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BWIP Repository Project

Working Draft

**A Synthesis of Ethnohistorical
Materials Concerning the
Administration of Federal Indian
Policy Among the Yakima, Umatilla,
and Nez Perce Indian People**

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November 1987

Prepared by
Battelle Human Affairs Research Centers
for the Pacific Northwest Laboratory
under Contract DE-AC06-76RLO 1830
for the U. S. Department of Energy

Pacific Northwest Laboratory
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UNITED STATES DEPARTMENT OF ENERGY
under Contract DE-AC06-76RLO 1830

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PNL-6381
BHARC-800/87/022
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A SYNTHESIS OF ETHNOHISTORICAL MATERIALS
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Richland, Washington 99352

EXECUTIVE SUMMARY

This report summarizes historical information from two sources: the reports of field agents to the Commissioner of Indian Affairs (1855-1936), and the dockets of the Indian Claims Commission. These sources help explain the administration of federal Indian policy, which, in turn, has had a major role in shaping the economic development of the Affected Indian Tribes' reservations. While the history of Indian policy is well documented in general terms, much better documentation is needed at the local level to understand the effects of its administration in shaping the cultural communities.

The materials summarized here only tell part of the story, however, and they will be appraised critically in light of subsequent investigations. The agency reports reflect the viewpoint of Indian Service employees, with practically no reporting of the Indians' perspective on dramatically changing reservation conditions. The Indian Claims Commission dockets incorporate some materials derived from ethnographers' consultations with native informants, but the range of issues addressed in these materials is relatively narrow, focusing solely on questions of a given group's authority to present a claim for compensation, and the land area for which such claims might be presented.

As the historical review progresses, materials will be incorporated from a number of additional sources, including materials compiled under the sponsorship of the Bureau of American Ethnology, other early ethnographic accounts of the Yakima, Umatilla, and Nez Perce communities, and also materials compiled by the tribal communities themselves.

When completed, the overall purpose of the review will be to place in their proper regional and historical contexts the possible effects on the cultural communities of repository development and operation at the Hanford Site.

This report covers materials pertaining to the establishment of the reservations in the mid-1850s, the early Reservation period, and the Allotment period up to the early 1930s. While the historical experience over this time span was distinctive for each of the Affected Tribes, several common themes emerged from the historical materials:

- Political Consolidation and Emerging National Identity. The Yakima Indian Nation and the Confederated Tribes of the Umatilla Indian Reservation were both created from a diverse array of culturally distinct local settlements. The local groups that were consolidated to form the Nez Perce Tribe were less culturally diverse, but prior to the 1855 treaty council, they too were relatively loosely affiliated with one another, largely for military and economic purposes. Out of this political consolidation emerged a national identity for each group that carries with it a strong attachment, not just to the lands within the reservation boundaries that the treaties established, but to a relatively broad expanse that makes up the aboriginal territories of the bands and Tribes that were consolidated to form the three Affected Tribes.

- Agricultural Production and Traditional Subsistence Practices. Agents went to great lengths to change reservation residents into field cropping farmers, and these efforts were strenuously resisted. Over the decades of difficult transition to economies based principally upon agricultural production and agricultural wage labor, fishing, gathering, and hunting were reported to have made a significant contribution to reservation household subsistence well into the 20th century.
- Allotment. After the treaty-sanctioned land cessions, the effects of allotment on the three Affected Tribes have been the most enduring of any changes reported in the historical source materials reviewed to date. Of lands set aside for the Nez Perce Reservation, 70 percent passed out of Indian control due to allotment. At the Umatilla Reservation, the figure was over 50 percent. While the land area on the Yakima Reservation that passed out of Indian control due to allotment constituted only about 30 percent of the total reservation land area, it is a matter of record that most of the arable land passed into non-Indian hands, leaving Indian allottees with lands away from easily accessible water and characterized by the Indian agent at the time as "worthless."
- Wage labor and lease income. Over the period covered in the historical documents, lease payments and seasonal wage labor became principal sources of income for many Indian residents of all three reservations. Leasing was often a reasonable alternative to farming for reservation households because the allotted parcels were typically too small to support an individual household, but the cash income could be used to purchase food and other necessities that formerly would have been available through the pursuit of traditional subsistence practices. The popularity of seasonal wage labor in hop fields and fruit orchards was attributed by the agents, at least in part, to the congenial resemblance of this work to traditional gathering and fishing activities. As with cash leasing income, of course, wage earnings augmented household purchasing power.
- Forestry. Each of the reservations had extensive stands of "merchantable" timber, which only realized their commercial potential with rail and roadway improvements that reduced the costs of transporting timber (or milled lumber) to distant markets. Commercial possibilities arrived for the Yakima and Umatilla forestry enterprises shortly after the turn of the century, with the completion of roadways from the forested hillsides to the main railways. For the Nez Perce, larger-scale commercial operations were just getting underway at the beginning of the Reorganization period, when the historical sources covered in this report end.

Historical analysis will continue in the coming fiscal year, with an initial emphasis on ethnohistorical sources covering traditional spiritual practices and the persistence of traditional secular pursuits. The analysis will then proceed to the Reorganization period, examining the effects of resource conservation measures and public works improvements undertaken during the 1930s and 1940s. The effects of Columbia Basin dam construction on fishing rights will be summarized, and the lasting effects of Reorganization of tribal self-government will be examined.

The historical analysis will then proceed to the Termination period, with an examination of the effects of relocation services programs, changes in health and educational policies, the conflicts between state and tribal governments engendered by P.L. 280, and the internal conflicts set off by the land claims cases themselves. The investments made with claims settlements and with compensation from dam construction projects will be described, and the transition to the period of Self-Determination will be examined.

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1.0 INTRODUCTION

For the purposes of the Nuclear Waste Policy Act, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe have been accorded the status of "Affected Indian Tribe" and have become party to the proceedings to determine a suitable location for the nation's first commercial waste repository. Each of the Tribes has expressed concerns about the suitability of the Hanford Site in eastern Washington. These concerns, in general, address the proposed repository's effects on traditional spiritual beliefs and cultural practices, on tribal sovereignty and the Tribes' right to self-government, on the natural resources under tribal management jurisdiction, and on the health and socioeconomic characteristics of the Tribes' reservation communities.

The Yakima, Umatilla, and Nez Perce have distinctive cultural traditions that may be adversely affected by activities related to the Basalt Waste Isolation Project (BWIP). Further, the Tribes enjoy a unique relationship with the federal government. Because of their distinctive cultures and governmental status, particular attention will be paid to expressed interests of the Tribes, and to ways in which these interests may be affected by the repository program.

The general approach to be used in attending to the social, economic, and cultural interests seeks answers to the following sorts of questions:

- What are the Tribes' interests in the siting, planning and possible development, operation, and decommissioning of BWIP?
- How are the Tribes' interests likely to be affected by BWIP at each of these stages?
- To what extent will the magnitude, duration, and timing of BWIP's effects be similar for each Tribe?

Answers to these questions will be developed, with planning input and consultation from the Tribes, as a result of:

- (1) monitoring of site characterization activities and any effects of these activities on the Tribes; and
- (2) special historical studies.

Monitoring is needed to describe current conditions among the Affected Tribes' populations, to describe BWIP site characterization activities affecting the Tribes, and to measure any changes in these conditions that may occur as a direct result of site characterization. Monitoring is an important impact management activity in its own right, providing planning agency

and government officials with up-to-date information on conditions of interest and areas of concern.

Historical studies will support the monitoring effort, tracing the events and sociocultural forces that have led to today's conditions. This program provides the information needed to make predictions about the nature and extent of BWIP-related community changes. If preparation of an EIS is subsequently undertaken, the combination of monitoring and historical studies will support such an effort. The cultural community studies will be undertaken in phases to correspond with the overall BWIP schedule. The initial emphasis will be on issues related to site characterization, with planning to support EIS-related issues to be considered at a later date.

Just as the future is linked with past and present events, so economic, social, and spiritual matters are linked together for Native American community members. A concept that is helpful in characterizing and understanding these linkages is the "cultural community."

A "cultural community" consists of a group of people who share:

- a common cultural tradition;
- a strong attachment to a particular geographic area and its resources; and
- economic, social, and spiritual institutions.

As shown in Figure 1, defining a cultural community in this way helps to specify the categories for which data are to be collected. These categories apply to socioeconomic monitoring activities and data collection for historical studies, and they support the cultural resource management investigations as well. The concept of "cultural community" is thus useful for planning the data collection efforts. It is also useful to social, economic, and cultural impact assessment, as it provides a short-hand way of talking about the information base used to predict and assess the significance of possible BWIP-related changes.

FIGURE 1. "Cultural Community" and Its Characteristics

As contemporary circumstances have arisen out of historical processes, an understanding of the pertinent historical experiences of the Affected Tribes is important to this effort. As shown in Figure 2, the most pertinent historical processes (for the task at hand) include:

- The Affected Tribes' contact experiences with other tribal groups and with non-Indians, as revealed through ethnohistorical research;
- The administrative history of each community;
- Modifications to the environmental resource base; and
- Internal cultural dynamics.

FIGURE 2. Historical Experience, Project Characteristics, and Cultural Community Characteristics Used In Impact Assessment Research Program

This paper reports our first efforts at gathering historical information. It summarizes materials contained in two sources: the reports of field agents to the Commissioner of Indian Affairs (1854-1936), and the dockets of the Indian Claims Commission. As the historical review progresses, materials will be incorporated from a number of additional sources.

The two sources reviewed here offer insights into the administrative history of the cultural communities. The administration of federal Indian policy has had a major role in shaping the economic development of reservation communities. While the history of Indian policy is well documented in general terms, much better documentation is needed at the local level to understand the effects of its administration in shaping the cultural communities.

1.1 Federal Administration of Indian Affairs

In a general sense, the history of federal administration of Indian affairs is marked by a succession of dramatic shifts that can be roughly divided into six different periods:

- Removal (1789-1849)
- Pacification and Reservation (1849-1887)
- Allotment (1887-1934)
- Reorganization (1934-1946)
- Termination (1946-1972)
- Self-Determination (1972-present)

The dates are approximate; each corresponds with a major piece of legislation that marked a significant departure from previous policy directions. During each of these major periods, national policy was administered unevenly among individual tribal groups. During the Reservation era, some groups were resettled and installed on reservations a considerable distance from their aboriginal territories, often with other tribal groups who spoke different languages and had different cultural traditions, while others remained in approximately the same region they had occupied for centuries.

During the Allotment period when Congress authorized dividing the reservations into individual parcels (or "allotments") of land, some reservations were heavily allotted. The vast majority of these holdings passed out of Indian control. Other reservations, which in absolute terms did not lose a great deal of land through leaseholds or so-called "surplus" land sales, were precluded from pursuing economic development opportunities by the location of the parcels that passed out of trust status. Allocation of water rights and fishing rights between Indians and non-Indians, and also between different reservations, followed in the wake of turn-of-the-century court cases and later federal reclamation and power projects. These controversial areas of resource allocation have been more hotly contested in some places than others, with implications for tribal sovereignty and economic development prospects varying accordingly.

During the Reorganization period, some reservations benefitted more than others from the resource protection sections of the Reorganization Act, and from other pieces of federal legislation that constituted the "Indian New Deal" of the 1930s. Educational reforms, public works improvements, and a reorganization of health care delivery were less heralded but often equally important facets of policy changes instituted during this same period.

The Termination period was relatively brief, but had far-reaching consequences for reservation community development, educational programs, resource management, and land

use. Relocation Services programs exported promising community leaders from some reservations to urban employment situations. Educational monies were diverted to vocational training programs that prepared reservation residents for many jobs available only off the reservation. Liberalized legislation on leasing was passed by Congress during this period, making it possible for non-Indian businesses to gain control of property that they would not have to relinquish for decades. The Indian Claims Commission was most active during the Termination period, seeking to compensate Tribes for past taking of tribal lands, and to offer a "final settling" of obligations to Tribes before terminating the special trustee relationship that had obtained for the previous 150 years.

Even during the most recent policy period of Self-Determination, some critics point out that federal spending on Indian reservations has limited the directions in which community development can occur. The effects have been distinctive to each reservation economy and federal policy has had a major role in limiting tribal sovereignty as well as shaping the economic development of reservation communities. The present discussion reports on initial efforts to describe the specific effects of policy administration at the local level.

1.2 Sources Reviewed

The two sources from which materials are summarized are the annual agency reports to the Commissioner of Indian Affairs, and the dockets of the Indian Claims Commission. The agency reports cover the period from the creation of the reservations in 1855 to the mid-1930s, when the administration of Indian affairs was reorganized. The Indian Claims Commission dockets refer principally to the decades immediately preceding the 1855 treaties, with some mention of events that occurred during the Reservation and Allotment periods.

Each is a selective source. In the agency reports, special attention is paid to policies and practices relating to economic development on the reservation. The viewpoint represented is that of the Indian agents--a mixed group of Indian Service employees whose job it was to administer federal policy as best they could at the local level, often far from supervisory view and frequently without adequate monetary or material support. Inconsistencies appear within and between the agents' reports, making it difficult to rely exclusively on this source for an accurate appraisal of reservation conditions. Notably absent is any direct commentary from Indian people themselves, and very little mention is made of their reactions to changing federal directives.

The Indian Claims Commission was established soon after the end of World War II (Indian Claims Commission Act, 25 USCA 70, August 13, 1946) to expand the authority by which Indian Tribes could sue the United States. Before the Commission was established, Indian claims against the U.S. could only be litigated if Congress passed special legislation authorizing each specific suit. By the 1940s, a consensus had been reached in Congress that a less cumbersome

way of redressing past wrongs should be established. In addition, a "final settling" of obligations to Indians appealed to those who favored termination of the special trustee relationship between the U.S. and Indian Tribes. The Commission's purpose was to adjudicate settlements to compensate Tribes for lands that had been unjustly taken or for which inadequate compensation had been paid. The docket containing each tribe's claims, supporting and refuting evidence, and the Commission's findings represents an important source of primary and secondary ethnohistorical data about aboriginal land use, settlement patterns, subsistence practices, demography, and social organization. The responses of Indian people to Indian Service administrators, as reported by ethnographers and historians, are included in these materials. The data in these dockets are useful in gaining an understanding of continuity and change in the cultural communities that comprise the "Affected Indian Tribes."

The remainder of this discussion is divided into five parts. Section 2.0 contains a general overview of the Columbia Plateau region and the historical circumstances leading to the Treaty Council of 1855. The historical materials indicate that while important differences are found among the groups being considered, many cultural similarities are shared as well. The Treaty Council of June 1855 resulted in the assignment of Columbia Plateau Indians to reservation. In the case of the Umatilla and Yakima, it led to the consolidation of several Tribes and bands into more encompassing national entities than had previously existed. Section 3.0 contains a summary of the agency reports and Indian Claims Commission docket for the Yakima Indian Nation. Section 4.0 contains a similar summary of materials pertaining to the Confederated Tribes of the Umatilla Indian Reservation, followed by Section 5.0, a summary of materials pertaining to the Nez Perce Tribe. Section 6.0 presents some general observations about the similarities and differences between the three cases, and identifies the sources to which the investigation will turn next in gathering information to address the expressed concerns of the Affected Indian Tribes.

2.0 CULTURAL GROUPS OF THE COLUMBIA PLATEAU AT THE TIME OF CONTACT: A BRIEF OVERVIEW

According to the Indian Claims Commission dockets and agency reports, at the time of white contact the Columbia Plateau area would be best characterized as ethnically diverse, with local settlements derived from one of three main linguistic stocks: Sahaptin, Salish, and Chinook.¹ Fishing, hunting, and gathering provided the means of subsistence for most local settlements, which were tied to one another by the common use of resource areas and an extensive regional trading network. Figure 3 presents the location of reservation and ceded land areas for the three cultural communities.

2.1 Environmental Setting

The Columbia Plateau is located east of the Cascade range. Despite its arid to semi-arid climate, the region was traditionally rich in plant and animal resources, particularly along its edges where deep river valleys border high mountain forests and meadows.² The Plateau region includes most of the Snake River drainage, as well as the Columbia, Deschutes, John Day, Umatilla, and Yakima rivers and their tributaries. Much of the the Plateau's gently rolling land surface is furrowed by the canyons of these rivers.

The average elevation of the Plateau is about 3,500 feet, above which rise numerous buttes. The Blue and Wallowa Mountains to the southeast reach elevations of 9,000 to 10,000 feet. The main ridge of the Cascade Range, to the west, also rises to elevations of 9,000-10,000 feet, with higher peaks at Mt. Adams (12,000 feet) and Mt. Rainier (14,400 feet).

The area is relatively dry (as little as 8 to 9 inches precipitation in some areas, averaging about 20 inches overall), and is basically steppe or desert country. Plant coverage characteristic of this region includes sagebrush, bitterbrush, bunch grass, berries, and small stands of junipers, moving into pine and fir, and more verdant grasses in the mountains.

Among the resources of special importance to Native Americans were fish and roots. Anadromous steelhead and chinook salmon, which spend much of their life cycle in ocean waters but return to fresh water to spawn, were central to the region's inhabitants. Steelhead run inland

¹ Tribes and bands of the region falling within these three linguistic categories include: Sahaptin (Kittitas, Yakima, Klikitat, Wanapam, Palus, Keen, Nez Perce, Cayuse, Walla Walla, Umatilla); Salish (Chelan, Entiat, Wenatchee, Columbia [or Sinkiuse]); Chinookan (Wishram and Wasco) (12 Ind. Cl. Comm. 303-304).

² The physical characteristics of the Columbia Plateau are summarized from Robert Suphan's testimony before the Indian Claims Commission (Suphan n.d.: 6-8).

FIGURE 3. Ceded Lands and Reservations of Affected Indian Tribes

CEDED TERRITORY AND RESERVATIONS OF AFFECTED INDIAN TRIBES

twice a year, in the early spring and again in the fall, and the chinook run in the late summer and early fall.

The fish were a reliable source of food that could be dried and stored for winter use or as a trading commodity. They were harvestable from the lower Columbia up to the headwaters of the drainage basin. The best fishing was at falls and rapids, where the fish had to jump over rocks and could be more easily speared or netted. The major fisheries were at The Dalles and Celilo Falls on the lower Columbia, at the confluence of the Snake and Columbia rivers (near the present-day city of Pasco), at Priest Rapids just upstream from the Hanford Site, and at Kettle Falls on the upper Columbia. In addition to the anadromous species, eels, ocean run suckers, whitefish, trout, and sturgeon were found in the major rivers and tributaries of the Columbia, and were also used by the Indian people.

Root crops were plentiful on the Columbia Plateau. Camas was probably the most important, followed by biscuit root. Camas has an edible bulb-like root that is high in calories and rich in protein. It is found in the wet meadows at the region's middle elevations, and was harvested after the seeds had set in the summer and through the early fall. Camas can be stored for a long time once it has been roasted, providing a staple for the winter diet.

Biscuit root is similar to camas with its high calorie content, and was also harvested after its seed had set in the early summer. It could be stored after drying and roasting. Unlike the camas, it is found on the dry rocky canyon slopes of the Plateau. It usually ripens earlier than camas, and is lower in protein content. Together with camas, biscuit root made up a substantial portion of the Plateau inhabitants' vegetable diet, which was supplemented by vitamin- and sugar-rich berries.

Ethnohistorical materials indicate that dozens of vegetable foods, roots, and berries made up about a third of the traditional Plateau diet. They were a predictable and reliable food source, and together with fish, provided perhaps 80-90 percent of the diet. The remainder of the food was supplied from hunting deer and elk, with most hunting being undertaken at the higher elevations in the summer and then down in valley winter ranges after colder weather set in.

Subsistence activities in the Plateau were thus seasonal and relatively localized. Camas grew only in cool wet meadows; salmon were found only in the rivers (and those downstream were the fattest, before they had to swim so far upstream); and game were found in the canyons or up in the mountain valleys. Salmon and vegetable foods were plentiful in the summer, once the fish began to run and the plants ripened. In the fall there were ample supplies of stored food and fresh game. The late winter and spring, however, were times of scarcity for many Plateau groups. Famine was unusual, but spring was typically a lean time. As a result, there was a certain fluidity to regional social organization. Individuals usually had ties to people in other locations, and

marriages and trading partnerships were strategically arranged to distribute access to dispersed resources.

2.2 Population

The Columbia Plateau's population at the time of white contact was ethnically diverse. Ethnohistorical materials emphasize ethnicity rather than tribal affiliation. The term "tribe" has a relatively specific technical definition referring to a form of political organization and leadership for which there is little evidence in the case of the Plateau groups. The members of each named "ethnic group," however, spoke the same language, identified their residence as their principal winter settlement, more often married within their group than outside it, and had greater social and economic interactions within their group than outside it. Members of specific ethnic groups (designated with such names as Yakima, Kittitas, Palus, Umatilla, and Nez Perce) are described as regarding themselves as distinct, yet tied to one another through their common economic, social, and spiritual attachment to particular places (Chalfant n.d.[a]: 38-39).

Mooney (1928: 13-16) estimated that the population of the Columbia region had reached about 35,000 inhabitants in 1780, just prior to white contact. Contact and the subsequent introduction of disease had a disastrous effect on indigenous populations: The first great smallpox epidemic occurred in 1782-1783, destroying one-third to one-half of the area's native population. By 1788, trade with coastal groups had begun, which also served to introduce sexual diseases. In 1846, another smallpox epidemic ravaged the Columbian groups as far east as the Nez Perce. Measles struck the Cayuse and related Tribes (in eastern Oregon) in 1847, and in 1852-1853 smallpox spread throughout Washington and northern Idaho "wiping out whole villages in some Tribes" (Mooney 1928: 14). Wars and friction with settlers from 1840-1855, and final removal to reservations, were as costly to some Tribes as disease. In 1861, two years after Congress ratified the 1855 treaties, the Commissioner of Indian Affairs reported that about 12,100 people, only one-third of the population estimated 80 years earlier, were under the jurisdiction of the Plateau region's agencies.³

³ Of the 12,100 total, the breakdown by agency is:

<u>Yakima Agency:</u>	2,629	<u>Eastern Oregon (Dalles) Agency:</u>	5,170
Klickitat	633	Wasco	475
Wishram	471	Iyich	475
Columbia R.	808	Deschute	350
Yakima	667	John Day	120
Wanatcha	50	Utilia [sic]	250
		Cayuse	500
<u>Nez Percés Agency:</u>	4,300	Walla-Wallas	300
Naz Perces	3,700	Mountain Lake	800
Spokane	600	Bonnacks	700
		Diggers	700
		Scattering	600
		Nez Percés	500

From: *Statistical Supplement to the Annual Report of the Commissioner of Indian Affairs* (1861: 219-220).

2.3 Political Organization

Most observers assert that the basic political unit among Plateau peoples prior to contact was the local group or band, the composition and size of which fluctuated according to different economic activities in different seasons (Ray 1936: 115-117; Chalfant n.d.[b]: 18-19; Underhill 1953: 255). Temporary affiliations into larger groupings were established for military purposes and for certain economic functions. Bands are reported to have shared the right to use many fishing, gathering, and hunting areas. Chalfant argues that it was from such patterned use that the bands obtained their distinctive composition:

The bands were often [sic] heterogeneous, comprising families from different ethnic groups—i.e., Cayuse, Wallawalla, Nez Perce, Umatilla, Palus. Local autonomy was the rule, each band operating under its own headmen or spokesmen. No larger political groups were known, although tribal organization has often been imputed to these groups since the time of white contact, either through the erroneous recognition of a local chief as having greater authority, or the misinterpretation of the larger ethnic groups as political structures. And, it is known historically that some chiefs' positions were enhanced through white recognition, based on European preconceptions, providing a basis for wider claims of authority for such men than actually recognized by their own people (n.d.[b]: 18).

Other scholars have disagreed over the way in which the region's distinctive ethnic groups came to be distributed about the landscape at the time of first contact with non-Indians. Teit (1928), for example, accounts for settlement at the time of contact in terms of eight major migrations in the 18th century, caused by the northward advance of the Shoshone speakers. Ray, in contrast, argues that the Sahaptins were raiding southward against the Shoshone at the time of Lewis and Clark. Chalfant leans towards Teit's hypothesized migration scheme, citing supporting evidence from earlier ethnographers and noted scholars such as Boas and Spier. Citing earlier ethnographers, Chalfant gives the following picture of pre-contact occupation of the Columbia Plateau:

There has doubtless been a considerable shifting of the Tribes within the period since the presence of the horse first began to make itself felt, say about 125 or 150 years ago. We know that some of the Shoshonean Tribes, who formerly lived east of the Rockies were pressed south and west by the Blackfeet. It is not at all improbable that these in turn pressed upon the Sahaptian Tribes of the Columbia valley. The two were deadly enemies at the time of Lewis and Clark's visit. The Nez Perce were at war with the Shoshone along Snake river, and the southern bank of the Columbia was found to be uninhabited from near the mouth of the Wallawalla to below The Dalles, because of fear of attacks by the Snakes. Later the Sahaptian Tribes acquired horses, became more prosperous, and drove back the Snakes from the neighborhood of the Columbia. It would appear that in the meantime certain Sahaptian Tribes also had moved northward and westward and forced back the Salish Tribes which at the time of Lewis and Clark's visit were along the north bank of the Columbia and on its tributaries. These Tribes were particularly the Klikitat and the Yakima, an assumption supported by the definite assertion of the natives themselves, a number of old men positively assuring Dr. Suckley that they had pushed their way into the country formerly

occupied by members of the Salish. The Yakima probably lived on the Columbia near the mouth of the river that bears their name.... As late as 1854 the Palus, a tribe living further east, on Palouse river, regarded themselves as a portion of the Yakima and the head chief of the Yakima as their chief. The general similarity of the Wallawalla language to that of the Klikitat and the Yakima, rather than that of the Nez Perces, would also be in accordance with this view (Lewis 1906: 193-198, cited in Chalfant n.d.[b]: 20-21).

In support of Teit's mapping of tribal distributions in the Northwest in the last half of the eighteenth century, Boas adds:

[Teit's] map shows the distribution of Tribes as obtained from the earliest reliable information collected among old Indians....A number of important changes have occurred since that time [18th century] and previous to the settlement of the country by the Whites....It will be seen that considerable shifts of population occurred in the Columbia river region just before the advent of the Whites (Boas 1927: 117-118).

2.4 Consolidation and Emerging Nationhood

Emergence of a national identity among Plateau Tribes coincided with the events leading up to the 1855 Treaty Council. Isaac Stevens (who was the newly appointed governor of Washington Territory and superintendent of Indian Affairs), had directed a survey of prospective railroad routes through the territory in 1853, and determined that it would be necessary to arrange treaties with the region's Tribes in order to gain the necessary land cessions. It was his opinion that:

In making the reservations it seems desirable to adopt the policy of unifying small bands under a single head ... when they are collected in large bands it is always in the power of the government to secure the influence of the chiefs, and through them, to manage the people (Annual Report 1854: 456).

The Acting Commissioner of Indian Affairs authorized Stevens to begin treaty negotiations in 1854. In Oregon, Joel Palmer had been given a parallel title and similar instructions.

At the time of the 1855 treaty negotiations, the Columbia Plateau was populated by politically autonomous local bands, sharing a common resource base and only loosely affiliated for military and trading purposes. The looseness of these affiliations led to disputes concerning the representation of various groups at the Treaty Council, with members of some groups feeling that they could not endorse any spokesperson who would agree to land cessions. In addition, the treaties required some groups to relocate to newly established reservations in unfamiliar territory among people of different ethnic backgrounds. Their reluctance to relocate under these circumstances led to hostilities with white settlers in the region, diverted the attention of Indian agents, and led to the establishment of the short-lived (1879-1884) Columbia Reservation.

3.0 MATERIALS PERTAINING TO THE YAKIMA INDIAN NATION

Prior to contact, the Yakima constituted a regional population with a common subsistence base, tied together by extended trading networks and intermarriage. Political affiliations between the various local groups were relatively fluid, becoming more consolidated only in the wake of initial contacts with non-Indians. The Indian Claims Commission dockets⁴ provide important information about this process of political consolidation and the related emergence of a national identity among the ethnically diverse Tribes and bands whose descendants today constitute the Yakima Indian Nation. In addition, the agency reports⁵ and Claims Commission dockets together provide insights into the efforts of Indian Service employees to implement economic development measures on the newly created Yakima reservation.

3.1 Treaty of 1855

In the summer of 1854, Chief Kamiakin of the Yakima and several other prominent leaders of the Plateau Tribes were informed by Governor Stevens that the government intended to make treaties for land cessions with them (Splawn 1917: 19-25). Kamiakin opposed the idea of selling their lands, and according to Splawn, called for a council of all the noted chiefs of the Columbia basin Tribes in the Grande Ronde valley. It was Kamiakin's plan to form "a confederacy of all the Tribes from British Columbia to the southern boundary of Oregon, for the purpose of resisting, if it became necessary, the occupancy of their lands by the whites" (1917: 21). The council's purpose was to reach agreement among the chiefs on boundaries for their lands and "to mark the boundaries of the different Tribes so that each chief could rise in council [with Stevens], claim his

⁴ See Ross (1973) for an index to the expert testimony and decisions of the Indian Claims Commission. The Yakima Indian Nation's land claims are found in four dockets. The first one, Docket 47 (filed by the "Yakima Tribe of Indians" on May 29, 1953), deals with land areas that the Tribe claimed were improperly excluded by the U.S. when the reservation boundary surveys were undertaken to carry out the Treaty of 1855. Docket 161 was also filed by the Yakima Tribe of Indians, claiming compensation for lands in the northern portion of the area ceded by the 1855 treaty. These lands had been used by members of some of the bands (Wenatchee, Entiat, Columbia, and Chelan) that were resettled to the Yakima Reservation. Docket 224 was filed by the Colville Confederated Tribes on behalf of the "Moses Band of Columbia Indians," which the Commission found to be the same as the bands represented in Docket 161. Docket 222 was filed by the Colville on behalf of the Palouse Band, which the Commission found to have a legitimate basis for making claims under the Yakima Treaty, just as it had found the claims filed on behalf of the Moses Band legitimate. The Colville Dockets (Nos. 222 and 224) and the Yakima Docket (161) concerning contested Wenatchee, Entiat, Columbia, Chelan, and Palouse lands were consolidated, and a single set of findings and opinions was issued concerning these claims.

⁵ From 1854-1906, detailed narrative reports documenting the operations and accomplishments of Indian agencies east of the Cascade Mountains were published as appendices to the Annual Reports of the Commissioner of Indian Affairs. These reports are available at the University of Washington's Special Collections Library in Seattle. Following 1906, the reports were filed but not published, and may be viewed on microfilm under the title of *Superintendent's Annual Narrative and Statistical Reports from the Field Jurisdictions of the Bureau of Indian Affairs* at the Seattle branch of the National Archives and Records Administration. After 1936, reports were no longer required and the last Yakima report was filed in 1938.

boundaries and ask that the land be made a reservation for his people. Then there would be no lands for sale, the council would fail...." In Chaffant's view (n.d.[b]: 30-31), the boundaries set forth at Kamiakin's Grande Ronde council do not correspond with those later established by the Indian Claims Commission for the same groups.

A subject of great dispute in the hearings of the Indian Claims Commission was the representation of the Chelan and Columbia Tribes and bands at the 1855 treaty council. Ray notes that representatives of the Wenatchee and Entiat Tribes signed the Yakima Treaty but the Columbia and Chelan Tribes did not.

[These] non-signers are not mentioned as in attendance at the treaty negotiations. There is no reference to them in the treaty itself or the associated papers. Nor does the treaty or the treaty minutes mention the Columbia, Entiat, or Chelan Tribes. Stevens may, however, have meant to include them under the term *Pisquouse*. It is possible that members of these Tribes were among the thousands of Indians gathered at the treaty grounds but they did not speak and Governor Stevens did not call upon any one of them. The Columbia and Chelan Indians deny that they participated in or, even without signature, agreed to the treaty

....There are statements in the archival records relating to the treaty that one or another or all of the Tribes in the Columbia confederacy recognized Kamiakin as their leader and spokesman. However, there are more citations of the unity of the northern Tribes as an entity separate from the confederation achieved by Kamiakin among the southern Tribes. Kwiltzinuk and later Moses were the heads of the Columbia confederation in the same way that Kamiakin was head of the Yakima confederation.

(It may be explained parenthetically that the term Yakima is misleading as it appears in some of the documentary sources. Originally it meant the Kittitas tribe of the upper Yakima Reserve while the peoples of the lower Yakima River were known by a separate term or terms. In the documents the distinction is sometimes made between upper Yakima--that is to say, Kittitas, and lower Yakima, the people of the more southerly Tribes. The Columbia confederation under Kwiltzinuk and Moses included only Salish speaking peoples) (Ray n.d.[a]: 22-24) .

The Treaty of June 9, 1855 (12 Stat. 951) recognized for the first time a confederated group of 14 Tribes and bands as "one nation, under the name of 'Yakama' [sic], with Kamaiakun as its head chief."⁶ As shown in Figure 1 (page 6), the treaty reserved about 1.4 million acres extending west from the Yakima River to the ridge of the Cascade Range for the exclusive use of the Yakima Nation. It also acknowledged the cession of about 11 million acres to the U.S. that had formerly been used by Tribes and bands of the newly consolidated nation, with the provision that tribal members would retain the right to fish at "all usual and accustomed places, ...together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed" portions of the ceded lands (12 Stat. 953).

⁶ The 14 tribes and bands named in the treaty were: "Yakama, Palouse, Pisquouse, Wenatshapam, Klilikatat, Klinquit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Khyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat" (12 Stat. 951).

Although the treaty was signed in 1855, it was not ratified by Congress until 1859. In the four intervening years, recurrent intrusions of treaty rights took place, leading the Yakima to war against the settlers and gold-seekers passing through their country. As Indian Commissioner Charles E. Mix described it:

Intruded upon, ousted of their homes and possessions without any compensation, and deprived, in most cases, of their accustomed means of support, without any arrangement having been made to enable them to establish and maintain themselves in other locations, it is not a matter of surprise that they ... have been exasperated to frequent acts of hostility (Annual Report 1858: 7).

Many of the Sahaptin-speaking Palouse and the Salish-speaking Columbia, Chelan, Entiat, and Wenatchee were extremely unwilling to relocate to the reservation. According to Ray, the strong resistance against such a move derived from the fact that the Yakima Reservation was on land entirely outside the aboriginal territory occupied by these Tribes. Furthermore, the character of the country was quite different, and, "most important of all, the Indians who had lived there and who are now situated there were of a language stock totally unrelated to that spoken by the members of the confederacy and their ways of life contrasted sharply" (Ray n.d.[a]: 18). It was the strong feeling of homeland and the desire to be situated with others of their same tongue that led Moses and his Tribes to hold so tenaciously to their determination to remain off the Yakima Reservation and on their own lands" (Ray n.d.[a]: 19).

It eventually became clear that it would be practically impossible to get all the members of the Chelan, Entiat, Columbia, and Wenatchee Tribes to go to the Yakima Reservation. As a result, the Wenatchee were told that they could homestead in the same manner as whites settling in the Wenatchee Valley (Ray n.d.[a]: 17). Apparently, the Chelan, Entiat, and Columbia people were not told that they could remain in their aboriginal territory. With Moses adamantly insisting that he would not move to Yakima, an Executive Order was issued in 1879 to accommodate his wishes, authorizing the creation of the Columbia Reservation.

Under pressure from the Army, most of the Entiat and Chelan people moved to the Columbia Reservation soon after it was created, but the Columbia and Wenatchee remained in their old homelands. At about the same time, miners in the Okanogan Valley pressured Congress to remove from trust status a 15 mile strip adjacent to the Canadian border. This reduced the Colville Reservation land area and led to further complaints that the region's Indian lands should be opened to public settlement because the Indians weren't using the remaining lands effectively. Moses was called to Washington once again in 1883, and he agreed to give up the Columbia Reservation if the people for whom it was established--the Columbia, Entiat, Wenatchee, and Chelan--were given rights on the Colville Reservation. As a result of this agreement, in 1884 most of the Columbia Indians moved to the Colville Reservation, "except for a few who may have gone to the Yakima Reservation, which was still their privilege" (Ray n.d.[a]: 26-27).

The agreement also allowed Indians from the Columbia Reservation to take a 640-acre homestead instead of going to the reservation. In 1884, Congress passed a bill known as the Indian Homestead Act. Between these two pieces of legislation, Chelan, Entiat, and Wenatchee were encouraged to take allotments in the places where they were already settled, when it was seen that they were reluctant to go to either the Colville or Yakima Reservations. The Wenatchee did this, and their descendants today occupy lands in their ancestral territory. The Chelan not only refused to go to either reservation, but actually refused to have their lands surveyed for homesteading. The Entiat are said to have taken advantage of the more attractive parcels on the north side of Lake Chelan when they saw that the Chelan were not going to act under the Homestead Act.

With the Columbia Reservation thrown open to white settlement, conflict ensued and the remaining Chelan and Entiat who did not choose homesteads were escorted to the Colville reservation. Ray reports that "a few Wenatchee families who went to the Colville [sic] have in recent years returned to the Wenatchee Valley or have gone to the Yakima Reservation, a considerable amount of intermarriage has taken place between descendants of the members of the Columbia confederation who moved to the Colville Reservation and Indians resident on the Yakima Reservation" (Ray n.d.[a]: 29).

3.2 The Reservation Period

Following ratification of the Treaty of 1855 in 1859 came concerted efforts to modify the social and economic patterns of the Yakima. In particular, the Indian Service agents who supervised the reservation promoted farming and ranching as the appropriate "civilized" economic pursuits. Although new practices were slow to take hold, by the end of the 1930s profound changes had taken place on the reservation, many of which were attributable to the effects of allotment, irrigation, and the continued settlement of the Yakima valley by non-Indians.

In 1859, Richard H. Landsdale became the first Indian agent to serve the Yakima at Fort Simcoe. By 1862, agent A. A. Bancroft estimated that the combined population of the 14 bands and Tribes comprising the Yakima Nation was around 3,000. Not all the Yakima lived on the reservation, however, and only 400 families were said to be "making farms" (Annual Report 1862: 419).

Superintendent C. H. Hale described for that same year a general "lack of dwellings for Indians." He suggested that improvements could be made at little cost to the agency by using the local mill and "logs cut by the Indians, who, with the assistance of the employees, will erect the houses" (Annual Report 1862: 392). Two points are worth noting here: (1) the early recognition of timber as an important natural resource on the reservation; and (2) the use of Indian labor to fulfill certain Government obligations.

James L. Wilbur became head of the Yakima Agency in 1865. A Methodist missionary, Wilbur had previously served as superintendent of the reservation school from 1860-1864. He retired from the Indian Service in 1883 after having spent 20 years on the reservation. His term was briefly interrupted in 1869 when President Grant took office and transferred administration of all agencies to military control. Army Lieutenant James M. Smith served at Fort Simcoe until 1871 when agency administration again changed, this time reverting to missionary supervision. The Yakima Reservation was assigned to the Methodists, who reappointed James Wilbur as head of the agency.⁷

During the brief interlude of Smith's tenure, a number of personal accusations and factual discrepancies appeared in the annual reports that might have been amplified had Wilbur not been reappointed in 1871, and had he not served such a long term overall. Smith, for example, accused Wilbur of showing favoritism to Methodist converts and of ignoring the needs of non-converted or Catholic Indians (Annual Report 1870: 32). He also charged that Wilbur's "highly favorable" reports on the wealth and industry of the Yakima were "grossly exaggerated" (Annual Report 1870: 33). Where Wilbur reported the Yakima held 12,000 horses and 1,600 head of cattle in 1869, Smith contended the figures should have been half that high.

Upon resuming his position as agency head, Wilbur's reports from 1871 to 1883 indicate continued economic development on the reservation. Productivity increased, as measured by the number of families who were farming, the bushels of crops they harvested, and the number of head of livestock they raised. Capital improvements such as acres of ground broken for cultivation, fencing, and housing construction were also made (*Annual Reports and Statistical Supplements 1861-1905*).

By the mid-1870s, the use of Indian labor in exchange for annuities was openly advocated: In 1875, the Commissioner of Indian Affairs commended Congress for having recognized that Indians "should toil for what they have ... [and] all annuities should be paid only in return for some form of labor" (Annual Report 1875: 24). In a rare reference to Indian attitudes about government policy, Commissioner E. P. Smith went on to write:

The question has been raised by the Indians...as to the right of the Government to compel them to labor as a condition antecedent to receiving that which the Government has promised (Annual Report 1875: 24).

He justified the Government's position by continuing:

⁷ Grant's administration (1869-1877) was marked by a distinctive national policy known today as Grant's "Peace Policy." In response to a federal budget burdened by the Civil War and its aftermath, and a clamor for a de-militarized federal Indian policy from reform-oriented missionary societies, Grant turned reservation administration over to the missionary societies. Each reservation was assigned to a particular denomination.

When it is remembered that the Indian actually receives that which the Government has promised him, and enjoys besides the benefit of all the labor he performs, ... not only in its moral effect in promoting habits of industry, but also in the improvements made and crops raised, there can be no hesitation as to the positive benefit conferred (Annual Report 1875: 24).

Two years later, Commissioner E. W. Hayt further exhorted that,

Agents must use care in the distribution of supplies, and should demand from the Indian some work for the rations furnished him (Annual Report 1877: 4).

Agents who thus required labor for rations were not only able to write positive reports about the progress the Indians were making towards "civilization," but could also boast of improved living conditions on the reservation.

Although farming was the preferred occupation for Indians in the agents' eyes, it was not always the most practical. As early as 1860, the Superintendent of Indian Affairs for the Oregon Territory wrote in reference to the Yakimas that he was

fully convinced that the interest of the Indians will be prominently advanced by encouraging the rearing of sheep and cattle, an occupation more consonant with the character of their country and their previous pursuits than agriculture (Annual Report 1860: 180).

Yet successive Yakima agents (and Wilbur, in particular) tended to emphasize farming over ranching. Ranching activities persisted, however, and continued to be considered more viable than farming by some of the agents.

Continuation of Traditional Economic Activities. A close reading of the annual reports reveals that the Yakima continued to fish, hunt, and gather wild roots and berries at the same time they were farming and raising livestock. In 1881, Wilbur noted that out of a total population of nearly 3,400 Yakima eligible to live on the reservation, only 647 had settled there permanently. All of the others traveled to fishing grounds for at least part of the year and of those, more than 1,200 lived either permanently or "habitually" (that is, during all parts of the year but the winter) off the reservation and were engaged in a combination of fishing, hunting, and gathering (Annual Report 1881: 174).

One advantage to the Yakima of continuing their traditional economy was the subsistence cushion it provided. In years of drought or severely cold weather they were able to survive crop failures and stock losses that otherwise would have been devastating. Increasingly, however, the Yakima had to contend with expanded settlement on their ceded lands, making hunting, fishing, and gathering activities more difficult.

Access to traditional fishing grounds was a particularly contentious issue. The Treaty of 1855 had guaranteed the Yakima access to their "usual and accustomed" places to fish. As white

settlers discovered the commercial potential of fishing, however, they began to move onto land adjacent to Yakima fishing grounds, barring access to the Indian fishermen. By 1884, the salmon resources of the middle Columbia River were reported to be "rapidly diminished" by white fishermen (Annual Report 1884: 172). A lawsuit filed by the Government on behalf of the tribe concerning Yakima rights to cross private land to reach the fishery at Celilo Falls was eventually upheld (Annual Report 1886: 247). Challenges to Yakima fishing rights have nonetheless persisted into the 20th century.

Construction of dams and irrigation canals further diminished fishing resources by preventing the salmon from reaching their upstream spawning grounds. As a result, thousands of fish died. By 1911, Yakima fishing was reported by the agent to have become "so limited as to be almost negligible" (1911 Narrative Report).

3.3 Allotment

Several patents (or title to individual plots of land) had been issued to Yakimas who were settled on farms prior to the enactment of the General Allotment Act in 1887 (Annual Report 1871: 119). In addition, the so-called Indian Homestead Act of 1884 made it possible for Yakimas living off the reservation to claim homesteads on public lands (Annual Report 1884: 177). Those who took advantage of such offerings were relatively few in number, however, and in 1890 the Yakima were reported to be "almost unanimous in their opposition to Allotment" (Annual Report 1890: 231). That they eventually agreed to accept allotments did not diminish their factionalization over the issue; those who farmed were generally more willing to accept allotments than those who grazed animals, harvested wild hay, or lived in fishing villages off the reservation (cf. Schuster 1975: 249-262).

In 1883, the Reverend Robert H. Milroy succeeded Wilbur as head of the Yakima Agency. Milroy was a strong proponent of allotment and was in favor of opening the reservation to non-Indian development. In 1885 he calculated that 500,000 out of the 800,000 acres remaining on the reservation were surplus or "not needed" by the 1,000 resident Indians (Annual Report 1885: 203). The Yakima were to prove tenacious in holding onto their unallotted lands, however, and persistently refused government offers in the late 1890s to buy it (Annual Report 1899: 363).

When the allotment rolls closed in 1914, 4,506 individual allotments had been issued for 440,000 acres of land. The unallotted portions of reservation land retained their tribal trust status. However, nearly 80,000 acres of the allotted lands would pass out of Yakima control by 1939. By the end of that year, only 32.2 percent of the reservation area still held by Indians was actually used by them; 51.3 percent was leased by non-Indians (*Statistical Supplement to the Annual Report* 1939). It is also a matter of record that most of the good, arable land had passed into non-Indian hands. The agency report of 1900 states that of the 2,483 allotments issued at the time,

only 700 bordered on creeks, leaving 1,783 (or 72 percent of the allottees) with "worthless lands" (Annual Report 1900: 401).

The Yakima also faced forced land cessions in connection with railroad and telegraph lines cutting through their reservation in the 1880s. At the close of the decade, Agent Thomas Priestly reported that the Yakima were still waiting to receive payment for lands ceded to the railroad several years earlier (Annual Report 1889: 293). Only when the land claims settlements were finally adjudicated in 1963 was payment authorized (12 Ind. Cl. Comm. 301).

Irrigation. Water and the regulation of its use became an increasingly serious issue as more settlers moved into the Yakima valley. In contrast to agent Wilbur's early appraisal of the agricultural potential of the reservation, later agents were more realistic about what it would take to convert the dry land into arable soil: irrigation. Developing an adequate irrigation system was both expensive and fraught with political problems (Annual Report 1898: 304).

Beginning in the 1890s, a number of large scale irrigation projects were begun on or near the reservation. Agents wrote frequently of the difficulty the Yakima had in retaining a fair share of the water. In 1894, for example, the Columbia Irrigation Company was authorized by Congress to build a canal across the reservation to irrigate lands lying south of the reservation. A provision was included to allow the Indians to purchase water from the company (Annual Report 1895: 321). Agent L.T. Erwin pointed out that the Indians had no capital to do so and suggested the Department of the Interior make an appropriation to buy water for them.

Instead, Congress passed a law in 1906 that permitted the Indians to sell all but 20 acres of their allotments to raise cash that they could then use to pay for irrigation on their remaining acreage (Annual Report 1906: 388). Actually, the result of this and other legislation was that most of the good irrigable reservation land passed from Indian hands through either the sale or lease of allotments.

The eastern portion of the reservation fell within the growing irrigation system. As canals and water provisioning improved, the cultivated acreage expanded. By 1917, 60,000 acres were irrigated. More improvements were legislated under the Indian Appropriation Act of 1918. By and large, however, it was the non-Indian farmer working on either leased or purchased allotment lands who benefitted most from these improvements. The Yakima generally did not have the capital to purchase seeds, labor, machinery, or other materials necessary for successful farming.

Coinciding with allotment and the agricultural development of the eastern side of the reservation was a shift in the population center. In 1922, Fort Simcoe (on the west side of the reservation) was abandoned, and the town of Toppenish (on the reservation's east side) became the new agency headquarters.

Livestock and Wage Labor. At the same time the Yakima were being encouraged to take up farming and settle onto individual allotments, they were also encouraged to raise livestock. Some agents felt that stockraising held far greater promise for long-term development than farming (Annual Report 1889: 291). By 1896, the Yakima were reported to own 10,000 horses, 6,000 cattle, 4,000 hogs, and 2,500 sheep (Annual Report 1896: 317). These numbers reflect a slight decrease in the number of horses (which were not considered viable commodities on the non-Indian market due to their small size and wild character) and close to a quadrupling of cattle and other stock over a twenty-year period. By 1910, it was estimated that half of the adult Indian population owned livestock. Most livestock, however, was owned by only a dozen families (Narrative Report 1910).

After the turn of the century, the Yakima were encouraged to diversify their economic activities. Dairy farming was strongly promoted by the agents. It was an extension of cattle ranching, at which the Yakima were accomplished, but it also required the Indians to stay home to work with the cows daily, a goal the agents still sought to achieve. By the 1920s, the number of Yakima who had entered the dairy business had increased slightly, but not nearly to the extent the agents had hoped (Narrative Report 1928).

Dairy farming was not the first enterprise that failed to capture the interest of the Yakima. Agency reports throughout the years note that the Yakima were most receptive to work that was either compatible with or similar to the kinds of activities they had engaged in prior to establishment of the reservation. Those things that required constant, year-round attention (such as dairy farming or raising poultry) were not readily accepted. The Yakima preferred grazing livestock on the open range or harvesting hay because those activities allowed the year to be broken up into a semblance of the traditional seasonal round--salmon fishing in the spring and fall, root gathering and berry picking in the summer, hunting in the fall--with many returning to the reservation for the winter. Some agents surmised that even without the economic impediments to managing their own allotments, the Yakima would prefer to lease them because they were then free to move about during the year (Narrative Report 1929, 1931).

In selection of wage labor the Yakima also exhibited a preference for work that conformed to earlier patterns. Hop-picking was one of the more popular forms of seasonal labor because whole families could assemble in a manner similar to root gathering camps. The season thus provided an opportunity to live communally as well as earn money (Narrative Report 1913). As early as 1889, agent Thomas Priestly noted that during August and September "large numbers" of Yakima went hop-picking off the reservation (Annual Report 1889: 291).

The Yakima were also known to be accomplished fruit raisers and berry pickers. Most of the families living on the western side of the reservation had orchards of their own. Although they

did not grow fruit commercially, they were sought out for commercial picking, and most of the area growers were said to "prefer Indian pickers" (Narrative Report 1913).

The Statistical Supplement to the 1929 Annual Report lists a total Yakima population of 2,955, one-third of whom did not live on the reservation. The majority of those living on the reservation lived on allotments rather than in towns. Only 5 percent (or 168 individuals) were listed as being "entirely self-supporting." Of those listed as being "engaged in trades for themselves," 150 were thought to be fishermen, 25 worked cutting or selling lumber, and 11 were listed as employed by others. Livestock holdings totalled more than 15,000, the majority of which were sheep and poultry. By 1921, the principal source of income to the reservation was grazing leases (Narrative Report 1921)

Forestry. According to an appraisal report in the land claims docket, Europe and the Orient were the major outlets for lumber produced in the Northwest up until 1910. The shipment of lumber products to the Midwest or East was not profitable because these markets were fully supplied by the production of the Great Lakes region and the South (Miller 1954: 54). Until 1900, demand for timberland in the Northwest area was almost entirely limited to the Puget Sound, the coastal areas of Washington and Oregon, and the area bordering the Columbia River and its navigable tributaries. The demand for export trade could be met by the forests of these areas, which were far more accessible than the forests of the interior regions. East of the Cascade Mountains, the demand for lumber was almost entirely local, and as a consequence, the sawmills of the interior regions were small, privately owned plants, and output was limited to meeting the purely local demands of the region in which each of these small mills was located. Production and transportation costs prevented these small operators from competing with the large mills of western Washington and western Oregon, for either export trade or for the local markets of those regions (Miller 1954: 55).

On the Yakima Reservation, timber would prove to be one of the most valuable resources they held. In the reservation's early years, it was a convenience for the development of the agency: lumber could be cut and processed on the reservation and Indian labor could be used in building the agency facilities. Wood was also the primary fuel source.

The first lumber mill was built on the reservation in 1873. When it burned in 1884, a second mill was built. That mill burned in 1892, after which the agents were unable to complete the two replacement mills that had been authorized.

According to agency reports, the greatest impediment to developing the forestry industry was not a lack of harvestable timber (in 1910 there were an estimated 2 billion feet available), but the difficulty of transporting, processing, and marketing the lumber. The Yakima are also reported to have shown little interest in the work (Narrative Report 1919). As more roads were built on the

reservation, however, increased mention is made of forestry activities. By the 1920s, "small numbers" of Yakima were reported to be working in the lumber industry, and by 1928 a forestry department office had been opened at the agency headquarters.

In 1933, seasonal employment in the forestry department was available to Indians "in practically all jobs not covered by Civil Service" (Narrative Report 1933). A reforestation program had also been instituted. In closing his 1934 narrative report, agent G.R. Whitlock asserted that "with proper financing and management, the Yakima Indians are in a position to dominate the fuel wood industry in this country" (Narrative Report 1934: 63).

4.0 MATERIALS PERTAINING TO THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

The Umatilla Indian Reservation was created for members of the Cayuse, Walla Walla, and Umatilla Tribes in northeastern Oregon under the provisions of the Treaty of 1855 (12 Stat. 945). Under this treaty, the Tribes ceded approximately 6.4 million acres in northeastern Oregon and southeastern Washington to the U.S. government. A reservation of 326,550 acres was set aside for them in the center of the ceded territory along the the Umatilla River. Following ratification of the treaty in 1859, the Umatilla Agency was established near the present town of Pendleton, Oregon (see Figure 1 on page 6).

As revealed in the annual reports and the Indian Claims Commission papers, the history and development of the Confederated Tribes of the Umatilla Indian Reservation have been distinctly bound to issues relating to land. A persistence of traditional land-use patterns is revealed in the annual reports. Expert testimony and "Findings of Fact" in the Claims Commission docket also emphasize the importance of these patterns by documenting the nature and extent of each tribe's aboriginal territory and land-use practices.⁸

4.1 Pre-Contact Subsistence and Land Use

The Indian Claims Commission docket for the Confederated Tribes contains a lengthy description of the cultural attributes and economic activities of the Cayuse, Umatilla, and Walla Walla Tribes at the time the Treaty of 1855 was signed.⁹ The Commission recognized the Tribes as culturally distinct groups in both "an ethnic sense" and as "separate land-using entities" (8 Ind. Cl. Comm. 336). It also recognized that they shared many Plateau cultural traits and had adopted aspects of Plains culture by the early 19th century (14 Ind. Cl. Comm. 381).

All three Tribes spoke Sahaptin languages. After acquiring horses early in the 18th century, each tribe engaged in an annual economic round that included hunting, fishing, and gathering wild roots and berries. They wintered in permanent villages along the Snake and Columbia Rivers and their tributaries. During the spring, summer, and fall, they "joined together in subsistence gathering groups ... to move about over wide expanses of land to fish, hunt, dig roots, gather berries, and graze their herds of horses" (8 Ind. Cl. Comm. 551). The men fished and hunted game, while the women dug roots, gathered berries, and prepared food for winter.

⁸ Although the expert witnesses disagreed over the specific boundaries of each tribe's territory and the extent to which they exclusively controlled or shared subsistence areas, the "Findings of Fact" clearly document that each had a long-term and far-ranging residency in the area.

⁹ The Umatilla docket (No. 264) contains a written ethnological report by the government's witness, Robert J. Suphan, and four entries of findings, opinions, and decisions.

The Umatilla Land Claim. The Confederated Tribes of the Umatilla Indian Reservation filed four separate claims against the U.S. government in 1951 under the authority of the Indian Claims Commission Act (8 Ind. Cl. Comm. 513). In Claim 1, they sought additional compensation for lands ceded to the government under the Treaty of 1855 (an area of approximately 6.4 million acres). In Claim 4, they sought compensation for adjacent lands lying outside and to the south of the ceded area that they claimed were theirs and had been taken without any compensation at all (an area of approximately 3.8 million acres). Claims 2 and 3 concerned fishing and water rights, and a dispute over the original reservation survey. These latter two claims were removed from the original docket and were never formally heard before the Commission. Consideration for all four claims was included in the final compromise judgment reached in 1966.¹⁰

The crux of the Umatilla case centered on whether or not the Tribes held "original Indian title" to the lands in question. As defined by the courts, "original Indian title" was recognized when a tribe had occupied and used an area exclusively and continuously for "a long time" prior to the loss of the property (14 Ind. Cl. Comm. 166). The Tribes claimed original title to all the lands in question, but the Commission found that only the lands in the vicinity of the winter villages met these conditions (14 Ind. Cl. Comm. 115). In reaching this decision, the Commission determined that rather than being used and occupied exclusively, much of the land was used in common by all three Tribes (and others, as well) (14 Ind. Cl. Comm. 30).

Dr. Verne Ray, the expert witness for the Tribes, argued that while several Tribes might use an area, the tribe whose land it was had given permission to the others to use it (14 Ind. Cl. Comm. 29). It was his opinion that the Tribes controlled larger tracts of land than what was found in the immediate vicinity of the winter village sites. The Commission disagreed and found that there were no "permissive use" agreements operating in the wider territory (14 Ind. Cl. Comm. 30). As a result of the Commission's findings, the government was only held liable for a portion of the contested territory (14 Ind. Cl. Comm. 171). In spite of the legal decision, however, the Claims Commission docket contains pertinent information concerning the extent and diversity of the territory the Tribes used aboriginally in meeting their annual subsistence needs.

¹⁰ On June 10, 1960, the Commission entered findings, an opinion, and an interlocutory order on Claims 1 and 4 (8 Ind. Cl. Comm. 513). Claims 2 and 3 had been removed from docket 264 and were held in dockets 264A and 264B. On September 28, 1964, the Commission vacated its 1960 decision at the request of the tribes and entered new findings, a new opinion, and a new interlocutory order (14 Ind. Cl. Comm. 14). The tribes appealed the Commission's decision to the U.S. Court of Claims (Appeal Docket 1-64 as cited in 16 Ind. Cl. Comm. 511). On January 20, 1966, a joint motion was filed by the tribes and the government requesting a final judgment on all four claims (including Claims 2 and 3 that had never come to trial). The compromise settlement called for a judgment against the United States in the amount of \$2,450,000, pending dismissal of the appeal by the Court of Claims (16 Ind. Cl. Comm. 484).

4.2 The Reservation Period

When the Umatilla Indian Reservation was created by the Treaty of 1855, it called for the Cayuse, Walla Walla, and Umatilla to live together on a vastly reduced tract of land in the center of their aboriginal territories. The three Tribes were distinct groups whose differences were recognized among themselves, as well as by the first white people to encounter them. The early Indian agents quickly recognized the differences between the Tribes and questioned the appropriateness of assigning all three to the same reservation. In 1860, agent A.J. Cain wrote that the Cayuse, who were noted for raising horses, "would much prefer to go to the Nez Perce Reservation, as they have intermarried, speak the same language and have been mostly absorbed by that tribe" (Annual Report 1860: 208). The Walla Walla, in contrast, gained most of their subsistence from fishing and seemed better placed with the Yakima (Annual Report 1860: 210).

The original Umatilla Reservation contained 326,550 acres of timbered, mountainous terrain that was complemented by rolling, grassy hills and rich, arable bottom land. It was bordered along the east by the Blue Mountains and bisected by the Umatilla River. Approximately one-third of the reservation area was tillable farmland, one-quarter was timbered, and the balance consisted of rolling grasslands suitable for pasturage.

While the thrust of early reservation policy was to turn the Indians into farmers, the Cayuse were principally engaged in raising horses at the time the Umatilla Agency was established. They reportedly showed an interest in agriculture, however, as did the Umatilla (Annual Report 1861: 165). The Walla Walla, in contrast, were considered by the agents to be "debauched," in that they resided primarily along the Columbia River, subsisting "almost entirely" on fish (Annual Report 1860: 208).

One of the first tasks facing the Umatilla agents was to get the Tribes to move to the reservation. This was required under the terms of the treaty, but due to delays in the arrival of payments and supplies, many tribal members were slow to comply. Furthermore, the treaty reserved for them the right to fish at the "usual and accustomed" places, and the privilege to hunt, gather, and graze livestock on open and unclaimed lands off the reservation, which many of them did (12 Stat. 945).

In 1863, an estimated 916 Indians were living on the Umatilla Reservation: 283 Umatilla, 336 Cayuse, and 297 Walla Walla (Annual Report 1863: 64). The following year, 721 were listed as resident and 300 (mostly Walla Walla) were said to be living along the Columbia River (Annual Report 1864: 86). The 1870 census listed a population of 1,622, only 837 of whom lived on the reservation year-round (Annual Report 1870: 50).

Throughout the 1870s, the Umatilla agents expressed exasperation over the Indians who continued to reside along the Columbia River. Not only were the Walla Walla congregating there, but Yakima bands and others were as well. In 1874, agent Cornoyer estimated that more than 2,000 Indians were living along the Columbia, and suggested that perhaps a separate reservation be set aside for them (Annual Report 1874: 322). Four years earlier, agent Boyles had advocated using military force to remove them (Annual Report 1870: 50).¹¹

At the same time the agents were trying to get the Indians to move to the reservation, many of the white settlers in the area wanted a new reservation established elsewhere so they could use the fertile Umatilla valley themselves. In 1869, agent Barnhart reported that the white population was "clamorous for the removal of the Indians" (Annual Report 1869: 159). While Barnhart himself favored moving the reservation, he conceded that the Indians did not. In 1867, he noted that their only discontent during the past year had been "the constant fear that the reservation will be taken from them" (Annual Report 1867: 87).

In 1870, Congress approved negotiations with the Confederated Tribes for their removal to another reservation. When the council met the following year, however, the Indians made it clear that they did not want to move. Commissioner Felix Brunot concluded his report on the council by asserting that the question of moving the reservation was settled: "the Government would ... advise the whites to give up all expectation of getting Umatilla lands" (Annual Report 1871: 97).

Agriculture. In light of the difficulties the Umatilla agents had getting the three Tribes to settle on the reservation, agricultural development was relatively slow to take hold. In 1861, 470 acres were reported under cultivation (Annual Report 1861: 165). One year later, agent Barnhart reported that only 200 acres were being farmed. A harsh winter was cited as the reason for the cutback. Wheat, barley, oats, peas, corn, and potatoes were among the crops cultivated (Annual Report 1862: 269).

Although increasing numbers of families had begun planting crops, climatic conditions conspired to keep the harvests small, leaving many with "barely enough for their subsistence" (Annual Report 1864: 87). By 1878, however, enough surplus grain was being raised to sell some to neighboring towns (Annual Report 1878: 122). The following year, 2,000 acres were reported under cultivation; the harvest included 5,000 bushels of wheat, 700 tons of hay, and 50,000 melons (Annual Report 1879: 133). By 1884, 12,000 acres were reported under cultivation, with 40,000 bushels of wheat harvested (Annual Report 1884: 147).

¹¹ More than 60 years later, the issue was finally resolved. On March 1, 1936, Indians residing around Burns and on both sides of the Columbia River were transferred to Umatilla jurisdiction, adding approximately 1,000 Indians to the agency (Narrative Report 1936).

Agricultural development in and around the Umatilla Reservation was not dependent upon irrigation, as it was on the Yakima Reservation. It developed instead around a dry-farming, summer fallow system of planting every two years and letting the land lie fallow on alternate years to replenish its nutrients. It was good land for growing wheat and other grains, and the white settlers living near the reservation began increasingly to engage in large-scale, single-crop farming.

Few members of the Confederated Tribes had either the resources or the inclination to farm on a large scale. Many grew small gardens and raised livestock. They also continued to exercise their treaty rights to hunt, fish, and gather off the reservation. As a result, much of the reservation was left undeveloped. This played to their disadvantage, for it looked to outsiders as though they neither needed nor used all the land that they had. Agitation for Indian land continued throughout the 19th century, and in 1885 legislation was enacted that radically changed the face of the reservation (Slater Act of March 3, 1885, 23 Stat. 340). In 1891 individual allotments of land were issued to families under this law. Most of the "surplus" land was sold to non-Indians.

Stockraising. In spite of the Umatilla agents' efforts to encourage farming, stockraising remained the principal occupation on the reservation until the early 20th century. Stockraising was not viewed as favorably by the agents because it did not require the Indians to "settle down" in the same way that farming did. In assessing the situation, however, agent Comoyer conceded that:

stockraising is more in accordance with the disposition of these Indians than agricultural pursuits, and as the business is more remunerative and less laborious, it would be a hard matter to wean them from it while the range for stock is so extensive (Annual Report 1879: 133).

The economic benefits of stockraising began to diminish after 1890. The Cayuse ponies that were once highly valued for trade by Indians throughout the Plateau were considered too small and poorly bred to be marketable as work horses (Annual Report 1895: 277). As farming became more mechanized and automobiles replaced horses for transportation, the demand for the Cayuse ponies further declined. Mange had also reached near-epidemic proportions around the turn of the century. By the late 1920s, horse stock raised by the Confederated Tribes was raised principally to sell to packers for fertilizer (Narrative Report 1926).

Coupled with the dwindling market for livestock was a reduction in the open rangeland due to allotment. In spite of these impediments, however, the Confederated Tribes maintained their herds of horses at the level of several thousand head through the mid-1920s. As for the Yakima, stockraising afforded the Confederated Tribes a freedom from daily responsibilities that farming did not. By not being tied to a planting and harvesting schedule, they were able to pursue

other seasonal activities. Wage labor in nearby hop and berry fields augmented their incomes, as did working the wheat and hay harvests for local white farmers. They also continued to hunt, fish, and gather wild roots and berries (Narrative Report 1934).

4.3 Allotment

Pressure for Umatilla lands existed before the reservation was established and continued unabated into the 20th century. In 1860, agent Cain noted that "owing to the rapid increase of the white settlers, daily conflicts occur in regard to their respective rights" (Annual Report 1860: 208). The reservation was also used as a "thoroughfare" through the Blue Mountains to the gold mines of Idaho and eastern Oregon. In 1862, Barnhart reported that 4,000 people had passed through the area during a recent four-month period (Annual Report 1862: 270). The surrounding whites not only wanted reservation lands and trespassed upon them, but wanted additional wagon and stage roads built across them as well (Annual Report 1875: 353).

Prospects for allotment (e.g., dividing the reservation into individual parcels, or "allotments" of land) were discussed in the agency reports as early as 1863. Indian attitudes about allotment appear to have been mixed and mostly negative, although they were under a great deal of pressure to accept them. The agents tended to favor allotment, and their reports bear testimony to their powers of persuasion. In 1878, for example, agent Cornoyer noted "anxiety among the Indians" over what would happen when their treaty expired the following year (Annual Report 1878: 123). He noted that they were especially worried about losing their lands. The following year he wrote that they were willing to take allotments:

These Indians, with few exceptions, wish to take their lands in severalty and remain on the reservation (Annual Report 1879: 134).

In 1880, tribal representatives met with the U.S. Department of Interior and reached an agreement that would allow those who wanted to take their lands to be allotted, and those who did not, to relocate to another reservation (Annual Report 1880: 145). The Indians seemingly had little choice, and if faced with the option of losing their lands altogether, their new position as revealed in Cornoyer's 1879 report is more understandable.

The enabling legislation for the allotment of the Umatilla Reservation was contained in the Slater Act of March 3, 1885 (23 Stat. 340). Under its provisions, allotments of 160 acres each would be issued to heads of families, 80 acres to unmarried adults and orphans, and 40 acres to children. Remaining "surplus" land would be sold. Before any allotments could be made, however, the reservation had to be resurveyed to clarify its boundaries (Annual Report 1884: 147).

In 1890, "after much delay," the surveys were completed. A census was taken and the Indians were ready to select their tracts (Annual Report 1890: LI). The first set of allotments were made during 1891-92.

On April 1, 1891, the "residue lands" not set aside for the reservation were offered for sale (Annual Report 1891: 379). All of the agricultural lands were sold. Restrictions had been applied to the sale of timber and pasture lands, resulting in 70,000 acres not being sold in this first go-around. In 1902, however, a supplementary act was approved (32 Stat. 730) that allowed the remaining land to be sold (Annual Report 1902: 66).

As a result of the Slater Act and its supplement, the Umatilla Reservation was reduced to slightly less than half the size of its original 326,550 acres. Of the remaining 156,761 acres, more than 80,000 had been allotted to 984 individuals, and nearly 75,000 acres remained as tribal property (Narrative Report 1913). The diminished reservation was nearly evenly divided between farmland and forest/pasturage. All of the allotments were made on farmland, and the timber and pasturage were held in common.

A second period of allotment was authorized by Congress on March 2, 1917. Eligible tribal members who had not previously received allotments were entitled to receive 80 acres each from the remaining 75,000 acres of tribal land. By 1923, these allotments had been completed and all the tribal lands had been allocated.¹² In 1929, after much agitation on the part of the Indians, approximately 10,000 of the 75,000 acres that had been allotted were restored to the reservation and held as joint property (Narrative Report 1932). These lands included nearly 7,200 acres in the "Johnson Creek country" that the Umatilla claimed had been omitted from the original allotment survey.

As part of the allotment legislation, Congress approved a provision that would give the Indians title (or "patents") to their lands after a trust period had passed. During this trust period, the Indians were expected to master farming techniques, be instilled with a sense of property ownership, and learn about tax payments. Once the "patents in fee" were issued, the Indians

¹² The entire area of the diminished reservation was 156,761 acres, divided as follows:

Slater Act allotments:	81,605
Second allotments:	74,647
School farm:	630
Cemeteries:	15
Catholic school:	160
Catholic church:	98
Reserved for Catholics:	249
Presbyterian church:	160
City of Pendleton:	198

From: Narrative Report 1932.

gained U.S. citizenship and were free to sell all or part of their allotments. By 1913, 20,000 acres had been patented. Superintendent Edward L. Swartzlander noted that:

A large portion of the patented land formerly belonged to mixed bloods and has been sold to whites. Very little of the land belonging to the full-blood Indians has passed from their ownership (Narrative Report 1913).

Eleven years later, almost one-third of the total area of the reservation had passed from Indian hands (Narrative Report 1924).

4.4 Effects of Allotment

Agriculture. Following the first period of allotment, legislation approved on February 28, 1891 enabled allotment recipients to lease or rent their lands for restricted periods of time. By 1894, 90 percent of all agricultural lands on the Umatilla Reservation were being farmed by non-Indians (Annual Report 1894: 268).

The agricultural economy growing up around the Umatilla Reservation was based on large-scale farming. Many of the farms in the area were 2,000-3,000 acres in size (Narrative Report 1910). Indian allotments of 160 acres were not large enough to make summer fallow (or alternate year planting) successful. Nor were the Indians generally able to afford the heavy equipment needed to work such farms. As a result, the Confederated Tribes were both pressured and inclined to lease their lands, rather than struggle with them alone.

Having conceded that large-scale wheat farming posed inherent difficulties for most of the Indians, Swartzlander encouraged them to develop small-scale subsistence farms (Narrative Report 1913). About 5,000 acres of bottom land lay along the Umatilla River and other streams that he felt could be successfully farmed with irrigation. Due to a lawsuit brought successfully by a Pendleton mill owner, however, they held no legal rights to the water flowing through their reservation.¹³ As a result, only about 150 acres were placed under irrigation.

By 1923, most of the Indians on the reservation were cultivating small gardens and many farmed slightly larger tracts of from five to twenty acres. Of the 13,000 acres attributed to Indian cultivation, nearly half were in small lots of hay used for winter stock. Only a few farmed large tracts of wheat (Narrative Report 1923).

¹³ The 1912 Narrative Report makes reference to a lawsuit brought by a Pendleton mill owner over Indian rights to the water flowing through the reservation in the Umatilla River. In 1918 the case was brought before the State Supreme Court and decided in the mill owner's favor. The Department of Justice further instructed the Attorney General of the District of Oregon not to appeal the decision (Narrative Report 1918). The Confederated Tribes brought this matter up again in their suit before the Indian Claims Commission (Claim 2), charging that the government had failed to intervene in their behalf in the state case (16 Ind. Cl. Comm. 485).

The price of wheat fell during the early 1920s, leading to a decline in the income the Indians could collect from their leased allotments. As wheat prices fell, so did production, as well as opportunities for wage labor on the large surrounding farms. The reservation residents' continued pursuit of their traditional subsistence activities undoubtedly helped them through these lean years.

In 1926, the new Umatilla superintendent, O.L. Babcock, began work on a demonstration farm that he hoped would lead to more diversified cropping in the area. In addition to decreasing reliance on wheat, he hoped to find a crop that could be planted during the fallow years, adding to the productivity of the area without depleting the soil. He introduced potatoes, but the low prices received at market discouraged the Indians from planting them again (Narrative Report 1928).

In 1929, he thought he had found a solution: nitrogen-enhancing beans and peas. The Van Camp Bean Company planted 10,000 acres of beans that year and a California company planted 2,000 acres of peas. The bean crop did not do well because it was a dry year, but by 1935 the pea industry had been developed to a commercial level and 40,000 acres had been planted on and around the reservation (Narrative Report 1935).

Forestry. Nearly one-quarter of the reduced Umatilla Reservation was covered in timber. The forest reserves were scattered, however, and road access to them was limited. As a result, logging did not become a significant tribal enterprise during the period covered by the agency reports. The potential value of the timber was nonetheless recognized, and a forest guard's cabin was erected in 1911 to protect the timber from unauthorized loggers (Narrative Report 1911).

Wage Labor and Round-ups. Although most members of the Umatilla Tribes received rent money from their leased allotments, many also hired out for wage labor. By the turn of the century, most worked at least part of the year on the reservation, where they hired out to the white farmers who leased their lands (Narrative Report 1910). Others did road work, gathered wool, or picked fruit, but few worked year round (Narrative Report 1925). Seasonal work was said to be preferred because it freed them to maintain some of their traditional activities (Narrative Report 1930).

By the turn of the century, Indians throughout the Columbia Plateau had also established a pattern of gathering for annual celebrations and round-ups, the largest of which was held at Cayuse during the first two weeks of July. These gatherings provided a welcome opportunity for the Tribes to visit, dance, gamble, and trade together. Some agents found the activities objectionable, feeling they reinforced the "old ways" (Narrative Report 1912).

Local variations of "Wild West" shows abounded in the area, and the Umatilla Tribes, as well as the Yakima and Nez Perce, were in demand to set up "Indian villages," put on horse races,

and demonstrate other "Indian" activities for tourists. These events provided a predictable, if short term, source of income for the participants and were also considered easier work than the physical labor generally available to Indians (Narrative Report 1930).

The allotment of the Umatilla Reservation and subsequent sale of more than half of the treaty lands had a decisive effect on the course of the Confederated Tribes' economic development. Not only did they lack the financial resources to compete with their non-Indian neighbors, but they had good reason to resist efforts to change their basic subsistence patterns. As they adapted to a cash economy, they substituted stockraising, subsistence farming, and wage labor for some of their seasonal rounds. They nonetheless maintained enough of their traditional activities for agent Babcock to write in 1930 that "the nomadic tendencies of the Indians are too well established to be easily stopped" (Narrative Report 1930).

5.0 MATERIALS PERTAINING TO THE NEZ PERCE TRIBE

The Nez Perce reservation was created for members of the Nez Perce Tribe in northern Idaho under the provisions of the Treaty of 1855 (12 Stat. 957), but was redefined under the provisions of the Treaty of 1863. Under the Treaty of 1855, the Tribe ceded approximately 6.9 million acres in what is today northern Idaho, eastern Washington, and northeastern Oregon to the U.S. government. About 1.2 million acres were reserved for the Tribe's exclusive use along the Clearwater River, a major tributary of the Snake. The treaty was ratified in 1859, but a gold rush in 1860 resulted in a new treaty in 1863 (ratified in 1867). The new treaty reduced the reservation land area to 755,000 acres, and exacted from the Nez Perce additional cessions of mineral-rich lands (see Figure 1 on page 6).

As revealed through the Indian Claims Commission materials and the annual reports to the Commissioner of Indian Affairs, the Tribe's land and resource base decreased markedly during the first several decades following the creation of the Nez Perce Reservation. However, Nez Perce tribal identity endured throughout this period, and they exhibited resilience in economic development matters.

5.1 Pre-Contact Subsistence and Land Use

"From time immemorial" the Nez Perce had exclusive use of a large tract of land within the drainage system of the Clearwater, Snake, and Salmon rivers. They were "culturally identifiable and had a definite political structure reflecting tribal nationality" which was "recognized by the tribal members and contemporary aboriginals" as well as the first non-Indians to meet them. Tribal identity was also evident through "tribal use of possessions and its national function, including its relations with others" (18 Ind. Cl. Comm. 87).

Nez Perce sociopolitical organization (at the time of the 1855 Treaty Council) "was one of tribal nationality, functioning through elective chiefs and councils," made up of several geographically based local bands (18 Ind. Cl. Comm. 89). Before acquiring horses early in the 18th century, the Nez Perce had a "predominant village economy" based on seasonal use of local resources concentrated along streams and in river valleys (18 Ind. Cl. Comm. 14, 27). They followed a well established seasonal round throughout their territory and established many permanent villages and temporary seasonal camps (18 Ind. Cl. Comm. 103, 105). Subsistence was based primarily on fish, meat, roots, and berries.

Acquisition of horses significantly changed Nez Perce culture and lifestyle: "With the coming of the horse they tended to become more cohesive in settlement, political and social patterns, tending to larger political groupings and clustering and the emergence of tribalism" (18

Ind. Cl. Comm. 27). Annual migrations were made to buffalo hunting grounds on the Plains, and many cultural traits from the Plains were adopted. However, territorial and resource use patterns established before the introduction of horses "remained the core of their economy pattern" (18 Ind. Cl. Comm. 27).

5.2 The Reservation Period

Reports from early representatives of the Office of the Commissioner of Indian Affairs noted the "great natural resources" of Nez Perce territory (including an abundance of game, fish, and timber) and its suitability for growing wheat, fruit, and for raising stock (Annual Report 1851: 221; 1857: 376; 1860: 23). Such observations heightened interest by non-Indians in acquiring Nez Perce lands. By the 1850s, the U.S. government had begun in earnest its efforts to place the Nez Perce (as well as all the native peoples of North America), on a reservation and place their lands in the public domain. The Reservation period had an enormous effect on Nez Perce life and culture, strongly influencing economic development, the nature and extent of their land base, and use and allocation of resources.

The 1855 Treaty created the reservation and required the Nez Perce to cede their remaining aboriginal territory. The Nez Perce later claimed that the U.S. had "dealt unfairly and dishonorably" in obtaining the cession, and that the amount paid them was "unconscionable" and far below fair market value (18 Ind. Cl. Comm. 7, 116, 120).¹⁴

The 1855 Treaty was not ratified by Congress until 1859, and the intrusion of outsiders on lands that the treaty had set aside for the exclusive use of the Nez Perce called into question the honorable intent of the U.S. government. In addition, the discovery of gold on the reservation in the 1860s caused "a rush of white persons" (Annual Report 1861: 26). An estimated 5,000-7,000 prospectors were on the reservation in 1861 (Annual Report 1861: 176). The intrusion of whites, and the illegal removal of approximately \$6 million worth of gold (8 Ind. Cl. Comm. 335-337) caused considerable tension, and created what would prove to be continuing conflicts over the use and appropriation of Nez Perce resources.

In response to increasing pressure on the land base, an agreement was negotiated on April 10, 1861 between the Nez Perce and the government, "by which the tribe permitted white men to enter upon roughly the northern half of the reservation for mining purposes" (3 Ind. Cl.

¹⁴ In Docket 175 the Nez Perce filed a claim with the Indian Claims Commission seeking compensation for land ceded in the 1855 Treaty. The grounds were that "land owned aboriginally at the time of the 1855 Treaty was in excess of that described in the treaty, and of far greater value than the amounts the defendant agreed to pay" (18 Ind. Cl. Comm. 7). In 1971 the Indian Claims Commission decided that the Nez Perce did know and fully describe their territory in the 1855 Treaty negotiations and thus their claim was not valid. The Commission, however, found the payment made to the Nez Perce for the ceded lands to be "unconscionable" and awarded them \$3,550,000. (18 Ind. Cl. Comm. 31).

Comm. 574-575). Trespass throughout the reservation continued, however, and a new treaty was negotiated in 1863 to cede the reservation gold mining lands (3 Ind. Cl. Comm. 590). The 1863 Treaty redefined reservation boundaries, reduced total reservation acreage, and opened settlement further (Annual Report 1866: 5; 1867: 14; 1872: 50). In 1960 the Indian Claims Commission decided that the Nez Perce had been paid an "unconscionable consideration" for the 1863 land cession, and paid them nearly \$4.2 million in compensation (8 Ind. Cl. Comm. 775).¹⁵ The Nez Perce were also compensated \$3 million in 1959 for the value of gold removed from the reservation between 1860 and 1867 (8 Ind. Cl. Comm. 336).¹⁶

Government policy, implemented by the Indian agents, exerted considerable pressure on the Nez Perce to change from a traditional subsistence base (hunting, fishing, gathering) to farming and wage labor. The transition was gradual, but created marked tension. Various Indian agents reported yearly Nez Perce agricultural success and improvements (Annual Report 1857: 354; 1860: 209; 1866: 38), while simultaneously mentioning continuing traditional subsistence practices (Annual Report 1860: 178; 1865: 233; 1888: 96; 1889: 182-183). Gradually, however, the shift to a cash economy occurred; over time fewer Nez Perce made the annual trip to the buffalo hunting grounds, and wage labor eventually became an important source of livelihood (Annual Report 1876: 45).

5.3 Factionalism and the War of 1877

During the Reservation period discontent grew among the Nez Perce due to treaty violations, white encroachment, and the government's failure to pay treaty annuities. Disagreement over the 1863 Treaty resulted in factionalism within the tribe; the "treaty" faction consisted of those who were more cooperative with assimilation efforts, and signed the 1863 Treaty. The "non-treaty" faction refused to sign the treaty and fought to maintain their aboriginal territory and traditional cultural practices. They refused to leave their traditional territory in the Wallowa Valley and move onto the reservation. Tension between the non-treaty Nez Perce and white settlers grew and culminated in the "Nez Perce War" of 1877. The non-treaty faction, led by Chief Joseph, fled north toward Canada, pursued by the U.S. Army. Upon their capture they were

¹⁵ In Docket 175-A the Nez Perce sought additional compensation for the lands ceded under the 1863 Treaty, claiming payment made to them was "unconscionable" and based on "unfair and dishonorable dealings" (8 Ind. Cl. Comm. 220). In 1960 the Commission awarded the Nez Perce \$4,157,605.06 based on the fair market value of the 6,932,270 acre ceded tract.

¹⁶ In Docket 180-A the Nez Perce sought compensation for the value of gold illegally removed from the reservation during the 1860-1867 mining activity. The Indian Claims Commission estimated the value of the gold removed to be \$6,000,000 (8 Ind. Cl. Comm. 335), and in 1960 decided that "... the Nez Perce Tribe is entitled to recover 50% of the net profit of \$6,000,000 or \$3,000,000, which would have been a fair and reasonable royalty which could and should have been negotiated in behalf of petitioner tribe for the mining and other related uses made of the tribe's reservation during the period 1860 to April 17, 1867." (8 Ind. Cl. Comm. 336-337).

not allowed to return to Idaho. They were sent to the Indian Territories (Oklahoma) instead, and finally to the Colville Reservation in Washington (Annual Report 1877).¹⁷

The events of the 1877 war are pivotal in Nez Perce cultural history in that they constitute the ultimate expression of resistance to assimilationist pressures. Many factors were involved in the development of factionalism within the tribe and with the subsequent historical events involving "Joseph's band." A dominant theme in that chapter of Nez Perce history, however, is the importance of land, and the connection of people to a particular place. "The deep love of homeland is a powerful aspect of the ethnology of all Plateau Indians but ... it reached its zenith with Joseph's band." (Ray n.d.[b]: 10).

5.4 Allotment

The General Allotment Act of 1887 (24 Stat. 388) defined federal Indian policy in the Post-Reservation period (Annual Report 1887: 274). In passing the act, Congress intended to speed assimilation of native people as a solution to the "Indian question" (Annual Report 1881: xxii). Allotment on the Nez Perce Reservation began in 1889 and was completed in 1893. Individual households were given 80-acre tracts of farmland or 160-acre tracts of grazing land (Annual Report 1889: 147). An estimated 179,000 acres were allotted; 32,000 acres were designated as tribal timber reserve, and 2,200 acres were designated for the use of the Agency and missions. Patents for allotted lands began to be issued to allottees in 1896 (Annual Report 1896: 25).

The Indian Appropriation Act of 1894 legalized cession and sale of non-allotted "surplus" lands to the government, and turned them over to "the public domain" (Annual Report 1894: 26). The Nez Perce resisted the cession of the unallotted reservation lands and "manifested and expressed a decided unwillingness to part with any of their surplus lands.... [M]any...insisted that the unallotted lands should be retained for their unborn children" (13 Ind. Cl. Comm. 192). However, the agreement was signed and the unallotted lands were sold to the U.S. (Annual Report 1894: 456). The "surplus" lands were opened to homesteading by Presidential Proclamation (1896: 467). "At Noon on November 19, 1895, the ceded lands were opened to the public.... The best lands were taken quickly. There were 507 homestead filings in the first 13 days after the reservation was opened" (13 Ind. Cl. Comm. 196).

¹⁷ A claim (Docket 197) was filed with the Indian Claims Commission in 1952 (by the Confederated Tribes of the Colville Reservation and Charles E. Williams, Joseph Redthunder, and Harry Owhi as representatives of the Joseph Band of the Nez Perce Tribe, and the Nez Perce Tribe as intervenor) on the grounds that the U.S. never paid any member of the Joseph Band its share of the trust funds belonging to the Nez Perce Tribe, and never made any allotments to the members of the Joseph Band (2 Ind. Cl. Comm. 180). A Compromise Settlement was reached in 1960 and a decision entered against the government for \$1,119,071.78 (23 Ind. Cl. Comm. 41).

The Nez Perce were paid a total of \$1.6 million for the ceded unallotted lands, which was disbursed to tribal members in the form of per capita payments over several years (Annual Report 1894: 459; 1896: 142; 1898: 148; 1900: 222; 1901: 215). The Indian Claims Commission found that the amount paid for the land cession was "unconscionable" and compensated the Nez Perce an additional \$6.6 million (with interest).¹⁸

Allotment and land cession significantly changed the face of the Nez Perce Reservation, and had a limiting effect on economic development for the next several decades. Reservation size was reduced from 755,300 acres (as defined by the 1863 Treaty) to approximately 213,200 acres (Annual Report 1894: 141). Per capita payments resulted in an enormous influx of cash into the reservation economy. Also, white settlement greatly increased following allotment; several towns grew up, and non-native businesses and industry (commercial farming and lumbering) quickly took hold. "With the opening of the Nez Perce Indian Reservation in 1895, the country began a period of rapid agricultural expansion which was marked by the construction of a number of mills adjacent to the various bodies of timber within the country" (13 Ind. Cl. Comm. 200). Efforts by non-Indians to use and acquire reservation lands continued, and the practice of leasing allotted lands developed quickly following allotment. Over-use of leased land depleted the soil. In addition, the land base was reduced to such a degree that no free range was available (Annual Report 1900: 223). Overall, allotment and sale of surplus land actually increased competition for available land, rather than serving to relieve it.

5.5 Effects of Allotment

The allotment period came to an end early in the 20th century as per capita land sale payments ceased and allotted lands were patented. Much of this land was sold out of Indian ownership (a reported 90 per cent by 1910) (Annual Report 1910: 215). Employment became a more important issue on the reservation, although even by 1910 there was "no ongoing system for furnishing Indians of the reservation with employment" (Annual Report 1910: 215). Rental of inherited allotted lands continued to be the main source of income, supplemented by farming, wage labor, and local industry. The Nez Perce continued to fish seasonally and to dry fish for their own use.

White settlement and industry continued to grow, utilizing reservation resources. By 1927 only one unit of the tribal timber reserve remained; most of the "merchantable timber" had

¹⁸ Docket 175-B constituted a claim for compensation for lands ceded by the Nez Perce to the U.S. under the agreement of May 1, 1893, on the grounds that the payment had been "unconscionable" (13 Ind. Cl. Comm. 185) and obtained under duress by fraud (13 Ind. Cl. Comm. 195-196). The Indian Claims Commission decided that the Nez Perce had been paid far below fair market value for the lands ceded and identified the fair market value of the ceded tract to be approximately \$5.50 per acre (22 Ind. Cl. Comm. 56) and "therefore worth about 80% more than the consideration which was paid the plaintiff. In 1972 the Nez Perce were awarded \$6,609,926.14 (the difference between the consideration paid and the fair market value of the land, plus interest (22 Ind. Cl. Comm. 57).

been cut and sold (Narrative Report 1927). As allotted lands were inherited, they were often subdivided between multiple heirs or sold. By 1927, Nez Perce land holdings had decreased by half in the previous 20 years (ibid.).

The Depression had the same effect on the Nez Perce Reservation as on nearby non-reservation communities (Narrative Report 1932). The local economy suffered; grain prices were low, no jobs were available, and sources of income were few. White farmers leasing allotted lands could not pay their rent in cash, and compensated the Nez Perce with a portion of their crops instead.

The period of history documented in the annual reports of the Commissioner of Indian Affairs and the documents of the Indian Claims Commission was a time of major social, cultural, political, and economic change for the Nez Perce Tribe. Implementation of federal policy had marked effects on the Nez Perce land base in particular, resulting in a continual decrease of Nez Perce land holdings over time. Other reservation and tribal resources (such as timber and minerals) were similarly affected. In spite of those changes, however, the materials indicate that Nez Perce tribal identity and cultural continuity persisted with strength well into the 20th century.

6.0 CONCLUSIONS AND FUTURE BWIP ETHNOHISTORICAL WORK

The Hanford Site's suitability as a location for a nuclear waste repository will be determined after about seven years of detailed examination of the Site's characteristics. While this site characterization program is underway, the DOE will also be examining the potentially significant effects of repository development in areas of concern to the Yakima Indian Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe (each of which has been designated as an "affected Indian tribe" for the purposes of the Nuclear Waste Policy Act). This paper has reported on initial efforts to describe the long-term historical context within which the repository's potentially significant effects are to be evaluated.

6.1 Common Historical Themes

The foregoing discussion has summarized materials from two sources, the annual reports of Indian Service agents to the Commissioner of Indian Affairs, and the dockets of the Indian Claims Commission. While each of the Affected Tribes has had a distinctive historical experience, several common themes emerged from these materials, and they are summarized here.

Political Consolidation and Emerging National Identity. The Yakima Indian Nation and the Confederated Tribes of the Umatilla Indian Reservation were both created from a diverse array of culturally distinct local settlements. The local groups that were consolidated to form the Nez Perce Tribe were less culturally diverse, but prior to the 1855 Treaty Council, they too were relatively loosely affiliated with one another, largely for military and economic purposes. Out of this political consolidation has emerged a national identity for each group. This identity carries with it a strong attachment not just to the lands within the reservation boundaries that the treaties established, but to a relatively broad expanse that makes up the aboriginal territories of the bands and Tribes that were consolidated to form the three Affected Tribes.

Agricultural Production and Traditional Subsistence Practices. The agency reports plainly reveal the lengths to which agents went to change reservation residents into field cropping farmers. Equally plainly revealed is the extent to which this change was resisted, and the subsistence cushion that was provided by the pursuit of traditional fishing, gathering, and hunting practices. Even stock raising, which had some continuity with the traditional past for groups like the Cayuse and the Nez Perce (since the introduction of horses to the Plateau region in the early 17th century), was not encouraged as it did not conform to the agents' assimilationist ideal of sedentary farm families. Without irrigation, however, the lands set aside for reservations were only marginally productive for crop growing. Over the decades of difficult transition to economies based principally upon agricultural production and agricultural wage labor, fishing, gathering, and

hunting are reported to have made a significant contribution to reservation household subsistence well into the 20th century.

Allotment. After the treaty-sanctioned land cessions, the effects of allotment on the three Affected Tribes have been the most enduring of any changes reported in the historical source materials reviewed to date. Of lands set aside for the Nez Perce Reservation, 70 percent passed out of Indian control due to allotment. At the Umatilla Reservation, the figure was over 50 percent. While the land area on the Yakima Reservation that passed out of Indian control due to allotment constituted only about 30 percent of the total reservation land area, it is a matter of record that most of the arable land passed into non-Indian hands, leaving Indian allottees with non-irrigable lands characterized by the Indian agent at the time as "worthless." According to the agency reports, irrigation improvements were made primarily for the benefit of non-Indian farming operations. Indeed, at the Yakima Reservation, Indian allottees were permitted to sell off part of their already meager holdings to be able to afford to purchase water supplies from publicly subsidized irrigation improvements.

Wage labor and lease income. Over the period covered in the historical documents, lease payments and seasonal wage labor became principal sources of income for many Indian residents of all three reservations. Leasing was often a reasonable alternative to farming for reservation households because the allotted parcels were typically too small to support an individual household, but the cash income could be used to purchase food and other necessities that formerly would have been available through the pursuit of traditional subsistence practices. The agents attributed the popularity of seasonal wage labor in hop fields and fruit orchards to its congenial resemblance to traditional gathering and fishing activities. As with cash leasing income, wage earnings augmented household purchasing power.

Forestry. Each of the reservations had extensive stands of "merchantable" timber, which only realized their commercial potential as rail and roadway improvements reduced the costs of transporting timber (or milled lumber) to distant markets. The completion of roadways running from the forested hillsides to the main railways increased the commercial possibilities for the Yakima and Umatilla forestry enterprises shortly after the turn of the century. For the Nez Perce, larger-scale commercial operations were just getting underway at the beginning of the Reorganization period, when the historical sources covered in this report end.

6.2 Future Directions for BWIP Ethnohistorical Work

Additional sources need to be consulted to fill in the picture painted here with broad strokes. As noted in the Introduction, the materials reviewed to date should not be accepted uncritically. The agency reports reflect the viewpoint of Indian Service employees, with practically no reporting of the Indians' perspective on dramatically changing reservation conditions. The

Indian Claims Commission dockets incorporate some materials derived from ethnographers' consultations with native informants, but the range of issues addressed in these materials is relatively narrow, focusing solely on questions of a given group's authority to present a claim for compensation, and the land area for which such claims might be presented.

The historical sources to be reviewed next include materials compiled under the sponsorship of the Bureau of American Ethnology, and other early ethnographic accounts of the Yakima, Umatilla, and Nez Perce communities. Information will be reviewed on traditional spiritual practices and the persistence of traditional secular pursuits.

The analysis will then proceed to the Reorganization period, examining the effects of resource conservation measures (e.g., soil conservation, grazing management, and timber management) and public works improvements (e.g., irrigation and flood control projects, roadway building, domestic water, and sanitary sewer projects) undertaken with the authority of the Indian Reorganization Act, the Works Progress Administration, the Civilian Conservation Corps, and other New Deal legislation. The effects of Columbia Basin dam construction on fishing rights will be summarized, and the lasting effects of Reorganization of tribal self-government will be examined.

The historical analysis will then proceed to the Termination period, with an examination of the effects of relocation services programs, changes in health and educational policies, the conflicts between state and tribal governments engendered by P.L. 280, and the internal conflicts set off by the land claims cases themselves. The investments made with claims settlements and with compensation from dam construction projects will be described, and the transition to the period of Self-Determination will be examined.

7.0 REFERENCES CITED

Annual Reports of the Commissioner of Indian Affairs to the Secretary of the Interior
1854-1906. Washington: Government Printing Office.

Boas, Franz

- 1927 "Distribution of the Tribes of North America." *41st Annual Report of the Bureau of American Ethnology*. Washington, DC: U.S. Government Printing Office.

Chalfant, Stuart A.

- 1954 A Report on Anthropological and Ethnohistorical Material Relative to Aboriginal Land Use and Occupancy by the Columbia Salish of Central Washington. *Re: The Contederated Tribes of the Colville Reservation as the Representatives of the Moses Band v. The United States of America*. Before the Indian Claims Commission, Docket No. 224, Def. Ex. 65.

- n.d.[a] Ethnohistorical Report on Aboriginal Land Occupancy and Utilization by the Palus Indians. *Re: The Confederate Tribes of the Colville Reservation as the Representatives of the Palouse Band, et al. v. the United States of America* Before the Indian Claims Commission, Docket No. 222.

- n.d.[b] A Report on Anthropological and Ethnohistorical Material Relative to Aboriginal Land Use and Occupancy by the Wenatchi Salish of Central Washington. *Re: The Contederated Tribes of the Colville Reservation as the Representatives of the Moses Band, No. 224, as amended; and The Yakima Tribe, No. 161 v. The United States of America*. Before the Indian Claims Commission.

Indian Claims Commission

References to the decisions of the Indian Claims Commission (authorized under the Indian Claims Commission Act, 25 USCA 70, August 13, 1946) are prefaced by the volume and followed by the page number of the legal decision.

Lewis, Albert Buell

- 1906 "Tribes of the Columbia Valley and the Coast of Washington and Oregon." *Memoirs of the American Anthropological Association*, Vol. I, pp. 147-209. Lancaster (1905-1907).

Miller, C. Mark

- 1954 Appraisal of Patented Lands in the Yakima Indian Reservation. Case No. 47 before the Indian Claims Commission. Prepared for the Lands Division, U.S. Department of Justice by C. Mark Miller. August, 1954.

Mooney, James

- 1928 "The Aboriginal Population of America North of Mexico," *Smithsonian Miscellaneous Collections*, Vol. 80, No. 7, Washington.

Narrative Reports

- 1907-1939 (Unpublished "Superintendent's Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs" on deposit at the Seattle Branch of the National Archives and Records Administration).

Ray, Veme F.

- n.d.[a] Ethnohistorical Notes on the Columbia, Chelan, Entiat, and Wenatchee Tribes. Petitioners Exhibit 471. *The Confederated Tribes of the Colville Reservation as the Representatives of the Moses Band, No. 224, as amended; and The Yakima Tribe, No. 161 v. The United States of America*. Before the Indian Claims Commission.

- n.d.[b] Ethnohistory of the Joseph Band of Nez Perce Indians, 1805-1905. The Nez Perce Tribe v. The United States of America (Docket 186). Before the Indian Claims Commission.
- 1936 "Native Villages and Groupings of the Columbia Basin." *Pacific Northwest Quarterly*, Vol. 27, No. 2. Seattle.
- Ross, Norman A. (ed.)
 1973[a] *Index to the Expert Testimony Before the Indian Claims Commission*. New York: Clearwater Publishing Company, Inc.
- 1973[b] *Index to the Decisions of the Indian Claims Commission*. New York: Clearwater Publishing Company, Inc.
- Schuster, Helen H.
 1975 *Yakima Indian Traditionalism: A Study in Continuity and Change*. Ph.D. dissertation, Department of Anthropology, University of Washington. Seattle, WA.
- Spier, Leslie
 1936 "Tribal Distribution in Washington." *General Series in Anthropology*, No. 3, Menasha.
- Splawn, Andrew J.
 1917 *Ka-mi-akin: The Last Hero of the Yakimas*. Portland.
- Statistical Supplements to the Annual Report of the Commissioner of Indian Affairs*
 1854-1906 Published as appendices to the Annual Reports to the Commissioner of Indian Affairs.
 1907-1939 unpublished "Superintendent's Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs" on deposit at the Seattle Branch of the National Archives and Records Administration.
- Suphan, Robert J.
 n.d. Ethnological Report on the Umatilla, Walla Walla, and Cayuse Indians Relative to Socio-Political Organization and Land Use, 1818-1855. Defender's Exhibit 18. The Confederated Tribes of the Umatilla Reservation of Oregon v. The United States of America (Docket 264). Before the Indian Claims Commission.
- Teit, James A.
 1930 "The Salishan Tribes of the Western Plateaus." *Forty-Fifth Annual Report of the Bureau of American Ethnology*. Washington.
- 1928 "The Middle Columbia Salish." *University of Washington Publications in Anthropology*, 2(4): 83-128.
- Underhill, Ruth
 1953 *Red Man's America*. Chicago: University of Chicago Press.
- U.S. Department of Energy
 1986 *Environmental Assessment Reference Repository Location Hanford Site, Washington*. Washington, DC: U.S. Department of Energy, Office of Civilian Radioactive Waste Management DOE/RW-0070.

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