

NOV 1 1988

Mr. Donald Mechals
P.O. Box 228
Chinook, Washington 98614

Dear Mr. Mechals:

The Branch of Acknowledgment and Research has reviewed the revised Chinook petition for acknowledgment, which was submitted in July 1987. The revised petition was submitted in response to our letter of obvious deficiencies sent to the Chinook in March 1982. This letter presents a detailed report on the results of the Branch's review of the revised petition to determine if it is ready for active consideration. While the revised petition is substantially improved, there are several important areas which the petition does not address or in which there remain substantial deficiencies. This review is provided to maximize technical assistance to your researchers.

You have the option of asking us to proceed with the petition materials we presently have. However, based on this preliminary review, if we were to place this petition on active consideration and issue a proposed finding based solely on the evidence submitted to date, we would probably conclude that there is not sufficient information regarding the modern community and present political system to meet the mandatory criteria for Federal acknowledgment (see discussion of items which are listed as ESSENTIAL). Essential information is also missing from the membership roll. There are also a number of specific deficiencies, discussed below as CRITICAL, which might also preclude the meeting of one or more of the criteria if the petition is not revised and more information supplied.

In order to facilitate your response, we have organized our comments to correspond with the seven mandatory criteria listed under Section 83.7(a-g) of the Acknowledgment regulations. Under each separate criterion we have further subdivided our requests for more information and/or documentation into three categories, according to their relative importance to your case as indicated by this preliminary review: 1. ESSENTIAL (criterion cannot be met without it); 2. CRITICAL (criterion possibly may not be met without it); and 3. IMPORTANT (necessary to clarify and/or strengthen the petition but not necessarily critical to meet the criterion).

Criterion B

The descriptions in the criterion b section focus solely on geographical patterns of residence, citing only the portion of criterion b referring to residence with a "specific area." While the data presented is detailed and significant, it is necessary to demonstrate that the Chinook constitute a

socially distinct community within which significant interaction is maintained among the membership. Geographical concentration is not in itself a requirement for acknowledgment, although it is often an important indicator for, or supporting evidence that, a community exists.

ESSENTIAL

Description of Modern Community

The revised petition contains almost no description of the modern community of the Chinook from the point of view of demonstrating that the Chinook meet criterion B, other than patterns of geographic residence. The description of the modern community also must include a systematic discussion of how, and to what extent, the Chinook members maintain relationships and interact with each other, and in what social contexts. Please describe activities and events which tend to bring the membership together. Contact between extended families and different family lines as well as within them should be addressed. Especially important are informal contexts, such as family gatherings, weddings, funerals, parties, etc. As an example of how social contact is maintained within the group, you may wish to describe a typical wedding or funeral of a member in terms of who attended the event or associated social functions. You may be able to use some of the same information in describing the community as that which is requested, in subsequent sections of this letter, to describe the flow of information and opinion in political processes.

There are a variety of ways and kinds of evidence that may be used to demonstrate the maintenance of significant contact and interaction among the Chinook membership. Your researchers may wish to discuss this with the Acknowledgment staff before proceeding to develop this information.

The description of the modern community should include a brief description of the kinds of distinctions and divisions that are recognized within the group today. Possible examples of such distinctions include, but are not limited to, family, geography, social class, political alliances, and historical bands.

Please also describe how members are considered a distinct community from non-Indians in the area. That is, what kinds of positive or negative social distinctions are made, beyond simply identifying individuals as Indians or as Chinook?

IMPORTANT

Historical Community

It is important to improve the description of the historical community to reflect the full criterion (see above), by supplementing the residence data and analysis presented with information indicating that a distinct community existed. It is especially important to improve the description of the post-1900 period. Some suggestions, based on materials in the revised petition, are presented below.

Please describe any evidence that shows that the Chinook, or its subgroups and settlements, were considered a distinct social community. One kind of evidence of this is historical references by outsiders to the group or to settlements, where it is clear that the writer is not simply referring to individual families or an organization. Examples of such data are the exhibits used to support the discussion of criterion a on pages 25 to 35 of the petition narrative.

Insofar as possible, describe what is known about the social organization and institutions within the historical communities or individual settlements. What social ties and links were there between the local areas of settlement? Were there cooperative social or economic efforts, such as fishing? Were there visiting patterns, or other social institutions, such as reunions or participation as a group in fairs and celebrations, which brought Chinook members together? Can more information be provided about annual meetings (including their political functions)? Was there a significant degree of intermarriage within the Chinook in this era? Describe any significant internal divisions or distinctions that characterized the functioning of the group. Some of the same data used to demonstrate internal political processes may be relevant here as well (see discussion below of criterion c).

There are also several specific questions that should be addressed in revising this section. In particular, please describe the historical relationships between the Chinook Tribe and the Shoalwater Bay Tribe after the establishment of the Shoalwater Bay Reservation. To what degree were they or have they become distinct communities and political entities? It is important to trace this relationship through all of the historical eras.

While the revised petition does include a response to our question concerning the Wahkiakum Band, it is unclear from the petition whether they were a distinct band during the historical period and have remained so until the present, or are simply families which have ancestry from more than one band. Similarly, while materials are included regarding the Chinooks and the Shaker Church, the petition provides little discussion of the role of the church in the Chinook community. Please describe how it was "a cohesive factor in the life of the Chinooks in the late 19th and early 20th centuries" as the petition states.

Criterion C

The present petition section dealing with criterion c, although revised, does not provide an adequate description of the historical political processes since the turn of the century or the political processes of the modern community. It is essential that, as part of the description of the modern community, materials be presented to show that the Chinook meet criterion c in the modern era. It is critical that additional evidence be provided for tribal political authority during the historical period after 1900.

For the sake of clarity and convenience, a discussion concerning the general kinds of evidence for meeting criterion c is presented together in a single section. Questions specifically relating to the historical period are discussed below in a separate section following the general discussion.

General Evidence for Criterion C

Presented below is a discussion of different types of evidence and argument that may be used to demonstrate that the Chinook meet criterion c, taking into account the specific character of the Chinook and the present, revised petition. While it may not be possible or necessary to provide all of these kinds of data, especially for the earlier historical periods, it is important to add to the limited information already provided wherever possible.

The revised petition focuses on organizational history and the external actions of the Chinook, especially with regard to the pursuit of land claims and fishing rights, and cultural, health and other programs for members. It is necessary to provide some description and data demonstrating that the leaders and the activities described represent or result from the maintenance of tribal political authority or other influence over the membership. The present description focuses largely on indirect evidence, with little direct discussion of internal decision-making processes or the exercise of political authority over the group's members.

To the extent possible, the treatment of tribal political authority should describe or provide evidence for the exercise of authority and how such authority is gained (i.e., the bases for leadership such as family, age, knowledge, wealth or other). It should describe the influence of leaders on the membership in as broad a context as possible, i.e., outside as well as within the context of events such as pressing land or other claims. Examples include, but are not limited to, dispute resolution, influence on what is considered correct behavior, and allocation of group resources. It is important to describe how leaders communicate with members and are influenced by membership opinion and by influential groups or individuals within the Chinook. How are community efforts mobilized and consensus developed (e.g., along family lines, by means of social pressure, etc.)? Demonstration of the existence of a cohesive community provides an important supporting context for demonstrating that tribal political processes exist now and have previously existed within the Chinook.

Actions by external authorities in dealing with the Chinook and their leaders may be significant evidence of tribal political processes where there is evidence that these authorities regarded the Chinook leaders as exercising authority in a general sense or regarded the Chinook as a political entity. A few such instances are mentioned in the revised petition. When presenting such information it is important to make clear the bases of such actions toward the Chinook.

It is important to present whatever data is available to support and elaborate on specific statements in the revised petition about the exercise of tribal political authority. For example, is there more information concerning local community leadership? The petition indicates representation in the Chinook organization between 1925 and 1952 was drawn from the different local communities. Exhibit 519 makes reference to Chinook headmen organizing fishing crews. Also, can more be said concerning the "decades of collective decision-making by various family units" and the "consensus of family units

about tribal interests" which are referred to in the petition as existing before 1920? Did these mechanisms continue after the formal organization of the Chinook?

As background to the tribal political process, it would be useful to describe politically significant divisions within the group now or in the past, such as family or geographical groupings, and how they have affected political processes. Description of political conflicts and how they have been dealt with can be important in demonstrating the exercise of political authority. Another approach is to describe political transitions, i.e., how leaders are replaced and new individuals gain status as leaders (beyond the simple fact of elections).

Specific Questions Regarding Historical Political Authority

It is critical to provide further explanation of the political functioning of the Chinooks between 1958, when Roland Charley died and 1970, when, according to several sources in the petition, the tribe was "reactivated." While considerable additional information has been provided concerning the relationship between the Chinook Nation and the Chinook Indian Tribe and their differing functions, the information concerning what governance functions were being carried out by the Chinook Nation between these years is extremely limited. If detailed documentation is not available, you may wish to develop oral history to supplement the available documentation.

It is important to add to the information concerning the Business Council organized in 1925. What were its specific functions? What is the nature of the reorganization that occurred in 1951 and how did the new organization differ from the old one? Also, can more be said concerning the role, if any, of the Shaker Church in Chinook leadership?

Criterion E

ESSENTIAL

The membership roll provided does not include certain essential information previously requested. The roll should include the complete current address and the date of birth of each member.

IMPORTANT

In addition, please include the maiden names for all married women. The group's membership roll should itself be dated and a resolution from the Chinook council should be provided which accurately describes the roll and certifies it as the group's official roll.

What significance should be attached to the numbers utilized on the Chinook Tribal Enrollment List (pp. 312-338 of the petition narrative volume)? What significance should be attached to the numbers which appear on the labels of the individual genealogical folders?

Documentary Materials

IMPORTANT

The following documentary materials are important to complete the documentation of the petition. We appreciate the submission of the previously requested materials and the extensive additional documentation of the revised petition.

Documentary Materials Requested:

1. A sample of newsletters from 1982 to the present, to update our files.
2. A sample of minutes from 1982 until the present. These should include meetings where the 1984 constitution was adopted and subsequently modified and meetings concerning the revised enrollment.
3. Available newspaper articles from 1930 to 1949.
4. The 1906 Skamokawa Eagle article referred to on page 145 of the narrative.
5. Copies of the newspaper articles excerpted for exhibits 427-31 and elsewhere where a complete transcript was not provided.

Questions about Availability of Additional Documentary Materials:

1. Are there church records concerning the two Chinook Shaker churches?
2. Are the records concerning the 1945 Quinault v. United States case available?
3. Are there any records of the Business Council established in 1925?
4. Is there a separate roll, other than the 1914 payment roll, of the 1913 McChesney Supplemental Enrollment (exhibits 154 and 197), i.e., other than the affidavits supplied?

Missing or Illegible Exhibits Requested:

1. The following exhibits are illegible, and clearer copies are requested: 217, 218, 232, 258, 259, 261, 262, 287, 331, 359, 379, 414 and 415.
2. The following exhibit is missing: 155.
3. The following exhibits were incomplete or missing part of a page: 86, 341, and 396.

OTHER COMMENTS

Criterion A

The section on criterion A has been extensively rewritten and enlarged, drawing on a larger body of sources. While questions concerning criterion A may arise during the course of active consideration, this section of the original version of the documented petition had no immediately obvious deficiencies and was adequate for active consideration. As revised, this section is improved, and more than sufficient for active consideration of the petition. The section contains some discussion and reference to materials relating to criteria b and c which you may wish to utilize in revising those sections.

Suggested Format

We suggest that in revising the petition the materials pertaining to description of the modern community with regard to criteria b and c be treated in a single, unified narrative. Although not mandatory, it is our experience that such treatment is preferable for ease of analysis and presentation.

Previous Federal Recognition

Much of the petition is directed at establishing, on the basis of past Federal actions, that the Chinook are now, and have continuously been, a federally recognized tribe. In particular, much of section a is a description and analysis of past Federal actions treating or appearing to treat the Chinook as a recognized tribe. Previous recognition is only considered under the Acknowledgment regulations, 25 CFR 83, as one of several kinds of evidence that may be used to demonstrate that the petitioner meets criterion A. The regulations make no provision for a petitioner to be acknowledged based solely on past Federal actions. However, a detailed factual examination of previous Federal policies and actions dealing with the Chinook will be made as part of the acknowledgment study. The Department's position on this question, as expressed in testimony at the May 1988 Senate hearings, is that past recognition actions do not carry with them the presumption of continued recognition, absent a showing of continued tribal existence. A copy of this testimony is enclosed for your information.

Some past Federal actions indicating recognition or identification of a group as a tribe may provide useful direct or supporting evidence concerning the existence of a community and of tribal political processes. Not all actions dealing with an entity, however, are premised on the existence of a tribe. Bureau actions taken in relation to organizations pursuing a tribal claim were not necessarily taken on the basis that the organization was considered to be tribal in character. In the case of claims under the Indian Claims Commission Act, "identifiable groups" other than recognized tribes were authorized to bring claims before the Commission. Such groups were dealt with by the Federal Government on that basis while the claim was being pursued. They were also dealt with on the same basis after an award was made, during the process of determining which persons and Indian entities were successors in interest to the historical tribes which had sustained the loss on which the award was based. Actions may also be taken because of individual trust responsibility, e.g., where public domain lands are held for an individual, without it being clear that they are premised on the continued existence of a tribal political entity. It is necessary, therefore, in presenting evidence of Federal actions, to clearly establish the character of, and the basis on which, these actions were taken.

Updating the Membership List

We suggest that the group keep its membership list current by recording new births and deaths which take place in the interim between the date when your complete list is submitted to us and the date when the group's petition is placed on active consideration. When the group is notified that the petition is being placed on active consideration, a supplemental list can be submitted to be attached to your previous list. The supplemental list would include additions to the membership, such as newborn infants, who are considered to be members, and individuals who were inadvertently omitted from the former list. The supplemental list should also note members on the former list who have since died. We appreciate the offer to provide updated addresses at the time the petition is placed under active consideration. As stated above, if the group is acknowledged, the updated list of members will become the group's base roll for Bureau purposes and, as such, will be binding on the group for some time to come, except for minor corrections.

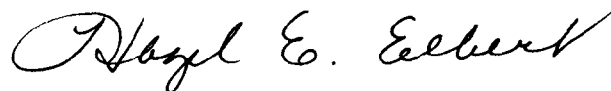
The obvious deficiencies letter is a requirement which is provided for in the regulations to insure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The obvious deficiency letter, and this letter reviewing your response to the obvious deficiency letter, do not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in these letters. Nor does the fact that a petitioner responds to the letters imply that the group meets the seven mandatory criteria by simply submitting additional data. The obvious deficiencies review, and the follow-up preliminary review of the response, merely provide the petitioner the opportunity to submit additional information or clarification prior to active consideration. It is during the active consideration period that the petition will be thoroughly reviewed and evaluated to determine whether or not the group meets the requirements to be acknowledged as an Indian tribe.

The staff's research during the active consideration period is for the purpose of verifying and/or elaborating on an already complete petition. The staff's caseload no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent that they have done in the past. Therefore, it is important that your researcher provide us with as much data as possible regarding those areas in the petition which we have noted as being deficient.

The Acknowledgment staff will be in touch with you by telephone to discuss the information requested above. They will be happy to answer any questions you may have at that time. Should additional data be needed or questions arise in the future as a result of on-going research during active consideration, we reserve the right to request this information.

If you have any questions regarding this letter and the information that has been requested, please contact George Roth, the Acknowledgment staff member responsible for Washington State petitioners. You may reach the Branch at (202) 343-3592, or by writing to the Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 18th and C Streets, N.W., Washington, D.C. 20240. Please note that there has been a change in our mailing address and telephone number.

Sincerely,



Deputy to the Assistant Secretary -
Indian Affairs (Tribal Services)

Enclosure

cc: Portland Area Office (Tribal Operations)
Puget Sound Agency
Tulalip Tribes
Bell and Ingram
Forrest Gerard
STOWW
Senate Select Indian Committee
Sen. Brock Adams
Evergreen Legal Services
Dennis Whittlesey
Stephen Beckham
Quinault Tribe
Administration for Native Americans (Dennis Gray)
Attorney General - Washington State
Governor of Washington State