

1 James J. Nicita
2 OSB No. 024068
3 Kivel & Howard LLP
4 P.O. Box 40044
5 Portland, OR 97240
6 (503) 796-1225 voice
7 jnicita@k-hlaw.com
8
9 Of Attorney for Plaintiffs

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12
13
14
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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

HEREDITARY CHIEF WILBUR SLOCKISH, a resident of Washington, and an enrolled member of the Confederated Tribes and Bands of the Yakama Nation,

HEREDITARY CHIEF JOHNNY JACKSON, a resident of Washington, and an enrolled member of the Confederated Tribes and Bands of the Yakama Nation,

CAROL LOGAN, a resident of Oregon, and an enrolled member of the Confederated Tribes of Grande Ronde,

CASCADE GEOGRAPHIC SOCIETY, an Oregon nonprofit corporation,

and

MOUNT HOOD SACRED LANDS PRESERVATION ALLIANCE, an unincorporated nonprofit association,

Plaintiffs,

v.

UNITED STATES FEDERAL HIGHWAY ADMINISTRATION, an Agency of the Federal Government,

Case No. 3:08-cv-1169-ST

DECLARATION OF HEREDITARY CHIEF JOHNNY JACKSON IN SUPPORT OF STANDING

**UNITED STATES BUREAU OF LAND
MANAGEMENT, an Agency of the
Federal Government,**

**ADVISORY COUNCIL ON HISTORIC
PRESERVATION, an Agency of the
Federal Government,**

and

**MATTHEW GARRET, in his official
capacity as Director of the OREGON
DEPARTMENT OF
TRANSPORTATION, an Agency of the
State of Oregon,**

Defendants.

1

2 I, Johnny Jackson, do hereby declare, under the penalty of perjury and the laws of
3 the United States of America:

4 1. My name is Johnny Jackson. I am 81 years old. I reside at the in-lieu Fishing
5 Village site at the mouth of the White Salmon River in Underwood, Washington
6 98651. I have personal knowledge of all of the contents of this affidavit.

7 2. I am an enrolled member of the Confederated Tribes and Bands of the Yakama
8 Nation.

9 3. I am also a member of the Mount Hood Sacred Lands Preservation Alliance and
10 Cascade Geographic Society.

11 4. I am a direct lineal descendant of a signer of the Treaty of 1855 for the
12 Confederated Tribes and Bands of The Yakama Nation. This was Chief Slockish who
13 signed for the River People --- those who lived along the Columbia River. He was the

1 last one to sign, and did so under protest. He wanted to make sure the sacred sites and
2 burials of his people were protected.

3 5. I am a relative of the late Wilferd Yallup, who served as the Chair of the
4 Confederated Tribes and Bands of the Yakama Nation. He also served for many years
5 on the Columbia River Inter-Tribal Fish Commission, and on the Cultural Committee
6 for the Yakama Nation.

7 6. I am also the descendant of the late Walter Speedis, an important cultural
8 practitioner of the Yakama People for his knowledge of our traditional ceremonies,
9 and his knowledge of our natural medicines that he gathered from many areas along
10 the Columbia River, Mount Adams, Mount Jefferson, and Mount Hood.

11 7. I am a Chief of the Cascade Tribe, one of the Tribes that make up the
12 Confederated Tribes and Bands of the Yakama Nation. I have served in this important
13 position for over thirty years.

14 8. The Cascade and Klickitat peoples have close familial ties. The Cascade have
15 traditionally been settled along the Columbia River in villages. The Klickitat have
16 traditionally been traders who journeyed far and wide, but had villages also along the
17 Columbia. My status of Chief preserves the right to address cultural and spiritual
18 issues as my ancestors did. It also insures me the right to fight to protect for our usual
19 and accustomed places, whether it is for hunting, fishing, the gathering of foods or
20 medicines, or for cultural and religious practices like the vision quest and other
21 ceremonies.

22 9. The role of a Chief is above all to look out for the welfare of my people.
23 Protection of our usual and accustomed places allows them to return and practice

1 their culture and religion whenever they want or need to.

2 10. As a Chief, I have fulfilled my role in numerous ways, in particular by
3 defending the rights of my people to fish in our usual and accustomed places under
4 the 1855 Yakama Nation Treaty; protecting our in-lieu sites which defended right of
5 my people to live along the Columbia River; assisted to get housing at Celilo Village;
6 and actively worked to protect the cultural and religious sites on Enola Hill and other
7 places on Mount Hood.

8 11. A major responsibility in my position as a Chief, is to defend our sacred
9 cultural and historical sites from the Columbia River to Mount Adams, Mount Hood,
10 and in the Willamette. On Mount Hood, some of these places include but are not
11 limited to Enola Hill, Zig Zag Mountain, Huckleberry Mountain, North Mountain,
12 Hunchback Mountain, Indian Meadow, Bear Creek, and the burial grounds and
13 campground at the site commonly known as the Dwyer Memorial Forest --- the A.J.
14 Dwyer Scenic Area.

15 12. The Dwyer Memorial Forest --- the A.J. Dwyer Scenic Area --- had different
16 names for the various families and individuals who utilized the area. My Uncles,
17 Wilferd Yallup and Walter Speedis, told me that it was called it Ana Kwna Wana
18 Pakiyawaxa [“Where the Rivers Meet”) by some of those who used it, and Ana Kwna
19 Nchi nchi Patat [”Place of Big Trees”) by others. These are just two names for this
20 usual and accustomed place that I know of, but there were others that would have
21 been used by families or individuals.

22 13. As a Chief, I am also an educator for our young people on the history and
23 traditions of our people, including our religious practices. I am also the individual

1 who helps to reaffirm our cultural practices and traditional ways so that they can be
2 passed on to future generations.

3 14. I also educate our young about previous court decisions on land rights, fishing
4 rights, and food-gathering rights. Previous court decisions state must be loosely
5 interpreted and construed in our favor, since the language is not ours but is that of the
6 learned ones.

7 15. I am recognized by members of the Confederated Tribes of the Yakama Indian
8 Nation, including members of the Klickitat and Cascade Tribes, as being responsible
9 for performing cultural duties relating to the ceremonial or religious traditions of
10 these Tribes; and as exercising a leadership role in these Tribes based on their
11 cultural, ceremonial, and religious practices.

12 16. My religion is the Washat Religion, or the Religion of the Seven Drums. The
13 people who lived along the Columbia River received the songs, the prayers, and the
14 ceremonies, directly from the Creator so we recognize how to know him, understand
15 him, and worship him. It did not come from a person, but directly from the Creator.

16 17. Once a week, on Sunday, those who follow the Washut religion, will come
17 together in a Longhouse. Seven drums will accompany the singing of sacred songs.

18 18. Through our Washut Religion, people will also gather together in our
19 Longhouses for other ceremonies. These include weddings, funerals and memorials,
20 and name givings. Other ceremonies that we practice is when a boy catches his first
21 salmon and kills his first deer; in addition, there are those ceremonies for a girl
22 picking her first berries and gathering her first roots. The same Washut songs, similar
23 to those utilized at our Sunday services, are also utilized in these ceremonies.

1 19. When you practice the Washut religion, you will visit those traditional
2 spiritual places, like the A.J. Dwyer Scenic Area. It is part of the natural environment
3 of Mount Hood, in the woods, but it is like a church that never had walls, never had a
4 roof, and never had a floor. But, it is still just as sacred as a white person's church
5 that is all enclosed and separated from Nature.

6 20. Places like the Dwyer Forest is usual and accustomed, meaning my people
7 have practiced their religion and culture at these sacred sites in the past. They are
8 important traditional cultural and religious sites that are very important to the Native
9 People on both sides of the Columbia River, for their use and for the use of future
10 generations. These are the same places that our ancestors used, and must always be
11 there for our future use.

12 21. When there are burials, like at Dwyer Forest, it is even more important to us, and
13 we must protect this place to make sure that those who are resting here are not
14 bothered. They cannot speak for themselves or stand up for their rights, so we must
15 do this for them.

16 22. In my youth, as I was growing up, we were taught about my people's history
17 and traditions, about our religion, and about those places on Mount Hood that are
18 sacred, like Enola Hill and Dwyer Forest. These educators were my Elders who
19 always told me that I must learn because I would be going to these places one day and
20 would utilize the sites.

21 23. When they told us stories about these places, we young people had to listen
22 and learn from what they were saying. What they were teaching us were things that
23 we would use in the future and be able to pass on to others.

1 24. My uncles, Wilferd Yallup and Walter Speedis, provided much information
2 about the usual and accustomed places on Mount Hood Area. These were very sacred
3 to my people and still are, and we had to learn about them so when we went to these
4 places we would know why they were so important, Then, when we performed our
5 ceremonies and recited our prayers, we would be doing these things for both our
6 ancestors and those generations who would one day follow us.

7 25. Some of our sacred places on Mount Hood, like Enola Hill, the Dwyer Forest,
8 Bear Creek, and Indian Meadow, and other sites like The Meadows (in
9 Rhododendron), are located along an Indian Trail that went from the Columbia River,
10 over Mount Hood, and into the Willamette Valley. We used this since time
11 immemorial, before we even had horses. It was used to get to our cultural sites; to get
12 to places where we hunted and fished; to get to places where we gathered natural
13 medicines; to get to places where we traded; and to get to places where we practiced
14 our religion and even the vision quest.

15 26. We used this ancient trail over Mount Hood to get to our camas fields in the
16 Willamette Valley, so we had a traditional food source and something to trade at
17 places like Celilo Falls. Our village was so far away, so we would camp along the
18 way, and the Dwyer Forest was one of these places.

19 27. People would not always make it back to their villages, but would die along
20 the way. They would bury their dead near to where they camped. This way they could
21 always come back and find the burials of those who had passed on. Dwyer Forest was
22 one such place.

23 28. As a Washut practitioner, I am guided by the traditions of my religion. Each

1 day I must give thanks to the Creator for all the gifts he has given us --- the land,
2 water, roots, berries, elk, deer, salmon, and other foods. We also pray for the
3 protection of our burial grounds that they will not be disturbed and will be left alone
4 to remain sacred.

5 29. It is our belief, through our Washut religion, that when we bury our dead, the
6 ground, the land, becomes sacred. All of Dwyer is sacred and that is how we have
7 always treated it.

8 30. Our traditional burials, like those in Dwyer Forest, are not like those of the
9 whites. Stones are not placed on top of the burials, but are used as monuments.

10 31. The rocks that used as monuments at Dwyer Forest, were river rock and were
11 gathered from that area. These were important markers that enabled those who visited
12 this site to find the burials so they could pray and pay their respects. This was how I
13 knew where to locate the graves were at Dwyer, until the logging and heavy
14 equipment destroyed them.

15 32. It is our belief that when our Creator returns, we will stand before him and be
16 judged to see if what the Creator has been given to us, has been taken care of. If we
17 have followed the ways of our Washut religion, then our bodies will become whole
18 again. At this time we will join the Creator, along with the other people, on the other
19 side --- heaven.

20 33. If of our ancestors' graves are disturbed, it will be difficult for them to
21 become whole again. If their bones are desecrated and scattered, or their final resting
22 place is paved over, it will be very hard for them to join the others and be with the
23 Creator. Mount Hood, which we called Wy'East", has always been very important to

1 the Cascade People, even though we lived along the Columbia River, which we called
2 “Nchi-Wana” (the “Big River”). It was a major pass through the Cascade Mountains
3 that we utilized almost year around and lead us to many of our usual and accustomed
4 places that we needed to return to, and were also the sites where those after us would
5 be returning to.

6 34. What the white people called the Oregon Trail or the Barlow Trail was a
7 Native Trail in the very beginning. These strangers couldn’t get their wagons past the
8 Cascade Falls on the Columbia River, so they used the ancient Indian Trail over
9 Mount Hood that lead down to the camas fields in the Willamette Valley. And, they
10 even used the same camp grounds that the Natives used, and one was located in the
11 Dwyer Forest. This was told to me by my Uncles Walter Speedis and Wilferd Yallup
12 in their stories. This was oral tradition, meaning that they were passed on from
13 generation to generation and they were not made up.

14 35. Other Native People from Oregon and Washington also utilized this Trail over
15 Mount Hood. It was not just the Cascade People or the Klickitat People.

16 36. The oral tradition of my people identified the Dwyer Forest as an ancestral
17 campground where there was water and game nearby; a place that they could always
18 stop at when traveling over Mount Hood. It was a place to gather plants that were
19 used for medicines, like my uncle, Walter Speedis, would do. This is where a burial
20 ground was established for those who could not make it home.

21 37. It was through the oral traditions of my people that I learned that I must
22 always return here and visit the burials. This was where I would pray and pay my
23 respects. I would return again and again. And, I always did, for forty years except for

1 the widening activities of Highway 26, Until then, generally nothing was ever
2 distured there.

3 38. I was 40 years old when I started hearing people talk about Dwyer Forest. It
4 was never the young people, but the old people. They told the stories.

5 39. The Elders talked about the sweat lodge that was located in Dwyer Forest over
6 a hill to the north. It was by a small stream, whose waters bubbled-up from under a
7 rock, and had a good flow. This is where the old people said that there were sweat
8 lodges.

9 40. There were two sweat lodges by this stream; one for men and one for women.
10 This was to purify people who were doing ceremonies. It was an important place to us
11 because it purified both the mind and the spirit.

12 41. There were different medicines that were used for different purposes that
13 came from the natural landscape. Different medicines are used for cuts and bruises,
14 fevers and colds, and other ailments. They used roots and herbs.

15 42. Those who used what the Creator gave them, like the natural medicines,
16 protected that land. These medicines didn't just grow everywhere, and they didn't all
17 grow in one place. That is one reason why the Native People always had respect for
18 Mount Hood. And, Dwyer Forest was one place where certain medicines grew.

19 43. My Elders' stories about Dwyer Forest drew me to this sacred place. My
20 religious activities on these visits to Dwyer Forest included prayer, meditation,
21 paying our respects to those who were buried there, as well as giving of tobacco
22 offerings; all of these activities were consistent with the Washat Religion, or the
23 Religion of the Seven Drums. These are just some of the spiritual things that we do at

1 these places where our ancestors are buried.

2 44. Sometimes I would go to Dwyer Forest and park my vehicle in the
3 campground and just rest. This was what our ancestors did when they were traveling
4 through.

5 45. Before the logging and road building, when I traveled over Mount Hood, I
6 would stop at Dwyer Forest. I would pray and make sure the burials had not been
7 disturbed.

8 46. Years ago, when I was traveling over Mount Hood with my Uncle Walter or
9 my Uncle Wilferd, we would stop at Dwyer Forest. We would drive into the
10 campground and I would listen to their stories.

11 47. In the later part of the 1980's I became involved in the protection of Enola
12 Hill from logging. It was at that time that I got to know Michael P. Jones, even
13 though I had met him several times prior to this period.

14 48. Both my uncles, Wilferd Yallup and Walter Speedis, drove me into the Dwyer
15 Forest and stopped in the campground. They told me that I must work with Michael
16 P. Jones to protect this site and the other sacred sites on Mount Hood, and that it was
17 my duty. So, I did. I have now been working with him for the past twenty-four years.

18 49. I helped to create the Mount Hood Sacred Lands Preservation Alliance over a
19 decade ago. Chief Wilbur Slockish is a member, along with Carol Logan and Michael
20 P. Jones. This group attempts to preserve what has been and always will be our usual
21 and accustomed places. We do this through education and by trying to work with the
22 general public, government agencies, and private land owners, trying to make them
23 understand the sacredness of our land. People do not know that there are burials in

1 that part of that ground. They have no idea how we Native People traveled and that
2 sometimes we could not return to our village, but passed on.

3 50. I became a member of Citizens for a Suitable Highway in 1987. I became a
4 member of the Cascade Geographic Society beginning in the early 1990s. I consulted
5 and advised both these groups on matters primarily concerning Native American
6 cultural and religious issues that pertain to Mount Hood, and these included the A.J.
7 Dwyer Forest and other sacred places that are along Highway 26.

8 51. Over a twenty-four year period, I have developed both a working relationship
9 as well as one of trust with the Curator of the Cascade Geographic Society, Michael
10 P. Jones. I have verbally authorized him to speak on my behalf to agencies, which he
11 has done for many years. He has always attempted to build bridges of communication
12 with government agencies, which he has done if they chose to listen. Those who were
13 involved in making the decisions on this Highway 26 project chose to ignore us.

14 52. The sacred sites along Highway 26 were of great importance to me and my
15 people. Mr. Jones, since I was a member of the Mount Hood Sacred Lands
16 Preservation Alliance and the Cascade Geographic Society, as well as a consultant
17 with Citizens For A Suitable Highway, expressed my interest in and concerns over
18 the U.S. 26: Wildwood-Wemme Highway Widening Project.

19 53. When they logged the Dwyer Forest, I went there to assess the damage and
20 destruction to this sacred place. I prayed for those who were buried there, but
21 witnessed that the stone monuments that identified the area as having burials, were
22 now exposed, and there were at least four of these that were identified by flagging.
23 Some of these became vandalized, while some of the stones were actually carried

1 away.

2 54. My religious and cultural activities at the Dwyer Forest had continued until
3 around March of 2008. That is when Dwyer was logged by the contractors employed
4 by the Federal Highway Administration and the Oregon Department of
5 Transportation. The Bureau of Land Management, who is said to manage the land for
6 the public, did nothing. My plea to the Advisory Council on Historic Preservation
7 made no difference.

8 55. After the logging, when the agencies brought in the bulldozers and began
9 stump removal, this destroyed the remaining stone burial markers and began to
10 disturb the soil beneath them, and things became even worse. Everything was
11 scattered or hauled away. Where our ancestors were buried was now offended in
12 every way. I could no longer locate their final resting places.

13 56. The construction of the new guardrail as part of the highway widening project
14 did not include an opening from U.S. 26 into our historic campground and burial
15 ground in the A.J. Dwyer Scenic Area. The government agencies also buried our
16 campground with a large mound of dirt that grows nothing but non-native
17 Scotchbroom. They have even blocked the alternate access point, East Wemme Trail
18 Road, with a metal barricade. You cannot drive in or walk in, and you cannot even
19 stop alongside the guardrail to view where the campground and burials were.

20 57. What happened at Dwyer Forest, a sacred place for me and my people, has
21 caused me great spiritual pain and intense emotional distress, of which there are no
22 words to describe such feelings. What does one do when this happens? Exactly what
23 we are doing; attempting to get justice for ourselves and those who would have used

1 this place not only today, but in the future.

2 58. Those who are buried here, also need justice. Because they can no longer
3 speak or can no longer move about, we are speaking for them. They, too, need justice
4 through our courts.

5 59. This important Court of the United States of America should require that
6 Federal Highway Administration and the Bureau of Land Management restore my
7 access and my people's access to the Dwyer Forest. Remove the dirt that has buried
8 our campground and covered over our burials. Reopen the access from the highway
9 by removing the guardrail and reopen the trail that enters from the west by removing
10 the barricade. Replant the trees. Replant the vegetation. I will then attempt to return
11 and carry on the same cultural and religious activities that I did before the logging
12 started in March of 2008.

13 60. Desecration of the Dwyer Forest was something I never believed would
14 happen, because it was a usual and accustomed place of my people. Cultural and
15 religious practices took place here. This was the final resting place of those who
16 could not make it back to their homes. All the agencies would have to do was listen to
17 us, but they refused.

18 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the
19 foregoing is true and correct.

20 Executed on this 7th Day of May, 2012.

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Respectfully Submitted,

/s/ Johnny Jackson
JOHNNY JACKSON

CERTIFICATE OF SERVICE

I certify that on May 7, 2012, I filed electronically the foregoing *Declaration of Hereditary Chief Johnny Jackson in Support of Standing*, and served the same electronically upon the counsel of record via the Court's electronic case filing system:

Tim Simmons
Assistant U.S. Attorney
United States Attorney's Office
District of Oregon
405 E. 8 Ave., Suite 2400
Eugene, OR 97401

Ty Bair
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 663
Washington, D.C. 20044-0663

Matthew Donohue
Assistant Attorneys General
Trial Attorneys
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Luke W. Goodrich
The Becket Fund for Religious Liberty
3000 K St. NW, Suite 220
Washington, D.C. 20007

DATED May 7, 2012

s/ James J. Nicita
James J. Nicita
OSB No. 024068
Kivel & Howard LLP
P.O. Box 40044
Portland, OR 97240
(503) 796-1225 voice
jnicita@k-hlaw.com

Of Attorney for Plaintiffs