



**A MESSAGE FROM**

**THE  
CHINOOK  
INDIAN  
NATION**



# ***The Chinook Indian Nation Must be Federally Recognized as an Indian Tribe***

*"My Chinook community has suffered a grave injustice that is not becoming of the United States of America. We have been dispossessed of our lands, forced to Indian boarding schools, suffered egregious examples of abuse and prejudice and are suffering the effects of these actions to this day. Put simply, we have all of the problems of Indian Country with no means of fixing them. We have experienced epidemics of substance abuse, health disparities, suicide and houselessness. These life and death issues lie at the feet of a federal government that has neglected its obligation, by both law and honor, to protect our Chinook people".*

Tony A. (naschio) Johnson – Chairman, Chinook Indian Nation

# The Moral and Social Justice Case for Chinook Tribal Recognition

**Prepared by the Honorable Brian Baird Ph.D.  
Member of Congress WA3 (Retired)**

*It is far too easy in public life to overlook injustices that happen to minorities or that might be difficult to resolve. That is why the call for social justice is so powerful and so important in our nation today. And that is why it is a moral imperative in 2021 to at last federally recognize the Chinook Indian Nation.*

Since time immemorial, the Chinook people have lived in their ancestral homelands at the mouth of the Columbia River. Indeed, Chinook Wawa was the main language of trade up and down the river and coast. And were it not for assistance from the Chinook people, the Lewis and Clark expedition would likely have perished rather than eventually returning to their families and loved ones.

But in the mid-1850s the United States of America presented an untenable and unjust demand. Either sign a treaty under duress that required the Chinook to leave their traditional lands and move far from their homes to live with and under the domination of their traditional adversaries - or be declared non-existent as a people.

In response, the Chinook did not go to war and did not fight with those who acted against them. Instead, they simply refused to sign the unjust treaty or leave their land and the graves of their ancestors. They continued to peacefully exist as a people and as a tribe, and that has been sustained without interruption to the present day.

That history and subsequent actions should be something everyone can understand and respect. But because the Chinook refused to accept an unjust demand to abandon their homeland, they have instead been punished ever since.

It is important to be aware that in 2001, after decades of effort and consideration of mountains of evidence and expert testimony, the Chinook were formally recognized at the end of the Clinton administration. Shockingly, however, history repeated itself in a terrible way when the long-sought justice of recognition was then unilaterally taken back by the new administration for what were largely political, rather than substantive reasons. With that action, the dreams of an entire people and the cause of justice were yet again dashed by an unfair and imbalanced process. But the dream has not died, and the time is now to set things right.

Leading newspapers in Washington state and Oregon have supported Chinook recognition. The noted documentary filmmaker Ken Burns, who so deftly retold





the journey of the Lewis and Clark expedition, has supported Chinook recognition. Eminent historians have supported recognition as have local community leaders and virtually all other tribes in the region.

Other documents have detailed the compelling legal and historical case for recognition of the Chinook. But there is another, more fundamental reason for recognition:

*It is the morally right thing to do, it is the just thing to do, and it is in our power today to correct an egregious wrong. The responsibility to do that must not be shirked and it must not be delayed any longer.*





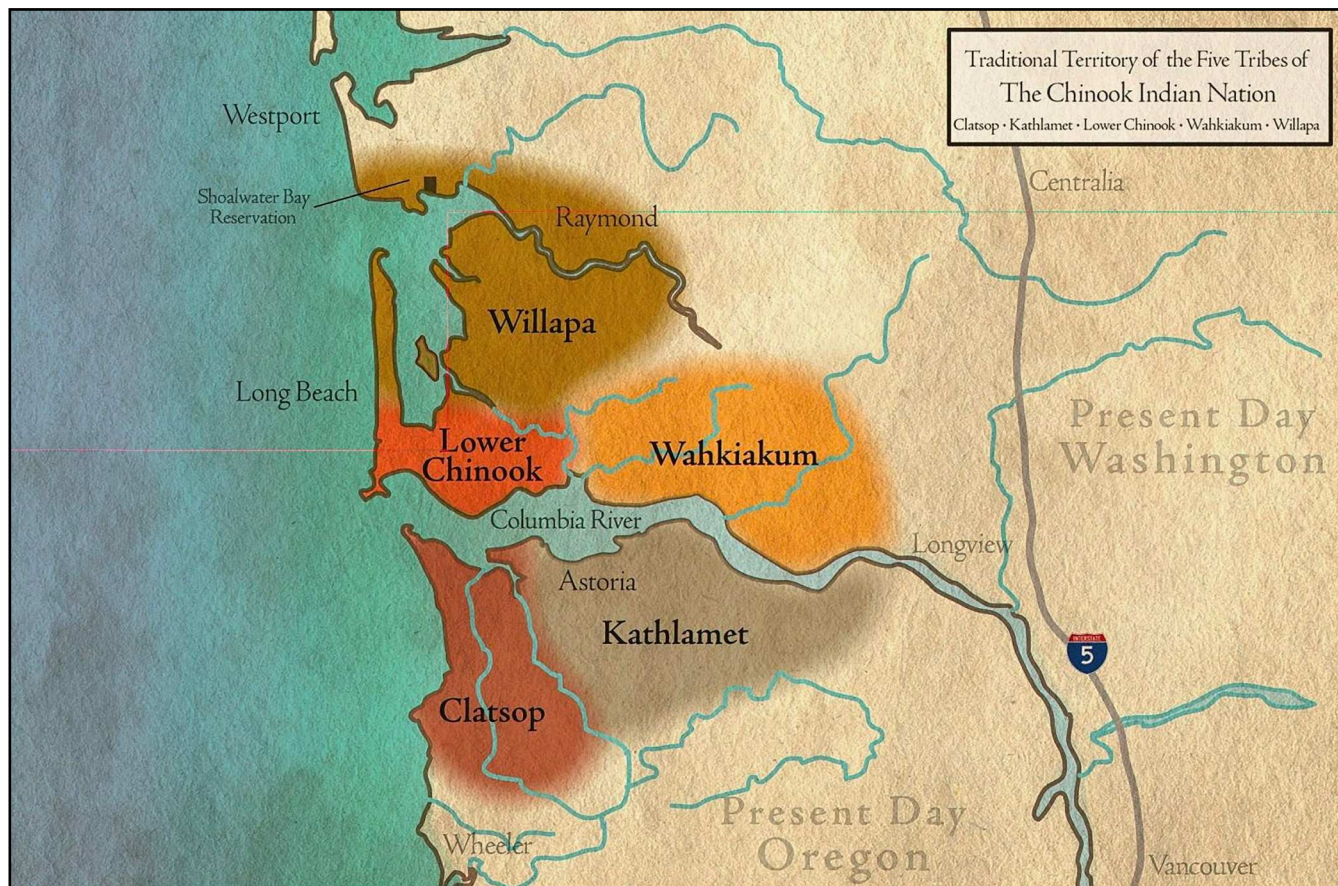




# The Chinook Indian Nation Must be Federally Recognized as an Indian Tribe

Prepared by Tony A. (naschio) Johnson – Chairman, Chinook Indian Nation

*The Chinook Indian Nation (CIN) is made up of the five westernmost Chinookan speaking tribes that have resided at the mouth of the Columbia River since time immemorial. The reputation of their five constituent tribes, the Clatsop and Kathlamet of what is now Oregon and the Lower Chinook, Wahkiakum and Willapa of what is now Washington State, is well known. All 3,000 enrolled members descend from at least one of three Congressionally commissioned rolls.*







The five tribes of the CIN each signed treaties with the federal government at Tansy Point in 1851. Despite Indian Agent Anson Dart's charge to remove the tribes east of the Cascade Mountains, the Chinook peoples insisted on "staying with the bones of their ancestors."

The treaties reserved small tracts of their original lands for the tribes' continued use. Those treaties were not contemporaneously acted upon by the Senate, but their lands were seized by the government anyway.

After the creation of the Washington Territory, a new round of treaty negotiations was initiated by Isaac Stevens. At those 1855 negotiations, the rumors the

Chinook people had heard about proved to be true. They were told they would have to move north to the land of their traditional enemies, the Quinault.

Only Quinault agreed to the terms of this negotiation at the Chehalis River. The Chinook, Chehalis and Cowlitz refused to relocate. Stevens called their leaders belligerent, but the Chinook remember a different negotiation involving threats and bribery.

*All the tribes that participated in this Chehalis River treaty negotiation are federally recognized today, except the Chinook.*

Knowing that the Chinook, Chehalis and Cowlitz peoples had been neglected, two executive order Indian Reservations were established in Southwest Washington State - the Chehalis Indian Reservation (1864) and the Shoalwater Bay Indian Reservation (1866).

These reservations were created with the hope of relocating all of the region's Native people, but again the Chinook insisted on “staying with the bones of their ancestors.” They refused to relocate to these small reservations away from their homes, resources and ancestral places.

In a final attempt to deal with the area's landless Native people the Grant administration expanded the new Quinault reservation in 1873 by Executive Order from 10,000 acres to around 200,000 acres for the “fish-eating” tribes of the coast. While Chinook people chose to stay in their aboriginal lands, the issuing of Individual Indian Allotments at Quinault did entice Chinook folks. The entirety of the reservation was allotted to the members of nine tribes, and in the end Chinook members were the majority land holders on the reservation.

*The other tribes associated with the Quinault Indian Nation (QIN) are all federally recognized today – except the majority land holders – the Chinook.*







In the 1890s, Chinook leaders came together to address the illegal taking of their aboriginal territories. This resulted in the filing of a land claim in the Court of Claims in 1899, followed by Congressional hearings and legislation that culminated in the 1912 Appropriations Act in which Congress agreed to pay all 5 of the CIN Tribes the amounts originally negotiated in their 1851 treaties.

This led to the creation of three congressionally authorized rolls that enumerated membership of each of the five tribes of the CIN.

The CIN community selected delegates to serve on the Board of the Northwest Federation of American Indians during this period, and in 1925 they adopted a constitution with elected officers. This remained the community's governing document until 1951 when they adopted a new constitution that continues to govern the community today.

This constitution codifies their enrollment and territory by referencing the three above mentioned rolls and the lands defined by their five tribes in the Anson Dart treaties





The Chinook were again recognized by the Congress on February 12, 1925 (ch. 214, 43 Stat. 886) when it was authorized “that all claims of whatever nature, both legal and equitable, which the Muckelshoot, Chinook, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims...”

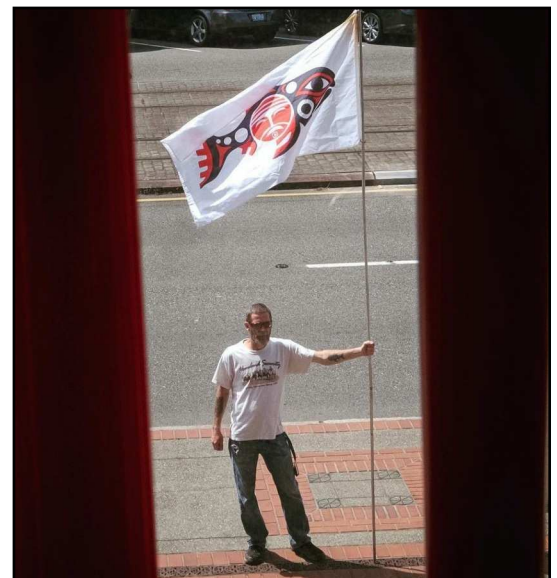
In 1958, the Chinook community was acknowledged as the heirs and successors in interest to the 1851 treaty signatories for their Lower Chinook and Clatsop lands by the Indian Claims Commission.



This led to Docket 234 that was won by the community in 1970.

*Those monies remain held in trust for the Chinook today, however, in 2015, after sending the CIN quarterly statements for over 40 years, the BLA unilaterally decided the tribe would no longer receive them because of their lack of federal recognition.*

CIN challenged this decision in federal court, but no decision has yet been rendered.



In 1979, following the creation of a formal Federal Acknowledgment Process for Indian Tribes, the Chinook's duly elected government filed a Letter of Intent with the BIA to petition for federal acknowledgment.

In January 2001, after 21 years in that "timely process," Assistant Secretary of the Interior Kevin Gover acknowledged the Chinook as a federally recognized tribe. On the 89th day of the 90 day comment period for this final determination, the Chinook's chairman received a fax from the Quinault stating they were filing their long expected appeal to CIN's recognition. The QIN had made it clear that the only way they would drop the appeal was if the CIN agreed to a long list of demands regarding treaty rights and their allotments at Quinault.

The CIN did not agree, and the appeal moved forward within the Bureau.



In July 2002, the same Chinook chairman was in Washington D. C. representing the recognized CIN at a White House luncheon marking the kick-off of the Lewis and Clark Bicentennial where he presented President George W. Bush with an antique carved model canoe to commemorate the Chinook's critical role in the success of the Lewis and Clark expedition.

Astonishingly, while in DC the Chair received a call from the BIA informing him that the Quinault request for reconsideration of their federal acknowledgment had been successful and they were no longer a federally recognized tribe! They had no money to pursue further appeals but were reassured, incorrectly as it turned out, that Congress would soon rectify the wrong and approve their recognition.

Representative Brian Baird (D. WA ) twice introduced bills to accomplish this. Both were unsuccessful.



In 2015 the DOI, in response to outcries from tribes, scholars and others about the admittedly “broken,” “non-transparent,” “inconsistent,” “unpredictable,” and politicized federal process, proposed an “overhaul” of the system. This would allow once-denied tribes like Chinook the ability to re-petition and, significantly, allowed them to be judged under the same standards applied to the review of other communities. In other words, the BIA could no longer justify inconsistent decisions under similar circumstances.

Lobbying by the Quinault and others who were opposed to further recognition led the agency to reverse course on the limited re-petitioning provision. The Chinook filed suit in federal court and succeeded in having the new regulation vacated and remanded back to the agency. This was followed by a similar ruling in the District Court for the District of Columbia in another tribe’s case.

*It is important to note that nearly 25% of Washington’s federally recognized tribes and over 75% of Oregon’s were not recognized 50 years ago.*





Since losing their federally acknowledged status, the Chinook have sought to work cooperatively with the Quinault to come to a mutually acceptable agreement that would clear their path for recognition.

Buoyed by successful efforts to achieve congressional recognition by other tribes in recent years, especially the Little Shell Band of the Chippewa (who were also recognized under the Clinton Administration – only to have it reversed during the Bush administration), the Chinook are hopeful the incoming Biden administration will consider supporting an expedited path toward their long-awaited federal recognition either by an Executive Order or direct advocacy for congressional legislation for those very few tribes like the Chinook, who were once federally recognized and can demonstrate their eligibility for federal recognition by any objective standard.



# Real World Effects of Lack of Recognition for the Chinook Indian Nation

Prepared by **Tony A. (naschio) Johnson**  
**Chairman, Chinook Indian Nation**

*There are numerous situations effecting Chinook Indian Nation membership on a daily basis because of our lack of federal acknowledgment. I will share a few examples of these here in an abbreviated form:*

**Cobell Settlement Scholarship** – Most Chinook Indian Nation families were party to the Cobell class action lawsuit. Despite having received payments in the case for the mismanagement of their trust funds, Chinook families are ineligible for the large scholarship that was established with remaining Cobell dollars. All recognized tribes are eligible for this scholarship whether or not they were party to the lawsuit (many were not).

**CARES Act Funding** – We have recently watched all of our neighboring tribes receive a substantial infusion of funding from the CARES Act. This has resulted in much-needed assistance, and has significantly eased the stress of COVID-19 in their already struggling communities. Our community was not eligible for these federal dollars, and this fact dramatically increases the inequities between us.

**Indian Trust Lands** – Recent reforms, in part driven by the Quinault Indian Nation, to the Indian Probate system will deny us the right to inherit our own families trust lands. These lands were given to our ancestors as allotments and are important to our individual families' economic health. Under the American Indian Probate Reform Act only our Chinook Indian Nation members who owned trust land in 2004 are considered Indians. As elders pass away their heirs are told they are not Indian according to the law (because of Chinook's status). This is heartbreaking and will eventually result in the loss of our lands – a fact that flies in the face of the federal government's trust responsibility to its Native people.

**Tsunami Threat Mitigation** – All of our federally recognized tribal neighbors that share the great Pacific Ocean's coastline are actively receiving assistance and funding to relocate infrastructure, housing, etc. to higher ground and away from the imminent threat of tsunami. The Chinook Indian Nation community, however, has no such assistance. Our tribal records, resources and (most importantly) community members are at great risk and have no means of doing anything substantial about it.



**Suicide** – Mental health issues, incarceration and drug and alcohol abuse are rampant in our community. There is much to say about each of these issues independently, but together they have led to an epidemic of suicide. I have personally lost an entire branch of my family tree to this issue. This includes my first cousin, his two daughters and most recently their mother. This is unbearable, and we must be recognized in order to adequately address this product of historical trauma. Traumas perpetrated on our Chinook Indian Nation community by past, and current, policies of the United States government.

**Indian Child Welfare Act** – Chinook children and families do not have protections under the ICW law, and we experience consistent heartbreaking examples of the ramifications of this. It must be fixed.

**Housing** – Numerous members of our communities have subpar housing, live in extended family situations or simply “couch surf” in order to have a roof over their heads. A former leader, veteran and tribal elder recently passed after spending the better part of the last decade without a house to call his own. No Chinook Indian Nation member should be houseless – especially a Native veteran.

**IHS/Contract Health** – The same elder referenced above passed away from cancer without ever seeking or receiving adequate treatment. Too many of our members do not have insurance, and are not covered by Contract Health Services. The federal government must recognize the Chinook Indian Nation and meet its healthcare obligations to our membership. No more Chinook people should simply go home with a death sentence because they are not a federally recognized Indian.









# Historical Background of the Chinook People

**Prepared by the Honorable Brian Baird Ph.D.  
Member of Congress WA3 (Retired)**

As is well known and extensively documented, the Chinook were the primary tribes at the mouth of the Columbia River for many centuries and occupied extensive villages and areas not only at the mouth but far upriver from the mouth and extending both north and south of the river for a great many miles. It was the Chinook, who greeted the Lewis and Clark expedition and assisted them through the fall and winter of 1805-1806. Many historians have observed that were it not for the assistance of the Chinook and their benign acceptance and interactions with the Corps of Discovery, it is very unlikely the Lewis and Clark expedition would have survived and been able to return successfully to complete their remarkable journey. It was certainly within the power of the Chinook people to extinguish all vestiges of the Corps of Discovery during that dark and rainy winter spent within their territory on the wild NW Coast.

The United States Government officially recognized the Chinook Indian Nation (CIN) in the Anson Dart (Tansy Point) Treaties of 1851 where treaties with each of the five tribes of the present Chinook Indian Nation were signed in good faith. The Senate, however, failed to act on these in part because of the expressed desire to move the Chinooks east of the Cascade Mountains to get all native peoples away from the growing number of white settlers.

*It must be emphasized, that this action was taken toward the Chinook in spite of the fact that there was no history of hostility or warfare between the Chinook and the settlers. In fact quite the opposite was true, and by 1861 those settlers were petitioning their government to provide relief to the Chinook people because, "All the lands of these Indians capable of being occupied or used by them including the villages, gardens and fishing have been taken and they have been driven away or are liable to be driven away by the white owners and cannot build a hut or draw a net without the white man's permission."*

The US again recognized the existence of the Chinook in the language included in the Chehalis River treaty negotiations with Territorial Governor Isaac Stevens. However, the Chinook, the Cowlitz and their Lower Chehalis neighbors refused to sign that treaty because of the treaty's intention to move them to the north, far from their traditional territories and to a position of subservience to their traditional adversaries. As a result of this action, the Chinook were unjustly stripped of government recognition of their historic lands on the Columbia River and adjacent seacoast. Subsequently, a great many of them succumbed to disease and poverty in the 19th century.





*In spite of all the hardship, loss and injustice, the Chinook people continued to reside in their traditional area, continued to maintain tribal customs and culture, and continued to have tribal governance and leaders.*

Some years later, it was the intent of Congress in the Act of March 4, 1911 (36 Stat. 1345), to provide restitution to the Chinook people in the form of allotments of land on existing Indian reservations, which the Supreme Court of the United States upheld in *Halbert v. United States* (283 U.S. 753 (1931)).

Most recently, another act of recognition during that era was affirmed during recognition proceedings under the Clinton Administration when former Assistant Secretary Kevin Gover asserted that Congress statutorily ratified the Chinook's Anson Dart treaties in 1912 when it authorized payment of the exact amounts obligated at Tansy Point to the Chinook Peoples.

A further acknowledgment of the Chinook by Congress occurred on February 12, 1925 (ch. 214, 43 Stat. 886) when it was authorized “that all claims of whatever nature, both legal and equitable, which the Muckelshoot, San Juan Islands Indians; Nook-Sack, Suattle, Chinook, Upper Chehalis, Lower Chehalis, and Humptulip Tribes or Bands of Indians, or any of them (with whom no treaty has been made), may have against the United States shall be submitted to the Court of Claims,…”

When Congress passed the Indian Claims Act of 1946 the Chinook people took the opportunity to write a new constitution under which it continues to govern itself today. This provided the foundation for the Chinook case (Docket 234) under the Indian (Land) Claims Commission which in 1958 acknowledged the Chinook's right to sue the Government for the lands taken from their Lower Chinook and Clatsop ancestors. In 1970 the Commission found that the Chinook Tribe had, "aboriginal or Indian title to certain lands lying in parts of the present states of Washington and Oregon..." The Commission paid the tribe a pitiful \$.98 per acre for these incredible lands at the mouth of the Columbia River. This award has grown significantly in the years since, but remains unavailable to the CIN because of its unclear Federal status. Incredibly, the Office of Special Trustee has stopped sending statements to the Tribe regarding these funds in recent years.

At the same time that the Indian Claims Commission was acknowledging Chinook and its aboriginal title to its lands, Congress named four of the five tribes of the CIN, the Lower Chinook, Wahkiakum, Cathlamet, and Clatsop in the Western Oregon Termination Act of 1954. This Act is the only clear basis for termination of the Federal relationship with the CIN. That act, however, was primarily a reflection of the desire of some in Congress to "be done with Indian issues" rather than an objective analysis of the prior and existing history or any serious attempt to restore justice.







Further, two of those tribes were named erroneously in the act as they had never resided in Oregon!

*The key and indisputable fact is, in spite of the long history of injustice and efforts to eliminate or remove them, the Chinook Indian Nation has continually remained active within its territory and the Pacific NW. The Chinook Indian Nation and its people are well known to neighboring tribes and the local community and consults daily with governments, colleges and institutions.*

To this day, there are members of the CIN who were born in their traditional villages, have lived, or live, on Indian trust land in traditional Chinook territory, were allotted as Chinook Indians on other reservations, fished, hunted and gathered clams as Chinooks, have Individual Indian Money Accounts, and were sent to Indian Boarding Schools.

*There are, and long have been, elected leaders, a tribal government, and members of the tribe who speak their language and practice their culture daily.*

Descendants of the Chinook have served their nation in time of war and peace, have held high office and, in fact the late Ambassador Chris Stevens was a descendent of a Chinook family that descends from Chinook hereditary chiefs, and was a relative of the current CIN Chairman Tony A. Johnson.





Twenty-three years later, in 2001 their Federal Recognition was affirmed in a decision personally overseen by then Assistant Secretary Kevin Gover. Despite the fact that this decision was upheld by the Interior Board of Indian Appeals (36 IBIA 245), the decision was then reversed, in a decision fraught with politics, by the incoming Bush Administration.

*Mr. Gover's statements and testimony regarding the broken nature of the BIA-BAR system have consistently included references to the Chinook case and his firm belief that, "I remain convinced that the Chinook Tribe is deserving of Federal recognition."*





Again, we humbly ask that you clarify the legal status of the Chinook Indian Nation. This can be done by Executive Order, or your full support of a bill in Congress. An Executive Order can be done by reaffirming Mr. Gover's January 9, 2001 "Final Determination to Acknowledge the Chinook Indian Tribe / Chinook Nation," or by issuing a stand-alone Executive Order confirming that the Chinook Indian Nation is a Federally Recognized Tribe of the United States. We would be glad to discuss and suggest specific terms of such an order should that be desired.

Respectfully submitted,  
Brian Baird Ph.D.  
Member of Congress (retired)





**MY HOME RESIDES IN THE HILLS.**

**IT OVERLOOKS THE SAME WATERWAYS OUR ANCESTORS  
ONCE TRAVELED THROUGH IN THEIR CANOES.**

**WE ARE CONNECTED TO THE WATER AND LAND.**

**IT'S THE WATER THAT FLOWS FROM THE HILLS, INTO THE BAY,  
AND TOUCHES THE OCEAN.**

**IT'S THE WATERWAYS OUR CANOES TRAVEL THROUGH TODAY.**

**THE DRIED STREAMS OF SALT WATER ON MY ARMS,  
FROM MY PADDLE GLIDING IN AND OUT OF THE WATER.**

**HOME IS WHERE WE COME BACK TO AFTER A LONG JOURNEY.**

**AS OUR DAD SINGS, MY YOUNGEST BROTHER LEADS  
THE THUNDERBIRD DANCE.**

**MY YOUNGEST SISTER'S GRACEFUL, SMALL STEPS FOLLOW  
BEHIND MY MOM AND I AS WE DANCE BESIDE HIM.**

**WHERE OUR ANCESTORS SANG AND DANCED BEFORE US.**

**HOME IS ON THE POINT THAT LOOKS OVER THE BAY,  
WHERE OUR PEOPLE WERE BROUGHT INTO THIS WORLD.**

**IT'S THE PLACE OUR PEOPLE WERE.**

**THE PEOPLE THE U.S. GOVERNMENT HAS DECLARED EXTINCT.**

**THE PLACE WHERE OUR PEOPLE ARE.**

***WHERE WE STILL ARE.***

BY MARY JOHNSON, CHINOOK

# Excerpts from letters written in support of Federal recognition

"We are proud of this partnership with the Chinook Indian Nation and are proud to stand with them in their efforts to achieve the recognition they so well deserve. The traditional knowledge of Chinook Indian Nation members enriches us all and must be preserved and shared. It is time to put an end to this historical injustice once and for all."

Colin Fogarty, Executive Director, The Confluence Project

"We believe that the success of Pacific County, culturally and economically, is inextricably tied to the success of the Chinook Nation. Federal recognition will make the Chinook Nation visible to the larger community of the United States, but to us in Pacific County, the Chinook people are a perpetual presence and active part of our community. It is time that the history and culture of these sovereign people who are so integral to the history of Northwestern United States are recognized."

Jenny Penoyar, South Bend, Wa

"Perhaps most importantly, federal acknowledgment would enable Chinook Indian Nation citizens to spend their time, energy, and expertise investing in their nation—revitalizing their languages, regenerating their cultural life ways, and restoring their communities and homelands—rather than remaining locked in a century-long struggle to restore their rightful status. There are languages, lives, and futures at stake, and there is no time to wait.

In time, I am certain that the Chinook Indian Nation will be successful in their fight for federal acknowledgment. The question is whether you will have supported this effort and be on the right side of justice when that happens. I have faith, given your history and track record, that you will."

Leilani Sabzalian, PhD

"In our opinion, based upon our knowledge of the relationship between the Corps of Discovery and the Chinook people, and our knowledge of the tribe's years of work, it would be most appropriate for the federal government to grant the Chinook people federal recognition at this time."

Lewis and Clark Trail Committee

"It is time for the Chinooks to join the community of federally recognized tribes."

Hobe Kytr, Administrator, Ilwaco Heritage Museum

"I strongly support the bill that the Chinook Indian Nation is pursuing in Congress. Their Federal recognition is long overdue. The Chinook Indian Nation culture and history is a vital component of the Pacific Northwest Region."

David W. Powell, Archaeologist









**The Chinook Indian Nation**  
**[www.chinooknation.org](http://www.chinooknation.org)**

**#chinookjustice**  
**@everydaychinook**

**Photographs and Design by**  
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