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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 WILBUR
SLOCKISH 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, Wilbur Slockish, do hereby declare, under the penalty of perjury and the laws of
3 the United States of America:

4 1. My name is Wilbur Slockish. I am sixty-seven years old. I reside at 89 Main
5 Street, Wishram, Washington 98673 or 7400 Schoolie Flat Road, Warm Springs, Oregon
6 97761. I have personal knowledge of all of the contents of this declaration.

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 a federal document known as the
12 Confederated Tribes and Bands of The Yakama Nation Treaty of 1855. His thumbprint
13 and mark are alongside the name Sla-kish, which is my family name that is now spelled
14 "Slockish".

1 5. I am a relative of the late Wilferd Yallup, who served as the Chair of the
2 Cnfederated Tribes and Bands of the Yakama Nation.

3 6. I am a hereditary chief of the Klickitat / Cascade Tribe, one of the Tribes that
4 make up the Confederated Tribes and Bands of the Yakama Nation.

5 7. The Klickitat and Cascade peoples have close ties of kinship. The Klickitat have
6 traditionally been migratory. The Cascade have traditionally been settled along the
7 Columbia River.

8 8. This status of hereditary chief reserves to me the right to address cultural
9 and spiritual issues as my ancestor Sla-kish did.

10 9. The role of a hereditary chief is to above all to look out for the welfare of my
11 people.

12 10. I have fulfilled this role in numerous ways, in particular by defending the rights of
13 my people to fish in our usual and accustomed places under the 1855 Yakama Nation
14 Treaty.

15 11. As a hereditary chief, I also have the responsibility to oversee and defend our
16 sacred cultural and historical sites, including but not limited to the burial grounds and
17 campgrounds at the site commonly known as the A.J. Dwyer Scenic Area.

18 12. As a hereditary chief, I also serve as an educator for our young people on the
19 history and traditions of our people, including our religion, which is known to some as
20 the Washut religion, or the Religion of the Seven Drums.

21 13. I am recognized by members of the Confederated Tribes of the Yakama Indian
22 Nation, including members of the Klicktat and Cascade Tribes, as being responsible for
23 performing cultural duties relating to the ceremonial or religious traditions of these

1 Tribes; and as exercising a leadership role in these Tribes based on their cultural,
2 ceremonial, and religious practices.

3 14. In our Washut religion, once a week, on Sunday, people come together to
4 worship. This is done in a Longhouse where sacred songs are sung that accompany seven
5 drums.

6 15. As needed, people will gather in the Longhouses for such things as memorials and
7 name givings, and even funerals. These ceremonies will also take place for a boy's first
8 deer and salmon, and a girl's first berries and roots. The same Washut songs are utilized
9 at Sunday services are utilized in these ceremonies.

10 16. Those who practice the Washut religion will visit those spiritual places, like the
11 A.J. Dwyer Scenic Area. Usual and accustomed sites like this one, is a traditional cultural
12 landscape, that are very important us. All such places are utilized for praying because of
13 the ancestors of my people who were here before us. This is especially true when there
14 are burials.

15 17. Growing up, I learned about the history and traditions of my people from my
16 parents, my aunts and uncles, and close relatives like Wilferd Yallup and Walter Speedis.
17 The Mount Hood Area was very important because of the sacred places that were located
18 there like Enola Hill and the other sites that were located along our ancient Native Trail
19 that passed through this peak in the Cascade Mountain Range that became known as the
20 Barlow Trail and the Oregon Trail. This area not only provided us with spiritual and
21 cultural areas, but also foods like berries, elk, deer, roots, fish. It also provided us with
22 medicinal plants, in addition to drinking water.

23 18. Through the Washut religion, I learned that each day I must give thanks to the

1 Creator for all the gifts he had given us. This included the land, water, roots, berries, and
2 other traditional food like animals, whether they run, fly, swim, or live in the water. We
3 also prayed for the protection of our burial grounds.

4 19. As a practitioner of the Washut religion I will visit places like the A.J. Dwyer
5 Scenic Area where my people had traditionally traveled to and utilized, and I would have
6 to give thanks here. And, those places that had the burials of my people, like Dwyer, we
7 would pray that those who rest here will be watched over undisturbed. There are
8 numerous places that my people have utilized in this manner.

9 20. The traditional usual and accustomed places in the Cascade Mountain Range,
10 were also important for vision quests and numerous ceremonial practices. Individuals,
11 male or female, would go to high-elevation places like Enola Hill when they were
12 entering various stages of their life. Places like Dwyer were resting places that were
13 utilized before and after this experience.

14 21. These sacred places must be protected so that future generations can follow in our
15 footsteps and then they can practice our religion and culture the way our ancestors
16 practiced. It is a tradition that must continue on until the time arrives that, together, will
17 meet our Creator.

18 22. In our Washut religion, we believe that as soon as a person is laid to rest in the
19 ground, the land becomes sacred. Stone monuments made from the rocks gathered from
20 area allows the Native People to return to these burial grounds, like the A.J. Dwyer
21 Scenic Area, and find these final resting places so they can pay their respects. In pre-
22 contact times, these rocks served a similar purpose as the headstones in cemeteries today.

23 23. When our Creator returns, we will stand before him and be judged. If we have

1 followed the ways of our Washut religion, then our bodies will become whole again and
2 we will join the Creator, along with the other people, in another world.

3 24. If the graves of the ancestors who are buried are disturbed, it will be difficult for
4 them to become whole again. If their dust is scattered or their final resting place is paved
5 over it will be even harder for them to join the others with the Creator.

6 25. Our oral traditions include our ancient habitation of the lands along the “nchi-
7 wana” or “Big River”, as our people called it, and the “Columbia River” as it is
8 commonly known today. It also includes the migration routes of our people from the
9 areas along the river, over Mount Hood and into the Willamette Valley to trade and fish
10 at Willamette Falls, and to collect camas which is a traditional food.

11 26. We have Burial sites all along the migration route, which American emigrants in
12 turn followed as the Barlow Trail, and which, in turn, various parts were paved over to
13 create Highway 26. These are the final resting places of those who could not make it back
14 to their village so they were laid to rest, often adjacent or near the campsites, like the one
15 in A.J. Dwyer Scenic Area, or along Bear Creek, in Indian Meadow, in The Meadows at
16 Rhododendron, and in the meadow at the base of Owl Mountain, to name just a few
17 places.

18 27. One of the areas that so important to my people is known today as the “A.J.
19 Dwyer Scenic Area.” My Uncles, Wilferd Yallup and Walter Speedis, said the Native
20 name for the area around what is now known as Dwyer is “Ana Kwna Wana
21 Pakiyawaxa,” or “Place Where Rivers Meet.” The name for the specific place that
22 includes Dwyer is “Ana Kwna Nchi nchi Patat,” or “Place of Big Trees”. Usual and

1 accustomed places, like Dwyer, had different names depending upon the tribe, band,
2 family, or even the individuals who utilized the site and would always return here.

3 28. According to our oral traditions, our ancestors used this site as a campground and
4 burial ground along the migration route, for people who passed on due to accidents or any
5 other reason. Our people buried our dead with respect and honor, to not bother their
6 resting place until Our Creator, or God as is known in so-called civilized people's
7 churches, comes. No one should bother them or disturb their burial sites until He returns
8 on Judgment Day to see where our actions lead us --- to the Good Land or to the other
9 place. But, if the graves are disturbed, it would be harder for them to join the others along
10 with the Creator. But, if it's destroyed, it's impossible. That is the Law given to us by
11 Him , so we follow our Ancient Laws, which are unwritten and orally handed down.

12 29. In the 1960s and 1970s, my Dad, Wilbur Slockish, Sr., Uncles, Wilferd Yallup
13 and Walter Speedis, began sharing with me the oral traditions about the cultural and
14 religious sites on Mount Hood. They also told me that one day I would be an Elder and
15 would have to protect these places where we practice our spiritual traditions. We go to
16 these sacred places and pray. If there are burials, we go there and we pay our respects.
17 My people's oral history followed these practices and I continue to follow this tradition.

18 30. The A.J. Dwyer Scenic Area was one of these sacred places. Here, we had a
19 traditional camp site, gathered natural medicines, and prayed. This was also where some
20 of my people were laid to rest and members of my tribe and family would return to this
21 place and pay their respects.

22 31. In the early 1980s my training as a cultural leader began. As a direct result, I
23 renewed the Salmon Ceremony for the Klickitat Tribe that had not been held since 1945,

1 after my Grandfather, who was the Chief of the Klickitats, Frank Slockish, died.

2 32. In the early 1990s, I became active in the organizing efforts to protect Native
3 American cultural resources and sites on Mount Hood. This included Enola Hill, which
4 my people consider to be sacred. It was a place where Native People conducted vision
5 quests and other ceremonies not far from the A.J. Dwyer Scenic Area.

6 33. In the early 1990s, I began visiting our campground and burial ground in the A.J.
7 Dwyer Scenic Area for the purpose of prayer and veneration of our ancestors. These
8 visits took place at least twice a month or whenever I was driving through the Mount
9 Hood Area.

10 34. My visits were conducted regularly because I also wanted to make sure that the
11 burials were not being disturbed and the area wasn't being bothered by artifact hunters.
12 My own family's cemetery, Wahkiacus, which is located above Lyle, Washington, had
13 been disturbed and vandalized.

14 35. My religious activities on these visits to the A.J. Dwyer Scenic Area included
15 prayer, veneration of my ancestors, and giving of tobacco offerings, consistent with the
16 Washat Religion, or the Religion of the Seven Drums. These are just some of the spiritual
17 things that we do at these places where our ancestors are buried.

18 36. On these visits I would park my vehicle along Highway 26 outside the A.J.
19 Dwyer Scenic Area, in a gap in the guard rail, which allowed me access to the
20 campground. I would walk in and pay my respects to my ancestors.

21 37. When I participated in the efforts to protect Enola Hill from logging, I was
22 threatened with arrest for trespass for going to a traditional usual and accustomed place.

1 It was at that time that I became reluctant to be even seen walking into the A.J. Dwyer
2 Scenic Area, fearing arrest.

3 38. If I believed that I was being followed or observed, I would stop alongside
4 Highway 26 near the east entrance to Dwyer, and pretend to check my engine, my tires,
5 etc., and then say a prayer. I was reluctant to enter the campground for fear of being
6 harassed or arrested.

7 39. My fear of being harassed or arrested at Dwyer is due to the historical suppression
8 of our religion, language, and culture, as well as being forced into Christianity. We were
9 even punished for speaking our language in school. So, my fear is very real.

10 40. When the Enola Hill logging issue quieted down after 1993, I could more easily
11 access Dwyer. However, I still would not drive into the campground, fearing that I would
12 be blocked in and arrested and my vehicle seized, so I would just walk into this
13 traditional place.

14 41. I joined the Mount Hood Sacred Lands Preservation Alliance, the group that
15 emerged out of the Enola Hill organizing efforts. The purpose is to protect our usual and
16 accustomed places and to educate the public as to why we need to preserve our sacred
17 sites.

18 42. I became a consultant to Citizens for a Suitable Highway and Cascade Geographic
19 Society beginning in the early 1990s, and advised these organizations on the religious and
20 cultural significance of the Mount Hood Area, including the A.J. Dwyer Scenic Area.

21 43. I have developed a relationship of trust with the Curator of the Cascade

22 44. Geographic Society, Michael P. Jones. I have orally authorized him to speak on
23 my behalf.

1 45. Through Mr. Jones, I expressed my interest in and concerns over the U.S. 26:
2 Wildwood-Wemme Highway Widening Project.

3 46. My religious activities continued up through the tree removal that the Oregon
4 Department of Transportation's contractors started in March of 2008 as part of the U.S.
5 26: Wildwood-Wemme Highway Widening Project.

6 47. This tree removal project desecrated the historic campground and burial grounds
7 of my people. It destroyed a stone monument to surrounding burials. The heavy
8 machinery and backhoes with steel tracks disturbed the ground below which our
9 ancestors were and are buried.

10 48. The desecration continued with the tree stump removal and burial of the

11 49. campground and burial grounds underneath a berm constructed beyond a new
12 guardrail for the U.S. 26: Wildwood-Wemme Highway Widening Project.

13 50. This desecration caused me intense spiritual pain and emotional distress. Those
14 who lay buried here on this sacred ground, have had their dust scattered and have been
15 paved over. In spite of my attempts to work with the government agencies, they refused
16 to listen. They had numerous chances to learn the truth about the Native Peoples' use of
17 the A.J. Dwyer Scenic Area, but repeatedly refused.

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

1 where the campground and burials were.

2 52. The government agencies construction of the new guard rail and the burial of our
3 historic campground and burial grounds under an earthen berm, in addition to the
4 blocking of East Wemme Trail Road, has prevented me from practicing the religious
5 activities I undertook prior to March of 2008.

6 53. I can no longer utilize the A.J. Dwyer Scenic Area. The loss of the big trees and
7 the removal of the vegetation that served as the camouflage that allowed me to undertake
8 my religious and ceremonial practices at this location, plus the placement of the large
9 mound of dirt over the site, has made it impossible.

10 54. I am concerned that if I try to enter the A.J. Dwyer Scenic Area I will be arrested.
11 Since the logging took place, whenever I would go to the site, the Oregon State Police
12 would stop along side the highway and observe me. I have even seen people in plain
13 clothes in unmarked cars photograph me. It is impossible for me to practice my religion.

14 55. I am the Chief of the Klickitat-Cascade People. One of my duties is to protect and
15 preserve the burial sites and our usual and accustomed places. By doing so, these sacred
16 sites become available to people today and for future generations, like they were to our
17 ancestors.

18 56. It is our ceremonial duty that we have to preserve and protect our burials, our
19 sacred objects, and our sacred sites, so that our generations will do the same.

20 57. If the Court orders the Federal Highway Administration and the Bureau of Land
21 Management to restore both of the accesses to the A.J. Dwyer Scenic Area, and remove
22 the mound that covers the historic campground and burial grounds, as well as replanting
23 the trees and vegetation to restore the needed camouflage, I should be able to visit this

1 sacred place. I would then be able to resume my prior religious activities at this site.

2

3 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the

4 foregoing is true and correct.

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

6

Respectfully Submitted,

7

8

9

/s/Wilber Slockish

10

WILBUR SLOCKISH

CERTIFICATE OF SERVICE

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

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DATED May 7, 2012

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