

**(3) Technical Assistance Letter(s)**

- April 20, 1990

*Bib Admin. Prm*



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245



IN REPLY REFER TO:

Tribal Government Services - AR

APR 20 1990

File Copy  
Surname

<i>Sumner 4/18</i>
<i>L. P. Bacon 4/18/90</i>
<i>Actg. Bacon 4-19-90</i>

Mrs. Cecille Maxwell  
15507 First Avenue South  
Seattle, Washington 98148

Dear Mrs. Maxwell:

The Branch of Acknowledgment and Research (Acknowledgment) staff has completed an initial review for obvious deficiencies and significant omissions of the Duwamish Indian Tribe's documented petition for Federal acknowledgment as an Indian tribe. This letter describes the deficiencies and/or omissions that have been noted in the Duwamish petition.

The obvious deficiencies (OD) review is provided for in the Acknowledgment regulations to insure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The OD review is not a preliminary determination of any case. This OD letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in this letter. Nor does the fact that a petitioner responds to the OD review imply in any way that the group meets the seven mandatory criteria by simply submitting additional data. The OD review of the petition merely provides the petitioner the opportunity to submit additional information or clarification prior to the actual active consideration period. The OD review is a limited review conducted over a period of several weeks by a staff anthropologist, genealogist, and historian. Only during active consideration is the petition reviewed and evaluated in depth by the Acknowledgment staff to determine whether the group meets the requirements to be acknowledged as an Indian tribe.

With the requested information and/or documentation, the Acknowledgment staff can begin to evaluate the petition when it is placed on active consideration. The Acknowledgment staff's research during the active consideration period is for the purpose of verifying and/or elaborating on an already complete petition. The Acknowledgment staff's caseload no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have at times done in the past.

Petitioners have the option of responding in part or in full to the OD review or of requesting us to proceed with the petition using the materials already submitted. The decision as to whether the group chooses to address the deficiencies noted in the OD review should be made by the group and not solely by its researchers. If your group requests that the materials submitted in response to the OD review also be reviewed as to

their adequacy, the Bureau of Indian Affairs (Bureau) will provide the additional assistance. The additional review will not be automatic. It will be conducted only at the request of the petitioner. The limits of these preliminary reviews must be taken into consideration. We do not know all of the questions that an in-depth review during active consideration might raise.

Our comments and questions are organized below in the following order:  
 (1) comments and questions regarding documentation and source materials,  
 and (2) comments and questions pertaining to the specific Acknowledgment criteria.

#### COMMENTS AND QUESTIONS REGARDING DOCUMENTATION AND SOURCE MATERIALS

The petition narrative often makes statements of fact without citing a source (for example, the reference to the 1945 annual meeting on page 209, much of the information presented in Chapter 3, and the factual statements made about the Fowler Family Network beginning on page 289). Some of the sources cited in the text of the narrative are not included in its bibliography and sources cited in the narrative are not keyed to the volumes of supporting documentation.

Since our researchers review as many source materials as possible during the period of active consideration of a petition, it is critically important for our evaluation to know the source of all relevant data presented by the petitioner. Therefore, we ask that all statements of fact which are not solely the author's conclusions or interpretations or which cannot be assumed to be known by the general reader be fully cited to a source. It is stated in the preface to the narrative that references not included in its bibliography, "such as letters, communiques, and council minutes," are to be found in the Duwamish Tribal Archives. We assume that our researchers will be given full access to the tribal archives during the period of active consideration of the Duwamish petition. Can we also assume that copies of all unreferenced citations which do not appear to fit the categories specified (such as Cleveland 1973 on page 147 and Post Intelligencer 1894 on page 166) can also be found there? If not, we ask that you review all of the citations in the narrative and provide full references for those which are either not included in the bibliography or contained in the tribal archives.

Much of the key information in the petition narrative regarding Duwamish community and political organization and activities is cited to what appears to be personal communications (e.g., Ed Davis 7-17-1987 on page 186 and Frank Fowler, Jr., 3-31-1987 on page 291) which are not referenced in the bibliography or included in the supporting documentation. The textual citations do not indicate whether these are interviews, letters, or communiques. If transcriptions of these materials are not present in the tribal archives, we request an opportunity to review copies of these materials in relation to specific topics addressed in the petition, after the petition is placed on active consideration. Providing our researchers with access to these materials is essential, since these communications provide the basis for extensive descriptions of Duwamish society during certain periods. We would be happy to discuss in advance how best to provide access to these materials, including any means of protecting 3

anonymity and privacy materials which are not germane or necessary to the petition.

The supporting documentation contains one copy of a newsletter published by the group in 1967, and reference is made to the existence of a monthly tribal newsletter in 1981 (page 1368). If other issues of these newsletters are extant, please provide us with sample copies or otherwise make a sampling available to us.

If the urban adaptation study conducted by Dr. Harold Amoss and the cultural continuity study by Dr. Jay Miller are now completed, we would appreciate having copies to review. We would also like a clearer copy of the March 14, 1989, council minutes (documentation pages 1484-85).

#### COMMENTS AND QUESTIONS REGARDING SPECIFIC CRITERIA

##### CRITERION (b):

The petition describes the Duwamish community enclaves in the post-treaty era as local "band camps" similar to those found in Cheyenne society. Since this description is presented in a chapter on contemporary Duwamish community and continuity and comes after chapters on post-treaty Duwamish society and the survival strategies of select families, it is not clear from the narrative just when these enclaves developed (that is, in the immediate post-treaty years of the 19th century or in the early 20th century). The only band encampment described in detail in this context is the Fowler family network, which is discussed only for the 20th century. How does the band camp description explained in Chapter IV relate specifically to the six families described in Chapter III?

The petition documents few community activities or social events which served to bring Duwamish people together, either within or between the scattered enclaves or on a tribal-wide basis. The sing-gamble of 1894 is the best documented tribal event in the petition, and it involved only Duwamish from the Black River and Cedar River enclaves. Are there other similar inter-family or inter-enclave gatherings that can be documented? The descriptions of potlatches in the narrative, such as the marriage potlatch of Christmas 1862 and the Old Lake John potlatch of 1902, do not specify the nature of Duwamish participation. To what extent, if any, were these tribal community events? The narrative states on page 154 (without a citation) that potlatching had evolved by the late 1870's into "quasi Fourth of July celebrations with socials, feasts, and athletic events or weddings, Christmas, and funeral exchanges." However, no such specific tribal events of this nature are described or documented. Please keep in mind that such descriptions may be based on oral history as well as documentation.

The petition does not describe any social or cultural aspects of tribal political meetings. The 1925 constitution established an annual tribal meeting and the petition implies that the chief and council held similar meetings prior to that, although it does not document any before 1915. Minutes from recent tribal meetings indicate that potlucks or luncheons have sometimes been held in conjunction with these meetings. If council meetings have at any time served as tribal community events, this aspect

of their function should be described and documented. If possible, this description should include an indication of how many tribal members attended the meetings and which major families or districts were represented.

The petition narrative makes many general statements about the Duwamish religious revitalization brought about by the Indian Shaker religion (pages 176-181). Yet, the only specific reference to this is among families living near the Muckleshoot Reservation who joined the Shaker Church in 1913 (page 181). This information is not cited to a source, although previous information on the same page is cited to a 1987 communication with Iola Bradford. If this revitalization had a broad impact on the Duwamish people as a whole, it should be documented for as many of the other tribal enclaves as possible.

**CRITERION (c):**

The petition narrative theorizes that the pre-contact political organization of the Duwamish consisted of a five-level hierarchy, whereas the consensus view among scholars has been that there were only two levels of political allegiance. Since it may be necessary for our researchers to sort out these conflicting theories, we ask you to submit references to the documents on which your researcher bases his theory, and copies of any such references which would not be readily available to us, as well as any other evidence which tends to refute the conventional views of a two-level Duwamish political organization.

Duwamish tribal political influence or authority needs to be more clearly defined and demonstrated for the period between 1855 and 1915. Although the narrative states that the political centralization of the Duwamish, with ranked chiefs and a council of chiefs, was continued throughout the 19th century, the petition is very vague in describing the post-treaty political system prior to 1915. The petition does not describe or document political meetings at any level for this period. The nature of political authority within the scattered Duwamish enclaves is also not well defined, since the descriptions provided focus on the 20th century. For the 40-year period in which William Moses was the principal or head chief (1856-1896), only two specific examples are given of his leadership: his role as an advocate of peace at an 1856 war council and in organizing and directing the 1894 sing-gamble game with the Puyallup. While five district chiefs are identified at the time of the Point Elliott treaty (1855), only two possible lesser-ranked chiefs are identified during the Chief William era: Charles Satiacum (on page 174 of the narrative without citing a source) and Jack Foster (on page 280 of the documentation or Bagley 1929, 139). The petition states that Charles Satiacum and William Rogers became principal chief and sub-chief respectively in 1896, but provides no specific examples of their leadership roles prior to the organization and election of a new Duwamish council in 1915.

Since what the petition states about the early activities of the 1915 Duwamish council, and the fact that Peter James was elected to be its chairman at that time, is based on the statements of Ed Davis, it is important that a copy or transcript of the Davis communication be made

available to us. The documentation submitted does not substantiate that Peter James was tribal chairman prior to 1925. A 1916 council resolution names Satiacum as chairman (Documentation page 574), and James' name appears as the fifth of six signatures of "Chiefs and head men" on a 1917 attorney contract (Documentation page 583), without any reference to his being chairman.

Claims-related matters, including enrollment and attorney contracts, and treaty fishing rights appear to be almost the only leadership issues documented for the period between 1915 and 1975. What kinds of internal issues and conflicts and other external issues did the governing body and individual leaders handle during this period? You need to document specific examples of the leadership's involvement with other issues and affairs important to the group, whether they be formal, such as changing the system of governance, or informal, such as organizing a social affair. The narrative notes that many tribal records have been destroyed, but less formal documentary evidence, such as statements from those involved, is also acceptable, although it is always preferable to present both original documentation and corroborating testimony.

**CRITERION (e):**

You should continue to keep your membership list current by recording new births and deaths which will take place in the interim before the petition is placed on active consideration. When you are notified that the petition is being placed on active consideration, a supplemental list should be submitted which will include additions to the membership, such as newborn infants and those individuals who were omitted from the list inadvertently. The supplemental list should also note those members on the list submitted with the petition who are deceased

If your group chooses to respond to this OD review letter, we encourage you and your researchers to consult with the Acknowledgment staff before preparing a response, so that you may utilize your research resources most effectively. The Acknowledgment staff can provide technical assistance, but cannot be responsible for actual research on the part of the petitioner. It is likely that additional new questions will be raised by your response to the OD review, and it may be necessary to request additional information during the period of active consideration of your petition. The Acknowledgment staff will make every effort to consult with you and your researchers regarding these questions and/or requests prior to the publication of a proposed finding.

We recommend that you contact George Roth, the Acknowledgment staff member who has administrative responsibility for petitioners from the Northwest, so that we can make arrangements to provide additional technical

assistance to you and your researchers. You may write him c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 18th and C Streets, N.W., Washington, D.C. 20240, or call him at (202) 343-3592.

Sincerely,

*Ronald L. Eden*

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

cc: Portland Area Director  
Puget Sound Agency  
Kenneth D. Tollefson  
ANA  
STOWW  
Tulalip Tribes  
Bell and Ingram  
Evergreen Legal Services

cc: Surname, Chron, 440RF, BAR Chron, HOLD  
440B:MLawson:sit:4/09/90:343-3592: DUWAM-OD/YELLOW #4)