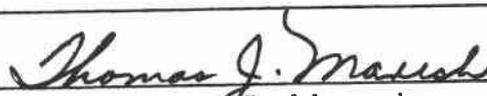


AN ABSTRACT OF THE THESIS OF

JAMES B. KENNEDY for the degree of DOCTOR OF PHILOSOPHY  
in GEOGRAPHY presented on \_\_\_\_\_

Title: THE UMATILLA INDIAN RESERVATION, 1855-1975:  
FACTORS CONTRIBUTING TO A DIMINISHED LAND  
RESOURCE BASE

Abstract approved: \_\_\_\_\_

  
Thomas J. Maresh

This dissertation is concerned with the diminution of Oregon's Umatilla Indian Reservation over a 120 year period (1855-1975). Its objective is to show that the transfer of land from Indian to non-Indian ownership was most attributable to four causal factors:

- (1) historical happenstance, including the passage of the Oregon Trail through Indian land and the development of agricultural communities on the fringes of the reservation;
- (2) cultural traits and attitudes of the Indians, especially those pertaining to land ownership and resource perception;
- (3) federal legislation, designed to Americanize the Indian or encourage settlement; and
- (4) transactions with public agencies to facilitate community expansion and the construction of transportation facilities.

The significance of these factors is substantiated through the application of a geographical methodology known as a sequent occupance study.

Three periods of geographical significance provide the framework:

1855-1885 is a period of rapid cultural transition. The reservation was created in 1855 and diminished under the Slater Act of 1885. Indian land tenure was strongly influenced by cultural mores and pressures to diminish the size of the reservation. Although relegated to the land, most Indians were not psychologically or financially equipped to become successful farmers. Influential legislators maintained that the Indian would progress more rapidly on individual land allotments. After some deliberation, Indians on the Umatilla Reservation agreed to accept land allotments and sell surplus reservation land.

1886-1934 covers the land allotment period. The Slater Act of 1885 reduced the original 245,699 acre reservation to 157,982 acres. The inability of many tribes to progress under the land allotment system prompted remedial legislation, much of which proved to be detrimental. Parcels of Indian land were divided, rented, and sold. The result can be seen today on checkerboarded maps of the reservation depicting Indian and non-Indian ownership. Long overdue reformation of federal Indian policy came with the Indian Reorganization Act of 1934.

1935-1975 marked a new era in U.S. Indian affairs. Land allotment policy ended with the Indian Reorganization Act of 1934. Although Indians residing on the reservation voted against the Act,

much of it was accepted in principle. The Confederated Tribes of the Umatilla Reservation initiated land acquisition programs during this period and encouraged tribal members to retain land in Indian ownership. Plans to increase the tribal land base, however, was threatened by the prospect of a federal policy that would liquidate tribal land holdings. The policy, known as "termination," is still a threat.

The Umatilla Indian Reservation, 1855-1975:  
Factors Contributing to a Diminished  
Land Resource Base

by

James B. Kennedy

A THESIS

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THE UMATILLA INDIAN RESERVATION, 1855-1975:  
FACTORS CONTRIBUTING TO A DIMINISHED  
LAND RESOURCE BASE

INTRODUCTION

The Confederated Tribes of Oregon's Umatilla Reservation have been adversely affected by a diminished resource base. Less than 14 percent of the original 383 square mile reservation is owned by Indians. The present 246 square mile reservation is a checkerboard of Indian and non-Indian ownerships. Relying heavily on federal grants, the Confederated Tribes have only recently been in a position to take stock of their resources and to implement land acquisition and management programs.

Although considerable progress has been made in resource management, some problems seem insurmountable. The fragmentation of Indian land through heirship will continue to frustrate reservation planners.

Many writers have attributed the diminution of Indian reservations to covert or ill-advised federal policy. This does seem to be the case, particularly in the mid to late 1800's. However, there were other factors. The process of diminution can be likened to a system whose component parts (sub-systems) include federal policy, cultural traits, attitudes, historic happenstance, and other elements--depending

on the reservation. Sub-systems are interacting. Thus, the process of diminution can not be defined solely on the basis of federal policy.

### Study Objective

The primary objective of this study is to examine the factors, or sub-systems, that have been most significant in determining the reservation's land resource base. Benefits derived from the study include: (1) a better understanding of past diminution processes, and (2) a means to facilitate comparisons with other reservations. This will better enable reservation planners to formulate strategies designed to retain land in Indian ownership.

The circumstances that brought about boundary changes and diminished the reservation are complex. They appear to be a composite of cultural and social interactions; difficult at best to isolate and assess. Four general factors, however, seem to be especially significant in the diminution of the reservation's land base. The factors are:

(1) Cultural traits and attitudes related to property, resources, and land ownership,

(2) Historical happenstance, including the passage of the Oregon Trail through the reservation and the development of communities on the fringes of the reservation,

(3) Federal legislation, designed to Americanize the Indian or

encourage settlement, and

(4) Transactions with public agencies to facilitate community expansion and the construction of transportation facilities.

### Approach

These four factors, or their impacts, have been operable in varying degrees throughout the reservation's 120 year history (1855-1975). Their significance can be substantiated by addressing two central questions:

(1) To what extent has the land base diminished since the reservation's creation (1855)?

(2) Why has the land base diminished?

These questions can be effectively answered through the employment of geographic methodologies and techniques.

### Methodology

The methodology employed in this dissertation is that of a sequent occupance study. Defined by Derwent Whittlesey in 1929, sequent occupance takes the following into account:

... each generation of human occupance is linked to its forbear and to its offspring, and each exhibits an individuality expressive of mutations in some elements of its natural and cultural characteristics. Moreover, the life history of each discloses the inevitability of the transformation from stage to stage [42: pp. 408].

Preston James is to be credited for tracing the development of sequent occupance studies in American geography. In All Possible Worlds, he properly associated the methodology with several well known geographers: Carl Sauer, Andrew Clark, Charles Colby, and Robert Platt [42: pp. 404-409]. He could have included others.

Andrew Clark's concept of sequent occupance is more explicit than Whittlesey's. In 1954, Clark wrote:

The genetic approach to geographical study inevitably leads to an examination of the past. This does not mean that one is to seek simple causes in the past to account for contemporary conditions, but rather that the conditions observed at any period of time are to be understood as momentary states in continuing and complex processes of change. Simple cause and effect relations are elusive, for no matter how far back a scholar may penetrate there is always a more distant past calling for further investigation [42: p. 404].

Clark's remarks are most pertinent to the following study. Four periods of time have been singled out as being especially significant in the diminution of the Umatilla Reservation. They are, as Clark implies, stages in a continuum. They are not, however, just arbitrary periods of time. Each period is off-set by an event or sequence of events, of geographical significance. Thus, (1) 1804-1855 is a representative of pre-reservation times, (2) 1855-1886 is a period of rapid cultural transition, (3) 1887-1934 is a period of land reform and of failure, and (4) 1935-1975 is a time of reassertion and land acquisition. The identification and assessment of land transfers during these

periods serve to substantiate that the most significant factors in the evolution of the reservation's land base are cultural traits and attitudes, historical happenstance, federal legislation, and transactions with miscellaneous public agencies.

Investigating land transfers over a 120 year period poses some difficulty. Although federal archives are extensive, gaps occur in the record. Many documents were transferred from the reservation to various federal agencies; others have been misplaced or inadvertently destroyed. Nevertheless, sufficient information exists to obtain a reasonable account of how and why the reservation diminished in size.

#### Data Sources

This study is probably the first written account associating the diminution of the Umatilla Reservation with four inter-related factors. The factors, however, are fairly well known. There does not seem to be a shortage of literature addressing the impact of each on federal Indian policy or on select Indian reservations. Much of the literature provides a basis of comparison. Although uncited in this study, the work of geographers Jack Hunt and Imre Sutton are particularly noteworthy. Hunt attributes the intactness of Oregon's Warm Springs Reservation to a long period of isolation, late implementation of allotment policy, and the Indians' strong communal attitude--a marked

difference from the Umatilla Reservation.<sup>1</sup> Sutton's principal focus is the American southwest, dissimilar in Indian cultures but comparable in Indian problems.

Most recent publications pertaining to the Umatilla Reservation are economic studies. All were initiated by the Confederated Tribes as a part of land development programs. Resource data contained in the CH2M-Hill report [12] are utilized in this study as are data from the Bureau of Indian Affairs reports dealing with the reservation's resources and development potential [83]. James Fitch, in collaboration with William McNamee and Rebecca Roberts, recently outlined economic strategies for the Confederated Tribe's land acquisition program [26]. Several observations contained in that report tend to support material presented in this study. Some interesting parallels can also be drawn from Fitch's earlier work on Washington's Yakima Reservation [25]. The relationship of white and Indian farmers on the Umatilla Reservation has been effectively addressed by two anthropologists, Theodore Stern and James Boggs [72].

Although geographers have made significant contributions in American Indian studies, the research frontier is perhaps most familiar to anthropologists. David French's division of Wasco-Wishram

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<sup>1</sup> See Jack Hunt, "Land Tenure and Economic Development on the Warm Springs Indian Reservation", Journal of the West, Vol. 9, No. 1, January, 1970, pp. 93-109.

cultural history into four significant periods is reminiscent of the sequent occupance methodology used by geographers [29]. The rationale or logic of his divisions (e. g., pre-horse, augmented culture, modified culture, part-time Indian culture) tends to support the chapter divisions utilized in this study. The work of Bill Brunton [10], Verne Ray [62], John Ross [66], Robert Suphan [74], and Edward Swindell [75] provided much of the necessary ethnological material.

A significant portion of this study's historical background was obtained from Ruben G. Thwaite's 32 volume compilation of Early Western Travels [78]. Washington Irving's rendition of Captain Bonneville [40], and Astoria [41], also provided valuable insights into the Confederated Tribes as they once were. Reproductions of several diaries were utilized. Most notable were those of the Lewis and Clark expedition [77], John C. Fremont [28], botonist David Douglas [21], and a missionary by the name of Dr. White [2]. The frequently cited works of Clifford Drury [22], Alvin Josephy [43], Robert Ruby and John Brown [67] constitute secondary research, however their contribution to early Oregon history is well documented and highly acclaimed. The land ethic of early settlers is vividly described in Albert Weinberg's Manifest Destiny [90], David McClelland's The Achieving Society [50], and Arthur Ekirch's The Idea of Progress in America [24].

Geographers are quite comfortable with concepts in resources and conservation. Consequently, a number have made significant

contributions in that area. The insights of Clarence Glacken [31] and Alexander Spoehr [71] were especially beneficial. Their studies, focusing on resource perception, provided a base from which Chapter III was developed. Additional background was obtained from the work of Edward Ackerman, Edward Price, and economist Erich Zimmerman [92]. L. Schuyler Fonaroff's study of Navajo range land depletion provides hard evidence that cultural traits can be detrimental to tribal welfare [27]. His observations prompted a search for similar relationships on the Umatilla Reservation.

Several good publications address the development of federal Indian policy and its impact on Indian welfare. J.P. Kinney's A Continent Lost -- A Civilization Won is especially valuable for its chronological treatment of legislation enacted prior to the mid 1930's [44]. Loring Benson Priest's Uncle Sam's Stepchildren: The Reformation of the United States Indian Policy, 1865 - 1887, provides a more in-depth study of policy preceding the General Allotment Act. The work of D.S. Otis, The Dawes Act and the Allotment of Indian Land [58] offers a comprehensive treatment of the attitudes that produced the General Allotment Act and some of its amendments. The best publications dealing with the policy of later years are those of the Bureau of Indian Affairs. Lyman S. Tyler's A History of Indian Policy is noteworthy for its description of termination.

This study relies heavily on the Annual Report of the

Commissioner of Indian Affairs, minutes of the Tribal Council, and statistics compiled by the Bureau of Indian Affairs. Statistical data present a special problem. Some are difficult to retrieve, inaccurate, or totally lacking. The difficulty of retrieving statistical data precluded a comparison of Umatilla Reservation land losses with reservations throughout the nation. The Bureau of Indian Affairs does not maintain a record of all land in trust status or land that has passed from Indian to non-Indian ownership. Such data would have to be obtained on a reservation by reservation basis; a formidable task indeed.

Inaccurate statistics can be attributed to the guess-work of federal agents and a tendency to perpetuate the mistake. Table 1 provides an example of the wide variation reported for the area of the reservation. Lack of land survey information between 1855 and 1864 resulted in a considerable over-estimation of the reservation's size. The problem was not completely resolved with Chaplin's land survey of 1864, Moody's "official survey" of 1871 or those that followed in 1874, 1882, 1887, and 1896. Misinformation was perpetuated. Although this study uses the latest Bureau of Indian Affairs statistics (1974), it must also use some earlier statistics for which there are no substitutes.

Table 1. Variations Reported in the Area of the Umatilla Reservation

Date	Square Miles	Acres	Source
<u>Area of Undiminished (Original) Reservation</u>			
1855	800	(512,000)	Letter from Isaac Stevens to Maypenny
1862	800	(512,000)	C.I.A. (1962) p. 270
1875	420	(268,800)	C.I.A. (1875) p. 140
1876	-	326,550	C.I.A. (1876) p. 125
1880	-	326,551	C.I.A. (1880) p. 144
1880	-	268,800	C.I.A. (1880) p. 270
1890	-	268,800	C.I.A. (1890) p. 476
1890	-	270,000	C.I.A. (1890) p. 270
1891	-	170,000	<u>East Oregonian</u> , March 16, 1891
1935	-	292,112	Indian Land Tenure, USDI, 1935, p. 32
1952	-	292,112	H.R. Report No. 2503, Dec., 1952, p. 1011
1975	-	245,699	B.I.A. Report No. 236, p. 35
<u>Area of Reservation As Diminished Under the Slater Act</u>			
1885	124 3/4	(79,840)	Kappler, Doc. 452, p. 891
1891	-	157,714	C.I.A. (1891) p. 379
1959	-	156,000	Umatilla Land Program, 1959 report
1973	-	157,982	CH2M-Hill report, p. 74
1975	-	158,063	B.I.A. Report No. 236, p. 1
1975	-	157,982	B.I.A. Report No. 236, p. 36
Source: C.I.A. - Annual Report of the Commissioner of Indian Affairs B.I.A. - Bureau of Indian Affairs			

### Format

The chronological theme utilized in this study requires that each chapter provide the foundation for the succeeding chapter. In describing the many aspects of the reservation as it exists today, Chapter I provides information that is essential to the development of the study. What is the present resource base? Who are the people residing on the reservation? To what degree has the land base diminished since the reservation's creation?

Chapter II is primarily concerned with the Confederated Tribes in pre-reservation times; how they lived and how they were assessed by contemporary explorers, missionaries, and federal agents. The chapter provides a means to assess the rapidity of acculturation; an important consideration in the diminution of the Umatilla Reservation.

Chapter III addresses the role of cultural traits and attitudes in determining the reservation's present land base. It is principally concerned with concepts in property, landownership and resources; how the concepts evolved and how they may have been both advantageous and detrimental to tribal welfare.

Chapter IV is concerned with a period of rapid cultural change, 1855-1885. The creation of the reservation in 1855 signaled the end of a nomadic life style. Although some tribesman attempted to farm, most preferred to cling to some semblance of the old ways. Growing

communities on the fringes of the reservation exerted pressures which resulted in perhaps unwanted treaties.

Chapter V covers a period when the diminution of the reservation's resources was greatest, 1886-1934. The loss of resources through transportation easements was insignificant compared to the loss incurred through federal legislation.

Chapter VI describes a period of growing confidence and self-assertion, 1935-1975. The passage of the Indian Reorganization Act of 1934 marked the beginning of a new era in Indian affairs. The Confederated Tribes incorporated in November of 1949 and began programs to consolidate and acquire land within the boundaries of the undiminished reservation.

Chapter VII summarizes salient points presented in the preceding chapters and concludes with a statement supporting cultural traits and attitudes, historical happenstance, federal legislation and transactions with public agencies as being the most significant factors in the diminution of the reservation's land resource base.

## CHAPTER I

### THE RESERVATION

The Umatilla Reservation is situated on the western slope of the Blue Mountains, one-half mile east of Pendleton, Oregon (Figure 1). This section of the state exhibits a strong "western" image. Everywhere there is a sense of space. Broad vistas of rolling farm and ranch land provide some indication of the region's principal economic sector. There is very little land at the foot of the mountains that is not utilized for grain crops or pasture. Forested land is also part of the reservation setting. Looking east from Pendleton, it is almost inconceivable that commercial logging occurs only a few miles beyond the grassy slopes of the Blue Mountain uplift.

The Umatilla Reservation merges imperceptibly into this landscape. Only occasional road signs or an abandoned store indicate that the reservation has been entered--Mission, Cayuse, Halfmoon's Market; Indian affiliated names on a reservation whose inhabitants are predominantly Caucasian.

#### Population

In 1974, there were 550 Indians and 1,240 non-Indians living on the reservation. Most of the population resided on farms along the Umatilla River and in the unincorporated communities of Mission,

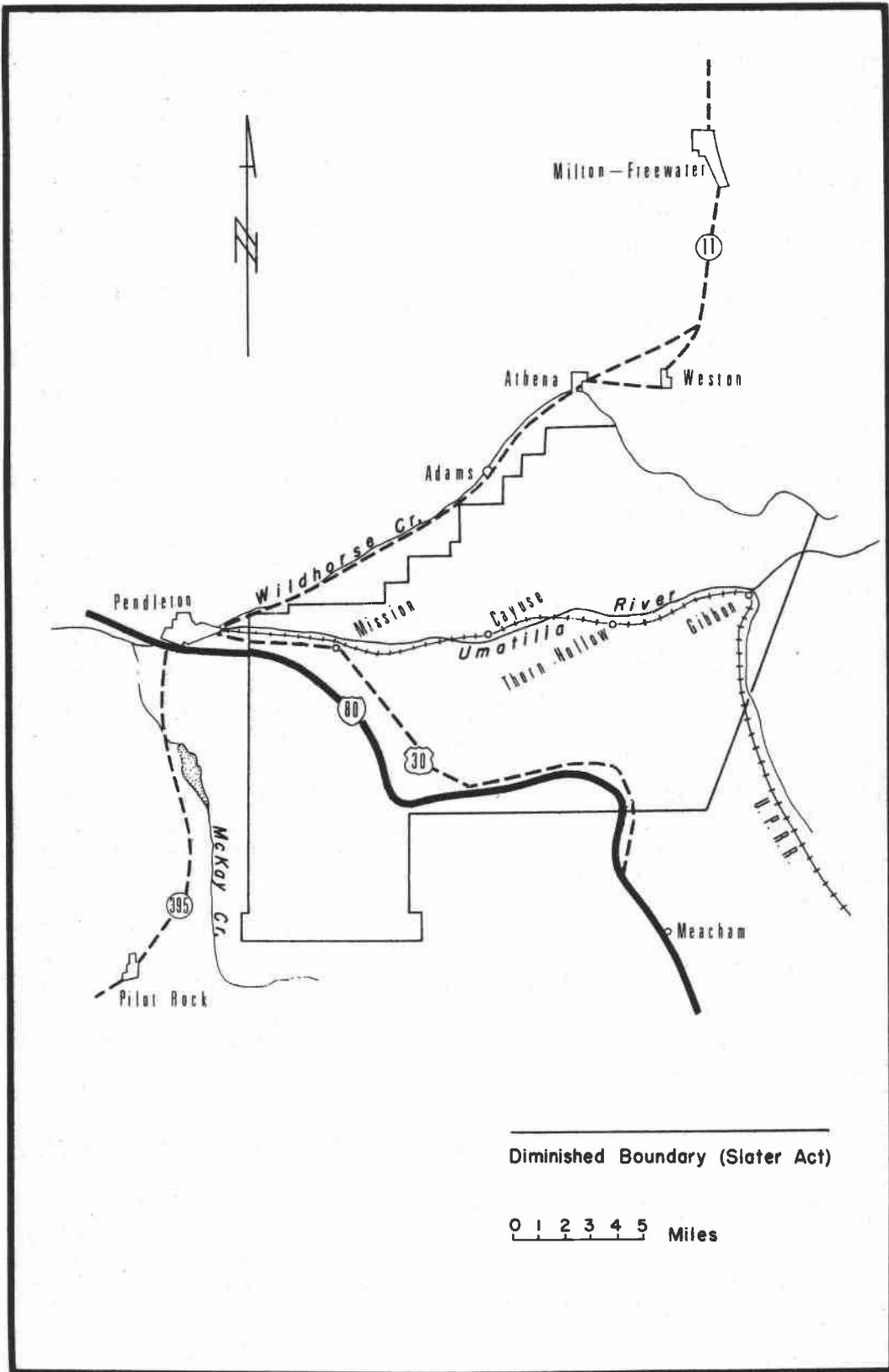


Figure 1. The Umatilla Reservation and Vicinity.

Cayuse, Thornhollow, and Gibbon. In recent years, there has been a net migration of Indians off the reservation and a migration of non-Indians on to the reservation.

Table 2. Fluctuation of Population: 1960 and 1970

Faction	1960	1970	Percent Change
Indian	636	558	-12.3
Non-Indian	1,070	1,242	+16.0
Total Population	1,706	1,800	+ 5.5

Source: CH2M-Hill [12]

The sale of Indian-owned land to non-Indians, the migration of Indians off the reservation and inter-racial marriages contribute to the loss of tribal identify. A reaffirmation to upgrade tribal welfare and impart a sense of pride in race and culture may yet reverse the trend.

#### The Confederated Tribes of the Umatilla Reservation

Most of the Indians residing on the Umatilla Reservation trace their ancestry to the Cayuse, Umatilla, or Walla Walla tribes. Prior to the Treaty of 1855, their affiliation was primarily cultural. The treaty bound them politically. Anthropological studies indicate that during aboriginal times, these Sahaptin speaking people were loosely organized. They mingled freely with one another and with other

linguistically related people [66: p. 36]. Their close relationship with the Yakima, Nez Perce, and some mid-Columbia River fishing groups is historic. Between 1847 and 1858, bands of Cayuse, Umatilla, and Walla-Walla united to discourage whites from settling in their tribal homeland. This period of hostility, known as the Cayuse War, was especially difficult for the Indians. Property was lost and many died of disease and starvation.

The absence of a strongly marked political organization in pre-reservation times has raised questions as to whether or not the Cayuse, Umatilla, and Walla-Walla constituted tribes in the strict sense of the word. At least two 20th century authors claim that the name Umatilla is of late application. Lewis McArthur in Oregon Geographic Names, maintained that ". . . the name came to be applied after the extermination of many of the Cayuses and Walla Wallas. . ." [49: p. 524], hence they were but a remnant of those tribes. Frederick V. Holman wrote: ". . . It is popularly supposed that there is a tribe of Indians whose name is Umatilla. This is erroneous" [38:p.5].

Despite these contentions, hearings before the Indian Claims Commission effectively established that the Cayuse, Walla Walla, and Umatilla were indeed land-holding entities and distinguishable as tribes [74:p. 336]. The characteristics that served to differentiate the three tribes from one another in the 19th century have largely disappeared through intermarriage and acculturation.

### Creation of the Umatilla Reservation

The creation of the Umatilla Reservation was a continuation of a federal policy that began with the Six Nations Treaty of 1784 (7 Stat. 15). Afterward, reservations were created as the necessity arose. Pressure to place the Cayuse, Umatilla, and Walla Walla on a reservation increased with the traffic passing over the Oregon Trail. In 1847, between 4,000 and 5,000 wagons moved through the Cayuse country [30: V. 1, p. 253]. By the mid 1800's, the Oregon Trail took on the dimensions of a thoroughfare and was known as the Emigrant Road. Friction between Indians and emigrants increased and finally exploded into open warfare. Placing the Indians on a reservation seemed to provide a solution.

Creating the reservation was considered to be both practical and philanthropic. Policy-makers maintained that the reservation system had at least five advantages:

- There would be less contact between whites and Indians, thereby reducing friction;
- the cost of maintaining a military force would be reduced;
- the Indians would be removed from the influence of unscrupulous whites;
- land occupied by Indians could be opened to settlement; and
- assignment to a reservation would discourage nomadism and promote civilization [11: pp. 1-38].

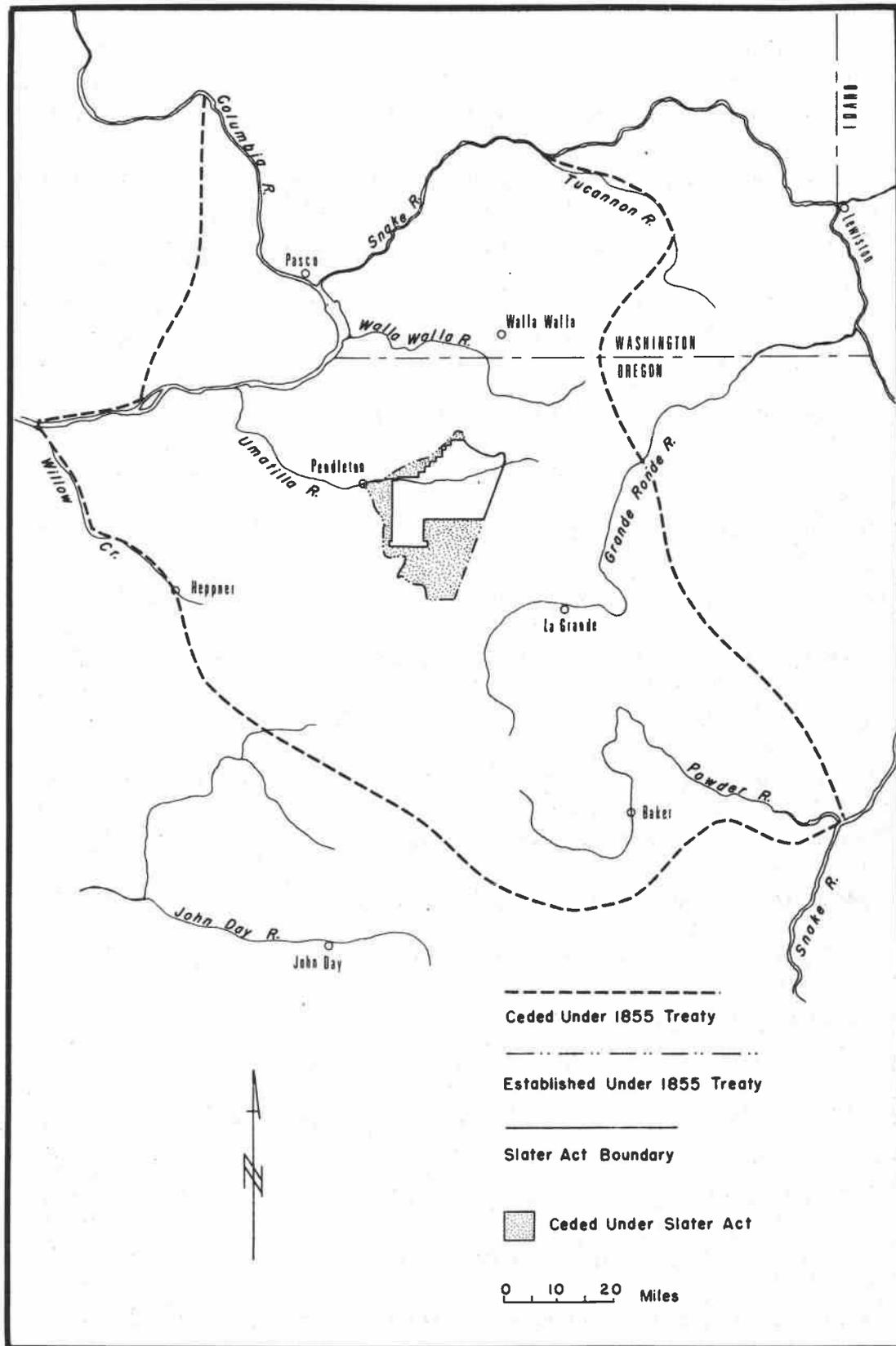
The original or "undiminished" reservation was negotiated on June 9, 1855 between the United States government and the Cayuse, Umatilla and Walla Walla Indian tribes (12 Stat. 945-950). Reservation boundaries were drawn along streams, stream divides, and projected lines within what was considered to be the ancestral lands of the Cayuse tribe [5: V. 1, pp. 253-54]<sup>2</sup>. In accepting the provisions of the treaty, the Indians agreed to relinquish claim to over 6,000 square miles of land in Washington and Oregon Territories and move on the 800 (sic) square mile Umatilla Reservation in Oregon (Figure 2).<sup>3</sup> The treaty was ratified by Congress on March 18, 1859.

Although the recognized intent of the 1855 treaty was to dissolve Indian title to specific lands in Washington and Oregon Territories, it also confederated the three tribes as a single unit [74: p. 469]. This was accomplished by providing for only one reservation and for the distribution of annuities, goods and services to one political unit, the "Confederated Tribes". Thus the treaty commissioners faithfully carried out their instructions to "unite as many bands and fragments tribes east of the Cascade Mountains and create as few Indian

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<sup>2</sup>Tribal boundaries were apparently vague or non-existent. John A. Ross in "Political Conflict on the Colville Reservation", claimed that "...few if any ethnic groups in the aboriginal Plateau [i. e. Columbia Plateau] would have recognized the tribal boundaries designated by contemporary anthropologists" [66].

<sup>3</sup>In 1855, Treaty Commissioner Isaac Stevens erroneously reported the size of the reservation to be 800 square miles. It was about 383 square miles.



Based on CH2M-Hill

Figure 2. The Diminution of Tribal Land, 1855-1891.

reservations as possible for them" [74: p. 469]. It is evident from the wording of the treaty that the confederation was intended to survive the actual negotiations.

The treaty that placed the three tribes on a single reservation did not result in de facto confederation. For many years the Indians considered themselves as belonging to the Cayuse, Umatilla, or Walla Walla tribe. The Indians' bid for de facto confederation was manifested in a tribal constitution dated November 4, 1949. Article 4 of the constitution states that membership in the Confederated Tribes of the Umatilla Reservation is granted to persons whose names appeared on the July 1, 1949 tribal census, or as that census might be corrected within five years; to all children of at least one-quarter Indian blood born to a tribal member and to such people related by blood to the Confederated Tribes as approved by the General Council. The constitution and by-laws were approved by the federal government on December 7, 1949.

#### Reservation Land Tenure

The configuration of the present reservation largely resulted from federal legislation enacted after the Treaty of 1855. The most significant boundary change occurred in 1891-92 when land was allotted to tribal members under the provisions of the Slater Act (23 Stat. 340-343). Implementation of the Slater Act reduced the

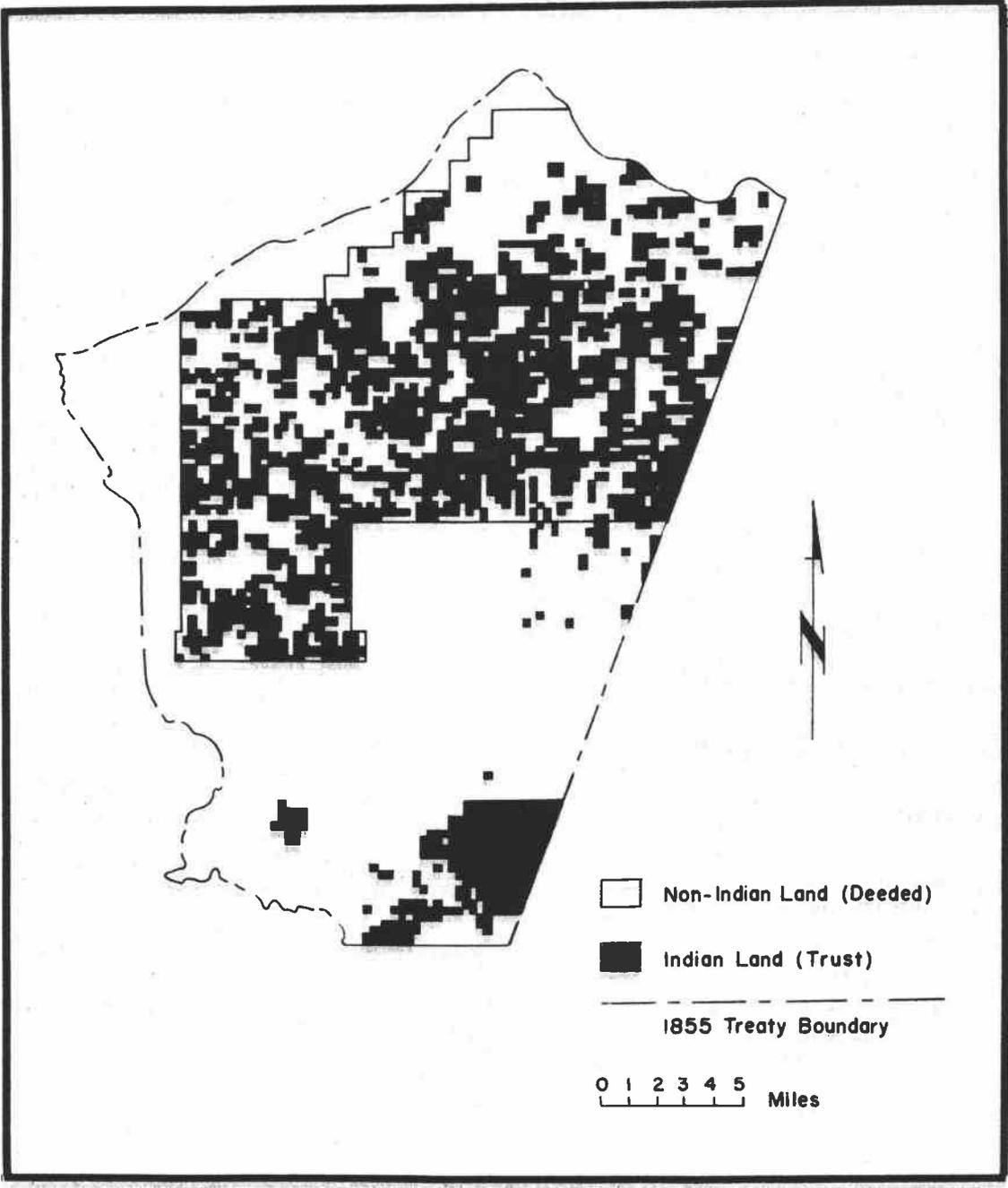
original 245,699 acre reservation to the present 157,982 acre "diminished reservation". Much of the diminished reservation has since been sold--creating a checkerboard of Indian and non-Indian ownerships (Figure 3). Two general classes of land ownership have resulted: Trust Land and Deeded Land.

### Trust Land

All Indian-owned land is held in trust by the United States with beneficial or equitable title vested in the Indians. Since the land can not be encumbered, it is not subject to taxation. There are two kinds of trust land on the reservation: Tribal land and Allotted land.

Tribal land. Tribal land is held in common by all members of the Confederated Tribes. It is administered by the Tribal Board of Directors. There are approximately 2,029 acres of Tribal land on the reservation and an additional 14,140 acres outside the reservation boundary. Tribal land was principally acquired through purchase and federal legislation.

Allotted land. Allotted land is that which was granted to individual tribal members under the Slater Act and its amendments. Initially, allotments were assigned by federal agents. In later years, the responsibility rested with the Tribal Council. The last series of land allotments were issued in 1926. According to the Slater Act, title to the allotment was to be held by the federal government for a trust period of 25 years; the Indian received title upon completion



Based on Stern and Boggs

Figure 3. Landownership, 1975.

of the period. This provision was repealed in 1934. Allotted land is passed to the heirs or devisees of the original owner. There are over 69,000 acres of allotted land on the reservation.

### Deeded Land

Deeded land is that which has transferred from Indian to non-Indian ownership through land sales. More than half of the reservation is owned by non-Indians (Table 3).

Table 3. Reservation Land Tenure, 1975

Ownership	Area (acres)
Area of Present (Diminished Reservation): 157,982 acres	
Tribal Land	2,029
Allotted Land	69,265
Deeded Land	86,688
Indian Land Within Reservation:	71,294
Non-Indian Land Within Reservation:	86,688

Source: Bureau of Indian Affairs, 1975

### The Resource Base

The reservation's resource base is partially reflected in the organization of its tribal government. Of eight committees established by the tribal Board of Trustees, three are specifically concerned with the management of physical resources; other committees focus on

the development of human resources and program planning. Resources not included in the committees established by the Board of Trustees are managed through federal programs or ad hoc committees.

### Physical Resources

The Confederated Tribes have zoned the reservation to accommodate four principal kinds of resource use: agriculture (farming), grazing, forestry, and wildlands. Most Indian-owned farm and grazing land is utilized by non-Indians (Table 4). These uses generally coincide with one of the reservation's three physiographic subdivisions: the Pendleton Plains, Blue Mountain Slope, and Blue Mountain Highland [37: pp. 9-11]. They are readily discernible on the reservation as each displays marked differences in slope, soils, and vegetation. Fish, wildlife, water and minerals are other resources.

Table 4. Utilization of Indian Land\*

Land Use	Total Acreage	Indian Use	Non-Indian Use	Idle
Open Grazing	40,928	4,331	34,594	2,003
Dry Farmland	28,701	1,427	27,034	240
Commercial Timber	11,150	11,150	---	---
Non-Commercial Timber	2,375	2,375	---	---
Wild Lands	1,300	1,300	---	---
Non-Agricultural	620	245	375	---
Private Irrigation	360	---	360	---
Total	85,434	20,828	62,363	2,243

\* Includes 14,140 acres of timber and grazing land outside reservation boundary

Source: Bureau of Indian Affairs, 1972.

Farming Activities. The reservation's most productive farmland is located on the Pendleton Plains (Figure 4). Originally a vast grassland, intensive cropping and range fires have all but eliminated natural climax vegetation [60: p. 85]. A 160 day growing season, loessal soils and an average annual precipitation of 12.5 inches combine to create good cropland. Winter wheat is the reservation's principal crop followed by peas, barley, and hay (Table 5). These hardy crops are also grown on the Blue Mountain Slope--a ramp-like declivity joining the Pendleton Plains with the forested Blue Mountain Highland.

The corporate Tribe and individual Indians own 28,701 acres of dry farmland and 360 acres of irrigated land on the reservation. Practically all of this land is leased to non-Indian wheat farmers. The Indians utilize about 1,427 acres of the dry farmland and none of the irrigated land. In 1974, the gross value of production from all Indian-owned cropland was \$1,345,771. Operating on a share-rent basis, the Indians received about \$449,000 or 30 percent of the gross value [83: p. 41].

Grazing land. Statistics compiled by the Bureau of Indian Affairs indicate that most of the Indian-owned land is utilized for open grazing--a resource that attracted some of the earliest settlers of the area. Although some grazing occurs on the Pendleton Plains, most takes place on the grassy Blue Mountain Slope and in the Highland.

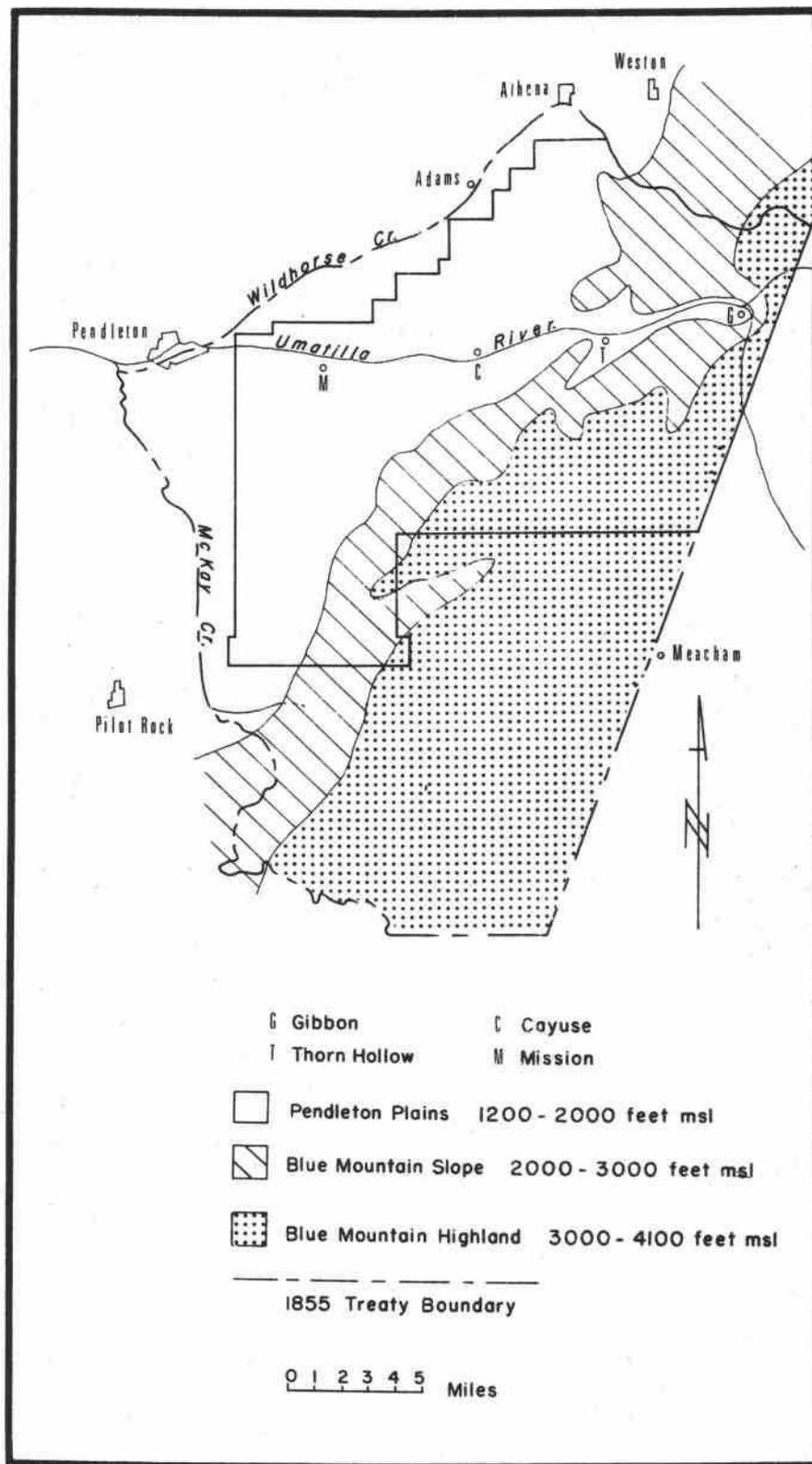


Figure 4. Physiographic Subdivisions.

Table 5. 1974 Comparison of Reservation and Indian Crop Production

	Harvested Acres	Yield per Acre	Value per Acre	Total Value
<b>Wheat</b>				
Unit	Acres	Bu	Dollars	\$ , 000
Reservation land	14, 473	55. 7	233. 23	3, 745
Indian Share	4, 555	55. 7	233. 23	1, 062
<b>Peas</b>				
Unit	Acres	CWT	Dollars	\$ , 000
Reservation land	5, 548	23. 6	268. 17	1, 488
Indian Share	777	23. 6	268. 17	208
<b>Barley</b>				
Unit	Acres	Bu	Dollars	\$ , 000
Reservation land	248	33. 3	115. 87	25
Indian Share	82	33. 3	115. 87	10
<b>Hay</b>				
Unit	Acres	Tons	Dollars	\$ , 000
Reservation land	58	5. 6	115. 09	7
Indian Share	19	5. 6	115. 09	2

Source: Bureau of Indian Affairs [83: p. 41]

Of the 40,928 acres of Indian-owned grazing land, only 4,331 acres are used by the Indians (Table 4). Most of the acreage is rented to non-Indians at \$1.75 per animal-unit-month. The duration of the grazing season is about six months. Between 1960 and 1973, the Indians received an average annual rent of \$10,000 or about \$0.29 per acre [12: p. 208].

Forest land. The plateau-like Blue Mountain Highland is a region of meadows and conifer forest. Approximately one-third of the reservation's land area is within this physiographic subdivision. Elevations range from 3500 feet above mean sea level at Cabbage Hill to well over 4,000 feet near the reservation's eastern boundary (Figure 4). Climatic and soil conditions favor the growth of a variety of trees. The Indians possess about 11,150 acres of commercial forest and 2,378 acres of non-commercial forest within the boundary of the old undiminished reservation. Seven predominant tree species make up a total volume of 82,081 million board feet (Table 6). None of the forest is used commercially by non-Indians.

The largest volume of reservation timber cut since 1961 was 11,779 million board feet. This was cut in 1962. Approximately 457 million board feet were cut in 1972 [12: p. 209]. In addition to timber production, reservation forests are utilized for recreation, wildlife habitat and watershed management.

Table 6. Volume of Predominant Tree Species on Indian-owned Land

Species	Million Board Feet Commercial Forest	Million Board Feet Non- Commercial Forest
Pinus ponderosa	24,038	6,786
Pseudotsuga menziesii	20,527	7,598
Abies concolor	9,944	1,330
Larix occidentalis	5,918	2,739
Pinus contorta	1,427	730
Salix trichocarpa	969	37
Picea engelmannii	12	26

Source: CH2M-Hill [12: p. 129]

Wild lands. Wild lands occur in all three of the reservation's physiographic subdivisions. Much of the land is located within brushy stream bottoms, on steep hillsides and mountainous tracts. The Indians utilize about 1300 acres for recreation purposes and for the propagation of wildlife.

Fish resources. The Confederated Tribes have always considered fish to be an important resource. Their right to take fish at all the accustomed places was included in the Treaty of 1855 and upheld in recent court decisions. The fish resource of aboriginal times has been substantially reduced by obstructions across spawning streams and low stream flow brought about by intensive irrigation.

Commercial fishing does not exist within the boundaries of the reservation. Summer steelhead are the only anadromous fish of any consequence; spring chinook and coho salmon have almost been eliminated by low flows downstream from the reservation. Rainbow and

Dolly Vardon trout are released on the reservation for sports fishing. Whitefish and small numbers of brook trout may also be taken in the upper reaches of the Umatilla River [55].

Wildlife resources. A variety of wildlife inhabit the reservation and contiguous land. Deer are hunted yearly. Elk winter in the reservation's higher elevations but are primarily hunted outside reservation boundaries. Other animals found on the reservation include beaver, mink, muskrat, raccoon, bobcat, bear and coyote. Upland game birds frequent lowlands where food is readily available. Included are pheasant, grouse, quail and chukar [55].

Water resources. The diminished reservation is drained by the Umatilla River and its tributaries. The river rises in the Blue Mountains, flows westerly across the reservation, and joins the Columbia at Umatilla, Oregon. The main stem of the Umatilla effectively divides the reservation into almost equal northern and southern halves.

The Umatilla is not a great river. At Pendleton, its drainage area is about 637 square miles. Between 1930 and 1961, the average annual water yield at Pendleton was 350,000 acre feet. Yields varied between a minimum of 207,000 acre feet in 1942 to a maximum yield of 579,000 acre feet in 1948 [86]. Demand on the reservation's surface water is not excessive. However, below the reservation, the river is heavily committed to domestic and agricultural usage [86].

The U. S. Bureau of Reclamation has proposed an impoundment

project that would irrigate about 5,110 acres of Indian Trust land on the reservation. At present, 360 acres of privately owned land is under irrigation [12: p. 77].

Wells are the principal source of domestic and irrigation water on the reservation. Some sections of the reservation utilize City of Pendleton water, however. There is some concern that future development on the reservation would be hampered by an already diminishing groundwater supply [86: p. 132].

Mineral Resources. The Umatilla Reservation does not possess significant mineral resources. Outcrops of Columbia River Basalt have been exploited for road construction material, however local supplies are abundant and demand for the material is small. Some sand and gravel is available along the Umatilla River.

#### Human Resources

Many geographers maintain that people constitute the most valuable resource in any society. The diminution of this resource through whatever means has serious consequences. Among the Confederated Tribes, the consequences could include the loss of skilled labor, aggressive leadership, and more important, the loss of tribal identity. For reasons not fully understood, the subsistence level of many tribal members is quite low. A survey conducted on the reservation in 1969 revealed that 60 percent of those interviewed had an

income below the poverty level of \$3,000 per year [12: p. 202].

Search for Cultural Implications in Resource Perception and Management

Three notable points emerge from an examination of the reservation and its resources: Indian land-ownership has diminished considerably since the reservation was created; Two of the reservation's most valuable resources, farming and grazing land, are largely utilized by non-Indians; Income levels of most tribal members are exceedingly low--perhaps reflecting a relationship with the first two points. A search for reasons begins with an inquiry into the character or nature of the Confederated Tribes. Is it possible that resource-cultural ties underlie the degree to which land has passed out of Indian ownership? Is it also possible that some remnant of aboriginal culture still influences resource perception and use? These questions can not be fully answered. They transcend available information. Perhaps as Robert Redfield suggested in The Primitive World and Its Transformations, to truly understand the values of a people requires a projection into unfamiliar words and action of human qualities [63: p. 153]. Such familiarity goes beyond the scope of this study. One thing is certain, however. The Confederated Tribes have not displayed the overt cultural-resource relationship that Fonaroff [27], Province [6], and others observed among the Navajo. Consequently,

**this study must look to more subtle elements of ethnological background and tribal traits for possible cause and effect relationships.**

## CHAPTER II

## ETHNOLOGIC BACKGROUND

Early Descriptions

The earliest descriptions of the Confederated Tribes are to be found in the journals of Lewis and Clark. Although only the Walla Walla (Wolla Wollah) and Cayuse (Y-e-let-po) can be identified with a degree of certainty, the explorers probably encountered Umatilla bands near the river presently bearing that name. Maps compiled by the expedition place the "You mar talla" (Umatilla) Nation on what is now the Umatilla and Walla Walla rivers [74: p. 340] and the Walla Walla on both sides of the Columbia River near the confluence of the Snake. The first mention of the Cayuse was given by Lewis on June 8, 1806:

The Cutnose visited us this morning with ten or twelve warriors; among these were two belonging to a band of Chopunnish, which we had not seen yet, who call themselves Y-e-let-pos and reside on the south side of Lewis' river [77: V. 5, p. 117].

In subsequent years, the Chopunnish became known as the Nez Perce [36: V. 2, p. 66], the Y-e-let-po as the Cayuse [36: V. 1, p. 224] and Lewis' river as the Snake. Evidently the similarity between the Nez Perce and the Cayuse erroneously led members of the expedition to believe that the Cayuse were a band of that tribe.

The fur trappers that followed in the footsteps of Lewis and

Clark spoke of the "Sciatoga" or "Skynuses" as occupying the Umatilla, Walla Walla and Grande Ronde river drainages [40: p. 339; 41: p. 311]. Although these names appear to be Shoshonean in origin, descriptions of tribal boundaries leave little doubt that these are the same people now included in the Confederated Tribes of the Umatilla Reservation [5: V. 1, pp. 253-54].

The descriptions of the Confederated Tribes in the years immediately following the Lewis and Clark expedition are generally in agreement. The Indians were said to be dressed in the manner of the buffalo hunting plains tribes with whom they had periodic contact. In January of 1812, Wilson Price Hunt, leader of the Astoria expedition, described the Sciatogas as "...being better clad than any of the wandering bands this side of the Rocky Mountains" [41: p. 310]. Upwards of 2,000 horses were ranging the pasture around their encampment. The Indians were apparently well supplied with many European or American manufactured goods as Hunt observed axes and brass kettles in their possession. A good steed could be obtained for a blanket or a knife or a half pound of blue beads. On January 20, 1812 the Astoria expedition "took leave of these friendly Indians" [41: p. 313].

#### Population

For many years census-taking was hampered by the Indians' roving disposition and the difficulty of differentiating one group from

another. However, population estimates indicate that none of the Confederated Tribes were very numerous during their association with Europeans and Americans. This has been attributed to disease and pestilence that swept the Columbia River tribes between 1790 and 1850 [ 74: p.337 ]. The Lewis and Clark expedition estimated the population of the Walla Walla to be 2600. The Cayuse were thought to have a population of about 250. The Umatilla were not mentioned. When the Treaty of 1855 was negotiated, the population of the Cayuse was estimated to be 500 persons, the Umatilla, 200 persons, and the Walla Walla, 800 persons. This estimate compares favorably with a government census taken in 1870 in which the three tribes totaled 1,622 persons [74: p. 337].

#### Plateau Culture

The early life style of the Confederated Tribes was shared by a number of tribes inhabiting the interior plateaus of Washington, portions of Oregon, Idaho and British Columbia. Anthropologists have termed this life style, "Plateau Culture"; a melding of Northwest Coast and Plains Indian traits [46: p. 59].

The acquisition of the horse in the early part of the 18th century had a profound effect on a great many tribes dwelling east of the Cascade Mountains. The Confederated Tribes were transformed into an equestrian society with visible origins in a more ancient root-gathering

and fishing culture. Although the horse made the plains Indian life style possible, many of the old ways were never relinquished. The buffalo skin tipi was used, however it never fully replaced the traditional mat covered lodge. The Plateau tribes adopted the Plains traits that were compatible with their physical environment and cherished traditions and rejected those that were conflicting.

### Tribal Organization

Among the Confederated Tribes, status and possession were rooted in the individual rather than among tribes or bands [67: p. 12]; consequently, organization was loose. The tribes were composed of politically autonomous groups that moved about with the seasons. Although there was no class or caste stratification comparable to that of the Northwest Coast tribes, some factions did develop after the reservation was created. In pre-reservation times, political authority was vested in a council composed of family heads and noted warriors. Leaders or chieftains were appointed to serve specific purposes and could be replaced at any time [66: p. 36]. Some enterprising Americans were cognizant of this loose organization, interpreted it as disunity, and sought to exploit it. In 1854, when confronted with the possibility of a united tribal effort against the encroaching settlers, an Indian agent wrote:

It is found that the tribes are much divided among themselves and bitter jealousies exist between bands of the same tribe. With proper management on the part of the whites, such an event to any great extent can never occur [81(1854-55): p. 491].

### Tribal Leaders

In 1853, the governor of Washington Territory suggested that the authority of tribal leaders should be increased so that they could be held accountable for the conduct of their bands [81(1854-55): p. 421]. This was common policy in federal Indian affairs. There is some evidence that the Confederated Tribes and their neighbors came to respect a number of leaders appointed by the federal government as tribal spokesmen. Lawyer, the famous Nez Perce spokesman was such an appointee [74: p. 102]. In 1862, a division among tribal members prompted the Walla Walla to ask the reservation agent to select a chief. Some years later, the Cayuse elected Tow-a-toi as tribal spokesman because he had been favorably mentioned in a newspaper article [72:c]. The influence of tribal chieftains began to wane in the late 1800's. They were disposed in 1891. Many chieftains were reluctant to discard their influential positions and did everything within their means to retain their status. Federal agents regarded them as a fertile source of trouble--quick to oppose anything leading to cultural change or progress [81(1893): p. 273].

### Language

In pre-reservation times, the Confederated Tribes spoke languages or dialects belonging to the Sahaptin linguistic family. The Umatilla and Walla Walla could converse freely with the Nez Perce and Yakima. The Cayuse tongue, however, was said to be unintelligible to all of these tribes [74: p. 339]. The Cayuse abandoned their native language in the mid-1800's and adopted that of the more numerous and influential Nez Perce [67: p. 293].

### Subsistence

Anthropological research indicates that roots and fish were the principal foods of the Plateau tribes. Roots probably constituted as much as one-half of their diet; fish about one-third [4: pp. 18-19]. Game birds and animals were supplemental foods. Although agriculture is not ordinarily associated with Plateau culture, it became increasingly important with the depletion of large game animals.

Roots. A variety of edible roots were available in the plains and mountains. Included were camas (Camassia quamash), bitter root (Lewisia rediviva), biscuit root (Lomatium canbyi) and false caraway (Perideridia gairdneri). They were high in nutritive value [8: pp. 143-47] and easily kept for consumption during the lean winter months.

Fish. Fishing has always been important to the Confederated Tribes for social contact as well as sustenance [10: p. 4]. With the beginning of spring, great quantities of salmon were caught along the Columbia, Umatilla and Walla Walla rivers. In June and July the Indians followed the fish runs into the tributaries and headwaters. Several weeks in a fishing camp would produce several hundred pounds of dried salmon per family [74: p. 112]. The great fish runs have since been reduced or eliminated altogether.

Supplemental Foods. Game birds, small mammals, deer, elk, antelope, and berries augmented the principal diet of roots and fish. In 1968, a survey of 60 households on the Umatilla Reservation revealed that almost half still depended on fish and game to supply a substantial proportion of their meat requirements [73: p. 68]. During aboriginal times, the Confederated Tribes journeyed to the plains of Montana, Idaho and Wyoming to hunt buffalo [22: V. 1, p. 422]. Meat obtained on the plains was sometimes brought back and traded to the Columbia River tribes. Although horses were abundant, they were ordinarily not eaten. In 1812, Wilson Price Hunt reported that the Indians would not allow horse flesh to be brought into their lodges [41: p. 312].

Agriculture. Early records indicate that agriculture was probably not practiced by the Confederated Tribes until the arrival of the missionaries in the Pacific Northwest. The Indians initially believed

that agriculture would interfere with hunting and fishing and would prevent the women from collecting roots. They also believed that it would make the women lazy [17: p. 44]. Chief Spokane Garry is credited with being the first Plateau Indian to plant crops. This occurred about 1830 after Garry had visited the Red River settlements. His example may have prompted other tribesmen to plant small gardens [6: p. 50].

The records of Marcus Whitman, missionary to the Cayuse between 1836 and 1847, maintain that a few Indians had a rudimentary knowledge of agriculture prior to his arrival. In May of 1836, Whitman wrote that he had borrowed a yoke of oxen from one of the Cayuse chiefs in order to commence spring plowing [22: V. 1, pp. 238]. One year later the Indians' demand for pea and potato seed caused the Whitmans to refrain from eating peas altogether and eating potatoes only sparingly. By 1838, the Confederated Tribes were fully aware of the depletion of game locally and on the plains east of the Rocky Mountains. Drury attributed the almost fervent interest in agriculture to necessity. "The necessity to change their pattern of life", he wrote, "may have been one of the most serious grievances that the Indian harbored against the whiteman" [22: V. 1, p. 252]. His point may be well taken as agriculture not only constituted a change in eating habits, but a change in social structure as well. Among most Indian tribes, the women dug roots or tilled the soil. The more intensive

agriculture encouraged by the missionary and government agent required a reversal of roles. The male was expected to plow and sow the fields. It was often difficult to bring about this change [9: p. 74-76].

For whatever reason, some members of the Confederated Tribes became accomplished agriculturalists in a relatively short period of time. Many settlers passing through the Cayuse country in the mid-1800's were surprised to find agricultural products for sale by the Indians. Products included potatoes, peas, melons, corn, wheat, and barley [78: V. 30, p. 108; pp. 113-114]. Perhaps there is some credence to the contention that "...no group of people ever adopted a new idea to the same extent as the Indians of interior Oregon developed cultivation of the soil" [6: p. 50].

Livestock. Although the Indians' agricultural pursuits were certainly noteworthy, their success as herdsmen left a greater impression. By 1847, tribesmen were journeying to California to purchase cattle that could not be obtained locally [78: V. 29, p. 230]. In 1838, Marcus Whitman encouraged the Cayuse to raise sheep, but considered the venture a failure. Sheep proved to be easy prey for wolves, coyotes, and vicious camp dogs [22: V. 1, p. 258; p. 261]. Some sheep must have survived, however, for in 1845 Joel Palmer wrote that the Cayuse "have a good stock of cattle, hogs and sheep" [78: V. 30, p. 113]. Hogs were probably raised for trading purposes only. In subsequent years, government agents noted that the Indians would

not eat pork [81 (1895): p. 277].

The Confederated Tribes were well known for their large herds of cattle. In the year 1854, an influential Walla Walla leader was said to possess 1000 head [81 (1854-55): p. 431]. Wealth in cattle enabled the Indians to maintain a degree of independence that was enjoyed when game was plentiful. When treaty commissioner Stevens offered to butcher cattle for the Indians at the Treaty of 1855, they quickly informed him that they had their own [67: p. 173]. Some time prior to the treaty, these same Indians said that they had plenty of horses and cattle to trade for the things they needed [67: p. 202]. Cattle proved to be a sound investment. In 1870, the Indians' 1500 head were valued at \$30,000 [81 (1870): p. 56].

Among the Plains and Plateau tribes, wealth was commonly measured in numbers of horses. By that standard, the Confederated Tribes were exceedingly wealthy. So much so, that the term "cayuse" became synonymous with horse. Many individuals owned from 100 to 1000 head. Large herds were maintained until the turn of the century. In 1862, an agent on the Umatilla Reservation attributed the Indians' lack of interest in farming to a lucrative horse trade. He noted that a pony could be sold from \$40 to \$100 [18: p. 13]. By 1886, reservation horses had diminished in value to about \$15 each [81 (1886): p. 218]. The downward trend continued. In 1895, the agent reported that the reservation's 6,000 horses probably could not be sold for

\$6,000 [81 (1895): p. 276].

The Confederated Tribes retained their reputation of herdsmen up until the allotment of reservation land. In 1880, the resident agent reported that the yearly revenue from livestock sales could not be less than \$50,000 [81 (1880): p. 114]. Statistics compiled in the year 1890 provide some indication of the continuing importance of livestock. Of 59 Indian agencies reporting, the Confederated Tribes surpassed all other tribes in the possession of horses (Table 7).

Table 7. Six Top Livestock Producing Agencies, 1890

Agency	Population	Horses	Cattle
Umatilla	1,099	20,000	3,000
Nez Perce	1,828	15,020	7,000
Kiowa et al.	3,780	10,505	19,983
Yakima	1,200	10,025	7,000
Oglala Sioux	4,493	8,610	11,989
Warm Springs	919	7,006	1,500

Source: Report of the Commissioner of Indian Affairs, 1890

### Marriage and Inheritance

Aboriginal customs of marriage and inheritance persisted into the 20th century. Polygyny was common. In 1895, a government agent reported that one-half to two-thirds of his charges were "living

in adultery" [81 (1895): p. 276]. Divorce was relatively simple. When a husband tired of his wife, the wife was discarded. These two customs produced some complex problems of heirship after land was allotted to tribal members. In matters of inheritance, it was customary for the deceased husband's brother to acquire all property [81 (1887): p. 30]. Widows were dependent on the brother-in-law's generosity for a portion of the inheritance. Property was also distributed to the friends of the deceased; a common custom among North American Indian tribes.

### Personality Traits

Prior to the amalgamation of the Confederated Tribes, the Cayuse and Walla Walla were said to be distinguishable by strong physical and personality traits. The Umatilla failed to attract much attention. This could have been because of their loose organization or close association with the Walla Walla. In 1861, the reservation agent described the traits of the Umatilla as being about "mid-way between the Cayuse and the Walla Walla" [81 (1861): p. 165]. Of the three tribes, the Cayuse left the more lasting impression.

### Cayuse Traits

Despite their small population, the Cayuse were well known for their aggressiveness. Thomas Farnham, government agent and writer,

called them the "imperial tribe of Oregon" [78: V. 29, p. 340].

Joseph Lane, governor of the Oregon Territory, said that the Cayuse and Nez Perce were the most intelligent of all the Oregon Indians [81 (1954-55): p. 490]. Other Americans were less flattering, perhaps reflecting frustration at not being able to exploit tribal hunting grounds, advance Christianity or negotiate a treaty. For a while, the relationship between the Cayuse and the white American was as difficult as the Nez Perce had predicted [22: V. 1, p. 226]. Much of the difficulty stemmed from the steady stream of emigrants that passed over the Oregon Trail, the decline in Cayuse population, and their loss of prestige among other tribes [78: V. 28, p. 340]. Over the years the Cayuse have been described as being shrewd, extremely selfish, perceptive, possessive, and inclined toward civilization (Table 8).

#### Walla Walla Traits

The aboriginal Walla Walla were said to be physically inferior to the Cayuse. Most observers, however, found them to be more friendly and outgoing. They were also known to be shrewd traders and were called "the fishermen of the Cayuse camp" [78: V. 24, p. 341]. It is possible that the Walla Walla were more willing to adopt the trappings of Euro-American civilization. Two contemporary historians maintain that the Cayuse considered workers to be inferior people or slaves; consequently, the Indians that labored for the Whitman

Table 8. Descriptions of the Cayuse and Walla Walla Indians, 1806-1854

Date	Reference	Status	Description of Cayuse	Description of Walla Walla
1806	Lewis and Clark	explorers	-	honest; sincere
1812	Wilson Price Hunt	trapper	friendly	kind
1814	David Thompson	trapper	stern	-
1818	McKenzie and Ross	trappers	warlike, demanding	-
1826	David Douglas	botanist	fickle, shrewd	-
1833	John Townscend	explorer	cheerful	remarkably honest
1834	Captain Bonneville	explorer	-	degenerate; worn out
1836	Marcus Whitman	missionary	difficult	-
1837	Narcissa Whitman	wife of Marcus	suspicious; devout	-
1838	Narcissa Whitman		perceptive	-
1839	Thomas Farnham	traveler	imperial; devout	-
1840	Marcus Whitman		hostile	-
1840	Father De Smet	missionary	-	polite
1841	Asa Smith	traveler	extremely selfish	-
1842	Marcus Whitman		quarrelsome	-
1843	Narcissa Whitman		arrogant; proud	-
1854	Joseph Lane	governor	very intelligent; haughty; suspicious	friendly

Source: Cox [17], Drury [22], Thwaites [77; 78], Irving [40;41]. Report of the Commissioner of Indian Affairs, 1854-1855.

Mission were probably Walla Walla [67: p. 76].

### Mixed-Bloods

Agents assigned to the Umatilla Reservation commonly referred to persons of mixed Indian and non-Indian extraction as "mixed bloods". The term was also used to describe a marriage between Indians and non-Indians. By 1886, mixed-bloods comprised a significant portion of the reservation's population. In that year, 723 full-blood Indians and 171 mixed-bloods resided on the reservation [81 (1886): p. 218]. In the following year, 25 more mixed-bloods appeared on the reservation census--no doubt attracted by the prospect of receiving land allotments [81 (1887): p. 191].<sup>4</sup>

Resident agents generally considered mixed bloods to be better farmers and more industrious than their full blood Indian relatives. One agent attributed these virtues to "inherited capacities" [81 (1913): p. 42]. The mixed-blood, however, was not respected by full-blood tribal members [81 (1887): p. 194]. As a group, the mixed-blood was said to lack the "unusually keen sense of honor" that characterized the full-blood Indian [81 (1898): p. 262].

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<sup>4</sup>In 1881, the U.S. Department of Interior informed the resident agent that a person with any portion of Indian blood was to be considered an Indian. As such, the person was entitled to reservation benefits. [81].

Influence of Aboriginal Traits on the Loss of Indian Land

Remnants of aboriginal cultural traits persisted for some years after the Indians moved on to the reservation. Some traits contributed to the loss of Indian land. Most notable was the practice of Indian-style marriages which enhanced the division of land into small parcels. This constituted a significant step in the break-up of the reservation. In addition, loose tribal organization may have encouraged white settlers to exploit the Indians and their land. If observations of early pioneers were correct, the diminution of the reservation can not be attributed to the Indians' lack of ability. They were found to be very intelligent, and in pre-reservation times, successful in straddling Indian and Euro-American cultures. More valid reasons might be found in the Indians' attitude toward land and its resources.

## CHAPTER III

CULTURAL FACTORS IN THE DIMINUTION OF THE  
LAND RESOURCE BASE

Cultural traits were important factors in the diminution of the reservation's land resource base. The attitude of the Indians toward the land, their perception of resources and their lack of tribal unity in times of stress were particularly significant. Although the role of cultural traits can not be quantified, their influence was and may still be present in tribal land transactions.

The transition from an aboriginal society to that of the American system is in many respects a quantum leap. This is particularly true when the transition is as rapid as it was with the Confederated Tribes. The cultural traits and attitudes exhibited by these people have been both advantageous and detrimental to tribal welfare. At the turn of the century there appeared to be some support for Tatham's position that habits, especially mental habits, modes of thought, and long cherished ideas may hamper man quite as seriously as deficiencies in the physical environment [76: p. 138].

The Confederated Tribes possessed a number of traits that eased the pain of cultural transition. Prior to the treaty of 1855, they were considered to be a wealthy people. Many behaved as entrepreneurs. Their success may have been partly attributable to a property

ethic that was not radically different from that of the white American. In time, many would modify the commonly held belief that land and trade goods were not equitable. By the mid-1880's, the Confederated Tribes were physically secure in their mixture of Euro-American and Indian cultures. Although they had become dependent on the products of Euro-American culture, they possessed the capital necessary to procure what they needed. The Indians did not sign the Treaty of 1855 for want of goods and government services. Cultural differences between Indians and settlers became more important after the reservation was created. The Indians' perception of resources changed very little at a time when change was essential.

### Concepts in Land Ownership and Property

When young America was expanding westward, both Indian and white American associated land tenure with Divine Will. The land ethic of the white American was rooted in Genesis 1:28 which commanded man to "be fruitful and multiply, and replenish the earth, and subdue it..." [51: p. 3; 31: p. 74]. As the western tide swelled, God's commandment was conditioned or manipulated to accommodate the concepts of civilization, progress, property, and individualism [7: 24; 90]. The Indians' land ethic was initially more rudimentary. Men and animals were the land; a concept destined to become distorted. What may have begun as two diametrically opposed land

ethics was less so at the time of the 1855 treaty. If the Indians did not unanimously agree with the principle of land ownership, they had a fair comprehension of what it entailed. The impact of cultural traits was probably less important in terms of land ownership and property than it was in terms of resource perception.

### Property

Property among the Confederated Tribes has been both individual and communal. In pre-reservation times, individual property included such things as foodstuffs, clothing and implements. Village and fishing sites were communal properties. Apparently no claim was made to hunting, fishing and gathering areas beyond the immediate vicinity of the village. Consequently, the idea of trespass was ordinarily unknown [74: pp. 114-116].

### Aboriginal Land Ethic

Early records indicate that during the aboriginal times the Confederated Tribes possessed a land ethic that was significantly different from that of Judeo-Christian traditions. Rather than subdue and husband the earth, the Indian perceived his role as one of assimilation; Man was one with nature. Animals were brothers and inanimate objects took on life-like qualities. The earth was the mother or body that nurtured man and animals and was not something that

one possessed. Land ownership, in the Euro-American context, was incomprehensible. This position was by no means unique as it has been shared by primitive hunting and gathering societies throughout the world [71: p. 941].

### Evolution of the Man-Nature Ethic

The man-nature ethic probably changed little during the exploration and fur-trapping era of the early 1800's. There are at least two reasons: (1) Contact with Europeans and Americans was minimal; (2) It was not in the best interest of the fur companies to turn the Indians into farmers and entrepreneurs. This was to change with the coming of the missionaries and settlers. The missionary perceived the land as necessary to provide the essentials to carry on God's work. To the settler, land was something to sink roots into; something to possess. Both concepts contributed to the distortion and perhaps ultimately to the abandonment of the man-nature ethic.

### Land Ethic Expressed in Indian Oratory

American Indian oratory has often demonstrated the strong attachment of the Indian for the land and his seeming inability to equate land with goods. At the Treaty of 1855, Owhi, a Yakima Indian spokesman, reminded United States treaty commissioners that God had made the earth and had given it to the Indians. He then asked,

"What shall I do? Shall I give the lands that are a part of my body?" [43: p. 317]. In this instance, Owhi was alluding to the fact the land contained the bones of his ancestors, hence the land was a part of his body. Old Chief Joseph of the Nez Perce is credited with espousing much the same philosophy [42: p. 442]. Peo peo mox mox, spokesman for the Walla Walla at the Treaty of 1855 questioned the exchange of goods for land in this fashion:

Suppose you show me goods. Shall I run up and take them? That is the way we are, we Indians as you know us. Goods and the earth are not equal; goods are for using on the earth. I do not know where they have given land for goods [75: p. 410].

This attitude surfaced time and again in the speeches delivered at the treaty grounds and around the council fires [88]. The effectiveness of the Indian's position is evidenced in an 1854 communique from R. R. Thompson, Agent at Uvilla to Joel Palmer, Commissioner for the Treaty of 1855:

I know very well their sentiments in regards to parting with what they call their lands, which is, that they will never consent to part with them. I am informed that they say, "why should we want a few goods in exchange for our lands? We have plenty of horses and cattle to exchange for such things as we want. We love our country. It is composed of the bones of our people and we will not part with it" [67: p. 193].

There is little doubt that Indian leaders singled out the American land ethic as something abnormal or immoral in order to obtain a united front against encroaching settlers. One Indian leader is

supposed to have commented on the American land ethic in this manner:

We have now to deal with another race--small and feeble when our fathers first met them, but now great and overbearing. . Strangely enough they have a mind to till the soil and the love of possession is a disease with them [33: frontispiece].

#### Divergent Attitudes in Land Ownership

Although the Indian openly criticized the idea of land ownership, many understood and practiced it at fairly early dates. In 1837, an influential member of the Cayuse tribe told Marcus Whitman, the missionary, that the land on which he stood was his, not the missionary's or the tribe's [67: p. 106]. During the Treaty of 1855, another influential Cayuse seemed less concerned about selling the bones of his ancestors (land) than he was about getting the right price [43: pp. 316-317]. Such a concession is not altogether surprising. Contact with what is now considered to be western culture invariably distorts the man-nature ethic of primitive societies [71: p. 100]. Josephy suggests that such behavior was displayed by some Indian leaders trying to adjust to white culture [43: p. 317].

#### Influence of Missionaries

It is probable that the missionary who sought to tame the savage soul through agricultural pursuits purposely strengthened the Indians'

concept of land ownership and property [9: pp. 1-15]. In May of 1837, Marcus Whitman was pleased that the Cayuse Indians had labored very hard to prepare the ground for planting. He believed this was an expression of their willingness to adopt civilization [22: V. 1, p. 242]. Whitman later expressed dismay concerning the garden plots about the mission. The Indians not only questioned Whitman's right to the gardens but also quarreled among themselves over ownership of the plots. Whitman noted that tribal bands began to claim exclusive possession of certain general acres and resented the intrusion of other tribal members [22: V. 1, p. 395]. By the year 1840, the Indians were demanding payment for the land on which the mission stood. The Reverend Henry Spalding experienced similar difficulties among the neighboring Nez Perce. In 1845, Spalding wrote:

Another cause of excitement is their land. They [Nez Perce] are told by enemies of the mission that people in the civilized world purchase their land and water privileges. This touches a chord that vibrates through every part of the Indians' soul--that insatiable desire for property! [22: V. 1, p. 420].

### Entrepreneurship

The explorers, fur-traders, and missionaries that negotiated with the Cayuse in pre-reservation times were struck by the tribe's unabashed selfishness. McKenzie and Ross, founders of Fort Nez Perce (1818) found the Cayuse to be "turbulent and high minded".

The Indians demanded gifts before ceding the site for the post, insisted on payment for timber, prohibited hunting and fishing, and fixed an exorbitant price for every article of trade [65: p. 173].

Narcissa Whitman, wife of the missionary, found her efforts to learn the Cayuse language thwarted by an enterprising chief. In January of 1836, Narcissa wrote:

A few days ago he [a Cayuse chief] took it into his head to require pay for teaching us the language and forbade his people from coming and talking to us for fear we should learn a few words from them [22; V. 1, p. 244]

These same Indians seemed to have an uncommon understanding of money as a medium of exchange. In 1843, John C. Fremont noted that they were beginning to request dollars in preference to trade goods [28: p. 197].

It may be less than accurate to attribute the cupidity of the Indians solely to his European or American teachers. Surrounding tribes had always recognized the Cayuse for the shrewd traders that they were. The close association of the Confederated Tribes with other tribes that possessed a strong property ethic pre-dates the exploration of Lewis and Clark [29: pp. 337-430]. If the Confederated Tribes did not adhere to a strong property ethic prior to Euro-American contact, it was not because they were unfamiliar with its precepts. In all probability, the Euro-American concept of property had a catalytic effect on an already existing, though weakly developed, property ethic. It has been suggested that selfishness and shrewdness

are desirable traits for the perpetuation of the American capitalistic system [81 (1851-52): p. 503]. If this is indeed the case, it would appear that the Cayuse were well on their way to becoming entrepreneurs prior to the opening of the Oregon Territory.

### Cultural Factors in Resource Perception

The desire for resources has been a significant factor in shaping the land. Initially, the Indian and the white American competed for the same land base but not necessarily for the same resources. This was to change with the Indians' increasing dependence on the products of Euro-American culture. The early reservation period coincided with the growth of agricultural communities in northeastern Oregon. The Indian did not fully appreciate the reservation's agricultural potential until the white stockman and farmer had become entrenched on the Pendleton Plains and Blue Mountain Slope.

### Concepts in Resources

The concept of resources is generally associated with those things that are necessary to sustain man or enhance his quality of life. They are a cultural construct, changing as man's values and technology change. Accordingly, resources are both tangible and intangible. Since human wants and needs vary, resources may be perceived differently among individuals or groups. Some resources, particularly

those associated with human attributes, have a tendency to persist. Other more tangible physical resources may diminish in value or cease to be a resource altogether. Erich Zimmerman, an economist, effectively captured the concept in his terse statement, "...resources are not, they become" [92: p. 21].

### Resource Exchanges

Resources as perceived by the Confederated Tribes reflect their culture and possibly their aspirations. The wants and needs of aboriginal times were relatively simple. Although periods of scarcity were not unknown, the resources necessary to sustain their nomadic life-style were generally available. Contact with other cultures, however, created additional demands which supplanted many resources that had evolved through generations of trial and error. The wants of individuals became the needs of the group. Seemingly commonplace or trivial materials were often highly valued. For example, in 1826 a Cayuse Indian guide was perfectly willing to leave his hungry family at the onset of the salmon season for a pair of shoes, a scaping knife, a small piece of tobacco and a strip of red cloth [21: p. 189]. This type of behavior occurred repeatedly in the land-trinket exchanges between the United States government and the Indian. That the exchange was unfair or wrong because the Indian did not know the true value of his land may not be so evident; the Indians' wants were

probably satisfied at the time. Nor is the behavior exhibited by the Indian guide necessarily peculiar to a primitive people. In establishing basic postulates of economic theory, Alchian and Allen have suggested that among man's goods, one is not more important than another; that it is not true man must first satisfy his hunger before he will seek play, love, artistic expression or prestige; he simultaneously wants all these things. There is no hierarchy of goods [1: p. 13].

The willingness of the Indian to participate in land-trinket exchanges diminished as the trinkets became commonplace and his needs became satisfied. Perhaps more important was the realization that his land was indeed finite. In some respects, the Treaty of 1855 was a land-trinket exchange. The land consisted of some 6,000 square miles held in common by a number of tribes. Its value in 1855 has been estimated at \$4,800,000 [13: e]. The trinkets consisted of \$150,000 of goods, a promise to erect a number of facilities on the newly created reservation, an annual salary of \$500 to the three head chieftains, and several other items. This amount, Treaty Commissioner Palmer maintained, far exceeded the worth of the land [45: p. 21]. But to whom? The Indians were clearly not interested in the resource transfer but succumbed to not so subtle pressure.

#### A Growing Dependence on Euro-American Products

The Confederated Tribes initially experienced little difficulty incorporating elements of European or American culture into their own.

In time, however, the new technology that enabled tribesmen to procure their traditional resources with greater ease either created a greater dependence on that technology or on other resources. The acquisition of guns provides a good example. In 1814, Indian hunters informed members of the Henry and Thompson exploration party that guns had made the deer so wild that they could no longer be killed with bows and arrows [16: V. 3, p. 818]. The use of guns ultimately contributed to the depletion of large game animals and the Indian came to rely on introduced foods and clothing. In 1836, Narcissa Whitman attributed the Indians' growing interest in farming implements principally to the diminishing game resource [22: V. 1, p. 252]. Seven years later, an emigrant advised his friends back home to "...bring plenty of cheap cotton shirts to trade with the Indians" [30: V. 1, p. 144]. By 1845 there was a marked preference, if not dependence, on cattle and cultivated vegetables for food. Joel Palmer wrote from Oregon's Grande Ronde Valley:

The Indians brought wheat, corn, potatoes, peas, pumpkins and fish to trade. They were anxious for clothes, calico and nankins and would gladly exchange a horse for a cow [78: V. 30, p. 108].

Zimmerman's philosophy concerning the dynamic nature of resources finds ready support in the cultural history of the Confederate Tribes. As new demands arose, the traditional areas of resource acquisition were exploited differently. Thus antelope hunting

grounds ultimately became farmland or grazing land for livestock.

The Blue Mountain Highland, once primarily utilized for the acquisition of berries, roots and game now supplies additional resources, namely grazing land, timber and recreation land. There is reason to believe that the welfare of the Confederated Tribes was not diminished so much by the transition itself, but by the rapidity of the transition.

Utilizing the aboriginal landscape for livestock and garden plots proved to be lucrative. In fact, by the mid 1800's, the Confederated Tribes were considered to be wealthy--even by white standards. The usually squalid Walla Walla encampment sometimes took on an air of prosperity. In 1884 Dr. Elijah White wrote:

Long strings of corn were nicely plaited and hung outside their cabins and everything gave the impression of wealth and improvement [2: p. 340].

Other writers also commented on the accumulation of wealth:

The condition of the savages has been greatly improved ... They have a good stock of cattle, sheep, etc., and raise an amount of grain not only to supply their own wants but affords a surplus [78: V. 30, p. 113].

The Walla Walla have large herds of horses and cattle [81 (1850): p. 160].

They [the Cayuse] are the wealthiest in proportion to their number than any of the tribes in Oregon, owning large droves of horses and cattle [81 (1851-52): p. 478].

Pu pu mux mux has 1000 horses and cattle and several thousand dollars in gold [81 (1854-55): p. 434].

Sporadic hostilities and the creation of the Umatilla Reservation seem to have signaled an end to this prosperity. The same people once described as being inclined toward civilization, intelligent, and prosperous appeared to take on different traits. At the turn of the century, their aboriginal habits were considered to be a formidable barrier in the path of progress. An article appearing in an 1898 edition of the Whitman College Quarterly left a vivid impression of conditions on the nearby Umatilla Reservation:

Actually he [the Cayuse Indian] had no use for his land except to lease it to the whites, while he, clad in a blanket of vivid hue, loafs in his teepee beside some stream content that his squaw will do what needs to be done [47: p. 23].

Five years later a series of articles in the Spokane Spokesman Review described the problems associated with the perpetuation of aboriginal habits on the Umatilla Reservation. Concern was expressed for Indian school children who "go home to teepees because their fathers won't live in houses" [72: b]. "One pow-wow", an article maintained, "off-sets about three months of training. Many parents have no use for school and whip their children into savage habits" [72: b]. The difficulty was considered to be something innate:

When it [the desire to be a "brave"] is in the blood, it is hard to get out. There is something comfortable about the blanket and the freedom of a teepee. Contentment is in the life of the Indian. One o'clock to him is two o'clock. He will never do anything today, but is always ready for tomorrow [72: c].

The prosperous Indian of the early to mid-1800's did not revert to the old aboriginal ways after moving on to the reservation; he had never fully relinquished them. The conversion of his aboriginal resource base to livestock grazing land and small farm plots was compatible with his customs and level of technology. He was not psychologically equipped or sufficiently advanced in technology for the agricultural boom that was to sweep the Pendleton Plains and Blue Mountain Slope in the late 1800's.

#### Lack of Unity

A lack of unity at critical times accelerated the transfer of land from Indian to non-Indian ownership. The Indians seldom acted in concert; a trait probably characteristic of the loosely organized Plateau tribes. A number of writers have dispelled the notion that all Indians possessed the same common virtues. All did not uphold tribal customs, nor were all conservationists or compassionate to tribesmen in need.<sup>5</sup> Obviously all members of the Confederated Tribes did not possess the land ethic expressed by old Chief Joseph and Owhi. If they did, considerably less land would have passed out of Indian ownership. It is apparent today, as it was in the past, that

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<sup>5</sup> For example, see Durward L. Allen, [2], p. 10 (conservation), George B. Grinnel [32] pp. 45-46, George E. Hyde [39] pp. 157-161, and Wilbur S. Nye [53] pp. 82-90 (tribal customs) and Report of the Commissioner of Indian Affairs, [81 (1866)] p. 87 (selfishness).

individual desires often supercede tribal welfare. The Confederated Tribes were comprised of individuals and for much of the time they behaved as individuals. Disunity on the Umatilla Reservation was also perpetuated by the emergence of factions. Ross observed a similar situation on Washington's Colville Reservation, but concluded that factions were a result of disunity rather than a cause [66]. In 1906, Agent O. C. Edwards emphasized the adverse effect of factions on the Umatilla Reservation. Edwards wrote:

The reservation was in a very disorganized and unsatisfactory condition at the beginning of the year. The Indians are very much broken by factions, each wishing to control the affairs of the reservation and dictate the policy of its administration [81 (1906): p. 333].

Four factions, often opposed to one another, were significant among the Confederated Tribes. They were ethnic, socio-economic, religious, and age.

#### Ethnic Factions

Ethnic factions have differed in composition and influence throughout the reservation's history. Of the three principal tribes, the Cayuse were clearly dominant. Their influence diminished, however, as tribal characteristics became less pronounced and other factions gained prominence. By the late 1800's, tribal factions were largely replaced by mixed-blood and full-blood factions.

As a group, the Walla Walla did not demonstrate any particular

attachment to the Umatilla Reservation. In 1855, the Tenino band of that tribe elected to move on to the Warm Springs Reservation [87: p. 1013]. Nine years later, Walla Walla groups living along the Columbia River were still reluctant to join their relatives at the Umatilla Agency [81 (1860): p. 208]. Because the reservation occupied old Cayuse territory, the Walla Walla may have acknowledged that tribe's right to the land and preferred not to settle among them.

In the late 1800's, the mixed-bloods began to emerge as an important faction. They were initially opposed to land allotment because their eligibility was in doubt. After receiving allotments, they came to be identified as a progressive faction. Their cultural preference was that of their white neighbors. This tended to alienate them from full-blood tribesmen. The rapid influx of mixed-bloods on the reservation taxed range resources and diminished farmland that might have been acquired by a full-blood tribal member. The relationship between the two factions is partly reflected in the Tribal Council's refusal to approve land allotments for the children of mixed-bloods [13: f].

#### Socio-economic Factions

In the 1860's and 1870's, three socio-economic factions existed on the reservation: the wealthy, the poor, and the destitute. During those years, three-fourths of the combined tribal wealth was

possessed by 25 or 30 individuals [81 (1862): p. 271]. In some respects, economic factions were closely related to ethnic factions. The Cayuse possessed greater wealth than the other two tribes. This was despite losses sustained in the Cayuse War of 1847-48 and the hostilities that continued into the 1850's. In 1861, the value of Cayuse property (e. g., cattle and horses) was estimated at \$105,000. A similar number of Walla Walla accumulated property valued at \$30,000 [81 (1861): p. 164]. The disparity may be attributed to the demoralizing effect of whiskey among the Walla Walla [81 (1861): p. 164]. Except for a few chieftains or head-men, the Walla Walla and Umatilla constituted a poor, emigrant faction on the reservation [81 (1861): pp. 164-65].

During the reservation's formative years, the affluent faction primarily consisted of tribal leaders who had received special consideration from the federal government. They jealously guarded their influential positions and did not always act in the tribes' best interest. In 1893, a reservation agent reported that they were a "fertile source of annoyance and trouble" [81 (1893): p. 274]. Some, such as Peo peo mox mox, increased their wealth by renting other people's land to white farmers and keeping the proceeds for themselves [15: p. 74].

Despite the contention of popular writers, the Indian was not always generous to needy relatives and fellow tribesmen. In 1866, the reservation agent reported that the large majority of poor could

not expect help from more affluent tribesmen because the Indians "never help each other without hope of remuneration" [81 (1866): p. 87]. In 1876, an agent wrote that there were 25 indigents on the reservation who were often in need. The reason given was that they had been abandoned by their relatives [81 (1876): p. 125]. In more recent years, an Indian spokesman expressed little sympathy for tribesmen who sold their land, spent the money and returned to the reservation to become a burden on the Tribe. He stressed that the relationship between such individuals and the Confederated Tribes should be severed completely [13: d].

#### Religious Factions

During the land allotment period, three religious factions were prominent: Catholic, Presbyterian, and a remnant of the Smohallas.<sup>6</sup> Approximately 300 Indians were affiliated with the reservation's Catholic Mission. Most were Cayuse. The 80 members of the Presbyterian Church were predominantly Umatillas [81 (1888)]. Some animosity existed between Catholic and Protestant faction [81 (1887)]. A number of influential tribal members were associated with the Smohallas. They were the reactionaries; opposed to education or anything that

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<sup>6</sup>The Smohalla, or Dreamer faith, called on the Indians to abandon the ways of the whitemen. In doing so, and following prescribed ritual, dead Indians would return to life. It would be a time of happiness. The whiteman and his works would disappear from the land [43: p. 425].

tended toward civilization [81 (1892): p. 418].

### Age Factions

Conflict between young progressives and older, conservative, tribal members was not uncommon. In fact, it still exists. In 1837, Narcissa Whitman contrasted the older chieftains with the younger men who were "eager to adopt the manners and customs of civilized life" [22: V. 1, p. 251]. Similar comparisons can be found in the reports of resident agents. The old ways died hard. In 1900, the resident agent was gratified that the young men regarded their property as their own--free from any tribal interference [81 (1900)]. At a General Council meeting in 1948, young people were accused of trying to "sell the old people out" [13: e]. Reservation informants maintain that many older tribal members are still skeptical of progressive programs, particularly those pertaining to land reform.

The skepticism of older tribal members may be traced to the 1855 treaty and the events that followed. Stories of early reservation days are passed on to each generation--much as the Indians have always done. Some allowance should be made for the role of cultural traits and attitudes in shaping the reservation as it is today.

## CHAPTER IV

## PRESSURES OF MANIFEST DESTINY

1855-1885

The treaty of 1855 was timely. The few years prior to the treaty had been marked by increasing friction between Indians and emigrants. There was good reason to believe that war was imminent. The Indians considered themselves to be a doomed race and had taken an aggressive stance as the best defense. In creating the Umatilla Reservation, the federal government professed concern for both emigrant and Indian. The emigrant would continue to play a role in the nation's "manifest destiny" --occupying territory and inspiring less fortunate people to adopt the American way of life [20: p. 9]. The Indian would be protected by unscrupulous Americans and be taught the fundamentals of civilization, especially farming. The treaty was a qualified success. Although hostile actions were quelled, many Indians refused to acknowledge the agreement.

The Confederated Tribes officially took up residence on the reservation in 1860. At that time a great many Indians still felt that their birthright had been sold by a few ad hoc chieftains. Approximately 150 Walla Walla flatly refused to move on to the reservation and continued to roam the banks of the Columbia River and its tributaries [81 (1862): p. 269]. A number of years passed before political

and economic conditions compelled them to join their relatives on the reservation. The situation in 1860 was grim. Most of the 650 reservation Indians were impoverished. In the five years following the treaty they had suffered raids from both Paiutes and the Oregon Volunteers. Consequently, their once numerous herds of livestock had been considerably reduced [81 (1856), (1857), (1858)]. In 1864, total tribal wealth was estimated at \$200,000. This included some 8000 horses and 2000 head of cattle--most of which were owned by a few head men [81 (1864): p. 9]. As long as horses and cattle could be bartered, there was little incentive for the Indians to farm.

Between 1855 and 1885, the Umatilla Reservation remained relatively intact. This was despite enormous pressures from white settlers to obtain Indian land. The principal threat to the reservation came with the discovery of its agricultural potential. The threat took on serious proportions as adjacent land was settled and new markets for agriculture developed. The Indians made significant cultural adjustments during this time and an agricultural landscape began to emerge. This period marked the beginning of an allotment policy which reduced the size of the reservation by more than 35 percent.

#### Recognition of Agricultural Potential

The land which was to become the Umatilla Reservation was best known for its grazing qualities. Only a few river bottoms were

considered suitable for cropland [81 (1850): p. 312]. In the early journals, Blue Mountain forests were generally depicted as a curiosity or as a barrier to travel. Scant attention had been paid to possible timber production. This lack of perception is not surprising; most emigrants were neither dry land farmers or lumbermen [30: Vol. 1, pp. 239-40]. Also, the markets for agricultural and lumber products were not readily apparent. Agricultural potential was principally realized through happenstance and necessity.

Agents assigned to the newly created reservation were among the first to appreciate the land's potential. Most believed that the Treaty of 1855 had left the Indians in a fortunate position. In 1860, an enthusiastic agent wrote that the reservation contained valuable prairie, forest, and pasture. He noted that although the open prairie was largely fertile, some spots contained alkali. "The fertile spots", he maintained, "could be irrigated" [81 (1860): p. 177]. Two years later another agent optimistically reported that not only could the reservation be self-sustaining, but a source of revenue to the Department of Indian Affairs as well [81 (1862): p. 258]. The bad weather and crop failures of subsequent years never seemed to diminish the agents' enthusiasm for the land.

#### Development of Agricultural Potential

A number of factors were important in the development of the

reservation's agricultural potential. Some were subtle; others were more dynamic. Four factors were especially significant:

- (1) - The federal government's failure to fulfill treaty obligations;
- (2) - the passage of the Oregon Trail (Emigrant Road) through reservation land;
- (3) - the development of agricultural communities near the reservation; and
- (4) - the federal government's failure to firmly fix reservation boundaries.

#### Unfulfilled Treaty Obligations

It is ironic that a government so anxious to turn the Indians into farmers would take more than four years to ratify the 1855 treaty. In the interim, potential farmlands were largely ignored by the people for whom they were intended. Only a few small gardens were developed. Nomadism was in part perpetuated by government inaction. The Indians continued to hunt, fish, and gather roots in the traditional manner. There was little reason to trust the federal government. Where were the provisions promised by the treaty? Agents assigned to the reservation also wondered. The response from the government was vague. The agents were unanimous in their support of agricultural programs--if only they had the plows, the mill, and the school that they had been promised.

There is little doubt that the failure to implement treaty

obligations had a retarding effect on the reservation's agricultural development. It is also noteworthy that the government's inaction made possible the development of agricultural communities just outside reservation boundaries. The Emigrant Road that brought so much trouble also brought a market for agricultural products.

### The Emigrant Road

The passage of the Oregon Trail or Emigrant Road through Indian land had become a source of trouble. A Cayuse Chief refused to sign the Treaty of 1855 unless the road was abandoned [79: pp. 3-6]. The commissioners complied, insuring its abandonment in Article 5 of the treaty. The article stipulated that another road was to be constructed south of the reservation boundary in its stead. Late treaty ratification and a lack of funds apparently delayed actual road construction until 1861 [81 (1861): p. 154]. For reasons unknown, the Emigrant Road was not abandoned as promised. It continued to be the principal route over the Blue Mountains. The newly constructed road, known locally as the Pilot Rock-Emigrant Road, shortly fell into disuse [79: pp. 3-6].

The Emigrant Road brought thousands of settlers and their livestock through the newly created reservation. Livestock belonging to the settlers often mixed with Indian herds. This resulted in frequent disputes over ownership and heightened tensions [54]. In addition,

rangeland was rapidly depleted. It was common practice for travellers to refresh their livestock at the base of the mountains before continuing westward [79: p. 7]. The period of recuperation often lasted for several weeks. Eastbound travellers finding the route blocked by snow also utilized this rangeland until travel could be resumed [59: p. 157]. Early records maintain that the Emigrant Road was clearly marked at night by hundreds of campfires along its route [91: p. A-62]. Some enterprising transients took advantage of the activity along the road and the nearby reservation. Taverns or inns were built just outside reservation boundaries. They formed the nucleus of what later became agricultural communities [68: pp. 31-123]. Many of the Indians' problems grew with these settlements.

#### Impact of Near-by Agricultural Communities

Although the emigrants and the reservation provided a basis for the exchange of goods, the real catalyst for commercial activity came with the miners. Rumors of gold in Idaho and Oregon's Blue Mountains were founded in fact. By 1860, a new gold rush was on. During a four month period of that year, over 6000 wagons passed through the reservation en route to the mines on Oregon's Granite Creek and Powder River [81 (1862): p. 269]. Thousands of cattle and a lesser number of sheep were driven to the vicinity of the reservation to supply the miners. Farming proved to be particularly lucrative. Hotels

and other services were located in the proximity of the already existing taverns and stores. Several communities such as Pendleton and Pilot Rock began to emerge.

For the Indians, the boom was one of mixed blessings. The creation of a market for agricultural products also increased the demand for land. Rangeland was severely taxed by large numbers of livestock. Good farmland was at a premium. The demand for lumber grew with the agricultural communities. By 1877, there was not a vacant house in Milton Freewater or Walla Walla [91: p. A-50]. Agents who had enthusiastically welcomed the new markets became concerned as the reservation's resources were threatened. The gravity of the threat was expressed in a number of letters sent to the United States Commissioner of Indian Affairs. Throughout the 1860's and 1870's, agents reiterated that the Indians should be removed from the reservation for their own protection. Unscrupulous or uninformed citizens perpetuated the rumor that the Indians would soon be relocated and the reservation opened to settlement. The effect was disquieting. Incentive for the Indians to take up farming or improve existing farms was substantially diminished by the prospect of removal [81 (1871): p. 313].

#### Boundary Disputes

Agricultural development was decidedly affected by boundary disputes. The Indians tended to avoid contested land and settled in

the reservation's interior where ownership was not in doubt. This left land near white settlements susceptible to encroachment. In the 20 years following treaty ratification, encroachment on reservation land became so common that federal agents feared a renewal of hostilities. Parties caught trespassing often pleaded ignorance of reservation boundaries. It is true that the boundaries were vague. The original reference points were much too general. Records indicate that the reservation was finally surveyed in 1864 and again in 1871. These surveys, however, did not end the boundary disputes.

#### Pressure to Relocate the Confederated Tribes

Efforts to remove the Confederated Tribes from the reservation were not just phenomena of the late 1800's. There was hardly a time when Indian land had not been sought by envious settlers. The Whitman massacre of 1847 had placed the Indians in a vulnerable position. Some emigrants maintained that with that act the Indians had forfeited title to all their land [70: p. 350]. In 1856, the Commissioner of Indian Affairs for the Oregon Territory suggested that the Confederated Tribes be removed to a coastal reservation. He reasoned that the Indians were more inclined to a fishing economy than to one of farming. Settlers in the coastal Tillamook Valley were not only willing but desirous of an opportunity to dispose of their land claims for that purpose. Removal to the Yakima, Warm Springs or Nez Perce

reservations was also considered a possibility [81 (1956): p. 197].

Pressure to remove the Indians from the Umatilla reservation intensified during the 1860's. Some desperate emigrants attempted to obtain treaty land by goading the Indians into committing hostile acts. Others circulated petitions to Congress and the State Legislature requesting that the Indians be relocated. Perhaps the general attitude of the local settlers was reflected in the words of a contemporary historian, Frances Victor:

The Indians on the reservation are remnants of Umatilla, Walla Walla and Cayuse tribes and altogether number less than one thousand. They are a partially civilized and peaceable people, yet whose presence as neighbors can not be particularly desirable. Their territory is unnecessarily large, amounting to a square mile to each individual [89: pp. 102-3].

The case for relocating the Indians was strengthened by the opinion of resident agents. They were convincingly sympathetic but adamant in their recommendation for removal. In the 1860's they wrote:

It will not be long before Whites settle on Indian land by the hundreds...this is the finest reservation east of the Cascade Mountains, but in respect to its locality, it will always be difficult to accomplish any lasting benefit to the Indians [81 (1862): p. 271].

It would be regretful to remove a people that show such promise...it would be better if the Indians were located in a more isolated situation [81 (1864): p. 88].

It is well known that this is unsuitable for an Indian reservation. In fact there is a larger area of cultivatable land in one body on the reserve than anywhere

else in eastern Oregon... The whole White population wants the Indians removed... The majority of these Indians do not desire to go anywhere. Go they must, sooner or later, but not to some howling wilderness [81 (1860: p. 159)].

This kind of dialogue continued throughout the 1870's until the federal government was compelled to take action. Meanwhile, many Indians expressed a determination to retain what was rightfully theirs.

#### Incentive to Retain the Reservation

The incentive for the Indians to remain on the reservation was born of necessity and experimentation. Although the Treaty of 1855 provided for the gathering of native foods and pasturing of livestock off the reservation, such activities were becoming increasingly difficult. Confrontation with the emigrants must have been anticipated with every journey off the reservation. Agents considered these trips to be a problem and suggested that the privilege could be purchased from the Indians for about \$5000 [81 (1866): p. 77]. Although their trips became less frequent, the Confederated Tribes never relinquished this treaty right. In 1870, an agent was gratified when several Indians told him that in the future they would rely solely on agriculture [81 (1870): p. 56].

The reluctance of the Indians to move from the reservation was not unanimous. A minority of tribesmen, principally Walla Walla, still preferred to live in fishing camps along the Columbia River.

In 1870, they expressed a cheerful willingness to be removed to some other reservation or left to wander at will [81 (1870): p. 56]. The Cayuse reacted differently. Although there may have been some exceptions, the majority adamantly opposed removal. They had always considered the reservation to be Cayuse land and were unwilling to give up their small farms [13: f]. In an interesting turn of events, the people considered the least likely to succeed at farming were becoming the most successful.

The 470 acres of reservation under cultivation in 1861 increased to approximately 900 acres by 1870. Crops were diverse and grown principally for reservation consumption. Wheat continued to be the dominant crop; approximately 600 acres were sown in 1870. Potatoes, corn, oats and a variety of garden vegetables were also planted [81 (1870): p. 56]. Livestock losses incurred during the winter of 1861 were gradually replaced. The severity of that winter had claimed approximately 2000 horses, 500 cattle and all of the sheep [81 (1862): p. 269]. By 1870, the reservation contained some 10,000 horses, 1500 cattle, 150 swine and 75 sheep. During that year, the depleted grazing land was augmented with a harvest of about 400 tons of hay [81 (1870): p. 56]. Other improvements on the reservation included a grain mill, a saw mill, and a school.

The incentive for the Indians to remain on the reservation was offset by the agents' advice for them to leave. The situation seemed

hopeless for the Indians. In 1869, roads traversed the reservation in all directions and a preliminary railroad survey had commenced. Agents who had challenged the authorization of roads through the reservation were finally resigned to the inevitable. One agent speculated that the Indians might be induced to sell the reservation for about \$200,000. The price was based on the average value of 25 farms at \$2,000 each. The mills and buildings were valued at an additional \$15,000 [81 (1867): p. 69]. It was also suggested that the reservation might be sub-divided and sold in tracts ranging from 160 to 320 acres. Harassment by white settlers, petitions, and advice to sell the reservation tended to slow the development of farmland. Why invest time and effort in land that was almost certain to be lost? The issue was temporarily resolved with the arrival of federal negotiators in August of 1871.

#### The Council of 1871

Negotiations for the sale of the reservation had been authorized by Congress in July of 1870 [81 (1870): p. 50]. No one could have predicted the outcome although the resident agent suspected that the Indians would not sell. Negotiations lasted from August 7 to August 13, 1871, and ended with the Indians retaining their land. The vote had been unanimous [81 (1871): p. 95]. In some respects it was a victory for both sides. The credibility of the federal government had

been strengthened by honoring the vote of the Confederated Tribes. This would be an important factor in later transactions. The conclusion of negotiations also gave the Indians new incentive to improve their lands. In the following year, a number of Indians built houses and barns. Unfortunately, the resident agent was only partially correct when he wrote:

... The constant fear and expectation of the Indians that they would soon be removed has been a great drawback in the past. Now the matter is settled [81 (1871): p. 313].

#### Inroads on Indian Ownership

The Council of 1871 essentially resolved one thing; there was no longer a question about the Indians' attitude regarding the sale of their land. The determination of white settlers, however, remained unchanged. Encroachment on tribal land continued unabated. The areas subjected to the greatest encroachment were those nearest the settlements. Some maintained that the "official" survey (1871) incorporated too much of the contested land within reservation boundaries [81 (1881): p. 131]. The issue was partially resolved through a treaty with the City of Pendleton.

#### Treaty with Pendleton

In the 1870's the direction of Pendleton's growth was toward the reservation. Vacant land outside reservation boundaries had been

claimed. The boundary adjacent to the community was exploited to the extent that the Indians were afraid to gather their crops in the vicinity [81 (1893): p. 123]. The question of boundary may have been unofficially resolved in 1881 when a saloon and a livery stable were built on Indian land adjacent to the community [81 (1881): p. 150].

The desire for community expansion prompted Pendleton citizens to petition for the sale of Indian land [81 (1880): p. 146]. The Confederated Tribes were apparently not opposed to the transaction. The amount of land to be sold was small; probably not exceeding 160 acres. Also, the area had been a source of considerable trouble. In anticipation of the sale, the Indians requested funds from the federal government for a land survey. The Confederated Tribes met in council in January of 1881 and approved the sale [81 (1881): p. 151]. In the following year, local citizens built a number of houses in the designated area. The Indians had no objections as the sale was forthcoming and the land was not considered to be particularly valuable [81 (1881): p. 143].

The sale of 640 acres of reservation land was concluded by treaty, August 5, 1882 (22 Stat. 297-298). The treaty authorized the sale through public auction. Proceeds from the sale were to be deposited to the credit of the Confederated Tribes at five percent interest. In 1884, the approximate 2-1/4 mile by 1/2 mile tract was subdivided and sold at auction for \$80,000 [91: p. A-51].

### Transportation Easements

The Treaty of 1855 granted the federal government the right to transportation easements through the reservation.<sup>7</sup> Considering the attitude of the Indians toward the Emigrant Road, it is surprising that such an agreement could have been reached. The government periodically exercised the right, but usually with the consent of the Indians. There were exceptions. In 1875, the Indians complained about the pressing demands for wagon and stage routes across the reservation. The resident agent was sympathetic but conceded that the lack of roads was impeding the westward progress of the settlers. On at least one occasion, government troops accompanied the road workers to the project [81 (1875): p. 353]. The network of roads on the reservation expanded yearly. Other transportation facilities were also constructed on the reservation. The preliminary railroad survey of the 1860's culminated in a treaty with the Confederated Tribes in 1881.

Treaty with the Oregon Railroad and Navigation Company. The railroad that brought new prosperity to northeastern Oregon was not contested by the Confederated Tribes. They concurred with an

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<sup>7</sup> Article 10 states that "The said confederated bands agree that, whenever in the opinion of the President of the United States the public interest may require it, that all roads, highways and railroads shall have the right-of-way through the reservation herein designated or which may at any time hereafter be set apart as a reservation for said Indians."

Executive Order dated January 22, 1881, proclaiming the right to establish a railroad easement through the reservation [94]. A series of meetings in June of 1881 established that the Oregon Railroad and Navigation Company would construct and maintain about 35 miles of rail through the Umatilla Reservation (Figure 1). Right-of-way requirements included 50 feet on each side of the track and additional land for stations, shops, turnouts, water stations and side tracks. Total right-of-way requirements approximated 472 acres. The railroad agreed to pay \$25 per acre for fenced and cultivated land and \$2.50 per acre for other land. The proceeds from the sale were held in trust by the Secretary of the Interior. There were other compensations. The railroad agreed to transport timber from the reservation saw mill at Gibbon to agency headquarters at Mission. The amount was not to exceed 200,000 board feet in any one year. The Indians were also paid for damages incurred during railroad construction, including the loss of livestock [94]. In 1882, Indian laborers cleared 22 miles of line. Records indicate that the relationship between the Indians and the railroad was good. Indians were often transported to Columbia River fisheries passage-free. The same spirit of good will supposedly surfaced in the recommendations to implement an allotment policy.

### Land Allotment as a General Policy

Failure to persuade the Confederated Tribes to sell the reservation fostered a renewed interest in the policy of land allotment. The concept was relatively simple. Each Indian would receive or be assigned to a parcel of land as stipulated in Article 6 of the 1855 treaty. The remaining land would then be sold with the proceeds deposited to the credit of the Indians. In 1879, the Confederated Tribes were skeptical. It was possible, however, that land allotment might accomplish what the Council of 1871 did not; namely a relief from white encroachment.

The allotment of Indian land was not unique. A precedent had been set with the Choctaw Treaty of 1805 [58: p. 3]. Since that time, the practice had become somewhat standard; only the recipients and amount of land varied. Receiving a land allotment was clearly intended to be a privilege. In the Treaty of 1855, only three chieftains were granted 160 acre allotments. However, the President could assign the following:

- 40 acres to a single person over 21 years of age;
- 60 acres to a family of two;
- 80 acres to a family of three (not exceeding five members);
- 120 acres to a family of six (not exceeding ten) members; and
- to each family over ten in number, 20 acres to each additional three members [12 Stat. 945 (Article 6)].

The Indian obtained title to the land in fee simple after continuance of occupancy for a period of 25 years. Awarding allotments was at the President's discretion; accepting them was a prerogative of the Indians. After a long period of deliberation, the Indians agreed to do so.

#### Conference in Washington

Conditions in 1879 were such that several Indian leaders were compelled to meet with officials in Washington, D. C. The 25 year period of government assistance outlined in the 1855 Treaty was on the verge of expiration. The fate of the reservation was in doubt [81 (1880): p. 145]. The meeting focused on a number of topics including the sale of property to Pendleton (1882), setting aside two sections of land for church and school purposes, extending inheritance laws to the Indians, granting land leasing privileges, and most significantly, allotting lands as proposed by Oregon's Senator Slater [81 (1880): p. 145].

The Indians' visit coincided with a period when the allotment of Indian lands was fast becoming national policy. In 1875, Congress had passed a law that would allow the Indian allottee the full enjoyment of his land. In addition, homesteading privileges were extended to the Indians [18 Stat. 420]. These two Acts may have provided the momentum for the several allotment bills which were to follow. The Indians left Washington, D. C., tentatively agreeing that each tribal member

would be entitled to 160 acres of farmland plus an additional 40 acres of timberland, if they so desired [81 (1880): p. 145]. The Indian spokesman presented the proposals to the Tribal Council in January of 1880.

The Tribal Council endorsed the agreements made in Washington [81 (1880): p. 145]. Agency reports during the next few years indicate that the Indians were clamoring for land allotments. The truth is difficult to determine. There are at least two reasons:

(1) By the mid-1880's, land allotment had become national policy.

The resident agent's reports may have reflected wishful thinking rather than actuality. (2) The Confederated Tribes failed to agree on the question of allotment after two lengthy councils in 1885. It is probable, however, that outside influences prevented the Indians from making a quick decision [81 (1885): p. LXXII]. The Act introduced by Senator Slater contained much of what had been agreed upon in Washington.

### The Slater Act

Senator Slater's bill was written specifically for the Umatilla Reservation. It essentially incorporated the provisions of the Coke bill which is considered to be the forerunner of the General Allotment (Dawes) Act. Unlike the General Allotment Act (24 Stat. 388-391), the Coke and Slater bills did not bestow automatic citizenship on the

allotted Indian. On March 3, 1885, Senator Slater's bill became law (23 Stat. 340-343). The new Act contained these provisions:

- 160 acres to the head of each family;
- 80 acres to a single person over 18 years of age;
- 80 acres to an orphan child under 18 years of age;
- 40 acres to children under 18 years of age not otherwise provided for;
- land title in fee simple to be awarded after a continuous occupancy of 25 years [23 Stat. 340-343].

#### Acceptance of the Slater Act

In May of 1885, a special commission met with the Confederated Tribes to explain the provisions of the Slater Act. The commission had been aware of outside influences prior to the meeting and were not optimistic about obtaining the Indians' approval. The outside influences included white ranchers who had used Indian rangeland, and reservation mixed-bloods whose land-holding status was in doubt [81 (1880): p. 169]. An article appearing in a 1904 edition of a Spokane, Washington, newspaper recalled that Indian and white negotiators had eaten and slept in a large hall for a week. The Indians had been requested not to leave the building for fear they might be influenced by agitators [72: d]. Negotiations recessed for a ten week period while the Indians deliberated. Former Senator Slater and a colleague resumed negotiations in June of 1885. These negotiations

also failed. The resident agent attributed the failure to the Indians' lack of confidence in the commission [81 (1886): p. 218]. The third attempt was successful. A new commission met with the Confederated Tribes in October of 1886. After several days of deliberation, the Indians agreed to accept the provisions of the Slater Act [81 (1887): p. 191]. The resident agent was pleased to report that with few exceptions, the Indians seemed to be satisfied with the arrangement. They were also aware that "they must now earn their own living" [81 (1887): p. 192]. However, neither the Indians or the negotiators could have been aware of the many problems that would develop. The optimism expressed at the council table was destined to vanish as rapidly as the Indians' land resource base.

## CHAPTER V

## 1886-1934: A PERIOD OF TRIAL AND ERROR

The period between 1886 and 1934 has special significance in the diminution of the Umatilla Reservation. Results of decisions or indecisions of that period are very much in evidence today. Although controversial, land allotment was implemented and the Indian was told that he was on his own. Many Indians were surprised to discover that they had become U.S. citizens under the provisions of the 1887 Dawes Act. They had requested that this privilege not be granted.

In 1891, the diminution of the reservation commenced. Former reservation land was declared surplus and auctioned off to the highest bidder. Proceeds from the auction were held in trust for the Indians. Although no land was to be sold at less than appraised value, a significant amount sold at prices below fair market value. Most surplus timberland and some marginal farmland went unsold.

Allotment of land commenced after surplus land had been auctioned. Many Indians selected allotments along familiar river bottoms--giving little consideration to the land's agricultural potential. Initial allotment was completed in December of 1892. Shortly afterward, Indians accused federal agents of impropriety in implementing the Slater Act. There was some justification for the Indians' accusations.

Unexpected problems began to arise after the Indians settled on their allotments. Legislators that formulated the allotment acts failed to consider the uniqueness of each reservation, cultural mores, and the inability of some Indians to become farmers. Legislation introduced to alleviate the problems created additional ones. The only solution appeared to be a change in U. S. Indian policy. That change came with the passage of the Indian Reorganization Act of June 18, 1934.

#### Land Allotment: A Controversial Policy

Allotment of land in severalty was a controversial policy. The controversy centered on what was best for the Indian, the settler and the country. United States Senator Henry Dawes introduced the bill that became the General Allotment Act of February 8, 1887 (24 Stat. 388-91). In theory, allotment would have a substantial civilizing effect on the Indian. It would remove the need for government assistance and make available to the settlers resources not utilized by the Indian. The policy also included automatic citizenship for every Indian allotted. Unlike the Slater Act, there was no 25 year transition in which the Indian would be molded into a responsible citizen. In other respects, the Dawes and Slater Acts were essentially the same.

### Motives of the General Allotment Policy

D. S. Otis, investigating the motives of allotment policy, concluded that the government was sincerely interested in the welfare of the Indian. There were, however, "powerful social and economic forces breaking down the reservations" [58: p. 21]. In general, the settler stood to gain the surplus reservation land; the cattleman would lose the opportunity to graze his stock on a large unfenced tract. According to United States Senator Henry Teller, the Indian stood to lose the most. His prophetic remarks of 1881 were later substantiated:

When thirty or forty years have passed and those Indians shall have parted with their title, they will curse the hand that was professedly raised in their defense to secure this kind of legislation [58: p. 18].

### The Role of Philanthropic Organizations

The motives behind allotment and the implementation of allotment policy were carefully scrutinized by philanthropical organizations located on the eastern seaboard. Their understanding of allotment and associated problems however, was criticized as being superficial. Opponents claimed that the organizations were too far removed from the West and the Indians. An agent on the Umatilla Reservation maintained that the Indians had two enemies. One was the unscrupulous whites living among them and the other was the eastern Indian societies "who were honestly endeavoring to do him

good". Of the two, the agent was not sure which was worse [81 (1895): p. 274]. The benefit derived from those societies, however, is undeniable. They called attention to the issues and challenged legislation that may have been detrimental to the welfare of the Indian. Granting citizenship to the Indians was one such issue.

#### Unwanted Citizenship

Allotment of land under the Slater Act had not commenced when the Dawes Act became effective. Surveying errors and other problems delayed allotment on the Umatilla Reservation until 1891. In that year, the Confederated Tribes were given the choice of allotment under either Act. After several days of discussion they elected to retain the provisions of the Slater Act [81 (1891): p. 378]. The Indians expressed a reluctance to accept the implications or responsibilities of citizenship. Perhaps like other tribes, there was yet a longing to return to the old ways. To accept citizenship was to abandon any hope of so returning. The 25 year respite under the Slater Act may have preserved such a hope. In 1895 the resident agent was surprised to learn that allotted members of the Confederated Tribes had been granted citizenship under the Dawes Act, despite their opposition. His concern was expressed in the annual report to the Commissioner of Indian Affairs:

Within the past year it has been discovered that the allotted Indian is a full-fledged citizen of the United States... He is no longer amenable to the agent or any tribunal on the reservation... The taxpayers who sustain the courts, naturally ignore as much as possible his misdemeanors from the fact that he is no taxpayer and this laxity of law must necessarily be detrimental to the best interests of the Indian [81 (1895): p. 273].

Section 6 of the Dawes Act had taken precedence over the Slater Act under which the Confederated Tribes had been allotted. The resident agent concluded that the citizenship clause had been implemented because of "roseate" agency reports and statistics that emphasized progress in agricultural pursuits [81 (1895): p. 274].

#### Problems Associated with Citizenship

Granting citizenship to the Indians produced a number of problems. Some had been anticipated; others were unexpected. All had some impact on the reservation's land base. As citizens, tribal members were subject to Oregon inheritance laws. Because most Indians married and divorced according to tribal custom, it was exceedingly difficult to determine legal heirs. A resident agent described the problem in 1895: "...One man will in twenty years have from one to twenty wives, and the woman, in some cases, as many husbands, with no divorce during the time" [81 (1895): p. 276]. Children born of those unions compounded the problem. Although Indian-style marriages and divorces eventually ceased, fractionization of land parcels

persisted. Over a period of time, parcels were inherited, subdivided, rented, and sold. The result can be observed today in the familiar checker-boarded ownership maps characteristic of many Indian reservations.

### Creation of the Diminished Reservation

Establishing the boundaries of the diminished reservation was prerequisite to the allotment of land. Although the Indians had agreed to the provisions of the Slater Act, some were disturbed by the sequence of events. In 1891, a local newspaper suggested that the Indians were dissatisfied because surplus land would be sold before allotments were made. "The difference this makes," the article maintained, "is hard to discover" [23: b]. There was a difference; one of workability. Had the sequence been reversed, the Indians would remain scattered over considerable area. Such dispersal would have made allotment and the disposal of surplus land an exceedingly difficult if not an impossible task.

The boundaries of the diminished reservation were created through trial and error and some persistence on the part of the Indians. Instructions had been explicit. A census of prospective allottees would determine the amount of farm and timber land to be included within diminished reservation boundaries. Surplus land would be sold at public auction [81 (1890): p. L]. The outward simplicity of the

process was deceptive. Census taking had always been a problem because many Indians were still semi-nomadic. In addition, the irregular shape of the reservation was not conducive to subdivision under the system of sections and townships. The greatest task was probably consolidating the appropriate amount of farm and timber land within compact and regular boundaries. Delays in allotment were no doubt attributable to problems such as these or as a resident agent wrote, among the "vexations too numerous to mention" [81 (1890): p. 209].

The first attempts to establish the diminished reservation ended in failure. A three-man commission appointed in August of 1887 took the necessary census and outlined a diminished reservation of 119,364 acres. This included 74,800 acres of farmland which was supposedly sufficient to satisfy allotment requirements. The necessary farmland was short by some 10,000 acres [81 (1891): p. 682]. A second Commission appointed in December of 1887, was also unsuccessful. The shape of the reservation was considered to be too irregular. More important, an over abundance of timber land remained within the diminished boundaries [81 (1891): p. 118]. The original intent was to set aside 40 acres of timberland for each allottee. This land was to be used collectively by all tribal members. An acceptable boundary was finally established under an amendment to the Slater Act dated October 17, 1888. The new boundary satisfied basic

prerequisites and at the Indians' insistence, contained a mountainous tract that had not been previously included [81 (1891): p. 682]. On December 4, 1888, by order of the Secretary of Interior, the reservation was diminished from 245,699 acres to 157,982 acres. Three-quarters of the 87,717 acres of surplus land was estimated to be agricultural land; the remainder, timber and grazing land. The auction of surplus land commenced on April 1, 1891 [23: e].

#### Disposal of Surplus Land

Provisions governing the disposal of surplus land were important factors in the evolution of the reservation's resource base. The manner in which the provisions were implemented may have been even more important. There is reason to believe that the clamor for Indian land was directed at a comparatively few acres in the vicinity of McKay and Wildhorse creeks. Perhaps much of the surplus land could have remained in Indian ownership without serious objection from white settlers. There is also evidence that Indian-owned timber and grazing land were needlessly exploited by white squatters because of inaction on the part of the United States government.

#### Preparation for the Sale of Surplus Land

The sale of surplus land had been anticipated since the implementation of the Slater Act. References to the sale appeared in local

newspaper advertisements some weeks before the official announcement. In February of 1891, the Astoria, Oregon newspaper congratulated its counterpart in Pendleton for its "long battle to open the reservation" [23: a]. A large advertisement in the Pendleton East Oregonian advised citizens that

THE UMATILLA RESERVATION WILL BE OPEN

April 1

BUT HOWARD BROTHERS

Will Sell You

Staple and Fancy Groceries

NOW!

Cheaper Than Ever

Surveyors or appraisers that had worked on the reservation found employment as consultants. Several title companies professed to have the only accurate description of reservation land offered for sale. The enthusiasm was apparent but also restrained on the day of official notice. An article appearing in the February 19, 1891 edition of the East Oregonian reported:

All doubt in connection with early sale is at an end and the reservation question is settled. Pendleton, from this time on, will become the second city in Oregon, the metropolis of the Inland Empire. No other town in the Northwest offers such inducements to capital and brains as Pendleton does right at this time [23: c].

#### Conditions of the Sale

The March 13th edition of the East Oregonian related the

provisions of the forthcoming sale. According to the newspaper, surplus land would be auctioned off until the "entire 140,000 acres (sic) are sold...the price would range between \$1.25 and \$30.00 per acre, depending on the quality of the land". No land would be sold below appraised value. It was also stated that the Indian would retain a good portion of the reservation but would no doubt lease it to white settlers with advantage to both [23: j].

The provisions of the sale were clearly intended to curtail speculation in farmland and timber. Each purchaser could obtain up to 160 acres of farmland and an additional 40 acres of timberland if he so desired. Only purchasers of farmland were entitled to bid on timberland. In addition, each purchaser was required to affirm that the land was for his own use and occupation. No patent on farmland would be issued until the purchaser proved that he had resided on the land at least one year and had cultivated at least 25 acres. All payments had to be made within a four year period. Payment on timberland could not be deferred [23: j].

#### Auction of Farmland

The long awaited day of the sale was almost anticlimatic. There were no banner headlines in the local newspaper. News of a railroad merger and the grippe in Chicago took precedence over the land sale. The auction commenced promptly at 9:30 A.M. on

April 1, 1891. An excursion train, consisting of two passenger cars attached to an east bound freight, carried 82 prospective buyers or interested persons to the agency. One section of land was offered for sale. Three-quarters of it sold at the appraised value of \$1.25 per acre [23: e]. The number of people attending the auction varied considerably from day to day. Local weather conditions and the quality of land offered for sale appeared to be the principal determinants. On April 8th, there were less than fifty people in attendance. An article in the East Oregonian predicted that bidding would be lively when the Wild Horse and lower McKay Creek lands were offered for sale [23:f]. This proved to be correct. On the 10th day of April, 125 people attended the auction of McKay Creek land. Statistics reported in the East Oregonian indicate that some parcels sold for prices considerably above their appraised value. Similar results were experienced between the 16th and 18th of April when the Wild Horse lands were auctioned (Table 9). The comparative lack of enthusiasm shown for other reservation land may indicate that local settlers had only wanted McKay and Wild Horse Creek land all along. There were days when land went unsold, even at \$1.25 per acre. On April 30, unsold farmland was reoffered and sold at appraised value. That evening, a small headline in the East Oregonian announced "It Is Finished". Approximately 25,000 acres of farmland had sold for \$210,000 [81 (1891): p. 379]. The sale had been less than successful. The

Table 9. McKay Creek and Wildhorse Creek Land Sales

Acreage	Appraised Value	Total Price Obtained
<u>McKay Creek Land Sales</u> <sup>a</sup>		
150.0	\$ 197.97	\$ 200.00
160.0	\$ 320.00	\$ 1250.00
112.0	\$ 395.00	\$ 1500.00
126.2	\$ 700.00	\$ 3525.00
119.2	\$ 719.40	\$ 8000.00
<u>Wildhorse Creek Land Sales</u> <sup>b</sup>		
40	\$ 30.00 per acre maximum	\$ 4725.00
40		\$ 3000.00
40		\$ 3000.00
80		\$ 3315.50

<sup>a</sup> Source: Pendleton East Oregonian, April 10, 1891.

<sup>b</sup> Source: Pendleton East Oregonian, April 18, 19, 1891.

resident agent erroneously reported that over 70,000 acres of surplus land remained unsold. This supposedly included 30,000 acres of high rolling rangeland on the Blue Mountain slope and 40,000 acres of timber in the uplands. A total of 62,717 acres was probably more accurate.

### Surplus Timber and Rangeland

By April 24, 1891, all agricultural land had been offered for sale and the sale of timberland commenced. On that day, the East Oregonian reported that one parcel (40 acres) of timberland had sold for \$90.00. Three other parcels had been sold at "appraised value" [23: h]. It soon became apparent that most purchasers of farmland were not interested in purchasing timberland. Some months after the sale had closed, the resident agent speculated on the disposal of the remaining "70,000 acres". He noted that the Indians were anxious that the land be sold or returned to them. The agent concluded that 40 acres of the rangeland could only support a few head of stock. The Indian would benefit, however, if the land was sold in 160 acre parcels at \$1.25 per acre. He also proposed that timberland be sold in 40 acre tracts to any cash customer. "In this manner," he reasoned, "it would sell readily at appraised value" [81 (1891): p. 379]. Neither suggestion was acted upon. The questionable status of the land attracted stockmen and squatters who exploited the range and the

timber. A solution to the problem finally came with the Act of July 1, 1902 (32 Stat. 730). The Act stipulated that the land be sold at a private sale. A bona fide settler on the land, who had made improvements, was given preference right of purchase.

#### Allotment Under the Slater Act

Allotment under the provisions of the Slater Act commenced with the disposal of the reservation's surplus land. The process was difficult in at least two respects: (1) Allotment was technically difficult, particularly in broken terrain, and (2) it brought the Indians into conflict with one another. Much of the difficulty stemmed from the fact that many Indians already occupied small farmsteads within the boundaries of the diminished reservation. Groups had to disperse to receive land quotas. Some animosity no doubt existed between those that remained on their farmsteads and those that were forced to relocate [81 (1890): p. 209].

The population of the reservation increased as allotment progressed. In 1891 there were approximately 997 Indians and mixed-bloods living on the reservation [81 (1891): p. 380]. One year later the population had increased to 1,081. The prospect of receiving allotments had induced those living elsewhere to move on to the reservation. This event did not prompt an expansion of reservation boundaries, although it may have been justifiable. The boundary had been

fixed and the last of the surplus farmland had been sold. There was land enough to allocate 1,280 acres for church and school purposes, allot the resident population and accommodate the newcomers. The increased population, however, placed a greater demand on timber and grazing land held in common by the tribes.

### Settlement Pattern

Agents commissioned to allot reservation land found Indian farmsteads to be in various shapes and sizes. The appearance of the farmstead was conditioned by local topography. Many Indians had utilized steep bluffs and other natural barriers as fences [81 (1892): p. 419]. The agents encountered some difficulty explaining to the Indians why allotments could not conform to any shape they wanted. As the Indians came to understand the principles of land surveying, fences were built along survey lines and much of the reservation began to take on the appearance of a grid.

The reservation's settlement pattern indicates that some factionalism existed among the three tribes. The Cayuse tended to secure allotments along the Umatilla River, the Walla Walla along the stair-stepped northwest boundary, and the Umatilla in the southwestern portion of the reservation.<sup>8</sup> As a group, the Walla Wallas

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<sup>8</sup> The settlement pattern is discernible on the allotment map at the reservation. Cayuse allotments are prefixed with the letter C, Umatilla with a U and Walla Walla with WW.

possessed the best farmland.<sup>9</sup> There is reason to believe that they occupied that portion of the reservation before the Cayuse fully appreciated the land's agricultural potential [18: p. 16]. This contention is partly based on a statement made before the Tribal Council in November of 1916:

I am a Cayuse Indian. The government representatives told us many years ago that the Cayuse had first right to say what they wished about the lands here. This reservation was first owned by the Cayuse Tribe and I always thought the Cayuse had the most to say about it [13: g].

One can only assume that the Cayuse had long settled in the sheltered Umatilla Valley and were not disposed to exert their influence to obtain allotments elsewhere. When allotments were issued, it was expected that the Indians would disperse. Most did not [81 (1909): p. 39]. This was generally considered an impediment to progress because tribal habits would be perpetuated. In 1891, Senator Dawes stated that the President had intended to assign allotments on every other section of land. "He intended," Dawes maintained, "to put the law in operation in a very different way from what has been done" [85 (1891): p. 99].

The failure of the Cayuse to disperse and take allotments on choice farmland may have been detrimental to the Confederated Tribes

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<sup>9</sup> The northwestern portion of the reservation is generally considered to be the best farmland. See Stern and Boggs, "White and Indian Farmers on the Umatilla Reservation", Northwest Anthropological Research Notes, V. 5, No. 1, p. 42.

as a whole. By the late 1800's the Cayuse had demonstrated their superiority in farming and a determination to retain reservation lands. With some possible exceptions, the Walla Walla were not so inclined. It was not long before most of the prime farmland along the reservation's northwest boundary had transferred into non-Indian ownership. Whether or not the Cayuse would have retained the farmland is speculative. Shortly after allotment, the Cayuse in particular showed a willingness to lease farmland to non-Indians (Table 10). This behavior, seemingly out of character, may have been brought about by an inability to earn a living along the river. They may have fared better along the reservation's northwestern boundary.

Table 10. Number of New Leases Granted to Non-Indians: 1896-1898

Tribe	Number of Allotments Possessed by Tribe (1898)	New Leases Granted by Tribes		
		1896	1897	1898
Cayuse	485	22	21	7
Umatilla	215	8	3	4
Walla Walla	484	14	18	9

Source: Report of the Commissioner of Indian Affairs for appropriate years

#### Completion of Initial Allotment

Allotting reservation land took longer than originally planned. It was intended to be a summer time activity so as not to create a

hardship on the Indians. The task which began in the summer of 1891 was completed in December of 1892. Records indicate that a total of 76,933.9 acres of farmland were allotted to 893 Indians [81 (1909): p. 138]. Allotments were approved by the Secretary of Interior on April 12, 1893.

#### Impropriety in Allotment and the Sale of Surplus Land

There is some evidence of unethical practices during allotment and the sale of surplus land. The extent or significance, however, is unknown. Department of Interior records indicate that the Indians had occasion to question the ethics of at least one allotting agent. His conduct resulted in lawsuits that persisted well into the 1900's. Agents charged with the sale of surplus land may have been equally irresponsible. At times the land sale took on a carnival-like atmosphere, complete with the shenanigans of local citizens. Although the Indians' loss can not be quantified, it is nevertheless real. The land base was certainly affected if not diminished by questionable allotments and the sale of land at prices below real value.

#### Conduct of the Allotting Agent

In 1892, Professor C. C. Painter vividly described the situation on the Umatilla reservation to the Board of Indian Commissioners. Although the reservation was not mentioned by name, the place was

unmistakeable. His remarks were generally substantiated by news items appearing in the Pendleton East Oregonian and in the records of resident agents. According to Professor Painter, the resident agent arrived on the reservation in a state of intoxication and was in that condition a number of times during the process of allotment. Tribesmen protested that aliens were allotted land; that some members of the tribe received no allotment; that the same piece of land had been allotted to more than one person; and that surplus land belonging to the Indians had been possessed by whites. Government officials informed the professor that the complaints were too vague and indefinite to become the basis of official action [85 (1892): p. 69]. There was no lack of evidence. In March of 1891, the East Oregonian favored retaining the resident agent despite his drinking problem [23: d]. His replacement later expressed shock in finding three full blood Norwegian children receiving the benefits of tribal membership [81 (1894): p. 269]. The government ultimately addressed the problem of trespassers on surplus land. In the interim, Indian-owned timber and rangelands were exploited by white stockmen and squatters [81 (1893): p. 275].

#### Conduct of Surplus Land Sales

The conduct of surplus land sales was no less surprising. Although the methods of obtaining the land were not illegal, they were

unethical. A writer for the East Oregonian was amused by a commotion staged to distract bidders from a McKay Creek land sale [23: g]. The "clever trick" benefited a certain white rancher but constituted a loss to the Indians. The Walla Walla newspaper noted that the land sale was "rapidly degenerating into the worst kind of farce" [23: k]. The newspaper also claimed that "...Pendleton has always been known as the abiding place of land speculators. That element is running the sale at the Umatilla Indian Reservation" [23: k]. The accusation may have been easily defended. On this occasion, it was not uncommon for several ranchers to pool their resources and outbid the independent rancher. Having outbid the independent, they would default on payment and later obtain the land at appraised value. This was usually 25 percent less than real value [23: k]. The East Oregonian suggested that the unethical practices were bad enough without the exaggerations; that "there was considerable monkey business but no person or persons could have prevented it" [23: k]. The newspaper also maintained that the officials had worked strictly within the law. Unfortunately, "some individuals used their talent for selfish gain. Those who have profited the most will escape as usual" [23: k].

#### Unexpected Problems

Allotment and associated policies proved to be the failure that Senator Teller had predicted. In a relatively short period of time,

most allotted land transferred into non-Indian ownership. The much hoped-for progress did not materialize and the imperial tribesmen remained paupers in a land of promise. There were a number of reasons. Some were shared by all tribes allotted under the Slater or Dawes Acts; other problems were local. The failure of allotment has generally been attributed to an almost unbelievable naivety on the part of the legislators. It was apparently assumed that:

- it was unnecessary to provide land for the wives of allottees;
- all Indians had an aptitude for farming; and
- all Indians were prepared for the responsibilities of citizenship.

Subsequent legislation was introduced to compensate for these misconceptions or oversights. Unfortunately, much of the new legislation seemed to generate new problems.

#### Heirship and Dower Rights

Legislators who framed the Slater Act and General Allotment Act failed to consider the plight of women married and divorced according to Indian custom. Both Acts provided 160 acres of land to the head of the family. No provisions were made for wives. Divorced women were often left destitute. Many were burdened with the care of children. The consequences of this oversight led to the Act of February 28, 1891 (26 Stat. 794). Under that Act, every tribal

member was entitled to at least 80 acres of allotted land. The policy was continued in later years under the Acts of June 25, 1910 (36 Stat. 855) and March 2, 1917 (39 Stat. 987). A lack of unallotted 80 acre parcels required that available land be distributed on a pro-rata basis. Consequently, a number of allotments were assigned that contained somewhat less than 80 acres.

By the turn of the century, land problems associated with heirship were common. Property rights to relatively small parcels of land were often held by a number of relatives. Ownership became increasingly complex as each generation claimed its inheritance. The federal government sought to alleviate the problem with the enactment of three laws: The Act of May 27, 1902, the so-called Omnibus Act of July 25, 1910, and an Act of May 18, 1916, which synthesized the two Acts.

The Act of May, 1902 (32 Stat. 395), authorized the legal heirs of a trust allotment, to sell the allotment before the 25 year trust period was completed. Eight years later, the Omnibus Act (36 Stat. 855) assigned the Secretary of Interior the responsibility of determining the legal heirs of an Indian who should die before the expiration of the trust period. If all heirs were deemed competent to manage their business affairs, a fee patent was issued. The heirs were then free to sell the land. In one or more heirs were found to be incompetent, the Secretary had the option of selling the allotment.

Proceeds from the sale were distributed to competent heirs and held for incompetent heirs for the remainder of the 25 year trust period. The Omnibus Act also authorized any Indian 21 years of age or older, to dispose of his or her allotment by will prior to the expiration of the trust period.

As the name implies, the Omnibus Act addressed a wide variety of Indian policy. The Act of May, 1916 (39 Stat. 123, 127) brought together, under one law, the provisions of the May, 1902 Act and those of the Omnibus Act pertaining to heirship.

The impact of the heirship Acts on the Umatilla and other reservations was predictable. In 1903, Agent Wilkins wrote from the Umatilla Reservation, "There are now offered for sale on this reservation, a number of allotments of deceased Indians..." [81 (1903): p. 75]. In the same year, a writer for the Spokane Spokesman Review reveals what appears to be a divergent attitude concerning sale of reservation land. An Indian spokesman at the May 18, 1903 Tribal Council meeting is quoted as saying:

All Indians have agreed not to sell land [under the Act of 1902]. We desire to save the land for our children. We love our land as we love our God. As long as the land lasts, we will never sell a piece. We would like to stay together and keep our land [72: a].

The newsman wrote that the "Big Council" promised that no land would be sold for 25 years<sup>10</sup> [72: a]. Land was sold despite the

<sup>10</sup>The Tribal Council or newspaper reporter probably meant that no land would be sold until the 25 year trust period expired.

wishes of the Tribal Council. One year later, Agent Wilkins reported that the sale of inherited land was a wise policy as it would "gradually bring the Indians in contact with the ways of the whiteman who would be in their midst" [81 (1905): p. 68]. In 1911, the resident agent reported that of 126 Indians receiving patents in fee on inherited land, all had sold [81 (1911): p. 212].

#### Every Indian a Farmer

There is little doubt that a considerable amount of farmland transferred into white ownership because many Indians had no interest in farming. This situation had been predicted by those opposed to allotment. The Indian had always been subjected to a kind of cultural determinism that relegated him to the land. In the words of a reservation teacher, "Their future is industrial (farming). They haven't much of a tendency toward professional work" [72: b]. The teacher's observation was not without merit. As a group, the Confederate Tribes had demonstrated their ability as herdsmen and farmers. There had also been a corresponding lack of interest in the trades. The group however, consisted of individuals and herein lay the problem. Some wanted to farm. Most preferred to remain herdsmen [81 (1876): p. 125; (1880): p. 144]. Reports submitted by the resident agents did not dwell on the wants and needs of individuals.

Statistical Justification. The inclination to make every Indian a farmer was partly justified through statistics. Those compiled on the Umatilla Reservation were particularly encouraging. Significant increases in agricultural production were recorded almost every year until the time of allotment (Table 11). Although the trend may have been valid, actual crop production was probably quite different. There were a number of agents assigned to the reservation between 1860 and 1890. Each had his own method of assessing acreage and crop production. Estimating the acreage of widely scattered, irregular shaped garden plots was exceedingly difficult. The agent's position must also be taken into account. It was in his best interest to report progress. One agent attempted to put statistical data in proper perspective as the failure of allotment became evident. In 1895 he wrote:

I find my experience that the statistics given each year are uncertain, misleading, and, in a great many instances, mere guesswork... My statistics show 25,000 bushels of wheat raised by the Indians. Only about 1,000 of this quantity was raised by full blooded Indians. A few mixed-bloods raised the balance, but all who are allotted are classed as Indians [81 (1895): p. 277].

The same agent noted that the significant production of hogs and poultry was especially misleading. "The Indian," he declared, "does not ordinarily eat hog meat or domestic fowl, and takes no interest in the raising of hogs or poultry..." [81 (1895): p. 277]. His observations were substantiated by those of another agent some years later [18].

Table 11. Estimated Acreage and Production for Random Years, 1861-1890

Year	1861	1864	1870	1880	1881	1890
Reservation Population	923	721	837	1,000	1,107	1,099
Acres Cultivated	470	726	900	2,000	4,000	29,950
Wheat (ac. )		335	600	X	X	X
Yield (bu. )	X	4,000	12,000	3,000	10,000	400,000
Corn (ac. )		147	50	X	X	X
Yield (bu. )	X	1,200	1,500	500	2,000	5,000
Oats (ac. )		37	100	X	X	X
Yield (bu. )		1,200	3,000	500	1,000	40,000
Barley (ac. )				X	X	X
Lield (bus)				200	5,000	60,000
Potatoes (ac. )	X	47	75			
Yield (bu. )		2,000	7,000	1,000	5,000	
Peas (ac. )		40				
Yield (bu. )		800				
*Vegetables (ac. )	X	120	X			
Yield (tons)		1,200	25		1,600	
Horses	5,000	8,000	10,000	10,000	10,000	20,025
Cattle	300	2,000	1,500	400	400	3,000
Sheep			75	3,000	3,000	0
Swine			150	100	100	1,000
Poultry				X	X	5,000

X - Reported but no statistics recorded.

\* Vegetables grown on the reservation include melons, onions, pumpkins, carrots, turnips, parsnips and cabbage.

SOURCE: Annual Reports of the U. S. Commissioner of Indian Affairs for appropriate years.

Obstacles to Farming. The prospect of the Indian becoming a successful farmer was not great. Although good farmland was available, too many tribesmen lacked incentive. Those that had incentive possessed little else. The prospective Indian farmer was reported to have the business acumen of a white country boy ten or twelve years of age [81 (1895): p. 277]. If he possessed farm equipment, it was antiquated. In 1895, the resident agent expressed little hope when he wrote: "wheat is worked from seedling to the sacking by costly machinery, and \$2,000 would be a small sum to buy machinery to farm 160 acres with" [81 (1895): p. 277]. The Indians' situation was worsened by regional crop failures. Rain commencing on September 6, 1894 virtually ruined the wheat crop for that year. Damage on the reservation was particularly extensive [81 (1894): p. 268]. Those who had mortgaged their crops gained nothing. Economic conditions on the reservation were so bad that the resident agent was compelled to implement the controversial leasing law [81 (1894): p. 268].

### Leasing

By 1890, the problems of allotment were already apparent. Legislators had come to realize that each reservation was unique. The character of the people differed as did the availability of resources. Policies that were workable on some reservations failed on others. Even so, there was considerable support for leasing as a universal

reservation policy. Senator Dawes, once opposed to leasing, now sought to include it as part of the General Allotment Act [58: pp. 111-112].

Objections to Leasing. The Indians had leased land to white ranchers for some years prior to the allotment Acts. Although the practice was sanctioned by resident agents, legislators were reluctant to endorse it as official policy. There were two reasons: (1) given the opportunity, the Indian would probably prefer to lease his allotment rather than farm it and (2) once the white tenant settled on Indian land, it would be difficult to remove him [58: p. 109]. Both assumptions proved to be correct. In 1890, however, leasing seemed to be the only alternative capable of redeeming a rapidly deteriorating situation. Too many things had been overlooked. In some instances, a 160 acre allotment was not sufficient to support a family. Poor soils or adverse climatic conditions could discourage the best of farmers. Also, no consideration had been given to the Indian's physical or financial ability to farm. Senator Dawes had these discrepancies in mind when he wrote the 1891 amendment to the General Allotment Act.<sup>11</sup> As amended, an Indian by reason of age or other disability could lease farm and grazing land for a period of three years. Mining land could be leased for ten years. The provisions of the amended Act were subject to approval of the Secretary of Interior. Although leasing had

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<sup>11</sup> (26 Stat. 994)

been officially sanctioned, the original concerns had not been forgotten. Senator Dawes warned that the policy should be carefully administered [58: p. 115].

### Implementing the Lease Law

Allotment on the Umatilla Reservation had just commenced when the Dawes amendment became law. In that year, the resident agent reported that 190 Indians had taken allotments. Some had already expressed a desire to lease their land. Three years later, a somewhat skeptical agent reported that fully 90 percent of the reservation's arable land was being cultivated by white tenants [81 (1894): p. 268]. The emphasis placed on leasing was closely tied to three events: (1) the crop failure of 1893-1894; (2) the implementation of the 1894 Indian Appropriation Act; and (3) a pronounced leniency in the administration of leasing agreements.

Significance of the 1893-1894 Crop Failure. The crop failure of 1893-94 coincided with a time when the Indians were especially vulnerable to financial difficulty. Many had just settled on their allotments and relied on informal lease agreements for financial support. In effect, the crop failure was a catalyst. The resident agent sought to help the Indians by implementing the "lease law". He reported that the law worked well and expressed hope in having it in "full operation during the present year" [81 (1894): p. 268]. The result was an

increase in the number of leases, formal rather than informal agreements, and an increased likelihood that Indian land would convert to white ownership.

Indian Appropriation Act of August 15, 1894 (28 Stat. 305). The Act of August 15, 1894, extended the period of farming and grazing leases from three years to five years. The Act also allowed Indians unable to farm for reasons of inability, the option of leasing their allotments. In the following year, there was a substantial increase in the number of leases granted on the Umatilla Reservation (Table 12).

Table 12. Statistics Relative to Allotment and Leasing on the Umatilla Reservation, 1893-1898.

Year	Number of Indian Families Living on Allotments	Number of New Leases	Lease Rent Per Acre (Parenthese indicate average rent paid)
1893	120	0	-
1894	50	42	(\$ 1.00)
1895	50	162	\$0.50 - 2.50 (\$1.25)
1896	60	44	\$0.75 - 2.00 (\$1.50)
1897	75	42	\$0.69 - 2.25
1898	100	20	\$0.70 - 2.68

Source: Annual Report of the Commissioner of Indian Affairs for appropriate years.

The trend on this and other reservations was alarming. The incentive to lease rather than farm had been considerably strengthened. A

controversy centering on the meaning of "inability" and the wisdom of five-year leases led to subsequent legislation. In 1897, the word "inability" was discarded and the period of leasing reverted to three years (30 Stat. 85). The issue was not settled. An Act of May 31, 1900, restored the word "inability" and once again extended the period of farm leases to five years (31 Stat. 229).

The Effect of Informal Leasing Agreements. Informal leasing agreements between Indians and white tenants were generally detrimental to tribal welfare. Benefits derived from white paternalism were overshadowed by financial reality. Informal agreements invariably produced low rental rates. The Indian was essentially deprived of money necessary to finance his own farming operation. Many Indians came to depend on the meager income, never progressing beyond the status of petty landlords. Financial difficulty made the Indian all the more susceptible to offers of sale. An agent writing from the Umatilla Reservation in 1906 attributed the Indians' lack of progress to informal leasing agreements [81 (1906): p. 334]. In 1911, the government explained that the lenient leasing policy was an experiment to train the Indians to conduct their own business. The experiment was less than successful [81 (1911): p. 25]. Three years later an agent informed the Commissioner of Indian Affairs that "leasing was not working out" [81 (1914): p. 285].

### Manipulation of Leases

Reports from agencies all over the country carried the same message. If leasing in itself had not been a mistake, the manner in which it had been implemented certainly was. In some sections of the country, white farmers obtained cheap leases and sublet them at higher rents. It was also common practice when the five year lease was in effect, to renew the lease after the first year had elapsed. If the lessor died, the renter had effectively stifled the competition and could practically dictate the terms of the sale [81 (1914): p. 285]. It is likely that similar situations existed on the Umatilla Reservation. James Cornelison, missionary on the reservation between 1899 and 1942, referred to whites farming large acreages as bonanza farmers. The bonanza farmers were able to manipulate leases to their advantage. When confronted with instruction from the Commissioner of Indian Affairs to reduce leased acreage to 1000 acres per unit, the white rancher complied by transferring portions of his lease to one of his ranch hands or a friend. Farming operations continued without interruption [15: p. 92]. The large ranches, varying in size from 5000 to 10,000 acres, ultimately succumbed to the pressures of rents generated by diversified farming. The Indians' welfare, however, may have been diminished. Subdividing the so called bonanza ranches brought additional lessees onto the reservation. This increased the

likelihood that Indian land would convert to non-Indian ownership.

### Toward a Change in Indian Policy

Reports compiled on the Umatilla Reservation in the early 1900's indicate that all was not well. In 1905, an agent described the reservation as being in a "very demoralized condition". Like his predecessors, he attributed the problem to leasing practices, persistence in Indian-style marriages, and the complexity of determining legal heirs [81 (1905): p. 328]. There were also some hopeful signs. Agency reports indicate that the Indians were becoming more aware of their rapidly diminishing land base. Petitions for allotments were consistently rejected by the Tribal Council. Much of the problem stemmed from depleting grazing land. The Indians complained that enterprising white men married to Indian women were using a disproportionate share of tribal range land [81 (1906): p. 335]. In addition, granting allotments to mixed-bloods and non-Indian spouses would further reduce land held in common by the tribes. In a few instances, allotments were granted to non-Indian spouses. The Tribal Council made it clear, however, that the children of non-Indian spouses were not to inherit the land [13: 3].

Pressure for reservation land continued into the second decade of the 20th century. Roads were surveyed along section lines by special allotting agents. Over 150 miles of road were constructed by

1892. In May of 1906, the Department of Interior authorized the construction of not more than three roads across the reservation for the passage of livestock. Eight years later, Union and Umatilla counties petitioned for the construction of a road between La Grande and Pendleton. This road, later known as U. S. Highway 30, approximated the route of the old Oregon Trail (Emigrant Road). Highway 30's aesthetic value was enhanced by the acquisition of a scenic strip known as the Blue Mountain Forest Wayside. Approximately 5 miles of the strip were within reservation boundaries.

In 1912, the Secretary of Interior authorized the sale of not more than 200 acres of tribal land to the City of Pendleton for municipal water works purposes (37 Stat. 187). One year later, a spokesman for the Tribal Council flatly refused the establishment of a State fish hatchery at Gibbon. The Indians were weary of dealing with federal and state representatives who would ask for small tracts of land and invariably managed to get much more. The spokesman concluded "... We are afraid to do business with people who have treated us so" [13: f]. The problem was not confined to the Umatilla Reservation. An article appearing in The Nation expressed concern for all the Indians:

[the allotment Acts] were fatal to the Indian for he was forced into making so-called voluntary sales when ever land attracted whites...the government assesses Indians for public improvement without their consent and from which they have received no benefit [64].

The Indians' rapidly diminishing land base underscored the need for a change in policy. Between 1887 and 1934, 80 million acres of land on various reservations passed out of Indian ownership. Over half of the original Umatilla Reservation was lost (Table 13). The federal government rightly attributed the problem to the effects of allotment [84].

In the decade following World War I, there was clearly a move to salvage the wreckage of allotment. A May 1928 amendment to the Slater Act authorized the return of some unsold surplus land to the Confederated Tribes (45 Stat. 1008). Comparable pieces of legislation were being considered for other reservations. In 1934, an article appearing in the New Republic noted that a move was underway to restore allotments to tribes instead of individuals. The writer believed that the "only sensible scheme is to give the land to the tribes--buying new acreage where necessary". In conclusion, the article stated that "...if there is a good objection to it, we have not heard it and can not imagine what it would be" [52: a]. The federal government estimated that the Indians needed an additional 25.6 million acres of productive land to become self-supporting [84: p. 2]. The mechanism to accomplish this task and right the wrongs of allotment and associated policies was contained in the Indian Reorganization Act of June 18, 1934.

Table 13. The Dimishing Land Base: 1855-1934

Aboriginal Homeland	1,003,200 acres		
Reservation (1855 Treaty)	292,112		
Dimished Reservation (1891)	157,982		
Year	1892	1899	1934
Number of Allotments	893	1,192	2,044
Acres Allotted	76,934	82,279	156,252
Land Alienated Through Sales <sup>1</sup>			63,751
Miscellaneous Loss of Land <sup>2</sup>			123,785

Sources: The Confederated Tribes of the Umatilla Reservation  
Its Resources and Development Potential, Bureau of  
Indian Affairs, January, 1976.

Records of the Confederated Tribes, Real Estate Office  
Umatilla Reservation

Indian Land Tenure, Economic Status and Population  
Trends, U.S. Dept. of Interior, National Resources  
Board, 1935

U.S. Dept. of Interior, Record of the Commissioner of  
Indian Affairs, Fiscal Report, 1909

<sup>1</sup> Patents in fee

<sup>2</sup> Surplus land sales; easements.

## CHAPTER VI

## NEW DIRECTIONS: 1935-1975

The passage of the Indian Reorganization Act (I. R. A.) marked an abrupt change in U. S. Indian policy. It also marked the beginning of a new era on the Umatilla Reservation. Although the Confederated Tribes voted against the Act, they accepted much of it in principle. The decision to do so enabled them to initiate important land reform programs.

The period between 1935 and 1975 was one of organization. This is most evident in the activities of the Tribal Council. Ambitious conservation and land management programs were formulated, however, the Confederated Tribes lacked the authority to implement them. This problem was partially resolved when the federal government approved the tribal constitution and by-laws on December 7, 1949.

A shadow was cast over the Tribes' land reform programs during the 1950's and 1960's. A series of bills were introduced in the U. S. Senate that would terminate all forms of federal assistance on Indian reservations. Tribal owned lands would be liquidated. The Confederated Tribes strongly opposed the bills through tribal resolutions. In addition, delegates were sent to Washington, D. C. with instructions to oppose the bills. The bills failed but the threat of termination yet remains.

The prospect of termination did not end the tribes' resolve to build a strong agricultural land base. The Umatilla Land Purchase Program was initiated but failed to attain federal approval. Two new committees were formed to acquire and manage tribal farm, forest and rangeland. However, their activities were frustrated by the inability to obtain options on Indian-owned land and the inability to mortgage, sell or exchange tribal land. In 1975, two bills were introduced in the U.S. Senate to rectify problems of tribal inheritance and land consolidation.

When the 1935-1975 period closed, the future of the tribal inheritance and land consolidation bills were undecided. The period was characterized by a growing tribal land base and a diminishing base of privately owned (allotted) land.

#### The Indian Reorganization Act (I. R. A.)

The enlightenment that produced the Indian Reorganization Act (I. R. A.) began about 1922 under the Hoover administration [52:c]. It took 12 years and a change in administration however, to produce a Secretarial order forbidding further sales of Indian land [34: p. 95]. One year later, the order became an important part of the I. R. A. (48 Stat. 984). In 1935, a writer for The New Republic reflected on past Indian policy. He attributed the failure of the system to "wrong thinking and a lack of public opinion" [52:c]. "To put it bluntly,"

he wrote, "from 40 to 60 percent of those that dealt with the Indians were their social and intellectual inferiors [52: c]. Reform had been long overdue. The Indian Reorganization Act sought to correct a deteriorating situation by:

- ending the allotment of reservation land;
- extending the trust of land already allotted;
- restoring unsold (unclaimed) surplus land to tribal ownership;
- ending all sales of Indian land except in special situations;
- acquiring land on or off the reservation for Indian use;
- ensuring good management practices on Indian forest and range;
- establishing new reservations or enlarging existing reservations as necessary;
- establishing the right for tribes to incorporate; and
- allocating funds for loans and to cover the cost of incorporation [84: p. 23].

#### Criticism of the Indian Reorganization Act

Although the I. R. A. had been hailed as "new medicine for the sick Indian" [64], its acceptance was by no means universal. Opponents with vested interests (e. g., real estate, timber and livestock) waged a vicious campaign to block the Act's passage [33: pp. 6-7]. Theodore H. Haas, Chief Counsel with Bureau of Indian Affairs in 1944, recalled the spread of "fantastic rumors". He wrote that

enemies of the bill claimed that it was "designed to deprive the Indians of the interests in their lands; to take away their allotments and communize them; to put the church out of business and to forbid the missionaries from working among them" [33: p. 7]. The passage of the Act did not end the attacks. In April of 1935, The New Republic reported an effort to persuade Congress to abolish all forms of federal aid to the Indians and to make them wards of the individual states [52: b]. Branding the Indian Reorganization Act as "communistic" persisted well into the 1940's. A report prepared by the Bureau of Indian Affairs in 1935 defended the Act's communistic aspects on two points:

- (1) The Indians who have held on to their lands or made effective use of them are those who have escaped the process of alienation and have tribal or group ownership.
- (2) Communal ownership has nowhere impeded individual initiative or development; on the contrary, it has advanced individual possession, inheritance and use of the land [84: p. 24].

This rationale contrasts markedly with the philosophy of the Bureau of Indian Affairs in the mid to late 1800's.

The I. R. A. was not mandatory. According to provisions established by Congress, every tribe had the option of accepting or rejecting the Act. Once declined, however, no tribe could later adopt its provisions [33: pp. 40-41]. A spokesman for Indian rights recently concluded that this provision was the only part of the I. R. A.

detrimental to the Indian. "Some tribes," he wrote, "would certainly adopt it today if given the opportunity" [19: p. 100].

Attitude of the Confederated Tribes Toward I. R. A.

The Confederated Tribes were initially opposed to the I. R. A. This was manifested in a vote conducted on the reservation in June of 1935. Of a voting population of 681 persons, 155 voted to accept the Act; 299 were opposed. The Confederated Tribes were one of 77 tribes that rejected the Act; 181 tribes accepted [33: pp. 13-30]. The decision proved to have a significant impact on the Indians' land base. In rejecting the Act, restrictions prohibiting the sale of Indian land were abrogated.

There is reason to believe that the Confederated Tribes rejected the Act because of mistrust or a strong desire to become independent of the federal government. The near-by Yakima are said to have rejected the Act for similar reasons [25: p. 121]. Theodore Haas suggested that the Indians strongly believed that any new government policy was motivated by a desire to aid the whites and hurt the Indians [33: p. 5]. This contention is generally substantiated by the comments of Henry Roe Cloud, agent on the reservation in the 1940's. In 1944, Agent Cloud wrote:

This group [i. e., older, full blood Indians] is fearful of innovation, dwells forebodingly upon the inroads made by white civilization and without reason or rhyme

disapproves any program looking to any intensive activity of an economic sort on their part [87: p. 628].

It would be incorrect, however, to attribute the rejection of the I. R. A. solely to the votes of reactionaries; Agent Cloud said that they constituted a minority group on the reservation [87: p. 628]. It is more likely that the Confederated Tribes, like the Yakima, were informing the federal government that the Indians were capable of charting their own destiny. If this was indeed the case, the message was costly. In rejecting the I. R. A., over 12,000 acres of reservation land passed out of Indian ownership in a 37 year period (Table 14).<sup>12</sup> This was despite efforts of a progressive Tribal Council to retain Indian land.

#### Activities of the Tribal Council

The need for I. R. A. programs became evident as Indian-owned land diminished and conservation problems began to arise. In the decade following the I. R. A., progress on the reservation was hampered by a lack of organization or a unanimity of purpose [87: pp. 627-28]. Perhaps, as agent Cloud suggested, much of the problem was attributable to the full-blood reactionaries. Whatever the reason, it was not for lack of progressive thinking within the Tribal Council<sup>13</sup>

<sup>12</sup> Between 1935 and 1972, reservation land acquired by non-Indians increased from 63,751 acres to 86,688 acres.

<sup>13</sup> Prior to December 7, 1949, the Council was composed of enrolled members and several spokesmen who represented Cayuse, Walla Walla, and Umatilla interests.

Table 14. Land Ownership: 1935-1975

Year	Acres Within Reservation Boundaries	Acreage of Allotments	Individually Owned Allotments	Land Held In Common By Tribes	Reservation Land Owned By Non-Indians
1935	157,982*	156,252**	92,501	11,445***	63,751
1952			90,671	14,132	
1959			79,835	15,438	65,252
1969			70,616	15,646	
1972			69,264	16,168	86,688
1975	157,982	156,252	69,061	16,290	

Source: Bureau of Indian Affairs

\* Diminished Reservation (1975 statistics)

\*\* Total land allotted: 1890-91, 1920, and 1926

\*\*\* This statistic reflects grazing and timberland utilized by allottees. The land was located outside the diminished boundaries but within the original 245,699 acre reservation.

In 1942, the Council proposed a conservation clause in all leasing agreements. Considerations included crop rotation, use of crop residue, tillage operation, weed control and longer lease terms [13: h]. There was clearly a move to protect reservation land from irresponsible lessees. The Council's success in promoting conservation activities, however, was off-set by its inability to prevent the transfer of Indian land into white ownership. The problem centered on the questionable status of tribal sovereignty.

#### Tribal Authority

Between 1934 and 1959, over 1500 acres of reservation land passed out of Indian ownership (Table 13). In the interim, the Council considered ways to reverse the trend. At a meeting held in 1947, one far-sighted member suggested that the tribe (as a corporation) be given prior right to purchase Indian land that was up for sale. "Otherwise," the member maintained, "the sale of land would tend to cut up the reservation"[ 13: d]. The ability of the tribes to act on this and other land reform issues was constrained by a lack of authority. This was resolved, to a great degree, by the adoption of a tribal constitution and by-laws. The federal government approved the incorporation on December 7, 1974. At that time, all corporate tribes had at least seven sovereign powers:

- The right to choose a form of self government;

- the right to specify the conditions of tribal membership;
- the right to regulate the domestic relations of members;
- the right to promulgate rules of inheritance;
- the right to administer justice;
- the right to regulate real estate; and
- the right to levy taxes [12: p. 221].

The outward simplicity is deceiving. Legal power of the tribe is embodied in treaties and pertinent pieces of federal legislation. The complexity of tribal sovereignty increased with the passage of Public Law 280 in August of 1953. Under that Act, the State of Oregon was granted jurisdiction with respect to criminal offenses and civil causes of action committed or arising on the Umatilla and other reservations.<sup>14</sup> Although the Confederated Tribes considered the Act to be an erosion of its powers, it did not affect the status of trust land. As a recognized corporation, the Confederated Tribes still retained the power to formulate some land reform programs through its Board of Trustees. The authority to implement the programs rested with the federal government.

#### Formulation of Land Programs

Many land-use problems brought before the Tribal Council in the early 1940's were addressed by the newly created Board of Trustees

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<sup>14</sup>The Act did not include Oregon's Warm Springs Reservation.

in the 1950's. Resolutions passed by the Board to curtail the transfer of Indian land to white ownership were especially significant. A move to enlarge the existing Tribal land base was no less important.

In March of 1954, the Confederated Tribes adopted a resolution proclaiming that owners of trust land may, with the consent of the Bureau of Indian Affairs, sell their land to enrollees of the Tribe or to the corporate Tribe. The Tribe, however, did not want to compete with a prospective Indian buyer. A 60 day period was proclaimed in which an Indian buyer could meet the high bid price. The enrollee would have preference over the Tribe. In addition, the acquired land would continue to remain in trust status [13: i]. The preferential treatment of the enrollee was in keeping with a tribal policy encouraging Indians to remain on their farms. In the previous year, the tribal treasurer reported that over \$45,000 of the tribal loan fund had been expended toward that end [13: j]. Despite these efforts, the program lacked federal approval. Land continued to transfer into white ownership. Much of the reason may be attributable to the threat of "termination".

#### The Prospect of Termination

If the Confederated Tribes rejected the I. R. A. for want of independence from the federal government, it was not total independence. This was demonstrated in their reaction to several

"termination" bills introduced in the U.S. Senate during the 1950's. Termination referred to the cessation of federal jurisdiction over the Indians and their real estate. As with most Indian policy, the bills were controversial. Proponents maintained that termination was in keeping with the purpose of the I. R. A. --independence and self reliance for the Indian [80: pp. 151-188]. Opponents believed that termination was contrary to the intent of I. R. A. --leading to the abolishment of tribal constitutions, abrogations of federal-Indian treaties and the break-up of tribal properties into individual parcels [80: p. 177]. Termination was a decided threat to the reservation's land reform program.

In 1954, the Bureau of Indian Affairs compiled a report indicating the readiness of various tribes to be relieved of federal support. The report declared that the Confederated Tribes were ready for termination [80: p. 177]. In that year, the Confederated Tribes voiced their opposition to termination by dispatching delegates to Washington, D. C., with these instructions:

- Oppose any withdrawal program of federal trusteeship from the Umatilla Reservation;
- request the establishment of land positions (e.g., trust property manager, forester, etc.);
- elaborate on the problems of multiple-ownership (i.e., the large number of heirs to small parcels of property);
- request that any trust land sold to another Indian or to the tribe remain in trust status, if so elected [13: k].

A precedent had already been set. In the previous year, the Washington Post had reported:

Congress has run into a storm of protest against some of the Indian bills it has under consideration. When hearings on the so-called termination bills were held recently, tribes from 21 states and Alaska are said to have sent to Washington the largest gathering of Indians ever to appear here [80: pp. 174-74].

Although termination bills affecting the Umatilla Reservation failed to become law, the threat remained. In July of 1958, the Confederated Tribes reiterated their opposition through a resolution adopted by the tribal Board of Trustees. The resolution read:

RESOLVED, that the Confederated Tribes of the Umatilla Reservation hereby express to Congress their serious concern at the rapid rate at which trust land on the Umatilla Indian Reservation has been passing into non-Indian ownership; thus liquidating the Umatilla Reservation without tribal consent; and contrary to the Treaty of 1855.

RESOLVED FURTHER, that the Confederated Tribes request Congress to stop this program and do what ever is necessary to permit such sales only to the Tribe by negotiation and at not less than a fair appraised value.

Despite the continuing prospect of termination, the Confederated Tribes initiated programs to acquire and consolidate land for Indian use. The general strategy was embodied in a plan known as the Umatilla Tribal Land Purchase Program.

#### The Umatilla Tribal Land Purchase Program

The Umatilla Tribal Land Purchase Program was adopted by the Tribal Board of Trustees in April, 1959 [13:1 ]. It was not unique

in concept or operation. Many ideas contained in the program had been expressed in council meetings for over a decade. A similar program had been introduced on Washington's Yakima reservation in 1954 [25: pp. 158, 195]. The need to acquire and consolidate land on the Umatilla Reservation was based on the disproportionate amount of land used by non-Indians and the probability of more land passing out of Indian ownership. Part of the resolution read:

Of the 156,000 acres of original allotted land on the Umatilla Indian Reservation, only 32,000 acres of cultivated land and 59,000 acres of grazing land remains in Indian ownership. Indian farmers are operating only 2,449 tillable acres and 3,006 acres grazing land and these operators and others are capable of operating considerably more land if made available. The present trend, if permitted to continue, will only result in a diminished land base of the Indians. It has been recognized by the Umatilla Tribal officials that there is a need for an effective and comprehensive land program designed to consolidate, regulate and control the agriculture lands on the Umatilla Reservation by and for the Indians [13: m].

The stated purpose of the program was to retain and consolidate all available trust or deeded farmland for Indian use. The Tribe would purchase farm and grazing land and rent the same to Indian operators. The long-range goal of the program was to sell the acquired land to individual Tribal members. Land would be obtained on this priority bases:

- Agricultural land not purchased by individual tribal members,
- agricultural land surrounded or adjoining other Indian lands; whether trust or deeded;

- agricultural lands adjoining other Indian lands to provide access control; and
- grazing lands regarded as key tracts [13:m].

The enterprise would be funded with Tribal money accrued over past years through treaty agreements and claims awarded by the federal courts. The Board of Trustees allocated \$200,000 for the 1959 fiscal year [13: m]. However, the plan lacked the approval of the federal government.

#### Opposition to the Program

The Bureau of Indian Affairs did not sanction the land purchase program. Reasons were stated in a letter to the Commissioner of Indian Affairs from the Portland, Oregon area office. The letter read in part:

The Umatilla Reservation presents a very special problem. A program of land purchase has very little chance of economic success for the following reasons:

- (1) Limited resources: much of the land is grazed; lightly timbered. The Tribe leases a small amount of agricultural land each year.
- (2) 65% of the enrolled members no longer reside on the reservation.
- (3) The reservation consists of dry farmland devoted to wheat and some peas. A tremendous amount of land would be required. The successful farmers and ranchers in this area operate 4,000 - 10,000 acres.
- (4) Over 50% of allotted land has been alienated with a considerable number of applications for sale or patent on file.

... \$200,000 will purchase approximately 600 acres on the reservation at this time. There would be a good return on share-crop rental, however the amount would be negligible in view of the amount invested and the number of people concerned.

This office does not recommend the land purchase program as being economically feasible unless a large sum of money is made available [95: a].

The Board of Trustee's reaction to this letter was not recorded, however it must have been one of disappointment. The reaction of individual tribesmen is more speculative. Many did not share the Board's enthusiasm for the program and Indian land continued to pass into white ownership. Perhaps, as a subsequent letter from the Department of Interior suggested:

Since 65% of the enrolled membership no longer reside on the reservation, it would be doubtful that the enrolled members would favor investment of such a large portion of tribal assets [95: b].

Three years later, the Confederated Tribes waived objection to the sale of allotments on the reservation for lack of a land program [13: n].

Although the land purchase program was rejected by the B. I. A. as economically infeasible, the concept was never abandoned. Fitch's study of the Yakima might provide a partial explanation. He found that although the Yakima land purchase program achieved only marginal financial success, it received strong tribal support [25: p. 158].

This support was interpreted as an affirmation of tribal pride and identity. "The retention of land by the tribe as a group," he wrote,

"is thus a very pragmatic, visible reminder of what differentiates them from the rest of America" [25: p. 158]. Pride in tribe was probably a factor on the Umatilla Reservation as well. In addition, there was a strong commitment to sound land management. This commitment was partially manifested in the formation of farm, forest and range committees.

#### Farm, Forest and Range Committees

In 1964, the tribal Board of Trustees created the Farm Enterprise Committee to ensure sound conservation practices on the reservation's leased land [26: p. 4]. This objective was subsequently expanded to include:

- Keeping as much land as possible in Indian ownership (i. e., trust status);
- keeping as much reservation land as possible in agriculture; and
- acquiring and managing land in accordance with the tribal land consolidation plan [26: p. 5].

The Confederated Tribes sustained these objectives throughout the 1960's with a certain amount of success. By 1973, the farmland acquired by the Committee had increased from 495 acres to 1,315 acres [12: p. 227].

The objectives of the Farm Enterprise Committee were not endorsed by all tribal members. Some maintained that the corporate

tribe and its programs were threatening individual rights. This minority opinion still exists. One member of tribal government recently described land acquisition and consolidation as being a "sensitive issue".

The creation of a Forest-Range Committee in 1974 focused attention on the tribes' 8,003 acres of forest land and 6,277 acres of open grazing land [12: p. 77]. The intent of the Committee was to profit from these resources through sound management. Management strategies included land acquisition and consolidation. Although the reservation had always been known for its rangeland, forest resources only assumed importance in relatively recent years. The reasons are partly cultural and partly economic. Livestock was a principal source of Indian livelihood since before the reservation's creation. Forestry was closely linked to reservation farming activities. As a consequence, interest in forest land was marginal.

#### Utilization of Forestland

During the reservation's formative years, open pine forests were primarily valued for their grazing potential. As Indian farms were established, trees were cut for houses, barns, and fences. The first trees to be felled were probably cottonwoods growing along the stream bottoms. In 1870, agency buildings still consisted of cottonwood poles daubed with mud [81 (1870): p. 56]. The sawmill

provided in the 1855 treaty was constructed near Gibbon in the fall of 1865 [81 (1865): p. 62]. By 1873, timber in the vicinity of the mill was scarce and logs were being hauled 10 to 12 miles over a mountain road [81 (1873): p. 317].

Although the records of the resident agents are primarily concerned with farmland, a few statistics related to timber cut were recorded. In 1878, 104,900 board feet of lumber were sawed at the mill. The resident agent noted that an additional 24,638 board feet were still at hand [81 (1878): p. 123]. The lumber was being used for the construction of "...houses, barns, coffins, etc." [81 (1878): p. 123]. Three years later, the agent reported that 75,000 board feet had been sawed at the mill [81 (1881): p. 151]. In 1888, 90,000 board feet had been sawed at Gibbon and were awaiting railroad transportation to the agency [81 (1888): p. 213].

Agency records contain very little about the exploitation of forest. Throughout the 1800's, the Indians showed little interest in forestry as a commercial enterprise. Agent Harper attempted to stimulate some interest in the mid-1890's, but failed. In 1895 he wrote that it would be pointless to build another sawmill because "...the Indians would rather have the money" [81 (1895): p. 274].

The conservation ethic that emerged on the reservation in the early 1900's may have provided impetus for the forest and range programs that followed. At that time, emphasis was on land management.

Interest in the acquisition of forest land grew with the Act of August 10, 1939. Under that Act (53 Stat. 1351), the Indians regained about 14,140 acres of mountainous land that had been declared surplus under the Slater Act [12: p. 75]. Of that total, 8,003 acres were forested; 6,137 acres were open range. The tract is located south of the diminished reservation boundary (Figure 3). This increment of tribal land provided the base upon which the Forest and Range Committee would build.

#### Efforts to Implement Land Reform Programs

The objectives of the farm, forest and rangeland committees were greatly frustrated by three factors:

- The Confederated Tribes did not have legal option to purchase allotments that would otherwise be inherited by non-Indians or Indians not enrolled with the Confederated Tribes;
- the Confederated Tribes did not possess the right to mortgage trust land on the reservation; and
- the Confederated Tribes did not have the legal means to consolidate land, through exchange into one or several operating units.

In October, 1975, two bills were introduced in the U.S. Senate that would rectify these problems. First, an inheritance bill (S.2552) granted the Confederated Tribes the option of purchasing allotments or portions of allotments at fair market value. Second, a consolidation bill (S.2553) allowed them to consolidate land, through exchange and

purchase, into one or several operating units.

Speaking about the U. S. Senate, Oregon's Senator Hatfield especially stressed the importance of the land consolidation bill. He pointed out that "many opportunities have already been lost to the Tribe because vendors of land were unwilling to accept cash payment, preferring a mortgage of several years duration in order to avoid a tax liability" [15]. The Confederated Tribes believed that the success of their land reform programs depended on the passage of these bills. A recent economic study found that passage of the bills would provide a wider variety of opportunities to obtain land [26]. Referring to the consolidation bill, the report stated:

At present, there may be some difficulty in buying non-Indian (deeded) land since the BIA appears to be reluctant at times to take such lands back into trust status. . . . the bill provides clear, legal authority for such lands to be purchased and placed in federal trust (non-taxable) status.

On the inheritance bill:

This bill requires standard BIA appraisal and thus offers the tribes no hope of obtaining lands at less than market values. Nevertheless, it would provide a wider variety of opportunities to purchase land and would be beneficial to the enterprise for that reason.

In December, 1975, the future of the bills and the land reform programs were still in doubt. An article appearing in the Confederated Umatilla Journal may have summed up the problem:

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<sup>15</sup> See Congressional Record, October 22, 1975; S. 18183.

Opposition to the inheritance and land consolidation bills has come from non-Indian farmers and ranchers living on the reservation. Our gain will be their loss. Their business interests depend upon the system currently in operation. On our level we seem to be losing more and more ground due to fractionated heirship, and by taking money from them without really analyzing the effects which these actions have on tribal control of the lands [14].

In December, 1975, the Confederated Tribes were confronted with a situation that existed throughout their recorded history: divided interests. Tribal members did not act in unison. In this respect, they are no different from most of the world's people. They are, however, a minority enclave. The continuing existence of the reservation may depend a great deal on tribal unity.

In retrospect, land transfer from Indian to non-Indian ownership has not ceased. The rate of transfer, however, has been appreciably reduced. This reduction can be attributed to the desire of many tribal members to sell only to Indians. It has also been attributed to the time-consuming title searches and federal land appraisals that precede every sale. In some instances, these delays have allowed the Confederated Tribes time to make a counter-offer.

#### Land Transactions With Public Agencies

Between 1935 and 1975, the importance of land transactions with public agencies was eclipsed by tribal reorganization, the formation of land programs, and activities in the political arena. The

land transfers, however, were not without significance. Approximately 1800 acres of Indian land were acquired by the Oregon State Highway Department for right-of-way and scenic easements. The U.S. Forest Service and three utility companies also negotiated for right-of-way during this period.

The State Highway Department completed acquisition of the Blue Mountain Forest Wayside in 1937. The wayside consisted of a discontinuous strip of woodland, 500 feet in width, on either side of the Highway 30 centerline [56]. Approximately 720 acres of reservation land were acquired. At least 20 acres of that amount were acquired from Indian landowners. When right-of-way acquisition for Highway 30 was completed, no less than 179 acres of Indian land had converted to highway usage.

The largest amount of land relinquished for highway purposes consisted of 1,076 acres for the construction of Interstate Highway 80 - North (I 80-N). Right-of-way negotiations with the Indians were completed in the late 1960's. The highway's limited access and widely separated travel lanes effectively severed and isolated parcels of Indian land. Near Cabbage Hill, east and west bound lanes are separated by as much as one mile. Lane separation is considerably less at the reservation's eastern boundary. The Highway Department recognized the problem of land-locked parcels and purchased the property if a satisfactory agreement could be reached. Highway

Department records indicate that during right-of-way negotiations, Indians tended to be "suspicious" but not particularly adverse to selling their land. Some expressed a desire to sell small parcels that would be isolated or reduced in size by the highway [56].

In September of 1965, the Confederated Tribes granted the U. S. Forest Service permission to construct a portion of the Kamela-Ukiah Highway through tribal land. The 5,155 feet of alignment was 66 feet wide [13:0]. Approximately eight acres of forest land were relinquished for this project.

In recent years, easements across the reservation have been granted to Bonneville Power Administration (B.P.A.), Chevron, and Northwest Natural Gas. However, very little Indian land was taken out of production. Much of the 100 foot right-of-way granted to B.P.A. is still used for agricultural purposes. In forested areas, however, trees are prevented from growing beneath powerlines and in the vicinity of transmission towers. The 33 foot right-of-way granted to Chevron and Northwest Natural Gas is also utilized for some agricultural purposes. Buried pipelines do not interfere with normal farming operations.

#### Close of the 1935-1975 Period

At the close of the 1935-1975 period, acreage owned by the corporate tribe had increased from 11,445 acres to 16,290 acres (Table

This included about 1,133 acres of farmland. During that period, the corporate tribe acquired about 870 acres of farmland. Despite these gains, almost 24,000 acres of land passed out of Indian ownership. At least 1200 acres of that amount were acquired by public agencies for highway purposes. Between 1972 and 1975, approximately 203 acres of Indian land were purchased by non-Indians [93]. These statistics do not necessarily mean that Indian land owners would not have preferred to sell to another Indian or to the corporate tribe. The Farm Enterprise Committee has only been in existence since 1954. As a profit-seeking organization with limited financial resources, they only considered the best economic prospects--the choice farmland. The passage of the inheritance and land consolidation bills, coupled with recently developed strategies to purchase prime farmland [26] would enhance the prospect of enlarging the Indian owned land base.

## CHAPTER VII

### SUMMARY AND CONCLUSIONS

The preceding chapters have focused on the amount of land relinquished by members of the Confederated Tribes and the reasons underlying the transfer of land ownership. In a 120 year period (1855-1975), over 160,000 acres of farm, range, and forest land passed out of Indian ownership. The reasons are complex. An inquiry into the character of the Indians and the application of a sequent occupancy methodology indicate that four causal factors are most responsible. They are: historical happenstance, cultural traits and attitudes, federal legislation, and transactions with public or semi-public agencies.

#### The Role of Historical Happenstance

Accidents of history set the stage for the diminution of Indian land. The chance routing of the Oregon Trail (Emigrant Road) through ancestral Cayuse land and the gold rush of the 1860's are especially noteworthy. Realization of the land's agricultural potential and the adverse weather conditions that followed were also influential.

The Oregon Trail brought a large number of emigrants through an area destined to become part of the Umatilla Reservation. In 1855, Treaty Commissioner Stevens displayed a surprising lack of

foresight in creating a reservation severed by such a heavily travelled route. The well established route was not abandoned as Commissioner Stevens intended. It was a fertile source of trouble--bringing the Indian and emigrant into close contact. Had the reservation been farther removed from the emigrant into close contact, pressure to obtain Indian land might not have been so intense.

The Oregon Trail also created a market for goods and services. A variety of business establishments were erected just outside reservation boundaries to capitalize on emigrant and Indian trade. These establishments marked the beginning of agricultural communities. It was the citizens of these communities that petitioned Congress to reduce the size of the reservation.

The discovery of gold in the mountains of Idaho and northeast Oregon brought about a realization of local agricultural potential. The arrival of miners and prospectors in the vicinity of the reservation increased demand for services and agricultural products. Many emigrants took advantage of the sudden market and settled on the best agricultural land. When good agricultural land became scarce, reservation land became more attractive. Pressure to remove the Indians or reduce the size of the reservation intensified until the federal government was compelled to act. The resulting Slater Act of 1885 reduced the reservation by some 87,700 acres.

The physical conditions that attracted farmers and ranchers to reservation land were not always reliable. Insects and adverse weather occurred shortly after the Indians arrived on the reservation. These conditions continued sporadically during a period when the Indians were especially vulnerable. Many that would have farmed were probably discouraged from doing so. The Indians were understandably susceptible to any law that would enable them to lease the land rather than farm it. In 1895, fully 90% of the reservation's arable land was farmed by non-Indians. This was a most significant step in the diminution of the Indian-owned land base.

#### Influence of Cultural Traits and Attitudes

Cultural traits and attitudes were also important factors in diminution of the reservation. At times, the Indians' strong sense of individualism and associated lack of unity were detrimental to tribal welfare. The abandonment of a strong land ethic and the speed of acculturation were especially significant.

The land ethic espoused by tribal leaders at the council grounds was considerably diminished by acculturation. Although contrary to ancient mores, tribesmen quickly grasped the idea of land ownership and the function of land as a commodity. By the turn of the century, the Confederated Tribes had demonstrated that no cultural trait was strong enough to stem the transfer of land from Indian to non-Indian ownership.

Two aspects of acculturation contributed to the loss of Indian land. Acculturation was forced and rapid. Prior to the creation of the Umatilla Reservation, the Indian possessed many elements of Euro-American culture. Most were adopted by choice; some were adopted to ensure survival. Although aboriginal customs may have altered somewhat, the Indian had little difficulty integrating these cultural elements with his own. Initially, he had the option of rejecting Euro-American philosophy and technology that was incompatible with his life style. Freedom of choice diminished considerably upon removal to the Umatilla Reservation. The allotment of land placed even greater constraints on his ability to act as a free agent.

The Indians' perception of resources changed significantly after his arrival on the reservation. For a period of time, tribesmen attempted to continue a nomadic life style within reservation boundaries. This proved difficult because grazing land and food resources were decidedly limited. Federal agents reluctantly granted the Indian permission to procure native foods off the reservation. Journeys off the reservation became less frequent as conflicts with settlers arose. More important, there was a concerted effort to keep the Indians on the reservation by turning them into farmers. Within a very short period of time, the Indian was forced to become sedentary, alter tribal organization, abandon cultural traditions, utilize different resources and adopt an alien technology. The transition was not without

cost. Agricultural economics and technology were beyond the comprehension of many tribesmen. Crop failures, lack of capital, and for many, a disinterest in agriculture, were strong inducements to seek other means of support. Many Indians were quick to sell or rent their land as the law permitted.

### Impact of Federal Legislation

The role of federal legislation in the diminution of Indian reservations is fairly well known. Although laws pertaining to specific tribes differ in some respects, all reflect federal Indian policy of the time. Similar pieces of legislation seemed to have produced similar results, regardless of the tribe.

The diminution of the Umatilla Reservation is closely tied to 12 federal laws enacted between 1855 and 1917. General areas of concern include creation of the reservation, allotment, disposal of surplus land, leasing and heirship.

### Treaty of 1855 (12 Stat. 945-950)

According to the Treaty of 1855, the Cayuse, Walla Walla and Umatilla tribes agreed to relinquish approximately 6,270 square miles of Washington and Oregon territories and move on to the 384 square mile Umatilla Reservation. Provisions to break-up the reservation were contained in the treaty that created it. Article 6 granted the

President the right to assign land allotments at his discretion. The same article granted the Indians the right to lease their land. Article 10 authorized the construction of railroads and highways across the reservation as public interest demanded. This right was exercised on a number of occasions despite the objections of tribal members.

Slater Act of March 3, 1885 (23 Stat. 340-343) and Amendments

The Slater Act diminished the original 245,699 acre reservation to 157,982 acres. Of the land ceded, approximately 25,000 acres were arable. The remaining acres were most suitable for grazing or timber production. Allotment of land in severalty was an even more important aspect of the Slater Act. Parcels assigned to individual Indians fragmented the reservation and increased the likelihood of land passing out of Indian ownership.

Three groups of land allotments were awarded under the Slater Act and its amendments. Approximately 76,934 acres were assigned under the Acts of June 25, 1910 (36 Stat. 855-57) and March 2, 1917 (39 Stat. 987). The latter granted 80 acres to all Indians living on the reservation that had not received allotments. Where 80 acre parcels were unavailable, land was distributed on a pro-rata basis. Over 900 Indians received allotments between April, 1920, and January, 1926. Many parcels were somewhat less than 80 acres and contained only marginal farmland. If the amount of land was insufficient to

provide a livelihood, the Indian might be more inclined to sell or lease. Small parcels awarded under the March, 1917, amendment were subject to additional reduction through heirship.

Leasing Act of January 12, 1891 (26 Stat. 712) and Amendments

Although the 1855 treaty granted allottees the right to rent their land, leasing did not become prevalent until the 1891 lease law was passed. By that time, leasing had become a matter of necessity. In 1891, legislators directed attention to reservations where allotment policy had failed or was in danger of failing. Too many Indians were unable to support themselves. As a remedial measure, Congress passed the Leasing Act of January 12, 1891, granting disabled Indians the right to lease their allotments. Apparently, the term "disability" was subject to broad interpretation.

Problems of definition were partly resolved under an amendment to the lease law dated August 15, 1894 (28 Stat. 305). This Act extended leasing rights to Indians unable to farm because of disability or inability. The Act also extended the period of farmland leases from three to five years. Some legislators considered the amendment too liberal. As a result, another amendment (30 Stat. 85) was passed which struck out the words "or inability" and reduced the term of farm leases back to three years. The search for the right combination was culminated in an amendment dated May 31, 1900 (31 Stat.

229). This Act restored the word "inability" and once again extended the period of farm leases to five years. By this action, the federal government displayed its resolve to break up the nation's Indian reservations.

Much of the Indians' land losses can be attributed to leasing. Once entrenched on the reservation, the non-Indian lessee was difficult to remove. Many established a kind of symbiotic relationship-- lessor and lessee helping one another in time of need.<sup>16</sup> When trust patents were issued to the Indian owner, the lessee was in a favorable position to acquire the land in fee simple.

The lease law and its amendments have been justly criticized for their detrimental effect. Many Indians preferred to lease land rather than farm it themselves. If the lessor was facing financial difficulty and was in a position to sell, leased land quickly passed out of Indian ownership.

Act of July 1, 1902 (32 Stat. 730)

An Act of July 1, 1902, provided for the disposal of unsold surplus land that had been created when the reservation was diminished (1891-92). This involved 70,000 acres of range and timber land. An Act of August 10, 1939 (53 Stat. 1351) restored about 14,140 of these acres to the Confederated Tribes, leaving over 56,000 acres in

<sup>16</sup> See Conditions on the Umatilla Reservation [82] and Stern and Boggs [73].

non-Indian ownership.

#### Burke Act of May 8, 1906 (34 Stat. 182)

The Burke Act authorized the Secretary of Interior, at his discretion, to issue a fee patent to any allottee deemed competent to manage their own affairs. This contributed to the diminution of Indian land by increasing the availability of land to prospective buyers.

#### Heirship Acts of the Early 1900's

Three laws enacted in the early 1900's hastened the transfer of Indian land into non-Indian ownership. An Act of March 27, 1902 (32 Stat. 395) permitted the heirs of trust allotments to sell the land before the 25 year trust period was completed. The Omnibus Act of July 25, 1910 (36 Stat. 855) authorized the Secretary of Interior to issue fee patents to competent legal heirs. If one or more heirs were deemed incompetent, the Secretary could sell the land and hold the proceeds until the 25 year trust period had been completed. An Act of May 18, 1916 (39 Stat. 123, 127) essentially synthesized those portions of the May, 1902 and Omnibus Acts pertaining to heirship.

#### Transactions with Public (or Semi-Public) Agencies

Indian land acquired for city expansion, transportation and utility easements was considerably less than that acquired by non-Indians for agricultural purposes. It was, however, significant. Between the years 1855 and 1975, at least 3600 acres of land passed out of Indian ownership to serve the public interest. Approximately one-half of that acreage was arable. The remainder was forest and range land.

Acreage relinquished for transportation and utility right of way is not readily visible in statistics compiled by the Bureau of Indian Affairs. The greater than 3,000 acres used for that purpose have been included within other statistical categories.

The Indians were often reluctant to relinquish land for public projects. Their principal objection may have been stated at a meeting of the Tribal Council in 1913. According to an Indian spokesman, such projects invariably required more land than the contracting agency initially requested [13: a]. If this was indeed the case, it is understandable why the Oregon State Hiway Department found the Indians to be "suspicious" during the right-of-way negotiations for Interstate Highway 80 North [56].

Oregon Railroad and Navigation Company - 472 acres

On January 22, 1881, the Oregon Railroad and Navigation Company acquired approximately 472 acres of reservation land for railroad construction. Relinquished land included a 50-foot right-of-way on each side of the rail centerline, plus land for station buildings, shops, side-tracks and a water system. Authority for acquisition was based on Article 10 of the 1855 treaty.

City of Pendleton - 640 acres

An Act of August 5, 1882 (22 Stat. 297-98), authorized the sale of 640 acres of reservation land to facilitate the growth of Pendleton. The land was sub-divided and sold at public auction in 1884.

Umatilla Irrigation Company - 0 acres

An Act of February 10, 1891 (26 Stat. 745) granted a 100 foot right-of-way through the Umatilla Reservation for the construction of an irrigation canal. The Act also included land necessary to construct water storage and diversion facilities. Although surveyed, the project was never constructed. Easement rights were forfeited after a lapse of three years.

Blue Mountain Irrigation Company - 0 acres

An Act of January 12, 1893 (27 Stat. 417) authorized the Blue Mountain Irrigation Company to acquire a 100 foot irrigation canal right-of-way through the Umatilla reservation and land necessary to construct water storage facilities. The project was not constructed. Rights were forfeited after a lapse of three years.

City of Pendleton - 200 acres

An Act of July 1, 1912 (39 Stat. 987) authorized the sale of 200 acres of unallotted reservation land to the City of Pendleton for municipal water works purposes. Proceeds from the sale were deposited in the U.S. Treasury to the credit of the Umatilla (sic) tribe.

Umatilla County (Oregon State Highway Department) - 119 acres

On June 10, 1919, the U.S. Department of Interior granted Umatilla County, Oregon, a 16.43 mile highway easement through the Umatilla Reservation. The 60 foot right-of-way accounted for a total

of 119 acres of farm, pasture and timber land.

Oregon State Highway Department - 40 acres

A letter of July 19, 1926 from the Department of Interior increased the Oregon Trail Highway's 60 foot right-of-way to an 80 foot right-of-way. This revision resulted in an additional 40 acres of land transferring out of Indian ownership.

Oregon State Highway Department - 720 acres

Between 1927 and 1937, the Oregon State Highway Department acquired land for a scenic easement known as the Blue Mountain Forest Wayside. The easement consisted of a discontinuous 500 foot wide strip on each side of the Oregon Trail Highway. Total length was about 20 miles. Approximately five miles of that total was within the present reservation boundary. At the time of acquisition, some of the land had already passed out of Indian ownership. However, at least 20 acres of forest grazing land were obtained from Indian owners. The present Deadmans Pass rest area on Interstate Highway 80 North occupies former Blue Mountain Forest Wayside land.

Oregon State Highway Department - 1,076 acres

Right-of-way negotiations for the construction of Interstate Highway 80 North took place in the late 1960's. During this period,

the Highway Department acquired 1,076 acres of Indian land--about half of which was cropland. Land was purchased at appraised value with special compensation for land-locked parcels.

U. S. Forest Service - 8 acres

In September, 1965, the U. S. Forest Service was granted a 66 foot right-of-way for road construction through tribal land. Approximately eight acres of forest land was relinquished for the construction of 5,155 feet of highway.

Miscellaneous Roads - 1,164 acres

There are an estimated 160 miles of road on the reservation in addition to that constructed by the Highway Department and U. S. Forest Service. Maintenance responsibilities are shared by the U. S. Bureau of Indian Affairs and Umatilla County. Right-of-way varies but probably averages 60 feet. A total of 1164 acres of reservation land incorporated as right-of-way would be a conservative estimate.

Utility Easements - Undetermined acreage

In recent years, several utility companies have obtained easements through the reservation. Most notable are the 100 foot wide easement granted to Bonneville Power Administration, the 75-foot wide easement granted for the Northwest pipeline and the 33 foot

wide easement granted for the Chevron pipeline. Despite the considerable right-of-way involved, impact on Indian land is minimal. Where conditions permit, right-of-way continues to be farmed or utilized for grazing.

In summary, over 3600 acres of reservation land have been utilized for public projects. The impact of severing of land parcels, however, may be more significant than the direct loss of land. The creation of smaller parcels may induce the Indian owner to sell, particularly if access has been impaired and the land cannot provide a livelihood for its owner.

#### Continuing Influence of the Four Causal Factors

The effects of the four causal factors are still very evident. The reservation remains a checkerboard of Indian and non-Indian ownerships; federal legislation in the form of termination still constitutes a threat to tribal cohesion; heirship problems are unresolved and some Indians are still willing to sell their land to non-Indians. These are but some of the factors acting to break up the reservation. In all probability, however, the reservation will survive. Traits first observed by the early pioneers have not been totally lost through acculturation. The descendents of Marcus Whitman's landlords are still "perceptive" and "intelligent". They are presently considering economic strategies designed to strengthen tribal ties and upgrade

overall Indian welfare. The success of this most recent tribal endeavor is closely related to the success of Senator Hatfield's land consolidation and land inheritance bills. Should the bills fail, the Confederated Tribes will continue to assert their rights as they have done throughout the reservation's 120 year history.

## REFERENCES CITED

1. Alchian, Armen and William R. Allen, University Economics, Belmont: Wadsworth Publishing Company, 1964.
2. Allen, A. J., compiler, Dr. White's Travels and Oregon Adventures: Ten Years in Oregon, New York: Andrus and Gaintlett.
3. Allen, Durward L., Our Wildlife Legacy, New York: Funk and Wagnalls, 1962.
4. Anastasio, Angelo, Intergroup Relations in the Southern Plateau, Unpublished doctoral dissertation, University of Chicago, 1955.
5. Bancroft, Hubert Howe, The Works of Hubert H. Bancroft, Vol. 1, The Wild Tribes, San Francisco: 1882, 39 Vols.
6. Barry, Neilson J., "Use of Soil Products By the Indians", Oregon Historical Quarterly, Vol. 30, 1929, pp. 43-52.
7. Beard, Charles A. and Mary R. Beard, The American Spirit: A Study in the Idea of Civilization in the United States, New York: 1942.
8. Benson, Eva, J. M. Peters, M. A. Edwards, and Louise A. Hogan, "Wild Edible Plants of the Pacific Northwest", Journal of the American Dietetic Association, Vol. 62, February 1963, pp. 143-147.
9. Berkhofer, Robert F., Jr., Salvation and the Savage, New York: Atheneum Press, 1972.
10. Brunton, Bill B., "Ceremonial Integration in the Plateau of North America", Northwest Anthropological Research Notes (NARN), Vol. 1, No. 1, Spring, 1967, pp. 1-28.
11. Coan, C. F., "The Adoption of Reservation Policy in the Pacific Northwest", Quarterly of the Oregon Historical Society, Vol. 23, March 1922, pp. 1-38.
12. CH2M-Hill, Planning for the Umatilla Indian Reservation: Initial Comprehensive Planning Investigation, Portland: December, 1973.

13. Confederated Tribes of the Umatilla Reservation, Minutes of the Tribal Council, Mission, Oregon:
- |                      |                       |
|----------------------|-----------------------|
| a. April 9, 1913     | i. March 5, 1954      |
| b. February 6, 1917  | j. June 5, 1953       |
| c. August 30, 1947   | k. May 6, 1954        |
| d. December 30, 1947 | l. April 28, 1959     |
| e. May 3, 1948       | m. April 14, 1959     |
| f. October 19, 1957  | n. August 14, 1962    |
| g. November 27, 1916 | o. September 29, 1965 |
| h. March 2, 1942     |                       |
14. Confederated Umatilla Journal (Pendleton, Oregon), "Thoughts on Land Consolidation", December, 1975, p. 8.
15. Cornelison, James M., "Personal Reminiscences of the Umatilla Indian Reservation", Oregon Historical Society Microfilm: Mss 687.
16. Coues, Elliott, ed., Manuscript Journals of Alexander Henry and David Thompson, 1799-1814, New York: Francis P. Harper, 1897, 3 vols.
17. Cox, Ross, Adventures on the Columbia River, London: 1831.
18. Davenport, T. W., "Recollections of an Indian Agent", Quarterly of the Oregon Historical Society, Vol. 8, No. 1, March, 1907, pp. 1-41.
19. Deloria, Vine, Jr., Of Utmost Good Faith, New York: Bantam Books, 1972.
20. De Voto, Bernard, The Year of Decision: 1846, Boston: Houghton Mifflin Co., 1943.
21. Douglas, David, The Journals of David Douglas, London, William Wesley and Son, 1914.
22. Drury, Clifford M., Marcus and Narcissa Whitman and the Opening of Old Oregon, Glendale: Arthur H. Clark Co., 1973, 2 Vols.
23. East Oregonian (Pendleton)
- |                      |                      |
|----------------------|----------------------|
| a. February 16, 1891 | c. February 19, 1891 |
| b. February 17, 1891 | d. March 25, 1891    |

- |                   |                   |
|-------------------|-------------------|
| e. April 1, 1891  | i. April 30, 1891 |
| f. April 8, 1891  | j. March 13, 1891 |
| g. April 10, 1891 | k. April 20, 1891 |
| h. April 24, 1891 |                   |

24. Ekirk, Arthur, The Idea of Progress in America, New York: Columbia University Press, 1944.
25. Fitch, James B., Economic Development in a Minority Enclave: The Case of the Yakima Nation, Washington, Unpublished doctoral dissertation, Stanford University, May 1974.
26. Fitch, James B. with W. A. McNamee and Rebecca Roberts, Feasibility of an Expanded Tribal Agricultural Enterprise for the Umatilla Reservation, Department of Agricultural and Resource Economics, Oregon State University.
27. Fonaroff, L. Schuyler, "Conservation and Stock Reduction on the Navajo Tribal Range", Geographical Review, Vol. 54, No. 2, 1963, pp. 200-223.
28. Fremont, John C., Report of the Exploring Expedition to the Rocky Mountains in the Year 1842 and to Oregon and Northern California in the Years 1843-44, U.S. House of Representatives, Washington, D.C., 1845.
29. French, David, "Wasco-Wishram" in Perspectives in American Indian Culture Change, Edward H. Spicer, ed., Chicago: University of Chicago Press, 1956, pp. 337-430.
30. Gaston, Joseph, The Centennial History of Oregon, 1811-1911, Chicago: S. J. Clark Publishing Co., 1912, 2 vols.
31. Glacken, Clarence J., "Changing Ideas of the Habitable World" in Man's Role in Changing the Face of the Earth, William L. Thomas, Jr., ed., Chicago: University of Chicago Press, 1956, pp. 70-92.
32. Grinnel, George Bird, The Fighting Cheyennes, Norman: University of Oklahoma Press, 1956.
33. Haas, T. H., Ten Years of Tribal Government Under the Indian Reorganization Act, Washington: Haskell Institute Printing Service, 1956.

34. Harper, Allen G., "Salvaging the Wreckage of Indian Allotment" in The Changing Indian, Oliver La Farge, ed., Norman: University of Oklahoma Press, 1974, pp. 84-102.
35. Hayden, Tom, The Love of Possession is a Disease with Them, San Francisco: Rinehart, Holt, and Winston, 1972.
36. Hodge, Frederick W., ed., Handbook of Indians North of Mexico, New York: Pageant Books, Inc., 1959.
37. Hogenson, G. M., Geology and Groundwater of the Umatilla River Basin Area, Oregon, U. S. Dept. of Interior, Geological Survey (U.S.G.S.), March, 1957.
38. Holman, Frederick V., "History of the Counties of Oregon", Quarterly of the Oregon Historical Society, Vol. 2, No. 1, March, 1910, p. 51.
39. Hyde, George E., The Pawnee Indians, Norman: University of Oklahoma Press, 1974.
40. Irving, Washington, The Adventures of Captain Bonneville, Edgeley W. Todd, ed., Norman: University of Oklahoma Press, 1961.
41. \_\_\_\_\_, Astoria, Edgeley W. Todd, ed., Norman, University of Oklahoma Press, 1964.
42. James, Preston, All Possible Worlds, Indianapolis: Odyssey Press, 1972.
43. Josephy, Alvin M., Jr., The Nez Perce Indians and the Opening of the Northwest, New Haven: Yale University Press, 1971.
44. Kinney, J. P., A Continent Lost--A Civilization Won: Indian Land Tenure in America, Baltimore: Johns Hopkins Press, 1939.
45. Kip, Col. Lawrence, Indian Council at Walla Walla, F. G. Young, ed., Eugene: University of Oregon Press, 1897.
46. Kroeber, A. L., "Cultural and Natural Areas of Native North America", University of California Publications in American Archeology and Ethnology, Vol. 38, 1939.

47. Lowell, Steven A., "Indians of the Whitman Massacre", Whitman College Quarterly, Vol. 2, No. 2, June 1898, pp. 20-28.
48. Manners, Robert A., The Emergent Native Americans, Boston: Little and Brown Press, 1972.
49. McArthur, Lewis A., Oregon Geographic Names, Portland: Binfords and Mort, 1944.
50. McClelland, David C., The Achieving Society, Princeton: D. Van Nostrand Co.
51. Nash, Roderick, ed., The American Environment: Readings in the History of Conservation, Reading: Addison-Wesley Publishing Co., 1968.
52. The New Republic
  - a. January 31, 1934, p. 321
  - b. April 17, 1935, p. 269
  - c. October 9, 1935, pp. 232-234.
53. Nye, Wilbur S., Bad Medicine and Good: Tales of the Kiowas, Norman: University of Oklahoma Press, 1962.
54. Oliphant, J. Orin, "Encroachment of Cattlemen on Indian Reservations in the Pacific Northwest, 1870-1890", Agricultural History, Vol. 24, January, 1950, pp. 17-28.
55. Oregon State Game Commission, Environmental Investigations: Umatilla Basin, February, 1973.
56. Oregon State Highway Division, Right-of-way Records, Salem.
57. Oregon State University Extension Service, Resource Atlas: Umatilla County, Corvallis: April, 1973.
58. Otis, D. S., The Dawes Act and the Allotment of Indian Land, Norman: University of Oklahoma Press, 1973.
59. Parsons, William and W. S. Shiach, An Illustrated History of Umatilla County and Morrow County, Portland: W. H. Lever, 1902.

60. Poulton, Charles E., Ecology of the Non-Forested Vegetation in Umatilla and Morrow Counties, Unpublished doctoral dissertation, Washington State College, 1955.
61. Provinse, John H., "Cultural Factors in Land-Use Planning" in The Changing Indian, Oliver La Farge, ed., Norman: University of Oklahoma Press, 1942, pp. 55-71.
62. Ray, Verne F., "Cultural Relations in the Plateau of Northwestern North America", Publications of the Hodge Foundation, 1939.
63. Redfield, Robert, The Primitive World and Its Transformations, Ithaca: Cornell University Press, 1934.
64. Rogers, Maria L. and Edward J. Fitzgerald, "New Medicine for the Sick Indian", The Nation, Vol. 138, March 21, 1934, pp. 326-327.
65. Ross, Alexander, Fur Hunters of the Far West, Boston: 1855.
66. Ross, John Allen, "Political Conflict on the Colville Reservation", Northwest Anthropological Research Notes (NARN), Vol. 2, No. 1, Spring, 1968, pp. 29-91.
67. Ruby, Robert H., and John A. Brown, The Cayuse Indians: Imperial Tribesmen of Oregon, Norman: University of Oklahoma Press, 1972.
68. Searcey, Mildred, Way Back When, Pendleton: East Oregon Publishing Co., 1972.
69. Shepard, Ward, "Land Problems of an Expanding Indian Population" in The Changing Indian, Oliver La Farge, ed., Norman: University of Oklahoma Press, 1942, pp. 72-83.
70. Shippee, Lester B., "The Federal Relations of Oregon", Quarterly of the Oregon Historical Society, Vol. 20, March 1919, pp. 345-395.
71. Spoehr, Alexander, "Cultural Differences in the Interpretation of Natural Resources" in Man's Role in Changing the Face of the Earth, William L. Thomas, Jr., ed., Chicago: University of Chicago Press, 1956, pp. 93-102.

72. Spokesman Review (Spokane)  
 a. November 1, 1903, p. 11      c. January 24, 1904, p. 16  
 b. January 10, 1904, p. 11      d. May 18, 1903, p. 11
73. Stern, Theodore and J. P. Boggs, "White and Indian Farmers on the Umatilla Indian Reservation", Northwest Anthropological Research Notes (NARN), Vol. 5, No. 1, Spring 1971, pp. 37-76.
74. Suphan, Robert J., Oregon Indians, Vol. II, Ethnological Report on the Umatilla, Walla Walla, and Cayuse Indians Relative to Socio-Political Organization and Land-Use, New York: Columbia University Press, 1974.
75. Swindell, Edward G., Fishing and Hunting Rights of Certain Indian Tribes in Washington and Oregon, U.S. Dept. of Interior, Bureau of Indian Affairs, Washington: Government Printing Office, 1942.
76. Tatham, George, "The Rise of Possibilism" in Introduction to Geography: Selected Readings, Dohrs, Fred E. and Lawrence M. Sommers, eds., New York: Thomas Y. Crowell, 1967, pp. 130-138.
77. Thwaites, Ruben Gold, Original Journals of the Lewis and Clark Expedition, 1804-1806, New York: Arno Press, 1969, 8 vols.
78. \_\_\_\_\_, Early Western Travels, 1748-1846, New York: AMS Press, 1966, 32 vols.
79. Tucker, G. T., Pilot Rock-Emigrant Road, Unpublished research, Pendleton Public Library, n. d.
80. Tyler, Lyman S., A History of Indian Policy, U.S. Department of Interior, Bureau of Indian Affairs, Washington: Government Printing Office, 1974.
81. U.S. Dept. of Interior, Bureau of Indian Affairs, Annual Report of The Commissioner of Indian Affairs, Washington: Government Printing Office, Yearly 1850-1920.
82. U.S. Department of Interior, Bureau of Indian Affairs, Conditions on the Umatilla Indian Reservation, Oregon 65th Congress, 2nd Session, 1918, Washington: Government Printing Office, 1918.

83. U. S. Department of Interior, Bureau of Indian Affairs, The Confederated Tribes of the Umatilla Indian Reservation: Its Resources and Development Potential, Washington: Report No. 236, 1975.
84. U. S. Department of Interior, Bureau of Indian Affairs, Land Planning Committee, Indian Land Tenure, Economic Status, and Population Trends, Washington: Government Printing Office, 1935.
85. U. S. Department of Interior, Bureau of Indian Affairs, Annual Report of the Board of Indian Commissioners, Washington: Government Printing Office.
86. U. S. Department of Interior, Bureau of Reclamation, Umatilla Basin Project, Oregon, Boise: April, 1970.
87. U. S. House of Representatives, Union Calendar No. 790, 82nd Congress, 2nd Session, H. R. Report No. 2503, Investigation of the Bureau of Indian Affairs, Washington: Government Printing Office, December 15, 1952.
88. Vanderwerth, W. C., Indian Oratory: Famous Speeches by Noted Indian Chieftains, Norman: University of Oklahoma Press, 1940.
89. Victor, Frances Fuller, All Over Washington and Oregon, San Francisco: John Carmany Co., 1872.
90. Weinberg, Albert K., Manifest Destiny, Baltimore: Johns Hopkins Press, 1935.
91. Work Projects Administration (W. P. A. ), Inventory of the County Archives -- Oregon, Umatilla County (No. 30), Portland: January, 1942.
92. Zimmerman, Erich, Introduction to World Resources, Henry L. Hunker, ed., New York: Harper and Row, 1964.
93. Statistics obtained from the U. S. Bureau of Indian Affairs, Portland Area Office.
94. Information obtained from the Archives Branch, Federal Records Center, Seattle, Washington.

95. Records of the Confederated Tribes of the Umatilla Reservation
- a. Letter of May 21, 1959. Bureau of Indian Affairs, Portland Area Office, to U.S. Secretary of Interior.
  - b. Letter of June 12, 1959. Glenn L. Emmons, U.S. Department of Interior, to Bureau of Indian Affairs, Portland Area Office.

## REFERENCES NOT CITED

- Barnet, Homer G., "Personal Conflicts and Cultural Change", Social Forces, Vol. 20, pp. 160-171
- Berreman, Joel V., "Tribal Distribution in Oregon", Memoirs of the American Anthropological Association, No. 47, Menasha, Wisconsin.
- Brophy, W. A. and S. D. Aberle, The Indian: America's Unfinished Business, Norman: University of Oklahoma Press, 1966.
- Coan, S. F., "The First Stage of Federal Indian Policy in the Pacific Northwest: 1849-52", Quarterly of the Oregon Historical Society, Vol. 22, March 1921, pp. 46-89.
- Cook, S. F., "The Epidemic of 1830-1833 in California and Oregon", University of California Publications in American Archeology and Ethnology, 1955, pp. 303-325.
- Cotroneo, Ross R. and Jack Dozier, "A Time of Disintegration: The Coeur D'Alene and the Dawes Act", The Western Historical Quarterly, Vol. 5, No. 4, October 1974, pp. 46-89.
- Cressman, L. S., The Sandal and the Cave--The Indians of Oregon, Portland: Beaver Books, 1960.
- Davenport, T. W., "An Object Lesson in Paternalism", Quarterly of the Oregon Historical Society, Vol. 4, No. 1, March, 1903, pp. 33-54.
- Davies, K. G., ed., Peter Skene Odgen's Snake Country Journal, 1826-27, London: 1961.
- Deutsch, Herman J., "Indian and White in the Inland Empire: The Contest for Land", Pacific Northwest Quarterly, Vol. 49, April 1956, pp. 44-51
- Devereux, George and E. M. Loeb, "Antagonistic Acculturation", American Sociological Review, Vol. 8, 1943, pp. 133-147.
- Dice, Lee K., Man's Nature and Nature's Man: The Ecology of Human Communities, Ann Arbor: University of Michigan Press.

- Dozier, Edward, "Forced and Permissive Acculturation", The American Indian, Vol. 7, 1955, pp. 38-45.
- Elkin, A.P., "The Reaction of Primitive Races to Whiteman's Culture", The Hibbert Journal, Vol. 35, 1937, pp. 537-545.
- Ernst and Ernst, Umatilla Indian Reservation: Program for Economic Development, Washington, D.C., October, 1969.
- Forde, C.D., Habitat, Economy and Society: A Geographical Introduction to Ethnology, London: Methuen and Co., 1934.
- Forrester, J.W., Century Old Umatilla County, Pendleton: East Oregonian, 1962.
- French, Katherine and David French, "The Warm Springs Indian Community--Will It Be Destroyed?" The American Indian, Vol. 7, 1955, pp. 7-17.
- Fried, Morton H., "Land Tenure, Geography, and Ecology in the Contact of Cultures", American Journal of Economics and Sociology, Vol. 11, 1952, pp. 391-412.
- Fritz, Henry E., The Movement for Indian Assimilation, 1860-1890, Philadelphia: University of Pennsylvania Press, 1963.
- Garland, John H., "The Columbia Plateau Region of Commercial Grain Farming", Geographical Review, Vol. 24, July 1934, pp. 371-379.
- Haas, Theodore H., "The Legal Aspects of Indian Affairs from 1887-1957", Annals of the American Academy of Political and Social Science, Vol. 311, 1957, pp. 12-22.
- Haebaaker, David S., History of Wheat Growing in Oregon During the Nineteenth Century, Unpublished M. A. thesis, University of Oregon, 1948.
- Hough, Henry W., Development of Indian Resources, Denver: World Free Press, Inc., 1967.
- Hunt, Jack, "Land Tenure and Economic Development on the Warm Springs Reservation", Journal of the West, Vol. 9, No. 1, January 1970, pp. 93-109.

- Jackson, Helen H., A Century of Dishonor: A Sketch of the U.S. Government Dealings With Some Indian Tribes, Boston: 1890.
- Kappler, Charles J., Indian Affairs, Laws, and Treaties, Washington: Government Printing Office, 1903.
- Kinney, J.P., Indian Forest and Range: A History of the Administration and Conservation of the Redman's Heritage, Washington Forestry Enterprises, 1950.
- Kroeber, A. L., "Nature of the Land Holding Group", Ethnohistory, Vol. 2, Fall 1955, pp. 303-314.
- Leupp, Francis E., The Indian and His Problem, New York: Scribner and Son, 1910.
- Levitan, S. A. and B. Hetrick, Big Brother's Indian Programs With Reservations, New York: McGraw-Hill, 1971.
- Mardock, Robert Winston, The Reformers and the American Indian, Rolla: University of Missouri Press, 1971.
- Meinig, Donald M., Isaac Stevens: Practical Geographer of the Early Northwest", Geographical Review, Vol. 65, No. 4, 1955, pp. 542-558.
- Officer, James, "The American Indian and Federal Policy" in The American Indian in Urban Society, Jack O. Waddell and O. Michael Watson, eds., Boston: Little and Brown Co., 1971.
- Oliphant, J. Orin, "Winter Losses of Cattle in the Oregon Country", Washington Historical Quarterly, Vol. 23, 1932, pp. 13-24.
- Pearce, Roy Harvey, The Savages of America: A Study of the Indians and the Idea of Civilization, Baltimore: Johns Hopkins Press, 1953.
- Peterson, Ethel M., Oregon Indians and Indian Policy, 1849-1871, Unpublished M.S. thesis, University of Oregon, 1934.
- Pitt-Rivers, George Henry Lane Fox, The Clash of Culture and the Contact of Races, London: Routledge, 1927.
- Priest, Loring B., Uncle Sam's Stepchildren: The Reformation of U.S. Indian Policy, 1865-1887, New York: Octagon Books, 1942.

- Provinse, John, "Tenure Problems of the American Indian" in Land Tenure, Parsons, Penn and Raup, eds., Madison: University of Wisconsin Press.
- Scott, Leslie M., "Indian Diseases as Aids to Pacific Northwest Settlement", Quarterly of the Oregon Historical Society, Vol. 29, 1928, pp. 144-161.
- Shapiro, H. L., "The Mixed-Blood Indian" in The Changing Indian, Oliver La Farge, ed., Norman: University of Oklahoma Press, 1942, pp. 19-28.
- Spaulding, Kenneth A., On the Oregon Trail: Robert Stuart's Journey of Discovery, 1812-13, Norman: University of Oklahoma Press, 1953.
- Spindler, George D. and Louise S., "American Indian Personality Types and their Socio-Cultural Roots", Annals of the American Academy of Political and Social Sciences, 1957, pp. 147-157.
- Steiner, Staley, The New Indians, New York: Harper and Row, 1968.
- Stevens, Hazard, The Life of Isaac Ingalls Stevens, Boston: Little and Brown Press, 1901, 2 vols.
- Steward, Julian H., Theory of Culture Change: The Methodology of Multilinear Evolution, Urbana: University of Illinois Press, 1955.
- Sutherland, Jonnie D., Umatilla Agricultural Landscape, 1700-1973, An Historical Geography of a Region of the Oregon Country, Unpublished M. A. thesis, University of Oregon, 1973.
- Sutton, Imre, Indian Land Tenure: Biographical Essays and a Guide to Literature, New York: Clearwater Publishing Co., 1975.
- \_\_\_\_\_, "Sovereign States and the Changing Definition of the Indian Reservation", Geographical Review, Vol. 66, No. 3, July 1976, pp. 281-295.
- Thompson, Laura and Alice Joseph, "White Pressures on Indian Personality and Culture", American Journal of Sociology, Vol. 53, 1951, pp. 17-22.

- Terrell, John U., Land Grab: The Truth About Winning the West, New York: Dial Press, 1972.
- Tuan, Yi Fu, Topophilia: A Study of Environmental Perception, Englewood Cliffs: Prentice Hall, 1974.
- Unrau, William E., "The Civilian As Indian Agent: Villain or Victim?" The Western Historical Quarterly, Vol. 3, No. 4, October 1972, pp. 406-420.
- Walker, Dward E., Jr., "An Examination of American Indian Reaction to Proposals of the Commissioner of Indian Affairs for General Legislation, 1967", Northwest Anthropological Research Notes (NARN), Vol. 1, No. 1, 1967, pp. 1-178.
- Watkins, Arthur V., "Termination of Federal Supervision: The Removal of Restrictions Over Indian Property and Persons" in American Indians and American Life, George E. Simpson, and J. Milton Yinger, eds., The Annals of the American Academy of Political and Social Sciences, 1957.
- Wilson, H. Clyde, "An Inquiry into the Nature of Plains Indian Cultural Development", American Anthropologist, Vol. 65, No. 2, April 1963, pp. 355-369.
- Wolff, Anthony, "Subdividing the Reservations" in Unreal Estate, Sierra Club publication, 1974.
- Wood, T.A., "The Cayuse War", Oregon Native Son, May 1900-April 1901.