
(4) Proposed Finding Documents

- January 21, 2000



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



IN REPLY REFER TO:

JAN 21 2000

Tribal Services - AR
MS 4660-MIB

Mrs. Joan Ortiz
P.O. Box 419
Steilacoom, Washington 98388

Dear Mrs. Ortiz:

The petition of the Steilacoom Tribe of Indians (STI) for Federal acknowledgment as an Indian tribe has been reviewed under *Code of Federal Regulations*, Title 25, Part 83, "Procedures for Establishing That An American Indian Tribe Exists as An Indian Tribe" (25 CFR Part 83). Based on available evidence, the Assistant Secretary - Indian Affairs (AS-IA) is proposing to determine that the Steilacoom Tribe of Indians does not exist as an Indian tribe within the meaning of Federal law.

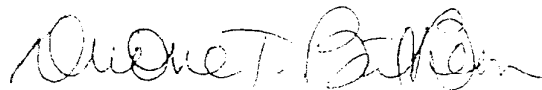
Enclosed please find copies of the Federal Register Notice to be published in the Federal Register, the summary under the criteria, and the report detailing the evidence for the proposed finding. The approved notice will be published in the Federal Register. Upon publication of the notice of the proposed finding, you or any individual or organization wishing to challenge or support the proposed finding shall have 180 days to submit arguments and evidence to the AS-IA to rebut or support the proposed finding. Interested and informed parties who submit arguments or evidence to the AS-IA must provide copies of their submissions to the petitioner.

During the comment period, the AS-IA shall provide technical advice concerning the factual basis for the proposed finding, the reasoning used in preparing it, and suggestions regarding the preparation of materials in response to the proposed finding. The AS-IA shall make available to the petitioner in a timely fashion any records used for the proposed finding not already held by the petitioner, to the extent allowable by Federal law.

In addition, the AS-IA shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the AS-IA in reaching a final determination. A copy of the guidelines concerning formal meetings is enclosed.

Should you have any questions, please do not hesitate to contact the Branch of Acknowledgment and Research, Bureau of Indian Affairs, 1849 C Street, N.W., MS 4660-MIB, Washington, D.C. 20240 or call (202) 208-3592

Sincerely,



Duane T. Burman
Director, Office of Tribal Services

Enclosures

Approved Notice of Proposed Finding for Federal Register
Formal Meeting Guidelines

cc: Interested and Informed parties

Petitioner

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Interested Parties

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Chairman Lawrence LaPointe
Puyallup Tribal Council
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Tacoma, Washington 98404

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Informed Parties

Senator Slade Gorton
Senator Patty Murray
Representative Norman D. Dicks

FORMAL TECHNICAL ASSISTANCE MEETINGS

83.10 (j) (2)

(2) In addition, the Assistant Secretary shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the Assistant Secretary in reaching a final determination.

The purpose of this formal meeting is to give the petitioner an opportunity to ask the BAR researchers questions on the proposed finding and the technical bases for that finding in an on-the-record session. It is designed to promote the exchange of information between the BAR researchers who were most involved in the decision and the petitioner and interested parties. The technical assistance review is designed to be beneficial to understanding the finding and is not an adjudicatory hearing. As such, it is not meant to rule on arguments, evaluate new evidence or argue over issues.

HOW DOES A FORMAL MEETING UNDER 83.10 (J) (2) DIFFER FROM TECHNICAL ASSISTANCE UNDER 83.10 (J) (1)?

A formal meeting differs from informal technical assistance reviews in three ways:

- (1) The meeting will be open to the public,
- (2) The meeting will be on the record, and
- (3) The meeting will follow a prepared agenda.

The technical assistance given will not be different from that given under 83.10 (j) (1) in informal TA meetings.

WHAT IS THE TIME FRAME OF THE TECHNICAL ASSISTANCE REVIEW?

Since the purpose of the formal meeting is to inquire into the reasoning, analyses, and factual bases for the proposed finding, in order for petitioners and interested parties to better understand and respond to it, a formal meeting, if desired, must be requested in a timely fashion. Requests for a formal meeting should be made within 60 days of the issuance of the proposed finding in order to permit both scheduling of the meeting and timely notice to other parties. This recommended schedule will leave time within the 180 day comment period for the parties to respond to the technical assistance offered during the meeting.

The BAR will not automatically delay the comment period to grant a formal TA review, especially if such a delay would delay the finding. The BAR will not allow last-minute requests for a formal TA meeting to be used as a delaying tactic on the part of a petitioner or interested party. In cases where a request would delay a finding, it is at the discretion of the BAR whether or not to comply with the request.

HOW DOES A PETITIONER OR INTERESTED PARTY REQUEST A FORMAL MEETING? If you are a petitioner or "interested party," as defined in the revised regulations in section 83.1, you may request a formal meeting from the BAR after the Assistant Secretary - Indian Affairs issues a proposed finding. The request must include a proposed agenda of topics that you would like discussed during the formal TA review meeting and must identify those individuals who will be asking questions. No requests will be accepted without an accompanying agenda.

IS A FORMAL TA MEETING REQUIRED?

No formal meeting will be held unless the petitioner or interested party requests one, and only one formal TA meeting will be held for each proposed finding. Both the petitioner and the interested parties may participate at their own request.

WHO MAY REQUEST A FORMAL TA MEETING?

Either the petitioner or the interested party request a formal TA meeting and submit a proposed agenda. After the first request is received, the other interested parties (or the petitioner) in the case will be notified by the BAR within ten working days that a formal TA session will be held.

HOW DOES A PETITIONER OR INTERESTED PARTY REQUEST TO PARTICIPATE IN A FORMAL TA REVIEW SESSION?

When you receive notice that a formal TA review has been requested, you may request to participate by sending the BAR a written request and proposed agenda. No requests will be accepted without an accompanying agenda. Such a request to participate must be received in writing 21 days after the notification is sent to the parties involved, including the petitioner.

WHY IS AN AGENDA REQUIRED?

The agenda is needed so that the BAR may not only determine which government researchers should be present and what research materials would be necessary, but also anticipate the length of the session. The purpose of the agenda is to enable the BAR staff to set a schedule and plan the meeting.

DOES THE AGENDA LIMIT THE TOPICS WHICH WILL BE DISCUSSED?

Petitioners and interested parties who wish to participate in the formal meeting must submit a proposed agenda. The BAR researchers may also place items on the agenda so that the bases of the finding are fully explored on the record. The final meeting agenda will be prepared by the BAR. Requiring an agenda is not meant to unduly limit the discussion to issues placed on the meeting agenda ahead of time. Issues might come up during the review itself which should be discussed. A time will be allowed at the end of the formal review to discuss new topics which are brought up during the meeting but were not on the original agenda. The moderator will decide which new topics may be placed on the meeting agenda during the TA review.

All participants in the formal TA meeting will be sent a meeting

agenda at least 14 days prior to the meeting date.

WHERE WILL THE FORMAL TA REVIEW MEETING BE HELD?

All formal TA review meetings will be held in the Department of the Interior in Washington, D.C., unless there are compelling reasons to meet elsewhere. Compelling reasons would include the availability of evidence, determined by the BAR to be available only in a location other than the Interior Department, or other technical considerations. Compelling reasons will not include the convenience of the petitioner, their researchers or others who would like to attend the session, or publicity considerations. Arrangements for the meeting room and transcript will be made by the BAR staff. Petitioners and interested parties who have submitted an agenda and are participants in the formal meeting will be provided one free transcript.

WHO MAY ATTEND THE FORMAL TA REVIEW MEETING?

The TA review is a public meeting. The BAR will notify "interested parties" and/or the petitioner when they receive a letter and agenda requesting a formal TA meeting from any party. Only one formal TA meeting will be held. During the formal TA review the petitioner and any interested parties who have previously submitted a proposed agenda may participate. The public may attend but not participate. In the event of widespread public interest in attending the meeting, the BAR may limit the attendance at the session through advanced booking, lottery, pooling or similar types of procedures. However, the BAR will attempt to make the proceedings as open as possible to the general public, the press, and local and state officials.

WHO IS ALLOWED TO ASK QUESTIONS TO BAR STAFF?

Petitioners and interested parties through their designated spokesmen may ask questions. The moderator may recognize other speakers from the petitioner and interested parties not identified on the agenda at his/her discretion. The general public may not ask questions during the formal TA review.

The general public is welcome to ask questions in informal discussions with the BAR researchers or through correspondence at any time under 83.10 (j)(1).

WHAT WOULD HAPPEN AT A FORMAL TA MEETING?

The formal TA meeting will be held on the record. The BAR branch chief or an official designated by the branch chief will act as moderator of the session. The meeting will begin with an overview by the BAR researchers of the government's proposed finding. Questions will then be posed by the speaker representing the petitioner or interested party whose agenda and request for the meeting was received first in the BAR, followed by other participants in the order in which their letters of request with agenda were received in the BAR. A time for non-agenda issues, newly raised in the session, will be provided at the end of the session. A final question period will be reserved for the petitioner.

WHAT IS THE MODERATOR'S ROLE?

It is the moderator's job to maintain order, to keep the discussion moving in a timely way, to make sure that the agenda is followed, and to referee any disagreements which might arise, including when to change a line of questioning. The moderator must make sure that the primary goal of information exchange is preserved, and that argumentative or bullying questioning does not occur and hamper the free-flow of information. The moderator must also make sure that the questions are answered as completely and clearly as possible by the government researchers.

WHAT ARE THE RULES OF THE MEETING?

The meeting is not meant to be a legal proceeding or deposition, with rules of evidence, cross examination, etc. Rather, the meeting is to permit inquiry into the bases of the decision. The rules of the meeting are determined by the moderator in order to enhance communications concerning the technical aspects of the proposed finding. The topics discussed must be focused on research questions. The meeting is not a place for speeches, grand-standing, or legal argument. The moderator will take the necessary steps to stop any behavior or activity which interferes with discussion, explication, and clarification of research issues.

WILL FEDERAL LAWS CONCERNING PRIVACY BE FOLLOWED?

In the event that materials protected under The Privacy Act must be discussed in the formal TA meeting, the moderator may call the meeting into executive session. Only those persons who would be allowed under the Bureau of Indian Affairs, Division of Tribal Government's System of Records to view records and materials protected under the Privacy Act will be allowed to attend the executive session. Records will be made available to the fullest extent allowable by Federal laws.

HOW MANY FORMAL TA MEETINGS WILL BE HELD?

Only one formal TA meeting will be held on the record for each case. However, the BAR policy that encourages researchers to be responsive to questions from petitioners, interested parties, their researchers and the general public under 83.10(j)(1) is not changed by this provision which permits a formal meeting on the record.

Summary under the Criteria and Evidence for
Proposed Finding
Steilacoom Tribe of Indians

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

Approved: JAN 14 2000

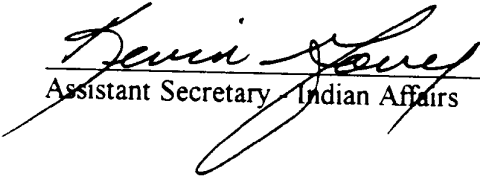

Assistant Secretary Indian Affairs

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INTRODUCTION

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

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

This proposed finding concludes that the petitioner does not meet criteria 83.7(a), 83.7(b), 83.7(c), and 83.7(e). It is based on available evidence, and, as such, does not preclude the submission of other evidence to the contrary during the 180-day comment period which follows publication of this finding.

Applicable Regulations

The issue of unambiguous prior Federal acknowledgment. Under the revised Acknowledgment regulations which became effective March 28, 1994, section 83.8 modified the standards of evidence for those petitioners who provide substantial evidence of unambiguous prior Federal acknowledgment. The applicable sections of the regulations read:

83.8. Previous Federal acknowledgment.

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

The regulations (section 83.1) define "previous Federal acknowledgment" as:

...action by the Federal government clearly premised on identification of a tribal political entity and indicating clearly the recognition of a relationship between that entity and the United States.

Summary Under the Criteria. Proposed Finding. Steilacoom Tribe of Indians — Introduction

The STI asserted that it was federally acknowledged on the date of the Medicine Creek Treaty, December 24, 1854, and that this acknowledgment continued at least through the 1880's (STI Supplemental Submission 1997; Thompson 1997, 1). Therefore, the petitioner asserted that it should proceed through the Federal acknowledgment process under the provisions of 83.8, for previously recognized tribes. However, the BIA determined preliminarily that the petitioner was not eligible to proceed under the provisions of 83.8 (Maddox to Ortez, December 15, 1996). Although a group described as the "Steilacoom Indians" was included in, and was recognized by, the Treaty of Medicine Creek, evidence in the petition and from the BIA's initial research was insufficient to determine whether or not the modern petitioner's members were descended from the people in the "Steilacoom" group which was party to the 1854 Treaty. At that time, the petitioner could not be linked with the previously acknowledged tribe and was so advised (Maddox to Ortez, December 15, 1996). This proposed finding confirms that preliminary determination.

The Department's policy is that the essential requirement for acknowledgment is continuity of tribal existence rather than previous acknowledgment alone. Some petitioning groups who assert that they qualify for evaluation under 25 CFR 83.8 may represent recently formed associations of individuals who do have common tribal ancestry, but whose families have not been associated with the tribe or each other for many generations. Other petitioners may claim to descend from a treaty tribe, but cannot demonstrate that descent. This latter is the case for the STI. The Department cannot accord evaluation under 83.8 to petitioners claiming previous acknowledgment without a showing that the group connects to the same tribe that was recognized in the past.

The petitioner did not demonstrate either the continued existence of a specific "Steilacoom tribe" after the treaty period or the association of its members' identified ancestors with such a "Steilacoom tribe." At the Treaty of Medicine Creek, unlike Governor Isaac Ingalls Stevens' later treaties, the signers were not identified by band, tribe or village. The lack of evidence connecting the STI with the treaty-era Steilacoom was only in small part because the Steilacoom treaty signers cannot be identified. More importantly, other evidence provided information that as of 1854, the identified Indian ancestors of the petitioner's current membership were in some cases living outside of Pierce County, Washington; were involved in other historical developments; were, with the exception of one nuclear family, identified as non-Steilacoom Indians; and therefore were not part of the entity that was recognized by the Treaty of Medicine Creek.

Based on a full evaluation of all of the information available at the time of this proposed finding, the evidence confirms that the STI did not present substantial evidence that it had unambiguous previous Federal acknowledgment. There are five facts which show that the ancestors of the current petitioner were not the same entity as the historical Steilacoom band that attended the negotiations and signed the treaty in 1854, and that the modern STI organization does not represent a continuation of the historical Steilacoom band:

- First, most of the later 19th century Indians mentioned by the petition as "Steilacoom" were not from the pre-treaty Steilacoom villages, but were individuals who came from other tribes

and bands throughout southern Puget Sound. Many of the individual Indians cited as “Steilacoom” by the STI petition were active participants in the life of the Puyallup and Nisqually reservations in the second half of the 19th century;

- Second, several of the pre-treaty villages identified as “Steilacoom” by the petition were either Nisqually villages or temporary settlements surrounding Hudson Bay Company outstations. The 1878 Office of Indian Affairs census of a “Steilacoom” group presented by the petitioner identified it, in the document itself, as a “band of the Puyallup Tribe.” This 1878 “Steilacoom” census included no identified ancestors of the petitioner.
- Third, virtually none of the Indians mentioned in the 19th century documents about settlements relied upon by the petitioner -- regardless of whether the STI petition correctly identified them as Steilacoom -- were ancestors of the present petitioner’s members. Of the petitioner’s current members, only three persons in one nuclear family descend from a couple that was identified as “Steilacoom” in the Roblin affidavits collected from 1910 through 1918 (NARS RG 75, M-1343 and M-1344). Almost all of the STI membership descend either from Indian women who were never identified as Steilacoom in contemporary records and who married non-Indian employees of the Hudson’s Bay Company (HBC) or from metis immigrants from the Red River Valley of Manitoba;
- Fourth, there was little evidence that many of the petitioner’s family lines associated with one another, whether tribally or socially, before they were adopted into the STI in the 1950’s. There was some evidence of association within the discrete subgroups described under the third point, but not across the discrete subgroups.
- Fifth, the disjunction between the Steilacoom Indians identified in 19th century documents and the identified STI ancestors was reflected in the lack of continuity between the 19th century historical Steilacoom Indian leaders mentioned in the petition and 20th century STI leadership. Although it asserted continuity, the petition did not demonstrate any succession between the leadership of the Steilacoom Indians provided by Sam Young from the later 1850’s through the 1870’s and the leadership of the “Steilacoom” claims groups which emerged in the second quarter of the 20th century;
- Finally, as stated above, a significant portion of the petitioner’s family lines were adopted into the STI claims organization during the 1950’s. These adopted lines have been documented as descending from Canadian mixed-blood families that emigrated from Manitoba to Oregon Territory between 1841 and 1855, from Cowlitz and Warm Springs Indians, from other northwestern Washington tribes such as Lummi and Clallam, and from Indian tribes from elsewhere in the United States.

The combination of the above factors confirms the preliminary conclusion that the STI was not connected to the Steilacoom Indian tribe or band that was party to the 1854 Treaty of Medicine Creek.

The BIA also concluded preliminary that the Steilacoom claims organizations that existed from 1925 onward were not a federally acknowledged Indian tribe:

The evidence reviewed to date also does not show that the Steilacoom were recognized as a tribe during the 1930's. The BIA cannot therefore conclude today's petitioner descends from a previously-recognized group, and cannot therefore conclude previous recognition. The active consideration phase of this petition will be conducted from earliest historical contact to modern times (Maddox to Ortez 12/15/1996).

The proposed finding affirms this conclusion. Since the STI did not present substantial evidence that it had unambiguous Federal acknowledgment, and evaluation of the criteria of 25 CFR 83.7, not modified by the previous Federal acknowledgment provisions of section 83.8, is undertaken in this proposed finding.

Nature of a federally acknowledgeable group under 25 CFR Part 83. The Federal acknowledgment regulations confirm that it is historically valid for tribes to have combined and functioned together as a unit. Under the regulations in 25 CFR Part 83, tribes which divided because of historical circumstances may be acknowledged in so far as the subgroups involved continued to function as separate tribal units. Tribes which combined because of historical circumstances may be acknowledged in so far as the group resulting from the amalgamation continued to function as a single tribal unit.

The BIA took into consideration whether the STI, although not documentable as a continuation of the Steilacoom band or village that participated in the Treaty of Medicine Creek, might represent an amalgamated entity. There was no evidence that the STI members descend from more than one tribe or band from the southern Puget Sound area that had combined and had continued to function as a single tribal unit. Rather, the petitioner's identified ancestors came from a wide variety of tribal backgrounds and did not function as a social and political community throughout the post-treaty period.

Procedures

Publication of the Assistant Secretary's proposed finding in the FEDERAL REGISTER initiates a 180-day comment period during which factual and/or legal arguments and evidence to rebut or support the evidence relied upon may be submitted by the petitioner and any other interested or informed party. Comments should be submitted in writing to the Office of the Assistant Secretary - Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240, Attention: Branch of

Acknowledgment and Research, Mail Stop 4660-MIB. Third parties must also provide a copy of the comments to the petitioner. After the expiration of the 180-day comment period, the petitioner has a minimum of 60 days to respond to any comments submitted by third parties.

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

Administrative History

The Bureau of Indian Affairs received a documented petition for Federal Acknowledgment from the Steilacoom Tribe of Indians (STI) on August 28, 1974. A subsequent July 18, 1975, petition addressed to the President was referred to the BIA. The Bureau did not act upon the petition because consideration was then being given to the establishment of the Federal Acknowledgment Project, designed to deal with acknowledgment issues under a uniform set of regulations rather than on a case-by-case basis (Thompson to Marshall 8/27/1975). The Federal Acknowledgment Project was established in 1978. The Steilacoom Tribe of Indians' petition was then transferred to this process. Their petition was then assigned priority number 11. The BIA returned the 1975 documented petition to the STI in order to provide the petitioner with an opportunity to revise it in light of the published regulations (Krenzke to Jackson 9/3/1981).

Under the 25 CFR Part 83 regulations, the Steilacoom Tribe of Indians submitted a "preliminary draft" of a documented petition on October 27, 1986, with revisions submitted between November 20, 1986, and August 6, 1987. The BIA sent an obvious deficiency (OD) letter dated November 30, 1987. The group submitted a response to the OD letter on March 24, 1994. After reviewing the 1994 response, the BIA placed the petition on active consideration on July 11, 1995. The BIA accepted supplemental submissions from STI in 1995, 1996, 1997, and 1998.

The Nisqually Indian Tribe (January 17, 1996) and the Puyallup Tribe (November 10, 1988) have submitted third-party comments concerning this petition.

The revised Federal acknowledgment regulations became effective March 28, 1994. The Steilacoom Tribe of Indians has been evaluated under the provisions of the revised regulations. In accordance with efforts of the BIA to streamline Federal acknowledgment procedures, this finding is supported not by three separate technical reports (historical, anthropological, and genealogical) as in the prior cases, but by a single integrated technical report prepared by BIA staff members in these disciplines.

Summary Under the Criteria. Proposed Finding. Steilacoom Tribe of Indians — Introduction

The issuance of a single integrated technical report has been standard procedure for final determinations, and is now being extended to proposed findings.

ABBREVIATIONS AND/OR ACRONYMS USED IN REPORT

AS - IA	=	Assistant Secretary - Indian Affairs
BAR	=	Branch of Acknowledgment and Research, Bureau of Indian Affairs
BIA	=	Bureau of Indian Affairs
COIA	=	Commissioner of Indian Affairs
Ct. Cl.	=	United States Court of Claims
Ex.	=	Documentary Exhibit submitted by the Petitioner
HBC	=	Hudson's Bay Company
ICC	=	Indian Claims Commission
NFAI	=	Northwest Federation of American Indians
OIA	=	Office of Indian Affairs
STI	=	Steilacoom Tribe of Indians; Steilacoom Indian Tribe
STOWW	=	Small Tribes of Western Washington

Standardized Spellings

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

Many of the **family surnames** common to the history of the petitioner are found in official records under a **variety of spellings**. Where specific documents are discussed within the technical report, they have been **spelled as they appeared** in the original. However, in general discussions not dealing with specific documents, the Branch of Acknowledgment and Research (BAR) has attempted to standardize the spelling of names to conform with spellings found in the group today.

SUMMARY UNDER THE CRITERIA 83.7(a-g)

Evidence submitted by the Steilacoom Tribe of Indians (hereinafter the petitioner, or STI) and obtained through other interested parties and independent verification research by the BIA's Acknowledgment staff demonstrates that the petitioner does not meet all seven criteria required for Federal acknowledgment. Specifically, the petitioner does not meet criteria 83.7(a), 83.7(b), 83.7(c), and 83.7(e). In accordance with the regulations set forth in 25 CFR Part 83, failure to meet any one of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.

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

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

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

The number and types of external identifications pertaining to the existence of a Steilacoom entity for the period prior to 1974 differed sharply from those for the period since 1974. No evidence was submitted by the STI or third parties, or located by BIA researchers, that specifically denied the character of the petitioner as an Indian entity. Rather, the identifications prior to 1974 were limited in both number and type, as described below. The documentation since 1974 was much more extensive.

Identifications prior to 1974. Under criterion 83.7(a), the regulations provide that:

Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members.

83.7(a)(1) Identification as an Indian entity by Federal authorities.

For the period from 1900 through 1925, the petitioner did not submit and BIA researchers did not locate any external identifications of a then-existing Steilacoom Indian entity by Federal authorities. There were isolated examples of Indians identified as Steilacoom, or whose parents were identified as Steilacoom, on the supplementary data sections of the 1900 and 1910 Special Schedules--Indian Population of the Federal census. These pertained in only one instance to ancestors of a single nuclear family which has been associated with the Steilacoom claims organizations and the STI from 1925 to the present. The remainder of the Indians whose tribal origin was given as Steilacoom were reservation-enrolled and from non-STI families. The sole identification of a single individual as "Steilacoom" in Cushman School registers before World War I and by Charles Roblin in 1919 pertained to the same nuclear family.

From 1925 through the 1970's, organizations existed to prosecute claims based on the participation of the historical Steilacoom Indians in the 1854 Treaty of Medicine Creek. These claims arose in response to an Act of Congress "[a]uthorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summits of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise" (H.R. 2423 4/11/1921; S.979, 4/19/1921). On April 25, 1925, the BIA Taholah Agency superintendent called a meeting of the various tribes mentioned in the Medicine Creek treaty. Seven unnamed people termed Steilacoom Indians were present (Dickens to COIA 6/27/1925, 6). The superintendent noted that the seven Steilacoom wished to pick their own attorney independently of the Puyallup and that "the Steilacoom Indians believe that they have a grievance separate and apart from other tribes." He recommended that they be permitted to enter into an attorney's contract, but was concerned that, "the acts of the Steilacoom, who are much in the minority, might not invest them with the right to negotiate a separate contract with the attorney of their choice" (Dickens to COIA 6/27/1925, 7).

On May 2, 1925, both a Steilacoom group and the Nisqually Council met. It was not clear from the documents available whether this Steilacoom group was the same as, or included, the seven persons mentioned above who had met with the Puyallup on April 25, nor was it clear whether the Steilacoom group and the Nisqually met together or separately. BIA correspondence indicated that "virtually all the adult members" of the Steilacoom were present (Sams to COIA 6/24/1925, 2). With Joseph McKay presiding, the Steilacoom chose Joseph McKay and John Steilacoom to approve the attorney's contract (Sams to COIA 6/24/1925, 3). The claims case was filed in 1929. In 1937, the Assistant to the COIA stated that, "... the tribe did not allege any interest in any of

the reservations but charged the United States with failing to set aside a reservation for them and sought compensation for the 'allotments' which the individual members never received" (Daiker to LaVatta 4/23/1937).

Joseph McKay (son of Anita Steilacoom) and his uncle John Steilacoom were both from the same nuclear family line referenced above. In 1929, McKay chose to enroll at Puyallup in right of his father and did not subsequently appear as a leader in the Steilacoom claims organization. He has no descendants in the STI. All but one of the children of John Steilacoom subsequently enrolled as Clallam in right of their mother and are not part of the petitioning group. No evidence was submitted that the members of this family who enrolled elsewhere continued to act socially as part of a Steilacoom entity.

By February 18, 1933, a "Resolution of tribal [*sic*] Committee" of the Steilacoom Tribe of Indians concerning the attorney's contract was signed by a different group of people from the 1925 signers: Alex Andrews, John Andrews, Fred Bertschy, William Sears, and Leslie Bertschy (Resolution of Tribal Committee c1933; STI Pet. Resp. 1994, R-75). The same five men reauthorized the contract with the attorneys on June 11, 1934 (Attorney's Contract 10/16/1934; STI Pet. Resp. 1994, R-56). All five of these men descended from marriages of Indian women (none of whom had previously been identified as Steilacoom) with former employees of the Hudson's Bay Company. This 1933 resolution and 1934 attorney contract represented the first recorded appearance of the LaTour and Gorich/Sears descendants in association with any organization that termed itself "Steilacoom." The LaTour descendants, as late as the Roblin affidavits made between 1910 and 1918, had described their ancestress as Nisqually, as had the descendants of Catherine (Gorich) Sears.

The petitioner did not submit and the BIA did not locate Federal identifications which might have provided data concerning the nature, size, composition, or membership of the Steilacoom claims organization as of 1934. By 1937, the Assistant to the COIA wrote:

This claim was dismissed by the Court of Claims on January 11, 1937, for lack of prosecution. No trial has been had and no evidence had been presented. The foregoing facts are not conclusive as to whether the Steilacoom Indians can be considered a recognized tribe at the present time and whether they now have any legitimate claim to the Nisqualli [*sic*] or any other reservation (Daiker to LaVatta 4/23/1937).

Between 1936 and 1941, a group named the "Steilacoom Tribe of Public Domain Indians of Washington" proposed organization under the Indian Reorganization Act (IRA). The group decided to undertake this in July 1936 (Gruhlke to Nicholson 7/27/1936). This was the first documentation showing that the Steilacoom had organized into any entity other than one assembled to approve a lawyer's contract for pressing claims. On August 18, 1936, BIA Field Agent George P. LaVatta informed William Bertschy, Secretary of the Steilacoom Tribe, that: "[i]f the Nisqually Indians are not willing to accept the Steilacoom bands into their organization,

you may possibly be able to have a reservation established for the Steilacoom Indians after which a Constitution and By-laws can be drawn up . . .” (LaVatta to Bertschy 8/18/1936a). The group did draft a Constitution and By-laws (STI Pet. Resp. 1994, R-54), adopted by a “duly-elected” temporary board of directors on July 29, 1936 (Gruhlke to LaVatta 7/29/1936). The composition of the temporary board and the membership of this group are unknown: the group’s attorney estimated the size would prove to be between 200 and 400 (Gruhlke to Nicholson 9/28/1936). Internal BIA correspondence of the time indicated that the BIA had little information about the group (LaVatta to Nicholson 8/18/1936b; Daiker to LaVatta 4/23/1937; LaVatta and Nicholson to Collier 6/17/1937) and the data required for organization under IRA was never submitted to the BIA (Nicholson and LaVatta to Collier 6/17/1934, 2-3).

Agents at the time informed the COIA that: “[t]hey are generally considered an independent tribe, but as far as known they have functioned as a tribal group only for the purpose of filing a petition in the Court of Claims seeking damages for failure to obtain certain benefits under the 1854 treaty” (Nicholson and LaVatta to Collier 6/17/1937, 1). By July 1937, D’Arcy McNickle concluded that, “there is a question in my mind whether, on the basis of the facts given here, these people can organize, and whether anything is to be gained by encouraging them with ideas of organization” (McNickle to Westwood 7/8/1937). Four years later, in 1941, an attorney wrote Hoquiam Superintendent Phillips that “[s]ome of the Steilacoom Indians have approached me with the proposition of perfecting a tribal organization” and asked for further information (Cunningham to Philip [sic] 4/9/1941). The BIA advised the Steilacoom organization’s Lummi business manager (STI Pet. 1986, 269) that if the group wanted to participate in benefits under the IRA, they should fill out the necessary applications (LaVatta to Eskew 7/3/1941).

The STI did not submit and the BIA did not locate any further Federal identifications or descriptions of any Steilacoom entity, group, or organization from 1941 until 1950. In 1951, Western Washington Agency Superintendent Raymond H. Bitney informed the COIA that the Steilacoom, with an estimated population of 120, were among the “Indian Tribes (members not enrolled) to whom this office extends services” (Bitney to COIA 10/12/1951). A draft report prepared by Bitney for the proposed Western Washington Termination Act in 1953 described the treaty rights of the historical Steilacoom Indians and stated that, “they are now located around the town of Steilacoom and some around Olympia and some in King County. As stated before they are located around Steilacoom Creek. . . .” (Bitney 9/10/1953).

After 1950, the STI resumed claims activities, as authorized by the 1946 Indian Claims Commission (ICC) Act. The group filed a claim against the United States in 1951, and in subsequent years was dealt with by the BIA and the ICC in its status as a claimant, the ICC concluding in 1962 that the Steilacoom Tribe of Indians “petitioners herein, is an identifiable group of American Indians within the meaning of the Indian Claims Commission Act . . . and as such is entitled to maintain this cause of action” (11 Ind. Cl. Comm. 304; *Steilacoom v. U.S.* 9/21/1962, 310). Aside from the data associated with claims activities, which culminated in an ICC award of \$9,272.43 in 1973 (29 Ind. Cl. Comm. 481; *Steilacoom v. U.S.* 3/14/1973, 495), and the data associated with proposed termination, as discussed above, the STI did not submit

and the BIA did not locate any Federal identifications describing an existing Steilacoom tribe, organization, group, or entity in the 1950's, 1960's, or early 1970's.

83.7(a)(2). Relationships with State governments based on identification of the group as Indian.

The STI did not submit and the BIA did not locate any evidence of State relationships for STI prior to the 1950's. During the 1950's and 1960's, the STI organization which was prosecuting the Steilacoom claims also dealt with the State of Washington Department of Fisheries (McLeod to Such 10/25/1956) in the matter of fishing and hunting without a State game license. This comprised State deference to the BIA "blue cards" issued to persons listed on the rolls of "tribes whose existence has been 'revived' in connection with prosecution of claims against the United States" (Weston 1975). As late as 1971, Walter Neubrech of the State Game Department wrote to STI chairman Lewis Layton that, "we consider the Steilacoom Tribe of Indians a bonafide one, and one that received a valid treaty with the United States Government - that the members of this Tribe may fish or hunt without a license when it is otherwise lawful to do so" (Neubrech to Layton 10/8/1971).

83.7(a)(3) Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.

The petitioner did not submit and the BIA did not locate any evidence of such activity prior to the 1970's.

83.7(a)(4) Identification as an Indian entity by anthropologists, historians, and/or other scholars.

All scholarly discussions of the Steilacoom Indians published prior to the 1970's pertained to the pre-contact and early contact periods. No identifications of a continuing Steilacoom entity by scholars pertaining to the period between 1900 and the early 1970's were submitted by the STI or located by BIA researchers.

Herbert Taylor, the anthropologist hired by the lawyers representing the Medicine Creek tribes, reported on the basis of the investigation he undertook in 1953-1954 that "[s]ome informants stated that the Steilacoom were part of the Nisqually, some said that the Steilacoom were an independent tribal unit, and some said that all Steilacoom were white men" (Taylor 1974, 459), and "the question of group identity for the Steilacoom is a considerably more vexed matter" than that of the Puyallup and Nisqually (Taylor 1974, 471-472) and that "a very large number of these enrollees are manifestly not genetically Steilacoom at all" (Taylor 1974, 472).

83.7(a)(5) Identification as an Indian entity in newspapers and books.

The "pioneer reminiscences" widely published for western Washington pertained primarily to the

19th century. Two works published in the early 20th century (Huggins 1904 and Meeker 1905) mentioned a man named "Steilacoom John" as a surviving long-time employee of the Hudson's Bay Company (HBC), but did not describe him as a member of any Indian entity. A 1906 newspaper article in the *Tacoma Ledger* also did not identify a Steilacoom Indian entity, but rather discussed one nuclear family, the same one referenced in Federal identifications made in the early 20th century (see above). No other newspaper discussions of contemporary Steilacoom Indians or a Steilacoom entity between 1900 and the early 1970's were submitted by the STI or located by BIA researchers.

The retrospective testimony before the Indian Claims Commission by a long-time local resident, Janet Judson Russell (Russell 1952) pertained primarily to the period of her childhood--the 1880's (Russell 1952, 17), and therefore was not pertinent to criterion 83.7(a). Although she stated that she had later taught Steilacoom children in school (Russell 1952, 21), she identified neither the families whose children she taught nor the period of time during which she was a teacher. When asked if she thought the tribe was "in existence today," she replied "some of the descendants of that tribe are and there's two full-bloods that belongs [*sic*] to the tribe. One by the name of McLeod [McKay] and the other by the name of John Steilacoom (Russell 1952, 20-21). When further asked if there was a 'tribal organization in existence today known as the 'Steilacoom tribe'" she answered: "Well, there are just these descendants; there's not really a tribe. These descendants are living there, a great many of them, right in Steilacoom" (Russell 1952, 21). When further questioned, she stated that she could still identify them as a Steilacoom Tribe (Russell 1952, 22).

83.7(a)(6) Identification as an Indian entity in relationships with Indian tribes or with national, regional, or state Indian organizations.

Although some families which would later become involved in STI activities provided affidavits and other information to the Northwest Federation of American Indians prior to World War I, the individuals did not identify themselves as Steilacoom and there was no identification of a then-existing Steilacoom entity.

The STI did not submit and BIA researchers did not locate any other data pertaining to STI identification by national, regional, or state Indian organizations prior to the bringing of the Steilacoom claim before the ICC in the 1950's.

Identifications subsequent to 1974. In February 1974, the Steilacoom Indian Tribe incorporated within the State of Washington as a non-profit organization. From 1974 to the present, the Steilacoom Tribe of Indians has regularly been identified as a non-recognized Indian tribe by Federal and State agencies, in newspaper articles, by local historians, and by scholars. It has participated in the Small Tribes of Western Washington (STOWW) organization and received numerous Federal grants. It has sponsored extensive educational activities in local schools, and maintains a museum and cultural center. On the basis of all these activities, the petitioner

submitted substantial documentation concerning external identifications of the Steilacoom Tribe of Indians, as an organization, for this period extending from the mid-1970's to the present

Summary. For the period 1900-1925, no external identifications of an existing Steilacoom entity were submitted by the petitioner or located by BIA researchers. From 1925 through 1973, the Steilacoom organizations were identified primarily by the BIA, and were shown by all the documents, with the exception of the 1952 testimony of Janet Judson Russell, to be claims organizations. With the exception of the acceptance of STI "blue cards" for hunting and fishing without a license from the mid-1950's through 1971, no other direct or implied external identifications of an existing Steilacoom entity by the State of Washington for the period 1925 through 1973 were submitted by the petitioner or located by BIA researchers. Only since 1974 have there been regular external identifications of the STI as a currently-existing Indian entity.

Therefore, the petitioner does not meet criterion 83.7(a).

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

For purposes of Federal acknowledgment:

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

Petitioners may be evaluated under either 83.7(b)(1) or 83.7(b)(2), or both. Under 83.7(b)(2), the regulations state that a petitioner "shall be considered to have provided sufficient evidence of community at a given point in time" if evidence is provided to show any of five possibilities:

- (i) More than 50 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community;**
- (ii) At least 50 percent of the marriages in the group are between members of the group;**
- (iii) At least 50 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship organization, or religious beliefs and practices;**

- (iv) There are distinct community social institutions encompassing most of the members, such as kinship organizations, formal or informal economic cooperation, or religious organizations; or**
(v) the group has met the criterion in 83.7(c) using evidence described in 83.7(c)(2).

The petition did not demonstrate any of the five possibilities provided by 83.7(b)(2) at any point in time since the beginning of sustained contact with non-Indian settlers. The only one of them asserted was 83.7(b)(2)(i). Under 83.7(b)(2)(i), the regulations seek to identify communities of interacting Indians--not residences of extended families. No single area where STI ancestral families lived in the later 19th and early 20th centuries contained over 50 per cent of the STI ancestors alive at that time or was "exclusively or almost exclusively composed of members of the group."

The petition characterized the STI ancestors as having resided in identifiable residential "pockets" throughout the Puyallup River, Chambers Creek, and Nisqually River drainages from the post-treaty period until approximately World War I, but BIA research did not confirm this. The evidence showed that each "pocket" described by the petitioner consisted of an individual extended family, or two or three closely related nuclear family households. These families were living in existing, predominantly non-Indian settlement centers in Pierce, Thurston, or Mason Counties, Washington. One of the residential "pockets" described as Steilacoom in the petition was identified by BIA researchers as consisting of five immigrant families from the Red River area of Manitoba, Canada (see below under criterion 83.7(e)) who were not ancestral to any current STI members. When STI ancestors did reside in these "pockets," they did not comprise or dominate the neighborhoods, or reside in the same area as other STI extended family lines. The areas in which they lived were not identified as Steilacoom settlements at the time.

Therefore, the issue of whether the STI meets criterion 83.7(b) has been analyzed under 83.7(b)(1), where the regulations list "some combination of the following evidence and/or other evidence" which a petitioner may use to show that it meets criterion 83.7(b). The possible forms listed are:

- (i) Significant rates of marriage within the group, and/or, as may be culturally required, patterned out-marriages with other Indian populations.**

The petitioner has not demonstrated significant rates of marriage within the group at any time since record-keeping began in the mid-19th century.

Historically. While there were, in the 19th century, a number of marriages between different Indian/HBC families, between various Red River immigrant families, a few marriages between Indian/HBC and Red River immigrant families, and three known marriages of children of HBC/Indian marriages with non-Steilacoom reservation Indians (two of these in collateral lines

not ancestral to STI membership), the great majority of the members of the petitioner's family lines married non-Indians.

Currently. The STI did not present and BIA research did not locate any currently existing marriages among STI members or any evidence of patterned out-marriages of STI members with other Indian populations.

(ii) Significant social relationships connecting individual members.

Historically. There was little direct or circumstantial evidence of social relationships connecting individual members of the STI ancestral family lines with one another in the past. See further discussion under 83.7(b)(1)(iii).

For the historical period covered by the memories of living persons, descriptions of social interaction showed intrafamily association (uncles and aunts with nephews and nieces; cousins with one another) but little interfamily association. In descriptions of life at Roy, Washington, from the 1930's through the 1950's, interviewees indicated that it was a small town (population under 500) and everybody who lived there associated with one another. The association was not based on tribal membership.

Currently. The petition did not present and BIA researchers did not locate evidence of significant social relationships connecting individual STI members in the present, outside of those within immediate family groups.

(iii) Significant rates of informal social interaction which exist broadly among the members of a group.

Historically. In order for there to be "significant rates of informal social interaction which exist broadly among the members of a group," there must first be a group. The most difficult aspect of the analysis of this petition was that the ancestors of the current STI membership did not, historically, constitute either a single tribe or group whose history could be traced through time and place or an amalgamated tribe or group whose history could be traced through time and place.

BIA researchers carefully documented the persons described by the petition as historical Steilacoom Indians. BIA researchers also carefully documented the family lines ancestral to the STI from treaty times to the present. Many of the persons claimed as "Steilacoom Indians" by the petition belonged to other local tribes. There was no documented interaction between these Indians, whether Steilacoom or from other tribes, and the petitioner's known ancestors.

There was also limited overlap between documented Steilacoom Indians and the petitioner's ancestral lines--only one family. There was no documentation that this family, during the 19th and the first quarter of the 20th century, interacted with any other of the STI ancestral family lines.

There was also no evidence that the remainder of the STI ancestral family lines interacted with one another broadly during the 19th and 20th centuries. There was some evidence that certain subgroups of the STI ancestral families (for example the Riell, Stone, and Gardner families in Thurston County) interacted with one another, although not primarily with one another. However, there was no evidence that broad interaction took place among the various identifiable subgroups of people whose descendants subsequently became members of the STI.

There was evidence showing that the non-Indian former HBC employees who married Indian women in the mid-19th century in Pierce County, Washington, associated with one another. However, they also associated with other former HBC employees who would not become ancestral to STI: the association came through the husbands rather than through any common tribal identity of their Indian wives. If, as asserted by the petition, the Indian wives of non-local men "maintained their tribal affiliation" (STI Pet. 1986, 134f), that affiliation would have been with a number of different tribes, not with the Steilacoom Indians (see discussion under criterion 83.7(e)). Similarly if, as asserted by the petition, the children of Indian/HBC marriages had tended to be assimilated into the cultures of the Indian villages from which the mothers originally came, the children would have been assimilated into several different tribes. However, all available evidence indicated that the children of these marriages grew up in households headed by the non-Indian father and only rarely moved to the reservation where the mother was eligible for enrollment under the Treaty of Medicine Creek.

Similarly, there was evidence showing that members of the Red River immigrant families from Manitoba, Canada, associated with one another both during the years that they lived in Oregon from the mid-1840's until after 1860, and again after their resettlement in Pierce County, Washington from the later 1860's onward. However, the elements which bound them as relatives, friends, and neighbors did not stem from any association with the Steilacoom Indians, but had already existed before they left Canada. The associations that they developed with members of the Indian/HBC families that lived in Pierce County resulted from residential patterns and were not exclusive or based on a common tribal affiliation.

There was no evidence that several other of the ancestral families, particularly those whose descendants would be adopted into the STI in the 1950's, had social or economic associations with either the Indian/HBC or the Red River family lines in the 19th century or the first half of the 20th century. For the period covered by the recollections of the persons who provided affidavits to BIA Special Agent Charles E. Roblin between 1910 and 1918, the statements provided little evidence that members of the extended families ancestral to the STI associated with identified Steilacoom Indians at all, or with members of other STI extended families extensively. Most of the social relationships described were intrafamily.

Currently. No evidence was located to demonstrate broad informal social interaction among STI members as a whole. Activities are sponsored by the formal STI organization, with limited participation among the membership.

(iv) A significant degree of shared or cooperative labor or other economic activity among the membership.

Historically. Since the 19th century, shared or cooperative labor or other economic activity has not been a feature of the lives of the STI members. Census records indicated that the STI ancestral families worked in farming, logging, and day labor, primarily. Family members worked with one another and with neighbors, whether those neighbors were Indian or non-Indian. Fishing, hunting, and gathering of wild plants by the membership contributed to family subsistence, particularly during the 1930's, but took place primarily within extended family lines.

Currently. Participation by STI members in commercial fishing in the 1970's was by invitation of federally acknowledged tribes, and did not involve a significant degree of shared or cooperative labor among the STI membership. Although in the modern period, since 1974, the STI has obtained Federal grants for purposes such as job training, there was no evidence of a significant degree of shared or cooperative labor or other economic activity among the members.

(v) Evidence of strong patterns of discrimination or other social distinctions by non-members.

Historically. The petition contained no evidence of strong patterns of discrimination or other social distinctions by non-members in the past. This was most clearly shown by the fact, as discussed above, that from first sustained contact with non-Indians until the present, the ancestral families and current members of the STI have intermarried primarily with local non-Indian families. Since the establishment of public schools in Washington, the majority of STI members have attended public school. In those families which did to some extent utilize BIA schools, other siblings, or sometimes the same child at different dates, attended public schools. The petition, and BIA interviews with STI members, provided limited anecdotal evidence of prejudice against non-whites in schools from the 1930's through the 1970's. This was not, however, evidence of patterned discrimination. The STI submitted no evidence that the families of the petitioner have at any time been excluded from membership in certain churches or social organizations because of their Indian background.

Currently. The petition contained no evidence of strong patterns of discrimination or other social distinctions by non-members in the present. The majority of STI members live in the region of southern Puget Sound, but analysis of population distribution indicated that they are not subject to limited housing or residential locations or other restrictions resulting from identity as STI members (see Appendix 6 of the Technical Report).

(vi) Shared sacred or secular ritual activity encompassing most of the group.

The petition did not submit and BIA researchers did not locate any evidence that, at any point in time, from first sustained contact with non-Indians until the present, the ancestral families or

current members of the STI had any shared sacred or ritual activity that encompassed most of the group.

(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian. They may include, but are not limited to, language, kinship organization, or religious beliefs and practices.

No significant data was submitted or located which indicated cultural patterns which differentiated STI members from non-Indian populations. The usage of BIA facilities, such as schools and hospitals, by STI families in the later 19th and 20th centuries does not fall into this category of evidence.

(viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name.

There was no named, collective identity between 1854 and 1925. At different times during the 1925 - 1941 period, two Steilacoom claims organizations existed. There are no membership lists of these organizations. Therefore, it was not possible to determine to what extent, if any, the petitioner's ancestors other than the named officers mentioned above under criterion 83.7(a) identified with either or both. Outside of these claims organizations, there was no evidence of a collective identity for the STI ancestral families for the period 1925-1941. There was no evidence in the record of a collective identity for the period 1941-1951. Since there were no membership lists of the 1925-1941 claims organizations, the evidence in the record was not adequate to determine to what extent the membership of that period overlapped with that of the post-1951 Steilacoom claims organization. There was an approximate 65 percent overlap between the 1950's lists and the lists from the mid-1970's to the present. The 1950's lists included "adopted" family lines who claimed no prior Steilacoom associations.

The STI incorporated in 1974 and has existed continuously since that date, during which time it has asserted a "Steilacoom" identity for the organization. The identity asserted by the formal organization of a petitioner is entitled to weight as representing the views of the membership. However, the existence of a formal organization is not in itself sufficient to show collective group identity.

(ix) A demonstration of historical political influence under the criterion in 83.7(c) shall be evidence for demonstrating historical community.

The petitioner did not meet criterion 83.7(c) at any point in time from first sustained contact with non-Indian settlers until the present. Therefore, there was no carry-over from 83.7(c) to 83.7(b).

The petitioner did not submit other acceptable evidence of community from historical times to the present. Therefore, the petitioner does not meet criterion 83.7(b)

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

Petitioners may meet criterion 83.7(c) under the provisions of either 83.7(c)(1) or 83.7(c)(2), or both. The regulations provide under criterion 83.7(c)(2) that:

A petitioning group shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders and/or other mechanisms exist or existed which:

- (i) Allocate group resources such as land, residence rights and the like on a consistent basis.**
- (ii) Settle disputes between members of subgroups by mediation or other means on a regular basis.**
- (iii) Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.**
- (iv) Organize or influence economic subsistence activities among the members, including shared or cooperative labor.**

The STI did not submit and BIA researchers did not locate any substantive evidence that showed that the petitioner's activities demonstrating political influence or authority over its members fell within the parameters described under 83.7(c)(2)(i), (iii), or (iv) from historical times to the present. Under 83.7(c)(2)(i), the petitioning group did not historically have any land or residence rights to allocate. Under 83.7(c)(2)(iii), the petitioner did not submit and BIA researchers did not locate any evidence that STI exerts strong influence on the behavior of individual members. Under 83.7(c)(2)(iv), economic activities were limited to a short period of invitational treaty fishing with the Puyallup during the 1970's that involved only a small number of STI members. This activity was insufficient to show that STI met 83.7(c)(2)(iv). Therefore, only 83.7(c)(2)(ii) requires further discussion.

Under 83.7(c)(2)(ii), there was no indication of significant disputes among subgroups within the STI membership. The only "disputes" mentioned in the petition concerned the undocumented decision to fire a non-STI business manager some time in the early 1940's and the election in which Lewis Layton, a Colville Indian who had been adopted by the STI, was replaced as chairman by Joan Marshall [Ortez] in the summer of 1975. Ortez has remained as chairman from 1975 until the present, and there was no evidence of strong support within the membership for any other potential leader, either at the time of her election or subsequently.

There was also no evidence that the change in the nature of the STI resulting from the adoption of new family lines into membership of the claims organization in the 1950's produced pressure from these members to change the way the organization functioned. There was no evidence of conflicts or tensions between the 1950's family lines and the LaTour descendants who had dominated the claims organization since the mid-1930's.

Therefore, the issue of whether or not the STI meets criterion 83.7(c) has been evaluated under the evidentiary levels described in 83.7(c)(1), which states that it may be demonstrated "by some combination of the evidence listed below and/or by other evidence that the petitioner meets the definition of political influence or authority" (83.7(c)(1)). Generally, because there was no identifiable entity in the later 19th and early 20th centuries that comprised the petitioner's ancestral lines, there were no identifiable group leaders or governing bodies prior to 1925. Insofar as the petition mentioned individual 19th century Steilacoom Indians as leaders, there was no evidence that most STI ancestral families associated with them. Insofar as it mentioned identified STI ancestors as leaders, there was no evidence that their influence extended beyond their own family line. The forms of evidence listed are:

(c)(1)(i) the group is able to mobilize significant numbers of members and significant resources from its members for group purposes.

Historically. There was no evidence submitted concerning any mobilization of resources from members of family lines ancestral to the STI for any common purposes from the mid- 19th century until the formation of the Steilacoom claims organization in 1925. Since the membership of the Steilacoom claims organization in the 1920's and 1930's is unknown, there was no evidence submitted to show the level of support provided by its members even for this limited function. There was no data indicating that there were any common purposes among the STI ancestral families other than the prosecution of claims prior to the development of concern over fishing rights in the 1950's.

Currently. The limited data available indicates that most of the current activities of the STI, such as the museum and cultural center, are conducted by only a small number of the members.

(c)(1)(ii) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.

Historically. There was no evidence of this factor throughout the second half of the 19th century or first quarter of the 20th century, primarily because there was not sufficient evidence to identify any formal or informal leaders. The individual STI extended families were not connected with one another in such a way as to permit any kind of bilateral political relationship. In so far as the petition mentioned individual 19th century Steilacoom Indians as leaders, it did not demonstrate that the STI ancestral families associated with them. In so far as the petition mentioned identified STI ancestors, such as Rose Andrews, as leaders, there was no evidence that their influence extended beyond their own family line.

Because of the lack of documentation of the membership of the Steilacoom claims organizations from 1925 through 1941, no evidence existed to show whether or not “most” of the membership considered the only issue of interest to these organizations--namely claims--to be of importance. Similarly, as there is no evidence as to the individuals or family lines involved in the attempt to organize a “Steilacoom Tribe of Public Domain Indians of Washington” from 1936 through 1941, it is impossible to determine whether the activities of the leaders of this group, primarily LaTour descendants, were considered to be of importance by the members of other STI ancestral family lines.

Currently. The activities of the current STI leadership have focused on the issues of Federal acknowledgment and representational and educational activities directed at the wider community. There is insufficient evidence to determine that most of the membership considers these issues important.

(c)(1)(iii) There is widespread knowledge, communication and involvement in political processes by most of the group’s members.

Historically. The STI did not submit and the BIA did not locate any evidence pertaining to this issue. The indication in 1925 that seven adult “Steilacoom Indians” were present at a claims meeting, and that these represented “virtually all the adult members,” indicated that most of the adult STI ancestors alive at that date were not participants in the organization.

Currently. The STI has a newsletter distributed to the membership. However, beyond this effort of the leaders to communicate with the members, the STI did not submit and the BIA did not locate evidence that demonstrated widespread knowledge of and communication concerning political processes among the members. Rather, the evidence indicated that STI political processes do not involve a significant portion of the members, while other undertakings are more community-based than tribally based. Of the 612 members, approximately 30 attend meetings. The museum association includes persons who are not STI members.

(c)(1)(iv) The group meets the criterion in 83.7(b) at more than a minimal level.

The petitioner did not meet criterion 83.7(b) at more than a minimal level at any point in time. Therefore, there was no carryover from criterion 83.7(b) to criterion 83.7(c).

(c)(1)(v) There are internal conflicts which show controversy over valued group goals, properties, policies, processes and/or decisions.

This issue has been discussed above under 83.7(c)(2)(ii). The evidence submitted by STI and located by the BIA has indicated that the petitioner has had very few conflicts and controversies within the organization since the beginning of the keeping of organizational minutes.

Other evidence. The regulations provide that in addition to the forms of evidence specified above, petitioners may submit "other evidence" to demonstrate that they meet criterion 83.7(c). The other evidence submitted by STI is summarized in the following subsections.

Petition arguments under 83.7(c). The petition presented two basic arguments under criterion 83.7(c). The first argument was designed to show the existence of political influence or authority within the historical Steilacoom Indians who participated in the 1854 Treaty of Medicine Creek. Analysis of this material was complicated by the petitioner's fluctuating definition of the term "Steilacoom" in the 19th century, in both pre-treaty and post-treaty times, to include villages and leaders which have customarily been identified, both in contemporary records and by modern scholars, as Nisqually or Puyallup. The second argument was designed to show that the ancestors of the members of the modern STI (persons known and well documented) were politically associated with identified Steilacoom leaders from historical times until the present.

The issue of post-treaty existence of an identifiable Steilacoom Tribe. Between the appearance of Sam Young in a position of Steilacoom leadership during the 1855-1856 Indian War and the 1856 Fox Island Council and the formation of the Steilacoom claims organization in 1925, no document submitted by the STI or located by BIA researchers provided the name of any person who was described as a contemporary leader of the Steilacoom Indians. A variety of pioneer reminiscences and other retrospectives and local histories discussed two men named Steilacoom who lived in the second half of the 19th century--one a former HBC employee who lived in the Nisqually bottoms and worked for BIA employee Daniel Mounts, and the other John Steilacoom, who lived near the modern city of Steilacoom. The petition asserted that the second of these, John Steilacoom, succeeded Sam Young as leader of the Steilacoom Indians in the 1870's or 1880's. No documentation was located to verify this assertion of leadership, or to verify that the off-reservation Steilacoom maintained any type of organization in post-treaty times. James Stillbains, described by the petition as an off-reservation Steilacoom leader, had moved onto the Puyallup Reservation by 1871 and remained active in Puyallup affairs until his death in the early 1900's. The 1878 BIA census presented by the petitioner as that of "the Gig Harbor and Steilacoom bands" (STI Pet. Resp. 1994, R-164) was entitled, "Gig Harbor and Steilacoom bands of the Puyallup tribe of Indians residing in Pierce County, Washington" (NARS RG 75, M-234, Roll 917, Frames 439-440).

Indians of identifiable Steilacoom descent who moved to the reservations, such as Sam Young and James Stillbains, did not represent the political continuation of a pre-treaty Steilacoom tribe or band, nor was there evidence that these individuals interacted with the STI ancestral families. Persons in this category were no longer classified as members of a continuing Steilacoom entity by the BIA. During discussion of the attempt of the Steilacoom Tribe of Public Domain Indians to organize under the IRA in the later 1930's, agents explained:

There are a few Indians of Steilacoom blood enrolled as members of the Nisqually tribe. They are, however, considered as Nisqually Indians and not as Steilacooms. As a matter of fact, the records show them only as being Nisqually Indians, but the

Indians say they are of Steilacoom blood. It is understood that there are also a number of Indians of Steilacoom blood enrolled with the Puyallups. The same may be true of the Muckleshoots, but in each case they are considered as members of the tribe with which they are enrolled, and the group of Steilacooms which are referred to are not enrolled anywhere (Nicholson and LaVatta to Collier 6/17/1937, 1).

The petition maintained that off-reservation Steilacoom individuals maintained some formal tribal structure throughout post-treaty times by, for example, attending meetings from the 1850's through the early 20th century with the Nisqually, Puyallup and Yakima. It referred to large gatherings of Indians for trade, horse racing, and gambling around the Forts of Steilacoom and Nisqually in the mid-19th Century (STI Pet. 1986, 77-78, STI Pet. 1986, 155) and then maintained that members of the STI ancestral families “no doubt participated in Horse racing [*sic*]” (STI Pet. 1986, 167). These gatherings, however, were frequented by Indians from throughout the Puget Sound area, and were not evidence of Steilacoom political organization or activity. Also, there was no actual evidence that the petitioner’s ancestors were involved in any of them.

The definition of the “Steilacoom Tribe” of post-treaty times by the petitioner. The petition asserted that:

During this period [the later 19th century] many of the Indians from Canada who came as part of the Red River party or as employees of the HBC were accepted for membership by the Steilacoom Tribe. This was part of a large regional phenomenon of tribal reaffiliation that was taking place. Many local Indians who moved onto the reservations designated for their spouses’ tribes were accepted as equal members of that tribe and community (STI Pet. 1986, 141a).

No evidence was located that any such “acceptance for membership” by the “Steilacoom Tribe” took place or that any continuing “Steilacoom Tribe” existed which could have accepted them. The petition also claimed that in a later period, some of the “Steilacoom” enrolled in the Puyallup tribe in 1929, and termed this the “Puyallup Defections” (STI Pet. 1986, 242). The individuals named by the petition were Augustus Kautz, Ellen Young, Joseph L. Young, Katherine (McKay) Lambert, Louisa Douette, Kenneth Kautz, Joseph McKay, and John Steilacoom (STI Pet. 1986, 243). All of these individuals had been closely identified with the Puyallup Tribe and enumerated on Puyallup censuses long before 1929. With the exception of John Steilacoom and his nephew and niece, the McKays, there was no evidence that they had been affiliated even with the 1925 Steilacoom claims organization.

The issue of formal meetings of a “Steilacoom Tribe” in the post-treaty period. The petition also referred to meetings held between the 1880's and 1912, which it characterized as business council meetings (STI Pet. 1986, 157), for which no records were available. The petition mentioned a meeting at the Andrews house on Segwallitchu Prairie in the 1890's (STI Pet. 1986, 157) and characterized the meeting as attended solely by Steilacoom members (STI Pet. 1986, 158), with

Sam Young as acknowledged chief (STI Pet. 1986, 158). No documentation was located to verify such a meeting.

According to the petition, Rosalie Edwards, the daughter of Rose (LaTour) Andrews, recalled meetings from 1900 through 1913 with the Puyallup and Nisqually (STI Pet. 1986, 195), with John Steilacoom succeeding Sam Young as leader (STI Pet. 1986, 196). However, her recollections resembled the known documentation pertaining to the later activities of the Steilacoom claims organizations in the 1920's and 1930's (see discussion above under criterion 83.7(a)).

The petition claimed that other meetings were held 1914-1916 at Steilacoom Town Hall by the Steilacoom themselves and at the Nisqually Butcher Shop 1917-1919 (STI Pet. 1986, 189, 203). The petitioner submitted no evidence verifying that these meetings occurred, that they were attended by the petitioner's ancestors, or that such ancestors were representing an entity known as the Steilacoom tribe. For example, there was no newspaper coverage, such as existed for the Cowlitz meetings of the period just prior to World War I.

The activities of claims organizations (see discussion under criterion 83.7(a)) are limited in nature and do not in themselves constitute a bilateral political relationship between the leaders and the membership. In this instance, there is no documentation of the membership of the pre-1950 claims organizations. Other initiatives discussed by the petition, such as the 1929 Puyallup enrollments, the 1930-1935 attempts at Nisqually enrollment, and the 1935 attempt to organize a Muck Creek Indian Tribe did not show show political influence or authority within any Steilacoom organization, but rather that some of the the ancestors of persons who are now STI members were participating in a variety of different initiatives, none under Steilacoom leadership. The attempted organization of a "Steilacoom Tribe of Public Domain Indians" between 1936 and 1941 also provided no data concerning a bilateral political relationship between the leaders and the members because the membership is not known.

While the Steilacoom claims organizations that existed from 1950 through 1973 did have surviving membership lists, the meeting minutes and other records indicated that it was primarily a one-purpose organization. The issuance of "blue cards" to its members by the BIA, while important to the sense of Indian identity of individual members, was not an activity which demonstrated political influence or authority of the leadership over the STI members.

The STI as it has existed since its incorporation in 1974 has also retained membership lists, and has expanded its functions and activities. They have included the administration of numerous grants, both from the Federal Government and private foundations; commemorative activities; consultation on archaeological projects in and around the town of Steilacoom; educational consultation in the public schools, and maintenance of the Steilacoom Tribal Museum. However, these functions and activities were not of a type to show a significant bilateral political relationship between the leadership and the members.

Therefore, the petitioner does not meet criterion 83.7(c).

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

The petitioner provided copies of the current constitution and by-laws, which include a detailed statement of membership qualifications and enrollment procedures. The petitioner also provided copies of prior constitutions, one drafted in 1936 and one adopted in 1963, both of which included limited information in membership qualifications and enrollment procedures.

Therefore, the petitioner meets criterion 83.7(d).

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

STI submitted ancestry charts for 91 per cent of its members, leaving 56 current members (9.2 per cent) with missing data. It is not known whether these persons descend from already documented family lines.

Of the 91 percent of STI members for whom the BIA received documentation, all are Indian descendants (see Table 3, Technical Report). Most of the ancestral family lines, including several of those adopted into the STI during the 1950's, have resided in the southern Puget Sound area, primarily in Pierce County, Washington, but also to a lesser extent in Thurston and Mason Counties, Washington, since the mid-19th century. During the 19th and early 20th centuries, Federal and territorial census records often but not universally identified the families as Indian, or as "half-breed."

However, only three of the 612 members have been documented as descendants of persons who, historically, in the 19th and first quarter of the 20th centuries, were described by themselves or others, in contemporary or retrospective documents, as Steilacoom Indians. Rather, the petitioner's members descend primarily from two other population groups (see Table 2, Technical Report).

Just under two-thirds of the 91 per cent of STI members who have documented their Indian ancestry descend from non-Steilacoom Indian women who, between 1839 and 1870, married men

who had come to the region of Fort Nisqually as employees of the Hudson's Bay Company (HBC). A few of the HBC employees were partly of Canadian Indian ancestry, but the majority were French-Canadian, Scottish, or English by birth. The descendants of these Indian/HBC marriages cannot be categorized as a metis (mixed-blood) group descended from the historical Steilacoom band, because the Indian wives came from a wide variety of tribal origins. Their children and grandchildren described them variously as Nisqually, Puyallup, Cowlitz, Clallam, Chimacum, Quinault, Duwamish, Skokobish, Yakima, and Snohomish (NARS RG 75, M-1343, M-1344). None of their children or grandchildren, in any of the affidavits made for BIA Special Agent Charles E. Roblin between 1910 and 1918, described an ancestress as Steilacoom. Most of these women, after marriage, followed a pattern of residing with their non-Indian husbands in non-Indian neighborhoods. The primary exception was Betsy Cushner, who moved with her non-Indian husband onto the Puyallup Reservation.

The STI Petition suggested that identification of the STI ancestresses with tribes other than Steilacoom was either because they had moved from their childhood homes among the Steilacoom to their husbands' homes after marriage or because they had enrolled on the reservations in order to obtain land. The first argument, based on the Southern Coastal Salish custom of sometimes identifying with the villages where one lived after marriage, would be plausible only for women who married other Indians and moved to other Indian villages; it would not apply to women who married white men and lived with them on farms. For the second argument to be plausible, the few STI ancestresses who did enroll on reservations would have to show some kin-based connection with people who had lived in the known Steilacoom villages on Chambers Creek and Clover Creek or with people otherwise independently verified as Steilacoom Indians. The evidence did not show any such connection, nor did the reservation-enrolled Indian collateral relatives of other STI direct ancestors identify themselves as of Steilacoom descent in 19th century documents. Rather, they identified themselves in other ways.

Just over one-third of the petitioner's members with documented Indian ancestry trace their lineage to Canadian Indian tribes through Red River metis families from Manitoba who settled in Oregon and Washington between 1844 and 1855. The petition asserted that these Red River immigrant families were adopted, sometimes by way of intermarriage, into a continuously existing Steilacoom tribe during the second half of the 19th century. However, the documented intermarriages did not take place between Red River immigrants and Steilacoom Indians. Rather, they took place between Red River immigrants and the non-Steilacoom Indian/HBC descendant families described above.

Additionally, although the identified STI ancestral family lines can all be documented to the mid-19th century, a significant proportion of them were not associated with each other, nor with even the Steilacoom claims organization of the 1920's and 1930's. Rather, several of the families of non-Steilacoom Indian descendants (both HBC and Red River) were "adopted" into the STI in the 1950's. These included families whose Indian ancestry was Cowlitz, Cowlitz/Quinault, Lummi, Red River, and Colville. Consequently, although the petitioner's membership consists of Indian descendants, it does not consist of "individuals who descend from a historical Indian tribe or from

historical Indian tribes which combined and functioned as a single autonomous political entity” as required by criterion 83.7(e).

Therefore, the petitioner does not meet criterion 83.7(e).

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

The requirements of section 83.7(f) are designed to prevent the breakup of existing federally acknowledged tribes. The petitioner’s constitution prohibits dual enrollment, and has prohibited dual enrollment since 1973. At that time, several of the families that had been adopted during the 1950’s left STI in order to maintain Cowlitz enrollment. The membership of the STI is composed principally of persons who are not members of any acknowledged North American Indian tribe.

Therefore, the petitioner meets criterion 83.7(f).

83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has

expressly terminated or forbidden the Federal relationship.

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

Therefore, the petitioner meets criterion 83.7(g).

Summary. The petitioner does not meet criteria 83.7(a), 83.7(b), 83.7(c), and 83.7(e). Therefore, this proposed finding concludes that the Steilacoom Tribe of Indians does not exist as an American Indian tribe within the meaning of Federal law.

TECHNICAL REPORT, STEILACOOM INDIAN TRIBE

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MAP SUPPLEMENT

LIST OF SOURCES

1 INTRODUCTION AND SUMMARY OF THE EVIDENCE

The Steilacoom Tribe of Indians or Steilacoom Indian Tribe¹ (hereinafter cited as the STI) has submitted a petition for Federal acknowledgment to the Bureau of Indian Affairs (BIA). The offices of the petitioner are located at Steilacoom, near Tacoma, in Pierce County, Washington. Seventy-seven percent of the petitioner's total membership (475 of 612 members) live within the State of Washington. Three hundred eighty-one, or 80.2 percent of the 475 members who live in the State of Washington reside in Pierce County and the adjoining counties of Thurston, Lewis, and King.

This petition claimed that the STI is a successor tribe to the signers of the Medicine Creek Treaty in 1854. It claimed that the STI membership is comprised of descendants of Indians from the village of Steilacoom on Chambers Creek and neighboring pre-contact villages that it defined as Steilacoom. It stated that the Indians from the Steilacoom village and their close relatives resided throughout an area centering around the drainage of Chambers Creek and American Lake, and bordered by the Puyallup River, 11 miles to the north and the Nisqually River, six miles to the south of the mouth of Chambers Creek (see map). The petition also maintained that the descendants of these Indians have continued to exist as a tribal entity with an unbroken sequence of formal and informal leaders from 1854 to the present.²

For the purpose of evaluating the petitioner under 25 CFR Part 83.7, the essential issue is to determine the facts that indicate whether or not the petitioner represents a continuation of a historical Steilacoom band, and to determine whether the band is a separate and distinct entity. This technical report shows that the data does not support the petitioner's theory of STI history. Rather, the BIA research and analysis indicated that the petitioner's members descend from marriages of Indian women from several tribes, including Nisqually, Clallam, Cowlitz and Skokomish, with Hudson Bay Company (HBC) employees and descendants of immigrants from the Red River Valley of Manitoba.

While the petition characterized the ancestors as having resided in village or settlement "pockets" throughout the Nisqually, Chambers Creek, and Puyallup River drainages during the post-treaty period, the BIA researchers found that individual extended families of STI ancestors in fact resided only temporarily in existing, predominantly non-Indian communities in this area. They did not comprise or dominate these communities, or reside in the same area as other STI

¹The petitioner's documents and letterhead use both forms of the name.

²The petitioner presented the following self-definition:

Over the years, the Steilacoom Tribe has effectively used a number of traditional Salishan strategies (e.g. leadership selection, residence choice, training procedures and membership determination) to overcome a multitude of obstacles. Its efforts have produced an unbroken line of leadership and a continuous existence of community pockets within their traditional territory (STI Pet. 1986, 1:v-vi).

extended family lines. The communities in which they lived were not identified as Steilacoom at the time.

Only one nuclear family of the petitioner's current membership descends from the Indians who once resided in a village historically known as Steilacoom. While BIA researchers identified other Indians who were described as Steilacoom in 19th century documents, these Indians moved during the later 19th century to the Nisqually and Puyallup reservations designated by the 1854 Treaty of Medicine Creek, and maintained no known tribal relations with the ancestors of today's petitioner.

The technical report's analysis of this petition approached and marshaled the data, and used standard historical, genealogical, and anthropological methodology to analyze the data available to characterize the descendency, social interaction, and leadership among the ancestors of the petitioner.

1.1. Problems with the petition

The term "Steilacoom Indians" referred historically to a group of Southern Coastal Salish-speaking Indians who resided along what is now Chambers Creek, north of the present-day town of Steilacoom, Washington, in the pre-treaty period. Chambers Creek, formerly known as the Steilacoom River, is located 11 miles south of the Puyallup River, 6 miles north of the Nisqually River, and drains from American Lake into the southeast corner of Puget Sound. The STI claimed to descend from Indian families who resided in five major winter villages in the Chambers Creek drainage, and along small tributaries to the Nisqually and Puyallup Rivers, from before the Treaty of Medicine Creek, in 1854, to the present.³

³Geographically, the petition asserted that "Steilacoom" was "the name of the tribe of people inhabiting the drainage system between the Puyallup and Nisqually tribes" (STI Pet. 1986, 1:8a), and states:

Traditional Steilacoom territory extended from its southern boundary at the mouth of the Nisqually River (Ballard ms.; Smith 1940; Smith 1941; Russell testimony), where it bordered on the territory of the Nisqually Tribe, northward to Day Island (Ballard ms.; Russell testimony) or between Point Defiance and Tacoma (Waterman ms.), where it bordered on the territory of the Puyallup Tribe. Steilacoom territory was, therefore, "on the southern shore of Puget Sound opposite Fox, McNeil, Anderson, and Ketron islands" with the main settlements "situated on or near Steilacoom Creek and Sequelichu River" (Lane 1975a:1). The eastern boundary was inland near the start of the Puyallup River watershed (STI Pet. 1986, 1:9).

The petition indicated that the focus of this settlement area was Chambers Creek, formerly known as the Steilacoom River or Steilacoom Creek (STI Pet. 1986, 1:8a, 21), which flows into Puget Sound approximately six miles north of Segwallitchu Creek. The location is in the vicinity of the modern city of Steilacoom, Washington. It should be noted that the Nisqually Tribe specifically disputed that the villages on the Segwallitchu Creek (the mouth of which is about two miles north of the Nisqually River) were "Steilacoom," and asserted their historic Nisqually identity (Nisqually Objections 1995, [1]; Nisqually Objections Preliminary Draft 1986, [3]).

The petition suffered from major factual and conceptual problems. These problems were manifest both in the issue of prior acknowledgment, an issue raised by the petitioner, and in the way the petitioner utilized evidence to make its points. These problems will be outlined briefly here, because they are important to understanding why this report discusses various topics which on their face might not appear relevant to an acknowledgment decision. The evidence concerning these issues is discussed in more detail in later chapters.

1.1.1. The issue of prior unambiguous Federal acknowledgment.

Under the revised Acknowledgment regulations which became effective March 28, 1994, section 83.8 modified the standards of evidence for those petitioners who provide substantial evidence of unambiguous prior Federal acknowledgment. The STI asserted that it was federally acknowledged on the date of the Medicine Creek Treaty, December 24, 1854, and that this acknowledgment continued at least through the 1880's (STI Supplemental Submission 1997; Thompson 1997, 1). Therefore, the petitioner asserted that it should proceed through the Federal acknowledgment process under the provisions of 83.8, for previously recognized tribes. However, the BIA determined preliminarily that the petitioner was not eligible to proceed under the provisions of 83.8 (Maddox to Ortez, December 15, 1996). Although a group described as the "Steilacoom Indians" was included in, and was recognized by, the Treaty of Medicine Creek, evidence in the petition and from the BIA's initial research was insufficient to determine whether or not the modern petitioner's members were descended from the people in the "Steilacoom" group which was party to the 1854 Treaty. At that time, the petitioner could not be linked with the previously acknowledged tribe and was so advised (Maddox to Ortez, December 15, 1996).⁴

The Department's policy is that the essential requirement for acknowledgment is continuity of tribal existence rather than previous acknowledgment alone. Some petitioning groups who assert that they qualify for evaluation under 25 CFR 83.8 may represent recently formed associations of individuals who do have common tribal ancestry, but whose families have not been associated with the tribe or each other for many generations. Other petitioners may claim to descend from a

⁴The applicable sections of the regulations read:

83.8. Previous Federal acknowledgment.

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

The regulations (section 83.1) define "previous Federal acknowledgment" as:

. . . action by the Federal government clearly premised on identification of a tribal political entity and indicating clearly the recognition of a relationship between that entity and the United States.

treaty tribe, but cannot demonstrate that descent. The Department cannot accord evaluation under 83.8 to petitioners claiming previous acknowledgment without a showing that the group connects to the same tribe that was recognized in the past.

The petitioner did not demonstrate either the continued existence of a specific “Steilacoom tribe” after the treaty period or the association of its members’ identified ancestors with such a “Steilacoom tribe.” At the Treaty of Medicine Creek, unlike Governor Isaac Ingalls Stevens’ later treaties, the signers were not identified by band, tribe, or village. However, the lack of evidence connecting the STI with the treaty-era Steilacoom was only in small part because the specific Steilacoom treaty signers cannot be identified within the body of signers of the Treaty of Medicine Creek. More importantly, other evidence provided information that as of 1854, the identified Indian ancestors of the petitioner’s current membership were in some cases living outside of Pierce County, Washington; were involved in other historical developments; were, with the exception of one nuclear family, identified as non-Steilacoom Indians; and therefore were not part of the entity that was recognized by the Treaty of Medicine Creek.⁵

There are five facts which show that the petitioner’s ancestors were not the same entity as the historical Steilacoom band which attended the negotiations and signed the treaty in 1854, and that the modern STI organization does not represent a continuation of the historical Steilacoom band. First, most of the 19th century Indians mentioned by the petition as “Steilacoom” did not all come from the historical winter village on the north side of Chambers Creek or from other pre-treaty Steilacoom villages. They were Indians from other tribes and bands throughout southern Puget Sound who lived sporadically around the non-Indian town of Steilacoom, about five miles from the historical village site.⁶

⁵For details, see the genealogical sections of this technical report and the background STI GTKY file (BAR).

⁶Ethnographers have long recognized that Coast Salish society leadership centered around village headmen whose influence did not usually extend beyond their immediate village. Waterman (Waterman 1920c) cited Gibbs as follows:

Gibbs (. . . p. 185), gives an excellent account of the situation . . . that the chief was a *nominal* chief, with no control except over his own petty band, nor was it potent even there. “The decision of all questions of moment depends upon the will of the majority interested, but there is no compulsion upon the minority.” His account agrees perfectly with what Indian informants have told me within the last twelvemonth [*sic*]. In the matter of rank, men were all so nearly equal that L. Floyd Jones (p. 6) could write, in 1853, “the organization of these tribes . . . is exceedingly imperfect, and in many of them it is difficult to ascertain whom they regard as chief, or head man” (Waterman 1920c, 85).

Winter villages were Coastal Salish settlements housing both the headmen and shamans who shared leadership for the families residing there, and were thus the ceremonial centers and permanent homes claimed by an individual (Waterman 1929, 87-88). The individuals mentioned by the petitioner as “Steilacoom” (STI Supplemental Submission 1997, Thompson 1997, 2-4) were mainly Indians who resided or worked in the vicinity of the modern town of Steilacoom, Washington, in the second half of the 19th century, not people from the contact-period winter village on the north side of Chambers Creek.

Second, the other pre-treaty winter villages to which the petition referred as "Steilacoom" were either Nisqually villages or temporary settlements surrounding Hudson Bay Company outstations. The settlements other than Chambers Creek to which the petition referred were Sastuck, Spanaway, Segwallitchu, and Tlithlow. Sastuck was about four miles from Steilacoom; Tlithlow was located about seven miles from Chambers Creek; and Spanaway was about nine miles southeast. Sastuck, Spanaway, and Tlithlow were all HBC outstations. BIA research concluded that only Tlithlow and Segwallitchu were known to have been winter villages. Tlithlow's existence as a winter village was not noted in contemporary records after 1854. The village of Segwallitchu was located at the mouth of Segwallichu Creek, a tributary of the Nisqually River, and therefore about six miles south of the mouth of Chambers Creek.

Many of the individual Indians from Segwallitchu and neighboring villages cited as "Steilacoom" by the STI petition were, in fact, active participants in the life of the Puyallup and Nisqually reservations in the second half of the 19th century.⁷ The Office of Indian Affairs census of a "Steilacoom" group in 1878 identified it as a "band of the Puyallup Tribe,"⁸ and this 1878 "Steilacoom census" included no identified ancestors of the petitioner.

Third, virtually none of the Indians mentioned in these 19th century documents -- regardless of whether the STI petition correctly identified them as Steilacoom -- were ancestors of the present petitioner. Of the petitioner's current members, only one nuclear family descends from a family that was identified as "Steilacoom" in the Roblin affidavits collected between 1910 and 1918 (NARS RG 75, M-1343 and M-1344). Almost all of the STI membership descend either from Indian women who were never identified as Steilacoom in contemporary records and who married non-Indian employees of the Hudson's Bay Company (HBC) or from metis immigrants from the Red River Valley of Manitoba. There was limited intermarriage between the HBC and Red River families, but minimal descent from early marriages of Indian women to non-Indian immigrants to Washington Territory from other parts of the United States.

These conclusions about the petitioner's Indian base ancestors -- most of whom were women -- are based on documentation and research conducted by the BIA. Early documentation included Roman Catholic sacramental records of the 1830's (Munnick and Warner 1972). Later

⁷This participation contrasted with the experience of the ancestors of the STI petitioner, who did not move onto the reservations after 1857. In the 1920's and 1930's, some of the STI ancestral families unsuccessfully attempted to be enrolled with the Puyallup or Nisqually tribes, or, in some instances, with both. The Puyallup leadership rejected the applications because the applicants were unable to document to the leaders' satisfaction that they had maintained tribal relationships with the Puyallup Indians. The Nisqually leadership were unable either to obtain approval from their membership or to convince the Federal officials that the applicants maintained any kind of tribal relationships with the Nisqually Indians.

⁸The petitioner's treatment of the documentary sources led to significant misinterpretations. Many of the petition's assertions, for example, concerning the identity of "Steilacoom" Indians contained numerous elisions and ellipses which eliminated significant qualifying or modifying information found in the original documentation (see STI Supplemental Submission 1997; Thompson 1997, 5). When removed data were reinserted in the quotes, the petition's interpretations collapsed.

documentation included the descendants' own affidavits provided to BIA Special Agent Charles Roblin between 1910 and 1918 (NARS RG 75, M-1344 and M-1343). These records identified the STI ancestors as being of non-Steilacoom Indian lineages which traced to the Cowlitz, Skokomish, and Clallam tribes, and included some as far-removed as Chippewa and Great Plains tribes.

Fourth, a significant portion of the petitioner's family lines were adopted into the petitioning organization during the 1950's. These adopted lines have been documented as descending from Canadian mixed-blood families that emigrated from Manitoba to Oregon Territory between 1841 and 1855, from Cowlitz and Warm Springs Indians, from other northwestern Washington tribes such as Lummi and Clallam, or from Indian tribes from elsewhere in the United States.

Finally, the disjunction between the Steilacoom Indians identified in 19th century and early 20th century documents and the STI was also reflected in the lack of continuity between the 19th century Indian leaders mentioned in the petition and 20th century STI leadership. The petition did not demonstrate any continuity between the leadership of the Chambers Creek village's descendants provided by Sam Young from the later 1850's through the 1870's and the leadership of the "Steilacoom" claims groups which emerged in the early 20th century.

The combination of the above factors leads to the conclusion that the STI could not demonstrate that it is a successor to the Steilacoom Indian tribe or band that was party to the 1854 Treaty of Medicine Creek, and therefore "the same tribal entity that was previously acknowledged or . . . a portion that has evolved from that entity" as required by 25 CFR 83.8(d)(2)." Therefore, the STI petition has been evaluated under the provisions of 25 CFR 83.7.

1.1.2 General methodological problems with the petition

There were four critical problems in the petition's methodology and use of evidence that caused many inaccuracies throughout its analyses. First, the petition quoted extensively from general discussions of pre-contact and early contact period Salish Indians on Puget Sound (see Haeberlin and Gunther 1930, Smith 1940, and Roberts 1975) and then assumed without proof that the descriptions applied to the "Steilacoom Indians" (STI Pet. 1986, 1:20-21, 27-30, 33-63). This approach is not valid under the 25 CFR Part 83 criteria. These criteria require the petitioner to document the unique history of the petitioning group and to demonstrate the connection of the ancestors of the current membership to that specific historic tribe.

Second, the petition quoted extensively from modern day secondary reports (e.g. Lane 1975, Smith 1940) as documentation for events which took place in the period from the 1850's through the 1870's. While such secondary reports may be helpful to guide research by providing indications of where original documentation may be located. They do not in themselves constitute direct primary evidence of past events.⁹

⁹A good secondary source is based upon primary sources, and its explanation and interpretation of what a primary source said is relevant to understanding the historical context. However, it is not in itself direct evidence.

Third, the petition tended to conflate distinct concepts. For example, the petition listed a group of "extended winter village communities" in the Steilacoom valley based on information collected by anthropologists and archaeologists (Table 2: STI Pet. 1986, 1:22). The petition then listed elsewhere this same set of settlements as "known Steilacoom villages" (STI Pet. 1986, 1:21), even though the original researchers had never labeled these villages as tribal or affiliated with the aboriginal village of Steilacoom. The petition then corresponded these villages to posited bands by stating that the "Steilacoom Tribe was divided into the following bands (with village locations referring to the earlier section on villages)" (STI Pet. 1986, 1:32), even though the original listing never indicated that the sites were related to any named entities such as tribes or bands.

By pre-defining all Salish Indians who resided between the Nisqually River drainage and the Puyallup River drainage as "Steilacoom," the petition then proceeded through circular reasoning to consider evidence pertaining to Nisqually villages as Steilacoom data.¹⁰ For example, having pre-defined the village at the mouth of Segwallichu Creek (the tributary to the Nisqually River about six miles south of the town of Steilacoom) as being "Steilacoom," the petition then stated that: "In 1832 the HBC established a trading post known as Nisqually House (and later, after relocation and enlargement, as Fort Nisqually) adjacent to the a [*sic*] Steilacoom village near the mouth of the Segwallitchu River" (STI Pet. 1986, 2:46x). The petition then concluded that the Fort Nisqually Servants Account Book, beginning in January 1846, contained the names of many "Steilacoom Indians" (STI Pet. 1986, 2:47x).¹¹ Not only did the sources provide no indication of

¹⁰Early descriptions were not consistent in distinguishing the ethnicity of individual villages. In discussion the Hudson Bay Company expedition of 1824, the petition stated; "On the trip northward they stopped at the mouth of Chambers Creek (Elliott 1912; Morgan 1979) and obtained the guide services of a Steilacoom woman, her Snohomish husband who also resided there, and his Snohomish friend or relative" (STI Pet. 1986, 2:43x-44x). The actual journal of HBC official John Work never specifically identified the woman as Steilacoom. It stated:

Stopped at another little river where there was a village of the Nisqually Nation consisting of six houses . . . , getting two men and a woman, wife to one of them, to act as interpreters and guides for us. The men are both of the Sanahomis tribe and are not intelligible to any of our party, . . . The woman speaks and understands the Chenook language pretty well (Journal of John Work, 12-7-1824).

Two weeks later, on December 24, Work provided additional data: ". . . encamped at 2 o'clock in the afternoon at Sinoughtons, our guides' village which is called Chilacoom . . ." (Journal of John Work, 12-24-1824). From Work's earlier description, he considered "Chilacoom" to be part of the "Nisqually Nation."

¹¹Huggins described the function of these HBC facilities in attracting local workers from a variety of tribes and bands to the immediate area of Fort Nisqually:

Between the years 1849 and '54, a large number of Indians, Squallyamish, Snohomish, and Puyallups were living in the open space surrounding Fort Nisqually to the Westward, along the North bank of the picturesque Segwallitchew creek, and along the beach, from the Puget Sound Agricultural company's large receiving store, and the mouth of the

a "Steilacoom" tribal identity for the Indians named, but also none of these Indians were ancestral to today's petitioner, nor was there any evidence that they maintained any social interaction with the petitioner's ancestors during the 19th or 20th centuries.

Fourth, the petition consistently dismissed references in contemporary documents and original sources to the petitioner's known ancestors as other than "Steilacoom" as constituting errors. For example, after quoting two Catholic church references, one to the 1839 baptism of Betsey, "age 17 years, born of infidel parents of Nesqually" and the other to the marriage of Louis LaTour, "engagé, formerly of Sorel, in Canada,"¹² on the one part, and Betsey, Indian woman of Nesqually, on the other part" (STI Pet. 1986, 2:61x; citing Munnick and Warner 1972), it stated:

The use of the designation "Nisqually" for Betsey may have been the result of one of two practices; the Catholic missionaries, like many others, did not distinguish between the peoples of southern Puget Sound but rather lumped them all together as "Nisqually"; or, since the woman was from the neighborhood of Ft. Nisqually, she was termed to be "of Nisqually," thus perpetuating the misnomer of the name of the fort which was actually on the Segwallitchu (STI Pet. 1986, 2:61x-62x).

The petitioner provided no example of primary documentation in which Betsy LaTour was identified as "Steilacoom," which would have provided substantiation for the claim that other designations of her tribe as "Nisqually" could be considered an error. Again, there is no evidence whatsoever that Segwallitchu was a "Steilacoom" village. BIA research revealed that in addition to the documentation created throughout Betsy LaTour's own lifetime, her own grandchildren's affidavits to Charles Roblin in 1912-1919 agreed with the priest's identification of her as Nisqually. It is thus reasonable to conclude that she was in fact Nisqually.¹³

Finally, in another example, the petition stated:

Due to administrative procedure, Steilacoom children were listed under recognized tribes at the schools they attended. At Chemawa and Cushman they were generally called "Puyallup" while at St. George's they were enumerated as "Nisqually." However, their true identity as Steilacoom was known. For example, a photograph of the Cushman Indian School band taken around 1915 was shown to a Suquamish Tribal member who was in the photograph by the staff of the Suquamish Cultural Heritage Program around 1979. One fellow band

Seguallitchew creek, numbering in all -- I should think -- about 200 souls (Huggins 1904, 1).

¹²The contemporary documents also provided no support for the petition's contention that Louis LaTour was "a half-breed from eastern Canada" (STI Pet. 1986, 2:61x) or that he was a "Canadian Indian" (STI Pet. 1986, 2:80a, 2:133a). Not only were Louis LaTour and Isaac Bastian Sr. not Indians, there is no evidence that they "each married relatives of Steilacoom" (STI Pet. 1986, 2:80d).

¹³See the extensive discussion below concerning Louis and Betsy LaTour for additional specific information on her origins.

member's picture evoked the response: "John Stillagum - Stillakum Tribe." (Suquamish Tribal Archives) (STI Pet. 1986, 2:192; see 2:192b for additional details; copy of photograph at 2:192c).

However, this individual, John Frederick Steilacoom, was consistently identified as Steilacoom in BIA records. Therefore, this is not an example of a person's being informally identified as Steilacoom, while wrongly identified as Nisqually or Puyallup in BIA school records (Roblin 1919a). The petition presented no evidence of what "administrative procedure" would have allowed him to be identified as Steilacoom while others were not.

For additional examples of methodological problems, see Appendix 1. Not all instances of these approaches by the petition will be addressed individually in the course of this technical report. It should be noted, however, that as a methodological procedure, the regulations do not permit pre-definition, dismissive arguments, or presumptive reasoning. They require documentation of actual tribal identification of the petitioner's known ancestors from contemporary, original source materials. The original source materials utilized must, in fact, pertain to the group being documented.

1.2. Major sources used in evaluation of the petition

BIA researchers reviewed three main categories of evidence in evaluating the STI petition. These categories are: (1) primary, original historical sources; (2) retrospective historical sources; and (3) contemporary sources relating to modern developments. These categories can be broken down into the following principal sources.

1.2.1 Primary, original historical sources

Historical sources included, but were not limited to:

- A. British Hudson's Bay Company Fort Nisqually Journal of Occurrences: 1833-1859, and reports concerning Indian population;
- B. United States Government: Annual Reports of the Commissioner of Indian Affairs (hereinafter cited as COIA);
- C. Journals of American Army officers such as Augustus V. Kautz;
- D. Church listings, including 1860 *La Tribu de Steilacoom* and Sacramental Registers of Oblate Fathers in Puget Sound Area, Washington Territory;
- E. Censuses conducted by HBC at Fort Nisqually, the Washington Territory's 1854, 1878 auditor's Census, and 1889 auditor's census, and the Federal government's Office of Indian Affairs (hereinafter cited as OIA);¹⁴
- F. Federal Censuses conducted in 1850, 1860, 1880, 1900, 1910, and 1920;
- G. Territorial censuses of Washington;
- H. Probate and other court records for Pierce County, Washington Territory;
- I. Washington Donation Land Claims applications.

¹⁴This office was the predecessor of today's Bureau of Indian Affairs.

HBC Journals of Occurrences were daily journals collected by the chief managers, or “factors,” of trading posts. The HBC maintained the Western Washington trading posts after the decline of the fur trade to produce agricultural goods for trade (Gibbs to McClellan 1854 in Gibbs 1967). The factors at each of these posts kept daily journals listing individual servants, their activities, and incidents with Indians around the area, but also originated other significant forms of documentation such as censuses of the Indian population (see below). Some factors such as William F. Tolmie and Edward H. Huggins and various servants remained in the Puget Sound area after the closing of the posts in 1859 (Carpenter 1986, 199). Their reminiscences provided important information as well (see below, under retrospective sources).

The trading posts important for this report were located at Fort Nisqually and Cowlitz Prairie. The one at Fort Nisqually, begun in 1839, was on the Nisqually River, about 3 miles from its mouth, where it empties into southern Puget sound (Snowden 1909). Fort Nisqually was also about six miles south of the modern town of Steilacoom, which is near Chambers Creek (Bonney 1927). Cowlitz Prairie, begun in 1843, was located 50 miles overland to the south of Fort Nisqually, among the Cowlitz Indians, near what is today Vader, Washington. In addition to the posts, HBC had “out-stations,” usually located near plains or meadows, where sheep and cattle were pastured, and potatoes, wheat, and oats planted. Small Indian settlements developed around some of these outposts. However, these Indian settlements were temporary “rookeries” and were not the winter villages which were important loci of kinship and the primary residences for Southern Coastal Salish Indians (Gibbs 1967, 38).¹⁵

United States Government reports, not yet specialized COIA reports, began when Federal troops established Fort Steilacoom, August 27, 1849, south of Chambers Creek. Population estimates were attached to some of these reports.¹⁶ After the Treaty of Medicine Creek, signed December 26, 1854, the Federal Government began moving various Indians who lived on the Nisqually and Puyallup Rivers, and environs, to reservations. The reservations were located on the Nisqually River, the Puyallup River, and on Squaxin Island, off the coast of Puget Sound opposite the Nisqually River mouth. During the 1855-56 Indian wars, the OIA agents designated a temporary internment camp at Fox Island, near Fort Steilacoom. This camp was in operation from 1856 through 1857. Censuses collected during this time, while often estimates, provided numbers of Indians living on and off reservations. For more detail, please see Appendix 2 for descriptions of these and other early censuses, and 3.4.3, 3.4.4, and 3.4.5 for further description of state and territorial censuses.

¹⁵Gibbs (1967, 38) explained:

The jealousies existing among all these petty bands, and their fear of one another, is everywhere noticeable in their establishing themselves near the whites. Whenever a settler's house is erected, a nest of Indian rookeries is pretty sure to follow if permitted; and in case of temporary absence, they always beg storage for their valuables. The compliment is seldom returned, though it is often considered advantageous to have them in the neighborhood as spies upon others.

¹⁶See Appendix 2.

The STI also submitted three separate lists labeled in French or English as concerning the "Steilacoom Tribe" from the Sacramental Registers of Oblate Fathers of Puget Sound Area, WT (Washington Territory).¹⁷

1.2.2 Retrospective source materials

Retrospective sources include the recollections of eyewitnesses, generally produced between 1900 and 1936. They include, but are not limited to:

- A. The first-hand recollections of William Tolmie and Edward H. Huggins, HBC factors who worked at Fort Nisqually and settled near Fort Nisqually when the area came into American hands;
- B. Other pioneer reminiscences;
- C. The affidavits collected by Special Indian Agent Charles E. Roblin from families living in the area who were applying either for Quinault adoptions 1913-1917 or for enrollment 1916-1919;
- D. The 1927 Puyallup Enrollment affidavits;
- E. Testimony in the 1929 Steilacoom claims suit; and
- F. Informants who, in 1935, recalled life on and around the Puyallup Reservation for anthropologist Marian W. Smith.

The retrospective data from former HBC factor Edward H. Huggins included letters to the journalist, and later historian, Charles Bagley, and Mrs. Eva Emery Dye 1900-1906. Huggins was at Fort Nisqually in the 1850's, and remained on land there after the departure of HBC in 1869. Other pioneer reminiscences included those of Red River immigrant and later OIA

¹⁷These sources included:

1856 Sep 29, Tribu Des Sauvages De Stelekom The inventory of documents submitted with the STI Response of 1994 described this as a "Listing of 56 members of the 'Tribu Des Sauvages De Stelekom' on September 29, 1856 from the Sacramental Registers of Oblate Fathers in Puget Sound Area, WT: Baptisms, Marriages and Deaths, Vol. I, Part I" (STI Pet. Resp. 1994, R-162). The document is written in French. None of the names could be identified with known ancestors of the petitioner by the BIA researcher.

1860, la tribu de Steilacoom. The inventory of documents describes this as a "Listing of members of 'la tribu de Steilacoom' in 1860, from the Sacramental Registers of Oblate Fathers in Puget Sound Area, WT: Baptisms, Marriages and Deaths, Vol. II" (STI Pet. Resp. 1994, R-163). This document is also in French: none of the names could be identified with known STI ancestors by the BIA researcher.

1878-79 Listing of four members of the Steilacoom Tribe The inventory of documents describes this as a "Listing of four members of the Steilacoom Tribe in 1878-79, from the Sacramental Registers of Oblate Fathers in Puget Sound Area, WT: Baptisms, Marriages and Deaths, Vol. I, Part II." The copy provided is a very poor reproduction (STI Pet. Resp. 1994, R-164). The BIA researcher was unable to determine any connection between the individuals listed and known ancestors of the petitioner, nor did the petitioner make any assertion that the persons here named were ancestors of the petitioner.

employee John Flett, who first settled in the Fort Nisqually area in 1841 (in Gallacci and Avey 1986).

The affidavits collected by Special Indian Agent Charles E. Roblin were from unenrolled families that were applying either for Quinault adoptions during 1913 to 1917 or for tribal enrollment during 1916 to 1919 (NARS RG 75, M-1343 and M-1344). These affidavits made both by STI ancestors and by others provided important information about genealogical relationships and social interaction. While most respondents addressed themselves to describing social relations with contacts on the Quinault reservation, they also described relations with Nisqually, Puyallup, Clallam, Skokomish, and other Indians.

The Roblin information was also important because of Roblin's analysis. As he made clear to the applicants, the purpose of his inquiry was to determine whether or not the applicants, their families, and their ancestors were descended from Puget Sound Indians, and whether these applicants had maintained tribal relations with the Quinault. In particular, one question on the Quinault Adoptions questionnaire asked:

In what manner have you and your parents kept up tribal relationships? If by visiting, with what recognized members of the tribe residing on the [Quinault] reservation, and how frequently? If by residing among the Indians, when and where, and who were your Indian neighbors? (Your answer to this question is important).

Roblin explained that "[t]he amount of Indian blood in a person makes no difference as to a claim" (Roblin to Boyd, 8/29/1917). Roblin based his conclusions on whether the applicants were qualified for enrollment on Quinault by determining whether and how they maintained social relations with the Quinault Indians, Indians from other tribes, or non-Indians. Finally, the Roblin enrollment process was an important historical event in and of itself, because the enrollments represented a systematic attempt to identify the unallotted descendants of Indians who were subject to the treaties of 1855, including the Treaty of Medicine Creek.

The retrospectives collected by ethnographer Marian W. Smith (Smith, 1940) were obtained from informants whose ages, in 1935, "ranged from sixty-eight to over eighty," thus implying that they were born from before 1855 to about 1867.¹⁸ Only one of these informants, Joe L. Young, was specifically "Steilacoom," from Smith's village 18 location (Smith 1940, xii). Smith described this village as on the south side of Chambers Creek, where it empties into Puget Sound (Smith 1940, 11; see comment in Taylor 1974, 448-449). The significance of the retrospectives will be discussed later in sections 3.5.1 and 3.6.1.

¹⁸The informants were: William Wilton and Mary Anne Dean, river Puyallup, village 3; John Milcane, inland Puyallup village 9; Annie Squakwium, inland Puyallup, village 10; Annie Squally, inland Puyallup, village 11; Jerry Meeker, Carr Inlet, village 15; Joe L. Young, Steilacoom, village 18; Mrs. Peter Kalama, Nisqually, village 23, age c. 45; Peter Kalama, Nisqually, village 24; John Le Clair, Nisqually, village 25; Mrs. Riddle, Sahehwamish, village 32, and Mrs. William Wilton, Squakson, village 33 (Smith 1940, xii).

1.2.3 STI membership lists and membership ordinances and other modern sources

Modern sources for STI's own organizational history included, but were not limited to:

- A. Governing documents;
- B. Organizational ordinances;
- C. Organizational meeting minutes;
- D. Federal governmental meeting minutes; and
- E. Interviews conducted by a BIA researcher in January 1998.

Current Governing Documents. The petitioner is currently governed by the constitution which was reviewed and approved (93-0) by the membership at a special meeting held September 27, 1975. Article II, which deals with membership, was subsequently amended in May of 1986 following a poll of the membership by mail (STI Pet. 1986, 3&4: d-18; STI Pet. Resp. 1994, R-127; STI Minutes 5/28/1986).

1986 Tribal Enrollment Ordinance. The current constitution (1975, as amended in 1986) was later supplemented by tribal enrollment ordinance. The enrollment ordinance was prepared "as of July 15, 1986" for use beginning January 1, 1987.

Membership Records since 1952. At least ten different lists of members of the STI were provided covering a 44 year period from 1951 to 1995. No earlier membership lists are known. List formats varied widely, making some more useful than others for analyzing the group's membership. The 1955(a) and 1955(b) lists, the 1961 list (arranged by family), the 1976(a) and 1986 lists, and the 1995 database, which included the 1994 list of new enrollments, were particularly useful. The technical report discusses some lists more extensively than others because of their value for analytical purposes.

Additional sources of evidence for the 20th century included Federal correspondence, personal interviews of STI members by a BIA researcher, meeting minutes, and newspaper articles. Minutes also included those recorded by Federal officials when attending meetings held to appoint delegates to approve lawyer contracts for the pursuit of claims. These sources will be described in more detail in the appropriate sections following.

BIA interviews were organized around the knowledge of the speaker, and were designed to obtain the speaker's knowledge of social interaction and political leadership. Open-ended questions included elicitation of important events in the speakers' lives and the events and circumstances associated with the speaker's decisions to become involved with STI activities. Follow-up questions then elicited information on the major events themselves, the important people involved in these events, and other important circumstances.

2. 1833 TO 1856: PRE-TREATY TIMES

This section describes what is known about the conditions in the Chambers Creek drainage area before the Treaty of Medicine Creek in 1854, and includes a discussion of the major events leading up to the signing of the treaty, the censuses and population estimates, individual Indians noted in contemporary records, and the earlier identified ancestors of today's petitioner.

The petition maintained that the aboriginal village of Steilacoom was more populous than leading ethnographers of the time indicated, and described a number of identified Indians from the early contact period as if they were Steilacoom Indians, as if they were ancestral to today's petitioner, or as if they were interacting with the petitioner's ancestors. This discussion will show that the Steilacoom village held a small population and that, with one exception, the Indians described by the petitioner were not identified as Steilacoom, were not ancestral to today's petitioner, and have not been shown as interacting with the petitioner's identified ancestors.

Marian Smith identified as Steilacoom the, "[p]eoples of villages 18-19 and particularly of the [Chambers Creek] village site located at the present site of Steilacoom" (Smith 1940, 12).¹⁹ The village at the present site of Steilacoom was the Chambers Creek village, Smith's number 18. Evidence for the existence of the pre-war Steilacoom village on the north bank of Chambers Creek is extensive (Taylor 1974, 448-449). In 1941, Smith classified the settlements on "Steilacoom Creek and neighboring beach" as Puyallup (Smith 1941, 203 in Taylor 1974, 455-456). Taylor questioned this classification in the 1950's, stating that it was his "impression that the Steilacoom were most closely affiliated with the Nisqually but were a virtually autonomous village" (Taylor 1974, 457).

¹⁹"18. *Tci'élEqababc* (Gibbs: Steilackumamish; Eels: Stulakumamish; Curtis: Stelakubabsh). Peoples of villages 18-19 and particularly of the village site located at the present site of Steilacoom" (Smith 1940, 11).

"19. There may have been two of these closely allied, so-called 'Clover Creek' villages: one near Spanaway and the other at the present site of Clover Creek. If there were but one I am inclined to place it in the latter location. This group had strong Nisqually contacts as well as those with village 6 already mentioned" (Smith 1940, 11).

"6. *Tsaqwéqwabc*. Located where Clarks Creek emptied into the Puyallup River. Derived from *saqwéq*, the name of Clarks Creek. In addition to contacts up and down the Puyallup river this village had strong connections with that of Clover Creek (19)" (Smith 1940, 10).

According to the ICC findings:

[Smith] listed certain village sites as being Steilacoom, but the archaeological survey of Dr. Taylor, petitioner's witness, did not confirm these sites. In fact, the only site which was confirmed was the one on the north side of Steilacoom (Chambers) creek. The village site listed by Smith as being south of Steilacoom Creek was determined to be a summer gathering place which was occupied only briefly and in historical times. These findings of Dr. Taylor were later confirmed by an informant (ICC Findings 9/21/1962).

This ICC comment was based on Taylor's archaeological report (Taylor 1974, 464-465).

Carpenter distinguished the Steilacoom Indian village proper from the settlement that grew up around non-Indian farms and posts:

A large group of Indian people lived in the Indian village located on the beach near the mouth of the Steilacoom River, known as the Steilacoom Indian Village. The occupants of this band were closely related to those Indian people on the Sequelitchew Creek and the Nisqually River. Unlike Heath's backdoor neighbors, the Steilacooms were permanent residents of the beach lands. Their houses lined the banks near the mouth of the creek, and, like their Sequelitchew Nisqually neighbors, they fished the marine waters that foamed at their front door. They roamed the back country over the prairies to the foothills by way of the Steilacoom Creek water system of smaller streams and tributaries that meandered eastward between the Puyallup and Nisqually Rivers. There was every indication that Joseph Heath had a good relationship with the Steilacoom village people, traded with them and perhaps employed some of them on his farm (Carpenter ms. n.d., 317-318).

Both Smith and Carpenter mentioned Segwallitchu as an important Nisqually village. Smith mentioned village #22, or Segwallitchu, "where Dupont Creek enters the Sequelitchew River" (Smith 1940, 13). Huggins mentioned Tlithlow as being the home of the contact-era headman Tay-lush-kyne "[b]etween the years 1849 and '54" (Huggins 1904, 4). It appears that Tay-lush-kyne had a long house there, for Huggins described him living in a "lodge" (Huggins 1904, 3; see also see section 2.3.1).

However, neither Smith (Smith 1940, 10-12), Waterman (Waterman 1920 ff cited earlier), nor Haerberlin and Gunther (Haerberlin and Gunther 1930, 7-8) indicated when these villages were occupied. Available contemporary information from Hudson's Bay Company showed that Sastuc, Spanaway, and Tlithlow were all outstations.²⁰ Only for Tlithlow was there any indication that a headman resided at the site, in a long house, during the period when the petitioner's HBC and Red River ancestors were arriving in the Puget sound area.

While these outstations may have had temporary Indian settlements nearby, there was no indication that these winter villages, with headmen and shamans in leadership positions, remained intact after 1855. It appeared that after 1855, the HBC outstations and other sites were simply aggregations around which resided Nisqually and Puyallup Indians engaged in wage work, agricultural work, and other occasional gatherings.

²⁰The 1858 Journal of Occurrences listed the following places: Silgowkas, Sastuc, Tu chat chu, Siluhogwas, Kul-ku-leh, and Tikakynum. Siluhogwas was mentioned as a band. However, it was not clear from the Journal whether these were groups of Indians who coalesced around the various outstations. Silgowkas, for example, is the name of the area where Greig settled (Huggins to Bagley 1905). Other locations included a school at Muck (location unknown), Elk Plain, Moloc Farm, Ka-hamin. Also mentioned was the "Red House Band" (location unknown). An examination of the full text of the Journals, which the STI did not submit as evidence and to which BIA researchers did not have access for this report, might help clarify the nature of these villages.

2.1 Major events before the Treaty of Medicine Creek

In 1833, the Hudson's Bay Company (HBC) founded Fort Nisqually, approximately three miles from the mouth of the Nisqually River,²¹ "[n]ear the mouth of Sequalitchew [Segwallitchu] Creek" (Bonney 1927, 12). Sequalitchew Creek empties into the Nisqually Flats, on Puget Sound. Fort Nisqually closed in 1859, 13 years after the Oregon and Washington territories were ceded to the United States from Britain.

On August 27, 1849, upon the orders of General Joseph Lane, Governor for the Oregon Territory, Captain Bennett H. Hill with Company M, 1st Artillery, established Fort Steilacoom. The United States was responding to settlers' safety concerns, following the attempted robbery of Fort Nisqually the previous May by Pat Kanim and his Snoqualmie followers.²² On January 23rd, 1851, Captain Lafayette Balch established Port Steilacoom on a donation claim he occupied. It was located on land where Chambers Creek empties into Puget Sound. On August 23rd, 1851, John B. Chapman founded Steilacoom City on an adjoining land claim (Meeker 1905, 50).

2.2 Pre-Treaty population estimates

In early discussions of the Indian population of southern Puget Sound, it is often not clear whether the writer was attempting to separate groups by political or by linguistic considerations.²³ Generally, in southern Puget Sound, the geographical region under consideration in this petition, the languages were variants of Coastal Salish. The Nisqually historian Cecelia Svinth Carpenter indicated that, "[t]he Nisqually dialect of the Coastal Salish

²¹1832. "Archibald McDonald selected Nisqually as a site for a company outlet midway between Forts Vancouver and Langley. A small store house, 15 x 20 feet was built of logs on the beach near the mouth of Sequalitchew Creek and three men were left in charge" (Houll, n.d., 9, TACDAVIS.WPD). In 1839, the Puget Sound Agricultural Company, an HBC spinoff, was organized to raise agricultural goods for international trade, but later shifted to commerce with local settlers (Gibbs to McClellan 1854 in Gibbs 1967, 25).

²²May 1849, Joseph Lane:

received information of the murder of Wallace at Fort Nesqually, on Puget's sound, by the Snow-qual-imick and Skey-whamish Indians; and that the few American settlers in that country were much alarmed for the safety of their families, hourly expecting to be attacked by these Indians, who had threatened to destroy the settlements (Lane to the Secretary of War 10/13/1849).

²³For example, in 1852, Agent E.A. Starling wrote:

I have been able to discover but eight different languages among the tribes of this district. These are distinct, and are used among different tribes, as enumerated below . . . The Stitcha-saw-mich, Squally-ah-mich, Pee-allipaw-mich, Nuna-mish, Sah-wah-mish, Sno-qual-a-muhe, Sno-Quam-ish, Quash-sua-mish, Say-hay, Mon-mish, and Scottle-mamish tribes, all use the Nesqually language, and are very similar in character and disposition. (COIA Report 1852, 461).

language was spoken not only by the Nisqually but also by the Puyallup and Squaxin Island Indian people" (Carpenter 1996, 15).

The earliest estimate of Indian population in southern Puget Sound brought to the attention of the BIA researchers was a census collected by HBC official Sir James Douglas, 1838-39 (Taylor 1974, 423).²⁴ It was cited by the petition as: "Census of Indian Population in Fort Nisqually District as taken in the years 1838-39" (STI Pet. Resp. 1994; Thompson 1993a, 22), which has been published. The editor noted that, ". . . the census gives not only Indian tribes, locations, and numbers, but also gives a breakdown of the population into men, women, boys, girls, and slaves. An enumeration of horses, guns, and canoes is included" (Taylor 1960, 400-401). It listed 258 Nesqually ah mish [Nisqually as such]²⁵ and 484 Pool yal lap paw mish [Puyallup] (Taylor 1960, 402). This document did not mention the Steilacoom.

In 1841, Captain Charles Wilkes of the U.S. Navy did not list the Steilacoom, but estimated 200 Nisqually. He described the Indians of Puget Sound only by location, listing 200 Nisqually (Wilkes 1844 *in* Taylor 1974, 417; see also publication in Schoolcraft 1855, 705). The petitioner stated that he listed 500 Puyallup and "under 200" at Fort Nisqually (Thompson 1993a, 22; STI Pet. Resp. 1994), but the version published by Taylor showed, after Nisqually, only a count of 700 for "Chikelis and Puget's Sound" (Wilkes 1844 *in* Taylor 1974, 417). Wilkes listed no Steilacoom site or population.²⁶

In 1844, three years after Wilkes, William F. Tolmie, the Hudson's Bay Company factor,²⁷ conducted a "Census of various Indian tribes living on or near Puget Sound, N.W. America."

²⁴Taylor maintained that: ". . . the census had been conducted with painstaking accuracy and was the most reliable document of its kind yet found. The census is entitled, "Census of Indian Population in Fort Nisqually District as taken in the years 1838-39" (Taylor 1974b, 423). See Appendix 2 for more detail.

²⁵The Nisqually-language groups as listed by this census included the Nesqually ah mish (Nisqually River), Sin no home mish (Admiralty Inlet), So qua mish (Admiralty Inlet), Swaw nah mish (Klickitat and Nisqually languages, west of Mount Rainier), Pool yal lap paw mish (Pool lap tap River), Sah aye waw mish (bottom of Puget Sound), Shome mah mish (head of Admiralty Inlet), An noo waw mish (a river falling into Admiralty Inlet), Skay waw mish (up the Sin no home mish River), Hotle mah mish (neighbor to Shome Mah mish), and Scough se nah mish (neighbor to Hotle mah mish) (Taylor 1960, 402-403).

²⁶Another exploration report was published in 1844 by the Frenchman, Duflot de Maufras (Maufras 1844). The petitioner did not submit the Duflot de Maufras [Mofras] report. The summary published by Taylor showed that he listed 1,200 "Nesquallis" from Puget Sound to Point Martinez, with no breakdown into bands or villages (Taylor 1974, 418).

²⁷At this time, southern Puget Sound was still under British jurisdiction, and the Canadian officials were in a much better position to know the region in detail than were explorers from the United States. In 1846, the international boundary between the U.S. and Canada was placed at the 49th Parallel. This for the first time placed southern Puget Sound under the jurisdiction of the United States (Carpenter 1996, 24).

This census showed 471 Nisqually (Squalli-a-mish) and 207 Puyallup (Pu-yal-lu-a-mish),²⁸ but again had no separate listing for the Steilacoom (Gibbs 1967, 40).²⁹ The petition asserted, but failed to provide documentation, that Tolmie's total of 1,755, as well as his numbers for the Nisqually and Puyallup, were significantly less than the number counted by an HBC census conducted the following year, stating that:

In fact, a Hudson Bay Company census done in 1845 counted the population of southern Puget Sound and arrived at 4,014 individuals (Puget Sound Courier, 9-21-1855); this is almost eight times larger than Gibbs' figure" (STI Pet. 1986, 89).

BIA researchers were unable to locate a copy of this alleged 1845 census, which was not submitted by the STI or referenced in scholarly bibliographies (the petition cited only to an 1855 newspaper report). The number "4,104" was located by BIA researchers in the 1848-1849 "Census of the Indian Tribes in the Oregon Territory" as pertaining to "Nisqually, 13 tribes, Nisqually River & Puget Sound &c, Males 1,835; Females 1,997; Slaves 182, Total 4,014" returned by the British Colonial Office, 1848-1849 (Taylor 1974, 416; Taylor 1960, 399; citing Martin 1849, 80-84, and Colonial Office Records, Vancouver's Island, 1848-1849, 9-10).³⁰ There was no indication that these numbers pertained only to the "southern Puget Sound tribes which were later included under the Medicine Creek Treaty (with the possible exception of the Puyallup)" as stated by the petitioner (STI Pet. 1986, 89).

After the area was transferred to U.S. jurisdiction in 1846, Governor Lane of Oregon Territory made population estimates which included the tribes north of the Columbia River in 1849. Schoolcraft printed Governor Lane's "most recent returns" two years later, showing a total Indian population of 550 for the Southern Puget Sound tribes (Schoolcraft 1851, 521).³¹ The September 1851 report of Anson Dart, Superintendent of Indian Affairs, Oregon Territory, also included enumerations which listed together, as number 6, Squallyomish, Puyallipamish, and Sinuamish, located on the Nisqually, Puyallip [*sic*], and Sinuamish rivers, with 200 males, 220 females, 190 children under 12, and 40 stock (Taylor 1974, 419; see also Taylor 1974, 415n16 citing to Dart 1851, microfilm, State of Oregon Archives). None of these identified a Steilacoom tribe, band, village, or population.

²⁸Thompson recorded this count as 563 Nisqually and 325 Puyallup (STI Pet. Resp. 1994, Thompson 1993a, 22).

²⁹See Appendix 2.

³⁰The petitioner did not submit nor did the BIA obtain a copy of this document.

³¹The groups covered by this enumeration which were relevant to the current petition included Quallyamish, Picallipannish, and Sinnamish, totaled 550, and were not broken down by individual tribe (Schoolcraft 1851, 521).

E.A. Starling, Indian Agent for the Department of Puget Sound of the Office of Indian Affairs (OIA), provided population estimates in 1852 (COIA Report 1852, 460).³² Starling had experienced significant frustration in attempting to reach these estimates.³³ On December 10, 1853, Starling reported another set of much smaller population estimates to Governor Stevens, stating:

Some sixteen months since, I took a great deal of pains, to ascertain the number and location of the different tribes in this district; both from the Indians who visited me, and from my own personal observation, in my numerous trips among them, I compared my own estimate with a census taken by order of the Hudson Bay Co. of most of the tribes on the Sound, in 1845, and found then but little difference in the two Estimates. Since that time, I have attentively watched the decrease of nearly every tribe, which has been very rapid, by reason of the small pox . . . (Starling 12/10/1853, 2).³⁴

Starling did not note the Steilacoom as a separate group in either the 1852 or 1854 population estimates. Another unidentified estimate received by the OIA in May 1853 gave a total of 400 for the Nisqually and Puyallup combined (NARS RG 75, M-234, Roll 907),³⁵ and also did not mention the Steilacoom. The most widely-known report concerning the pre-treaty Indian population of southern Puget Sound was George Gibbs' January 1854 estimate of Indian tribes in the Western district of Washington Territory (Gibbs 1967, 41-42). With some variants in spelling, these estimates were printed the following year by Henry Schoolcraft as an estimate made by Governor Stevens (Schoolcraft 1855, 703).³⁶ It contained a named listing for Steilacoom, with a population of 25 (see detailed discussion in 3.1.1), but Schoolcraft included them in the overall count of the Nisqually.

³²See Appendix 2.

³³On September 1, 1852, he reported:

I have attempted to learn with accuracy the number of Indians in each different tribe; but it has been out of my power to do so. When they visited me, they did not know themselves; and in visiting them, such is their disposition to wander, that it is seldom, if ever, the whole tribe is found together. I have asked the chiefs of all the tribes I have seen to find out the number of men, women, and children, and let me know the exact numbers. I have taken the name, location, and number of each tribe in this district. The numbers I give from information and my own observation. It is given, however, as only approximative to the true numbers (COIA Report 1852, 459).

³⁴See Appendix 2.

³⁵See Appendix 2.

³⁶This was apparently the report which Thompson cited as Gibbs' "February 1854 count" and March 4, 1854 report (STI Pet. Resp. 1994; Thompson 1993a, 23). See Appendix 2.

The 1850 Federal census of Oregon Territory (U.S. Census 1850) did not enumerate Indians as a separate category. The enumeration provided some useful information concerning the location and residence of non-Indians and Red River immigrant families who would later become the petitioner's ancestors, or associates of their ancestors. However, with the exception of two marriages, those of Louis LaTour to Betsy aka Yalulitza and of Jean Baptiste Riel to Catherine McDonnell,³⁷ the marriages between Indian women and the non-Indian HBC employees in the petitioner's ancestral lines had not yet taken place by 1850.

2.3 Major Individuals before the Treaty of Medicine Creek Discussed in the Petition

Petition Assertions. The petition stated that two major categories of people were antecedent to the STI. The first category included named Indians from the late 1830's through the mid-1850's whom the petition characterized as ancestral to today's petitioner membership and whom the petition identified as Steilacoom Indians. The petition asserted that these Indians comprised a Steilacoom tribal community into which non-Indians and Indians of other tribal origins became assimilated (STI Pet. 1986, 2:80a-80d). The second category included non-Indians and Indians who were not of Steilacoom origin. The petition maintained that these persons, mainly ex-Hudson Bay Company employees at Fort Nisqually and immigrants from the Red River Valley of Manitoba, were distinct from the American settlers arriving in the late 1840's and early 1850's (STI Pet. 1986, 2:134e-2:134f), and were assimilated into the continuing Steilacoom Indian community (STI Pet. 1986, 2:63x, 2:63a, 2:80c-80d, 2:134f, 2:141a-141b).

Summary of BIA analysis. The following subsections will show that the petitioner's evidence that the Indians it identified were Steilacoom was based on a set of false assumptions and inferences, and that available evidence obtained through BIA research indicated that the contact-era Indians mentioned in contemporary sources were from tribes and villages other than Steilacoom, insofar as they can be identified. The evidence will also show that the non-Indian HBC employees and Red River immigrants were not integrated into any of the neighboring Indian tribes, much less the Steilacoom.

2.3.1 Indians

As mentioned before, the petition researchers referred to persons mentioned in the HBC Journals to build their argument that the STI membership descended from well-known pre-treaty Indians who inhabited an area centered around the Chambers Creek drainage, bounded by the Nisqually River on the south and the Puyallup River on the north. Among the names the petition defined as Steilacoom Indians were Tslalakom (under the variants Tsla-la-kum, Chalakum, Chillicum, "Chief Steilacoom," and Smootas-Susway), Tay-lush-kyne, Lachalet, and Lashnia (variant Lashmere). Each of these Indians will be discussed below, in order.

³⁷See extended discussion of these two family lines below.

Tslalakom/Smootas Susway. The petition repeatedly mentioned a chief named Tslalakom, aka Smootas Smootway³⁸ (STI Pet. 2: 50x-51x). The Catholic missionaries Blanchet and Demers, in 1839, stated that Tslalakom's village was on the western shore of Whidbey Island (Blanchet 1983), about 75 miles to the north. Blanchet also described Chief Tslalakom as the leader of a "band of *Sockwamish*; [who] all placed themselves according to rank, to the number of 400" (Blanchet in Bonney 1927) [emphasis added].³⁹

This Tsla-la-kom did not live in either a permanent or temporary village near the modern city of Steilacoom or on Chambers Creek. Carpenter, citing the Fort Nisqually Journals of Occurrences, mentioned that William Kittson discussed an individual named "Challucum . . . a chief whose home was on Whidbey's Island, and who made frequent visits to Fort Nisqually with his wife" (Carpenter ms. n.d., (11)-175). During these visits, Kittson "permitted him [i.e., Tslalakom] to stay as a guest at the fort for long periods of time in a hut he constructed beside the outside dwelling house for visiting Indians" (Carpenter ms. n.d., (11)-175). She added that "Challicum should not be confused with another Indian of note, Steilacoom, a valued employee of another decade hence" (Carpenter ms. n.d., (11)-175).

The petition cited the local historian Hunt (Hunt 1916) in presenting Tslalakom/Smootas Smootway as the ancestor of the Puyallup Sicade family.⁴⁰ The petition then designated the

³⁸The petition in one place described Smootas Susway accurately:

Chief Steilacoom's band was called Suquamish, but his wife was said to have been from Tulalip (Hunt 1916) and called a Skagit (FNJO 12-23-37); he visited Fort Nisqually 8 June 1833 (FNJO); was there called Chief Challucum; in November 1838, he was at Nisqually, where he harvested 40 pounds of potatoes; he had two brothers Too-a-py-ti and Stann (STI Pet. 1986, 2:50-51; no source cited for the names of the brothers).

A few pages later, the petition stated that an unknown son of Taylushkyne of Tlithlow lived in the Clover Creek village and was the father of Smootas Susway and Stann (STI Pet. 1986, 2:80). The petition also cited references in FNJO 1835, 1836 to Challacum's oldest son (STI Pet. 1986, 51-52).

³⁹ The "Sockwamish" were in all likelihood Suquamish, who resided not only at Whidbey's Island, but at Port Madison, across Puget Sound from the present city of Seattle. While they and the Duwamish spoke a language similar to Nisqually, they were not under the same political leadership as the Nisqually.

⁴⁰Hunt assigned Tslalakom the names of "Steilacoom" and "Smootas Susway" among numerous other variant spellings and stated that "Smoot-tas or Tsla-lakum, as Father DeMers called him, seems in every way to have been entitled to the distinction [of chief] given to him" (Hunt 1916, 38):

Then how did the Whidby Island Indians come to be known as Steilacooms? The solution seems to be that they adopted the name, Steilacoom, in honor of Smoot-tas, later surnamed Susway. Smoottas was a Steilacoom Indian and was born near what is now Lake View. He was an eloquent man and a religious student. He married a princess from Tulalip and took up his home on Whidby Island where he became a man of power through the force of his high character . . . His people referred to him as 'Steilacoom' in order to distinguish him from others . . . Smoot-tas was a brother of Stann, also a strong

Sicade family as part of the Steilacoom tribe (STI Pet. 1986, 244) through Henry Sicade's mother (STI Pet. 1986, 115).⁴¹ However, even though Tsalalakom may have been a collateral ancestor of the Sicade family, this fact is insufficient to support the assertion that the Sicade family was part of the Steilacoom tribe, and thus part of the society ancestral to the petitioner. The Sicade family was definitely part of Puyallup society from the mid 19th century on.⁴²

Tay-lush-kyne. The petition derived the descent of many family lines of the STI membership from Tay-lush-kyne (STI Pet. 1986, 2:169b),⁴³ whom it described as a "precontact headman of the Tlithlow band of Steilacoom" (STI Pet. Resp. 1994, Thompson 1993, 3). The petition elsewhere defined his time period as late 18th century (STI Pet. 1986, 2:49; STI Pet. Resp. 1994,

character, and Stann was the grandfather of Mr. Henry Sicade, on his mother's side. Mr. Sicade has made a considerable study of Indian nomenclature and Indian genealogy and it was he who undertook the task of differentiating the various Steilacooms and especially the task of establishing the relationship between the Whidby chief and the Steilacoom vicinity (Hunt 1916, 1:37-38).

⁴¹Carpenter agreed with equating Tsalalakom with Smootas Smootway and added:

Tsalalakom, (Tsa-la-kom, aka Chief Steilacoom aka Smootas Susway) the Whidbey Island chief, was already an influential adult at the time of the arrival of the Catholic missionaries Demers and Blanchet in 1839 (Carpenter 1986, 69, 102-103; citing Quebec Mission 1956, 59-71).

⁴²The Sicade family is well documented and appeared on successive 19th-century Puyallup censuses (NARS RG 75, M-595, Rolls 302, 407, 408). Several members were buried in the cemetery on the Puyallup Indian Reservation (Haney and Haney 1973, 50). For further information on the Sicade family, see the biographical sketch of Henry C. Sicade (Bonney 1927, 322-323).

The petitioner asserted that, "A Steilacoom village continued at Lake View. Chief Steilacoom's grandson Henry Sicade was born there" (STI Supplemental Submission 1997, Thompson 1997, 7). The above documentation, also submitted by the petitioner, indicates that this relation is stated incorrectly. Henry C. Sicade was the grandson of Stann and a great-nephew of Tsalalakom, the Whidbey Island chief. The petition asserted that:

When Susan Stann grew up and married her husband, a Nisqually named Charles Sicade, they resided at the Lake View village. Their son Henry was born there in 1866. When land was being allotted at Puyallup, Charles Sicade made his claim on the Puyallup Reservation on the basis of being an "adopted Puyallup," based on his residence in the Steilacoom village at Lake View (STI Pet. 1986, 2:149i; no source citation).

⁴³"Both Rose Andrews and Catherine Sears were descended from Taylushkyne, a prehistoric headman of the Tlithlow community pocket" (STI Pet. 1986, 2:169b); "Almost half the current membership (no less than 260 of 578) descends from Tay-lush-kyne . . ." (STI Pet. Resp. 1994; Thompson 1993, 3); see also other ascribed but undocumented lines (STI Pet. Response 1994; Thompson 1993, 4).

Thompson 1993, 3; Thompson 1993, 4, Figure 1), although he was still alive in the late 1850's and known to Edward Huggins, who described him as a middle-aged man and a Nisqually.⁴⁴

The petition also postulated descent from Tay-lush-kyne as the source of relationship between the petitioner's identified ancestors⁴⁵ and other well-known Indians of southern Puget Sound during the second half of the 19th century, attributing, for example, the "Steilacoom" roots of Tslalakum/Smootas Susway to Tay-lush-kyne as his reputed grandfather (STI Pet. 1986, 49; STI Pet. Resp. 1994, Thompson 1993, 4, Figure 1):

Smootas Susway is an example of a Steilacoom male who became a leader in his wife's band. He was from a high-ranking family at Steilacoom; his grandfather Tay-lush-kyne had been the headman at Tlithlow. He became known as Chief Steilacoom "after marrying a chief's daughter from another Sound tribe" (Haeberlin & Gunther 1930:47). He moved to his Snohomish bride's village on Whidbey Island and lived among her people as their chief (STI Pet. 1986, 1:39-40).

However, Haeberlin and Gunther actually wrote:

The names of one man of the Nisqually were the following: smu'tas, nickname; chief Sti'lequem, after marrying a chief's daughter from another Sound tribe; s.o'swe, a surname referring to his prowess; i'nemla, Thunder, a name he got from his guardian spirit (Haeberlin and Gunther 1930, 47).

The descent of Tslalakum/Smootas-Susway, the man discussed above, from Tay-lush-kyne, is chronologically improbable. The Tslalakom, who lived on Whidbey's Island, was at least as old as, and probably older than, his alleged grandfather Tay-lush-kyne. Tay-lush-kyne's grandson Steilacoom must have been a much younger man with a similar name.⁴⁶

Neither Huggins nor any other contemporary observer mentioned the idea that Tay-lush-kyne was or was believed to be the grandfather of Smootas-Susway/Tsla-la-kom. Neither did any

⁴⁴Huggins noted that Tay-lush-kyne was "prior to the outbreak of the war of 1855, '56 . . . a fine looking middle aged man" (Huggins 1904, 2-3). Taylushkyne had at least two daughters: both were first married to a Cowlitz/Nisqually man. After Taylushkyne killed him, one subsequently married a Hawaiian employee of the HBC, and the other married Richard Scanewa (Huggins 1904, 5). Huggins did not describe him as a chief, saying merely that he was "living at one of the Puget Sound Agricultural Company's stations called 'Tlithlow' about seven miles from the Fort, Eastward" at the time of the event (Huggins 1904, 3).

⁴⁵"Mrs. Latour and Mrs. Bastian were related to each other and were descendants of Tayluskyne, the former Tlithlow band leader" (STI Pet. 1986, 3:80a; see also STI Pet. Resp. 1994, Thompson 1993, 4, Figure 1).

⁴⁶Since the other men called "Steilacoom" appeared in the records later, in the 1850's and latter half of the 19th century, they will be discussed in section 3.5.1.

contemporary observer name the son "Sawhalkits" attributed to him by the petition.⁴⁷ According to the petition, Tay-lush-kyne's other descendants included Betsy LaTour⁴⁸ and Rosa Dean.⁴⁹ The petition provided no documentation whatsoever to support any of these genealogical claims concerning the descent of identified STI ancestors from Tay-lush-kyne, and they do not conform to the limited data about him provided by Huggins or other HBC factors. In the case of

⁴⁷The only known son of Tay-lush-kyne married the Cowlitz woman Lemmi-eye. The petition added to the confusion elsewhere by describing Lemmi-eye's husband as the son of Tslalakum/Smootas-Susway (STI Pet. Resp. 1994, Thompson 1993, 5; cf. STI Pet. Resp. 1994, Thompson 1993, 4, Figure 1).

The STI petition's "Figure 1: The Tay-lush-kyne Branch," posited that Sawhalkits, identified as the father of Betsy Latour, was a son of Tay-lush-kyne, "Tlithlow Steilacoom Headman" (STI Pet. Resp. 1994, Thompson 1993, 4, Figure 1), but indicated some uncertainty by using a dotted line, providing no documentation for the claimed relationship. Chronologically, it is improbable, though not impossible. Betsy's father must have been born by about 1800, which would require his father to have been born by about 1780. The documented Tay-lush-kyne was "middle aged" and still sufficiently vigorous to kill his son-in-law Tom some time in the 1850's. The suggestion that "Sawhalkits" was a son of Tay-lush-kyne is also inconsistent with the petitioner's statement elsewhere that Tay-lush-kyne had only one son (STI Pet. 1986, 2:49x-50x).

⁴⁸Elizabeth/Betsy LaTour aka Yalulitza, was born about 1820/1822 and died after January 21, 1874, when she signed a deed (Pierce County, Washington, Probate Records of Louis LaTour). She may still have been living in 1878 (see 1878 OIA Population Census, Puyallup Reservation. Mrs. Louise [sic] (NARS RG 75, M-234, Roll 917, Frame 0471). Her mother was Hotassa, a Cowlitz (see Cowlitz GTKY File, BAR).

⁴⁹Rosa Dean, aka Che-Lal-I-Cum, was per the STI petition, aka Rosa Steilacoom:

Rosie's maiden name (taken to be her father's name or nickname) is one of the many spelling variations of the Indian word that has become regularized in English as "Steilacoom." It is similar to the French version, spelled Tsla-lakum, with "ch" replacing the initial "ts." (STI Pet. Resp. 1994; Thompson 1993, 7).

The petition stated: "Rosie was the (great)greatgranddaughter [sic] of Taylushkyne who was an earlier headman at Tlithlow (see Huggins ms.)" (STI Pet. 1986, 3:80b). Chronologically, such a relationship is improbable, since Rosa Dean was born about 1839/1841 at Snoqualmie, Washington, "at the lower part where Tolt now stands" (George Dean Roblin Affidavit, 20 January 1917; NARS RG 75, M-1343, RG 75, Roll 5, Snohomish), while Huggins described Tay-lush-kyne as only middle aged in the 1850's. The petition also stated:

Based on her maiden name and birth date (1839), it is probable that Rosie Che-lal-I-cum was either the daughter of Chief Steilacoom (a.k.a. Chief Tsla-lakum) and an earlier wife from eastern Washington (tribal affiliation uncertain) or she was the daughter of one of his sons and a Yakima woman (as is shown in Figure 1). During the 1830's Chief Steilacoom associated with both his (and his father's) natal group, the Steilacoom Tribe, as well as his wife's Snohomish village on western Whidbey Island over which he had assumed leadership (STI Pet. Resp. 1994; Thompson 1993, 8).

Rosa Dean, who did not die until after 1916, they do not conform to the genealogy provided to Roblin by her own children during her lifetime.⁵⁰

Lachalet. Another prominent local pre-treaty Indian was known as Lachalet (also spelled Lachelet, Lahalit, Laahlit, or Lahalet). He was a headman at Segwallitchu, and was therefore considered "Steilacoom" by the petition because it defined the village at Segwallitchu a Steilacoom village (STI Pet. 1986, 52x).⁵¹ Tolmie mentioned him as leading a hunting party as early as 1833. However, he cannot be considered as a "Steilacoom" Indian. Lachalet was the Nisqually chief who died in 1849 (Huggins 1904, 1) and, because of the unsuitability of his son, "Young Lachalet," was not replaced by the tribe until Governor Isaac L. Stevens appointed Quiemuth and Leschi at the time of the 1854 treaty negotiations (Hunt 1916, 47).

Lachelet may have had a child baptized during the 1839 Catholic mission to Fort Nisqually.⁵² If so, the baptism indicated that "Lachalet" was an alternative name for To-was-ton, the Nisqually chief married to Cowlitz chief Scanewa's sister Cynthia (see discussion of the ancestry of Mary Longfred, below). According to the petition, Lachalet had at least five wives. If this assertion is true, it would be a fact that complicates an analysis of descendants independent of the interpretation provided by the petition.⁵³

Lashnia (Lashmere). Lachalet was associated with another man, Lashmere (Lashnia, Lashima). All of the data presented by the petition supported an identification of Lashmere as Nisqually, not Steilacoom. In one place, the petition stated that Lashmere, who died before 1859, was a

⁵⁰According to the Roblin affidavits made by her sons, Rosa Dean's father was a full-Snohomish named Swauk-I-lum; her mother a full Yakima named Chud-a-wah/C'Kud-a-way. Rosa's mother died when she was a little girl; Rosa was raised among the whites till she was 14 years old; then Thomas A. Dean married her (deposition of George Dean, 20 January 1917; NARS RG 75, M-1343, Roll 5, Snohomish). In 1929 in connection with his application for membership at Puyallup, Joseph Dean gave his mother's name as Rosie Dean Swaqualin, born on the Snoqualmie Reservation; her tribe Snoqualmie, enrolled at Yakima (Puyallup Enrollment Applications 1929).

⁵¹See section 1.1.2 of this report for reasons why the BIA did not accept the STI identification of Segwallitchu as a Steilacoom village.

⁵²(B 206). This 12 September 1839, we priest undersigned have baptized Etienne, aged 2 years, child of Lahalette dit Tckwentom, Chief of the Nesqually, and of Tselsilsa. Godmother Helene McDonald Dame Kittson (Munnick and Warner 1972, 52).

The petition also asserted that Sally/De'at, wife successively of Ce-colquin and of James Meeker, was a "descendant of Laxalit" (see discussion of Ce-col-quin and the Meeker family in section 3.6.1).

⁵³According to the petition, one wife was a widow of a Cowlitz named Cal-be-pe-quoy (STI Pet. 1986, 80f-g), but contemporary data indicated that she was the widow of that man's brother. Under the spelling "La-ah-lit" and "La-ah-let," there is discussion of an 1835 dispute between him, Cal-lee-pe-quoy (Cowlitz), and Sin-ni-tee-aye (Stack-kah-tak-mish, a division of the Upper Chehalis from Grand Mound and above), over his unauthorized marriage to the widow of Caleepequoy's brother, who had been an expensive bride (STI Pet. 1986, 80f-80g(1)).

Duwamish/Cowlitz who married a daughter of John Yateko (Thompson 1995, 6; citing August Kautz to Roblin, Charles E. Roblin field notes, 1917), and in another that Lachalet was the uncle of Lashmere (STI Pet. 1986, 2:52), a relationship which was supported by independent documentation.⁵⁴ Tolmie stated that Lashima was Lachalet's nephew, but made no comment about any Steilacoom residence or ancestry. Huggins, in commenting on Tolmie's Journal entry, equated Lashima to "Lashiniere . . . a prominent Tarnonwous man . . ." (Huggins 1904 in NBAG13.DOC), and agreed he was Lachalet's nephew. However, Huggins represented Lachalet himself as "the Nisqually Chief" (Huggins 1904 in NBAG13.DOC), not as a Steilacoom.

The petition also presented Lashmere as the spouse of "a Steilacoom woman" (STI Pet. 1986, 2:74). BIA research documented that Lashmere was in fact the father of Kitty (granddaughter of Yateko), who later had two children by then-Lieutenant Augustus V. Kautz, but found no documentation to substantiate the statement that the family of Kitty's mother was Steilacoom, or that Lashmere had any other spouse identified as Steilacoom (for further information on the Kautz line, please see discussion in section 3.6.1 and 3.7.1).

In summary, none of the prominent pre-treaty Indians discussed extensively in the petition were identified as Steilacoom by any contemporary, primary evidence, nor were they documented as ancestral to the known ancestors of the current STI membership.

2.3.2 Settlers

A major group of petitioner ancestors consisted of Scottish, English, and French-Canadian retirees from the HBC. With American settlers already arriving, Congress passed the Oregon Donation Land Act in 1850. This law promised free land to American settlers as an inducement to occupy the Northwest Coast area, and to guarantee United States sovereignty.⁵⁵ This law

⁵⁴Tolmie noted, while documenting a planned expedition to Mount Rainier, that:

I have engaged Lachalet for a blanket, and his nephew Lashima for ammunition to accompany me and Nuckalkut and Poyalip (whom I took for a native of Mount Rainier) with two horses to be guide on the mountain after leaving the horse track, and Quilliliaish, his relative, a very active, strong fellow has volunteered to accompany me (Tolmie 1963).

A child of Lashmere was baptized the same day as the child of Lachalet mentioned above: B207 Marie Lachemiere: "This 12 September, 1830 [*sic, no doubt 1839 is meant*] we priest undersigned have baptized Marie aged 1 year, child of Lachemiere, and of Sicadalles [?]. Godmother Helene McDonald Dame Kittson (Munnick and Warner 1972, 52)

⁵⁵Bonney stated:

This law, under which the early donation claims of Pierce County were taken, provided that every citizen above the age of twenty-one years, who would go to Oregon, could select a half section of land, and, upon proper proof of having lived thereon for the full period of five years, would receive a patent. A married man taking his family could locate on 640 acres. It provided, however, that such land must be taken within a period

accelerated incursion of American settlers (Carpenter 1986, 157), but the HBC men were also eligible to make claims if they became naturalized as American citizens, and many of them did so. These men had been in the area in the pre-treaty period; many remained afterwards, married Indian wives, and established family lines that later would appear in the STI. Please see section 3.6.2 for detailed discussion of the individual families.

In addition to the HBC employees who married Indian women from southern Puget Sound and the Cowlitz river as well as from more distant tribes, another group important in the regional pre-treaty history of the petitioner's ancestors was the Red River immigrants from Canada. In 1841, HBC invited 23 families of Red River settlers to develop farms and promised them equipment (Flett 1885). The families did not receive the promised assistance, and most moved to Oregon soon after. Some of these settlers, however, later returned to Pierce County, Washington, in the 1870's and 1880's, providing the identified Indian ancestry for more than a third of the current STI membership. These 1841 Red River settlers, most of whom were of Scottish and Canadian Indian ancestry, included James Burston, Horatio Calder, John Flett, Archibold Spence, Baptiste Rhelle,⁵⁶ and Charles McKay (for Flett, see Roblin Quinault Affidavit of George W. Gale, 4/5/1912, NARS RG 75, M-1344, Roll 2, Frame 486, Case No. 31). Others came from the Red River later and settled among relatives and associates already in Oregon and Washington. There is ample documentation on these families (Sprague and Frye 1983; Jackson 1984) and more is available from Canadian sources such as the Glenbow Archives, the Manitoba provincial archives, and the HBC archives (see STI GTKY File, BAR).

of three years and a few months after its signature, or on or before December 1, 1853. Subsequently to that, [sic] however, or on February 14, 1853, the act was extended for another two years, but the amount of land taken during this latter period was reduced by one-half of the original figures (Bonney 1927, 1221).

⁵⁶Jean Baptiste Riel.

3 1854-1880: THE TREATY OF MEDICINE CREEK AND ITS AFTERMATH

The major events for the period from 1854 to 1880 were the negotiation of the Treaty of Medicine Creek in 1854, the Indian War of 1855-1856, including the Fox Island internment, the subsequent establishment of reservations for the Medicine Creek Indians at Puyallup, Nisqually, and Squaxin Island, the transfer of donation claims from some former HBC settlers to American settlers in the 1850's and early 1860's, the closing of the Hudson's Bay Company stations in 1859, and the further development of Indian reservations. The historical information available on the petitioner's ancestors revealed the nature of the petitioner's ancestry, and provided an outline of the nature, and limits, of social interaction among and within the identified ancestral families during the 1854-1880 period.

3.1 The Treaty of Medicine Creek

Introduction. On January 26, 1854, Washington Territorial Governor Isaac I. Stevens negotiated the Medicine Creek Treaty⁵⁷ with:

the undersigned chiefs, head-men, and delegates of the Nisqually, Puyallup, Steilacoom, Squawksin [*sic*], S'Homamish, Stehchass, T'peek-sin, Squi-aitl and Sah-heh-wamish tribes and bands of Indians, occupying the lands lying around the head of Puget's Sound and the adjacent inlets, who for the purpose of this treaty are to be regarded as one nation, on behalf of said tribes and bands and duly authorized by them (Kappler 1973, 661).⁵⁸

⁵⁷The Treaty of Medicine Creek has been available in published form since 1904 (Kappler 1904, 2:661-664; Kappler 1973). In addition to the treaty, George Gibbs' minutes have been available on microfilm since 1945. The minutes were labeled on the back strip "Record / Gov. Steven[s] / Washington / Dec. 1854 / March 185[5]," and have the following caption title; "Record of the Proceedings of the Commission to Hold Treaties with the Indian Tribes in Washington Territory and the Blackfoot Country" (NARS RG 75, M-5, Roll 26; 1945).

The land ceded was described by an Indian agent in 1872 as:

all of the very large county of Pierce, some three townships in the southwest corner of King; three-fourths of Thurston, within which this city [Olympia] is located; the southeast fourth of Mason, and the southeast quarter of Kitsap County, making over two million acres, together with nearly the south half of Puget Sound--all for the sum of \$32,500, in payments ranging for twenty years, without interest (COLA Annual Report 1872, 337).

⁵⁸Ezra Meeker, an old settler of Pierce County, commented:

The fiction of the nine tribes to deal with, in the Medicine Creek Council, can readily be seen when the facts are stated. There were less than nine hundred Indians, nearly eight hundred of whom belonged to the Nisqually and Puyallup tribes, leaving but a hundred to comprise the remaining seven so called tribes, probably fifteen to the tribe (Meeker 1905, 28).

Neither the treaty itself nor the journal of the treaty negotiations (NARS RG 75, M-5, Roll 26; 1945) indicated the tribes, bands, or villages which the signers represented. As Lane pointed out (Lane 1975, 3), it was thus not possible to determine who represented the Steilacoom village or villages (see the discussion of the STI petition's attempt to identify such signers in section 3.1.2).

3.1.1 Treaty of Medicine Creek: Gibbs Surveys 1854 and 1855

In preparation for the Treaty of Medicine Creek, Stevens dispatched George Gibbs to describe the Indians residing in the Puget Sound and the rest of the Pacific Northwest. In 1854, Gibbs wrote an extensive description of the tribes of western Washington. In this report, he observed that the Nisqually were "most numerous, and deserv[e] particular mention as having given its name to the general language" spoken by Indians in the southeastern part of Puget Sound (Gibbs to Stevens 1854 in Gibbs 1967, 37). He did not, however, mention the Indians living around Steilacoom specifically.

In 1877, Gibbs published an article based on and extending the 1854 report in Volume I of *Contributions to American Ethnology* (Gibbs 1967). In the 1877 publication, Gibbs described three major tribes of an entity he termed the "Nisqualli Nation." Gibbs defined the term "nation" as: ". . . the whole people speaking a common language," and "tribe" as comprehending the "bands organized under one head" (Gibbs to Stevens 1854; *in* Gibbs 1967, 8). These three tribes included (1) the Skokomish, (2) "the bands occupying Puget Sound and the inlets opening [from] it as far down as Point Pully," and (3) the Snohomish. The Steilacoom River area fell into the second tribal designation.

He then divided this second tribe:

. . . into three subtribes, the first consisting of the S'Hotlemamish of Case Inlet, Sahehwamish of Hamerly Inlet, Sawamish of Totten Inlet, Sk'wai-aitl of Eld Inlet, Stehtsasamish of Budd Inlet, and Nusehsatl of South Bay or Henderson Inlet; *the second consisting of the Skwalliahmish or Niskwalli, including the Segwallitsu, Steilakumahmish, and other small bands*; the third of the Puyallupahmish, T'Kawkwamish, and S'Homamish of the Puyallup River and Vashon Island (Gibbs 1877, 178) [emphasis added].⁵⁹

In a further subdivision made in the 1877 publication, under "C. Niskwalli Selish . . . B. Puget Sound group . . . II. (Horse)" he listed the categories of "Niskwalli proper, Segwallitsu, Stailskunamish, Swallishmish" (Gibbs 1877, 241).

Thus, Gibbs classified the Steilacoom, or "Steilakumahmish," as part of the Nisqually Nation, and as a "band" or "subtribe" of the Nisqually tribe. Gibbs maintained that the Western

⁵⁹Gibbs, as have later ethnographers, distinguished these Indians by whether they resided primarily on the shores of Puget Sound (salt water), on the rivers further upstream (river Indians), or lived on the prairies. Regarding his list above: "The first are properly salt water Indians; the second are . . . equestrian in their habits, and the last are River and Sound Indians' (Gibbs 1877, 178; see also Gibbs 1877, 241).

Washington tribes had undergone considerable population decline, by 1854, causing bands and tribes to consolidate. To Gibbs, then, the Nisqually, or "Niskwalli," included "several small bands, the remnants of once large tribes, formerly all, it is believed, under one head chief" (Gibbs 1877, 179).⁶⁰ Gibbs estimated in 1854 that the Puyallup (Pu-yallup-a-mish) numbered 50, and he counted 84 men and 100 women living at "Suqally-ah-mish - six bands," the Nisqually river and vicinity (see Appendix 2 for details).

Anthropologist Barbara Lane maintained that Gibbs' 1854 estimates of the Indian population of southern Puget Sound, including the Steilacoom estimate of 25 persons (Gibbs 1854 *in* Gibbs 1967, 41-42), were too low and "cannot be relied upon as in any way accurate" (Lane 1975, 3). She cited the following reasons: (1) there were 120 Steilacoom Indians whom the United States resettled on Fox Island, according to an "official journal account of the Fox Island Reservation" by Indian Agent Sidney Ford; (2) Gibbs himself repudiated his own estimates later as too low; and (3) the Indian Claims Commission Finding of Fact #13 in Docket 208 noted "Jones, an officer at Fort Steilacoom," as giving a number of 175 for a group called the "Steila-a-qua-mish" (Lane 1975, 3).

The Sidney Ford journal was not available to BIA researchers, but the number of 120 for the Steilacoom was reported by the STI petition as follows:⁶¹

A count conducted by Agent Ford on May 15, 1856 placed the total number of individuals on the Steilacoom Reserve at 692 and gave the number of Steilacoom Indians as 120. (Ford to Stevens) . . . Ford gave the following breakdown by tribe:

Steilacoom	120
Snohomish	30
Nisqually	23
Su[?]bubsh	187
Soboblish [?]	37
Puyallup	276

(STI Pet. 1986, 98; cited in STI Pet. 1986 bibliography as "Original WMC [W. Miller Collection]; duplicate UWL [University of Washington Libraries], A217, Reel 1).⁶²

⁶⁰See section 2.2 and Appendix 2 for earlier census figures.

⁶¹Although both the STI (STI Pet. 1986) and Carpenter (Carpenter 1996, 43-47) frequently referenced Ford's journal and Ford's correspondence with Stevens for 1856, neither STI nor Nisqually submitted copies of the documents. The correspondence is not in RG 75 at the National Archives. The petition described the archival location as "Original WMC [W. Miller Collection]; duplicate UWL [University of Washington Libraries], A217, Reel 1" (STI Pet. 1986, Bibliography).

⁶²This may be the census described by Carpenter as: "At one time a complete list of names representing six different tribes was presented. A breakdown of 692 present included 173 men, 187 women, 200 boys under 16 years of age and 132 girls under 16 . . ." (Carpenter 1996, 45).

The STI petition elsewhere analyzed Ford's numbers as a count of individuals "on the Steilacoom Reserve," stating that:

... those counted by Sam Young in April were clearly, as stated, "Steilacoom Indians proper," i.e. those of the Steilacoom band from Steilacoom Creek.⁶³ The seventy Steilacoom Indians counted by Sam Young in April were a part of the larger total of Steilacoom Indians counted by Agent Ford in May. The number of Steilacoom from all bands in May was listed as 120 (Ford to Stevens, May 15, 1856) (STI Pet. 1986, 102) [footnote added].

Gibbs later stated that his numbers for the Dwamish and Sukwamish "probably [fell] a little short of the truth" (Gibbs 187, 179), and that "[t]his total, as well as the details, differs considerably from the estimates made in January, 1854, and, indeed, from the census taken in the winter of 1854-55, while the treaties were progressing. It seems to be pretty certain that the lower tribes, instead of diminishing, are on the increase" (Gibbs 1877, 181). The BIA researcher located no passage in Gibbs' later writings that specifically repudiated his 1854 enumeration of the Nisqually, Steilacoom, and Puyallup. Nonetheless, Gibbs' 1854 Puyallup estimates were unquestionably much too low by comparison to the number of Puyallup enumerated by OIA agents in the later 1850's (see section 3.5.1), so it is possible that he undercounted the Steilacoom as well. However, his number of 25 Steilacoom as of the date of the Medicine Creek Treaty was accepted by both plaintiff and defendant in the ICC case brought in the 1950's (29 Ind. Cl. Comm. 481; *Steilacoom v. U.S.* 3/14/1973, 492-493).

A greater difficulty with Lane's critique was that she did not examine in detail the 1853 observation by the officer named Jones at Fort Steilacoom concerning the 175 so-called Steil-a-qua-mish, as referenced in ICC Docket 208, to ensure that this term applied to the Steilacoom Indians.⁶⁴ BIA research showed that Gibbs also cited a group known as the "Steilaquamish, whose country is on a stream bearing their name," and which numbered about 75 (Gibbs 1967, 38-39). However, in Gibbs' manuscript account as submitted by the petitioner, the group immediately to their north were the Kikialtis and Gibbs located them on the south fork of the Skagit River" (STI Pet. 1986, E-6, Exhibit #3). Starling noted that the Stilla-qua-mish "speak the Sno-ho-mish tongue" (Starling 1852). The location relative to other tribes and language mentioned in these observations suggest strongly that the "Steil-a-qua-mish" Indians were not the Steilacoom but the Stillaguamish, a tribe located about 60 miles to the north (see Suttles and Lane 1990, 186). Thus, Lane appears to have inflated the numbers of Steilacoom. While Gibbs' estimate of 25 may have been too small, no other contemporary or near-contemporary estimates exist by which it may now accurately be corrected, unless, possibly, the count of 70 "Steilacoom

⁶³The petition cited this count on the basis of an April 20, 1856, letter from George Gibbs to Col. Silas Casey of Fort Steilacoom (STI Pet. 1986, 101; citing "Original WMC [W. Miller Collection]; duplicate UWL [University of Washington Libraries], A217, Reel 1").

⁶⁴This document was not submitted in evidence by STI. The ICC finding stated: "Jones, an officer at Fort Steilacoom, noted the Indians of that area. They were called, he said, the Steil-a-qua-mish and numbered 175. Their home territory was in the vicinity of the Steilacoom River. This report was in 1853" (*Steilacoom v. U.S.* 9/21/1962, 314).

proper" on Fox Island provided to George Gibbs by Sam Young in April 1856 (Gibbs to Casey 4/20/1856; cited in STI Pet. 1986, 101).

3.1.2 Treaty of Medicine Creek: Treaty Negotiations

Governor Stevens organized the commission to negotiate the Treaty of Medicine Creek on December 10, 1854.⁶⁵ The journal of the treaty negotiations indicate that Governor Stevens left Olympia for Medicine Creek two weeks later, on December 24. Discussions took place on Christmas day.⁶⁶ Unlike minutes of later treaties, the journal for Medicine Creek did not summarize the speeches of the individual Indians who contributed to the discussion, nor the replies made by Governor Stevens or the other government representatives.⁶⁷ All descriptions of the actions which occurred on the treaty grounds (Meeker 1905, 31-32, 51-53), and accounts of statements attributed to Leschi and to others (Meeker 1905, 37-38, 40-41, 46-47), as collected by Ezra Meeker in *The Tragedy of Leschi* (Meeker 1905), were made after the fact, from 1858 through the 1890's.

In return for ceding their lands, the Indians were to be granted three reservations, one on Squaxin Island, one on the Puyallup River, and one on the Nisqually River. All Indians who signed the Treaty did so by mark. No tribe or band affiliations were indicated, either for the signatures⁶⁸ or

⁶⁵He appointed James Doty, Secretary; George Gibbs, Surveyor; H.A. Goldsborough, Commissary; and Frank Shaw, Interpreter. Michael T. Simmons, Indian Agent, was also present at the commission's December 10 meeting, at which Gibbs presented an outline of the general draft treaty provisions, estimated a population of 638 for the Squaxin, Nisqually, and Puyallup, and proposed the possibility of three reservations or removing all to Squaxin Island (NARS RG 75, M-5, Roll 26). This microfilm Roll is unpaginated.

⁶⁶"Dec. 25th. The Programme of the Treaty was fully explained to the Indians present. At the evening session of the Commission the draft of the proposed Treaty was read and after a full discussion of its provisions by the gentlemen present, Viz. Messrs. Simmons, Gibbs and Doty, it was ordered to be engrossed and is as follows" (NARS RG 75, M-5, Roll 26).

⁶⁷Meeker referred to, "the disappearance of the records of the council from the files of the Government at Washington, after the partisans of Governor Stevens had published garbled extracts from the proceedings but suppressed all reference to Leschi or to the speech he made, which we know was a matter of record" (Meeker 1905, 38). The microfilmed version of the journal in NARS RG 75, M-5, Roll 26, does not give any indication of having been tampered with.

⁶⁸Qui-ee-metl, Sno-ho-dum-Set, Lesh-high, Slip-o-elm, Kwi-ats, Stee-high, Di-a-keh, Hi-ten, Squa-ha-hun, Kahk-tse-min, Smaw-o-yutl, Kl-tehp, Sahl-ko-min, Tbet-ste-heh-bit, Tcha-hoos-tan, Ke-cha-nat, Spee-peh, Swe-yah-tum, Cha-achsh, Pich-Kehd, S'Klah-o-sum, Sah-le-tatl, See-lup, E-lah-kah-ka, Slug-yeh, Hi-nuk, Ma-mo-nish, Cheels, Snutcame, Bats-ta-kobe, Win-e-ya, Klo-out, Se-uch-ka-nam, Ske-mah-han, Wuts-un-a-pum, Quuts-a-taam, Quut-a-heh-mtsn, Yah-uh-chn, To-tahl-kut, Yul-lout, See-ahts-oot-soot, Ye-tah-ko, Wee-po-it-ee, Kah-slo, Lah-hom-kan, Pah-how-at-ish, Swe-yehm, Sah-hwill, Se-kwaht, Kah-hum-klts, Yah-kwo-bah, Wut-sah-le-wun, Sah-ba-hat, Tel-e-kish, Swe-keh-nam, Sit-oo-ah, Ko-quel-a-cut, Jack, Keh-kise-be-lo, Go-yeh-hn, Sah-putsch, William (NARS RG 75, M-5, Roll 26; transcriptions differ somewhat from those printed in Kappler 1973, 664).

for the three reservations which the treaty established.⁶⁹ The petition asserted that at least six of the signers were Steilacoom (STI Pet. 1986, 2:86), but this assertion could not be confirmed by BIA researchers.⁷⁰

⁶⁹Article 2 of the treaty established three reservations "for present use." These were described geographically, with no tribal designations. The treaty did not indicate which of the participating groups were expected to go to which reservation (Kappler 1973, 662). Article 6 provided that the President of the United States might, at his discretion, "when in his opinion the interests of the Territory may require," remov[al of] the Indians who were parties to this treaty "to such other suitable place or places within said Territory as he may deem fit" (Kappler 1973, 663) and that he might arrange for consolidation and allotment of the reservations. Again, these provisions were made without any tribe or band designations of the affected groups (Kappler 1973, 663). They were in accordance with the general policy instructions which Stevens had received from Acting COIA Charles Mix in a letter dated August 30, 1854 (Meeker 1905, 33-35).

The journal for December 28 indicated the outlines of the proposed Nisqually Reservation on a range and township grid; that for January 1, 1855, outlined "Choo-choct-luts Reservation" or "Choche-oot-luts Reservation," which was apparently that intended for the Puyallup (NARS RG 75, M-5, Roll 26), although the name has not been firmly identified: it most resembles "See-ahts-oot-soot" among the treaty signers. The Indians' dissatisfaction with these lands was a major contributing factor to the outbreak of the war later in the year, and they were replaced by other lands as a result of the Fox Island Council in the autumn of 1856 (see below). The area of the Squaxin Reservation was located on January 3, 1855 (NARS RG 75, M-5, Roll 26).

See map prepared by Isaac I. Stevens (Carpenter 1996, 70).

⁷⁰ The "Steilacoom" signers asserted by the petition were #24, E-la-kah-ka; #33, Se-uch-ka-nan; #41, See-ahts-oot-soot; #42, Ye-takho; #56, Sit-oo-ah; #57, Ko-luel-a-cut (STI Pet. 1986, 2:86). See further discussion of these families in section 3.6.1 of this report.

The petition itself identified #24, E-la-kah-ka, as Tye Dick or Richard Sinnaway, son of the Cowlitz chief Scanewa, whose funeral monument identified him as a chief of the Cowlitz, Puyallup and Nisqually tribes (Haney and Haney 1973, 61; see also Cowlitz GTKY File, BAR). This was the primary documentary evidence for his tribal affiliation, aside from Huggins' description of him as the cousin of a half-Cowlitz and half-Nisqually family (Huggins 1904, 2). Neither connected him to a "Steilacoom" entity. The petition identified Ye-takho as Kitty Kautz's maternal grandfather; Sit-oo-ah as Sate-way-a (#56), the grandfather of Louise Douette; and Co-quel-a-cut as Ce-col-quin (#57), "a headman at Chamber's Bay" (STI Pet. 1986, 2:86). Of these six signers, if Co-quel-a-cut was Ce-col-quin, he would be the only signer clearly from the immediate Steilacoom geographical area.

See-ahts-oot-soot (#41) was identified by the petition itself as "the headman at the mouth of the Segwallitchu River," and therefore "Steilacoom" only if one accepts the petition's wide definition of the Segwallitchu villages as Steilacoom rather than Nisqually. This section of the petition indicated that #33, Se-uch-ka-nan was the father of Rosalia Bastian and Annie Steilacoom, while it said that #41, See-ahts-oot-soot was the maternal grandfather of George Wells (STI Pet. 1986, 2:86). This statement was not consistent with those made elsewhere in the petition that the father of Rosalie Bastian and Annie Steilacoom was "Sowakched" (STI Pet. 1986, 3:86), and that Annie Steilacoom was the mother of George Wells (STI Pet. 1986, 2:215; STI Pet. Response 1994; Thompson 1993, 5).

Although limited, the Gibbs journal's description of the events of December 26 contributed significantly to an understanding of the participants in the negotiations, as it included a description of dispersal of the Treaty goods to the parties who had signed. Gibbs' journal indicated that:

The presents - Goods & provisions - were then opened & apportioned in the just ratio to the three Chiefs of the Puyallup, Nisqually & Squawksin Tribes and were by them distributed to their people and the Indians present included in the treaty (NARS RG 75, M-5, Roll 26).

George Gibbs did not name the three chiefs in his journal of the treaty negotiations (NARS RG 75, M-5, Roll 26), although in a later publication he stated that "Kwi-e-mihl and Sno-ho-dum-sit were designated as head chiefs of the bands embraced within [the Treaty of Medicine Creek's] provisions" (Gibbs 1877, 179). Neither did his journal designate the presence of specific leaders for any of the participants other than the Puyallup, Nisqually, and Squaxin. The journal implied that the chiefs of these three groups distributed the presents to all participants to the treaty. However, the wording implied that "their people" and "the Indians present" may not have completely overlapped. The meaning is ambiguous.

A belated arrival by one group of Indians provided a basis for an estimate of the number of Indians who were present at the Medicine Creek negotiations:

Toward evening Mr. Swan arrived with 29 Indians of the Puyallup Tribe and reported 20 more on the way who starting three days ago had been detained by bad weather. These 49 Indians not having received any presents, the Commissioners decided on sending them presents from Olympia in the ratio of 1/12 of the goods given at the Treaty (NARS RG 75, M-5, Roll 26).

The payments to the 49 late arrivals were made on January 3, 1855 (NARS RG 75, M-5, Roll 26). Assuming that the ratio of 1/12 was approximate, it would indicate that between 540 and 590 Indians were parties to the treaty and had received presents.⁷¹

The United States Congress ratified the Treaty of Medicine Creek in March of 1855 (Carpenter 1996, 31).

3.2 Indian War of 1855-1856

The nature of this report does not require an extensive description of the Indian War of 1855-1856 itself. Several of the leaders who had been present at the Treaty of Medicine Creek were dissatisfied with the provisions that it made for reservations. During the spring and summer of

⁷¹The data do not indicate whether these 49 were adult men only, heads of household only (whether male or female), adult men and women combined, or a mix of men, women, and children. Thus, the utility of the number for estimating the Puyallup tribal population is limited. As a multiplier for "parties to the treaty who received presents," it is valid.

1855, the fears of American settlers focused on Quiemuth of the Nisqually and his brother, Leschi. Reacting to the tension and requests from American settlers, Acting Governor Charles Mason requested that the Eaton Rangers of the Washington Territorial Volunteers proceed to the Nisqually Bottom and bring Leschi and Quiemuth to Olympia in protective custody. The brothers and their supporters headed for the Cascades; the Rangers followed.

The petitioner discussed a specific incident involving former Hudson's Bay Company employees as part of its own history, stating that, "[s]everal of the individuals suspected of aiding the Indians [during the 1855-1856 Indian war with U.S. troops] were married to Steilacoom women" (STI Pet. 1986, 2:95). During the hostilities, Governor Stevens found that several former employees of the Hudson's Bay Company had behaved in what he considered a treasonous manner (Meeker 1905, 172, 103n). These men had married Indian wives and settled on Muck Creek, about ten miles southeast of Fort Steilacoom. A court-martial convened in May concluded that it lacked jurisdiction, and the civil authorities discharged the prisoners (Meeker 1905, 187). BIA research revealed that all of the "individuals" alluded to above were former HBC employees:⁷² none of the accused men founded a family directly ancestral to the STI petitioner. Additionally, BIA researchers identified all of the wives of the former HBC employees accused of aiding the Indian insurgents: none could be documented as having come from a historical Steilacoom village, band, or tribe (see STI GTKY File, BAR). None of these men were the husbands of any of those women claimed as Steilacoom ancestresses by the petitioner. Some were, however, in-laws and collateral members of family lines who comprise part of today's petitioner.

The hostilities continued for a year. Agent Sidney S. Ford, Jr. took Leschi into custody on November 13, 1856; the trial on November 16 resulted in a hung jury, with a new trial set for March 18, 1857. Leschi's brother Quiemuth surrendered on November 17, 1856, to James Longmire of Yelm Prairie, who accompanied him to Olympia (Carpenter 1996, 65). The next day, Quiemuth was killed in the governor's office. Leschi was found guilty at the second trial. After several delays, he was hanged on February 19, 1858 (Carpenter 1996, 65-66).

3.3 The Fox Island Internment Camp and Fox Island Council

Because of the hostilities, the Federal government established an internment camp, known also as the Steilacoom Reserve, at Fox Island from 1855-1857.⁷³ Fox Island is located in Puget Sound

⁷²William Benston, Adam Benston, Francois Gravelle, Charles Wren, Lyon A. Smith, Henry Murrah, Henry Smith, John McPhail, Peter Wilson, and John McCloud [McLeod] (Bonney 1927, 211); "[Charles] Wren, two Smiths, two Murrays [including Henry Murray], McLoud and Gravelle" (Meeker 1905, 173; 183, 186).

⁷³It was one of several internment camps established for the Puget Sound Indians. During mid-November 1855, Indian Agent Michael Simmons set up six internment centers, including Fort Kitsap, Bellingham Bay, Penn's Cove, Fox Island, Squaxin Island, and one "farther south." Their purpose was to separate the friendly Indians from the hostiles.

off the coast of Fort Steilacoom.⁷⁴ Stevens reported in mid-1856 that "Captain Ford has charge of the local agency opposite Steilacoom [i.e. Fox Island]" (Stevens to Manypenny 5/31/1856).

The STI asserted a number of unsupported conclusions about the Fox Island Reserve that were of importance in evaluating the petition. The petition maintained that:

1. The Fox Island Reserve was established as a reservation for the Steilacoom band (STI Pet. 1986, 97);
2. The Steilacoom band was identified on Fox Island under the leadership of Sam Young, who remained an important member of the post-war Steilacoom (STI Pet. 1986, 103); and
3. The Steilacoom band identified on Fox Island in 1856 was antecedent to the STI (STI Pet. 1986, 97).

Historical documents showed that the camp was intended to contain a multi-tribal population: the Indian Agent originally assigned to be in charge of the Fox Island camp was J.B. Webber,⁷⁵ and it was estimated that he would have about 1,200 Indian people to look after, including members of the "Steilacoom, Shatlmahmish, Shamahmish, Puyallup and Nisqually" (McDonald, 1958, 4; Carpenter 1996, 40). An actual census showed that the Indians temporarily resettled on Fox Island during the Indian Wars numbered around 600,⁷⁶ which is obviously a much larger total

⁷⁴In 1841, Lt. Charles Wilkes of the United States Exploring expedition assigned the current name to Fox Island (Carpenter 1996, 25). On the basis of a map drawn in 1855 by ethnologist George Gibbs, historian Cecilia Svinth Carpenter indicates that the Indian tribal group nearest to Fox Island on the mainland were the S'Homamish; the S'Hotlemamish were to the northwest; the Puyallup next; below and to the south were the Nisqually (Carpenter 1996, 3). The location is three miles to the northeast of the modern town of Steilacoom, and of Fort Steilacoom.

⁷⁵ In quoting the November 12, 1855, *Puget Sound Courier*, the petition made several ellipses in the statement by Indian Agent Michael T. Simmons, which made the quote sound as if his published notice pertained only to the Steilacoom Band or Indians around Steilacoom:

All friendly Indians within the limits of the Puget Sound District have been directed by me, to rendezvous at the following points to await further orders; Head of North Bay, Nisqually, Steilacoom . . . and Dr. J.B. Webber, appointed Special Agent, to look after those Indians at present camped at the head of North Bay, Nisqually, Steilacoom, Gig Harbor and Vashon Island ... Should it be deemed necessary, these several bands of Indians will be required to occupy two or three points. . . . (STI Pet. 1986, 97).

⁷⁶In a census by head of household, dated "Steilacoom Reserve, labeled April 18, 1856, (NARS RG 75, M-5, Roll 16), the recapitulation showed:

Indian Men on the Reservation	128
Squaws	165
No of Boys 16 Years and upwards	66

population count than any ever given for the group described by Gibbs as the Steilacoomahmish band of the Nisqually. This confirmed that the reserve was associated with a number of different tribes party to the Medicine Creek Treaty, and not a single band.

As had been the case during the war, Gosnell indicated that the function of the local agent at the town of Steilacoom pertained to Indians from throughout the Puget Sound area who visited the fort, not to a tribe or band from Chambers Creek.⁷⁷ Fox Island was clearly an internment camp, and was never identified as a permanent reserve: contemporary documents referred to the camp as a "temporary reservation" (see p. 38). Under Federal law, the term "Reservation" has a technical meaning, ordinarily indicating lands which are, by treaty or other formal agreement, held in trust title by the Federal government on behalf of an Indian tribe (Cohen 1942, 206). The temporary internment camp established by the OIA on Fox Island, opposite Steilacoom, during the Indian War of 1855-1856 was not a reservation under this definition.

Furthermore, there is no indication in the records that the reserve was established on behalf of a "Steilacoom Tribe" or "Steilacoom Band." Rather, it was established as a multi-tribal internment camp, intended to last only for the duration of the hostilities, and including the Indians who lived in the Steilacoom area, but not specifically for them. It was parallel to several other temporary internment camps established at the same time. Subsistence funds were available in these camps from the government because the Treaty of Medicine Creek had been ratified (Carpenter 1996, 39-40).

A second set of negotiations, known as The Fox Island Council, was held prior to the dispersal of the internment camp in 1857 (Carpenter 1986, 57), during which Sam Young, identified as "Indian Sam--Puyaloo" (STI Pet. 1986, E-8, Exhibit #5) emphasized the importance of the land around Steilacoom [Chambers] Creek to the Indians but expressed a willingness to compromise:

Now what I want to say is this. My home is at Shilicum Creek and there is where I want to live and die. I do not find fault with the Gov. For selecting the Res. He has today. No one can blame him for he has tried all ways to please the Indians on the Sound and they are never satisfied. I wish to tell the Gov. That every Indian

No of Boys Under 16 Years	114
No of Girls	127
Total	600

⁷⁷Gosnell stated:

I have stationed Mr. J.S. Jaquith, an employee under the late Local Agent Ford, at Steilacoom for the purpose of preventing the whisky traffic, with, and exercising a general watchfulness and control over, the Indians which visit that place. Steilacoom is an important trading post with Indians along the Sound, and I was induced to take the step for the purpose of guarding against any difficulties between whites and Indians, as well as on account of the beneficial influence which it would in other respects have upon the large numbers of Indians which stop there in traveling up and down the Sound (Gosnell to Stevens 3/31/1857; NARS RG 75, M-5, Roll 11).

loves his native land the best. Every Indian loves his own people best. Still, I am willing to do anyway in order to bring about peace once more (STI Pet. 1986, E-8, Exhibit #5).

This indicated that the Indians from the Chambers Creek area were participating in the council and had been at least a portion of the "Steilacoom" included within the total number of Fox Island internees. The United States was represented by Governor Isaac I. Stevens and U.S. Army officers Lt. Col. Silas Casey and Capt. Maurice Maloney. In a report to COLA George Manypenny written in late 1856 or early 1857, Stevens described the purpose of the council as completing the placement of some 750 Indians on the Puyallup and Nisqually reservations:

On the fourth of this month, I had a conference with the Puyallup & Nisqually Tribes of Indians at the temporary reservation assigned to them on Fox Island, near Steilacoom. The hostiles who had surrendered were present. They numbered some three hundred men, women and children. The whole number of Indians of the two Tribes amounted to about seven hundred and fifty. The war having been eventually brought to a close on the Sound, only one war party of some six or seven men, under Jim, a Nisqually, and one of the murderers of White and Northcraft, being out, it seemed to me the time had come to place them on the reservations, secured to them by the Treaty, or in such other reservations, as the terms of the Treaty, would permit their good and public advantage. (*Duwamish et al.* 1927, 734-5) (Carpenter 1996, 57).

Stevens heard the complaints of a number of Indian leaders who were unhappy at having only the reservations of Puyallup and Nisqually. Stevens' statement in reply to the Indians' statements suggested that at least some of the Indians wanted to maintain their village sites at Chambers Creek:

. . . Now my children I will talk of the Reserves. In the treaty we pointed out the Res. but in the treaty was this that when your good required it your Res. should be changed. Now by the treaty you had two Res. one at the Nisqually and one at the Puyalooop. The treaty stated that if you should find them unsuitable I would change them. (*Duwamish et al v. U.S.* 1927, 798, Carpenter 1996, 58).⁷⁸

. . . when we made that treaty, it was you that wanted the Res. Specified. I had the two grounds examined and told Col. Simmons they were not fit for you. . . You yourselves one half a year ago selected these two Res. We had them surveyed and found them unsuitable for you. We sent you word accordingly . . . (*Duwamish et al v. U.S.* 1929:799; STI Pet. 1986, E-9, Exhibit #6).

You talked today of four Res. One on the Nisqually, one at Ste le coom Creek, one at the Potatoe Ground [Henderson Bay] and one at the Puyalooop . . . Now I will agree to two Res. and no more. Those Res. Shall be larger than the first

⁷⁸ See also the *ex post facto* description by John Hiton (Meeker 1905, 69).

selected. You shall have a Res. at Nisqually, one large Res. on the Puyaloo. The Indians have in their treaty a right to pasturage anywhere in the territory. I say this not to you because one half has been war ground, but because it is so stated in the Treaty. I stand by that truly which says if these Res. Prove insufficient they shall be enlarged (*Duwamish et al v. U.S.* 1929:799; STI Pet. 1986, E-9, Exhibit #6).⁷⁹

The Indians were assigned only the Nisqually, Puyallup, and Squaxin Island reservations. In autumn 1856 the Federal government began dismantling the Fox Island reserve, and Ford's last report from Fox Island was made on January 24, 1857 (Carpenter 1996, 68). The camp on Fox Island closed 13 months after it was established.⁸⁰

The petition asserted strongly that Sam Young, from the Steilacoom village, was identified by Stevens as a chief, and had negotiated during the Fox Island internment on behalf of the Steilacoom village. The petition cited correspondence, censuses, and quotes from Indian agents at Fort Steilacoom (STI Pet. 1986, 99-102), but did not submit the documentation cited in support of these assertions in evidence. BIA researchers located only the documentation discussed in this report.

Presuming that Sam Young did count 70 Steilacoom Indians in April 1856 and Sidney Ford identified 120 Steilacoom from all bands in May 1856 (STI Pet. 1986, 102), the petitioner presented no documentary information showing that any of those Indians were ancestral to the STI membership. Other evidence indicated that they were probably not ancestral. The names of the heads of families listed on the censuses of the Fox Island internment camp did not correspond with those of the STI's identified ancestors,⁸¹ nor, as will be shown in 3.5.1 and 3.5.2, was there

⁷⁹Carpenter stated that:

Stevens went on to say that he would provide a reservation for those Indian people who lived up on the White and Green Rivers. Their home was in the area of the war zone, and, although they had been included in the Point Elliot Treaty, they would not move onto the Port Madison Suquamish Reservation to which they were assigned. We know that reservation today as the Muckleshoot reservation (Carpenter 1996, 58)

⁸⁰ On March 31, 1857, concerning the Indians who had been interned on Fox Island, Agent Wesley B. Gosnell reported to Governor Stevens that:

In pursuance of your instructions I have discontinued the Fox Island Reservation, and the property on hand has been turned over by Sidney S. Ford Jr., Local Agent in charge, to me. A portion of the Indians collected at this Reservation have gone to Puyallup Reservation. Some 100 souls however having a considerable amount of potatoes planted on Henderson's Bay obtained permission from me to remain there during the coming summer. They will of course move to Puyallup Reservation on the approach of winter (Gosnell to Stevens 3/31/1857; NARS RG 75, M-5, Roll 11).

⁸¹ The Fox Island census contained in the records of the Western Washington Agency was by head of household, as follows:

any indication that the Indian wives of white settlers or of mixed-blood HBC employees were removed to these camps, nor that the children of such unions were removed to these camps.

3.4 OIA Policy Towards the Medicine Creek Indians, 1857-1880

Both the Nisqually and Puyallup reservations were poorly prepared to receive the Indians returning from the Fox Island internment camp in early 1857. The numbers cited by Agent Wesley B. Gosnell at Fox Island indicated that he at least expected 550 people to move to Puyallup, 240 to Nisqually, and 375 to Squaxin (Gosnell to Stevens, 12/31/1856, NARS RG 75, M-5, Roll 11). As of that date, however, only 200 Indians lived on the Puyallup Reservation⁸² and "perhaps 100" were living on the Nisqually Reservation (Carpenter 1996, 69).

Indian agents maintained careful records concerning the reservations. Throughout the 1860's, the Government considered plans to sell both the Squaxin and Nisqually reservations, in order to consolidate all Medicine Creek Treaty Indians on the Puyallup, where farming, educational, and other services would be located (see Gosnell to Miller 8/1/1861; COIA Report 1861, 792). While the agents never carried out these plans, they did succeed, in 1861, in moving the headquarters for the Medicine Creek Treaty tribes from Squaxin Island to the Puyallup Reservation (Gosnell to Miller 8/1/1861; COIA Report 1861, 792). In general, the agents considered the land on these reservations insufficient to support the eligible Indian populations. The agents reported that the Indians took up labor and wage work on non-Indian homesteads, and supplemented their income with hunting and fishing.⁸³

Walh capt, Row it lum, George, Men, Sean, Zit at, Stolegat, Wen clate, Cil wudsch, Hetear (female), Fea Iash, Sel Fobish, Hul a Whiet, Scobia (female), Parte, Dodil qush, Tuil Ashin, Staws, Storud, Culwilt, Bill, Iid dollin, Hecobarl, Libs to, Ladhalt, Labraum, Cot lou sat, Sich hal ill, Goail gad Me (female), Gosia, Barniuel, Latuop, Doibeshil, Eaus cup, Clauta, Doct Dollen, Luct Sam, Talbat, Tebid, Sculpt Cut, Che la wit, How hait, Tea sed, Lot Sand, She dat, Bab, Diecke, (NARS RG 75, M-5, Roll 16).

⁸² Gosnell's December 31, 1856, letter from Fox Island had indicated that the Indians on the Puyallup Reservation were in need of clothing and food, very unhealthy, and "are dying off rapidly." He reported on numerous rumors being spread by Pat Kanim of the Snoqualmie, and mentioned that with the opening of the other reservations, Fox Island was being cut back "to reduce expenses" (Gosnell to Stevens 12-31-1856; STI Pet. 1986, 108).

⁸³Gosnell reported that:

The Indians say, why should we leave our homes for four or five days, travel a distance of some sixty miles to the place of distributing our annuities, all for one and a half dollar, whilst we can get a dollar a day, at any time, by working for the whites? (Gosnell to Geary 6/30/1859, COIA Report 772).

It is true, the great majority of them still continue their old habit of leaving their homes in spring in search of lacamas, berries &c. But some have abandoned this custom, and live now permanently upon their land, which, to say the least, is certainly a beginning, and as these persons have more and better crops -- for they attend to them during the

Although the 1869 COIA Annual Report stated that “[u]nder the Medicine Creek treaty are embraced three tribes, occupying each a separate reservation bearing the name of the tribe” (COIA Report 1869, 129), in that year Indian agents also listed the Steilacoom, one of the treaty signers, in a “tabular statement of Indians in this Territory” under the Medicine Creek treaty: “Nisqually, Puyallup, Steilacoom, Squaxoin [*sic*], S’Komamish, Stek-char, and three other tribes” (Ross to Parker 9/30/1869; COIA Annual Report 1869, 135). However, the 1869 report made no specific mention of Indians living in the Steilacoom area and reports for subsequent years did not again name the Steilacoom (COIA Annual Report 1871; COIA Annual Report 1872; COIA Annual Report 1885; COIA Annual Report 1900, 397), except that in 1875 (COIA Annual Report 1875, 141) and 1900 (COIA Annual Report 1900, 616) they were again tabulated as among those tribes belonging to the Nisqually, Puyallup, and Squaxin Island reservations according to the Medicine Creek treaty. In 1880, Milroy did not list the Steilacoom among the “seven bands belonging to this agency, not on or belonging to any reservation” (COIA Annual Report 1880, 160), nor did he specifically mention them in his reports on the Nisqually, Puyallup, or Squaxin Island reservations (COIA Annual Report 1880, 157-159).

3.5 Population estimates and censuses after the Indian Wars

Limited population estimates specifically for Indians are available in the OIA records 1857-1880. More general population counts exist in the territorial censuses of Washington taken between 1854 and 1892 and the Federal censuses of Washington Territory, 1860, 1870, and 1880. These records differed from the pre-war population figures discussed above in that some, but not all, were actual counts and enumerations, not estimates.

3.5.1 OIA Estimates of Reservation Populations after the Treaty of Medicine Creek: 1857-1880

The OIA censuses included those collected by agents in 1859, the Milroy censuses of 1872 and 1878, and the 1880 OIA censuses. Where individuals were enumerated, none of them, with a single possible exception, were identified as Steilacoom Indians. Only one of the Indians enumerated on the OIA censuses has been identified as possibly ancestral to the STI’s members.

Table 1 following shows that from 1858 through 1880, the population of the Nisqually reservation stabilized at under 150, and the Puyallup Reservation stabilized at about 400-500. It should be noted that these numbers were based on initial estimates, to which births and deaths were added or subtracted in later years.

summer more -- than their roving neighbors, will, it is hoped, soon be imitated by the entire tribes (Gosnell to Miller 8/1/1861, 792).

TABLE 1
Population Estimate/Total Cultivated Acreage
on Medicine Creek Reservations, 1858-1880
 Ac = Acreage, Pop. = Population, Source = Citation

Year	Total area pop.	Squaxin		Nisqually		Puyallup		Source
		Ac.	Pop.	Ac.	Pop.	Ac.	Pop.	
1858		36	105	130	53	200		Gosnell to Simmons 6/30/1858, 242-245
1859	1300				128 ⁸⁴	96	450 ⁸⁵	D.M. Mounts to Gosnell 1859, 776; Perkins to Gosnell 6/30/1859
1860	1500 ⁸⁶					140	700 ⁸⁷	Perkins to Gosnell 6/30/1860
1861	1352 ⁸⁸							Gosnell to Miller 8/1/1861
1862	1375 ⁸⁹							
1863				127	50 ⁹⁰	110		Elder to Hale 9/7/1863

⁸⁴D.M. Mounts to Gosnell 1859, 776: "There have been seven deaths among the Nisquallys the past year -- five children, and two adults. The number of births is five."

⁸⁵J.L. Perkins to W.B. Gosnell 6/30/1859:

The number of Indians who have permanently remained on this reservation for the last twelve months is about four hundred and fifty. There are about two hundred of the Puyallup tribe who stop but little on the reservation as yet, and have done nothing at all in the way of farming There have been . . . but five births, while there have been no less than sixteen deaths.

⁸⁶"At the annual payment of annuities, which took place in the middle of May last, at the Nisqually reservation, were assembled about fifteen hundred Indians." This translated into 389 families. Indian "chiefs" who spoke included John Hyton, or Hiton, a Puyallup.

⁸⁷Perkins to Gosnell 6/30/1860: "The whole number of Indians belonging to this band is about 700, but as yet only some 400 have taken hold to work."

⁸⁸Gosnell to Miller 8/1/1861:

. . . no correct census had ever been taken of them, with the exception of those parties to the treaty of Medicine Creek. These latter Indians will overrun the number above given, as at the time when the census was taken (at the last issue of annuity goods) some forty-five or fifty, with all of whom I was personally acquainted, were not present.

⁸⁹Kendall to Dole 1/2/1862: ". . . but not more than six hundred of them reside permanently on the reservation."

	Squaxin	Nisqually	Puyallup	
1864		103	125	Hays to Elder 6/25/1864; Billings to elder 6/30/1864
1869			???	
1871			???	450 ⁹³ Barlow to Milroy 10/1/1873, 290
1873			???	577 ⁹⁵ Barlow to Milroy 10/1/1873
1875		150		COIA to Secretary 1875.
1880		115	160 ⁹⁶ 520 ⁹⁷	COIA to Secretary 1880

⁹⁰Hays to Elder 9/10/1863: 12 deaths and 10 births.

⁹¹Agents reported their concern that non-Indians had put increasing pressure on Indians occupying the Puyallup reservation to sell their land. As McKenny reported, "parties have actually undertaken to squat upon the improved lands of the Indians" (McKenny to Parker 1869). Part of the pressure was due to land speculation in anticipation of a railroad. The agent wrote:

These parties have been warned off, under pains and penalties, and when it is directed that the lands are no longer required for actual occupancy by the Indians, I trust the officers in charge of Indian affairs will be authorized to sell them upon equitable terms for the use and benefit of the tribes for whom they were reserved. There is no doubt of the title of the Indians to these lands, though in regard to the Puyallup reservation the archives of the Indian office are somewhat meagre (McKenny to Parker 1869).

⁹²Barlow reported the Puyallup to be "in a dilapidated condition" (Byron Barlow to Milroy 10/1/1873, 290).

⁹³"Of that number, at least two hundred and fifty were absent on my taking charge . . . There are residing on the reservation at this time three hundred; absent from the reserve, fishing and working for the whites, about one hundred and fifty" (Barlow to Milroy 10/1/1873, 290).

⁹⁴In 1873, the agent reported to Milroy that he began fencing the reservation, and "empowered the chiefs to require the landholders on said reservation to keep said fence in repair, which they have done up to the present time" (Barlow to Milroy 10/1/1873)

⁹⁵" . . . being an increase of one hundred and twenty seven in the past two years" (Barlow to Milroy 10/1/1873).

⁹⁶By 1880, the 18,061.63-acre Puyallup Reservation had 2,000 acres "under fence, scattered on about 164 allotment claims, and of this amount, 1,248 acres are under cultivation" (Milroy to COIA 8/31/1880, 157)

⁹⁷" . . . and about 50 more who belong there, but are scattered around and do not make their homes on the reservation. (Milroy to COIA 8/31/1880, 157)

The OIA, however, experienced some difficulty in estimating the total, on- and off-reservation populations. By 1859, OIA reports showed that the agents considered their prior estimates of the total number of Indians subject to the Treaty of Medicine Creek to have been too small. As Gosnell reported:

At the time the census was first taken, it was supposed that the number of Indian parties to the treaty was a little over six hundred, and an appropriation was made to pay that number, when, in reality, the number of Indians who are entitled to annuities under the treaty, exceeds fourteen hundred, thirteen hundred and fifty-two of whom drew their annuities on the last pay-day (Gosnell to Geary 6/30/1859, COLA Report 772).

3.5.2 OIA Census Records, 1857-1880

In the third quarter of 1872, Robert H. Milroy, Superintendent of Indian Affairs for Washington Territory Indians included under the Medicine Creek Treaty, took a census of the Indians and distributed annuity goods. This census is generally referred to as the 1872 Milroy Census. The receipts for Puyallup, Nisqually, and Squaxin were signed by: "Spott his x mark Chief; Dick his x mark Chief; Bob his x mark Chief, and John Shles his x mark Interpreter; Byron Barlow, Farmer in Charge; John Fleit, Blacksmith; J. Bryant[?]" (NARS RG 75, M-5, Roll 11, Frames 0221-0228). The BIA researcher was unable to identify any names of the petitioner's claimed ancestors on this census.

Milroy took a second census in 1878. The petitioner presented a listing of "the Gig Harbor and Steilacoom bands" (STI Pet. Resp. 1994, R-164), another copy of which was attached to the Puyallup Tribe's objections (Puyallup Tribe 1988, Ex.). The full original citation is for the "Gig Harbor and Steilacoom bands of the Puyallup tribe of Indians residing in Pierce County, Washington" (NARS RG 75, M-234, Roll 917, Frames 0439-0440 [emphasis added]).⁹⁸ These censuses are usually called the 1878 Milroy Censuses. The petitioner suggested tribal identities for several of the individuals listed on this document (see STI Pet. 1986, 137; STI Pet. Resp. 1994). However, only one can probably be identified as one of the petitioner's ancestors, if the household head whose name was given as "Seahpet" was the same individual as Seah-peh, whose English name was John Steilacoom, Sr.⁹⁹ The petitioner did not present evidence concerning how the other known STI ancestors, who were not listed on the 1878 Milroy census, might have maintained tribal relations with individuals on this census. Finally, the petitioner's Response did not address the OIA identification of Gig Harbor and Steilacoom as bands of the Puyallup tribe in 1878, in light of the STI's contention that the Steilacoom had continued to be a separate tribe.

⁹⁸Marian Smith stated concerning the village "located at the mouth of a stream at Gig Harbor" that it "was said to have been founded many generations before by Puyallup from Commencement Bay" (Smith 1940, 11).

⁹⁹The STI petition asserted another identification for this Seahpet, however, indicating that he was "probably the same individual listed as Sah-ba-hat, the 53rd signer of the Medicine Creek Treaty" and that he was "probably sa'b^b^d, a famous shaman who lived at yo'xwalsk^bc until about 1875" (STI Pet. 1986, 2:139).

Milroy in 1878 also compiled census listings for the Squaxin, Nisqually, and Puyallup reservations established for the Medicine Creek Indians, as well as for some additional bands that were residing in Thurston County, Washington (NARS RG 75, M-234, Roll 917). Although the petitioner did not submit them, they shed some light on the population of the Indians in the region. The extant portions of the 1878 livestock census contained, under the Nisqually Reservation, listing #28 for "Steilacoom, 5 horses, 1 cattle" (NARS RG 75, M-234, Roll 917, Frame 0231).¹⁰⁰ The second 1878 census was a listing of population by head of household, broken down into the categories of the name of the head, wives, boys, girls, and relatives in family (NARS RG 75, M-234, Roll 917).¹⁰¹ The Nisqually Reservation census included one

¹⁰⁰ There were two separate sequences of 1878 OIA census reports. The first, transmitted by the Puyallup Nesqually &c. Agency, Olympia, W.T. on March 6, 1878, was in response to "Circular No. 1, January 8, 1878, relative to domestic animals owned by Indians belonging to this agency". He protested:

As there are five reservations belonging to this Agency besides several [*sic*] bands and scattered Indians not living on Reservations; and as the Agency office is situated at Olympia centrally among the reservations and bands, I can only give the general directions and distances of the different reservations and bands of Indians from this office and not the exact "locations, distances and directions" of each individual Indian as required by the circular (Milroy to COIA Hayt, January 8, 1878; NARS RG 75, M-234, Roll 917, Frame 224).

This livestock census, which naturally listed only livestock owners, exists for Puyallup (NARS RG 75, M-234, Roll 917, Frames 225-229), Nisqually (NARS RG 75, M-234, Roll 917, Frames 230-231), and Squaxin (NARS RG 75, M-234, Roll 917, Frames 232-233). It then breaks off in the midst of a listing of the Chehalis Reservation and does not continue for the remainder of the agency's jurisdictions.

¹⁰¹ These census listings are extant for both the Tulalip Agency, which included the Snohomish tribe, Queth batch tribe, Ski-homish tribe, Stel-a-qwamish tribe, Sno qual moo tribe, Muckleshoot Reservation, Swinomish Reservation, Port Madison Reservation, and Lummi Reservation (NARS RG 75, M-234, Roll 917, Frames 300-322) and the Puyallup Nesqually Agency, which included the Treaty of Medicine Creek Indians (NARS RG 75, M-234, Roll 917, Frames 435-483). Superintendent R.H. Milroy listed a total of 1,627 Indians under his jurisdiction, while indicating that a census of the one band not yet taken, the Lewis River Klickitats residing in Clark and Skamania Counties, would bring the total to 1700 (Milroy to COIA Hayt, June 7, 1878, NARS RG 75, M-234, Roll 917, Frames 435-436). In transmitting the Puyallup census, Milroy commented:

I have included with the Indians named under the head of each reservation a number of Indians who belong to but do not reside on the reservations of their tribes . . . Most of the Indians of this agency (as will be seen) have taken a Christian name and retained their Indian name as surnames. The meaning of their Indian names have in many cases been lost or forgotten [*sic*] and in other cases uncertain or difficult to give. I therefore have not given the "English translation" to any of their Indian names (Milroy to COIA Hayt, May 31, 1878, NARS RG 75, M-234, Roll 917, Frames 464-465).

The categories and numbers included by Milroy in this census were: Olympia Band of Squaxin Indians in Thurston Co. WT, 43 (Frames 437-438); Gig Harbor and Steilacoom bands of the Puyallup tribe, 46 (Frames 439-440); Lower Chehalis and Grays Harbor Indians, 164 (Frames 441-445); Squaxin Indian

“Steilacoom Wowoquan,” with a wife and girl in his family, for a household total of three persons (NARS RG 75, M-234, Roll 917, Frame 0478). He has not been identified as an ancestor on any STI ancestry charts. These data provided not only useful additional information in identifying various Indian individuals mentioned in the petition, but also confirmed that the Indian wives of non-Indian settlers were not, at this time, listed by the OIA in enumerations of the Indians under the jurisdiction of the agency.¹⁰²

The annual report of the Puyallup, Nesqually, Chehalis, &c., Agency, dated August 31, 1880, contained a listing of the bands under the agency. Like the 1878 Milroy Census, it continued to list “Gig Harbor,” still with 46 individuals, and also listed the Puyallup, Nisqually, and Squaxin. However, it omitted any reference to Steilacoom in combination with Gig Harbor (COIA Report 1880, 252-253). By reverse, the general listing of “Indian Reservations, Areas, and How Established,” included the Nisqually and Puyallup reservations but omitted Gig Harbor from the column, “Name of tribe occupying reservation.” Under the Squaxin Island (Klah-che-min) Reservation, it listed: “Niskwalli, Puyallup, Skwawksnamish, Stailakoom, and five others” as the occupying tribes (COIA Report 1880, 236).

Conclusion. The reservation censuses differed little from year to year. For the period 1880-1920, the petition asserted that certain persons listed on these censuses were members of the “Steilacoom tribal community” (STI Pet. 1986, 2:154f). However, these people were neither ancestral to the current petitioner nor, in most cases, of documented Steilacoom ancestry.¹⁰³

3.5.3 1860 Federal Census, Washington Territory

The Federal censuses were broken down by county. Although not a universal rule, the 1860 enumerations tended to list white heads of families and their children, but not the Indian wife or mother, and were thus useful for identifying husbands of Indian women and the age of their children). The 1870 Federal census revealed no pattern to how Indian wives or children were

Reservation, 100 (Frames 446-448); Shoalwater Bay Reservation, 103 (Frames 449-452); Lower Cowlitz, 66 (Frames 453-455); Cowlitz Klickatat Band, Lewis Co., W.T., 106 (Frames 456-458); South Bay Band in Thurston Co., W.T., 30 (Frames 459-460); Mud Bay Band in Thurston Co., W.T., 40 (Frames 461-462); Puyallup Reservation, 560 (Frames 463-474); Nisqually Indian Reservation, 165 (Frames 475-479); Chehalis Indian Reservation (Frames 480-483) (NARS RG 75, M-234, Roll 917).

¹⁰² This is not to be interpreted as meaning that these wives necessarily did not maintain band or tribal affiliation (see the Cowlitz technical reports), but only that no evidence of such affiliation was located in one particular set of original source material. Findings are issued on the basis of the full weight of the evidence and do not rely on single documents.

¹⁰³ These persons who were enrolled on the reservations, and their intermarriages, (Sears/McPhail, Northover/McPhail, and Byrd/McPhail) did, to some extent, illuminate social interactions among the descendants of HBC/Indian and pioneer/Indian marriages in the Pierce County region during the second half of the 19th century.

counted from one record to another. The 1880 census was more useful because the enumerator made more precise distinctions among ethnicities or racial groupings.¹⁰⁴

Federal census records for the period from 1860 through 1880 contained no data pertaining to the tribal affiliation of individuals or families. Within the limits of the instructions given to enumerators at each decennial count, these records indicated how the ethnicity or race of individual families was perceived by those living in the county but outside the immediate communities. The instructions concerning recording ethnicity varied from one decade to another (see extensive discussion in GHP FD).¹⁰⁵

No general rule could be determined from the 1860 Federal Census as to whether Indian wives of non-Indian settlers were included in the husband's household enumeration of families socially associated with the petitioner's ancestors or discussed in the petition. In the case of Charles Eaton, for example, no wife was listed (Moyer 1931-1932, 88). Carl Gorich's Indian wife was omitted. Thomas Carroll's mixed-blood wife Elizabeth was listed, with no indication of her ethnicity, while in the next household enumerated, that of William Young, the wife was omitted (1860 Pierce County Census 1969, 2). Josephine (Sherlafoo) Corcoran was listed with her husband (p. 3), while Katie (Stolib) Northover was omitted from her husband's household (p. 7). Adam Benston's wife Sarah was omitted even though settlers recalled that "Sally Benston" had been one of the first to alert the white settlers to danger during the Indian war of 1856 (Shimmons, 1/3/1915, 29). Isaac Bastian's wife Rosalie was omitted, as was the wife of Charles Ross (p. 11) (1860 Pierce County Census 1969). Charles Wren's wife was omitted, though Charles, who like her was a HBC/Canadian Indian mixed-blood, was enumerated as white. Although Elizabeth (Ross) Wren had been omitted, her sister, Catherine (Ross) Murray, was included (p. 2), but Richard Fiander's wife was omitted (1860 Pierce County Census 1970).

In Lewis County, the 1860 Federal census enumerated Catherine, wife of Jean Baptiste Riel and ancestress of the petitioner, with her husband and children, and specifically identified her as Indian (Moyer 1931-1932, 106).

The 1860 census provided no information concerning the linkage of the STI ancestral families to the historical Steilacoom band. It did provide information concerning the residency of the STI

¹⁰⁴The records indicate how the ethnicity of individual families was perceived by people outside the local community. The instructions for recording ethnicity or race differed, however, from decade to decade (see BIA, *Final Determination . . . on the Golden Hill Paugussett*).

¹⁰⁵The 1860 Federal Census, Thurston county, Washington was available to BIA researchers in two printed versions (Moyer 1931-1932; Tacoma Genealogical Society 1969-1970) and on microfilm (NARS M-653; US Census 1860). Generally speaking, the census can be utilized to identify known husbands of Indian women, and to provide a general guideline for the names and ages of the children. When children are listed as resident in the husband's household, it can be presumed that the wife was also residing there rather than on a reservation. The 1860 Federal Census, Pierce County, Washington listed white heads of families who had married Indian wives or mixed-blood wives, named the children of these marriages residing with them in their households, but omitted enumeration of the Indian wives. This was not, however, a universal rule.

ancestral families and show their neighbors and associates. It provided no pattern which indicated that the STI ancestral families were living in a distinct community, or that the STI ancestral families were at the time distinguished from other families of mixed ethnicity that resided in the same neighborhoods. In 1860, the Red River immigrant families had not yet resettled in Pierce County, Washington, in significant numbers, but were still mainly in Oregon, where they had settled in the late 1840's (Index, First Federal Census of Oregon Territory n.d.; Lepschat and Balfour 1972; Hiday n.d.).

3.5.4 1870 Federal Census, Washington Territory¹⁰⁶

In the 1870 Census¹⁰⁷ there again does not appear to have been any particular pattern to how Indian wives and children were counted from one census record to another. The Pierce County enumerator prepared separate schedules of the general population, "half breeds not otherwise counted," and Indians. In some cases, when the wife was on the "Indians" list, the children were counted with her (e.g. Mrs. Greig); in other cases, when the wife was on the "Indians" list, the children were on the "Half breeds" list; in yet others, when the wife was on the "Indians" list, the children were counted in the father's household. For example, the wife of Esdras St. Cyr was

¹⁰⁶ The 1870 Federal Census of Pierce County, Washington, is located in the National Archives Microfilm Series NARS M-593, Roll 1683, pp. 181-200r. An examination of this census indicated clearly that the pages were filmed out of order. Page 181 was dated 20 August 1870; page 189 was dated 29 July 1870; the household and family enumeration numbers, beginning with #1, started on page 189. The census should be read in the following order:

- p. 189-189r: Pierce Co., 29 July 1870, P.O. Steilacoom
- p. 190-191r: Pierce Co., 30 July 1870, P.O. Steilacoom
- p. 192: Pierce Co., 1 August 1870, P.O. Steilacoom
- p. 192r-194: Pierce Co., 2-5 August 1870, P.O. Steilacoom (no relevant entries)
- p. 194r: Pierce Co., 6 August 1870, Steilacoom
- p. 195-196r: Pierce Co., 7-14 August 1870, Steilacoom (no relevant entries)
- p. 197-198r: Pierce Co., 15-17 August 1870, P.O. Steilacoom
- p. 199-1994: Pierce Co., 18 August 1870, Tacoma
- p. 200-200r: Pierce Co., 19 August 1870, Puyallup Valley, P.O. Franklin
- p. 181-183r: Pierce Co., 20-25 August 1870, Puyallup Valley, P.O. Franklin
- p. 184: Pierce Co., August 1870, "Balance of Pierce Co."
Chinese &c.; Kanakas
- p. 184r: Pierce Co., August 1870, "Half breeds not otherwise counted"
- p. 185-187: Pierce Co., August 1870, "Indians"
- p. 188-188r: Blank

¹⁰⁷For the 1870 census, the BIA researcher extracted the entries, in order, for the individuals who were mentioned in the Steilacoom petition or appeared to be in some way relevant to the Steilacoom petition. In some cases, it is necessary to read three sections of the census in order to reconstitute a household and family: for instance, H. [Henry] Barnes was listed on p. 189r, #14/12; his wife under "Indians," and their children under "Half breeds not otherwise counted." The petitioner's family lines that were broken up in this manner have been reconstituted by the BIA research (see STI GTKY File, BAR).

counted on the "Indian" list and her children on the "Half breeds" list.¹⁰⁸ On the other hand, William Benston's wife Sarah and their children were counted in his household as "Mixed."¹⁰⁹ In no case did the 1870 census of Pierce County provide a tribal identification of the individuals enumerated.

All of the relevant families with white heads of household who lived in Pierce County (i.e. both STI ancestral families and other families discussed in the STI petition) were found in the section designated Steilacoom Post Office; there were none in Tacoma or in the Puyallup Valley sections. Several of the STI ancestral families lived in Thurston County.

3.5.5 1880 Federal Census, Washington Territory

Most of the families ancestral to the petitioner, or claimed by the petition to have been Steilacoom, or otherwise documented as associates of the petitioner's ancestors, were located on the 1880 Federal Census, Pierce County, Washington. By 1880, the resettlement of the Red River immigrant ancestral families in Pierce County from Oregon appeared to have been completed. While no tribal affiliations were indicated, the enumerator made more consistent and accurate distinctions than in the earlier enumerations between heads of family ("W"), wives ("T"), and children ("H.B.").¹¹⁰ Mixed ethnicity was noted for some heads of family, as in cases of some of the Red River immigrants¹¹¹ or younger men in their 20's who were setting up their own households.¹¹² The census also distinguished whether the wives of the older-generation men (i.e., those born before 1850) were Indian or, as in the case of William Benston's wife Sarah, themselves of mixed ancestry (NARS T-9, Roll 1397, p. 472r, #157/163).¹¹³

¹⁰⁸On the Roblin Roll, this family was "Unenrolled Cowlitz."

¹⁰⁹In 1915 they were enrolled at Quinault. She was nee Davis, daughter of HBC employee Thomas Davis and an unidentified Indian woman (Bonney 1927, 3:606-607).

¹¹⁰For example, the household of Thomas A. Dean and his wife Rosa (NARS T-9, Roll 1397, 469r, #108/113).

¹¹¹For example, in the case of Phillip Byrd (NARS T-9, Roll 1397, 469, #99/104).

¹¹²For example, Isaac Bastian Jr. (NARS T-9, Roll 1397, 469, #100/105) and Thomas Dean, son of Thomas Aubrey Dean and Rosa (NARS T-9, Roll 1397, 469r, #109/114).

Isaac Bastian and his family were not enumerated on any reservation censuses prior to his adoption and allotment on Quinault (see NARS RG 75, M-595, Roll 564, 1917 Quinault census, #23/23).

The younger Thomas Dean's wife Maria was identified as Indian, as was Catherine, the wife of Charles Ross (NARS T-9, Roll 1397, 473, #174/180). Children of both couples remained enrolled on the reservations (for Ross, see NARS RG 75, M-595, Roll 302, 1885 Reservation Census, Nisqually, and NARS RG 75, M-595, Roll 93, 1910 Reservation Census, Nisqually; the Deans were on the 1885 Puyallup census, see NARS RG 75, M-595, Roll 302, #106-108).

¹¹³Sarah Benston was not counted on any reservation census prior to her 1912 adoption and allotment at Quinault, after which her name appeared on the 1915 Quinault census (NARS RG 75, M-595, Roll 564, #42/44).

The few significant STI ancestresses who were not listed on the Pierce County, Washington, Federal census were enumerated in Thurston County in 1880. The Thurston County enumerator also listed numerous Indian farm laborers, with their families, but without surnames. None of these could be tied to the petitioner's ancestors, who were all listed by surname and identified. Some well-known reservation Indians, such as John Hyton and his wife Ann, were listed by surname (NARS T-9, Roll 1397, 128, #119/119). As in Pierce County, the enumerator made clear distinctions among the ethnicities. For example, Catherine, widow of Jean Baptiste Riel, was enumerated with her second husband, Joseph Laramie [Larmey]: he was "W," Catherine was "I," and the children were "HB/W" (NARS T-9, Roll 1397, 141, #76/77).

3.5.6 Territorial Censuses, Washington Territory, 1854-1892

Several territorial censuses were taken for Washington.¹¹⁴ They were associated with the efforts of the territory to demonstrate that it contained enough American citizens to qualify for statehood.¹¹⁵ While some reference books indicate that these schedules "excluded all Native Americans" (Eichholz 1992, 798) this is not in fact the case. Only limited extracts from these territorial censuses were submitted by the petitioner, many of which had been photocopied in such a way that the year of the census was illegible. In addition to these submissions, BIA researchers utilized those that have been published.

The 1854 Census, Pierce County, Washington Territory was available to BIA researchers only in the form of a typescript transcription printed in *The Researcher*, a journal published by the Tacoma Genealogical Society (Athow 1969). While in some cases it omitted the names of Indian wives, other nuclear families which the petitioner claims to have been of Steilacoom affiliation were published in full.¹¹⁶

The petitioner submitted photocopied excerpts from the 1873 Territorial Census, Pierce County, Washington Territory, from Muck and Lakeview precincts (STI Pet. Resp. 1994, R-280). On the pages submitted, Indian and some mixed-blood individuals were identified as Indian in this

¹¹⁴State and territorial censuses are available for the following counties and years: Pierce county, 1854, 1857, 1858*, 1859*, 1871, 1878, 1879, 1883, 1885, 1887, 1889, 1892; Thurston County, 1871, 1873, 1875, 1877, 1878, 1879, 1880, 1881, 1883, 1885, 1887, 1889, 1892 (Eichholz 1992, 798).

¹¹⁵"When Washington was trying to become a state, a number of censuses were taken by the counties and submitted to the state auditor (the number and frequency vary from county to county). Unfortunately the surviving censuses are copies rather than originals from the census takers. Microfilm of these are available at the Washington State Archives and the Washington State Library as well as in many other libraries who have chosen to purchase them" (Olympia Genealogical Society 1987).

¹¹⁶ For example, the families of Henry and Catherine (Ross) Murray and Charles and Catherine (Ross) Wren included a listing for the wives (Athow 1969, 12-13). However, the wives of Isaac Bastian, Thomas Aubrey Dean, William Young, and Richard Fiander were not listed (Athow 1969, 13). These examples are not exhaustive (see the STI GTKY File, BAR, for full listings).

record, regardless of actual blood quantum.¹¹⁷ However, other mixed-blood individuals were identified as white.¹¹⁸ No clear pattern emerged.

The petitioner submitted photocopied excerpts from the 1878 Census, Pierce County, Washington Territory. Ethnic identifications were not consistent.¹¹⁹ No tribal identities were provided at all. However, it did list people by their precinct of residence. An alphabetical publication of this 1878 census was published in a journal, but omitted ethnic identifications (1878 Pierce County Auditor's Census 1990-1992). Because the publication was strictly alphabetical, by given name as well as by surname, it was difficult to use it to reconstruct households.

The petitioner submitted photocopied excerpts from the 1879 Census, Pierce County, Washington Territory (STI Pet. Resp. 1994, R-281). Indian or mixed blood wives were listed in the households of their husbands.¹²⁰

The 1889 Census, Pierce County, Washington Territory has been published in two volumes, with individuals arranged alphabetically rather than maintaining the original order (Tacoma-Pierce County Genealogical Society 1987). It might be possible to reconstruct the original household groupings by checking the page numbers that refer to the original document, but BIA researchers did not undertake this project. Most persons identified as "Indian" were listed on either pages 75-76 or on pages 140ff. of the original census record. The surnames that fell in these pages, may have represented enumerations of known Nisqually and Puyallup reservation Indians, since this enumeration included reservation families such as the Hytons (Tacoma-Pierce County Genealogical Society 1987, 1:252) the Meekers (Tacoma-Pierce County Genealogical Society 1987, 2:361-362), and the Stillbains (Tacoma-Pierce County Genealogical Society 1987, 2:518-519). Persons were identified as either Indian or white, but not as "H.B."; Henry and Letitia (Greig) Spence were listed as Indian, for example (Tacoma-Pierce County Genealogical Society 1987, 2:508). Ethnic identifications were inconsistent; if the husband was white but the wife was enumerated as Indian, the children were listed as Indian. The wife of Jacob Cushner, was

¹¹⁷The individuals for whom the STI Response provided pages were Joseph and Elizabeth [(Cottonnoire/LeGarde)] Bird [Byrd], Sarah the wife of William Benston, Margaret the wife of Charles Calder, Mary A. (Ross) Rice, Rosa the wife of Thomas Aubrey Dean, and Henry and Letitia (Greig) Spence (STI Pet. Resp. 1994, R-280).

¹¹⁸These included Emma (Northover) Bonney; Magnus Burston, Charles Calder, and Josephine (Sherlafoo) Corcoran (STI Pet. Resp. 1994, R-280).

¹¹⁹Some of these 1878 sections were very difficult to read. The section for Muck Precinct did indicate that several of the petitioner's ancestresses, such as Sophia (Cushner) Runquist, were identified as H.B. (signifying half-breed), but her children were listed as white. Roderick Byrd, his sister Aurelia, and her husband Isaac Bastian Jr., were identified as white, while his brother and sister-in-law, Joseph and Elizabeth (Cottonnoire/LeGarde) Byrd, were identified as H.B (STI Pet. Resp. 1994, R-280).

¹²⁰For example, in 1879 Harry and Agnes (LaTour) Andrews were shown with a 13-year-old child whose name was given as Rosa Andrews rather than Rosa LaTour, in Muck Precinct (STI Pet. Resp. 1994, R-281).

correctly identified as Indian, but so was Jacob Cushner himself, who was white, but living on the reservation (Tacoma-Pierce County Genealogical Society 1987, 1:111).

The 1889 Census, Thurston County, Washington Territory showed that families who were claimed by the petitioner to have been members of the Steilacoom tribe or associates of the Steilacoom tribe at this time were residing in eight households in Thurston County,¹²¹ and not identified either as Indian or as mixed blood, although other households in the county were coded as Indian and "half-breed." Individuals coded as "Indian," who may have been ancestors of the petitioner were in only one household: Kath Steilacoom, 70, a male Indian, born in Washington, employed as a hopman, Hotosa Steilacoom, 75, female Indian, born in Washington; and Satquels, 75, a female Indian, born in Washington (Olympia Genealogical Society 1987, 58).

Publication of an alphabetized rearrangement of the 1892 Census, Pierce County, Washington Territory began in 1979 and continued through 1981 (*The Researcher* 10(2) through 13(3)). The final installment of the publication had reached only "Bi." Of the petitioner's ancestors, the only family ancestral to the petitioner located in this limited publication was that of Harry Andrews, described as a 58-year-old farmer born in Germany, his wife Rosea, a 38 year old Indian born in Washington, and their children, aged 2 through 17, who were also identified as Indian (*The Researcher* 10(3), February 1979, 123). It was not possible to make any generalizations on the basis of these very limited data.

In sum, none of these territorial census records between 1854 and 1892 provided any data concerning the tribal affiliation of persons who were identified as being Indian or mixed-blood. The data were inconsistent from census to census. Not all available years were submitted; sometimes, only a few pages were excerpted; other times, the full document was published but rearranged in alphabetical order. Therefore, it was not possible to use the data systematically to recreate residential patterns. The only use that could be made of these sources was to obtain a sense of which individuals were customarily identified as "Indian" in the censuses, or as mixed blood by outside observers.

3.6 The principal individuals and families discussed in the STI petition 1857-1880

As stated in the introduction to this report, for the purpose of evaluating the petitioner under 25 CFR Part 83, Section 83.7, the essential issue is to determine the facts that indicate whether or not the petitioner represents a continuation of the historic Steilacoom band, and to determine whether the band has continued to exist as a separate and distinct entity. For this purpose, this section (3.6) will first analyze the petition's claim concerning the postwar continuation of an identifiable Steilacoom community and the Indians discussed by the petition in connection with this claim. It will then detail the families ancestral to the STI who were residing in Pierce and

¹²¹These included John Bertschy with his children Fred and Dora (p. 3), Nickolas Bird [Byrd] (p. 3), Isaac and Aurelia (Byrd) Bastian and their family (p. 9), Joseph and Louisa (Stone) Cabana (p. 11), Richard and Kate Fiander (p. 20), Moses and Margaret Gardner (p. 22), Joseph and Catherine Riel Larimy [Laramie] (p. 38), and Jacob and Letitia (Eaton) Waldrick (p. 70) (Olympia Genealogical Society 1987, pages as cited).

Thurston Counties, Washington, characterizing the social interaction of the petitioner's ancestors with documented Indians of the region as well as with one another.

Section 3.6.1 will continue previous discussion of the Indians considered by the petition to have continued the pre-treaty Steilacoom band after 1854. Thus, the BIA researchers have included here Indians asserted by the petition to have been "Steilacoom," but whose direct descendants are not part of the STI.¹²² Section 3.6.2 will provide a description of the Red River immigrant families, and continue discussion of the descendants of marriages between Indian wives and former HBC employees. The analysis has attempted to discern all known interaction between the Indians discussed in 3.6.1 and the STI ancestors discussed in 3.6.2.

Table 2 summarizes how the people discussed in 3.6.1 and 3.6.2 are represented in today's membership list. It shows that the identified STI Indian ancestry, as based on contemporary primary sources, was mainly Nisqually, Puyallup, and Cowlitz, with some Clallam. BIA research indicated, moreover, that the ancestry also included several families from Canadian Indian background. It demonstrates by far the greatest majority of today's petitioner ancestors descend from marriages between Indian women from a variety of tribes and former HBC employees.

3.6.1 Indians 1857-1880

The petition maintained that several families identified in records as Steilacoom Indians remained off-reservation and in the immediate vicinity of Fort Steilacoom until the late 1870's, when "there was new pressure put on members of the Steilacoom Tribe in the form of allotments made on the nearby reservations. The lure of land led at least several tribal members to consider a move to reservation life, at least on a temporary basis" (STI Pet. 1986, 2:162).

The petition asserted that after the Indian War, winter villages continued to exist where these off-reservation Steilacoom families lived as part of a Steilacoom society. The petition also asserted that these off-reservation families, and their descendants, were part of a Steilacoom band that included the petitioner's ancestors (STI Pet. 1986, 2:107, 2:112-2:115, 2:121-2:134e). The evidence showed, however, that these off-reservation Indian families, as far as they could be identified, were part of the Puyallup and Nisqually communities, where most of their descendants are currently enrolled. These Indians were not ancestral to today's petitioner, and did not in the past have substantial interaction with the identified ancestors of the STI's membership.

The Indian-headed families that the petitioner placed in this category numbered only eight, and included the families of Ce-col-quin and his son John Steilacoom, "Chief Steilacoom," Sam

¹²²The exception to this is when the petition discussed individuals, such as Alick Napakay, for whom there was no evidence available concerning any possible relationship to or actual interaction with the petitioner's ancestral families (see e.g. STI Pet. 1986, 2:148).

A listing of the post-treaty "residential pockets" as defined by the petitioner may be found at STI Pet. 1986, 2:112-113.

TABLE 2
STI Ancestors by Ancestral Family Lines and Documented Tribal Origin

Family Line per STI Listing	Ancestral Family Line Determined by BIA	Documented Tribal Origin	Notes
Andrews	LaTour	Nisqually/Cowlitz	Andrews non-Indian
Bertschy	LaTour	Nisqually/Cowlitz	Bertschy was non-Indian
Brown	Smith/Brown	Puyallup	Brown was non-Indian
Brown/Smith	Smith/Brown	Puyallup	Smith was non-Indian
Byrd/LeGarde	(see also Cottonoir)	Canadian Indian	Byrd - Red River métis
Byrd/Wren	(see also Cottonoir)	Canadian Indian	Wren - Red River métis
Calder	(see also Cottonoir)	Canadian Indian	Calder - Red River métis
Cottonoir	Cottonoir	Quinault/Cowlitz	Cottonoir was non-Indian
Crist	LaTour	Nisqually/Cowlitz	Crist was non-Indian
Cushner	Cushner	Puyallup	Cushner was non-Indian
Dean	Dean	Snohomish/Yakima	Dean was non-Indian
Gardner	Cabana	Clallam	Cabana was non-Indian
Gorich	Slaim/Gorich	Nisqually	Gorich was non-Indian
Greig	Greig	Puyallup/Duwamish	Greig was non-Indian
LeGard	(see also Cottonoir)	Canadian Indian	LeGard - Red River métis
Layton	adopted 1950's	Colville	
Leschi [Eaton]	Unknown	"Indian wife"	Eaton was non-Indian
Lyons	(see also Cottonoir)	Canadian Indian	Lyons - Red River métis
Pearl	adopted 1970's	Delaware	
Riell	MacDonnell	Maskegon/Smaats, later id. as Cowlitz/Nisqually	Riell was non-Indian
Sears	LaTour or Gorich*	Nisqually/Cowlitz	Sears was non-Indian
Sherlafoo/Dean	Sherlafoo	Cowlitz	Sherlafoo was non-Indian
Spence	(see also Greig)	Canadian Indian	Spence - Red River métis
Steilacoom	Steilacoom	Steilacoom**	
Such	(see Williams)	Lummi/Clallam	
Williams	adopted 1950's	Lummi/Clallam	

* Asa Sears married twice, to two different Indian women.

**Most descendants are enrolled at either Puyallup or Clallam.

Young, James Stillbains, Yataq'w, Simakin, and Smil-ca-nim (STI Pet. 1986, 2:112-2:113; 2:135). The petitioner maintained that these families were either direct ancestors of its current members, or were parts of communities in which its members' ancestors were living (STI Pet. 1986, 2:112-2:113). However, the petitioner did not document ancestry from any of these Indian-headed families with the exception of John Steilacoom (Seahpeh) and, through him, to Ce-col-quin (for one nuclear family of the current membership only), nor did the petition submit or BIA researchers locate documentation that these Indians were part of communities to which the petitioner's ancestors belonged.

During the same time period, from 1857 through 1880, the identified ancestors of the STI were well-documented (see section 3.6.2), so the problem was not that the petitioner lacked sufficient

documentation to link the current membership to unidentified 19th century ancestors who might have been Steilacoom. Rather, their ancestors were known, and the documents did not show either that they were Steilacoom or that they were interacting with the surviving Steilacoom.

Ce-col-quin. The first individual listed by the petitioner as having been an important part of the post war Steilacoom community was Ce-col-quin.¹²³ The family of Ce-col-quin did remain prominent during the post-treaty period, although Ce-col-quin himself died about 1855 or 1859.¹²⁴

More is known about his wife, Sally *a.k.a.* De'at, who was born about 1843 (NARS RG 75, M-595, Roll 302). The petitioner specifically identified her as Steilacoom (STI Pet. Supplemental Submission 1997; Thompson 1997, 5),¹²⁵ although elsewhere stating that she was a "descendant of former Segwallitchu leader Laxalit" (STI Pet. 1986, 3:149c)¹²⁶ The petition also stated that "her sister Mary was married into the Cushner family" (STI Pet. 1986, 3:149c),¹²⁷ and that she

¹²³In the Roblin Affidavit, John Steilacoom, Jr. cited Ce-col-quin as his grandfather (John Steilacoom, Jr., Roblin Affidavit 8/1/1917, NARS RG 75, M-1343, Roll 6, Frame 351). According to John Steilacoom, Jr. (Roblin Affidavit 8/1/1917) Ce-col-quin died "during the Indian war during 1855 at Steilacoom," but he did not indicate where Ce-col-quin had resided. In discussing the signers of the Treaty of Medicine Creek, 1854, the petition identified him with one of the treaty signers: "#57 Ko-quel-a-cut (elsewhere given as Ce-col-quin), a headman at Chamber's Bay" (STI Pet. 1986, 3:86), but provided no further documentation that the two men were the same person.

John Steilacoom, Sr., the son of Ce-col-quin (b. 1858), married Annie aka Goelitsah (see 1900 Census; Petition). In 1917, her son stated that she was an "Indian of the full-Indian blood, of the Steilacoom and Cowletz tribes," but that he had not been able to get the history of her father and mother (John Steilacoom Jr., Roblin Affidavit 8/1/1917; NARS RG 75, M-1343, Roll 6). Later petition documentation, including a photograph, showed John Steilacoom Sr. and Annie living on a houseboat on the waterfront near the city of Steilacoom (STI Pet. Resp. 1994, R-167). The photo did not indicate that the houseboat was located on Chambers Creek.

¹²⁴In one passage, the STI Response identified Ce-col-quin with "Steilacoom John" (Thompson 1993, 6, Figure 2 in STI Pet. Resp. 1994). This was inconsistent with the petition's assertion elsewhere that Steilacoom John was a leader as late as the 1870's (see discussion under that name). Moreover, the assertion was not supported by John Steilacoom Jr.'s Roblin Affidavit.

¹²⁵ When Ce-col-quin (who had been "at Chambers Creek") died of illness, his wife De'at "remained in her place among the Stilikum" with their son John Steilacoom. She would later met [sic] her next husband "in the town of Stilikum." Her second husband was "Sky-uck, and [sic] industrious and honest Indian". (STI Pet. Supplemental Submission 1997; Thompson 1997, 5).

¹²⁶As noted above, Laxalit, or Lachalet has been clearly identified as a pretreaty Nisqually chief.

¹²⁷This Cushner family was not the same one discussed elsewhere in the STI petition. On the 1885 census of the Puyallup Reservation, De'at's relatives were: #431: Geo Cuchner, husband, 28; Mary, wife, f, 20. In that year, on the same census, George, son of Jacob and Betsy Cushner, was age 17 and counted with his parents; later Jacob Cushner, the widower, married a Mary Sahloon/Sloan, widow of Peter

had a brother named George Whe-et-sut, who was allotted on the Nisqually Reservation" (STI Pet. 1986, 3:149c). She married, secondly, James Meeker, a Puyallup Indian, and thereafter resided on the Puyallup reservation (1885 Puyallup Census, NARS RG 75, M-595, Roll 302).¹²⁸

Satander (NARS RG 75, M-595, Roll 302).

¹²⁸Ezra Meeker (Meeker 1905) gave Sally's second husband's name as Sky-uck aka Jim Meeker and her name as Old Sal (Meeker 1905, 21). The 1885 Puyallup Reservation census (NARS RG 75, M-595, Roll 302), at #22, indicated that her husband was Jas. Meeker, age 42. Another source described him as: "James Meeker, Snohomish Indian" (A. Boston Tilicum 1892, 9). The 1889 auditor's census of Pierce County, Washington, listed the family as: Jno. Meeker, 50, I; Sally Meeker, 46, I; on p. 75-76 (Tacoma-Pierce County 1989, 2:361-362). The family was allotted on the Puyallup Reservation: 1896 Puyallup Reservation Patent No. 8, James Meeker, Sallie his wife and Jake and Wash his sons. Jake and Wash both died minors unmarried and without issue; James Meeker then died, his original 1/4 going to his sons John and Jerry (Puyallup Indian Commission 1896).

The descendants of the Meekers remain with the Puyallup to the present day. Jerry Meeker's life is well-documented, as follows:

1880 U.S. Census, Washington Co., OR, Indian Industrial & Training School at Forest Grove, Summer Session, #131: Meeker, Jerry, 18, m, b. WT, parents b. WT, Pupil, Indian (printed copy in Kent W. Porter file, BAR).

1896 Puyallup Reservation Patent No. 37, Jerry Meeker and Eliza his wife; Eliza Meeker died and her 1/2 interest went to her children Silas, Bertha and Maud (Puyallup Indian Commission 1896).

1880 U.S. Census, Washington Co., Or, Indian Industrial & Training School, Forest Grove, Summer Session, #131: Stamp, Peter, 21, m, b. WT, parents b. WT, mar. Indian; Anna, 18, f, b. WT, parents b. WT, "wife" of Peter; Lottie, 1, f, b. WT, parents b. WT, dau. of Peter (printed copy in Kent W. Porter file, BAR).

1896 Puyallup Reservation Patent No. 146, Peter Stanup, Anna his wife, and Josie his daughter; Josie died unmarried and without issue; Peter Stanup died, his 1/3 going to two daughters May and Grace who were born after the patent was issued; Anna is now the wife of Jerry Meeker (Puyallup Indian Commission 1896).

1900 U.S. Census, Pierce Co., WA, "Reservation Precinct," Special Indian Population Schedule; identified as Puyallup: Jerry Meeker, head, In, b. April 1862, age 38, WA/WA/WA; with family.

Jerry Meeker's full brother, John Meeker, also appeared in reservation records:

1896 Puyallup Reservation Patent No. 6, William Tocanum (or Adams) and Lucy his wife. Lucy died leaving her husband and a daughter Elizabeth, wife of John Meeker. Elizabeth Meeker died leaving her husband John Meeker and three children, Annie, Maggie & Joseph. Joseph died a minor and without issue (Puyallup Indian Commission 1896).

1896 Puyallup Reservation Patent No. 20, John Meeker, Elizabeth his wife and Margret his daughter. Two children, Joseph and Annie were born after the Patent was issued. Elizabeth Meeker died, her 1/3 interest going to her children. Joseph died unmarried and without issue (Puyallup Indian Commission

John Steilacoom. Sallie /De'at did have a son by Ce-col-quin who was named John Steilacoom, aka Steilacoom John, aka Skappy/Skeap-eh-ah.¹²⁹ John Steilacoom was born about 1852 and died in 1905 at Steilacoom, Washington. His wife Anna/Annie, aka Goe-lit-sah, was born in January 1858 according to the 1900 Federal census, and died in 1907, at "age 62" according to the death certificate, at Steilacoom, Washington.¹³⁰ A newspaper article published shortly before her death stated that:

Anne Steilacoom has been living in the vicinity of Steilacoom town for more than fifty years. She was the granddaughter of Steilacoom John, the old chief who remained loyal to the whites in times of trouble, and was the only one of the three chiefs to end his days in peace; a noose received one of the chiefs and a minie bullet shattered the brains of the other (Lonely Grief c1906).

John Steilacoom, aka Seahpeh or Skappy, was an ancestor of only one of today's STI member families. His son, John Frederick Steilacoom or John Steilacoom Jr., was active in claims activities in the 1920's with a group to which Federal officials referred as Steilacoom Indians.

The identity of the two children of John Steilacoom Sr. and Annie who were living in 1900 is well-documented. They were Anita (Steilacoom) McKay, whose descendants were enrolled on

1896).

¹²⁹The petition repeatedly asserted that when Jerry Meeker, in interviews with ethnographers such as Arthur Ballard, referred to his brother John, he was referring to his half-brother, John Steilacoom, the son of Ce-col-quin and Sally/De'at. However, a close reading of the references indicates that he was, in fact, referring in these instances to his full brother, John Meeker.

¹³⁰The birth dates of her known children indicate that the age as recorded by the census was probably more accurate than the death record (Tacoma Genealogical Society 1981, 188), which implied a birth date of about 1845 for her (an 1845 birth date would make her about 30 at the birth of Anita and 52 at the birth of John Frederick; the 1858 birth date would make her 16 at the birth of Anita and 39 at the birth of John Frederick).

Annie Steilacoom's 1907 death record gave her age as 62 (Tacoma Genealogical Society 1981, 188). The family was listed as follows on the 1900 U.S. Census, Steilacoom Precinct, Pierce Co., WA, Special Indian Population Schedule: Steilacoom, John, head, In, m, b. Dec. 1852, age 47, m. 21 yrs, WA/WA/WA; Anna, wife, In, f, b. Jan. 1858, age 42, m. 21 y, borne 13 children/2 living, WA/WA/WA; John, son, IN, b. July 1896, 3, single, WA;WA/WA; all id. as Steilacoom; fixed residence; taxed (U.S. Census 1900a).

The petition stated elsewhere that Annie, wife of John Steilacoom, was a granddaughter of "Chief Steilacoom aka Smootas Susway" (STI Pet. Resp. 1994; Thompson 1993, 5). She may have been a granddaughter of one of the earlier men named "Steilacoom," but the petition presented no evidence that she descended from Tslalakom aka Smootas Susway, the Whidbey Island chief (see the discussion of Tslalakom in the pre-treaty section).

the Puyallup Reservation, and John Frederick Steilacoom (b. 1898),¹³¹ who has one nuclear family of descendants within the STI, with the remainder enrolled as Clallam. John Frederick Steilacoom stated that he was raised by white people after his parents died (1929 Puyallup Enrollment Applications). He attended Cushman Indian school for at least a short time. He had four brothers who all died very young (1929 Puyallup Enrollment Applications).

On the 1919 Roblin Roll, as John Steilacoom, full blood, residing at Tacoma, Washington, he was the only individual listed as an unenrolled Indian of the Steilacoom Tribe (Roblin 1919a). By contrast, the 1929 Puyallup enrollments said that he was descended from Puyallup parents, who were recognized as Puyallups,¹³² "and he would, therefore, be recognized as a Puyallup, provided he has not allied himself with the Stilacoom [*sic*],¹³³ Clallam or other tribe" (Puyallup Enrollments 1929).

"*Chief Steilacoom.*" At least two¹³⁴ other men who were called "Chief Steilacoom"¹³⁵ by non-Indians who lived in the Pierce County, Washington, area were alive in the second half of the 19th century. They have, in some secondary sources, been confused with Tsla-la-kom/Smootas Susway discussed as a pre-treaty leader above, with one another, and with the above John Steilacoom Sr., born in 1852. Some of the confusion resulted from statements in the *Pioneer Reminiscences* of Ezra Meeker.

¹³¹According to his mother Annie Steilacoom's affidavit, John Frederick Steilacoom was born July 8, 1898. The petition asserted that after the death of Sam Young in 1902 and of his father in 1905, John Frederick Steilacoom was the "sole hereditary leader of the Steilacoom Tribe" (STI Pet. 1986, 2:196), based upon his identification as "chief of the tribe" by the *Tacoma Ledger* in December 1906 (STI Pet. Resp. 1994, R-275). Since he was only eight years old in 1906, the newspaper reference is not clear. It may have referred to his recently deceased father. The petition also stated that, "In the years prior to assuming a leadership position, he received traditional instruction from his father's half brother, John Meeker of the Puyallup Tribe" (STI Pet. 1986, 2:196), but offered no evidence of such instruction.

¹³²The Puyallup records identified Jerry Meeker and John Meeker (see above) as brothers of John Frederick Steilacoom's father. Thus, the Meekers and John Steilacoom were closely related, and John Frederick Steilacoom was connected through kinship with the Puyallup tribe.

¹³³As will be shown in 5.1, "Stilacoom" here most likely referred to the Steilacoom claims organization that emerged in 1925 in response to "the Act of congress approved February 12, 1925, (Public No. 402, 68th Congress) conferring jurisdiction of the United States court of claims to adjudicate alleged claims of various bands [and] tribes of Indians in the State of Washington" (Dickens to COIA 3/5/1925).

¹³⁴In 1916, a local historian distinguished between two men called by the name of Steilacoom in the second half of the 19th century (Hunt 1916, 31-41).

¹³⁵The Indian agents generally felt that the title of chief was comparatively meaningless in this area:

... characteristic of all the Indians west of the Cascade mountains, there are none that actually deserve the name of chief. This is to be regretted, for if one of them had mind and courage enough to obtain great influence among his people, he would be able to see the advantages of civilization, and the chief, if he is really a chief, would carry his people with him (Simmons to Nesmith 6/30/1858, 233).

In 1905, Ezra Meeker recalled a man called "Chief Steilacoom" who, he said, had helped in the construction of Fort Nisqually in 1833,¹³⁶ but Meeker had not known him that early and provided no documentation for the statement.¹³⁷ The timing described by Edward Huggins, that "Steilacoom" had worked for the HBC 60 years prior to 1905 (Huggins to Dye 5/1/1905) was more compatible with the actual first appearance of the name in the HBC records.¹³⁸ Carpenter stated that Steilacoom's name first appeared in the Servants Account Books in 1846 (Carpenter 1985, 336). In 1849, these contained a possible reference to his wife or mother: "Lavieltts Steilacoom on account of her son Stzeeass mortally wounded by the Snqualiminth 1 of May" (Carpenter 1985, 336).

This individual was apparently the man described by the petition as having lived in the Nisqually bottom in January 1905¹³⁹ and as having led a visitor through the Medicine Creek treaty ground and recalled what conditions had been like at the time of the Indian Wars. The petition gave only

¹³⁶Meeker (1905) stated:

Steilacoom helped to build old Fort Nisqually in 1833, and was a married man at that time. People called him chief because he happened to bear the name adopted for the town and creek, but he was not a man of much force of character and not much of a chief (Meeker 1905, 53).

¹³⁷The petition assumed that this was the "Steilacoom," a man in the prime of life, first met by Ezra Meeker in 1853 (STI Pet. 1986, 3:72). Ezra Meeker's recollections said that *this* Steilacoom recalled that he had been a married man when the whites first landed at Nisqually (Meeker, Pioneer Reminiscences, 255).

¹³⁸The HBC employee of the 1840's through the 1860's was mentioned in HBC records: a letter from an agent (signature not deciphered) at Puyallup 11/15/1867 to McKinney responded to McKinney's request to send for "Dick, Steilacoom and his Clotchman, also another Clotchman [sic] named Mary." The letter did not indicate the reason for the summons (Undeciphered to McKinney 11/15/1867).

¹³⁹" . . . in a separate cabin on the Mounts farm on the north side of the Nisqually delta" (STI Pet. 1986, 2:190p). Edward H. Huggins, in a letter to Eva Emery dye dated May 1, 1905, said:

The next old person to go, was a Nisqually Indian, named Steilacoom, who of late years had lived in Squally Bottom, in the vicinity of Mr. Mount's place. He was an Indian much respected by the whites, and was thought to be very old, as the Hudson Bay Company's employees recollect him working at Fort Nisqually nearly sixty (60) years ago, and he was then called Old Steilacoom. He was, when he died, considered to be at least ninety (90) years of age. He was attached to John mcLeod, the father of Mrs. Mounts, . . . (Huggins Letters Outward, 93).

an unidentified citation to "Historian Meany" (STI Pet. 1986, 2:185, 2:214).¹⁴⁰ He appears to have been one of the men described at some length by Hunt (Hunt 1916, 1:38-39).¹⁴¹

This former HBC employee was also sometimes called Steilacoom John (STI Pet. 1986, 123-124; citing [Herbert] Hunt 1916). The petition asserted that the ex-HBC employee called "Steilacoom John" resided at the mouth of Chambers Creek or Steilacoom Creek at least through the 1870's. The petition indicated that this "Steilacoom John" at "Chambers Bay" was "leader through at least 1870s" and was "48 years old in 1870 (US Census)" (STI Pet. 1986, 135). Thus, he would have been born in 1822.¹⁴²

By coincidence of name alone, the following census entry might pertain to "Steilacoom John." However, the man below resided in Thurston County, Washington, and not on Chambers Creek:

1889 Census, Thurston Co., WA: STEILACOOM, Kath, 70, m, I, Hopman, married, b. WA; STEILACOOM, Hotosa, 75, f, I, married, b. WA; Satquels, 75, f, I, single, b. WA (Olympia Genealogical Society 1987, 58).¹⁴³

The petition attempted to link one of these "Steilacooms" to the HBC descendants collaterally by maintaining that Rosalie, first wife of Isaac Bastian, Sr. and mother of the Isaac Bastian Jr. who married Aurelia Byrd, was "Steilacoom's" sister (STI Pet. 1986, 2:129, 2:193a). However, the petition did not make this linkage consistently. While in the above passage, Rosalie Bastian was identified as the sister of a **man** named Steilacoom, elsewhere the petition referred to "the father of Rosalia Bastian and Annie Steilacoom" (STI Pet. 1986, 86), and in another place it indicated

¹⁴⁰One passage in the petition identified the "Annie Steilacoom" who moved to the Nisqually Reservation with "her son George who was married to Jane Wells" as the widow of this man (STI Pet. 1986, 2:215).

¹⁴¹ Within recent years there died south of Steilacoom an Indian called "Chief Steilacoom," whose real name seems to have been Tailcoom. He was about one hundred years of age. It too often has been taken for granted that Lake Steilacoom, Fort Steilacoom, the town of Steilacoom and Steilacoom River were named in his honor. In times past many literary tributes have been paid to this Indian by persons who apparently did not inquire into the merits of the case. He was an honest, sensible man but not an important tribal leader.

...
His name appears many times on the books of the Hudson's Bay Company by which he was employed. When Captain Wilkes visited the Sound in 1841, he reported, a rich Englishman named Heath was growing sheep on "Steilacoom farm" near Fort Nisqually. The old Indian was called "the last of the Steilacooms." Several intelligent Indians lately interviewed refused to give to this Indian the distinctions the whites have paid to him. It is denied that he was a chief . . . (Hunt 1916, 1:38-39).

¹⁴²The latter part of this statement would appear to reference the following census entry: 1870 U.S. Census, Pierce Co., WA, "Indians," [no household numbers assigned]: Steilacoom, 48, m; Mrs. ", 48, f (NARS M-593, Roll 1683, 185).

¹⁴³An elderly man named Steilacoom was also listed on the 1900 census of Thurston County.

that she was the sister of John Steilacoom's wife Annie, by stating that: "Rosalia, Annie and a brother nicknamed 'Steilacoom' were three of the children of sowackched¹⁴⁴ and ye?ahts, a Steilacoom couple" (STI Pet. 1986, 2:129; no source citation).¹⁴⁵

It was not clear from the petition which man was the "Steilacoom" who was supposedly Rosalie Bastian's brother, nor which of the two women named "Annie Steilacoom" was supposedly Rosalie's sister, nor were Isaac Bastian and Rosalie Bastian ancestors of today's petitioner, in any event. None of the accounts provided in the STI petition conformed to BIA genealogical analysis conducted for the Cowlitz Technical report, which showed that Rosalie, wife of Isaac Bastian Sr., was of Montesano ancestry (see Cowlitz GTKY File, BAR).

Rosalie Bastian was certainly not the sister of John Steilacoom Sr. who married Annie/Goelitsah, nor was she the sister of their son John Frederick Steilacoom contrary to what the petitioner claimed in one passage (STI Pet. Response 1994; Thompson 1993, 5).¹⁴⁶ Still elsewhere, the STI petition claimed that Rosalie Bastian's brother was George Steilacoom aka George Wells (STI Pet. Resp. 1994, Thompson 1993, 5). This statement, however, did not agree with George Wells' own statements to Charles Roblin concerning his parentage (George Wells, Roblin Quinault Affidavit 4/6/1912, NARS RG 75, M-1344, Roll 3, Frame 0349, Case No. 42).¹⁴⁷ "George

¹⁴⁴See the discussion of "See-ahts-oot-soot."

¹⁴⁵Elsewhere, the petition stated that Rosalie Bastian and Betsy LaTour "were related to each other and were descendants of Taylushkyne, the former Tlithlow band leader" (STI Pet. 1986, 80a). See the discussion of the ancestry of Betsy LaTour, above.

¹⁴⁶BIA research showed that George Wells was definitely not the son of the Annie aka Goe-lit-sah, who was married to John Steilacoom aka Scap-e-ah. Therefore, George Wells was not a much older brother of John Frederick Steilacoom.

¹⁴⁷The following data indicated clearly that the alternate surname of this "George Steilacoom" was, in fact, Wells:

Wells Family. Nisqually tribe. George Wells states that he was born March 20, 1862, Pierce County, Washington. His father, George F. Wells, white, died 15 years ago in Mason County, Washington. He was aka Friedrich George Wells. His mother was Maria Wells aka Tuayea/Dakyah, her father was Yotsuts-uts, Nisqualli; her mother was Kostadia, Nisqually (George Wells, Roblin Quinault Affidavit 4/6/1912, NARS RG 75, M-1344, Roll 3, Frame 0349, Case No. 42).

1933 Nisqually Census, Taholah Agency, Frame 0015, #47-53:

Wells, George, b. 1864, age 69, ½ Nisqually; Wilson, b. 1913, son, 3/4; Myrtle, dau, b. 1914; Edith, dau, b. 2/18/16; Catherine, dau, b. 9/18/18; Mae, dau, b. 5.9.21; Marie, dau, b. 5/20/23, #54ff, Wells, Willie, b. 1898, and family (NARS RG 75, M-595, Roll 567).

Steilacoom" aka George Wells did appear on the 1905, 1906, and later censuses of the Nisqually Reservation (STI Pet. 1986, 2:193).¹⁴⁸ His various statements documented his family fully.¹⁴⁹

There were other documented men who carried the "Steilacoom" nickname in the latter 19th century. The 1888 census of the Puyallup Indians, #322-324, listed a Steilacoom Jack, age 50, with a wife Susie, age 40, and a son John, age 6 (NARS RG 75, M-595, Roll 407; see STI Pet. 1986, 2:164). There is no evidence to link him to any of the "Steilacoom" men covered in the discussion for this petition. The second wife of Joseph L. Young informed Roblin that her father's name was "Steilacoom Tom, a Puyallup" (see Young family discussion). It does not appear that "Steilacoom," used for these men, was a tribal designation or family name; rather it appears to have been a non-Indian nickname, derived from where the individuals happened to be living.

Yetaq'w. *Yetaq'w*,¹⁵⁰ also spelled Yateko, was an elderly man, but still alive in 1859 according to the diary of Augustus V. Kautz, a lieutenant during the 1855-56 Indian wars. According to the petition, Yateko was a Klickitat (Thompson 1995, 6), married to an unknown Steilacoom woman (Thompson 1995, 7).¹⁵¹ The petition reported that Yateko had one known son, John Yateko, who

¹⁴⁸The distinction between the two women named Annie Steilacoom has been documented by the following entries, which show only that Annie Steilacoom, an elderly woman, resided in the household of George Steilacoom/Wells and his wife, but do not confirm that she was his mother, whose name he had given as Maria on his Roblin affidavit (see above):

Nisqually Reservation Census 1905: #130, Annie Steilacoom, f, wid., 68; 131, George Stilacoom, m, hus, 42; #132, Jane Wells, f, wf, 36; children #133-140: Frank Wells, 20; Casia Wells, 16; Agnes Wells, 16; Alice Wells, 13; Maggie Wells, 12; Gertrude Wells, 10; Willis Wells, 7; Sarah Wells, 6 (NARS RG 75, M-595, Roll 588).

Whereas the other (Annie aka Goelitsah, widow of John Steilacoom aka Scap-e-ah) had died in 1907 (see her death certificate), the 1909 Nisqually census still listed this Annie in the household of George and Jane Steilacoom/Wells:

#130 Annie Steila coom, wid, f, 72; #131 George ", hus, m, 46; #132, Jane Wells, wf, f, 40; same set of Wells children as listed in 1905.

¹⁴⁹George Wells indicated that his first wife was Jane Greenlow/Greenlaw, ½, dau. of a white man and Julia Greenlaw/Greenlow aka Quatabbas (full Nisqualli); his second wife was Lizzie Waterman, Skokomish. According to his deposition, he was age 48, P.O. Yelm, Thurston Co., WA. He stated that Mary McCloud was his aunt and that his children were Frank, Maggie, Gertie, William, Sarah, and Rosie (George Wells, Roblin Quinault Affidavit 4/6/1912, NARS RG 75, M-1344, Roll 3, Frame 349, Case No. 42).

¹⁵⁰Under the signers of the Treaty of Medicine Creek in 1854, the petition stated: "#42 Ye-takho [yEta'q'W], 'Kitty [Kautz]'s maternal grandfather' (McBride to Thompson, 10-27-82)" (STI Pet. 1986, 86).

¹⁵¹Augustus V. Kautz's diary made it clear that Yateko was Kitty's grandfather (see discussion of the Kautz family, section 3.7.1). The petition in one place referred to: "Yeatakoo and his brother David and

settled on the Puyallup Reservation, and that John Yateko's unnamed daughter, described by the petition as a "Steilacoom" (Thompson 1995, 7), married Lashmere, who died before 1859 and was a Duwamish/Cowlitz (Thompson 1995, 6; citing August Kautz to Roblin, Charles E. Roblin field notes, 1917).¹⁵² The petition discussed Yateko's granddaughter Kitty Kautz at length (see section 3.7.1).¹⁵³ However, Yateko's descendants were not identified as Steilacoom and are not part of the petitioner's ancestry.

James Stillbains. Another Indian living in the Fort Nisqually area whom the petition claimed to be of Steilacoom tribal origin was James Stillbains, born about 1836/1841. Documentation supported Steilacoom ancestry for this man. His wife, Sallie Stillbains,¹⁵⁴ whom he married in 1860, stated that James Stillbains' father:

was a full Steilacoom Indian . . . but his history is not known to me but Chief Satiacum says that his mother was a Duwamish and his father -- he thinks was a

nephew Joe" (STI Pet. 1986, 3:67) and stated, "Yeatakoo was a Steilacoom leader. His daughter [*sic*] later married Lt. Augustus Kautz, who was stationed at Ft. Steilacoom" (STI Pet. 1986, 3:67; *see also* Reese 1978a: 7-8; Reese 1978b:64; STI Pet. 1986, 3:69-70; citing James McAllister, in Majors 1975:76). However, elsewhere, the petition identified the relationship correctly: "Kitty [Kautz]'s maternal grandfather was y/Eta'q'W, who joined with Leschi in the 1855-56 uprising and, incidentally, shot [Lt.] Kautz in the leg at the battle of White River (?). (Del McBride to Thompson, 10-27-82)" (STI Pet. 1986, 3:94).

¹⁵²John Yateko may have had another daughter who married a Nisqually and was the mother of Bill Peterwow (who was allotted on the Puyallup Reservation) and Peter Peterwow (who appeared on the census rolls of the Nisqually Reservation, NARS RG 75, M-595). Yateko may also have been the ancestor of Napoleon Gordon on the Puyallup Reservation and of Mary Brink, as they were closely related to Kitty Kautz (see STI GTKY File, BAR).

¹⁵³The petition maintained variously that Ada (*aka* Kitty) Lashmeer was either daughter (STI Pet. 1986, 67) or granddaughter (STI Pet. 1986, 85) of "Steilacoom leader" Yeatakoo or Yateko. The "Steilacoom" identification was not supported by other documentation. Mary E. Brink of Mason County, Washington, testified to Roblin that she was born on McNeill Island, Pierce County, Washington, on July 4, 1869; her father was Daniel Brackett, American by birth. Her mother, Betsy Brackett, was a sister of "Gig Harbor Joe." Nugent and Gus Kautz of Puyallup were her first cousins. Brink said that her "mother's father was a full blood and belonged to the White River Tribe, his name was Sult-s'ka'dum. Mother's mother was full Puyallup" (NARS RG 75, M-1343, Roll 4).

¹⁵⁴Mrs. Sallie Stillbains deposed, June 30, 1917, that she was age 80, born about 1836 where Orting, Washington, now stands; her father was To-ton-bush, half Yakima/half Snoqualmie; his name was Sho-a-kud, died at Nisqually during the "Indian War." Father's mother Wa-satam. Mother full Duwamish Indian, name Hoy-a-let, d. when Sally was very young. Chief Charles Satiacum says that both of her parents were Duwamish. She married at Puyallup in 1860, by J.P., Mr. James Stillbains, who died at Milton, Washington, on February 5, 1915. A fuller version of the deposition of Sallie Stillbains excerpted by the petitioner, is found in the case of Walter J. Stillbains (NARS RG 75, M-1343, Roll 6, Western Washington Enrollment Applications--Snoqualmie, Frame 0289. Stillbains family. Frame 0290. Puyallup (1909) Walter J. Stillbains. Father James Stillbains, full blood Indian, d. Feb. 1915. Mother Sallie Stillbains)

full Steilacoom. They -- both -- lived at Steilacoom Beach -- and died there -- as the best that we can find out"¹⁵⁵ (Sallie Stillbains, Roblin Affidavit 6/30/1917, NARS RG 75, M-1343, Roll 6, Frame 0293).¹⁵⁶

The petition claimed that James Stillbains was a "Steilacoom" off-reservation leader in the second half of the 19th century (STI Pet. 1986, 122).¹⁵⁷ Until 1871, little is known about the whereabouts of either James Stillbains or his wife Sallie, or others reputedly from the Steilacoom Beach area. However, documents indicated that the James Stillbains family lived at Puyallup by 1871. Sallie Stillbains reported that her daughter Jennie McCarthy (b. 1871) and son Walter Stillbains (b. 1887) were born at Puyallup. The family were original allottees on the Puyallup Reservation (Puyallup Indian Commission 1896, Patent No. 57).¹⁵⁸ They remained associated with Puyallup: James Stillbains was buried on Puyallup in 1916, and Sallie was also buried there in 1920. Thus, the petition's argument that James Stillbains was an off-reservation leader was not supported by the available documents. The petition itself acknowledged that, "[i]n 1898 James Stillbains represented the Puyallup Tribe on a board of trustees of the reservation's Indian graveyard as the tribe attempted 'to secure patents for the ground allotted for Church and Graveyard purposes'" (STI Pet. 1986, 2:118; citation missing). James Stillbains interacted

¹⁵⁵The STI petition for Federal acknowledgment, when quoting the above affidavit, substituted an ellipsis "..." for the words "he thinks" and "as best that we can find out" (STI Pet. 1986, 122). The deposition provided no information concerning the dates of death of James Stillbains' parents, or whether they continued to live at Steilacoom Beach in post-treaty times. It is unlikely that Sallie was as old as she claimed in the deposition, based on the ages of her documented children: the age given in the census records must be closer to accurate.

¹⁵⁶The List of Burials showed that James Stillbains was born about 1841 and received a Catholic burial as Jim Stalboeus, February 7, 1916, Puyallup Indian Reservation (List of Burials, 114). His wife Sallie was born about 1848-1849 and received Catholic burial as Sally Stalboeus, December 16, 1920, Puyallup Indian Reservation (List of Burials 1976, 114).

¹⁵⁷The petition argued that James Stillbains was a "Steilacoom Tribe" leader in the second half of the 19th century and particularly argued that his life indicated that "some Steilacoom remained off-reservation" (STI Supplemental Submission 1997; Thompson 1997, 5). BIA research showed the family documented as active participants on the Puyallup reservation, as in the reference: "James Stillbaious, Puyallup" (A. Boston Tilicum 1892, 10).

¹⁵⁸ He was allotted on Puyallup, as follows:

1896 Puyallup Reservation Patent No. 57. James Stillbaious, Sallie, his wife, and Jonas, Jennie, Mary and Annie, their children. The name Mary in the Patent should be Josephine. Jonas and Annie died unmarried and without issue, their interests going to their father and mother. Jennie is the wife of Frank Young. The ownership of this land is as follows: James Stillbaious 1/3; Sallie James 1/3; Jennie Young 1/6; and Josephine James 1/6 (Puyallup Indian Commission 1896).

They were listed on the 1901 census of the Puyallup Reservation, #383-387: James Stillbaus, m, hus, 60; Sallie ", f, wf, 52; Jennie ", f, dau, 17; Walter ", m, son, 12 (NARS RG 75, M-595, Roll 588).

primarily with the Puyallup in the post-treaty period, while no primary sources indicated he had social interaction with the identified STI ancestors.

Sam Young. Sam Young, whom the petition discussed as a Steilacoom leader involved in the Fox Island Council (STI Pet. 1986, 1:35-36; citation missing), continued to reside in the Chambers Creek area until he finally moved to the Puyallup Reservation, some time after 1888. The petition asserted that Sam Young continued to be the "tribal headman" of the "Steilacoom community pocket" and was succeeded by John Steilacoom (STI Pet. 1986, 2:125, 2:158). From this unsupported assumption, the petitioner concluded that Steilacoom was "the political headquarters of the tribe" (STI Pet. 1986, 2:168). However, the petitioner did not submit any evidence of postwar Steilacoom political leadership exercised by Sam Young after the Fox Island Council.

The petition also linked Sam Young to *Joseph Young*, as a Steilacoom who was a leader of the continuing Steilacoom community. The petition created confusion as to whether the person whose life was under discussion was consistently the Puyallup allottee Joseph L. Young, who stated in 1929 that he was Sam Young's son, or another man.¹⁵⁹ Joseph L. Young was clearly documented as an older half-brother of Sam Young's son Frank,¹⁶⁰ and the petition quoted extensively from the 1888 testimony of Joe Taylor, who stated that he brought "Frank Young [as a child] from up Sound" to the school on the Puyallup Reservation¹⁶¹ from a location "either two miles or more from Steilacoom" (A. Boston Tillicum 1892, 137). Joseph L. Young was allotted

¹⁵⁹Both Sam Young, the Steilacoom leader at the Fox Island Council, and William Young, Scottish farmer and HBC retiree, had sons named Joseph, born within eight years of one another. Both Joseph Youngs at one time were married to wives named Katie. However, the records permit them to be distinguished.

¹⁶⁰"Q. Is Joseph L. Young a brother to Frank Young? A. Well, I understand he's half-brother. Q. Is Joseph L. Young a Puyallup Indian? A. That's something I couldn't swear to, but he is a Puyallup member. Q. Do you not know that he is the son of a white man who owned land where the Skokomish reservation now is and that his mother was a Skokomish or Clallam Indian? A. I don't know if he is a half-breed, and I don't know where his mother was from, but as near as I can judge he is a full blood Indian" (A. Boston Tillicum 1892, 39). "Joseph L. Young, Skokomish Indian" (A. Boston Tillicum 1892, 10).

¹⁶¹"Q. Where did Frank Young live? A. On this side Steilacoom" (A. Boston Tillacum 1892, 36). "Q. Who was Frank Young's father? A. Chu-sin-kit. Q. Where was Frank Young staying at the time you took him? A. On this side of Steilacoom. Q. How far from Steilacoom? a. A few miles. Q. Is it two miles? A. Either two miles or more. Q. Is it four miles? A. I couldn't swear to it" (A. Boston Tillicum 1892, 36-37). "Q. How long had Frank Young been away from the reservation when you went after him? A. He has been living there until his brother told Mr. Eells to get him and put him into the school. Q. Then he had never lived on the reservation until you took him there by force? A. Well, I never noticed him being on the reservation but I know he's been under Mr. Eells' charge. Q. Who did he live with when you took him? A. Father and mother. Q. Were they not living at the place where you got him? A. Yes, sir. Q. About how far did they live from the reservation? A. Well, I couldn't tell you, but I think over ten miles. Q. Did not the father of Frank Young live at Skokomish at one time? A. I never heard that" (A. Boston Tillicum 1892, 37).

on the Puyallup Reservation: "1896 Puyallup Patent No. 52. Joseph L. Young and Katie his wife . . . Both of these parties are living and each own[ed] an undivided ½ interest in said land" (Puyallup Indian Commission 1896).

In his 1929 application for Puyallup enrollment, Joseph L. Young (Indian name Schlack-szart) stated that he was born in April 1854 at Steilacoom, Washington, was age 75, was a member of Puyallup, allotment #52, and lived on the Skokomish Reservation. He stated that he had left the Puyallup Reservation in 1908. He first married Kate Spatum (Squaxon) in 1878, and after a divorce, married Ellen Slocum (Skokomish). He stated that he was one of the original allottees of the Puyallup Reservation. His second wife Ellen stated that she married first Tom Slocum; and then Joseph L. Young. Her name before marriage was Ellen Steilacoom Tom; her father's name was Steilacoom Tom, a Puyallup (see discussion above). It was also Joseph L. Young who was mentioned by Marian Smith as one of her informants. She maintained that he was from Steilacoom, or Smith's village 18 (Smith 1940, xii).

The petition applied some documents pertaining to a second man to the above Joseph L. Young. The second Joseph Young also resided on Puyallup for a while and married a woman named Kate, but the similarities ended there. He was born in 1862, not 1854. His father "was William Young, who was a white man in Scotland . . . [w]as a farmer by occupation." He said that his wife, Kate James "was a full- [sic]of Muckleshoot tribe" and that she died in 1884. This second Joseph Young maintained that it was through Kate James that he received an allotment of 160 acres at Puyallup. His second wife, Mary George, was "a full-blood of the Duwamish tribe . . . born about 1870 at Seattle."¹⁶² His mother claimed mixed tribal ancestry, none of which was specifically Steilacoom.¹⁶³

¹⁶²His father, William Young, born about 1828 in Scotland, was a former HBC employee. Joseph Young stated that he was born November 9, 1862, at Nisqually, and that his Indian name Wa-klau-kae-dut. One description of him was, "Joseph Young, half-breed Scotch Klickitat" (A. Boston Tilicum 1892, 9). He and his first wife were allotted on Puyallup:

Puyallup Reservation Patent No. 135, Joe Young and Katie his wife; Katie died without issue, all her interests going to her husband (Puyallup Indian Commission 1896).

The 1886 census, Puyallup Indians, #437, showed: Joe Young, 25, widower (NARS RG 75, M-595, Roll 302). By the next year, he had remarried to a wife named Mary (NARS RG 75, M-595, Roll 302). The family continued to appear on the Puyallup censuses (NARS RG 75, M-595, Roll 407). His Roblin affidavit indicated that his second wife was named Mary George, a Duwamish, and that they had 11 children.

¹⁶³Of his mother, the second Joseph Young stated more extensively:

Mother . . . was Susan - her Indian name was Wil-lix-wie - she was born about 1845 at Puyallup, and died there in 1888. Her father was Dew-icth-ei-bud, a full Snoquallimine and Yakima; mother's mother was I-yat-whel, member of the Usyless Bay band of the Snohomish tribe, her father was Wa-klau-kae-dud (NARS RG 75, M-1343, Roll 6, Western Washington Enrollment Applications--Snoqualmie, Young Family, Frame 0300, deposition of Joseph Young, Gig Harbor, WA, 27 January 1917).

Mowitch Man. Another Indian whom the petition claimed as a member of the Steilacoom postwar community was Mowitch Man. The identification of Mowitch Man is unclear, as there were several men named Mowitch on the censuses of both the Puyallup and the Skokomish reservations. In an attempt to clarify the situation, the petition maintained that the Mowitch Man who was a post-treaty Steilacoom Indian was also known as Luluiton (STI Pet. 1986, 2:117), and equated this Luluiton with a Mowitch Man who was enrolled at Skokomish, and who later moved to Steilacoom. (STI Pet. 1986, 2:118). However, the petition's assertions were not supported by documentary evidence, which showed that there were several families containing a Mowitch Man, and they were functioning as enrolled Puyallup and Skokomish in the post-treaty period.¹⁶⁴

See-ahts-oot-soot. The petition referred to Se-ahts-oot-soot in a listing of the 1854 signers of the Treaty of Medicine Creek: "#41 See-ahts-oot-soot, the headman of the mouth of the Segwallitchu River and George Wells' maternal grandfather" (STI Pet. 1986, 86), but George Wells' own statement disagreed with this claim (George Wells, Roblin Quinault Affidavit 4/6/1912, NARS RG 75, M-1344, Roll 3, Frame 0349, Case No. 42).¹⁶⁵

The petition may have meant to identify the treaty-signer with the pre-treaty "old chief" ScHxWiatSas^d (aka Siyahsahsoot and Seeyahsasoot), who was prominently mentioned in the HBC records from 1833 through 1839 (STI Pet. 1986, 2:52a-52c). However, elsewhere, the STI petition listed the Medicine Creek signer as: "#33 Se-uch-ka-nan [siwaXk^d ~ siwaXcH^d ~ siwaXk^n^m], the father of Rosalia Bastian and Annie Steilacoom (elsewhere written as Sewoghoot or Sowackched); probably from an inland village" (STI Pet. 1986, 3:86).

Simakin and Smil-Ca-Nim. The petition also referred to a citation in A.V. Kautz's diary for March 31, 1861, of "Simakin's Camp beyond Steilacoom Creek not far from Birds mill" (STI Pet. 1986, 2:126; citing Reese 1978, 401), and equated Simakin with a man named Smil-Ca-Nim on the 1856 Fox Island Reserve census, and as a man named Smith-Kay-Nim or Smeakynum in the HBC Tlithlow journal. The petition speculated that, "Kitty Kautz may have been from Smil-Ca-Nim's band and may have resided there from time to time, . . ." (STI Pet. 1986, 2:126), but provided no documentation in support of the hypothesis.

¹⁶⁴For example, the 1888 Puyallup census showed #284: Adam Mowitchman, age 65; and #320, Old Mowitchman, 70 (NARS RG 75, M-595, Roll 407); the 1888 Skokomish census showed #113: Mowitchman, age 63 (NARS RG 75, M-595, Roll 407). At least five younger men used the "Mowitch" surname on the later 19th-century reservation censuses. One person of this name was buried as "Mauwichman Indianus," May 3, 1891, on the Puyallup Reservation (Catholic Archdiocese of Seattle 1976, 114).

There is no evidence that any of these were the same "Mowich Man" described as visiting the cabin of Ezra Meeker on McNeil Island during the 1850's (STI Pet. 1986, 2:144).

¹⁶⁵In addition to apparently confusing these two treaty signers, the petition also asserted that a man named "Steilacoom" (i.e. George Wells) was the brother of Rosalie Bastian and Annie Steilacoom, and somehow a descendant of one of these signers (STI Pet. 1986, 2:193a). BIA researchers located no evidence to substantiate the claim relating Wells or Bastian to either treaty signer. For a more extensive discussion of George Wells, aka George Steilacoom, see above under "Steilacoom."

Satewaya. The petition named, as another Steilacoom treaty signer, Satewaya, grandfather of Louise Douette, (b.c. 1850 - d. after 1927, STI Pet. 1986, 2:86). Douette's inconsistent testimony concerning her tribal affiliation is discussed below, in section 5.1 and more extensively in Appendix 1.

Mary Longfred. The petition asserted that Mary Longfred, an influential Indian woman of the late 19th and early 20th century, was a Steilacoom descendant and community member (STI Pet. 1986, 2: 112).¹⁶⁶ Contemporaries did not identify her as Steilacoom.¹⁶⁷ Evidence showed that she resided during her active career in Pierce County, Washington, with her second husband, John Longfred. However, her ancestry was Cowlitz and Nisqually, a fact well known and acknowledged by the Cowlitz (see Cowlitz GTKY File, BAR). Early records showed that Mary, aka Aivsmay/Aramay/Aras May, was born about 1847 and died during the 1920's. Mrs. Mary Longfred of Roy, Pierce Co., WA, was on the Cowlitz membership/genealogy committee in 1915 (Cowlitz Pet. A-847). She was possibly then living on the Chehalis Reservation. She and her first husband, James Shipman, were Nisqually allottees. James Shipman/Chipman was born about 1839/40 and died by 1890. She married secondly, by 1893, John Longfred, born about 1859. She had at least five sons, but all died in childhood.

The most common description of her family background did not indicate Steilacoom ancestry, nor did extensive descriptions of her relatives.¹⁶⁸

¹⁶⁶ The petition also stated: "Betsy Sawhalkits", or Yalulitsa [Betsy LaTour], was the first cousin of Chief Steilacoom's first cousin, Mary Shipman Longfred [*sic*]. Presumably, all three were first cousins, descending from three siblings" (Thompson 1993, 9 in STI Pet. Resp. 1994).

The data in the Quinault Adoption affidavits did not make such a relationship between Betsy LaTour and Mary Longfred clear. The affidavits did not indicate whether the cousinship came through Betsy LaTour's father or her mother (data indicate that there were other Cowlitz Indians married into the Nisqually-area Indians), or possibly through Mary Longfred's father rather than her mother. The data in the affidavits were in themselves inconsistent, and did not define how the affiants were using such terms as "first cousin" and "second cousin." Some persons use "second cousin" to describe the technical relationship of first cousin once removed. Betsy LaTour was about 25-27 years older than Mary Longfred. Similar chronological considerations make it improbable that Betsy's mother Hotassa (b. by c. 1805-1808), could have been a first cousin of Chief Mason (b. c. 1835) of Quinault (NARS RG 75, M-595, Roll 407, 1890; Quinault Census, Household #5). The c. 1805-1808 birthdate approximated for Hotassa assumes that she was at least 13 when her known daughter was born. If Betsy was not her first child, she could easily have been considerably older.

¹⁶⁷ A Quinault affidavit made by Betsy LaTour's granddaughter stated:

Mary Longfred is a first niece of Chief Mason of the Quinault tribe. Said Mason tracing his ancestry to the Chehalis tribe showing thus Rosa Andrews tribal relations (Rosa Andrews, 1912, Roblin Quinault Affidavit, NARS RG 75, M-1344, Roll 3, Case No. 38).

¹⁶⁸ The standard ancestry for Mary Longfred, based on the research of Del McBride, is given as follows:

In sum, most of these post-treaty Indians discussed as "Steilacoom" by the petitioner were affiliated with reservation tribes. Of them all, only one family has any descendants in the STI. The petition maintained that Sam Young, Siyalapax^d, Yetaq'w, Mowitch Man, Ce-col-quin, Sate-way-a, Smil-ca-nim, Se-ahts-oot-soot, and Lachelet were important Steilacoom leaders in the post-treaty period (STI Pet. 1986, 2:135). With the exception of Sam Young, there was no evidence that these people were post-treaty Steilacoom leaders. Some of these men, such as Lachelet, died before the treaty, and some such as Ce-col-quin and Yateko, within five years after it was signed. Some were from other tribes than Steilacoom. There was also no evidence that either the off-reservation Indians or the HBC/Indian descendant families and Red River immigrant families that lived around Fort Steilacoom, Steilacoom City, or other trading areas, or elsewhere in Pierce County and Thurston County, Washington, were under the leadership of Steilacoom Indian head men in the post treaty period.

To-was-tan/Lachelet, d. 1849
(Nisqually)

m. -----> Tom (aka Hk-you-hay)
Cynthia (Cowlitz) (d. 1850's)

Tay-lush-kyne -----> Jenny (aka Qu-se'-pah) m. Mary (aka Aras May/Aviusmay)
(Nisqually) (b.c. 1830) m. John Longfred (non-Indian)

m.
?

The petition made several other statements concerning the background of Mary Longfred, including that she was a half-sister of Peter Peterwow and Bill Peterwow (STI Pet. 1986, 3:163). and possibly a first cousin of Betsy LaTour (Thompson 1993, 4 *in* STI Pet. Resp. 1994).

Other data available indicated that Bill and Peter Peterwow were grandsons of Yateko through a daughter and her husband, "a Nisqually." Such a relationship to Mary would require Tom/Hky-you-hay to have had additional plural wives than the two sisters, daughters of Tay-lush-kyne.

Peter Peterwow was born about 1841, resided on the Nisqually Reservation and in several years was enumerated next to Mary and John Longfred. He married by 1891, Louisa ____, born about 1846--died by 1893; he married secondly, Lucy McQuelah[?], b.c. 1845 (see NARS RG 75, M-595, Rolls 302, 407, 408, 588; Nisqually censuses).

Bill Peterwow, "born about 1848, resided and was allotted on the Puyallup Reservation. He married (1) Jane ____, born about 1856--died before 1890; he married secondly, by 1891, Lucy McQuelah[?], b.c. 1851, widow of __ George."

"Jim O'Powerty [on the Nisqually Reservation] was Mary Longfred's half brother's wife's brother" (STI Pet. 3:153e). This statement does not indicate which wife of which half-brother.

3.6.2 The petitioner's ancestors in the second half of the 19th century: former Hudson Bay Company employees, Red River immigrants, and their families

Most STI members, just under two-thirds, descend from marriages between Indian women and men who were former HBC employees (see analysis of STI membership lists below). Most of the Indian wives were from Western Washington tribes such as the Nisqually, Quinault, Cowlitz, Puyallup, Clallam, and Lummi. None of them were described as Steilacoom in documents created in their own lifetimes, nor were they described as Steilacoom by their descendants in the Roblin affidavits (see below). The discussion in this section focuses on the descendants of these HBC/Indian marriages. Because the women did come from western Washington and could possibly have been Steilacoom, the BIA determined that it was necessary to analyze the actual ancestry of each of the family lines in this category.

The second most significant portion of the petitioner's membership, 36 percent or just over one-third, descends from Canadian métis families such as Byrd, Burston, Calder, Lyons, Spence, and Riell that immigrated to the United States from the Red River area of Manitoba between 1841 and 1855.¹⁶⁹ Of the Red River immigrants, most were married at the time of arrival: only Riell, as a widower, married an Indian woman from Washington Territory in the first generation (there were several second-generation marriages between the HBC families and the Red River families, particularly between the HBC/Cowlitz Cottonaire family and Red River descendants). The Red River immigrant families have not been discussed in this report in equivalent detail to the HBC/Indian marriages, because Canadian Indians were not potentially in a position to provide today's STI members with Steilacoom ancestry (for detailed documentation, see the STI GTKY File, BAR). It was, however, important to document their origins, for the petition described members of these families (Spence, Lyon, and Burston) as "three Steilacooms" when discussing economic activities in the later 19th century (STI Pet. 1986, 148-149). Table 3 summarizes the distribution of the family lines in the petitioner's 1995 membership list.

Generally, in the period following the Indian war of 1855-1856, both the HBC retirees and the Red River families settled on land either along Muck Creek, a tributary to the Nisqually River, or Chambers Creek. A few lived along the Puyallup River. These former HBC and Red River settlers began squatting on land utilized by HBC, regardless of its legal status, before the war. Many obtained legal title, as discussed under the Donation Land Claims. There were also American emigrants among the earlier squatters and settlers, but they were not a significant component of the petitioner's ancestry.¹⁷⁰

¹⁶⁹Many of these Red River immigrants were interrelated *before* they arrived in the Washington Territory. As mentioned before, the Red River immigrants first arrived in 1841 to start farming under a program sponsored by the Hudson Bay Company. While many left the Puget Sound area for Oregon and California soon after, others arrived from Canada throughout the 1840's, and still others returned to Pierce County, Washington from Oregon and California in later years (see STI GTKY File, BAR).

¹⁷⁰Referring to these squatters in 1865, Dr. Tolmie, one of the HBC Factors at Fort Nisqually, observed:

They commenced coming early in 1847, there were generally about a dozen between 1847 and 1849. In 1849, when a military post was established at Steilacoom, on the

TABLE 3
Proportions of Family Lines on the 1986/1995 Steilacoom Membership List

Family Line	Family Surname	Number	Percentage	Combined Percentage Totals
Brown/Smith	Brown	40	6.5%	
Budd/Calder	Calder	60	9.8%	
Cushner	Cushner	10	1.6%	
Dean	Dean	22	3.6%	
Cabana/Gardner	Gardner	7	1.1%	
LaTour	Andrews	85	13.9%	
LaTour	Bertschy	25	4.1%	26.1% (LaTour lines combined)
LaTour	Crist	50	8.2%	
Layton	Layton	13	2.1%	
Cottonnoire/LeGarde	Byrd	101	16.5%	36.0% (Red River métis lines combined)
"Indian wife"	Eaton	8	1.3%	
Cottonnoire/Lyons	Lyons	42	6.9%	
Pearl	Pearl	3	0.5%	
Riell	Riell	5	0.8%	
Gorich/Sears	Sears	65	10.6%	
Sherlafoo	Sherlafoo	4	0.7%	
Grieg/Spence	Spence	12	2.0%	
Steilacoom	Steilacoom	1	0.2%	
Such	Such	3	0.5%	
Unknown	Unknown	56	9.2%	
	TOTAL	612	100.0%	

LaTour. The LaTour family line has provided ancestors to the Andrews, Bertschy, and one branch of the Sears (Crist) families, and comprises 26.1 percent of the petitioner's 1995 membership. Because Betsy LaTour had no documented Steilacoom ancestry, the lines that trace to her also have no clear connection to known Steilacoom Indians or the historical Steilacoom village. The line began with the 1839 marriage between a Nisqually woman named Betsy,¹⁷¹ aka

Company's claim, the number increased considerably, -and this increase continued until 1853, when a number of emigrants with their families settled thereon. The number has enlarged from that time till the present day (Tolmie 1865 in Crooks 1994).

Crooks (1994) observed that "[b]y 1865 there were approximately 150 illegal settlers on Company land between the Nisqually and Puyallup Rivers" (Crooks 1994).

¹⁷¹The petition maintained in one passage that Betsy, or Yalulitsa, was the first cousin of Chief Steilacoom's first cousin, Mary Shipman Longfred (STI Pet. Resp. 1994, Thompson 1993, 9). The petition maintained that Betsy's listing by the Catholic priest at the time of her marriage as a "Nisqually"

Yalulitsa (b. ca. 1820) and HBC employee Louis LaTour, a French Canadian. The Cowlitz Farm Journal indicated that the family had moved from Nisqually to Cowlitz Prairie by 1847 (Roberts 1847, 18; see also Tacoma Public Library Disk 9 MUCK.STA, 43). Louis LaTour's wife Betsy lived with him at Cowlitz Prairie when he was stationed there, and later returned with her husband to the Fort Nisqually area, where Louis acquired a donation land claim "on the Squally Plain" (Huggins 1900).

From the marriage between Betsy and Louis LaTour came Ellen LaTour (1845-1870), who, Rose (LaTour) Andrews stated, married (1) a Chehalis or Klickitat Indian (the Roblin affidavits differ)¹⁷² named Kaidedolghat, with whom she lived near Fort Steilacoom prior to his 1864 death and (2) a non-Indian named Asa Sears (Rose (LaTour) Andrews, Roblin Quinault Affidavit 3/22/1913, NARS RG 75, M-1344, Roll 3, Frame 14). Ellen's descendants established the Andrews and Crist lines through her two marriages.

LaTour/Andrews. The Andrews family got its name from the marriage of Ellen LaTour's daughter by her first marriage, Rose LaTour (b. 1864) to Harry Andrews in 1881 (see Rose (LaTour) Andrews, Roblin Quinault Affidavit 3/22/1913; RG 75, M-1344, Roll 3).

LaTour/Sears(Crist). This family originated from the union of Ellen LaTour, daughter of Betsy LaTour, and Asa Sears. Their daughter Emma Sears (b. 1880) bore her daughter, Nellie, to a Lummi Indian, John Alexis, while both were attending the BIA school at Chemawa, Oregon (Emma Sears Gettenbie, 11/6/1933). Emma later married, first, John McPhail, Jr.,¹⁷³ whose name Nellie used, and second, James Gettenbie, an Englishman. It is from the union of Nellie McPhail to John Crist, a non-Indian, in 1902, that the petitioner designates this line the "Crist" line.

LaTour/Bertschy. The line gets its name from the marriage of Harriet, an alleged LaTour descendant, to John Bertschy in 1876. BIA research has not confirmed a connection between Harriet (LaTour) Bertschy and Betsy LaTour,¹⁷⁴ but the tie appears to be possible, based on the

was "a common error made prior to the treaty" (STI Pet. 1986, 2: 61x, 149n). Her granddaughter, Rose (LaTour) Andrews, however, showed Betsy as born "at Nisqually" and lived in that area most of her life (Rose Andrews, Roblin Quinault Affidavit 3/22/1913, NARS RG 75, M-1344, Roll 3, Case No. 38). If this were a "common error" many of her own descendants throughout the Nisqually River, Muck Creek, Chambers Creek, and Puyallup River drainages joined the early sources in making it.

¹⁷²Charles Roblin concluded that he was most probably Chehalis (NARS RG 75, M-1344, Roll 3, Case No. 38).

¹⁷³John McPhail Sr., father of Emma Sears' first husband, was an employee of HBC Tlithlow Station 1847-1851 (McKay, n.d., Tlithlow Journal 1851, McKay 1994, 3-8); his wife was Snohomish. The McPhail family had a donation claim near Henry Smith, William Greig, and Charles Wren.

¹⁷⁴In one place, the petitioner stated that Harriet (LaTour) Bertschy was a full sister of Ellen LaTour (STI Pet. Resp. 1994, Thompson 1993, 10). In another, however, it stated that: "The LaTours had four children: Ellen, Louis, Francis and Agnes" (STI Pet. 1986, 2:130).

probate documentation of Louis LaTour, which stated that there were three surviving daughters (Pierce County, Washington, Probate File: Louis LaTour; affidavit of Francois Gravelle: Todd 1992, 7-8). In his Roblin affidavit, Fred Bertschy stated that his mother was Harriet Bertschy, half-blood Indian, born at or near the Nisqually Reservation; his mother's father was a white man named La Tuer; his mother's mother was a full-blood Nisqually Indian, whose name he did not know. For further information he referred to "Mrs. Elizabeth Kautz of Puyallup, and Mr. Joe J. Byrd and Mr. Henry and Mrs. Spence, of Roy, Wash" (Fred Bertschy, Roblin Affidavit 3/17/1917, NARS RG 75, M-1343, Roll 6, Frame 49). The affidavit of his sister, Dora (Bertschy) McVittie, gave the grandfather as Francies LaTure, a French Canadian employee of the Hudson's Bay Company, who died about 1880 in the district of the Nisqually Reservation.¹⁷⁵ She gave her mother's mother as Elizabeth LaTure, who was a full-blood of the Nisqually tribe, and referred for more information to Mrs. Rose Andrews and John Longmire, who knew her mother. Mrs. McVittie did not claim a blood relationship with either Andrews or Longmire, though it appears that Mrs. McVittie knew Andrews family members (Dora McVittie, Roblin Affidavit 3/29/1917, NARS RG 75, M-1343, Roll 1); see also the affidavits by children of her second marriage).¹⁷⁶

Harriet LaTour married John Bertschy on October 20, 1869, near Yelm, Washington. Yelm is a small town 16 miles southeast of the town of Steilacoom. John Bertschy was born about 1833, possibly in France, Switzerland, or Germany, of French parents. He died in 1910 at Yelm, Thurston County, Washington. Fred Bertschy's Roblin affidavit, dated March 17, 1917, differed somewhat from this record, stating that his father was an Indian of the half-blood, born in Canada, and was a packer for the Hudson's Bay Company" (Fred Bertschy, Roblin Affidavit 3/17/1911, NARS RG 75, M-1343, Roll 1, Frame 49). No independent data could be located to confirm this claim. His full sister, Dora (Bertschy) McVittie's affidavit (Roblin Affidavit, 3/29/1917, NARS RG 75, M-1343, Roll 1, Frame 52) confirmed the BIA record, stating that her father was a white man, born in Germany, of French parentage (NARS RG 75, M-1344, Roblin Quinault Adoption Files). Harriet LaTour and John Bertschy were apparently divorced, as she is said to have had a second marriage to Richard Powers, born in Boston, Massachusetts and died about 1886, Olympia, WA.

The 1860 Federal census did not contribute to identifying Harriet's parentage, as it listed her, age 4, in the Catholic French Orphan Asylum at Vancouver, Clarke County, Washington (1860 U.S. Census, p. 98, line 1). The marriage record also did not provide any indication of her parentage. The newspaper notice read:

Married. On the 20th inst, by Rev. George W. Sloan, on the prairie four miles east of Steilacoom, and 150 yards south of school house in District No. 2, Mr. John

¹⁷⁵The BIA researcher was unable to confirm the existence of such an HBC employee. The known son of Louis and Betsy LaTour was named Francis or Frank, but he was not old enough to have been the father of Harriet LaTour.

¹⁷⁶They both knew my mother's-mother, and that she was a member of the Nisqually Tribe (Dora McVittie, Roblin Affidavit 3/29/1917, NARS RG 75, M-1343, Roll 1).

Bertschy, of Yelm prairie, to Harriet LaTour, of Pierce County, W.T. (The Washington Star, 10-23-1869) (STI Pet. 3:134).

Three published abstracts of the civil marriage record did not contain any additional information (Carter 1987, 252; Bonney 1927, 2:960; Jylha and Bilow 1988, 2). The petition stated that "Fred Bertschy was born on the Nisqually Reservation in March 1876 and lived there until about 1898" (STI Pet. 1986, 2:163). However, Thurston County, Washington, census records for 1880, 1889, and 1900 showed John Bertschy, in the first two instances with his children Frederick and Dora in his household, which was not located on the Nisqually Reservation. No census records for Harriet, from 1870 or later, have been located. In 1919, Harriet's descendants were listed as unenrolled Indians of the Nisqually tribe by Roblin (Roblin 1919, 57).

In sum, the LaTour lines were composed of Nisqually and former HBC employee descendants, none of whom have any documented ties with the aboriginal Steilacoom.

Smith/Brown. Moving to non-LaTour lines of the petitioner, the Smith/Brown family originated from the marriage of Saspolitsa, or Florence, a Puyallup, to non-Indian Henry Smith some time around 1855. Their daughter Mary (b. 1855) married non-Indian C.L.W. Brown in 1890 (Mary F. Brown, Roblin Quinault Affidavit 3/26/1913, NARS RG 75, M-1344, Roll 3, Frame 590). The petitioner asserted that Florence (or Saspolitsa), wife of Henry Smith, was "a sister of Chief Louis Napoleon" (STI Pet. Resp. 1994, Thompson 1993, 10). The actual Roblin file only said that she was a sister of "Louis Napoleon" with no indication that he was a chief. Mary F. (Smith) Brown also indicated that she was a "cousin" of Chief Mason on Quinault, and of Isaac Bastian (Mary F. (Smith) Brown, 4/6/1912, Roblin Quinault Affidavit NARS RG 75, M-1344, Roll 3, Frame 595). This Louis Napoleon has not been identified. However, he was neither the Puyallup Lewis Napoleon,¹⁷⁷ Lewis Leclaire/Laclair¹⁷⁸ nor the "Suquamish Napoleon."¹⁷⁹ In all

¹⁷⁷There was a man named Louis Napoleon recorded on the Puyallup reservation: the 1885 census, #160-162 showed Sa go cath aka Louis Napoleon, Hus, m, 38; Ann, wife, f, 32; Jennie, dau. 11 (NARS RG 75, M-595, Roll 302). The 1886 Puyallup Census showed #116, Scagacath aka Louis Napoleon, 40; Ann, 35, wife; Jennie, 13, dau. (NARS RG 75, M-595, Roll 302). He was referred to as, "Louis Napoleon, half-breed" (A Boston Tillicum 1892, 11). He was allotted, but died without direct heirs (Puyallup Indian Commission 1896, 44).

¹⁷⁸Lewis Leclaire (there is no evidence that his middle name was Napoleon) married Martha Warbass and his descendants have been extensively documented, both on the Puyallup Reservation and in connection with their Cowlitz relatives. The Puyallup censuses made clear that Louis Napoleon was not the same as Louis Leclaire: both families were enumerated on the same rolls and allotment records (NARS RG 75, M-595, Rolls 302, 407; A. Boston Tillacum 1892, 12; Puyallup Indian Commission 1896).

¹⁷⁹Louis Napoleon, Suquamish tribe, had lived all his life in the neighborhood of the original habitat of the Suquamish tribe in Kitsap County, Washington. There was extensive discussion: his father was Chubada, who died about 1869, aged about 40, and resided most of his life in Island County His mother was Lydia/Lidie Johnson, age about 90, Suquamish. His siblings were: Tennessee, age about 60; Nancy, about 58; Sam, about 58. This Suquamish Louis Napoleon was born about 1858, on the Suquamish Reservation, Kitsap County, Washington, and married Susie, a Clallam. The file has extensive data on her family (NARS RG 75, M-3444, Roblin, Quinault Adoption files, Roll 2, Case No. 27).

likelihood, then, the Smith/Brown line was descended from a union between a Puyallup Indian and non-Indian American descendant.

Cushner/Runquist. The Cushner line originated with Betsy aka Keel-ha-bel-ha (b.c. 1840--d. 1886), who married non-Indian Jacob Cushner.¹⁸⁰ Census data showed Jacob Cushner and Betsy in Pierce county.¹⁸¹ Jacob Cushner was a Fort Nisqually employee who later was adopted into the Puyallup Tribe, c. 1880. By 1880 they were allotted on Puyallup. Jacob was still living on-reservation with his second wife in 1898. (*Tacoma Daily Ledger*, 1/27/1898, 6).

One granddaughter through son George Cushner testified in 1917 that Betsy was from Gig Harbor, and was of Puyallup/Duwamish parentage (Katherine (Kershner) Dean 76/25/1917). However, Betsy's daughter, Maria (Cushner) Kautz (b. 1855), maintained that Betsy's mother, whose Indian name she gave as To-qui-a-litsa, was "part D'Wamish and part Skobobish (Gig Harbor) blood" (August and Maria Kautz, Roblin Affidavit 8/17/1917). She added that Betsy's father was Puyallup.

The oldest daughter of Betsy and David Cushner, Sophia Cushner, married a non-Indian blacksmith and former HBC employee, Peter Runquist. All STI Cushner descendants come through this sub-line. The Runquist descendants provide the only tie between the STI's membership and their collateral Kautz relatives, so extensively discussed in the petition (STI Pet. 1986, 2:67, 69-70, 74-75, 134k-134l).¹⁸² See further discussion of the Kautz family below in section 3.7.1.

Dean. The Dean family started with the marriage of Thomas Aubrey Dean, the son of an Englishman who was a former HBC employee,¹⁸³ to Rosie Che-Lal-I-Cum (whose name is given

¹⁸⁰Per affidavit of Katherine (Cushner) Dean, Betsy Cushner was: "Keel-ka-bel-ha, a full-blood Indian of the Dwamish and Puyallup tribes, who died at Gig Harbor, Washington, in 1886" (Katherine Cushner Dean, Roblin Affidavit, 6/25/1917; NARS RG 75, M-1344, Roll 1, Frame 358).

¹⁸¹1860 census, Pierce Co., WA, #372: Kershner, Jacob, 33, married, b. Germany (*The Researcher* 1970, 1(3):3). NARS RG 75, M-593, Roll 1683, 1870 U.S. Census, Pierce Co., WA, PO Steilacoom, p. 197r, #193/158: Cushner, Jacob, 46, m, W, logger, b. Prussia; Catherine, 11; George, 6; Maria, 4; children all M, children all b. WT. NARS M-593, Roll 1683, 1870 U.S. Census, Pierce Co., WA, "Indians," p. 187 [no numbers assigned]: Cushner, 30, f, Ind., Housewife, b. WT.

¹⁸²The petition discussed the family of Kitty Kautz in several different locations (STI Pet. 1986, 67, 74, 97, 124c, 134j-134l, 149a, 243) and asserted that the Kautz family were important early Steilacoom descendants. (see discussion in section 3.7.1).

¹⁸³Thomas Aubrey Dean's father, Thomas Dean was a factor at the Tlithlow Station of Fort Nisqually, about five miles north of Fort Steilacoom, and settled at Tlithlow in 1859, after the departure of the Hudson's Bay Company. As Huggins explained:

Dean, quarreled with the Doctor Tolmie about the question of wages and suddenly left the service of the company and jumped, that is squatted upon the place upon which he resided, at a place called Tlithlane, and in spite of the ejectment suit brought against him

by the petition as *aka* Rosa Steilacoom)¹⁸⁴ in 1854. Rosie Che-Lal-I-Cum Dean (b. 1839) was “the daughter of a Snohomish father and Yakima mother” (Carpenter n.d., 167), who was later allotted at Yakima. Her father was a full Snohomish named Swauk-I-lum; her mother named C-kad-a-way (George Dean, Roblin Affidavit 1/20/1917; NARS RG 75, M-1343, Roll 5, Frames 163-164, Snohomish).¹⁸⁵ According to her son, Rosie’s mother died when she was a little girl and she was raised by non-Indians until she was 14 (Roblin Notes, Dean Family; NARS RG 75, M-1343, Roll 5, Frame 158).¹⁸⁶

According to Huggins, Thomas Aubrey Dean “married an Indian woman . . . took up a claim in this country and is living upon it today” (Huggins to Bagley 4/20/1904). His son Thomas married Mary Ann Sasticum, a Puyallup. The 1885 reservation census showed Thomas and Mary enrolled there (NARS RG 75, M-595, Roll 302, 106-08). Another son, George Dean (b. 1859), attended public schools in Pierce County, and became a hoop shaver afterward. In 1879 he homesteaded land near Swan Lake, “nine miles northwest of Eatonville” where he developed a road and raised Holstein dairy cattle (Eatonville is 26 miles southeast of Steilacoom). In 1889, he married Christina Hagerdorn, a German.¹⁸⁷ George Dean and family appeared on lists associated with claims activities in the 1930’s. However, none of George’s or Thomas’ descendants are part of today’s petitioner membership.

It is through George’s sister Catherine Dean, “a daughter of Aubrey and Rosie Dean” (Bonney 1927, 645) who was the second wife of Robert Fiander, that today’s petitioner line is reckoned. Robert Fiander (b. 1847) was an Englishman who arrived in Pierce County in 1872, and joined his brother Richard, a former HBC employee. Fiander resided on a donation claim at Swan Lake, Pierce County, near where the Deans lived, and after logging off the land, developed a dairy cattle economy. He first married Jennie, “an Indian girl born and reared in Pierce County” (Bonney 1927, 645). After Jennie’s death in 1880, Fiander married George Dean’s sister

by the company and which he won in the courts of this country, he succeeded in selling the company’s farm Tlithlane house and safely pocketed the money, fifteen hundred dollars (Huggins to Bagley 4/20/1904).

¹⁸⁴No original, contemporary document or retrospective document such as the Roblin affidavits showed her name as Steilacoom.

¹⁸⁵See Deposition of George Dean, 20 January 1917, NARS RG 75, M-1343, Roll 5, Snohomish; see also extensive discussion of the ancestry claimed for her by the petition in the footnote on the supposed descendants of Tay-lush-kyne).

¹⁸⁶While the petition maintains she was the great grand-daughter of Tay-lush-kyne, there is no supporting evidence. Also the descendency is chronologically unlikely.

¹⁸⁷An undated photograph (Heritage League of Pierce County 1992) showed “George Dean, his mother, Rose Dean, and his daughter, Daisy Dean. Note the bear cub in the tree behind Daisy. *Courtesy of Evelyn Guske.*”

Catherine and remained living in the area he homesteaded.¹⁸⁸ In sum, the Dean family is composed of Snohomish/Yakima and English former HBC employees. While one son married a Puyallup woman and their descendants became integrated with the Puyallup, the line ancestral to the petitioner, the Fiander family, did not.

Gardner/Cabana. More properly termed the Cabana line, the Gardner family was adopted into the STI in the 1950's. This family originated from the marriage, in 1864, of Moses Gardner, a non-Indian, and Margaret Cabana (b. 1849). Margaret Cabana's mother Catherine was from "the Clallam Indian village of Jamestown, near Dungeness, Washington." During the second half of the 19th century, the family members resided primarily in Thurston County, Washington. The Gardner family appeared on lists for Steilacoom claims activities in the 1930's.

Eaton. The petition stated that the Eaton/Waldrick family asserted an unconfirmed line of descent from a woman named by the descendants as Jenny Leschi, a daughter of the Nisqually leader later executed for his activities in the Indian wars of 1856. The tribal ancestry of this line has not been demonstrated. The petition stated that:

Chief Leschi's daughter Jenny married early settler Charles Eaton (possibly Thomas C. Van Easton, founder of Eatonville) . . . The Eaton's daughter, Letitia Waldrick, was thus half Nisqually. The Steilacoom Tribe has no confirming documentation (STI Pet. Resp. 1994, Thompson 1993, 18-19).

As the petitioner stated, they submitted no documentation whatsoever concerning the given name of Charles Eaton's Indian wife, or showing that she was a daughter of Leschi. BIA researchers obtained some additional information, none of which confirms the claimed lineage. No such relationship was mentioned in the records relating to Leschi's documented daughter, Sarah, who married Chief Tom Stolyer, of the Puyallup Reservation (Haney and Haney 1972, 32; Haney and Haney 1973, 59).

The non-Indian progenitor was not Thomas C. Van Easton, but rather Charles H. Eaton. Charles H. Eaton, of Thurston County, "was Captain of the Puget Sound Rangers" (Notebook #7, INDWAR.1 - 12). He and his brother Nathan were listed on the 1850 U.S. Census, Lewis County, Oregon Territory (Fraley 1997, 1). Eaton was also listed in the 1860 Census with his five children. Charles and Nathan Eaton, and the role of Eaton's Rangers in the capture of Leschi, were discussed by Edward H. Huggins (Tacoma Public Library, Disk 1; Tacoma Public Library, Disk 2, BAR Files). Ezra Meeker's extensive discussion of the attempt of the Eaton Rangers to take Leschi and Quiemuth into custody makes no reference whatsoever to any in-law relationship between Eaton and Leschi (Meeker 1905, 76-81). No connection to a Steilacoom entity has been demonstrated by this line.

¹⁸⁸A photograph of the Swan Lake School, in the early 1900's, showed Sisie, Emma, Clara, Eliza, Flora, Amelia, and Hanna Fiander, from among 22 other students (Heritage League of Pierce County 1992).

Riell. Jean Baptiste Riel (born c. 1794) was an HBC employee at Cowlitz Prairie in the 1840's, having arrived with a wife and son in the 1841 Red River immigration (Jackson 1995). By 1850, he was married to a second wife named Catherine.

There is ample documentation concerning Catherine and her family.¹⁸⁹ Catherine, second wife of Jean-Baptiste Riel, was born between 1827 and 1835. On March 13, 1916, as Catherine Laramie of Yelm, Thurston County, Washington, she provided an affidavit for Thomas W. Bishop. She stated that she was "an Indian of the half blood belonging to the Nisqually tribe" and that she was born September 1835 at or near Fort Nisqually in Pierce County, Washington (Catherine (Riell) Laramie, Roblin Affidavit 3/13/1916, NARS RG 75, M-1343, Roblin Affidavit, Roll 4, Frames 132-133).

The petition described Jean Baptiste Riel's second wife as "Katherine McDonald Riell (who was born in Steilacoom and was a Steilacoom Indian)" (STI Pet. 1986, 2:134) and as "Katherine Riell, a Steilacoom Indian who was born in Steilacoom" (Thompson 1993, 13 *in* STI Pet. Resp. 1994). The issue of possible Steilacoom ancestry focuses on the petition's identification¹⁹⁰ of her

¹⁸⁹Her first marriage, by 1850 (1850 U.S. Census, Lewis County, Washington), was to a widower Jean Baptiste Riel, born about 1794 in Canada, who had come in 1841 with the Red River immigrants (Spry 1985, 109; Jackson 1995, 94). Her second marriage, August 2, 1871, Pierce County, Washington (Jylha, *The Researcher* 1985, 17(2):57), was to Joseph Laramie/Launey, born about 1850 in Washington Territory (see affidavit, NARS RG 75, M-1343, Roll 4, Nisqually Indians).

1850 U.S. Census (Seattle Genealogical Society 1980, 103); 1860 U.S. Census, Cowlitz Twp., Lewis Co., WA, NARS M-653, Roll 1398, p. 234, #469/469 (U.S. Census 1860); NARS M-593, Roll 1683, 1870 U.S. Census, Thurston Co., WA, Yelm Precinct, p. 248r, #68/57 (U.S. Census 1870b); NARS M-593, Roll 1683, 1870 U.S. Census, Thurston Co., WA, Yelm Precinct, p. 248r, in household #73/62 (U.S. Census 1870b); NARS T-9, 1880 U.S. Census, Thurston Co., WA, p. 141, #76/77 (U.S. Census 1880b); 1889 Census, Thurston County (Olympia Genealogical Society 1987, 38); 1900 U.S. Census, Yelm Precinct, Thurston Co., WA, #69/70 (U.S. Census 1900b).

¹⁹⁰The Petition 1986 made a number of positive assertions concerning the "Steilacoom" identity of Anawiscom McDonald's wife Pe'ky or Elisabeth, stating that she was the daughter of Smatas, that her father Smatas traded furs at Fort Nisqually in the years around 1840, and that she had a brother, Joshua, married to a Snohomish woman named Justine (STI Pet. 1986, 2:59x). These were somewhat modified by the 1994 Steilacoom Response, as follows:

She was probably the granddaughter [*sic*] of Anawiscom (or Anawiscom) McDonald, a half-blood Muskegon Indian who associated with the tribe through marriage prior to the treaty . . . Evidence of the marriage of Anawiscom (a.k.a. Anawiscom McDonald a.k.a. William McDonald) into the Steilacoom tribe is located in Catholic Church records. Warner & Munnick (1972) list a half-blood Muskegon married to Pe'ky, "a Smaats." This is probably the same Steilacoom surname (based on Pe'ky's father's Indian name) found in later church records. Josue Smates (i.e., Joshua Smats) was listed in 1860 as being 'de la tribu de Steilacoom' (Baptism, Matrimonial and Funeral Records, Vol. II, Tulalip and Puget Sound, Oct. 15, 1857 to April 1868)" (Thompson 1993, 13 *in* Steilacoom Resp. 1994; see also STI Pet. 3:59).

mother as Steilacoom.¹⁹¹ The contemporary documents showed that although Catherine Riell was born near Fort Nisqually, her ancestry was not Nisqually or of any other local Indian tribe. Her parents married in the region of Fort Nisqually, but the church records of her father's baptism, his wife's baptism, and their marriage consistently identified him as Maskegon and his wife as being of the *nation* of the Semas or Smaats,¹⁹² not using this word as a surname. The age of the oldest son, Francois, would imply that the union took place prior to McDonald's settlement near Fort Nisqually:

29 January 1843 bap. Guillaume [Anawiscom dit McDonell in the margin], aged about 38 years, born of infidel parents of the nation of Maskegons (Warner and Munnick 1972, 74/75). 29 January 1843, bap. Elisabeth aged about 24 years, born of infidel parents of the nation of Semas (Warner and Munnick 1972, 74/75). 30 January 1843, m. Guillaume Anawiscom dit McDonell Maskegon by nation and farmer of this parish, and Elisabeth Semas by nation, wit. Jean Baptiste Lajoie and Joseph GrosLouis; recognize as legitimate children Francois aged 11, Catherine aged 7, Jean aged 5, Alexis aged 3 and Louise aged 3 months (Warner and Munnick 1972, 74/75).

The younger children had been baptized at Nisqually prior to the conversion and church marriage of their parents:

24 April 1839 bap. Cetty, age 5, b. of the natural marriage of Anawiscom McDonald and of Peko, Smaats by nation. Godfather Louis LaTour. Bap. John, age 2 years, b. of the natural marriage of Anawiscom McDonald and of Peko, Smaats by nation. Godfather Louis LaTour (Warner and Munnick 1972, 40/41).

1 November 1842 bap. Marie, age 12 days, natural daughter of one named McDonnell and of Payee Smas. Godfather Dominique Faron, godmother Josephite Sok (Warner and Munnick 1972, 72).

Francois, the oldest child, was baptized on the same day as his parents:

29 January 1843 bap. Francois aged about 11 years, natural child of William Anawiscom and of Elisabeth, Semas by nation. Godfather Marcelle Bernier (Warner and Munnick 1972, B 877, 73).

¹⁹¹The petition described Anawiscom McDonald was a "half-breed Muskegon" who accompanied Tolmie to Fort Nisqually in 1833 (STI Pet. 1986, 2:59x; citing Warner and Munnick 1972, A-53). This seems probable, although the 1870 census indicated that he was age 58, born in Scotland (NARS M-593, Roll 1683, 1870 U.S. Census, Thurston Co., WA, Yelm precinct, p. 248r, #69/67).

¹⁹²Neither the STI petition nor BIA researchers identified this tribal reference.

Many documents clearly show that Anawiscom McDonald's wife was Elizabeth Smaats. Catherine, the daughter of Anawiscom McDonald,¹⁹³ was not Steilacoom through her mother's lineage. Therefore, the family cannot be connected to a "Steilacoom" community through her mother's lineage.¹⁹⁴ The documented family line is composed of HBC and Canadian Indian descendants who developed ties to the Cowlitz and Nisqually because of the her father's and her first husband's HBC employment.

Gorich/Sears. Catherine Gorich (b. 1862) stated on her affidavit that her father was Carl Gorich, a non-Indian. She said that her mother, Ewytheda or Mary, Slaim, her maternal grandfather James Slaim,¹⁹⁵ and her grandmother Squatum, were full-blood Nisqually. Her mother had been born at Steilacoom and died December 24, 1871, age 50 (Catherine (Gorich) Sears, Roblin Quinault Affidavit, 4/5/1913, NARS RG 75, M-1344, Roll 2, Frames 674-675, Case No. 37). However, her half-brother, who said that he was born at Gig Harbor, provided a different tribal ethnicity for their mother, stating:

My mother was known to the whites as Mary, her Indian name was Wy-chem-ah. She was a full blood of the Chimacum and Puyallup blood. That her father was a Chimacum, and a near relative of Mrs. Barr, my wife, and to Lucy Poetewaw, who are sisters, and that my mothers-mother was a Puyallup, she died at Puyallup during September of 1872 (James Barr, Roblin Affidavit 9/3/1917, NARS RG 75, M-1343, Roll 4, Frame 0340).

Catherine Gorich married Asa Sears, widower of Ellen LaTour (see above), in 1880. Thus, this Sears line is related to the LaTour/Crist line, but through the paternal, non-Indian, side of the family.

¹⁹³Catherine Riel was certainly too old to be a *granddaughter* of Anawiscom McDonald (b ca 1805-1812), as asserted by the 1994 STI Response passage quoted above.

¹⁹⁴The petition made the further statement, based upon its identification of Pe'ky/Elisabeth, wife of Anawiscom McDonald:

Some members of the Steilacoom Indian community fought on the side of the whites, serving in an Indian volunteer company: [William (Anawiscom) McDonald] served as private under Captain Henry Peers in the Cowlitz Rangers, a company of mounted volunteers, in the Indian War. of 1855-6. (Warner and Munnick 1972:A-53) (STI Pet. 1986, 95).

There is no evidence whatsoever that the service of McDonald can be connected with any "Steilacoom Indian Community." He was a long-time HBC employee.

¹⁹⁵The petition stated that James Slaim had a sister Soka-tallo who married Stolib (Snohomish). It stated that their daughter Katie, born 1830 near Snohomish, Washington, had a daughter, Emma (Northover) Bonney (STI Pet. 1986, 3:169f). BIA researchers did not locate any documentation of this claimed relationship between James Slaim and Katie Northover.

Greig/Spence. The petition asserted that, "Betsy Greig (Weha-ee-du-wit) was the daughter of a Steilacoom Indian named Teowawa and his Duwamish wife named Tu-dat-la-blo" (STI Pet. 1986, 2:149k).¹⁹⁶ This descendancy claim did not conform with the family's own Roblin testimony in 1913, which posited that Betsy Greig was "Full Blooded Indian, Puyallup Tribe and Quinault Tribe"¹⁹⁷ who married William Greig, a non-Indian, in 1851¹⁹⁸ (Letitia (Greig) Spence, Roblin Quinault Affidavit, 3/24/1913; NARS RG 75, M-1344, Roll 2, Frame 102). John Hayden [Hyton] provided an affidavit that Letitia (Greig) Spence, her daughter, was his first cousin (NARS RG 75, M-1344, Roll 2, Frame 106). Letitia (Greig) Spence (b. 1857), reported that she and her family had lived at Roy, Muck Creek, Pierce County, all her life. Edward H. Huggins suggested that Greig's wife Betsy, was "a decent Indian woman from a down sound"¹⁹⁹ tribe, and fifty or more years ago we called her 'Old Betsy.' She is alive today (i.e. 1905), and doesn't look more than fifty" (Huggins to Bagley 2/26/1905).

¹⁹⁶It also asserted that she was "related" to Betsy LaTour (e.g. STI Pet. 1986, 2:152m), and that Betsy LaTour was "related" to Catherine Gorich (STI Pet. 1986, 2:169d), without citing the evidence, or the nature of the relationship.

¹⁹⁷Roblin's field notes (1/13/1917) indicated Betsy was first married to Yoditbul, and lived on the Nisqually Reservation. After he died she married Greig.

¹⁹⁸Huggins recalled Greig as "a Scotsman -- fairly educated" who deserted from the British Army and joined the U.S. 4th Artillery, which was stationed at Fort Steilacoom, in 1849" (Huggins to Bagley, March 11, 1905, 6-7). After his military service he took a Donation Claim at Muck Creek in 1853. Greig joined the Hudson's Bay Puget Sound Agricultural Company in 1854. The Hudson's Bay Journal of Occurrences shows that Greig (Tlithlow Journal, November 1856 to March 1857) "took charge of Puget Sound Company farm, Tlithlow (orders of Dr. Tolmie) formerly in the charge of Wm. Dean" November 19, 1856. Huggins maintains that Greig served HBC for 15 years. Huggins also reported that:

... he took the claim (the company's station) he was then living on, about a mile north of Roy, upon the lower Muck Creek, a very pretty place, with some good bottom land upon it, and the creek, with Trout, plenty in it, running through it. Greig was permitted by the company to take the place, but of course he had only a Squatters right to it (Huggins to Bagley 2/26/1905).

Huggins (11/4/1900) reported that in 1863, two of Greig's neighbors, threatened to "jump" (i.e. occupy) his land, citing the fact that he was a former HBC employee, and that he had not obtained a formal claim to the land. As with Charles Wren (see above) a group of American pioneer settlers who had been similarly threatened banded together and shot MacDaniels and another person, named Gibson. Huggins reported that he convinced Greig not to join the "regulators" responsible for the vigilante justice. In 1870, these "regulators" were tried for the lynching but acquitted. Greig remained on this land.

¹⁹⁹Please note that when the writers refer to "down Sound" they may mean "to the north."

Letitia Grieg Spence married Henry Spence, whom she described as a "mixed blood," in 1872 (Letitia (Greig) Spence, Roblin Quinault Affidavit, 3/24/1913; NARS RG 75, M-1344, Roll 2, Frame 100). Henry Spence was from a Red River immigrant family.²⁰⁰

Sherlafoo. With the Sherlafoo family, the STI links to Cowlitz ancestry. Elizabeth (Sherlafoe) Smith (b. 1844) reported in 1911 that her father was John Baptiste Sherlafoe (Elizabeth Smith, Roblin Quinault Affidavit, 11/17/1911). A Jean Baptiste Chaulifoux was listed as an HBC servant at Fort Nisqually. Huggins recalled Chaulifoux as an Indian guide and as a saddle maker for Dr. Tolmie at Fort Nisqually (Huggins to Bagley 1904). Chaulifoux was among the métis who bought donation claim farms on lands vacated by the HBC on the Cowlitz Prairie in 1851.²⁰¹ Elizabeth Smith also stated in 1911 that Chaulifoux's wife Harriet Iusemuch, was Cowlitz. The Sherlafoo family, from both of Jean Baptiste Chaulifoux's marriages, is extensively documented (see STI GTKY File, BAR). During the 1970's, most, but not all, Sherlafoo descendants withdrew from Steilacoom membership in order to remain affiliated with the Cowlitz after the Cowlitz prohibited dual enrollment.

Cotonoire/LeGard/Byrd. This family line was adopted into the STI in the 1950's, based on ancestry from the Cowlitz Cotonoire family, but members of this family had been active in claims and enrollment activities since the 1930's. The marriage of Elizabeth LeGarde, daughter of Joseph and Mary (Cotonoire) LeGarde, to Joseph Byrd, son of Philip and Mary (Fidler) Byrd

²⁰⁰Henry Spence (b. 1844) was born at American Lake, at the source of Chambers Creek. The petition asserted that he was the son of Edward Spence and Margaret Pillsbury, a Cree (Thompson 1993, 11), but the BIA was unable to confirm this lineage. According to Letitia's daughter Blanche (Spence) Rediske, Henry descended from Archibold Spence, a Scotsman, and Margaret Spence, a Cree Indian. Archibold Spence was another Red River immigrant (Jackson 1984, 279; Galacci and Avey 1986). Spry linked Mary and John Spence to Archibold Spence, the Red River immigrant (Spry 1985, 109). BIA research located no documentation linking Letitia (Greig) Spence's husband to this family complex other than the Roblin affidavits (NARS RG 75, M-1344, Roll 2, Case No. 21).

²⁰¹Huggins wrote:

In 1850 there were a number of retired Hudson's Bay Company's servants owning fine large claims on Cowlitz Prairie principally French Canadians recollect some of them, Plomondeau, the oldest of all the old Hudson's Bay servants, Xavier Catman, Jean Baptiste Bouchard, Joseph Brulez, Cottendire, Marcel Benier, Joseph LeGard, Jean Batiste Chaulifoux, Peter Bercier, Eli Sareault. I have forgotten the names of a few of these Canadians for nearly all the first settlers on Cowlitz prairie were French Canadians and soon all these men sold out their fine tracts of land to Americans who in 1851-1852 commenced to flock into the country (Huggins 9/23/1900).

Several of these men married Cowlitz women (see Cowlitz GTKY File, BAR). Cotonoire and LeGarde were also ancestral to the STI through lines adopted in the 1950's.

(listed as "mixed") in 1876 established this line. The Byrds were among the Red River immigrant families.²⁰²

Even though the petition asserted that, "Mary Legard was a 3/4 blood Steilacoom Indian . . ." (STI Pet. 1986, 2:131), the line's link to any Steilacoom ancestors has not been demonstrated. In fact, Mary (Cottonoire) LeGarde's daughter, Elizabeth (LeGarde) Byrd, stated that her mother was a Cowlitz/Quinault descendant whose father was French-Canadian (see Elizabeth LeGarde, Roblin Quinault Affidavit, 3/24/1913, NARS RG 75, M-1344, Roll 1, 425-430),²⁰³ and stated that Mary lived in the area around Roy, Pierce County, Washington, all her life.

The petition asserted that:

The union of three children in the Byrd (aka Bird) of the Muck area to Steilacoom tribal members brought that Indian family into the tribal community: Orelia married Isaac Bastian, the son of Steilacoom's sister; Joseph married Elizabeth LeGarde, Isaac Bastian's first cousin through his mother; and Letitia Ann married Magnus Burston (STI Pet. 1986, 2:131).

and that:

By 1877 members of the Byrd family were firmly recognized as belonging to the Steilacoom Tribe. Not only were they Indians who has resided in the Roy area for over fifteen years, three of their seven children married Steilacoom tribal members (STI Pet. 1986, 2:132).

²⁰²Elizabeth LeGarde's husband, Joseph Byrd was the grandson of James Curtis Bird (b. 1772) an English Canadian and "Retired Chief Factor" of the Hudson's Bay Colony who settled at the Red River Colony prior to 1825 (Van Kirk 1980, 142). James Bird's twelfth son, Philip Byrd (b 1813) from Red River married Mary Fiddler (b. 1822) in 1844 at St. Johns, Manitoba. They arrived in Washington in 1855, and resided in Pierce County, as indicated in the 1860 Census.

²⁰³Elizabeth LeGarde's mother, Mary Cottonoire (b. 1836), moved to Roy, on the Nisqually River, south of Steilacoom, with her husband Joseph LeGarde in 1863. Mary (Cottonoire) LeGarde was born and raised at Cowlitz Prairie. In 1917 Mary (Cottonoire) LeGarde identified herself as Quinault. The 1854 Pierce County Census listed her father, Joseph LeGarde, aged 32, "married from Red River." He was a métis who worked for the Hudson's Bay company agricultural station at Cowlitz Prairie. Joseph LeGarde had moved to Roy in the late 1850's after selling off a donation claim landholding in or around the Cowlitz Prairie (Huggins 1900).

Mary Cottonoire's grandmother, Marie Cathier/Ketse, also lived on Cowlitz Prairie. Born a Quinault and adopted into the Cowlitz before 1855, she was the ancestor of some of the Cowlitz petitioner. Mary's grandfather, Michel Cottonoire, was French Canadian. Huggins recalled that Cottonoire was among a number of other servants of Hudson Bay, who "sold out their fine tracts of land to Americans who in 1851-1852 commenced to flock into the country" (Huggins 19??). However, the majority of the Cottonoire family remained at Cowlitz Prairie and are enrolled in the Cowlitz Indian Tribe. The Cottonoire descendants in Pierce County, Washington, descend from two individual women who married and moved there with non-Cowlitz husbands.

The primary problem with the petitioner's argument is that *none of these three Byrd spouses has been documented as part of a Steilacoom tribe*. Therefore, the marriages could not have had the effect of bringing these three Byrd families and the rest of the Byrd extended family into the Steilacoom tribe. There is no documentation that Rosalie, wife of Isaac Bastian Sr., was a sister of any of the men named Steilacoom (genealogical analysis undertaken for the Cowlitz proposed finding indicated that Rosalie Bastian was Montesano; see Cowlitz GTKY File, BAR). Elizabeth LeGarde was of Cowlitz/Quinault/Red River descent, and Magnus Burston was descended from another of the Red River immigrant families (see STI GTKY File, BAR). In 1919, descendants informed Charles Roblin that Philip and Mary (Fidler) Byrd were ½ Nisqually (Roblin affidavit of John M. Burston, NARS RG 75, M-1343, Roll 4, Nisqually Indians, Byrd Family), but these 1919 quotes were the only source that the petition cited as “[e]vidence that Philip and Mary Byrd and all their children were accepted as members of the Steilacoom Tribe” (STI Pet. 1986, 2:141a). In sum, the Cottonnoire/LeGarde/Byrd families are composed of Cowlitz métis, Quinault, former HBC employee, and Red River descendants.

Cottonnoire/Lyons. The family line of Lyons, like the Byrds above, was primarily a combined Cowlitz/Red River/métis line. Louise Lyons (b. 1884) reported that her grandfather was David Cottonnoire (b. 1833), a 3/4 Cowlitz/Quinault son of Marie Cathier/Ketse. David Cottonnoire, as mentioned above, was the uncle of Elizabeth (LeGarde) Byrd. David was “born on the Cowlitz and has always lived there” (Louise E. Lyons, Quinault Affidavit 4/7/1913). Her mother, Delia Lozier (b. 1858) was ½ Cowlitz and remained in the Cowlitz River area. Louise Cottonnoire's siblings regarded themselves as Cowlitz or Quinault, and were married to the Petes (Quinault/Cowlitz) or Plamondons (Cowlitz). Louise (Cottonnoire) Lyon's reported her husband, John T. Lyons, as “mixed” and “1/4 Cherokee Red River (Manitoba)” (Louise E. Lyons, Quinault Affidavit 4/7/1913, NARS RG 75, M-1344).²⁰⁴ Louise (Cottonnoire) Lyons reported that she lived at Olequa until 1902, when she moved briefly to Puyallup and then to Roy, along Muck Creek.²⁰⁵ (Muck Creek is a tributary to the Nisqually River, about 11 miles south of Steilacoom). These documents did not display any links to a Steilacoom entity. In sum, like the Cottonnoire/LeGarde/Byrd line, the Cottonnoire/Lyons families in the STI membership are descended from Cowlitz métis, former HBC employees who married Indian wives, and Red River immigrants.

Calder/Wren. The Calder and Wren families descended from Nancy Budd (b. 1797), a Canadian Red River métis woman (Sprague and Frye 1983, #624 Calder, #4151 Raine). She first married Michel Reine, of Strasbourg. The name “Reine” was converted to “Wren.” Their second son Charles Wren, married successively two sisters, Elizabeth Ross (1829-1859) and Marie Amelia

²⁰⁴John T. Lyons appears to have been the grandson of John Henry Lyons, Sr. (b. 1812), another Red River immigrant, who married Nancy Gibson (b.c. 1802). The 1878 auditor's census for Pierce county showed them living in the Muck Precinct. His son John Henry Lyons Jr., (b. 1843, and probably John T. Lyons' father), married Louisa McKay, a descendant of the Greig/Spence family line (Warner 1993).

²⁰⁵The petition maintained on the basis of the family's oral tradition that Lillie Lyons, a daughter of Louise (Cottonnoire) Lyons, was kidnaped in 1873 and taken to Nisqually, and that the Lyons family was living around Tlithlow (STI Pet. 1986, 2:152i). If they were living along Muck Creek, a location at Tlithlow was plausible. There was no supporting evidence, however, of any kidnaping.

Ross, both of whom came from the old line of metis descendants of HBC employee Charles Ross (d. 1844).²⁰⁶ Charles Wren, like his father, was a servant of the Hudson's Bay Company, and he worked at the HBC Colony Puget Sound Agricultural Farm, and resided in the vicinity of Fort Nisqually. He was among the former HBC employees arrested and arraigned for Court Martial in 1856, toward the end of the Indian uprising (Proceedings of a General Court Martial or Military Commission 5/20/1856).²⁰⁷ Charles Wren was part Cree, from the Winnipeg area, an ancestry confirmed by all other available contemporary documentation (Sprague and Frye 1983, #4141 Raine; Jackson 1995, 266). However, in 1913, his daughter reported to BIA Special Agent Charles Roblin that Wren had been "Chehalis & Quinaielt Indian" (Annie (Wren) Dougherty, Quinault Adoption Affidavit, 3/19/1913, NARS RG 75, M-1344, Reel 2, Frame 212, Case No. 23).

Around 1863, two American settlers, MacDaniels and Gibson, attempted to frighten Wren into surrendering his land, and eventually succeeded in driving him and his wife to Vancouver, British Columbia (Light 6/19/1893). However, Wren's daughter Annie (b. 1850) remained in Pierce county at Muck Creek, where she married James Dougherty (Annie (Wren) Dougherty, Roblin Quinault Affidavit 3/19/1913, NARS RG 75, M-1344, Roll 2, Frames 211-215, Case No. 23). Her descendants were important in events relating to the petitioner's development in the 1930's, but none of her descendants are on the current STI membership list.

Nancy Budd's second marriage was to Horatio Nelson Calder.²⁰⁸ Horatio Calder was another of the Red River immigrants (Galucci and Avey 1986). Their son, Charles Horatio Calder (b. 1850) may have married Marguerite Burston, a Lyons family descendant (see above) (STI Pet. 1986, 152j),²⁰⁹ but the name in the marriage record has also been read as Benton and Baston [Benston] (Jylha and Bilow 1988, 6), in which case she would have descended from a different HBC family. In sum, the Calder/Wren family line was composed of ex-HBC employee and Red River families.

²⁰⁶Charles Ross's son John (b. 1823) married Genevieve Plamondon, Cowlitz métis daughter of Simon Plamondon (Simon Plamondon himself was French Canadian). Another sister Catherine Ross (b. 1834) married Henry Murray. Murray had a donation claims holding close to Charles Wren and William Greig (see below for a discussion of the Greig line).

²⁰⁷He seemed to have had other difficulties at this time with neighbors. Huggins recalled being challenged in 1852 by Charles Wren; and neighbors while conducting a land boundary survey for HBC's Puget Sound Agricultural Company (Huggins to Bagley 1905).

²⁰⁸The petition (STI Pet. 1986, 63a) cited Warner (Warner and Munnick 1972) as describing "Horatio Nelson Calder . . . [as] half Indian." In his Oregon donation land claim, File No. 4044, Calder stated that he was born at Painted Creek, Southern Edmonton, a Hudson's Bay trading post east of the Rocky Mountains, and he "believes himself 3/4 white" (*Genealogical Material* 1959, 78).

²⁰⁹The Calder family was also related to the Byrd family through Harriet Calder (b. 1806) who married David Byrd, a brother of Philip Byrd who remained in Canada (see STI GTKY File, BAR).

Layton. This line descended from Mary Gosom (b. 1846), who married Drewery Martell. Their daughter, Mary Jane Mathews, married Samuel Layton in 1895. Their names appeared on Cowlitz County, Washington property deeds. Their son Lewis (b. 1896) applied to the Cowlitz in 1930's and was rejected. He was adopted into the STI in the 1950's.

3.6.3 Discussion: Who were the STI ancestors?

The STI Petition suggested that identification of the STI ancestresses with tribes other than Steilacoom was either because they had moved from their childhood homes among the Steilacoom to their husbands' homes after marriage or because they had enrolled on the reservations in order to obtain land. The first argument, based on the Southern Coastal Salish custom of sometimes identifying with the villages where one lived after marriage, would be plausible only for women who married other Indians and moved to other Indian villages: it would not apply to women who married white men and lived with them on farms. For the second argument to be plausible, the few STI ancestresses who did enroll on reservations would have to show some kin-based connection with people who had lived in the known Steilacoom villages on Chambers Creek and Clover Creek or with people otherwise independently verified as Steilacoom Indians. The evidence did not show any such connection, nor did the reservation-enrolled Indian collateral relatives of other STI direct ancestors identify themselves as of Steilacoom descent in 19th century documents. Rather, they identified themselves in other ways.

The Indian women ancestral to the STI who married former HBC employees were not Steilacoom. BIA research showed, rather, that Yalulitsa aka Betsy LaTour was probably Nisqually. Her children and grandchildren identified Saspolitsa aka Florence Smith as Puyallup. Elizabeth LeGarde was Cowlitz/Canadian Indian. Louise (Cotonoire) Lyons was Cowlitz/Quinault, and most of her mother's line remained with the Cowlitz. Nancy (Budd) Calder Wren was a Red River Canadian métis woman, and her sons, contrary to the petition's assertion, did not marry Steilacoom Indians. Betsy Cushner was descended from Duwamish and Skobobish parents on her mother's side, and Puyallup on her father's: the rest of the Cushner line remained enrolled with the Puyallup. Chelalicum aka Rosie Dean was of Snohomish and Yakima background. Margaret Cabana's mother was described by descendants to Roblin as from one of the Clallam bands around Jamestown. Jenny Eaton's background is unknown. Catherine Riell was the daughter of Anawiscom McDonald, Muskegon and Elizabeth/Pe'ky of the Smaats nation. Mary Elizabeth (Slaim) Barr Gorich, the mother of Catherine (Gorich) Sears, was Nisqually or Chimacum/Puyallup according to the statements of her children. Harriet Iusemuch Sherlafoo was Cowlitz. The mother of Letitia (Greig) Spence was Puyallup. The background of Mary Gosom, ancestress of the Layton family, is unknown, but it was identified as Colville in the 20th century.

3.7 Social interaction and political organization in the second half of the 19th century.

The petition also maintained that the STI ancestors were Steilacoom because they maintained social contact with known Steilacoom Indians, as well as Nisqually and Puyallup Indians. The following subsections will continue the description of Indians and ex-HBC employee ancestry, and describe, as well as the information allows, where the petitioner's ancestors, and others claimed by the petition as antecedents, were living and what they were doing. This subsection

will show that the Indians claimed by the petition as antecedents were residing increasingly on reservations during the period after the Treaty of Medicine Creek, were integrating increasingly into the Nisqually and Puyallup reservations, and were not interacting intensively with the petitioner's ancestors. It will also show that many of the Indians labeled "Steilacoom" in the STI petition considered themselves Nisqually or Puyallup.²¹⁰

There was practically no evidence that the descendants of ex-HBC employees and their Indian wives, and Red River immigrant descendants, were integrating into any on- or off-reservation Indian communities between 1854 and the early 20th century, whether or not such communities were specifically identified as Steilacoom. Rather, evidence from both before and after the Medicine Creek treaty revealed that they were both very much separate from the Indians and somewhat, but to a much lesser extent, distinct from the local non-Indians. The evidence also showed that while these people were somewhat distinct from the other local non-Indians, they did not comprise any specific settlement or community where they were a distinct or dominant group.

3.7.1 Indian off-reservation residential villages, the petition's "pockets," and the issue of assimilation of children into the mother's ancestral village

The STI petition maintained that after the Treaty of Medicine Creek, there continued to be five "major Extended [*sic*] winter village communities: cHt'il3q3babsH (Steilacoom), sast^q (Sastuck), spanuwe (Spanaway), sIgWalIcHu (Segwallitchu),²¹¹ and TlihLo (Tlithlow)" which were inhabited by "Steilacoom Indians" until the 1880's (STI Pet, 1986, 1:22). For further information, please see the discussion of these same village sites in the early contact period in section 2.²¹²

At first glance, the petition's description appeared plausible. For example, Haerberlin, relying primarily on the Puyallup Henry Sicade, maintained that "[t]en villages were enumerated for the

²¹⁰The pre-treaty permanent winter villages considered by the petition as Steilacoom were identified repeatedly as either Nisqually and Puyallup winter villages, or existed in fact as temporary settlements where Indians from throughout the area aggregated for wage work and trade. In settlements where Indian villages were known to have existed, there is no record that the villages remained after 1854 (see discussion in section 2).

²¹¹The petition cited as evidence primarily Marian Smith (Smith 1940, 8-15). In the Nisqually Objections, Cecilia Svinth Carpenter strongly asserted a Nisqually, not Steilacoom, identity for Segwallitchu (Nisqually Objections Preliminary Draft 1986, [3] in Nisqually Objections 1995).

²¹²Steilacoom was located on the north and south sides along Chambers Creek. Sastuck, located on Clover Creek, which empties into American Lake, was about four miles away from Steilacoom. American Lake is three miles upstream from Chambers Creek. Spanaway is located about nine miles southeast of Steilacoom on the shores of Spanaway Lake. Segwallitchu was located at the mouth of Segwallitchu Creek, where it empties into the Nisqually River. This location, in turn, is near the mouth of the Nisqually River about eight miles southwest of Steilacoom. Tlithlow was at Hillhurst, near the source of Murray Creek, about seven miles south of Steilacoom.

Nisqually; the head village was located at the junction of Muck Creek and the Nisqually River.” He added that “[t]he other villages, designated by the modern towns now standing on old village sites were: Hillcrest, Yelm, Rainier, near Roy, south Tacoma, Dupont, Olympia, Elbe, Rochester [*sic*]” (Haeberlin 1924, *in* Haeberlin and Gunther 1930, 7-8).²¹³ Thus, if these Nisqually villages existed past 1854 it would have been reasonable to consider the possibility that five Steilacoom villages might have also continued to exist, with frequent marriage of their members with these Nisqually villages. However, Haeberlin provided no dates for the existence of the Nisqually villages (Haeberlin and Gunther 1930, 7-8), and BIA research revealed no evidence showing the existence of either the Nisqually or the Steilacoom villages past 1854, much less that there were identifiable Steilacoom Indians living at the alleged Steilacoom sites. Thus, if the petitioner’s ancestors were residing at these village sites in the second half of the 19th century, they did so as Euro-American settlers.

Determining residential patterns in evaluating this petition was particularly important because the petitioner maintained that ex-HBC descendants were residing in seven or eight “pockets” (STI Pet. 1986, 121, 134d) similar to Indian villages, and that these pockets were evidence of the existence of continuing Steilacoom Indian communities. The petition asserted that the Indian wives of non-local men “maintained their tribal affiliation” (STI Pet. 1986, 134f). In describing the “pockets,” it combined listings of STI ancestral families and known Indians from the later 19th century (STI Pet. 1986, 121-134). It asserted that all the Indians mentioned, such as the Winyer family, were Steilacoom (STI Pet. 1986, 134a), but this was not borne out by other evidence.

In describing the “pockets,” the petition stated that one “pocket” was located at Chambers Bay some time between the 1850’s and 1880’s, and was inhabited by James Stillbains, Sophia Cushner Runquist, and Elizabeth Jordan and her children, and “may have drawn other Indians” (STI Pet. 1986, 122-3). It described a second “pocket” as at Chambers Creek (elsewhere classified as Steilacoom River/Steilacoom Lake/Steilacoom waterfront (STI Pet. 1986, 112)), including everybody from Ce-col-quin (d. 1859) to James Meeker, Sam Young, and the parents of Mary Elizabeth (Slaim) Gorich Sears (STI Pet. 1986, 125). A third “pocket” was at Muck Creek/Roy and included Greig, LaTour, Bastian, and LeGard as “core” families, but also Byrd and Burston descendants (STI Pet. 1986, 112, 133a-133b). A fourth “pocket” was at Yelm, and included the Bertschy, Stone, and Cavanaugh (Cabana) descendants (STI Pet. 1986, 134). A fifth “pocket” was at Murray Creek/Tlithlow, and included the Deans (STI Pet. 1986, 112). A final “pocket” was located at Lake View/Clover Creek, and included Satewaya (who died 1859) as headman (STI Pet. 1986, 134c), although elsewhere the petition classified Sate-way-a as at the Steilacoom River/Steilacoom lake/Steilacoom waterfront settlement (STI Pet. 1986, 112).²¹⁴

²¹³Hillcrest is about seven miles from Steilacoom; Yelm is 16 miles south of Steilacoom; Rainier is 5.4 miles southwest of Yelm; Dupont is five miles southwest of Steilacoom, toward Nisqually; Olympia is 17 miles southwest of Steilacoom, along Puget Sound; Elbe is 23 miles southeast of Roy, on the Nisqually, River, and 34 miles southeast of Steilacoom; Rochester is 37 miles southwest of Steilacoom.

²¹⁴ The petition maintained that Satewaya’s family were viewed by the Puyallups as being “of one of the tribes which became Puyallups” (STI Pet. 1986, 134c).

The petition also maintained that the descendants of marriages between ex-HBC employees and Indian women tended to be assimilated into the cultures of the Indian villages from which the mothers originally came. It attempted to use the Kautz family to illustrate an asserted pattern according to which marriages between Indian women and non-Indian settlers resulted in the children being acculturated into the Indian culture (STI Pet. 1986, 141-141a).²¹⁵ However, the Kautz example involved the descendants of a couple who did not marry, and who remained together only through the 1850's. Their sons were born in 1857 and 1859 respectively. Kautz resumed the relationship after one assignment away from Washington Territory. The Kautz example was not in itself exceptional, for "[w]hen the Army was withdrawn from the Northwest at the beginning of the Civil War the Indian wives and families were effectively abandoned and usually left to find their own way in the world" (Reese 1978, 21). While this was not fully the case for the Kautz sons, after Lt. Augustus V. Kautz left Washington in 1861, to fight in the Civil War, he subsequently had nothing to do with his former companion Kitty,²¹⁶ although he had made provision for the children (Todd 1995, 82).²¹⁷ After their permanent separation at the outbreak of the Civil War, she was allotted and enumerated on the Puyallup Reservation (NARS RG 75, M-595, Rolls 302, 407; Puyallup Allotment Report, 1896), and subsequently married two non-Indian men (A. Boston Tillicum 1892).²¹⁸

²¹⁵The petition maintained:

During this period many of the Indians from Canada who came as part of the Red River party or as employees of the HBC were accepted for membership by the Steilacoom Tribe. This was part of a large regional phenomenon of tribal reaffiliation that was taking place. Many local Indians who moved onto the reservations designated for their spouses' tribes were accepted as equal members of that tribe and community (STI Pet. 1986, 141a).

²¹⁶Huggins (1905) stated that Lieutenant Kautz's union was with a woman named Kitty. In his diaries, Kautz referred to his Indian companion, the mother of his sons Nugent and August, alternatively as "Kitty" and as "Etta."

²¹⁷Huggins explained that after Kautz left, he (i.e., Huggins):

saw a great deal of Kitty, as I acted for Lieut, afterwards General, Kautz, and looked after the woman as far as paying her \$20.00 a month for several years was concerned, \$10.00 a month to each of the boys, Gus and Nugent, and until I placed them, Gus with Cap. Gove, and Nugent with Wesly Gosnell. Gus is now an extensive farmer upon the reservation (Puyallup), and Nugent is a teacher at one of the Indian Colleges, Carlile [sic], perhaps. Augustus [Jr] was named by the Goves, after his father, and Nugent was named after Lieut. Nugent of Kautz company, who died at Steilacoom (Fort) the month of October, 1857 (Huggins 1905).

Kautz clearly left Huggins in charge of looking after land he had purchased at Steilacoom, so that his children could inherit it (Kautz to Huggins 7/11/1861, 4).

²¹⁸The petition stated that after a brief liaison with then-Lieutenant August Kautz (STI Pet. 1986, 74), Kitty moved to the Nisqually Reservation (STI Pet. 1986, 112). This may refer to her temporary 1858 residence on Nisqually while Kautz was in California, before she rejoined him upon his return to

Although the petition claimed that Kitty Kautz was Steilacoom,²¹⁹ this was only partially substantiated by the testimony of her sons. Maria Cushner's husband August Kautz made affidavit in 1917 that he was the son of Lieutenant August Kautz (who later became a General) and Ada Lahshmeer, "a full blood Indian woman, D'Wamish, Cowlitz and Steilacoom Indian Blood" (August and Maria Kautz, Roblin Affidavit 8/17/1917). In 1929, he described his mother as Addie Lashmere, 3/4 Cowlitz and 1/4 Nisqually, allotted on Puyallup (Puyallup Enrollment Application 2/9/1929, 4; STI Pet. Resp. 1994, R-131). The petition classified Kitty's son Augustus Kautz as Steilacoom. However, Augustus Kautz identified both himself and his wife Maria Cushner as Duwamish-Puyallup (August Kautz, Power of Attorney Cert. To T.G. Bishop, 4/15/1916). His brother, Nugent Kautz, was also consistently enumerated on the Puyallup censuses and was allotted there.

Aside from the significant fact that there are no Kautz descendants among the petitioner's membership, the experience of Kitty Kautz and her sons was not parallel to that of the STI ancestral families and was not representative of the petitioner's ancestors for two reasons. First, unlike the many long-standing marriages documented for the petitioner's ancestors, the union of Augustus Kautz and Kitty was not a legal marriage, and Kautz was not a permanent settler. Kautz was a professional soldier rather than a local farmer or HBC employee. Secondly, unlike the legal marriages of the non-Indian STI ancestors to their Indian wives, the Kautz children were not reared in a household headed by their father.²²⁰ Neither were they reared by their mother in her ancestral village. Rather, they were fostered out to OIA officials, and thus grew up on the reservations. Therefore, the Kautz sons maintained links to other Indians, while the vast majority of STI ancestors did not. In sum, the STI Cushner/Runquist line is composed descendants of an Indian woman and a former HBC employee whose daughter married another former HBC employee. While they are collaterally related to the Kautz family through the marriage of another Cushner daughter to a Kautz, the latter line had become integrated with the Nisqually and Puyallup tribes and was not identifiable as Steilacoom in the second half of the 19th century.

3.7.2 Former Hudson Bay Company employees and their families in the second half of the 19th century

The primary sources of evidence for the actual social interaction of the STI ancestral families came from donation land claims, census information, and Roblin affidavits. These sources

Washington (STI Pet. 1986, 2:149a)

²¹⁹The petition identified Ye-tak-ko (yEta'q'a) as one of the 6 identified signers of the Medicine Creek Treaty (STI Pet. 1986, 85).

²²⁰Huggins was explicit in showing that the status of the children from the relationship between Augustus Kautz and Kitty differed dramatically from the status of those born from the union of Augustus Kautz and the non-Indian woman whom he married after the Civil War. (Huggins to Bagley 8/4/1905, 1-2). Augustus Kautz had nothing to do with his Indian children after they grew up. Huggins added, in fact, that "After Gen. Kautz's death, in 1893, some shyster lawyer persuaded the two boys to claim their share of the Generals estate, but after an interview with Mrs. Kautz, they (the boys) abandoned the idea of troubling her" (Huggins to Bagley 8/4/1905, 1-2).

showed, first, that during the 1860's some of the descendants of the ex-HBC employees ancestral to the STI were indeed residing with their Indian wives (who were not Steilacoom, but came from a variety of tribes) as neighbors to one another. They were also living among other former HBC employees who were Donation Land claim holders, but who were not ancestral to today's petitioner, or even -- in many cases -- related collaterally or as in-laws to these STI ancestors. This subgroup of the petitioner's ancestors did not constitute a separate community in the 1860's through the 1880's: the community in which they lived consisted of a larger group of closely associated ex-HBC Donation Land Claim holders with whom they interacted.

The sources showed, second, that not all of the petitioner's qualifying ancestors resided in the settlement of ex-HBC donation land claim holders. Other families of the petitioner's ancestors were residing throughout Pierce county, attending school locally when public schools were available, and interacting with Puyallups and Quinaults on a limited basis throughout the latter half of the 19th Century. Others resided in Thurston County, and some were even more scattered (particularly the ancestors of the numerous lines adopted in the 1950's). It cannot be said that they comprised or characterized any kind of community, either Indian or non-Indian.

HBC Retirees. Table 4, showing Donation Land Claims granted to HBC settlers, shows that in the later 1850's and the 1860's, these men were witnessing each other's affidavits (Freeman et al 1980). The petition discussed many of these men as forming part of a post-treaty Steilacoom community antecedent to the STI, but the evidence did not fully confirm the petition's hypothesis about the nature of their social interaction. The act of witnessing for one another was evidence for social interaction among retired HBC employees, but it is not evidence for the existence of an Indian community. Many of these affiants had Indian wives, but the wives did not come from any single tribal origin. Not all of the families that comprised the ex-HBC settlement in the Muck Creek area in the later 1850's and 1860's later continued to be associated with STI ancestral lines.

Many of these HBC settlement families were not ancestral to the petitioner (see STI GTKY file, BAR). For example, Henry Barnes was a neighbor of the Benstons, as well as William Northover. The petition stated that the Northover family was Steilacoom/Snohomish (STI Pet. 1986, 164) and listed the family of Emma (Northover) Bonney as constituting one of the postwar residential "pockets" at Tlithlow (STI Pet. 1986, 152i, 158), but BIA research for the Cowlitz proposed finding did not document any Steilacoom ancestry for the Northovers: Roblin classified the family as Nisqually (BIA Roblin Report on Quinault Adoptions 1919b, Case No. 34, Case No. 35, Case No. 36; see Cowlitz GTKY File, BAR). William Northover was an HBC employee who became the ancestor to several lines of Indian families among the modern Quinault and Yakima, but he was not ancestral to any of the STI membership. Most of Thomas Aubrey Dean's descendants are not ancestral to the petitioner. Huggins, Light, Chambers, and Tolmie were important historical witnesses of the time and have been either discussed or cited earlier. None of them were Indians or ancestral to the petitioner. After the early 1860's, a number of people who had obtained these donation claims moved elsewhere.

It should also be noted that none of these donation land claims taken by STI ancestors and their HBC associates were within the Steilacoom aboriginal area as it would later be defined by the ICC (29 Ind. Cl. Comm. 481; *Steilacoom v. U.S.* 3/14/1973, 485-486).

TABLE 4
Donation Land Claims Summary

See Bonney 1927, 123-124, for a Total List of Pierce County, Washington, Donation Claims

First Name	Last Name	Location	Acres	Date (18__)	Affidavit Witnesses
Henry and Sarah	Barnes	Pierce	322.12	05-Sep-53	William Northover, Adam Benston, William Young, Edward Huggins, W.F. Tolmie, Thomas Dean, E.A. Light
Isaac and Rose	Bastian ²²¹	Pierce	640	01-Mar-44	Louis LaTour, [others?]
Michel, Jr. (d.) & Sophia	Cottinear ²²²	Lewis	461.19	01-Jan-50	Pierre LaPlante, Oliver Bouchard, Ignace Lozier, William Davis, Henry Miles, Joseph St. Germain, John R. Kindred
George	Dean ²²³	Pierce	160.78	01-Dec-53	Richard Fiander, Thomas A. Dean, George Heyward, William Sales
Thomas Aubrey	Dean	Pierce	160.54	01-Dec-53	Richard Fiander, George Dean, Thomas Dean, Adam Benston
Richard and Betsy	Fiander	Pierce	320	28-Jul-53	George Dean, T.A. Dean, William Young, William Northover

²²¹The family of Isaac and Rose Bastian, while not part of the petitioner's line, was important and well-known among the Quinault and Cowlitz, as well as among the petitioner. The petition asserted that Isaac Bastian was closely connected with the LaTour and Wren/Ross families. Charles Wren (Wren/Ross) later owned a portion of Bastian's land, and a copy of his will was later included in the Bastian family's papers. The primary social tie, however, came through the later marriage of one of his sons into the Byrd family (see Roblin affidavits).

²²²See the discussion above, under Sherlafoo. The Cottinear (i.e. Cottonoire) family, living in Lewis County to the south, appeared more associated with families living in the Cowlitz Prairie during the 1850's and 1860's. This observation reinforced the Roblin affidavits, which identified them primarily as Cowlitz.

²²³Brother of Thomas Aubrey Dean. Thomas Aubrey Dean was closely associated with Richard Fiander, whose brother Robert married into the Dean Family within the next generation. Adam Benston's children also intermarried. In turn, Richard Fiander and his brother Robert Fiander were associated not only with the Dean family, but also with William Northover, the Murrays (Ross descendants), and the McPhails.

First Name	Last Name	Location	Acres	Date (18__)	Affidavit Witnesses
Lewis (Louis) and Elizabeth	LaTour ²²⁴	Pierce	639.65	25-Dec-50	Isaac Bastian, Adam Benston
Joseph and Mary	LeGard	Pierce	320.72	28-Nov-53	Thomas A. Dean, Richard Fiander, Charles Wren, William Northover, William Greig,
John and Margaret	McPhail	Pierce	315.64	01-Feb-54	Lyon A. Smith, Henry Murray, John Chapman ²²⁵
Henry and Catherine	Murray	Pierce	640.16	01-Nov-53	Charles Wren, L.A. Smith
William and Kitty	Northover	Pierce	320.19	14-Jul-54	Henry Barnes, Richard Fiander, Edward Huggins, William Young, Robert Williams
Charles and Elizabeth	Wren	Pierce	640.7	15-Nov-49	Thomas Chambers, L.A. Smith, John McCloud, John M. Chapman

Roblin Affidavits - Retrospective Material. Roblin affidavits made for purpose of allotment on the Quinault reservation by individuals who were living during the period from 1854 to 1880 contained answers to questions Roblin asked about their ethnicity, where they were living, and those with whom they had associated.²²⁶ The information showed that most of these individuals reported associating either with HBC descendants or with descendants of other early pioneer marriages. Most of these people were marrying, between 1854 and 1880, either non-Indians or children of fellow HBC-descendant families. Only a few married Indians. Examples of Indian marriages included Ellen LaTour's first marriage to an Indian who died prior to 1864 (her second husband was non-Indian) and the marriages of some of the Cushner children (not including Sophia (Cushner) Runquist, the ancestress of the petitioner's members), and the marriages of two brothers of STI ancestress Catherine (Dean) Fiander. In other words, the Indian marriages took place primarily in STI collateral lines, not in STI direct ancestral lines.

²²⁴Wife Elizabeth, married 3/1/1835 [sic]. Declared intention to become U.S. Citizen. Children Ellen, Louis, Francis, and Agnes, who married Henry Andrews. See extensive discussion above.

²²⁵One of the founders of Steilacoom city, see 2.2 above.

²²⁶Please see Appendix 7 for summary charts of families ancestral to the STI, and their collateral relatives.

LaTour. Rose (LaTour) Andrews (b. 1864) said she recalled living at Fort Nisqually until 1873, when she moved to the outskirts of Fort Steilacoom with her grandparents Louis LaTour and Betsy (or Elizabeth) LaTour.²²⁷ She reported:

I was quite small when my parents died. My grandmother raised me. The Indians visited her and she them. I have several times visited Mrs. Mary Longfred (a full blooded Indian) and she has called at my place. She is now living at Nisqually. I have also visited with Mrs. D. Mounts. Jack Slocum and another Indian called at our place during my husband's last illness (Rose (LaTour) Andrews, Roblin Affidavit 3/22/1913, NARS RG 75, M-1344, Roll Frames 12-16)

Her recollections, however, did not fit well with contemporary census data, which showed Rose LaTour, as a child, not with her grandmother, but in the household of *Agnes* (LaTour) Andrews (b. 1835), another daughter of Louis LaTour and Betsy (and the first wife of Rose's future husband).

It was important to determine the accuracy of Rose (LaTour) Andrews' statements. The association she reported between her family and John Slocum, for example, would suggest that the LaTour descendants were involved at least to some degree in Indian life. There were numerous Indian families named Slocum in the later 19th century. The John Slocum who founded the Indian Shaker Church in 1883 (Barnett 1957) resided on the north shore of Hamersly's Inlet, on the west side of Puget sound directly across from Squaxin Island. Waterman noted that this location was where Slocum began the Shaker Religion, and that it had spread "as far as Vancouver Island to the north, and southward as far as the Klamath Reservation in southern Oregon" (Waterman 1920b, 7). It is a syncretistic religion that combines the beliefs of Christianity and the traditional spirit canoe ceremonies practiced by the Coastal Salish tribes at that time. There was no evidence, however, that the LaTours were involved with the Shaker religion.

Similarly, the Mrs. Mounts also cited by Rose LaTour was the Scottish/Cowlitz/Nisqually wife of Indian Agent Daniel Mounts mentioned above.²²⁸ Mrs. Longfred (b. 1847) was a Nisqually,

²²⁷This recollection had to be erroneous, as Louis LaTour was certainly dead by 1859 (Donation Land Claim Records; Pierce County, Washington, Probate File of Louis LaTour).

²²⁸Catherine (McLeod) Mounts was well documented as having been Scottish on her father's side and Cowlitz/Nisqually on her mother's side (see Cowlitz GTKY File, BAR). However, the petition asserted:

As early as January 1909 members of the Steilacoom Tribe, such as Catherine Mounts and Isaac Bastian, were "preparing the evidence in the case" to apply for adoption into the Quinault Tribe (Johnson to Commissioner, 1-8-1909). On June 24, 1909, Catherine Mounts, Isaac Bastian, John Longfred and their children were admitted into the Quinault Tribe by a vote of the council (Superintendent Johnson to Commissioner, 6-24-1909) (STI Pet. 1986, 2:197).

There was no evidence whatsoever that either Catherine (McLeod) Mounts or Isaac Bastian were ever

shown as residing on the Nisqually Reservation as late as 1912. Her husband John (b. 1859) was allotted on Quinault.²²⁹ Chief Mason was Quinault. There was no further information about the frequency or function of these contacts.

LeGarde/Byrd. Elizabeth (LeGarde) Byrd (b. 1863) stated that she and husband Joseph Byrd (m. 1876) lived around Roy, Pierce County, Washington all her life. Dickey (1994) maintained that this land was "east of Roy along Lacamas Creek [near] the claims of . . . George Dean" (Dickey 1994, 3-8). Joseph Byrd, listed as "mixed" by Elizabeth,²³⁰ had been a neighbor to her maternal grandfather Michel Cottonnoire.²³¹ She listed Isaac Bastian Jr., her husband's brother-in-law, as a Quinault allottee her family knew well. Elizabeth (LeGarde) Byrd also reported that she knew Louis Bastian, and John Bastian, and was related to them (Elizabeth LeGard Byrd, Roblin Affidavit 3/24/1913, NARS RG 75, 1344, Roll 1, 425-29).²³² The Cottonnoire family had associated primarily with the Cowlitz, and to some extent, the Quinault.

She also reported that although she did not attend school, all her children "went to public schools at Roy," presumably throughout the 1880's, and that her children later attended the Indian school at Chemawa (Elizabeth (LeGarde) Byrd, Roblin Quinault Affidavit, 3/24/1913, NARS RG 75, M-1344, Roll 1, 425-430).

Gorich/Sears. Catherine (Gorich) Sears (b. 1862) reported that her family had "always lived on farm near Fort Nisqually." Catherine's mother Ewytheda (Mary) Slaim, a Nisqually, "always lived in the vicinity of Steilacoom and Ft. Nisqually." She mentioned that her family associated with persons such as Chief William Mason, John Longfred, Frank Mounts, and Bob Vinn, who had all received allotments on Quinault. She also mentioned that "I have visited twice a year at Mason's, Wilcox, Gaifield, and Jackson's of the Qinault [*sic*] Tribe" (Catherine Gorich Sears, Roblin Quinault Affidavit [4/5/1913, NARS RG 75, M-1344, Roll 2, Frame 670, Case No. 37). Her daughter Mary Gimel [Jimel] (b. 1884) added that she and her mother visited "twice a year (financial conditions prevents more frequent visits)" (Mary Gimel, Roblin Quinault Affidavit 4/5/1913, NARS RG 75, M-1344, Roll 2, Frame 682).

"members of the Steilacoom Tribe." Elsewhere, the petition referred to "Steilacoom descendants whose families had taken up residence on reservations and thereafter lost their identities as Steilacoom Indians," including a reference to a visit with the Mounts family at Nisqually (STI Pet. 1986, 2:212). The Mounts were neither "Steilacoom descendants" nor reservation residents: they resided on a donation land claim.

²²⁹See extensive discussion of Mary Longfred, above. Although she was counted on the Nisqually censuses from 1886 through 1921 (NARS RG 75, M-595, Rolls 302, 407, 408, 564) and the Shipmans were allotted on Nisqually, her second husband was allotted on Quinault (NARS RG 75, M-1344; Quinault allottee #611, see Quinault Reservation census 1915, #414/411, NARS RG 75, M-595, Roll 564).

²³⁰He descended from one of the Red River immigrant families.

²³¹Isaac Bastian Jr. was the son of a French-Canadian ex-HBC employee whose first wife was a Montesano/Quinault/Cowlitz woman (see Cowlitz GTKY File, BAR).

²³²Aurelia Byrd, her husband's sister, had married Isaac Bastian Jr.: Louis and John were his brothers.

Catherine (Gorich) Sears reported two half-brothers, William Barr and James Barr, from the same mother (Catherine (Gorich) Sears, Roblin Quinault Affidavit, 4/5/1913, NARS RG 75, M-1344, Roll 2, Frame 675). Their father, George Barr, a non-Indian, was an employee at Hudson's Bay Tlithlow Station (Dickey ms, 5/16/1857). Other data showed the Barr brothers as associating with a group of Cowlitz/Klickitat Indians who lived in Pierce County in the later 19th and early 20th centuries (Tacoma-Pierce County Genealogical Society 1989, 2-3).

Sherlafoe. Elizabeth (Sherlafoe) Carroll Smith (b. 1844) reported that she and her non-Indian husband Henry Smith (b. 1822) lived around Steilacoom until 1864, and then moved to farm land near Roy. She made no statement of social relations with Indians (NARS RG 75, M-1344, Roll 3, Frame 211, Case No. 41). Elizabeth Smith's son William Burston Carroll (b. 1861) reported living at Roy and Lacentre, and associating with Frank and Catherine Schneider, the ethnicity of neither identified. As far as interacting with Quinault or other Indians was concerned, he said "we have come in contact with them only throught [*sic*] in a very meagre [*sic*] way." Although Elizabeth Smith said that she knew John Longfred and other Quinault allottees, William said only that he was "not posted on this matter" (William Burston Carroll, Roblin Affidavit 9/24/1917, NARS RG 75, M-1344, Roll 3, Frames 217-221).

Her sister, Josephene (Sherlafoe) Corcoran ²³³ (b. 1842) informed Roblin that she had lived at "Ft. Nisqually for about 6 yrs. And Cowlitz 6 yrs. Then Fort Nisqually rest of life" (Josephene Corcoran . Roblin Quinault Affidavit 3/22/1913, NARS RG 75, M-1344, Roll 3, 231-235). She claimed that they maintained social relations with the Indians around Nisqually, in that:

I have taken care of Indians in sickness . . . helped them at time of death . . . worship with them in their Church and helped them in many ways. My early childhood was spent among the Indians exc.[*sic*] And [*sic*] still live with Indians (Josephene Corcoran. Roblin Quinault Affidavit 3/22/1913, NARS RG 75, M-1344, Roll 3, 231-235).

It is neither clear what she meant by "Church" nor the time frame she was describing, within the twenty-five year cycle analyzed here. She may have been referring to the Shaker religion that arose around 1883, but since the Corcorans were Catholic, it is more probable that she was referring to St. George's Roman Catholic church on the Puyallup Reservation. She was also explicit in identifying herself as "of Cowlitz Blood." She and her family were not closely related by social interaction or kinship to other identified STI ancestors who lived in Pierce County, Washington, in the later 19th century. Rather, the Sherlafoo, although they became participants in STI claims activities from the 1930's through the 1960's, were peripheral to the petitioner during the later 19th century. Josephine Corcoran herself was not ancestral to the petitioner, since the modern STI members descend through her sister.

²³³Josephine (Sherlafoo) Corcoran, Elizabeth's sister, had married Dominic Corcoran in 1857. Her non-Indian husband Dominic Corcoran had attempted to settle land later taken by the Federal government as the Muckleshoot Reservation (see Elder to McKinny 6/28/1867). She maintained that she and her sister Elizabeth Smith (b. 1844) associated with John Longfred and his family.

Cabana/Gardner. The petition mentioned the Stone family as residing at Yelm by the later 1860's (STI Pet. 1986, 134). The context was that there were two interrelated families. Margaret Riell, wife of Jacques Stone/Lapierre, was the daughter of a French-Canadian/HBC father and a Cowlitz mother (see STI GTKY File, BAR). The petition indicated that this couple and their children were living near Yelm in Thurston County, Washington, by the late 1860's (STI Pet. 1986, 134).

The children of Jacques and Margaret (Riell) Stone intermarried with another STI ancestral family, Cabana/Gardner. The mother Catherine, wife of Frank Cabana, was one of "the spit Indians located at the Dungeness Spit near the Jamestown Indian Band, in Clallam Co." Frank Cabana was a non-Indian of Canadian English/French parentage and died in 1867 in British Columbia (see STI GTKY File, BAR). This couple's daughter, Margaret Cabana, was born in British Columbia, and was married there, on April 19, 1864, to Moses Gardner, of Canadian English parentage (U.S. Census 1910b, ED 196, 6A). The Gardners moved near Yelm in Thurston County, Washington, in the 1870's (STI Pet. 1986, 3:152o). Their son, Frank Gardner, born about 1867/1869 in Seattle, King County, Washington, married in 1889 to Marie Stone, daughter of Jacques and Margaret (Reill) Stone. In 1919, Roblin listed them as unenrolled members of the Clallam tribe (Roblin 1919, 29). Frank Gardner later remarried and lived at Roy in Pierce County (U.S. Census 1920a). Joseph Cabana, a son of Frank and Catherine, married Louise Stone, daughter of Jacques Stone/Lapierre and Margaret Riell, about 1887 (Olympia Genealogical Society 1987, 11) and continued to live in Thurston County as late as 1900 (U.S. Census 1900b, 136B).

As far as later 19th-century social interaction among the STI ancestral lines is concerned, the STI petition discussed the documentable Stone/Cabana interaction at Yelm (STI Pet. 1986, 152o). Concerning interaction outside of this extended family, it mentioned only that in 1869, Harriet LaTour married John Bertschy from Yelm Prairie (STI Pet. 1986, 134), but showed no indication that the the Bertschy couple associated with the Cabana/Gardner/Stone family complex during the 1870's and 1880's (STI Pet. 1986, 152p).

Eaton. The 1860 census of Thurston County, Washington, listed Charles Eaton and his children in his household.²³⁴ The facts that Charles Eaton's donation land claim records did not mention a wife and that no wife was listed in the census imply that he was not legally married to the Indian²³⁵ mother of his children. The Donation claim named as his heirs-at-law his parents, Nathan and Betsy Eaton of Paulding County, Ohio. The men who provided supporting affidavits for Eaton were not other STI ancestors (Seattle Genealogical Society 1980, 149). They included Thomas W. Glasgow and Jacob Waldrick, who later married Eaton's daughter Letitia.

²³⁴#244: Eaton, Charles H., 41, farmer, b. NY; William Eaton, 7; Mary Eaton, 9; Letitia Eaton, 9; Jane Eaton, 5; J. Eaton 5 (male), all children b. WT (Moyer 1931-32, 88).

²³⁵One source of evidence that his wife was Indian was Huggins, who stated that Thomas Glasgow, an American settler, "got rid of his Indian wife, and married a daughter of Charley Eatons, a half-breed" (Huggins to Bagley 5/6/1905, 4-5).

The petition claimed that Eaton married a daughter of Leschi (STI Pet. Resp. 1994, Thompson 1993, 18-19), but provided no supporting documentation. It is unlikely that a relationship between Eaton and a daughter of Leschi, if it had existed, would have escaped the notice of contemporaries, for Leschi was well known. A contemporary explained:

Leschi is an Indian of more than ordinary wealth and power. He is in possession of farming land, which he has heretofore cultivated near the Nisqually River, between Packwood's ferry and the crossing of that stream at the Yelm. He has some good, substantial houses on his place and to all appearances would indicate that he might live there comfortably (Wiley 1855, 8, *in* LESCHI.IND).

The data available did not indicate any social interaction between Eaton's descendants and other STI ancestors in the 19th century.

Grieg/Spence. This was another family, like that of Joseph Byrd and his wife Elizabeth LeGard, in which the daughter of an HBC/Indian family married into a Red River immigrant family during the later 19th century in Pierce County, Washington. According to Huggins, Greig's squatter's property in the 1850's was at Tlithlow, which was located in what is now the Fort Lewis Military Reservation, about seven miles southeast of Steilacoom.²³⁶ It was near the HBC Tlithlow outstation where Greig had worked (Dickey 1994). His Donation Land Claim was located on Muck Creek between the donation claims of Charles Wren and John McPhail (see discussion above). All these holdings were about a mile above Joseph LeGarde's Muck Creek donation claim.

Huggins wrote that by 1905, daughter Letitia Spence resided with William Greig and Betsy at S'Gukuas. Letitia Spence herself reported that she "... always lived in Indian settlement on Muck Creek, Pierce County" (Letitia (Greig) Spence, Roblin Quinault Affidavit, 11/8/1911, NARS RG 75, M-1344, Roll 2, 100). Regarding other interaction, she maintained that:

I have visited on the Quinaielt Reservation with Chief Mason and family, and William Mason (a son of Chief Mason) and family, and with William Garfield and family, and Harry Shale and. . . and George Underwood and family frequently, but never resided on the Reservation, the period covers many years. Have always lived in Indian settlement on Muck Creek, Pierce County (Letitia (Greig) Spence, Roblin Quinault Affidavit, 11/8/1911, NARS RG 75, M-1344, Roll 2, 101)

It is not clear what was meant by the phrase "Indian settlement," since the immediate neighbors were not Nisqually or Puyallup -- or Steilacoom -- Indians. The reference may have been to the identifiable settlement of former HBC employees who had married Indian wives and taken donation land claims, but it may also have been to the Nisqually reservation, which was not far from the Greig family's land.

²³⁶See Walter Ross, a clerk for the company acting as farm manager (Nisqually Journal, Nov. 8, 1851).

Smith/Brown. The Roblin affidavits revealed little about the social relationships of Mary F. (Smith) Lewis Brown or her eleven children, other than that they visited Isaac Bastian and Chief Mason, whom Mary claimed as cousins (Effie Brownfield, Roblin Quinault Affidavit 2/4/1913, NARS RG 75, M-1344, Roll 3, Frame 598). She reported that she had resided at Steilacoom from 1855 through 1873, resided at Puyallup in 1874, and then at Kamilche in Mason County from 1874 through 1913. She stated that the children attended school at Tulalip “until 14 yrs” and then St. George’s Academy, at Puyallup, Washington (Mary F. (Smith) Brown 3/26/1913, Roblin Quinault Affidavit RG 75, M-1334, Roll 3, Frame 590).

Summary. During the later 1850’s, the 1860’s, and the 1870’s, continuing through the remainder of the 19th century, the Indian women who were STI ancestors, residing in households with non-Indian heads, interacted regularly with non-Indians. The majority of their children and grandchildren who signed Roblin affidavits married non-Indian spouses or spouses from other HBC or Red River families.

Documents created during the second half of the 19th century did not show that most of the STI ancestral families interacted closely with Steilacoom or other Indians. The later Roblin affidavits asserted that there had been some interaction between STI ancestral families and both reservation and off-reservation Indians, but did not claim that it took place between any tribal grouping of STI ancestors and reservation or non-reservation Indians, whether they were Steilacoom or from other tribes. Individual STI ancestral families visited uncles and cousins on Quinault. A woman from a different family attended church near the Puyallup reservation. A third lived at Muck Creek, but though she described it as an Indian community, neither Federal nor OIA census records confirmed her description. The Red River immigrants who had come from Manitoba did not have immediate relatives among the local Indians at all in the later 19th century, but some of the men were employed on the reservations by the OIA and their children were beginning to marry into HBC descendant families who did have collateral relatives in a variety of the local tribes. The Layton and Pearl STI ancestral families did not reside in Pierce or Thurston Counties, Washington, during the second half of the 19th century. These families, along with some of the Cowlitz descendants, were adopted into the STI organization in the 1950’s.

4. 1880-1919: THE LATTER 19TH CENTURIES AND THE EXERCISE OF THE ROBLIN ROLLS

During the forty year period between 1880 and 1919, land disputes involving the early settlers diminished. However, a number of other developments generated documentation which contributed to an understanding of both the history of the reservation Indians the southern Puget Sound region and the lives of the STI ancestral families.

4.1. Chronological Outline of Events

In 1890, Eells reported that the Nisqually and Squaxin reservations were both more isolated than the Puyallup; the children were sent to boarding schools “on other reservations” and their tribal courts, police, and other governmental activities were developing (Eells to COIA 9/2/1890, 226-27). The 1900 population of the Puyallup Reservation held steady at 556, almost identical to the

1885 count. However, the Nisqually population had dropped to 107, less than 60 percent of its 1885 population. The reasons for the differing population trends on the two reservations were not clear from the reports. Clearly, many enrolled Indians were living off reservation. Agent Frank Terry reported that “to these [Indians counted on-reservation] are to be added Indians who are scattered about the country, and hence almost impossible to enumerate, yet who are under the jurisdiction of the agent, more or less, enough to swell the number to fully 2,500” (Terry to COIA 8/21/1900).

During the last two decades of the 19th century, the OIA developed a number of institutions which provided services to off-reservation Indian descendants as well as to enrolled members of reservation tribes. In addition to the construction of public schools in Pierce County at this time, the Office of Indian Affairs built a boarding school at Puyallup and a larger boarding school in Forest Grove, Oregon (later Chemawa), in 1885 (Marino 1990, 173). The boarding school at Puyallup averaged 50 pupils attending in the first year (R.H. Milroy to COIA 8/31/1880, 157-158). The annual report for 1885 showed that the Nisqually were sending their children to this school, and that the school’s enrollment had increased to 80. A school was built at Chehalis also (Eells to COIA 8/20/1885, 193-94). By 1900, the Puyallup Boarding School, now the Puyallup Indian Industrial Training School, had an average daily attendance of 249 (Terry to COIA 8/21/1900). It would later be attended by STI ancestor John Frederick Steilacoom. St. George’s Mission School (Catholic), located just off the Puyallup reservation (Terry to COIA 8/21/1900, 397-399), was also attended by both Indian children from the reservations and by children from STI ancestral families (see Roblin affidavits). The petitioner submitted evidence which documented that between 1900 and 1920, four children from the LaTour family lines attended the Cushman Indian School (STI Pet. 1986, E-19, Exhibit #15, E-21, Exhibit #17).

Other developments, such as the allotment of the Puyallup reservation, also generated documentation which threw some light on the persons whom the petition defined as “Steilacoom.”²³⁷ Starting in the 1890’s and lasting through the turn of the century, the allotment holders on the Puyallup reservation experienced pressure from land speculators who wished to profit from selling land to the Northwest Pacific Railway Company.

At the same time that some Puyallup Indians were in danger of losing their land, the Quinault were enrolling and allotting Quinault reservation lands to unallotted Indians from other reservations (such as Chehalis) and off-reservation Indians and Indian descendants. Documents show that as early as 1909, the Quinault Tribe approved the adoption applications of many of the individuals claimed as “Steilacoom” by the petition (STI Pet. 1986, 3:197-198, 3:201). These

²³⁷Eells reported that in 1885 the Puyallup Reservation was “near to and adjoining the city of Tacoma” and had “about 7 miles of railroad running through it.” The 1885 population of the Puyallup reservation remained around 560, and the Nisqually around 180, approximately the same populations reported for around 1880. Apparently, the number of people enrolled on the reservation had reached a stable level. Eells reported in 1890 that the City of Tacoma, “which has doubled its population within the last two years, and now numbers about 40,000 people . . .” impinged on the 18,000-acre reservation. Eells warned that “. . . it would be very unfortunate if they [i.e., the Puyallup] should be allowed to sell any of that [land], for if they should they would very soon be crowded out and in a short time be obliterated as a tribe altogether” (Eells to COIA 9/2/1890, 226-27).

early adoptions included Sarah Benston, Susie Beckwith, Isaac Bastian, Robert Jackson, John Longfred, Catherine Mounts, Mud Bay Sam, Charles Pete, and Sarah Sickman (Johnson to COLA 6/24/1909; Johnson to COLA 7/22/1909). Sarah Benston was a descendant of Adam Benston, and related to the Cushner/Kautz family. Bastian has been noted among the Roblin affidavits above as a close associate and relative of the petitioner HBC descendants. Catherine Mounts was the daughter of Indian Agent Dan Mounts and his half-Cowlitz/Nisqually wife Catherine McLeod, who were close associates with the HBC descendants. Mud Bay Sam was a well-known early leader of the Indian Shaker religious movement (Barnett 1957). Bastian and Longfred had applied for allotment sometime shortly before July 16, 1909 (Johnson to COLA 6/22/1909). None of these people have descendants in STI membership.²³⁸

4.1.1 Quinault Adoption Affidavits

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

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

Local Indian agents argued that one goal of the allotment process was to settle several different tribes on a reservation "other than the Quinaielt, Quileute, Hoh, and Quitso tribes, and that the reservation was not to be regarded as solely for the occupancy of the Quinaielt and Quileute Indians" (Johnson to Superintendent 5/8/1911).

On December 4, 1911, the Superintendent, Cushman Indian School, Tacoma, Washington, offered "suggestions to facilitate the enrollment of Indians eligible to allotment under the Act of March 4, 1911" (Cowlitz Petition Ex. A-961). The superintendent suggested calling a council of the Clallam tribe to revise their roll, "and that this schedule be accepted as the roll from which allotments to the Clallam tribe be made . . ." (CIT Pet. Ex. A-964 - A-965). The Superintendent maintained that "all Indians in Washington west of the Cascade Mountains who had not been definitely located on some reservation" should be included. He based his conclusion on the observation that "all the Indians in western Washington, except the Neah Bays, were under one jurisdiction" (CIT Pet. Ex. A-966).

Numerous Indians and Indian descendants from throughout western Washington, from a variety of tribes, applied for allotments on the Quinault reservation under the above act. A large number

²³⁸Generally, for the period 1880-1920, the petition asserted that certain persons were members of the "Steilacoom tribal community" who were neither ancestral to the current petitioner nor of documented Steilacoom ancestry (STI Pet. 1986, 2:154f). However, these marriages (Sears/McPhail, Northover/McPhail, and Byrd/McPhail) did, to some extent, illuminate social interactions among the descendants of HBC/Indian and pioneer/Indian marriages in the Pierce County region.

were "adopted" by the Quinault council in 1912, an action that was later revoked after an extensive BIA investigation.²³⁹

From 1911 through the spring of 1913, the BIA had taken the position that "adoptions" were needed before those previously enrolled would be allotted on Quinault. According to the superintendent:

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

The Bureau reversed this policy in a letter dated March 5, 1913 (Superintendent, Taholah Indian Agency to COIA 12/14/1926, citing COIA to Jackson 1/14/1914; CIT Pet. Ex. A-436):

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

On March 21, 1913, the Chehalis *Bee-Budget* reported that Secretary of the Interior Franklin K. Lane had ordered allotments at Quinault for members of the Cowlitz, Clallam, and Squaxon tribes. The paper reported that these allotments were to be made by Superintendent Johnson of the Cushman Indian School and F.R. Archer (CIT Pet. Narr., 59; CIT Pet. Ex. A-844). By 1919,

²³⁹Roblin explained:

From an examination of the evidence submitted, the report of the proceedings of the council, and the report of the Superintendent of the Cushman School, who conducted the council, it is apparent that the members of the council were carried away with a spirit of generosity and "adopted whole families, in some cases containing scores of members, without properly considering the merits of the claims advanced (Roblin to COIA 1/31/1919, 1 RG 75, M-1344, Roll 1, Frames 2-56, Report on Quinault Adoptions).

He further explained that he received "[u]gly rumors of 'graft'" in which "More than one of the applicants has admitted to me that he paid money to the then dominant spirit of the tribe in return for his support in the council. The members of the tribe freely make the accusation now (Roblin to COIA 1/31/1919, 2).

however, the BIA's Central Office took the position that no instructions had been issued to the allotting agents (Finch R. Archer and H.H. Johnson, former superintendent) to allot Indians from Georgetown Bay Center as far south as the Columbia River, on the Quinault reservation.²⁴⁰

Special Agent Charles E. Roblin undertook two extensive investigations. The earlier, begun in 1916, was intended to reconsider adoptions made for purposes of allotment on the Quinault Reservation (NARS RG 75, M-1344). The other, begun in 1917, was intended to list landless Indians who resided off-reservation and perhaps required services from the Federal government (NARS RG 75, M-1343).

Roblin filed his Quinault report in a document with the handwritten date of January 31, 1919 (Roblin 1919b). In relation to applications for Quinault allotments, he had collected documentation concerning eighty-two cases.²⁴¹ These included nine families directly or collaterally ancestral to current STI members, and are listed by case number and eldest household member applying in Table 5 below. For a more detailed summary please refer to Appendix 4.

TABLE 5
Summary Chart of Roblin Quinault Applicants Ancestral to the Petitioner
(Roblin to COIA, rec. 2/8/1919)

Please see Appendix 4 for text summaries on these families.

Case No.	Petitioner Family Line/Family Members	Tribe of Origin Claimed on Affidavit
21	Greig/Letitia Spence	Puyallup/husband Cree
23	Budd/Wren/Annie Dougherty, mother*	Quinault/Chinook
28	Cottonoire/LeGarde/Byrd/Louise Spencer	Cowlitz
29	Cottonoire/Lyons/Louise L. Lyons	
30	Cottonoire/LeGarde/Byrd/Elizabeth Byrd, mother	Cowlitz
37	Gorich/Sears/Catherine Gorich Sears	Nisqually
38	LaTour/Andrews/Rose Andrews	Nisqually/Cowlitz
41	Sherlafoo/Smith/Elizabeth Smith, Died March 29, 1913*	Cowlitz
52	Smith/Brown/C.L.W. Brown and Mary F. Brown, wife	Puyallup

* Individuals are part of family lines ancestral to the petitioner, but themselves are not ancestral to members of today's petitioner.

²⁴⁰See the November 17, 1919, BIA letter saying that no allotments were to be made at Quinault for unenrolled Indians pending legislation in Congress; CIT Pet. Narr., 57; CIT Pet. Ex. A-424 - A-425). The letter of December 14, 1926, surveyed the history of the Quinault allotment project and was designed to clarify the situation (Superintendent to COIA 12/14/1926; CIT Pet. Ex. A-434).

²⁴¹He added an unspecified number of additional cases as a result of a council meeting held December 18, 19, and 20 of 1918.

Roblin recommended that all these family lines be rejected for Quinault adoption. As shown in Appendix 9, the first reason was that the individuals had been marrying, and continued to marry, non-Indians. The second (and related) reason was that “[they] live in white communities” and “the family severed tribal relations long ago, and are citizens of the state” (Roblin to COIA 2/8/1919).

4.1.2 Thomas Bishop and the Northwest Federation of American Indians

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

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

Bishop made clear that his advocacy applied to the descendants of pioneer marriages between off-reservation and on-reservation Indians.

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

While 4.1.3 will show that Bishop's activities helped bring about the Roblin enrollment process, there is no evidence of direct involvement in the NFAI by the petitioner's ancestors as an organized group. Thus, for example, Bishop never traveled to Washington, D.C., and advocated on behalf of the Steilacoom as a group, as he did for the Duwamish (see BAR Duwamish Anthropological Technical Report).

4.1.3 Roblin Enrollment

In 1916, COIA Cato Sells reported that he had “. . . received from Thomas Bishop a large number of applications for enrollment and allotment with the Indians of the Quinaielt [*sic*] Reservation.” Sells asked special agent Charles E. Roblin, in 1916, to complete two tasks. The first was to collect or verify applications and to assist individuals applying for land on the Quinault Reservation.

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

For more detail on the Quinault process, see above.

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

group families together and show in addition to the names, both English and Indian, the age, sex, family relationship, amount of Indian blood, and of what tribe or band, where born, and place of residence up to the present time, and if allotted on the public domain or elsewhere; also amount of property owned, and if they have paid taxes and voted as citizens in their home states. The residence, county, and state of the applicant should also be given (Sells 11/27/1916, 7).

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

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

Sells further explained this ruling by adding that a history of tribal interaction was important, a fact that Roblin himself made plain to the applicants.

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

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

Roblin collected affidavits from pioneer-marriage Indian descendants of both treaty and non-treaty tribes, from Indians of treaty tribes whose names were not included on the reservation

rolls, and from enrolled Indians who were hoping for allotments.²⁴² He did not include the latter on the listing generally called the Roblin Roll (Roblin 1919). According to Roblin, in his Report to the COLA, on January 31, 1919, many of the applicants had applied in response to Bishop's activities, and were descendants unaffiliated with any tribes.²⁴³ The information included did not indicate if and how Roblin decided whether or not the applicant was affiliated with a tribe. In the process of receiving applications, Roblin "had to interview all comers because it has been impossible to eliminate those who had no possible claim, without taking their testimony and evidence, afterwards determining its value" (Roblin 1/31/1919, 3).

4.2. The principal STI ancestral families during the latter 19th century and Roblin Enrollment Years

The discussion will show that most of the HBC descendants who were ancestors of today's STI membership ancestry remained in Pierce County, where they engaged in logging, farming, and labor. Women were mostly housewives. The primary information used to analyze these patterns will include Federal Census information for 1900, 1910, and 1920,²⁴⁴ and Roblin Quinault Enrollment affidavits. The Federal census records for 1900 and 1910 are important because the enumerations included special "Indian Population" schedules which requested, among other items, the tribal affiliation of the individuals listed on them. Census information also helps

²⁴²After reviewing their applications, Roblin found that:

There are many members of other tribes, in the Puget Sound country especially, who are not allotted; and some few who are not enrolled. I have prepared schedules of those I found who are not enrolled, but have excluded from the schedules those who are now enrolled, even though not allotted (Roblin 1/31/1919, 7).

²⁴³Roblin reported that:

Another class, and by far the larger class, are descendants of Indian women who married the early pioneers of the country and founded families of mixed-blood "Indians". In many cases these applicants and families have never associated or affiliated with any Indian tribe or tribes for several decades or even generations. Many of them had never made any claim for recognition by the United States Government until a few years ago.

It appears that this sudden interest of persons of mixed Indian blood, in obtaining their "rights" and "What is justly due" them, results from the activities of a few mixed-blood Indians who started a movement a few years ago for this purpose. This movement ripened into the organization of the Northwestern Federation of American Indians. The leading spirit of this organization is Mr. Thomas G. Bishop, its President (Roblin 1/31/1919, 2).

²⁴⁴ For 1900 and 1910, the BIA researcher reviewed the schedules for Pierce County, Washington (U.S. Census 1900a, U.S. Census 1910a), Thurston County, Washington (U.S. Census 1900b, U.S. Census 1910b), and Mason County, Washington (U.S. Census 1900c, U.S. Census 1910c) page-by-page with the exception of the listings for the city of Tacoma. See the List of Sources under the heading: United States, Bureau of the Census, for full citations to the NARS microfilm series and roll numbers.

characterize residential patterns. The census could therefore also be useful in determining whether or not the petitioner's ancestors were living near Indian settlements. However, the usefulness of the 1900 and 1910 censuses for this purpose is limited because some Indian families were enumerated out of sequence, on the special schedule sheets. As a result, it is difficult to determine whether the HBC descendants were interacting with the Indians, or living in close proximity. The Roblin Roll information provides some anecdotal information on what these people were doing, and whether or not they were interacting with Indians.

4.2.1 Census data

The 1900 Federal Census of Pierce and Thurston Counties, Washington, included several Indian population schedules.²⁴⁵ The standard enumeration schedules, on the other hand, identified several families ancestral to the petitioner as "In" ethnicity, but not enumerated on the "Indian Population" schedules. Consistent with other records, the sole family identified as having "Steilacoom" tribal origin was that of John Steilacoom, his wife Anna, and their son John (U.S. Census 1900a, 114B, E.D. 152, sheet 1, #3/3).

The petitioner provided a photograph captioned "John and Indian Annie on their houseboat at Steilacoom beach. Note dugout canoes. Photo taken circa 1895" (STI Pet. Resp. 1994, R-167). A news article was published in the *Tacoma Ledger* about 1906 (Kellogg 12/20/1981), shortly after the death of John Steilacoom Sr. (Lonely Grief c1906). The article described her as "granddaughter of Steilacoom John, once chief of his tribe" (Lonely Grief c1906). Kellogg's article indicated that local citizens purchased the houseboat for her after her husband had died in 1906 (Kellogg 12/20/1981). The petition maintained that John Steilacoom was an "interfamily leader for Steilacoom/Dupont area" (STI Pet. 1986, 190c-190f). Neither petition documentation nor BIA research provided any evidence that John Steilacoom was a village headman, or exerted any other form of leadership over the petitioner's ancestors or any other known Indians.

The 1910 Federal Census²⁴⁶ Thurston County, Washington, Indian Population schedules of Mud Bay Precinct identified three families (none of which is ancestral to the petitioner or documented as having had social interaction with the petitioner's identified ancestral families) as having Steilacoom tribal ancestry.²⁴⁷ In Mud Bay Precinct, there were also numerous other Indians with

²⁴⁵For Thurston County, see Indian Population, Mud Bay Precinct (U.S. Census 1900b, 130A); Indian Population, Yelm Precinct (U.S. Census 1900b, 139A). These did not refer to any of the petitioner's ancestors.

²⁴⁶No Soundex index has been prepared for the 1910 Federal census for the State of Washington. The BIA researcher read the schedules for Thurston County (U.S. Census 1910b), for Kamilchie Precinct in Mason County (U.S. Census 1910c), and for the rural precincts of Pierce County, omitting a search of the city of Tacoma (U.S. Census 1910a).

²⁴⁷Kattie, wife of Peter John, age 44, was identified as "Steilakoom," overwritten to "Nisqualli," her father as Steilakoom and her mother as Nisqualli (U.S. Census 1910b, E.D. 294, sheet 4x, line 7). Sophia, wife of Dick Jackson, age 64, was identified as "Steilacoom," overwritten to Nisqualli, with her parents as Steilacoom (U.S. Census 1910b, E.D. 294, sheet 4x, line 14). Louise, wife of James Tobin,

a variety of tribal designations. STI ancestral families were identified in Rainier Precinct²⁴⁸ and Yelm Precinct.²⁴⁹ Yelm Precinct also had Indian Population schedules designated as "Nisqually Indian Reservation (part of)," which contained several families, none of which were identified as having Steilacoom ancestry (U.S. Census 1910b, e.d. 296, sheet 7A).²⁵⁰

The 1920 census no longer utilized the special Indian Population schedules. Therefore, identification of individuals as Indian provided no information concerning tribal affiliation. Few families ancestral to the petitioner were located on a survey of the Thurston County, Washington, precincts where they had resided in prior censuses.²⁵¹

The 1900 Federal census of Thurston County, Washington (U.S. Census 1900b) enumerated numerous families mentioned by the STI petition,²⁵² and also included several Indian Population schedules. The 1900 census of Mason County included only one family of the petitioner's ancestors, that of Mary (Smith) Lewis Brown in Kamilchie Precinct (U.S. Census 1900c,

age 49, was identified as Steilacoom, both of her parents as Steilacoom, and all overwritten to Nisqualli (U.S. Census 1910b, E.D. 294, sheet 8A, #8/8).

²⁴⁸The family of Charles Waldrick, age 49, w[hite] (U.S. Census 1910b, E.D. 295, Sheet 5A, #100/100) and the descendants of Catherine Riell (U.S. Census 1910b, E.D. 295, Sheet 6B, #133/133, #134/134, #135/135).

²⁴⁹Dora (Bertschy) McVittie and her family were identified as w[hite] (U.S. Census 1900b, E.D. 396, sheet 5B, #64/67; Margaret (Cabana) Gardner was identified as Ot[her] (U.S. Census 1900b, E.D. 296, sheet 6A, #90/95).

²⁵⁰There was no requirement imposed that the tribal identifications be those of Federally acknowledged tribes. In Rochester Precinct, Thurston County, Washington, the Indian Population schedules for the Chehalis Reservation included Chinook, Cowlitz, Klickitat, and Satsop; no individuals were described as having Steilacoom ancestry (U.S. Census 1910b, E.D. 299, sheet 14A).

²⁵¹The family of Dora (Bertschy) Mcvittie was still in Yelm Precinct, enumerated as w[hite] (U.S. Census 1920b, E.D. 393, sheet 12A, #285/288); the Riell descendants were still in Rainier Precinct (U.S. Census 1920b, E.D. 381, sheet 8A, #159/159, #160/160, #161/161). Yelm Precinct showed a listing for the family of George Wells [aka George Steilacoom in the STI petition narrative] (U.S. Census 1920b, E.D. 393, sheet 7B, #155/157). Like all the other Indian families listed nearby, they were counted as w[hite] with a marginal note that the former Indian Reservation was on a separate schedule (repeated, U.S. Census 1920b, E.D. 393, sheet 13A, with the note "Indian Reservation. No longer a Reservation").

²⁵²For example, in Mud Bay Precinct, the families of John Fiander (U.S. Census 1900b, 127B, E.D. 21, sheet 6, #112/113) and Frank Young (U.S. Census 1900b, 127B, E.D. 221, sheet 6, #113/114) were listed. In Rainier Precinct was the family of Letitia (Eaton) Waldrick (U.S. Census 1900b, 131B, E.D. 222, sheet 1, #21/22); in Yelm Precinct, the families of Delphine Gourd and Margaret Gardner (U.S. Census 1900b, 134B, E.D. 222, sheet 4, #73/73, #73/74), listed as "In" but not on the special schedule sheet; Joseph Cabana and Dora (Bertschy) McVittie listed as "white" (U.S. Census 1900b, 136B, E.D. 222, sheet 6, #123/124, #126/128). In Mansfield Precinct there was an entry for "Steilacoom," an Indian, age 90, born in Washington, with his wife, also Indian, also age 90 and born in Washington (U.S. Census 1900b, 171B, E.D. 225, sheet 7, #138/140).

Soundex index, E.D. 138, sheet 10, line 19). Ten years later, in Mason County, Kamilchie Precinct, Mary (Smith) Lewis Brown and her family were all also identified as w[hite] (U.S. Census 1910c, E.D. 159, sheet 3A, #51/51).

In Pierce County,²⁵³ there were families ancestral to the petitioner located in the precincts of Hillhurst (see discussion below), Steilacoom,²⁵⁴ Lake City,²⁵⁵ Spanaway,²⁵⁶ and Roy.²⁵⁷

²⁵³For Pierce County, the BIA researcher read the census of all rural precincts, scanning for families ancestral to the petitioner, but did not make a page-by-page search of the city of Tacoma. A Soundex index exists for the 1900 Federal census for the State of Washington. The BIA researcher also made spot checks via Soundex for individual families which did not appear in this census scan. All Indian families on the Indian Population special schedules for Tacoma were identified as Puyallup (U.S. Census 1900a, 304A ff).

²⁵⁴The first section of the special Indian Population schedule for Steilacoom Precinct (U.S. Census 1900a, 114A, E.D. 152, sheet 11) included two families, those of Jimmy Havergood and that of John McKee. The Havergoods were identified as Flathead. The McKee family (John McKee was married to Anita Steilacoom, sister of John Frederick Steilacoom), was identified as "Quin-Chuck." The second section (U.S. Census 1900a, 114B, E.D. 152, sheet 1) contained the families of John Steilacoom (including his wife Anna and son John [Frederick]) and of Henry Shelton. The tribal identification for the Steilacoom family was "Steilacoom," that for the Shelton family was Snohomish.

The descendants of Sophia (Cushner) Runquist were enumerated on the regular population schedules, as w[hite] (U.S. Census 1900a, 104A-104B, E.D. 152, Sheet 1, #16/16).

²⁵⁵The family of Catherine (Gorich) Sears, she identified as ½ Indian and her children as 1/4 Indian (U.S. Census 1900a, 111B-112A, E.D. 152, sheet 8, #199/204); the family of Rosa (Latour) Andrews, she identified as In[dian] and her children as ½ In[dian] (U.S. Census 1900a, 112A, E.D. 12, sheet 9, #202/207).

The non-ancestral family of Daniel and Catherine (McLeod) Mounts, frequently mentioned in the petition, was also in Lake View Precinct, she identified as In[dian] and her children as ½ In[dian] (U.S. Census 1900a, 112A, E.D. 152, sheet 9, #204/209).

²⁵⁶Thomas Dean, head, w[hite], m[ale], born August 1832 in Scotland, age 67, married for 45 years; Rose, wife, In[dian], f[emale], born 1834 in Washington, age 65, had borne 16 children of whom 9 were living' Lillie, daughter, w[hite], f[emale], born February 1883 in Washington, age 17 (U.S. Census 1900A, 134A, E.d. 154, sheet 4, #63/63).

²⁵⁷Roy Precinct had Indian Population schedules (U.S. Census 1900a, 153A, E.D.155) which continued for two full sheets, but contained no families ancestral to the petitioner. Most were identified as Nisqually, but also as Skagit, Snohomish, Quilleute, and Chehalis.

The families ancestral to the petitioner, and their relatives, were enumerated on the regular population schedules (U.S. Census 1900a, 147A, E.D. 155, sheet 5, #84/84; 147B, E.D. 155, sheet 5, #97/97; 148A, E.d. 155, sheet 6, #102/102, #107/107; #108/108; 148b, E.D. 155, sheet 6, #116/116, #121/121; 149A, E.D. 155, sheet 7, #124/124, #125/125, #126/126, #127/127; 150a, E.D. 155, sheet 8, #140/140; 150B, E.D. 155, sheet 8, #152/152; 151A, E.D. 155, sheet 9, #164/164, #165,165; 152B, E.D. 155, sheet 10, #201/201).

Additional families discussed in the STI petition as associates of the petitioner's ancestors, or included on STI membership lists in the 1950's and 1970's, were located in Reservation Precinct,²⁵⁸ Hillhurst Precinct, Silverlake Precinct,²⁵⁹ Muck Precinct,²⁶⁰ Tanwax Precinct,²⁶¹ and Mountain View Precinct.²⁶²

The petition asserted that the 1900 Federal Census, Hillhurst Precinct, Pierce County, Washington (U.S. Census 1900a), showed a "Tlithlow (or Hillhurst) Community Pocket" (STI Pet. 1986, 2:180-181). However, this "pocket" consisted of five families identified as "Indian" by the census taker which were neither of documentable Steilacoom descent nor ancestral to the current petitioner.²⁶³ Similarly, the "Roy Community Pocket," asserted to exist by the petitioner (STI Pet. 1986, 2:181) consisted almost entirely of Red river immigrant families.²⁶⁴ The sole

²⁵⁸The Indian Population schedules for Reservation Precinct listed the Puyallup Reservation (U.S. Census 1900a, 81A-87B). Most tribal identifications were Puyallup, but several persons were described as Cowlitz, Squally, Cascade, Oregon, etc.

²⁵⁹Not all Indians who maintained tribal relations were enumerated on the Indian Population schedules. In Silverlake Precinct, for example, the Saterlick and Howard families were enumerated, as Indian, on the regular schedules. These families had ties to the Cowlitz Indians (U.S. Census 1900a, 129A, E.d. 153, sheet 3, #107/107, #108/108, #109/109, #110/110).

²⁶⁰The families of William Benston (his ½ Indian wife Sarah was identified as w[hite]) (U.S. Census 1900a, 131A, E.d. 154, sheet 1, #4/4); John Northover, also ½ Indian and identified as w[hite] (U.S. Census 1900a, 131b, E.D. 154, sheet 1, #14/14; Mary (Ross) Rice, ½ Indian and identified as w[hite] (U.S. Census 1900a, 131B, E.D. 154, sheet 1, #19/19); Fred Smith, 1/4 Indian and identified as w[hite] (U.S. Census 1900a, 132A, E.d. 154, sheet 2, #29/29); and Annie (Wren) Dougherty, ½ Indian and identified a w[hite] (U.S. Census 1900a, 132B, E.D. 154, sheet 2, #36/36).

²⁶¹Elizabeth (Sherlafoo) Smitha and her son Clarence Smith, Cowlitz descendants listed on prior STI rolls (U.S. Census 1900a, 143A, E.D. 155, sheet 1, #1/1, #2/2).

²⁶²The Horsfall family (U.S. Census 1900a, 146B, E.D. 155, sheet 4, #72/73).

²⁶³These families were those of Emma (Northover) Bonney, daughter of William and Katie (Stolib) Northover; and four Barnes siblings, one of whom, Sarah, was married to Adam Benston (STI Pet. 1986, 2:180). The census listings are for John G. Barnes, ½ Indian, a white wife, and children 1/4 Indian (U.S. Census 1900a, 102B, E.d. 151, sheet 15, #299), Emma Bonny, ½ Indian, and children 1/4 Indian (U.S. Census 1900a, 101B, E.D. 151, sheet 14, #280/280); Henry Barnes, ½ Indian (U.S. Census 19001, 102B, E.D. 151, sheet 15, #304/304), and Adam Benston Jr., ½ Indian, and his wife Sarah (Barnes) Benston, ½ Indian, with her sister Anna G. Barnes, ½ Indian (U.S. Census 1900a, 102B-103A, E.D. 151, sheet 15, #307/307). These families were all of HBC/Indian descent (see STI GTKY file, BAR).

²⁶⁴The petition itself listed the names as Byrd, Calder, Spence, Throssell, Montgall, Burston, and Lyons (STI Pet. 1986, 2:181-182). The census listings in Roy Precinct, for families not on the Indian Population schedules, indicated all families perceived as non-white by the 1900 enumerator as "B," even when other annotations on the census make it clear that he knew the origin, as when he listed Susan Rowland, widow of William Rowland, as "B," but indicated her birthplace as "Canaday Ind," that of her father as "Canaday Eng," and that of her mother as "Canaday Ind" (U.S. Census 1900a, 148A, E.D. 155,

exception, the family of Henry and Letitia (Greig) Spence,²⁶⁵ descended on the father's side from Red River immigrants and was thus related to the remainder of the settlement.

Owing to boundary changes, the STI ancestral and associate families that had been enumerated in Lake City Precinct, Pierce County, in 1900 were listed in Dupont Precinct in 1910. Unlike 1900, the ancestral family of Rosa (LaTour) Andrews (U.S. Census 1910a, E.D. 193, Sheet 1A-1B, #3/4) and the associated family of Catherine (McLeod) Mounts (U.S. Census 1910a, E.D. 193, Sheet 1A-1B, #1/1, #1/2, #1/3) were listed on the Indian Population schedules. Mrs. Mounts was listed as Quinault and white; Mrs. Andrews as 1/4 Nisqualli and 3/4 white.

In Steilacoom Precinct, Pierce County, the descendants of Sophia (Cushner) Runquist were, as in 1900, listed as w[hite] on the regular schedules (U.S. Census 1910a, E.D. 194, sheet 1A, #1/1, #8/8; sheet 2A, #31/32; sheet 3A, #51/52). The child John Frederick Steilacoom was not counted in the Steilacoom Precinct in 1910; his sister Anita's widower, John McKay [spelled as Mckee] was enumerated with McKay's mother on the special Indian Population schedules, and identified as Puyallup (U.S. Census 1910a, E.D. 194, Sheet 7A, #1/1).

In Silver Lake Precinct, Pierce County, Rosa Dean was enumerated in the household of her son George Dean, as a 70 year old w[hite] woman (U.S. Census 1910a, E.D. 197, Sheet 12A, #207/212). Her daughter Catherine (Dean) Fiander was also enumerated as w[hite] in the household of her husband (U.S. Census 1910a, E.D. 197, Sheet 12B, #214/220). In Earl Precinct, however, her son Thomas Dean was enumerated on the Indian Population schedule as Snohomish, his father English and his mother [i.e., Rosa] Snohomish (U.S. Census 1910a, E.D. 286, Sheet 1B, #7/7).²⁶⁶

The groupings in Thurston County and in Pierce County's Muck Precinct (U.S. Census 1910a, E.D. 202, Sheet 5A, Sheet 5B, Sheet 7B) and Roy Precinct were essentially unchanged from 1900, beyond slight movement by individual households.²⁶⁷ In 1910, however, a significant number of the Red River immigrant households were listed on the Indian Population schedules in Roy Precinct (U.S. Census 1910a, E.D. 202, Sheets 6A-6B, E.D. 203, Sheets 5A, 5B, 6A, 6B, 7A, 7B), with the tribal origins of the families given predominantly as white, Cree, and, in some cases, Nisqualli. Emma (Northover) Bonney was identified as white/Snohomish (U.S. Census 1910a, E.D. 203, Sheet 5B, #6/6) and Elizabeth (Cottonoire/LeGarde) Byrd was shown as

sheet 6, #102/102). All these families were interrelated and of documented Canadian Indian descent, but were neither descended from nor affiliated with the historical Steilacoom Indians (see STI GTKY File, BAR).

²⁶⁵U.S. Census 1900a, 148B, E.D. 155, sheet 6, #116/116.

²⁶⁶This in accordance with the Roblin affidavits concerning the tribal origins of Rosa Dean.

²⁶⁷The household of John and Louise Lyons had moved to Orting Precinct (U.S. Census 1910a, E.D. 205, Sheet 4B/13B, #99/99).

white/Hupa (U.S. Census 1910a, E.D. 203, Sheet 5B, #7/7). None of these, as families or as individuals, was identified as Steilacoom.²⁶⁸

Elizabeth (Sherlafoo) Smith was still living in Tanwax Precinct, next door to her son Clarence Smith (U.S. Census 1910b, E.D. 204, Sheet 10A, #88/88, #89/89). However, her son Fred Smith was living in Muck Precinct (U.S. Census 1910a, E.D. 202, Sheet 5B, #1/1).

The 1920²⁶⁹ census no longer utilized the special Indian Population schedules. Therefore, identification of individuals as Indian provided no information concerning tribal affiliation.

Individual families in Pierce County, Washington, still appeared predominantly in the precincts where they had resided in prior censuses.²⁷⁰ Some movement was noted: for example, Frank Gardner, of the Thurston County Cabana/Gardner line, was now living in Roy Precinct in Pierce County (U.S. Census 1920a, E.D. 227, Sheet 2A). This census provided no data to contribute to the issue of determining tribal ancestry or tribal affiliation.

In Mason County, Kamilchie Precinct, Mary (Smith) Lewis Brown and her family were all identified as w[hite] (U.S. Census 1920c, E.D. 157, Sheet 3B, #71/74).

4.2.2 Roblin data concerning social interaction

The Roblin affidavits for 1916 provided anecdotal information noting that some of the LaTour family interacted with Puyallup and Nisqually Indians. For example, John Andrews reported that he associated with Jimmy Cross, a Puyallup Indian (Smith 1940, 84-85). However, as mentioned before, none of the people identified as Steilacoom by the petitioner were noted by anthropologist Marian Smith,²⁷¹ and there is no further detail on exactly how the petitioners'

²⁶⁸The Roy Precinct schedules covering the Nisqually Indian Reservation were not grouped with the above Red River families (U.S. Census 1910a, E.D. 315, sheet 1B). Of individuals asserted by the STI petition to be associated with "Steilacoom" families, Mary Longfred was identified as Nisqually, her father Cowlitz and her mother Chehalis (Line 30), while Antone Jackson, age 72, was identified as Chehalis, with his father Cowlitz and his mother Chehalis (Line 24).

²⁶⁹A Soundex index is available for the 1920 Federal census schedules for the State of Washington. This permitted, for example, the location of the household of Fred Bertchy in Pierce County, he being identified as w[hite] (U.S. Census 1920a, Soundex index, v. 32, E.D. 208, sheet 11, line 73; age 45, born in Washington).

²⁷⁰The Red River descendants resided primarily in Roy Precinct, for example (U.S. Census 1920a, E.D. 227). Some family lines that had not been located in 1900 and 1910 did appear in 1920, for example, those of Emma (Sears) McPhail Gettenby and her daughter Nellie Crist in Milton Precinct (U.S. Census 1920a, E.D. 220, Sheet 4A, Sheet 5B). The descendants of Sophia (Cushner) Runquist were still in Steilacoom Precinct (U.S. Census 1920a, E.D. 232, 4A, 5B), while some of the Sears descendants had moved there (U.S. Census 1920a, E.D. 232, 1B, 1A).

²⁷¹Note that the Roblin applications do list a Joe Young. However, the Joe Young in the Roblin affidavits was the second one discussed previously i.e., the one cited as the son of the non-Indian in the

ancestors were related to Jimmy Cross, or if they were. The Roblin affidavits showed that most of the individual HBC descendants reported their "Indian" contacts as association with other descendants of early Indian/ex-HBC employee marriages. Both they and their children were marrying mostly non-Indians during this period, with only a few marriages to persons fellow descendant families and even fewer to reservation Indians.

The Roblin affidavits also showed that some of the pioneer/HBC descendant families were taking advantage of Government Indian schools for at least part of the students' careers, although others -- even within the same families that used the Indian schools -- attended public schools. Of the four STI ancestors who reported school attendance to Roblin, one went to Puyallup and later Chemawa, one went only to Chemawa, one went to public school, and one to St. George's, the Roman Catholic school located in the town of Puyallup. There was thus no pattern indicating that a significant number of STI ancestors were attending Indian schools on a sustained basis that would have allowed them to maintain long-term peer-based ties with Indian students or with students from other STI ancestral lines. There is certainly no evidence that attendance at Indian boarding schools provided a venue whereby STI ancestors formed strong ties with one another: the two who did attend Indian boarding schools were not even in the same school at the same time.

4.3 Discussion, STI ancestral families 1880-1920

The data obtained from the 1900, 1910, and 1920 Federal census records essentially confirmed the genealogical data presented by the petitioner concerning nuclear family relationships in this 30-year period. However, it did not confirm assertions made by the petition concerning the continuation of "Steilacoom" community residential pockets. The population of ancestral families was not only dispersed, but also dispersed along the lines of nuclear/extended families. The census records provided no indication that during this time period members of the individual ancestral family lines were living in a community, or several smaller communities, within which it could be assumed that they were interacting. The largest residential settlement, that in Roy Precinct, consisted almost entirely of families documentable as being not only of other than Steilacoom ancestry, but indeed in many cases as being of Canadian Red River ancestry.

During the same time period, the Roblin Quinault Affidavits showed that the petitioner's ancestors were living -- as farmers and laborers -- around the Nisqually River drainages, north of Roy, as well as in the towns of Steilacoom, Spanaway and Tacoma. Census information shows they resided primarily in the Muck Creek and Chambers Creek drainages, with the Benston family living on the Puyallup drainage. The Roblin responses and other information suggest strongly that the HBC descendants knew each other. They served as each others' witnesses for depositions such as those for the Quinault Adoptions. However, there was an increasing tendency for them to marry non-Indians and non-HBC descendants, while their ordinary sphere of interaction included primarily people non-ancestral to the petitioner.

Puyallup testimony. He was not the Joe Young descended from Sam Young.

The Roblin responses provided at most only fragmentary evidence that the Indian/HBC lines among the ancestors of today's STI members were interacting with any other Indians or Indian descendants residing in Pierce and Thurston Counties. They provided no evidence whatsoever that either the STI ancestral family lines or any of the Indians residing in these counties constituted a distinct "Steilacoom" Indian entity.

First, the interaction described by the petitioner's ancestors was limited to a handful of people from the Pierce County region who had already received allotments on the Quinault Reservation, including the Bastian, Mounts, and Longfred families.²⁷² Second, according to the affidavits, the interaction proceeded often through the mediation of the first-generation Indian/HBC descendants who had been born between 1855 and 1880. The younger descendants either did not fill out Roblin's survey questionnaire, or they quoted verbatim what their elders said. Third, while the individuals mentioned contacts, the contacts were primarily through sporadic visits, which did not indicate economic or social interdependence.

School attendance was not a good indicator of either tribal affiliation or social interaction. While some petitioner ancestors sent their children to Chemawa and St. George's, there is no indication that the children maintained social contact with Indians once they left school. Also, consistent evidence for interaction in Indian religious activities or with religious practitioners such as the Shakers is sketchy or nonexistent.

4.4 Political organization 1880-1919

The petition maintained that Steilacoom individuals had been attending meetings from the 1850's through the early 20th Century with the Nisqually, Puyallup and Yakima at places such as Murray Ranch.²⁷³ The petition referred to large gatherings of Indians for trade, horse racing, and gambling around the Forts of Steilacoom and Nisqually in the mid-19th Century, and to hops picking on various farms. The petition, for example, mentioned that horse racing events were held at Tlithlow (STI Pet. 1986, 77-78) and around Segwallitchu (STI Pet. 1986, 155), both Nisqually areas. The petition then maintained that Spence and Andrews family members "no doubt participated in Horse racing [sic]" (STI Pet. 1986, 167). These gatherings, however, were either seasonal or otherwise occasional, were frequented by Indians from throughout the Puget Sound area, and were not necessarily evidence of political organization or activity. Also, there is no actual evidence that the petitioner's ancestors -- particularly the HBC descendants -- were involved in any of them.

²⁷²To be sure, the Quinault affidavits were intended as evidence for enrollment on the Quinault Reservation. However, the survey questionnaire clearly asked for relationships with *all* Indians, not just Quinault, and Roblin's recommendations were based on interaction with Indians, not just Quinault Indians.

²⁷³If this were the Murray Donation Claim, it would be located about a mile upstream of the Wren holding, on Muck Creek, East of Roy.

Similarly, the petition cited the Roblin affidavits to show that Louise Spencer and Elizabeth Byrd attended Shaker activities at Nisqually during the 1880's (STI Pet. 1986, 155). However, the Roblin records do not distinguish whether the "Indian" churches were Shaker or Catholic.²⁷⁴

The petition also referred to meetings from the 1880's until 1912, which it characterized as business council meetings (STI Pet. 1986, 157), but for which no records are available. If such meetings did occur they would probably be analogous to those conducted by the Nisqually and Puyallup tribes prior to the Indian Reorganization Act of 1934. However, there is no evidence to substantiate that such meetings occurred among any entity known as the Steilacoom, or any other organization that included the petitioner's ancestors.

The petition mentioned a meeting at the Andrews house, 1890's, at Segwallitchu Prairie (STI Pet. 1986, 157) and characterized the meeting as attended solely by Steilacoom members (STI Pet. 1986, 158), with Sam Young as acknowledged Chief (STI Pet. 1986, 158). The petition also mentioned intertribal meetings at Segwallitchu, Tlithow, Roy, Nisqually, and Yakima (STI Pet. 1986, 167). According to the petition, Rosalie Edwards (LaTour/Andrews) recalled meetings from 1900 through 1913 with the Puyallup and Nisqually (STI Pet. 1986, 195), with John Steilacoom succeeding Sam Young as leader (STI Pet. 1986, 196). The petition also mentioned Steilacoom meetings held 1914-1917, with petitioners recalling visits, clam digging, and residence sharing (STI Pet. 1986, 189). No documentary evidence was provided, however, showing that any of these meetings were held, much less that Sam Young presided at them. For example, there was no newspaper coverage, such as existed for the Cowlitz meetings of the period just prior to World War I. If these meetings were held, they could easily also have been family meetings preparing for answering Roblin questionnaires. Such a conclusion seems plausible in light of the similarity among family members of the Roblin Quinault Adoption Questionnaire responses cited in 4.1.3 above.

The petition claimed that other meetings were held 1914-1916 at Steilacoom Town Hall by the Steilacoom themselves and at the Nisqually Butcher Shop 1917-1919 (STI Pet. 1986, 203). There is no evidence verifying that these meetings occurred, that they were attended by the petitioner's ancestors, or that such ancestors were representing an entity known as the Steilacoom tribe. As noted above, Roblin Quinault affidavits of 1913 and enrollment applications 1917-1919 were often submitted by extended family groups on the same day. The affidavits were also similar in their wording. Thus, some of these meetings could have been held among extended family groups to plan for the Quinault enrollment process.

5. 1920-1949: FIRST EVIDENCE OF FORMAL POLITICAL ACTIVITY BY THE PETITIONER'S ANCESTORS

In 1920 Federal agents Smith, Brandon, and Hill observed that Indian allotments in general were small and dwindling in size. They also reported that the fractionation of estates among an

²⁷⁴Elizabeth Byrd's answer to the tribal relationships question was "... have attended Indian church on reservation, that is, Nisqually Reservation" (Elizabeth LeGarde Byrd, Roblin Quinault Affidavit 3/24/1913).

increasing number of heirs made administration more difficult (Smith, Brandon, and Hill to Secretary of the Interior 10/28/1920, 4).²⁷⁵

To add to these administrative problems, on February 19, 1920, C.F. Hauke submitted to Eugene W. Hill, Taholah Indian School, a list of 125 people whom the Taholah Agency was still trying to locate "relative to the applications of a large number of persons for enrollment and allotment with the Indians of the Quinaielt Reservation, Washington" (Hauke to Hill 2/19/1920). The list was "compiled from the data in the records in the office" and contained 141 names. Of this number, eight, or 5.7 percent, were ancestral to today's petitioner. The families represented included Brown (2), Gorich/Sears (1), LeGarde/Byrd (1), Cottonoire/Lyons (1), Latour/Bertschy (1), LaTour/Andrews (1), and Sherlafoo/Smith (1).

Agents Smith, Brandon, and Hill maintained that Indians such as the Nisqually had applied for Quinault Allotments and enrollment in response to the fact that "a large part of [their] Reservation was sold to Pierce County (Washington) and later transferred to the War Department forming a part of Camp Lewis" (Smith, Brandon and Hill to the Secretary of the Interior 10/28/1920, 2).²⁷⁶

It was clear that no further allotments would be readily available. The Interior Department policy had shifted from developing lands for individual farms to facilitating timber harvesting whose

²⁷⁵Smith, Brandon and Hill noted that:

The Indians are surrounded by white people and are engaged in public work and in the logging camps. They have fair frame houses on their allotments and most of the land suitable for home sites is being used for that purpose by the Indians. The allotments are small ranging from ten to eighty acres and in our opinion is [sic] being put to the best possible use at the present time.

There are a number of estates of deceased allottees whose heirs have been determined and since that action some of the heirs have died, thus multiplying the heirs etc. This condition has brought about complications in the title to various estates, that will require considerable time and close study on the part of an experienced employee, in order to clear the titles and dispose of the estates (Smith, Brandon and Hill to Secretary of the Interior 10/28/1920, 4).

²⁷⁶The agents further explained that:

The funds derived from the sale were distributed as Individual Indian Moneys and the Indians scattered to different localities. The few Indians still holding their allotments were in a different part of the State picking hops when we visited the locality. We are of the opinion that the remaining allottees should retain their allotments in their present status. Probate work should be kept up and such lands placed in the hands of those entitled to receive it (Smith, Brandon and Hill to The Secretary of the Interior 10/28/1920, 2-3).

proceeds would be of benefit to the whole tribe.²⁷⁷ During the 1920-1949 period, then, BIA activity shifted from handling applications for enrollment and allotments on the Quinault Reservation, to applications for enrollment on the Puyallup and Nisqually reservations, and the pursuit of claims.

In the context of the dwindling land base, difficulties in land probate administration, and BIA responses to these problems, five discernable events will be discussed: the pressing of claims litigation by a group known as the Steilacoom in the early 1920's (5.1), the Puyallup Enrollment of 1929 (5.2), the Nisqually enrollment of 1930-1935 (5.3), the attempt by a group known as the Muck Creek Indian Tribe to organize under the IRA in 1935 (5.4), and an attempt by another group known as the Steilacoom Tribe of Public Domain Indians to organize under the IRA between 1936 and 1941 (5.5).

The petition used these events to assert that there was continuity among the Steilacoom claims groups meeting in 1925 and the early 1930's, the STI ancestral families who applied for 1929 Puyallup enrollment, the potential Nisqually enrollees, the Muck Creek Indians, and the Steilacoom Tribe of Public Domain Indians which attempted organization under the IRA between 1936 and 1941. The following discussion will show that there was little parallelism or common membership among the various undertakings. Available BIA correspondence revealed discontinuity in leadership between the 1925 Steilacoom claims organization and the later groups, and suggested a low level of political organization. The 1929 Puyallup enrollment effort cannot be interpreted to reflect Steilacoom tribal political activity. The Nisqually enrollment and Muck Creek Indian lists shared very few members, fewer of whom were ancestral to the petitioner. The data also showed that the events associated with these two lists were better characterized as attempts by a large, loosely-organized group of extended families of Indian descent to obtain land, and not indicative of a tribal organization. Finally, the petitioner did not submit and BIA research did not locate any rolls describing who any of the so-called Steilacoom Indians who attempted IRA organization were, or any information linking them to the other groups.

5.1 Development of claims activity, 1920-1937

Starting in 1921, Indian groups throughout the Puget Sound Area enlisted lawyers and began to submit monetary claims. These actions were in response to S. 979 (4/19/1921), and H.R. 2423,

²⁷⁷The Department of the Interior had ceased to provide for lands for allotment as early as 1910:

for the reason that the Office regards practically all of the remaining tribal lands to be of more value for the timber thereon than for agricultural or grazing purposes, and we have taken the position that such lands are not subject to allotment under the existing laws (BIA, Memorandum to Land-Contracts 2/4/1922).

Moreover, the Land Office had also decided that "the funds [from the timber proceeds] to be used for the benefit for the tribe as a whole; after which the cut-over lands may be allotted under such conditions as may then be determined" (Memorandum to Land-Contracts 2/4/1922). Thus, by 1920 there was incentive for many individuals simply to accept payments.

(4/11/1921) “[a]uthorizing the Indians [*sic*] tribes and individual Indians, or any of them, residing in the State of Washington and west of the summits of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise” (H.R. 2423, (4/11/1921).

Initially, the the Indian agents found considerable disagreement among the Indians about whom to appoint as lawyers to represent them. Among the Indians subject to the Medicine Creek Treaty, agents maintained that the Puyallup, for example, told them in 1921 that they “had no claim against the government arising out of the Medicine Creek treaty” (STI Pet. 1986, 3:237; citing Dickens to COIA 2/15/1922). The agents also reported that the Northwestern Federation of American Indians,²⁷⁸ purportedly representing the Puyallup and Nisqually, told them that neither the Puyallup nor Nisqually had claims arising from the treaty (W.F. Dickens to COIA 2/15/1922, 6).

Taholah Agency Superintendent W.F. Dickens reported from initial meetings held December 10, 1921, that “aside from the Clallams there seems to exist among the Indians a hodge podge of ideas as to the promises of the government to the Indians at the time the treaties were made” (W.F. Dickens to C 2/15/1922, 6). He added, however, that “[since] the Indians have placed their case in the hands of attorneys I am sure they would gladly welcome a representative from the office to formulate their claims (W.F. Dickens to of Indian Affairs 2/15/1922, 8).

By March 5, 1925 the Taholah Agency responded to “the Act of Congress approved February 12, 1925, (Public No.402, 68th Congress) conferring jurisdiction of the United States Court of Claims to adjudicate alleged claims of various bands [and] tribes of Indians in the State of Washington” (Dickens to COIA 3/5/1925, 1). Initially, although the act “evidently provides ‘one attorneyship for each tribe’” the Taholah Agency recommended “holding a joint council of the Indians” to hire attorneys.²⁷⁹ They subsequently found it necessary to hold meetings with individual tribes (Dickens to COIA 3/5/1925, 2).

On April 25, 1925, Taholah Agency Superintendent Dickens called a meeting of the various tribes mentioned in the Medicine Creek Treaty in Firwood, Puyallup Valley. Present at the meeting were 65 Puyallup and seven unnamed people called Steilacoom Indians. The purpose of the meeting was to “ascertain the wishes of the different parties to the treaties (Dickens to COIA

²⁷⁸Evidently, Bishop’s Northwest Federation of American Indians (NFAI) did not represent all Indians in this area. Agent F.W. Dickens maintained that:

I understand from Superintendent Sams of Taholah that the Indian tribes under him are divided, that the Indians of the Chehalis Reservation have a contract with an attorney and that he (Sams) read letters addressed to the Indians there from T. G. Bishop instructing them to keep quiet and not to report to the Indian office, and I presume, not to have anything to do with the Office’s local representatives (W.F. Dickens to COIA 2/15/1922, 7).

²⁷⁹NFAI had already employed Arthur Griffin to represent Point Elliott Treaty Indians (Dickens to COIA 3/5/1925, 1).

6/27/1925, 6). The Puyallups, by this time, agreed to appoint Arthur Griffin, the same lawyer representing NFAI tribes.²⁸⁰

The petitioner submitted no information identifying the seven so-called Steilacoom Indians. The correspondence showed that Dickens considered the Steilacoom similar to the Suiattle in that they had “claims both individual and tribal and, while current duties have permitted but a cursory examination into the nature of their claims, I believe them of considerable merit.” He observed, however, that the seven Steilacoom wished to pick their own attorney independently of the Puyallup, and noted that “the Steilacoom Indians believe that they have a grievance separate and apart from the other tribes.” Dickens recommended that they “be permitted to enter into the contract with attorney Elliott.” The issue was problematical because the Act referred to above provided only two attorneys to be appointed, and he was concerned that “the acts of the Steilacoom, who are much in the minority, might not invest them with the right to negotiate a separate contract with the attorney of their choice” (Dickens to COIA 6/27/1925, 7).

On May 2, 1925, both a Steilacoom group and the Nisqually Council met. It was not clear whether this Steilacoom group was the same as, or included, the seven persons mentioned above who had met with the Puyallup on April 25. Nor was it clear whether the Steilacoom group and the Nisqually met together or separately. BIA correspondence revealed only that the meetings represented “virtually all of the adult members of” the Steilacoom and “practically all the adult members of” the Nisqually (W.B. Sams to COIA, 6/24/1925, 2). With Frank Klatush presiding, the Nisqually chose Victor Evans to represent them, and Peter Kalama, Paul Leschi and Frank Klatush to approve the contract. With Joseph McKay presiding, the Steilacoom -- presumably “all of the adult members” -- chose Stuart Elliott to represent them, and Joseph McKay and John Steilacoom to approve the contract (W.B. Sams to COIA, 6/24/1925, 3). Joseph McKay and John Steilacoom were both from the same small family line descended from Ce-col-quin (see above) and were closely related to the Puyallup.²⁸¹

²⁸⁰Dickens reported that:

The council at Firwood was held for the purpose of ascertaining the wishes of the Indians of the Nisqually and allied tribes and bands coming within the purview of the Treaty of Medicine Creek, dated Dec. 26, 1854 (10 Stat. 1132), for consideration with the action taken by other tribes and bands in my jurisdiction. Fortunately, up to this time, the same attorney had been selected by all other tribes and bands, and there developed no conflict of choice. This possibility was discussed at several of our councils, the subject being presented by the Indians, who were somewhat zealous of their prerogatives under the Act, in fact it was brought up at the council at Firwood before I took a recess and let the Indians make their selection. . . . (Dickens to COIA 6/27/1925, 6).

²⁸¹John Steilacoom (b. 1898) has been discussed in previous sections. He was the son of John Steilacoom (b. 1858) and Annie aka Goe-lits-a). He had married Agatha Fulton, a Clallam, whom he had met at Cushman. Joseph McKay (b. 1890) was the son of Anita Steilacoom, John F Steilacoom’s sister: thus McKay, although eight years older, was Steilacoom’s nephew. In 1925, this small family line had only three adult members. In 1929, it was identified as “descended from Puyallup parents, who were recognized as Puyallup” (Puyallup Indian Tribe 1929; Lynch to Gross, App. No. 306, STI Pet. Resp.

On July 20, 1925, Superintendent W.B. Sams informed the COIA that "Attorney Stuart H. Elliott . . . was selected by the Quinaielt and Quileute Tribes, the Lower Chehalis Tribe and the Steilacoom Tribe to represent them as attorney" (Sams to COIA 7/20/1925). Federal documentation then showed that "[u]nder the Jurisdictional Act of February 12, 1925 (43 Stat. L., 886), the Lower Chehalis, Nisqually, Quinaielt, and Steilacoom tribes of Indians . . . entered suits into the United States Court of Claims through their attorney of record" (Assistant COIA to N.O. Nicholson 7/11/1931).

Petition documentation showed that on March 25, 1927, Louisa Douette was deposed in the claims case.²⁸² Arthur E. Griffin and George T. Stormont were the attorneys.²⁸³ Douette said that she was born "near Steilacoom" and was residing at that time at Huylabus Creek, as a member of the Puyallup Tribe (Douette 3/25/1927, R-277). She reported living, at the time of the Treaty of Medicine Creek, at American Lake, but added that her winter village *i.e.*, the large traditional dwelling holding 30-40 people, had been located elsewhere, evidently in the Puyallup valley. She stated that her father had been headman of the winter village. It was not clear from the testimony itself whether Ms. Douette was testifying for the Puyallup or the Steilacoom. However, she considered herself Puyallup, and was allotted there (see section 1.1.2). Her testimony itself was internally contradictory and was inaccurate, particularly regarding her age.²⁸⁴ On July 11, 1931, the Assistant COIA notified Superintendent Nicholson that testimony in the case was to be taken the following August (BIA, Scattergood to Nicholson 7/11/1931). No testimony of this date was submitted by the petitioner or located by BIA researchers.

Petition documentation included an undated copy of a "Resolution of tribal Committee"[*sic*] of the Steilacoom Tribe of Indians concerning the contract with Elliot and Case, which was due to expire on February 18, 1933, and the need for "the tribe to select either the same attorneys or different attorneys" (Resolution of Tribal Committee c1933; STI Pet. Resp. 1994, R-75). The

1994, R-130M). Some descendants of John Frederick Steilacoom are the only known Steilacoom Indians who are part of the current STI membership.

The BIA reviewed the 1926 Schedule of Clallam Indians in search of anyone listed as being of Steilacoom Indian blood. Only one person was found, namely John Steilacoom. John was identified as 4/4 Steilacoom. He did not appear in his own right, but rather as the husband of Agatha (nee Fulton), and the father of their four minor children. Agatha was identified as 3/4 Clallam. She and their four children were recognized as Clallams, according to the tribal committee, and were approved to share in the award. The Clallam payment roll which was prepared from the schedule of persons who were approved to share listed Agatha and children as members of the Port Gamble band (Clallam Payment Roll).

²⁸²The petition maintained that Louisa Douette was a first cousin to Betsy Greig, but provided no documentation. The 1929 Puyallup application of Betsy Greig's daughter Letitia Spence listed Louise as Letitia's first cousin, not her mother's first cousin.

²⁸³Documentation did not reveal if and when a change in attorneys occurred, or who was responsible for the change (Douette 3/25/1927).

²⁸⁴The 1886 Puyallup Census showed Louisa, aged 36, with husband Manuel Douette, on the Puyallup Reservation.

resolution stated that Elliot should be retained, but that Arthur E. Griffin of Seattle should also represent them. The committee members signing were Alex Andrews, John Andrews, Fred Bertschy, Wm. Sears, and Leslie Bertschy (Resolution of Tribal Committee c1933; STI Pet. Resp. 1994, R-75).²⁸⁵

On March 10, 1934, the "Nisqually Tribe was called to meet in Olympia, Washington. . . . This was a joint meeting of the Nisqually and Steilacoom Indians" (Moffat 3/10/1934). At that meeting, Nisqually Chairman Peter Kalama referred to a "previous meeting of both the Nisqually and Steilacoom Tribes, held a short time ago" at which "representatives were elected and authorized to enter into a contract on behalf of the Nisqually and Steilacoom Tribes." The minutes then reported that "[a] motion was then made and seconded on behalf of both the Nisqually and Steilacoom Indians that the election of delegates at a previous meeting be confirmed and that these delegates be authorized to enter into a contract with the attorneys" (Moffat 3/10/1934, 1). The motions carried and the meeting adjourned.

The same five men who had signed the resolution of the Steilacoom tribal committee "were selected and duly authorized by the council of the Steilacoom Indians to represent the Steilacoom Indians in the signing of the contract to be entered into between attorneys Arthur E. Griffin and Stuart H. Elliott . . ." (Moffat 3/10/1934, 2).²⁸⁶ On June 11, 1934, they signed the contract between Griffin and Elliott, and "the Steilacoom Tribe of Indians of Washington".²⁸⁷ John Collier approved the contract October 16, 1934 (Attorney's Contract 10/16/1934; STI Pet. Resp. 1994, R-56).²⁸⁸

This 1933 resolution and 1934 attorney contract represented the first appearance of the LaTour and Gorich/Sears descendants as leaders of any organization that termed itself "Steilacoom." The LaTour descendants, as late as the Roblin affidavits, had described themselves as Nisqually. The BIA located no further data concerning the composition of the Steilacoom claims organization as of 1934.

²⁸⁵ Unlike the 1925 signatures, the five authorized signers in 1934 were all descendants of an HBC employee/Indian marriage. They had filed Quinault adoption applications, but otherwise the petition showed little evidence that these signers had interacted with Indian communities. The two leaders who had signed attorney contracts for Steilacoom claims in cooperation with the Puyallup nine years earlier (Steilacoom and McKay) were not among the authorized signers in 1934.

²⁸⁶ The lettering of the title in the document, "Minutes of the Council Meeting of the Nisqually Tribe and Steilacoom Tribe" differed in intensity, as if ". . . and Steilacoom Tribe" was typed in later, after a carbon copy of the rest of the exhibit document had been made (STI Pet. 1986, E-38, Exhibit #31).

²⁸⁷ They signed, however, "for the Nisqually Tribe of Indians of Washington." The representatives for the Nisqually were William Frank, Allen Yellout, George Bobb, and Peter Kalama, who constituted the tribal council (Nisqually Indian Tribe 6/4/1935; STI Pet. Resp. 1994, R-141).

²⁸⁸ At about this time another meeting between both the Steilacoom and Nisqually was held, and they agreed on lawyers and representatives (Moffat 8/2/1934, 1).

In 1937, Assistant to the COIA Fred Daiker noted the progress on the 1929 Steilacoom claim by observing that:

[u]nder the treaty and the executive orders it would seem that the Steilacoom Tribe had an interest in these three reservations, but the records in this office do not show whether any of the Steilacoom Indians took advantage of their rights on these reservations and, if not, what was the reason for such failure. In 1929 the Steilacoom Tribe filed a petition in the court of claims seeking damages for failure to obtain certain benefits under the 1854 treaty. In this petition the tribe did not allege any interest in any of the reservations but charged the United States with failing to set aside a reservation for them and sought compensation for the "allotments" which the individual members never received (Daiker to LaVatta 4/23/1937).

By 1937, Daiker noted that:

This claim was dismissed by the Court of Claims on January 11, 1937, for lack of prosecution.²⁸⁹ No trial has been had and no evidence had been presented. The foregoing facts are not conclusive as to whether the Steilacoom Indians can be considered a recognized tribe at the present time and whether they now have any legitimate claim to the Nisqualli or any other reservation (Daiker to LaVatta 4/23/1937) [footnote added].

No further information about these claims activities was revealed by BIA research. There was no indication of the membership of Steilacoom groups represented by the signers of either the 1925 or the 1934 contracts. The difference between John Steilacoom and Joseph McKay's representation of the 1925 Steilacoom contract for a claim brought with the Puyallup and the LaTour and Gorich/Sears family members' representation of the 1934 Steilacoom contract for a claim brought with the Nisqually introduced an unexplained discontinuity in leadership and did not support a presumption of continuity between the 1925 and 1934 groups. On the other hand, continuity could not be ruled out, since the 1925 meeting at which Steilacoom and McKay were chosen as representatives was held on the Nisqually Reservation (Steilacoom Tribe of Indians Minutes 5/2/1925; STI Pet. Resp. 1994, R-74), and the 1934 contract was expressly described as a replacement for the 1925 contract and one of the attorneys, Elliot, carried over from the 1925 contract to the 1934 contract.

5.2 Puyallup Enrollment - 1929

In 1929, some members of the petitioner's ancestral families applied for Puyallup enrollment. The 1929 Draft Puyallup Base Roll was prepared to assist in segregating Puyallup tribal funds. The actual process used to develop the draft roll has been pieced together from available

²⁸⁹A G.A. O. report on this claim was forwarded to the Department of Justice, June 4, 1932, consisting of one volume, 240 pages; no published decision. The population was "[u]nknown in 1940, mixed with other tribes" (Smith 1947, 2:408-409). The G.A.O. report was not submitted in evidence by STI.

correspondence. A tribal committee was elected by the Puyallup Indians at an open meeting held February 2, 1929. Members elected to the committee included Jerry Meeker, Chairman; Wm. H. Wilton, Silas Cross, Henry Sicade, and Benjamin Wright. On February 18th, the committee met and acted on applications for enrollment with the Puyallup Indians. Next, agents Mike Lynch and special agent F.A. Gross, who had been assigned to monitor preparation of the final roll, wrote to each applicant to advise them of the committee's action and the reasons for it. Applicants appear to have been given about two weeks to show cause why the committee's action should not be upheld. If applicants failed to respond, agents Gross and Lynch recommended the action of the tribal committee be sustained.

Fifty individuals representing five separate family lines ancestral to the petitioner and now identified as Steilacoom by the STI were included on the 1929 Puyallup draft roll. Table 6 shows the results by distribution of family line. Numbers in the column headed "present on annotated chart" refers to the number of persons on the 1929 roll who appear on the annotated family descendency chart prepared for each given this family line by the STI petitioner. These individuals did not appear on the 1955, 1961, or 1995 STI membership lists, but were collateral relatives of members of today's petitioner. The column headed "No. Identified on STI List(s)" refers to the number of persons on the 1929 Puyallup draft roll who were identified on one of the three major STI membership lists of 1955, 1961, or 1995.

TABLE 6
Distribution by Family Lines Ancestral to the STI on the 1929 Puyallup Draft Roll

Family Line	Ancestors present on annotated charts	No. Identified on STI List(s)	Recommendation of Puyallup Tribal Committee/BIA
Brown	14	10	Disapproval recommended for all 14.
Cushner	17	8	Disapproval received for all, except 6 Kautz descendants who were not on STI membership lists.
Dean	6		Disapproval received for all, except wife of one STI collateral ancestor.
Spence	10	10	Disapproval received for all 10.
Steilacoom	3	2	Approved initially if they would relinquish their Steilacoom membership; they didn't, thus they were ultimately disapproved.
TOTAL	50	30	

Based on available evidence, none of the 30 persons on later STI membership lists who could be identified on the 1929 Draft Puyallup roll appear to have been approved for enrollment on the final Puyallup tribal roll. The final roll was not provided for review.

The applicants of the *Brown* family line were disapproved because they were not recognized as Puyallup, by blood or adoption. The committee stated that their mother, Mary F. Brown (born in 1855), was not a recognized Puyallup and had not been allotted although she was "old enough to have been allotted, had she been recognized as a Puyallup at that time. The older Indians did not recognize her, and she cannot now be recognized. Any rights she had were abandoned long ago." Also their father was a non-Indian (Puyallup Indian Tribe 1929: App. Nos. 46, 47, 48, 49; STI Pet. Resp. 1994, R-130A, B, C, D).

Joseph Dean and his four children -- all members of the *Dean* family line -- were disapproved because Joseph had no Puyallup blood and was not adopted into the tribe or recognized as a member. Joseph "admits that he had no Puyallup blood, but claims that the Indian agent adopted him, and had him thumb mark a book and guarantee that he would abide by the rules of the reservation and the treaty." The agent's response pointed out that the "Superintendent had no authority to adopt anybody . . . [and that] no adoptions were made since 1884, and [further that] the present tribal committee is without authority to make adoptions" (Puyallup Indian Tribe 1929: App. No. 49; STI Pet. Resp. 1994, R-130E). Joseph was the brother of Catherine (Dean) Fiander, through which today's STI membership traces its ancestry. There was no indication that Catherine had applied.

Ten members of the *Spence* family line were also disapproved. The records maintained that Letitia (Greig) Spence had never lived on the Puyallup reservation or among Puyallup Indians; had never been recognized by, or associated or affiliated with Puyallups; and had minor children by a non-Indian father from a marriage which occurred after June 7, 1897. Her granddaughter Stella (Spence) Fielder, an applicant on her own behalf and that of her children, was disapproved because she had never been recognized as a Puyallup; had never lived among or associated with Puyallups; and had never lived on the reservation (Lynch & Gross 1929, App. No. 105, doc R-130G)

The tribal committee's initial action on John Steilacoom's application on behalf of himself and his two children -- the *Steilacoom* family line -- was to question his eligibility. Their action stated that he was "descended from Puyallup parents, who were recognized as Puyallups, and therefore he would be recognized as a Puyallup, *provided* he has not allied himself with the Steilacoom, Clallam or other tribe" [emphasis added].²⁹⁰

Joseph McKay was the son of Anita Steilacoom, sister of John Steilacoom discussed above. Joseph made application on behalf of himself and his father, John McKay (Anita's widower), and his own son. Joseph's application was approved by the committee with the understanding that Joseph should "relinquish his rights with the Steilacoom tribe, or any other tribes with which he has joined in claims against the Government. If he elects to retain his Steilacoom rights, this

²⁹⁰They wanted him to show that he had not enrolled with any other tribe; if he had enrolled elsewhere, he had to relinquish that membership. If, before the Puyallup final tribal roll closed, he formally relinquished all other rights and made "restitution for such benefits as he may have received from or through such other tribe," his application should be approved along with his two children (Gross & Lynch 1929, App. No. 306, doc R-130M)

application shall in that event be considered disapproved, for the reason that he cannot have rights with two distinct tribes, and he will be considered to have renounced his Puyallup rights by remaining a Steilacoom.” Joseph subsequently “presented his relinquishment in writing of any and all claims he might have in the Steilacoom claim, and has declared that he was a Puyallup Indian and not a Steilacoom Indian.” The committee determined that John McKay, Joseph’s father, was recognized as a Puyallup who “should be enrolled with the Puyallups.” (Gross & Lynch, 1929. App. No. 202, doc R-130L)

Some of the *Cushner* descendants retained legal counsel to assist in their claim (Elliott to Gross 3/25/1929), and Maria (Kershner/Cushner) Kautz also provided an affidavit on behalf of her cousins of the Runquist and Ouelette lines (Kautz and Kautz 3/21/1929).

The petition maintained that “[m]ost members of the Steilacoom Tribe were able to claim dependency [*sic*] through either the Puyallup or Nisqually Tribe at that time” and “were also provided with identification cards in the 1920’s prior to judgment (L. Bertschy to Thompson, 12-84)” (STI Pet. 1986, 269). It followed, according to the petition, that the individual decision:

... to apply for membership in the Puyallup Tribe (which was federally recognized) to share in the disbursement or to remain in the Steilacoom Tribe (as the Bertschy family did) and hope that it won its case as well ... was, to put it straightforwardly, a choice between money in hand and maintenance of ones tribal identity. (STI Pet. 1986, 242-*l*).

No evidence was provided for the identification cards other than L. Bertschy’s oral history. No members of the LaTour family lines had applied for Puyallup enrollment (see Table 6), but neither had the LaTour family lines previously asserted Puyallup ancestry (see Roblin applications), so they did not have the option. The claims contracts indicated that the Bertschy family was cooperating with the Nisqually, rather than the Puyallup. This affinity with the Nisqually was reasonable in light of the consistent identifications of their Indian ancestress, Betsy LaTour, as Nisqually. The evidence showed that most STI ancestors who applied for and were denied enrollment at Puyallup had in the past asserted Puyallup ancestry (Smith/Brown to Roblin, Greig/Spence to Roblin, Cushner to Roblin, see section 3.6.2) or, in the case of the Cushners and Deans, also asserted prior adoption as Puyallup. They were denied in 1929 because the tribe concluded that their ancestors had not obtained, or had ceased to maintain, affiliation with the Puyallup tribe.

The petition maintained that some of the “Steilacoom” did succeed in joining the Puyallup Tribe in 1929, and termed their success the “Puyallup Defections” (STI Pet. 1986, 242). The individuals named by the petition were August[us] Kautz, Ellen Young, Joseph L. Young, Katherine McKay Lambert, Louisa Douette, Kenneth Kautz, Joseph McKay, and John Steilacoom (STI Pet. 1986, 243). As the previous discussion has shown, however, all of these had been closely identified with the Puyallup tribe and enumerated on Puyallup censuses long before, and with the exception of John Steilacoom and the McKays, had never indicated any affiliation with the Steilacoom claims organization.

The petition attempted to explain why these people identified themselves as Puyallup or Nisqually, but not as Steilacoom, on the Puyallup enrollment applications by speculating that:

perhaps owing to the fact that the Steilacoom Tribe was without federal recognition and that the adoption would be under federal scrutiny [*sic*]. Most chose to use a federally recognized tribe as a cover term for Steilacoom. Augustus Kautz listed his Steilacoom background as "Nisqually" but distinguished it from Puyallup. Joe L. Young, Ellen Young and Louisa Douett, however, termed their fathers' tribe as "Puyallup", though noting they were born near Steilacoom. Ellen Young gave her father's name as "Stilacoom Tom". Katherine Lambert and her brother Joseph McKay called their mother a "Steilacoom-Puyallup" (STI Pet. 1986, 243).

Previous discussion has shown, however, that these individuals, though some descended from historically identified 19th century Steilacoom Indians, were from families that had become identified with the reservations before 1900 and had remained identified with the reservations. They did not represent "defections" taking place in the 1920's from a continuing Steilacoom entity.

5.3 Nisqually Enrollment 1930-1935

In 1927 Peter Kalama, then secretary of the Nisqually tribe, had begun accepting applications from and compiling a list of mixed bloods for possible enrollment in the Nisqually tribe. He completed the list in 1930, when it was submitted to the Nisqually Tribal Council for consideration. The council acted favorably on the list and approved all "210 Indians of mixed blood" for enrollment, "subject to the approval of the Secretary of the Interior, if necessary" (STI Pet. Resp. 1994, R-6; R-7).

On January 5, 1931, Kalama forwarded the "Names of the Breeds and their Degree" (cited as "Nisqually 210 List") (Nisqually Indian Tribe 1930b; Nisqually Indian Tribe 1930a) to Superintendent N.O. Nicholson at Hoquiam. The cover letter described the list as the:

names of the breeds and their degree, who are enrolling with the Nisqually tribe for their Indian rights for allotment settlement. Most of these breeds made an application for allotment at Taholah and they were rejected, as they were classed as Nisqually tribe, in fact they all born near the Nisqually reservation [*sic*] (Kalama to Nicholson 1/5/1931; STI Pet. Resp. 1994, R-142).

He added that more names would be sent in later. On June 17, 1935, he made an affidavit that he had submitted the list of 210 mixed blood Indians to the Taholah Agency in 1930, that the Council had adopted the list's members into the Nisqually Tribe by official vote, but that the Taholah Agency had taken no action on their enrollment (Kalama 6/17/1935). Agent N.O. Nicholson maintained, however, that when he had received the list from Kalama, there was no

evidence that the council had acted on any adoptions, and that the council had approved the list only later, in 1935, after it had already been submitted.²⁹¹

In June 1935, the Nisqually Tribal Council reaffirmed its actions, pointing out that since the summer of 1930 the 210 applicants had thought they were enrolled (Nisqually Indian Tribe 1935; STI Pet. Resp. 1994, R-7, R-141). Kalama's affidavit, dated June 17, 1935, stated that these people paid tribal dues to the Nisqually tribe until 1932 (Kalama 6/17/1935; STI Pet. Resp. 1994, R-6). Correspondence from the BIA's Superintendent N.O. Nicholson to the COIA in August of 1935 explained that:

In view of the fact that additional names were expected to be submitted and of the lack of minutes of any official action taken on these names, this list was held at this office, pending receipt of the additional names which were expected (Nicholson to Superintendent 8/15/1935, STI Pet. 1986, 4-8).

In the same letter, Nicholson also pointed out that the list was prepared "as evidence of the right of these persons to share in any judgment or rights awarded the Nisqually Indians as a result of [their Court of Claims] suit," and maintained that the *Nisqually Council had taken no action* [emphasis added]. He stated that he only knew a few of the 210 Indians personally, but that "it appears . . . that they were all born and raised on or in the vicinity of the Nisqually Reservation; that they are of Nisqually blood and should have the right to be listed as Nisqually Indians."²⁹² Nicholson sought instruction as to the "proper steps" for enrolling or adopting the individuals listed (STI Pet. Resp. 1994, R-8).

On October 15, 1935, COIA John Collier responded that the adoption had been approved by what he described as "merely a sort of business committee," and that the adoptions had not been voted upon by "the full tribal council." He added that the COIA's office had no record of any

²⁹¹Nicholson stated that:

At the time Mr. Kalama submitted this list there was no information submitted to the effect that any official action had been taken by the Nisqually Tribe to vote on the adoption of these persons (Nicholson to COIA 8/15/1935).

He further explained:

There is nothing on record at this office to indicate that the Nisqually Council had taken any action in preparing or endorsing this list. It appears to have been prepared largely by Peter Kalama. At a meeting held with the Nisqually Tribal Council at Nisqually on June 4, 1935, at which meeting I was present, said Nisqually Tribal Council approved the application of the persons on this list for adoption into the Nisqually Tribe and stated that previous action in drawn up this list had their support and endorsement (Nicholson to COIA 8/15/1935).

²⁹² It is unclear how Nicholson knew the ancestry of the 210 if he only knew a only "few of the 210 Indians personally."

activities referred to in the 1930's. In the same letter, Collier said that on enrollment applications "it is customary to require the action of the full tribal council." He went on to explain that even if the list had been "originally prepared as evidence of the right of these persons to participate in any award that the Court of Claims might make the Nisqually Indians in the pending suit," the tribe had no tribal fund or property and that, if and when the Court were to make an award and Congress were to appropriate money for the award, Congress would usually provide "how and to whom the money shall be distributed." Speaking of the "210" he pointed out that:

when the Nisqually tribe organizes under the Indian Reorganization Act, provision should be made in its constitution for the admission of new members through enrollment or adoption; and thereafter, pursuant to the constitution, the council could consider the applications of such persons for enrollment with the tribe (Collier to Nicholson 10/15/1935, STI Pet. Resp. 1994, R-9).

In the final event, the 210 persons under consideration were not included on the roll of the Nisqually Reservation. The 1940 census enumeration of the Nisqually Tribe obtained from the files of the Puget Sound Agency (1940 Official Census Roll, Nisqually Tribe, Wash. as of July, 1940) included the names of only 38 numbered individuals. None of the enrolled Nisqually enumerated in 1940 was identified on the annotated family descendency charts submitted by the STI as part of the petition.

One list of 210 was organized by first rather than last name (Nisqually Indian Tribe 1930a).²⁹³ Other than the individual's name, the only other information was his/her blood degree, and the blood degree of the mother or father. Positive identification of all persons on the list was virtually impossible, given the lack of information. Nonetheless, 51 of the 210 names also appeared as members of family lines directly ancestral to today's petitioner. As Table 7 below shows, the 51 names represented six families, three of which were Red River or Cowlitz métis descendants, one of them *i.e.*, Dean, a non-Red River, ex-HBC employee descent line, and one which was Clallam.

²⁹³ Two work copies of this list were provided. One appeared to be a photocopy of the original typescript list submitted by Kalama and date stamped received "Feb 24, 1931, Taholah Indian School;" the copy provided was missing individuals numbered 107 through 142 (Nisqually Indian Tribe 1930b). A second photocopy--a neater, cleaner typescript copy -- contained what appeared to be the missing individuals and was stamped "Office of Indian Affairs Received Aug 20 1935 45991" (Nisqually Indian Tribe 1930a). However, it appeared to have been copied later, and some of the individuals' names differed because of marriage. BIA researchers derived the missing names by comparison with other petition data. One name from the second list could not be matched to the first, and was included, until conclusive identification could be made. Thus, the list used for the analysis in this report contains 211 names.

TABLE 7
Families Ancestral to the Petitioner Applying
for Adoption by the Nisqually 1930-1935

Family (Petitioner)	Number	Tribe
Calder	8	Red River
Cottonoire/Lyons	12	Cowlitz/Red River
Dean	6	Snohomish/Yakima
Gardner	6	Clallam
LaTour/Bertschy	2	Nisqually
LeGarde/Byrd	11	Red River/Cowlitz
TOTAL	51	

The petition maintained that the list of 210 “Nisqually Adoptees” included “a number of individuals who were members of the Steilacoom Tribe (presumably those same individuals who wavered between the two tribes during the 1920s)” (STI Pet. 1986, 2: 244). According to the petition:

. . . there were: Flora Asplund; four members of the Burston family; 21 members of the Byrd and Porter families; six Calders; two Horsfalls; three Huttons; 25 Lyons, Johnson and Arnds; two McVitties (from the Bertschy family); two Raus; four members of the Scoggins family; and two Riell descendants.

In addition, there were a number of Indians who affiliated with the Steilacoom Tribe (and therefore also the Nisqually Tribe due to joint meetings and adjacent territories) who were neither Steilacoom or Nisqually by blood. These were the 18 members of the Curtright, Kuhn, White, Burns and Gardner families who were related to the Stone family which was Steilacoom.(STI Pet. 1986, 2: 244-5).

This total of 72 did not match the number identified by the BIA researcher. These families were indeed part of the extended families that include those ancestral to the petitioner. However, *these family members themselves were not ancestral to the petitioner*, but represented collateral relatives. Moreover, while the Riell family, for example, was indeed related to the Stone family through the marriage of Jacob Stone to Margaret Riell (STI GTKY File, BAR), Jacob Stone was of French Canadian descent, and not a known Steilacoom Indian.²⁹⁴ Many of those listed were neither “Steilacoom” in the sense of being descended from Indians historically identified as Steilacoom, nor closely related to the Nisqually.

The petition also maintained that the 210 individuals “were accepted by the Nisqually Tribe as being Indians” and cited as proof Nichols’ observation that “they should have the right to be

²⁹⁴Stone was also related to the Gardner/Cavanaugh line through the marriage of Margaret’s daughter Louise to Joseph Cavanaugh in 1868 (STI GTKY File 6.1, BAR).

listed as Nisqually Indians” (STI Pet. 1986, 2:246). The petition concluded that COIA Collier then negated Nichols’ recommendation arbitrarily, by maintaining that the Nisqually council who decided on acceptance was “merely a sort of business committee . . .” (STI Pet. 1986, 2:246). None of the documentation revealed by BIA research or produced by the petitioner showed that the Nisqually, as a tribal political organization or community, took any action to accept these 210 individuals, so it was not clear that the BIA acted arbitrarily or capriciously by refusing to accept the “Nisqually 210 List” in the 1930’s, as asserted by the petitioner. As indicated above, Nicholson professed that he knew only a few of the individuals on the list, and he never produced any evidence showing either how he himself knew them, or certification that the Nisqually had decided on the list as a tribal organization. The BIA simply denied the validity of the list, and did not support Nicholson’s judgment.²⁹⁵

5.4 The Muck Creek Indian Tribe, 1935

In 1935, another group, of 93 individuals attempted to organize under the 1934 Indian Reorganization Act. A letter from a lawyer Robert L. Studebaker, to COIA John Collier, June 29, 1935, enclosed letters from Vina Woodworth Bowen²⁹⁶ and a reply to her from John Collier. Bowen claimed to write on behalf of

“remnants [*sic*] of different tribes, consisting of approximately two or three hundred, [who] have never had Indian allotments of any kind. We have always lived in the Muck Creek Region, and many of us have attended Indian Schools. We hereby wish to inquire as to whether or not we would be eligible to form an organization under the Wheeler-Howard Bill, and apply for articles of corporation [*sic*] for same (Bowen to Collier 4/15/1935).

Collier answered that:

²⁹⁵The petition maintained that “This stalling procedure [by the BIA] cost most of the 210 individuals membership in the Nisqually Tribe. However, a few, such as members of the Svinth family, were adopted again later although some of them had to wait about forty years” (STI Pet. 1986, 2:246). The Svinth family members have never professed to be descended from a Steilacoom Indian (see BIA, Roblin Report on Quinault Adoptions, Dec. 1918, Case No. 22). The family claimed Indian blood that was Nisqually, Quinault, and Cowlitz, but not Steilacoom (NARS RG 75, M-1344, Roll 2, Frames 193-211, Case No. 22).

²⁹⁶Bowen was a daughter of Perry D. Woodworth, Jr. (1916 enrolled Skokomish) and Mary Alice Archambault (listed by Roblin as unenrolled Cowlitz). Her father’s Skokomish descent was through the McPhail family. Former HBC employee John McPhail had married first Catherine Kennedy (Scottish) then Maria Theresa Cascades (Cascade Indian), and finally a Skokomish/Snohomish woman named Margaret (d. 5/13/1864). McPhail held a donation claim at Muck Creek near that of Charles Wren (Calder/Wren) and William Greig (Greig/Spence). John’s daughter Catherine (b.c.1837, from the marriage with Margaret) married, first, Perry D. Woodworth (d. 1886), a non-Indian. Catherine’s brother John (b. 1856) was the first husband of married Emma (Sears) McPhail Gettenbie, and second to Roderick Byrd, a Red River métis (for further detail see STI GTKY File, BAR).

If you do not reside on any Indian reservation and have no affiliation with any recognized Indian tribe, it is not apparent wherein any such member would be entitled to vote. However, if you are of one-half or more Indian blood, then you are declared to be an Indian within the provisions of this act and may obtain some of the benefits which it affords. As to your right to affiliate with any recognized tribe, that will depend entirely upon those people and what provision, if any, they make in any constitution that is adopted for the admission of outside Indians (Collier to Bowen 5/3/1935).

Studebaker maintained that the group of people he represented “will number close to five hundred” and consisted primarily of people who “live within the boundaries of the Nisqually Indian Reservation provided for in the original Treaty of this Tribe, and I imagine that the majority of them are of Nisqually blood” (Studebaker to Collier 6/29/35, 3).²⁹⁷ He enclosed “a list of people who are of the required degree of Indian blood It does not purport to be a complete list, as we have not yet had time to obtain the names of all the people in our group” (Studebaker to Collier 6/29/35, 4).²⁹⁸

An enclosed list (labeled “Exhibit A”) showed 93 people (STI Pet. Resp. 1994, R-2). Eight were labeled “Indians of Full Degree,” eight were labeled “Indians of Three-fourth Degree,” and the remaining 77 were labeled “Indians of One-half Degree.” BIA analysis indicated that 21 of the 93 persons on the Muck Creek list, or 22.5 percent, were ancestral to the petitioner. The family lines included Latour/Andrews (2), LeGarde/Byrd (11), Calder (3), Latour/Sears (2), and Sherlafoo (3).

A petition from the Muck Creek Indians’ Committee on Organization (Muck Creek Indian tribe 1935) was also attached to Studebaker’s letter. The Committee on Organization consisted of John Burston, Chairman, Grace Bartlett, Ed Krise, Nellie Crist (LaTour/Sears), and Bob Whitener (Squaxin).²⁹⁹ The 1935 petition stated that the Muck Creek Indians were a group of 100 to 150 Indians of ½ or more Indian blood who all resided within Pierce, Mason, and Thurston Counties and were not “regularly enrolled members in any recognized Indian tribe within the State of Washington” (STI Pet. 1986; STI Pet. Resp. 1994, R-2). The BIA deemed the group not eligible to organize under the IRA and there were no subsequent records pertaining to it.

²⁹⁷Presumably, he was referring to the Medicine Creek Treaty and the Nisqually Tribe..

²⁹⁸Studebaker was not certain whether or not “the Secretary could recognize their act in selecting” him as attorney (Studebaker to Collier 6/29/1935).

²⁹⁹Burston, Bartlett, and Krise appeared on the STI 1961 membership list, but did not appear on any other STI roll or list. Burston was probably John Magnus Burston, a Red River métis descendant related collaterally to the Byrds. Some descendants of Nellie Crist (LaTour/Sears) are in the current STI membership, although others chose to enroll at Lummi in right of her father. They were not on the 19 annotated family descendancy charts prepared of families identified by the petitioner and therefore charted for this report. Krise and Whitener had been listed on the 1919 Roblin Roll as families of Squaxin descent (Roblin 1919).

5.5 Proposed Indian Reorganization Act organization by the “Steilacoom Tribe of Public Domain Indians of Washington,” 1936-1941

In July 1936, a letter from attorney Ray C. Gruhlke (Gruhlke to Nicholson 7/27/1936) to N.O. Nicholson reported, concerning a proposed organization of the “Steilacoom (Public Domain) Indians under provisions of the Act of June 18, 1934” (Nicholson to Gruhlke 9/16/1936), that:

The Nisqually and Steilacoom Indians held a meeting, after notice to all members of their tribes, last Saturday and decided to organize under the Indian Reorganization Act approved June 18, 1934. The Nisqually’s [sic] did not decide definitely to go in with the other Indians so the Steilacoom’s and the Indians from Roy and vicinity elected officers, including a board of directors to draw up a constitution and by-laws for submission to the Department of Interior (Gruhlke to Nicholson 7/27/1936).

This was the first documentation showing that the Steilacoom had organized into any entity other than one assembled to approve a lawyer’s contract for pressing claims. An August 10, 1936, letter from Gruhlke to Secretary of the Interior Harold Ickes on the same topic was referred to the OIA field agent in Portland, Oregon (Slattery to Gruhlke 9/16/1936).

The Nisqually Tribe’s reluctance was noted by the Federal government. On August 18, 1936, Field Agent George P. LaVatta informed William Bertschy, Secretary of the Steilacoom Tribe, that:

[i]f the Nisqually Indians are not willing to accept the Steilacoom bands into their organization, you may possibly be able to have a reservation established for the Steilacoom Indians after which a Constitution and By-laws can be drawn up in accordance with the Reorganization Act, which was explained to your Committee by myself and Mr. Beaulieu at the time that we met with you at Olympia (LaVatta to Bertschy 8/18/1936a).³⁰⁰

LaVatta’s letter of the same date to N.O. Nicholson, Superintendent, Taholah Indian Agency, enclosed a copy of the letter to Bertschy and continued:

I feel that the Constitution which they have drawn up will meet their purpose so that they can band themselves together and secure the necessary recognition, thereby establishing their degree of blood, etc., so as to receive recognition by the Department . . . If the Nisqually Indians are not willing to do this [to have the Steilacoom Indians, whom I am informed are closely related and associated with the Nisqually bands, accepted into their organization], then it will be necessary for the Steilacoom Indians to present their affidavits and we will at that time submit all evidence to the Office for the consideration and disposal of the Office. Although the Steilacoom Indians are not officially under your supervision, as

³⁰⁰There was no documentation pertaining to the earlier meeting to which LaVatta referred.

stated in your communication to Mr. Berstechy [*sic*], Secretary of the Steilacoom Tribe, there is no doubt in my mind but that they will be officially designated under your supervision if recognized by the office (LaVatta to Nicholson 8/18/1936b).

The "Steilacoom Tribe" had submitted a proposed "Constitution and By-laws"³⁰¹ of the Steilacoom Tribe of Public Domain Indians of Washington" with the assistance of Gruhlke (STI Pet. Resp. 1994, R-54). LaVatta explained to William Bertschy that this document did not yet require Federal approval "as you have drawn up this Constitution and By-laws only for the purpose of properly organizing the Steilacoom Indians and to establish their identity as Indians" (LaVatta to Bertschy 8/18/1936a). The STI petition stated that the 1936 document was the "Steilacoom Tribe's" first constitution (STI Pet. 1986, 2:277). It was adopted by a "duly-elected" temporary board of directors on July 29, 1936 (Gruhlke to LaVatta 7/29/1936). The composition of the temporary board is unknown.

As drafted, the 1936 constitution envisioned the governing body of the tribe as a seven-member board of directors. The permanent directors were to be elected for a one-year term at a meeting called by the temporary board of directors. The internal composition of the board would include a chairman, vice-chairman, secretary, treasurer, and three directors. To be eligible for election to the board, an individual had to be an enrolled member. To hold office, the member had to be at least 21 years old and an Indian of ½ blood or more.

In a letter of September 16, 1936, Nicholson informed Gruhlke that the OIA had told Bertschy that the Office required certain "information," but that Bertschy had not responded (Nicholson to Gruhlke 9/16/1936). In an undated notice, Bertschy called for a meeting to be held September 19, 1936, at Roy, Washington. Here, he urged members to "please try and get the affidavits and the petition I have inclosed [*sic*] signed as they must be ready at this meeting" and to "tell all others of the meeting and have them sign the petition if they have not already done so" (Bertschy, n.d., rec. b BIA 9/15/1936).

On September 28, 1936, Gruhlke reported to Superintendent Nicholson that he did not know "how many names and affidavits [are] on their petition," which the members had submitted at the September 19 meeting (Gruhlke to Nicholson 9/28/1936), but maintained that a temporary organization, under the Constitution and By-Laws, was "enrolling members through their Board of Directors as fast as possible" and were "obtaining affidavits showing all Indians of half blood or more, and they expect to get about 200 of these" (Gruhlke to Nicholson 9/28/1936). He estimated the total number of "Steilacoom" at 400, the majority of whom resided around Tacoma, Roy, Yelm, and Nisqually, Washington. They were, he added, educated in Indian schools, "admitted to Indian hospitals, and recognized as Indians" (Gruhlke to Nicholson 9/28/1936, 2). Whatever the number of members or the claims of enrollment progress by Gruhlke, there was no evidence that affidavits, petitions, or a roll of members were ever submitted to the BIA.

³⁰¹The petition submitted a copy of this six-page document (STI Pet. 1986, R-54). The only way its date was determined was the last page, where a blank "_____ 1936" was located.

Shortly afterward, at a meeting with the Nisqually at the home of Nisqually leader George Bobb on October 8, 1936, OIA agents Beaulieu and LaVatta received clear word from the Nisqually leadership that the majority of the Nisqually Tribe were not in favor of organizing with the Steilacoom under the IRA. While the meeting had been scheduled in advance, "owing to some hitch in getting notice to these people there was no one there except Willie Frank and George Bob[b], and Mr. Bobb's daughter, Mrs. Krise" (Beaulieu to Nicholson, 10/13/1936, 2). These leaders then informed the agents that the Nisqually majority were opposed to including the Steilacoom in their tribe (Beaulieu to Nicholson, 10/13/1936, 2), and only the leadership were in favor. There was no evidence showing that anybody other than the Nisqually leadership were ever in support of the idea.³⁰²

Correspondence in April 1937 reported that efforts by the OIA to complete the reorganization of the Nisqually under IRA were "held up due to disturbing claims by the Steilacoom Indians" (Daiker to LaVatta 4/23/1937). The Assistant to the COIA stated:

It was believed necessary, as a first step to solving this situation, to determine the status of the Steilacoom Indians. However, insufficient facts are available in the office to determine their status at the present time, and furthermore, the Office does not definitely know of what the claims of the Steilacoom consist (Daiker to LaVatta 4/23/1937).

³⁰²This explanation was advanced by Ray C. Gruhlke, the attorney for the IRA initiative (Gruhlke to Nicholson 9/28/1936, 2). Beaulieu explained:

Mr. Bob and Mr. Frank favored joining the Steilacoom groupe, [sic] but stated that they thought a majority of the Nisquallys were opposed to this idea. The opposition is based on a personal feeling more than anything else, the Nisquallys feel that owing to being more intelligent these Steilacoom Indians would eventually take over all offices and dominate over the Nisquallys should they join up with them under a constitution and ByLaws. But Mr. Bob and Mr. Frank, look at the situation in another light, they say that the Nisqually tribe have nothing in the way of tribal property or even a reservation, that they are backward and do not have the education that is possessed by the Steilacooms, so therefore, by joining with the Steilacoom group, they could profit to a great extent and would have nothing to lose. However, Mr. Bob and Mr. Frank, stated that they would try and get the Nisquallys to meet as soon as possible and see if they could get the Indians to agree on a plan of Organization (Beaulieu to Nicholson, 10/13/1936, 2).

BIA research collected no additional information ascertaining the sentiment indicated by the Nisqually leadership. The quote did show, however, that the Nisqually majority did not consider the Steilacoom organization's membership (whoever they were) as people with whom they interacted as a tribal community (Beaulieu to Nicholson, 10/13/1936, 2). LaVatta reported that "the Nisqually Indians were somewhat skeptical regarding organization due to the anxiety on the part of the Steilacoom Indians in wanting to affiliate themselves with the Nisqually Indians under organization" (LaVatta to Nicholson 4/27/1937).

After a review of the Medicine Creek Treaty provisions and later reservation modifications, and comments concerning the 1929 petition filed by the Steilacoom Tribe in the Court of Claims that had been dismissed on January 11, 1937, Daiker continued: "The foregoing facts are not conclusive as to whether the Steilacoom Indians can be considered a recognized tribe at the present time and whether they now have any legitimate claim to the Nisqualli or any other reservation" (Daiker to LaVatta 4/23/1937). The Assistant to the COIA laid out a sequence of questions:

It is believed that any action taken by the Department in the direction of organization should be taken in the light of the present situation. In order to assist you in furnishing information on this situation, the following questions on various aspects of the matter are posted:

1. Status of Steilacoom Indians.

Are any of these Indians enrolled under any Indian Agency?

Do any of these Indians possess allotments either within or without any Indian reservation?

Are any of these Indians residing on Indian reservations and, if so, which reservations?

Are the Indians scattered over considerable territory?

Do they consider themselves to be an independent tribe and do they in fact carry on any functions as a tribal group?

Approximately how many of these Indians can be considered members of the tribe if such a tribe does exist?

How many have sought enrollment as one-half blood or more Indians under the Indian Reorganization Act?

2. Steilacoom claim.

Do these Indians claim membership in the Nisqualli Tribe or rights on the Nisqualli Reservation?

Do they claim rights on the Puyallup or Muckleshoot Reservation?

Is their present claim generally considered to be the one submitted to the Court of Claims?

If land can be obtained for the Steilacoom Indians, would this relieve the situation?

Is the claim a matter of general agitation by the Steilacoom Indians and amont [sic] the Nisqualli Indians? (Daiker to LaVatta 4/23/1937, 2-3).

If Daiker's pertinent questions had received fully documented answers at the time, the responses would have been more useful in evaluating the current petition. However, the information contained in the responses was limited. On June 17, 1937, Nicholson and LaVatta did send a reply (LaVatta and Nicholson to Collier 6/17/1937). A number of points in their undocumented letter were important in characterizing the petitioner's ancestors, and disagreed sharply with Gruhlke's characterization of the Steilacoom as a group trying to get reservation land.

The agents stated that, "[t]he group of Steilacoom Indians the claims of whom are now affecting the organization of the Nisqually Indians, are not enrolled under any Indian agency" (LaVatta and Nicholson to Collier 6/17/1937, 1). They explained specifically that:

There are a few Indians of Steilacoom blood enrolled as members of the Nisqually tribe. They are, however, considered as Nisqually Indians and not as Steilacooms. As a matter of fact, the records show them only as being Nisqually Indians, but the Indians say they are of Steilacoom blood. It is understood that there are also a number of Indians of Steilacoom blood enrolled with the Puyallups. The same may be true of the Muckleshoots, but in each case they are considered as members of the tribe with which they are enrolled, and the group of Steilacooms which are referred to are not enrolled anywhere (Nicholson and LaVatta to Collier 6/17/1937, 1).

The agents emphasized that no census or survey of the Steilacoom Indians had been made and that there was "no authentic information as to the number or distribution of these persons" (Nicholson and LaVatta to Collier 6/17/1937, 1). They estimated that "the majority of them would be included with an area of approximately a thirty-mile radius" (Nicholson and LaVatta to Collier 6/17/1937, 1), but did not specify the central point of this radius. They added:

They are generally considered as an independent tribe, but as far as known they have functioned as a tribal group only for the purpose of filing a petition in the Court of Claims seeking damages for failure to obtain certain benefits under the 1854 treaty (Nicholson and LaVatta to Collier 6/17/1937, 1).

The agents also addressed the issue of potential membership:

The number of these Indians (Steilacooms) who could be considered as members of that tribe would depend largely on the question of whether enrollment affiliations would be restricted to Indians of a certain degree of blood. There are unquestionably but few of these Steilacoom Indians with the one-half or more Indian blood specified in the Reorganization Act, a large number of whom sought enrollment in order to benefit under the Act, when advised that the benefits were limited to Indians of one-half or more Indian blood only when not enrolled on any reservation or with any recognized tribe, it developed that very few could qualify

and they then considered the possibility of becoming affiliated with the Nisqually tribe in order to effect the enrollment of Steilacoom Indians with less than one-half degree of Indian blood (Nicholson and LaVatta to Collier 6/17/1937, 2) [grammar and punctuation sic].³⁰³

They concluded that “[t]he matter of enrollment of these Steilacoons with the Nisqually tribe was frankly proposed in order to make possible the enrollment of these Indians of less than on-ehalf [sic] degree of Indian blood who could not otherwise have been enrolled” as part of a community of half-bloods under the IRA (Nicholson and LaVatta to COLIA 67/17/1937, 2). Their conclusions were based on what they saw as a lack of interest by the organization as a whole:

Numerous meetings were held with representatives of the Steilacoom tribe, and it appears that the matter of recommendation of the Steilacoom Indians as a separate tribe and consideration of the affiliation with the Nisqually tribe was sponsored by a person of about one-eighth or one-fourth Indian blood³⁰⁴ who desired preference for employment in the Indian Service because of being an Indian (Nicholson and LaVatta to Collier 67/17/1937) [footnote added].

The agents stated that after they informed the “Steilacoom Indians and their representatives” about the proper procedure and provided them with copies of questionnaires for determining Indian blood quantum, they heard nothing more from the claimants:

and have had no response to our inquiries nor from several communications which were addressed to them wherein they were asked for information as to the number of Steilacoons of one-half or more Indian blood as well as other information regarding their future land needs (Nicholson and LaVatta to Collier 6/17/1934, 2).

They reported that, “it is generally understood that the present claim of the Steilacoons is the one submitted to the Court of Claims” (Nicholson and LaVatta to Collier 6/17/1937, 2), and expressed the opinion that land would provide little general benefit:

If land could be obtained for these Steilacoom Indians it would undoubtedly help those particular individuals who would obtain the land. It is doubtful though that this would materially relieve the situation. Most of these people are of less than one-half Indian blood. They have not resided in concentrated Indian localities nor have they for many, many years functioned as a tribal organization. If any land

³⁰³The membership eligibility standards proposed by the 1936 Constitution and By-laws were:

ARTICLE II — MEMBERSHIP. Section 1. The membership of the Steilacoom Tribe shall consist as follows; All Indians who enrolled under the Steilacoom Tribe who have one-half or more Indian blood, and all children born from such Indians. The membership shall also include all Indians who enrolled and who have heretofore considered themselves as direct descendants of the Steilacoom Indians (STI Pet. Resp. 1994, R-54).

³⁰⁴This person was not identified in the Nicholson/LaVatta letter or otherwise by the petitioner.

were made available and such land was restricted to Indians of one-half or more Indian blood, those of less than one-half Indian blood would naturally desire land and attempt to obtain it. The comparatively small amount of land that could possibly be obtained would not, in our opinion, relieve the situation (Nicholson and LaVatta to Collier 6/17/1937, 2-3).

They did not see broad support for the claim among the group's members:

The claim of the Steilacoom Indians is not a matter of general agitation by either the Steilacoom Indians nor the Nisqually Indians. As a matter of fact, it is difficult to get the Indians together to select committees for signing contracts for them, and . . . we have been unable to get information requested as to the number of Steilacooms of one-half or more Indian blood and the land needs of this particular group (Nicholson and LaVatta to Collier 6/17/37, 3).

By July 1937, D'Arcy McNickle concluded that "there is a question in my mind whether, on the basis of the facts given here, these people can organize, and whether anything is to be gained by encouraging them with ideas of organization" (McNickle to Westwood 7/8/1937). The second page of this document had a handwritten memo to McNickle saying "on the strength of this good letter in answer to our questions I think we can proceed with organization of the Nisqually tribe and not plan any organization for the Steilacooms in the present situation" (CTW [C.T. Westwood] to McNickle 7/8/1937; STI Pet. Resp. 1994, R-52).

A 1938 letter from Nicholson to the COIA stated that he had no other information concerning an April 30, 1938, meeting "forwarded by the Superintendent July 11, 1938" that was held "in the matter of Transferring these Steilacoom Indians to the Ozette Reservation" (Nicholson to COIA 8/9/1938).

Four years, later, in 1941, a letter from A.B. Cunningham, a lawyer, to Hoquiam Superintendent Philip reported that "[s]ome of the Steilacoom Indians have approached me with the proposition of perfecting a tribal organization" and asked for further information (Cunningham to Philip [Phillips] 4/9/1941). After some further internal correspondence, LaVatta responded that the individuals should "fill out 'Applications for Registration as an Indian' if they desired to participate in possible benefits under the Indian Reorganization Act passed by Congress in 1934" (LaVatta to Eskew 7/3/1941).

The petitioner did not submit further information on the activities of the petitioner's ancestors, the Steilacoom claims groups, the Steilacoom Tribe of Public Domain Indians organization, or the Muck Creek Indian Tribe group from 1941 until 1950. Table 8 summarizes meetings for which documentation was available. The table shows that meetings conducted in 1935 amounted to little more than a handful of representatives primarily from the LaTour and LeGard families, who worked loosely with the Nisqually as representatives to submit claims. Information for attendance at the other meetings was unavailable.

TABLE 8
Summary of Meetings and Minutes 1925-1942

Date	Purpose of Meeting	Attendance
4/25/1925	Joint meeting of the various tribes mentioned in the Medicine Creek Treaty Called by the Superintendent of the Tulalip Agency, in Firwood, Puyallup Valley (Dickens to COIA 6/27/1925).	65 Adult Puyallup, Nisqually, 7 Steilacoom ³⁰⁵
5/2/1925	Regular Council Meeting of the Nisqually Tribe, at Shantytown, Nisqually Res.(STI Pet. Resp. 1994, R-74)	Peter Kalama, ³⁰⁶ Willie Frank, Joseph McKay, Jack Klatush <i>notified</i> . John Steilacoom present.
5/2/1925	Council Meeting of Steilacoom Tribe of Indians (STI Pet. Resp. 1994, R-231) at Shantytown, Nisqually Res.	"All of the adult members of the Steilacoom tribe were present" (Minutes 5/2/1925; STI Pet. Resp. 1994, R-74).
3/10/1934	Council meeting "held by the Nisqually and Steilacoom Tribes of Indians at Olympia," Wash. ³⁰⁷	Called to order by Peter Kalama.
Before June 1934	"Meeting at Olympia" (Moffat to Nicholson 8/2/34)	Nisqually and Steilacoom
6/18/1935	Committee on Organization for the purpose of discussing the organization work of the proposed Muck Creek Indian Tribe	Signed by John Burston, Chairman; Grace Bartlett, Ed Krise, Nellie Crist, Bob Whitener
7/27/1936	Meeting of Nisqually and Steilacoom Indians "held . . . after notice to all members of their tribes" ³⁰⁸	
7/29/1936	Meeting to draw up Steilacoom constitution	
9/10/1936	Meeting of the Steilacoom Tribe, Roy Washington.	

³⁰⁵ . . . a few members of the Steilacoom tribe were present but they were unable to fully agree on the choice of an attorney and pursuant to an understanding with Supt. Dickens, I called special meeting of the Steilacoom tribe who reside in the vicinity of Steilacoom and Olympia, Wash., . . . to meet at Nisqually, Wash. (Dickens to COIA 6/27/1925).

³⁰⁶ . . . which meeting was attended by practically all of the adult members of the [Nisqually] tribe. (W.B. Sams to COIA, 6/24/1925).

³⁰⁷This was a joint meeting of the Nisqually and Steilacoom Indians (STI Minutes 3/10/1934, STI Pet. 1986, E-38, Exhibit #31; Nicholson to COIA n.d.; STI Pet. Resp. 1994, R-76).

³⁰⁸The meeting may have been held the Saturday before.

Date	Purpose of Meeting	Attendance
4/30/1938	Meeting of the Steilacoom Indians "in the matter of Transferring these Steilacoom Indians to the Ozette Reservation" (referenced, Nicholson to COLA 8/9/1938; STI Pet. Resp. 1994, R-60).	
7/3/1941	Announced Meeting [No evidence it was ever held]	
"1942"	Camilla Bartlett to C.W. Ringey (n.d., indicating a Steilacoom Meeting. STI Pet. Resp. 1994, R-79).	[Copy from BIA Puget Sound Agency dated 4/6/1956]

There was little evidence of continuity between the leadership in the 1920's, when John Steilacoom and Joseph McKay were active, and that in the 1930's, when the LaTour and LeGard descendants became prominent.

5.6 Comparison of the Nisqually Enrollment List of "210" (1930-1935) and the Muck Creek "Exhibit A" (1936) membership

Neither the list of 210 persons suggested for Nisqually membership between 1930 and 1935 nor the list of 93 persons suggested for membership in the proposed Muck Creek Indian tribe in 1936 can be regarded as a listing of STI ancestors, although the petition attempted to portray them as, to some extent, antecedent organizations, with the Nisqually 210 enrollment list and the Muck Creek list providing, in a limited sense, substitute membership lists which could be used to characterize both the earlier Steilacoom claims organization of the 1920's and the later Steilacoom Tribe which attempted to organize under IRA,³⁰⁹ in the absence of a membership list from either of those organizations.

The petition attempted to link the Steilacoom claims organization to both the proposed membership of the list of 210 submitted by Nisqually leader Peter Kalama and to the Muck Creek Indians as follows:

In 1935 . . . those Steilacoom tribal members who c[h]ose to apply for adoption with the Nisqually Tribe, and who were adopted by the Nisqually Tribal Council in 1930, learned that the adoptions were not being allowed by Commissioner Collier. . . . After learning this, *several of them* met with other local Indians to organize a new tribe called the Muck Creek Tribe in order to file under IRA. The

³⁰⁹The petition stated that ". . . a list of 93 members of the proposed [Muck Creek] tribe can be used to establish a tentative [*sic*], partial list of who was in the Steilacoom Tribe" (STI Pet. 1986, 2:278). Although the wording was vague, it also attempted to link the Steilacoom Tribe of the later 1930's to the 210 Nisqually applicants, stating that, "[i]n July 1936 the Steilacoom Tribe (including those Indians who had previously left to join the Nisqually Tribe) adopted a constitution. The reconstituted Steilacoom Tribe then met at the Roy Town Hall in September 1936" (STI Pet. 1986, 2:277).

name itself shows the geographic basis as being in the Roy community. In forming the group they also brought in members from the Steilacoom Tribe who had not applied to the Nisqually, and members of the Skokomish and Squaxin Island tribes who were Steilacoom descendants (STI Pet. 1986, 2:277) [emphasis added].

Only 19, or nine percent of the 210 names proposed for Nisqually adoption, were persons ancestral to current STI members. The Muck Creek "Exhibit A" list included 14 names or 15 percent of the 93 individuals, who were ancestors of the STI membership. The petition provided no documentary evidence showing that it was the members of the earlier Steilacoom claims organization (whoever they were) who "met with other local Indians to organize" the Muck Creek Indians. Nevertheless, the petition then interpreted the subsequent Office of Indian Affairs' actions as based on their "learning of the interrelationship between the proposed Muck Creek Tribe and the Steilacoom Tribe" (STI Pet. 1986, 2, 277). The petition provided no evidence that the BIA saw such an interrelationship: rather, it was assumed by the petitioner.

The petition then shifted, in the next paragraph, to describe the Muck Creek Tribe documentation as "providing some essential information concerning the Steilacoom Tribe at that time that is not otherwise available today." The petition drew the connection in two steps. First, the petition proposed an important leadership role for the Burston family:

For example, the Burston family can be established as one with a role of leadership in the Steilacoom community pocket at Roy.³¹⁰ John Burston was one of the Steilacoom tribal members adopted by the Nisqually Tribe. In setting up the Muck Creek Tribe, he was voted by his constituents to the position of Chairman (STI Pet. 1986, 277-278) [footnote added].

John Burston was indeed listed as Chairman of the Muck Creek group, though not one of the persons listed on "Exhibit A." His name was also listed on the 210 Nisqually proposed enrollment. It is reasonable to conclude he was indeed a leader of the Muck Creek group. His leadership status among the people named on the 210 Nisqually list cannot be derived from the available data. Although he was related collaterally to today's Cottonoire/LeGarde/Byrd and Cottonoire/Lyons lines in STI, none of his descendants appear among today's petitioner membership.

The BIA's comparison of the 210 names on the Nisqually enrollment list of 1930-35 and of the 93 names on the Muck Creek Indian list showed that the two lists denoted two different groups: the lists shared only 12 names.³¹¹ The petition also used 12 as the number of shared names, stating:

³¹⁰For BIA analysis of the petition's "community pocket" concept, see section 3.7.1.

³¹¹The names were from the Cottonoire/Legarde, Byrd, Calder, Dean/Fiander, Riell, and Ross/Wren family lines. It was possible that there was one more overlap, but the individual was not identifiable as a member of any STI family line.

[t]he total number of former Steilacoom tribal members who went to the Nisqually Tribe and then turned to the Muck Creek Tribe as a way to organize under IRA is 12. This did not represent the total number as the Muck Creek Band limited [sic] membership to those with ½ Indian blood and over to meet the restrictions of IRA (STI Pet. 1986, 2:278).

Only six of the 12 names included on both lists, or 50 percent, were from families directly ancestral to today's petitioner. All but one of the six STI ancestors included in the 12 were from the Cottonoire/LeGarde/Byrd line; the other was a Red River métis.³¹²

The petition's use of the blood-quantum limitation as an explanation for the small number of people shared between the groups did not survive an examination of the evidence. An examination of the list of those shared between the two groups showed that even the 12 who were shared among the two groups were less than half blood. Ten were listed on the Nisqually enrollment as 1/4-blood, and the remaining two were listed as 1/8-blood.³¹³

The petition's assertion that either the 93 Muck Creek list members or the 210 Nisqually list members can be used, even tentatively, to describe the membership of the so-called Steilacoom tribe is seriously flawed (the petition analyzed the composition of the Muck Creek membership as indicated in the footnote³¹⁴). The comparison of the two lists showed that the Muck Creek and Nisqually enrollment lists denoted two different groups of people. The total shared number comprised about 5.7 percent of the 210 list and 12.9 percent of the Nisqually Exhibit A list. This

³¹²Seven of the shared names were from the LeGarde/Byrd line, but two of the persons have no descendants in STI.

³¹³The blood quantum was taken from the Nisqually application list because they appeared to be the more carefully determined. They compare the quantum of *ego* to that of the mother or father. The Muck Creek list appears to use blood quantum simply as a threshold category. Interestingly, the mean blood quantum for those on the Nisqually application list was 0.196, while that for the mothers was 0.381, and the fathers (where listed) was 0.384. The quantum of those shared between the two groups were thus a little bit higher than average. No statistical study has been done to see if the difference is significant. It should also be noted, however, that the average of *ego* is a little over ½ that of the parents, suggesting that most of the parents had married non-Indians.

³¹⁴The distribution would be as follows:

93 total individuals in the Muck Creek Tribe

- u former Steilacoom tribal members who went to the Nisqually Tribe in 1930 [n=12]
- v individuals from the Skokomish Tribe [n= ~4]
- w individuals from the Squaxin Island Tribe [n=~18]
- x full-bloods and half-bloods of unknown affiliation [n=~21]
- y individuals from the Puyallup Reservation who were rejected in the 1929 enrollment [n=~2]
- z individuals from the Steilacoom Tribe [n=~28]

comparison suggested that in the 1930's, six of the petitioner's ancestors had joined two separate groups, neither of which could be considered an organization antecedent to the STI, for only a few persons on either list were ancestral to the petitioner.

The 50 percent of those shared between the lists as ancestors to the petitioner (6 of 12) was significantly higher than the nine percent of persons on the proposed Nisqually enrollment who were STI ancestors (19 of 210) and also significantly higher than the 15 percent of the persons on the Muck Creek list who were STI ancestors (14 or 15 of 93). However, the small absolute overlap between the two lists (i.e. 12 people) made impossible any interpretation as to whether those shared between the two lists constituted a socially significant subgroup. Thus, if the two lists had anything to say about the petitioner at all, it was that they showed that the ancestors of the petitioner did not constitute a defined group with internal consistency of membership from 1930-1936.

5.7 Leadership 1925-1951

The petition also maintained that there was continuous leadership among these various groups, with which some of the petitioner's ancestors were involved during the 1920's and 1930's. For example, the petition maintained that John F. Steilacoom, one of the 1925 representatives of the Puyallup/Steilacoom claims meetings, was a leader. It also mentioned Rose Andrews as an informal "meeting organizer," and Joseph McKay, the other Puyallup/Steilacoom claims contract signer (STI Pet. 1986, 233). While documentation shows that Steilacoom and McKay presided over meetings in 1925, there was no indication of the membership over whom they were leaders. From 1935 on, the only representatives were members of the Andrews/Bertschy and Gorich/Sears lines, as mentioned above.

There was even less available documentation concerning political leadership from the late 1930's until 1951. Table 9 summarizes the petition's version of leadership from after 1936 until 1951:

Table 9
Sequence of Leaders 1940-1951 as Represented in the STI Petition

Year	Name	Role
1940-41	Louis Andrews	Organizer
	Joseph Eskew	Tribal Chairman
	Camille Bartlett	Secretary
1941-46	Louis Andrews	Leader
	Ida Dahl	Leader
	Camille Bartlett	Secretary
1946-51	Louis Andrews	Leader
	Rose Edwards	Leader
	Alex Andrews	Leader
	Robert Burston	Secretary-Treasurer

Joseph Eskew was not identified genealogically by the petitioner's documentation. The petition stated only that he was a Lummi who was recruited by Louis Andrews (b. 1882, LaTour/Andrews) some time around 1940 (STI Pet. 1986, 269) as the equivalent of a business manager. He was reputedly forced to resign his position in favor of Louis Andrews because of alleged connections with the International Workers of the World (IWW) (STI Pet. 1986, 270). The only documentary evidence indicating formal or informal leadership of any kind for Joseph Eskew was a letter sent to him in 1941. While a letter was addressed to him, neither petition documentation nor BIA research indicated what role he played as a leader, nor provided insight into his constituency.

Political activity. Joan Ortez (b. 1935, LaTour/Andrews) recalled that the Steilacoom organization had less activity during the years around World War II:

I don't think there were a whole lot of meetings during the War, even though I remember riding around with Uncle Lou,³¹⁵ and him telling about a gathering. I don't remember where they took place, or anything like that, or the reason for it. And I never paid it that much attention. We were so busy preparing food and cleaning up afterward . . . exactly as to what was discussed. I remember having to pay our assessment fees, and those kind of things, while standing in line. I remember Marjorie Axelson [sp] and Gertrude Smith were part of the council (Joan Ortez, BIA Interview 1/8/1998).

Documentation available for the 1940's showed only that Joseph Eskew requested a meeting for July 3, 1941, to which BIA agent George LaVatta responded: "If you still desire a meeting, I suggest that you inform me by return mail at which time I shall be glad to let you know when I can attend along with Superintendent Phillips" (LaVatta to Eskew 7/3/1941).³¹⁶ Joan Ortez (BIA Interview 1/8/1998) explained that many records of these meetings were lost.

In the petition you don't have minutes in reference to that because that was the one -- what was the lady's name -- that had all the records and lost them? Was her name Margie?³¹⁷ If my mother were here she'd tell you, because that was an unhappy situation, when all of the records got lost by one of the secretaries, or something, because she divorced and married, or something, and lost them (Ortez BIA Interview 1/9/1998).

³¹⁵I.e., Louis Andrews (b. 1882, LaTour/Andrews), listed by the petition as an STI leader.

³¹⁶There is no indication that this meeting occurred.

³¹⁷Unidentified - possibly Margie (Smith) Fallstom (Sherlafoo), who served as secretary in 1960-1970 (see section 6.1).

5.8 Where the petitioner's ancestors were in the 1930's and 1940's and what they were doing

The petition maintained that "from 1928 to 1930 the Steilacoom Tribe experienced its largest loss of members to recognized tribes since the Quinault adoptions some twenty years earlier" (STI Pet. 1986, 2:247). The petition also maintained that the petitioners' ancestors who lived in the Muck Creek, Steilacoom, Puyallup, and Nisqually areas were functioning in a manner similar to the members of the Puyallup Indian Tribe of the same era who, because "[t]here was no longer any residence on a reservation and instead they lived among the whites in the Tacoma/Puyallup area" (STI Pet. 1986, 248). The petition cited the example of Henry Sicade, a Puyallup leader, who lived at Tacoma (STI Pet. 1986, 2:248).

The petition's argument was based solely on analogy. Henry Sicade was recognized by outsiders as a Puyallup leader. He attended Chemawa Indian school with a cohort of other Indians from Puyallup and Nisqually who subsequently became leaders of their reservations. By contrast, the evidence showed that life among the petitioner's ancestors, while indicating limited social interaction between individual members of various family lines and reservation Indians, was devoted primarily to interaction within their own families. Evidence obtained through BIA interviews showed that much of the social interaction among family lines was credited as due primarily to geographical proximity, rather than an exclusive ethnic or other social boundary. Oral history indicating political activity and leadership outside these family lines was also sparse, as shown by the following interviews. It did show that the absence of written records for this time was not indicative of a complete absence of activity.

Barbara Powe (b. 10/27/1925, LaTour/Bertschy) recalled that she grew up, during the mid to late 1930's, with her grandmother near Bald Hills, "up around Yelm. Thirty miles north, I guess it would be" (Barbara Powe, BIA Interview 1/11/98). This area was "kind of a desolate area. There weren't too many . . . farms." Powe added that Bald Hills . . . wasn't what you would call a really friendly community at that time. Because of the bootlegging that was going on." Later, she lived with a family in Olympia, where she noticed that there were variously politically well-connected families, called "south-enders," that would look down on those who were poor or dark-skinned.

I would say it was somewhere during the early thirties. And then in school, when I was -- we didn't have much money, I had flour sack clothes, and all of that sort of thing. And went to school in Olympia high school, which is the capital. And there were these South Ender kids that were all related to someone in the -- what do you call it -- judicial system, in the government. And they really kind of looked down on you, so I didn't dare say "hey, I'm part Indian!" [laughs] I wouldn't have gotten anywhere (Barbara Powe, BIA Interview 1/11/98).

She explained that these South Enders "were your typical -- I would assume white -- Caucasian. Their parents were . . . all in the political field. They were high society." She maintained that these South Enders treated those of Indian, Japanese, or African American descent alike:

We had a few Japanese kids that went to high school there. Their parents had restaurants. In fact, our governor's *wife* is related to them! Some of them. And they were kind of looked down also. And one black boy . . . *he was definitely* looked down upon (Barbara Powe, BIA Interview 1/11/98).

This account indicated that the prejudice reported by the petitioners was directed toward other minorities as well as those of American Indian descent.

The petition maintained that the petitioner's ancestors continued to live "within their traditional area" (STI Pet. 1986, 2:248) in Pierce, Thurston, and Kitsap counties, and described two main "community pockets," at Steilacoom and Roy (STI Pet. 1986, 2:250). The petition described members' reminiscences of shared residence, as well as some marriage among the petitioner family lines, visiting, and cooperative hunting. At Roy, most of the shared residences and relationships were among close relatives (e.g. father John Henry Lyons to son Merton, and uncle to Nick Byrd to nephew Bobby Brewer (STI Petition 1986, 2:253).

Joan Ortez recalled living at Salmon Beach, in the town of Steilacoom with her mother, her twin sister, and brothers during the late 1930's and early 1940's, until she was ten years old. While in Steilacoom, they went to Fern Hill School. She made few friends at school, and "kind of stuck to the ones we knew." She related that:

there was another tribal family that was just two blocks from us, and their children went to Fern Hill school -- Mary Andel.³¹⁸ She had a lot of kids, maybe 7 or 8 children. The two that we played with all the time -- Geraldine and Nicki -- that were our age -- that was the only family we were allowed to stay overnight with (Joan Ortez, BIA Interview 1/8/1998).

They then moved to Spanaway, which then became the central place for people to visit:

And there were other families in Spanaway that my mother enjoyed -- as other tribal members -- that she enjoyed associating with. Long time friends from the tribe like Janice Draper, the Draper family [Greig/Sears], and Mrs. Rediske, Florence Rediske [Spence], her name was. And then there was Mrs. Lieber. When we lived at Fern Hill, there was an Indian family that lived next door to us, too, but they were from the coast. And I don't know which tribe (Ortez, BIA Interview 1/8/1998).

She also recalled how she and her sister visited other Indian tribes with her great uncle Louis Andrews, the STI leader throughout the 1940's who lived on Squaxin Island. As she described her great uncle:

³¹⁸The spelling is not certain, and there were no individuals with this surname listed on any of the STI membership lists.

He was my uncle that actually lived off the land, and dug clams and picked wild berries, hunted, and fished, and traded with all the Indians. He'd take -- you know -- down along the coast and he would take us with him, and we'd help him pick berries. We stayed on Squaxin Island with Uncle Lew and dug clams, and harvested various plants, and visited the other families that lived on the island (Joan Ortez, BIA Interview 1/8/1998).

She also described how they visited other Indians:

Also we'd stay with the other families down along LaPush and Queets, which were at those times I identified with tribes at the young age. But they must have been Quinalts or Quileutes or Hoh -- all along in that area -- the families that we used to stay with. And you were just like part of them. You'd go, you'd stay, you'd become one of the other kids. And you all crawl into bed at night and you'd be five or six kids in one bed. We'd go -- maybe sometimes for two or three days -- or whatever, and when Uncle Lew would feel like bringing us home, he'd bring us home (Joan Ortez, BIA Interview 1/8/1998).

As a result of these visits, she and her mother, who sometimes accompanied them, came to know different Indians from the different tribes. She and her mother interacted with these individuals long after the passing of Louis Andrews. They included (1) Bob Satiacum, "who was a big activist with the Puyallup Tribe in getting fishing rights, and also served as chair of the Puyallup tribe," (2) Florence Sigo with whom her mother "became close friends" and who in "later years was chairwoman of the Squaxin Island Tribe," and "Jack Simmons, from the Nisqually tribe -- that would make sure my mom had fresh fish" (Joan Ortez, BIA Interview 1/8/1998).

Ortez also reported that her great uncle took her and her sister to have their tonsils taken out at Cushman Hospital. However, she observed that these visits were not frequent, and were "for a couple of different emergency type things that happened" (Joan Ortez, BIA Interview 1/8/1998).

During the World War II years, Joan Ortez observed that her great uncle Louis Andrews would:

ride around in his old Model T, and go and always make the announcements of the gatherings that were coming up for the tribal people, and get them all together. He was kind of like a modern day messenger, in his Model T. And I remember him trading -- during the War -- he traded his rations stamps for gas, in order to get enough gas to make his trips around to everybody (Joan Ortez, BIA Interview 1/8/1998).

Ortez also described accompanying her mother on commercial berry picking trips with the Nellie Crist (LaTour/Sears, b. 1888) and Josie, Bill, and Virginia Bertschy (LaTour/Bertschy):

[T]hat was even before the War, when we worked in the fields. The berry fields in Puyallup, and lived in little cabins, and some of the other tribal members were involved . . . at the same berry farm. The Crist family. There was a lot of the

Crist family that we all picked berries together. While we played. The adults picked the berries (Joan Ortez, BIA Interview 1/8/1998).

Kenneth DittBenner (Cottonnoire/Lyons, b. 1948) explained how his family reunions around Roy had begun with his grandmother and grandfather, as early as the 1920's, and continuing well into the 1950's. His grandfather was John Henry "Mack" Lyons, a Red River métis descendant; his grandmother was non-Indian:

That's where it all started was from my grandma and grandpa, that was the gathering place. My grandmother had a homestead on the Fort Lewis Reservation. When they took Fort Lewis they took the homestead. They moved into Roy. They owned a couple of houses there in Roy. Then my grandpa, his brother and cousin built about half the buildings in Roy. And my grandmother's family bought the hotel there. The Roy hotel. So, my grandma and grandpa were running that for a while. And that's where all these things started getting together (Kenneth DittBenner, BIA Interview 1/7/1998).

The Fort Lewis homestead had included a bulb farm that was located near what is now Lewis Lake (formerly Horsefall Lake). In the 1940's the grandparents bought a restaurant:

And then as my grandma and grandpa got older, of course, they bought the restaurant in Roy . . . with the rooming house. It had eight apartments in it, or something. And the restaurant. And they lived in the back of the restaurant. So, out in front they had like an early pool hall area. Well, when they had a get-together, they'd move all the tables out of there, and everybody would eat in there, and they'd set up the tables to eat in there (DittBenner 1/7/1998).

While he described reunions for the 1950's in greater detail, he observed that members from the related Red River settlers' families, such as LeGarde/Byrd and Cottonnoire/Lyons families also attended these reunions:

At my dad's house we used to have them all the time. And most of the Byrds were there, all the Lyonses were there. John, Jimmie, Mose, Danny. Nancy Fiedler, she was a Lyons. We'd have Camille Bartlett [Lyons]. A lot of the older people are dead, now. Like my grandma and Grandpa. The Kueglers. That was my mom's cousin. Let Kuegler. She was a Johnson, I think. Her maiden name. I'm not sure.

There were three different Byrd families that lived in Roy. There was Pete Byrd, and his wife and daughter. McLean Byrd, Petie Byrd. Little Pete. That was McLean's brother, was Pete. Arnold, the other Pete, is cousin to McLean and Pete, and another Byrd family. Pete, Little Pete is what we called him, he was on the tribal council for several years, and so was McLean. That's just some of the tribal members (DittBenner 1/7/1998).

These occasions were not exclusively for the petitioner's ancestors. As DittBenner observed, "[t]here was all kinds of other people. Friends. Being from a small area we all grew up together and we all knew everybody" (Kenneth DittBenner 1/7/1998). Similarly, John Lyons explained that "What used to be the Roy -- it's safe to say -- address area was probably maybe -- counting all the farms -- that might have been four hundred people" (John Lyons, BIA Interview 1/8/1998).

Roy's population grew from 287 in 1900 to 389 in 1968. Meanwhile, Pierce county's population grew from 50,940 in 1890 to 386,886 in 1968 (Schmid and Schmid 1969, 23). During the same time, Pierce county's percentage of urban population increased (Schmid and Schmid 1969, 43-49). Thus, Roy remained at the same population level despite a county-wide population increase of 759 percent. While the population of Roy increased, it remained small in absolute numbers and the character of the area remained rural until the end of the 1960's.

5.9 Discussion

The petition attempted to identify a number of Steilacoom residential "pockets" in which, it asserted, some of the petitioner's ancestors lived (STI Pet. 1986, 2:254). However, the data did not show ethnic "pockets," but rather suggested strongly that STI families lived in predominantly non-Indian areas, while most social interaction took place among close relatives within families (STI Pet. 1986, 2:254-255). STI members recalled berry picking (STI Pet. 1986, 2:256), clam digging (STI Pet. 1986, 2:257), fishing (STI Pet. 1986, 2:258), and hunting (STI Pet. 1986, 2:259), all of which took place among close relatives and with personal, non-STI, friends, rather than across family lines or with other tribal members. While the petition provided diagrams of residence sharing, visiting, clamming, economics, hunting, fishing, instruction, berry gathering, and shrimping (STI Pet. 1986, 2:251), it provided no description or documentation validating the diagrams (the many interviews conducted by the petitioner's researcher, cited by the petition as NTFN, were not submitted to the BIA).

The petition maintained that some children continued to attend Indian schools (STI Pet. 1986, 2:260), and described how "Steilacoom students were also starting to gain success in attending public schools in Tacoma . . ." (STI Pet. 1986, 2:261). As noted previously, however, students from STI families had been attending public schools in later 19th and in the first decades of the 20th century.

The petition also maintained that some of the petitioner's ancestors continued to maintain social interaction with reservation Indians. The petition mentioned specific individuals such as Bessie Crist (daughter of Nellie Crist of the LaTour/Sears line) residing on the Skokomish Reservation (STI Pet. 1986, 2:263), and the friendship of John Henry Lyons (Cottonoire/Lyons family line) with Nisqually tribal members. The evidence provided showed, however, that only one or two of these individuals interacted intensively with reservation Indians or resided on Indian reservations for extended periods of time.

6. 1950-1969: CLAIMS LITIGATION, THE TERMINATION ERA, CONSTITUTION AND BYLAWS

After 1950, the available documentation began to become more extensive. During this 20-year period, important events included claims activities authorized by the 1946 Indian Claims Commission Act (ICC) and the compilation of membership lists for the Steilacoom organization as it existed at the time; reactions to the proposed termination of Federal responsibility toward Indian tribes, and the beginning of fishing rights issues. The petition represented these years as a time when post-war tribal political activity became energized through claims activities and attempts to assert tribal hunting and fishing rights (STI Pet. 1986 2:303), through heightened involvement by tribal members through fund raising (STI Pet. 1986 2:292), and through enhanced meeting attendance (STI Pet. 1986 2:293). The petition noted that this was a time during which whole families were adopted into the organization (STI Pet. 1986 2:313-315), reflecting "the spread out nature of the families of adopted members" (STI Pet. 1986 2:215).

Evidence showed that the BIA recognized the STI only as a claims organization. Fishing rights issues revolved around status as a claimant, not Federal recognition of the STI as a tribe. The membership lists and constitution revealed a less than systematic enrollment procedure, which admitted families for whom there was no evidence of either Steilacoom descent or previous social interaction with families who had been active in the 1930's.

6.1 STI enrollment, organizational structure, and activities, 1950-1967

Table 10

Sequence of Leaders 1951-1970 as Represented in the STI Petition

Year	Name	Role
1951-53	Lewis Layton	Chairman
	Fred Bray	Secretary-treasurer
	Camille Bartlett	Parliamentarian
	Alex Andrews	Council Member
	Sydney Winchester	Council Member
	Rosalie Edwards	Council Member
	Bernard Brown	Council Member
	Ida May	Council Member
1954-55	Lewis Layton	Chairman
	Alex Andrews	Council Member
	Sydney Winchester	Council Member
	Rosalie Edwards	Council Member
	Edna Gaul	Council Member
	Dexter Rundquist	Secretary-Treasurer

Year	Name	Role
1955	Ida May	Temporary Secretary-Treasurer
1955-57	Lewis Layton	Chairman
	Sam Curtwright	Vice-Chairman
	Camille Bartlett	Secretary
	Alex Andrews	Council Member
	Sydney Winchester	Council Member
	Rosalie Edwards	Council Member
	Dexter Rundquist	Council Member
	Gertrude Smith	Treasurer
1960-62	Lewis Layton	Chairman
	Bernard Brown	Council Member
	Alex Andrews	Council Member
	Alfred Peterson	Council Member
	Rosalie Edwards	Council Member
	Emma Chinn	Council Member
	Margie Fallstrom	Secretary
	Gertrude Smith	Treasurer
	Dan Brown	Representative
1962-63	Lewis Layton	Chairman
	Margie Fallstrom	Secretary
	Lawrence Brown	Account Co-Signer
	Alex Andrews	Council Member
	Bernard Brown	Council Member
	Rosalie Edwards	Council Member
	Edna Gaul	Council Member
	D. Alfred Peterson	Council Member
1964-66	Lewis Layton	Chairman
	Margie Fallstrom	Secretary
	Lawrence Brown	Vice Chairman
	Bernard Brown	Council Member
	Rosalie Peterson	Council Member
	Edna Gaul	"[Also Treasurer]"
	D. Alfred Peterson	Council Member
1966-70	Lewis Layton	Chairman
	Margie Fallstrom	Secretary
	Lawrence Brown	Vice Chairman
	Edna Gaul	Council Member
	D. Alfred Peterson	Council Member
	Sam Curtwright	Council Member

Table 10 shows the leaders during the 1950-1967 time period as listed in the petition. From 1954 onward, meeting minutes showed that the Steilacoom organization met monthly, with Lewis Layton as Chairman. Lewis Layton, a Colville Indian by blood, was recruited in July 1951

to serve as tribal chairman. He served as chairman for approximately 25 years until 1975, when he was succeeded by Joan Marshall (later Joan Ortez).

Petition documentation included what appeared to be a carbon copy of a list of members 1951-53 for the "Steilacoom Tribe of Indians, Tacoma, Washington." The format of this 1951-53 list suggested that it was prepared as a mailing list (1951-1953 Membership List (from PSA) death notes made following Aug. 1954; STI Pet. 1986, e-35-e-56).³¹⁹ In a few instances individuals listed were annotated as "dead." In view of the fact that the STI filed a claim against the United States in 1951 under the Indian Claims Commission (ICC) (see section 6.2), it is possible this list was used to contact persons regarding the organization's claim. It could also represent the organization's efforts to notify members of the availability of "blue cards." Blue cards were issued by the agency to identify individual Indians who were members of Indian tribes or other organizations recognized by the Federal Government as eligible to file for claims. See section 6.6.2 for further discussion of blue cards.

The undated list, labeled by the petitioner as a 1951-53 membership list, showed 198 names and addresses. A second list labeled "Individuals who filled Out the 1952 Questionnaires" showed 234 people. A comparison of the names revealed about 136 people were on both lists. This number is 69.7 percent of the first list and 58.1 percent of the second. The lists were clearly far more similar to each other than the Nisqually Enrollment and Muck Creek lists of nearly 20 years earlier had been to each other. However, at least a third of the total number of individuals listed were carried on only one of the two lists.

The 1952 list contained 20 family lines, with the families of 25, or 10.7 percent of the total unknown. Of the 20 known families, the three LaTour lines (LaTour/Andrews, LaTour/Bertschy, and LaTour/Sears) were represented 44 people, comprising 15.8 percent of the total 234 membership. In second and third place respectively were Cabana/Gardner, with 25 individuals (10.7 percent) and Gorich/Sears, with 17 individuals (7.3 percent). Of the total 1952 membership, 159, or 67.9 percent, were ancestral to today's petitioner.

Council meeting minutes indicated no decision-making regarding processing of enrollment in the organization, or the submission of membership lists. However, a *Tacoma City News* announcement March 10, 1955 announced a "[n]otice to all Steilacoom Indians who have not registered in the Steilacoom Tribal Council, have until March 26th, 1955, to do so. Contact: Chairman Lewis Layton" (STI Pet. Resp. 1994, R-82). Evidently, people were being invited to join, but there is no evidence that any kind of criteria were being applied in deciding who was to join. Other than the list submitted by the petitioner in 1951, there is no evidence of how others were being added on.

³¹⁹Nile Thompson, the anthropologist responsible for compiling much of the research submitted in support of the Steilacoom Indian Tribe's petition, stated that he believed that the 1951-53 list and other former lists (not identified) were not intended to be regular tribal rolls because "they did not assign numbers to tribal members" (STI Pet. Resp. 1994, Membership and Enrollment, 4).

A second list submitted by the petitioner was dated 1955. The 1955 list was actually two separate lists, one for persons believed to be "of Steilacoom Indian descent," the other for persons "not of Steilacoom descent" who had already been adopted into the organization. The exact date when these lists were prepared is unknown. The 1955(a) list was entitled "List of Persons of Steilacoom Indian Descent of 1/16 Degree or over" (STI Pet. 1986, e-62-e-66). The 1955(b) list is titled "List of Persons of Indian Blood who are *not* of Steilacoom descent but are considered members of the Steilacoom Tribe by adoption and who are entitled full privileges, benefits, and rights of said Steilacoom Tribe" (STI Pet. 1986, e-67-e-70). The list included the tribe of asserted ancestral origin for all but seven of these persons.

Taken together, the 1955 lists contained the names of 233 members, 125 on 1955(a) and 108 on 1955(b). Of the 125 names on 1955(a), four were marked "deceased." Of the 108 names on 1955(b), three were nearly illegible and may have been marked out, but it could not be determined whether the change occurred at the time the list was prepared or subsequently. Of the 233 persons listed, the BIA researchers were unable to identify the ancestral family lines of 36, or 15.5 percent of the total. For the remainder, The BIA identified 21 family lines. The membership for these known family lines ranged in size from 45, or 19.3 percent of the total, for the three LaTour families, to 22, or 9.5 percent of the total for Cabana/Gardner, to two (or 0.9 percent) for the Steilacoom family. Within the total of 233, 189 persons, or 76.8 percent, were ancestral to the current STI membership or themselves carry-overs to the current STI membership.

There were 172 members shared between the 1952 and 1955 lists. This number was 73.8 percent of the 1955 and 73.5 percent of the 1952 lists. The family lines were distributed within this group similarly to the way they are distributed in the two main groups. There were 23, or 13.4 percent, of the people whose family lines were unidentified. The three LaTour descendant family lines comprised 19.7 percent of the total, with 32 people, with the Cabana/Gardner and the Gorich/Sears lines in second and third places, with 17 (9.9 percent), and 16 (9.3 percent). Within this whole group, 102, or 59.3 percent, were ancestral or carry-overs to the current STI membership. Most of the differences appeared to be due to variability within family lines and the families that comprised these lines. There was no indication, for example, that large family lines made their appearance on one list but not the other.

During the mid-1950's, the STI was making a concerted effort to enroll new members, as seen in the March 10, 1955, Tacoma newspaper (STI Pet. Resp. 1994, R-82). A memorandum dated March 10, 1955, from M.F. Schwartz to all Indian Tribal Councils requested names, addresses, and elections of council leadership, and bonded status of treasurers (Schwartz to Secretaries, All Indian contacts, 3/10/1955). Available correspondence from March 16, 1955, suggested that the STI had already sent the agency a list of individuals proposed for membership in the group prior to the notice appearing in the newspaper (STI Pet. Resp. 1994, R-39). It is not clear to what list this letter refers.

Evidence of the agency's concern over the group's adoption of "other Indians" appeared in BIA correspondence, January 9, 1955,³²⁰ debating whether a person of other than Steilacoom blood were entitled to be enrolled, and if so, to share equally with those of Steilacoom blood in any per capita payment growing out of the claims suit." The opinion which returned stated that "In the absence of express reservations to the contrary by Acts of Congress, an Indian tribe has complete authority to determine all questions of its own membership. . ." (Cohn to Holm 2/18/1955, 1, STI Pet. Resp. 1994, R-156).

Agent Cohn concluded:

Therefore, if the Steilacoom Tribe desires to enroll Mr. Smith³²¹ as a member of the tribe by adoption and provide that adopted members shall have full rights of membership similar to those born into the tribe, it can do so; but such action will not bind the Court of Claims or Congress in prescribing to whom the per capita payment shall be made (Cohn to Holm 2/18/1955, 2; STI Pet. Resp. 1994, R-156).

Although the exact date when the 1955(a) and 1955(b) lists were prepared and submitted to the agency cannot be determined, it seems likely that they were the lists being acknowledged belatedly by Superintendent Robertson (STI Pet. Resp. 1994, R-39). It also seems quite likely that the 1955(b) list of adopted members may have caused the agency to seek an opinion from the Portland Area Office regarding the eligibility of *other* Indians being proposed for adoption in the Steilacoom tribe. Because the 1955 lists were developed by the STI and identified the organization's adopted members by their tribal ancestry, they were among the documents upon which the BIA relied in making determinations regarding the tribal ancestry from which current STI families descend.

A subsequent list was prepared in 1961 (1961 Membership List (from PSA); STI Pet. 1986, e-71-e-92). Although the 1961 list did not distinguish between "regular" (i.e., Steilacoom) members and adopted (i.e., "other Indian") members, it was nonetheless very useful for evaluating the petition because it was arranged by family groups. Because of its arrangement, the petitioner relied on this list heavily during the process of building the basic Steilacoom descendency charts which were later annotated by hand with information from other sources. The decision to "organize the membership papers by family groups" appeared in the August 12, 1961, council minutes. The stated purpose for the meeting was to bring the membership papers up to date. At this same meeting, the council decided to have blue identification cards printed for distribution to the members (STI Minutes 8/12/1961).

³²⁰No copy of this correspondence was available.

³²¹Cohn's letter attached an inter-office transmittal referring to the "enrollment of Indians not of Steilacoom blood for adoption into the Steilacoom Tribe, case example James Smith . . ." (Cohn to Holm 2/18/1955). James Smith (b. 1908) was a Sherlafoo Cowlitz descendant. His adoption marked the first arrival of this line into the petitioner's ancestry and the Steilacoom organization.

The 1961 list contained 451 members. Although the family lines for all members were listed, several could not be connected with families listed on current STI ancestry charts (20 persons representing seven families). However, for those family lines represented in today's petitioner, 75 (or 15.6 percent of the total membership) were from the three LaTour families, a distribution similar to the earlier 1952 and 1955 lists. However, in second and third place, respectively, were Sherlafoo/Smith (15, or 11.8 percent) and LeGarde/Byrd (51, or 11.3 percent). Cabana/Gardner dropped to 8.6 percent of the total, and Gorich/Sears to 7.1 percent. The reasons for this pattern are unknown.

The 1961 and 1955 lists shared 150 names, or 33.2 percent of the 1961 list, and 64.3 percent of the 1955 list. As usual, the three LaTour families led, with 14.7 percent of the total, followed by Cabana/Gardner and Calder/Wren, with 10.7 percent of the total. The Gorich/Sears line followed, with 8.7 percent of the total membership. Within this whole group, 93 people, or 62 percent, were ancestral to the petitioner. Again, most of the differences appear due to variability within family lines and the specific families that comprised these lines. There was no indication that large family lines, for example, made their appearance in one and not the other, but BIA research did not reveal whether the non-overlap between the lists was due to fluidity within family lines, or to less than thorough record keeping.

Comparisons of the 1952, 1955, and 1961 lists and their overlaps displayed three common patterns. First, they tended to share in common with one another from about two thirds to three quarters of their total members. Second, the distribution among these members was similar, with between 15 and 20 percent of the membership being distributed among the three LaTour family lines (i.e., LaTour/Andrews, LaTour/Bertschy, and LaTour/Sears), and the other contenders being the Cabana/Gardner, Gorich/Sears, and LeGarde/Byrd lines. Third, between 59 and 77 percent of their membership were ancestral to today's petitioner.

The various lists compiled in the 1930's were not comparable to the STI membership lists for the period 1950-1961, because none of them were lists of the membership of a "Steilacoom" organization as such, but merely had members of STI ancestral families on lists that were compiled for other purposes. Between 1950 and 1961, the STI lists, and decisions associated with enrollment, showed a membership still in considerable flux. There was only limited comparability and stability among the various lists compiled during this time period. The variability in these lists cannot be explained by generational differences, nor is there indication that members were leaving or joining for any pattern of reasons. Please refer to Appendix 9 for tabulated summaries of these membership lists.

6.2 Claims litigation, 1951-1962

From 1951 through 1962, most of the activity of the STI, as an organization, centered around pursuing claims. In 1946, Congress passed the Indian Claims Commission (ICC) Act. The first documented response from the STI emerged through a letter from Western Washington Agency Superintendent Raymond H. Bitney, October 12, 1951, informing the COIA that the Steilacoom, with an estimated population of 120, were among the "Indian Tribes (members not enrolled) to whom this office extends services" (Bitney to COIA 10/12/1951). On January 5, 1952, Lewis

Layton met with the Nisqually Tribe concerning the joint claims activity (Nisqually Indian Tribe, Minutes, 1/5/1952).

On June 16, 1952, Janet Judson Russell, a 75-year old non-Indian, testified for the ICC about the Steilacoom,³²² saying: "Well, the tribe was right there living when I was a child and we were with them. They worked for us. All father's help and mother's help were members of the Steilacoom tribe" (Russell 1952, 17). She had lived at the town of Steilacoom all her life (Russell 1952, 13), and had taught people to whom she referred as Steilacoom in school (Russell 1952, 21). When asked, "Would you say that the Steilacoom tribe was an identifiable group of Indians?", she replied: "Yes, they were a group of Indians." When asked, "Did you refer to them and did your ancestors [*sic*] refer to them as the 'Steilacoom tribe [*sic*] of Indians'?", she replied, "Yes, the 'Steilacoom tribe [*sic*] of Indians'" (Russell 1952, 20). She estimated that there had been "about 125 or 130 . . . there when I was big enough to know them and to remember their names" (Russell 1952, 22).³²³

However, when asked if she thought the tribe was "in existence today" she replied: "Some of the descendants of that tribe are and there's two full-bloods that belongs [*sic*] to the tribe. One by the name of McLeod³²⁴ and the other by the name of John Steilacoom" (Russell 1952, 20-21).³²⁵ When further asked if there was "a tribal organization in existence today known as the 'Steilacoom tribe'," she answered: "Well, there are just these descendants; there's not really a tribe. These descendants are living there, a great many of them, right in Steilacoom" (Russell 1952, 21).³²⁶ When counsel pursued the line of questioning by asking, "Is there still a large

³²²The exhibit, STI Pet. Resp. 1994, R-295, omitted pages 25 through 28 of her testimony and did not include the testimony of other witnesses on behalf of the STI.

³²³Since Russell was born about 1877, this probably referred to the mid-1880's.

³²⁴Unidentified. This person was not discussed in the petition. If "McLeod" was a misstatement or mis-transcription for "McKay," the family was enrolled Puyallup. Marguerite Byrd (Cottonoire/LeGarde/Byrd) had married a McLeod. McLeod was the name of the attorney for the plaintiff who was doing the questioning in the case.

³²⁵Only three descendants of John F. Steilacoom are members of the petitioner. The remainder are enrolled as Clallam. None of McLeod's, or McKay's, descendants are part of today's STI membership.

³²⁶Russell was also asked what she knew about where the Steilacoom lived and where they gathered salmon, oysters, berries, and camas roots. She reported that there were Indian villages "almost here from the mouth of the Nisqually River along the Bay down here almost to where University place is between University Place and Bay Island. They had their homes along the beach" (Russell 1952, 13). This set of villages she marked in her testimony as V-1. She then located another so-called village "right down here on the Nisqually river" (V-2). A third set she located "one right down here around Steilacoom, and then there was a few of them at what they call Bolton Bay, what is now called University Place." Also included were "a few other villages at Chambers Creek" (V-3) (Russell 1952, 13-14).

Russell was then asked to locate the "rest of the villages." She listed them as "along the beach and they went up to the mouth of Chambers Creek. There were quite a number up there. But *there weren't very*

number of that tribe in the area?”, she replied, “Yes, quite a number.” When he asked, “Then you could still identify that tribe as the ‘Steilacoom tribe’?”, she replied, “As the Steilacoom tribe, yes” (Russell 1952, 22).

In January 1953, STI lawyers Malcolm McLeod and Frederick Post hired the anthropologist Herbert C. Taylor, Jr., “to conduct an anthropological investigation of the so-called Medicine Creek Tribes” (Taylor 1974, 403). Taylor reported that “From March 1953 to May 1954, the writer spent approximately 100 days interviewing Steilacoom, Nisqually, Puyallup, and Squaxin informants (Taylor 1974, 458). About the informants, Taylor observed that “(1) All of the informants (except the Chehalis informants who did not speak Nisqually) agree that the Steilacoom, Puyallup, Sahehwabc, Nisqually and Squaxin spoke the same language without any dialectical variations” (Taylor 1974, 458), that “(2) . . . [s]ome informants stated that the Steilacoom were part of the Nisqually, some said that the Steilacoom were an independent tribal unit, and some said that all Steilacoom were white men” (Taylor 1974, 459), and that “[i]t swiftly became apparent that virtually all of the writer’s informants were conscious of the suit in progress” (Taylor 1974, 460).

Taylor reported that at the end of his field work:

All told, the writer interviewed about 40 informants. Of these, 18 seemed to be sufficiently reliable and informed to justify repeated interviewing. The writer’s observations are based upon these repeated interviews. This latter group included no individual below the age of 55. Nearly all were 65 and over. All except the Steilacoom named spoke Nisqually. All spoke English (Taylor 1974, 460).

Taylor listed the informants specifically as:

many houses in one place” [emphasis added]. She estimated the number at the mouth of Chambers Creek as “five or six . . . and then a few up the Creek. . . about 200 yards maybe.” (Russell 1952, 15-16). She did not indicate when these villages existed, nor did she indicate whether or not she had seen them first hand.

When asked “[i]n what other areas were the villages in the Steilacoom area?” (Russell 1952, 16), she responded “on the Nisqually” where horses were kept and pastured on nearby prairies. These Indians did hunting around Sequallitchew [*sic*] Lake, Steilacoom Lake, Gravelly and American Lakes in the timber between the prairies. Significantly, she described the houses as “more like shacks than houses. There just a few of them that were really good houses.” They “were built out of lumber, and of course a good deal of lumber floated in on the beach and then they sawed down trees, where we would use today 2 X 4s, they were used” (Russell 1952, 20). While inconclusive it appears that the villages she was describing were more like the “rookeries” described by Gibbs than winter villages at which headmen, shamans, and other traditional village organization would have been located.

Russell also observed that most of the Steilacoom she knew did not marry other Indians but “married whites, because you see, there is no other Indian reservation right near Steilacoom excepting Nisqually, and that is quite a ways away” (Russell 1952, 24).

Jerry Meeker, Puyallup; Mrs. Ida May, Steilacoom; Frank Adams, Nisqually; Paul Leschi, Nisqually; Mrs. Ben Garrison, Squaxin; Bennett Cooper, Squaxin; Frank Wrolson, Puyallup; Edward Cooper [sic], Squaxin; Ben Garrison, Duwamish; Robert Sigo, Suquamish; Silas Heck, Chehalis; Murphy Secona, Chehalis; Harry Shale, Quinault; Florence Sigo, Squaxin; Mary Krise, Nisqually; Dewey Leschi, Nisqually; Fred Bertshey [sic], Steilacoom; and Ralph Krise, Squaxin (Taylor 1974, 460).

Ida May was a descendant of the Lyons/Montgall family. Fred Bertschy (b. 1876) was a descendant of the LaTour line. As mentioned before, he reported that he was born at Nisqually, and that he had resided at Gig Harbor. BIA research did not reveal his whereabouts after 1920.

Taylor cited Marian Smith's 1940 description of the Steilacoom and concluded that the archaeological evidence supported the existence of an aboriginal Steilacoom village on the north side of Chambers Creek, and a more seasonal settlement on the south side. Commenting on Smith and Gibbs, Taylor observed that "the writer's ethnographic informants informed him: (1) that the Steilacoom were Nisqually, and (2) that the Steilacoom were an independent unit (Taylor 1974, 457).

Taylor concluded that aboriginal Steilacoom were difficult to identify or define. He acknowledged the difficulty defining and designating a tribal unit for the Puget Sound Indians, but concluded that "[d]epending on the definition you wish to use they may be termed tribes, bands or what have you; they are, in any case identifiable groups." For the aboriginal Steilacoom, however, he concluded that

The question of group identity for the Steilacoom is a considerably more vexed matter. In the first place, some ethnologists subsume the Steilacoom under the Nisqually and one subsumes them under the Puyallup. Some declare them to be a separate group although "closely affiliated with the Nisqually" (Taylor 1974, 471-472).

He explained that:

The situation is complicated by the fact that the Steilacoom culture was destroyed earlier than that of the other groups because their main village happened to be where a U.S. military post, later a saw mill and still later the town of Steilacoom grew up (Taylor 1974, 472).

Moreover, he harbored doubt about the contemporary Steilacoom identity, stating that

The present enrollees of the Steilacoom tribe are able to supply virtually no valid ethnographic information concerning aboriginal times. Furthermore, a very large number of these enrollees are manifestly not genetically Steilacoom at all. There are a number of Clallam, Cowlitz and other peoples represented, as well as at least one Cherokee and one or two who probably have no Indian blood. On the other

hand, some of the Steilacoom can trace their lineage back to the 1850s and Indians living at Steilacoom at that time (Taylor 1974, 472).

In 1957, a contract between the Steilacoom group and Frederick Post was approved, for further pursuit of ICC claims (F.A. Schwartz to Ringey, 1/2/1957). An attendance list for a Steilacoom Tribe meeting held September 28, 1957, contained the names of 22 persons (STI Pet. Resp. 1994, R-89). Several "roll calls" for meetings between January and November of 1962 contained from 15 to 22 names (STI Pet. Resp. 1994, R-93).

On September 21, 1962, the Indian Claims Commission issued their findings (11 Ind. Cl. Comm. 304; *Steilacoom Tribe of Indians v. The United States of America*, 9/21/1962). The Commission concluded that the Steilacoom Tribe of Indians:

petitioners herein, is an identifiable group of American Indians within the meaning of the Indian Claims Commission Act of 1946, as amended (60 Stat. 1049; 25 U. S. C. A. 70(a)), and as such is entitled to maintain this cause of action. Petition has a tribal organization recognized by the Secretary of the Interior as having authority to represent said tribe and claim is made by and on behalf of the descendants of the members of the Steilacoom Indians (11 Ind. Cl. Comm. 304; *Steilacoom v. U.S.*, 9/21/1962, 310).

The findings mentioned that the expert witnesses for both the petitioner and the Federal Government agreed that the aboriginal Steilacoom village was on the north side of Steilacoom or Chambers Creek (11 Ind. Cl. Comm. 304; *Steilacoom v. U.S.* 9/21/1962, 317). The findings also cited BIA expert Carroll Riley as reporting that

the Steilacoom [were] a distinct ethnic group more closely related to the Nisqually than the Puyallup, particularly in the orientation of their economic life. His conclusion as to their autonomous political unit is in keeping with the normal pattern of the area (11 Ind. Cl. Comm. 304; *Steilacoom v. U.S.*, 9/21/1962, 335).

The commission's findings stated that, in their opinion, the Steilacoom were:

an identifiable band of Indians who exclusively used and occupied the following described area of land contiguous to their village on Steilacoom (Chambers) Creek in the present state of Washington on December 26, 1855, the date of the treaty of Medicine Creek and long prior thereto, and that the United States acquired said land on March 3, 1855, the date of the ratification of said treaty:

Beginning at a point along the eastern shore of Puget Sound opposite Gibson Point on Fox Island, and known as Sunset Beach; thence in a due southeast direction for a distance of two (2) miles; thence in a southwesterly direction, following the east shore line of Puget Sound at a distance of two (2) miles therefrom, to a point on the south bank of Sequeliches Creek, two miles distant from the mouth thereof; thence along the east shoreline of Puget Sound in a

northeasterly direction to the place of beginning (11 Ind. Cl. Comm. 304; *Steilacoom v. U.S.* 9/21/1962, 319).

The ICC otherwise described this as "in Pierce County, Washington, and is a strip of land about two miles wide and eight miles long on the southeastern shore of Puget Sound, containing 10,900 acres. The town of Steilacoom is located on the Sound nearly midway in the tract" (29 Ind. Cl. Comm. 481; *Steilacoom v. U.S.* 3/14/1973, 482).

The Commission added that:

The questions as to consideration, land retained, if any, acreage, value, and such other questions as may remain undecided as a result of the stipulation entered into by the parties will be decided at future hearings wherein evidence, if any, as to these questions may be introduced (11 Ind. Cl. Comm. 304; *Steilacoom v. U.S.* 9/21/1962, 577).

For discussion of the claims award, which as of 1998 has not yet been distributed, see section 7.2.

6.3 Proposed Western Washington Termination Act

In 1953, the BIA initiated planning for terminating Federal responsibility over Indian tribes. A draft report prepared by Western Washington Agency Superintendent Raymond Bitney (Bitney 9/10/1953) described the treaty rights of the historical Steilacoom. Of the modern group, he said that, "they are now located around the town of Steilacoom and some around Olympia and some in King County. As stated before they are located around Steilacoom Creek . . ." (Bitney 9/10/1953). He added, "[a]t the present time they are attempting to get the remaining members of the band organized . . . It will be necessary to scrutinize this so-called roll very carefully as I believe that they have attempted to include a large number of Clallam Indians" (Bitney 9/10/1953). He concluded:

It is believed that they are ready for termination as at the present time we do very little for them. In the past they were eligible for education at the old Cushman Indian School some 35 years ago, and at the present date they are eligible for medical care at the Tacoma Indian Hospital if they can identify themselves from the record as members of the Steilacoom Indians (Bitney 9/10/1953).

At a meeting held May 22, 1954, BIA officials explained about plans to withdraw Agency health care for indigent Indians. Lewis Layton, the Chairman for the Steilacoom, voiced concerns about difficulties he was experiencing paying a hospital bill at Tacoma, and felt he should receive free medicine while he paid his bill. He added that "if they [the Steilacoom] were to be paid off like they should be, that his tribe would be willing to go on their own without any help from anybody" (Portland Area Office Minutes, 5/22/1954, 6). Aside from the informational meetings, BIA research revealed no further action taken by Steilacoom members, Mr. Layton, or the BIA as a result of the termination era initiatives.

6.4 1963 Constitution

On November 23, 1963, Lewis Layton (Layton), Dan Brown (Smith/Brown), and O.A. Peterson (Latour/Crist), signed and adopted the Constitution and By-Laws of the Steilacoom Indian Tribe (STI). STI Secretary Margie Smith Fallstrom, in a letter to the Western Washington Indian Agency, named the leadership³²⁷ as:

Lewis Layton, Chairman
Lawrence Brown, Vice Chairman
Margie Smith Fallstrom, Secretary
Edna Sears Gaul, Treasurer

Dan Brown, Council Member
O. Alfred Peterson, Council Member
Rosalie Andrews Edwards, Council Member
B.R. Brown, Council Member

Available materials do not show the process by which this document was considered or whether tribal members were consulted. Correspondence from Margie Smith Fallstrom to the Western Washington Agency stated that the constitution was unanimously approved (24-0) at the tribe's regular meeting in September 1963 (Fallstrom to Western Washington Agency n.d. rec 1/22/1964). This number, 24, is approximately 5.3 percent of the 451 members listed in 1961.

The 1963 documents were the first to include a provision for adopting persons of "other Indian" (i.e., not Steilacoom) blood. Membership in the Steilacoom Indian tribe was limited to "direct Steilacoom descendants" and/or adopted members.³²⁸ Descendants of the Stevens Treaty and Western Washington tribes were eligible for adoption (Constitution of the Steilacoom Indian Tribe 11/23/1963). The 1963 constitution did not address "dual" (i.e., concurrent) enrollment of Steilacoom members in other tribes.³²⁹

Under the 1963 constitution and ByLaws, the tribe's governing body was a nine-member council elected for life. The council was composed of a chairman, vice-chairman, secretary, treasurer, and five council members. Eligibility to serve was limited to "direct descendants of Steilacoom blood" who were members in good standing (Constitution of the Steilacoom Indian Tribe 11/23/1963).

6.5 Other activities: fishing rights

On March 16, 1956, Assistant Supervisor of Patrol, State of Washington Department of Fisheries S.P. Phillips, responded to a letter from STI Chairman Lewis Layton. The letter affirmed that as a result of the Sampson Tullee case, October 1941, "A treaty Indian fishing off the reservation

³²⁷This list differs from that presented in Table 10. The petition did not provide a consistent roster of leaders.

³²⁸As mentioned before, the tribe's 1955 membership list is divided in two parts. The 1955(a) list includes persons believed to be of Steilacoom blood; the 1955(b) list covered adopted members not asserted to be of Steilacoom descent (blood).

³²⁹The issue appeared of concern for the first time in 1986, when the Council passed an ordinance forbidding dual enrollment. A motion to send out a letter of notification to all members was passed.

was subject to all our laws and regulations with the exception that he needs no license to fish either on or off his reservation" (Phillips to Layton 3/16/1956, R-248). Evidently Layton had inquired into this issue.

October 25, 1957, Malcolm McLeod wrote to Donald and Dolores Such (Such),³³⁰ to let them know that "Mr. Walter Neubrecht [*sic*] of the State Game Department has agreed to instruct R.H. Nelson to allow you to hunt on your blue cards without a State Game License" (McLeod to Such 10/25/1956). As late as 1971, Neubrecht wrote to Layton that, "we consider the Steilacoom Tribe of Indians a bonafide one, and one that received a valid treaty with the United States Government - that members of this Tribe may fish or hunt without a license when it is otherwise lawful to do so" (Neubrecht to Layton 10/8/1971).

Some petitioner members maintained that when they received these cards their identity was defined. As one reported: "I really became aware of our life, and maybe why my grandfather looked a little different to me . . . than my mom, or her dad -- you know -- my other granddad" (Dale Sears 1/10/1998). There is no indication, however, that the blue cards affected either social interaction or political organization within the petitioner group.

While petitioners recalled receiving blue cards, their recollections about fishing rights during this period were slim. Two kinds of fishing were described. The first was commercial fishing. Adam Ross (LaTour/Bertschy) (1/8/1998) mentioned that his family had been fishing commercially for generations (Adam Ross, BIA Interview 1/8/1998).

My uncle showed me where his great grandfather³³¹ had laid out points of carvings on rocks and stuff, to mark the area. My grandmother -- actually right off where I fished -- that's where she was raised on that beach, locally. And we were held in that area to fish. Right up at the head of Carr Inlet.

He was much more involved in Indian fishing and Indian affairs than I was. He was like my link to the tribe, telling me the history. My great uncle. It was his grandfather that was past chairman of the tribe. The Bertschys [i.e. LaTour/Bertschy were his family line] (Adam Ross, BIA Interview 1/8/1998).

³³⁰The Such family was adopted into the Steilacoom, but the time is not certain. Donald and Olive Such appeared on the 1951 membership list (STI Pet 1986, e-53).

³³¹Because the passage might be considered relevant to the activities of the historical Steilacoom tribe which the petitioner claims as its antecedent, the BIA presents the following analysis. If Ross was discussing his paternal STI lineage, his uncle could have been either Leslie Bertschy (b. 1905) or William Bertschy (b. 1907). In that case, his great grandfather could have been Louis LaTour, or a forebear of Fred Bertschy's non-Indian wife Josie Alexander (b.c. 1883), or the father of Harriet LaTour's husband John Bertschy (b.c. 1833), which is unlikely since Bertschy himself was a European immigrant to the United States. However, Ross may have been discussing his maternal, Lummi, ancestry, in which case this passage would not be relevant to any connections of his STI ancestry. BIA research did not determine the great-grandfather's identity.

In fact, he observed that his father, Adam Ross, Sr., a Yugoslav immigrant, was also a commercial fisherman. While he reported that his ancestors were involved in fishing and Steilacoom political affairs, there is no further indication of wide involvement of the petitioner membership in fishing during the 1950's or 1960's. Individual families simply went about the business of commercial fishing.

The second kind of fishing is what the informants referred to as *subsistence fishing*. Fish taken for private consumption would clearly help defray the costs of purchasing expensive meat from a market, or raising farm animals. Joan Ortez (BIA Interview 1/8/1998) reported fishing with her mother and her great uncle Louis Andrews with other Indians around Squaxin Island for salmon:

Yea. And my mother would cook. They'd set up a big camp, and all the fishermen would gather to fish, and my Uncle made my sister and I little nets to fish with, and my mother got stuck with the cooking for all those fishermen. She used to cook all day long. We really should have been there helping her because that was usually the role, but our uncle just adored us, and did everything for us, and I will never forget the nets that he made for us. And I remember Bob Satiacum was one of the ones that made fun of us and our little nets (Joan Ortez, BIA Interview 1/8/1998).

Another form of subsistence fishing was for smelt. Nick Brown reported how he and his brother would fish for smelt from the shore.

Either we were going down there or they were coming up here. We'd go down there for oysters on the beach. What we did we'd net saltwater smelt. A lot of people don't know there are saltwater smelt. And down there -- I believe it was called Johnson's Point down there. So you'd go down there, and you'd go up the beach a way because you could kind of see them kind of rolling. And you waded down there. You wouldn't holler or anything because you didn't want to scare them. They stayed in close to shore. And you'd kind of walk along with them as they went down, and they'd have a little boat where they'd just go a little bit out from shore, and have the net kind of hooking it, and when they got in there, close it behind them, and pull it right in on the shore. And you know, we'd get boxes of those saltwater smelt, and they were just given out to all the relatives or whoever wanted any. And they would smoke them or fry them. We just had a big smelt feed (Brown, BIA Interview 1/14/1998).

Brian Topping(Sherlafoo)³³² resided near Neah Bay, and therefore fished for smelt with Indians either who lived nearby, or who came to fish in the general area. Such individuals included Conrad and Levi Johnson (Makah) and Billy Frank (Nisqually) (Brian Topping, BIA Interview 1/6/1998)

³³²The Sherlafoo family appears to have been adopted into the STI by 1955 (Cohn to Holm 2/18/1955).

In the absence of further information on how fishing rights were of issue during this period, it is safe to conclude only that some STI members engaged in fishing for their own family's consumption. Either the family would eat the fish, or the catch would be distributed to close relatives and friends. Only one family clearly fished commercially, though later sections reveal that two members of the LaTour/Sears and Dean families respectively, also fished.

6.6 Characterization of the Petitioner, 1950-1969

In continuing the discussion from 5.7, this subsection will first describe social interaction, as indicated by family reunions, hunting and berry picking. Then, it will describe political interaction, as indicated by informant report and meeting minutes and other documentation.

6.6.1. Social interaction

Almost all informants described either large family reunions or constant visiting among people with whom they reported their ancestors had associated. Family reunions were described generally in section 5.8 of this report. They continued to be held for family lines such as the Cottonnoire/Lyons, many of whom appeared to reside in the vicinity of Roy, Washington. Kenneth DittBenner (Latour/Bertschy) elaborated on his own recollections of earlier family gatherings in Roy, which had included the members of the Byrd (Cottonnoire/LeGarde/Byrd) and Lyons (Cottonnoire/Lyons) lines from around Roy. As time went on, his father assumed responsibility for planning and hosting them. In his view, many of these kinds of reunions continue to this day.

A lot of Byrds I grew up with. From Roy. They're tribal members. We hunted and fished, and dug clams since we were kids together, and still do. Seems like the older you get the farther away you get from a lot of your friends, and don't do it as often . . . but we still do it (Kenneth DittBenner, BIA Interview 1/7/1998).

DittBenner echoed others in maintaining the responsibility for planning would soon fall to him.

Well, the last one we had was -- everyone's getting on me, now, to keep them current after my Dad died. My dad and mom died a couple of years ago. So, it's been a couple of years since we had one . . . about 1995 (Kenneth DittBenner, BIA Interview 1/7/1998).

DittBenner, as well as others, described prototypical annual or semi-annual gatherings. They occurred either in summer, when there was ample room to accommodate numbers as large as 100, or in winter, with smaller groups of family members (DittBenner 1/7/1998). In general, the host would cook meat (DittBenner 1/7/1998) or steam clams. All others attending would then bring additional food. As a result, this form of pot-luck did not require an inordinate amount of work by any one individual, or any concern about how many would or would not be expected to attend. All that had to be done was to insure that people were informed of the event.

Diane Smith (Cottonnoire/LeGarde/Byrd) described how her family would plan a summer gathering:

Oh, a lot of times, if they didn't have a phone you drove over to the house, and you'd say "hey, we're going to get together on July fourth at Toten shores" or we'd get a post card and mail it out. Pass the word to your kids in Shelton or pass the word to your kids in Yelm, or to the cousins in Tacoma. And it would go along the grapevine. It would spread right out. And we'd have anywhere between a hundred and a hundred and fifty people staying. Bring their tents and they'd stay. We'd get plastic tarps or blankets and we put them up to form a tent if we didn't have enough room. You'd sleep on the ground (Smith and Lewallyn 1/9/1998).

In general, then, such reunions were gatherings of extended family, with a few friends or neighbors of the family. The gatherings could number anywhere from a precise count of 50 (Osborn 1/6/1998) to the above estimate of as many as 150. Estimates of one hundred appeared reasonable, as informants were able to calculate arithmetically such a number simply from the children, grandchildren, and great grandchildren of close relatives.

Hunting. Hunting was conducted mostly by the men. Hunting parties would number as many as twenty (Nick Brown, BIA Interview 1/14/1998). Although the numbers of participants were not surprisingly smaller than those of the reunions, hunting groups were similar because they were composed primarily of relatives, with non-STI friends and neighbors also in attendance. In a typical big game hunt for deer or elk, the participants would divide into two principal teams. One team would drive the game toward the other team, of shooters. The proceeds of the hunt would then be divided among the participants. Nick Brown described such a hunt during the 1950's and 1960's.

when I was a kid, hunting was a big deal for us too, because we'd all go down to Shelton with my dad's brother down there. It was just like a get together. Everybody would get together and go hunting. You'd make your drives, you know. Whoever was on a drive -- and they'd put them on a post, they'd call it -- and you'd drive the deer. You'd go through the woods, of course. You'd start out as a kid making the drive. You weren't allowed even to carry a gun. And then supposedly who was on the stand and got their deer first, and then they would alternate it, and make another drive . . . and you worked your way up to setting on the stand.

. . . .

Oh yea, we'd have fifteen or twenty at times. Because you'd cover a big area when you were making your drive. You'd have four or five people on the stumps, or whatever. And then the rest of us would be on the drive -- fifteen or so on the drive (Nick Brown, BIA Interview 1/14/1998).

He also observed that the parties were limited to "just a get-together of the family, mainly. There were Browns, Bloomfields, and Crichfields, and I don't know what all down there. It was almost like a big happy family down there. Everybody got together" (Nick Brown, BIA Interview 1/14/1998). There are no Bloomfields (Smith/Brown family line) on the current STI membership list.

Kenneth DittBenner (Cottonoire/Lyons) described how hunts were limited to close relatives and friends.

There'd be the Lyonses -- Mose Lyons, John, Jimmie. There'd be me, my brother Rich, my dad, Jim. There'd be a lot of the other local people that aren't tribal members. There'd be the Kettlers, and I guess Clyde Byrd, I guess . . . and Buck Byrd. Arnold's his real name, I guess, but everybody calls him Buck.

And, as kids I grew up around the Byrd family. They were a big family that lived just up the hill from us. Growing up, we fished, hunted -- hunted ducks, hunted doves, hunted grouse, just about anything we could hunt. Clam digging. We'd used to go clam digging all the time (Kenneth DittBenner, BIA Interview 1/7/1998).

Thus, hunting was primarily centered around the nuclear or extended family. Those involved in a hunting party from outside the family were non-member friends and neighbors.

Discrimination. School experiences after 1950 appeared to involve even less discrimination than before. According to Kenneth DittBenner (Cottonoire/Lyons), who grew up around Roy:

We all went to the same little school. School wasn't bad, because most of us all grew up together. I don't remember really ever having any problems in school, when we were growing up. Richie, they used to call him Chief all the time. Richie Byrd . . .

But we all went to school together and we all looked out for each other. So we never really had any problems. . . . We always hung out together. We were all pretty close. All the kids were pretty close. We spent all summer long swimming in the creek together. And in the spring time we went fishing. But we were always together. In the winter time we were sliding around on the ice. So we were always together (Kenneth DittBenner, BIA Interview 1/7/1998).

Dale Sears reported that trouble arose only if he brought up his background

They [i.e. Indians] weren't spoken of very highly, back then, by my friends. It was like you didn't really talk about that part of your life to them because you knew how they were going to react. They'd laugh at you, tease you. Put you down, everything else.

I'd ask them, "well, who are you? What are your relatives from?" Oh, they're German, English -- whatever they would be. "So what?" I'd say, "Oh man! We're out here, we're here." And [they'd say] "aw, you're living in the Stone Age." I mean, any kind of a joke or any kind of a put-down. That's the part I

remember, so I didn't say too much to them. I felt more comfortable being around my own people (Dale Sears, BIA Interview 1/10/1998).³³³

In effect, individuals were not singled out because of their background or descent, but only when they volunteered their background in discussion. No evidence of a pattern of institutionalized discrimination directed at STI member families was submitted by the petitioner or located by BIA researchers. They attended schools and churches with non-Indians, married non-Indians, and were not singled out for separate treatment.

6.6.2. Political interaction

The petitioner, during this time, appeared to be functioning, at most, as a looseknit claims organization. The minutes showed that both the Council and general membership were involved primarily in claims activities. Some attention was given to issuance of blue cards for permitting hunting and fishing. These cards were issued from about 1952 to 1956 to people listed by Indian organizations recognized as eligible for submitting claims. In 1975, BIA Tribal Operations Officer David Paul Weston testified that the blue cards had also been issued in the 1940's:

to certify that a person was of Indian blood, born in the United States, and to give the date and place of birth. They served in lieu of a birth certificate to enable the holder to obtain employment in the defense industry. I understand that the [State of Washington] Game Department accepted these cards as proof of tribal membership for fishing and hunting purpose (Weston 1975, 2-3).

Weston then explained that these cards could be issued to "tribes which were not organized or recognized as reservation tribes" if "an individual's name was on some official census roll of the BIA" (Weston 1975, 3). He added that the Bureau would approve rolls that were prepared by "tribes whose existence has . . . been 'revived' in connection with prosecution of claims against the United States" (Portland Area Council in Weston 1975, 2). In addition, Weston reported that the BIA relegated responsibility for collecting these rolls to the claimant groups precisely because "these tribes undoubtedly have not maintained tribal relations over the years" and were the Bureau staff themselves to collect these rolls, the effort "would be an extremely expensive proposition" (Weston 1975, 2).³³⁴

³³³It is unclear from the interview, however, just how much of this retrospective is based on later insights, and how much of it actually happened as described.

³³⁴In keeping with this position, the BIA had sent Harold Fallstrom a card (Bitney to Fallstrom 9/19/1952) "which certifies that you are an enrolled member of the Steilacoom tribe, according to the records at this agency." The only Fallstrom identified as ancestral to the petitioner is Margie Smith Fallstrom (Sherlafoo/Smith). No other Fallstrom was identified and BIA research reveals no further information on any other Fallstrom.

6.7 Discussion

The social organization indicated by family get-togethers, men's hunting groups and fishing activities showed a group of close-knit extended families, the older generations of whom were involved with the STI primarily as a claims organization. Where they were involved with STI members outside their extended family groups, these families included other non-member families living close by. Interaction with these other families was not exclusive to STI members for any kind of activity discussed.

Those who became more active in STI activities reported doing so particularly in the 1960's, and for a variety of reasons. Joan Ortez, for example, maintained she was involved in STI activities because her mother was intensively involved. Both these women assisted Chairman Lewis Layton in his various activities. Dale Sears reported that he attended meetings with his father and became more interested in these activities after 1963, when he returned from his service in the navy. Barbara Powe reported that her father notified her of meetings in the 1950's, and "that the tribe was trying to get together as many members as there were, and start things rolling to try to be recognized -- as a tribe. Hey, we're here, let's get this thing going" (Barbara Powe 1/11/98).

The membership lists of the 1950's suggested an organization that was enlisting members from a small pool of extended families. These families included primarily the LaTour/Andrews, Lyons, LeGarde/Byrd, LaTour/Bertschy, and the Sears lines. Some individuals were enlisted through relatives while others appeared simply to have heard from other sources. There were no data concerning the impact of the 1955 newspaper advertisement seeking Steilacoom descendants, nor any data concerning the group's motives for adopting several non-Steilacoom (e.g. Cowlitz) lines during the mid-1950's. It is not known if the adoptee families were neighbors or social associates of families already in the STI claims organization prior to these adoptions.

7. 1970-79: LEADERSHIP CHANGE AND FISHING RIGHTS CLIMAX

During this ten-year period, government documents reveal a relaxed set of standards for adopting membership. The ICC decisions in 1973 and 1974 conferred the sum of \$9,272.43 on the STI (29 Ind. Cl. Comm. 481; *Steilacoom v. U.S.* 3/14/1973, 495). The Council responded by leaving the money with the BIA. The effect of the small sum on the membership is unknown. Brief and small-scale turmoil surrounded the resignation of Lewis Layton and his succession by Joan Marshall (LaTour/Andrews). The degree to which this turmoil might have been associated with the claims disbursement is unknown.

The collapse of claims activities was quickly overshadowed by fishing rights activities associated with the famous *U.S. v. Washington* case. These activities, however, involved only a small number of the petitioner's membership for a short period of time. The few members who had been commercial fishermen continued fishing after the *U.S. v. Washington* decisions against the STI by fishing with other, recognized, Indian tribes, by relying on networks of individuals outside the STI.

Activities such as non-commercial fishing, hunting, berry picking, and family reunions continued in a pattern similar to that noted before. That is, the activities were restricted to immediate family members, and a few neighbors, and did not involve members throughout the STI.

7.1. Claims, incorporation, membership lists, and constitution

By 1970, the BIA had submitted a financial settlement to the Steilacoom Indian Tribe. Their initial response was to submit a resolution saying "We the Steilacoom Indian Tribe hereby resolve to receipt [*sic*] the offer of the U.S. Government for land only!" (STI Minutes 7/18/1970). By September 4, 1971, however, the group resolved to "accept the resolution submitted" (STI Minutes 9/4/1971). This resolution accepted the receipt of payment only. There is no indication of how or why this change occurred.

7.1.1 1974 Incorporation

In February of 1974, the Steilacoom Indian Tribe incorporated within the State of Washington as a non-profit organization. The initial tribal council included Lewis Layton (Layton), chairman; Bill Jarmon (LaTour/Andrews) vice chairman, and Jean Knabel (Cottonoire/Layton), secretary. Council members were Willis Sears (Gorich/Sears), Rosalie Edwards (LaTour/Andrews), and Joan Marshall (now Joan Ortez) (LaTour/Andrews). Copies of the governing documents submitted to the Secretary of the State of Washington at the time of incorporation did not accompany the articles furnished BIA.

7.1.2 1974 and 1975 Constitutions, and membership requirements

In 1973, STI passed a resolution requiring that a "member shall exclusively be a member of the Steilacoom tribe" (STI Minutes 5/26/1973). By June 22, 1974, the appropriate revisions to the Constitution and By-laws were accepted (STI Minutes 6/22/1974, R-105).³³⁵ As a result, a number of members resigned formally. Most of them joined (or had already been members of) the Cowlitz Tribe of Indians (CIT), which had passed a resolution prohibiting dual enrollment during the same period (see Cowlitz Genealogical Technical Report).

Implementation was apparently delayed. STI Council meeting minutes for March 5, 1975, revealed that a lawyer maintained that the 1975 revision "... cannot be used by the tribe until it is approved by the Secretary of the Interior . . ." (STI Minutes 3/5/1975), so the council decided "to continue operating under the 1963 Constitution and ByLaws" (STI Minutes 3/5/1975) until

³³⁵ Actually, the petitioner submitted two constitutions for the 1974-75 period: one was identified in the inventory which accompanied the Steilacoom's 1994 response as the 1974 constitution (see STI Minutes 6/22/1974); the other was identified as the 1975 constitution. Although the documents are virtually the same in content, STI Council meeting minutes for June 22, 1974 reveal that "a revision of the constitution and bylaws [*sic*] was read and accepted by the council (STI Minutes 6/22/1974, R-105).

the autumn of 1975.³³⁶ The Constitution and ByLaws was ratified by the general membership September 25, 1975 (STI Minutes 9/25/1975).

The 1975 membership criteria, although different from the 1963 criteria, remained vague. Persons eligible were:

- A. All children born to any enrolled member of the Steilacoom tribe of Indians
- B. All persons of Steilacoom Indian blood whose names appear on the membership rolls of the Steilacoom Tribe before adoption of this constitution, provided that said rolls be subject to correction or revision by the governing body of the Steilacoom Tribe of Indians.
- C. All persons of Steilacoom Indian blood whose names appear on the Roblin Schedule of Unenrolled Indians³³⁷ (STI Pet. 1986, 3&4:d-3 thru d-14)

Just what rolls were referred to in paragraph B above is unknown. Several membership lists of widely varying format from this period were submitted with the petition. It is virtually impossible to know to which "roll" the criteria referenced under "B."

The group's policy regarding adoption changed in 1975 from descendants of the Stevens Treaty and Western Washington Tribes to simply "descendants of persons of Indian ancestry." The prohibition on dual enrollment, which had been adopted by the council in 1973, was retained (Topping 10/28/1975).

Provisions relating to the tribe's governing body changed only slightly in the 1975 document. The size and general composition of the council remained the same as it had been in 1963. Terms were reduced from life to three years. Qualifications for being elected to the council were liberalized to allow persons not of Steilacoom blood to serve. However, being an officer was still limited to Steilacoom descendants.

7.1.3 Steilacoom membership lists and other membership information from the Mid-1970's

The 1974 Steilacoom List. The petitioner's response to the BIA's letter regarding deficiencies in the 1986 STI Petition stated that "In 1974 there seem to have been three membership lists constructed . . ." (Thompson 1994, 9 *in* STI Pet. Resp. 1994). Only one 1974 list was present in materials provided to BIA, marked "9-10-74" on the bottom of the last page (STI Pet. Resp.

³³⁶There is no such Federal requirement for approval for the constitutions of unacknowledged Indian organizations by the Secretary of the Interior.

³³⁷Only one individual was identified as a Steilacoom on Roblin's Schedule of Unenrolled Indians. That was a John Steilacoom, a full blood residing in Tacoma Washington.

1994, R-151). This list appeared to be a mailing list and was similar in format to the 1951-53 list discussed earlier. Because it was clear that it was not complete, the BIA did not analyze it.

Sample Lists from the 1975 Petition. Partial or “sample” listings of members were found in the 1975 petition (STI Pet. 1975, [no exhibit number]). Individual members were listed by name only in separate households within family groups. The listing was further broken down into those believed to be Steilacoom by descent and other adopted Indians (STI Pet. 1975, [no exhibit number]). The only use that the BIA made of these partial/sample lists was to record how families that were present were identified.

The 1976(a) and 1976(b) lists were vastly different from one another in format. What, if any, relationship existed between them other than the year prepared is unknown. The 1976(a) list contained the full name and mailing address, blood quantum by tribe (e.g., 1/16 Steilacoom, 3/32 Cree), and previous location(s) (Roy, WA; Tacoma, WA) for 196 members (STI Pet. Resp. 1994, R-152). The 1976(b) list contained 273 names only, some followed by a plus sign and a number [presumably the number of children in the individual’s family] (e.g., [name of individual] + 5) (STI Pet. Resp. 1994, R-153).

The petitioner also provided a list entitled “1973-1978 Combined Membership Listings of the Steilacoom Tribe” (STI Pet. Response 1986, R-154). This list contained the names of 631 members. A total of 136, or 21.6 percent of the total were either LaTour/Andrews, LaTour/Bertschy, or LaTour/Sears members. In second place were 129 LeGarde/Byrd members, comprising 20.4 percent of the total, followed by Gorich/Sears, with 10.8 percent of the total.

A comparison of this list with the 1961 list showed 157 names shared between the two groups. This number was 34.8 percent of the 1961 list and 24.8 percent of the the 1973-78 list. This lack of commonality may be due to the influx of several nuclear families whose ancestral lines were already represented on earlier rolls. For example, new to the 1975 list were families such as 6 [family 1]³³⁸ members (LaTour/Andrews), 3 [family 2] (Gorich/Sears), 4 [family 3] (LaTour/Andrews), 3 [family 4] (LeGarde/Byrd), 4 [family 5] (LaTour/Bertschy), 4 [family 6] (Smith/Brown), 4 [family 7] (LaTour/Bertschy), 4 [family 8] (Cottonoire/Lyons), 8 [family 9] (Cottonoire/Lyons), 3 [family 10] (LeGarde/Byrd), 6 [family 11] (Latour/Andrews), 3 [family 12] (Gorich/Sears), 4 [family 13] (Smith/Brown), 5 [family 14] (LeGarde/Byrd), 8 [family 15] (Gorich/Sears), and so on.

Missing from the 1973-78 list were families such as the 3 [family 16] members (LaTour/Sears), 12 [family 17] (Cabana/Gardner), 4 [family 18] (Greig/Spence), 6 [family 19] (Cabana/Gardner), 3 [family 20] (Cabana/Gardner), 6 [family 21] (Gorich/Sears), 5 [family 22] (Greig/Spence), 4 [family 23] (Eaton), and so on.

Many other families were represented in both lists, although the overlap was sometimes small. Again, it was difficult for BIA analysis conducted so far to distinguish between what appears to

³³⁸The family numbers in brackets have been substituted for surnames to protect the privacy of living individuals but still show the statistical relationship of the members to the basic family lines.

be a membership that shifted from time to time within family lines, and what may also have been less than precise record keeping. The membership evidence, however, definitely did not support the existence of a highly-cohesive group of people.

Brian Topping (Sherlafoo), in October 1975, testified that, as "chairman of the fish committee and tribal researcher" he had updated the present rolls from previous rolls by taking

... what rolls were available then, names, addresses, phone numbers, of all the people we had available, contacted those people and asked them for new addresses, new births, marriages, and also other people in the tribe who have moved out of the state, who have moved from Steilacoom to Puyallup and wherever they have moved to, and just in general cleaned out the dead wood of the rolls (Topping 10/28/1975, 195-196).

He reviewed new applicants by presenting the application information

to the senior council members and the tribal elders, some of whom are not on the council, some old people that know everybody, and they go through this and say, 'Well, I know this fellow; this is my cousin Sam,' this, that and the other thing. We validate it through tribal history (Topping 10/28/1975, 196).

He also testified that membership in the STI depended on Indian descendency and whether or not the individual had been on a previous list, and was not restricted to descent from known Steilacoom Indians (Topping 10/28/1975). As Topping explained:

If they are members of the Steilacoom Tribe of Indians. And if in fact you were on the original rolls I am working from and if there was some adoption of some Lummi, some Nisqually, or some Puyallup, Cowlitz -- I can't think of anybody else -- one Colville -- these people, as far as I am concerned with my rolls, are Steilacoom Indians. By enrolling with the Steilacoom Tribe, these few people that have, they have then accepted the Steilacoom government, the Steilacoom -- I suppose allegiance, if you want to call it that. They are my tribal members. They are the people I have to work for (Topping 10/28/1975, 201).

Although there were restrictions on dual enrollment, the STI made no active or concerted attempt to remove those who were dually enrolled, presumably because they could be classified as "adopted" members. The only examples of removal arose from Cowlitz individuals who "wrote letters asking [the STI] to remove them from [their] tribal rolls so that they may re-enroll in the Cowlitz." He added that "[w]e do have an ordinance that there shall be no dual enrollment, so we automatically comply with a request like that" (Topping 10/28/1975, 201).

In effect, the membership during this period changed little from the loose pattern described for the 1950's and 1960's.

7.1.4 The 1975 STOWW List

The "STOWW list" was submitted to the Small Tribes Organization of Western Washington (STOWW) when the STI applied for an organizational membership (STI Pet. 1986, e-94 thru e-97) in June of 1975. Transmitting correspondence noted that the list was not complete as "some of the members have moved and we are waiting for they're [sic] new addresses. Therefore you will be receiving another list of the members as we receive them" (STI Pet. 1986, e-93). This was an alphabetical mailing list containing 107 names and addresses. Children and family relationships were not included. Because it was incomplete, the BIA did not analyze it.

7.2 Claims activities

On March 14, 1973, Jerome Kuykendall, Indian Claims Commission Chairman, issued an opinion on the *Steilacoom Tribe of Indians v. The United States of America*, setting the net award to the STI claims at \$9,146.32 (*Steilacoom v. U.S. 7/31/1974, 337*). This award was computed after subtracting gratuitous offsets, if any, allowable under Section 2 of the Indian Claims Commission Act. (60 Stat. 1049, 1950)" (*Steilacoom v. U.S. 3/14/1973, 517*). The COIA based the apportionment decision "on the proportion which their population bore to the total population of the participating tribes" of the Medicine Creek Treaty (*Steilacoom v. U.S. 3/14/1973, 514*).³³⁹

At an STI Tribal council meeting held May 26, 1973, the members voted not to accept the payment (STI Minutes 5/26/1973). Minutes revealed no further STI action until July 11, 1978, when the STI members decided that "[a] letter will be sent into the BIA to keep our claims in Trust for the Tribe [sic] until we get our recognition" (STI Minutes 7/11/1978). This money has remained in trust until the present (Joan Ortez, BIA Interview 1/8/1998).³⁴⁰ On September 1, 1979, the STI reported a meeting with the BIA to "accept the Department of Interior's Proposal for our claims award or else have us write up another one" (STI Minutes 9/1/1979). At this time, the award, with interest, had increased to \$11,771.42. There is no indication that a decision or accord was reached. The minutes available to the BIA do not reveal any further action taken, nor did interviews with BIA officials in the Portland Agency reveal any further action. Therefore, the BIA has not been called upon to prepare a list of the descendants of the historical Steilacoom tribe as it existed at the time of the Treaty of Medicine Creek in 1854.

³³⁹The population upon which the ICC based their estimate was 25, "or 5.56% of the total population of 450 Indians whose tribes were parties to the Treaty of Medicine Creek" (*Steilacoom v. U.S. 3/14/1973, 516*). Of the total value of \$192,941.85 for all 450 Indians, (*Steilacoom v. U.S. 3/14/1973, 514*), the STI share was \$10,727.57. The Commission maintained that the fair market value of the land should have been \$20,000. Thus, when the \$10,727.57 was subtracted from \$20,000, the result was \$9,272.43 (*Steilacoom v. U.S. 3/14/1973, 495*). When "gratuitous offsets" were factored in, "a final award in the amount of \$9,146.32 "was entered for the plaintiff" (*Steilacoom v. U.S. 7/31/1974, 337*).

³⁴⁰Joan Ortez reported 1/14/1998 that a planning meeting had been held. She hoped that the claims money could be directed toward paying off the purchase of the Steilacoom Tribal Museum and Cultural Center (Joan Ortez, BIA Interview 1/14/1998).

7.3 Leadership

Meeting minutes revealed that Lewis Layton remained Chairman until July 1975. He was then succeeded by Joan Marshall (now Joan Ortez), who has remained Chairman until the present time. Joan Marshall was elected to the Council May 26, 1973, along with Dale Sears, William Sears, and Paul Fick. Bill Jarmon was elected vice chairman. The transition from Layton to Marshall was not smooth. Although she was not certain of the dates and times, Joan Ortez reported that her second cousin, Bill Jarmon (LaTour/Andrews), attempted to succeed Layton. Jarmon was vice chairman at this time. According to Ortez, Jarmon resented Layton's lack of education, and that "he kept depending on me and wanting me to do this and do that at the meetings, and give certain reports" to the point that

it infuriated Bill Jarmon, until he just abused Lewie Layton something terrible — verbally — and calling him inadequate and not enough education, and using me too much, and so forth, and tried to overthrow the government, until finally he succeeded in Lewie Layton just resigning (Joan Ortez, BIA Interview 1/8/1998).

Going into more detail, Ortez described a meeting in which Lewis Layton asked her to preside over the meeting, instead of Bill Jarmon, who was vice president. For Jarmon, she maintained, this was the "straw that broke the camel's back," and he reacted.

For one thing, when Lewie turned the meeting over to me, and wanted me to run the meeting, which of course was not -- he had a vice chairman -- he should have turned the meeting over to Bill Jarmon. But he, being of the old way of doing things, the leader of our tribe -- he turned the meeting over to *me*; that's who he wanted to turn it over to.

And when that happened, all heck broke loose, because Bill Jarmon had had enough of that -- of Lewie Layton not following the modern day way of Robert's Rules of Order, and Protocol, and doing what *he* wanted to do. And that was just the straw that broke the camel's back at that meeting. I think that he was probably even waiting for Lewie to do it -- knew that Lewie would do it -- because he had the room packed with what he thought were his supporters, because there were so many people at the meeting (Joan Ortez, BIA Interview 1/8/1998).

At a meeting soon after, Joan Ortez maintained that: "My name was put up to become chair of the tribe, and lo and behold I was elected! Instead of Bill Jarmon. He never attended another meeting again, which was sad -- really was unfortunate -- that he took it that hard" (Joan Ortez, BIA Interview 1/8/1998).

Ortez maintained that those siding with Jarmon included "Jean Knabel, Dorothy White, his own mother . . . Neva Jarmon . . . [and] [a]nother person -- Sally Selvidge. Jean Knabel was our secretary." Opposing Jarmon, and siding with Layton were Will Sears, Joan Marshall, and her mother. Neva Jarmon, Bill's mother, evidently "maintained a neutral position" (Joan Ortez, BIA Interview 1/8/1998). Jean Knabel was from the LaTour/ Bertschy line, Selvidge was from the

Brown Line. Dorothy White was from the LaTour Bertschy family, and both Joan Marshall (Joan Ortez) and the Jarmons were from the LaTour/Andrews line.

Meeting minutes do not reveal a specific date for the transition. Minutes for June 22, 1974, revealed Bill Jarmon serving as vice chairman and leading a meeting, Lewis Layton as leading a meeting on March 5, 1975, and Joan Marshall as leading a meeting on September 25, 1975. At the March 5, 1975 meeting, Joan Marshall announced that Layton would appoint all people attending non-Council meetings, such as at STOWW and with BIA, and that a list of those "wishing to attend BIA meetings be made available for the Chairman to use as reference when selecting" (STI Minutes 3/5/1975). Council meeting minutes for September 25, 1975, noted that Bill Jarmon had "resigned from all tribal activity," and that Joan Marshall had become Chairwoman (STI Minutes 9/25/1975). Thus, the transition must have occurred somewhere between March and September 1975.

The incident was clearly disturbing to the nine-member council, and to at least some of the members. However, neither the interview information nor documentation showed that the conflict was of great issue to the general membership. Evidently neither Mr. Jarmon nor Mr. Layton were knowledgeable either of the possible erosion of their own political support or of what the general membership thought about the contenders. It is not clear from BIA research or from the petition documents whether the petitioner membership outside the Council took sides one way or the other on the issue. The outcome of the 1975 election suggested that those siding with Jarmon constituted a small group of people with little support from the larger membership.

7.4 Fishing rights litigation and its effects on the petitioner

In 1970, the United States, on behalf of seven Western Washington tribes, filed suit against the State of Washington, in the *U.S. v. Washington* case. In addition to the Steilacoom, other intervenors included the Jamestown Clallam, Lower Elwha, Port Gamble Clallam, Nooksack, Suquamish, Swinomish, Nisqually, Puyallup, and Tulalip Tribes. Through this case in the U.S. District Court, Judge George H. Boldt intended:

to determine every issue of the fact and law presented and, at long last, thereby settle, either in this decision or on appeal thereof, as many as possible of the divisive problems of treaty right fishing which for so long have plagued all the citizens of the area and still do (U.S. District Court 1974; Cohen 1986, 330).

The events associated with the Boldt decisions affected and involved the petitioner in two ways. First, the STI became involved in some of the political activities in which members of Federally recognized tribes participated. Second, the years between 1975 and 1979 provided a window of opportunity for some of the petitioner membership to pursue fishing as an economically viable activity.

7.4.1 Historical background of the Boldt Decisions

On February 12, 1974, Judge Boldt issued a decision in *U.S. v. Washington*. His ruling, known generally as the Boldt decision, held that the plaintiff tribes had definable rights to salmon,

steelhead, and other fish, and that they were entitled to an opportunity to catch 50 percent of the harvestable fish that were to pass through their usual and accustomed off-reservation fishing grounds and stations. Judge Boldt also held that these tribes were entitled to regulate their share of the fishery (Cohen 1986, 11).³⁴¹

Fisheries regulation and management allowed the Indian tribes in Washington covered by each treaty to coordinate planning and development both with other tribes and in consultation with the State of Washington. The State, in turn, would have to show that conservation could not be met without extending regulatory activities into "usual and accustomed" fishing areas claimed by the different tribes. The State of Washington would also have to hold public hearings and collect better data on the available fish yield. Finally, Boldt set up Fisheries Advisory Boards to mediate disputes.

The 1974 Boldt decision affected the way Indian reservation governments regulated commercial fishing in two major ways. First, usual and accustomed fishing territories were made explicit. Second, Indian tribal governments were given more authority to regulate their fishing fleets, and more power to deal with the State of Washington as well as with other tribes (Cohen 1986, 12).

The District Court's 1974 opinion also held out the possibility that other tribes in addition to the plaintiffs could exercise treaty fishing rights. The Bureau of Indian Affairs set up a three-person task force, headed by Peter P. Three Stars, to review and "clarify as quickly as possible the status" of nine unrecognized groups. After a very brief research effort of less than two months, which Three Stars said "was not intended to be an exhaustive or definitive determination of tribal status," the task force concluded that the Snohomish, Duwamish, Samish and Snoqualmie groups met the basic standards for recognition set forth in Felix Cohen's *Federal Indian Law*. "Any evidence of previous Federal dealing," Three Stars later recalled, "was sufficient" (Three Stars 1986).³⁴²

In June 1974, the Steilacoom and the four other non-recognized groups filed motions to intervene in the *U.S. v. Washington* litigation. These groups sought to have their treaty-reserved rights to fish affirmed in court. This motion was granted September 13, 1974, and the U.S. District Court referred the matter of the intervenors' treaty status to U.S. Magistrate, or Master, Robert E.

³⁴¹The Ninth Circuit Court of Appeals upheld this opinion in 1975 and remanded it so that the District Court could maintain continuing jurisdiction in the case (U.S. Court of Appeals 1975). Judge Boldt's decision was affirmed, with a modified standard to define the tribes' share of the fish run, by the United States Supreme Court in 1979 in *Washington v. Washington State Commercial Passenger Fishing Vessel Association* (U.S. Supreme Court 1979).

³⁴²In July 1974, Three Stars prepared a draft memorandum setting out his task force's findings and recommendations (Three Stars 1974a), and draft letters from the Secretary of the Interior to the leaders of the nine groups (Three Stars 1974b). The letters were held in the Solicitor's Office pending resolution of a request for recognition from the Stillaguamish, and were returned to the Bureau in October 1974 (Gay 10/3/1974).

Cooper (U.S. District Court 1974). On March 15, 1975, the Master issued his report, recommending that the intervenors were *not* entitled to exercise tribal treaty fishing rights.

Ultimately, in March 1979, in regard to the Master's report and requests from the intervenors, Judge Boldt issued his opinion for the District Court on the motion to intervene. In this opinion, Judge Boldt concluded that the Steilacoom and the other intervening organizations were not the successors of treaty tribes and that they and their members did not have a treaty right to fish. The Court held that the proper standard to apply was to ask whether a group of Indians who descended from a treaty signatory had maintained an organized tribal structure. On this factual issue, based on the record before the District Court, the Ninth Circuit Court of Appeals in 1981 affirmed the District Court's finding that the intervening groups, including the STI, had not maintained tribal political structure and therefore did not meet the standard of being a treaty tribe (U.S. Court of Appeals 1981; U.S. District Court 1979).

7.4.2 The involvement of the petitioner

At a meeting presided over by Lewis Layton, the STI council approved a motion to ask STOWW to provide an attorney to represent the STI, and to assess each member five dollars annually to cover costs (STI Minutes 4/27/1974, R-105). The STI Tribal Council minutes from June 1974 showed that Joan Marshall reported on her attendance at a Northwest Indian Fisheries Committee meeting (STI Minutes 6/22/1974). Minutes from March 5, 1975 show that the Council had put together a fisheries committee, including Joan Marshall and Dale Sears, who had attended a fisheries patrolman training session, and that Dale Sears was appointed "Steilacoom Tribal Fisheries Management and Program Coordinator."

At a Council meeting August 5, 1975, "Joan read a letter signed by Ramona Bennett, stating the Puyallup Tribe's willingness to allow the Steilacoom Tribe to fish under the Puyallup Fishing Regulations" and that "new I.D. cards are being printed for the Steilacoom Tribal Fisherman and Tribal members. An information letter is being sent out to all Tribal Members regarding our future fishing plans and up-coming court dates" (STI Minutes 8/5/1975). At that same meeting Jim Crist (LaTour/Sears)³⁴³ moved to "fish areas in common with Squaxin Island, under their regulations and subject to their patrolmen" and the motion passed (STI Minutes 8/5/1975). Minutes of September 25, 1975 showed that the council decided to appropriate money to supply Brian Topping with boat and equipment to patrol fishermen one day a week. The next day, September 26, 1975, twelve STI members signed a petition asking STI to enforce fishing regulations drafted for fishing with the Puyallup.³⁴⁴

³⁴³Jim Crist later quit the STI and enrolled with the Lummi to fish.

³⁴⁴The petition was signed by Bob B. [Edwards] (LaTour/Andrews), Debbie G. Molluc (unknown), Adam Ross Jr. (LaTour/Bertschy), Mike A. Ross (LaTour/Bertschy), James Crist (LaTour/Sears), Charles E. Crist (LaTour/Sears), Theodore Lee Higgins (Dean), Donald R. Andrews (LaTour/Andrews), Richard E. Pearl (Pearl), Joan K. Marshall (LaTour/Andrews), A.C. "Buddy Edwards (LaTour/Andrews), and Edward Marshall (LaTour/Andrews). Most of the families were from the LaTour family lines.

Brian Topping, who had a boat he used for herring fishing, recalled that it was through intertribal political activity associated with fishing rights that he got involved with the STI.

I was tribal researcher. . . . with my history degree and stuff. I wanted to put that plight of the people and fish right in everybody's living room. You're young, dumb, and you know. It worked to a point (Brian Topping, BIA Interview 1/6/1998).

He also reported that he was responsible for drafting fishing regulations for the Steilacoom and the Puyallup, with whom they fished by invitation (Brian Topping, BIA Interview 1/6/1998).

On August 10, 1976, at a "Medicine Creek Treaty Council Meeting," Ramona Bennett, Puyallup Tribe Chairwoman, moved:

That the Steilacoom Tribe be recognized as a fully participating and fully recognized Tribe assuming all of the same responsibilities and obligations and opportunities that are shared by the Squaxin Island, Puyallup, and Nisqually Tribes for the purpose of fisheries management and harvest within the Medicine Creek Treaty Area (STI Pet. 1986, E-93).

The motion was seconded by George Kalama, passed 4/0, and was signed by Calvin Peters, Tribal Chairman, Squaxin Island Tribe; Ramona Bennett, Tribal Chairwoman, Puyallup Tribe; Zelma McCloud, Tribal Chairwoman, Nisqually Tribe, and Joan Marshall, Tribal Chairwoman, Steilacoom Tribe (STI Pet. 1986, E-93). A March 1, 1977, letter from Bennett to the Steilacoom Tribal Council detailed the process by which the Steilacoom had fished with the Puyallup since 1974 (STI Pet. 1986, E-94).

The June 13, 1978 council meeting reported that a rough draft of fishing regulations were distributed. According to Adam Ross, the council ". . . did the net size regulations, and told us where we could fish, and when we could fish. They cooperated with the other tribes . . . in enforcement out there" (Adam Ross, BIA Interview 1/8/1998). According to Topping, people generally paid the fisheries fee imposed on commercial fishermen, observing that ". . . it's not that we have clubs or policemen; they comply because they want to. And we did, and it worked out very well" (Brian Topping, BIA Interview 1/6/1998). Joan Ortez further explained that "They would no longer be able to fish if they didn't pay their fisheries tax" (Joan Ortez, BIA Interview 1/14/1998).

The STI council minutes for April 11, 1978, reported that Jim Crist (LaTour/Sears) and Robert Petty (LeGarde/Byrd) moved "that any fisherman that doesn't have his taxes paid in full for 1977 will not be certified by the Steilacoom Tribe to fish the 1978 season" and that the Council:

send out notices to all fishermen that we need three volunteers to serve on a fish commission, also they must have their taxes paid up in order to serve on this commission. *Passed.* Also to be included in the notification that any fisherman that doesn't have his taxes paid up for 1977 will not be certified to fish this 1978 fish season (STI Minutes 4/11/1978)

From 1975 to 1978, the STI members fished as guests of the Puyallup. The petitioner reported that with less competition from non-Indian commercial fishermen, they experienced an important boost in income for some of the membership. Adam Ross (LaTour/Bertschy), reported that his family had been fishing for generations, and he had actively financed his own boat, as well as a boat of his brother's. Nevertheless, through help from tribal council members, he reported that he was able to obtain a grant from the State of Washington to raise salmon at his high school:

What gave me my opportunity to get ahead was fishing as a native under those fishing things -- I was in high school when the Boldt Decision came about. And I had opportunity to go fishing, and I did some work with the tribe and the local highschool, and it facilitated us getting a hatchery at our highschool through the tribes (Adam Ross, BIA Interview 1/8/1998).

Ross explained that STI member Brian Topping (Sherlafoo) helped him obtain the grant by:

facilitat[ing] me meeting the right people at the Northwest Indian Fish Commission. Him and me went on a Seminar to Quinault Lake -- a weekend seminar on aquiculture and Indian issues. And helped me meet some people. And I followed up with them (Adam Ross, BIA Interview 1/8/1998).

Others, such as Joan Ortez' son Frank Marshall, had not previously fished commercially, but now took the opportunity to fish commercially by investing in boats and gill nets.

Well, we became one of the intervening tribes, and I think it was my Mom. Mom called me up and said "hey, there's this opportunity " and I jumped on it. I was told there was this good chance to make a lot of money. It was the money, I guess, that got me interested. . . . Besides that, I always liked salmon (Frank Marshall, BIA Interview 1/10/1998).

Frank's uncle bought a boat from a fellow council member, Richard Pearl,³⁴⁵ and together they took up fishing (Frank Marshall, BIA Interview 1/10/1998).

Of course, the first year, there was no money or anything, to buy a boat, so I hired a fisherman from Seattle to teach me how to gill net. And somebody that he knew supplied us with a boat, and I shared the profits with him. Each of us actually got a third of the profit, after all the expenses were paid. And even just getting a third, I did pretty good. I was able to pay my bills, pay off some things that had kind of piled up on me. I remember I got my motor overhauled in my car (Frank Marshall, BIA Interview 1/10/1998).

Gill-netting is not labor-intensive, and requires only two or three people per boat. As Adam Ross explained: "There's a lot of other variables, but basically, you put them [i.e. the nets] out and let them drift, sit there, and listen to the radio or something, and then pick them back up and pull the

³⁴⁵Richard Pearl had recently been adopted into the STI June 22, 1974 (STI Council Minutes 6/22/1974).

fish out of the nets, at the end of the day, night, or morning, and go sell them” (Adam Ross, BIA Interview 1/8/1998). Thus, these petitioner members took the opportunity to invest in boats, and were able to fish with immediate family members. In addition, Adam Ross recalled that he, Brian Topping and his brother, Dale Sears, and Danny and Frank Marshall all fished together.

They all bought boats and we fished together. We fish and we'd tie up together in the morning, and we'd talk fishing and have breakfast and unload at the same places. Communicated with CB radios when somebody got stuck. Like I rescued Brian's brother one night in a storm. I remember, Dale got caught up in the storm. I had a little bit bigger boat, so when people would come out in smaller boats I would help them out. Show them where to fish. I mean . . . some of these guys had not as much fishing experience as me, so we knew how to handle the nets, and stuff, and we were better than them. So, we would give them pointers on how to fix the nets or set them out or stuff like that (Adam Ross, BIA Interview 1/8/1998).

Ross maintained that he knew Dale Sears and Brian Topping

[f]rom local. Dale lived locally and was married to a friend of my father's, and I met him. He was a school teacher and I met him in school. And Brian lived out in [our] area locally, and I had seen him around. He had herring fished, and was a member of the fishing community. And when he was [inaudible] with the tribe and I got to know him better (Adam Ross, BIA Interview 1/8/1998).

Minutes of June 13, 1978 showed that there was discussion on how to define the duties of the Steilacoom Fish Commission. The council decided to change the name to “Fish Advisory Board,” which “would work alongside of the Fisheries Technician and the Fishermen assisting them with the current fish regulations and meetings, etc.” (STI Minutes 6/13/1978). By June 13, 1978, minutes reported that a rough draft of the council regulations had been distributed (STI Minutes 6/13/1978). On July 11, 1978, Sally Selvidge (Brown), Dan Higgins (Dean), Adam Ross (LaTour/Bertschy) were added to the committee.

However, council meeting minutes for August 8, 1978, reported that the Puyallup Tribe withdrew their invitational fishing permit from the STI (STI Minutes 8/8/1978). The minutes noted that

No specific reason was given for the withdrawal except our blood quantum was to [sic] low and that our fishermen are taking too many fish. . . . There were two letters sent out requesting an invitation from the Squaxin and Nisqually Tribes. The Squaxin's look promising at the present time (STI Minutes 8/8/1978).

In BIA interviews, some STI members gave two reasons for the Puyallup denial. First, according to Joan Ortez, Ramona Bennett, the Chair of the Puyallup Tribal Council at the time, had been replaced by other leadership, and her successors were less friendly toward the Steilacoom guest fishing (Joan Ortez, BIA Interview 1/8/1998). Second, according to Adam Ross, non-

reservation Indian fishermen -- particularly those like Ross, whose families had been fishing for generations -- were superior to the Reservation Indians in commercial fishing ability.

They were not as good fishermen as us. I think that led to some of the hard feelings that got us kicked out. Because we'd catch a lot more fish. But it was a learning curve. Everybody was learning, and getting better as the years progressed. But there was obviously some that were better -- and we had better equipment, too, to be honest. But some of the members of this tribe, like Dale, he bought a beautiful boat, and -- [some of the other Indians] went fishing along side of us and did just as well (Adam Ross, BIA Interview 1/8/1998).

Attempts to be invited by the Squaxin Island tribe were unsuccessful. Adam Ross was arrested for fishing in the Squaxin usual and accustomed area, after having been led to understand by the Steilacoom council that adequate arrangements had been made for STI members to fish by invitation with the Squaxin Island Tribe (Adam Ross, BIA Interview 1/8/1998).

Fishermen such as Adam Ross, whose family had been fishing for generations, sold their gill-netting boats, and returned to the larger-crew seine fishing. In fact, Ross, whose grandmother had married a native of Hoonah, a village southeast of Juneau, Alaska, became integrated into that community, and has been fishing out of Southeast Alaska to the present day. Still others, such as Chuck Crist (LaTour/Sears), enrolled at Lummi, and fished under their auspices.

On the other hand, Frank Marshall, a newcomer to commercial fishing, was unable to pay off the loan for his gill-netting boat in which he had invested (Frank Marshall, BIA Interview 1/10/1998), and was unable to sell the boat.

What we ended up doing was my brother and I went out with his chain saw and cut it up, and burned it. Which was sad -- well, it had dry rot in it, and I don't know if it would have been salvageable or not -- it really was sad to have to cut that boat up and burn it (Frank Marshall, BIA Interview 1/10/1998)..

Some STI interviewees recalled that the Steilacoom Council experienced some turmoil after the Puyallup denial.

Well, there were a lot of fishermen that thought, well the tribe should be putting more pressure on, or whatever, I don't know. They said the tribe wasn't supporting them enough, or something like that. I couldn't understand. Like I asked my cousin Nancy, and she says "well the problem is that's the time they were fishing under the invitation of the Puyallup Tribe and they were kind of squeezing them out of their areas at that time . . . [19]76 I think. Close to that time (Adam Ross, BIA Interview 1/8/1998).

Joan Ortez recalled that a number of the fishermen who had been paying taxes ceased to do so after the Boldt case was lost.

A majority of the fishermen did pay their tax, without any argument, but there was a few fishermen that was at one point all kind of got together and there was a big ruckus. They were not going to pay their taxes anymore. They felt that the tribal government was not doing enough. We'd lost the case; we had to fish under the Puyallup Tribe's fishery, and they were mad about it. And of course who do you blame but your government? They were mad at the tribal council (Joan Ortez, BIA Interview 1/14/1998).

STI Meeting minutes reveal that from 1979, most discussions of fishing involved how to provide salmon for various fund raisers and general council meeting get-togethers. Also, the whole emphasis of the STI council changed, from fishing rights to fund raising and obtaining grants. As Joan Ortez explained:

That was when we really started zeroing in on more trying to get some programs going in the tribe, and getting a land base. Our treaty fisheries was in limbo, even though we continued to try to appeal it . . . it was something that couldn't be in the forefront anymore. That we had to start taking care of our tribe and our people, and continue where we could and when we could on the treaty fishing rights (Joan Ortez, BIA Interview 1/9/1998)

The availability of grants facilitated by STOWW increased funding opportunities that, as Joan Ortez observed, had not been available for Lewis Layton (Joan Ortez, BIA Interview 1/14/1998). Through STOWW the petitioner received grants and legal assistance. Such grants included manpower and planning grants, and various mini-grants (STI Minutes 3/5/1975). In 1977 they obtained a Vista training grant. During the 1980's, this fund raising and grantsmanship were to intensify. Discussed under 8.0 ff will be the influence of grant programs and other council-sponsored activities on individual decisions to join or become more active in the council activities.

7.5 Other social interaction

The family reunions and similar gatherings mentioned in Section 6 continued among the families. Some families observed that the frequency of these activities decreased over time, while others maintained that they themselves took on the responsibility of planning these activities. There was no apparent pattern of rise or decline.

Some of the petitioner's members stated that they became more interested in STI activities during the 1970's. Many had joined as a result of the increased activities of some of the older members. As Steve Thomas (Dean) reported:

Actually, it was my aunt . . . Peggy Higgins [Dean]. Just all of a sudden it was "let's get everybody signed up and involved." That was in . . . Junior high school. I believe, the early '70's. After that, I found out that all my other cousins were actively involved. Two of my cousins got into fishing. So they had fishing cards and rights. They were into that, and asked me if I wanted to, and I didn't have a real interest big mass fishing like that. They would go, and I wasn't interested in

that. I would rather go and sit by myself, one person. They got into the fishing fairly big (Steve Thomas BLA Interview 1/10/98).

The heightened activity, to a great extent, was due to fishing rights and its visibility as an issue. Claims had ceased to be an active issue during this period (see 7.1).

7.6 Discussion

The fishing rights activities are a significant window for characterizing the political and social organization of the petitioner during the 1970's. The following attributes are important in this characterization. First, it appears that while LaTour/Andrews, LaTour/Bertschy, LaTour/Sears, Gorich/Sears, Dean, and Sherlafoe family members were involved, the number amounted to only a handful of individuals involved in any form of commercial fishing at this time. Interview and documentary information revealed Adam Ross (LaGarde/Bertschy) and Chuck Crist (LaTour/Sears), who had been fishing for generations; Brian Topping, who had been smelt fishing off and on since the 1950's; and relative newcomers such as Frank and Danny Marshall (LaTour/Andrews), Brian Topping (Sherlafoe), Dale Sears (Gorich/Sears), Dan Higgins (Dean), and Dick Miller (LaTour/Sears). The initial Boldt decisions allowing them to share temporarily in the Indian fishing, and the Puyallup invitations, were seen by the petitioners as providing an opportunity either to begin fishing or to improve an already existing family fishing business.

Because the gill netting required a small labor output, fishing teams were often family centered, especially for the newcomers. When these families fished together, they did so primarily because they were in similar locations guest fishing with the Puyallup. For larger teams involved with seine fishing, individuals were enlisted as they always had been, from networks of people outside the STI living near where the fishing families lived.

Council activities suggested that the Boldt decisions provided opportunities to assume responsibility both for drafting fishing regulations and for regulating and policing the fisheries in coordination with the Puyallup. For the brief period during which the Steilacoom organization regulated fishing and collected fees or taxes, there seemed to be little or no evidence that anybody failed to comply. Once the guest fishing with the Puyallups ended, however, council involvement evaporated, as did compliance with fisheries taxing.

The activities during the Boldt years provided some indicators that some STI families knew each other outside of their political activities with the Steilacoom council. These activities also suggested that the Steilacoom council provided some leadership and influence over members. This leadership and influence, however, appeared to be an artifact of the Boldt decision itself and the Puyallup invitation, and were not indicative of any influence independent of the Boldt decision activities. Again, this influence evaporated after the Puyallup denied guest fishing.

8. 1980-PRESENT

This chapter will show that the STI today functions primarily as an organization of Indian descendants for the purpose of participating in civic and commemorative activities and for

pursuing Federal acknowledgment. The overall membership does not appear to be involved in these activities, nor is there indication that the STI leadership exerts great influence over this membership. Examination of social networks reveals that individuals do not rely exclusively on fellow STI members for mobilizing economic activities or other efforts, but tend to rely on networks either among close family members, or among individuals outside the STI.

Section 8.1 will discuss the present-day governing documents. Section 8.2 will discuss council activities as they pertain to social interaction and leadership. Section 8.3 will discuss geographical distribution.

8.1 Governing and enrollment documentation

The 1984 "Mailing List." This list was a typed alphabetical listing by name and number only. It included 632 numbered individuals. After the pages containing typed names, there were four pages of handwritten names, the last page of which was headed "People we need to contact (need addresses)." All pages of the list were heavily annotated with notations such as '74a and/or '74b, and unique numbers (e.g., 76-195, 78-197), "deceased," a few relationships and birth dates, name changes, etc. The significance of the numbers to the left of the names (e.g., '74a, '74b) is unknown; numbered entries on this list bear no obvious relationship to persons on the 1984 roll with similar numbers. Strictly speaking, this list was not a "mailing list" since it contained no addresses. However, it may well have been used as a checklist for mailing out a 1984 Membership Questionnaire (STI Pet. Resp. 1994, R-154).

1986 Constitutional Amendment. In 1986 members of the Steilacoom Indian Tribe voted by mail ballot (70-15) to amend Article II of the 1975 constitution dealing with the tribe's criteria for membership (STI Pet. 1986, 3&4:d-1). The amendment changed the criteria to specify the formal membership list as the one dated May 3, 1986. This appears to have been an attempt to make the tribe's criteria conform to the regulations governing the Federal acknowledgment process (25 CFR 83.7 (d)). Eligibility for enrollment was divided into two categories, those eligible for "regular enrollment" and those eligible for "adoption." Regular enrollments were limited to (A) all children born to any enrolled member of Steilacoom Tribe and (B) all persons of Steilacoom Indian blood *who can trace close blood relationship to or descendancy from a member on May 3, 1986 Membership Roll* [words in italics were added by the amendment]. Paragraph (c) from the 1975 criteria, which granted eligibility to all persons of Steilacoom Indian blood whose names appeared on the Roblin Schedule of Unenrolled Indians, was dropped.

Eligibility for adoption was redefined from "descendants of persons of Indian ancestry," as it had been in the 1975 document, to:

- A. descendants of Western Washington Indian tribes *who maintained their identity as American Indians*; **or**
- B. *persons married to current members who can document their North American Indian ancestry*; **and,**

- C. *persons who have maintained a substantial community relationship with the Steilacoom Tribe of Indians* (STI Pet. 1986, 3&4:d-18, [emphasis added]).

Italicized portions of the above criteria appear to stem from the Federal acknowledgment regulations, suggesting that these changes were another attempt to customize the group's criteria to fit what they perceived the regulations--and the BIA--to be looking for.

The group's internal governing structure as well as its policy prohibiting dual enrollment were unchanged by the 1986 amendment. Thus the STI is currently governing its affairs and its members under the 1975 constitution, as amended in 1986.

Official Membership List, as of May 3, 1986. This list was adopted by the tribal council and the General Membership in May 1986 (STI Pet. 1986, p. d-18; Thompson 1994, 1 *in* STI Pet. Resp. 1994). Minutes indicate that each council member present at the May 28, 1986, council meeting was given a draft of the "base roll" in order "to read the 617 names on the list."³⁴⁶ The list was to serve as the tribe's base roll and was said to contain all persons considered to be members at that time. The petition stated that "[a]ll individuals listed on the current roll meet the tribe's own membership criteria" (STI Pet. 1986, e-20)

The petition stated that each case had been reviewed by the council.

Individuals who were determined to have met one of the above criteria but who had not maintained affiliation were placed onto a probationary roll

Questionnaires sent out to members in 1984 served as the basis for the roll. Individuals who contacted the office directly and expressed a "desire to be maintained as a member" were also placed on the base roll because "Contacting the office was interpreted as a demonstration of their social interaction with another tribal member" and thus they "were still part of the information loop" (Thompson 1994, 2 *in* STI Pet. Resp. 1994).

The tribal council was expected to "examine *a members current participation*" [emphasis original] and determine upon which roll (base or probationary) the individual should be. The STI reported that there are no extant files from the review process (Thompson 1994, 2 *in* STI Pet. Resp. 1994).

According to the petition, the probationary roll was a tool "for verifying that members maintain a minimum level of participation in the activities of the tribe" (Thompson 1994, 2 *in* STI Pet. Resp. 1994). Diane Smith suggested that an annual case-by-case review was conducted on the current roll for each new applicant. It is unclear, however, how thoroughly the information provided is verified against available descendency information.

³⁴⁶BIA is unable to explain the discrepancy between the 617 reported by the petition and 612 contained on the 1995 list. Since the petition also reports 614 in other areas (1986 Petition, 344x), it may simply be inconsistent.

Well, the application forms are here. And then we have genealogy forms -- they were supplied from BAR -- so it shows the family lineage. So, we use those. We pretty much know family members, too. You know, we see each other. We talk to each other. We say "hey, so-and-so had a baby." And when I would go through, I would write down, like on the telephone cards, when so-and-so had a baby, and what year and what month it was born. That way, if it ever came up, and they turned around and send in an application and said "I'm a member" -- there are several places that I can go look to get the information. So between the phone cards, between the genealogy sheets, between the application forms -- knowing the family -- and if I don't know the families and I can't find the information I can go to Joan or Dan or any one of the council members, or I can even take the phone number and call up this person, and say "I need more proof." I need this-and-this information" and they will give it to me. And then I can present it to the council and say "Yup, they sure are a family member; they sure are a tribal member" (Diane Smith and Diane Lewallyn, BIA Interview 1/9/1998).

Monitoring compliance with the ordinance is the responsibility of the Membership, or Enrollment, Committee, which is said to prepare "a list of compliance." No examples of a compliance list were provided for review. The Membership & Enrollment Report stated "Thus far no one has been removed from the roll [presumably for non-compliance] because the tribal council has not chosen to move to an enforcement level" (Thompson 1994, 3 *in* STI Pet. Resp. 1994). In addition, Diane Smith maintained that she knew of no cases in which someone was denied membership. Part of the reason for the few problems may be the flexibility for adoptions: "We've done adoptions into the tribe and had no problem" (Diane Smith and Diane Lewallyn, BIA Interview 1/9/1998).

In response to BIA's request for a formal certification of the membership list which had been submitted with the 1986 Petition, the council formally reviewed and unanimously approved the 1986 list as the tribe's "*Official Tribal Roll* until such time as an approved revision should be made" (STI 1986 List). Of the 612 members listed on the 1986 list, 577 also appeared on the 1995 membership list. No attempt has been made to analyze the 40 who are unaccounted for.

A comparison of this list with the 1973-78 combined list revealed that 378 persons were shared between them. This number is 59.9 percent of the 1973-78 list and 61.7 percent of the 1986 list. The lack of commonality does not reflect any large influx of individuals, since the overall numbers between the two lists are highly similar. Family members such as the 3 [family 1] (Dean), the 4 [family 2] (LeGarde/Byrd), the 2 [family 3] (Greig/Spence), the 7 [family 4] (Sherlafoe), and the 7 [family 5] members (family line unknown) were found on the 1973-78 list but not on the 1986 list. Other families such as the 6 [family 6] (Cabana/Gardner) were new to the 1986 list, although other [family 6] members were on the 1961 list. For the most part, most of the non-overlapping members were part of the LaTour/Andrews, LaTour/Bertschy, LeGarde/Byrd, Gorich/Sears, and other established lines who appeared on one list but not others.

As before, BIA research did not reveal whether or not the non-overlap was due to a highly-fluid membership that has been changing within family lines, imprecise record keeping, or a

combination of the two. However, the low continuity of the lists did not support the hypothesis that STI has maintained a cohesive membership.

1986 Tribal Enrollment Ordinance. A tribal enrollment ordinance, dated July 15, 1986, was passed after the official date of the 1986 membership list discussed above. Section 5 of the ordinance, which deals with the qualifications for regular enrollment, defines "Steilacoom Indian blood" as "direct lineal descendancy from the members of the Steilacoom Tribe before or at the time of signing of the Medicine Creek Treaty on December 26, 1854." A "close blood relation" is "a blood relation no more distant than [*sic*] second cousin." The ordinance appears to interpret dual enrollment prohibitions as pertaining only to persons holding membership in federally acknowledged tribes (i.e., tribes recognized by the Secretary of the Interior).

Qualifications for adoption (section 6 of the ordinance) required the applicant to demonstrate to a five-member enrollment committee that they:

have maintained a substantial community relationship with the Steilacoom Tribe of Indians and that [they] will be of sufficient benefit to the tribal community. **SUBSTANTIAL COMMUNITY RELATIONSHIP and SUFFICIENT BENEFIT TO THE COMMUNITY** shall include but not be limited to . . . involvement . . . in community activities [emphasis in original] (STI Enrollment Ordinance 1986)

The ordinance provided no further explanation to help the enrollment committee or the individual applicant interpret "substantial community relationship" or "sufficient benefit to the community."

The enrollment ordinance provided for a probationary roll to be kept of persons who had not yet been granted voting rights (STI Pet. 1986, 5:d-25). Probation lasts for at least "two-full-calendar-years," until the individual has attended two general membership meetings and provided eight hours per year of volunteer service to the tribe. A payment of \$20 to the tribe can discharge the requirement for eight hours of volunteer service. Council minutes indicate that the probationary roll was begun in April 1986 (STI Council Minutes April 1986). No copies of a probationary roll--past or present--were provided for review.

Interviews with petitioner members revealed that most individuals made a smooth transition from the probationary roll to the permanent roll, and could recall no examples in which an individual was denied membership. According to Brian Edwards:

. . . I'm not sure if we actually said they would be taken off the rolls or if your voting privileges would be taken away. I mean, it could very well be both of those. But then again, that wasn't the spirit of the solution when we came up with it. And so, that would be like the last straw (Brian Edwards, BIA Interview 1/9/1998).

When asked specifically if "this last straw" ever occurred, he responded: "Not that I can think of. It certainly would have gone through the council if it had" (Brian Edwards, BIA Interview

1/9/1998).³⁴⁷ The petitioner's stated goal for the spring of 1990 was to double the group's membership (STI Pet. Resp. 1994, R-128), but it does not appear to have met its goal.

1994 New Approved Enrollment Members List. The 37 persons listed on this document were reported to have been approved for enrollment between March 14, 1989, and September 18, 1993 (Thompson 1994, 3 in STI Pet. Resp. 1994; STI Pet. Resp. 1994, R-48). The list contained 10 minor children who were placed on the active roll; one adult member who was carried on the Probationary Roll until she successfully petitioned the tribal council and the general membership to move to the active roll; and 26 "who have been given a number and added to the Probationary Roll" (Thompson 1994, 3 in STI Pet. Resp. 1994). Three-quarters of the individuals listed on the "New Approved" list were 18 or older; two are in their 70's, two in their 60's, and 4 in their 50's. Although nothing was submitted labeled "Probationary Roll," it appears possible from discussion provided in the Membership & Enrollment Report (Thompson 1994, 3 in STI Pet. Resp. 1994, 3) that at least 26 of the 37 individuals listed were considered to be in a "probationary" rather than "active" membership status.

1995 Draft Steilacoom Tribal Roll (current membership list). The 1995 Draft Steilacoom Tribal Roll is a file conversion of the Steilacoom's membership database. As originally delivered to the BIA, it contained 612 members. The 37 "New Approved" enrollees were later added by BIA researchers to the original database bringing the total number of records (i.e., members) to 649.³⁴⁸ Approximately 14 persons on the "New Approved" list appeared to duplicate persons already present in the 612 member database provided. Minor differences in names, addresses, etc. made it impossible to confirm duplicates; therefore, the total membership figure of 612 will be relied upon in statistical analysis. The 1995 membership roll was accepted at a General Council Meeting on December 9, 1995 (STI Minutes 12/9/1995).

8.2 Council activities as indicators of social interaction and leadership authority

Since 1980, STI council minutes, correspondence, and other documentation show a large array of grant programs, commemorative civic activities, and consultation with local, state, and Federal government agencies for a variety of governmental and civic functions. Grant programs have been obtained through STOWW, and a selected list of sources includes: the Comprehensive Employment and Training Act (CETA) in the early 1980's, Youth Training Experience Program (YTEP), WWIETP, JTPA, the Administration for Native Americans (ANA), VISTA (STI Minutes 7/16/1985), and Indian Child Welfare Program Youth Activities Project (STI Minutes 2/19/1990). Education programs funded through Title IV ESEA (Elementary and Secondary

³⁴⁷He then explained in greater detail:

I've been to so many of them [i.e., council meetings]. So many things were discussed. But I . . . think pretty much we get a positive response from pretty much everybody, as far as either donating some time or paying their assessment fee, or coming to a couple of meetings. Or doing something in lieu of the assessment fee (Brian Edwards, BIA Interview 1/9/1998).

³⁴⁸The STI announced the number as 648 (STI Minutes 3/8/1995).

Education Act) programs include basket weaving (STI Minutes 8/11/1981), which was taught by John Bertschy (LaTour/Bertschy). Other education included financial support from Pacific Lutheran University for individual petitioner members to obtain education and training in anthropology (Danny Marshall, BIA Interview 1/14/1998), from ANA for retail sales (STI Minutes 1/9/1983), and from JTPA for community development training (STI Minutes 6/12/1985).

Among other things, these grants provided funding for offices, staff, and equipment. Petitioner members recalled particularly the JTPA-funded food bank and the "summer youth crew" program. The food bank was a food distribution program funded through a variety of sources. Its primary function was to have food available for distribution to those in need. Brian Edwards recalled the fund raisers during the 1970's and early 1980's to maintain it independently of Federal funding (Brian Edwards, BIA Interview 1/9/1998). Another member recalled using fish hatchery salmon as "donations . . . to the food bank, and we'd . . . load them in the trunk of the car, in garbage sacks and stuff, and take them out to members of the tribe, and stuff, and deliver them" (Frank Marshall, BIA Interview 1/10/1998).

The youth crew program involved teams of young people helping elders with yard work, small-scale construction, and other labor. According to Andrew Marshall, "We would go out and we would be of service to elders of the tribe. Of course, for them, for no charge. And it was a program I was involved in, and all my brothers and sisters worked on them" (Andrew Marshall 1/7/1998).

Commemorative activities appeared during the latter 1980's. They included events such as "A Time of Gathering" held at the Burke Museum (STI Minutes 9/27/1988), the showing of "When Worlds Collide" exhibit (STI Minutes 2/21/1990), participation in "A Place of Firsts: A Historical Pageant" in August 1996 with Pierce College, and involvement in the "Full Circle Journey" an intertribal event held in June 1993.

Those who participated in the Full Circle Journey remembered it as a major event, and it illustrates how the STI council participates. This event was initiated and coordinated by Phillip Red Eagle, considered a descendant of one of the original Steilacoom villagers³⁴⁹ (Joan Ortez, BIA Interview 1/9/1998) and Tom Heidelbaugh, "an Algonquin/Amish/Irish writer and storyteller" (Neel 1995). According to Joan Ortez (BIA Interview 1/9/1998) Red Eagle and Heidelbaugh contacted her and the Suquamish Tribe, which helped obtain funding from the Washington State Department of Health and Human Services. The Suquamish, Snohomish, Squaxin Island, Nisqually, Puyallup, and the Bella Bella (Canada) all organized a flotilla of canoes and visited all the Indian tribal areas along the Puget Sound. At each landing, the flotilla leader would ask for permission to land. After landing all participants would be treated to a feast and potlatch held by the host, with speeches and other commemorative pronouncements, stay overnight, and proceed to the next location the following day. STI participation in the Full Circle Journey was comparable to other similar commemorative activities. First, members would

³⁴⁹He is not, however, a member of the STI.

volunteer to bring food. Some, such as Barbara Powe (LaTour/Bertschy) made gifts which were presented.

In other commemorative events, the Steilacoom membership might bring food or crafts to sell, to take the opportunity for fund raising. As Brian Edwards (LaTour/Andrews) has pointed out, a small core of the membership usually drive the fund raising activities.

Well, like the ones that you see at virtually every thing, eight or ten. Something like that. And then, there's a few others that kind of come and go -- now and then, sort of thing. But really, there is eight or ten of us. Like at pretty much any fund raiser you're going to see me there, and of course [Joanie], she's always there. And Kelly and Kathy, and Dale (Brian Edwards, BIA Interview 1/9/1998).

Because of their small numbers, the participants resourcefully rely on a network of people well outside the petitioner membership. Andrew Marshall (LaTour/Andrews), explains how his sister Catherine, Kenneth DittBenner (Cottonoire/Lyons), his mother Joan Ortez and her husband, and others were enlisted to work shifts at a fund raiser.

I know there were some other people but they're escaping my mind right now -- Oh, how could I forget, my girlfriend at the time. We did a shift with her and her mom and a couple of members from the Job's Daughters. Came out and did shift for us. With my association with De Molay and that, it was always nice, because things would go back and forth. They would help us out with something and, you know, in turn [we'd] let them use the museum as a field trip -- to come in and do different things³⁵⁰ (Andrew Marshall, BIA Interview 1/7/1998).

A third kind of activity involved consultation as a constituent particularly regarding archaeological projects in and around Steilacoom. STI Council minutes of September 27, 1988 show that archaeologists were consulting with the council as part of the archaeological surveys

³⁵⁰He expanded on the example by describing a typical busy day of interacting with several different organizations through an intricate system of reciprocity with DeMolay and his membership on the Steilacoom Museum Board.

When I was in DeMolay, when I was the head, the master councilor of our chapter, one of the events that I planned, we had to go out and go to a museum or art gallery. So I planned two things in one day on a Sunday, when we had to observe a day at church, so we all went to church, and then after that we all came out here, and took everybody through the museum and had lunch, and stuff. So it was and give a take with my association with both that I was able to go back and forth, with me as a member of the museum association I was able to help out and do things in DeMolay and with the Job's daughters, and in turn the other way around being a member over there was a help out, to enlist people over there to help out the Museum Association (Andrew Marshall 1/7/1998).

associated with road and building construction.³⁵¹ Joan Ortez's son Danny Marshall (presently STI vice-Chairman) took the lead in participating in an archaeology dig with Pacific Lutheran University. Also involved were Will Sears, and Carol DittBenner, Kenneth DittBenner's wife.³⁵² Photos of this dig were on display at the Steilacoom Tribal Museum and Cultural Center.

A fourth, related, activity is educational consultation in the public schools. Some of these projects have been funded through Title IV of the Elementary and Secondary Education Act (ESEA), and Carol DittBenner was active on these. Many of the public school activities involve the petitioner members giving presentations to public school classes on Coastal Salish culture, as it relates to the petitioner (Kelly Penland, BIA Interview 1/8/1998).

A fifth activity, of course, is the petitioner's involvement in the Federal Acknowledgment Process. The U.S. Department of Health and Human Services (DHHS) Administration for Native Americans (ANA) have funded some of the petitioner's preparation efforts. Other fund-raising also contributes.³⁵³

Finally, mention should be made of the Steilacoom Tribal Museum, and the other locations that have headquartered the STI. Interview information reveals that prior to the mid 1970's the petitioner's administrative files were kept at the homes of the secretaries or other officials. Meetings were held variously in Tacoma, Steilacoom, and Spanaway. With grant-supported funding in the 1970's, STI offices were located next to a boutique that was initiated by economic development funds obtained by STOWW. According to the petitioner the STI first tried to obtain land at the Fort Steilacoom site, in 1974 (STI Pet. 1986, 344). The attempt was unsuccessful (STI Pet. 1986, 411-413).³⁵⁴

The minutes of September 9, 1987, showed that the STI was negotiating with the Town of Steilacoom to occupy a historic site and use it as a museum. The September 19, 1989, minutes show that the Steilacoom Tribal Cultural Center was occupied.

8.3 Where are they now?

The 1995 list of 612 individuals shows that 475, or 77.7 percent, of the petitioner's membership reside in Washington. The second highest number, 40, reside in California, and comprise 6.5 percent of the membership. The third largest number, 17 (2.8 percent) reside in Oregon.³⁵⁵

³⁵¹See STI Petition 1986, 371-72 for more description.

³⁵²Joan Ortez and Kenneth DittBenner report that she is a member of the Mescalero Apache Tribe.

³⁵³The proportions of funding are unknown and were not investigated.

³⁵⁴The petition maintains that the location of the STI offices in Spanaway sparked part of the disgruntlement by some of the membership that destabilized Lewis Layton (STI Pet. 1986, : 346-51). Interview information did not support this assertion. See 7.2 for further detail.

³⁵⁵The whereabouts of 19, or 3.1 percent of the membership are unknown.

Of the 475 who live in the State of Washington, 296 (62.3 percent) reside in Pierce county, with 34 (7.2 percent) in King, 32 (6.7 percent) in Thurston, 28 (5.9 percent) in Mason, 20 (4.5 percent) in Grays Harbor, and 19 (4.0 percent) in Lewis County. The remainder are scattered throughout thirteen other counties. Please see Appendix 6 for tables.

In some of the counties there appear to be clusters of extended families. In one example, in Grays Harbor County, all eleven people living in Aberdeen are LeGarde/Byrd, as are the eight members living in Hoquiam. Together, they comprise 95 percent of the petitioner membership residing in Grays Harbor County. In Lewis County, five out of the six people living in Centralia are from the Cabana/Gardner line. Centralia accounts for a third of the people living in Lewis County. In Chehalis, eight out of thirteen petitioner members are LaTour/Bertschy, and four are Dean. One is unknown.

In Thurston County, 14 (43 percent), live in Yelm. Within Yelm, eight out of fourteen are Calder, three are Brown, and two are Layton. In Skagit County, all eleven members are from the LaTour/Crist line, and live, among three households, in the town of Sedro Woolley. In Mason County, all 28 people live in Shelton, and consist of 18 Brown members, two LeGarde/Byrd, four Eaton, and three unknown.

In larger counties such as Pierce, the town of Roy serves as another example of close knit groups of extended family members. There, out of sixteen members, eight are LeGarde/Byrd, eight are Lyons.

Not surprisingly, it is more difficult to correlate family lines to general locations. Nevertheless, it is safe to say that in the smaller counties, with smaller towns, there appears to be clustering of some family lines.

8.4 Discussion

The petition alludes to a huge number of grant-supported programs in which the petitioner members have participated. Without exception, however, these programs were not exclusively directed toward members of a Federally-recognized tribe or their close relatives. Most of the activities involving the membership as a collective involve a small core of people rarely numbering more than ten or twelve. Most of these activities are commemorative in nature, and rely on networks of non-Indian individuals in the town of Steilacoom or wider Pierce County. Still other activities have relied on Indian networks among recognized tribes with whom interaction is limited to membership among inter-Indian associations. None of these activities are indicative of formal or informal leadership or of social organization capable of mobilizing labor or other resources within the STI. Some of the petitioner interviews revealed the imposition of the requirement for volunteer work levied in lieu of membership fees. These requirements were mentioned in 8.1. However, the informants maintained that the issue was discussed in a general membership meeting only once, and reported they were unaware of anyone being censured in any way for failing to work or pay. Meeting minutes reveal no cases of enforcement.

There is evidence that the family lines of some of the present day membership are clustered in the more rural counties and small towns of Washington State. These clusters might resemble the pockets to which the petition alludes in different sections. However, while these families may be clustered, interview information suggests that these clusters are not limited in their interaction to members of the petitioner group in any way. Moreover, much of the interaction still appears limited to that *within* the families, and not between or among them. Where it is not so limited, interaction appears open to all people residing in an area, not just petitioner members.

APPENDIX 1

Examples of Unsupported Petition Statements

The petition used the HBC materials created at Fort Nisqually, and asserted that there "was not always harmony between the HBC and the Steilacoom Tribe" (STI Pet. 1986, 2:49x). The petition refers to a passage in the Tlithlow Journal for March 23, 1851, which "notes that the Steilacooms as a group were using improved farm land at American Lake for themselves and not respecting the claims of the Company" (STI Pet. 1986, 2:49x). A check of the actual entry in the Tlithlow Journal indicated that it had no reference to Indians whatsoever, and that the "Steilacoom people" who were infringing on HBC lands were American soldiers and local non-Indian settlers from the fort (Dickey 1994, 23, *pugetsnd.agr*). The quoted descriptions of Indians living in the town of Steilacoom in the 1860's provided no tribal identification (STI Pet. 1986, 2:142, 2:144, 2:149h). Neither did other quoted generalized descriptions of Indians in the area (STI Pet. 1986, 2:143-147).

Similarly, the petition contains fairly extensive discussion of Indians of Steilacoom origin, claimed to be moved onto the Nisqually, Puyallup, and other reservations in the period from the later 1850's through the 1880's (STI Pet. 1986, 2:113-120, 2:122, 2:134h; 2:135-141; 2:149b-149c). However, the petition does not document that there was any social or political interaction between these Indians, who are not ancestral to the petitioner, and the documented ancestresses of the petitioner's members, Indian women who were living in the households of their non-Indian husbands or Red River immigrant families.³⁵⁶ In the absence of documented social and political interaction between the possibly Steilacoom persons who went on the reservations and the petitioner's ancestors, these discussions have minimal relevance to whether or not the petitioner meets the criteria, and therefore have not been extensively analyzed in this technical report.

In another example, the petition first confused the generations of one ancestor, Letitia (Greig) Spence, corrected the generation in another section, then, in a later submission, repudiated documentation identifying her as other than Steilacoom, and then declared her cousin to yet another woman, Louisa Douette, who was also declared to be Steilacoom. The 1986 Petition stated for Louisa Douette:

In the 1830s a new generation was born at the "Lake View" village. Louisa Satewaya, the daughter Zis-sowee [*sic*], was born there is [*sic*] 1835 (Duette, 1929 Puyallup Application). Zis-sowee's sister married a Duwamish man and they located at the Lake View village after their union. They had a daughter there named Letitia . . . (Duette testimony) (STI Pet. 1986, 2:80).

³⁵⁶In the context that over 95% of the petitioner's membership descend from Indian/white marriages which took place prior to 1860, the petition's following undocumented statement is difficult to apply:

The Steilacoom Tribe during this period viewed the coming of the whites with mixed feelings. There were some items which the whites had brought that were now considered to be essentials. However, a number of Steilacoom resented the whites coming in and taking over, telling the Steilacoom Tribe that it must abandon many of its customs (STI Pet. 1986, 2, 149f).

In so far as the petitioner's direct ancestors are concerned, all but one nuclear family at this period constituted mixed households with Anglo or Canadian *métis* heads.

In the above passage, the petition defined the mother of Letitia (Greig) Spence as a sister of Zisowee (see also the chart, STI Pet. 1986, 2:149j), which made the same error). The petition later corrected the statement by adding another generation, making Letitia's mother Betsy Greig the daughter of Satewaya and the niece of Zisowee. It specifically repudiated tribal identifications other than Steilacoom.³⁵⁷

The 1994 petition then characterized Louisa Douette as "found to be from the Steilacoom Tribe" (STI Pet. 1986, 2: 117). BIA research and petition documentation both show that she applied for Puyallup membership in 1929, and testified for the Puyallup before the Court of claims in 1927. Other than the fact she was born at American lake, the source of Chambers Creek, there is no evidence she was descended from Steilacoom villages or was Steilacoom.

The problem in the petition's argument was *there is no evidence that Louisa Douette was of any tribe or band other than Puyallup*. The 1994 STI Petition Response rephrased the concluding section to state that Betsy Greig's first cousin was Louisa Duette, who "was found to be from the Steilacoom Tribe" (Thompson, STI Pet. Resp. 1994, 11-12).³⁵⁸ The records showed, however, that Louisa Douette or Duette applied for Puyallup membership in 1929 (Puyallup Enrollment Applications, 1929) and provided testimony for the Puyallup before the Court of Claims concerning events at the 1854 Treaty of Medicine Creek (Duette Testimony, 1927).³⁵⁹

³⁵⁷ Betsy Greig (Twea-da-dot or Whea-ee-du-it) was half Duwamish and half Steilacoom. Her father was a Duwamish Indian named Tee-yow-wa-wee. Her mother, a Steilacoom, was a daughter of Satewaya and sister of Zis-sowee. Betsy's first cousin was Louisa Douette (Wich-a-tish). Like many Steilacoom, Betsy Greig has been firmly identified by one half of the sources as Puyallup but not Nisqually (cf. 1929 Puyallup enrollment affidavits) and by the other half as Nisqually (e.g. Throssell 1964; Larson 1980). These identifications are examples of lumping a Steilacoom in with her reservation-resident relatives (i.e. Puyallup) or equating [*sic*] post-treaty residence with pre-treaty territory (i.e. Nisqually). Her cousin Louisa Douette *was found by the Puyallup Tribe, in 1929, not to be Puyallup but rather from a tribe that became part of the Puyallup Tribe, i.e. Steilacoom* (STI Pet. 1986, 2:130) [emphasis added].

³⁵⁸The petition argued that:

Like many Steilacoom, Betsy was identified by half the sources as Puyallup (cf. 1929 Puyallup enrollment affidavits) and the other half as Nisqually (e.g., Throssell 1964; Larson 1980). However, her first cousin Louisa *was found to be from the Steilacoom Tribe* (1929 Puyallup enrollment forms) (Thompson, STI Pet. Resp. 1994, 11-12; *see also* chart, STI Pet. 1986, 3:149j) [emphasis added].

Elsewhere, the petition presented a slight modification of this hypothesis, stating that:

The headman of the village [on Clover Creek] was Satewaya. His son Zis-owee had been born at Lake View. Zis-sowee died in 1859. He and his village were viewed by the Puyallup Tribe as distinct from them. Zis-sowee was viewed by the Puyallups as being "*of one of the tribes which became Puyallups,*" i.e. Steilacoom (1929 Puyallup Application) (STI Pet. 1986, 2:134c).

³⁵⁹In discussing the Treaty of Medicine Creek, the petition stated elsewhere that, "Other members of the Steilacoom Tribe who were present at the proceedings included Sate-way-a, his daughter Louisa Duette, her cousin Tokl-duway and Old Steilacoom (Duette testimony; Meeker 1907:255-). Sate-way-a was a village headman who summered at American Lake and wintered in the Lakeview area" (STI Pet. 1986, 3:86). In 1927 and 1929, Louise Douette stated variously that her father was Zis-owee, that her father was Satewaya, and that her father was Satewaya the son of Chief Satewaya; that her father had died before the 1854 treaty, and that her father had died in 1859.

The documentation in the 1986 and 1994 STI submissions in no way supported the petition's assertion that Douette "was found by the Puyallup" to be from another tribe. Nor did the petition state who made such a finding, much less provide evidence justifying the inferential leap to her being Steilacoom. The only confounding evidence showed, in fact, that Douette's two applications were somewhat inconsistent about when she was born and how she was allotted on Puyallup. The records showed that it was Louise Douette's own affidavit, signed by Joseph Young and the mark of Louise Douette, witnessed by Walter Stillbaious, which stated that her father was of "one of the tribes which became Puyallups; a full blood Indian living in Pierce County, Washington,"³⁶⁰ and that her mother was Hannah Sate-way-s, "at her death a recognized member of said Puyallup tribe of Indians."³⁶¹ Therefore, the phrase "of one of the tribes" was Louise Douette's own statement--not a finding by the Puyallup tribe or any other external agency, as implied by the petition statement. Douette's statement did not mention the Steilacoom Tribe. As a general principle, late-created documents and oral traditions must be checked against contemporary documentation.

If Sate-way-a was present at the 1854 treaty negotiations, the following date would be very improbable: "Two related families are known to have resided there in the late 18th century. The headman was Satewaya and he had a son, who was born in the village, named Zis-sowee (Louisa Duette, 1929 Puyallup Application) and a daughter (ibid) (STI Pet. 1986, 2:79). Signers of the Treaty of Medicine Creek 1854: "#56 Sit-oo-ah (or Sate-way-a), a headman at Lakeview" (STI Pet. 1986, 3:86).

The deposition of Louisa Duette, taken at Puyallup Indian Reservation, Washington, March 25, 1927, sworn through the interpreter, stated: "Does not know her age," said she was born somewhere near Steilacoom, and stated that she was present at the Medicine Creek Treaty with governor Stevens **and that she was big enough to understand when the treaty was interpreted**" (STI Pet. Response 1994, R-277) [emphasis added]. Earlier documents indicated that Louisa Douette was not as old as she claimed to be in 1927 and 1929, and certainly not old enough to have had personal memories of the 1854 treaty negotiations. If the age shown on the reservation census records was even approximately correct, Louisa would have been only four years old in 1854. The 1886 Census, Puyallup Reservation, #153-154, showed: Manuel Douett, 43, Hus; Louisa Douett, 36, wife (NARS RG 75, M-595, Roll 302). Records of Puyallup Reservation patents showed that Louise had a sister, whose recorded age was compatible with an 1854 birth date for Louise: 1896 Puyallup Reservation Patent No. 54, Manuel Douette and Louisa his wife, both of said allottees are living (Puyallup Indian Commission 1896). Patent No. 55, Mrs. Jack Scoopass died leaving as her only heirs two daughters Louisa Douette and Susie Alexander or Susie Marrs, each of whom own an undivided ½ interest in the land (Puyallup Indian Commission 1896).

³⁶⁰Louise Douette's affidavits were not internally consistent. Louise Douette, in an undated application for Puyallup Enrollment, made the following statements: that she was born in 1832, at American Lake, Pierce County, Washington, and was age 97. She was a member of the Puyallup Tribe, Puyallup Reservation, allotted there, with trust patent dated October 23, 1884; her husband had been Manuel Douette, who was a Puyallup at time of marriage; her name before marriage was Louise Sate-way-a; they were married at the town of Puyallup, Pierce County, Washington, by license issued at Tacoma. Her father was named Sate-way-a, he died when she was a very small child; he was born in Pierce County, Washington; his father was Chief Sate-way-a; her father died before the treaty of 1854. Her mother was Hannah Sate-way-a, born at Cowichan, British Columbia, tribe Cowichan; she was allotted as Mrs. Jack Scoopass; Puyallup Trust Patent 24 October 1884 (Puyallup Enrollment Applications 1929).

A second Puyallup enrollment application was dated February 20, 1929. For this second Puyallup application, Louisa Douette's affidavit stated that she was born in 1835; was age 94, and was allotted under her Indian name Wich-a-tish, with her husband. Note that according to this affidavit, she was four years older than her mother.

³⁶¹In 1892, Louisa's mother, then named as Mrs. Jack Scoopass, was described as a "Muckleshoot" (A. Boston Tillicum 1892, 10).

APPENDIX 2
Selected Census Materials

Census by Sir James Douglas, conducted 1838-39

	Men	Women	Boys	Girls	Slaves	Total	Location
Pool-yal-lap-paw-mish	138	162	80	82	22	484	Pool-lap-tap River
Nesqually-ah-mish	66	77	47	39	29	258	Nesqually River
Sah-aye-waw-mish	43	41	44	51	7	188	Bottom of Puget Sound

... the census had been conducted with painstaking accuracy and was the most reliable document of its kind yet found. The census is entitled, "Census of Indian Population in Fort Nisqually District as taken in the years 1838-39" (Taylor 1974, 423).

The total population of the Puget Sound area is given as 5,563. Of these, the Nisqually-speaking peoples number 3495 [sic]. It must be remembered that these figures are for the year 1838-39 (Taylor 1974, 428).

On the other hand, some mention numerous bands in this Southern Puget Sound area, such as the S'Hotlemamish and the Steil-aku-mam-ish; in others these bands are not listed or are vaguely subsumed under the general term, 'Nisqually' (Taylor 1974, 433).

Census material was excerpted by Taylor (1974) from Sir James Douglas, Private Papers (second Series), 1853, p. 23 (ms in Provincial Archives, Victoria, B.C.)

Tolmie's Census, 1844

Gibbs' publication of Tolmie's figures listed these groups as follows (Gibbs 1967, 40):

Stak-ta-mish	207
Squaks'na-mish	135
Se-hehwa-mish	92
Squalli-a-mish	471
Pu-yal-lu-a-mish	207
S'Ko-ma-mish	118
Su-qua-mish	525.

Starling Enumeration (COIA Report 1852, 460)

Tribe's Name	Number
Stitcheo-saw-mish, or Budd's inlet and south bay, vicinity	25 or 30
Tum Water of town of Olympia, Squally-ah-mish, or Nesqually river, Bay, and vicinity	100
Nisqually, Pualli-paw-mish, or Puallis river, bay, and vicinity	200

NARS RG 75, M-234, Roll 907

Recd. May 10, 1853. Memorandum in regard to the Indians on the Upper Missouri & West of Minnesota & in the Territory of Washington. West of the Cascade Range

Tribe's Name	Number
Stitchee-saw-mish, or Tum Water	25 or 30
Pualli-paw-mish, or Pualliss	200
Nu-wam-ish	60
Sah-ma-mish	100
Squally-up-mish or Nisqually	200

Starling to Stevens 12/10/1853

I give the following locations of the tribes, of which I have any knowledge; also my Estimate of their present numbers. Although, the numbers cannot be supposed to be accurate, I don't think they will vary materially, when a census is taken of them.

Names	Locations	Numbers
Stich-e-a-saw-mish or Tum Water	Budd's Inlet, South Bay, and vicinity of the town of Olympia	20
Squally-ah-mish or Nesqually	Nesqually river, Bay and vicinity	80
Pu-yal-li-paw-mish or Puyallups	Puyallup River, commencement Bay & vicinity	150
Du-wam-ish/Sko-mah-mish	Duwamish river, Vashon's Island; also, a portion of the main land between the Puyallup & Duwamish rivers	40

George Gibbs' 1854 Figures (Gibbs 1967, 41-42; Schoolcraft's changes in brackets)

<u>Name</u>	<u>Location</u>	<u>Band</u>	<u>Tribe</u>
Chima-kum	Port Townsend		70
Toan-hooch	Hood's canal	265	
Sko-ko-mish	Hood's canal--upper end	200	
			465
Guak-s'n'a-mish [Quak-s'n-a-mish]	Case's inlet, &c.	40	
S'Kosle-ma-mish [S'Hotle-ma-mish]	Case's inlet, &c.	27	
Sa-heh-wa-mish	Hammersly's inlet, &c.	23	
Sa-wa-mish	Totten's inlet, &c.	3	
Squa-aitl	Eld's inlet, &c.	45	
Stell-cha-sa-mish	Budd's inlet, &c.	20	
Nov-seh-chatl	South bay	12	
			170
[Schoolcraft indented the last three below Sa-wa-mish]			
Squalli-ah-mish-- six bands	Nisqually river and vicinity	184	
Steila-coom-a-mish	Steilacoom creek and vicinity	25	
			209
[Schoolcraft indented Steila-coom-a-mish below Squalli-ah-mish]			
Pu-yallup-a-mish	Mouth of Puyallup river, &c.	50	
T'Qua-qua-mish	Heads of ... do ...do.	50	
			100
[Schoolcraft indented T'qua'qua-mish below Puyallup-a-mish]			
Su-qua-mish	Peninsula between Hood's canal and Admiralty inlet	485	
S'slo-ma-mish [S'Ho-ma-mish]	Vaston's island [Vashon's island]	33	
			518
(Gibbs 1967, 41-42; STI Pet. 1986, E-7, Exhibit #4).			

Milroy List 1878 (STI Pet. Response 1994, R-164).

Puyallup, Nesqually, &c. Agency. Olympia, Washington Territory, May 31st, 1878. R.H. Milroy, U.S. Indian Agent. Subject: List of heads of families and No. of each, and of individual Indians belonging to the Gig Harbor and Steilacoom bands of the Puyallup tribe of Indians residing in Pierce co. Wash. Ter. Total No. 46.

Name	Wives	Children		Relatives	Total
		Boys	Girls		
Bill Sessahabeth	1	0	0	1	2
Pr. Hopkins	1	0	0	1	2
Jack Tuwoolow	1	0	0	1	2
Jim Smith	1	1	1	1	4
Smith Classum	0	0	0	1	1
Balk	0	0	0	1	1
Clallalaho	1	1	0	1	3
Old Man Hako	1	0	0	1	2
Lawasteah	1	1	0	1	3
Jack Sahlatah	1	2	0	1	4
Seahpet	1	2	0	1	4
John Hapa	1	2	2	1	6
Charley Whachopet	1	0	0	1	2
Siwasuit	1	0	4	1	6
Jim Lahame	0	0	0	1	1
Joe Klaksiut	1	0	0	1	2
Niackanam	0	0	0	2	2
Total	13	9	7	18	47

Please note that none of the above individuals, except perhaps Seahpet, were known members of the Steilacoom village or ancestral to the petitioner.

APPENDIX 3
Summary of Roblin Affidavit Information

**Summary of Residence, Social Interaction, and Schooling
Based on the Quinault Quinault Enrollment Applications
Collected by Charles E. Roblin, NARS RG 75, M-1344
1855-1880**

NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
Rose LaTour	1864	1881	Henry Andrews W	No, never Nor Children	3/4	b. Ft. Nisqually, Ft. Steilacoom to 1873, Roy to 1884, Steilacoom & Dupont to Present.	Chief Mason ³⁶² W Mrs. Longfred Mrs. Lucy Hall ³⁶³	LaTour/ Andrews
Betsy LaTour						b. Nisqually	w: John, Mary, Frank Longfred	LaTour/ Andrews
Elizabeth (LeGard) Byrd	1863	1876	Joseph Byrd mixed	No	Quin.	Roy all life. All went to public schools at Roy.	K: Isaac Bastian W: G.R. Moore J.T. Montgall	Cottonoire/ LeGarde/ Byrd
George B. Byrd	1877	1907	Bertha mixed	No	Roy		Isaac Bastian. Husband of Mo's sister	Cottonoire/ LeGarde/ Byrd

³⁶² Chief Mason of Quinaielt told me he knew my Great Grandmother Hotassa, as a first cousin, my grandmother Yaluitiza (Betsy LaTour) as a second cousin of his.

I was small when my parents died. My grandmother raised me. The Indians visited her and she them. Mrs. Mary Longfred is first cousin of my Mothers. Mrs. D. Mounts is related to us by GrandMother. Also Mrs. Lucy Hall of the Quinaielt reservation by my father.

³⁶³ ... is a first cousin of mine through her father J. Skamink, who lives on the Quinault reservation. Other relatives have all died, so far as I know.

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NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
Mary F. (Smith) Brown	1855	1890	C.L.H. Brown W William Lewis W	Tulalip St. George	½ Puy	Steilacoom, 1855-1873, Puyallup 1874, Kamilche 1874-1913.	K: Isaac Bastian, Chief Maxon	Smith/ Brown
Annie (Wren) Dougherty	1850	1874	George Dougherty W	No	¾ Quin	Roy, Muck Creek. "Practically all my life." M. 1874 at Steilacoom.	AF: Isaac Pincus W: Caroline Wren, David M	Wren
Letetia (Greig) Spence	1857	1872	Henry Spence mixed	No School at all	½ Cree	Roy, Muck Creek, Pierce county. "All my life" John and Annie Haden ³⁶⁴ knew from birth Letetia Greig Spence. Not sure of others	AF: John Hayden Annie Hayden w: Mary Smith Chief Mason William Mason	Spence
Catherine (Gorich) Sears	1862	1879 2/22/1 880	Asa Sears W	No	½ Nis	Ft. Nisqually and Tacoma Nisqually Indian (*683)	K Uncle Chou-chou; cousins Mrs. Wm. Mason, Bob Vinn W: John Longfred Frank Mounts	Gorich
James Barr							K: J.W. Huggins Frank Mounts w: John Longfred	Gorich
Elizabeth (Sherlafoo) Smith	1844- 1913		Henry Smith W b. 1822 T.J. Carroll W		½		W: G. Moore; Sarah; John Longfred	Sherlafoo
Josephene (Sherlafoo) Corcoran	1842	1857	Dominic Corcoran W	Yes (see L. Garritz)	½	b. "Ft. Nisqually for about 6 yrs. And Cowlitz 6 yrs. Then Fort Nisqually rest of life"	W: H.L. Wold John Longfred. Peter Smith, Emma Bonney	Sherlafoo

³⁶⁴ I.e. Hiten/Hyton, a Puyallup Family.

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NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
John Baptiste Sherlafsoe					W		W: Katherine Murray, McLain Chambers, Sarah Benston	Sherlafsoe
William Burston Carroll	1861	1888	Frances Brashears W	No		b. Steilacoom 1864, Roy, La-centre Son of Elizabeth Smith	W: Frank & Catherine Schneider ³⁶⁵	Sherlafsoe
Catherine Schneider	1873	1902	Frank Schneider W		1/4	"I have lived in the Nisqually Country near Roy . . . all my life."	"We are Cowlitz."	Sherlafsoe

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We have come in contact with them only through [sic] in a very meagre [sic] way."

Re Quinault relatives: "not posted on this matter."

Mrs. Ellen Jensen Dean died in April 1913 [Roblin note: at Cleveland Washington] my mother died in march 29, 1913 (Mrs. Elizabeth Smith) in Tacoma.

It should be noted that no descendants of this line were adopted into the STI until the 1950's, so the Roblin data are of limited relevance for the development of the petition.

Summary of Roblin Affidavits Indicating Residence and Social Interaction

1880-1919

NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
Albert Andrews	1895				3/8	Dupont, 1895-1917; Ware Island, CA 1917; Guam 1917-pres.	Assoc: John Longfred Jack Slocum Rel: John Mounts.	LaTour/ Andrews
Emma "Mary" Sears	1880		J. McPhail mixed J. Gettenbie W	Puyallup Chenawa	W/I	Puyallup sch to 1882, Chenawa, Oregon to 1887, Milton present		LaTour/ Andrews
Louis V. Sears	1882	1908	Mamie Delettea W	No		b. Steilacoom, Olympia, Roy "I made Lake City . . . my home, although I have lived at Steilacoom and Dupont . . . the last year and a half." Also Olympia.	Rel: John Mounts Mrs. D. Mounts (rel Rose Andrews)	LaTour/ Andrews
John Andrews	1886	1913	Cora Jenkins W	No		Steilacoom and Dupont ³⁶⁶	John Mounts Mrs. D. Mounts Mary Longfred John Longfred Jack Slocum Jimmy Cross ³⁶⁷	LaTour/ Andrews
Alexander J. Andrews	1888	1912	Ethel Richardson W	No	3/8	"With my parents until my marriage. Now living in Tacoma, Wash."	Mo. Rel to Chief Mason	LaTour/ Andrews

³⁶⁶ I spent most of my life . . . near the towns of Steilacoom and Dupont. Three months ago, I went to Olympia . . . where I am at present employed."

³⁶⁷ See Smith, Marian W., 1940, The Puyallup-Nisqually, New York: Columbia University Press. 83-85. John LeClair "the only living man in this region who claims doctoring power" mentioned doctoring for Jimmy Cross.

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NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
Christopher Andrews	1893		single	No	3/8	Nisqually. No Relationships ³⁶⁸		LaTour/ Andrews
Christina Andrews	1897			No	3/8	"I have spent most of my life in Pierce county near Dupont and Steilacoom, where I now reside." ³⁶⁹	John Mounts, so of D. Mounts, rel of mo.	LaTour/ Andrews
Rosa C. Price	1899	1917	Verner A. Price W	No	3/8	Steilacoom, Dupont, moving to BC soon. "I have never sustained ..."	Mrs. D. Mounts	LaTour/ Andrews
John L. Boyd	1885	1914	Sylvia W	No		Roy	W: Earl Mason, G.R. Moore; E.E. Gardiner, Rolf Goodwin, Dave Fielder, Arthur Kuhn	Cottonnoire/ LeGarde Byrd
Thomas H. Byrd	1887		Ruth mixed	No	1/4	Roy, all life	K: Dave Fielder; Arthur Kuhn	Cottonnoire/ LeGarde Byrd
Lizzie M. Byrd	1892	1914	John E. Stafford W	No		Roy	K Earl Mason; G.R. Moore	Cottonnoire/ LeGarde Byrd
Hannah Mophin	1882			No		Roy, all life	Earl Mason	Cottonnoire/ LeGarde Byrd

³⁶⁸ I was a child when my parents rented a place on the Nisqually Reservation. We lived there but a short time. I have visited the Indians living around or near where I did, but cannot say much about tribal relations. I know and have visited, among others, the following: Mrs. Mary Longfred and Husband, Mrs. Mounts, Jack Slocum and Jack Skamink. My life has been spent in Pierce County and my relations were limited to those living nearby. Those and other Indians have all visited my home. 11/13/1913 #69-71. (NARS RG 75, M-1344, Frames 64-68, Quinault Affidavit 3/22/1913).

³⁶⁹ I have never sustained tribal relations with any tribe of Indians. My relations with Indians has been limited to those living in my neighborhood. I have visited Mrs. D. Mounts (p. 2).

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NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
Joseph J. Byrd						Roy, all life. Same for the children	Isaac Bastion J. Longfred Wm. Smith	Cottonoire/ LeGarde Byrd
John Burston	1883					Nisqually.	Orillia Bastion Carsner	Cottonoire/ LeGarde Byrd
Louise E. Lyons	1884	1902	J.T. Lyons 1/4 Red River	Chemawa		Chemawa 1893; Gates City IS 1896.. Olequa to 1902. Puyallup. Then Roy.	Mary Pete (sister); Isaac Bastian (cousin) W: E.D. Woodworth	Cottonoire/ Lyons ³⁷⁰
Edith Sears	1880	1910	Fred Keneston W		1/4	Ft. Nisqually, Tacoma. Same as above: "except 2 1/2 years 1907- 1909 in Rawlins Wyoming"	Chouchou, Mrs. Wm Mason, Bob Vinn. Mother visits	Gorich/ Sears
Asa Sears (JR)	1889	1916		No	1/4	Ft. Nisqually, Farm near Tacoma?	(Reports mother visiting).	Gorich/ Sears
Lena Gerritz	1880	1911	Frank Gerritz W	St. George, 1899	1/4 cow	St. George Indian School in Puyallup. Born Nisqually, then Pierce County, then Alberta. ³⁷¹	"We are from the Cowlitz tribe."	Sherlafoo

³⁷⁰ Lyons was her married name. Children Henry, Eugene, Florence, Lillian, born between 1903 and 1911 left blank any mention of social relationships and residence.

³⁷¹ Affidavits are quoted as follows:

We are from the Cowlitz Tribe.

We have worshipped [sic] in the Indian Church.

³⁷² It should be noted that no Sherlafoo descendants were adopted into the STI until the 1950's, so the Roblin data on the family are of limited relevance.

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NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
William Kessler	1884	190	Carrie Raber W	No	1/8 Cow	"Nisqually . . . until Manhood. Thence State of California" 1904 Stockton CA Hotel Clark ³⁷³	E. MacLaughlin	Sherlafoo
Florence Pflugmacher	1894	1906	Fred Pflugmacher W	no	1/4	"Nisqually and in Pierce County all my life time."	[Incomplete]	Sherlafoo
Mary I-usemuch ³⁷⁴ Nightengale	1863	1881	William Kessler, div 1893 W.H. Nightengale		1/4 Cow	Hoped they would b e enrolled as Cowlitz ³⁷⁵		Sherlafoo
William Kessler	1884	190	Carrie Raber W	No	1/8 Cow	"Nisqually . . . until Manhood. Thence State of California" 1904 Stockton CA Hotel Clark ³⁷⁶	W: E. MacLaughlin	Sherlafoo

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worshipped with Indians when a child in their Church and by visiting the Indians (p. 2)
My Great Grand Father was a white man. John Batiste Sherlafoo. My Great Grand Mother was a full Blood Cowlitz Indian Mrs. Harriet Iusemusch Sherlafoo (p. 5).

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I was given the name of I-usemuch - by my mothers people. 10/27/1917 affid.

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Married to Kessler "Steilacoom . . . by Rev. P. Heylabos of Tacoma at the Catholic Church there." Divorced 1893.

He died a few years ago in California, buried at Stockton. We had five children all dead but one, that William D. Born in Tacoma May 26, 1883. William was a white man. I married W.H. Nightengale in Tacoma April 18th 1909 . . . is still living with him he is a white man. I am 1/4 Indian born April 25th 1863 at Elk Plains, near Spanaway. My Mother is of the Cowlitz tribe. I claim that too so don't care if I don't get in at Quinalt, but do hope we will get something from the Cowlitz. My mother is half Indian. Her Grandfather's name was Sie-you. Grand Mother was Ja-wee-na. My Grand Mother was full Indian too, was Annie whim. My Mother's Indian name is Aystum. My name is Iusem much in Indian. My mother's white name is Josephine or Susette Sherlafoo, now Corcoran., My Father was Dominic Corcoran, a white man. Hoping this is as plain as I can get at it and hope something will be done for us soon (Mary Nightengale to C.E. Rohlin 9/7/1917 #276-279).

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p. 2: "worshipped with Indians when a child in their Church and by visiting the Indians." P. 5: "My Great Grand Father was a white man. John Batiste Sherlafoo. My Great Grand Mother was a full Blood Cowlitz Indian Mrs. Harriet Iusemusch Sherlafoo."

NAME	DOB	DOM	SPOUSE	SCHOOL	ETH	RESIDENCE	ASSOCIATE	FAMILY
Helen Jensen	1893	n.d.	William Dean mixed	No	½ Cow	Roy ³⁷⁷	INCOMPLETE TESTIMONY	Sherlaxoo
Clarence Smith	1870	1899	Ann Reddig W	No		"In the Nisqually Country near Roy my entire life" ³⁷⁸	W. J. M. Chambers,	Sherlaxoo
Hettie Spence	1888				½	Government School. "All my life in Pierce Co. Except from 1900 to 1902 was away attending school in Santa Fe NM."	Chief Mason	Greig/ Spence
Blanche Spence	1892	1914	Alfred Rediske W	Public ³⁷⁹	½		Chief Mason ³⁸⁰	Greig/ Spence
Lydia Anne Bonney	1882		_____ Patrud			Olympia	William Northover?	Wren

³⁷⁷ "Lived all my life at Roy . . . until 6 months ago. I moved to Cleveland, Klickitat County, Washington."

³⁷⁸ "have no Relationship on the Quinault Reservation . . . I Claim Relationship to the Cowlitz tribe [sic]." (p. 2)

Re Relations:

"by visiting . . . By Fishing . . . Working with them . . . Worshipping in the Indian Church. . . I assisted them in time of sickness & etc . . . also stayed with Joe Mosley on the Nisqually Reservation . . . a full Indian at time" (p. 2).

³⁷⁹ "My sisters, Letitia and Nellie attended Government Indian School, but I have been kept at home and have attended public schools." (#111, Blanche Spence, 3/9/1913).

³⁸⁰ "Being born of Indian parentage, among the Indians, and raised by and with Indians and always associated with and lived with Indians" (p. 2).

APPENDIX 4
Summary Chart of Roblin Quinault Applicants Ancestral to the Petitioner
(Roblin to COIA, Rec. 2/8/1919).

Case No.	Petitioner Family Line/Family Members	Roblin Comments (Quoted)
21	<p>Greig/Spence Letitia Spence Letitia Spence, daughter Hettie Spence, daughter Blanche Spence (now Rediske), daughter Edna Speaker, (now Hopper), granddaughter Stella Spence (now Fielder)</p>	<p>Letitia Spence, the head of this family, is a half-blood Puyallup Indian, living at Roy, Pierce Co. Wash. She is married to Henry Spence, a mixed blood Cree Indian. One daughter and two granddaughters are married to white men. All live in white communities, the family severed tribal relations long ago, and are citizens of the state.</p>
23	<p>Cottonoire/LeGarde/Wren Annie Dougherty, mother Lillian Bond, daughter Clarice L. Bond, daughter of Lillian B. Roy Dougherty, son Reina Dougherty, daughter of Roy D. Reina Dougherty, daughter Lynn Dougherty, son Lynnetta Dougherty, daughter of Lynn D. Elton Dougherty, son of Lynn D. May V. Dougherty, daughter</p>	<p>This family has severed tribal relations long ago. Most of the adult applicants have married white persons. Reina M. Dougherty having married two white men, and Lynn Dougherty having married two white women. They are scattered in white communities, living at Roy, Eatonville, Lake View and Tacoma, Washington.</p>
28	<p>Cottonoire/LeGarde/Byrd Louise Spencer Earl A. Spencer, son Elmer R. Spencer, son Doris L. Spencer, daughter</p>	<p>This family is descended from Marie Cathier, a Quinault woman who married into the Chinook tribe years ago. . . . Louise Spencer is married to a white man who seems to be well-to-do, and has educated his children quite well. One son, Earl A. Spencer, is traveling for a California commercial house. The family has never lived among Indians nor affiliated with any Indian Tribe.</p>

Case No.	Petitioner Family Line/Family Members	Roblin Comments (Quoted)
29	<p>Lyons Louise L. Lyons Henry T. Lyons, son Florence f. Lyons, daughter Lillian E. Lyons, daughter</p>	<p>The family has lived in the Puget Sound and middle Washington country, and has never affiliated with any of the tribes of the immediate Pacific Coast. In fact, little claim is made of affiliation with any Indian tribe</p>
30	<p>Cottonnoire/LeGarde/Byrd Elizabeth Byrd, mother George B. Byrd, son Thelma Byrd, daughter of George G.G. Hannah M. Mophin, daughter John L. Byrd, son Nicholas Byrd, son Thomas H. Byrd, son James G. Byrd, son Lizzie M. Byrd, daughter Josephine Byrd, daughter of Lizzie M.B. Anna L. Byrd, daughter (Now Dubois) Mattie M. Byrd, daughter McLain Byrd, son Esther G. Byrd, daughter Louisa G. Byrd, daughter Margaret Byrd, daughter</p>	<p>The Council, in 1912, voted for their adoption by a bare majority, but in 1918, they voted unanimously against adoption, for the reason that the connection with Quinaielt blood was so remote and that they had not associated with the tribe.</p>
37	<p>Gorich/Sears Catherine Sears, Edith Kenniston, daughter Grace Sears, daughter of Edith Edward Sears, son Mary Jimel, daughter Martin Lacy Jimel, son of Mary Robert Sears, son Asa Sears, son William Sears, son Edna Sears, daughter</p>	<p>Mrs. Sears is a half-blood Nisqually Indian. She is married to a white man, as are two of her daughters, Edith Kenaston and Mary Gimel. One son, Asa, is married to a white woman. All are living in white communities, are citizens of Washington, and of the United States, and have lost their status as Indians. One daughter, for whom application for adoption was made, Edna Sears, is now of age, and refuses to make formal application for adoption, returning the application blank sent her.</p>

Case No.	Petitioner Family Line/Family Members	Roblin Comments (Quoted)
38	<p>LaTour/Andrews Rose Andrews Louis Andrews, son Martin Andrews, son Evelyn Andrews, daughter of Martin John Andrews, son Alex Andrews, son Harry Andrews, son Christopher Andrews, son Albert Andrews, son Christine Andrews, daughter Rose Andrews, daughter</p>	<p>The preponderance of evidence is to the effect that [Rose's father] was a fully-blood Nisqually Indian. Her mother was a half blood Cowlitz Indian.. She is married to a white man, and five of her sons, Louis, Martin, John, Alex, and Harry Andrews, are married to white women. The entire family have lived in white communities, and among white people, and have lost their status as Indians.</p>

Case No.	Petitioner Family Line/Family Members	Roblin Comments (Quoted)
41	<p>Sherlafoo/Smith³⁸¹ Elizabeth Smith, Died March 29, 1913 William Burton Carroll, son Eunice Elizabeth Woods Helen Jensen (Dean) Thomas Carroll Roger Carroll, son Annie Laury Carroll, daughter Alice Carroll, daughter Joe Carroll, son Margaret Elizabeth Brennon, daughter Audley Brennon, daughter of Margaret Dorothy Brennon Fred Smith, son Irene Smith, daughter of Fred Zalla Smith Waldo Smith Elmer Smith Beatrice Smith James Smith Dorothy, daughter of Fred Clarence Smith, son Oliver Wendal Smith, son of Clarence Joe Smith, son Olive Smith, daughter Catherine Schmieden, daughter Irvin Schmeiden, son of Catherine Peter Smith, son Alfred Marion Smith, son of Peter Charlotte Smith, daughter Henry Norton Smith, son of Peter Josephine Corcoran, sister of Elizabeth Smith Mary Nightingale, daughter William D. Kessler, son of Mary N. Catherine Peterman, daughter Gladys Peterman Alfred Peterman Bartholomew C. Corcoran, son Lena Gerritz Florence Pflugmacher Carl Pflugmacher, son of Florence Emery Pflugmacher, son</p>	<p>Josephine Corcoran has another daughter, Elizabeth Ellen Northover, wife of John Northover. See Case No. 36. This family are descendants of a well known early pioneer, who married a Cowlitz woman. His name was John Baptiste Sherlafoo. Elizabeth Smith and Josephine Corcoran were half-blood Cowlitz Indians, but all members of their families, with the single exception of Mrs. Ellen Northover, have married white persons, when they married at all. The association of the family has abeen with white people, and only the most meagre association with Indians has been maintained. No association has been maintained with the Quinaielt Indians.</p>

³⁸¹It should be noted that no descendants of this line were adopted into the STI until the 1950's.

Case No.	Petitioner Family Line/Family Members	Roblin Comments (Quoted)
52	<p>Smith/Brown C.L.W. Brown Mary F. (Smith) Brown, wife Martha Louise (Lewis), daughter of Mary William A. Lewis, son of Mary Fred J. Lewis, son of Mary Effie Brownfield, daughter Martin Brownfield, son of Effie Daniel C. Brown, son Lawrence J. Brown, son Burnette Brown, son Henry Brown, son James Brown, son Lewis Brown, son Margaret Brown, daughter</p>	<p>C.L.W. Brown is a white man, the second white husband of Mary F. Brown. The family has lived at Kamilche, Wash., which is in the neighborhood of the ancient habitat of the Squaxin tribe. The mother of Mrs. Brown was a Puyallup woman, but she claims to have affiliated with the Squaxin Island tribe, although she was never enrolled with them nor given any rights with them. The family has lived as white people, and severed tribal relation [<i>sic</i>] long ago.</p>

APPENDIX 5
Summaries and Comparisons of the STI Enrollment Lists 1950-1961

The 1952 Questionnaires:
Comparison of Family Lines and Ancestry to the Petitioner
 Based on original forms on file at PSA - list compiled by Cynthia K. Ross

Family Line	Fam Count	Pct of Total Membership	Anc.Count	Pct of each Fam.
Unknown	25	10.7%	159	67.9%
Cabana/Gardner	22	9.4%	12	54.5%
Gorich/Sears	17	7.3%	12	70.6%
LeGarde/Byrd	16	6.8%	14	87.5%
Cottononire/Lyons	16	6.8%	12	75.0%
LaTour/Andrews	16	6.8%	14	87.5%
Calder/Wren	15	6.4%	10	66.7%
LaTour/Bertschy	15	6.4%	12	80.0%
Sherlafoe	15	6.4%	9	60.0%
Smith/Brown	13	5.6%	13	100.0%
LaTour/Sears	13	5.6%	12	92.3%
Cushner/Runquist	11	4.7%	8	72.7%
Such	10	4.3%	8	80.0%
Greig/Spence	9	3.8%	8	88.9%
Dean	6	2.6%	5	83.3%
Layton	5	2.1%	4	80.0%
Riell	4	1.7%	2	50.0%
Cowlitz	2	0.9%	0	0.0%
Steilacoom	2	0.9%	1	50.0%
Gorich/LaTour/Sears	1	0.4%	1	100.0%
Krise	1	0.4%	0	0.0%
Totals	234	100.0%		

Membership Shared Between the 1952 and 1955 Lists

Family Line	Family Line Count	Fam. Pct of Total	Count Anc. to Pet.	Pct. Anc. in each family
Unknown	23	13.4%	0	0.0%
Cabana/Gardner	17	9.9%	10	58.8%
Gorich/Sears	16	9.3%	9	56.3%
LaTour/Andrews	14	8.1%	14	100.0%
Calder/Wren	12	7.0%	7	58.3%
LaTour/Bertschy	11	6.4%	10	90.9%
Cushner/Runquist	11	6.4%	6	54.5%
Cottonoire/Lyons	10	5.8%	7	70.0%
Smith/Brown	10	5.8%	7	70.0%
Sherlafoo	8	4.7%	5	62.5%
LaTour/Sears	7	4.1%	7	100.0%
Greig/Spence	7	4.1%	5	71.4%
Such	6	3.5%	5	83.3%
Riell	5	2.9%	2	40.0%
Dean	4	2.3%	4	100.0%
Layton	3	1.7%	2	66.7%
LeGarde/Byrd	2	1.2%	1	50.0%
Steilacoom	2	1.2%	1	50.0%
Cowlitz?	2	1.2%	0	0.0%
Gorich/LaTour/Sears	1	0.6%	0	0.0%
Krise	1	0.6%	0	0.0%
Total/Aggregate	172		102	59.3%

1961 List By Ranked Family Lines

Pet. Family Line	Count	Percent of Total
Sherlafoo/Smith	53	11.8%
LeGarde/Byrd	51	11.3%
Cabana/Gardner	39	8.6%
Spence/Lyons	33	7.3%
Gorich/Sears	32	7.1%
LaTour/Sears	31	6.9%
Smith/Brown	30	6.7%
LaTour/Andrews	24	5.3%
Calder/Horsfall	22	4.9%
Greig/Spence	21	4.7%
LaTour/Bertschy	20	4.4%
Riell/Stone	17	3.8%
Williams/Such	14	3.1%
Cushner	13	2.9%
Onectum/Layton	11	2.4%
Dean	10	2.2%
Eaton/["Leschi"]	6	1.3%
Krise	5	1.1%
Winchester	5	1.1%
Widolitar	3	0.7%
Glubjuhah	3	0.7%
[Calder/Wren]/Burston	2	0.4%
Simmons	1	0.2%
Cornett	1	0.2%
Batson	1	0.2%
Steilacoom	1	0.2%
Bartlett	1	0.2%
Archambault	1	0.2%
TOTAL	451	100.0%

Families Shared Between 1955 and 1961 Lists

Pet. Family Line	Count	Pct. Total	Count Anc. to Pet.	Pct Anc. in each Fam
Cabana/Gardner	16	10.7%	8	50.0%
Calder/Wren	16	10.7%	8	50.0%
Gorich/Sears	13	8.7%	8	61.5%
LaTour/Andrews	12	8.0%	11	91.7%
Sherlafoo/Smith	10	6.7%	6	60.0%
Cottonoire/Lyons	10	6.7%	9	90.0%
LaTour/Sears	10	6.7%	9	90.0%
Cushner/Runquist	9	6.0%	4	44.4%
Such	8	5.3%	7	87.5%
LeGarde/Byrd	7	4.7%	5	71.4%
Riell/Stone	7	4.7%	2	28.6%
Greig/Spence?	7	4.7%	5	71.4%
Smith/Brown	6	4.0%	3	50.0%
Layton	4	2.7%	3	75.0%
Eaton/[Leschi]	4	2.7%	1	25.0%
Dean	4	2.7%	4	100.0%
[Glubjuhah]	2	1.3%	0	0.0%
Winchester	1	0.7%	0	0.0%
Unknown	1	0.7%	0	0.0%
Widolitar	1	0.7%	0	0.0%
Gorich/LaTour/Sears	1	0.7%	0	0.0%
Krise	1	0.7%	0	0.0%
Total	150	100.0%	93	62.0%

**Summary Chart of Family Line Distributions on the 1973-1978 Combined
Membership Listings of the STI**

Family Line	Count	Pct. Fam	Adopt	Pct. Fam
LeGarde/Byrd	129	20.4%		
Unknown	88	13.9%		
Gorich/Sears?	68	10.8%		
LaTour/Andrews	59	9.4%		
Cottonoire/Lyons	42	6.7%	6	14.3%
Smith/Brown?	40	6.3%		
LaTour/Bertschy	39	6.2%		
LaTour/Sears	38	6.0%		
Calder/Wren	33	5.2%	20	60.6%
Dean	29	4.6%		
Sherlafoe	17	2.7%		
Layton	15	2.4%	1	6.7%
Greig/Spence	13	2.1%		
LeTour/Sears	13	2.1%		
Cushner/Runquist	4	0.6%		
Pearl	3	0.5%	1	33.3%
Steilacoom	1	0.2%		
TOTAL	631	100.0%	44	7.0%

Proportions of Family Lines on the 1986/1995 Steilacoom Roll
 (Please see Table 3, in text)

Family Line	Family Surname	Number	Percentage	Percentage Family Line
Brown/Smith	Brown	40	6.5%	
Budd/Calder	Calder	60	9.8%	
Cushner	Cushner	10	1.6%	
Dean	Dean	22	3.6%	
Cabana/Gardner	Gardner	7	1.1%	
LaTour	Andrews	85	13.9%	
LaTour	Bertschy	25	4.1%	
LaTour	Crist	50	8.2%	
Layton	Layton	13	2.1%	26.1% (LaTour)
Cottonoire/LeGarde	Byrd	101	16.5%	
Unknown	Leschi/Eaton	8	1.3%	36.0% (Red River
Cottonoire/Lyons	Lyons	42	6.9%	métis)
Pearl	Pearl	3	0.5%	
Riell	Riell	5	0.8%	
Gorich/Sears	Sears	65	10.6%	
Sherlafoo	Sherlafoo	4	0.7%	
Grieg/Spence	Spence	12	2.0%	
Steilacoom	Steilacoom	1	0.2%	
Such	Such	3	0.5%	
Unknown	Unknown	56	9.2%	
	TOTAL	612	100.0%	