

PREPARED STATEMENT OF JOHN R. BARNETT,
CHAIRMAN, COWLITZ GENERAL COUNCIL

In Support of H.R. 3534
June 24, 1986

I am John R. Barnett, Chairman of the Cowlitz General Council of the Cowlitz Indian Tribe of the State of Washington. I live at 5609 Olympic Highway, Aberdeen, Washington. My purpose today is to present the views of the Cowlitz Indian Tribe on H.R. 3534, a bill to provide for the distribution of the judgment funds appropriated and set aside for our tribe in 1973.

This legislation seeks to distribute the funds in a manner consistent with the Distribution of [Indian] Judgment Funds Act of October 19, 1973, Pub. L. 93-134, 25 U.S.C. §§ 1401-1407.

Our bill seeks to distribute the entire judgment to the tribe as a "tribal share" under the 1973 Act. The Department of the Interior has repeatedly asserted that the Cowlitz Indian Tribe is not entitled to a tribal share because it is not formally recognized as a tribe by the Secretary of the Interior. As a result, Interior has asserted that the entire judgment fund should be distributed on a per capita basis.

A simple reading of the 1973 Act demonstrates that there is no requirement for federal recognition as a prerequisite for judgment fund distribution. On the contrary, Section 1401 provides that the funds shall be distributed in favor of any Indian "tribe, land, group, pueblo, or community." The statute is unambiguous: there is no requirement for federal recognition.

That ours is an Indian tribe which meets the criteria for federal recognition is clear and has previously been demonstrated to Congress. Evidence presented to Congress in 1982 and again submitted today in conjunction with this hearing establishes that the present day Cowlitz Indians are the direct and lineal descendants of the aboriginal Cowlitz tribe of 1863. The current work of Dr. Stephen Dow Beckham, an expert ethnohistorian and Professor of History at Lewis & Clark College, Portland, Oregon, as well as more than 34 years of anthropological and genealogical research conducted by Dr. Verne F. Ray, the foremost living expert in the anthropology of the Indians of the Pacific Northwest, wholeheartedly reach this conclusion. According to Dr. Beckham's studies, all of our currently enrolled members can trace their ancestry to the enumeration of the Cowlitz tribe documented between 1916 and 1919 by Charles Roblin, Special Indian Agent. In his summary narrative of 1919, Roblin

stated that the "Cowlitz tribe seems to have better foundation for a claim [for compensation for its aboriginal lands] than the other tribes of western Washington." And in oral testimony before Congress in 1982, Dr. Ray emphasized this conclusion by stating, "There has been consistent and uninterrupted tribal organization and chiefly leadership in terms of tribal unity and organization since aboriginal times right up to the present day." Hence, when Interior proposes -- as it has in the past -- that the present group of Cowlitz Indians was formed solely to assert a claim against the United States, it ignores the facts which are confirmed by Drs. Beckham and Ray who are universally recognized for their expertise.

Over the years, Interior has also asserted two additional criticisms regarding the Cowlitz judgment fund distribution:

- o Interior asserts that the "Sovereign Cowlitz" are not in agreement with the distribution plan as delineated by the Tribal Council and would be excluded under the current format of H.R. 3534.

This is not a correct assertion. The Sovereign Cowlitz organization was established in 1973 solely to protect the

terms of the settlement in our Indians Claims Commission case. That organization has since dissolved, and its former members are now a part of the general tribe. As a former founder of the now defunct Sovereign Cowlitz, and the current Cowlitz Tribal Chairman, I know these statements to be true.

- o Interior has also argued that a group calling itself the "Yakima Cowlitz" are entitled to share in the benefits of our judgment award but are not provided for in H.R. 3534.

The Yakima Cowlitz claim to be descendants of Cowlitz Indians who migrated more than 100 years ago to the Yakima Reservation from aboriginal Cowlitz lands in search of economic relief. These people are nothing more than enrolled Yakima Indians who have no "Yakima-Cowlitz" tribal history because there is no "Yakima-Cowlitz" Tribe. The quality of their tribal claim is demonstrated by the fact that their children who are refused Yakima enrollment are being enrolled today with our tribe. In this regard, we have always extended an offer to those Yakimas who consider themselves to be Cowlitz to join our Tribe and participate in the programs which will be developed with the judgment fund, and this offer will remain open to them. No door is closed to any

Cowlitz Indian, and the so-called Yakima Cowlitz know this to be a fact because I have told them what I am telling Congress today.

Interior's alleged requirement for federal recognition seems paradoxical when one considers the vast amount of prior relations between the Cowlitz tribe and other governmental authorities, state, federal, and local, who seem to have already recognized our tribe: U.S. Department of Labor, U.S. Forest Service, Census Bureau, Lewis County (Wash.) Public Utility District, U.S. Administration for Native Americans, U.S. Community Services Administration, Educational Service District No. 121, Washington Energy Office, Evergreen Legal Services, Federal Energy Regulatory Commission, University of Washington, U.S. Office of Native American Programs, U. S. Office of Economic Opportunity, U.S. Indian Claims Commission, City of Tacoma, U.S. Bureau of Indian Affairs, Washington Secretary of State, National Archives, Western Washington Indian Education and Training Consortium (CETA), Small Tribes Organization of Western Washington, U.S. Economic Development Administration, Coalition of Indian Controlled School Boards, Washington Employment Security Department, U.S. Internal Revenue Service, Washington Department of Labor and Industries, Governor's Indian

Advisory Committee, Affiliated Tribes of Northwest Indians and National Congress of American Indians.

Of particular relevance is that the U. S. Forest Service continues to solicit our tribe's input regarding any changes in planning for the Gifford Pinchot National Forest. Also, our tribal status is most relevant to the Lewis County PUD which recently proposed to deed five acres of land to the Tribe as compensation for inundating Cowlitz Falls with the impoundment which will be created by a dam at the Falls.

It is inequitable that recognition by the Department of the Interior is a barrier to tribal receipt of money, rightfully due, in light of (1) our history of dealing with local, state and federal governments and (2) the 1973 Act which does not mandate federal recognition as a prerequisite for distribution.

Our purpose here today is not to seek federal recognition. That is a separate issue, which we are processing administratively. Currently, our Tribal Council is finalizing a petition for federal acknowledgment, and that petition will be filed with Interior's Branch of Acknowledgment and Research by February of 1987. However, the success or failure of that petition in no way infringes upon our aims for the use of this judgment fund. With or

without federal recognition, we shall continue to manifest outwardly our Cowlitz heritage.

In summary, we ask that this Committee support the passage of H.R. 3534. Any former impediments to its enactment are no longer in existence. Moreover, the Cowlitz Tribe has unanimously approved a 100 per centum tribal share distribution.

For years, the Department of the Interior has unnecessarily prolonged an estranged relationship between the Cowlitz Indians and the federal government. The Cowlitz people have already secured their judgment, yet Interior is complacent with the idea that these funds be withheld ad infinitum. Interior's position is contrary to the very purpose and spirit of the Department's creation and its role as trustee in which it is obligated to work for and support the needs of Indian people rather than work against them.

Please support the Cowlitz people in their request for the passage of H.R. 3534. Thank you.