

# Association of Property Owners and Residents of the Port Madison Area

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Mar. 30, 2006

To the representatives of DOE and DOI,

It is imperative that the extremely different circumstances of lands that are referred to as "Indian Lands" be taken into consideration before any blanket programs are instituted. The Pacific Northwest treaties negotiated by Isaac Stevens in the mid 1800s are a prime example. These treaties constituted the beginning of the "allotment era". In the words of Justice Scalia in *Yakama v. Confederated Tribes, 1992*;

*"In the late 19<sup>th</sup> Century, the prevailing national policy of segregating lands for the exclusive use and control of the Indian tribes gave way to a policy of allotting those lands to tribe members individually. The objectives of allotment were simple and clear-cut: to extinguish tribal sovereignty, erase reservation boundaries, and force the assimilation of Indians into society at large",*

With regard to the Point Elliott Treaty:

The various upper Puget Sound tribes ceded ALL of their usual and accustomed roaming grounds to the United States. Art. 1

In Art. 2 several temporary (U.S. Court of Claims) reservations were established for the "present use and occupation " of the tribes assigned there.. (this included the 4 tribes assigned to Port Madison).

Art. 3 established a "General Reservation" at Port Gardner (Tulalip) and stated the intention of eventually moving all Indians living west of the Cascade Mountains to that reservation.

Art. 7, together with Art. 6 of the Omaha Treaty, granted the privilege of personal land assignments (allotments) at Port Madison if the Indians chose to accept. They did accept that privilege.

On November 4, 1886 more than  $\frac{3}{4}$  of the total land base (expanded by Secretarial Order to 7486 acres) was allotted to individual families with restricted fee deeds and by 1912 all but 41 acres of the remaining lands were allotted.

No land was allotted to any tribe. In later years, as allotment owners obtained permission to have the restriction removed, their lands were no longer "Indian reservation". That land was not under Federal set-aside or under Federal supervision, the two requirements for reservation status.

By 1954, when I purchased former allotted land, the Indian Reservation at Port Madison had been reduced to 4123 acres (1955 semi-annual report to Congress from BIA/DOI)

By 1991 the listed reserved area was less than 2500 acres.

In 1965 the Suquamish Indian Tribe, in violation of the Point Elliott Treaty and the rules of recognition, was granted Federal Recognition and immediately started making jurisdictional claims over all lands ever reserved and all people who lived or owned land within that area.

In 1993, with no legal basis, the Tribe, the Federal Agencies and the State and County governments started referring to all lands that had ever been reserved as still being Indian Reservation, even though they did not qualify as such.

The result of actions, such as those you are proposing, that strip land rights from private citizens and State sovereignty from lands that have been secured to the State for over 100 years in some cases, is unconscionable. Please be careful, and lawful, in how you proceed.

Thank you,

William Whiteley, President