

Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Andrew Viles <vilesa@lanecc.edu>

Thu, Oct 10, 2024 at 5:05 AM

To: Diane Rodriguez <DianeR@ctsi.nsn.us>

Hello Diane,

My family is preparing regalia for my granddaughter's Flower Dance. And part of that is a feather visor for her to wear. The visor is made of blue jay feathers.

My plan to trap the blue jay who has been coming to talk to me in the mornings outside was elaborate . . . and involved the propping up of a plastic tote with a stick with a hemp string tied to one end. My idea was to place blue jay food under the tote and get the blue jay used to visiting there . . . before extending the string and eventually springing the trap.

What could go wrong? Well, nothing more than my son's dog visiting from Alaska who likes playing fetch and was shocked when she toppled over the trap by snatching up the stick propping it open!

The blue jays are being kept safe in my yard by a playful dog!!!! Who would have thunk it!

Drew

PS Would you please publish this letter (attached and below) in the next issue of the Siletz News?

Dear Editor,

The letter by Culture Committee Member Dick Basch in your last issue caught my eye. Basch's first-hand account reveals how the 2001 Bureau of Indian Affairs (BIA) recognition of the Chinook Indian Nation (CIN)—because it included a provision forbidding extension of federally-funded services to the 3% of the CIN membership that derived exclusively from the Clatsop Tribe—caused hardship within the Chinook Indian Nation. [CIN was/is made up of the five Chinookan-speaking Tribes living at the mouth of the Columbia River: the Clatsop, Lower Chinook, Wahkiakum, Kathlamet, and Willapa Tribes].

Panic up north was small to begin with because the problem had an obvious cure. Ask the US Congress to do for Clatsop what Congress had done for every other Tribe affected by the 1954 Western Oregon Termination Act: reverse the Tribe's terminated status. Success would have looked almost certain for the recently restored CIN in 2001.

This picture changed when the BIA rescinded its recognition of CIN.

Can you imagine if the US government, when the Confederated Tribes of Siletz (CTSI) was restored in the 1970s, had also determined that 3% of us—say those who descend exclusively from Joshua ancestors—could not receive federally-funded services? And next imagine the US government rescinding its recognition of CTSI 18 months later. And then also imagine an internal split with, let's say, the "Joshua-Yurok" Tribe forming to pursue separate federal recognition.

More than a disaster—this would be the equivalent of an earthquake followed by a tsunami.

It's fairly obvious why Basch decided to enroll at Siletz. Siletz was his last resort.

What's not so obvious is why Siletz officials changed enrollment practices in 2018 to allow Basch to enroll.

Siletz changed enrollment practices because some Siletz officials wish to lay claim to Clatsop land/wealth/identity. They have promoted a distorted history erasing the real history of many Siletz families—including mine—to pursue that wish.

Let's remember that, prior to 2018, all persons with Clatsop ancestors enrolled at Siletz were akin to the many Siletz individuals with Lakota or Apache ancestors. These ancestors—like my grandfather Robert N. Service, Sr.—married a Siletz tribal member and started a family. [My grandfather specifically, who married a Siletz'er @ 1920, was never enrolled at Siletz for reasons similar to those stated in the postscript below.]

Dick Basch fully supports the restoration of federal recognition of the Chinook Indian Nation.

Siletz Tribal Council, would you please follow Basch's leadership on this issue and do the same?

Drew Viles

PS Basch has clarified for me a detail that wasn't clear in his letter; namely, that Joe Scovell was rejected by the **Siletz** Tribe for enrollment in the 1980s for being too much Clatsop.

--
Andrew (Drew) Viles, Ph.D.
Instructor Emeritus, Department of English, Lane Community College
Former Associate Judge, Tribal Court, Confederated Tribes of Siletz
pronouns preferred: his/him/he

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25K



Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Diane Rodriguez <DianeR@ctsi.nsn.us>
To: Andrew Viles <vilesa@lanecc.edu>

Thu, Oct 10, 2024 at 10:16 AM

Those dogs ... gotta love 'em, right? I'll bet the blue jays were up in the trees laughing their tails off.

On a sadder note, we lost both of our greyhounds to cancer this year. I've been taking walks without dogs and it feels weird. But on the brighter side, I'm retiring at the end of January and another hound is in our future sometime after that.

Thanks for the letter.

Diane R

[Quoted text hidden]



Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Andrew Viles <vilesa@lanecc.edu>

Thu, Oct 10, 2024 at 11:51 AM

To: Diane Rodriguez <DianeR@ctsi.nsn.us>

Hello Diane,

You have my condolences about your loss--your double loss. It's hard. You have my sympathies.

And I'm happy to congratulate you on your retirement! That's wonderful news!

Who said that "being a grandparent is so great and wonderful, I don't know why we don't start people out being grandparents and then they could move on to being parents."

I think the same applies to retirement and work! Both are wonderful but retirement is a little more wonderful!

Drew

[Quoted text hidden]

Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Andrew Viles <vilesa@lanecc.edu>

Mon, Oct 14, 2024 at 3:29 PM

To: Diane Rodriguez <DianeR@ctsi.nsn.us>

Hello Diane

Would you please swap out the 450-word letter below (and attached) for the 450-word letter that I sent to you last week?

Drew

Dear Editor,

A letter in your last issue provides a first-hand look at how the BIA 2001 recognition of the Chinook Indian Nation (CIN)—because it included a provision forbidding extension of federally-funded services to the 3% of the CIN membership that derived exclusively from the Clatsop Tribe—caused hardship within CIN.

This problem had an obvious cure. Ask the US Congress to undo Clatsop's status as a terminated Tribe. Success would have looked almost certain for the recently restored CIN in 2001.

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Imagine if the US government, when the Confederated Tribes of Siletz (CTSI) was restored @ 1976, had also determined that 3% of us—say those who descend exclusively from Joshua ancestors—could not receive federally-funded services. And next imagine the US government rescinding its recognition of CTSI 18 months later. And then also imagine an internal split with, let's say, the "Joshua-Yurok" Tribe forming to pursue separate federal recognition.

More than a single disaster—this was an earthquake compounded by a tsunami.

The letter's author, Dick Basch, was invited by Siletz officials about a decade post disaster to enroll at Siletz. In 2018, he did so, with a Siletz Tribal Council attorney classifying the event in US District Court as a "test-case" enrollment.

Why this sudden change in Siletz enrollment practices?

The answer is because some Siletz officials were wishing to falsely lay claim to Clatsop land/wealth/identity. They've been busy. Their efforts include promoting a distorted history erasing the real history of many Siletz families.

Let's remember: Prior to 2018, all persons enrolled at Siletz with Clatsop ancestors were akin to the many Siletz individuals with Lakota or Apache ancestors. These ancestors—like my grandfather Robert N. Service, Sr.—married a Siletz tribal member and started a family. My grandfather specifically, who married a Siletz'er @ 1920, never enrolled at Siletz because he was thought to be "too much Clatsop."* This very same reason forced my Siletz grandmother, Ada Carson Service, to petition Siletz officials in the 1920s before her children enrolled.

Shockingly, some Siletz officials have now claimed our grandfather as a “Siletz ancestor.”

I fully support the restoration of federal recognition of the CIN in its entirety (Clatsop, Lower Chinook, Willapa, Wahkiakum, and Kathlamet Tribes), in part, because it'll allow the Clatsop Tribe to finally be “un-terminated.” It'll also “de-incentivize” further attempts to falsely represent our Siletz family history.

Drew Viles

* Basch has provided me with clarification of his letter published last month: When the late Joe Scovell's application for **Siletz** enrollment was rejected in the 1980s, **Siletz** enrollment officials stated that he was “too much Clatsop” while apparently discounting his Tillamook/Nehalem ancestry.

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Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Diane Rodriguez <DianeR@ctsi.nsn.us>

Tue, Oct 15, 2024 at 9:54 AM

To: Andrew Viles <vilesa@lanecc.edu>

I've put your new letter below in the November file.

[Quoted text hidden]



Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Diane Rodriquez <DianeR@ctsi.nsn.us>
To: Andrew Viles <vilesa@lanecc.edu>

Tue, Oct 15, 2024 at 1:43 PM

Hi, Drew!

The letter you sent this morning has been reviewed and some changes have been noted. You should review the attached and let me know if you want the letter to run as noted or if you want to turn in another version in the next couple of days.

Thank you!

Diane R

From: Andrew Viles <vilesa@lanecc.edu>
Sent: Monday, October 14, 2024 3:29 PM

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Dear Editor,

A letter in your last issue provides a first-hand look at how the BIA 2001 recognition of the Chinook Indian Nation (CIN)—because it included a provision forbidding extension of federally-funded services to the 3% of the CIN membership that derived exclusively from the Clatsop Tribe—caused hardship within CIN.

This problem had an obvious cure. Ask the US Congress to undo Clatsop's status as a terminated Tribe. Success would have looked almost certain for the recently restored CIN in 2001.

This picture changed when the BIA rescinded its recognition of CIN.

Imagine if the US government, when the Confederated Tribes of Siletz (CTSI) was restored @ 1976, had also determined that 3% of us—say those who descend exclusively from Joshua ancestors—could not receive federally-funded services. And next imagine the US government rescinding its recognition of CTSI 18 months later. And then also imagine an internal split with, let's say, the "Joshua-Yurok" Tribe forming to pursue separate federal recognition.

More than a single disaster—this was an earthquake compounded by a tsunami.

The letter's author, Dick Basch, was invited by Siletz officials about a decade post disaster to enroll at Siletz. In 2018, he did so, with a Siletz Tribal Council attorney classifying the event in US District Court as a "test-case" enrollment.

Why this sudden change in Siletz enrollment practices?

The answer is because some Siletz officials were wishing to falsely lay claim to Clatsop land/wealth/identity. They've been busy. Their efforts include promoting a distorted history erasing the real history of many Siletz families.

Let's remember: Prior to 2018, all persons enrolled at Siletz with Clatsop ancestors were akin to the many Siletz individuals with Lakota or Apache ancestors. These ancestors—like my grandfather Robert N. Service, Sr.—married a Siletz tribal member and started a family. My grandfather specifically, who married a Siletz'er @ 1920, never enrolled at Siletz because he was thought to be "too much Clatsop."* This very same reason forced my Siletz grandmother, Ada Carson Service, to petition Siletz officials in the 1920s before her children enrolled. Shockingly, some Siletz officials have now claimed our grandfather as a "Siletz ancestor."

I fully support the restoration of federal recognition of the CIN in its entirety (Clatsop, Lower Chinook, Willapa, Wahkiakum, and Kathlamet Tribes), in part, because it'll allow the Clatsop Tribe to finally be "un-terminated." It'll also "de-incentivize" further attempts to falsely represent our Siletz family history.

Commented [KB1]: Will not publish – unsubstantiated statement

Commented [KB2]: Will not publish – unsubstantiated statement

Commented [KB3]: Will not publish – unsubstantiated statement

Drew Viles

* Basch has provided me with clarification of his letter published last month: When the late Joe Scovell's application for **Siletz** enrollment was rejected in the 1980s, **Siletz** enrollment officials stated that he was "too much Clatsop" while apparently discounting his Tillamook/Nehalem ancestry.

Commented [KB4]: Will not publish – unsubstantiated statement

So, that last document is what Diane Rodriguez, Editor of *Siletz News*, thought I saw: my letter after it had been "corrected" by the Editor-in-Chief of the *Siletz News*, Kurtis Barker.

But what I actually saw was merely the version of the censored letter that appeared visible on my Gmail platform—a version with paragraphs in highlight but without the comments to the side (see following document).

Who knew that you had to "download" a Google document attached to an email to see comments—who knew there were even comments? Not me!

This confusion explains the next few emails.

Dear Editor,

A letter in your last issue provides a first-hand look at how the BIA 2001 recognition of the Chinook Indian Nation (CIN)—because it included a provision forbidding extension of federally-funded services to the 3% of the CIN membership that derived exclusively from the Clatsop Tribe—caused hardship within CIN.

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* Basch has provided me with clarification of his letter published last month. When the late Joe Scovell's application for Siletz enrollment was rejected in the 1980s, Siletz enrollment officials stated that he was "too much Clatsop" while apparently discounting his Tillamook/Nehalem ancestry.



Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Andrew Viles <vilesa@lanecc.edu>

Wed, Oct 16, 2024 at 3:12 PM

To: Diane Rodriguez <DianeR@ctsi.nsn.us>

Hello Diane,

Here's a couple of clarifications. I sent a revised letter to you on (Monday, 14 October 2024) via email with a request that you "swap out" this latest draft for a previous draft.

I have reviewed the document you attached in your most recent email bearing the following file name: I to E: Drew V New - Edits.docx.

The contents of this document are exactly the same as the contents of the document that I sent to you on Monday bearing this file name: questionskkkkk.docx.

I am aware that questionskkkkk.docx (which has the same contents as I to E: Drew V New - Edits.docx) is different from the document that you received from me on 10 October 2024. You have highlighted some of the passages containing changes by highlighting, but you have not highlighted all changes.

All the changes from the draft from last week to the newer draft (questionskkkkk.docx aka I to E: Drew V New - Edits.docx) this week are changes that I made myself and wish to have included in the published version of the letter.

My wish remains that you publish the latest draft of this letter in the November, 2024 edition of the *Siletz News*.

Please let me know if you have any questions or concerns about my request or further questions about the contents of my letter, and thanks for your work on my behalf, Diane.

Drew

[Quoted text hidden]



Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Diane Rodriguez <DianeR@ctsi.nsn.us>

Thu, Oct 17, 2024 at 12:01 PM

To: Andrew Viles <vilesa@lanecc.edu>

Hi, Drew!

Thanks for your comments below. The highlighted areas all have comments on the right side if you go to the top and click Review/Track changes/All Mark-up.

Seems like we have these options:

1. Publish the letter in the November issue with the highlighted parts deleted
2. Possibly publish a rewrite from you that would be due on Monday
3. Pull the letter from the November issue and have you submit something next month for the December issue

Please let me know what you would like to do.

Thanks!

[Quoted text hidden]

Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Andrew Viles <vilesa@lanecc.edu>

Thu, Oct 17, 2024 at 1:55 PM

To: Diane Rodriquez <DianeR@ctsi.nsn.us>

Thanks, Diane, for your response . . . and your patience.

I didn't "open" the document you sent. Rather, I just read the version that came up for viewing on my gmail account. That version lacks the comments provided by Kurtis Barker. On the email platform, you can see the highlighted sections only. You have to open up the word document to see Kurtis' comments.

That explains my confusion previously.

I am now fully awakened, I believe, to the present circumstance: Kurtis Barker, Editor-in-Chief of the Siletz News, has reviewed my letter and found it to contain a number of unsubstantiated claims that he will forbid to be published in the *Siletz News*.

I also note that you see a number of ways forward. Here's another idea that may not have yet surfaced: Might you, Diane, or Andy, or Kurtis substantiate some claims your have flagged as "unsubstantiated" in my letter?

For example, Kurtis has highlighted the whole last paragraph (it takes the form of a note). This section of my letter purports to set forth a correction to a letter written by Dick Basch. Presumably, the author of this month's letter (me) contacted the author of a letter last month (Dick) and asked for clarification, which Dick then supplied. If you don't believe me--if you find that this presumption unlikely to be true--you could contact Dick Basch for substantiation.

This same process--checking in with Dick Basch--would also, I believe, transform many of the words in other highlighted sections likewise fully substantiated.

Also, I'd be happy to provide documents that would substantiate two other "claims" (I'd call them facts): 1) that the Tribal Council attorney styled Basch's enrollment a "test-case" enrollment and 2) that Siletz officials have repeatedly claimed my grandfather a "Siletz ancestor."

You don't, however, have to rely on me providing you with documents. In both cases referenced directly above, the substantiating documents I have reviewed are public documents that are available online.

Please let me know if substantiation of my claims by you or others working at CTSI is a viable way forward.

Drew

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Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Andrew Viles <vilesa@lanecc.edu>
To: Diane Rodriguez <DianeR@ctsi.nsn.us>

Mon, Oct 21, 2024 at 3:38 PM

CC: vilesa@lanecc.edu, vilesa@lanecc.edu, vilesa@lanecc.edu, vilesa@lanecc.edu

Hello Diane,

Left to my own devices, I have prepared a revision of my letter (below and attached) that I think accomplishes your stated purpose--not publishing what you consider "unsubstantiated claims"--as well as my wish: to communicate my opinions and concerns as clearly as practically possible to other members of the Siletz General Council.

You will note that I have taken the liberty of including an editor's note at the end of this draft. Thank you for your patience in reviewing it.

And please do not hesitate to communicate with me further if you have any questions or concerns.

Drew

Dear Editor,

A letter in your last issue provides a first-hand look at how the BIA 2001 recognition of the Chinook Indian Nation (CIN)—because it included a provision forbidding extension of federally-funded services to the 3% of the CIN membership that derived exclusively from the Clatsop Tribe—caused hardship within CIN.

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Editor's Note: Because we deemed this letter to have contained unsubstantiated claims, we agreed to publish this letter only with the redactions above. Readers may review a full version of this letter online at redhandiestpress.org or obtain a copy by emailing the author at vilesa@lanec.edu.

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 Questionsmmmmm.docx
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Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Kurtis Barker <KurtisB@ctsi.nsn.us>
To: Andrew Viles <vilesa@lanecc.edu>
Cc: Diane Rodriguez <DianeR@ctsi.nsn.us>

Mon, Oct 21, 2024 at 5:57 PM

Hi Drew,

Sorry for the delay in response.

Your letter does contain several unsubstantiated statements as presented. If you would like them included, it would be your responsibility to provide documents to substantiate them. I have been in contact with Mr. Basch and the comments he provided on this article look different and contradict what you submitted.

You can provide documents to support your article by 10/22 at noon. If you don't wish to provide any documents, please let us know if the highlighted sections should be deleted and your article published, or revise and submit for the December issue.

Thank you

Respectfully,

Kurtis Barker (pronouns: he, him, his)

Chief Executive Officer

Confederated Tribes of Siletz Indians

PO Box 549 Siletz, OR 97380

(541) 444-8204

Kurtisb@ctsi.nsn.us

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From: Andrew Viles <vilesa@lanecc.edu>
Sent: Thursday, October 17, 2024 1:56 PM
To: Diane Rodriguez <DianeR@ctsi.nsn.us>
Subject: Re: Request for Publication of a Letter

Thanks, Diane, for your response . . . and your patience.

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I also note that you see a number of ways forward. Here's another idea that may not have yet surfaced: Might you, Diane, or Andy, or Kurtis substantiate some claims your have flagged as "unsubstantiated" in my letter?

For example, Kurtis has highlighted the whole last paragraph (it takes the form of a note). This section of my letter purports to set forth a correction to a letter written by Dick Basch. Presumably, the author of this month's letter (me) contacted the author of a letter last month (Dick) and asked for clarification, which Dick then supplied. If you don't believe me--if you find that this presumption unlikely to be true--you could contact Dick Basch for substantiation.

This same process--checking in with Dick Basch--would also, I believe, transform many of the words in other highlighted sections likewise fully substantiated.

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enrollment a "test-case" enrollment and 2) that Siletz officials have repeatedly claimed my grandfather a "Siletz ancestor."

You don't, however, have to rely on me providing you with documents. In both cases referenced directly above, the substantiating documents I have reviewed are public documents that are available online.

Please let me know if substantiation of my claims by you or others working at CTSI is a viable way forward.

Drew

On Thu, Oct 17, 2024 at 12:02 PM Diane Rodriguez <DianeR@ctsi.nsn.us> wrote:

Hi, Drew!

Thanks for your comments below. The highlighted areas all have comments on the right side if you go to the top and click Review/Track changes/All Mark-up.

Seems like we have these options:

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[Quoted text hidden]

[Quoted text hidden]

Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Andrew Viles <vilesa@lanecc.edu>

Tue, Oct 22, 2024 at 10:38 AM

To: Kurtis Barker <KurtisB@ctsi.nsn.us>

Hello Kurtis,

Please have no worries about the delay.

My wish is to comply with your request for me to substantiate certain claims in my letter.

It is my belief that you have requested that I provide you with documents that substantiate the claim that Siletz officials have claimed my grandfather as a Siletz ancestor.

Please find attached a PDF of Siletz Tribal Council resolutions from the months of March, 2019; June, 2019; March, 2020; March, 2021. This set of PDFs includes the following specific resolution: Siletz Tribal Council Resolution No. 2020-109, 25 March, 2020. Subject: Enrollment: Post #308 BQ Correction for Descendant of Robert Nelson Service. The addendum to this resolution was the first time Siletz officials claimed my grandfather as a Siletz ancestor. See also addenda to the following Siletz laws for further examples of the claim that Robert Service has recently been "accepted as an ancestor of the Siletz Tribe per Tribal Resolution": Siletz Tribal Council Resolution No. 2019-076, 15 March 2019. Subject: Enrollment: Post #304 BQ Correction for Descendants of Robert Nelson Service; Siletz Tribal Council Resolution No. 2019-203, 21 June 2019. Subject: Enrollment: Post #305 BQ Correction for Descendants of Robert Nelson Service; Siletz Tribal Council Resolution No. 2020-228, 19 June 2020. Subject: Enrollment: Post #309 BQ Correction for Descendants of Robert Nelson Service; Siletz Tribal Council Resolution No. 2021-084, 19 March 2021. Subject: Enrollment: Post #312 BQ Correction for Descendant of Robert Nelson Service.

It is my further belief that you have requested that I provide you with documents that substantiate that the enrollment of Dick Basch was styled a "test-case" enrollment. Please find attached a Motion to Intervene which includes this sentence on a footnote on page 6: "The leader of this group was recently enrolled as a test case as a member of the Siletz Tribe, mooting out the groups efforts to achieve separate federal recognition."

Enrollment actions taken in 2018 before the July filing of the Motion to Intervene included only one mention of a "McChesney Roll" applicant, who was Richard Basch. Basch was listed as entry #5 in the enrollment posting 301 approved by TC resolution 2018-194 on 15 June 2018 in a regular TC meeting. Not only was Basch the only applicant with a "McChesney Rolls" label enrolled in the first 7 months of 2018 but also he was the only applicant whose record did not include a Siletz ancestor. Furthermore, Basch was the only leader of the Clatsop-Nehalem tribe to apply for enrollment prior to July, 2018. It is a virtual certainty that the Siletz officials who wrote and approved of the Motion to Intervene were referring to Richard Basch when they mentioned the nameless Clatsop leader enrolled as a test case at Siletz in court filings.

It is my belief that you have requested that I provide you with documents that substantiate the claim that Siletz officials have falsely claimed Clatsop identity, wealth, and territory. The identity of my grandfather has clearly been falsely claimed by Siletz officials (see discussion above). In addition, the Geographic Areas of Tribal Interest Ordinance labels the 1851 Clatsop Tansy Point treaty as a Siletz treaty (p. 6). This is an unprecedented and false claim. Repeated claims made by Siletz officials to Docket 234 judgement funds (see Motion to Intervene attached) were dismissed in federal court and later were likewise deemed inconsequential by BIA.

You have also, I believe, wished for me to substantiate the claim I make about the correction of a recent letter published in the *Siletz News*. I trust, because you

have been in contact with Dick Basch, that you have already yourself substantiated that I did, indeed, contact Dick with a request for clarification and that Dick did, indeed, clarify that it was Siletz enrollment officials who denied Joe Scovell's enrollment and not Chinook officials.

This has been a substantial effort for you, I know, Kurtis. And I appreciate your work on my behalf.

Because I have had recent contact with Dick Basch and because Dick has provided me with additional comments about the text of my letter, I have revised it as follows (it is also attached). Would you please print this substantiated latest draft of my letter to the editor?

Drew

Dear Editor,

A letter in your last issue provides a first-hand look at how the BIA 2001 recognition of the Chinook Indian Nation (CIN)—because it included a provision forbidding extension of federally-funded services to the 3% of the CIN membership that derived exclusively from the Clatsop Tribe—caused hardship within CIN.

This problem had an obvious cure. Ask the US Congress to undo Clatsop's status as a terminated Tribe. Success would have looked almost certain for the recently restored CIN in 2001.

This picture changed when the BIA rescinded its recognition of CIN.

Imagine if the US government, when the Confederated Tribes of Siletz (CTSI) was restored @ 1976, had also determined that 3% of us—say those who descend exclusively from Joshua ancestors—could not receive federally-funded services. And next imagine the US government rescinding its recognition of CTSI 18 months later. And then also imagine an internal split with, let's say, the "Joshua-Yurok" Tribe forming to pursue separate federal recognition.

More than a single disaster—this was an earthquake compounded by a tsunami.

About a decade post disaster, the letter's author, Dick Basch, was invited—along with other Clatsop-Nehalem leaders—by Siletz officials to enroll at Siletz immediately after Siletz Tribal Council declined to support their federal recognition. In 2018, Basch did so, with a Siletz tribal attorney classifying the event in US District Court as a "test-case" enrollment.

Why this sudden change in Siletz enrollment practices?




The answer is because some Siletz officials were wishing to falsely lay claim to Clatsop land/wealth/identity. They've been busy. Their efforts include promoting a distorted history erasing the real history of many Siletz families.

Let's remember: Prior to 2018, all persons enrolled at Siletz with Clatsop ancestors were akin to the many Siletz individuals with Lakota or Apache ancestors. These ancestors—like my grandfather Robert N. Service, Sr.—married a Siletz tribal member and started a family. My grandfather specifically, who married a Siletz'er @ 1920, never enrolled at Siletz because he was thought to be "too much Clatsop."* This very same reason forced my Siletz grandmother, Ada Carson Service, to petition Siletz officials in the 1920s before her children enrolled. Shockingly, some Siletz officials have now claimed our grandfather as a "Siletz ancestor."

I fully support the restoration of federal recognition of the CIN in its entirety (Clatsop, Lower Chinook, Willapa, Wahkiakum, and Kathlamet Tribes), in part, because it'll allow the Clatsop Tribe to finally be "un-terminated." It'll also "de-incentivize" further attempts to falsely represent our Siletz family history.



Drew Viles

* Basch has provided me with clarification of his letter published last month: When the late Joe Scovell's application for **Siletz** enrollment was rejected in the 1980s, **Siletz** enrollment officials stated that he was "too much Clatsop" while apparently discounting his Tillamook/Nehalem ancestry.

 March-2021-Resolutions.pdf March-2020.pdf March-2019.pdf

[Quoted text hidden]

3 attachments

 **June-2019.pdf**
18630K **58-siletz-motion-to-intervene.pdf**
113K **Questionsnnnnn.docx**
32K

Resolution No. 2019 - 076

Date Approved: March 15, 2019

Subject: Enrollment: Post #304

BQ Corrections for Descendants of
Robert Nelson Service

SILETZ TRIBAL COUNCIL
Resolution

WHEREAS, the Siletz Tribal Council is empowered to exercise the legislative and executive authority of the Confederated Tribes of Siletz Indians of Oregon pursuant to Article IV, Section 1 of the Siletz Constitution approved June 13, 1979, by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS, pursuant to the Enrollment Ordinance, §2.312, governs the procedures for blood quantum corrections on the Siletz Tribal Membership Roll; and

WHEREAS, the Enrollment Committee recommends to Tribal Council the approval of the blood quantum correction, on the ground that it is substantiated by the available documentation, as requested by the seven (7) direct lineal descendants of **Robert Nelson Service** whose blood quantum was listed as 1/4 on the 1933 Clatsop Indian Census; and

WHEREAS, pursuant to the Siletz Constitution and §2.312 of the Enrollment Ordinance the Tribal Council has final authority to approve or reject a recommended Siletz blood quantum correction; now

THEREFORE BE IT RESOLVED, that the Siletz Tribal Council hereby concurs with Enrollment Committee's recommendation for the approval of the blood quantum correction for the seven (7) descendants listed on the attached document to reflect the true blood quantum; and

BE IT FINALLY RESOLVED, that the Siletz Tribal Council directs the Enrollment staff to make the blood quantum corrections for the seven (7) direct lineal descendants of **Robert Nelson Service** as listed on the attached document.

Confederated Tribes of Siletz Indians
By



Delores Pigsley, Tribal Council Chairman



Confederated Tribes of Siletz Indians of Oregon

Enrollment Department

PO Box 549 • 201 SE Swan Ave

Siletz, OR 97380-0549

Toll Free: (800) 922-1399

Direct: (541) 444-8258

Fax: (541) 444-8296

Enrollment Officer:

• Angela Ramirez

There are a total of 127 requested Blood Quantum corrections within this posting.

**Blood Quantum Correction Request
Recommended for APPROVAL by the Enrollment Committee
POSTING #304**

Ancestor: Robert Nelson Service

Tribal Roll/Census: Clatsop Indian Census (1933)

Robert was accepted as an ancestor of the Siletz Tribe per Tribal Resolution #2018-077. He has 1/4 blood quantum from the Chinook band of the Siletz Tribe. This blood quantum should be reflected in his descendant's blood quantum calculations.

The Enrollment Committee has reviewed the 7 requested Blood Quantum corrections by direct descendants of this ancestor and recommends to the Tribal Council to approve these corrections by Tribal Council Resolution.

Roll # and Tribal Member's Name	Relationship	Current Blood Quantum	Corrected Blood Quantum
1. #1533: Carl John Olson*	grandchild	1/8	1/4
2. #1473: Edwin James Olson*	grandchild	1/8	1/4
3. #1893: Grace Mae Olson*	grandchild	1/8	1/4
4. #0702: Ole Willard Olson*	grandchild	1/8	1/4
5. #1474: Oscar William Olson*	grandchild	1/8	1/4
6. #2854: Jerome Mason Viles	great-grandchild	1/16	1/8
7. #3042: Sydney Kay Viles	great-grandchild	1/16	1/8

Requested Actions: 7

Resolution No. 2019 - 203

Date Approved: June 21, 2019

Subject: Enrollment: Post #305

BQ Correction for Descendants of
Robert Nelson Service

SILETZ TRIBAL COUNCIL
Resolution

WHEREAS, the Siletz Tribal Council is empowered to exercise the legislative and executive authority of the Confederated Tribes of Siletz Indians of Oregon pursuant to Article IV, Section 1 of the Siletz Constitution approved June 13, 1979, by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS, pursuant to the Enrollment Ordinance, §2.312, governs the procedures for blood quantum corrections on the Siletz Tribal Membership Roll; and

WHEREAS, the Enrollment Committee recommends to Tribal Council the approval of the blood quantum correction, on the ground that it is substantiated by the available documentation, as requested by the **three (3)** direct lineal descendants of **Robert Nelson Service** whose blood quantum was listed as 1/4 on the 1933 Clatsop Indian Census; and

WHEREAS, pursuant to the Siletz Constitution and §2.312 of the Enrollment Ordinance the Tribal Council has final authority to approve or reject a recommended Siletz blood quantum correction; now

THEREFORE BE IT RESOLVED, that the Siletz Tribal Council hereby concurs with Enrollment Committee's recommendation for the approval of the blood quantum correction for the **three (3)** descendants listed on the attached document to reflect the true blood quantum; and

BE IT FINALLY RESOLVED, that the Siletz Tribal Council directs the Enrollment staff to make the blood quantum corrections for the **three (3)** direct lineal descendants of **Robert Nelson Service** as listed on the attached document.

Confederated Tribes of Siletz Indians

By


Delores Pigsley, Tribal Council Chairman

Blood Quantum Correction Request
Recommended for APPROVAL by the Enrollment Committee
POSTING #305

Ancestor: Robert Nelson Service

Tribal Roll/Census: Clatsop Indian Census (1933)

Robert was accepted as an ancestor of the Siletz Tribe per Tribal Resolution #2018-077. He has 1/4 blood quantum from the Chinook band of the Siletz Tribe. This blood quantum should be reflected in his descendant's blood quantum calculations.

The Enrollment Committee has reviewed the 3 requested Blood Quantum corrections by direct descendants of this ancestor and recommends to the Tribal Council to approve these corrections by Tribal Council Resolution.

Roll # and Tribal Member's Name	Relationship	Current Blood Quantum	Corrected Blood Quantum
1. #3566: Shayna Jean Marie Hight	great-grandchild	1/16	1/8
2. #3109: Amanda Danelle Jett	great-grandchild	1/16	1/8
3. #2048: Randy Michael Service	grandchild	1/8	1/4

Requested Actions: 3

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Resolution No. 2020 - 109

Date Approved: March 25, 2020

Subject: Enrollment: Post #308

BO Correction for Descendant of
Robert Nelson Service

SILETZ TRIBAL COUNCIL

Resolution

- WHEREAS,** the Siletz Tribal Council is empowered to exercise the legislative and executive authority of the Confederated Tribes of Siletz Indians of Oregon pursuant to Article IV, Section 1 of the Siletz Constitution approved June 13, 1979, by the Acting Deputy Commissioner of Indian Affairs; and
- WHEREAS,** pursuant to the Enrollment Ordinance, §2.312, governs the procedures for blood quantum corrections on the Siletz Tribal Membership Roll; and
- WHEREAS,** the Enrollment Committee recommends to Tribal Council the approval of the blood quantum correction, on the ground that it is substantiated by the available documentation, as requested by the **one (1)** direct lineal descendant of **Robert Nelson Service** whose blood quantum was listed as 1/4 on the 1933 Clatsop Indian Census; and
- WHEREAS,** pursuant to the Siletz Constitution and §2.312 of the Enrollment Ordinance the Tribal Council has final authority to approve or reject a recommended Siletz blood quantum correction; now
- THEREFORE BE IT RESOLVED,** that the Siletz Tribal Council hereby concurs with Enrollment Committee's recommendation for the approval of the blood quantum correction for the **one (1)** direct lineal descendant listed on the attached document to reflect the true blood quantum; and
- BE IT FINALLY RESOLVED,** that the Siletz Tribal Council directs the Enrollment staff to make the blood quantum corrections for the **one (1)** direct lineal descendant of **Robert Nelson Service** as listed on the attached document.

Confederated Tribes of Siletz Indians
By


Delores Pigsley, Tribal Council Chairman

CERTIFICATION

This Resolution was adopted at a Regular Tribal Council Meeting held on March 25, 2020, at which a

Blood Quantum Correction Request
Recommended for APPROVAL by the Enrollment Committee
POSTING #308

Ancestor: Robert Nelson Service

Tribal Roll/Census: Clatsop Indian Census (1933)

Robert was accepted as an ancestor of the Siletz Tribe per Tribal Resolution #2018-077. He has 1/4 blood quantum from the Chinook band of the Siletz Tribe. This blood quantum should be reflected in his descendant's blood quantum calculations.

The Enrollment Committee has reviewed the 1 requested Blood Quantum corrections by direct descendants of this ancestor and recommends to the Tribal Council to approve these corrections by Tribal Council Resolution.

Roll # and Tribal Member's Name	Relationship	Current Blood Quantum	Corrected Blood Quantum
1. #2731: Phillip Ross Olson	great-grandchild	1/16	1/8

Requested Actions: 1

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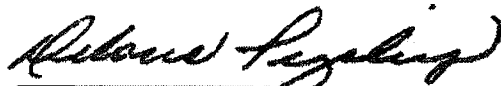
Resolution No. 2021 - 084
Date Approved: March 19, 2021
Subject: Enrollment: Post #312
BO Correction for Descendant of
Robert Nelson Service

SILETZ TRIBAL COUNCIL

Resolution

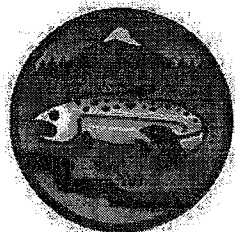
- WHEREAS,** the Siletz Tribal Council is empowered to exercise the legislative and executive authority of the Confederated Tribes of Siletz Indians of Oregon pursuant to Article IV, Section 1 of the Siletz Constitution approved June 13, 1979, by the Acting Deputy Commissioner of Indian Affairs; and
- WHEREAS,** pursuant to the Enrollment Ordinance, §2.312, governs the procedures for blood quantum corrections on the Siletz Tribal Membership Roll; and
- WHEREAS,** the Enrollment Committee recommends to Tribal Council the approval of the blood quantum correction, on the ground that it is substantiated by the available documentation, as requested by the **one (1)** direct lineal descendant of **Robert Nelson Service** whose blood quantum was listed as 1/4 on the 1933 Clatsop Indian Census; and
- WHEREAS,** pursuant to the Siletz Constitution and §2.312 of the Enrollment Ordinance the Tribal Council has final authority to approve or reject a recommended Siletz blood quantum correction; now
- THEREFORE BE IT RESOLVED,** that the Siletz Tribal Council hereby concurs with Enrollment Committee's recommendation for the approval of the blood quantum correction for the **one (1)** direct lineal descendant listed on the attached document to reflect the true blood quantum; and
- BE IT FINALLY RESOLVED,** that the Siletz Tribal Council directs the Enrollment staff to make the blood quantum corrections for the **one (1)** direct lineal descendant of **Robert Nelson Service** as listed on the attached document.

Confederated Tribes of Siletz Indians
By



Delores Pigsley, Tribal Council Chairman

CERTIFICATION



Confederated Tribes of Siletz Indians of Oregon

Enrollment Department

PO Box 549 • 201 SE Swan Ave

Siletz, OR 97380-0549

Toll Free: (800) 922-1399

Direct: (541) 444-8258

Fax: (541) 444-8296

Enrollment Officer:

• Angela Ramirez

There are a total of 7 requested Blood Quantum corrections within this posting.

**Blood Quantum Correction Request
Recommended for APPROVAL by the Enrollment Committee
POSTING #312**

Ancestor: Robert Nelson Service

Tribal Roll/Census: Clatsop Indian Census (1933)

Robert was accepted as an ancestor of the Siletz Tribe per Tribal Resolution #2018-077. He has 1/4 blood quantum from the Chinook band of the Siletz Tribe. This blood quantum should be reflected in his descendant's blood quantum calculations.

The Enrollment Committee has reviewed the 1 requested Blood Quantum corrections by direct descendants of this ancestor and recommends to the Tribal Council to approve these corrections by Tribal Council Resolution.

Roll # and Tribal Member's Name	Relationship	Current Blood Quantum	Corrected Blood Quantum
1. #1231: Curtis Mathew Viles	grandchild	1/8	1/4

Requested Actions: 1

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHINOOK INDIAN NATION, et al.,
Plaintiffs,

v.

RYAN K. ZINKE, et al.,
Defendants.

CASE NO. C17-5668 RBL

FED.R.CIV.PROC. 24(a) MOTION TO INTERVENE
OF RIGHT BY CONFEDERATED TRIBES OF
SILETZ INDIANS OF OREGON; OR IN THE
ALTERNATIVE FED.R.CIV.PROC. 24(b) MOTION
FOR PERMISSIVE INTERVENTION

NOTE ON MOTION CALENDAR: August 24, 2018
ORAL ARGUMENT REQUESTED

Comes now the Confederated Tribes of Siletz Indians of Oregon ("Siletz Tribe"), by and through undersigned counsel, and moves this Court to intervene in the above-entitled proceeding by right pursuant to Fed.R.Civ.Proc. 24(a), or in the alternative to grant the Siletz Tribe permissive intervention pursuant to Fed.R.Civ.Proc. 24(b). The Siletz Tribe seeks intervention in this proceeding only as to Plaintiffs' 6th, 7th, and 8th Claims for Relief, in which "Plaintiffs seek a declaratory judgment from the Court recognizing their right to funds from the ICC judgement¹ presently held in trust by the DOI. *Id.* at ¶¶ 192 – 202." Order on Motion to Dismiss, Dkt. # 45,

¹ This is a reference to Indian Claims Commission Docket No. 234, *The Chinook Tribe and Bands of Indians v. United States*, 6 Ind.Cl.Comm. 177, 208, 229-a (1958); 24 Ind.Cl.Comm. 56, 64, 88 (1970).

June 20, 2018, p. 11, The Siletz Tribe does not seek intervention regarding the other remaining claims of Plaintiffs. Grounds for this motion are set out below. This motion is supported by the Declaration of Angela Ramirez, which is attached to this motion and incorporated herein by reference. A proposed order is also submitted.

Argument

The group identifying itself as the Chinook Indian Nation (“Plaintiff”),² alleged successor in interest to several historical bands and tribes of Indians including the Lower Band of Chinook Indians and the Clatsop Indian Tribe, Dkt. # 24, ¶6, pp. 3-4, brought the present action raising several claims for relief. Plaintiff made three basic claims: 1. It requested a judicial determination to add its name to the list of federally-recognized Indian tribes maintained by the Department of Interior, *See* Order on Motion to Dismiss, Dkt. #45, p. 1; 2. it claimed that BIA regulations prohibiting a group from re-petitioning for federal recognition if it previously had submitted an unsuccessful violated its due process rights; and 3. it claimed that it is entitled to access to funds from a 1970 Indian Claims Commission (ICC) judgment currently held in trust by the Department of Interior (DOI) for the Lower Band of Chinook and Clatsop Indians. *Id.*

On June 20, 2018, this Court dismissed Plaintiff’s claims for judicial federal recognition. Dkt. #45, Order on Motion to Dismiss. It retained jurisdiction over Plaintiff’s prohibition on re-petitioning claims. Most importantly from the Siletz Tribe’s perspective, the Court also ruled that it has subject matter jurisdiction over Plaintiff’s claim regarding entitlement to the Lower Band of Chinook and Clatsop ICC funds. Order, p. 24 (“The Court has subject matter jurisdiction over Plaintiffs’ claims related to funds held in trust for the Lower Band of Chinook and Clatsop

² The Siletz Tribe understands that there are additional plaintiffs named in the Complaint, namely Anthony A. Johnson, Chairman of the Chinook Indian Nation, and an entity entitled the Confederated Lower Chinook Tribes and Bands, a state non-profit corporation. The Siletz Tribe includes all three named plaintiffs under the term “Plaintiff” in its motion and in this brief.

Indians.”); p. 26 (“Plaintiffs articulate a plausible claim that Defendants have forfeited funds from the ICC judgment to which Plaintiffs have a valid property interest.”).

The Siletz Tribe does not seek intervention on Plaintiff’s first two categories of claims, regarding federal recognition. The Ninth Circuit Court of Appeals has been clear that federal recognition is between the petitioning group and the United States and has denied other tribe’s applications to intervene in a federal acknowledgment proceeding. *Greene v. United States*, 996 F.2d 973 (9th Cir. 1993); *Greene v. Babbitt*, 64 F.3d 1266, 1271 (9th Cir. 1995); *Evans v. Dept. of Interior*, 604 F.3d 1120, 1122-24 (9th Cir. 2010). The Siletz Tribe takes no position regarding Plaintiff’s claims to federal recognition.³

The Siletz Tribe does, however, seek to intervene in this proceeding regarding Plaintiff’s third category of claims – claimed entitlement to the proceeds from the ICC judgment in favor of the Lower Band of Chinook Indians and Clatsop Tribe of Indians. The Siletz Tribe’s justification for this request is that it is a successor in interest to the historical Lower Band of Chinook Indians and the Clatsop Indian Tribe that were the subject of the ICC cases in question and on whose behalf a judgment was awarded therein, and the Siletz Tribe has many enrolled tribal members who are descendants of these historical tribes.⁴

³ The Siletz Tribe notes, however, that while existing precedent does not support one tribe intervening in the federal acknowledgment effort of another tribe, that Plaintiff’s quest for federal acknowledgment raises some complicated questions that are not capable of easy answers. For example, Plaintiff claims successorship to Indian tribes and bands located in both Oregon and Washington. Each State raises different legal issues. All tribes and bands of Indians in western Oregon were terminated by the Western Oregon Indians Termination Act, 25 U.S.C. §691 et seq. The tribes and bands of Indians in Washington that Plaintiff claims an association with were never officially recognized or remain unrecognized. Different legal consequences flow from these different legal statuses.

⁴ The ICC cases, Docket #234, are *The Chinook Tribes and Bands of Indians v. U.S.*, 6 Ind. Cl.Comm. 177, 208, 229-a (1958), and 24 Ind.Cl.Comm. 56, 64, 88 (1970). In its original opinion at 6 ICC 208, the Commission held: “p. 212: [I]t is important to ascertain whether this so-called tribe, organized ostensibly for the sole purpose of presenting this claim, is the successor

1 The Siletz Tribe first notes that in the context of the United States' motion to dismiss this
 2 proceeding, Plaintiff stated that there was no other group that could achieve federal recognition
 3 and that could assert a claim to the judgment in Docket #234, and therefore it is the only group
 4 with any legitimate claim to this money. *See* Order, Dkt. #45, p. 26 (Court quotes Plaintiff's
 5 position). The Court appears to have given credence to Plaintiff's position on this issue:
 6 "Defendants' position begs the question: who could conceivably establish a connection to the
 7 funds held in trust that is not also banned from re-petitioning for acknowledgment." *Id.*

8
 9 Apparently, none of the current parties in this case raised an alternative possibility with
 10 the Court as to who might be entitled to part or all of this ICC judgment award; there may
 11 already be federally recognized tribes with an interest in this ICC Judgment. The Siletz Tribe is a
 12 federally-recognized Indian tribe⁵ with members who are descendants of the Lower Band of
 13 Chinook Tribe of Indians and Clatsop Indian Tribe that are entitled to part or all of the Docket
 14 #234 judgment funds. Based on information and belief, there are a number of other currently
 15 federally- recognized tribes that also have a significant numbers of members who are
 16 descendants of these tribes. Those tribes can speak for themselves and assert their own interests
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 18
 19

20 in interest to [various tribes] . . . or is entitled to bring this action or and on behalf of said
 21 Indians. The record in this case is far from satisfactory."; p. 226: "[T]he record is far from
 22 satisfactory with respect to the right of petitioner herein to maintain a cause of action for the
 23 various bands, tribes or groups it claims to represent."; p. 228: "In view of the above and the
 24 previously mentioned testimony concerning the composition of membership in petitioner
 25 organization there exists grave doubts as to the capacity of petitioner to present the claims of all
 26 of the tribes or bands petitioner contends it represents herein. Because of the necessity of
 liberally analyzing the pleadings and the record with respect to capacity, (citation omitted) the
 right of petitioner to present the claims of the Chinook (proper) and Clatsop Tribes on behalf of
 the descendants of said tribes is recognized. . . . The Commission therefore concludes that
 petitioner has the capacity to prosecute this action for and on behalf of the Clatsop and Chinook
 (proper) Indians."

⁵ *See* 83 Fed.Reg. 34863, 34864 (July 23, 2018) (annual BIA list of federally-recognized tribes).

1 should they choose to do so, but the Siletz Tribe hereby asserts its interests in this judgment fund
2 on behalf of its tribal member descendants of these two tribes.

3 The following two facts establish the prima facie interest of the Siletz Tribe and its
4 members in this judgment fund. First is the Siletz Tribe's Geographic Areas of Tribal Interest
5 Ordinance, Siletz Tribal Code (STC) §7.200 et seq., enacted in 1999. Ordinance attached as
6 Exhibit 1 to this Memorandum and incorporated herein by reference. The Ordinance is available
7 on the Siletz Tribe's website at
8 [www.ctsi.nsn.us/uploads/downloads/Ordinances/Geographic%20Areas%20of%20Tribal%20Inte](http://www.ctsi.nsn.us/uploads/downloads/Ordinances/Geographic%20Areas%20of%20Tribal%20Interest%2009-16-05.pdf)
9 [rest%2009-16-05.pdf](http://www.ctsi.nsn.us/uploads/downloads/Ordinances/Geographic%20Areas%20of%20Tribal%20Interest%2009-16-05.pdf). The Siletz Tribe is a confederation of various tribes and bands of Indians
10 from throughout western Oregon who were all removed by the federal government and settled on
11 the 1855 Siletz Coast Reservation, established by Executive Order on November 8, 1855 and
12 originally comprising over 1.1 million acres. *See* Charles Wilkinson, *The People Are Dancing*
13 *Again: The History of the Siletz Tribe of Western Oregon* (U. of Washington Press 2010).
14 Because of the Siletz Tribe's complicated legal history,⁶ the Siletz Tribe made the policy choice
15 to set out in tribal law who it is, from whom it is derived, and what its legal interests are after a
16 comprehensive investigation and evaluation of the Tribe's history. At Section 7.203, the Siletz
17 Tribe set out the 28 or so tribes, bands and sub-groups who comprise the modern day
18 confederated Siletz Tribe, including at subsection (b)(2), the "Chinook (including Upper and
19 Lower Chinook, and Clatsop)." Subsection (c) of this Section states specifically that the Siletz
20 Tribe is a legal successor in interest to the listed tribes, including Lower Chinook and Clatsop.

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⁶ The Siletz Tribe was an unrecognized Indian tribe for 23 years between 1954 and 1977. The Siletz Tribe was terminated in 1954 along with over 50 other tribes in the Western Oregon Indians Termination Act, 25 U.S.C. §691 et seq., along with all the constituent bands and tribes in the Siletz Confederation, including the "Chinook" and "Clatsop" tribes. The Siletz Tribe was restored to federal recognition in 1977 by the Siletz Restoration Act, 25 U.S.C. §711 et seq.

1 The second prima facie fact in support of the Siletz Tribe's interest in this claim for relief
 2 is the Declaration of the Siletz Tribe's Enrollment Clerk, Angela Ramirez, attached to this
 3 memorandum as Exhibit 2 and incorporated herein by reference. The Siletz Tribe's Enrollment
 4 Ordinance, STC §2.300 et seq., requires as part of the application for enrollment process that the
 5 applicant include information about which ancestral bands and tribes of Indians they are
 6 descended from. STC §2.304(a)(4). The Siletz Tribe's Enrollment Ordinance can be found at
 7 www.ctsi.nsn.us/uploads/downloads/Ordinances/Enrollment%20ordinance%2006-17-16.pdf.
 8
 9 The Enrollment staff then investigates the information provided as part of the application and
 10 forwards a recommendation for or against enrollment to the Tribe's Enrollment Committee,
 11 including information regarding the ancestral bands and tribes of Indians the applicant is
 12 descended from. STC §2.304(c).

13 As a result of this requirement, the Siletz Tribe has well developed information regarding
 14 the historical tribes and bands of Indians its members are descended from. As the attached
 15 declaration of Siletz Enrollment Clerk Angela Ramirez states, the current information is that of
 16 the Tribe's approximately 5,000 current members, 1106 are descended from the historical
 17 Chinook Tribe and 421 are descended from the historical Clatsop Tribe.⁷ Since the Lower
 18 Chinook and Clatsop ICC case was brought on behalf of the descendants of those two tribes, *see*
 19 n. 2 *supra*, the fact that the Siletz Tribe has a significant number of such descendants as members
 20 establishes as a prima facie matter that the Siletz Tribe and its descendant members have a legal
 21

22
 23 ⁷ Interestingly, Plaintiff is not the only unrecognized group purporting to represent the Chinook
 24 and Clatsop Tribes. In 2014, a group purporting to be the Clatsop-Nehalem Confederated Tribes
 25 of Oregon introduced federal legislation to "restore" their existence as a federally-recognized
 26 tribe. *See* HR 5215, 113th Cong., 2d Sess., HR 5215, introduced July 25, 2014 by Representative
 Bonamici of Oregon. HR 5215 attached to this memorandum as Exhibit 3 and incorporated
 herein by reference. The leader of this group was recently enrolled as a test case as a member of
 the Siletz Tribe, mooting out the group's efforts to achieve separate federal recognition. The
 legislation has not been reintroduced.

1 interest in any claim for distribution of the judgment funds from Docket #234 held in trust by the
2 United States.

3 Other facts clearly require additional development and investigation. Based on
4 information and belief, some of the Siletz Tribe's descendant members were involved in the ICC
5 proceeding referenced in Plaintiff's Complaint, and there are a number of Siletz member
6 descendants listed on the various rolls such as the 1914 McChesney distribution roll and the
7 Roblin Roll that Plaintiff derives its membership from. The Siletz Tribe believes that a number
8 of the members of Plaintiff's group could qualify for membership in the Siletz Tribe assuming
9 they meet blood quantum and documentation requirements. The claims of Plaintiff and the Siletz
10 Tribe to the descendants who appear on these and other lists will need to be more fully explored.
11 The claim of Plaintiff to be the sole successor in interest to the historical Lower Chinook and
12 Clatsop Tribes needs to be more closely examined, especially in light of the Siletz Tribe's long-
13 established claim to such status. Intervention as of right is the only way that the Siletz Tribe can
14 protect the interests of its Chinook and Clatsop descendant members in the Docket #234
15 judgment fund against the conflicting claims of Plaintiff in the present proceeding. No other
16 party to this proceeding is protecting that interest.

17 The Siletz Tribe makes one final note about Plaintiff's claim of a protected property
18 interest in the ICC Docket #234 judgment fund, especially as against other affiliated descendants
19 such as Siletz tribal members. The Siletz Tribe does not know what arguments were made by
20 Plaintiff and Defendant on this specific issue, but the relevant law is very clear. In *LeBeau v.*
21 *United States*, 474 F.3d 1334, 1342-43 (Fed. Cir. 2007), the Federal Circuit Court of Appeals
22 addressed the right of lineal descendants to a Claims Court judgment fund that had been
23 appropriated by Congress but not yet distributed. For example: "Plaintiffs are not entitled to a
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1 recovery for damages for this breach (not distributing the fund to the descendants before
 2 Congress changed the allocation to reduce the descendants' share of the judgment fund) because
 3 Congress, acting within its proper authority before any distribution to the lineal descendants had
 4 occurred, reallocated the lineal descendants' share of the Judgment Fund. . . . Until the
 5 distribution to the lineal descendants occurred, however, Congress had the authority to alter the
 6 lineal descendants' portion of the Judgment Fund, thereby reducing the sum of money that each
 7 lineal descendant would receive. . . . the [original congressional act appropriating funds to pay
 8 the judgment and allocating a portion of that fund to descendants not affiliated with any
 9 recognized tribe] did not confer any vested right such as would disable Congress from thereafter
 10 making [a different] provision"⁸

12 The Federal Circuit based its ruling on this issue on three separate United States Supreme
 13 Court decisions that reached the same holding: *Delaware Tribal Bus. Comm. v. Weeks*, 430 U.S.
 14 73, 90 (1977); *United States v. Jim*, 409 U.S. 80, 82-83 (1972), and *Gritts v. Fisher*, 224 U.S.
 15 640, 648 (1912). *See also Cheyenne Tribe v. Hollowbreast*, 425 U.S. 649, 653-56 (1976).
 16 Plaintiff's claim to have a vested property interest in the Docket #234 Judgment Fund before it
 17 has been distributed is therefore suspect in the Siletz Tribe's opinion. In any event, all
 18 descendants of the historical Lower Chinook Band and the Clatsop Indian Tribe have an interest
 19 in the distribution of those funds, including the many descendant members of the Siletz Tribe.
 20 Plaintiff does not have sole or exclusive interest in that judgment.

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 25 ⁸ There were a number of earlier court decisions involved in the *LeBeau* case. *Loudner v. United*
 26 *States*, 905 F.Supp. 747 (D.S.D. 1995); *Loudner v. United States*, 108 F.3d 896 (8th Cir. 1997);
Le Beau v. United States, 115 F.Supp.2d 1172 (D.S.D. 2000); *LeBeau v. United States*, 171
 F.Supp.2d 1009 (D.S.D. 2001); *LeBeau v. United States*, 215 F.Supp.2d 1046 (D.S.D. 2002); and
LeBeau v. United States, 334 F.Supp.2d 1200 (D.S.D. 2004).

1 Based on the foregoing discussion, the Siletz Tribe's motion to intervene as a matter of
2 right pursuant to Fed. R. Civ. Proc. 24(a) should be granted. In the alternative, the Siletz Tribe
3 should be allowed to intervene as a permissive matter pursuant to Fed.R.Civ.Proc. 24(b) to
4 protect the rights of its descendant members to this Judgment Fund.

5 DATED this 31st day of July 2018.
6

7 DORSAY & EASTON LLP

8
9 /s/ Craig J. Dorsay
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12 /s/ Lea Ann Easton
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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons required to be served in this proceeding.

Dated this 31st day of July 2018.

By: s/ Craig J. Dorsay
Craig J. Dorsay, WSBA # 9245

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHINOOK INDIAN NATION, et al.,

Plaintiffs,

v.

RYAN K. ZINKE, et al.,

Defendants.

CASE NO. C17-5668 RBL

[PROPOSED] ORDER GRANTING
CONFEDERATED TRIBES OF SILETZ
INDIANS OF OREGON MOTION TO
INTERVENE

Note on Motion Calendar: August 24, 2018

This matter comes before the Court on the Confederated Tribes of Siletz Indians of Oregon Motion to Intervene. The Court has reviewed the submissions of the parties, and heard oral argument and finds that the Siletz Tribe's Motion to Intervene should be GRANTED.

ORDERED this ____ day of _____, 2018.

Ronald B. Leighton
United States District Judge

Presented by:

DORSAY & EASTON LLP

/s/ Craig J. Dorsay

Craig J. Dorsay, WSBA# 9245

/s/ Lea Ann Easton

Lea Ann Easton, WSBA# 38685

Attorneys for the Confederated Tribes of Siletz Indians of Oregon



Andrew Viles <vilesa@lanecc.edu>

Request for Publication of a Letter

Kurtis Barker <KurtisB@ctsi.nsn.us>
To: Andrew Viles <vilesa@lanecc.edu>
Cc: Diane Rodriguez <DianeR@ctsi.nsn.us>

Thu, Oct 24, 2024 at 11:09 AM

Good morning Drew,

Thank you for the information and your prompt response.

I have reviewed your new draft and have similar concerns it doesn't align with policy. This is an example – *"The answer is because some Siletz officials were wishing to falsely lay claim to Clatsop land/wealth/identity."*

This would be better started with "in my opinion" since you are claiming someone's intent as fact in this statement. This is an unsubstantiated statement and I could add another editor's note to the end of the article but I would prefer not to.

I'm also not going to publish the reference to Mr. Basch. I have been in contact with Mr. Basch and I can't publish a statement you present as fact when the person you are referencing states otherwise. It will create this back and forth within the publication, it's not fair to Mr. Basch and this is not the forum for that debate or discussion.

Since we don't have a final version that aligns with policy and we need to go to press, I'm going to ask that you submit a revised version for the December issue. We can't hold the issue any longer for edits.

If you have any questions or need clarification, please feel free to reach out.

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March-2021-Resolutions.pdf

March-2020.pdf

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March-2019.pdf