Chinook Justice: A Survivance Journey

by

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DISSERTATION ABSTRACT

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After more than a century of struggle, the Chinook Indian Nation achieved a moment of justice in the form of federal recognition at the close of the Clinton Administration in 2001. The triumph was short-lived. Just eighteen months later, the celebration turned into heartbreak as the Bush Administration, under the influence of another tribe, rescinded our hard-earned acknowledgment. Betrayal by the federal government not only upended my nation's future but also disrupted generations of resistance efforts. The loss of federal recognition encapsulates the Chinook's enduring struggle with the United States government. This dissertation delves into structures, processes, and critical moments in the Chinook Indian Nation's fight for justice. What signifies justice has changed over time and generations due to the shifting and permeating nature of settler colonialism; however, the protection of our sovereign authority over our people and place of origin, as well as our Indigenous rights, have been centered. Throughout this decolonial justice journey, we have continued to center and preserve the well-being of the Chinook people, the other-than-human world, and our epistemologies. To illustrate this, I will employ a multimedia mixed-method approach, drawing from historical and contemporary voices within the Chinook Justice Movement. This survivance narrative not only adds to but also reshapes our comprehension of coloniality and Indigenous resistance, making a unique and significant contribution to the field of Native American and Indigenous Studies.

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DEDICATION

This dissertation serves as a love letter to my Chinookan ancestors, contemporaries, and descendants. I embarked on this venture to uplift your enduring struggle, empowered by your collective refusal to be erased, and your persistent love for our people and place. I love you. I appreciate you. You are valued members of my family. I see you, and I hope through this work the world will see you in a new light.

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FOREWORD

I was born the same year that Chinook submitted our revised petition for federal acknowledgment to the Bureau of Indian Affairs. I was about six months old when that happened. I don't remember the first Tribal Council meeting I attended or the first social justice event I participated in. Throughout my early years, my mom took me to countless rallies and other direct-action events related to racial, gender, mental health, and environmental justice issues. In these spaces, I learned the importance of civic engagement and the power of collective action. She and my chicha, Judy, also made sure I attended tribal gatherings, and there they instructed me to listen to my elders and pay attention to tribal affairs. I was present during our community's discussions about federal acknowledgment in the 1990s. I witnessed our leaders fight to protect significant sites such as Middle Village and Cathlapotle. I am grateful for these experiences because I am now a bearer of community knowledge and wholly committed to fighting for justice.

When we are young, we are asked what we want to be when we grow up. I have wanted to be many things. I never imagined, even after earning my bachelor's degree, that I would go on to earn a doctorate. When I was little, it was a toss-up between becoming an environmental activist and becoming a general contractor like my mother. That was a big achievement in my family. For generations, my relatives had worked in canneries, factories, oyster farms, or were fishermen, loggers, and road builders. My mom wanted a different life for herself. Despite not having graduated from high school, she earned her general contracting license and started her own business. Life was by no means easy for her or our family. We weren’t financially well off, but we got by. Still, I looked up to her. She showed me that with hard work and determination, I could create a different life for myself and the world around me.

Recently, I found a paper I wrote in elementary school. Based on the date, I must have been in the 1st or 2nd grade. The assignment was to write about MLK's dream and share a dream of my own. I wrote that I dreamed of a day when our ecosystems were healthy, old-growth forests were protected, and the fish had returned. I remember being told that in the old days, during the salmon runs, the river was so full of salmon that it looked as if you could walk across their backs. That's what I wanted to make happen again. Even as a small child, my cultural teachings about being a good relative to humans and other-than-humans had been ingrained in me.

Because my family had limited resources, I took part in every free extracurricular program offered by my school district, the Portland Public School Indian Education Project (Indian Ed), and the Native American Youth Association. It was in those programs that I was told I could succeed. At age six, I was diagnosed as non-neurotypical, and because of my different ways of engaging with the world, many of my peers and teachers disliked me. I was told that I was loud, too hyper, disruptive, and distracting. I worked hard to mask and act like my peers. I became very skilled at it by establishing strict routines and incorporating various therapies and coping strategies into my daily life. I remember the first time someone told me I was smart and should go to college. The Native American recruiter for the University of Oregon had been invited to speak at one of Indian Ed's monthly Family Nights. While we were eating, the recruiter sat down and talked with my mom and me. After a while, she told my mom, "This young lady is very smart. She will be very successful in college." Until then, I never thought college could be a path for me.

As I spent more time involved in Native-led educational programs, I discovered new passions and became committed to pursuing a career as a fisheries biologist. I developed my

work ethic and research-oriented mindset well before college. When I was fifteen, I served as an apprentice to Keith Hatch (Siletz), a fisheries biologist in the Bureau of Indian Affairs Northwest Region Office. There, I participated in biological opinion hearings, studied tribal treaties of the Pacific Northwest, and conducted fisheries-related research with the Columbia River Inter-Tribal Fish Commission. This is what I was doing when Chinook lost our federal acknowledgment. I provide more detail about that moment in Chapter 1. During my teens, I was involved in an American Indian/Alaskan Native research team sponsored by the Oregon Museum of Science and Industry. With that organization, I traveled across the Pacific Northwest to work on environmental and fisheries restoration projects with tribes and learn from traditional ecological knowledge bearers. When I began my undergraduate career at the University of Oregon (UO), I quickly learned that the sciences did not respect Indigenous methodologies and ways of knowing. Due to the limitations of the UO Environmental Sciences Program and the upheaval caused by the loss of Chinook's federal acknowledgment, I redirected my studies toward Ethnic Studies. The first Ethnic Studies course I took was taught by Dr. Beth Piatote (Coville). Had I not taken this course, I am unsure if I would have earned a Bachelor of Science in Ethnic Studies.

As an undergraduate, I was deeply involved in the campus community. At that time, Native American and Indigenous Studies had not yet been established, and the institution refused to departmentalize Ethnic Studies. I was part of the student-led coalition that achieved what we called the four demands. We fought to implement institution-wide diversity plans, strengthen the Bias Response Team, departmentalize Ethnic Studies, and create a Queer Studies track. As a student leader of the Native American Student Union, the Multicultural Center, and in student government, I built relationships with student leaders from other marginalized communities. It was through those relationships that we organized the Jena 6 demonstrations and hosted

numerous freedom schools. I believe that a decolonized future is impossible unless all communities affected by colonization collaborate. In the spring of 2010, I graduated from UO with a Bachelor of Science in Ethnic Studies.

After leaving UO, I worked at Portland State University (PSU) for several years as the Manager of the Native American Student and Community Center (NASCC). During this time, I exceeded my direct supervisors' expectations and worked to build program capacity, increase fundraising efforts, and strengthen community partnerships. When I began my career at PSU, the NASCC faced a $150,000 financial deficit, needed development of community partnerships, and lacked strategic plans for engaging with tribes. I was committed to improving all three areas while advancing the NASCC's mission, with students at the core of our efforts. Within 2.5 years, I successfully turned the center's finances from a deficit into a surplus and established partnerships with numerous organizations. Not only did I accomplish what my hiring committee deemed impossible, but I also chose to continue developing my skills through university training and involvement with the Coalition of Communities of Color. Around this time, my previous supervisor retired, and PSU hired a new Director of Diversity and Multicultural Student Services. Without going into too much detail, the person wasn't a good fit and made the work environment toxic. After giving birth to my oldest son, it became clear that the hostile workplace was affecting me, so I decided it was time to leave. Before departing PSU, I helped the Student Affairs Division create several new positions to support Indigenous students.

After I left, I focused on my own community. I had already been assisting the Chinook Canoe Family with fundraising efforts and had joined the Tribe's Communications Committee. Because of this work, the Tribe's citizens elected me to be an officer of the Tribal Council. I discuss this moment in detail in Chapter 3. While I enjoy many aspects of my work with the

tribe, the most rewarding part is raising awareness of the Chinook Indian Nation at local, regional, national, and international levels through public speaking, community service, and publications. This is one of many reasons that I decided to pursue graduate studies.

When I applied to graduate school, it was during one of the most vulnerable moments of my life. I had only served on the Chinook Tribal Council for a few years, but the stress of nation-building and guiding our Chinook community through the COVID-19 pandemic took a heavy toll on my nervous system. Additionally, my grandmother and auntie passed away, and the family I was raised in was falling apart due to untreated mental health issues, as well as drug and alcohol addiction. The pressure became so overwhelming that several discs in my cervical spine herniated and ruptured. When I submitted my application, I had nearly lost all function in my right arm and was living with constant pain. Driven by determination, I pushed through.

In my application, I stated my intention to conduct a comparative case study of tribes in the Pacific Northwest and their experiences with federal recognition, specifically focusing on the Chinook's fight for acknowledgment. I chose this approach because most of the texts assigned to me during my undergraduate studies followed the Comparative Ethnic Studies paradigm. A few days after submitting my application, I underwent disc replacement surgery. I was still recovering and in physical therapy when classes started. During my first year in the Indigenous, Race, and Ethnic Studies doctoral program, I decided to move away from the comparative research approach. Instead, I immersed myself in Native American and Indigenous Studies, Decolonial Studies, and Relational Ethnic Studies coursework and literature. I knew I wanted to write a dissertation that primarily focused on Chinook's story while connecting it to broader discourses on Indigenous resistance. The Chinook Indian Nation doesn't need to compare itself to other tribal nations. We need to be recognized and respected for who we are.

Throughout my graduate school journey, I have actively shaped the stories told in this dissertation. I was finishing my first term when the Bureau of Indian Affairs held the hearing to determine the fate of our Docket 234 trust account, as I discuss in Chapter 3. In Chapter 4, I share the story of my appearance on Native America Calling. I participated in that interview in one of the university's parking lots before heading to class. I was challenging and transforming social, economic, political, and physical landscapes throughout my time in graduate school. The university did not direct my research. Instead, my research topic influenced my academic experience, as I intentionally chose courses that would enhance my efforts in telling Chinook's survivance story.

INTRODUCTION

The Chinook Indian Nation has existed at the mouth of iyagaytɬ imaɬ[1] since we emerged from the landscape[2]. Through a range of interconnected strategies of Native erasure, the United States has attacked our sovereignty and our right to exist in our homelands. In 2001, we thought we were coming into a new era of healing, growth, and recognition of our tribal sovereignty by the United States government when we received notice of federal acknowledgment and when our tribal leaders were invited to Washington, D.C., to attend the ceremonial signing of our recognition documents at the Bureau of Indian Affairs' Main Interior Office. Just eighteen months later, however, the Bureau of Indian Affairs, under a new regime, revoked our hard-won recognition.

Our story is full of resistant survival, what Gerald Vizenor has artfully called survivance.[3] This dissertation chronicles Chinook's campaigns for justice over multiple generations, starting with a focus on the events of 2001-2002, spiraling backward and forward in a time spiral to reveal the interconnections of our story with the stories of other tribes and the United States more broadly. In examining Chinook's story, what do we learn about U.S. government-to-tribal, intertribal, and intratribal relations? What does this survivance narrative expose about federal acknowledgment policies and processes? What does it divulge about Indigenous erasure and statism? What insights does it uncover concerning survivance, co-resistance, and Indigenous conceptions of sovereignty?

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[1] iyagaytɬ imaɬ is the name of the Columbia River in the Lower Chinook dialect of the Chinookan language family. It translates to big river.

[2] Often, Indigenous scholars and non-Indigenous allies use the term time immemorial. I do not use this term to reference Chinook's belonging to our place, because our ikanum tell the stories of how, when, and why we emerged from the landscape. We remember.

[3] Vizenor, Gerald. *Survivance: Narratives of Native Presence.* University of Nebraska Press, 2008.

While a substantial body of literature exists on Indigenous survivance, identities, land claims, restoration, and the Office of Federal Acknowledgment, Indigenous nations are not a monolith, and our relationships with the United States government are far from uniform. The experiences of tribes in other regions of the United States (e.g., the South, East, Midwest, Southwest, California, etc.) differ significantly from those of tribes in the Pacific Northwest. Even within individual states, Indigenous/colonial relationships exhibit marked variations. Place, time, policy, social constructions, and colonial agents all play pivotal roles in shaping the experiences of tribal nations with the United States government. As Vine Deloria Jr. aptly points out, federal Indian policy is not a static entity but is developed and employed at the discretion of politicians.[4] As the agents and leaders of the United States government change, so does the treatment of tribal nations. Federal Indian policy is a dynamic and diverse landscape across geopolitical terrains, inviting further exploration and understanding.

The Chinook Indian Nation's fight for justice differs from other Indigenous nations; however, familial similarities exist. At the confluence of a hegemonic ideology, politics, law, science, popular discourse, and literary/cultural production, Indigeneity is colonially constructed.[5] Colonial discourse depicts the Chinook people as vanished from the mouth of iyagaytł imał. Within the academy, few comprehensive studies have been conducted on the Chinook Indian Nation's historical and contemporary struggle for justice, and those that do exist have been conducted from an outsider's perspective.[6]

[4] Deloria Jr. *Custer Died for Your Sins: An Indian Manifesto*. Macmillan, 1969.
[5] Maddison, S. "Indigenous Peoples and Colonial Borders, Sovereignty, Nationhood, Identity, and Activism." In *Borders Politics: Social Movements, Collective Identities, and Globalization*, edited by N. A. Naples and J. B. Mendez. New York University Press, 2015.
[6] See Daehnke (2017), Robinson (2013), and Boyd & Ames (2013).

As a Chinookan researcher, I have immersed myself in Chinookan history, culture, governance, and politics, with insights about the community that outside scholars cannot access. My scholarly work in the field of Native American and Indigenous Studies provides me with a deeper understanding of the macro-social constructions that shape the Chinook experience. These understandings inform my decision-making as a leader of my tribal nation and enable me to actively disrupt colonial futurities. Within the academy, I am positioned as an Indigenous researcher. I can access the center and understand Western research frameworks, but work in the margins to shift power dynamics. These multiple points of information and access position me as an edgewalker, renegotiating the emic/etic divide.[7] As an edgewalker, I serve as a conduit between the academy and the Chinook Indian Nation, exposing untold stories and challenging existing literature. The academy has been a space of ambivalence that has harmed the Chinook community (through practices of erasure and elimination and discourses of primitivism) and supported the Chinook Nation (through collaboration, documentation of historical events, language preservation, and awakening, etc.). The methodological approach that this dissertation employs honors both of these truths. Having a Chinook citizen within the academy doing the edgework provides gateways for the Chinook Indian Nation to gain autonomy over our own stories. The Chinook Nation has not vanished, and this *Chinook Justice: A Survivance Journey* actively interrupts colonial imaginings of my nation. While my research framework is firmly grounded in place and Chinookan protocols, this approach has significant implications for how Indigenous people conceptualize research and engage with the academy.

[7] Beals, Fiona, Joanna Kidman, and Hine Funaki. "Insider and Outsider Research: Negotiating Self at the Edge of the Emic/Etic Divide." *Qualitative Inquiry* 26, no. 6 (2020): 593–601.

chinuk munk-upqwəna yaʔim or Chinookan Basketweaving Stories as Methodology

I strive to be a Chinookan researcher who frames the work through a culturally specific, Indigenous feminist, de-/anti-colonial lens. I have no intention of replicating the systems and structures that oppress, cause harm, and reproduce colonial futurities. As a citizen of an Indigenous nation whose community consistently fights erasure from the physical, social, economic, and political land and waterscape and as a researcher driven by Chinookan ways of knowing and engaging in the world, my work requires a framework for conducting research and writing that is legible to both the academy and my community. It is for this reason that I introduce chinuk munk-upqwəna yaʔim, a Chinookan framework for research and writing.

Starting with my fourth great-grandmother's story, I describe how basket-making represents Chinookan storytelling, literally and metaphorically. Basket-making and the production of scholarship require the practitioners to steward, collect, and process the materials required for the craft's creation. "Basketweaving and Research" illustrates the basket-making process as a roadmap for conducting research and as a physical embodiment of ancient Chinookan storytelling traditions. Embedded in Chinookan protocols,[8] chinuk munk-upqwəna yaʔim is a mixed-method, multimedia research approach that accommodates aspects of Western knowledge production while rejecting others. This means the framework engages with academically accepted methods (i.e., qualitative and quantitative research methods) but on terms that resonate with a Chinookan worldview. Māori scholar Graham Smith refers to this as making "strategic concessions."[9] Refusal as a decolonial tool and an analytical practice allows

[8] Within my community, protocols are our ancestral teachings. They guide nearly every part of our daily lives, are the rules and ways of engaging with the world, and, if practiced in the present, lead to cultural strength and well-being. Cushman et al., "This Is What Makes Us Strong: Canoe Revitalization, Reciprocal Heritage, and the Chinook Indian Nation."

[9] Smith, Graham. "Interview: Kaupapa Maori: The Dangers of Domestication." *NNew Zealand Journal of Educational Studies* 47, no. 2 (2012): 10–20.

Indigenous peoples and other marginalized communities to reject the way we are coded within settler colonial societies and structures.[10] Instead of accepting settler normativity, refusal is generative, bringing new possibilities into vision. Again, the aim of chinuk munk-upqwəna yaʔim is to have Indigenous scholars craft our unique worldviews into the literature.

chicha Jennie's Basket Story



Figure 1: Jennie Telzan-Lane (later Williams) and her daughter, Louisa Lane, at their Indian Place home in Seaside, Oregon – Photo Courtesy of the Chinook Indian Nation.

My chicha,[11] Jennie Telzan, wove beautiful baskets. Each basket she created had a purpose, and every design had a meaning. Her baskets told stories. She made, used, and traded

[10] Tuck, Eve, and K. Wayne Yang. "Unbecoming Claims: Pedagogies of Refusal in Qualitative Research." *Qualitative Inquiry* 20, no. 6 (2014): 811–18.

[11] chich or chicha is the Chinuk Wawa word for grandmother. In Chinookan culture, we do not differentiate between great-grandparents and grandparents. Neither is more important than the other. An important thing to note, chicha Jennie and I are only separated by two generations. My family has always lived in multigenerational households.

her baskets during a transformative time in Chinook's colonial history. She was born in the early 1840s, roughly a decade before the Anson Dart Treaties occurred at Tansy Point, Oregon.[12] As a child, she witnessed our hereditary leaders fight to stay in our homelands with the bones of our ancestors. She would eventually become some of our hereditary leaders' mother, grandmother, and ancestor. She experienced the immediate ramifications of the United States Senate tabling our treaties. She survived the starvation that killed many in our community when the provisions promised in those treaties did not arrive, and resisted the impending colonial economy through her basketry. When colonial economies became the dominant force in the region, chicha Jennie's basketry evolved into what Paige Raibmon calls a "doorstep economy," meaning that she participated in wage labor to preserve traditional crafts and supplement her income. chicha Jennie's baskets became a site of strategic concession.[13]

Chinook baskets are a physical manifestation of our resilience and survivance stories. This is why chinuk munk-upqwəna yaʔim, or Chinookan basketmaking stories, serve as a methodological framework for capturing and telling our survivance stories. Basketmaking and research are not dissimilar. Both require that the crafters gather materials and assemble them in a way that results in a story. chicha stewarded, harvested, and prepared the other-than-human relations needed to weave her baskets just as I steward, gather, and organize the information necessary to reveal survivance narratives that reshape how we think about coloniality,

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chicha Jennie raised my chicha Nina, who raised my chupe (grandfather) Jim, who called me his baby. Even though chicha Jennie was born nearly 145 years before me, she has significantly impacted my life and worldview.

[12] The Anson Dart Treaties at Tansy Point, Oregon, occurred in August 1851. The U.S. government desired ownership of the mouth of iyagaytɬ imaɬ and adjoining sea coast. It sought to move all the Chinookan-speaking tribes at the mouth to the Yakama Reservation, east of the Cascades. Our hereditary leaders, who served as negotiators and signers of the treaties, fought to stay in the territory with the bones of our ancestors. After the negotiations concluded, Dart returned to Congress, but the U.S. Senate tabled the treaties, leaving them unratified and the tribes that now make up the Chinook Indian Nation in a legal grey area.

[13] Raibmon, Paige. "The Practice of Everyday Colonialism: Indigenous Women and Work in the Hop Fields and Tourist Industry of Puget Sound." *Labor Studies in Working-Class History of the Americas* 3, no. 3 (2006): 26.

Indigenous resistance, and futurities.[14] chinuk munk-upqwəna yaʔim is interdisciplinary and employs a multimedia, mixed-methods approach.

Basketweaving and Research

There are many different kinds of baskets with different purposes. Baskets are not just décor or static objects. They are living entities within my community tasked with receiving, preparing, and storing other non-human relatives, soothing slumbering babies, protecting our bodies from the elements, and much more. Each basket created is unique and of service. Baskets are made of warps, wefts, and twine and built upon a foundation. Foundationally, my chicha's baskets were crafted by gathering plant relations from our homelands and utilizing techniques and designs of the Chinookan people at the mouth of iyagaytɬ imaɬ and the adjoining sea coast. Our baskets are distinct and can be easily identified as Chinookan. In basket making, the backbone materials that strengthen the basket are warps. Wefts are woven in, around, and through the warps. Wefts build a basket's walls and patterns. The patterns built into the basket's form are also essential to a basket's overarching story. All of the materials are held in place by twine. Together, these components form a basket. However, it is crucial to note that not all baskets require wefts. Folded bark baskets do not require additional materials beyond warps and twine. The use of and omission of wefts is revisited later.

Warps

chinuk munk-upqwəna yaʔim replicates the basket-making process and serves as a research roadmap. Framed by a Chinookan worldview, this methodology involves weaving

[14] Futurities are shaped by the past and take form in the present through the resurgence of Indigenous knowledge, philosophies, value systems, and practices, giving life to dreams and possibilities for futures not shaped by colonial imaginings.

various methods around, in, and through each other. Indigenous autoethnography serves as the warp of a survivance story. It is the backbone of the methodology, providing space for Indigenous researchers to share the stories we carry. Michelle Bishop (Gamilaroi) asserts that Indigenous autoethnography is "a distinct, and decolonizing, approach to research/researching. Indigenous autoethnography differs from autoethnography by centering Indigenous axiologies, ontologies, and epistemologies."[15] I am a window into Chinook's survivance stories and worldview. I have insights about my community that only I can access. I carry intergenerational yaʔim, stories of our recent past, where time is expansive. yaʔim are not to be confused with ikanum, the ancient stories that tell us how our homelands were formed and how our people emerged from our place. ikanum teaches lessons about how to behave and engage with the world around us. Whereas, yaʔim are our stories from before, during, and after contact. They recount our responses to the colonial invasion in the centuries that followed. yaʔim are the stories that live within the community, our families, and other-than-human relations. yaʔim are my stories – my lived experiences. I possess a repository of Chinookan knowledge that is exclusive to me. The yaʔim within me comes from a lifetime of actively listening, learning, and being culturally and politically engaged within the Chinook community and our homelands. Indigenous autoethnography, as a standalone method in dialogue with existing scholarship, is what I would call a folded-bark basket. Many of my publications have used this methodology, and I will continue to do so.

[15] Bishop, Michelle. "'Don't Tell Me What to Do' Encountering Colonialism in the Academy and Pushing Back with Indigenous Autoethnography." *International Journal of Qualitative Studies in Education*, 2020, 2.

Wefts

There are several reasons why Indigenous scholars choose to weave other methods into, around, and through Indigenous autoethnography. Firstly, despite Indigenous scholars calling for academic frameworks that privilege Indigenous knowledge production, the academy continues to center Western, settler colonial, and non-Indigenous thought and frameworks, requiring Indigenous scholars to provide "proof" with external evidence and expertise. Pushing the boundaries of settler normativity within the academy has many risks. Scholars may be denied publication or tenure if their work isn't legible to those who center Western thought and frameworks. My reason for including other methods is in defiance of this reason.

I conceptualize chinuk munk-upqwəna yaʔim as a framework for revealing survivance stories, and the inclusion of wefts in this methodology is an act of refusal. Indigenous peoples do not need outside experts to tell us who we are or provide an analysis of our experiences. I include wefts because I honor our stories as having always been polyvocal. This methodology decenters the colonial logic of individualism, privileging collective knowledge. There will be moments when we, as Indigenous scholars, don't have the experience to weave a folded bark basket. While Indigenous people should be treated with respect and authority on issues that impact us, it's essential to acknowledge that we have limits. I am an access point for my community's stories; however, there are countless stories that I do not carry, and many that are more impactful than mine.[16] Basket-making requires the crafter to strategize. Because wefts build a basket's walls, the research methods employed within a weaving project depend on the story's needs and

[16] There may also be instances when we don't feel comfortable centering ourselves. The academy does not deserve access to all of our yaʔim. This methodological approach rejects the academy's extractive practices.

serve to "strengthen" and/or corroborate our stories, making the survivance stories polyvocal and legible within the academy.

While this framework engages with academically accepted methods, it does so in ways that align with a Chinookan worldview. The archives, for example, are a site of power. Without influence over the archive, there can be no political power.[17] Settler colonial archives are not unbiased and originate as a project of Indigenous dispossession and disappearance, framed by colonial imaginings. One must approach colonial archives cautiously because "who gets to speak with authority and credibility is decided by the state, making the archive an exercise as well as an artifact of governmentality."[18] Indigenous peoples have had very little power or autonomy over Indigenous collections held within colonial institutions. While my research often requires access to and engagement with dominant media, museum, government, academic, and other colonial archives, which are habitually skewed because they are the colonial version of events, I also source records from my nation's archives.

Some of the Chinook Indian Nation's archives result from archival reclamation, meaning that colonially controlled archives about my people and place have been returned to the nation through collaboration with researchers, litigation, and Freedom of Information Act requests. However, much of the nation's archives stems from my community's understanding that the written word has power and serves as an instrument for building autonomy over our stories. Through community efforts to document our long, rich histories and current realities, the Chinook Indian Nation has built a significant archive. The state does not decide who has the

[17] Manoff, Marlene. "Theories of the Archive from Across Disciplines." *Portal: Libraries and the Academy* 4, no. 1 (2004): 9–25.
[18] Ouden, Amy E. Den, and Jean M. O'Brien, eds. *Recognition, Sovereignty Struggles, & Indigenous Rights*. The University of California Press, 2013.

authority and credibility to speak within the Chinook archives. It is a site of self-determination. For this reason, I engage with colonial, tribal, and other non-colonial archives, defining archives broadly.

Archives are repositories of knowledge. They provide historical information about places and people. Non-colonial archives are places where stories reside that aren't immediately legible or accessible to the academy. Within a Chinookan worldview, I am an archive. My dreams are archives. Every person in my community is an archive—our collections of cultural artifacts are archives. Our songs and dances are archives. The yaʔim and ikanum passed down through our oral traditions are archives. The land and water formations within our nations' territories and the other-than-human relations within these formations are archives. These archives hold stories, and their stories are part of what shapes who we are. My elders taught me that if we listen to our story keepers (human and other-than-human), the knowledge of what it means to be Chinook will always persevere. Because Indigenous knowledge transmission is multifaceted and occurs beyond the constraints of the written word, chinuk munk-upqwəna yaʔim engages with Chinookan oral histories and other qualitative and quantitative methods as wefts to ensure our stories are truly polyvocal.

Twine

The final component woven in is engagement with existing scholarship. Native American and Indigenous studies as a field is concerned with the following significant themes: discourses and ideology, modes of settler colonialism, epistemology, legal and political classifications, and futurity. These themes emerged through Indigenous resistance to subjugation (both overt and covert), through Indigenous struggles for accurate representation in the face of flawed, damaging, or inadequate depictions (in discursive and academic interventions), and through the

Indigenous desire for the persistence of tribal ways of being/knowing for future generations. The canon's theoretical underpinnings are the twine of research. A substantial body of literature exists within the field of Indigenous Studies, and engagement with this scholarship provides Indigenous scholars with a deeper understanding of the macro social constructions that shape our realities.

Indigenous Land Stewardship as a Model for Data Stewardship

Basket making requires the crafter to practice Indigenous land stewardship, which involves an intimate relationship with the land and waterscape, as well as our other-than-human relations. Within Western understandings, land and its accompanying elements are resources and objects to be owned. Their only value or meaning is in relation to people. Within Indigenous land stewardship practices, there is a deep sense of responsibility to and a reciprocal relationship with the place and all its non-human agents. As Vine Deloria Jr. amply put it, "Our existence is inextricably bound with the existence and welfare of other living beings and places of the earth: beings and places, understood as persons possessing power, not objects."[19] A basket maker doesn't simply go out into nature and aimlessly collect material objects to satisfy the needs of a basket-making project. A basket maker builds relationships with a place and the other-than-human relations that exist there, learning about the life cycle of those relations as they engage in a basket-making endeavor. A basket maker tends the other-than-human relations. Sweetgrass, for example, is a basket-making relative deeply entwined within the Chinookan communities along iyagaytł imał and the adjoining sea coast. The locations of our precontact villages are easily identifiable by the sweet grass gardens that still grow there.

[19] Deloria Jr., Vine, and Daniel R. Wildcat. *Power and Place: Indian Education in America*. American Indian Graduate Center, 2001, 13.

Western land management practices and privatization laws have caused immeasurable harm to our marshy sweetgrass gardens. Many have been considerably reduced or have disappeared due to our separation from them over the decades. Despite the colonial imposition, our basket makers have worked tirelessly for generations to maintain as many sweetgrass gardens as possible. In the spring, basket makers visit the sweetgrass gardens to help our relatives awaken and rejuvenate by pruning away old growth, removing sickly plants, and dividing sweetgrass bunches as needed. This tending is done in the spring, allowing for the sweetgrass to grow healthier and stronger until it is ready to harvest during the high summer. We tend and harvest with łush təmtəm, a good heart. We take only what we need, gathering intermittently throughout the garden. Over-harvesting harms our relatives, and we aim to protect these gardens for future generations. While gathering, we show our other-than-human relatives respect by asking permission to collect. Throughout the gathering process, we pray, share songs, and discuss the project we will collaborate on with them. Most importantly, we show gratitude for their service to the community throughout the basket-making process. Sweetgrass is just one example of stewardship. Every other-than-human relative we engage with requires specific tending practices developed through our longstanding presence within a particular place.

chinuk munk-upqwəna yaʔim calls for research (Indigenous and non-Indigenous) to look towards Indigenous land stewardship practices as a model for collecting, processing, and stewarding Indigenous data (stories). As Indigenous researchers, we have a reciprocal responsibility to the stories that emerge from our communities. Our stories cannot be accessed through extractive processes. We must only take what we need with permission and good intent. Like the specific tending practices required for land stewardship, the various places and people where stories reside require stewarding.

Observation is a significant component of Indigenous land stewardship and this methodological practice. It is through observation that we come to understand the cycles and needs of our non-human relatives. I have spent my life immersed in the Chinook community, observing and collecting stories. Due to traumatic life events, I started journaling when I was young. Now, as an adult, I have hundreds of journals filled with my observations about my community and my understanding of myself. My journals contain more than observational writing. My physical collection of journals includes art, clippings from newspapers and magazines, memorabilia from events, poems, and more. My digital collection is more expansive, integrating video and audio into my reflective processes. chinuk munk-upqwəna yaʔim is a multimedia methodology. The use of different media forms offers opportunities to capture our survivance stories beyond traditional academic literary methods. Revisiting my journals has been instrumental in crafting Indigenous autoethnographies. chinuk munk-upqwəna yaʔim doesn't require that an Indigenous researcher maintain personal journals. Still, for me, they have helped me recall my feelings, details from specific moments, and patterns that have emerged throughout my life.

Indigenous land stewardship is sustainable because it is based on a reciprocal responsibility with the land and our other-than-human relatives. Reciprocal responsibility is how researchers should approach the methods used within chinuk munk-upqwəna yaʔim. In archival, oral history, and other methods, the researcher and the researched depend on each other to ensure our survivance stories are told in a polyvocal manner that isn't extractive or harmful. Traditional academic framings encourage researchers to distance themselves from the work, thereby creating a researcher-informant dichotomy. As Indigenous researchers, we should distance ourselves from the communities from which we come. Instead, we should frame our work with our communities

as Shawn Wilson (Opaskwayak Cree Nation) suggests, as "co-researchers."[20] This issue recently arose for me when I submitted my research proposal to the University of Oregon's Internal Review Board. In that application process, I was asked to submit an additional conflict-of-interest statement declaring that I would not use my leadership role within my nation to coerce or influence participants' responses in any way. This request revealed much about the worldview that the hegemonic academy operates under. The assumption that I would coerce or be extractive of my community is incommensurable with Chinookan cultural teachings. As a Chinookan leader, I am responsible for listening to the concerns of all my people, addressing their problems, and continually thinking about their well-being. I was raised with our Chinookan cultural teachings and protocols, which are grounded in care, holism, relationality, reciprocity, respect, balance, and consensus-based politics. My leadership style reflects our ikanum, palach,[21] and kənim[22] protocols. Settler society is structured to promote power inequities, whereas Chinookan cultural teachings value a shared, reciprocal responsibility. I have access to Chinook's archives, oral histories, and other places where our survivance stories can be found, having dedicated myself to earning my community's trust. The projects I work on are developed using a community engagement model, meaning that projects emerge from discussions with the nation's people and leaders. This model fosters collaboration at all stages of the research process, from

[20] Wilson, Shawn. *Research Is Ceremony: Indigenous Research Methods*. Fernwood Publishing, 2008.
[21] To me, being Chinook is about being of service. We are palach (Potlatch) people, and our worldview is rooted in the act of giving. Wealth and status do not arise from accumulation, but rather from the act of giving away. tyee, people of status, the wealthiest, are those who give until it hurts, and still, we offer more. We dedicate our time, energy, and material resources to our community, without expectation of compensation.
[22] kənim is the Chinuk Wawa word for canoe. I am driven by teachings informed by the traditions and protocols of canoe culture. The resurgence efforts in the Pacific Northwest for canoeing have been successful because our canoe community has committed to ten guiding principles, which include doing no harm, recognizing that every story is important, and understanding that we all pull together and support one another. I write prolifically about these guiding principles in other publications.

conceptualization to data stewardship.[23] This model redistributes and balances power in the narrator interviewer/collaborator relationship and between the research community and the researcher. In collaboration with the Chinook Indian Nation, I shared control over identifying and recruiting Chinook justice workers to serve as narrators of survivance stories in this dissertation. The Chinook Indian Nation Tribal Council and its communications/public relations team assisted me in achieving this endeavor. To address my conflict of interest as both a tribal leader and a researcher, I abstained from voting on all Tribal decisions related to this research.

chinuk munk-upqwəna yaʔim in Practice

Every publication I have written includes elements of chinuk munk-upqwəna yaʔim, but the framework didn't take shape until my first year of graduate school. It was in an interdisciplinary research methods class taught by Dr. Courtney Cox that I first articulated chinuk munk-upqwəna yaʔim. None of the methods or frameworks we discussed in the coursework seemed to fit the writing project I wanted to pursue. It wasn't until I had the privilege of meeting Dr. Lana Lopesi (Samoan) during her job talk at the University of Oregon in February 2022 that I realized I needed a methodology that reflected my Chinookan worldviews. During Dr. Lopesi's presentation, she discussed a Samoan methodology called Su'ifefiloi. In that methodology, the ula-making process is used to theorize across disciplines.[24] While Chinookan material culture does not include ula, we do have baskets. Her lecture inspired me to develop chinuk munk-upqwəna yaʔim, not just to theorize across disciplines, but across worldviews. Once I had an idea of what I wanted to do, I enrolled in an Indigenous methodologies course with Dr. Jennifer

[23] Wheeler, Winona, Charles E. Trimble, Mary Kay Quinlan, and Barbara W. Sommer. *Indigenous Oral History Manual: Canada and the United States*. 2nd ed. Routledge, 2023.
[24] Lana Lopesi. "Su'ifefiloi: A Samoan Methodology for Transdisciplinary Theorising in Cosmopolitan Worlds." *The Journal of New Zealand Studies*, no. NS33 (December 2021).

O’Neal (Grand Ronde). We read and engaged with scholarship by Linda Tuhiwai Smith (Ngāti Awa and Ngāti Porou), Sean Wilson (Opaskwayak Cree), Joanne Archibald (Stó:lō), Leanne Betasamokake Simpson (Nishnaabeg), Michelle Jacob (Yakama), and others. chinuk munk-upqwəna yaʔim, as expressed in this dissertation, is only possible because of the long legacy of Indigenous scholars pushing the boundaries of academia and integrating our worldviews into our work.

Since then, this methodical approach has only become clearer. With each basket I make, new ideas and understandings surface. Like with any craft, my basket-making skills and techniques have improved over time through practice. This dissertation includes all the concepts discussed in this introduction and was crafted using the ideas, framings, and processes previously described. When I immersed myself in the research and writing, I found that I truly was replicating the basket-making process. Weavers do not simply make our baskets from raw materials. After gathering our other-than-human kin, we sit with them, laboring for hours to clean, sort, and prepare them for the weaving project. Before weaving can occur, dry materials are soaked to make them pliable and easy to weave. They are sized, split, and spliced to achieve the task at hand. These steps ensure the materials can be woven in, around, and through one another, resulting in a beautiful, lasting basket. Like with the tending and gathering process, this is done with good intentions. In Chinookan teachings, the energy we put into our material culture has consequences. If we create with negative feelings, we embed them in our creations. When we put negative feelings into a baby basket meant to protect the baby's development, those feelings will affect the baby's development. If we put anger into a gathering basket, those feelings can influence the foods we harvest, causing illness in those who eat them.

During the years spent researching and writing this dissertation, I engaged with the information, preparing and processing it for the weaving project. I split and spliced, making our stories flexible enough to weave in, through, and around each other. Sometimes, I had to pause and step back from my work because my environment influenced my feelings and intentions. While it's impossible to always feel positive, we can learn ways to handle the intense feelings. I manage my feelings by grounding myself in Chinookan culture, being on the land, and with loved ones. In Chinookan culture, this is what we call feeding our Indian. Any time my feelings became so strong that they affected my ability to work on this project, I fed my Indian. During my fourth year, when my graduate advisor was exposed for dishonestly claiming Indigenous identity, I had to walk away from this project. I experienced a wide range of strong emotions. I was confused, sad, angry, and sometimes distraught. I had known this person for nearly twenty years and trusted him. Despite our long history, I knew that if he continued to be involved in my work, it could undermine the story's credibility. I relieved him of his duties as my advisor and sought scholarly support from other Indigenous academics. They surrounded me with love, but for months, I couldn't write. Every time I sat down to do it, I found myself unable to produce anything coherent. Like the unprepared materials in a basket-making project, I was dried out. It wasn't until I spent more time in my homeland with my kin and immersed myself in culture that I was able to reconnect to this weaving endeavor. When I finally picked up the weaving again, it felt natural. I had soaked the knowledge I carried within me in cultural practice, preparing our stories to be woven into the chapters of this dissertation. *Chinook Justice* is not a complete record of Chinook's pursuit of justice. It is simply a collection of baskets. Each chapter functions as its own basket story but is connected to the others. As new insights emerge, more baskets will be created and added to the collection of our survivance stories.

Chapter 1 highlights key moments in Chinook's history, including its federal recognition in 2001 and the loss of that recognition 18 months later. This basket story illustrates how federal Indian policy can be unpredictable, with a single decision profoundly affecting tribal nations. The chapter explains how the United States, as a settler nation-state, is inherently dedicated to dispossessing Indigenous peoples of their lands and ways of life, a reality that Indigenous communities both locally and globally continuously resist through various forms of opposition. It also discusses how Indigenous peoples in the U.S. have gained recognition and how current acknowledgment pathways often create more barriers than opportunities. By examining the history of the federal administrative acknowledgment process and Chinook's experiences within it, this chapter shows that the Chinook community is not lacking. Instead, the system itself is flawed.

I start this basket story with my own experience because I have spent years documenting this defining moment in my journals, blog posts, and art, making my accounts detailed and reflective. The journaling I did at the moment of recognition reversal remains tear-stained, as I carefully noted my bodily reactions and observed what I saw, felt, and heard around me. At fifteen, I did not fully understand what the United States government's actions meant for my nation's future, but I knew it would change everything. Over time, I've been able to reflect on that moment and the impact of the decision. Each of these reflections helps me build the backbone of this basket.

Woven into my story are the stories of my people. Although Chinook Justice highlights the nation's justice workers, survivance stories also emerge in the lives of everyday citizens. That's why I explore multiple archives, including those of the U.S. government and the Chinook Indian Nation. These archives contain letters, testimonials, and transcriptions from community

gatherings and hearings where Chinook citizens share their feelings and experiences about losing their status. They also provide background on how this critical moment unfolded. When working with modern records that include identifiable information about living individuals, I use only publicly accessible data, such as affidavits, testimonials, and letters designed for public viewing, to ensure the process remains non-intrusive and safe. To document the range of reactions to the government's actions and to enhance the Chinook Indian Nation's archives, I include oral histories. Although I was only able to record interviews with three narrators because the University of Oregon's Internal Review Board process took much longer than expected, I am willing to assist the tribe with future interviews if they wish. During oral history interviews, I asked open-ended questions about their tribal histories, allowing them to share meaningful stories on their own terms. Example questions include: Where were you when Chinook's recognition was rescinded? How did the government's decision affect you then and afterward? What does recognition mean to you? Their oral histories add to the polyvocal nature of the survivance story.

Throughout the chapter, I incorporate existing scholarship. The Chinook Indian Nation is not the only tribe hindered by the Office of Federal Acknowledgment; therefore, I discuss scholars and literature on recognition politics. Through the works of David Wilkins (Lumbee Nation), Amy Ouden, Jean O'Brien (White Earth Band of Ojibwe), Reyna Ramirez (Winnebago Tribe of Nebraska), and others, I place Chinook's struggle within the larger Indigenous survivance narrative. "Upend Futures" highlights that government-to-tribal relationships remain unresolved, and our responses to these issues are defined by trauma but also marked by survivance.

In Chapter 2, “Chinook’s Enduring Struggle,” we go back much further in time to explore the events that led to Chinook’s current non-federal status. By examining key moments in history, from Chinook’s first contact with Euro-American colonizers to the loss of federal services in the 1960s, we see that despite the U.S. government’s ongoing efforts to erase Chinook from the physical, social, political, and economic landscape, our struggle has always been driven by the desire to remain in our homelands with the bones of our ancestors and to preserve our Chinookan ways of being and knowing. Because much of this basket story predates the lives of our nation’s citizens, I spent a lot of time reflecting on the yaʔim passed down in my family and community. While dominant discourse often portrays us as broken, our stories reveal our strength. After careful consideration of which yaʔim to share, I conducted a thorough archival investigation of those stories. As I did for Chapter 1, I spent a significant amount of time at the Chinook Indian Nation’s office in Bay Center reading letters, testimonials, transcriptions from community gatherings and hearings, Chinook’s application for federal acknowledgment through the federal administrative process, and litigation records. When I couldn’t find information to support our yaʔim within the Chinook archive, I examined colonial archives and existing scholarship. I examined Lewis and Clark’s expedition diaries, treaty negotiation transcripts, minutes from Congressional convenings, federal policies, government mandates, and more. By reading our yaʔim alongside these outside sources, we learn that each generation of our Chinookan people has had different imaginings of justice, but for all generations, it's rooted in the refusal to be removed and the desire to persist in our homelands on our terms.

Unlike Chapter 2, which historicizes Chinook’s legacy of resistant survival, Chapter 3 firmly roots Chinook's ongoing fight for justice in the present. I start this basket story with a defining moment in 2024, when federal courts, the Department of the Interior, and Congress

reaffirmed our heirship to our people and lands. Then I trace that victory back to 1925, when Chinook's first elected leaders asked Congress for permission to file our land claim. After examining the origins and results of our Docket 234 land claim, we jump ahead to 2017 to highlight Chinook's recent legal and administrative struggles, showing how the Chinook Indian Nation navigates the challenges of Indigenous land claims, co-stewardship of our territories, and land-back efforts without federal recognition.

My stories and those of contemporary Chinook justice workers are deeply interconnected. Having observed, engaged in, and documented Chinook's modern justice efforts, I possess valuable insights into the events that led to the 2024 decision and Chinook's ongoing justice initiatives. In addition to the yaʔim I provide, I draw on numerous primary sources such as litigation records, transcripts of administrative hearings, correspondence with government agencies and other involved entities, notes from meetings with our legal counsel and public relations strategy sessions, Chinook Tribal Council and committee minutes, memoranda of understanding or agreements between organizations, project or partnership reports, and consultation requests. When reading these documents alongside scholars' theories on the politics of recognition, we gain new insights into the limits and possibilities of Indigenous sovereignty.

Because the events in Chapter 3 are so intense to read, as you will see, I begin Chapter 4 with an ikanum. I do this to ground the discussion of lateral love and violence in ancient Chinookan cultural values. Through the story of Ok'uno, a woman leader who shows us how to resolve our inter- and intra-cultural disputes, we learn that we have always had a roadmap for creating futures beyond colonial visions. This chapter, which is more theoretical, combines Chinookan ways of being with the ideas of Indigenous scholars. As a result, I explore lateral

violence and love through a Chinookan perspective, then examine how, within inter- and intra-tribal sites of exchange and survivance spaces, lateral love and violence are supported or challenged. Like in previous chapters, I weave my yaʔim into, around, and through existing scholarship and other sources, offering a way forward that honors the best of our cultural practices and leaves behind systems, structures, and ideas that reinforce colonial visions of ourselves and, therefore, colonized futures.

tilixam, tyee, shiksh
Rachel Cushman nayka yakəl
nayka tilixam ntsayka Chinook Indian Nation
ntsayka clatsop, kathlamet, Wahkiakum, Willapa, pi lower chinuk
This is who I am
These are my people

We were once the economic driving force in the region
That was before
Before the colonial invasion
Before we were stricken by pandemics, death, and deceit
Before Manifest Destiny and capitalist greed

We were once the economic driving force in the region
Before the treaties we signed were tabled, and we were left to starve
Before our lands, waters, and other-than-human relatives were turned into resources for extraction
Before our children were taken to be abused, beaten, and criminalized for being Indian
Before our bones were disturbed, desecrated, shelved, and redistributed to other tribes
Before we were told *you aren't Indian anymore*

Our erasure

We were once the economic driving force of the region
Our economies are different
They are non-colonial, non-capitalist, non-white supremacist
They are Indigenous

Wealth isn't based on what you can accumulate, but what you give
We give until it hurts, and then give some more
Wealth means to be of service

Within Chinook sensibilities, we are incredibly wealthy
Every day, my people and I give
We are forced to give too much

ixt
My heart hurts, but tomorrow we will be better
tumala
tumala
tumala
ntsayka munk-manaqui-łush
duwi duwi [25]

[25] The Chinuk Wawa words at the end of each section in this five-part poem come from the five-part song that John Boyd and Tony Johnson awakened. Boyd remembered his grandmother singing it, but didn't know what the words meant. Tony translated the words. Here, they mean, tomorrow we will be better.

CHAPTER 1: UPENDED FUTURES: RECONSIDERED FINAL DETERMINATION OF FEDERAL ACKNOWLEDGMENT

The swipe of a pen or strategically placed testimony can be cataclysmic. It was for chicha Jennie's generation, as it has been for all generations in the Chinook survivance story. On July 5, 2002, a signature by Neal A. McCaleb (Chickasaw Nation), the Interior Assistant Secretary of Indian Affairs, declared in writing that the relationship between the Chinook Indian Tribe/Chinook Nation (contemporaneously known as Chinook Indian Nation) and the federal government had been reconsidered. According to the politician and engineer from Oklahoma, the decision made by Kevin Gover (Pawnee Tribe), former Interior Assistant Secretary of Indian Affairs and Indian law expert, "was based upon inappropriate interpretation of important evidence."[26] McCaleb, not an Indian law expert, issued a brief opinion claiming that the Chinooks had failed to prove that we had continued to exist and be governed as a tribe during the first decades of the 20th Century—despite voluminous evidence. McCaleb's decision changed the trajectory of my life and the future of an entire nation. The decision to overturn Chinook's final positive determination of federal acknowledgment has caused the community immeasurable suffering.

I was fifteen in 2002, and at that time, I wanted to be a fisheries biologist. I was an apprentice to the top fisheries biologist in the Northwest Region office of the Bureau of Indian Affairs. While my schoolmates slept in and enjoyed their summer vacations, I read treaties, witnessed biological opinion hearings, and researched salmon habitat restoration efforts. My future was mapped out until the day we lost federal acknowledgment.

[26] Darling, Nedra. "Final Determination Declines Chinook Recognition." United States Department of the Interior, July 5, 2002, https://www.bia.gov/as-ia/opa/online-press-release/final-determination-declines-chinook-recognition.

As I was getting ready for work, I heard a gasp from the kitchen. Exiting my room to see what had happened, I saw my mom trembling, clutching Portland's leading newspaper *The Oregonian*. When I asked what was wrong, she looked at me and spat, "The fucking Bush Administration stripped us of our rights. We are no longer a recognized tribe." When I asked her why, she walked over to the kitchen sink, flung her cup of coffee inside, and blurted, "I don't fucking know why. I am so tired of this. I am so fucking tired of this fight. It's bullshit." Tears traveled down her enraged face.

I was in shock. I did not know what to do, so I reached over and wrapped my arms around her. Holding each other, we sobbed. Eventually, I choked out a whisper, "I have to go to work."

With a scoff, she replied, "They don't deserve you."



Figure 2: A photo of the U.S. Department of the Interior clearance badge issued to me while I was apprenticing at the Bureau of Indian Affairs.

I caught my bus to work in a haze. As I rode to work, I remained in a state of shock. All I could think about was the cup shattering and the spray of coffee on the wall, counters, and windows. I was that cup. I was shattered. I wondered how my peers and superiors at the Bureau of Indian Affairs would treat me. I knew that everything was going to be different. In what seemed like a blink, the bus reached the Lloyd district across from the Bonneville Power Administration building. I grabbed my belongings and disembarked. I stood there for a while with my clearance badge in hand. I did not want to go in. I did not want to be there. I had been hired as an Indian, but my status and my community's status had changed.

Eventually, I went in. I tried to hide in my cubicle. I put on headphones and cranked up my music so I wouldn't have to interact with anyone. For a while, I sat unnoticed by anyone. I did not do any work. I just sat there listening to music, trying to understand what had happened. Then, someone tapped my shoulder. When I looked up, the person motioned for me to remove my headphones. When I did, their words hit me like a blow to the chest. "I'm sorry that you are not Indian anymore."

When it happened, I did not fully comprehend what McCaleb's decision meant for my future or that of my nation, but I knew it would change everything. As a youth, I also thought that the decision to revoke my nation's federal status was the direct result of some deficiency in my people and me. I was told that we hadn't provided enough evidence that we are an Indian tribe. Still, later, after years of processing and learning, I came to understand that the U.S. government is structurally committed to the dispossession of Indigenous lands and lifeways, and the process for federal acknowledgment is a broken bureaucratic system.

This chapter highlights the significance of federal acknowledgment, its structure, intentions, blind spots, and limitations. To understand how federal acknowledgment is attained,

we must first examine the structural relationship between the U.S. government and Indigenous peoples. This will require that we broadly explore coloniality, Indigeneity, and U.S. tribal relations. Then, we will delve into the complex and inconsistent nature of the U.S. federal acknowledgment system, which has been unfriendly to tribes. This is integral because without a clear understanding of the processes and structures that created this epitomizing moment, it is impossible to fully comprehend the specificity of the Chinook Indian Nation's relationship with the U.S. government.

A Foundation of Dispossession

The United States is a settler colonial nation-state. Settler colonialism occurs when an external force takes up permanent residency within colonized territories and is predicated on the elimination and subjugation of Indigenous peoples by the state.[27] According to Lorenzo Veracini, the "'settler' is characterized by permanence and 'indigenous' by fragility."[28] Indigeneity is characterized this way because Indigenous peoples are always slated for elimination and subjugation by colonizers. Elimination and subjugation occur through physical strategies of elimination or displacement and as a result of colonial technologies, which erase cultural practices to amalgamate Indigenous communities into the hegemonic population.

Defining Indigeneity is a more complicated task than defining settler colonialism. The category was created to describe a wide array of experiences of people from diverse geographical regions, with unique worldviews and ways of structuring and organizing society. Indigeneity is a global category because it is linked to imperialism. Without Eurocentric global domination, the term would be unnecessary. Colonialism, a facet of imperialism, reordered, divided, and

[27] Tuck, Eve, and K. Wayne Yang. "Decolonization Is Not a Metaphor." *Decolonization: Indigeneity, Education & Society,* vol. 1, no. 1 (2012): 1–40.
[28] Veracini, Lorenzo. "Settler Colonialism and Decolonisation." *Borderlands* 6, no. 2 (2007): 1–11.

partitioned the whole world.[29] Through colonial positivist law, the sovereignty of colonizers was affirmed, and the sovereignty and standing of Indigenous peoples were suppressed.[30] The Indigenous category is a project born out of dispossession.

Since the onslaught of colonialism, Indigenous peoples have practiced localized forms of self-determination while sharing ideas across local and national boundaries. However, it was not until the end of the world wars and the establishment of the United Nations (UN) that Indigenous people globally were afforded human rights, including the right to self-determination.[31] The 1940s marked the formalization of routes for the decolonization of colonial territories; however, Indigenous communities in settler-states (e.g., the United States, New Zealand, Australia, Canada, and elsewhere) and their associated territories do not qualify for legal decolonization, which involves the liberation of territory. The settler state's sovereignty supersedes the sovereignty of the Indigenous nations that were dispossessed of their lands and subjugated by nation-states. In the 1970s, Indigenous people organized globally and convened several international conferences to articulate global Indigenous rights issues.[32] International definitions of Indigeneity emerged from indigenous-to-indigenous sites of exchange and are broader than nation-state definitions because they engage with communities across nation-state borders. The most widely accepted definition was provided by the UN, specifically a working definition prepared by Special Rapporteur Martinez Cobo. In his 70-page Study on Discrimination Against Indigenous Populations, Martinez Cobo defines Indigenous people as:

> Indigenous communities, peoples, and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories,

[29] Byrd, Jodi A. *Transit of Empire*. University of Minnesota Press, 2011.
[30] Mazel, Odette. "The Evolution of Rights: Indigenous Peoples and International Law." *Australian Indigenous Law Review* 13, no. 1 (2009): 140–58.
[31] Mazel, Ibid.
[32] Banivanua-Mar, Tracey Banivanua. *Decolonisation and the Pacific: Indigenous Globalisation and the Ends of Empires*. Cambridge University Press, 2016.

> consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, and legal system.[33]

Maile Arvin (Kānaka Maoli) emphasizes that the UN's definition of Indigeneity isn't strict, as it offers a range of opportunities for recognizing the diverse array of Indigenous peoples.[34] Jodi Byrd (Chickasaw) argues that the UN's obscure definition was intentional, keeping nation-states from using it to exclude diverse Indigenous identities and experiences.[35] Indigenous peoples are diverse, and there is no single, hegemonic experience. While the United Nations' definition of Indigeneity is expansive and provides opportunities for Indigenous communities who do not fit within settler states' definitions of Indigeneity, the United Nations does not have authority over how settler nations recognize and restrict Indigenous status within their borders.

Within the United States context, there are five distinct, but overlapping eras of Indigenous recognition politics: discovery, treaty-making, assimilation, termination, and restoration. Within these eras, the recognition of Indigenous peoples has been codified, survived, transformed, and terminated by the U.S. government. U.S. Indigenous recognition politics started during the discovery era and laid the foundation for all subsequent eras. Discovery stripped Indigenous peoples' sovereign authority and title to their lands, giving exclusive rights of both to colonial forces.[36] This attitude framed the treaty-making era (1778-1871), which transformed Indigenous communities from free, self-determining nations into domestic-dependent nations.

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[33] Cobo, Jose Martinez. *Martinez Cobo Study: Study of the Problem of Discrimination Against Indigenous Populations*. United Nations Economic and Social Council, 1981, 29.
[34] Arvin, Maile. "Acting Like a White Person Acting Like a Native: Ghostly Performances of Global Indigeneity." *Critical Ethnic Studies* 1, no. 1 (2015): 112.
[35] Byrd, Jodi A. *Transit of Empire*. University of Minnesota Press, 2011.
[36] Deloria Jr. *Custer Died for Your Sins: An Indian Manifesto*. Macmillan, 1969.

Over the nearly 100-year period of treaty-making, Congress ratified more than 350 treaties with tribes. Treaties were drafted and negotiated for two primary reasons: to achieve peace and to facilitate land cessions. Treaties are recognized in the United States Constitution as the "supreme law of the land" and therefore binding on the federal government. The United States did not give rights and land to tribes; Indigenous nations reserved land and rights through the treaty-making process. Despite the supposed permanency of treaties, legal fictions such as domestic dependency, wardship, and plenary power have undermined that commitment with respect to Indigenous nations and peoples, as treaties were consistently broken when settlers sought to acquire more land. Not all treaties negotiated and signed by tribal nations and U.S. government agents were ratified by the Senate. As Deloria points out, unratified treaties left many tribal nations on the West Coast in a legal gray area, with no regulation or law to address their consequences.[37] Many tribes in this legal gray area maintained their status as recognized Indians during the subsequent Indigenous recognition eras.

At the conclusion of the treaty-making era, the U.S. began enacting assimilation-era policies on Indigenous nations—the assimilation era aimed to disrupt and disassemble Indigenous ways of living and to destroy communal customs. Assimilation was couched as a civilizing project, but in practice, the policies were another way for settlers to obtain more Indian land. Of the numerous assimilation policies, the most notable are federally controlled Indian education (Indian boarding school), the General Allotment Act (1887), the Indian Reorganization Act (1934), and the Termination and Relocation Acts (1953 & 1956). Each assimilative policy had intended and unintended consequences, and Indigenous people continue to live through the

[37] Deloria Jr. *Custer Died for Your Sins: An Indian Manifesto*. Macmillan, 1969.

ramifications of the policies. Later, I will examine each of these policies in more depth; however, they paved the way for the era of termination.

Termination was the dissolution of the federal government's fiduciary responsibility to tribes and government-to-government agreements. The U.S. government wanted to get out of the Indian business to eliminate some of its overhead costs and relinquish its responsibility to tribes. As Elizabeth Woody (Warm Springs) asserts, "The federal government abolished tribal governments and their laws, condemned reservation lands, auctioned large tracts of lands to the highest bidder… and canceled health, housing, and educational programs."[38] For nearly two decades, tribes across the country were terminated with and without consultation. Those who were conferred with were conferred with by a range of coercive and underhanded measures. Agents of the U.S. government lied, made false promises, and threatened Indigenous people into agreeing to termination. Termination was a systematic attack intended to eliminate as many tribes as possible. Some regions of the country were affected more severely than others. PL588, the Western Oregon Termination Act (1954), and PL587, the Klamath Reservation Termination Act (1954), terminated 62 tribes in Oregon, more than any other state. Termination did not eradicate tribes; it only made them invisible to the nation-state.[39] Indigenous communities did not simply accept termination; we organized and fought back, and as a result, birthed the restoration and self-determination era.

In the 1960s and 1970s, Indigenous resistance organizations, including the National Congress of American Indians, the National Indian Youth Council, and the American Indian Movement, as well as localized groups, paved the way for a renewal of Indigenous rights and

[38] Woody, Elizabeth. "The Tribe Next Door: Tradition, Innovation, and Multiculturalism." In *The First Oregonians*, Second, edited by Laura Berg. Oregon Council for the Humanities, 2007, 32.
[39] Beckham, Stephen Dow. "Federal Indian Relations." In *The First Oregonians*, Second, edited by Laura Berg. Oregon Council for the Humanities, 2007.

federal trust responsibilities. Many of the tribes that were terminated during the termination era had their status as recognized tribes restored. The first tribe to have its status restored was the Menominee Tribe (1974), followed by the Confederated Tribes of Siletz Indians (1977). Tribes previously mentioned as existing within a legalized limbo also achieved a pathway to recognition through the creation of the Bureau of Indian Affairs' Branch of Acknowledgment and Research (1978). Beyond recognition, Indigenous people fought for and achieved numerous acts by Congress that ensure and protect Indigenous rights, including the Indian Education Act (1972), the Health Care Improvement Act Public Law 94-437 (1976), the Indian Self-Determination and Education Act (1975), the American Indian Religious Freedom Act (1978), Indian Child Welfare Act (1978), Branch of Acknowledgement and Research (1978), the Tribally Controlled Colleges Act (1978), and many others. In each of these Acts, the questions of who should be included in the policies, who should not, and how Congress defines Indigenous peoples in the United States were addressed.

There is a lot of confusion around what constitutes an Indigenous nation within a U.S. context, in part because of Indigenous peoples' right to self-determination, and "because the U.S. government in its relations with tribes has operated from conflicting sets of cultural and political premises across time."[40] Currently, there are four major categories of Indigeneity under U.S. settler law: American Indians, which refer to Indigenous peoples in the forty-eight states, Alaska Native communities, Native Hawaiians, and Indigenous communities in the U.S. territories. Each Indigenous classification has a unique metric for determining who is and is not Indigenous. According to the United States Department of the Interior Indian Affairs website, "there is no single federal or tribal criterion or standard that establishes a person's identity as American

[40] Wilkins, David E., and Heidi Kiiwetinepinesiik Stark. *American Indian Politics and the American Political System*. Fourth. Rowman & Littlefield, 2018, 23.

Indian or Alaska Native."[41] Federal recognition of Indian Tribes has been the subject of confusion, inconsistency, and an unprincipled patchwork of Congressional, judicial, and administrative action for most of the United States' history.

A Broken Bureaucratic System

Federal recognition or acknowledgment refers to the establishment of a formal political relationship between the U.S. government and tribes. The U.S. Constitution delegated to Congress the power "To regulate Commerce with . . . the Indian Tribes,"[42] meaning that Congress has discretionary power over the recognition process. During the nineteenth century, Congress passed three statutes purporting to delegate "the management of all Indian affairs and of all matters arising out of Indian relations,"[43] the power to "prescribe such regulations as [the President] may think fit for carrying into effect the various provisions of any act relating to Indian affairs,"[44] and "the subversion of public business relating to… Indians."[45] None of these delegations mentions the Executive's authority to establish tribal recognition; however, tribes were recognized, often on an *ad hoc* basis, by Executive order, by the Department of the Interior, by the courts, and by Congress.

In 1975, Congress established the American Indian Policy Review Commission (AIPRC) to conduct a comprehensive review of the relationship between the tribes and the U.S. government. For two years, the Commission conducted an intensive investigation into Federal-Indian relations. AIPRC's Task Force Report on Terminated and Non-Federally Recognized

[41] "Who Is an American Indian or Alaska Native?" Government. *U.S. Department of the Interior*, August 19, 2017. https://www.bia.gov/faqs/who-american-indian-or-alaska-native.
[42] U.S. Const., art. I, § 8, cl. 3
[43] 25 U.S.C. § 2 (1830).
[44] 25 U.S.C. § 9 (1930).
[45] 43 U.S.C. § 1457, first enacted in 1879, R.S. sec. 441, Ch. 182, 20 Stat. 394; last amended in 1957, P.L. 85-86, 71 Stat. 157.

Indians addressed the lack of standards for tribal recognition and recommended legislation. When the final report was submitted to Congress in May 1977, it was proclaimed to be "the first in the long history of this Nation to listen attentively to the voice of the Indian rather than the Indian expert. The findings and recommendations which appear in this report are founded on that Indian voice."[46] Congress took no immediate action, and the voices the report claimed to elevate went unheard.

A year later, Congress passed legislation that ordered the creation of the Branch of Acknowledgment and Research within the Bureau of Indian Affairs. Before the formation of Branch of Acknowledgment and Research, the Bureau developed a *sua sponte* regulatory process, known as 25 CFR Part 54 (hereinafter, 25 CFR Part 83), by which it purported to grant or deny tribal recognition.[47] These regulations laid out seven criteria that must all be met before a tribe can become federally recognized. In summary, these seven criteria include: 1) being identified by others as an Indian entity on a substantially continuous basis since historical times; 2) being regarded by others as a distinct community; 3) having political influence or authority over its membership; 4) having an established criteria for membership; 5) demonstrating the preservation of identity and community despite any historical disturbances; 6) showing that it has upheld cultural patterns that are distinct from non-Indian peoples; and 7) having not been terminated by Congress.[48] The regulations also call for guidelines that explain the criteria and the forms of evidence that can be used to demonstrate that the requirements have been met. In the

[46] *Final Report by the United States American Indian Policy Review Commission.* With the University of Illinois Urbana-Champaign. Washington: US. Govt. Pint. Off., 1976, 3.
[47] Part 54 of Title 25 of the Code of Federal Regulations was officially redesignated Part 83 by Final Rule, which was published as FR Doc 83-8496 on pages 13326-13328 of the Federal Register Vol. 47, No. 61, on Tuesday, March 30, 1982.
[48] "Regulations, Guidelines and Policies for Federal Acknowledgment as an American Indian Tribe: 25 CFR 54." Federal Register, September 5, 1978. https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/25CFRPart54_1978_InitGuidelines.pdf.

final rule, published in the Federal Register on September 5, 1978, the Bureau of Indian Affairs claimed that the regulation would "enable the Department to take a uniform approach in their evaluation" of applications.[49] Despite this claim, the rule lacked transparency, was not implemented uniformly, lacked a consistent baseline for criteria, and was not timely, leaving tribes seeking acknowledgment in limbo for years.

During the first decade of the Bureau of Indian Affairs' implementation of 25 CFR 83, numerous diverse groups raised issues related to the regulations. The primary concerns pertained to the interpretation of the regulations and the administration of the review process. In 1991, revised regulations were published, and the Bureau collected public comments. After receiving feedback from government agencies (state and federal), tribes (federally recognized and unrecognized), Indian rights organizations, and other entities, the Bureau published substantial revisions to 25 CFR 83 in February 1994, stating in the rule's summary,

> Provision is made for a reduced burden of proof for petitioners demonstrating previous Federal acknowledgment. Procedural improvements include an independent review decision, revised time frames for actions, definition of access to records, and opportunity for formal hearing on proposed findings. These changes will improve the quality of materials submitted by petitioners, as well as reduce the work required to develop petitions. They are also intended to provide faster and improved process of evaluation.[50]

In these revisions, the Bureau of Indian Affairs acknowledged that its regulations were flawed and needed improvement. While most of the changes pertained to the process, only one substantial criterion change was made. No longer were tribes required to show proof of being an entity identified by others as an Indian tribe on a substantially continuous basis since some vague

[49] "Regulations, Guidelines and Policies for Federal Acknowledgment as an American Indian Tribe: 25 CFR 54." Federal Register, September 5, 1978. https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/25CFRPart54_1978_InitGuidelines.pdf.
[50] Deer, Ada E. "Rules and Regulations 25 CFR 83." Federal Register, February 1994, 9280.

historical time. The new rules clearly articulated that tribes only had to prove their existence since 1900.

In November of that year, Congress passed the List Act, Public Law 103-454, sec. 103. The List Act asserted Congress's intentions regarding tribal recognition. In eight findings, the List Act declared that tribes may be recognized by Congress, previously terminated tribes should be reinstated, and only an Act of Congress can reverse tribal recognition. Along with these findings, the third finding asserted,

> Indian tribes presently may be recognized by Act of Congress; by the administrative procedures set forth in part 83 of the Code of Federal Regulations denominated "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe;" or by a decision of a United States court...[51]

This was the first and only time in U.S. history that Congress declared who had the authority to recognize tribes. Despite this clear statement of Congress's intentions regarding federal acknowledgment of tribes and the 1994 revised rules of 25 CFR 83, issues persisted in the recognition process.

In 2001, the General Accounting Office (GAO), an independent nonpartisan agency that investigates standards for internal control in the federal government, issued a report entitled "Indian Issues: Improvements needed in the Federal Recognition Process." Again, this report asserted that the decision-making processes for federal acknowledgment lack clear guidance on the evidence required for recognition decisions, are insufficiently transparent, and that the department's decisions are not timely.[52] As a result of this report, the Department of the Interior created a Strategic Plan to address the issues. In 2003, the Branch of Acknowledgment and

[51] Public Law 103-454, sec. 103(3), 108 Stat. 4791 (1994).
[52] *Indian Issues: Improvements Needed in Tribal Recognition Process. Report to Congressional Requesters. United States General Accounting Office, 2001.*

Research relocated to the office of the Assistant Secretary of Indian Affairs, becoming the Office of Federal Acknowledgment. The purpose of the change was to increase capacity and improve transparency and timeliness in the review process. The office's name change and relocation did not improve the process because it was broken to begin with.

As the Principal Deputy Assistant Secretary for Indian Affairs, Larry Roberts asserted during one of many public hearings in 2014 for yet another proposed rule change,

> …we have heard from a number of different constituents in the public that the Part 83 process is broken, that is takes much too long to complete, that it's burdensome, that it's expensive, that it is unpredictable, that it's not applied equally among petitioners and that it's not transparent.[53]

In the thirty-six years between the implementation of Part 83 and Roberts's testimony, the Department of the Interior had recognized 17 tribes and denied nearly 30.[54] This number does not account for the tribes that received preliminary and final positive determinations, only to have them rescinded. In the years between the 2001 GAO report and the newly proposed regulations, the department worked internally to address the issues. Throughout the process for creating new rules, the Senate Committee on Indian Affairs put pressure on the Department of the Interior. In 2009, Secretary Salazar testified that the Department of the Interior was investigating ways to improve the process. Despite pressure from the Senate, it was years before a new rule would be proposed.

Finally, during the summer of 2013, a draft of the proposed rule was issued. The changes were substantial. The whole of Part 83 was restructured, making the language plain and understandable to the general public. In addition, the regulations were made consistent in practice, meaning that all previously accepted evidence would be admissible in new and existing

[53] *Public Hearing: Federal Acknowledgment of Indian Tribes Proposed Rule 25 CFR 83: Hearing before the Bureau of Indian Affairs* (2014): 5.
[54] Ibid.

petitions. One of the most significant changes was to allow limited repetition by tribes harmed by the broken system. Since the 1994 revisions, Part 83 had banned re-petitioning.

When the final rule was announced in the Federal Register on July 1, 2015, the summary claimed,

> The revisions seek to make the process and criteria more transparent, promote consistent implementation, and increase timeliness and efficiency, while maintaining the integrity and substantive rigor of the process. For decades, the current process has been criticized as ''broken'' and in need of reform. Specifically, the process has been criticized as too slow (a petition can take decades to be decided), expensive, burdensome, inefficient, intrusive, less than transparent and unpredictable. This rule reforms the process by, among other things, institutionalizing a phased review that allows for faster decisions; reducing the documentary burden while maintaining the existing rigor of the process; allowing for a hearing on a negative proposed finding to promote transparency and integrity; enhancing notice to tribes and local governments and enhancing transparency by posting all publicly available petition documents on the Department's Web site; establishing the Assistant Secretary's final determination as final for the Department to promote efficiency; and codifying and improving upon past Departmental implementation of standards, where appropriate, to ensure consistency, transparency, predictability and fairness.[55]

Despite the Department of the Interior's assertions that the new rules were fair, they were not. They retained the ban on re-petitioning, locking out the tribes most affected by the broken process. The Department of the Interior claimed that allowing tribes to re-petition would "undermine consistency with Interior's previous determinations; be unfair to petitioners that have not yet been reviewed; and hinder the goals of increasing efficiency and timeliness by imposing additional workload on the Interior."[56] The Department of the Interior's justification prioritized a smaller workload for government employees over justice for tribes and pitted vulnerable tribes against each other.

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[55] "Federal Acknowledgment of American Indian Tribes." Indian Affairs Bureau, July 1, 2015.

[56] *"Listening Session: 25 C.F.R. Part 83 - Re-Petitioning for Federal Acknowledgment as an American Indian Tribe." September 2024.*

While most tribes without federal recognition lack critical resources and the means to challenge the U.S. government's administrative procedures, the Chinook Indian Nation did not. In August 2017, the Chinook Indian Nation, with the assistance of a pro bono legal team, filed the lawsuit *Chinook Indian Nation et al v. Zinke et al*. In this multi-claim lawsuit, Chinook argued that the Department of the Interior's 2015 regulation retaining a ban on re-petitioning was arbitrary and capricious, meaning the decision was made without reasonable grounds. On January 10, 2020, a Western District of Washington judge, Judge Ronald B. Leighton, agreed that Chinook's claim had standing and remanded the rule back to the Department for reconsideration. The Chinook Indian Nation was not alone in this effort. Two months before Chinook's lawsuit was filed, the Burt Lake Band of Ottawa and Chippewa Indians filed a lawsuit with the same claim. On March 31, 2020, Judge Amy Berman Jackson of the District Court for the District of Columbia referenced Leighton's decision and ruled in Burt Lake's favor. Two federal district courts agreed that the Department of the Interior's reasoning for banning re-petitioning was not reasonable under the Administrative Procedure Act.

The Department of the Interior's process for reconsidering the ban was lengthy. In December of 2020, the Interior announced its intent to reconsider the rule and solicited written comments. Initially, the Department of the Interior proposed retaining the ban, claiming that Interior's prior decision-making was sound, that the 2015 rules were not significant enough to alter the outcomes of failed petitions, and that third parties sought finality in Interior's decisions. The new proposed rule upholding the ban was published in April 2022. After consultations with federally recognized tribes and a listening session with petitioners (past, present, and prospective), the Department of the Interior changed direction and proposed allowing limited re-petitioning. As Lance Gums, the Vice Chairman of the Shinnecock Indian Nation, asserted

during the tribal consultations, "Every tribe that should be on the list, but is not, is a horrible mistake that lasts for centuries and decades and keeps harming a people who deserve more and deserve better."[57] While the Chinook and Burk Lake court decisions both played a significant role in justifying limited repetition, the call for fairness to unsuccessful petitioners by recognized tribes and other stakeholders was critical in that decision.

Departmental leadership also significantly contributed to the rule change. During the final public listening session on the proposed rule, Bryan Newland, Assistant Secretary for Indian Affairs, acknowledged the damage caused by the administrative process. The public listening session was for tribal nations that had been denied justice under Part 83. Nineteen representatives spoke, expressing their frustrations, desires, and concerns. Many stated that, even though the 2015 regulatory changes were a step in the right direction, the system is still broken because it grants too much power to third parties. Several of the tribes present, including the Chinook Indian Nation, were denied federal acknowledgment because of third-party intervention.[58] As Chairman Johnson of the Chinook Indian Nation testified, "we have got to either deprioritize or… eliminate the input of other entities. You know, we have to be able to be judged on our own merits. On our own merits, Chinook was recognized under this system… an appeal by this other community managed to have it rescinded."[59] Chairman Johnson's testimony was the last of the listening session. At the conclusion of the virtual meeting, Newland responded with the following statement,

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[57] *U.S. Department of Interior Office of Regulatory Affairs 25 CFR Part 83 Proposed Rule on Re-petitioning for Federal Acknowledgment as an American Indian Tribe*, Government-to-Government Consultation (2024): 23.

[58] It wasn't just unrecognized tribes that criticized the Department of the Interior for allowing third parties too much power in the determination process. Vice Chairman Lance Gums of the Shinnecock Indian Tribe also critiqued this aspect of the regulations during the Government-to-Government consultation two days prior.

[59] *Listening Session: 25 C.F.R. Part 83 - Re-Petitioning for Federal Acknowledgment as an American Indian Tribe (2024):* 83.

> Nobody here from the Department of the Interior, and certainly not me, are going to stand here and look any of you in the eye or any American in the eye and tell you that this is a process that is efficient and that works well and it is respectful of the dignity – or has been respectful of the dignity of Indian people. Secretary Holland, I, and our teams have found ourselves in this position, working with what we have to make it better. This proposed rule is an attempt to improve the Part 83 process. And so I certainly understand and recognize and hear the frustration many of you have voiced today. In my prior tenure at the Department of the Interior, I testified before Congress and said the same thing prior to the 2015 regulations -- that this is a process that has become very difficult and frustrating to navigate and doesn't work for a lot of people. It's our goal to make this process better. And your skepticism is well-earned. Or your skepticism about us – we have earned that well.[60]

On January 15, 2025, the final rule was published in the Federal Register. Tribes previously locked out of the administrative process now have a path forward. Will this path forward actually be just, or will it replicate past harms by continuing to prioritize third parties?[61]

A Final Determination?

The modern-day Chinook Indian Nation (often referred to as Chinook Indian Tribe, Inc. or the Chinook Indian Tribe/Chinook Nation in historical documents) politically united the five westernmost Chinookan-speaking tribes at the mouth of iyagaytł imał and along the adjoining coast.[62] We are the Clatsop and Kathlamet (Cathlamet) of present-day Oregon, and the Wahkiakum (Waukikum), Willapa (Weelappa), and Lower Chinook of what is now known as the

[60] Ibid, 86-87

[61] At the time of writing this dissertation, no tribes have been reviewed under the 2025 regulations allowing limited re-petitioning.

[62] On January 10, 1998, the Chinook Tribal Council sent a resolution and letter of explanation to the Bureau of Indian Affairs to formally change our name on the petition. The Chinook Indian Tribe/Chinook Nation (CIT/CN) was to be the name of record. The resolution discussed two topics. The first affirmed a resolution passed by Chinook's General Assembly on June 19, 1982. In a joint resolution between the Chinook Indian Tribe and Chinook Nation, in which "the leaders of the Chinook Nation lawfully and officially resolved… that the Modern Day 'Chinook Indian Tribe' was the Political Successor in Interest to all matters of the Chinook Indian Tribe (or Chinookan Peoples)." It asserted that the two names, Chinook Indian Tribe and Chinook Nation, had been used interchangeably in internal and external documents. The second topic clarified that Chinook Indian Tribe, Inc. was a non-profit owned by Chinook Indian Tribe/Chinook Nation. On May 10, 2014, a motion was presented during a Special General Assembly meeting to modify Chinook's name in our Constitution and By-laws. The motion was approved by 2/3 majority vote. The constitutional amendment required a second vote at another General Assembly meeting. During Chinook's Annual General Assembly meeting on June 21, 2014, voting citizens of the Chinook Indian Tribe/Chinook Nation officially changed our name to Chinook Indian Nation by a 2/3 majority vote.

State of Washington. These formerly independent tribes have always associated with one another, but only since the 1800s have we formed a united community. The Chinook Indian Nation is the heir to these tribes and their associated territories. In Chapter 2, I will discuss in detail how the modern-day Chinook Indian Nation formed; however, it is essential to begin with a clear understanding of whom I am referring to when I say Chinook.

Less than a year after the creation of the Branch of Acknowledgment and Research, Chinook entered into the administrative federal acknowledgment process. In a letter received by the Bureau of Indian Affairs on July 23, 1979, Chinook's elected leaders submitted their intent to petition the Secretary of the Interior for acknowledgment as a federally recognized tribe. In a one-page statement, my nation's representatives also asserted that the tribe "reserve[s] all and any rights which we have held, prior to this time, and do not waive any of them, either by this letter or by the aforesaid petition."[63] This assertion reveals that the nation did not fully believe the United States government's intentions. In addition, it conveys that despite being on the list of non-federally recognized tribes, we retained our inherent sovereign authority over our place and our people, as well as all protections and rights previously determined by acts of the United States Congress and decisions of the Judicial Branch. This declaration was an act of resistance to further elimination. It was an act of survivance.

Nearly two months later, the Department of the Interior published its response in the Federal Register. The September 10, 1979, notice outlined the application and review process, emphasizing the importance of third-party review. It allowed all interested parties to review the application and submit "legal or factual" arguments in favor of or against the petition.[64] Still, it

[63] Mechals, Donald E., Dick Basch, Elmer Wilson, et al. "057_LOI." July 23, 1979, 1.
[64] Gerard, Forrest J. "Chinook Indian Tribe, Inc.; Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe." Federal Register, September 10, 1979, 1.

was clear that the Bureau of Indian Affairs was more interested in opposition than in cooperation. From the beginning, third parties' arguments were given greater weight than the petitioners' merits in the federal administrative acknowledgment process.

In June 1981, Chinook submitted our petition for federal acknowledgment to the Bureau of Indian Affairs. It took nearly a year for the Branch of Acknowledgment and Research to conduct an obvious deficiency review of the petition. On March 18, 1982, Assistant Secretary Kenneth Smith (Wasco) sent a letter to Chinook addressed to Chairman Donald E. Mechals outlining the apparent deficiencies in our petition. In this letter, Smith characterized the petition as largely "well-written and thoroughly documented."[65] Still, the Branch of Acknowledgment and Research required additional information and documentation to assist them in considering the petition. Smith went on to ask clarifying questions about tribal membership and the tribe's social organization historically and contemporarily. He asked for details about ongoing litigation between the nation, its citizens, and the United States government. He then asked for further details or documents on five specific themes. He made notes on particular exhibits, letting Mechals know that an exhibit had not been received or that the Branch of Acknowledgment and Research would appreciate more legible copies. The letter concluded with "we look forward to working with you toward the completion of work on this petition."[66] Overall, the tone of the correspondence was positive.

After the receipt of Smith's letter, Chinook acted almost immediately by contracting American Historian Stephen Dow Beckham as a researcher and writer of Chinook's petition for federal recognition. Beckham's work was significant to Chinook's recognition efforts, as it brought together our tribal records and history in a manner that had not been done before. After

[65] Smith, Kenneth. "Chinook Tribal Acknowledgment Letter." March 18, 1982, 1.
[66] Ibid, 2.

five years of assembling materials to bolster the application, Chinook's leaders submitted a revised petition in July 1987. The revised petition included answers and information requested in Smith's obvious deficiencies letter, as well as a significant increase in evidence required to satisfy the seven criteria of the federal acknowledgment process.

Again, nearly a year later, the Deputy to the Assistant Secretary of Indian Affairs, Hazel E. Elbert (Creek Indian), responded to Chinook's revised petition. The tone of the letter was much more abrasive than the letter received from Smith. This deficiency letter acknowledged that the revised petition was noticeably enhanced, but it still needed significant improvement. The Deputy went on to assert, if the Branch of Acknowledgment and Research were to move the application into active review and issue a proposed finding, that "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."[67] Like in Smith's letter, the Branch of Research and Acknowledgment requested more information. The requested evidence was organized according to the seven criteria and categorized into three categories: essential, critical, and important. Essential meant that the criterion would not be met unless evidence was provided. Critical indicated that the criterion may not be met without the evidence. Important meant that the evidence would help strengthen Chinook's arguments, but not necessarily needed to meet the criterion. Overall, the obvious deficiencies were viewed by the Branch of Acknowledgment and Research as more significant than previously conveyed, despite the substantial improvement in the revised petition. Unlike Smith's letter, in which he extended significant assistance to applicants from staff in investigating evidence gaps, Elbert reported that the Branch of Acknowledgment and Research staff lacked the capacity to provide that kind of

[67] Elbert, Hazel E. "Chinook Tribal Acknowledgment Letter 2." November 1, 1988, 1.

assistance. She went on to assert that "they will be happy to answer any questions you may have," but "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."[68]

After receiving Elbert's obvious deficiency letter, Chinook continued researching and revising our petition. In addition, Chinook regularly corresponded with the Bureau of Indian Affairs for technical assistance. As Beckham articulated in a letter addressed to Chinook's attorney, Jim Coon's law firm, on August 28, 2025,

> The tribal petition that I researched and wrote... By my recollection, the Chinook Indian Tribe's petition and exhibits weighed 178 pounds when shipped to the Branch of Acknowledgment and Research, Bureau of Indian Affairs, Washington, D.C… My Chinook Indian Tribe research and writing files, 1989-2001, are held in 32 Hollinger archive boxes and constitute about 15 linear feet of records.[69]

As Beckham conveys in his letter, the amount of evidence collected was substantial. The 32 boxes described in his letter do not include the information he helped gather and submit to the Branch of Acknowledgment and Research in 1987. After submitting thousands of documents as evidence, Chinook sent a letter on August 13, 1992, requesting that our application be moved into active consideration. On January 28, 1994, over 14 years after submitting our letter of intent, Chinook's petition was placed on active consideration, two months before the new regulations for 25 CFR 83 took effect.

Shortly after the new regulations were implemented, Chinook's attorney, Dennis J. Whittlesey, submitted a letter to the Bureau of Indian Affairs stating that the nation chose to continue the acknowledgment process under the 1978 regulations. The decision was not made lightly and was debated extensively in the Chinook community. Ultimately, Chinook's Tribal

[68] Ibid, 9.
[69] Beckham Stephen Dow, "Response to Certified Letter of James S. Coon Dated August 25, 2025," personal communication, August 28, 2025.

Council was reliant on the wisdom and expertise of our Whittlesey and Beckham, who were concerned that if Chinook were to change course and be evaluated under the 1994 regulations, it would delay the process.[70] According to the 25 CFR 83, within one year of a petitioner being placed on active consideration, the Assistant Secretary of Indian Affairs was required to publish a Proposed Finding in the Federal Register; however, the rules also allowed the Assistant Secretary to extend the time for up to 180 days if the Assistant Secretary could show due cause to the petitioner. Assistant Secretary, Ada E. Deer (Menominee) extended the timeline for publishing the Proposed Finding, as permitted under 25 CFR 83, and, just before the year was up, she exercised the authority delegated to her by the Secretary of the Interior to waive the requirement. The waiver was issued under §83.10(g) of the 1994 regulations, which allows the Assistant Secretary to suspend the petition under active consideration if there is reasonable cause. Chinook's petition was suspended, specifically to address administrative problems.

Early in the extension period, Chinook reconsidered our previous decision to proceed under the 1978 regulations. In February 1995, we asked the Bureau of Indian Affairs whether it would allow our petition to be reevaluated under the 1994 regulations instead. Before a response could be issued, Whittlesey submitted a letter to the Branch of Acknowledgment and Research stating that we had decided to continue under the 1978 regulations. Whittlesey convinced Chinook's Tribal Council, again, that Chinook's petition should be evaluated under the 1978 regulations to prevent further delays. As Chairman Tony A. (naschio) Johnson recalls,

> I'm not going to say in their defense, because there are great frustrations [with the decision], but in the defense of the moment… I recollect that they [Whittlesey and Beckham] consistently talked about how strong our case was.[71]

[70] Gary Johnson and Tony A. Johnson, "Chinook Justice Oral Histories Project," December 10, 2025, Zoom.
[71] Ibid, (00:54:28).

Chinook's leaders had no reason not to believe the experts guiding them through the complicated and arduous process.

After three years of extensions, a Proposed Finding, conducted under the 1978 regulations, was found against federal acknowledgment. The Proposed Finding was approved on August 11, 1997, and published in the Federal Register. The summary asserted,

> Evidence submitted by the Chinook Indian Tribe… submitted by interested parties, and obtained through independent research by BIA researchers demonstrates that the petitioner does not meet all seven criteria required for Federal acknowledgment. It has been determined that the petitioner meets criteria 83.7 (d-g) and that it does not meet criteria 83.7 (a-c).[72]

The publication of the Proposed Finding initiated a 120-day response period. The response period allowed new evidence from Chinook and third parties, potentially changing the conclusions in the Proposed Finding.

The Chinook community was shocked and frustrated by the Proposed Finding and the Branch of Acknowledgment and Research. Between Chinook's submission of the revised petition in 1987 and the Proposed Finding, thousands of documents were submitted to the Branch of Acknowledgment and Research. In an oral history interview with Gary Johnson, he shared that "Dr. Beckham talked to them about it. They admitted to him that he inadvertently put all of his work in a drawer and did not read or use it… It was an outrageous blunder in the process."[73] In an attempt to mitigate Beckham's revelation, in December 1997, Chinook leaders sent a letter to the Bureau of Indian Affairs asking for "an opinion of whether or not the BAR would allow the Chinook Indian Tribe's petition for Federal Acknowledgment to proceed under the 'New

[72] Deer, Ada E. "Summary under the Criteria and Evidence for Proposed Finding Against Federal Acknowledgment of the Chinook Indian Tribe, Inc." United States Department of the Interior, Office of Federal Acknowledgment, August 11, 1997, 4.
[73] Gary Johnson and Tony A. Johnson, "Chinook Justice Oral Histories Project," (00:47:51).

Regulations' of 1994,"[74] and for an extension to the comment period. Initially, the Bureau of Indian Affairs denied Chinook the ability to proceed under the 1994 regulations but granted an extension of the comment period. The Bureau of Indian Affairs received third-party comments from Chinook tribal members and the Quinault Indian Nation. The third-party comment period ended on July 30, 1998, and Chinook had until October 17, 1998, to respond to comments. In Chinook's response, the nation's representatives expressed their disagreement with the Proposed Finding, asserting that Chinook had unambiguous federal acknowledgment and the Branch of Acknowledgment and Research had erred in its evaluation of the evidence.

In Kevin Gover's 247-page "Summary Under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation (formerly: Chinook Indian Tribe, Inc.)," he asserted that the decision to deny Chinook the ability to proceed under the 1994 regulations was wrong. Because Chinook has demonstrated prior federal acknowledgment, its petition was evaluated under both the 1978 and 1994 regulations, specifically the 1994 provisions for tribes that have shown prior acknowledgment. In his evaluation of the evidence and in the Final Determination of Acknowledgement in the Federal Register, Kevin Gover determined that Chinook met all seven criteria under both the 1978 and 1994 regulations.[75] Gover's analysis of the evidence concluded with the following statement,

> The AS-IA therefore concluded that the petitioner meets all seven of the criteria and should be federally acknowledged. Were it not for the efforts of the BAR and others in the Department, the AS-IA could not have made a positive determination on this petition. BAR's efforts to organize and analyze the disjointed presentation of information by the petitioner made an orderly review by the AS-IA possible. The petitioner exhibited a misunderstanding of the nature of unambiguous prior Federal recognition, and its

[74] Gover, Kevin. *Summary Under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Chinook Indian Tribe / Chinook Nation (formerly: Chinook Indian Tribe, Inc.)*. United States Department of the Interior, Office of Federal Acknowledgment, 2001, 2.
[75] Gover, Keven. "Final Determination to Acknowledge the Chinook Indian Tribe/Chinook Nation (Formerly: Chinook Indian Tribe, Inc.)." *Federal Register* 66, no. 6 (2001): 1690–94.

> submissions after the PF were in large part unresponsive to the concerns expressed in the PF. Were it not for the acts of Congress in 1911, 1912, and most importantly 1925, it would not have been possible to make a positive determination on the evidence presented. The strength of the genealogical information developed and analyzed by BAR was also a telling factor. Thus, the petitioner's criticism of BAR were unfounded; but for BAR's efforts, a positive determination would not have been possible. The evidence on criteria (a), (b), and (c) was spotty and ambiguous for certain periods, and in the judgment of the AS-IA, it was sufficient only when read in light of the three acts of Congress noted above, and especially the 1925 Act.[76]

Despite Gover's disagreement with Chinook's frustrations with the Branch of Acknowledgment and Research, Gover agreed that Chinook had unambiguous federal acknowledgment and was deserving of recognition.



Figure 3: The ceremonial signing of the Final Positive Determination of Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation in Washington, D.C. Photo courtesy of the Chinook Indian Nation.

[76] Gover, *Summary Under the Criteria and Evidence for Final Determination For Federal Acknowledgment of the Chinook Indian Tribe / Chinook Nation (formerly: Chinook Indian Tribe, Inc.)*.79.

On January 3, 2001, in a ceremony at the Department of the Interior's main building in Washington, D.C., Chinook leaders joined Assistant Secretary of Indian Affairs Kevin Gover as he signed the final determination in favor of federal acknowledgment for Chinook. In his address, he emphasized that his decision was in response to historical injustice.

> Today, the Chinook rejoin the family of Tribal Nations acknowledged by the United States. We welcome the Chinook people who have come here today to witness this event. This is now your home when you come to Washington, and you are always welcome here. For those Chinooks who couldn't be here today, this is your day, too. And for the Chinooks who began the work of this petition but are no longer with us, this is your day, too. Indeed, for those Chinooks who refused to leave, who refused to assimilate, and who sought to preserve the heritage of their grandmothers and grandfathers, this is their day, too.[77]

Gover's speech was received with joy and gratitude by Chinook's representatives. In Chairman Gary Johnson's response to the Assistant Secretary of Indian Affairs' assertion that Chinook would always have a home at the Main Interior Office, he first expressed his gratitude to Chinook's supporters and allies who helped the nation achieve federal acknowledgment. Excited about this momentous occasion, he went on to declare, "Throw out the books that say the Chinook do not exist."[78] The ceremonial signing of Chinook's Final Positive Determination of Acknowledgment was one of Gover's last acts as Assistant Secretary of Indian Affairs. It was published in the Federal Register on January 9, 2001, six days after he left office.

The publication of Chinook's Final Positive Determination of Acknowledgment in the Federal Register commenced the 90-day comment period until it went into effect. The only thing that could derail Gover's decision was if requests for reconsideration were filed with the Interior Board of Indian Appeals. The Interior Board of Indian Appeals received three requests for

[77] Chinook received a print copy of Kevin Govers' remarks. Until recently, the speech was available on the Department of the Interior's webpage; however, under the Trump Administration of 2025, the documents were removed, and the links are broken.
[78] *Smoke Signals* (Grand Ronde, OR). "Chinook Tribe of Washington Gains Federal Recognition." January 15, 2001.

reconsideration, which were filed by the Quinault Indian Nation, the Columbia River Crab Fishermen's Association, and Michels Development Company. The Quinault Indian Nation submitted the most significant comment, which alleged that the Assistant Secretary's conclusions were incorrect and were not supported by "reliable or probative evidence."[79] They also asserted that the Chinook petition should not have been considered under the 1994 regulations and that it did not meet the seven criteria for federal acknowledgment.

On August 1, 2001, after carefully considering the arguments of the interested parties, the Interior Board of Indian Appeals found that the comments submitted by the Quinault Indian Nation and the other interested parties were without merit. In addition to the allegations reviewed by the Interior Board of Indian Appeals, Quinault presented nine claims outside the Board's jurisdiction. The administrative judges presiding over the case referred those claims to the Secretary of the Interior. Still, Chinook's Final Positive Determination of Acknowledgment and the decision of the Assistant Secretary to proceed under both the 1978 and 1994 regulations were affirmed by the Interior Board of Indian Appeals.

After the Board's decision to affirm Gover's decision, Chinook believed that the nation and our people would finally enter our era of healing. They did not imagine that the incoming Secretary of the Interior would remand the complaints submitted to the IBIA by Quinault to the new Assistant Secretary, who would give them merit. Eleven months after being affirmed by the Interior Board of Indian Appeals, Chinook's recognition was rescinded. McCaleb disagreed with Gover's interpretation of the evidence, and the engineer from Oklahoma reversed Gover's Final Determination of Federal Acknowledgment on July 5, 2002.

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[79] *In RE Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation, 36 IBIA 245 (Interior Board of Indian Appeals August 1, 2001): 6.*

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When McCaleb's decision was made, former Chairman Gary Johnson was in Washington, D.C., as a guest of President Bush for the commencement of the Lewis and Clark Bicentennial. The trail tribes had gathered together to celebrate and dine with the President and his Administrative staff. The day after the celebrations took place at the White House, Johnson and his wife were in their hotel room when he received a call from a Branch of Acknowledgement staffer, telling him that McCaleb had signed a document to revoke Chinook's recognition. "It stung. It's always been tough to express the emotion and frustration I felt in that moment. When it happened, it was pretty mind-blowing… how do you make calls back to the tribal offices? How do you deal with the press?"[80] Gary Johnson recalls.

The news of Chinook's rescinded recognition traveled quickly through the community. It was like a bomb went off. The decision has caused the community immeasurable suffering and trauma. Bethany Barnard said it was like the carpet had been ripped out from underneath her, and she had to figure out how to explain to her small child why she and his granny were feeling intense emotions. "It's challenging to try to explain to a little kid whose Granny is devastated, why she is depressed, and struggling to manage her feelings, when you yourself are dealing with a mental health crisis."[81] People react to loss in various ways. Tony and Gary Johnson both cut their hair in mourning for unrealized dreams. Initially, I responded through flight – to disassociate. My mom's response was to fight and explode. One family allowed their loved one, a Chinook elder and lifelong Chinook Justice worker, to die believing that this justice had been achieved. Benny Reed was nearing the end of his life when McCaleb's decision was handed down, and in an effort to protect him from the devastating feelings Bernard described, the family chose never to tell him.

[80] Gary Johnson and Tony A. Johnson, "Chinook Justice Oral Histories Project," (01:04:02).
[81] Bethany Porter-Barnard, "Chinook Justice Oral Histories Projects," October 30, 2025, Zoom, (00:35:10).

Refusing to be Deficient

When my nation's federal recognition was revoked in 2002, I was initially shattered, like the cup my mom had thrown into the sink. Neal McCaleb asserted that "the Chinook petitioner did not demonstrate that it meets all seven mandatory criteria to be acknowledged as a tribe with a government-to-government relationship with the United States."[82] He found us deficient. I didn't understand how, after decades of working towards acknowledgment — hiring experts to assist us in our application for recognition, submitting thousands of documents to prove our worthiness, and being told that we had met all the criteria — we no longer qualified. Despite working for the BIA, learning about treaties and government-to-government agreements, I lacked a clear understanding of the systems and structures that created the situation my nation found itself in. On many occasions in the days and months that followed McCaleb's decision, I found myself measuring my worth and worthiness for justice from the eyes of the nation that had oppressed us. I internalized the colonial rhetoric about myself. I questioned myself. I questioned my people. I wondered what we had done wrong. Did we deserve this? Are we lacking? We weren't lacking; we did not deserve to have our federal acknowledgment overturned. As John R. Robinson observed in *Recognition, Sovereignty Struggles, and Indigenous Rights in the United States*, the 25 CFR 83 regulations give assistant secretaries broad power in the interpretation of evidence, and "no single reason exists for the denial of an Indian nation's official existence and the de facto denial of sovereignty that such decisions represent. The seven mandatory criteria allow for myriad reasons to deny acknowledgment."[83] The GAO, Kevin Gover, the Obama

[82] Darling, Nedra. "Final Determination Declines Chinook Recognition." July 5, 2002. United States Department of the Interior. https://www.bia.gov/as-ia/opa/online-press-release/final-determination-declines-chinook-recognition.
[83] Robinson, John R. "From 'Boston Men' to the BIA: The Unacknowledged Chinook Nation." In *Recognition, Sovereignty Struggles, and Indigenous Rights in the United States: A Sourcebook*, edited by Amy E. Den Ouden and Jean M. O'Brien. University of North Carolina Press, 2013, 279.

Administration, and countless others have all agreed that the system of acknowledgement is broken.

In the years to follow, a flame ignited within me. I began to push back, to refuse to internalize this deficit mindset. During my college years, my academic and career trajectory underwent significant changes. I took courses in Ethnic Studies and Native American Studies. I began learning about the systems and structures that dispossess and oppress my nation. I understood that my internalized deficit mindset was a trauma response. I have spent the last two decades learning as much as I could about federal Indian policy and systemic oppression, as the previous section of this chapter demonstrates. We are not deficient. The U.S. government is a settler-nation that seeks to erase and replace us. The U.S. government is committed to dispossessing Indigenous peoples of our lands and lifeways, and the recognition process is unfriendly and designed to continue that dispossession.

While trying to make sense of my world through academic rigor, I also became more deeply entrenched in my community. The women in my family — my mother and chicha Judy — raised me with a deep sense of obligation to our ancestral homeland, our people, and our hereditary responsibilities. Early in my life, long before the Govern or McCaleb decisions, I was targeted to be a leader and culture keeper for nayka tilixam, my family. This practice honors and maintains our traditional political structure, as established by the Chinookan-speaking people at the mouth of iyagaytł imał millennia before contact. tyee is a leadership role that both inherited and earned. My family had selected me in reverence of our Clatsop tyee responsibilities. My ancestor Wasilta (also known by his alias Washington) was a Clatsop tyee. He was a primary negotiator and signer of our Clatsop treaties. I was taught that he fought for our people's

continued survival when the U.S. government tried to eliminate us, and so must I take up that role.

I cannot recall a time when I wasn't engaged in tribal affairs. When my mom and chicha took me to tribal events, which they did regularly, I sat at their sides and listened to our elders. As an adult, I became more engaged in my nation's culture, history, and politics. In my early twenties, I was appointed to positions on Tribal Council committees. At thirty, I was elected to the Chinook Indian Nation's Tribal Council by a unanimous vote of the General Assembly. I had the honor of being among the team of tribal leaders who sued the federal government in 2017 and achieved limited re-petitioning in 2025. I am deeply grateful for each of these experiences, as they have provided me with a profound understanding of our historical and contemporary struggles for justice.

My people carry all of the traumas that have transpired since BEFORE
The intergenerational memory of contact
The theft of our lands and bodies
Our forced Assimilation
Termination
Desecration of our sacred places
Attempted usurpation of our inheritance
Poverty, addiction, criminalization, hunger

Genocide denial

These traumas manifest themselves in our bodies
My body is screaming for relief
Please stop the pain

We don't need the government to tell us we are Indian
We need them to honor the treaties that our ancestors signed
To respect our sovereignty
To acknowledge us as the heirs of our people and place
To fulfill their fiduciary responsibility
To restore what's rightfully ours
And a damned reserved seat at the table

We call for justice

In a fight that spans generations
The ember of our resistance is passed down like a family heirloom
Cared for and sustained by our warriors
Our warriors who refuse defeat and reject our elimination
Who elevate the voices of our people barely getting by
And those who have lost the battle

makwst
My heart hurts, but tomorrow we will be better
tumala
tumala
tumala
ntsayka munk-manaqui-łush
duwi duwi

CHAPTER 2: CHINOOK'S ENDURING STRUGGLE

In the previous chapter, I highlighted the significance of federal acknowledgment, the structural relationship between the U.S. government and Indigenous peoples. We delved into the complex and inconsistent nature of the U.S. federal acknowledgment system, which has been unfriendly to tribes. This chapter explores the specificity of Chinook's relationship with the U.S. government. To accomplish this, we must spiral through time to uncover key historical and contemporary moments and policies that have contributed to Chinook's survivance story and to its current political crisis.

This chapter reveals the Chinook Indian Nation's enduring struggle with the United States government and the legal limbo and many paradoxes within which Chinook peoples exist. Despite the U.S. government's ongoing efforts to eliminate the Chinook Indian Nation from the physical, social, political, and economic landscape, and while my community has suffered immensely from a wide array of federal Indian policy, we are not damaged. Indigenous communities are too often framed as damaged and depleted. This kind of framing is harmful and rooted in white supremacy and settler superiority.[84] Chinook's enduring struggle is a survivance journey grounded in desire, perseverance, resistance, and Chinookan ways of being and knowing. The impacts of the disruptive settler systems and structures imposed upon my people must be acknowledged, but devastation cannot be the only story told. Indigenous futurities require that we change how Indigenous peoples are talked about in both the past and present.[85]

[84] Tuck, Eve. "Suspending Damage: A Letter to Communities." *Harvard Educational Review* 79, no. 3 (2009): 409–28.

[85] Indigenous futurities are shaped by the past, but manifest in the present. Through the continuation and resurgence of Indigenous knowledge, philosophies, value systems, and practices, we give life to dreams and possibilities for futures not shaped by colonial imaginings.

This chapter is a reclamation of our story, a story that reveals that since the onslaught of the colonial invasion, we have always sought justice.

Coyote Made It So

Chinookan protocols instruct me to practice humility when engaging with the world around me. Our greeting, łaxa'wyam, with our hands raised high, means more than hello and goodbye. My elders explained to me that the word and gesture actually mean that *I raise you above myself. I come to you and leave you humbly. I show you respect*. The word is supposed to convey pitifulness. Sometimes I find it challenging to honor this teaching, especially when I am continuously forced to prove and justify my people's existence as Indians. It is not easy to be in spaces with individuals and entities that harm my nation and to also present myself in a way that honors these teachings. Being a citizen of a formerly federally recognized tribe is painful, exhausting, and often rage-inducing, but I am not alone. Chinook's response to colonial domination and the fight for justice has been an enduring struggle across generations. Knowing this is a shared experience inspires me to continue practicing humility.

To struggle is a substantial part of what it means to be Chinook. italapas[86] made it so. Our ikanum teaches us that when the animal people were readying the land and waterscape for humans' emergence here, their decisions and actions laid the framework for our experiences. italapas is one of many significant beings that created land formations and is also responsible for shaping the natural laws of our place. italapas is a trickster who is revered and respected but also acknowledged for making decisions with serious consequences. Just because we struggle does not mean that we are incapable – it means we are strong, and if we give deference to the rules of

[86] italapas is the Chinuk Wawa word for Coyote.

our place, we can persevere. Many of our ikanum, yaʔim, and shati[87] teach us that change is inevitable. Our place has undergone numerous significant changes since its existence, and we, the people of the place, have too. I embrace the shared struggle, and I yearn for change. I am a changemaker and part of a legacy of changemakers.

A Relationship Built on Dispossession, Disease, and Deceit

Chinook's relationship with the U.S. government began in 1805 when the Corps of Discovery reached the mouth of the iyagaytɬ imaɬ. Thomas Jefferson had commissioned the expedition to establish trade relations, document natural resources, and assert U.S. sovereignty over the Pacific Northwest. At the time, there were conflicting sovereignty claims among colonial governments.[88] Through a series of treaty agreements, the United States and Great Britain both maintained claims to the region through discovery, exploration, and settlement.[89]

In the fall of 1805, our Clatsop and Lower Chinook ancestors greeted Meriwether Lewis, William Clark, and their team. While the Corps of Discovery made significant headway in establishing trade and documenting natural resources, my Chinookan ancestors resisted the idea that the United States had any claim to our place. Despite the Corps of Discovery's establishment of Fort Clatsop, which created a foothold for the United States' legal claim to the territory, my ancestors did not acknowledge it as anything other than a temporary encampment of cold, starving people with strange customs. Years before Lewis and Clark's team reached the mouth of iyagaytɬ imaɬ, we had established trade relations with white explorers, the first being in 1792.[90]

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[87] shati is the Chinuk Wawa word for song(s).
[88] In the 1700s, conflicting claims to the region arose between Great Britain and Spain. Claims by the United States and Russia followed. Eventually, Russia and Spain's claims were eliminated.
[89] *The Chinook Tribe and Bands of Indians, Plaintiffs, v. The United States of America, Defendant, No. 234 (The Indian Claims Commission November 4, 1970).*
[90] This is when Robert Gray's ship entered the iyagaytɬ imaɬ. In the years between contact and the Corps of Discovery's arrival, the fur trade had expanded into our territory, bringing with it many American and British vessels.

By the time the Corps of Discovery had arrived, we had become familiarized with white explorers, their comings and goings, and their drastically different way of engaging with the world. Although we did not share the same cultural etiquette or worldviews as these explorers, we traded with them and showed them respect, as instructed by our Chinookan ways of being.

During their stay in our territory, the winter was exceptionally frigid. In their expedition diaries, the Corps of Discovery team often complained about the harsh weather and found it astonishing that it seemed to have little effect on the day-to-day lives of my ancestors.[91] When you are part of a place for thousands of years, you become accustomed to its climate. italapas made this so. My ancestors took pity on the ill-prepared explorers and saved them from starvation during their stay in our homelands. How did the Corps of Discovery express their gratitude for our friendship, assistance, and trading? They stole one of our canoes on their return to the Midwest.[92] This theft is significant because, within a Chinookan worldview, there is a strong recognition that non-human objects, such as canoes, have agency and are considered kin. Members of the Corps of Discovery tried to trade for a Chinookan-style canoe, but they were told no; they took one anyway.[93] The government-to-government relationship between our two nations is founded on dispossession and deceit.

Despite the Corps of Discovery's deceitful actions, many of our Chinookan ancestors strove to establish positive relationships with the new arrivals who followed. In March 1811, when John Jacob Astor, in partnership with the Pacific Fur Company, sought to establish Fort

[91] The use of the word diary is a covert act of resistance that decenters Western knowledge production. Indigenous storytelling is treated as an illegitimate source of knowledge, whereas non-Indigenous perspectives are privileged in history.

[92] We have long memories and do not forget actions of this nature. During the Lewis and Clark Bicentennial, Chinook representatives had the opportunity to connect with descendants of William Clark. My nation's leaders informed the Clark family of their ancestors' theft and outstanding debt to Chinook. The Clark family took steps to reconcile the wrongdoing and commissioned the construction of a canoe to be cared for by the Chinook community.

[93] See Daehnke (2017), for more information about the stolen canoe.

Astoria, the first permanent settlement in the Pacific Northwest, our Chinook people greeted his team and helped them select the site. Having nearly two decades of contact with colonizers, our tyee sought to ensure peace between our village communities and the settlers.[94] To achieve this, they secured food and other much-needed goods for the settlement and positioned our people as a primary source of furs for the flourishing fur trade. Comcomly, often referred to as Chief Comcomly, was a principal trade negotiator for our Chinookan people. He sought to build strong and lasting trade ties through kinship connections, as had been the practice for centuries in our precolonial trade economies. In an attempt to secure kinship ties, he married his daughter Ilchee to Duncan McDougall, one of the Pacific Fur Company's partners.[95] Unfortunately, McDougall did not share our people's cultural etiquette or understanding of kinship reciprocity. In Chinookan cultural teachings, our kinship connections require us to safeguard one another's interests and care for our relatives as we care for ourselves. We strive to cause no harm. In October 1813, after the War of 1812, McDougall and his partners sold the Pacific Fur Company and all its holdings to the North West Company, based in Montreal, leaving our ancestors vulnerable and requiring them to build new relationships with the British company.[96]

With the influx of British occupants in the region, Fort Astoria's name was changed to Fort George.[97] The British company was less amiable than its American predecessors, forcing tribal leaders to adjust their trade tactics.[98] Despite the initial difficulty, the trading company's

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[94] Morris, Larry. "Astor Expedition (1810-1813)." In *Oregon Encyclopedia*. Oregon Historical Society Press, March 24, 2022.

[95] While our traditional economies often used marriage to build alliances, the role of marriage between settlers and our women played a significant role in settler claims to our place. For more information about Ilchee and the role of gender in early U.S./Chinookan relations, see Whaley (2007).

[96] Daehnke, Jon D. *Chinook Resilience: Heritage and Cultural Revitalization on the Lower Columbia River*. University of Washington Press, 2017.

[97] The name change is significant, because as of today, over a century after the name change, we still refer to the area as "poat choach," our pronunciation of Fort George. The name can be found in formal records of the Chinook Indian Nation, as recently as November 2024.

[98] Daeknke, Ibid.

proximity to the river mouth positioned our Chinookan leaders as central and controlling agents in the trade industry. During the teens and twenties of the nineteenth century, there was an increase in Euro-American settlement due to the joint-occupancy agreement between Great Britain and the United States. The fluidity of coloniality and its agents throughout the nineteenth century profoundly impacted our Chinookan people. One such impact was the significant disruption of power structures along the iyagaytɬ imaɬ when the Hudson's Bay Company (formerly the Pacific Fur Company) relocated its headquarters to Fort Vancouver in 1824. While our Chinookan leaders at the mouth of the river had previously served as the principal suppliers of furs due to our proximity to the company, the role shifted to our neighbors upriver when the company moved.[99]

In addition to the fluctuating nature of colonial and Indigenous power dynamics in the region, our Chinookan people were also severely marked by the many epidemics that raged throughout our homelands. While precise depopulation statistics are argued over by scholars, within half a century, we lost over ninety percent of our relatives to Euro-American-introduced disease. The role of disease cannot be viewed in isolation from settler colonialism, as settler colonialism's assault on our material conditions exacerbated the spread of disease.[100] Euro-American disease, likely smallpox, was first introduced into the region in 1801; however, as trade and settlement increased, smallpox, malaria, measles, and other diseases spread more rampantly. In the 1820s and 30s, the death rates increased. Whole villages began to disappear, and survivors moved to remote locations. Death, remembering, and burial protocols associated

[99] Lang, William L. "The Chinookan Encounter with Euro-Americans in the Lower Columbia River Valley." In *Chinookan Peoples of the Lower Columbia*, edited by Robert T. Boyd and Kenneth M. Ames. University of Washington Press, 2013.
[100] Whitt, Laurelyn, and Alan W. Clarke. *North American Genocides: Indigenous Nations, Settler Colonialism, and International Law*. Cambridge University Press, 2019.

with lost relatives are a significant component of our ikanum and yaʔim. The places where our survivors weathered the tide of disease are discussed at length in our oral histories. We know that Comcomly survived because he secluded himself in his home at Chinook Point when others succumbed to the disease. We know that for a short time, he changed his name to honor his loved ones who did not survive, including his sons, whose names he did not speak for a year after their passing. Our yaʔim tell us that other survivors isolated themselves in their homes at Pillar Rock, Long Island, Dahlia, Grays River, the Chinook River, and other remote locations along the iyagaytɬ imaɬ and adjoining seacoast. Death disrupted our entire society, our kinship connections, trade economies, leadership roles, and our notions of self. Every single ancestor that our people descend from was touched by loss, and those losses reverberate through our community today.

The United States government capitalized on our losses and responded to our death protocols and methods of survival with disrespect. In 1826, the 19th Congress referred to us as "harmless, stupid, imbecile, good tempered, and unsuspecting."[101] They believed these things about us when they authorized the Preemption Act on September 4, 1841, giving settlers the preemptive right to purchase our lands despite the absence of treaties with our tribes.[102] They believed we would respond peacefully when they severed the joint-occupancy treaty with Great Britain in 1846 and sanctioned Military Bounty Land Warrants in 1847.[103] They did so again when they signed the Oregon Donation Land Act into law in 1850, allowing settlement on lands that had not been ceded to the United States.[104] The United States Congress believed these things

[101] Baylies, Francis. *Exploration of the Northwest Coast*. United States Congress House Report. Select Committee on Exploration of the Northwest Coast No. 35. 19th Congress, 1st Session, 1826, 16.
[102] 5 Stat. 453
[103] 9 Stat. 125
[104] 9 Stat. 494

again when it attempted to remove us from our homelands in 1851 during treaty negotiations at Tansy Point.

Refusal to be Removed

In 1851, every single living person in our community, from the youngest child to the oldest elder, descended upon Tansy Point to negotiate treaties with Oregon Indian Treaty Commissioner Anson Dart. He and his agents had traveled to the site near Clatsop Plains with explicit orders from the United States President and Joseph Lane, the Governor of the Oregon Territory, to remove and relocate all the Chinookan-speaking peoples and our neighbors to lands east of the Cascades.[105] The government sought to secure title to our homelands, but its agents did not expect our refusal; their attempt to usurp them was met with opposition.

The negotiations took place between August 5 and 9, 1851, beginning with our Clatsop peoples, whose representatives arrived intending to remain in our homelands with the bones of our ancestors. The Tansy Point treaties are viewed in our Chinook community as a time of significant transformation and of cultural strength. Our contemporary leaders and Chinook justice workers often express admiration for our ancestors' negotiation skills and their refusal to be removed from our homelands. During tribal gatherings, members of my family frequently share yaʔim about our Clatsop ancestors' responses to the settler government's erasure plans. We honor that, despite Tansy Point being within our Clatsop territory and Dart's clear intentions to begin negotiations with Clatsop on August 1st, some of our tyee refused to arrive promptly. When our tyee finally arrived, they were questioned as to why they had delayed the process. Clatsop tyee Tosetow responded, "It has been because we were not so very anxious to sell our

[105] These orders were received in late 1850. Before Dart ever reached the mouth of iyagaytɬ imaɬ, rumors of removal had already reached the region. See Lewis, "Robert Shortess On the Columbia," for more info.

houses, and be driven away like so many birds, as we have heard was to be done as soon as we sold our lands."[106] Our tyee knew that removal was the aim of the treaties, and they were not in a hurry to lose everything. He and the other tyee responded to colonial elimination tactics through overt and covert acts of resistance. I am a direct descendant of Clatsop tyee Wasilta, and while he was one of the primary negotiators of the Clatsop treaty, his Chinookan name is missing from the x-mark sheet. In Chinookan culture, names have power, and he exerted this power in the first government-to-government agreement between the United States and the Clatsop Chinooks. Instead of committing his x-mark to the name Wasilta, he declared himself Washington. In our yaʔim, it is said that he chose the name Washington with purpose. He reasoned that if the American government's most powerful leader was once a man named George Washington, and that Washington, D.C., was the United States' seat of power, then he was Clatsop's Washington. While I have never found this story in settler archives, I am proud of my ancestor's covert act of resistance.



Figure 4: The x-mark sheet for the treaty made between the United States government and the Clatsop Tribe of Chinooks. It is from the Records of the U.S. Senate, RG 46, National Archives, Washington, D.C., SEN 32B-C4.

[106] Lewis, David G. "The 1851 Tansy Point Treaty Journal: The Clatsop Treaty." *The Quartux Journal*, November 20, 2017.

The Clatsop negotiations set the tone of the Tansy Point treaties. While our Chinookan ancestors had initially been accommodating to Euro-Americans in the early nineteenth century, the constant barrage of disease and settlement began taking a toll on our desire to be hospitable. Our tyee made Dart wait several days before beginning negotiations. Still, after their arrival, they refused to begin negotiations until Dart agreed to halt all Euro-American ships from entering iyagaytł imał. Ultimately, Dart lacked the authority to stop the ships and was able to convince our tyee of his limited power.[107] Still, our Clatsop tyee pressed many demands on Dart. Our tyee proposed that we stay in our homelands, with the bones of our ancestors on reservations. In addition, they stipulated that white settlers were illegally occupying our lands and that the United States government must remove them. Dart proposed a counteroffer of one reservation and reserved rights to fishing. At the conclusion of the negotiation, chupe Wasilta asserted, "We will be satisfied to make but one reservation. The reason of our reserving so large a tract is this, the water of the Ocean has already washed away much of the Point and we fear if we make but as small reserve that in a few years it may all be washed away."[108] From Wasilta's statement, it is clear that our Clatsop hereditary leaders negotiated our treaty with future generations in mind.

Following the Clatsop negotiations, Dart and his team met with our other Chinookan-speaking tribes and our Salish-speaking neighbors. On August 8th, they met with our Waukikum (Wahkiakum) tyee. Like the Clatsop, our Wahkiakum people reserved the right to stay in our homelands, but only in reduced capacity. On the 9th, Dart concluded the treaty negotiations, resulting in government-to-government agreements with our Kathlamet (Cathlamet), Wheelappa (Willapa), and Lower Chinook tyee. Each treaty kept our people in our homelands, with the

[107] Barber, Katy, and Donna Sinclair. "Tansy Point Treaties." *Public History PDX: A Project of the Department of History at Portland State University*, 2018.
[108] Lewis, David G. "The 1851 Tansy Point Treaty Journal: The Clatsop Treaty." *The Quartux Journal*, November 20, 2017.

bones of our ancestors, but ceded the majority of our homelands for settlement. Because the treaties reduced access to many of our traditional hunting, gathering, and fishing grounds, the government agents promised annuities and other provisions to sustain our communities. Clatsop's treaty set a precedent for remaining in our homelands; however, Clatsop was the only tribe to secure a significant reservation during the Tansy Point negotiations.

In total, Dart negotiated thirteen treaties at Tansy Point. After the negotiations concluded, Dart traveled back to Washington, D.C., with the treaties to personally deliver them to the Office of the Superintendent of Indian Affairs. Upon his arrival, he submitted the treaty documents along with a report detailing the number of acres negotiated, the value of the land and timber to the United States, and a brief narrative of each negotiation. Throughout the report, he justified his decision not to relocate us as planned. Some of his examples for allowing us to remain in the region included our willingness to work as laborers for settlers, our inability to survive east of the Cascades because of our unique lifestyles, and our desire to die and be buried alongside our ancestors.[109] His report also included many uninformed statements about our tribes, drawn from his limited interactions with us and the settler rhetoric of the era, some of which were similar to those made by Congress in 1826.

Superintendent Luke Led submitted the report and treaties to President Fillmore, who forwarded them to Congress. There, the Anson Dart treaties were tabled by the Senate. The government had three primary issues with the treaties. The first was that they did not remove our people, as the government intended in the negotiations. Secondly, the treaties created minor reservations near settlements, and some, such as the treaty with the Clatsop tribe of Chinooks,

[109] Lewis, David G. "Anson Dart's Report on the Tribes and Treaties of Oregon, 1851." *Quartux*, October 8, 2017.

required the government to remove settlers, which would have been difficult and contrary to the land acts previously passed by Congress.[110]

Despite the Senate's inaction, our Chinookan ancestors complied with the terms of the treaties. Because our treaties were negotiated in our trade language, and because much was lost in translation, our ancestors did not fully understand the settler processes for treaty ratification. The x-mark signifies consent, but as Scott Richard Lyons asserts, "An x-mark also signified coercion. As everyone knows, treaties were made under conditions that were generally unfavorable to Indians."[111] Colonial positivist law was a foreign concept, and in opposition to the natural laws of our place. The lack of a clear understanding of colonial law and language barriers preventing understanding created conditions unfavorable to our Chinookan ancestors.

The winter following the negotiations at Tansy Point brought with it numerous deaths in our communities. Without the provisions promised in the treaties, food insecurity was significant. We have many oral histories detailing the hunger our people experienced during that winter. Samuel V. Robinson, the current Vice Chairman of the Chinook Indian Nation's Tribal Council, great-great-grandson of Thomas Huckswelt, who was involved in the negotiations that secured what is now Bay Center, as a reservation for our Willapa community, recalls what was said in his family's yaʔim about the ratification process, "They took the treaty back to Washington D.C., and they basically told the senators not to worry, that we would be gone – they [the Chinook] were so infected by smallpox and malaria."[112] While there were many deaths due to starvation and disease, we did not all die out.

[110] Lewis, David G. "Anson Dart's Report on the Tribes and Treaties of Oregon, 1851." *Quartux*, October 8, 2017.
[111] Lyons, Scott Richard. *X-Marks: Native Signatures of Assent*. University of Minnesota Press, 2010, 1.
[112] Barber and Sinclair, "Tansy Point Treaties."

Our resistant survival impeded Euro-American settlement. Our title to our lands had not been extinguished because no treaty had been ratified between our tribes and the United States government. In another effort to remove us from our lands, shortly after the creation of the Washington Territory, an artificial division of our territory and tribes, newly elected President Franklin Pierce tasked Washington's first Territorial Governor and Indian agent, Isaac Stevens, with negotiating new treaties to mitigate growing conflicts between Indians and settlers. In Stevens' first address to Washington's territorial legislature on February 28, 1854, he asserted,

> The Indian title has not been extinguished, nor even a law passed to provide for its extinguishment…. Under the law of Congress it is impossible to secure titles to the land, and thus the growth of towns and villages is obstructed, as well as the development of the resources of the Territory.[113]

In his address, he also perpetuated rhetoric similar to the 1826 Congress, calling us "a docile, harmless race."[114] Stevens' ethnocentric ideas fueled his belief that he could accomplish what Dart was incapable of achieving, our removal. That same year, Stevens organized a treaty commission and set out to deal with the Indian title problem.

Before any formal treaty council took place, he sent representatives into our communities to determine the conditions of our tribes and to notify us of his intent to negotiate. In a report to the Secretary of the Interior, Stevens described our communities as remnant populations and recommended establishing a few reservations for our relocation. He asserted,

> In making the reservations it seems desirable to adopt the policy of uniting small bands under a single head. The Indians are never so disposed to mischief as when scattered, and therefore beyond control. When they are collected in large bands it is always the power of the government to secure the influence of the chiefs, and through them to manage the people.[115]

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[113] Wright, Tim. "A History of Treaties and Reservations on the Olympic Peninsula, 1855-1898: A Curriculum Project for Washington Schools." Center for the Study of the Pacific Northwest, University of Washington, n.d., 12.
[114] Wright, Ibid.
[115] Stevens, Isaac I. *Report of the Secretary of the Interior*. 1854, 456.

In 1854, when Stevens' treaty commission was collecting data for his report, they came to our Chinook tribes and asked what we would like in exchange for our lands. We told them that we would give up the rest of our territory if we could establish a reservation at gitɬálilam, which is now Naselle.[116]

On February 25, 1855, our Chinook tyee met with Stevens, along with leaders of the Quinault, Queets, Chehalis, and Cowlitz tribes, to negotiate a treaty. The treaty negotiation was recorded by George Gibbs, a member of the treaty commission, and by Shoalwater Bay settler James Gilchrist Swan. During the treaty council meeting, it quickly became clear to the tribes that Stevens had no intention of negotiating. While our tribal delegates came prepared to cede portions of our lands, Stevens arrived with the intent of taking all our land and insisted that all the tribes be relocated to a single reservation on the Olympic Peninsula. The tone of the discourse between Stevens and the tribal leaders was hyperpaternalistic and coercive. In an address to the Council, Stevens asserted,

> …the Cowlitz and Chinooks have said what they wanted. 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.[117]

The statements in the address are coercive in that they oversimplify and minimize the ratification process. The "Great Father" refers to the President of the United States, and while the President has the power to introduce treaties, it is the plenary power of the United States Senate to ratify

[116] Tony A. (naschio) Johnson and Johnson, Gary C. (askalwilksh), "Chinook Indian Nation NYC Acquisition Plan," NYC Task Force January 18, 2024.
[117] The Chehalis River Treaty Council minutes prepared by George Gibbs were transcribed in Lane, Robert Brockstet, and Barbara Lane. "Treaty Rights Workshop: Chehalis River Treaty Council and the Treaty of Olympia." Workshop. Institute for the Development of Indian Law, n.d., 18.

treaties with Indian tribes. The tribes that participated in the Anson Dart treaties already learned this when the Senate tabled those treaties.

Stevens' actions during the treaty council were dishonest and deceitful, and like those statements, Gibbs' transcriptions are also over-simplified. The duration of the Chehalis River Treaty Council was several days, and the minutes from that meeting are only 19 pages long. While James Swan's account is more detailed, both his and Gibbs' records are incomplete and omit numerous threatening statements by Stevens toward our tribal delegates. In our oral histories regarding our participation in the Chehalis River Treaty Council, it is said that Stevens made many attempts to get us to comply with his removal plan. At one point in the negotiations, he attempted to bribe us. He held up his hat and said he would fill it with gold if we agreed to move. When that didn't sway our delegates, he threatened their lives. He told them he would take all of our people, put us on a boat, then take us out to sea and drown us. Still, our Chinook delegates stood firm in their refusal to be removed.

> When you first began to speak… we did not understand you; it was all dark to us as the night; but now our hearts are enlightened…We are poor, and can see how much better off the white men are than we are. We are willing to sell our land, but we do not want to go away from our homes. Our fathers and mothers, and ancestors are buried there, and by them we wish to bury our dead and be buried ourselves. We wish, therefore, each to have a place on our own land where we can live, and you may have the rest; but we cannot go to the north among the other tribes. We are not friends, and if we went there we should fight, and soon we would all be killed.[118]

During the treaty negotiations at Tansy Point, our tyee lacked an understanding of settler customs, language, and laws, but in the years between 1851 and 1855, they learned a great deal. Chinook delegate Nakarty (also spelled Narkarty) conveyed this in his response to Stevens. Nakarty asserts that, while our people struggle, we weren't willing to give up everything, and if

[118] Swan, James G. *The Northwest Coast; or, Three Years' Residence in Washington Territory*. Harper & Brothers, 1857, 345.

we were to move, we would surely die. Chinook's delegates left the treaty negotiation withholding their x-marks. Our delegates were not alone in their actions. Chehalis and Cowlitz delegates also left the treaty council meeting, opposed to Stevens' terms. During treaty negotiations, tribes retained the right to withhold their ex-marks, but when they did so, there were often severe consequences.

Existing in a Legal Grey Area

In the years that followed our unsuccessful treaty negotiations with the United States government's Indian agents, our Chinookan ancestors continued to fight to remain within our homelands and maintain community through a network of interconnected villages. Many of our people lived in our villages at Bay Center, Washington, "Indian Place" in Seaside, Oregon, and along iyagaytł imał near Altuna, and Pillar Rock. Douglas Duer aptly describes these locations as refuges, as places where our ancestors "regrouped in the wake of an apocalyptic moment in their history, significantly realigned their social and economic relationships, and moved on with firmer footing and a better understanding of how to engage the non-Native world."[119] Our people were living in these places when John P. Usher, the Secretary of the Interior, ordered the illegal taking of our territory in 1864.[120] The government's decision to illegally take our lands is a direct result of settler erasure rhetoric. As the Congressional record shows, during their discussion around the appropriation of funds to Anson Dart for his work in negotiating the Tansy Point treaties, Senator Joseph Lane made egregious comments about Dart's treaty negotiations, stating,

> He made thirteen treaties with less than one thousand Indians. He went to the Clatsop plains, and made a treaty with half a dozen or so warriors and a few squaws – the remains

[119] Deur, Douglas. "The Making of Seaside's 'Indian Place': Contested and Enduring Native Spaces Nineteenth Century Oregon Coast." *Oregon Historical Society* 117, no. 4 (2016): 538.
[120] Barber, Katy, and Donna Sinclair. "A Lower Columbia Chinook Historical Timeline." *Public History PDX: A Project of the Department of History at Portland State University*, 2018.

> of the Chinook tribe. He contracted to pay a large sum of money to them, and not one of them was on the face of the earth three years after he made that treaty.[121]

Not only did Lane make false statements about our existence, maintaining that we were all dead within three years of the negotiation, but he also minimized our worthiness for justice by calling us inoffensive and mere remnants of tribes at the time of the negotiations. As detailed previously, Anson Dart was given orders to remove our Chinookan peoples from our homelands to a reservation east of the Cascades, and those orders came from Lane. Because Lane's orders went unachieved, he chose to perpetuate harmful erasure rhetoric about our ancestors.

Despite Lane's attempts to diminish our existence as nations, numerous settlers in Oregon and Washington, who had become friendly with our Chinookan ancestors, sent letters to the Office of Indian Affairs, the territorial governments, and to Congress delegates advocating for justice. One of the first letters was sent to Lane from Robert Shortess in 1850, when he was the territorial governor of Oregon. Shortess was a settler married to a Clatsop woman and helped create one of the first Chinook jargon dictionaries. He also has assisted Dart during the treaty negotiations. In his letter, he asserted, "something should be done for the native immediately. JUSTICE AND HONOR DEMAND IT."[122] This letter speaks to the conditions that our tribes were forced to endure and the land theft that was taking place. Shortess's letters were ignored by Lane because the conditions Shortess described were part of Lane's agenda, but other representatives of the United States government would not ignore their citizens. In 1864, upon receiving these letters, John P. Usher attempted to remedy the situation of tribes without treaties and authorized the purchase of land to create the Chehalis Indian Reservation, with language that

[121] Rivers, John C. *The Congressional Globe: The Debates and Proceedings First Session of the Thirty-Sixth Congress: Special Session of the Senate*. Historical Publication of Congressional Debates. Washington, DC, 1860, 2119.
[122] Lewis, David G. "Robert Shortess On the Columbia." *The Quartux Journal*, August 29, 2017.

included the Chinook and Cowlitz. Still, our ancestors refused to cede our lands to settlement. Two years later, in 1866, the United States government attempted to relegate us to another reservation. By executive order of President Andrew Jackson, the Shoalwater Bay Reservation was created for use by the Shoalwater Chinook and the Lower Chehalis.[123] This time, the reservation was in our Willapa territory, but it was only one square mile, and very few of our people lived there. Most of our people chose to stay in our interconnected villages that we had established for ourselves.

1871 marked a significant decision of the United States federal courts regarding the status of Chinook children born of a relationship between a settler and a Chinook person. The United States federal courts agreed in McKay v. Campbell, in which a federal district court ruled that a Chinook Indian was "born a member of an independent political community" and therefore "not born subject to the jurisdiction of the United States – not born in its allegiance."[124] Colonial positivist law is based on precedent, and that precedent declares that our Chinook people, regardless of mixed parentage, are Chinook. As previously illustrated, our people had been marrying settlers, and those unions occurred for various reasons. Our Chinookan belief was, and remains, that regardless of pseudo-scientific ideas about blood quantum, which aim to erase Indian status, a person is Chinook if they are born of a Chinook person. This belief reverberates today in the Chinook Indian Nation Constitution and enrollment policies, which will be discussed later.

[123] Kappler, Charles J. "Indian Affairs. Laws and Treaties." Washington, DC, 1904, 924.
[124] Wilkins and Stark, *American Indian Politics and the American Political System*. 63.

In 1873, seven years after the creation of the Shoalwater Bay Reservation, by an executive order of Ulysses S. Grant, the Quinault Reservation[125] was expanded from 10,000 acres to 220,000 acres. In the executive order, Grant expressed his desire "to provide for other Indians in that locality' by withdrawing lands from the public domain 'for the use of the Quinaielt, Quillehute, Quit, and other tribes of fish-eating Indians on the Pacific Coast."[126] Our Chinook tribes were among the nations identified in discourse about the enlarged reservation. This expansion was another attempt to remove us, guised as remediation. While a significant number of Chinooks temporarily moved to the Quinault Reservation to access federal benefits, documents and yaʔim indicate that our ancestors continued to identify themselves as Chinook, and most continued to live in the interconnected villages at Bay Center and along the iyagaytɬ imaɬ, and to participate in the Chinook community.

In response to unsuccessful attempts to remove us from our homelands, the United States government changed tactics to address land title issues. During the late nineteenth century, settler nations, like the United States, Canada, New Zealand, and Australia, enacted assimilation policies meant to dismantle Indigenous lifeways. Assimilation policies varied across colonized terrains; however, all attacked the physical and metaphysical structures of Indigenous societies. Architects of the boarding school era believed that if they changed the physical landscape and bodies of Indigenous peoples, then they could achieve control over these populations. Government-mandated residential schools were one of the most widely used and impactful forms of assimilation policy, and they were created to eliminate Indigenous peoples' claims to

[125] After the Chehalis River Treaty Council failed, the United States government met with the Quinault Tribe in July 1855 and signed the Treaty of Olympia, creating the Quinault Reservation. In January 1856, the Hoh and Quileute also signed the treaty.
[126] Gover, *Summary Under the Criteria and Evidence for Final Determination For Federal Acknowledgment of the Chinook Indian Tribe / Chinook Nation (formerly: Chinook Indian Tribe, Inc.)*. 11.

nationhood; however, they were also a form of implicit federal acknowledgment.[127] Despite the Bureau of Indian Affairs' contemporaneous endeavors to minimize our Chinook tribes' inclusion in this era of federal Indian policy, several generations of Chinook children attended remote Indian boarding schools, some by choice and others by force.[128]

The Bureau of Indian Affairs enrolled Chinook children in government-run boarding schools over multiple generations. In school enrollment records, the parents of our children were "identified as Chinook, Quinault-Chinook, Chinook-Cowlitz, Quinault-Chinook-Chehalis, Chinook-Chehalis,"[129] revealing that the Bureau of Indian Affairs did not question whether our people were Chinook Indians. Our ancestors attended the Cushman Trades School, Tulalip Indian School, Haskell Institute in Kansas, and the Chemawa Indian School in Oregon. Most of our Chinook families carry yaʔim about our relatives' experiences at boarding schools. At these institutions, our people suffered physical, psychological, and sexual abuse and neglect. We have stories about people who came home disfigured and broken, and others about individuals who died while there. Our yaʔim demonstrate that the boarding school era significantly disrupted our traditional forms of knowledge production and traumatized both those who went and those left behind, yet they also illustrate our communities' resistant survival.

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[127] Parks, Keiteyana I. "Indigenous Boarding Schools in the United States and Canada: Potential Issues and Opportunities for Redress as the United States Government Initiates Formal Investigation." *American Indian Law Review* 47, no. 1 (2022): 37–70.

[128] In the 25 CFR 83, tribes seeking federal acknowledgment are required to demonstrate their continuous organization, culture, and community despite their government's concerted efforts to obliterate them. In our application for federal acknowledgment, the Branch of Acknowledgment attempted to minimize our people's enrollment in Indian boarding schools, making the claim that some Chinook descendants attended the government's Indian schools, but we did so because of our degree of ancestry, not because the government recognized us as a Chinook tribe. Yet, in Cowlitz's petition for acknowledgment, Cowlitz's boarding school evidence, nearly identical to that of the Chinook's, was sufficient for demonstrating their historical and continuing existence as a tribe. This reveals the inconsistency of the administrative process for the acknowledgment of tribes.

[129] Gover, Kevin. *Summary Under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Chinook Indian Tribe / Chinook Nation (formerly: Chinook Indian Tribe, Inc.)*. United States Department of the Interior, Office of Federal Acknowledgment, 2001, 20.

Chinook tribal elder Margret Lorton Rhodes Payne, born in 1938, was raised by boarding school survivors. Her family's yaʔim about the boarding school experience sheds light on our people's strength and resiliency.[130] Margaret's chicha, Bessie George, was enrolled in the Cushman Boarding School when she was five, and she lived there for nearly 10 years before moving back to Willapa Bay, to Goose Point, to marry and raise her family. chicha Bessie's yaʔim is unique in that she got to return home during the summer season. While winter is typically the time for passing down our ikanum and cultural protocols, for basket makers like Bessie, the summertime is for gathering and weaving. Because Bessie was able to return home during basket-making time, she grew up to become a master weaver. Bessie's daughter, Catherine, had a different experience from her mother. She attended Chemawa boarding school, where she was miserable. She was so unhappy there that she found a way to return home and never went back.

Many of our families have yaʔim about pushing back against or resisting the acculturation project that is the government-run boarding schools. Growing up, my mother and chicha Judy often shared stories about our family's experiences at residential schools, as multiple generations were enrolled. Boarding schools have had lasting impacts on my family and our community, as they did on most Indigenous peoples. My great-grandfather, chupe James (Jim) McBride, and all but one of his siblings, for example, were taken to different boarding schools across the region. In these schools, they experienced abuse that many never fully disclosed. As a result of the abuse, many of them suffered from mental health issues, and all struggled with addiction on and off throughout their lives. My uncle Allen, chupe Jim's youngest brother, however, was spared. Allen was the only child of his generation not to enroll in a boarding

[130] Sinclair, Donna, and Melissa Swank. "Margaret Lorton Rhoades Payne (MP)." November 5, 2011.

school. As a child, chicha Nina and chicha Jennie hid him away from the Indian agents. Because of this, Allen was raised in a way that was entrenched in our cultural teachings. Because Allen never left our home community in Bay Center, he was able to pass important Chinookan teachings on to subsequent generations.

A Legacy of Successful Litigation and Legislation Relating to Our Status as Indians and Our Rights to Our Lands

It is integral not to minimize the contributions of boarding school survivors in our Chinook justice efforts. Chinook's hereditary leaders first sued the U.S. government in 1899, seeking damages under the Anson Dart Tansy Point Treaties. Many of these leaders gained the language skills and socio-political understandings of Euro-Americans necessary to file the lawsuits through their time at federal Indian boarding schools. One of our first attorneys was Clatsop Chinook. Silas Smith, grandson of Clatsop tyee Coboway, was one of the first American Indians admitted to the Oregon Bar and to practice law in the region.[131] While Smith did not attend a federally controlled Indian boarding school because his settler father sent him back east to learn at private institutions, many of his peers did attend the acculturation schools. After opening a law firm in Astoria, Oregon, he successfully won the first Indian land claim in the Pacific Northwest. In 1897, he convinced the United States Congress to pay Chinook's southern neighbors, the Salish-speaking Nehalem peoples, for taking their lands.[132] Two years later, Silas Smith, Mr. Harrison Allen, and other attorneys in Astoria, Oregon, represented our Chinook

[131] Coboway was a person of status who hosted the Lewis and Clark Expedition in 1805-1806. While contemporary language refers to Coboway as a chief, I prefer the Chinookan word tyee because tyee captures specific, culturally unique ways of being that the word chief does not.
[132] La Follette, Cameron, and Douglas Deur. "Sukas Bryant Smith (1839-1902)." In *Oregon Encyclopedia*. March 13, 2026.

tribes in our lawsuits.[133] Although Smith died in 1902 from tuberculosis before our litigations were resolved, the evidence he provided in the lawsuits was instrumental to the success of the claims. Silas's work inspired his generation and future generations of Chinook justice workers to use the United States' legal system in our fight for justice. Many of Chinook's contemporary leaders' relatives were among the first men and women who hired our first attorneys. The current Chinook Chairman, Tony A. naschio Johnson, is the great-great-grandson of a participant in the legal proceedings. Tony and his father, Gary C. askálwilksh Johnson, inspired by their ancestors' involvement, both continue to fight for justice through the courts.

The 1899 lawsuits culminated in legislative action. The first act of Congress was the Indian Appropriation Act for the 1906 fiscal year,[134] which authorized and directed the Secretary of the Interior to "investigate the number of...Clatsop Indians of Oregon and Washington… Lower band of Chinook Indians of Washington, and Kathlamet band of Chinook Indians of the state of Oregon, or their heirs."[135] Between January and June of 1906, Dr. Charles E. McChesney, Supervisor of Indian Schools for the Bureau of Indian Affairs, endeavored to prepare an enrollment of Indians pursuant to pending distribution of funds in land claims litigation per the Secretary's orders. McChesney's 1906 report documented every member of the Chinook community who was alive in 1851 and living in 1906, or those who were heirs of tribal members alive at the date of the 1851 Anson Dart treaties. In addition to the rolls, McChesney included in his report original copies of testimonies from our nation's ancestors, which served as the basis for the rolls. In a letter to the Department of the Interior, McChesney asserted, "It may

[133] In McChesney's correspondence with the Secretary of the Interior in November of 1906, McChesney expressed his indebtedness to Mr. Allen, an attorney representing Clatsop and Lower Chinook, Oregon, for his assistance in preparing enrollments.
[134] 33 Stat. 1073.
[135] McChesney, et al. *Rolls of Certain Indian Tribes in Oregon and Washington*. Ye Galleon Press, 1969, 1.

be that some heirs have been omitted, but I have used every endeavor and exhausted every possible source of information in my efforts to ascertain all the heirs."[136] McChesney identified 124 heirs in 1906, and 86% of those heirs lived within or immediately adjacent to our aboriginal homelands.[137] These rolls were the first government-approved enrollment record of our modern-day Chinook Indian Nation.

Following the 1899 litigation, the United States Justice Department negotiated settlements with our Chinookan ancestors, thereby sparking multiple actions of Congress. The first action, in March 1911, authorized the Secretary of the Interior to make allotments of surplus land on the Quinault Reservation for "other tribes of Indians in Washington who are affiliated with the Quinaielt and Quileute tribes."[138] Chinook was deemed affiliated with Quinault because of our participation in the unsuccessful treaty negotiations at the Chehalis River Treaty Council. The second action sparked the creation of the Annuity Payment Roll of 1914, which Congress enacted in 1912.[139] This was the second government-approved enrollment record of our modern-day Chinook Indian Nation. Unlike the McChesney Rolls, which recorded the age, gender, and mortality status of those alive during the 1851 treaty negotiations and their heirs, the Annuity Payment Roll of 1914 also recorded pseudo-scientific race data (i.e., blood quantum).

Several years after the Annuity Payment Rolls were generated, and as a result of the expansion of the Quinault Indian Reservation, the United States government commissioned the third and final enrollment record of our people. In 1916, Special Agent Charles E. Roblin was instructed by the Bureau of Indian Affairs to count and enroll Indians of Western Washington

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[136] Ibid, 3.
[137] Beckham, Stephen Dow. *Chinook Indian Tribe: Petition for Federal Acknowledgment*. Lake Oswego, Or: USA Research, 1987, 209.
[138] *Chinook Indian Nation v. Ryan K. Zinke: First Amended Complaint (United States District Court for the Western District of Washington at Tacoma, November 11, 2017):* 18.
[139] "Annuity Pay Rolls for Chinook, Wheelappa, Clatsop, Tillamooks." Department of the Interior, 1914.

who were unaffiliated or unallotted at any Indian agency. After three years of investigating persons who desired to be recognized as Indians and granted allotments, Roblin submitted his report to the Commissioner of Indian Affairs on January 31, 1919.[140]

The 1899 litigation and the following government actions inspired the hereditary leaders of Chinook's five constituent tribes to cede their inherent authority and power over to the people and our homelands, placing political power in the hands of the people. They authorized the creation of Chinook's first constitution, where individuals were eligible for enrollment if they could prove descent from persons listed on one of the three government-issued rolls. In 1925, under the newly created constitution, Chinook citizens elected our first body of leaders for the modern-day Chinook Indian Nation. Chinook's first elected leaders sought permission from Congress to file a compensation claim for our land, eager for reparation that more accurately reflected the magnitude of the land taken. On February 12, 1925, Congress authorized that "all claims of whatever nature, both legal and equitable" could be submitted to the Court of Claims.[141] Later that year, W.B. Sams, Superintendent of the Taholah Indian Schools, approved Chinook's contract with attorney Arthur E. Griffin to pursue our tribe's Docket 234 lawsuit, which will be discussed at length in Chapter 3.

While Chinook's first elected leaders were seeking more just compensation for lands taken illegally by the United States government, they also sought access to critical resources, including land allotments on the Quinault Reservation. Despite Grant's expansion of the Quinault Reservation in 1873 and Congress's 1911 action ordering the Secretary of the Interior to make allotments for tribes affiliated with the treaty negotiations that established the Quinault

[140] "Applications for Enrollment and Adoption of Washington Indians, 1911-1919." Bureau of Indian Affairs, n.d. Record Group 75: Records of the Bureau of Indian Affairs. National Archives.
[141] Federal Arbitration Act of 1925, Pub. L. No. 404, 43 Stat 883 (1925).

Reservation, Chinook, Cowlitz, and Chehalis tribal peoples were consistently denied allotments because our peoples refused to relocate to the reservation. In 1928, in response to the government's refusal to grant allotments to our tribes' citizens, the Chehalis, Chinook, and Cowlitz tribes sued the United States government in the United States District Court for Western Washington. The Chinook Indian Tribe played a significant role in that litigation. In 1931, the Supreme Court ruled in Halbert v United States that members of the Chinook, Cowlitz, and Chehalis tribes had a right to allotments on the Quinault Reservation and found the Chinook to be affiliated with the 1855 Treaty of Olympia for the purposes of allotments on the Quinault Reservation.[142] Between 1932 and 1934, the Bureau of Indian Affairs issued hundreds of allotments to both adults and minors in the Chinook tribe. Chinook allottees were not members of the Quinault Indian Tribe, and most did not reside on the Quinault reservation. Over 50 percent of all allotments on the Quinault Reservation belonged to members of our Chinook tribe. Hundreds of these allotments remain in trust and are administered by the Bureau of Indian Affairs for contemporary members of the Chinook Indian Nation.

In the years that followed Chinook's numerous legal and legislative victories, Chinook leaders became deeply involved in pan-Indigenous organizations and policies, including the Indian Reorganization Act of 1934, the National Congress of American Indians, the Affiliated Tribes of Northwest Indians, the Small Tribes of Western Washington, and others. Chinook's participation in these organizations will be discussed further in later chapters; however, it is important to note that our nation was viewed by other tribal nations as a tribe with political power. The Indian Reorganization Act had many purposes, including "stopping the allotment process of reservations, providing for the acquisition of lands for landless Indians, permitting

[142] *Halbert v. United States,283 U.S. 753 (U.S. Supreme Court June 1, 1931): 753.*

tribes to organize themselves into business corporations…, and stabilizing Tribal governments,"[143] among many other reasons. Ultimately, the Indian Reorganization Act was intended to restructure Tribal governments in ways that mirrored the United States ' system of government. Our Chinook citizens, possessing a post-treaty affiliation on the Quinault Reservation as determined by the Halbert decision, were accordingly determined by the Bureau of Indian Affairs to also possess rights to vote in the Quinault referendum under the Indian Reorganization Act. As a result, in 1953, Chinook submitted our revised constitution and bylaws to the Bureau of Indian Affairs as part of our Docket 234 lawsuit and in compliance with the Indian Reorganization Act.

The 1953 action of Chinook's leaders brought attention to our tribal community. In 1946, the Senate Interior Committee was certain that the Bureau of Indian Affairs was no longer necessary, and the House agreed. Congress believed it was time to end the government-to-government relationships between tribes and the United States, marking the beginning of the termination era.[144] In 1953, the Bureau of Indian Affairs sought to involve the Chinook Indian Nation in discussions to assess prospects of termination. Our tribal council and community were invited to, and participated in, numerous meetings, including two in Bay Center, home to our current tribal headquarters. Those meetings in October 1953 led to the termination of three of our nation's five constituent tribes: the Clatsop and Kathlamet, and, erroneously, the Lower Chinook Tribe from the north shore of the mouth of the Columbia River under Public Law 588, also known as the Western Oregon Termination Act.

[143] Woody, Elizabeth. "The Tribe Next Door: Tradition, Innovation, and Multiculturalism." In *The First Oregonians*, Second, edited by Laura Berg. Oregon Council for the Humanities, 2007. 84.
[144] Ibid, 55.

For most of the 61 tribal nations named across western Oregon, the repercussions of termination were immediate, widespread, and catastrophic. It destroyed tribal economies, gave away tribal resources, led to severe land loss, and damaged tribal cohesion. The Western Oregon Termination Act of 1954 was designed to end the federal government's fiduciary and moral obligations to tribes, allowing the United States to terminate federal services promised to tribal nations through treaties and other government policies. Because only three of Chinook's five nations were terminated, the nation retained federal services until 1967, when the U.S. Department of the Interior cut services to 100 landless tribes. Our Chinook Indian Nation is considered landless because we refused the terms of treaties that would have removed us from our territory in the 1850s. That, and the fact that not all of our tribes were named in the act, meant the effects of Congress's actions were not felt as immediately or devastatingly in our community as they were by our neighboring nations that only had lands in Oregon. The Western Oregon Termination Act functioned as a catalyst for Chinook's current lack of federal acknowledgment.

Our Enduring Struggle

Every generation of Chinookan people born since 1864, when the Secretary of the Interior illegally ordered the whole of our Chinook territory to be taken despite unsuccessful treaty negotiations, has existed in a legal gray area, meaning that no regulation or law existed to address the consequences of unratified treaties.[145] chicha Jennie was born when our Chinookan-speaking tribes at the mouth of iyagaytɬ imaɬ had autonomous control over our territories and people. Subsequent generations were brought into a world of dispossession, subjugation, and othering as Indians. My mom was born in 1962 as a citizen of a federally recognized nation,

[145] Deloria Jr. *Custer Died for Your Sins: An Indian Manifesto*. Macmillan, 1969.

though that status was partially terminated under Public Law 588. Five years later, in 1967, Chinook began losing its status when the Department of the Interior cut services to 100 landless tribes. Chinook is only considered landless as a result of our unratified treaties and the illegal taking of our territory by the U.S. government. Shortly after the 1967 action, the Bureau of Indian Affairs added Chinook to the register of non-recognized tribes. Despite my nation's loss of status, my mom's status as an Individual Indian did not change. Upon my birth, I was not considered a citizen of a federally recognized tribe. Still, because of my mother's status as an Individual Indian, I, too, am classified as such. Under the American Indian Probate Reform Act, my children and grandchildren will have status.[146] My great-grandchildren will not have Indian status unless my children or grandchildren marry status Indians or unless our nation is finally federally recognized once again. Having status as an Individual Indian without a federally recognized nation to belong to is a contradiction. Kinship connections are integral to Indigenous epistemologies.[147]

Until the 1970s, our community was subjected to the same federal Indian policies as other tribal nations in the region (i.e., we participated in treaty negotiations, we were acknowledged as Indians by all three branches of the government, were subjected to federal

[146] Here is where it gets very complicated and nuanced. I have status as an Individual Indian, because under the American Indian Probate Reform Act (AIPRA), 25 U.S.C. § 2201, an "Indian" is defined as "any person who… is a member of a federally recognized tribe… or an owner (as of October 27, 2004) of a trust or restricted interest in land…" My mom was a child when she inherited a fractionated allotment on the Quinault Indian Reservation. She now owns multiple fractionated allotments and a full allotment. Later, I will explore further into how Chinook people acquired allotments, but this definition of Indian is what matters here. Because my mom had land in trust, and because I am her heir, I am Indian. Heirs of the first or second degree are recognized as Indian. This is how my children and I qualify as Indian. I am a first-degree lineal descendant of an Indian who owns land in trust. My children are both first- and second-degree lineal descendants of Indians. They are first-degree lineal descendants of a citizen of a federally recognized tribe. Their father is an enrolled citizen of the Oneida Nation of Wisconsin. They are also second-degree lineal descendants of an Indian who owns land in trust. The first-degree status supersedes the second-degree status. Because of this, my grandchildren will be considered second-degree descendants rather than non-Indian.

[147] Alfred, Taiaiake, and Jeff Corntassel. "Politics of Identity - IX: Being Indigenous: Resurgences against Contemporary Colonialism." *Government and Opposition* 40, no. 4 (2005): 596–614.

Indian boarding schools, reserved allotments, acquired Individual Indian Money (IIM) accounts, fished as Indians, and received funds from the Indian Reorganization Act of 1934, etc.). As Kevin Gover articulated in his 247-page summary of the evidence in favor of federal acknowledgment, the Chinook Indian Nation was previously unambiguously acknowledged by the federal government.[148] Had the Chinook Indian Nation not previously been recognized, we would not have been able to qualify for assistance from the United States through programs such as the Indian Health Service, probate jurisdiction, and economic development assistance. The classification of the Individual Indian is dependent on an individual's connection to "a unique body politic and distinctive cultural and linguistic systems, historically, at least, 'allegiance rather than ancestry per se [was] the deciding factor."[149] In recent decades, our access to these programs has been reduced, but we have qualified for federal services and protections, and many of us still do.

As a citizen of a formerly recognized nation that exists within a legal grey area, I am required to be an expert in my people's culture, civics, economics, history, and more. For the majority of my life, I have consistently needed to justify and prove Chinook's existence and our worthiness for federal acknowledgment and our Indigenous rights to both Indigenous and non-Indigenous people. This is part of the enduring struggle, but also our strength. italapas made it so. We know who we are. We know our histories and struggles. It is for these reasons that we continue to fight for justice.

[148] Gover, *Summary Under the Criteria and Evidence for Final Determination for Federal Acknowledgment of the Chinook Indian Tribe / Chinook Nation (formerly: Chinook Indian Tribe, Inc.)*.
[149] Wilkins and Stark, *American Indian Politics and the American Political System*. 33.

Too many of our tilixam
Haven't survived
Have taken their own lives
Have been killed
Have been denied access to lifesaving critical resources
Have had their children taken

Too many of our tilixam are hungry
Have lost nearly everything

We have lost too much

We are still here, but regularly we are forgotten, excluded, erased

Get acknowledged, and then we'll talk
No, you'll talk to us now

We've lost too much
Nearly everything was ripped out from under us

I am told
It's ok, you are Native regardless
You are an Indigenous warrior
I am
Fuck the federal government
Yes, fuck the feds
We see you
But do you really see?

We don't need the government to tell us we are Indian
We need them to honor the treaties our ancestors signed

The disparity gap in Indian Country is growing
We have all the struggles associated with settler colonialism, with little means to alleviate them

łun
My heart hurts, but tomorrow we will be better
tumala
tumala
tumala
ntsayka munk-manaqui-łush
duwi duwi

CHAPTER 3: CHINOOK'S LANDS: PROTECTING AND DEFENDING THE SACRED EMBODIMENT OF OUR SOVEREIGNTY

Chinook people have always understood that our land and connection to our ancestors make us Chinook. For that reason, we refused to leave our lands and the bones of our ancestors during the 1851 and 1855 treaty negotiations and subsequent relocation attempts by the United States government. Others have continuously sought to dispossess us of both, but we have always resisted this settler impulse.[150] Being a nonfederal tribe creates barriers for the Chinook. Still, it does not diminish our resolve to steward our homelands, reestablish and maintain a land base throughout our territories, nor our desire to reclaim what has always been ours. In many ways, the fight for federal acknowledgment is about ensuring our sovereignty over our places and people is respected.

This Chapter examines significant occasions in the nearly 175-year battle to clarify Chinook's Indian title over our territories and the reclamation of our lands and stewardship responsibilities at the mouth of iyagaytɬ imaɬ. Unlike the previous chapter, which maps out Chinook's historical struggle for justice, this chapter centers on contemporary efforts that are part of this longer narrative of survivance. Beginning with a historic moment in 2024, when Chinook's generations-long battle to secure our Indian title culminated, and then spiraling back to 1925, when Chinook's first elected leaders sought permission from Congress to file our land claim, we discuss the origins and outcomes of Docket 234. After investigating the Indian Claims Commission process and decision, we turn to 2017, when I joined Chinook's contemporary leaders in our ongoing fight for justice during a pivotal period in Chinook's history. In examining

[150] The use of others is intentional, because as the chapter develops, you will see that it is not only settlers who attempt to usurp our claim to our place and ancestors.

Chinook's contemporary litigation efforts and aftermaths, we will assess the complexities of Indigenous land claims, land and water stewardship, and land back for the Chinook Indian Nation. While in recent years, federally acknowledged nations across the United States have gained access to critical resources for the care and recovery of their ancestral lands, the Chinook Indian Nation struggles to protect and defend our ancestors and homelands, the source of our sovereignty.

Our Legal Claim to Our Homelands

In February 2024, local and national news headlines read, "Chinook Indian Nation hails decision granting access to land claim trust funds,"[151] "Over 50 years later, Chinook Indian Nation gets compensation for stolen lands from the federal government,"[152] "Wash. Tribe Awarded Land Comp Funds After 50-Year Battle,"[153] and "Chinook Indian Nation receives land claim settlement, could be closer to federal recognition."[154] As the headlines indicate, this victory was a significant moment for the Chinook Indian Nation. However, the banners do not communicate that the Chinook Indian Nation has always existed on both sides of the iyagaytɬ imaɬ, and that the struggle has extended far beyond fifty years.

During the press conference that took place days after the landmark legal victory, in which the Federal Courts, the Bureau of Indian Affairs, and Congress confirmed the Chinook Indian Nation's legal heirship to the settlement funds from our 1970 victory before the Indian Claims Commission, Chairman Tony A. naschio Johnson declared, "This victory reaffirms the

[151] Robbins, Becca. "Chinook Indian Nation Hails Decision Granting Access to Land Claim Trust Funds." Clark County News. *The Columbian* (Clark County, WA), February 22, 2024.
[152] Anderson, Luisa. "Over 50 Years Later, Chinook Indian Nation Gets Compensation for Stolen Lands from Federal Government." *KGW8* (Portland, Oregon), February 22, 2024.
[153] Owens, Crystal. "Wash. Tribe Awarded Land Comp Funds After 50-Year Battle." *Law360*, February 22, 2024.
[154] Reyna, Luna. "Chinook Indian Nation Receives Land Claim Settlement, Could Be Closer to Federal Recognition." *ICT + Underscore News*, February 23, 2024.

[Chinook Indian] Nation as rightful heirs and political successors of the Lower Chinook and Clatsop people here at the mouth of iyagaytł imał. It also resolves more than a century of legal battles for the Chinook Indian Nation to affirm our title to our own aboriginal territory."[155] As Chinook's Chairman asserts and as Chapter 2 emphasized, for more than a century, my nation's justice workers have initiated numerous lawsuits against the United States government for illegally taking our land, denying access to subsistence living, and infringing on our Indigenous rights. This win finally affirmed what my nation's historical and contemporary leaders have worked tirelessly to assert. This win, like all others, was not without struggle.

The Origins of Docket 234

Docket 234 was the direct result of Chinook's land claim efforts throughout the mid-twentieth century and continued the litigation and legislative endeavors of our five tribes during the late nineteenth and early twentieth centuries. This iteration of our resolve to secure title to, and more just compensation for the illegal taking of our lands by the United States government, began in 1925, nearly fifty years before the Indian Claims Commission issued its final order for *The Chinook Tribe and Bands v. The United States of America*, case known as Docket 234. It was then that Chinook leaders, under our contemporary government structure, sought permission from Congress to present a compensation claim reflecting the magnitude of the land taken. During that same year, Congress had passed the Western Washington Claim Act, which explicitly acknowledged Chinook as a tribe under its jurisdiction, requiring:

> that all claims of whatsoever nature, both legal and equitable, of all the tribes and bands of Indians [citing the treaties of 1855 and 1859]… which the Chinooks... may have against the United States shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination and adjudication.[156]

[155] Tony A. Johnson, "Docket 234 Press Conference," Zoom, February 22, 2024.
[156] Western Washington Claim Act, H.R. 2694 § Chapter 214 (1925).

The Western Washington Claim Act effectively acknowledged that we were a tribe with standing to make both legal and equitable claims against the United States government. Despite Congress's decision to allow us to proceed, our claim was not allowed to advance until the conclusion of *Halbert v. United States* in 1931. In *Halbert*, our Chinook leaders argued that we were affiliated with the Quinault, not because we were the same people, but because of our participation in the 1855 Chehalis River Treaty Council negotiations, the precursor of the Treaty of Olympia, which established the Quinault Reservation. The Supreme Court upheld this interpretation, recognizing our rights to allotments as Chinooks on the Quinault Reservation, allowing our claim to proceed.[157]

On August 13, 1946, Congress enacted the Indian Claims Commission Act, establishing the Indian Claims Commission to address American Indian nations' longstanding grievances against the United States government. The Commission provided a formal mechanism for tribes, such as the Chinook Indian Nation, to seek compensation for injustices. The Act also purported to honor the service of American Indian peoples during World War II.[158] Before cases could be heard by the Commission, federal officials were required to make threshold determinations of tribal status. In a formal opinion of Mastin G. White, the Department of the Interior's Solicitor, he asserted that claimants under the Act must be identifiable as a group of Indians, meaning

> A group whose political existence has been recognized by Congress or the executive branch of the Government, or one which, in the absence of such recognition, has a *de facto* collective existence and carries on a type of group life characteristic of the Indians in the United States or Alaska, as the case may be.[159]

[157] *Halbert v. United States, 283 U.S. 753*.
[158] An Act to Create an Indian Claims Commission to Provide for the Powers, Duties, and Functions Thereof, and Other Purposes, Pub. L. Nos. 79–726, 1049 (1946).
[159] White, Mastin G. *Decisions of the Department of the Interior, M-35029*. Edited by Ethel B. Foland. United States Department of the Interior, Office of Federal Acknowledgment, 1948. 152.

Because Chinook met these requirements, our claim was allowed to progress. In preparation for the legal proceedings, Chinook's leaders amended our Constitution to more closely reflect tribal constitutions established under the Indian Reorganization Act, as our Constitution was created in 1925, prior to that time.



Figure 5: A Chinook Tribal Council meeting in Bay Center, WA, circa 1950s. Photo courtesy of the Chinook Indian Nation archives.

The amended Constitution of the Chinook Tribe and Bands of Indians[160] was enacted in 1951, and under the revised constitution, Congress authorized the nation to file a case before the Indian Claims Commission for fairer compensation for the federal government's misappropriation of our lands. In 1958, the Commission found that we had proven Indian title to

[160] Later to be named Chinook Indian Tribe/Chinook Nation, and finally, the Chinook Indian Nation by decisions of the Chinook's General Assembly. The General Assembly is a meeting of Chinook's citizens. The General Assembly has final authority over tribal leadership and government affairs.

our Clatsop and Lower Chinook lands, which were taken from us without our consent.[161] In light of the findings, Docket 234 was permitted to proceed. In the years that followed, the Commission required Chinook to produce valuation testimony from expert appraisers and evidence addressing the factors the Commission considered. In a hearing held on January 7, 1963, the Commissioners declared,

> The following factors which will be taken into consideration in our evaluation of the judgement and settlement are: Population and settlement; interest rates; soils and topography; agricultural lands; tidelands and river frontage; millsites and waterfront sites; timber resources and lumbering; fisheries on the Columbia River and on the ocean; shellfish and crustaceans; minerals; early opinions of land values; and comparable land sales.[162]

The 1963 hearings were transcribed, and the transcripts comprised over 600 pages of testimony with hundreds more pages of evidence. After nearly twenty years of litigation, the Commission finally awarded Chinook $48,692.02 for the confiscation of 76,630 acres of land in Oregon and Washington.[163] The valuation did not include tidelands and river frontage, fisheries, or shellfish and crustaceans. Despite the land being appraised at roughly 63 cents per acre and while compensation was outrageous, to the Chinook people, it symbolized more than capital gain. The monies were and continue to be the material recognition of our sovereignty.

In the years that followed, the Chinook community worked with the Bureau of Indian Affairs to determine the method by which the judgment funds would be disposed of. Unable to reach an agreement, the Chinook community decided to leave our funds in a trust account to be managed by the Bureau of Indian Affairs in collaboration with our Tribal Council. For nearly

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[161] *The Chinook Tribe and Bands of Indians vs. The United States of America, No. 234* (Indian Claims Commission April 16, 1958).
[162] *The Chinook Tribe and Bands v. The United States: Hearing before the Indian Claims Commission* (1963): 2.
[163] *The Chinook Tribe and Bands of Indians, Plaintiffs, v. The United States of America, Defendant, No. 234* (The Indian Claims Commission November 4, 1970).

forty-one years, the Bureau of Indian Affairs sent Chinook monthly statements of our trust fund's accrued investment gains. In the last statement sent to the Chinook Indian Nation on February 29, 2012, the account balance was $497,342.02. The significance of this date will be discussed later in the chapter.

Joining A Legacy of Chinook Justice Workers

I was elected to office as the Secretary-Treasurer of Chinook's Tribal Council on Saturday, June 17, 2017. In the years before my election, I served on the nation's Communications Committee and participated as a lead puller for the Chinook Canoe Family, acting as an ambassador for the Chinook community and elevating our story within broader discourses. Involvement in my nation's social, cultural, and political endeavors has always been important to me. Growing up, I attended tribal meetings and events, but it wasn't until I was in my early twenties that I began using my voice and influence in the community. Still, as a young leader, I used that voice sparingly. In Chinook cultural teachings, the ability to be a good listener is integral to our development as leaders. For this reason, I spent most of my teens and twenties listening to tribal leaders and elders and only spoke on issues I considered significant. These moments almost always involved issues of injustice.

June 16, 2012, was a significant moment in my ascent into leadership. It was one of the first times that I had addressed the General Assembly. In the months leading up to this meeting, the Tribal Council had directed the Enrollment Committee to revisit our enrollment policies. As discussed in Chapter 2, Enrollment in the Chinook Indian Nation has always been based on descent; however, at this moment, the Tribal Council claimed that with the growing number of enrollees and the lack of financial security following the Bureau of Indian Affairs' rescission of our recognition, they were concerned about the resources available to the nation. The Enrollment

Committee was tasked with creating a proposal to address an increase in enrollment. The committee proposed enacting a 1/64th blood quantum requirement. During the proposal's discussion period, I stood up, slammed my hand down on the stage that the Council Members were sitting on, and loudly exclaimed, "We are not dogs or horses, and we should not treat each other as such. If you have a Chinook parent, you are Chinook. Blood quantum was created to erase us. I do not support this change, and I encourage others to vote it down." Afterwards, elders whom I deeply respected approached me and thanked me for using my voice. The General Assembly voted down the proposal.

In the years that followed, I spoke more frequently about issues of governmental transparency and accountability. I regularly expressed my belief that our citizens, both within and outside our homeland, must be informed about issues that affect us. In June 2014, I addressed the General Assembly regarding concerns about divisions within the community. Divisions weren't new, and every tribe has them, but when a nation is already vulnerable, we cannot afford to be divided. With my first child, baby Kanim, in my arms, I asserted, "The in-fighting needs to stop. I thought that by the time I became a parent, we would have gotten past this. Here I am with my son, and it is still going on. We will never achieve federal recognition if we are pitted against each other."

I was raised to speak up, especially in uncomfortable moments. I was encouraged to say the difficult things that others didn't want to hear or confront, which is why I was unanimously elected by the General Assembly. The person I replaced, Peggy Disney, nominated me for that reason, even though her leadership had at times been the subject of my criticism. I didn't intend to run for the Secretary/Treasurer position. I did not intend to run at all. In 2017, I had two children under three, and I didn't think I was ready. On the day of the elections, I was

approached by Peggy and a few other women leaders in the Chinook community. Peggy, who had served as Secretary/Treasurer for nearly two decades, informed me that she was stepping down and that I would assume her role. I was shocked at her assertion, because she and I had rarely agreed on governance decisions. I was stunned that she had faith in my leadership abilities. She and the other women urged me to run, claiming that my assertive personality made me right for the job. I accepted the nomination because I was also taught that refusing service requests is disrespectful. In our canoe culture, we are told, "When given a choice at all, be a worker bee," meaning that if you are asked to undertake a task for the community's well-being, you do it.[164] Our people's protocols obligated me to assume this responsibility. If these women believed in me, I must believe in myself.

A month prior to my election, Chinook's General Assembly convened in a special session to discuss two significant opportunities for the nation. The first topic discussed was an opportunity to purchase our 1851 treaty-signing grounds at Tansy Point. This decision required significant dialogue because, at that time, the tribe was financially depressed, with only about 50,000 dollars in the bank, and we owned less than 1 acre of land on the North shore of iyagaytł imał. In the years following the McCaleb decision, Chinook's Tribal Council decided to sell the land we owned in Naselle because we could not afford the upkeep or property taxes. The McCaleb decision was devastating. We were land poor and could barely afford to retain a part-time staff member to assist with day-to-day business needs. The second agenda item discussed was a renewal of our legal battle against the United States government. Recognizing the importance of these discussion items, I arranged for my family and me to attend the meeting.

[164] Forlines, David. "Tales of the Canoe Nation -1." *Oceanedge: The Journal of Applied Storytelling* 3 (Spring 1995): 12.

At the meeting, Chairman Tony A. naschio Johnson, elected in June 2015, shared that he had been approached by Thane Tienson, an attorney with ties to our community who was ready and willing to represent the nation on a pro bono basis.[165] Because filing a lawsuit requires legal standing, Chinook needed to demonstrate that we had been directly affected by the government's actions within the statute of limitations. Fortunately, we had that. Shortly after Johnson took office as Chinook's Chairman, he noticed that, at the end of February 2012, the Bureau of Indian Affairs had ceased sending us Docket 234 trust account statements. Concerned about the missing statements, he initiated a formal investigation. During this inquiry, he was given the runaround until he eventually received a letter from Catherine E. Rugen, Regional Trust Administrator in the Office of Special Trustee for American Indians, on August 25, 2015. The letter asserted,

> As you are aware, the Chinook Tribe is not Federally recognized. Section 25.83.2 of the Code of Federal Regulations, provides that "Acknowledgment of tribal existence by the Department is a pre-requisite to the protection, services and benefits of the federal government available to Indian tribes by virtue of their status as tribes," Thus, because you are not recognized, the funds held with our office cannot benefit your tribe. The only suggestion that I can make to you is that you continue to pursue recognition in accordance with the regulations set forth under CFR Section 25, Part 25.[166]

In other words, Rugen asserted that because the government did not recognize the Chinook Indian Nation as a tribe, we were not entitled to an accounting or possession of the funds awarded to the Chinook by the Indian Claims Commission. Moreover, the senior official's suggestion that the tribe should pursue recognition under the administrative process was problematic because, under the 2015 revised regulations, Chinook was prohibited from re-

[165] Thane Tienson was originally from Astoria, Oregon, but had moved to California, where he befriended Chinook-descendant Marvin Oliver. Marvin and his family were originally from Willapa Bay and had significant ties to our nation, but they had enrolled at the Quinault Indian Nation. Despite being enrolled at Quinault, the Oliver family advocated for Chinook when and where they could. It was through Marvin that Thane was introduced to Tony.
[166] *Chinook Indian Nation et al. v. Zinke et Al., 3:17-cv-05668* (U.S. District Court for the Western District of Washington August 24, 2017): 57.

petitioning. The Chinook Indian Nation found itself in a dilemma from which it seemed there was no escape, because of mutually conflicting conditions that were imposed upon us by the Bureau of Indian Affairs. Rather than accepting the Bureau of Indian Affairs' attempts to absolve itself of its fiduciary responsibility by refusing to acknowledge Chinook, we used this letter as legal standing to file claims against the United States government in federal court.

During the special meeting of the General Assembly, Chairman Johnson and Mr. Tienson explained their initial strategy to Chinook's citizens. Teinson made it clear that, while he believed that Chinook had been treated unjustly by the United States government, he did not want us to have unrealistic expectations. He committed to developing the strongest case possible for Chinook alongside a team of experts, but said it was also a long shot. Several members of his legal team were present to answer questions; some I knew from other areas of life. The day was long, and the discussions were rigorous. Chinook tribal members had questions about the feasibility of purchasing the property at Tansy Point. The Tribal Council explained that the land was privately owned by a family and acknowledged that initiating a capital campaign would take time. Others sought further information on the legal strategy. Participants requested details about the case; however, many particulars had not yet been developed. By the end of the meeting, the General Assembly approved the purchase of our treaty-signing grounds and authorized the Tribal Council to initiate a lawsuit against the United States government.

These two opportunities and actions by the General Assembly catalyzed an era of renewed hope. In the years following the McCaleb decision, many in our community had lost confidence that we would ever regain recognition. The stroke of a pen can be cataclysmic, as in 2002, or it could be a mechanism for nation-building. I was elected to Chinook's Tribal Council at an epitomizing moment in Chinook's contemporary history. Because the letter from the Office

of Special Trustees was dated August 25, 2015, and the statute of limitations was two years, Chinook's legal team had to hustle to develop strong claims and file the lawsuit by August 25, 2017. As a newly elected leader, I was swept up in the whirlwind of the filing. In the 69 days between my election and submission, I attended numerous meetings and received a hands-on crash course in our political history. While I had previously engaged with Chinook's socio-political histories, this moment and my newly elected role significantly expanded my access to and knowledge of our tribal affairs, both historically and contemporarily.

On August 24, 2017, Chinook's legal team submitted *Chinook Indian Nation v. Ryan K. Zinke* to the United States District Court for the Western District of Washington. In the complaint against the United States Department of the Interior, we sought three actions from the Court. The first request was for a declaration from the Court that the Chinook Indian Nation is entitled to recognition as a tribe. We claimed that under the Federally Recognized Indian Tribe List Act of 1994, federal courts have the authority to grant acknowledgment. The second request was for an order and judgment invalidating the Bureau of Indian Affairs regulation prohibiting the Chinook Indian Nation from re-petitioning for recognition under 25 CFR 83. I discussed this aspect of the lawsuit at length in Chapter 1. As a reminder, the courts agreed that the Department of the Interior's decision to ban re-petitioning was made arbitrarily and capriciously. The final request was a declaratory judgment acknowledging our right to the funds appropriated by Congress and awarded by the United States Court of Claims. We argued that the Bureau of Indian Affairs' reasoning for withholding access to our Docket 234 trust accounts was analogous to its reasoning for denying re-petitioning. The decision was made without reasonable grounds.

Chinook Indian Nation v. United States

On November 30, 2017, ninety-nine days after we filed our lawsuit, the Department of the Interior filed a motion to dismiss all claims. Hayes and Kipnis, the two attorneys representing the Department of the Interior, stated that Chinook's claims "lack subject matter jurisdiction" and opposed it "for failure to state a claim upon which relief can be granted."[167] These attorneys went on to devalue all our claims and repeatedly asserted that Chinook has not been injured by the federal government's actions.

Chinook's Tribal Council members and legal representation expected the Department of the Interior's response. Before we filed, our attorney, Mr. Tienson, informed us that he believed we had less than a 15% chance of prevailing on any of our claims in the lawsuit. He also warned us that the government's response would likely be severe. Despite this knowledge, we carried on, but it didn't make reading the twenty-eight-page response any less upsetting. In personal correspondence with Chairman Johnson, in the days following the Interior's response, he asked, "Have you ever wondered why the U.S. government's first response to us is ALWAYS to fight us? We have come to them with a legitimate grievance, and their first reaction is to diminish and destroy the Chinooks."[168] I have repeatedly asked the same question. Still, with our heads held high, we met with our attorneys in Portland, Oregon, in January 2018 to draft our response to the Department of the Interior's scathing remarks.

After submitting our response, we believed we were simply waiting for Judge Leighton's decision on the Department of the Interior's motion to dismiss. We were surprised when we received notice from the Western District Court on April 23, 2018, that Leighton had scheduled a

[167] *Chinook Indian Nation v. Ryan Zinke: Notice of Motion and Defendants' Motion to Dismiss* (The United States District Court Western District of Washington at Tacoma, November 30, 2017).
[168] Tony A. Johnson, "Motion to Dismiss...," personal communication, December 1, 2017.

hearing on the motion for May 8, 2018 in Tacoma. With fifteen days to prepare, we mobilized our community, encouraging as many people as possible to attend the hearing. We filled the courtroom, courthouse atrium, and the street in front of the courthouse with Chinook tribal members and friends of Chinook from Puyallup, Grand Ronde, Shoalwater, Duwamish, and Cowlitz. The courthouse staff informed us that they had never seen anything like that during their tenure there. Our aim was to show Judge Leighten that we are a community and that real people would be affected by his decision.



Figure 6: Amiran White captured Chinook singers and dancers "clearing the floor" before the May 8, 2018, Chinook v. Zinke oral arguments hearing. We clear the floor to wash away ill feelings prior to conducting business. Photo courtesy of the Chinook Indian Nation archive.



Figure 7: Immediately following the May 8th hearing, Sara Salcido captured this photo of me interviewing Chinook's legal team. Photo Courtesy of the Chinook Indian Nation archive.

On June 20, 2018, Judge Leighton issued an order granting in part and denying in part the Department of the Interior's motion to dismiss. In his order, he asserted that all of our claims, except one, would proceed. Leighton granted the Department of the Interior's motion to dismiss our 1994 List Act claim. He argued that the claim must be dismissed as a nonjusticiable political question, meaning that "the United States Supreme Court determines [it] to be inappropriate for judicial review…" and should be "left to Congress and the Executive as the politically accountable branches of government."[169] While the decision was disappointing, we knew that it would the likely outcome.[170] Most importantly, Leighton disagreed with the Department of the

[169] *Chinook Indian Nation et al v. Zinke et al: Filing 45 Order on Motion to Dismiss* (United States District Court, Western District of Washington, at Tacoma June 20, 2018).

[170] Once all other claims had been resolved, we appealed Leighton's decision to dismiss. The appeal first went to the Ninth Circuit Court of Appeals and was eventually elevated to the U.S. Supreme Court. Unfortunately, the Supreme Court declined to decide our case.

Interior on our other claims, asserting that Chinook had standing to challenge the re-petition ban. Because our claim concerning the Docket 234 trust account was tied to our re-petitioning claims, he declined the Department of the Interior's motion to dismiss it as well.

Satisfied with Judge Leighton's decisions, our Chinook justice workers welcomed the summer with a sense of pride. In the weeks following the decision, we prepared for Tribal Journeys.[171] On July 22, we disembarked for Puyallup, the host community for the 2018 Tribal Journeys. We were in Puyallup when we learned that another tribe had intervened in our lawsuit. While our legal team had prepared us for the Department of the Interior's response and the potential intervention by the Quinault Indian Nation, we had not anticipated the Confederated Tribes of Siletz Indians of Oregon's interference.[172]

Late in the morning, on July 31, 2018, almost a year into our lawsuit, Siletz's attorney filed a motion to intervene, asserting that more than 20% of Siletz's current members are Chinook and that they have an interest in the decision regarding who is entitled to the Docket 234 trust fund. In this motion, they also contended that they would have intervened sooner had they been aware that the lawsuit's subject matter extended beyond recognition.[173] Within minutes of the filing, Chinook's attorney, James Coon, was notified and passed the update along to Chairman Johnson. I remember what we were doing when it happened. Our Chinook Canoe Family had camped alongside our friends and relatives from the Shoalwater Bay Indian Tribe, individuals from Siletz,[174] the Confederated Tribes of Grand Ronde's canoe family, Shawash

[171] Tribal Journeys is a nearly annual event where Indigenous communities from around the world descend on the Pacific Northwest for weeks at a time to a host location. I discuss this in more detail in Chapter 4.
[172] As discussed in Chapter 1, the Quinault Indian Nation had opposed our federal acknowledgment in 2001.
[173] *Chinook Indian Nation, et al. v. Ryan K. Kinke, et al.: FED.R.CIV.PROC.24(a) Motion to Intervene of Right By Confederated Tribes of Siletz Indians of Oregon* (United States District Court, Western District of Washington, At Tacoma, July 31, 2018).
[174] The Siletz community did not have a canoe or canoe family, so they often traveled with us, as they too traditionally practiced canoe culture.

Ili'i, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw. It was lunchtime when Chairman Johnson was notified, and our communities had gathered to visit and enjoy our meal together. Rightfully upset by the news, he pulled all our Chinook Tribal Council members aside and explained the situation. He was livid that Siletz would claim to be the successor in interest to both the Lower Chinook and the Clatsop. Everyone was in shock. What had been a celebratory occasion turned into another moment of trauma for our community.



Figure 8: This is what camp looked like moments before we were notified of Siletz's intervention. Photo courtesy of Rachel L. Cushman

When we asked our friends from Siletz who were traveling alongside us about their government's actions, they told us that they were also completely blindsided by the act. Not only had we maintained a good relationship with the Siletz community for generations, but months earlier, Chairman Johnson had traveled to Siletz to request assistance from the Tribal Council for our restoration through Congress efforts.

Later that evening, Chairman Johnson received another significant email: a letter from Siletz Councilman Robert Kenta. The email began with pleasantries and a reference to Chairman Johnson's visit to Siletz in March. He then addressed the issue at hand, Siletz's intervention in our claims against the United States government. His email deflected any harm caused by Siletz's actions, asserting,

> I hope it can at least eventually be seen by you for what I view it as: a move to protect the interests of our enrolled members with Chinook and Clatsop ancestry – and the historic and legal interests of the Confederated Tribes of Siletz Indians… and not an intentional action "against" anyone else.[175]

Like the Department of the Interior's response to our claims, Kenta's letter sought to deflect the harm his government was inflicting on ours. Siletz's intervention was a direct challenge to Chinook's sovereignty, as it sought to usurp our claims to our territory. Their intervention attempted to undermine our generations-long struggle for justice, whether or not they viewed it as such. Chairman Johnson never replied to Kenta's email. Instead, he, our Tribal Council, and our legal team focused on responding to the motion to intervene. Twelve days after our return from Puyallup and twenty days after Siletz's motion to intervene was filed, we filed an eighteen-page response,[176] along with Chairman Johnson's seven-page declaration in support of our response.

Eight days after receiving Chinook's response, Judge Leighton denied Siletz's motion to intervene. In his order, he asserted that Siletz's motion was untimely, a prerequisite for intervention. Regarding their excuse for the delay, he declared, "Had the Siletz Tribe or its attorneys made the effort to read beyond the first line and actually click the link…. They would have plainly seen CIN's three claims related to the ICC judgment."[177] Most importantly, his order emphasized that their filing's prejudices against the Chinook Indian Nation were real and substantial, stressing that

> Although the Siletz Tribe "takes no position regarding Plaintiff's claims to federal recognition…" permitting the Siletz Tribe to tardily intervene would disadvantage CIN

[175] Robert Kenta, "Friend," personal communication, July 31, 2018.
[176] *Chinook Indian Nation et al v. Ryan K. Zinke et al: Declaration of Anthony A. Johnson in Support of Plaintiffs' Opposition to Motion to Intervene by Confederated Tribes of Siletz Indians of Oregon* (United States District Court for the Western District of Washington, at Tacoma, August 20, 2018).
[177] *Chinook Indian Nation et al v. Ryan K. Zinke et al: Order on Motion to Intervene* (United States District Court for the Western District of Washington at Tacoma, August 28, 2018): 5.

> by shifting its focus and its resources away from the significant issues surrounding the re-petition ban, likely impairing CIN's pursuit of federal acknowledgment.[178]

Judge Leighton's order points out that Siletz's motion to intervene was not only untimely and without merit, but it also could have caused immense harm to the Chinook Indian Nation and our struggle for justice.

After months of preparation, on November 1, 2019, Chinook's attorneys filed a 24-page cross-motion for summary judgment on the re-petitioning claim. Attached to that cross-motion was another 128-page declaration in opposition to the Department of the Interior's motion for partial summary judgments and in support of our cross-motion and exhibits. Weeks later, on November 26, 2019, Chinook's attorneys filed a motion for summary judgment on our Docket 234 trust fund claim. That motion was 13 pages long, with a multi-page declaration that included key exhibits. After the cross-motion and motion for summary judgments were submitted, the Department of the Interior had a limited opportunity to respond. In addition to the motions, Chinook's legal team requested oral arguments, which Judge Leighton granted.

On December 13, 2019, I drafted and disseminated an electronic news bulletin and a social media announcement to Chinook's networks. The announcement notified our citizens and neighbors of Judge Leighton's decision to grant Chinook a hearing on January 6, 2020, for our summary judgment motions. As with our hearing in May 2018, we hoped to bring as many people as possible so that Judge Leighton would see that our case has support. Before the hearing, we rallied with our friends and relatives. As it was January in Tacoma, it was cold and raining, but it didn't deter more than 60 people from showing up with their drums, prayers, and songs to support our cause. Representatives from more than seven neighboring tribes stood

[178] *Chinook Indian Nation et al v. Ryan K. Zinke et al: Order on Motion to Intervene* (United States District Court for the Western District of Washington at Tacoma, August 28, 2018): 4.

alongside Chinook, including members of Grand Ronde's Tribal Council. Again, we filled the courtroom, courthouse atrium, and the street in front of the courthouse.



Figure 9: Chinook citizens and supporters come together after the January 2020 Chinook v. Zinke oral arguments hearing in Tacoma, Washington. Photo by Amiran White, courtesy of the Chinook Indian Nation.

The hearing lasted about two hours. Judge Leighton heard arguments from both parties, with most of the Department of the Interior's concentrating on the re-petition ban, while Chinook's attorneys distributed their attention between the ban and our Indian Claims Commission settlement funds. At one point during the hearing, Leighten asserted, "If I were just a citizen today or if I were in Congress, I would be in favor of a deep dive into the bastardization of the administrative process."[179] At the conclusion of the hearing, Leighton said, "This is a momentous decision for these people. It should be done soberly and with grace."[180] It was empowering to hear Judge Leighton's statements. The day ended in celebration, and our community departed Tacoma with renewed hope.

[179] Nerbovig. "Judge Calls out 'mischief' in Treatment of Chinook." *The Astorian*, January 8, 2020. Np.
[180] Ibid.

On January 22, 2020, Judge Leighton issued an order granting in part and denying in part Chinook's motion for partial summary judgment on our claims concerning Docket 234. Leighton asserted that the Department of the Interior's decision to stop sending Chinook account statements because our non-federal status was to be remanded back to the Interior for reconsideration. He went on to declare that the Interior's excuse violated the Administrative Procedure Act and was made arbitrarily and capriciously. He also said that the Office of Special Trustees' withholding of the funds violated the Indian Tribal Fund Use and Distribution Act, and federal recognition was never a deciding factor in the distribution of Indian trust accounts. He also emphasized that the Interior's 2015 policy excluding non-federally recognized tribes from accessing trust account statements, as articulated in Rugen's letter, did not have proper decision-making documentation and was "about as far from notice-and-comment rulemaking as possible."[181] Both parties had the opportunity to respond.

In the months following the order, Judge Leighton retired, and Judge Marsha J. Pechman was assigned our case. In response to Leighton's partial summary judgment of Docket 234, the Department of the Interior motioned to strike portions of the record, claiming that statements regarding our successorship to the Docket 234 funds lacked foundation. As for an alternative measure of relief, the Interior sought to invoke the primary jurisdiction doctrine to make an initial determination. Judge Pechman denied the Department of the Interior's motion to strike portions of the record, refuting the Interior's claims. However, shed did grant the alternative relief request with one caveat: she would stay the case pending the Interior's determination of

[181] *Chinook Indian Nation et al v. U.S. Department of Interior et al: Order on CIN's Motion for Partial Summary Judgment on Claims VI-VIII* (United States District Court for the Western District of Washington at Tacoma, January 22, 2020): 13.

Chinook's status as successors of our Docket 234 trust account.[182] In other words, Judge Pechman refused to relinquish oversight.

In the Hands of the Interior

On July 22, 2021, the Bureau of Indian Affairs sent 45 letters to federally recognized tribes across the region who had citizens of lineal descent from our Lower Chinook and Clatsop ancestors. The Bureau's goal was to distribute our Docket 234 trust fund through a per capita payment to identified individuals of lineal descent. Because culturally, our tribes are village exogamous, our people have always married outside of our communities, resulting in significant numbers of Chinook descendants enrolled in tribes across the Pacific Northwest. The Interior's goal for writing the letter was to determine whether the other 45 tribes had an interest in being identified as successors in interest to both the Lower Chinook and the Clatsop. Initially, the letter was not sent to our community; however, we learned of it almost immediately because several of our neighboring tribes, who had been following and supporting our litigation efforts, forwarded it to our Tribal Council.

In response, and preemptive of further action by the Bureau of Indian Affairs, the Chinook Tribal Council, with the assistance of our legal team, drafted and presented Resolution No. 2021-12-08.3 to the Chinook Indian Nation General Assembly during a special meeting on August 14, 2021. The resolution committed our Docket 234 funds to essential government purposes, including cultural preservation, social services, mental and physical health care, drug and alcohol treatment, education, land acquisition, capacity building, infrastructure, and

[182] *Chinook Indian Nation et al v Ryan K. Zinke et al: Order on Defendant's Motion for Partial Summary Judgment* (United States District Court for the Western District of Washington at Tacoma, January 21, 2021).

investment. The Chinook General Assembly accepted the presented uses and passed the resolution.

With clear direction from Chinook's citizens, Chinook tribal leaders sent an 8-page response to the Bureau's letter, expressing our disinterest in per capita payments, as our ancestors did during use-and-distribution plan hearings in the 1970s. In the body of the letter and its exhibits, we illustrated the Chinook community's long-standing desire to allocate the funds to community action initiatives. During the 1977 hearings at Skamokawa, the General Assembly's attention was on education, but our current concerns were much broader. In addition to the use of the funds, our letter addressed the fact that "the Bureau of Indian Affairs has always dealt exclusively with the Chinook concerning the Docket 234 judgment and trust fund" and should continue to do so.[183]

On October 28, 2021, Chinook received a forwarded email from the Bureau of Indian Affairs Northwest Regional Office. The correspondence subject line read, "Good afternoon: The Dear Tribal Leader Letter announcing our December 2, 2021 Virtual Hearing is attached."[184] The forward came from the Grand Ronde administration. The announcement had not been sent to the Chinook Tribal Office, and Tribal Council members responded with frustration. In the "Dear Tribal Leader" attachment, a hyperlink directed recipients to a Department of the Interior website, where a summary of the draft distribution plan was provided.[185] Their plan was developed based on responses to the August 27th letter.

[183] Johnson, Anthony, and James S. Coon. "Re: Docket 234 Chinook Trust Fund." Office Response. Tomas, Coon, Newton & Frost, August 27, 2021.
[184] Greg Norton, "Virtual Public Hearing Notice: Development of the Chinook Judgment Fund and Use Distribution Plan," personal communication, November 1, 2021.
[185] "Chinook Public Hearing." Government. *U.S. Department of the Interior*, n.d. https://www.bia.gov/chinook.

Of the 45 letters sent to federally recognized tribes, only two other nations responded. The first response was from the Confederated Tribes of Siletz Indians of Oregon, who again attempted to intervene in the distribution and use of our funds. Their claims were similar to those raised in the litigation. The second response was from the Confederated Tribes of Grand Ronde. In their reply, Grand Ronde's Tribal Council explicitly stated that, while they had people of lineal descent from the Lower Chinook and the Clatsop tribes, they do not represent said tribes. They directed the Bureau of Indian Affairs to work exclusively with the Chinook Indian Nation on the development of the Docket 234 use and distribution plan. Instead of considering the desires of both the Chinook and the Grand Ronde, the Bureau of Indian Affairs proposed creating an education program to be managed by the three respondents: the Chinook, the Grand Ronde, and the Siletz.

Chinook had roughly one month to prepare for the public hearing. Adamant on stopping the proposed plan from moving forward, we developed a pressure strategy that required rallying as much opposition to the plan as possible. Because Judge Pechman stayed the case, the Bureau of Indian Affairs didn't have a choice but to adhere to notice-and-comment rulemaking. We knew we had to exert pressure on the Bureau of Indian Affairs to develop a new plan that designated the Chinook Indian Nation as the sole recipient of the Docket 234 funds. To achieve our goal, the majority of the comments had to favor Chinook. With guidance from our legal team, we developed clear, concise talking points and scheduled lobby training for those who wished to testify at the hearing. Each member of the Tribal Council reached out to Chinook citizens and kin with Lower Chinook and Clatsop descent in our neighboring communities. We contacted people whom we believed would represent us well, and encouraged them to testify at the hearing.

On the morning of the public hearing, I was full of anxiety. My heart was racing, and I felt like my throat was closing in on itself. I knew the outcome of the hearing could deeply impact our claim to our homelands, but I couldn't voice my worries to our Chinook citizens. I had to appear calm for those testifying alongside me. Some of the individuals had never testified before and/or were not comfortable speaking in public. They were willing to push past their fears to defend and protect Chinook's Indian title to our Lower Chinook and Clatsop territories. Each person was allotted 3 minutes to speak. In our pre-hearing meeting, we reminded folks to take deep breaths before beginning and to speak clearly. We coached them on organizing their thoughts concisely.

We had no way of knowing how many individuals would testify in favor of the Bureau of Indian Affairs' proposed plan. When the hearing began, the Northwest Regional Director of the Bureau of Indian Affairs, Bryan Mercier, explained that a hearing of this nature would typically be conducted in person; however, due to the COVID-19 pandemic, it was held virtually. He then briefly explained the historical context of Docket 234 and the Bureau of Indian Affairs distribution plan.

The first testimony was from Chinook's attorney, James Coon. He provided further historical context for Docket 234 and reminded the Bureau of Indian Affairs that Siletz's intervention had been denied in federal court. He declared that the Chinook Indian Nation is the only tribe with a rightful claim to the trust fund. After Mr. Coon's testimony, Carson Viles, a citizen of the Confederated Tribes of Siletz and a lineal descendant of Chinook, testified against the proposed plan. He provided clarifying points on Siletz's enrollment practices, noting that Chinook blood had never been a qualifying factor for enrollment until a recent change by the Siletz Tribal Council. He asserted,

> My ancestor, Robert Service's, Indian blood, never in his lifetime nor after his lifetime, was a means for us to establish descendancy as Siletz people. Instead, my great-grandma Ada Carson Service's ancestry made our family eligible to enroll, and Robert's Chinook ancestry was allowed as additional blood quantum to be counted for our descendants.[186]

His testimony illustrated that Siletz's intervention was opportunistic, and that Siletz had never previously considered itself to represent the Clatsop or Lower Chinook people, nor did it allow descendants of our five tribes who married into the Siletz community to enroll there. Before he concluded his testimony, he urged Siletz to drop its claims. Following Carson Viles's statements, several other members of the Siletz spoke against the proposed plan and Siletz's intervention.

In Siletz tribal member Gasun McCabe's testimony, he, like Carson Viles, urged the Siletz government to cease its intervention, and in addition, he encouraged them to publicly and financially provide assistance to the Chinook Indian Nation. McCabe insisted that the cultural values of the Siletz tribes and its constitution direct the Siletz people to maintain good relationships with neighboring communities, and that the actions of the Siletz tribal government are in opposition to those values. McCabe noted that the Siletz government's actions are seen by others as "taking advantage of Chinook Indian Nation's lack of federal recognition…" and their "continued involvement in Docket 234 is a Machiavellian effort to expand our political power at the expense of our Chinook relatives."[187] He went on to remind the Siletz government that the citizens of the Confederated Tribes of Siletz Indians of Oregon voted unanimously to support the Chinook Indian Nation's efforts for federal recognition on August 4, 2018, and the points discussed at the hearing were addressed at that time.

Alongside Siletz citizens with ancestral ties to our Lower Chinook and Clatsop tribes, the Confederated Tribes of Grand Ronde, including Tribal Council members, spoke up in opposition

[186] *Public Hearing: Proposed Chinook Use and Distribution Plan* (2021). 14.
[187] Ibid, 34.

to the Bureau of Indian Affairs' proposed use and distribution plan. First to speak was Michael Langly, who shared that, like the Siletz individuals who testified, he also has Chinookan ancestry, but unlike Siletz, Grand Ronde does not claim authority over the Docket 234 trust fund. He then addressed the inequities that the Chinook Indian Nation's citizens experience due to our lack of federal acknowledgment. Modeling what it means to honor kinship ties, Langly asserted,

> We have supported the Chinook Indian Nation in their efforts not only for this case but for recognition itself. And moving forward, we will continue to support their efforts and will support them with regular financial assistance to help them with their community needs as well.[188]

Langly then reminded the Bureau of Indian Affairs staff that it wasn't long ago that Grand Ronde was unrecognized due to federal Indian policies of the mid-twentieth century. Grand Ronde and Siletz were both terminated under Public Law 588. During termination, Chinook and other neighboring nations supported their communities, and some provided resources that led to their eventual restorations during the 1970s and 80s. In honor of the cultural teaching, Grand Ronde's Tribal Council committed itself to reciprocating the kindness they received during their time of need. As Langly illustrated in his testimony, Grand Ronde provides ongoing support to Chinook as we navigate termination, our struggle for recognition, and our land claims. During the hearing, every representative of the Grand Ronde community opposed the proposed plan and reaffirmed their support of the Chinook Indian Nation.

In addition to representatives from Siletz and Grand Ronde, many Chinook citizens testified at the hearing. Descendants of Askalwich, Wasilta (Washington), Huckswelt, Comcomly, and other 1851 treaty signers opposed the plan and urged the Bureau of Indian Affairs to work exclusively with the Chinook Indian Nation on a new plan. Each speaker introduced themselves and shared their familial connections. Like our friends and relatives from

[188] Ibid, 21.

neighboring nations, we asserted that only the Chinook Indian Nation represents the Lower Chinook and Clatsop people. As Chinook tribal member Tiffany Waters emphasized,

> Many other tribes could claim the same thing that Siletz has done here. Some of those tribes have even more Chinook descendants than Siletz does. Tribes as far north as Lummi have Chinook surnames like Cultee, Oliver, and Johnson, could undoubtedly list hundreds of our descendants amongst their enrolled members, but this does not make them us.[189]

Sovereignty rests with the body politic, and the body politic of the Lower Chinook and Clatsop is the Chinook Indian Nation. In my testimony, I reminded the Bureau of Indian Affairs that the Chinook Indian Nation is a sovereign nation, regardless of our federal status. As a sovereign nation, we have the right to self-determination over our people and place. The Chinook Indian Nation became the political successor of the Lower Chinook and Clatsop peoples when our hereditary leaders ceded their power to the Chinook Constitution in 1925.

In total, thirty individuals testified at the hearing, and all spoke against the plan. In addition to oral arguments, the Bureau of Indian Affairs accepted written testimony through December 15, 2021. The Bureau received 23 letters opposing the proposed plan. In a "Dear Tribal Leader" email sent on January 12, 2022, the Northwest Regional Director, Bryan Mericer, announced that

> While this is not to be construed as a change in our position regarding federal recognition, we will adjust our course and work with the Chinook Indian Nation to develop a plan that will be of benefit to and administered by the Chinook people and acceptable to Congress.[190]

As Bryan Mericier's "Dear Tribal Leader" letter indicates, Chinook prevailed as the only nation considered in the Docket 234 use and distribution plan, and Chinook was prepared.

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[189] Ibid, 27.
[190] Bryan Mercier, "Tribal Government Services Chinook Distribution Plan, Dear Tribal Leader," Government Correspondence, January 12, 2022.

Within days of the Bureau of Indian Affairs' decision to work exclusively with the Chinook Indian Nation, Chairman Johnson and Chinook attorney James Coon met with Department of the Interior staff to begin the process. From that meeting, we learned that the balance of our Docket 234 account was $681,479. Some of the funds could be drawn down easily, while others were tied up in investments. The Interior staff expressed a desire to develop a flexible plan that meets the needs of the Chinook community. They provided the criteria the Secretary of the Interior uses when evaluating proposals, and we committed to having a draft plan ready for their review by mid-February. Fortunately, the Chinook General Assembly had already approved a plan months before. We were told that once the Interior received the draft plan, they would review it and respond within a few weeks. Upon reaching an agreement, the plan would be passed up the chain of command until it reached the Secretary of the Interior's office. If approved by the Secretary, she would submit it to the Solicitor's Office, where legislation would be drafted and submitted to Congress for enactment. Each of these steps came to fruition. The process took nearly two years, from start to completion. Chinook's use and distribution plan was highly unique in that it involved a total transfer of the assets, giving the Chinook Indian Nation autonomous control over the funds. In practice, Indian trust use and distribution plans have been highly regulated by the Interior, which made our plan precedent-setting.

The Chinook Indian Nation took possession of our Docket 234 funds in February 2024. Upon receipt, the Chinook Tribal Council decided to invest the monies. Instead of viewing the money as a capital infusion into our community, we saw it as the sacred embodiment of our Lower Chinook and Clatsop lands. At our General Assembly on June 15, 2024, the Tribal Council vowed to the nation's citizens that we would not spend a cent of the Docket 234 trust

fund without consulting the General Assembly.[191] We have kept that commitment, and as our investments continue to build interest and the funds grow, so does our resolve to reclaim our homelands, our stewardship responsibilities, and our ancestors.

Refusing to Wait and Being Radical Sovereign

Settler ideologies, discourses, systems, structures, and laws attempt to secure settler futures and erase Indigenous claims to place, personhood, and practices. The notion that the sovereignty of settler nations supersedes Indigenous sovereignty has been naturalized through positivist law. If the Bureau of Indian Affairs or Siletz had succeeded in dispossessing the Chinook Indian Nation as the heirs of the Lower Chinook and Clatsop lands, it would have diminished our legal claim to our people and place. As Chapter 2 illustrates, no law has been passed to extinguish our sovereign authority. Our sovereignty comes from the land and our ancestors. It is inherent.[192] Had Chinook been unsuccessful in our fight for Docket 234, our Indigenous rights would have been harmed.

As of 2024, the Chinook Indian Nation has secured legal title to some of our lands, as discussed below, but the United States government has yet to formally acknowledge us by establishing a contemporary government-to-government relationship at all levels. Dominant discourses, Indigenous and non-Indigenous, often conflate federal acknowledgment with sovereignty, but federal acknowledgment is not a mechanism for achieving sovereignty, nor are the two synonymous. Indigenous peoples must ask ourselves, is it truly a practice of sovereignty if we are required to seek permission to exercise it or wait for a foreign entity to sanction it? The

[191] Rachel Cushman, "Official Minutes of the June 2024 Chinook Indian Nation General Assembly Meeting," South Bend, Washington, June 15, 2024.
[192] Green, Jessie D., and Susan Work. "Comment: Inherent Indian Sovereignty." *American Indian Law Review* 4, no. 2 (1976): 311.

Chinook Indian Nation does not believe so. While persistent in the ongoing fight for recognition and our legal title to our lands, our leaders refuse to allow an Indigenous/colonial relationship to define or direct us.

The theorizations of Indigenous recognition scholar Glenn Coulthard (Yellowknives Dene First Nation) support Chinook's refusal.[193] Coulthard argues that Indigenous/colonial relationships cannot be reconciled through state-sanctioned recognition politics and that the framework is systemically dedicated to the dispossession of Indigenous lands and sovereignty.[194] To secure self-determining futures for us and our place, Indigenous people must practice what Laura Harjo (Mvskoke) calls radical sovereignty or este-cate sovereignty. She argues that Indigenous peoples must "generatively refuse the naturalized practices of the nation-state."[195] Indigenous recognition politics are socially constructed; they are not natural. Radical sovereignty is the practice of reclaiming our sovereign authority regardless of external factors. Indigenous people cannot wait for permission to practice our inherent rights; Chinook knows this intimately.

Not fully walking away from state-ordained recognition, Coulthard, Harjo, and other scholars of recognition politics assert that Indigenous people must rise above colonial systems and structures. But radical sovereignty discourses fail to address how nations on the outside, without protections, engage with it. While the state-sanctioned recognition system is flawed, tribes without recognition lack access to critical resources, including safeguards for our people and place. Highly aware of both these truths, the shortcomings and benefits of recognition, the Chinook Indian Nation strives for acknowledgment while practicing radical sovereignty. In other

[193] Refusal is turning away from the colonial logic of dispossession and domination, moving beyond state-sanctioned systems and structures for adjudicating justice. See Simpson (2017).
[194] Coulthard, Glenn. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. University of Minnesota Press, 2014.
[195] Harjo, Laura. *Spiral to the Stars: Mvskoke Tools of Futurity*. University of Arizona Press, 2019. 72.

words, as we work toward the restoration of our status, we still demand respect and our self-determining rights over our people and place

In the last decade, Chinook has amplified our socio-political power through relationships (human-to-human and human-to-other-than-human). In tandem with our litigation and legislative endeavors, Chinook's justice workers have built visibility and autonomy over our story and territory through strategic partnerships, community engagement activities, academic interventions, media campaigns, and land-back initiatives.



Figure 10: Chinook's first gathering at Tansy Point to celebrate the purchase of the property. Photo by Amiran White, courtesy of the Chinook Indian Nation archives.

In 2017, despite an economic downturn and uncertainty about the outcome of the Docket 234 litigation, Chinook's General Assembly decided to move forward with the opportunity to buy back our treaty-signing grounds at Tansy Point. This purchase was noteworthy because it gave Chinook a foothold in Oregon and reconnected us to the only place in history where every single ancestor from our five tribes was gathered at the same time.[196] As stated earlier, when the

[196] We believe that the Tansy Point negotiations were the only time and place where every single person from our five tribes, from the oldest elder to the youngest babies, was present at the same time.

purchase of Tansy Point was being considered, Chinook owned merely one property on the north shore of the iyagaytł imał, which was less than an acre. The acquisition was made possible by the relationship-building we worked diligently to cultivate with landowners, philanthropic organizations, and the public. The property was owned by three siblings, whose family had purchased the land in the 1950s. The asking price was 200,000 dollars. It took us nearly two years to raise the funds for the purchase. 125,000 dollars was from small grants, and 75,000 dollars was from crowdfunding. On April 8, 2019, the Chinook Indian Nation closed on the purchase. The day that the last documents had been signed, Gary Johnson exclaimed,

> This is a historic moment! We have gone from owning less than an acre on the North bank of the Columbia to owning 10 acres of our Treaty grounds at Tansy Point. We are moving forward. Thanks to the many people who made this happen.[197]

The purchase would not have been possible without extensive community outreach and education. A significant contributor to the success of our fundraising efforts was Tall Firs Cinema's documentary Promised Land. The film, which debuted in 2016, quickly became a must-watch, award-winning film. It followed the Chinook and Duwamish tribes' fight for restoration, revealing the broken bureaucratic process of the federal acknowledgment system. At film screenings across the country, donations were collected to support our two nations.

[197] Gary Johnson, "Fwd: Completed: smartSIGN Delivery Notice," personal communication, April 6, 2019.



Figure 11: Dancers "clearing the floor" before a Promised Land screening at the National Museum of the American Indian in Washington, D.C. Photo courtesy of the Chinook Indian Nation archives.

The publicity surrounding the land purchase, coupled with the film's underlying message, elevated Chinook's struggle for justice in public discourse. In the months that followed the purchase, Chinook was contacted by numerous private landowners interested in returning land to and conservationist organizations seeking partnerships with the tribe. In 2019, Chinook was approached with two significant stewardship opportunities. The first was with a coalition of environmental organizations that brought together communities historically excluded from resource management planning to discuss the future of water access in Oregon.[198] The second was with a major timber company in the region. Most of Chinook's territory is forested and grown specifically for the timber industry. This particular timber company was interested in providing Chinook access to land and cultural resources. Not only that, but like the first group, they were interested in elevating Chinook's voice in land management decision-making spaces where we had been excluded from. In each of these relationships, Chinook's sovereignty was respected, our traditional ecological knowledge was valued, and our voices were prioritized on issues relating to the well-being of our homelands. While the relationships developed between

[198] My forthcoming book chapter, "We Demand Respect: Practicing Radical Sovereignty and Unsettling Environmentalisms," in *Unsettling Environmentalisms,* published by the University of Nebraska Press, discusses this relationship in depth.

the tribe and these two entities were not Chinook's first of their kind, they set in motion a domino effect: conservation organizations divesting of their power and the Chinook Indian Nation stepping into our sovereignty without the nation-state's permission.[199]

As a result of my involvement in these two partnerships, I was asked to serve on a watershed council within Chinook's Clatsop territory. When I was nominated to serve on the Necanicum Watershed Council, it was structured like most Oregon watershed councils, meaning its board of directors and staff were predominantly white, older, and male. The first meeting I attended was on May 26, 2021, and it was extremely uncomfortable. I was the only Indigenous person in the space, and most of the board members didn't understand why Indigenous representation was necessary. Within months, I was elected as a voting member of the board of directors, but the decision to allow me to join was not without controversy. Several board members left. In this moment of transformation, the Necanicum Watershed Council hired a new Executive Director, who sought to prioritize a government-to-government relationship with Chinook. He knew that without understanding between the conservation organization and the Chinook Indian Nation, it would be impossible. Several months after his arrival, he and I organized a listening session between the board and tribal representatives.[200] After hearing Chinook's story and reviewing historical documents, including the Indian Claims Commission's decision in Docket 234, our two entities decided to move forward with developing a formal agreement.

[199] Over the decades, Chinook has consulted with and developed significant relationships and Memorandums of Understanding with numerous government and non-government entities (local, state, and federal), including the National Forest Service, the United States Department of Fish and Wildlife, etc.

[200] The listening session occurred in December 2021. It provided board members with a comprehensive educational opportunity to learn about Chinook history, sovereignty, and Indian title. We also discussed the importance of Indigenous land stewardship practices.

Again, this decision was not without conflict. Siletz, as in Chinook's litigation and the Bureau of Indian Affairs hearing for Docket 234, attempted to intervene. In official correspondence from Deloris Pigsley, Siletz's Tribal Chairman, to the Necanicum Watershed Council, threats were made for "accepting the false narrative of the CIN without consulting other tribes or history books."[201] She went on to declare that my presence on the board was disrespectful and would have legal consequences. Despite Pigsley's letter, the Necanicum Watershed Council decided to move forward with the government-to-government relationship.

The goal of the relationship was to unsettle colonial power dynamics and to create a model for land and water stewardship that honors tribal sovereignty. After a thorough investigation of existing practices globally across sectors, we developed a shared governance and shared stewardship framework in which the watershed council and the tribe were equal partners. This model moved beyond the existing consultation model, in which conservation organizations and government agencies use the notice-and-comment process for decision-making. In this new model, enacted by a Memorandum of Agreement (MOA), tribes are empowered as active agents at every level of decision-making. In addition, this model also commits to building capacity for tribes by hiring positions within the organizational structure that report directly to the tribal community and have the flexibility to work on projects at the tribe's discretion. In developing and implementing this MOA, the Necanicum Watershed Council and the Chinook Indian Nation modeled what radical sovereignty can look like for nations without recognition. In that practice, we asserted our rights to the land, and the Necanicum Watershed Council respected our sovereignty.

[201] Delores Pigsley, "Re: Chinook Indian Nation Group's Dubious Claim to Clatsop Nehalem Territory," personal communication, July 27, 2022.

When I took office in 2017, Chinook lacked control over the lands in our territory. Now, I am honored to say that in nine years, I have assisted my nation in securing Indian title to two of our five territories, have built countless partnerships with government and non-government agencies and organizations, to reestablish access to and autonomy over lands, as well as to build a land base for the Chinook community. The Necanicum Watershed Council MOA inspired other environmental protection organizations to divest their power by empowering the Chinook Indian Nation and honoring our sovereignty without the United States government's permission. Shortly after the Necanicum MOA was signed, Chinook entered into a similar agreement with Columbia Land Trust. That relationship was different, however, because, unlike the Necanicum Watershed Council, which does not own land, the intention behind the Chinooks' relationship with the land trust was land back. In recent years, Chinook has reclaimed segments of our land throughout our territories. Land has come into the tribe's possession through land transfers, land purchases, and estate planning. Despite all of our successes, we still struggle without recognition.

Having Title to Our Place, but Lacking Formal Acknowledgment

There is a vacuum at the mouth of the Columbia River that will exist until we are adequately seated as a federally recognized nation. Federal and state laws mandate that agencies consult with federally recognized nations on environmental, educational, economic, health, and other related issues. These laws were created to "ensure [that] decision-making processes honor tribal sovereignty and promote positive outcomes for all stakeholders."[202] The mandates fall short of their objectives because entities such as the Chinook Indian Nation are excluded. Because the Chinook Indian Nation is not federally recognized and our lands are unceded, the

[202] Taylor, Kathleen. "Oregon Senate Votes to Establish New Task Force on Tribal Consultation." State of Oregon, June 23, 2023. 1-2.

tribe is often deprived of consultations despite our neighboring nations' deferral to us on issues impacting our territory. For example, the Confederated Tribes of Grand Ronde, the Shoalwater Bay Indian Tribe, and the Cowlitz Tribe honor Chinook's sovereignty and regularly recommend that agencies work directly with Chinook. In most instances, agencies follow these deferments; however, occasionally, deferrals are ignored, and agencies contact more distant tribal nations that covet Chinook's resource-rich territory.

In addition to consultation issues, Chinook has experienced difficulty with significant land-back opportunities. A place we call nisal (Naselle) lies within the boundary of our Docket 234 land claim. In January 2023, House Bill 1496 and an identical bill in the Senate, SB 5556, were introduced to the Washington State Legislature. Had the bills passed, the law would have transferred ownership of the decommissioned Naselle Youth Camp to the Chinook Indian Nation. The acquisition was considered a transformational opportunity for the nation. The facilities are a preexisting tribal agency, meaning the property includes housing, commercial, medical, and other facilities typical of those possessed by most federally recognized tribes. This contrasts significantly with our current Bay Center, Washington headquarters, an old house in the tsunami zone with a crumbling foundation. The bill was unsuccessful because Senator Sam Hunt, chairman of the State Government, Tribal Relations, and Elections Committee, refused to hold a hearing. Senator Hunt did so because wealthy casino tribes in the Puget Sound urged him not to. As Chairwoman Charlene Nelson of the Shoalwater Bay Indian Tribe, the Chinook Indian Nation's closest Indigenous neighbors, articulated in her letter to Senator Hunt, "Besides the Chinook, the Shoalwater Bay Indian Tribe is the only other tribe in Pacific County… No other entities should have a say above us over the transfer of lands in our territory."[203] Because the

[203] Charlene Nelson, "Please Schedule a Hearing for HB 1496," personal communication, February 2, 2023.

bills were never heard in committee, Senator Wilson added a budget proviso to the 2023-2024 legislative budget, which initiated the creation of a task force to recommend a future for the decommissioned land.

The budget proviso directed Washington's Office of Financial Management to convene a task force to identify alternative use plans for Naselle Youth Camp and to submit recommendations to the Governor's Office and the fiscal committees of the state Legislature. Per the budget proviso, the task force was to be made up of representatives of the Pacific County Commissioners, the tribe located nearest to the facility, the Naselle-Grays River School District, Educational School District 112, the Pacific County Sheriff's Office, the Naselle Chamber of Commerce, a citizen residing near the Naselle Youth Camp, chosen by the county commissioners, the Department of Natural Resources, the Department of Social and Health Services, the Department of Ecology, and the Office of Financial Management. In addition to these required representatives, the task force must also include the State Senator and State Representative representing the Naselle community. The first meeting of the task force took place in July 2023, and initially, the Chinook Indian Nation was not invited to join; however, after pushback from the Shoalwater Bay Indian Tribe's Chair, Charlene Nelson, Chinook was invited to participate.[204] Early in the alternative use planning process, there was strong support for Chinook's acquisition of land and facilities from both local and state task force representatives. The consultant firm, Kauffman and Associates, was tasked with facilitating

[204] Rachel Cushman, "Official Minutes of the September 2023 Chinook Indian Nation Tribal Council Meeting," Zoom, September 9, 2023.

meetings and developing the plans.[205] Despite the task force's support of transferring the property to the Chinook Indian Nation, Kauffman and Associates sought alternative uses.[206]

Before alternative plans could be developed and presented to the task force, Chinook justice workers organized an internal task force of our own to develop a plan for Naselle Youth Camp. In this plan, we provided a brief overview of Chinook's history and our legal claims to the place. We described why the acquisition was needed and its importance to the community. We presented both qualitative and quantitative data for our claims, including the most recent Census data available and Chinook enrollment data. In our efforts to prove Chinook's worthiness, we found that 12 percent of households in the town of Naselle are citizens of the Chinook Indian Nation, and that there are large populations of Chinook citizens in all the surrounding towns. In addition to the background information, we identified how we would financially support facility operations, facility uses, economic opportunities, environmental impacts, stewardship initiatives, and the benefits to both the nation and the surrounding community.[207]

After months of discussion, external pressure, Kauffman and Associates' intervention, and immense work by Chinook justice workers, the Naselle Youth Camp task force voted to forward only one recommendation to the State Legislature and the Governor's Office. *The Naselle Youth Camp Task Force Final Report* asserted,

> The task force recommends that ownership of the Naselle Youth Camp be transferred to the Chinook Indian Nation for the creation of a tribal headquarters. Among the various options considered, the task force members believe this alternate use best reflects the vision and desired outcomes of the group. Specifically, this option fulfills the task force desires to honor tribal history and connection to the land, create sustainable economic

[205] Kauffman and Associates is an American Indian, woman-owned consulting firm.
[206] Rachel Cushman, "Official Minutes of the December 2023 Chinook Indian Nation Tribal Council Meeting," Naselle, Washington, December 9, 2023.
[207] Rachel Cushman, "Official Minutes of the January 2024 Chinook Indian Nation Tribal Council Meeting," Zoom, January 12, 2024.

> activity, maintain respect for the land and surrounding area, and ensure year-round use that fully uses all of the infrastructure and space.[208]

Despite the task force's support, the moral, practical, and economic reasons for returning the property, the situation remains unaddressed. Neither the Governor's Office nor the State Legislature has initiated the land back process. While the Chinook's lack of clear federal recognition does not prevent the State of Washington from honoring our inherent sovereignty, elected leaders remain reluctant to do so. Senator Wilson continues to introduce transfer bills, but, as in 2023, none have received hearings. Chinook remains the one and only option.

[208] Kauffman and Associates, Inc. *Naselle Youth Camp Task Force Final Report*. Recommendation. Washington State Office of Financial Management, 2024. 9.

We are not dead, but we haunt
Our strength and persistence strike fear into their tumtum
Their hearts

We have what they desire
What they long for
What they have forgotten

They want us dead, but they don't want to get their hands dirty
They don't want the world to know what they have become

Whispering bullets into our backs
Negotiating land grabs
Telling lies into the ears of those with power

Not the ancestral kind of power
Power of oppression
They have become like them

italapas made it so there can be no secrets
No lies
The ancestors know
They are watching
They give us our strength and persistence.

Erase and replace
That's the goal of the settler colonial nation-state
They are replicating the same hate
They want power
The oppressive kind

Indian Country, we are watching
The ancestors are watching
The descendants are watching

lakit
My heart hurts, but tomorrow we will be better
tumala
tumala
tumala
ntsayka munk-manaqui-łush
duwi duwi

CHAPTER 4: LATERAL LOVE AND LATERAL VIOLENCE: ADDRESSING INTERNALIZED COLONIALISM AND RETURNING TO THE BEST OF OUR CULTURAL PRACTICES

Long ago, before people emerged from our homelands, the animals walked around like people. Their actions shaped the natural laws of our place and established the protocols for our human-to-human and human-to-other-than-human relationships. Our ikanum imparts these teachings to us and provides us with a roadmap for how we are to engage with the world around us. Being Chinook is not without struggle; italapas made it so. But Ok'uno or k'ak'aʔ taught us what it means to come together and stand up to injustice.[209] Because there are many rules about when and how our ikanum are shared, and it is uncertain whether this will be read exclusively during the ikanum season, I will only share an overview of the story here.

Ok'uno was the sister of IkoalE'xoa, and IkoalE'xoa was killed by Tasmo'tl over a territory and a dispute over food access.[210] Tasmo'tl had been angry that IkoalE'xoa was harvesting food off the beach during the early morning, low tide. It was Tasmo'tl's belief that only he and his relatives had the right to do so. Instead of handling the situation with respect, Tasmo'tl murdered IkoalE'xoa. Tasmo'tl was greedy and put his needs before anyone else. When Ok'uno learned of her brother's death, she didn't immediately jump into action. She was told five times, "Ok'uno your brother is dead, Tasmo'tl killed him." Ok'uno listened attentively and reflected on the situation before she arose. Arming herself with cedar bands, she picked up her rattle and sang a song to summon all the land birds to protect and defend the territory. Birds of all sizes and breeds rallied behind her. Some were small and delicate, while others were large, fierce birds of prey. Before the war of the birds began, Ok'uno offered Tasmo'tl the opportunity to

[209] Ok'uno (lower dialect of Chinook) and k'ak'aʔ (Chinuk Wawa) are our names for Crow.
[210] ikoalE'xoa (lower dialect) is our name for Raven, and tasmo'tl (lower dialect) is our name for Gull.

settle the life debt owed to her for killing IkoalE'xoa. She asked for exclusive early-morning, low-tide beach access for her and the land birds. Tasmo'tl was unwilling to agree to the terms. The war was ugly, and many of Tasmo'tl's relatives were killed, but Tasmo'tl was unwilling to yield. Only after half of Tasmo'tl's people were killed did Tasmo'tl give in and pay the life debt. Upon settling the debt, Ok'uno and all the land birds walked away. It was done.

There are many important lessons we can learn from this ikanum. It can be read as an Indigenous science lesson, teaching that on the north coast of Oregon, you are likely to see crows scavenge the beaches in the early morning at low tide, and as the tide comes in, gulls will arrive.

If read more deeply through a culturally specific Chinookan lens, Ok'uno's story teaches us that, to resolve our inter- and intra-cultural disputes, even the violent ones, we must listen and think before we act. The repetition in sequences of five and Ok'uno's use of music to rally support from allies teach us that there is power in our cultural practices.[211] It also communicates to us that we must lean into our human and other-than-human kin for strength. Her relationship with the land birds represents human-to-human relationships, and our reciprocal responsibility to show up for one another when called upon for assistance, whereas the cedar that Ok'uno wears represents human-to-other-than-human relationships. Cedar is a significant other-than-human relative in Chinook cultural teachings. Our homes, canoes, clothes, medicines, baskets, and many other goods are made from cedar. Even after cedar is transformed into material objects, it retains its power. They are receptacles for knowledge and carry healing properties. Importantly, this ikanum teaches us that it is always possible to change one's mind and do the right thing. When debts are paid, we no longer allow the wrongdoing to drive our actions. The harm is washed away. We don't forget, and it becomes a lesson, but we move on.

[211] Five is a power number in Chinookan cultural teachings.

If we read Ok'uno's story through an Indigenous feminist lens, we gain all the aforementioned lessons and learn much about Chinookan gender roles. In this story and others, we learn that IkoalE'xoa, like Tasmo'tl, can be very greedy and often acts on impulse or from emotion rather than logically and relationally, which creates hardships for his sister and those around him. We know from these other stories that Ok'uno is a person of status and the head of their household. The position requires that she respond to her brother's behavior through that framing, and that she must allow him to learn from the consequences of his actions. We also know that in this story, Tasmo'tl acted on impulse when he killed IkoalE'xoa. He fed into his feelings of entitlement. This ikanum imparts teachings that oppose Western, settler colonial, and non-Indigenous worldviews—worldviews that naturalize men as logical leaders and women as irrational domesticates. These paradoxical understandings of gender will be explored more thoroughly later in this chapter.[212]

Lateral Love and Lateral Violence

Our ikanum reveal that before Euro-American contact, inter- and intra-tribal conflicts existed, and the resolution to such disputes was through the practice of cultural protocols. While much of Chinook's current socio-political realities have been shaped by settler-colonial ideologies, systems, structures, and policies imposed upon us by the United States government, other Indigenous nations and individuals have also impacted our realities. As demonstrated in the previous chapters, intra- and inter-tribal relationships are complex. The Chinook Indian Nation

[212] Our ikanum have always been examined from multiple perspectives. Each time a story is told, a new value or lesson is revealed. I am not the only Indigenous scholar who examines our traditional stories through multiple lenses. Paula Gunn Allen also does this in *The Sacred Hoop.* In the book, she provides a dominant formal reading of a Pueblo story, followed by a mainstream feminist reading, and then a Pueblo culturally specific, gendered reading of the same story. See Allen, Oaula Gunn. *The Sacred Hoop: Recovering the Feminine in American Indian Traditions: With a New Preface*. Beacon Press, 1993.

has historically and contemporarily been supported and oppressed by other Indigenous nations. This chapter examines survivance spaces and sites of exchange where lateral love and lateral violence occur both within and between Indigenous communities.

Lateral love reaffirms our ancient kinship obligations and cultural teachings of care, reciprocity, and respect. Throughout this dissertation, it manifests in various ways. In Chapter 1, lateral love appears in the intergenerational tirage-mentoring that occurred when Chinook's federal acknowledgment was lost. It shows up in the kindness Assistant Secretary of Indian Affairs Kenneth Smith extends to Chinook in his letter, which highlights the clear shortcomings of our petition, but also offers support for the endeavor. In Chapter 2, lateral love is evident in Wasilta and Tosetow's refusal to leave our homelands. They not only honored their responsibilities to our ancestors, but their actions also influenced subsequent treaty negotiations at Tansy Point and future generations. Lateral love is visible in Silas Smith's land claim litigation efforts on behalf of the Nehalem people. Although Nehalem and Clatsop have always been separate communities, Smith supported our neighbors and won the first Indigenous land claim in the Pacific Northwest. Lateral love becomes clear in Chapter 3, during the Bureau of Indian Affairs hearing about our Docket 234 distribution and use plan, when tribal leaders of the Confederated Tribes of Grand Ronde and citizens of the Confederated Tribes of Siletz of Oregon demanded that the Bureau work exclusively with the Chinook Indian Nation and urged the Siletz government to drop their claims and support Chinook politically and economically.

Lateral violence is what I call bastən syndrome, a culturally specific understanding of Indigenous-to-Indigenous oppression.[213] The word bastən emerged in Chinuk Wawa during early contact with American explorers and refers to Americans and their worldviews. Bastən syndrome

[213] Lateral oppression, internalized colonialism, horizontal violence, and manifest manners are all terms used to describe this concept. See Fanon (1963), and Vizenor (1994).

occurs when Indigenous tribes and individuals uphold and normalize American worldviews and structures, such as settler logics of dispossession and systems of oppression, while disregarding our ancient kinship obligations and cultural teachings. Lateral violence manifests in many forms, but ultimately, it involves oppressed peoples "attempt[ing] to mimic the oppressor by taking on their behaviors and values, thereby adopting violent behaviors that can be used among members of their own group."[214] This violence can be physical or non-physical, including aggression, shaming, bullying, sabotaging, and more. Lateral violence has repeatedly surfaced throughout this dissertation. In Chapter 1, it was revealed when the Quinault Indian Nation appealed Chinook's final determination of acknowledgment. It reappeared in Chapter 3, when the Siletz government repeatedly intervened in our lawsuit, Docket 234 use and distribution plan, and stewardship efforts. By exploring the Chinook Indian Nation's intra- and intertribal relationships, we can better understand Indigenous-to-Indigenous relationships and sites where we come together to influence and shape justice.

Survivance Spaces and Indigenous Sites of Exchange

Chinookan peoples have always maintained extensive kinship ties. Our pre-colonial economies relied on wide-ranging trade networks, and for thousands of years, we traveled iyagaytł imał, its tributaries and side channels, the seacoast, and the Salish Sea in traditional cedar dugout canoes to visit and build reciprocal relationships with our kin. As one of the oldest methods of travel, canoes are a key site of Indigenous cultural exchange. Our people traveled to and were visited by relatives from as far north as present-day Alaska and as far south as California. Through these trade networks, we exchanged both material and intangible goods. As

[214] Whyman, Theoni, Karen Adams, Adrian Carter, and Laura Jobson. "Lateral Violence in Indigenous Peoples." *Australian Psychologist* 56, no. 1 (2021): 1–14.

E. Richard Atleo (Nuu-chah-nulth) notes, while growing up in the mid-twentieth century in what is now Vancouver Island, British Columbia, his community not only spoke Nuu-chah-nulth dialects, but many of his people also spoke Chinuk Wawa, a trade language that originated in our Chinookan homelands and a language used throughout this dissertation. Chinookan words, songs, material objects, and people of Chinook descent are visible throughout the Pacific Northwest, reflecting our ongoing and lasting influence here.



Figure 12: Our canoes on the shores of Willapa Bay during the early 1900s. Photo courtesy of the Chinook Indian Nation archives.

Following the seizure and settlement of our territories, our canoes, a key vessel of our pre-colonial mobility, and the protocols and cultural practices associated with them were deeply

affected. Policies of assimilation and genocide, combined with land privatization, removal from waterways, and the loss of materials needed to build canoes, led to their near disappearance.[215] Despite these disruptions, canoes, our cultural protocols, and our kinship connections never completely vanished.[216] Later in this chapter, I will discuss the resurgence of canoe culture in the Pacific Northwest and our involvement in the movement.

Confronted with changing social, political, economic, and physical landscapes, we found ways to adapt, as we always had.[217] We identified new spaces for intercultural engagement across diverse locations, enabling us to honor existing reciprocal kinship responsibilities and build new relationships. One such unexpected site where inter-tribal networks were fostered was at federal Indian boarding schools. As discussed in chapters 1 and 2, many of our ancestors, across multiple generations, attended boarding schools. Experiences within the institutions varied heavily, but in these spaces, abuse was normalized, students were surveilled and rigorously groomed, military-style uniforms were mandated, and language was attacked because it was a threat to American domination. A primary objective of the boarding school project was to sever kinship connections and disrupt cultural norms.[218] We did not passively accept the acculturation efforts; we resisted in various ways, transforming what was meant to harm us into something else. Our Chinookan ancestors established relationships with Indigenous peoples from regions we hadn't previously connected with, enabling us to learn from one another. Some students never made it back home, while others resumed their lives as traditional Indians. Many who returned did so with deep

[215] Genocide takes multiple forms, including religious genocide, racial and ethnic genocide, cultural genocide, and political or economic genocide. For further information on the American genocide, see Elizabeth Cook-Lynn (2001) and Duran et al (1998).
[216] Cushman, Rachel L., Jon D. Daehnke, and Tony A. Johnson. "This Is What Makes Us Strong: Canoe Revitalization, Reciprocal Heritage, and the Chinook Indian Nation." In *The Politics of the Canoe*, edited by Bruce Erikson and Sarah Krotz. University of Manitoba Press, 2021.
[217] Our cultures have always been living, active, and transformative. See also Simpson (2017) and Case (2021).
[218] Schneider and Hayes. "Epistemic Colonialism: Is It Possible to Decolonize Archaeology?" *American Indian Quarterly* 44, no. 2 (2020). See also Child (2000), Child (2014), and Lomawaima (1993).

trauma that has been handed down through generations, which has contributed to intra- and inter-tribal lateral violence.[219] Boarding schools were not wholly bad. Several of our ancestors used their educational experiences to sue the federal government for taking our lands, and other alumni from the boarding school era founded the first intertribal cultural and political advocacy organizations and lobbied for Indigenous rights, which our ancestors and contemporaries joined.[220]

Our Chinook community has collaborated with many U.S.-based and international Indigenous advocacy groups, including the Small Tribes of Western Washington, the Affiliated Tribes of Northwest Indians, the National Congress of American Indians, and the United Nations. Each of these groups serves as an Indigenous survivance space, a place where we imagine and build futures for ourselves. They can be situated within a specific colonial landscape or be broader and transnational. These spaces are liminal, both physical and virtual, supporting the continuous and renewed presence of Indigenous knowledge, philosophies, values, and practices. They take the form of physical markets and creative hubs, sites of institutional and academic exchange, digital platforms, technological centers, and revitalized pre-colonial networks.[221] Within these spaces, our people have experienced both lateral love and lateral violence.

U.S.-Based Survivance Spaces

In 1957, Ronald Charley, Chinook's first Chairman under our 1951 revised constitution, traveled to Claremore, Oklahoma, to attend the National Congress of American Indians' annual

[219] Numerous scholars have theorized the notion of intergenerational trauma. It is often referred to as historical trauma or the intergenerational transfer of posttraumatic stress disorder. See also Brave Heart (1999), Shoshan (1989), and Mullan (2023).
[220] Scholars who make this counterargument include Child (2014) and Davidson and Norris (2003).
[221] For more about survivance spaces and sites of exchange, see Morrill and Sabzalian (2022), Renya Ramirez (2013), and Hatch (2024).

convention. Chairman Charley was a trusted and influential leader in the region who believed in kinship obligations. In honor of Chinook's kinship ties, he was entrusted to represent not only our Chinook community, but the Makah, Lummi, Muckleshoot, Suquamish, and Tulalip tribes, as well. Today, these nations are among the largest, most successful, and politically connected tribes in Washington State, but back then, they did not have the means to travel to Oklahoma, so Chairman Charley attended the convention to represent both their interests and ours.[222]



CONVENTION-BOUND: Roland Charley, Chinook Indian chief from Tokeland, Pacific County, and his wife said good-bye to a granddaughter, Janice Baker, 15, of Tacoma, before leaving Seattle-Tacoma Airport yester-

Figure 13: This newspaper clipping is from the Chinook Indian Nation archives.

The organization was founded in 1944, during the height of the termination era, to defend the rights, traditional laws, and benefits that sovereign nations are entitled to. A goal of the organization's founders was to establish a unified voice across Indian Country on issues affecting tribal sovereignty.[223] Today, the National Congress of American Indians and the organization's Policy Advocacy Team advocate on behalf of tribal nations across a wide range of policy issues, including cultural protection, economic development and commerce, environmental and land justice, infrastructure and community development, international advocacy,

[222] Before the 1974 Bolt Decision and the Indian Gaming Regulatory Act of 1988 were enacted, tribes across the Pacific Northwest were similar in their economic standing regardless of federal status. We were poor and barely able to support our communities, let alone undertake the nation-building work seen today among federally recognized nations.

[223] *Historic Overview of NCAI.* n.d.

legal and governance, public safety, natural resources, and more.

Chinook first joined in 1951 and, for nearly 75 years, has endeavored to be a member in good standing with the U.S.-based organization. Despite Chinook's arduous history with the United States government, the membership criteria cast a wider net for inclusion than the federal government. We have always met all four requirements for tribal membership under Article III – Members, Section B, of the National Congress of American Indians Constitution and By-Laws.[224] To be a tribe in good standing, a tribe must prove that a "substantial" number of the tribe's citizens live in the "same general locality." Nearly half of our citizens still live within or near our longstanding network of interconnected villages in Southwest Washington and Northwest Oregon. Applicant tribes must have a government structure that allows leadership to make decisions for the tribe and includes a system to ensure accurate membership enrollment. Chinook's Constitution and By-Laws satisfy this requirement, and our enrollment system helps us know where our citizens live. A member tribe cannot be a branch or offshoot of another tribe. This is also a requirement of 25 CFR 83 and was addressed in Kevin Gover's Final Determination for Federal Acknowledgment for the Chinook Indian Tribe/Chinook Nation, and was most recently reaffirmed in Chinook v. Zinke and during our Docket 234 use and distribution plan proceedings, as was discussed in Chapter 3. No other tribe represents the body politic of our five westernmost Chinookan-speaking tribes but us. Lastly, an applicant tribe must be recognized as a tribe by "the Department of the Interior, Court of Claims, the Indian Claims Commission, or a State."[225] As noted in the previous chapter, the Chinook Indian Nation has been recognized by the Court of Claims, Indian Claims Commission, the federal courts, the

[224] "National Congress of American Indians Constitution, By-Laws & Standing Rules of Order." Governing Document. n.d. 2.
[225] Ibid.

Bureau of Indian Affairs, and Congress as the heirs to our peoples and lands, thereby fulfilling this requirement. Chinook is a land-claim tribe and has been since 1912, when an act of Congress ordered the creation of annuity payments for the illegal taking of our lands. Oregon and Washington do not have formal systems for state recognition, but on March 6, 2026, during the writing of this chapter, the Washington Senate acknowledged Chinook's historical and contemporary contributions to the State of Washington in Senate Resolution 8690.[226] This new form of recognition by the state of Washington bolsters our qualifications for membership. Although the inter-tribal advocacy group's rules are more flexible than the federal government's administrative recognition process, they still mainly depend on recognition by the nation-state rather than Indigenous kinship ties.

As Helen Sanders, a Chehalis tribal member and former secretary of the National Congress of American Indians, asserted during a public hearing in 2014 for the Bureau of Indian Affairs' proposed rule changes to 25 CFR 83,

> I was fortunate to be elected secretary of the National Congress of American Indians in the '60s. I served with Vine Deloria, Jr., where the Chinook tribe was a voting member of this national organization. They were accepted by the largest Indian organization in the country.[227]

As Sanders' assertion and the story of Chairman Charley illustrate, for over 75 years, Chinook has been recognized by other tribes, both regionally and nationally, as a sovereign nation. The National Congress of American Indians is a survivance space where Indigenous peoples come together to fight for self-determined futures, and has a legacy of supporting tribes without federal acknowledgment. In 1977, the intertribal organization's general assembly passed a policy

[226] Recognizing the Contributions of the Chinook Tribal Nation.
[227] *Public Hearing: Federal Acknowledgment of Indian Tribes Proposed Rule 25 CFR 83: Hearing before the Bureau of Indian Affairs* (2014): 21.

resolution in "support [of] the concept of establishing a procedure for recognizing Indian Tribes not presently protected by the United States."[228] Despite the National Congress of American Indians' initial support for the administrative process, the organization has historically been among the most vocally critical of the government-administered process. Throughout the organization's decades of existence, dozens of resolutions have been passed by the general assembly proclaiming that "the issue of lack of federal tribal acknowledgment for all tribes continues to be one of the most critical unresolved tribal sovereignty and rights issues."[229] It is for that reason that the National Congress of American Indians had consistently adopted resolutions of support for tribes seeking recognition, including a resolution supporting the Chinook in 1994. As discussed in Chapter 1, the Bureau of Indian Affairs had placed Chinook's petition under "active consideration" in January 1994, but had prolonged assigning the petition's review team. The general assembly's 1994 resolution asserted,

> that NCAI urges the Administration and Congress to take steps to assure the timely review and process of petitions for Federal Tribal Recognition currently under consideration and backlogged for review—including the Chinook recognition… [and] that the timely review of petitions continue while Congress continues to pursue the legislative reform of the process.[230]

While the National Congress of American Indians expressed its support for the Chinook petition receiving a timely review and for reform of the federal acknowledgment process, the resolution did not explicitly state that the organization supported Chinook's acknowledgment. Despite Chinook's membership for nearly half a century and the organization's assertions that tribes

[228] National Congress of American Indians, "Policy Resolution No. 1: Indian Recognition Policy," September 22, 1977. 53.
[229] Gaiashkibos, "National Congress of American Indians Resolution No. NV-93-172: Resolution Urging That Federal Acknowledgment Process Reform Legislation," Reno, Nevada, December 3, 1993. 2.
[230] Gaiashkibos, "National Congress of American Indians Resolution #B-94-035: Federal Tribal Recognition Resolution Urging the Timely Review of Petitions," Buffalo, NY, June 14, 1994. 2.

lacking recognition remain a critical obstruction to sovereignty, it was unwilling to take a firm stance in support of Chinook.

In 2008, the National Congress of American Indians convened in Phoenix, Arizona, and passed a resolution that addressed this issue. The resolution proclaimed,

> NCAI strongly supports federal recognition of all Indian tribes that have maintained tribal relations from historical times, however the NCAI resolutions process is not equipped to investigate and make determinations of historical and genealogical questions of tribal status, and the consideration of these issues often leads to intra-tribal and inter-tribal conflicts.[231]

The resolution showed that although the organization claimed to support the recognition of tribes like the Chinook Indian Nation, which have maintained tribal relations since historical times, it lacked the ability to decide who should or should not be recognized. Instead, the resolution called on Congress and the Department of the Interior to fix the broken federal acknowledgment system, which has "severely deteriorated since its beginning."[232] The resolution did not end the adoption of resolutions of support, but it did make the process more difficult by creating more rigid procedures for introducing such resolutions.

Despite the National Congress of the American Indians' stance on resolutions supporting individual tribes' efforts to attain acknowledgment, the organization found ways to support non-federally recognized tribal nations harmed by shifting policies. In 2011, the organization passed "Resolution PDX-11-016," which called on the Bureau of Indian Affairs to allow non-federal tribes with a history of boarding schools to attend Haskell. The resolution asserted, "NCAI is tasked with protecting the rights and legacies of all historic tribal communities."[233] Due to a

[231] Joe A. Garcia, "National Congress of American Indians Resolution #PHX-08-055: NCAI Policy on Federal Recognition of Indian Tribes," October 24, 2008. 2.
[232] Ibid, 1.
[233] Jefferson Keel, "National Congress of American Indians Resolution #PDX-11-016: Support the Return of Former Attendance Documented 'Non-Federal' Boarding School Tribes to Admission to Haskell Indian Nations University in Lawrence, Kansas," Portland, Oregon, November 4, 2011. 1.

Department of the Interior administrative decision, citizens of non-federal tribes, including alumni who previously attended, were no longer allowed to attend the tribal college. The resolution called the issue "historical and cultural revisionism on the part of the Bureau of Indian Affairs."[234] The Bureau of Indian Affairs is not the only entity to perpetuate cultural revisionism. In 2023, problematic constitutional amendments were introduced at the National Congress of American Indians general assembly, and if adopted, the organization would have been implicated in cultural revisionism.

On October 2, 2023, the National Congress of American Indians President, Fawn Sharp (Quinault), sent a notice to members announcing two proposed amendments to the organization's constitution and invited members to submit public comments.[235] The Ute Indian Tribe, the Shawnee Tribe, and the Eastern Band of Cherokee proposed amendments aimed at disenfranchising all tribes that are not federally recognized. One amendment sought to limit voting membership to federally recognized tribes, allowing non-federally recognized tribes to join but preventing them from voting. The other would restrict the organization's leadership to only citizens of federally acknowledged tribes. Ahead of the vote, tribal leaders from across the United States submitted letters supporting and opposing the amendments. According to Chief Ben Barnes of the Shawnee Tribe,

> If passed, the Proposed Constitutional Amendments would be a major step forward in our fight to stop the rampant appropriation of our Native identities. Fraudulent groups would no longer have the same power and voting rights within the NCAI as tribal nations with trust and/or treaty relations with the United States.[236]

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[234] Ibid.
[235] Fawn Sharp, "National Congress of American Indians: NOTICE: Proposed Amendments to NCAI Constitution," personal communication, October 2, 2023. I specifically cite this notification because Sharp was not only the President of the National Congress of American Indians at the time, but also the Vice President of the Quinault Indian Nation. Sharp played a significant role in the reversal of Chinook's federal recognition in 2002.
[236] Chief Ben Barnes, "Re: NCAI Proposed Constitutional Amendments," personal communication, October 25, 2023.

Barne's concerns about appropriated Indigenous identities are justified, and self-Indigenizing and fraudulent identity claims remain an ongoing and increasing problem that must be addressed. While some claims are intentional fabrications, others may originate from authentic, yet mistaken, family stories. Often, these family stories originate from settler guilt and "the settler desire to be made innocent," as Tuck and Yang assert.[237] Self-Indigenization has real consequences. As Jessica Kolopenuk (Cree, Peguis First Nation) accurately states, "the harms of pretendianism include the misappropriation of resources earmarked for Indigenous students and researchers and the promotion of harmful stereotypes and other misrepresentations about indigeneity by those without lived experience."[238] For years, the focus of calling out self-Indigenization has been on individuals, rather than communities. Joanne Barker (Lenape, citizen of the Delaware Tribe of Indians) calls these individuals "Kinless Indians." In other words, these individuals have no documented history. Their connection to Indigenous peoples is fabricated. There is no genealogical link.[239] In recent years, we have been seeing the focus shift from individuals to groups, as Barne's statement indicates.

Barnes and other supporters of the amendments emphasize that including tribes without federal recognition poses a threat to tribal sovereignty. This is zero-sum thinking, the idea that if one person or group achieves social, economic, or political gains, it comes at the expense of others.[240] This kind of thinking is dangerous and a product of colonialism. Then there is his assertion that tribes without federal acknowledgment have no trust and/or treaty relationship with the United States government. Barne's claim is ill-informed. As discussed throughout this

[237] Tuck and Yang, *Decolonization Is Not a Metaphor*. 9.
[238] Kolopenuk, Jessica. "The Pretendian Problem." *Canadian Journal of Political Science* 56 (2023): 469.
[239] Barker, Joanne. *Red Scare: The State's Indigenous Terrorist*. University of California Press, 2021. 70.
[240] Hoff, Maren, Derek D. Rucker, and Adam D. Galinsky. "The Vicious Cycle of Status Insecurity." *Journal of Personality and Social Psychology: Interpersonal Relations and Group Processes* 128, no. 1 (2025): 101–22.

dissertation, the United States government entered into treaties with the Chinook Indian Nation, and, according to Kevin Gover, our 1851 treaties were constructively ratified when Congress approved annuity payments in 1912.[241] Since then, Chinook has reserved allotments, received Individual Indian Money accounts, and won land claims, leaving the United States government with a fiduciary or trust responsibility to the Chinook Indian Nation, a non-federally recognized tribe. I imagine that the Chinook Indian Nation isn't the only tribe to be in this position.

I will not say that there are no illegitimate organizations or groups of people who capitalize on Indigenous identity and make false claims. I will point out, however, that as discussed in Chapters 1 and 2, the federal recognition process is unfriendly and designed to perpetuate Indigenous dispossession. As an Indigenous person from a nation combating erasure, I have no desire to assert a metric in which non-federally recognized tribes should be measured to be recognized or considered legitimate. Our experiences with colonial regimes differ across place, time, policy, social constructs, and the colonial agents involved. Any metrics we choose should account for these factors. They should also examine how zero-sum thinking affects our Indigenous-to-Indigenous relationships. For Chinook, our recognition in 2001 was opposed because, if we remained unrecognized, the Quinault Indian Nation would gain thousands of acres of land. As discussed previously, we share a reservation with Quinault, and our Chinook people are the majority landholders there. Without recognition, our trust lands will eventually convert to fee lands under the American Indian Probate Reform Act. Once our land is converted to fee, many of our people will be forced to sell, and those lands will go to the Quinault. Quinault has much to lose if we are recognized.

[241] Gover, Keven. "Final Determination to Acknowledge the Chinook Indian Tribe/Chinook Nation (Formerly: Chinook Indian Tribe, Inc.)." *Federal Register* 66, no. 6 (2001): 1691.

Any metric we consider should emphasize our kinship connections and should focus on support over opposition. Support from neighboring nations matters. In Chinook's case, we have support from all our neighbors, but in the fight for acknowledgment, their voices have been drowned out by communities farther away, like Quinault. Well-documented tribal histories are also an important component of any metric, and should be inclusive of oral histories and tribally owned records, rather than relying on the colonial gaze. As Glenn Coulthard emphasizes, one of the most effective ways for tribal nations to exercise sovereignty is to establish formal political, economic, cultural, and trade relationships with neighboring tribal nations.[242] The National Congress of American Indians provides space for that. The constitutional changes proposed during the organization's 2023 Annual Convention and Marketplace would have done the opposite of what Coulthard suggests. Instead, the historic tribal communities that the organization proclaims to protect would have been disenfranchised.

More public comments opposed the proposed changes than supported them. In a public comment issued in November 2023, Chairman Tony (naschio) Johnson reminded our kin and contemporary voting members of Ronald Charley's story. He called on the organization's members to lean into their kinship obligations and honor tribes like Chinook, who have been members in good standing for decades. In the public comment submitted on behalf of the Chinook Indian Nation, with full Tribal Council review and support, he asserted,

> We believe these amendments are lazy and punitive. If there is an issue with illegitimate state recognized tribes, we believe the current membership criteria could be applied to root those groups out. IF a constitutional amendment is needed to address this, it should be done using a scalpel – not a nuclear weapon. Using the excuse of "state recognized tribes" to obliterate the thoughtful membership criteria of NCAI is wholly out of line. To be clear, state recognition of tribes doesn't even exist in WA or OR and yet we would be denied membership by these amendments?[243]

[242] Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*.
[243] Johnson, Tony A. (naschio), "Re: Proposed Constitutional Amendments," personal communication, November 11, 2023.

As the public comment indicates, if the National Congress of American Indians had followed the constitutionally required membership criteria, especially the fourth criterion, which states that a tribe must be recognized by the Department of the Interior, the Court of Claims, the Indian Claims Commission, and the state, the issue of "fraudulent tribes" would have mostly been resolved. And if concerns about state-recognized tribes still exist, as Johnson explains, the organization could create a well-designed, collectively agreed-upon process for reviewing those applicants.

Chinook's comment, along with those from many other federal and non-federal nations, urged Indian Country leaders to vote no on the amendment, and they did. Although the amendments were rejected because they did not get a two-thirds majority, the votes revealed that the National Congress of American Indians is divided. "Both amendments received about 56 percent of the vote," revealing that over half of the organization's voting body believes that only nations with federal acknowledgment and their citizens should have a voice in the organization.[244]

In 2024, we renewed our membership without issue, but in 2025, we faced numerous obstacles. Firstly, the organization's executive leaders unilaterally decided to alter its website so that non-federal tribes could no longer access the membership portal. Only federally recognized tribes were included in the login dropdown menu. In response, our tribal administrator sent several emails trying to gain access and remedy the situation. With the renewal deadline looming and no response received, Chairman Johnson sent a firm inquiry letter to several of the organization's leaders regarding the process. We did not receive a response to his inquiry until

[244] Rickert, Levi. "Proposed Amendments to Remove State Recognized Tribes Defeated at NCAI." *Native News Online*, November 16, 2023.

after the renewal deadline had passed. On October 7, 2025, an email from the nondescript "NCAI Membership" account notified us that Chinook's application required a more substantial review and that we had to prove that we met all four membership criteria. We were provided with examples of documents that might satisfy the criteria, which included "Ethnographic records and histories, historical cases and governmental reports and records, research and academic records and reports, and adjudicatory and case law determinations."[245] After a month and a half of correspondence between Chinook and the NCAI Membership account, Chinook passed the review, but we were still unable to renew our membership before the 82nd National Congress of American Indians Annual Convention and Marketplace. On November 18, 2025, two days into the gathering, the organization made a final determination regarding Chinook's membership. According to Chinook's Vice Chairman, Sam Robinson, who was there when the decision was made, "Patrick Anderson, the NCAI parliamentarian, entered the room and said that Chinook met all the criteria to be members of NCAI and will be voting. The room broke out in applause."[246] While Chinook's continued inclusion was an exciting moment, it leaves me wondering how many tribes with legitimate claims did not make it through the review or were unable to get a response from NCAI Membership.

As Ronald Charley's story shows, participation in the National Congress of American Indians has always been somewhat restrictive. The recent attempts to change the constitution and the new application system reveal that it remains so. In addition, attending events and meetings continues to be a challenge for many tribal communities because it is costly to send delegations. Individuals can become members, but usually only tribal leaders and those with higher socio-

[245] NCAI Membership, "NCAI Tribal Nation Membership for Chinook Indian Nation--Additional Information Requested," personal communication, October 7, 2025.
[246] Sam Robinson, "NCAI," personal communication, November 18, 2025.

economic status can afford to participate. There is a clear gap between resource-rich tribes and those with fewer resources, whether or not they are federally recognized. Now, the National Congress of American Indians, an Indigenous site of exchange and survivance space created to protect tribal sovereignty and our futures, is only recognizing and prioritizing some tribal nations' sovereignty.

Not all Indigenous sites of exchange are as formal, rigid, and exclusive as the National Congress of American Indians. As mentioned earlier, Indigenous exchange can occur in many places, including on digital platforms and in technological centers. As physical barriers to connectivity persist, digital platforms have become essential for sovereignty and knowledge sharing. In recent years, the Chinook Indian Nation has used digital media platforms to share our story, highlight the growing support for Chinook Justice, build a strong network of allies within the community, from political leaders and organizations to cultural centers and individual supporters, and garner backing from legislative and congressional leaders to pass a federal recognition bill. To keep Chinook justice at the forefront for our target audiences, our Chinook justice communications team has invested significant effort into our earned and digital media strategy. One digital platform that has helped us foster broader discussions with Native people and experts about issues impacting Indigenous communities in the United States and beyond is Native America Calling, a government-grant-funded radio show.

On May 9, 2023, I participated in Native America Calling radio interview to discuss who should be protected under the 1990 Native American Arts and Crafts Act, a government policy designed to safeguard the economic and cultural livelihoods of Indigenous artists and craftspeople. Throughout 2023, the Bureau of Indian Affairs collected comments from tribes and the public through notice-and-comment rulemaking to update the Act. The proposal called for the

inclusion of Native Hawaiians, who had previously been excluded from the Act, and the exclusion of any individual who is not an enrolled citizen of a federally recognized tribal nation. The 1990 Act had a broad definition of American Indian, and as a result, citizens of state-recognized tribes, descendants of both federally and state-recognized tribes, and individual Indians were protected under the Act.

The producer of the show called me the day before it was scheduled to air and asked if I would participate, since I had previously been on the show to discuss the politics of recognition. I was unaware of the identities of the other guests until the day of the show. During a 55-minute program, host Andy Murphy brought in notable guests and experts from various geopolitical regions in what is now the United States to discuss the future of the Native American Arts and Crafts Act. Two guests, including me, opposed the proposed amendments, while two others supported restricting the language to federally recognized tribes and Native Hawaiians. Both supporters of the changes were from the eastern United States. The arguments for and against the proposed change were similar to those of the amendments proposed at the 2023 National Congress of American Indians.

The first guest was Dr. Sylvia Hussey (Native Hawaiian), who served as chief executive officer of the Office of Hawaiian Affairs. Hussey was asked about the federal status of Native Hawaiians and how they protect and authenticate their arts and crafts. Hussey's message was clear: all Indigenous people, regardless of the federal status of the individual nation, should have their cultural work, including intellectual property, protected. Native Hawaiians are not considered federally recognized in the same way as tribes in the forty-eight continental states. She went on to assert, "In this policy period of inclusion, broadly looking at all of the policy pieces, all Native people regardless of whether they were in the continental forty-eight or in the

additional states should be included." According to Hussey, any policy should be "looking for an overall consistency and parity for all Indigenous groups under the United States Trust responsibility," meaning that federal recognition shouldn't matter.[247] For Hussey, it's about kinship and the United States government's trust responsibility to Indigenous people. Her stance was one of lateral love.

The next guest's beliefs about the proposed changes did not align with Hussey's. Principal Chief of the Cherokee Nation, Chuck Hoskin Jr., explicitly did not support the 1990s wide net of inclusion. He continuously called state-recognized tribes and tribes without recognition fraudulent. His arguments were rooted in bastən syndrome. According to Hoskin, the only legitimate definition of an American Indian included citizens of federally recognized tribes, despite the Department of the Interior's assertion that there are many definitions of American Indian.[248] His rejection of other legal definitions perpetuates Indigenous erasure and is cultural revisionism, as they disregard the range of experiences tribes have had with the United States. Hoskin's stance on state-determined recognition reinforces the nation-state's structural commitment to the dispossession of Indigenous lands. Unlike Hussey, kinship and trust responsibility weren't of any importance to Hoskin.

In response to Hoskin's comments, Murphy asked Hoskin pointedly, "Would you like to see all unrecognized and state-recognized tribes excluded from the Native American Arts and Crafts Act, or is there a way to include some of these tribes that are maybe just caught in this process and, you know, are on their way to federal recognition?"[249] Hoskin responded,

> The idea of being on the way to federal recognition is an interesting concept. There's a process in place for that. It's a highly rigorous process. It's a great deal of scrutiny. I don't

[247] *Native America Calling*. "How Far Should Protecting Native Artwork Go?"." Koahnic Broadcast Corporation, May 9, 2023. 55:24. https://www.nativeamericacalling.com/how-far-should-protecting-native-artwork-go/.
[248] This is covered thoroughly in Chapter 1.
[249] Ibid, 00:24:36.

> think the fact that there are tribes in different stages of that process is justification to tolerate the fact that the current law allows demonstrably fake tribes to step right into the shoes… of a Native American artist in this country.[250]

In this statement, Hoskin mentions the federal administrative acknowledgment process, which he and his community have never gone through. His own nation was recognized by the Senate when its treaty was ratified. Throughout his interview, he repeatedly stated that the only valid way to get federal acknowledgment is through the Department of the Interior's Office of Federal Acknowledgment, while ignoring that there are many other ways to achieve recognition or that the federal acknowledgment system has become more of an obstacle than a pathway.

Hoskins' interview comments regarding the illegitimacy of non-federal tribes and tribes recognized outside of the federal administrative process perpetuate and legitimize colonial erasure rhetoric. As a leader of a nation with substantial economic and political power, his words carry weight. Not only that, this economic and political power enables his nation to mobilize and contribute significantly to the Bureau of Indian Affairs' notice-and-comment rulemaking process. Large tribes with power, like the Cherokee Nation, can organize hundreds of public comments. As a leader of a smaller nation struggling to survive, I can confidently assert that this tactic causes great harm. We don't have the numbers or capacity to organize as federally recognized tribes do. During his interview, Hoskin revealed that within 24 hours, his community mobilized 900 of its citizens to comment on the Bureau's proposal, which is roughly a third of Chinook's total enrollment.

During my interview, I demonstrated that the rule change conflicts with the United Nations Declaration on the Rights of Indigenous Peoples. Article 11 affirms that Indigenous peoples have the right to practice our "cultural traditions and customs."[251] This includes the right

[250] Ibid, 00:25:14.
[251] *United Nations Declaration on the Rights of Indigenous Peoples*. United Nations, 2008. 11.

to pass down their historical languages. Article 16 states our right to establish our own media.[252] Article 3 affirms the right to maintain and develop our own political, economic, and social systems to ensure the enjoyment of our own means of subsistence and to freely participate in all our traditional and economic activities.[253] Article 31 confirms that Indigenous people are entitled to full recognition, control, and protection of our cultural and intellectual property.[254] I went on to explain that the Chinookan style of art is on the verge of disappearance, and that our community is working hard to preserve it. It's a unique style of art, often called organic geometry. The art radiates from our homelands at the mouth of iyagaytɬ imaɬ and influences the art styles of many nearby communities. Disrupting our ability to create art harms not only the Chinook Indian Nation but also the surrounding region.

I emphasized that if our artists are not protected in claiming their art as Native, it would be another step toward our erasure by the United States government. Not only would it amount to cultural genocide, but also economic genocide. We have several artists who earn their livelihood by creating Chinookan art. I concluded the interview by stating that federal recognition should not be the sole criterion and reminded listeners that the United States' relationship with tribes is, at best, a work in progress.

The Native American Calling interview and the government's notice-and-comment rulemaking process for the Native American Arts and Crafts Act are examples of Indigenous exchange sites that serve as vehicles for Indigenous survivance. Hoskin's testimony shows how digital survivance spaces can be used to perpetuate lateral violence, as he upheld and tried to normalize settler structures and logics of dispossession while ignoring ancient kinship

[252] *United Nations Declaration on the Rights of Indigenous Peoples*. United Nations, 2008. 14.
[253] Ibid, 8.
[254] Ibid, 22

obligations and cultural teachings. Hussey's and my interviews demonstrated lateral love, as we called on Indigenous peoples to unite to protect and defend all Indigenous communities, especially the most vulnerable.

Transindigenous Survivance Spaces

Canoes once served as the most recognizable symbols of Indigenous cultural exchange in the Pacific Northwest, but as mentioned earlier, they nearly vanished from our waterways after the Euro-American settlement and occupation of our lands. Canoes never fully disappeared, because Indigenous peoples, through acts of refusal, continued to carve, practice culture, and maintain our ancient protocols in secret despite the risks. In recent decades, canoes and related Indigenous cultural practices have experienced a significant resurgence worldwide, driven by local and global Indigenous activism. During the 1950s through the 1970s, settler governments began decriminalizing cultural practices central to canoe traditions. In the U.S. context, Indigenous resistance groups such as the National Congress of the American Indians, the National Indian Youth Council, and the American Indian Movement, along with local groups, paved the way for a renewal of Indigenous rights. The American Indian Religious Freedom Act (1978) was key in decriminalizing potlatch and other cultural practices vital to canoe culture in the United States. In Canada, decriminalization occurred in 1951, but the Canadian government continued discouraging Indigenous peoples from practicing their culture.[255]

As a result of policy changes, canoe carving experienced a significant revival in the 1980s. Indigenous carvers across the Pacific Northwest held canoe-carving workshops for Indigenous peoples whose knowledge of canoes had been sleeping. As a result of the canoe

[255] Brown, Frank, Hillary Beattie, Vina Brown, and Ian Mauro. “Tribal Canoe Journeys and Indigenous Cultural Resurgence: A Story from Heiltsuk Nation.” In *The Politics of the Canoe*. University of Manitoba Press, 2021.

carving camps, traditional network routes were revitalized across the region, leading to the emergence of Tribal Journeys. Tribal Journeys has several origin stories, but the event most widely recognized as the founding of Tribal Journeys is "Paddle to Seattle," which occurred in 1989. That year, a few canoes traveled from different parts of the Pacific Northwest to Seattle, Washington, and when they arrived, they delivered a letter urging the state's government and residents to honor their responsibilities as caretakers of the land. During the event, Heiltsuk Nation leaders from Bella Bella, British Columbia, invited participants to reconvene in four years and offered to host the paddle during their Heiltsuk's Qatuwas Festival.[256] As word of the paddle to Bella Bella spread, nations throughout the Pacific Northwest began building canoes and preparing their communities for travel. In 1993, twenty-three canoes landed in Bella Bella, and while the celebrations were underway, the participants decided that the canoe nations would gather again in four years at La Push, Washington. After the 1997 paddle to La Push, Tribal Journeys became an almost yearly event, with more canoes from around the world traveling and reigniting ancient trade networks. As canoe-carving and intertribal networks were being renewed across geopolitical borders in the Pacific Northwest, Indigenous peoples throughout Oceania were also rekindling their ancient roots and routes through the canoe renaissance.[257] As a result, Tribal Journeys has become a trans-Indigenous survivance space, allowing Indigenous peoples from across global contexts to come together. The Chinook community has traveled alongside our Kānaka Maoli relatives from Hawai'i, our Māori kin from Aotearoa, our Mapuche friends from southern Chile, and Indigenous peoples from other geopolitical regions**.** Together,

[256] Brown, Frank, Hillary Beattie, Vina Brown, and Ian Mauro. "Tribal Canoe Journeys and Indigenous Cultural Resurgence: A Story from Heiltsuk Nation." In *The Politics of the Canoe*. University of Manitoba Press, 2021.
[257] Case, Emalani. *Everything Ancient Was Once New: Indigenous Persistence from Hawai'i to Kahiki*. University of Hawai'i Press, 2021.

we are rekindling ancient relationships and forging new ones grounded in traditional knowledges and values.

Our Chinook people were present at Paddle to Seattle; individual canoe knowledge keepers participated in the carving camps and engaged in canoe revitalization from the very start. However, we couldn't join Tribal Journeys as a community until 2005. Before then, our community had plenty of canoes but lacked other means of travel. In 2005, we partnered with our relatives at the Confederated Tribes of Grand Ronde, a tribe with more financial resources than Chinook but no canoes, and began traveling as shawash ili'i pi chinuk kənim tilixam. This partnership between our two communities reaffirmed our ancient kinship obligations and cultural teachings of care, reciprocity, and respect. Eventually, Grand Ronde and Chinook were able to travel on Tribal Journeys independently, but our relationship and mutual commitment remain strong. Both of our communities continue to provide space for citizens of nations who lack canoes or the resources to travel.



Figure 14: Chinook asking permission to come ashore during the Paddle to Lower Elwha in July 2025. Photo courtesy of Rachel L. Cushman.

A key feature of Tribal Journeys is the renewal of our cultural protocols. Following protocols reaffirms our traditional values in the present and helps create positive futures for

ourselves and those around us.[258] As canoes and canoe families travel to designated locations, they stop at host villages along the way. Visitors must seek permission before coming ashore. Once granted, the host provides food and a place to rest. In return, visiting canoe families share songs and dances. This reciprocal responsibility process acknowledges the territorial sovereignty of Indigenous nations and is repeated during departure and practiced throughout the journey. By practicing these protocols, we are not only renewing pre-colonial traditions but also actively refusing colonial mapping. Colonialism is a mapping project, and throughout colonial history, Indigenous lands and sovereignty have been torn apart to construct colonial territories/nations, and to ensure colonial futures. To paraphrase Jodi Byrd (Chickasaw), through Imperialism and its offshoot, colonialism, the world was reordered, divided, and partitioned, normalizing settler notions of land.[259] In addition to the colonial mapping of land, Indigenous peoples' bodies were also mapped through race and gender constructions, which will be discussed later in this chapter.[260] Tribal Journeys and canoe revitalization efforts elsewhere provide us with a survivance space to remap and re-story ourselves back into land and waterscapes. There has not yet been a Tribal Journeys hosted by any community along iyagaytɬ imaɬ, but we have hosted our regional relatives as they travel through our homelands to designated locations along the sea coast and the Salish Sea. When we host our neighbors from Warm Springs, Cowlitz, Grand Ronde, and Nez Perce, they have always shown the same respect to Chinook as they do to any other host community, revealing that Tribal Journeys prioritizes our pre-colonial kinship ties over

[258] Cushman, Rachel L., Jon D. Daehnke, and Tony A. Johnson. “This Is What Makes Us Strong: Canoe Revitalization, Reciprocal Heritage, and the Chinook Indian Nation.” In *The Politics of the Canoe*, edited by Bruce Erikson and Sarah Krotz. University of Manitoba Press, 2021.
[259] Byrd, Jodi A. *Transit of Empire*. University of Minnesota Press, 2011.
[260] Goeman, Mishuana. *Mark My Words: Native Women Mapping Our Nations*. University of Minnesota Press, 2013.

colonial imaginings of our people. In this way, for the Chinook Indian Nation, Tribal Journeys is a survivance space grounded in lateral love.[261]

Like Tribal Journeys, NDN Collective is a contemporary transnational Indigenous survivance space. It is an Indigenous-led non-governmental organization whose mission is to "build the collective power of Indigenous Peoples, communities, and Nations to exercise our inherent right to self-determination, while fostering a world that is built on a foundation of justice and equity for all people and Mother Earth."[262] NDN Collective offers physical and virtual spaces, along with essential resources, to support Indigenous peoples in coming together to address issues that matter most to us. Unlike the National Congress of American Indians, NDN Collective seeks to expand who can participate in Indigenous advocacy by addressing wealth gaps in Indigenous communities. One way they achieve this goal is by making investments in tribal communities and individual Indigenous leaders.

In December 2021, I received a letter from the NDN Collective Changemaker fellowship selection committee informing me that I had been chosen for their third Changemaker cohort. NDN's Changemaker Fellowship grant program supports 21 Indigenous leaders from across North America and Oceania. The Changemaker fellowship announcement asserts,

> We believe our people have the creativity, innovation, and determination to build healthy, resilient futures; defend our homelands and rights, and develop model regenerative Nations while decolonizing and healing our communities and families.[263]

NDN Collective recognizes that Indigenous leadership comes in many forms. They can be artists, educators, traditional knowledge keepers, and more. I was stunned when I received the

[261] I say that tribal Journeys is grounded in lateral love specifically for the Chinook Indian Nation, because it isn't always for other tribal nations. Take, for example, Duwamish. Duwamish is a tribe without federal recognition in the Seattle area. During Tribal Journeys, the Duwamish have not been afforded the same respect as the Chinook.
[262] "Our Mission." *NDN Collective*, n.d. https://ndncollective.org/our-mission/.
[263] "Changemaker Fellowship." *NDN Collective*, n.d. https://ndncollective.org/changemaker-fellowship/.

acceptance letter because I hadn't expected to be selected. I had applied twice before and was rejected both times at different points in the selection process. The application is lengthy, demanding, and highly competitive.

The process starts with a letter of intent, which determines a candidate's eligibility. Eligibility is an uncomfortable and anxiety-inducing word. This discomfort comes from years of being denied access to equity opportunities because of my nation's non-federal status. The first time I was denied an equity opportunity was in high school. I had been selected for the prestigious Gates Millennium Scholar program, only to have that honor revoked shortly after receiving the congratulatory letter. I was told the award was rescinded because Chinook was no longer recognized as a tribe, and only citizens of federally recognized tribes qualified. Like NDN Collective, the Gates Millennium Scholar program was run by a Native-led organization, and part of me wondered if NDN Collective held the same strict views about who qualified for critical resources as the American Indian Graduate Center.

Still, I persisted and was determined to make myself legible to the selection committee. The second round involves completing the full application and articulating a theory of change. The theory of change reflects our bold vision of the world we are working to create, as well as the methods we employ to achieve it. I spent days carefully crafting my response. I plastered the walls of my home office space with flip chart paper and sticky notes, and mapped out my ideas like a murder investigation board. My bold vision involved deconstructing colonial systems and structures imposed upon Indigenous nations, preventing us from fully exercising our sovereignty over our people and places. Only the strongest candidates are invited to interview with NDN Collective staff and regional ambassadors. During my third attempt, I was invited for an interview. A few days before the interview, I learned that the ambassador from my region was a

citizen and a cultural leader of a nation that was actively working to discredit another tribe without federal acknowledgment. My interview was scheduled for November 29, 2021. Before the interview, I was a nervous wreck.

When I entered the virtual meeting space, I took several deep breaths to ground myself. The interview began with a round of introductions, then they asked me questions about my theory of change. The conversation went smoothly. Towards the end of the interview, Willard Bill Jr. (Muckleshoot), the regional ambassador, mentioned that he had been following my work with Chinook and was genuinely impressed. He acknowledged that being a mother, a student, an elected leader, and a canoe skipper requires me to bear a heavy burden, and that people come to me with all their problems. He asserted,

> It's a thankless and tough job. You are fighting to assert your nationhood, even as it's constantly contested. The nation I belong to is actively working against another nation I also descend from. I am both, and it's incredibly painful to witness. I admire your strength. I see you walking in the footsteps of your ancestors—humble and never giving up. That's why I joined NDN, because I want to change how we do things in Indian Country.[264]

Willard Bill Jr. directly addressed the lateral violence experienced by nations without federal acknowledgment. He also elevated the impacts of that lateral violence on the kin of non-recognized tribes. Lateral violence impacts whole communities, whether recognized by the federal government or not. His assertions made me feel seen. He made me feel legible. He recognized my kinship ties, Indigenous values, and Chinook's enduring struggle. Non-governmental Indigenous organizations, like NDN Collective, offer a space to imagine different futures. They aren't bound by the politics of recognition. They can refuse colonial imaginings of Indigenous peoples and be generative hubs of lateral love.

[264] "Rachel Cushman Changemaker Fellowship Interview," November 29, 2021, Zoom.



Figure 15: This is the announcement that NDN Collective distributed to reveal the 2022 cohort of NDN Collective Changemakers, of which I was a part.

Confronting Intratribal Gendered Violence

As each of the previous examples exposes, lateral love happens when Indigenous peoples reject colonial systems and ideas about ourselves, and instead focus on lifting up our cultural values and kinship ties. Lateral violence occurs when we support and accept colonial ideologies, systems, and structures as normative. While this chapter has extensively discussed lateral love and violence in local and transnational survivance spaces and sites of exchange, I want to spend the rest of the chapter reflecting on how they show up within our own communities. As a Chinookan woman weaving together Chinook survivance stories, I will tie off this chapter by confronting our intratribal gendered violence. Initially, I wasn't going to include this section because I didn't want to harm my community by exposing negative aspects of contemporary Chinookan life. Upon reflection, I realize that not addressing it causes harm. If we don't confront the Bastən syndrome within our own communities, we will keep reproducing it. Moreover, without facing it ourselves, calling it out elsewhere is hypocritical. Only by challenging systemic

oppressive regimes can we create different possible futures. In the introduction, I stated that I created chinuk munk-upqwəna yaʔim to frame our stories through a culturally specific, Indigenous feminist, de-/anti-colonial lens, and that I have no intention of replicating the systems and structures that oppress, cause harm, and reproduce colonial futures. This section is my approach to that. While I also claim that my methodological practice is polyvocal, in this section, I will only include examples of gendered violence that have affected me directly or impacted historical women in my community, as I do not want to target already vulnerable people.

Settler colonialism's systems and structures enforce Western gender ideas and binaries, suppressing or destroying gender variations that Indigenous communities have long recognized and practiced prior to colonialism. Within heteropatriarchy and paternalism, "the male gender is perceived as strong, capable, wise, and composed, and the female gender is perceived as weak, incompetent, naïve, and confused."[265] In other words, people identified as male are often seen as more important than those identified as female. Colonial ideas about gender are in opposition to Chinookan teachings. In Ok'uno's story and other ikanum, we see that IkoalE'xoa and Tasmo'tl, the men in this story, often act impulsively or are driven by emotion rather than logic, and that they frequently indulge their feelings of entitlement, which causes hardships for their relatives. Ok'uno, the woman in the story, is wise, composed, and able to bring her kin together, not for personal gain, but for justice and the betterment of the entire community. Despite Indigenous men being perceived as having more power, Indigenous women have been targeted by the colonial imaginary to validate settler colonialism. Indigenous women are often centered in Indigenous dispossession and have been weaponized to further colonial futures.

[265] Arvin, Maile, Eve Tuck, and Angie Morrill. "Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy." *Feminist Formations* 25, no. 1 (2013): 13.

At the intersection of race and gender, settlers have stereotyped Indigenous peoples in ways that are long-lasting and damaging. To further the colonial agenda of dispossession, the colonial imaginary created the dark, promiscuous "squaw," and lighter, pious "Indian Princesses."[266] Each of these roles assumes that Indigenous women are either virtuous or available sexually, and in both cases, Indigenous women are depicted as readily serving the needs of white men and the settler nation. Because Indigenous women are portrayed as oversexualized, "violent crime is experienced by Native women at per capita higher rates than almost all other groups in the United States."[267] Gendered violence has become enmeshed in Indigenous women's notions of self, and this legacy of violence is directly linked to dispossession. Settler colonialism fortifies its control over Native land through violence against women.[268] Gender violence, both physically and metaphysically, disappears Indigenous women's claims to self-determination.

Ok'uno's story and our other ikanum serve as road maps for how we should treat each other and our place. Ok'uno's story sheds light on the fact that women have always held leadership roles within our Chinookan tribes, but since the colonial invasion of our homelands, settler-colonial ideas about women's roles have seeped into our community, and as a result, the stories we tell about our communities have undergone significant cultural revisionism. Take, for example, how Ok'uno's story changes, like all stories do, depending on who is telling it. I came to know this story through my women relatives, and as a result, it centers Ok'uno as the protagonist, whereas, in Charles Cultee's account, recorded by Franz Boas during the summers

[266] Green, Rayna. "The Pocahontas Perplex: The Image of Indian Women in American Culture." *The Massachusetts Review* 16, no. 4 (1975): 698–714.
[267] Deer, Sarah. *The Beginning and End of Rape: Confronting Sexual Violence in Native America*. University of Minnesota Press, 2015. 1.
[268] Infante, Chad Benito. "Murder and Metaphysics: Leslie Marmon Silko's 'Tony's Story' and Audra Lorde's 'Power.'" In *Otherwise Worlds: Against Settler Colonialism and Anti-Blackness*, edited by Tiffany Lethabo King, Jenell Navarro, and Andrea Smith. Duke University Press, 2020.

of 1890 and 1891, IkoalE'xoa and Tasmo'tl are the main characters, while Ok'uno becomes a supporting character.[269] As noted, Boas visited Cultee during the summer months, and the natural laws of our place say that we are not to tell ikanum outside of ikanum season. With that in mind, the information imparted in Boas's *Chinookan Texts* is already skewed, because the telling broke significant cultural protocols. We must ask ourselves: did Boas reframe the story, with IkoalE'xoa and Tasmo'tl as the main characters and Ok'uno as a secondary character, or were colonial ideas about women already embedded in Cultee's understandings of Chinookan culture?

By the time Boas interviewed Cultee, Chinookan life and our social systems had been transformed. In 1938, anthropologist Verne F. Ray published *Lower Chinook Ethnographic Notes.* During the summers of 1931 and 1936, he interviewed Qwal'wanx (Emma Millet Luscier) and Pətra'n (Isabella Bertrant). Pətra'n was born within the same decade as my chicha Jennie. Her daughter, who acted as her interpreter because she didn't speak English, believed she was born around 1843, nearly 51 years after contact. Qwal'wanx, who was younger, was born in 1861, 69 years after contact. Like chicha Jennie, these women lived through a transformative time in Chinook history. Pətra'n was a young girl when the treaty negotiations took place at Tansy Point, and Qwal'wanx was born 2 years after the Secretary of the Interior had ordered the seizure of all of our lands. Ray asked Pətra'n and Qwal'wanx questions about Chinookan social structures, customs and beliefs, food and resource gathering, and various other topics. In Ray's notes, he observed that Qwal'wanx's understandings of hereditary leadership succession were at odds with Comcomly's rise to tyee.[270]

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[269] There are numerous critiques about the field of anthropology and anthropologists, such as Franz Boas. He and other salvage ethnographers perpetuated the vanishing race theory, contributing to Indigenous erasure. His and other early anthropologists' work is noted for having manipulated reality to fit their research agendas. In addition, his methods used contributed to the misrepresentation of communities and cultures. See Deloria Jr. (1969), Hau'ofa (2008), and Schneider and Hayes (2020).

[270] Miller, Jay. *Chinook Concerns: Emma Millet Luscier, Isabella Bertrand, Verne Ray*. Troutdale, OR, 2019. 25.

In Chapter 2, I discussed Comcomly's role as a key leader during early Euro-American settlement. A fact often left out of discussions about Comcomly's rise to prominence is that he inherited his status as a tyee of qwatsa'mts from his mother. According to Qwal'wanx, hereditary leadership is held by men, not women. This shows that during the early settlement of our lands, our ideas about gender roles were reshaped to fit colonial notions of Chinook masculinity and womanhood. Furthermore, Pətra'n and Qwal'wanx's views of Chinook political life differed from earlier accounts. They described Comcomly as having significant influence over neighboring villages and as a key decision-maker. Gabriel Frenchère's published works on voyages to the Pacific Northwest describe Comcomly as a powerful leader, both respected and feared by neighboring tribes, who wielded significant influence over the mouth of the river, but each village was an independent sovereign entity.[271] Comcomly's authority was limited to qwatsa'mts.

Had Comcomly been born earlier, it would have been highly unlikely that he would have attained such a significant role. As anthropologist Kenneth Ames asserts, Comcomly "started out as a secondary level chief, but was able to maneuver himself, certainly by 1800 or 1810, [as] the principal chief on the lower river."[272] Our tyee who lived during Comcomly's time, both men and women, would have likely thwarted the claim that he was the principal chief. His role was significant, but during his life and after, each of our five tribes had many hereditary leaders with varying levels of status. Comcomly's rise to prominence was exaggerated by settlers, and as a result, his title of "principal chief" has persisted in contemporary discussions of Chinook. During the early conquest, social systems along the iyagaytɬ imaɬ were in flux as individuals of varying

[271] Frenchère, Gabriel. *Narrative of a Voyage to the Northwest Coast of America in the Years 1811, 1812, 1813, 1814, Etc.* New York, 1854. 250.
[272] *Salcedo, Visant, and Sarah Salcedo, dirs. Promised Land: It Is the Righteous Fight. Documentary. Tall Firs Cinema, 2018.* (00:10:30)

status maneuvered themselves to benefit from trade. As power shifted, formerly prominent social systems arose and fell. Women were collateral damage in these shifts of power. As historian Gray Whaley explains, "with an overwhelming male colonial presence encountering native communities with normal sex ratios, gender and sexuality became important sites of negotiation."[273] In these negotiations, the treatment of women played a crucial role in restructuring our societies. Women were used to forge political and economic alliances, as described in Chapter 2, viewed as supporting characters in the lives of influential men, or turned into objects for men's use. Early settlement brought with it sex trafficking, and Chinookan women were often blamed for the violence committed against us, because the colonial imaginary constructed us as dark, promiscuous squaws.

I would be remiss if I did not acknowledge Chinook's role in the Pacific Northwest slave trade, where tribes captured, sold, and bought people from neighboring communities for labor. According to Ray's notes from his conversations with Pətra'n and Qwal'wanx, Chinookan peoples treated their slaves like family, unless they lost their usefulness as laborers, or they had elevated themselves in status.[274] Although slavery existed in the Pacific Northwest before colonial invasion, it was intensified through colonial trade, with women often targeted in this system. By the end of the 19th century, as our communities declined due to pandemics introduced by Euro-American contact and our traditional economies and trade routes were disrupted, the slave systems in the Pacific Northwest came to an end. Not all of our pre-colonial social systems were good, nor should the harmful social practices be revived.

[273] Whaley, "'Complete Liberty'? Gender, Sexuality, Race, and Social Change on the Lower Columbia River, 1805-1838." 670.
[274] Miller, *Chinook Concerns: Emma Millet Luscier, Isabella Bertrand, Verne Ray*.

Concurrent with shifting economies and social reordering, our children were forcibly taken from our homes to boarding schools. As previously mentioned, experiences within these institutions varied greatly, but through them, Indigenous peoples' lives were changed. K. Tsianina Lomawaima (Mvskoke/Creek Nation, not enrolled) reveals that within boarding schools, the bodies of Indian children, especially girls, were severely monitored and controlled.[275] Boarding schools were created as domesticating institutions. As Noelani Goodyear-Kaʻōpua asserts, domestication means "making [Indigenous peoples] productive for the benefit of white power," and is "a feminizing project."[276] While Indigenous boys were targeted to be menial laborers, Indigenous girls were trained to be domestic workers. Boarding schools were institutions of gender assimilation and supported settler futures by draining labor from tribal communities.[277] Indigenous girls were specifically targeted because Indigenous women were viewed as vessels for safeguarding settler futures. Many settler supporters of boarding schools believed that "only when women were reformed could the entire Indian race be uplifted from savagery," meaning settlers believed that Indigenous sovereignty could be destroyed through Indigenous women.[278] Boarding schools challenged traditional gender roles, and when our people returned to our interconnected village communities, many brought back colonial ideas about gender that were in opposition of our ikanum's teachings.

[275] Lomawaima, K. Tsianina. "Domesticity in the Federal Indian Schools: The Power of Authority over Mind and Body." In *They Called It Prairie Light: The Story of Chilocco*. University of Nebraska Press, 1993. 23.
[276] Goodyear-Ka'opua, Noelani. "Domesticating Hawaiians: Kamehameha Schools and the 'Tender Violence.'" In *Indian Subjects: Hemispheric Perspectives on the History of Indigenous Education*, edited by Brenda J. Child and Brian Klopotek. 2014. 19.
[277] Bauer Jr., William J. "The Economy of Indian Education in California, 1902–1945." In *Indian Subjects: Hemispheric Perspectives on the History of Indigenous Education*, edited by Brenda J. Child and Brian Klopotek. 2014. 101.
[278] Child, Brenda J. *Boarding School Seasons*. University of Nebraska Press, 2000. 77.

By the time anthropologists Franz Boas and Verne Ray arrived at the Chinook community to gather our stories, our gender roles had already been under attack for nearly a century. It is safe to say that colonial ideas about women had already been ingrained in contemporary Chinookan culture, and they still are. Our Chinook community descends from many strong, fierce, and beautiful Chinookan women of various statuses. Many of these women have been overlooked in our histories, and those included have often been undervalued or had their stories minimized, reduced, or sanitized to fit into more domesticated notions of Chinook womanhood. I grew up believing that Chinook never had a woman Chairperson. It wasn't until recently that I discovered Myrtle Woodcock Johnson was Chinook's President under our 1925 constitution. She served from 1931 until 1950, when Ronald Charley took over. Although Myrtle Woodcock Johnson is a well-known and influential figure in our recent history, her story has been minimized. Instead of being recognized for holding the highest leadership position in Chinook's contemporary form of government for two decades, she is mainly known for her domestic work and some of her service activities.



Figure 16: Myrtle Woodcock Johnson (1889-1973) served Chinook as a member of the National Congress of American Indians and on the Chinook Tribal Council. She spent much of her life advocating for Chinook justice. Photo courtesy of the Chinook Indian Nation archives.

Like Myrtle Woodcock Johnson, other historical women from our community have had their stories changed to align with a more male-centered, patriarchal version of Chinookan gender norms. In many texts, the daughters of Comcomly are called princesses, but Chinookan social systems did not align with European-American ideas of royalty. The notion of the Indian

princess was influenced by colonial literature, art, and discourse to justify American settlement. For example, consider the story of Ilchee, a woman of status and allegedly Comcomly's favorite daughter. Western-framed texts about Ilchee introduce her as Chinookan royalty and suggest that she and our other Chinook women passively stood by while Euro-American and Chinookan men conducted business.[279] This is far from the truth. Chinook women of status played significant roles not only in cross-cultural relations, as discussed in Chapter 2, but also as leaders within our tribal communities and the fur trade societies.[280] After marrying McDougall and living at Fort Astoria for several years, McDougall abandoned Ilchee when he left the region in 1817. Afterward, she remarried to a man named Cassino.[281] Cassino was a person of standing from a community at the confluence of iyagaytɬ imaɬ and the Willamette River.[282] As Allen K. McDougall asserts, "Ilchee came to dominate the trade along the entire lower Columbia River – but not through her marriage."[283] Ilchee was a significant player in the regional economy during her life. Despite this, little is recorded about the daily lives of Ilchee and other Chinookan women during this time.

The prevailing story about Ilchee, aside from her being the daughter of Comcomly and her brief marriage to McDougall, is that she sought refuge at Fort Vancouver when Cassino tried to kill her. In this tale, Ilchee is portrayed as someone with powerful spiritual abilities, and her husband, Cassino, is seen as a superstitious, homicidal maniac. The story suggests that Ilchee fled from the home that she shared with Cassino because he wanted her dead, believing she was

[279] See Lewis, "Native Kinships and Wealth among the Middle Chinookans."
[280] McDougall, Allen, Daniel L. Boxberger, and Lisa Philips Valentine. *Before and after the State: Politics, Poetics, and People(s) in the Pacific Northwest*. UBC Press, 2019.
[281] Cassino is also spelled Casino, Kiesno, Keasno, Kiyasnu, Q'iesnu, Cassivov. See Lewis (2018), Gibb (2010), and Wilson (2022).
[282] Barber, Katrine. "Shared Authority in the Context of Tribal Sovereignty: Building Capacity for Partnerships with Indigenous Nations." *The Public Historian* 35, no. 4 (2013): 20–39.
[283] McDougall et al., *Before and after the State: Politics, Poetics, and People(s) in the Pacific Northwest*. 43.

responsible for the passing of his son from another marriage. Little is known about the event, but the story ultimately states that she sought safety at Fort Vancouver under McLoughlin's protection. This story feeds what Rayna Green calls the “Pocahontas perplex,” in which stories about Indigenous women are used to defend colonial rule.[284] The story of Ilchee fleeing from her violent husband and finding sanctuary among settlers depicts colonizers as heroes and Chinookan men as villains in public discourse, thus reinforcing colonial rule.

Her image and story are permanently displayed along the Columbia River in a seven-foot-tall statue. Through this art piece, the notions of the colonial savior and the virtuous Indian princess are reinforced. Even within our Chinook community, this story and these colonial ideas about ourselves are perpetuated, as we have internalized the stories told about us. I regularly hear Chinook citizens say, “I descended from Chinook royalty,” or “my ancestor is Princess Sunday,” whose given name was Koale’xoa. I also hear people assert, “I’m a descendant of Princess Ilchee.” Neither Ilchee nor Koale’xoa was a princess. They were women of status, with significant power, and referring to them in a manner otherwise perpetuates and reinforces Euro-American ideas about our women.

In 2021, I had the honor of participating in the launch of a new community-supported publication called *Voices of the River*. The journal aimed to highlight Indigenous perspectives in regional literary creation. The first volume featured contributions from three Chinook citizens, including myself. Every person from the Chinook community who contributed also served on Chinook’s Communications Committee. They were all familiar with Chinook’s historical and contemporary struggles. Carlee Wilson, a dear relative of mine and an influential contemporary Chinookan woman, wrote an article about Ilchee titled “Seeking Safety.” In her essay, she

[284] Green, Rayna. “The Pocahontas Perplex: The Image of Indian Women in American Culture.” *The Massachusetts Review* 16, no. 4 (1975): 698–714. 703.

asserted that she only knew bits and pieces of the story because the details of the moment are vaguely historicized. Due to the lack of historical accounts of the moment, she had to use her imagination to fill in the gaps throughout the writing process and analysis of the story. In her examination, she asserted that Cassino's actions were the "consequences of colonization." The claim that Cassino wanted his wife dead could very well be true, but we don't know the full story. We do not know how much of the story has been fabricated to perpetuate national myth-making and how much is a product of shifts in social systems of the time. Towards the end of the article, Wilson makes a statement that has stayed with me for years. She asserted that "as [Ilchee] urgently sought safety from her husband, our tribe – the Chinook – is also urgently seeking safety."[285] Is Chinook seeking safety from the same colonial regimes that have caused us harm, or are we demanding reparations? If Wilson means that the United States government can save Chinook, does that not reinforce ideas about colonial saviorism?

The stories we prioritize can either support or challenge embedded colonial systems and ideas. For this reason, I believe it's important to share my experiences as a contemporary woman leader of the Chinook Indian Nation. When I was first elected to the Chinook Indian Nation Tribal Council in 2017, I faced many challenges. Leading a nation without federal acknowledgment, regardless of gender, is tough. As explained in Chapter 3, my first months as Secretary-Treasurer of the Tribal Council were chaotic, and the workload only grew over the years. During this chaos, I had to sit through numerous Tribal Council meetings where a respected elder sat behind me, muttering insults under his breath. Each month, Chinook's Tribal Council meetings move to different locations across our territory to honor our ongoing commitment to uplift each of our five constituent tribes and preserve the legacy of our connected

[285] Wilson, Carlee. "Seeking Safety." *Voices from the River* 1 (November 2022): 22.

villages. Some locations allow the Tribal Council to sit before our people and discuss tribal issues, while others are more intimate, with the Council surrounded by our citizens in the center. At our meetings in Bay Center, Washington, we are encircled by our community. It was during these meetings that the elder preferred sitting behind me so he could express his heteropatriarchal views. He would sit and mutter, often loudly, that women shouldn't be leaders. He believed that society was in decline because women were allowed to work and lead. I wasn't the only one to hear his degrading remarks, but no one spoke up. The men around the table never once told him he was out of line or told him to hush. Their inaction dismisses the cultural lessons conveyed by Ok'uno's story. In these interactions, the respected elder was Tasmo'tl. Like Tasmo'tl, who was impulsive and believed that only his people had the right to harvest food from the beach during early morning low tide, this elder acted on impulse and believed that only women should be leaders. Instead of my relatives rallying behind me and the other women leaders, as the land birds did for Ok'uno, their inaction was their silent acceptance of colonial ideas about Indigenous women. There are many counterarguments that could justify the silence. Maybe they felt they could not sway the elder because he was born in a different time. Maybe they chose to give deference to him because of his status as an elder. Whatever the reason they chose to remain silent, the behavior is still violent to our women.

This respected elder's remarks and the other men's inaction in the room ignore the cultural teachings we receive from our ikanum and dismiss the many important roles our women play in maintaining the nation. For generations, women have managed Chinook's daily business affairs, including our enrollment system, tribal communications, tribal events, and health and social services. Our women are responsible for much of the behind-the-scenes nation-building work. Chinook's extensive, detail-oriented enrollment system is the result of generations of

Chinook women doing the work. Until recently, 8 of Chinook's 9 Enrollment Committee members were women, most of whom are volunteers. Currently, there is a vacancy, because one of the 8 eight women recently passed away. She served until the day of her death.[286] As Chinook's Enrollment Officer and Tribal Administrator, Jennifer "Jen" Lagergren acknowledged in her enrollment report in the June 2024 Chinook tilixam, it is because of the years of service of past Enrollment Officers that Chinook has kept everything going. In her report, she announces Chinook's new enrollment software program, which will make the enrollment process much easier. In that same report, she recalls the work of Cathy Patrick, Edna Miller, and Marcheta "Keta" Van Patten. She asserts, "Keta was my personal mentor… Thank you, Keta, for teaching me the enrollment system that I've used for the last twenty years."[287] There are countless examples of our women's hidden labor. We are usually the ones preparing for events, arriving early to set up, and the last to leave. We stay late to ensure the work is finished. During the COVID-19 pandemic, I made nearly weekly 360-mile round trips between my home in Eugene, Oregon, and the tribal office in Bay Center, Washington, to make sure the tribe's bills were paid. I advocated for establishing our emergency food program to provide staple foods to our community. I shopped for those items, organized them, and ensured they were distributed to those who needed them most. Similarly, our people have access to traditional foods, thanks to the work of Bethany Barnard, who tirelessly labored to establish Chinook's food sovereignty program. Despite the significant contributions of women in Chinook's nation-building efforts, we are rarely recognized for our leadership.[288] Myrtle Woodcock Johnson's story exemplifies

[286] This person passed away on April 3, 2025, and because Chinook's cultural teachings instruct us not to say the names of people who have recently passed away, I am not including her name in this dissertation. When I publish this dissertation as a book, I will include her name.
[287] Lagergren, Jennifer. "Committee Reports: Enrollment." *Chinook Tilixam*, June 2024. 5.
[288] Wilma Mankiller writes about this in her autobiography (1993). For decades, Indigenous feminists have been discussing the ways Indigenous women's labor has been made invisible, despite our work being significant in protecting tribal sovereignty. See also Cook-Lynn (1996), Mihesuah (2003), Ross (2009), and Risling-Baldy (2018).

that. The stories of Marchita, Jennifer, Bethany, and me also exemplify it. Although some men in my community may not respect my contributions to Chinook's survivance story, it doesn't mean that my work is invisible to or unappreciated by others. As Willard Bill Jr. acknowledged in my NDN Collective Changemaker interview, being a mother, a student, an elected leader, and a canoe skipper requires me to bear a heavy burden, one I am willing to carry, but should not have to.



Figure 17: Me holding my grandniece while addressing attendees of the #ChinookJustice rally on Indigenous Peoples' Day in 2022 in Vancouver, WA. Photo by Amiran White, courtesy of the Chinook Indian Nation archive.

Like NDN Collective, Tribal Journeys, Native America Calling, the National Congress of American Indians, and numerous others, the Chinook Indian Nation is a survivance space, where we not only resist and survive, but also dream, create, and transform our futures. In these spaces, we must confront our bastən syndrome, our internalized colonialism, and revive the very best values, practices, and systems of our cultures. As a Chinookan woman leader who strives to be a good relative, like Ok'uno, I call on my kin within the Chinook community, and our kin elsewhere, to do better. I urge each of you to confront the ways that we normalize colonial values, ideas, systems, and structures within our various survivance spaces.

We will never have what we had before
We can't undo the harm
But debts can be paid
Ok'uno taught us so

We don't need the government to tell us we are Indian
We need them to respect our sovereignty
To honor the treaties that our ancestors signed

We are the generation that they planned for
When they signed the treaties
Or walked away
When they refused to leave the bones of our ancestors
Our lands

We come from strong people
Who kept fighting
In the face of our erasure

We will keep fighting
Resisting the bastən syndrome

Let's take the very best of our cultural teachings
Leave the rest behind

Protocols are the rules and ways of behaving
They come from the past
They guide life in the present
If they are followed
They lead to cultural strength
Resilience
Wellness

This is why we fight
This is why we hope

qwinəm
My heart hurts, but tomorrow we will be better
tumala
tumala
tumala
ntsayka munk-manaqui-łush
duwi duwi

AFTERWORD

Some of the most impactful conversations I had in graduate school did not occur in the classroom. They happened in spaces I shared with other Indigenous kin. One such conversation happened during my first year in graduate school. My dear friend, Dr. Angie Morrill (Klamath Tribes), had invited me to her house to write together. During the writing session, we took a short break to soak up some sun on her porch. As we enjoyed the spring sunlight, she asked me what I was working on. I told her I was thinking through my research methodology, which eventually became the approach I use for this dissertation.

She asked what I planned to write about, and I told her I wanted to write about Chinook's fight for recognition. In summary, I told her I was tired of struggling and that my people deserved justice. Then, she said something that made me pause. She said, "You talk about federal recognition like a bride talks about her wedding day." She went on, "The struggle isn't over because you are recognized. It's still complicated and messy afterward. New issues arise after recognition. People buy into colonial logics. I know, I've witnessed it in my community." In that moment, I knew she was correct. Recognition would not and could not solve all of Chinook's problems. It would not suddenly undo colonial imaginings of my community. I knew that then, but when I spoke about my people, I didn't always convey that.

My chat with Angie prompted me to rethink and reframe my dissertation goals. Earlier in the year, I had already decided to move away from a comparative study, but after this conversation, I was inspired to push the work further. Instead of focusing on recognition, I decided to center Chinookan imaginings of justice. Justice is not a fixed concept. It is not achieved in a single act, decision, or moment. Recognition is a form of justice, but it does not encompass all conceptions of justice. Federal recognition reserves a seat for Chinook at

important decision-making tables. It provides my people and place with protections that are long overdue. Federal recognition means that my community has access to critical resources. Federal recognition does not guarantee respect for our worldviews, nor does it dismantle the colonial systems and structures imposed on us.

Coloniality is a shapeshifting parasite that feeds on Indigenous lands and lifeways, constantly changing its form based on place, time, policy, social constructs, and agents, all of which heavily influence the experiences of tribal nations under colonial rule. As coloniality morphs, so do Indigenous visions of justice. As this dissertation shows, over many generations, my Chinookan ancestors and contemporaries have envisioned justice in different ways. When our ancestors successfully negotiated with Anson Dart in 1851 to remain in our homelands with the bones of our ancestors, justice was briefly achieved. When our Chinookan ancestors' 1899 lawsuit led to legislative action establishing government rolls for our community and to Congress approving annuity payments for the illegal taking of our land, justice was realized, if only for a moment. When the Indian Claims Commission recognized Chinook as the heirs to the Clatsop and Lower Chinook lands and people in 1970, that act of justice laid the groundwork for future actions. When the Department of the Interior formally acknowledged Chinook as a tribe in 2001, that moment of justice was short-lived. When the federal courts, the Department of the Interior, and Congress all reaffirmed in 2024 that the Chinook Indian Nation maintains our Indian title to our lands at the mouth of iyagaytł imał, justice was served, but our struggle was far from over. Justice comes in milestones, yet is never fully achieved. The pursuit of justice keeps us moving forward. It keeps us hopeful. It supports our decolonizing efforts. The idea of justice turns abstract concepts into real results, but it needs continuous tending. The notion of justice serves as a framework for Indigenous peoples to imagine futurities beyond colonial rule.

I envision a future where my children won't have to struggle as much as I do. A future where Chinook is no longer pushed aside but is restored to its former prominence. We once played a major role in the region's social, political, and economic life. I believe we can reclaim that responsibility. I see a day when the Chinook Indian Nation not only survives but flourishes. When our children are no longer removed from our homes, because the Indian Child Welfare Act doesn't apply to our community. When we have a land base for our people to call home. When our worldviews and ways of being are respected. When our sovereignty over our people and place is no longer challenged but is protected. When outside governments (such as colonial regimes and other Indigenous nations) no longer dictate how or when we can exercise our self-determining rights. When our territorial boundaries are no longer violated. When the very best of our cultural practices are revived, and the rest is left behind.

At the intersection of hegemonic ideology, politics, law, science, popular discourse, and cultural production, Indigenous identities and nationhood are reaffirmed or erased. We all have the ability to be changemakers, to influence Indigenous futures. In my first year of graduate school, I worked in partnership with the Chinook Indian Nation to launch a public-facing campaign for Chinook justice. The initial focus of the campaign was to regain our federal acknowledgment through Congressional action. As with all of Chinook's justice efforts over the decades of colonial rule, our justice campaign has evolved to include a range of initiatives. Our core strategies have been to amplify our voice through our supporter network; speed up the process with consistent, ongoing communications with members of Congress and the Department of the Interior; build a strong base of allies within the community, from political organizations to cultural centers; and develop messaging that acknowledges other paths to

justice. As of December 2025, our petition calling on Congress to restore Chinook's federal recognition had roughly 35,000 petition signatures. That number has increased since then.

When recognition comes, I want this dissertation to serve as a reminder. I want the world to know who supported Chinook and who stood in the way. I want my fellow tribal members to remember our roots. I've seen other tribes gain federal recognition only to become laterally violent and uphold colonial ideologies, systems, and structures. I've also witnessed nations lean into the very best of their cultural practices and be laterally loving. My relatives, please do not lose your humility and remember the teachings given in our ikanum. For Indigenous and non-Indigenous people alike, Indigenous-colonial relationships are complex and messy. The Chinook Indian Nation's fight for justice differs from that of other Indigenous nations; however, there are similarities. The United States government's relationships with tribes and our relationships with each other are still evolving. Don't think that, just because we are in the 21st century, all disputes are resolved. Learn from this story of survivance and be catalysts for change.

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U.S. FEDERAL INDIAN POLICY, CHINOOK JUSTICE, & ME: A TIMELINE

1792

- Robert Grey's ship enters iyagaytł imał.

1801

- Euro-American disease, likely smallpox, was first introduced into the region.

1805-1806

- In the Fall of 1805, Lewis and Clark's Expedition reached the mouth of iyagaytł imał. During the expedition, Chinook saved Lewis and Clark's team from starvation, and they repaid that kindness by stealing a canoe.

1800-1810s

- Comcomly's rise to power.

1811

- In March 1811, when John Jacob Astor, in partnership with the Pacific Fur Company, sought to establish Fort Astoria, the first permanent settlement in the Pacific Northwest, our Chinook people greeted his team and helped them select the site. In an attempt to secure kinship ties, Comcomly married his daughter Ilchee to Duncan McDougall, one of the Pacific Fur Company's partners.

1813

- In October 1813, after the War of 1812, McDougall and his partners sold the Pacific Fur Company and all its holdings to the North West Company, based in Montreal, leaving our ancestors vulnerable and requiring them to build new relationships with the British company.

1820s-1830s

- As Euro-American trade and settlement increased, smallpox, malaria, measles, and other diseases spread more rampantly, causing Chinookan death rates to increase.

1824

- Hudson's Bay Company (formerly the Pacific Fur Company) relocated its headquarters to Fort Vancouver. While our Chinookan leaders at the mouth of the river had previously served as the principal suppliers of furs due to our proximity to the company, the role shifted to our neighbors upriver when the company moved.

1826

- The 19th Congress referred to us as "harmless, stupid, imbecile, good tempered, and unsuspecting."

1841

- Congress authorized the Preemption Act on September 4, 1841.

1846

- Congress severed the joint-occupancy treaty with Great Britain.

1847

- Congress sanctioned Military Bounty Land Warrants.

1850

- Congress signed the Oregon Donation Land Act into law.
- In 1850, Joseph Lane received correspondence from Robert Shortess, a settler who married a Clatsop woman advocating for Chinook justice.

1851

- Between August 5 and 9, 1851, Chinook's hereditary leaders negotiated and signed the Anson Dart Treaties at Tansy Point.
- In November 1851, Dart traveled back to Washington, D.C., with the treaties to personally deliver them to the Office of the Superintendent of Indian Affairs. Superintendent Luke Led submitted the report and treaties to President Fillmore, who forwarded them to Congress. There, the Anson Dart treaties were tabled by the Senate.

Winter 1851-1852

- The winter following the negotiations at Tansy Point brought with it numerous deaths in our communities. Without the provisions promised in the treaties, food insecurity was significant.

1852-Present

- In Isaac Stevens' first address to Washington's territorial legislature on February 28, 1854, he asserted that our Indian title had not been extinguished.

1854

- In 1854, when Stevens' treaty commission was collecting data for his report, they came to our Chinook tribes and asked what we would like in exchange for our lands. We told them that we would give up the rest of our territory if we could establish a reservation at gitɬálilam, which is now Naselle.

1855

- On February 25, 1855, our Chinook tyee met with Stevens, along with leaders of the Quinault, Queets, Chehalis, and Cowlitz tribes, to negotiate a treaty, which was unsuccessful.

1855-Present

- In the years that followed our unsuccessful treaty negotiations with the United States government's Indian agents, our Chinookan ancestors continued to fight to remain within our homelands and maintain community through a network of interconnected villages.

1860

- Senator Joseph Lane made egregious comments about Dart's treaty negotiations and Chinook's existence.

1864

- The Secretary of the Interior orders the whole of Chinook's territory to be taken. In the same year, he sought to remedy the situation of tribes without treaties and authorized the purchase of land to create the Chehalis Indian Reservation, with language that included the Chinook and Cowlitz.

1866

- By executive order of President Andrew Jackson, the Shoalwater Bay Reservation was created for use by the Shoalwater Chinook and the Lower Chehalis.

1871

- The United States federal courts agreed in McKay v. Campbell, in which a federal district court ruled that a Chinook Indian was "born a member of an independent political community" and therefore "not born subject to the jurisdiction of the United States.

1873

- By an executive order of Ulysses S. Grant, the Quinault Reservation was expanded from 10,000 acres to 220,000 acres. In the executive order, Chinook was included.

1880s-1940s

- Several generations of Chinook children attended remote Indian boarding schools, some by choice and others by force.

1887

- Congress passed the General Allotment Act.

Summers of 1890 and 1891

- Franz Boas collects Chinook stories told by Charles Cultee.

1897

- Silas Smith (Clatsop) won the first Indian land claim in the Pacific Northwest.

1899

- Chinook hired Silas Smith and other attorneys to file Chinook's first land claim against the federal government.

1902

- Silas Smith died of tuberculosis.

1905

- Congress passed the Indian Appropriation Act for the 1906 fiscal year, authorizing the Secretary of the Interior to create enrollments for Clatsop, Chinook, and Kathlamet Indians.

1906

- January-June Dr. Charles E. McChesney prepared the first government-issued enrollment for the modern-day Chinook Indian Nation.

1911

- In March 1911, Congress authorized the Secretary of the Interior to make allotments of surplus land on the Quinault Reservation for “other tribes of Indians in Washington who are affiliated with the Quinaielt and Quileute tribes.” Chinook was deemed affiliated with Quinault because of our participation in the Chehalis River Treaty Council.

1912

- Congress ordered the creation of the Annuity Payment Roll of 1914, the second government-issued enrollment for the modern-day Chinook Indian Nation.

1916

- In 1916, Special Agent Charles E. Roblin was instructed by the Bureau of Indian Affairs to count and enroll Indians of Western Washington who were unaffiliated or unallotted at any Indian agency.

1919

- Roblin submitted his report to the Commissioner of Indian Affairs on January 31, 1919.

1925

- The hereditary leaders of the five tribes of the modern-day Chinook Indian Nation ceded their power, creating Chinook’s first constitution, confederating our five tribes. The first elected Chairman/President was William F. Garretson. Chinook’s first elected leaders sought permission from Congress to file a compensation claim for our land, eager for reparation that more accurately reflected the magnitude of the land taken.
- On February 12, 1925, Congress authorized that “all claims of whatever nature, both legal and equitable” could be submitted to the Court of Claims.
- W.B. Sams, Superintendent of the Taholah Indian Schools, approved Chinook’s contract with attorney Arthur E. Griffin to pursue our tribe’s Docket 234 lawsuit.

1928

- In 1928, in response to the government's refusal to grant allotments to our tribes' citizens, the Chehalis, Chinook, and Cowlitz tribes sued the United States government in the United States District Court for Western Washington. The Chinook Indian Tribe played a significant role in that litigation.

1931

- Myrtle Woodcock became the first and only woman Chairperson/President elected under Chinook's constitution. She served in that role until 1950.
- In 1931, the Supreme Court ruled in Halbert v United States that members of the Chinook, Cowlitz, and Chehalis tribes had a right to allotments on the Quinault Reservation.

Summers of 1931 and 1936

- Verne F. Ray collects ethnographic notes from Qwal'wanx (Emma Millet Luscier) and Pətra'n (Isabella Bertrant).

1932-1934

- The Bureau of Indian Affairs issued hundreds of allotments to both adults and minors in the Chinook tribe. Chinook allottees were not members of the Quinault Indian Tribe, and most did not reside on the Quinault reservation.

1934

- Congress passed the Indian Reorganization Act

1946

- On August 13, 1946, Congress enacted the Indian Claims Commission Act, establishing the Indian Claims Commission to address American Indian nations' longstanding grievances against the United States government.

1950

- Ronald Charley was elected as Chinook's Chairman/President.

1950s-1970s

- Settler governments began decriminalizing cultural practices central to canoe traditions.

1951

- Chinook revised our constitution, and Congress authorized our community to file a case before the Indian Claims Commission for fairer compensation for the federal government's misappropriation of our lands.
- Chinook became a member tribe of the National Congress of American Indians.

1951-1960s

- The Indian Claims Commission required Chinook to produce valuation testimony from expert appraisers and evidence addressing the factors the Commission considered.

1953

- In 1953, Chinook submitted our revised constitution and bylaws to the Bureau of Indian Affairs as part of our Docket 234 lawsuit and in compliance with the Indian Reorganization Act.
- Congress began terminating tribes. Termination lasted three years.
- In 1953, the Bureau of Indian Affairs sought to involve the Chinook Indian Nation in discussions to assess prospects of termination. Our tribal council and community were invited to, and participated in, numerous meetings, including two in Bay Center, home to our current tribal headquarters.

1954

- Congress passed Public Law 587, the Klamath Reservation Termination Act.
- Congress passed Public Law 588, otherwise known as the Western Oregon Termination Act. Three of the Chinook Indian Nation's tribes were named in this Act.

1957

- In 1957, Ronald Charley, Chinook's first Chairman under our 1951 revised constitution, traveled to Claremore, Oklahoma, to attend the National Congress of American Indians' annual convention.

1958

- In 1958, the Commission found that we had proven Indian title to our Clatsop and Lower Chinook lands, which were taken from us without our consent.

1962

- My mom, Doris "Doey" Duffy-Howder-Cushman, was born.

1963

- The Indian Claims Commission held hearings related to Docket 234.

1967

- The Bureau of Indian Affairs (BIA) cuts services to "landless" tribes, including Chinook.

1970

- The Chinook won our Docket 234 land claim.

1972

- Congress passed the Indian Education Act

1974

- The Menominee Tribe was the first tribe to be restored by Congress.

1975

- Congress established the American Indian Policy Review Commission (AIPRC) to conduct a comprehensive review of the relationship between the tribes and the U.S. Government.
- Congress passed the Indian Self-Determination and Education Act.

1976

- Congress passed Public Law 94-437, the Health Care Improvement Act.

1977

- In 1977, the National Congress of American Indians' general assembly passed a policy resolution in "support [of] the concept of establishing a procedure for recognizing Indian Tribes not presently protected by the United State.
- In May 1977, AIPRC's final review was submitted to Congress.
- The Confederated Tribes of Siletz Indians were the first tribe in Oregon to be restored by Congress.

1978

- Congress passed the American Indian Religious Freedom Act and the Tribally Controlled Colleges Act.
- Congress passed legislation that ordered the creation of the Branch of Acknowledgment and Research (BAR) within the BIA.
- On September 5, 1978, the BIA published its regulations for acknowledging tribes in the Federal Register

1979

- On July 23, 1979, the Bureau of Indian Affairs received Chinook's letter of intent to petition for federal acknowledgment.
- On September 10, 1979, the Department of the Interior published its response to Chinook's letter of intent.

1980s

- Indigenous carvers across the Pacific Northwest held canoe-carving workshops for Indigenous peoples whose knowledge of canoes had been sleeping.

1981

- In June 1981, Chinook submitted our petition for federal acknowledgment to the Bureau of Indian Affairs.

1982

- On March 18, 1982, Assistant Secretary Kenneth Smith (Wasco) sent a letter to Chinook addressed to Chairman Donald E. Mechals outlining the apparent deficiencies in our petition.
- Shortly after Chinook received the letter from Assistant Secretary Smith, Chinook contracted American Historian Stephen Dow Beckham as a researcher and writer of Chinook's petition for federal recognition.
- On June 19, the Chinook's General Assembly approved a joint resolution between the Chinook Indian Tribe and Chinook Nation. The names had previously been used interchangeably.

1987

- I was born on January 20, 1987.
- In July 1987, Chinook's leaders submitted a revised petition to the Bureau of Indian Affairs.

1989

- Paddle to Seattle

1990

- Congress passed the Native American Arts and Crafts Act.

1991

- Revised revisions of 25 CRF 83 were published, and the BIA collected public comments

1992

- After submitting thousands of documents as evidence, Chinook sent a letter on August 13, 1992, requesting that our application be moved into active consideration.

1993

- In 1993, twenty-three canoes landed in Bella Bella, and while the celebrations were underway, the participants decided that the canoe nations would gather again in four years at La Push, Washington.

1994

- In January 1994, I wrote a paper for school in which I shared my dream for the future.
- On January 28, 1994, over 14 years after submitting our letter of intent, Chinook's petition was placed on active consideration.
- In June 1994, the National Congress of American Indians passed Resolution #B-94-035, which urged Congress and the Department of the Interior to review Chinook's petition for federal acknowledgment.

- In February 1994, the BIA published substantial revisions to 25 CFR 83.
- Shortly after the new regulations were implemented, Chinook's attorney, Dennis J. Whittlesey, submitted a letter to the Bureau of Indian Affairs stating that the nation chose to continue the acknowledgment process under the 1978 regulations.
- In November of 1994, Congress passed the List Act, Public Law 103-454.
- Chinook's petition was suspended by Assistant Secretary Ada E. Deer (Menominee), specifically to address administrative problems.

1995

- In February 1995, we asked the Bureau of Indian Affairs whether it would allow our petition to be reevaluated under the 1994 regulations and for an extension to the comment period. After an initial denial, the request was granted.

1997

- Paddle to La Push
- On August 11, 1997, a Proposed Finding for Chinook's application was conducted under the 1978 regulations, and the finding was against federal acknowledgment.
- In December 1997, Chinook leaders sent a letter to the Bureau of Indian Affairs asking for our petition to proceed under the 1994 regulations.

1998

- On January 10, the Chinook Indian Nation sent the Bureau of Indian Affairs a letter formally changing our name to Chinook Indian Tribe/Chinook Nation.
- On November 1, 1988, the Deputy to the Assistant Secretary of Indian Affairs, Hazel E. Elbert (Creek Indian), responded to Chinook's revised petition. Chinook continued researching and revising our petition.
- The third-party comment period ended on July 30, 1998, and Chinook had until October 17, 1998, to respond to comments. In Chinook's response, the nation's representatives expressed their disagreement with the Proposed Finding, asserting that Chinook had unambiguous federal acknowledgment and the Branch of Acknowledgment and Research had erred in its evaluation of the evidence.

2000

- I attended an Indian Education Family Night, where the University of Oregon Native American Recruiter told me I should go to college.

2001

- On January 3, 2001, Chinook's leaders attended the signing of The Positive Determination of Federal Acknowledgment of the Chinook Indian Tribe/Chinook Nation in Washington, D.C.
- Chinook's Final Positive Determination of Acknowledgment was published in the Federal Register on January 9, 2001, commencing the 90-day comment period.
- The General Accounting Office (GAO) issued a report to address issues with the BAR process.
- On August 1, 2001, after carefully considering the arguments of the interested parties, the Interior Board of Indian Appeals found that the comments submitted by the Quinault Indian Nation and the other interested parties were without merit. In addition to the allegations reviewed by the Interior Board of Indian Appeals, Quinault presented nine claims outside the Board's jurisdiction. The administrative judges presiding over the case referred those claims to the Secretary of the Interior.

2002

- In June 2002, I was hired as an apprentice at the Bureau of Indian Affairs.
- On July 4, 2002, Gary Johnson attended the Lewis and Clark trial tribes' celebration at the White House in Washington, D.C.
- On July 5, 2002, Neal McCaleb reversed Chinook's Final Positive Determination of Federal Acknowledgment.

2003

- BAR was relocated to the office of the Assistant Secretary of Indian Affairs, becoming the Office of Federal Acknowledgment (OFA).

2005

- This year, I was selected for the Gates Millennium Scholarship only to have it rescinded. It was the same year that I began attending the University of Oregon.
- The Chinook Canoe Family emerges alongside Grand Ronde.

2008

- In 2008, the National Congress of American Indians passed Resolution #PHX-08-055, calling on Congress and the Department of the Interior to fix the broken federal acknowledgment system, which has "severely deteriorated since its beginning."

2009

- Interior Secretary Salazar testified before the Senate Committee on Indian Affairs that the Interior was investigating ways to improve the acknowledgment of tribes process.

2010

- In June 2010, I graduated from the University of Oregon. Later that summer, I started working at Portland State University.

2011

- In 2011, the organization passed "Resolution PDX-11-016," which called on the Bureau of Indian Affairs to allow non-federal tribes with a history of boarding schools to attend Haskell.
- In 2011, I started assisting with the Chinook Canoe Family's fundraising endeavors and joined the Chinook Communications Committee.

2012

- On February 29, 2012, the Chinook Indian Nation received the last statement pertaining to our Docket 234 trust account from the Office of Special Trustee for American Indians.
- In June 2012, I spoke out against changes to Chinook's constitution that, if passed, would limit enrollment eligibility.

2013

- During the summer of 2013, a draft proposal of 25 CFR 83 regulation revisions was issued.
- In August 2013, I gave birth to my first son, Kanim.
- In December 2013, I left Portland State University.

2014

- In June 2014, I addressed Chinook's General Assembly regarding concerns about divisions within the community.
- On July 14, 2014, Helen Sanders, a Chehalis tribal member and former secretary of the National Congress of American Indians spoke in support of Chinook during a public hearing in 2014 for the Bureau of Indian Affairs' proposed rule changes to 25 CFR 83.

- The Bureau of Indian Affairs held numerous public hearings for 25 CFR 83 regulation revisions.

2015

- In May 2015, Chinook held a Special General Assembly meeting to renew our legal fight for justice and to purchase our 1851 treaty signing grounds.
- In June 2015, Tony A. naschio Johnson was elected as Chinook's Chairman. Shortly after his election, he noticed that the Bureau of Indian Affairs had stopped sending us Docket 234 trust account statements.
- In June 2015, I gave birth to my second son, Isik.
- On July 1, 2015, the 25 CFR 83 Final Rule was published in the Federal Register.
- On August 25, 2015, Chairman Johnson received a letter from Catherine E. Rugen, Regional Trust Administrator in the Office of Special Trustee for American Indians, asserting that because Chinook is not recognized, the money in the account is not ours.

2016

- The documentary Promised Land debuted, and quickly became a must-watch award-winning film.

2017

- On June 17, 2017, I was elected to Chinook's Tribal Council.
- On August 24, 2017, the Chinook Indian Nation filed the lawsuit, *Chinook Indian Nation et al. v. Zinke.* Two months earlier, the Burt Lake Band of Ottawa and Chippewa Indians also filed a lawsuit, claiming similar grounds to those of the Chinook Indian Nation regarding the re-petitioning ban.
- On November 30, 2017, the Department of the Interior filed a motion to dismiss all claims in *Chinook v. Zinke.*

2018

- On April 23, 2018, Chinook received notice from the Western District Court that Judge Leighton had scheduled an oral arguments hearing for *Chinook v. Zinke.*
- On May 8, 2018, Chinook mobilized, filling the courthouse for the Chinook v. Zinke oral arguments hearing.
- On June 20, 2018, Judge Leighton issued an order granting in part and denying in part the Department of the Interior's motion to dismiss.
- On July 22, we disembarked for Puyallup, the host community for the 2018 Tribal Journeys.
- On July 31, 2018, Siletz's attorney filed a motion to intervene in *Chinook v. Zinke.* Siletz Councilman Robert Kenta sent correspondence to Chinook Chairman Tony Johnson.
- On August 20, 2018, Chinook responded to Siletz's motion to intervene in *Chinook v. Zinke.*
- On August 28, 2018, Judge Leighton denied Siletz's motion to intervene.

2019

- On April 8, 2019, the Chinook Indian Nation closed on the purchase of Tansy Point.
- November 1, 2019, Chinook's attorneys filed a 24-page cross-motion for summary judgment on the re-petitioning claim.
- On November 26, 2019, Chinook's attorneys filed a motion for summary judgment on our Docket 234 trust fund claim. In addition to the motions, Chinook's legal team requested oral arguments, which Judge Leighton granted.

- On December 13, 2019, I drafted and disseminated an electronic news bulletin and a social media announcement to Chinook's networks.

2020

- On January 6, 2020, more than 60 people showed up to federal court with their drums, prayers, and songs to support Chinook for our hearing.
- On January 10, 202, Judge Ronald B. Leighton, a Western Washington Judge, found that the Department of the Interior's reasoning for banning re-petitioning was not reasonable under the Administrative Procedure Act.
- On January 22, 2020, Judge Leighton issued an order granting in part and denying in part Chinook's motion for partial summary judgment on our claims concerning Docket 234.
- On March 31, 2020, Judge Amy Berman Jackson agrees with Judge Ronald B. Leighton.
- In March, the COVID-19 pandemic shut down the world.
- In December 2020, I submitted my application to graduate school and underwent disc replacement surgery.
- In December 2020, the Department of the Interior announced its intent to reconsider the rule and solicited written comments.

2021

- On January 21, 2021, Judge Pechman denied the Department of the Interior's motion to strike portions of the record, refuting the Interior's claims. However, she did grant the alternative relief request with one caveat: she would stay the case pending the Interior's determination of Chinook's status as successors of our Docket 234 trust account.
- On May 26, 2019, I attended my first meeting with the Necanicum Watershed Council. Within a few months, I was elected as a voting member of the board.
- On July 22, 2021, the Bureau of Indian Affairs sent 45 letters to federally recognized tribes across the region who had citizens of lineal descent from our Lower Chinook and Clatsop ancestors.
- On August 14, 2021, the Chinook Indian Nation General Assembly held a special meeting to vote on No. 2021-12-08.3, Chinook's Docket 234 Use and Distribution Plan.
- In September 2021, I began coursework at the University of Oregon.
- On October 28, 2021, Chinook received a forwarded email from the Bureau of Indian Affairs Northwest Regional Office, announcing the Docket 234 virtual hearing.
- On November 29, 2021, I interviewed for the NDN Collective Changemaker Fellowship.
- In December 2021, the Necanicum Watershed Council held a listening session for Chinook to tell our story to the board of directors.
- On December 2, 2021, Chinook filled the Docket 234 virtual hearing meeting space.
- The Bureau of Indian Affairs accepted written testimony through December 15, 2021, for their proposed plan for the use and distribution of Docket 234. The Bureau received 23 letters opposing the proposed plan.
- In December 2021, I received a letter from the NDN Collective Changemaker fellowship selection committee informing me that I had been chosen for their third Changemaker cohort.

2022

- In April, the Department of the Interior proposed to uphold the federal acknowledgment process's ban on re-petitioning.

- On June 27, 2022, Delores Pigsley wrote a letter to the Necanicum Watershed Council with the goal of getting the board to distance itself from Chinook.

2023

- In January 2023, House Bill 1496 and an identical bill in the Senate, SB 5556, were introduced to the Washington State Legislature to transfer the ownership of the Naselle Youth Camp to the Chinook Indian Nation. Both bills failed. Senator Wilson added a budget proviso to the 2023-2024 legislative budget, which initiated the creation of a task force to recommend a future for the decommissioned land.
- On May 9, 2023, I participated in Native America Calling radio interview to discuss who should be protected under the 1990 Native American Arts and Crafts Act.
- The first meeting of the Naselle Youth Camp task force took place in July 2023
- In October 2023, the Chinook Indian Nation signed a memorandum of agreement with the Necanicum Watershed Council in Seaside, Oregon.
- On October 2, 2023, the National Congress of American Indians President, Fawn Sharp (Quinault), sent a notice to members announcing two proposed amendments to the organization's constitution and invited members to submit public comments.
- On November 11, 2023, on behalf of the Chinook Tribal Council, Chairman Tony A. Johnson commented on the National Congress of American Indians' proposed resolutions. The resolutions were voted down.

2024

- The Chinook Indian Nation took possession of our Docket 234 funds in February 2024.
- On February 22, 2024, the Chinook Indian Nation hosted a press conference announcing our Docket 234 land claim victory.
- In February 2024, local and national news headlines announced that the federal courts, the Department of the Interior, and Congress all acknowledged the Chinook Indian Nation's heirship to the Clatsop and Lower Chinook lands and people.
- On June 28, 2024, the Naselle Youth Camp Task Force submitted its final report to the Washington State Legislature and the Governor's Office.
- In early September 2024, the Department of the Interior held Tribal Consultations and Public Listening Sessions regarding the federal acknowledgment process's ban on re-petitioning.
- On November 10, 2024, the Chinook Indian Nation signed a memorandum of understanding with Columbia Land Trust in Astoria, Oregon.

2025

- On January 15, 2025, the federal acknowledgment process's ban on re-petitioning was changed, allowing limited re-petitioning for tribes previously harmed by the process.
- In September 2025, Chinook tried to renew our membership with the National Congress of American Indians, but was unable to, because of changes to the website. Chinook's Tribal Administrator reached out to the organization multiple times but did not receive a response. Chairman Tony A. Johnson then reached out.
- On October 7, 2025, an email from the nondescript "NCAI Membership" account notified us that Chinook's application required a more substantial review and that we had to prove that we met all four membership criteria. After a month and a half of correspondence between Chinook and the NCAI Membership account, Chinook passed

the review, but we were still unable to renew our membership before the 82nd National Congress of American Indians Annual Convention and Marketplace.

- On November 18, 2025, two days into the 82nd National Congress of American Indians Annual Convention and Marketplace, the organization made a final determination regarding Chinook's membership.

2026

- On March 6, 2026, the Washington Senate acknowledged Chinook's historical and contemporary contributions to the State of Washington in Senate Resolution 8690.