Summary under the Criteria and Evidence for Proposed Finding Against Acknowledgment of the Duwamish Tribal Organization

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

Approved: JUN 18 1996

Assistant Secretary - Indian Affairs

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ANA	Administration for Native Americans
BAR	Branch of Acknowledgment and Research
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
DTO	Duwamish Tribal Organization (the petitioner)
GPO	Government Printing Office
NCAI	National Congress of American Indians
NFAI	Northwest Federation of American Indians
RG	Record Group (a unit of control for records in the National Archives based on their administrative origin; e.g., all records originating with the BIA are in RG 75.)
SHPO	State Historic Preservation Officer
STOWW	Small Tribes Organization of Western Washington
U.S.	United States
WA	Washington State

INTRODUCTION

This report has been prepared in response to the petition received by the Assistant Secretary - Indian Affairs from the Duwamish Tribal Organization (DTO). The Duwamish Tribal Organization seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR 83).

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

The DTO petition was being evaluated at the time that revised regulations became effective on March 28, 1994. The DTO was therefore given the choice under Section 83.5(f) of the revised regulations of being evaluated under the revised regulations or the previously effective regulations under which they had submitted their petition. The DTO, in a letter dated April 5, 1994, requested BIA to continue their evaluation under the previous regulations.

Publication of the Assistant Secretary's proposed finding in the Federal Register initiates a 120-day response period during which factual and/or legal arguments and evidence in response to the proposed finding may be submitted by the petitioner and any other party. Such comments should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street N.W., Washington, D.C. 20240, Attention: Branch of Acknowledgment and Research, Mail Stop 2611-MIB.

After consideration of all written arguments and evidence received during the 120-day response period, and the petitioner's comments on the responses by interested parties, the Assistant Secretary will make a final determination regarding the petitioner's status, a summary of which will be published in the Federal Register within 60 days of the expiration of the 120-day response period. The Secretary of the Interior may request the Assistant Secretary to reconsider under section 83.10 within 60 days of the publication of the final determination. Alternatively, although the DTO petition is being evaluated under the previous regulations, pursuant to 25 CFR 83.11(a)(1) of the revised regulations, the DTO may file a

request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures set forth in section 83.11 of the revised regulations. This request must be made within 90 days of publication of the final determination.

If this proposed finding is confirmed, section 83.10(j) of the previous regulations requires that the Assistant Secretary analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits as Indians.

SUMMARY UNDER THE CRITERIA 83.7(a-g)

Evidence submitted by the Duwamish Tribal Organization (the petitioner) and obtained through other interested parties and independent research by the staff of the Bureau of Indian Affairs, Branch of Acknowledgment and Research demonstrates that the petitioner does not meet all seven criteria required for Federal acknowledgment. Specifically, the petitioner does not meet criteria 83.7(a), (b), or (c). In accordance with the regulations set forth in 25 CFR 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

This proposed finding is based on the available evidence, and, as such, does not preclude the submission of other evidence to the contrary during the 120-day comment period which follows publication of this finding. Such new evidence may result in a change in the conclusions reached in the proposed finding. The final determination, which will be published separately after the receipt of the comments, will be based on both the new evidence submitted in response to the proposed finding and the original evidence used in formulating the proposed finding.

In the summary of evidence which follows, each criterion has been reproduced in boldface type as it appears in the regulations. Summary statements of the evidence relied upon follow the respective criteria. Because the petitioner was on active consideration at the time the revised regulations became effective on March 28, 1994, it had the option of being evaluated either under the previously effective or the revised regulations. The petitioner chose to be evaluated under the previous regulations, hence the criteria language stated below is that of the previously effective regulations. Although the regulations were revised, they do not make changes in the basic standard for demonstrating tribal existence and will not result in groups being acknowledged that would not have been acknowledged under the previous regulations, nor in groups being denied that would have been acknowledged under the previous regulations.

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."

The Duwamish Indians clearly were identified as a historical tribe by the first Federal officials and American settlers in western Washington Territory in the 1850's. The Duwamish Indians were most explicitly identified as the aboriginal occupants of the territory at the river outlet at the southern end of Lake Washington and along the extent of the Duwamish River system--the Duwamish, Black, and Cedar Rivers. Non-Indians also used the name Duwamish to refer more broadly to the natives found along the eastern shore of Puget Sound in the area of Elliott Bay and along the shores of Lake Union and Lake Washington. Some ethnologists also included native residents along the White and Green Rivers as part of the Duwamish. Historians and anthropologists from the late-19th century until the present, and the Indian Claims Commission in 1957, have acknowledged the existence of the Duwamish as a historical tribe at the time of contact.

The Federal Government negotiated the Treaty of Point Elliott with the Duwamish and 21 "allied tribes" in 1855, and ratified it in 1859. For the purpose of making treaties, the Federal negotiators consolidated aboriginal tribes and bands into larger treaty tribes and thus fostered the notion that Seattle was the chief of a Duwamish confederation. As part of the treaty provisions, the Government created four reservations along the shores of Puget Sound. For at least the following half-century Federal officials referred to these reserves as Duwamish reservations and to the residents of each of the reserves as Duwamish Indians or as members of the Duwamish and allied tribes. Congress appropriated funds for the support of the "Duwamish and allied tribes" on these treaty reservations until the 1920's. The Indian residents of these treaty reserves have always been considered members of federally-recognized "tribes."

Thus, for their ease in administration and expression, Federal officials used multi-tribal designations to identify Indians of the Pacific Northwest by their treaty, agency, or reservation jurisdiction. Their usage of the term "Duwamish and allied tribes," then, was not an identification of a

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Duwamish entity or community--either one exclusively on a reservation or one consisting of both on- and off-reservation residents--as a tribe distinct from this conglomeration of tribes. When observers identified these treaty-reservation Indians as the "Duwamish and allied tribes," or as "Duwamish," they also were not describing a group of individuals of Duwamish descent as an Indian entity separate from the treaty reserves.

After the treaties were negotiated, Federal agents came to realize that many, and perhaps most, of the historical Duwamish--as distinct from the consolidated allied tribes of the treaty--refused to remove to the treaty reserves. Two villages near the junction of the Black and Cedar rivers in traditional Duwamish territory were identified during the late-19th century as forming a distinct Indian community by Indian agents, military officers, a special Federal census, newspaper accounts, and a visiting ethnologist. Many aboriginal Duwamish returned to these two settlements at the end of the 1850's under the leadership of William, who lived until 1896. This community does not appear to have lasted much beyond his death. After the 1900 Federal census there is no evidence that observers identified an Indian entity residing in this vicinity.

Non-Indian observers did not identify any 20th-century off-reservation settlement as a distinctly Duwamish one, or as the core location of a Duwamish entity. During the 20th century, Indian agents referred to the descendants of the Duwamish as being scattered throughout western Washington. They characterized Duwamish descendants as living separate from each other and as not forming a social group. Indian Agent Charles Roblin created a list of such off-reservation individuals of Duwamish ancestry in 1919. While Roblin's evidence about Duwamish descendants is valuable, his report identified individuals rather than a tribal entity.

The petitioner is a Duwamish organization formed in 1925. The Bureau of Indian Affairs has dealt with the Duwamish Tribal Organization since at least 1939, when the BIA was approached by the group to obtain approval of a contract with an attorney to assist its claims efforts. In 1943 and 1946 the BIA compiled lists of the organization's council members. Both Congress and the BIA identified this organization as an Indian entity in 1953. The local Indian superintendent, however, characterized the organization as one which existed to pursue claims rather than to provide self-government, and the BIA repeated that characterization in 1964. While Federal officials came to understand that

this organization had represented individuals of Duwamish descent since 1925, they did not portray it as having maintained the continuous existence of a tribal entity that extended back to the historical Duwamish treaty tribe. They did not link it explicitly to the Duwamish community which remained near the junction of the Black and Cedar Rivers until about 1900 or to the Duwamish who had removed to treaty reserves.

Observers not associated with the petitioner have identified the petitioner's organization as an Indian entity on several occasions since 1939. The petitioner's attempts to demonstrate that it was identified as an Indian entity by outside observers prior to the 1970's focused on Federal officials and Federal documents. Such documentation is not the only acceptable evidence of external identification of the petitioner as an Indian entity; indeed, criterion (a) suggests that evidence from a variety of sources is acceptable to meet this criterion. Criterion (a) requires identification of an Indian entity, not just Indian individuals. It does not, however, require identification of the entity as being a tribe.

Because the petitioner has existed only since 1925, and external identifications of it have been found only for the years since 1939, it is not an entity that has been identified as Indian from historical times until the present. Therefore, we conclude that the petitioner does not meet criterion 83.7(a).

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

The evidence does not show that the petitioner's organization is a continuation of the historical Duwamish tribe. Although there is evidence that the historical Duwamish tribe existed as a community until 1896, no evidence provided by the petitioner or located by the BIA demonstrates that this community continued to exist after

1896. The petition documentation and BIA research suggest, however, that some of the descendants of the historical Duwamish tribe which existed in 1896 may have maintained some social and political relationships until 1917.

The petitioner's organization, the Duwamish Tribal Organization, originated in 1925 and has existed since then as a voluntary association that has pursued claims litigation and Federal acknowledgment. The petitioner's membership consists almost entirely of descendants from the families of marriages between Duwamish Indians and pioneer settlers. The petitioner did not provide evidence, nor did the BIA's research find any evidence, that revealed that these families interacted with the historical Duwamish tribe or were cohesive themselves.

In the mid-1850's, the ethnographer George Gibbs described the Duwamish as a tribe of Indians living at the Lake Fork, that is, at the confluence of the Black, Cedar, and Duwamish Rivers south of Lake Washington at the present site of Renton, Washington. Later ethnographers, reconstructing historical social patterns, also included as Duwamish other Indians who resided in winter villages along the White and Green Rivers, as well as around Lake Washington. The evidence shows that at the time of the Treaty of Point Elliott, in 1855, the people in these areas were highly interconnected to each other through kinship and through economic and ceremonial interchange, although they did not form a single political entity.

The Treaty of Point Elliott, in 1855, created the Port Madison Reservation, across Puget Sound from the Lake Fork. After being resettled briefly in 1856 at the Port Madison Reservation, many of these historical Duwamish families quickly returned to the Lake Fork, White and Green Rivers, and Lake Washington, where they remained until the 1890's. Some families remained at Port Madison Reservation or moved from Port Madison onto other reservations.

From the 1860's through the end of the 19th century, off-reservation Duwamish residents of villages along the Lake Fork, Lake Washington, and the White and Green Rivers maintained social, religious, and economic interaction with each other. At least some of these off-reservation Indians lived in long houses that were constructed as late as the mid-1880's. The court testimony of Duwamish descendants, however, did not report long houses or other village structures on the White and Green Rivers after the 1880's. Contemporary historians observed that the Lake Fork village

residents were dwindling in number throughout the last quarter of the 19th century. The census returns for 1910 and 1920 do not show any Indian settlements remaining in those areas.

At the same time, reservation censuses 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. They moved to, or affiliated with, the Port Madison Reservation after 1856, the Muckleshoot Reservation after 1857, and the Lummi and Puyallup reservations during the 1880's and 1890's. Ethnographic papers, official letters, and affidavits show that all these reservation Indians maintained close kin ties with each other, and with their relatives who continued to reside in isolated cabins and homes off-reservation until around 1917.

While there is no evidence showing a continuation of the off-reservation Duwamish settlements after 1896, there is indirect evidence of the continuation until around 1915 of social and political relationships among the Duwamish derived from those settlements. In 1915, Charles Satiacum and William Rogers produced a list of members, to which they referred as "the Duwamish Tribe of Indians," and signed their names as chief and sub-chief, respectively.

This list of 361 people included many names of full-blood Indians, or their relatives, who had lived in the settlements along the Lake Fork, Lake Washington, and the White and Green Rivers from 1855 to 1900, and had later moved to, or affiliated with, reservations. Approximately 41 percent of the people on this list were included on the Indian census rolls of the Port Madison, Muckleshoot, Puyallup, and Lummi Reservations. Thus, a significant portion of the 1915 list's membership included individuals who, after appearing on reservation census rolls, maintained social contact with those who remained off-reservation.

Duwamish Indian women married pioneer men in the 1850's and 1860's. These women moved with their husbands during these two decades to non-Indian settlements scattered throughout Puget Sound. From the 1860's through the 1880's, three categories of descendants emerged from these marriages. The first category included those whose second generation descendants married Indian spouses. This group of descendants moved primarily to the Muckleshoot reservation, where their children tended to marry Indians who were residing on reservations throughout the Puget Sound area.

A second category of pioneer marriage descendants were those whose second generation descendants married, and maintained social relations with, descendants from similar backgrounds. Some of the members of these families, or their children, were listed on reservation census rolls, but others were not. Although there is limited evidence that some of these descendants worked for each other in logging camps, there is no evidence that any of these people maintained contact with the Duwamish Indians from the Lake Fork, Lake Washington, or the White and Green Rivers.

The third category of pioneer marriage descendants included those whose second-generation descendants married non-Indians. Their children, and all succeeding generations, also married non-Indians. There is no evidence in the petition that they interacted either with other pioneer marriage descendants or with the Duwamish Indians from the Lake Fork, Lake Washington, White and Green Rivers, or reservation settlements.

Referred to here as "pioneer descendants," the latter two categories of pioneer marriage descendants comprise the ancestors of 93 percent of the petitioner's current membership. While there is some evidence that the second classification of pioneer descendants married and interacted with each other through the end of the first decade of the 20th century, there is no evidence that either such marriage patterns or other social interaction continue to the present day. Nor is there evidence that these descendants married or interacted with Duwamish Indians from the Lake Fork, Lake Washington, or the White and Green Rivers.

Also, evidence shows that the interaction that did occur between pioneer descendants and Indian communities was limited to the Indian leaders' witnessing affidavits signed by members of the second classification of pioneer marriage descendants as part of the Roblin identification process in 1917-1919. Finally, there is no evidence that pioneer descendants took part in religious or cultural activities such as autumn potlatches and sing gambles, winter spirit canoe ceremonies, or summer gatherings for which there was evidence of involvement by Indians on reservations.

In 1925, a group of Duwamish descendants prepared a constitution and by-laws for the new Duwamish Tribal Organization. The chairman of this new organization was Peter James, a resident on the Lummi Reservation. Associated with this constitution was a 1926 list of the group's 389 members. The 1926 membership list was very

different from the 1915 membership list of Satiacum's organization. The individuals who appeared on both the 1915 and 1926 lists comprised only 21 percent of the 1915 membership and 19 percent of the 1926 membership. The disjunction between the 1915 and 1926 lists is revealed by the finding that only 6 percent of the members of the 1915 organization, compared to 66 percent of the members in 1926, have descendants on the petitioner's modern membership roll.

There were several differences between the 1926 members and the 1915 members which, considered together, show that the two lists represented two different groups of people. Included on the 1915 list, but not the 1926 list, were 14 major families of the Indians originally from the villages around the Lake Fork, Lake Washington, and the White and Green Rivers, many of whom had moved to the reservations. The present membership includes less than 20 percent of the descendants of families from the Lake Fork, Lake Washington, and the White and Green Rivers, most of whom are from a single family line, and none of whom are active or prominent in today's Duwamish Tribal Organization activities.

A greater proportion of the 1926 list than the 1915 list consisted of pioneer-marriage descendants who married non-Indians. There is no evidence that these pioneer-marriage descendants interacted with Duwamish Indians from the Lake Fork, Lake Washington, or White and Green Rivers. Of members for whom evidence was available, pioneer-marriage descendants made up only 16 percent of those on the 1915 list, but 71 percent of those on the 1926 list.

The next membership list of the Duwamish Tribal Organization was assembled about 1951, or contemporaneous with the organization's submission of a claim to the Indian Claims Commission. It consisted of 399 names. The proportion of descendants of Duwamish families from the region of the Lake Fork, Lake Washington, and the White and Green Rivers appearing on the 1951 membership list is even smaller than on the 1926 list. The membership of 1951 demonstrated some similarity with the membership of 1926, as about 66 percent of the 1951 members over the age of 50 had appeared on the 1926 list. Most of the descendants of 1951 members, however, do not appear on the current membership roll of the petitioner. Only about 36 percent of the adults on the 1951 list have a descendant on the petitioner's 1992 roll.

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 as a geographically-

defined community. Forty-three percent of the petitioner's present members, for whom addresses are available (about two-thirds of the membership), reside in western Washington. Even among the 10 percent of the members who reside in Seattle and Bremerton, the highly urbanized areas surrounding Puget Sound, there are no distinct settlements or areas exclusively occupied by members. In short, there are no geographical concentrations of members that could in themselves imply the existence of social interaction among members. Thus, geographical information alone provides no evidence that shows the significant social interaction required to demonstrate the existence of a community.

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.

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. These activities took place, however, 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. There is also 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.

Significant interaction and social relationships among the membership as a whole are necessary to demonstrate that a social community exists. The mere fact of common participation in a voluntary organization does not, in and of itself, demonstrate that they have the kind of social and political links with each other to form a social community within the meaning of the acknowledgment regulations. Petition members reported knowing very little about other

members, and meeting minutes during the 1960's and 1970's reported incidents showing that even the leadership lacked knowledge of members.

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. Information concerning marriages from 1860 to the present was too limited to determine that marriage with other Indians of the region had been frequent for any time period. Consequently, the petitioner did not demonstrate the existence of social community by means of showing close kinship ties or a high rate of marriage within the group or with other Indians of the region.

Information obtained from the petition suggests that many adult members of the Duwamish Tribal Organization have some identity as Duwamish descendants. However, the members of the petitioner are only minimally distinct from the non-Indians with whom they interact. The limited evidence available indicates that today's members of the petitioner and the surrounding non-Indian populations make no significant distinctions in interacting with each other. Very few members of today's petitioner reported discrimination based on Indian ancestry from the 1930's to the present.

Maintenance of significant cultural differences from non-Indians would be good evidence of the maintenance of a distinct community, although it is not required to demonstrate the existence of a community. 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 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 clearly 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-wows and other commemorative events is not evidence of the maintenance of internal social cohesion.

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 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.

In summary, the Duwamish Tribal Organization that was formed in 1925 is not a continuation of the Indian tribe known historically as the Duwamish. There is no evidence, moreover, that the organization has maintained the kind of social interaction and social relationships that indicate the continuous existence of a community. The present membership is comprised primarily of pioneer marriage descendants whose ancestors, since the founding marriages, had little or no interaction either with each other or with the Indians, and their reservation descendants, from the historical Duwamish territory at the Lake Fork, Lake Washington, and White and Green River settlements. The historically-known members of the Duwamish tribe moved primarily to the Port Madison and Muckleshoot, as well as the Puyallup and Lummi Reservations.

There is no evidence of social interaction among the petitioner's present-day members that takes place across family lines. Social interaction among members occurs primarily among individuals within extended family lines, not across such lines. The evidence shows that the membership's social interaction has been limited to activities that are part of a voluntary organization dedicated to the pursuit of claims and Federal acknowledgment; these activities are not indicative of a tribe.

There is also no evidence that the social and cultural life of this organization's membership is separate from that of the surrounding non-Indian communities in the Puget Sound area. There is no evidence of widespread discrimination against the members. There are no shared cultural activities that distinguish the petitioner's members from

non-Indians. Therefore, we conclude that the petitioner has not maintained a cohesive community that is socially distinct from other populations in the area, and thus that it does not meet criterion 83.7(b).

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

The petitioner is a voluntary organization of Duwamish descendants, formed in 1925 and organized for the limited purpose of pursuing claims litigation. The evidence shows that this organization was not a continuation of the historical Duwamish tribe. The available evidence shows that the leaders of the historical Duwamish tribe maintained tribal political influence over members until 1896. The petition documentation and BIA research provided information suggesting that political relationships among members may have continued to exist as late as 1917. There is no evidence that these relationships continued to exist after that time.

Contemporary ethnographers and Indian agents acknowledged that Duwamish living in villages on the Lake Fork, White and Green Rivers, and Lake Washington were not a single political entity. These villages were under the leadership of various headmen who were recognized as leaders by Indian villagers with whom they resided, as well as by Federal Indian agents. Ethnographers of the Coast Salish Indians, which included the Duwamish, characterized the village-level headmen as highly respected individuals who could organize and lead the Indians living within their villages in economic or religious pursuits. While their wealth would facilitate particularly their sons inheriting such leadership positions, the position itself was not automatically inherited.

The petition and some secondary historical material suggest that the Duwamish, Suquamish, and other tribes were united politically, in the 1850's and early 1860's, under the chieftainship of a man known to historians as Chief Seattle. These writers also maintain that a semblance of this unity survived at least to the end of the 19th century. As a

result, they conclude, there existed a political entity, known as Duwamish, that included Indians from the Lake Fork, Lake Washington, and the White and Green Rivers. However, contemporary reports by Indian agents and recollections of Indian informants show that Seattle's paramount chieftainship was primarily a creation of the 1855 treaty process. These reports show that he had little influence over the Duwamish. His influence was limited to the Suquamish Indians residing west of the Sound and, later, at Port Madison Reservation.

Historians and ethnographers noted that the Lake Fork Duwamish were under the leadership of William, or Stoda, from treaty times until his death in 1896. An 1885 letter from Ben Solomon, a Black River Duwamish, refers to William and his nephew William Rogers as chiefs. The letter also suggests that political connections between off-reservation Duwamish at the Lake Fork continued with Duwamish who had moved to the reservations. The letter also shows that individual Duwamish attempted to involve these leaders in the political concerns of Duwamish and other Indians residing on both the Muckleshoot and Port Madison Reservations. A sing gamble ceremonial celebration held in 1894 provides evidence that William was able to mobilize economic and ceremonial resources from Duwamish Indians residing not only in the Lake Fork villages, but also from related Duwamish living on the Port Madison and Muckleshoot Reservations.

No direct evidence was found of political activity as a tribe, either on or off reservations, between the death of William in 1896 and the Duwamish organization that was formed in 1915 to cooperate with the activities of the Northwest Federation of American Indians. There are three sources of partial evidence for the existence of a social and political entity, but the evidence is not sufficient to establish such existence conclusively. First, in 1915, Charles Satiacum and William Rogers prepared a list of 361 individuals. They referred to the list as the "Duwamish Tribe of Indians." The document did not show how the list was compiled. It listed a board of directors who were "duly selected," but did not specify by whom. It stated that this board of directors, in turn, "shall select the true members of the Duwamish tribe and submit the same to the Honorable Commissioner of Indian Affairs." It is not clear, however, whether the board of directors was recruiting members, was listing members of an existing group, was exercising the authority to screen applicants, or was engaged in a combination of these functions.

Second, in 1916, 184 Indians, some of whom had been listed by Satiacum and Rogers the previous year, signed a resolution requesting Thomas Bishop, president of the Northwest Federation of American Indians, to advocate on their behalf in Washington, D.C. Bishop lobbied for land grants and financial relief for indigent Indians, both on and off the reservations. Charles Satiacum, James Moses, and William Rogers submitted affidavits in 1915 supporting land acquisition for individuals who did not have allotments, access to fishing, and financial relief for the indigent, especially for the elderly. Although espousing Bishop's ideas, these three leaders may have been responsive to a constituency of reservation and non-reservation families who were seeking relief for elderly or indigent relatives.

Third, in 1917, some of the directors on the 1915 list approved a contract with Arthur Griffin to pursue land allotments. Griffin was to pursue monetary compensation only "in the event said allotments can not be obtained." These instructions suggest that the wishes of the same constituency which had supported the Northwest Federation of American Indians in 1916 were being followed. After the 1915 organization endorsed the efforts of Thomas Bishop in 1916 and signed the attorney contract with Griffin in 1917, evidence of any further activities it may have undertaken have not survived in the documentary record reviewed as part of the petition's evaluation. There is no evidence that the 1915 organization continued to function after 1917.

A constitution and bylaws for the "Duwamish Tribal Organization" were adopted in 1925, and a membership list was produced about 1926. The constitution was accompanied by an "Agreement to Associate," in which the eight signatories announced their "intention of forming" an organization. The evidence discussed below supports the evidence in 83.7(b) showing that the 1925 organization led by Peter James was neither a continuation of, nor a successor to, the 1915 organization led by Satiacum and Rogers. The goals of the two organizations differed markedly. The goals of the officials who prepared the constitution and bylaws in 1925 emphasized obtaining claims for individual descendants of the Duwamish, whether part of Indian society or not. They did not request direct relief or compensation for individuals likely to have been directly affected by the alleged failure of the Federal government to meet the obligations of the 1855 treaty.

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Because the two membership lists from 1915 and 1926 differed so much, they must be viewed as lists for two separate organizations. The 1926 membership of 389 people was comprised primarily of the second and third categories of pioneer marriage descendants (as defined in the discussion of criterion (b) above), who had had little interaction with the historical Duwamish tribe. Their descendants comprise more than four-fifths of today's Duwamish Tribal Organization membership. In contrast, the membership on the 1915 list was drawn largely from the historical villages at the Lake Fork or from reservation families descended from those villages. Fewer than one-fifth of their descendants are presently part of the Duwamish Tribal Organization's membership, and none of them are active in modern-day political activities or prominent among the organization's leadership.

The 1925 organization did not function as a multi-faceted political entity. Annual meetings, for which minutes are available from about 1939, indicate that this organization played a very limited role in the lives of its members. The annual meetings generally consisted of a presentation by the chairman or chairwoman, reports by the organization's claims attorneys, and a few motions on pending business. This business consisted of formal action to elect officers, accept new members, endorse attorney contracts, or delegate members to attend inter-tribal meetings. These activities were then followed by an afternoon dinner and socializing. Such activities are indicative of the kind of voluntary organization described in the 83.7(b) discussion above.

No evidence indicates that the general membership was involved actively in decision-making. The meeting minutes rarely discussed group concerns other than claims awards, and there is no evidence from other sources that such discussions took place. There is no evidence that the group used the annual meeting to resolve issues divisive to the membership, or even that disputes among members took place. There was no significant evidence which would demonstrate that the petitioner's formal leaders--the officers and council--were politically connected with the members in any meaningful way. There was no evidence to demonstrate that they influenced, or were influenced by, the members. There was also no evidence for the existence of informal leaders within the group. The evidence that is available indicates that no political relationship existed between the organization's leaders and its members.

Summary Under the Criteria--Duwamish Tribal Organization

The Duwamish Tribal Organization limited itself to pursuing claims against the United States for its dues-paying members: unsuccessfully in the Court of Claims and in Congress, but successfully before the Indian Claims Commission. The creation of the organization of the Duwamish descendants in 1925 occurred at the same time that Congress approved a jurisdictional act which allowed treaty claims for tribes of Washington State to be adjudicated by the U.S. Court of Claims. After the Court denied the claims of the Duwamish and allied tribes in 1934, the Duwamish Tribal Organization sought to obtain redress for these claims through legislation. In 1951 the Duwamish organization submitted a claim to the Indian Claims Commission for compensation for the loss of aboriginal lands. It also required members joining after that time to pay dues back to the date of the filing of that lawsuit.

From the 1940's through the mid-1970's, the Duwamish Tribal Organization's members took no collective action in commercial fishing or in fishing rights issues. Individual members reported that, during the 1960's and early 1970's, they submitted fishing plans to the Washington State Department of Fisheries. They reported that they conducted commercial fishing, as individuals, together with Indians living on reservations. There is no evidence, however, that the Duwamish Tribal Organization's council regulated or supported these activities in any way. There is also no evidence that commercial fishing was an issue of importance among a significant portion of the membership at this time.

The first evidence of collective action in fishing rights by the Duwamish organization occurred with its 1974 attempt to intervene in United States v. Washington. However, judicial affidavits at that time show that only six Duwamish Tribal Organization members were engaged in fishing. This information is corroborated by 1973 correspondence of officials of the State of Washington's Department of Fisheries. The same affidavits also stated that the Duwamish decision to intervene had been made by a single individual, chairman Willard Bill. When the Duwamish failed to submit the paperwork which would have allowed members to exercise temporary fishing rights, Bill explained that the default was due to his personal inability to complete the task. Bill's successor, Cecile Maxwell, complained that these important decisions had been made by a single individual. This incident and the evidence of the affidavits demonstrate a low level of interest, as well as a lack of involvement from other members of the organization,

in what was an important issue for Indians and Indian groups throughout the Puget Sound area.

The principal sources of information for the operation of the Duwamish Tribal Organization after 1925 are meeting minutes, official correspondence, and individual interviews. Considered together, these sources do not contain evidence supporting the occurrence of important group activities or political influence during annual meetings or otherwise among the members. Meeting minutes show, however, that the Duwamish Tribal Organization has been advised by parties interested in their petition to withhold information on any internal conflicts until after active consideration of the petition has concluded. Evidence of such conflicts can show the existence of political processes and the involvement of members in these processes. If the petitioner knows of evidence or has documentation that reveals the existence of internal conflicts or divisions within the group, it is essential to its case that such information be submitted for the record.

No evidence provided by the petitioner or found by BIA reveals that the petitioner has maintained political influence or authority over its members at any time since its formation in 1925. The evidence has also not demonstrated that the petitioner has existed as an entity within which tribal political influence has been maintained continuously from historical times until the present. Therefore, we conclude that the petitioner does not meet the requirements of criterion 83.7(c).

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

The 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 age 21 who can vote and hold office, and junior members who are under 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 tribe 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. We conclude therefore, that the petitioner meets criterion 83.7(d).

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

The petitioner referred to nine membership lists dated 1915, 1926, 1950, 1951, 1964, 1987, 1989, 1991, and 1992. BIA researchers discovered the 1915 list and the petitioner provided copies of the other lists. 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, we conclude that the petitioner meets criterion 83.7(e).

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

The petitioner maintains a policy of not allowing dual membership. Five names on the petitioner's membership roll, however, also appeared on the rolls of the recognized Tulalip or Suquamish tribes.

Although the petitioner keeps a record of 24 names of "Dually Enrolled Members," which contains the individual's name and tribe, none of the names on that list appear on the 1992 membership roll. Most of these individuals appear to be enrolled in a recognized tribe, but this was not verified. According to the secretary of the Duwamish Tribal Organization, the dually enrolled do not vote or hold office and have been (or will be) notified that they can not maintain membership in two tribes.

There is no evidence that a significant percentage of the petitioner's membership belongs to any acknowledged North American Indian tribe. We conclude therefore, that the petitioner meets criterion 83.7(f).

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

There is no evidence that the petitioner is subject to congressional legislation that has terminated or forbidden the Federal relationship. We conclude that the petitioner meets criterion 83.7(g).

TECHNICAL REPORTS

DUWAMISH TRIBAL ORGANIZATION

HISTORICAL REPORT

ANTHROPOLOGICAL REPORT

GENEALOGICAL REPORT

SOURCE MATERIALS

ABBREVIATIONS AND/OR ACRONYMS USED IN REPORT

ANA	Administration for Native Americans
BAR	Branch of Acknowledgment and Research
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
DTO	Duwamish Tribal Organization (the petitioner)
GPO	Government Printing Office
NCAI	National Congress of American Indians
NFAI	Northwest Federation of American Indians
RG	Record Group (a unit of control for records in the National Archives based on their administrative origin; e.g., all records originating with the BIA are in RG 75.)
SHPO	State Historic Preservation Officer
STOWW	Small Tribes Organization of Western Washington
U.S.	United States
WA	Washington State

HISTORICAL TECHNICAL REPORT

DUWAMISH TRIBAL ORGANIZATION

Summary of the Evidence:

The Duwamish Indians clearly were identified as a historical tribe by the first Federal officials and American settlers in western Washington Territory in the 1850's. They were most explicitly identified as the aboriginal occupants of the territory at the river outlet at the southern end of Lake Washington and along the extent of the Duwamish River system--the Duwamish, Black, and Cedar Rivers. Non-Indians also used the name Duwamish to refer more broadly to the natives found along the eastern shore of Puget Sound in the area of Elliott Bay and along the shores of Lake Union and Lake Washington. Contemporaries at the time of American settlement and scholars at a later date have not always agreed as to which native villages and which geographical locations belonged to this historical tribe. Historians, anthropologists, and the Indian Claims Commission, however, all have granted that a Duwamish tribe existed at the time of contact.

The Federal Government negotiated a treaty with the Duwamish and 21 allied tribes in 1855, and ratified it in 1859. As part of the treaty provisions, the Government created four reservations along the shores of Puget Sound, and for at least the following half-century referred to these reserves as Duwamish reservations and to their residents as Duwamish Indians or as members of the Duwamish and allied tribes. Congress appropriated funds for the support of the "Duwamish and allied tribes" of these treaty reservations until the 1920's. When observers identified these treaty-reservation Indians as the "Duwamish and allied tribes," or as "Duwamish," they were not describing a Duwamish community which was distinct from this conglomeration of tribes, nor identifying a group of individuals of Duwamish descent as an Indian entity separate from these treaty reserves.

A Duwamish community continued to exist at a village in traditional Duwamish territory along the Black River, or at two villages near the junction of the Black and Cedar Rivers, until about 1900. During the late-19th century, this location was identified as a distinct Indian community by Indian agents, military officers, a special Federal census, newspaper accounts, and a visiting ethnologist.

Historical Report--Duwamish

This Black River settlement was the village of Chief William, who brought the Duwamish back to this site at the end of the 1850's and who lived until 1896. The highest post-treaty population estimate put the Indian population of this Black River site at 275 in 1865. Over time, the size of this community dwindled steadily, and in 1900 the census enumerator found in this area only four Indian families at the Cedar River site. In the 20th century, the Black River site was the location only of the Moses family.

Soon after the treaties were negotiated, Federal agents came to realize that many, and perhaps most, of the historical Duwamish refused to remove to the treaty reserves. Some later became affiliated with reserves, but for the next century Government officials and non-Indians were aware that descendants of the Duwamish lived off-reservation in western Washington. Indian Agent Charles Roblin created a list of such unenrolled Duwamish descendants in 1919. Other observers, however, were not able to identify individuals as Duwamish, or even as Indians. Census enumerators failed in 1900 to identify as Duwamish a man whom others considered a Duwamish "chief," and they regularly identified off-reservation Duwamish descendants as whites. Because intermarriage created multiple tribal affiliations, agents were unsure of the tribe of reservation residents and Roblin assigned some ancestors of the petitioner as descendants of tribes other than the Duwamish.

The members of the Duwamish petitioner are the descendants of Duwamish individuals who scattered throughout western Washington state. Most are the descendants of marriages between Indian women and non-Indian men. Some of these Duwamish descendants remained in the Renton and Seattle area, living in predominantly non-Indian areas. Others lived west of the Sound, in logging camps. A few moved north, to the islands of the Sound. Some went on reservations. According to the census-takers, in 1900 about half the petitioner's Duwamish ancestors lived in precincts in which only one or two households contained Dŭwamish descendants. In 1919, 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. During the 20th century, Indian agents and even the Duwamish descendents themselves referred to the Duwamish as being scattered throughout western Washington. Non-Indian observers did not identify any twentieth-century off-reservation settlement as a distinctly Duwamish one.

The petitioner's organization came into existence in 1925 when eight men announced their "intention of forming" an organization. This Duwamish Tribal Organization adopted a constitution and by-laws at this time. The petitioner produced a 1926 membership list for its organization, although the list appears actually to have been created in the early 1930's. No contemporary evidence indicates that this new organization continued the activities of a previous group. Although a Duwamish organization had been formed in 1915, its membership was substantially different from the membership of the organization formed in 1925. Members of the Duwamish organization formed in 1925 lived off-reservation in at least a dozen counties and were listed on the census rolls of nine reservations. Some leaders explicitly identified themselves with other tribes. The group consistently sought to pursue claims against the United States for its dues-paying members: unsuccessfully in the Court of Claims and in Congress, but successfully before the Indian Claims Commission.

This organization of Duwamish descendants has existed continuously since 1925. It has operated under a constitution, but one which has not been approved by the Secretary of the Interior. Federal courts concluded, in 1979 and 1981, that this organization was not a political successor of a treaty tribe. In the 1950's, an Indian agent denied that this organization provided self-government, and said that it only existed to seek claims. The organization itself had seemed to take a stand in the 1930's against exercising the powers of community self-government. The members of the organization have discussed and acted on the organization's business almost exclusively in annual meetings. These meetings dealt almost solely with claims, enrollment, and leadership, and its claims activities were often the only subject considered by the group. No factions or dissent over any issues were evident in its proceedings. The only apparent control which this organization exercised over the lives of its members was the collection of membership dues from them for voluntarily joining the organization.

Because the petitioner's attempts to demonstrate that it was identified as an Indian entity by outside observers prior to the 1970's focused on Federal officials and Federal documents, this report largely reviews Federal sources. Such documentation is not the only acceptable evidence of external identification of the petitioner as an Indian entity; indeed, evidence from a variety of sources is acceptable to meet this criterion of the acknowledgment

regulations. The available evidence reveals that the petitioner has been identified on several occasions since 1939 as an Indian entity, and that Federal officials came to recognize that it had existed as an organization of Duwamish descendants since 1925. Neither these identifications nor other evidence, however, links the modern petitioner to the historical Duwamish tribe as an Indian entity which has continuously existed.

Historical Tribe:

A survey of the Indian tribes of Washington Territory conducted in 1854 by George Gibbs, as a preliminary to treaty negotiations with the tribes, is the most systematic contemporary account of the native societies of the Puget Sound region at the time of their first sustained contact with white settlers and agents of the Federal Government. In this report, Gibbs concluded that the "proper seat" of the Duwamish Indians was at "the outlet of a large lake emptying into the D'Wamish river," by which he meant the location where Lake Washington flowed into a segment of the river system which came to be called the Black River (Gibbs 3/4/1854, 431-432; see Figure 1). Governor Isaac I. Stevens, who also was the Superintendent of Indian Affairs for Washington Territory, repeated Gibbs' language in his report to the Commissioner of Indian Affairs (Stevens 9/16/1854). One of the earliest historians of the Seattle area, Clarence Bagley, followed Gibbs in stating that the chief locations of the Duwamish were at the outlet of Lake Washington and in the delta at the confluence of the Cedar and Black Rivers (Bagley 1916, 77; 1929, 743). It became common during the 19th century, however, for non-Indians to refer to the Duwamish more expansively, as did an early account by the daughter of one of the pioneer founders of Seattle, as the Indians who lived on Elliott Bay, along the eastern edge of Puget Sound (Denny 1909, 56).

Most modern anthropologists have defined Duwamish territory more broadly than did Gibbs. Hermann Haeberlin and Erna Gunther considered Duwamish territory to cover all of modern Seattle and Renton (Haeberlin and Gunther 1930, 8, 10). Marian Smith defined it as consisting of the Duwamish, Black, Cedar, and White River drainages, plus the shores of Lake Washington and Sammamish Lake (Smith 1941, 207). The Indian Claims Commission found in 1957 that the Duwamish tribe aboriginally used and occupied lands on the southern end of Lake Washington, along the Black, Cedar, and Duwamish Rivers, and on Elliott Bay. It held that the exclusive

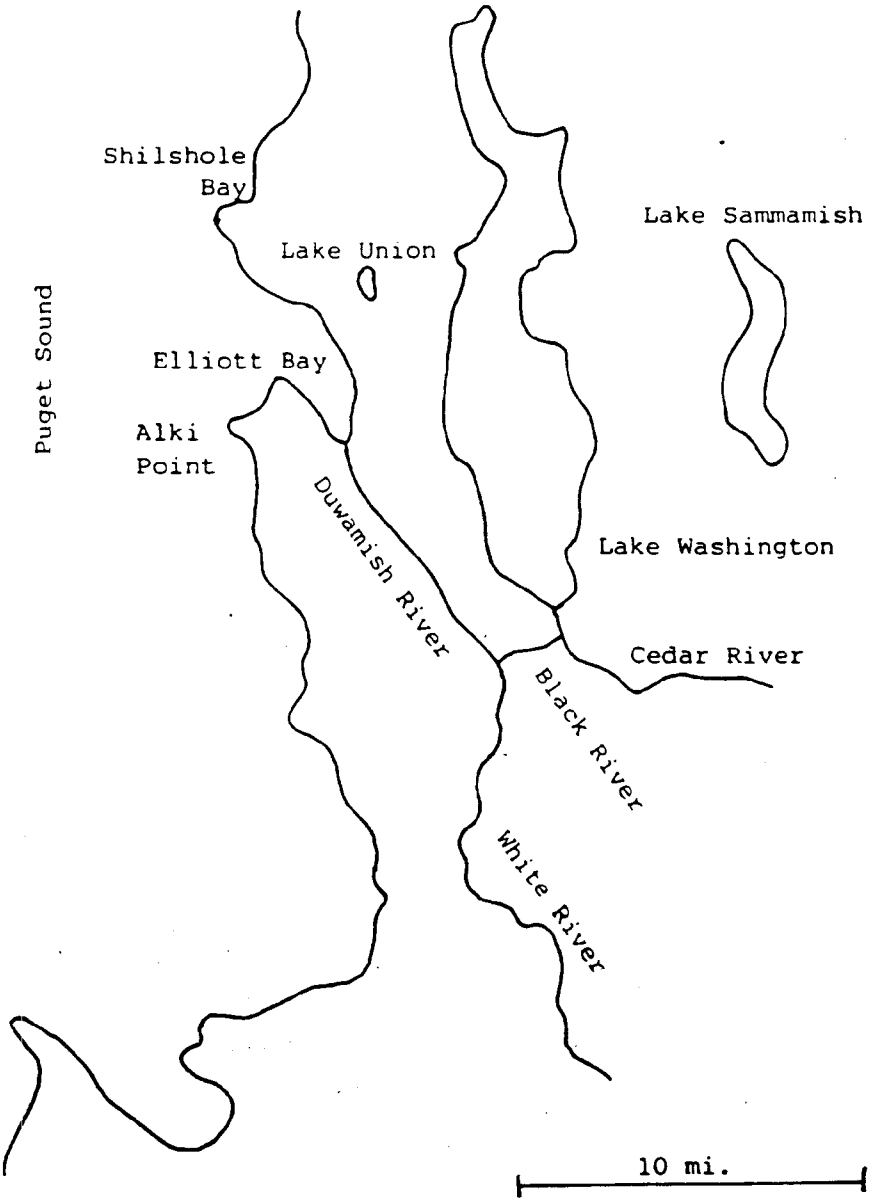


FIGURE 1: ABORIGINAL DUWAMISH TERRITORY

aboriginal territory of the Duwamish ran from Puget Sound on the west to the western shoreline of Lake Washington on the east, and from Fourmile Rock, north of Elliott Bay, on the north to Point Pully, on the Sound mid-way between Seattle and Tacoma, on the south (U.S. Indian Claims Commission 1957, 130-131).

Ethnohistorian David Buerge, however, returned to using a more narrowly defined concept of pre-contact Duwamish territory. He identified the location of the main Duwamish winter village as having been on the Black River, just south of Lake Washington. According to Buerge, there were two other Duwamish settlements on the Black River, at its junction with the White River and its junction with the Cedar River. A new Duwamish settlement was established on the lower White River, he concluded, around 1800 (Buerge 1985, 34-37). George Gibbs observed that rather than having tribal names, "each band is distinguished by its appropriate appellation, that of the ground which it occupies" (Gibbs 1877, 235-236). Buerge agreed and concluded that the name "Duwamish" was the anglicization of "du-AHBSH," the native word for those who lived on the "Duw." He claimed that, to the native people, the Duw was the Duwamish, Black, and Cedar Rivers, which they considered all one river. Buerge also contended that while all those who lived along this river were considered Duwamish, those who lived along the Black River section were perceived in the native mind to be the "real Duwamish" (Buerge 1985, 34).

The first scholarly Handbook of North American Indians, published in 1907, stated that the name Duwamish had been "improperly applied collectively to a number of distinct bands" in the neighborhood of Seattle (Hodge 1907, 1:407). Local historian Clarence Bagley also recognized that the name Duwamish had "been misapplied to include many distinct tribes" in the vicinity (Bagley 1916, 77). More recently, anthropologist Barbara Lane concluded that the name of a native village at the Lake Washington outlet "was rendered into English as D'Wamish and then extended to refer to people of all the villages in the vicinity of Seattle" (Lane 1975, 1). Buerge contended that aboriginal names made a distinction between "river people," including the Duwamish, "lake people," and "saltwater people." He argued that, in the absence of ethnographic knowledge about the region by early settlers, the name Duwamish was expanded, from its proper use to refer to the peoples on the Duwamish and Black Rivers, to include the peoples along Lake Washington (Buerge 1984, 30).

It is not surprising that the name "Duwamish" was loosely applied to the Indians of the Puget Sound area, for early observers and later scholars have commented on the common cultural characteristics of the native peoples of the northern Pacific coast (for example, Gibbs 1877, 163; Drucker 1965, 9-10). The first visitors and the first historians had trouble deciding which bands were Duwamish and difficulty separating the Duwamish from their neighbors. The Government's first attempt to take a census of Puget Sound tribes, however, distinguished the Duwamish from the Suquamish and Sammamish (Starling 12/10/1853). George Gibbs said that while the Duwamish claimed that the small bands of Sammamish, Skopahmish, Sk'tehlmish, and St'kamish were part of their tribe, in fact they had very little connection with them (Gibbs 1877, 179). Frederick Grant, an early historian of Seattle, referred to the bands on the Duwamish, Black, White, and Cedar Rivers, at Lake Sammamish, and at the present site of the city of Seattle as distinct tribes (Grant 1891, 58). Historian Clarence Bagley, however, believed that the Sammamish, or Squak Indians, who lived about Lake Washington, were probably a band of the Duwamish. He noted that American policymakers treated them as Duwamish during the removals (Bagley 1916, 78; 1929, 111).

Another reason for the expansion of the name "Duwamish" was that Governor Stevens and George Gibbs created tribal confederacies for the purpose of making treaties. In the report he issued in 1854 after his survey of the tribes of Washington, Gibbs linked the Duwamish and Suquamish together as allies under the leadership of Chief Seattle (Gibbs 3/4/1854, 431-432). Governor Stevens also repeated this description in his report to the Commissioner of Indian Affairs (Stevens 9/16/1854). Gibbs referred to a "connexion" of the Duwamish, Sammamish, and Suquamish. This confederation, he said, inhabited both sides of Puget Sound as well as Vashon and Bainbridge islands. Although the Duwamish were "by no means the most numerous" members of this alliance, Gibbs concluded that they were the best known of these bands and that "the whole generally bear their name. . . ." (Gibbs 3/4/1854, 431-432). After the treaty, Gibbs continued to group the Duwamish and Suquamish together under Chief Seattle (Gibbs 1877, 179).

In a book published in 1895, J. A. Costello claimed that Chief Seattle had consolidated six tribes into one, and that this alliance had taken the name Duwamish (Costello 1895, 31). Those who considered Seattle to have been the chief of more than his Suquamish band attributed his role to a past display of war leadership against hostile tribes (Costello

1895, 103-104; Bagley 1916, 78). Although historians Bagley and Grant understood that the Duwamish and Suquamish were separate tribes, Grant accepted the notion that the Duwamish recognized Seattle as a chief and Bagley followed the convention of the treaty that Seattle was the chief of the "closely allied tribes" of Duwamish, Suquamish, and Sammamish (Grant 1891, 58, 62; Bagley 1916, 78; Bagley 1929, 111). Although many writers have assumed that Seattle's Suquamish father had married a Duwamish woman of high status, Governor Stevens had been told by his Indian agent, prior to his treaty negotiations, that Seattle bore the "stigma" that his mother was a slave (Starling 12/10/1853). David Buerge has concluded that Seattle was the son of a Suquamish headman and a woman from a village on the White River known as "flea's house," whose residents the Duwamish treated like slaves. As a result, he argued, Seattle was regarded contemptuously by the status-conscious Duwamish (Buerge 1985, [37]). Buerge has disputed the notion that Chief Seattle was the common leader of allied Duwamish and Suquamish peoples.

The notion that Chief Seattle exercised effective leadership over a confederation of tribes is at odds with much of the contemporary evidence. The first American representatives experienced difficulty in determining who were the leaders of the Duwamish and other bands. One army officer complained that, because the "organization" of the tribes of the region was "imperfect," it often was "difficult to ascertain whom they regard as the chief or head man" (Jones 9/1/1853). One of the first reports by an Indian agent stated that there was little organization among the tribes of the area and that their chiefs possessed little authority over their members (Starling 12/10/1853). Even Gibbs claimed that "nominal chiefs have no control beyond their own petty bands. . . ." Native societies were "perfectly democratic," he concluded, because of "the absence of government or authority. . . ." (Gibbs 1877, 185).

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. . . ." (Buerge 1980, 14). It was the opinion of Marian Smith that, while villages had an acknowledged territory, native groups within the Puget Sound area "were not coordinated by any political structure. . . ." (Smith 1941, 197). Phillip Drucker said that local groups were autonomous (Drucker 1965, 47, 70). A scholarly reference work has applied this interpretation to

the Duwamish and agreed that they lived in "autonomous winter-village groups" on the Duwamish, Black, and Cedar Rivers (Ruby and Brown 1986, 72). A recent article in the Smithsonian Institution's Handbook of North American Indians has expressed the prevailing scholarly opinion that Northwest Coast Indians did not possess formal political organization (Cole and Darling 1990, 128). Although anthropologist Kenneth Tollefson, the petitioner's researcher, has asserted that a powerful chiefdom existed at the time of contact with United States treatymakers, his conclusions have been criticized by scholars who conclude that "chief making was practiced by the Americans under Stevens" and that Tollefson has confused "contemporary issues of personal identity with earlier issues of political organization" (Tollefson 1989, 135; Miller and Boxberger 1994, 276, 288).

The aboriginal population of the Duwamish, including those on the Duwamish River and around the small town of Seattle, was estimated by an army officer in 1853 to be only 60 people (Jones 9/1/1853). At the end of the year, a special Indian agent also claimed that his survey of the location and population of the tribes of the Puget Sound district revealed that 60 Duwamish lived on the Duwamish River (Starling 12/10/1853). An agent of the Hudson's Bay Company informed American policymakers in 1854 that the Duwamish numbered about 195 (Tolmie 2/17/1854). George Gibbs counted 162 Duwamish at the Lake Fork and on the Duwamish River in 1854. He also indicated that the population of bands affiliated with the Duwamish, on Lake Washington and the White and Green Rivers, was another 189 (Gibbs 3/4/1854, 436). Historian Clarence Bagley said that the main Duwamish winter village on the Black River was reported to have had a population of about 300 in the early 1850's (Bagley 1929, 111).

The first observers of the tribes of the Puget Sound region commented on the apparent decline in population that the natives had experienced. Non-Indian diseases had arrived before non-Indian settlers and had disrupted and altered aboriginal communities even before white settlement. During his 1792 exploration of the Sound, George Vancouver noticed human bones scattered on the beaches and villages which appeared to be abandoned. He concluded that the region had been severely depopulated by epidemics and had recently been much more heavily populated than at the time of his visit (Vancouver 1798, 538-540). George Gibbs, who was aware of Vancouver's observations, believed that the "small bands" he found on Puget Sound and its inlets were "the remnants of

once larger tribes. . . ." (Gibbs 3/4/1854, 431; 1877, 230). Depopulation likely continued after contact. Missionary Myron Eells concluded later in the 19th century that the aboriginal population of the Sound was only 20 to 40 percent of what it had been at the time of first contact with non-Indians (Ruby and Brown 1976, 104).

With the passage of the Donation Act of 1850, Congress provided an incentive for the settlement of the Pacific Northwest by granting settlers, including "American half-breed Indians," up to 640 acres of land (U.S. Statutes 1850b, 497-498). The first claims in Duwamish territory were made in September 1851 along the Duwamish River (Denny 1888, 22; Grant 1891, 46-47, 68-69). Later that month, another claim was staked at Alki Point, in present West Seattle, and a group of settlers arrived in November. Then, in February 1852, some of the pioneers from Alki Point made donation claims on the eastern shore of Elliott Bay. The first plats of the city of Seattle were filed in May 1853 to cover these claims (Denny 1888, 11-13, 16-17, 21; Grant 1891, 49-55, 63-69). In early 1853, claims which were staked along the Cedar and Black Rivers included Duwamish house sites (Buerge 1985, [38]). Thus, by 1853 a permanent American presence had been established within Duwamish territory.

Treaty of Point Elliott, 1855:

Although Congress authorized negotiations for treaties with the tribes west of the Cascades as early as 1850 (U.S. Statutes 1850a), an attempt to negotiate with the tribes of the Puget Sound area was not made until after Washington Territory was established in 1853. Because of the "very unsatisfactory and vague character of the information now in the possession" of the Indian Office about Indian affairs within the territory of Washington, Commissioner of Indian Affairs George Manypenny directed Isaac I. Stevens, the new territory's Governor and Superintendent of Indian Affairs, to devote his "earliest attention and efforts to the collection of information" for the department. The most basic knowledge about the region's Indians was needed; the Governor was asked to determine the number and names of the tribes of the territory. The Commissioner added that no funds were available for the negotiation of treaties (Manypenny 5/9/1853).

At the end of 1853, Governor Stevens informed the Indian Office that there was an "urgent necessity" that treaties be

"immediately made with the Indians west of the Cascade Mountains" because their lands were "so fast becoming settled, by the whites, that, within another year, there will hardly be a choice claim of land" not located upon by settlers. The longer treaties were delayed, the Governor argued, the more difficult it would be to find unclaimed land to reserve for the Indians (Stevens 12/26/1853). The Governor repeated, in early 1854, his assessment that there was a "necessity" to extinguish the Indians' title and grant them reservations. Stevens believed that these reserves should be "comparatively small." Although British policy was not necessarily comparable to American policy, Stevens noted favorably that the British governor of Vancouver Island had granted only 100 acres for 500 Indians (Stevens 2/1/1854). Acting on this advice, the Commissioner of Indian Affairs then informed the Secretary of the Interior that it was "absolutely necessary to speedily conclude treaties" to extinguish Indian claims to lands that were being settled by whites with the Government's encouragement (Manypenny 2/6/1854). Congress appropriated funds for treaty negotiations in July 1854 (U.S. Statutes 1854, 330).

The Indian Office notified Governor Stevens that he had been designated by the President to conduct the negotiations and to conclude the treaties with the tribes of Washington Territory. In August 1854, the Commissioner provided the Governor with funds and instructions for treaty negotiations (Manypenny 8/12/1854; Mix 8/30/1854). Stevens was told to begin his negotiations with those tribes nearest to white settlements. The Acting Commissioner instructed the Governor that the objective of the treaties was to extinguish the Indians' "claim of title to all the lands within the Territory, excepting such limited districts as it may be necessary to assign them for their occupancy. . . ." The Indian Office also sent Stevens copies of several recently negotiated treaties with other tribes. Among the provisions the Governor was encouraged to study were ones providing for graduated annuity payments and establishing the prerogative of the President to determine how the annuities should be used for the benefit of the tribe. The Governor was advised to avoid the payment of annuities in money. The tribes' lands were not very valuable, the Governor was told, because they were far removed from lands long settled by whites and because the tribes' title to them was based only on a right of occupancy (Mix 8/30/1854; Manypenny 11/26/1855).

The Acting Commissioner also instructed Stevens "to unite the numerous bands and fragments of tribes into

tribes. . . ." He implied that he hoped that the Indians would be consolidated into six to eight tribes (Mix 8/30/1854). When he had appointed an Indian agent for the Puget Sound district, Governor Stevens already had directed the agent to organize small bands into tribes and to appoint chiefs for these new tribes and for existing tribes. As chiefs, Stevens wanted men who would "control" the Indians "to best advantage" (Stevens 3/22/1854). The Governor recognized Seattle as head chief of the consolidated Duwamish and Suquamish, and tribes connected with them. He also named about 20 men sub-chiefs (Gibbs 3/9?/1854). In response to his negotiating instructions, Stevens said that it was "obviously necessary that a few reservations of good lands should be set apart" for the tribes. These reservations, he added, "should be large enough to give each Indian a homestead. . . ." Stevens advocated creating these reservations by implementing a policy of "uniting small bands under a single head." He contended that current chiefs did not have the authority to manage their people, and that when Indians were allowed to scatter they were beyond control. However, when the Indians "are collected in large bands," he argued, "it is always in the power of the government to secure the influence of the chiefs, and through them to manage the people" (Stevens 9/16/1854).

Governor Stevens, in his role as the commissioner designated to negotiate the treaties, met with his treaty commission in December 1854. The commission members read the copies of the previous treaties provided to them by the Indian Office and discussed their provisions. Governor Stevens then directed his commission surveyor, George Gibbs, to prepare the form and provisions of a treaty in accordance with the views of the commission. On December 10, Gibbs presented the commission with the outline of a draft treaty. After discussion and modification, this draft was adopted as the basis of the treaties to be made with the tribes. It contained 15 provisions. The draft treaty proposed that the treaty tribe cede all of its land to the United States, that a tract of land be reserved for the use of the tribe, that the tribe settle on this reserve within one year after ratification of the treaty, and that the Government pay for the lands with annuities worth about $50 per capita (Gibbs 1855, 1-3; Stevens 1900, 453).

The reservation which the commission proposed for the consolidated Duwamish and Suquamish was one village on the east side of Hood's Canal, west of Puget Sound. It was estimated that this reserve would contain 454 people (Gibbs 1855, 4). This proposed reserve lay outside of aboriginal

Duwamish territory. Governor Stevens realized that the tribes wished to remain in their traditional locations. All of the tribes, he told the Commissioner, have "singled out a few spots in their domains, which, they wish to reserve. . . ." He noted that these were especially locations of the graves of their relatives. The Governor observed that making reservations for the tribes "in their own territory" would be the least expensive and most satisfactory to the tribes (Stevens 12/26/1853). However, when the Governor drew up his list of objectives for the treaties, he made it clear that he wished to concentrate the Indians upon a few reservations (Stevens 1900, 454). The commission's plan was to divide the tribes into districts and to settle them on no more than 10 "probable" reserves. In general, the commission's goal was "to admit as few Reservations as possible, with the view of finally concentrating them in one" (Gibbs 1855, 4).

Prior to the treaty negotiations, a party of Indians and George Gibbs, in his role as the commission's surveyor, examined the shores of Puget Sound in order to choose the site of a reservation (U.S. 1855a, 1). It is not clear whether they examined the tract that would be specified in the treaty and would be considered as the Duwamish and Suquamish reserve. Governor Stevens arrived at the site of the treaty negotiations, Point Elliott near modern Everett, Washington, on January 21, 1855. He received a report from Indian Agent M. T. Simmons on the views of the Indians and a report from surveyor Gibbs on reservation sites. Next, according to the official record of the negotiations, the Governor and his staff "fully considered" the subject of reservations and chose locations for the reserves. Stevens then directed Gibbs to draw up a draft treaty (U.S. 1855a, 3; Stevens 1900, 463). Agent Simmons organized the 2,300 Indians who attended the treaty negotiations into four parties under four head chiefs (U.S. 1855a, 3-4; 1855b, 793).

At the council on January 22, the Governor and agent made speeches, the Governor addressing the Indians as "my children" and the agent speaking to them in Chinook jargon. The Governor invited the head chiefs to speak in reply. There is no indication in the official record that any true negotiations between the Government and tribal leaders took place at this session. The official recorder thought it important, therefore, to emphasize the claim that all the details of the treaty, except the sum to be paid the tribes for their lands, had been "fully explained" by the agent and the interpreter in previous conversations with the chiefs

and headmen. After the speeches, Governor Stevens informed the Indians that the treaty had been drawn up and would be translated and read to them. The Governor then asked if the Indians were ready to sign the treaty, adding that he would not sign until they were satisfied with it. According to the official recorder, the chiefs consulted among themselves and expressed their readiness to sign. Governor Stevens then signed the treaty and was followed by the chiefs, sub-chiefs, and headmen (U.S. 1855a, 4-8, 10; 1855b, 793). Chief Seattle signed first as principal chief of the Duwamish, Suquamish, and allied tribes (U.S. Statutes 1859, 930).

The Treaty of Point Elliott of January 22, 1855, was concluded between Governor Stevens and 82 chiefs and headmen representing 22 named tribes and bands. The treaty contained provisions for a cession of land, the payment of annuities, the removal of the Indians to reservations, the emancipation of slaves, the right to maintain fishing practices, and the possibility of the allotment of the reserved lands to individuals. The territory ceded by Article 1 extended from the summit of the Cascades to lands along the western side of the Sound, and from the Canadian border as far south as the White River (Royce 1900, Tract 347 on map "Washington 1"; see Figure 2). The treaty reserved four tracts of land for the "use and occupation" of the treaty tribes--1,280 acres at Port Madison, 1,280 acres at Snohomish Bay, a peninsula on Perry's Island, and an island in the Lummi River (Royce 1900, Tracts 348, 349, 350, and 351 on map "Northwestern Washington"). It also proposed the eventual removal and concentration "of all Indians living west of the Cascade Mountains" on a "central agency" of 23,040 acres at Tulalip Bay. The treaty provided for the payment to the tribes of $150,000 in annuities in the form of goods over a 20-year period (U.S. Statutes 1859, 927-932).

In 1915, activist Thomas G. Bishop of the Northwestern Federation of American Indians questioned the fairness of the treaty negotiations and suggested that the Government's failure to explain adequately the treaty's provisions to the Indians allowed it to ignore its obligations to the Indians under the treaty. Noting that Governor Stevens conducted the negotiations in Chinook jargon, which he called a language "of so few words that any attempt to express finer shades of meaning, or to even carry on an intelligent conversation, was simply impossible," Bishop argued that "the Indian signatories" to Stevens' treaties "had but a vague and very limited translation" of those documents

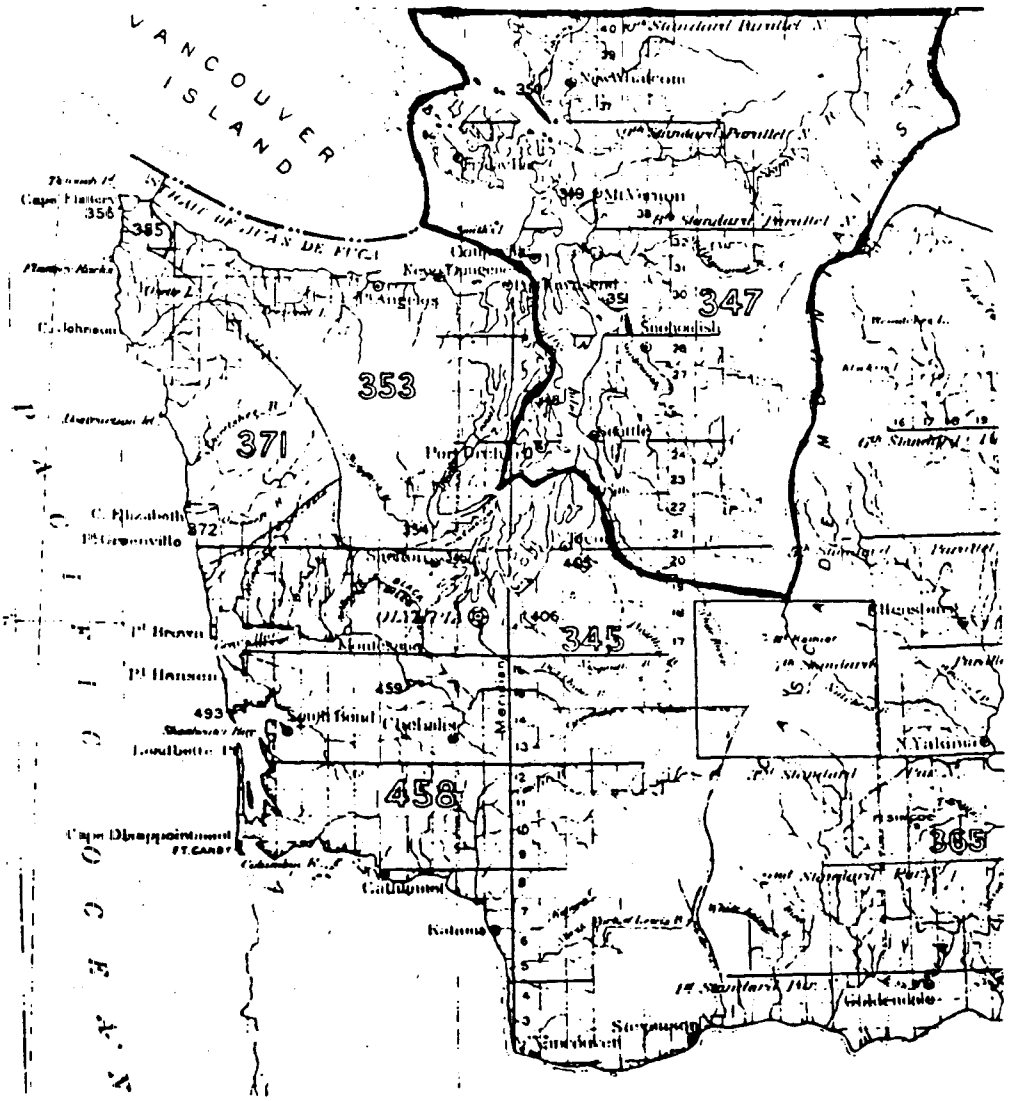


FIGURE 2: TREATY OF POINT ELLIOTT, 1855

(Bishop 1915, 16-17). The Governor's son, of course, claimed that Stevens had taken "the greatest pains to make the Indians understand what was said to them" during his treaty negotiations (Stevens 1900, 455).

Bishop claimed that the Government had not fulfilled its treaty promises to the tribes of western Washington. Affidavits made for Bishop by Duwamish elders included the claim that Governor Stevens had promised the Duwamish tribe "two buckets of gold" for making the treaty (Bishop 1915, 33, 37). They complained that they had neither received payment nor allotments of land as compensation for their cession of their territory. In 1916, Arthur E. Griffin, an attorney representing a committee of Duwamish claimants, contended that Governor Stevens had promised the Indians a reservation that included all the land between the Sound and Lake Washington from Shilshole Bay to mountains south of Cedar River (Griffin 7/8/1916). Such a reserve would have violated both Stevens' instructions and his own stated inclination to create small reservations removed from contact with white settlements. The description of this territory resembles the territory ceded by the treaty rather than that reserved by it. At the same time that Bishop and Griffin claimed that treaty promises to the Duwamish had not been kept, however, Griffin also contended that the members of the Duwamish committee "assured me . . . that the Duwamish Tribe was not represented at the Point Elliott conference" because Chief Seattle "did not belong to the Duwamish Tribe. . . ." (Griffin 7/8/1916).

When Agent Simmons had received reports prior to the treaty council that the Duwamish were insisting upon holding negotiations "upon their own ground" and thus did not intend to participate in the negotiations at Point Elliott, he set off about January 10, 1855, to talk with them (U.S. 1855a, 1). Commission member Gibbs reported that the Duwamish began to arrive at Point Elliott on January 17. The treaty was signed on January 22 by three individuals identified as Duwamish "sub-chiefs": Ha-seh-doo-an (Keo-kuck), Ts'huahntl, and Now-a-chais (U.S. Statutes 1859, 927-932). Keokuk, rather than his elder brother Tecumseh, had been named a Duwamish subchief by Stevens. Superintendent W. H. Waterman noted in 1865, however, that the Indians living on the Black River claimed that they had not been represented at the treaty negotiations (Waterman 9/7/1865). Whether the Duwamish were legitimately represented at the treaty or not, the Government proceeded to implement its policy on the assumption that the Duwamish had given their consent to the treaty.

Within a year after the treaty negotiations, Indian warfare erupted in Washington and Oregon territories. In Washington, the war began east of the Cascades and spread to the Puget Sound area. The hostile Indians attacked white settlements on the White River in October 1855 and the town of Seattle in January 1856. The war lasted until June 1856. This warfare may have delayed ratification of the treaties by the Senate. At the time, however, Government officials and non-Indian residents in Washington were anxious to dispell a notion that the war was an indication of native dissatisfaction with the treaties. Special Indian Agent Wesley B. Gosnell stated that the treaties were "not the cause of the outbreak" but were used as a pretext "by those who had determined on a war. . . ." (Gosnell 12/31/1856). J. Ross Browne of San Francisco, who was dispatched to the Pacific Northwest in 1857 to report on Indian Affairs, also concluded that the "assertion that the war resulted from the dissatisfaction of the Indians with the treaties "is wholly without foundation" (Browne 1857). Early local historians also claimed that the Indians of eastern Washington had begun planning for war months before Governor Stevens' treaties were made (Grant 1891, 97).

After the war, Indian Agent Simmons claimed that the Indians subject to the Treaty of Point Elliott exhibited "great anxiety" that their treaty be ratified. He argued that speedy ratification was necessary in order to maintain peaceable relations between the Indians and citizens (Simmons 12/29/1856). Governor Stevens passed this advice along to the Commissioner of Indian Affairs and warned that the Indians of the Sound would rise again "if their treaties are not confirmed" (Stevens 12/30/1856). In 1857, Agent Simmons again stressed the "urgent necessity" of "a speedy confirmation of the treaties" to the new Indian superintendent James W. Nesmith (Simmons 7/1/1857). Superintendent Nesmith also repeated this advice that the treaties "be ratified as speedily as possible" to the Commissioner, and added that it would be difficult to restrain the Indians "by mere promises" (Nesmith 9/1/1857).

By 1858 the agent was reporting that "considerable dissatisfaction" existed among the tribes because of the failure of the Government to confirm the treaty. The lack of ratification, he explained, led both settlers and Indians to regard the agencies that had been established as only "temporary" reserves (Paige 7/1/1858). Superintendent Nesmith also repeated in 1858 his recommendation that the treaty be immediately ratified. Although he urged that this be done in order to comply with "the long deferred promises

made to the Indians," his main emphasis was on the advantages of ratification for white settlers. When the treaties were confirmed, he argued, the Indians could "be placed on reservations where the intercourse laws can be enforced, and the peace and quiet of the country maintained." By locating the Indians on reservations, he said, the whites would "be relieved of their annoying presence" and the resulting peace would lead to "prosperity" for the region (Nesmith 8/20/1858).

The Indian Office did not receive the Treaty of Point Elliott until June 1855 (Manypenny 6/21/1855). President Franklin Pierce did not transmit the treaty to the Senate for its advise and consent until July 1856, after the conclusion of Indian warfare in the region. It was referred to the Senate Committee on Indian Affairs. When no action was taken, the treaty again was referred to the committee in January 1858. In June the committee reported the treaty without amendment. Finally, on March 8, 1859, the resolution that the Senate consent to the ratification of the treaty was approved by a vote of 39 to 8 (U.S. Senate 1969, 10:132, 136, 287, 438-439; 11:84). The treaty was proclaimed by President James Buchanan on April 11 (U.S. Statutes 1859, 932). Governor Stevens' son argued, in a biography of his father, that the treaties were ratified only because the Governor had "personally vindicated his treaties" after becoming a member of Congress (Stevens 1900, 468-469). A year after ratification, the first installment of $15,000 of treaty annuities for the Duwamish and allied tribes was appropriated by Congress. At the same time, an additional $15,000 was appropriated to enable the Indians to move to their reservations (U.S. Statutes 1860, 5).

Federal Policy, 1855-1913:

Although the Indian Office believed that all the reservations created by the Treaty of Point Elliott were to be used by the Duwamish and the 21 other tribes and bands with whom they had been affiliated by that treaty, its agents specifically referred to the Port Madison reserve as the Duwamish and Suquamish reservation. This was consistent with the treaty commission's plans. For example, in December 1855, Agent M. T. Simmons referred to his visit to the "Du[wa]mish and S[u]quamish reservation" at Port Madison (Simmons 12/23/1855). Again in 1859, he referred to Port Madison as "the reserve for the Suquamish and Dwamish tribes. . . ." (Simmons 7/1/1859). In his 1860 annual report, Simmons indicated that his understanding of the

Treaty of Point Elliott was that it had designated the reservation at Port Madison for the temporary use of the Suquamish and Duwamish tribes and their subordinate bands (Simmons 7/1/1860). Two decades after ratification of the treaty, Agent Edmond Mallet repeated this understanding that the Duwamish had been assigned to the Port Madison reservation (Mallet 8/18/1877).

A year after the treaty negotiation, when Governor Stevens requested authorization to appoint a subagent to have charge of the tribes covered by the Treaty of Point Elliott, he still associated Chief Seattle with the Duwamish (Stevens 5/5/1856). Indian agents and other observers, however, continued to refer to the Duwamish and Suquamish as separate tribes. In 1856, Special Agent D. S. Maynard distinguished between the two tribes under his charge, although he did refer to Seattle as "head chief" over the Duwamish chief (Maynard 9/19/1856). In an attempt in 1856 to take a census of the Indians at the Fort Kitsap (or Port Madison) reservation, Agent Haley made a distinction between the Duwamish and Seattle's tribe (Haley 4/7/1856). Although Agent George A. Paige was instructed by the superintendent to try to unite the Duwamish and Suquamish "under one head," he referred to them as separate tribes under his jurisdiction and allowed them to live on separate reserves (Paige 11/6/1856 and 8/1/1857).

An effect of the post-treaty Indian war was to accelerate the process of the removal of the Indians of the Puget Sound region from their traditional territories. Immediately after the attack on the White River settlements, Agent Simmons sought to remove the friendly Indians from the Seattle area in order to prevent them from joining the hostiles. He told the Indians that those who remained on the war ground on the east side of the Sound would be considered hostile by the whites and treated accordingly, and that those who desired to be regarded as friendly must remove to the west side. The Governor claimed that four thousand Indians were removed to reservations on the west side of the Sound (Stevens 5/31/1856; Gosnell 12/31/1856).

New subagent Paige said, however, that the Duwamish had "absolutely refused to comply with the order" of the previous agent to move to the reservation at Port Madison (Paige 8/1/1857). To explain their resistance, Paige noted that the Duwamish had been "not only required to leave their own lands, but to move upon lands owned and occupied by Indians whom they regarded with feelings of hatred." In his 1857 annual report from the Fort Kitsap reservation, Agent

Paige observed that "the most unamicable feelings have long existed between" the Duwamish and Suquamish tribes, and concluded that this "deep rooted" feeling of "animosity" prevented them from willingly occupying the same reserve (Paige 8/1/1857). By 1857 it was apparent that the plan for the Duwamish and Suquamish to share a reservation on the western side of the Sound was not a successful policy.

The Duwamish were "finally persuaded," Paige said, to move to a point on Bainbridge Island. They were reported to be located there by April 1856 and to have remained there until the end of the war (Paige 8/1/1857; Haley 4/7/1856). Because of this Duwamish resistance to moving into Suquamish territory, Agent Paige received permission from the Governor to relocate the Duwamish to Holderness Point (now Duwamish Head) on the eastern side of the Sound (Paige 9/26/1856). By September 1856, 217 "Duwamish and Lake Indians" had been relocated to a provisional reserve on Holderness Point, across Elliott Bay from the town of Seattle, and assigned a subagent there (Goudy 11/28/1856; Paige 9/12/1856). Agent Paige complained that in effect he was responsible for the management of two separate reservations (Paige 12/4/1856). In the special report he made in 1857, J. Ross Browne noted that while these special "local agencies are called reservations," the lands had not been reserved "under any authority of Congress or the department" (Browne 1857).

Agent Paige suggested in 1857 that the Duwamish "be allowed a reservation on or near the lake fork of the D'Wamish river." He noted that this tract had been cultivated by them for many years (Paige 8/1/1857). The next year he repeated his recommendation that separate reservations be created for the Duwamish and Suquamish (Paige 7/1/1858). Such a Duwamish reserve was never established. In 1916, however, Thomas Bishop of the Northwestern Federation of American Indians claimed that a "Renton Reservation" had been created for the Duwamish by an agreement, or agreements, of 1854, 1855, and/or 1856. He relied in part on the 1914 affidavit of a Duwamish elder who claimed that Governor Stevens had promised the tribe a "smaller reservation," at an unspecified location, and that a tribal delegation had won the Governor's assurance in 1858 or 1859 that he would have their reservation surveyed and secured to them (Bishop and Hauke 1916; Bishop 1915, 36-39). This may be a reference to Governor Stevens' successful request for the President to create the Muckleshoot reservation by executive order in 1857. It might allude to the unsuccessful attempts by the agents to create a Duwamish reserve. It also might refer to a proposed expansion and

survey of the Port Madison reserve.

After the treaty was ratified, Agent Simmons recommended that the Suquamish and Duwamish reserve at Port Madison have its boundaries modified (Simmons 7/1/1859). While he acknowledged that the ultimate goal of United States policy was to concentrate the treaty tribes on one reservation, the agent again urged in 1860 that the Port Madison reserve be expanded by including a landing point and agricultural lands (Simmons 7/1/1860). The Port Madison reservation was extended by an order of the Secretary of the Interior in 1864. The chief clerk of the Washington superintendency claimed that Governor Stevens had promised the Indians that this would be done (Whitworth 7/13/1864). Acting on the chief clerk's recommendation, Secretary of the Interior J. P. Usher requested the General Land Office to reserve certain tracts of land from public sale and entry (Kappler 1904, 1:921). The effect of this action was to increase the size of the Port Madison reservation from 1,280 to 7,284 acres (U.S. Court of Claims 1934, 549). In 1870, new Agent George D. Hill wrote that the "D'Wamish tribe alone occupy this reserve. . . ." (Hill 9/1/1870).

In addition, because the Duwamish resisted moving across the Sound to Port Madison, Agent Simmons recommended that they be persuaded to settle on an expanded Muckleshoot reservation (Simmons 7/1/1860). That reserve, between the White and Green Rivers, had been established by executive order in 1857. Although that reservation had been created to carry out the 1854 treaty of Medicine Creek, Simmons argued that it should be considered a reserve for the tribes of the Point Elliott treaty. When the Muckleshoot reservation was re-defined by executive order in 1874, however, the order and its background correspondence did not explicitly provide the reserve for Duwamish use (Kappler 1904, 1:918; Smith 4/8/1874). The Swinomish, Lummi, and Tulalip reserves all were expanded in 1873 by executive order, and the Lummi order did specify that the lands of that reserve were "for the use and occupation of the Dwamish and other allied tribes of Indians" (Kappler 1904, 1:917, 925-926). The Indian Office did consider the Muckleshoot reserve to be under the jurisdiction of the Tulalip Agency, together with the four treaty reservations. In 1874, the Indian Office thus stated that the Tulalip Agency provided five reservations of 52,648 acres for a population of 3,900 (Smith 11/1/1874).

Commissioner of Indian Affairs E. S. Parker revealed in his annual report of 1869 that, a decade after the ratification

of the treaty, the Government still anticipated removing all the tribes covered by the Point Elliott treaty to the Tulalip reservation (Parker 12/23/1869, 10). A special investigation by two members of the Board of Indian Commissioners in 1874 departed from previous assumptions, however, by recommending that the place of concentration be an expanded Lummi reservation (Lang and Smith 11/20/1874). The Commissioner of Indian Affairs drafted a proposed bill to provide for this consolidation (Smith 1/4/1875). Although these plans were not carried out, they reveal that during the 19th century Federal policymakers had no commitment to allowing tribes to live in their traditional territory and did expect that the treaty tribes, including the Duwamish, would be compelled to remove to a central reservation. From the Tulalip reservation, however, Agent Edmond Mallet reported that the Indians did not approve of these consolidation plans and interpreted the treaty as reserving to themselves the lands of the reservations as permanent homes (Mallet 8/18/1877). Despite such dissent, as late as 1885 the Commissioner of Indian Affairs proposed that all the Indians of Washington Territory, except holders of individual allotments of land, be removed to the Yakima reservation (Atkins 10/5/1885, xii).

The Government began to fulfill its treaty obligation to provide the treaty tribes with payment for their ceded lands when Congress appropriated the first annuity funds for the tribes in 1860 (U.S. Statutes 1860, 5). Twenty annual installments were appropriated for the "Dwamish and other allied tribes" from 1860 to 1879. The annuities were provided to the tribes in the form of supplies rather than cash. By 1880, when these annuity appropriations ceased, the United States had expended $320,214 to fulfill its treaty obligations. The United States Court of Claims concluded in 1934 that at least $150,125 of this amount was spent to satisfy the provisions of Article VI and that, since this exceeded the $150,000 specified in the treaty, the United States had fulfilled its treaty obligation (U.S. Court of Claims 1934, 542, 584).

When the 20-year annuity period came to an end, the Commissioner of Indian Affairs urged that the Government continue appropriating funds to provide assistance for these needy tribes, which he identified as the "D'Wamish and other allied tribes" (Marble 11/1/1880, xlviii; Price 10/24/1881, lxv). From 1880 through 1923, Congress annually appropriated between $5,000 and $11,000 for the support of the "D'Wamish and other allied tribes." This designation was dropped from the Indian appropriation act passed in

1924, however, and was replaced by a designation of funds by state and agency (U.S. Statutes 1924, 409-411). The Court of Claims concluded that, from 1854 to 1929, the United States had expended $1,712,609 out of "gratuity" appropriations--funds not obligated by treaty--for the benefit of the tribes of the Point Elliott Treaty (U.S. Court of Claims 1934, 561). The justification which the Indian Office provided for these expenditures suggested that it believed that its responsibility was for reservation Indians, not off-reservation Indians or descendants. 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).

The Treaty of Point Elliott provided for allotment of land to treaty Indians, and agents began the process of allotment on the treaty reservations before passage of the General Allotment Act of 1887. The Port Madison reservation was largely allotted by 1886, although additional assignments were made between 1904 and 1910. By 1914, all available reservation lands in the Tulalip Agency had been allotted (U.S. BIA Tulalip 1914, 112-114, 134; 1911, 69; see also, U.S. Commissioner of Indian Affairs 1886, 245, 408-409). The superintendent claimed that these allotments had been made to families rather than to individuals (U.S. BIA Tulalip 1913, 56). That families or individuals received reservation allotments, however, did not necessarily mean that they resided there, for agents C. C. Thornton in 1891 and D. C. Govan in 1895 complained that many of these allotments were unoccupied (Thornton 8/19/1891; Govan 8/20/1895).

Some of the petitioner's ancestors received these allotments on the reservations. The scholar Barbara Lane concluded that Duwamish Indians received at least 9 of 49 allotments on the Port Madison reservation and 9 of 43 on the Muckleshoot reservation (Lane 1988, 11-14). Duwamish "Chief" William Rogers was an allottee on the Port Madison reservation (Buchanan 2/8/1916). Some of the allottees on western Washington reservations were identified as Duwamish by the agency superintendent as late as 1932. This included five individuals on the Tulalip reserve, two on Port Madison, and one on Muckleshoot. However, the chairman of the Duwamish Tribal Organization, Peter James, was listed as an allottee on the Lummi reservation and was not identified as Duwamish. None of the off-reservation public domain allottees was identified as Duwamish on the superintendent's

1932 list (Upchurch 6/30/1932).

During the 19th century, the Government's agents thought that they managed those Indians, and provided services to those Indians, who resided on the reservations established by the Treaty of Point Elliott. At first, the Indians may have come to the reserves only to receive treaty annuities, for Superintendent B. F. Kendall complained in 1862 that they "scatter after [annuity] payment. . . ." Chief William, who refused to move to a reserve and remained at a village on the Black River, protested in 1869 that his people had not received any payment for their lands as provided for by the treaty (William 7/6/1869). The 1877 annual report of Agent Edmond Mallet of the Tulalip Agency revealed clearly that the five reservations of the agency were the locations where treaty annuities were issued. Furthermore, the agent said that annuity goods "were issued to the Indians who habitually live and perform some labor on the reservation" (Mallet 8/18/1877).

An act passed by Congress in 1888 declared that Indian women who married citizens would obtain citizenship by such a marriage (U.S. Statutes 1888). Commissioner of Indian Affairs D. M. Browning interpreted this act to mean that, because an Indian woman marrying a citizen "separates herself from her tribe," her children could not "be deemed members of the tribe to which the mother belonged. . . ." (Browning 9/14/1894, 65-66). It was the opinion of Agent Govan of Tulalip, in 1895, that "Indian women who have married white men, severed their tribal relations and moved away from the reservation," or whose parents had always lived outside the reservation, had no right to acquire an allotment of, or patent to, the tribe's reservation land (Govan 11/20/1895). Agents also cited a judicial decision in United States district court in Washington State in 1891 which held that Indians who had acquired title to land had become citizens and that citizens could not be placed under the jurisdiction of an Indian agent (Miller 2/27/1892; Thornton 10/2/1893; Barnett 1957, 58). Although this understanding would be reversed by the Supreme Court's decision in United States v. Nice in 1916, prior to that time agents had some reason to believe that Indians who had acquired land, paid taxes, or married non-Indians had passed beyond their control.

Federal officials during the late-19th century often identified the Indians of the reservations on Puget Sound as "Duwamish." The usual method in the Washington superintendency, as Commissioner of Indian Affairs D. N.

Cooley explained in 1865, was to classify together all of the tribes who were included in the same treaty (Cooley 10/31/1865, 7). Federal officials thus came to refer to the "Point Elliott treaty Indians" or to refer to all the Indians under the jurisdiction of the Tulalip Agency as the "Duwamish and allied tribes." In 1872, Commissioner of Indian Affairs Francis A. Walker stated that the "D'Wamish and other allied tribes" had five reservations (Walker 11/1/1872, 60). According to a table included in the Commissioner of Indian Affair's annual report for 1880, the Office of Indian Affairs considered the "Dwamish, Etakmur, Lummi, Snohomish, Sukwamish, and Swiwamish" as the tribes which occupied each of the four reservations--Lummi, Port Madison, Snohomish (Tulalip), and Swinomish--created by authority of the Treaty of Point Elliott. This information remained unchanged in tables accompanying the Commissioner's annual reports for the remainder of the 19th century (U.S. Commissioner of Indian Affairs 1880, 236, and 1900, 616). This usage persisted, for when the Commissioner reported on additional allotments being made on the reserves of the agency in 1905, he referred to the Indians of each reservation as "Dwamish, etc." (Leupp 9/30/1905, 65).

Not only were the reservation Indians sometimes identified as Duwamish, but sometimes the reservations and agencies also were labeled as Duwamish. In 1861, Agent W. B. Gosnell referred to his agency as the "Dwamish etc. District" (Gosnell 8/1/1861). Superintendent Kendall specifically stated in 1862 that the agency at Tulalip was for the Duwamish and their allied tribes (Kendall 1/2/1862). When a contract was made that year between the United States and the Congregation of Oblates of Mary Immaculate to build a manual labor school for the Indians on the reservation at Tulalip, the Government made the agreement "on behalf of Dwamish and other allied tribes of Indians" and the agreement referred to the Tulalip reservation as the Duwamish reservation (U.S. 1862). In 1868, Agent Henry C. Hale at Tulalip, with jurisdiction over the "Point Elliott treaty Indians" on five reservations, sent in an annual report from the "Dwamish Indian Agency" (Hale 9/18/1868). When the army assumed administration of the superintendency in 1869, Captain George D. Hill was appointed agent for the "Dwamish" Indians at the Tulalip agency (Ross 9/30/1869).

Over time, however, agents, bureaucrats, and the public often stopped referring to the Indians of Puget Sound by their tribal affiliation and adopted the practice of referring to them by their reservation or geographical location. Thus, references to the "Duwamish" were replaced

by references to the "Port Madison Indians" or the "Black River" or "Cedar River Indians." When white settlers along the Black River sought the removal of Indians from the area, they referred to them as the "Black river band of Indians, living in our midst," rather than as the Duwamish (Carr 1/27/1870). When agent and missionary E. C. Chirouse outlined the itinerary of his deputy, he said that the assistant missionary had visited the "Port Madison" and "Black River" Indians (Chirouse 2/4/1870). The annual report from the agency in 1889 provides an example of the agent's use of the terms "Tulalip Indians" and "Madison Indians" as a replacement for tribal names (Talbott 8/15/1889).

Some observers thought that historical tribes, like the Duwamish, were losing their distinctiveness. The first Handbook of American Indians, published in 1907, stated that the "remnant" of the Duwamish band was "incorporated with the Snohomish and others under the Tulalip" agency (Hodge 1907, 1:407). This observation was repeated in 1916 by local historian Clarence Bagley (Bagley 1916, 77). When asked in 1913 to indicate the tribal populations on each reservation, the superintendent at the Tulalip Agency claimed that "it is not possible to draw distinct tribal lines" because the treaty tribes had intermarried so extensively (U.S. BIA Tulalip [1913], 1). In his 1920 annual report, the superintendent replied to this standard request that the population of the reservation be listed by tribe with the comment that the "Indians of Tulalip Reservation have intermarried to such an extent that it is impossible to segregate by tribes." His reluctance to make tribal distinctions was also apparent in his labeling of the entire population of the Port Madison reservation as "Suquamish" and the Muckleshoot reservation as "Muckleshoot" (U.S. BIA Tulalip 1920, Tulalip statistical p. 15 and Port Madison statistical p. 15; 1921, Muckleshoot statistical p. 15).

Off-Reservation Residence, 1856-1900:

The Indian agents and Federal officials who expected the Duwamish to settle on the treaty reservations and to remain there under their supervision also admitted that the Indians either refused to move to the reserves or were often absent from them. They acknowledged that Indians who, they thought, "belonged" on reservations in fact lived off the reserves. At the time of his visit to the Tulalip agency in 1862, Superintendent Kendall said, there were no Indians on

the reservation. He concluded that, after receiving their annuity payments, they had returned "to the various portions of the sound, where they have always lived. . . ." (Kendall 1/2/1862). When Felix R. Brunot of the Board of Indian Commissioners visited the Tulalip Agency in 1871 he observed that many of the Indians belonging to the reservations "are scattered about the sound, fishing or laboring in the mills, or logging-camps. . . ." (Brunot 11/20/1871). While considering a congressional bill to consolidate the Indian reservations of the Puget Sound region in 1875, a House committee found that the Indians had "wandered away from the reservations" to such an extent that only 2,250 of an aggregate population of 7,500 were actually on reservations (U.S. House 1875). "Fewer than one-half of the Indians live on the reservation," Agent Edmond Mallet reported in 1877, and "whole tribes have persistently refused to remove to the reservations assigned them" (Mallet 8/18/1877).

Agents also recognized that some Indians who remained off the reservation did so as individuals. Agent S. D. Howe of the Tulalip Agency reported in 1865 that "a large number" of Indian women were living with white men (Howe 8/1/1865). Agent Chirouse reported that many Indians of his agency had "taken homesteads and become citizens of the United States. . . ." (Chirouse 4/14/1874). While some Indian individuals were living as a part of non-Indian society, the white public also resisted having identifiably Indian groups in their midst. Settlers took actions to remove non-reservation Indians from their communities. In 1865, the town council of Seattle passed an ordinance which prohibited Indians from residing within the town (Dorpat 1984, chp. 44). In 1869, settlers on the Black River petitioned the superintendent of Indian affairs to remove the Indians in their midst to a reservation. In this case, however, other settlers opposed removal (Denny 11/29/1869; Ross 5/17/1870; Lane 1975, 14-15; Buerge 1985, 48). Seattle newspapers reported in 1893 that Indians, but not specifically Duwamish Indians, had had their houses on the West Seattle shore burned by whites and had therefore taken refuge at Ballast Island in the bay (Seattle Press-Times 1893).

From the time of the treaty until the turn-of-the-century, some Duwamish maintained a community in a traditional locale near the Black River and Cedar River confluence. Many of the Duwamish left the reserve at Holderness Point in October 1856 and returned to traditional locations on the Black River. The subagent tried to prevent them from leaving, but the Indians claimed to have permission from an army officer

to do so. The officer, in charge of a post at the junction of the White and Black Rivers, claimed only to have told the Indians that he would not prevent them from traveling on the river, but settlers claimed to have seen him accompanying the Duwamish upriver. The subagent unsuccessfully insisted that the Indians could not leave the reserve without his permission. An estimated 57 to 200 Duwamish left the reservation at this time, while only about 100 Indians remained on the reserve at Holderness Point (Paige 11/6/1856 and 11/29/1856; Goudy 11/28/1856; Maurer 11/28/1856; D. Collins 11/28/1856; S. Collins 11/28/1856; Buerge 1985, 47).

The next month, the subagent sent an employee to attempt to persuade the Duwamish at Black River to return to the reservation. Duwamish leader William refused to do so. The reasons he gave were that the land west of the Sound was not theirs, that the Governor and agent had lied to them, and that his people had nearly starved to death on the west side of the Sound the previous year. The employee estimated that about 150 Duwamish members were living at William's camp (Goudy 11/21/1856). Some Duwamish families, however, did return to the reserve after the fishing season was over (Paige 1/31/1857). The military agreed to ask the Black River Indians to return to the reservation, but it also refused to use force to make them return (Maloney 12/19/1856). Then, in December 1856, Agent Paige traveled from the reservation at Port Madison to the Black River to meet with the Duwamish and gain their return to Holderness Point. The Duwamish complained that neither food nor fish were to be found at the Point. William and others told the agent that the land on Black River belonged to them and that they would not leave (Paige 12/24/1856).

Agent Paige had estimated, in November 1856, that the Duwamish population was 375. Off the reservation he included William's band of 55 on the Black River, Curley's band of 38 and Jake's band of 12 at Seattle, and Cultus Curley's band of 30 about one mile north of Seattle. Thus, he apparently counted 240 Duwamish on the reserves at Holderness Point and Port Madison (Paige 11/27/1856). After his visit to William's camp on the Black River, Paige's population estimates were very different. In December 1856, he claimed to have counted 217 people at the Black River encampment in fourteen large winter houses. The agent also found 62 Duwamish living on the White River. In addition, he found 38 Indians, whom he did not specifically identify as Duwamish, living on the eastern shore of Lake Washington. Although this figure matched his estimate of the prior month of the size of Curley's band, he did not claim that this was

the same group. In December 1856, then, Agent Paige identified the off-reservation Duwamish population as 279, and perhaps 317 (Paige 12/24/1856). At this same time, Agent M. T. Simmons claimed that head chief Nowchise of the Duwamish was present on the Fort Kitsap, or Port Madison, reservation for the distribution of supplies to the Indians (Simmons 12/29/1856). Paige apparently counted the on-reservation Duwamish as 61 or 99 people, for he gave the total Duwamish population as 378 in 1857 (Paige 8/1/1857). These tentative figures suggest that 16 to 26 percent (61 or 99 of 378) of the Duwamish remained on reservations about the time that the treaty was ratified.

In 1860, Agent Simmons reported that the Duwamish Indians lived on the Duwamish River and that they objected to being moved across Puget Sound to a reservation (Simmons 7/1/1860). Agent S. D. Howe said in 1865 that a portion of the Indians who belonged on the Port Madison reservation were living on Black River at "their place of residence at the time of the making of the treaty." These Indians, whom he did not specifically label Duwamish, desired a reservation at that location. As the agent noted, however, there was no provision to do so under the Treaty of Point Elliott (Howe 8/1/1865). Because these Indians claimed not to have participated in the treaty, Superintendent W. H. Waterman recommended that they be given a reservation of 640 acres at their location on the Black River near its junction with the White River. He stated that 275 Indians were living at this site (Waterman 9/7/1865). No action was taken by officials in Washington, however, to create such a reserve. A petition from Chief William of the Black River Indians in 1869 asked the Commissioner of Indian Affairs for a piece of land to be given to his people (William 7/6/1869).

The last Federal report on the Indians at William's camp appears to have been written in May 1870 by Superintendent of Indian Affairs Samuel Ross. The superintendent was responding to petitions which he received in November 1869 by putative settlers who complained of depredations committed by a band of Indians living on the Black and Cedar Rivers. The petitioners asked that the Indians be removed to a reservation. Other settlers immediately replied with a counter petition which questioned the character of the original petitioners and disputed the accuracy of their charges. These settlers feared that an attempted removal would create "excitement" among the Indians which could be "dangerous to the peace of the country" (Denny 11/29/1869). The original petitioners persisted and complained of the

inactivity of the agent and superintendent (Carr 1/27/1870). When their complaints reached the Commissioner of Indian Affairs, Superintendent Ross sent Captain George Hill, the agent, to investigate. Hill reported that the Indians were living on the farms of settlers who gave them constant employment. These residents opposed their removal. The charges against the Indians, Hill found, were "entirely baseless" (Ross 5/17/1870). The result was that the Indian Office left the Indians where they were. This incident also suggests, however, that while Federal agents investigated specific complaints about these Indians, they did not maintain regular contact with them.

Federal attention to the non-reservation Indians residing in traditional Duwamish territory appears to have been minimal in the 1870's and nonexistent for the remainder of the century. In 1870, a Catholic missionary associated with the Indian school at Tulalip visited Indians on the Black River (Chirouse 2/4/1870). Agent E. C. Chirouse sent the agency physician to investigate reports of trouble between Indians and settlers along the Black and White Rivers in 1874. The complaint of one resident described the Indians there as "scattered amongst the settlers," but another resident referred to them as a "tribe" (Van Den Burgh 1/16/1874). During the 1880's, according to ethnohistorian David Buerge, seven Duwamish families lived in a longhouse at a traditional village site, while two longhouses stood at another (Buerge 1985, 47). A special Indian census for 1880, which actually was taken in 1881, listed 14 families as Duwamish living on the Duwamish River. The population of this settlement was 58 (U.S. Census 1881; Lane 1988, 23).

About 1894, an account of an Indian "sing-gamble" appeared in a local newspaper. This gathering of over 300 Indians occurred near Renton, "in the Indian village at the junction of the Black and Cedar Rivers" according to the later recollections of a white settler (Harries 1937). At the time, the newspaper referred to this event as the "revival of the ancient custom" and said that it was "the first event of its kind in this county for thirty years or more." It described the match as one between the "Black and Cedar River tribes" on one side and the Puyallup on the other. The newspaper did not identify these Indians as Duwamish, but it did identify the leader of "the Cedar River tribe" as Chief William (Bagley 1929, 137-139; Ruby and Brown 1976, 52, cites this newspaper as the Seattle Post Intelligencer 2/11/1894). In 1898, an ethnologist visited what he called a "band of Dwamish Indians dwelling on Cedar River" to collect ceremonial objects and information about a "peculiar

winter ceremony" which had "become extinct, except in two localities. . . ." He said that he "revisited the Cedar River tribe" in 1900 and obtained additional objects (Dorsey 1902, 227, 234). These two accounts identified Doctor Jack--who was labeled in the 1900 census as a Yakima Indian--as a leader of the Cedar River group and a "Dwamish shaman."

This evidence suggests, then, that at least some of the Duwamish who had been identified as leaving the reserve and returning to the Black River at the end of the 1850's remained at this location until 1900 and retained their identification as a tribe living in an Indian village. A surveyor's map of 1863 showed two Indian villages in the vicinity of modern Renton--one on the Cedar River and one on Smithers' farm along the Black River (Petition 1987, 129). William's camp on the Black River was on a farm which settler Erasmus Smithers had claimed in 1856. Smithers also platted the town of Renton on part of his land in 1876 and started to sell lots. In his will, Smithers, who died about 1900, deeded to Jennie Moses the acre of land on which the Moses home stood. This location, according to David Buerge, was at the old house site of "skah-TELB-shahbsh" where the river joined the lake (Buerge 1985, 47, [49]; Slauson 1967, 3; Bagley 1929, 743, 745; Denny 1909, 375-377). The viability of this site was impaired, however, by urban growth and by deliberate modification of Lake Washington, which left the Black River dry after 1916.

Federal Censuses, 1880-1900:

The Federal census of 1880 did not list reservation Indians or the tribal affiliations of individual Indians residing off the reservations, so it is not possible to identify individuals considered to be "Duwamish" by the local census officials. It is possible, however, to identify at least 56 individuals on the 1880 Federal census who were both an ancestor of a member of the petitioner and a descendant of a historical Duwamish individual (U.S. Census 1880a; BAR genealogist). This group of 56 ancestors includes members of the nuclear families of those with direct descendants on the petitioner's current roll, but it does not include their non-Indian spouses. These Duwamish ancestors were concentrated in Kitsap County, west of Puget Sound, where 27 individuals were listed on the census, and in King County, east of the Sound, which contained 15 ancestors. The other ancestors were found farther north: 8 in San Juan County, 5 in Whatcom County, and 1 in Island County. In addition to

these ancestors, the census listed in King County some prominent Duwamish individuals who do not have direct descendants on the petitioner's membership list: Chief William and a household of six individuals may have been listed in Renton precinct; William Rogers, who may have succeeded William after 1896, was listed with five children in Cedar River precinct; and Chief Seattle's daughter Angeline lived in the city of Seattle. Another four Indians in Kitsap County, later identified as Duwamish on the 1900 census, do not appear to be ancestors of the petitioner.

In 1880, King County contained six households with Duwamish ancestors of the petitioner, three in Juanita precinct and one each in three other precincts. Mary, founder of the petitioner's Kennum line, resided in Juanita precinct with her daughter Ellen, who had married non-Indian Gardiner Proctor. Two other non-Indian households in Juanita precinct included ancestors as adopted children. A non-Indian household in Lake Washington precinct included ancestors as servants. The two households in Salmon Bay and Milton precincts consisted of the families of Indian women who had married non-Indians Christian Scheuerman and Abner Tuttle. Kitsap County contained six households with ancestors, four in Port Orchard precinct and two in Port Blakeley precinct. These households contained the families or the children or grandchildren of Indian women who had married non-Indian men: John Garrison, Asa Fowler, Daniel Sackman, Henry Eley, and John Wood. San Juan, Whatcom, and Island counties each contained a single household of ancestors. These included Julia John, who latter married ancestor Lyman Siddle, and the families of Indian women who had married non-Indians William Moore and Humphrey O'Bryant.

Ancestors who lived off-reservation were disproportionately young people, as is seen in the fact that only 1 of these 56 individuals was older than 50, and only 3 were older than 40. Only 19 of these individuals were 18 or older, while the other 37 were minors. Seven of the 19 adults were married at the time of the census, and in all seven of these marriages the petitioner's Duwamish ancestors were married to non-Indians. The census enumerators listed the race of these 56 Duwamish ancestors in 1880 as 23 Indians ("I"), 28 of mixed race ("M" or "H"), and 5 whites ("W"). Since 11 of the individuals listed as Indian appeared to have a non-Indian parent, and thus might have been considered of mixed race, it is evident that different census takers classified people of similar backgrounds differently. The majority of adults were classified by census takers as Indians, while the majority of minors were classified as individuals of

mixed race. The census enumerators had not counted all off-reservation Indians in 1880, of course, and many of those who were listed can not be identified as Duwamish because they were identified only as Indians. The off-reservation Duwamish ancestors of the petitioner who had come to the attention of the census takers were largely the families of Indian women who had married non-Indian men and lived with them in non-Indian settlements.

In the 1900 Federal census, the separate "Indian schedules" listed 23 households in western Washington which contained individuals labeled as "Duwamish" (U.S. Census 1900a). Another three households in the traditional Duwamish locale included individuals who were identified as "Cedar River" Indians, and they can be assumed to have been Duwamish. Thus, 26 "Duwamish" households can be identified in the 1900 census (see Table 1 and Figure 3). Twenty of the "Duwamish" households were in off-reservation locations. Twelve of these households were located in Kitsap County. The three "Cedar River" households, one of which was headed by a "Yakima" man, were located at Renton in King County. Two "Duwamish" households were located in West Seattle in King County, and two non-Indian households in Seattle's first ward contained single women servants whose mothers were "Duwamish." A "Duwamish" man lived as a servant in a household headed by a Puyallup woman in Reservation precinct in Pierce County. Six "Duwamish" households, two of which were headed by non-Duwamish men, were located on Indian reserves--three families resided on the Tulalip reservation, two on the Lummi reservation, and one on the Muckleshoot reservation. Only 2 (or possibly 3) of these 26 "Duwamish" households can be identified as having contained ancestors of the petitioning group.

Other Indians listed on the census may have been Duwamish, of course, although their "tribe" was labeled by enumerators as "Siwash" or "Flathead" or as the name of a reservation. So may some Indians, such as the 12 Indian families in Enumeration District #122 in Kitsap County, have been labeled "Duwamish" by census takers who used that name as a generic designation of Indians linked to Chief Seattle. The enumerator of the Port Madison reservation listed all of its residents as members of the "Old Man House" tribe. Thus, even William Rogers (or Rodgers), who has been identified by some writers as the Duwamish chief at the time, was not labeled "Duwamish" by the enumerator. Any other Duwamish living on this reservation, then, also were considered to be "Old Man House" or Suquamish Indians.

TABLE 1

Duwamish Households in the 1900 Census

County	Precinct	ED#	Labeled Duwamish	Duwamish Ancestor	Tot.
Jefferson	Quilcene	44		1	1
King	Monohan	54		1	1
King	Vincent	54		1	1
King	Houghton	59		1	1
King	Columbia	62		1	1
King	Renton	64	3	1	4
King	Orilla	69		1	1
King	West Seattle	73	2		2
King	Seattle 1st W.	84		1	1
King	Seattle 1st W.	85	2	2	4
King	Seattle 7th W.	111		1	1
King	Seattle 8th W.	114		1	1
King	Seattle 8th W.	116		1	1
King	Seattle 9th W.	117		1	1
King	Muckleshoot Resn.	249	1	1	2
Kitsap	Colby	120		1	1
Kitsap	Port Orchard	120		1	1
Kitsap	Port Gamble	121		2	2
Kitsap	Port Blakeley	122	2	1	3
Kitsap	Port Washington	122	10	4	14
Mason	Dewatto	139		1	1
Mason	Skokomish Resn.	139		1	1
Pierce	Reservation	150	1		1
San Juan	Orcas #2	193		1	1
San Juan	Orcas #3	193		3	3
Skagit	Guemes	204		1	1
Snohomish	Arlington	208		1	1
Snohomish	Bear Creek	210		1	1
Snohomish	Snohomish 2nd W.	220		1	1
Snohomish	Tulalip Resn.	252	3	1 *	3
Whatcom	Lummi Resn.	248	2	1 *	2
TOTAL			26	36	60

NOTES:
ED# Enumeration District number.
* Ancestor also was identified as "Duwamish."

SOURCE: National Archives, T-623, rolls 1743-1753.

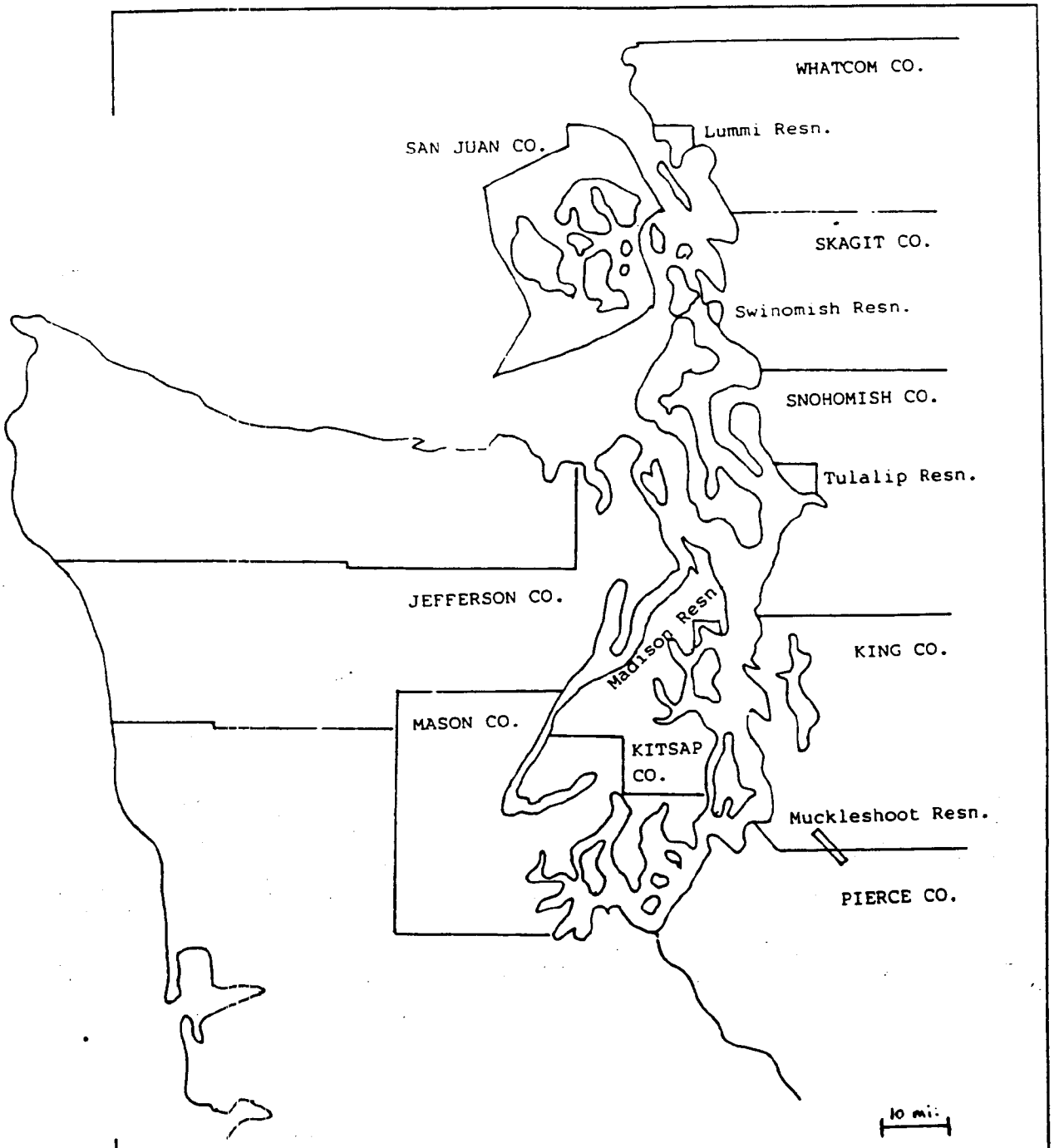


FIGURE 3: DUWAMISH LOCATIONS--CENSUS, 1900

On the general population schedules of the 1900 census, 36 households can be identified which contained individuals who were both an ancestor of a member of the petitioner and a descendant of a historical Duwamish individual (BAR genealogist). These 36 households were scattered throughout eight counties: 14 in King, 9 in Kitsap, 4 in Snohomish, 4 in San Juan, 2 in Mason, 1 in Jefferson, 1 in Skagit, and 1 in Whatcom (see Table 1 and Figure 3). Four of these households were located on Indian reserves and 32 were established in off-reservation locations. All 4 reservation households had an Indian head-of-household, but only 8 of the 32 off-reservation households were headed by an Indian. The only two Duwamish ancestors who were labeled as "Duwamish" by the census enumerators were Ambrose Bagley on the Tulalip reservation (Snohomish County) and Peter J. James on the Lummi reservation (Whatcom County), and it was James' father rather than James himself who was called Duwamish. Thus, none of the off-reservation Duwamish ancestors of the petitioner were labeled "Duwamish" by census takers. In 1900, the census takers listed the race of 116 ancestors as 41 Indians, 23 of mixed-race, 51 non-Indians, and 1 unknown. According to these officials, then, 44 percent (51 of 115) of the petitioner's Duwamish ancestors were not considered to be Indians. This represented a meaningful change from the 1880 census, when only 9 percent (5 of 56) of the petitioner's Duwamish ancestors had not been considered Indians.

In 1900, the Indians labeled "Duwamish" were found in 9 precincts (in 8 enumeration districts) while the Duwamish ancestors of the petitioner were found in 28 precincts (in 24 districts). Six of these precincts were common to both groups. Therefore, there were 31 enumeration precincts in the 1900 census that contained either individuals labeled "Duwamish" or Duwamish ancestors of the petitioner (see Table 1). In these precincts in 1900, there were 60 households which contained either "Duwamish" Indians or Duwamish ancestors of the petitioner. In these few precincts that contained Duwamish individuals, then, the average was only two Duwamish households per precinct. Port Washington precinct in Kitsap County had 14 possible Duwamish households, Renton precinct and Seattle's first ward each had 4 households, 3 precincts had 3 households, 4 precincts had 2 households, and 21 precincts had only 1 household. Thus, an analysis of 1900 census data reveals almost no geographical concentration of "Duwamish" families or of the petitioner's Duwamish ancestors.

Only two precincts in the Puget Sound area had as many as

four households in which either the "head" or spouse of the "head" was a Duwamish individual: Port Washington Precinct in Kitsap County west of the Sound and Renton Precinct in King County east of the Sound. Although 10 of the Indian households in Port Washington Precinct in Kitsap County were listed as "Duwamish," none contained ancestors of the petitioner. Four other households included ancestors, but only one individual, Jane Garrison, who was identified as Indian. A four-household grouping in Renton Precinct in King County appears to have been a successor to a traditional Duwamish village site on the Cedar River near its junction with the Black River. In 1900, the census enumerator labeled 13 of the 15 residents of the Indian village in Renton Precinct as members of the "Cedar River" tribe. It appears that none of the current members of the petitioner have direct lineal descent from the 1900 residents of this settlement. A Moses household existed at this location which consisted of four adults and three children. This was not the household, however, of Jennie Moses, who was linked to the site on Smithers' farm.

The land of the Moses family on the former Smithers' farm was described by a family friend, in the 1970's, as having been "just behind Renton High School" (Gould 1975). Henry Moses, a son of Jennie and James Moses who was labeled the "last tribal chief of the Duwamish Indians" by a newspaper reporter in the 1960's, was born in 1900, grew up at this site, attended public high school, and played on interracial baseball teams for the school and the town (Slauson 1964). The accounts of his life imply that the Moses family was the only Indian family remaining at this location at that time. By the early-20th century, it appears, this traditional Duwamish village site had dwindled to a family residence. Jennie Moses lived there until her death in 1937 (Renton Historical Society 1930's). The following year, however, her son Henry and his wife moved to the Indian Hospital near Tacoma. After her other son Joe died, the last two acres belonging to the Moses family near the Black River were sold in 1956 (Slauson 1964).

Some Duwamish were identified in the 1900 census only generically as Indian, and not explicitly as "Duwamish," but an investigation of the total Indian population does not reveal the existence of any geographical cluster of Duwamish settlement or a core Duwamish community. Only 2 of the 27 off-reservation precincts in which individuals labeled "Duwamish" or Duwamish ancestors of the petitioner lived had an Indian population that exceeded 50 people (see Table 2). Reservation Precinct in Pierce County, with an Indian

TABLE 2

Indian Population in the 1900 Census

County	Precinct	ED#	Indian	Non-Indian	Tot.
Jefferson	Quilcene	44	21	297	318
King	Monohan	54	45	214	259
King	Vincent	54	0	71	71
King	Houghton	59	1	216	217
King	Columbia	62	1	658	659
King	Renton	64	15	1161	1176
King	Orilla	69	5	238	243
King	West Seattle	73	15	556	571
King	Seattle 1st W.	84	0	2297	2297
King	Seattle 1st W.	85	2	1937	1939
King	Seattle 7th W.	111	0	2622	2622
King	Seattle 8th W.	114	0	2279	2279
King	Seattle 8th W.	116	0	1691	1691
King	Seattle 9th W.	117	0	1505	1505
King	Muckleshoot Resn.	249	146	0	146
Kitsap	Colby	120	13	435	448
Kitsap	Port Orchard	120	5	462	467
Kitsap	Port Gamble	121	92	739	831
Kitsap	Port Blakeley	122	9	1279	1288
Kitsap	Port Washington	122	37	466	503
Mason	Dewatto	139	0	150	150
Mason	Skokomish Resn.	139	185	1	186
Pierce	Reservation	150	253	583	836
San Juan	Orcas #2	193	31	327	358
San Juan	Orcas #3	193	23	99	122
Skagit	Guemes	204	31	58	89
Snohomish	Arlington	208	0	1200	1200
Snohomish	Bear Creek	210	0	135	135
Snohomish	Snohomish 2nd W.	220	1	863	864
Snohomish	Tulalip Resn.	252	448	20	468
Whatcom	Lummi Resn.	248	325	34	359

NOTES:
ED# Enumeration District number.

SOURCE: National Archives, T-623, rolls 1743-1753.

population of 253 but only one "Duwamish" household, was overwhelmingly a Puyallup community. Port Gamble Precinct in Kitsap County, in Suquamish territory, had an Indian population of 92. Its resident ancestors were only Joseph and Lizzie Garrison and their three children, all listed as Indian, and 20-year-old John Eley, the son of an immigrant father whom the census taker did not consider to be an Indian. Another 2 precincts had more than 10 Indian households. Monohan Precinct in King County contained 12 Indian households and an Indian population of 45. The lone ancestors of the petitioner were Lyman Siddle, his wife, and five children, who would later be found on the Muckleshoot reservation. Port Washington Precinct in Kitsap County had 11 Indian households and an Indian population of 37, but the only ancestors of the petitioner lived in the Sackman, Garrison, and Fowler households.

Another 4 precincts with off-reservation "Duwamish" or Duwamish ancestors of the petitioner had Indian populations greater than 20 persons, but all of these precincts were located well north of what has been considered traditional Duwamish territory: Orcas Precincts #2 and #3 in San Juan County, Guemes Precinct in Skagit County, and Quilcence Precinct in Jefferson County. Orcas Precinct #3 contained three households with ancestors of the petitioner, but the other precincts contained only one household with an ancestor of the petitioner. Most precincts with off-reservation "Duwamish" or Duwamish ancestors of the petitioner had small Indian populations. There were 10 such precincts which reported Indian populations of less than 20 people. Indeed, census enumerators in 1900 reported that another 9 precincts which contained Duwamish ancestors of the petitioner had no Indian residents at all.

Federal Policy, 1913-1919:

A slight shift in the Government's policy toward off-reservation Indians occurred in 1913, when a Federal official recommended that the Tulalip Agency near Everett and the Cushman School at the Puyallup reserve near Tacoma assume some jurisdiction over the non-reservation Indians of the Puget Sound region. The Acting Commissioner of Indian Affairs concluded that, in making this suggestion, Supervisor O. H. Lipps "had in mind the matter of determining heirships" for "these Indians who have not heretofore been under any jurisdiction" (Hauke 6/26/1913). The Acting Commissioner requested the views of the superintendents of the two agencies. Superintendent H. H.

Johnson of the Cushman School replied that it had been his practice "to handle heirship matters for unattached Indians within the territory adjacent to" his agency. By consulting Federal land records in four cities, the superintendent said, he had discovered "about 300 Indian homesteads." The only way of determining that these homesteaders were Indians, he pointed out, "was the fact that the Indians do not pay a filing fee" (Johnson 7/7/1913). Superintendent Charles Buchanan of the Tulalip Agency, however, disagreed that determining heirships should be the main duty of superintendents, and concluded that "about all of those phases of work . . . that engage us with relation to reservation Indians" would apply to off-reservation Indians as well (Buchanan 6/30/1913).

Commissioner of Indian Affairs Cato Sells informed the superintendents in September 1913 that the jurisdictions of the Tulalip and Cushman agencies were being "extended so as to include all nonreservation Indians" west of the Cascade Mountains, with the southern boundary of Snohomish County as the dividing line between the agencies (Sells 9/5/1913). He did not define the services that would be available to Indians off the reserves or respond to Buchanan's dissent from the Indian Office's original interpretation. Superintendent Buchanan wrote back to ask which agency would have jurisdiction over "the Duwamish and affiliated tribes" who were "attached by treaty to this agency" but who lived in counties assigned to Cushman (Buchanan 9/15/1913). Although Buchanan argued that, because of treaties, jurisdiction must be determined "along tribal lines . . . rather than geographical lines" (Buchanan 11/3/1913), when asked for a definition of his jurisdiction he proposed in 1914 that straight lines through King and Kitsap counties along public land survey boundaries be used to separate the jurisdiction of Tulalip from that of Cushman. He sought to assign the Clallams and the Muckleshoot reserve to Cushman, and to put the Port Madison reservation and the "Duwamish and allied tribes" under Tulalip (Buchanan 8/21/1914). The Indian Office and the Department of the Interior accepted this jurisdictional description (Meritt 10/30/1914).

Although an employee to supervise off-reservation Indians was not provided as requested, the superintendent in 1917 claimed jurisdiction over "the tributary treaty tribes" who belonged on but did not reside on the treaty reservations (U.S. BIA Tulalip 1917, I:5-6). In 1918, he described his jurisdiction as including all the Indians within parts of seven counties, whether "attached or unattached" to reservations (U.S. BIA Tulalip 1918, I:1). In 1920,

however, the annual report of the Tulalip Agency described its jurisdiction as including four reservations and "the unattached Indians allotted on the public domain" (U.S. BIA Tulalip 1920, 1). An inspection report of the Cushman School that same year also described that agency's jurisdiction as comprising five reservations "and the restricted Indian homesteads scattered throughout" eight counties west and south of the Sound (U.S. BIA 2/4/1920). These definitions appeared to deny jurisdiction over off-reservation Indians if they had not received public domain allotments. Thus, in 1922, the Tulalip superintendent expressed his belief that the "so called unattached Indians scattered throughout the entire Sound country" had "no status as wards of the Government. . . ." (U.S. BIA Tulalip 1922, 18). This interpretation persisted at least until 1944 when the superintendent defined his jurisdiction as consisting of 8 reservations "and 103 public domain trust allotments. . . ." (U.S. BIA Tulalip 1944, n.p.).

No one knew how many non-reservation Indians there were in western Washington, the superintendent at Tulalip reported in 1914, because they had "never been enumerated or enrolled. . . ." (U.S. BIA Tulalip 1914, 125-126). This situation changed in 1919 when Allotting Agent Charles E. Roblin produced a list of the region's unenrolled Indian descendants. In May 1916, Thomas G. Bishop, president of the Northwestern Federation of American Indians, presented the Indian Office with 82 applications for enrollment and allotment on the Quinault Reservation. In response, the Commissioner of Indian Affairs instructed Roblin, in November 1916, to "carefully examine each application" to see if the applicants had been enrolled and had maintained tribal relations with an eligible tribe. The Commissioner also pointed out that the Department's position was that when an Indian parent had left his or her tribe and married "among the whites," his or her children were not entitled to tribal enrollment. Believing that many of the applicants would be excluded from enrollment at Quinault, the Commissioner asked for "a separate enrollment" of the "unattached and homeless Indians" of Washington state. He specifically directed Roblin to include unattached Indians who had not submitted applications through Bishop. In making this schedule, Roblin was instructed to "group families together" and to provide specific information about these individuals (Sells 11/27/1916).

Roblin's report of January 31, 1919, included a list of more than 4,000 unattached Indian descendants arranged by tribe and family (Roblin 1/31/1919 with attached list dated

1/1/1919, and Meritt 11/17/1919). Roblin's 1919 schedule of unenrolled Duwamish descendants included 143 individuals (148 names minus four deceased and one assigned to another tribe). Not included on that list were many Duwamish descendants whom Roblin found enrolled on reservations. Some of the applicants who claimed Duwamish ancestry were assigned by Roblin to other tribes. Thus, Roblin found that some of the ancestors of the petitioner were affiliated with other tribes. Roblin identified Duwamish applicants as living in nine Washington counties plus the city of Portland, Oregon. More than half of the off-reservation Duwamish descendants on Roblin's roll resided in Kitsap or King counties; at least 43 in Kitsap and at least 27 in King out of 126 individuals with a known Post Office address (see Table 3). All other counties apparently had 10 or fewer residents of Duwamish descent. Roblin's data suggest that the geographical location of individuals of Duwamish ancestry had been altered significantly since the time of the treaty. Roblin found the largest number of unenrolled Duwamish descendants in Kitsap County, west of the Sound in that area where the traditional Duwamish had refused to move after the treaty.

The Post Office with the largest concentration of Duwamish applicants was Tracyton in Kitsap County; it was home to 24 persons--all with the surname of Sackman (see Figure 4). Charleston Post Office in Kitsap may have had 11 Duwamish residents: another 4 members of the Sackman family and 7 members of the Sigo family (if all the children and grandchildren of John Sigo lived at home). Auburn, in King County near the Muckleshoot Reservation, had 11 Duwamish residents: 7 members of the Williams/Satiacum family line and 4 members of the Sloan/Sampson family. No other Post Office claimed 10 or more Duwamish applicants. Quilcene in Jefferson County and Suquamish in Kitsap County each had nine Duwamish residents. Tacoma in Pierce County and Snohomish in Snohomish County each had eight Duwamish residents. Farther north, Coupeville in Island County and Anacortes in Skagit County each had seven Duwamish residents, while Bellingham had six. Monahan, a precinct in King County, may have had seven Duwamish residents. The pattern which emerges from Roblin's list, then, is that the off-reservation Duwamish descendants in 1919 did not live in the vicinity of any significant number of other Duwamish descendants outside their immediate households or families.

Roblin concluded that the largest class of claimants were "descendants of Indian women who married the early pioneers of the country" and who, in many cases, had "never

TABLE 3

Individuals on Roblin's Roll as Duwamish, 1919

County / Post Office	P.O. Known	P.O. Probable
Island / Coupeville	7	
Island / East Sound	1	
Jefferson / Port Townsend	1	
Jefferson / Quilcene	9	
King / Auburn	11	
King / Issaquah	1	
King / Monahan	4	3
King / Renton	4	
King / Seattle	2	2
King / Tolt	1	
King / Vashon	4	
Kitsap / Charleston	5	6
Kitsap / Harper	5	
Kitsap / Port Blakely	1	
Kitsap / Port Gamble	4	
Kitsap / Suquamish	4	5
Kitsap / Tracyton	24	
Mason / Gig Harbor	1	
Mason / Union	1	
Pierce / Tacoma	8	
Skagit / Anacortes	7	
Snohomish / Monroe	2	
Snohomish / Snohomish	8	
Whatcom / Bellingham	6	
Whatcom / Ferndale	1	
WA / Fairview	1	
WA / Manette	1	
OR / Portland	2	
?		1
TOTAL (N=143)	126	17

SOURCE: Charles E. Roblin to Commissioner of Indian Affairs, 31 Jan. 1919, Taholah 053 (file 11697-1919), Central Classified Files 1907-1939, Record Group 75, National Archives.

1. Anacortes
2. Auburn
3. Bellingham
4. Charleston
5. Coupeville
6. East Sound
7. Fairview
8. Ferndale
9. Gig Harbor
10. Harper
11. Issaquah
12. Manette
13. Monahan
14. Monroe
15. Port Blakely
16. Port Gamble
17. Port Townsend
18. Quilcene
19. Renton
20. Seattle
21. Snohomish
22. Suquamish
23. Tacoma
24. Tolt
25. Tracyton
26. Union
27. Vashon

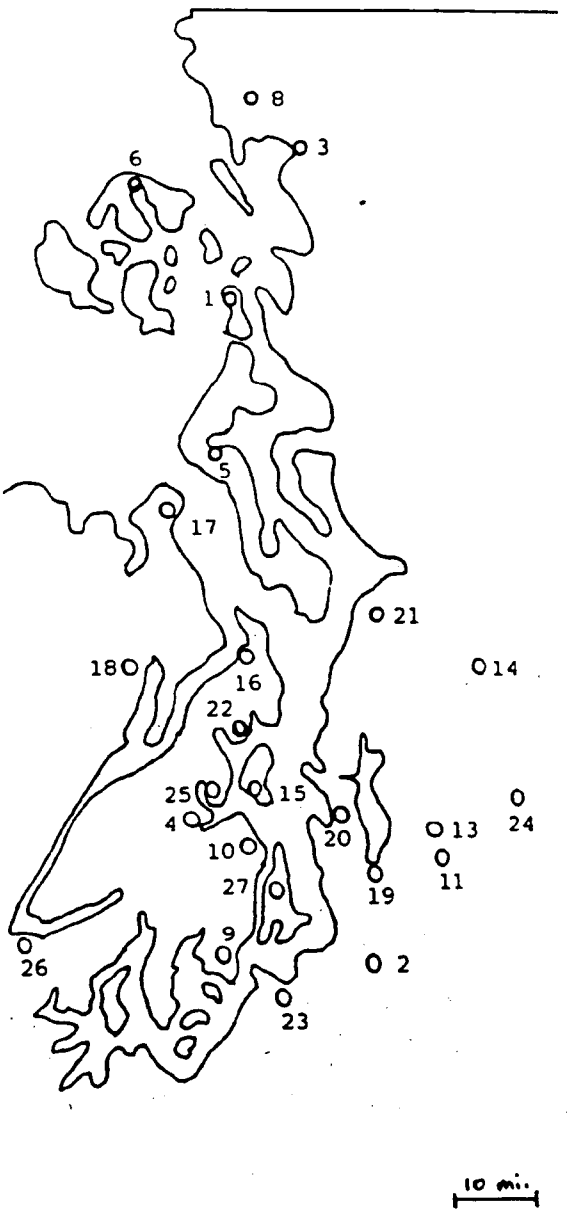


FIGURE 4: DUWAMISH LOCATIONS--ROBLIN ROLL, 1919

associated or affiliated with any Indian tribe. . . ." He attributed their "sudden interest" in obtaining their "rights" to the activities of the Northwestern Federation of American Indians and the rumor that each unallotted descendant would receive a cash payment of $6,000 (Roblin 1/31/1919). The Indian Office's interpretation of Roblin's findings was that a large portion of the applicants for enrollment with the Quinault or other tribes were the children and grandchildren of allottees. It also concluded that many of the families on Roblin's lists had never associated or affiliated with any Indian tribe or tribes and instead had maintained their status as citizens (Meritt 11/17/1919).

Organization, 1915-1926:

William Rogers (or Rodgers) has been identified by the petitioner as the successor to Chief William of the Black River band after 1896. There is some evidence that Rogers was seen by those of Duwamish descent as a leader and by contemporary ethnographers as a knowledgeable informant (see BAR anthropologist's report). Superintendent Charles Buchanan did not recognize Rogers as the Duwamish chief, however, for he referred to Rogers as "a man purporting to be 'chief'...." (Buchanan 2/8/1916). According to an affidavit he made in 1914, Rogers lived at Suquamish in Kitsap County (Bishop 1915, 36). As an allottee on the Port Madison reservation, Rogers received payments from a Government trust fund established from the proceeds of the sale of a portion of his allotment (Buchanan 2/8/1916 and 11/24/1913). His claim in the 1914 affidavit that he had never received an allotment of land (Bishop 1915, 37) led Superintendent Buchanan to declare that the "last paragraph of his affidavit is out and out perjury . . . and Rogers certainly must know that it is" (Buchanan 2/8/1916). Although Rogers and other Duwamish resided on reservations, there apparently were no formally organized Duwamish activities on the reservations in 1910, for the superintendent's annual report that year declared that there were no Indian councils or committees at either the Tulalip or Port Madison reserves (U.S. BIA Tulalip 1910, Tulalip p. 26 and Port Madison n.p.).

The first evidence of the existence of a formally organized Duwamish group was the "election" of a "Board of Directors" in December 1915 by a council of "the Duwamish Tribe of Indians" under the leadership of "Chief" Charles Satiacum and "sub-chief" William Rogers. Rather than serving an

existing membership, this Board of Directors was given the assignment to "select the true members of the said Duwamish tribe" (Satiacum and Rogers 12/22/1915). The two chiefs and the nine members of the Board of Directors came from a variety of communities. Chief Charles Satiacum and directors Louis Satiacum and George Young were from Tacoma; sub-chief William Rogers and directors Solomon J. Mason and Charles Alexis were from Suquamish; directors Henry G. Nelson and Lyman H. Siddle were from Auburn; director Peter J. James was from Marietta; director James H. Tobin was from Olympia; and director Joseph Moses was from Renton (see Figure 5). Both Satiacums and Young were listed as members of the Puyallup reservation on the Indian census rolls of the Office of Indian Affairs; Rogers, Mason, and Alexis were members of the Madison reservation; Nelson and Siddle were members of the Muckleshoot reservation; and James was a member of the Lummi reservation (U.S. BIA 1885-1940, rolls 93, 409, and 584). Only Moses and Tobin are not found on reservation census rolls. Thus, 9 of the 11 leaders of the organization were considered to be reservation residents and members of recognized "tribes."

Attached to the minutes of this council was the membership list submitted by the Board of Directors. This list was dated December 23, 1915. It contained the names--if the members of the Board are included, although not all of them were explicitly listed--of 319 individuals. It is not possible to give an accurate total of the membership, for some members were listed with the annotation "and children," without specifying the number of children. In the cases where the number of children was given, they can be counted even without being identified. The available genealogical evidence also allows some of the unenumerated children to be identified and counted. If 42 unnamed children are included, then the 1915 membership list contained at least 361 individuals. The most prominent family names were James (28), Jack (16), Domnic (13), Moses (12), and Young (12). More than one-quarter (81 of 319) of the named members bore one of these five surnames, and 55 percent (174 of 319) of the named members came from the 18 most common surnames (Satiacum and Rogers 12/23/1915).

Many members of this 1915 organization were included on the Indian census rolls of the Office of Indian Affairs. They appeared on these lists as presumed residents of specific reservations or members of "public domain" tribes; they were not listed on any known separate Federal census or enrollment of a Duwamish tribe. A comparison of the names on the 1915 list of the Duwamish organization with the 1915

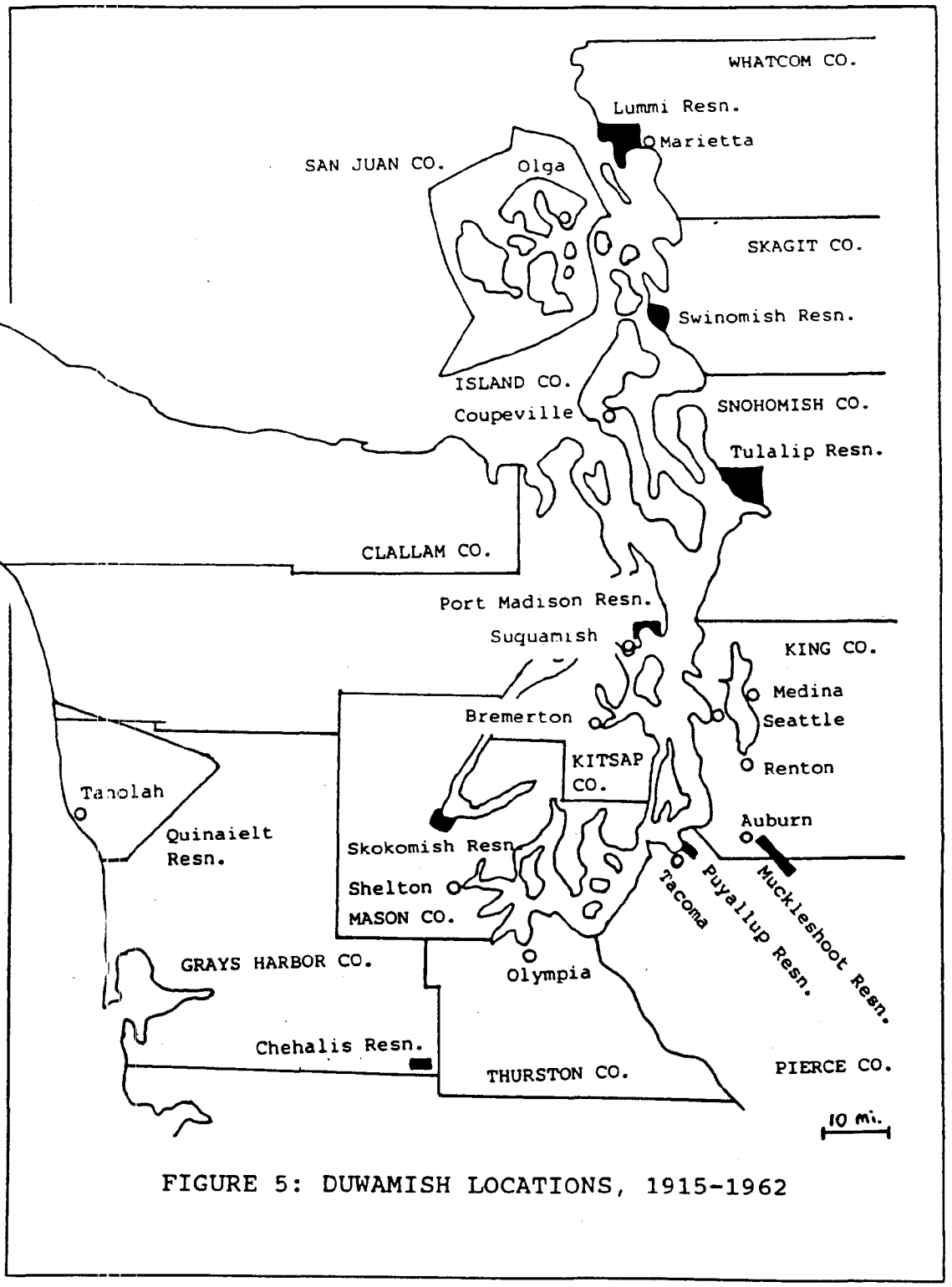


FIGURE 5: DUWAMISH LOCATIONS, 1915-1962

Indian census rolls reveals that about 41 percent (132 of 319) of the named individuals on the 1915 list were recorded as members of reservations. The Duwamish membership included 43 individuals from Muckleshoot, 30 from Port Madison, 22 from Puyallup, 16 from Lummi, 9 from Tulalip, 8 from Skokomish, 3 from Clallam, 3 from Chehalis, 2 from Quinault, 2 from Swinomish, and 1 from Skagit (U.S. BIA 1885-1940, rolls 93, 409, 564, 584, and 586; see also Lane 1988, 19-20, where Lane has reached somewhat different totals). Because the names of seven members were found on two reservation rolls, the totals by reservation involve some double counting. This procedure may overstate the number of reservation members because similar names are not always the same person. On the other hand, if Indian census rolls were examined for more than the single year of 1915, additional Duwamish members likely would be found listed on agency rolls.

The creation of the Duwamish Tribe of Indians in December 1915 coincided exactly with the issuance of a pamphlet on its behalf by Thomas G. Bishop, president of the Northwestern Federation of American Indians. In "An Appeal to the Government to Fulfill Sacred Promises," Bishop accused the Government of "non-fulfillment" of its treaty promises to the Indians of western Washington. He called for protection of the Indians' fishing and hunting rights specified in the treaty and for allotment to unallotted Indians of agricultural lands with access to the waters of the Sound. This pamphlet included affidavits by Duwamish leaders Charles Satiacum, William Rogers, and James Moses. Satiacum's affidavit provides the only extant documentary evidence of his goals for the 1915 Duwamish organization. Satiacum, who would have been about 20-years old at the time of the treaty, claimed that he had been promised by Governor Stevens that the United States would give the Duwamish "two buckets of gold and lands for every Indian belonging to the Duwamish tribe. . . ." Complaining incorrectly that "not one Indian other than myself has had their allotment of land," he asked the Government to give "the old Indians" some land "where they can live and fish or hunt a little. . . ." He also asked that the fishing and hunting rights protected by the treaty be respected. He proposed, however, that "the young Indians" be encouraged to "live like white people. . . ." (Bishop 1915, [4], 25, 33-34).

The new Duwamish organization acted through the Northwestern Federation of American Indians in several ways. The new Board of Directors asked the Federation to submit its membership list to the Commissioner of Indian Affairs

(Satiacum and Rogers 12/22/1915). Four months after its creation, this new Duwamish "council," meeting at the home of Chief Satiacum, instructed Bishop to represent the "Duwamish Indians," especially in regards to their claim to a "Renton Reservation" (Bishop and Hauke 1916). Also in 1916, attorney Arthur E. Griffin of Seattle corresponded with the Indian Office in Washington, D.C., on behalf of "a committee of Duwamish Indians" in an attempt to obtain a "settlement" with the Government, presumably on the grounds that the Duwamish had not been represented at the Treaty of Point Elliott and instead had been promised a separate reservation by Governor Stevens that was not created or not maintained (Griffin 7/8/1916). When Griffin agreed in 1917 to prosecute these claims against the Government, he signed a contract with "the Duwamish Tribe of Indians, acting through their chiefs Charles Satiacum and William Rogers. . . ." This agreement was made on the Puyallup reservation, probably at Satiacum's home (Satiacum and Rogers 12/13/1917). Charles Roblin noted in 1917 that individuals of Duwamish descent believed that they had a claim, "as a tribe," against the Government for "unfulfilled treaty provisions" (Roblin 6/28/1917).

In 1925, at the same time that Congress authorized the treaty tribes to submit their claims against the United States to the Court of Claims, Duwamish descendants adopted a constitution. On February 6, 1925, in Renton, a group of eight "subscribers" signed an "Agreement to Associate" as the "Duwamish Tribal Organization of the Duwamish American Indians." A constitution was adopted on the same day as the "Agreement to Associate." The constitution gave the organization's name as "Duwamish Tribal Organization." Neither the constitution nor the agreement claimed that this organization was a continuation of, or successor to, Satiacum's 1915 association. Indeed, there is no evidence that the earlier group had engaged in any activity during the previous seven years. It was not the officers of Satiacum's organization who called the new association into being, but a different group of eight men. Only two of these men had been on the board of Satiacum's group, and only four of the eight had belonged to the earlier organization. The "Agreement to Associate" which they issued referred to their "intention of forming" an organization (Duwamish 1925a). Rather than Satiacum's old group adopting a constitution for an existing organization, a new organization was created in 1925.

The "Agreement to Associate" announced four purposes for the new organization: to transact all business for the Duwamish

tribe, to promote the charitable and historical activities of the tribe, to foster the social and educational development of its members, and to establish a closer acquaintance and comradeship among the members of the tribe (Duwamish 1925a). Article II of the constitution listed five purposes of the organization. The fifth purpose implied that the organization might exercise political or governmental powers. The organization's purpose, this section stated, was to promote the general welfare of the Duwamish tribe and to investigate the tribe's legal problems. In addition, the third section included a statement of intent to obtain all the rights of citizenship for members. The other purposes, however, also were consistent with the goals of a social club. The second section sought to establish closer acquaintence and comradeship among members, while the first section announced a goal of producing a more perfect union among members. Promoting the study of the history and traditions of the Duwamish tribe was the organization's fourth purpose. Section one pledged to promote the educational development of members and section three promised to promote the morality of the younger generation (Duwamish 1925b).

The constitution defined its active members as adults, age 21 or older, of Indian blood who descended from the Duwamish tribe. It created a Board of Councils of six members, which included a president and secretary-treasurer. All of these officers were to be elected at annual meetings and to hold office until death, unless removed from office for cause. In turn, the membership of the organization was to be elected by the Board of Councils with the approval of the president. Annual dues for adult members were set at $1. The regular annual meeting was scheduled to be held on the first Saturday of May at the "home grounds" in Renton, although special meetings could be called by the president or by a petition of 10 members (Duwamish 1925b).

This new organization was never approved by the Federal Government as a tribe organized under the Indian Reorganization Act. Indeed, in 1934 the council of the Duwamish Tribal Organization announced its opposition to that legislation while it was a pending bill. The Duwamish council wanted any money it might win in claims litigation to be received by, and controlled by, its members, and it objected to legislation which allowed the Secretary of the Interior to spend those funds for the benefit of the group. While the council focused on this specific concern, it also announced a general refusal to become a party to "community self-Government" (Duwamish 3/24/1934). After the Indian

Reorganization Act passed in 1934, the superintendent at Tulalip held conferences with seven tribal groups and claimed that the result was "the acceptance of the bill when put to vote by every tribe under this jurisdiction" (U.S. BIA Tulalip 1935, 5-6). Since the Duwamish Tribal Organization was not asked to vote on the Indian Reorganization Act, it appears that the superintendent had not considered that organization to be a tribe under his jurisdiction.

The membership list represented by the petitioner to be its 1926 constitutional membership roll contained 399 names (Duwamish 1926). However, 10 of those members were indicated as deceased. Because some of the children listed were born after 1926, it appears that this list was assembled at a later date. Birth dates given on the Indian census rolls correctly match ages given for members for years between 1926 and 1931. There is reason to believe, then, that this 1926 constitutional roll was in fact the list put together by chairman Peter James about 1931 and referred to by the petitioner as the 1934 roll (Petition 1987, 324). One of the deceased, Dr. Joseph James, was listed as having died in 1884. Thus, some of the deceased members, as well as some of the nine members of unknown age, may have been listed to establish a family's Duwamish lineage rather than to assert that they were living members in 1926. This list, then, contains the names of 389 presumably living members; 208 of these members were adults (18 or older) and 172 were minors, while the age of 9 members was not known. Thus, 45 percent (172 of 380) of the 1926 membership was under the age of 18. This list consisted of 29 individuals with the surname James and 17 members with the surname Sackman. The seven most common surnames accounted for 25 percent (99 of 389) of the membership.

A comparison of the names on the 1926 Duwamish list with the 1926 census rolls of the agency reveals that about 26 percent (103 of 389) of 1926 members were counted on the agency census rolls, although almost one-third of these individuals apparently did not live on a reservation. The Duwamish membership included 19 individuals from Lummi, 18 from Skokomish, 11 from Muckleshoot, 7 from Tulalip, 7 from Puyallup, 6 from Port Madison, 6 from Chehalis, 3 from Swinomish, and 1 from Quinault (U.S. BIA 1885-1940, rolls 565, 587, 588). An additional 28 members were listed on the agency census as non-resident Indians; half of this group consisted of members of the Sackman family. The names of members matched 78 entries on reservation rolls, but these

totals included 3 multiple enrollments, so 75 members were listed on agency rolls as presumed residents of reservations. Thus, actual reservation residents comprised about 19 percent (75 of 389) of 1926 Duwamish members.

A check of the 1920 Federal manuscript census determined that about 40 percent of the 1926 members could be readily identified; 87 of the 217 adult members or members of unknown age were found (BAR genealogist). These individuals were living in 10 counties and on 6 Indian reservations in 1920. Members residing on reservations were 23 percent (20 of 87) of the total. The Skokomish reservation had the largest contingent (9 members). The most common off-reservation locations were Pierce County (23 members) and King County (15 members, 13 of whom lived in Seattle). In 1920, the census enumerators listed a racial identification for each individual. All of the reservation residents were identified as Indians, but only 15 percent (10 of 67) of the off-reservation members were identified as Indians by the census takers.

The surviving rolls of Duwamish organizations show a membership total of relatively constant size: 319 or 361 members in 1915, 389 or 399 in 1926, 399 in 1951, and 334 in 1963. This apparent stability of membership, however, masks a profound shift in the constituency of Duwamish organizations from 1915 to 1926 (Satiacum and Rogers 12/23/1915; Duwamish 1926). Only 19 percent (60 of 319) of the named members on the 1915 list appeared on the 1926 list as well (see Table 4). This measure 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. Although a correction for these factors would produce a small increase in the numerical percentage of 1915 members who were members in 1926, it would not alter the essential conclusion that only a small minority of members of the 1915 organization also were members of the 1926 organization.

Another source of uncertainty in a comparison of the 1915 and 1926 membership lists is that the 1915 list named some members "and children," without naming the children. Of the 42 children implied as members on the 1915 list, 15 appeared on the 1926 list as well. The result with these 42

Table 4

Status of 1915 Duwamish Members in 1926

	1926 Roll		
	Member	No	N
1915 Roll			
Named member	60	259 *	319
Unnamed child member	15	27	42
N	75	286	361

NOTES:
* One 1915 member was listed on the 1926 roll as "deceased"

SOURCES: For the 1915 membership roll, National Archives microfilm M-595, roll 584, frames 368-370. For the 1926 membership roll, Duwamish Tribal Council, supplementary materials submitted to Branch of Acknowledgment and Research.

individuals added to the 1915 list as child members is that only 21 percent (75 of 361) of the members in 1915 were also members in 1926 (see Table 4). Thus, a large majority of members of the 1915 Duwamish organization did not join the 1926 Duwamish organization. Leaders of the 1915 organization were more likely than members to maintain an affiliation with the new organization, although less than half did so. Only three of the seven members of the 1915 board who were living in 1926 were members on the constitutional list of 1926.

The other way to look at stability of membership from 1915 to 1926 is to ask what percentage of 1926 members had appeared on the 1915 list. The only members in 1926 who could have been members in 1915 were those who had been born in 1915 or earlier, and were 11 or older in 1926. Of the

389 members in 1926, 266 were alive in 1915 and 23 percent (60 of 266) of them can be found on the 1915 list (see Table 5). Another 15 individuals can be considered to have been unnamed child members in 1915. The result with these probable members added to the named members in 1915 is that 28 percent (75 of 266) of 1926 members were members in 1915. If the analysis is limited to the 1926 members who were 30 or older, those who had been 18 or older in 1915, then 31 percent (39 of 126) had been named members in I915 and 34 percent (43 of 126) had been named or implied child members in 1915. In short, a large 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. The membership of 1926 was significantly different from the membership of 1915. In other words, an analysis of the

Table 5

Status of 1926 Duwamish Members in 1915

	1915 Roll			
	Member	Child	No	N
1926 Roll				
Age 1-10	0	0	123	123
Age 11+	60	15	182	257
Age unknown	0	0	9	9
N	60	15	314	389

SOURCES: For the 1915 membership roll, National Archives microfilm M-595, roll 584, frames 368-370. For the 1926 membership roll, Duwamish Tribal Council, supplementary materials submitted to Branch of Acknowledgment and Research.

membership lists reaffirms the conclusion based on documentary evidence that the 1915 and 1926 Duwamish groups were different organizations.

Although these two organizations recruited from the same pool of potential members, and thus had an overlap of members, they also appealed to different constituencies. The membership of 1915 was different from that of 1926, in part, because different families joined the two organizations. Of the 10 most common surnames on the 1915 membership list, 5 did not appear on the 1926 list. In 1915 there had been 13 Domnics, 12 Youngs, 8 Dixons, 8 Johns, and 8 Satiacums on the list, but none of these surnames appeared on the list in 1926. Four other common surnames in 1915 were barely represented on the 1926 list. The number of Jacks was 16 in 1915 versus 1 in 1926, the number of Dans 9 versus 1, and the number of Moseses 12 versus 3. The only continuity exhibited from 1915 to 1926 by a prominent 1915 family was that of the James family. The 1926 list contained nine surnames, with at least six members each, which had not appeared on the 1915 list: Skonsie, Zulyevic, Simmons, Reed, Tobin, Dorotich, Fowler, Sly, and Conklin. Many of these new families resided in Pierce County. In addition, the Sackman family of Kitsap County emerged to prominence on 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.

Claims Activity, 1921-1951:

The potential claims of the Indians of western Washington against the United States began to be taken seriously in November 1921 when, in response to a proposed bill granting jurisdiction to the Court of Claims to consider such lawsuits, the Commissioner of Indian Affairs instructed the superintendent to meet with his "Indian Council" and to assist them in formulating their claims, both tribal and individual (Dickens 2/15/1922 and 12/10/1921). Superintendent W. F. Dickens then called a meeting at the agency of "the Council of the D'Wamish and allied tribes" to discuss the claims situation with them (Dickens 12/1/1921). At the meeting, the superintendent said that this was the first council he had called in his two years on the job and confessed that he "had no information as to the personnel" of any tribal council. The 470 Indian claimants who attended this general council voted to recognize the Northwestern Federation of American Indians as their

representative and to make claims on behalf of the tribes which had signed the Treaty of Point Elliott (Dickens 12/10/1921 and 2/15/1922). At first, then, Duwamish claims activity was pursued through inter-tribal groups.

A result of this meeting with the superintendent was that representatives of the various tribal groups prepared a statement of their claims. This document, titled the "Claim of the Indians Embraced Within the Pt. Elliott Treaty," was signed by "representatives of the Northwestern Federation of American Indians and also legal Representatives of the Various Tribes. . . ." The statement was signed for the Duwamish by Peter J. James, a Duwamish member in both 1915 and 1926, who also signed on behalf of the Lummi. Charles Alexis, a 1915 Duwamish member, signed for the Suquamish, and John Hawk, a 1926 Duwamish member, signed for the Skokomish (Alexis et al. 1921a; Dickens 12/10/1921). A resolution passed at the meeting endorsed the pending claims bill and asserted that the allotments promised by the treaty had been denied the Indians (Alexis et al. 1921b). However, in a letter to the congressional committee considering the bill, Secretary of the Interior Albert Fall dismissed the claims under the Treaty of Point Elliott as unfounded (Fall 4/19/1922).

In 1925, Congress authorized the tribes and bands with whom the United States had made the Treaty of Point Elliott to submit to the Court of Claims their claims against the United States which arose from the treaty (U.S. Statutes 1925). The act granted the Court jurisdiction to render a final judgment, although it also provided for appeal to the Supreme Court of the United States. "There is some question," the House committee which reported the bill said, "whether the terms of the treaties have been fully complied with. . . ." It cited the Government's failure to move the tribes to a permanent reservation or to make 80-acre allotments to tribal members. At least some of these tribes, the committee concluded, "may be entitled to further payments" from the Government (U.S. House 1924, 2). The claim of the allied treaty tribes, including the Duwamish, was filed in the Court of Claims on August 21, 1926 (U.S. House 1952, 372).

Superintendent W. F. Dickens of the Tulalip Agency called a meeting of a "general council" of the "Duwamish and allied tribes" to select an attorney to prosecute a suit against the United States in the Court of Claims as authorized by the congressional act. Thus, it was this general council of the "Duwamish and allied tribes," not the new Duwamish

Tribal Organization which had been formed in February 1925, which met on the Muckleshoot reservation in April 1925 to select a claims attorney. The resolution passed by this general council of allied treaty tribes, however, was attested by chairman Peter J. James, who also was the chairman of the Duwamish Tribal Organization. This general council chose Arthur E. Griffin of Seattle to act as its attorney (Duwamish and Allied Tribes 4/2/1925). The Indian Office monitored the selection of an attorney because it held that any contract between an attorney and the groups authorized to bring a suit against the Government must be made in compliance with the Act of May 21, 1872, which had been codified as Section 2103 of the Revised Statutes. This act required that contracts with Indian groups or non-citizen Indian individuals be in writing, be executed before a judge, and be approved in writing by the Commissioner of Indian Affairs and the Secretary of the Interior (U.S. Statutes 1872, and see U.S. Statutes 1925, sec. 3). The law did not limit this Executive Branch review to federally-recognized tribes; indeed, it did not even confine its applicability to tribes or tribal organizations.

When the attorney's contract for the pending claims case came up for renewal in 1933, Superintendent O. C. Upchurch wrote to Peter James, but did so without referring to him by title. The superintendent indicated that he had arranged for the delegates claiming to represent the treaty tribes to meet in Everett to renew their contract with attorney Griffin (Upchurch 3/10/1933). The council of the Duwamish Tribal Organization met in Seattle and selected four members--Peter J. James, John Hawk, Charles Kittle, and Maurice D. Sackman--as delegates to sign a contract with Griffin on behalf of the organization (Duwamish 3/14/1933). The attorney's contract for the Court of Claims suit was executed in March 1933 with claimants of 15 treaty tribes and bands. The contract was separately endorsed by descendants of each tribe or band. It was signed for the Duwamish by their four delegates (Griffin 3/30/1933). The contract was approved by the Commissioner of Indian Affairs and the Assistant Secretary of the Interior (Collier 5/31/1933).

The Court of Claims rendered its decision in Duwamish et al. v. United States in 1934. Because the jurisdictional act of 1925 limited claims to those arising from the treaty, the Court refused to consider claims for damages arising from the Federal Government's patenting of aboriginal lands to settlers under the Donation Act of 1850 prior to the treaty. The Court also rejected a central contention of Duwamish

claims activity by concluding that the treaty did not require the Government to allot 80 acres to each individual Indian. The Treaty of Point Elliott was not obtained by misrepresentation, the Court concluded and, because the treaty was ratified by Congress, it held that the treaty was lawfully made. The Court found that the Government reserved more acreage for the Indians than was required by the treaty and that it had appropriated more funds for their benefit than the $150,000 annuity due to the tribes by the terms of the treaty. In short, the Court held that the United States had fulfilled its treaty obligation to the tribes (U.S. Court of Claims 1934, 537, 549-550, 571, 579-580, 582, 584).

After the rejection of the claims of the treaty tribes by the Court of Claims, the Duwamish Tribal Organization asked its attorney, Arthur E. Griffin, to gain the introduction of a bill in Congress to compensate their "individual members and children" for their claims against the United States with an appropriation from the Federal treasury (Duwamish 2/25/1939). A bill was introduced in 1939, which sought compensation of $3.1 million for individual Duwamish Indians, but it did not pass (U.S. Senate 1939). The Department of the Interior opposed the bill because of the Court of Claims decision, which it interpreted as having held that the Duwamish Tribe was not entitled to a recovery from the United States (Slattery 5/11/1939). It reiterated this position when a similar bill was introduced in 1941 (Dempsey 9/16/1941).

To make a contract with an attorney in 1940, the council members of the Duwamish Tribal Organization notified the superintendent at Tulalip that they wished to do so under the regulations governing attorney contracts (James 7/1/1939). The Indian Office considered the request for five months. It appeared to base its analysis on the view that the agency and treaty reservations consisted of the Duwamish and allied treaty tribes. Because the Duwamish "are now apparently included within the organization known as the Tulalip Tribes, organized under the provisions of the Indian Reorganization Act" and because the constitution and by-laws of that organization "provides for the employment of legal counsel for the protection and advancement of the rights of the Tulalip Indians," Assistant Commissioner William Zimmerman concluded that the superintendent could call a general council of the Duwamish tribe for the purpose of negotiating a contract with attorney Griffin (Zimmerman 12/22/1939). In this incident, the Indian Office proposed to deal with a separate Duwamish entity, although not specifically the Duwamish Tribal Organization. It did so,

however, on the assumption that the Duwamish tribe was an integral part of the recognized Tulalip tribal organization.

Although Superintendent Upchurch followed these directions from the Indian Office, he also indicated that he did not completely share the analysis of the Assistant Commissioner. Some Duwamish individuals were members of bodies operating under the Indian Reorganization Act, the superintendent noted in his reply, but a "large percentage" of them were unallotted and "not resident upon any reservation. . . ." He argued that it was this latter group which had sought the employment of an attorney to press its claims against the United States (Upchurch 2/1/1940). The superintendent, however, called a meeting of the representatives of the Duwamish Tribal Organization and had their contract with an attorney certified by a judge as required by Section 2103 of the Revised Statutes, even though the Assistant Commissioner had said that that was not essential for a contract with an IRA organization. Only 15 Duwamish individuals were present at this meeting in February 1940, but the superintendent said that they carried out the position adopted at a general meeting of the organization the previous summer (Upchurch 2/7/1940). Assistant Commissioner Zimmerman approved this contract, and did so pursuant to the requirements of Section 2103 (Zimmerman 3/27/1940). This appears to have been the first occasion since the formation of the Duwamish Tribal Organization on which the Indian Office dealt with Duwamish individuals as a group and not merely as participants in general councils of the Duwamish and allied tribes.

The Indian Claims Commission Act of 1946 provided that contracts with attorneys made by Indian claimants who had not been organized under the Indian Reorganization Act would be subject to Federal approval as outlined in Section 2103 of the Revised Statutes and the Act of May 21, 1872 (U.S. Statutes 1946, 1053). Thus, the Indian Office maintained in 1950 that, if Duwamish claimants intended to hire an attorney to litigate claims before the Indian Claims Commission, the law required the superintendent to call the meeting at which the group would authorize employing an attorney (Gross 3/17/1950). Superintendent F. A. Gross called such a special meeting in July 1950 (Gross 7/10/1950). Although separate from the annual meeting of the Duwamish Tribal Organization, the superintendent's meeting followed immediately after it. At the meeting, attended by 38 individuals, the superintendent commented that this was the first time he ever had met with the Duwamish. The group unanimously passed a motion to file a claim against the United States. It elected a committee of

four to sign a contract with attorneys Kenneth Selander and Frederick Post of Seattle (Duwamish 7/29/1950). The contract with these attorneys, which was signed in September 1950, was approved by the Bureau of Indian Affairs (Provinse 11/13/1950). The Duwamish proceeded to file a claim with the Indian Claims Commission on May 14, 1951 (U.S. House 1952, 372). At this time, the Duwamish Tribal Organization also developed a new membership roll.

Council Activities, 1925-1966:

Members elected in 1925 to the council of the Duwamish Tribal Organization--sometimes known as the Duwamish Tribal Council--who served for at least two decades were Peter James, about 56, of the Lummi Reservation, as chairman; Maurice D. Sackman, about 35, from near Bremerton, as secretary-treasurer; and Joe Moses, about 43, from Renton (U.S. BIA Tulalip 1946). A council meeting of March 24, 1934, apparently is the earliest meeting for which minutes survive. The six-member council in 1934 consisted of president Peter J. James, secretary-treasurer M. D. Sackman, and members Joe Moses, Charles Kittle, Alex Morris, and John Hawk (Duwamish 3/24/1934). Kittle, about 48 in 1934, was listed as being from Shelton in 1934 and 1946 and from Coupeville in 1943. Morris was from the Muckleshoot reservation and Hawk was from the Skokomish reservation. By the end of the 1930's, Morris and Hawk had been replaced. A new member elected to the council in 1938 was J. H. Tuttle, about 63, of Medina. Elected in 1940 was Myron Overacker, about 40, of Seattle. Thus, in 1946, the Duwamish Tribal Council consisted of chairman Peter James, 77, of Marietta; secretary-treasurer M. D. Sackman, 56, of Bremerton; assistant-secretary Myron Overacker, 46, of Seattle; member J. H. Tuttle, 71, of Medina; and member Joe Moses, 64, of Renton. Charles Kittle had died, and apparently was replaced by the election of Henry Moses of Tacoma (U.S. BIA Tulalip 1946; Duwamish 6/15/1946).

Some members of the Duwamish Tribal Organization participated in the politics and leadership of reservation tribes. Duwamish chairman Peter James appears to have served on the Lummi reservation council (Upchurch 3/9/1935). His three sons, all of whom were Duwamish members in both 1915 and 1926, served on reservation tribal councils. George A. James, who served as Duwamish chairman in the 1940's and 1950's, was the chairman of the Lummi tribal council in 1943 and 1944 and identified himself as "a member of the Lummi Tribe" while testifying before a congressional

committee in 1944 (U.S. House 1944; U.S. BIA Tulalip 1943 and 1944; see also Swinomish 6/3/1941). Norbert James also served on the Lummi tribal council in 1943 and 1944, while Wilbert James served on the Swinomish tribal council in 1943 (U.S. BIA Tulalip 1943 and 1944). Ambrose Bagley, who was a Duwamish member in both 1915 and 1926, participated in a meeting of the Tulalip Board of Directors in 1938, and Dave Siddle, also a Duwamish member in both 1915 and 1926, participated in a meeting of the Muckleshoot Business Council in 1940 (U.S. BIA 1936-1937). For these men, then, their Duwamish affiliation was not an exclusive one.

Records of the annual general meeting of the entire Duwamish Tribal Organization membership prior to the 1970's are sparse. These meetings generally were held each summer at the Odd Fellow's hall in Renton, as the descendants lacked a Duwamish community building. The largest annual gathering appears to have been that in 1939 when about 100 members turned out (Upchurch 2/7/1940). At the annual meeting in June 1938, the members delegated to a committee of four the authority to sign a contract renewal with an attorney (Duwamish 2/25/1939). In June 1939, the annual meeting again approved contracting with attorney Griffin (Upchurch 2/7/1940). When the group held its seventeenth annual meeting in the summer of 1942, the meeting minutes referred to the organization by the new title of the "Duwamish American Federation of Indians." At the 1942 meeting, president Peter James talked about pursuing tribal claims in Congress and reported on his discussion of fishing rights with Congressman Henry Jackson. The minutes do not indicate that the members introduced, debated, or voted upon any resolutions (Duwamish 6/20/1942).

During the war years of 1943 and 1944 no meetings were held because of gasoline rationing (Duwamish 1943-1944). In the summer of 1945, a meeting was held with four members present (Duwamish 6/25/1945). In 1946, the meeting minutes called the organization the "Duwamish Tribe of American Indians." At the annual meeting in Renton in 1946, chairman James reported on his discussion with Congressman Jackson about the creation of an Indian Claims Commission. The chairman appointed a committee to represent the organization in a proposed meeting with, or about, the new commission. As reported in the minutes, the only business conducted by the members at this meeting was the election of a new council member (Duwamish 6/15/1946). By 1948, George A. James of Marietta had become Duwamish tribal chairman, replacing his father, who had died in 1947. Superintendent F. A. Gross wrote to James in that year and addressed him as chairman

(Gross 11/10/1948).

At the annual meeting in 1951, the issue of the Indian Claims Commission suit appeared to be the only item of business considered by the members. Their attorney described the group's case against the Government and asked the members to provide necessary evidence. The minutes do not record that any resolutions were considered or that any other issues were discussed (Duwamish 6/16/1951). A second meeting that summer also focused exclusively on how to prepare for the Indian Claims Commission case (Duwamish 7/1/1951). In contrast to previous meetings, however, this one was attended by about 300 people who came to enroll their names and thus to be eligible to share in the award from the claims case (Renton News Record 1951). The recruitment of new members interested in benefiting from the award appeared to create some concerns within the group about enrollment. The 1952 annual meeting again consisted of an attorney's report on the progress of the claims case. At this meeting, a motion was made to set a deadline for enrollment, but the minutes typically do not indicate what action, if any, was taken on the motion (Duwamish 6/21/1952). At the 1953 meeting, a motion was made to assess members for dues from 1925, but it was withdrawn after discussion. This requirement would have assured that all those receiving a claims award had invested equally in the claims effort. It was replaced by a motion, which was approved, to levy dues on new members from 1951, when the claims suit was filed (Duwamish 6/20/1953).

In 1954, after the election of new council members, the only items of business taken up by members at the annual meeting were an attorney's report on the progress of the claims case and a discussion of obtaining "blue cards" for treaty fishing rights (Duwamish 6/?/1954). The members approved a motion at the 1955 meeting to assess all members, including children, a special fee of $3 in order to pay an appraiser to work on their claims case. No other issues were discussed at this meeting (Duwamish 6/18/1955). Attorney Frederick Post again reported to the members on the progress of the claims case at the 1956 annual meeting. The members also approved a resolution, drafted by Post, requesting Congress to repeal the authority of the Secretary of the Interior to regulate contracts made by the Duwamish Tribe with attorneys. The only other business handled by this meeting was the approval of the rehiring of attorney Post, the acceptance of new members, and the payment of bills (Duwamish 6/16/1956).

After a long period of stability on the council, an almost complete turnover of council members occurred by January 1952, when secretary-treasurer Maurice D. Sackman died. Only Joe Moses remained. George James of Marietta had become chairman. New members included William Eley of Seattle, Levi Slade of Taholah, and William Moore of Olga (Renton News Record 1951; Eley 3/20/1952). By 1954, both Ruby Scheuerman and Arthur Sackman apparently had been elected to the council. Because of the deaths of Joe Moses and William Eley, two new members were elected in 1954, Richard Conklin and Ruth Scranton. Ruby Scheuerman was chosen to replace Ely as Secretary-Treasurer (Duwamish 6/?/1954). In 1960, George James suffered a stroke and resigned as chairman of the council. At the annual meeting, Henry Moses was elected to replace James as chairman (Duwamish 6/18/1960). The next year, however, the members agreed on names to be placed on a ballot to replace James in 1962. The ballot also included a candidate or candidates for the council to replace Joe Moses, who had died. At this same 1961 meeting, members agreed that the secretary should write letters to council members William Moore and Richard Conklin asking them to resign if they could not attend future annual meetings. Although this annual meeting in 1961 was a relatively active one, or a well-recorded one, it lasted only 50 minutes (Duwamish 6/17/1961).

The 1962 annual meeting marks a significant watershed between an old era and a new era for the Duwamish council. This turning point, however, typically occurred without visible signs of overt conflict within the group. At that meeting in 1962, the members voted unanimously to elect five new council members and a new chairman. The new chairman was Ruth Eley Scranton of Seattle. Also elected to the council were Ione Knox, Clara Miller, Eileen Swiegart, and Agnes Sackman. George Eley was chosen as an alternate (Duwamish 6/16/1962). The election of these new members apparently expanded the Duwamish council from six to nine members, plus an alternate member. Holdover members were former chairman Henry Moses, secretary Ruby Scheuerman Wells, Myron Overacker, and Levi Slade (Duwamish 1963; U.S. BIA Western Washington 8/30/[1963]). There is no direct evidence that a substantive issue had triggered this upheaval. This 1962 annual meeting, however, did decide that no new members were to be accepted without full approval of the council (Duwamish 6/16/1962).

A review of the minutes of the Duwamish council and annual meetings of the Duwamish membership from the 1930's into the 1960's, then, reveals that this organization dealt only with

issues of claims litigation or legislation, and formal membership issues such as the election of council members and the establishment of dues and enrollment requirements. On a few occasions, the membership agreed to send a representative to a conference on Indian issues. The minutes reveal almost no dissent, disagreement, or debate in these meetings. Authorizations to proceed with claims, to retain attorneys, and to delegate members to sign contracts with attorneys generally were approved unanimously. There is no evidence that either the council or the general membership exercised, or sought to exercise, control over any other aspect of the lives of the organization's members.

Federal Policy, 1925-1966:

Duwamish claimants in 1927 agreed with their attorney's contention that, as a result of the alleged failure of the Government to provide them with allotments of land, the Duwamish descendants were "scattered all over the Sound country. . . ." (Kittle 1927, 690). During the 20th century, the Government's agents also described off-reservation Indians and Duwamish descendants as living scattered throughout western Washington. In 1918, the superintendent of the Tulalip Agency described the Indians who were living off the reservations within his jurisdiction as being "separated" from each other "in small, scattered groups and, indeed, in scattered families. . . ." (U.S. BIA Tulalip 1918, I:1). The superintendent contended in 1924 that in western Washington there was an assimilation of Indians into the general society, except in the larger cities (U.S. BIA Tulalip 1924, 26-27). In 1953, Superintendent Raymond Bitney of the Western Washington Agency said that Duwamish individuals "reside throughout the northwest. . . ." Because "the population of this band is so widely scattered," he concluded, "there are no social or other groups among these Indians." The superintendent attributed the fact that the "band has no written law and [order] code" to the condition that "they do not reside in a group or live on a reservation" (Bitney 6/26/1953 encl.). The majority of the Duwamish descendants, he said, "have been accepted in the non-Indian communities in which they live" (Bitney 9/23/1953).

Despite the formation of the Duwamish Tribal Organization in 1925, the superintendent of the Tulalip Agency was of the opinion, in 1927, that there was "no business council or committee authorized to transact business for the tribes under the jurisdiction of this office" (U.S. BIA Tulalip

1927, 50). The boundaries of the jurisdiction of the Tulalip Agency, according to a map with the superintendent's annual report of 1933, were the Canadian border on the north, the summit of the Cascades on the east, a line just below Tacoma on the south, and an angled and stepped line on the west which included the western side of Puget Sound and the northern edge of the Olympic peninsula (U.S. BIA Tulalip 1933, map). The superintendent clearly thought that his jurisdiction extended beyond his five reservations. In 1935, when the superintendent supplied the Commissioner with a list of the tribal councils under his jurisdiction, he did not include the Duwamish council (Upchurch 3/9/1935).

The annual reports of the Tulalip Agency during the early 1930's provided a statistical portrait of the tribal populations considered to be a part of the agency's jurisdiction. For example, the 1932 report broke down the agency population into nine groups: the agency's five reservations, the Puyallup, and three "public domain" tribes--the Clallam, Nooksak, and Skagit. The population of each of these groups was further broken down by tribe. None of these tables listed a Duwamish tribe, or identified public domain Indians as Duwamish (U.S. BIA Tulalip 1932, statistical p. 16; Upchurch 6/30/1932). For this purpose, then, the superintendent did not recognize a distinct Duwamish tribe as a group within his jurisdiction. The statistical tables in the 1933, 1934, and 1935 annual reports were similar to those of 1932.

In 1944, the Tulalip Agency prepared a ten-year plan for developing tribal resources, providing Federal services, and estimating Government expenditures. At this time, Superintendent O. C. Upchurch said that his jurisdiction included about 4,000 enrolled members and 1,000 unenrolled Indians. This document included a separate ten-year program not only for each reservation, but also for several non-reservation tribes. It did not include a plan for the Duwamish (U.S. BIA Tulalip 1944). During the 1940's and 1950's, however, the Tulalip Agency did compile the names and positions of the members of the Duwamish Tribal Council on agency forms and send those forms to the Indian Office in Washington for its information (U.S. BIA Tulalip 1943 and 1946; Bitney 3/8/1954). It is unclear whether this knowledge was used for anything other than the supervision of attorney contracts.

Records of the Bureau of Indian Affairs reveal that some of the enrolled members of the Duwamish organization received services from the Bureau during the period from the 1910's

through the 1940's. Some of the members were educated as children, or educated their children, at the Bureau's schools at Tulalip, Cushman, and Taholah. While students, some obtained medical services from the Government as well. Other members received health treatment at the Bureau's sanitarium, or hospital. Some members who had been allotted land received income from federally-managed leasing of allotments, and had this trust income managed by the Bureau. Fifteen individual members can be identified who received such services, and every one of these individuals can be found on Indian census rolls as belonging on a reservation. The most likely explanation of why these Duwamish members received services from the Bureau of Indian Affairs, therefore, was because they were carried on reservation rolls, not because they were enrolled members of the Duwamish Tribal Organization.

In 1952 the new secretary of the Duwamish council asked the superintendent to send, if possible, cards identifying individuals as Duwamish Indians so that they could hunt and fish without a license (Eley 3/20/1952). The superintendent replied that he was not able to issue identification cards to Duwamish members "until such time as your census roll is approved by Washington" (Bitney 4/10/1952). In 1954, however, the superintendent did send Daniel Sackman of Bremerton a card which certified that he was an enrolled member of the Duwamish tribe together with a letter from the state game department with its policy on hunting and fishing without a state license (Schwartz 9/3/1954). It is possible that Sackman received a "blue card" because he had been listed on the Indian census roll for the Tulalip Agency.

As part of congressional planning to launch a "termination" policy in Indian affairs, the House Committee on Interior and Insular Affairs issued a voluminous report, House Report 2503, on its investigation of the Bureau of Indian Affairs. This report was issued in December 1952 and was published by the Government Printing Office in 1953. House Report 2503 was a combination of material submitted by the Bureau of Indian Affairs and analysis by the Legislative Reference Service and the committee. The inclusion of the Duwamish Tribal Council in the report's list of tribal governing bodies has been interpreted by some as evidence that the Duwamish were a federally-recognized tribe at that time (Lane 1975, 2, 19). The Duwamish organization was included on an "Alphabetical List of Indian Tribal Organizations," as one not organized under the Indian Reorganization Act (U.S. House 1952, 1041). This table was prepared by the Legislative Reference Service. The Duwamish

Tribal Council also was included on a list of "Indian tribal governing bodies" apparently prepared by the congressional committee. A note to this table referred to this information as the "193 tribal governments at present recognized by the Indian Bureau. . . ." (U.S. House 1952, 1366, 1370).

The identification and classification of the Duwamish by congressional staff in House Report 2503, however, was both inconsistent and apparently at odds with the position of the Bureau of Indian Affairs. The interpretation of the congressional staff appears to have been formed by references to the treaty tribes as the "Duwamish and allied tribes." The congressional committee produced a "Directory of Indian Tribal and Band Groups" in which it said that the Duwamish had "been on Tulalip Reservation" since 1860 (U.S. House 1952, 372). In another list of tribes and reservations, apparently produced by the Legislative Reference Service, the Duwamish were identified only by reference to the Lummi, Port Madison, Swinomish, and Tulalip reservations, the reserves created by the 1855 treaty (U.S. House 1952, 803). The position of the Bureau of Indian Affairs was presented in House Report 2503 by a table of "Indian tribal organizations" which the Bureau had prepared. For Washington state, the Bureau listed 21 reservations and 4 groups of public domain Indians, and grouped them under three agencies. This table reveals that the Bureau thought of tribal organizations in terms of agencies and reservations. The Bureau's list did not include the Duwamish as a distinct tribal organization (U.S. House 1952, 51-52).

This same congressional committee sent the Bureau of Indian Affairs questionnaires about "each tribal organization within your scope of contact" (U.S. House 1953). Superintendent Raymond Bitney of the new Western Washington Agency said that the Duwamish Tribal Council had no official tribal headquarters and operated under a written constitution which had not been approved by the Secretary of the Interior. "This organization was not formulated for the purpose of self-government," the superintendent wrote, "but was organized to keep alive the identity of the Duwamish Indians and to endeavor to obtain a settlement from the Government for non-fulfillment of treaty rights." "The members of this band," he added, "meet annually to discuss their claims problem. . . ." The superintendent's judgment was that there were no political factions within the organization. He estimated that the group consisted of 237 members of voting age, and that 40 percent of them

participated in elections, but observed that "Enrollment is a major problem with this organization and it is constantly being worked on. . . ." The superintendent could not be sure about the organization's membership and activities since its roll and council minutes were in the custody of its secretary (Bitney 6/26/1953 encl.).

By completing this form for the congressional committee in 1953, Superintendent Bitney appeared to include the "Duwamish Tribe" among the 36 "Tribes, Bands or Groups" on reservations and the public domain that he considered to be under his jurisdiction (Bitney 6/26/1953; U.S. BIA Western Washington 9/30/1953 ca.). The superintendent's rationale for including the Duwamish in discussions of termination appeared to be that he thought individuals of Duwamish descent had an interest in tribal property which would be eliminated from trust status. In a letter to the Bureau of Indian Affairs, he explained that some of the Duwamish descendants lived on the four treaty reservations and clearly had an interest in reservation property. He was unsure of what property interest other off-reservation descendants might have in the treaty reservations. The superintendent said that he considered individuals of Duwamish descent "ready for a termination of Federal guardianship. . . ." He believed that it would be relatively easy for the Government to withdraw from this role as guardian, "because this group possesses so little tribal or restricted property. . . ." The superintendent asked, however, that a decision be made whether the off-reservation Duwamish descendants "share in the tribal property" of the four treaty reservations (Bitney 9/23/1953; see U.S. Dept. of Interior Solicitor 2/21/1956).

The superintendent scheduled meetings to consult with the Indians of his jurisdiction on legislation pending in Congress to terminate Federal trusteeship over the property of Indian tribes and individuals. Included on his schedule was a meeting with the "Duwamish Tribe" at the agency in Everett in October 1953 (Bitney 9/30/1953). When a meeting was scheduled the next year to discuss the health problems of the Indian groups under the Western Washington jurisdiction, the form letter notifying tribal chairmen of the meeting was sent to George A. James as chairman of the Duwamish Tribal Council (Bitney 5/17/1954). The Duwamish chairman also was invited to another conference on the termination program in 1954 (Robertson 11/10/1954).

This policy of inclusion was opposed, however, by the area director of the Portland Area Office in a 1955 memo which

proposed a new policy. He recommended dealing with Indians on the basis of trust land ownership rather than on the basis of treaty identification, and dealing with individual Indians rather than with tribes. He advocated ending consultations with tribes which lacked trust lands. These groups were "now living on the same terms and under the same conditions as other citizens of the state," the area director argued, and their only connections with each other and with the Federal Government were their interest in a claims settlement against the United States. These claims, he noted, could not be settled by the Bureau (U.S. BIA 2/21/1955).

Claims and Fishing Litigation, 1951-1981:

The Duwamish claims effort culminated in the decisions of the Indian Claims Commission. In 1957, the Commission found that the petitioning "Duwamish Tribe" was "the successor in interest to those village-tribes . . . [that] composed the entity that was a party to the Treaty of January 22, 1855" and, therefore, that it was "an identifiable tribe of American Indians within the meaning of the Indian Claims Commission Act. . . ." (U.S. Indian Claims Commission 1957, 130-131). In 1959, the Commission found that timber production was the most profitable use of the aboriginal Duwamish tract at the time it was acquired by the United States in 1859. With this in mind, the Commission placed a value on these 54,790 acres, as of 1859, at $1.35 per acre, for a total fair market value of $74,000 (U.S. Indian Claims Commission 1959, 736-738). Against this award, the United States was able to offset the value of payments to, and expenditures on behalf of, the Indians between 1859 and 1960. The Duwamish council agreed to deduct $12,000 for the value of these counterclaims (Duwamish 7/23/1960; Morton 8/18/1960). This was a favorable compromise for the group, as the Commission later set the value of the Duwamish share of the consideration paid by the United States to the treaty tribes at $23,863 (U.S. Indian Claims Commssion 1964, 588-590). The Commission accepted this compromise settlement in 1962 and entered a final judgment against the United States for $62,000 (U.S. Indian Claims Commission 1962, 446).

Because the contract between the Duwamish organization and its attorney Frederick Post provided that the attorney should not make any settlement of the claims case without the approval of the group and the Commissioner of Indian Affairs, the Bureau of Indian Affairs reviewed the proposed settlement (U.S. BIA Western Washington 8/15/1960). The

Bureau also reviewed and approved attorney Post's request to dismiss the Duwamish appeal of the Indian Claims Commission judgment which was pending in the Court of Claims. It did so to be sure both that the attorney was doing so with the approval of the council and that the council had been given the authority to do so by the membership (U.S. BIA Western Washington 9/5/1963; Officer 12/9/1963). The Bureau of Indian Affairs, then, limited its interaction with the Duwamish organization to its statutory duty to examine contractual arrangements between Indians and attorneys, and to distribute the judgment funds awarded to the group.

Congress appropriated funds to pay this judgment in 1964, and the money was placed in the United States Treasury to the credit of the Duwamish (U.S. Statutes 1964). The Bureau of Indian Affairs already had begun to develop a plan to govern the distribution of these judgment funds after the Indian Claims Commission announced its opinion in favor of the Duwamish claimants. When a Bureau employee from the Western Washington Agency met with the Duwamish council in 1963, he learned that the council wanted the funds to be distributed to its members on the basis of a roll that the council prepared and maintained. "It is not likely that this will be approved," he concluded, "as they have no formal organization and this roll has not been approved by the Secretary" (Town 8/22/1963). The Bureau's Area Office in Portland advocated distribution on the basis of a roll prepared by the Secretary of the Interior. It recommended using Roblin's 1919 list of unenrolled Duwamish and the agency's allotment records as the basis for tracing Duwamish descendants eligible to share in the award (Holtz 10/15/1963).

The Bureau of Indian Affairs' Tribal Operations office in Washington, D.C., reached three conclusions about identifying the Duwamish beneficiaries. Citing the Indian Claims Commission, it said that the group before the Commission was "the successor in interest to the Duwamish Tribe as constituted in 1855." Agreeing with the Area Office, it said that Roblin's schedule and agency allotment rolls were "the best basis for establishing a judgment roll" for that group. Its final conclusion was that the judgment funds should be "distributed in equal shares to those persons whose names appear on the roll." The Office repeated the observation that the Duwamish Tribal Organization "was not formulated for the purpose of self-government," and restated that its constitution and roll had not been approved by the Secretary of the Interior (Quinn 7/8/1964). The acting agency superintendent told the area

director that he saw no alternative to providing a share in the award to all Duwamish descendants. There was no reason to limit the benefits of the award to members of the Duwamish Tribal Organization, he noted, "unless you believe there is a basis for recognizing this non-reservation group. . . ." (Babby 8/17/1964).

The Duwamish council continued to oppose the Bureau's distribution plan and its proposed legislation. The council passed a resolution in October 1963 calling for the judgment funds to be paid to it, so that it could then distribute the money to its members (Babby 8/17/1964). In another meeting with Bureau personnel in August 1964, the council insisted on its right to limit the payment of the judgment funds to its members and their children. Members who had supported the Duwamish organization financially over the years, the acting superintendent noted, believed that the award should be made to them. Because of its lack of an approved constitution and roll, he concluded, the Duwamish "Tribe is not recognized as an official organization. . . ." The acting superintendent did not believe that there was "a basis on which we can recognize this non-reservation group and approve its membership," so he continued to recommend that the judgment funds be distributed to descendants (L'Esperance 8/27/1964). Although the acting area director was troubled by the concession that a Duwamish entity was the successor in interest to the treaty tribe, he endorsed the recommendation to distribute the funds to descendants. This, he thought, would sustain the Bureau's position that tribal membership was a birthright not to be denied for non-payment of membership fees (Skarra 9/10/1964).

The Department of the Interior sent its proposed legislation to distribute the Duwamish judgment funds to Congress in August 1965. Although an "organization entitled 'The Duwamish Tribal Organization of the Duwamish American Indians' presently exists," the Department argued, "this organization has not been approved by the Secretary of the Interior and, therefore, we are not bound by its enrollment criteria." Claiming that "we are not dealing with a tribal group but with scattered descendants," and that "there is no presently existing tribal entity," the Department proposed a bill which provided that the Secretary of the Interior would distribute per capital shares of the Duwamish award directly to living descendants. It suggested that the best sources available to identify these individuals were Roblin's 1919 schedule of unenrolled Duwamish Indians and the allotment records and census records of the Western Washington Agency (Anderson 8/10/1965). Because the Duwamish group had "never

been formally recognized as an organized tribe," did not receive Federal services as a tribe, had "no tribal assets," and consisted of members who were intermingled on five different reservations, the Department argued that it could not develop a tribal program for the use of the award funds (Anderson 9/27/1966).

The act to provide for the distribution of Duwamish judgment funds was passed in October 1966. It directed the Secretary of the Interior to prepare a roll of all the descendants of the members of the Duwamish Tribe, as it existed in 1855, who were living on the date of the act. It required that applications for enrollment be filed with the area director of the Portland office of the Bureau of Indian Affairs, and stated that the "determination of the Secretary regarding . . . eligibility for enrollment of an applicant shall be final." The act ordered the funds appropriated by the 1964 act to be distributed in equal shares to all those enrolled by the Secretary, and directed that payment be made directly to these enrollees (U.S. Statutes 1966, 910-911). The judgment roll prepared by the Portland Area Office included the names of 1,166 descendants of the Duwamish tribe. The award of $62,000, less attorney's fees and expenses, was divided among those descendants in equal shares.

The Duwamish organization was not a plaintiff when treaty fishing rights were litigated in the United States District Court for the Western District of Washington in the early 1970's. The United States brought this suit against the State of Washington on behalf of certain tribes. In 1974, Judge George Boldt ruled in United States v. Washington that the plaintiffs, as treaty tribes, were entitled to catch half of the fish at their usual and accustomed fishing locations (U.S. District Court 1974). The Ninth Circuit Court of Appeals upheld this opinion in 1975 and remanded it so that the District Court could maintain continuing jurisdiction in the case (U.S. Court of Appeals 1975). Judge Boldt's decision was affirmed, with a modified standard to define the tribes' share of the fish run, by the United States Supreme Court in 1979 in Washington v. Washington State Commercial Passenger Fishing Vessel Association (U.S. Supreme Court 1979).

The District Court's 1974 opinion held out the possibility that tribes in addition to the plaintiffs could exercise treaty fishing rights. The Bureau of Indian Affairs then set up a three-person task force, headed by Peter P. Three Stars, to review and "clarify as quickly as possible the status" of nine unrecognized groups. After a very brief

research effort of less than two months, which Three Stars said "was not intended to be an exhaustive or definitive determination of tribal status," the task force concluded that the Duwamish and three other groups met the basic standards for recognition set forth in Felix Cohen's Federal Indian Law. "Any evidence of previous Federal dealing," Three Stars recalled, "was sufficient" (Three Stars 1986). In July 1974, Three Stars prepared a draft memorandum setting out his task force's findings and recommendations, and draft letters from the Secretary of the Interior to the leaders of the nine groups. The draft letter to chairman Willard Bill, "officially recognizing the Duwamish descendants as an Indian tribe" and making them eligible for treaty fishing rights, was not sent (Three Stars 1974a and 1974b). The letters were held in the Solicitor's Office pending resolution of a request for recognition from the Stillaguamish, and were returned to the Bureau in October 1974 (Gay 10/3/1974). By then, the issue of the status of the Duwamish as a treaty tribe was before the District Court.

In July 1974, after Judge Boldt issued his original decision, the Duwamish organization and four other unrecognized groups intervened in the case to establish a treaty right to fish (U.S. District Court 7/23/1974; U.S. Court of Appeals 1981). This motion to intervene was opposed by the Tulalip Tribes and by the United States (U.S. District Court 8/5/1974a and 8/5/1974b). The District Court, however, granted the motion to intervene and appointed a master to consider the evidence. The master held hearings in December 1974 and received briefs from the parties in February 1975. The master's report, issued in March 1975, found that the Duwamish intervenors were not a political successor to a treaty tribe. The District Court then held a hearing on the matter in October 1975 and heard additional arguments from the attorneys for the Duwamish, the Tulalip Tribes, and the United States in February 1976 and January 1977 (U.S. Court of Appeals 11/13/1979 and 1981). Because the Court of Appeals had affirmed Judge Boldt's original opinion in 1975, even the Duwamish attorneys conceded that maintenance of "an organized tribal structure" was the key issue to be addressed in these hearings (U.S. District Court 7/2/1975; U.S. Court of Appeals 1975 and 11/13/1979).

For the District Court, Judge Boldt issued his decision on the Duwamish motion to intervene in March 1979. In this opinion, the District Court concluded that the Duwamish organization and the other intervening groups were not the

successors of treaty tribes and that they and their members did not have a treaty right to fish. The Court held that the proper standard to apply was to ask whether a group of Indians who descended from a treaty signatory had maintained an organized tribal structure. On this factual issue, based on the record before the District Court, the Ninth Circuit Court of Appeals in 1981 affirmed the District Court's finding that the intervening Duwamish group had not maintained tribal political structure and therefore did not meet the standard of being a treaty tribe (U.S. Court of Appeals 1981; U.S. District Court 1979).

Review:

Government agents, settlers, scholars, and courts all have agreed that, at the time that American citizens first began settling western Washington, the Duwamish were a historical tribe located on the now-extinct Black River south of Lake Washington and in the general area of present-day Renton and Seattle, Washington. The United States Government negotiated and, in 1859, ratified a treaty with the Duwamish and many other "allied tribes." At these negotiations, the Duwamish were represented by Chief Seattle and three other treaty signatories. In this process, however, Federal agents had consolidated aboriginal tribes and bands into larger treaty tribes and granted Seattle a presumed authority and preeminence he had not previously possessed.

After the treaty, many of the Duwamish who had been removed to Federal reserves returned to traditional village sites near the junction of the Black and Cedar Rivers. This distinct Duwamish community persisted, under the leadership of William, until about 1900. It appears that the Federal Government had little contact with these off-reservation Duwamish after treaty ratification, and no relationship with them after 1874. Also, in the decades following the treaty, Duwamish women married non-Indian men and established family lines of non-reservation Duwamish descendants. As a result, the population of Duwamish descendants became geographically dispersed. These families of descendants lived separate from William's community at the Lake Fork. In addition, after the treaty some individuals of Duwamish ancestry moved onto, or were allotted on, the four reserves which had been created by treaty as Duwamish reservations, or the supplementary Muckleshoot reservation under the same jurisdiction. When a Duwamish organization was formed in 1915, it was led largely by men who were affiliated with these reservations.

Another organization of Duwamish descendants was formed in 1925. It is this Duwamish Tribal Organization which is the petitioner in this case. This organization has consisted largely of off-reservation descendants. Stability of leadership was provided for this organization by Peter James and his son George James until 1960. At the same time, however, these men also played leadership roles on the Lummi reservation. This organization of descendants met annually, but its minutes reveal that it dealt only with issues of claims litigation and formal membership issues such as the election of council members and the establishment of dues and enrollment requirements. Duwamish descendants failed in a claims case brought with other treaty tribes, but succeeded in winning an award against the Government before the Indian Claims Commission. This Duwamish organization failed to gain status as a treaty tribe in a fishing rights case, as Federal courts in 1979 and 1981 found, based on the evidence before them, that it had not maintained tribal political structure.

ANTHROPOLOGICAL TECHNICAL REPORT

DUWAMISH TRIBAL ORGANIZATION

0. GENERAL SUMMARY

At the time of the Treaty of Point Elliott, 1855, the Duwamish consisted of southern coastal Salish-speaking Indians residing in at least six winter villages along the confluences of the Black, Cedar, Duwamish, and lower White Rivers, as well as the southern shores of Lake Washington. Known to early ethnographers as the Lake Fork, this area was located south of the present-day city of Seattle, around Renton, Washington. The Lake Fork Indians maintained intensive reciprocal kinship, economic, and ceremonial ties with Indian villagers to the north, along the southwest and western shores and estuaries of Lake Washington, as well as with those Indians residing to the south, along the upper White, Cedar, and Green Rivers.

The principal Lake Fork settlements included Shaba'did, at the confluence of the Black and Cedar Rivers; Txuhudidu, on the Black River, below what is today Renton, Washington; and StEq^{3}, at the confluence of what was then the White and Duwamish Rivers. Along the estuaries of Lake Washington were the villages of Shileshole, Lake Union, and Djijila'-litc, on the present site of Seattle. Indian villagers with whom the Duwamish were closely related through kinship resided also at Yila'quo, at the junction of the White and Green Rivers, and Stuck, further south at the confluence of the White and Puyallup Rivers. Long houses at these and neighboring villages remained standing until the late 1880's, although the specific location of these structures could not be identified.

After the Treaty of Point Elliott in 1855, some of the Indians from all these areas were settled initially on the Port Madison Reservation with the Suquamish Indians. Port Madison is located 30 miles west of the Lake Fork Area, across Puget Sound. After 1856, some of these Indians remained at Port Madison, where they worked as loggers, and subsisted by fishing and gathering. A second group remained at the Shileshole and Lake Union estuaries between Lake Washington and Puget Sound. A third group returned from an initial stay at Port Madison to the villages at the Lake Fork, area. A fourth group returned to villages along the Green, Cedar, and White Rivers, where they joined with

Indians who had not gone to Port Madison. The third and fourth groups of Indians made their living by clearing land on the farms of pioneer settlers, working as farm laborers, and subsisting from river fishing.

Finally, beginning in the mid-1850's, some Indian women, mostly from the Port Madison and Lake Fork areas, married non-Indian pioneers, moved away from traditional villages and reservations, and settled with their husbands throughout Kitsap, King, and San Juan Counties. These women formed the first generation of families to which this report refers as pioneer marriage descendants. These pioneer marriage descendants maintained a social life separate from the Indians living in the traditional villages. Some of the descendants of the marriages between Indian women and pioneer settlers married non-Indians.

From the mid 1860's through the remainder of the 19th century, descendants of the Indian families from Shileshole and Lake Union, the Lake Fork, and Green, White, and Cedar Rivers began enrolling, first, at the Port Madison Reservation, and later at the Muckleshoot, Lummi, and Puyallup Reservations. Throughout the 1860's and 1870's they continued to live off-reservation. However, as forested land on these reservations was cleared through commercial logging during the 1880's, these Indians took up land allotments and began residing on these reservations. Other descendants began marrying into families of similar Indian-pioneer backgrounds, most of whom were associated with Indian reservations.

The Indian villages at the Lake Fork, the Lake Washington estuaries, and the Green, Cedar, and White Rivers gradually decreased in size and population, as the Indians came under increasing pressure from settlers to relocate onto reservations. Nevertheless, those Indians who stayed in these villages maintained important political and kinship ties with those who were moving to the reservations.

There was no single or paramount chief or leader among those Indians residing either on- or off-reservation. Rather, several important men maintained leadership over the political, economic, and religious life of people living in the traditional villages. They were also involved in the political life on the Port Madison and Muckleshoot Reservations during the last two decades of the 19th century. William, son of Kwiashten, was recognized from 1856 until his death in 1896 as an important leader both by the Indians living around Shaba'did as well as by non-Indians living in

King County. His nephew William Rogers remained an important leader among the Lake Fork people as late as 1925. Well-known shamans or religious figures continued to conduct ceremonies through the turn of the century.

From the 1860's to the end of the 19th century, Duwamish from the Lake Fork, Shileshole/Lake Union, and Green/White River areas tended to marry those Indians residing on the Muckleshoot and Port Madison Reservations, as well as with those on the Lummi, Puyallup, and Tulalip Reservations. Contemporary ethnographers recognized that a substantial portion of these Indians maintained cultural differences from non-Indians and recognizable cultural patterns among themselves.

Fragmented records show three categories of pioneer marriage descendant families, who differed from the Indians. In the first category, second-generation descendants married descendants of the Lake Fork and Lake Washington Indians, and later enrolled on the Muckleshoot Reservation. In the second category, second-generation descendants married into other families of similar pioneer-marriage background. Some enrolled on the Port Madison Reservation; others remained off-reservation. In the third category, second-generation pioneer marriage descendants continued to marry non-Indians and reside off-reservation. It is the second and third group that are ancestral to 93 percent of today's petitioner membership, not those who returned to the Muckleshoot Reservation. The remainder consist of a few descendants of Duwamish, whose descendants have little involvement with the present Duwamish Tribal Organization (DTO) membership.

The second group of second-generation pioneer marriage descendants maintained economic ties with each other throughout the remainder of the 19th Century. However, there is no evidence that these descendants maintained social or political relationships with Indian families who descended from the Indians living at the Lake Fork, Lake Washington, or White, Cedar, and Green Rivers. There is also no evidence that the third group of pioneer descendants, who married non-Indians, interacted politically or economically either with the Indian descendants of families from the Lake Fork, Lake Washington, or White, Cedar, or Green Rivers, or with pioneer marriage descendants.

After 1900, the off-reservation traditional villages ceased to exist. The prominent families of Duwamish Indians either moved to reservations, or in some cases lived in isolated

households. From 1900-1915 the first category of pioneer descendants i.e., those whose second-generation descendants married reservation families, moved onto reservations. Some of the second category of pioneer descendants moved to reservations, but their descendants are not part of today's DTO membership. Most of the second and third categories of pioneer descendants lived off-reservation.

While there is some evidence that these pioneer descendants maintained some kinship and political ties with descendants of similar background, any social or political relationships they had with the families of the Lake Fork, Lake Washington, or White and Green River Indians were limited to those mediated through the first-generation founders of the pioneer descendant lines. The principal political relationships for the off-reservation pioneer descendant lines which have been documented were limited to serving as witnesses for pioneer marriage families during the Roblin enrollment process, 1917-1918. This enrollment, undertaken by Special Agent Charles E. Roblin for the Commissioner of Indian Affairs, was the Federal government's response to the activities of the Northwest Federation of American Indians, or NFAI.

In 1915, an organization known as the Duwamish Tribe of Indians was initiated, with Charles Satiacum as chief and William Rogers as sub-chief. Satiacum was a descendant of a White River Duwamish family. He lived, in 1915, on the Puyallup Reservation. William Rogers was the nephew of the late Chief William, and lived on the Port Madison Reservation. A list of approximately 361 adults was submitted to Indian agents. At least one-third of the names on the list consisted of Muckleshoot, Port Madison, Puyallup, and Lummi Reservation Indians. Also included among the 361 adults were Lake Fork, Green/White River, and Lake Washington Indian relatives who remained off-reservation. The list included the names of some second and third generation pioneer marriage descendants who had married similar pioneer marriage descendants i.e., the second classification of pioneer marriages described above, who remained off reservation.

Both the leadership and at least some of the organization's membership worked closely with the NFAI. Headed by Thomas G. Bishop, the NFAI was composed of Indian descendants from the Puget Sound area. Leaders from the 1915 Duwamish Tribe of Indians -- now referred to on letterhead as the Duwamish Tribe of American Indians -- and NFAI leaders requested financial relief to the old and indigent off-reservation

Indians who had been alive at the time of the 1855 Treaty. They also requested land that could be used by the descendants of these indigent Indians. Their last known activity, in 1917, was approving a contract to hire a lawyer, Arthur Griffin, to litigate claims.

In 1926, Peter James, a Duwamish descendant from the upper White River, active both in the 1915 organization and the NFAI, produced a constitution and new membership roll of 389 names. The new organization was then called, and is still known today as, the Duwamish Tribal Organization (DTO). It is also known as the Duwamish Tribal Council (DTC). This new organization differed from the 1915 one in two important respects. First, unlike the NFAI the principal activity of the new organization was not to obtain land for families and relief for indigent relatives. It was to pursue claims based on historical non-fulfillment of treaty obligations. Second, the membership list of the new Duwamish Tribal Organization contained more names of off-reservation pioneer marriage descendants than had the 1915 list. These descendants were from families whose descendants had continuously married non-Indians (the third category, p. 3). The list omitted the names of many prominent Duwamish families who had moved to the reservations. In general, the 1925 list included dramatically fewer names of families from the Lake Fork, Lake Washington, and Green/White River areas, and their reservation relatives.

The general membership of the Duwamish Tribal Organization did not play a major role in the political decision-making of the organization's leadership throughout the 20th century. Also, the membership did not interact with each other outside meetings. During the meetings, the DTO leadership conducted business meetings, informed the membership of claims litigation progress, and hosted social gatherings or reunions with the membership, immediately following business meetings. The attendance varied from approximately 20 to as many as 300, in the early 1950's.

Other than attendance together at annual general council meetings, most of the social relations between descendants appeared to take place through the parents and grandparents of those who grew up during the 1930's, 1940's and 1950's. Anecdotal evidence based on the recollections of today's petitioners suggests that off-reservation descendants of pioneer marriages continued to be isolated socially from the on-reservation descendants of the Lake Fork Indians.

During the 1950's the primary activity of the council leadership was to pursue claims litigation that would effect a direct payment to each member listed by the Duwamish Tribal Organization. Neither the DTO as a collective nor more than a minute proportion of individual members were involved in any other political issues, such as the fishing rights. Fishing rights issues were important to reservation Indians throughout the Puget Sound area. The DTO had no active official part in fisheries planning, or in submitting rolls and other applications for fishing temporarily permitted by the State of Washington. From the 1950's through the 1970's no more than six DTO families were engaged in commercial fishing and the civil disobedience confrontations with the State of Washington that these activities engendered. This lack of activity by the petitioners' ancestors contrasts sharply with the involvement of reservation Indian governments and individuals during these times.

In 1964, the BIA settled the litigation associated with the Indian Claims Commission cases through a disbursement paid to each of 1,166 Indians, determined by the Bureau of Indian Affairs (BIA) to have descended from Duwamish at the Treaty of Point Elliott in 1855. In 1979 fishing rights litigation was settled through the now famous Boldt Decision, U.S. v. Washington. From the 1970's to the present, the Duwamish Tribal Organization has sought Federal Acknowledgment, has attempted to obtain a land site for a proposed tribal headquarters, and has participated as an interested party in public consultation regarding burials repatriation. However, none of the organization's present activities involve the wider membership, nor have any issues arisen in that past that have involved them.

About 148 individuals, or 43 percent of the total present membership, reside in the State of Washington. The whereabouts of 128, or 36 percent, were not disclosed in the petition. Included among those not disclosed are whole households, as well as individuals. Most of the 43 percent living in-state reside in the Puget Sound area. There are no geographically distinct Duwamish settlement areas. The largest concentration of the membership is in the Seattle and Bremerton areas. However, there is no evidence presented by the petitioner of neighborhoods, networks, or other indicators of social activity or relationships that extend beyond some family lines. Social interaction with non-Indians is extensive, with no barriers to marriage revealed in the petition.

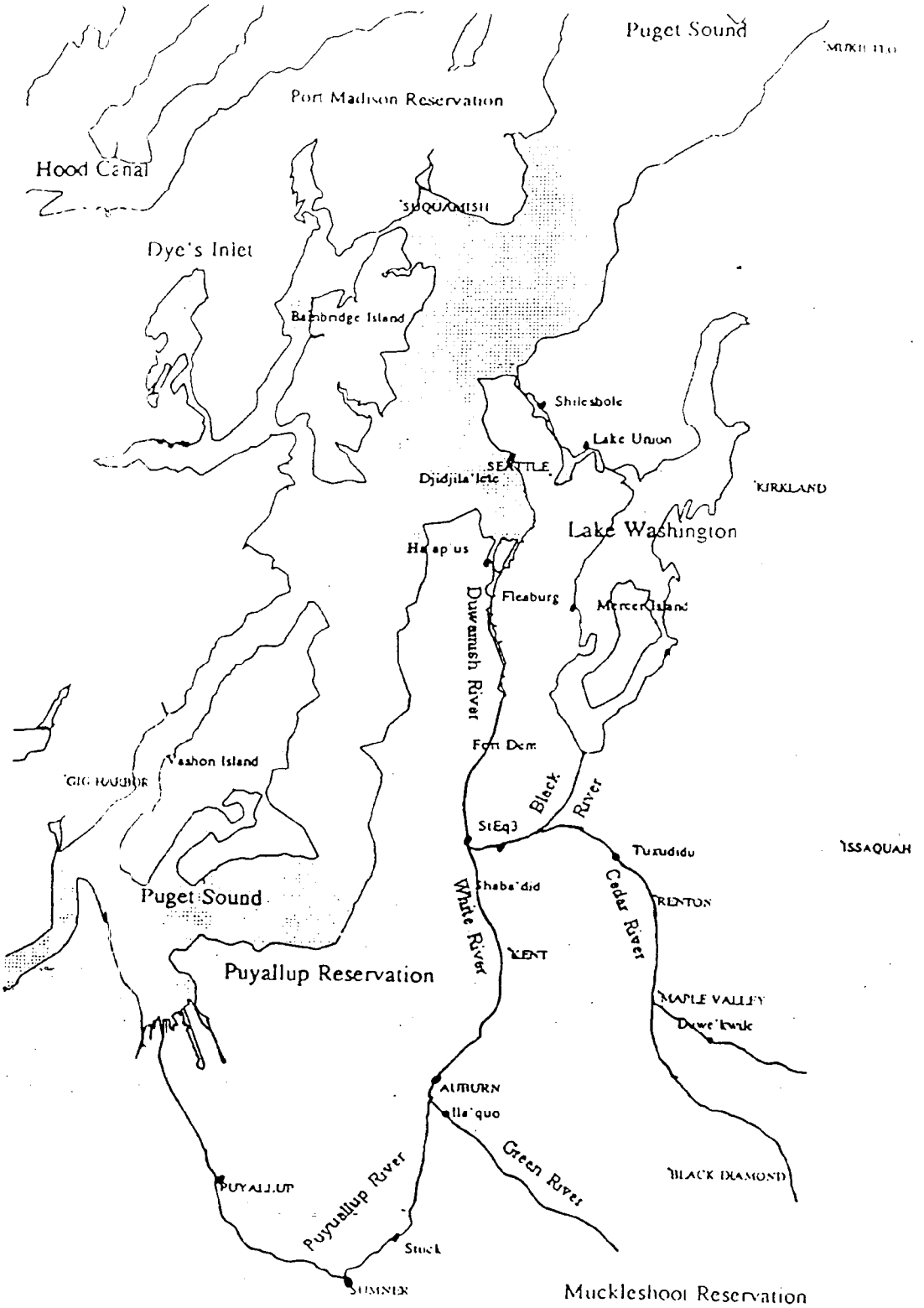
1. CONTACT TO TREATY

The Duwamish were a group of Southern Coast Salish Indians who spoke the Southern Lushootseed dialect (Suttles and Lane 1990, 485). The Hudson's Bay Journal of Occurrences described the "Dwamish" as early as 1834-1835, when these Indians came to Fort Nisqually to trade beaver and otter skins (Lane 1975, 2).

Ethnographers of the 1850's, such as Gibbs, identified the Duwamish as those Indians living in the drainage of the Black, Cedar and Duwamish Rivers, on the southern shores of Lake Washington at the present city of Renton, south of the City of Seattle. Gibbs referred to this area as the Lake Fork (Gibbs 1854 in Barker 1984, 41-42). Indian informants for later ethnographers such as Harrington pinpointed Gibbs' Duwamish as those Indians living in villages located next to a spring which once emerged south of the junction of the Black and Cedar Rivers (Harrington 1910, frames 342-485; Waterman 1920, 83-84).

According to Smith, the Cedar River flowed into the Black River from the southeast, while the Black River flowed out of Lake Washington, toward the southwest (Smith 1940, 15-16). The Black River then met the White River to form the Duwamish River. The Duwamish River, in turn, flowed north into Puget Sound. This drainage pattern no longer exists. With the completion of a canal from Lake Washington to Puget Sound, the lake was lowered nine feet, the Black River became a ditch, and the Cedar River flowed into Lake Washington through part of the Black River channel (Buerge 1985).

In 1854 Washington Territorial Governor Isaac Stevens reported 162 Duwamish at what he too called the Lake Fork. He then added 101 Samamish and S'ke-tehl-mish around Lake Washington (what he called Duwamish Lake), eight Smel-ka-mish from the head of the White River, 50 Skope-ah-mish from the head of the Green River, and 30 St-ka-mish from the main White River, for a total of 351 (Stevens 9/16/1854, 458). However, Stevens and Paige emphasized that the latter group did not recognize any political authority from the Duwamish (Stevens 9/16/1854, 453-455). In 1857, Indian Agent Paige counted 378 Duwamish, along with 441 Suquamish (Paige 8/1/1857, 618). The Suquamish lived across Puget Sound, about 33 miles from Renton.


Puget Sound
Port Madison Reservation
Hood Canal
SUQUAMISH
Dye's Inlet
Bainbridge Island
Shilshole
Lake Union
SEATTLE
Djidjila'letc
KIRKLAND
Lake Washington
Ha ap us
Fleaburg
Mercer Island
Duwamish River
Fort Dent
Vashon Island
Black River
StEq3
Tukudidu
ISSAQUAH
Puget Sound
Shaba'did
White River
Cedar River
RENTON
KENT
Puyallup Reservation
MAPLE VALLEY
Dewe'kwle
AUBURN
Ila'quo
Green River
PUYALLUP
Puyallup River
Stuck
SUMNER
BLACK DIAMOND
Muckleshoot Reservation

In the mid-1850's Gibbs reported approximately 400 Indians called either Duwamish or tribes allied to the Duwamish. They lived at sites along the Lake Fork, Lake Washington, and the Green, Cedar, and White Rivers. Ethnographers George Peabody Harrington (Harrington 1910, frames 342-485), Thomas Talbott Waterman (Waterman 1920, folder 13-14), and Arthur C. Ballard (1929) recorded the names of villages and some of the Indian informants who lived in them during the mid 1850's. As part of court depositions in 1927, Indians who had either lived or grown up during the 1850's listed the names of 14 villages along the White River and 14 villages along the shores of Lake Washington.[1] They were elicited by the Duwamish Indian Peter James in 1927, as evidence for claims litigation pressed by individuals claiming descent from the historical Duwamish (Tecumseh et.al. 1927, 840-868).

However, pinpointing the location of the historic Duwamish by relying on these site descriptions is problematic for four reasons. First, the maps accompanying the Waterman papers, by far the most rigorous description of village sites available, are not complete (Waterman 1920, folder 14).[2] Second, Waterman's inquiry elicited only a few accounts of social and political relationships among the Indians at these sites. Thus, some villages may have been parts of others with which they were in close proximity.[3]

Third, while the ethnographers were precise about when they conducted their field work, and whom they interviewed,[4] they

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[1]The Indians interviewed and testifying were Sam Tecumseh, Lake Fork; Jenny Davis, Port Madison; and Major Hamilton, Tulalip/Muckleshoot (Petition 1989, 3:840-868).

[2]The petition presented a sketched map of the sites, borrowed from secondary sources such as Buerge 1985. Buerge relied on the papers of Thomas T. Waterman and George P. Harrington.

[3]Buerge, 1985, makes a similar observation.

[4]Harrington conducted his research from June 17 - August 15, 1910, on Puget Sound Indians, working primarily with William Rodgers each weekend, at the Port Madison Reservation (Harrington 1910, Vol. 1, 26). William Perceval was the interpreter (Harrington 1910, Vol. 1, 28). Ballard, a resident of Auburn, Washington (Waterman 1973, vii)

were less precise about determining exactly when various events took place or when villages were occupied. Some of these villages may simply have been occupied at different times.

Fourth, Indian speakers testifying in 1927 made their recollections at least 70 years after the period described in this section. These recollections could have been affected by problems of routine translation and interpretation, as well as by political events that occurred during the latter 19th and early 20th Centuries. As an illustration of problems associated with translation and recollection, one Indian, Sam Tecumseh, had to undergo considerable cross-examination during his 1927 testimony before he could explain that he had understood one of the questions as ascertaining whether he had seen a house, in 1880, already built, as opposed to under construction (Tecumseh 1927, 840-845). Political events that may have affected testimony included, but were not limited to, the claims advocacy of Thomas Bishop 1914-1916, the enrollment of Puget Sound Indians by Charles E. Roblin 1916-1918, and the claims litigation pursued in 1927 and 1932 by Indians throughout Puget Sound.

As a result, BAR research can make no assumptions about which Indians or villages were Duwamish without examining other evidence presented in the following sections. To help the reader follow the presentation of the evidence, this report will classify the villages into three different geographical areas. These areas contain winter villages where the petitioner's ancestors, or their immediate relatives, reported they had been born or resided. Each of these villages contained long-houses, which are rectangular structures built from cedar planks. The larger long houses measured approximately 60 X 120 feet[5], while the so-called

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conducted field work among the Indians of King and Pierce Counties, at the southern end of Puget Sound, 1916-1918 (Ballard 1929, Preface, Microfilms Shelf 57539). Waterman conducted his field work, occasionally accompanied by Ballard "among the small groups of Indians living near Seattle" (Waterman 1973, vii) 1918-1919.

[5]These measurements come from Indian testimony in 1927. The measurements they gave were in fathoms, which they measured as the width between the fingertips with arms outstretched. If these people were six feet tall, then the measurement between the fingertips of outstretched arms would be six

medium houses were 48 feet X 96 feet. Attached to some of these houses were lean-to's or sheds (Waterman and Greiner 1921, 630-657). Jennie Davis (Davis 1927, 860) estimated that a medium long house held approximately eight fire pits. Around each pit resided a nuclear family.

The first geographical area included the village of Tuxudi'du, or "little Cedar River," located on the Cedar River, near its junction with the Black River, and Shaba'did, located among a series of "'crags,' on Black River, below Renton. There was an unusually large community house here" (Waterman 1920, folder 13, 139).

Two other villages were StEq^{3} and Tcu't3ap-alt^{u}, on lower White River (Buerge 1985, 37), the middle Duwamish River (Harrington 1910, frames 342-485), about three miles north of the confluence of the Black and Cedar Rivers. Informants who lived in these villages during the 1850's recalled that StEq^{3} was considered by other Indians to be comprised of people claiming high status.

> The people here were wealthy and very "superior." They treated their neighbors of the village of Tcu't^{3}ap-alt^{u} in a rather high-handed way. When they had a feast, for example, they would not take the trouble to send an invitation. They just turned a canoe over, and pounded on it. "The people from the other village," my informants say, "would hear that pounding, and come without being otherwise invited." I am told that there were two trails along the river between the two villages. The upper one was used by the StEq^{3} people only, the lower by their poor neighbors. People from this vicinity went in the summer time to the vicinity of the Three Tree Point to camp. This summering place is on the shore of the Sound, across a range of hills (Waterman 1920, folder 13, 138).[6]

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feet. In all likelihood, the measurement was somewhere between five and six feet. Jennie Davis (Petition 1989, 3:860) estimated the cedar house within which she grew up to be 80 feet X 30 feet.

[6]Seattle's father, Cxwiye'hEb (or Schweabe) was from Suquamish. His mother, Scholitza, was from StEq^{3}.

The second group of villages were located upstream on the Green, White, and upper Cedar Rivers. These villages housed the people to whom Gibbs referred as Skope-ah-mish and St-Ka-mish. On the Cedar River, where Maple Creek flowed into the Cedar River, was Duwe'kwilc[7], a village of two medium sized houses (Waterman 1920, folder 13, 137). Another village, near the White and Green River was StEx, "a village at the mouth of Boise Creek located on [the] Stuck river, north of the present town of Sumner" (Waterman 1920, folder 13, 141).[8] On the Green River was Yila'quo, or Ila'quo (Waterman 1920, folder 13, 139). Waterman described it as follows.

> It stood on the point of land included between Green river and White river where they come together, Ila'l[3]quo. There was a large village here in the days when White river was running. The large river which resulted from the confluence of the two streams was muddy on one side, clear and green on the other, for a mile below the forks....White river is now a dry channel, the waters having been diverted (Waterman 1920, folder 13, 139).

The third major set of villages existed on the estuaries between the western shore of Lake Washington and what is today known as Shileshole, or Salmon Bay, on the East Coast of Puget Sound. Also included are villages on the south and southwest side of Lake Washington. Located about five miles north of Renton, these villages included Shileshole itself, located on the Shileshole estuary (Waterman 1920, folder 13, 136) and long houses located on Lake Union (Harrington 1910, frame 498).

Ancestors from the first area, the Lake Fork, include the James, Moses, Rogers, and Solomon families. Peter James, in 1917, deposed that his father:

> was Dr. James, his Indian name was Alabuth--and was a full Duwamish, born there during about 1831--and died there during 1884. His [i.e., Dr.

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[7]Duiwe'kw1lc, is the spelling provided by Waterman. The above spelling is provided by the petition. Peter James (1928) listed it as "Duaquiete."

[8]If this village matches James' "Stuck Amish", it contained eight large houses.

> James] father; was also a full Duwamish who was also born and died there--during the sixties--supposed. His [i.e. Peter James] mother is a 1/2 Duwamish 1/2 Snoqualmie and lives now at Orillia, Wash.--near where she was born about 1846. Mother's Indian names [sic] is Ka'telel'quath'sen. Mother's father was Snoqualmie--born there and died there. His name was Suk-kai-dum. Mother's mother, was Che'o'doed, she was a full Duwamish; she died at Duwamish during 1881 (Roblin 1919, affidavit of Peter James).

Jennie Moses deposed that her husband, James Moses:

> was born at Renton about 1831 and was the recognized chief[9] of the Renton band--of Indians. A sub-chief of the Duwamish tribe--and who on several occasions visited Governor Stevens--during that period from 1856 to 1859 with a view of a treaty agreement for a reservation--for the Duwamish tribe at Renton (Roblin 1919, affidavit of Jennie Moses).

The Rogers family included the descendants of Tecumseh and Stoda, or William, sons of Kwia'xtld, or Kwiashten, at Shaba'did.

> An important man [at Shaba'did] was Kwia'xtld, whose wife was Kaiuk^{3}i'blo. His son Stoda' was later a head-man. Other sons were Kwllsk^{3}e'dEb (called "Tecumseh"), Xase'dut, Tco'lusEb, and Sxaedaa'pEb. Another influential man was Kala'ktsut." (Waterman 1920, folder 13, 139).

Benjamin Solomon deposed, in 1917, that his father, also named Benjamin, "was a Duwamish Indian, born at or near Renton, King County, Washington, about the year 1840" and his mother "was a Snohomish Indian, born at or near Sulton, Snohomish County, Washington, about the year 1840" (Roblin 1919, affidavit of Benjamin Solomon). Although these people were important historically, none of the Rogers descendants are part of today's petitioner membership. Only eight of the descendants of the James family, only one of the Moses, and one of the Solomon family are part of today's petitioner

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[9]The ways in which Indian agents designated Indians as chief, and the importance of being a chief will be discussed in greater detail below.

membership. None of them are active in modern day DTO life. BIA Census rolls show that most of the Moses, James, and Solomon Families descendants were enrolled on reservations by the end of the 19th Century.

From the second set of villages along the Green, White, and Cedar Rivers came a number of individuals described by A.C. Ballard (Ballard 1929, 36-38), and T.T. Waterman (Waterman 1920, folder 13, 11-12). Their names included Big John, Sampson, Ann Jack, Stuck Jack, and Charles Satiacum. These individuals were listed in 1915 as having been important in land claims and other political activities, as were the James, Moses, Rogers, and Solomon families above. However, none were ancestors of today's petitioner membership. BIA Census rolls show that most of these descendants were enrolled on reservations by the end of the 19th Century.

From the third set of villages, the houses around Shileshole, came Salmon Bay Curley, and from Lake Union came a man named Lake John (Harrington 1910, frame 490). Salmon Bay Curley's daughter Margaret, or Peggy, initiated the petitioner's Scheuerman family line, most of whose descendants married non-Indians. This line is thus one of the third category of pioneer marriage descendants mentioned in the General Introduction. According to the BAR genealogy, one of Lake John's nieces was Julia John, an ancestor of the Siddle line, one of the petitioner's family lines.

The Siddle line is one of the first category of pioneer marriage descendants described in the General Summary. After the second generation, they took up life on the reservations. Only six descendants, or two households, are active in today's DTO membership of 390.

Others from Lake Washington included the same Sampson, from the White River, his wife Lucy, Dan Sile'lc (Silelus), and Susie (Ballard 1929, 37-38). While these latter Indians were listed as having taken part in the same political activities as did James, Moses, Rogers, and Solomon above, none are ancestral to today's petitioner.

Before 1855, all of these Indians identified as their homes the winter villages within which their long houses were located (Suttles and Lane 1990, 493). During the spring they generally left their villages to fish the rivers for salmon, using weirs and dip nets. They also planted potatoes in clearings formed by burning the forest land and shrubbery along the river drainages. During the summer they

often traveled further upstream, by canoe and on foot paths, to fish, hunt, and gather berries (Buerge 1985).

In autumn these Indians returned to the winter villages where they traded with other Indians who lived primarily along the coast, the so-called "salt-water" people, and with those who lived further east, in the mountains, the so-called "forest" Indians (Haeberlin and Gunther 1930, 11-12). Autumn was also the time for potlatches and sing gambles. The former were occasions in which an important person in a village would collect goods from relatives and then redistribute them to people both within his own village and from neighboring villages. The latter were gatherings in which an important person from one community would challenge a person of similar status from another community to a wager (Haeberlin and Gunther 1930, 11-12).

Finally, during the winter months, villagers would sponsor the spirit canoe ceremonies. In these ceremonies a shaman, or healer, would, on behalf of a sick patient, travel ceremonially to the land of the dead to retrieve the patient's spirit, stolen by the inhabitants of the land of the dead (Haeberlin 1918, 249-251; Suttles and Lane 1990, 497-498). Retrieving the stolen spirit would help to cure the sick patient.

These villages could be reached by canoe and footpath (Suttles and Lane 1990, 492). The maximum distance from Shileshole, on the north, to Stuck, on the south, was 36 miles; and from StEq[3] to StEk (Stuck), below Auburn, only 11 miles. People from these villages intermarried extensively. Thus, many of the White and Green River Indians were either born on, or married someone from, the Lake Fork or Lake Washington area. It was not unusual for them to then move from their natal village and live in their spouse's village (Suttles and Lane 1990, 493). As late as 1927, Ballard commented on the difficulties he encountered in identifying the tribal affiliation of individual informants, while trying to elicit legends and tales.

> These tales were obtained among the mixed groups of Salish residing at the southern end of Puget Sound. Because of the great mixture of these tribes or local groups even in pre-white days, it is difficult to ascribe the tales to the particular tribes. A few words on the informants will make this clear.

> John Xot was from the lower Puyallup and the Sound; he was also part Klickitat. He died about 1918, aged seventy-five. Big John (ts'kaw'lEskt) died in 1920, about seventy-eight years old. The information from him was through the Chinook jargon. Jack Smohalla (sno'xElE) was also from Green River and Suise Creek. He was probably part Klickitat. He died about 1923, aged seventy years. He said that as a small boy he was present at a feast at Lake Keechelus at which Smohalla, the noted shaman, gave Jack his own name. Jack Stillman (Ackanipa'm) is a Snuqualmi, part Klickitat, and bears a Klickitat name. He is about forty-eight years old. He went through one of the rituals when about ten years old. He learned much from his uncle, Snoqualmie Charlie (SiaatxtE'd). Dan Silelus is from Lake Washington, half Duwamish and half Snuqualmi. Joe Young, about sixty-five years old, was born at Fort Nisqually of an Indian mother and a German father. He is well informed. He attended school for a short time. James Goudy is Puyallup and Skagit (Ballard 1927, Preface).

This discussion shows, first, that the Indians from the Lake Fork areas married Indians from the Green and White River areas, as well as some Indian villagers from outside the Lake Fork and Green/White River areas. Ethnographers such as Waterman and Ballard observed this pattern of marriage outside of one's village not only for the Salish in general, but for those to whom they referred as the Duwamish in particular.

Second, the discussion shows that either the Indians from these different villages, or their direct descendants, claimed to be Duwamish descendants and submitted affidavits to Special Agent Charles E. Roblin 1917-1918. As will be explained later, this roll was intended to enumerate Indians or Indian descendants of Puget Sound. The affidavits were important sources of birth, marriage, and residence information, both for the petitioner's ancestors as well as other Duwamish.

Third, relatives of these Indians and their descendants were listed[10] in 1915 by Charles Satiacum and William Rogers. These men were leaders from the White River and Lake Fork villages, respectively. BIA Census records show that these families generally relocated to the Port Madison, Muckleshoot, and Puyallup Reservations from 1885 to 1911.

Finally, some of these same people and their descendants enrolled, and sometimes relocated, on reservations set up by the Treaty of Point Elliott, discussed in the next section. Understanding these reservation relationships will be important in contrasting how the pioneer marriage descendants who were marrying either those from similar background or who were marrying non-Indians were living during these times.

Even though the term Duwamish may have referred originally to only a small group of people at the confluence of the Black and Cedar Rivers, the Indians throughout the areas came to refer to themselves as Duwamish by 1913. They were related to each other through many kinship lines and, as shall be seen, ceremonial and economic relationships. In sections 2-5 then, this report will follow the residence, marriage patterns, and any historically recorded incidents in which these individuals were involved. In doing so, this report will attempt to characterize the social and political life of the petitioner's ancestors and other Indians considered as Duwamish. This discussion will begin with the Lake Fork, Shileshole/Lake Washington, and White/Green River villages described above, and will explain why the Port Madison and Muckleshoot Reservations were also important in studying the geographical areas we are considering.

2. 1855 TO 1875

Through the Treaty of Point Elliott, 1855, Indian agents intended to extinguish Indian title to land and set aside

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[10]Rolls and lists are different. Rolls are lists of names, but the names have undergone some systematic screening by an official who can attest to the accuracy or truth of the information used when entering the name. Thus, the Roblin roll required interviews, submission of sworn affidavits, signatures of witnesses to affidavits, and the examination of other evidence before the name could be entered. It is less clear what was required for a name to be entered on the 1915 or 1925 lists.

reservations at Port Madison, Tulalip, Swinomish, and Lummi. Under the leadership of Territorial Governor Isaac Stevens these agents attempted to remove the Indians from lands they were occupying and place them on these reservations. However, the agents were concerned that they were not dealing with a politically unified group of people, and would have to introduce such unity of leadership to facilitate treaty signing. As George Gibbs, an ethnographer working for Territorial Governor Isaac Stevens wrote:

> the wisest course for the government to pursue seems to be to aggrandize a few principal chiefs at the expense of the petty tyees; to recognize the former alone and hold them responsible for all acts committed by their people. They could thus be compelled to exercise an authority which they did not before possess (Gibbs 1854 in Barker 1984, 12).

Signing the treaty for all the Duwamish, as well as the Suquamish, was Chief Seattle (Lane 1988, 30).

The agents planned for the Indians from the Lake Fork to be relocated to Port Madison, after signing the treaty. Port Madison is located 30 miles from Renton, across Puget Sound. There, those who were relocated would reside with the Suquamish. However, the Lake Fork Indians hesitated to move. Indian Agent Paige reported that they disliked the prospects of being removed from their home lands, and of residing with the Suquamish, a tribe of Indians with whom at least some of the Lake Fork Indians were feuding (Paige 8/1/1857, 617).

> I do not wish to be understood as representing these two tribes [the Suquamish and Duwamish] as actually hostile to each other; on the contrary, they are intermarried, and frequently visit each other, and from their proximity are frequently thrown together; yet this feeling of animosity, caused probably by some former feud, will, I am assured, preclude the possibility of their living peaceabl[y] together on one reservation (Paige 8/1/1857, 617).

In 1856, Federal officials perceived a pressing need to force the Lake Fork Indians onto reservations: to remove them from possible involvement in a war breaking out between the settlers, on the one hand, and the Puyallups and Nisqually Indians living south of the White and Green Rivers, on the other. The Indians from the Black and Cedar

River areas were subsequently moved to Bainbridge Island, about eight miles from the Port Madison Reservation, and they remained there until the end of the war in 1856 (Paige 8/1/1857, 617).

A subagency was formed in 1856 at the mouth of the Duwamish River, and James Goudy was placed in charge of administering it (Paige[11] 8/1/1857, 618). That year, some of the Indians at this subagency obtained permission from Lieutenant McKibben to travel down the Black River to dry salmon. However, Isaac Stevens complained to Lt. Colonel S. Casey that these Indians had not received his permission to travel on the Black River.

> Paige states that the Indians left in large numbers on the 28th of October to go up the river, in consequence of a permission given to them by Lieutenant McKibben, for the purpose of drying salmon, and that this was done without his knowledge and permission; and that two hundred have left the reservation and are now with your troops, or running at large on White or Black river (Stevens 1856, 210).

The Black and Cedar River Indians were not the only people off-reservation. In 1857, Agent Paige reported to Stevens that the Indians they termed "Duwamish and allied bands" had taken up their old residences at (1) the Black/Cedar Rivers, (2) the Green and White Rivers, and (3) Lake Washington and Shileshole Bay, as well as their new homes (4) at Port Madison. As Paige reported:

> several families of the Duwamish Indians who left the Reservation last fall, and went up the rivers contrary to my orders have recently returned to the Reservation. These are the families mentioned in my report of Dec. 25th as having promised to move down as soon as the fishing season was over. A few of the Lake Indians have also moved into Seattle from the Lakes (Paige 1/31/1857).

However, by March 1857:

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[11]The surname is also spelled "Page" in handwritten copies of the original reports found in the archives. The spelling "Paige" will be used throughout this report.

> the greater portion are still encamped on Black River and in the vicinity of the Lake, and are at present engaged in preparing their grounds for planting. There are also five or six families belonging to this tribe encamped at Fort Dent on White River[12] (Paige 3/31/1857).

The refusal of the Lake Fork Indians to relocate resulted, at least temporarily, in the establishment of two administrative areas. In 1857 Paige reported that he was "in charge of 2 tribes: (1) Suquamish on the west side of Pugets Sound from Gig Harbor, in the south, to Apple Tree Cove, in the north. (2) D'Wamish living on and claiming lands on the D'Wamish River." He listed 441 Suquamish and 378 Duwamish (Paige 8/1/1857, 618).

In 1860, the Agents responsible for the Indian signatories of the Treaty of Point Elliott reported they were administering four reservations: Port Madison, Lummi, Tulalip, and Swinomish (Simmons 7/1/1860, 416). That same year, Agent Simmons brought up the possibility of moving the Duwamish Indians to the Muckleshoot Reservation, and initiated action to induce them to relocate there. This reservation, was located on land between the White and Green Rivers about twelve miles south of Renton (see map).

> The Dwamish Indians live on a river of that name, which is formed by the junction of White and Black rivers. White river has a large tributary, called Green river, and between these two streams, seven miles from the fork, is the Muckleschute reservation. This reservation is secured to the Indians, parties to the treaty of Medicine creek, but is not in the territory ceded by them, has never been occupied for their use, nor does sub-agent Gosnell, who has charge of those tribes, consider it necessary for them. On the other hand, it is in the limits of the territory ceded by the treaty of Point Elliott. The Indians living there, and in the vicinity, are parties to

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[12]This stretch of river is now called the Duwamish River. Up until 1916, when the Ballard Locks were completed, the Duwamish River was considered as only the part that formed from the confluence of the Black and White Rivers. After the Ballard Locks were completed, the Black River disappeared, and the drainage north of the confluence of the White and Green Rivers was considered the Duwamish River.

> that treaty, and it is a convenient and excellent place to locate them.
>
> I recommend to you, and with your acquiescence advertised in the newspaper, that all the land from this reserve to the junction of White and Green rivers would probably be reserved for the use of the Indians. Whether this will meet the approbation of the department I am unable to say, but I still consider it advisable; for the Dwamish Indians, who object to go across the Sound, could, I think, be persuaded to come up and settle here; the only difference between this and their present location is, that it is a little higher up the same river (Simmons 7/1/1860, 417).

That same year, 1860, the Muckleshoot Reservation was added to their administration.

Parts of all these reservations were very heavily timbered, and few, if any, of the Indians actually lived within the reservation boundaries. In 1862, agents maintained that Indians visited primarily to collect annuity payments and were not to be found on reservation any other time (Kendall 1/2/1862, 304-306). Rather, they continued to fish and gather shellfish, move to summer camps to hunt and pick berries, and plant potatoes in areas cleared by fire along the rivers.

In 1864, the agency reports to Henry C. Hale showed that increasing amounts of reservation land were cleared of timber, which was sold to sawmills. The reports do not make explicit whether or not the profits of these sawmills went to the Indians, or how much the Indians were involved economically in these operations. However, in 1864 Agent Howe reported that most of 80,000 board feet of lumber produced at the Tulalip sawmill was used to build Indian houses (Howe 9/30/1864, 213). Tulalip, the administrative center of the Point Elliott Treaty area is located 45 miles north of Renton.

However, on August 24, 1869, Captain George D. Hill arrived at the Tulalip Agency, to find "...affairs at the agency...with the single exception of the school...to be in deplorable condition" and Henry C. Hale gone for "nearly a month." Non-Indians, he maintained, had appropriated the profits and paid the Indian workers little. Hill ordered the non-Indian operator, Mr. King, to leave the Tulalip Reservation, confiscated the property, ordered the logs

sold, and added "the amount realized to the fund for incidental expenses of the agency" (Hill 9/12/1869, 143).

As late as 1877, the agents continued to report that "...whole tribes have persistently refused to remove to the reservations assigned them" (Mallet 8/18/1877, 198).

2.1. 1855 TO 1875: The Lake Fork Area

The 1857 letter complaint from Stevens to Casey reported that the Black River Indians were led by a man named William, who had been given "the permission of Lieutenant D. B. McKibben to get some Indians to go up the river to dry salmon" in 1856 (Stevens 3/17/1857, 210).

Emily Inez Denny, daughter of the pioneer settler Arthur Denny, quoted a sketch "written by Rev. G.F. Whitworth, a well-known pioneer." In this sketch, Whitworth described how William succeeded his brother Tecumseh as chief. Tecumseh and William were both sons of Kwiashten. Kwiashten "died about the time that the first white settlements were made in this country" (Denny 1909, 374) and appears identical to the headman for Shaba'did cited above by Waterman.

Tecumseh had become chief, after the death of Kwiashten, or "Queaucton," as Denny spelled the name, and "was the principal or head chief of the Duwamish Indians" until he was deposed by Captain Dent (Denny 1909, 374).

> Tecumseh, presumably the eldest son, succeeded his father, and was recognized as chief until he was deposed by Capt. (now Gen.) Dent, U.S.A., who acted under authority of the United States government in relation to the Indians, at that time. He had some characteristics which seemed to disqualify him for the office, while on the other hand William seemed pre-eminently fitted to fill the position, and was therefore chief and had been recognized both by whites and Indians up to the time of his death (Denny 1909, 374-375).

According to Peter Rogers, who was born around 1856, Tecumseh, his grandfather, was "the 'Great Chief' of the Duwamish and allied tribes of Indians of this district--about Seattle--and was at one time the 'Great Chief' of all these Indians--about where Suquamish is now to the mountains and the Snoqualmie Pass" (Roblin 1919, affidavit of Peter

Rogers). Harrington, in 1910, noted that William Rogers (son of Tecumseh) told him that Tecumseh's potlatch name was Kwolekedabo. This name was then given to William Rogers' son Peter Rogers. The Indians considered it "good to get a potlatch name handed down" (Harrington 1910, frame 493).

In any event, in 1857, it is clear that William, not Tecumseh, was the leader recognized by the Federal agents. The 1857 Stevens to Casey letter cited above hardly refutes the possible importance of Tecumseh. Nevertheless, the BAR research found no description, either in primary or secondary sources, of how the Indian agents deposed Tecumseh, how they chose William as chief, or the relationship between William and Tecumseh after this alleged changeover.

William's leadership of the people living along the Black River emerges in descriptions by Federal agents of their attempts to have the Black River Indians return to Port Madison. In 1856, Indian Agent James Gouty[13] reported to Agent Paige that "[Special Agent] Maurer had a long talk with William at his camp on Black River and he says that he will not come down or will he let any of his people come back as long as he can stop them." William was residing at the Black River camp with about 150 people (Gouty 11/21/1856 in Indian Claims Commission 1957, 511-512).

Inez Denny, relying again on the Whitworth sketch, provided some of the attributes that the settlers considered important when identifying William as a leader. She and Whitworth described William as:

> distinguished for natural dignity of manner. He was an earnest and sincere Catholic, was a thoroughly good Indian, greatly respected by his tribe, and having the confidence of those among the whites who knew him. William was an orator and quite eloquent in his own language (Denny 1909, 375).
>
> From the time of his birth until his death he had lived in the region of Cedar and Black Rivers, seventy-nine years...
>
> His successor as chief will be his nephew, Rogers, who is a son of Tecumseh (Denny 1909, 377).

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[13]The annual reports also spell the name as Goudy.

From the examination of a gravestone in the Renton Cemetery, Miller found that William died in 1896 (Miller n.d.), at his home on the Cedar River. Miller concluded that this home was located "a little below Shabaded," at that time on the Smithers farm, and "now behind the Sears Store [in downtown Renton]" (Miller n.d.).

The evidence shows primarily that William was an important leader among the Lake Fork Indians. Villagers living with him followed him, and non-Indians respected him, and approached him as a spokesman for his fellow villagers. However, the evidence does not support that William's leadership as a so-called chief indicated influence beyond his village, or that the chieftainship was an inherited office. First, as mentioned earlier, Indian agents referred to certain important people as chief to facilitate treaty-making and administration, around 1855. Two years later, evidence suggests the agents still promoted certain Indians to the position of chief, but were willing to do so to prevent individuals from consolidating influence. For example, Agent R.C. Fay described how he advocated appointing an Indian as chief to frustrate the political ambitions of Pat Kanim and George Snatelum, respectively among the Snoqualmie and Skagit.

> Pat Kanim is endeavoring to gain the ascendancy and has acquired some considerable influence with the Indians here, his object is to place George Snatelum[14] as head Chief of the Skagets; he would then have control of his own tribe and them. I think this ought to be avoided and would suggest should it meet with your approval that Squy-Guy should be made Head Chief either with or without a Boston name--a Boston name might please him--he has two or three Indian names already (Fay 2/28/1857, 1361-1362) [emphasis in original].

Second, Waterman maintained that the Duwamish did not have a single chief, and summarized his conclusion through the aphorism "every Indian is a chief" (Waterman 1920, folder 13, 85-87). He based his conclusion on a comparison of informants with whom he talked 1918-1919, and on the works of George Gibbs, who was conducting his ethnographies in the 1850's and 1860's.

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[14]George Snatelum, incidently, was married to Tyee Mary, and through her became an ancestor of the petitioner's Kennum line.

Waterman maintained that the term "Chief" was a Federal governmental construct intended to facilitate the administration of treaties. Contrary to the use of the term by Costello and Emily Inez Denny, Waterman maintained that the term implied no formal or hereditary office from the standpoint of the Indians themselves.

> The men called "Chiefs" by the whites had a largely fictitious authority, excepting, of course, as they were inducted into office by a blundering Government for purposes of treaty-making and treaty-mongering. The Indians nowadays [i.e. around 1920] have no word for any office carrying political authority, nor any knowledge of such an office, so far as their own life-history is concerned. Although the word "chief" is bruited about in the less critical descriptive works, not a word has ever been said that would serve to define the office, or to indicate its privileges, or its responsibilities, or its duties; or to indicate how the happy possessor of the distinction came by it. There is certainly no reason to support that there existed any hereditary chieftainship. We have positive statements by the earlier authorities to the effect that there was no chieftainship at all (Waterman 1920, folder 13, 85).

Waterman cited the writings of Gibbs[15] and the reports of his own informants to support his position that the chief:

> was a <u>nominal</u> chief with no control except over his own petty band, nor was it potent even there. Decision rests [upon] the will of the majority, but there is no compulsion upon the minority. [Gibbs'] account agrees perfectly with what Indian informants have told me within the last twelvemonth. In the matter of rank, men were all so nearly equal that...L. Floyd Jones (p. 6) could write, in 1853 "the organization of these tribes...is exceedingly imperfect, and in many of them it is difficult to ascertain whom they regard as chief or head man (Waterman 1920, folder 13, 86).

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[15]He refers to a quote from Gibbs but the papers do not provide it. Such a quote, however, is in line with what this study cited in 1 ff above.

Waterman explained further how the Indians perceived the meaning of "chief" by translating the term used as "chief" by the people to whom he referred as Duwamish. The term denoted simply "nobleman," and the following paragraph describes what is meant by the term.

> The native word translated nowadays as "chief", is Sia'p a term meaning "nobleman" rather than chief. It reflects the fact that there were three levels in Puget Sound society. The upper crust were distinguished by wealth, "breeding," and the possession of influence. Rank was hereditary in the sense that wealth with us is hereditary, but social prestige could easily be lost through carelessness or misfortune, and could quite readily be attained through luck, or by extraordinary efforts and thrift, or (in the Indian belief) by the aid of the spirits. The word sia'p certainly does not imply any office, for it was applicable to an even third of the members of any group, including, for example, all the children born in good families (Waterman 1920, folder 13, 86) [emphasis in original].

As the quote suggests, Waterman proposed the existence of three separate classes, including the nobility. The lowest included the slaves, who were "for the greater part...strangers and aliens, captured in war" (Waterman 1920, folder 13, 86). The so-called second, or middle, class of non-slaves were treated by the noblemen in an overbearing manner (Waterman 1920, folder 13, 86).

The evidence collected so far in the BAR research supports the observations Waterman made for the people he termed "Duwamish." First, non-Indian writers, settlers and government officials considered William chief because he spoke to agents and settlers on behalf of the people with whom he resided. Second, the non-Indians considered William chief because he fit their expectations of upstanding character.

The petition maintains that many of the Indians on both the Black and Cedar Rivers, as well as at Port Madison, recognized Seattle as a paramount chief (Petition 1987, 71-74). The historian Costello (1895) assumed a similar position and maintained that during the 1850's and 1860's, Seattle was important for bringing peace and unity to the Indians of Pugets Sound, because he "gained the submission of all the rebellious chiefs and tribesmen without fighting

a battle or killing a man." These chiefs included Kitsap, Seattle Curley,[16] Tecumseh, Salmon Bay Curley, and Lake John (Costello 1895, 104). All these people were mentioned in the previous section as from the Lake Fork or Shileshole/-Lake Washington areas.

> Without a knowledge of the polyglot language common to all the tribes and the early white men,[17] he [Seattle] was able by his superiority of mind to mould the turbulent and warlike spirits about him to his way of thinking, and to not only control them individually but to unite them into one grand peace union and to ever after maintain over them against all opposition a power as potent for good as the spirit and nature of the one who prompted it (Costello 1895, 107).

Costello quoted Coombs again, to support his thesis that Seattle obtained this influence through a combination of military prowess and charisma.

> By his great exploits in war, his wisdom and prudence in council, and the nobility of his character, Chief Sealth obtained a wonderful influence over all the natives in this section, whether belonging to his tribunes or to others....He was the supreme arbiter in their disputes, and his decisions were accepted as final and conclusive and carried out with unquestioning obedience (Coombs in Costello 1895, 105).

Other contemporary evidence refutes Costello's description, and indicates that Seattle had little influence with the Lake Fork or other Duwamish. In one instance, he had to rely on the support of Indian agents and important settlers to help him retrieve a slave from an un-named Duwamish Indian (Stevens 3/17/1857).

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[16]Seattle Curley was from Djidjila'l1tc, a village on the site of the present city of Seattle.

[17]Costello refers here to the Chinook Jargon, a trade language. The Historian Prosch also observes, possibly from the same second-hand sources, that Seattle had no knowledge of the Chinook Jargon or of English.

> Seattle has complained to me of a Duwamish Indian[18] who, he alleges, has taken away a slave belonging to one of the Suquamish Tribe, and has asked me to write to Mr. Yesler asking him to use his influence to ensure the return of the slave to his owner, or that the Duwamish Indian be made to pay an adequate price therefor. I have complied with Seattle's request, and enclosed is the letter which you will transmit to Mr. Yesler.
>
> You, of course will act in the matter, having previously ascertained all the facts, and I have no doubt that with the co-operation of Mr. Yesler you will be able to arrange the difficulty satisfactorily to all concerned (Stevens 3/17/1857).

In sum, BAR uncovered no direct evidence to substantiate Seattle's influence as paramount chief. Instead, the evidence suggests that several important men resided in these villages, and were from among the more prestigious and wealthy families.

In 1865, Agency reports still showed "a portion of the Port Madison Indians" desiring to remain on the Black and Cedar Rivers. Agent Howe maintained that there was no provision in the treaty for such a reservation near their homes on the Black and Cedar Rivers. He did recommend, however, that:

> they should be paid for their improvements, which would satisfy them....This is one of the stipulations of the treaty, and in their case it should be complied with (Howe 8/1/1865, 72-73).

Agent Howe did not define what he meant by these improvements. Also, the petition documentation did not show if officials took any official action on this recommendation. The Indian agency records from 1865 to the end of the decade make no further mention of the Duwamish at the Lake Fork in their annual reports.

In 1870, a group of non-Indian settlers circulated a petition to force the Indians living at the Black and Cedar Rivers to resettle at Muckleshoot. Two settlers by the name of Carr and Richardson reported that "a band of Indians camped on the Black and Cedar River in King's County" had

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[18]BAR research was unable to determine if the Duwamish in question lived at Port Madison or across the Sound at Renton.

committed "a gross outrage upon the child of one of the white settlers of that county" (Ross 1869). The Federal investigation of the incident showed that the Indians living in this area were working as farm laborers for the homesteaders.

> [Captain Hill, the investigator] reported that the Indians were living on lands of settlers who gave them constant employment on their farms, and with great unanimity were opposed to their Removal...
>
> The Indians were quiet, industrious, thrifty and well advanced in Civilization....
>
> A delegation of this band headed by their priest, a very intelligent Catholic Indian, came to this office to deny the accusations made against them, and stated that Richardson desired their removal because he used them for labor (Ross 5/17/1870).

The identity of the Catholic Indian priest is not clear. However, the more distant account proposed by Inez Denny maintains that when Captain Hill asked the Indians to move to Muckleshoot, it was William who "made his reply" (Denny 1909, 376).

> His speech was about an hour in length, in which his eloquence was clearly exhibited. He replied that the father at Olympia, or the Great Father at Washington City, had no right to remove his tribe. They were peaceful, had done no wrong. They were under no obligation to the government, had received nothing at its hands, and had asked for nothing; they had entered into no treaty; their lands had been taken from them. This, however, was their home. He had been born on Cedar River, and there he intended to remain, and there his bones should be laid. They were not willing to be removed....He [Capt. Hill] might bring the soldiers to take them, but when they should come he would not find them, for they would flee and hide themselves in the "stick" (the woods) where the soldiers could not find them (Whitworth in Denny 1909, 376).

According to Denny and Whitworth, the settler Erasmus Smithers and his wife interceded on behalf of William, and:

> convinced the captain that...they [the Indians] were living on Mrs. Smithers' land with his consent, and when he further guaranteed their good behavior, and Mrs. Smithers assured him that she had no fears and no grievance, but that when Mr. Smithers was away she considered them a protection rather than otherwise, the captain concluded to return without them, and to report the facts as he found them (Whitworth in Denny 1909, 377).

During the 1860's and early 1870's, other Indians ancestral to a few of the DTO membership were around the Lake Fork. Peter James, in a 1917 affidavit maintained that his father Dr. James, a shaman living on the Duwamish River, married around 1869, Ka-telel-quath-sen, a woman also from the Duwamish River.[19] Dr. James remained around the Duwamish River until his own death in 1884 (Roblin 1919, affidavit of Peter James). Represented by eight descendants among today's DTO's 390 members, the James line represents 4.9 percent of the present-day DTO membership.

In 1917, Charles Moses, whose name was on the 1915 list, deposed that, in 1862, his grandfather Dr. Moses, "a full-blood Snoqualmie Indian, who died at Renton, Wash., about thirty years ago [i.e., about 1887]", married Kate, "a full-blood Indian of the D'Wamish tribe of Indians who died about twenty years ago [i.e. in 1897], on Cedar River, in the D'Wamish country" (Roblin 1919, affidavit of Charlie Moses). One Moses descendant is on today's DTO membership roll.

William Rogers, son of Tecumseh, married Betsy, "a Duwamish woman," in 1860, and resided around Shaba'did. Sam Tecumseh, a brother or half-brother of William Rogers, was born here in 1856, and resided in the Lake Fork area throughout the 19th Century (Roblin 1919, affidavit of Sam Tecumshe [sic]). While Sam Tecumseh was not an ancestor of the petitioner, he was active in events associated with the 1915 Duwamish Tribe of American Indians and the claims litigation conducted in 1927. No Rogers descendants are on today's DTO roll.

Mary Kless, a woman from the Duwamish River area, married Lyman Siddle, a non-Indian, in 1867 (Roblin 1919, affidavit of Lyman Siddle [Jr.]), and the two settled on a farm along

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[19]This is the year Peter James, Dr. James eldest son, was born (Roblin 1919, affidavit of Peter James).

the Black River. The 1870 Census showed them still residing in King County. Their son Lyman Siddle [Jr.] (aged 6) was listed among the "Half-Breeds Not Otherwise Counted." A woman listed on this census as "Mrs. John" may be Lucy John, mother of Julia John Siddle, Lyman Jr.'s future wife. She was listed with the King County, Washington Territory Indians. As will be shown in the following sections, the Siddle family, although comprised of pioneer marriage descendants, remained closely connected with the Lake Fork, Lake Washington, and Muckleshoot Reservation Indians. These connections contrast strongly with the other pioneer marriage descendant families, for whom there is no evidence of such connections. However, the Siddle family is represented by only six people, or 1.5 percent of today's petitioner membership.

In sum, historically-known ancestors on the 1915 list were residing in the Lake Fork area. They were living on or near land upon which they had been born before the treaty, and were raising children there. Some of these Indians were still using long houses as late as 1886 (Tecumseh 1927), although the exact villages cannot be identified. As mentioned above, however, only eight of the James family descendants and one of the Moses are members of the DTO today, and none are active in DTO activities. Later sections will show that while descendants of the Rogers and Moses families were active in DTO leadership through the 1950's, none of these descendants are active in today's DTO membership.

While a few of the second-generation Duwamish women who were born shortly after the treaty of 1855 married non-Indians, most women married other Indians from throughout the Lake Fork, Shileshole/Lake Washington, and Green/White River areas. It is the few women married to non-Indians who are ancestral to most of today's DTO membership.

2.2. 1855 TO 1875: White and Green Rivers

In 1859 Agent Simmons reported on plans to set some of the Muckleshoot Reservation aside for use by the Black and Cedar River Indians (Simmons 7/1/1859, 395). As mentioned before, while the Muckleshoot Reservation was originally intended to be administered under the Treaty of Medicine Creek, not Point Elliott, Simmons observed that there were few Indians living in the area, and the land was located "in the limits of the territory ceded by the Treaty of Point Elliott" (Simmons 7/1/1860, 417).

BAR research identified three groups of Indians living in the Green and White River areas. The first included the unspecified number of Indians who returned from Port Madison to Fort Dent, which was located on the land between the White and Green Rivers about 12 miles south of Renton.

Indian Agent Paige identified the second group as a band of Indians in 1857 who had not gone to a reservation at all the year before. He reported that these Indians had taken part in the war against the settlers in 1856, but now said they wanted to remain peaceably where they were. Paige identified the third group as Puyallup Indians who had asked Governor Isaac Stevens if they could move over to the Green River in 1857 (Paige 1857).

In 1867, the Muckleshoot Reservation was under the administration of the agents responsible for the Indians of the Point Elliott Treaty. Two years later, the reservation was described as follows:

> Muckleshoot contains about twelve hundred acres of land, high, sterile, and little suited for cultivation. The Indians there are a hardy, warlike band, pursuing the chase mainly, though there are some good farmers among them. A difficulty exists between them and the whites about a wedge of land at the confluence of White's and Green Rivers, which the superintendents recommend should be settled by making the land in dispute a part of the reservation (Parker 12/23/1869, 453).

However, earlier the same year, local agent T. J. McKenny reported that "Those Indians [on the Muckleshoot Reservation] have accepted the Catholic faith, have erected a church on their reservation, and are regular in the observance of religious worship" (McKenney 8/14/1869). In 1870, Indian agents reported 183 so-called Muckleshoot Indians under the leadership of Joseph Talawalh (Ross 5/17/1870, 480). However, research was unable to obtain any additional information on Joseph Talawalh, or the people living in the area during this time.

Most of the information about the Indians living along the White and Green Rivers came from recollections of Indian informants living during the 1850's to ethnographers such as Waterman (Waterman 1920, folder 13) and Ballard (1929), or in affidavits to Special Agent Roblin, 1916-1917. They were also on the 1915 Duwamish list. As mentioned before, these

Indians included Big John (Sukwa'lEskt), born 1840; Sampson (Tseu'L), born 1845, Ann Jack (Twa'itidolItsa) born 1840, Stuck Jack (Taka'Klt^{3}it), and Charles Satiacum born 1835.

Big John deposed that both his parents had lived on the Green River in the 1840's (Roblin 1919, affidavit of Big John). Ballard and Waterman both described Big John as from Yila'quo, or Ila'lqo. Yila'quo, as mentioned above, was at the fork of the White and Green Rivers, south of Shaba'did and north of Muckleshoot. Waterman added genealogical information about Big John.

> The Indian name of this fine old informant (recently deceased) is Sukwa'lEskt. His [i.e. Big John's] father, We'ltEbc and his mother Tia'tkollltsa, are said to have been both from the village of Ila'qo (Map A, 229)[20]. His grandfather I'laEb, is said to have been a head-man there. His first wife, Tuwa'tkollltsa, was sister to Stuck Jack (Waterman 1920, folder 13, 135g).

Waterman also worked with Big John's second wife Nancy "Kwia't^{3}oblo...(both [Big John and Nancy] deceased in the summer of 1920). Her father Wata'L, was from [somewhere on the] Cedar River. Her mother's name was Sasa'blLcid" (Waterman 1920, folder 13, 136h).

Sampson's wife Lucy, deposed that Sampson was born somewhere on the Green River area around 1845 (Roblin 1919, affidavit of Lucy Sampson; Ballard 1929, 38). Lucy herself reported being born on the Cedar River, near Muckleshoot, c. 1840 (Roblin 1919, affidavit of Lucy Sampson). According to Ballard, Sampson was born at Yila'quo, the same village as where Big John lived. However, "most of his life was spent about Lake Washington. In his old age he was brought back to the Green River - Muckleshoot Region" (Ballard 1929, 37-38).

Ann Jack was born on the Green River in 1840 (Ballard 1929, 38). Ballard guessed that her father, Stuck Jack, or Take'L, was originally Yakima.

> It is said that in early life he was taken prisoner and lived several years with the Umatilla people, and later introduced on Green River a

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[20]We were unable to find this location on the Map available from Folder 14.

> phallic ceremony which he had learned during his captivity (Ballard 1929, 38)

Ballard maintained that Stuck Jack was from the village of Stuck, on the Stuck River. Stuck River (see map) flowed into the Puyallup River from the White River. Stuck Jack's mother's father was Wapa'uati (Wapawatee), whom Waterman identified as a headman from the village of StEq^{3},[21] the upper class village on the upper Duwamish River (Waterman 1920, folder 13, 138). His Mother's father's mother was from somewhere on the White River (Waterman 1920, folder 13, 136i). None of the descendants of these people are on today's DTO roll. BIA Census shows, again, that by 1911, most of these people and their descendants had enrolled primarily on the Port Madison Reservation.

Ballard described Charles Satiacum as being from the White River in 1835, where his mother had lived (Ballard 1929, 39). The 1870 Federal Census information showed an individual with the last name of Satiankum, aged 35, residing in Pierce County, which includes the Puyallup Reservation. The age of this individual is approximately the same as expected of Charles Satiacum. Charles Satiacum's descendants were on the 1915 Duwamish Tribe of Indians list, and he himself claimed to be their chief. However, none of his descendants are part of today's petitioner.

In sum, each of the individual Indians from along the Green and White River were later members of the 1915 list. They participated in the Roblin Process, or were at least later identified as Duwamish by ethnographers. They were interacting with each other, at least through marriage, as well as with people from Lake Washington and the Lake Fork. There is no other information in the petition or accompanying documentation that characterizes their political or social life from 1855-1875. The sections following will show that none of the descendants of these people are part of today's DTO petitioner membership.

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[21]Petition documentation contained no contemporary information on who Wapa'uati was or what it meant for him to be a head man. The petition (page 139) maintains that he was headman of the White River area after the Treaty of 1855, but provided no further documentation. BAR researchers were unable to locate any further evidence of what this man did. He was not an ancestor of the petitioner.

2.3. 1855 TO 1875: Port Madison

A letter report from Agent Simmons, in 1857, shows that the Indian agents assumed that the Suquamish were under the leadership of Chief Seattle; the Duwamish under Nowchise (Simmons 1857). Both leaders pleaded urgently for the agents to ratify the Point Elliott Treaty, provide care for the indigent, and help in the construction of a church (Simmons 1857). In his 1857 report, Simmons quoted Nowchise, particularly, who:

> expressed great anxiety to live to see a church for the use of Indians built on the reservation. At the conclusion of the Council, Nowchise, requested the Indians present not to disperse but to remain in their places; he then kneeled down, and, in a simple but sincere prayer, earnestly besought the Great Spirit that there might always exist the same feelings of friendship and kindness between the whites and Indians, and particularly those of his own Tribe, that had been exhibited and felt on that occasion (Simmons 1857) [emphasis in original].

Agency reports of 1862 described Port Madison as almost entirely timbered, with no Indians living on it year around. Agents noted that it was too small to support its population (Kendall 1/2/1862, 305-306). No one actually lived on these reservations until well into the 1860's because the land was too heavily forested to settle (Howe 9/30/1864, 214). Thus, as late as 1862, Agents described most Indians as living in the vicinity of the reservations. The Indians visited the reservations only to collect annuity payments. While living off reservation, they continued to rely on subsistence[22] activities such as fishing and growing potatoes in cleared areas along streams, and did not attempt to farm the reservation areas at all (Kendall 1/2/1862, 305).

Nevertheless, agents reported that the Indians they termed "Duwamish," while at first hesitant to move, had begun to move there in larger (but unspecified) numbers as early as 1863 (Hale 9/1/1863). In 1864 the reservation had been enlarged through executive order (Lane 1988, 3). That same

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[22]Archaeological information (Chatters 1981) and early descriptions by Gibbs (1877) show that Coast Salish such as the Duwamish were growing potatoes soon after the arrival of the Hudson's Bay Company traders.

year agents reported that 100 additional fruit trees had been planted there. Thus, it is possible that some Indians were at least working on the land, if not residing there.

The Suquamish leadership changed in 1866, with the death of Chief Seattle. Like the amateur historian Costello, the agents praised Seattle's westernizing influences, as well as the respect he obtained from his own people.

> Their chief, Old Seattle, died last year; he was a man of fine natural ability, and exerted a great influence among his people, morally and religiously, for he was a strict Catholic, held morning and evening services, and thus his people continue to act since his death. His son has been elected chief of the tribe; he is a moral, civil, and religious man. They have a house for worship with a bell attached, which they have paid for with their own money (Elder 7/28/1867, 39-40).

In 1867, Indian Agent Elder added that the houses the Indians built at Port Madison were built from personal income:

> by working at the mills, cutting and felling logs from their reservation to the mills, and by fishing for dog and salmon fish, selling the oil from the dog fish, and supplying the mills with the salmon. These Indians have plenty of money and are doing well; they have good houses, built by themselves out of lumber purchased with their own means (Elder 7/28/1867, 39).

The sawmill at Port Madison was owned by Captain Meigs. While Elder reported that Meigs was on good terms with the Indians and "has been good moral influence," there is no other indication that the Indians benefitted directly from the sawmills, or how they participated in the economic life there.

In 1870, the Port Madison Reservation was increased to include "nearly 7 miles of coast, and about 14 sections of land" (Hill 9/1/1870, 503). Captain Hill counted 666 Indians to whom he referred as Duwamish, under the leadership of Jim Seattle, and added, surprisingly, that they alone occupied that reserve, although only about half of them lived on the reservation itself (Hill 9/1/1870, 503). This high estimate for the Duwamish and the seeming disappearance of the Suquamish may be due to inexperience,

since he had arrived only a year before (Hill 9/12/1869, 143).

There is fragmentary information on individual Indians living at least in the general vicinity of Port Madison around 1885. Again, it comes from the papers of Waterman (1920). Individuals on the 1915 Duwamish Tribe of Indians list, and living at Port Madison included Jack and Mary Adams, Jack Davis and Jennie Davis, and Sam Wilson. These people came from across Puget Sound from the Black and Cedar Rivers, and Lake Washington. Jack Adams:

> was born at Keyport, but his father (Ka'ktLEd) was from StEq^{3}. This latter was of mixed marriage, his father, Wultsi'tEb, being a Chimakum, and his mother, Da'adais, belonging across from Steilacoom. The informant's mother (C1da'x) was from Quilcene on Hood's Canal. Her mother, Qi'x^{u}tsa, belongs there, but her father (Xawi'sEb) was a Chehalis (Waterman 1920, folder 13, 136m).

Petition documentation contained neither affidavit nor ethnographic account for Jack Adam's wife, Mary, nor was such information revealed in BAR research. All that emerged is a captioned photograph in Waterman and Greiner (1921), showing Mary Adams seated by the bow of a Suquamish "War Canoe" in 1913. Jack Adams had been the canoe maker. Henry Alexis was the son of Charles Alexis, who was from the White River area originally (Lane 1988, 11). Jennie Davis deposed in 1917 that the father of her husband Jack Davis was Snohomish, her husband's mother Suquamish (Roblin 1919, affidavit of Jennie Davis). Jennie Davis herself deposed only that she was from around Seattle (Roblin 1919, affidavit of Jennie Davis).

Petition documentation did not include further direct evidence of interaction during the 1860's and 1870's among people living at Port Madison. Nor did the documentation mention interaction between the Port Madison and Lake Fork, Lake Washington, White and Green River, or Muckleshoot Indians. Nevertheless, it is clear that residents of Port Madison included people from these areas, and they were marrying one another. Moreover, Ballard (1929) noted, in conversing with informants during his field work from 1916-1918, who had lived during these times, that elements of cultural knowledge among the Port Madison and Lake Fork Indians was shared precisely because of the intermarriage.

> In consequence of the loose political organization and the common practice of exogamy, with the free intermingling of the population in this region, there is little divergence in the mythologies of the various groups. Even myths about places are known far and wide. On the other hand there may be found current two or more versions of a myth pertaining to a single locality (Ballard 1929, 35).

It is reasonable to conclude that these Indians, as well as the others mentioned above, were interacting through the Salish kinship system. However, the direct descendants of none of these people are part of today's DTO membership. BIA Census rolls show that their descendants had enrolled on the Port Madison Reservation from 1885-1900.

2.4. 1855 TO 1875: Shileshole/Lake Washington

Salmon Bay Curley, or Shileshole Curley, lived at Shileshole in the 1850's and 1860's. Waterman criticizes Costello for considering Shileshole as the name of a tribe, and provides further information on Shileshole Curley:

> Costello gives for Salmon bay, "Shul'shale, name of a tribe." He is very much mistaken about the latter part of his statement but correct in the former assertion. The tribe were called the C1lcol-a'bc. The head-man at this settlement when the whites came in was "Shilshole Curly."[23] The village was situated on the north side of Salmon bay, in the present Ballard district of Seattle (Waterman 1920, folder 13, 136q).

Emily Inez Denny mentioned Shileshole Curley, his wife Hu-hu-bate-sute, and other Indians in connection with the murder of a non-Indian by some Indians residing in the area during the mid 1850's (Denny 1909, 100-102). Shileshole Curley later told Arthur Denny about it.

In around 1862, Shileshole Curley's daughter married Franklin Matthias, a non-Indian from Maryland (Waterman

[23]Costello also considered Salmon Bay Curley a sub-chief.

1920, folder 13, 136i)[24]. From this union Rebecca Fitzhenry was born in 1862. Waterman later described Rebecca Fitzhenry from his research in 1916-1918 as:

> a very quick and intelligent woman, [who] also lives in Seattle. Her father, Franklin Matthias, was a Maryland man; her mother was full "Duwamish," descended from a Duwamish man, Saxkla'xid, and his wife. My informant in her childhood used to paddle a canoe about in a lagoon which extended over the site where Guy's drugstore now stands (Waterman 1920, folder 13, 136i).

Shileshole Curley's daughter later married Christian Scheuerman in 1868. From this union came Bertha Bradwick, Lisette Backus, Catherine, Karl, and Walter Scheuerman.

BAR research found no direct evidence that these people were interacting with any of the Black and Cedar River, or White/Green River Indians from the 1860's on. However, the above quote suggests that people such as Rebecca Fitzhenry knew enough of the Indian culture and cultural life to be an informant to later anthropologists.

Waterman described Lake John as having "a cabin on Lake Union across from [the] University grounds....Lake John used to take pelts to the trading station at Steilacoom before Seattle was thought of" (Waterman 1920, folder 13, 136o). Waterman showed Lake John as the father of Jenny, or "Jinny," John, from Port Madison. Harrington (1910) described Lake John as "Lake Union John" and "Denny John." The latter name arose from a friendship Lake John had with Arthur Denny, a pioneer founder of the City of Seattle (Harrington 1910, frame 498).

Others from Lake Washington included Sampson, his wife Lucy, Dan Sile'lc (Silelus), and Susie (Ballard 1929, 37-38). Sampson was discussed above because he was originally from the Green River area, and resided around Lake Washington (Ballard 1929, 37). Waterman referred to him as Sampson Eels (Waterman 1920, folder 13, 136i). Both ethnographers stressed that he moved later to the Muckleshoot Reservation.

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[24]This is the date of birth provided by Rebecca Fitzhenry (Rebecca Fitzhenry, Affidavit to Thomas Bishop 4/1/1916)

Waterman (1920) showed that Dan Silelus' father was from Dxidzila'ltc, near Seattle.

> Djidjila'l1tc, a diminutive meaning "a little place where one crosses over." In the vicinity of the present King Street Station in the city of Seattle, there was formerly a little promontory with a lagoon behind it. On the promontory were a few trees. Behind this clump of trees a trail led from the beach over to the lagoon, which gave rise to the name. There was an Indian village on each side of this promontory. In the lagoon flounders were plentiful. The native term for cross-over is now used by the Indians as the name for the whole city of Seattle. The head-man during the early days of the White occupation was "Seattle Curly," whose native name was $Ts^3aqw^3a'L$. Another prominent person was Old Charley; Tsai'lkutld (Waterman 1920, folder 13, 137)

The historian Costello mentioned Seattle Curley as an important person over whom Chief Seattle allegedly had to gain influence (Costello 1895, 102-103).

Ballard described Susie as coming from Lake Washington. Her father was "Snuqualmi" her mother "Duwamish." By describing her from Lake Washington, Ballard also explained that

> The Lake Washington people were intermediate between the Duwamish and the Snuqualmi. They were called xa'tcoabc or "Lake people." Lake Washington was called xatco, "the big lake" (Ballard 1929, 38-39).

The petition documentation provides no further direct information characterizing the social and political life of the people at Shileshole, Lake Union, or Lake Washington. Nevertheless, marriage and residence patterns showed that the first generation Indians (i.e., Indians who were adult at the time of the Point Elliott Treaty, or were the originators of pioneer marriage lines) maintained residence in the Lake Washington/Shileshole area. Like their Lake Fork neighbors, whom they married, some of these Shileshole/Lake Washington Indians moved to the Green and White River areas. Others married Indians living on Port Madison, and later Muckleshoot. None of these people are ancestral to today's DTO membership.

The one pioneer marriage, the Matthias/Scheuerman line, remained living in the Shileshole and Seattle area. Eight members of this line, or about two percent, are in today's DTO. However, there is no evidence to show that this family interacted with any of the Indians residing throughout the Lake Washington, Shileshole, or Green/White Rivers.

2.5. 1855 TO 1875: Other Families: the Pioneer Marriages

The majority of families ancestral to the petitioner were scattered throughout the Puget Sound area at the time of the treaty signing, or soon after. These include the Eley, Fowler, Garrison, Hawk, Kennum/Tuttle (Kennum line), O'Bryant, Sackman, Scheuerman, and Seymour (or Seymore) families. Descendants from these scattered families comprise 93 percent of today's petitioner membership. By far the largest is the Kennum line, which alone accounts for nearly 32 percent of the petitioner's total membership. There is no evidence to show interaction between these families and the Indians from the Lake Fork, Lake Washington, Shileshole, or Green/White River settlements.

Patrick Fowler, deposed that his grandfather Asa Fowler married Mary Jacobson, whom he described as a Snoqualmie (Roblin 1919, affidavit of Pat Fowler), ca. 1855. Patrick's father, Peter Fowler, a.k.a. Daniel James Fowler, deposed that his parents, Asa and Mary Fowler "lived the greater part of their married life in Kitsap County, Washington, at Port Madison, Port Blakely, and Colby, and also at Olalla, Washington. That they lived at Olalla for many years" (sic) (Roblin 1919, affidavit of Peter Fowler). By 1860, the first generation of the Fowler children were born at Colby, Washington (Roblin 1919, affidavit of Daniel James Fowler). Colby is 19 miles south of Port Madison along the western shores of Puget Sound.

Jane (or Jenny), a niece of Chief Seattle, married John Garrison, in 1853 (Roblin 1919, affidavit of Jane Garrison). According to her granddaughter Cora Vandermost, Jane Garrison was born "at Duwamish, King Co. in the year 1838, and was married to John Garrison (White) in the year 1853 by Indian custom" (Vandermost 8/16/1917). One of their sons, Henry Garrison, maintained that John Garrison lived in Fairview, Washington. Fairview is a small town about 12 miles southwest of Port Madison. Three males and two females had been born between 1855 and 1869. None married during this time interval.

Tyee Mary, or Mary Kennum, is the ancestor of the entire Kennum/Tuttle family line. As mentioned above, this line comprises a third of the today's petitioner's membership. Roblin recorded her as "Duwamish/Snoqualmie," and married to George Snatelum, a Skagit, around 1846. They then settled on the Skagit River (Roblin 1919, affidavit of James Tuttle) 80 miles north of Renton[25] where their daughter Anna was born in 1846. In 1860 Anna married Abner Tuttle, and moved to the Black River area. The 1870 Federal Census showed children Nellie, Lucy, Louisa, and Amelia Tuttle, all residing in King County as "Half-Breeds Not Otherwise Counted."[26]

Julia Whatulach, a "part-Duwamish, Snohomish, and Snoqualmie" Indian woman (Roblin 1919, affidavit of Zillah M. O'Bryant-Elliott), married Humphrey O'Bryant, a white Indian agent at Port Madison serving under Governor Stevens, in 1856. She then moved with him to Anacortes, 82 miles north of Renton (Roblin 1919, affidavits of Laura O'Bryant and Zillah O'Bryant). Julia Whatulach was the full sister of John Seattle[27] at Port Madison (Roblin 2/8/1919).

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[25]George Snatelum is mentioned as a Skagit chief by Indian agents (Paige 1857). He was also mentioned by Agent Fay (1857) as attempting to become chief of the Skagits, with the political support of Snoqualmie Headman Pat Kanim. See above. The principal connection of these people with the Duwamish is through Tyee Mary.

[26]Census enumerators counted as White the non-Indian member of mixed-marriage households and counted the Indian spouse separately. The children in these households were then counted as White. In households in which the non-Indian householder was not present, or where the children of the mixed marriage were living elsewhere on their own, they were enumerated as "Halfbreeds not otherwise counted." It is therefore likely either that these daughters were living in King County on their own, or that Abner Tuttle was not present.

[27]John Seattle should not be confused with James Seattle or others who are known to have descended from the famous Suquamish chief. Waterman maintains that he could find no kinship relationship between John Seattle and Chief Seattle, and that John simply assumed the name. Since the term Seattle is derived from Siap, for nobleman, Waterman's interpretation is plausible (Waterman 1920, folder 13, 136h)

Sarah Seymore, daughter of Stotamish (or Tomsemu) and Neesemu (Jones-Lamb 1994) married William Moore, a non-Indian in 1867[28] and resided in Orcas, in San Juan County. Other Seymore descendants included Tom Seymore, Julia Emma Robertson, and Theresa[29] Lawrence. However, only descendants of Theresa and Sarah are on today's petitioner roll.

Maria, also known as Chetlaboo, married Daniel Jacob Sackman, a non-Indian, in 1858. Maria's father was Seteitck, "a Duwamish" (Roblin 8/25/1917). The Sackmans lived in a logging community known as Sackman on land that Daniel Jacob Sackman had purchased. According to a description provided by the local historian Fredi Perry (n.d.b) petitioner ancestors of the Garrison and Seymore line worked for Sackman.

> Indians and newcomers came to work for Sackman and in the 1857 census of Kitsap County Sackman was living at Port Orchard near William and Eliza Renton, Moriah Renton, J.W. Wood, John Garrison and William Strong. In the 1860 census of Kitsap County, each household is numbered and those living in Sackman's household consisted of Jacob Sigo, C.W. Moore, Thomas Costello, L. Milford and J.W. Woods. Sackman listed himself as a lumberman; Sigo, a boatman; Moore, a fisherman; and the others appear as cooks. This most probably is the Sackman bunkhouse (Perry n.d.b, 3).

The town's name "Sackman" was changed in 1890 to Tracyton (Perry n.d.b, file 23; Siegel, 1992). Tracyton is located about 9 miles southwest of Port Madison. It is only two or three miles from Fairview, where the Garrisons were residing.

The Roblin affidavits 1917-1918 are the principal source of information for the families discussed here. The only ethnographic discussion of any of these families is Waterman (1920), who discussed Jane Garrison. Jane Garrison was an informant whom he contacted for his research 1916-1918. She was living near Dye's Inlet, upon which Tracyton and Fairview are located. Indian agents at Port Madison do not

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[28]This date is based on the age of Sarah's eldest son Jefferson in 1900: 33).

[29]Or Thelma, see Jones-Lamb 1994.

mention the Garrisons in any reports examined during the BAR research. Perry mentioned Jane Garrison living most of her life at Fairview, near Tracyton.

> In later years Jane kept her neat cottage at Fairview near where she had her own favorite clam digging spot, a small island at the mouth of Barker's Creek. She lived on these clams and vegetables raised in her garden plus things brought from time to time by neighbors (Perry n.d.b, 4).

The Sackman and Garrison families represent the second category of pioneer descendant families mentioned above. There is evidence for this time that they were interacting with each other through the logging industry. The Kennums, Fowler, O'Bryants, and Seymore family descendants represent the third category discussed above. They were were marrying non-Indians.

The Scheuerman line was discussed with the people from the Shileshole area in 2.4 above. They were similar to families in the third category.

The petition documents provided no information that shows if or how these people were interacting with the Indians from the other areas described in 2.1-2.4 above. The only information available shows that the second category of families--the Garrisons and Sackmans--were interacting with each other. They were not interacting with the Indians from the Lake Fork, Lake Washington, Green/ White Rivers, or the Port Madison and Muckleshoot Reservations.

2.6. Discussion

During this time, then, the Indian agents recognized Indians living at Port Madison and the Black River area as Duwamish. These Indians married among each other and had recognizable leaders. These Indians, in turn, either went to the White and Green River, or married Indians who lived there. Those who lived at Lake Washington were related through those at both the Lake Fork and the White and Green Rivers.

Five Indians, who married pioneer settlers, are ancestral to four fifths of the petitioner's present membership. Two, Jennie Garrison and Tyee Mary, were from the Black River. It is not clear where Mary Jacobson Fowler was from. Maria Sackman and Julia Whatulach O'Bryant were settled at Port

Madison, at least at the time they were married. The Garrison, Fowler, and Sackman families moved to the Port Madison area after marriage. Julia Whatulach and her family later moved north to the Anacortes area.

Information about the Sackman families shows that at least some of the pioneer marriage family members resided at lumber camps throughout the area, and came into contact with each other as part of their logging work. However, there is no evidence at this time of their interacting with Lake Fork, White, and Green River, or Lake Washington/Shileshole Indians.

In the years before 1855, six of the seven known marriages among the petitioner's ancestors were with either Duwamish or other Indians. One marriage, between Jane and John Garrison, had been with a non-Indian. The Roblin Roll revealed three marriages with Indians who were listed as Duwamish but who were not part of the petitioner's ancestry.

From 1855 to 1875, on the other hand, there were a total of 11 marriages among the petitioner's ancestors to non-Indians, and only one full-Duwamish marriage. The Roblin Roll revealed three more marriages among Duwamish for this period. However, these marriages were between Indians not ancestral to the petitioner.

There is also evidence that the communities along the Lake Fork, as well as along Lake Washington, were socially and politically viable. However, there is also evidence that pioneer marriage families were beginning to disperse into the rapidly-growing pioneer mainstream of the Puget Sound area.

3. 1875-1900

This section will continue describing the history of the five groups described in 2.ff above for the last quarter of the 19th century. Both the Indians and pioneer marriage descendants born at the time of the Treaty of Point Elliott i.e., the second-generation descendants, came of age to marry. Added to information on marriage and residence patterns is information on political interaction between the Lake Fork Indians and those living on the Muckleshoot and Port Madison Reservations.

The evidence provided by the petition and collected through BAR research will show that the Indians residing in the Lake

Fork, Lake Washington, and Green and White River areas were interacting politically and socially with Indians residing at the Port Madison and Muckleshoot Reservations. The evidence will also show that some of the descendants of pioneer marriage families scattered throughout the Puget Sound area were interacting with each other. However, none of these pioneer marriage families, ancestral to over four fifths of the present DTO membership, were interacting politically or socially with Indians from the Lake Fork, Lake Washington, and Green and White River settlements. Again, this lack of interaction is important because these pioneer marriage descendants are ancestral to over four fifths of the present DTO membership.

3.1 1875-1900: The Decline of the Lake Fork

In the Lake Fork are the last of the Duwamish Indians. Fewer than one fifth of their descendants are part of today's petitioner. None of their descendants are presently active in the DTO. Jennie Moses (born 1861), married James Moses in 1876, and reported residing in the Lake Fork area the rest of her life (Roblin 1919, affidavit of Jennie Moses). In 1900, the family of James Moses and his wife Jennie were still in the Lake Fork area. One son, Henry, was born 1900. He became one of the leaders of the Duwamish Tribal Organization in the 1950's, and was reportedly the namesake of the Renton High School Indians (Buerge 1985; Fowler 1992). He and his wife Christina remained in the area until 1938, when he moved "near the old Indian Hospital, southeast of Tacoma" (Slauson 1964). While this family was active in the DTO through the 1950s, only one of the descendants appears on today's DTO membership list, and none are active in DTO affairs.

In 1890, Peter James married Adeline Descanum. He reported her as "born...at Lummi reservation....After our marriage we lived at Duwamish--where our two sons--Patrick G James and Norbert James were born" (Roblin 1919, affidavit of Peter James). His son Norbert, in his own affidavit, added that Adeline Descanum's mother, Sarah, was "of Lummi and Duwamish parentage" (Roblin 1919, affidavit of Norbert James). Peter James deposed in 1932 that when he was "about twelve, fourteen, or fifteen years old" that he had seen long houses (James 7/13/1932, 1406) and was working as a farm laborer "about 14 miles from here [Seattle] in the White River Valley" and himself lived during these times in a long house (James 7/13/1932, 1407). He maintained that these buildings were still standing as long as 40 years before the time of

his testimony i.e., c 1890. The villages of Shaba'did, Txuhudidu, and StEq[3] are all within a 14-mile distance south from Seattle. In 1893, however, Peter James, his wife and two children had moved to the Lummi Reservation.

Peter Rogers, son of William Rogers, married Annie Moses in 1879 (Roblin 1919, affidavit of Peter Rogers). The 1880 Census showed that Peter Rogers lived in King County, where his occupation was listed as "farm laborer." During this time, there were thus three generations of Kwiashten's descendants in the King County area where Shaba'did was located. However, within a decade both William and Peter had moved out. By 1892, William Rogers and his son Peter were enrolled at Port Madison, and living on allotments they had received there in 1892 and 1893 respectively (Lane 1988, 15). During the latter 19th Century, then, the Rogers were related closely to the Moses through marriage. None of the Rogers descendants are part of the today's DTO membership.

In 1927, Major Hamilton testified that a long house was built around 1886 at a village called Nua-Hub-Kow, to total five long houses. He also reported that the other long houses he described were built before this time, but were still standing (Hamilton 1927, 697-698).[30] The petition documentation did not provide enough information to pinpoint the location of Nua-Hub-Kow. Major Hamilton's descendants are not members of today's DTO petitioning group.

Again, none of the Rogers and Hamilton descendants, one of the Moses, and eight of the James descendants are part of today's DTO membership. None of them are active in present-day DTO life. The Solomon family descendants, discussed in the following paragraphs, are represented by one member in today's petitioner, who is not active in modern-day DTO life.

The 1880 Census showed Ben Solomon, his wife and children still living in King County, in the vicinity of the Black and Cedar Rivers. Only one Solomon descendant is part of today's DTO membership.

Ben Solomon's occupation was listed as a "farm laborer," his wife's as "housewife." All the Solomons were labeled on the

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[30]He reported he was 30 years old when he saw it built. Since he reported being born in 1856, 1886 is the date.

Census as Indian.[31] A letter from Ben Solomon to Agent Buckley, at Tulalip, in 1885, suggested strongly that he and others from the Lake Fork area were active in politics connected with people living both on the Port Madison and Muckleshoot Reservations. Ben Solomon protested what appears to be an attempt by Federal Indian agents to recognize Snohomish Joe as a chief. As has been previously shown, agents elevated certain people to chief by giving them "Boston" names. Through such name granting, these officials attempted to influence Indian politics. In 1885 Ben Solomon wrote that:

> having heard that Snohomish Joe want to be chief instead of Indian Peter you are better wait till you get petition from Peter for I think it will cause trouble if Joe gets his place. I have known Peter for 2 years and found him to be a good Indian and his people like him as you will find by his petition....I hope Mr. Buckley that you will take this matter in hands think on it and do Justice for Peter for his people want him where he is and if Joe gets in his place there will be trouble sure and I hope you will avoid it (Solomon 6/1/1885).

Snohomish Joe was enrolled at Muckleshoot (aged 38, married with one child) in 1885. However, BAR research could not identify over whom Snohomish Joe wished to be chief, or exactly what "chief" meant in this context. Nor could the research identify Indian Peter.[32] However, Ben Solomon also listed people who favored Snohomish Joe, and those who

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[31]The notations used by Federal Census enumerators indicate "I" or "In" for Indian, "Hb" for "halfbreed," or Indian/Caucasian children, "B" for Black, "Mu" for Mulatto, and "W" for White. The decision of what label to affix was left to the discretion of the census taker. Some families listed by Roblin as part Indian are listed as "W" in the census. Also, in some cases the children of a family were listed as "I" or "HB" on one census. A decade or two later, the grown children were listed as "W."

[32]It is unlikely that Indian Peter was Peter James, since the latter, born 1869, would have been only about 16 years of age. Peter Rogers, however, would have been of age, having been born in 1856 (Roblin 1919, affidavit of Peter Rogers). However, Peter Rogers was mentioned as one of the referees.

favored Indian Peter. Among those who favored Indian Peter were "William Rodgers chief, also Charley Kucock, Peter Rodgers, Joe Telesta, Johnny Moses" (Solomon 6/1/1885).[33] The 1880 Census showed that Peter Rogers lived in King County. If Charley Kucock is the same person as Charles Keokuk, he was enrolled on the Port Madison Reservation at this time. None of these people are thus ancestral to today's DTO membership.

In 1894, dramatic evidence characterizing the social and political organization of the Lake Fork Indians appeared in a sing gamble reported by the historian Clarence Bagley[34] (Bagley 1929, 137). Again, while this sing gamble included many Indians known as Duwamish, it did not include the ancestors of today's petitioner.

The sing gamble that Bagley described appears to be the disk game described by Suttles and Lane (1990, 495). Gambling among the Salish generally included rolling dice, the disk game, and the hand game (Suttles and Lane 1990, 495). The stakes of the match were possessions, goods, trade items, and other material wealth that the leader mustered from people over whom he had influence within the village (Bagley 1929, 137). The gambling was moderated by the shamans from both sides who would scramble, or randomize, the disks or bone (Suttles and Lane 1990, 497) until the bettor called a wager (Bagley 1929, 142). If the individual who called the wager picked the right disk or bone then he would win the wager and receive goods for redistribution among the people over whom he had leadership.

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[33]If he were enrolled on the Muckleshoot, Indian Sam may have been Sam Showaway (30, married with two children). If he were enrolled at Port Madison, he may have been Sam Wilson, whom Waterman identified later as a tribal policeman (Waterman 1920, folder 13, 136p). BAR researchers found no names on either Port Madison or Muckleshoot rolls that correspond to Johnny Sam, Martin, or Joe Talesta.

[34]Bagley was a popular historian who described the early years of King County and Puget Sound. In this example most of his information is an embellishment on a newspaper article, itself a retrospective, published around 1900. See page 400 of the petition documents. Harries (1937, 1) in describing a similar event, suggested 1889 for the date. Both show that the event had not occurred for a long time.

Bagley described this sing gamble as being held between the Indians living at the Black and Cedar Rivers, and the Puyallups. The former side was under the leadership of William. Bagley added that William's side included two separate villages. The first village included the one from which William came; Bagley placed it on the Cedar River. The other was the nearby Black River settlement, where the Moses families lived. The Puyallup Reservation Indians were under the leadership of Seatcum.[35]

These events required that the leader mobilize people whom he has asked to provide quantities of goods. Providing these goods was no simple undertaking, considering that the Cedar River Indians were not as rich as the Puyallups. The following quote provides an idea of the scale of the goods at stake.

> The stakes played for included forty horses, wagons, buggies, saddles, blankets, jewelry, rifles, bed quilts, shawls, clothing and $150 in cash, the whole representing a total of $3,500 worth of property. The Cedar and Black River Indians could ill afford to lose, for everything they possessed, including the winter's food and the clothes they wore, had been put up, and in case it happened, that their god of fortune deserted them they would have been obliged to appeal to the white residents of Renton for the necessaries of life. The Puyallups are a more numerous and wealthier tribe, and have the additional distinction of a residence on a reservation, but notwithstanding these advantages they did not purpose to throw the game in favor of the poorer, but not less plucky brethren. The game was for blood, and no "sing-gamble" of the old days was ever more stubbornly contested (Bagley 1929, 137).

In addition to the effort expended on amassing goods, women and younger members of a village also gathered materials for making the disks (Bagley 1929, 138-139). Also, the wad of shredded bark within which the disks were shuffled, or randomized, required that the young men and women gather as much as "half a ton" of cedar bark. Bagley maintained that

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[35]BAR research found no information, nor did the petition provide any information, regarding the identity of Seatcum, or if he is the same as, or a relative to, Charles Satiacum.

while the women and young men collected this material, they also collected wood to make as many as 400-500 disks, made 60 counting sticks, and wove grass mats (Bagley 1929, 138-139).

This example shows that William proceeded through a network of non-Indians and reservation Indians. William challenged Seatcum by first asking a railroad agent to write a message. He then asked that this message be sent, through Agent Eels at Puyallup, to Seatcum (Bagley 1929, 139).

Bagley described how, in addition to the gambling, the leaders settled disputes and fights as they broke out.

> "The bets were quickly made, not, however, without several fights, in which it became necessary for the head men of the three tribes to step in and act as arbitrators to avoid bloodshed" (Bagley 1929, 139).

Bagley also listed the people whom he considered the Black and Cedar River leaders (Bagley 1929, 142).

> The visitors [i.e. the Puyallup] were met by Chief William, his right hand man, Doctor Jack, of the Cedar River tribe, and Jack Foster, the head man of the Black Rivers, who escorted them to the preserves of the Cedar Rivers, three quarters of a mile north of Renton, where the game was to take place in the spacious tepee of Doctor Jack (Bagley 1929, 142).

Other sources identified some of these people further. Doctor Jack was a shaman who worked with George Dorsey at the Cedar River in 1898 and 1900 (Miller 1988, 3). Waterman showed him living at Duwe'kwilc, near Seattle, but did not specify a date (Waterman 1920, folder 13, 140). The 1900 Federal Census showed Dr. Jack living among the "Cedar River Tribe" with his grandsons Johnny Moses and Joe Joseph Moses. They were listed as "Yakima."

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 [i.e. Myron Tuttle Overacker] was small." Rasmussen also maintained that a paddle in her possession was one used by Dr. Jack (Rasmussen 1992). 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. Also, Section 6.3 will show that while Myron Tuttle Overacker may have interacted with reservation Indians, his children, such as Ann Rasmussen, did not.

Bagley then described other Indians whom he termed "well-known worthies."

> Among the Black River tribe at the "sing-gamble" were the following well-known worthies: Dan James and his boys, Jim and Dave, and his daughters, Louise and Mattie; Jake Foster, George Washington, Daniel Webster, Jim Moses, and Jim Driscoll. Those of the Cedar River: Doctor Jack, William Rogers and his son Pete, Chief William, Doctor Bill, Ben Solomon and his boy, Dave, Frank Allyn, Charley Moses, Paul Williams, Henry Tom, George Yuk, Jerry Kaum, Thomas Josh, Kultus Johnny and Green River Jimmy. On the Puyallup side were Nuke Sewaltis, George Newallup, John Wallace, Johnny McKemm, Johnny Wrinkles and Boston Charley (Bagley 1929, 142).

Other sources contain information about some of these individuals. For example, the name Dan James did not appear on the Port Madison or Muckleshoot Census rolls. However, Ballard mentioned Dan James as a Green River informant when the ethnographer conducted research around 1918 on a salmon weir that had been built some time in the 1890's (Ballard n.d., 45). Jake Foster, George Washington, Daniel Webster, Jim Driscoll, Paul Williams, Henry Tom, George Yuk, Jerry Kaum, Thomas Josh, and Kultus Johnny did not appear on the Port Madison or Muckleshoot Rolls. Jim Moses is most likely James Moses. The 1900 Federal Census showed James Moses as still residing in King County, among the "Cedar River Tribe." William Rogers was the nephew of Chief William and has been described above.

Dr. Bill, another of Bagley's "well-known worthies" was a shaman who worked with Dorsey around 1900 (Miller 1988, 3). Ben Solomon, mentioned in connection with the 1885 letter discussed above, was the ancestor of today's petitioner's

Solomon line.[36] Charley Moses (born 1874) was another son of Dr. Moses. He later was on the Port Madison Census, and deposed that he "tried to get an allotment on the Port Madison Reservation; but the other Indians objected, on the ground that I am a D'Wamish Indian" (Roblin 1919, affidavit of Charles Moses).

In addition to James Moses, mentioned above, the 1900 Federal Census also included, among the so-called "Cedar River Tribe," his brother Dan Moses, and his wife Kitty (or Kate) Moses. Children included Theresa Moses, Annie Moses, Charley Moses, and Frank Moses.

Bagley's example suggests indirectly that the younger Indians on the Black and Cedar Rivers were being acculturated. The "present generation" of Indian men, Bagley wrote:

> ...though familiar with games played by cards, introduced by the mercenary white man, were as ignorant of the mysterious principles of the "sing-gamble" of their ancestors as the uninitiated paleface. They stood around in open-eyed wonderment, not less amazed than the effete Easterner who looked and listened while the cold chills chased each other up and down his spine. None but the oldest Indians took part in the game, for only the patriarchs of the tribes knew anything about it, but the squaws and young bucks[37] were permitted to assist in the preparations, and when the game commenced, joined the choir and aided in the "music" (Bagley 1929, 137).

In sum, when this incident is combined with Ben Solomon's 1885 letter, it demonstrates, first, that leaders such as William continued to exert influence over fellow Indians, whose movements from the Lake Fork, Lake Washington, and Green/White River areas have been described in this report. The earlier historical accounts of Emily Inez Denny and

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[36]However, only one member of this line remains on the petitioner roll, whereabouts unknown. As the discussion in 4.1. and 4.3. will show, Solomon's descendants were enrolled on the Port Madison Reservation by 1915.

[37]These terms refer to women and young men. BAR includes these terms only to reflect accuracy in quotation, and does not subscribe to their use.

Costello had shown that William was well known among the settlers. He was at the very least a person whom non-Indians approached when dealing with other Indians.

Second, the incident highlights the division of authority between the leadership of people such as William and the shamans, such as Dr. Jack and Dr. Bill i.e., those to whom Bagley referred as "right-hand men." As Waterman observed, whatever the influence of so-called chiefs, such as William:

> In reality, the position of greatest influence and dignity was that of the medicine-man. Such a "shaman" had no authority, except when in charge of ceremonies, but at least for that brief period he was the observed of all observers. He conducted affairs with great regard to decorum, and held the undivided attention of everybody. Between times he was likely to be treated with some deference (Waterman 1920, folder 13, 88).

When combined with the case of Ben Solomon the incident reinforces the idea that there were many chiefs, not just one chief or headman. It is most likely that there were many different people whom both the Indians and whites identified as leaders or chiefs. Chief William is most likely the same individual as the Stoda, or William, at the Black River described by Indian Agents in 1870, and Harrington, Waterman, and Emily Inez Denny, after 1908. William Rogers, as also mentioned before, was the son of Tecumseh and nephew of William, and was referred to as chief by Ben Solomon in 1885. Both William and his nephew were thus called chief by the non-Indian settlers, referred to themselves as chief, and were referred to as chief by other Indians.

Third, the example shows that while the Lake Fork Indians maintained a social and political community, the community was dwindling rapidly. In fact, the 1900 Federal Census showed only the above-mentioned descendants of James Moses and Dr. Jack's household remaining in King County, in the vicinity of Renton. Thus, the Lake Fork people maintained contacts with Indians throughout the area, but the generations born after the 1855 treaty were enrolling on the Port Madison, Muckleshoot, Lummi, and Puyallup Reservations.

Finally the information shows that while these Indians were clearly interacting socially and politically, there is no evidence that any of them were interacting with pioneer marriage descendants. Thus, there is no indication that the ancestors of 93 percent of today's petitioning group were

involved with the social and political life discussed in the preceding pages.

3.2 1875-1900: The Muckleshoot Reservation

In 1874, an executive order had enlarged the Muckleshoot Reservation (Lane 1988, 1). However, ten years later, the agents still had not allotted land because of ongoing disputes with non-Indian settlers. Instead, they had enclosed an unspecified proportion of its 3,376 acres for use by individual families. The agents explained that this land had not been allotted, but had been fenced, and each enclosure was under the control of an individual family (Buckley 8//1884, 169).

In 1884, Patrick Buckley, the agent in charge, maintained that there were 85 Indians to whom he referred as Muckleshoots (Buckley 8//1884, 169). Reports show that by 1886, agents were making allotments but were not issuing patents. Again, the problem was with the non-Indian settlers (Buckley 8/18/1886, 245).

The 1885 BIA census rolls for Muckleshoot included Jerry Dominic (aged 38), his wife Mary (age 36), and two children. Mary Dominic was the daughter of John Sukwa'lasxt (Waterman 1920, folder 13, 136h), born along the Green River. Her mother was the sister of Stuck Jack (Ballard 1929, 36). Stuck Jack was still residing in this area. Dominic and Jack families were on the Duwamish Tribe of American Indians' list in 1915.

Others in the upper White River area moved to the Puyallup Reservation. Most notably, Charles Satiacum was allotted land at Puyallup, in 1884 (U.S. BLM n.d.). He signed his name as chief of the Duwamish Tribe of Indians in 1915, with William Rogers as sub-chief (Satiacum and Rogers 12/22/1915).

During the 1890's eight Indians who had been living at Lake Washington, the Lake Fork, and the Green and White Rivers received allotments at Muckleshoot: Joseph Bill (1894), Anthony James (1892), William Nason (1891), Annie Nason (1898), Annie Nason's father Stuck Jack (1892), Katherine Ross (1894), and Katherine Ross' father James Daniels (Lane 1988, 13). Joseph Bill's father was from the Lake Washington area (Lane 1988, 13). Anthony James was Peter James' brother, from the Lake Fork. The Stuck Jack and Nason people were from the White River area (Lane 1988, 13).

James Daniel deposed in 1918 that he "was born in June 1848 at Renton, King Co. Wash" i.e., Lake Fork. Both his parents lived and died "at Renton, Wash." and that he himself had lived "all [his] lifetime in the original country occupied by the D'Wamish Tribe of Indians, most of the time near Renton, on the D'Wamish River, Wash" (Roblin 1919, affidavit of Jimmy Daniel). In addition to the Lake Fork origins of these allottees, James Daniels' deposition suggests that some Indians maintained residence in their home areas, even after reservation allotments or enrollment. The last Lake Fork Indian to receive an allotment was Lyman Siddle, husband of Julia John, in 1911 (Lane 1988, 14-15).

In sum, many of the prominent Indian families from Lake Washington, the Lake Fork, and the White Rivers were gradually moving either to the Muckleshoot Reservation, or, as in the case of Charles Satiacum, to the Puyallup Reservation. With the exception of the Siddle line, none of these families are represented on today's petitioner group. Only six individuals, or two households, of the Siddle line are members.

The examples of the 1885 Ben Solomon letter and the sing gamble show that the Lake Fork Indians maintained political and economic contact with their Muckleshoot relatives. Moreover, the marriage patterns suggest that these Indians from the Green and White River areas were marrying primarily Indians of similar background from the Green and White River areas, as well as from the Lake Fork, many of whom were living on the reservations.

Appearing on the 1889 Bureau of Indian Affairs Census roll of the Muckleshoot were the households of Edward Courville, aged 36, and Gilbert Courville, aged 25. The Courville family married into the Siddle line. The Siddle family comprise the first category of pioneer marriage descendants, who interacted intensively with the Indians on the Muckleshoot Reservation. Only six members, or 1.5 percent of the total membership, are part of today's DTO membership.

3.3 1875-1900: Port Madison Reservation

The allotment pattern at Port Madison is similar to the one at Muckleshoot. Lane (1988, 15) found that by 1878 Henry Alexis, Jack Adams, and Jack Davis, had received allotments at Port Madison. Jack Davis' wife Jennie was the daughter of Lake John, from Lake Union. While none of these Indians

are ancestral to the petitioner, they were listed as Duwamish in 1915.

In 1885, Port Madison Reservation rolls included the families of Big John (Green River), and William Kitsap.[38] Charles Alexis, son of Henry Alexis in the paragraph above, was listed on the 1915 Duwamish Roll. Big John had come from the Green and White River villages of Yila'quo. All these people were on the 1915 Duwamish Tribe of Indians list.

In 1885, Charles Keokuck,[39] a nephew of Chief William, at Black River, obtained an allotment at Port Madison. He married twice, to Lucy Moses and later to Annie Moses. Both these women were from the Lake Fork. While he was thus connected politically with Ben Solomon and William Rogers, as well as through marriage with the Moses families, none of Keokuck's descendants are on today's petitioner rolls.

In 1892, William Rogers had received an allotment at Port Madison. This was two years before the 1894 sing gamble at which he appeared. His son Peter Rogers, grandson of Kwiashten's son Tecumseh, received an allotment in 1894.

Generally, by 1887 the agents maintained that the Port Madison Indians who had received land in severalty were making a good living by clearing the timber and selling it to sawmills, as well as by subsistence fishing and gathering. Little or no farming had yet been done (Talbott 8/15/1887, 217). Agents noted that this economic pattern continued through the end of the decade (Talbott 8/15/1889, 288).

It should be remembered that the annual updates of the Indian census roll often only added the names of those who were born and subtracted the names of those who died. No one verified who actually lived on reservation (Lane 1988, 10). As late as 1901 Indian Agent Charles M. Buchanan complained that personnel qualified for administering a census were not available, and that rolls did not reflect who was and was not residing on the reservation.

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[38]According to Harrington, William Kitsap was probably Suquamish. Nevertheless, his name was on the 1915 list.

[39]Charles Keokuk has been mentioned as a likely participant in the political incident with Ben Solomon in 1885.

> A comparison and inspection of such reports for years will give prima facie evidence (I speak more particularly of the reports of this Agency) of the fact that they are compilations of very wild guessing -- a condition almost forced by circumstances and by lack of means and facilities for accurate work in that direction. I am loth to continue that practice of guessing, but if I am informed that it is my duty to do so and that it is the wish of the office that I do so, then I suppose that I can guess my guess as well as the next guesser (Buchanan 10/23/1901).

While it is not clear whether those listed on the rolls were actually living on the reservations, the evidence suggests that descendants of the Indians who had been adult residents at the Lake Fork, and the White and Green Rivers, were either enrolling gradually on the Port Madison Reservation or marrying those who had. They seemed to have interacted with the Indians at Muckleshoot as well as with Indians such as Ben Solomon, residing at the Lake Fork. Their descendants, however, are not represented in today's DTO membership.

3.4 1875-1900: Shileshole

The 1900 Census found Christian Scheuerman (spelled "Sherman") living on the Salmon Bay waterfront, working as a brewer.[40] His wife, Salmon Bay Curley's daughter, had died in 1884, giving birth to her tenth child (Dorpat 1984). Living with Christian in 1900 were second-generation descendants Walter, Albert, and Karl.

Second-generation pioneer marriage descendant Rebecca (Fitzhenry) Graham was living with two of her children and one step-son at Seattle. The City of Seattle was only five miles from Shileshole Bay. Rebecca's sister Lisette had married Frank Backus, listed as "day laborer" in 1889. Another daughter, Bertha, married Joseph Bradwick, listed as a "day laborer" from Austria, about the same time. All these spouses were non-Indians. Thus, Rebecca Fitzhenry apparently had the cultural knowledge and experience to be

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[40]His last name was spelled "Sherman", but his German parentage, the names of the children in his household, as well as their ages, correspond to the Scheuerman family.

an informant for T.T. Waterman (see above), and may have interacted with Indians living in the area.

However, the second-generation children continued to marry non-Indians. The Indians who had lived in the Shileshole/-Lake Union area had moved to the Muckleshoot and Port Madison Reservations. For example, Waterman (Waterman 1920, folder 13, 136i) and Ballard (Ballard 1929, 37-38) showed that Sampson, his wife Lucy, and Dan Silelus had moved there.

Lyman Siddle, Jr., son of Lyman Siddle (a non-Indian) and Mary Kless, married Julia John 1885. Julia John, was

> a full Duwamish Indian woman...Her Indian name is Ju-lia, born May 28th, 1870. At Duwamish[41]--Her father was...So-so-quit, and died about 1875 at Duwamish--he was a full Duwamish. Her Mother's mother was Lucy John or Se-swee-duck, a full Duwamish--and died at Duwamish about 1882" (Roblin 1919, affidavit of Lyman Siddle).

The BAR genealogist report showed that Julia John Siddle was the niece of Lake John, from Lake Union. The 1900 Federal Census showed Lyman and Julia Siddle living in Monahan Precinct of King County, where Lyman's occupation was listed as "Barker."[42] The town of Monahan is located on the east shore of Lake Sammamish, about 12 miles northeast of Renton. Julia and Lyman Siddle were to move to the Muckleshoot Reservation during the last decade of the 19th Century.

Again, 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

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[41]The term "at Duamish" appears frequently in Roblin affidavits. BAR researchers interpreted this statement to denote an unspecified place along the Duwamish River. In some cases further census information indicated a more exact location. In other cases no such information was available.

[42]We assume that the term refers to one who removes bark from trees or logs or prepares bark for tanning, not an employee who stands before the entrance to a show and solicits customers with a loud, colorful sales pitch.

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, who comprise over 93 percent of today's DTO membership, will be described in 3.5 following.

3.5 1875-1900: Other families and Pioneer Marriages

The 1880 Federal Census showed Henry Eley (spelled "Eli") as living in Kitsap County with one two-year-old and one five-year-old daughter. He thus may have been married since 1875. The Census listed him as "w" and having been born in England. His children were listed as "hb". His wife was not listed.[43] BAR research found no information on the Hawk or Seymore families for this period.

A letter from the Bureau of Indian affairs showed that son John Eley enrolled at Chemawa Boarding School, as a Duwamish Indian, November 4, 1893 (Ryan 11/22/1934). The 1900 Federal Census showed him at age 20, residing in Kitsap County, near Port Gamble, occupation listed as a mill laborer.

The 1895 rolls of the Tulalip Reservation showed Ambrose Bagley for the first time. He was the ancestor of the Bagley line, and was listed on the 1915 Duwamish Tribe of Indians. It is not clear if Ambrose Bagley is a pioneer marriage descendant or not. His name does not appear on the Roblin roll. His ten descendants on today's DTO membership rolls comprise 2.5 percent of the total membership.

The 1880 Federal Census showed Asa Fowler and his household as living in Kitsap County, with eight of their children. Asa's occupation was listed as "logger," as was the occupation listed for his two eldest sons. The younger children were listed as "at home." Asa was listed as white.[44] His second wife, Emma, was listed as Indian, and

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[43]See Genealogist's report. Those designated as "Indian or Halfbreeds not otherwise counted" were listed separately, even if living in the same household. Henry's wife, Lucy Bend Eley, died in 1880.

[44]It is not clear from the census materials themselves just how the enumerators concluded that people were white, Indian, mixed, or black. However, while some of the petitioner ancestors who considered themselves of mixed

his sons labeled as mixed. His first wife Mary Jacobsen had died around 1875 (Roblin 1919, Peter Fowler Letter).

The Fowler families remained loggers until the 1950's (Fowler 1992). The 1900 Census showed Asa Fowler still in Kitsap County with his wife Emma, and two sons and a daughter, residing in the Olalla Precinct, 21 miles south of Port Madison. Unlike the other Fowlers, Asa Fowler was now listed as a farm laborer.

One of the second-generation Fowler descendants married a pioneer marriage descendant. All the others married non-Indians. The son who married a pioneer marriage descendant, David, had married Emma Harmon, in 1897 (Roblin 1919, affidavit of Jennie Harmon). Both had enrolled at Port Madison. Emma's mother Jennie was "a full Duwamish" from Ballard, Washington, in King County (Roblin 1919, affidavit of Jennie Harmon). Ballard is situated immediately next to the Shileshole area, where Salmon Bay Curley's descendants lived. After her marriage to a non-Indian Jennie moved to the area around Port Madison, with her daughter Emma (Roblin 1919, affidavit of Jennie Harmon). Thus, David married a woman from a pioneer marriage background similar to his own.

Unlike David Fowler, the 1900 Federal Census showed that his brothers Henry, Benjamin Franklin, and William Fowler had married non-Indians (Fowler 5/12/1917, 4) and had moved to Snohomish County, north of Renton on the other side of Puget Sound from David's household. Henry Fowler's family was located in Bear Creek Precinct, with his occupation listed as "laborer." Benjamin Franklin Fowler's family lived in the Arlington Precinct of Kitsap County, occupation "logger."

The 1880 Federal Census showed John Garrison still living in Kitsap County at the Port Orchard Precinct. Living in his household were now nine children: six sons and three daughters. His wife Jane (listed as Jennie) was recorded as Indian, John as Black and his nine children as Mulatto. The 1900 Census showed Jane and John Garrison, and their son Ben, now living at the Port Washington Precinct, 50 miles north of Port Madison.

Indian background were sometimes entered as white, none of the ancestors from the Black/Cedar/Duwamish rivers were labeled as "white."

The following table traces the history of the second-generation Garrison descendants through 1900.

The Second-Generation Garrison Descendants

NAME, OCCUPATION	SPOUSE, ETHNICITY,	LOCATION, DATE	YEAR MARRIED	SOURCE
Bessie Garrison	W.W. Williams, "a 1/2 blood Duwamish Indian"	Port Orchard, 1880 Quilcene,1900	1887	(Cora Vandermost, letter to C.E. Roblin 8/16/1917), 1880, 1900 Federal Census
Lydia Garrison	Henry Mitchell, "an Indian"	Port Orchard, 1880 Quilcene, 1910	1866	(Henry Mitchell, Roblin Affidavit, n.d.), 1880, 1910 Federal Census
Annie Garrison	Arthur Williams, Non-Indian		1900	(Zeta Mary Buchanan, Roblin Affidavit, n.d.)
Ben Garrison		Port Washington Precinct	1900	1900 Census
Joseph Garrison, "Laborer"	Lizzie Pulsifer, "...an Indian of the half-Indian blood"[45]	Port Gamble	1892	1900 Census, Harry W. Greaton, Roblin Affidavit 1/24/1917
Henry Garrison, "Laborer"	Emma Jule, Indian	Mason County, Dewatto Precinct		1910 Census

Of the three Garrison daughters, two married Indians or pioneer marriage descendants; one daughter married a non-Indian.

The 1900 Census showed John Hauck,[46] married to Emily, around 1896, and with three children.[47] All were listed as Indian, and were residing in Mason County, south of Kitsap County, in the Skokomish Precinct. The nearby Skokomish Reservation area is at the south end of Hood Canal, about 30 miles southwest of Port Madison. Unlike the others described so far, his occupation was listed as "fisherman" rather than logger, laborer or farmer. The 1900 Federal Census listed John Hauck's father as coming from Germany and his mother from Washington. There is no further information on what tribe his mother was from, and his name does not appear on the Roblin Roll.

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[45]Roblin noted that she was classified as one of the Clallam Indians on the Cushman Agency rolls until 1911. The Clallam Census does indeed list the family of William Pulsifer.

[46]The same names as the "Hawk" line.

[47]This date is estimated from the age of the eldest son Leonard, listed as age 4 on the 1900 Census.

During this period, four children of Anna and Abner Tuttle all married non-Indians and took up residence in King County, around Seattle or Monroe, Washington. Monroe is 34 miles northeast of Renton. The 1880 Census showed that Anna Tuttle's sister Ellen had married Gardner Proctor, a non-Indian whose occupation was listed as "cooper," and her mother Tyee Mary was living with these two in King County.[48] Both Ellen Proctor and her mother, Tyee Mary, were listed on the census as Indian. Anna Tuttle's husband Abner was listed White, occupation "farm laborer." Anna and her children were listed as Indian.

Two other daughters, Lucy and Louisa Tuttle, were listed as adopted children, living with non-Indian families. Ann Rasmussen (1992), a fifth-generation descendent, maintained that this so-called adoption was a form of indentured servitude. Under these conditions the child would obtain schooling through the family with whom she was staying, in return for servant work (Rasmussen 1992). Rasmussen added that Nellie, one of the daughters still living in the Tuttle household, also later became a servant to a family in San Francisco, received her education while living with this family there, and corresponded with them after she returned to King County. This form of servitude was common for all races in the United States during this time. For the Puget Sound area, Indian agency reports showed that applications for domestic servants came to the Tulalip Agency offices as early as 1865 (Howe 8/1/1865, 76). Thus, it is not unusual that Kennum/Tuttle family members (and others) were working as Indian domestics during this time.

The following table summarizes the history of the five second-generation descendants of Anna and Abner Tuttle, during this period.

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[48]Actually, the 1870 Census also listed Gardner Proctor, so he had been in the area for at least 10 years. "Mrs Proctor" is on the list of Indians in King County, in 1870.

The Second-Generation Kennum/Tuttle Descendants

NAME	SPOUSE, ETHNICITY, OCCUPATION	RESIDENCE LOCATION	DATE OF MARRIAGE	SOURCE
Lucy Tuttle	Edwin Stamp, non-Indian,	King County	1889	(Lucy Stamp, Roblin Affidavit 12/24/1917)
Louisa Tuttle	William Hamley, non-Indian, salesman	King County	1887[49]	(Charles Hamley, Roblin Affidavit 2/27/1917)
Amelia Tuttle	Abraham Whittaker, non-Indian, stationary engineer	King County	1894	(Amelia Whittaker, Roblin Affidavit 2/25/1917)
Nellie Overacker	Myron Overacker, non-Indian	King County	1898	(Nellie Overacker, Roblin Affidavit 2/24/1917)
James Tuttle	Ida Hill, non-Indian	King County	1895	(James Tuttle, Roblin Affidavit, 3/23/1917)

Nellie Tuttle Overacker, her mother Ann Tuttle, and her aunt Ellen Proctor, were listed as Indian on the 1900 census. The others were listed as White. Ellen was listed as part of the "Cedar River Tribe" Indian population of the Renton Precinct, occupation "farmer." While the Tuttle family line, the Kennum Line, alone accounts for nearly one third of today's DTO membership, Ellen Proctor has no direct descendants on the petitioner's membership.

In 1879 two generations of the O'Bryants were still living north of Renton, near Anacortes; all had married non-Indians. The following chart summarizes the marriage and residence patterns for three of the daughters.

[49]Date of birth of son Charles Hamley

The Second-Generation O'Bryant Descendants

NAME, OCCUPATION	SPOUSE, ETHNICITY, OCCUPATION	RESIDENCE LOCATION	DATE OF MARRIAGE	SOURCE
Elizabeth (Ella Mary) O'Bryant	Charles E. Basford, "a white man born in Iowa"	San Juan, Orcas Pct., 1900	1879[50]	(Norah Mary Basford-Bull, Roblin Affidavit 5/6/1918) 1910 Federal Census
Zillah O'Bryant	Thomas Berry, non-Indian	Port Townsend 1880	1886	(Zillah M. O'bryant-Elliott, Roblin Affidavit, 5/7/1918); 1880; 1900 Federal Census
Anna Laura O'Bryant	James Allen Murrow, from Iowa, Farmer	Skagit Co., Guemes Island 1900	1882	(Anna Laura O'Bryant-Murrow, Roblin Affidavit, 5/9/1918), 1900 Census

In 1880 three generations of Sackmans were still residing In Kitsap County. The 1880 Federal Census showed that the descendants of Daniel Jacob Sackman were in the same precinct as John Garrison's. All the Sackmans were listed as loggers, and the census listed all of Daniel Jacob Sackman's household as white.[51] The following chart summarizes the status of the second generation of Sackmans.

The Second-Generation Sackman Descendants

NAME, OCCUPATION	SPOUSE, ETHNICITY, OCCUPATION	LOCATION	DATE OF MARRIAGE	SOURCE
Joseph Sackman	Mary Ann Clark, "half white, half Duwamish/Skokomish"	Port Orchard 1880	1879	Roblin notes 8/25/1917, 1880 Federal Census
Joseph Sackman (second marriage)	Lulu Bessie McPhee, "1/4 Duwamish"	Port Orchard 1900	1896	Roblin Notes 8/25/1917, 1900 Federal Census
Isaac Sackman	Frances Campbell, Clallam, sister of Margaret Campbell	Port Orchard 1880	1896	Roblin Notes 8/25/1917, 1880 Federal Census
David Sackman	Margaret Campbell, "a full blood Indian and a member of the Clallum tribe"	Kitsap Co. 1880 Port Washington 1900	1897	Roblin Notes 8/25/1917, 1900 Federal Census

[50]The date was estimated from Norah Mary's date of birth.

[51]It is not clear who his wife is, however. The initials C.W., do not correspond to the genealogical information either for the first wife or the second wife, a non-Indian named Elizabeth Phillips (Perry 1981, 1).

David Sackman was elected Kitsap County Sheriff in 1898 (Perry 1981). Roblin described Lulu Bessie McPhee as "1/4 Duwamish." Her father was Seth McPhee, a non-Indian. Her Mother was Ena Marie Deshaw, "1/2 blood Duwamish." Ena's mother was "Mary Tallison, full blood Duwamish" (Roblin 8/25/1917). Frances and Margaret Campbell were sisters. Perry (n.d.b, 8) described Frances Campbell as "...the daughter of the Port Orchard area's first settler, Robert Campbell. Her sisters included Frances Sackman, Margaret Sackman and Katherine Colemire Ross." The 1900 Federal Census listed all these household heads, spouses, and children as White and residing in the Port Orchard area, about 37 miles southwest of Port Madison.

The Sackmans remained loggers. The Bremerton Sun described retrospectively the life of the so-called "floating bunkhouses" that the Sackmans used to cut and extract logs along Dye's Inlet.

> Daniel and Marie lived on an 80-foot floating bunkhouse anchored along the shoreline of Sinclair or Dye's Inlet, wherever a logging camp was established. This home was likely occupied by the Chinese cook, loggers, the Sackmans. The extended family was up by 6 a.m. and the typical breakfast fare might be boiled corned-beef, potatoes, baked beans, hash, hot griddle-cakes, biscuits, butter, and coffee. Much the same menu would be served for the other two meals with an emphasis on fish and venison (Bremerton Sun 1988).

Perry showed that some of those who worked for Sackman were ancestors of the petitioner.

> Time books from the Sackman's logging operation from 1887 to 1889 still exist and some of the employees are noted below....In 1887 Andrew Jacobsen, Mary Finch, D.T. Williams, John Bowers, Robert Garrison, Patrick Slade and Johnny Comelately were working. Garrison was the highest paid at $2 daily. Others that year were Samuel Pratt, Maxine Allard, Charles Reid, William O'Neil and French Oliver...William Williams, Charles Jackson, Joseph Garrison, William Fowler, Richard Wentworth and James Foster worked during the winter of 1887-88 (Perry n.d.b, 8).

Robert Garrison was a son of John and Jane Garrison, at Fairview. Patrick Slade (b. 1864), who was listed with the

1915 Duwamish Tribe of Indians, was enrolled at Port Madison in 1892, and resided at Skokomish in 1915. His son Levi Slade was listed with the 1925 Duwamish Tribal Organization. Joseph Garrison was another son of John and Jane Garrison. William Fowler was son of Asa and Mary Fowler.

Perry also described certain activities with Indians and blacks who either lived or came through Kitsap County.

> Sackman employed area Indians to work in his camps. He was one of the first "equal opportunity employers" in the territory. He and [William] Renton advised Indians on a number of legal issues and county land records show a number who were landowners long before our government encouraged or allowed ownership. A number of blacks also worked in his camps, some shanghaied from lumber ships, others jumping ship to escape cruel treatment (Perry 1981, 1).

The dates of the floating house can be estimated from the date of the first school, in 1887. D.J. Sackman established a school at his family's home.

> The school was held in the original Sackman home in 1887, located just below where the Tracyton cemetery is today. Children attending that year included Porter Frye, John, Anna, James, and Louise Peckenpaugh, Lizzie Moorhead, Jessie Williams, Emma, Ed, and Joe Sackman, Jr., Charlie (Porter) Nibbe, George Causman, Mary and Mike Benbennick, Charles, Henry and Walter Steele. The teacher was S.A. Dickey (Perry n.d.b, 8).

Before he converted his home to a school:

> He built a new home after securing lumber from Port Blakely, building a large house, said to be 80 feet long, but it wasn't ordinary: it was a floating house which could be moved around the bay to wherever logging action existed (Perry n.d.b, 8).

The 1900 Federal Census shows Sarah Seymore Moore still in San Juan County, Orcas Precinct, on the north end of Puget Sound. The Census listed her children Robert, Joseph, Mary, Samuel, Jefferson, Jessie, William, and Ella Moore, all of whom were listed as Indian/White. Jeff Moore's occupation was "grocer"; his brother Joseph's was "farmer." His

brother Sam's was "day laborer." The two sisters Mary and Jessie were listed as "domestics." The others were "at school."

Excluding the Bagley family, the Eley, Fowler, Garrison, Kennum, O'Bryant, Sackman, and Seymore lines, when combined with the Scheuerman line from the Shileshole area, comprise 93 percent of today's DTO membership. Significantly, there is no evidence whatsoever, at this time, that these families were interacting with the Duwamish Indians from the Lake Fork, Lake Washington, Green/White Rivers, or the Muckleshoot and Port Madison Reservations.

The evidence in this subsection does show that some of the families, such as the Sackmans and Garrisons, were interacting with each other, primarily through the timber industry. The Sackmans, especially, were marrying other people from similar background residing around Port Madison. These families comprise the second category of pioneer marriage descendants. However, families such as the Kennum, O'Bryant, and Seymore families were marrying primarily non-Indians. Those family members who did marry Indians during this time were not ancestral to today's DTO membership.

3.6 Discussion

As shown above, many of the second- and third-generation descendants of pioneer marriages continued either marrying non-Indians, or marrying descendants from similar pioneer marriage backgrounds. Examples of the former include the Kennum/Tuttle descendants in King County, the O'Bryants in San Juan County, some of the Seymore descendants in San Juan County, most of the Fowler descendants, originally from Kitsap County, and the Scheuermans from Shileshole and Seattle. Examples of the latter included the Sackman and Garrison families from Kitsap County, as well as one of the Fowler families not ancestral to today's DTO membership.

One writer, Lewis St. John, maintained that the marriage patterns described for the pioneer marriage descendants applied to many such second-generation descendants throughout the Puget Sound area.

> In early pioneer days, intermarriage of the whites and Indians was very common and no especial social stigma was attached to it; at the present time, however, intermarriage is commonly discountenanced, especially among the better classes of

> whites and somewhat of a social degradation goes with it. Young married couples of the Indians usually leave the reservation and go out among the whites to live. Often, however, they return to their reservations because of the poor social standing they receive among the whites, and because they long to be with their kinsmen (St. John 1914, 20).

Second-generation pioneer marriage descendants from families such as Sackman and Garrison married and developed economic relationships with similar pioneer marriage descendants residing around Port Madison. However, there is no evidence that they developed these relationships with the descendants of Indian families--either on- or off-reservation--from Lake Fork, Lake Washington, or White/Green River areas.

For the period 1875 to 1900, then, BAR research revealed a total of 12 Duwamish or other Indian marriages, 18 non-Indian marriages and 10 unknown cases. Of the total marriages where the ethnic origin of the spouse is known, 40 percent were to other Indians or Indian descendants. When the Roblin affidavits for others known as Duwamish descendants are added, the proportion of Indian marriages increases to 64 percent. However, only the 18 non-Indian marriages are ancestral to today's petitioner.

4. 1900-1925: LAND CLAIMS AND THE RISE OF THE DUWAMISH ORGANIZATIONS

In this section the dwindling population at the Lake Fork and Lake Washington areas will be followed. The role of reservations will be described only briefly in this section, and will be discussed in greater detail in Section 5. Finally, the marriage trends previously described will be reviewed briefly in a discussion of events occurring in the first quarter of the 20th century.

4.1. 1900-1925: The Last of the Lake Fork

In 1919, the Roblin Roll and affidavits showed only Jennie Moses, widow of James Moses and her three sons Joseph, Charles, and Henry living in the Renton area. Waterman noted that she lived at Renton with two sons, and that she had long-standing associations with the Renton (Black, Cedar, Duwamish River) people.

> This woman's native name is Kwatsi'bElo. Her father was XatL^{3}gwEsxi'dub, from the village of StEq^{3}. Her mother, SlisEla'xsaL, was from the old village-site where the informant still lives, at Renton. The father of this latter woman was from the same village and was named To^{3}ldsk'e'dEb. He got his wife, Duda'uts^{3}a, from the Snoqualmie.
>
> The name of Mrs. Moses' husband, Jimmy Moses (long deceased) was Cwulxa'tct$_{1}$d. He was Duwamish on the side of his father, Da'katsaL, while his mother, Lowl'cutulitsa, was Duwamish on her mother's side, Skagit on the side of her father.
>
> Her son, Henry Moses, is named Ti'lasa. This was the name of his father's father's father, a Duwamish head-man who lived at the old site of Smither's farm, below Renton.
>
> An older son, Joe Moses, also served as an informant (Waterman 1920, folder 13, 136f).

Slauson (1964) quoted Henry Moses as observing that:

> When I was a boy there was an Indian village about where the new Renton Shopping Center is now, and another at Elliott on the Cedar. The Indian cemetery was at the forks of the Cedar and Black (Moses in Slauson 1964).

Slauson also wrote that:

> While attending school Moses played basketball and baseball. Later he played on the town baseball teams of Renton, Hobart and Taylor....According to him, white and Indian boys played together with no thought of being different. The village of Renton was small. Everyone knew everyone else. Life was simple and on the whole, happy and carefree (Slauson 1964).

Two of the three sons of Dr. James had registered on reservations. Peter James and his children remained registered at Lummi, where he had joined in 1893.

In 1916, a canal was completed that cut through the Shileshole estuaries from Lake Washington to Puget Sound. This canal lowered the level of Lake Washington by nine feet; as a result, the Black River ceased to exist. The

course of the Cedar River changed to flow directly into Lake Washington. Buerge (1985) maintained that these changes eradicated the means for any Indian living on the Black River to continue subsistence through fishing.

In 1910 Harrington observed, for the "Old Renton Indians" that the late Chief William's wife, Katabolo, or Nancy, had married a non-Indian and had moved to Port Madison. None of William's descendants are part of today's petitioner line. Similarly, he observed that "at Muckleshoot is Ben Solomon (is quite old) man from this place [i.e. Renton], about 30 years [ago]" (Harrington 1910, frame 499). Ben Solomon was the originator of the 1885 letter objecting to the agents designating Snohomish Joe, also of the Muckleshoot Reservation, as chief. Only one member of the Solomon line and one of the Moses line remain on today's membership rolls. Their whereabouts are unknown.

4.2. 1900-1925: Green and White Rivers/Muckleshoot:

In 1911 Lyman Siddle had been allotted land at Muckleshoot (Lane 1988, 15). As mentioned before, Lyman Siddle was a second-generation pioneer marriage descendant who married a Lake Washington Indian descendant. When land became available he moved to a reservation. Neither the petition documents nor BAR research revealed any more allotments to the petitioner's ancestors or their relatives at any of the reservations during this time period. Only six members of the Siddle line, or two households, are represented in today's DTO membership.

The reservation censuses between 1910 and 1920 showed that Anthony James was still enrolled at Muckleshoot. He is shown residing with two children Patrick and Elsie at Muckleshoot in 1913, 1915, 1917, and 1918. However he was also shown living at the Skokomish Reservation in 1912, 1917, and 1918. His second wife was from Skokomish, and after the death of his first wife, he was sometimes listed as living at the Skokomish Reservation with a woman named Annie and four children Percy, Jenny, Raymond, and Ivy. Skokomish is 30 miles from Port Madison.

4.3. 1900-1925: Port Madison: Increased Interaction with pioneer family descendants

Some second-generation pioneer marriage descendants took up residence at Port Madison and married into families of similar pioneer marriage background living there. For example, Lane showed that David Fowler had been allotted land there in 1902 (Lane 1988, 15). His first wife, Emma Harmon, died in 1905 (Roblin 1919, affidavit of Jennie Harmon). His second wife was Gladys Thompson, daughter of James Thompson. Waterman (1920) described James Thompson as "half Suquamish, half white, and a fine informant." For his wife, Waterman simply said "Mrs. Thompson has also been helpful on more than one occasion" (Waterman 1920, folder 13, 136q). The Port Madison rolls showed James Thompson and his family enrolled at the Port Madison Reservation as early as 1891. Gladys Thompson married David Fowler after being divorced from Edward Sackman (Roblin 8/25/1917). Edward Sackman, the son of Isaac Sackman, was also a third generation descendent, through the Sackman pioneer marriage family line.[52] While descendants of these family lines are represented in today's DTO membership, none of the descendants of the individuals discussed here are represented.

Other allotments and marriages showed that Indians from the Lake Fork continued enrolling and moving onto the Port Madison Reservation and marrying other Indians residing there. Also receiving allotments were Alice Belmont, daughter of Ben and Ann Solomon (at Muckleshoot), and Cecelia Nason, daughter of Annie and William Rogers. The 1910 reservation roll also showed Ellen Contraro and Alice Henry, two descendants of Peter Rogers, and the beginning of a fourth generation of Lake Fork descendants. Again, the descendants of these people are not represented on today's DTO membership.

4.4. 1900-1925: Shileshole and Lake Washington

Both the 1900 and 1920 Federal Censuses showed Matthias/-Scheuerman pioneer descendants Rebecca Fitzhenry, Bertha Bradwick, Lisette Backus, and Walter Scheuerman living in Seattle, about 5 miles away from Shileshole. Dorpat (1984) reported that the Seattle Boosters Club attempted to

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[52]However, the petition documents provided no information determining exactly when the marriage took place, nor was any such information revealed during BAR research.

encroach on Christian Scheuerman's property, but he remained there, at least until 1895. In 1920, Waterman noted only that "the last Indian to live here [at Shileshole] was Indian Charlie," and made no mention of the Scheuerman group, despite the fact that he worked with Rebecca Fitzhenry. The evidence suggests that residents in the area did not recognize an Indian presence at the Shileshole site after 1920.

4.5. 1900-1925: Pioneer Marriages: Some Interaction with Each Other

The Siddle line, the first classification of pioneer marriages whose descendants married primarily Indians, was discussed in 4.1 above. The Scheuerman line, part of the third category of pioneer marriages, was discussed in 4.3 above.

The members of the second classification continued marrying other pioneer marriage descendants, although many also were marrying non-Indians. This classification included primarily the Garrison and Sackman families. Also included were the descendants of David Fowler, described in 4.3 above, whose direct descendants are not ancestral to DTO membership.

The residences, particularly of those families employed in the logging industry, became scattered throughout the Puget Sound area. The second-generation descendants of Jennie and John Garrison were scattered throughout the Kitsap Peninsula. The following table summarizes their marriage patterns and residences.

The Second-Generation Garrison Descendants

NAME, OCCUPATION	SPOUSE, ETHNICITY, OCCUPATION	LOCATION	DATE OF OCCUPATION	SOURCE
Joseph Garrison				
Bessie Mitchell	Johnson	Quilcene	1920	1920 Federal Census
Lydia Garrison	Henry Mitchell, Logger, Indian	Quilcene, Washington	1910-1920	1910 Federal Census 1920 Federal Census
Annie Garrison	W.W. Williams	Port Madison		
Ben Garrison		Manette	1919	
Henry Garrison, Logger	Emma, (unknown)	Quilcene Precinct, Jefferson County Ferndale, Washington	1910 1919	1910 Federal Census Roblin Enrollment
Cora Vandermost (daughter of Bessie Garrison), Cook	William Vandermost, non-Indian (Divorced)	Quilcene Precinct, Jefferson County	1910 1919	1910 Federal Census, (Cora Vandermost, letter to C.E. Roblin, n.d.).
Kate Garrison	William Iverson, non-Indian	Port Blakely	1919	1919 Roblin Roll

Bessie Mitchell and her Indian husband stayed at Quilcene, as did Lydia Mitchell and her husband. Annie Garrison Williams still resided at Port Madison. Henry Garrison moved from Dewatto to Quilcene, and then north to Ferndale. These moves involve distances of more than 80 miles.[53]

These moves may reflect in part changes in the logging industry. During this period the old-growth forests so easily accessible to the houseboats of the Sackmans had been cut away.

> The 1860's and '70s were a unique period in the history of Kitsap County and the Puget Sound. The supply of timber was seemingly inexhaustible. Growing down to the water's edge it was an easy matter to float it to the mills. It was a period of the cheapest building material the world has known.
>
> But the resource was not inexhaustible and as the standing timber was soon farther and farther away from the water, the expense of getting it out increased. Competition among the mills increased.

[53]The petition documentation contained no further information on Joseph Garrison.

> As the supply of cheap logs dwindled, mills began to close. Only the mills with the foresight to acquire land and treat timber as a crop could survive (Perry n.d.a, 27).

By 1910, the youngest of the Fowler brothers, "Pete," had moved to King County, near Woodinville, and married Hattie Baring, a non-Indian (Fowler 5/12/1917). Woodinville is located on the Sammamish River 28 miles northeast of Renton. His occupation is listed as "logger", and while he and his children were listed as Indian, his wife was listed as white.

In 1920, Port Madison Reservation census rolls still showed David Fowler at Port Madison. Benjamin Franklin Fowler's son Sidney lived at Crosby, a town north of Dewatto. Benjamin's daughter, Frances Leila Foote, was living in Mason county, at Potlatch. Potlatch is 6 miles west from Dewatto,[54] across Hood Canal. Benjamin's grandson Frank Fowler, Jr. (1992) maintained that their family had lived in Dewatto during this time and through the early 1940's. All these people had married non-Indians, and were reported on the Census as White. They are ancestral to the petitioner.

Frances Foote recalled that while she lived in the Hood Canal area, she lived for a year with the David Fowler family (see 4.3) and went to school on Port Madison:

> at Hobe and Edgcomb and then on Hood's Canal. I lived for a short time at Suquamish with my Uncle Dave's Family, went to school there in the first or second grade. And then when I was 9 years old I moved to Hood's Canal where I lived ever since, until the time I was married and left the canal for Centrailia [sic] (Foote 1984).

David Fowler, again, was the only member of the Fowler line who did not marry a non-Indian. He and his family lived at Port Madison during this time, and none of his descendants are on today's petition rolls.

The 1910 Census listed the family of John and Emily Hawk as still in the Skokomish area, as before. While his household was still listed as Indian, his occupation had changed from "fisherman" to "farmer." The 1920 Federal Census showed

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[54]Dewatto, again, is about 30 miles southwest of Port Madison.

them living at the same place, and listed them as Indian. One daughter, Ione Hall, lived with her husband Harvey Hall at Heads Point, nearby in Mason County.

The second and third generation descendants of Anna and Abner Tuttle continued their marriage to non-Indians. Dora Stamp, daughter of Lucy and Edwin Stamp married William Huls, a non-Indian, in 1902. In 1910 Dora married again, this time to Michael McInary, another non-Indian. Dora's sister Cecelia Stamp married George Harmon, Jr., in 1904. George Harmon was Jennie Harmon's son, and brother to Emma Harmon, David Fowler's first wife. This marriage is the only one of which the BAR researchers are aware in which a Kennum line descendant married a pioneer marriage descendant and not a non-Indian.

The 1920 Census showed Kennum family members Myron T. Overacker, 51, and his wife Nellie Tuttle Overacker, 54, and their son Myron Overacker, Jr., aged 21, and his wife, as well as Louisa Hamley, all residing in the Seattle area. All are listed as White. Ann Rasmussen, daughter of Myron Tuttle Overacker, Jr., described how the house where they lived was a center for their whole family.

> A lot of my grandmother's and grandfather's children died of the flu after WWI. They died in the house, right here in Seattle. On the original land. There are two houses and a lot. The acreage went from Hanford to Beacon Hill to Rainier Valley to the other side of the Golf Course. My grandfather lost every single piece to taxes. Back then there was only one house. Al [Ann Rasmussen's Husband] built the other one.
>
> People would come to the house to die. My grandfather buried everybody. He kept track of everything he did. He has a record book. He paid for the funeral. Just money accounting (Rasmussen 1992).

Rasmussen's description of her grandfather's house near Seattle shows primarily that the people returning home to die were family members. Section 3.1 discussed how Rasmussen maintained that Myron Tuttle Overacker was emotionally close to Dr. Jack. However, there was no supporting evidence showing that these families interacted in any way.

The second generation of the O'Bryant line continued to live as they had since the 1860's in the area around Anacortes,

in San Juan County, about 80 miles north of Renton or Port Madison. With one exception their third generation descendants continued the pattern of marrying non-Indians. The following chart summarizes.

Second- and Third-Generation O'Bryant Descendants

SECOND GENERATION DESCENDANT NAME	THIRD GENERATION DESCENDANT NAME	THIRD GENERATION SPOUSE	RESIDENCE	SOURCE
Anna Laura O'Bryant = James Allen Murrow	Leila Murrow	Robert Reed, non-Indian	Skagit County	(Leila Murrow-Reed-Jones, Roblin Affidavit 5/7/1918), 1910 Federal Census
	Nellie Bernice	Ernest Babarovich, non-Indian	Anacortes, 1910, 1920	1920 Federal Census
Ella Mary = Charles E. Basford	Norah Mary	Alfred Bull, "an Indian of half-blood belonging to the Lummi tribe of Indians, of western Washington"	San Juan County, West Sound, 1901	(Nora Mary Basford Bull, Alfred Bull, Roblin Affidavit 5/6/1918)
	Irving Basford		Bellingham	1910 Federal Census

The 1910 Federal Census showed descendants of Sarah Seymour Moore still residing in the Orcas Precinct, San Juan County. Sarah died in 1913 (Jones-Lamb 1994, 24), but the 1920 Census showed her son William living in the same precinct with his wife and children. The 1920 Census showed her daughter Anna Davis living in Wenatchee City, Chelan County with her three children. The Census listed them all as White.

Among the descendants of Sarah Seymour Moore, only the descendants of Anna Davis and her sister Eliza Taylor are on today's rolls. They all married non-Indians. Jones-Lamb (1994) recalled a story of an event that occurred some time after 1910, the year that Sarah Seymour's granddaughter Marjorie was born. The story was intended to illustrate how "Native Americans were taken care of":

> One time when her Indian friends were camped at Center Island digging clams, Sarah Seymour Moore was spending time with Ella at Decatur, little Marjorie (now Marjorie Klingman of Anacortes) went with Ella and Grandma Sarah over to Center Island to see Sarah's Indian friends and family members who were there digging clams. They took a bucket filled with fine apples that had been stored and kept over the winter and were an especially nice treat. Marjorie worried about the bucket as it was

> the best milking bucket for their cow. It was accidentally left but Ella told her little child not to worry. Sure enough, early in the morning the bucket was on the porch filled with the best clams. Native Americans were taking care of their own. There was a recurring theme time and again of the sharing and caring even with members who had married white settlers and moved away from the tribal life (Jones-Lamb 1994, 26).

However, the incident also shows that the second- and third-generation descendants were interacting with Indians primarily through Sarah Moore, the Seymour Line's first generation founder.

The 1910 Census showed the household of Joseph Sackman's eldest son Joseph Sackman, Jr., as residing in Charleston, Washington, which is south of Port Madison on the Kitsap Peninsula. Joseph Jr.'s brother Maurice lived in the same area, occupation "Engineer." Maurice was later part of the governing Board on the 1925 Duwamish Organization. Also in Joseph Jr.'s household were his sister, Emma, and her husband, Ed Colemire. Ed Colemire was "1/4 Indian" (Roblin 8/25/1917).[55]

The 1920 Federal Census shows Joseph Sackman himself and his family still living in Tracyton. He was still married to Lulu Bessie McPhee, with their children Edward, Joseph, Allen, Arthur, Lacy, Glow and Lois. Raymond Sackman, son of Joseph's brother Edward, was enrolled at Port Madison. All were listed on the 1920 Federal Census as white.

In this section, information on the Bagley and Hawk families was unavailable. Even so, the seven families for which information was available, including the Scheuerman line mentioned briefly in 4.4, comprise 85.6 percent of today's DTO membership. These are categories 2 and 3 of the pioneer marriage descendants. Most interaction among these people consisted of interaction within family lines. There is no evidence that individuals beyond the first generation interacted with Indians or their descendants from the Lake Fork, Lake Washington, or Green/White Rivers.

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[55] Roblin's notes list daughter Joyce as 3/8 Indian. Thus, Ed Colemire must be 1/4 Indian. The exact Indian background, however, cannot be identified.

4.6. Discussion

In sum, the Indians of the Lake Fork, Lake Washington, and Green/White Rivers continued to interact as they enrolled on the Muckleshoot and Port Madison Reservations. Second-generation pioneer marriage descendants of the Siddle line, the first category of pioneer descendants, also continued to interact intensively with the Indians.

The second category of pioneer descendants, such as the Sackmans and Garrisons, who had married some on-reservation pioneer descendants before, continued this marriage pattern. However, there is no verifiable indication that any of the first or second-generation pioneer marriage descendants were interacting socially with Lake Fork, White or Green River Indians i.e., Indians from the traditional Duwamish settlements who had relocated to the reservations. Most social interaction was within family lines.

Among the third category of pioneer descendants, a few of the second-generation descendants of the Kennum, O'Bryant, and Seymore families did marry pioneer marriage descendants. None, however, are ancestral to today's petitioners. Those families who were ancestral to today's petitioner married non-Indians for the most part, as had previous generations.

In general, for all the 53 marriages known to have occurred 1875-1900, the ethnicity of 14 marriage spouses is unknown. Of the 39 cases where the ethnicity is known, 26, or two thirds of the known marriages, were with either Indians or pioneer marriage descendants. However, of these 26 marriages only two, or roughly 8 percent, of the spouses were full Duwamish or Duwamish descendants of pioneer marriages. The remaining 24 spouses include 20 full Indian and four pioneer marriage descendants, for whom there is no evidence of interaction with the Duwamish of Lake Fork, Lake Washington, or White/Green River descendants. Finally, 13, or 36 percent, of the 39 known marriages were with non-Indians.

5. 1900-1925: MAJOR POLITICAL EVENTS

Documentation shows that there were four events or activities that characterize the social organization and political life of the petitioner's ancestors and relatives for the period from 1900-1925. The first included the activities of Thomas Bishop and the Northwest Federation of American Indians (NFAI), beginning in 1913. The second was the announcement of the formation of the Duwamish Tribe of

Indians and its membership list in 1915. The third was the implementation of the Roblin enrollment process 1916-1919. The fourth was the announcement of a formal constitution and bylaws dated February 26, 1925, for the "Duwamish Tribal Organization," and an accompanying membership list submitted in 1926.

5.1. 1900-1925: Thomas Bishop and the Northwest Federation of American Indians

According to the group's letterhead, the Northwest Federation of American Indians (NFAI) formed February 22, 1913. Its members included Indians from throughout the Puget Sound area. Its leader, Thomas Bishop, was half-Snohomish, half non-Indian and the organization's first president. According to Bishop's 1914 Appeal to the Government to Fulfill Sacred Promises Made 61 Years Ago, the NFAI's major purpose was to:

> provide some small tracts of agricultural lands for the unallotted Indians of this district, who are now wanderers on the face of the earth, and whose economic conditions are pitiable indeed. This land should be so located at some point where they could have access to the waters of the Sound out of which they can help make their living (Bishop 1915, 25).

Bishop made clear that his advocacy applied to the descendants of pioneer marriages as well as Indians.

> There are many who for reasons best known to themselves have wandered, till they can go no farther. Many of them have families through marriage to white settlers, and have located on or acquired lands, some of which are very poor for agricultural purposes (Bishop 1915, 28).

The advocacy of Thomas Bishop occurred during the time that the Federal Government opened up land on the Quinault Reservation for allotment. In 1916, Indian Commissioner Cato Sells wrote that land on the Quinault Reservation was to be allotted to "those unallotted individuals or members of Clallams, Cowlitz, Squaxon Island, Port Gamble, Hohs, Ozettes, Quillehutes, and other fish-eating Indians of the Pacific Coast" (Sells 11/27/1916, 3).

Some of the petitioner's ancestors and their relatives maintained that they were among the "fish-eating Indians of the Pacific Coast." Bishop visited Chief Clerk C. F. Hauke and his staff in May, 1916, on behalf of the Duwamish Indians, and represented the petitioner's ancestors and their relatives. His activities in Washington, D.C. will be discussed more in the following section.

5.2. 1900-1925: The Duwamish Tribe of American Indians

The relationship of Bishop's activities to the petitioner's ancestors can be better understood by describing the second major event, the announcement of the Duwamish Tribe of American Indians and its membership list in 1915. The first evidence for the organization is the appearance of a letter signed by Charles Satiacum and William Rogers December 22, 1915. Attached to the letter were 319 names. The total number of members on the list is estimated to be at least 361.[56] As the discussion below shows, few of the people listed are pioneer marriage descendants, and few are ancestral to today's DTO membership. Of the pioneer marriage families who were listed, most were from the second category i.e., those who married people of similar pioneer marriage descendant background, and for whom there is little evidence of interaction with Indians from the Lake Fork, Lake Washington, or Green/White Rivers, as well as their reservation descendants.

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

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[56]The number is not precise because some members signed on "with children," but then did not specify who these children were or how many of them were enrolled. This analysis uses information from the Roblin Rolls and BAR genealogy to arrive at approximately 36 children who may have been listed. However, in cases in which BAR researchers were unable to find any independent information, they assumed that the number of children was one (1). While this assumption helps make the estimated number on the list more accurate, the exact number on the list is impossible to estimate precisely. Thus, the number of members may vary among different reviewers, and will change as more information becomes available. Please see the BAR Historian report for further detail on the number of members.

Siddle and Louis Satiacum. Charles Satiacum, George Young, and Louis Satiacum were enrolled at Puyallup; William Rogers, Charles Alexis, and Solomon Mason at Port Madison; Lyman Siddle at Muckleshoot; and Peter James at Lummi.[57] James Tobin and Joe Moses are the only individuals for whom there is no evidence of on-reservation enrollment.

The letter stated that the Board had the authority to verify membership and negotiate, through Thomas Bishop, with the Federal government.

> This Board of Directors shall have authority; and shall select the true members of the said Duwamish Tribe, and submit the same to the Honorable Commissioner of Indian Affairs; through the Northwest Federation of Indians (Satiacum and Rogers 12/22/1915).

The Board of Directors were to continue to act "untill [sic] the final settlement of these problems, or untill [sic] their successors are duly qualified by us" (Satiacum and Rogers 12/22/1915). No other information is available on how the Duwamish Tribe of American Indians was formed. There is no constitution or set of by-laws indicating social or political organization. For example, there were no minutes or letters identifying who would actually qualify for the Board of Directors, or the kind of political relationships this Board had with the listed membership. Finally, there is no evidence that this Board exercised any authority over the selection of members. Hence, this report will refer to the 361 members as a list, and not as a roll.

At least some members listed with the Duwamish Tribe of American Indians engaged in three activities. First, leaders such as Charles Satiacum had contributed sworn statements that were appended, in 1916, to Thomas Bishop's 1915 Appeal to the Government to Fulfill Sacred Promises Made 61 Years Ago. In one of these statements, he made clear that he desired to obtain land and access to fishing for the Duwamish elders and enhanced education for the younger Indians.

> I don't like to have my people all of them driven from one place to another and then told them that

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[57]The Petition documentation did not indicate where George Young and Louis Satiacum are from, but they are most likely from Puyallup.

> they don't own the land, and must move off. Give them a place where they can live and fish or hunt a little; that is the old Indians--the young Indians--let them live like white people; let them go to the public schools and learn the ways of the white men; and learn the laws of the white man--so that we know where we belong; so that we know what is right and what is not right; we want to learn our children what is right (Satiacum 4/16/1915, 34).

Second, on March 21, 1916, at a "council meeting held at Tulalip Valley in the home of Charles Satiacum, Chief of the Duwamish Indians," some of those listed on the 1915 Duwamish Tribe of Indians signed a resolution that "empowered" Thomas Bishop:

> as delegate or representative of our people to appear for and act for us before the proper authorities in Washington, D.C., in presenting our claims with full power to act for us, and in our stead, and for our use and benefit, to represent us leading towards a settlement of our claims against the United States Government arising out of its failure to make a suitable and just allotments of land to us or to our ancestors, --in a full cash settlement or our own original reservation.

The resolution added that:

> We empower the said Thomas G. Bishop to appear and with power to act for us in Congress, or to the members of Congress of the United States, or to the Court of Claims of the United States, and, to fully represent us, and to act for us wherever he may see fit, in the pressing of our claims - and empower him to secure an attorney to assist him if he needs one - to present our claims before the proper committees or to the said Court of Claims in Washington (Bishop and Hauke 1916, 91-92)

At the meeting with Mr. Hauke, Bishop added that:

> "They [the undersigned] do not wish lands upon the Quinaielt Reservation but would prefer homes on their old Renton reservation or thereabouts" and read the resolution into the record (Bishop and Hauke 1916, 90).

Bishop told Chief Clerk Hauke that the resolution was signed by Joseph Young and his family (12 individuals), John Seattle,[58] Sandy Bill, Jennie Purse, "and 172 others." Waterman described Joseph Young as from the Wollachet Bay area (Waterman 1920, folder 13, 136-2), near the Puyallup Reservation. Waterman showed John Seattle as living at Muckleshoot (Waterman 1920, folder 13, 136h). Jennie Purse was most likely the Jennie Purce who was on the 1915 list. In fact, all these people, except for John Seattle and Joseph Young, were on the 1915 list.

However, the total of 187 signers represents only 52 percent of the total listed in 1915. Since BAR researchers were unable to obtain a copy of the complete list of the resolution signers, it is impossible to determine the exact relationship between the resolution signers and the people on the 1915 list. From what is known, the names Bishop did list were mostly from the Muckleshoot and Puyallup Reservation areas, and the signers were assembled at Charles Satiacum's house near Puyallup. These observations suggest that much of his support came from people who were from the Muckleshoot or Puyallup Reservations, and their environs. However, nothing definite can be concluded about the "172 others," other than the observation that none of these people appear as ancestral to today's DTO membership.

Nevertheless, it is clear that Bishop advocated for Black and Cedar River Indians. He requested funds for immediate relief for:

> 76 Indians there who are indigents. Most of them are being cared for by the County Commissioners. They[59] are so sore at the Indian Department that they would not even give a list of the names of those they are supporting. There are 76 that I know of that are entitled to consideration through these various treaty agreements. They are being cared for by the Counties and by friends who should be relieved by the Department (Bishop and Hauke 1916, 84).

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[58]Waterman said of John Seattle that "He has no connection, so far as can be discovered, with the Seattle from whom the city was named" (Waterman 1920, folder 13, 136h).

[59]It is not clear from the petition documentation whether he was referring to the County Commissioners or the Indians.

More specifically, the indigent in King County included "Indian Sampson, Indian Susie, Indian Big John, Indian Snoqualmie, Indian Stuck John, Louis Mokri, Doctor Bill, Indian Maly, Mr. and Mrs. George Sitwalt" (Bishop and Hauke 1916, 87). Sampson, Susie, and Big John were discussed earlier as from White and Green River areas, as well as Lake Washington. Big John was enrolled at Port Madison. In the absence of other information we assume that Stuck John is Stuck Jack, who was allotted at the Muckleshoot Reservation. Doctor Bill was a shaman participating in the 1894 sing gamble. He lived off-reservation in the King County area. Research did not reveal the identities of Louis Mokri or Indian Maly. Mr. and Mrs. Sitwalt were most likely George and Mary Setwell, listed in 1915. Of the ten indigents Bishop named, all except Dr. Bill, Louis Mokri, and Indian Maly were on the 1915 list. Of these ten, seven were not enrolled on the Muckleshoot or Port Madison Reservations, and appeared to live off-reservation. None of these people, however, are ancestral to today's DTO membership.

The information shows that some of those on the 1915 list gave active political support to Thomas Bishop. Bishop, in turn, advocated specifically on their behalf for obtaining land and relief for the indigent. While it is not clear if Bishop represented all the people listed with the 1915 organization, he represented an important segment of them.

Also, Bishop represented these people not simply as part of an effort to press claims on the Quinault, but to obtain land specifically for the indigent and their supporting families. Bishop maintained that the indigent did not have access to land upon which to build secure housing and to conduct subsistence fishing, and their destitution was creating difficulties for the younger people in their families.

> Of these Duwamish Indians, the ones who are able, do work of various kinds - in sawmills, farms and rough work, and are caring for the members of their tribe as best they can besides protecting their own family. The younger members, the ones who are working, are asking that some lands be set aside for homes for the older people as they feel that the Government should live up to its part of the Agreement of 1855-1856, and they are very anxious for a tract of land sufficient for the care of them at either Renton reservation or waters adjoining Puget Sound, where they might be near fishing. Of these Duwamish Indians, to my

> judgment, about 80[60] are very old men and they would under no consideration take an allotment of land on the Quinaielt [sic] reservation and move thereon. They ask for a money consideration of some kind for their maintenance if homes cannot be furnished them according to the promises made by former Governor Stevens...The actual condition of these Indians, and especially the Duwamish is pitiable to say the least, for in many cases they are driven away from their little homes that they erect on these sand spits [along Puget Sound, Lake Washington, and Lake Sammamish] by people who are not full citizens of the United States and have no recourse other than to move (Bishop and Hauke 1916, 93-94).

For the homeless and indigent Bishop asked for:

> immediate enrollment, and that the Government might do as to settlements as promised them by former treaties with these Indians (Bishop and Hauke 1916, 94).

Thus, Bishop was advocating for compensation through land and cash from damages due to loss of land and fishing access. The people Bishop represented had been alive at the time these losses had occurred.

The 1915 list included many descendants of those from the drainages of the Lake Fork, Green, and White Rivers, many of whom were enrolled with the Port Madison, Muckleshoot, and Puyallup Reservations. Some pioneer marriage families were also enrolled. These include individuals from the Garrison, O'Bryant, Scheuerman, and Sackman lines.

BAR researchers found no other records concerning the 1915 list that showed how these people interacted with one another politically or socially. However, BAR researchers did not conduct documentary research for such information beyond what was submitted by the petitioner. The researchers limited their inquiry because, as evidence in 5.4ff will show, only a very small percentage the membership of the 1915 list was ancestral to today's petitioner membership.

Other than the meetings at Charles Satiacum's house, the petition did not submit evidence of regularly-held council

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[60]I.e., probably the total number of 76 provided earlier.

meetings or similar activities that would characterize the social and political life of the council members. Nor did the petition include any for 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 shows a captioned photo, dated around 1916, that:

> shows only a small number of the Duwamish Indians who gathered in answer to Chief Satiacum's [summons]. Chief Charlie Satiacum is seen in the center of the picture, sitting in the rocking chair on the right, a battered [illegible] his flowing white locks. Sitting at his left is Chief William Rogers, of the Suquamish Indians. To the left of Rogers is John Seattle, great-grandson of the famous Chief Seattle. Agent Roblin is standing in the center [illegible] with his hands resting on the chairs of the two chiefs. On his right is Thomas Bishop, and on his left Willie [illegible] treasurer of the Northwest Federation" (Newspaper n.d.).

Note the presence of Charles Roblin, who will be discussed in the next section.

On December 13, 1917, Charles Satiacum, William Rogers, James Tobin, Henry Steve, Peter James, and Joseph Moses signed an agreement with Judge Griffin:

> for the purpose of endeavoring to secure for said Indians the right to an allotment land to each of said Duwamish Tribe Indians, and in the event said allotments can not be obtained, to secure a payment from the United States Government for a reasonable value of the allotment of land (Satiacum and Rogers 12/13/1917).

With the exception of Henry Steve, all the signers were listed as members of the 1915 organization's board. Also, Henry Steve's wife, Ella, was listed with the 1915 organization. Thus, there is reasonable continuity between the 1915 list and those who signed the Griffin contract.

Also, the wording of this contract is consistent with the other activities of Thomas Bishop, Rogers, and Satiacum. The 1915 organization's primary goal was to obtain land.

Accepting monetary payment was considered acceptable only if obtaining land were not possible. However, the signing of the contract is the last activity associated with the 1915 organization for which there is any evidence.

Section 5.4 will show that the membership of the 1915 list included those Duwamish families prominent in the settlements at the Lake Fork, Lake Washington, and the Green and White River, which existed until 1900. The list also included those descendants of these families who moved primarily to the Port Madison, Muckleshoot, Lummi, and Puyallup Reservations. Only the eight descendants of the James Line, or two percent of the total DTO membership, are part of today's DTO membership, and none of these members are presently active in DTO activities.

5.3. 1900-1925: The Roblin Enrollment Process

The activities of Thomas Bishop elicited a formal response from the U.S. Government. Indian Commissioner Cato Sells reported that he had "...received from Thomas Bishop a large number of applications for enrollment and allotment with the Indians of the Quinaielt [sic] Reservation." Sells asked special agent Charles E. Roblin, in 1916, to complete two tasks. The first was to collect or verify applications and assist individuals applying for land on the Quinault Reservation.

> It is desired that you carefully examine each application and aid the applicant so far as practicable in furnishing the evidence indicated to the end that you may be in a position to make a definite recommendation for or against enrollment with the Indians of the Quinaielt Reservation (Sells 11/27/1916, 4).

The second task was to make a separate list of applicants who could not be enrolled on the Quinault "...to the end that should Congress so request, a full report might be made as to such unattached and homeless Indians who have not heretofore received benefits from the government" (Sells 11/27/1916, 5). These applications were to contain information that would:

> group families together and show in addition to the names, both English and Indian, the age, sex, family relationship, amount of Indian blood, and of what tribe or band, where born, and place of

> residence up to the present time, and if allotted on the public domain or elsewhere; also amount of property owned, and if they have paid taxes and voted as citizens in their home states. The residence, county, and state of the applicant should also be given (Sells 11/27/1916, 7).

The Department had ruled that the descendants of pioneer marriages were not eligible for rights on reservations:

> where one of the parents of an applicant is an Indian and leaves his or her people and marries among the whites, the children of such a marriage are not entitled to any benefits whatever with the tribe so abandoned and must not be enrolled (Sells 11/27/1916, 6).

However, Sells qualified this ruling by adding that:

> ...the fact that an applicant might not be entitled under the decisions mentioned to enrollment would not prevent his enrollment and allotment provided the tribe should voluntarily adopt him and there be sufficiently good reasons to warrant the approval of the tribal action by the Department. In some cases it has been held that long years of affiliation or residence with the Indians on a reservation, intermarriage with the tribe, having rendered services thereto being a proper person to be allowed to reside among the Indians, etc., would be sufficient to warrant favorable action in cases of adoption (Sells 11/27/1916, 6-7).

Roblin thus made lists of applicants and collected affidavits for individuals whom he categorized as Alaskan Tribes, Chehalis, Chimicum, Chinook, Clallam, Cowlitz, Duwamish, Gig Harbor people, Klickitat, Lummi, Mitchell Bay people, Montesano, Muckleshoot, Nisqually, Nooksack, Oregon tribes, Puyallup, Quileyute, Quinault, San Juan bands, Sanpete, Satsop, Shoalwater Bay, Skagit, Skokomish, Snohomish, Snoqualmie, Squaxin Island people, Stilacoom, Stillaguamish, Suquamish, Swinomish, Tulalip-Spucam, and Wynookie.

The Roblin enrollment is important because it was a systematic attempt to identify the descendants of Indians who were subject to the treaties of 1855, including the Treaty of Point Elliott. Other reservation censuses, as

mentioned before, had not been validated by regular site visits, and had been denounced as "guesses" by officials such as Agent Charles Buchanan as late as 1901.

In the process of receiving applications, Roblin "had to interview all comers because it has been impossible to eliminate those who had no possible claim, without taking their testimony and evidence, afterwards determining its value" (Roblin 1/31/1919, 3). After a review of their applications he found that:

> There are many members of other tribes, in the Puget Sound country especially, who are not allotted; and some few who are not enrolled. I have prepared schedules of those I found who are not enrolled, but have excluded from the schedules those who are now enrolled, even though not allotted (Roblin 1/31/1919, 7).

He thus collected affidavits even from Indian descendants whose names were not included on the rolls. On the roll itself, Roblin included descendants of pioneer settler marriages whose interest in recognition as Indians resulted, maintained Roblin, from the activities of Thomas Bishop's NFAI. According to Roblin, in his Report to the Commissioner, on January 31, 1919:

> Another class, and by far the larger class, are descendants of Indian women who married the early pioneers of the country and founded families of mixed-blood "Indians". In many cases these applicants and families have never associated or affiliated with any Indian tribe or tribes for several decades or even generations. Many of them had never made any claim for recognition by the United States Government until a few years ago.
>
> It appears that this sudden interest of persons of mixed Indian blood, in obtaining their "rights" and "What is justly due" them, results from the activities of a few mixed-blood Indians who started a movement a few years ago for this purpose. This movement ripened into the organization of the Northwestern Federation of American Indians. The leading spirit of this organization is Mr. Thomas G. Bishop, its President (Roblin 1/31/1919, 2).

However, while he alluded to this class of individuals in his report, he indicated this distinction on the rolls themselves only by listing the blood quantum of each individual.

In 1917, during the enrollment process, Roblin reported that he assisted the Duwamish in their efforts to make a list of claimants. He reported that:

> they believe that all Indians who have Duwamish blood in their veins, no matter what their present tribal affiliations may be, would be entitled to share in whatever settlement was made with them, as a tribe (Roblin 6/28/1917) [emphasis in original].

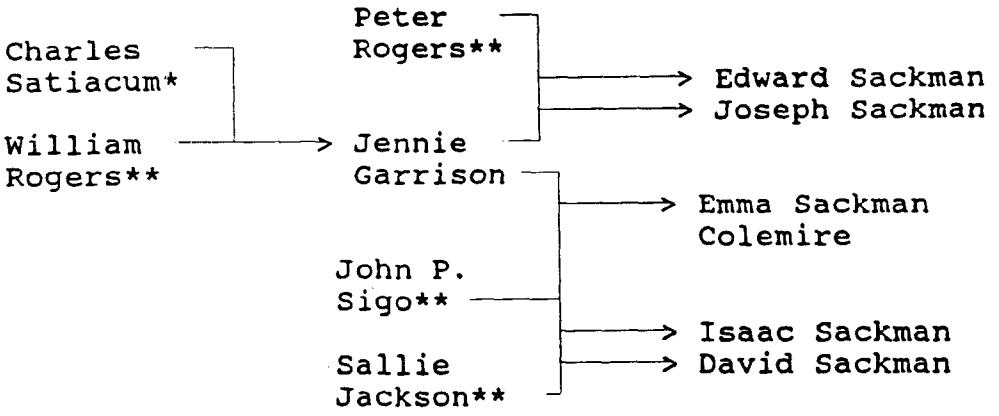
He then reported how he attempted to explain what he could and could not do for the Duwamish leaders.

> At a meeting held at Charley Satiacum's house last December they employed Judge Griffin of Seattle to represent them in the presentation of their claim. I told them that my work did not contemplate making an enrollment of these claimants; but that, merely for the sake of assisting them in making up their list of claimants, I would take statements from any Indians of Duwamish blood, and in case they were already enrolled, or enrolled and allotted, I would not include these statements with my reports, but would turn them over to Judge Griffin for his use (Roblin 6/28/1917) [emphasis original].

It is not clear if any other lists may have been generated from Roblin's interaction with Bishop, Satiacum, or others associated with those on the 1915 list. Roblin did collect affidavits from Indians he classified as Duwamish who were already enrolled on reservations.

The 1919 Roblin Roll contains 148 names and affidavits of Indians who maintained that they were descended from the Duwamish. Other ancestors to the petitioner were listed with other Indian tribes. Some of the Fowler descendants were listed with the Snoqualmie. Some of the Tuttle descendants were listed with the Skagit. Neither Roblin's reports, the petition documents, nor any other research conducted by BAR staff revealed specific reasons why these families were so listed.

Activities associated with the Roblin enrollment process highlight the possible existence of certain networks of individuals and families. First, an examination of all the Roblin affidavits shows that Duwamish leaders served as witnesses for each other, when they submitted affidavits to Roblin. The following diagram demonstrates who was a witness for whom.



X————————>y means "x vouched for y" or "x was a witness for y"

* From Puyallup Reservation
** From Port Madison Reservation

Charles Satiacum and William Rogers served as witnesses for Jennie (or Jane) Garrison (Roblin 1919, affidavit of Jennie Garrison). Jennie Garrison served as witness for Emma Sackman Colemire (Roblin 1919, affidavit of Emma Colemire). Jennie Garrison, John P. Sigo, and Sallie Jackson served as witnesses for Isaac Sackman and his wife Frances (Roblin 1919, affidavit of Isaac Sackman), as well as Emma Sackman Colemire. Peter Rogers and Jennie Garrison both served as witnesses for Edward and Joseph Sackman (Roblin 1919, affidavit of Edward Sackman; Roblin 1919, affidavit of Joseph Sackman). John Sigo and Sallie Jackson served as witnesses for David Sackman (Roblin 1919, affidavit of David Sackman).

Satiacum and Rogers, individuals whom both Indians and non-Indians designated as chiefs, served as witnesses for people such as Jennie Garrison, who was the first generation of a pioneer marriage. Jennie Garrison, in turn, was a witness

for second-generation descendants of these pioneer marriages, such as Isaac, Joseph and David Sackman, and third generation pioneer descendants, such as Emma Colemire. She served as a witness along with Port Madison residents such as John Sigo and Sallie Jackson.

Also, these second-generation pioneer descendants communicated with each other informally about the process. For example, David Sackman wrote to Roblin after discussion with Ben Garrison.

> I am sending you a statement ans[wering] questions in your circular letter of Feb. 25, 1917, as I understand from Benj Garrison that you require these facts from the Indian people. Do you think there is any chance of receiving anything from the Government. If so, how soon will it be? (Sackman 8/20/1917).

Thus, the process for signing and witnessing affidavits shows that some of the second and third generation pioneer marriage descendants were interacting with each other socially. These descendants comprise the second classification of pioneer marriage families i.e., those who married people from similar background.

However, these descendants were connected with the original Lake Fork, Green and White River Duwamish only through first generation ancestors of their lines, such as Jennie Garrison, who was alive until January 6, 1932 (Perry 1981, 4). Also, among all the affidavits submitted, these examples were the only ones that emerged. Thus, even the witnessing appears infrequent.

5.4. 1900-1925: New Constitution and Bylaws, and Differences in Membership

The petitioners submitted a copy of a "Constitution and Bylaws of the Duwamish Tribal Organization" dated February 26, 1925. The formal name of the organization was the "Duwamish Tribal Organization of the Duwamish American Indians."[61] The constitution outlined the organization's purpose, membership criteria, officers and business council, election of the business council officers, payment of dues, appointment

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[61]BAR research has not determined how it was drawn up, who actually submitted it, or exactly when it was submitted.

of committees, conduct of the annual organizational meetings, and the amendment of the By-laws.[62]

Its officers included a president, secretary, treasurer, and Business Council. Peter James was president. The new officers included Joseph Moses, Charles Tuttle, Maurice Sackman, John Hawk, Major Hamilton, Peter James, and George James.

Charles Satiacum had died in 1925, and according to 1927 testimony by Jenny Davis (Port Madison) he was succeeded as chief by William Rogers. William Rogers then died "shortly after he [i.e. Satiacum] died" (Davis 1927, 703) i.e., in 1925. Petition documentation did not indicate how Peter James then became president. In the following subsections, the business council will be referred to as the "Council," to distinguish it from the general "membership" of the Duwamish Tribal Organization.

Business council members were Joseph Moses, Major Hamilton, and George and Peter James. They were descendants of Lake Fork and White River families who had gone to reservations. The Hawk family was from the Skokomish Reservation; the Tuttle and Sackman families were from pioneer marriage backgrounds, and resided at Seattle and Tracyton, respectively. The leadership in 1925 thus included descendants of pioneer marriages from Tracyton and Seattle, as well as Skokomish Reservation descendants.

In 1926 a list of members was also prepared.[63] As with the 1915 list it is not clear how the membership of the 1925 Organization was screened or recruited. The Superintendent of the Tulalip Agency, in 1925, reported on a case in which one person requested enrollment because he had left a meeting early.

> At a certain meeting of the Duwamish Tribe of Indians, William Fowler and wife were present but left the meeting before William Fowler had signed the Tribal Roll. He should have signed the Roll at this meeting....Mr. Peter James, one of the officers of the Northwest Federation of American Indians advised that William Fowler is in reality

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[62]Please refer to BAR Genealogy Report for further information on the bylaws.

[63]Please see the BAR Historian's report for further details.

> a member of the Duwamish Tribe, but that he has never enrolled; that he could register on said roll at any time he wishes to do so; that no Indian has ever objected to his enrollment (U.S. BIA Tulalip, 1925).

The letter indicates that the president, Peter James, was the person from whom the agents received membership lists.[64]

5.5. 1900-1925: The Duwamish Tribal Organization of the Duwamish American Indians: Membership and Enrollment

As stated in the BAR Genealogical Report, Peter James maintained that the 1926 list he had submitted contained the names and ages of "398 men, women and children." As the BAR historian's report explains, BAR research determined that the list contained 389 members.

A comparison of the 1926 and 1915 lists indicates important differences in membership. The 1926 list contained the names of only 75 people who were also listed in 1915. The overlap represents only 20 percent of the 361 members on the 1915 list and 19 percent of the 389 on the 1926 list. There are five differences that further characterize the two memberships.

First, large family lines were listed in 1926 which were not present in 1915. Two of these lines included O'Bryant (28 members) and Seymore (17). The Kennum family, represented by one member in 1915, increased to 38 members. The Fowler line, had been represented by Gladys Thompson and an estimated three of her children on the 1915 list.[65] She had married David Fowler in 1906 (Fowler 5/12/1917), and had

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[64]These meetings suggest a top-down process in which those attending signed their names to a list. Other than Peter James' validation, the enrollment or screening process is unknown. Also, there is no information at this time regarding the role of those on the list in political decision making. Thus, this report will refer to these names as a list, as with the 1915 list.

[65]Gladys Thompson had been listed "and children" in 1915. Through the use of the Roblin affidavits and BAR genealogical information, BAR staff can identify three individuals with confidence. The number may have been undercounted, however.

been residing on the Port Madison Reservation. Gladys and her three children were replaced by 19 other Fowler family members, none of whom had lived on any reservation.

The O'Bryants, Seymores, Kennums, and Fowlers comprised the third classification of pioneer marriage descendants. Most of their members had married non-Indians in the second generation and every subsequent generation. BAR research found no evidence of interaction between these people and the Lake Fork, Lake Washington, or the Green, White, and Cedar River families, or with each other.

If the members of these families are added to the second category of pioneer marriage descendant families i.e., those of the Garrison, Sackman, and Scheuerman families -- whose members were also listed in 1915 -- then categories 2 and 3 of the pioneer marriage descendants listed in 1926 account for 86 percent of today's petitioner ancestry.

These differences in membership indicate a sharp discontinuity between the members listed in 1915 and those listed in 1926. The latter is comprised far more of pioneer marriage descendants, active on today's DTO membership. The former is comprised of Duwamish whose descendants account for fewer than 20 percent of today's DTO membership, and none of whom are active in DTO activities.

The O'Bryants, Seymores, Kennums, and Fowlers were not the only ones whose surnames did not appear on the 1915 list. Among those known to BAR from other sources were the Andrew family (3 members) some of whose names appear on the Roblin Roll. Other applied for enrollment on the Puyallup Reservation. Puyallup Reservation documentation for families such as Novak (5 members) and Zuljevic (11) showed that Mike Novak was:

> not a recognized Puyallup, and never lived among the Puyallups or affiliated with them in any way. His father is a white man and his mother's application for enrollment has been disapproved. None of his family ever made their home here and cannot be recognized now (Novak 1929).

The Puyallup Council officials made a similar decision for Vincenza Zulyevic, son of Josephine Novak "and a White Father." Vincenza was "to take on the status of their white father" (Zulyevic 1929).

An additional 42 names on the 1926 list included family lines for which BAR has no information, and which had not been mentioned either with the traditional villages nor on reservation rolls. These names include but are not limited to, Babich (3), Dorotich (6), Frank (3), Gillich (5), Jeresich (4), Leonard (3), McCloud (5), Russell (3), Scudder (3), and Sly (7).

Unknown to BAR is the descendance of 42 individuals among the 189 listed in 1926 but not 1915 (17 percent). Of these 189 persons, 16 are apparently descendants of pioneer marriages, but are not ancestral to the petitioner. The existence of these families on the 1926 and not the 1915 lists does not show conclusively that the two groups were structurally different. The difference does show, however, that the 1926 organization's membership is more similar in structure to today's petitioner than to the 1915 organization's membership structure.

Second, 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). These names have been discussed above. 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.

A third contrast indicating a difference in character between the organizations emerges when the membership of the family lines who are in fact ancestral to today's petitioner group are examined. The following table compares the number of surnames within family lines, and the numbers, within these family lines, that appeared on both. Note particularly the third column. This column shows that very few individuals, even from among the lines found on both lists, were shared between groups. As the historian's report shows, the difference in composition cannot be explained by generational differences.

Comparison of Petitioner's Surnames
Appearing on the 1915 and 1926 Lists
Grouped by Family Line

	No. on the 1915 List	No. on the 1926 List	No. Shared on both Lists
Bagley	1	2	1
Fowler	4	19	0
Garrison	2	3	0
Hawk[66]	6	10	6
James	28	31	13
Kennum	1	38	1
Moses	12	3	3
O'Bryant	0	28	0
Sackman[67]	8	27	8
Scheuerman	19	18	16
Seymour	0	17	0
Siddle	16	4	2
Solomon	9	6	1
TOTAL	106	216	51[68]

The continuity suggested by a broad count of family lines between the two lists is illusory. As also discussed above,

[66]The 1915 List includes Emily Hawk and Children. She was enrolled as Skokomish, her children were not.

[67]We assume here that Lula, one of the Sackman members, is Lulu Bessie McPhee Sackman, second wife of Joseph Sackman. She signed the 1915 list with her children, whom she did not list. If we count only her 7 children then there are eight shared names, including Lulu's. If we count the children of Mary Campbell, Joseph Sackman's first wife, then the total names shared could be as many as 13.

[68]As mentioned above, the total number shared between the two lists is 75. The remaining 24 are comprised of Guss (1), Hamilton (2), Kittle (4), Purcell (1), Selalis/Jack (1), Slade (1), Smith (3), Stillabious (1), Tobin (3), and others (7) for whom BAR had no information, and who are not ancestral to the DTO.

the table shows the arrival of Seymores, O'Bryants, all but one of the Kennums, and a totally different contingent of the Fowlers.

It is Column 3, however, that shows how many members are shared within family lines. For example, Peter, Joseph, and Anthony James appear on the 1915 list. Joseph's sons Barthel and Milton, also appear on the 1915 list, as did Peter's children Norbert, Patrick, Wilbert, Laurinda, Walter, Ivan, and Josephene. Also on the 1915 list are Norbert's son Herald and Walter's son Walter Jr.[69]

Peter, Joseph, and Anthony James also appeared on the 1926 organization lists, as did the names of his sons Norbert, Raymond, Wilbert, and Walter. However, Peter's daughters Josephene and Laurinda, as well as his sons Milton, and Patrick James did not. Added to the 1926 list were Peter's wife Adaline James and his children Ada Arlene, Ada Katherine, Annie James (enrolled at Skokomish), Charles J. (enrolled at Swinomish), Clara (also at Swinomish), Florence (enrolled at Lummi), Irene (also at Lummi), Landelin, Marie, Percy, Virginia, and Walter James, Jr.[70] All the children of Peter James were born after 1915. Thus, some of those named on the 1926 lists were simply the descendants of those listed in 1915, but who had not yet been born.

For the family lines of the pioneer marriage descendants appearing on both lists, the names on the 1926 list represent the siblings or the cousins, nieces, and nephews of those whose names appeared on the 1915 list. For example, second-generation descendants Annie and Elizabeth Garrison appeared on the 1915 list only. On the 1926 list was her brother Henry Garrison, and her daughter Ione Ryner. Thus, the Garrison family was represented on both rolls by different individuals.

In the case of the Sackman pioneer descendant family, Lulu Bessie McPhee Sackman's name appeared on the 1915 lists

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[69]Also listed in 1915 were Alphonsus, Calvert, Catherine, David, and Elisia James. Given the Port Madison enrollment for Alphonsus and Catherine, they may be progeny of Anthony James, who was enrolled at Madison, Skokomish, Muckleshoot, and Tulalip by 1916. We cannot place David and Elisia James.

[70]Not the same as the Walter, Jr. on the 1915 roll, born 1903. This Walter James was born 1923.

"with children," none of whom were listed individually. On the 1926 list, both her name and the names of her children were listed explicitly. She was the second wife of Joseph Sackman, one of the three sons of Daniel J. Sackman, the pioneer founder of the line. The 1926 list also included Joseph's brother, Isaac S. Sackman, and his descendants, Daniel J., Myrtle, and Robert C. Sackman. On the 1926 list was also the name of Dorsilla Sackman, the daughter of Joseph's second brother, David H. Sackman. These names were not on the 1915 list. In the Sackman case, then, the 1926 list contains the names of nephews and cousins of those whose names were found on the 1915 lists.

The Scheuerman family line provides the single exception because 16 members appeared on both lists. Even here, however, there are differences. The names of second-generation Scheuerman family members such as Lisette and Frank Backus appear on both lists. Their son Harry, whose name is listed in 1915, does not appear on the 1926 list. However, Lisette's sons John and Frank, and Frank's daughter Charlotte, are listed in 1926. Eldest second-generation daughter Rebecca Fitzhenry Graham and her son Victor appear on both. Second-generation descendants Albert, Ruby, and Walter Scheuerman are listed on both, but sister Catherine Scheuerman is not on the 1926 list.

The table also shows that family lines of Indians from Lake Fork, Lake Washington, and the Green, White, and Cedar Rivers, appear on both lists. However, 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.

The Siddle line shows a similar decrease in numbers between the 1915 and 1926 lists. Among the fourteen members of Siddle family listed in 1915 are Julia John and Lyman B. Siddle, and their children, including David, Lena, Laura, Lyman B., and Clara Bill, as well as David's descendants Olive and Hazel. On the 1926 list, the only names appearing are Julia John and her son David Siddle, and his daughter Hazel.

Even less well known families show many fewer names on the 1926 list than on the 1915 list. Of the six members of the Skokomish Slade family on the 1915 list, only two, Ellen and

Levi, appear on the 1926 list.[71] Seven individuals with the surname Tobin are represented on both the 1915 and 1926 lists, but only two, Benjamin F. and Eliza, are actually listed on both.

Fourth, the lists differ drastically in the proportions of members enrolled on reservations. A total of 68.3 percent of the reservation-enrolled membership (26.3 percent of the total list) in 1915, were enrolled primarily at Port Madison, Muckleshoot, and Puyallup. Within that reservation group, 37.4 percent of the reservation total (14.4 percent of the total list) were enrolled at Port Madison and Puyallup.

The 1926 list, however, shows very few individuals from Port Madison, Muckleshoot, and Puyallup. Only 24 percent of the reservation-enrolled membership (6.7 percent of the total) are enrolled on these reservations. Within that reservation group, only 13 percent of the reservation total (3.6 percent of the total list) are at Puyallup and Port Madison. Instead, 31.5 percent of the reservation total (8.5 percent of the total list) are enrolled at Tulalip, and 17.6 percent of the total enrolled (4.6 percent of the total enrollment) at Skokomish.

The small number of people enrolled at Puyallup, Muckleshoot, and Port Madison and the large number of people from Skokomish and Tulalip can be explained in three ways. (1) The smaller numbers of people on the 1926 list enrolled at Muckleshoot, Port Madison, and Puyallup can be attributed to the significantly fewer names of people descended from the Lake Fork, Lake Washington, White and Green River Indians than appeared on the 1915 lists.

(2) The larger enrollment at Skokomish can be attributed entirely to a full count of the Hawk family's children (nine members), in addition to the arrival of three of the James line and two Slade family members at Skokomish. In 1915 the Hawk line was itemized simply as Emily Hawk "and children." Thus, most of the larger number of Skokomish listed in 1926 may simply be due to differences in the ways the two lists were tabulated.

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[71]Levi Slade remained on the Organization lists through the 1950's, but his descendants are not part of the modern petitioner membership.

(3) Most important, the large number of people on the 1926 list enrolled at Tulalip can be attributed almost entirely to the 26 additional enrollments designated as "unattached." Most of these enrollments include twelve Sackmans, three Scheuermans, three Simmons, two Stewards (Scheuerman), and one Williams (Garrison), the last of whom was also enrolled at Puyallup. All these families are part of the second category of pioneer marriage descendants i.e., those who married similar descendants, as opposed to non-Indians.

When these four comparisons are combined, they reveal the existence of two radically different groups. The 1915 list represents strongly the descendants of families along the Lake Fork, Lake Washington, and the Green, White, and Cedar Rivers, whose descendants enrolled or moved to Muckleshoot, Port Madison, Puyallup, and the Lummi Reservations. Almost a third of the total membership, in fact, were enrolled on these four reservations. The evidence shows that these Indians maintained political contact with each other, and their children married each other. The evidence from Satiacum and Roger's 1915 testimony and Bishop's 1916 testimony also suggests that those among the descendants residing on the reservations attempted to help those among their relatives residing off reservation.

Also listed in 1915 were a small proportion of pioneer marriage descendants, such as the Sackmans, Garrisons, one Kennum, and Scheuermans. They married other pioneer marriage descendants from throughout the Puget Sound area, or else non-Indians. The only evidence that these descendants maintained direct social relationships with descendants from similar background, as well as with Lake Fork, Lake Washington, or Green/White River descendants, comes from the few examples in which Jennie Garrison and some of the prominent Lake Fork leaders served as witnesses during the Roblin enrollment process.

The 1926 list represents far fewer of the Lake Fork, Lake Washington, and Green/White River descendants than did the 1915 list. There was a much higher proportion of pioneer marriage descendants in 1926. Moreover, among these descendants, there was a dramatically higher proportion of families whose members married primarily non-Indians consistently. Of those who married fellow pioneer descendant families, there was very little overlap in individual membership between the two lists.

Finally, the number and proportion of people enrolled on reservations was smaller in 1926. Only one-third were

enrolled on reservations in 1926, and of this number, most were enrolled as "unattached" Indians under Tulalip Agency administration. There was no evidence that allotment land was available for these people.

These contrasts are important because a far higher percentage of those listed in 1926 are ancestral to today's petitioner than in 1915. The contrasts between the two groups suggest strongly that the ancestors of today's petitioners are represented by pioneer marriage descendants for whom there is little evidence of marriage or other social contact with Indian descendants from the Lake Fork, Lake Washington, or Green/White River.

In short, the lists represent two different organizations and two different membership. We will show next that they also had different goals and methods for achieving these goals.

6. 1925-1950: CLAIMS, FISHING RIGHTS AND INDIAN REORGANIZATION ACT UNDER PETER JAMES

Between 1925 and 1950 the principal activities conducted by the 1926 Duwamish Tribal Organization were the continuation of claims and advocacy for fishing rights. However, the claims litigation proceeded differently than it had under Thomas Bishop, and now addressed a different constituency. Fishing rights advocacy was an undertaking among recognized Indian tribes throughout the Puget Sound area, and concerned whether the State of Washington could continue regulating and restricting Indian access to fishing areas off-reservation (Cohen 1986).

The petition did not make available detailed information about the petitioner's ancestors' marriages and residences for this time, nor was any information revealed by BAR research. All that is available for understanding social life during this time is a review of the recollections from today's petitioners.

6.1. 1925-1950: Claims Litigation: Change in Mission and Constituency

The BAR historian's report shows that many of the 1926 Organization's actions relating to claims were initiated in close coordination with other Indian groups and tribes. In 1921 a council of Indians throughout Puget Sound voted to

recognize the Northwest Federation of American Indians as their representative for pursuing claims. In April 1925, a general council of "Duwamish and allied tribes" met on the Muckleshoot Reservation to hire Arthur E. Griffin, attorney, to pursue claims litigation.

Testimony for this litigation took place in 1927 and again in 1932. Peter James had elicited from those who testified a list of original villages, that existed at the time of the 1855 treaty.

> After signing of our contract with our attorney, I immediately instructed the different tribes that the boundaries must be established of their territories according to the understanding of the old people as to how much territory each tribe had as their hunting and fishing grounds. I called especial meetings of all the different tribes, and in my presence with these old people as the committee, and asked them to draw out the boundaries of their territory according to the understanding of boundaries of their territory according to the understanding of these old people, and these boundaries was all drawn out in my presence in these different meetings as it is now shown in the map. So therefore I have the full knowledge and knowing and understanding that this map was made correctly according to my understanding in these meetings (James 1928).

Griffin refers to the list of villages, but no specific list was published with the testimony. However, a handwritten list was found among the court papers during the research process. Also, those who gave testimony referred to certain villages and their long houses.

Peter James also interpreted the testimony of the older speakers for the record, and described how he elicited the lists of settlements for Indians, apparently on behalf of the NFAI. Those who testified were mostly elderly Indians who could still recall life from the Treaty of Point Elliott in 1855.

In the court testimony itself, speakers were asked to affirm this list of villages, describe the houses built on it, the land cleared, the crops grown on it, access to hunting and fishing, and whether or not their knowledge was based on their firsthand experience or on the description of elder relatives. After this initial questioning Griffin asked the

speakers to affirm from their personal experience that the information was correct, and to enter the names into the record.

Griffin then asked them to estimate the value of houses and cleared land, and the uses to which the land was put. Some speakers, such as Sam Tecumseh, estimated the value, and under further questioning described how the land had been used for growing potatoes, achieving access to fishing and hunting. Finally Griffin asked the speakers to confirm that they had never been paid by the U.S. for lands they or their families had lost (Tecumseh 1927).

There is no evidence that the Duwamish Tribal Organization's general membership on the 1926 list played a major or focal part in the 1927 claims litigation testimony. With only one exception, those who testified and deposed were the reservation Indians who were themselves, or whose ancestors were, originally from the Lake Fork i.e., the Black, Cedar, and Duwamish Rivers, and who later moved to the Muckleshoot, Port Madison, Tulalip, or Lummi Reservations. Sam Tecumseh resided at this time at Tulalip (Petition 1989, 3:840); Jennie Joe at Tulalip (Petition 1989, 3:850), Major Hamilton at Muckleshoot (Petition 1989, 3:852), Jennie Davis at Port Madison (Petition 1989, 3:858), and Peter James at Lummi (Petition 1989, 3:864). Alex Kittles, who also testified, lived off-reservation at Coupville (Petition 1989, 3:847). Only Jennie Davis and Peter James were listed with the 1926 Duwamish Organization. Although Alex Kittles was not listed, his son Charles Kittle was. Thus, few of the Duwamish who participated in the testimony concerned native/traditional villages are part of the 1926 organization, and none have descendants among today's DTO petitioner.

As mentioned before, many of the general membership whose names appeared on the 1926 list were of pioneer marriage descendants, many of whose ancestors had had little or no social contact with historic Duwamish from the Lake Fork, Lake Washington, and White, Cedar and Green Rivers. These pioneer marriage descendants could thus be expected to have less interest in obtaining land in the Black and Cedar River homeland for relief of indigent relatives, or for land allotments on reservations. Even if they had such interest, the Bureau of Indian Affairs had no land available on reservations for these people. A 1925 Agency Superintendent's letter explained the Bureau's situation for William Fowler, a second-generation pioneer marriage descendant.

> There are no lands available for allotment to William Fowler on any of the Reservations within this jurisdiction. The Duwamish and other northwest tribes have instituted suit against the United States for their rights under treaty stipulations, and a judgment in favor of these Indians would appear to be the only tribal assets coming to them (U.S. BIA Tulalip 1925).

In 1934, the Duwamish Organization's president Peter James made clear that the purpose of the Organization was to obtain claims money for distribution to individual members, as opposed to obtaining a tribal asset. He made his position clear when he transmitted, March 24, 1934, a resolution to Agent Upchurch opposing involvement in the Indian Reorganization Act:

> RESOLVED That the Duwamish Tribe of American Indians is apposed [sic] to the provisions of Senate Bill S-2755 for the reason that said tribe now has a claim before the Court of Claims in Washington, D.C. presented but as yet not decided. The above Bill as explained, provides that any moneys received in litigation shall be by the Secretary of the Interior and Commissioner expended for the benefit of the tribe. We are apposed [sic] to said Bill because we feel that after seventy years delay, the members of this tribe are entitled to any moneys which we may receive from said claim, and we desire the right to receive and expend the said money as we see fit....We Duwamish tribe have been taking care our-selfs, [sic] educating our children in public schools and high schools with no expense to the Government. There-for [sic] we the Duwamish tribe in its council meeting refuse to accept any part of the Bill, or to be made party of the so called community self-Government (Duwamish 3/24/1934).

This response occurred before June 18, 1934, when the President of the United States signed the Act into law.[72]

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[72]Petition documentation does not make clear whether Peter James' transmittal reflected the wishes of the wider membership or simply his own position. Subsequent discussion in this report supports the likelihood that his position reflected the wishes of the wider membership.

The Federal government's response characterized the Duwamish Tribal Organization as a claims organization and not a tribal entity. The BIA responded to the Peter James resolution as if his group were advocating solely for a per capita disbursement.

> I have your letter stating the opposition of the Duwamish tribal Council to the Wheeler-Howard Bill on the sole ground that this bill, if enacted, would prevent the cash per capita distribution of any judgment the tribe might obtain from its suit against the United States now pending in the Court of Claims (Petition 1989, 3:792-793).

Officials observed that many of the individual members were already members of recognized tribes, who were united around the off-reservation Indians.

> The Snoqualmie and Duwamish tribes, as such, are not organized although members of these tribes are included in allottees of the Lummi and Muckleshoot Reservations and are members of bodies operating under the Reorganization Act. A large percentage of the membership of these tribes, however, are unallotted, not resident upon any reservation and it is this group which has effected the union of the membership of the tribes and are pressing the claims for the prosecution of which an attorney is being employed (Upchurch 2/1/1940).

Finally, while the Washington Agency Office of Indian Affairs referred to the Duwamish as a tribe, they were explicit in referring to the Duwamish Organization primarily as a claims organization.

> This organization was not formulated for the purpose of self-government, but was organized to keep alive the identity of the Duwamish Indians and to endeavor to obtain a settlement from the Government for non-fulfillment of treaty rights (Bitney 5/15/1953).

In 1944 the Duwamish Organization stated further its position regarding claims in answer to a questionnaire sent

from U.S. Congressional offices.[73] Question No. 10 of this survey ascertained (1) whether the respondent had claims pending against the government, (2) whether the respondent preferred litigation or out-of-court settlement through Congressional committee or commission, (3) the degree to which the needs of today's claimants should determine the awards Congress made, and (4) if a date for final claims settlement should be set. The Organization Board responded:

> We think that all claims should not go to the Court of Claims. We believe and prefere [sic], that the congressional committee or commission settle all now pending claims out of the court of claims. We believe that all pending claims should be adjusted and settled at the earliest practable [sic] date (Duwamish 8/20/1944; Petition 1989, 3:932-933).

The DTO was organized at this time for the restricted purpose of obtaining claims payments to its individual dues-paying members. There is no evidence that the DTO undertook other activities that involved, or were of concern to, the membership. There is also no evidence that this organization evolved from the original Duwamish settlements from the Lake Fork, Lake Washington, or Green/White River areas. As 6.2 will show, fishing rights were also not of interest to the membership.

6.2. 1925-1950: Fishing Rights

Fishing rights issues were of wide interest to Indians throughout Puget Sound. Since the turn of the century, the State of Washington had attempted to regulate Indians who fished commercially outside the confines of their reservations (Cohen 1986). Indians disputed the State's claim through lawsuits asserting rights to fish in usual and accustomed areas. These areas, maintained the Indians, were guaranteed them by treaty (Cohen 1986) regardless of whether or not the areas were on-reservation. Describing the role of the Duwamish Tribal Organization in fishing rights may thus help characterize the political life of the Duwamish

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[73]The questionnaire was sent by Congressional staff, not the Bureau of Indian Affairs, and still does not indicate that the Bureau dealt with the Organization as a recognized tribe.

Tribal Organization and the roles played by individual members.

Meeting minutes show that in 1942 Duwamish Tribal Organization officials reported to the general membership that the State of Washington Fisheries would fine individuals if they used nets of such small gauge that undersized fish were caught (Duwamish 6/20/1942).

In 1954 the BIA sent letters to Daniel J. Sackman (Schwartz 9/3/1954) and to Bertha Fowler in 1955 (Robertson 5/31/1955) telling them that they would be issued a card "which certifies that you are an enrolled member of the Duwamish Tribe, according to the records of this agency." Both letters stated that the card conferred "the rights of an Indian to hunt and fish without a license provided he can show that he is a recognized member of an Indian tribe" (Schwartz 9/3/1954; Robertson 5/31/1955).

Known as "blue cards," these cards could have been issued by the BIA to Sackman and Fowler because they were members of a claims organization such as the Duwamish Tribal Organization. In 1973, BIA Tribal Operations Officer David Paul Weston testified that the blue cards of this period were issued in the 1940's:

> to certify that a person was of Indian blood, born in the United States, and to give the date and place of birth. They served in lieu of a birth certificate to enable the holder to obtain employment in the defense industry. I understand that the [State of Washington] Game Department accepted these cards as proof of tribal membership for fishing and hunting purpose (Weston 1975, 2-3).

Weston then explained that these cards could be issued to "tribes which were not organized or recognized as reservation tribes" if "an individual's name was on some official census roll of the BIA" (Weston 1975, 3). He added that the Bureau would approve rolls that were prepared by "tribes whose existence has...been 'revived' in connection with prosecution of claims against the United States" (Portland Area Council in Weston 1975, 2). In addition, Weston reported that the BIA relegated responsibility for collecting these rolls to the claimant groups precisely because "these tribes undoubtedly have not maintained tribal relations over the years" and were the Bureau staff themselves to collect these rolls, the effort "would be an extremely expensive proposition" (Weston 1975, 2).

Thus, the Bureau required claimants such as the Duwamish Tribal Organization members to collect these rolls. The BIA then issued blue cards once the roll was approved in a court of record (Weston 1975, 3). Before issuing the blue cards on 1954, the Bureau had rejected an application from Duwamish Organization Secretary William D. Eley, explaining:

> We regret that we are not able to issue identification cards to the members of your tribe until such time as your census roll is approved by Washington. When this has been effected, we will be glad to send cards to anyone requesting them (Bitney 4/10/1952).

From 1925 to 1950, then, individual members of the DTO were being issued blue cards, though it is not clear how many were issued or to whom. It is clear, however, that issuance in no way indicated extensive social interaction with reservation Indians, action taken by the Duwamish Tribal Organization on behalf of members, or of active involvement by the general membership in Duwamish Tribal Organization affairs.

6.3 1925-1950: Duwamish Tribal Organization Leadership, Membership, and Membership Lists

From its formation in 1925 until 1947, the Duwamish Tribal Council was led by its president, Peter James. The Council held general meetings in the Renton area each year during the third week in June. Petitioner members recalled that this season afforded the best weather, posed the least difficulty for travel, and was a time when people could momentarily leave whatever work they were doing (Rasmussen 1992). The DTO business council generally rented a meeting hall where a business meeting was first conducted. After the meeting adjourned, a dinner was held for the whole membership. At the 1939 meeting, more than 100 people were reported in attendance (Griffin 6/24/1939).[74]

The following chart shows the officers elected during 1925-1940, indicates their family lines, and highlights their activities.

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[74]Petition documentation provides numbers attending meetings from 1964 to the present. BAR researchers have no information available on the normal or average size of meetings attended at this time. Also, until 1951 there is no information on the size of the membership.

Duwamish Tribal Organization Board of Directors
or Business Council: 1925-1940

Name	Dates	Family	Notable Activities
Peter J. James	1925-1947	James	DTO President. President NFAI. Compiled Genealogies of Duwamish. Signed Attorney's contract. Translated/interpreted.
Joe Moses	1925-1954	Moses	Business council member. Representative at Indian Claims Commission. Delegate at All Indian Convention 1950. Signed attorney contract 1950.
Maurice D. Sackman	1925-1952	Sackman	Signed Griffin and other Attorney contracts in later litigation. Council Secretary/treasurer. Delegate to All-Indian Convention. Attended meetings. Died 1952
John Hawk	1933-1946	Hawk	Signed Griffin Contract. Retired 1946
Charles Kittle	1933-1943	Kittle	Signer/witness of Griffin Contract. Provided Deposition 1927-1932
George James	1933-1960	James	Secretary/Representative Indian Claims Commission. Acting chair. DTO Chairman. Delegate to All Indian Convention. Deposition. Resigned after stroke 1960
Sam Tecumseh	1933	Rogers	Witness Claims Court. Gave statements at Claims Court
William Moore	1935-1961	Seymore	Business council member
Myron T. Overacker	1939-1974	Kennum	Signed attorney contract 1939, 1950. Secretary 1942. Representative at intertribal meeting. Correspondence with federal govt., Member, Governor's advisory board (1972), NW Indian legal research
J. Tuttle	1939-1943	Kennum	Signs attorney contract 1939. Businss council Member

As the table shows, the leadership included more pioneer marriage family descendants than before. It also contained the last of the members who had actually lived at the Lake Fork i.e., Joe Moses and Peter James. The Business Council's composition reflects composition of the Duwamish Tribal Organization's general membership listed in 1926, with a dramatic increase in pioneer marriage descendants and decrease in Lake Fork descendants. The Moses family line is represented by only one individual, who is not active in DTO activities today. The James line is represented by eight individuals, none of whom are active in today's DTO affairs.

According to the minutes of the June 15, 1946, meeting DTO business council officers exercised their constitutional

authority to determine whether or not individuals were eligible to serve as officers. Clara Cookson nominated Ed Sigo to serve on the council. Maurice Sackman responded that Sigo was not enrolled, and was therefore ineligible. There is no indication that any further action was taken on this issue, or that it involved the wider membership.

Duwamish Tribal Organization general membership meetings were also an opportunity to enroll new members. Mary Slade Martin was enrolled in 1942, and her dues paid by her grandmother. Records showed who paid dues for the years 1942 and 1946. Other newly-enrolled members were listed in papers accompanying the minutes. However, there is no accompanying information about what kind of review process was associated with this enrollment. Nor is there any information in the petition documents that shows what kind of action was taken if people did not pay dues.

Other information about life during this time comes from personal recollections of 11 petitioner members whom BAR researchers interviewed. Three of these people, Frank Fowler, Ann Rasmussen, and Shirley Siegel, recalled life during the 1930's and 1940's. Frank Fowler recalled that life as a member of a logging family was unchanged from the 19th Century. He lived at Dewatto with his grandmother while his father and mother looked for work throughout the Puget Sound area. There was no secure housing, and residence changed frequently. They had no specific place to live at Dewatto, and were isolated even from Kitsap County families such as the Sackmans:

> Back in the old days they'd try to live close to the jobs, or right on the jobs. They'd have bunk houses. The families would wait until they got back home.
>
> When my grandmother and granddad come down in that area, [i.e., Dewatto, at Hood's Canal] you lived anywhere you could find a place to live. There were old houses along the beach. One particular house they lived in was called the "cabbage patch." Wherever you could find a place to live, that's where you lived. That's the way it was when I was growing up.
>
> At that time--Tracyton and Dewatto are only 30 miles apart--that was a long ways. The roads were single-lane, what roads there were (Fowler 1992).

The family continued to obtain at least some fish from Hood Canal, and family members gathered to hunt and fish together.

> Some of my dad's uncles--Bill Fowler, Dave Fowler--we always worked together. We always had [family] gatherings. Sometimes it wasn't just a gathering to get together or eat together. We'd have hunting gatherings where we'd all get together and hunt--because we all lived off the land. So, we'd all get together [probably twice a year, fall and spring, out here] (Fowler 1992).

As with Frances Foote a generation earlier, Frank Fowler showed that off-reservation relatives sometimes interacted with on-reservation relatives, such as David Fowler. Frank maintained that David Fowler's descendants will have an allotment at Port Madison, although Frank did not "know how many people live on it now." During the 1940's, however, Frank reported that David resided in Seattle. Frank did not discuss any other ties either to other families ancestral to today's DTO members, or to reservation Indians.

Ann Rasmussen described how her father imposed a social isolation from other Indians. She described visiting the Tulalip Reservation in the company of her father, Myron Tuttle Overacker, Jr. Myron was the son of Nellie Tuttle and Myron Overacker, Sr., and was thus a fourth-generation descendant of the pioneer marriage between Anna (Quis-litsa) and non-Indian Abner Tuttle in 1860.

> We used to go up to the Reservation in Tulalip ... Dad and I would go up to the Haidas during some of their services. And they were beautiful. That was all right. He could take me to these things. When I left we left together. We don't talk about some things. Never tell anybody. And it was very hard [emphasis speaker's].
>
> ..."You never tell anybody you have Indian blood." That's the way I was raised. Never played with Indian children, even at a potlatch. Dad was always there (Rasmussen 1992).

She maintained that this isolation was in reaction to his mistreatment when he was younger, at school. Few other people with whom Myron Jr. worked were apparently aware of his background:

> Why would anybody...think about that? You don't talk about it. You're not doing anything different....I go out with people who are Irish ....I don't ask anybody what their background is (Rasmussen 1992).

Shirley Siegel, the daughter of Allen William Sackman, recalled, during the late 1930's and 1940's, that Gladys Thompson, the Port Madison wife of David Fowler, would visit them occasionally from Port Madison.[75] Shirley also would travel with her father to the Port Madison Reservation to fish for smelt. "This happened when we were kids. Back in the 1940's" (Siegel and Sanders 1992).

All the speakers described the general membership meetings of the Duwamish Tribal Organization during this time, with particular reference to the activities afterward. Then there would be a large pot luck, at which salmon was served.

> It's a hall...It had a stage and a couple of tables up. And the meetings were always in June. So the weather was nice, and everybody could always get there. And that was the only time all the people would go somewhere....I can remember the food. That was glutton day. It's always been Salmon (Rasmussen 1992).

This meeting is the only social occasion today's DTO members described in which members interacted with each other outside of their family lines.

The following chart describes the leadership of the Board of Directors during the last decade of Peter James presidency, 1940-1950.

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[75]Gladys Thompson had been married to Allen William's brother Edward Sackman before she married Fowler. Allen William and Edward were the sons of second-generation pioneer descendant Joseph Sackman and Lulu Bessie McPhee. Lulu and her children were listed in both 1915 and 1925.

Duwamish Tribal Organization Board of Directors: 1940-1950

Name	Dates	Family Line	Notable Activities
Alex Morris	1942	Morris[76]	Business Council member
Ed Sackman	1944	Sackman	Representative-Indian Claims Commission
Julia Siddle	1944	Siddle	Representative Indian Claims Commission
Henry Moses	1944-1976	Moses	Business Council member; Representative Indian Claims Commission 1944; Assistant Chairman 1950; Acting Chairman 1957 [77]

Henry Moses had moved from the Lake Fork to Tacoma in 1938 (Slauson 1964). He was the last of the Moses family to be active in DTO affairs. Only one Moses family member remains on the DTO roll today. Julia Siddle and Alex Morris were from the Muckleshoot and Port Madison Reservations respectively. Ed Sackman was a pioneer descendant from Tracyton. The names of Sam Tecumseh (Rogers), John Hawk, Charles Kittle, and James Tuttle no longer appeared on correspondence beginning in the 1940's. All but James Tuttle were descendants of the Lake Fork or Lake Washington Indians.

In 1951, the Duwamish Tribal Organization prepared another list. Comparison between this list and that prepared in 1926 showed membership composition was more similar to the 1926 list than either list was to the 1915 list. One pioneer descendant family line was added: the Eley family. Numbering 399 individuals, the list provided name, age, Indian blood quantum, whether the name had appeared on the Roblin Roll, parents' names, and if a parent's name was on the Roblin Report Roll.

The names of only 79 individuals were found on both the 1926 and 1951 lists. The shared names represent 18 percent of the 1926 list and 19 percent of the 1951 list. Found on the 1926 list but not on the 1951 are Andrew (5), Babich (3), Dorotich (6), Frank (3), Gilich (5), Jeresich (4), Kittle (4), McCloud (4), Moses (3), Novak (5), Price (5), Simmons (12), Scudder (3), Skonsie (13), Sly (6), Smith (7), and Zulyevic (11). Some of these, such as Kittle, Moses, and Smith, are descended from the Lake Fork, Port Madison,

[76]Not a petitioner ancestor.

[77]Died 1976.

Puyallup, and Muckleshoot families found on the 1915 list and 1919 Roblin Roll. Others, such as Sly, were listed as "unattached" on the 1927 BIA Census rolls. As mentioned before, Novak and Zulyevic were pioneer descendants who were denied enrollment at the Puyallup Reservation in 1929.

The number of individuals in the Bagley, Hamilton, and Tobin family lines are far smaller on the 1951 list than the 1926 list. On the other hand, the number of people in the Siddle family was roughly the same between the two lists, but the individuals within them differ.

For the descendants of pioneer marriage families such as O'Bryant, Fowler, Sackman, and Kennum, the numbers are roughly the same, but more surnames were added. The addition of surnames, however, indicates simply the listing of children whose descendancy is through the mother. These surnames include Beaulieu (Fowler family line), Boddy (Fowler), Gilhousen (O'Bryant), Hayes (Sackman), Hendricksen (Fowler), Knifton (Kennum), Kvarnstrom (Sackman), LaPointe (O'Bryant), O'Connor (Sackman), and Oliver (James/Garrison), to name a few examples.

In sum, 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. The leadership of the DTO directed activities primarily toward pursuing claims. Except for the annual meetings, there is no evidence of activities other than the claims, and some perfunctory fishing rights involvement.

The overall membership lists show even fewer members who were descendants of the Lake Fork, Lake Washington, or Green, White, and Cedar River Indians, than were on the 1926 list. Similarly, many of the surnames of families on the 1926 list for which BAR research revealed no information were also not on the 1951 list. However, the descendants of pioneer-marriage families such as Fowler, Garrison, Kennum, O'Bryant, Sackman, Seymour, and Scheuerman were present on both the 1926 and 1951 lists. The membership on the 1951 list thus represents a high proportion of people ancestral to today's petitioner, and descended from pioneer families for whom there is little or no evidence of interaction with the Lake Fork, Lake Washington, Green, White, or Cedar River Indians.

7. 1950-1975: THE RISE OF THE MODERN DUWAMISH TRIBAL ORGANIZATION, OR DUWAMISH TRIBAL COUNCIL

George James succeeded Peter James as president upon the latter's death in 1947. George James remained in this position until he became ill and quit as chairman in 1960 (Duwamish 6/18/1960). Art Sackman, Levi Slade, William Eley, Joe Moses, William Moore, and Ruby Scheuerman were elected to the DTO's Business Council (Duwamish 7/29/1950). Maurice Sackman remained secretary/treasurer until his death in 1952, and was succeeded by William Eley (Duwamish 7/1/1951). Upon his death in 1954, William Eley was succeeded by Ruth Eley Scranton (Duwamish 6//1954), his sister. Joe Moses, a council member since 1926, served as delegate to the All Indian Convention in 1950, and remained on the council until 1954. He was then replaced by Richard Conklin (Kennum/Tuttle). The following chart summarizes the officers added to the Duwamish Tribal Organization's Board of Directors, of Business Council, during the 1950's.

Duwamish Tribal Organization Board of Directors: 1950-1970

Name	Term	Family Line	Activities
George James	1947-1960	James	President
William Eley	1950-1954	Eley	Delegate at All Indian Convention 1950. Signed Attorney Contract 1950. Acting Chair 1951.
Levi Slade	1950-1961	Slade[78]	Signed Attorney Contract 1950. Attended meetings.
Ruby Scheuerman	1950-1960	Scheuerman	Organization member, Elected Secretary-Treasurer in 1951 Reported on claims 1953 at council meeting.
Arthur Sackman	1951-1954	Sackman	Attended Organization meetings. Was replaced because of absences.
Ruth Eley Scranton	1954-1965	Eley	Organization member. Corresponded with Federal officials. Chairman 1962-1965
Richard Conklin	1959-1961	Kennum	Acting Chairman 1959. Asked to resign if he can't attend.
Willard E. Bill	1957-1976	Siddle	Chairman 1966-1976. Representative at Governor's Indian Affairs Task Force 1973. Resigned 1976.

[78] Not on today's petitioner roll. His family was enrolled at Port Madison.

Descendants of Indians on the 1915 list, and of the Lake Fork families, still served as organization officers. Such names included George James and Willard Bill (Siddle). However, the new officers included pioneer marriage descendants from the Eley, Sackman, and Kennum families.

The following subsections will describe the continuing progress of claims litigation and of fishing rights. Finally, the report will discuss the transition in leadership that occurred at the end of this period.

7.1. 1950-1975: Claims Resolution

Throughout the 1950's the annual June meetings revolved primarily around the agenda of claims activities. These activities included appointing members to sign the lawyers' contracts (Duwamish 6/24/1950, 7/29/1950), reporting on the legislative activities and complaints to Congress about BIA involvement (Duwamish 6/16/1956, 6/15/1957), hiring an anthropologist to check genealogy (Duwamish 7/1/1951), enrollment updates (Duwamish 7/1/1951, 6/21/1952), reports on the DTO's lawyer's progress (Duwamish 6/1954, 6/16/1956), and decisions of what to do about offsets (Duwamish 6/20/1959). Special meetings were called between the DTO and BIA officials to clarify the BIA's role in choosing a lawyer (Bitney 2/5/1951).

These meetings also included enrollment of members for claims litigation. Four days after the July 1, 1951, meeting at Liberty Park, the Renton News Record reported:

> More than 300 members of the Duwamish Indian tribe gathered at Liberty Park on Sunday to enroll their names in a claim against the United States government totaling $30,000 in payment for tribal lands....At Sunday's all-day session, signatures of more than 500 people were gathered representing members or descendants of the tribe. All members must be enrolled by July 15 to be eligible to share in the claim if the federal government grants the award .... The Sunday meeting which lasted from 10 a.m. to 6:45 p.m., was presided over by George James of Marietta, Wash., a son of one of the former sub chiefs of the tribe....Other leaders at the meeting included Mr. [William] Eley, Maurice Sackman, Bremerton, secretary of the tribe, and Council members Levi Slade of Taholah, Wash., William Moore of Olga, San Juan Island and

> Joe Moses of Renton. The six men will have final jurisdiction on the legality of the members' signatures (Renton News Record 1951).

The BAR historian's report shows that in 1957 the Indian Claims Commission found that the petitioning Duwamish Tribe was the successor in interest to the Duwamish of the 1855 treaty, and thus "an identifiable tribe...within the meaning of the Indian Claims Commission Act" (U.S. Indian Claims Commission 1957, 130-131). The BAR historian's Report also shows that the BIA's relationship with the Duwamish Tribal Organization from 1957 through the early 1960's was limited to examining contractual agreements between the DTO and attorneys, and to distribute judgment funds to the group. Finally, the historian's report shows that in 1964, Congress appropriated funds to pay the judgment, and instructed the BIA to begin developing a plan to distribute these funds.

In 1964, the BIA announced that the claims funds were to be distributed equally to all descendants of those Duwamish known at the time of the 1855 treaty, and the BIA would use the Roblin Roll as the means of determining eligible descendants (Quinn 7/8/1964). They would not use rolls or lists submitted by the Duwamish Tribal Organization. The total number on the BIA's roll was 1,166, far more than any of the rolls submitted by the DTO. Because of the large numbers on the rolls, the disbursement to individuals amounted to little more than $64 per person (Bill 10/29/1975, 305).

The Duwamish Tribal Organization had objected to these plans and decisions since 1963. On October 5, 1963, the Duwamish Tribal Organization approved a resolution to be directed to Jesse Town, tribal operations director "in regard to their dispensing of any monies they shall receive from the government" (Petition 1989, 3:1092). The DTO resolved :

> that in drafting legislation appropriation funds to pay Duwamish judgment that Congress includes the following provisions [sic]:
>
> 1. Funds paid to Tribe for disposition to Tribe
> 2. Tribe has the right to fix on enrollment by prior enrollment, fixing 1/8 Duwamish blood as a prerequisite to membership in the tribe, and other requirements as to residence and dual membership.
> 3. Enrollment becomes final on date of the appropriation bill of Congress and no further

> applications for membership and/or claimants shall be accepted.
> 4. Duwamish Tribe claiming citizenship outside the Continental United States shall be denied rights of claiming benefits under Duwamish Tribe.
> 5. Enrollment by an Indian in one or more tribe for the purpose of receiving direct or indirect benefits from the Indian Claims Commission Act of 1946 shall be denied benefits by the Duwamish Tribe (Petition 1989, 3:1093).

At a meeting held August 19, 1964 with Superintendent Babby, the Duwamish Tribal Organization again voiced their objections to this decision (Babby 8/17/1964). The BIA officials justified their decision not to rely on the Duwamish Tribal Organization rolls on three grounds. First, they maintained that the DTO was "not approved by the Secretary of the Interior" (Babby 8/17/1964). Second, the BIA maintained that they had no records of the Organization or its activities until about 1950.

> We do not know the reason for the group organizing in 1925. The only records we have been able to find so far in our files are those dating from about 1950 when the Duwamish filed their claim against the U.S. in Docket 109 and a tribal attorney was hired to prosecute the claim (Babby 8/17/1964).

Third, the BIA did not consider the rolls to be relevant to determining claims disbursement.

> Until the situation was explained to them by the Tribal Operations Office, apparently the Indians did not understand that judgment awards to descendants are normally distributed to all Indians who can prove their ancestry in accordance with regulations set up by the Secretary, and that while an unapproved roll maintained by them will probably be used as a reference, the Secretary's decision on eligibility will be final (Babby 8/17/1964).

Acting Area Director Perry Skarra raised the question that if the present Duwamish Tribal Organization were "the successor in interest to the Duwamish Tribe as it existed in 1855 then perhaps there is considerable merit to the position of the present tribal Council" i.e., to use their rolls in determining eligibility (Skarra 9/10/1964). He then added:

> If we were able to clearly verify the membership rolls of the tribe as being Indians of Duwamish blood in the records of the Bureau of Indian Affairs this office would be inclined to recommend that the tribal resolution of October 5, 1963 be concurred in by the Secretary. Particularly since the tribe has been maintaining records since about 1915 (Skarra 9/10/1964).

However, Skarra recommended "that the distribution of the Duwamish Judgment be handled in accordance with the proposals of the Western Washington Agency" (Skarra 9/10/1964). He discussed three reasons. First, he noted that "we find it difficult...to justify the actions of the tribe in providing a mandatory membership fee before enrollment" (Skarra 9/10/1964). He also noted that "the Bureau of Indian Affairs has for years maintained that Tribal membership should not be contingent on payment of membership fees, but in effect was a birthright by virtue of Indian ancestry in a particular tribe or band" (Skarra 9/10/1964).

Second, he noted that there was dual enrollment on the DTO membership lists the BIA had received. Skarra noted that the BIA could not clarify the contradiction between the Duwamish Tribal Organization's rules proscribing dual membership and the rolls without consulting other tribal rolls. It would be difficult for the BIA to consult these rolls, because "the majority of other tribes in Western Washington" had not compiled these rolls, and "it [would] be extremely difficult to sort out these non-reservation groups" as a result (Skarra 9/10/1964).

Skarra then recommended legislation that:

> should require a choice on the part of each individual [as to with which tribe to enroll] and would allow for immediate action on the part of the secretary to completely identify all the Indians in the Western Washington Area (Skarra 9/10/1964).

Thus, the BIA did not consider rolls collected by the Duwamish Tribal Organization to be relevant to judgment funds disbursement. The process where the funds are to be paid to individuals was to be handled by the individuals making application to the BIA. The BIA then reviewed the applications and compiled a roll of all those individuals it concluded showed Duwamish ancestry. The BIA considered The

Duwamish Tribal Organization simply a group advocating on behalf of individual applicants.

In a 1992 interview, Willard Bill, council member and later chairman, recalled that he and other DTO members discussed diverting at least some of the claims money to a tribal general fund (Bill 1992):

> because we had tried to figure some way to change that, and the lawyer said there was no way to change that... We felt that if we could have taken that money and put it into a Tribal treasury, it would have given a significant impetus to the Tribe. The government [and] lawyers said "no, it has to go to the individual," which is the worst way to do it, of course, because then it just dissipated. It didn't do any good. It really hurt the political process of the Duwamish tribe (Bill 1992).

Fragmentary correspondence by the BIA further suggests that the idea of "programming" the funds was discussed, but dismissed.

> We have examined the possibility of programming; however, since we are not dealing with a tribal group but with scattered descendants having no land base or natural resources, such use of judgment monies would not be feasible....Since there is no presently existing tribal entity, the proportional shares of heirs and legatees amounting to $5.00 or less will escheat to the United States (Anderson 8/10/1965).

As Willard Bill's quote suggests, some of the petitioners maintained that the BIA's disbursement undermined attempts by the DTO leadership to enhance political influence over its members, and stunted the development of the Organization as a tribal entity. Individual leaders may indeed have favored diversion of such funds, and even discussed it among lawyers, BIA officials, and themselves, as the quotation above suggests. However, there is no evidence in the meeting minutes or anywhere else indicating that the DTO made plans to divert the money to a general fund or to use these funds to provide services to the general membership. There is also no evidence that the programming or diversion of these funds to a tribal government was considered by the general membership. Finally, the evidence does show that the BIA's treatment of the DTO as a claims organization

indicates that the BIA considered the DTO a voluntary association, not an organization that evolved from the Duwamish villages at the Lake Fork, Lake Washington, or the Green/White Rivers.

7.2. 1950-1975: Fishing Rights

The 1950's saw little progress in fishing rights. In 1953 Harold James wrote S.P. Phillips, the State Fisheries Patrol supervisor to obtain information "concerning our hunting and fishing rights" and to find out:

> how in the world I go about getting some action of this sort in courts because I know that it should be settled once and for all. I really don't see why we should be deprived of the right to fish commercially in these rivers if we are entitled to do so (James 1/29/1953).

Phillips responded:

> The Duwamish River and Elliott Bay are set up as a salmon preserve, where it is illegal to fish for salmon for commercial purposes or with any kind of gear. The Duwamish River, Green River, and their tributaries are also closed to sports fisheries....This area has been a salmon preserve for many years and is not part of an Indian Reservation (Phillips 2/3/1953).

In the early 1960's the State of Washington issued temporary permits for Indians to fish in Lake Washington and other areas throughout Puget Sound. One former DTO member, Manny Oliver, reported that he joined Indians on the reservations to apply for permits. He also described how this permitting process worked for him:

> We were through this fishing stuff where they [i.e. the State of Washington] would give you a little bit of fishing....like Lake Washington. They knew there would be some commercial fishery, because even the non-Indian fleet were getting to fish on them. Late 60's, early 70's. They said "yea you guys can fish but you've got to have some kind of regulation." So, we'd get together--Ray Foresman was the Fisheries [official] for Suquamish....He'd call up and say "where do we

> want these regulations?" We all fish together, you know (Oliver 1992).

This planning involved some competition between reservations, and possibly between off-reservation and on-reservation Indians.

> The Muckleshoot, kind of being hard-nosed...One time in Lake Sammamish they had 60-70,000 silver salmon to take out of there that was harvestable surplus. The Muckleshoots set 600 feet [of net] per boat. Me and Ray wrote our regulations as 500 fathoms per man....3,000 feet, versus 600 ft. And the State approved it....My cousin Dan and I teamed up and we [had] 6,000 feet, which was over a mile of net out. They were giving us eighty five cents a pound for them silvers, and we were pulling 10,000 lb per day. So we outfoxed the Muckleshoot and they were madder than hell (Oliver 1992).

Both activities indicated that individual Duwamish Tribal Organization members had relationships with other tribes. Manny Oliver, for example, is the brother of Cecile Maxwell, the chairman of today's Duwamish Tribal Organization. He is from the Garrison line, the descendants of a pioneer marriage. As shown in previous sections, the Garrisons were enrolled on other reservations, sometimes married other pioneer marriage descendants and reservation Indians. Their names appeared on the 1915 and 1926 lists, as well as the 1951 Duwamish roll. In the following quote, Manny Oliver described how he got interested in the fishing rights issues, while living on the Muckleshoot Reservation:

> I lived down in Muckleshoot. They had a tribal council, but ... it wasn't all that formal then. Annie Garrison lived down there. She was some kind of relative of ours. Or Bill Garrison, her Husband. They wanted to fish in the Green River and the State wouldn't let them, so starting ... 1965 or '66, they started to have fish-ins down there on the Green River. And I said "this is too far up the river. I'm Duwamish. Why can't I fish down there?" Kind of went from there (Oliver 1992).

He joined the Duwamish Tribal Organization, in short, to fish in an area he personally considered used by his ancestors, and which was outside the jurisdiction of the

Muckleshoot Reservation at that time. However, the evidence presented below will show that Manny Oliver was an exception to the other DTO membership. Most membership did not fish or participate, and the DTO Business Council did not get involved formally in any fish-ins or similar activities.

Manny Oliver also reported that he was involved with other Indians in fish-ins. A fish-in is a form of civil disobedience in which the Indians fished in defiance of State regulations that forbid them to do so. Generally, the Indians were arrested, and their fishing boats impounded (Oliver 1992).

In 1970, the United States, on behalf of seven Western Washington tribes, filed suit against the State of Washington, in the famous U.S. v. Washington case. Other intervenors included the Jamestown Clallam, Lower Elwha, Port Gamble Clallam, Nooksack, Suquamish, Swinomish, Nisqually, Puyallup, and Tulalip Tribes. Through this case in the U.S. District Court, Judge George H. Boldt intended "to determine every issue of the fact and law presented and, at long last, thereby settle, either in this decision or on appeal thereof, as many as possible of the divisive problems of treaty right fishing which for so long have plagued all the citizens of the area and still do" (U.S. District Court, 1974; Cohen 1987, 330).

The filing of the U.S. v. Washington case affected all Indians immediately. Manny Oliver reported that Indians throughout Puget Sound continued their civil disobedience through the late 1960's. He maintained that there were frequent arrests, but few trials or convictions, for disregarding the State of Washington regulations, because of the U.S. v. Washington court case.

> The Seattle Judge says "Hey, I wouldn't touch that with a 10-foot pole because we got a federal judge that's going to rule on the fishing rights." It got so bad that the U.S. government sued the State of Washington for us [i.e. for Indians throughout the Puget Sound area, not the petitioners specifically]. We raised hell like the Black People did in the '60's (Oliver 1992).

Through the early 1970's, the Director of the State Department of Fisheries would not issue temporary permits to Indians until U.S. v. Washington would be decided. In 1972, the Assistant Director of the Washington Department of

Fisheries reported to the Director, that he told "a Duwamish tribal leader named James" that:

> we would likely not set a treaty fishery for Duwamish this year but would wait for enlightenment from U.S. v. Washington. Further, that the Department of Fisheries did not deny the existence of the Duwamish tribe or the possibility that they have treaty rights. We agreed to meet in late August or early September to discuss our respective positions and viewpoints (Lasater 7/19/1972).

The meeting never materialized (Robins 8/22/1972).

Correspondence for 1973 revealed not only that the State of Washington was awaiting a U.S. v. Washington decision; intertribal disputes were becoming a concern to the Duwamish Tribal Organization. State Fisheries official Dennis Austin reported on an informal meeting "of concerned Indian people at the Indian Culture Center in Seattle on January 16, 1973...with six fishermen and wives attending" (Austin 1/17/1973).

> Although I had repeatedly expressed my inability to comment or give direction with anything dealing with their tribal rights in phone conversations prior to the meeting, the subject was raised very quickly and would not go away. Evidently they had heard that the Muckleshoots would attempt to stop them from fishing Lake Washington and the Duwamish-Green River. I told them this was not one of the Muckleshoot Tribal rights and who fished in these areas would be determined by the courts or, in lieu of a court decision, by the Department as it had been in the past (Austin 1/17/1973).

Later that year, the Washington Department of Fisheries allowed Muckleshoot, Duwamish, and Snoqualmie to conduct ceremonial fishing for sockeye salmon in Lake Washington (Robison 10/19/1973).

On February 12, 1974, Judge Boldt issued a decision in U.S. v. Washington. His ruling, known generally as the Boldt Decision, held that the plaintiff tribes had definable rights to salmon, steelhead, and other fish, and that they were entitled to an opportunity to catch 50 percent of the harvestable fish that was destined to pass through their off-reservation fishing grounds and stations. Judge Boldt

also held that these tribes were entitled to regulate their share of the fishery (Cohen 1986, 11).

Fisheries management allowed recognized Indian tribes covered by each treaty to coordinate planning and development both with other tribes and in consultation with the State of Washington. The State, in turn, would have to show that conservation could not be met without extending regulatory activities into tribal usual and accustomed fishing areas claimed by the different tribes. The State of Washington would also have to hold public hearings and collect better data on the available fish yield. Also, Boldt set up Fisheries Advisory Boards to mediate disputes.

The 1974 Boldt Decision changed the way Indian reservation governments regulated commercial fishing in two major ways. First, usual and accustomed fishing territories were made explicit.[79] Second, Indian tribal governments were given more authority to regulate their fishing fleets, and more power to deal with the State of Washington as well as with other tribes (Cohen 1986, 12).

In June 1974, the Duwamish and four other non-recognized groups, including the Snohomish, Steilacoom, Samish and Snoqualmie, filed motions to intervene in the U.S. v. Washington litigation. Known as the intervenors, these groups sought to have their treaty-reserved rights to fish affirmed in court. This motion was granted September 13, 1974, and the U.S. District Court referred the matter of the intervenors' treaty status to U.S. Magistrate, or Master, Robert E. Cooper (U.S. District Court 1974). On March 15, 1975, the Master issued his report, recommending that the intervenors were not entitled to exercise tribal treaty fishing rights.

In February 1975, two fishing committees had been formed (Duwamish 2/13/1975). Committee #1 was headed by June Courville Hansen (Siddle). Committee #2 was headed by Manny Oliver (Garrison). There is no evidence of any action by either one of these delegated committees. The meeting minutes of September 13, 1975, showed that June Courville attended a Small Tribes Organization of Western Washington

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[79]U.S. v. Washington 384 F.Supp 312 (1974) at 366-367 assigned the Muckleshoot tribe usual and accustomed fishing places on the White, Green, Cedar, and Black Rivers, as well as Lake Washington.

(STOWW)[80] meeting, but there was no evidence that she took any further action, or was even involved in the fishing rights issues at all.

In September 1975, Willard Bill requested "a ceremonial fishing permit for an anticipated tribal meeting to be held on September 13, 1975, at a place to be designated at a later date. A salmon bake is to be a part of this meeting" (Bill 8/13/1975). However, Willard Bill failed to submit either a fishing plan or an updated roll (Duwamish 8/11/1976). The August 11, 1976 Duwamish Tribal Organization Meeting minutes recorded a verbal report showing:

> ...that the Duwamish were ruled to have forfeited their right to fish under the Judge Boldt Criteria in August of 1975. The four other intervenor Tribes, Snohomish, Samish, Steilacoom, and Snoqualimie were given the right to fish under certain procedures set down by the Court. Post Trial briefs filed by John Sanhauser [Sennhauser] states that the reason the Duwamish did not exercise their temporary right to fish upon invitation with another Tribe was due to the fact that Willard Bill was ill, and that the preparation of a up-to-date Roll and other criteria could not be met within the time period (Duwamish 11/5/1976).

When asked why he was not able to respond, Willard Bill later said "I don't know what interest this would be to anyone, but at that particular time I was ill and could not make the arrangements. The arrangements had to be made in a very short period of time and I was in bed and just couldn't rally enough to do it" (Bill 10/29/1975).

Nobody else from within the DTO appeared willing or able to submit the necessary paperwork. Evidently Manny Oliver and others who had submitted fishing plans beforehand, either could not or did not render assistance.

In a June 1979 newsletter to the enrolled members, Cecile Maxwell blamed Willard Bill retrospectively for acting without DTO involvement, and reported that:

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[80]STOWW is an umbrella organization of recognized tribes and non-recognized groups that advocates for Indian rights, promotes economic and business development, and oversees grant programs for these groups.

> Going back in my research of what happened when the Duwamish Tribe entered into this case, I discovered that Willard Bill, then acting as the Duwamish Tribal Chairman and ACTING ON HIS OWN BEHALF, WITHOUT COUNCIL ACTION, filed an Intervention Plea in U.S. vs. [sic] Washington. I believe that since the Tribal Council DID NOT sanction this action the Duwamish Tribe should not be in this position of an adverse ruling against them. WHAT DO YOU THINK? (Duwamish 6/1979) [emphasis in original].

John Sennhauser, the attorney for the Duwamish Tribal Organization in the U.S. v. Washington case, stated that Willard Bill had indeed decided on his own to intervene in the case, and never submitted his decision to a vote (U.S. District Court 10/20/1975, 6).

On October 28, 1975, the new evidentiary hearing on tribal status commenced. On February 2, 1976, the final arguments were heard. Prior to a ruling, Judge Boldt asked each intervenor, including the Duwamish Tribal Organization, to submit a current membership list showing names, current addresses, blood quanta, and where intervenor members had lived during their lifetimes. He also invited any party who wished to present further evidence regarding tribal structure to do so. Judge Boldt held that the Duwamish Tribal Organization was not a successor to the historic Duwamish Tribe. The 9th Circuit Court of Appeals upheld the ruling.

After 1976, Manny Oliver, who himself was a commercial fisherman, was no longer actively involved with the Duwamish Tribal Organization. The minutes showed that the Business Council decided informally that he would continue on the Fishing Committee "until a replacement could be found" (Duwamish 4/24/1976), suggesting that he intended to quit.

In sum, the U.S. v. Washington decisions regarding the Duwamish were not fully resolved until 1979. However, it is clear that very few DTO members were involved in commercial fishing or fishing rights issues. Memoranda of record about meetings held in 1973 between Duwamish Tribal Organization members and State of Washington fisheries officials suggested that no more than six families were involved. John Sennhauser, DTO Counsel for U.S. v. Washington stated that the number of fishermen was "approximately 6, but limited because of state action to stop our fishing" (U.S. District Court 10/20/1975, 22). Whatever the cause, this lack of

involvement contrasts sharply with the recognized tribes. Finally, the involvement of the DTO in the U.S. v. Washington litigation was spearheaded by only one man, Willard Bill.

7.3. 1950-1975: Leadership Transition

After the death of Peter James in 1947, leadership changed, sometimes in quick succession, due to death, illness, or resignation. George James suffered a stroke and quit as chairman in 1960 (Duwamish 6/18/1960). Henry Moses, who had been vice-chairman, was elected at the June 18, 1960 meeting, served 1960 through 1961, and then quit. On June 16, 1962, Ruth Eley Scranton was elected chairman at the annual meeting (Duwamish 6/16/1962), and served from 1962-65. She was succeeded by Willard Bill (Siddle) in 1965. Willard Bill served as chairman until 1976, when he resigned.

Willard Bill had joined the DTO in 1957 and became chairman in 1965, only a year after the 1964 BIA claims disbursement decision. Moses and Scranton were the first leaders to have resigned, rather than have left office because of death or illness. As Willard Bill explained: "They just elected people at the annual convention. And there was a woman before me who was the chair, and she wanted to get rid of it....So they have these annual elections, and I...was busy, but I ran and won" (Bill 1992).

DTO meeting minutes show that some of the leadership who served with Willard Bill in 1966 did not know many of the other members who attended the annual meeting.

> L[andy] James [DTO Secretary/Treasurer 1967-1975] addresses the president: "I wonder if we might have a pot-o-luck get together and have a chat afterwards, instead of all business. I looked at our by-laws and they say that we are here for health, welfare and education and fellowship between individuals. Now I know these two ladies next to me because they are close relatives, but I look around the rest of the room, and I don't really know you people. Since we have funds, we are going to remain in function after the payment of our money, so why don't we make this once a year get together a happy time for all our Duwamish (Duwamish 6/18/1966).

After Willard Bill supported Landy James' statement, Myron Overacker (Kennum) added:

> Mr. President I want to thank you for having the courage to bring these things up: Over twenty years ago I made a motion to have some of the older ones re-tell the old stories of our people and the only answer I got that was we came here to get our money for our land not to tell stories (Duwamish 6/18/1966).

Willard Bill reported that he was originally from Muckleshoot, and got interested in Duwamish Tribal Organization affairs through interaction with Landy James, who was also from a reservation.

> I attended these meetings off and on after college. I was teaching school in the 60's, and established a friendship with Landy James. He was of Duwamish heritage. He came back from Washington State University, where he was a coach, in the 60's at the Swinomish Reservation. So I got to know him at the meetings. So we got to be attending the meetings in the late 1960's, maybe mid 60's (Bill 1992).

Landy James was the last of the Peter James descendants to be active in the DTO. As mentioned above, only 8 descendants of this line, or perhaps three households, are presently members of DTO. They are part of the less than 20 percent of the membership who are not pioneer marriage descendants.

After 1960 the length of tenure for DTO Board of Directors, of Business Council, members shortened considerably. The following table summarizes the major additions of Business Council members.

Duwamish Tribal Organization Board of Directors: 1960-1970

Name	Term	Family Line	Activities/Achievements
Ruby S. Wells	1961-1963	Scheuerman	Organization Secretary
Clara Miller	1962-1963	Dixon[81]	Organization Member
Eileen Sweigert	1962-1964	Dixon	Organization Member.
George Eley	1962-1964	Eley	Alternate Organization member. Secretary. Correspondence with Superintendent re enrollment.
Willard E. Bill	1957-1976	Siddle	Chairman 1966-1976. Representative at Governor's Indian Affairs Task Force 1973. Resigned 1976.
Landelin James	1967-1978	James	Secretary/treasurer 1967. Member of Swinomish Senate 1975. Turned over records to A. Rasmussen 1978.
Walter James, Sr.	1967-1976	James	Organization Member
Richard Phare	1967-1976	James	Organization Member.
Cecile Maxwell	1976-	Garrison	Delegate to Small Tribes of Western Washington (STOWW) 1976. Member enrollment committee. Member restoration committee. Delegate to various groups (see text).

The members maintained they quit because of pressures in their personal lives or from discouragement with events that had affected the DTO. Willard Bill explained his reason for quitting as due to the strains of being the organization's chairman, providing for the needs of his children, and fear that the DTO would never achieve recognition.

> It was a full-time job. Testifying. Finally I ran out of time, and I felt it was time to move on. Also, I had to make a decision I had put off for a long time: to enroll in Muckleshoot, and my children. I wanted them to become part of a recognized group. We have land there; it's our Reservation. It's crazy not to be enrolled. Most people did that anyway, even Duwamish. I had stayed strictly Duwamish, but years later, there was no recognition. I wanted to participate in the things Muckleshoot was doing, so I enrolled there (Bill 1992).

[81]Part of the 1915 Organization. At Tulalip Unattached 1927. Not part of today's petitioner.

In effect, the general membership who attended meetings limited their interests to claims benefits. Neither they nor the DTO Board of Directors members knew each other very well, if at all. Also, the petition provides no evidence that the general membership were members of the same church; maintained a cemetery or conducted burials, participated in cooperative hunting, or engaged in any other activity among members outside of their immediate family lines. As the next section will show, this characterization of the DTO continues to the present day.

8. 1975 - PRESENT: THE DUWAMISH TRIBAL ORGANIZATION TODAY

The Duwamish Tribal Organization of the last 20 years has been defined by the conclusions of actions such as claims and fishing rights advocacy, and by new efforts to obtain Federal recognition. The DTO undertook cultural revitalization, as well as economic development activities. The DTO leadership, during this time, has continued to experience rapid turnover. The turnover is due to personal factors and does not reflect disputes or factionalism over issues of concern to the general membership. The DTO is involved in various local and regional political consultative and planning activities similar to those activities exercised by voluntary associations. Much of today's membership is dispersed throughout the Seattle/Tacoma metropolitan area of south Puget Sound.

8.1. 1975-Present: Leadership

Willard Bill resigned as chairman in 1975, and was succeeded by Cecile Maxwell in March 6, 1976. She had joined the DTO in 1975, having been "elected unanimously" to fill the position vacated by Henry Moses that same year (Duwamish 9/13/1975).

The following table summarizes the other Board members nominated and elected during the last 20 years.

Duwamish Tribal Organization Business Council, or Board of Directors: 1975-Present

Name	Tenure	Family Line	Activities
Cecile Maxwell	1976-	Garrison	Delegate to Small Tribes of Western Washington (STOWW) 1976. Member enrollment committee. Member restoration committee. Delegate to various groups (see text).
Doreen James	1976	James	Member Enrollment Committee
Jeff Halliday	1976	Siddle	Member of Enrollment Committee. Drafted papers on Duwamish history and culture.
Marcia Maltsburger	1976	Dixon[82]	Member of enrollment committee 1976. Delegate to Seattle meeting.
Laura Babarcvich	1976-1978	O'Bryant	Organization member. Meeting delegate.
Ann Rasmussen	1976-1978	Kennum	Secretary/Treasurer.
Loratia (Loretta) James	1976-1978	James	Organization Member. After several absences she was replaced by Jody Randolph.
Jeri-Marie Bennett	1977-1984 1989-1992	Siddle	Outreach worker for Organization program. Member, restoration committee. Staff, Duwamish Tribal Services, Inc. Resignation demanded 1984 Organization Member. Attends Organization Meetings. Granted "leave of absence for 6 months (Minutes, 3/3/1992).
Frank Fowler	1977-	Fowler	Member Restoration Committee. Attended meetings.
Manny Oliver	1977-1981	Garrison	Member of Fishing Committee
Zoe Fowler	1978-	Adopted	Adopted member of Duwamish Tribal Organization. Member of restoration committee. Married to Frank Fowler
Douglas Preston	1981-1992	Sackman	Organization Member. Resigns 5/15/1992 (Minutes 5/5/1992)
Jody Randolph	1982-1983	Siddle	Organization Member (resigned 2/7/83)
Joseph A. Sackman	1982-1982	Sackman	Organization Member (First Meeting, Minutes 11/18/1981). Resigned 3/21/1982 "because of other work."
Norman Perkins	1983-	Fowler	Organization Member

[82]Members of The Dixon family were listed in 1926 rolls and in the 1976 Judgment. However, none are part of today's petitioner line.

Dorothy Brown	1984-1991	Sackman	Organization Member
Pat Vosgien	1987-	Hawk	Organization Member
Cindy Williams	1987-	Garrison	Secretary/Genealogist Research Assistant
James Rasmussen	1989-	Kennum	Organization Member
Jolene Williams	1991-	Garrison	Organization Member. Nominated to replace Dorothy Brown (Minutes 6/8/1991).

With the exception of the James and Siddle additions, DTO leadership came from pioneer family descendants. Today's organization membership is comprised mostly of these families, with little representation of those Duwamish lines from the historic tribe which moved on to the reservations.

The minutes from the September 13, 1975 meeting paraphrase the concerns Cecile Maxwell had about the inactivity of DTO officers and the inability of either the Organization or the membership to demonstrate that they were capable of functioning as a tribe.

> 1. Not all officers and council members have been attending meetings and this is of concern to her. She made the motion that if the officers were not attending meetings that they should be replaced by interested persons. 2. Judge Boldt is interested in what the tribe is today. How many fishermen it has. How does it reprimand [sic] fisherman if they do not follow regulations followed by officers and tribe. 3. It is important to get a new council together and get new officers elected who will take an active part in the organization of the tribe. At present it seems difficult to prove that the tribe is active. Need to get a membership list which is updated of people who identify as Duwamish. Even if it is 25 people, that is enough (Duwamish 9/13/1975).

Some of the Duwamish Tribal Organization leadership had become members of recognized tribes. The minutes for September 13, 1975 show that Landy James, for example, had become a member of the Swinomish Senate. He attended the Duwamish Tribal Organization meeting on March 13, 1976, explaining that he had missed attending other meetings because he had not been informed about them. However, by July 1976 he recommended that his secretary and treasurer

records be handed over to Ann Rasmussen. The leadership decided, in the meantime, to elect Ann Rasmussen as secretary-treasurer, and she undertook her duties beginning April 24, 1976. The minutes show that DTO leadership made attempts to contact Landy James (Duwamish 8/15/1978) and retrieve records of meetings and other documents, but as late as September 18, 1978, no response was recorded (Duwamish 9/18/1978).

Ann Rasmussen reported that she herself had earlier dropped out of active involvement in the Duwamish Tribal Organization because of personal reasons and dismay over the outcome of the U.S. v. Washington decision:

> I don't know all that went on. My father had just died ... I didn't [handle] that very well. Something had come up--Judge Boldt decision. A lot was going on. Maybe it was that Willard Bill thought we no longer had a chance. I just don't know (Rasmussen 1992).

She did not indicate further information about when she made this decision. Similarly, Manny Oliver quit the Duwamish Tribal Organization, and took up residence at Tulalip. In fact, he did not even enter his name on the judgment roll. His reasons were in part personal, and in part due to the judgment.

> My kids were on there [i.e. enrolled]. But I refused. I said "the treaty's off." I'm not taking no lousy sixty-four dollars for all this land. That's what they gave us. That comes out to about a...quarter of...a penny an acre...." Come on, Chief, sign here."...No, I'm not on there [i.e. on the Judgment list]; I refused. My cousin Leroy did. He said "well, 64 bucks. I can buy a few beers." Maybe I should have. But like I said, I'm kind of a feisty dude anyway. I'd rather be an underdog and fight a whole gang (Oliver 1992).

There were, moreover, problems with the morale of the general membership. In the June 1979 Newsletter, Cecile Maxwell drew attention to concerns that nobody would attend the upcoming annual meeting.

> As you all know a Annual [sic] meeting was supposed to be called in May but due to lack of interest or perhaps other commitments, there has

> been little response in attending the Annual meeting in the last two years. SO [sic] if the office receives at least 50 calls or post cards, by July 5, 1979, then at that time a meeting will be announced. If not MAYBE NEXT YEAR. Okay, Tribal members, it is up to the Tribe (Duwamish 6/1979) [emphasis original].

No minutes were found to show that the July Meeting was held. A meeting was held September 15, but petition documents did not reveal the number of members attending.

In the February 1980 Newsletter, she urged members to update their dues.

> Here's a tremendous applause for all those who caught up their membership dues. We have 85 out of 253. That's better than the national elections turnout. We could use a lot more as we're in the process of recognition as a tribe and need a dandy showing. Thanks again (Duwamish 2/1980).

The quoted announcement also suggested that the DTO leadership counted, at this time, only 253 members for the roll. Since other rolls numbered over 350, this example suggests either that the present petition's number reflects a later enrollment drive, that only adult members were paying dues, or that a resurgence of interest occurred some time later.

The minutes and other information from BAR research showed that Cecile Maxwell implemented three changes in the way the DTO did business. First, Board of Directors meetings were held monthly, rather than annually. Meetings were held even more often when conditions demanded them. Second, she began distributing a newsletter. Third, she initiated grant programs through the Comprehensive Employment and Training Act (CETA), and later through STOWW.

The newsletters available to BAR were dated from 1979-1980. They contained news items about grant programs, services available to Indians, reports on Organization activities, updates on the whereabouts of some of the council members, requests for information on enrollment updates, and job announcements from the Bureau of Indian Affairs.

The June 1979 Newsletter showed that some of the grant programs included a mini-grant of $13,000 for operation, $5,000 for a "legal grant," and the development of a garden under the Community Food and Nutrition Program operated by STOWW.

Mary Longtin was an anthropologist who worked with nutrition programs as a VISTA volunteer, and conducted outreach (Duwamish 6/1979).

For the most part, the Duwamish Tribal Organization leadership was engaged in an increasing number of activities, funded primarily through grant programs. These programs, such as CETA and VISTA were available to non-Indians as well as Indians. Other programs were funded through STOWW and not directly to the Duwamish Tribal Organization. Moreover, many of the activities, such as the garden, are what appears to be a response to funding opportunities, not initiatives driven by the wider membership. In fact, the evidence shows little or no participation by the wider membership.

8.2. 1975-Present: Fishing Rights

As mentioned above, the 1974 U.S. v. Washington decision was a watershed event because it formalized relationships among the Indian tribes. The Duwamish Tribal Organization experienced difficulty participating in tribal fisheries planning, and the few who were participating experienced greater difficulty fishing with other reservation Indians.

During a 1977 meeting members reported on a meeting they had attended with the Northwest Indian Fisheries Commission, the intertribal planning commission established following the U.S. v. Washington decision (Duwamish 3/12/1977). Minutes reported that the delegates from the other Indian tribes on the Planning Commission were opposed to DTO'S members' involvement because the DTO was not a recognized tribe. In reaction, the Duwamish Tribal Organization decided to investigate further. At a subsequent meeting the leadership decided to obtain legal help from STOWW and to call a "Fisheries Planning Commission official" to the next Organization meeting (Duwamish 4/21/1977).

However, there is no evidence regarding the outcome or follow-up to any of these discussions or decisions. On June 22, 1977, the leadership appointed Frank Fowler as chairman of the fishing committee (Duwamish 6/22/1977). As shown earlier, Frank Fowler had grown up during the 1940's around Crosby and Dewatto, on the Hood Canal, about 25 miles southwest of Port Madison. He maintained that he had fished for subsistence purposes, and was not involved in commercial fishing.

In 1978, there was some talk at a Duwamish Tribal Organization meeting about a fish-in and the construction of a smoke house (Duwamish 3/9/1978).[83] The minutes also showed that there was discussion at later meetings that year about fishing rights (Duwamish 5/4/1978, 6/19/1978, 8/15/1978), but there was no information on the content of the discussions.

In December 1978, meeting minutes showed that the leadership discussed submitting a grant to fund a trainee in fisheries management (Duwamish 12/5/1978). Then, in the June 1979 Newsletter, Cecile Maxwell announced two training programs that could involve individual members of the DTO. The first program was for on-the-job training on a trawler:

> Joe Monsen, Tribal Fisheries Manager, says "with the present interest in the bottom fishing, the so called under-utilized species, so present today," is writing a proposal to purchase a 85 foot mid-water trawler for bottom fishing. If anybody is interested in participating as far as a crew member. Your response will be appreciated. If the proposal is accepted then the boat will be delivered in Spring, 1980. Profits from the boat will be used to start new programs (Duwamish 6/1979).

The other advertised a training school:

> Also it has been brought to our attention about a school for Indians who are interested in bottom fishing. It is scheduled for January. Students will spend 6 weeks on land and will receive a paycheck weekly, amount unknown at this time. [sic] and for the on the job training on the water, will receive a share of the catch, when the crew is sufficiently trained, then the boat will be turned over to them to fish. Interested

[83]Manny Oliver made the recommendation for the smokehouse. It is not clear from the minutes whether Manny Oliver's recommendation was of the religious or commercial variety. The commercial variety is simply the means of smoking salmon meat for sale. The religious variety would refer to a revitalization movement (Suttles and Lane 1990) among West Coast Indians, particularly in British Columbia, in which elements of the old Spirit Canoe ceremonies and dances were brought about by dancing. For lack of better evidence, we conclude that he is referring to the commercial smoke house.

> parties please contact the tribal office (Duwamish 6//1979).

BAR research revealed no information regarding the outcome of these programs, or whether individuals from the petitioner even applied. Nor did research identify the tribe to which Joe Monsen belonged, or to what grant program he was applying. The research was similarly unable to identify the Indian training school, or the corporate entity, if any, to whom the boat would be "turned over."

On March 23, 1979, the District Court finally issued its findings of fact, conclusions of law, and decree regarding the status of the Duwamish Tribal Organization and the four other intervenors. The findings were unfavorable to the intervenors and held generally that Federal recognition was required for an Indian tribe to establish and exercise treaty rights, and that it must have maintained an organized tribal structure to be recognized. In 1981, following an appeal filed with the U.S. Court of Appeals for the Ninth Circuit in San Francisco, June 6, 1979, Circuit Judge Eugene A. Wright held that the District Court had erred in stating that Federal recognition was required to exercise treaty rights. However, the 9th Circuit Court upheld the decision, agreeing that the tribal entity must have "functioned since treaty times as 'continuous separate, distinct and cohesive Indian cultural or political communit[ies]' 476 F.Supp. at 1105,1106, 1107, 1109, 1110" (U.S. Court of Appeals 1981, 1373).

Manny Oliver (1992) recalled that relationships with other Indian tribes were now even more formalized. He reported that identification with the Duwamish Tribal Organization, or claiming Duwamish ancestry meant little.

> They call it your usual custom fishing area... Duwamish and Suquamish had a big area they ranged...over. So, everybody wanted to be Duwamish then....Before Boldt ....Afterward, nobody wanted to be Duwamish. "You're not even an Indian anymore." I had a letter from the BIA telling me I wasn't an Indian anymore. I was showing it to some Alaska Natives; they just roared (Oliver 1992).

A copy of this letter was not provided in the petition. Manny Oliver reported he received this letter from the BIA when trying to get BIA support to go to school. The quote itself does not represent accurately the 1975 and 1979 Boldt

Decisions because these decisions made no judgments on the status of individuals as Indians or descendants of the Duwamish that signed the treaty. The decision determined only that the Duwamish Tribal Organization was not found to be the successor in interest to the historic Duwamish tribe. The quote suggests, nevertheless, that if individual Indians wanted to fish, or obtain any other services, they would have to do so as part of a federally-recognized tribe.

Frank Fowler's 1992 interview makes explicit the lack of interest that the fishing rights issues generate for the DTO presently.

> Right now, one of the big things about the other tribes not wanting us to get recognized is the fishing issue. And if they'd just stop and think about it a little bit, most of our fisherman are...fishing with the other tribes already. So if we was recognized it wouldn't bother them at all, because we'd still have the same amount of fishermen.
>
> Most of the fishing for our tribe is for our own self. We're not going out for commercial fishing. There are a few...but those few that are, are fishing with other tribes. I've talked to the Muckleshoots, and a few others, and brought that up, they've said "by golly you're right" (Fowler 1992).

In sum, the DTO membership involvement in commercial fishing was never widespread. The few members who were involved acted as individuals affiliated with recognized tribes, not as members of the Duwamish Tribal Organization. The DTO, for its own part, did nothing either to take part in temporary fishing permitted by the State of Washington, or to regulate or control its own members' fishing.

8.3. 1975-Present: Cultural Revitalization

Evidence for participation in revitalized cultural life comes from five sources: involvement by individuals in naming ceremonies, efforts to relearn the Duwamish language, repatriation of ancestral burials, activities conducted by the Duwamish Tribal Organization itself to promote ceremonialism, and involvement in intertribal disputes about ownership of artifacts.

The first, the naming ceremony, was conducted for Norman Perkins (Fowler), one of the council members in 1984 (Duwamish 11/7/1984). The ceremony marks a point in a person's life where their elders bestow a special name on that person (Suttles and Lane 1990). Perkins maintained that the ceremony was a decision between him and his elder relatives and was sponsored by the latter. In 1992, he said:

> In my case mine [i.e. the name] was laid on me at a late time in my life because I was gone so much. By this time I was on the Council and I felt...I don't have many of my immediate family left. I only have one elder left, was my aunt.[84] So, I broached the subject about naming, and we put together a name and she bestowed that name on me right here in this house. We had a special potlatch and council meeting at the same time and kind of combined some business with pleasure, and had lots of people here, and we did our business and we went into the naming ceremony (Perkins 1992).

The ceremony involved primarily the DTO leadership and the immediate Fowler family members to whom Mr. Perkins was related, not the general membership.

> Well, everybody from the council was here. People that we wanted here because of the tribal services organization -- because we also elected the officers for them--so there was some of the Eley family was here, Ann Rasmussen and her husband was here....Cecile and some of her family were here, and Frank and Zoe and the other members of the Council were here. When we got to the naming part, and when my aunt laid that name on me, and that was entered into the minutes that I was named at that ceremony as part of doing all this other business too (Perkins 1992).

In the second, Frank Fowler and some of his family had been taking courses to learn the Salish language (Fowler 1992; Perkins 1992). The course was being taught in a small class by staff from the Port Madison Reservation.

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[84]The BAR interview did not reveal the identity of the individual aunt.

> Frank has had about a year...and he's supposed to start teaching us now. That was the game plan. And Zeke[85] has been after him to do that, and Frank is trying to get set up to have a class over here. I asked him how many people should go to that class, and he said "about 5, maybe 6" you know, keep the teacher-student ratio small, because it's a very difficult subject to teach. The sounds you have to make...you have to play the tapes over and over again to get it to sink in (Perkins 1992).

Norman Perkins reported that the classes featured what appears to be an incremental immersion approach (Perkins 1992).

> Their approach, as I understand it...so far: [when] they started out, they spoke English. And they were taping word groupings. And then they were going through and speaking <u>that</u> in the native tongue. And then they reached a point where they said "OK, we've got enough behind us now, we're going to knock the English off. Everything is going to be in Lashutse from now on."
>
> When they get together now, they don't speak English anymore. And of course that reinforces what they're doing. When they are forced to use it, if they don't really have a good grasp on a certain word or two, or a phrase...they're going to get in that session, because that's all they're going to hear, and they're going to have to understand (Perkins 1992).

There is no way at present to verify the participants' language competence, or to evaluate their success. The question is of little importance, however, because only four adults among the membership are involved, and their efforts do not appear to have attracted the attention of the rest of the membership.

The DTO leadership have been involved in repatriation of ancestral burials disturbed by construction. Reburial has depended on interaction with other Indian groups such as the Snoqualmie and Lummi. For example, reburial of bones on Mount Olivet required meetings with the Lummi for support,

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[85]Norman Perkins maintains that Zeke "teaches at Suquamish." BAR research did not find out who he was.

and consultation with Ernie Barr, a Snoqualmie (Duwamish 11/14/1989). Through such consultation the DTO agreed informally that the Shaker religion[86] would be the most appropriate way to handle the burial ceremony. However, there is no evidence that the Organization involved the wider petitioner membership or was acting on their behalf.

The DTO leadership were also involved in a canoe race known as the "Paddle to Seattle" event. Frank Fowler maintained that Edmond Oliver (Garrison), the uncle of Cecile Maxwell, was instrumental in initiating the event, and described some of the relationships with recognized tribes.

> We hosted it for the State of Washington. They [i.e. the State] thought it would be a big flop, but they got involved later when they saw that it would be a big success. Duwamish provided food, furnished a place to camp. The tribes camped at Golden Gardens, north of Seattle. Enemies and non-enemies were all together. Bella Coola came from Canada. That was the first time in a 170 years that this happened (Fowler 1992).

This activity most likely required considerable effort, and may have involved other petitioner members. However, it was only a single event, and no other information on similar or recurring events emerged in the BAR research. Also, BAR research revealed no direct evidence of widespread participation by other enrollees.

Finally, the DTO leadership was involved in a dispute over the ownership of a canoe found by salvagers near Angle Lake. Angle Lake is located about 15 miles southwest of Renton. After it was found, the Muckleshoot Tribe claimed it and immediately took it to their Bingo Hall. They rebuffed

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[86]The Shaker religion was initiated by John Slocum in 1883. It is a syncretistic religion that combines the beliefs of Christianity and the traditional spirit canoe ceremonies practiced by the Coastal Salish tribes at that time. While the petition maintains that Duwamish petitioner ancestors such as Julia Siddle practiced Shakerism in the 1890's, the only evidence the petition provided is a photograph, described as that of Julia Siddle, Major Hamilton, and others sitting at a cabin located near Muckleshoot. There was no evidence provided in the petition showing that the petitioner's ancestors actively participated in this religion, either in the 19th Century or now.

Duwamish Tribal Organization claims to it by maintaining that they were federally recognized, and the DTO had no equivalent rights to it (Duwamish 4/2/1991). Frank Fowler, one of the DTO leaders, stole the canoe and took it to the University of Washington. Soon afterward, he was arrested.

At a Business Council meeting held April 2, 1991, Jake Thomas, the State Historic Preservation Officer (SHPO), explained that the Muckleshoots' refusal to deal with the Duwamish Tribal Organization in the dispute was "an obstacle" (Duwamish 4/2/1991). The obstacle involved the special relationship between the Muckleshoot Tribe and the Federal government. As a result of this relationship the SHPO could not be involved as an arbiter between the two constituencies, or to require the return of the canoe to the Duwamish Tribal Organization.

The SHPO told the DTO leadership that he attempted to negotiate a temporary, informal solution by having the University of Washington keep the boat in order to enhance its preservation. During this time the SHPO expressed hope that the DTO could arrange an informal solution to the dispute with the Muckleshoot Tribe. As Thomas' case was summarized in the minutes:

> The best I can tell right now given the black and white nature of the Centennial Accord and the fact of recognition, that is a significant problem as far as looking at other possible moral and legal claims that might be made upon. What I hope to do given that dilemma is get reasonable people together to find a reasonable solution, and off the record, if I can do that in short term - stall. Maybe, under those circumstances with time we will be able to work something out (Duwamish 4/2/1991).

This incident provides no evidence of wider membership involvement or of informal recognition as an Indian tribe. The organization's leadership were involved simply as part of the consultation provided to any interested party by the Federal government.

8.4. 1975-Present: Economic Development and Planning

New grant programs were added to those initiated when Cecile Maxwell first became chairman. On August 1, 1983, the Administration for Native Americans (ANA) provided

operational funds through STOWW for economic development and planning. STOWW continued to provide technical assistance in drafting economic plans, drafting ANA funding proposals, program auditing (Duwamish 3/3/1986; 5/6/1986), and preparing the acknowledgment petition (Duwamish 1/7/1992).

In one case, however there was a "lack of tribal interest in submitting needed information or participation...in required activities under the Grant" (Duwamish 5/15/1984). The DTO leadership were supposed to put together two business awareness workshops and four on-site visits to local businesses. The minutes continued, describing that the chairman:

> is becoming very concerned about the lack of interest in the Tribe - Who is the Tribe? Where is this Tribe going? Where has it been? The question is basically, does the Tribe exist outside of the Tribal Council and Duwamish Tribal Services, Inc.? She then challenged the Council and Duwamish Tribal Services to come...[up] with some ideas to generate interest in the Tribe by Tribal members (Duwamish 5/15/1984, 2).

Once again, the concern about non-involvement by the wider membership surfaced.

Minutes showed that the DTO has been contacted by private consultants, who offered either to conduct studies and plans or to include the DTO in program proposals of their own (Duwamish 2/4/1992). The minutes reported occasional disputes with these groups (Duwamish 3/14/1989). However, none of these activities indicates any involvement by the petitioner's general membership.

The DTO leadership also attempted to obtain a permanent land site for their headquarters, and to develop the land economically. The leadership discussed developing gas stations, restaurants, and the sale of smoked salmon. Central to any development has been the construction of a modern rendition of the traditional Salish long house. This building would house tribal offices, businesses, services, and some classrooms where the culture and language could be taught to their children without threat of discrimination.

> There are a lot of Duwamish in Seattle. We want a place where we can teach them carving, crafts, language. [Now,], we just teach our children at home, [so] they don't experience much

> discrimination. My daughter[87] lives in Canada and I have a son[88]...is at Nisqually. Lots of kids need something to do to pull the culture together. We also want day care at the cultural center. We have a lot of hopes (Fowler 1992).

However, there is no immediate evidence of young people experiencing discrimination in the schools. Petitioners noted that fights between White and Indian students occurred during the 1970's. However, Willard Bill noted that these fights were connected with the U.S. v. Washington litigation (Bill 1992). The petitioners did not note any other kind of discrimination toward the DTO members during this time.

Also there is no evidence of the petitioner's regular involvement in educational activities for their children, either as an organization or as individuals. Also, other than some interest expressed in learning Indian dancing (Siegel and Sanders 1992), there was no evidence that the membership was interested in using the proposed tribal office for cultural training.

The DTO has relied on a series of local governmental groups in their attempts to obtain land for the long house from CHG International during a property giveaway at Earlington Woods, Renton. The minutes show, however, that the amount of land available to the organization appears to have decreased as time went on, and the uses to which the land could be put were similarly restricted.

> Land may only be used for museum purposes only [sic] and the transfer could only take place if rules were followed. Land could not be used for an office space or for example leaving a car parked overnight might revoke the covenant of CHG. It was felt renegotiations needed to take place on this type of thing (Duwamish 2/12/1985).

The organization members found the land use covenants too restrictive, and they recommended that the covenants be expanded (Duwamish 4/10/1985). However, no further information is available on how this issue was resolved. These restrictions may help explain, however, why much of

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[87]Theresa Rogers.

[88]Frank Martin Fowler.

the economic development mentioned is limited to cultural promotion.

The organization also dealt directly with the King County Council to transfer land from Fort Dent. Fort Dent was located on what was originally the White River, before 1916. It was on this land that the DTO planned to build their long house cultural center (Duwamish 1/5/1987). However, the organization was in competition with the City of Tukwila for the use of waterfront land that would revert from the military to the public domain.

In October 1987:

> Twenty tribal members conducted a three-hour land reclaiming ceremony...at the [Fort Dent]Park. [Duwamish Council member Douglas] Preston described the religious ceremony as secret and special to the tribe.[89] 'We gained a feeling of reaffirmation that the land is ours and the tribe is still strong,' he explained (Stephens 1988).

On November 1987, following a discussion of a possible sit-in there, the organization contacted Mr. Cayhill, an official of the King County Council, who referred them to other officials (Duwamish 11/23/1987).

On January 25, 1988, the organization leadership:

> asked the King County Council to return Fort Dent Park along the Duwamish River to the tribe because according to the Duwamish, it is near sacred ground. The park, located on a peninsula between Renton and Tukwila, had been operated by the city of Seattle until they decided they could no longer afford the operating costs--estimated at $200,000 ....After much discussion at the January 25 meeting, the county referred the issue to the Finance Committee for further consideration (Stevens 1988).

The King County Commissioners responded by closing "one of the county's most popular softball and soccer play-fields...until the county decides its future" (Stephens

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[89]No such ceremony has been revealed to ethnographers during modern times, nor have ethnographers reported any such ceremony historically.

1988). The county justified its hesitation to act on the DTO's request because "without federal recognition of the tribe, transferring the park to the Duwamish may not be possible" (Stephens 1988). Stephens quoted Mr. Cahill, an official of the King County Council, who explained:

> The Duwamish were one of the Indian groups who decided not to go on a reservation, so they're paying for it. I have no authority to turn over the land to basically what is not a recognized tribe. No matter what I may feel about how they were screwed out of their land, it's not for me to decide," he said (Cahill in Stephens 2/8/1988).

On November 14, 1989, minutes reported that the council was included on the King County Master Plan "as a tribe," but there was little information on what this inclusion meant, or how the occupancy of the land was resolved. On April 17, 1990, however, the Seattle Times reported that Cecile Maxwell:

> and the five-member tribal council have hired architects to map out construction designs for the center. The Weyerhaeuser Co. will donate the logs to build a long house, which will serve as a communal home or council hall (Anh Do 1990).

Seattle Times staff writer Anh Do explained that the City of Tukwila negotiated with King County to transfer the park land to the city. She explained that the City had delayed:

> for more than two years...the proposed transfer, in part because Tukwila did not assign part of the park for use by the Duwamish Indians....But Tukwila city officials said they were not able to commit themselves until the group had formal written proposals....With plans now firmed up, Tukwila City Council President Joan Hernandez said yesterday near the end of the dedication ceremony: "It's appropriate that this site is now yours. Tukwila is also an Indian name, meaning 'land of the hazelnuts' and we appreciate the Indian heritage that this area is known for" (Anh Do 1990).

On July 24, 1990 the DTO was asked to submit the plan to the King County Parks Department, and the Board discussed the possibility of "surplus land from Metro to do a 'mother of the River' project" (Duwamish 7/24/1990). Following a

request from the Parks Department to clarify the activities they planned for Fort Dent, the DTO leadership moved to contact "Mr. Pyrtle to put pressure on [the] Parks Department" (Duwamish 2/4/1992).

The Admiral Community Council met with the organization to discuss the transfer of land available in Southpark. The officials contended that they would help the organization and:

> deal with Engineering Department of the City of Seattle, and Seattle City Light (who owns land adjacent to proposed parcel). Muckleshoots have expressed interest in building fish rehabilitation plant at the site, but land across the waterway may be another option for them. Duwamish will need the support of Southpark Community Center and Department of Neighborhoods, as well as Georgetown. Mr. Chong [the official with whom the Council met] would network with neighborhood people on tribe's behalf (Duwamish 1/7/1992).

In sum, these efforts were presented by the petition as evidence that the organization has persevered in securing a land and an economic base desired by its members. Some of DTO members placed high hopes on the land site for economic and cultural development. However, the accomplishments suggested that much of the economic development was in the form of planning that appeared mandated by the grants obtained by the DTO through STOWW, and limited in participation to the leadership of the Duwamish Tribal Organization.

8.5. 1975-Present: Factionalism and other Internal Political Issues

The biggest political issue confronting the Duwamish Tribal Organization consistently continues to be absenteeism. Leadership have attempted to address this problem, first, by calling the members in question and determining if there was a reason for the absences. If there was no reason given, or no response, then either the leadership demanded their resignation, or they removed the member from Board of Directors, and nominated a replacement.

The DTO leadership turnover on the business council has also been met by recruiting more members. Jeri-Marie Bennett (Siddle) explained how the Newsletter was used for this purpose:

> Well, the newsletter...is used to notify the general council, or the Duwamish members, that there are openings on the Tribal council. And we have interim positions that will be filled by known Duwamish that can fill those positions at the general election that will be held at the annual meetings (Bennett 1992).

In addition, the meeting minutes showed that letters were distributed among the general membership, recruiting them to serve on the business council. Douglas Preston (Sackman family line) sent a letter May 20, 1981 accepting an invitation he found in a letter from Francis Harvey (no date). A similar acceptance came in May 20, 1981 from Joe Sackman. On June 6, 1981 the business council deferred further action until the members could see "to whom the letter had been sent" (Duwamish 6/6/1981). On November 18, 1981, both candidates were serving on the business council. On March 21, 1982, Joseph A. Sackman had resigned from the business council "because of other work" (Sackman 3/21/1982). Ten years later, Doug Preston resigned (Duwamish 5/5/1992).

The only example of someone being denied the opportunity to serve on the business council involved Ed Sigo, in 1946. His case was discussed above. There is no evidence that anyone has been expunged from the membership rolls. Others have simply been asked to resign from the business council if they consistently missed meetings or in other ways failed to take part in various activities. William Moore (Seymore) and Richard Conklin (Kennum) were asked to resign in 1961 "if they cannot attend future meetings" (Duwamish 6/17/1961). More recently, the January 24, 1984 minutes show that the council agreed informally to ask Jeri-Marie Bennett to resign for similar reasons. She resigned February 14, 1984 (Duwamish 2/14/1984), but attended meetings again from 1989-1992. There are no examples known in which a member refused to resign, or contested being replaced on the business council.

The petition documents do not show much evidence of disputes, and the BAR interviews did not bring any to light. Ann Rasmussen characterized the Duwamish Tribal Organization and business council as a family. "It's a little hot and hairy sometimes. But it's like family. We're <u>all</u> family [emphasis speaker]. And in a family sometimes you don't agree" (Rasmussen 1992).

Ann Rasmussen may be referring to what Cecile Maxwell complained was:

> too much bickering and knitpicking [sic] at past meetings .... She added that "it is the Chair's recommendation that everyone stick to the agenda .... Any other internal business will be discussed at the end of the meeting under ANY OTHER BUSINESS [sic]" (Duwamish 7/5/1988) [emphasis original].

Manny Oliver made a similar observation about general bickering when asked if his sister Cecile Maxwell tried to have him return and serve on the business council:

> Yea, we've talked about it. But I'm too blunt for a lot of people. I tell it like it is, and they have a lot of bickering and infighting, and I'd call it BS, and [tell them to] "knock it off." Same thing with my [fishing] crew. They know when they're screwing up. So tell them (Oliver 1992).

The most notable dispute emerging from the petition documents involved an argument over the appropriateness of individuals speaking on behalf of the organization leadership. According to the December 6, 1989 minutes:

> Discussion centered around James Rasmussen speaking out in public for the Council. It was stated that Mr. Rasmussen has been known to make speeches on behalf of the Council for the Tribe. It was the opinion of some Councilmen that someone who has been on the Council longer should be speaking for the Tribe.
>
> It was Mr. Rasmussen's opinion that even though he wasn't a elder [sic] he was capable of speaking for the Tribe especially at NCAI [90](Duwamish 12/6/1989).

Despite the chairman's attempts to defuse the debate by assuming some of the responsibility, the debate continued, with the chairman finally recommending that further discussion be tabled:

> The Chair was apologetic to the Council in not informing them about the times when Mr. Rasmussen was asked to speak or represent the Tribe when she was unable to but reminded that council that she was always aware when Mr. Rasmussen was speaking

[90]National Council of American Indians.

> and what he was saying. She also reminded the Council that she had delegated him to be media liaison some time ago. The question was raised as to whether or not the Council as a whole agreed with the decision. She also stated that yes in the past Mr. Rasmussen had spoken with out [sic] her knowledge, but he was reprimanded at the time of the incident. For the record, Frank Fowler does not want James Rasmussen to speak for him in behalf of the Tribe. The Chair suggested that the subject be tabled until the January Meeting. She will draft up the definition and responsibilities of a media liaison for the Council so that they may decide the best person for the job (Duwamish 12/4/1990).

The resolution of this incident was not mentioned further, either in the minutes or in interviews.

There was no general indication that the disputes have been either of long duration or of importance to anyone other than individual Board of Directors members. They do not appear to be factional disputes that involve the wider membership in the affairs of the business council. However, it is possible that information on more serious disputes has been suppressed. In 1992, a STOWW official stated "that internal conflict at this time of ACTIVE CONSIDERATION would not be a good idea and should be avoided at all costs (Duwamish 1/7/1992) [emphasis original].

If the petitioner has suppressed information about bickering, then there may be evidence more indicative of factionalism, and thus of wider involvement by the petitioner membership. The evidence that is available shows, however, that the Duwamish Tribal Organization has operated as a voluntary organization that interacted with governmental groups as an interested party. The DTO leadership's involvement with other governmental agencies was part of the consultation process provided by local, state, and Federal government entities. There is little or no evidence that the council has operated on behalf of its membership or that its membership has been involved in the decision making of the Council.

8.6. Where Are They Now?

Previous discussion described the migration and location of the petitioner's ancestors and their relatives. It showed

that the original residents of the Lake Fork, Lake Washington, and the Green and White Rivers, tended to migrate toward the Muckleshoot, Port Madison, Puyallup, Lummi, and other reservations set aside by treaty. It also showed that the descendants of the pioneer marriages tended to be scattered throughout areas such as Tracyton, Woodinville, Dewatto, Anacortes, Skokomish, and Seattle. Information was not available for the 1930's through the 1960's. The petition's roll, however, provides information for the 1990's that invites comparison.

Street, city, and state addresses are known for only 63 percent of the 1991 petition roll. For some of the family lines, the number of known addresses is higher than the aggregate average overall. Examples include Bagley (78 percent) Eley (70 percent) Fowler (82 percent), Kennum (65 percent), Scheuerman (63 percent), and Seymour (92 percent). For the Garrisons, Hawks, James, Sackmans, O'Bryants and Siddles, however, less is known. The following table compares family lines by the state where they reside. The percentages to the right of each number indicate the proportion of the number to the total enrollment for each family line, including unknown cases.

When unknown cases are included, 43 percent of the total population are living in Washington, 5 percent in California, 5 percent in Oregon, and 8 percent in Alaska. The remaining 7 percent are distributed in Florida, Illinois, Alabama, and elsewhere in the United States.

Overall twenty people reside in Bremerton and seventeen in Seattle. At Bremerton reside thirteen members of the Fowler, five of the Sackman, and one of the Kennum lines. Seattle contains representatives of the O'Bryant line(1), Kennum line (5), all the Garrison line members for whom an address could be found (3), Sackman line (1), Siddle line (1), O'Bryant line (1), Eley line (4), and Scheuerman line (1).

Comparison of Today's Petitioner Family Lines by State

FAMILY TREE	UNK		WA		OR		CA		AK		OTH		KNOWN TOTAL	GRAND TOTAL	PER-CENT KNOWN
	N		N		N		N		N		N				
BAGLEY	2	22	6	67		0	1	11		0		0	7	9	78
ELEY	6	30	14	70		0		0		0		0	14	20	70
FOWLER	10	18	31	56	10	18	1	2	1	2	2	4	45	55	82
GARRISON	6	55	5	45		0		0		0		0	5	11	45
HAWK	5	56	4	44		0		0		0		0	4	9	44
JAMES	4	50	2	25	2	25		0		0		0	4	8	50
KENNUM	41	35	40	34	4	3	9	8	2		21	18	76	117	65
MOSES/SOLOMON/ TSWALWOOD	4	100				0		0		0		0		4	0
O'BRYANT	16	59	7	26		0	1	4	2	7	1	4	11	27	G
SACKMAN	34	47	32	44		0	3	4	3	4		0	38	72	53
SCHEUERMAN	3	38	5	63		0		0		0		0	5	8	63
SEYMOUR	1	8	4	33	3	25	4	33		0		0	11	12	92
SIDDLE	2	67	1	33		0		0		0		0	1	3	33
TOTAL	132	38	150	43	19	5	19	5	8	2	24	7	220	352[91]	63

Within the Puget Sound area, three members of the Bagley line reside around Tacoma. Tacoma is 65 miles from Marysville, at the Tulalip Reservation where the Bagley line was first identified. The Eleys, originally in Kitsap County, live primarily in Seattle (4). Another four reside in Winlock, 122 miles to the southeast. The remainder are scattered throughout the Kent, Lynnwood, Napavine, Onalaska, and Tacoma areas. Of the 54 Fowlers, thirteen reside at Bremerton and three more nearby at Port Orchard. Others are scattered throughout Hoodsport, to the west, Olympia and Centralia to the south, and Kent, Woodinville, Issaquah, Bothell, and Arlington to the east of Puget Sound. What is known of the James are scattered among the Cottage Grove, Oregon, or Aberdeen, Washington, areas. The 40 Kennum family members residing in Washington are scattered throughout Edmonds, Seattle, Stanwood, Kent, and Puyallup to

[91]This number reflects the 1991 enrollment, from which addresses and locations were taken, not the 1992 enrollment.

the east of Puget Sound; Eatonville, Buckley, and Chehalis to the south; and Olympia, Shelton, Bremerton, Gig Harbor, Fox Island, and Montesano, to the west of Puget Sound. The O'Bryants remain in the north of Puget Sound, near Anacortes, Blaine, and Ferndale. Many of the Sackman line remain around Bremerton (6) and Tracyton (5), with three each at Olympia and Puyallup, and two each at Snoqualmie and Port Orchard. The Scheuerman families reside in Winslow (1), Seattle (1), and Everett (2). The Seymour family reside at Silverdale, Kent, and Seattle.

However, to observe that many of the petitioner's membership live in the Puget Sound area is not adequate for characterizing social and political life for two reasons. First, the only sites where more than one family line of the petitioner resides in relatively large numbers are the urban areas of Seattle and Bremerton. The petition provides no evidence that there were geographically-defined neighborhoods within these cities, nor could research establish these neighborhoods' presence. Second, even if there were a concentration of families in small communities, the proximity only implies that opportunities exist for community interaction. There is no independent evidence to suggest that such interaction has actually occurred.

GENEALOGICAL TECHNICAL REPORT

DUWAMISH TRIBAL ORGANIZATION

SUMMARY OF EVIDENCE

The petitioner, known as the Duwamish Tribal Organization, has been governed since 1925 by a constitution which establishes the duties of the officers, calls for annual meetings, and defines the membership. From 1925 through the present, the criteria for membership has been descent from the historical tribe.

All of the membership descends from 16 ancestral Duwamish families. All but 4 of the 390 members have proven they descend from 12 families represented on family trees submitted with the petition. The remaining four ancestral families are each represented by a single descendant. Nine lists or rolls were submitted which the petitioner claimed to identify the group's membership at different times. The earliest list referred to by the petitioner was of the Duwamish led by Charles Satiacum in 1915. The Duwamish Tribal Organization first compiled a constitutional roll in 1926 with periodic enrollment lists dating to 1992. There are 390 names on the 1992 membership roll certified by the chairman and council members. The modern group descends from individuals who were identified as Duwamish Indians on the government-generated 1919 Roblin Roll and the 1971 judgment claims list of heirs to the Duwamish claims, and as Indian or Duwamish on Federal census records from 1870 to 1920. The petitioner has proven descent from the historical Duwamish tribe.

Five names on the 1991 membership roll also appeared on the 1987 Tulalip roll and one on the 1979 Suquamish roll. No record available at this time clarifies the membership status of these five individuals; however, the petitioner states it maintains a policy of not allowing dual membership, and there is no evidence that the majority or even a large portion of the group belongs to any other federally- recognized tribe.

INTRODUCTION

On January 22, 1855, at Point Elliott, or Mukilteo, Washington Territory, Governor Isaac I. Stevens signed a treaty with 22 western Washington tribes. The first tribe

named in the treaty was the Duwamish and the first chief to sign was Seattle, as Chief of the Duwamish and Suquamish tribes. Seattle's father was Schweabe, a Suquamish, and his mother was Scholitza, a Duwamish. Three others, Ts'Huahntl, Now-a-chais, and Sla-seh-doo-an or Keo-Kuck also represented the Duwamish (U.S. Statutes 1859).

The Duwamish Tribal Organization, under the name the Duwamish Tribe of Indians, is petitioning for acknowledgment as a federally-recognized tribe of American Indians.

The petitioner identified sixteen families as the progenitors of the modern entity. A study of the family trees, petition documents, statement of findings regarding the 1966 judgment claims, probate records, and census records confirmed that the progenitors were part of the Duwamish population that existed before 1880. In the following list, the year represents the approximate date of marriage, based on the birth of the first known child. The Duwamish ancestors as identified by the petitioner are underlined and the surnames that perpetuate the lineages are in boldface type:

Statamish married Seeameeya **SEYMOUR/MOORE**	ca.1843
John **GARRISON** married Jane (a.k.a. Pa'ipaic)	ca.1853
Daniel J. **SACKMAN** married Maria Sancho	ca.1856
Humphrey **O'BRYANT** married Julia Whatulach	ca.1856
Asa **FOWLER** married Susie Jacobs (a.k.a. SchlochSted)	ca.1859
MOSES married Kate Kweedot	ca.1862
Abner **TUTTLE** married Anna Kennum	ca.1863
Christian **SCHEUERMAN** married Peggy/Rebecca Curley	ca.1864
Benjamin **SOLOMON** married a Snohomish woman	ca.1874
Henry **ELEY** married Lucy Bend	ca.1876
Louis **NAPOLEAN** married Susie Parker	ca.1880
Johnny **TSWALWOOD** married Jenny Kapheentin	ca.1885
Lyman **SIDDLE** married Julia John	ca.1885
Peter J. **JAMES** married Adeline Descannun	ca.1889
John **HAWK** married Emily Hines	ca.1894
Ambrose **HAGLEY** married (second) Katrina SeeSee	ca.1915

Eight of the sixteen family lines, Fowler, Garrison, O'Bryant, Sackman, Scheuerman, Seymour, Eley, and Kennum/Tuttle, are the result of a pioneer marriage between an immigrant to the Puget Sound area and a Duwamish spouse. Lyman Siddle, who was the son of a pioneer settler and a Duwamish woman named Mary Kless, married a full Duwamish woman and founded the Siddle line.

The Sackman, Fowler, James, Kennum/Tuttle, Napolean, Seymour, and Garrison families are related to the Seattle family (U.S. BIA n.d.) through Seattle's Duwamish mother, Scholitza. At least 38 direct descendants of Chief Seattle are on the 1992 membership roll. Over 70 percent of the 1992 membership is related either by descent or marriage to Chief Seattle or his two brothers, Chaa-Ka-dahk and David (Duwamish 1989c, 1991, 1992).

James and Garrison family members both married members of an Oliver family of the Quinault tribe. The Hawks and Fowlers are cousins to each other (U.S. BIA n.d.). The Kennum/Tuttle family is also related by marriage to the Napolean and Moses families. Tswalwood and Siddle descendants are married to one another (U.S. BIA 1939, 1953). Kwi-ahk-tib, a.k.a. Queauctor/Kwiashten, was a Duwamish chief in the 1840's and 1850's, whose three sons, William, Tecumseh, and Keokuk, were the progenitors of the Moses, Solomon, and Rogers (Rodgers) families (Miller n.d., 1-5a; U.S. BIA n.d.) Another chief of the Duwamish, Salmon Bay Curley, was the father of Peggy, a.k.a. Rebecca, Scheuerman, ancestress of the Scheuerman family.

The traditional territory of the Duwamish was on the eastern shores of Puget Sound in the greater Seattle area of King County; further east to Lake Washington and south along the Cedar, Green, and White Rivers. As early as 1860, some Duwamish were across the Sound in what is now Kitsap County, Washington (Lane 1975, 1; U.S. Census 1860-1920). Due to early marriages with white settlers and with members of more northern tribes such as the Lummi and Skagit, some Duwamish descendants have consistently resided in the area of the San Juan Islands and Bellingham in Whatcom County since the 1860's (U.S. Census 1870-1920; U.S. BIA n.d. and 1885-1940).

The Duwamish Tribal Organization has been known variously as the Duwamish Tribe of Indians, Duwamish Tribe of American Indians of Washington, and the Tribal Organization of Duwamish American Indians. Although the "Duwamish Tribal Council" generally refers to the petitioner's officers, the petition documents sometimes use "Duwamish Tribal Council" interchangeably with "The Duwamish Tribal Organization" (Duwamish 4/14/1951, 1951b, 6/15/1957). In this report, the Duwamish Tribal Organization, as named in the constitution, will be abbreviated as DTO or will be referred to as the petitioner.

I. GOVERNING DOCUMENTS

The Constitution and By Laws of the Duwamish Tribal Organization of the Duwamish American Indians dated February 6, 1925, (a copy of the Constitution sent to the Tulalip Agency in 1950 has the date of February 26, 1925) at Renton, King County, Washington is the governing document of the petitioner (Duwamish 1925b). A copy accompanied the petition (Petition 1989, 2:718).

According to Article 4 of the 1925 Constitution, the officers of the organization are the president, secretary-treasurer and business council, which was also called the "Board of Council." The president has also been called the tribal chairman or chairperson. The offices are held until the member dies or resigns. The president and the secretary-treasurer are also members of the Board of Council. Board membership may be disqualified by written charges made by a member or members of the organization and supported by sworn affidavits (Duwamish 1925b; Petition 1989, 2:718).

Article 6 of the Constitution states that the annual dues are one dollar ($1.00) per year, or fifty cents ($.50) for junior members (Petition 1989, 2:722).

Article 8 of the Constitution called for regular annual meetings to be held on the first Saturday in May (Petition 1989, 2:722). They are now held in June.

According to the petitioner, a Constitution and Bylaws written under the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934, was "developed" by the BIA at Everett, Washington and "submitted" to the Duwamish Indian Tribe of Washington in the 1970's, but was never accepted by the general membership (Petition 1989, 2:718, 725-734). As far as can be determined, the petitioner is still governed by the 1925 Constitution (Petition 1989, 2:725).

II. MEMBERSHIP CRITERIA

Article 3 of the Constitution addresses membership:

> Article 3 (Membership)
>
> Section 1.
>
> A. The membership of this organization shall be divided into classes, namely; Active Indian,

> and Junior of Indian blood only of the Duwamish tribe.
>
> B. Active members shall be adults, persons of Indian blood only, and shall be descendant of the Duwamish tribe, shall be eligible for membership, and can vote and hold office.
>
> C. Junior members shall be Indians and Indian blood under the age of twenty one years (Petition 1989, 2:719).

Article 5, Sections 4 and 5 of the Constitution also state that the Board of Council with the approval of the President shall determine and elect the membership (Petition 1989, 2:722).

Although the 1951 and 1987-92 membership lists include the member's blood degree, apparently a specific blood degree is not a requirement for membership or a critical issue with the general membership. According to the tribal Secretary, the amount of Duwamish blood is listed, as opposed to the amount of Indian blood (Field Data 6/4/1992).

The February 6, 1952, enrollment form for the "Duwamish Tribe of American Indians of Washington" states:

> To bring our Tribal Rolls up to date so that it can be determined who is entitled to any Tribal Claims, this FORM MUST BE FILLED OUT and returned to the Tribal Secretary at once. DUWAMISH INDIANS WITH FULL BLOOD down to one-eighth (1/8th) Degree Duwamish Blood are eligible (Petition 1989, 3:996-997).

The 1951 membership list is entitled "The Peter James Enrollment List F/Y 1950," although Peter James died in 1947. It lists only those members with 1/8 or more blood degree (Duwamish 1951a).

The 1925 Constitution does not include a blood quantum requirement, and although none of the tribal minutes currently available show that a vote on the 1/8 blood requirement was ever taken, there are some records that indicate blood quantum was an issue acted upon by the Tribal Council (Petition 1989, 3:1030, 1058, 1092-4, 1102-6). For example, minutes from the 1951 tribal meeting reveal:

> Chairman states that no Duwamish Indian registered a plea for registration.

> Forms to be tabulated as to Indian blood. 107 received, one-eighth blood will be received.
>
> Duwamish must have all rolls completed by July 15.
>
> Blood determined by word of old tribe member (Duwamish 4/14/1951; Petition 1989, 3:1003).

A 1964 letter to Mr. R. D. Holtz, Portland Area Director, regarding Duwamish judgment funds presents additional evidence of how the group determined its membership. In a lengthy discussion of Duwamish membership, Superintendent L'Esperance wrote:

> It [the Duwamish Tribal Council] says that the determination of Duwamish ancestry was made on the certification of the older members who were selected by the tribal council to be on a membership committee for this purpose, and it considers this basis of selection as valid as documentary evidence. The Council said Mr. Henry Moses, a member of the present Tribal Council, was one of those members and that he still functions in this capacity, although there have been no recent applications for membership because the tribal group considers the roll to be closed as of the date the appropriation was made. The council states that the current membership list contains the names of those who are 1/8 or more Duwamish blood in accordance with the motion passed by the General Council on June 20, 1953, which requires an individual to have at least this degree of Duwamish blood in order to qualify for membership (L'Esperance 8/27/1964, 2; Petition 1989, 3:1119).

The DTO annual meeting minutes for June 20, 1953 are at best ambiguous concerning blood degree.

> Question raised, on 1/8 blood degree Duwamish being recognized by the U.S. Government. Mr. Eley confirmed (Duwamish 6/20/1953).

Unfortunately, "the question" was not recorded and since we do not know how the question was worded, we do not know what Mr. Eley confirmed. We know only that 1/8 blood degree was a concern. "Mr. Eley" apparently refers to William D. Eley, who was referred to as an "acting chairman" (previously he had been the Secretary/Treasurer) in June and July 1951 (Duwamish 4/14/1951, 1951b).

Again, in the 1964 letter to Holtz, the Superintendent reiterates the DTO's stand regarding its membership:

> It continues to insist that the tribal group has the right to establish its membership and to limit the payment of the judgment funds to these members and their children. It is opposed to sharing the judgment award with a large number of Indians who are not members and who have not maintained any relationship with the Duwamish tribal group (L'Esperance 8/27/1964, 1-2; Petition 1989, 3:1119-1121) [emphasis added].

After the judgment claims, the Duwamish membership stabilized and has since maintained an average of about 365 members (Duwamish 1987b, 1989b, 1991, 1992). Although the current membership lists include blood degree, there does not appear to be any minimum requirement of Duwamish blood degree for membership in the petitioning group. Membership continues to be based on the individual's having Duwamish ancestry and on the family's having maintained relationships with the petitioner.

III. MEMBERSHIP LISTS and DESCENDANCY ROLLS

The petitioner referred to nine membership lists as evidence of their membership through the generations. The petitioner also referred to the Roblin Roll and a 1971 judgment claims list of Duwamish heirs generated by the Bureau of Indian Affairs as proof of their Duwamish ancestry. Each roll or list will be discussed in chronological order.

1915

The modern DTO maintains that the first formal list of the Duwamish was made in 1915. According to that 1915 document, "a regular and duly authorized" council [meeting] of the Duwamish Tribe under Chief Charles Satiacum, established a board of directors to "select the true members of the Duwamish Tribe" (Satiacum and Rogers 12/23/1915). The nine-man board was from different families and resided in Marietta, Suquamish (meaning Port Madison), Renton, Olympia, Tacoma, and Auburn, thus enabling them to account for more than 319 Duwamish tribal members. The exact number of members on the 1915 roll can not be determined because some entries state "... and children." The number of children, adults or minors, is not known in some cases. Satiacum was a resident of Puyallup and William Rogers, called a sub-

chief, was allotted at Port Madison. The list included reservation and non-reservation Duwamish.

The 1915 membership roll must be examined both as a list of individuals and a list of families with descendants in the modern DTO. Of the 328 names on the list, 22 (approximately 6 percent) have descendants in the DTO (Satiacum and Rogers 12/23/1915; Duwamish 1992). Ninety-four percent of the 1915 Duwamish organization do not have descendants in the petitioning entity. It appears that the 328 individuals represent approximately 50 separate families. Seventy-six individuals on the 1915 list can clearly be associated either the Bagley, Garrison, Hawk, James, Sackman, Scheuerman, Siddle, Moses, or Tswalwood families who have descendants in the DTO (Satiacum and Rogers 12/23/1915). Of the 76 individuals in these families, 22 (29 percent) have descendants in the DTO. The remaining 40 families on the 1915 Satiacum roll do not appear to have descendants in the petitioner's membership. Therefore, although many DTO members have ancestors or collateral relatives on the 1915 membership roll, the current DTO membership represents only a fraction of the Duwamish ancestral pool on the 1915 roll.

The record is not entirely clear as to why the roll was taken, although it was probably for obtaining alleged unfulfilled treaty provisions (see "Explanation of the Roblin Roll" later in this report). The introduction to the 1915 list implies that there were problems affecting all of the Duwamish that needed to be resolved.

> We, Charles Satiacum, chief, and William Rogers, sub-chief, testify that the above list is a correct list of the names of the members to act as our board of Directors: untill [sic] the final settlement of these problems, or untill [sic] their successors are duly qualified by us (Satiacum and Rogers 12/23/1915).

Duwamish elders such as Charles Satiacum, William Rogers, Jennie Garrison, William Kitsap and others on the 1915 list were often named as witnesses on the applications which were submitted to Roblin (Satiacum and Rogers 12/23/1915; Roblin 1919). As witnesses, they declared that they could vouch for the truthfulness of the affiant's statements concerning his tribal relations and Indian blood (Roblin 1919).

Although the petitioner referred to the 1915 list in the petition, they did not submit a copy with the petition. BAR

located copies of the 1915 list during the research process.

See the anthropologist's and historian's reports for an additional discussion of differences between the 1915 and 1926 rolls.

1919
"The Roblin Schedule of Unenrolled Indians of Western Washington" (the Roblin Roll), dated January 1, 1919, contains a list of 148 unenrolled Indians of the Duwamish tribe as categorized by Roblin. Additional affidavits and applications identify at least 85 others who were of Duwamish descent (Roblin 1919). The schedule, which states some relationships, also includes the name, address and blood degree of the individuals. Although the Roblin Roll is not a membership roll, it is an important document used by the petitioner in identifying Duwamish ancestors. See a full discussion of the Roblin Roll in the "Records Report" section (page 24) of this report.

Approximately 22 families are represented on the Roblin Roll as unenrolled Duwamish. Of the 22 families, 5 (Garrison, Moses, O'Bryant, Sackman, and Scheuerman), have descendants in the current DTO. As in the case of the 1915 roll, not all of the individuals who appeared on the Roblin Roll have descendants in the DTO. For example, there were 17 members of the Garrison family listed on the Roblin Roll, but only 4 have descendants in the DTO. Of the 28 Sackmans who were listed as unenrolled Duwamish, 8 have descendants in the DTO (Duwamish 1989c, 1991; Roblin 1919).

Other families who claimed Duwamish ancestry, the Fowlers, Peter J. James (the brother of Joseph E. James above), Kennum/Tuttles, Siddles, and some Scheuermans, were classified by Roblin as either Snoqualmie, Lummi, Skagit, Muckleshoot, or Skokomish instead of Duwamish (Roblin 1919).

1926
The heading for the Constitutional Enrollment for the year 1926 states that it is an enrollment of the unallotted Duwamish Tribe under the Point Elliott Treaty. It contains the names and ages of 398 men, women, and children. The list of names is broken down into what appears to be family groups with parent(s) names followed by children's and in some cases grandchildren's names. The age of each individual is given and the Hawk and James family members also have the "degree of blood" listed (Duwamish 1926). Although the date of the Constitution is February 6, 1925, and the date heading the roll is 1926, the names and ages of

some individuals on the roll indicate that children born as late as 1931 were included on the original roll (Duwamish 1926). It is possible that the roll was actually compiled as late as 1931. All of the families in the current membership, except Eley, Garrison, Napolean, and Solomon, had at least one direct ancestor on the 1926 constitutional roll.

By contrast, not all of the names on the 1926 roll have descendants in the modern DTO (Duwamish 1989b, 1926, 1992). For example, 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. There were 15 Fowlers on the 1926 roll, 7 of whom have descendants in the DTO (Duwamish 1989b, 1926, 1992). There were nine members of the Hawk family on the 1926 roll, but only two have descendants in the DTO (Duwamish 1989b, 1926, 1992). There were 33 members of the James family, but only 2 have descendants in the DTO (Duwamish 1989b, 1926, 1992). It should also be noted that there were about 39 other families of Duwamish ancestry in 1926 who have no known descendants in the DTO. A search for these families on the 1920 census had mixed results. Many of the families could not be located (Babich, Bailey, Bangs, Bowers, Frank, Haltz, among others). Several families, for example Dorotich, Gilich, Jeresich, Markovich, and Novak, were listed as "white" and were living in the general population in Pierce County, Washington (U.S. Census 1920; Duwamish 1926).

1930's-1940's

Peter J. James, a member of the original 1915 board of directors and later tribal chairman, continued to be a source for identifying other Duwamish until his death in 1947. The rolls he compiled were used in part by the BIA tribal enrollment officer to confirm applicants eligible for the 1966 claims settlement (U.S. BIA n.d.). In addition, 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 or found during the research process. Since the 1926 roll includes children born as late as 1931, it may actually be the so-called May 1934 list.

Reportedly, there are ledgers in the Duwamish offices with signatures of the membership attending the annual meetings dating from the 1930's; however, only those from the 1960's to the present were available to the BAR (Field Data 6/4/1992).

1951

The petitioner's cover sheet identifies the 1951 membership list as "Peter James Enrollment List F/Y 1950." The heading on the first page of the document reads: "UNAPPROVED MEMBERSHIP OF THE DUWAMISH TRIBE COMPILED FROM APPLICATIONS AS SUBMITTED BY THE TRIBE" (Duwamish 1951a). There is a hand-written notation "made approximately 1951," but otherwise the document is undated. Although the title for this roll says 1950, it was probably completed in July 1951 (Petition 1989, 3:1018). In the 1950's there are references to a membership committee, which included the last "chief" of the Duwamish, Henry Moses, that confirmed or rejected an applicant's descent (L'Esperance 8/27/1964, 2). Since Peter James died in 1947, it is assumed that the membership committee actually compiled the 1951 roll.

The names are arranged in alphabetical order of single adults or in what appear to be small family groups of parent(s) and children together. There are approximately 205 families, including single adults as a separate family, on the 1951 roll. Approximately 132 of the families (64 percent) on the 1951 roll do not have any known descendants in the DTO (Duwamish 1951a, 1992). Approximately 36 percent of the names on the 1951 roll have at least one descendant in the 1992 roll. All of the 12 major family lines in the current membership are represented on the 1951 roll (Duwamish 1951a, 1992).

The 1951 roll lists 399 names with unverified degrees of Duwamish blood and a note whether the individual or his parent was on the Roblin Roll (Duwamish 1951a). Some individuals are associated with another member by notations, such as, for example, to "see #75." The blood degrees appear to be derived from the amounts recorded on the Roblin Roll.

The following table shows the distribution of the 1951 membership by blood degree. Although blood degree is not now a membership issue, the numbers help to demonstrate marriages to non-Indians through the generations. (Compare this to the 1991 membership by blood degree in Table III.)

TABLE I

THE 1951 MEMBERSHIP DISTRIBUTED BY INDIAN BLOOD DEGREE

DESCRIPTION OF BLOOD DEGREE	NUMBER	PERCENT
1/2 or more blood degree	78	19%
1/4 or more blood degree, but less than 1/2	167	42%
1/8 or more blood degree, but less than 1/4	154	39%
Less than 1/8 blood degree	0	0%
TOTAL 1951 MEMBERSHIP	399	100%

Fifty-eight of those named on the 1951 membership roll were over the age of 50, thus making them adults or in their late teens at the time of the 1915 roll and the 1926 roll (Duwamish 1951a). Twenty-one names (36 percent) from the 1951 roll appeared on the 1915 roll (Satiacum and Rogers 12/23/1915; Duwamish 1951a). Thirty-eight (66 per cent) of the individuals over the age of 50 in 1951 appeared on the 1926 constitutional roll (Duwamish 1926, 1951a). Seventeen names (29 per cent) on the 1951 roll who were adults or young adults in 1915 and 1926 did not appear on either of those two previous membership lists and eighteen names (31 percent) appear on both rolls (Satiacum and Rogers 12/23/1915; Duwamish 1926, 1951a). Sixteen of the individuals who were over 50 in 1951 (28 percent) appeared on the 1919 Roblin schedule of unenrolled Duwamish Indians (Roblin 1919; Duwamish 1951a).

1951 Mailing List

A copy of a record entitled "List of Members of Duwamish Indian Tribe" appears to be a mailing list, not a complete membership roll. It is a list of the adult heads of families and their mailing addresses. Of the 107 names on the list, about 50 names were not on the 1951 roll (Duwamish 1951a, 1951b).

1963

The "Duwamish Indian Tribe Membership Roll," dated October, 1963, lists 409 members and names 10 Council members. Ruth Eley Scranton was the Tribal Chairman and Ruby Scheuerman Wells was the Secretary-Treasurer. A cover sheet for this list was entitled "Tribal Land Claims Enrollment F/Y 1963." No addresses were given; however, there was a separate page naming 25 Canadian members (Duwamish 1963). Each of the 12 major families in the modern DTO had at least one family member on the 1963 membership roll (Duwamish 1963, 1989c).

There are about 16 other families on the 1963 roll who have no known descendants in the DTO (Duwamish 1963).

1971
On October 14, 1966, the 89th Congress passed Public Law 89-660, which was an act to provide the payment of a judgment to the Duwamish Tribe.

> Be it enacted . . . That the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements for eligibility: (a) they were born on or prior to and living on date of the Act, and (b) they are descendants of members of the Duwamish Tribe as it existed in 1855 (U.S. Statutes 1966).

A judgment roll identifying 1,166 individuals who qualified as recipients, was prepared and certified on August 20, 1971, by an enrollment officer at the Portland Area Office of the Bureau of Indian Affairs. This judgment roll lists the name, address, sex, birth date, ancestor, and basis for eligibility, i.e., great grandson, etc., of a Duwamish ancestor (U.S. BIA 1971).

In conjunction with the roll, the enrollment officer also compiled a record entitled: "Statement of Findings; Ancestors of Applicants Eligible for the Duwamish Judgment Act of October 14, 1966." The statement of findings explained how each of the families was determined to be of Duwamish descent. Probate records, other tribal census and enrollments, "the Re-enrollment of the Duwamish Tribe from December 23, 1915 through May 1934," Western Washington Agency records, and interviews with or affidavits from DTO officers were used to confirm or reject the ancestral lines (U.S. BIA n.d.). The BIA identified 31 ancestral Duwamish families who had descendants eligible for the judgment claims. Except for the Eley family, each of the DTO families have an ancestor on the 1971 BIA Judgment Roll (Duwamish 1992; U.S. BIA 1971).

In April of 1976, the DTO posted a copy of the judgment roll showing the names, birth year, and ancestor along with a notice for an upcoming election. The purpose for the posting was stated as follows:

> Preview and introduction for election of officers May 8th by the Duwamish General Council.
> To determine a completed role [sic] of the Duwamish Indian Tribe. To Augment our historical

> and legal records. To give opportunity to anyone wishing to share, historical articles related to our tribe, such as the effects of Chief Sealth, (Chief Seattle) that were kept in the John K. Ballard Estate for so long [emphasis in original.]
>
> LEGAL NOTICE FOR
> PREPARING AN
> ASSESSMENT OF DUWAMISH
>
> The following list is a preassesment [sic] of Duwamish, including the certified Duwamish Judgment Role [sic], prepared by the Bureau of Indian Affairs, 1971 including 1000 [The print is not clear but a written note at the end of the list shows 1045.] descendants of those ancestors approved for the Judgment Role [sic], and their heirs from a direct blood line who did not apply for the Duwamish Judgment [emphasis in original] (Duwamish 1976b; see also Duwamish 1976a).

The list included names of deceased persons to help identify living heirs not already listed. A hand-written note at the top of the notice says the compiled roll is of all combined records and is missing at least 20 people who were known, but not registered (Duwamish 1976b).

The petitioner refers to the "preassesment" list as the "BIA Land Claims Enrollment F/Y 1976." Both the 1971 judgment roll and the "BIA Land Claims Enrollment F/Y 1976" include individuals who were residents of reservations and/or members of other tribes, but who also had Duwamish blood lines and were thus entitled as heirs of the judgment claims to be on the rolls (U.S. BIA 1971; Duwamish 1976b).

1987

The Enrollment List for the Year 1987 was certified by the tribal council on October 16, 1987. It is a computer-generated roll of 364 names with a roll number, sex, blood degree, and family tree (ancestor). The roll was apparently prepared by Priscilla McLemore, the status clarification clerk, and Lynn Larson, who had been hired in 1984 to rewrite the petition (Duwamish 2/14/1984; Petition 1989, 4:1434).

1989

A "Supplemental Genealogical Report" was submitted with the Duwamish Tribe's petition for Federal acknowledgment on May 23, 1989. The report was prepared by the status clarification clerk and was certified by the chairperson and the council on October 2, 1989. The report, which contains

349 names, has the same format as the 1987 membership roll with additional reports of the live births for 1987-1989, deceased members, minors, an updated address list and a small list of those with no current address (Duwamish 1989b).

1991
The membership roll dated May 31, 1991, of 355 names was submitted as a "Supplemental Genealogical Report" to the petition. It was prepared by Cindy L. Williams, who is now the genealogist-research assistant and DTO Secretary-Treasurer. The 1991 roll has the same computer-generated format as the 1987 and 1989 rolls and includes an updated address list (Duwamish 1991).

1992
There are 390 names on the petitioner's membership roll dated May 31, 1992, which was prepared by the genealogist-research assistant and was certified by the chairman and council members. Included in the 390 was a separate "Official Minors Roll" of 79 names (junior members under age 21 according to the Constitution). Six live births were recorded for the year 1991, and were included with the 1992 minors (Duwamish 1992). There are 198 males and 192 females on the roll (Duwamish 1992). The membership roll does not include the names of any adopted or dually enrolled members.

The 1992 membership roll contains 42 names identified with "MP= membership file pending required forms" (Duwamish 1992). Of the pending memberships, 30 are minors. All of the pending memberships appear to be the siblings, children or grandchildren of other members. No "new" family lines were added to the 1992 roll.

A separate page entitled, "Official Deceased List 1992" is a record of the deceased members from 1970 to May 1992.

Current Membership
The 1991 and 1992 membership rolls are essentially the same except for the new births and the addition of 42 "pending" members. Since the 1991 membership roll was available for most of the acknowledgment process and since the 1991 roll included an address list, it was used as a basis for the statistics of the "current" membership.

The following table, based on the 1991 address list, which accompanied the 1991 membership list shows the geographic distribution of the petitioner's membership (Duwamish 1991). The numbers also represent the minor children who were named

on the 1991 membership list, but not specifically listed with an address. It is assumed that they were in the same household as the member parent(s).

TABLE II

RESIDENCES FROM THE 1991 MEMBERSHIP ADDRESS LIST

RESIDENCE	NUMBER	PERCENT
LIVING WITHIN WASHINGTON STATE	149	42%
LIVING OUTSIDE WASHINGTON STATE	88	25%
NO ADDRESS GIVEN	118	33%
TOTAL MEMBERSHIP 1991	**355**	**100%**

Of the 149 living within Washington state, 87 (over 21 percent of the 1991 membership) live in the counties of King and Pierce (the area near Puyallup and the King County border where Duwamish traditionally lived,) and in other areas around Puget Sound, such as Kitsap County, where the Duwamish families relocated after marrying pioneer settlers in the 1860's (U.S. Census 1860-1920). Although no address was given for 33 percent of the names on the 1991 membership list, the individuals had a parent or other close relative who did have an address listed.

TABLE III

DEFINITION OF THE 1991 MEMBERSHIP BY INDIAN BLOOD DEGREE

DESCRIPTION OF BLOOD DEGREE	NUMBER	PERCENT
1/2 or more blood degree	6	2%
1/4 or more blood degree, but less than 1/2	42	12%
1/8 or more blood degree, but less than 1/4	109	31%
Less than 1/8 blood degree	198	55%
TOTAL MEMBERSHIP 1991	355	100%

Although blood degree is not a qualification for membership or a requirement for Federal acknowledgment, the information is requested by the petitioner on its membership application

forms and recorded on the peititoner's membership rolls (Duwamish 1991, 1951a).

One hundred and two individuals on the 1991 membership roll were born after the closing date (October 14, 1966) of the judgment award. Of the 102, 27 have more than 1/8 blood degree (Duwamish 1991).

The following table demonstrates the relatively constant number of Duwamish descendants on each list or membership roll. The major exception in size was the 1971 list compiled by the enrollment officer of the Portland BIA Area Office, in conjunction with the October 14, 1966, Duwamish Judgment Act which was certified August 20, 1971. (See the section of this report (p. 17) on "Descent from a Historical Tribe.") The judgment roll included names of all persons of Duwamish descent who met the qualifications of the Judgment Act; therefore, it contains several hundred names of individuals with Duwamish ancestry who were not members of the petitioning group, i.e. the large majority of the names on the judgment roll (U.S. Statutes 1966).

The nine lists or rolls claimed by the petitioner reflect a consistent number of Duwamish descendants in each enumeration. The two government-generated rolls or schedules are not consistent because they were created for different purposes. The first, the Roblin Roll, was created to list Duwamish who were not enrolled on reservations, thus producing a smaller number, and the second, the 1971 judgment claims list, was created to list all persons of Duwamish descent, thus producing a much larger number. (See the historian's report for an analysis of the composition of the group despite consistencies in number.) At least one other list (May 1934) may have existed, but is currently not available. The lists support the view that persons identified as Duwamish leaders created rolls of Duwamish descendants at various times during the last 90 years (1915, 1926, 1951, and 1987 to 1992). The government-generated rolls, which have been used by the petitioner, provide additional information regarding descent and blood degree. (See Table V for the family lines that are represented on each of the rolls.)

TABLE IV

ROLLS and LISTS OF THE DUWAMISH DESCENDANTS

TITLE of ROLL or LIST	DATE	TOTAL
Organizational Enrollment Charles Satiacum/William Rogers	December 23, 1915	328
Roblin Schedule of Unenrolled Indians: D'Wamish Tribe*	January 1, 1919	148
1926 Constitutional Enrollment (Includes children born 1930-31, which were apparently added later.)	1926	398
Peter James Enrollment	1951 (July 1951)	399
Mailing List (Adults only)	About 1951	107
Tribal Claims Roll	October 1963	409
BIA Judgment List* (see explanation above)	August 20, 1971	1166
Membership Roll	October 16, 1987	364
Membership Roll	May 23, 1989	349
Membership Roll	May 31, 1991	355
Membership Roll (Includes 42 Pending Members)	May 31, 1992	390

*Government generated schedules and rolls.

IV. ENROLLMENT PROCEDURES

Article 4, Sec. 7 of the 1925 Constitution states that the secretary's duties include keeping a record of all applications for membership and:

> . . . he shall submit all membership applications of the tribe to the presiding Chairman at the annual convention, to be determined by the Board of Councilmen and the President (Petition 1989, 2:721).

Quotes from the DTO annual meeting's minutes show that the Chairman of the Council and members of the council reviewed and approved membership applications:

> Seven Council members checked and okayed new members and bills. Approved by Henry Moses (Duwamish 6/16/1956).
>
> Members of the Council met to approve or reject new members' applications (Duwamish 6/21/1958).
>
> There was also a discussion in regard to members that were delinquent in paying their annual dues and requirements for membership. It was decided that no new members were to be accepted without full approval of the Council (Duwamish 6/16/1962).

The current secretary-treasurer, who is also the genealogist-research assistant for the petitioner, maintains both family and individual membership files which contain the applications for membership as well as the ancestral charts and individual history charts (Field Data 6/4/1992).

The petitioner uses a 3-page application form with questions regarding the applicant's name, age, residence, tribal membership, percentage of Indian blood, family history, and ancestry (children, parents, grandparents, and great grandparents). Similar, but less detailed applications were used in the 1950's (Duwamish n.d.b).

In an interview, the current secretary-treasurer stated that an applicant fills out the form which is then reviewed by the tribal chairperson who usually recognizes that the applicant is the grandchild or other near relative of another Duwamish member, either past or present. The chairperson signs and issues a membership card. Although the secretary said that the council or the general membership do not formally recognize new members, it is not known what informal or internal council actions may occur (Duwamish 1992a). Since the additions to the membership lists since 1951 have been the children, grandchildren, or siblings of other members, the council may feel that formal recognition is not necessary.

The current enrollment process appears to be a natural continuation of previous practices. Applications are maintained by the tribal secretary, reviewed by the tribal chairperson, and accepted or rejected based on the elders',

chairperson's, or officers' knowledge of the applicant's family relationships or affiliations.

Dual Membership
Although the petitioner says it maintains a policy of not allowing dual memberships, it nonetheless keeps a record of 24 names of "Dually Enrolled Members" (Duwamish n.d.a). The list gives the individual's name and tribe. According to Cindy Williams, the dually enrolled do not vote or hold office and have been (or will be) notified that they can not maintain membership in two tribes. She also stated that they (the DTO) ask for letters of relinquishment, ". . . but we still think of them as Duwamish, just not official members" (Field Data 9/3/1992).

Only five names on the current roll also appear on recent membership rolls of recognized tribes. The names of four members of the Bagley family appeared on the 1987 Tulalip Roll. The petitioner's current chairman, a Garrison family member, appeared on the 1979 Suquamish Roll (U.S. BIA 1985). Records are not available at this time to clarify the actual membership status of these individuals.

Adoption
The constitution does not contain procedures for adoption. The exact number of adopted members is not known. Adoptees are not included on the membership rolls and do not vote. According to Cindy Williams, it is an honorary and informal sort of thing, " . . . mostly a social event with a traditional dinner" (Field Data 9/3/1992). At least one reference to adoptions was made in the council minutes.

> It was also announced that due to many years of service to the tribe, Ann [Rasmussen, council secretary] would like to have a dinner in honor of Zoe Fowler, Patti Perkins, and Priscilla McLemore to officially adopt them into the Duwamish Tribe. Dinner set for 7:00 pm, Oct. 8, 1987 (Duwamish 9/1/1987).

V. DESCENT FROM THE HISTORICAL TRIBE

In response to the Act of October 14, 1966 (U.S. Statutes 1966), to provide the payment of a judgment to the Duwamish Tribe, the enrollment officer at the Portland, Oregon BIA Area Office prepared and certified a judgment roll of 1,166 individuals as having descended from the historical Duwamish Tribe through 31 identifiable Duwamish ancestors. Twelve

other lineages were rejected by the BIA during the process of preparing the judgment roll for lack of reliable proof of Duwamish ancestry (U.S. BIA n.d.).

As previously stated, the enrollment officer also compiled a record entitled: "Statement of Findings; Ancestors of Applicants Eligible for the Duwamish Judgment Act of Oct. 14, 1966." The statement of findings explained how each of the families was determined to be of Duwamish descent. Probate records, other tribal censuses and enrollments, "the Re-enrollment of the Duwamish Tribe from Dec. 23, 1915 through May 1934," Western Washington Agency records, and interviews with or affidavits from DTO officers were used by the Agency to confirm or reject the ancestral lines (U.S. BIA 1971).

There are sixteen ancestral families represented on the petitioner's 1992 membership roll. Fifteen of these families were determined to be eligible for the 1966 judgment. One, the Lucy Bend Eley family, was declared ineligible; however, evidence uncovered during the acknowledgment review confirms that the Eleys were the descendants of Lucy Bend Eley, the daughter of a Duwamish woman and pioneer settler. Lucy Bend Eley died in child birth in May 1880 (Jackson 1981, 3).

Lucy's English husband, Henry Eley, and their two small children, Amy and [John] Roth, were twice recorded in the 1880 census. First, on June 10th Henry and his children were living in Port Orchard, just a few households away from Sarah Wood, Lucy's Indian mother (U.S. Census 1880b, 12-13). Other Duwamish families (Sackman and Garrison for example) were also living at Port Orchard. Apparently, Henry Eley, a logger, moved with his work, and on June 17th, the Sarah Wood and Henry Eley families were living <u>in the same household</u> just a few miles north of Port Orchard in Township 26 North, Range 1 East, Kitsap County (U.S. Census 1880b, 24).

Thomas Ross, who attended school with Lucy Bend Eley at Port Madison, wrote a letter in which he confirmed that an Indian woman known as Sarah Wood was Lucy's mother and that they resided at Poulsbo (Ross 11/8/1935). Poulsbo is in Township 26 North, Range 1 East, Kitsap County . A 1934 letter from Salem Indian School, Chemawa, Oregon confirms that John [Roth] Eley, "of the Duwamish Indian tribe," arrived at Chemawa on Nov. 4, 1893 (Ryan 11/22/1934).

These pieces of circumstantial evidence (the Salem School letter, the Ross letter, residence near other Duwamish families, census identification of Sarah Wood) and the fact that Eley descendants have been active in the DTO since 1950, affirm Duwamish descent.

Descendants of the 19th-century Duwamish leaders

Research shows that 386 (out of 390) of the petitioner's membership descend from 12 of the 16 ancestral families. Seven of the twelve families descend from, or are very closely related to, the nineteenth century leaders Seattle, Salmon Bay Curley, and Kwi-ahk-tib/Kwias-ten/Queauctor. Chief William Rogers, grandson of Kwias-ten, stated that Kwias-ten and Seattle were cousins through Seattle's Duwamish mother, Scholitza (Harrington n.d.; Petition 1989, 2:533).

Other nineteenth century headmen, Kitsap, Now-a-Chais, and Lake John (a.k.a. Union John), were not named among the ancestors of those eligible for judgments or as ancestors of the Duwamish on the Roblin Roll, nor do they have descendants on the petitioner's membership rolls (U.S. BIA n.d.; Roblin 1919). For Kitsap and Now-a-Chais it is assumed that they either died without issue or that their descendants settled early on one of the reservations and made no claims for Duwamish judgments.

On the other hand, Lake John had one surviving child, Jenny John Davis, who was a frequent affiant regarding Duwamish ancestry (Roblin 1919; Davis 1927). Jenny died in 1943 without issue but named her first cousin (Lake John's niece), Julia John Siddle, as her only heir (U.S. BIA 1947). Julia John Siddle and her husband Lyman Siddle were the progenitors of one of the petitioner's ancestral families. Therefore, the twentieth century Siddle family descends from the same family as the nineteenth century leader, Lake John.

Descendants of the 20th-century Duwamish leaders

Henry Moses (1900-1969), a great-grand nephew of Seattle who descended from Kwi-ahk-tib through his father and from a headman named Elk-Klah-Kum through his mother Jennie Mowitch Moses, and who was known as "the last chief of the Duwamish," is listed on the 1971 judgment roll; however, he died without issue and does not have descendants among the petitioner's membership (Miller n.d.; U.S. BIA 1971).

Other early twentieth century important Duwamish men, William Rogers (chief 1896-1925) and his son Peter Rogers (1863-1919) were both allotted land on the Port Madison

Reservation (Lane 1988, 12). Both have heirs on the 1971 judgment roll, but neither have descendants in the petitioner's current membership (U.S. BIA 1971). Charles Satiacum (chief or sub-chief 1915-1925), was married to a Puyallup woman and lived most of his life near Tacoma (Miller n.d.). Satiacum and Seattle's mother were both from White River, which adds evidence to the speculation that Satiacum and Seattle were closely related (Miller n.d.). Satiacum was not named as one of the eligible ancestors for the 1971 Duwamish judgment, nor are there Satiacum descendants in the petitioner's membership.

Peter J. James (chairman 1915-1947) was a grandnephew to Chief Satiacum and the grandson of Dr. James (buried next to Chief William at Renton) who was remembered by Duwamish elders as being a nephew of Chief Seattle (James 1928; Miller n.d.). Since Seattle and Kwias-ten were cousins, the James family connects to the leaders of both the nineteenth and the twentieth centuries (Miller n.d.; James 1928). Two of Peter J. James's eleven children have descendants in the DTO.

The petitioner's membership records

The petitioner maintains files of the membership in the DTO office. The files contain individual history charts, ancestry charts, and applications for membership, as well as birth and marriage records, obituaries and other genealogical materials that support the lineage claims (Duwamish 1992).

The petitioner has also prepared and submitted with the petition 12 computer-generated family trees that record the descending generations from the earliest historical Duwamish ancestor(s) through the present. There are no family trees for Moses, Napolean, Solomon, and Tswalwood lines which have only one descendant each in the current membership. The family trees record names, birth and death dates and places, and the names of spouses (Duwamish 1989c).

With the exception of the forenamed individuals and infants born since the family trees were prepared, all of the petitioner's membership is recorded on the family trees (Duwamish 1989c). Moses, Napolean, Solomon, and Tswalwood families shared in the Duwamish judgment award and it is expected that the four individuals on the membership roll will be able to prove their descent (U.S. BIA 1971).

There are 72 names on the 1991 roll (not counting the 42 "MP" or "Membership pending required forms" on the 1992

roll: see above) who are not on the individual history charts or ancestry charts which were submitted with the petition. Of the 72, 27 are minors and 14 were on the 1971 BIA judgment claims list (Duwamish 1991; U.S. BIA 1971). From the family trees submitted by the petitioner, they appear to be the children or grandchildren of other members. It is expected that these members will also be able to prove their descent.

Tribal affiliation of spouses of DTO ancestors

Historical accounts, Roblin's rolls and notes, censuses, and probate records identified the tribe or ethnicity of 94 individuals who married Duwamish ancestors named on the family trees that were submitted with the petition.[1] Only one of the 13 marriages that took place between 1850 and 1875 was between two Duwamish ancestors. The other 12 marriages (92 percent) were to non-Indians. During the next 25 years, 12 of the 40 marriages (30 percent) were to other Indians (including 4 individuals who were of Duwamish descent) and 18 (45 percent) who were non-Indians. The remaining 10 (25 percent) could not be identified as either Indian or non-Indian. From 1901-1925, 44 marriages were noted on the family trees. Of this number, 17 marriages (39 percent) were to Indians (none were identified as Duwamish), 12 (27 percent) were to non-Indians, and the rest (34 percent) could not be identified (Duwamish 1989c; U.S. Census 1860-1920; U.S. BIA 1985, 1885-1940, 1956 [Bagley], n.d.).

As the predominantly white population increased in the traditional Duwamish territory, so did the number of unions between the Duwamish and the immigrant population (including some Canadian Indians and Alaskan natives). Between 1926 and 1950, only 8 of the 102 individuals (less than 8 percent) who married Duwamish could be identified specifically as Indian or of Indian descent.

The following table shows who the ancestors of the petitioner have married in the generations since 1850.

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[1]The petitioner did not submit family trees for the Solomon, Napolean, Moses or Tswalwood families; therefore, the number of marriages and the statistics regarding the tribal affiliation of spouses may vary from those presented in the anthropologist's report.

TABLE V

DISTRIBUTION OF DUWAMISH MARRIAGE PARTNERS BY ETHNIC ORIGINS

YEAR	DUWAMISH DESCENT	OTHER INDIAN	NON-INDIAN	SPOUSE ETHNICITY UNKNOWN	TOTAL # KNOWN MARRIAGES
pre-1850	3	3	0	0	6
1851-1875	1	0	12	0	13
1876-1900	4	8	18	10	40
1901-1925	0	17	12	14	43
1926-1950	0	8	5	86	99
1951-1975	0	2	0	94	96
1975-1992	0	0	0	36	36
TOTAL	8	38	47	241	333

From this chart it is easy to see the decrease of marriages between Duwamish and Duwamish and between Duwamish and other Indians after the influx of the non-Indian population in the mid-1850's. The statistics of Table V were converted in Table VI to show the percent of marriages in each category to the total number of known marriages.

TABLE VI

DISTRIBUTION OF DUWAMISH MARRIAGE PARTNERS SINCE 1850

Total Number of Known Marriages	Percent of Duwamish Spouses	Percent of Other Indian Spouses	Percent of Non-Indian Spouses	Percent of Spouses of Unknown Ethnicity	Total Percent
pre-1850: 6	50%	50%	0%	0%	100%
1851-1875: 13	8%	0%	92%	0%	100%
1876-1900: 40	10%	20%	45%	25%	100%
1901-1925: 43	0%	40%	28%	32%	100%
1926-1950: 99	0%	8%	5%	87%	100%
1951-1975: 96	0%	2%	0%	98%	100%
1976-1992: 36	0%	0%	0%	100%	100%
Total: 333					

The higher percent of marriages between Duwamish and other Indians during the first 25 years of the twentieth century is due in part to the availability of the Federal censuses

and Roblin's rolls and notes that identified the origins of the individuals and their spouses.

In 97 percent of the marriages after 1951, the ethnicity or tribal origin of the spouse was not identified. The petitioner did not provide records identifying the Indian descent or tribal affiliation of the members' spouses. It should be noted that many of the same surnames as those of DTO spouses appeared on the Roblin Roll, on Indian censuses, and on rolls for western Washington tribes (Roblin 1919; U.S. BIA 1885-1940, 1985). Although it is possible that the membership of the DTO married other individuals of Indian descent, it does not appear, from the records available at the time of this report, that the non-Duwamish spouses had maintained tribal relations with federally recognized tribes in the Puget Sound area (U.S. BIA 1985).

VI. POTENTIAL MEMBERSHIP

Using the family trees submitted by the petitioner as the basis of information, there are approximately 160 unenrolled individuals who have a parent or sibling on the current roll and who are themselves potential members of the Duwamish Tribal Organization (Duwamish 1989c).

There are several families listed in the 1915 list, the 1926 list, or the Roblin Roll who may have living descendants who are eligible for membership with the petitioning group (Satiacum and Rogers 12/23/1915; Duwamish 1926; Roblin 1919). Indian censuses, the Federal censuses, and the notes and applications with the Roblin Roll show that the majority of these families were already enrolled with other western Washington tribes by 1919.

The 1971 judgment claim list identified 1,166 individuals who were of Duwamish descent, but fewer than 400 have had continuing contact with the petitioner. Some individuals and families from the 1971 list are enrolled in other tribes; however, they, and the rest of the 1971 claimants, could potentially become members in the DTO (Roblin 1919; U.S. BIA 1971, 1985).

Although the following families have individuals on the petitioner's membership rolls, there are other descendants of these families who are enrolled elsewhere--Tulalip 1979,

1987; Puyallup 1987[2]; Suquamish 1979, 1987; Muckleshoot 1987, 1988; Swinomish 1985; and Lummi 1942, 1985.

Duwamish families with reservation connections
Tulalip: Garrison, Siddle
Swinomsih: James,Siddle
Puyallup: Garrison, Siddle
Suquamish: Garrison, Fowler
Muckleshoot: Hawk, Siddle
Lummi: James

VII. RECORDS REPORT

Census background information
In 1790, the United States began taking a census of the population of each state and territory. It is taken every 10 years in order to proportionately distribute the number of Congressmen elected to the House of Representatives. Along with the population census, other statistical information is gathered in a door-to-door canvass of households and individuals. The statistics vary from year to year, but generally (after 1850) include the individual's name, age, sex, occupation, place of birth, relationship to the head of the house and race (white, black, mulatto). It should be noted that "Indian" was not used officially as a racial designation until 1870.

The census was taken by marshals and assistant marshals of the U.S. judicial districts. The accuracy of the census data gathered depended on the competence and diligence of the officer and the competence and veracity of the person being interviewed.

Although the censuses were not created with future genealogists or family historians in mind, they do provide a wealth of information about family life, structure, residence, origins and migration. In the case of the ancestors of the petitioner, they help to confirm identification as Indian (in some cases specifically as Duwamish) and to establish continuous residences of families (U.S. Census 1860-1920).

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[2]All citations in this section refer to [BIA 1985] Alphabetical Listing, PSA Tribes. "People System." Integrated Reports Management System (Run Date 12/13/86) BAR files.

Genealogical Report -- Duwamish

Washington Territory was formed from Oregon Territory in 1853 and became the 42nd state in 1889. There were several censuses initiated by the Auditor's Office of Washington Territory between 1853 and 1889, two of which, the 1871 and 1887, have been used in this report.

Federal census records used in this report for the area that is now Washington State cover the decennial years 1860 to 1920 (except 1890 and some counties in 1860 and 1870.) Indians were not identified on the 1860 Washington census, therefore it is not possible to identify Indian settlements. The Indian spouses of white settlers were not named or listed with their spouses on the 1860 schedule (U.S. Census 1860). However, by locating the non-Indian spouses of the Duwamish on the Territorial and Federal censuses, the probable residences of the Duwamish populations can be identified. The pioneer progenitors of Sackman, Garrison, Tuttle, and Fowler were living at Port Orchard or Port Madison, Kitsap County while H.P. O'Brien [sic] resided in Seattle, King County.

1870

The 1870 instructions to the assistant marshals for enumerating Indians were:

> "Indians not taxed" are not to be enumerated on schedule 1. Indians out of their tribal relations, and exercising the rights of citizens under State or Territorial laws, will be included. In all cases write "Ind." in the column for "color." Although no provision is made for the enumeration of "Indians not taxed," it is highly desirable, for statistical purposes, that the number of such persons not living upon reservations should be known. Assistant marshals are therefore requested where such persons are found within their subdivisions, to make a separate memorandum of names, with sex and age, and embody the same in a special report to the census office (U.S. Dept. of Commerce 1989, 27).

In most cases the Indians were enumerated; however, the Indian spouses of the pioneer settlers are not enumerated in the same household as their husbands in Kitsap or King County. The assistant marshal for King and Pierce Counties, Washington, counted the Indians and other non-whites, but segregated the members of families who were not white from the white father and listed them separately under pages entitled, "Halfbreeds not otherwise counted," "Chinese," and

"Indians." These latter entries were not listed by city, township, or other political designations, but were "lumped" at the end of the King County schedule. Since the white population was canvassed house-by-house in defined civil areas, we can see that the Indian wives and children were recorded roughly in the same order as their pioneer counterparts and that other Indian families were living near them (U.S. Census 1870b).

The assistant marshals for Whatcom, San Juan, and Kitsap Counties listed everyone in the household and identified each individual as being either "W" (white), "B" (black), "Mu" (mulatto), "I" (Indian) or in many cases "W/I" or "W 1/2 I" for half white and Indian. The term Mulatto was to be used for anyone ". . . having a perceptible trace of African blood" (U.S. Dept. of Commerce 1989, 26).

In Kitsap County, the census records consistently list the white (or black) settler and his children, but the Indian spouse is omitted. The children of the settler were either identified with the father's racial designation or as "HB" for "Halfbreed" (U.S. Census 1870a).[3] No separate schedule showing Indian spouses or other Indian households was found for Kitsap County.

The following chart illustrates how the designations were used in King County. Many of the whites listed are known (from other sources) to have married Duwamish and the "Half-breeds" and "Indians" columns contain names of Duwamish descendants identified from the Roblin Roll and other historical documents. This chart does not reflect the entire population of King County.

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[3]This distinction could have been made to help boost the white population to the required numbers for statehood. No separate census or segregated list of Indians has been found for Kitsap County 1870.

TABLE VII

1870 CENSUS KING COUNTY, WASHINGTON

POPULATION SCHEDULE:				"HALF-BREEDS NOT OTHERWISE COUNTED"[2]			INDIANS:[1]		
DWELLING	*NAME*	*AGE*	*B.P.*	*NAME*	*AGE*	*B.P.*	*NAME*	*AGE*	*REMARKS*
LAKE WASHINGTON PCT.									
p.33				p.48			p.49		
356/274[3]	Moses Graff	36	Can	Alex McDonald	28	WT	Chief Curley	60	Flathead
	Marcel Massett	38	"	Mary Graf	18	BC	Mrs. Curley	50	
275	John Deshong	55	"	Matilda Graf	1	WT	Boy Curley		
276	Nelsen Martin	43	Swe				Betsey Curley	20	
277	N.H. Brown	50	"						
280	Wm. Clark	40	MD				Harriet Sebolt	46	
							Charlie Sebolt	21	
							Mrs. Moses	50	
							(Others include Sampson, Jack, Kittle and John families)		
p.3									
364/	A.J. Tuttle	46	NY	Nellie Tuttle	7	WT	Canim (Family)		
365/	Saml Higgs	44	NY	Lucy Tuttle	5	WT			
	S. Pratt	40	CT	Louisa Tuttle	3	WT	p.50		
	G.C. Hubbard	40	IL	Amelia Tuttle	1	WT	Canim, Bill, Tom Families		
	Edward Trimble	29	IN				Sam (Family) [Sam Tecumseh?]		
366/	John Craige	26	Sea						
368/	Benj. Gardner	28	NY	Delfien Gardner	4	WT	Moses (Family)		
				Francis Gardner	3	WT	Jim Keokuk	20	
				Salina Gardner	1	WT	Nina Borst/Post	18	
369/	Wm. Sawyer	37	Eng	Peter Sigander	30		(Others)		
	John Hanson	28	Nor	Fannie Cosgrove	7		p.51		
	Moses Gardner	34	Can				Nancy	20	Flathead
							Moses	30	
							Katie [Moses]	20	
							(Others)		
ON or NEAR DUWAMISH RIVER [PCT.]									
p.36 (p.98)									
385/363	Wm. Buck	35	ME	____ Brost/Post[4]	3mo.		p.52		
398/367	Lewis Post	23	IL				Steelman [Family]		
				Emma Thompson	9		Mrs. Bill	28	
				Lyman Siddle	6		Bill Snoqualmie	25	
				Edward Trimball	7		Mrs. Proctor	20	
				James Trimball	2		Mrs. McDonald	30	
				_____Trimball	3mo		Mrs. Deshong		
SEATTLE PCT.									
p.15 (p.106)									
125/	G. Proctor	41	ME	Joseph Sebolt	14		Dick [Family]		
125/	John Frenchie	38		George Sebolt	12				
				Terrie Sebolt			p.53		
				Mary Sebolt	8		Mrs. Hanson	25	
				Harry Sebolt	5		Mrs. Gardner	18	
				Peter Sebolt	7				
WHITE RIVER PCT.									
p.41 (p.115)							p.54		
347/	R. Jeffs	35	NY	Wm. S. Bardwell	12		Mary Jeffs	22	

1.This is not the complete list of Indians living in King County, but is only a list of the names that appear to be the wives and the near neighbors of the whites listed in the first column. The original order is maintained in this list (Census 1870b).

2.This is a complete list of names under the heading of "Half-Breeds." There are no civil divisions on this list, or breaks in the original list of names to indicate separate households or families. Ages and birthplaces are not shown for every individual on the list. "WT stands for Washington Territory" and "BC" stands for British Columbia, Canada (Census 1870b).

3.The first two columns of the census were for the "Dwelling-houses, numbered in order of visitation" and "Families, numbered in order of visitations." Dwellings and families were to be numbered consecutively, within a township or ward (Dept. of Commerce, p.26).

4.The handwriting is very bad on the original and the print is faint. It could be "Post," "Borst," or "Buck."

1871
The 1871 Territorial census for King County shows the pioneer settlers and their children by Indian spouses. The Indian spouse was not recorded (WA Territory 1871).

1880
Beginning in 1880, the census enumerations listed all members of a household, including individuals of all racial designations. Again, the census takers were given specific instructions regarding counting the Indian population.

> It is the prime object of the enumeration to obtain the name, and requisite particulars as to personal description, of every person in the United States, of whatever age, sex, color, race, or condition, with this single exception, viz: that "Indians not taxed" shall be omitted from the enumeration.
>
> Indians
>
> By the phrase "Indians not taxed" is meant Indians living on reservations under the care of Government agents, or roaming individually, or in bands, over unsettled tracts of country.
>
> Indians not in tribal relations, whether full-bloods or half-breeds, who are found mingled with the white population, residing in white families, engaged as servants or laborers, or living in huts or wigwams on the outskirts of towns or settlements are to be regarded as a part of the ordinary population...and are to be embraced in the enumeration (U.S. Dept. of Commerce 1989, 30).

Individuals identified as Indian in the general populations schedule of 1880 can be categorized as: (1) ancestors of the petitioner, (2) collateral relatives of the petitioner, (3) descendants of the historical tribe, and (4) other Indians. Some Duwamish[4] descendants of pioneer marriages were living in close proximity of one another and with other Indians, including other Duwamish households. Each of the following precincts in King County had households with individuals

[4]The individuals were only identified as Indian on the 1880 census; however, the 1900 and 1910 censuses, Roblin Rolls, Duwamish membership rolls, BIA judgment claims files, and other historical documents help to prove that they were Duwamish or of Duwamish descent.

identified as Indian: Milton (2 households), Salmon Bay (2 households), Renton (19 households), Duwamish (12 households), Lake Washington (3 households), Juanita (3 households), and Lake Union (4 households). In addition, in the City of Seattle, a small number of Duwamish resided on Water Street, including a Moses family and Angeline Seattle, the 70 year old daughter of Chief Seattle (U.S. Census 1880a). Chief William Rogers, his extended family, and as many as seven other Indian households were in Cedar River Precinct. Ancestors and collateral relatives of the petitioner were living in each of the above communities. Some of the Indians were still being identified by their Indian names, others were known only by a "Boston" (English or Christian) given name, and others had both given and last names. Their occupations were listed as laborer, fisherman, hunter, farm laborer, and washerwoman or as keeping house (U.S. Census 1880a-d).

In Kitsap County, pioneer settlers Garrison, Sackman, Eley, and Fowler, who married Duwamish women, were living at Port Orchard and Port Blakeley. The settlers were working as loggers, as were the other Indians in the area (U.S. Census 1880b).

Two other pioneer settler/Duwamish families, the O'Bryants and the Moores, were farming at Ship Harbor, Whatcom County and on nearby Orcas Island in San Juan County (U.S. Census 1880a).

Special 1880

A Special Indian Census of 1880 (actually taken in March 1881) enumerated many Indians who were living within the jurisdiction of a reservation or agency, including those who were not residents of the reservation and had not "mingled" with the white population. Two locations had individuals who were enumerated as Duwamish on this Special Census.

The first such location enumerated two Duwamish who resided at the Tulalip Agency (U.S. Census 1881, pt. I, p. 95). At the second location, 62 individuals were identified as the "D'wamish on the D'wamish River" [sic] (U.S. Census 1881, pt. II, p. 47-60). They were identified by traditional names and, in only some cases, English names as well. At least two of the families along the Duwamish River (Moses

and possibly Ambrose Bagley[5]) appear to be either direct ancestors of the petitioner or collateral relatives, thus linking some of the modern DTO with the Duwamish along the Duwamish River (U.S. Census 1881, pt. II, p. 47-60).

1887

The 1887 Territorial census was recorded in a limited alphabetical system with the families listed A to Z. That is to say, all of the people with "A" surnames are recorded on the same pages and all of the "B" surnames on separate pages, and so on. It is not possible to see communities, but the individual families are identified and listed by household. In this year, the pioneer settler and his children by an Indian mother were enumerated in the same household (WA Territory 1887).

1900

The Federal censuses of 1900 and 1910 included separate Indian schedules that show the Indian populations living within a given township or precinct as well as the Indians living on the reservations (U.S. Census 1900a-b, 1910). Valuable information regarding the origins and tribal affiliations of the individuals can be found in these census records (U.S. Census 1900b).

In 1900 the tribe of the individual and that of his parents was recorded. The Indian population at Renton is listed as being from the Cedar River Tribe; Cedar River being a traditional home of the Duwamish. Thirteen families at Port Washington, Kitsap County, stated that they and their parents were Duwamish[6] (U.S. Census 1900a).

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[5]Kla-lal-kin/Moses aged 45, Que-duit/Katy aged 45, daughter Jenny 18, son Stau-kal-co/Moses aged 5, and granddaughter Sarah aged 1 appear to be Dr. Moses and Kate, parents of Charlie Moses who was born in 1865 and of Annie Moses (born after 1880) who married Peter Rogers. Conclusive proof of the connection to the current generation cannot be made since there is no ancestry chart for the one Moses descendant in the DTO. There was a one year old child, Ambrose, in the household of Dan Ce-a-lai-lis and Philomena Ce-a-chuid. Although no surname is given for the child, he is the right age to be the man later known as Ambrose Bagley. There was no other Bagley family or child named Ambrose who could be Ambrose Bagley.

[6]Census enumerators were instructed:

> If the Indian was born in this country answers should be obtained, if possible, to inquiries...relating to the state of birth of the person and of his or her parents. In any event secure the name of the tribe with which the person is connected and the name of the tribe of his or her parents,

Peter James, a resident of Lummi Reservation [his wife was Lummi] and later a chairman of the Duwamish Tribal Organization, gave his tribe as being White River (one of the traditional Duwamish residences) and his father's as Duwamish. Kittle, an 85-year old resident of the Swinomish Reservation, named his tribe simply as "Old Seattle Tribe" (U.S. Census 1900a).

In some cases the tribe was only noted as "Flathead" or "Old Man House." In this case, "Flathead" did not refer to the tribe from Montana, but was a slang term for the Indians of western Washington. "Old Man House" was the name of the village or longhouse that was the traditional home of Chief Seattle. In later years the term was used synonymously for the Port Madison Reservation. Indians in 1900 listed with "Old Man House" as their "tribe" may have had social or genealogical ties to either the Duwamish or the Suquamish who were settled at Port Madison.

There were 45 heads of households at Port Madison on the 1900 census. The census taker listed their tribe, and the tribes of their respective parents, as "Old Man House." There was an explanatory note written at the top of the census page showing William Rogers (Chief William of the Duwamish), which states:

> "These families [are] away from home, at Puyallup. Atch. [sic] Information taken from the roll kept [by] the "Indian Farmer" and his personal knowledge" (U.S. Census 1900a).

Ancestors of the DTO were also found in the general population schedules of the 1900 census where they were identified as Indian, "I/W," "1/2 I," "white," or "black."

1910

Again in 1910, "Duwamish" and "Flathead" were used to identify the tribes of the Duwamish families. The children of Duwamish who resided on reservations, but who were attending [boarding at] the Indian School at Tulalip, were identified by the reservation's name; i.e., Lummi, Muckleshoot, or Port Madison rather than by the actual tribe of descent (U.S. Census 1910).

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and enter the same in column 30, 31, and 32 (U.S. Dept. of Commerce 1979, 39).

The ancestors of the petitioner were enumerated in both the general population and the Indian population schedules in 1910. As in 1900, the individuals were racially identified as Indian, white, black, and "mixed."

1920

There was no separate schedule for Indians in 1920; however, individuals were identified as "Indian" in the category of "color or race." Of the thirty-four households in 1920 that have been identified as direct ancestors of the petitioner, 10 were identified as Indian and 24 as white. Three of the Indian families were living off-reservation as were the white families. None of the households contained both Indian and white residents. Although three of the households in Tracyton Precinct, Kitsap County were identified as white, a marginal note by the census taker reads, "these families are 1/2 and 1/4 breed Indian" (U.S. Census 1920).

In addition to the Federal and Territorial censuses, there were various Indian censuses taken by agents of the BIA of the Reservations under their jurisdiction. Some of the Duwamish who had married Skokomish, Clallam or Lummi appear with their spouses and families on censuses of other reservations (U.S. BIA 1885-1940). Some Duwamish received allotments or were residents at Port Madison, Tulalip, and Muckleshoot Reservations (U.S. BIA 1885-1940).

Census summary

The censuses showed that many of the petitioner's ancestors continued to live in the general area of their traditional homes in King County as well as in Kitsap County where logging jobs and land allotments were available to the Duwamish. Those who moved outside of the area did not go far, but followed their pioneer settler husbands onto farm lands that were in nearby precincts or counties or onto the reservations of their Indian spouses. The vast majority remained within the bounds of Puget Sound.

In summary, all of the ancestral families of the current membership were identified as either Indian or as Duwamish on at least one Federal census between 1870 and 1920. The Duwamish were first identified by name and residence on the 1870 Federal census. Duwamish Indians appeared as "Indians" on the regular enumerations in 1880 and perhaps two families as "Duwamish" on the Special Indian Census of 1880. They also appeared in the population schedules of 1900, 1910, and 1920 and in the separate Indian population schedules of 1900 and 1910 (U.S. Census 1880a-d, 1900a, 1910, 1920).

Explanation of the Roblin Roll

Because the Duwamish (and other western Washington Indians) refer to the Roblin Roll as a basis for establishing their ancestry, it is important to understand the origins and purposes of this roll or schedule.

In a letter dated November 27, 1916, Commissioner Cato Sells instructed Special Indian Agent Charles E. Roblin to examine "a large number" of applications from individuals who had northwest Washington tribal heritage, and were trying to get allotments of land. The applications were gathered by Thomas G. Bishop, President of the Northwestern Federation of American Indians, who was trying specifically to get allotments on the Quinault Reservation for as many as 2,000 to 3,000 applicants from various tribes (Sells 11/27/1916, 5).

In conjunction with examining the Quinault applications, Roblin was also instructed to make a separate enrollment of the applicants who could not be enrolled at Quinaielt but were determined to be "unattached and homeless Indians who have not heretofore received benefits from the Government" (Sells 11/27/1916, 5).

Sells explained that many of the applicants who were not entitled to enrollment on Quinaielt probably belonged to reservation tribes and that some might be entitled to rights with those tribes on the reservations. For the Department to determine their rights on reservations, they would have to submit formal applications and provide the necessary evidence or testimony (Sells 11/27/1916, 5-6).

To this end, Sells also provided Roblin with background information on the Department's position regarding descendants of Indians who had married non-Indians and who may or may not be living in tribal relations.

> Under the recent rulings of the Department . . . it is now necessary for an applicant in order to obtain enrollment and allotment to establish by satisfactory evidence that he was once a properly enrolled and recognized member of an Indian tribe and sustained tribal relations therewith. It has also been held by the Department that where one of the parents of an applicant is an Indian and leaves his or her people and marries among the whites, the children of such a marriage are not entitled to any benefits whatever with the tribe so abandoned and must not be enrolled. However,

> the fact that an applicant might not be entitled under the decisions mentioned to enrollment would not prevent his enrollment and allotment provided the tribe should voluntarily adopt him and there be sufficiently good reasons to warrant the approval of the tribal action by the Department. In some cases it has been held that long years of affiliation or residence with the Indians on a reservation, intermarriage with the tribe, having rendered services thereto, being a proper person to be allowed to reside among the Indians, etc., would be sufficient to warrant favorable action in cases of adoption (Sells 11/27/1916, 7).

Specific reference was made to the Indians of the Puget Sound area.

> It is probable that many unattached Indians, especially of the Puget Sound region, who have not submitted applications through Mr. Bishop, will ask enrollment. These are to be included in the separate enrollment and report to be made by you (Sells 11/27/1916, 8).

The actual manner in which Roblin was to make the investigation and separate enrollment was left to his own judgment; however, he was advised to group families together and show both the English and Indian names, the age, sex, family relationship, amount of Indian blood and tribe or band, birthplace, residence and whether allotted on public domain or elsewhere. These guidelines followed/paralleled the information required on the Quinaielt applications.

The "Roblin Roll" as it is now known, is a schedule of the unenrolled Indians of western Washington who were descendants of historical tribes. The documents that enabled Roblin to compile the roll include the Bishop applications, additional applications taken by Roblin, letters and affidavits regarding tribal origins and tribal memberships, as well as Roblin's own notes on many of the families.

Roblin addressed a letter to Chas. A. Reynolds in 1917 in which he defined his asignment.

> In my work with the Dwamish [sic] tribe I find that they claim that they have a claim, as a tribe, against the Government for unfulfilled treaty provisions, and they believe that all

> Indians who have Dwamish blood in their veins, no matter what their present tribal affiliation may be, would be entitled to share in whatever settlement was made with them, as a tribe...I told them that my work did not contemplate making an enrollment of these claimants; but that, merely for the sake of assisting them in making up their list of claimants, I would take statements from any Indians of Dwamish blood, and in case they were already enrolled, or enrolled and allotted, I would not include these statements with my reports, but would turn them over to Judge Griffin[7] for his use [emphasis in the original] (Roblin 6/28/1917).

As a result, Roblin compiled a list of 148 (including 4 deceased) "Unenrolled Indians of the Duwamish Tribe," which along with similar lists of other unenrolled Indians, came to be known as the Roblin Roll. The Bishop applications and Roblin's supporting documents show that approximately 85 Indians of Duwamish descent were either already enrolled with other tribes or were living on reservations, primarily Puyallup, Port Madison (Suquamish), Tulalip, and Muckleshoot (Roblin 1919).

The Garrison, James, Scheuerman, Moses, Sackman and O'Bryant families were on the Roblin Roll as "unenrolled Indians of Duwamish Tribe." Nine other ancestral families of the modern DTO have their Duwamish lineages identified in the affidavits, correspondence and notes which support the Roblin Roll (Roblin 1919).

The following circumstances explain why some Duwamish families were not on the Roblin Roll or mentioned in the accompanying records. John Hawk was half Skokomish; he and his Duwamish wife Emily Hines and their family had been living with the Skokomish at Puyallup Agency as early as 1900 (U.S. Census 1900a; U.S. BIA 1885-1940, G-165). Ambrose Bagley and his family were allottees on Tulalip Reservation (U.S. Census 1900a, 1910; U.S. BIA 1956). Lucy Bend Eley died in childbirth, leaving two small children who were raised by a white family (Jackson 1981; Ross 11/8/1935).

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[7]Arthur E. Griffin was an attorney from Seattle representing the Duwamish (Duwamish 12/22/1917).

The 148 individuals represent twenty-two identifiable families. Twelve of the family heads stated the birthplaces of their Duwamish ancestor(s) as being Cedar River, White River, Renton, Ballard, Orilla and Vashon Island in King County, and Chico in Kitsap County (Roblin 1919). With the exception of Chico, Kitsap County, these communities, are all within the traditional territory of the Duwamish (U.S. Census 1860-1920; Lane, 1975).

VIII. ANALYSIS

Analysis of the petitioner's records and of other primary documentation demonstrates that the current membership of the Duwamish Tribal Organization descends from individuals and families of Duwamish ancestry.

More than 94 percent of the 1992 membership either appear on the 1971 BIA judgment roll as eligible heirs or are the descendants of persons on the 1971 roll (U.S. BIA 1971; Duwamish 1991, 1992). Approximately 20 percent of the individuals who shared in the judgment award are on the petitioner's membership roll. Approximately 6 percent of the present membership descend from the 1915 list. More than 81 percent of the present membership descend from individuals on the 1926 Duwamish constitutional roll (Duwamish 1991, 1926). More than 86 percent of the present membership descend from individuals who had Duwamish descent attributed to them on the Roblin Roll (Roblin 1919).

Seven of the sixteen families that make up the petitioner's membership (over 70 percent of the total members) are related to Chief Seattle's family. Three other families also descend from other important Duwamish traditional leaders of the nineteenth century (U.S. BIA n.d., 1939, 1953; Buerge 1985).

The petitioner's membership lists show that the membership has consistently descended from Duwamish Indians. Ten of the sixteen families who are on the current membership roll were represented on the 1915 roll and 13 of the 16 families were on the 1926 roll (Satiacum and Rogers 12/23/1915; Duwamish 1926, 1992).

Descendancy charts created during the acknowledgment review confirm the lineages claimed by the petitioner's family trees, individual history charts, and ancestry charts.

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