

**Historical Technical Report  
Cowlitz Indian Tribe**

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## HISTORICAL TECHNICAL REPORT

### COWLITZ INDIAN TRIBE

#### SUMMARY OF THE EVIDENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>3</sup> The version of the name provided by early settler Edwin Huntington was "Chilcose" (Huntington 1963, 6).

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

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

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

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

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

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

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

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

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

### INTRODUCTION

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

### DEFINITIONS

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

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

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

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

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

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The petition also stated that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BRIEF SURVEY OF THE COWLITZ BEFORE 1855

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

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

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

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

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

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

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

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

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

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

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

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

According to Taylor:

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

Taylor identified the second tribe as follows:

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

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

Taylor stated that:

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

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

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

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

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

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

He continued:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>10</sup> The official name of ICC Docket 218 was Simon Plamondon, On Relation of the Cowlitz Tribe of Indians v. The United States of America.

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

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

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

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

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

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

**TABLE I  
KNOWN COWLITZ, 1839-1844**

Adult men:		Total Mentions: 27
1 baptism		
5 simultaneous baptisms/burials (1 overlap with "fathers" category)		
22 "infidels" mentioned as fathers of children*		
Adult women:		Total Mentions: 41
5 baptisms		
11 simultaneous baptisms/burials		
24 "infidels" mentioned as mothers of children*		
2 burials (1 overlap with baptismal category)		
Children:		Total Mentions: 53
49 baptisms		
4 simultaneous baptisms/burials		
7 burials (all overlaps with baptisms)		
Burials (no age given)		Total Mentions: 3
<b>Total Cowlitz Mentioned by Name 1839-1844: 124</b>		

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

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

The inhabitants of the Cowelitz River were at one time numerous; but are now reduced to something less than 60 men principally occupied in fishing: few of them evincing a desire to become hunters by courting the noble elevating and more arduous exercises of the chase.

The decrease of population cannot be clearly traced to any one cause in particular -- it with more probability proceeds from a union of evils. The whites best acquainted with the former and present state of the River, and the Natives themselves, however ascribe it with one voice to the Ague. As it is only since the appearance of that incredibly destructive visitation among them that they have wasted away to a shadow of their former numbers.

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

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

At Cowlitz Landing farm<sup>11</sup> in 1841, Lieutenant Charles Wilkes stated that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Evidence concerning tribal structure and leadership 1841-1855.**

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

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

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

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<sup>15</sup> There is no apparent reason to identify this man with Richard Sinnewah, or Tyee Dick.

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

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

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

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

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

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

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

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

The Tai-tin-a-pam, a band of Klikatats already mentioned, living near the head of the Cowlitz, are probably about seventy-five in number. They are called by their eastern brothers wild or wood Indians.

Until very lately they have not ventured into the settlements, and have even avoided all intercourse with their own race. The river Indians attach to them all kinds of superstitious ideas, including that of stealing and eating children, and of travelling unseen (Stevens 1854, 240 in COIA Report 1854; see also Gibbs 1853-1854, 428; CIT Pet. Ex. A-677 - A-688; Gibbs 1967, 34; CIT Pet. Ex. A-1228).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

letter dated September 5, 1908, from Stackum Corwin, who claims to be Chief of the Cowlitz Indians, saying that the Indians have been informed that there was a part of the Cowlitz Prairie in Lewis County set aside as a reservation for these Indians and that the same is now known as the Mission of the Catholic Church and that the Indians have received no benefits from the use and occupation of this reservation.

The Office is unable to find any record as to the setting aside of any land in what is now Lewis County as a reservation for the Cowlitz Indians (OIA to Superintendent 10/8/1908, CIT Pet. Ex. A-15).

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

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

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

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

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

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

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

The next treaty I would speak of in detail, is the one concluded with the remnant bands of Wheelappas<sup>20</sup> and Quillequequoas.<sup>21</sup> The only males living of which tribes, are the two signers

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

<sup>20</sup> The treaty specifically identified the Wheelappa as Chinooks (Coan 1921, 78-81). It contained the following provision:

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

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

to the treaty; there are however several females-- women and children yet living.<sup>22</sup>

The tract of country purchased of them is situated on what is known as "Shoal-water Bay" upon the Pacific having about twenty miles of Coast and running back inland about forty miles-- bounded on the north by the country owned by the Chehales Indians--on the east by the lands of the Cowlitz band,--and on the south by the lower band of Chinooks (Dart 1851 in Coan 1921, 70).

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

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

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

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<sup>22</sup> According to Dart, there were 13 in these remnant groups (Dart 1851, 476; cited in Ray 1974, 297).

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

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

CHEHALIS RIVER TREATY COUNCIL NEGOTIATIONS, March, 1855

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

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

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

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

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

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

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<sup>26</sup> According to Irwin:

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

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

<sup>28</sup> These minutes are a typed transcript, not a photocopy of the original; there is no citation to source and no indication of who prepared the transcript. Title: "Text of the Records of the Proceedings of the Commission to Hold Treaties with the Indian Tribes of Washington Territory February 20 to March 2, 1855. Council with the Upper and Lower Chehalis, Lower Chinook, Cowlitz and Quinaiutl Indians Including the Proposed Treaty Which Was Not Signed" (CIT Pet., Ex. A-99). In the absence of copies of the originals, the BIA relied on these transcripts.

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

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

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

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

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

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

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

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

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

. . . on Sunday a count was made of the tribes present and their report obtained of the number of individuals absent. This was done in the usual manner, each band or village giving in a bundle of sticks corresponding to the individuals left behind.

The tribes thus counted were

The Upper Chihalis numbering all	216
" Lower do	217
" Quinaiutl and Sub Band Kwehtsa	158
To which were added upon the arrival of Mr. Shaw	
Delegates from the others, to wit	
Lower Chinooks, numbering as before	112
Cowlitz	140
Giving a total of 370 Indians present,	
representing Tribes and Bands,	
whose total numbers are	

843

<sup>33</sup> No documentary data on Yach-kanam has been located elsewhere.

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

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(Chehalis River Treaty Council Minutes, CIT Pet. Ex. A-910 - A-911).<sup>35</sup>

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

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

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

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

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

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

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

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

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

His statement was echoed by another Cowlitz spokesman:

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

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

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

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

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<sup>36</sup> Stevens' statements on February 27, 1855, included the following:

One of the reasons why the former treaties were rejected was that they gave the same sort of little reserves as they now wanted. The Great Father had tried many ways and he thought this Treaty the best. He wanted many Indians to be in one place where they could be taken care of. They could then travel about and work and fish. They were to think over his and make up their minds" (CIT Pet. A-920 - A-921).

The Treaty provided an Agency, School &c. and it was necessary in order to take care of them that they should be together. A large body of them in one place. The paper would be sent to the President and when he saw it he would decide where that place should be (CIT Pet. A-921 - A-922).

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

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Government would not be able to keep them off scattered Indian lands.<sup>37</sup>

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

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

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

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

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<sup>37</sup> See Steven' statement on February 27, 1855:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### THE COWLITZ 1855-1877

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

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<sup>39</sup> The CIT petition states that:

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>40</sup> The actual Chehalis Reservation was not established until 1864, by presidential proclamation.

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

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

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

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

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

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

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Indian agents during 1857-1858.

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

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

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

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

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

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

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

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

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<sup>44</sup> Was this the same Wieno referenced by Curtis in 1913 as a slave-trader (Irwin 1995, 30)?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CIT petition stated that during 1855,

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

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

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

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

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

Portland and Fort Vancouver were also rife with rumors: six hundred Indians were said to be massed at the mouth of the Lewis River; however, when thirty armed settlers visited the Indian camp they found about three hundred men, women, and children, "peaceful and greatly frightened." (Reed n.d., 15) Actually, the band consisted mostly of Taidnapams under the leadership of chief Umtuch and sub-chief Yakatowit (Irwin 1995, 141).

Two weeks later from the detention camp outside Fort Vancouver Chief Umtuch led half the band, a hundred and fifty with two to three hundred pack horses and baggage, northeast toward the Yakima country. Two emissaries from Chief Kamiakin had slipped into the Taidnapam camp and persuaded him to join them. The half under sub-chief Yakatowit refused to go. (BBGW 1972, 45 & 46) (Irwin 1995, 141).

Two days later after the exodus was discovered, Captain William Strong with a contingent of a few regulars and thirty volunteers, including several with Indian blood, located Chief Umtuch's band about twenty miles north at the lake in the crater of low-lying Mt. Bell (Irwin 1995, 141-142).

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

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

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

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

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

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

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

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

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

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

<sup>50</sup> Spelling as transcribed by Camilla Summers (Summers 1978). The original of Crawford's journal was not submitted in evidence.

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

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

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

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

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

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<sup>52</sup> Huntington provided a quite specific description of the gambling:

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

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

He also specified that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1857).

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

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

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

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

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

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

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

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

1859 (Pet. Ex. 66) Commissioner of Indian Affairs  
Page 780: Agent R. H. Lansdale--"The following table contains an approximate census of the Indian tribes with whom I have relations as Indian Agent:  
Tribes.  
Klikitat 833

[etc.; the Lewis River Cowlitz, belonging to Lansdale's district, are not listed].

"There are many bands known to belong to the Columbia river district not put in the above table, as I have no data upon which to make even an approximate estimate" (COIA Report 1859; as excerpted in Ray 1974, 299).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>57</sup> Masterson described the scope of Ford Sr.'s appointment rather differently:

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

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

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

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

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

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

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

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

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

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District (Masterson 1946, 39).

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

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

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

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

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

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

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

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

Upper Cowlitz, whose country begins at the Cowlitz Landing, and extends up the river of that name to its source in the Cascade mountains.

This tribe is intermarried with the Klickatats, and numbers about seventy-five. At a distance of twenty miles above the Landing as a fine open prairie, upon which they chiefly reside. They are nearly wild, and have had but little intercourse with the whites. In the salmon season they procure abundance of fish, and with game killed in the chase and the usual supply of berries they manage to live tolerably well.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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treaty. Accordingly I summoned all these Indians to the reservation on the 20th of June last, having previously collected beef and other provisions for their comfort while convened, and by the aid of resident employes [sic], assisted by Sub-agent Hale from Tulalip and Sub-agent Winsor from Quinaielt, proceeded to issue presents, as shown by abstract G of presents, contained in property accounts of second quarter, 1868.

The Cowlitz Indians obeyed the invitation to be present at the distribution stated in a former communication, but refused to accept either goods or provisions, believing, as they declared, that the acceptance of presents would be construed into a surrender of their title to lands on the Cowlitz, where they have always lived, and their ancestors before them, and where they desire that the Great Father in Washington would give them a small reservation, which if he would do, they would accept of presents, but never until then.

One main point in my policy in this distribution of goods was to induce, if possible, all of both tribes to come and take up their permanent abode on the Chehalis reservation. And though this effort was not fully realized, yet it will be in a measure accomplished, and the number of Indians on the reservation will be increased from among those heretofore scattered up and down the river (CIT Pet. Narr., 17-18; McKenney 1868, 96-97 in COIA Annual Report; CIT Pet. Ex. A-1340 - A-1341; CIT Pet. Ex. A-67).

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

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

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

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

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

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

He added the following comment:

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

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

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

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

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

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

THE COWLITZ 1878-1904

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

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<sup>62</sup> **DEATH OF THE OLDEST INDIAN ON THE COAST.** Cowlitz Prairie, W.T., Dec. 20th, 1875.

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

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

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

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

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

Yours Devotedly,

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

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

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

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

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

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

Milroy referred Huntington to Orange for a congressional appropriation.

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

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

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

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<sup>64</sup> Compare this to the actual numbers on Milroy's 1878 census.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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homesteads, unlike public domain allotments, does not provide good evidence [of] an acknowledged government to government relationship with a tribe.

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

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

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

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

The Department of the Interior limited participation in the public domain allotment program to individual Indians who were "maintaining tribal relations." The Department of the Interior's regulations in 1928 stated that, "[a]n applicant for an allotment under the fourth section is required to show that he is a recognized member of an indian tribe or is entitled to be so recognized" (Department of the Interior 1928). The regulations stated that "such qualifications may be shown by the laws and usages of the tribe." In some cases, the agency made inquiries to tribes to determine whether the applicant was a tribal member (Department of the Interior 1914). The Department's rules also stated that "[t]he possession of Indian blood, not accompanied by tribal affiliation or relationship, does not entitle a person to an allotment on the public domain" (Hauke 1911). Thus Second Commissioner of Indian Affairs C.F. Hauke told a rejected applicant that the "quantity of Indian blood does not determine the right of an Indian to an allotment either on a reservation or on the public domain. Membership or the right to membership in any Indian tribe is necessary . . . ." (Hauke 1911).<sup>77</sup>

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

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

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

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

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

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

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

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

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

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

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

<sup>80</sup> According to Marino, Edwin Eells, Congregational Church, served as Indian Agent at the Skokomish agency, later consolidated with the Puyallup agency, from 1871 until 1895 (Marino 1990, 172-173).

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

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

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

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

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

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<sup>82</sup> By contrast, see the description below of the Cowlitz Indians near Kelso in the 1890's (Olson 1947).

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

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

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

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

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

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

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

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

Fitzpatrick stated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>87</sup> Barnett pointed out the close relationship between some Shaker and some Roman Catholic customs:

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

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

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

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

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

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<sup>88</sup> Wa-Ha-Wa, Ayell, 1891, T11N, R2W, 160 acres, Lewis County, Washington.

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

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

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

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

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

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

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

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

<sup>92</sup> According to the CIT petition:

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

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

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

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

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

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

Additionally, Olson described the Indians' annual berry picking:

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

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

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

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

THE COWLITZ 1904-1934

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

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

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

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

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

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

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

Tonner continued:

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

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

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

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that they have ever since the sale held it unlawfully and by force. He prays that legal steps be taken to recover the land and put him in possession of it.

You are requested to make a careful and thorough investigation of this case and report the results accompanied by any evidence in the form of affidavits which you may deem necessary, with recommendation (Acting COIA to Superintendent in Charge, Puyallup Agency, 4/28/1908; CIT Pet. Ex. A-81).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>95</sup> For coverage of Cowlitz Indians by the 1910 Federal census, see the Genealogical Technical Report.

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

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

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

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

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

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<sup>96</sup> Fitzpatrick pointed out that Curtis' work did not cover the Upper Cowlitz area:

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

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

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

The Superintendent continued:

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

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

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<sup>97</sup> This order enlarged the original territory of the Quinault Reservation.

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

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

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

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

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<sup>98</sup> "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).

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

Cowlitz Response to the Quinault Allotment Proposals. After the 1911 passage of the Quinault allotment act, on June 6, 1912, the Chehalis Bee-Nugget reported that 233 Cowlitz Indians met at the Glide Theatre in Chehalis to consider their land claims against the United States.<sup>99</sup> The tribal members were told that a bill was pending before Congress that would permit the Cowlitz to take lands at Quinault reservation in lieu of a cash settlement should it become law. The newspaper reported: "The Cowlitz Indians do not feel at this time that they wish to go to the Quinault [sic] country to settle on lands away from their homes, and near strange Indians with whom they have never had anything in common" (CIT Pet. Ex. A-841). According to the paper, because "their aged chieftain, Atwin Stockum of Toledo, being infirm and thus incapacitated to act for them," the meeting appointed an eight-man committee with authority to act for them: John Plomondon of Castle Rock, T.F. Eynard of Castle Rock, W.G. Meyers of Winlock, Jim Suterlick of Nesika, Bat Kiona of Randle, Jim Iyall of Wapato, Peter Kalama of Roy,<sup>100</sup> and J.B. Sareault of Cowlitz (CIT Pet. Ex. A-841; see also The Morton Mirror, June 14, 1912).

Deaths of the Chiefs Appointed by the BIA. The reorganization of the Cowlitz administrative structure in 1911-1912 was apparently accelerated by the deaths of the two long-lived traditional chiefs. Captain Peter died in 1910. He had served as chief of the Upper Cowlitz Band for 32 years. A narrative written by his son, Joe Peter, about 1952, indicated that he had been involved with the early Cowlitz claims activity, and that Peter Kalama had taken his

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<sup>99</sup> "There are perhaps in the northwest fully a thousand people who are entitled to be considered in the proposed government settlement with the Cowlitz tribe. Of the original tribe it is estimated that there are 150 full bloods living, all being quite aged. The others of the one thousand are full blood descendants and mixed by birth" (Chehalis Bee-Nugget June 6, 1912; CIT Pet. Ex. A-841).

<sup>100</sup> In 1934, Kalama was secretary of the Nisqually Tribe. He was married to a Cowlitz woman, the stepdaughter of Captain Peter (Peter 1954; CIT Pet. Ex. A-1151 - A-1152).

Peter Kalama died in 1947, age 87. He was the son of a Hawaiian father and a Nisqually mother (Olson 1947, 50).

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papers (Peter 1951; CIT Pet. Ex. A-1161 - A-1162). Atwin Stockum died December 1, 1912. Formally appointed by the BIA in 1878, he had served as chief of the Lower Cowlitz Band for at least 34 years. There were newspaper, BIA, etc. mentions of them in those capacities throughout the period.

1912/15 Beginning<sup>101</sup> of a Cowlitz Organization with Elected Leadership. After the deaths of Atwin Stockum and Captain Peter, there were no longer separate chiefs of the Lower Cowlitz and Upper Cowlitz bands. However, from its inception, the formal Cowlitz organization featured, for many years, alternation of the presidency between Lower Cowlitz metis families and Upper Cowlitz families (see the Genealogical Technical Report for an extensive analysis of this phenomenon).

As of June 29, 1913, the Upper Cowlitz Baptiste "Bat" Kiona had been "recently chosen chief of the tribe to succeed the late Atwin Stockum."<sup>102</sup> The Seattle Post-Intelligencer reported that the Cowlitz Central Committee, meeting at Chehalis, decided to reject the proposal to allot Cowlitz on the Quinault Reservation and offer a counter-proposal (Seattle Post-Intelligencer 6/30/1913; CIT Pet. Ex. A-843).

One modern scholar, Darlene Fitzpatrick, whose 1986 dissertation was included as part of the CIT petition (Fitzpatrick 1986), has ascribed considerable significance to the Cowlitz annual meetings: "The Cowlitz Meeting developed in its present form in 1915 when they met above

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<sup>101</sup> At one place, Fitzpatrick indicated that Cowlitz meetings began to be held at the Grange Hall in Cowlitz Prairie, Toledo, Washington, shortly before World War II (Fitzpatrick 1987, 68). However, there is extensive documentation of Cowlitz meetings beginning in 1912. Fitzpatrick's statement in this instance was apparently based on Emma Mesplie's ICC testimony, with no reference to the documentation. Fitzpatrick discussed the 1915 meeting elsewhere.

<sup>102</sup> "Leslie Spier (1936) documented the existence of an Upper Cowlitz chief and his following when he noted: 'Some ten years ago Mr. Thomas Crumb of Morton in the Upper Cowlitz valley told me of a small Sahaptin group near that place. They were called Kaioni or a few families under their own chief.' This term is undoubtedly a derivation for the Kiona family surname" (Fitzpatrick 1986, 143-144).

Baptiste Kiona died January 24, 1922. Generally speaking, during the 1920's and 1930's, the anthropologists who wrote about the Cowlitz tended to depend very heavily on oral information gathered from informants, both Indian and non-Indian, and apparently made no effort to verify and support the material they collected by using official historical records or even local newspapers.

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George Bertrand's general store in Olequa. The Meeting was called by Dan Plamondon . . ." (Fitzpatrick 1986, 65-66). She stated that the:

Cowlitz institutionalized a gathering, the Meeting, in 1915 which occurs today on a biannual basis. At the Meeting, held in the aboriginal area, Cowlitz principally discuss the land rights suit and distribution of the Indian Claims Commission award, related issues, and federal acknowledgement as an American Indian tribe. The Meeting proper is an event involving social structural and cultural content alluded to above. The class system is operative. And, the Meeting has generated emergent Cowlitz ethnicity. However, Cowlitz ethnic identity is forged on an anvil of their own creation with one another as against tradition" (Fitzpatrick 1986, Abstract [ii]).

Fitzpatrick stated that, "today, Cowlitz also discuss, as they did at the first Meeting, who are the rightful Cowlitz . . ." (Fitzpatrick 1986, 67). According to Fitzpatrick, one member still alive, Evelyn Byrnes, recalled attending the 1915 meeting in Olequa with her parents (Fitzpatrick 1986, 68; Irwin 1995, 195).

According to contemporary newspaper reports, however, the "1915 Meeting" was actually a series of meetings, none of which were held at Olequa.<sup>103</sup> On March 2, 1915, at Chehalis, Washington, the Cowlitz met with "a few Willapas and some Yakimas" to select a delegation to Washington, D.C., choosing Frank Eyell [Iyall] and Peter Kalama: "the meeting Monday was presided over by the chief of the Yakimas" (Chehalis Bee-Nugget 3/5/1915, CIT Pet. Ex. A-847; see also Tacoma Tribune 3/2/1915, CIT Pet. Ex. A-845). On March 6, a newspaper mentioned recent meetings of the Cowlitz Tribe (CIT Pet. Ex. A-844; Tacoma Daily Ledger). On September 17, 150 persons again met in Chehalis to discuss the Cowlitz land claims settlement (CIT Pet. Ex. A-844, A-847). According to the Chehalis Bee-Budget, the meeting had been held Monday and Tuesday of that week. It indicated that the persons attending came from a wide area of western Washington, and that many were enrolled on Federal reservations:

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<sup>103</sup> See the extensive discussion of the 1915/17 list of persons who paid dues to this organization in the Genealogical Technical Report.

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Lancaster Spencer of Toppenish, Wash., presided as chairman and George Jack of Gate City was secretary. Sam Williams of The Dalles, Ore., Charles Pete of Castle Rock, Mrs. Mary Longfred of Roy, Mrs. Annie Hiten of Tenino and Mrs. Frances Northover of Wapato, were named as a committee whose business it will be to make up a certified and absolutely accurate roll of all of the surviving members of the Cowlitz tribe. This list is necessary as a basis on which to make a request of congress for an appropriation covering a money settlement with the Cowlitz people (Chehalis Bee-Nugget 9/17/1915; CIT Pet. Ex. A-847).

Cowlitz Tribal Organization: Record Retention and Destruction. The majority of the official records kept by the Cowlitz Tribe of Indians organization from 1915 through the 1960's were supposedly destroyed by a fire in the home of a former secretary (Irwin 1995, 212). The petition submitted, and BIA researchers were also given during their field research, numerous documents which had been retained unofficially by former officers and members. During the summer of 1995, the CIT submitted a petition supplement containing papers of Clifford Wilson who was chairman during the 1960's. The major series of material that may survive, but which was not made available to BIA researchers, were any papers retained by the Sareault family for the period from the mid-1930's through the 1950's. As is noted below, that is the least well-documented period, for which very little evidence pertaining to the organization's internal activities and membership has been located. However, external accounts documented the organization's continued existence and, to a limited extent, its activities.

Little evidence of the activity of this group, other than claims material, was found in BIA records. One example was that on July 11, 1922:

a representative of the Cowlitz tribe of Indians called at this office for the purpose of protesting against the action of Examiner of Inheritance Stuart H. Elliott in regard to the heirship hearings . . . at Auburn, Washington. . . . The Indians advise me that the expense incident to attending this hearing would be about \$20. per head and would take them away from their farming work, and labor in the camps, and they respectfully request that this and all other hearings involving the lands of the deceased

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Cowlitz Indians be held at Mossy Rock which is the most central point for the Indians and the place they hold all of their meetings (Sams to COIA 7/12/1922; CIT Pet. Ex. A-441).

This indicated that for purposes other than claims, Cowlitz meetings were being held not at Chehalis, but in the Cowlitz River valley.

Compilation of Charles A. Roblin's Schedule of Unenrolled Indians in Western Washington (Roblin Roll), 1919. The circumstances leading up to the preparation of this list were described on November 17, 1919, by E. B. Merritt, Assistant COIA, in a letter to Dr. Otis O. Benson, Supt. Taholah Indian School (CIT Pet. Ex. A-424 - A-425).<sup>104</sup> The instructions to Roblin were issued on November 27, 1916, covering both an investigation of applications for Quinault enrollment and allotment and preparation of a list of "unattached" Indians of northwestern Washington and the Puget Sound area (CIT Pet. Ex. A-424). Roblin's letter to the COIA accompanying his final report was dated January 31, 1919 (CIT Pet. Ex. A-955 - A-960). Roblin's full assessment of the situation of the Cowlitz Tribe was as follows:

The idea that the Government will pay six thousand dollars per head to persons of Indian blood is particularly persistent among the descendants of the Cowlitz Indians. This is probably due to the fact that the Cowlitz tribe seems to have a better foundation for a claim than the other tribes of western Washington. No treaty was ever made and concluded with the Cowlitz Indians and no benefits were ever received by this tribe in return for their being dispossessed of their lands. This is not, apparently, from any fault of the United States, but because the Cowlitz Indians persistently refused to enter into a treaty. Their status is practically the same as that of the Chinook tribe, with whose descendants a

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<sup>104</sup> The Taholah Agency developed as follows during this period:

1914	Establishment of Taholah Indian Agency (Cowlitz Pet. Narr. 1987, 25). It originally included only the Quinaielt and Shoalwater Bay reservations (A-408).
1920	July 1. Taholah Agency jurisdiction enlarged to include Skokomish Reservation, Chehalis Reservation, Nisqually Reservation Squaxin Island Reservation (A-408).
1933	July 1. Neah Bay Indian Agency discontinued. Taholah Agency enlarged to include Makah, Quileute, Ozette, and Hoh (A-408).

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settlement was made a few years ago (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-958).

There are very few full-blood Cowlitz Indians left. Those few are settled along the upper reaches of the Cowlitz river, and most of them have taken up homesteads in the mountain valleys. The great majority of the descendants of this tribe are mixed bloods. They are scattered all over the states of Washington and Oregon. There are some Cowlitz families in San Juan County, and northern island [sic] county of the State of Washington, and I found them in practically every county in Western Washington (Roblin to COIA, 1/31/1919; CIT Pet. Ex. A-958).<sup>105</sup>

In the early days this tribe was closely associated with the Klickitat and Yakima Indians, and, as they had no reservation of their own, many of them drifted across the mountains or up the Columbia River, lived with and intermarried with the Indians on the Yakima Reservation, and were eventually allotted lands there. I was on the clerical force at Yakima Agency for four years, from 1903 to 1907, and I remember talking with some of the Yakima allottees, who were Cowlitz Indians, of the early history of the Cowlitz Tribe (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-958).

The Cowlitz tribe was a powerful tribe, and in the early days constituted the "blue blood" of western Washington. They were independent, fearless and aggressive; and they refused to subordinate themselves to the white man by entering into a treaty with him. Their descendants have the same qualities which placed their ancestors in the position of leaders. They have been progressive and industrious, and there are very few of the present representatives of the tribe who are not in good circumstances. They have homesteaded lands, made good homes, raised families much above the average, are in good standing in the communities in which they live, and are far from "homeless" or "indigent" (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-958).

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<sup>105</sup> The petition contained a distribution map based on the Roblin Roll (CIT Pet. Narr., 182). See Map Supplement for a copy.

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The present representatives of this tribe are active in the work of the Northwestern Federation of American Indians, and they have prepared lists of members, one of which was forwarded to your Office, I am informed, by the late Dr. McChesney, Supervisor. I know from my own knowledge of the Yakima allotment schedules that this list contains the names of many Yakima allottees. It is very difficult to get accurate or dependable information about the membership of this tribe. The prospect of a fat payment has brought forth a horde of claimants, many of whom have been allotted or are enrolled at some of the Washington agencies, but who can probably establish the possession of some Cowlitz blood. I have tried to eliminate all those from the schedule submitted, as well as I could (Roblin to COIA 1/31/1919; CIT Pet. Ex. A-959).

The petition exhibits and supplementary exhibits presented copies of numerous affidavits made for purposes of the Roblin Roll, and a map of Cowlitz population in 1919 based entirely on it (CIT Pet. Narr., 182). The full file is available on microfilm (Roblin 1919a; NARS M-1343) and was utilized by BIA researchers. For full discussion, see the Genealogical Technical Report.

For discussion of the Cowlitz population as it appeared in the 1920 Federal census, see the Genealogical Technical Report.

**Post-Roblin Roll Cowlitz contacts with the BIA, 1920-1934: chronology and analysis.** In 1918, the report of the BIA's Cushman Trades School at Tacoma, Washington, had stated:

Members of the Cowlitz and Clallam tribes scattered among the whites on the public domain maintain a business organization which meets periodically at Tacoma to discuss ways and means for obtaining recognition in the way of lands or money from the U. S. government. So far as is known, this organization, or organizations, have no official recognition and exert little influence except among the land hungry (CIT Pet. Narr., 137; CIT Pet. Ex. A-623).

McDowell Report, 1920. On November 1, 1920, Malcolm McDowell issued a "Report on the Indians of Western Washington" to the Board of Indian Commissioners (CIT Pet.

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Ex. A-1408 - A-1416). He estimated the existence of 490 unattached Cowlitz Indians (McDowell 1920, 77), mentioned the pending legislation to authorize Cowlitz claims (McDowell 1920, 78), and summarized the situation as follows:

The Cowlitz Indians in 1855 lived in the southwestern part of Washington. The Johnson bill, introduced in their behalf, has received a favorable report from the Secretary of the Interior, for there seems to be no question that their land was taken from them without compensation, without their consent, and that no reservation was set apart for them.

In 1909 the Cowlitz Indians presented their claims in a petition to the Secretary of the Interior, who sent Special Indian Agent McChesney to Washington to investigate the matter. Mr. McChesney arrived at the conclusion that the claim of the Cowlitz Indians was a just one and that they should receive compensation for the land which they had occupied and of which they had been dispossessed. There are only a few hundred Cowlitz Indians in Washington and some of them are called Chehalis. In early days the Cowlitz was a powerful tribe and refused to enter into any treaties with the white man. The majority of these Indians living in Washington are classed as mixed bloods (McDowell 1920, 79-80).

The lands of the Cowlitz Indians simply were taken away from them without payment or promise, turned into the public domain, and later acquired by white men, all the proceeds going to the Government . . . There appears to be sound justification back of the claims of the Cowlitz and Clallam Indians, and though I am opposed to what seems to be a growing tendency to send any tribal claim to the Court of Claims, I am of the opinion that Congress should pass a bill giving the Cowlitz and Clallam Indians, at least, the right to go to that tribunal (McDowell 1920, 82).

BIA interaction with Cowlitz Indians 1920-1934. The petition did not present newspaper coverage of Cowlitz annual meetings from 1922 to 1950. However, material submitted by the Wannassay family included newspaper coverage of the meetings of 1927, 1934, 1937, and 1938, all

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of which were held at Chehalis (Wannassay Papers). In 1975, Cowlitz Tribal Chairman Joseph E. Cloquet, who had been born in 1921, made affidavit that the first meeting he attended with his father was held in 1929 (Cloquet 1975). By April, 1922, John Ike Kinswa had been chosen to succeed Daniel Plamondon. At that time, he wrote from Silver Creek, Washington, to "Dear Sir" at the Taholah Agency, stating:

Well Jack Skamink was here last week he was telling me that you told him for me to make Cowlitz Indians sign up and I don't really understand what for I will make them sign up and I want you to explain to me about that and sent me the copy if you got it and soon I will show it the people here and it is all for this time. Ans soon (Ike to Taholah Agency 4/28/1922).

The superintendent at Taholah replied that he was trying to obtain a census of the Cowlitz Indians:

[w]hat I wish is a list of all the Cowlitz Indians by families, what is called a census. If you can give me this information, or have records of these people from which I can make up a correct census, I would like to meet you at Chehalis and make up the same. I have a list of the Indians as prepared by Mr. Roblin,<sup>106</sup> but he has included the Chehalis Indians and other Indians who are on other rolls, and I want a roll of just the Cowlitz Indians who live in that section of the country or who are not on any other roll, or allotted anywhere else (Sams to Ike 5/3/1922; CIT Pet. Ex. A-431, A-316).

During the mid-1920's, the Taholah Agency under Superintendent William B. Sams became much more aggressive about claiming jurisdiction over and responsibility for the Cowlitz, sometimes to the point of overstepping technical accuracy in its statements. On January 12, 1923, the Taholah Indian Agency's head referred to a "Cowlitz Reservation" which was "situated East of Chehalis, on Cowlitz River" as under his authority (Taholah Indian Agency to Chief Medical Supervisor of the Indian Affairs Bureau

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<sup>106</sup> Sams had requested a copy of the Cowlitz section of the Roblin Roll from Superintendent W. F. Dickens at Tulalip on April 15, 1922, "as I wish to check over the list with some of the Indians and find out who is dead, married born &c." (Sams to Dickens 4/15/1922; CIT Pet. Ex. A-431).

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1/12/1923; CIT Pet. Ex. A-16; CIT Pet. Ex. A-432). Again, on April 12, 1923, "the Cowlitz Reservation located in the Cowlitz River Valley" was mentioned by Taholah as under its jurisdiction:

In addition thereto there are large numbers of detached Indians homesteaders scattered from Eatonville, in the North East of LaGrande, Longmire, Randle, Cispus, Mossy Rock, Silvercreek, Ethel, Chehalis, Toledo, Castle Rock, Kelso, Carrols, Kalama, Vancouver, Camas, Stevenson and other points. There are also a number of allotted enrolled Indians belonging to the Quinaielt Reservation who are living at Castle Rock, Kelso, . . . (CIT Pet. Ex. A-17; CIT Pet. Ex. A-444 [incomplete]).

However, on October 8, 1924, Sams wrote to Mr. C.B. Fitzgerald, State Chairman, State Central Committee, Seattle, Washington, that, "[a]mong the unattached Indians, I note the Cowlitz Indians--490. They are under my jurisdiction, but I can advise you that they are scattered all over the northwest, and there are not more than thirty or forty of them in the Cowlitz country" (Sams to Fitzgerald, 10/8/1924). As a comparison with the residential pattern of a federally acknowledged tribe in the same time period, Sams indicated in the same letter that of the 719 Indians who belonged to the Quinault Reservation, "less than 150 live on the reservation. The others are scattered around at Bay Center, Seattle, Tacoma, Portland and all over the northwest, and I have no way of reaching them as their addresses are not known to me" (Sams to Fitzgerald, 10/8/1924).

It is not clear that the Cowlitz at the time were fully appreciative of this revived level of BIA concern. W.B. Sams, Superintendent of the Taholah Agency, on July 24, 1924, included "the Cowlitz Tribe who are living on the public domain in the Cowlitz River Valley" when he identified the Indians under his jurisdiction who had served in World War I for the COIA (Sams to COIA 7/24/1924, CIT Pet. Ex. A-428). On January 7, 1925, he wrote to the COIA:

I have been unable up to this time to get any of the Cowlitz Indians to meet for the purpose of delivering the certificates of appreciation [for World War I military service]. While it is an easy matter to get a crowd of reservation Indians together almost any time, the outside Indians,

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such as the Cowlitz, live long distances apart and it is almost impossible to get them together except in the summer time when they can travel about with some degree of comfort. Most of them are engaged in work in the woods and mills where they are drawing good wages and they do not like to leave their work for the purpose of holding meetings (Sams to COIA 1/7/1925; CIT Pet. Ex. A-430).

March 30, 1925, Superintendent Sams wrote to John Ike about coming to the Cowlitz Indian meeting in May to present certificates of appreciation for World War I military service (CIT Pet. Narr., 54; CIT Pet. Ex. A-327).

As late as May 14, 1926, Superintendent at Taholah, writing to the COIA justifying his request for a salary increase, stated that, "this jurisdiction covers the entire Southwest Washington, including the small reservations of Quinaielt, Skokomish, Nisqually, Squaxin Island, Chehalis, Georgetown, Cowlitz, Humptulips, and the unattached Indians scattered all through the jurisdiction" (Sams to COIA 5/14/1926; CIT Pet. Ex. A-18). In 1929, Sams described Charles Forrest as "a half-blood Indian of the Cowlitz Tribe" (Sams to Chief of Police, Tacoma, Washington, 7/12/1929).

This jurisdictional claim on the part of the superintendent of the Taholah Agency was not backed by policy statements from the office of the Commissioner of Indian Affairs. On October 25, 1933, COIA John Collier wrote to Mr. Lewis Layton of Tacoma, Washington, making quite explicit that under the standards applied by the BIA at that date, the Cowlitz Indians were not officially regarded as a tribe:

The receipt is acknowledged of your letter of October 5, making application for enrolment [sic] with the Cowlitz tribe of Indians; and stating that several of your relatives would like to be enrolled therewith.

No enrolments [sic] are now being made with the remnants of the Cowlitz tribe which in fact, is no longer in existence as a communal entity. There are, of course, a number of Indians of Cowlitz descent in that part of the country, but they live scattered about from place to place, and have no reservation under Governmental control. Likewise, they have no tribal funds on deposit to their credit in the Treasury of the United States, in

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which you and your relatives might share if enrolled.

Only Indians who have the status of Federal wards are entitled to free hospitalization at a Government Indian hospital (Collier 1933).

Throughout this period, the majority of BIA contacts with the Cowlitz concerned the Upper Cowlitz families who held public domain trust allotments and homesteads. This included not only heirship determinations (CIT Pet. Narr., 38-41, including some non-Cowlitz properties), but also prohibition of attempted county government sales for non-payment of taxes (Sams to Treasurer of Lewis County, 3/17/1924; CIT Pet. Ex. A-320). During the 1920's, Taholah also represented the interests of the Cowlitz Indians vis a vis state and county agencies. In 1928, writing re Cowlitz fishing rights (CIT Pet. Ex. A-544 - A-547), the superintendent commented that, "It would look as though the State intends to enforce the law against the Cowlitz Indians for the reason that they have no treaty with the Government and no reservation" (CIT Pet. Narr., 53; CIT Pet. Ex. A-546).<sup>107</sup> The state refused to change its position, so the superintendent requested John Ike to explain the new regulations to the tribe (CIT Pet. Ex. A-546 - A-547). Joyce (Kiona) Eyle recalled in 1973 that John Ike "use to visit around and talk one place and then another," and that the Upper Cowlitz, during the 1920's, would visit and discuss claims, "sometimes at George Santanas' sometimes at Sarah Castami's, and sometimes at Walter Philip's place" (CIT Pet. Narr., 191-192; citing Irwin 1973). In 1975, recalling meetings held by Cowlitz elders to defend the Shaker church (see above), she stated:

The people I can remember attending those meetings were my grandmother, Mary Kiona; My great-grandfather William Yoke; the Philips, the Sudalegs, James Scarborough, the Casamis, Satanas. Bat Kiona was the leader along with Old man Ike also Iyle and Eyle. Lot more families were there but I can't remember all of them as I was just a young girl when I saw and heard these things (Eyle 1975).

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<sup>107</sup> It should be noted that the three specific cases cited in the CIT petition narrative pertained not to Cowlitz Indians, but to non-Cowlitz Indians who were fishing in the Cowlitz River (CIT Pet. Narr., 52, 115).

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For information concerning the attendance of Cowlitz children (both Upper Cowlitz families and Lower Cowlitz metis families) at BIA schools during the 1920's and 1930's, and Taholah Agency supervision of Cowlitz Indian children in the public schools during the same period, see the Genealogical Technical Report.

On May 23, 1929, the Taholah Agency Report estimated the Cowlitz population at 600 Indians "widely scattered in Southwestern Washington" in "seven or eight counties" (CIT Pet. Narr., 84; CIT Pet. Ex. A-3). On July 1, 1929, the agency informed the COIA:

In response to your card dated June 24, 1929, the following information relating to the status of the lands occupied by the Chinook and Cowlitz Indians: A very few of the Cowlitz Indians have Indian homesteads on the public domain, twelve in number.<sup>108</sup> These Indians have no reservation lands. They live among the white people and are widely scattered in Chehalis and Lewis Counties (Taholah to COIA 7/1/1929; CIT Pet. Ex. A-80) [footnote added].

During this period, the Taholah Agency also had contact with individual Cowlitz on miscellaneous matters. For example, on February 9, 1928, W.B. Sams, Superintendent, Taholah, wrote to Mrs. L. E. Lane, Portland, Oregon (a Wannassay descendant). She had written on February 4, 1928, stating that she was full blood Cowlitz and desired an allotment on Quinault. He replied that since she had informed him that her parents and older siblings were allotted on Yakima, she should apply there (Sams to Lane 2/9/1928; CIT Pet. Ex. A-413). In 1930, Dorothy Seale of Rochester, Washington, wrote the agency concerning the welfare of Harry J. Cheholtz, son of James H. Cheholtz (Cowlitz) and Katie (Williams) Cheholtz (Chehalis, who lived on the Oakville reservation) (Seale to Indian Field Agency, Hoquiam, Washington, 6/3/1930). The superintendent replied:

Mr. James H. Cheholtz to whom you refer is not an enrolled member of any tribe, but what is known as a citizen Indian having lived among the white people and away from reservations all his life.

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<sup>108</sup> This count was too low. See the Genealogical Technical Report, Appendix III.

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The County authorities are obliged to feed such people and you should call him to their attention at once. You may show them this letter (Sams to Seale, 6/4/1930).

Attempts to get legislation authorizing the "Cowlitz Tribe of Indians" to submit claims to the Court of Claims, 1915 - 1927. The petition included a summary schedule listing of bills submitted on behalf of the Cowlitz Indians' claims initiative, in both the House and Senate, for 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1923, 1924, 1927, 1928, which was passed, but vetoed by Calvin Coolidge on May 18, 1928 (H.R. Exec. Doc. No. 319, 70th Cong., 1st Sess. (May 19, 1928); CIT Pet. Ex. A-96 - A-98), and 1929 (CIT Pet. Ex. A-167). This series of bills was introduced in Congress to give the Court of Claims jurisdiction over the Cowlitz case (CIT Pet. Narr., 45, 78). Generally, in accordance with the official Federal Government policy at the time, the Department of the Interior opposed the proposed legislation. On March 28, 1924, Secretary Hubert Work wrote to Honorable J.W. Harreld, Chairman, Committee on Indian Affairs, United States Senate:

The records show that as early as 1893 these Indians were reported as being scattered through the southern part of the State of Washington, most of them living on small farms of their own; that they hardly formed a distinct class, having been so completely absorbed into the settlements; and that fully two-thirds of them were citizens and very generally exercised the right of suffrage. In 1910 Special Agent Charles E. McChesney reported that these Indians were industrious, self-supporting, and reasonably intelligent.

In view of the foregoing it will be seen that the Cowlitz Indians are without any tribal organization, are generally self-supporting, and have been absorbed into the body politic.

Furthermore, it may be said that this tribe never entered into any treaty or agreement with the United States whereby its right and title to any particular tract or reservation of land were recognized by the Government, and it is doubted, therefore, whether it has any claims which would stand the test of judicial inquiry, as the courts have held that the rights of Indians to the lands they occupied in their natural state were merely rights of habitat and usufruct, and that the Indians acquired no proprietary interests in the

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vast territory over which they roamed. (Johnson v. McIntosh, S. Wheat. 542) (Work to Harreld 3/28/1924).

In his 1928 veto, President Coolidge stated:

These claims are not based on any treaty or agreement between the United States and these Indians, nor does it appear to me that they are predicated upon such other grounds as should obligate the Government at this late day to defend a suit of this character. The Government should not be required to adjudicate these claims of ancient origin unless there be such evidence of unmistakable merit in the claims as would create an obligation on the part of the Government to admit them to adjudication. It seems to me that such evidence is lacking (H.R. Exec. Doc. No. 319, 70th Cong., 1st Sess (May 19, 1928)).

Most of the surviving records of the Cowlitz tribal organization pertain to the claims initiative. By February 1, 1917, the Cowlitz Tribe of Indians was sufficiently well organized that J. F. Spencer, of Toppenish, Washington, wrote to Frank Wannassay, of Kelso, Washington, on "Cowlitz Tribe of Indians" letterhead. According to the letterhead, the organization had the following officers: President, D. A. Plomondon, Castle Rock, Washington; Vice President, C. C. Eynard, Castle Rock, Washington; Secretary, J. F. Spencer, Toppenish, Washington; Treasurer and Delegate, Frank Iyall, Toppenish, Washington. The executive committee comprised Charles Pete, Castle Rock, Washington; John Ike, Silver Creek, Washington; Texas Pete, Oakville, Washington; and Mary Longfred, Nisqually, Washington.

On November 9, 1917, the Chehalis Bee-Budget reported that representatives of the Cowlitz Indian tribe had again met in Chehalis, on this occasion to hire an attorney for land claims: "Much Indian oratory was manifested, some of the men being splendid speakers." Dan Plamondon presided (CIT Pet. Ex. A-848). It was mentioned that during the spring, "an agent from Washington secured an accurate enrollment of all members of the tribe" (CIT Pet. Ex. A-848). This was apparently a reference to the compilation of the Roblin Roll (see below).

The attendance was not as large as was expected owing to the fact that word of the meeting failed to reach some of the members in other parts of the

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state. There were delegates present from Wapato, North Yakima, Willapa Harbor, Gray's Harbor, Lewis county, Pacific county and various other places . . . Owing to the fact that there were not representatives of all the Indians present to sign the contract, Sam Smith of the Oakville reservation was assigned to visit members of the tribe at other meetings to be held soon at North Yakima, Olegua and other places, to secure their signatures (CIT Pet. Ex. A-848).

During the next couple of years, Yakima Indians continued to play an important role in the Cowlitz organization. On February 20, 1918, Frank Iyall mentioned Mr. J. F. Spencer, "treasurer of the Cowlitz organization, who is also the secretary" (F. A. Iyall, Delegate of The Cowlitz Tribe of Indians, New Capitol Hotel, Washington, D.C. to the members of the Executive Committee of the Cowlitz Tribe of Indians, c/o Mr. Joe Northover, Harrah, WA; BIA Area Office, Portland, Oregon). J.F. Spencer was the son of Yakima chief Lancaster Spencer.

On May 13, 1921, Dan Plamondon, president of Cowlitz Tribe, presided over the "annual tribal meeting" in Chehalis. Frank Iyall was selected to return to Washington, D.C. to press the claims. "There were many speeches made, both in English and in the Indian language" (Chehalis Bee-Nugget, 5/13/1921; CIT Pet. Ex. A-849). There were "about fifty present, representatives from Lewis county points, Pacific county, Yakima, Toppenish, and various points in Oregon" (Chehalis Bee-Nugget, 5/13/1921; CIT Pet. Ex. A-849).

In 1925, the Cowlitz were omitted from the successful general Washington claims authorization bill H.F. 2694 at their own request (CIT Pet. Ex. A-98, A-173). There is one reference in BIA correspondence to an annual meeting having been planned for May of that year (Sams to Ike 3/30/1925; CIT Pet. Ex. A-327).

The efforts to collect money from persons residing on the Yakima Reservation to support Cowlitz claims efforts, as shown by the 1915/17 dues list (see the Genealogical Technical Report), apparently continued during the next decade. On March 8, 1927, the assistant COIA wrote to Evan W. Estep, Superintendent of the Yakima Agency, responding to Estep's letter of February 26, 1927, regarding Cowlitz claims:

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This Office has received no information concerning any persons collecting money from individuals of the Cowlitz tribe, in order to finance the presentation of the Cowlitz' claims to the Court of Claims or to Congress. You are requested to obtain as full information as is possible at your agency and report to this Office at the earliest practicable date as to the extent of these collections and the approximate amount of money collected from Cowlitz Indians of your agency" (CIT Pet. Ex. A-153 - A-154)

In 1928, President Coolidge vetoed a Cowlitz claims authorization bill that had successfully passed both houses of Congress (Fitzpatrick 1986, [235]). On May 3, 1929, the Assistant COIA wrote Mrs. Alice McCoy of Castle Rock, Washington, re two bills on Cowlitz claims that had been introduced in the 70th Congress, H.R. 167 and S. 740:

Should the Cowlitz Indians obtain a jurisdictional act and have their claims adjudicated by the Court of Claims none of those who are of the blood of that tribe will be permitted to assume tribal membership now with the Cowlitz Indians if they have become affiliated with some other tribe and receive benefits elsewhere. Nor will any one be permitted to go into the Cowlitz Tribe unless the tribe approves an application to have the Secretary grant authority for them to participate (CIT Pet. Ex. A-162).

On June 5, 1929, O.H. Keller, Deputy Disbursing Agent, Taholah Indian Agency wrote to E.G. Potter that:

the Cowlitz Tribe of Indians are within my jurisdiction but I do not have anything to do with the papers in connection with establishing the claim of the Cowlitz Indians. They are evidently in the hands of the attorney or of the Business Committee of the Cowlitz Indians who are looking after the matter. I am unable to tell you who these parties are (Keller to Potter 6/5/1929; CIT Pet. Ex. A-410).

In 1930, apparently because of the 1928 veto, an effort was made to amend the more general 1925 bill to authorize the Cowlitz to sue in Court of Claims (CIT Pet. Ex. A-173). This effort was continued in 1930 (CIT Pet. Ex. A-173 - A-176).

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The next specific references to the holding of Cowlitz annual meetings occurred in 1931, when one was held on June 6 (CIT Pet. Ex. A-395). Another was held October 3, 1931, at Chehalis, Washington, the minutes of which were examined by a BIA official in 1932 (CIT Pet. Ex. A-395). As of 1932, James E. Sareault was serving as attorney for the Cowlitz Indian Tribe (CIT Pet. Narr., 47). On January 23, 1932, Sareault notified H.O. Nicholson, U.S. Indian Agent, Hoquiam, that the Cowlitz Tribe of Indians would call a meeting in Chehalis soon to enter into attorney contract for claims (CIT Pet. Ex. A-254). On February 15, 1932, Frank Iyall, J.B. Sareault, Mrs. Henry Senn, and Henry St. Germain signed contracts on behalf of the Cowlitz with the law firms of William B. Lewis of Spokane, and Serven & Patten & John G. Carter of Washington, DC (CIT Pet. Narr., 48, 190).

On April 15, 1932, Frank A. Cloquet of Yelm, Washington, wrote N.O. Nicholson, Superintendent of the Taholah Agency, asking when and where the next Cowlitz Indian meeting was to be held and asking if there was any news of a settlement since the last time Cloquet had been at Hoquiam in March (Cloquet to Nicholson 4/15/1932). The superintendent replied that he had no information (Nicholson to Cloquet 4/16/1932).

This 1932 meeting was held in the Moose Hall, Chehalis, Washington (CIT Pet. Ex. A-256). The BIA official present compiled a report on February 16 which indicated that about 65 people, "apparently all Cowlitz Indians," were present in the morning. When it reconvened in the afternoon, about 92 were present. The meeting elected four delegates and four alternates. The BIA observer noted that the meeting had been advertised in three Tacoma papers, two Portland papers, two Chehalis papers, one Centralia paper, and one Winlock paper; additionally, notices had been mailed by the secretary<sup>109</sup> to 50 or 60 persons whom it was thought might not receive notice of the meeting through the papers (CIT Pet. Ex. A-394 - A-396).

**Scholarly Studies, 1920's and 1930's.** Academic researchers continued studies of the Cowlitz Indians throughout the 1920's and the 1930's. The major studies were by James Teit (Teit 1928), Thelma Adamson (Adamson 1934), Erna Gunther (Gunther 1940), and Melville Jacobs (Jacobs 1937). Jacobs worked with Upper Cowlitz informants on linguistics, but

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<sup>109</sup> March 16, 1932, Mrs. Henry Senn, was Secretary of the Cowlitz Tribal Council (A-898 - A-894).

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much of his research remains unpublished. There is a collection of papers, including Cowlitz research conducted from 1927 through 1931, in the University of Washington Archives, Seattle, Washington. His major Cowlitz informants were Sam N. Eyley, Jr.; Sam Eyley, Sr.; Mary Eyley, Jim Yoke, and Lewis Castama (CIT Pet. Narr., 145-146; CIT Pet. Ex. A-734 - A-743). All of these studies identified individual informants as Cowlitz Indians, but none was interested in describing contemporary community or tribal interaction. The anthropologists had some difficulty in tracking down their informants, who tended to go on long visits to relatives who were dispersed from White Swan on the Yakima Reservation to Oakville on the Chehalis Reservation.

THE COWLITZ 1934-1950

**Introduction.** The petitioner maintains that the relationship between the BIA and the Cowlitz Indians was altered by the passage of the Indian Reorganization Act (IRA) in 1934 (CIT Pet. Narr., 61). The petition states:

The Bureau of Indian Affairs did not perceive that the Cowlitz Tribe should vote on the I.R.A. Since one of the major concerns of I.R.A. was protection of the tribal land base, the Taholah Agency . . . did not propose to organize the Cowlitz either because of the allotment of 57 members on the Quinault Reservation nor because of the 20 Indian homesteads, public domain allotments, or tracts taken into trust for members of the Cowlitz Tribe (CIT Pet. Narr. 187, 62).

**Continued Contacts of Individual Cowlitz Indians with the BIA, 1934-1950.** Although the Cowlitz did not vote on the IRA and COIA John Collier had formally denied their existence as a "tribal entity" in 1933 (Collier 1933), this did not end contact between the BIA and individual Cowlitz Indians, which continued in a manner similar to that which had occurred before 1934. During the period 1934-1950, the BIA continued to have contact with individual Cowlitz Indians on a variety of topics. Attendance of Cowlitz children at BIA schools continued, as did heirship determinations for public domain trust land and income payments to family members from public domain trust land (LaVatta to Case, 3/7/1944; Case to Hoquiam Indian Agency, 4/14/1947).

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In some cases, the BIA itself was not clear on the status of the decedent, as in that of Anthony Edward Cloquet, who died in 1936, leaving a small home in Kelso, Washington. The superintendent of the Tacoma Hospital stated that he understood "that Mr. Cloquet had an allotment in the Cowlitz reservation," and therefore placed his funds that remained in Cloquet's hospital account on deposit with the Taholah Agency (Alley to Nicholson, 2/26/1936), but the Taholah Agency superintendent wrote to the person in charge of Cloquet's estate that "our records do not show that he has an allotment or that he ever applied for any, hence the money to his account here will be held here until such time as an administrator to his estate has been appointed" (Nicholson to Hora, 3/5/1936).<sup>110</sup>

A significant number of the communications dealt with the question of whether Cowlitz Indians might purchase liquor. On December 11, 1935, COIA Collier wrote Manuel L. Forrest of Aberdeen, Washington (who later in 1950 would be elected chairman of the Cowlitz Tribe of Indians):

Referring further to your request for a certificate showing that you are not a ward of the Government, we would like to know for what purpose you intend to use this certificate: that is, whether to obtain employment provided by the State and, if so, why such a certificate is necessary.

Upon receipt of this information, your case will have further attention (Collier to Forrest, 12/11/1935).

A carbon copy of the above letter was sent by the COIA to the Taholah Indian Agency saying:

We have received several requests for certificates of this nature. Do you know whether there is any State regulation or requirement which would prohibit any ward Indians from obtaining employment on state projects. If so, please advise the circumstances under which such regulation was adopted (Collier to Forrest, 12/11/1935).

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<sup>110</sup> Anthony Edward Cloquet's brother, Augustus Cloquet, was a Cowlitz allottee on the Quinault Reservation; his brother Eugene Cloquet was allotted on Yakima. This may have been the source of some of the confusion.

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Superintendent Nicholson replied that, "we have no record of nor know nothing of this person. He is not enrolled or listed as an Indian of any of the tribes within this jurisdiction" (Nicholson to COIA, 12/16/1935). Nicholson stated that he knew of no state regulation which prohibited "ward or other Indians from obtaining employment on State projects," and speculated that the inquiries might be in connection with obtaining county or state welfare benefits, but was more probably connected with Forrest's desire to "obtain a liquor permit to purchase liquor in the State liquor stores" (Sams to COIA, 12/16/1935). On January 17, 1936, the COIA's office sent Forrest the requested information on his status (Daiker to Forrest, 1/17/1936).<sup>111</sup>

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<sup>111</sup> Under the laws in effect during the 1930's, some Cowlitz would have been prohibited from purchasing liquor because they held public domain allotments, but the majority of the Cowlitz would not have been prohibited. Definition of an individual Indian's status for purposes of liquor purpose was not tied to the status of an Indian's tribe, whether federally recognized or not. As an indication of what the issue of ineligibility to purchase liquor indicated in the 1930's in reference to the status of an individual, Fred H. Daiker, Assistant to the COIA, wrote on April 25, 1938, to O. C. Upchurch, Superintendent of the Tulalip Agency:

The Office can not agree with your general statement that in view of the Act of June 18, 1934, persons of less than one-half blood are not Indians. Different acts prescribe limits of Indian blood for the purpose of the particular act. With reference to intoxicating liquor, your attention is invited to the Act of January 30, 1894 (29 Stat. 506) which forbids the sale, gift, etc., of intoxicating liquor to

1. Any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government.
2. Any Indian a ward of the Government under charge of any Indian superintendent or agent.
3. Any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship.

There is no law which specifies a minimum quantity of blood for the purpose of said act (Daiker to Upchurch 4/25/1938).

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On January 28, 1937, the Taholah Agency replied to an enquiry from Mr. J.C. Walker of Ryderwood, Washington, concerning whether or not Edd Lambert and Norb Bouchard of Ryderwood, Washington, and Norman Cottenware [sic] of Vader, Washington, were wards of the government (Nicholson to Walker, 1/28/1937), and confirmed to N.P. Cottenware, at his request (Cottenware to Taholah Indian Agency, 4/20/1937), on April 24 that, "you are not enrolled or carried in any way as an enrolled, ward Indian on any of the reservations under this jurisdiction" (Nicholson to Cottenware, 4/21/1937). On June 7, 1937, Alvie C. Bouchard wrote to the Taholah Agency requesting a card. He stated that he was Lower Cowlitz, was not enrolled, paid tax, and wanted the card to prove he was no ward of the government, so he could buy beer (CIT Pet. Ex. A-271). On May 15, 1950, Taholah received an inquiry from the Washington State Liquor Control Board concerning David Ike, a member of the Cowlitz Tribe but not a ward of the state, who did not reside on a reservation and had requested permission to purchase liquor (CIT Pet. Ex. A-556 - A-557).

On July 27, 1936, Otis Cottenware of Vader, Washington, said in a letter to the Taholah superintendent, "I am wrighting you fore a card shoing I am not a word of the Governmint. The State require us to get one. So I am wrighting to you aboute it" (Cottenware to Nicholson 7/25/1936). The superintendent replied, "The records of this office fail to disclose that you have any restricted property under this jurisdiction, and you are not, as far as our records disclose, a ward Indian" (Nicholson to Cottenware, 7/27/1936). The repeated requests from Cowlitz members on this issue from the 1930's through the early 1950's indicated that in the Cowlitz River valley communities in which they lived, the non-ward Cowlitz were generally known as "Indian" to the extent that they were refused liquor service by vendors.

In other ways the BIA continued to interact with individual Cowlitz Indians much as it had done for the preceding 15 years. For example, on May 15, 1937, M.A. Johnson, Superintendent of the Yakima Agency, provided information to N. O. Nicholson, of the Taholah Agency, concerning the blood quantum of the grandchildren of Charles LaDue, holder of Yakima Allotment No. 2361, one of the sons of Louis and Marguerite (Cowlitz) LaDue (Johnson to Nicholson 5/15/1937). James T. Rehily, the BIA Examiner of Inheritance based at the Yakima Agency, dealt with several estates of allotted Cowlitz Indians. These included Yakima allotments, Quinault allotments, Warm Springs allotments, and public domain

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allotments (Rahily 2/24/1934, Rahily 9/9/1937, Rahily 6/17/1937). The superintendent at Yakima corresponded with the Field Aid at The Dalles concerning approval of an educational plan for Charles Pete Eyle (Johnson to Davis 12/19/1940). On September 17, 1941, the Taholah Agency wrote Leo E. Cottenoir at Fort Washakie, Wyoming, saying, "I am unable to find any reference to the boy's mother, Sadie Josephine C. Rhodes, or to yourself, as being listed on the Cowlitz roll" (Phillips to Cottenoir 9/17/1941).

On May 25, 1945, the COIA notified the superintendent of the Taholah Agency of the death of Harry J. Cheholtz, an Indian under his jurisdiction, and requested that his estate be sent to the Examiner of Inheritance (COIA to LaVatta 5/25/1945; enclosing copy of Adjutant General's May 8, 1945, notification to Mrs. Katie Wulf of the death of her son). On October 4, 1948, the superintendent of the Taholah Agency replied to an inquiry concerning probate of the land of the late James H. Cheholtz, a Yakima enrollee who had died in 1937 (Wulf to Taholah Agency, 9/30/1948), saying he was not enrolled at Taholah and held no property there, advising the widow to consult the Yakima Agency (Helander to Wulf, 10/4/1948).

On October 23, 1945, Otis Cottonware again wrote the Taholah Agency requesting a statement showing that he was not a ward of the Government (Cottonware to Taholah Agency 10/23/1945). On August 29, 1946, Mrs. H.R. Swanton (nee Cecile Cottonware) wrote from Kelso, Washington, to obtain confirmation from the Taholah Agency that she was not a ward of the Government (Swanson to Taholah Agency 8/29/1946).

On April 25, 1950, Leo E. Cottenoir wrote to Taholah, needing information on his enrollment in an organized Indian tribe and blood degree in order to enroll his daughter at Wind River (Shoshone). He stated that he had graduated from Chemawa in May 1933, listed as 1/2 blood Indian of the Cowlitz tribe (Cottenoir 1950; CIT Pet. Ex. A-283). The reply, dated May 1, said that his name was not recorded in their jurisdiction (Keeler 5/1/1950; CIT Pet. Ex. A-285).

**Cowlitz Organization.** In 1934, John B. Sareault succeeded John Ike as president of the tribe (CIT Pet. Narr., 192). He died in 1936, and was apparently succeeded by his son James E. Sareault, who had already been engaged by the organization as one of its attorneys (CIT Pet. Narr., 192-193). The petition presented no further information on the internal activities of the organization until 1950.

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During the site visit conducted by BIA researchers in July 1995, members of the Wannassay family submitted copies of papers and correspondence maintained by the family. These included unidentified newspapers clippings from 1937 and 1938 reporting on the activities of the annual meetings. The newspaper article hand-dated May 21, 1934, indicated that the annual meeting would be held on June 2, and stated that Frank Wannassay, whose home had been damaged by flood relief activities, planned to attend the meeting with a cousin who lived in Battle Ground, Washington, and "present before the tribe his claim to the land on which he lives, which he says was formerly part of an Island in the Cowlitz River" (Wannassay Papers 1934). An unidentified newspaper clipping hand-dated October 15, 1934, indicated that Congressman Martin F. Smith had been the main speaker at the meeting of the Cowlitz Tribe of Indians at Chehalis on October 13. Frank Wannassay of Kelso, his wife, and daughter, had attended and he had meet relatives and "presented a petition to the members present asking for fishing and hunting rights for the Indians, which all members of the tribe signed" (Wannassay Papers 1934).

A newspaper clipping, hand-dated June 14, 1937, headed Chehalis, stated:

James E. Sareault was elected president of the Cowlitz Indian tribe Saturday when that group met in Chehals for its annual session.

Sareault succeeds his father, J.B. Sareault, who served as head of the organization for over 25 [sic] years. The elder Sareault died list winter.

Other officers elected include Lewis Castama, Silver Creek, as vice-president, and Mrs. Margaret Ray of Oakville, secretary-treasurer.

The Cowlitz tribe is one of the oldest in the United States to maintain its tribal unity and organization. Many of its members are now sons and daughters of pioneers who married into the tribe years ago.

Among the subjects discussed at the session was the maintenance of the organization and the tribe's claims against the federal government, amounting to some \$2,000,000 for fishing, hunting an land rights which have been pending in the United States court of claims for over 30 years (Wannassay Papers 1937).

The 1938 notice, hand-dated June 7, 1938, and headed "Tribe Holds Election," was briefer. It stated:

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James E. Sareault, Lewis county prosecutor, was re-elected president of the Cowlitz Indian tribe at its meeting at Moose hall here Saturday afternoon. Maude Wannassay, Kelso, was elected vice president and Margaret Ray, Hoquiam, was re-elected secretary-treasurer. Frank Iyall, Toppenish, was re-elected to serve as the tribe's delegate to Washington, D. C. The tribe also made plans to hold a huge pow-wow next year at the old meeting place of the Indians on Cowlitz prairie (Wannassay Papers 1938).

No newspaper of the "pow-wow" planned for 1939 was submitted. It is not known whether or not it was held. In 1940, the Centralia [Washington] Daily Chronicle published an article on May 31, headed, "Cowlitz Indian Tribe to Meet," at the Moose Hall in Chehalis. The article included the statement:

The Cowlitz is one of the few tribes remaining in the United States which have kept intact their organizations. Several years ago the group dropped the Indian titles of "chief," etc., and adopted the white man's official names of "president" and "vice-president" (Cowlitz Indian Tribe to Meet, 5/31/1940).

At least one further meeting was apparently held and conducted elections, since newspaper coverage of the 1950 meeting stated that M.J. Forrest of Aberdeen, the newly elected president, and James Sareault of Chehalis, vice-president, had "traded the positions they had held since 1941" (Wannassay Papers 1950; Longview Daily News, May 16, 1950).

Quinault Allotments. The major aspect of Cowlitz contact with the BIA in the mid-1930's resulted from a new round of allotments on the Quinault Indian Reservation. On June 1, 1931, Halbert et al v. The United States was decided by the U.S. Supreme Court (CIT Pet. Narr., 58). It provided that:

1. Indians of the Chehalis, Chinook and Cowlitz Tribes, not allotted elsewhere, are among those who, under the Act of March 4, 1911, are entitled to take allotments on the Quinault Reservation in the State of Washington.
2. Personal residence on the reservation is not essential to the right of allotment (p. 753).

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On August 1, 1932, seven Cowlitz claimants in the suit were placed on the Quinault census (CIT Pet. Narr., 60). By 1934, as a result of Halbert, 57 Cowlitz individuals (in 31 families) had been placed on the Quinault census. Nine of the 31 families (29%) resided on the reservation (14 of the 57 allottees, or 25%) (CIT Pet. Narr., 60). The petition presented a breakdown of Cowlitz Allottees on the 1934 Quinault census (CIT Pet. Narr., 42-44; CIT Pet. Ex. A-1842 - A-1846), the 1934 Quinault census itself (CIT Pet. Ex. A-1417 - A-1442), and excerpts from the 1932 and 1937 Quinault census (CIT Pet. Ex. A-493 - A-501, A-522 - 523). It also included the 1935 Quinault voters' list (CIT Pet. Ex. A-1459 - A-1473). The petition states that in 1935, 30 adult members of the Cowlitz Tribe qualified to vote on the IRA at Quinault (CIT Pet. Narr., 63).<sup>112</sup>

Some individual situations resulting from the mid-1930's allotment policy on Quinault were complex. On October 18, 1940, the Taholah Agency wrote Superintendent C. Upchurch, Tulalip Indian Agency re the family of Mary L. (Plamondon) Bouchard Wilson King. He reported that on July 13, 1932, the family had refused to take allotments, preferring to wait for the results of the Cowlitz suit. He added that Charles Roblin, the allotting agent, had further noted, "The Secretary of the Interior authorized the allotment of Oliver D. Bouchard and his family on the Quinault Reservation as Cowlitz Indians. They refused to accept the land which was available when they came over; so they were not allotted." Then, apparently, on October 19, 1932, Oliver Bouchard had written the allotting agent for blanks for his three sons to make application for allotment, but the allotting agent had replied that there was no land and it would be useless for them to make application (Taholah to Upchurch, 10/18/1940; CIT Pet. Ex. A-271). The Taholah Agency added the general explanation that:

The Cowlitz Tribe has no reservation and there has never been an official census roll made for these Indians. Members of the Cowlitz Tribe were granted allotments on the Quinault Reservation under decision of the United States Supreme Court on the grounds that they were entitled by reason of the fact that they were "fish-eating" Indians of this particular section, and not because they

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<sup>112</sup> Marino wrote that, "Although they acquired Quinault lands, Chehalis, Chinook, and Cowlitz allottees were never given voting rights by the Quinault" (Marino 1990, 175).

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had any rights to such allotments as Quinaielt Indians nor as Cowlitz Indians (Taholah to Upchurch, 10/18/1940; CIT Pet. Ex. A-271).

The Cowlitz were also mentioned in the Taholah Agency's November 22, 1940, request to the COIA for a social worker. "The Office is aware of the fact that while many of our Indians are allotted and enrolled on the Quinaielt Reservation, they do not live upon the reservation and are, in fact, scattered throughout western Washington. This is especially true of the Cowlitz and Chinook tribes" (Taholah to COIA, 11/22/1940; CIT Pet. Ex. A-392).

Families of Cowlitz descent who believed that they were or should have been allotted on Quinault under Halbert were corresponding with the Portland, Oregon, BIA area office as late as the 1950's (Goulter to U.S. Indian Service, 4/20/1950; Keeler to Goulter, 5/4/1950).

Attempted Muck Creek IRA Organization. In addition to the Cowlitz who were allotted on Quinault, on June 29, 1935, a petition of the proposed Muck Creek Tribe (Pierce County, Washington), included a list of "1/2 Degree Indians," contained several names associated with Cowlitz (Steilacoom Pet. Resp. 1994). These were Pierce County families of partially Cowlitz descent rather than families from the Cowlitz River valley.

Fishing rights. On October 15, 1934, the Cowlitz submitted a petition protesting State of Washington fishing regulations for Indians. The petitioners signed as members of the Upper Cowlitz and the Lower Cowlitz Indian Tribes. It contained 64 names, some with place of residence. Of these, 28 were Upper Cowlitz full-bloods and 36 were Lower Cowlitz metis. The residential locations named were Cinnabar, Rochester, Alpha, Kelso, Centralia, Chehalis, Mayfield, Nesika, Morton, Randall, Packwood, Winlock, Silver Creek, and Nisqually, all in Washington (CIT Pet. Ex. A-551 - A-552).

The petition contained no data on the Cowlitz organization's activities from 1936 through 1946 (see the discussion elsewhere on the unavailability of the Sareault papers). None was located by the BIA researcher. Several families provided the BIA researcher with copies of newspaper clippings pertaining to individuals' World War II military and civilian service. Each of these clippings identified the individual as a Cowlitz Indian. The CIT petition contained two letters dated August 13, 1942, from "Jas. E.

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Sareault, Pres., Cowlitz Tribe of Indians," one to Otis Cottonware of Castle Rock, Washington, and the other to Jesse Pete of Ryderwood, Washington. Each stated that "an examination of the records of this tribe show that you are a member but you are not, as far as the records show, a ward of the government" (CIT Pet. Ex. A-979, A-980).

1946 Purge of Yakima Enrollment and its Impact on the Cowlitz. Darlene Fitzpatrick's 1986 dissertation described the impact of Yakima enrollment modifications on the Cowlitz without providing a great deal in the way of context. She stated that:

Salish Cowlitz . . . were removed from the Yakima roll in the post-1946 period when the Yakima Nation reviewed and revised their enrollment process. This situation has meant there are Cowlitz enrolled members whose parents, older brothers and sisters, grandparents, aunts, and first cousins were or are enrolled Yakima but they themselves are not. They are instead enrolled with the Cowlitz Tribe" (Fitzpatrick 1986, 88-89).

The Act did not apply specifically to "Salish Cowlitz." Under an Act of Congress, the Yakima Nation purged its rolls of those persons who were not at least one-quarter blood quantum from one of the confederated bands in the 1855 treaty, or a pre-1914 allottee, or descendants of pre-1914 allottees who met certain age and residential qualifications. For further discussion of the technicalities of the Act of Congress under which this procedure was undertaken, see the Genealogical Technical Report. From the political point of view, this action was significant for the future of the CIT organization: two later CIT chairmen, Joseph Cloquet and Roy I. Wilson, had been born to Yakima-enrolled families and were disenrolled under the 1946 Act, as were several future CIT council members.

THE COWLITZ 1950-1974

Introduction. In 1952, John Reed Swanton's Indian Tribes of North America was published by the Bureau of American Ethnology as Bulletin 145 (Swanton 1952). Taking its place as the basic reference work on the topic for two generations, it was of less than no use for the Cowlitz. It identified only the Salish branch, mentioned only two of the traditional villages, listed some derivative place names,

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cited a few population estimates, and said that "later they were divided between Chehalis and Puyallup Reservations" (Swanton 1979, 25).

Local History Mentions. In the post-World War II period, a number of local histories mentioned the Cowlitz Indians (Olson 1948, McClelland 1953, Olson 1953, Toledo Community Story 1953). However, most of these mentions were along the lines of nostalgia: they mentioned events of the late 19th and early 20th centuries and recollections dating to the writer's childhood, often including reproductions of photographs of Cowlitz Indians taken during those periods, but had little to say about the contemporary group. Several newspaper feature articles also fell into this nostalgia category (Peery 1950; cited in CIT Pet. A-870, A-871, A-874 - A-876 as "Perry 1953"), but others did refer to continuation of traditional activities by living Cowlitz Indians, such as basketry and fishing (CIT Pet. Ex. A-877, A-865, A-868 - A-869). Irwin's bibliography indicated the existence of much more contemporary newspaper coverage of the Cowlitz than was submitted in the petition exhibits (Irwin 1995).

**Revived Cowlitz Tribe of Indians Organization, 1950-1955.** There was a period of time, from the later 1930's through World War II, during which documentary absence would indicate that organized Cowlitz tribal activity was essentially dormant (see only the two 1942 letters from President James E. Sareault to tribal members discussed above). In 1975, Norbert I. Bouchard gave an affidavit that the meetings has resumed "around 1947" (Bouchard 1975; CIT Pet. 1975, Appendix VII:69), while Joseph Cloquet gave affidavit that he had attended meetings "during the 1930's and 1940's" (Cloquet 1975, CIT Pet. 1975, Appendix VII:70). One internal indication that the May 13, 1950, meeting was the first for a significant span of years was that time was set aside to "honor members who gave their lives for our country: Harry James Cheholtz - Japan - son of Mrs. Kate Wulfe; David Doug Jack - Oakville; Lewis St. Germaine - Angeles Beach; Ray Steffan - Saipan" (CIT Pet. Ex. A-1147, Minutes 13 May 1950).

The Cowlitz Tribe of Indians, as an organization reconstituted in 1950, pursued claims. Many of the records which survive were generated by its claims activity. However, it was not exclusively a claims organization, as discussed below in the section headed, "Non-Claims Activities of the CTI."

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On May 13, 1950, the Cowlitz Tribe of Indians held a "reorganization" meeting at the Cowlitz Prairie Grange Hall, with attendance from as far as the San Juan Islands, the Yakima region, and Bend, Oregon (Wannassay Papers 1950). The officers elected were: James E. Sareault, president; M.L. Forrest, vice president; and Mrs. Maude Snyder, secretary-treasurer. According to the newspaper, Forrest and Sareault "traded positions" they had held since 1941, while Mrs. Snyder was re-elected (Wannassay Papers 1950).

Newspaper coverage of the May 13, 1950, meeting stated specifically that it was the "first held by the Cowlitz Tribe since 1941," and that it was held "to form an organization" to "seek recognition from the federal government for claims which are so far unrecognized" (Wannassay Papers 1950). It established a dues schedule of \$2 per year from full-blood Cowlitz and minors, and \$5 per year for "each member of the tribe who is not a full blooded member of the Cowlitz tribe" (Wannassay Papers 1950). A representative from the BIA's Western Washington Agency at Hoquiam talked about claims procedures (CTI Minutes May 13, 1950; CIT Pet. Ex. A-1146).

There are indications, however, that at least some claims activity had been continued during the 1940's. On August 13, 1946, the Indian Claims Commission (ICC) was established (CIT Pet. Ex. A-98). On January 31, 1947, the Taholah Indian Agency wrote Clifford Wilson of Kelso, Washington, who later would serve as Chairman of the Cowlitz Tribe of Indians during the 1960's, in reference to "your letter dated December 2, 1946, requesting information on the Indian Settlement Bill and if it in particular concerns the Cowlitz Indian Tribes" (Helander to Wilson 1/31/1947). Helander quoted a letter from the COIA which stated:

Apparently you refer to the suit instituted [sic] under the jurisdictional act of February 12, 1925 (43 Stat. 886) conferring jurisdiction on the United States Court of Claims to hear and determine the claims of a number of Indian tribes, including the Chehalis Indians. The Cowlitz Indians are officially designated as Chehalis Indians (Handbook of American Indians, Bulletin No. 30, Bureau of American Ethnology, page 355). Pursuant to the 1925 act, the Quinaielt Tribe filed a suit against the United States in the Court of Claims for the value of land which it was alleged was excluded from the Quinaielt

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Reservation by an erroneous survey of the northern boundary thereof (Helander to Wilson 1/31/1947).

On October 2, 1944, the Court of Claims handed down an interlocutory decree holding that as a matter of law the Indians were entitled to recover on the claims asserted (102 Ct. Cls. 822). The actual amount of recovery was reserved for final determination by the court. It was further held that the Quinaielt Indians were not entitled to exclusive rights in the reservation, but that the Quilleutes, Hohs, Quits, Chehalis, Chinook and Cowlitz Tribes are also entitled to an interest therein (Helander to Wilson 1/31/1947).

As stated, no amount of money was mentioned in the interlocutory decree of the court. It may be that the gratuity expenditures made by the United States for the benefit of the plaintiff Indians and which the United States would be permitted to credit against any judgment will offset completely any recovery by the Indians. It will not be known until the court hands down its final decision whether the Indians will be awarded any substantial recovery (Helander to Wilson, 1/31/1947).

The Cowlitz had apparently been doing some preparatory work prior to the meeting held May 13, 1950. In a circular letter dated May 22, 1950, addressed to "Chairman of Skokomish, Makah, Quileute, Chehalis and Clallam Tribal Councils, also to Attorneys: Kenneth R.S. Simmons, E. L. Crawford and J. Duane Vance," the Acting Superintendent of the Taholah Indian Agency stated:

While in attendance at a recent meeting of the Cowlitz Tribe of Indians, Mr. Beaulieu of this agency was shown a large map of the Indian Nations and Tribes of the Territory of Washington and Nebraska made under the direction of Isaac I. Stevens, . . . Mr. James H. Sareault, a member of the Cowlitz tribe and practicing attorney at Chehalis, Washington, has loaned us the map and we hope to have at least half a dozen photostat copies made, if the tribes who intend to file claims against the Government will cooperate in defraying the cost . . . [If] your tribe has or intends to present a claim against the Government,

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and [sic] you should, by all means, obtain a copy of this map (Keeler to Chairmen, 5/22/1950).

In a letter of May 23, 1950, the BIA informed Mr. Jack Z. Anderson of the U.S. House of Representatives that:

The Cowlitz Indians are a party in the case entitled The Quinaielt Tribe of Indians v. The United States now pending in the Court of Claims. In an interlocutory decree of February 5, 1945 (102 Ct. Cls. 822) the Court found that the Cowlitz Tribe, among other tribes, was entitled to recover. In accordance with Rules 39(a) the amount recovered would be determined in a later proceeding. Mr. Ralph H. Case, Washington, D. C., is attorney for the plaintiffs (COIA to Anderson 5/23/50, CIT Pet. Suppl. Ex. A-3525).

Revival of Claims Activity. The renewal of Cowlitz claims activity under provisions of the ICC act ensued within two years. According to a statement of Emma Mesplie, who after 1974 would become a leader of the "Yakima Cowlitz" organization (see below):

The meetings in Cowlitz Prairie Grange Hall began in about 1949. There were only about 30 people attending the meetings in those days. John Serrault was the first president and Jackie Hill was secretary. Joe Serrault became president after his father died. All of us paid dues at that time. Thirty to 100 members attended meetings until 1970 when the judgement award was established" (Statement of Emma Mesplie, 24 June 1986; BIA Claims File, Docket 218, #2).

Contemporary documentation (see above) did not fully support the accuracy of Mrs. Mesplie's recollection, either as to the dates, the number of persons attending, or as to the officers of the organization. John B. Sareault had died in 1936; his son was James; and the secretary was Jacqueline Hill's mother. On one motion taken at the May 13, 1950, meeting, the recorded vote was 34 ayes to 39 nays, indicating the attendance of at least 73 voters rather than "about 30," but newspaper coverage indicated that the attendance was "some 200 strong" (Wannassay Papers 1950). An attendance count at the June 6, 1953, meeting showed 93 persons present (CTI Minutes June 6, 1953; CIT Pet. Ex. A-1170).

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From May 13, 1950, until the ICC claims award in 1973, CIT records contain a great deal of correspondence pertaining to attorneys' contracts and other associated business. On July 1, 1950, the CIT adopted a constitution and by-laws "to put forth an organized effort to obtain just recognition from the United States Government and the settlement of the Claim of the Tribe and its members against the United States Government" (CIT Pet. Narr., 194, 198; CIT Pet. Ex. A-1146 - A-1149). For technical discussion of the contents of this document, see the Genealogical Technical Report. A further meeting was held on August 10, 1950 (CTI Minutes, August 10, 1950; CIT Pet. Ex. A-1150). On October 14, 1950, a Cowlitz meeting was called by the BIA Western Washington Agency for the purpose of electing delegates to sign the contract with attorneys; it was held at Cowlitz Prairie Grange Hall with "quite a large number" in attendance (CIT Pet. Narr., 193-194; CIT Pet. Ex. A-1445 - A-1447).<sup>113</sup> On November 4, the Cowlitz Tribe of Indians entered into a contract with Gladys Phillip and James E. Sareault (who was also the group's vice-president) (Weston to Mr. Jack Sareault, July 12, 1974, BIA Portland).

In 1951, Superintendent Raymond H. Bitney of the BIA's Western Washington Agency, Everett, WA summed up the situation of the Cowlitz Tribe of Indians' organization as he saw it:

However, the group has always and still do maintain their tribal organization for the mutual welfare of its members, holding semi-annual and annual gatherings where problems of the tribe are discussed. . . . While this tribe is landless and without Official recognition of its tribal status, it nevertheless is, and has been an existing and identifiable group within the meaning of the Act of August 13, 1946, supra (CIT Pet. Narr., 50, citing Bitney 1951; CIT Pet. Ex. A-1449).

The BIA approved the Cowlitz Tribe of Indians' Cowlitz attorney contract on March 16, 1951 (CIT Pet. Narr., 50).

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<sup>113</sup> Called to order by the Vice-President, James E. Sareault of Chehalis, WA: M.L. Forrest absent due to a death in the family. Secretary: Jacqueline Cassity. Delegates elected: Mary King, Vader, WA; Simon Plamondon, Vader, WA; Henry St. Germain, Vader, WA. Present: Victor Peterson, Longview, WA; Irene Brimeire, Gresham, OR; A. J. Plamondon (CTI Minutes, October 14, 1950; CIT Pet. Ex. A-1151, A-1445 - A-1447).

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On November 16, 1951, Dillon S. Myer, COIA, wrote to Congressman Russell V. Mack, estimating 200 members of the Cowlitz Tribe as among those unenrolled to whom the Western Washington Indian Agency extended services (CIT Pet. Narr., 66; CIT Pet. Ex. A-1673 - A-1677).<sup>114</sup> For a discussion of the membership of the organized group at this time, based upon a mailing list dated 1952/53 on the basis of internal evidence, see the Genealogical Technical Report.

In 1952, Superintendent Raymond Bitney of the BIA's Taholah Agency, at Hoquiam, referenced the burden which the claims activity placed on the agency:

In addition to this, we have the remnants of the Cowlitz Tribe and the various Chinook Tribes, Kikiallus, San Juan Islands, as well as the Samish that we have to extend services to as the present campaign to get the Indian Claims against the Government before the Indian Claims Commission burdens us with many demands for services relative to the family history and tribal records regarding tribal membership by many, many people who have some Indian blood that they desire to identify with some particular tribe, group or band (CIT Pet. Narr., 64; CIT Pet. Ex. A-1504).

On August 5, 1953, Mary Kiona and Sarah Costama testified on behalf of the Cowlitz claim in ICC Docket 218. Mary Kiona testified through the assistance of Cowlitz interpreter Howard Ike Kinswa (CIT Pet. Narr., 71; citing Indian Claims Commission 1953; CIT Pet. Ex. A-1064 - A-1145, A-791). In 1955, the BIA approved modification of Cowlitz attorney contract (CIT Pet. Narr., 51).

Non-Claims Activities of the Cowlitz Tribe of Indians. However, claims were not the only interest of the organization. On June 20, 1952, the Longview Daily News contained an article which stated that Mrs. Maude Snyder of

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<sup>114</sup> The Taholah Agency, at this time, spoke of its responsibility wholly in the context of responding to claims activity:

we extend service to some 2,600 unenrolled, unallotted Indians, although I believe it will probably amount to twice that number, who are members of the Duwamish, Snoqualmie, Cowlitz, Stillaguamish, San Juan, Samish, Kikialus and Chinook who have suddenly become active in hiring attorneys and presenting claims against the Government under the Claims Commission Act (Bitney to Pryse 10/12/1951; CIT Pet. Ex. A-1670 - A-1672).

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West Kelso, secretary of the Cowlitz Indian Tribe, had appeared before the Kelso city council and presented five reasons why the tribe wanted to see a new bridge named the "Cowlitz Way" bridge rather than the "Peter Crawford" bridge (Indian Tribe Favors Cowlitz Name 1952; CIT Pet. Ex. A-859).

The Cowlitz were included by the BIA in the reservation and non-reservation tribal organizations to receive notification concerning the proposed Western Washington Termination Act in 1953. A rough draft of the bill dated September 15, 1953, indicated that it was "to provide for the termination of Federal supervision over the property of the following Indian tribes, bands, communities, organizations, or groups, and the individual members thereof; . . . [and] for a termination of Federal services furnished such Indians because of their status as Indians; . . ." (CIT Pet. Ex. A-994). Superintendent Bitney at Taholah contacted the Cowlitz chairman, James E. Sareault (Bitney 1953; CIT Pet. Ex. A-1507). At least one meeting held by the BIA to explain the measure included the Cowlitz, Chinook, Shoalwater and Georgetown Indians, on October 3, 1953, at South Bend, Washington (CIT Pet. Narr., 64-65; CIT Pet. Ex. A-987 - A-1008; A-1506 - A-1507). Sareault was expected by the BIA to present the information to the members (Libby 1953; CIT Pet. Ex. A-991, A-1673 - A-1679).

The minutes of the June 7, 1952, CTI meeting at Cowlitz Prairie, Washington, included a request from Raymond Bitney, BIA Superintendent at Everett, Washington, to James E. Sareault that "Indians give blood donations to replace blood used" at the BIA's Cushman hospital (CTI Minutes 6/7/1952; CIT Pet. Ex. A-1164). The minutes of the Cowlitz Meeting, Saturday, June 5, 1954, at the Cowlitz Prairie Grange Hall, indicated that about 75 members attended.<sup>115</sup> The meeting adopted a resolution to oppose a bill in the House of Representatives which would remove Indian hospitals from the jurisdiction of the Department of the Interior to the Department of Health (CTI Minutes, June 5, 1954; BIA Portland). At the June 4, 1955, meeting, it was decided to join the National Congress of American Indians (NCAI) (CTI Minutes, June 4, 1955; CIT Pet. Ex. A-1181).

At the June 4, 1955, annual meeting, a motion was adopted "that we file an injunction. against the city of Tacoma

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<sup>115</sup> June 5, 1954. List of names and addresses of annual meeting attendees (CIT Pet. Ex. A-1177 - A-1179). For discussion, see the Genealogical Technical Report.

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about the dam" (CTI Minutes June 4, 1955; CIT Pet. Ex. A-1181). In 1955, the Cowlitz Tribe of Indians brought suit against the City of Tacoma Dam Project. The progress of this suit was discussed at both the 1956 and 1957 annual meetings (CTI Minutes June 2, 1956; CIT Pet. Ex. A-1183; CTI Minutes June 1, 1957, CIT Pet. Ex. A-1185 - A-1186). Testimony was given by Isaac Ike Kinswa, Frank Thomas, John Eyle, and Sarah Castama concerning the projected Mayfield and Mossy Rock projects (CIT Pet. Narr., 71; CIT Pet. Ex. A-558 - A-567). Isaac Ike Kinswa spoke mainly concerning burial grounds, with some reference to fishing (CIT Pet. Ex. A-558 - A-559). The burial grounds referenced were not ancient archaeological sites, but cemeteries which had been in active use within living memory of the speakers: at least one was still used. Frank Thomas concentrated on fishing (CIT Pet. Ex. A-560 - A-561). John Eyle talked about Cowlitz public domain homesteads, the traditional fishing grounds of several families, and burial grounds (CIT Pet. Ex. A-562 - A-564). Sarah Castama spoke mainly concerning burial grounds, but included a bit on fishing (CIT Pet. Ex. A-565 - A-567). Of the burial grounds mentioned, only one had a number of graves relocated prior to the filling of the Mayfield Dam Reservoir (CIT Pet. Ex. A-1848 - A-1876). One traditional burial ground not affected by the reservoir remains in active use (CIT Pet. Ex. A-2140 - A-2142). The loss of this suit was reported in the minutes of the June 2, 1962, meeting (CTI Minutes June 2, 1962; CIT Pet. Ex. A-1191).

Activity of Yakima Cowlitz in the 1950 Cowlitz Tribe of Indians Organization. According to Darlene Fitzpatrick's 1986 dissertation,

the Yakima Cowlitz have a tendency to see the Cowlitz struggle historically as all of a piece from 1915 to the present.<sup>116</sup> On the other hand, I found the Lower Cowlitz leaders tended to see the history of Cowlitz litigation from 1951: the

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- 1918-  
1939 Great grandfather of Vera Mesplie Azure was Cowlitz treasurer (Public Hearing, 1 June 1974; BIA Claims File, Docket 218).
- 1918-  
1952 Grandfather of Vera Mesplie was Cowlitz secretary (Public Hearing, 1 June 1974; BIA Claims File, Docket 218). August Mesplie was secretary of the Cowlitz organization on the Yakima Reservation until 1952 (Emma Mesplie statement, 24 June 1986; BIA Claims File, Docket 218).

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date when they were given a docket number for their ICC suit (Fitzpatrick 1986, 97) [footnote added].

What does appear from various statements of Yakima Cowlitz members is that they participated in the Cowlitz Tribe of Indians exclusively for the purpose of pursuing the claims case. The documents do not indicate that they participated in the non-claims activities mentioned above, which involved the Cowlitz River valley families. Fitzpatrick stated that according to Kay Northover, usually only 30 or 40 people attended annual Cowlitz meetings until the judgment was awarded (Fitzpatrick 1986, 100). Kay Northover's brother made a similar statement (Statement of William D. Northover, 24 June 1986; BIA Claims File, Docket 218, #2). About 1955, Mrs. Frances Northover and Thomas Umtuch testified before the ICC in reference to Cowlitz claims (BIA Claims File, Docket 218, #2; newspaper photograph; CIT Pet. Ex. A-866).

**Continuing Cowlitz Tribe of Indians Activity, 1955-1973.**

Non-Claims Activity, 1955-1973. On February 18, 1955, a memorandum was sent from a Mr. Cohn, Attorney for Indian Affairs, to Portland Area Director stating that the Steilacoom may adopt Cowlitz Indians (Steilacoom Resp. 1994, 15).

Fitzpatrick stated that in 1956, a granddaughter of Simon Plamondon, Sr. signed a 100 year lease to the church for the St. Francois Mission land on Cowlitz Prairie (Fitzpatrick 1986, 95). The petition contained no documentation concerning this transaction. It is more probable that it pertained to one of the cemeteries, rather than to the church property.

One reference was unclear: "In 1968, Chester J. Higman, the enrollment officer, informed Isaac Kinswa of the Cowlitz tribe: 'There are some very limited exceptions for Indians who are recognized members of a reservation tribe, but these do not apply to the Cowlitz who are not a reservation group and who are not presently recognized as an organized tribe by the United States'" (Porter 1992, 130; citing Chester J. Higman to Isaac Kinswa 9/27/1968, RG 75 BIA, Western Washington Agency, Tribal Operations Branch, General Correspondence, 1953-70, Decimal File .063; Porter 1992, 135). Porter did not indicate what "exception" was the subject of the correspondence.

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For activities of the Quinault Allottees Association during this period, see the Anthropological Technical Report.

Interaction with Other Indian Tribes and State Agencies.

Approximately 1966, the Cowlitz Tribe of Indians was a member of the Governor of Washington's Indian Advisory Committee (CIT Pet. Ex. A-568). In 1970 (Irwin said 1968 (Irwin 1995, 219)), the Small Tribes of Western Washington (STOWW) organization was founded (CIT Pet. Narr., 163). According to Fitzpatrick, this initiative was headed by a Cowlitz individual (Fitzpatrick 1986, 79).<sup>117</sup> By 1972, the Cowlitz Tribe was a member of the Governor's Indian Advisory Council (CIT Pet. Narr. Ex. A-568).

Claims Activity 1955-1973. On March 2, 1962, the Cowlitz elected delegates to renew the claims contract with attorneys Sareault and McLeod. Those chosen were Mike St. Germain, Roy King, and Archie Iyall. Alternates were Nina Iyall, Georgia Bernobich, and Tony Umtuch. According to the recollections of Evelyn Byrnes, the organization was comparatively informal at this time:

I think Joe Cloquet was chairman for only a year or two in the early 1960's. He was living in Yakima at the time. In those days we had no tribal council, just an executive committee: Archie Iyall, Norb Bouchard, and my brother Mike St. Germain. They were the "watchdogs," watching over me (Secretary-Treasurer), Clifford Wilson, and whoever was vice-president. If we wanted anything done, we had to go to them to get it done. I remember when we got rid of Malcolm McLeod as lawyer . . . (Byrnes Affidavit 1989, CIT Pet. Ex. A-2368).

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<sup>117</sup> "During World War II Clifford Wilson, grandson of Simon Plamondon, Jr., was one of the first truck drivers to move to the front in the Battle of the Bulge. After the war, while working twenty-five years for the Reynolds Metals Company, he also served as a Post Commander of the Longview Veterans of Foreign Wars, president of the Kelso Eagles Lodge, and an Odd Fellows Lodge in Kelso. In addition, the governor appointed him an overseer for veterans in JOBS NOW programs and a member of the governor's Advisory Committee for Indian Affairs. Subsequently, Wilson worked full time for Small Tribes of Western Washington (STOWW). (DAILY EWS 21 Sept. 1972; Wilson 1973)" (Irwin 1995, 203).

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When I first was elected secretary-treasurer,<sup>118</sup> the tribal chairman was a man by the name of Phillip Simmons, from Port Angeles. So they re-elected him, as I remember, and elected me as secretary. When I got home that night, Clifford [Wilson] called and said, "Well, I'm your new chairman." I said, "What?" He said that Phillip Simmons didn't want the chairmanship, so McLeod [a lawyer] told Clifford to take it. But how Clifford got in there, I don't know. I thought you had to have the vote of the Tribe to get elected as chairman or president . . . . When I became secretary-treasurer about 1963, after Jackie Wannassay Hill . . . . (Byrnes Affidavit 1989, CIT Pet. Ex. A-2368) [footnote added].

As the ICC case approached a resolution in the later 1960's, the organization continued to hold meetings on a fairly regular basis. Newspaper coverage of the 1964 annual meeting of the Cowlitz Indian Tribe reported the election of Clifford Wilson of Kelso, Washington, as president and indicated that more than 200 tribe members, including Mary Kiona of Randle, Washington, "reported to be 113 years old," had attended the meeting at the Cowlitz Prairie Grange near Toledo (Wannassay Papers 1964). A September 19, 1964, Cowlitz tribal meeting was mentioned in a BIA summary report of the March 13, 1965, Cowlitz meeting (BIA Portland). At this March 13, 1965, Cowlitz "quarterly meeting," approximately 130 adults were in attendance. A July 10 annual meeting was scheduled (Tribal Operations Officer to Superintendent, March 22, 1965, BIA Portland; CIT Pet. Ex. A-1198 - A-1201), and was, according to the newspaper, attended by about 200 members who reelected the incumbent officers, legal counsel, anthropologist Verne F. Ray of the University of Washington, and Paul Weston of the BIA area office in Portland, Oregon (Wannassay Papers 1965). Another meeting was held on November 13, 1965 (BIA Portland).

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<sup>118</sup> This election was in June 1965. In 1964, the organization's officers were J. Philip Simmons, chairman, Cowlitz Tribe, Route 1, Box 417, Kelso, WA; Miss Jacqueline Hill, Secretary (CIT Pet. Narr., 68).

At the June 4, 1966, semi-annual meeting, Cowlitz Prairie Grange Hall, 71 members were present. It adopted a resolution on claims attorneys and discussed a loan. The officers, Clifford Wilson, President; Norbert I. Bouchard, Vice president; Evelyn Bashor, Secretary-Treasurer, were all reelected unopposed for another year (Minutes, June 4, 1966; BIA Portland).

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At the June 3, 1967, annual meeting of the Cowlitz Tribe at the Cowlitz Prairie Grange Hall, Chairman Clifford Wilson presided. He called for a moment of silence in memory of Eva Martin and Sam Eyle. This meeting initiated a more formal administrative structure. A motion carried for the chairman to appoint 15 members of the tribe to form a council to take care of any urgent business for the Tribe. The incumbent officers were reelected. Manuel Forrest moved that all members who were unable to attend the meetings be allowed to vote by proxy, but this was rejected (Minutes, June 3, 1967, BIA Portland; CIT Pet. Ex. A-1202 - A-1204). On June 24, 1967, the organization held a special meeting in regard to a government loan, and scheduled another meeting for November 4 (Minutes, June 24, 1967, Portland; CIT Pet. Ex. A-1205).

1969 ICC Award. Finalization of the ICC case occupied four years. On June 25, 1969, the ICC awarded the Cowlitz a settlement, based on a taking date of March 3, 1855 (21 Ind. Cl. Comm. 143; CIT Pet. Ex. A-1044 - A-1045). The Cowlitz sought and on December 10, 1969, obtained a rehearing on the issue of the effective date of taking. On June 23, 1971, the ICC issued the opinion on rehearing, establishing the effective date of taking as March 20, 1863 (25 Ind. Cl. Comm. 442; CIT Pet. Ex. A-1054).

1973 Compromise Settlement. On March 3, 1973, the CTI held a special meeting to consider the proposed ICC settlement. It was chaired by Roy I. Wilson who, as vice-president, had served as executive officer since the death of Clifford Wilson the preceding September. The overall vote was 172 in favor of accepting the settlement and 36 opposed (Irwin 1995, 221). Among the opponents, however, were influential members of the group, including Donald Cloquet and John Barnett, which would lead to the formation of the short-lived "Sovereign Cowlitz Nation" (SCN) (see below).

The final compromise settlement granted an award of \$1,500,000, made on April 12, 1973 (CIT Pet. Narr., 70, 78-79). The CIT determined that ten per cent of the money received would be set apart for a land base. For the remainder, eligibility would be limited to lineal descendants of 1/16 degree or more of Cowlitz blood, barring dual enrollment with other tribes, recognized or

unrecognized.<sup>119</sup> As of 1996, this money has not been distributed because of the continuing internal conflict between the CIT and the Yakima concerning eligibility, and the question of Federal acknowledgment of the Cowlitz Indian Tribe (the petitioner). Fitzpatrick stated in 1986 that the funds had not been distributed as of 1986 (Fitzpatrick 1986, 29) "while Cowlitz compile a tribal membership roll acceptable to the Bureau of Indian Affairs" (Fitzpatrick 1986, 85). This was not a fully adequate explanation of the situation, as will be seen in the discussion of the compromise settlement below.

#### The CIT, 1974 - PRESENT

**Introduction.** See the Anthropological Technical Report for an in-depth discussion of the Cowlitz modern community from 1974 to the present. The following is designed primarily as a chronological survey of the documentation. During this time, many articles in the Cowlitz County Historical Quarterly and other local historians mentioned the early history and development of the Cowlitz Indians (Irwin 1979, Ott and York 1983, Nix and Nix 1985), but only Irwin's 1995

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<sup>119</sup> "The Cowlitz removed Yakima enrolled members, many of whom were close relatives, from the Cowlitz roll in 1973" (Fitzpatrick 1986, 88).

When the Cowlitz suit was settled Cowlitz removed members from their roll who were enrolled with other tribes such as the Yakima. The Cowlitz Tribe interpreted the ICC award to mean that only enrolled Cowlitz would share in its distribution and they were preparing to petition for federal acknowledgement. Taidnapam objected to being removed from the Cowlitz roll, and with the support of the Yakima Nation Tribal Council, held up Cowlitz Congressional bills for distribution of the award (Fitzpatrick 1986, 29).

The Cowlitz tribal membership roll involves at least two problems. Cowlitz already have a tribal roll giving the names, addresses, and genealogical information of their tribal members. . . . They were acknowledged by the ICC as a tribe solely for the purpose of the suit, which could mean that the only people who are eligible to share in the ICC award are the names listed on the Cowlitz roll. . . . cases where Indian people share a dual descent in two tribes . . . . Up until the Cowlitz award was made Cowlitz accepted dual enrollment and that meant enrolled members of the Yakima Nation, who were descended from Cowlitz families who migrated to the reservation, were also on the Cowlitz tribal roll. The same is true of Quinault members except that the Quinault affiliated people who could prove Cowlitz descent, have not been as vigorously involved . . . . (Fitzpatrick 1986, 86).

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manuscript was based on significant research on the contemporary group (Irwin 1995).

**ICC Judgment Award and its Impact.** In the mid-1970's, the majority of the documentation pertaining to the CTI/CIT was generated by the impact of the ICC award, the terms of the compromise settlement, and the response of the affected population groups.

Constitutional Revision. On April 18, 1973, the CTI General Council (the general membership meeting) accepted the ICC compromise settlement and determined the eligibility requirements (BIA Claims File, Docket No. 218, #1). On November 7, 1974, the CTI formally revised the group's constitution, adopted the Cowlitz Indian Tribe (CIT) name, and established a tribal council as the governing body headed by a chairman. Joseph Cloquet was elected chairman (CIT Pet. Narr. 197-198, 196; CIT Pet. Ex. A-1023 - A-1036). For a detailed discussion of the membership requirements established by the 1974 constitution, see the Genealogical Technical Report.

Proposals for Distribution of ICC Award. On June 2, 1973, at the CIT annual meeting, held at Cowlitz Grange Hall, several motions were made regarding disbursement of the funds appropriated by Congress July 1, 1973 (PL 93-58) in accordance with the ICC award (Minutes 6/2/1973; BIA Portland). On August 4, 1973, a special meeting of the Cowlitz Tribal Council and Executive Committee was held at the Kit Carson Cafe, Chehalis, Washington (Minutes 8/4/1973; BIA Portland). Shortly afterwards, the CIT revised the 1969 membership list with notes about blood quantum (1/16) and removing enrolled Yakima (see the Genealogical Technical Report for discussion of this procedure).

Formation of the Sovereign Cowlitz Nation. The membership of the CIT did not vote unanimously to accept the ICC compromise settlement (Fitzpatrick 1986, 85). In the view of Joseph Cloquet and John Barnett, people were permitted to vote at the April 18, 1973, meeting who did not have the right to vote (Fitzpatrick 1986, 101). In 1973, one group of opponents formed the Sovereign Cowlitz Nation, a splinter group (Fitzpatrick 1986, 101). The resolution objecting to the settlement was signed by 46 persons (CIT Pet. 1975). Donald Cloquet, its head, gave the membership as 238 (Irwin 1995, 222). By contrast, his brother, Joseph Cloquet, gave the CIT membership at the time as 1,801 (Irwin 1995, 222). The group's energetic letter-writing and petition campaign

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to the ICC and BIA concerning Docket 218 distribution<sup>120</sup> was for a time a contributing factor to the delay in distributing the award, as were the protests of the Yakima Cowlitz. However, the SCN was much less long-lived than the Yakima Cowlitz. It went out of existence in late 1974, with its members reabsorbed into the CIT (Irwin 1995, 227).

Yakima Cowlitz Protest. On May 22, 1974, a resolution was submitted to the BIA on behalf of the lineal descendants of Cowlitz Indians on the Yakima Indian Reservation protesting that they should have a right to share in the Cowlitz Award of Docket No. 218 (BIA Claims File, Cowlitz Tribe of Indians). For a more detailed discussion of this issue, see below under a separate heading. It was arranged for the ICC to hold a hearing in Tacoma on June 1, 1974 (ICC Docket 218): the meeting was held on that date, but at Cowlitz Landing, Washington. The hearing officer was David Paul Weston of the BIA's area office in Portland, Oregon.

Distribution Proposals. In response to the factionalism surrounding the issue of distribution, the following statement was made by Susan Pratt, daughter of Fabian Cottnair:

The cultural and traditional bonds of our Tribe have become weakened with the time. The gatherings that we have here<sup>121</sup> -- all of us really have to agree, have only come about because we have been discussing the money. We have been trying to figure out how we can get the most for what is due us and what is a fair way to disperse it. But what's going to happen once the money is dispersed? What is going to happen to the Tribe? Those of us who don't have White blood have Yakima blood and we are split. There are also questions coming up now as to, 'Will we be giving up all rights -- fishing rights -- health and education rights -- things that may not be important to us right now, but in 10 years they will?' These are questions that I don't think we have considered before. And the one thing that we haven't

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<sup>120</sup> See, for example: April 28, 1974. Plan for Use or Distribution of Indian Judgement Funds Pursuant TO Part 60 to 25 CFR (Public Law 93-134; 87 Stat. 466, 467, 468). Funds Arising from Docket No. 218. Approved by the Council of Chiefs, SOVEREIGN COWLITZ TRIBE (BIA Claims File, Docket No. 218 #1).

<sup>121</sup> Presumably a reference to the annual meetings.

discussed is enrollment. If I am not mistaken, the Secretary of the Interior has a responsibility to help us determine what the actual enrollment of Cowlitz is. The estimates have gone from 200 now to 5,000. If there are 5,000 of us, we will all be left with loose change in our pockets; and this is -- we can't throw away a tribal tradition or a culture. We can't throw away these people and disband the meetings for loose change. It isn't worth it.

So it's my suggestion that we unify ourselves as best we can -- work on the enrollment, find out how many of us are there and dedicate ourselves, not to the quarreling, but to a unity to see what we really want to do. Maybe we don't want that money, for \$200 apiece. Maybe we would rather buy land with all of it and leave it right here so we have some place to come back to (ICC File, Docket 218, BIA) [footnote added].

No agreement was reached at this meeting. On June 6, 1974, the Yakima Cowlitz filed additional protests against the Docket 218 compromise settlement (BIA Claims File, Docket 218 #1). The Subcommittee on Indian Affairs held hearings on the distribution of the ICC award on April 17, 1975 (Distribution of Judgment Funds to the Cowlitz Indians. Hearing before the Subcommittee on Indian Affairs, 94th Congress, 1st Session, H.R. 5090, April 17, 1975, Serial No. 94-14. Printed for the use of the Committee on Interior and Insular Affairs. Complete transcript in 1975 Cowlitz Pet.; BAR Files).

BIA Statement of Position. In 1975 the Department of the Interior (DOI) took a position in favor of a strictly per capita distribution of the judgment award funds, with no portion set aside for the CIT per se. On September 24, 1975, a letter expressing the views of DOI on S.1334, a proposal to distribute the award, stated: "The Cowlitz Tribe of Indians is not a Federally-recognized tribe. Therefore, there is presently no Federally-recognized successor to the aboriginal entity aggrieved in 1863" (ICC File, Docket 218, BIA). On October 29, 1975, a letter from COIA Morris Thompson to Senator James Abourezk stated:

Throughout the 1850's and 60's the United States made a concerted effort to conclude a treaty . . . From that time to the present, there has been no continuous official contact between the Federal Government and any tribal entity which it

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recognizes as the Cowlitz Tribe of Indians. The original petition before the Indian Claims Commission was not filed by a tribal entity, but by an individual, Simon Palmondom [sic] 'on relation of the Cowlitz Tribe of Indians' (Thompson to Abourezk 10/29/1974, ICC Award, Docket 218, BIA).

Further, when asked to "Provide instances where the Cowlitz roll has been used by the Bureau of Indian Affairs for official purposes," Thompson stated:

In response to an inquiry from this office, the Western Washington Agency stated that it has never seen a copy of the Cowlitz membership roll. They further stated that "Individual education employment assistance had been extended to individual Cowlitz Indians on a blood degree determination made from agency records, basically the Charles Roblin Report of Unenrolled Cowlitz Indians" (Thompson to Abourezk 10/29/1974, ICC Award, Docket 218, BIA).

The Roblin Roll is an enumeration of unenrolled Indians. Any Cowlitz who were enrolled with any recognized tribe, i.e. Yakima etc., were not included in this census. So the Roblin Roll is not even a complete listing of the known Cowlitz Indians who were alive in 1919 (Thompson to Abourezk 10/29/1974, ICC Award, Docket 218, BIA).

The Federal acknowledgment issue. Because of the issue of lack of Federal acknowledgment, the CIT petitioned the BIA for organization under IRA on September 22, 1975. With the establishment of the Federal acknowledgment project in 1978, this petition was transmitted to the newly established Branch of Acknowledgment and Research (BAR Files).

The 1977 Final Report of the American Indian Policy Review Commission listed the Cowlitz in its report on nonfederally recognized Indians. It did manage to get them located in southwest Washington (American Indian Policy Review Commission 1977b, 473), which was an improvement on the preliminary version, which stated they were in Spokane (American Indian Policy Review Commission 1977a, 11 - 13-1).

In 1978, based on the 1977 report on terminated and federally non-recognized tribes, Bishop and Hansen wrote in The American Indian Journal that the Cowlitz tribe had "a

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current enrollment of 1,801, nearly 1,000 of whom are enrolled on various reservations including the Warm Springs and Yakima reservations" (Bishop and Hansen 1978, 27). The basis for this estimate is not known, as the numbers did not match with the CIT enrollment, the SCN enrollment, or the Yakima Cowlitz petition lists.

In 1981, the CIT offered a revision of the formula for distribution of the ICC award. S.2931 provided for distribution of the ICC award to include the Yakima Cowlitz family members and their descendants who had been involved through the years in the claims effort. This the bill was stopped in committee (Fitzpatrick 1986, 89-90). "Lila Walaweetsa, the Yakima Cowlitz chairman, refused to endorse the bill until she had read it . . ." (Fitzpatrick 1986, 93). The CIT meeting of November 1983 adopted a resolution to "direct the Secretary of the Interior to follow the guidelines of the 1973 Distribution Act" and take a portion of the funds and award them to lineal descendants. Under this resolution, the remainder of the funds would go to the Tribe for its use and benefit. The suggested split 20% individual/80% tribe (Fitzpatrick 1986, 90-91). The bill introduced in 1984-1985 proposed a 30% land purchase/70% individual split (Fitzpatrick 1986, 91).

The Fitzpatrick study. By 1986, thirteen years after the ICC award, the amount had expanded significantly. On April 30, 1986, the BIA estimated Cowlitz population<sup>122</sup> for Cowlitz Indian Judgment Funds in Docket 218 as follows:

Status of Funds as of 04/30/86 -	\$4,302,056.
Unrecognized Cowlitz Group seeking acknowledgment as of February 1, 1983	1,358 Members
Yakima Cowlitz per Yakima Agency, B.I.A. estimate	4,000 Members
Estimated number of other descendants	652 Individuals
Total Estimated Number	6,000
\$4,302,056 divided between 6,000 members -	\$717
per capita (BIA Claims File, Docket 218, #2).	

According to Fitzpatrick, at that date,

Yakima and Salish Cowlitz are in agreement that the involved families of the former group will

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<sup>122</sup> See the Genealogical Technical Report for a discussion of membership issues.

share in the [ICC] award. But, the Taidnapam object to the Salish proposal to buy land for a reservation with a percentage of the award and they have, as a result, been able to convince all Washington Congressmen not to sponsor any further Cowlitz bills for distribution of the ICC award ceremonies (Fitzpatrick 1986, 29-30).

Fitzpatrick stated that, "The active Cowlitz families, even though scattered today, keep in touch with one another informally and through the biannual Meetings at Cowlitz Prairie near Toledo, Washington in November and June" (Fitzpatrick 1986, 31). She added that the:

Cowlitz give the impression they are victims of both the federal government and other Indians who are members of tribes with reservation land and considerable power such as the Yakima and the Quinault. These tribes have, in the past, taken the Cowlitz in as enrolled members, as allottees in some cases, and then later dropped some of them from their membership rolls (Fitzpatrick 1986, 82-83).<sup>123</sup>

The following year, 1987, the CIT submitted a documented petition for Federal acknowledgment through the 25 CFR Part 83 regulations. The petition indicated that there were 1,366 members of the Cowlitz Indian Tribe (the petitioner) (CIT Pet., Enrollment Forms and Ancestry Charts).

#### **Non-Claims Activity, 1974-1994.**

Petition for Federal Acknowledgment. On September 22, 1975, the CIT petitioned the BIA for organization under the IRA (BAR Files). See the further discussion under the impact of the ICC award.

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<sup>123</sup> Fitzpatrick described the primary interviewees upon whose data her dissertation was based as follows:

Most, but not all, of my sample of sources for interviews were drawn from the families represented in the Tribal Councils whose relatives have been involved in the Cowlitz issue since 1915. . . . 7 men and 11 women . . . In addition, because of the factions Cowlitz develop; four are Yakima enrolled, four were Yakima enrolled, two are Quinault allottees who are Cowlitz enrolled, and one is enrolled with both the Quinault and the Cowlitz" (Fitzpatrick 1986, 72-73).

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Fishing Rights. The 1979 CIT minutes reflected involvement in fishing rights issues. In 1980, the CIT joined with the Wahiakum Band of Chinook (Fitzpatrick 1986, 107)<sup>124</sup> in The Cowlitz Tribe of Indians, Chinook Tribe, Inc., et al. v. Ralph Larson et al on the issue of fishing rights. Cowlitz plaintiffs were John R. Barnett, Norman R. Monohan, Roger Nelson, Mae E. Pursell, Carolee Green, Nadine McKinney, Mary L. Wetzell, Joseph E. Cloquet, Richard Iyall, David Ike, Linda Foley and Daniel Van Mechelen (CIT Pet. Narr., 71).

Relationships with Other Tribes. The petition presented little documentation pertaining to the activities of CIT members who also are members of the Quinault Allottees Association. The CIT minutes did not reflect any substantial interest in this issue on the part of the CIT Tribal Council or General Council.

The "Yakima Cowlitz" Controversy. For the specific impact of changes made in the 1974 CIT constitution on membership eligibility, see the discussion above, under impact of the ICC award, and in the Genealogical Technical Report. According to Yakima Cowlitz representative William D. Northover:

Many of the Cowlitz descendants at Yakima were active in pushing our claim before the Indian Claims Commission and we used to attend meetings that were irregularly held near Toledo, Washington at the Cowlitz Prairie Grange Hill [sic] I can remember attending these meetings prior to the Indian Claims Commission ruling and there would be maybe 30 people in attendance all of whom were clearly Indian and were without question of Cowlitz descent. Some of our leaders included Sam Williams, Frances Northover who was my grandmother, and there were representatives of some of the large Cowlitz families such as the Umtuch family (Statement of William D. Northover, 24 June 1986; BIA Claims File, Docket 218, #2).

Post-1974 Yakima Cowlitz Contacts with BIA, etc. There is no indication that this controversy has moved closer to compromise or resolution since 1973. The minutes of the quarterly meeting of the Cowlitz Indian Tribal Council, November 4, 1978, showed the presence of a Yakima-Cowlitz

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<sup>124</sup> The Chinook are another federally nonrecognized group whose petition is currently on active status under 25 CFR Part 83.

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delegation consisting of: Cecil J. James, Jr., Parker, Washington; Bessie Lou Bristain Aiello, Yakima, Washington; Sarah Northover Carlsen, Harrah, Washington; Vera Mesplie, Toppenish, Washington; and Caroline Mills (CIT Pet. Ex. A-1903). The CIT called a special meeting May 5, 1979, at the Cowlitz Prairie Grange Hall, to discuss the involvement of the Yakima Tribe in distribution (CIT Pet. Ex. A-1906 - A-1908).

On March 19, 1983, Salish<sup>125</sup> and Yakima Cowlitz met at Morton, Washington, to try to resolve the differences on the ICC judgment award. This meeting was convened by the CIT lawyer, Dennis Whittlesy. It was held at the home of Victor Cloquet, a Catholic priest in Morton who was enrolled with the CIT (Fitzpatrick 1986, 96). Fitzpatrick described the participants as follows:

Bill Northover (Yakima)--grandmother was Taidnapam  
Kay Northover, sister of Bill (Yakima)  
Emma Mespli, elder, great aunt of Bill Northover  
(Yakima)  
Rosalie Charles (Yakima)  
Lorraine Chappell (Yakima)  
Victor Cloquet (Salish)  
John Barnett (Salish)  
Marsha Williams.

This dichotomy ignored the fact that prior to 1946, the ancestors of Cloquet, Barnett, and Williams had been enrolled at Yakima. However, the CIT participants were well aware of this, and of its implications for the distribution. John Barnett pointed out, "that using lineal descent as the method will bring in people from Warm Springs, Yakima, Quinault, Muckleshoot and probably all of the reservations in Washington" (Fitzpatrick 1986, 106).

At this 1983 meeting at Morton, Washington:

Bill Northover began the presentation of issues from his family's point of view by saying that his grandmother was a member of the Taidnapam "tribe" and that most of the people who were bringing the Cowlitz claim to the attention of the federal government in 1921 through the 1930's were the

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<sup>125</sup> Generally, Fitzpatrick simply classed all CIT members as "Salish Cowlitz," ignoring the fact that there are numerous Upper Cowlitz or Taidnapam descendants in the CIT membership.

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Yakima or Taidnapam Cowlitz (Fitzpatrick 1986, 98).

This meeting did not result in a resolution of the issue. On June 24, 1986, William D. Northover identified himself as a member of the Board of Directors of the Lineal Descendants of the Cowlitz Indians, Route 1, Box 1061, Toppenish, Washington 98948, in a formal statement before the House Interior and Insular Affairs Committee. He said:

I live on the Yakima Indian Reservation. My great grandmother is buried at an Indian cemetery [sic] by the Catholic church in Toledo, Washington. My grandmother, Frances Northover, was a leader in the effort to bring about a settlement for the Cowlitz Indians dating back to the 1920's . . . . (BIA Claims File, Docket 218, #2).

Fitzpatrick described the split between the group as based to a considerable extent on ethnicity:

Today Yakima-Cowlitz consider themselves Indian and the Salish Cowlitz as 'white indians'. For instance, Chappell said the reason they oppose the Salish Cowlitz idea to buy tribal land and be federally acknowledged is because they are too white, in a few years they will be totally white. She said, "they are like a social club." Yakima Cowlitz criteria are boundaries such as class and weigh heavily upon blood quantum, physical appearance, and certain culture traits such as language, religion, knowledge of traditions and legends . . . they are not Salish Cowlitz criteria . . . (Fitzpatrick 1986, 92-93).

During July of 1995, during field work for this Proposed Finding, a BIA researcher met with representatives Nina Umtuch Elwell and William and Roseline Charley of the Yakima Cowlitz at the agency office. The organization's position vis-a-vis distribution of the award has not changed.

Appendix I

Chart, Origin of the  
Western Washington Indian Agency

(NARS Seattle, Puyallup Preliminary Inventory)

I. ORIGINS OF THE WESTERN WASHINGTON INDIAN AGENCY

