

1 EXPEDITE
2 No Hearing Set
3 Hearing is set
4 Date:
5 Time:
6 Judge:
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8 Calendar:

6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF THURSTON**

8 SAVE THE DAVIS-MEEKER GARRY OAK,

Case No. 24-2-01895-34

9 Plaintiff,

10 vs.

DECLARATION OF COWLITZ
TRIBE ELDER DIANE RILEY

11 DEBBIE SULLIVAN, in her capacity of Mayor of
12 Tumwater

13 Respondent.

14 I, DIANE RILEY, make the following declaration:

15 1. I have knowledge of the facts stated herein and am competent to testify.

16 2. I am an enrolled member and an elder of the Cowlitz Indian Tribe. I make this
17 declaration not in an official capacity as a representative of the Cowlitz Indian Tribe but as an
18 elder of my people who is actively involved in the preservation of Cowlitz values, history, and
19 traditions. I am a member of the group Save the Davis Meeker Garry Oak.

20
21 3. It is my understanding that for about two weeks, members of our tribal council
22 have been circulating a letter that the tribal council received from the City of Tumwater informing
23 the Tribe that the city was planning to remove the Meeker Oak. This leads me to conclude that
24 the city did not inform the tribe until approximately May 13, 2024. The city is required to provide
25

1 the Tribe notice and a reasonable opportunity for input. Giving the Tribe only two weeks is not a
2 reasonable opportunity for input.

3 4. I understand that the city's arborist recommended removal in a report dated
4 October 10, 2023. I don't understand why the city waited seven months to inform my Tribe. The
5 significance of this tree and our history with it is so great that there should be no question about
6 trying to find ways to preserve the tree rather than cutting it down without a permit.

7 5. This tree has a tragic period in its long life. It was known as the hanging tree. It
8 was said that Native Americans were hung by non-Indians there without due process. The branch
9 used for that broke off in a major ice storm in the 1990s. The massive healed-over scar from where
10 it broke off can still be seen today on the south side of the lower part of the trunk about six feet
11 up. If the city carries out its plan to remove this tree, I feel like it will be another murder without
12 due process.

13 6. Also, if this tree is cut down, it will forever erase a piece of my personal history
14 and my tribal history. It will make me angry. It will make me feel similar to how I feel when I
15 think about the fact that 160 years ago, the territorial governor promised us in bad faith when I
16 signed the Treaty at Medicine Creek that we would have a reservation on Cowlitz Prairie. But the
17 promise was never kept.

18 7. Unlike the British who did not come to conquer the land but to trade with and
19 blend with the indigenous population, the Americans came with an attitude of wanting to take our
20 lands without compensation, of wanting us to disappear. They renamed everything: our lands and
21 the place names of our rivers and mountains. They have essentially erased all evidence that we
22 had been here. While the British coexisted with Tribes, the Americans demanded separation and
23 exclusion from the Tribes.
24
25

1 8. As with many tribal people, Cowlitz families have strong familial ties to other
2 tribes as we often intermarried for both political and social reasons. I am not only Cowlitz, but
3 my family shares lineage with the Nisqually people and the Kanaka of Hawaii who were
4 indentured workers brought to Southwest Washington in the early 1820's by the Hudson's Bay
5 Company. My great great great grandfather and Kanaka ancestor, Keala Ma'alo, was a
6 contemporary to the Kalama families of the Nisqually. His name appears listed in the HBC
7 journals as a worker and laborer assigned first to Fort Vancouver until 1844 when he was
8 reassigned to Cowlitz Farm when the Puget Sound Agricultural Company (PSAC) was being
9 developed near present-day Toledo.
10

11 9. Because Ma'alo's Nisqually wife and family was at Nisqually, the HBC journals
12 indicate he often traveled between Cowlitz Farm and Ft. Nisqually, and the sheep yards at Mud
13 Bay, for work, family visits, and Hawaiian luaus held by Hawaiian Hudson Bay workers. The
14 Meeker Oak tree has stood next to the Cowlitz Trail for hundreds of years. I can't help but imagine
15 how many times my ancestor walked or rode horseback on the Cowlitz Trail, perhaps taking a
16 rest break beneath the shade and cover of the outstretched branches of this large Oak tree beside
17 the trail.
18

19 10. The Cowlitz Trail is a portion of a water and land transportation system developed
20 and traversed by pre-contact Indian tribes for millennia. The tree would have been approximately
21 200 years old in the early parts of the 19th century, and a young tree during the time that the
22 Cowlitz people dominated the region between the Columbia River and present-day Canada, with
23 their numbers and their vigorous and expansive Cowlitz trade network and political alliances.
24

25 11. Even after the decimation of our numbers by European disease, we gave assistance
to the British fur trappers to establish their forts and fur trade, we offered our women as wives

1 and our men as guides, canoe men, and laborers after the arrival of the American explorers and
2 first settlers who came to settle present day Tumwater, Olympia, and points north in Washington
3 State. Between the 1820s and 1840s, the Meeker Oak tree was already 200 years old and was
4 certainly a familiar landmark for travelers and those portaging to the lands of the Chehalis and
5 Nisqually and other tribes or to the Salish Sea to resume travel by canoe.

6 12. That the mighty Oak tree still stands today, 200 years later, should be seen as
7 remarkable and a kind of miracle. The tree needs to be honored, preserved, and protected – not
8 destroyed – as a living reminder of the shared history of Washingtonians and the persistence,
9 resilience, and contributions made by the Cowlitz people who were so integral to the settling of
10 the Puget Sound region.
11

12 13. Two of the first American settlers to make a land claim near Cowlitz Landing (the
13 beginning point of the Cowlitz Trail) were John R. Jackson and his wife Matilda. Their cabin and
14 homestead in the Chehalis area on Jackson Highway (between Toledo and Chehalis) have been
15 preserved by the State of Washington as The Jackson House State Park Heritage Site. If the state
16 and local jurisdictions can do that to commemorate a settler, why can't they do that for an Oak
17 tree and a tiny piece of land that is so important to the history of the Cowlitz Indian Tribe and
18 other tribes?
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20 I declare under the penalty of perjury of the laws of the State of Washington that the
21 foregoing is true and correct to the best of my knowledge.

22 EXECUTED this 27th day of May, 2024, at Toledo, Washington.

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25 
DIANE RILEY