agency, dated August 27, 1964, and interviews with the current leadership confirm that the secretary maintains the membership records, and submits applications for membership to the tribal council and the chairman for approval, as prescribed by the constitution. At various times in the past, the older members of the DTO were selected, either in formal committees as called for in the constitution or by informal requests, to certify the Duwamish ancestry of applicants.

The petitioner uses a three-page membership application form with questions regarding the applicant's name, age, residence, family history, and ancestry. Similar, but less detailed, applications were used as early as the 1950's. The confirmation process continues today with the chairperson identifying applicants as being the child, grandchild, or other relative of another Duwamish member, either past or present. The chairperson signs and issues a membership card. No formal recognition of the new members is made by the council or the general membership.

The petitioner submitted a copy of its governing document which describes the membership criteria and the procedures by which the petitioner governs its affairs and its members. It is concluded, therefore, that the petitioner meets criterion (d).

PF Issue	Response to PF Issue	Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
No issue raised in PF, petitioner meets this criterion.	Not applicable.						Meets (d).

Recommendation: The petitioner, the Duwamish Tribal Organization, has provided its governing document including its membership criteria. The petitioner therefore meets the requirements of criterion 83.7(d).

Duwamish Tribal Organization: Final Determination - Summary Chart

CRITERION 83.7(e) - The petitioner's members are individuals who descend from a historic tribe.

Note: When revised acknowledgment regulations were adopted in 1994, the petitioner chose to be evaluated under the original regulations adopted in 1978.

Summary of the Evidence: The petitioner referred to 12 membership lists dated 1915, 1926, 1927-1934, 1939, 1950, 1951, 1964, 1976, 1987, 1989, 1991, and 1992. BIA researchers discovered the 1915 list, and the petitioner provided copies of the other lists (the 1927-1934, 1939, and 1976 lists were submitted during the response period following the Proposed Finding). The membership rolls since 1987 included the individual's name, roll number, sex, blood degree, and "family tree" (ancestor). The rolls reflect a membership that descended from the historical Duwamish tribe.

Two BIA-generated lists, the 1919 "Roblin Schedule of Unenrolled Indians of Western Washington" and the 1971 "Judgment Roll" of Duwamish descendants who were paid the award of the Indian Claims Commission, were used to confirm the Duwamish ancestry of the petitioner's membership. Federal, state, and territorial censuses sometimes identified the petitioner's ancestors as Indian and in some cases specifically as Duwamish Indians.

There are 390 names on the 1992 membership roll, which was certified by the chairman and council members. Documentation submitted by the petitioner, and uncovered during the acknowledgment review, proved that 386 out of the 390 members on the 1992 roll (almost 99 percent) descend from 12 families which were founded by Duwamish who married other Duwamish, by Duwamish who married other Indians, or by Duwamish who married pioneer settlers in the Puget Sound area. Ancestry charts or family trees were not submitted for the four remaining individuals; however, their family tree names were on the membership roll, and it appears that they could also prove their descent from historical Duwamish families.

The petitioner's membership descends from the historical tribe of Duwamish Indians who lived in what is now King County, Washington, at the time of the Treaty of Point Elliott in 1855. Therefore, it is concluded that the petitioner meets criterion 83.7(e).

PF Issue	Response to PF Issue	Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
No issue raised in Proposed Finding under criterion (e); petitioner meets this criterion.	Not applicable.						Meets (e).

PF Issue	Response to PF Issue	Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
		12/23/1915, and 1/1927 to 5/1934	Enrollment List (ex. 42)	"Re-enrollment of the Duwamish Tribe from December 23, 1915[,] and Enrollment of the Duwamish Tribe January 1927 and to [*sic*] May 1834, by Enrollment Council and Peter J. James, Chairman of the Council" (11 p.). Self-totaled to contain 410 typed names with four handwritten names appended.		[See criterion 83.7(b) for chart entries summarizing the analysis of this enrollment list and its impact on the Proposed Finding's comparison of the 1915 and 1926 lists.]	
		8/6/1939	Enrollment List (ex. 43)	A 19-page undated list entitled "Duwamish Indian Enrollment under Point Elliott Treaty," listing 436 handwritten names; cover letter from M. D. Sackman to Myron Overacker, 1st Vice President of the Federation, gives date and description.		Presented as an "additional updated Duwamish roll." In describing it, Dombrowski (p. 31) does not identify any aspect of the Proposed Finding which this was submitted to counter or correct.	

Duwamish Tribal Organization: Final Determination - Summary Chart

CRITERION 83.7(f) - The petitioner's membership is composed principally of persons who are not members of any acknowledged Tribe.

Note: When revised acknowledgment regulations were adopted in 1994, the petitioner chose to be evaluated under the original regulations adopted in 1978.

Summary of the Evidence: The Proposed Finding stated that no significant portion of the petitioning group held membership in other federally acknowledged tribes.

PF Issue	Response to PF Issue	Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
The Proposed Finding noted that five members of the petitioning group were also members of the Tulalip or Suquamish tribes despite the petitioner's policy against dual membership. Also noted was the petitioner's list of 24 "Dually Enrolled Members," although these persons were not included on their 1992 membership roll. As there was no evidence that a significant portion of the petitioner's membership held membership in another federally recognized tribe, the Proposed Finding concluded that the petitioner met criterion (f).	No additional information was furnished by the petitioner or third parties pertaining to the dually enrolled members.						Meets (f).

Recommendation:

The petitioner meets criterion 83.7 (f).