
(6) Final Determination Documents

- January 3, 2001

Note to readers:

This Final Determination to acknowledge to Chinook was reversed in a reconsidered Final Determination, which changed many of the statements concerning the evaluation of evidence in the Final Determination.

The evaluation and summary of evidence under the criteria in the Reconsidered Final Determination take precedence over any statements in the Final Determination which are in conflict with statements and findings in the Reconsidered Final Determination.

Summary Under the Criteria and Evidence for
Final Determination For Federal Acknowledgment

of the

Chinook Indian Tribe / Chinook Nation
(formerly: Chinook Indian Tribe, Inc.)

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

Approved: January 3, 2001
(Date)

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INTRODUCTION

ABBREVIATIONS AND ACRONYMS USED IN REPORT

ANA	Administration for Native Americans
AS-IA	Assistant Secretary - Indian Affairs
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs
BIA	Bureau of Indian Affairs
CIT	Chinook Indian Tribe, Inc. (the Petitioner, prior to January 10, 1998)
CIT/CN	Chinook Indian Tribe/Chinook Nation (the Petitioner)
CN	Chinook Nation, Inc.
CT	Chinook Tribes, Inc.
Ex.	Documentary Exhibit submitted by the Petitioner
FD	Final Determination
ICC	Indian Claims Commission
PF	Proposed Finding
RG	Record Group
STOWW	Small Tribes Organization of Western Washington
Summary	Summary Under the Criteria (the AS - IA's decision)

BASES FOR THE FINAL DETERMINATION

This Final Determination (FD) is based on a consideration of both the evidence supporting the Proposed Finding (PF) and new evidence and arguments submitted by the petitioner and third parties in response to the PF. The FD is based on all of the evidence before the Department. Therefore, this FD should be read together with the PF Summary Under the Criteria (PF Summary) and the Historical, Anthropological, and Genealogical Technical Reports which were prepared for the PF. In compliance with the Assistant Secretary - Indian Affairs' (AS-IA) February 2000 directive (65 FR 29, p.7052), the documentation submitted by the petitioner and third parties for the FD has been summarized in charts rather than in technical reports.

ADMINISTRATIVE HISTORY

1. Administrative History of the Proposed Finding. The Bureau of Indian Affairs (BIA) received a documented petition for Federal acknowledgment from the Chinook Indian Tribe, Inc. (CIT) on June 12, 1981. The Branch of Acknowledgment and Research (BAR) conducted an "obvious deficiency" (OD) review of the petition and sent a letter dated March 18, 1982, outlining deficiencies in the petition. The group submitted a revised petition in July 1987. The BIA issued a second OD review letter dated November 1, 1988. The petitioner continued to research and revise its petition, and to correspond frequently with the BIA for technical assistance. The petitioner sent a letter on August 13, 1992, requesting that its petition go on active consideration. The CIT petition was placed on active consideration on January 28, 1994.

A Chinook Tribal Council Resolution dated January 10, 1998, formally changed the name of the petitioning entity to the "Chinook Indian Tribe/Chinook Nation" (CIT/CN). This resolution had two primary purposes. One was to clarify a joint resolution between the Chinook Indian Tribe and the Chinook Nation of June 19, 1982, in which "the leaders of the Chinook Nation lawfully and officially resolved . . . that the Modern Day 'Chinook Indian Tribe' was the Political Successor in Interest to all matters of the Chinook Indian Tribe (or Chinookan Peoples)." By the 1982 resolution, the petitioner clarified that the two names, Chinook Indian Tribe and the Chinook Nation, had been used interchangeably (both internally in its minutes and other documents, and externally by others) in describing the Chinook Indians. The second purpose of the January 10, 1998, resolution was to state that the "Chinook Indian Tribe, Inc.," was a non-profit corporation owned by the Chinook Indian Tribe/Chinook Nation. To better distinguish the non-profit organization from the petitioner, the tribal council adopted the name Chinook Indian Tribe/Chinook Nation. The name "Chinook Indian Tribe" and acronym "CIT" were used throughout the PF to define the petitioner. In compliance with the group's resolution and letter of explanation, this FD will refer to the petitioner as the Chinook Indian Tribe/Chinook Nation (CIT/CN) or 'petitioner.'

The Federal acknowledgment regulations were revised effective March 28, 1994. By a letter dated April 21, 1994, the petitioner chose to continue the acknowledgment process

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under the previous regulations published in 1978, as allowed in the revised regulations at 83.3(g). Pursuant to 25 CFR §83.9(f), the AS-IA was to publish a PF in the *Federal Register* within one year of a petitioner being placed on active consideration. However, this same regulation allowed the AS-IA to extend the period for up to 180 days upon a showing of due cause to the petitioner. By letter dated February 24, 1995, the AS-IA extended the time for publishing a PF to June 27, 1995. On March 21, 1996, the AS-IA exercised the authority delegated to her by the Secretary of the Interior under 25 CFR §1.2 in 290 DM 8, and waived the requirement to publish a PF within the time-frame of the regulations by showing good cause. This waiver was issued under the 1994 regulations §83.10(g), which provides that the AS-IA can suspend consideration of a finding for good cause, specifically naming administrative problems as being good cause. The AS-IA extended active consideration of the CIT to July 31, 1996. The AS-IA's PF against Federal acknowledgment of the Chinook Indian Tribe, Inc. was published in the *Federal Register* on August 22, 1997.

2. Administrative History for the Final Determination. The CIT/CN reconsidered its previous decision to proceed under the 1978 regulations, and in February 1995 asked if the BIA would allow the CIT/CN to have its petition evaluated under the 1994 regulations. However, before the BIA responded to this request, the CIT/CN attorney informed the BAR that the CIT/CN had decided to continue under the 1978 regulations. Therefore, the PF was conducted under the 1978 regulations. On December 31, 1997, the CIT/CN asked for "an opinion of whether or not the BAR would allow the Chinook Indian Tribe's petition for Federal acknowledgment to proceed under the 'New Regulations' of 1994." The BIA considered this request, but advised, by a letter dated March 13, 1998, that it could not evaluate the CIT/CN final determination evaluation under the 1994 revised regulations because (1) the petitioner had twice affirmed that it wished to proceed under the 1978 regulations, (2) an evaluation under either set of regulations would ultimately produce the same results, and (3) a change [at that late date, which was after the publication of the PF] would neither reduce the research burden on the Government's researchers nor provide benefits for the administrative process of the petition (BIA 3/13/1998). The AS-IA upheld this position in May 1998 (AS-IA 5/29/1998). In this FD, as an alternative basis for acknowledging CIT/CN, the AS-IA concludes that he erred in denying the request to proceed under the 1994 regulations. Therefore, this final determination of the CIT/CN petition was evaluated both under the 1978 regulations and under the provisions of the 1994 regulations concerning petitioners who have demonstrated previous Federal acknowledgment.

In a letter dated December 17, 1997, the BIA granted the petitioner's request for an extension to the comment period to June 15, 1998. In the absence of specific provisions in the 1978 regulations, the time frames and procedures in the 1994 regulations were used to provide an appropriate guide to extend the comment period. The BIA granted the petitioner a final 45 day extension to respond to the PF, after the CIT/CN had shown good cause, thus bringing the closing date for comments to the PF to July 30, 1998.

The BIA received third party comments from CIT/CN member Linda C. Amelia on July 22, 1998, and from the Quinault Indian Nation on July 28, 1998. CIT/CN member Edna Miller, and her husband Vince Miller, submitted a number of comments between March

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25, 1998, and April 10, 1998. The BIA also received some other letters which supported the CIT/CN petition or repeated Chinook family histories, but these letters were not substantive in nature, and did not address the criteria. The petitioner submitted its response to the PF on July 30, 1998. (See the appendix for a list of reports and exhibits submitted by the petitioner). Out of time comments were received on September 4, 1998, July 19, 2000, and July 25, 2000.

The petitioner's reply period to respond to comments by third parties closed on October 17, 1998.

OVERVIEW OF THE PROPOSED FINDING

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

Decisions on acknowledgment of Indian tribes are made by the AS-IA under the authority delegated to him by the Secretary of the Interior. The Branch of Acknowledgment and Research (BAR), under the Office of Tribal Services (OTS) within the Bureau of Indian Affairs (BIA), reviewed the documented petition, initiated research relative to analyzing the documented petition, and then made recommendations to the AS-IA. The BIA researchers prepared the PF Summary, or recommended decision, with three technical reports. These technical reports presented the analysis and evaluation of the evidence that the petitioner submitted and that the BIA gathered during the evaluation process.

The PF Technical Reports (Historical (HTR), Anthropological (ATR), and Genealogical (GTR)) described the evidence that was considered. The fact that a particular document was cited, discussed, or described in a technical report showed that it was evidence which was considered, but did not mean that it was evidence relied upon to support the decision. Commenters in this case often misstated how evidence in the record was evaluated or weighed by the Government by saying that the decision maker "relied upon" a single piece of evidence (as if it were sufficient in itself) to come to a specific conclusion, when in fact, several, often numerous, pieces of evidence in combination were weighed to reach the conclusions.

A PF considers a broad variety of evidence that is presented in a petition. The BIA reviews and considers all materials submitted by the petitioner and by third parties, as well as material obtained by BIA researchers. The administrative record includes all of the materials considered in reaching a determination, whether specifically cited or not, in a technical report or decision, and whether in support or not, of the decision itself. These practices are clarified here because some of the comments tended to misstate how specific evidence was handled in the PF evaluation.

Similarly, the listing of an item, whether an original, primary document or a secondary source, in the bibliography or "List of Sources" that accompanies a PF or FD does not necessarily mean that the AS-IA "relied upon" that item to support his conclusion. The "List of Sources" provides citations for all items considered or reviewed in the technical reports, whether or not they were utilized for the Summary under the Criteria, and

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whether or not the statements made in the item were unconditionally accepted by the AS-IA. The appearance of a book title or document in any bibliography does not mean that the AS-IA "relied upon" that document or book, but only that the AS-IA considered either the entire or some portion of that document or book. Every item discussed in the technical reports is included in the "List of Sources," even if the item was specifically repudiated in the finding.

The PF Summary under the Criteria, which was the decision signed by the AS-IA's decision, described how the evidence available to date was weighed to determine if the criteria were met. In most cases a decision is based on a substantial body of evidence, derived from a variety of sources, rather than a single document. The PF Summary did not specifically describe every piece of evidence relied upon, but summarized how the evidence did or did not meet the criteria.

The ultimate responsibility for making acknowledgment decisions for the Department of the Interior lies with the AS-IA.

2. Conclusions in the Proposed Finding Under the Mandatory Criteria. The AS-IA found that the CIT/CN met criteria (d), (e), (f), and (g). The PF also determined that the historical Chinook Tribe was identified through 1855 and perhaps 1873, but that the petitioner failed to meet criteria (a) since 1873. The PF found petitioner met (b) through 1880, and criterion (c) through 1855, but failed to meet (b) since 1881, and (c) since 1855. Readers should consult the PF which detailed how the evidence available at that time was insufficient to show that the petitioner met the criteria.

The petitioner met criterion (d) in the PF because it submitted a copy of its governing document and membership requirements.

The petitioner met criterion (e) because the BIA determined approximately 85 percent of the petitioner's members on its 1995 membership list, which was certified by the Chinook council, descended from either the Wahkiakum, Willapa, Kathlamet, or Lower Band of Chinook or the Clatsop tribe of Indians who were treated with the Federal Government in 1851. The other 15 percent of the membership descended from Rose La Framboise, a métis woman, who by birth, adoption, or the customs of the day, appeared to have been considered one of the Chinook.

Although approximately 5 percent of the petitioner's members were also enrolled in the Quinault tribe, the PF found that the petitioner was principally composed of persons who were not members of any federally acknowledged North American Indian tribe. The petitioner's constitution did not address the issue of dual enrollment in federally acknowledged tribes. The PF concluded that the petitioner met criterion (f).

The PF found that the petitioner met criterion (g) although a small percent of its members were the subject of congressional legislation that had expressly terminated or had forbidden the Federal relationship. Congress passed an act in 1954 to terminate the Federal trust relationship to the "tribes, bands, groups, or communities of Indians located west of the Cascade Mountains in Oregon," and specifically stated that the act applied to

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the "Chinook," "Clatsop," and "Kathlamet." Since the Clatsop Tribe was always identified as a historical tribe or band south of the Columbia River in Oregon, the petitioner's members whose Indian descent was exclusively from the historical Clatsop tribe would not receive Federal services because of their status as Indians. The legislation affected only about 3 percent of the petitioner's members who traced their Indian ancestry exclusively to the historical Clatsop Tribe. This prohibition did not apply to the members of the petitioning group who had mixed Chinook and Clatsop ancestry.

In accordance with the regulations, because the petitioner failed to meet three of the mandatory criteria (a, b, and c), the AS-IA determined a proposed finding against Federal acknowledgment of the Chinook petitioner.

3. Petitioner's Response to Proposed Finding. The Final Determination takes into consideration all materials in the administrative file at the time of the PF and all the materials submitted by the petitioner and third parties, and located by BIA researchers, since the issuance of the PF. These latter materials consist primarily of comments received during the public comment period from Quinault, and individual CIT/CN members, which the BIA did not consider to be part of the official CIT/CN submissions. All of these materials were evaluated and are now part of the administrative record. These comments to the PF are described in more detail below.

By cover letter dated July 30, 1998, CIT/CN submitted their response to the Proposed Finding. This response included a summary argument "Chinook Indian Tribe's Final Submission in Support of Petition for Federal Acknowledgment - Discussion on Prior Federal Recognition and Application of Principle to Chinook Tribe and Errors in Bar's Preliminary Determination" (Petitioner 1998), by the petitioner's attorney Dennis J. Whittlesey, and attached Exhibits (Exhibits A to T), some of which included brief reports and analysis by the petitioner's researcher, Stephen Dow Beckham. The response also included hundreds of pages of exhibits (Exhibits 793 to 1307) which were cited in Beckham's reports. Tim Tarabochia, who was the chairman of the Chinook petitioner in 1998, submitted a report "Update and Evidence of Continuing modern Community Activities and Decision Making since the BAR Chinook Site Visit in 1994" (Petitioner 1998). The petitioner did not respond to the comments from third parties in the final phase of the comment period.

4. Third Party Comments. The Quinault Indian Nation (Quinault) submitted a three page letter from Richard Reich, Attorney for Quinault Indian Nation to AS-IA Kevin Gover, and a copy of the Quinault Enrollment Report, which listed the 1998 membership of the Quinault Indian Nation (Reich to Gover 7/28/1998). The BIA also received comments from two members of the CIT/CN: Linda C. Amelia and Edna Miller. Each of the arguments and evidence submitted by these third parties are discussed in detail in this FD. The BIA also received a few letters of support or other comments from third parties that were not substantive in nature and did not provide evidence that addressed the criteria. They are briefly outlined in this finding.

GENERAL ISSUES RAISED BY CIT/CN IN RESPONSE TO THE PF

1. Introduction. The petitioner's final submission for acknowledgment repeatedly raised issues that did not address the historical facts of the case so much as the perceived unfairness of the administrative procedures, the purported personal bias of individual researchers (not the arguments they made in the technical reports), and the veracity of assumptions made about 25 CFR Part 83.8 in the 1994 regulations, which reduces the scope of evidence required of petitioners proving continuous tribal existence if they show previous Federal acknowledgment.

The CIT/CN summarized its objections to the AS-IA's PF against Federal acknowledgment by stating that:

(1). . . there has been unambiguous prior Federal acknowledgment of the Tribe which must be taken into account by BAR in making a final assessment of the Chinook Petition for Federal Acknowledgment and (2) that the Chinook Tribe qualifies for Federal recognition under the facts and existing Federal law, contrary to BAR's erroneous determination to the contrary" (Petitioner 1998, 1).

As part of its argument, the CIT/CN response focused on the issuance of individual allotments at Quinault Reservation to Chinook descendants, principally as a result of *Halbert v. U.S. (Halbert)*. The CIT/CN response to this issue again focuses on "unambiguous prior Federal acknowledgment."

BIA Response. The petitioner was evaluated under the 1978 regulations which did not have a provision for unambiguous previous Federal acknowledgment, based on the petitioner's election under § 83.8 of the 1994 revisions. (See both *Administrative History* and *Prior Federal Acknowledgment* discussion above).

The *Halbert* litigation was discussed in the Proposed Finding (PF HTR, 41-49), including in the context that the petitioner asserted that "[t]he Chinook Indian tribe played an active role in this litigation" (PF HTR, 41, Ftn 6; PF Summary, 6). The submissions by CIT/CN do not change the analysis of *Halbert* as discussed in the PF. However, in this FD, the AS-IA again reviewed the *Halbert* case, and finds that the PF unduly constricted the holding of the Supreme Court, and failed to take into proper account certain testimony in the district court which has bearing upon the Federal Government's attitude towards the Chinook allottees.

In sum, the district court decision in 1928, affirmed by the Supreme Court in *Halbert v. United States*, 283 U.S. 753 (1931), interpreted the Executive Order expansion of the size of the Quinault Reservation in 1873 to be for the use of the Upper Chehalis, Lower Chehalis, Cowlitz, Chinook, and Shoalwater Bay bands, and concluded that they were entitled to allotments on the reservation under the Act of March 4, 1911. That act directed the Secretary of the Interior to make allotments on the Quinault Reservation to "other tribes of Indians in Washington who are affiliated with the Quinault and Quileute

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tribes in the treaty” of 1855-1856. Descendants of the “remnants” of those “other tribes” could be allotted if they continued associating and affiliating with the Quinault Indians and associated and affiliated bands of the reservation.

The issue before the Supreme Court in *Halbert* was the entitlement to allotments of persons who were members of the Chehalis, Chinook and Cowlitz tribes, but not residents of the Quinault reservation. While the Supreme Court did not rule directly on the status of the Chinook Tribe, it did hold that those of the plaintiffs who alleged they were members of the Chinook Tribe were eligible for an allotment by virtue of their membership in that tribe. Thus, the Supreme Court did identify the Chinook Tribe as a Tribe “affiliated with the Quinault Tribe,” as required by the 1911 statute authorizing the allotments, Act of March 4, 1911, ch. 246, 36 Stat. 1345, and a member of this tribe was thus eligible for allotment on the Quinault Reservation, even though the prospective allottee was not a resident of that reservation. *Halbert v. United States*, supra, 283 U.S., at 758-760 (1931).

According to the Record of the cases filed with the Supreme Court, the *Halbert* litigation began in the United States District Court for Western Washington in 1928. While the plaintiffs alleged that they were “members of the Quinaielt Tribe of Indians, and reside in the State of Washington within this District,” they also alleged descent from a tribe allied with the Quinault. E.g., Complaint, ¶¶ 1, 11, *Pickernoll v. United States*, No. 307 E (W.D. Wash.) in Record, *Halbert v. United States*, Nos. 141-154, O.T. 1930, p. 93. However, there was extensive testimony taken concerning the other bands of Indians living on the Quinault Reservation: Special Allotting Agent Charles E. Roblin testified that:

The tribal council called by him in 1919 was not a tribal council of Quinaielt Indians, but a tribal council of the Indians living on the Quinaielt reservation; that in his work he has been most particular to differentiate between the Indians of the Quinaielt tribe and the Indians of the Quinaielt reservation; that his records show that there were 64 adult Indians of the Quinaielt reservation present at that tribal council; that he does not think that it would be necessary for members of the Lower and Upper Chehalis, or Chinooks entitled to allotment on the Quinaielt reservation under the Executive Order of 1873 and the Allotment Acts, and regardless of whether or not they are members of a particular band to seek the recognition of the Quinaielt tribe before being allotted; that his previous testimony was not based on the assumption that only members of the Quinaielt tribe have the say about allotment of land on the Quinaielt reservation; that it is not his belief that Indians whose names appear on the Quinaielt census roll for allotment, but who live at Bay Center, or elsewhere, would be required to appear before the Quinaielt tribal council for recognition before being allotted; and the same condition prevailing *except that the applicant's name did not appear on the census roll of the Quinaielt Agency, it would be necessary for him to show recognition once existing by the tribe to which he claimed*

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*membership; that is, it would be necessary for him to show he was a member and recognized as such, of some one or several, of the tribes entitled to allotments on Quinaielt reservation ***.*

Testimony of Charles E. Roblin, R., *Halbert v. United States*, Nos. 141-154, O.T. 1930, pp. 448-449. Emphasis supplied. It is clear here that there was a recognition of Chinook individuals participating in the government of the Quinault Reservation, and that the governing body over that reservation was not composed exclusively of Quinault Indians. This underlines and affirms the understanding of Congress that the purpose of the 1911 allotment statute was to provide allotments for all persons on that reservation who were *members of tribes affiliated with the Quinault*. The statute speaks in terms of the entitlement to an allotment stemming from membership in an "affiliated tribe," and not just that of the ones named in the statute. This also was what the district judge understood. For in parsing the terms of the 1911 allotment statute he held it to include members of the Chinook Tribe:

It is not unlikely that the words "in Washington" were inserted because of the Chinook, who " *** claimed the territory on the north side of the Columbia river from the mouth to Grays bay, a distance of about fifteen miles, and north along the seacoast as far as the northern part of Shoalwater Bay," (Handbook of American Indians, Bureau of American Ethnology, Bulletin 30, Part I, page 272)***."

It is, however, more reasonable to conclude that the word "treaty" in the Act was used in the broader sense including the written treaty and the negotiations in the preceding February. So construed the Chehalis, Cowlitz and Chinook, who were upon the treaty ground, were affiliated with both the Quinaielts and Quillehutes in the treaty. While perhaps not full brothers with them in this matter they can be said to have been affiliated with them in the treaty without straining the words of the Act.

Halbert v. United States, No. 229-E (W.D. Wash., Nov. 28, 1928)(Cushman, J.), R. *Halbert v. United States*, Nos. 141-154, O.T. 1930, pp. 332, 336-337. The Supreme Court affirmed this understanding, holding that the predicate for an allotment was membership in a tribe affiliated with the Quinault, one of which was the Chinook. While not a direct judicial recognition of the Chinook, the Supreme Court recognized the important rôle which the Chinook Tribe, or Band, played in the 1911 statutory scheme. This conclusion is reinforced by the reference in the 1911 statute to "members" of the subject tribes. Obviously, there had to be a tribe of which to be a member.

2. BAR Failed to Apply the 1994 Regulations Regarding Prior Federal Acknowledgment. The petitioner states that the BIA's denial of its request to be evaluated under the "more liberal 1994 revised regulations" constituted a "denial of equal protection under the law." (Petitioner 1998, 4).

BIA Response. The revised Federal acknowledgment regulations, 25 CFR Part 83,

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became effective March 28, 1994, and included provisions at § 83.8 that reduced the evidentiary requirements for petitioners that had unambiguous previous Federal acknowledgment. As previously discussed in the Administrative History section of this summary, the petitioner twice chose to be evaluated under the 1978 regulations, which did not include the previous Federal acknowledgment provision. The question is whether the 1994 regulations can be applied to this petition by the Assistant Secretary. Barring prejudice to the petitioner, the Assistant Secretary is vested with discretion and may apply these regulations. Whether the 1994 regulations are applied or not, the burden on a petitioner remains substantially equal. Moreover, even under the 1978 regulations, the Assistant Secretary cannot ignore the passage of two legislative acts that unequivocally recognized the Chinook Tribe.

According to the preamble to the 1994 regulations, the revisions “reduce the burden of evidence for previously acknowledged tribes to demonstrate continued tribal existence. The revisions, however, still maintain the burden of evidence for previously acknowledged tribes to demonstrate continued tribal existence.” Final Rule, *Procedures for Establishing That an American Indian Group Exists as an Indian Tribe*, 59 Fed. Reg. 9280, at 9282 (Feb. 25, 1994). The change is procedural, not substantive. It does not prejudice petitioner or hamper the consideration of the data presented. Even under the 1978 regulations, a statutory recognition is definitive, and must be honored by the Executive Branch. This is apparent in the case of the Mexican Kickapús, who petitioned for recognition but were considered to have been already recognized by Congress, and their petition was dismissed as moot. The 1994 revisions did not change the standard of proof for acknowledgment and did not change the requirements of the seven mandatory criteria. In the case of the legislative recognition here, it does mean that Congress has already spoken on the question, and the Department of Interior cannot undo this, so this overtakes and pretermits any discussion of previous executive recognition. Moreover, in the discussion of previous Federal acknowledgment in the preamble to the 1994 regulations, the Department noted that “petitioners that were not recognized under the previous regulations would not be recognized by these revised regulations” (59 FR 9282). For these reasons, both the Bureau of Indian Affairs (BIA 3/13/1998) and the Assistant Secretary - Indian Affairs (AS-IA 5/29/1998) informed the petitioner that the conclusions of the Proposed Finding would not have been different if the petition had been evaluated under the 1994 regulations and that the evaluation of the petition for a Final Determination “is not prejudiced by requiring you to continue under the 1978 regulations, per your original choice. . . .” (AS-IA 5/29/1998). The AS-IA, upon further consideration, now finds that the PF did not give proper weight to the Congressional pronouncement. The reevaluation of the legal effects of statutory recognition compels reversal of the PF in this respect. For reasons best known to itself, the petitioner never identified or presented the two legislative recognitions. The AS-IA, however, remains bound by them.

3. The Statutory Recognition of the Chinook Tribe. There is no dispute that the Executive Branch of the United States Government recognized the Chinook Tribe by its treaty negotiations with it in 1851 and 1855. However, Congress has also, in an unequivocal and unambiguous manner, later explicitly recognized the Chinook Tribe by legislation. Such a legislative recognition is definitive. Congress has not repealed,

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amended, or in any other way abrogated this Congressional enactment.

There exist two express statutory references to the historic Chinook Tribe, in 1912 and another in 1925. The statutes affirmed the treaty relationship established in the 1851 Treaty of Point Tansey, not ratified, and the similarly still-born treaty negotiations of 1855. Notwithstanding this, members of the Chinook Tribe received services from the Indian Service throughout the 19th century. See H. Doc. No. 517, 60th Cong., 1st Sess. 6-10 (1908). As a result of persistent advocacy by the Chinook and other tribes whose treaties had not been ratified, the 1913 Fiscal Year appropriation provided "that there be paid to the Lower Band of Chinook Indians of Washington the sum of twenty thousand dollars, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear ***." Act of August 12, 1912, ch. 388, § 19, 62 Stat. 535. This grant was made on account of the fact that "the Lower Band of Chinooks ceded an extensive country north of the Columbia River and were to be paid \$ 20,000 and given certain rights and privileges on the ceded lands" under the unratified Point Tansey Treaty; "the Government thereafter, and while they were pending before the Senate, appropriated the lands ceded by the Indians, the treaties or agreements should be considered and treated by Congress as having the force and effect of a ratified treaty." S.Rep. No. 503, 62nd Cong., 2d Sess. 2, 3 (1912). The 1912 statute was a constructive ratification of the Point Tansey Treaty, but passed by both houses of Congress. Partly as a result of this statute, the Department enrolled many of the Chinook for the purposes of distributing the monies appropriated.

More significantly, the 1925 statute came about because there was a perceived feeling "that some of these tribes, at least, may be entitled to further payments under the positive contracts made in the treaties with the Government. *** The [House] Committee [on Indian Affairs] feel[s] that they have been very shabbily treated by the Government, and that they should have an opportunity to have their equities properly presented to the Court of Claims." Accordingly, the Act of February 12, 1925, ch. 214, 43 Stat. 886, authorized "that all claims of whatever nature, both legal and equitable, which the Muckelshoot, San Juan Islands Indians; Nook-Sack, Suattle, Chinook, Upper Chehalis, Lower Chehalis, and Humptulip Tribes or Bands of Indians, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims, with right of appeal by either party to the Supreme Court of the United States for determination and adjudication, both legal and equitable, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all suits brought hereunder and to render final judgment therein."

This latter statute clearly denominates the Lower Band of Chinook Indians, or Chinook Tribe, as one recognized by Congress. The 1925 statute recognizes the Chinook Tribe as a party plaintiff in whose favor the United States explicitly waives its sovereign immunity for a case before the Court of Claims. The use of the present-tense verb "may have" is a plain acknowledgment that the Chinook Tribe existed in 1925. Congress has not passed subsequent legislation that would effectually abrogate the 1925 acknowledgment.

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There is a major consequence flowing from the express statutory recognition. The statute is not only prima facie evidence, it is also the substance of that which is being sought to be proved.

Finally, there is nothing in the PF or in the responses indicating any voluntary abandonment of the tribal relationship by Chinook individuals, and an Indian tribe's recognition by the Federal Government "can only be changed by treaty stipulation, or a voluntary abandonment of their tribal organization." *The Kansas Indians*, 5 Wall. 737, at 757 (1867). Because no such "treaty stipulation" or other statutory change exists, and because, as discussed below, there has been no voluntary abandonment, the recognition stands.

4. Allotments on the Quinault Reservation. The CIT/CN petitioner declares "The Issuance of Allotments at Quinault to Chinook Members in the 1930's Constitutes Unambiguous Prior Federal Acknowledgment" (Petitioner 1998, 8). CIT/CN presents a summary of the "process by which members of Indian tribes may acquire individual trust lands for their personal use" established by the General Allotment Act, enacted February 8, 1887 (Petitioner 1998, 7-8). In the PF, the petitioner discussed obtaining allotments on Quinault as demonstrating activities of a tribal entity. Their second argument in the response to the PF asserts that "the allotment process for reservation allotments is that an applicant be a member of a tribe or band for which the applicable reservation was created" (Petitioner 1998, 8). [emphasis in original]

BIA Response. The AS-IA disagrees with the petitioner's assessment of the distribution of Chinook allotments on the Quinault Reservation. The history of Chinook participation in allotments on the Quinault Reservation was thoroughly discussed in both the Historical and Anthropological Technical reports of the PF (PF HTR, 32-44; PF ATR, 38-44). Although the Chinook ultimately were given allotments under the Executive Order, the absence of an express reference to the Tribe falls short of an unambiguous prior Federal acknowledgment.

5. Executive Order of 1873. The CIT/CN presents this Executive Order of 1873 as part of the history of allotments on the Quinault Reservation, and also arguing its interpretation in *Halbert* (Petitioner 1998, 12, 14).

When the [Quinault Indian] Reservation ultimately was created by the Executive Order of November 4, 1873, President Ulysses S. Grant stated that he intended "to provide for other Indians in that locality" by withdrawing lands from the public domain "for the use of the Quinault, Quillehute, Quit, and other tribes of fish-eating Indians on the Pacific Coast." . . . A total of 220,000 acres was set aside for the Reservation (Petitioner 1998, 12). [emphasis in original].

The **Chinook Tribe** was among the tribes specifically identified in that dialogue as requiring special accommodation through an enlarged reservation during consideration of reservation expansion between 1863 and 1873 (Petitioner 1998, 12; citing to *Halbert v. United States, supra*,

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283 U.S. at 757). [emphasis in original]

BIA Response. The 1873 Executive Order was discussed in the Proposed Finding (PF HTR, 22, 41-42). The PF concluded under criterion (a) that the Chinook had been identified as an American Indian tribe until 1855 and perhaps through 1873. The 1873 Executive Order expanded the size of the Quinault Reservation. It did not explicitly mention the Chinook, but can be considered to have referred to them as one of the "fish-eating" Indians of the Pacific Coast. While the AS-IA also finds the Executive Order to be persuasive evidence going to criteria (a) and (c), it is not sufficient to constitute *unambiguous* prior Federal acknowledgment.

6. 1911 Allotment Act. CIT/CN presented a legal retrospective on the topic of pre-*Halbert* allotments on the Quinault Reservation. CIT/CN said that allotments made on Quinault before 1907 were pursuant to the provisions of the General Allotment Act, and that the "tribes which were affiliated on the Reservation by the Executive Order" had "difficulty in obtaining allotments" (Petitioner 1998, 13). The petitioner quoted the Allotment Act of March 4, 1911, as having directed "the Secretary of the Interior to make Dawes Act allotments on Quinault Reservation -- 'to all members of the Hoh, Quileute, Ozette or other tribes of Indians in Washington who are affiliated with the Quinault and Quileute tribes in the treaty.'" (Petitioner 1998, 13). [emphasis in original]

CIT/CN interpreted the 1911 Allotment Act (Petitioner 1998, 14), stating elsewhere (and retrospectively) that the Chinook Tribe was found by the Supreme Court in the *Halbert* litigation to have been one of the tribes specifically legislated by the 1911 Allotment Act as entitled to Dawes Act allotments at Quinault Reservation. CIT/CN asserted that "the BIA itself affirmatively opposed a further allotment act in 1913 naming the Cowlitz Tribe as entitled to those allotments with the formal assertion that the tribe was already covered by the 1911 Act and no further legislation was necessary" (Petitioner 1998, 37).

BIA Response. Although in theory presented as part of its discussion of previous unambiguous Federal acknowledgment of the Chinook tribe, many of the arguments pertained more directly to the topic of land rights on the Quinault Reservation which was addressed extensively in the PF (PF ATR, 41-49).

From the historical perspective, the issue discussed from 1911 to 1913 was whether the Chinook tribe was one of the unspecified "tribes of Indians . . . affiliated with the Quinault and Quileute tribes in the [1855] treaty," and whether its descendants had a right to allotments on Quinault under the 1911 Act. The issue was not whether a federally acknowledged Chinook tribe existed in 1911 which held tribal rights on Quinault. The AS-IA finds that the reference in the 1911 Act to "members" of the subject tribes, in combination with the ultimate judicial finding that the Chinook Tribe was one of the subject tribes, is persuasive evidence that the petitioner meets criteria (a) and (c) as of the date of the Act. However, this statute falls short of an *unambiguous* prior Federal recognition.

7. *Halbert* Litigation. The petitioner asserts that "[i]t is beyond question that in 1931 the Chinook Tribe was unambiguously recognized as an Indian Tribe with

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Federally-protected rights at the Quinault Reservation, and this recognition was confirmed by the Supreme Court in the *Halbert* Litigation” (Petitioner 1998, 17).

BIA Response. This argument is discussed above. The AS-IA disagrees that a Chinook tribe was unambiguously recognized and that this recognition was confirmed by the Supreme Court.

The following quotation from the Cowlitz Final Determination is the BIA’s response to Dennis J. Whittlesey’s arguments about the *Halbert* decision in the Cowlitz petition. Though lengthy, it best summarizes the Supreme Court’s decision, lays out the petitioner’s arguments, and corrects some misstatements concerning BIA policies. It is not meant to be a legal brief or a discussion of how *Halbert* was implemented.

The Supreme Court defined the questions to be resolved as follows:

The plaintiffs are all of Indian blood and descent, but none is a full- blood Indian. Some are members of the Chehalis, Chinook and Cowlitz tribes, and the question is presented whether these tribes are among those whose members are entitled to allotments from lands within the Quinault Reservation. Many do not personally reside on the reservation, and we are asked to decide whether this defeats their claims. Some are the issue, either children or grandchildren, of a marriage between an Indian woman and a white man, and whether this is an obstacle to allowing their claims is a further question (*Halbert et al. vs. United States 2*).

The Supreme Court then affirmed that the district court applied the correct rules for determining eligibility for allotments.

* * * * *

The district court analysis of all plaintiffs in the case focused on whether they lived in Indian settlements and were associated and affiliated with other Indians, even though their tribe was scattered. In contrast, the Ninth Circuit required residence on a reservation to obtain an allotment and specifically declined to discuss “the rights of the appellees based upon their Indian blood or tribal relations.” *Halbert*, 38 F2d 795, 798 (9th Cir. 1930).

The Supreme Court ruled that the “Chehalis, Chinook and Cowlitz tribes are among those whose members are entitled to take allotments within the Quinault Reservation” (*Halbert*, 283 U.S. at 760). The Court concluded that the district court applied the appropriate law in requiring membership for allotments on Quinault. The Supreme Court did not rule that there was a government-to-government relationship between the Cowlitz and the United States, nor did the Court rule that the Cowlitz were a tribe in 1911 or in 1931. The Court did not rule that any of the plaintiffs were members of the Cowlitz Tribe. Thus, the Supreme Court ruling does not establish a date of last unambiguous federal

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recognition (Cowlitz FD 63-65).

The Supreme Court concluded:

... that the Chehalis, Chinook and Cowlitz tribes are among those whose members are entitled to take allotments within the Quinault Reservation, if without allotments elsewhere. The Circuit Court of Appeals held otherwise in some of the suits and in this we think it erred (*Halbert et al. vs. United States* 5).

The statement regarding the Cowlitz also applied to the Chinook. The Supreme Court did not directly rule that the Chinook was a tribe at that time or that any of the plaintiffs in *Halbert* were members of a Chinook Tribe. The focus of the case in the Federal district court was the eligibility of persons under the 1911 allotment act who were members of the fish-eating tribes and who were therefore entitled to allotments as tribal members, i.e., continuing to associate with the Quinault and affiliated bands. In *Halbert*, the Supreme Court did recognize the Chinook Tribe existed, and that its members were entitled to allotments on the Quinault Reservation. It is not necessary to decide whether this was an unambiguous recognition under section 83.8(a)(3), because the 1925 Act was such a recognition. The decision does show a Federal identification of the Chinook by Federal authorities under section 83(a)(1). That is why it was necessary to resort to the Supreme Court Record of the *Halbert* case in order to understand the facts which the Supreme Court was confronting with when it decided *Halbert*, and the extensive discussion of that case, *supra*, demonstrates that the Supreme Court in 1930 and 1931 was aware, as Congress had been in 1911 when it passed the Shoalwater Bay Allotment Act, that there was an entity known as the Chinook Tribe. This alone, though, is not an *unambiguous* prior Federal recognition.

8. Post-Halbert Land Allotment Activity on Quinault Reservation. The petitioner's response discussed post-*Halbert* land allotments under two separate headings: "Post-Halbert Allotment Process" and "Post-Halbert Case Law" (Petitioner 1998, 17-20).

Most of the discussion under the first heading dealt with the results of the *Halbert* decision, and the issuing of allotments to hundreds of Chinook following that decision. They argue these allotments showed unambiguous recognition by the Department of the Interior during 1931-1934 by virtue of their membership in the Chinook tribe.

The second heading dealt with post-*Halbert* case law, and reviewed other Federal court decisions regarding the question of affiliation under the Treaty of Olympia and the legal rights of affiliated tribes on Quinault. The CIT/CN uses this discussion by the court as yet another example of previous unambiguous Federal recognition of the CIT/CN. However, a last date of previous unambiguous Federal recognition need not be determined under the 1978 regulations. Nor, as stated above, does *Halbert* explicitly hold that there was a federally recognized Chinook tribe between 1855 and 1931, although the Tribe's existence was acknowledged over and over again, and the United States Congress felt that its members, as tribes affiliated with the Quinault, were entitled to timber allotments on the Shoalwater Bay Reservation.

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BIA Response. The *Halbert* decision and its consequences in relationship to the petitioner were discussed at length in the PF. (See PF HTR, 38-44 and PF ATR, 90, 128). The evidence does not support the petitioner's assertions that the allotments were evidence that a Chinook tribe was federally recognized.

9. The *Wahkiakum* Fishing Rights Litigation. CIT/CN cited *Wahkiakum Band of Chinook Indians v. Bateman, et al. (Wahkiakum)* as evidence that the Chinook tribe was a tribe with "Federally-protected rights at the Quinault Reservation, and that this recognition was confirmed by the United States Court of Appeals for the Ninth Circuit in the *Wahkiakum Litigation*" (Petitioner 1998, 20). [emphasis in original]

BIA Response. The *Wahkiakum* litigation was discussed in the PF:

Another organization of Chinook descendants was formed in the 1970's under the name of the Wahkiakum Tribe of Chinook Indians. In 1978, some of these Chinook descendants initiated a fishing rights suit in Federal district court in Oregon which became known as *Wahkiakum Band of Chinook Indians v. Bateman* (Petition 1987, 291). The following year, the Chinook Indian Tribe contracted with the plaintiff's attorney to share one-third of the cost of this litigation (CIT 7/14/1979). A Cowlitz organization and the Wahkiakum plaintiffs also each paid one-third of the costs. The district court ruled against the Wahkiakum Band's fishing rights claims. The Ninth Circuit Court of Appeals affirmed the district court's decision in 1981, ruling that the Band had neither a treaty right nor an aboriginal right to fish in the Columbia River. Although it found that the Chinook had been affiliated with the Quinault by the Executive Order of 1873, the Court held that the fishing rights of Chinooks were limited to rights which accompanied an allotment on the Quinault Reservation (Court of Appeals 1981, 178-181) (PF HTR, 80).

Neither the district court nor the Ninth Court of Appeals ruled that the Chinook or Wahkiakum bands were tribes. The court ruled that the rights of the Chinooks were a result of the Executive Order of 1873, which entitled them to allotments on Quinault. (If the individual had an allotment on Quinault, that relationship with Quinault gave the individual fishing rights.)

10. *Williams v. Clark.* CIT/CN cites "742 F.2d 549 (9th Cir. 1984)," or *Williams v. Clark*, as an example of litigation in which the courts ruled that the Quileute tribe "has jurisdiction over the [Quinault] Reservation," and that the court "implicitly found that all of the affiliated tribes retain jurisdictional rights at the Reservation" (Petitioner 1998, 21-22). The petitioner therefore concluded that the Chinook, as one of the "affiliated tribes," was unambiguously recognized as an Indian tribe.

BIA Response. This case involves only the right of a Quileute tribal member under Section 4 of the Indian Reorganization Act (IRA) to devise his allotment on the Quinault Reservation. It provides no support for CIT/CN's argument that the Chinook was unambiguously recognized as an Indian Tribe. The Court specifically did not consider if

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other tribes also have jurisdiction over the Quinault Reservation for IRA §4 purposes (742 F2d at 555). The Interior Department believes that, notwithstanding the presence of allottees who are members of other tribes, the only tribe that has jurisdictional authority of the Quinault Reservation is the Quinault Indian Nation. The court in *Williams* did not unambiguously recognize CIT/CN as a tribe.

11. BIA Identification of Chinooks in the 1950's, 1960's, and 1970's. The petitioner argues that "BIA identification of Chinooks in listings in the 1950's, 1960's and 1970's of tribes with which it maintained formal relations constitutes unambiguous prior Federal acknowledgment." The petitioner then cited to examples in the original petition which they claim showed that the BIA included the Chinook in lists of tribes with which the BIA dealt on an official level. The petitioner refers to two other letters in 1953 in which the Chinook Tribe was listed as one of the addresses (Petitioner Ex. 360, 337, and 362). The petitioner then asserts that the BAR either ignored or discounted this evidence in the PF (Petitioner 1998, 22).

The petitioner cites as new evidence, Exhibit G: "A List of Tribes and Tribal Officers, Portland Area Office" dated March 13, 1963, and Exhibit H: a "Directory of Tribal Officials Portland Area" dated September 1975. The petitioner argues that these two documents show that the BIA recognized the Chinook tribe in 1963 and 1975 respectively (Petitioner 1998, 23). The petitioner cites *Margaret Greene, et al. v. Babbitt, et al.* (Samish) as evidence that "[o]ne component of the Samish case was the fact that the tribe had been identified as a tribe in various lists published by the BIA" (Petitioner 1998, 23). The petitioner then concludes that the 1963 list (Petitioner Ex. G) may fall within the category of a group that the BIA dealt with in some manner, but that the 1975 BIA publication is "evidence that Chinook was among the Indian groups which had formal organization approved by the Department," and that "[i]t is difficult to imagine that the BIA today can deny that Chinook fell within that category as of 1975, in which case there is a prima facie case that the Chinook Tribe had some formal relationship with the BIA as of 1975" (Petitioner 1998, 20).

BIA Response. The BIA analyzed these exhibits as possible evidence that the Chinook had a government-to-government relationship with the Federal Government in the 1960's or 1970's. However, neither of these records can reasonably be construed to mean acknowledgment of a tribe by the Federal Government. The 1963 list is not on BIA letterhead paper, has no author or compiler listed, and does not include a purpose. It cannot be determined whether the Portland Area Office created or simply received the list. The only identifying mark on the three pages is, "Received Mar 15 1963 Washington State Library." Six groups identified on the list were not federally recognized tribes in 1963. Since then two of the groups, Jamestown Clallam and Snoqualmie, were acknowledged as tribes through 25 CFR Part 83. This appears to be a list of groups with which the Portland Area Office had contact and has bearing on criteria (a) and (c), but it is not an official acknowledgment of tribal status.

The 1975 "Directory of Tribal Official Portland Area" which was prepared by the Office of Tribal Operations, BIA, Portland Area Office is a telephone and address book. It includes contact information for BIA employees, federally recognized tribes, groups

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identified as 'claims organizations,' and groups that are not federally acknowledged tribes (Petitioner Ex. H, ii, 19, *et al.*).

The "Chinook Nation Non-reservation" is listed on page 19 as the official title of the Chinook Indians. Four officers of the group are listed with a statement in the remarks section that there are 900 members. Under "organization," is the statement: "General Council - Organization not recognized." Under "meetings," is the statement: "Annual and other meetings as called" (Petitioner Ex. H, 19). The plain language of the document indicates that inclusion of the Chinook does not denote an official recognition or acknowledgment that its group was a tribe under Federal law.

Neither alone nor together do these two documents submitted in response to the PF demonstrate that the Chinook Tribe had a formal relationship with the BIA in either 1963 or 1975. Neither of these documents nor similar ones submitted with the original petition provide adequate evidence of unambiguous prior Federal recognition.

12. Enumeration of Chinooks on BIA Census Schedules. The CIT/CN petitioner argues that enumeration of individuals on BIA census schedules shows the identification of individuals with Chinook ancestry as a tribal group [within Quinault Reservation] and constitutes unambiguous prior Federal acknowledgment (Petitioner 1998, 25). Attached is Exhibit I, a report by Stephen Dow Beckham titled: "BIA Identification of Members of the Chinook Indian Tribe in BIA Census Records in the 1930's."

In his Exhibit I report, Beckham states that "[t]he BIA in the decade of the 1930s enumerated members of the Chinook Indian Tribe--by the tribal designation 'Chinook,' 'Quinault-Chinook,' 'Quin.-Chinook,' and 'Chinook-Cowlitz' in the annual Indian Census Rolls". (Petitioner Ex. I, 1). According to Beckham, it was in response to the Commissioner of Indian Affairs' instructions to "continue to carry Chehalis allottees on the Chehalis census rolls; the Chinook allottees on the Chinook census rolls, and the Cowlitz on the census rolls of that tribe," that the subsequent 1933 census provided specific information on 'members of the Chinook Indian Tribe.'" The petitioner's exhibits 829 and 830 are copies of the 1933 census and the list of names added to the census by authority of the Indian Office, respectively. To substantiate his claim that the Government singled out the Chinook as a federally recognized tribe, Beckham then asserted:

The BIA thus developed sixteen categories of data on members of the Chinook Indian Tribe and entered it onto the Indian Census Roll forms. . . . It was clear that in 1933 the BIA was dealing with the Chinook Indian Tribe and had made considerable effort under "INDIAN OFFICE AUTHORITY" to compile this data. The 1933 Indian Census Roll is unequivocal evidence of a federal relationship carried out by the BIA. Further, the BIA affirmed the "ward" status of every person enumerated on the 1933 census roll (Petitioner Ex. I, 2). [emphasis in original]

Exhibit I includes a list of 313 names extracted from a 57 page report of the allottees "[a]dded By Indian Office Authority and Decision of the United States Supreme Court"

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(Petitioner Ex. 830). [The BIA found 317 names, a figure that will be used in the rest of the analysis.] Beckham says the census records show that the BIA identified these individuals as members of the Chinook tribe through 1939 (Petitioner Ex. I, 1, 2). Beckham also claims that in addition to these [317] individuals the 1933 Indian Census Roll included "other individuals identified as Quinaielt" [Now spelled Quinault], but who were actually Chinook, as shown by the "enrollments" prepared by McChesney and Roblin (Petitioner Ex. I, 2). However, his list of "[317] members of the Chinook Indian Tribe" included the name of only one man, Antone Brignone, who was identified as "Quinaielt." Beckham's list in Exhibit I did not include family relationships or residences or other information that would be helpful in identifying a Chinook entity in 1933.

This exhibit also includes summaries of letters from Superintendent Nicholson of the Taholah Agency, written between 1932 to 1934 to the Commissioner of Indian Affairs (CIA), asking for guidance in recording the Agency's censuses. Beckham quotes the CIA's instructions to "continue to carry Chehalis allottees on the Chehalis census rolls; the Chinook allottees on the Chinook census rolls, and the Cowlitz on the census rolls for that tribe" (Petitioner Ex. I, 1, citing Ex. 867 [see Ex. 936, BIA letter 11/28/1934, which quotes BIA 1/23/1933]). It appears that Beckham uses this and subsequent instructions to "keep a census of the tribes occupying the reservation. . . . The rolls should be maintained separate and distinct from those of the Quinaielt Indians" (Petitioner Ex. I, 10, citing Petitioner Ex. 936 [BIA 4/4/1934]) as an argument that the Chinook were a separate tribe. Beckham also quotes a letter to the CIA, in which Nicholson asked if the agencies were supposed to "compile a separate census for each combination of mixed-blood [*sic*] Indians, as the Quinaielt-Chehalis, Quinaielt-Chehalis--Chinook Tribes, etc." (Petitioner Ex. I, 1; Petitioner Ex. 867).

BIA Response. Beckham repeats the same arguments throughout the response to the Proposed Finding: that identification of individuals as Chinook descendants is equivalent to unambiguous previous Federal acknowledgment of a Chinook Indian Tribe, and that the allotting of Chinook descendants at Quinault Reservation denotes Federal acknowledgment of a Chinook Indian Tribe. Beckham seems to subscribe to a theory that both criteria (a) and (b) are met with any reference to individuals as being of Chinook descent. The BIA does not agree with Beckham's interpretation of the evidence or of the regulations.

The petitioner did not provide any useful analysis of the residences of the Chinook descendants identified in the 1933 census. The petitioner did not provide any useful analysis of interactions between the Chinook allottees at Bay Center and Dahlia who were named on the 1933 census, and other Chinook descendants who were not among the Quinault allottees. The BIA analyzed the 1933 Quinault Indian census to determine whether the individuals identified as Chinook (or identified as Quinault but of Chinook descent) could have been part of a Chinook Indian community at Bay Center into the 1930's and/or part of a Chinook community or communities existed at Dahlia-Altoona-Brookfield, or elsewhere along the Columbia River. The underlying questions to be answered were: Do the Chinook on the Quinault Reservation represent all of the Chinook Indians and do the Chinook on the census represent the petitioner? The analysis in this

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section is based on the 1933 census of the Quinault Reservation, as submitted by the petitioner in Exhibit 829, and the list of names added to the Quinault Reservation by the authority of the Indian Office and the Supreme Court decision in Exhibit 830. This section is also intended to correct Beckham's misstatements about the 1933 census.

Beckham's assertions in Exhibit I presume that (1) the individuals identified as "Chinook," "Quinaielt-Chinook," "Quin.-Chinook," and "Chinook-Cowlitz" on the 1933 census were members of a Chinook Indian Tribe, a separate and distinct political entity, and (2) that the petitioner's membership descends from the individuals identified on the Quinault census. The AS-IA concludes otherwise. First, the identifications as Chinook-Cowlitz, etc. are ancestral categories, not tribal membership. Second, following Beckham's analysis would lead to the conclusion that the "Chinook," "Quinaielt-Chinook," "Quin.-Chinook," and "Chinook-Cowlitz" were all separate tribes. Second, many of the individuals on the Quinault census as having Chinook descent are not ancestral to the petitioner.

13. BIA Administrative Supervision over Chinook Members Through the 1940's.

The CIT/CN petitioner argued that the BIA's monitoring school attendance, recording births and deaths, and issuing allotments to Chinook individuals at Quinault constituted unambiguous prior Federal acknowledgment. (Petitioner 1998, 28, and Petitioner Ex's. L, M). Beckham argues that the school records show previous unambiguous acknowledgment in the 1930's and 1940's because "[t]he enumerations of Chinook children in BIA schools are confirmation of the recognition of the tribe" (Petitioner Ex. L, 2). Beckham also argues that "[n]on-Indian children did not attend Bureau of Indian Affairs schools nor did children of non-federally recognized tribes" (Petitioner Ex. L, 1); therefore, because children identified as "Chinook," "Chin.-Quinaielt," "Q-Chin." and "Quin.-Chin." attended Indian schools, they must have been members of a federally recognized tribe.

Under the same argument Beckham also cited Roblin's notes on unenrolled Indians as evidence that some of the children of Chinook descendants attended Puyallup, Chemawa or Carlyle Indian schools in the first two decades of the 20th century (Petitioner Ex. L, 1).

Much of Exhibit L is a report created by Beckham in which he abstracted information from some of the specific census cards in the petitioner's exhibits (817, 818, and 820), which named the school and included an allotment number on the Quinault Reservation (Petitioner Ex. L, 2). Some of Beckham's abstracts were annotated with allotment numbers that were not on the actual census card for the child (which must have been obtained from other records).

BIA Analysis of Exhibit L. In preparing this final determination, the BIA reviewed and analyzed all 113 "Permanent School Census Cards" for children under the jurisdiction of the Taholah Agency between 1931 and 1948, as found in Exhibits 817, 818, and 820. Thirteen cards represent duplicate or triplicate references to the same students, leaving a total of 100 students represented. The records cited in the response to the PF do not support the petitioner's argument for prior Federal recognition.

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To better understand the purpose of the school census, it is necessary to describe the information to be completed on each form. The BIA's analysis is based on the actual photocopies of the 113 school census cards, not on Beckham's abstracts. Each school census card lists the child's name, degree of Indian blood, gender, and account or allotment number, and date of birth. In most cases, the source for the date of birth is shown as the "Tribal census" (Petitioner Ex. 817, 1). The card does not name the child's tribe or state that the child belongs to a tribe. However, the card does have a blank space for the tribe of both the father and the mother. Most cards also have an address for at least one of the parents. The year(s) attending school, the school name, and grade level for the child, "miles to public school," and attendance reports were also recorded on the card. Almost half of the children have a number such as "Q123" or "A123" in the field for "account or allotment number." This indicates that the school census cards are records of students who are under the jurisdiction of the Taholah Agency based either on their degree of Indian blood or on their membership or allotments on the Quinault Nation.

Most of the cards have "Quinaielt Census" typed on the upper right of the card, but others have "Taholah," "Bay Center," "Quinaielt-Chinook," "South Bend," or the name of a school typed on the same area. Since these terms are a mixture of geographic locations, census references, and Indian ancestry, it is not clear if this is part of a filing system, part of an enumeration scheme, or had some other purpose. These terms do not indicate the school census records were segregated by tribe.

Although the school census records do not show that there was a Chinook tribal entity with a government-to-government relationship with the Federal Government, they do provide some useful information about some of the petitioner's members or other Chinook descendants. For example, the school censuses show the residential distribution in the 1930's and 1940's of some of the families who have Chinook ancestry. The BIA found at least 100 residences identified in the school censuses. Where no residence was specified, this report used the name of the school attended as a substitute in order to determine the residence of the individual. Five student census cards did not show either residence or school attended. Some students attended more than one school, but only the residence or the first school attended was included in this report. Fifteen students were residing in Bay Center, 10 were in South Bend, 4 were in Ilwaco, and 1 at Chinook, for a total of 30 in all of Pacific County (Petitioner Ex. 817, 818, 820). There were 19 students in schools in Wahkiakum County: 2 at Pillar Rock, 8 at Dahlia, 7 at Altoona, and one each at Cathlamet and Brookfield (Petitioner Ex. 817, 818, 820). Twenty-one students of Chinook descent were living in a number of locations in Grays Harbor County, including Taholah (11), Quinault Lake (3), Aberdeen (5), Oakville (1), and Westport (1). Taholah School was operated by the Quinault Tribe and was on the Quinault Reservation. Ten other children of Chinook descent lived in other areas of Washington State, 14 lived in various towns in Oregon, and 1 lived in California. Fifteen of the total of 49 students from Pacific and Wahkiakum counties were living in the small towns of Ilwaco, Chinook, Dahlia, Altoona, Cathlamet, and Brookfield along the Columbia River.

The parents of the school children were variously identified as Chinook, Quinault-Chinook, Chinook-Cowlitz, Quinault-Chinook-Chehalis, Chinook-Chehalis, Quinault,

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"S.I." [Squaxin Island], "Soquamish," and Quinault-Clatsop. Others of the parents did not have a tribe identified, but there was a fraction (ranging from 1/32 to 7/8), or "full" in the blank for tribe indicating that the individual's blood degree. Others did not have any tribal affiliation cited or any blood degree listed and the remaining parents were identified as white. About 21 children in the school records appear to be on the membership list of the CIT/CN. About 50 of the children on the school records are not on the CIT/CN's 1995 membership list or in petitioner's genealogical records which were compiled in the early 1950's. Therefore, these school census records include children of Chinook descent who do not appear to have been associated with the petitioner.

The BIA did not question that the petitioner descended from Indians or from the historical Chinook tribe. The BIA agrees with the petitioner that the records show that some children of Chinook descent attended Indian schools. The school census records submitted in the response to the PF, standing alone, do not provide conclusive evidence that Chinook descendants attended Indian schools because they were members of a Chinook tribal entity. The AS-IA does conclude, however, that in light of the 1925 statutory acknowledgment of the Tribe, the records weigh against any voluntary abandonment of tribal relations. Although Beckham's report also does not show conclusively that the children of Chinook descent who attended Indian schools or were identified as Indian children in public schools were a part of the Chinook tribe that may have existed in the 1930's or 1940's, the AS-IA concludes that it is likely that some such children were part of the Chinook Tribe.

Only 27 of the 100 students enumerated on school census cards found in the petitioner's Exhibits 817, 818, and 820 show the attendance of children in 1931-1933; the vast majority begin recording attendance in 1934, the year the Johnson-O'Malley Act passed into law. It appears that the majority of the school census cards recorded the number of students who participated in the benefits of the Johnson-O'Malley Act, and the schools that they attended. Thus the school censuses provided the basis for the annual report that would trigger the Federal monies to the participating schools. In other words, the permanent school census cards recorded the attendance of Indian children in order to reimburse the public schools for educating Indian children.

BIA Analysis of Exhibit M. In Exhibit M, titled "BIA Monitored Attendance of Children of the Chinook Indian Tribe in Public Schools in the Years 1931-48," the petitioner's researcher argues that children were identified as members of a Chinook tribe because the school census records show that they had Chinook descent and that they had land in trust. The first argument is that by repeatedly using the terms "Chinook," "Chin- Quinaielt," in the school census records, the BIA "recognized these individuals as Chinooks and monitored the attendance of Chinook children in schools" (Petitioner Ex. M, 1), although he also noted that the BIA "sometimes erroneously" identified some members of the Chinook Indian Tribe as Quinault. Beckham seems to be equating the BIA's paying school tuition for Indian children [presumably Chinook children] in public schools, in particular three school districts (Dahlia, Tokeland, and Bay Center) in "the homeland of the Chinook Indian Tribe," with recognition of a Chinook tribal entity (Petitioner Ex. M, 1).

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The second argument in Exhibit M is that the “Permanent School Census Card records and the unequivocal identification of Chinook children as holders of trust land under the General Allotment Act are prima facie evidence of federal acknowledgment of the Chinook Indian Tribe in the years 1931-48 ” (Petitioner Ex. M, 2). To support this argument, Beckham asserts that the “allotments under the General Allotment Act of 1887 were made to members of federally-recognized tribes,” and that the Chinook Indians obtained allotments on Quinault Reservation under the “Dawes Act Section One” between 1907 and 1934.

Much of Exhibit M is a series of brief summaries of the information on 69 school census cards, including the student’s name, years attending school, an allotment number for 57 of the students, and sometimes a parent’s name. Beckham also included some annotations to the abstracts, such as a mother’s maiden name, current residence or an allotment number, without citing a reference for the annotations.

First, the regulations do not call for *prima facie* evidence, which is a legal term for evidence that is accepted as true until other evidence contradicts it. To show prior Federal acknowledgment, the petitioner must show *unambiguous* Federal acknowledgment. The school census card records are not unambiguous. On the other hand, these records certainly can be evidence that CIT/CN meets criteria (a) and (c).

The AS-IA finds that the school census cards show Chinook descent for some of the students who were under the jurisdiction of the Taholah Agency. With the possible exception of some of the LaFramboise descendants, the BIA did not question the petitioner’s descent from the historical Chinook tribe in the PF (PF GTR, 14-17). The listing of ancestry on the school census cards implies that the BIA then considered the Chinook to be a tribal entity, although not necessarily one recognized as having a tribal organization. This is an example of a substantially continuous identification under section 83.7(a)(1) which the PF correctly maintained not to be recognition *per se*. But it is evidence, which must be considered, and has been considered in petitioner’s favor for this FD.

14. BIA Recorded the Vital Statistics of “Chinook Tribal Members” 1930's to 1948.

The CIT/CN argued that during the 1930's to 1948, “the BIA was recording the names and tribal affiliation of various Chinook members as part of its trust responsibilities to those Indians” (Petitioner 1998, 30). This argument cited for support Beckham report entitled “BIA Recorded Vital Statistics Data on Members of the Chinook Indian Tribe 1930s-48” (Petitioner Ex. N). Beckham asserts that the BIA’s register of vital statistics at Taholah Agency confirms “BIA recognition of the Chinook Indian Tribe in that decade” (Petitioner Ex. N, 1). The remainder of the report consisted of abstracts from 28 entries in the birth and death registers of the Taholah Agency, and two abstracts from the 1937 census schedule of unreported births of individuals who were identified as Chinook or Quinault or Quinault-Clatsop, etc. and cited in letters to the Commissioner of Indian Affairs (Petitioner Ex. 931, 935). The petitioner included photocopies of several pages from the registers in Exhibit 824 (exhibit number was transposed in several instances as “842”) and 4 pages of the 1937 Indian census which recorded the previously unreported births for the years 1934 and 1935 (Petitioner Ex. 831, 832).

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Some of the information in Exhibit N and the supporting exhibits is new evidence to be considered for the final determination. The abstracts included the name and birthdate of the child (or death date of the deceased), the parents' names and the child's "tribe" which was recorded in the register (Petitioner Ex. N). The actual register of vital statistics for the Taholah Indian Agency included much more information on each of the individuals, including the full name, occupation, birth place, and "Census No." of both the mother and father of the infant as well as their residence. The "Census No." field for the father or mother had either a number such as "Q654," which is the Quinault allotment number, or the name of a tribe, such as Puyallup, Hoopa, Quinault, Chinook, etc., or white. The field for the tribe of the child was then a combination of the tribes of the parents if the parents were from different tribes, or the tribe of the parent that was Indian if one parent was white. Statistics for the child also included blood degree, residence, and the date the birth was reported to the agency (Petitioner Ex. 824).

Beckham also states that the BIA in the 1930's misidentified some individuals as "Quinault" when other records clearly documented the individual as members of the Chinook tribe (Petitioner Ex. N, 1). The register lists Chinook as the tribe for four children and for seven of the decedents between the years 1930 and 1948.

BIA Analysis. The PF did not directly address the issue whether the vital records maintained by the BIA constituted evidence of previous Federal acknowledgment. However, it did discuss the fact that Chinook descendants were among the beneficiaries of court decisions by which descendants of historical tribes were entitled to compensation.

From the 1910's to the 1950's, the Congress and courts ruled that individual descendants of the historical Chinook band or bands had rights to compensation for aboriginal lands and to allotments of land on the Quinault Reservation, but these decisions and the identification of individual beneficiaries of these decisions were not based on the identification of an existing tribe or collective entity (PF Summary, 8).

The PF, however, fails to take into account the explicit statutory reference in 1925 to the Chinook Tribe. The BIA recorded the births and deaths of the Indians under the jurisdiction of the Taholah Agency. The vital statistics included persons of Chinook descent or their parents who were allottees on Quinault or members of federally recognized tribes, or both. This is shown by the fact that vital records registry listed the Quinault allotment number of the individual or his parents. The birth and death registers list the individuals by surname (all of the "A" surnames in the same section, all of the "B" surnames in the next section, etc.) and then in chronological order by the date of the event. The register is not arranged by tribe, but by the name of the individual and the date of the event.

The vital records submitted for the Final Determination, standing alone, do not demonstrate that the individuals were members of a federally recognized Chinook tribe. However, in light of the 1925 Act, the records support not only a finding that the Federal

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Government dealt with these individuals as Indians under the jurisdiction of the agency, but also a finding that the BIA knew them to be part of the Chinook Tribe. While the vital records represent only a small fraction of the petitioner's ancestors, Exhibit N does provide some evidence that the BIA recognized that a Chinook tribe existed between 1930 and 1948.

15. Continuing BIA Actions on Behalf of the Chinook Tribe. In this section of the petitioner's response to the PF, they argue that BIA provided services to members of the Chinook tribe that "extended to virtually every aspect of life for the Chinooks"(Petitioner 1998, 30-31). In support of the claim that these services and actions were taken on behalf of a Chinook tribe, the petitioner submitted a Stephen Dow Beckham report "in supplement to the extensive recitation of such activity in the original Chinook Petition" (Petitioner 1998, 30, and Ex. O).

Beckham summarizes "twenty-four types of action," enumerated on pages 35 to 70 of the 1987 petition, which he asserts illustrated that the BIA exercised a trust responsibility for "members of the Chinook Indian Tribe." In his new report, he listed actions which the BIA took regarding "members of the Chinook Indian Tribe" such as paying taxes "for non-trust lands in such communities at Dahlia, WA," paying medical bills and attorney fees, enrolling individuals on the Indian censuses and the Roblin roll, making loans against revenues in accounts, providing advice on wills and estate settlements, and providing other services. The remaining 28 pages of the report present a series of abstracts of letters and other documents, which were included in the petitioner's exhibits, arranged in chronological order under the topics, presumably to demonstrate their claim that the BIA had a trust responsibility with the "Chinook Indian Tribe:" "BIA Agents Met with Chinook Indian Tribe Members in SW Washington" [7 exhibits dating between 1906 and 1934], "BIA Agents Assumed Trust Responsibilities for Members of the Chinook Indian Tribe" [170 "sample" exhibits dating between 1914 and 1963], and "BIA Participated in Issuance of Blue Cards for Fishing Rights of Members of the Chinook Indian Tribe" [3 exhibits dating 1952 and 1954].

The Proposed Finding. The PF HTR, pages 32 to 51 discussed the kinds of records which the petitioner now says were evidence of prior Federal recognition. These documents, which are either the same as those submitted in the petitioner's response, or are the same type as those now submitted, did not provide evidence that the Chinook Indians were federally acknowledged. The PF HTR, thoroughly discussed the compilation of the Roblin and McChesney rolls, the enumerations of Indians on Federal censuses, individual school records, fishing rights and "blue cards," and other services provided by the BIA. The conclusion that these records did not constitute Federal acknowledgment of a Chinook tribe were summarized in the PF Summary:

Although the Federal Government did not recognize a Chinook tribe during the 20th century, it produced lists of descendants and provided some descendants with allotments or services. The lists produced by Charles McChesney in 1906 and 1914 were lists of descendants entitled to compensation, while the lists produced by Charles Roblin in 1919 included separate lists of unenrolled Chinook and Shoalwater Bay Indians.

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These were not rolls of an existing tribe. A Federal district court in 1928 held that Chinook descendants were entitled to allotments of land on the Quinault Reservation. Before this decision, the allotting agents of the Office of Indian Affairs had allotted Chinook descendants residing on Shoalwater Bay, but not those on the Columbia River. The court referred to the Chinook and Shoalwater Bay as separate bands in its interpretation of the 1873 expansion of the reservation. After Chinook descendants were allotted at Quinault, the Indian Office often referred to them as Quinault Indians. Some Chinook descendants attended the Government's Indian schools, but they did so because of their degree of Indian ancestry, not because the Indian Office recognized a Chinook tribe. Some descendants received "blue cards" from the BIA, but they did so because, as allottees, they were listed on the Quinault roll. Thus, these actions did not constitute Federal recognition of a Chinook tribe (PF Summary, 6).

BIA Analysis. Again, the PF failed to take into proper account both the reference in the 1911 Act to "members" of the tribes subject to the legislation (later determined to include the Chinook Tribe) and the 1925 Act's reference to the Chinook Tribe. Thus, while the documents submitted by the petitioner and summarized in Exhibit O, standing alone, do not prove prior unambiguous Federal recognition, they do constitute evidence that a Chinook tribe was dealt with by the BIA in the first half of the 20th century.

16. The Acknowledgment Regulations Contradict Statutory Guidelines for Determining Tribal Existence. The petitioner here states that the acknowledgment regulations contradict provisions of the Indian Reorganization Act (IRA), apparently because it sees the Chinook allottees as one of the tribes of the Quinault Reservation as Federal acknowledgment of the petitioner as a tribe (Petitioner 1998, 31-33). The petitioner cites to *Halbert*, and other litigation, and to Exhibits P, (a Department of Commerce publication: *Federal and State Indian Reservation and Indian Trust Areas*), and Q, (a 1945 letter from the superintendent at Taholah Indian Agency stating that the Nisqually Tribe had submitted a constitution for review as evidence). The petitioner also compares the petitioner's evidence to the practices and histories of some of the federally recognized tribes "such as (a) Quinault and Nisqually which had no formal organization into the 1920s and 1940s and Tulalip and Muckelshoot which are nothing more than "tribes" which were manufactured under the IRA" (Petitioner 1998, 33).

BIA Response. The petitioner reacts arguments that are discussed elsewhere in this report. Neither of the documents in Exhibits P and Q offer new evidence that the petitioner was seen by outside observers, by scholars, or by the BIA as a Chinook tribe. They do not offer evidence that the Chinook allottees at Quinault were a tribe.

17. Community and Social Interaction Demonstrates Continuing Tribal Existence. The petitioner claims that social interaction between the different communities where the Chinook lived is demonstrated by a report in Exhibit R by Beckham. The petitioner says that the report shows where the Chinook lived between 1900 and 1940, and that other documents such as newspaper accounts and letters show "the Chinooks maintained close social interaction within their tribal group" (Petitioner 1998, 34). Exhibit R is primarily

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composed of abstracts of newspaper articles and letters from BIA superintendents dating from as early as 1907 to the 1950's. The majority of the newspaper articles date to the 1920's, with a few dated as late as 1958. They are arranged in chronological order by residential areas described as: South Bend-Bay Center-Naselle; Cathlamet; Dahlia-Brookfield-Altoona; and Chinookville-Chinook-Ilwaco.

BIA Response. The BIA analysis of this issue is discussed at length under Criterion (b) in this Final Determination's Summary Under the Criteria. The newspaper accounts are listed in the charts for criteria (a) and (b).

18. The Destruction of Chinookville. The petitioner asserts that BAR staff members "erroneously came to the wrong conclusion regarding the reasons for the abandonment of Chinookville between 1880-1900" (Petitioner 1998, 35, and Ex. S). The petitioner's submission for the final determination stated that the abandonment of Chinookville was due to erosion and "force of nature along the shores of the Columbia River and not collapse of an Indian community due to some loss of tribal identification. The BAR conclusions in this regard simply are wrong" (Petitioner 1998, 36). In support of this statement, Beckham submitted a report entitled "Destruction of the Townsite of Chinookville" (Petitioner Ex. S). This report briefly summarizes the history of Chinookville, from its days as the Chinook village "Quat-samts" to its brief stint as the county seat of Pacific County to its demise with the encroachment of McGowan and erosion by the Columbia River. Beckham quoted a history of place names in Pacific County [copy not included], which stated: "By the 1880's nearby McGowan overshadowed the older settlement and erosion was rapidly removing buildings from the shrinking river bank. Erosion vanquished the old town site during this century . . ." (Petitioner Ex. S, 2). The report concluded with a statement that the Chinooks who had lived at Chinookville moved to "other Chinook communities," and advised the BIA to refer to the census enumerations of 1870 and 1880 and "the special reports for the 1900 and 1920 decennial census in the appeal documents of the Chinook Indian Tribe" (Petitioner Ex. S, 3).

The Proposed Finding. The PF briefly mentioned the demise of Chinookville in two places in the Technical Report, commenting that it ceased to exist between 1880 and 1900 and that the BIA had no information on when or why it ceased to exist (PF ATR, 8, 58). Chinookville was also mentioned in the PF Summary:

There were some pioneer-Chinook families living permanently in Chinookville at the time of the 1880 Federal census. Before the 1900 census, and probably soon after the 1880 census was recorded, the village of Chinookville ceased to exist. Some of the descendants of the pioneer-Indian families that had lived in Chinookville in 1880 moved to other locations in Pacific and Wahkiakum Counties by 1900, as well as to other parts of Washington state. In Pacific County, for example, Ilwaco became a place where several descendants of the Petit and Pickernell families resided. One important destination for these families between 1880 and 1900 was the coast where Dahlia, Altoona, and Brookfield (in this summary, the three locations are collectively labeled "Dahlia") are

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located, along the north bank of the Columbia River in Wahkiakum County (PF Summary, 14).

BIA Analysis. The PF made no conclusions regarding the abandonment of Chinookville. The PF did not state that the residents of Chinookville abandoned tribal relations when Chinookville was abandoned. The PF concluded that a social community continued at Bay Center until about 1920, but that 1880 was the last year that the petitioner, as a whole, met the requirements of criterion (b). The new documents clarify the sequence of events that lead to the loss of the town site.

19. *The Chinook* by Clifford Trafzer. The petitioner argues that BAR's reference to a publication *The Chinook* by Clifford Trafzer was given too much weight in evaluating their petition. They have submitted a letter from Mr. Trafzer to Tim Tarabochia, then chairman of the CIT/CN, stating that he was not an expert on Chinook history and that his book was not to be taken as anything more than a historical reference for high school level readers (Petitioner Ex. T). Trafzer stated: "Your people should be recognized by the federal government, and it is negligent on the part of the government to deny you recognition, particularly based on my book which has many limitations . . ." (Petitioner Ex. T; Trafzer 2/6/1988).

BIA Analysis. As one of the few sources about the Chinook in modern times, it would have been improper not to have read and evaluated this book under criterion (a) as evidence that an outside observer wrote about the Chinook in 1990. Reliance upon Trafzer was not critical in coming to a conclusion that the CIT/CN did not meet the mandatory criteria. In fact, Trafzer's book was quoted in the PF Historical Report as evidence that a Chinook Indian group (or groups) existed in the 1950's, 1970's and as late as 1990 when his book was published (PF HTR, 5, 7, 54). Trafzer concluded, "the Chinook no longer are a unified tribe" (Trafzer 1990, 99-100 cited in PF HTR, 81), a point which was only cited once in a lengthy Technical Report. His letter reiterated his conclusions about a lack of political unity. However, the PF also concluded that "He identified three contemporary groups of Chinook in the 1980's: The Chinook Indian Tribe Organization; the Wahkiakum Chinook; and the Chinook on Shoalwater Bay" (PF HTR, 81). Trafzer's book was only one of many sources used to evaluate the CIT/CN petition. Additional discussion on this issue can be found under the comments for criterion (a) and (c).

A perceived negative comment by Trafzer about Chinook's lack of political unity is not the basis for the PF or FD conclusion regarding criteria (a) and (c). Rather, the PF found that the petitioner did not carry its burden of proof and provide sufficient evidence to show identification of a group, and to show political authority within that group.

THIRD PARTY COMMENTS ON THE PROPOSED FINDING

Quinault Indian Nation Comments

Quinault Indian Nation (Quinault) submitted a response to the CIT/CN PF on July 28,

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1998. The Quinault comment focused on three issues: (1) Quinault's contention that the Chinook petitioner was composed of members of other federally recognized tribes, i.e. Quinault Indian Nation, and that it was in fact a splinter group of the Quinault,¹ (2) CIT/CN's request to be reviewed under the 1994 regulations, and (3) a request under the Freedom of Information Act for all materials, affidavits, and surveys submitted by the petitioner in response to the PF, quoting the petitioner's claim that it was "previously unknown and of real significance to the tribe's final submission," as well as BAR's correspondence, notes, and other communications relating to the CIT/CN comment period between August 11, 1997, and July 30, 1998. This last issue included comments on the length of time that the CIT/CN had in preparing its petition, and the Quinault's need for adequate time to review the petitioner's and third parties' comments. The BIA complied with the FOIA request in a letter dated December 23, 1998, and copies of the requested materials which were mailed on January 1, 1999. The FOIA request itself does not address the mandatory criteria; therefore, this FOIA issue will not be addressed further in this final determination.

Quinault Issue # 1. On the first issue raised, that the petitioner was composed of members of the Quinault Nation and was a splinter group of the Quinault Nation, Quinault referred to its 1996 submission in which it "noted that over 60% of the Quinault Nation's membership possesses Chinook ancestry," and based on this description of the Quinault membership, suggested that a BAR review of the Quinault and Shoalwater Bay membership lists would show that most individuals with "significant Chinook ancestry" were already enrolled in either the Quinault Indian Nation or the Shoalwater Bay Indian Tribe. Quinault contended such a review would show that "in addition to other deficiencies in the Chinook petition identified by the BAR, the petitioner was in effect a "splinter group" (Quinault 7/28/1998, 1).

To help the BIA determine the extent to which the Chinook petitioner's membership was composed of individuals who were members of federally recognized tribes, as called for in 25 CFR § 83.7(f), Quinault enclosed a copy of an "Enrollment Report" dated July 15, 1998. The Quinault stated that this report is "a copy of its current membership roll that

¹ In this section, the Quinault also stated that the Department denied the Quinault access to the petitioner's membership rolls. This claim refers to the Quinault's April 2, 1996, request under the Freedom of Information Act (FOIA) for "all records and correspondence compiled, received or responded to regarding the petitions for acknowledgment by the Chinook and Cowlitz petitioners . . ." (BIA 6/11/1996). The BIA responded to this request on June 11, 1996, stating that there were 14,782 pages of Chinook materials, but that "We must, however, withhold under law the genealogical portions of the petition, the membership lists and parts of membership applications with privacy materials in them. These protections of privacy materials are provided under FOIA exemption (6)" (BIA 6/11/1996). The Quinault's appeal of this decision was denied by the Department's FOIA office on November 11, 1996. Subsequently, Quinault sued the AS-IA, *et al.*, concerning the withholding of privacy materials in both the Cowlitz and Chinook petitions. In October 1998, the U.S. District Court upheld the Department's decision under FOIA to withhold membership lists and genealogies submitted by the Cowlitz and Chinook petitioners. The history of the allegations, appeals, and court decisions are described in detail in the technical report of the Final Determination to acknowledge the Cowlitz Indian Tribe (FD Technical Report, Cowlitz, 2-4). Since publication of the Cowlitz FD, the Quinault lost their appeal before the Ninth Circuit Court of Appeals on July 27, 2000 (*Quinault Indian Nation v. Deer*, Unpublished Slip Opinion, 7/27/2000, No. 98-36231 (D.C. No. CV-97-5625-RJB)).

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includes the full name of all Quinault tribal members, their maiden names where applicable, their year of birth, and sex.” There are 2,323 names on this report. The Quinault sent a copy of its 1998 “Enrollment Report” to the CIT/CN petitioner, citing to a requirement in § 83.10 (i) of the 1994 revised regulations.

BIA Response. There are two separate points to be addressed in this first issue: the degree and effects of dual membership, and the question of whether the petitioner is a “splinter group” of the Quinault Nation. Under the topic of “Scope,” the 1978 regulations state: “Nor is this part intended to apply to splinter groups, political factions, communities or groups of any character which separate from the main body of a tribe currently acknowledged as being an Indian tribe by the Department” (§ 83.3(d)).

The question of members of the CIT/CN also being enrolled members of the Quinault was addressed in the PF, which stated that although neither the petitioner’s constitution nor its membership ordinance addressed the issue of dual enrollment, the petitioner was aware that some of its members were also members of the Quinault Nation (PF GTR, 46). The PF noted that the BIA did not have a 1995 or current Quinault tribe membership list, but had used a 1992 printout of “all people on agency file” from the Olympic Peninsula Agency of the BIA. The analysis of the petitioner’s membership records and the Quinault’s records at various periods since the 1950’s showed that at various times between 1953 and 1995, between 5 and 7 percent of the petitioner’s members were enrolled in the Quinault tribe (PF GTR, 46-48). Based on this evidence, the PF concluded that the petitioner was principally composed of persons who were not members of any federally acknowledged North American Indian tribe; therefore, it met criterion 83.7(f).

For the final determination, the BIA compared the names and ages on the 1998 Quinault “Enrollment Report,” with the names and birthdates on the 1995 CIT/CN membership list which included 1,566 people (PF GTR, 34). Although there were some slight discrepancies between the ages given in the “Enrollment Report” and the birthdates in the CIT/CN membership list, the BIA found 126 names on the CIT/CN membership list that were likely to be the same names on the “Enrollment Report.” Therefore, only about 5 percent (126 of 2,323) of the Quinault membership appears to be on the CIT/CN’s membership list. On the other hand, slightly more than 8 percent (126 of 1,566) of the CIT/CN membership appear to be on the Quinault’s “Enrollment Report.” These figures do not represent a significant portion of the petitioner’s membership or of the Quinault Indian Nation’s membership.

The BIA also compared this list of names to the Chinook ancestral lines which were submitted by the petitioner in the “Blue files” and discussed in the PF (PF GTR, 9, 37-39). This comparison found that the 126 individuals represented descent from 13 different Chinook ancestral lines cited in the 22 “Blue files.” There is no indication that the 126 names represent a single family or family line. In some instances, some of the siblings in a family are on the petitioner’s membership list, but one or more siblings in the same family are on both the CIT/CN membership list and the Quinault “Enrollment Report.” An analysis of dual enrollment of these family lines by band/tribe was made in the PF (PF GTR, 48). The following table shows which families and which bands had

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descendants in both the 1995 CIT/CN membership and the 1998 Quinault "Enrollment Report." Because of marriages between families lines, the individuals may descend from more than one ancestral line; therefore, the number enrolled will not total 126, which is the number of names that appear on both the CIT/CN membership list and the Quinault "Enrollment Report."

1998 DUAL ENROLLMENT

BAND	ANCESTRAL LINE	NUMBER ENROLLED
Lower Band	Ducheny [Peers]	5
Lower Band	Ducheny	5
Lower Band	Ducheny [Lucier]	1
Lower Band	Ero/Durival/LaFramboise	17
Lower Band	Ero/Durival [Margaret Ero]	8
Lower Band	Aubuchon [including Petit]	3
Lower Band	Ahmoosemoose	1
Lower Band/Wahkiakum	Mallet/John	40
Lower Band/Willapa	Hawks/Anna Hawks/Nellie Secena	32
Lower Band/Kathlamet	Bailey	1
Lower Band/Clatsop	Pickernell	9
Lower Band/Chehalis	Charlie/Matel	3
Kathlamet	George Skamock	11
Willapa	Telzan/McBride	12

This table shows that the individuals who appear to be enrolled in both the CIT/CN and the Quinault Nation primarily descend from 4 ancestral lines (Ducheny, Ero/Durival, Aubuchon, and Ahmoosemoose) from the Lower Band of Chinook or from 5 ancestral lines (Mallet/John, Hawks, Bailey, Pickernell, and Charlie/Matel) that include both the Lower Band of Chinook and other Chinookan Bands of Wahkiakum, Willapa, and Kathlamet Indians or of the Clatsop and Chehalis tribes. Perhaps as many as 23 of the 126 individuals descend from ancestral lines with exclusive descent from either the Kathlamet or Willapa bands. Each of the bands and ancestral lines represented in the charts of the 1981 and 1987 dual enrollment are also represented in the above chart showing dual enrollment in 1998. This distribution by band or ancestral line is fairly even between the bands. If the petitioner did represent a splinter group of the Quinault, it does not appear to be based on band or family lines.

The BIA also evaluated the list of 126 names who appear to be dually enrolled, by place of residence for possible patterns which might indicate a splinter group of the Quinault Nation. The residences were taken from the information on the CIT/CN membership list.

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RESIDENCES OF PERSONS DUALY ENROLLED IN CIT/CN AND QUINAULT NATION

TOWN	COUNTY	STATE	TOTAL NUMBER
Bay Center	Pacific	WA	21
South Bend	Pacific	WA	15
Long Beach	Pacific	WA	2
Naselle	Pacific	WA	3
Raymond	Pacific	WA	11
Chinook	Pacific	WA	1
Ocean Park	Pacific	WA	2
Cathlamet	Wahkiakum	WA	4
Rosburg	Wahkiakum	WA	4
Taholah	Grays Harbor	WA	17
Hoquiam	Grays Harbor	WA	6
Aberdeen	Grays Harbor	WA	9
Elma	Grays Harbor	WA	1
Ocean Shores	Grays Harbor	WA	1
Montesano	Grays Harbor	WA	2
Tumwater	Grays Harbor	WA	1
Humptulips [River?]	[Grays Harbor ?]	WA	1
Tacoma	Pierce	WA	2
Vancouver	Clark	WA	3
Gig Harbor	Mason	WA	1
Marysville	Snohomish	WA	1
Olympia	Thurston	WA	1
Quilcene	Jefferson	WA	2
Sequim	Clallam	WA	1
Seattle	King	WA	1

About half of the individuals who appear to be dually enrolled are in Pacific County (55) Wahkiakum County (8). This two-county area is considered to be the traditional Chinook territory and the same area where about 22 percent of the CIT/CN membership lives today (PF ATR, 137). This table shows that 38 individuals live in Grays Harbor County, which is just north of Pacific County, and which includes the Quinault Reservation.

This table also shows that 12 people live in other counties throughout Washington State. Thus, a total of 119 of the persons who appear to be dually enrolled are living in Washington State. In addition, three others reside in Oregon, two in Alaska, one in Texas, and one in California. Four individuals with CIT/CN membership numbers did not have addresses, and two names on the CIT/CN membership list were identified as "deceased." There does not seem to be any pattern suggesting a splinter group based on residence. There was no information presented which indicates that the 126 individuals was a political faction or voting bloc of the Quinault Indian Nation.

It is the function of the Federal Acknowledgment Process to determine whether a petitioner for acknowledgment descends from a historical tribe and has continued to exist as a separate political entity from historical contact to the present. The acknowledgment regulations do not require a petitioner to consist of all of the descendants of a historical tribe. That some Chinookan descendants are members at Quinault is not a bar to recognition of a separate group of Chinookan descendants which established that it has

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maintained a separate political entity from historical contact to the present, or that it separated from other Chinook or part Chinook entities in the past and has continuously existed to the present.

The Quinault Nation did not dispute the ample evidence in the petition which identified the petitioner's ancestors as members of the Lower Band of Chinook, the Willapa Band, the Wahkiakum Band, and the Kathlamet Band of Chinook, or the Clatsop Tribe. The PF technical reports evaluated considerable, reliable evidence which described how the petitioner's membership descended from each of the bands (PF GTR, 47-49; PF ATR, 35- 50, 135-139). The Quinault did not show that the CIT/CN petitioner's membership was principally composed of members of the Quinault Nation, the Shoalwater Bay Indian Tribe, or any other federally recognized tribe.

The second point claimed by the Quinault Nation under this issue, that the petitioner is a splinter group of the Quinault Nation, is not supported. The Quinault Nation cited no specific evidence of a splinter group, merely that some of the members of the Quinault Nation also have descent from the Chinook Indians and that some of these are members of the petitioner.

Quinault Issue #2. The second issue raised by the Quinault concerns the CIT/CN petitioner's request to be considered under the 1994 revised regulations rather than the 1978 regulations. The Quinault Nation supported the Department's decision to proceed under the 1978 regulations.

BIA Response. As discussed above, the AS-IA, as an alternative basis for acknowledgment, finds that the 1925 Act constitutes an unambiguous prior Federal recognition.

Quinault Issue #3. The Quinault comments also included a request under the FOIA for a complete copy of the Chinook petitioner's response to the PF and other records which the BAR had accumulated during the response to the PF period.

BIA Response. The July 28, 1998, FOIA request was answered in a separate letter from the BIA Office of Management and Administration on December 23, 1998, which released a large body of records, but denied release of the petitioner's membership lists and genealogical records as records of an extremely personal nature. That is, documents under FOIA exemption 6, which exempts information such as "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" from release (5 U.S.C. § 552(B)(6)). Prior to this final FOIA response, the Quinault sued for access to the protected records, arguing that it needed the records to respond to the PF. On October 9, 1998, the U.S. District Court at Tacoma upheld the Federal Government's decision to withhold the material under FOIA exemption 6 (*Quinault Indian Nation v. Gover*, Docket No. C97-5625RJB). This ruling was affirmed in the United States Court of Appeals for the Ninth Circuit on July 27, 2000 (*Quinault Indian Nation v. Deer*, Unpublished Slip Opinion, 7/27/2000, No. 98-36231 (D.C. No. CV-97-5625-RJB)). In an opinion filed July 27, 2000, the Ninth Circuit affirmed the district court's favorable decision as recorded in the transcript of the

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October 19, 1998, hearing. (See Attached)

The Linda C. Amelia Comments

Ms. Linda C. Amelia, a member of the CIT/CN, submitted her "testimony in support of Chinook recognition" dated June 10, 1998, which was received by the BAR on July 22, 1998. The Amelia comments, which she said were based on "oral history and a summary of documentation about my family that is attached" (Amelia 6/10/1998, 1) focused on four issues. They are (1) the "political climate" between the CIT/CN Council, and the petitioner's attorney, and herself, (2) the contributions of her Chinook and Cathlamet ancestors and their "social ties with among one another from Bay Center to Cathlamet to Chinook Point," (3) questions concerning the validity of a statement in the BIA's PF that Paley Temaikemae, Chief Comcomly's daughter was also Cowlitz, and (4) a recommendation that AS-IA appoint an "outside unbiased reviewer" because the Quinault "attack" on the Chinook "recognition" had harmed the Chinook petition. Ms. Amelia's comments also included an appeal to the Assistant Secretary to reverse the negative PF for one in favor of the Chinook.

The Amelia comments included about 70 pages of affidavits and exhibits, including a 2-page affidavit dated May 9, 1998, relating her personal knowledge of her family's Chinook ancestry, a 7-page affidavit affirming her lineal descent from Chief Comcomly and other Chinook ancestors, and exhibits A to F. Ms. Amelia stated that she had submitted these comments directly to the Chinook Council, but that no action had been taken on them (Amelia 6/10/1998, 1).

Amelia Issue #1. Ms. Amelia asserts an unspecified "political climate" between the petitioner's council, the CIT/CN attorney, and herself which caused the attorney to try to discredit her statements or contributions to the petitioner's efforts (Amelia 6/10/1998, 1).

BIA Response. The PF Anthropological Technical Report referred briefly to a controversy over the 1994 election of Tim Tarabochia and Jean Schaffer, resulting in a recall vote initiated by Linda Amelia in 1996 (PF ATR, 169). This may be the source of the "political climate" Ms. Amelia referred to in her comments on the PF. Comments from individual members of the petitioner are accepted, whatever the attitude of the petitioner's council or attorney, and those comments will be considered on their merits relevant to the mandatory criteria.

Amelia Issue #2. The Amelia comments included a statement about the evidence the petitioner and Ms. Amelia had presented regarding her father's family [the Mallet-Springer and Scarborough lines] and their "involvement in Chinook governance, cultural and social activities" (Amelia 6/10/1998). Much of Ms. Amelia's affidavit, dated May 9, 1998, refers to her descent from Chinook ancestors and their participation in Chinook tribal governance through Chief Comcomly, who died in 1830 (PF ATR, 1), and through family leaders and elders. "I have learned from oral history about my family that some believed they need not ask anyone else when our heads of family made decisions" (Amelia 5/9/1998). Stating that her Chinook ancestors lived at Chinook Point and Cathlamet, and that they frequently visited the Bay Center area to visit collateral

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relatives or attend meetings and gatherings, Ms. Amelia added that she had seen evidence of this in family documents "indicating that visits were made in the 30's, 40's & 50's to Bay Center to meet with certain members of our Tribal Council at that time. For BAR to say we had no contact or lost contact with one another is ludicrous" (Amelia 5/9/1998). The commenter also states: "I have direct personal knowledge that Chinook governance acknowledged heads of families in terms of discussions of land claims, fishing, social functions and other matters when decisions were made in those times" (Amelia 5/9/1998).

The commenter supported these claims with an affidavit dated December 16, 1997, and its attached exhibits, including an undated [ca. 1985] and unsigned draft affidavit by Stephen Dow Beckham "used in litigation in an effort to get our ancestral lands returned at Chinook Point also known as the Scarborough Donation Land Claim No. 37;" a 1937 newspaper article, "Sarah Scarborough Recalls Cathlamet in Pioneer Days;" a 1957 letter to Washington State Representative Mrs. Julia Butler Hansen regarding the land claims of the Scarborough heirs; undated [ca. 1957] and unsigned "Statements in Support of Bill For the Relief of the Heirs at Law of James Allan Scarborough and Ann Elizabeth Scarborough" reciting Scarborough land claims; two newspaper articles from the 1970's about Charles D. and Edwin Scarborough; and correspondence from Mrs. Julia Butler Hansen.

Much of Linda C. Amelia's December 15, 1997, affidavit stated family relationships and traditions of aristocratic heritage because of its descent from Chinook "royalty." Ms. Amelia's interpretation of the Scarborough heirs' pursuit of compensation for the Donation Land Claim, which included Chinook Point (Scarborough Hill), as "unrefutable [*sic*] evidence that the direct Chinook ancestors of Chief Comcomly have never wavered in their personal belief that they are the "Chinook" guardians of their spiritual homelands" (Amelia 12/16/1997).

The 1997 affidavit also makes assertions that her father and grandfather made numerous trips to Bay Center to visit their Petit relatives, and that her father kept strong ties to his Cathlamet "roots." She also stated,

When I accompanied him and my mother on trips to Bay Center, we would get oysters, crab and attend family meetings where Chinook business was discussed. These discussions related to general Chinook tribal "politics," allotments, timber matters, fishing and family events such as reunions and funerals (Amelia 12/16/1997).

BIA Response. The Amelia comments seem to be addressing two of the mandatory criteria: (b) community, and (c) political influence or other authority over its members. The PF found that the petitioner clearly met criterion 83.7(b) from 1811 to 1854, and that there was some evidence that the petitioner, as a whole, met the criterion for community through 1880. The PF also concluded that there was some evidence of a social community continuing at Bay Center among the Lower Band of Chinook until about 1920 (PF Summary, 23). Therefore, the petitioner or commenters needed to provide evidence of social community from 1880 to the present.

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The PF also found that the petitioner met 83.7(c) from 1811 to 1855, but did not meet it from 1856 to the present (PF Summary, 36). "The four decades following these unsuccessful treaty negotiations are almost barren of evidence of Chinook tribal political activity or leadership. As early as 1870, the local superintendent of Indian Affairs claimed that the Chinook had no chief" (PF Summary, 27). Although there was some evidence of an Indian community at Chinookville into the 1880's and of Chinook descendants living in Ilwaco, Dahlia, and Bay Center, there was no available evidence to show that there were leaders who exercised political authority over the group as a whole or in the several settlements, or that the Chinook descendants influenced these purported leaders (PF Summary, 27).

The petitioner made vague claims that leadership among the Chinook Indians was provided by heads of families. However, it provided "few, if any, specific examples of this kind of leadership" (PF Summary, 28). Family heads were not named and their activities were not described. The petitioner provided very little evidence of informal leadership on the part of non-family heads in the first half of the 1900's (PF Summary, 30). Therefore, documentary, contemporary evidence submitted in response to the PF that named other family heads for the other leaders, and detailed their activities and the extent of their influence would have been very beneficial to the petitioner as a whole. Each of the affidavits and exhibits in the Amelia comments were reviewed by the BIA to determine how the activities of the Mallet-Springer and Scarborough families could possibly show the continuance of political authority or influence.

Amelia Exhibit A. The 1985 draft affidavit (not signed or notarized) of Stephen Dow Beckham described his educational background, his publications, his role as an expert witness in claims litigation, and his role as a consultant to the Chinook. He then listed the sources he used to prepare a genealogical chart of the Scarborough family, and a description of the Scarborough land obtained through the Oregon Donation Act of September 27, 1850. Beckham stated "Ann Scarborough was a full-blooded Chinook Indian and the daughter of the Chinook Indian chieftain, Comcomly," but did not cite a specific source for this information (Amelia 6/10/1998, Ex. 1: Beckham 1985, 5). The rest of the affidavit described what happened to this property after the deaths of Captain and Mrs. Scarborough.

BIA Response. Beckham's 1985 affidavit did not name or describe any leaders of a Chinook tribe or how or whether the Scarborough heirs in the 20th century interacted with any such leadership that may have existed. The Scarborough heirs' pursuit of "Relief for the Heirs at Law of James Allan Scarborough and Ann Elizabeth Scarborough" in the 1950's is not evidence of tribal leadership because it appears to concern a single family rather than a number of family lines.

Beckham's 1985 affidavit referred to Chinook ancestors who lived in the decades before 1854, a time when there was clear evidence that there was a Chinook tribal entity. Beckham's summations of the probate proceedings and land transfers during the 1850's and 1860's do not provide evidence of a Chinook social community or of Chinook tribal political influence or authority in either the 19th or 20th centuries.

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Amelia Exhibit B. A 1937 newspaper article recalling Cathlamet in pioneer days stated that Mrs. Sarah Scarborough remembered James Birnie and other pioneer settlers; however, she made no mention of a Chinook tribal entity in Cathlamet or of Chinook leaders.

BIA Response. Only two passing phrases in the article "Indians trading salmon for blankets" and "strange doings in the Indian lodges" indicated that there were Indians at Cathlamet in the mid-to-late 1800's. Those two phrases do not constitute evidence of a tribal entity continuing at Cathlamet in the late 1800's, or of tribal authority or influence during that same time period.

Amelia Exhibit C. A 1956 newspaper article titled, "When Is an Indian Not an Indian?" refers to the status of the Chinook Indians in regards to fishing and hunting rights. The article was in the record for the PF and was cited in the PF HTR, 60, as McDonald 1956. The article referred to a day-long picnic at Fort Columbia State Park for members of the Chinook Tribe at which their attorney, Malcolm S. McLeod, explained a brief he had recently received regarding their claims case. McLeod said that there had been a continuous line of chiefs since 1795, but did not name them. Comcomly was mentioned as one of the leaders in early years. Jack Petit of Ilwaco was cited as presiding over the 1956 meeting, and the caption with the picture of Roland Charlie, of Tokeland said he was "president of the Council of the Chinook Tribe." No other leaders, past or present were named in the article, nor were others involved in the "Chinook Tribe" named.

BIA Response. This article has some value in that it implies there was a Chinook group in the mid-1950's, but does little to demonstrate the continuous existence of a tribal entity after 1880 (or 1854) until the 1950's, or of political authority or influence from 1854 to the 1950's. This article did not provide new evidence of a tribal entity.

Amelia Exhibits D-1 to D-12. According to Ms. Amelia, these documents came from the personal files of Mrs. Julia Butler Hansen, former Washington State Representative, whose mother had been Mingo Amelia's school teacher, and who was familiar with the Scarborough heirs' claims relating to Donation Land. The exhibit includes copies of letters from 1955 and 1957 from Marie J. Scarborough, "Acting Secretary" or "Secretary & Representative" of the Scarborough heirs, which recited the history of the Scarborough family, James Allen Scarborough's Oregon Donation Land, and unsigned statements describing the land transactions by Charles D. Scarborough, Edwin J. Scarborough, and the family attorney Richard L. Merrick. Exhibits D-1 to 12 also includes letters to Senator Warren Magnuson and Senator James E. Murray regarding Senate Bill S.2002, "For the relief of the of the heirs of James Allan Scarborough. . ." and two newspaper articles (one undated article, presumably from the early 1970's about Charles D. Scarborough, and a 1974 obituary for Edwin J. Scarborough).

BIA Response. While these records clarify some Scarborough family relationships and introduce the statement that "Paley Temaikami" was the daughter of Comcomly, they primarily repeat the Scarborough heir's claims to land at Scarborough Head in Pacific County, Washington. None of the records describe an Indian settlement at Cathlamet or elsewhere along the Columbia River after 1855. The newspaper accounts about

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Scarborough descendants in the 1970's recount tales of the pioneer settlers, lost gold ingots, and the death of Edwin J. Scarborough in 1974. Neither article provided contemporary evidence of a tribal entity in the 1950's or 1970's or of Scarborough family leadership in issues beyond obtaining a settlement for the purchase of family owned property, which had been obtained as Oregon Donation Land.

Mrs. Hansen's June 10, 1983, statement declared that her family and the Amelia-Scarborough-LeClair families lived in Cathlamet, and listed from her personal knowledge the parents and grandparents of Roy Amelia. The statement did not describe a tribal entity that may have existed in her lifetime, or provide evidence of political influence or authority by the Scarborough family or any other Chinook families or individuals in the 1900's.

Amelia Exhibit F. A February 2, 1954, letter to Charles E. Larsen from the Commissioner of Indian Affairs, Glenn L. Emmons regarding a "proposed western Washington terminal [*sic*] bill to the Chinook Indians" and Chinook Indians who were allotted on the Quinault Reservation and "now enrolled on the Chinook tribal roll prepared for the purpose of sharing claims." This letter was in the record for the PF and is cited in the PF HTR, 67 as BIA 2/2/1954. Mr. Larsen is not named as the leader of a Chinook group in this letter, nor are other members of the Chinook group named. However, other documents cited in the PF referred to Charles Larsen as the secretary of the Chinook Tribe, Inc. in 1954. The letter references rolls prepared for claims purposes and the interests of allottees on Quinault in relation to the claims. This letter provides some evidence of a Chinook community and of Chinook tribal authority or influence.

Amelia Exhibit F-1. January 19, 1994, letter from Donald E. Mechals, chairman of the Chinook Tribe of Indians to Ada Deer, AS-IA, briefly explaining the history of the Chinook and citing scholars who have studied their culture. This letter also summarizes the *Halbert* case, the proposed Western Washington Termination Bill, and Indian Claims.

BIA Response. All of these topics in Exhibits F and F-1 were discussed in detail in the PF (PF HTR, 12, 32-34, 44, 67-68; ATR 13, 97, 125, 151). Neither of these letters sheds new light on a Chinook Tribal entity that may have existed in the 20th century. None of these documents showed significant social ties between the Chinook descendants at Bay Center and Dahlia-Brookfield-Altoona. These documents do not show the Scarborough family members in close or frequent contact with relatives or other Chinook descendants at Bay Center. Other than occasional references to Chief Comcomly, these records did not show Scarborough descendants in tribal leadership positions, either formal or informal. None of these documents show social ties between the Indians at Cathlamet and the Indians at Bay Center as asserted by the commenter.

Amelia Issue #3. The Amelia comments also questioned a statement in the PF which attributed some Cowlitz ancestry to the wife of James Scarborough. Ms. Amelia asked what documentation was used to support the claim of Cowlitz ancestry to her ancestress, "Paley Temaikamae, Chief Comcomly's daughter" and stated, "I have never heard this from any of my elders who are now deceased. Also, I have never personally reviewed any documentation to support that statement" (Amelia 6/10/1998, 1-2). In an affidavit

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dated December 16, 1997, Ms. Amelia identified herself as a lineal descendant of Chief Comcomly and other Chinook Indians and referred to attached exhibits which supported her claims. These exhibits are discussed above in connection to Issue # 2. Although most of these articles related to some of the Scarborough family history, they did little to document the parentage of Paley Temaikamae. The first of these documents to name Paley Temaikamae as the daughter of Comcomly was one of the ca. 1957 statements of the heirs regarding land claims. The two Tacoma News Tribune articles (one dated April 8, 1974) about Charles D. Scarborough and Edwin J. Scarborough, grandsons of Captain James Allan Scarborough, name the captain's wife as Paley Temaikamae, a daughter of Comcomly.

BIA Response. The Anthropology report included this one paragraph on the Scarborough family.

One of the Chinook Indian women listed by Gibbs whose family continuously lived in Chinook country was Am-e-a-wauk (a.k.a. Ann Elizabeth), the wife of James Scarborough. James and Ann Elizabeth lived together on the Columbia River at Scarborough Hill, near the Indian village of Chinookville. They both died at relatively young ages, but their children continued to live in the area and their descendants tended to marry Indians from other tribes. Some of the Scarboroughs were closely tied to the Cowlitz Tribe, since Ann Elizabeth also had some Cowlitz ancestry. There were also some Scarboroughs who affiliated with the Lummi Tribe (PF ATR, 26).

The ATR referenced as its source a census made by George Gibbs in 1851. The petitioner sent both a photocopy of the 1851 census and an annotated transcript of it (Petitioner Ex. 439). The actual census reads: "Census of the Chinook tribe of Indians residing on lands owned by them and lying on the Columbia River below the mouth of the Cowelitse taken January 1851." Gibbs then listed the name of the head of the family, the usual place of residence and the number of males and females in each household by age group. After listing the Chinook heads of house, he added "Chinook women, married to whites," and their usual places of residence, but did not include the number of residents in each household. One of the Chinook women married to a white man was "Scarboro" residing at Cape Disappointment. Neither her Indian name nor her baptismal name was shown on this report. However, the annotated transcript submitted with Petitioner Ex. 439 included the editorial comment: "[Mrs. Scarborough = Am-e-a-wauk (Ann Elizabeth, Keta-lut-sin) (died 8 July 1852), who married James Allen Scarborough (who died in July, 1854). They were married Oct. 30, 1843, Fort Vancouver. Scarborough was ship captain for the Hudson's Bay Company]"

The unidentified annotator did not cite a source for this additional information about "Scarboro." However, it appears to be gleaned from several entries in *Catholic Church Records of the Pacific Northwest* by Warner and Munnick, and the statements in the McChesney and Roblin rolls. The Church records identified the wife of Captain Scarborough as either "Paley Temaikamae" or "Ann Elisabeth," a "Tchinouck" or "Chinook," Indian woman (Munnick and Warner 1972). In some instances, the compilers quoted the original Church records, which identified Scarborough's wife as

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Ann Elisabeth, but then added in brackets “[Paley Temaikamae],” indicating this information was added by the compilers. None of the references in the Catholic Church records stated that she was the daughter of Comcomly.

On the other hand, there is conflicting information in the 1906, 1913, and 1914 McChesney rolls and accompanying statements which identify the mother of Edwin (Edward) Scarborough as Keta-Lut-Sin, a Lower Chinook woman who was from Chief Chenamus’ tribe (McChesney 1906, Statement #50). Edwin was orphaned at a young age and did not remember his mother’s name, but another Lower Chinook woman, Catherine Dawson who was over 80 years old, provided McChesney with the name Keta-Lut-Sin (McChesney 1906, Statement #50). Neither Edwin Scarborough nor Catherine Dawson identified Keta-Lut-Sin as a daughter of Comcomly, or as being of Cowlitz descent. Edward Scarborough’s 1919 application for enrollment in Quinault states that his mother’s Indian name was “Um Na Wak” (Roblin 1919, M1343, Roll 2, Frame 338). A 1913 statement to McChesney by Robert Scarborough, a son of Edward Scarborough “a half blood Indian of the Lower Chinook tribe” says that Edward’s mother was Ameawak, “a full-blood Lower Chinook Indian and that she lived during her whole life on or near Chinook Beach on the lower Columbia river” (McChesney 1913 [Petitioner Ex. 197]). Robert Scarborough did not attribute descent from Comcomly or from the Cowlitz to his grandmother, Ameawak.

The James Scarborough family was found in Lewis County, Oregon Territory (now Washington State) on the 1850 census. Unfortunately, the census enumerator simply listed his wife as “Mrs. Scarborough, age 40, Indian.” Children named James, age 11, Indian; John, age 7, Indian; Edwin, age 3, Indian; and Mary St. Clair, age 7, [white or Indian?] were in the household (U.S. Census 1850, p. 58, #140).

As can be seen from the records that were contemporary to the lives of Mrs. Scarborough and her children, she was identified variously as Paley Temaikamae, Ann Elisabeth, Um Na Wak, and Keta-Lut-Sin. In 1913, a grandson attributed the name “Ameawak” to his grandmother Scarborough. However, although none of these sources identified her parents, they all identified her as a full-blood Chinook woman. Attributions of descent from Comcomly began in the 1950’s.

The Proposed Finding GTR, mentions the Scarborough family in several places, but does not attribute Cowlitz ancestry to the wife of Captain James Scarborough, nor does it attribute descent from the Chinook chief, Comcomly. All of the statistics in the Proposed Finding GTR, include Mrs. Scarborough as a member of the Chinook tribe and some of her descendants are members of the petitioner’s group. It appears that the one sentence in the Proposed Finding ATR, which says Ann Elizabeth was part Cowlitz is in error. The report should have said that the Cowlitz lineage came through Ann Elizabeth’s daughter-in-law, Sarah Ferron. However, the error is not significant to the analysis and does not affect the finding that the petitioner descends from the Chinook tribe of Indians.

Amelia Issue #4. Another issue in Ms. Amelia’s comments centered on her “personal opinion” that the Quinault Nation, whose blood quantum and allotment policies showed that “[the Chinook] are clearly considered by them as their tribal ‘enemies’,” had

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“attempted to exercise a great deal of influence to BAR and attempted to personally encourage Ada Deer to render a negative decision from BIA” (Amelia 12/16/1997, 3). Ms. Amelia recommended that the AS-IA appoint an “outside unbiased reviewer” because she perceived Quinault’s attack had somehow harmed the Chinook petition.

BIA Response. The commenter provided no evidence to support her personal opinions about the political differences between the Quinault Nation and the Chinook. The Quinault Nation’s stance on the Chinook petitioner is discussed in the PF, (PF Anthropology, 38-39, 56, 129) and its comments on the PF are evaluated elsewhere in this report. There is no evidence that the Quinault “influenced” AS-IA Deer, or any of the BAR staff. Both the petitioner and the Quinault met with the BAR on separate occasions to discuss the acknowledgment process.

The Miller Comments

Vince Miller, and his wife Edna M. Miller, who is a member of the CIT/CN petitioner submitted several comments between March 25, 1998, and April 10, 1998. These submissions will be identified as “Miller [and date of letter]” in this response. Some of the submissions included requests for information under FOIA, which were answered separately (BIA 5/29/1998).

Miller March 25, 1998, Comments. On March 25, 1998, the Millers submitted several pages of a book called *Black Robes and Indians on the Last Frontier*, by Sister Maria Ilma Raufer, O.P., about St. Mary’s Mission at Omak, near the Colville Reservation in north-central Washington. The text appears to be a letter to the President of the United States from “We, the older Indians and Chiefs of the Colville and Okanogan tribes. . .” that recites the mistreatment of the Indians by the whites. Also included in this submission were two pages from an unidentified source, quoting an 18th century Delaware Indian in the northeastern United States who was also decrying the untrustworthiness of the white men (Miller 3/25/1998).

BIA Response. Neither of these sources mention a Chinook tribe. Neither of these sources respond to the questions raised in the PF regarding criteria (a), (b), and (c) for the decades after 1855 until the present.

Miller April 4, 1998, Comments. The April 4, 1998, Miller comments included 30 pages of a report by Stephan Dow Beckham called: “Without Statutory Authority: The Termination of the Chinook and Cowlitz Tribes” which the commenter said was submitted with the Chinook petition in 1987. However, this source did not appear in the BIA’s bibliography or in the list of documents in the Chinook petition. This report does not appear in the list of documents cited in the petitioner’s letter to the BIA in 1988 asking for a review (obvious deficiency letter) of the petition (CIT 9/5/1988). The date on the Beckham report is August 16-19 1987; therefore, it was written or completed after the petitioner’s two submissions in March and June 1987. However, the report itself appears to be new evidence to be considered for the final determination.

BIA Response. Termination of western Washington tribes was discussed in both the

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anthropological and historical reports of the PF (PF Anthropology 119-123; History 53, 59, 60-68, 71). There are several citations to original documents in the 1987 Beckham report, but if there was a bibliography, the commenter did not submit it with the report. The BIA compared the citations in the 1987 Beckham report to the list of documents in the BIA's bibliography to the PF and found that most of the documents cited in the Beckham report had been evaluated in the PF.

The report "Without Statutory Authority" did not provide new evidence that was not covered in the PF.

Miller April 9-10, 1998, Comments. This submission consists of eight pages of materials from a variety of sources that were faxed to the BAR on April 9 and 10, 1998. The first page was a hand-written note from Vince Miller which repudiated the BIA's actions in 1861, and decried the veracity of a book by Trafzer which had been used as one of the sources for the PF.

Also included in these comments was a FOIA request for "an administrative hearing concerning my family's Indian *rights* being taken by omission of my tribe, the CHINOOK, from the *Federal Register* List of Recognized Tribes." [Emphasis in the original] This appears to be related to a statement made in *Greene v. Babbitt*, which Miller quotes as saying that "removal of the Samish tribe of Washington was simply a "low level clerk's mistake in 1969." The Miller comments also included a typescript of a 1861 petition from the citizens of Oregon and Washington for appropriations to compensate the "tribes and remnants of tribes" for their lands, one page of the 1880 Washington State constitution, a copy of the Article III of the Ordinance of 1787 regarding the rights of Indians, and one page from an unidentified source regarding Indian claims litigation.

BIA Response. Miller's comments criticize *The Chinook* by Clifford E. Trafzer for a statement on page 13: "Northwestern Oregon and southeastern Washington grow very cold in the winter. During those months, the Chinook, who inhabited the region for hundreds of years, . . ." which the commenter interpreted as meaning that *northwest* Oregon and *southeast* Washington were adjacent to one another. It appears that there was a typographical error that was not caught by the editors of the book. "Southwest Washington" describes the Chinook territory. The other Miller comments centered on Trafzer's failure to properly identify the people in photographs on page 26 and 102 of *The Chinook*. However, as explained above in the section on Trafzer's book, the BIA did not rely on this book to define the traditional Chinook territory and the incomplete or incorrect identifications of the photographs has no bearing on the identification of a Chinook tribal entity that may have continued to exist from historical contact to the present. The alleged errors by Trafzer which were cited by Miller were neither relied upon by the Department in the PF nor cited in the BIA's Technical Report.

The Miller request for an "administrative hearing" under FOIA is confusing. There is no provision for an "administrative hearing" under FOIA. Nor were benefits taken away from the Millers. The Miller FOIA request "for any documents in the BAR having to do with the decision not to place the Chinook Indian Tribe on the *Federal Register* list of

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recognized tribes" was answered in a letter to Mr. and Mrs. Miller dated May 29, 2000, from the Office of Management and Administration. That letter stated:

We regret to inform you that there are no such documents in this office. The first list of federally recognized tribes was published in the *Federal Register* in 1979. There is no evidence that the Bureau of Indian Affairs (BIA) considered putting the Chinook Indian Tribe on that list. There is no evidence that the BIA made a conscious decision to exclude the Chinook Tribe at that time (BIA 5/29/1998).

The commenters did not submit any evidence to support their assertions that the Chinook tribe had been omitted by error from the list of federally recognized tribes. There is no need to respond further to the FOIA request in this Final Determination.

The Miller comments identified one of its submissions as a "Citizens Petition to the Commissioner of Indian Affairs" reporting the conditions after a negotiated treaty on Clatsop Plains with the Indians "residing on the Lower Columbia and on the coast at the mouth of the Columbia River, consisting mainly of Chinook, Clatsop and Tillamooks." This copy of the citizens petition is not signed, nor is there a list of the citizens who were petitioning for appropriations "to compensate the tribes and remnants of tribes." However, it appears to refer to the tribes affected by the 1851 Tansey Point Treaties. The treaty and the relationship between the Clatsop Indians and the Chinook Indians are discussed in the PF ATR, pages 23 to 32. The copy of the 1861 petition in the Miller comments does not add to the understanding of who was involved in the treaty negotiations or who may have been considered to be part of a Clatsop or Chinook tribal entity that may have continued after the treaty.

The submissions labeled "enclosure 2" and "enclosure 3" are copies of sections of the Ordinance of 1787 and the Washington State constitution that pertain to Indian rights. "Enclosure 4" is one page from an unidentified source with a brief outline of the history of the Chinook land claims in the early 1900's (Miller 4/9-10,1998). None of these enclosures provided evidence that the petitioner was identified as a tribe or was a tribe.

The Millers also periodically submitted miscellaneous pages from unidentified sources and letters describing the general mistreatment of the Indians by the Government. Those documents do not address the criteria or show that the petitioner has continued to exist as a tribal entity.

Miscellaneous Other Comments

Other parties comments on the PF. These letters did not contribute substantive arguments or evidence. One such letter was from Jonetta Leitka, Chairperson of the Hoh Tribal Council, which expressed the Hoh tribe's support of the Chinook petition and the lack of resources for small tribes, but did not submit any documents or substantive evidence to show that the CIT/CN petitioner maintained tribal relations from historical times to the present (Leitka, received at BIA 9/10/1997). It may be considered as evidence in meeting (a) in that in that a federally recognized tribe recognizes the petitioner as a Chinook tribe.

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Mr. James E. Carty sent a letter outlining the history of his family who were among the early settlers of Ridgefield, Clark County, Washington, and a reported Chinook village site near the mouth of Lake River. Although Mr. Carty referred to several letters and documents, none were included in his comments and none of his comments addressed the seven mandatory criteria (Carty 9/12/1997).

The BIA also received two letters from Bent Thygesen, an anthropologist from Oregon who did field work among non-Indian salmon gillnet fishermen on the Columbia River between 1976 and 1979 (Thygesen 11/3/1997; 2/9/1998). After reviewing the finding and treaty documents, Mr. Thygesen concluded that he had no new information to contribute to the finding: "The petition and the supporting evidence already include what I know about their community and political leadership" (Thygesen 2/9/1998).

SUMMARY CONCLUSIONS UNDER THE CRITERIA
25 CFR 83.7 (a-g) [1978]

CRITERION A

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

Proposed Finding

The Proposed Finding (PF) found that the “evidence showed outside identification of a historical Chinook tribe or band until 1855, or perhaps 1873, and identification of several organizations of Chinook descendants since 1951” (PF Summary, 8). Because the evidence did not show external identification of the petitioner from 1855 to the present on a “substantially continuous” basis, the Chinook petitioner did not meet criterion (a).

In order to meet criterion (a) for the Final Determination, the petitioner needed to provide evidence, at least, of external identifications of it as an entity between 1873 and 1951. According to the 1978 regulations, acceptable evidence could consist of repeated identification of the group by Federal authorities; or evidence of longstanding relationships with State governments based on identification of the group as Indian; or evidence of repeated dealings with a local government in a relationship based on the group’s Indian identity; or evidence of identification as an Indian entity in courthouse, church, or school records; or evidence of identification as an Indian entity by anthropologists, historians, or other scholars; or evidence of repeated identification as an Indian entity in newspapers and books; or evidence of repeated identification and dealings as an Indian entity with recognized Indian tribes or national Indian organizations.

Comment

In its response to the Proposed Finding, the petitioner submitted arguments by its attorney and researcher and copies of historical documents. The petitioner did not specifically identify or label the new exhibits that it considered relevant to criterion (a). The historical documents took the form mostly of copies of the correspondence of Federal officials from the National Archives and copies of articles from local newspapers. The petitioner provided selections from local newspapers such as *The Raymond Herald*, *South Bend Journal*, *Cathlamet Columbia River Sun*, and other publications in Pacific and Wahkiakum Counties in southwestern Washington and northwestern Oregon.

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In general, the new exhibits either referred to individuals, rather than to a group as required by the regulations, or referred to individual Chinook descendants who were allottees on the Quinault Indian Reservation, an entity different from the petitioning group. The petitioner has provided some new evidence that some individuals were identified as Chinook descendants. However, those identifications of individuals were not identifications of a Chinook Indian entity. Some of the exhibits submitted for the Final Determination had previously been evaluated in the Proposed Finding, while many others were new documents which added little information to issues which had been described and evaluated in the Proposed Finding. However, the AS-IA finds that the PF failed to take into account adequately the 1911 and 1925 statutes referring to the Chinook Tribe. When evaluated in light of these enactments, the evidence establishes a reasonable likelihood that CIT/CN meets criterion (a).

Identification before 1873. The Proposed Finding concluded that, “[t]he United States Government recognized the Lower Band of Chinook Indians by negotiating a treaty with it, and with several other bands of Chinookans, in 1851.” It also noted that, “[i]n 1855, the Government made another attempt to negotiate a treaty with the Chinook and other tribes” (PF Summary, 5). Although the Senate refused to ratify the 1851 treaty and the Chinook refused to sign the 1855 treaty, the lack of a ratified treaty does not alter the conclusion that the Government identified Chinook bands or a Chinook tribe by negotiating with them or with it.

The Proposed Finding noted that a historical Chinook tribe may have been identified, by implication, by the Executive Order that expanded the Quinault reservation in 1873 (PF Summary, 6, 8). A Chinook tribe was not explicitly mentioned by the Executive Order of 1873 (Kappler 1:923), but can be considered to have been included by the reference to the other “fish-eating tribes” of the Washington coast. A Federal district court interpreted the 1873 Executive Order in such a way in 1928, as did a Federal appellate court in 1981 (HTR, 41-42, 80). Accepting this construction leads to the conclusion that the Government, by implication, identified a historical Chinook tribe or remnant thereof in 1873.

It was not necessary for the petitioner to respond to these conclusions and it has not explicitly done so. Since no new information has been submitted or discovered to alter the conclusions of the Proposed Finding, the conclusion stands that a historical Chinook tribe was, or historical Chinook bands were, identified by external observers until 1873.

Identification 1873-1900. The petitioner has submitted several recollections of pioneer settlers, including an account of Ralph C.A. Elliott in a 1901 newspaper article (Petitioner Ex. 1032), a 1921 newspaper article on Indian life in western Washington at the time of settlement (Petitioner Ex. 1060), a 1922 article by pioneer Arthur Skidmore (Petitioner Ex. 1061), a manuscript about the settlement of Ilwaco attributed to Catherine Herrold Troeh (Petitioner Ex. 796), and a 1952 deposition of Emma Millett Lucier (Petitioner Ex. 854). A third party submitted a 1983 letter from Julia Butler Hansen which provided a brief summary of the history and genealogy of the Scarborough family (Amelia 1998). Both the Lucier deposition and a 1917 article by Skidmore which was almost identical to his 1922 article already were in the petition documentation. Lucier’s

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1953 testimony, rather than her 1952 deposition, was cited in the Historical Technical Report for the Proposed Finding (HTR, 25; see also 52).

The reminiscence of Ralph Elliott, who arrived in Cathlamet in 1855, mentioned other pioneer settlers and two chiefs, but did not describe or identify tribes (Petitioner Ex. 1032). The article did not say that a band of Chinook Indians still existed in Cathlamet or Skamokawa in 1901 when the newspaper was published. The 1921 article was a very general historical description of Indian life at the time of settlement rather than an identification of a tribe (Petitioner Ex. 1060). Skidmore's 1922 article also was more a historical account than contemporaneous observation that offered very general statements about Indian culture rather than an identification of a specific tribe (Petitioner Ex. 1061). These documents do not add to the discussion of 19th century tribes in the Proposed Finding and do not extend the identification of historical tribes past 1873. Troeh's manuscript described one family's settlement at Ilwaco in 1882, but did not identify a tribe continuing to exist at or after that time (Petitioner Ex. 796). Genealogical and historical information about a single family, such as the Scarborough family, is not an identification of an Indian entity (Amelia 1998).

The petitioner submitted a brief manuscript by Professor Stephen Dow Beckham on the Chinook descendants who appeared on the 1900 Federal census. Beckham's discussion of the 1900 Federal census, in the petitioner's Exhibit K, makes no reference to the discussion of the 1900 census in the Historical Technical Report prepared for the Proposed Finding. Beckham asserts that the 1900 census "confirms" that "three primary Chinook communities existed" (Petitioner Ex. K, 6). By this he means not that contemporary census enumerators identified such "communities" in 1900, but that a modern researcher can do so. Beckham lists 97 Indian households on the 1900 census in two counties in Washington State, and says that 76 households and 272 individuals were Chinook (Petitioner Ex. K, 11-32). The Historical Technical Report noted the presence of 333 descendants of the 1851 historical Chinookan bands and 91 ancestors of the petitioner in 1900, either on the Federal census in 90 households in three counties of Washington and Oregon or on the Indian census rolls of four Indian agencies (HTR 25-30, Tables 1 and 2).

The 1900 census evidence submitted in Exhibit K was considered and analyzed for the Proposed Finding. The issue of whether Chinook communities actually existed in 1900 is an issue considered by criterion (b). Criterion (a) asks only whether outside observers identified an Indian group which consisted of members or ancestors of the petitioner. Beckham lists Chinooks and other Indians without noting whether they were ancestral to the petitioning group. Beckham lists people considered by the petitioner to be Chinook descendants, not people identified on the census as "Chinook" or as "Indian." In 1900, the census enumerators listed some of these individuals as Indians, but did not refer to an Indian community or group. The petitioner's Exhibit K does not show otherwise. Because the census listed individuals and made no explicit reference, or implied reference, to an Indian group, this census classification of some individuals as Indians does not meet the requirements of criterion (a).

Identification, 1900-1925. The shortcomings in the evidence for 1873-1900 is overcome

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by the several identifications of the Chinook. The petitioner submitted four newspaper accounts of 1907 and 1908 from the *South Bend Journal* and the *Columbia River Sun* of Cathlamet that reported on proposed Congressional bills that offered to pay compensation to descendants of the "three bands of Indians living in the state of Washington along the lower Columbia River" -- the Lower band of Chinooks, the Wheelappa band of Chinooks, and the Wahkiakum band of Chinooks (Petitioner Ex. 1038, 1039, 1041, 1043; quote from Petitioner Ex. 1039).

The 1907 article in the *South Bend Journal*, referred to the individual beneficiaries, rather than to the tribes, who would receive payment of compensation (Petitioner Ex. 1038). The 1908 article in the *South Bend Journal* reported that Secretary of the Interior Garfield had denied the contemporaneous existence of these bands and raised doubts whether anyone existed to receive awards for the Wahkiakum and Wheelappa (Petitioner Ex. 1041). These articles did not identify contemporary leaders or organizations.

The petitioner also submitted two 1910 articles from the *South Bend Journal* that mentioned the efforts of Indian Agent Johnson to take a census of Indians (Petitioner Ex. 1051, 1052). The articles referred to Indians generally rather than to a specific contemporary tribe. Statements about Indians in Bay Center or "on the bay" were not necessarily identifications of a Chinook Indian entity, and the articles and the agent may both have been referring to Indians who belonged to or were affiliated with the federally recognized Shoalwater Bay Reservation. The petitioner also submitted some documentation about the payment to individuals of funds due to the lineal descendants of the historical Chinookan bands (Petitioner Ex. 813, 886-892). These per capita payments were made to individual heirs and that the identification made by the claims payment was of a historical band in 1851, not of a contemporary Indian entity in 1914.

The petitioner submitted a brief manuscript by Professor Beckham on the Chinook descendants who appeared on the 1920 Federal census. Beckham's discussion of the 1920 Federal census, in the petitioner's Exhibit J, makes no reference to the mention of the 1920 census in the Historical Technical Report prepared for the Proposed Finding. Beckham asserts that the 1920 Federal census showed that two settlement areas, Bay Center and Dahlia, "were distinctly Indian" (Petitioner Ex. J, 1). Beckham lists 68 Indian households on the 1920 census in two counties of Washington State, and says that 65 households with 270 individuals were Chinook (Petitioner Ex. J, 7-23). The Historical Technical Report did not include a comprehensive survey of Chinook descendants or ancestors of the petitioner on the 1920 census.

Some of the 1920 census information in Exhibit J is new evidence. The issue of whether Chinook communities or "distinctly Indian" settlement areas actually existed in 1920 is an issue considered by criterion (b). Criterion (a) asks only whether outside observers identified an Indian group which consisted of members or ancestors of the petitioner. Beckham lists people considered by the petitioner to be Chinook descendants, not people identified on the census as "Chinook" or as "Indian." This evidence shows that in 1920 the census enumerators listed some of these individuals as Indians.

Beckham notes that the census enumerator in 1920 "identified part of the village [of Bay

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Center] as 'Indian Town'" (Petitioner Ex. J, 2). The six "Indian" households listed as "Indian Town" in Bay Center constituted only a small percentage (6 of 68) of all the households of Chinook and other Indian descendants identified by Beckham on the 1920 census. The six households in "Indian Town" were a minority (6 of 23) of the Chinook and other Indian households identified by Beckham in Bay Center itself. Of the five families represented in these six households, only two have descendants in the petitioner's membership. Thus, although the census enumerator's reference to "Indian Town" was an identification of an Indian group, it was not an identification of the petitioner as a whole.

The AS-IA finds that this evidence alone, while suggestive, would be inadequate to support a positive finding on criterion (a). However, when this evidence is evaluated in light of the 1911 and 1925 statutes addressing the Chinook as then-existing tribe, it is of sufficient weight to meet criterion (a) through this period. It must be remembered that, especially from the official end of the Indian treaty-making in 1871 until the passage of the Indian Reorganization Act in 1934, all tribes were subjected to a xenophobic and systematic effort to strip them of their tribal status and assimilate them into the general population as individuals. This, it is hardly surprising, and not probative to any significant degree, that the records of that time do not refer consistently to the Chinook Tribe. This is particularly true given the Government's inexcusable failure to ratify its treaty with the Chinook and its neglect of the Chinook thereafter. We should not be deterred by the fact that this policy had effect, nor should we strain to implement the failed and discredited assimilation policy by being rigid in our evaluation of the available evidence.

Identification, 1925 - present. The petitioner submitted a large number of documents from the 1920's and 1930's relating to the Quinault reservation and to individual members of the Quinault tribe or allottees on the Quinault reservation who had Chinook ancestry. However, an identification of a Quinault tribe or of Quinault members was not an identification of the petitioner as an Indian entity that was separate and distinct from Quinault. An identification of individuals as having Chinook ancestry is not necessarily an identification of a Chinook Indian entity.

The petitioner submitted several pages of vital records from the Taholah Agency for the period from 1925 to 1931 (Petitioner Ex. 828), and about 22 pages from the period from 1941 to 1947 (Petitioner Ex. 824). The only individual in the records from 1925-1931 who was "Chinook" died at Yakima and had no known connection with the petitioner. Other individuals who were of the "Quinault" tribe are known from other records to have had Chinook descent, but this record did not identify a Chinook entity. Some of the individuals listed in the records from 1941-1947 were noted as having Chinook tribal ancestry, or ancestry from the Chinook and other tribes (e.g., Chinook-Cowlitz).

The petitioner submitted documentation from 1930 to 1939 about the census roll of the Quinault Reservation (Petitioner Ex. 825-9, 833, 866-8, 934, 944, 993, 998). This documentation about the Quinault census identifies a federally recognized tribe rather than the petitioner. The census rolls may have identified the ethnicity of some individuals as Chinook, but this did not identify the petitioning group as an entity. Most

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of the individuals listed as Chinook on the Quinault census are not ancestral to the petitioner.

Some of the Indian agency correspondence submitted by the petitioner showed that in the first years after the *Halbert* case Superintendent Sams was unsure how to list the new allottees on the Quinault census or roll. This correspondence was discussed in the Historical Technical Report (HTR, 49). The evidence shows that, despite this period of confusion, Sams did report in 1933 that there had "never been . . . a census roll of the Chinook Tribe" (Petitioner Ex. 944). The Historical Technical Report noted that the superintendent's inquiry on this issue was resolved in 1934 when the Indian Office provided instructions that the census rolls were to be made by reservation and not by tribe (HTR, 49). In 1940, the superintendent at the Taholah Agency noted that there was a Quinault census but no Chinook tribal roll (HTR, 49).

Beckham's discussion of allotments on the Quinault reservation, in the petitioner's Exhibit D, makes no reference to the analysis of allotments in the Historical Technical Report prepared for the Proposed Finding. Beckham notes that individuals of Chinook descent received allotments on the Quinault reservation both prior to and after the *Halbert* decision of the Supreme Court in 1931. Beckham makes no explicit argument that the evidence in Exhibit D meets criterion (a), but implies that the BIA identified a "Chinook Indian Tribe" by allotting its "members." The evidence shows only that Agent Roblin judged the merits of individual cases of people who claimed Chinook descent and were not enrolled at Quinault or another reservation. The evidence described in the petitioner's Exhibit D does not identify any error in the BIA's research. However, the 1911 Act's reference to "members" of the affected tribes must be given effect. The allottees in the 1930's were eligible by virtue of being "members" of the subject tribes. Viewed in this light, this allotment evidence weighs in favor of a finding that CIT/CN meets the requirements of criterion (a).

The petitioner submitted three newspaper articles from 1925 and 1929 and fourteen letters by the local Indian superintendent between 1927 and 1930 which related to disputes over fishing rights in the Columbia River. Although most of this documentation is new, a considerable amount of evidence on this issue was contained in the record for the Proposed Finding. The identification of the participants in these disputes was discussed in the Historical Technical Report (HTR, 52). This litigation centered on the alleged rights to fish in the Columbia River of a fishing crew of Quinault members led by George Charley, a member at Quinault and resident of the Shoalwater Bay Reservation who sometimes was referred to as the chief of the Shoalwater Bay Indians. The Historical Technical Report had observed that when George Charley testified in these court proceedings about 1929 he said that he was a Quinault and a Chehalis. In his testimony, Charley referred to Chinooks and Chinook fishermen as "they" rather than as "we" (HTR, 52). George Charley does not have descendants in the petitioner's membership.

The correspondence of Superintendent Sams about the fishing rights litigation between 1927 and 1930 (Petitioner Ex. 902-5, 907-9, 911-2, 977, 986, 989, 994-5) described George Charley's fishing crew as consisting of 40 to 50 Indians from Quinault and Bay

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Center who were enrolled or allotted at Quinault, but he named no specific individuals except for Charley and his sons. Sams said that Charley and members of his family were all born and reared at Georgetown [Shoalwater] Reservation and allotted on Quinault Reservation, and were considered "duly enrolled members" of the Quinault Tribe (Petitioner Ex. 903). Although Sams sometimes referred to plaintiff George Charley and his crew as "Chinook Indians," the context of these letters makes it clear that Sams asserted fishing rights on behalf of members of the Quinault and Shoalwater Bay Reservations.

The petitioner submitted some newspaper articles, from 1925 and 1927, relating to the efforts of Chinook descendants to begin a claims case against the United States. These claims efforts had been described in the Historical Technical Report from other documentation (HTR, 44-46). Two of these articles contain evidence of an identification of a group or entity by an outside observer required by criterion (a).

An article from the *South Bend Journal* in March 1925 (Petitioner Ex. 1096) described a multi-tribal meeting regarding potential treaty claims. The article referred to "Pacific County Indians," thus grouping individuals of different tribal ancestry together by their geographical location. The article mentioned individuals of known Chinook or Clatsop descent, but did not describe them as representatives of a Chinook entity.

An article from the Cathlamet *Columbia River Sun* in April 1925 (Petitioner Ex. 1099), by contrast, said that "[t]he Chinook Indians expect to hold a meeting for the purpose of arranging business affairs" to present to the lawyer who would represent them in their claims case. Although this description was vague, and did not name any individuals who can be linked to the petitioner, this brief mention at least implied the existence of a group of Chinook descendants as of 1925.

An article from the *Raymond Herald* in February 1927 (Petitioner Ex. 1120) more clearly identified a Chinook claims entity. This article reported that about "100 members of the Chinook Indian Tribe" attended a meeting at South Bend concerning the claims suit against the United States. According to the newspaper, people came to the meeting from as far as Portland and the Quinault Reservation. This article explicitly referred to a group of Chinook descendants in existence in 1927, and thus meets the requirements of criterion (a) for 1927.

An article contemporaneous with the claims activity of the late 1920's provided a vague description which implied the existence of a Chinook entity at this time, but, by placing it at Bay Center, did not clearly identify it as an entity which included the majority of the petitioner's ancestors, who lived elsewhere. In a brief notice of an "Indian Queen" contest in 1926, the *Raymond Herald* stated that a local entrant had "the support of the Chinook Tribe of Bay Center" (Petitioner Ex. 1110). In a 1930 letter about an individual enrollment matter, Superintendent Sams observed that one of George Charley's grandchildren had been "born at Bay Center in the Indian village at that point" (Petitioner Ex. 991). Since the identification of the village was at the time of the child's birth, it would have been at some time prior to 1930.

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The litigation brought in the Court of Claims pursuant to the 1925 statute, resulted in the Chinook Tribe taking nothing. *Duwamish Indians v. United States*, 79 Ct. Cl. 530 (1934). However, the Court of Claims did not dispute the standing or right of the Chinook Tribe to be a party plaintiff, although it did disallow another tribe from doing so. *Duwamish*, supra, 79 Ct. Cl., at 560. The Court made specific reference to the 1912 grant-in-aid statute in the course of its discussion of the merits of the Chinook claim. *Duwamish*, supra, Finding XXIX, 79 Ct. Cl., at 556-560, 608.

Because the Proposed Finding found that the "evidence showed outside identification . . . of several organizations of Chinook descendants since 1951" (PF Summary, 8), it was not necessary for the petitioner to have responded with evidence relating to this time period, except, perhaps, to show the continuity of its identification consistently from one of those organizations or to show that identifications of apparently separate organizations were essentially identifications of a single tribal entity. Given the conclusion of the Proposed Finding, it is not necessary to discuss new evidence submitted by the petitioner for the years since 1951 in any detail.

The petitioner submitted documents to show that a BIA superintendent dealt with Chinook organizations in order to allow them to bring a claims case against the Government before the Indian Claims Commission. The petitioner's exhibit of meeting minutes of September 22, 1951 (Petitioner Ex. 1005), was already in the record for the Proposed Finding and had been discussed in the Historical Technical Report (HTR, 55). That document showed that the superintendent had identified a Chinook group in the process of helping it obtain the required approval by the Commissioner of Indian Affairs of its contract with an attorney in order to present its case to the Indian Claims Commission. Chinook organizations were also identified by newspaper accounts of their meetings in 1953 (Petitioner Ex. 1158-9, 1162-3), 1956 (Petitioner Ex. 1164, 1166-7), 1957 (Petitioner Ex. 1169), and 1958 (Petitioner Ex. 1174). This evidence of the identification by external observers after 1951 of claims organizations of Chinook descendants is consistent with the conclusions of the Proposed Finding.

The petitioner submitted a letter from Professor Clifford E. Trafzer about the use of his book, *The Chinook*, in the Proposed Finding (Petitioner Ex. T). The letter was written not to the BIA, but to the petitioner's chairman, Timothy P. Tarabochia, in reply to a letter from Tarabochia about the Proposed Finding. Trafzer expressed his dismay to learn, from Tarabochia, that the "BIA is using my book to deny The Chinook Tribe federal recognition."

The Proposed Finding said, in its evaluation of criterion (a), that, "Trafzer concluded that 'the Chinook no longer are a unified tribe.' He identified three contemporary groups of Chinook in the 1980's: the Chinook Indian Tribe organization, the Wahkiakum Chinook, and the Chinook on Shoalwater Bay" (PF Summary, 7). Trafzer's reply to Tarabochia states: "On the issue of 'unified tribe,' what I meant by this statement was that there have been several Chinook groups historically based on village and area leaders. No one Chinook leader could speak for all Chinooks. . . . Neither the Chinooks at Shoalwater Bay or Quinault can speak for the Chinook people who remained on their sacred lands along the Columbia" (Petitioner Ex. T).

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Trafzer's book was cited on only one page of 41 pages of the Summary under the Criteria. The negative finding was not based on his book. Since the Proposed Finding emphasized the lack of identification of a Chinook entity between 1873 and 1951 (PF Summary, 8), Trafzer's identification of three contemporary Chinook groups in the 1980's was not the reason the petitioner failed to meet criterion (a).

Summary Conclusion under Criterion (a)

The petitioner did not provide new evidence of identifications of a Chinook Indian entity between 1873 and 1924. However, the 1911 and 1925 legislation affecting the Chinook as a contemporary tribe and the activity proceeding the 1911 legislation is sufficient to provide the requisite identification through 1925. In the alternative, the AS-IA concludes that the 1925 Act is an unambiguous prior Federal recognition and that CIT/CN therefore meets the requirements of criterion 83.7(a) through 1925.

The petitioner has provided examples to show that some of its ancestors were identified in 1925 and 1927, that its members were declared eligible for allotments on the Quinault Reservation in the 1930's, and that its ancestors in 1951 and the following years were identified as a group or groups bringing claims on behalf of a historical Chinook tribe against the United States. That evidence is sufficient to show that a Chinook entity was identified on a "substantially continuous" basis between 1927 and the present. The identifications of Chinook organizations between 1951 and the 1970's were of organizations which did not appear to include the petitioner as a whole and do not have clear continuity with the petitioner's organization.

The PF did not sufficiently acknowledge the effect of the 1911 and 1925 legislation on the question of tribal recognition by the Federal Government. The two statutes constitute a statement by the United States. There was tribal organization, as the district court in *Halbert* recognized, and, in fact, the petitioner was faced with a bewildering and confusing response every time the BIA was approached on the question of tribal recognition. At first, the Chinook were told by the BIA that they were not recognized, and the only way for them to obtain recognition was to set up a tribal government. But when the Chinook requested the BIA to assist them in instituting such a tribal government, the Tribe was told that they were not eligible for such assistance, because they were not a recognized tribe. See Chinook Historical Technical Report, pp. 32-33, 44-45, 48-49, 54-68. This put them into an insoluble dilemma, and the responsibility for the fact that there was not a tribal government should be squarely placed on the shoulders of the BIA, which gave the Tribe little assistance and displayed the BIA's own ignorance of the law as to the recognition of tribes.

The AS-IA concludes that the petitioner meets criterion 83.7(a).

CRITERION B

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

Proposed Finding

The Proposed Finding (PF) for the CIT/CN petitioner concludes that the petitioner meets criterion 83.7 (b) from 1811 to 1854, based on the continuing existence of distinct Chinook Indian villages. Using a combination of evidence to show people lived in village-like settings and maintained distinct cultural patterns, it also concludes that, from 1854 to about 1920, there was evidence that a community of Chinook Indians who had intermarried with Chehalis Indians and whites, lived along the shores of Willapa Bay, particularly in the town of Bay Center and on Shoalwater Bay Indian Reservation. This Bay Center community met the requirements for community found in criterion (b) under the regulations; however, this community did not incorporate the entire Chinook population claimed as ancestors by the petitioner. Significant portions of the petitioner's ancestors lived in other communities along the Columbia River, 25 to 45 miles to the south and southeast of Bay Center. The PF found little evidence that the Chinook people living on the Columbia River and those in or near Bay Center formed a community under the regulations.

Data from the 1880 Federal Census was used to demonstrate that many Chinook descendants, including those who were permanent residents in Bay Center, were fishing side by side in Chinookville, a village which was almost exclusively inhabited by Chinook Indians. The year 1880 was the last year for which there was sufficient evidence demonstrating that the petitioner, as a whole, met the requirements of criterion 83.7(b). The petitioner submitted new evidence during the PF comment period to support a revised finding of continuous, significant social interaction between the Indians living in Bay Center and the Chinook descendants concentrated in Dahlia or Ilwaco on the Columbia River to the South to 1950. The evidence of political organization, joint legislation, and social interaction from 1950 to the present is also sufficient to show that the petitioner, as a whole, met criterion 83.7 (b).

Comment

The "Guidelines for Preparing a Petition for Federal Acknowledgment as an Indian Tribe," which were published by the Branch of Acknowledgment and Research (BAR) in December 1978, and were provided to every petitioner at that time, state the following regarding 83.7 (b):

In this section the petitioning group should demonstrate that a sizeable

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number of its members live close enough to each other to meet, associate, and conduct tribal business on a regular basis, and that they do so. One way the petitioner can establish this is to show that there are social and religious activities and meetings of organizations which are attended entirely or predominantly by members of the group.

As shown in the PF, the geographical evidence presented in the petition was sufficient to meet the criterion from 1811 to 1854, since the majority of the Lower Band Chinook Indians continued to live in Indian villages with named leaders. After 1854, however, the evidence was less clear in this regard. The Bureau requested additional information from the petitioner when it stated in its obvious deficiencies letter:

It is important to improve the description of the historical community to reflect the full criterion (see above), by supplementing the residence data and analysis presented with information indicating that a distinct community existed. It is especially important to improve the description of the post-1900 period (BIA 11/1/1988).

The petitioner failed to provide for the PF additional evidence as requested by the Bureau of Indian Affairs in response to that letter. The PF provided a detailed overview of the evidence previously submitted by the petitioner for the historical period prior to 1900. In response to the PF, the petitioner has now provided evidence, primarily in the form of newspaper accounts of visiting, which demonstrated that they meet criterion (b) until 1950. Moreover, the petitioner has provided sufficient evidence to demonstrate that it meets criterion (b) after 1950, including the modern period.

The petitioner's researcher argues that because the petitioner was previously acknowledged, it does not have to show continuous existence of a community under the regulations. The revised regulations published in 1994 in fact do make such a provision. The petitioner, initially chose not to proceed under the revised regulations, which decrease the scope of evidence required under criteria (b) and (c) for petitioners which can establish that they were previously acknowledged. In this FD, the AS-IA concludes in his discretion that the 1994 regulations should be applicable here, because of the unambiguous statutory recognition of the Chinook, as discussed above, and therefore § 83.7(b) is satisfied.

Census Data, 1900 and 1920. The petitioner submitted an exhibit entitled "Discussion of Prior Federal Recognition and application of Principle to Chinook Tribe and errors in BAR's Preliminary Determination." A second title page for a document identified it as "Chinook Indian Tribe: Communities Documented in the Federal Decennial Census of 1920." The petitioner made the same claim on the title page for the report on the 1900 census.

The petitioner's discussion of the 1900 Federal census, in the petitioner's Exhibit K (Petitioner Ex. K, 1-7), makes no reference to the discussion of the 1900 census in the Proposed Finding or the Historical Technical Report. It lists 97 Indian households on the 1900 census in two counties in Washington State, and says that 76 households and 272

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individuals were Chinook. The Historical Technical Report noted the presence of 333 descendants of the 1851 historical Chinookan bands and 91 ancestors of the petitioner in 1900, either on the Federal census in 90 households in three counties of Washington and Oregon or on the Indian census rolls of four Indian agencies (HTR 25-30, Tables 1 and 2). In addition to an analysis of Chinook descendants on the 1900 census, the Historical Technical Report included an analysis of the census data which considered only those Chinook descendants who also were ancestors of the petitioner's members.

The Proposed Finding and Historical Technical Report identified clusters of Chinookan descendants on the 1900 census in the Bay Center, Ilwaco, and Dahlia areas (HTR, 25-30). The Proposed Finding found evidence of the existence of an Indian community at Bay Center at this time, but inadequate evidence of distinct Chinook communities elsewhere. The Historical Technical Report demonstrated that no census enumeration district was predominantly Chinook (HTR, Table 3), and found limited evidence of predominantly Chinook neighborhoods (HTR, 29).

The petitioner's discussion of the 1920 Federal census (Petitioner Ex. J, 1-6), makes no reference to the mention of the 1920 census in the Historical and Anthropological Technical Reports. It ignores the discussion of distinct settlement patterns in Bay Center and Dahlia in the decades of the 1910's and 1920's in the Anthropological and Historical Technical Reports. It lists 68 Indian households on the 1920 census in two counties of Washington State, and says that 65 households with 270 individuals were Chinook (Petitioner Ex. J, 7-23). It lists Chinooks and other Indians without noting whether they were ancestral to the petitioning group. The Historical Technical Report did not include a comprehensive survey of Chinook descendants or ancestors of the petitioner on the 1920 census. That report's survey of the 1900 census demonstrated, however, that Chinook descendants were living in northwestern Oregon and on several Indian reservations in Washington and Oregon, not just in Pacific and Wahkiakum Counties of Washington State.

In Exhibit J, Beckham says that the 1920 Federal census shows that two settlement areas, Bay Center and Dahlia, "were distinctly Indian" (Petitioner Ex. J, 1), but does not define what made a settlement "distinctly Indian." He also notes that the census enumerator in 1920 "identified part of the village [of Bay Center] as 'Indian Town'" (Petitioner Ex. J, 2). Beckham asserts that the 1920 Federal census showed that "Chinooks continued to reside in their aboriginal homeland" (Petitioner Ex. J, 1). The Anthropological Technical Report concluded that, "[t]he 1920 census provides information that supports the continuing existence of concentrations of Chinook Indians in Bay Center and Dahlia" (ATR, 86). The Historical Technical Report made the point that the 1920 census identified an "Indian Town" section of Bay Center (HTR, 31).

The evidence and argument in Exhibit J is consistent with the conclusions of the Proposed Finding that there was "some evidence that the Indians at Bay Center maintained a separate geographical community until about 1920" (PF, 16), and that there was "evidence that some of the Chinook descendants may have been living in an exclusive (or nearly exclusive) settlement at Dahlia" (PF, 14) before the 1930's. The evidence from this census strengthens the conclusion that an area of majority Indian

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residents (14 of 19 households) existed in Dahlia Precinct in 1920 (Petitioner Ex. J, 16-20). The Proposed Finding noted that the population of Chinook descendants living at Dahlia about 1910 represented only a small percentage of all Chinook descendants, and that an exclusive settlement there was insufficient by itself to demonstrate that a substantial portion of the Chinook were part of a social community at that time (PF, 15). While this additional evidence from the 1920 census does not show that a majority of the petitioner's ancestors lived in majority Indian areas at that time, it indicates that the Chinook lived in substantial numbers in certain geographical settlements.

Residential patterns on the 1900 and 1920 censuses do not show that the petitioner's ancestors were so clustered that social interaction as a distinct community can be assumed on the basis of geographical evidence alone. Data about residential patterns, absent actual evidence of social interaction, is insufficient to show that the petitioner's ancestors in these various areas in 1900 and 1920 interacted as a distinct social community or communities. This census evidence provides a context for understanding other evidence about the petitioner, but this geographical evidence by itself does not meet the requirements of criterion (b).

Possible Social Interaction. Beckham argues that the "numbers" of Chinooks in Bay Center, Dahlia, and Chinook- Ilwaco "were sizable and sufficient to sustain tribal relations" (Petitioner Ex. K, 6). He also argues that these "communities" and Cathlamet, were "connected by water transportation" and were "within one day's travel or less of each other" (Petitioner Ex. K, 6; also Ex. J, 1). Rather than providing evidence of actual social interaction and social activities by ancestors of the petitioner, whether in one settlement area or between settlement areas, Beckham's argument is limited to suggesting the *possibility* of social interaction because of the number of Chinook descendants living in a single geographical area, and the *possibility* that Chinook descendants residing in separate geographical areas could have visited each other by steamboat or ferry. The Proposed Finding put the petitioner on notice that it would need to provide "evidence that demonstrates social interaction that involves a substantial portion of the group's members" (PF, 9). These arguments that social interaction would have been possible among the petitioner's ancestors in 1900 and 1920, standing alone, do not meet the requirements of criterion (b).

Social Interaction Shown in the Newspaper Articles. Beckham's report restated the PF's conclusions. Fortunately, the new submissions provided enough information for the BIA to address this deficiency.

A BIA analysis of the newspaper articles collected by the petitioner does show that the Bay Center Indian community between 1910 and 1950 was distinct from the white community. The patterns of social interaction documented among named individuals at Bay Center show that those Chinook with Indian ancestry were involved in social activities that generally did not include the white population (other than spouses) before about 1940, even though barriers to social interaction between whites and Indian descendants were slowly eroding throughout the 20th century.

The BIA researchers have attempted to consider the information submitted by the

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petitioner, most notably the newspaper articles, and combine it with the data submitted for the Proposed Finding to determine if there was interaction among the three communities identified both in the Proposed Finding and in the petitioner's submissions.

General Comments on the Newspaper Article. The newspaper articles fall into two categories, news and small town gossip columns. The latter category consists of short columns which report the goings-on in small communities within the papers circulation area. Bay Center had long-running columns in the Raymond and South Bend papers. Dahlia had a column in the *Columbia River Sun* published in Cathlamet. These columns reported on births, weddings, illnesses, visiting, parties, dances, and honor rolls. They included sporadic coverage of economic transactions and occasionally named who fished together and where they went.

The Indian backgrounds of individuals was treated differently in news stories and gossip columns. Gossip columns generally did not reveal Indian ancestry especially before 1925. In 1925, with the onset of claims, the identification of Indians appeared to occur more often. The gossip columns would indicate Indian ancestry or race if the editors found it was relevant to the story. News stories were more likely at all times to identify individuals as Indians, especially if they were in trouble.

New evidence that demonstrates community 1900 through 1950 at Bay Center. The PF is altered by evidence submitted by the petitioner and analyzed on a data base created by the BIA anthropologist. The PF had put the petitioner on notice that they did not meet criterion (b) after 1920 due to lack of sufficient evidence, and that even before 1920, as early as 1880, these communities associated with the petitioner's ancestors may have been separate and distinct communities. Thus, the BIA suggested to then chairman Tim Tarabochia that he search the community news or gossip columns in the small local newspapers in southwestern Washington for news of the petitioner's ancestors in hopes that reports on visiting, socializing, moving, funerals, weddings, and other activities and events such as notices of tribal or council meetings, would list the specific names of individuals and show them acting together in a distinct Indian community. Mr. Tarabochia responded to this request and the petitioner submitted some 150 short newspaper articles (almost all gossip columns) from 1910 to the 1990's. More than 1,000 mentions of individual names are contained in these articles.

The BIA anthropologist analyzed these documents² and has found that Bay Center clearly was home to a distinct Indian community of off-reservation Chinook descendants ancestral to the current petitioner (hereafter called "Chinook descendants") to the 1950's. This community drew people from a small region surrounding Bay Center and included individuals living in Raymond, South Bend, Nahcotta, Oysterville, the Pacific Ocean beaches, Tokeland and some rural locations nearby. The new evidence to support the existence of community under (b) are described below:

² This involved identifying the individuals, their family relationships, ages, backgrounds, permanent residence, etc.

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1. Newspaper articles from the local small towns including Bay Center, Raymond, and South Bend show a network of interacting individuals, almost all Indian descendants, many of whom are ancestral to the current petitioner. Although never identified as "Indians" in the social columns, the Indian social sphere of interaction was predominately distinct from the white social sphere of interaction. The newspaper articles show that the distinction between Indian descendants and non-Indians decreased from 1920 to 1950. From 1906 to 1935, social events were typically attended either by Chinook descendants who are ancestral to the petitioner and their spouses or by non-Indians. Reservations Indians were not named attending social events with the petitioner's ancestors during this time. After 1935, attendance at various functions increasingly included both Chinook descendants who are ancestral to the petitioner and non-Indians.

2. The petitioner submitted letters from the BIA agency official overseeing the trust fund accounts of some the petitioner's ancestors. These accounts were set up to contain the trust money earned from timber allotments on Quinault Reservation. The agent's response to requests for disbursements from these funds always included a paragraph justifying the disbursement. In many of these letters, the agent referred to the high degree of acculturation of the allottee to justify the disbursement. This apparently indicated, according to the agent's reasoning and perspective, that the allottee was unlikely to squander the money and become a ward of the state in the future. The presence of a white husband or father was viewed as a positive factor. Thus, many of the letters, especially to the elderly and less acculturated allottees, were quite paternalistic from the modern perspective and blocked the *cestui que* trust from his or her trust funds. The agents treated the Bay Center allottees with comparative largess and in many cases released entire trust funds of several thousand dollars to them to buy homes, boats and automobiles, while at the same time disbursing only small amounts under \$300 to individuals living on Quinault or elderly individuals living a partial subsistence lifestyle. These documents provided evidence that the petitioner's ancestors were treated distinctly from reservation Indians.

3. The tone of some early news articles and of two articles concerning automobile accidents, one involving drinking, implied ridicule and provides evidence that social distinctions were being made between the Chinook descendants and whites. Unlike the social columns, the news stories would repeat several times in the body of the story and in the headlines that the individuals involved were Indians.³ These same individuals were not identified as Indians in the social column. The disrespectful tone of articles from earlier years gave way in about 1910 to a relatively benign treatment in virtually all of the newspapers. Elsewhere, the use of double meanings and other verbal devices tended to blunt outright racism. This tone provided some corroboration that social distinctions were being made in the greater Bay Center community until 1930. These distinctions predicate racial discrimination that underlies the kind of separate social sphere found in Bay Center at least until 1930.

³ A tribal designation such as "Chinook" was not used.

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Evidence that corroborates these findings that a distinct community of Chinook descendants lived in and around Bay Center between 1906 and 1950 was considered during the Proposed Finding. That evidence includes:

1. The Cemetery records for Bay Center were analyzed in the Proposed Finding. They corroborate the above evidence which points to a distinct Indian community in Bay Center which included some people in outlying communities. The Bay Center cemetery layout shows segregation between the Indian descendants buried there and the whites.⁴ The cemetery can be viewed as laid out in a fan shape, the hinge of the fan being the entrance gate to the cemetery. The Chinook descendants were buried on the perimeters of the cemetery; the whites were buried in closest proximity to the entrance. The individuals buried on the large Indian fringe are the same people named in the newspaper gossip columns and were part of the Indian descendant social network. This, therefore, corroborates the finding that a distinct social network existed in and around Bay Center.

2. Also analyzed for the PF was a hand drawn map which showed the Chinook descendants primarily living in clusters in two areas along with whites. This same phenomenon was noted in the 1920 census, although the clustered populations had decreased. The existence of historical neighborhoods would have encouraged the development of relationships that lasted even after the people moved from the neighborhood or from Bay Center. This evidence also corroborates the finding that a distinct social network existed.

Evidence for community for the petitioner as a whole (Bay Center/Dahlia/Chinook). The regulations require petitioners to demonstrate that they form a community (b) as a whole. The Proposed Findings also requested information concerning the relationship between the people living at Cathlamet/Dahlia, Ilwaco/Chinook, and Bay Center during this century.

The possible existence of two separate distinct settlements of Chinookan descendants (Bay Center and Dahlia) from about 1900 to 1920 presents a problem for the petitioner with regard to the maintenance of social community. This is not because of the existence of two settlements per se, but because there is insufficient evidence available at this time that the Chinookan descendants in those two settlements constituted a single social community. With regard to the issue of social community, the petitioner's ancestors must be evaluated as a whole. Given that the ancestors of the petitioner's members are from both Bay Center and Dahlia, it must be demonstrated that they existed continuously as a single social community from the time of first sustained contact with non-Indians to the present (PF Summary, 17).

⁴ For the sake of accuracy, it should be noted that two Asian individuals appear to be buried in the Indian descendants' section. However, the newspaper coverage of social activities describes only one occasion when an Asian individual socialized with them.

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The petitioner submitted limited analysis of the new materials which would demonstrate that there were social activities which brought together individuals from the various communities, specifically from the geographically distinct communities of Bay Center, Dahlia/Cathlamet and Ilwaco/Chinook noted in the PF. The cross-regional interactions noted in this analysis focused on two family lines.

Cathlamet/Bay Center Axis. There were kinship ties between the Amelia and Barichio families in Cathlamet and the Barichio/Calhoun families in Bay Center. These two socially active families were mentioned on several occasions in the newspaper articles about social life in Bay Center. Newspaper clippings detail that Mingo Amelia (Springer-Scarborough family line) from Cathlamet visited Gray's Harbor and Willapa Bay in 1920, Astoria in 1920 and 1921, and his "aunt" Lena Barichio Calhoun (Millet family line) in South Bend (near Bay Center) in 1923 and 1924. In 1941 he and his wife visited Dewey Barichio in Raymond (also near Bay Center). His sister, Mermiss, was documented as visiting only Astoria four times between 1919 and 1920. After she married Paul Zollner (Ero relations), they lived in Cathlamet and documents show them visiting the Paul Petits (Aubichon family line) in Bay Center.

The Barichio's were also a Cathlamet family of Chinook descent of the Millet family line. Frank Barichio established a grocery in Bay Center and had three daughters who would eventually marry a Brignone (family line unknown, although a Paul Brignone had married Frank Barichio's sister, Ellen⁵), Paul Petit (Aubichon family line), and a Reischman. He also had a son Dewey Barichio, who was married to a Chinook descendant from the Pickernell-Ero family line.

Mingo Amelia (also a Millet), Mermiss Amelia Zollner, and Lena Barichio Calhoun have descendants in the modern CIT/CN membership. The newspaper articles disclose that these related families⁶ in Cathlamet and near Bay Center actively visited back and forth. Approximately 125 individuals in the current petitioner belong to the family lines represented in this visiting (Millet). They are also allied through Paul Petit to the Aubichon family line. Paul Petit had close relatives in the Ilwaco area.

The Dahlia/Chinook Axis. All newspaper articles mentioning Dahlia concern the activities of the Ducheneys family line, particularly the Elliotts, Henrys and Petersens. Although visiting between these families and relatives at Gray's River and Skamokawa and other visits to Astoria and Portland were documented, only one article in which Ducheneys were mentioned referred to Bay Center.⁷ This was a 1932 article in the Raymond Herald. It stated:

⁵ Mermiss and Mingo Amelia's mother Ellen (Barichio) Brignone Amelia. She first married a man named Paul Brignone and second, Frank Amelia.

⁶ In many previous cases, the BIA has assumed that connections exist and information is exchanged among closely related individuals.

⁷ "Bay Center Personals" in Raymond Herald, 5/6/1932.

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Mrs. Inez Webber and daughter Miss Christensen accompanied by Chester Griffin, all of Los Angeles visited Mr. and Mrs. Paul Petit and family last week. Other guests at the Petit home last week were Mrs. Kjos and daughter of Seattle, Mike McDonald of Seattle and Catrell Jones of Altoona, Washington.

This appears to be a group of age cohorts, including some cousins, originally from the Columbia River communities of Dahlia, Cathlamet, and Altoona. Paul Petit's wife, Mary Elizabeth Barichio (Millet family line), daughter of Frank Barichio, who was born near Cathlamet and had family there with whom there were close contacts. Mrs. Inez Webber was also raised on the Columbia River at Dahlia. She was in the Peers/Duchene family line. Mrs. Kjos was Paul Petit's sister Florence. Catrell Jones was from Altoona, also on the Columbia. Chester Griffin and Mike McDonald could not be identified. The Jones family was also a Duchene family line. Although it is unclear why this group has gathered during the first week of May 1932, they share an affiliation with Wahkiakum County, and they were similar in age, all having teen-age children. Only Catrell Jones still lived in Wahkiakum County in 1932. The others lived in Seattle and Los Angeles.

No documentation was found in the submitted articles that would show that the Elliots visited socially with either Bay Center Chinook families or other Chinook families on the Columbia. Their documented visiting, although extensive, was almost always to communities located on the Columbia, such as Astoria, Cathlamet, Altoona, etc. and to Portland. Even these visits however, were among members of the Duchene family line, and did not extend to the Barichios, the Millets, Henrys, Aldens, Jones and other families living in this area. The families they visited with were named Miles, Olmsted,⁸ Peterson, Heiner, and Henry. All are Duchene lines. The Duchene line has 320 descendants in the modern petitioner. This visiting on the part of the Elliott family did not crosscut different Chinook family lines.

It may be that the Ducheneys did visit extensively with non-Duchene Chinook living on the Columbia River, but no documentation was submitted to demonstrate such interaction. The Ducheneys became involved in the land claims and attended meetings after 1950 in Bay Center.

1880-1900: The lingering effect of primary kinship relationships existing in 1880 after the end of Chinookville. The Proposed Finding found evidence that a Chinook village had persisted until 1880 at Chinookville on Baker's Bay on the Columbia River, but no evidence that the village existed for any length of time after 1880 (PF, 14, 23, 27-28). The petitioner's attorney calls this finding a serious error because it did not conclude that Chinookville "was destroyed rather than voluntarily vacated as an abandonment of tribal community" (Petitioner 1998, 35). The Proposed Finding included no statement about any voluntary abandonment. It simply stated that between 1880 and 1900 "the village of Chinookville ceased to exist" and that families there "moved to other locations" (PF, 14). The petitioner's researcher agrees with this statement. Historian Beckham attributes the

⁸ Olmsted could not be identified.

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destruction of Chinookville to the natural “massive erosion” of the Columbia River which “washed away” the old village in the 1880’s (Petitioner Ex. K, 4; see also Ex. S).

For purposes of criterion (b) of the regulations, what matters is not how Chinookville was brought to an end, but whether its permanent residents moved together as a group to a new location and whether its seasonal residents continued to gather seasonally at a new location. Beckham simply asserts that Indians at Chinook and Ilwaco on Baker’s Bay were “direct successors to Chinookville” (Petitioner Ex. K, 5). The petitioner does not show that the same families from Chinookville continued to live together after 1880.

A comparison can be made to show where individuals lived when the 1880 Federal Census was taken with where they or their close relatives lived when later Federal Censuses and Indian schedules were taken. The newspaper articles submitted by the petitioner have been used above to define a network of Chinook descendants after 1906. They also help trace where individuals moved in the first half of the 20th century and with whom they interacted.⁹ Individuals who had lived in Chinookville, some closely related through kinship, moved from Chinookville to other communities, primarily Bay Center and Ilwaco.

Close family ties between parents, children and siblings would not have severed immediately. People generally maintain ties to close kin until they die,¹⁰ and this assumption should be applied in this case. For example, the Ducheney and Petit families had lived in Chinookville. Some members of these families moved to Bay Center and others to Columbia River communities from Chinookville. For example, Petit siblings lived in Bay Center and in Ilwaco. Additionally, individuals moved with their spouses after marriage, sometimes separating from their siblings or natal families. From the Columbia River area to Bay Center, leaving close relatives behind. For example, Alex Lucier lived at Bay Center and his sister Mary Ann lived in Dahlia. Margaret Ero married John Pickemell and they lived in Bay Center, while her relatives lived in or near Dahlia. The BIA can not determine the actual number of such ties with the time and resources currently available. The petitioner also only submitted a compilation of anecdotal compilations drawn from the documents submitted for the Final Determination. However, it would seem likely and the anecdotal evidence supports the contention that close relatives would have remained in continuous contact following the diaspora from Chinookville for another generation, allowing the petitioner to meet criteria (b) to 1910.

Other fragmentary evidence was submitted. The two Elliott store ledgers provide evidence that two or three Bay Center individuals who are ancestral to the current petitioner visited the Columbia during the fishing season. These citations are sparse and do not indicate a pattern of regular visiting nor whether the Bay Center visitors were actually interacting with other Chinook who were located year-round along the

⁹ Federal censuses are not available after 1920.

¹⁰ The assumption that first degree kin (parents, grandparents, children and siblings) maintain contact has been used in a number of past acknowledgment decisions.

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Columbia.¹¹

After 1920, the effect of lingering kinship ties between people in Bay Center, Ilwaco and Dahlia, based on close kin ties and common residency in Chinookville before 1880 can no longer be assumed to exist. These relationships were based on close familial ties between primary kin in Chinookville or in or among the other Columbia River communities which were predominantly Chinook.

Affidavits, Interviews, Questionnaire Responses provide corroborating evidence that the petitioner meets (b) 1900 - 1950. The petitioner submitted affidavits, interviews and responses to a "Tribal Elder's Questionnaire." These documents (Exhibits 1287 through 1307) corroborate the BIA anthropologist's analysis of the newspaper articles for this Final Determination and the analysis under (b) in the PF. Many of these documents were difficult to utilize because the birthdate and residences of the respondent were not included. However, contextual information in the documents allowed the BIA researcher to make conclusions concerning the general time and place of events and to cross-reference these materials with genealogical records also submitted by the petitioner.¹²

While the collection of documents by itself can not be used to meet criterion (b), when combined with the newspaper articles, and other interview material, it does tend to support the petitioner's meeting (b) from 1906 to 1950, despite the clear growing social distance among the petitioner's ancestors after 1900.

These interviews and affidavits must be weighed in light of the way they were administered. Marion Lomsdalen's interview of April 27, 1978 (Ex. 1294), is valuable not only because of its depth and length, and the competence and knowledge of the interviewers, but also because it predates the acknowledgment petition and process. Mrs. Lomsdalen did not have specific knowledge about the 25 CFR criteria. The Elder's Questionnaires, which were sent to members after the issuance of the PF, contain an introduction that put the respondent on notice that:

Specific information provided in this questionnaire is important in combating the Bar [sic] contentions:

- 1) the Chinook Indian Tribe ceased to function as a community about 1880;
- and
- 2) the Chinook Indian Tribe ceased to exercise political authority over its

¹¹ This evidence is insignificant. Because the Columbia river communities were bustling with economic activity during this time period, other records, perhaps industrial records of canneries, railways, shippers, or other industries may have documents of interest, as may certain U.S. Government agency records, such as the Bureau of Fisheries or the Post Office.

¹² A February 11, 2000 directive ("Changed in the Internal Processing of Federal Acknowledgment Petitions" Federal Register, vol. 65, No. 29, 7052) from the AS-IA to the BIA prohibits the kind of in-depth analysis, which characterized previous petition findings.

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members about 1870.”¹³

It would be impossible to measure the effect, if there were any, this notice may have had or not had on the respondents. Nevertheless, many of these documents contain relevant information and appear to be useful in providing background for interpreting other documents submitted by the petitioner. In general, these documents demonstrate the gradually decreasing number of Chinook social ties from the earlier generations, when entire social networks were comprised of Chinook people, to the most recent generations, when the only Chinook ties are to close relatives.

For example, Mrs. Lomsdalen's description of her life as a child on a homestead “up Nemah” at the beginning of the 20th century shows an on-going Bay Center Chinook Indian community where individuals continued to speak Chinook or a Bay Center dialect (apparently Chehalis), collect medicinal herbs, make baskets, attend Shaker Churches, cook and eat traditional foods and most importantly interact with a long list of other Chinooks on and off the reservations, including the Petits, Luciers, Charleys, Nelsons, Pickermells, Millets, Franks and others. Mrs. Lomsdalen says that in the early 1900's “[m]ost of the Indians we mingled with was Bay Center, because our Uncle, see in them days you had to go on boats and things and our Uncle would come up here and we'd go down there, and them days we never got roads or anything, and never got, like to go to Chinook, around.” As a child, Mrs. Lomsdalen sometimes attended Shaker ceremonies and after church potlucks. Clearly, Mrs. Lomsdalen, who was born in 1898 had many experiences with Chinook people as a child during the first decade of the 1900's.

A woman from Cathlamet who was a small child in 1918¹⁴, said that the Indians and non-Indians were socially segregated at school:

In grade school at Cathlamet...Those of us with Indian heritage pretty much stayed together...as we were picked on..and pointed out by other class mates..one of my good friends was Eleanor Akers, and Mingo Amelia...his dad smoked out salmon..He was the best “smoker” in town..using the old methods.¹⁵

This woman described the different “Indian communities” in Wahkiakum County:

My mother took me on the boat “Julia Bee” down to Altoona. . . . I remember how when the boat came in the whole Indian village would

¹³ From the “Tribal Elder's Questionnaires” (Exs. 1296-1306).

¹⁴ Mrs. Christiansen was born in 1913.

¹⁵ Luella Messinger Christiansen, “Interview for the Purpose of Tribal Elders Questionnaire” November 4, 1997 (Ex. 1293).

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come to the dock to see what was going on...and who was visiting.¹⁶

She continued later in the interview:

All our lives we spoke of the areas of Dahlia, Elliot Landing, Altoona as the Indian villages...it was always this way, when I would go on the boat...the people would meet the boat...they lived right on the water front, except at Pillar Rock, up on the hill a little, the houses were really small. I saw smoke coming out of the smoke stacks.¹⁷

Her description of these places implies distance between herself and the residents of these Indian communities, whom she refers to as "they."¹⁸ She observed these communities but did not live in one. She does not differentiate between "Indian" and "Chinook." Her father disapproved of her mother's becoming involved in tribal affairs:

When I was really little mother went just once to a tribal meeting...it must have been in/1918/[. M]y dad was mad at her for going...they had a rowe [sic] about it...mother said I just want to go once to see what it is all about..that was the last time as far as I know. My dad [. . .] didn't want mother to get involved.

Mrs. Christiansen was born fifteen years after Mrs. Lomsdalen was born. Mrs. Christiansen lived in Dahlia on the Columbia River and Mrs. Lomsdalen lived near Bay Center. Their experiences are surely individual. However, in the context of the entire record, their stories illustrate the gradual decrease in the number of Chinook social ties that many of the petitioner's ancestors experienced when they moved away from the predominant Chinook communities and began to interacted daily with non-Indians in school, at work or in their neighborhoods.

Catherine Troeh was a girl in the late teens and early twenties. She describes how the Indians in Ilwaco were crowded from their geographical and social position after whites settled there between 1880 and 1900. She states:

[W]ith the entry of the Kansans and the Finnish People, the Indians were gradually "pushed" to the Back Street. At the upper end of the town on the Back St. lived my Great Grandmother, Amelia Petit, next door her son Herbert and some of the Family. Across the Street lived Kate Brown

¹⁶ Luella Messinger Christiansen, "Interview for the Purpose of Tribal Elders Questionnaire" November 4, 1997 (Ex. 1293).

¹⁷ Luella Messinger Christiansen, "Interview for the Purpose of Tribal Elders Questionnaire" November 4, 1997 (Ex. 1293).

¹⁸ In fact, during the fishing season, it may be that large numbers of non-Chinooks found employment in the canneries. The tone of many of these interviews, affidavits, and questionnaire responses imply that the petitioner's ancestors were distinct from not only whites but also reservation residents.

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(Indian) and John Hawks(Indian). My Grandmother Catherine Petit Colbert had a staunch personality, she was called for Jury duty in South Bend many times, her house extended from the Front St. to the Back St. she would not move, and held her head high.¹⁹

The next generation of respondents describe their young lives in the 1920's and 1930's. Like Mrs. Christiansen, they relate that they may have visited a Shaker Church rarely during a funeral or may have heard a parent describe the Shaker Church. They say that they visited the reservations infrequently and viewed the Shoalwater Bay people "up the Bay" from a social distance. They indicate that many sought education.

For example, Oma Woodcock, Myrtle Woodcock's daughter, was born in 1916 and her description of her social life between 1925 and 1935 dovetails with the social life described by the BIA anthropologist's analysis of newspaper articles submitted in the petitioner's response. She states, "almost all of our social interaction was with Chinook families living around South Bend, WA. and Bay Center, WA."²⁰ She describes "dancing in homes and parties, [and] picnics," She visited Shoalwater and Quinault Reservations. She sometimes stayed in individual's homes in Bay Center for as long as a week or overnight. The people she visited include the Calhouns, Clarks, Hawks, Wains, Lusciers, Gracey, Petits and Barichios in Bay Center, and the Walkowskis, Johnsons, Reeds, Olsons and Olivers in South Bend.²¹ Although her predominant social set was in Bay Center and nearby South Bend, she also says that she visited the Scarboroughs in Cathlamet and she remembers that the Eros visited the Johnsons²².

Another of Myrtle Woodcock's daughters, Myrtle Jean Woodcock Little, born in 1923, also describes her Chinook social set at Bay Center including not only relatives but also friends. The word for friends in Chinook jargon is "Tillicums,"

We had many Chinook friends. I grew up in the lower end of Alta Vista in South Bend. We had a lot of Chinooks in our area. They were: Leda Clark Reed family, Edna Clark Olsen, Dora Clark Robinson, Elizabeth Pickernel Johnson. The Calhouns and the Baileys. They were all close neighbors but above all 'Tillicums'".²³

Mrs. Little describes her social life in a later period. During the 1930's and into the 1940's, she visited in nearby Bay Center. "Our social circle centered around those who

¹⁹ Catherine Herrold Troeh, "Answers to Elder's questionnaire," October 8, 1997.

²⁰ Oma Woodcock, "Tribal Elder's questionnaire," n.d. but circa 1997.

²¹ These are the same individuals who define the Chinook social set whose activities are described in the newspaper articles.

²² Mrs. Little's mother's maiden name was Johnson.

²³ Myrtle J. Woodcock Little, "Tribal Elder's Questionnaire," December 12, 1997.

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were Chinooks.”²⁴ She describes that life,

We had many Chinook friends and neighbors and I have listed their names on another page. We had very strong bonds of friendship and we helped each other in any way we could. We visited in each others homes. We had picnics, parties and dances in each others homes. We made quilts during the winter months. In the deep depression Ferrill Johnson had a large truck and would take us out to logged off country to pick will black berries. This was part of our native culture and it was very special to us. It provided many quarts of canned berries for winter...²⁵

Mrs. Little lists some 42 individuals as “Chinook friends and family Chinooks.” She does not include the Shoalwater Reservation people in her list. None listed are Charleys or James, two of the predominant families at Shoalwater Bay. However, she states later in her interview “We also visited Shoalwater friends. The Charley and the James family. My brother married Ruby James.”²⁶ Mrs. Little distinguishes between “Chinook friends” and “Shoalwater friends.” This statement falls in line with the analysis of the newspaper articles. That analysis found that the Shoalwater Reservation residents were not actively involved in the Chinook social set defined by the activities covered in the articles.²⁷

Mrs. Troeh in Ilwaco on the Columbia had a Swedish grandfather, and she had many ties into that community and into the Chinook community in Ilwaco. She implies that she escaped obvious discrimination in Ilwaco and sometimes played with wealthy white children in the mid-1920's. However, she also indicates that her older relatives did experience direct discrimination based on their apparent Indian heritage at the same time. She relates what happened when she was a nursing student in 1930 in Portland:

While we were in training at St. Vincent's Hospital in Portland 1930-1933, word came about the allotment issue. My Aunts who were teaching in Portland, moved to the residential Hotel called The St. Andrews, to be near my Sister and me. There was a great deal of argument in the family about signing up, especially from [my] Aunt. . . .because of her dark complexion. She excused herself as being French Canadian which she was. Otherwise she could not have held her position in the School. She finally signed the papers which released the rest of the Family.²⁸

²⁴ Myrtle J. Woodcock Little, “Tribal Elder's Questionnaire,” December 12, 1997.

²⁵ Myrtle J. Woodcock Little, “Tribal Elder's Questionnaire,” December 12, 1997.

²⁶ Myrtle J. Woodcock Little, “Tribal Elder's Questionnaire,” December 12, 1997.

²⁷ This further supports the contention of the PF that it may not be assumed that the people fishing under the Charley's leadership may be assumed to be Chinook ancestors of the petitioner.

²⁸ Catherine Herrold Troeh, “Answers to Elder's questionnaire,” October 8, 1997 (Ex. 1292).

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Mrs. Troeh tells how her aunts in the 1930's visited the Bertrands in Taholah or "possibly Bay Center." She does not indicate that she visited. She says that she knew of the Charleys, a Shoalwater Bay family who have no descendants in the current petitioner, who spent the summers in Ilwaco fishing. No other individuals living in the vicinity of Bay Center are named by Mrs. Troeh, and her interview does not indicate that she personally had interaction with Bay Center Chinook. Charles Mechal's interview also mentions many of the individuals (Sunds, Mechals, Petits) who were living in Ilwaco or Altoona in the 1930's, but he does not discuss people living in Bay Center or Dahlia. In addition, most of the individuals both Mr. Mechals and Mrs. Troeh mention are relatives. Their interviews do not contain new information which would show Bay Center and Ilwaco Chinooks interacting during the 1920's and 1930's. The sum total of their interviews would seem to indicate that the number of contacts with Chinooks who were not part of one's own families had typically diminished.

Visiting before 1940 was longer, perhaps because of traveling difficulties. Tim Tarabochia states:

My mother and father used to sell their fish to Sammy Pickernell for years in Bay Center. My mother (and father) stated before that Lydia and James Goodell used to take off an visit Lydia's Indian relatives in Bay Center. Sometimes they would be gone about 2 weeks. . . . They used to have to catch a boat from Dahlia to Chinook or Ilwaco and go up through Willapa Bay by another boat to Bay Center. There were no roads in Brookfield, Pillar Rock or Dahlia until about 1948. All travel was by boat. Some by Horse on trails.²⁹

The decrease in Chinook contacts is described especially by those Chinook who had moved to Portland, Seattle or other Northwest locales. Many only visited relatives during the summer to fish.³⁰ One woman who grew up in the 1930's in Aberdeen, Washington says that she visited in Bay Center "lots of relatives and friends of my mother," rather than saying that she visited her own friends. She says that she attended the "pioneer Picnic"³¹ in Bay Center each summer. She traces her connections to the Chinook community at Bay Center through her parents. She does not describe them as connections of her own.³² The Great Depression and gas rationing in the 1940's significantly cut into the amount of visiting her family was able to do.

For example, one man describes how the death of his Chinook mother cut him off from his Chinook family. About growing up in Portland after her death, he says,

²⁹ "Declaration...of Timothy P. Tarabochia, In Support of Chinook Indian Tribe Petition For Federal Acknowledgment" July 25, 1998. Tim's grandmother was born in 1895; his parents in the teens.

³⁰ "Affidavit of Chief Cliff Snider", Nov. 22, 1997.

³¹ This picnic is for the descendants of early white settlers.

³² Beatrice Disney, "Questionnaire," n.d., perhaps date of fax Oct. 8, 1997.

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I then sort of lost my Indian connection but I did continue to visit my uncles who moved to Skamokawa and my cousin Phyllis in Eden Valley.”³³

As a young adult in the 1940's, this man reconnected with his Indian heritage:

Then it was five years at Oregon State where I acquired the nickname of “Chief Floating Feather” as a split end receiver. My Indian identity was reestablished. . . I spent 31 years coaching and teaching at three different high schools two of them had Indian names. (Molalla and Clackamas). Upon my retirement the community renamed the Clackamas Football Stadium “Chief Snider Field.”³⁴

In the 1960's, he says that he visited relatives on the Quinault Reservation. By the 1970's, this man had become involved in the Chinook Indian Council. By the 1950's, the interviews describe interactions with other Chinooks who are not immediate relatives as rare and remarkable. Their entrée to other Chinook, for many of those interviewed, is through their parents and grandparents, rather than their own personal experiences.

1953 - Present. The Proposed Finding did not find that evidence had been presented to show that the petitioner met (b) after 1980. This finding extends that date to 1950. The petitioner argued that, the petitioner met (b) in 1953, based on residential patterns alone.³⁵ They claimed that a very large percent of the 1952 membership lived in Chinook “aboriginal territory.” The percentages claimed by the petitioner appear to be inaccurate. Even if one accepts that roughly one-third of the petitioner’s members continue to live in Pacific and Wahkiakum Counties, this is not a pattern that in itself demonstrates that the petitioner meets criterion (b).

The PF suggested a number of research avenues the petitioner could follow including demonstrating that “the petitioner’s members associate with each other on a regular basis; that the social interaction is across family lines; that the members interact with each other more commonly than they do with outsiders; that the social interaction is significant and involves most of the membership,” and so forth.³⁶

Then Chairman Timothy Tarabochia in July of 1998, submitted a packet of information entitled “Update and Evidence of continuing Modern Community Activities and Decision Making since the BAR Chinook Site Visit in 1994.”³⁷ This packet of information included documentation concerning the activities of the petitioner since 1994, but did not

³³ “Affidavit of Chief Cliff Snider,” Nov. 22, 1997, p. 4.

³⁴ “Affidavit of Chief Cliff Snider,” Nov. 22, 1997.

³⁵ PF Summary Under the Criteria, p. 20.

³⁶ PF Summary Under the Criteria, p. 21.

³⁷ There are no exhibit numbers on this submission.

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include significant documentation concerning 1950 to 1994. The documentation included a few thumbnail sketches published in the petitioner's newsletter, "Tillicums." Many of the activities appear to be a result of Chairman Tarabochia's push to better organize the CT and enhance governance. Newsletter articles ran on their new enrollment and election rules, news of births, deaths and marriages, reports of CT meetings and profiles of their council members. However, a dearth of community participation, small groups allying themselves to make their voice heard, and obscure modes of decision-making, do not necessarily show a lack of community, as many communities, both Indian and non-Indian, function the same way today. Moreover, the Tribe was sufficiently organized during this period to pursue its claim before the Indian Claims Commission, and participate in the preparation of a judgment role, although the claim has not yet been paid. Further, the tribe has pursued this petition since the late 1970's and created a tribal roll, all of which requires social interaction to some degree.

Evidence not acceptable to demonstrate (b) for the petitioner at Bay Center and for the petitioner as a whole (Bay Center/Dahlia/Chinook). Other evidence indicates that the Charley family, which has no descendants in the current petitioner, was probably not a part of the Chinook descendants' social sphere defined by the coverage in the gossip columns and the cemetery layout. Although the activities of George and Roland Charley and other members of that family received significant press coverage during the 1920's when Charley led a fishing dispute and litigation over fishing rights at the Columbia's mouth, there was still no evidence that the forty or so individuals referred to in news articles and court testimony in the 1920's, overlap to a significant degree with the Bay Center social network sphere defined above, which is ancestral to this petitioner.

The list of individuals testifying in the litigation included two men from Ilwaco who have descendants in the current petitioner. These men were elderly and testified about witnessing fishing at Peacock Spit and in the early days, rather than actually fishing themselves in the 1920's. Several Charley's and others living on the Shoalwater Bay Reservation also testified. The Charley family lived at Georgetown, across Willapa Bay and the Willapa River mouth from Bay Center. This was a reservation at the time, and it still exists as the Shoalwater Bay Tribe, a federally recognized tribe.

Summary Conclusion Under Criterion (b)

Evidence submitted by the petitioner in response to the Proposed Finding supports continuous significant social interaction between the Indians living in Bay Center and the Chinook descendants concentrated in Dahlia or Ilwaco between 1880 and 1950. The social interaction in the 1930's and 1940's appear to be based on relations that were established during earlier periods. However, it rests primarily in the older generation. As people who had been closely connected as children and young adults in Chinookville or Bay Center died, the succeeding generations interacted less often and intensely until the community of Chinook descendants became indistinguishable from the rest of the population. The evidence which is available from 1880 to 1950 is sufficient to show that the petitioner, as a whole, meets criterion 83.7b) for that time period. However, after 1950, the evidence of social interaction consists mostly of tribal efforts to pursue legal and political objectives. Despite the petitioner's failure to respond more effectively to the AS-

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IA's concerns regarding the post-1950 period, the AS-IA nevertheless finds evidence of social interaction at a level sufficient to meet criterion 83.7(b) has been presented by the petitioner.

As an alternative basis for this positive determination, the petitioner was previously recognized in the 1925 statute. Under 25 C.F.R. § 83.8(d)(2) there is only the necessity to show a present community. The PF found that the Bay Center community did meet the requirements of community in 83.7(b), and the tribe's current organization to pursue its legal and political objectives is adequate to meet criterion 83.7(b).

CRITERION C

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

Proposed Finding

The Proposed Finding (PF) found that a historical Chinook tribe or bands maintained tribal political influence over its members as an autonomous entity through the treaty negotiations of 1855. It also found that the evidence did not show that the petitioner was an entity that had maintained such political influence since that time. While there was some evidence of local leadership at various times, the evidence did not show that any leaders had exercised political influence over the petitioner's ancestors as a whole. Therefore, the petitioner did not meet criterion (c) from 1856 to the present (PF Summary, 36).

In order to meet criterion (c) for the Final Determination, the petitioner needed to provide evidence to show that it has been a continuously existing entity that has evolved from the historical Chinook tribe, and that it has maintained political influence or authority over its members since the treaty negotiations of 1855.

Comment

In its response to the Proposed Finding, the petitioner submitted arguments by its attorney and researcher, and copies of historical documents. However, the petitioner did not make a specific argument of how the evidence showed that it met criterion (c). Nor did the petitioner specifically identify or label the new exhibits that it considered relevant to criterion (c). The historical documents submitted by the petitioner took the form mostly of copies of the correspondence of Federal officials from the National Archives and copies of articles from local newspapers.

In general, new evidence or new information about political processes and political influence among the petitioner's ancestors is sparse in the new exhibits. The new

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documentation is not directed at the time periods for which the Proposed Finding noted a lack of evidence, or at the issues raised by the Proposed Finding about the lack of evidence of political influence within the petitioning group over time. Most of the new exhibits describe the activities of the Federal Government. The petitioner's new exhibits focus on correspondence by the superintendent of the Taholah Agency during the late 1920's and early 1930's about fishing and allotment litigation relating to the Quinault reservation, and meeting minutes from the 1950's relating to the claims case on behalf of the historical Chinook tribe against the United States before the Indian Claims Commission.

Political Influence before 1856. The Proposed Finding concluded that, "[t]he evidence that the petitioner's Lower Band of Chinook ancestors continued to live in exclusive Indian villages until at least 1854" was sufficient to demonstrate that the petitioner met criterion (c) (PF Summary, 27). That finding assumed that "exclusive Indian villages" maintained traditional patterns of political authority. The Proposed Finding also concluded that the evidence that Chinook headmen had "negotiated treaties with the Government in 1851 and 1855" was sufficient to demonstrate that the petitioner met criterion (c) for that time period (PF Summary, 27). That finding concluded that the Government ascribed political authority and sovereignty to Chinook bands by negotiating treaties with them. That finding also assumed that the authority of leaders to conduct treaty negotiations was evidence of the existence of political influence and authority over a historical village, band, or tribe.

Political Influence, 1856-1925. The Proposed Finding concluded that, "[t]he four decades following these unsuccessful treaty negotiations are almost barren of evidence of Chinook tribal political activity or leadership." It added that the available evidence "does not demonstrate that there were leaders who exercised political authority over the group as a whole in the late-19th century. . . ." The Proposed Finding specifically noted the lack of "any examples of political activity or leadership by Chinook descendants living along the Columbia River. . . ." (PF Summary, 27).

The petitioner's new evidence for the period between the 1850's and 1920's consisted of a few reminiscences of pioneer settlers. These accounts provide little first-hand observation and mostly contain historical generalities about the Indians and Indian culture that existed at the time the non-Indian settlers arrived in the area. One account did name two historical chiefs. These articles did not provide any specific accounts of Chinook tribal political activities, or even specific references to Chinook tribal leaders during the late-19th century.

This is not particularly surprising, and is not fatal to the petition, for several reasons. First, the petitioner points out that political organization for the Chinooks, even prior to 1855, was based more in family groups than in central tribal chiefs, and one would not expect them to depart from that pattern in the post-treaty era. Second, after the 1851 and 1855 treaty negotiations, the United States thought its business done with the Lower Chinooks, displaced them from their ancestral lands, and ignored them until the early 1900's, save the Executive Order of 1873. Third, the United States was pursuing a systematic policy of attempting to destroy the influence of traditional tribal leadership.

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Under these circumstances, the AS-IA will not ask too much in the way of documentary evidence of political influence. Most telling, though, is the fact of Federal legislation concerning the Chinooks in 1911, 1912, and 19125, and the considerable congressional attention to the Chinooks at the turn of the 20th century. Given the nature of Federal Indian policy in this period, it seems most unlikely that such legislation was in response to individual Chinooks acting alone, or the simple largesse of the United States. Far more likely is that the organized and persistent entreaties of the Chinook leadership, whether formally empowered or otherwise, resulted in these congressional responses. Significant too is the ongoing social interaction among the communities of the petitioner found above in this FD. Therefore, the AS-IA finds the evidence adequate to meet criterion 83.7(c) through 1925.

As an alternative basis for this finding, the AS-IA also finds that the unambiguous prior Federal recognition of the petitioner in the 1925 Act is conclusive on this issue, and the petitioner meets criterion 83.7(c).

Political Influence, 1925 - present. The Proposed Finding and Anthropological Technical Report credited George Charley, chief of the Shoalwater Bay Reservation, with leadership of some Indians living in Bay Center as well as on the reservation during the 1920's. George Charley died in a fishing accident in 1935. The new exhibits submitted for the Final Determination add little of substance to what was known of Charley's activities from the documentary record for the Proposed Finding. His activities were described in some detail in the Anthropological Technical Report (PF ATR, 30, 93-96).

The petitioner has provided documentation of political leadership and influence almost exclusively about George Charley. This evidence consists mostly of the correspondence of the superintendent of the Taholah Agency who was advocating and helping to prepare litigation on behalf of George Charley and his fishing crew, plus some clippings of local newspaper articles about that litigation. The correspondence of Superintendent Sams made it clear that he was working to protect the alleged fishing rights in the Columbia River of the federally recognized Quinault and Shoalwater Bay Indians, many of whom lived in Bay Center, not the fishing rights of off-reservation individuals of Chinook ancestry.

The Proposed Finding noted that it could not substantiate the petitioner's contention that the Chinook had formed a formal organization in June 1925 (PF Summary, 29). No contemporaneous evidence supports that claim. Chinook descendants did meet, however, in April 1925 to choose representatives to sign a contract with an attorney to bring a suit in the Court of Claims, as recently authorized by Congress. A new exhibit shows that a Cathlamet newspaper was aware that such a meeting would be held. No other new exhibit refers to any political activity or organization until 1931, when president Myrtle Woodcock presented a resolution about the claims case to the Commissioner of Indian Affairs.

The Proposed Finding reported that the record contained no contemporaneous evidence that meetings of Chinook descendants were held between 1931 and 1951, though the

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petitioner maintains that such meetings were conducted. Nor was there contemporaneous evidence to support the claim that Myrtle Woodcock had been president of an organization during those years. There is some evidence of the existence of a Chinook claims organization in the years between 1925 and 1931, though there is no evidence describing how a political process within a group of Chinook descendants actually functioned prior to 1951.

The AS-IA concludes that the PF insufficiently analyzed the claims organizations. They were not merely paper creations of lawyers wanting to recover large contingent fees when the claims were won. They were transitional political groups, which gave an opportunity for the Chinook people to coalesce around a central goal. Although at first voluntary organizations, they were only open to persons who could show a degree of Chinook blood, and they all proved to be precursors of the formalized, complex, political organization the petitioner now reflects. Moreover, the Chinook's first, rather rudimentary organization was not confined to claims, but were also involved in health issues, union organizing and fishing issues. Chinook Historical Technical Report, p. 47; Chinook Anthropology Technical Report, pp. 93-97. Clearly the Chinook were looking to improving their welfare by improving their organization. After passage of the 1946 Indian Claims Commission Act, there was a formal "Chinook Tribal Council," formed in 1951, which split into two factions in 1953. Chinook Historical Technical Report, pp. 55-57; Chinook Anthropology Technical Report, pp. 98-100, 103-114. Although the two groups were at first concerned primarily with the claims case, the constitutions adopted by the two factions were governmental in nature, and were not confined to pursuing litigation. Chinook Historical Technical Report, p. 59. For example, the Chinook Tribes, Inc., concerned itself with the handling of human remains and artifacts, and expressed an interest in further archæological investigation of their past. Chinook Historical Technical Report, p. 61; Chinook Anthropology Technical Report, pp. 126-129-. This activity has continued to the present-day, although now the focus is on tribal recognition. In organizing to support their claims, the Chinook grew from an embryonic political entity, mobilizing its members and their resources for a group purpose, and even the internal factionalization provided in 25 C.F.R. § 83.7(c)(1)(v) has not been absent. Coupled with the overarching fact that the Chinook were legislatively recognized on two occasions, the political influence criterion, section 83.7(c), has been met in the judgment of the AS-IA.

The Proposed Finding concluded that a formal Chinook organization was created in 1951 soon after a petition had been submitted to the Indian Claims Commission (PF Summary, 30). It also found that the Chinook council split into two organizations by 1953. This split lasted until 1958. The petitioner has submitted a number of documents relating to these two groups during the 1950's. For the most part, this evidence was considered for the Proposed Finding and was described in some detail in the Historical and Anthropological Technical Reports. This documentation confirms that organizations existed and held meetings during the 1950's.

Clifford Trafzer, the author of *The Chinook*, expressed his shock and "outrage" to hear the petitioner recount that it had received "a negative finding based on a misinterpreted statement found in my short survey of Chinook people" (Petitioner Ex. T). The Summary under the Criteria for the Proposed Finding did not specifically cite Trafzer in

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its evaluation of criterion (c), so reliance on Trafzer's book was not the reason the petitioner failed to meet criterion (c) in the PF.

The Proposed Finding said, in its evaluation of criterion (a), that, "Trafzer concluded that 'the Chinook no longer are a unified tribe.' He identified three contemporary groups of Chinook in the 1980's: the Chinook Indian Tribe organization, the Wahkiakum Chinook, and the Chinook on Shoalwater Bay" (PF Summary, 7). Trafzer's reply states: "On the issue of 'unified tribe,' what I meant by this statement was that there have been several Chinook groups historically based on village and area leaders. No one Chinook leader could speak for all Chinooks. . . . Neither the Chinooks at Shoalwater Bay or Quinault can speak for the Chinook people who remained on their sacred lands along the Columbia" (Petitioner Ex. T).

Summary Conclusion under Criterion (c)

The record for this case lacks specific examples of an internal, informal political process among the petitioner's ancestors, or of political leadership or influence over the petitioner's ancestors as a group between 1855 and 1925. The congressional actions directed at the Chinook in 1911, 1912, and 1925 indicate the influence of a political entity that pursued tribal political and legal objectives from the turn of the 20th century until 1925. The unambiguous prior Federal acknowledgment embodied in the 1925 Act provides an additional, alternative basis for concluding that the petitioner satisfies criterion 83.7(c) through 1925.

A claims organization existed in the late 1920's and early 1930's that pursued the legal and political objectives of the petitioner as a group. The claims organizations were transitional tribal governing bodies, and the evidence shows an evolving political structure, which, paradoxically, is confirmed by the factional split between 1951 and 1958. There is evidence for the years between 1951 and 1970 that two organizations were active to pursue a claims case, agains providing a structure that pursued the group political and legal goals of the tribe. An examination of their organic documents show that the claims groupings were concerned with matters of wide-spread interest affecting the community as a whole, and were not merely instrumentalities for the pursuit of claims. During recent decades the petitioner has had a formal political organization.

Therefore, the available evidence demonstrate that the petitioning group, at present, and continuously since the years immediately after 1925, has exercised political influence over its members from historical times until the present. For this reason, the evidence is sufficient to show that the petitioner meets the requirements of criterion 83.7(c).

CRITERION D

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

Proposed Finding

The Proposed Finding concluded that the petitioner met criterion (d). The petitioner submitted a certified copy of its constitution which was dated June 16, 1984. The constitution described the membership criteria, the election of officers, the duties of the officers and general membership meetings. The petitioner also submitted a membership ordinance dated June 20, 1987, which replaced Section 2 of the 1984 constitution.

Summary Conclusion Under Criterion (d)

The AS-IA concludes that the petitioner meets criterion 83.7(d).

CRITERION E

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

Proposed Finding

The Proposed Finding (PF) found that the petitioner had submitted a membership list dated July 8, 1995, which was certified by the CIT/CN council as being accurate and complete. There were 1,566 names of living members on the list. The petitioner also sent membership lists dated 1953, 1981, 1983, 1987, and 1994.

The PF concluded that approximately 85 percent of the 1995 membership list descended from either the Wahkiakum, Willapa, Kathlamet, or Lower Band of Chinook or the Clatsop tribe of Indians who were treated by the Federal Government in 1851. It also found that 15 percent of the petitioner's membership descended from Rose LaFramboise, a métis woman for whom there was conflicting information regarding her parentage and

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Chinook descent. The PF also concluded that although she may not have been Chinook by descent, that she was connected through her in-laws to the Chinook families, and lived near other Chinook descendants. She appeared to have been accepted as a part of the Chinook community in which she lived. However, the PF also stated that the descendants of Rose LaFramboise did not meet the group's own membership criteria, and suggested that the petitioner submit evidence to establish her Chinook descent or evidence that the council had resolved the conflict between the enrollment ordinance and the group's actual practices.

The PF concluded that as a whole, the petitioner met criterion (e).

Summary Conclusion Under Criterion (e)

The petitioner did not provide an up-date of its 1995 membership list; however, it still meets this criterion. Should the petitioner become acknowledged, it will need to make current its membership list by removing the names of any deceased members, adding the names of the children born since 1995, and making any other minor corrections that may be necessary.

The petitioner submitted notes from Charles Roblin's interviews in 1917 with members of the LaFramboise, Ero, and Durival families. However, none of these notes identified the parents of Rose LaFramboise, or provided evidence not already reviewed in the PF. The petitioner did not submit evidence of council action regarding adopting these Rose LaFramboise descendants or otherwise clarifying its actual membership practices.

Although there is still a question about the actual Chinook descent of Rose LaFramboise, the Chinook Indian Tribe/Chinook Nation has provided sufficient evidence that its membership as a whole descends from the historical lower Band of Chinook, the Wahkaikum, Willapa or Kathlamet bands of Chinook. The AS-IA concludes that the petitioner as a whole meets criterion 83.7(e).

CRITERION F

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

Proposed Finding

The Proposed Finding concluded that 5 percent of the petitioner's members were enrolled in the Quinault tribe. However, the petitioner was principally composed of persons who were not members of any federally acknowledged North American Indian tribe. Therefore, the petitioner met criterion 83.7(f).

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Summary Conclusion Under Criterion (f)

The Quinault Indian Nation submitted a copy of a 1998 enrollment report listing the members of that tribe. The BIA compared the names on the enrollment report with the petitioner's membership and found that slightly more than 8 percent of the CIT/CN membership were also members of the Quinault Nation. There is no evidence that the petitioner is principally composed of members of a federally recognized tribe. The petitioner's constitution did not address the issue of dual enrollment in federally acknowledged tribes.

The AS-IA concludes that the petitioner meets the requirements of criterion 83.7(f). This conclusion does not suggest in any way that the fact that some of the petitioner's members are allottees on the Quinault Reservation vests in the petitioner any governmental authority whatsoever over the Quinault Reservation. Tribal authority on the Quinault Reservation is vested exclusively in the Quinault Indian Nation.

CRITERION G

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

Proposed Finding

In 1954 Congress passed the western Oregon termination act that applied to all historical tribes and their individual members prohibiting the establishment of a Federal relationship. Because the Clatsop Tribe was identified as being south of the Columbia River, in western Oregon, a Federal relationship with members of the petitioning group that descend solely from their Clatsop ancestors are prohibited from receiving Federal services because of their status as Indians. This prohibition did not apply to the members of the petitioning group who have mixed Chinook and Clatsop ancestry. It affects only about 3 percent of the petitioner's membership.

The Proposed Finding (PF) concluded that because the petitioner claimed to be the successor to the Lower Band of Chinook of Washington State, and because a large majority of its members traced their Indian ancestry to that historical tribe or band, the petitioner, as an entity, was not the subject of congressional legislation which has expressly terminated or forbade the Federal relationship. Thus, with the reservation that, if acknowledged, a few of the petitioner's current members who trace their ancestry only to the historical Clatsop Tribe would be forbidden Federal services as Indians, the PF concluded that the petitioner met criterion (g).

Summary Conclusion Under Criterion (g)

The Chinook Indian Tribe/Chinook Nation provided evidence in that it has not been

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terminated by congressional legislation and with the exception of the 3 percent of the membership who are exclusively Clatsop descendants, the petitioner's membership has not been forbidden a Federal relationship. The AS-IA concludes that the petitioner meets criterion 83.7(g).

FINAL DETERMINATION

The AS-IA therefore concludes that the petitioner meets all seven of the criteria and should be federally acknowledged. Were it not for the efforts of the BAR and others in the Department, the AS-IA could not have made a positive determination on this petition. BAR's efforts to organize and analyze the disjointed presentation of information by the petitioner made an orderly review by the AS-IA possible. The petitioner exhibited a misunderstanding of the nature of unambiguous prior Federal recognition, and its submissions after the PF were in large part unresponsive to the concerns expressed in the PF. Were it not for the acts of Congress in 1911, 1912, and most importantly, 1925, it would not have been possible to make a positive determination on the evidence presented. The strength of the genealogical information developed and analyzed by BAR was also a telling factor. Thus, the petitioner's criticism of BAR were unfounded; but for BAR's efforts, a positive determination would not have been possible. The evidence on criteria (a), (b), and (c) was spotty and ambiguous for certain periods, and in the judgment of the AS-IA, it was sufficient only when read in light of the three acts of Congress noted above, and especially the 1925 Act.

CHINOOK INDIAN TRIBE / CHINOOK NATION (CIT/CN): FINAL DETERMINATION - SUMMARY CHART

CRITERION (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" (25 CFR 83.7(a) [1978]).

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

Summary of the Evidence: The Proposed Finding (PF) found that the "evidence showed outside identification of a historical Chinook tribe or band until 1855, or perhaps 1873, and identification of several organizations of Chinook descendants since 1951." It also found that the evidence did not show external identification of the petitioner from 1855 to the present on a substantially continuous basis. Therefore, the Chinook petitioner did not meet criterion (a). In order to meet criterion (a) for the Final Determination, the petitioner needed to provide evidence, at least, of external identifications of it as an entity between 1873 and 1951. According to the 1978 regulations, acceptable evidence could consist of repeated identification of the group by Federal authorities; or evidence of longstanding relationships with State governments based on identification of the group as Indian; or evidence of repeated dealings with a local government in a relationship based on the group's Indian identity; or evidence of identification as an Indian entity in courthouse, church, or school records; or evidence of identification and Indian entity by anthropologists, historians, or other scholars; or evidence of repeated identification as an Indian entity in newspapers and books; or evidence of repeated identification to dealings as an Indian entity with recognized Indian tribes or national Indian organizations. The petitioner did not specifically identify or label the new exhibits that it considered relevant to criterion (a).

The petitioner has provided some new evidence that some individuals were identified as Chinook descendants. However, those identifications of individuals were not identifications of a Chinook Indian entity. Several of the exhibits submitted for the Final Determination had previously been evaluated in the Proposed Finding. In general, the new exhibits either referred to individuals, rather than to a group as which added little information to issues which had been described and evaluated in the Proposed Finding. In general, the new exhibits either referred to individuals, rather than to a group as required by the regulations, or referred to individual Chinook descendants who were allottees on the Quinault Indian Reservation, although the Indians of the Quinault reservation were an entity different from the petitioning group. The petitioner has failed to provide new evidence of identifications of a Chinook entity from 1873 to 1924. The petitioner has provided examples of identifications of a Chinook claims entity in 1925 and 1927. That evidence, however, does not identify a Chinook entity on a "substantially continuous" basis from 1927 to 1951. Therefore, the evidence in the record does not show that the petitioning group has been identified as an Indian entity "from historical times until the present" on a "substantially continuous" basis.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1792-1850s	PF Summary, 4 PF HTR, 7-14	Historical travelers identified historical bands of Chinook Indians	The conclusions of the Proposed Finding stand unless revised by new evidence.	In its response to the Proposed Finding, the petitioner did not need to provide additional evidence that historical bands of Chinook Indians were identified prior to the 1850s.	Historical Chinook bands were identified by external observers prior to the 1850s.

Chinook - Final Determination: Criterion (a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1851-1855	PF Summary, 5 PF HTR, 15-20	The United States negotiated treaties in 1851 with the Lower Band of Chinook and other bands of Chinookan Indians. In 1855, the United States attempted to negotiate a treaty with the Chinook and other tribes.	The conclusions of the Proposed Finding stand unless revised by new evidence.	In its response to the Proposed Finding, the petitioner did not need to provide additional evidence that historical bands of Chinook Indians were identified by treaty negotiations prior to 1855.	Historical Chinook bands were identified by the Government in 1851 and 1855.
n.d.; probably refers to 1830s-1920s	Letter from Julia Butler Hansen to "Whom It May Concern," 6/10/1983 (Amelia 1998)	Letter from Julia Butler Hansen, State representative, provides genealogical information on members of the early Amelia, Scarborough, and LeClair families. Hansen states that her mother was Mingo Amelia's school teacher. This is a brief summary of the history and genealogy of the Scarborough family.	Sarnish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	Although Hansen was a State representative, this was a private letter regarding what she knew of the history and genealogy of her friends and former neighbors. It has individual genealogical data, but is not the identification of a group. Mingo Amelia was born in 1896, and his son was born in 1920. This was not an official state recognition of a Chinook entity in the early 1900's or when Hansen wrote the statement in 1983.	Information about individuals does not meet criterion (a).
1855-1870s	Newspaper article from <i>Skamokawa Eagle</i> , Wahiakum County 10/24/1901 (Ex. 1032)	Pioneer Ralph C.A. Elliott, b. 1826, recalls his arrival in Cathlamet in 1855, where he met James Birnie, who had a little store and who had great influence with the Indians. "Ralph and his brother John took up donation land claims and settled at Cathlamet. They knew Chief Skamokawa and Chief Quillis, who lived by hunting and fishing. Other pioneer settlers are named, and a few Elliott family members.	Elderly non-Indian residents of the area ... recall the Choctaws as a constant presence in the community (Iena Choctaw PF 1994, 2-3), but also see the principal applied in identification of an Indian entity by Federal authorities concerning claims: "Although it included the HPI... it was a Potawatomi descendant claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4).	This pioneer reminiscence does not add to the findings of the Proposed Finding that there were bands of Chinook and other Indians in Pacific and Wahiakum counties in the mid-1800s. This article does not name the tribes: Quillis and Skamokawa belonged to or name any other members of the tribes, so it is not clear what entity was identified as having existed in the mid-19th century. The article does not say that a band of Chinook Indians still existed in Cathlamet or Skamokawa in 1901 when the article was written. This article does not change the findings of the PF.	Information which does not identify an Indian entity does not meet criterion (a).
Before 1880	Newspaper article [handwritten on copy: <i>Raymond Herald</i> , Pacific County, 12/23/1921 (Ex. 1061)]	Article: "Bush Writes About the Indians," by L.L. Bush. Very general description of Indian life in western Washington when the pioneer settlers arrived. States that the Indians were very friendly with the whites; and quickly assimilated. "I do not recall seeing a blanket Indian as late as 1881." The only specific mention was: "The last of the very old Indians of Shoalwater Bay died last week, over at Taholah; the widow of Deaf George... [age thought to be close to 100]"	Elderly non-Indian residents of the area ... recall the Choctaws as a constant presence in the community (Iena Choctaw PF 1994, 2-3), but also see the principal applied in identification of an Indian entity by Federal authorities concerning claims: "Although it included the HPI... it was a Potawatomi descendant claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4).	This article made reference to Chinook relations with pioneers during white settlement of the Washington / Oregon area. This article was very generally written. It referred to a historical Chinook tribe, but not to a Chinook tribe continuing to exist in 1921.	This article provides a vague identification of a historical entity at the time of Lewis and Clark, but does not extend an identification of a historical tribe beyond the mid-19th century.

Chinook - Final Determination: Criterion (a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1866-1882	Manuscript attributed to Catherine Herrold Troeh concerning Colbert House in Ilwaco, WA, but last page of story says Betsy Trick and Charlotte Davis of Ilwaco furnished the information (Ex. 796)	Story of the Colbert House in Ilwaco belonging to the descendants of Aubichon and Mary Anne, the cousin of Comcomly, Chinook. Includes a history of Hudson Bay Company in the area and the family's move to French Prairie, OR, where they stayed until 1866. Talks about in-laws and neighbors at French Prairie, and a daughter and son-in-law Petit who moved to Chinookville in 1866 to set up a store. An Aubichon granddaughter, Catherine, moved to Ilwaco in 1882, began to build their house, using lumber from the old house at Chinookville. This information was furnished by Betsy Trick and Charlotte Davis, grand-daughters of Catherine Petit Colbert who was born in 1853 in Butteville, married in Astoria in 1870, moved to Chinookville in 1872, and then to Ilwaco in 1882, where they built the house described in the article.	Sarnish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This is a secondary source that is helpful in showing when a family of Chinook descent left Chinookville and moved to Ilwaco. It confirms the time period when Old Chinookville was abandoned, and where at least one family went, but it does not identify a Chinook tribe after 1880.	Information about individuals does not meet criterion (a).
1873	PF Summary, 8 PF HTR, 21-22, 41-42, 80	The Proposed Finding noted that a historical Chinook tribe may have been identified, by implication, by the Executive Order that expanded the Quinalt reservation in 1873.	The conclusions of the Proposed Finding stand unless revised by new evidence.	A Chinook tribe was not explicitly mentioned by the Executive Order of 1873, but can be considered to "fish-eating tribes" of the Washington coast. See PF HTR, 21-22, 41-42, 80.	By implication, a historical Chinook tribe was identified by the Government in 1873.
1877-1900s	Newspaper article, <i>Raymond Herald</i> , Pacific County [handwritten date, 7/28/1922] (Ex. 1061) Not new evidence; see similar article (1917) in Petitioner's PF Ex. 78.	Article: "The Indians of Yesterday," by Arthur E. Skidmore, a local 50-year resident, describes domestic life for the Indians in the 1870's in very general terms. Says that the Indian population has been reduced from 200,300 to two or three dozen. Names only Bob "Solikie," a "Saisop Indian" and a resident of Georgetown Reservation. Says that, "The Indians that lived here belonged to several tribes, but principally the Chinooks, Saisops and Chehalis tribes....."	Elderly non-Indian residents of the area ... recall the Choctaws as a constant presence in the community (Iena Choctaw PF 1994, 2-3), but also see the principal applied in identification of an Indian entity by Federal authorities concerning claims: "Although it included the HPI ... it was a Potawatomi descendancy claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4).	This was not a contemporaneous identification from the 19 th century, but a secondary source describing in very general terms the historical Indian culture of Pacific County. It referred to the Chinook tribe in the past tense. It did not describe any of the current 11922] population as continuing to live in tribal relations. Bob "Solikie" is likely to have been Bob Sliackie, the Clatsop Indian who was among the 1881 assignees at Shoalwater Bay Reservation (Georgetown). See the PF Anthropological Technical Report, Table 2 [p.45].	This article provides a vague identification of a historical entity ca. the 1870's, but does not extend an identification of a historical tribe beyond the late-19th century. This article does not meet criterion (a).

Chinook - Final Determination: Criterion (a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880's ca.	Deposition of Emma Millett Lucier, 4/24/1952 (Ex. 854)	Emma Lucier, b. 1865, daughter of Sam Millett (1833-1913), was born at Kelso when her father was fishing on the Cowlitz. Sam was a Kalihamet Indian and was born on the Columbia River. Describes Chinook "fishing around McGowan, W.A. before D.J. McGowan began his operations;" and "I saw members of the Chinook Tribe working in the oysters at Brucepoint." Says she "knew Mr. Russell who paid the Indians for oysters with guns, dishes, hardware and traps." "Many Indians were working at Willapa harbor, consisting of Chinook and neighboring tribes." No dates given.	Some of the [third party] comments which mentioned the "identity" of the petitioner referred to the petitioner's own self-identification, not to identification by external sources under 83.7(a) (Matche-e-be-nash-she-wish FD 1998, 7-8).	Information from a member or ancestor of the petitioning group is not an identification by an external observer. This deposition cites no specific dates, but from the mention of "before McGowan's operations" and Mr. Russell, it is probably referring to a time ca. 1880. Sam Millett died in 1913. This does not identify an Indian entry in 1952 when the deposition was made, but is a recollection of Lucier's youth. See PF Historical Technical Report (HTR), 25, 32.	Information from a member or ancestor of the petitioning group does not meet the requirements of criterion (a). Information about individuals does not meet criterion (a).
1880's ca.	Anonymous, undated, reference article on <i>Chenookville</i> (Ex. 1134)	Brief account of the history and demise of Chenookville, which was located on the Columbia River. "By the 1880's nearby McGowan River overshadowed the older settlement and erosion was rapidly removing buildings from the shrinking beach."	N/A	This article makes no mention of who resided at Chinookville in the late 1880's or statement that the Chinook Indians continued to live there.	Information which does not identify an Indian entity does not meet criterion (a).
n.d., ca. 1900	Photograph of St. Mary's Church, McGowan, WA (Ex. 797) Not new evidence; see Petitioner's PF Ex. 205.	This photograph includes several people, but no one is named, and therefore it is not known whether these people are the petitioner's ancestors. A hand-written note on the photo says, "St. Mary's Church, Chinook's [San]Treadall side Church 1880-1920." The handwriting does not appear to be contemporary to the photograph. McGowan was at Scarborough's Head, along the Columbia River between Chinook Point and Point Ellice, near the village of Chinookville, Pacific County.	N/A	The PF Anthropological Technical Report, 62, refers to the petitioner's association with the Shaker Church at Bay Center, but the petitioner did not provide records from St. Mary's Church or other sources to identify a community of Chinook Indians who attended St. Mary's. Since this photo does not provide names of individuals, it cannot be determined that this picture represents the ancestors of the petitioner. Even if all were ancestors, they were only a fraction of all ancestors. This photograph does not identify a Chinook entity.	This photograph does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1908	Petitioner's Exhibit K: Beckham, "1900 Census" PF HTR, 25-30 PF HTR, Tables 1-3 Census 1900 [Federal Population Census, microfilm T-623, RG 29, National Archives]	In Exhibit K, Beckham asserts that the 1900 Federal census "confirms" that "three primary Chinook communities existed" (p.6). By this he means not that contemporary census enumerators identified such "communities" in 1900, but that a modern researcher can do so. Beckham lists 97 Indian households on the 1900 census in two counties in Washington State, and says that 76 households and 272 individuals were Chinook (p.11-32). The Historical Technical Report noted the presence of 333 descendants of the 1851 historical Chinookan bands and 91 ancestors of the petitioner in 1900, either on the Federal census in 90 households in three counties of Washington and Oregon or on the Indian census rolls of four Indian agencies.	Samsch amended ED 1995, 4, held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the group's Indian identity." Huron Potawatomi PF 1995, 4, and Match-e-be-nash-she-wish PF 1997, 3, accepted as evidence of an identification of an Indian entity the explicit statements on the 1880 census that "Here Ends the Indian Village, or Hamlet - of the 'Potawatamies of Huron,'" or that individuals were listed as residents of an "Indian Colony."	Beckham's discussion of the 1900 Federal census, in Exhibit K, ignores the discussion of the 1900 census in the Historical Technical Report prepared for the Proposed Finding. The 1900 census evidence submitted in Exhibit K was considered and analyzed for the Proposed Finding, and is not new evidence. Beckham lists Chinooks and other Indians without noting whether they were ancestral to the petitioning group. Beckham lists people considered by the petitioner to be Chinook descendants, not people identified on the census as "Chinook" or as "Indian." In 1900, the census enumerators listed some of these individuals as Indians, but did not refer to an Indian community or group. The petitioner's Exhibit K does not show otherwise.	Because the census listed individuals and made no explicit reference, or implied reference, to an Indian group, this census classification of some individuals as Indians does not meet the requirements of criterion (a).
12/27/1907	Newspaper article, <i>South Bend Journal</i> , Pacific County (Ex. 1038)	"Bills for Indians / Would Reimburse Indians for Lands Taken... Fortunes for Local Swashes if Bills Pass -- Considerable Interest Shown." Senator Fulton introduced three bills for final settlements with Lower Band of Chinook, Wheelapa, and Wakhakum bands of Chinook for lands ceded by Indians in the unratified treaties of 1851. No names of leaders or members of the bands in 1907, and no mention that there are tribes or bands existing in 1907. The article only mentions "beneficiaries."	A descendancy roll, prepared by the Michigan Agency, BIA, as the result of a 1978 decision on the Indian Claims Commission, was completed in 1984. Although it included the HPI [Huron Potawatomi Inc.] it... was a Potawatomi descendancy claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4).	See the PF Historical Technical Report, 32-38, for a discussion of these claims bills. This newspaper article does not add new information that would show bands or a tribe of Chinook existed in 1907. This article does not name any leaders or members, or provide evidence that the beneficiaries of the bills were part of a continuing tribal entity.	Because this article refers to historical tribes, rather than to contemporary tribes or groups, it does not meet criterion (a) for 1907.
1/ ? /1908	Newspaper article, <i>Columbia River Sun</i> , Cathlamet, Wakhakum County (Ex. 1039)	"Money for Indians": "Senator Fulton has introduced three bills which are of great interest to a number of people residing in Wakhakum and Pacific counties. These bills provide for final settlement with three bands of Indians living in the state of Washington along the lower Columbia river." The rest of the article is essentially the same as the 12/27/1907 article in the <i>South Bend Journal</i> (Ex. 1038)	A descendancy roll, prepared by the Michigan Agency, BIA, as the result of a 1978 decision on the Indian Claims Commission, was completed in 1984. Although it included the HPI [Huron Potawatomi Inc.] it... was a Potawatomi descendancy claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4).	The article implies that a number of people in Pacific and Wakhakum counties would benefit from these bills, but does not name them or any organization that might represent them (such as a tribe). See the PF Historical Technical Report, 32-38, for a discussion of these claims bills. This newspaper article does not add new information that would show bands or a tribe of Chinook existed in 1908. This article does not name any leaders or members, or provide evidence that the beneficiaries of the bills were part of a continuing tribal entity.	Because this article refers to historical tribes, rather than to contemporary tribes or groups, it does not meet criterion (a) for 1908.

Chinook - Final Determination: Criterion (a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/28/1908	Newspaper article: <i>South Bend Journal</i> , Pacific County (Ex. 1041)	"Chinook Claim Baseless / Garfield says Agreement to Buy Their Land Never Ratified". Secretary Garfield reported to Congress that there was no foundation for claims by the Neu-Que-Clah-Wasauk band of Chinook of Oregon or the Wheelapa and Waiiakum bands of Chinook in Washington. He said "all those Indians ... have died or intermarried," except the Chehalis who have a reservation.	A descendency roll, prepared by the Michigan Agency, BIA, as the result of a 1978 decision on the Indian Claims Commission, was completed in 1984. Although it included the HPI [Huron Potawatomi Inc.], it ... was a Potawatomi descendency claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4).	This article may have little applicability to the petitioner. The Proposed Finding found that about 82 percent of the CIT/CN membership descends from the Lower Band of Chinook. Only about 4 percent of the membership descends from Willapa ancestors, and about 8 percent from Waiiakum and Kahlamet ancestors (PF Genealogical Technical Report, 17-18, 21). See the PF Historical Technical Report, 32-38, for a discussion of these claims bills. The Secretary denied the contemporaneous existence of these Chinookan bands.	Because this article did not identify contemporary Indian groups or entities, it does not meet criterion (a) for 1908.
2/13/1908	Newspaper article, <i>Columbia River Sun</i> , Cathlamet, Waiiakum County (Ex. 1043)	"Money for Indians". Congressman Cushman introduced a bill to provide payment "to the Indian tribes designated for lands transferred to the government" [by unratified treaties of 1851]; the Lower Band of Chinook, Waiiakum and Wheelapa bands.	A descendency roll, prepared by the Michigan Agency, BIA, as the result of a 1978 decision on the Indian Claims Commission, was completed in 1984. Although it included the HPI [Huron Potawatomi Inc.], it ... was a Potawatomi descendency claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4).	See the PF Historical Technical Report, 32-38, for a discussion of these claims bills. This article does not add any new information that shows a Chinook tribe or band continued to exist in 1908. No leaders or members are named or referred to in the article.	Because this article refers to historical tribes, rather than to contemporary tribes or groups, it does not meet criterion (a) for 1908.
7/15/1910	Newspaper article (handwritten on copy: <i>South Bend Journal</i> , 7/15/1910) (Ex. 1051)	"H. H. Johnson, Indian Agent in charge of all Indians in Southwestern Washington, was here Thursday on his way to visit the Indians down the bay." He expects an increase in the Indian population.	Grand Traverse Band PF 1979, 4, found that criterion (a) was not met by evidence that Federal officials took a census of Ottawa and Chippewa Indians in 1908 which specifically included the Traverse Band of Indians.	This article is not specific to the Chinook but refers to all Indians in southwestern Washington. "Down the bay" could refer to the Bay Center and Willapa Bay area. A general reference to Indians is not an identification of a specific Indian entity or group.	Because this article does not identify an Indian entity it does not meet criterion (a).
7/22/1910	Newspaper article (handwritten on copy: <i>South Bend Journal</i> , 7/22/1910) (Ex. 1052)	Anonymous items in "Bay Centre" column. Agent Johnson from the Puyallup Indian School "was here Friday and Saturday taking the census." The second item mentions Adam Hawks an Indian, who died at Taholah was brought to BC for burial.	Grand Traverse Band PF 1979, 4, found that criterion (a) was not met by evidence that Federal officials took a census of Ottawa and Chippewa Indians in 1908 which specifically included the Traverse Band of Indians.	These two items from the <i>South Bend Journal</i> (Ex. 1051, 1052) show that the Indian Agent was taking a census of Indians living at Bay Center. Although this confirms what was already shown in the Proposed Finding, it provides no new evidence of the identification of a separate Chinook tribe or entity, except perhaps for the federally recognized Shoalwater Bay tribe, which is not the petitioner. The second item does not mention the tribe of the deceased and refers to an individual rather than to an entity.	Information about individuals does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/22/1914	Letter from Supl. in CIA (Ex. 813)	Superintendent at the Taholah Agency comments on an individual application for a fishing lease under the regulations of the Quinalt Reservation. He notes that the individual applicant has applied for a share of the funds to be paid to descendants of the "Chinook band of Indians."	A reference to a historical tribe is not an identification of a contemporary entity. Match-e-be-nash-she-wish PF 1997. 4. held that: "The Taggan Roll which was prepared by the BIA in 1904 as a consequence of the Potawatomi claims suit was not, <i>per se</i> , an identification of the Allegan County Indian settlement, although the members of the settlement with Potawatomi ancestry were included on it."	The 1914 claims payment was a per capita payment to the descendants of the historical bands of Chinook. Payments were made to individuals rather than to an Indian entity. The identification by the claims payment was of a historical band in 1851, not of a contemporary Indian entity in 1914. The 1914 annuity payment was discussed in the PF HTR, 4, 32-38.	Information about individuals does not meet criterion (a).
1920	Petitioner's Exhibit J: Beckham, "1920 Census" PF HTR, 31 Census 1920 [Federal Population Census, microfilm T-625, RG 29, National Archives]	In Exhibit J, Beckham asserts that the 1920 Federal census showed that two settlement areas, Bay Center and Dahlia, "were distinctly Indian" (p. 1). This is Beckham's judgment as a modern researcher, not the judgment of a contemporary observer in 1920. Beckham lists 68 Indian households on the 1920 census in two counties of Washington State, and says that 65 households with 270 individuals were Chinook (pp. 7-23). Beckham notes that the census enumerator in 1920 "identified part of the village [of Bay Center] as 'Indian Town'" (p. 2).	Samish amended FD 1995, 4, held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the group's Indian identity." Huron Potawatomi PF 1995, 4, and Match-e-be-nash-she-wish PF 1997, 3, accepted as evidence of the identification of an Indian entry the explicit statements on the 1880 census that "Here Ends the Indian Village, or Hamlet, of the Panowamies of Huron," or that individuals were listed as residents of an "Indian Colony."	Beckham's discussion of the 1920 Federal census, in Exhibit J, ignores the mention of the 1920 census in the Historical Technical Report prepared for the Proposed Finding. Some of the 1920 census information in Exhibit J is new evidence. Beckham lists Chinooks and other Indians without noting whether they were ancestral to the petitioning group. Beckham lists people considered by the petitioner to be Chinook descendants, not people identified on the census as "Chinook" or as "Indian." This evidence shows that in 1920 the census enumerators listed some of these individuals as Indians. The six "Indian" households listed as "Indian Town" in Bay Center constituted only a small percentage (6 of 68) of all the households of Chinook and other Indian descendants identified by Beckham on the 1920 census. The six households in "Indian Town" were a minority (6 of 23) of the Chinook and other Indian households identified by Beckham in Bay Center itself.	This census classification of some individuals as Indians does not meet the requirements of criterion (a). Although the census enumerator's reference to "Indian Town" was an identification of an Indian group, it was not an identification of the petitioner as a whole.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/11/1922	Per capita payment form for Rose Gricks and related documentation (Ex. 886-892)	Voucher for per capita payment [Ex. 886] to Rose Gricks as a lineal descendant of the Lower Chinook band. Letter by Superintendent Sams, 11/7/1922 [Ex. 887] says that payment is due Gricks as "heir of Mary Kelly and Judith D. Piers, deceased, for inherited shares of per capita payment...."	A reference to a historical tribe is not an identification of a contemporary entity. Match-e-be-nash-she-wish PF 1997, 4, held that: "The Taggart Roll which was prepared by the BIA in 1904 as a consequence of the Potawatomi claims suit was not, <i>per se</i> , an identification of the Allegan County Indian settlement, although the members of the settlement with Potawatomi ancestry were included on it."	The 1914 claims payment was a per capita payment to the descendants of the historical bands of Chinook. Payments were made to individuals rather than to an Indian entity. The identification by the claims payment was of a historical band in 1851, not of a contemporary Indian entity in 1914 (or 1922).	Information about individuals does not meet criterion (a).
10/8/1924	Letter from Taholah Agency to C. B. Fitzgerald (Ex. 869)	Letter from Taholah Agency stating that there were 719 Indians "on Quinault," but that less than 150 lived on the reservation, with the others scattered at Bay Center, Seattle, Tacoma, Portland, and all over the northwest. The agent does not have their addresses. There are 490 "unattached Cowitz Indians" under his jurisdiction, also scattered.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	This report included Chinook descendants and many non-Chinook individuals enrolled at Quinault. References to the Quinault Reservation do not equal references to the petitioner. The only specific tribe mentioned as "unattached" is the Cowitz. This report does not give the same distinction to the Chinook. This article is not evidence of the identification of a Chinook tribe at Bay Center or the Columbia River or elsewhere.	Information which does not identify an Indian entity does not meet criterion (a). Information about individuals does not meet criterion (a).
1925-1931	Vital records (Ex. 828)	Three pages of births occurring between 1925 and 1928 "to parents Enrolled at Jurisdiction," and seven pages with a cover sheet labeled: "Taholah Indian Agency Unattached Indians. Deaths, exclusive of stillbirths July 1925-June 1926" [in reality, includes deaths through 1931]. The actual heading for each page says: "State: Washington, Reservation: Unenrolled Indians, Agency or Jurisdiction: Taholah," but the next line says they are the deaths of enrolled Indians (emphasis added). The form for the individual's name, date of birth (or death), whether a live birth (or age at death), gender, tribe, ward of the government (yes or no), degree of Indian blood, at jurisdiction where enrolled, or other jurisdiction, or elsewhere off reservation.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	The only individual in these records who was "Chinook" died at Yakima. There is no known connection between him and the petitioner. Others who were of the "Quinault" tribe are known from other records to have had Chinook descent. Three Quinault children were born at Bay Center and four of the Quinault deaths were at Bay Center. At best the designations of Unattached, enrolled and unenrolled are ambiguous. It may mean that they are allotted, but not residents of the reservation. References to Quinault Reservation Indians are not synonymous with references to a Chinook tribe or to the petitioner. This record does not identify a Chinook tribe.	Information which does not identify an Indian entity does not meet criterion (a). Information about individuals does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
3/13/1925	Newspaper article handwritten on copy: <i>South Bend Journal</i> , Pacific County, 3/13/1925 (Ex. 1096)	Anonymous article, "Indians Ask Federal Treaty Ratification: Representatives Attend Meeting at Marysville: Will Hold Big Tribal Meet (sic) in Chehalis in June." Mentions local representatives William Bailey and Sampson Oliver of South Bend who represent Pacific County Indians at the Northwest Delegation of Indians Conference held at Marysville, WA, where they, among others, have stated "perfecting their claims under the old "Stevens" treaties. The article also announces an upcoming meeting at Chehalis where the claims will be presented. "It is expected that practically every member of the local tribes will be present at that meeting." Victor Johnson, principal of the school at Tulalip, and his sister Myrtle Woodcock were specifically mentioned. "A cash settlement was made with the Chinook tribe in 1913, but it was unsatisfactory to many of these because they claim, more of the tribal fund was withheld than dispensed."	"A descendency roll, prepared by the Michigan Agency, BIA, as the result of a 1978 decision on the Indian Claims Commission, was completed in 1984. Although it included the HPI [Huron Potawatomi Inc.] it... was a Potawatomi descendency claims roll and not exclusively a description of the HPI" (Huron Potawatomi PF, 4) The same principal applies to a newspaper article that applies to a descendency roll, if the article refers to individuals in a geographical area that includes Indians from other tribes, including federally recognized tribes, it cannot be assumed that the article refers to the petitioners.	The article briefly reports a previous multi-tribal meeting regarding claims and announces that the Indians of Pacific County will be attending the next meeting to pursue their claims. This appears to be a multi-tribal claims meeting, not a Chinook tribe meeting. This article does not state that William Bailey and Sampson Oliver and Victor Johnson and Myrtle Woodcock represent the Chinook tribe, or that they were among the claimants in the 1913 case. However, the 1914 annuity list shows Victor Johnson and Myrtle J. Woodcock as recipients of payment to the Lower Band Chinook, and from this and other evidence that William Bailey was a Clatsop descendant. Sampson Oliver was a non-Chinook brother-in-law of Woodcock. See also, PF HTR, 44-46, which discussed a similar announcement of a newly formed claims organization.	This report of a multi-tribal meeting did not identify a specific Chinook entity, and therefore does not meet criterion (a).
4/9/1925	Newspaper article, <i>Columbia River Sun</i> , Cathlamet, Wahkiakum County (Ex. 1099)	Anonymous article, "Chinook Indians After Allotments," says "The Chinook Indians expect to hold a meeting for the purpose of arranging business affairs" to present to the lawyer who will represent them in their claims case. "The meeting will be at Bay Center."	83.7(a)(6) [1978]: evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article announces a claims organization meeting. It does not name any leaders, so the group cannot be linked specifically to the petitioner. Its reference to "arranging" business affairs may refer to a new organization rather than a continuing one. It provides only tentative evidence, at best, that the people at Cathlamet were likely to have an interest in a Chinook claims meeting at Bay Center. See PF HTR, 44-46, for an analysis of the claims meetings in this era. The Proposed Finding noted that a quarter-center after this claims activity the Indian Claims Commission in 1958 accepted a petition from a "newly organized" Chinook group (PF Summary, 7).	This is a vague identification of a group of Chinook descendants in 1925.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
6/26/1925	Newspaper article, <i>South Bend Journal</i> , Pacific County [handwritten date, 6/26/1925] (Ex. 1101)	Anonymous article, "U. S. Prohibits Canby Seining," claims that the salmon seines on Peacock Spit violate the prior rights of gill-netters of the lessee of Sand Point and are endangering human life. "Members of the Chinook tribe of Indians, headed by Chief George Charley have been operating the grounds in the interests of J. J. McGowan and Sons, salmon packers."	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	This article's reference to a Chinook tribe can be assumed to be a reference to the federally recognized Shoalwater Bay tribe, since George Charley was a member and leader there. He was allotted at Quinalt. This article provides no basis for concluding that it was an identification of an off-reservation Chinook group. See the PF HTR, 52, for an analysis of identifications of George Charley as a Chinook leader in the 1920s. The PF HTR noted that during fishing rights litigation, "In his testimony Charley referred to Chinooks and Chinook fishermen as 'they' rather than 'we'" (PF HTR, 52).	This is an identification of a federally recognized tribe rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This article does not meet criterion (a).
9/11/1925	Newspaper article, <i>South Bend Journal</i> [handwritten date, 9/11/1925] (Ex. 1104) See also: PF HTR, 52.	Anonymous article, "George Charley Makes Big Haunts in Columbia: He May Go East," refers to Charley as the Chief of the Willapa Bay Indians. It says that he and his sons "together with a number of other local Indians have been making drag seine hauls on Peacock Spit." Charley was also called "the hereditary monarch of what is now the greater part of Pacific County." He will probably make a visit to Washington, DC, to check the status of the treaties "under which he operates."	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	This article's reference to the Willapa Bay Indians can be assumed to be a reference to the federally recognized Shoalwater Bay tribe, since George Charley was a member and leader there. He was allotted at Quinalt. This article provides no basis for concluding that it was an identification of an off-reservation Chinook group. Chinook descendants along the Columbia River apparently are excluded by a reference to Willapa Bay Indians. Thus the whole petitioning group is not included in this reference. See the PF HTR, 52, for an analysis of identifications of George Charley as a Chinook leader in the 1920s.	This is an identification of a federally recognized tribe rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This article does not meet criterion (a).
9/28/1925	Letter from Supr., Taholah Agency, to Col. T. J. McCoy in Wyoming (Ex. 870) Not new evidence; see Petitioner's PF Ex. 323.	Letter from Superintendent at Taholah says the Chelalis, Stokomish, Cowitz, Squaxin Island, Quinaltids, Quileutes, and Chinooks in his jurisdiction live very much the way the whites do, and did not participate in the habits of the plains Indians. . . . names some leaders and the kinds of houses they lived in, but does not mention a Chinook leader.	A reference to Indians in general is not a reference to the specific petitioning group. A reference to a historical tribe is not an identification of a contemporary entity.	This letter was in reply to Col. T. J. McCoy's seeking Indians to participate in a "Last Great Council" at the Philadelphia Exposition in 1926 [see McCoy's letter 10/6/1925, Ex. 871]. This letter provides no identification of a contemporary Chinook tribe or leaders. This is a generic discussion of the descendants of the historical tribes within the agency's territory.	A discussion of generic Indian culture does not identify a specific Indian entity, and therefore does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
10/6/1925	Letter from Col. T. J. McCoy to Supl. Sams, Taholah Agency (Ex. 871)	Letter inviting Indian leaders to participate in "Last Great Council, and Historical Spectacle, Winning the West" at the Sesqui-centennial International Exposition in Philadelphia	Same principle as seen under criterion (b): 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 cultural beliefs or social organization (Duwamish PF 1996, 10).	This is not an identification of a Chinook entity by an external observer, but a request from the manager / producer of a "Wild West Show" who was contacting the various Indian agents to obtain individuals to participate in the performance. There is no evidence in the record that anyone representing a Chinook entity, or the petitioner, participated.	A letter which does not identify an Indian entity does not meet criterion (a).
4/2/1926	Newspaper article [handwritten note: <i>Raymond Herald</i> , 4/2/1926] (Ex. 1110)	Newspaper article, "Nina Calhoun Enters Indian Queen Contest," includes the statement that, "Miss Calhoun has the support of the Chinook Tribe of Bay Center." Notices that Miss Calhoun and Myrtle Woodcock were in Raymond soliciting votes.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	Although this article is about an individual, it contains a vague reference to a "Chinook Tribe." Since Myrtle Woodcock is mentioned in the article, this may be a reference to a contemporary claims organization in which she participated. Bay Center included only a portion of the petitioner's ancestors at this time, so a reference to an Indian entity in Bay Center was not an identification of the petitioner as a whole.	This article makes a vague identification of an Indian entity in 1926. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/21/1977	Letter from Supr. Sams to CIA (Ex. 912)	Letter from Sams contending that the Quinault and Chinook tribes fished in the Columbia River before and since the Quinault treaty of 1856. "There are from 40-50 Indians; the majority enrolled with the Quinaults, who are in the habit of fishing in the Columbia under the leadership of George Charley." The crew is hired by McGowan Cannery. Names Charley's sons and refers to "other Bay Center Indians;" all of them being enrolled and allotted on Quinault Reservation. Says a number of Indians residing on Quinault fish with George Charley. Reports that the Indians have not been allowed to fish the grounds. Sams urges the U.S. Assistant Attorney to "exert himself to the utmost to prevent a loss of these fishing grounds to the Indians," which would cause a great hardship for the 50 Indians and their families.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	In this letter, Superintendent Sams expressed his concerns for the fishing rights of the federally recognized Quinault and Shoalwater Bay tribes in his jurisdiction. Elsewhere, George Charley was identified as the chief of the federally recognized Shoalwater Bay Indians. This article provides no basis for concluding that it identified an off-reservation Chinook group. See the PF HTR, 52, for an analysis of identifications of George Charley as a Chinook leader in the 1920s. This letter was not a description of the petitioner.	This is an identification of federally recognized tribes rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a).
2/18/1927	Newspaper article, <i>Raymond Herald</i> , Pacific County (Ex. 1120)	Anonymous article, "Indians Pow-Wow at South Bend: U. S. To be Sued for Taking Lands," says that about "100 members of the Chinook Indian Tribe" attended, including about 15 full-bloods and many "half-breeds" and many young people "dressed in the latest mode who were almost unable to understand the guttural Chinook that their elders were enjoying using again in their pow-wow." L.L. Bush from-Indian of Bay Center attempted to run the meeting, and named a Chairman and secretary, but "general discussion suited the real Americans better." George Charley of Tokeland insisted on set fees for the untimbered and timbered lands. "Old John Klip," once of Willapa harbor but now of Taholah, also spoke. People came from as far as Portland and the Quinault Reservation. "Arthur Griffin [attorney] handling the claims of 19 timers in the state was present to interview the old timers."	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article explicitly refers to a group of Chinook descendants. The basic topic of the meeting was claims for Chinook lands. The description implies that this was a meeting of Chinookan people. Attendees, however, were not exclusive to the petitioner. Other evidence does not establish continuity between this claims organization and the petitioning organization. This description is of a contemporary group, not necessarily of a continuously existing group.	This article identified a group of Chinook descendants, although not necessarily the petitioning group, in 1927.
				The two individuals mentioned, George Charley and John Klip [Clipp], are known from other sources to have been among the original allottees at Shoalwater Bay Reservation. Charley called himself Chehalis, while Clipp was a Chinook-Chehalis Indian. The chairman and secretary of the meeting are not named. For a discussion of these claims activities, see the PF HTR, 46.	

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/25/1927	Letter from Supri. Sams to CIA (Ex. 977)	Letter from Superintendent Sams concerning McGowan camera suit "against George Charley and a large number of our Quinault Indians to enjoin them from fishing on the Columbia River." Sams is defending the rights of 40-50 Quinault Indians to fish on the Columbia River, despite a restraining order by McGowan. He refers to the Quinaults' right to fish as per the "interim decision rendered by Judge Cushman in the case of Agnes Elliott et al. vs U.S." He asks for assistance in protecting the Indians' treaty rights, and says it requires immediate attention.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	This letter applied to the federally recognized Indians of the Quinault and Shoalwater Bay reservations who fished on the Columbia River under George Charley, who was enrolled at Quinault and a resident and leader at Shoalwater. This article provides no basis for concluding that it identified an off-reservation Chinook group. See the PF HTR, 52, for an analysis of identifications of George Charley as a Chinook leader in the 1920s.	References to Quinault Reservation Indians are not synonymous with references to a Chinook tribe or to the petitioner.
1/15/1928	Telegram from Maxson and Garfield to U.S. Senate (Ex. 900)	William Maxson and W. J. Garfield [leaders of the Quinault Indians] claim BIA attorneys "are working for outsiders, and against the tribe." They ask the Senate to tell the BIA attorneys to work for the interests of the tribe only. "These people asking allotments are white or almost white people."	An identification of an entity must apply to the petitioner.	The only two names on this telegram are the two men named by Sams in 1925 as leaders of the Quinault [see Ex. 870], who are protesting further allotments on Quinault Reservation. Their telegram does not identify a Chinook Indian entity.	This is an identification of a federally recognized tribe rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a).
1/16/1928	Letter from Supri., Taholah Agency, to CIA (Ex. 899)	Letter from Superintendent at Taholah concerning executive order dated April 27, 1927, for allotting land in Shoalwater Reservation to "certain children and any other Indians entitled to allotments according to the Act of 2/8/1887." Says that due to the sale of timber lands, there is \$15,150 in an account for the Indians. He explains that, since the reservation was set apart for the Georgetown Indians, all of whom except three or four children "were allotted on the Quinault Reservation, it would appear that there are no Indians entitled to this money." The rest of the letter discusses allotments for the grandchildren of George Charley, one of the original Georgetown Indians. He had maintained his residence at Georgetown all his life.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ." An identification of an entity must apply to the petitioner.	This letter does not appear to pertain to the petitioner. It concerns allotting and distributing funds to Indians at Shoalwater/Georgetown Reservation. George Charley is clearly shown to be a resident of Georgetown and allotted there. His grandchildren mentioned in the letter are not in the petitioner's membership. The petitioner has not shown how allotments on Georgetown Reservation demonstrate the existence of a Chinook tribe in the 1920s. This letter references individual members of a federally recognized tribe, not the petitioner.	This is an identification of a federally recognized tribe rather than the petitioner. A document which does not refer to the petitioning group does not meet the requirements of criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/24/1928	Letter from Supr. Sams to CIA (Ex. 9011)	Supr. Sams responds to the telegram of 1/15/1928 [Ex. 900] by saying it is without foundation and unjustified. Attorneys representing the U.S. put forth every effort and he and Roblin attended the trials and furnished all the evidence they could against the efforts of the plaintiffs to get allotments on Quinault. The Quinault tribe was divided on the question of whether or not the parties were entitled to allotments.	An identification of an entity must apply to the petitioner.	This letter does not identify a Chinook Indian entity, even if other documents would indicate that some of the potential Quinault allottees were of Chinook descent. See the PE HTR, 38-44, for a discussion of the allotments on Quinault, 1905-1933.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
1/26/1928	Letter from Supr. to CIA (Ex. 902)	Letter from the Superintendent asking that Mr. Smiley, who works at the Agency and is an attorney, be authorized to handle the case of George Charley involving rights of members of Quinault Reservation to fish at Peacock Spit in the Columbia River.	Snohomish PE 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	This letter refers to a federally recognized tribe. Other evidence shows that George Charley was enrolled at Quinault and living on the Shoalwater Bay Reservation. This letter does not mention a Chinook tribe. References to Quinault Reservation Indians are not synonymous with references to the Chinook tribe or to the petitioner.	This is a reference to a federally recognized tribe rather than the petitioner. To the extent that it refers to an ancestor of a few of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/16/1928, 2/21/1928, 8/16/1928	Letters from Suppl. Sams to CIA (Ex. 903, 904, 905, 907)	Summary of <i>McGowan v. George Charley, et al.</i> in the Superior court of Pacific County for a permanent restraining order against fishing at Peacock Spit in Columbia River. Sams says that the land north of the Columbia River was occupied by Chinook Indians, "but it can easily be proved that a large number of Indians from the Georgetown Reservation and the Quinalt Reservation have been accustomed to going to the Columbia River each season" to fish and sell their fish to McGowan's cannery. They fished as far up the river as Dalha. George Charley and his Indians [specifically sons Mitchell and Roland] "who are representative of the various other Indians to the number of about 50" have been in the habit of fishing in the Columbia for the past 30-40 years. Superintendent Sams described the fishing crews led by George Charley as varying some each year, but that the Charley family and a "number of other leading Bay Center Indians fish each year and they gather with them as many other Indians as they can use, most of whom come from Taholah in the Quinalt Reservation." Sams says Charley and members of his family were all born and reared at Georgetown and have been allotted on Quinalt and have maintained their tribal relations at all times and are considered duly enrolled members of the Quinalt Tribe. "The Indians who now fish there are in part of the blood of the Chinook Indians as well as Quinalt and therefore there is an admixture of the Chinook-Quinalt in the present Indians who are now fishing...." [Ex. 903]	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ." An identification of an entity must apply to the petitioner.	The Superintendent was not describing a Chinook tribe that was fishing on the Columbia, but was defending the rights of Quinalt Indians, some of whom may have had Chinook descent, who were accustomed to fishing on the Columbia River. Other than the Charley family, who were Shoalwater Bay [Georgetown] Indians allotted on Quinalt, no other fishermen were named. This letter summarized Sams' view that the some of the Indians who fished on the Columbia (specifically George Charley's crew) had a trust relationship based on being allotted on the Quinalt Reservation. The petitioner did not submit any of the court records from the Pacific County Superior Court, which may name other members of the fishing crew. It cannot be assumed that the crew was included ancestors of the petitioner when the Superintendent of the Agency clearly said that a "large number" were Georgetown and Quinalt Indians who were fishing with George Charley. This is an identification of members of a federally recognized tribe. References to a federally recognized tribe are not synonymous with references to a Chinook tribe or to the petitioner.	This is an identification of a federally recognized tribe rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. These letters do not meet criterion (a).
				The letters in Exhibits 904, 905, and 907 repeat much of the same information and all pertain to George Charley and the lawsuit, not to the petitioner. See also the PF HTR, 52, for additional discussion of this topic.	

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/2/1928	Letter from Supl. to CIA (Ex. 908)	The Superintendent reports on the decision of Judge Cushman on the <i>Quinault v. McGowan</i> suit. The court found that Indians could fish in their usual sites, even if they were outside of their reservation. Refers to William Mason as the son of Chief Taholah and the Quinaults usually fishing on the Chehalis River. Explains that Attorney McCutcheon did not want to pursue the question until he had read the brief prepared by Mr. Smiley of Taholah Agency. Sams wants an attorney assigned who will work on these cases.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner."	This letter refers to a case about the fishing rights of Indians of the Quinault Reservation. It does not name participants in the case and does not provide evidence that it refers to the petitioner. A reference to a federally recognized tribe is not synonymous with a reference to a Chinook tribe or to the petitioner.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
11/9/1928	Letter from Supl. Sams to CIA (Ex. 909)	Letter from Sams concerning getting DOJ to institute a suit against the Columbia River Packing Co. Sams wants to insure that Quinault Indians can fish on the Columbia as far upriver as Dahlia. Says that the Indians have been greatly damaged by their being deprived of fishing for their livelihood. "They have had to scatter about over the country and earn their living the best way they could."	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner."	This letter refers to a case about the fishing rights of Indians of the Quinault Reservation. It offers no new evidence that George Charley represented a Chinook tribe or that the superintendent at Taholah was supporting the efforts of a Chinook tribe. A reference to a federally recognized tribe is not synonymous with a reference to a Chinook tribe or to the petitioner.	This is an identification of a federally recognized tribe rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a).
11/24/1928	Letter from Supl. to CIA (Ex. 910)	This letter lists the participants in <i>Halbert v. U.S.</i> Sams tells the CIA there are 61 typed pages in the memorandum handed down in the case, and that "the court found for plaintiffs in every case excepting" [four cases]. "The court has laid down the very broad ruling that the Indians of the Cowitz, Chehalis and Chinook tribes and other bands . . . are entitled to allotments on Quinault. This will open the door to more Indians for allotments of land than there is land to be given out."	Sams amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals. Specifically, Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because Special Agent Roblin's [1919] report identified individuals rather than a tribal entity.	In this particular letter, the superintendent named individuals who participated in the suit, not a tribal entity. This is not new evidence, as this litigation was discussed in the Proposed Finding Historical Technical Report. In large part, this letter reports Sams' version of the court's opinion rather than any identification by the superintendent himself. The court did not identify a contemporary Chinook tribe. See the PF HTR, 41-42, for a summary of <i>Halbert v. U.S.</i> See also the PF HTR, 31, 44-45, and 49. See also the discussion of <i>Halbert v. U.S.</i> in the context of unambiguous previous Federal acknowledgment in the Cowitz FD, 38-39, 47, 48, 53, 61-66.	Information about individuals does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/31/1928	Letter from Supl. Sams to CIA (Ex. 911)	Superintendent Sams appeals for help in securing the Indians' fishing rights and getting the Indians together to create a fund to pay for an attorney. It includes a general discussion of fishing practices on the Columbia, but does not refer to a Chinook tribe.	A reference to Indians in general is not a reference to the specific petitioning group.	This is a general discussion of fishing rights of the Indians in the area, and does not mention the Chinook.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1929 ca.	<p>Petitioner's Exhibit D: Beckham, "Allotment Act" PF Summary, 6, 8 PF HTR, 23, 31-32, 38-44, 49 BIA 1907-1933 (Allotment Ledger at BIA Agency, Hoquiam, WA) Index to Quinault allottees at BIA Agency, Hoquiam, WA. Copy in BAR Historian's files. Petitioner's PF submission, "Allotment Program, Quinault Reservation," by Beckham, including a partial list of allottees.</p>	<p>In Exhibit D, Beckham notes that individuals of Chinook descent received allotments on the Quinault reservation prior to the <i>Halbert</i> decision of the Supreme Court in 1931. Beckham mentions a few individual cases and cites a 1929 document, produced after the District Court decision of 1928, which provides a list of 29 individual allottees (p. 2-3).</p> <p>The Historical Technical Report described in detail the allotment of Chinook descendants on the Quinault reservation both before and after the <i>Halbert</i> decisions of 1928 and 1931. The analysis in the Historical Technical Report was based on the complete allotment ledger, and an alphabetical index of all 2340 allottees, at the BIA Agency in Hoquiam, WA. The analysis of allotments in the Historical Technical Report was based on a database which included 468 allottees of Chinook descent (see PF HTR, 42).</p> <p>28 of the 29 individuals listed by Beckham in Exhibit D, and all of the individual cases, were included in the database used for the Historical Technical Report. However, one of Beckham's individual cases, Antone Brignone, does not appear on the index of Quinault allottees. In its analysis of allotments, the Historical Technical Report included only individuals who had been included as Chinook descendants on one of the McChesney or Roblin lists of 1906, 1913, 1914, or 1919. Because 12 of the 29 individuals listed by Beckham did not appear on one of those lists, 17 of the 29 should have been included in the analysis of allottees in the Historical Technical Report. Because 15 of those 17 individuals were included in that analysis, Beckham has identified 2 additional Chinook allottees.</p>	<p>Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."</p> <p>Samish amended FD 1993, 4, held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the group's Indian identity."</p>	<p>Beckham's discussion of allotments on the Quinault reservation, in Exhibit D, ignores the analysis of allotments in the Historical Technical Report prepared for the Proposed Finding. The lists of allottees provided by Beckham, both in Exhibit D and in a submission for the Proposed Finding, are incomplete lists of the allotted Chinook descendants. Also, Beckham lists Chinooks without noting whether they were ancestral to the petitioning group. Including the 2 additional allottees identified by Beckham, together with the 468 allottees identified for the Proposed Finding, would not change the BIA's analysis of Quinault allotments in any meaningful way. The evidence and the analysis in the Historical Technical Report are more complete and more thorough than the evidence and analysis in the materials submitted by Beckham.</p> <p>Beckham makes no explicit argument that the evidence in Exhibit D meets criterion (a), but implies that the BIA identified a "Chinook Indian Tribe" by allotting its "members." Beckham uses the petitioner's name as if it was used in the historical documentation, although it was not. He writes as if the BIA had maintained a list of Chinook tribal members, although it had not. Beckham ignores the finding of the Historical Technical Report that, prior to <i>Halbert</i>, the BIA allotted Chinook descendants on Shoalwater Bay but not on the Columbia River, and thus did not identify them as a single entity. Beckham ignores the finding of the Historical Technical Report that, after <i>Halbert</i>, the BIA did not maintain a separate list of a Chinook tribe but listed Chinook allottees on the census roll of the Quinault reservation, and thus did not identify a group of Chinook as distinct from the Quinault.</p>	<p>The evidence described in the petitioner's Exhibit D does not identify any error in the BIA's research that would require a change in the BIA's analysis of the data on allotments. Exhibit D does not provide any basis for changing the conclusions about Quinault allotments in the Proposed Finding.</p> <p>The allotment evidence described in the petitioner's Exhibit D does not constitute an identification of the petitioner as a whole as a Chinook group in existence at the time those allotments were made. Therefore, this allotment evidence does not meet the requirements of criterion (a).</p>

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/4/1929	Letter from Supr. to CIA (Ex. 979)	Letter from the superintendent with a list of trust patents issued since February 1928. Roughly alphabetical. The 7-page list does not name a tribe or residence of any of the names.	Duwamish PF 1906. 3, noted that evidence did not meet criterion (a) because [Special Agent] Robin's [1919] report identified individuals rather than a tribal entity.	The BIA finds that only about 26 of the 250 names on the list appear in the 1950's era genealogies submitted with the petition. Of this number, only about 10 individuals actually have descendants or themselves appear on the membership list. This list of patents issued in 1928 does not name the tribe of the individual, does not show a tribal entity, and on the whole does not pertain to the petitioner or its ancestors.	Information about individuals does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
5/6/1929	Letter from Supr. Sams to CIA (Ex. 879)	Letter from Superintendent Sams listing reservations in the jurisdiction of the Taholah Agency: "Georgetown or Shalwater Bay, a few families of Quinaietis live on this reservation. The Georgetown Indians have been taken into the Quinault Tribe and have allotments on the Quinault Reservation. They have lost their identity as Georgetown Indians."	An identification of an entity must apply to the petitioner.	See the PF HTR, 41-44, for analysis of the allotments on Quinault. Because this letter listed reservations, it did not identify a Chinook tribe. This letter did not identify any of the petitioner's ancestors. Georgetown Indians were listed as under the jurisdiction of Quinault, but a reference to a federally recognized tribe is not synonymous with a reference to a Chinook tribe or to the petitioner.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
8/16/1929	Newspaper article handwritten on copy: <i>South Bend Journal</i> , 8/16/1929 (Ex. 1125)	An anonymous article summarizing a meeting of the pioneers of Pacific County held at Bay Center, which elected officers and heard a report by a local historian. Included a section: "Asks Aid for Indians - Chief George Charley, head of the Indians who are seeking to establish under an old treaty their right to fish. . . made an eloquent appeal for the sympathy of his hearers in their fight." Charley told how the Indians of early days had helped the pioneers and now the Indians needed their help. Note: The article ends in mid-sentence; the rest of the article on p. 8 of the newspaper was not included.	A reference to Indians in general is not a reference to the specific petitioning group. A reference to a historical tribe is not an identification of a contemporary entity.	Apparently, George Charley was one of the speakers at the local historical society meeting. This article does not mention a contemporaneous Chinook tribe. This was a general appeal for help to the Indians in the area. This article does not provide new evidence that the Chinook were identified as a distinct tribe in the late 1920s.	A generic reference to local Indians does not identify a specific Indian entity, and therefore does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/14/1929	Letter from Supt. Sams to CIA (Ex. 986)	Letter from Superintendent Sams on pending cases of Quinault and Quileute Indians' rights to fish. Complains that the attorneys had not worked with the Indians who were to give testimonies; that the old Indians were widely scattered. "However, we have heard of two or three old Indians and white people who know about conditions as they existed at the time of the treaty ..." [They are in the vicinity of Chinook, Cathlamet, and Ilwaco.]	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	No Indians were named by Sams, but the letter indicates he was concerned about the Quinault and Quileute Indians who were enrolled at Quinault. His reference to the old Indian witnesses did not say that they were Chinook Indians living in tribal relations. References to Quinault Reservation Indians are not synonymous with references to the Chinook tribe or to the petitioner.	This is an identification of federally recognized tribes rather than the petitioner. A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
1/6/1930	Letter from Supt. Sams to CIA (Ex. 989)	Letter from Superintendent Sams about two cases: <i>George Charley v. Baker's Bay Fish Co.</i> and <i>George Charley v. McCowan</i> . The agency took 35 witnesses to Tacoma who were well acquainted with the fishing on the Columbia. [The witnesses were not named in this letter, but one was 102, while the others were in their 90's.] Sams says that they testified that the Quinault and Quileute fished on the Columbia and that that was substantiated by published accounts. He asks for the CIA's assistance in getting the War Department to allow the Indians to have access to cross over its lands to the river.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	The witnesses and their tribal affiliations were not named in this letter. The superintendent specifically referred to the Quinault and Quileute's rights to fish on the Columbia, but made no mention of a contemporary Chinook tribe or band. The PF ATR, 94, listed seven people of Chinook descent who were witnesses in the <i>George Charley v. Baker's Bay Fish Co.</i> case. See Petitioner's PF Ex. 130 which identified them as: Johnny Johns and James Julius, Chinook; Margaret George, 1/2 Quinault and 1/4 Chehalis; Alex Lusier, part Chinook; part Lower Chehalis; Emma Miller Lusier, 1/2 Chinook and 1/4 Cowitz; James A. Peit and William A. Elliott 1/4 Quinault. This appellate court brief did not include the testimonies of these witnesses. Three of these individuals: Johnny Johns, Margaret George, and Emma Miller Lusier were among the original allottees of Shoalwater Bay Reservation, along with George Charley.	This is an identification of federally recognized tribes rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/15/1930	Letter from Supl. Sams to CIA (Ex. 991)	Letter from Superintendent Sams concerning an application for enrollment of five children of a daughter of George A. Charley. The letter includes an observation that one of the children (age not given) "was born at Bay Center in the Indian village at that point."	Match-e-be-nash-she-wish FD 1998, 8, and Houma PF 1994, 3, accepted identifications of Indian settlements, by whatever name, as identifications of an Indian entity.	This letter identified an Indian entity in the form of an Indian village at Bay Center. Since the identification of the village is at the time of the child's birth, it would be at some time prior to 1930. The Proposed Finding concluded that an Indian community existed at Bay Center until at least 1920. Bay Center included only a portion of the petitioner's ancestors at this time, so a reference to an Indian entity in Bay Center was not an identification of the petitioner as a whole.	This letter identifies an Indian settlement, probably during the 1920's. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole.
1/21/1930	Letter from Supl. Sams to CIA (Ex. 993)	Letter from Superintendent Sams concerning the problem of taking an accurate census of the Indians in the jurisdiction. "Of the living allotted Indians on the Quinault Reservation" [at the time of the 1929 census], there were: 278 Indians on the Reservation, 797 Indians living off the Reservation, and 224 Quileute Indians, mostly on the Quileute Reservation, of the Neah Bay Agency. "The 797 Indians living off reservation are widely scattered and live in white communities." He hopes there will be a plan so that names of Indians reported in the decennial census will not be duplicated on the Indian census.	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	This letter made no mention of specific Indians or tribes other than the Quileute. References to members of federally recognized tribes is not synonymous with references to the Chinook tribe or to the petitioner. From other records, especially censuses and allotment records, it is known that Chinook descendants who were allotted on Quinault were among the Indians who were "widely scattered." However, this document does not identify a Chinook tribe or entity in 1930.	This is an identification of federally recognized tribes rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a).
1/22/1930	Letter from Taholah Agency to CIA (Ex. 994)	One page of a letter from Taholah Agency complaining that the War Department intends to lease fishing off of Sand Island and that those sites conflict with sites off of Peewcock Spit and the Indians' fishing rights. Note: The letter ends abruptly, and there is no signature; it appears that any succeeding page(s) were not copied.	An identification of an entity must apply to the petitioner.	This incomplete source does not provide any new evidence which identified a Chinook tribe or group. There is no evidence that this document applied to the petitioner.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/2/1930	Letter from Supl. Sams to CIA (Ex. 995)	Letter from Superintendent Sams concerning the War Department agreeing "that a lease of the fishing rights on Sand Island is to contain a proviso that the same is subject to whatever rights, if any, the Quinault and Quileute Indians may have under the treaty..." Sams then expresses his opinion about the desired outcome of the <i>George Charley v. Bakers Bay</i> case.	An identification of an entity must apply to the petitioner: Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . ."	This letter did not identify a Chinook tribe or group. There is no evidence that this document applied to the petitioner.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
7/28/1930	Letter from Supl. Sams to CIA (Ex. 965)	Superintendent Sams addresses a request from Henry Strong (1/2 Indian of the Chinook tribe, born and reared on the Columbia River, who never affiliated or lived on Quinault Reservation) for hospitalization at the Government's expense. Says Strong was given an allotment by the agent between 1906 and 1913, but "in my opinion, the allotment was made without proper authority." Says, "Your Office has heretofore held... that Indians living away from the reservations, such as the Quileutes — and I believe this would include the Chinooks of the Columbia River band who may have allotments on the Quinault Reservation, in view of the fact that they do not reside on the reservation or affiliate with the Quinault Tribe — would not be entitled to share in the [Quinault] tribal fund." Concludes: "Henry Strong, who is the subject of this letter, in my opinion, had no right to an allotment, much less to share in the tribal funds."	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This letter dealt with an individual case, rather than with a group or entity. Sams's reference to "Chinooks of the Columbia River band who may have allotments" on Quinault, implied that he was aware that there were other Chinook descendants who were in the same or similar circumstances as Henry Strong. While this letter implies the existence of a historical Chinook band, it does not, however, indicate that Sams saw the descendants of such a band as a group or entity in 1930. Since none of these other Chinook allottees were named here, it cannot be determined how many individuals Sams was referring to, and whether they were all in one family. There are some Strong descendants in the modern CIT/CN membership.	Information about individuals does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/16/1930	Letter from Supr. to CIA (Ex. 998)	Letter from Superintendent concerning the annual census at Quinault Reservation and how he will attempt to comply with previous instructions by combining the Quinault and Quileute census rolls to get the entire number of enrolled and allotted Indians of the Quinault Reservation. This includes a recapitulation of the number of Quinaults and Quileutes who live on and off of the reservation, but does not list any Chinook or other tribes.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This letter did not identify a Chinook entity or group. It was a recapitulation of the Indian census and did not designate how many members of the Quinault Tribe may have had Chinook descent. See the discussion on the 1933 census in the Summary Under the Criteria of this Final Determination for a breakdown of the statistics regarding Indians enumerated as Chinook in 1933.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
1930 and 1931	Instructions for taking the 1930 Indian census, and excerpts of the 1930 and 1931 Indian census (Ex. 825 and 826) See also: PF HTR, 49	Exhibit 825 is information about and instructions for taking the Quinault Reservation census, and page 1 of the 1930 census showing names, ages, residence, etc. Exhibit 826 is eight pages of the 1931 census of Quinault Reservation.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	The 1930 and 1931 censuses were of Indians under the jurisdiction of Taholah Agency - Quinault Reservation, not tribal rolls of Chinook Indians. Neither exhibit is a complete record.	Information about individuals does not meet criterion (a) A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
3/27/1931	Letter from Myrtle Woodcock to CIA (Ex. 844) Not new evidence; see Petitioner's PF Ex. 262 (dated as 3/28/1931)	Resolution, signed by Myrtle Woodcock, president, and Edna Clark Olsen, secretary, of the Chinook Tribe of Indians in a meeting in South Bend. The resolution stated, "Our people are old and passing away" and asked the Commissioner of Indian Affairs to expedite the production of evidence for the Chinook case in the Court of Claims.	Self-identification is not accepted as evidence for meeting criterion (a). Match-e-be-nash-she-wish FD 1998, 7-8, found that evidence did not meet criterion (a) because: "Some of the [third party] comments which mentioned the 'identity' of the petitioner referred to the petitioner's own self-identification, not to identification by external sources under 83.7(a).	This resolution provides evidence that there was a claims organization in 1931, but its reference to a Chinook tribe was self-identification rather than identification by an external observer. This resolution was discussed in the PF HTR, 45.	Self-identification does not meet the requirements of criterion (a)
7/29/1931	Letter from Supr. to CIA (Ex. 966)	Letter from the superintendent responding to a request from the CIA for a report of the "unattached Indians" of Taholah Agency. Nicholson replied that there were 343 male and 350 female Indians at the Taholah Agency by the 1930 census. He refers the CIA to the Recapitulations Sheets for his 1931 report.	An identification of an entity must apply to the petitioner.	The list of these "unattached Indians" and the recapitulation sheet referred to were not included. The recapitulation sheets for the 1932 Indian Census, prepared by the superintendent [see Petitioner's Ex. 827] do not have a table of "unattached Indians" to analyze.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/3/1931	Letter from Supl. to CIA (Ex. 9711)	Letter from superintendent summarizing a meeting of the business committee of the Quinault Tribal Council on November 28, 1931, "at which a large number of other Indians were present" when all present endorsed a request for money for a water system on Quinault.	An identification of an entity must apply to the petitioner.	This does not name anyone in attendance; does not name members of the business committee, and does not mention anything related to Chinook. The petitioner has not shown how this document relates to a Chinook tribe or to Chinook individuals who were members of the Quinault Tribe.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
12/9/1931	Letter from Supl. to CIA (Ex. 972)	Letter from superintendent relating instructions given to Charles Roblin for making allotments on Quinault and the subsequent lists of persons entitled to allotments and the children of allottees who are entitled. Says the issue is on hold until <i>Halber</i> is settled. Does not mention individual names or tribes.	An identification of an entity must apply to the petitioner.	The letter focused on Quinault allotments. There was no particular mention of Chinook. This letter did not identify a Chinook entity.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
1932	Recapitulation of Indian census, 1932 (Ex. 827) See also: PF HTR, 49.	The recapitulation of the 1932 census of the "Combined Quinault, Quileute, Chinook, Chehalis and Gowitz Tribe of the Quinault Reservation" includes a separate sheet for each historical tribe within the combined tribe of the Quinault Reservation.	An identification of an entity must apply to the petitioner.	Numbers only for each group represented among the Indians enrolled / allotted at Quinault. No chiefs / leaders cited. References to members of a federally recognized tribe are not synonymous with references to the petitioner. A recognition that some Quinault members or allottees had Chinook descent is not the same as an identification of a separate Chinook tribe or entity.	This is an identification of a federally recognized tribe rather than the petitioner. To the extent that it refers to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a).
1932	Indian census, 1932 (Ex. 828, p.1-6) [See 1925 for other pages of other documents with this same exhibit number.]	Included here are six pages of the 1932 census showing names "added by the Indian office and Supreme Court Decision granting allotments." Thirty-seven of the 62 names were identified as Chinook.	Samish amended FD 1995, 4, held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the group's Indian identity." Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Roblin's (1919) report identified individuals rather than a tribal entity.	The census entries did not identify a tribe of Chinook Indians; but were individual entries of those enrolled at Quinault, which included individuals of Chinook descent who were allotted. Not all of these individuals are ancestral to the petitioner. See the section of the FD Summary Under the Criteria for a fuller analysis of the Indian census.	Information about individuals does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
6/10/1932	Letter from Arthur Griffin to Myrtle Woodcock (Ex. 843) [also Ex. 855] [See also Ex. 844 and 1096]. Not new evidence; see Petitioner's PF Ex. 261.	Attorney Griffin asks for names of those who can give evidence of the boundaries of the three Chinook bands. "In apparent reply to a letter from Woodcock, he states: "It is not that I wanted to divide the Chinook Tribe into bands," but that the U.S. had set up provisions for payment to descendants of the three bands	A group's attorney or attorneys have not been considered neutral external observers in prior acknowledgment cases.	A letter to a group from an attorney employed by the group to bring a claims case merely repeats the client's self-identification and cannot be considered as an identification by a neutral external observer	This letter does not meet criterion (a).
8/13/1932	Letter from Supri. to CIA (Ex. 868) Not new evidence; see Petitioner's PF Ex. 326 Cited in PF as: BIA 8/13/1932	Superintendent at Taholah provides corrections to the statistical report. "The 62 Indians deducted from the estimate of Unattached Indians because of allotment with the Quinault Tribe on the Quinault Reservation are those indicated on the various reports for the three new tribes of Quinault Reservation ... Cowlitz, Chetahis, and Chinook Tribes." The corrections are on page 17 1/2 of the report.	Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Robin's (1919) report identified individuals rather than a tribal entity.	Individuals allotted at Quinault because of court decisions included individuals of Chinook descent. Not all of these individuals are ancestral to the petitioner. See the PF HTR, 42.	Information about individuals does not meet criterion (a).
11/3/1932	Letter from Quinault Business Committee to Superintendent at Taholah (Ex. 955) [see also Ex. 956 for additional information]	Six members of the Quinault Business Committee of the Quinault Tribal Council sent a list of eight names that they say should not be adopted at Quinault, either because they only lived there a short time, or have tried to get into other tribes, or are white. This letter does not say which people fall into which category. One other Quinault committee member was in favor of adopting five of the eight individuals. No tribal ancestry or residence is shown for any of the individuals on the list.	An identification of an entity must apply to the petitioner.	This document does not identify a Chinook tribe or entity, or indicate that any of the eight people trying to be adopted at Quinault were a part of a Chinook entity. See the superintendent's letter dated 11/4/1932 [Ex. 956] for additional information on this process.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a). Information about individuals does not meet criterion (a).
11/4/1932	Letter from Supri. to CIA (Ex. 956)	Letter from Superintendent concerning the proposed adoption of 11 individuals and why the Quinault Business Council decided for or against adoption of each of these people. Some were unfavorably voted on because they were not of Quinault Indian blood. . . . "any recognition on behalf of them as Indians should be obtained for them through the tribes to which they are eligible by blood rights." None of these individuals are identified as Chinook or part of a Chinook tribe.	Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Robin's (1919) report identified individuals rather than a tribal entity. An identification of an entity must apply to the petitioner.	This letter does not identify a group or entity. It is a brief statement about the status of certain individuals, a few of whom, from other records, may be shown to have Chinook ancestors.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a). Information about individuals does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933 ca	<p>Petitioner's Exhibit D: Beckham, "Allotment Act" BIA letter to petitioner, 12/17/1997</p> <p>PF Summary, 6, 8</p> <p>PF HTR, 25, 31-32, 38-44, 49</p> <p>BIA 1907-1933 [Allotment Ledger at BIA Agency, Hoquiam, WA]</p> <p>Index to Quinault allottees at BIA Agency, Hoquiam, WA. Copy in BAR Historian's files.</p> <p>Petitioner's PF submission, "Supplemental Response to Letter of Obvious Deficiency Review," 37-48</p> <p>Petitioner's PF Exhibits 539-580</p>	<p>In Exhibit D, Beckham notes that individuals of Chinook descent received allotments on the Quinault reservation after the <i>Halbert</i> decision of the Supreme Court in 1931. Beckham cites two 1934 documents to note that some allotments on the Quinault reservation were issued in 1933 and 1934 (p.3). He claims that at least 83 Chinook descendants were on those allotment lists, but he does not identify any of those Chinook descendants by name.</p> <p>The Historical Technical Report described in detail the allotment of Chinook descendants on the Quinault reservation both before and after the <i>Halbert</i> decisions of 1928 and 1931. The analysis in the Historical Technical Report was based on the complete allotment ledger, and an alphabetical index of all 2340 allottees, at the BIA Agency in Hoquiam, WA. The analysis of allotments in the Historical Technical Report was based on a database which included 468 allottees of Chinook descent (see PF HTR, 42).</p> <p>In Exhibit D, Beckham claims that Agent Roblin's post-<i>Halbert</i> allotment work was documented in the petitioner's Exhibits 539-656 submitted for the Proposed Finding (p.3). Actually, only Exhibits 539-580 match that description.</p>	<p>Snohomish PF 1983, 9, concluded that the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner. . . .</p> <p>Samish amended FD 1995, 4, held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the group's Indian identity."</p>	<p>Beckham's discussion of allotments on the Quinault reservation, in Exhibit D, ignores the analysis of allotments in the Historical Technical Report prepared for the Proposed Finding. Exhibit D does not identify any additional allottees, nor present any new evidence about the allotment process, after the <i>Halbert</i> decision.</p> <p>Beckham alleges that the BIA staff did not review the petitioner's selection of affidavits collected by Agent Roblin after the <i>Halbert</i> decision (p.3). In fact, the Historical Technical Report cited some of the affidavits collected by Roblin (PF HTR, 32, 45-46, for Elliott 1932; Bates 1932; Oliver 1932). The BIA Anthropologist discussed those affidavits in a supplemental letter (12/17/1997) to the petitioner. Beckham advances no explanation of how the evidence in those affidavits would change the conclusions of the Proposed Finding.</p> <p>Beckham makes no explicit argument that the evidence in Exhibit D meets criterion (a), but asserts that allotments in 1933 and 1934 were made to "members of the Chinook Indian Tribe" (p.3). This language implies that a membership list of a Chinook tribe either existed at that time or was prepared by the allotting agent. No evidence shows that this was the case. The evidence shows only that Roblin judged the merits of individual cases of people who claimed Chinook descent and were not enrolled at Quinault or another reservation.</p>	<p>The evidence described in the petitioner's Exhibit D does not identify any error in the BIA's research that would require a change in the BIA's analysis of the data on allotments. Exhibit D does not provide any basis for changing the conclusions about Quinault allotments in the Proposed Finding.</p> <p>The allotment evidence described in the petitioner's Exhibit D does not constitute an identification of the petitioner as a whole as a Chinook group in existence at the time those allotments were made. Therefore, this allotment evidence does not meet the requirements of criterion (a).</p>

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1933	Indian census, 1933 (Ex. 829)	169 pages of the microfilm of the census of Taholah Agency / Quinault Reservation for 1933. "Taholah Indian Agency - Washington Quinault Reservation Added by Indian Office Authority April 1, 1933." The names added to the census are on 36 pages in roughly alphabetical order. Same format is the same as that of the census [see Ex. 829].	Samsich amended FD 1995, 4 held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the group's Indian identity." Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Roblin's [1919] report identified individuals rather than a tribal entity.	This is the census of all those enrolled on the Quinault Reservation. Although this includes a few of the petitioner's ancestors, this is not the petitioner. The additions to the Reservation were those who were recently allotted as a result of the Supreme Court decision on <i>Halbert v. U.S.</i> . See the full analysis of this census in the FD Summary Under the Criteria.	Information about individuals does not meet criterion (a).
1/28/1933, 3/14/1933, 6/15/1933	Letters from Supn. to CIA (Ex. 944, 867, and 866) The letter of 1/28/1933 is not new evidence; see Petitioner's PF Ex. 327. Cited in PF as: BIA 1/28/1933.	Letters from the Superintendent at Taholah asking for instructions on how to record the 62 Chinook, Cowlitz, and Chehalis Indians who had been allotted on Quinault and were on the 1932 Quinault Census, as per <i>Halbert v. U.S.</i> He had specific questions about carrying them on separate rolls or a combined roll. "They are listed on the Quinault Roll as 40 Indians of the Chinook Tribe... allottees of the Quinault Reservation." The Superintendent is asking for instructions, "Inasmuch as there will be much more work incident to the compilation of census roll of the Taholah Agency this year owing to the fact that several hundred Indians are to be placed on the rolls." (Ex. 944). There had not been a census of the unattached Indians because they were scattered and he did not have information on them. "There has never been, as the office is aware, a census roll of the Chinook tribe nor of the Cowlitz Tribe, and this agency never reported them on any census roll up until the time they were granted allotments on the Quinault Reservation."	Snohomish PF 1983, 9, concluded that "the [Snohomish] petitioner, and the ancestors of the current membership, are distinct from the historic Snohomish tribe based on the Tulalip Reservation. Thus identifications of the historic tribe in Bureau and other documents in different historical periods do not constitute identification of the petitioner...." Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Roblin's [1919] report identified individuals rather than a tribal entity.	Taken together and in context with the written instructions that accompanied the census forms, these letters show that the superintendent was uncertain about how to list the new allottees. He had received conflicting information which necessitated listing the Indians by "mixed tribes whereas they had formerly been listed as Quinalets, Quileutes, Chehalis, Chinooks or Cowlitz" (Ex. 866). By the term "mixed tribes" the superintendent apparently meant that families were listed in alphabetical order by surname, with no separation by tribal descent. The superintendent denied that the agency had ever kept a Chinook tribal roll. See the discussion in the PF HTR, 49. That report cited the BIA letter of 1/28/1934 as a resolution of this line of inquiry.	Information about individuals does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
7/31/1933	Letter from Supr. to CIA (Ex. 947)	The superintendent refers to a contract between Arthur E. Griffin, attorney, and certain other tribes, which had been approved by the Department. It was "intended to cover Skokomish, Squaxin, Chinook, and upper Chehalis Indians of this jurisdiction," but their representatives did not sign the contract and it was approved, "except as to" those Indians.	A reference to Indians in general is not a reference to the specific petitioning group.	This correspondence indicates that the superintendent was aware that Chinook descendants were pursuing a claims case on behalf of the historical tribe, but this letter does not actually identify a contemporary Chinook entity.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
9/26/1933	Letter to CIA (Ex. 950)	Four pages of "results of physical examinations Makh and Quinault Reservations, I.E.C.W." showing there were five Chinook individuals under the jurisdiction of Sletiz Agency and four under jurisdiction of Taholah Agency.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This statistical report does not name the Chinook individuals and does not show them in tribal relations with a Chinook entity rather than a federally recognized tribe.	Information about individuals does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
6/29/1934	Newspaper article handwritten on copy: <i>Raymond Herald, Pacific County, 6/29/1934</i> (Ex. 1136)	Anonymous article, "Chief Emerians Team at Dinner." A Bay Center item says "Several baseball fans accompanied the Bay Center team to Taholah Sunday where the game was played. . . . The Bay Center team and visitors were treated to a dinner of clam chowder and Quinault salmon by Chief George Charley."	Samish amended FD 1995, 4, held that evidence was not "relevant to criterion (a) because it deals with the identification of individuals, while criterion (a) requires external identification of the group's Indian identity."	This item is too vague to demonstrate identification of an Indian entity. This item identifies George Charley as the leader of an Indian baseball team, not as the leader of a much larger Chinook tribal entity. From other documents it is seen that he was sometimes referred to as the chief of the federally recognized Shoalwater Bay Indians.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
7/4/1934	Letter from Supr. to CIA (Ex. 934)	Letter from Superintendent at Taholah concerning corrections to the statistics and revised rolls for Quinault Reservation. One line says "Sheet 22 - Quinault-Upper Chinook Tribe." The enclosures were not attached.	An identification of an entity must apply to the petitioner. Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Robin's (1919) report identified individuals rather than a tribal entity.	This letter refers to members of a federally recognized tribe rather than the petitioner. It has not been shown that individual ancestors of the petitioner were included on this census roll.	This is an identification of a federally recognized tribe rather than the petitioner. To the extent that it might refer to some ancestors of the petitioner's members, it is not an identification of the petitioner as a whole. This letter does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/29/1934	Letter from Supl. to CIA (Ex. 938)	Letter from Superintendent with a list of 28 trust patents issued at Taholah in 1934. It is a list of names, patent and allotment numbers, but does not include the residence, ancestry, or age of the individuals.	Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Roblin's [1919] report identified individuals rather than a tribal entity.	Over half of these individuals listed have descendants in the modern CIT/CN membership, but this document does not identify a Chinook entity in 1934.	Information about individuals does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
1939	Indian census, 1/1/1939 (Ex. 833)	Cover sheet and two pages of corrections to the 1938 census Taholah Agency, Quinalt Reservation: changes in (1) residence, (2) classifications by sex, (3) other changes such as new married name.	Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Roblin's [1919] report identified individuals rather than a tribal entity.	Two individuals were identified as Chinook, but this document did not identify a tribe of Chinook Indians.	Information about individuals does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
1941-1947	Register of Vital Statistics for Taholah Agency (Ex. 824)	22 pages from the register of births and deaths showing the individual, the Quinalt census number, data about the birth or death, residence, and ancestry. Some individuals who had Quinalt census numbers were identified as Chinook or Chinook-Cowlitz, etc. in the tribe field. Some children who died young had "DBE" [Died Before Enrolled] in the census number field.	Duwamish PF 1996, 3, noted that evidence did not meet criterion (a) because [Special Agent] Roblin's [1919] report identified individuals rather than a tribal entity.	Some of the petitioner's members or ancestors appeared on this list, but this register of births and deaths of Indians who were under agency jurisdiction did not identify a contemporary Chinook tribal entity.	Information about individuals does not meet criterion (a). A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
12/29/1941	Letter from Taholah Agency to Cassidy & Allen, funeral directors (Ex. 822)	Letter from the chief clerk at Taholah to a funeral home in Tacoma requesting the death places of five individuals who were enrolled at Taholah. The funeral director's response was typed on the same letter.	Sanish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This letter said the five individuals were "enrolled at this Agency," but did not name a tribe. This letter did not identify a Chinook tribal entity.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).
1/20/1945	Letter from Supl. LaValla to CIA (Ex. 1277)	Letter from George P. LaValla, Superintendent, Taholah, concerning a letter dated 1/10/1945, "regarding an estimated population of unenrolled members of the Cowlitz, Chinook, and other tribes." He has no evidence that the estimated number of 500 unenrolled Indians is correct.	A reference to Indians in general is not a reference to the specific petitioning group.	This letter did not identify a Chinook entity in 1945.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/10/1948	Letter from Indian Claims Commission to Myrtle J. Woodcock (Ex. 1000). Not new evidence: see Petitioner's PF Ex. 239. Cited in PF as: Indian Claims Commission 1948.	Letter from Charles F. McLaughlin, Chief, Investigation Division, Indian Claims Commission, concerning Woodcock's letter of 4/27/1948 requesting information concerning the Chinook Tribe of Indians. Says that no claims are pending, but provides information on six unratified treaties of 1851 which made land cessions.	A reference to a historical tribe is not an identification of a contemporary entity.	This letter did not identify a Chinook entity in 1948. This letter referred to a historical Chinook tribe as of 1851. See the discussion of this letter in the PF HTR, 48.	A document which does not identify the petitioning group as an Indian entity does not meet criterion (a). This letter does not meet criterion (a) for 1948.
1951	Correspondence with attorneys (Ex. 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1022, 1023, 1024, 1025, 1028)	Letters from attorneys representing the Chinook Tribe of Indians, on claims issues, eligibility of applicants, descendancy, and attorney contracts, etc.	A group's attorney or attorneys have not been considered neutral external observers in prior acknowledgment cases.	Letters to a group from attorneys employed by the group to bring a claims case merely repeat the client's self-identification and cannot be considered as identifications by neutral external observers.	These letters do not meet criterion (a)
1951--	PF Summary, 8	The Proposed Finding concluded that several organizations of Chinook descendants had been identified since 1951.	The conclusions of the Proposed Finding stand unless revised by new evidence. Identification as a "tribe" is not required under criterion 83.7(a), which specifies only identification as an "entity" (March-e-be-nash-she-wish FD 1998, 8).	The comments submitted in response to the Proposed Finding support the conclusion of the Proposed Finding.	Several organizations of Chinook descendants have been identified by external observers since 1951.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/22/1951	Minutes (Ex. 1005 and 848) Not new evidence; see Petitioner's PF Ex. 344. Cited in PF as: CTC 9/22/1951.	The meeting was called by Superintendent Birney, Western Washington Agency, for the purpose of selecting delegates to sign contracts with attorneys who had been previously selected to represent groups pursuing claims. There were 65 individuals present. J. Grant Elliott, Myrtle Woodcock, and Claude Wain were nominated to act as delegates. Claude Wain of Raymond called for a recognition committee comprised of the present officers to "pass upon who is a Chinook and who is not." The first part of these two copies of the minutes of the meeting at Skamokawa, are identical. The note at the end of Ex. 848 says that it was evidently copied from a carbon copy of the original.	"A BIA official . . . attended the 1934 meeting at which the corporation charter was adopted. Her report identified the group as a group of Narragansett Indians" (Narragansett PF 1982, 8).	BIA officials called a meeting of Chinook descendants for the purpose of dealing with a group which would manage the claims case against the Government. The Indian Claims Commission accepted petitions on behalf of, and made awards to, historical tribes. Thus, the references here were to claims on behalf of a <i>historical</i> Chinook tribe, not to a contemporary political entity. The Commission allowed unrecognized but organized groups of descendants of the historical tribe to bring claims on behalf of the historical tribe. This meeting was discussed in the PF HTR, 55.	This document identified a claims group in 1951.
10/23/1951	Letter from Celeste Peterson to Myrtle Woodcock (Ex. 1018), and Woodcock's response (Ex. 1019)	Letter from Celeste Peterson, Astoria, OR, concerning tribal enrollment registration questions concerning children to be enrolled separately or on their parents' cards.	Self-identification is not accepted as evidence for meeting criterion (a).	Internal correspondence of the petitioning group does not constitute identification of the group by an external observer.	Self-identification does not meet the requirements of criterion (a).
10/25/1951	Letter from CIA to Senator Warren Magnuson (Ex. 1020)	Letter from D. S. Myer, CIA, concerning "certain unratified and unsigned Indian treaties between the U.S. and the Chinook, Cowitz, Chehalis and Quinalt Tribes."	A reference to a historical tribe is not an identification of a contemporary entity.	This correspondence concerns a historical Chinook tribe, rather than a contemporary one.	This letter does not meet criterion (a).
10/26/1951	Cover letter from BIA Portland Area Office to Myrtle Woodcock (Ex. 1021b), and blank forms (Ex. 1021a)	Cover letter from Edward Swindell, Portland Area Office, with a copy of a blank form (Ex. 1021a) to use for enrolling applicants for "tribal enrollment." The form is in two parts: an affidavit and an application.	N/A	There are hundreds of these completed forms and affidavits in the petition documentation. These applications were used to form the database for the membership of the Chinook organization in the early 1950s and to provide the genealogical connections between the 1950's organization and the historical Chinook tribe. This blank form provides no new information about the petitioner.	A routine reply or transmittal letter does not meet criterion (a). The petitioner's own applications do not constitute identification by an external observer.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/5/1952	Letter from Area Counsel Swindell to Supr. Binney (Ex. 860) Not new evidence. Cited in PF as: BIA 5/5/1952.	Edward Swindell, Area Counsel, says, in reply to a question about the issuance of identification cards ("blue cards") to individuals, that "for tribes whose existence has in effect been 'revived' in connection with prosecution of claims against the United States," he agrees that, "in view of the fact that these tribes undoubtedly have not maintained tribal relations over the years" it should be their responsibility to prepare a roll and to attempt to have it approved "by a court of record." He also points out that the State might question the issuance of cards to individuals who "are descendants of Indians who did not have a ratified treaty...."	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	No specific people or tribes are named in this letter. This letter does not provide evidence that a Federal official identified a Chinook tribe or entity in 1951. On the contrary, it reveals that the area counsel considered some of the claims groups to be "revivals" of tribes that had ceased to maintain tribal relations. For a discussion of this evidence, see the PF HTR, 64-65.	This letter does not meet criterion (a).
11/16/1952	Newspaper article, <i>Seattle Post-Intelligencer</i> (Ex. 1157) Not new evidence; see Petitioner's PF Ex. 96.	Anonymous article with Raymond byline: "Chinooks not Pleased Over Timber Deal," says that Pacific County Chinook Indians are not pleased about the timber sale prices on the Crane Creek logging unit of the Quinalt reservation. The article calls Claude Wain the "chair-man of the Willapa Harbor unit of the Chinook tribe."	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article identified a local Indian entity and implied that the "Willapa Branch" was part of a larger claims organization. It does not appear that Wain has any descendants in the current CITCN membership.	This article identified an Indian entity in 1952. It does not identify the petitioner as a whole, but implies a larger than local organization.
1/15/1953	Newspaper article, <i>Raymond Herald</i> , Pacific County (Ex. 1158)	Anonymous article: "Chinooks Set Tribal Meet," at Skamokawa, says attorneys discussed pending claims before the Indian Claims Commission and that a special observance marked the return of the skull of Chief Concomly from a museum in England.	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article identified a Chinook entity.	This article identified a claims organization in 1953.
1/18/1953	Newspaper article (handwritten on copy) from <i>Oregonian</i> , 1/18/1953 (Ex. 1159)	Anonymous photo article: "Chinooks Accept Flavel House as Repository for Chief's Skull," with photo of "J. Grant Elliott, chairman of tribal council of the Chinook Nation" and his wife at a tribal council meeting in Skamokawa.	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article identified a Chinook tribal entity. [The date of this article may be later than Jan. 1953.]	This article identified one of the Chinook organizations, ca. 1953.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/30/1953	Newspaper article: <i>Kaymond Herald</i> , Pacific County (Ex. 1160)	Anonymous article, "Early History of Chinookville Told at Society Dinner," provides a summary of the meeting of the Pacific County Historical Society at the Seaview community center, at which Jack Peitl, Sr., spoke on the history of Chinookville on the Columbia River. Says that, "Mr. Peitl is a grandson of Amable Peitl who came to Chinookville in 1859 and recalls stories of the early period told by his grandmother...."	A reference to a historical tribe is not an identification of a contemporary entity.	This article did not identify a Chinook tribal entity in the 1950s. This article did not describe a Chinook tribe in earlier times, although other sources have described Chinookville as an Indian village. This article did not identify Peitl as a representative or member of any Chinook organization that may have existed in the 1950s.	This article does not meet criterion (a)
5/14/1953	Newspaper article: <i>Raymond Herald</i> , Pacific County (Ex. 1162)	Anonymous article, "Chinooks Elect Tribal Officials to Press Claims," says that Roland Charley of Tokeland was elected president of the Chinook Tribal Council. Others elected included: Leonard Hawks, Bay Center; Myrtle Woodcock, South Bend; Catherine Troch, Ilwaco; Claude Waite, Raymond; Paul Peitl, Bay Center; Jack Peitl, Ilwaco; Mildred Colbert, Portland; and Charles Larsen, Tacoma.	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers." San Juan Paiute FD 1989, 5, noted that the petitioner is not required to have been identified with the specific tribal name currently used by the petitioner.	This article identified a Chinook tribal entity. Most of the individuals named have descendants in the modern CIT/CN membership. This organization was discussed in the Proposed Finding. See the PF HTR, 56. See the PF ATR, 8, 30, 79, and 96. This article does not provide new evidence.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1953.
5/15/1953	List of statistics by "CEL" (handwritten note says: Charles E. Larsen) (Ex. 857)	These lists show that there were 950 total "applicants to-date" and that there were 313 Chinooks living in towns near Bay Center and 195 Chinooks living in towns near Skamokawa. Larsen's note says the figures include all of the applications in the hands of the secretary (for the Chinook claims organization), but not those in the hands of [chairman] J. Grant Elliott.	Self-identification is not accepted as evidence for meeting criterion (a).	This exhibit refers to the application process for the 1953 membership list discussed in the PF GTR, 28.	The petitioner's own applications do not constitute identification by an external observer. Self-identification does not meet the requirements of criterion (a).
6/30/1953	Letter from Carol Quigley to Superintendent, Western Washington Agency (Ex. 834)	Letter from Carol Quigley, council woman for Chinook Tribal Council, re: election of officers in June 1953; lists officers, all with Skamokawa addresses: John Grant Elliott, Chairman, Ken Elliott, vice-chairman; Frank Quigley, sec-treas	Self-identification is not accepted as evidence for meeting criterion (a).	This letter from the Chinook Tribal Council reporting the results of an election to the BIA represents the group's self-identification.	Self-identification does not meet the requirements of criterion (a).
7/6/1953	Letter from Celeste Peterson to James Sarreault (Ex. 1026)	Letter from Celeste Peterson, Astoria, OR, in which she forwards a copy of Chinook Nation minutes of 6/13/1953.	Self-identification is not accepted as evidence for meeting criterion (a).	A letter from the group and discussion of its activities represents the group's self-identification. See the PF HTR, 2, 54-56, for discussion of these meetings.	Self-identification does not meet the requirements of criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
7/7/1953	Letter from Frank Quigley to Superintendent, Western Washington Agency (Ex. 835)	"Letter from Frank Quigley, secretary-treasurer of the "Chinook Tribe" [sic] concerning election of officers.	Self-identification is not accepted as evidence for meeting criterion (a).	A letter from the group about the group's activities represents the group's self-identification. See the PF HTR, 2, 54-56, for discussion of this evidence.	Self-identification does not meet the requirements of criterion (a).
8/31/1953	Newspaper article (source not cited) (Ex. 1163)	Anonymous article, "Indian Agency Shift Protested by Tribe," says Claude Wayne of Raymond, chairman of the meeting, was in favor of a Congressional investigation of the reasons for the BIA agency transfer from Hoquiam to Everett. Myrtle Woodcock protested that the transfer made it hard to go to the agency to do business.	83.7(a)(6) (1978): evidence to be relied upon includes: "identification as an Indian entity in newspapers."	This article identifies a Chinook Indian entity meeting in 1953. The only two members of the group who were specifically named in the article were from South Bend and Raymond. This is not new evidence.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1953.
1/23/1954	Letter from Supl. to Area Director (Ex. 861)	Letter from Superintendent at Western Washington Agency responding to requests for "blue cards" from individuals who are not on an approved roll.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This letter concerned whether or not to issue identification cards to individuals who were not on the rolls of recognized tribes. This letter was not an identification of a Chinook entity or group. See the discussion of "blue cards" in the PF HTR, 64-65.	Information which does not identify an Indian entity does not meet criterion (a).
2/2/1954	Letter from CIA to Charles Larsen, Tacoma, WA (Amelia 1998) Not new evidence; see Petitioner's PF Ex. 249, 409 Cited in PF as: BIA 2/2/1954.	Letter from CIA in response to Larsen's questions on enrollment for the Indian Claims Commission case and proposed termination legislation. The commissioner made a distinction between rolls prepared for claims cases against the Government and rolls prepared pursuant to the proposed bill. He indicated that a Chinook descendant allotted on the Quinault Reservation could be on both the Quinault roll for termination purposes and the Chinook roll for claims purposes.	A reference to a historical tribe is not an identification of a contemporary entity.	This letter does not specifically identify a Chinook entity, although it implies the existence of a Chinook claims group. See the PF HTR, 67-68, for a discussion of the termination bill.	This letter does not meet criterion (a).
10/11/1954	Letter from Charles Larsen to Supl. Robertson (Ex. 862) Not new evidence; see Petitioner's PF Ex. 140.	Letter from Charles Larsen, secretary-treasurer of Chinook Indian Tribes, Inc., concerning non-issuance of "blue cards" to non-tribe tribes.	Self-identification is not accepted as evidence for meeting criterion (a).	This letter is not an outsider's identification of an Indian entity. See the PF HTR, 60, for a discussion of Charles Larsen's role in the Chinook Tribes, Inc.	Self-identification does not meet the requirements of criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
n.d. [probably ca. 1955]	Note from Julia Butler Hansen (Amelia 1998)	Brief note from a former neighbor saying Ned (?) was 1/2 Indian and she Mermiss (Cathlamet), etc.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	Although Hansen was a State Representative, this was not an identification of a Chinook tribe by a state official. It was the reminiscences of an old neighbor about an individual.	Information about individuals does not meet criterion (a).
2/16/1955	Letter from Marie J. Scarborough to Julia Butler Hansen (Amelia 1998)	Letter from Marie J. Scarborough, Tacoma, WA, concerning litigation of the Scarborough family and requesting copies of the land patent in question for Fort Columbia.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This letter was an inquiry about records a former neighbor might have that would help in family litigation for reimbursement for the Ft. Columbia land. It did not identify a Chinook entry in 1955.	This letter does not meet criterion (a).
2/12/1955	Letter from Julia Butler Hansen to Marie J. Scarborough (Amelia 1998)	Letter from Julia Butler Hansen, [State Representative], replying to above letter and indicating when she will be able to provide a copy of the deed.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This letter concerns family litigation. It does not identify a Chinook entry in 1955.	This letter does not meet criterion (a).
5/5/1955	Letter from Area Director Skarra to Supl. Robertson (Ex. 859)	Letter from Area Director Perry E. Skarra concerning an order to remove restrictions on land at Bay Center, property of Loyal L. Clark, a member of Quinalt.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This record identifies an individual as a Quinalt allottee. It does not identify a Chinook group or entity.	Information about individuals does not meet criterion (a).
11/31/1955	Letter from Marie J. Scarborough to Julia Butler Hansen (Amelia 1998)	Letter from Marie J. Scarborough, Tacoma, WA, concerning the claim of <i>Scarborough Heirs v. United States</i> re: a donation land patent.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals.	This letter provides some information on the Scarborough family, but is data on an individual or family. It does not identify a Chinook entry.	This letter does not meet criterion (a).
1/3/1956	Letter from Wm. Coburn to Betsy Truck (Ex. 798)	Wm. Coburn [Chief Counsel, Subcommittee on the Legislative Oversight Function] sends a thank you for the copy of the Chinook constitution and by-laws. He says it will be helpful "to the Committee in its study of timber sales policies on the Quinalt Reservation."	N/A	This letter represents routine correspondence, not an identification of the Chinook Tribe, Inc.	A routine reply or transmittal letter does not meet criterion (a).
4/12/1956	Newspaper article, <i>Raymond Herald</i> , Pacific County (Ex. 1164)	Anonymous article, "Bay Center," with news of local people and an announcement that, "A regular meeting of the Chinook Indian Council was held on Saturday at the Paul Petit home. Plans were made for their annual meeting to be held at Georgetown on June 17."	83.7(a)(6) [1978]: evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article is an example of a local newspaper reporting the activities of a Chinook entry in the local area.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1956.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
6/14/1956	Newspaper article: <i>Raymond Herald</i> , Pacific County handwritten date: 6/14/1956 (Ex. 1166)	Anonymous article: "Chinooks to Meet Near Tribal Home," says a meeting will be held at Ft. Columbia, in the vicinity of the ancestral home. Says, "Some 300 Chinooks from both sides of the Columbia, the shores of Willapa Bay, Taholah, and other towns in the Northwest are expected to attend." The article refers to traditional chiefs and the present "Chief, Roland Charley."	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article is an example of a local newspaper reporting the activities of a Chinook group in the local area.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1956.
7/22/1956	Newspaper article: <i>Seattle Times</i> (Ex. 1167) See also: Amelia 1998. Not new evidence: Cited in PF as: McDonald 1956.	Article by Lucille McDonald, "When Is an Indian not an Indian? Complex Questions Face Descendants of Chinook Tribe in Pressing Claim Against Government." Describes large gathering of Chinook at Fort Columbia state park to discuss the value of clinging to their tribal identity and how to document their claim against the U.S. The article refers to Roland Charley as the president of the "Council of the Chinook Tribe." Jack Petit of Ilwaco presided at the meeting.	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers." Newspaper articles: . . . identified the petitioner's ancestral group as Indian in the late 1920's and 1930's (Gena Choctaw PF 1994, 2).	This article described a meeting of a group of Chinook descendants, with references to at least two leaders and a large number of individuals in attendance. This article identified an Indian group. See the PF HTR, 61.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1956.
8/8/1957	Newspaper article: <i>Raymond Herald</i> , Pacific County (Ex. 1169)	Anonymous article: "Bay Center," with local news: "The Chinook Indians held a special tribal meeting. . ." A large crowd attended. The next meeting will be election of officers.	83.7(a)(6) (1978): evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article identified an Indian group.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1957.
2/13/1958	Newspaper article: <i>Raymond Herald</i> , Pacific County (Ex. 1172)	Anonymous article: "Quinault Allottees Called to Meeting," says that a meeting of allottees in the Quinault Reservation was set at Hoquiam. Claude Waine explained that the meeting was to form an advisory board and committees to represent the Indians who held allotments.	A reference to Indians in general is not a reference to the specific petitioning group.	Although it is known from other sources that Claude Waine was one of the leaders of a Chinook organization in the 1950's, this article did not specify that the meeting was for Chinook allottees only. Quinault allottees included Quinault, Quileute, Chehalis, and Cowlitz descendants, and was thus broader than a Chinook group.	A discussion of generic Indian issues does not identify a specific Indian entity, and therefore does not meet criterion (a).
2/20/1958	Newspaper article handwritten on copy: <i>Raymond Herald</i> , Pacific County 2/20/1958 (Ex. 1173)	Anonymous article: "Indian Tribes Form Business Policy Group," reports the results of a meeting at Hoquiam and says it was attended by representatives of the BIA and the various tribes owning timber allotments on Quinault.	A reference to Indians in general is not a reference to the specific petitioning group.	The references to the allottees on the Quinault Reservation are not synonymous with reference to the petitioner. Four of the nine committee members mentioned were of Chinook descent.	A discussion of generic Indian issues does not identify a specific Indian entity, and therefore does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
7/17/1958	Newspaper article, <i>Raymond Herald</i> , Pacific County (Ex. 1174)	Anonymous article, "Chinooks Postpone Scheduled Meeting," due to death of Roland Charley. Says that "Charley was one of the leaders of the Chinook bands of the twin harbors area."	83.7(a)(6) 119781: evidence to be relied upon includes "identification as an Indian entity in newspapers."	This article identified a Chinook group, or groups.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1958.
1960's	Newspaper article, <i>Astorian Almanac</i> , 1/14/1998 (Ex. 1177) Note: There are two items with this exhibit number.	Anonymous obituary of "Beisy Ann Trick Homemaker, 91," who died at Ilwaco, WA, the daughter of "pioneer residents." Says that "After her return to Ilwaco [in 1960], she served as the secretary of the Chinook Indian Tribe." The obituary gives some genealogical information and states that she was proud of her Chinook ancestry.	N/A	Although this article primarily contains information about an individual, the obituary does mention that she was the member of a Chinook organization and had served as its secretary. The PF ATR, 114, 118, 125, 141, 144-145, 162 discussed Trick's role in the leadership of the Chinook Indian Tribe from the 1950s to the 1970s. This article does not provide new evidence, but confirms what was found in the Proposed Finding.	This article identifies a Chinook entity as of the 1960's.
5/10/1962	Newspaper article, handwritten on copy: <i>Longview Daily News</i> , 5/10/1962] (Ex. 1176)	Anonymous obituary, "Chinook Nation Chairman, John Grant Elliott, Dies." Says he was 74 and a relative of two former chiefs, Concomly and Wahkiakum. The obituary includes a list of surviving relatives.	N/A	Although this article is about an individual, it indicates the existence of a Chinook organization.	This article identified one of the Chinook claims organizations, not the whole petitioner, in 1962.
3/13/1963	List of tribes, Portland area, ca. 3/13/1963 (Ex. 1184)	"List of Tribes and Tribal Officers, Portland Area Office," lists federally recognized tribes and unacknowledged groups of Indians. The only identification for this list is the stamped note: "Received Mar 15 1963 Washington State Library."	N/A	This is a mailing list or finding aid which includes groups dealt with for purposes of bringing claims against the U.S.; but not as recognized tribes. This does not support a contention that the Chinook were recognized by the BIA Portland Area Office as a tribe. See the further explanation in the petitioner's arguments on this document in the FD Summary Under the Criteria	This document identified a Chinook claims organization, ca. 1963. The petitioning group is not clearly its organizational successor.
10/9/1964	Questionnaire for Enrollment in Chinook Tribe (Ex. 819) See full collection in BAR files and discussion in the Proposed Finding.	A sample of the questionnaires used in the 1950's that were included in the original petition. Myrtle Johnson Woodcock says she was born 1889 in Oysterville and maintained tribal relations by continuous association with Indian friends and relatives.	Self-identification is not accepted as evidence for meeting criterion (a).	This application indicates an individual's self-identification. The group's own procedures and forms do not indicate identification of it by an external observer.	The petitioner's own applications do not constitute identification by an external observer. Self-identification does not meet the requirements of criterion (a)

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/30/1966	Newspaper article, <i>Iliwaco Tribune</i> (Ex. 1177)	Anonymous article, "Petit Relatives Hold Reunion Honoring Pioneer Forefathers." A summary of the celebration of the descendants of Amable and Amelia Aubichon Petit who moved to Chinookville in 1866. Many of the family members were named and a summary of the lives of the pioneer couple was included.	N/A	This summary of a family reunion makes no mention of a Chinook tribe or that Amelia Aubichon Petit was a Chinook descendant. This article makes no mention of a Chinook entry in 1966 when the reunion took place.	This article does not meet criterion (a).
4/8/1974	Newspaper article, <i>Tacoma News Tribune</i> (Amelia 1998)	Anonymous obituary for Edwin Scarborough, 83, grandson of Paly Tamakani Tehinook.	N/A	This article identifies an individual as a Chinook descendant, but it does not identify a Chinook entity in 1974.	This article does not meet criterion (a).
1990	U.S. Census statistics: (Tarabochia 1998, ex. 7)	Data from the 1990 federal census report of "American Indian Population by Selected Tribes: 1990," showing the distribution of "Chinook, Clatsop and other Chinook" under the general category of Chinook Indians. Of the total 978 Chinook Indians in the U.S., 769 are in the Pacific region, with 341 Chinook in Washington, 308 in Oregon, and 120 in California (pp. 1, 6). Other statistics in the report relate to age and gender, household size, school enrollment, and labor force status.	Samish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals. Self-identification is not accepted as evidence for meeting criterion (a).	This report, which contains statistics only, is based on individuals' self-identification in the Federal census. None of the petitioner's members are named in this report.	Information about individuals does not meet criterion (a). Self-identification does not meet the requirements of criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1990	U.S. Census statistics (Tarakochia 1998, ex 8)	"Selected support documents regarding the distribution of American Indians in Pacific County, by census tract and census 'block group' for the 1990 US census." This information shows the distribution of Indians within Pacific County. The statistics show that there were 533 American Indians in Pacific County: 119 in the Raymond, 81 in South Bend, 113 in Bay Center, 77 in Naselle, 23 in Long Beach, and 16 in Ilwaco. A footnote says that 67 of the 83 Indians who self-identified as Shoalwater Indians reside in Washington State and that the 1990 U.S. census shows 66 Indians resided on the Shoalwater Reservation. A second footnote says "Chinook Tribe - 341 of the American Indians who self-identified as Chinook reside in Washington" and "There are more American Indians residing in Bay Center... than on the Shoalwater Reservation."	Self-identification is not accepted as evidence for meeting criterion (a)	This evidence is a general census summary. It does not name Chinook individuals, but reports the number of individuals who self-identified as Chinook on the 1990 census	Information about individuals does not meet criterion (a). Self-identification does not meet the requirements of criterion (a)
11/22/1997	Newspaper article by Theresa Willetford-Hathaway [no source], dated 11/22/1997 (Ex. 1179)	Article: "Harbor Lifestyle: Anna Mae Strong," states although a resident of Raymond, Strong has roots at Bay Center, and that her grandmother was Annie Hawks Clark, of Chinook-Chenahs descent. Recalling her childhood, she reported visits to Taholah to see old friends, such as Chief Tom Payne of the Quetzis tribe and others. Strong was involved in "various projects concerning Pacific County's Native Americans" and gave speeches "in order that the history of the Whelepla Chinook people will not be forgotten."	Samsish amended FD 1995, 4, and Duwamish PF 1996, 3, 4, noted that criterion (a) requires the identification of an entity or group, not just individuals. Self-identification is not accepted as evidence for meeting criterion (a).	The article contains some genealogical information about the Rhoades-Hawks family, and names some of the Indians of the treaty era. However, this article does not identify a Chinook Indian entity in 1997.	This article does not meet criterion (a).

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/6/1998	<p>Letter from Clifford E. Trautzer to Timothy P. Tarabochia (Ex. T)</p> <p>PF Summary, 7</p> <p>PF HTR 5-7, 54, 81-82</p> <p>Trautzer, <i>The Chinook</i> (1990), 100, 104 [see also p.97.]</p>	<p>The author of <i>The Chinook</i> expressed his shock to learn, from Tarabochia, that the "BIA is using my book to deny The Chinook Tribe federal recognition." In his letter to Tarabochia, Trautzer stated his "outrage" that the BIA staff had given the petitioner "a negative finding based on a misinterpreted statement found in my short survey of Chinook people." Trautzer told Tarabochia that he would defer to the petitioner's researcher Beckham as the expert on the Chinook.</p> <p>The Proposed Finding said, in its evaluation of criterion (a), that, "Trautzer concluded that the Chinook no longer are a unified tribe." He identified three contemporary groups of Chinook in the 1980's: the Chinook Indian Tribe organization, the Wankiakum Chinook, and the Chinook on Shoalwater Bay" (PF Summary, 7).</p> <p>Trautzer's reply states: "On the issue of 'unified tribe,' what I meant by this statement was that there have been several Chinook groups historically based on village and area leaders. No one Chinook leader could speak for all Chinooks. Neither the Chinooks at Shoalwater Bay or Quinault can speak for the Chinook people who remained on their sacred lands along the Columbia" (Ex. T).</p>	N/A	<p>Since the Proposed Finding emphasized the lack of identification of a Chinook entity between 1873 and 1951 (PF Summary, 8), Trautzer's identification of three contemporary Chinook groups in the 1980's was not the reason the petitioner failed to meet criterion (a).</p> <p>Trautzer's book was cited on 1 page of 41 pages of the PF Summary under the Criteria. Obviously, the Proposed Finding was not based on Trautzer's book.</p> <p>Trautzer apparently did not consider Beckham to be an expert on the Chinook at the time he published his book, for he failed to cite Beckham as one of the authorities upon whom he had relied (see, e.g., Trautzer 1990, 104).</p> <p>It is clear that Professor Trautzer has relied on the comments by Tarabochia and has not read either the Summary under the Criteria or the Historical Technical Report. He has not demonstrated that any statement in the Proposed Finding misinterpreted his book.</p>	<p>Trautzer's letter does not require any revision of the Proposed Finding.</p> <p>His identification of contemporary Chinook groups is consistent with the conclusions of the Proposed Finding that several organizations of Chinook descendants had been identified since 1951.</p>

Recommendation: The petitioner did not provide new evidence of identifications of a Chinook Indian entity between 1873 and 1924. The petitioner has provided examples to show that some of its ancestors were identified in 1925 and 1927, and again in 1951 and the following years, as a group or groups bringing claims on behalf of a historical Chinook tribe against the United States, but that evidence does not show that a Chinook entity was identified on a "substantially continuous" basis between 1927 and 1951. The identifications of Chinook organizations between 1951 and the 1970's were of organizations which did not appear to include the petitioner as a whole and do not have clear continuity with the petitioner's organization. The evidence is insufficient to show that the petitioner meets the requirements of this criterion prior to 1951. Therefore, the evidence in the record does not show that the petitioning group has been identified as an Indian entity "from historical times until the present" on a "substantially continuous" basis. For these reasons, the petitioner does not meet the requirements of criterion 8.3.7(a).

Chinook Indian Tribe/Chinook Nation (CIT/CN)

CRITERION B - The petitioner forms a distinct community and has existed as a distinct community throughout history.

The PF for the CIT/CN petitioner concluded that the petitioner met criterion 83.7 (b) from 1811 to 1880, based on the continuing existence of distinct Chinook Indian villages. Using a combination of evidence to show people lived in village-like settings and maintained distinct cultural patterns, it also concluded that, from 1854 to about 1920, there is evidence that a community of Chinook Indians who had intermarried with Chehalis Indians and whites, lived along the shores of Willapa Bay, particularly in the town of Bay Center and on Shoalwater Bay Indian Reservation. This Bay Center community met the requirements for community found in criterion (b) under the regulations; however, this community did not incorporate the entire Chinook population claimed as ancestors by the petitioner. Significant portions of the petitioner's ancestors lived in other communities along the Columbia River, 25 to 45 miles to the south and southeast of Bay Center. The PF found little or no evidence that the Chinook people living on the Columbia River and those in or near Bay Center formed a community under the regulations after 1880.

The PF found that data from the 1880 Federal Census was used to demonstrate that many Chinook descendants, including those who were permanent residents in Bay Center, were

fishing side by side in Chinookville, a village which was almost exclusively inhabited by Chinook Indians. The year 1880 was the last year for which the PF found there was sufficient evidence demonstrating that the petitioner, as a whole, met the requirements of criterion 83.7(b).

The petitioner submitted new evidence during the PF comment period to support a revised finding of continuous, significant social interaction between the Indians living in Bay Center and the Chinook descendants concentrated in communities on the Columbia River to the South to 1950. However, the evidence from 1950 to the present is not sufficient to show that the petitioner, as a whole, meets criterion 83.7 (b). Evidence submitted by the petitioner in response to the proposed finding supports continuous significant social interaction between the Indians living in Bay Center and the Chinook descendants concentrated in Dahla or Ilwaco between 1880 and 1950. The evidence which is available from 1880 to 1950 is sufficient to show that the petitioner, as a whole, meets criterion 83.7 (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
Before 1860	L.I. Bush, "Bush Writes About Indians," <i>Raymond Herald</i> , Dec. 22, 1921.	A long article about the aboriginal Indians with discussion about the Columbia River tribes.		This article is rather general and does not add or change the PF that a Chinook tribe existed historically on the Columbia River. It is a secondary source.	This is supporting evidence that a Chinook tribe existed before 1860.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1850's - 1930's	Paper attributed to Charles DeForest Scarborough and Edwin J. Scarborough, n.d., but ca. 1957. (See Amelia 1998)	A five page paper entitled "What the Scarborough Heirs Have Done About Regaining the Scarborough Homestead" includes the genealogy of Xavier (as baptized) or Edwin Scarborough, Sr., 3 rd son of James Allen Scarborough...born at Chinook Hill, 1/4/1848. Not dated or signed, but the names of Charles DeForest Scarborough and Edwin J. Scarborough appear below the signature lines. It refers to Senate Bill 2002, which is dated May 8, 1957.	See Cowlitz PF concerning the roles played by some White spouses of Indian women as mediators between Whites and the tribe. Chinook Summary under the Criteria for PF, p. 14.	This document concerns a single family and does not show tribal activities. Because this letter consists of recollections about an earlier period made by individuals who were not adults during part of the period being discussed, this evidence is not as valuable as direct contemporaneous evidence, even about the history of the family line. The petition includes many contemporaneous documents about the issue of allotments.	This document does not change the position of the PF that the allotment activity does not demonstrate that the petitioner meets criterion (b).
1850's to 1880's	Manuscript attributed to Catherine Herrold Troch re: Colbert House in Ilwaco, WA, but last page of history says Betsy Trick and Charlotte Davis of Ilwaco furnished the information (Ex. #796)	Story of the Colbert House in Ilwaco belonging to the descendants of Aubiehon and Mary Anne, the cousin of Cornumty, Chinook. Includes a hist. of Hudson Bay Company (HBC) in the area and the family's moves, eventually to French Prairie in Ore. and stays there until 1866. Talks about in-laws and neighbors at French Prairie, and a daughter and son-in-law Petit who moved to Chinookville in 1866 to set up a store. An Aubiehon granddaughter, Catherine, moved to Ilwaco in 1882, began to build their house, using lumber from the old house at Chinookville. This information was furnished by Betsy Trick and Charlotte Davis, grand-daughters of Catherine Petit Colbert who was born in 1853 in Butteville, married in Astoria in 1870, moved to Chinookville in 1872, and then to Ilwaco in 1882, where they built the house described in the article.	See Cowlitz PF concerning the roles played by some White spouses of Indian women as mediators between Whites and the tribe. Chinook Summary under the Criteria for PF, p. 14.	This evidence corroborates the PF that a Chinook community existed at Chinookville until 1880. This is a secondary source that is helpful in showing when a family of Chinook descent left Chinookville and moved to Ilwaco. The focus of the article is on the arrival of non-Indians to the lower Columbia River, their establishment in Chinookville, including a marriage to an Indian spouse, and subsequent movements from one community to another. There is no discussion at all of a Chinook entry, or its social and political organization, nor is there any indication that the family patriarch acted in a role of mediator between the Chinook Indians and Whites or played any other significant role which would indicate a Chinook community existed.	Combined with evidence already considered and evaluated under the PF, this document corroborates the PF that a Chinook community existed at Chinookville until 1880. The petitioner meets (b) to 1880.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1852	Letter to Mr. Reed, 3/6/1909 [Ex. 865]	Letter in 1909 from Mr. McGowan describing how John Edmunds, "but his name in some way was changed to Pickernell, under which his descendants now live" helped McGowan move from Portland by scow in 1852. Edmunds was married to a native woman and had several children, one, a Mrs. Russell lives near Ilwaco [in 1909] Genealogies show that Julia Pickernell Russell was b. in 1843	See Chinook Summary under the Criteria for the PF, p. 13	This letter discusses the Pickernell's family line. This document corroborates the evidence discussed in the PF showing the Pickernell's at Chinookville from about 1850 to 1880, and stating that a Chinook community lived there at this time. Because it is recollections made at a later date than the activities it discusses, it is not as valuable as other contemporaneous data, available for the PF, such as a Federal census.	In combination with census and other evidence, this document demonstrates that a Chinook community existed in Chinookville 1850 to 1880. The petitioner meets (b) for 1850-1880
1865-?	Deposition of Emma Millen Lucier made on 4/24/1952 [ex.854]	Emma Lucier says she is the dau. of Sam Millert [1833-1913] and was b. at Kelso when her father was fishing on the Cowlitz, that Sam was a Chinook b. at Waukiakum on the Columbia River. Describes fishing habits and seeing Chinook fishing for oysters at Brucepoint and she "knew Mr. Russell who paid the Indians for oysters with guns, dishes, hardware and traps." No dates. "Many Indians were working at Willapa Harbor, consisting of Chinook and neighboring tribes."	Oral history - "Community must be understood in the context of the history, geography, culture and social organization of the group" (25 C.F.R. 83.1).	This does not identify an Indian entry in 1952 when the deposition was made, but is a recollection of her youth. Sam Millert's Indian ancestry is not a question, and this document generally describes Indian groups before 1880 and perhaps later on Willapa Bay. However, this oral history's chronology is very weak and so general as to be of limited use in demonstrating that the petitioner meets (b) after 1880 or as a combined Chinookan entry in the 1900's.	This document generally corroborates the PF that Chinook communities were found in several locations before 1880, and met (b) before that date.
1871-1878 1894	Store accounts ledger, 1871-1878 and 1894 for Kushland Bros. (Ex. 1181 and 1182)	Appears to be a ledger of store accounts for various customers - 11 pages and 49 pages respectively	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 C.F.R. 83.1)	Several of the persons named on these accounts have descendants in the modern membership J. G. and Chas. Elliott, Lambert Elygart, Archie, Alex, and Adeline Pellard; Joe LaFrambois; Louis Durval, William Bailey, Ed Pickernell, Louis Duchaney, Mrs. Mary Pysk, Henry Suong, and Wm. Bailey. This document shows members of families ancestral to the petitioner and known to be living in Oysterville in the 1870's frequenting this store.	This document corroborates the PF that the Chinook petitioner meets (b) before 1880.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1880's	CIT/CN Submission 1998, "Discussion," 35 Petitioner's Exhibit K: Beckham, "1900 Census," 4-5 Petitioner's Exhibit J: Beckham, "1920 Census," 3 PF Summary, 14, 23, 27-28 A.T. 2-3, 57-58	The Proposed Finding found evidence that a Chinook village had persisted until 1880 at Chinookville on Baker's Bay on the Columbia River, but no evidence that the village existed for any length of time after 1880. The petitioner's attorney has labeled this finding as a serious error because it did not conclude that the village of Chinookville had been brought to an end by being destroyed by non-Indians, rather than by being voluntarily abandoned by its Indian residents. The petitioner's researcher discussed the destruction of Chinookville in the petitioner's Exhibit K.		In Exhibit K, historian Beckham attributes the destruction of Chinookville to the natural "massive erosion" of the Columbia River which "washed away" the old village in the 1880's, followed by the actions of Mr. McGowan in burning the remaining Chinook houses at the site (p. 4). For purposes of criterion (b) of the regulations, what matters is not how Chinookville was brought to an end, but whether its permanent residents moved together as a group to a new location and whether its seasonal residents continued to gather seasonally at a new location. The petitioner has not responded effectively to this issue. Beckham makes no attempt to trace such continuity of a group, but simply asserts that Indians at Chinook and Ilwaco on Baker's Bay were "direct successors to Chinookville" (p. 5). The petitioner does not show that the same families from Chinookville continued to live together after 1880.	The petitioner has not shown that there was error in the Proposed Finding's discussion of Chinookville's demise, and its response does not show the continuity of this social community in a new form after 1880. The Proposed Finding found evidence that a Chinook village at Chinookville persisted until at least 1880, and no evidence or argument has been presented to change that conclusion.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
<p>1900 Census # 1</p>	<p>Petitioner's Exhibit K: Beckham, "1900 Census" PE Summary, 14-16 HTR, 25-30 HTR, Tables 1-3 Census 1900</p>	<p>In his list of households on the 1900 Federal census, in Exhibit K, Beckham includes 97 Indian households in two counties in Washington State and says that 76 households and 272 individuals were Chinook. The Historical Technical Report noted the presence of 333 descendants of the 1851 historical Chinook bands and 91 ancestors of the petitioner in 1900, either on the Federal census in 90 households in three counties of Washington and Oregon or on the Indian census rolls of four Indian agencies.</p> <p>Beckham's list of households on the 1900 Federal census differs from the data used in the Historical Technical Report in only a few minor ways: (1) Beckham lists 7 households not identified as Chinook descendants in the Historical Technical Report -- Oysterville #2; Nema #176; Bruceport #203; Ilwaco #31 and #193; and Brookfield #229 and #235 (actually #226 and #232); (2) Beckham lists 4 "Indian" households in seasonal fishing camps at Ilwaco and Chinook not counted as Chinook in the Historical Technical Report -- #467, #472, #495, #496, and (3) Beckham lists every "Indian" household on the Indian schedules, thus including 12 households not counted as Chinook in the Historical Technical Report. Beckham's list of the 1900 census, however, also overlooks 14 households of Chinook descendants included in the analysis in the Historical Technical Report -- Oysterville #27; Bay Center #183; Bruceport #198; Ilwaco #59, #142, #151, #167, #190, #191, #456; Frankfort #422; Cathlamet #158, #228; and Eureka #284. The Historical Technical Report also found 10</p>		<p>Beckham's discussion of the 1900 Federal census, in Exhibit K, ignores the discussion of the 1900 census in the Proposed Finding and in the Historical Technical Report. The analysis of the 1900 census in the Historical Technical Report was more thorough and more complete than the listing provided by Beckham in Exhibit K of the petitioner's response.</p> <p>Beckham lists Chinooks and other Indians without noting whether they were ancestral to the petitioning group. In addition to an analysis of Chinook descendants on the 1900 census, the Historical Technical Report included an analysis of the census data which considered only those Chinook descendants who also were ancestors of the petitioner's members.</p> <p>The 1900 census evidence submitted in Exhibit K was considered and analyzed for the Proposed Finding, and is not new evidence. Including the 7 additional households identified by Beckham, together with the 90 households identified for the Proposed Finding, would not change the BIA's analysis of the 1900 census in any meaningful way.</p>	<p>The list of Chinook descendants on the 1900 census provided by the petitioner in its response does not identify any error in the BIA's research that would require a change in the BIA's analysis of the data. The 1900 census list in Exhibit K does not provide any basis for changing the conclusions of the Proposed Finding.</p>

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900 Census # 2	<p>Petitioner's Exhibit K: Beckham, "1900 Census"</p> <p>PF Summary, 8-10</p> <p>HTR, 25-30</p> <p>HTR, Tables 1-3, Figure 5</p> <p>Census 1900</p>	<p>In Exhibit K, Beckham asserts that the 1900 Federal census "confirms" that "three primary Chinook communities existed" (p.6). He identifies the "primary" communities "as Bay Center, Dahlia, and Chinook-Ilwaco; and a "secondary community" as Cathlamet. Beckham asserts that the census "confirmed a settlement pattern within a discrete geographical area" (p.1).</p> <p>The Proposed Finding and Historical Technical Report identified clusters of Chinookan descendants on the 1900 census in the Bay Center, Ilwaco, and Dahlia areas. The Proposed Finding found evidence of the existence of an Indian community at Bay Center at this time, but inadequate evidence of distinct Chinook communities elsewhere.</p>	<p>The original acknowledgment regulations required evidence for criterion (b) that "a substantial portion of the petitioning group inhabits a specific area," but linked that requirement, by an "and," with a requirement that the group be "distinct from other populations in the area." Social interaction within the group is required. Geographical evidence alone without a village-like setting encompassing 50% of the membership (1994 regulations modified existing practice) was insufficient to meet the requirements of the criterion.</p> <p>Indiana Miami; RMI Reconsidered Determination; MBPI</p> <p>§ 83.6(a): A documented petition must contain "detailed, specific evidence" in support of its request for acknowledgment.</p> <p>§ 83.6(c): A documented petition "must include thorough explanations and supporting documentation" in response to the criteria.</p>	<p>Beckham's argument appears to be that geographical communities existed simply because a certain number of Indians lived within a general geographical area. The Historical Technical Report demonstrated that no census enumeration district was predominantly Chinook (HTR, Table 3), and found limited evidence of predominantly Chinook neighborhoods (HTR, 29). Exhibit K does not dispute that evidence.</p> <p>The Proposed Finding put the petitioner on notice that an argument that the petitioner's ancestors had lived within a discrete geographical area was not adequate to meet the requirements of criterion (b). Quoting from the guidelines and technical assistance letters to the petitioner, the Proposed Finding (pp. 8-10) advised the petitioner that it would need to improve its documentation "by supplementing the residence data" (p.10) it had presented with additional evidence that "the Chinook constitute a socially distinct community within which significant interaction" (p.9) occurs among members.</p>	<p>Residential patterns on the 1900 census do not show that the petitioner's ancestors were so clustered that social interaction as a distinct community can be assumed on the basis of geographical evidence alone. Because there is no village-like setting, data about residential patterns, absent actual evidence of social interaction, is insufficient to show that the petitioner's ancestors in these various areas in 1900 interacted as a distinct social community or communities. This census evidence provides a context for understanding other evidence about the petitioner, but this geographical evidence by itself does not meet the requirements of criterion (b).</p>

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900 Census # 3	Petitioner's Exhibit K: Beckham, "1900 Census" PF Summary, 8-10 HTR, 25-30 HTR, Tables 1-3, Figure 5 Census 1900	In Exhibit K, Beckham argues that the "numbers" of Chinooks in Bay Center, Dahlia, and Ilwaco "were sizable and sufficient to sustain tribal relations..." (p.6). He also argues that these "communities," plus Cathlamet, were "connected by water transportation" and were "within one day's travel or less of each other" (p.6). The Proposed Finding and Historical Technical Report identified clusters of Chinookan descendants on the 1900 census in the Bay Center, Ilwaco, and Dahlia areas. The Proposed Finding found inadequate evidence of social interaction between Bay Center, Dahlia, and Ilwaco which united these separate areas as a social community.	§ 83.6(a) A documented petition must contain "detailed, specific evidence" in support of its request for acknowledgment. § 83.6(c) A documented petition "must include thorough explanations and supporting documentation" in response to the criteria: Indiana Miami; RMI Reconsidered Determination; MBPI	Rather than providing evidence of actual social interaction and social activities by ancestors of the petitioner, whether in one settlement area or between settlement areas, Beckham's argument is limited to suggesting the possibility of social interaction because of the number of Chinook descendants living in a single geographical area, and the possibility that Chinook descendants residing in separate geographical areas could have visited each other because steamboat travel existed. The Proposed Finding put the petitioner on notice that it would need to provide "evidence that demonstrates social interaction that involves a substantial portion of the group's members on a regular and frequent basis." (PF Summary, 9).	Because the regulations require evidence of the existence of a distinct social community, these arguments that social interaction would have been possible among the petitioner's ancestors in 1900, absent actual evidence of such social interaction, do not meet the requirements of criterion (b).
1900 Census # 4	Petitioner's Exhibit K: Beckham, "1900 Census" Census 1900	In Exhibit K, Beckham argues that the occupations of Indians (not just Chinooks) in 1900 as oystermen and fishermen constitutes "shared work and community" because such people "worked together in crews" (p.2). He calculates that 94 percent of Indians at Dahlia, 81 percent of Indians at Chinook-Ilwaco, and 70 percent of Chinooks at Cathlamet were fishermen in 1900 (p.3-5). These calculations include non-Chinook Indians and non-Indian spouses. Beckham contends that fishing had been "a central element in the lifeway and subsistence" of the Chinook from "time immemorial" (p.3).		Fishing was a predominant occupation among people living on the Columbia River and Willapa Bay. Because these occupations were shared by the non-Indian as well as Indian residents of these areas in 1900, the occupational labor of Chinooks by itself was not an activity that defined a distinct community of Chinooks. Beckham does not show that labor was shared, only that occupations were similar. He does not show that most Chinooks worked in work crews that were predominantly Chinook. Nor does he show that their labor was shared, as opposed to labor for individual wages. He suggests, but does not show, that Chinooks from different settlements worked together. Census data alone cannot demonstrate patterns of shared work.	Occupational data from the 1900 census by itself is inadequate to meet the requirements of criterion (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1900's ca	Petitioner's Exhibit K: Beckham, "1900 Census"	In Exhibit K, Beckham asserts that newspaper documentation "confirms the social connections of the Indians living on Willapa Bay with each other" (p. 1).		In Exhibit K, Beckham presents no examples from such local newspaper articles, and he does not cite any specific articles or any specific dates. The exhibits of newspaper articles will be examined on their merits separately from this reference to them by Beckham.	This unsupported assertion by itself is inadequate to meet the requirements of criterion (b).
1901	"Ralph C. A. Elliott, the Pioneer," <i>Skamokawa Eagle</i> , October 24, 1901 (Ex. 1032)	A reporter has talked to Mr. Elliott concerning early years he spent in the Columbia river area starting in about 1850. He discusses Skamokawa and Chief Quillis, whom is described by the reporter as "another good Indian."		Mr. Elliott describes an Indian community at Canlhamet under Skamokawa. Clearly, Chief Quillis had authority within the Indian community because he was able to make an Indian who had stolen something return it to Mr. Elliott. The thief lived across the Columbia in another village.	This document corroborates the PF that the Chinook petitioner meets (b) before 1880
1907	"Bills for Indians Would Reimburse Indians for Lands Taken....South Bend Journal, December 27, 1907 (Ex. 1038)	"Sen. Fulton of Oregon has introduced three bills providing for final settlements with three bands of Indians living in ... Washington along the Columbia River." "lower Band of Chinooks, Wheelappa band of Chinooks, and Whaklakum band of Chinooks."		The three bands described are the three areas that the PF questioned as being a single tribe. This evidence reinforces the concerns expressed in the PF that the petitioner represents more than one tribal unit.	This document does not provide evidence that the petitioner meets (b).
1908	"Money for Indians" <i>The South Bend Journal</i> , January 1, 1908. (Ex. 1039)	"Sen Fulton has introduced three bills... for final settlements with three bands of Indians living in ... Washington along the lower Columbia river." The lower band of Chinooks...the Wheelappa band of Chinooks, Whaklakum band of Chinooks...		The three bands described are the three areas that the PF questioned as being a single tribe. This evidence reinforces the concerns expressed in the PF that the petitioner represents more than one tribal unit.	This document does not provide evidence that the petitioner meets (b).
1908	"Chinook Claim Baseless" <i>The South Bend Journal</i> , Jan 28, 1908. (Ex. 1041)	"Secretary Garfield today reported to Congress that there is no foundation for the claims against the government by the Neu-Que-Chah-Wessuck band of Chinook Indians of Oregon and the Chehalis tribe, Wheelappa and Waukiakum bands of Chinook Indians of Washington." ".....The department says that all those Indians, save the Chehalis tribe have died or intermarried."		The three Chinook bands are described as intermarried and not living on reservations. This evidence corroborates the PF that the members of the Chinook bands were geographically dispersing within their territory and marrying whites. It does not indicate whether they continue to interact or maintain a community despite their marriages to whites.	This document does not provide evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1908	"Money for Indians" <i>The South Bend Journal</i> , February 13, 1908	Congress Cushman has introduced bills which would provide payment to the Lower band of Chinooks, Walktakum and Wilelappa as payment for "the tract of territory ... which they allege was taken from them...."		The three bands described are the three areas that the PF questioned as being a single tribe. This evidence reinforces the concerns expressed in the PF that the petitioner represents more than one tribal unit	This document does not provide evidence that the petitioner meets (b)
1907, 1908 & 1915	"Astoria Wins Two Games," <i>The South Bend Journal</i> , May 2, 1907 and April 15, 1915. "Bay Center Indians lose game of Football" <i>South Bend Journal</i> , Jan 3, 1908	Anonymous newspaper articles about a baseball game between Cathlamet and Ft. Columbia; Skamokawa and Cathlamet and Ft. Columbia; Anonymous newspaper article about a football game between Bay Center and South Bend.		The teams are both made up of individuals of Chinook Indian descent and non Indians. No reference to Indian ancestry is made. It does show that the Indian families from various communities located on the same team with non Indians, however, these articles treat the Indians and non-Indians without making distinctions. Combined with many bits of other mentions in newspapers about the activities of the Indians near Cathlamet and Bay Center, they provides contextual information concerning the PF that distinct Indian communities existed in Cathlamet and Bay Center.	These documents are not evidence in themselves that the petitioner meets (b). Combined with similar evidence it contextualizes the PF that Chinook communities existed in Cathlamet/Dahlia and in Bay Center.
1907	Skamokawa <i>Eyele</i> , May 16, 1907	Reports the death of Ida la Fromboise, who attended Indian schools and an eastern college. She was a native of Pillar Rock.		Makes no reference to her tribe, merely that she attended Indian schools. She was very well educated for any woman of her time.	This document does not provide evidence that the petitioner meets (b)
1907	"Indian Shaker Faith Dying -- Retains hold on Bay Center Indians -- Strange Belief" <i>South Bend Journal</i> , Dec. 20, 1907	The only place Bay Center is mentioned is in the headline and in the last sentence which is not readable because half of the column was cut off during xeroxing. It may list three places where the Shaker Faith continues -- Lapush, Bay [Center] and Neah Bay."		The continuation of the Shaker Church in Bay Center would be evidence that Bay Center meets (b), if the petitioner's ancestors attend it. Some of them did, others did not. The document, with other information concerning the Shaker church at Bay Center evaluated for the PF, provides supporting evidence that the Bay Center meets (b) in 1907, but does not clarify whether the petitioner as a whole meets (b) at the same time.	This document does not provide some evidence that a portion of the petitioner meets (b)
1908	"Altoona" <i>The South Bend Journal</i> , Jan. 16, 1908	Two items concerning the Elliotts: E.C. has eleven men cutting cordwood; Wm. will be manager of Farrell seaway grounds opposite Skamokawa.		No reference is made to the Chinook or Indian participation in these activities.	This document does not provide evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1909	"Bay Center," <i>South Bend Journal</i> , Feb 5, 1909, Feb 19, 1909, March 5, 1909.	Three columns concerning community news in Bay Center. The articles concern mostly fishing activities. Jokes made at Lizzie Charley's and Jos. George's expense. [See newspaper charts and data base]	"This criterion does not require that social interaction and relationships be uniform within the membership, but allows for the common circumstance where the main body of a group has substantial social ties while a periphery of membership has a lesser degree of social connection" (Snoqualmie PF 1993, 18).	These kinds of gossip columns were analyzed in depth over a forty year period to determine who was interacting with whom. In total, they indicate that a Chinook community meeting the regulations existed in Bay Center to 1950 and that the Columbia River communities of Dahlia and Ilwaco maintained contact with the Bay Center community through close kin.	In combination with similar evidence from newspapers between 1910 and 1950, the petitioner meets (b).
1910-1919	Newspaper articles from the <i>South Bend Journal</i> , April 15, 1910; <i>Ilwaco Tribune</i> , Jan 20, 1912, April 26, 1913, <i>The South Bend Journal</i> , Dec. 4, 1919, Dec. 11, 1919.	Anonymous articles about "Bay Center," and Astoria, section with reference to various community activities and individuals in attendance, visiting of relatives and friends in neighboring towns; obituaries; fishing activities; etc., of known Chinook descendants [see newspaper charts and data base]	"Social relationships" refers to circumstances where the individuals within a group define themselves and are defined by others as connected with each other in a particular way, accompanied by role definitions; feelings of social attachment, obligations and expectations." (Snoqualmie PF 1993, 15-16)	These kinds of gossip columns were analyzed in depth over a forty year period to determine who was interacting with whom. In total, they indicate that a Chinook community meeting the regulations existed in Bay Center to 1950 and that the Columbia River communities of Dahlia and Ilwaco maintained contact with the Bay Center community through close kin.	In combination with similar evidence from newspapers between 1910 and 1950, the petitioner meets (b).
1910	"Chinook Observations," <i>South Bend Journal</i> , July 8, 1910.	"Geo. Charley and his crew arrived here from Bay Centre on Tuesday...by rail."		There is no list or information about who was on the fishing crew. This becomes problematic for the petitioner. Other evidence does not show the Charley's associating with other members of the petitioning group. It cannot be assumed that they are in his crew.	Without a record of who was on this fishing crew, this document is not evidence that the petitioner meets (b).
1914-1918	Letters to the Commissioner of Indian Affairs, and individuals regarding their allotments, fishing issues, and financial queries [Ex. 813-816, 863-864, 799-808]	Various letters from the superintendent at Taholah dealing with individual allottees on the Quinalt Reservation, fishing issues, seeking clarification and authorization from the Commissioner of Indian Affairs on various issues pertaining to their individual trust accounts.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	These documents deal with individual issues, and not tribal issues. Most are letters from individuals requesting their timber money which is held in trust by the government. The justifications by agents for remitting the money to the individuals demonstrate that the agency was much more likely to release large amounts for cars, boats and homes to acculturated individuals married to non-Indians who were the petitioner's ancestors) than to "traditionally oriented" or elderly individuals whom the agent believed may one day require welfare from the state. As such, he seems to distinguish the Bay Center Indians from reservation Indians.	These documents provide some support to other evidence that the agency officials make distinctions between the petitioner's ancestors and reservation Indians and therefore provides supporting evidence that the petitioner meets (b) 1914-1918

Dates of Application	Form of Evidence	Description	Role / Precedent	Issue / Analysis	Conclusion
1919-1920	<i>The South Bend Journal</i> , Dec. 4, 1919; Dec. 11, 1919; April 8, 1920	Three short items in newspaper relating that siblings Mingo and Merniss Amelia had visited Astoria from Cathlamet, where they lived.		These articles do not show any interaction between individuals. They do reflect the fact that documentation is more likely to show residents of Columbia River communities visiting Astoria (other Columbia River communities) rather than venturing to Bay Center.	These documents do not provide evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920 Census # 1	Petitioner's Exhibit J; Beckham, "1920 Census" PF Summary, 14-18; 24 AT, 42-43, 69-80, 84-87, Table 3 (pp 48-49) HTR, 30-32 Census 1920	In Exhibit J, Beckham asserts that the 1920 Federal census showed that "Chinooks continued to reside in their aboriginal homeland" (p. 1). He also asserts that two settlement areas, Bay Center and Dahlia, "were distinctly Indian" (p. 1). Beckham lists 68 Indian households on the 1920 census in two counties of Washington State, and says that 65 households with 270 individuals were Chinook (pp 7-23). Beckham notes that the census enumerator in 1920 "identified part of the village [of Bay Center] as 'Indian Town'" (p. 2).	The original acknowledgment regulations required evidence for criterion (b) that "a substantial portion of the petitioning group inhabits a specific area," but linked that requirement, by an "and," with a requirement that the group be "distinct from other populations in the area." Geographical evidence alone is insufficient to meet the requirements of the criterion, unless there is a village-like setting encompassing 50% of their membership. The term "aboriginal homeland" is not mentioned in the regulations. § 83 (6)(a): A documented petition must contain "detailed, specific evidence," in support of its request for acknowledgment. § 83 (6)(c): A documented petition "must include thorough explanations and supporting documentation" in response to the criteria.	Beckham's discussion of the 1920 Federal census, in Exhibit J, makes no reference to the mention of the 1920 census in the Historical and Anthropological Technical Reports. He ignores the discussion of distinct settlement patterns in Bay Center and Dahlia in the decades of the 1910's and 1920's in the Anthropological and Historical Technical Reports. Beckham does not define what made a settlement "distinctly Indian." The evidence and argument in Exhibit J is consistent with the conclusions of the Proposed Finding that there was "some evidence that the Indians at Bay Center maintained a separate geographical community until about 1920" (p. 16), and that there was "evidence that some of the Chinook descendants may have been living in an exclusive (or nearly exclusive) settlement at Dahlia" (p. 14) before the 1930's. The evidence from this census strengthens the conclusion that an area of majority Indian residents (14 of 19 households) existed in Dahlia Precinct in 1920. However, this evidence does not show that a majority of the petitioner's ancestors lived in majority Indian areas at that time.	Residential patterns on the 1920 census do not show that the petitioner's ancestors were so clustered that social interaction as a distinct community can be assumed on the basis of geographical evidence alone. This data about residential patterns, absent actual evidence of social interaction, is insufficient to show that the petitioner's ancestors in these various areas in 1920 interacted as a distinct social community or communities. This census evidence provides a context for understanding other evidence about the petitioner, but this geographical evidence by itself does not meet the requirements of criterion (b).

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1920 (census # 2)	Petitioner's Exhibit J Beckham, "1920 (census)"	In Exhibit J, Beckham argues that the occupational data on the 1920 census shows "the persistence of shared work in the seafaring and trap fishery" (p. 4). He calculates that 80 percent of Chinooks in Dahla, 65 percent of Chinooks in Chinook-Ilwaco, and 62 percent of Indians in Bay Center, were engaged in fishing or crab fishing or the oyster harvest (pp.3-5). Beckham contends that the "vast majority" of employed Chinooks were engaged in "traditional occupations" with a direct link to traditional patterns of subsistence (p.4, 5).	§ 83.6(a): A documented petition must contain "detailed, specific evidence" in support of its request for acknowledgment § 83.6(c): A documented petition "must include thorough explanations and supporting documentation" in response to the criteria.	Fishing was a predominant occupation among people living on the Columbia River and Willapa Bay. Because these occupations were shared by the non-Indian as well as Indian residents of these areas in 1920, the occupational labor of Chinooks by itself was not an activity that defined a distinct community of Chinooks. Beckham does not show that labor was shared, only that occupations were similar. He does not show that individuals from separate geographical settlements worked together. Census data alone cannot demonstrate patterns of shared work.	Occupational data from the 1920 census by itself is inadequate to meet the requirements of criterion (b).
1920 ca.	Petitioner's Exhibit J Beckham, "1920 (census)"	In Exhibit J, Beckham argues that water travel linked the Chinooks, and that Chinook residential areas were linked by steamboats, rowboats, ferries, and canoes (p.1)	§ 83.6(a): A documented petition must contain "detailed, specific evidence" in support of its request for acknowledgment § 83.6(c): A documented petition "must include thorough explanations and supporting documentation" in response to the criteria.	Rather than providing evidence of actual social interaction by ancestors of the petitioner who lived in geographically separate settlement areas, Beckham's argument is limited to suggesting the possibility that they could have visited each other. The Proposed Finding put the petitioner on notice that it would need to provide "evidence that demonstrates social interaction that involves a substantial portion of the group's members on a regular and frequent basis" (PF Summary, 9)	Because the regulations require evidence of the existence of a distinct social community, this argument that social interaction would have been possible among the petitioner's ancestors in 1920, absent actual evidence of such social interaction, does not meet the requirements of criterion (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
8/7/1922 to 12/6/1922	letter to/from Rose Gricks [Ex. 885 - 892]	Letter from Superintendent at Taholah h, enclosing a check for her share of the Chinook settlement. Witnesses to her application were Inez Lawson and Emma Elliott [Ex. 886, p.4] letter of 10/10/1922 says Rose lived at Dahlia, was living in Alaska in 1914-5 when the payments were made, but when she returned, she heard about the \$\$, she is in Dahlia in Aug but was in Astoria in Dec. 1922. [Ex. 892] names her mother and brothers/sisters		May be used to show that Mrs. Grick, a Chinook descendant, heir of Mary Kelly and Judith Peers, Astoria in 1922, but does not establish that there was a continuing tribal entity, although she says "I belong to the Chinook tribe of Indian Tribe"	These documents do not provide evidence that the petitioner meets (b).
1922 & 1923	Myrtle Woodcock, "An Indian Romance." Unidentified newspaper and "The Chinook Legend of the 'Dark Day'... <i>Raymond Herald</i> , Dec. 21, 1923	These are two poems relating what is supposed to be an Indian story. Both are written by a woman who would become secretary to the Chinook organization later.		The author is described "of South Bend, member of the Quinault Indian Tribe." on the "romance" poem and on the other she is described as "of royal Indian lineage."	These documents do not provide evidence that the petitioner meets (b).
1922/1923	Personal diary for 'Precious Gram Elliott' (Ex. 1180)	Appears to be photocopies of entries in a personal diary. Diary dated 1898, but entries are from 1922-1923 (10 pages); appears to be farm records concerning planting vegetables and producing cream; one note dated Oct. 12, 1922, states "Rosco Miles and Lee Aulden started to cut cord wood. They cut 15 cord in a week at 5 dollars a cord. They left for home on 15.	"Community must be understood in the context of the history, geography, culture and social organization of the group." (25 C.F.R. 83.1)	This diary could belong to an Elliott and it documents some visits from Columbia River Chinook. The entry about cutting cord wood is relevant to an earlier entry from 1908 when EC Elliott has 11 men cutting wood. However, this evidence, even when combined with the 1908 evidence, does not demonstrate that the Elliotts were acting as middlemen between Indian laborers and whites. It appears more likely that the wood is for Elliott's own use during the coming winter.	These documents provide evidence fragmentary evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1923-1925	"Bay Center," <i>South Bend Journal</i> , Sept. 28, 1923, Nov. 2, 1923, Nov. 9, 1923, December 7, 1923, Dec. 14, 1923, February 1, 1924, March 14, 1924, June 6, 1924, Aug. 22, 1924, Aug. 29, 1924, Sept. 5, 1924, Sept. 12, 1924, Sept. 26, 1924, Oct. 10, 1924, Oct. 17, 1924, Oct. 26, 1923, Dec. 5, 1924, Jan. 2, 1925, Jan. 9, 1925, Feb. 13, 1925, Feb. 20, 1925, Mar. 13, 1925, Mar. 20, 1925, Apr. 3, 1925, May 1, 1925, Sept. 11, 1925, "Bay Center," <i>Raymond Herald</i> , October 12, 1923, Dec. 7, 1923, Aug. 29, 1924, Sept. 12, 1924, Jan. 2, 1925, "Dahlia Items," <i>The South Bend Journal</i> , Apr. 10, 1924, May 1, 1924, May 8, 1927, July 17, 1924, Aug. 28, 1924, Sept. 11, 1924	Anonymous articles about "Bay Center" and Dahlia, with reference to various community activities and individuals in attendance, visiting of relatives and friends in neighboring towns, obituaries, fishing activities, etc., of known Chinook descendants [see newspaper charts and data base]	"Social relationships" refers to circumstances where the individuals within a group define themselves and are defined by others as connected with each other in a particular way, accompanied by role definitions, feelings of social attachment, obligations and expectations." (Snoqualmie PF 1993, 15-16)	These kinds of gossip columns were analyzed in depth over a forty year period to determine who was interacting with whom. In total, they indicate that a Chinook community meeting the regulations existed in Bay Center to 1950 and that the Columbia River communities maintained contact with the Bay Center community through close kin and some visiting.	In combination with similar evidence from newspapers between 1910 and 1950, the petitioner meets (b)
1924	Letter to C.B. Fitzgerald, state chairman of State Central Committee from Taholah Agency, October 8, 1924.	Letter from Taholah Agency stating that 719 Indians on Quinault and that only about 150 of the 719 live on the Reservation, others scattered at Bay Center, Seattle, Tacoma, Portland, and all over the northwest, he does not have the addresses.	"Members of the group or their ancestors identified as Shoshone and as living in the area were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3).	These population figures probably refer in part to the petitioner's ancestors, who, as allottees were included on the Quinault reservation statistics from time to time.	
1925	Myrtle Woodcock, "The Alliance of the Quinault and the Chinook Tribes," <i>Raymond Herald</i> , Dec. 20, 1925.	This poem was written by a woman who would become secretary to the Chinook organization later. She is identified as a member of the Quinault Tribe.		The Quinaults are presented in an unflattering manner, the Chinooks in a flattering manner. This poem may reflect some of the tensions between these two groups of people.	These documents provide some evidence that the petitioner meets (b) in that it may show a distinction between Quinault and Chinooks.

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1925	Newspaper article (handwritten on copy) <i>South Bend Journal</i> , 03/13/1925 (Ex. 1096)	Anonymous article "Indians Ask Federal Treaty Ratification: Representatives Attend Meeting at Marysville; Will Hold Big Tribal Meet in Chehalis in June"	Chinook PF 1997, 7, and Cowlitz PF 1997, 17, provided examples which were accepted as meeting criterion (a) of local newspaper discussion of a local Indian group and description of its activities.	Article mentions local tribal representatives William Bailey and Samson Oliver (both Chinook) at the Northwest Delegation of Indians Conference held at Marysville, WA, among others have started claims proceedings under the Stevens non-ratified treaties. Article also mentions Victor Johnson and Myrtle Woodcock (both Chinook), with Mr. Johnson providing legal representation for the tribe. There are Bailey, Johnson and Woodcock descendants in the modern CIT/CN membership.	Because this document deals solely with claims issues, it does not provide evidence that the petitioner meets (b).
1925	Letters to and from Col. T. J. McCoy in Wyoming and Superintendent Sams, Taholah Agency, Hoquiam, WA [Ex. 870][871]	Letter from Superintendent at Taholah says the Chehalis, Skokomish, Cowlitz, Squaxin Island, Quinaults, Quileutes, and Chinooks in his jurisdiction live very much the way the non-Indians do, and did not participate in the habits of the plains Indians...names some leaders and the kinds of houses they lived in. Response from Col. McCoy inviting Indian leaders to participate in a council with other Indian leaders anyway. Willing to offset any expenses.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 CFR 83.1).	Inquiry and reply to Col. T.J. McCoy's seeking Indians to participate in a "Last Great Council" at Philadelphia Exposition in 1926. Has little or no significance to petitioner's claims. McCoy knows nothing about the Chinook and therefore his comments are unreliable. Sams' comments about the acculturated status of the petitioner's ancestors does not prejudice their case for (b).	This document does not provide evidence that the petitioner meets (b).
1926	"Indian Lore on Kiwanis Program" <i>The Raymond Herald</i> , Aug. 6, 1926	Says that Myrtle Woodcock gave an original reading "The Massacre of the Palis," and "followed with a brief history of the Chinook and Quinault tribes who were masters of this country in the early days."		The Quinaults are presented in an unflattering manner, the Chinooks in a flattering manner. This poem may reflect some of the tensions between these two groups of people.	This document does not provide evidence that the petitioner meets (b).
8/16/1926	Letter to Sams [Ex. 917] and from Sams [Ex. 918]	letter from Motor Co. in Bay Center re: repossessing and selling cars to Indians at the Bay Center Reservation. Mr. Sams responds that there is no Reservation at Bay Center and that contracts for Indians purchasing cars is the same as whites purchasing cars.	"Community must be understood in the context of the history, geography, culture and social organization of the group" (25 C.F.R. 83.1).	No Indians are named and no tribal relations are stated. This corroborates the BIA's analysis of newspaper articles that a Bay Center community existed in 1926.	Supports other evidence that Bay Center and nearby communities formed a distinct community under (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/26/1926	letter to Superintendent of Taholah [Ex: 842]	letter from Superintendent at Tulalip re: boys who should be in school there, but are not, wants to know where they are. There is a hand written note in the margin that says 6 are Chinook		Only one of the seven names in the letter is the same as a name in the petitioner's genealogies. However, there is not enough information on the "Jimmy McBride," who was a school boy in the 1926, to assume he is the same as the Elmer James McBride (no birth date or age given) who appears in the 1950's applications. Neither Jimmy McBride nor Elmer James McBride appear in the petitioner's membership list. An Ernest McBride appeared on the 1994 CIT list of deceased members. Therefore, this document does not appear to relate to the petitioner.	This document does not provide evidence that the petitioner meets (b)
1/4/1927	letter to CIA [Ex: 919]	letter from Sams re: Paul E. Pett of South Bend		This letter concerns an individual	This document does not provide evidence that the petitioner meets (b)
1/24/1927	letter to CIA [ex: 920] also see [Ex: 922, 923 and 925]	letter from Sams on the allotments of Agnes, William Elliott, and Stuart H. Elliott, cites to a letter dated Jan. 18, 1927 [Ex: 922 & 923 describe tracts; Ex: 925 discusses payment of attorney's fees]		This letter confirms that the Elliotts received allotments on Quinalt, but does not provide information about the petitioner's community. There appears to be at least 147, probably 175, of Agnes Duchency Elliott's descendants in the petitioner's membership.	This document does not provide evidence that the petitioner meets (b)
2/7/1927	letter to CIA [Ex: 921]	Letter from Sams re: re-adding Antoine Brignone [b. 1894 and on 1913 roll] to the rolls of "Quinalt Reservation." Was on the roll several years, appears to have been inadvertently omitted in 1922, his mother is allotted and his siblings are enrolled.		This letter may be used to confirm family relationships and that Ellen Amelia Sprunger and her children are enrolled at Quinalt, but does not establish tribal relations or name them as descendants of the Chinook tribe.	This document does not provide evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/12/1927	letter to CIA [Ex. 923]	letter from Sams re: Virginia Walkowsky et al. v. U.S. An affidavit from Kate Walkowsky refers to Kate's children (Grace, Leonard, Rose, Kenneth, Albert, Louise, Frank and Iida) who were adopted by Quinault Reservation in 1910, and approved by the DOI, and allotted on Quinault	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Cites to affidavits that say Kate's father was Chinook and her mother was full Indian, probably lower Chehalis tribe. Names her current husband as Robert Weiss. This may be useful in confirming some family ties, but not in showing that the Chinook tribe existed as a separate entity in 1927. There are at least 4 descendants of Walkowsky, possibly 11 more.	This document does not provide evidence that the petitioner meets (b).
7/12/1927	letter to CIA [Ex. 974]	letter from Sams re: Quinault By-laws on fishing rights on the Reservation.	No rule or precedent; data included for informational purposes only.	Unclear; does not seem to apply to any issue re: Chinook petition	This document does not provide evidence that the petitioner meets (b).
10/19/1927	letter to CIA [Ex. 975]	letter from Sams re: Grace Heiner of Alhona asking about her allotment	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Grace has at least 9 descendants in the CIT/CN list. Individual inquiry; no mention of tribal relations. It does show residence.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). Lucier of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
10/19/1927	letter to CIA [Ex. 976]	letter from Sans re: Emily Cashel applying for enrollment and allotment on Quinault. She is related to the Luscers who are already allotted, but married to a "white man" and living in Astoria	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	... the Luscers were adopted into the tribe. The Bertrands were allotted by Finch R. Archer, the allotting agent, at the time he allotted all Bay Center people." No Cashel descendants in the CIT.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agency treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
12/19/1927	letter to CIA [Ex. 978]	letter from Sans re: removing names from the census roll because he cannot certify them; Lawrence Axford b. 1915, father white, mother a part Indian, parents separated and boy lives with father at Bay Center; Helen May Garrapet; b. 1907, mother was allotted but does not live on the Reservation. Helen was never allotted; Lizzie Jackson and Fowler Jackson b. 1848 and 1849, cannot locate them and do not know if living or dead, presume dead, can't be found; Emma Steltz, b. 1868, Mann Steltz b. 1890, Hubbard Steltz b. 1892, enrolled in 1913, not on the Archer schedule, can find no authority for their enrollment; Mary Thomas, b. 1917, father is white, she is about 1/4 ind. Mother went to Cushman, Mary was b. in the vicinity of Bay Center	"Members of the group or their ancestors, identified as Shoshone and as living in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3).	This document shows some residences, but not proof of a tribal entry. Lawrence Axford, who is named in this letter is a member of the CIT, as are two of his children and the children of his sister, Mary (Quigley). Thomas does not have descendants in the petitioning group, but some of her siblings have descendants in the membership. The only clue to the origins of Mary Thomas is that she was born in Bay Center, but her tribal affiliation is not given, only that she appears on the Quinault census. Other evidence in the record indicates she was of Chinook descent from the LaFramboise/Souvenir line. That line has several descendants in the petitioner's membership. However, Garrapet, Jackson, and Steltz do not have descendants in the CIT membership. The Superintendent at Quinault is recommending removing all of these names from the census because he cannot certify them, his inquiries suggest that they were not living in tribal relations or that some of the older ones were probably deceased.	This document does not provide evidence that the petitioner meets (b).

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/26/1928	Letter to CIA [Ex. 906]	Letter from Superintendent Sams with affidavit on the application of Henry Petit for his allotment on Quinault, which Sams wants denied because he is not a member of the Quinault Tribe. Petit has Chinook blood, but appears to be a well-to-do business man who has lived in various parts of the West, but never lived on Quinault or associated with Quinault Tribe. Henry's brother was allotted on Quinault in 1914, even though the tribe declined to adopt him.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Sams brings up several issues that show he was concerned allotting someone who was not affiliated with a tribe, who had not lived with other members of that tribe, who had little Indian blood, and who had only tenuous (and probably unauthorized) connections to the Reservation through his brother who was allotted. This letter may show that Henry Petit had Chinook blood, but does not establish tribal relations. Henry Petit does not appear to have descendants in the petitioner's membership. It also indicates that Superintendent Sams was aware of Chinook descendants in tribal relations with each other since he could easily recognize someone that was NOT.	This document does not provide evidence that the petitioner meets (b)
1/4/1929	Letter to CIA [Ex. 979]	Letter from Sams re: list of trust patents issued since Feb. 1928. Roughly alphabetical, but does not name a tribe or residence of any of the names on the 7 page list	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PE 1982, 3).	The petitioner provides no analysis of this list of about 230 names to identify how they relate to the petitioner. The BIA finds that only about 56 of the names on the list appear in the 1950's era genealogies submitted with the petition. Of this number, about 15 names actually have descendants or themselves appear on the membership list. This list of patents issued in 1928 does not name the tribe of the individual, does not show a tribal entry, and only marginally pertains to the petitioner or its ancestors.	The document does not provide evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/15/1929	letter [Ex. 872]	letter from Superintendent at Taholah to a dentist re: the bill for work on Rosa and Clifford Corwin	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This is an individual claim by the Corwin family who are in the jurisdiction of the Taholah Agency. Rose and Clifford Corwin were Rosa Pickernell's grandchildren (Chinook), although no direct descendants appear in the CIT/CN current membership list	The document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agents' treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
1/23/1929	letter to CIA [Ex. 980]	letter from Sains re: allowing Agnes (Irez) Gracy Rumstead access to some of her money, she is 1/2 blood and married to a white man, educated and has "a beautiful home on land purchased for her which is held in trust."	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	No tribe mentioned and no residence. How does this apply to Chinook? This woman does not appear to have descendants in the petitioner's membership and her name does not appear in the 1950's genealogies, however, there is a Gracy family that descends from the Pickernell-Pysk family.	This document does not apply to the petitioner and therefore can not provide evidence that the petitioner meets (b).
2/5/1929	letter to CIA [Ex. 873]	letter from Superintendent gives location (Twp/Range) of the reservations in his jurisdiction. For Georgetown or Shoalwater Bay, the Reservation, is in Pacific County has about 10 Indians on it [not named]		This document demonstrates that Shoalwater was a small reservation with a small population, but does not name the residents or show that they are connected to the petitioner.	The document does not apply to the petitioner and does not provide evidence that the petitioner meets (b)
2/11/1929	letter to CIA [Ex. 874] also [Ex. 875]	letter from Superintendent at Taholah re: fishing areas at Sand Island and Peacock Spit. [Ex. 874] and farming (lack of) at Quinault Reservation. [Ex. 875]		This document doesn't answer the questions raised about fishing at Peacock Spit in the PF, its organization and leadership and the participation of the petitioner's ancestors.	This document does not provide information which would alter the PF.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/16/1929	letter to CIA [Ex. 876]	letter from Superintendent. Sams re: cases involving allotments on Quin (Provoe, Cowhiz, etc.)		See the discussion of the Halbert case and allotments on Quinault	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
3/21/1929	letter to CIA [Ex. 877]	letter from Superintendent. Sams. Re: allotments of Walkowsky family members, cites a memo on the family prepared by Roblin	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This is an individual inquiry, but alludes to "tribal funds:"	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/23/1929	Letter to CIA [Ex. 981]	Letter from Sams re: letting Mrs. Ida Strong Peit have funds from her account. She lives in Seattle.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This is an individual inquiry; it does not provide evidence of a tribal entity. Mrs. Peit has at least 12 or 13 descendants in the petitioner's membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
4/24/1929	Letter to CIA [Ex. 878]	Letter from Superintendent Sams re a request for funds to purchase a car for Alexander and Emma Luscers. Mrs. Luscer had an account and is entitled to other allotments that are not yet logged off.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This is an individual inquiry. The letter says that the couple's only pleasure is to ride around the country visiting church meetings and other gatherings. The Luscers are a Chinook family, but the letter does not provide details of who or where they were visiting. The Luscer family has 8 descendants in the petitioner's membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/6/1929	Letter to CIA [Ex. 879]	Letter from Superintendent Sams listing reservations in the jurisdiction of the Taholah Agency "Georgetown or Shoalwater Bay, a few families of Quinaults live on this Reservation. The Georgetown Indians have been taken into the Quinault Tribe and have allotments on the Quinault Reservation. They have lost their identity as Georgetown Indians	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	The issue appears to be that Georgetown Indians were placed under the jurisdiction of the Quinault Reservation. However, it provides no evidence for the petitioner.	This document does not provide evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/8/1929	letter to CIA [Ex. 880]	letter from Superintendent re: Mrs. Leda Clark Reed of Bay Center having use of her account, she is educated and never lived on the Reservation. Married to a white man, clearly able to handle her own affairs	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This does not state Mrs. Reed's tribe or any association with a tribal entity, only an individual's account. Mrs. Reed has more than 16 descendants who are listed in the petitioner's membership	This document provides supporting evidence that the petitioner meets (b).
7/23/1929	letter to CIA [Ex. 838]	letter from Superintendent Sams re F. J. and Freddie Ward, full brothers who are 1/2 bro. to H. J. Logan, all have the same mother who was undoubtedly Chinook blood. They are not enrolled with some tribe, and are inquiring about enrollments with the view of getting a portion of the ICC awards. H. J. Logan is married to Martha Jackson, an Indian woman who is enrolled at Quinault but has not lived on the Reservation. She lived at Bay Center with Indians of the tribe at Bay Center and has affiliated with Indians in this part of the country.	"Gaining land for the Snoqualmie to settle upon and the maintenance of fishing and hunting rights under the treaties were two issues that [Chief] Kanin spoke powerfully about. . . . Hunting and fishing rights were of great importance because the Snoqualmie hunted and fished extensively for subsistence purposes. Access to traditional hunting and fishing grounds was becoming increasingly limited because of competition with non-Indians and increasing restrictive game and fish laws. Land and hunting and fishing rights were thus clearly issues of significance and concern to the Snoqualmie as a whole." (Snoqualmie PF 1991, 25)	Three individuals have Chinook descent and that the wife of one of the men is enrolled at Quinault and always associated with Indians. However, the letter does not show who she associated with or the ages of any of these people. The mother is not named. According to the information on the Chinook genealogies from the 1950's, Martha Jackson Walker is a descendant of Lucy Heck, who was the niece of Cooseau of the Willapa Tribe. Howard Logan, Jr., is a member, with at least 7 other Logan members with same ancestral families. Sams does identify an Indian community in Bay Center and says that this woman is part of it.	This document does not mention any Chinook Indians, or anything about Chinook leaders or a tribe, but cites to "the [Quinault] Indians rights to fish on the Columbia River as far as Dufile." Usage of "Quinault Indians" is a loosely defined term, in this case meaning Indians allotted on the Quinault Reservation. Because the petitioner's ancestors are not named in association with these fishing issues, there is no evidence that it was a great significance to them.
8/9/1929	letter to CIA [Ex. 982]	letter from Sams re: Bakers Bay Fish Co. claiming a right to fish at Sand Island, again asks for assistance in securing the Indians rights			This document does not provide evidence that the petitioner meets (b).

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/12/1929	letter to CIA [Ex. 983][Ex. 984]	letter from Sams re: protecting fishing rights of Quinault and Quillicut Indians; seizure of Paul Perit's fishing boat by Oregon fish warden	"Gaining land for the Snoqualmie to settle upon and the maintenance of fishing and hunting rights under the treaties were two issues that [Chief] Kamin spoke powerfully about. . . . Hunting and fishing rights were of great importance because the Snoqualmie hunted and fished extensively for subsistence purposes. Access to traditional hunting and fishing grounds was becoming increasingly limited because of competition with non-Indians and increasing restrictive game and fish laws. Land and hunting and fishing rights were thus clearly issues of significance and concern to the Snoqualmie as a whole" (Snoqualmie PF 1993, 25)	More on fishing rights and decisions issued in previous cases. Mentions that Paul Perit's boat was seized and urges a quick response by the government to have it returned since it was purchased with trust funds. It also discusses the suit brought on behalf of George Charley. Both men are associated with the Chinook petitioner, however, the activities at this time do not appear to be organized by the petitioner. The extent of the petitioner's members involvement is unknown.	This document does not provide evidence that the petitioner meets (b)
9/14/1929	letter to CIA [Ex. 985][Ex. 987]	letter from Sams re: suit of Mary Fitzpatrick, et al. asking for a certified copy of the affidavit filed by either plaintiffs: Mary Fitzpatrick, Agnes Eastland, Nora Wood, Rebecca Auopperle, Kate A. Baird, Walter Fitzpatrick, Marie E. Johnstone and Sereta Oberender who made application for a portion of the Chinook fund.		Mary Duchenevy Fitzpatrick has seven descendants in the petitioner's membership through her Eastland grandchildren. None of the others in the letter appear to have descendants in the CIT/CN membership. However, this letter regards an individual applying for funds from the Chinook fund at Taholah. h. not from a Chinook tribal account. Descendants had a right to their share of the fund.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to them being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/14/1929- 6/24/1930	letter to CIA [Ex. 986, 989, 990, 994, 995 and 997]	Correspondence from Superintendent. Sams seeking the government's assistance in supporting the fishing rights for the Quinault and Quileute Indians (George Charley lawsuit) and expressing discontent on the lack of experience in these matters that the attorneys had in these matters that were assigned to the case. He provides insight on the locations to find the best witnesses for the case (35 in all), however, none are named.	"Gaining land for the Snoqualmie to settle upon and the maintenance of fishing and hunting rights under the treaties were two issues that [Chief] Kanim spoke powerfully about. . . . Hunting and fishing rights were of great importance because the Snoqualmie hunted and fished extensively for subsistence purposes. Access to traditional hunting and fishing grounds was becoming increasingly limited because of competition with non-Indians and increasing restrictive game and fish laws. Land and hunting and fishing rights were thus clearly issues of significance and concern to the Snoqualmie as a whole." (Snoqualmie PF 1993, 25)	No Indians are named, but the letter implies that old Indians and white witnesses who knew what was going on in treaty times are living in the cited locations. Sams cannot get the CIA to respond and he cannot get the War Dept. or the State of Wash. to respect the Indian fishing rights. He spends all his time writing letters, begging for support. There is not enough information to understand if the petitioner is involved in this dispute.	This document does not provide evidence that the petitioner meets (b).
9/20/1929	letter to CIA [Ex. 988]	letter from Sams re: Loyal Clark, Jr. (age 17) wants to invest some of his money in Japanese seed oysters to plant in the 66 acres of oyster lands he now owns in Willapa Harbor. His father will teach him the business	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This shows that Loyal Jr. was Indian with an account at Taholah h, and that his father was white. No specific mention of tribe or residence, though it implies that Clark lived at Willapa harbor area. There are Clark descendants in the current CIT/CN membership.	
1930-1939	Newspaper articles from the <i>The South Bend Journal</i> , <i>South Bend Journal</i> , <i>Raymond Herald</i> , and the <i>Skamokawa Eagle</i> . (Ex. 1127-1133, 1135-1148)	Anonymous articles highlighting the "Bay Center" section with reference to various community activities and individuals in attendance, visiting of relatives and friends in neighboring towns, obituaries, fishing activities, etc., of known Chinook descendants [see drafted newspaper charts]		This is evidence that Bay Center people continued to visit Ilwaco long after 1880, the date the PF last accepts their living there.	This document provides evidence which supports the petitioner meeting (b) to 1930.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1930-1940	Typescript of oral history [Ex. 845]	Oral history "taken from Dolores Sund Guse" by Stephen Merwerher 11/11/1969		Story of "Grandma Pickernell" and her husband who traveled to Ilwaco from Bay Center every spring in the 1930's and 40's when the salmon ran and the clans were ready to dig. Says they pitched a tent apart from other Indians [not named] who came to Ilwaco. She wove baskets from the rushes along the waters edge, spoke in their language, description of the fish and berry diet, drying meat. They returned to Bay Center in the fall and stopped coming in the late 1940's when Grandma's health failed. "Editors note: Grandma Pickernell is Emma Lucier." The informant, Dolores Sund was born in 1910. Her grandmother was Emma Bouton, wife of Joseph Pein, her mother was Mary Ann Pickernell. The editor's note may not be correct.	
1/15/1930	letter to CIA [Ex. 991] [**there is no Ex. 992, it was not submitted**]	Letter from Sams re: enrolling Fannie Charley McCrory Bungardier and her 5 children. She spent most of her life on the Georgetown or Quinault Reservation. Children born there, on a fishing scow in the Col River during salmon season, and one b. in the Indian Village at Bay Center. She is the daughter of George Charley, his mother was full Quinault and his father was Chinook		Shows family relationships and movements between reservations, Bay Center and the Columbia River, however, George Charley and Fannie Charley McCrory Bungardier do not have descendants in the petitioner's membership. The petitioner provides no analysis of this or other records showing how these families may have interacted with one another. Many records show the Charley family going between Bay Center, Wallapa Bay and the Columbia River. However, the petitioner's ancestors are not documented to be with them.	This document does not demonstrate that the petitioner meets (b)
1/21/1930	letter to CIA [Ex. 993]	Letter from Sams re: the problem of taking an accurate census of the Indians in the jurisdiction because they are widely scattered, summary shows that there were 278 Indians on Reservation and 797 Indians off Reservation	"Members of the group or their ancestors, identified as Shoshone and as living in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF, 1982, 3).	This document merely corroborates what was discussed in the PF - that the petitioner was distributed among several communities in SW Washington. However, it does not demonstrate that the petitioner meets (b)	This document does not provide evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/8/1910	letter to CIA [Ex. 996]	letter from Sams re: application of Paul E. Petit of Bay Center for money from his account	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Inquiry re: an individual account, no mention of tribal status or relationships. A local businessman states that Petit is capable of handling his money in a businesslike manner. From other sources we know he is of Chinook descent. He has direct descendants in the modern CIT/CN membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
6/24/1910	letter to CIA [Ex. 997]	Letter from Sams re: War Dept. constructing a wharf that will interfere with the Indians fishing on Sand Island		The petitioner has never submitted materials which would demonstrate that it was involved in this fishing with the Charleys. Therefore, the documents concerning this issue cannot be connected with the petitioner.	This document does not provide evidence that the petitioner meets (b).
7/28/1910	letter to CIA [Ex. 965]	Letter from Sams re: request from Henry Strong, 1/2 Indian of the Chinook tribe, b, and reared on the Columbia River, never affiliated or lived on Quinault. He was given an allotment by the agent between 1906 and 1913, probably would not be allotted now.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	There do not appear to be any direct descendants of Henry Strong in the petitioner's membership, his sister Ida Grace (Strong) Petit has direct descendants in the petitioner's current membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

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9/16/1930	Letter to CIA [Ex. 998]	Letter from Superintendent at Tadolah. re: annual census at Quinault Reservation. How he will attempt to comply with previous instructions by combining the Quinault and Quinault census rolls to get the entire number of enrolled and allotted Indians of the Quinault Reservation		There is no mention of Chinook individuals or of the Chinook tribe. This is not unusual given the fact that the other tribes or remnants were considered affiliated with the Quinault	This document does not provide evidence that the petitioner meets (b)
11/4/1930	letter to CIA [Ex. 999]	letter from Sams re: letting 18 year old Loyal Clark, Jr. buy land in Bay Center	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Shows possible residence of Loyal Clark. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b)	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agency's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
1930>	Indian census roll/ instructions 1930- 1931 [ex 825]	[Ex. 825] Information & instructions for taking the Quinault census, and p. 1 of the 1930 census showing names, ages, residence, etc. [ex 826] 8pp of the 1931 census of Quinault	"Members of the group or their ancestors, identified as Shoshone and as living in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF, 1982, 3)	It is a census of Indians under the jurisdiction of Quinault, not a tribal roll of Chinook Indians	This document does not provide evidence that the petitioner meets (b).

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/3/1910	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, W.A. to Mrs. David Frank, Bay Center, WA, (Ex. 1185)	re: Explaining he is unable to increase funding for purchasing items for the children at Christmas	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b).	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/3/1910	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, W.A. to Mr. Frank Peit, Seattle, WA, (Ex. 1186)	re: gives an itemization of trees standing on his allotment and legal description of same	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Individual allotment account. Frank Peit has direct descendants in the petitioner's modern membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b).	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/6/1930	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Geo. Devers, South Bend, WA (Ex. 1187)	re: enclosure of a check payable to Emma M. Luscers "to be endorsed by her in payment of the balance she owes Lee M. Provo."	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Disbursement of funds from individual allotment account to pay living expenses. Alex and Emma Luscers have at least 7 descendants in the current membership list. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b)	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
12/12/1930	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Alexander Luscers, Bay Center, WA, (Ex. 1188)	re: grocery bill of \$ 140.00 still unpaid even after being sent funds to cover same, expressing dissatisfaction over how he is spending the money to take care of their needs.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b)	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/13/1930	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Ellen Amelia Nunes, Mrs. Merrius Amelia Zahner, and Mrs. Mary Amelia Baker, Cathlamet, WA (Ex. 1190)	re: responding to their request on when payments are due regarding logging on their allotment; advised no funds available until 10/1931 per the logging contract	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	At least 40 direct descendants of Ellen (Amelia) Nunes are among the petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b).	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/16/1930	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Nina McBride Miller, Bay Center, WA (Ex. 1191)	re: distribution of funds for living expenses	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Nina (Lane) McBride has at least nine direct descendants among the petitioner's membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b).	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
01/06/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to St. Vincent's Hospital, Portland, OR (Ex. 1192)	re: submitting payment on behalf of Mrs. Lizzie Pickernell Johnson (Mrs. Iver Johnson) for full payment of her hospital account	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner	These actions by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b)	These documents do not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
01/06/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Frederick D. Murphy, Cathlamet, WA (Ex. 1193)	re: requesting addresses for his former stepchildren and step grandchildren for the benefit of the Examiner of Inheritance for the James and Susan Julius estates	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Ellen Springer (with allotment #595) has at least 46 direct descendants in petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
01/06/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Frank Springer, Bay Center, WA (Ex. 1194)	re: in receipt of 1/5/1931 letter requesting info on the status of the Elizabeth and Ellen Springer allotments informing him that no funds will be available until 10/1931	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Ellen Springer (with allotment #595) has at least 46 direct descendants in petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
01/08/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Leda Clark Reed, Bay Center, WA (Ex. 1195)	re: update on status of logging on their allotment due to recent rainy weather	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
01/08/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Collector of Customs, Aberdeen, WA (Ex. 1197)	re: their sending a bill for payment for clothing purchased for Claude Wain, however, since no funds are on account for him with this office, the bill is being returned.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	These actions by the agency were done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	These documents do not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
01/08/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Mingo Ametha, Cathlamet, WA (Ex. 1201)	re: enclosed bill of sale for a fishing boat to Alfred Corwin, an Indian under this jurisdiction from Andrew K. Anderson, requesting review and comment of documents	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	These actions by the agency were done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	These documents do not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
01/09/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Emma Lusiers, Bay Center, WA (Ex. 1199)	re: requesting statements from her for taxes due on her places, and estimates for home improvements for her places so that he can send her payment for same, but cautioned that her funds were not unlimited. re: requesting additional information for the Washington Office about the lack of information on Mr. Lusiers' death certificate	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	These actions by the agency were done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	These documents do not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Applicable	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
01/14/1931	Letter to CIA [Ex 961]	Letter from Superintendent at Taholah re: Joseph Wain wanting to loan \$400 to his grandson, Claude Wain re: enclosing check for doctor and hospital services rendered for Mrs. Nina Salafike McBride's 6 day hospital stay	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Other records indicate Mr. Wain was of Chinook descent, but this is an individual request for money for a family member by a man with an allotment on Quinalt. These actions by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	These documents do not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
01/14/1931	Letter from N. O. Nicholson, Superintendent, Taholah to Indian Agency, Hoquiam, WA, to Dr. A. L. MacLennan, Raymond, WA (Ex. 1200)	Letter from N. O. Nicholson, Superintendent, Taholah to Indian Agency, Hoquiam, WA, to Mr. W. P. Cressy, South Bend, WA (Ex. 1201)	re: enclosing check to the Men's Shop for articles purchased by Mrs. Emma Miller Luscers and other matters. re: enclosing check for payment of services for Mrs. Emma Miller Luscers	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
01/14/1931	Letter from N. O. Nicholson, Superintendent, Taholah to Indian Agency, Hoquiam, WA, to Mr. Mingo Amelia, Cathlamet, WA (Ex. 1203)	re: assessment of trees standing (figures given in board feet) for his allotment	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
01/15/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Dr. M. W. Farrell, South Bend, WA (Ex. 1204)	re: returning his bills for services rendered for "Misses Nina and Rose Calhoun" and Mrs. Emma Willett Luscers; for additional documentation. re: grocery bill for George Charley, a Quanalet Indian informing them Mr. Charley has no money on account now, but would make arrangements to pay his bill once funds have been received in his account.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	These actions by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	These documents do not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
01/19/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Quality Grocery, Inc., Montesano, WA (Ex. 1205)	re: returning bill for items furnished Nina McBride, stating that his office is unable to pay for items sold to Indians without pre-authorization on a purchase order.			
01/20/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mr. Joe Shorne, South Bend, WA (Ex. 1206)	re: returning bill for proper signatures on behalf of Emma Millett Luscers			
01/21/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Dr. W. M. Farrell, South Bend, WA (Ex. 1207)	re: remitting checks for the continued care of Rose and Clifford Corwin and will continue to do so on a monthly basis.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
01/22/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mrs. Rosa Pickemell, Bay Center, WA (Ex. 1208)	re: unable to assist him with selling his timber or his timbered allotment since the office doesn't approve the sale of separate timbered allotments, only unit sales since the prices are so much higher for same.			
01/24/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mr. Mingo Amelia, Cathlamet, WA (Ex. 1209)	re: responding to request for a new header for which he is enclosing a purchase order to cover same			
01/28/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mrs. Vera Wilson Barbachio, Bay Center, WA (Ex. 1210)				

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
02/03/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Leda Clark Reed, Bay Center, WA (Ex. 1211)	re: glad to hear her son Albert is back in school completing his high school education, and no cutting having done on her allotment at this time	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/6/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Loyal Clark, Sr., Bay Center, WA (Ex. 1212)	re: enclosing a check payable to Loyal Clark, Jr., for the purchase of seed oysters.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/6/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Lottie Wain, Bay Center, WA (Ex. 1214)	re: unable to provide an advance towards his small interest in the Elizabeth Springer allotment to use as a rent payment for a boathouse in Aberdeen	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/10/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Charles Wain, Jr., South Bend, WA (Ex. 1215)	re: enclosing payment for books purchased on behalf of Charles Wain, Jr.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/10/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Dickinson Furniture Company, Raymond, WA (Ex. 1216)	re: enclosing payment for the funeral and burial expenses of Alexander Lusciers, deceased	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/7/1931	Agreement from Claude Wain to repay Joseph Wain account, Bay Center, WA (Ex. 1217)	re: a promissory note to repay a loan on funds drawn from the Joseph Wain account for the benefit of Claude Wain	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/11/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Claude Wann, Bay Center, WA (Ex. 1218)	re: cover letter for the above promissory note agreeing to release the money once he has received the signed note back in his office.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/11/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mr. Joseph Girard, County Treasurer, Cathlamet, WA (Ex. 1219)	re: enclosing payment for the 1930 taxes levied on the property of Agnes Ellom			
2/12/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Leda Clark Reed, Bay Center, WA (Ex. 1220)	re: replying to her letter requesting info on when she can expect payment for timber to be cut on her allotment.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/12/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mr. Antoine Brignon, Cathlamet, WA (Ex. 1221) (Note: no Ex. 1122)	re: responding to his request for information on the next advance payments for the allotment contracts of Elizabeth Springer and Ellen A. Springer			

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/18/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Emma Millet Lusciers, Bay Center, WA (Ex. 1223) <i>(Note: no Ex. 1122)</i>	re: expressing regret at the hospitalization of her son Antone, wishing him a speedy recovery, and suggesting they dismiss the special nursing staff for his care as soon as it is safe to do so to cut down on costs	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/20/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Hon. Arthur Griffin, Attorney, Seattle, WA (Ex. 1224)	re: reference to his 2/14/1931 letter in response to a notice of overpayment on his fees from the Indian allotment accounts and ways to handle the correction	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/21/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Miss Nina Calloun, Seattle, WA (Ex. 1225)	re: responding to her request for when payment might be expected for timber cut on her sister Rosa's allotment and also provided an update that Mary Wagner's allotment timber had not even been sold, so no prospect of income any time soon	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
2/24/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Agnes Elliott, Altonna, WA (Ex. 1226)	re: checks he has been sending to meet their needs and notice of reduced amounts in the future to help it last for a longer period of time	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/24/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to First National Bank, Raymond, WA (Ex. 1227)	re: responding to their recent letter regarding Mrs. Edna Clark Olsen and her desire for an advance payment on funds due her to complete a land purchase	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/24/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. George Charley, Taholah, WA (Ex. 1228)	re: approval of a loan payable to George Charley at the request of Stanley Charley	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/27/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Frank H. Pett, Seattle, WA (Ex. 1229)	re: his recent letter concerning checks payable to Mrs. Ida Strong Pett and Mrs. Nora Pett Childster having been deposited into a now collapsed Puget Sound Savings and Loan Assoc. Advised their recourse is the same as other depositors, no special treatment because they are Indian	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
4/3/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to The Pacific State Bank, South Bend, WA (Ex. 1230)	re: advising of advance payment due Mrs. Leda Clark Reed, and agreeing to make this payment to the bank for advancing this amount to Mrs. Reed now once it is received			
4/4/1931	Letter to CIA [Ex. 962]	letter from Superintendent at Taholah re: forwarding briefs by Mr. Smiley on the fishing cases			
4/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. W. P. Cressy, South Bend, WA (Ex. 1231)	re: request for repairs for David Frank's boat to be paid from Emma Willett Juschers account, requiring her approval before payment can be made			

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Dr. M. W. Farrell, South Bend, WA (Ex. 1232)	re: enclosing payment for services rendered to Alex Luscers, Jr., son of Mrs. Emma M. Luciers	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
4/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Frances S. Anderson, South Bend, WA (Ex. 1234)	re: enclosing payment for room rental incurred by Mrs. Emma M. Luciers while her son was in the hospital			
4/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to South Bend General Hospital, South Bend, WA (Ex. 1235)	re: enclosing payment for professional services rendered Arnone Luscier			
4/8/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Henry Franklin, Bay Center, WA (Ex. 1236)	re: sending approval of assignment of payment to the Willapa Point Oyster Co., Inc., on his behalf from his 1/9th interest in the allotment of Elizabeth Springer.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Petition	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/10/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. W. P. Chesay, South Bend, WA (Ex. 1237) Agreement from Emma Lusbers to N. O. Nicholson to pay the John Foss Company for boat repairs from her account, (Ex. 1239)	Boat repairs for Mrs. LUSBER and her son, through Mr. Foss, making payment for same from her account Authorization to pay a charge for boat repairs on funds drawn from her account for the benefit of her son, David Frank	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
4/13/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Dr. J. M. Bammer, South Bend, WA (Ex. 1240)	enclosing payment for professional services rendered Vna Wilson Banchio	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/17/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to South Bend General Hospital, South Bend, WA (Ex. 1245)	re: enclosing payment for professional services rendered Dewey Barchio, husband of Vina Wilson Barchio	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
4/17/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Dr. J. M. Barnert, South Bend, WA (Ex. 1241)	re: enclosing payment for professional services rendered Vina Wilson Barchio's husband, and glasses for herself			
4/18/1931	Letter to CIA (Ex. 963)	Letter from Superintendent Nicholson re: Loyal L. Clark, Jr. Quintall allottee desires to build an oyster boat, he was b. in 1912.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	No tribe mentioned, cites that he has a lot of money in his account and is industrious. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Appl. caption	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/24/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Dr. Albert Mathieu, Portland, OR (Ex. 1242)	re: enclosing payment for services rendered Mrs. Lizzie P. Johnson, "an Indian woman" of South Bend, WA	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
4/24/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Dr. Lester Owens, Raymond, WA (Ex. 1243)	re: enclosing payment for services rendered Irvin Johns	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.		This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
5/6/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Principal of Schools, Ilwaco, WA (Ex. 1246)	re: request for them to return the enclosed postcards with information concerning attendance of Indian students at their schools	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.		This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/6/1911	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Clyde Clark, Bay Center, WA (Ex. 1247)	re: approval for him to accept loan funds from Pacific State Bank to be repaid from funds due him from his allotment once they are received for the sale of timber	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/6/1911	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Leeda Clark Reed, Bay Center, WA (Ex. 1248)	re: approval for her to accept loan funds from Pacific State Bank to be repaid from funds due her from her allotment once they are received for the sale of timber	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Submission	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. J. H. Dally, Bay Center School, Bay Center, WA (Ex. 1249)	request for them to return the enclosed postcards with information concerning attendance of Indian students at their school	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed or that the petitioner meets (b)	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Sampson Oliver, South Bend, WA (Ex. 1252)	re: enclosing check as she requested and states "You are a fee patented Indian..."	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Principal, South Bend School, South Bend, WA (Ex. 1254)	re: notifying him that Irving Lewis has no funds on account with his office and that he should seek repayment from Mr. Lewis for any indebtedness incurred by him			
5/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Nathan Pickernell, Bay Center, WA (Ex. 1250)	re: request for them to return the enclosed postcards with information concerning attendance of Indian students at their school			
5/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Fred M. Bond, South Bend, WA (Ex. 1251)	re: enclosing check for payment as a loan to him from Lizzie Pickernell Johnson to be repaid by the first funds received to his credit			
5/7/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Fred M. Bond, South Bend, WA (Ex. 1251)	re: enclosing check payable to Vina Wilson Barnhio to be endorsed for her for payment for services rendered by him for handling her divorce from her husband.			

Date of Appli- tion	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/9/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mr. Earl Johnson, Bay Center, WA (Ex. 1255)	re: requesting more information from him on why he wants to buy a car, what his intentions are for its use, and asking for authorization to pay for same from his funds on account	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
5/11/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Principal, Ilwaco Schools, Ilwaco, WA (Ex. 1256)	re: request for them to return the enclosed questionnaire with information concerning attendance of Indian students at their school			This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
5/11/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Principal, South Bend High School, South Bend, WA (Ex. 1258)	re: request for them to return the enclosed questionnaire with information concerning attendance of Indian students at their school			This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/12/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Loyal L. Clark, Jr., Bay Center, WA (Ex. 1239)	re: request for funds for the expenditure of building an oyster boat by him per his recent request for same	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/12/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. W. P. Cressy, Postmaster, South Bend, WA (Ex. 1261)	re: enclosing payment payable to Emma M. Lisciers for her endorsement to pay for rebuilding of the launch "Atlas"	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/13/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to The Portland Clinic, Portland, OR, (Ex. 1260)	re: enclosing payment for professional services rendered Mrs. Iver Johnson (Lizzie Pickernell Johnson)	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/16/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Florence Funk, South Bend, WA (Ex. 1262)	re: informing her that unless logging begins on the Maria Teizan allotment no funds will be forthcoming until October	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestor provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
5/16/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Florence Funk, South Bend, WA (Ex. 1263)	re: enclosing check for professional services rendered David Luciers which had been approved by Emma Milten Luciers	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestor provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
5/16/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Frank H. Pett, Seattle, WA (Ex. 1264)	re: lawsuit affecting allotments on the Quinalt Reservation will likely not be settled for some time and his request to exchange allotments had been turned down	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestor provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/20/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mr. W. P. Cressy, Postmaster, South Bend, WA (Ex. 1265)	re: enclosing check payable to Emma M. Luciers for her endorsement to pay John Foss for boat repairs for the "Atlas"	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/20/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Pacific State Bank, South Bend, WA (Ex. 1266)	re: enclosing check payable to Loyal L. Clark, Jr. which he requested be sent to the bank	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/23/1931	Letter from N. O. Nicholson, Superintendent., Taholah Indian Agency, Hoquiam, WA, to Mr. Levi Graham, Olympia, WA (Ex. 1267)	re: enclosing check for payment of labor and materials furnished Willie Frank	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/27/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Bessie Pakenell, Bay Center, WA (Ex. 1268)	re: giving her an estimate of her account and advising her to have her and her children's tonsils and adenoids removed by Dr. Alley at the Tacoma Indian Hospital	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
6/3/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Joe Wain, Bay Center, WA (Ex. 1269)	re: his letter of 6/1/1931 concerning the last will of Bob Wain, advised he was declared not competent since he was in a dying condition at the time it was made and signed	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
6/3/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mrs. Emma Miller Luscers, Bay Center, WA (Ex. 1270)	re: he is in receipt of authority to purchase a Chevrolet sedan per her request and will gladly complete the transaction at her convenience			

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
6/3/1931	Letter from N. O. Nicholson, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Mr. Earl B. Johnson, Bay Center, WA (Ex. 1271)	re: he is in receipt of authority to purchase a car per his request and will complete the transaction at his convenience	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
6/18/1931	Letter to CIA (Ex. 964)	letter from Superintendent at Taholah re: request from Frank E. Pent of Seattle, allotted on Quinalt who wants to sell or trade his allotment	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	Without the list, it is difficult to evaluate this document.	This document does not demonstrate that the petitioner meets (b).
7/29/1931	letter to CIA (Ex. 966)	letter from Superintendent re: 1930 report of 696 "unattached Indians" of Taholah Indian Agency, but no list of Indians is attached	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Does not mention tribe. Although Amone Lusciers name appears in the Chinook genealogies, he does not have descendants in the CIT. Frank Pickernell does not appear in the genealogies and does not appear to have descendants in the CIT membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
8/5/1931	letter to CIA (Ex. 967)	letter from Superintendent at Taholah re: Frank Pickernell, Quinalt allottee requests a loan from Amone Lusciers, who is 20 years old			

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/8/1931	Letter to CIA [Ex. 908]	Letter from Superintendent at Taholah re: a request from Mrs. Florence Petit Kyos, for a loan from her father, James Quinault allottee. Mrs. Kyos agrees to repay the loans. Mr. Petit was b. 1857	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	James Amable Petit has direct descendants in the petitioner's current membership; however, none known through his daughter Florence (Petit) Kyos. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
9/8/1931	Letter to CIA [Ex. 909]	Letter from Superintendent re: Emma Millen Lusciers loaning money to her grandson Frank Pickernell to purchase a truck. She was b. in 1877	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Emma (Millen) Lusciers has direct descendants in the petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
10/4/1931	letter to CIA [Ex. 970 and 973]	letter re: deed from owner Ethel H. Somers, a widow to Lizzie Johnson, a Quinault allottee, who is requesting \$ to purchase some land from Mrs. Somers in Pacific County. Mrs. Johnson is mother of 2 minor children Fernil and Margaret. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Good for showing residence in 1931. Lizzie (Puckernell) Johnson has direct descendants in the petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/3/1931	letter to CIA [Ex. 971]	letter from Superintendent at Taholah re: meeting of the business committee at Quinault		Does not mention anything related to Chinook	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/9/1931	letter to CIA [Ex. 972]	letter from Superintendent at Taholah re instructions given to Charles Koblin, re allotments on Quinault and the subsequent lists of persons entitled to allotments, and the children of allottees, and how much land has been allotted, but no mention of names or tribes.	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3).	The activities on Quinault do not relate to the petitioner.	This document does not demonstrate that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1932 ca	<p>Petitioner's Exhibit D: Beckham, "Allotment Act"</p> <p>BIA letter to petitioner, 12/17/1997, pp.4-7</p> <p>PF Summary, 6, 8</p> <p>HTR, 25, 31-32, 38-44, 49</p> <p>AT, 3, 38, 47, 8, 70</p> <p>BIA 1907-1933 [Allotment Ledger at BIA Agency, Hoquiam, WA]</p> <p>Index to Quinault allottees at BIA Agency, Hoquiam, WA. Copy in BAR Historian's files.</p> <p>Petitioner's PF submission, "Supplemental Response to Letter of Obvious Deficiency Review," 37-48</p> <p>Petitioner's PF Exhibits 539-580</p>	<p>In Exhibit D, Beckham notes that individuals of Chinook descent received allotments on the Quinault reservation after the <i>Halbert</i> decision of the Supreme Court in 1931. Beckham cites two 1934 documents to note that allotments on the Quinault reservation were issued in 1933 and 1934 (p.3). Beckham does not identify by name any Chinook descendants on those lists.</p> <p>The Historical Technical Report described in detail the allotment of Chinooks on the Quinault reservation both before and after the <i>Halbert</i> decisions of 1928 and 1931. The analysis in the Historical Technical Report was based on the complete allotment ledger, and an alphabetical index of all 2340 allottees, at the BIA Agency in Hoquiam, WA. The analysis of allotments in the Historical Technical Report was based on a database which included 468 allottees of Chinook descent (see HTR, 42).</p> <p>In Exhibit D, Beckham claims that Agent Robin's post-<i>Halbert</i> allotment work was documented in the petitioner's Exhibits 539-656 submitted for the Proposed Finding (p.3). Actually, only Exhibits 539-580 match that description.</p>	<p>[Precedent that conclusions of the PF stand unless reversed by new evidence.]</p>	<p>Beckham's discussion of allotments on the Quinault reservation, in Exhibit D, ignores the analysis of allotments in the Historical Technical Report prepared for the Proposed Finding. Exhibit D does not present any new evidence about the allotment process after <i>Halbert</i> nor identify any additional allottees.</p> <p>Beckham makes no explicit argument that the evidence in Exhibit D meets criterion (b).</p> <p>Beckham alleges that the BIA staff did not review the petitioner's selection of affidavits collected by Agent Robin after the <i>Halbert</i> decision (p.3). In fact, the Historical Technical Report cited some of the affidavits collected by Robin (HTR, 32, 45-46, for Elliott 1932, Bates 1932, Oliver 1932). That report cited the affidavits themselves, not Beckham's quotations from them in a submission for the Proposed Finding. The Anthropological Technical Report discussed the 1932 applications and used them to compile information on social and kinship relations (AT, 3, 38, 47, 68, 70). The BIA also discussed those affidavits in a supplemental letter to the petitioner (12/17/1997). That letter noted that the visiting practices described in the affidavits generally had occurred in the distant past, not in 1932. In short, the evidence in the petitioner's selection of affidavits did not demonstrate the continuous existence of a social community up until the 1930s. Beckham advances no explanation of how the evidence in those applications would change the conclusions of the Proposed Finding.</p>	<p>Exhibit D does not identify any error in the BIA's research that would require a change in the BIA's analysis of the allotment data. The allotment information in Exhibit D does not provide any basis for changing the conclusions of the Proposed Finding.</p>

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1932	recapitulation of census for 1932 [ex 827]	recapitulation of the census of the "Combined Quinault, Quileute, Chinook, Chehalis and Cowlitz Tribe of the Quinault Reservation." separate sheet for each tribe	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	Numbers only for each group represented, this is a census of Indians enrolled/allotted at Quinault Not an acknowledgment of a tribal entity. No chiefs/leaders, etc. cited. Just a census	This document does not demonstrate that the petitioner meets (b).
1932	Indian census 1932 [Ex. 828 p.1-6, p.7-9, and p.10-17]	There are 3 parts to this set of documents: 6 pages of the 1932 census showing names "added by the Indian office and Supreme Court Decision granting allotments;" 3 pages of births from 1925-1928; and 7 pages of "Taholah h Indian Agency Unattached Indians; Deaths; exclusive of stillbirths July 1925-June 1926 [in reality, includes deaths thru 1931]	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	The Quinault allottees represent only a very small proportion of the membership. The fact that they appear on these lists for Quinault does not demonstrate that the petitioner meets the criterion for community.	This document does not demonstrate that the petitioner meets (b).
	letter to CIA [Ex. 939]	letter from Superintendent at Taholah re: using funds from Antoine Lusciers account to pay for the repairs on his mother's car. Mother is Emma Millet Lusciers, widow of Alexander Lusciers, and bill from auto shop	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
6/1/1932	letter to CIA [Ex. 940]	list of birth and death records for 9 individuals at Quinault, one of whom is identified as Chinook	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	The one Chinook on this list is not a member of the CIT, but her sister is a member. This demonstrates nothing about a possible Chinook community.	This document does not demonstrate that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
6/10/1932	letter to Myrtle Woodcock [Ex. 843] [also Ex. 855]	letter from Attorney Griffin, asking for names of those who can give evidence of the boundaries of the 3 Chinook bands and if they will be in Seattle when the judge is there. He states "It is not that I wanted to divide the Chinook Tribe into bands to obtain information as to the boundaries of the 3 bands" 2 pp		Apparently Mrs. Woodcock in South Bend had contacted him previously, as he thanks her for the "recent favor." This letter implies that Mrs. Woodcock was familiar with other, maybe older Chinook who could provide testimony. It may imply some leadership role for Mrs. Woodcock.	This document does indicate that the members of the Petitioner were known to one another and provides supporting evidence for (b)
7/12/1932	letter to Superintendent Taholah [Ex. 913]	Letter from Red Cross at Astoria re: two families, one moved from Astoria area to Dahlia and one from Dahlia area to Astoria, both applied for allotments on Quinalt and both applied for aid/Red Cross. Asks can the Indians who are entitled to land also be entitled to aid?		The two families referred to in this letter do have descendants in the CIT membership and have Chinook descent through their father, George Ero.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
7/13/1932	letter to Red Cross [914]	letter from Superintendent Nicholson saying the persons have no status at this time as enrolled Indians under this jurisdiction. But even if they were enrolled, they are also eligible for any aid available any other citizen from the state, county, or Red Cross.		The Red Cross is apparently saying that Indians would not be getting state aid, but must go to the agency for support. The women are not under the jurisdiction of the agency. The letter contains no information relevant to demonstrating that the petitioner's ancestors interact in community.	This document does not change the position of the PF that activity on behalf of an individual, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
8/19/1932	letter to CIA [Ex. 9421]	letter from Superintendent at Taholah re: Mrs. Emma Millert Lusiers obtaining funds for visiting Irvin Johns in a sanitarium in Portland	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Emma's daughter-in-law Maggie is the aunt of Irwin/Irvin Johns. This shows visiting among in-laws This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document corroborates visiting among people at Bay Center. This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
8/13/1932	letter to CIA [Ex. 8681]	letter from Superintendent at Taholah with corrections to the statistical report. Shows that page 17 1/2 is for "new tribes of Quin Reservation (Cowlitz, Chehalis, and Chinook)"		The fact that there were Chinook descendants on the Quinault Reservation has no bearing on whether or not the Chinook petitioner maintained its community at this time.	This document does not demonstrate that the petitioner meets (b).
11/1/1932	letter to CIA [Ex. 9411]	letter from Superintendent at Taholah re: not being able to make funds available to Mrs. Paul Petit even tho her house burned due to funds not being available. She does not live on her allotment at Quinault but in Bay Center, as "it would be impossible for her to live on or build on her own allotment...."	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Does not show tribal relations, but shows Mrs. Paul (Mary Banchio) Petit lived at Bay Center and was allotted on Quinault. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/4/1932	letter to CIA [Ex. 956]	letter from Superintendent re: the proposed adoption of 11 individuals and why the Qunault Business Council decided to adopt or not each of these people. Mrs. Sam, Pickernell, Mrs. Oriant Coltee, Mrs. Dewey Wain, and Mrs. Mitchell James were unfavorably voted on, because they were not Qunault Indian blood . . . any recognition on behalf of them as Indians should be obtained for them through the tribes to which they are eligible.	In the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley Pf 1982, 3)	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the accounts activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
11/5/1932	letter to CIA [Ex. 957]	letter from Superintendent re: Mary Barichio Petit, Qunault allottee getting a loan from Emma Millett Luscers. These two women are first cousins once removed cousins (1 st or 2 nd removed?). This is regarding a personal account, not a tribal entity.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.		

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/22/1912	letter to CIA [Ex. 958]	Letter from Superintendent at Taholah re: last will of Anne Snell Pickernell to provide for her 2 minor children, Samuel (Picknoll) Pickernell Jr. and Violet Ann Picknoll, and her brother Robert Snell. Mentions her father, (not named) is still living and that the father of the 2 children, Samuel Pickernell is married and has another family.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This letter refers to a will and defines some familial relationships. The petitioner's current membership includes this Samuel Pickernell Jr., and well as his children and grandchildren.	This document does not change the position of the PF that the accounts activity on behalf of an individual, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/13/1912	letter to CIA [Ex. 959]	letter from Superintendent at Taholah re: request from Elmer Wilson for a loan from Lizzie Pickernell Johnson, which he agrees to repay from his timbered allotment	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This appears to be a loan from mother to her son. It does not provide evidence of a tribal entity. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/13/1912	letter to CIA [Ex. 960]	letter from Superintendent at Taholah re: loan from Mrs. Emma Millet Lusciers to Mary Barichio Petit, getting a signed statement from Mrs. Lusciers			
1933	Indian census 1933 [Ex. 829]	169 pages of the microfilm of the census of Taholah h agency/Quin reservation. Roughly alphabetical, i.e. all a's together, all b's, etc. shows the residences name, age, tribe, relationship to head of house, etc.		Does not include a listing of members of a Chinook Tribe	

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/20/1933	letter to CIA [Ex. 943]	56 pages/roughly alpha order. Same information as the prior	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, descends (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Does not include a listing of members of a Chinook Tribe This letter is helpful in showing that Earl Johnson and his mother, Lizzie Pickernell were living in South Bend in 1933. Both were allotted on Quinault. Lizzie (Pickernell) Johnson has direct descendants among the petitioner's current membership; however, none known through her son Earl Johnson. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed	This document does not change the position of the PP that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
1/28/1933	letter to CIA [Ex. 944]	letter from Superintendent at Taholah re: instructions on how to record the 62 Chinook, Cowitz, and Chehalis Indians who had been allotted on Quinault and were on the 1932 Quinault Census, as per <i>Halbert v. US</i> , which placed these 62 on the Quinault Roll.		"They are listed on the Quinault Roll as 40 Indians of the Chinook Tribe, 15 were enrolled as of the Chehalis Tribe and 7 more were enrolled as Cowitz Indians, allottees of the Quinault Reservation." The Superintendent is asking for instructions "Inasmuch as there will be much more work incident to the compilation of census roll of the TA this year owing to the fact that several hundred Indians are to be placed on the rolls." There is some representation of persons on the Ex. 910 list in the petitioner's current membership [Ex. 828 not available]	Based on Halbert this list indicates that these Indians were interacting with other Indians. It is supporting evidence of a community, but few of these persons are ancestral to the petitioner

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
3/9/1933 and 3/10/1933	letter to Taholah h Ind. Agency [893] and [Ex. 896]	letter from Bridge Clinic inquiring if the agency was responsible for paying the bill of A. J. Reed, David Frank, and Donald Gracy of Bay Center and Mrs. Earl Johnson of South Bend	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This is a request for information on who is responsible for paying individual's bills. No tribe is mentioned. This is useful for showing residences, but not for showing a tribal entry. Of the names on this list, Reed and Gracy are not Chinook ancestors, but Frank (and possibly Johnson) have descendants in the membership. David Frank has direct descendants among the petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
3/11/1933	letter to Bridge Clinic [Ex 893]	letter from the Superintendent, stating Mr. Reed has no account, David Frank has no funds, and not expected to have any in the near future and that his mother, Mrs. Emma Luciers, has not authorized funds to be spent from her account; that Mrs. Earl Johnson has no account, and Donald Gracy is allotted on Quinn, but he does not have funds to his credit.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	David Frank and his mother Emma are both represented in petitioner's current membership. No known descendants of Mrs. Earl Johnson or of Donald Gracy in current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
3/14/1933	letter to CIA [Ex. 867]	letter from Superintendent at Taholah h re: compiling the annual census and statistical report for Chehalis Ind. allotted on Quinault and they "should continue to carry Chehalis allottees on the Chehalis census rolls; the Chinook allottees on the Chinook census rolls; and the Cowitz on the census rolls of that tribe."			Based on Halbert this list indicates that these Indians were interacting with other Indians. Is supporting evidence of a community, but few of these persons are ancestral to the petitioner.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
4/3/1933	letter to CIA [Ex. 945]	letter from Superintendent at Taholah re: Mrs. Alice Prior Layergren (age 39) of South Bend getting a loan from the Indian Service, on her timbered allotment on Quinault	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	The letter says she is "one of a large group of Indians who will receive allotments as a result of a recent Supreme Court decision." This does not show a Chinook tribal entity. She has descendants in the petitioner's membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
4/20/1933	letter to CIA [Ex. 946]	letter from Superintendent at Taholah re request from Elmer Wilson for a loan from Lizzie Pickemell Johnson, both are Quinault Allottees	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	No tribe and no locations mentioned, refers to a similar request made in Jan. 1933 by the same parties. Mrs Johnson agreed to the loan [to her son], but the Superintendent recommends not approving the loan. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/25/1933	letter to Nicholson [Ex. 9151] and [Ex. 916]	letter from Pacific Co. Welfare Board re: are funds being received by the following families: Robert Gracey of Bay Center, Leda Clark Reed of South Bend, Anna Clark Rhoades of Bay Center, and Gus and Nathan Pickernell of Bay Center		This may be useful in determining residences in the 1930's, but it does not show tribal relations [see Ex. 916 for response]. Robert Gracey, Leda (Clark) Reed, and Anna (Clark) Rhoades are represented in the petitioner's current membership; no descendants identified for Gus or Nathan Pickernell. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
6/15/1933	letter to CIA [Ex. 8661]	letter from the Superintendent at Taholah re: the annual census, explaining the increase in numbers and that allotment #'s do not appear on the census because they were not received until after April 1. (Letter not signed)		"Instructions from the Office this year indicated that Indians should be listed by exact tribes, which necessitated a segregation of Indians by mixed tribes, whereas they had formerly been listed as Quinalticus, Quileutes, Chehalis, Chinooks or Cowlitz. Due to the increased number of tribes reported this year..."	Based on Halbert this list indicates that these Indians were interacting with other Indians. Is supporting evidence of a community, but few of these persons are ancestral to the petitioner.
7/31/1933	letter to a business in South Bend [Ex. 8941]	letter from Superintendent at Taholah re: bills for Ferrill Johnson, Earl Johnson and Antoine Lussters; the café will have to get the money from the individuals; the agency will not pay.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entry, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This does not identify a tribe or tribal relations and it does not answer any useful questions about the petitioner. Of these three men, only Ferrill Johnson is known to have a descendant in the petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
9/26/1933	Letter to CIA [Ex. 950]	4 pp. With "results of physical examinations, Makah and Quinault Reservations, J.E. C.W." showing there were 5 Chinook under the jurisdiction of Siletz agency and 4 under jurisdiction of Taholah Agency.		This exhibit does not name any of the Chinook and does not show them in tribal relations and there is no explanation of what this "physical examination" was about.	Based on Haight this list indicates that these Indians were interacting with other Indians. Is supporting evidence of a community, but few of these persons are ancestral to the petitioner.
11/16/1933	Letter to CIA [Ex. 948]	Letter from Superintendent at Taholah re: application for Educational loan on behalf of Bernard Anders Sund, Quinault Allottee	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Bernard Sund went to Ilwaco High and wants to go to Pacific University. Makes no mention of a tribe, but he is allotted on Quinault. Bernard A. Sund appears on the petitioner's current membership list.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
11/20/1933	Letter to CIA [Ex. 949]	Letter from Superintendent Nicholson re: Mary Barchio Petit wanting dental work for her children, she is allotted on Quinault	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Does not state a tribe or a residence for Mrs. Petit, only that she is an allottee. Mary Barchio Petit does have descendants on the CIT rolls.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/27/1933	letter to CIA [Ex. 951]	letter from Superintendent re: Joseph Brugnone son of Marilda Brugnone Reischman for a loan from Loyal Clark, Jr.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	These people do not appear to be closely related, although they are well represented in documents defining a network of Chinook descendants in Bay Center at this time. This document shows interactions among individuals in this network. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
3/15/1934	letter to CIA [ex.929]	letter from Nicholson re: loaning money to Joseph Brugnone citing a letter from Loyal L. Clark			This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/2/1933	letter to CIA [Ex. 952]	letter from Superintendent Nicholson at Taholah . re: loan to Mr. Earl F. Mechals, age 24, allotted on Quinalt	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	An Earl F. Mechals appears on the petitioner's current membership list. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/4/1933	Letter to CIA [Ex. 953]	Letter from Superintendent at Taholah re: letter from Allen Heimer of Allouana, WA who asks about allotments on Quinault for his 2 children, Gerald Allen Heimer and Marilyn Grace Heimer, when Mrs. Agnes Elliott was awarded a claim, but his children not	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner	The Superintendent explains that Mrs. Elliott's land was in the sale area but the Heimer allotments were not. Makes no mention of a tribe or tribal relations, but is an individual inquiry. This does show the residence of the Heimer family in 1933. Neither Allen nor these two children appear to be represented in the petitioner's current membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
1933-4	Indian census Taholah Agency for 1937 [Ex. 831]	2 p. [cover sheet and 1 page] of unreported live births between April 1933 and March 1934, one of the 3 children listed is shown as Chinook-Chelalis	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1934-1945	School census cards [Ex. 817-818] more census cards in [Ex. 820]	39 permanent School census cards showing child's name, parents names, tribe of each parent, child's birth year, when attended which school. 75 more school census cards		In [Ex. 817-181] 22 of the parents were identified as Quinault, 8 fathers as Chinook, 4 mothers as Chinook, 18 fathers as white, 2 fathers as quin and 12 mothers as Quinault 6 mothers as Quinault-Chinook, 2 as Chinook/Chetahis/Quin. Of the 100 students identified by these cards, 31 are on the petitioner's current membership list.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
1/5/1934	letter to CIA [Ex. 926]	3 pp. List of patents issued to Indians of Taholah in jurisdiction in 1933. Shows patent #, Allotment #, and patentee's name.	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3).	Of 124 must patents, 38 also appear on the petitioner's 1950's membership list.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1/15/1934	letter to CIA [Ex. 927]	letter from Superintendent Nicholson, re: expending money to Mrs. Mary Peit for dental treatment for her children Norris and Ellis Peit	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/28/1934	letter to CIA [ex. 928]	letter from Superintendent Nicholson, for a loan for Dewey and Vera Wilson Barichio, Quinault allottees and their 12 y/o minor son, Barnhart, also allotted. Dewey has a boat and a timber allot on Quinault	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	These people do not have descendants in the CIT. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
			<p>Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.</p>	<p>Joseph Brynne wants a loan to get a boat and support himself. Other friends who have excess funds are willing to make loans to friends... such as in this case. Loyal Clark has direct descendants in the modern membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.</p>	<p>This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).</p>
3/16/1934	letter to CIA [Ex. 930]	letter from Nicholson re: loan to Elmer Wilson.	<p>Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.</p>	<p>There is one man named Elmer Wilson in the CIT membership. This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.</p>	<p>This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).</p>
5/3/1934	letter to CIA [Ex. 931]	list of births and deaths of Tsholah Agency in rec'd in April 1934, shows the name, date and tribe.	<p>in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PE 1982, 3).</p>	<p>One name on this list is identified as of the Chinook tribe. This does not contain any information about the petitioner's community.</p>	<p>This document does not provide evidence that the petitioner meets (b).</p>

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/14/1934	letter to CIA [Ex 932]	letter from Nicholson re: education loans for Oma Woodrock	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	No mention of tribe or of a tribal entity. This is an individual rights issue, based on enrollment at Quinault	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
5/15/1934	letter to CIA [Ex 933]	4 pp. Letter from Superintendent Nicholson re: applications from 13 public school districts for tuition for Indian students. Total number of Indian students is given, but not the names of the children and does not identify any tribes. Clearwater 40; Tokeland 9; Dahlia 4; Quillayute High School 6; Neah Bay 120 ("all reside within the village, no transportation is needed"); Hunter's Point 3; Oakville 25; Taholah 70; "students all reside in the village"; Quillayute Dist. [#315] 30; Union High 7; Bay Center 13 "children all reside at Bay Center, a small village where they are able to go home for their noon lunch"; Skokomish 47; Oyster Bay 4; Moclips [approx. # of students - 7]	"Members of the group or their ancestors, identified as Shoshone and as living in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	This document does indicate that an Indian population lived at Bay Center and went to school together.	This document provides supporting evidence (at a minimal level) activity that the petitioner meets (b).
7/14/1934	letter to CIA [Ex 934]	letter from Superintendent at Taholah re: connections to the statistics and revised rolls for Quinault Reservation. No enclosures were attached		Names no members of any of the tribes, and no attachments to show the corrections	This document does not demonstrate that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
10/5/1934	letter to CIA [Ex. 933]	letter from Superintendent with the list of birth and death certificates in September 1934, one individual is identified as Chinook - Lewis S. Weston		This individual was not listed on the CIT membership list since his death occurred in 1934. This document does not include any information that would be useful in understanding the petitioner's community.	This document does not demonstrate that the petitioner meets (b).
11/28/1934	letter to CIA [Ex. 936]	4 pp. Letter with questions regarding the tribal census rolls and if the diff. tribes were to have separate rolls. This letter quotes previous instructions re: preparing the 1930 roll and the 1933 rolls and the various instructions given in counting the diff. tribes allotted on Quinault and how to deal with children who are allotted on Quin and have one parent allotted on Quinault. But another parent enrolled on another Reservation of this agency. "Also, in case of the birth of a child of 1/8, 1/16, or 1/32 Indian Blood, whose parent or parents are enrolled, should they be placed on the rolls of this agency? . . . When do the children of these mixed-blood Indians cease to be considered Indians on the tribal roll?"	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3).	One letter citing <i>Halbert v. US</i> says that certain Chinook, Chehalis and Cowlitz were entitled to allotments at Quinault, not as Quin Indians, but as of the tribes first mentioned. keep Chinook allottees on Chinook census, etc. The Superintendent responded that there had never been a Chinook census and that the agency had never reported them until the time they were allotted. It would take one employee traveling over many weeks "as we do not have a complete list of these tribes who live on the public domain." The next set of instructions was that they were not to have separate rolls, but to all be on Quinault. Then came the instructions that he had done it wrong, and should only list those living on the Reservation: "these persons were not made Quinault Indians by the decree of the court, and they should be enrolled, if under your jurisdiction as Chinook, Chehalis, and Cowlitz, rolls separate and distinct of the Quinault"	This document does not contain evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/13/1934	letter to CIA [Ex. 937]	letter from Superintendent Nicholson re: Mrs. Mary Pein. Quinault allottee, requests approval of a loan from Antoine Luscier to start a small restaurant in Bay Center. Antoine Luscier agrees to the loan.	"This criterion does not require that social interaction and relationships be uniform within the membership, but allows for the common circumstance where the main body of a group has substantial social ties while a periphery of membership has a lesser degree of social connection" (Snoqualmie PF 1993, 18).	No mention of tribes, but does show that Antoine Luscier was an allottee on Quinault, and that he had money in an account. It does show that there was a practice of individuals granting loans to other individuals from their accounts, so there may have been some relationship between the individuals, but there is no evidence from this record of a tribal entity. Mary and Antoine Luscier are second cousins.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/29/1934	letter to CIA [Ex. 938]	letter from Superintendent with list of trust patents issued at Taholah in 1934.	in the area, were carried on BIA censuses from at least 1916 through 1940" (Death Valley PF 1982, 3)	Of the 28 names of allottees, 12 appeared on the 1950's membership list and 4 appeared on the 1995 CIT/CN list.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
12/29/1934	letter to CIA [Ex. 954]	letter from Superintendent at Taholah re: August Pein of Chinook, WA. "one of a large group of mixed blood Indians who were recently allotted on the Quinault Reservation. Lives near the Col River, and he and others obtain their living by fish traps."		This letter has a great description of the land at Quinault and the inaccessibility of the allotments. Mr. Pein's allotment is one of the inferior allotments, "from the stand point of timber and land". August Pein does not have descendants on the CIT rolls.	This document does not contain evidence which would demonstrate that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1935	Indian census [Taholah h Agency for 1937][Ex. 832]	2 p. [cover sheet and 1 page] of unreported live births in 1935, 1 of 9 was Chinook	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
2/16/1935	Letter from John Collier, Commissioner, Indian Affairs, Washington, DC to Mr. N. O. Nicholson, Superintendent, Taholah h Agency (Ex. 1272)	re: in receipt of 2/5/1935 letter for several applications for reimbursable support loans--approval given for a loan for Catharine Petite Colbert, but not for Hilma A. Colbert.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
10/31/1936	Letter to Mr. R. Griffin (Ex. 883) and (Ex. 884)	Letter from Superintendent re: tract of land in Bay Center that belongs to Emma Lusiers, an heir of Sam Millett. Presumably the property is unrestricted and in that case the agency would have nothing to do with the sale of it. [responds to letter #884 from Mr. Griffin who wants to buy it.]	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	May be used to show the residence of Emma Lusiers in 1936, but does not show tribal relations between any family/tribal members at Bay Center	This document does not contain information that would demonstrate (b) for the petitioner.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/2/1938	Letter to Superintendent at Taholah [Ex. 897] and from agency [Ex. 898]	Mrs. F. G. Barreho and her sister (unnamed) want to take small children into their large house. They live alone and could take 1-6 children. The Superintendent responds that they have no Indian children available at present who need care.		Mrs. Frank Barreho is not an Indian, according to the CIT genealogies submitted in the 1950's. There are Barreho descendants in the CIT. This document shows that these very acculturated women of the petitioner are seeking Indian foster children.	This document provides supporting evidence that the petitioner meets (b)
8/18/1938	Letter to Paul Pent [Ex. 809] and Mrs. Chidester [Ex. 810]	Letter from Superintendent Nicholson of Taholah. He asks when Mr. Nora Pent Chidester will be in Bay Center or Seattle; he wants to talk to her re a deed/reforestation.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This is an individual inquiry re allotment. It does show that some of the Pent family lived at Bay Center in 1938. Nora (Pent) Chidester has descendants in the petitioner's current membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
7/21/1938	Letter to Mrs. Lena Barreho Calhoun [Ex. 812]	Nicholson is asking for the current address of Rose L. Calhoun.		The fact that Sams was able to go directly to Rose's mother in order to find her address indicates that he had good information on this family. However, the closeness of the two women's relationship does not indicate that individuals had a wide-ranging knowledge of others in the community.	This document does not provide evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
5/2/1939	letter to Nicholson [ex.811]	letter from Director of the Indian Division of the CCC re planting trees on Ferrill Johnson, allottee's land. Does not cite a tribe	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.		This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
1940-1949	Newspaper articles from the <i>The South Bend Journal</i> , <i>South Bend Journal</i> , <i>Raymond Herald</i> , and the <i>Skamokawa Eagle</i> . (Ex. 1149-1156)	Anonymous articles highlighting the "Bay Center" section with reference to various community activities and individuals in attendance, visiting of relatives and friends in neighboring towns, obituaries, fishing activities, etc., of known Chinook descendants [see drafted newspaper charts]	"This criterion does not require that social interaction and relationships be uniform within the membership, but allows for the common circumstance where the main body of a group has substantial social ties while a periphery of membership has a lesser degree of social connection" (Snoqualmie PF 1993, 18).	The articles were analyzed by BIA researchers and demonstrate that a distinct Chinook community existed at Bay Center until 1930. In addition, the show that Chinook people in Cathlamet and in Ilwaco maintained close connections with Bay Center through close kin ties.	These articles provide good evidence that the petitioner meets (b) for this time period.
1941-1947	Register of births for Taholah Indian Agency [Ex. 824]	22 pages from the registry showing father/mother and each one's tribe or census number, occupation of father, birthplaces of parents, birthdate and place of child and tribe		This document contains information about Quinault. It does not discuss the Chinook petitioner. Evidence about one tribe may not be used to establish that a petitioner (not that tribe) meets (b).	This document does not contain evidence that the petitioner meets (b).
6/3/1941	Letter from Floyd H. Phillips, Taholah Indian Agency to the Commissioner of Indian Affairs (Ex. 836)	1 page letter re: the estate of John Puckernell, an unallotted Chinook Indian and the request of Examiner Coursey into the status of any funds held on the deceased's behalf.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Inquiry into an individual Chinook account. No tribal entity given.	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
12/20/1943	letter to/from Funeral Directors re death dates of 5 Indians (Ex 822)	letter from the chief clerk at Taholah re deaths of Simon (Charley, Susan Johnson, George Elliott, Joe Parson, and Kimball Sherwood to a funeral home in Tacoma		This letter says the 5 were "enrolled at this agency" but does not name a tribe. Of these five persons, decedent George Elliott has descendants in the petitioner's current membership	This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
12/20/1943	letter to Dr. Nevitt (Ex 821)	notice from the Superintendent at Taholah re the birth certificates of two people. No dates or ages or tribes indicated		These documents are too uninformative to provide information of use to demonstrating the petitioner meets (b)	This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
2/12/1944	Letter from George F. LaVata, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1275)	re: matter of liquidation of 3 loans from the individual loans of June Rose Calhoun, a minor, to her father Sampson Calhoun, Quinnett allottees	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This action by the agency was done on behalf of an individual who had a trust account consisting of proceeds from timber sales from an allotment. It is action on behalf of an individual and does not indicate that a Chinook tribe existed.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
10/27/1944	Letter from George F. LaVata, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1273)	re: requesting supply of blue cards for Indian identification purposes due to frequent requests and supply exhausted			
11/24/1944	Letter from George F. LaVata, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1274)	re: request for funds due Charles F. Meclath, Jr., 30 years old, be allowed to withdraw all his funds in account and be allowed to use them without restriction on their use	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	This person is among the petitioner's current membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
01/21/1945	Letter from George P. LaVata, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1276)	re: application for an allotment of land on the Quinault Reservation by George A. McBride, advise if he is still eligible for an allotment		This person is not found in the petitioner's materials as a past or present member.	This document does not contain evidence that the petitioner meets (b)
8/31/1945	Letter from George P. LaVata, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1281)	re: enclosing copy of last will and testament of Tommie Nina Calhoun Held, living Quinault allottee for consideration and approval as to form	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	There is evidence of one daughter born to Miss Held circa 1936, but without further identification it is not possible to determine whether she is represented in the petitioner's current membership.	This document does not contain evidence that the petitioner meets (b)
10/29/1945	Letter from George P. LaVata, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1280)	re: submitting copy of last will and testament of Edmund C. Elliott, living Quinault allottee with supporting affidavits for consideration and approval	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	No known descendants in the petitioner's current membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/8/1945	Letter from George P. LaVata, Superintendent, Fahlolah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1279)	re: funds held for Mrs. Agnes Fitzpatrick Eastland, Quinault Allottee, from Astoria, OR, requesting release of their funds in entirety without restriction and he recommends same	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	Mrs. Eastland has descendants in the petitioner's current membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
11/9/1945	Letter from George P. LaVata, Superintendent, Fahlolah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Chicago, IL (Ex. 1278)	re: letter of 11/5/1945 concerning info by Mr. Bernard Culbert Herrold, Poulsbo, WA		No known descendants in the petitioner's current membership.	This document does not provide evidence that the petitioner meets (b).
10/21/1946	Letter from Vincent J. Keeler, Chief Clerk in Charge, Fahlolah Indian Agency, Hoquiam, WA to Commissioner of Indian Affairs (Ex. 1282)	re: Oris Nathan Edmiston, 51, desires to sell to his cousin, Jesse A. Williams, 55, his allotment on the Quinault Reservation and recommending approval of same	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	No known descendants in the petitioner's current membership.	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).

Date of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/6/1947	Letter from Acting Superintendent, Taholah Indian Agency, Hoquiam, WA to Commissioner of Indian Affairs, Washington, DC (Ex. 1285)	re: recommending removal of restrictions on sale of personal home of I/27/1947 Pickernell Johnson, a member of the Quinault Tribe, grantee	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner	Mrs. Johnson has descendants in the petitioner's current membership	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
12/17/1947	Letter from Melvin Helander, Superintendent, Taholah Indian Agency, Hoquiam, WA, to Commissioner of Indian Affairs, Washington, DC (Ex. 1284)	re: requesting copy of trust patent issued to Edna May Elliott, Quinault allottee, containing 80 acres	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	No known descendants in the petitioner's current membership	This document does not change the position of the PF that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b)
5/10/1948	Letter from Charles F. MeLaughlin, Chief, Investigation Division, Indian Claims Commission, Washington, DC to Myrtle J. Woodcock, Pres Chinook Tribal Council, Raymond, WA (Ex. 1000)	re: her letter of 4/27/1948 requesting information concerning the Chinook Tribe of Indians. No claims found pending but did remit info on six treaties signed on 8/8/1851 making Chinook land cessions, but not ratified by Congress			

Dates of Appli- cation	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
3/22/1949	letter to Arthur Goodell [Ex. 881] and [Ex. 882]	letter from acting Superintendent at Taholah advising Mr. Goodell that he is not enrolled and he does not have any Indian trust property. [882 is Mr. Goodell's inquiry.]	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	An individual inquiry re: status and the ability to purchase liquor does not equal tribal entity. No mention is made of any tribe. Mr. Goodell may be a member of, but his letter says he is the son of Mrs. Lydia Bell E.O. Goodell who is allotted. Mr. Goodell has descendants in the petitioner's current membership.	This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides support to their being a distinct community and thus provides supporting evidence that the petitioner meets (b).
1930-1939	Newspaper articles from the <i>The South Bend Journal</i> , <i>South Bend Journal</i> , <i>Raymond Herald</i> , and the <i>Skamokawa Eagle</i> . (Ex. 1158, 1161, 1164-1165, 1167-1171, 1174)	Anonymous articles highlighting the "Bay Centre" section with reference to various community activities and individuals in attendance, visiting of relatives and friends in neighboring towns, obituaries, fishing activities, etc., of known Chinook descendants [see drafted newspaper charts]	Only a handful of articles are included. The Chinook network is not documented in these articles.	This evidence is not sufficient to define a social network for the petitioner.	This evidence does not define a distinct social network for the petitioner under (b).
5/8/1937	Senate Bill S 2002, 85 th Congress (Amelia 1908)	"For relief of heirs at law of James Allen Scarborough and Anne Elizabeth Scarborough, both deceased" - 2 pages	Agency activity on behalf of an allottee on a recognized reservation does not provide evidence that the petitioner, a different entity, meets (b), even if that individual has descendants who are, or they themselves are, members of the petitioner.	"Captain Scarborough met Chief Comcony's eldest daughter, whose Indian name was Paly Temakami Tchinook (Ann Elizabeth). First child James, born 11/20/1842. Four sons born to them (two died - one at 9, one at 3). "Two sons, Edwin (Baptist name Xavier), and Robert, reached manhood. Edwin was born 1/4/1848, married Sarah Ferron, 10/13/1874, had twelve children, and died 1/9/1921, at the age of 73 years. Robert was born 1/8/1851, married F. West October 2, 1869, died at the age of 19 on 1/8/1870. Three months later, on 3/22/1870 he passed away. They left no issue. Ann Elizabeth 7/8/1852, at 40 years of age... years later on 2/4/1853, Capt. Scarborough passed away at the age of 50 years."	This document does not change the position of the PE that the allotment activity, in itself, does not demonstrate that the petitioner meets criterion (b). However, the agent's treatment of the petitioner's ancestors provides supporting evidence that the petitioner is a distinct community and thus provides supporting evidence that the petitioner meets (b).

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
11/3/1957	Letter from Marie J. Scarborough, Tacoma, WA, to Richard Merrick, Washington, DC (Annelia 1998)	re: response to his letter of 10/30/1957 requesting a response to adverse report issued by Mr. Ernest, Assistant Secretary of the Interior from the Scarborough heirs - 5 pages		see above	This document does not contain evidence that the petitioner meets (b)
1960-1969	Newspaper articles from the <i>The South Bend Journal</i> , <i>South Bend Journal</i> , <i>Kennard Herald</i> , and the <i>Skamokawa Eagle</i> . (Ex 1175-1177, 1184)	Anonymous articles highlighting the "Bay Centre" section with reference to various community activities and individuals in attendance; visiting of relatives and friends in neighboring towns; obituaries; fishing activities, etc.; of known Chinook descendants [see drafted newspaper charts]		These documents were analyzed by BIA researchers and did not provide sufficient evidence that the petitioner intermarried and lived in a community distinct from other communities. There are too few articles to be meaningful data. What is included does not distinguish a community of Chinook descendants.	This document does not provide evidence that the petitioner meets (b)
1960's?	Newspaper article <i>Tacoma News-Tribune</i> , no date (Annelia 1998)	Article by James Erickson, "Captain Scarborough Left Legend of Gold, Mystery on Columbia's North Shore" - tells of grandson Charles D. Scarborough, 83, Vancouver "married a daughter of Chinook Indian Chief (concomly) Ann Elizabeth (Paly Temakami) (Chinook). "He speaks the Chinook language fluently." - 2 pages		This article was an account of events that occurred much earlier than publication. It provides no information that would alter the PE.	This document does not provide evidence that the petitioner meets (b) at this time.
7/10/1963 8/25/1963	meeting min. (Ex 840) meeting min. (Ex 841)	[Ex. 840] minutes of meeting held in the home of Paul Pein in Bay Center, Kent Elliott Paul Pein, Anna Kowitz, Carolyn Petersen, Kathryn Burchett, Bill Pein, and Carol Quigley were there. Chinook Nation meeting re: appraisal contract, and ICC judgment, resolution re: the Lower Chinook and Clatsop tribe judgment award, those who pay the \$12 assessment [Ex. 841] minutes of meeting at Skamokawa, same issues as previous meeting, re attorney contracts, and appraisal fund, Frank Quigley resigned as sec. Treas. and Anna Kowitz takes his place (- 55 members voting)		This is a discussion of the fee charged by the appraisers, and the resolutions re: ICC judgment for the Lower Chinook & Clatsop, who have no reservation or tribal holdings; recommended that it be paid per capita and there is no official roll of lower Chinook and Clatsop, therefore, resolved that the 1912 payment roll be used as the basic roll of the Lower Chinook and Clatsop. That because they had no funds, the council meeting assessed members over 21 the sum of \$12, which they want to have reimbursed when the judgment is paid. Claims issues dominated the discussion although not only Pein, Pein, Ken Elliott, Carolyn Peterson, and Carol Quigley are represented in the petitioner's current membership.	

Dates of Application	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
10/9/1964	Questionnaire for Enrollment in Chinook Tribe [ex 819]	a sample of the questionnaires included in the petition. Myrtle Johnson Woodcock says she was b 1889 in Oysterville and maintained tribal relations by continuous assoc with Indian friends and relatives		These documents provide background and context to support other evidence of a distinct community for the petitioner from 1920 to 1950.	This document provides supporting evidence that the petitioner meets (b) from 1920 to 1950.
4/8/1974	Newspaper article from <i>The News Tribune</i> , Tacoma, WA (Amelia 1998)	Anonymous obituary article for Edwin Scarborough, 83, grandson of Paly Tamaranni Tchinook, survived by sister Nova Brignone of Longview (Born in Cathlamet, he lived in the Tacoma area most of his life [Tillicum]) - 1 page	"Social interaction" describes the actual occurrence of interaction between individuals such as at meetings, in conversation, during conflicts and the like." (Snoqualmie PE 1993, 15)	This clarifies some of the social relationships between the Columbia River and Bay Center	This document provides supporting evidence for the petitioner meeting (b) before 1950.

CHINOOK INDIAN TRIBE / CHINOOK NATION (TTCN): FINAL DETERMINATION - SUMMARY CHART

CRITERION (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 (25 CFR 83.7(c) (1978)).

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

Summary of the Evidence: The Proposed Finding (PF) found that a historical Chinook tribe or bands maintained tribal political influence over its members as an autonomous entity through the treaty negotiations of 1855. It also found that the evidence did not show that the petitioner was an entity that had maintained such political influence since that time. While there was some evidence of focal leadership at various times, the evidence did not show that any leaders had exercised political influence over the petitioner's ancestors as a whole. Therefore, the petitioner did not meet criterion (c) from 1850 to the present (PF Summary, 36). In order to meet criterion (c) for the Final Determination, the petitioner needed to provide evidence to show that it has been a continuously existing entity that has evolved from the historical Chinook tribe, and that it has maintained political influence or authority over its members since the treaty negotiations of 1855. The petitioner did not specifically identify or label the new exhibits that it considered relevant to criterion (c).

The record for this case lacks examples of an internal, informal political process among the petitioner's ancestors, or of political leadership or influence over the petitioner's ancestors as a group, between 1855 and 1925. There is evidence of some leadership by George Charley during the late 1920s on behalf of a federally recognized tribe and a portion of the petitioner's ancestors at Bay Center, but not on behalf of the petitioner's ancestors along the Columbia River. There is also very limited evidence that a claims organization existed in the late 1920s and early 1930s, but no evidence that it had any internal political process which resulted in group decisions. There is almost no evidence of political activities or leadership between the early 1930s and 1951. Since 1951 there is evidence of two Chinook organizations during the 1950s and early 1960s which functioned mostly to pursue claims, but not evidence that either organization had a broadly-based internal decision-making process. During recent decades the petitioner has had a formal political organization, but no new evidence revises the conclusion of the Proposed Finding that there was "very little information available about the internal political processes of the petitioner from 1970 to the present," and a lack of evidence that the organization was broadly based. This evidence does not demonstrate that the petitioning group has exercised political influence over its members from historical times until the present.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1811-1851	PF Summary, 26-27	The Proposed Finding concluded that, "The evidence that the petitioner's Lower Band of Chinook ancestors continued to live in exclusive Indian villages until at least 1854" was sufficient to demonstrate that the petitioner met criterion (c) (PF Summary, 27)	The conclusions of the Proposed Finding stand unless revised by new evidence.	The Proposed Finding assumed that "exclusive Indian villages" maintained traditional patterns of political authority.	Historical bands of Chinook Indians maintained traditional patterns of political authority until the 1850s.

Date	Form of Evidence	Description	Rule / Precedent	Issue / Analysis	Conclusion
1851-1855	PF Summary, 26-27	The Proposed Finding concluded that the evidence that Chinook headmen had "negotiated treaties with the Government in 1851 and 1855" was sufficient to demonstrate that the petitioner met criterion (c) (PF Summary, 27).	The conclusions of the Proposed Finding stand unless revised by new evidence.	The Proposed Finding concluded that the U.S. ascribed political authority and sovereignty to Chinook bands by negotiating treaties with them. The Proposed Finding assumed that the authority of leaders to conduct treaty negotiations was evidence of the existence of political influence and authority over a historical village, band, or tribe.	Chinook leaders demonstrated political influence and authority by negotiating treaties in 1851 and 1855.
1855 ca.	Newspaper article: <i>Skamokawa Eagle</i> , Wahkiakum County 10/24/1901 (Ex. 10321)	Pioneer Ralph C.A. Elliott, b. 1826, recalls his arrival in Cathlamet in 1855, and provides his recollection of "Old Chief Skamokawa" and "Chief Quills."	Shoquahine PF 1993, 26: "Strong evidence for political process among the Shoquahine during Jerry Kamini's tenure is that external authorities recognized his political influence. . . . These external authorities were knowledgeable about the Shoquahine tribe and dealt with it regularly on a variety of matters."	This article discussed Mr. Elliott, told of his marrying and having a family, but did not mention his wife being Chinook. However, he did provide brief recollections of older tribal leaders. It is not that Elliott could be considered a knowledgeable authority or that he dealt regularly with these Indian leaders.	This information is consistent with the findings of the Proposed Finding.
1855-1899	PF Summary, 27	The Proposed Finding concluded that: "(t)he four decades following these unsuccessful treaty negotiations are almost barren of evidence of Chinook tribal political activity or leadership. . . . It added that the available evidence "does not demonstrate that there were leaders who exercised political authority over the group as a whole in the late-19th century. . . ." The Proposed Finding specifically noted the lack of "any examples of political activity or leadership by Chinook descendants living along the Columbia River. . . ." (PF Summary, 27). The Anthropological Technical Report noted that George Charley was appointed by a Federal Indian agent to be chief of the Shadwater Bay Reservation in 1889, when he was about 25-years old (ATR, 30). However, the documentation in the record, for both the Proposed Finding and the Final Determination, does not provide accounts of his activities or leadership until the 1920s.	The conclusions of the Proposed Finding stand unless revised by new evidence.	The petitioner's new exhibits provide no basis for changing the conclusions of the Proposed Finding.	The available evidence does not show that the petitioner meets criterion (c) for the period from 1856 to 1899.