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Remembering Archie Phinney, A Nez Perce Scholar

William Willard and J. Diane Pearson, editors

Introduction	William Willard and J. Diane Pearson	1
The Nez Perce Anthropologist	William Willard	5
Archie Phinney, the F.B.I., and the F.O.A.	David Price	21
Numipu Land Loss: Following Archie Phinney's Research	J. Diane Pearson	33
Numipu Winter Villages	J. Diane Pearson with Peter J. Harrington, Cartographer	63
Numipu Narratives: The Essence of Survival in the Indian Territory	J. Diane Pearson	67
Revisiting Phinney: Sixty-five Years after "Numipu"	Benedict J. Colombi	97
References Cited	J .Diane Pearson, Assembler	113

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RODERICK SPRAGUE AND DEWARD E. WALKER, JR.

EDITORS

Remembering Archie Phinney, A Nez Perce Scholar

William Willard and J. Diane Pearson, special volume editors

List of Tables ii

List of Figures iii

Acknowledgments v

Introduction William Willard and J. Diane Pearson 1

The Nez Perce Anthropologist William Willard 5

Archie Phinney, the F.B.I., and the F.O.A. David Price 21

Numipu Land Loss: Following Archie Phinney's Research J. Diane Pearson 33

Numipu Winter Villages J. Diane Pearson with Peter J. Harrington, Cartographer 63

Numipu Narratives: The Essence of Survival in the Indian Territory J. Diane Pearson 67

Revisiting Phinney: Sixty-five Years after "Numipu" Benedict J. Colombi 97

References Cited J .Diane Pearson, Assembler....................113

LIST OF TABLES

Table	Page
Table 1. Single women; heads of families	94
Table 2. Idaho's rural population trends, 1890–2000	106
Table 3. Farming trends in west-central Idaho, 1940–1997	107
Table 4. Farmland inequality in west-central Idaho, 1997	108
Table 5. Indian farm operators in west-central Idaho, 1930–1997	109
Table 6. Land ownership within the Nez Perce Reservation: 1 February 2002	110
Table 7. Original allotment information	110

LIST OF FIGURES

Figure		Page
Fig. 1	Nez Perce Delegation to Washington, ca. 1877, Archie Phinney, rear right.	6
Fig. 2.	Archie Phinney, Sweetwater area, 1946.	20
Fig. 3.	Numipu Reservations, 1855–1863.	38
Fig. 4.	Map of the Nez Perce Reservations and the Wallowa Valley, 1876.	40
Fig. 5.	Common use area, per Treaty of 17 October 1855.	41
Fig. 6.	Map submitted to Congress with the Treaty of 1855.	46
Fig. 7.	Numipu gold rush regions.	47
Fig. 8.	Map of the Nez Perce and Salmon River gold mines in WT.	49
Fig. 9.	Nez Perce Reservation, IT; 90,710.89 acres.	57
Fig. 10.	Numipu Reservation; checker boarded effect, ca. 1991.	61
Fig. 11.	Numipu winter villages.	64
Fig. 12.	Jesse Paul, Charlie Wolf, Samuel John, Dollie Gould, & Rebecca Little Wolf.	83
Fig. 13.	Harriet Mary.	84
Fig. 14.	Luke Phillips.	85
Fig. 15.	Nez Perce Sun Dance, Kiowa Calendar, 1883.	88
Fig. 16.	Nez Perce Reservation boundaries and ceded territory.	99
Fig. 17.	Nez Perce Reservation contemporary land ownership pattern.	100

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Gathering the materials for the Numipu articles in the Phinney memorial edition was a labor of love and logistics. My heartfelt thanks to Bill Willard, who answered uncountable emails and telephone calls and helped to make the many connections required for ethnohistorical research. Thanks to Diana Mallickan at the National Park Service, because her email messages, relayed to me through Bill Willard, provided invaluable help. Thanks too, Diana, for the introduction to your cousin, Jesse Paul. Thanks also to Patsy Tate and the archivists at the Special Collections, Washington State University for their exceptional cooperation and help.

Bill covered Washington and Idaho, while I expanded the search from California to Oklahoma, Pennsylvania, and Arizona. John Berry, Native American Studies librarian at the Ethnic Studies Library, University of California, Berkeley imported manuscripts and microfilms, helped me locate maps and charts, and scrounged the library-internet to keep the research moving. John also introduced me to Dr. Mary Jane Warde, Curator of American Indian History, Oklahoma Historical Society. Dr. Warde's intimate knowledge of the OHS collections and her rapid-response emails were above and beyond the call of duty. Richard Tritt, Photo Archivist, and Barbara Landis, Indian School Biographer, of the Cumberland County Historical Society accelerated photograph and biographic material orders to meet my deadlines. Their help, expertise, and prompt responses are much appreciated. Special thanks are extended to Jesse Paul, Nez Perce pilot and Patricia Penn Hilden, Nez Perce professor, for sharing their stories with me. Jesse Paul is trying to determine when and where his great-grandfather Seven Days Whipping died in the Indian Territory. Pat Hilden is still searching for Mary Blue, and other family members who remained in the Territory.

On 17 September 2002, we received the sad news that our cartographer, colleague, and friend, Peter Harrington had passed away. Peter's journey to the sand hills was unexpected, but mercifully brief, and he is missed by all who knew him.

William Willard and Diane Pearson

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Remembering Archie Phinney, A Nez Perce Scholar

Introduction

This remembrance volume follows the concerns and scholarship of an extra-ordinary man and Numipu scholar, Archie Mark Phinney (1903–1949). Phinney's authorship, ideas, research data, and background materials are pertinent to contemporary American Indian Studies. Though not an overwhelming assemblage, the remembrance recognizes certain key elements of Phinney's life and research. Foremost are Phinney's *Nez Percé Texts*, his nearly five years as an American scholar in Stalinist Russia, and his long struggle to establish a constitutional Nez Perce government. Phinney's involvement in the National Congress of American Indians, his interest in late twentieth century Nez Perce nationalism, and his contributions to Nez Perce ethnohistory are also discussed.

With this memorial, special efforts counter misinformation about Phinney that has accumulated since his untimely death in 1949. Though Phinney's parents were both enrolled members of the Nez Perce nation, he did not attend federal Indian schools, nor did he obtain a post-secondary degree from Columbia University. The memorial makes clear the circumstances under which Phinney went to Leningrad, and that he performed no ethnographic fieldwork while in Siberia. There is also no evidence that Phinney was a member of the Communist Party, and that the Wheeler-Howard Act, (i.e., Indian Reorganization Act [IRA]), was a Communist plot. Correction of an erroneous obituary in the *American Anthropologist* (1950:442) remains another goal of the Memorial. According to the obituary:

> Archie Phinney, who died last November, was born Sept. 4, 1903, at Culdesac, Idaho. He received his Bachelor of Arts degree from the University of Kansas at Lawrence in 1926. He was the first Nez Perce Indian to be graduated from the University of Kansas. He took graduate courses in Anthropology at George Washington University in Washington, D.C., and Columbia University in New York. Entering the Office of Indian Affairs in 1926 as a field clerk, Mr. Phinney gradually worked his way up to the superintendency of the Northern Idaho Agency. In 1932 he prepared a program for the Nez Perce tribe which contained many elements similar to those later incorporated into the Indian Reorganization Act of 1934. During his service with the Bureau, Mr. Phinney was Field Agent at Minneapolis, Albuquerque, Denver, and Window Rock, Arizona. He had been Superintendent of the Northern Idaho Agency since 1944. In 1948, Mr. Phinney was awarded the Indian Council Fire Achievement Award, given annually to an Indian whose accomplishments are considered worthy of national recognition. He was the first member of the Nez Perce tribe to received that honor.

Absent from the obituary are Phinney's correct date of death on 27 October 1949, and the idea that he "gradually" worked his way up from a clerk's position to that of a Superintendent of the Indian Bureau is faulty. The authors of the obituary failed to mention that Phinney resigned from the Indian Bureau in 1928, and that he spent nearly five years as a graduate student at the Museum of Anthropology and Ethnography in Leningrad. After earning his baccalaureate, Phinney was employed by the Bureau of Indian Affairs (BIA.) in Washington, DC, where he received his formal introduction to ethnology and linguistics from Trueman Michelson and J. N. B. Hewitt at George Washington University. After leaving the BIA, Phinney became a working student at New York University, and later studied with Franz Boas at Columbia University. Phinney, enjoying a unique student-mentor relationship with Boas, was sent to Idaho to do linguistic fieldwork in the Nez Perce language. When his fieldwork was completed, Phinney returned to New York, where Boas made special travel and study provisions for him. Boas arranged for Phinney to study at the Museum of Ethnography and Anthropology of the Soviet Academy of Science, where Phinney studied for almost five years (1932–1937). While in Leningrad, Phinney converted his Nez Perce field notes into the published *Nez Percé Texts*, and into the unpublished *Nez Percé Grammar*. Phinney returned to the United States in 1937, and in October was hired by the BIA as a field agent for the Reorganization Division, assigned to Minneapolis and the Great Lakes region.

The Reorganization Division was created to carry out the policies of the Indian Reorganization Act of 1934 (Wheeler-Howard Act, 25 U.S.C.A. SS461), under the direction of Commissioner of Indian Affairs (CIA) John Collier. The Act created the foundations for a system of autonomous tribal governments within the political and economic structures of the United States. About half of all federally recognized tribes accepted the constitutional governments, and non-consenting tribes were brought into the program in various ways. Central to the IRA was the veto power held by the Secretary of the Interior over all tribal governments. The Secretary of the Interior also had final approval on matters of federal trust responsibility over tribal lands, minerals, and water resources. As Phinney and the other agents continued their work, conservative western elements in the United States Congress, led by Senator Arthur V. Watkins (R., Utah), wanted to end federal recognition of Indian tribes and to terminate federal control of natural resources on Indian reservations. In 1942, the United States Congress refused to allocate funding for the Reorganization Division, and employees of the division were reassigned within the BIA After a series of transfers, Phinney was reassigned as Superintendent of the Northern Idaho Agency, which included Fort Lapwai, the Nez Perce Reservation.

After 1939, Phinney also served as an advisor to a group of Nez Perce who sought to establish a strong Nez Perce tribal government. This task dovetailed with his position as a Reorganization Division field agent, because the agents were assigned to assist tribes with the development of written constitutions. In 1945, as Superintendent of the Idaho Agency, Phinney was relocated into the geopolitical center of the long campaign to establish a Nez Perce tribal constitution. Opposition to strong Nez Perce self-government had been led by a group who defeated the IRA in 1934. The successful campaign to defeat the IRA was based on assertions that under self-government, tribal lands would be subject to taxes, that BIA supervision and obligations would end, and that private property would be lost. Another problem that deeply concerned Phinney was the legacy of the Nez Perce nation as a conquered people, who struggled within the colonial contexts of the United States. Phinney recognized a history of land loss, internal colonization of Nez Perce governance, military invasions, dislocations, and a series of treaties and federal allotment of Nez Perce lands that had been disastrous for the Nez Perce. The lack of an active, authoritative voice in all of these processes was described by Phinney in his article "Numipu Among the White Settlers" (Phinney 2002).

Phinney realized that the power of the United States was exponentially greater than anything the Nez Perce nation could ever exert, and that the BIA had replaced previous forms of indigenous governance. Phinney also recognized the political responses of people who had been colonized internally to accept their roles as BIA dependents, and who wished to preserve their roles in limited Nez Perce governance by rejecting the IRA Recognizing that people felt that regardless of what they did, the BIA would continue to make all pertinent decisions, Nez Perce, concerned with a stronger tribal government, continued to press for a constitutional government. The colonial-dependent opposition to the constitution was able to defeat the constitution in 1940, and again in 1946. Meeting in March of 1948, the Tribal Business Committee opted to draft a new tribal code and to present it to the General Council for approval. Three Council members, Joseph Blackeagle, Harrison Lott, and Angus Wilson were elected to draft the new constitution, which was passed by a simple majority. A nullification campaign was set into place by the anti-constitutional forces, and a General Council was called for May 1949 to discuss their charges. The colonial-dependent factions charged that increased self-government would result in the loss of BIA services, that the constitution had been forced on the tribe by the BIA, and that the document was not what people had expected. They also charged that monies were being spent illegally, and that governing bodies had taken too much authority upon themselves. The vote to reject the 1948 constitution was 66 to 12. The vote would have to stand, unless irregularities in voting procedures could be proven. An investigation revealed that several ineligible voters had participated in the balloting, and the CIA declared the vote invalid.

At the center of the political firestorm, Phinney was immediately faced with attempts to amend the constitution by the anti-IRA factions. A representative was chosen to meet with dissatisfied members of all of the factions to try to determine which sections of the constitution should be amended. Once this was complete, the way would be open for another vote on the constitution. 27 October 1949, forty-six-year-old Archie Phinney unexpectedly passed away. Legends and whispers continue to surround his death, but the one that we enjoy is that Phinney's spirit returns to his old office after midnight, where he works on projects that he did not have time to complete.

This narrative follows the flow of Phinney's life from Idaho to the Soviet Union, and his return to Idaho (Fig. 2). Involved in the Phinney chronicles are the political and social cross-currents of the 1930s and 1940s. Phinney encountered Marxist theory in Stalinist Russia, the mysticism of John Collier, Indigenism among other reorganization agents, and internally colonized systems of tribal governance. Excerpts from Phinney's letters from Russia are included in this Memorial because they demonstrate the life and times of the man. Since Phinney wrote from Stalinist Russia, some of his thoughts were purposefully truncated or vague, but the richness of his ideas and experiences emerges from the excerpts. Phinney was also exposed to right wing political powers who were attempting to terminate federal relationships with American Indian tribes. Phinney recognized the federal efforts to eliminate tribal governments and reservations, to abrogate American Indian treaties, and to ignore Indigenous sovereignty in any form. He also recognized the history of land loss, alienation of indigenous governing forms, and a history of colonization, dislocation, and internal colonization that we present in this Memorial.

During the transition period from Reorganization Division to Superintendent of the Idaho Agency, Phinney was one of three people who actively created a support network within the BIA for the development of a national Indian organization. With the support of CIA, John Collier, Archie Phinney, Charles E. J. Heacock, and D'Arcy McNickel laid the groundwork for creation of the National Congress of American Indians. A series of memoranda in this memorial illuminate Phinney's thoughts about the National Congress of American Indians during its formative years and indicate the nature of his involvement in the formation of the organization.

We hope that this memorial refutes the rather sad obituary that offered no sense of the man, Archie Phinney. Utilizing Phinney's letters, manuscripts, articles, correspondence, memos, notes, research data, and materials from his book, *Nez Percé Texts*, and portions of his unfinished manuscript, *Nez Percé Grammar*, we have sought Phinney's voice and direction. We understand that without the opportunity to interview Phinney, we must accept responsibility for our thoughts and comments, and we express our appreciation for the new dimensions garnered by following Phinney's research.

Important to this remembrance volume are articles that transition from Phinney's research. Following land loss naturally leads to questions concerning the refugee Nez Perce in Canada, the expatriate Nez Perce exiled to the Indian Territory and their survival, and to contemporary issues that reflect the changes that Archie Phinney addressed.

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The Nez Perce Anthropologist

William Willard

ABSTRACT

Nez Perce linguist, anthropologist, Bureau of Indian Affairs superintendent, and American Indian activist; Archie Phinney left his home in Culdesac, Idaho to become one of a select group of Americans Indians mentored by Franz Boas. Phinney avoided government or religious schools, and gained a college education that took him to graduate studies in the Soviet Union and exposed him to two of the world's leading anthropologists and their differing methodologies. Mentored by Franz Boas and Vladimir Bogoraz, fluent in Numipu and English, and a student of the Russian language, Phinney followed American Indian scholars William Jones and Ella Cara Deloria in a renaissance of American Indian languages and cultures. As a published author, doctoral scholar, and world traveler, Phinney learned the arts and crafts of anthropology and ethnography at home, in the field, and in the Soviet Union. Returning from Russia to participate in the development of Indian Reorganization governments, Phinney moved into the field of applied anthropology as a high-ranking Bureau of Indian Affairs officer. As an American Indian intellectual of the 1930s and 1940s, Phinney joined D'Arcy McNickle and others in forming the National Congress of American Indians. Phinney's *Nez Percé Texts* and various publications, his involvement with John Collier and the Indian Reorganization Act, and testimonies from Charles E. J. Heacock (1945), Franz Boas, and Ralph Maud (1982) speak to the breadth and depth of Phinney's legacy.

Introduction

Archie Phinney was born at Culdesac, Idaho on the Nez Perce Reservation in 1905. He was the child of Fitch and Mary Lily Phinney, enrolled members of the Nez Perce Tribe of Idaho. Fitch Phinney was a grandson of two non-Indian settlers in the Clear Water Valley, William Phinney and Colonel William Craig, who both married Nez Perce women. His mother, Mary Lily Phinney (Wailatpu) was a monolingual Nez Perce speaker, as recorded by the 1920 federal census. At the time of Archie Phinney's birth, the Nez Perce reservation was a remnant of the Nez Perce homeland that had existed at the beginning of the nineteenth century.

The United States, represented by Isaac I. Stevens, Governor and Superintendent for Indian Affairs of Washington Territory, and Joel Palmer, Superintendent for Indian affairs for Oregon Territory made a treaty in 1855 with representatives of Nez Perce bands who relinquished title to much of the ancient homeland. Over time, the Nez Perce reservation became an internal colony of the United States, with the Bureau of Indian Affairs, an agency of the Department of Interior, responsible for management of the reservation.

One important factor affecting Archie Phinney's early life was that he did not attend Christian mission schools or federal Indian boarding schools. Phinney was sent to public schools in Lapwai, Idaho where he graduated from high school in 1923 (Fig. 1). After graduation, Phinney approached the Bureau of Indian Affairs (BIA) reservation superintendent, Oscar Lipps, to ask how he might go to college. No records indicate why Archie was interested in going to college. The request was outside Lipps' experience, who had not received such a request before. Lipps was able to assist Phinney in going to college. Lipps called the chancellor of the University of Kansas, who he knew, and arranged for Phinney to receive a tuition free scholarship. Then Lipps contacted the administrators at Haskell Indian School, located in Lawrence, Kansas for additional help. Haskell offered Phinney room and board, in exchange for working nights and Saturdays at the school. Lipps wrote that Archie cut wood all summer to earn money for clothing and his train ticket to Lawrence.

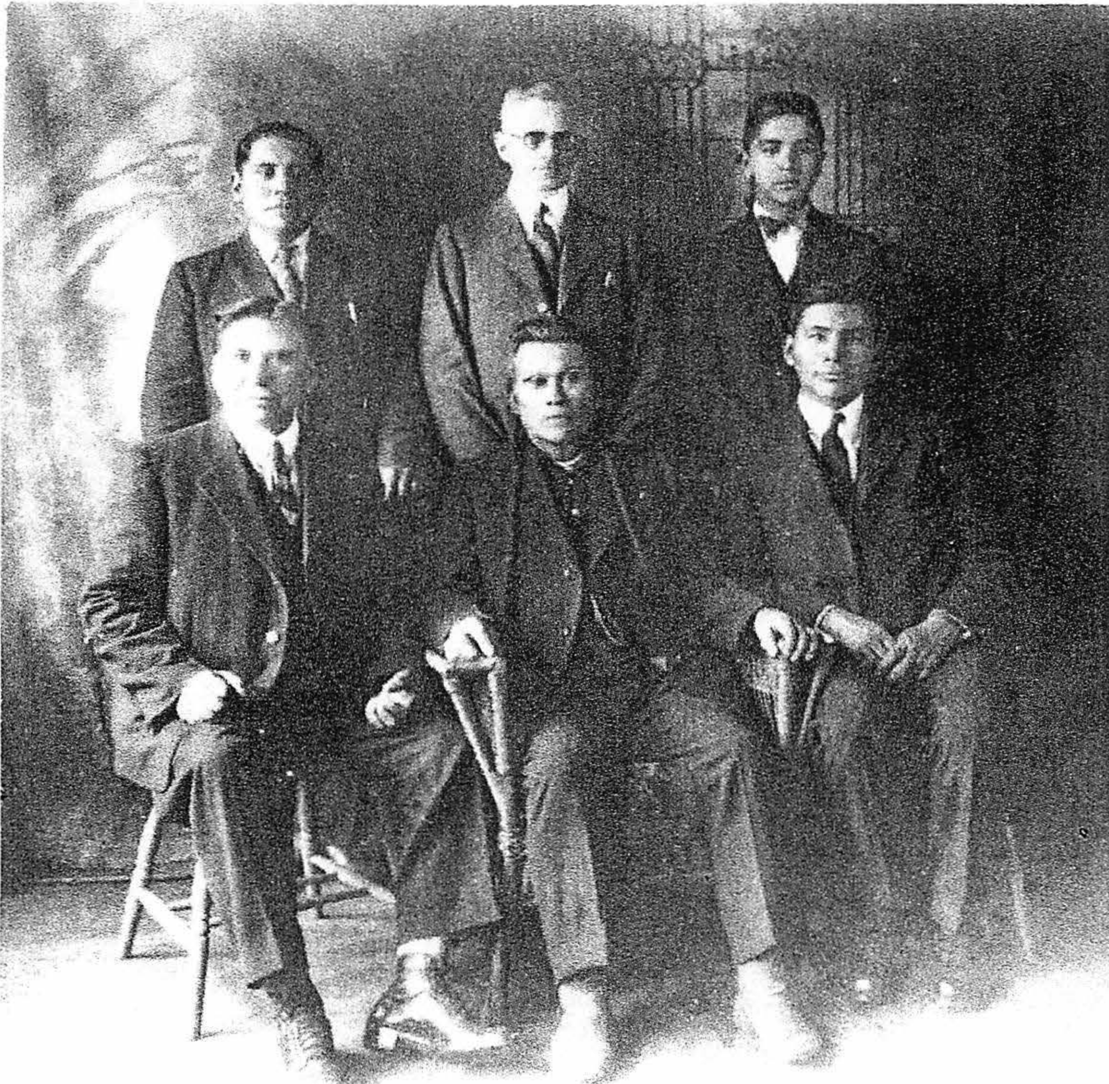

Fig. 1. Nez Perce Delegation to Washington, DC, ca. 1877: (front to back, left to right) Silas Whitman, Sam Morris, Harry Wheeler, Caleb Carter, unknown, Archie Phinney. Photo by A. F. Vassar (NEPE-HI-2275, NPS, Spalding, ID).

At Kansas (KU), Phinney majored in sociology, and earned letters in baseball in 1925 and 1926. Though unwilling to report Phinney's precise grades, the KU registrar's office indicates that Phinney did very well in college. No documents or letters give more than this basic information about the young Nez Perce man who came to Lawrence, Kansas; he worked hard and did well in school. When Phinney graduated in 1926, like other Indian college graduates, he went to Washington, DC and took a low-level position with the federal government. It is not known if Phinney worked in the mail room, but that may have been his starting point in the BIA.

Phinney began to craft his education in anthropology that year (1926), under the tutelage of J. N. B. Hewitt and Trueman Michelson, members of the Bureau of American Ethnology, and faculty members at George Washington University in Washington, DC. Michelson was an international authority on Algonquian languages and J. N. B. Hewitt performed extensive studies on the related languages he included under the title of Shapwailutian languages; Nez Perce, Yakama, Klamath, Modoc, and Palus. Phinney started his anthropological career as Hewitt's student, working on Nez Perce language and mythology (Phinney and Hewitt 1926, 1927). The two composed studies of a pair of Nez Perce myths, "Itsayayay waq (ka) Hemakis Piswa" (The Coyote and the Big Rock) and "Itsayayay waq Naglo Kaikavots" (Coyote and the Five Raccoons). The two coyote stories appear to be prototypes for Phinney's later *Nez Percé Texts*. Phinney also left a collection of notes on Nez Perce grammar based on structures in the Nez Perce language that seem to lead to the grammar which he created between 1935 and 1936.

In June 1927, Phinney contacted Franz Boas, chair of the anthropology department at Columbia University seeking "arrangement through you whereby I could assist in your department with Indian language study within my particular sphere, and also study under you in some of your classes" (Phinney to Boas: 1927 June). Boas sent a brusque and unwelcoming reply to Phinney. Phinney's next move was to resign from the BIA and go to New York to present his case in person. Phinney began taking classes at New York University and working part time, and then visited Boas to make a personal presentation.

Boas could not ignore that Phinney was a native speaker of an American Indian language with a BA. Neither could he ignore the demonstrated academic interest in those languages, since Phinney was taking graduate classes with Boas' former students and colleague-collaborators, Truman Michelson and J. N. B. Hewitt. Obviously literate and decidedly aggressive, Phinney camped on Boas' doorstep.

Boas did develop an interest in Archie Phinney and began finding funds for his maintenance. Boas (18 March 1919) wrote a note marked "Anthropology," as an aide memoir to himself, about Phinney: "He is quite intelligent and has fair knowledge. I am trying to train him to become an investigator, particularly of his own tribe. I think I can find funds for his support during the coming year."

Dr. Boas convened a meeting of the Committee on Research on American Indian Languages which was composed of Franz Boas, chair, Leonard Bloom and Edward Sapir. There was also a seven person advisory committee. All of the committee members were former Boas students who had become colleague-collaborators. The committee members found funds for Archie Phinney to return to Idaho to do field work collecting Nez Perce language texts. The Committee approved $1,200.00 to support Phinney for five and a half months of field work in Idaho.

Phinney went home to Culdesac, Idaho in September 1929 to collect Nez Perce language texts. His chief informant was his mother, Mary Lily Phinney, and other un-named Nez Perce. Phinney had actually started this work three years earlier, in 1926, with his study of Nez Perce myths with J. N. B. Hewitt.

Boasian Indian Anthropologists

At this point, Archie Phinney resembled two other American Indian students who were disciples of Boas; William Jones and Ella Cara Deloria. The trio, Phinney, Jones, and Deloria, all held university degrees, unlike several other American Indians who performed linguistic work for Boas. All three were bilingual speakers of English and their ancestral languages, and were well trained as linguistic anthropologists.

William Jones, a generation older than Phinney, was born in 1871 on the Sac and Fox Reservation in the Indian Territory. Unlike Phinney, Jones had attended a segregated Indian program in the federal boarding school at the Hampton Institute in Virginia. Founded as a school for freed slaves after the Civil War, a separate program had been set up for American Indians in the otherwise all-black school. William Jones also received a scholarship to Andover Academy in Massachusetts, which later qualified him for another scholarship to Harvard University. At Harvard, Jones was introduced to Frederick Ward Putnam and to anthropology. Jones graduated from Harvard in 1900, and went on to Colombia University where he worked with Franz Boas. Jones held a fellowship and an assistantship in the department of anthropology (Rideout 1912:15–20)

The three students came to Columbia at different times over almost thirty years. During this time, Boas set all three to work on similar tasks with native languages; first a text drawn from myths, then a grammar.

Jones' dissertation was titled "Some Principles of Algonquian Word Formation" and his publications focused on Algonquian topics, especially the Fox or Mesquakie tribe. In 1906, Jones ventured outside of his Algonquian interests, because there were no employment possibilities to do fieldwork for the Field Columbian Museum. Fieldwork was available in northern Luzon of the Philippine Islands, where Jones collected material culture items from the Ilongot people. On 28 May 1909, while trying to leave Ilongot, Jones was attacked with men wielding spears and bolos who he thought were his helpers. Severely injured, Jones died later in the day from his wounds (Rosaldo 1980: 259).

Franz Boas (1909:137–139) wrote of William Jones' in his obituary published in the *American Anthropologist*: "His training for work in North America was such that nobody is ever likely to fill his place."

Ella Cara Deloria was born in 1888 (or, depending on the source, in 1889), on the Yankton Sioux Reservation in South Dakota. Like William Jones, she was older than Archie Phinney. Deloria attended mission schools and denominational colleges until 1913, when she transferred to Teacher's College, Columbia University where she received a BS in 1915. Ella Cara Deloria attracted the attention of Franz Boas while she was at Columbia, where he proposed that she work on Dakota linguistics, and offered minimal financial support for her work. About 1927, Deloria began to work extensively with Fran Boas, a relationship that continued until his death in 1942. Unlike Phinney, Deloria went to several reservations to collect texts, make word lists, and generally worked as a field linguist and editor of language texts. Deloria also translated language texts collected by other people for Boas. There are thousands of pages of notes of texts, translations, and notes among Ella Cara Deloria's papers in the American Philosophical Society Library and in the Institute of Indian Studies at the University of South Dakota. The quantity of Deloria's work reflects her continuing scholarship through a long and productive life that ended 12 February 1971.

Phinney returned to New York in 1930 to work on the texts that he had collected in Idaho. Franz Boas had other plans and another trip in mind for Phinney.

Voyage on the "Crazy Ship"

Boas, furthering a long time interest in promoting American-Russian anthropological exchanges through the Jesup North Pacific Expedition (JNPE) of the American Museum of Natural History, was arranging for Phinney to go to the Museum of Anthropology and Ethnography (MAE) in Leningrad, in the Soviet Union. Boas worked through his close friend, JNPE veteran Vladimir Bogoraz. Bogoraz, in turn, arranged through Nicolai Michailovich Matorin, Director of the Museum to arrange for Phinney to receive an aspirant award, equivalent to a graduate student funded scholarship, at the Museum of Anthropology and Ethnology.

Boas of Columbia University and Bogoraz of the Museum of Anthropology and Ethnography shared many commonalities; both were secular Jews, both were internationally recognized anthropologists, they were the leading anthropologists in their respective nations, and they were surrounded by students and former students who became colleague-collaborators. Boas was a full professor at Columbia University, a private university in New York City, while Bogoraz held an equivalent rank in the Museum of Anthropology and Ethnography, a branch of the Academy of Science, located on the banks of the Neva River in Leningrad. The Academy was founded by the Russian Czar, Peter the Great, as part of the Russian government, where it remains today.

Vladimir Bogoraz was directly affected by official government policy under the Communist Party government after the Russian Revolution. As Stalinist policies dictated, Community Party correctness changed after 1937; interference increased to severe repression through arrests, imprisonment, sentences to the Gulag, exile to Central Asia, and executions. For some individuals all of these possibilities occurred before a final sentence.

Franz Boas was indirectly affected by government interference and political correctness. Except for World War I and again in the later 1930s, Boas was under FBI surveillance until his death in 1942. He was accused of being a Marxist, while Bogoraz had come under criticism for not being a Marxist. Neither man was a Marxist, nor did the accusations against them have anything to do with ideologies. Ambitious others only lodged accusations against the men so that they could, by political preferences, emerge as winners in the bureaucratic in-fighting of the day.

When Phinney returned from collecting language texts in Idaho, his data were linguistic and only incidentally ethnographic. His earlier work with J. N. B. Hewitt was also linguistic, in grammar and mythology. Boas, however, had the idea that Phinney would be the American anthropologist who would do ethnographic field work in Siberia. Boas made persistent efforts to find some one to send to the Soviet Union in attempts to continue and expand the JNPE. Phinney's interest in the national minority policies of the Soviet Union, therefore, may well have been only a reflection of Boas' search to find someone who would study Siberian native people.

There are echoes of the JNPE in Boas' efforts to develop an exchange program of American and Soviet anthropologists. His search, Boas said, was for an American anthropologist who would study Soviet methods for the incorporation of Siberian natives into the Soviet state. Boas also felt that if a Soviet anthropologist could perform a study of the BIA's activities in Alaska, that material could serve as a basis for comparative analysis of the impacts of the two national policies on the native peoples of the Arctic. There would be, in effect, American and Soviet anthropologists doing follow-up studies of the JNPE ethnographies. Boas wrote to Nikolai M. Matorin, the director of the Museum of Anthropology and Ethnography, Boris E. Skvirsky, and the Commissioner of Indian Affairs Charles J. Rhoads, who was not very interested in the project, seeking support to send Phinney to Leningrad. Skvirsky (15 January

1929), Director of the Soviet Information Bureau, located in Washington, DC agreed with Boas that: "It would be very well to arrange for a Russian anthropologist to be sent to this country to study your methods as a preparation among the Alaska Indians as suggested by you."

Dr. Boas suggested that the experience of the proposed Siberian study might be useful when Archie Phinney returned to the United States. "Through my relations to the anthropological work of the Academy of Sciences it has so happened that he (Archie Phinney) has received an invitation to study the problems relating to Siberian natives which are in many regions quite analogous to our Indian problems" (Boas to C. J. Rhoads 31 December 1931).

Phinney, Boas said, was very interested in the practical problems confronting Indians. Boas asked for an appointment for Phinney with the Commissioner of Indian Affairs (CIA), and Boas had enough influence so that the CIA agreed to an appointment. After meeting Rhoads, Phinney later described him as only mildly interested in the thought of examining Soviet methods of dealing with indigenous people. Rhoads, according to Phinney, displayed a degree of ignorance and prejudice about Soviet policies.

Boas felt that Soviet methods of dealing with indigenous people were more "humane" than American policies. Boas knew, from his own field experience in "Indian Country" in the U.S., that the forced acculturation methods employed by the United States were not at all humane. Boas never visited the Soviet Union, in spite of invitations to see for himself; if he had, he certainly would not have held that notion. Boas would have found that there was very little dissimilarity beyond the particular imperial language between American and Soviet methods. Internal colonialism, regardless of nation-state, bears many similarities. The Soviets were not, however, demanding forced Christianization of indigenous people, as practiced by the United States, but instead mandated forced Marxist-Leninism.

Boas' ideas of humaneness could have originated from his correspondence and meetings at international conferences outside of the Soviet Union with the JNPE veterans, Bogoraz and Shternberg, his life-long friends. Bogoraz and Shternberg were part of the official system of programs for the Siberian indigenes, called the Committee of the North. Since neither of the men were Community Party members, they were not high level officials.

Bogoraz and Shternberg learned their craft as ethnographers during the period when both were political exiles in the Arctic. They were not academically trained, but were self-taught, doing ethnographic studies of the people among whom they had been exiled. Both men then went on to receive international recognition for their work. They published papers in the English language and attended international conferences. Bogoraz was fluent in English, usually writing in a very American style. Shternberg corresponded with Boas in German, which was Boas' native language. Their students were trained and inspired by their examples. One of the aims of Soviet ethnography was to define the processes of social development as a basis for formulating programs to consolidate all possible forces for cultural and industrial development. Boas' type of ethnography was not an applied social science as was the Soviet system. Boas' system was a salvage operation in which items of material culture were collected for museums, linguistic materials for analysis and storage, and human remains were collected for storage and eventual study. Boas' material was not intended to provide data for the development of programs for the promotion of acculturation and eventual assimilation.

Bogoraz and Shternberg were initially optimistic about the development of beneficial policies and programs for the people of the Soviet Union after the turmoil of the Revolution and Civil War. The two former exiles, who had spent three years in prison and ten years in Arctic exile, emerged from their experiences unbroken. Inspired by Vladimir Bogoraz and Lev Shternberg, many of their students opted to go to the Arctic to work for health programs or

developing schools and cooperatives, in the spirit of applied anthropology and self-sacrifice. The MAE program in the late 1920s and early 1930s, thanks to the influences of Bogoraz and Shternberg, was applied anthropology directed to cultural change for the possible future. Their work was not focused on the past, as practiced by Columbia University anthropologists.

Why was Boas interested in sending Phinney to observe the directed culture change programs of the Soviet system of internal colonialism, when these were the antithesis of Boas' model? This remains in the realm of speculation, because neither Phinney nor Boas left an account of persuasions offered by Boas. Little remains beyond Boas' idea that Phinney should be a valuable asset to the BIA after observing Soviet methodologies and working with Siberian indigenous populations. If this were not sufficient cause for Phinney to chance the risky adventure, it is not known what the winning argument may have been.

During the period that Boas was recruiting and arranging for Phinney to go to the Soviet Union, Edward Sapir was trying to gain Boas' support for funding for Alfred E Hudson, one of Sapir's Yale students, from the Guggenheim Foundation. Hudson was interested in Central Asia and wanted to study with the Central Asian specialist A. N. Samoilovich at the Orientological Institute of the MAE. Boas wrote to fend off Sapir's request for assistance to Hudson: "The Museum in Leningrad has invited, without any suggestion on our part, an Indian, Archie Phinney, to go there and he is on his way now. I presume the principal idea is that he will see what they are doing with the Siberian natives" (Boas to Sapir 25 October 1932). The invitation had actually been extended a year earlier, when Nicolai M. Matorin, Director of the Museum of Anthropology and Ethnography of the Soviet Academy of Sciences sent a cablegram to Franz Boas requesting: "Will You Send Phinney Study Leningrad Academy October" followed by a cablegram to Phinney: "Mr. Phinney Wire Arrival" (Boas 1931). Boas asked for a year's delay so that Phinney could prepare himself in the Russian language. Director Matorin accepted the delay, while Boas also had other practical concerns. Boas told Nicolai Matorin that he was concerned about provisions for Phinney's residence, subsistence, and financial support in Leningrad; Phinney had no money of his own.

Boas received a formal German-language letter from the director which informed "HerrnProfessor Franz Boas Hochgeehrter Herr Professor" of all the advantages "Schuler" Archie Phinney would have available to him at the Museum. There was a list of English speaking people available to work with, and those who would assist Phinney in learning Russian, "der Herren Barton und Gonik aus California." The "Herren" were working in the Museum. Matorin did not add more about "der Herren," because in all probability, Boas already knew who they were. Matorin also mentioned I'ulaia Averkieva, who had recently returned from New York and Barnard College, where she had done fieldwork in British Columbia under Boas' direction. Averkieva was the one Russian student who was part of the exchange that Boas and Bogoraz attempted to put into place. A second MAE student, Lydia Nadezhna, had been readied to come to New York after Averkieva, but there was no funding from either a U.S. or a Soviet source, and the exchange on the Soviet side ended at that point.

"Der Schuler" would study the methodology and the materials of Soviet ethnography and folk cultures of the Soviet Union (a major interest of Matorin himself), as a candidate for a professorship. Phinney would be lodged in the aspirant student residence at no charge, and he would receive his meals plus a cash stipend. Aspirant student status was not a token award.

One year later, Phinney went to Leningrad in October 1932. Why Boas would not assist in finding funds for Alfred Hudson, in spite of several requests from Sapir is not obvious from his correspondence. Matorin and Bogoraz found support for Phinney within the MAE. When Hudson came to Leningrad he came on Yale University funds. There was no competition,

however, between the two men who became friends after Alfred Hudson and his wife, Elizabeth E. Bacon, arrived in Leningrad. The men probably remained in contact upon their return from the Soviet Union, since a copy of Hudson's dissertation was in Phinney's office at the time of Phinney's death. Hudson later worked on the Colville Reservation with Joseph Band descendents as one of the three authors of the report on salvage archaeology behind Grand Coulee Dam in 1939–1940 along with John Collier's son Donald (Collier, Hudson, and Ford 1942).

While in Russia, Phinney met two categories of Americans; some like himself, who were anthropologists at the MAE, or students and others who were employed there though this was not a large group. All were directly, or indirectly, students of Franz Boas. When Phinney arrived, Emanual Gonick and Roy Franklin Barton were already there. Gonick was a University of California student working with Alfred Kroeber, another Boas anthropologist. Barton, although a non-academic who did not have a graduate degree, was in constant correspondence with Kroeber and Boas, from wherever he was in the world. Barton sought Boas' approval for his grant applications to do ethnographic fieldwork throughout the 1930s, just as those people with academic degrees went to Boas for support.

Barton and Gonick were employed in the museum, while a third American, Lucy Knox, who had been at the Bishop Museum in Honolulu with Elizabeth Bacon, was also there for a time. The day before the Hudsons arrived, Knox left to work in Moscow, Russia at the *Moscow Daily News*. Emanuel Gonick left Leningrad to work at the *Moscow Daily News* until 1936, when he returned to California. Boas was kept aware of these happenings either directly through Phinney, or more often through his frequent correspondents, Roy Barton and Averkieva.

Soon after his arrival, Phinney wrote to Boas: "They hold innumerable meetings; student meetings, faculty meetings. I've been to half a dozen already, and they talk for hours about plans. I gathered at once that I must make my approach to Russian ethnography through two paramount positions—Morgan and Marx—I seem to have plunged suddenly into the functioning and practical aspects of this new methodology. I suppose I shall continue to see Russian life confusedly until I get my proletarian glasses" (Phinney to Boas 13 November 1932).

Phinney kept a schedule outside the classroom and museum work, which given the rigors of life in Leningrad, must have kept him occupied. "I have planned a heavy schedule of work for the fall, including three reports for the museum—one on the U.S. Indian reservation system, another on the Nez Perce and the third on folklore. The correction of proof which Mr. Augustin has been sending me from time to time takes precedence, however, over all this other work" (Phinney to Boas 31 October 1933).

The proof from Mr. Augustin was for *Nez Percé Texts*, the collection of myths from Phinney's Idaho fieldwork. Phinney had spent part of his time in Leningrad working on the *Texts* in addition to everything else he was doing. He began work on it soon after he arrived in December 1932. Two months later he wrote: "I am getting along well enough. I've been held up in my texts writing for the past two weeks due to illness. I have received good medical care however, and lately I've been on the job again" (Phinney to Boas 16 February 1933). In May 1933 Phinney informed Boas that there "is more material than I'd estimated. Instead of five or six hundred pages (in long hand) there turned out to be over a thousand. At the present time, I am writing an introduction and notes which I will refer to you later on" (Phinney to Boas May 1933).

On 31 October 1934, Phinney's book was finished and published. Phinney exulted: "I have received a copy of our *Nez Percé Texts*. I am tremendously pleased to see this collection of tales appear at last" (Phinney to Boas 31 October 1934).

Commentary on the *Texts* has always been favorable. "If an intelligent young man from an Indian band went to college, got good training in ethnographic techniques, and then returned home to collect and edit his tribal stories, he would to say the least, be a better bet than your average missionary. That is what we have in the case of Archie Phinney, BA Kansas, 1926; graduate courses in anthropology at George Washington University, Washington, DC thence to Columbia where he had the good sense to work with Franz Boas, who after further training sent him back to work on his home reservation in Idaho during the winter of 1929–1930" (Maud 1982:17).

Vladimir Bogoraz received a copy of the *Nez Percé Texts* in 1935, when he reviewed Phinney's efforts. Bogoraz simply cited particular myths without comment, though he did mention that Phinney should use the correct term Numipu in his future writing and not the French expression, Nez Perce. The review appears to be a collection of particular texts that advances a discussion with Phinney about the myths. There is no record, however, of such a meeting. It is certain that Bogoraz, fluent in English, was familiar with the *Nez Percé Texts* and that he had translated them into Russian for his own information.

Phinney, Barton, and Gonick were all influenced by Bogoraz who was always available for discussions. According to Barton, Bogoraz ordinarily worked late at night, and welcomed anyone who came by his office, even at midnight, for a chat.

When Barton left the Soviet Union in 1940 he did not return to the United States, perhaps avoiding a California court that awarded child support to his ex-wife. Barton went, instead, to Manila to do more fieldwork in the Luzon highlands. He wrote letters to all of his American anthropological supporters; Boas, Kroeber, Cooper-Cole, and Eggan. When Bogoraz died, he wrote about Bogoraz' last days, saying that there were a thousand mourners who walked in Bogoraz' funeral cortege in Leningrad. Even so, Barton wrote, the speaker who eulogized Bogoraz criticized him for not having been a Marxist.

After Phinney completed the *Nez Perceé Texts*, he told Boas that he was going to work on a Nez Perce language grammar. Phinney by this time no longer referred to the language as Nez Perce but as Numipu. The grammar which Phinney mentioned in his letters to Boas until 1936 was apparently not completed, though a copy was in Phinney's office at the time of his death. One section of the grammar was in three languages; English, Numipu, and interlinear handwritten Russian.

Boas advocated for Phinney's return to work in the BIA, as he told Phinney: "I do not know whether you have heard that John Collier is now Commissioner of Indian Affairs. There is no doubt he means well. I am not so sure what he will do in a responsible administrative position. I think it would be a good plan for you to write to him regards your views and plans for the Nez Perce and tell him what you know of the Russian methods of handling the Siberian native problem, if that is to the point" (Boas to Phinney 17 July 1933).

On 27 September 1937, Archie Phinney was hired as a Field Grade Agent 12 by the BIA, and was assigned to the Great Lakes Regional office in Minneapolis the following October. He became a point man for the Indian Reorganization Act (IRA) in the Reorganization Division which had been established by the Indian Reorganization Act. The Division worked with tribal governments to develop written constitutions and elected governments. The Division was the centerpiece of John Collier's program, the Indian Reform Act, also known as the Howard-Wheeler Act. Phinney found a new order in U.S. federal-Indian affairs. In 1933, newly elected president Franklin Delano Roosevelt appointed John Wood Collier as Commissioner of Indian Affairs. Collier served in that office until 1945, the longest term anyone has held that office.

Collier's personal crusade to change U.S. and inter-American policies about the indigenous people of the Americas was waged with the fanaticism of a mystic who had unusual political skills. Once appointed, Collier launched a major reform program of Indian policy. He toured the U.S., meeting and speaking with Indian groups on the need for change due to past policies of forced assimilation, dissolution of Indian communities, and the loss of Indian lands and water rights. Collier's plan for reform was first presented in his Return to the Red Atlantis article published in the 1 October 1922 issue of the journal, *Survey* (Collier 1922:15–16) In Collier's vernacular, the Red Atlantis consisted of the Americas—North, Central, and South. He saw Indians as the people who would lead the planet to salvation from the damages caused by industrialization.

Collier expressed his vision in his book, *The Indians of the Americas*, in these words: "The inner core-value, complex and various has not been killed, it will never be. The Indian keeps his gift as a gift for us all. Could we make it our own, there will be an eternally inexhaustible earth and a forever lasting peace" (Collier 1947:12).

Some of the ideas Collier expressed in Return to the Red Atlantis became federal policy as the Howard-Wheeler or Indian Reorganization Act of 1934. The IRA officially ended federal allotment, and under the authority of this Act, tribal governments that accepted IRA were recognized by the U.S. An effort was also made to purchase land within reservation boundaries in an attempt to restore to tribes their land bases. The IRA also established a formal procedure by which tribes could adopt written constitutions and use all of the powers vested in any Indian tribe or tribal council by existing law.

John Collier had opportunities to move his vision of the future for American Indians into action. He developed a "New Deal for American Indians" under three policy guidelines: (1) economic rehabilitation of the Indians, principally on the land; (2) organization of the Indians for self-government; and (3) civil and cultural freedom and opportunities for Indians. Collier's "opportunities" consisted of:

(1) Collier had a plan of his own design, which was not dictated by a political party. The plan came as part of a vision in 1921, arising from a supernatural singularity in Taos at the Red Deer Performance, held two days before Christmas. The vision formed the basis for Collier's plan for himself and the BIA. It is highly unlikely that any other CIA had had a vision of any type of supernatural singularity.

(2) Collier was an outsider to politics and owed nothing to any economic powers. Collier did not expect to rise to higher political position, or to benefit financially by his position.

(3) Applied anthropology, crucial to Collier's plan, was emerging as a discipline in its own right.

(4) There was, at the time, a surplus of Ph. D. anthropologists who needed work.

(5) There were federal positions available.

(6) There with Indians with university educations and experience from outside of the usual federal-missions employment seeking jobs.

(7) Executive Office support; Collier had a close personal relationship with Harold Ickes, Secretary of Interior and a member of Collier's lobbyist support group, the American Indian Defense Association. The two of them men could go directly to the President, something that no other CIA had done.

Collier saw a great promise in anthropology as a social science, to provide insight and procedural strategies to discover the methods that would make the BIA responsible to indigenous people. Collier wished to bring anthropologists into the BIA to develop information on tribal institutions that could provide the bases for individual and group development. This was to be

the basis for the anthropological contributions to planning and to providing insight into the nature of indigenous communities. Collier moved on that idea with his usual vigor, assembling a group of anthropologists to accomplish the studies.

Archie Phinney, like almost all American anthropologists of the time, had been a student doing research under Franz Boas' direction. Unlike many of the others, however, Phinney had also been mentored by Vladimir Bogoraz, the senior anthropologist of the Soviet Academy of Science in Leningrad. Bogoraz was the Russian equivalent of Franz Boas. Phinney had learned applied anthropological program directions from Bogoraz, and historical perspectives from Boas, as unusual combination of perspectives.

Phinney's doctoral dissertation (1937) was presented in Leningrad to the Academy of Science on 19 March 1937. He defended it on 25 April 1937. It is divided in four sections; 1. Language; 2. Pre History; 3.History ; and 4. Mythology. The dissertation abstract was translated from English into Russian for the dissertation presentation and re-translated into English for publication. It does not appear as if Phinney had any control over the first translation into Russian. The reason for this conclusion is obvious in that the basic ethnographic description of Numipu culture is warped to fit Morgan-Marxist theory of the time—group marriage, primitive social equality, and group communism. There is a great deal of misinformation on the history and culture of the Numipu. The translator did not know the ethnographic literature concerning the Nez Perce and may not have known English very well either.

Beginning 27 October 1937, Phinney was assigned to the Reorganization Division with primary responsibilities to implement the IRA. Field agents of the Division provided the link between the central office and agency personnel in the field. Field agents had to be knowledgeable about the philosophy, intent, and the provisions of the IRA. They served as education resource people and technical advisors to the tribes and bureau personnel during the early years under the IRA. They also needed to know all aspects of the bureau's other programs and activities. After tribes had established IRA constitutional governments, field agents assisted tribal leaders in establishing cooperative organization for economic enterprises. Archie Phinney was in charge of organizing Indian tribal corporations in the states of Minnesota, Wisconsin, and Michigan. Phinney's job description informed him that he was to assist the Indians of the various reservations as they formed constitutions and by-laws, and to assist in the preparation and interpretation of charters. He was also expected to help guide and direct the corporations after ratification of the charters, and to help with any other related matters.

Phinney was assigned by the Central Office to perform studies of American Indian governments, and to determine their readiness for the potential move toward self-governance. Phinney was to develop studies in four areas: (1) St. Regis Reservation, in upper New York State; (2) Navajo Nation, in the Southwest; (3) Pueblo Area of New Mexico; and (4) the Great Lakes area. His Soviet community studies and his American Indian community studies were similar as governmental policy-driven ethnographies and in the fieldwork methodologies used to gather the information.

Phinney's first assignment was to the St. Regis Reservation in upper New York State. Collier wanted to know why the St. Regis Iroquois had voted against accepting the IRA. Phinney was the product of two very different educational processes. The Boas historical, descriptive, and non-applied model of anthropology, and the other, the Marxist and political model, concerned with planning in terms of a particular political theory. Anything which didn't contribute to the plan was to be discarded. While Bogoraz was not a Marxist, he was enmeshed in a Marxist controlled system. This meant that his students, including Phinney, were trained in Marxist-Morgan theory, and in the applied purposes of anthropology in a socialist state. Phinney

knew both sets of thought; he was not only a theoretical student but had experience in the applied workings of both viewpoints and the associated methods from practical experience. Phinney had gained experience in the Caucasus, and Central Asia in the Soviet Union, and on the federal Indian reservations of the United States.

Charles E. J. Heacock described the situation Archie Phinney had been placed in: "The basic purpose of the IRA was to assist Indian tribes toward achieving a measure of self-government within the structure of the BIA. The work of this division required departures from what had become traditional methods of Indian Service administration. The policy, therefore, was to staff this unit with well educated young men, preferably of Indian origin, who would be more intimately familiar with Indian life than the usual run of Indian Service employees. The unit was small, some half a dozen clerks in the Central Office, and about the same number of field men each assigned to different regions of Indian country" (Heacock 1945).

The work to which these young men were assigned required the greatest tact, since it involved departures from traditional practices which were intended to assist tribes in taking over many of the responsibilities performed by federal employees. Non-Indian employees felt that they would lose their jobs and Indians with newly acquired powers believed that they would be running the Indian Service. The field men had to work with all of the employees and it was often difficult for them to appear neutral.

Another influential factor was that partial control meant that Indians were being given more control over their own property. Cattlemen, farmers, oil exploration companies, and others who leased Indian lands at lower-than market prices, feared that they might not be able to continue their usual and accustomed leasing practices. The situation was tense and suspicions were frequent. Congressional hearings on Indian affairs from 1933 on were replete with name calling, charges, and counter charges. Commissioner Collier was under constant attack, as were the more vocal employees who were associated with him. Charles Heacock said "Mr. Phinney was perhaps one of the more articulate and colorful among the employees associated with Mr. Collier" (Heacock 16 March 1948). In the same letter, Heacock described Phinney:

> Mr. Phinney is a brilliant conversationalist and authority on Indians, he enjoys talking and a good argument. Frequently I have noticed that some are inclined to consider Mr. Phinney as a so-called "long-haired" anthropologist and impractical. At any rate with this disposition, some experience abroad and well educated, he may seem to some (non-Indians), as overly aggressive for an Indian.

It would appear that Phinney's problems with his opponents were centered on his education. Since he was articulate, verbal, and well informed, he did not fit stereotypical expectations of American Indians.

When Phinney left the United States in 1932, a federal policy of forced assimilation was enforced through the BIA, at times by the Army, and through Christian missionaries who were given control of religious and secular education through mission schools. When Phinney returned as an employee of the Reorganization Division, he was hired to carry out a program that was intended to be ameliorative and restorative, although the new program was still part of the federal system of internal colonialism.

Phinney's background and experiences when he returned to the BIA after a seven year absence were far different from other members of the Organization Division. Phinney had been monitored by Franz Boaz doing linguistic fieldwork on the Nez Perce reservation in Idaho, and

with Bogoraz' mentorship, he had done local governmental studies in Kabardinia in the Caucasus and in the Oirot Mongol communities in central Asia. Phinney was adept at participant observation and ethnology.

There were three organizations which had been intended to become national Indian political organizations. The first was composed of essentially middle class professionals; attorneys, physicians, federal agency administrators, and Christian clergy. Most of the members were graduates of the federal Indian School at Carlisle, Pennsylvania. Gertrude and Raymond Bonnin, who had been members of the SAI, founded a successor organization, the National Council for American Indians (NCAI) in 1926, six years after the SAI collapsed. Raymond was a former student at Haskell, the federal Indian residential school in Lawrence, Kansas and Gertrude had attended a series of Quaker schools. After graduation, Bonnin also taught music at Carlisle. The membership of the NCAI, unlike the predecessor organization, was generally made up of reservation and rural people. Another new feature of NCAI was that there were local branches throughout Indian communities in the Southeast, the Midwest, Oklahoma, and the Far West. Bonnin's papers show that they were in constant personal contact with the membership.

The third organization, The National Congress of American Indians, was founded by Archie Phinney, Charles E. J. Heacock, and D'Arcy McNickle, with CIA John Collier's support. The men began by developing a network of individuals within the BIA, and then branched out to other individuals in non-federal positions. Charles Heacock brought people in the Chicago office together for meetings to discuss the planned national organization, while Phinney and McNickle attended the Chicago meetings as often as possible. A brief note from Charles E. J. Heacock, temporary chairman of the Working Committee, indicates the processes of the Committee. The contact instructions show who were the leaders of the Committee and the list of recipients indicates the breadth of the network being developed—Roy E. Gourd, George LaMotte, Kent Fitzgerald, Ben Dwight, Governor's Office, Oklahoma City, D'Arcy McNickle, Archie Phinney, A. C. Parker, Mark Burns, and John Joseph Matthews. All of the men, except Ben Dwight, A. C. Parker and John Joseph Mathews were BIA employees.

> Gentlemen: Indications from active members of the Working Committee and others who have volunteered their services that they would desire more time to devote to the assignments given them in the February 23 communication, and in further view of the fact, but of lesser importance, that the Princeton meeting has been postponed to a later date, it has been agreed to hold at a later date the meeting scheduled in Chicago, April 6, 7, and 8, 1944.
>
> If you feel you cannot in justice devote time to the assignment given you, we would appreciate your advising either myself, D'Arcy McNickle, or Archie Phinney which ever of these men with whom you are acquainted. This will not be construed to mean you are not interested in the Indianist (Indigenism) movement but merely that you feel your situation prevents your giving at this time the participation you believe due as Committeemen. Under the circumstances other Committeemen can be selected; however, we want you to feel free to offer whatever help you can find time to give (Heacock, Working Committee 24 March 1944).

The letter was copied to Father Philip Gordon, Ed Rogers, Henry Roe Cloud and David Dozier.

Subsequent meetings of the Working Committee on a national Indian organization were held in Chicago on 25, 26, 27, May 1944 at the YMCA on La Salle Street. The meetings were

called by the Working Committee temporary chairman, Charles E. J. Heacock. The first meeting was devoted to discussion of developments, while a few days earlier, some members of the group had met with Dr. Edward Lindeman of the American Association of Indian Affairs. Discussion concerned a tentative plan for calling a national Indian convention, means of financing the conference, and the organizational work in preparation for the convention, a budget, principles by which the organization should be guided, and a tentative program for the organization when it was set up. A meeting on 5 May was devoted to formulation of a constitution and by-laws. Membership, jurisdiction, and objectives of the organization received the most attention. It was decided that membership should be limited to American Indians and the provisions for membership should be stated in broad terms. The principal question on jurisdiction concerned for whom the organization presumed to speak. The organization hoped to speak for the American Indian, but that its authority and powers could consist only of those they were granted by its members. A Network began with meetings of BIA employees in the Chicago Merchandise Mart.

The Network consisted of men who had served in the Reorganization Division. They had been transferred to other parts of the BIA when Congress refused to appropriate funds for the division in 1943. The majority of the men had become reservation superintendents. D'Arcy McNickle remained in the Central Office, where he communicated with John Collier on strategy and ideas and relayed this information back to Phinney. Charles E. J. Heacock served as chief lieutenant for Phinney re relaying information out to the other members of the Network. The base group, the BIA contacts, were former Organization people. Phinney provided direction to the group. McNickle seemed, to those participating in the early Chicago meetings, to voice Collier's views. Charles Heacock thought that McNickle and Collier wanted to draw the tribal councils into the national organization. They took a wait and see attitude, trusting that democracy and good will would result in a good mix. Phinney and Heacock thought there would need to be some strong control emanating from the top-down during these early stages, in order to make the program succeed (Heacock to Phinney 18 January 1944). People outside of the federal structure began to be brought into the Network; John Joseph Mathews, the Osage writer and adviser to the Osage Tribal government, Arthur C. Parker, the Iroquois museum director and veteran of the SAI, and Jesse Stevens, San Carlos Apache tribal chairman.

The Network had obstacles to over come. Heacock said that it "would be important to minimize or avoid suspicion, in the field, of Government influence" (Heacock to Phinney 18 January 1944). "Fortunately, the group here is in accord with the belief that the proposed organization here in Chicago should lose its Indian Office taint immediately so that the officers, outside of the secretary perhaps, should be chosen from the outside" (Heacock to Phinney 18 January 1944).

The final decision of the May meeting was to hold a national convention in Denver, Colorado in October 1944. Within the BIA, non-Indian employees felt that their careers were threatened by an Indian political organization which might be able to assert influence on the Bureau. Outside of the BIA, congressional opposition to John Collier and the IRA was transferred to the development of a national Indian organization. Economic interests that provided financial support to the representatives and senators did not want to deal with a national voice for American Indians. They also feared accounting for what was due the tribes from the contracts, land cessions, and resource royalties that had accrued over many years.

In the fall of 1944, the Network called the first national meeting of the National Congress of American Indians in Denver, Colorado. Problems, long anticipated by Heacock and Phinney emerged very quickly. There was tension between the BIA employees and the reservation

delegates. Many delegates did not want BIA employees serving as officers of the NCAI. There was a motion that BIA personnel could become members of the NCAI, but that they could not serve as officials in the organization. This resolution was narrowly defeated. This attitude had pervaded the meetings of the SAI in the 1920s and 1930s and SAI meetings had been marked by the introduction of a motion to call for the dissolution of the BIA.

Phinney (2003) was able to write a paper in the 1944 time period to explore the possibilities of classifying mixed blood Indians as sharing the same legal rights as those who are accounted full bloods or of being cut off from certain benefits. It is a question which has continued to be debated from the beginnings of federal rules intended to define who is an Indian and who is not. Phinney did not reach any conclusions.

Phinney, in his 1936–1937 polemical "Numipu Among the White Settlers," described the transfer of Numipu hostilities from white settlers to the BIA, and by extension, to BIA employees. Phinney felt that a clever speaker could easily denounce the BIA, using the resultant tensions to gain control of the meeting and move the meeting to the speaker's purpose (Phinney 2002:35) There was additional tension among the reservation delegates concerning John Collier and the IRA. Many of the delegates had no real understanding of the IRA. They had been influenced by a national level campaign of vilification against Collier, which Phinney also mentions in "Numipu Among the White Settlers." (Phinney 2002:38–39)

Phinney and McNickle Elected to the Board of Directors

Phinney and McNickle were elected to the Board of Directions, but both men withdrew from the executive group (Fig. 2). As Phinney said in a brief letter to Peru Farver, another former Reorganization Division man,

> Dear Peru: I am awfully sorry for this long delay in replying to your letter. I now realize how easy it is to become detached from "foreign" affairs. I am simply bogged down in myriad petty problems about which you know well enough as a superintendent, in fact I have given little or no attention to our National Indian Organization since the Montana meeting.
>
> Your presence was sadly missed at the Conference but it was only another grand splurge of bell-ringing, but it did generate considerable excitement among the Montana Indians. As you know McNickle and I withdrew from the executive group since that time. I know little about the activities of the executive group since that time. I am afraid it is another one of those things where everybody is waiting for someone else to do something (Phinney to Farver 19 April 1946).

Phinney did not return to the organization that he had pioneered. After some difficult years, the NCAI became the kind of organization that Phinney might have accepted.

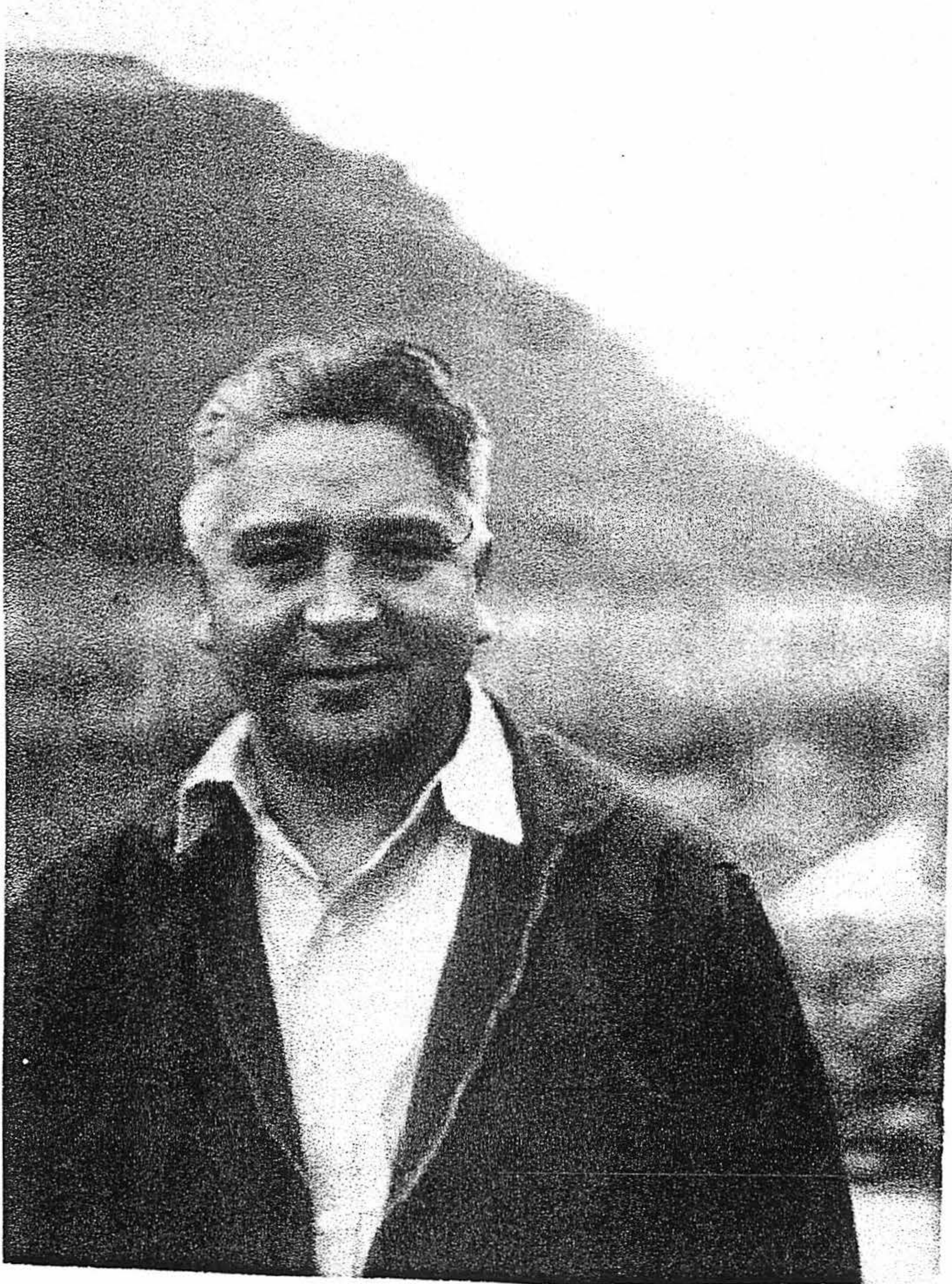

Fig. 2. Archie Phinney, Sweetwater area, 1946 (NEPE-HI-C6926, NPS, Spalding, ID).

Archie Phinney, the FBI, and the FOIA

David H. Price

ABSTRACT

Archie Phinney's exposure to anthropological notions of native socialism and his years in the Soviet Union led him to advocate for a radical "enterprise leasing" system that would have transformed reservations to more collectivist systems. FBI records released under the Freedom of Information Act indicate that Phinney was monitored and undermined by the FBI in ways similar to the COINTELPRO campaigns launched against American Indian Movement activists decades later.

Introduction

The FBI's investigation and harassment of Native American activists during the 1960s and 1970s has been well documented by scholars such as Ward Churchill, Jim Vander Wall, and Peter Mathiessen, but less research has been undertaken to document the FBI's intrusion into Indian activist movements of earlier periods (Mathiessen 1983; Churchill and Wall 1988, 1990). Numerous documents released under the Freedom of Information Act establish that the FBI had both a visible and unseen presence on Indian reservations since the 1930s, and during the 1960s the Bureau became more actively involved in monitoring and provoking reservation political situations. In the late 1950s, 1960s, and 1970s, the FBI launched a series of Counterintelligence Programs (known in Bureau-Speak as "COINTELPRO") designed to disrupt native people's efforts to find justice and their struggles for increased self-determination and self-rule.

The Federal Bureau of Investigation's (FBI) unofficial view of Indians' place in American society was well articulated by FBI Assistant Special Agent in Charge, Norman Zigrossi, in 1977 when he noted that, Indians, "are a conquered nation, and when you are conquered, the people you are conquered by dictate your future. This is a basic philosophy of mine. If I'm part of a conquered nation, I've got to yield to authority . . . [The FBI must function as] a colonial police force" (Churchill and Wall 1990:231). While FBI personnel have rarely issued such statements publicly, the FBI's longstanding efforts to monitor and constrain native power movements over the decades seem to sustain the Bureau's widespread support for such unofficial sentiments. This history of FBI antipathy towards Indian autonomy must be noted when considering the FBI's investigation of anthropologist Archie Phinney's efforts to strengthen tribal managerial systems during the 1940s.

This work uses FBI documents released under the Freedom of Information Act (FOIA) to examine how the FBI monitored and undermined the activities of Native American anthropologist Archie Phinney as he performed his duties for the Bureau of Indian Affairs BIA). The records documenting the FBI's interest in Phinney's political activism during the 1930s and 1940s establish a continuity of FBI surveillance and harassment linking the FBI's investigations of Phinney and the FBI's future COINTELPRO campaigns, as the FBI strove to monitor and undermine native individuals and groups seeking increased rights.

The Freedom of Information Act

Before discussing Archie Phinney's FBI file, a few words on the Freedom of Information Act are in order. The Freedom of Information Act was enacted in 1966 to allow individuals access to records held by federal governmental agencies. In the mid-1970s, the FOIA was briefly strengthened as part of wider post-Watergate governmental reforms in response to revelations of covert programs ranging from domestic surveillance under the FBI's COINTELPRO to the Central Intelligence Agency's (CIA) attempts to assassinate various foreign leaders. Unfortunately, the post-Watergate 1970s provided only a brief window of opportunity for FOIA researchers to access documents before the Reagan administration ushered in greater governmental secrecy by appointing agency heads who opposed the free dissemination of information. The Reagan presidency weakened FOIA through a number of Executive Orders and Congressional Acts, allowing the CIA's now routine practice of denying most FOIA requests on national security grounds. Though all federal agencies are bound by law to respond (in some way) to FOIA requests, different agencies respond with varying degrees of promptness and each agency follows its own internal guidelines. In the time since the terrorist attacks of September 2001, FOIA releases have been significantly curtailed in the name of protecting national security.

Typically, all that is needed to file a FOIA request is a letter addressed to the FOIA officer at the government agency of interest, specifying exactly what records are sought (Price 1997). If the request is for records pertaining to an individual, the requestor is required to provide proof of death of the individual in question. This step is required because the Privacy Act protects living individuals from the inquiries of others. The dead, however, do not have these same privacy rights. The Freedom of Information Act requires all federal agencies to release documents, but it also provides disclosure exemptions. In addition to citing potential harm to national security, military, and intelligence agencies often claim exemptions for FOIA materials under the "methods of intelligence gathering" clauses, thus information that might reveal methods of intelligence collection are exempted from disclosure. For more on anthropology and the Freedom of Information Act see Price (1997) and Peace and Price (2001).

The FOIA request for Archie Phinney's FBI file was filed in 1996 after coming across some of the Bureau of Indian Affair's archival holding on Phinney at the Sand Point National Archives, Pacific Northwest Federal Repository (NAPNR 1995). Knowing only a little about Phinney or his politics at that time, it was assumed that anyone who traveled to, or lived in the Soviet Union during the 1930s was likely a target of some sort of FBI investigation given FBI Director, J. Edgar Hoover's well-known paranoia. The actual FOIA request for Phinney's FBI file was very simple, a straightforward letter to the FBI FOIA officer, identifying Archie Phinney by name and birth date, and include a copy of his obituary to establish that he was deceased. Then after four years of waiting, the FBI sent on a photocopy of 109 pages of his 111 page FBI file (two pages were withheld in their entirety).

FOIA requests do not automatically lead to the release of all requested documents. The FBI often releases files with significant portions blackened out by the felt pens of government censors. On an initial request it is not uncommon to be sent only a few hundred pages of a thousand-page file. It is also common to receive pages with large redacted (e.g. "blacked-out") portions. Agencies are required to inform requesters under what category (e.g. privacy, national security, etc.) each exemption falls, but this does little to inform the requester about what has been rendered illegible. The FBI and other federal intelligence or law enforcement agencies generally withhold information pertaining to the methods used by these agencies as well as specific sources of information.

The FBI's practice of not releasing informants' names greatly hinders scholars' abilities to evaluate information in files. Phinney's file includes several instances where the names of individuals discussed in FBI reports are disclosed. The reasons for these disclosures are not clear and may be the result of FOIA processor carelessness, or may be due to FBI knowledge that these individuals are now deceased. When informants' names are known it is often possible to attribute ulterior motivations for the statements and information given to FBI agents, but in most cases the identity of FBI sources is unknown. The FBI did not seem capable of critically evaluating the information they collected. More often than not, they simply gathered as much gossip about an individual of interest as they could collect, and typed up reports without attempting to evaluate this information. FBI agents are also known to invent fictional informants to suit their purposes, so the non-identification of "confidential informants" presents very real problems for scholars (Swearingen 1995). The FBI is notorious for its use of unscrupulous informants—especially its paid informants—so it is important that this information not be considered reliable without further, independent information. The information in FBI files is useful as a fossilized remnant of the FBI's mindset—not necessarily as proof of an event or accusation.

Throughout the mid-twentieth century the FBI conducted hundreds of reference and background interviews of anthropologists like Phinney. The questions changed from time to time, but the thrust remained the same: has this individual indicated by public or private action, by opinion or professional research, any resistance to the socioeconomic status quo (or put another way: the status quo of racial and economic inequality that the FBI protects), during the McCarthy period, these investigations often took on especially harmful overtones. In the over 500 FOIA requests that I have made for anthropologists' FOIA records (Price 2004), I have found a consistent pattern that fits the information found in Phinney's FBI file: an anthropologist working to assist a minority group is identified as a subversive, radical troublemaker, and brought under the lens of an ongoing FBI investigation.

Phinney and the FBI

Archie Phinney was born under the native name of Kaplatsilpilp, on the Nez Perce Reservation in Idaho in 1903. His mother was a full-blooded Nez Perce , while his father's grand fathers were not Indians. His grandmothers were Nez Perce. In a 1948 FBI interview, an acquaintance of Phinney's from the Bureau of Indian Affairs summarized Phinney's early years with the following:

> Mr Phinney was born and raised on the Nez Perce reservation. He attended Indian schools, finishing high school at an Indian boarding school, Haskell Institute, at Lawrence, Kansas. Being an outstanding student, he attended the University of Kansas while still boarding at Haskell. Apparently he showed marked ability in the social sciences. His full-blooded Indian ancestry, knowledge of his native tongue, customs and traditions of his tribe, incurred the interest of several anthropologists interested in Indians. This, I believe, was the entrée through which he became acquainted with the late Franz Boas, eminent anthropologist, associated with Columbia University. Mr. Phinney continued his

> researches at Columbia under Boas and published the results of his study in a book on Indian mythology. This study I believe, was the springboard upon which he later became the recipient of some scholarship that permitted him to study abroad" (WFO 100-350068-26 p 10).

A brief explanation of the FBI's record system is in order. WFO indicates that this file is held at FBI headquarters, known as the Washington Field Office. The first series of numbers in the filing system indicates the FBI's record system classification codes for this file, in this case, the number 100 indicates the subject of "Domestic Security." The next number indicates the serial number of the file, thus 350068 was assigned to Phinney, and the remaining number (26) indicates the specific file number.

He received his BA from the University of Kansas in 1926 and then studied anthropology under Franz Boas at Columbia until 1931. Boas helped Phinney (1934) organize and publish his monograph, Nez Percé Texts. Phinney received a fellowship from the Leningrad Academy of Sciences that allowed him to live and study at the Academy from 1932 to 1937 (Willard 2000).

Phinney was not the only American anthropologist living in the USSR during this period. American ethnographer Roy Barton was also in Leningrad in the 1930s. Barton was a dentist and ethnographer of the Philippines highlands (1919 and 1922) who had moved from the United States to the Soviet Union in 1930. Barton had long-standing interests in collectivist and communal alternatives to American capitalism, but as Kroeber noted in Barton's obituary, his resettlement was at least in part "precipitated by an alimony judgment against him which he considered exploitive and unjust" (Kroeber 1949:92). Although he arrived with the hope of employment as ethnographer, during his first six months Barton served as a dentist in the clinic of the Stomatological Institute in Leningrad. He subsequently became affiliated with the Institute of Anthropology and Ethnology of the Soviet Academy of Sciences, where he worked with Vladimir Bogoraz and other Soviet ethnographers, and later worked on the Leningrad Anti-Religious Exhibit, which stressed the roots of religion in superstition, and religion's role as a mechanism of social control. Barton stayed in Russia for a decade. As described elsewhere, in May 1940 Barton reported to the U.S. Embassy in Moscow that he had been coerced into working for the NKVD (the KGB's predecessor organization) from 1937 to 1940 (Kroeber 1949; Price 2001).

Barton was awarded a Guggenheim fellowship and left the Soviet Union for the Philippines in 1937, returning a year later. In 1940 he left the Soviet Union and returned to the Philippines. After the Japanese army invaded he became a prisoner of war. He was interned in the Los Banos prison camp for over three years.

After the war, he was a Research Associate at Berkeley, and in 1946 he became a Lichtstern Research Fellow at the University of Chicago, a position he held at the time of his death in April 1947.

It seems certain that had Barton lived another decade, he would have been hauled before any number of security and loyalty committees. Surprisingly, the FBI compiled less than a dozen pages of information on Barton, the bulk of file examined the possibility that he committed passport fraud in order to live in the Soviet Union during the 1930s (WFO 40-3293 1/5/50). It seems likely that the FBI compiled further documents on Phinney's activities in the Soviet Union than have thus far been released under FOIA.

Archie Phinney had his own passport problems in Moscow. In December 1933 Phinney reported to the American Embassy that his Passport had been stolen. After receiving assistance from ACLU Director Roger Baldwin, he was issued a new passport (WFO 101-3074). The State

Department investigated whether the numbers of Phinney's passport had been altered or improperly recorded. On 8 August 1933 Phinney wrote Boas that he hoped to find a Soviet system in place that the U.S. could emulate to improve the rights and conditions of native peoples—though he was fully aware that some of the overall conditions in the USSR were not parallel to those found in the United States,

> I am not optimistic about the value of the Russian method as a thing applicable to the US Indian reservations. My study so far has been somewhat limited to those larger groups that were already in a good position to accept full autonomy. The Russian policy is sound enough and effective here but devised to operate within the range of a new set of economic relationships—economic relationships which on one hand the Indian Bureau isn't likely to consider for Indian tribes and on the other are not at once attainable by a moribund reservation group. I will find out, however, what if anything has actually been done to deal with natives who live under the least favorable circumstances. I get from what I read and from what is constantly told to me, too many facts about phenomenal development of native groups that were from the beginning rather well constituted socially and economically and not enough facts about the social rehabilitation or regeneration of tribes that haven't achieved an economic status consistent with the soviet industrialization plans (Willard 2000:7).

Phinney later corresponded with BIA Commissioner John Collier while in the USSR and eventually made arrangements for his employment at the Bureau of Indian Affairs upon his return (Willard 2000:7).

Phinney's Return From The USSR

After returning to the United States, Phinney went to work for the Bureau of Indian Affairs (BIA) in 1938 as a Field Agent within the Indian Service's Indian Organization Division. Later, in his capacity as a Superintendent at the Nez Perce reservation, Phinney advocated that the Nez Perce Tribe adopt strong self-rule policies. He used his BIA position and tribal membership to promote a constitution that increased the collective role and power of the tribe. The FBI interpreted this as a radical proposal—though they failed to see the traditional precedent for such a collective approach to a tribal political economy. The FBI reported that Phinney was greatly disappointed when the tribe did not adopt a self-rule constitution.

> According to [redacted] one of the provisions of the rejected constitution would have resulted in the tribe members being unable to will their property to anyone outside the tribe. If some tribe member died and did not have relatives in the tribe or willed it out, the land would revert to the Nez Perce Tribe itself. Any gain from such acquired land by the tribe would be shared by the members of the tribe.
>
> [redacted] said that perhaps some thought this Communistic. Many he thought opposed it for reasons such as having married outside the tribe and would under such an arrangement be unable to will the land to their wives or other relatives. [redacted] pointed out that under Federal legislation under the

> Wheeler-Howard Act the Indian tribes were given the opportunity of accepting or declining to come under the Act, which act has as one of its provisions the same method or similar method of handling Indian lands. He said therefore the idea was nothing new and was not originated by Mr. Phinney. He thought the proposed constitution was just an effort on the part of Phinney to get the tribe under a similar provision as provided in the Wheeler-Howard Act (WFO 100-350068-3).

The Wheeler-Howard Act of 1934 transferred significant governmental responsibility for the management of reservations from the U.S. Government to tribal governments. Part of Phinney's job as an agent of the BIA was to explain the meaning of this act to the Indians of Northern Minnesota and Wisconsin. The FBI monitored Phinney as he undertook this task, one unidentified individual later interviewed by the FBI reported that when Phinney,

> made about six trips to [the] Fond du Lac [Reservation] and the meetings lasted from two hours to a half a day. [The informer] advised that Phinney at one of these meetings, had advocated that the Fond du Lac reservation, which consisted of an area of 24 by 25 miles, consolidate into one group and have community holdings and all share the proceeds equally. [The informer] could not recall the exact words used, but from the words used [redacted] got the opinion Phinney was advocating that the Fond du Lac agency establish an economy like that of Russia. [The informer] stated that he had, himself, read extensively on Communism and had talked to several people he believed to be Communists from Kettle River, Minnesota, and after hearing Phinney, he firmly believed him to be advocating the practice of Communism, on the reservation, although he could recall no specific statements (WFO 100-30068-24).

This individual told the FBI that after these meetings he wrote a letter to a member of Congress and requested that Phinney be investigated for holding Communist beliefs. A 16 March 1948 memo from the Washington, DC field office establishes that,

> Mr. William D. Savage, Chairman of Chippewa Indian Farmer-Labor Union, Calquit, Minn. In April, 1940, set a letter to Hon. Henrik Shipstead, U.S. Senator, Minn. This letter advised that the Chippewa Farm-Labor Party at Calquit, Minn. had been informed and believes that one, Archie Phinney, Organization Filed Agent, is a believer in and influenced by Communistic doctrines, having spent an extended period of time in Russia (WFO 100-350068-18).

This same unidentified informant (who could possibly have been Savage) told the FBI that his Congressman replied with a letter noting that Phinney was educated in Russia. This letter was read aloud at the next tribal meeting, at which Phinney was absent. Phinney was however present at the following meeting where the minutes recording the letter reading and discussion were read. Phinney confirmed that he had been educated in Russia, and "after his acknowledgment . . . the council told Phinney that his services were no longer needed and that the Fond du Lac Chippewa Indians could get along without his services or instructions."

Phinney reportedly did not return to the Fond du Lac Reservation (WFO 100-350068-24 p 2). It is unknown how this Congressman knew of Phinney's years in Russia, but it seems likely that the FBI had a hand in the dissemination of this information, though no records establishing this were located within Phinney's FBI file.

An FBI agent recorded a similar story from a member of the Nez Perce Tribe. In 1947 plans had been made to replace the tribe's system of leasing reservation lands to non-Indians using the Federal Government's "Lease-Clerk" system whereby a clerk handled all the details of the arrangement with the tacit understanding that the "Indians themselves are incapable of handling" such matters (WFO 100-350068-29). At a Coeur d'Alene Tribal Council meeting Phinney proposed that the old "Lease-Clerk" system be abolished and replaced with a plan he had developed called "Enterprise Leasing." Under this plan the management of these leased lands would shift from Federal management to local, tribal control. The tribal member interviewed by FBI the reported that,

> This plan was twice rejected by the Tribal Council. About 14 February 1948 this plan was brought before the Coeur d'Alene Tribal Council for the third time by Phinney and was adopted. The only signatures necessary on the plan for its adoption were those of the President and Secretary of the Tribal Council. [redacted] charges that Phinney obtained these signatures by telling the Secretary of the Tribal Council that the President had signed the document and then in turn telling the President of the Tribal Council that the Secretary had signed; thus, both signed simply because each believed the other had signed first. [redacted] said this plan did not represent the will or intent of the Secretary and President of the Tribal Council. According to [redacted] he obtained this information concerning the signatures through personal conversation with the Secretary of the Tribal Council"(WFO 100-350068-29).

The FBI reported that the following month the council rescinded their agreement to this plan, despite Phinney's threats that such action would lead to the loss of productive farmlands.

Rather than seeing Phinney's enterprise leasing plan as a means of increasing the tribe's autonomy from the Department of Interior, or to increase tribal revenues, this individual believed Phinney's motivation behind this plan was to "increase his prestige as an efficient superintendent"—due to the reduction of federal funds and administrative costs (WFO 100-350068-29).

On 17 April 1947, the Butte, Montana FBI's Special Agent in Charge reported that on a recent trip to Portland, Phinney had said, "the capitalists must be done away with, that the government must own everything, and that revolution will come in time" (WFO 100-350068). FBI Director J. Edgar Hoover advised the Butte Special Agent in Charge on 22 July 1947 that Phinney was reported to be "pro-Russian" and that he was "apparently exerting a great deal of influence on the Indians" of the Lapwai Indian Reservation (WFO 100-350068). A check of the records of the House Committee on Un-American Activities "reflect[ed] no information regarding" Phinney (WFO 101-3074 3/31/48).

Phinney's FBI file records interviews with dozens of individuals involved with the Nez Perce Reservation (whites, Indians, BIA officials) with reports both praising and condemning Phinney, his work, and his character. Some individuals claimed he was a good, competent leader

who had significantly improved life on the reservation, while others stated that reservation health care had declined and drunkenness had increased due to Phinney. The FBI asked numerous tribal members if they had noticed any Communistic tendencies in Phinney's actions or beliefs. Most said they had seen no such actions, though some said Phinney's views on the Tribal constitution seemed somewhat Communistic. Some tribal members said that they knew Phinney had lived in the Soviet Union, but he did not talk about his experiences there. One tribal member believed that, "the Indians are a bit more antagonistic or perhaps more aggressive in dealing with "whites than they were before Phinney took over the agency . . . this attitude is not shown in the surface by acts and deeds but is more 'felt' than observed."(WFO 100-350068-3). Another tribal member told the FBI that Phinney had not even been involved in the drafting of the proposed tribal constitution, but instead he (the interviewee) and two other tribal members had written it, and "Mr. Phinney only approved it" (100-350068-3 p 7). One "Confidential Informant" reported that after Phinney returned from the Soviet Union he had told him, "he admired the Russians for their treatment of minorities and poor people and that he believed that Russia was doing a better job than the United States" (100-350068-28).

The FBI interviewed BIA employees who had worked with Phinney at Window Rock (1943–1944), the United Pueblo Indian Agency at Albuquerque, and in St. Paul, Minnesota in an effort to gather more information concerning his loyalty and links to Communism. One person told the FBI that when he asked Phinney why he did not stay in Russia he had been told, "Because I am fed up with the Russian way of living and I must again see the hills of Idaho" (WFO 100-350068-25). This same person told the FBI that Phinney struck him as a loyal American and reasoned that "if Phinney favored the Russian way of life and system of government, he would have remained in Russia instead of coming back to the United States" (WFO 100-350068-25).

A 6 December 1947 investigation of Phinney undertaken by the Butte, Montana FBI Field Office provided the following investigative summary of Phinney:

> [redacted] North Idaho Indian Agency, Lapwai, Idaho, has been closely associated with ARCHIE PHINNEY through business and personal contact. [redacted] as a member of the Nez Perce Indian Tribe. He states that Mr. PHINNEY is very careful not to declare himself on the subject of Communism. As an example, [redacted] Mr. PHINNEY [redacted] Idaho, where he, PHINNEY, made a short talk before a Service club. PHINNEY asked afterward of [redacted] if anything in his talk would be interpreted by those who heard it as reflecting Communism. [redacted] said he had heard the talk and had not interpreted any part of it as containing anything of Communist character or "line." [redacted] states that this one mention of Communism is the only time he can recall that PHINNEY has even mentioned the subject to him.
>
> In [redacted] opinion, PHINNEY does not belong to the Communist Party nor has he any desire to install such a system on the reservation or to influence the Indians in that direction. [redacted] has never seen any periodicals or books of a questionable nature that might indicate Mr. PHINNEY's interest in Communism.

> Mr. PHINNEY does not discuss politics and has merely acknowledged living in Russia. He has spoken to very briefly about hardships he found in Russia, in connection with housing, while he was there. He also has indicated that the so-called "iron curtain" was noticeable during the time he was in Russia, indicating that he was not allowed to see everything that was going on. He has never heard PHINNEY praise the system of government in Russia.
>
> PHINNEY'S policies have been aimed at the best interests of the Indians. One of his policies has been to get the Indians back on their land and working it instead of leasing it. said he believes this is an over-all policy of the Department of Interior as well. PHINNEY has had great influence, and has been able to carry through almost all of his plans and [policies] without opposition from the Indians. The one exception has been when the Indians of the Nez Perce tribe at Lapwai voted against adopting a constitution. PHINNEY was disheartened by this vote and released a newspaper article, published at Lewiston, Idaho, in which he criticized the Indians for not being progressive enough to vote in favor of the proposed constitution. PHINNEY asked if he had read this article and PHINNEY said something to to the effect that he surely "told them off" in the article. said PHINNEY was much upset by this turn of events and seldom expresses himself as loudly as he did on that occasion. Ordinarily Mr. PHINNEY is very quiet, conservative and "tight mouthed"(BT 100-5025 12/6/47).

Later in this same report, another informant at the North Idaho Indian Agency in Lapwai, Idaho told the FBI that:

> he could not recall of any acts or statements by ARCHIE PHINNEY that would indicate Communistic tendencies. He also stated that there is no more dissension among the Indians of the area now than there has been under past Superintendents. He said there are always some few who have differences with the agency. He said the proposed constitution that was voted on by the Indians contained nothing of a Communistic nature whatsoever. He said that perhaps some of the Indians were suspicious of the constitution and voted against it more from a lack of understanding than for any sound reason. He said PHINNEY has made talks at various civic organizations, some of which he has heard, and that on none of these occasions has PHINNEY stated anything that would indicate a learning toward Communism or a Pro-Russian attitude.
>
> He related that a number of fine buildings on the agency grounds at Lapwai have been ordered to be disposed of by the agency by either tearing them down or by having them removed. He recalled that PHINNEY thought it would be a good idea if these buildings were made into homes or apartments and the Nez Perce Indians live in them in a sort of community on the grounds. He was unable to sell this idea to the members of the tribe, who seem to prefer a more independent way of living in scattered shacks and homes throughout the large reservation. thought that possibly someone might have interpreted this idea as being Communistic, but said he doubted that PHINNEY had any such

> intent. [redacted] interpretation of the idea was that PHINNEY thought the building could be put to a good use in the manner and that the buildings would furnish better housing conditions than many of the Indians now enjoy (BT 100-5025 12/6/47).

The suggestion that Phinney's attempt to gain maximum use of these available resources somehow cast a shadow of Communist suspicion on him indicates the extent to which knowledge of his years spent in the Soviet Union later colored interpretations of even the most mundane decisions.

A Portland Bureau report (23 March 1948) contained the results of an interview with an acquaintance of Phinney who reported Phinney stated that the "U.S. is obsolete and unfair to laboring classes and favors the capitalists; is all wrong; is run by the capitalists; government should be changed and will be changes; there will be an upset in this country some day; the government should own everything and operate everything" (WFO 100-350068-19). This same individual reported that Phinney held an "utter disregard for laws" and was known to violate traffic and liquor control laws frequently.

Regardless of how many statements and testimonies that Phinney's "greatest interest appeared to be making the Indians more self-reliant, and having the white people receive the Indians without a feeling that the Indians were an inferior race, and also wanting the Indians to live in a manner that would make them acceptable to the White people" (WFO 100-350068-20), the FBI insisted on focusing their attention on vague and unsubstantiated claims that he had "allegedly made pro-Russian statement and attempted to antagonize Indians on his [Idaho] Reservation against he US Govt." (WFO 100-350068-V). It did not matter how many individuals reported that they had never heard Phinney say anything indicating that he was either pro-Russian or pro-Communist, the FBI kept searching until they could find a few individuals who would report him as such.

The FBI's interest in Phinney ended with his sudden death in 1949. Had Phinney lived longer, as a federal employee he likely would have been called before congressional loyalty and security hearings. His years spent in the Soviet Union, as well as his efforts to try and bring a more communal structure to various Indian reservations would have provided McCarthy and others with excellent opportunities for anti-Communist diatribes.

Conclusions: Everything's Archie

The FBI's investigations of Archie Phinney were not routine employee background investigations; these were "Domestic Security" investigations. This is indicated by the FBI's record system classification code of "100" indicating a Domestic Security investigation, the FBI code most commonly used in FBI investigations of suspected Communists. While released FBI documents do not clarify why Phinney was the subject of this ongoing investigation, the nature of their investigation—particularly their persistent attempts to link his tribal managerial reform efforts to Communism—indicates a high level of Bureau concern with monitoring Phinney, but their efforts to investigate him also spread currents of fear and suspicion which appear designed to help undermine his credibility in ways similar to later COINTELPRO efforts to marginalize other progressive leaders.

Several factors converged with the FBI's investigation of Archie Phinney. First, simply working as a federal employee opened the door for the FBI's investigations of him—though few records in his file indicate that the FBI conducted this type of routine background investigation. Second, the FBI was intensely anti-Communist, and the mere fact that Phinney had lived for several years in the Soviet Union raised suspicions that he was either a Communist or was pro-communist. Third, Phinney's vision for the possibilities of tribal economics went beyond normative notions of the division of property and profits. That Phinney advocated for tribal pooling and community reorganization of tribal funds suggested to the FBI that these actions were part of a larger communist plot. The FBI lacked any historical or anthropological perspective concerning traditional native political-economic redistributional systems, so these actions were only seen as the importation of foreign ideologies, rather than the playing-out of alternative native redistributional systems. Even off the reservation, the FBI was suspicious of almost any citizen working to provide alternatives of capitalisms rules of ownership and profit, undertaking investigations of citizens organizing Public Utility Districts (PUD) and buying cooperatives in the 1950s (see Price [2004:177–184] for a discussion of anthropologist Marshall Newman). Finally, the mere fact that Phinney was an activist, dedicated to improving the lives of minority populations was enough for the FBI to consider him worthy of an investigation. As discussed elsewhere (Price 2004), the FBI has a long history of investigating and marginalizing activists working to improve the plight of minority peoples.

The FBI's inquiries concerning Phinney on the Fond du Lac and Nez Perce reservations should be interpreted not simply as acts of investigations, but also as acts of FBI harassment and intimidation. The visible and skulking presence of the FBI sent clear messages through out these reservation communities that Phinney was a controversial person who was likely involved in wrongdoing of some sort, and others should steer clear of him and his proposals. As such, these inquiries were part of an FBI campaign to intimidate native peoples and to discredit individuals who had the skills and potential to organize other Indians in opposition to the policies of the dominant white culture. The FBI's efforts to discredit Phinney were in part linked to his advocacy for such progressive programs as "enterprise leasing," or more localized community-based forms of resource management.

Archie Phinney's FBI file raises a number of questions to which we do not have answers. I do not know if he was a member of the Communist Party. As a highly educated member of a persecuted minority group in his own society, the promises of Communism in the 1930s might have seemed to offer a badly needed hope. In the end, the truth of Phinney's past Party membership mattered not at all, what did matter was Phinney's activism. Like Phinney, other activists (anthropologists and those from other fields) affiliated with organizations tied to Communist and Socialist political organizations came under FBI scrutiny in the postwar period, and the boogieman of Party membership became a useful excuse to root through the private lives of any individuals dedicated to fighting for racial and economic equality. If communists were uncovered during this rooting, so much the better, but accusations and the resultant fear were the currency of these witch-hunts. During the McCarthy period it mattered little whether Party membership was uncovered, when these public humiliation rituals served to purge labor organizations and frighten concerned citizens from becoming active in the fight against Jim Crow racism (Price 1998). The dozens of other anthropologists from this period who were subjected to FBI surveillance, or brought before loyalty tribunals, shared a common bond of activism that stretched beyond the existence or nonexistence of Party membership, or demonstrable adherence to Marxist doctrine and made these diverse scholar-activists enemies of the State (Price 1998, 2004).

From an extended anthropological perspective, Phinney's efforts on the Nez Perce Reservation to ratify a constitution increasing the collective power of the tribe can be seen as not only existing along a continuum of Marxian approaches, but as also containing elements of more traditional Indian political economic systems stressing group rather than individual processes (Moore 1993; Littlefield and Knack 1996). From an extended political perspective, the FBI's monitoring and harassment of native anthropologist Archie Phinney can likewise be seen as part of an extended FBI campaign to monitor, weaken, and discredit Indian political activists fighting for the rights of their people.

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NUMIPU LAND LOSS FOLLOWING ARCHIE PHINNEY'S RESEARCH

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ABSTRACT

Archie Phinney's research indicates that his predictions concerning Indian Claims Commissions awards had been predicated on a significant amount of research. Following Phinney's research leads to a history of Numipu land loss and federal and civil infringements on Numipu sovereign, civil, and religious rights. This land loss, exacerbated by a national focus that was fed by the public press, concentrated on the development of western infrastructures, formation of Idaho Territory, and the theft of precious metals and ores on reservations throughout the United States. A series of treaties instigated by the United States deprived the Numipu of their aboriginal land base and changed governing structures to reflect those of the colonizing entity. The treaties imposed majority rule, formed a cadre of head chiefs who were paid by the government and lead to the loss of the Wallowa Valley, exile of the Wallowa Valley bands to the Indian Territory, and the flight of White Bird and other refugees to Canada. Peace leaders such as Chief Joseph remained focused on survival of the Numipu exiles, return to their ancient homelands, and federal recognition of their sovereign and civil rights.

Introduction

Archie Phinney's manuscript, "Numipu Among the White Settlers," suggests that Phinney was working with data that are pertinent to contemporary American Indian Studies. Following Phinney's citations, calculations, and comments, it was possible to recreate much of the background work pertaining to Numipu land loss and dislocation. Examination of Phinney's work, and the supplemental data and resources, confirmed that he had been an excellent predictor of Indian Claims Commission decisions. When his calculations were compared to Indian Claims Commission and contemporary data, it was also clear that Phinney had defined aboriginal and contemporary land bases and losses, and the fiscal responsibilities that would accrue to the federal government for these losses.

Phinney's manuscript also led to a deeper understanding of the processes and events that produced the devastating land loss and dislocation suffered by the Numipu between 1855 and 1934. In the manuscript used for this study, Phinney was concerned with political processes that made the Numipu vulnerable to the United States. Questions about these processes spurred further research concerning federal development of a cadre of formal, centralized Numipu leaders, who were responsible to the federal government. Other questions concern majority rule versus consensual decision making processes, and presumptions of federal and religious authority in violation of Numipu sovereign and civil rights. Though Phinney did not emphasize religious differences and

those effects on treaty making and governing processes, they appear throughout this document because they form an integral part of the background to Phinney's work. Other interesting information and the maps located in various collections, further illustrate the history of Numipu land loss. The realization that Phinney was working with almost all of these resources makes them even more interesting.

Assaults on Sovereignty; Reductions of Numipu Aboriginal Land and Governments

Between 1855 and 1934, the Numipu aboriginal land base was reduced from 13.7 million acres to approximately 109,361 acres (Indian Claims Commission 1974:11). This was accomplished through imposed governing and judicial systems, Christian missionaries' interference with political processes, and federal acquiescence to non-natives' unending quests for Numipu land, minerals, and other resources. Legal systems were imposed in violation of sovereign and civil rights, while treaties and other agreements relied on an inflicted system of head-chieftainships and majority decision making not usual to Numipu consensual processes. Executive order reservations were created and revoked with no input from those who they affected. In 1893, allotment destroyed surviving Numipu land bases and sought to demolish communal structures, as the last significant homelands were alienated from the Numipu nation.

Entering into diplomatic relationships with the United States in 1805 and 1806, the Numipu fed and sheltered members of the Lewis and Clark expedition and formalized a peace and friendship accord with the Americans (Slickpoo and Walker 1973:67; Chalfant 1974:30–34; Indian Claims Commission 1974:300). Thirty years later, Christian missionaries moved to the Numipu nation. Responding to requests for teachers and text-books, the nation became a target of Christian missionaries after 1831. Regardless that many people still question the propriety of the Christian involvement, Reverend and Mrs. Henry H. Spalding settled near Lapwai Creek in 1836. Mr. Spalding interfered in Numipu governance and exerted a powerful influence over federal officials assigned to work with the nation (Slickpoo and Walker 1973:71–72, 164; Chalfant 1974:46). Shortly after his appointment as sub-agent for Indian affairs west of the Rocky Mountains, Elijah White, MD, former medical missionary to the Methodists' Oregon missions, introduced a set of new laws to the Numipu. These edicts served as a prelude to the Treaty of 1855, and as the beginnings of federal interference in Numipu governing structures (White 1843:450–462; Kappler 1904[2]:12 Stats. 957; Heard 1997[4]:3390). The laws, designed by Rev. Spalding, were delivered by White to the Numipu at a council held on 3 December 1842. Printed in the Numipu language, the laws violated Numipu civil rights and began a shift in political power to federal authority.

Laws of the Nez Perces (1842):

Article 1: Whoever willfully takes life shall be hung.

Article 2: Whoever burns a dwelling-house shall be hung.

Article 3: Whoever burns an out-building shall be imprisoned six months, receive fifty lashes, and pay all damages.

Article 4: Whoever carelessly burns a house, or any property, shall pay damages.

Article 5: If anyone enter a dwelling without permission of the occupant, the chiefs shall punish him as they think proper. Public rooms are excepted.

Article 6: If anyone steal, he shall pay back twofold; and if it be the value of a beaver-skin, or less, he shall receive twenty-five lashes; and if the value is over a beaver-skin, he shall pay back two-fold and receive fifty lashes.

Article 7: If anyone take a horse and ride it without permission, or take any article and use it without liberty, he shall pay for the use of it, and receive from twenty-fifty lashes, as the chief shall direct.

Article 8: If anyone enter a field and injure the crops, or throw down the fence so that cattle or horses go in and do damage, he shall pay all damages, and receive twenty-five lashes for every offense.

Article 9: Those only may keep dogs who travel or live among the game; if a dog kill a lamb, calf, or any domestic animal, the owner shall pay the damage and kill the dog.

Article 10: If an Indian raise a gun or other weapon against a white man, it shall be reported to the chiefs, and they shall punish him. If a white man do the same to an Indian, it shall be reported to Dr. White, and he shall punish or redress it.

Article 11: If an Indian break these laws, he shall be punished by his chiefs; if a white man break them, he shall be reported to the agent, and punished at his instance (White 1843:450–462).

White also introduced the centralized "head-chief" concept to the Numipu, the concepts of majority-rule, and reinforced the notion that the Numipu were considered politically responsible to the federal government (White 1843:450–462). Meeting with 22 chiefs, "lesser dignitaries" and "the common people," White considered those in attendance a majority who were empowered to change tribal governance. As White (1843:450–462) later informed the commissioner of Indian affairs, the "chiefs are [now] held responsible to the whites for the good behavior of the tribe."

The new government consisted of one "governor or head chief, 12 subordinate chiefs of equal power, being the heads of different villages or clans, with their 5 officers to execute all their lawful orders" (White 1843:450–462). Members of the council were introduced to majority-rule decision making when they were instructed to select their new head-chief. After introductory remarks and speeches, White insisted that council members elect one person as head chief. White told the council that he would immediately recognize the authority of the new chief. White acknowledged that the council was confused about the arbitrary selection of one person and that they could not decide what to do. The interpreter and Mr. McKay, a future treaty commissioner, met with the group, explained the new ideas, and helped to select the new chief (White 1843:450–468). The Numipu already had a system of village, band, and regional chiefs that depended on heredity, performance, location, function, and consensual decision making. The Numipu system bore little resemblance to the arbitrary selection of a national "head man" (Slickpoo and Walker 1974:51–54).

Council members, and their advisors, finally selected a man named Ellis as the new head-chief. White approved of Ellis because he was a "sensible man of thirty-two" who spoke English and who was already a farmer and rancher (White 1843:450–62). There were many bands, villages, and regional confederacies in the Numipu nation, and 22 men did not constitute all of the leaders required to reach a consensual decision. It is unlikely that such a young person would have been selected in the proper sense of the Numipu nation. At the age of 32, Ellis would not have developed the skills, or the following, that would have been required of an important leader. The federal agent, the interpreter, and Mr. McKay wielded an inordinate amount of influence on Numipu decision making processes. They helped to choose a man who symbolized a centralized authority with whom the United States could interact, a concept not familiar to the Numipu before this council.

White reiterated all of his modifications to the Numipu, emphasizing the authority of the new chief. He also told the council that they must respect the missionary and his wife. White (1843:461–462) mentioned that if any difficulties arose in his absence, to "leave it until I return . . . when the chief and myself shall rectify it." The subordinate chiefs were told, once again, to carry out the head-chiefs' lawful requirements and that they were to obey the new laws. White was also actively recruiting more than 100 settlers and wagon trains into Oregon as he passed these edicts to the Numipu (Heard 1997[4]:339).

Reverend Spalding (1843:462–468) reported to the commissioner of Indian affairs that the new regulations were printed "in the form of a small book," and that they had been "unanimously adopted by the people." Spalding disclosed that, in response to federal wishes, many of the Numipu were settling into an agrarian lifestyle. Spalding also made it abundantly clear that once the Numipu were entrenched on their small farms, a great deal of their land would be available for white settlement (Spalding 1843:462–468).

The new laws reflect the conflicts inherent to a community adapting to an agrarian economy. Dog laws and the recognition of fences and their functions reflect changes to a sedentary, pastoral economy. Capital punishment, whipping, and severe penalties and fines reverberate to the tenets of the Old Testament and "eye-for-an-eye" retribution. Although the laws do not appear to have been overwhelmingly accepted by the Numipu, they were later institutionalized by the treaties of 1855 and 1863. With these treaties, the federal government enacted a head-chief as a centralized figure of authority. The treaties also initiated salaries and benefits to the head-chief and subordinate chiefs. The chiefs became federal employees for as long as they held office, or for 20 years. Salaries and benefits offered by the treaties were not paid in perpetuity.

Treaty making with Native nations was planned in advance. Pre-treaty councils, surveys, and expeditions were conducted, federal officials received voluminous reports about prospective treaty tribes, and treaty commissioners formed plans of operation. In the case of the Numipu treaty of 1855, Isaac I. Stevens, governor and ex-officio superintendent of Indian affairs for Washington Territory, spent two years preparing for treaty councils to be held east of the Cascade Mountains. As head of the Pacific Railroad Expedition and Survey, Stevens was charged with developing, mapping, and selecting the railroad route across the northern United States. Stevens controlled topographical and mineralogical surveys and interviewed prospective treaty tribes, then filed voluminous reports that reflected his opinions regarding the Indian nations with whom he planned to treat (Stevens 1853:26–151)

Stevens (1853:35) was convinced that Christians would be easier to deal with than non-Christian nations, when he reported that "They [the Flathead] are Christians and we are assured . . . that they will live up to the Christian code." Stevens also remarked (1853:148) that nearly all of the Indians "east of the Cascade Mountains are sincere Christians, mostly Catholics; but the Spokane and a part of the Nez Perces are Protestants." Stevens (1853:146) preceded this with his presumption that Christian Indians were "friendly and peaceful" and that it was "perfectly safe to go among them."

In his report from the Ketatas (Kititas) Valley, Stevens clarified his position about American Indian resistance and federal authority, an attitude that he assumed throughout the treaty councils. He mentioned that he had put American Indians on notice that immigrants must not be harmed, preyed upon, or refused assistance, and that Indians were not to protect themselves from the immigrants. Stevens (1853:34) remarked "that would not be allowed for a moment." As the Numipu were to learn, Stevens and governor Palmer of Oregon Territory, used threats to ensure successful treaty councils. Both men repeatedly threatened unrestricted settler invasion of the Numipu nation, so that the Numipu finally accepted the treaties (Slickpoo and Walker 1973:142). According to Allen Slickpoo (Slickpoo and Walker 1973:142), recent experiences with "missionaries, traders, and settlers made them believe that this was a real possibility." Examination of treaty council minutes, notes, and other documents confirms the Numipu position (Stevens 1854:Reel 5).

Staggering land loss was generated by the treaty of 1855 (Kappler 1904:12 Stats. 957 Articles 1, 2). Phinney's calculations, and those of the Indian Claims Commission, indicate that the treaty of 1855 cost the Numipu nearly 6.5 million acres of land. The most dramatic plunges in the tribal land holdings occurred with the treaties of 1855 and 1863 that reduced the aboriginal land base by almost 13 million acres. Continued erosion of the Numipu land base was exacerbated by allotment of the reservation after 1893 (Kappler 1904[1]:28 Stats. 327–332) and was followed by a steady decline in retained acres until the Indian Reorganization Act (1934) (Wheeler-Howard Act, 25 U.S.C.A. SS461) ended allotments.

Aboriginal boundaries recognized by the Numipu are reflected in the map in Fig. 3. The boundaries of the reduced reservation after the treaty of 1863 (Kappler 1904:14 Stats. 647) are also clearly indicated on this map. The map in Fig. 4 illustrates the Wallowa Valley that was lost to the Chief Joseph band by the same treaty.

The treaty of 1855 also removed the Numipu to a reservation; provided for development of federal roads on the reservation; reserved fishing, hunting, gathering, and water rights; and instituted "civilization" provisos. "Civilization" included agriculture, education, mills, hospitals and physicians, and federal employees. Other stipulations called for federal payments and surveys, preservation of friendly relations with the United States, and the prohibition of alcohol from the reservation. The boundaries of the treaty were recorded incorrectly, resulting in a problem that was not resolved for a century. This treaty also instituted federal efforts to restrict the Numipu to certain areas of their reservation, awarded lands in severalty (though not in fee title) to individual Numipu farmers, and penalized those who abandoned their farms. The Numipu were pledged to peaceful relationships with non-natives and other Native Americans in the Washington Territory. They were also required to defer "all matters of difference between them and the other Indians to the Government of the United States, or its agent" (Kappler 1904:12 Stats. 957 Article 8).

The treaty of 1855 legitimized Elijah White's efforts to implement a centralized system of governance when the man selected and recognized as head-chief became a federal employee upon ratification of this treaty. The treaty specified that the head-chief was expected to perform duties of a "public character, occupying much of his time." As such, the federal government agreed to furnish, at its own expense for 20 years, an annual salary of $500.00. The government also agreed to provide the head chief with a furnished, comfortable home, and ten acres of plowed and fenced land. The head-chief was to receive these benefits only so long as he held the office, or for 20 years, whichever came first (Kappler 1904:12 Stats. 957 Article 5). There is no record that a Numipu council selected Lawyer as head-chief (Drury 1979:21–23), and there was Numipu *opposition* (Slickpoo and Walker 1973:81) to Stevens' selection of Lawyer as head-chief. In spite of the opposition, Lawyer assumed the position of head chief with the 1855 treaty.

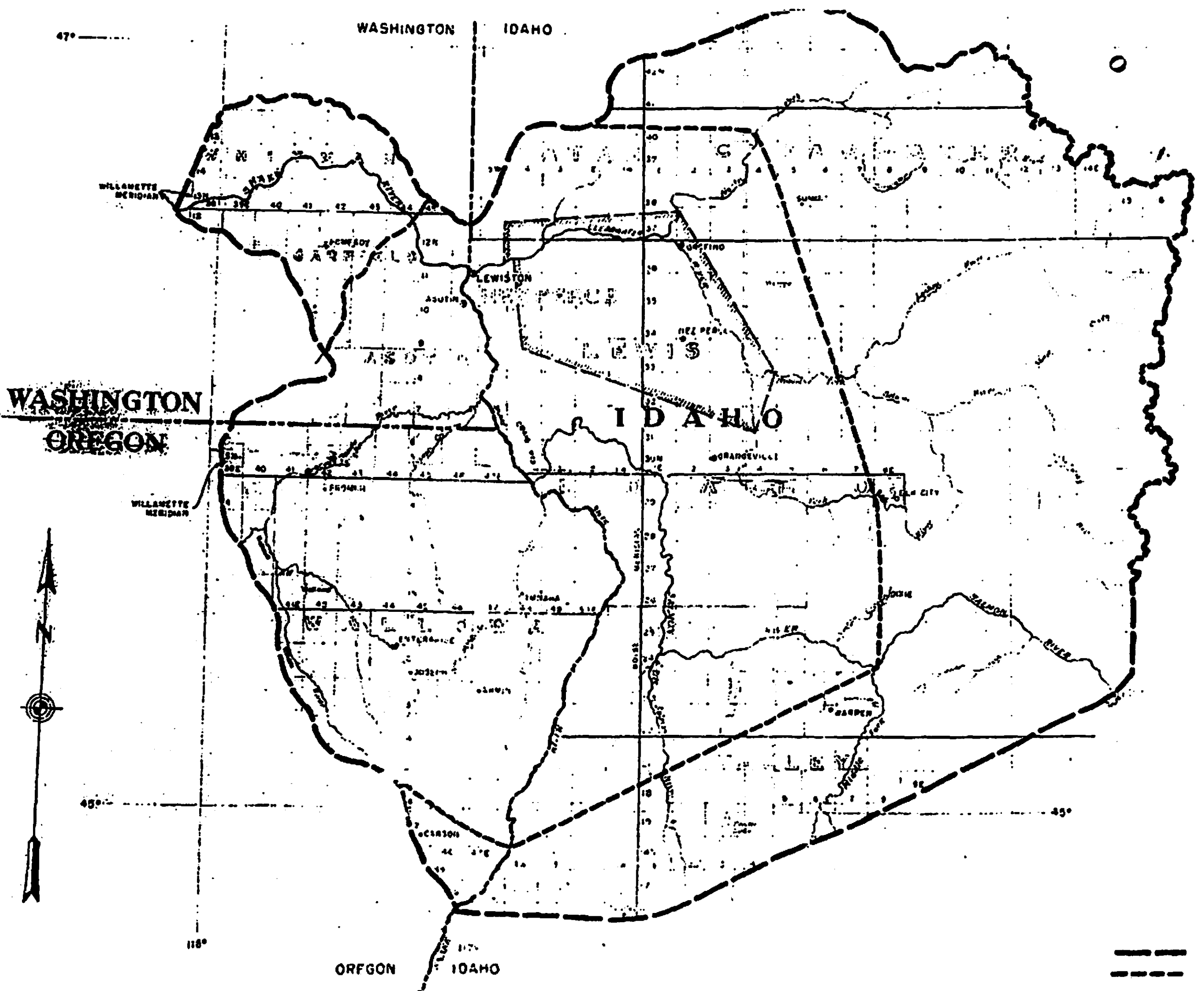

Fig. 3. Numipu Reservations, 1855–1863 (Indian Claims Commissions 1974:164).

Religion may have played a role in the selection of Lawyer, who was a Christian. Stevens had expressed a preference for dealing with Christians. He also went to the treaty council prepared to choose and inaugurate one man who he would recognize as head-chief. Stevens took offset-print certificates to the treaty councils that defined the duties of the head-chief. The certificates contained fill-in-the-blank spaces for the appointee's name, tribal affiliation, and date. Drury (1979:131) illustrates one of these certificates. Lawyer accepted the responsibilities of head-chief with this certificate and signed his first treaty as head-chief in 1855. The certificate made it clear that Lawyer was responsible for the good "behavior of the people," that he was to notify the superintendent or the agent of any "offenses committed by Indians against the citizens of the Territory," and that he was to "deliver upon demand all persons accused thereof." Lawyer was to be assisted by sub-chiefs appointed to "counsel with him" and was to be supported by the "government and the military" (Drury 1979:131). Lawyer was to record and seek redress for injuries done to the Numipu, "particularly of the sale of liquor to Indians" (Drury 1979:131). The Superintendent of Indian Affairs reserved the right to terminate the services of the head-chief and to replace him, if he felt the head-chief was not performing to his satisfaction.

Stevens clearly reinforced the laws of 1842 with money and tangible benefits that bound the head-chiefs to the federal government. Stevens devised a sliding-scale of salaries to be paid to the new head-chiefs, having planned these salaries with treaty commission members before leaving Olympia (Stevens 1854 Article 4). In 1855, Stevens also implemented the new office of head-chief in treaties with the Wallawalla, Cayuse, and others (Kappler 1904:12 Stats. 945), the Yakama (Kappler 1904:12 Stats. 951), and with the Kootenai, Flathead and Pend d'Oreille (Kappler 1904:12 Stats. 975).

Lawyer did not fare as well as the proposed head chief of the Wallawalla and Cayuse. In addition to the benefits received by the Numipu head-chief, the new Wallawalla and Cayuse head-chief received 3 yokes of oxen, 3 yokes, 4 chains, 1 wagon, 2 ploughs, 12 hoes, 12 axes, 2 shovels, 1 saddle and bridle, and 1 set of wagon harness. The head-chief's son was also awarded a small home and an annual salary of $100.00 for 20 years (Kappler 1904:12 Stats. 945 Article 5). The Yakama head-chief, would also receive an annual salary of $500.00, a home and furnishings, and the plowed acres for so long as he held the office (Kappler 1904:12 Stats. 951 Article 5). The Flathead, Kootenai and Pend d'Oreille each received the same federal salaries and provisions for their head-chiefs (Kappler 1904:12 Stats. 975 Article 5).

Stevens developed a cadre of head-chiefs who were federal employees bound to the United States by salaries, perquisites, and treaties. These men became the nuclei of a system of head-chiefs that was central to the colonization of Numipu governing systems. Lawyer, as the new head-chief, signed a series of treaties that were favorable to the United States. These treaties included the unratified peace and friendship treaty of 1858 (Deloria and Demallie 1999:1333), the unratified treaty of 1861 that proposed opening vast areas of the reservation to miners and prospectors (Deloria and Demallie 1999:1342), and the treaty of 1863 (Kappler 1904:14 Stats. 647) that cost the Numipu the Wallowa country. Chief Lawyer also signed an amendment to the treaty of 1863, in 1867, that tried to protect reservation timber and to ease restrictions on removal to the reservation for Numipu farmers. The 1867 agreement did nothing to negate the loss of the Wallowa Valley (Kappler 1904:15 Stats. 693–695 Articles 1, 2, 3). When Chief Lawyer complained to Governor Caleb Lyon, in 1864, that treaty provisions and stipulations had not been paid since ratification of the 1855 treaty, he did not mention his salary or other benefits (Drury 1979:7).

Government officials continued to reinforce and expand federal salaries for Numipu leaders who represented a centralized, federally recognized government. The treaty of 1863 provided for election of two sub-chiefs who were to assist the head chief (Kappler 1904:14 Stats. 647 Article 5). Each sub-chief was to receive $500.00 a year, a home and furnishings, plus ten acres of plowed and fenced land, subject to continued reelection.

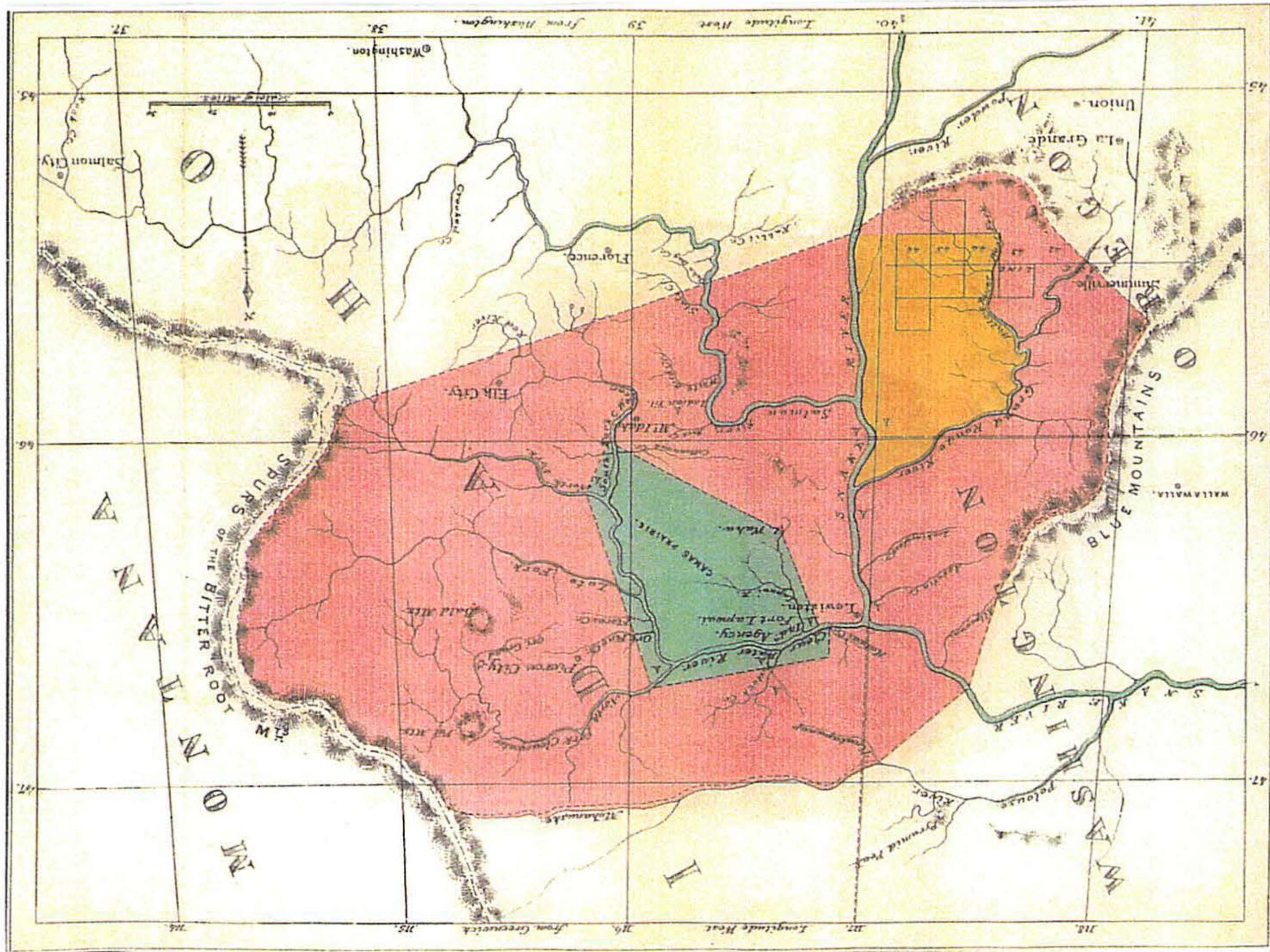

Fig. 4. Map showing the Nez Perce Reservations and the Wallowa Valley, 1876 (Wood 1876:insert).

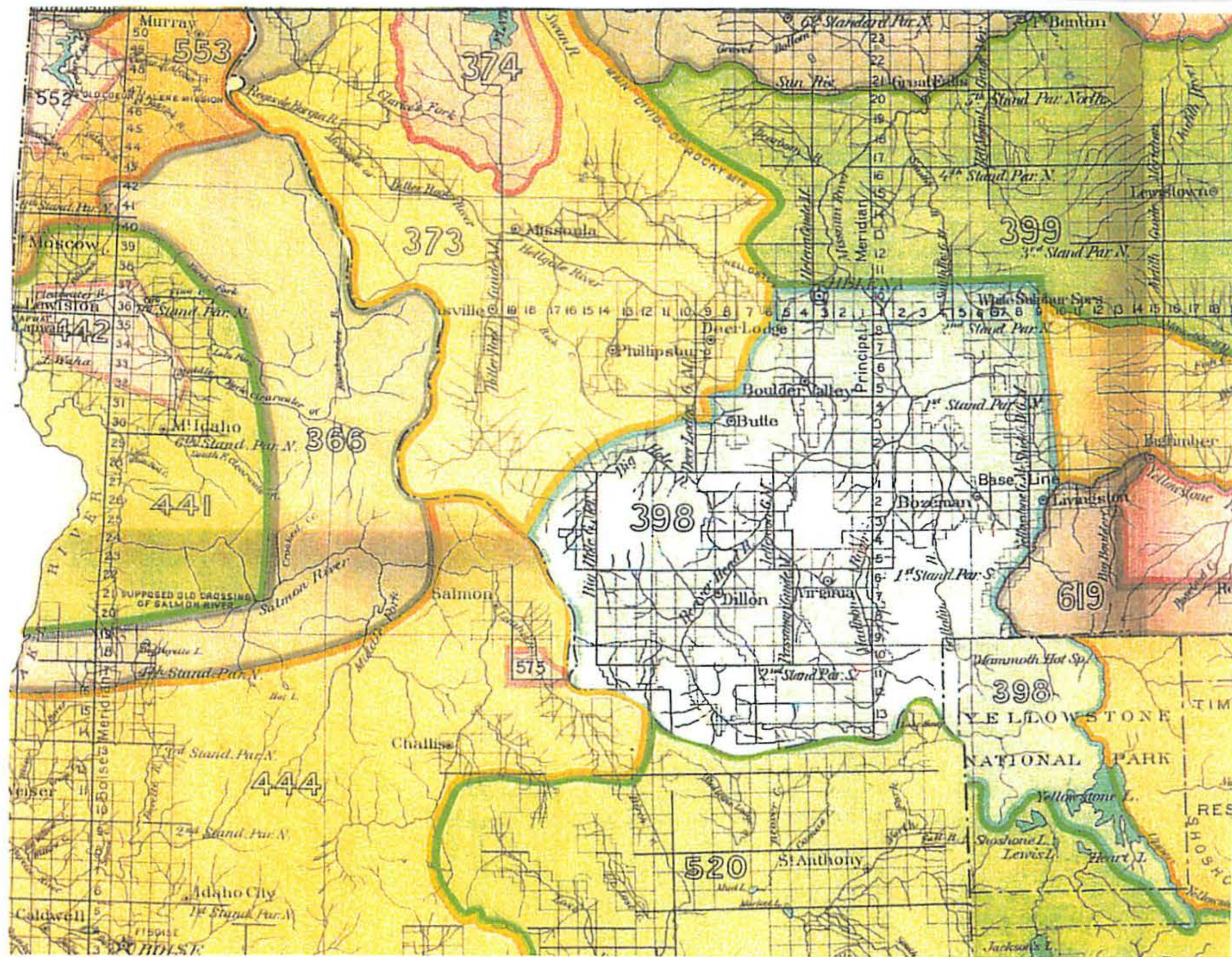

Fig. 5. Common use area, per Treaty of 17 October 1855 (Royce 1899).

On 7 October 1855, the Numipu entered into another treaty with the Piegan, Blood, Blackfeet, and Gros Ventre, Flathead, Upper Pend d'Oreille, and Kootenai and the United States (Kappler 1904:11 Stats. 657) (Fig. 5). Participant nations reserved a common "hunting, fishing, fruit gathering, meat curing, and robe dressing ground" east of the Rocky Mountains, for a period of 99 years (Kappler 1904:11 Stats. 657 Article 3). All of the western Native nations agreed to limit hunting to certain trails along the Muscle Shell River, and to access the shared areas by passes no further north than the Hell Gate or Medicine Rock (Kappler 1904:11 Stats. 657 Article 5) (Fig. 5). The Native nations also agreed to make no permanent settlements in the common area, and that they would not disturb game in areas held exclusively by the Blackfeet (Kappler 1904:11 Stats. 657 Article 5). Use of the common areas was lost before the end of the treaty period because of the development of Yellowstone National Park, and the cities and towns of Montana (Fig. 5, Area 398).

The Numipu were also involved with government agents who were determined to turn them into sedentary farmers. As Indian Agent, J. B. Montieth marked in 1872 and in 1875, he was actively promoting the end of Numipu expeditions to the buffalo hunting grounds (J. G. Montieth 1872:183, 1875:51). By the time that Phinney was preparing evidence for the Indian Claims Commission, the U.S. Court of Claims had already dismissed a Numipu lawsuit that sought $18.5 million in losses related to use of the common grounds (Phinney 1926 Box 4:2, 16, 17)

Gold, Land Loss and the Theft of Native American Resources

The Indian Claims Commission finally brought the ordeal over stolen Numipu gold to a close on 10 August 1955. The case was decided in favor of the Numipu petitioners (O'Marr, Holt, Witt 1955:449). Five years later, on 5 July 1960, the Numipu were awarded $3,000,000.00 for gold that had been removed illegally from their nation (Watkins, Holt, Scott 1974:272). Phinney, who had calculated that the gold claims were worth $3,250,000.00, was close to the final award. Compensation for the devastation caused during the gold mining era came at the end of a long and convoluted history (Phinney 1926 Box 4:11–12, 16–17)

Discovery of gold on the Numipu Reservation in the fall of 1860 precipitated the treaty of 1863 (Kappler 1904:14 Stats. 647). Events leading to the treaty involve stolen Numipu resources, a trail of unconscionable land cessions, thefts and border disputes, treaty violations, federal neglect, invasion by thousands of non-natives, and the involvement of territorial and federal officials. Murder, chicanery, robbery, mercantilism, and urban development are also inherent to the century-long saga of the Numipu gold.

Minerals located on American Indian reservations were problematical before and after discovery of the Numipu gold. The Numipu discoveries were components of a national exploitation of Native nation's natural resources that ignored protection of Native nations' sovereign and civil rights. When gold was discovered in 1828 in the Cherokee Nation, Georgia, at least 10,000 people invaded the Cherokee homelands. State courts denied protection to citizens of the Cherokee Nation, and after passage of the Indian Removal Act in 1830 (Public Statutes 1830:4:411–412), the state of Georgia enacted a series of anti-Cherokee laws. These laws banned Cherokees from mining their own gold (Debo 1970:120). Between 1848 and 1870, gold seekers and homesteaders murdered over 50,000 Native Americans in California. When gold was discovered in Colorado Territory in 1858, mines, cities, and towns were located on Cheyenne and Arapaho reservations (Debo 1970:165). The federal government did very little to prevent the slaughter of Native Americans in California, and in Colorado, federal commissioners immediately tried to persuade the Cheyenne and Arapaho to accept a truncated reservation (Nabakov 1991:7).

In 1858, J. W. Nesmith's annual report reflected the federal frame of mind concerning precious metals on Indian reservations. Citing the Rogue River treaty of 10 September 1853 (Kappler 1904:10 Stats. 1119), Nesmith mentioned that federal treaties that favored the government, and not Native nations, were considered excellent bargains. Nesmith (1858:321). wrote, "When the Indians look back to the valuable country which they have sold, abounding, as it does, with fish, and game and rich gold fields, it is but natural that they should conclude that the $2.50 per annum [per capita] was a poor compensation for the rights they relinquished. It is true that the government can congratulate itself on the excellence of its bargains."

Discoveries of precious metals and other minerals affected Native nations in Colorado, Montana, and Washington for many years. In 1861, the commissioner of Indian affairs related that negotiations for new treaties of land cession, based on discoveries of gold, were to be conducted with the Indians of Colorado (Thompson 1861:17). In Washington State, Native Americans were severely impacted by miners and gold rushers going to Alaska. Prospectors purchased every canoe or conveyance they could find, leaving American Indians in the Puget Sound area without the means to harvest salmon (Simmons 1858:230, 1860:393). In 1872, Cheyennes and Arapahos were being killed by prospectors and miners. At the Crow agency, Montana, Felix Brunot said (Brunot et al. 1874:107–109) that gold seekers were trespassing on the reservation, "waiting for the government to protect them in their rights." The Crow did not wish to sell any more land nor did they want miners, prospectors, or their herds of livestock on the reservation. They also served notice (Brunot et al. 1874:279) that they were unhappy because the government "has never made any effort to carry it [their last treaty] into effect." The Crow nation continued to reject the idea of a reduced reservation, but by 18 August 1873, a smaller reservation was negotiated for them. Development of their resources was not encouraged by federal commissioner Brunot, who told the Crow (Brunot et al. 1874:107–109) "[you] do not care about digging in the mines . . . it would not be good for you . . . if you can sell the Great Father . . . land for the mines . . . he will put away the money . . . to send useful things to you every year."

Incursions onto Native American lands continued as the Shoshones at Fort Hall, Idaho ceded their gold bearing districts to the federal government (Brunot 1872:53). In July of 1874, General George Armstrong Custer trespassed into the Black Hills looking for gold, in spite of the Sioux treaty, and Apaches at San Carlos, Arizona were threatened by prospectors and Mormon immigrants (Tiffany 1881:9; Nabakov 1991:106) Lignite (soft coal) beds discovered on the Fort Belknap Reservation were depleted by federal agencies (Price, Fisk, Whittlesey, Judd, Lyon, Smiley, McMichael, Boies, and Johnson 1882:16–17), and silver prospectors on the Kiowa, Comanche, and Wichita Reservation in Oklahoma (Hunt 1881:83) prompted the agent to petition federal troops for help. The army refused to evict the trespassers, because the officer in charge was adamant that his rights to prospect on all military and federal Indian reservations preempted the sovereign rights of Native nations. Coal deposits on the White Mountain Reservation in Arizona (Price 1883b:xliv), gold on the Blackfeet Reservation, Montana (Baldwin 1887:130–132), gold, water, and timber on the Hoopa Valley Reservation, California (Annual Report, Commissioner of Indian Affairs 1889:124), and asphalt on the Uintah and Ouray Reservation, Utah (Byrnes 1889:124, 278–279) caused a series of problems for those Native nations. The discoveries attracted invaders who refused to leave, commissions to negotiate treaties for diminished reservations, and the continued erosion of Native American land bases and resources.

This was the national situation into which the Numipu were thrust with the discovery of gold on their reservation in 1860. Idaho was part of Washington Territory, Abraham Lincoln was running for president, and development of western infrastructures held the attention of American businessmen. Upon ratification by Congress, treaties were published in state, territorial, and national

newspapers. The American public was well informed about American Indian treaty provisions, land cessions, and reservation boundaries. The U.S. Mint and private firms manufactured raw gold ore into bars or coins for individuals. Mines were not subject to restrictions or record keeping, and undeclared gold was often exported to England or France. Steamship companies provided direct access to Washington and Oregon Territories, as entrepreneurs developed expanding Pacific Northwest markets. Unrefined gold was used as a medium of exchange, and considerable quantities of the metal went into jewelry and other fine arts (O'Marr et al. 1955:433–435, 438, 441–449; *Idaho Yesterdays* 1959:14–15).

It was no secret that there was gold east of the mountains in Washington Territory. Seven years before the Numipu discoveries in 1860, a federal geologist employed by the Pacific Railroad Expedition reported to Isaac I. Stevens that there was gold in the Ketatas (Kititas) Valley, near the Yakima River. Filing his report on 18 September 1853, the geologist suggested that there was not enough ore to warrant mining the metal at that time (McClellan 1853:26). A Portland, Oregon merchant purchased gold nuggets from a Spokan Indian about a year later, and in 1858, E. D. Pierce began coming onto the Numipu Reservation to search for gold (Hawley 1920:100, 103)

Pierce visited the Numipu several times disguised as a trader, responding to rumors of gold on the Snake River. Unable to develop his interests in 1858, Pierce left and did not return to the Numipu nation until February 1860 (Blase 1925:2). Returning with a group of men, Pierce (1960:2) later admitted that it was "generally supposed that we had gone for the purpose of trading" and that he had lied to the Numipu about his real reasons for being in the nation. Pierce wanted to buy cheap Numipu horses and to steal Numipu gold. When questioned by the Numipu about mining equipment disguised in his packs, Pierce (1960:2) boasted that he had lied: "I told them [the equipment] was used for farming and building roads . . . I thought but not to show too much anxiety . . . I was well aware . . . when it came to prospecting the country I would meet with strong opposition." Pierce also either hired or married a young Numipu woman referred to as "Jane" from Revered Spalding's Academy for Young Ladies at Lapwai, as his guide to the gold fields (Shennan and Full 1957a[2]:361; 1957b[2]:371). As Pierce's party advanced into Numipu territory, Pierce disclosed that they found gold in many places along the rivers. Pierce (1960:3) said that he "knew I had the shaping or the destiny of that country, and that I could flood the entire region with good reliable men at my own option."

Federal officials made an effort to remove Pierce from the reservation when a detachment of federal dragoons tried to evict him from the reservation during the summer of 1860. When the prospector avoided the dragoons, they gave up the chase and Pierce proceeded farther into the nation (Hawley 1920:103). Pierce also contacted Indian agent Cain in early 1860, trying to gain a permit that would allow him onto the reservation. Cain refused the permit, and according to Pierce, on 25 March 1860, he approached agent Charles French, who also refused the permit. Pierce maintained that once he made it clear to French that he would move onto the reservation with, or without, his permission, French issued a permit to cross the reservation (Pierce 1960:4). One of Pierce's favorite tactics was to lay low for a few months, then reappear in some other part of the Numipu nation (Pierce 1960:4–5). In May of 1861, Pierce met with Lawyer and other chiefs at the Numipu agency, who he said had not wanted him on the reservation. By this time, however, Pierce knew his way around authority and around the reservation (Pierce 1960:103)

Pierce and his party remained in the nation during the winter of 1860 and 1861, and by the following March, one man snow shoed out and shipped $800.00 worth of Numipu gold to Portland. The prospectors wanted news of this find to spread to newspapers and to miners. A year earlier, Pierce had advertised for men to join him looking for Numipu gold, giving details of his proposed venture to *The Dalles Mountaineer* newspaper. By October 1860, newspapers at The Dalles and at

Walla Walla, had reported Pierce's finds along the Clearwater River, and had offered explicit instructions to the Numipu gold fields. On 17 October 1860, other details of the Numipu gold strikes were published in the *Weekly Portland Times* (Wells 1958:14–15).

The October article goes to the heart of public thefts of Numipu gold. While the article is detailed in its knowledge and description of treaty provisions, it gives lip service to Numipu sovereign rights, and full voice to public determination to abrogate those rights. The article, submitted by S. F. Ledyard, as "Correspondence from Walla Walla, October, 12, 1860" reported that Pierce's gold strikes would support at least 5,000 miners for a minimum of 10 years, Ledyard also noted that

> some [of the gold] is on land reserved by treaties with the Nez Perce and cannot be worked until the government makes arrangements with them . . . some assert . . . they will go there and mine without regard to the Indians . . . we all hope the mines prove to be rich . . . but to go on to this reservation and intrude upon the rights of a powerful tribe of Indians who could muster perhaps 3,000–4,000 warriors [could be] very detrimental to our interest . . . if gold exists . . . time will soon develop it . . . and the government will take steps to allow miners to go there without hazarding their lives to dig for it (Wells 1958:15).

Many other newspapers discussed the Numipu gold discoveries, marked precise locations of the discoveries, and provided quasi-legal information to miners and prospectors. One article admitted that "very certainly strikes are located on Indian reservations, but are also dependent upon [the] knowledge that Steven's eastern treaty boundary . . . [spurs of the Bitter Roots] was nebulous and impossible to define" (Wells 1958:18–19). The eastern boundary of the Numipu nation remained a contested issue until the Indian Claims Commission settled the matter in favor of the Numipu on 21 March 1967. It took just over a century to prove that the aboriginal eastern boundary of the Numipu nation was located along the crest of the Bitter Root Mountains, and not at the base of some poorly defined "spur" (Watkins et al. 1974:383–390) (Fig. 3). The maps submitted by Stevens with the Numipu treaty in 1855 were crudely drawn and misplaced Numipu boundaries far to the west of the Bitter Root Mountains (Fig. 6). Cartographers continued to use the arbitrary spurs of the Bitter Root Mountains as the eastern boundary of the Numipu nation. Gold mining districts were erroneously shown either outside of the eastern boundary, or were incorrectly divided between Numipu and non-treaty lands (Fig. 7). The issue of boundaries became critical in 1861, when thousands of miners and prospectors flocked into the Numipu mining districts. Towns sprang up almost overnight as news of the gold strikes spread throughout Oregon and California. By the summer of 1861, 1,600 gold claims had been filed in the Pierce district, and by 1862, a substantial courthouse had been built to provide a convenient place to register miner's claims (Idaho's Highway12 2002:com 1). The mining towns of Oro Fino, Elk City, and Florence were also founded in 1861. In 1862, a large guest lodge was built near Mt. Idaho by a man who was involved in agricultural development of Camas Prairie, another point on the reservation (Hawley 1920:113).

Lewiston, Idaho was developed on the Numipu Reservation, in spite of the protests of the Nez Perce agent. By October of 1861, Lewiston contained about 200 tenements and housed about 1,200 non-natives (Dole 1862:431–432). Shacks, run down hotels, or dilapidated rooming houses were built along the reservation roads leading to mines or wherever water was readily available (Dole 1862:431–432). Indian Agency employees left their jobs for the gold fields, the reservation was not surveyed after ratification of the treaty of 1855, and miners rushed from one discovery to another, disrupting every facet of Numipu life (Dole 1862:427, 431–432). As Yellow Wolf

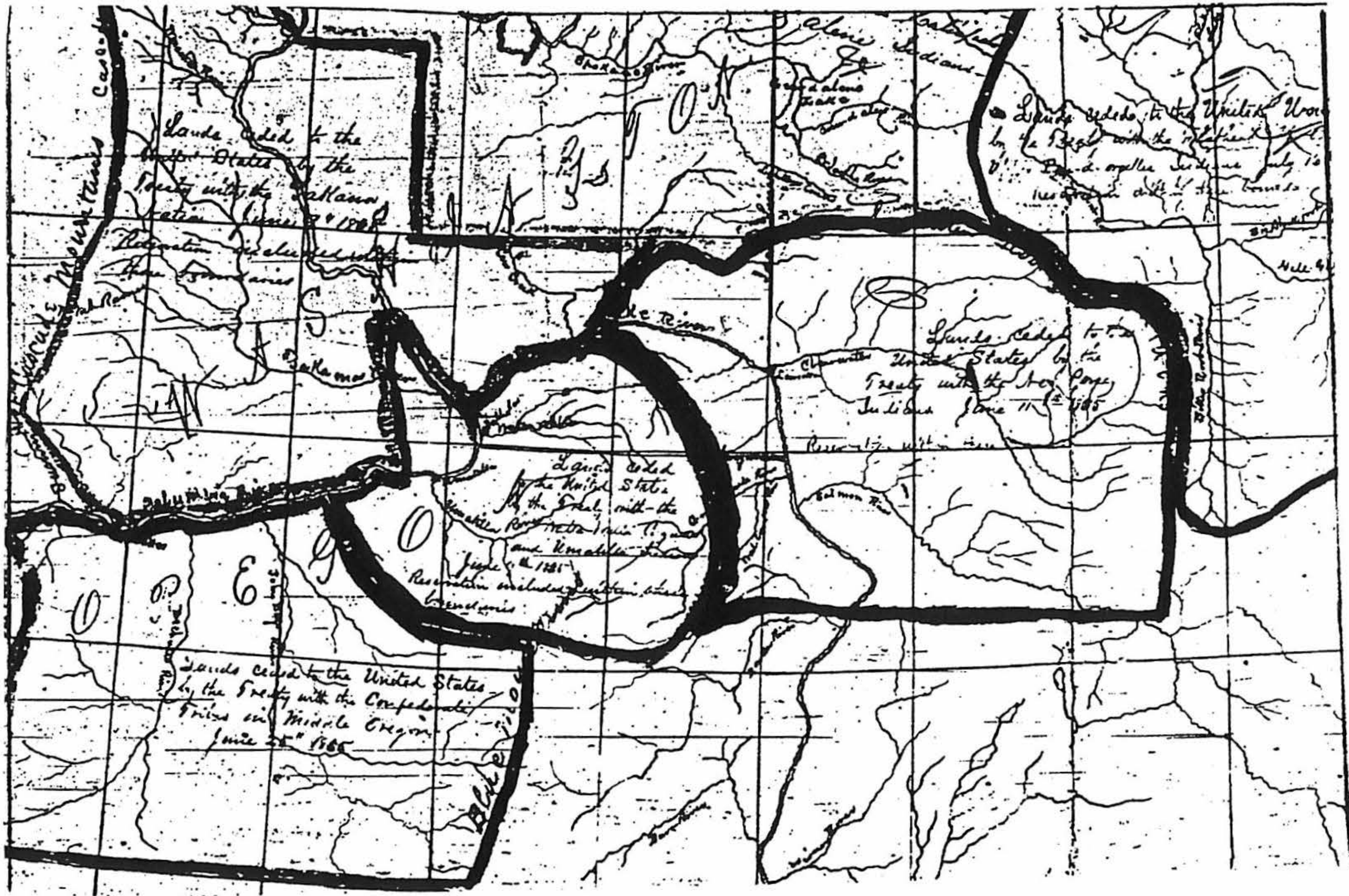

Fig. 6. Map submitted to Congress with the Treaty of 1855 (Stevens (1854, 1855).

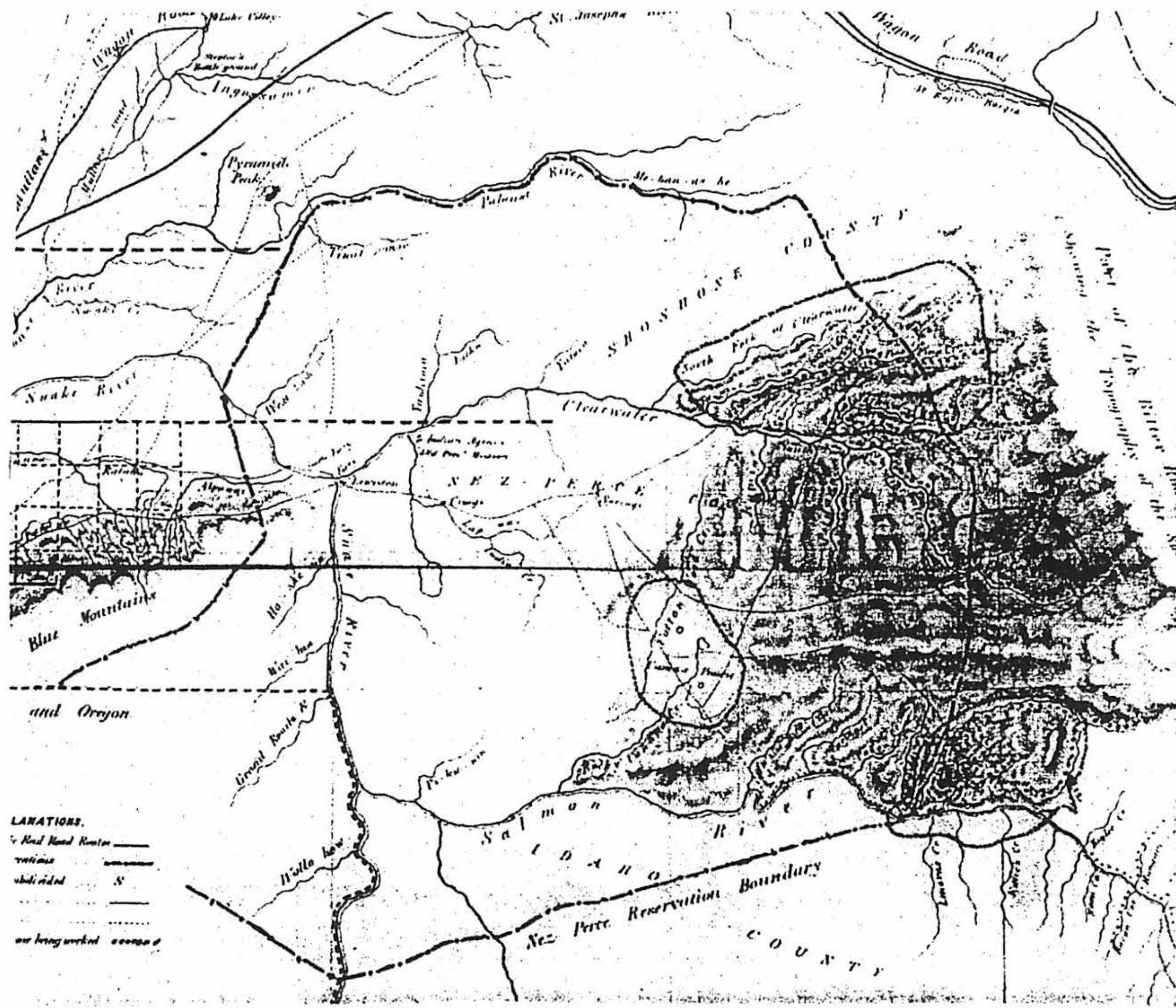

Fig. 7. Numipu gold rush regions (Giddings 1862).

(1940:43) a survivor of the War of 1877, later remarked, "Many of our people had been killed by white men on our reservation . . . but at no time was anything done to punish them . . . those white killers were never bothered from living on our lands."

As the situation on the reservation deteriorated, the Superintendent of Indian Affairs proposed that the government immediately negotiate free access to the gold fields and reduction of the treaty reservation to exclude the gold districts (Miller 1861:176). The superintendent suggested giving away the gold-fields, culminating in the treaty of 10 April 1861 that was drawn between Superintendent Edward Geary, Indian Agent Cain, Chief Lawyer, and 47 chief-headmen and delegates. This treaty was to open key mining districts on the northern part of the Numipu Reservation to non-native miners as shared, common-use areas. Certain root gathering and agricultural grounds were to be exempt from the shared use areas. The Numipu were to receive no reimbursements for their losses (Deloria and Demallie 1999:1341–1342). Numipu representatives entered into this treaty in an effort to eliminate the conflicts that were already a daily part of life (Slickpoo and Walker 1973:147). This treaty was not ratified by Congress.

A company of United States soldiers was sent to the reservation to preserve the peace, in accordance with Article 4 of the proposed treaty. Article 4 also stipulated that intrusion onto the root grounds would be prevented, and that whiskey traffic into the nation would be suppressed. The military was unable to prevent miners from going into the country north of the Clearwater River, and by September 1861, some 5,000 to 7,000 trespassers were on the reservation. As federal troops were withdrawn, the situation worsened and in February of 1861, the senate ordered negotiations for a new treaty that would cede the northern part of the reservation. The Commissioner of Indian Affairs agreed with the Senate, and in the summer of 1862, appropriations were made to negotiate a new treaty (Indian Claims Commission 1974:407–409)

While treaty negotiations were underway, advertisements, maps, and detailed directions to the Numipu gold fields were published in San Francisco and other cities. Newspapers in Olympia, Portland, Walla Walla, and San Francisco contained heavy coverage about the Numipu gold fields. The popular maps did not identify reservation boundaries, but provided information about railroads, shipping routes, overland routes, cities and towns, and hotels and lodging accommodations (Wheat 1961:45–48) (Fig. 8). The gold fields were commonly referred to as the "Nez Perce" mines on the maps, but there were no indicators of Numipu ownership or of reservation restrictions.

Other maps of the Numipu Reservation and the "Nez Perce" mines were produced in 1862 by E. Giddings for the Surveyor General's office (Fig. 7). These maps indicated presumed reservation boundaries, and contained a number of inaccuracies that were not amended until the Indian Claims Commission decision in 1967. The maps follow the nebulous spur of the Bitter Root Mountains as the eastern boundary, but reflect Giddings' work in Idaho. The gold mining districts are fairly well marked and the reservation boundaries are drawn before the reductions of the treaty of 1863 (Kappler 1904:14 Stats. 647) (Fig. 7). Most of the gold mining districts were excluded from the Numipu nation after ratification of the 1863 treaty on 17 April 1867 (Fig. 4).

Discovery of the precious metals impacted the Numipu nation in many ways. On 3 March 1863, Idaho became a United States territory, causing immediate changes in governing districts and structures (Hawley 1920:8). Territorial officials developed legislative districts, law enforcement agencies, towns, cities, taxing districts, and infrastructures that affected the Numipu, many of whom lived outside of the reservation. The new territorial governor became the ex-officio Superintendent of Indian Affairs, after posting a $50,000.00 surety bond and taking the oath of office. The governor controlled all Indian agencies and all federal funds, treaty monies, and federal property on Indian

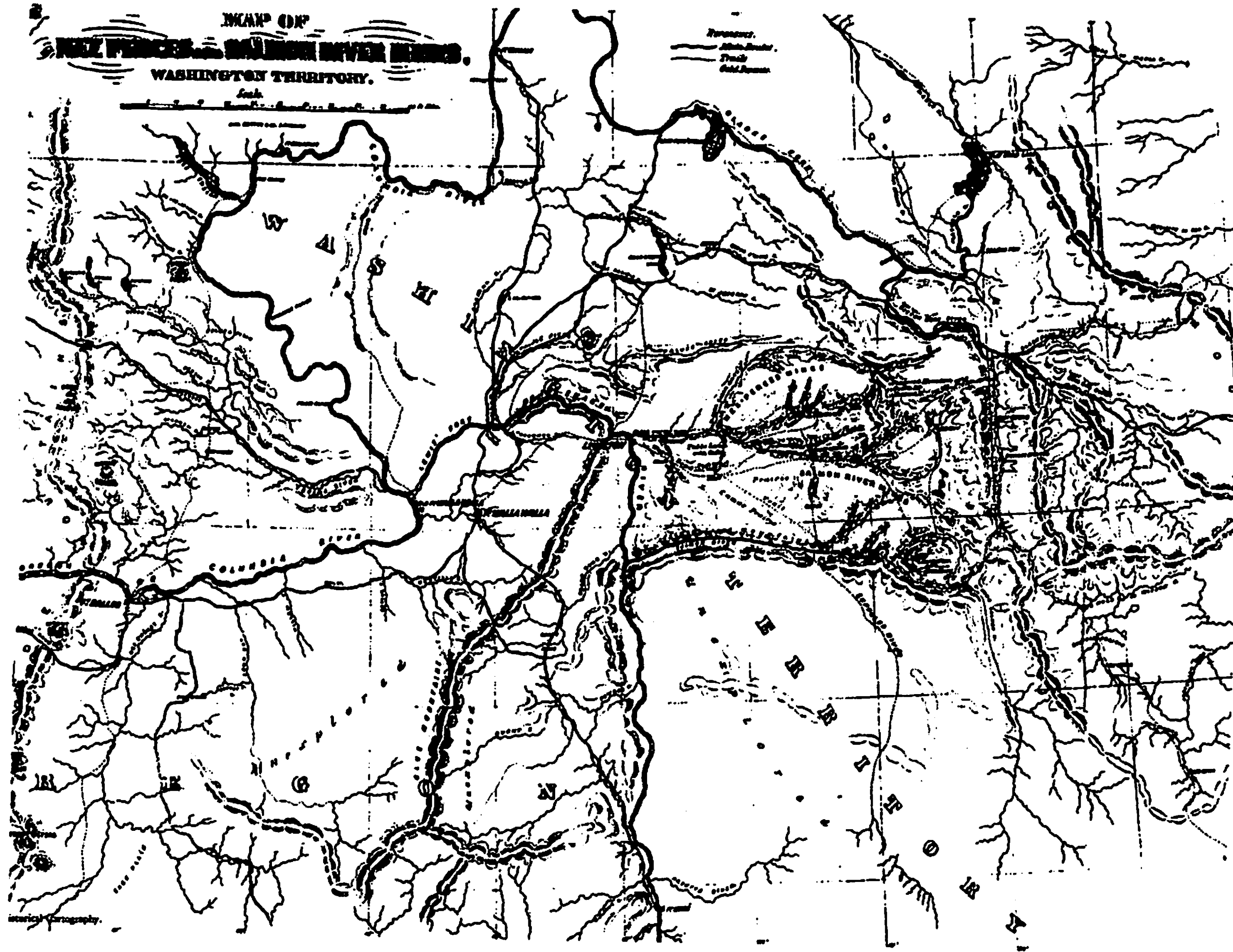

Fig. 8. Map of the Nez Perce and Salmon River gold mines in Washington Territory (Wheat 1963:[5]46).

reservations within the Territory (Bird 1959:9–11). Appointment of the governor as Superintendent of Indian Affairs created a dual-purpose official. The governors were committed to development of the new territory and were usually dedicated to their own careers. As ex-officio superintendent, governors were also expected to serve as federal officials who were presumed to have the interests of Native nations within their jurisdiction at heart. This left the Numipu without effective representation during a crucial period in their political relationships with the United States.

The first governors of Idaho did little for Native nations. William H. Wallace, Idaho's first governor, was a congressional delegate from Washington Territory who spent his time in office as governor assuring his re-election to Congress from Idaho. Wallace was not actively involved in Numipu affairs and did not attend the treaty council of 1863 (Bird 1959:8–11). Caleb Lyon, Wallace's successor, was a criminal (Hawley 1920:209). Lyon was charged with "dereliction of official duty" after stealing $46,418.40 of unexpended Numipu Treaty funds (Drury 1979:7 note). The stolen funds were deducted from Lyon's $50,000.00 surety bond, after a federal investigation (Hawley 1920:209). Other governors were not much better. One governor spent his time tending to his business interests and mail contracts, until forced to resign by President Grant (Blase 1925:48). Another governor was more concerned with raising a militia to control Native Americans, rather than with their sovereign rights and treaty provisions. Governor Brayman (Blase 1925:50) complained in 1876 that though he had authority to command a militia, there was no one to command. When the War of 1877 broke out, Brayman called for 100 volunteers, but the war department assured him that they had the authority to meet the emergency, and he did not raise an Indian-fighting militia at that time (Blase 1925:52)

The situation leading up to the treaty of 1863 was devastating. The Numipu nation was inundated with gold miners, prospectors, trespassers, murderers, illegal sales of alcohol, and complete disruption of the life of the nation. Squatters coming onto the reservation sought land that had been alienated by the treaty of 1855. By 1860 most of the Numipu who farmed remained outside of the reservation, in accordance with treaty provisions. Many Numipu farmed small plots of wheat, corn, potatoes, and other crops because there was not enough arable land on the reduced reservation to allow everyone to become self-sufficient (Dole 1862:414–415). The shortage of tillable land was a problem, because settlers coming into the area demanded the best agricultural land for themselves. By 1861, illegal immigration onto the Numipu Reservation was chaotic as gold seekers stampeded the reservation.

When the treaty of 1861 was not ratified, negotiations for a new treaty and cession of the gold mining districts began almost at once. The resultant treaty of 1863 (Kappler 1904:14 Stats. 647) was one of the major causes of the War of 1877. In addition to increased loss of lands, the treaty reinforced a centralized Numipu authority that was responsible to federal authorities, who relied on imposed majority-rule decision making processes. The treaty of 1863 (Kappler 1904[2:14 Stats. 647) was considered legal and binding by federal authorities who did not recognize Numipu concepts of consensual decision making. Federal officials maintained that tribal representatives who signed the treaty represented a majority of the Numipu people. Many of the Numipu, however, did not support the treaty. Numipu leaders had not granted anyone authority in absentia and knew that the Numipu homelands in the Wallowa Valley had been sold to the United States illegally. According to Chief Joseph (1879:417–418, 420):

> A chief called Lawyer, because he was a great talker, took the lead in this council, and sold nearly all the Nez Perces' country. My father was not there. He said to me; "When you go into council with the white man, always remember your country. Do not give it away. The white man will cheat you out of your home. I

> have taken no pay from the United States. I have never sold our lands." In this treaty Lawyer acted without authority from our band. He had no right to sell the Wallowa (Winding Water) country. That had always belonged to my father's own people, and the other bands had never disputed our right to it. No other Indians ever claimed Wallowa. . . . On account of the treaty made by the other bands of the Nez Perces, the white men claimed my lands.

Federal Goals

The treaty of 1863 (Kappler 1904:14 Stats. 647) contained a number of provisions that supported federal goals for American Indians. Individual allotments in fee title were not forced on the Numipu until after passage of the Dawes Act in 1887. As a prelude to allotment, however, Article 3 of the treaty of 1863 provided for allocation of individual 20 acre plots on the reservation. All men 21 years old, or those who were heads of families, were to receive allotments to be held in severalty, but not in fee title. Allotted lands were exempt from taxes, levies, or sales and were alienable only to the United States or to members of the Numipu nation. The treaty also penalized those who avoided agriculture and preferred their freedom. As stated in Article 3 of the treaty (Kappler 1904:14 Stats. 647): "If any such persons or family neglect or refuse to occupy and till the portion of the land . . . on which they have located, or shall rove from place to place . . . the President may cancel the assignment and may also withhold from such person or families . . . annuities or other payments due until [they] have returned to their permanent home and resumed the pursuits of industry."

Other treaty provisions reinforced changes to sedentary agriculture. The federal government agreed to pay the Numipu $262,500.00 for an estimated 6.51 million acres of land (Fig. 3), and at least $200,000.00 of that money was to be used to support Numipu agriculture. The $150,000.00, paid over 4 years, was to cover costs of removal to the reservation and the plowing and fencing of farms and fields. Also $50,000.00 was to purchase agricultural implements, wagons, carts, harnesses, cattle, sheep, and other livestock (Kappler 1904:14 Stats. 647 Article 4 Sections). Additional Numipu capital was to be used to build flour and saw mills at Kamiah and to support education. The saw mill was intended to serve Numipu home builders and the flour mill was meant for Numipu farmers. This provision raises a number of questions about how representative the treaty council was. Not all Numipu wished to become farmers or to become sedentary residents on the reservation. Many Numipu participated in the War of 1877 because of the restrictions to their freedoms imposed by this treaty. The treaty also presumed that the Numipu wished to give up the old lifestyle of seasonal hunting, fishing, and berry and root gathering that was reserved in the third article of the treaty of 1855 (Kappler 1904:12 Stats. 957). The new treaty did not abrogate the earlier treaty, but rewarded those who opted for a sedentary lifestyle.

Of the money generated by the sale of the land, $2500 was to be spent, within a year of ratification, to build two Christian churches. One church was to be built at Kamiah and the other was to be erected at Lapwai (Kappler 1904:14 Stats. 647 Article 4 Sect. 5). Once again, majority decision-making was not truly representative, because many of the Numipu who did not attend the treaty council were not Christians. According to Yellow Wolf (1940:29–30), the disparities between Christians and non-Christians were important enough to cause friction between the groups: "They told us that we had to . . . give up our part of the reservation . . . must move in and live with the [Numipu] who have turned Christians . . . [we are] all of the same tribe but it would be hard to live together . . . our religions are different." No treaty funds were set apart for non-Christian practices or functions.

Treaty provisions also reinforced federal power by garnering all authority for building roads and highways on the reservation to the government (Kappler 1904:14 Stats. 647 Article 8). The treaty held the right to manage all ferries and bridges on the reservation to the federal government, and allowed hotels and stagecoach stands to be built along the public roads on the reservation. Article 8 of the treaty retained all timber on the reservation as the exclusive property of the Numipu nation. The federal government, however, reserved the right to use Numipu timber, free of charge, to support and maintain necessary military posts and forts (Kappler 1904:14 Stats. 647). This article was amended in 1867 to eliminate free military access to Numipu timber (Kappler 1904:15 Stats. 693–695 Article 2)

The period following the treaty of 1863 was a difficult time for the Numipu. After 1861, the United States military was heavily involved in the Civil War, and no effective protection was offered to the Idaho nation. The situation disintegrated as federal agents pressured Chief Joseph to accept the treaty and to move his band onto the diminished reservation (Joseph 1879:420). As Numipu historian Allen Slickpoo (Slickpoo and Walker 1973:168) summarized, this was an era of federal misdeeds, broken treaties, and "crooked, conniving politicians and agents who worked against us and not for us." Non-natives refused to accept treaty provisions that allowed the Numipu to live off of the reservation, while their livestock destroyed Numipu farms and fences. Soldiers stationed at Fort Lapwai imported whiskey into Indian villages, and whites and Chinese sold alcohol on the reservation in violation of federal law. Herd management was critical, as whites castrated Numipu stallions, and settlers continued to trespass livestock onto the reservation. Settlers were angry that the Numipu were allowed to pasture their herds off of the reservation, while they were banned from grazing their animals on the reservation. Settlers filed illegal claims for Numipu farms or paid very little for valuable Numipu farms and improvements in the districts that were to be sold under the treaty (Slickpoo and Walker 1973:168–177). Between 1872 and 1874, and again between 1888 and 1889, droughts and infestations of crickets and insects destroyed Numipu crops and subsistence food production (J. G. Montieth 1875:51; C. E. Montieth 1889:182).

The Situation in the Wallowa Valley, the War of 1877, and Surrender at Bear Paw

The situation in the Wallowa Valley was extraordinarily difficult. In August of 1872, when the Numipu returned to the valley for their usual hunting and fishing, they found that white settlers and their livestock had moved into the area. Chief Joseph, insisting that the sale of the Wallowa Valley was illegal, ordered the settlers out of the area. When the Indian agent was brought in to arbitrate a temporary settlement, Chief Joseph was adamant about his father's refusal to sell the valley. The agent supported the settlers and the treaties, and arranged a temporary solution. He instructed the settlers to leave the Numipu alone because they were exercising their usual and accustomed hunting and fishing rights (Kappler 1904:12 Stats. 957 Article 3: Slickpoo and Walker 1973:178–180).

On 10 June 1873, President Grant created an executive order reservation that consisted of about half of the Wallowa Valley (Grant 1873:765, 766). Two years later, yielding to pressure from western congressmen, the president revoked the executive order and returned the reservation to the public domain (Grant 1875:765–766). Chief Joseph, and many other "non-Treaty" Numipu, did not feel that the Wallowa Valley was subject to reduction, or that it could legally be declared an executive order reservation.

On 13 November 1876 a council was called at Lapwai so that members of the Board of Indian Commissioners could meet with the Wallowa Valley bands. Commissioners, Indian Agent Montieth, Chief Joseph, and 60 or 70 members of the Joseph band, attended the meeting.

Addressing council participants, commission chairman Jerome cited several reasons for revocation of the executive order reservation. Jerome maintained that Chief Joseph and the band had not occupied the limited executive order reservation continuously since its creation. He also stated that since the reservation could not support the band year round, the president had revoked the executive order. Jerome et al.(1877:211), citing the "Doctrine of Discovery" and the right of occupation "as laid out by the Law of Nations" that had "been admitted by other great nations," defended federal possession of the Wallowa Valley. He (Jerome et al. 1877:211), in a denial of Numipu sovereignty, notified council participants that "notwithstanding this, [the] government always sought to extinuish Indians possessory titles . . . whatever that may be."

Another excuse for not returning the Wallowa Valley was that the area was already included within the boundaries of Oregon. Commissioners (Jerome et al. 1877:211) warned that the situation for the Numipu would be untenable because "Indians do not receive, at least from the local officials and state courts, the protection contemplated by the laws and accorded to the whites." Jerome et al. (1877:211) also told the council that the state of Oregon "could not probably be induced to cede the jurisdiction of the valley to the United States for an Indian reservation."

After reiterating why the Wallowa Valley would not be returned, Jerome suggested that lands be set aside on the Lapwai Reservation for Chief Joseph's band. Jerome et al. (1877:211) promised that the government would help build homes, fences, purchase farm implements, and provide "other helps to the peaceful industries and habits of life consistent with the spirit of the age." The commissioner (Jerome et al. 1877:211) also assured council members that the government would "secure such privileges for fishing and hunting as would be consistent with a settled pastoral, rather than a nomadic life."

The Numipu did not accept Jerome's proposals. Chief Joseph made it clear that he did not accept any reason for non-native settlement in the Wallowa Valley. The Chief also stated that he did not base their ownership of the Wallowa Valley on the executive order. The Numipu rested their ownership on aboriginal rights that the Joseph band had never signed away (Jerome et al. 1877:212). Chief Joseph (Jerome et al. 1877:212) replied that he and his brother realized:

> [The] Creative Power . . . made no lines on the earth; no lines of division or separation . . . it should be allowed to remain as then made . . . the earth . . . was too sacred to be valued by, or sold, for silver and gold . . . he could not consent to sever his affections from the land that bore him . . . he did not desire the Wallowa as a reservation, for that would subject him and his band to the will and dependence of another, and to laws not of their own making."

Responding to intense federal pressure, Chief Joseph finally agreed to go onto the reservation, saying (Joseph 1879:423) "I knew I had never sold my country, and that I had no land in Lapwai; but I did not want bloodshed. . . . I said in my heart that, rather than have war, I would give up my country." Given only 30 days to move hundreds of people and thousands of horses and cattle onto the reservation, the situation boiled over when Chief Toohoolhoolzote and some of the younger men counseled for war. Chief Joseph's reasons for the war provide an excellent summary of the situation. As the Chief told members of Congress (Joseph 1879:424, 425), "I know that my young men did a great wrong . . . they had been insulted a thousand times; their fathers and brothers had been killed; their mothers and wives had been disgraced; they had been driven to madness by whisky sold to them by white men; they had been told by General Howard that all their horses and cattle which they had been unable to drive out of Wallowa were to fall into the hands of white men; and, added to all this, they were homeless and desperate."

On 5 October 1877, Chief Joseph surrendered and the War of 1877 was officially ended (McWhorter 1983:525). Ollokot, Chief Joseph's younger brother, Chief Looking Glass, and the old Chief Toohoolhoolzote were dead. General Howard had responded, as he had threatened, when faced with Chief Toohoolhoolzote's resistance to the unauthorized sale of his homelands along the Snake River. In a council before the war, the old Chief (Toohoolhoolzote) (Yellow Wolf 1940:38–40) told General Howard "Have you no ears! I am a chief! Raised here by my father. No one tells me anything, what I am to do!" Howard incarcerated Toohoolhoolzote for the remainder of the council, and promised that the military would drive the Numipu onto the reservation.

According to Allen Slickpoo (Slickpoo and Walker 1974:150), the War of 1877 was more properly called "Chief Toohoolhoolzote's war." By the end of the war, Howard had driven the Numipu to their limits and the United States dealt with Chief Joseph, Yellow Bull, and *Huis Huis Kute* (Bald Head). The war ended for the Numipu when, as Chief Joseph (1879:429) said, "I could not bear to see my wounded men and women suffer any longer, we had lost enough already." Buttressed by Nelson Miles' promise that the band would be allowed to return to the Lapwai Reservation, Chief Joseph pledged the Numipu to peace (Joseph 1879:429). Chief White Bird predicted that the Americans would not deal fairly with the Numipu (McWhorter 1893:524). While White Bird and other survivors escaped to join Sitting Bull and the Lakota in Canada, Chief Joseph and his band were sent into exile to the Indian Territory. In the words of Chief Joseph (1879:429), "I believed General Miles or I would never have surrendered."

Knowing that Sitting Bull and many Lakota had found asylum in Canada after defeating Custer, White Bird opted for escape. Half Moon and a group of the older men were first to leave the Bear Paw for Canada, where they hoped that Sitting Bull could help with the war. Unaware that Sitting Bull had been threatened with expulsion from Canada if the Lakota crossed the international border, the Numipu received no help. By the time a small party consisting of 10 Numipu and a few Lakota returned to the Bear Paw, the fight had ended. As Yellow Wolf (1940:512–513) remembered "everything was quiet, nothing living . . . anywhere on that field . . . we found some of our dead who were unburied . . . we buried as best we could . . . and returned to Sitting Bull's lodge."

Almost all of the refugees who reached Canada were injured, tired, and nearly starved, and their clothing was in rags. The fugitives were also in constant fear that the United States army would cross the Canadian border (Yellow Wolf 1940:514; Howard 1952:285; Stegner 1962:117–119). After meetings with Sitting Bull and other Lakota leaders, all of the Numipu men, women, and children were fed, clothed, and housed. White Bird and his band were the last of the refugees to leave the Bear Paw, and arrived in Canada with many injured men, women, and children (Yellow Wolf 1940:512–513). The winter of 1878 was extremely harsh, and the buffalo did not come into the usual hunting areas (Haig 2002:1). The Lakota and the Numipu starved, but somehow, over the course of the winter, the Numipu managed to move to their own village (Yellow Wolf 1940:515).

White Hawk (Yellow Wolf 1940:515), who had been a child in the Canadian camp, remembered "I was always cold and hungry and not enough to eat . . . but the Sioux were also hungry. Their grub was scarce." By spring, starvation drove bands of Lakota away from the area, and when Sitting Bull left the Cypress Hills in 1881, the Numipu had already moved toward Fort Macleod (Yellow Wolf 1940:515). Small bands of Numipu refugees slowly crossed the border back into the United States. Some of the survivors wandered for years, staying with one friendly tribe or another, living what Yellow Wolf (1940:517) termed, a "precarious existence . . . hunted by United States troops alert to the capture of un-surrendered Numipu." Some of the escapees returned to Lapwai and others were deported to the Indian Territory. If the agent at Lapwai was friendly, some of the refugees were allowed to remain at Lapwai (Yellow Wolf 1940:517).

Ollokot's widow stayed in Canada two years, then drifted awhile, and spent the winter of

1881 with friendly Spokan before returning to Lapwai (Yellow Wolf 1940:517). Mrs. Shot-in-Head remained in Canada two years, spent two additional years with the Spokan and finally returned to Lapwai where she settled (Yellow Wolf 1940:517). Two Moons told of one winter with the Lakota, two winters with the Flathead, and of another on the Lemhi River, in southern Idaho. From the Lemhi River, Two Moons drifted to the Spokan for another year, and then, after meeting the exiles who had been returned to Lapwai, was sent to Nespelem (Yellow Wolf 1940:517). Red Wolf III lived two years with the Lakota, one year with the Blackfeet, another with the Flathead, migrated to the Umatillas, and then returned to Lapwai. Red Wolf (Yellow Wolf 1940:517) and his companions "walked all the way from Canada." Not all of the refugees were welcomed by other Indians. White Bird's stepson, Strong Eagle, and six other Numipu were killed by Assiniboins, and Native American army scouts were another source of continual danger (Yellow Wolf 1940:514)

Yellow Wolf and a small group of men wandered south across Montana, then toward Idaho, and finally returned and surrendered at Lapwai (Yellow Wolf 1940:518). Alert for returning refugees, Indian Agent John G. Montieth (1885:71) sent the Indian police to White Bird's band, "as fast as they appear" on the reservation. The police cut the men's long hair and delivered the agent's dictates about life on the reservation. He (Montieth 1885:71) told the men to select a piece of land, "settle down, and go to work." Montieth (1885:71) left no doubts about conditions on the reservation; "To a very great extent it is the fear of law that causes people to respect the same . . . so with the Indians, to make him fear you, is to make him respect you . . . my word is law."

Black Eagle, Wottolen, and a Bannock man who had joined Yellow Wolf went back to Canada (Yellow Wolf 1940:518). Almost 60 years later, Black Eagle remembered the names of the 11 men, 2 boys, 8 women, and 3 children who had escaped with him (Yellow Wolf 1940:517). White Bird and members of his band remained in Canada where they eventually settled near Pincher Hill on the Piegan (Blackfeet] Reservation. As Yellow Wolf told the story (McWhorter 1983:524), sometime around 1882, White Bird was killed by a grieving father. White Bird, a medicine man, had been treating two children who died. After the death of the second child, the father killed the medicine man in accordance with accepted custom.

On 5 October 1877, Chief Joseph surrendered to the United States army, and the journey into exile began for 431 men, women, and children (Ray 1974:227; Bull 1987:40). On 10 October 1877, General William T. Sherman abrogated an agreement to return the captives to the Idaho Reservation, and ordered them removed to the Indian Territory (Ray 1974:228). Sherman intended that the Numipu serve as an example of federal authority to other Pacific Northwest Native nations, all of whom who were aware of the Numipu situation. Sherman (Ray 1974:228) ordered that the captives be marched to Fort Buford and then moved to the Indian Territory "where their maintenance will cost but little, till next year when they can make a crop." The secretary of war confirmed Sherman's position, and on 1 November 1877, Sherman ordered the captives taken to Fort Abraham Lincoln, 800 miles to the south (Ray 1974:230).

The prisoners were not told that they were being sent to the Indian Territory until they reached Fort Abraham Lincoln on 16 November 1877 (Ray 1974:230–231). Held there for a week, the captives were loaded into railroad cars and sent to Fort Leavenworth, Kansas, where they arrived on 27 November 1877. After eight months at Fort Leavenworth, the captives were shipped to the Quapaw agency in the Indian Territory. From there, the Numipu were transferred to the Ponca agency and then to their own agency at Oakland, about 15 miles from the Ponca headquarters.

Peace Chiefs and Diplomats in the Indian Territory

In spite of the many impediments to their survival, some of the Numipu outlived incarceration in the Indian Territory as they re-shaped their histories in a number of significant ways. As a result of the war and removal, Joseph, Yellow Bull, and *Huis Huis Kute* (Bald Head) became peace chiefs, leaders or diplomats. Though Chief Joseph was the man most often recognized by federal authorities, one or the other of the three men was almost always involved in efforts to release the captives. On 18 December 1877, Chief Joseph asked the war department to return the Numipu to Idaho. His petition was denied on the basis that as federal prisoners, the Numipu had lost their sovereign rights to influence their destinies (Ray 1974:232). After this denial, Chief Joseph's efforts to secure release of the Numipu prisoners were almost continual. By the end of 1879, Chief Joseph had been to Washington, DC twice, seeking return of the Numipu to Idaho. Chief Yellow Bull also attended the lobbying efforts in Washington. The two men conferred with federal officials or lobbied army officers and federal representatives, as they worked for a suitable reservation and decent living conditions in the Indian Territory.

Chief Joseph and other Numipu leaders met with General Nelson A. Miles and William Stickney, a member of the Board of Indian Commissioners, at the Ponca agency in the Indian Territory in 1879. During this meeting held in the old Ponca schoolhouse, Chief Joseph reiterated Miles' promises made at their surrender to return the Numipu to Idaho. Miles insisted that he had done all that he could to carry out his promise, but Chief Joseph refuted this, saying that Miles had indicated that he had the power to make the arrangement. Chief Joseph continued to hold Miles responsible for that promise (Sherburne 1926a:1 December). The Chief had a copy of the federal document Miles had filed 27 December 1877 which clearly marked his promises to return the Numipu to Idaho (Jones, Stickney, and Fisk 1878:22 August). As a result of this meeting, Stickney and Miles presented the case for return of the Numipu exiles to President Hayes, who was about to leave office and did nothing to alleviate the situation (Stickney and Miles 1881:7; Sherburne 1926a:1 December). James Reuben, a Numipu educator, was sent to the Indian Territory, where he advocated for the release of war widows and orphans. The Indian Rights Association and the Presbyterian Church also became involved in returning the captives to Idaho (Joseph 1879:412–434; Woodin 1883a:79; Ray 1974:233–234, 239, 242–243).

Location in the Indian Territory was important because the Numipu realized that where they were placed influenced their chances of survival. Rejecting 7,000 acres initially offered to them, Chief Joseph and *Huis Huis Kute* insisted that other, more suitable agricultural lands be provided for the exiles (Price 1882c:lxiii). Numipu leaders and federal commissioners spent about a week examining properties in Kansas and in the Indian Territory, until a preferential location was selected from the 6 million acre Cherokee Outlet. (Fig. 9). (Public Statutes 1878:20 Stats. 74; Schmeckebier 1927:117–119; Slickpoo and Walker 1973:196; Ray 1974:233, 235–236). Due to the efforts of the Numipu leaders, the new territory consisted of more than 90,000 fertile, well-watered acres instead of 7,000 acres of arid scrub-land (Price 1882c:lxiii; Ray 1974:235).

According to Hiram Price (1882c:lxiii), on 31 January 1879, Chief Joseph and Yellow Bull entered into an agreement with the government "where they proposed to relinquish all claim to their lands in Idaho or elsewhere and settle permanently in the Indian Territory" on the land selected in October of 1878. Price mentioned that this agreement, plus draft legislation, was submitted to Congress for ratification on 1 February 1879, where it was defeated. Though unconfirmed, existence of such a bill would indicate that the Indian department recognized the bands' continued legal title to the Wallowa Valley. Attributing this measure to Chief Joseph and Yellow Bull seems odd, however, since the men had been in Washington, DC only two weeks earlier. The men had met with the

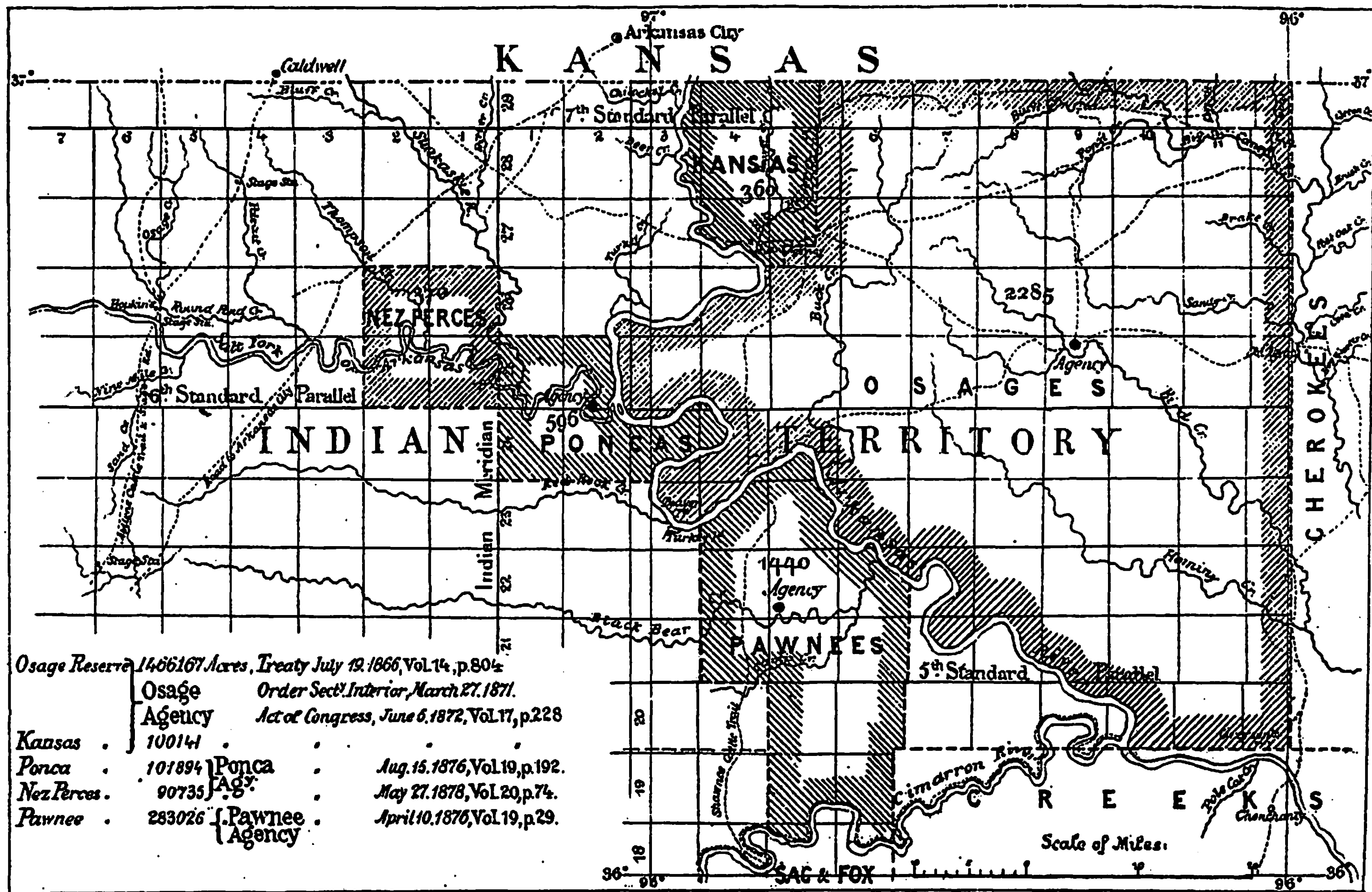

Fig. 9. Nez Perce Reservation, IT; Townships 25 & 26 N; Ranges 1 & 2 W; 90,710.89 acres (*Annual Report, Commissioner of Indian Affairs,* 1879:facing 72).

President, the Secretary of the Interior, and other federal officials and diplomats, seeking their return to Idaho. They also argued that the treaty of 1863 was illegal and for recognition that the Wallowa country still belonged to them (Joseph 1879:416–422). Chief Joseph and Yellow Bull would have been working to defeat every measure of the proposed legislation shortly before it was attributed to them, or before they would have had time to react to its defeat in Congress.

Another anomaly about this legislation, according to Price, is that title to the Indian Territory lands was to have caused the Numipu to quit complaining about their lack of freedom. According to Price (1883b:lxiv), the Numipu were to have become "comparatively contented" with their new home. This may have wishful thinking on Price's part, because Chief Joseph and many of the Numipu never accepted the loss of the Wallowa Valley and their dislocation to the Indian Territory. After the measure was defeated, the Numipu were relocated onto the new lands in June of 1879, where they remained until their return to the Pacific Northwest in 1885 (Fig. 9). Federal authorities made annual appropriations for their support and maintenance until 22 May 1885, when the Numipu relinquished all of their rights to the Indian Territory lands (Price 1882c:lxiv; Schmeckebier 1927:119; Ray 1974:243). On 14 July 1884, Congress enacted legislation that authorized return of the Numipu to the Pacific Northwest (Public Statutes 1884:23 Stats., 90), and on 13 May 1885, $18,000.00 was appropriated to fund their transportation and resettlement to the Colville, Washington or Lapwai, Idaho reservations (Schmeckebier 1927:119; Bull 1987:51). At daybreak, 22 May 1885, 268 Numipu men, women and children and 34 wagons carrying 35,000 pounds of their possessions, left for the railroad depot at Arkansas City, Kansas. Healthy men, women, and children walked, while the sick and elderly rode in the wagons on their way out of the Indian Territory (Seeman 1987:63).

Return to the Pacific Northwest

After their release, 118 of the exiles were allowed to go to the Lapwai Reservation, arriving there on 1 June 1885 (Ray 1974:247). The other 150 survivors continued to Fort Spokane, Washington where they were held for several months (Slickpoo and Walker 1973:201; Ray 1974:247). Sidney Waters, Indian agent at Colville, blamed eastern social reformers for returning the Joseph bands to where they were not wanted. Waters, whose offices were about 30 miles from the survivors' camps, made very few efforts to feed or house the refugees (Waters 1885:185–186).

According to Verne Ray, who prepared the Numipu ethnohistory for the Indian Claims Commission, several criteria influenced the final destination of the former captives. Those who accepted Protestant Christianity could go to Lapwai, while those who opted to remain firm in their own religious beliefs were sent to Colville. The Indian department also warned that Chief Joseph and some of the men who were under indictment in Idaho could not, for their own protection, be housed in Idaho. Ray (1974:244–247) remarked that that those who expressed remorse for their participation in the war were also considered for return to Lapwai.

Chief Joseph never again resided in Idaho, though he visited his father's grave at Wallowa in 1899 and in 1900. In 1900, the citizens of Wallowa warned the Chief, however, that he was no longer welcome in the area (Nez Perce-Nimipu 2002). Chief Joseph visited friends at the Lapwai Reservation, but refused to accept an allotment there (Gay 1981:90). Chief Joseph remained dedicated to the return of the Wallowa Valley and to his religion (Gay 1981:90; McBeth 1993:97). In missionary McBeth's (1993:97) opinion, Chief Joseph "held to his heathenism with all the tenacity with which he has clung to his beloved Wallowa Valley. Never for a moment did his heart turn from his old home to the new one . . . Joseph had one good thing about him. He was a

temperance man." Chief Joseph continued to petition the government for return of the Wallowa Valley until shortly before his death on 21 September 1904 (Ray 1974:252).

The situation at the Lapwai Reservation was often in a state of flux, and theft, fraud, and misuse of government and Numipu funds was common (Colyer 1871:34–37). By 1871, the board of Indian commissioners disclosed that at least $60,000.00 of Numipu treaty money had been spent to fence and plow farms that housed no Numipu farmers. Saw-mills and grist-mills, purchased with Numipu treaty funds, were misused or standing idle and required $10,000.00 worth of repairs before they could be restored to productivity (Sells 1871:36–37). Farm implements were old and worn out, and new farms were not being surveyed or properly laid out (Colyer 1871:34–37). During fiscal year 1888, drought ruined over half of the Numipu crops and gardens, while railroads continued to dissect the reservation (C. E Montieth 1889:182). Within a few years the Clearwater Short Line, the Oregon Railway and Navigation Company, and the Palouse and Spokane Railway Co. had gained access to the Numipu Reservation (Kappler 1904:675, 679, 288 note 351). Timber was stolen from the reservation and cattle rustlers preyed upon Numipu herds (Stranahan 1900:51–52; Ketcham 1918:85). By 1889, non-native farmers outside of the reservation regularly produced crops on their own lands, and allowed their cattle to trespass on the Numipu Reservation. In 1889, at least 10,000 cattle trespassed on the reservation (Gay 1981:10). During the drought of 1889, careless gold miners started forest fires that burned for months, ruining Numipu forests and hay crops (Gay 1981:53, 75).

The political situation at the Lapwai agency was often in a state of chaos as federal employees caused more problems than they solved. In 1889, five different Indian agents were appointed to Lapwai, and at least three federal employees were on trial in county courts for criminal assault or illegal confinement of their peers (Gay 1981:7; Hoxie and Mark in Gay 1981:179 note 2). Jane Gay (1981:7), Alice Fletcher's cook and aide-de-camp, remarked that agency employees were armed and that even "the women of their families were accused of fighting with their fists." Federal appointees to the agency were often offensive or were unconscionably incompetent. Gay (1989:89) mentioned that one superintendent of the government school was a "mild and harmless simpleton... whose only educational effort . . . was when he attempted to teach some infant Indians to sing an Irish song." Bureaucrats and missionaries were also at odds with each other. By July of 1889, missionary Sue McBeth was forced to relocate to a border community to avoid unpleasantness with federal officials who charged her with provoking disobedience on the reservation (Gay 1981:33). McBeth had incorporated American government and the declaration of independence into her curriculum at the mission school, subjects that federal officials wished to avoid. By 1893, the situation at Lapwai was one of unrest and dissatisfaction because of the problems that had gained momentum over the years (Gates, Whittlesey, Smiley, Lyon, Jacobs, Walker, Garrett, James, Monroe, and Pointer 1893:28, 29)

Other changes occurred after the Civil War. Technology, development capital, and changing marketing practices, turned 20 acre farms into little more than minimal-subsistence agriculture. Though many Numipu tried to work their small farms, most people realized by 1883 that they needed at least 160 acres to meet their agricultural needs. Congress was petitioned to make this change, but ignored the issue (Price 1883b:xv). The nation was decimated by a steady influx of white settlers, the War of 1877, and the transformation of the area into a settled territory that, according to Archie Phinney (1926 Box 4:1) "ruined the Numipu free-range economy." There remained a continuing hunger for Numipu land that peaked with the passage of the Dawes Act and the allotment, in fee title, of the Numipu Reservation (Phinney 1926 Box 4:2)

Allotment of the Idaho Reservation

Most of the Numipu knew nothing of the Dawes Act until Alice Fletcher, the federal agent assigned to allot the reservation, arrived in May of 1889 (Fletcher 1890:60–61; Gay 1981:16). Sent to Idaho with no specific instructions, Gay (1981:16) said that it was Fletcher's job to "convince everyone of the desirableness of breaking their tribal relations, giving up their tribal rights under U.S. treaty, for American citizenship and a very moderately sized farm cut out of their tribal inheritance." Fletcher had been told before she left for Idaho, that allotment would not take long and that the Numipu were ready for the program (Gay 1981:17). This was not the case, as one Numipu elder (Gay 1981:24) asked Fletcher, "How is it . . . that we have not been consulted about this matter? Who made this law? We do not understand what you say. This is our land by long possession and by treaty. We are content to be as we are." Numipu allotment was a four year odyssey for Alice Fletcher, and another era of exacerbated land loss for the Numipu (Slickpoo and Walker 1973:223)

Determined to carry out the edicts of the Dawes Act, Fletcher never wavered from her conviction that allotment, citizenship, and private property were the only viable keys to Numipu survival. Fletcher combined Christianity and politics to promote acceptance of allotment, and formed ties to missionaries and church elders that enabled allotment processes (Gay 1981:22, 24–25; McBeth 1993:183–185). As the Numipu gradually yielded to allotment, the allotment processes revealed a number of old treaty based problems. Survey lines, run incorrectly after the treaties, were accepted delineations of individual properties that conflicted with individual allotment choices and surveys (Whittlesey 1891:17). Regardless of this and the many problems connected to the individual allotments, nearly 2,000 individual allotments were completed by September 1892 (Gay 1981:xxiii). After assignment of the individual allotments, the sale of over 500,000 surplus acres became another point of contention in the nation (Slickpoo and Walker 1973:224). Those who opposed sale of the surplus lands realized that without the tribal land base, federal support for the nation would be withdrawn. It was also recognized that tribal infrastructures, supported in partnership with the federal government, would cease (Gay 1981:xxiv)

On the first of May 1893 (Kappler 1904[1]:28 Stats. 328–332) allotment of land in severalty, and the federal program to break up the Numipu Reservation and community, became law (Phinney 1926 Box 4:2; Indian Claims Commission 1974:123). In the course of allotment, the Numipu reserved 34,000 acres of tribal lands, and ceded, after considerable argument, 542,000 acres of surplus land to the United States (Indian Claims Commission 1974:224). By 1930, 1,200 Numipu shared the reservation with 25,000 non-natives, and allotment had reduced the reservation to less that 206,000 acres. In 1934, when the Indian Reorganization Act ended allotments, the Numipu land-base had dwindled to about 109,000 acres that were checker boarded throughout the old reservation (Phinney 1926 Box 4:11) (Fig. 10). By 1996, the reservation totaled about 112,409 acres and an estimated 1,600 Numipu and 16,000 non-natives lived on the reservation (James 1996:6). As Phinney had predicted, the state of Idaho and non-natives owned an estimated 80% of the reservation established by the treaty of 1855 (Kappler 1904:12 Stats. 957; Phinney 1926 Box 4:11; James 1996:6). Contemporary Nez Perce ownership of the reservation has increased to about 185,000 acres, and includes the recent purchase of lands near the Wallowa Lake homelands of the Chief Joseph band (Lewis and Clark Rediscovery Project 2002)

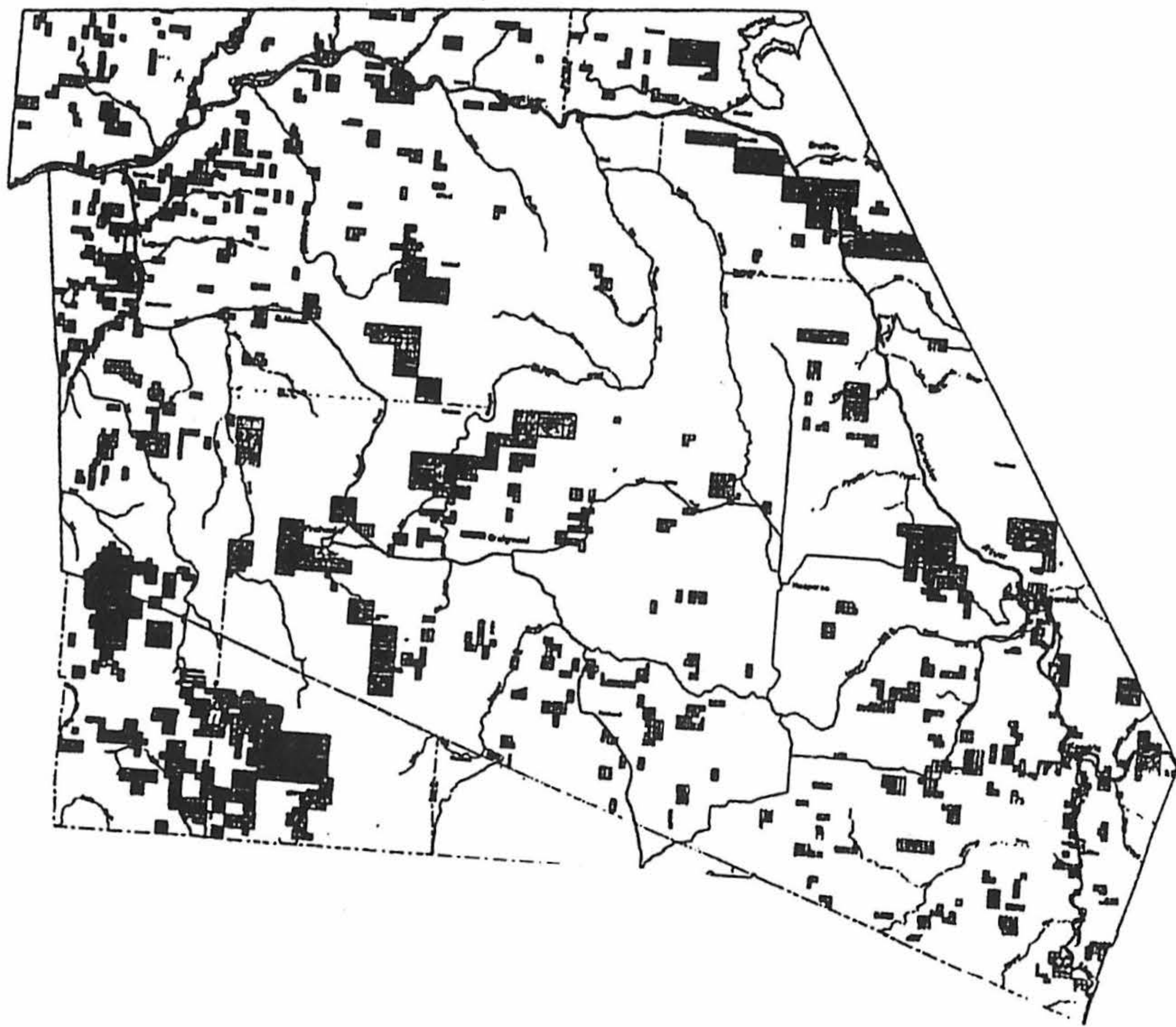

Fig. 10. Numipu Reservation; checker boarded effect, ca. 1991 (James:1996:8). See also Fig. 17.

Conclusion

Archie Phinney's research pre-figured Indian Claims Commission awards that reimbursed the Numipu $2.8 million for Columbia River fishing grounds, $4.2 million to adjust for land preempted and undervalued during Idaho's gold rush, and $3 million for gold stolen from the Numipu Reservation (National Park Service 2002:1). Following Phinney high lighted the staggering loss of aboriginal lands experienced by the Numipu after 1855, and clarified Numipu efforts to survive within the colonial contexts of the United States. Phinney was cognizant of imposed, centralized, and internalized forms of governance and the trail of laws, unconscionable treaties, and imposed changes in aboriginal governance. Phinney recognized that these changes were vital to the colonization and reorganization of Numipu governance, land loss, and federal disregard for Numipu sovereignty and civil rights. The trails of Phinney's research also led to the dislocation and survival of refugee populations, and their efforts to retain their civil and sovereign rights.

Phinney's research data led to other areas of interest for those concerned with American Indian studies. Following the various maps that delineate Numipu land loss highlights the magnitude of the territorial losses. The maps also reveal that American Indians remained precise in the knowledge of their territories, regardless of imposed doctrines. Federal salaries and benefits for selected leaders were not offered in perpetuity and bring forth another area of interest. As planned, the competition for financial benefits and recognized authority affected American Indian governance and leadership. Federal agents, religious leaders, treaty commissioners, and governors, designed and implemented plans to purchase and control American Indian governments. After the treaties, the public press exacerbated American Indian land loss and abrogation of federal treaties and sovereign rights. For over a century of federal treaty making, the national media advanced frontiers of the United States that rolled across American Indian nations.

Inundated by the westward movement of the United States, American Indian leaders exerted their considerable efforts and talents to retain their civil and sovereign rights. Chiefs and leaders such as Toohoolhoolzote, Joseph, White Bird, and Yellow Bull illustrate the types of leadership that resisted the American invasions. When resistance failed, surviving leaders continued their efforts to retain some control over the lives and circumstances of their communities. Peace Chiefs and leaders in the Indian Territory compelled the federal government to recognize their territorial rights and to provide decent living conditions for their communities. The leaders were also effective diplomats who influenced the return of the Numipu to the Pacific Northwest. Leaders dealt with political circumstances and restrictions to Numipu sovereignty and civil rights, in their efforts to force the United States to recognize those rights.

NUMIPU WINTER VILLAGES

J. Diane Pearson and Peter Harrington, Cartographer (1953–2003)

ABSTRACT

Archie Phinney's research and preparations for his book, *Nez Percé Texts*, provides a valuable resource for geographical location of aboriginal Numipu villages. Phinney's work, combined with Elder Billy Williams' work in 1891, linguistics, and peoplehood, relocate a series of Numipu aboriginal winter villages.

Introduction

As a scholar abroad, Archie Phinney used much of his tenure in Russia to prepare his Nez Perce language field notes for publication. This resulted in his *Nez Percé Texts*, published in 1934, and in Phinney's identification and location of 20 Numipu winter villages (Phinney 1926:Box 4-11) (Fig. 11). Geographical reconstruction of the Numipu aboriginal villages was attempted before and after the Phinney work. In 1891, Elder Billy Williams identified 75 of the Numipu aboriginal villages. Herbert J. Spinden (1908), Walker directing Schwede (1966, 1970), and Stuart A. Chalfant (1974) continued the work as well as more recently Sappington and Carley (1995; Sappington, Carley, Reid and Gallison 1995:177–220; Carley 2001). The Williams map became part of a collection that aspired to preserve a "vanishing" Numipu history, and the later works were cited by the Indian Claims Commission to justify Numipu aboriginal land bases. Phinney's work is interesting because he understood that the winter villages were the heart of the old Numipu nation. Phinney identified the villages as a part of his own sense of peoplehood, recognizing that the Numipu were not *from* the villages, but that they were *of* the winter villages. Phinney understood that the complex relationships with the winter villages involved language, territory or place, sacred histories, and ceremony (Holm, Pearson, and Chavis 2003:43–68).

Linguistics, Peoplehood, and Winter Villages and Sacred Histories

Linguistically, the suffix -pu (-pa, -po) identified the Numipu as people *of* and not *from* a place. To be of *Tisayaxpo* was to be one of the "people of the granite rocks" (Phinney 1926: Box 4-34). The Numipu were also *of Umnapu* (East Kamiah), *Tsaynaspu* (Kooskia), *Tawapu* (Orofino), and *of Tamanmapo* (Salmon River) (Phinney 1926:Box 4-2–17). Phinney also traced the maternal line of his family by the reoccurrence of names and band affiliations that were *of* places such as *Hatawisinma*, *Pik'unanmu* (Salmon River), *Tisayaxpo* (Granite Bluffs), *Uyama* (Kamiah), and *Lapwaima* (Lapwai) (Fig. 11). Phinney was also well aware of how much of the territory encompassed by the winter villages had already been lost to the Numipu. The string of disastrous treaties, land and gold thefts, and the coup de grace administered by the allotments of the Dawes Act (8 February 1887) were all part of Phinney's repertoire (Phinney 1926:Box 4-2–17).

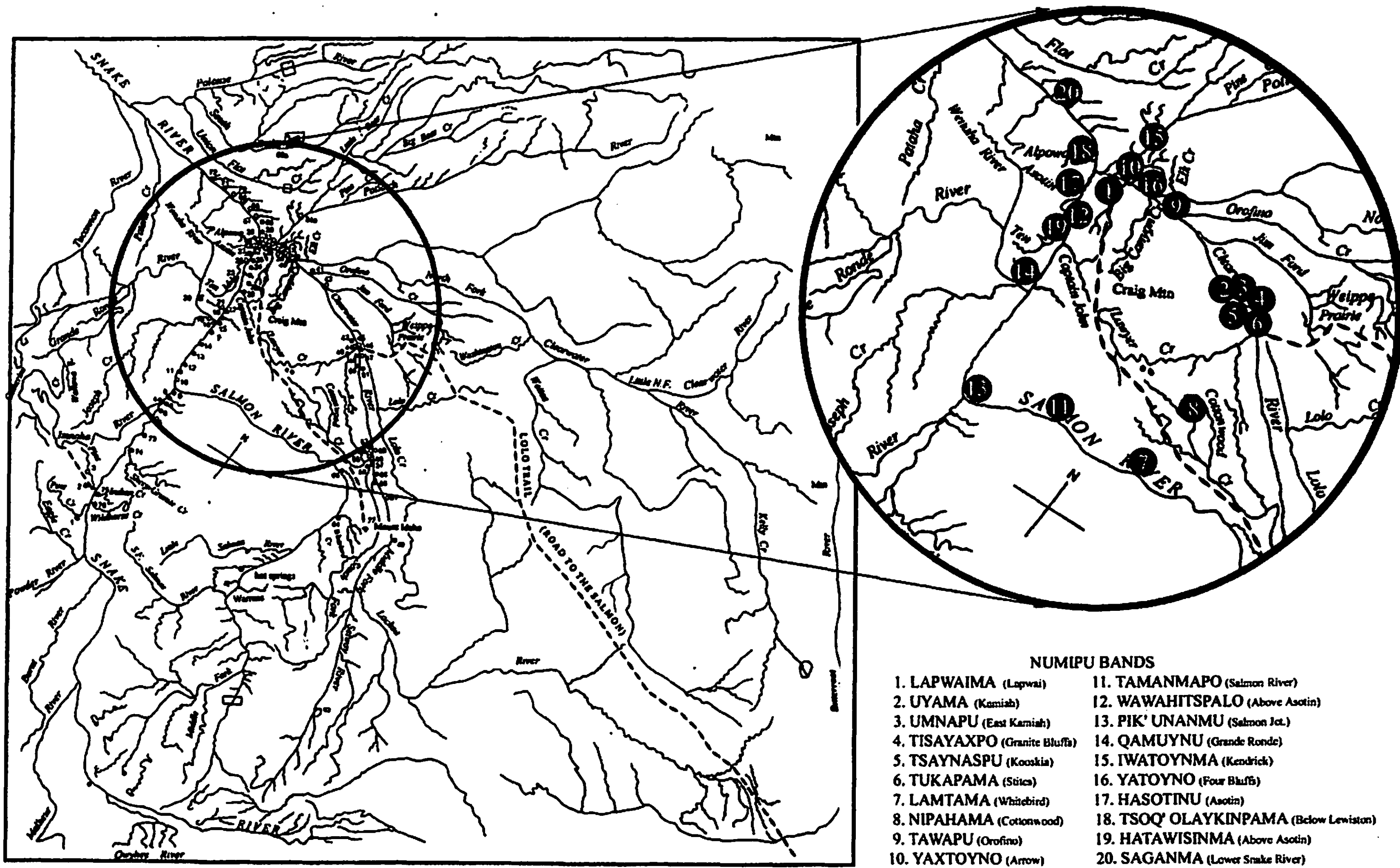

Fig. 11. Numipu winter villages (Sappington et al. 1995:192).

The importance of the winter villages as centers of sacred histories was ingrained in Phinney as he included the villages in his research for his *Nez Perce Grammar*. Teaching a language involves the stories of the people who speak that language, in addition to the complex relationships between sacred histories, language, and music. These relationships were reaffirmed each year in the winter villages as songs were a vital part of the winter ceremonials. Families shared songs that were peculiar to their histories, power songs, historical songs, and spirit and dance songs that were also related Numipu histories. There were drumming songs, medicine or healing songs, holy songs, songs that honored the elements, and courting songs. Songs honored all life, told of the past, and told of all of the earth's creatures, and recorded histories (James 1996:142). Families and bands that congregated in the winter villages reaffirmed their sacred histories.

Numipu winter villages were located primarily in villages along the Snake, Clearwater, and Salmon rivers, at their confluences with smaller streams. (Ray 1932:28–29; Chalfant 1974:134; Marshall 1977:23–24). Related families and small bands often wintered in the same villages each year, such as the family groups who remained in the Sweetwater and Lapwai Creek areas. These families usually banded together in a winter village near the present town of Spalding, Idaho, but were not restricted to a particular village if they chose to winter elsewhere. Members of groups who had wintered in the eastern buffalo hunting grounds, sometimes snow shoed across snowy mountain passes to visit the winter villages (Chalfant 1974:134, 138). The winter villages also offered expanded economic opportunities for consolidated winter hunts, and the distribution and bartering of surplus provisions. Limited hunts supplemented winter supplies, and when the villages dismantled in the spring, the families and bands radiated to their favorite fishing locations. Once the snow had cleared from the mountain passes, other groups left for the eastern buffalo hunting areas (Chalfant 1974:135, 138).

Access to water for the winter villages was important because of its life-giving and spiritual properties. The morning swim, held year round, built strong bodies, encouraged good physical condition, cleansed the swimmer, and prepared children for their lives as adults (Slickpoo and Walker 1973:54–55). Each winter village also had a sweat lodge that was positioned downstream from the main residential area of the village. The sweat baths were important places where Numipu children received the lessons, lectures, legends, and stories of their ancestors. Hot baths were used for spiritual purposes, but were also used to soak, cleanse, and relax after extensive physical exercise (Walker 1966; Slickpoo and Walker 1973:54–55).

Winter ceremonials were the backbone of the Numipu spiritual calendar. Each winter village embraced a sacred, powerful area where guardian spirit, or vision quest and dances were held. Peripheral to residential areas of the villages, the sacred areas were cleaned and prepared for the ceremonials and dances by a qualified Numipu spiritual practitioner. The practitioner made the necessary preparations for the ceremonials, built the mat lodges, conducted the dances and ceremonies, and took down the lodges when the dances were over (Marshall 1977:23–24). The ceremonials and dances were in continuous sessions for a period of days, weeks, or even months (Ray 1932:29; 1942:248–250). Winter spirit dances, individual dances, initiation dances, novice dances, audience dances, initiate feasts, and weather dances were some of the ceremonial forms conducted in the winter villages (Ray 1942:248–250). The dances brought together the Numipu and their guardian spirits, and provided Numipu practitioners an opportunity to reaffirm their powers with their communities (Slickpoo and Walker 1973:61).

The winter dances were generally sponsored by a village spiritual practitioner, though some dances could be sponsored by a chief or a layman. Many dances were arranged by medicine people to honor their spirit guardians (Ray 1942:248–250; James 1996:142). Both

Numipu women and men held spirit powers, and the women who conducted dances would clear and purify their dance floors by singing power songs, and walking on the floor (James 1996:142). As one contemporary Numipu recalled, some of the Numipu medicine women who participated in the dances were more powerful than the medicine men (James 1996:143). Medicine people who hosted the ceremonies, distributed gifts, and feasted dance participants. They also wore ceremonial clothing, and displayed symbols related to their spirit guardians during the dances. Sacred songs, given to medicine people by their spirit guardians, were also shared with dance participants (James 1996:142).

Conclusion

Phinney's research concentrated on the twenty winter villages that constituted the heart of the Numipu nation. Phinney understood that people were of the land, not from it, and that geographical or mechanistic importance of the villages was not the only important factors in their identification. Phinney's linguistic skills, his knowledge of Numipu history, land loss, and background also revealed the peoplehood celebrated by the Numipu in their winter villages.

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NUMIPU NARRATIVES: THE ESSENCE OF SURVIVAL IN THE INDIAN TERRITORY

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ABSTRACT:

Discussions following Archie Phinney's research lead to forgotten narratives of the Numipu exiles in the Indian Territory. These exiles survived federal assaults on their sovereign, civil, and religious rights, travel, technology, survival, rupture, change, healing, boundaries, and dissension. Numipu narratives, silent in historical narratives that focus on the War of 1877, reflect the history, experiences, and actions of people who influenced their own survival in the Indian Territory. Women, children, and elders were important to Numipu survival narratives, as are the vibrant stories of Numipu who worked to survive captivity. Census information, augmented by the first native-language census written in 1880, reveals the demographics of loss and survival in the Indian Territory. Shared memories, written records, and ephemera reveal the social, cultural, religious, and geographic boundaries that the captives crossed or intersected during their tenure in the Indian Territory. Photographs, the Kiowa calendar of 1883, telegrams, memos, personal communications, newspapers, and individual remembrances attest to the depth and richness of lives that Numipu constructed in order to survive captivity in the Indian Territory.

Introduction

Narratives of the Numipu expatriates in the Indian Territory involve travel, technology, survival, rupture, change, healing, boundaries, dissension, and peoplehood. Numipu elders and women, commonly ignored in historical narratives, were essential to survival. The Numipu walked, rode, floated frozen or raging rivers, were packed onto trains, or were moved between Indian agencies on wagons, by horseback, and on foot. The railroad removed the Numipu to Leavenworth and Baxter Springs, and then carried their children across the continent to school. Telegrams, letters, and photographs help to keep these memories alive. Women, children, and elders went into captivity, as the prisoners participated in every opportunity to influence their own survival. They also adjusted to colonial constructs that required more stringent protection of women. In the Indian Territory, the exiles traversed social, cultural, and political boundaries. Many of the captives converted to Christianity, while others reinforced their own spirituality, Sun Dancing with Arapaho, Cheyenne, and Kiowas. At times, dissension upset the camps, as societal fabrics expanded because of dislocation. Common to the Numipu, however, was the sense of peoplehood. Shared ceremonies kept Christians and non-Christians coming together as they expressed their sovereign and civil rights to freedom of religion. Christian Numipu came to the Indian Territory as teachers, ministers, and interpreters, though that was not always a

pleasant experience. Language, memories of their ancient homelands, and shared histories kept the exiles together. The Numipu created a multilingual census and dictated other documents they protected for future discovery. They understood that when those documents were eventually found, their people would no longer be invisible. The expatriates refused to be forgotten.

Surrender at the Bear Paw

Chief Joseph surrendered 147 children, 184 women, and 87 men at the Bear Paw on 5 October 1877 (Yellow Wolf 1940:225). A somber Chief Joseph, bearing wounds on his forehead and arms, wore a gray shawl riddled with bullet holes as the injured, wounded, elderly, and maimed refugees came into camp (Howard 1881; C. Wood 1884:142). Once the surrender was completed with somber handshakes, Joseph was removed to a small tent, while the Numipu kept coming in to surrender until long after sunset (C. Wood 1884:142). As General Oliver O. Howard (1877) said "From the time [2:30] 4:00 P.M. until after dark, a straggling steam of captives flowed into camp." The Numipu captives were held two days at the Bear Paw battlefield, where the wounded were treated and many of the dead were buried. The war chiefs were dead, and Chief Joseph, who had been responsible for the protection and care of the families, assumed his place as peace chief. Of more than 700 Numipu who had started from Idaho in June, at least 96 were dead, including 36 women and children. The Numipu had lost huge herds of cattle and horses, caches of food, and gold dust (Joseph 1879:264), camp equipment, robes, blankets, cooking utensils, and many of their tepees (McWhorter 1983:501). The men surrendered their guns, ammunition, and at least 1,000 horses at the Bear Paw (Debo 1970:264).

Hungry, tired, and cold, Numipu children had been almost frantically pleased when fed government rations. It was unseasonably cold, the snow was wind-driven, and the stench of burning horse flesh, common to battlefields, filled the air as the captives were removed from the Bear Paw (Redington 1928:1 January; Yellow Wolf 1940:225; McWhorter 1983:485–486, 498). Wounded Indians and troopers were carried from the Bear Paw in brush-filled wagons, while two seriously injured enlisted men were transported in the one available army ambulance (Romeyn 1896:291). Flanked by the Numipu horse herds, everyone else rode or walked to the Yellowstone River. According to Nelson Miles (1911:180) the over-land "command looked like a great caravan moving over the prairie; the troops, a large herd of captured stock, prisoners, ambulances, and pack and wagon trains, all covered by an advance guard, flankers and rear guard." The command was made up of three battalions of crack military troops, artillery, and about 400 captives. Following the captives, who were surrounded by the troops, were travois, the ambulances, and the pack and wagon trains (Miles 1896:277).

Riding the Rivers

At Fort Keogh, women, children, sick, wounded, and elderly Numipu were placed on 14 flatboats. Built of whip-sawn lumber and caulked with pine tar, the boats were 32 ft. long, 8 ft. wide, and were tapered on each end. Each boat was guided by four long sweep oars. Twenty-two prisoners, including two children, were placed on Fred Bond's boat, the *Leader*. Bond, a buffalo hunter, contracted his boat and himself to carry Numipu prisoners more than 800 miles to Fort Buford and on to Fort Abraham Lincoln. Male prisoners who were considered healthy were taken overland by horse and wagon train (Bond 1877:3–4).

As Fred Bond (1877:3) recalled, his boatload of captives "set sail on one of those beautiful fall days Montana was noted for." Slush-ice was running seven or eight miles an hour and the boats had to reach Fort Abraham Lincoln before the river froze closed. On the *Leader*, two young captives operated the sweeps, and an elderly Numipu man Bond referred to as George Washington stood by if they needed help. An older woman Bond nicknamed Shades of Night, pushed ice away as it built up on the boat. After leaving Fort Buford, the *Leader* ran rapids and falls, and the boat covered about 40 miles a day. The flatboat sailed, drifted, and ran down river as the Numipu pushed more ice packs from the bow of the boat. Bond and the captives used ash-poles like runners to slip over half-hidden cakes of ice. By the time the captives reached Fort Abraham Lincoln, the weather was stormy; a brisk west wind was blowing and the river was closing with ice (Bond 1877:9–11, 15, 19). One boat capsized, killing an unspecified number of captives (Ray 1974:230), but the *Leader* recorded no losses.

The boats were left without protection at Fort Keogh, when the army moved overland with the other captives and the horse herds. The only military presence on the flatboats was Colonel Nelson Miles and an army doctor who traveled aboard the *Leader*. Miles, appearing healthy and trim in his winter uniform, heavy overcoat, cape, and riding boots, remained on the *Leader* two days until overtaking the land party. Miles and Dr. Reed (Acting Assistant Surgeon R. G. Redd, Fort Buford) left the flatboats with orders that they were to proceed together to Fort Buford (Bond 1877:5–6; McCrary 1878:79).

The flatboats were issued army rations of dried pork, Rio Green coffee, brown sugar, hardtack, rice, navy beans, flour, and baking power. On Bond's boat, a middle-aged Numipu woman kept a pot of coffee boiling. Using dry willow twigs, she kept a fire burning in a pebble stove, and a three-gallon pot of coffee brewing at all times. The captive women slept on shore at night, then rose at dawn, prepared a fire, fixed coffee, boiled or fried salt pork, and served hardtack for breakfast. Fresh meat was supplied by captives who made ash-wood bows and arrows and hunted game birds, beaver, sage hens, or other animals in marshes and along the river banks. Just below the Powder River, they started fishing. When the *Leader* stopped for lunch or for the evening, women went ashore to gather bull-berries. At midday, the *Leader* was usually beached while the women prepared lunch and everyone stretched their legs. One day, Bond shared a chocolate bar with the captives who were unfamiliar with the treat and divided it among themselves (Bond 1877:6–10, 15).

Washington, armed with Bond's gun and cartridges, was often sent into the brush to hunt. The old man, who probably had cataracts on his eyes, killed a three-year-old buck. The women followed him, and butchered, skinned, and brought the deer back to camp. After leaving Fort Buford, Washington and the men hunted deer, antelope, or beaver whenever possible. At Fort Keogh, working with officers and bakers, Bond bought all of the cakes and bread available from post bakers. He also sent a young woman and her mother to shop in another part of the post where they were ordered to buy all available bread and pastries. Bond also bought 25 pounds of potatoes and a gallon of vinegar to prevent scurvy. The army authorized additional rations and more blankets for the second leg of the trip to Fort Abraham Lincoln (Bond 1877:5, 8, 12–13, 15–16).

With no one to rely on but the pilot and themselves, the situationally dependent captives had no choice but to cooperate. The pilot controlled the food, the gun, and ammunition, and was an experienced boatman. Bond was also the only protection afforded to the captives, many of whom were injured. When Miles had ordered the flatboats to proceed as a flotilla, he made no provision for their protection. Disobeying Miles, the flatboat pilots turned the trip into a contest which eliminated group safety. The boatmen decided that the first pilot to deliver his captives to

their final destination would win an old silver watch. Running neck and neck for a while, the *Leader* soon outran the other boats. Bond won the watch, and left his prisoners without adequate protection for almost 800 miles. There was no doubt the boats were in dangerous territory. Sailing through the Bad Lands, Bond (1877:5) warned his passengers that "we were in the sacret [sic] part" of that area, and that they should be alert. Bond (1877:5) cautioned that they were passing through hostile country occupied by the "Dog cutthroat Sioux and the flapping Crows." Bond (1877:5) also used threats of the Sioux and Crow to frighten the Numipu, remarking that they were expected to "obey his commands quickly and respectfully."

At night, the women dug long, narrowed, shallow trenches in the sand where they built willow fires that did not smoke (Bond 1877:6). Guards were posted every night; the young boys and injured men stood guard in the evening, and Bond and Washington took the midnight watch. The old woman, Shades of Night, was assigned to sleep on the river side of the boat because Bond knew she was trustworthy and presumed that she had an acute sense of hearing (Bond 1877:7). After breakfast, leftovers were thrown into the river, coals and campfires were covered with sand, and footprints were rubbed out with dead, leafy branches. Bond (1877:8) said that he did this to "blind some roving hostiles from following us." Near Fort Berthold, Bond put the *Leader* ashore at a village not far from where a dozen warriors had aimed their guns at the captives. With the captives crouched in the bottom of the boat, Bond nearly involved everyone in what he (Bond 1877:17) called the "last fight of their lives." At the village where they landed, about a mile and a half from Fort Berthold (Bruner 1956:239), Bond got into an argument with two young Native Americans. As the men tried to pull their bull boat to the *Leader's* stern, a young woman and her mother, armed with knives, prepared to fight. Bond dived into the river and pushed the other boat into the swift-running river where the men were swept away from the *Leader* (Bond 1877:16). Washington, armed with Bond's gun, remained in the *Leader* with the young captives who carried bows and arrows (Bond 1877:17–18). The captives were outnumbered 20 to 1 and would have been killed if traders and Mandans had not stopped the fight (Bond 1877:17–18). The captives were increasingly nervous and afraid the further down river they traveled.

Post Traumatic Shock Disorder

Post traumatic shock disorder (PTSD) was not recognized as a consequence of warfare affecting Native Americans until Tom Holm (1996:2–9, 17, 25, 184–187) addressed the disorder in 1996. PTSD is characterized by generalized anxiety, nightmares, or intrusive recollections, and emotional detachment. Many of the expatriates in Bond's care exhibited the general anxiety and emotional detachment common to PTSD. It was perceptive of Bond to remark that something was wrong, though he always wondered why "his" captives weren't more cheerful. Thinking that his prisoners should perk up, Bond (1877:15) remarked "I noted . . . now and anon . . . a blank face turned up to mine. . . . What was it? They appeared all alike. Gloom at all times. Could it have been the Red Fox, the terror of the Bad lands . . . I must watch and wait for the gloom is growing." Bond also warned that the captives were terrified of soldiers. When one officer demanded that the prisoners be hurried off the *Leader*, the prisoners were so alarmed that they could not respond. When the commandant, who understood the condition of the prisoners, came on board, he arranged to have the captives carried, one by one, onto the river bank (Bond 1877:19–20). Two ambulances and additional help were required to carry the wounded or sick captives from the river bank to the fort.

In another instance, Bond took a young captive girl dancing and dining in Bismarck, North Dakota. Silent for most of the evening, Bond attributed the girl's reticence to shyness and that she spoke no English. As Bond (1877:20) remembered, "Poor Viola sat like a stone dazed by the splendor of what she seen. She could only speak a very few words of English and her shyness won the ladies hearts." After outfitting her in a wool plaid dress, silk stockings, ladies shoes, and other feminine garments, Bond gave no thought to how deeply fearful the girl must have been. The next day, Bond recorded Washington's responses to the parade of prisoners who had been marched overland and then through Bismarck. When Bond and Washington had been seated for breakfast in a local restaurant, news reached Bismarck that federal troops had met Nelson Miles and the prisoners. As the captives were marched into town to the sounds of the *Star Spangled Banner*, they were flanked on all sides by troopers. Colonel Miles, with Chief Joseph riding on his left, rode at the head of the parade.

> The appearance of all was heartrending very sad. At the corner of Main and 4th Streets, the stampeed [sic] commenced. Women, children and even men rushed the hollow square with all kinds of cooked food. . . . They beat the guards back to the center line and the wagons. The command had to halt till each Nez Perce prisoner and even the over land guard was furnished with food . . . The officers of the command said nothing . . . it was a wise movement on their part for there stood nearly 300 armed determined men. I grasped Washington's hand and said See. His answer was they are white people not soldiers. . . . We went in to finish breakfast but Washington was too sad to eat . . . the Irish waitress said The Divels to put those poor people under soldiers guard. Washington looked at her but said nothing (Bond 1877:22).

Arriving at Fort Abraham Lincoln, Bond (1877:19) pointed out the American flag, commenting that "their hearts [were] too sad to hail it with joy." Other indicators in Bond's narrative also point to symptoms of PTSD. As the *Leader* came into Fort Abraham Lincoln, someone blew a steam whistle, and the fort's cannon was fired. This was normal procedure, as the military checked all boats going into Indian Country for contraband arms and alcohol. The terrified prisoners, however, fell to their knees crying and praying, incapable of further movement (Bond 1877:19). The captives who had cooperated with Bond for almost 800 miles were not able to help him sail the *Leader* to the landing. The captives, including the young girl, displayed the symptoms common to victims of PTSD.

Names and Lost Narratives

To his credit, Bond noticed and remembered the captives' reactions. He did not, however, attempt to understand nor correctly record their names. Bond continually referred to the elderly man who seemed to be the leader of the group as George Washington. Washington was old, had snowy white hair, carried himself well, and had dim looking eyes. From Bond's description, this elderly man sounded as though he was healthy and was apparently uninjured, and that he probably had cataracts on his eyes. Since the other captives on the boat responded so readily to him, Washington must have been a respected person. He may also have been a holy-person or have had special powers. He sang evening prayers every night, increasing their intensity and volume after the altercation near Fort Berthold (Bond 1877:10, 17–19).

In 1881, the expatriates dictated to James Reuben the names of the Numipu men who participated in the war. They especially marked eight of the men as old, six of whom could have been Washington. These men are listed as *Mo-Hos*; *Hee Yum Ilp Pilp*; Red Heart; *Wat yat mas Ha pai ma; Toke ka pats*; *Tstim meh hi*; *Tuk le kas;* and Old Clarke (Reuben 1882:64, 69, 96, 140, 141, 169, 172). Red Heart, incarcerated at Fort Vancouver, was not sent to the Indian Territory and *Wet-Yet-Mas Hap-I-Ma*; Surrounded Goose, was killed by Crow Indians. Old Clark or Captain Clark was listed on the 1878 census, but was not listed on later ration/census rolls. Clark, born in 1806, was the son of William Clark of the Lewis and Clark Expedition. Clark's granddaughter *Itolkt* and her baby surrendered with him, and various members of the Clark family are buried in the Oakland cemetery. *Hee Yum Ilp Pilp*, or Red Grizzly Bear, appeared on the 1878 and 1880 ration/census lists. In 1878, there were eight people in his family, but by 1880, the family had been reduced to four people (NPS 1878:Nez Perce Census; OHS 1879c; NPS 1880). Whoever Washington was, he accepted responsibility for the captives. According to Bond, Washington also spoke English, knew sign language, and was an accurate shot. Even with failing eyesight, Washington was reported to have killed every deer or antelope he set his sights on (Bond 1877:15–16). The old man was also a warrior. When threatened by the hostile men near Fort Berthold, Washington emitted a low warning that was directed at Bond and the other captives. Standing in front of the younger Numipu men and armed with Bond's gun, the old warrior was prepared to fight (Bond 1877:18).

Women; Surviving Captivity, Sexual Molestation, and Change

The captive women faced special problems. Though Bond made no mention of their problems, he seemed to understand societal hierarchies common to Native American communities. He selected the eldest Numipu to serve as his go-betweens with other captives, including one woman who seemed to be the elder female of the group. Referring to this woman as Shades of Night, Bond described her as very old, tall, and slender, with white hair and wrinkled skin (Bond 1877:7). When Bond said that she was in charge of all of the women and children, he seemed to have understood that she probably already held that position (Bond 1877:7). She was also critical to Bond's successful navigation of the river. For many days, this old woman hung over the bow of the boat, pushing ice away as it built up on the boat. She also served as Bond's assistant pilot, guiding him 800 miles down river. Bond (1877:8–9) recalled that "Shades of Night . . . took up her chant swinging her arms the way she wished me to stear [sic] . . . there was times that Shades of Night hugged so close to some cut bank following the swiftest of the river we all have to duck down to dodge under some bent over tree or be swept overboard." Shades of Night and the other women prepared the meals, washed clothing, and tended to the wounded. The captives also groomed themselves and tended to the two children whenever possible (Bond 1877:7–8).

Bond did not mention menstruation, pregnancy, or other issues affecting the captive women. How the captive women managed menstruation is an important consideration. Menstruation may have stopped for many of the shocked women, but others managed the event. At home, the women saved soft fur from buffalo and other animals, or used pieces of buffalo hide that retained the hair. They also used pieces of buckskin padded with milkweed. The women tanned animal hides, kept the soft hair, gathered milkweed, and then buried used menstrual materials (James 1996:80). The women on the flatboats undoubtedly hoarded every rabbit, deer, or antelope hide and hair from whatever the men killed. Women must have found

plants other than milkweed, such as moss, and since menstrual remains were never burnt, they must have slipped away to bury those remains. Pregnant women subjected to unusual stresses also gave birth under difficult situations. They usually retired to menstrual or segregation lodges where they gave birth attended by their female relatives. During warfare, women often dismounted from their horses, gave birth, remounted, and carried their babies away. Women were sacred and ultra-powerful when menstruating or pregnant, avoided war dances, medicine dances, ceremonial events, stick games, or funerals (James 1996:81). The journey into exile was exceptionally difficult for the women who were separated from all of their support systems.

The *Leader* carried only two children, and Bond made no mention of pregnant women. There may have been a few young mothers on the boat. There were two elder leaders, one middle-aged woman, and one woman and her teen-aged daughter aboard the *Leader*. Two of the recovering wounded, young men, managed the oar sweeps, or dived into the river to push the boat across shoals or out of shallow water. Accounting for 11 of the passengers, Bond mentioned that some of the other women must have been fairly young. Many of the prisoners were still sick or their wounds had not healed when the *Leader* reached Fort Abraham Lincoln.

Whenever the captives were near soldiers, the women were at special risk. At Fort Buford, soldiers lined the bank, impatient to help the attractive women off of the *Leader* (Bond 1877:11). Fearing that soldiers would molest the young women and girls, the prisoners were kept in a log building under 24 hour military guard (Bond 1877:11, 13). All of the captives' knives or bows and arrows were taken away from them, but Bond and Washington hid the gun and their knives. Bond (1877:13), recognizing the danger to the women, slipped one young woman his dagger, so that, in his words, she could "protect her honor." The situation at Fort Leavenworth was even more precarious for the women. Established as a military prison in 1874, Fort Leavenworth had a reputation as a rough place (Walton 1973:143, 156–157), and the Numipu camps were popular spots for tourists, newspaper men, and soldiers. Three years after leaving Leavenworth, Numipu women testified that some of them had been raped by soldiers at Fort Leavenworth. They also told of soldiers who had stolen robes, blankets, other effects, and supplies from the captives (Platter, Fleming, and Wilson 1881:11 note 4). When the captives were returned to Washington Territory in 1885, their continued fear of soldiers as sexual predators was evident. According to Henry Covington (1965:222) the Numipu insisted that their camp be placed across the Columbia River from the military establishment for protection "from the soldiers, who, it was feared, would ravish their women." Bond and Washington had been correct in their predictions of special dangers to the women.

Bond was also infatuated with a captive girl who he called Viola. The girl was about fifteen years old, and according to Bond (1877:7), was a "picture of true wild human nature." Her mother and the other women watched out for the girl, and no father or male relative on the boat was mentioned. Bond did not realize that the women always watched him when he was near the girl. He did not consider that his attentions could be construed as sexual harassment, though his romanticist inclinations appear to have kept him from misbehaving. Bond's description of this girl should help to identify her. When leaving her at the train in Bismarck, North Dakota, Bond gave her a Bible inscribed with his name and his mother's address in New York. Bond told the girl that he hoped she would contact him after she had grown up and spoke English (Bond 1877:22). According to Bond (1877:12, 1928), this girl was sent to Carlisle Indian School in Pennsylvania and that years later she sent him a letter saying that she had become a government nurse who had served in the Spanish-American War.

Military Control; Fort Abraham Lincoln and Bismarck, North Dakota

All of the prisoners were placed under military control at Bismarck, North Dakota. The Cheyenne and Sioux scouts had arrived ahead of the rest of the column, bringing their captured Numipu horses and news of the defeat to the post. At the post, the captives were met by the scouts and trackers who were, according to Nelson Miles (1896:277) "painted in gorgeous colors . . . shouting and crying the results of their prowess and victory . . . the Nez Perce stock proved they had been in an engagement." After being paraded through Bismarck, the men were reunited with the captives who had been shipped by boat. The citizens and businessmen of Bismarck, and the army wives at the fort, were frenzied by the arrival of the prisoners and held a dinner dance to honor Colonel Miles (Bond 1877:21). The entry fee was $10.00 in gold coins and ladies attended the dance free of charge (Bond 1877:21). Bismarck's merchants remained open all night, and celebrants enlivened the town until dawn. A luncheon was held the next day to honor Chief Joseph and three of his fellow leaders (Haines 1939:317–318). When the festivities ended, Chief Joseph stood on the rear platform of the train taking the refugees to Kansas. Just before the train huffed out of town, Bond (1877:22) recollected that the "'Belle of Bismarck' . . . kissed the Chief on the cheek good bye for all the people of the northwest." Being kissed by a member of the demimonde must have come as a surprise to the expatriate leader. The train carried the political prisoners St. Paul, Minnesota and then south to Fort Leavenworth, Kansas.

Fort Leavenworth to Quapaw Agency

On 27 November 1877, 178 women, 79 men, and 174 Numipu children reached Fort Leavenworth, Kansas (Stanley 1945:213). The military refugee camps at Leavenworth were horribly unhealthy, and eight months after being placed there, the Indian department took control of the captives. On 15 July 1878 Indian agent Jones and Indian inspector John McNeil arrived to move the expatriates to the Quapaw agency. McNeil had negotiated with the Missouri River, Fort Scott and Gulf Railroad Co. to transport the Numipu and their effects. He obtained reduced railroad rates for passenger coaches, shifted most of the Numipu's effects to cheaper freight cars, and moved them to Baxter Springs (McNeil 1878).

The military physician charged with the captives' health at Leavenworth mentioned that about half of the refugees were sick with malaria. Their condition impressed an observer from the Christian newspaper the *Council Fire*, who remarked that the refugees resembled the emaciated prisoners kept at the infamous Civil War prison at Andersonville, Georgia. This person also mentioned that most of the sick people were women and children (Stanley 1945:215). There was no complete census or ration list prepared at this time, because the person who usually prepared the lists, interpreter A. I. Chapman, was also sick with malaria. Chapman told McNeil that he thought that 410 Numipu had been removed from Leavenworth (McNeil 1878). According to later testimony given by Chief Joseph and interpreter H. H. Gregg, 21 captives died at Fort Leavenworth and another 45 or 46 died at the Quapaw agency within two months of their arrival at Baxter Springs (Joseph and Gregg 1878). General Pope maintained that only 13 prisoners died between 5 October and 7 December 1877 at Leavenworth (Ray 1974:231). Federal population statistics such as Pope's are unreliable because they do not account for births, spontaneous abortions, or infant deaths. Many women did not report these events to non-Native physicians, a situation that was common at most Indian agencies. Data indicate that at the time of their surrender, many of the Numipu were injured and that there were

also a number of elderly captives who may not have survived the conditions at Fort Leavenworth. Numipu memories mark another group of prisoners who were shipped from Pendleton, Oregon to the Indian Territory, recalling that many of these prisoners died during transport on the trains (James 1996:132–133).

The Numipu were ready to board the trains on the twentieth, but the switch at the fort was busy with troops moving farther west. The captives and their baggage were moved up to Fort Leavenworth, where they waited, in sweltering heat, to board the cars. People already weakened from malaria succumbed to heat prostration; one person died on the twentieth, and two children died on 21 July (Stanley 1945:213). The cars left Fort Leavenworth at 4:00 p.m. on 21 July for Baxter Springs, with no military protection. The heat in the cars was intense, but the train made few stops during the 300 miles to Baxter Spring, Kansas. As McNeil (1878) remarked, "We made but few stops and those only for supplying drinking water . . . thus avoiding that inhumane curiosity so annoying to the Indians in their sick and disheartening condition."

Shortly after their arrival at Fort Leavenworth, the Numipu had been turned into objects of local curiosity. When Numipu religious leaders held a Washani ceremony and dances it was reported that thousands of tourists went into local camps to "watch" (Howard 1881:62). A local newsman, who did not identify himself, the reporter mentioned that he had sneaked an interview with Chief Joseph. After leaving Chief Joseph's tent the reported mentioned that he had gone about the Numipu camps taking items that appealed to him (*Leavenworth Times* 1877). Agent Hiram Jones arranged for wagons to carry the Numipu from the railroad to their new camp, because no one was fit to walk the distance in the heat (McNeil 1878). On their way by Monday evening, 22 July, the refugees were moved to the new camp on the Spring River.

Acting Assistant Surgeon A. I. Comfort, the military physician who accompanied the prisoners to Baxter Springs, was overwhelmed by their medical needs. Since the army had relinquished jurisdiction of the expatriates to the Indian department, they refused to assign additional physicians for the train trip to Baxter Springs. Comfort was ordered to return to Leavenworth as soon as the captives reached Baxter Springs. Inspector McNeil (1878) reported that Dr. Comfort had been "unremitting in his attentions to the Indians." As ordered, the doctor turned over a small supply of medicines to Indian agent Jones, and returned on the morning train to Leavenworth.

At Spring River, Modocs and their families visited the refugees, selling the Numipu fresh garden produce, including potatoes, tomatoes, and corn (McNeill 1878). The Numipu had also purchased supplies from settlers and at settlements in western Montana, paying in coins and currency (Debo 1970:263). This corresponds with Bond's remarks that the girl Viola wore $5.00 (U.S.) bills braided into her hair. Bond (1877:7 note) mentioned that many of the Numipu had considerable quantities of U.S. paper money braided into their hair.

It was fortunate that the Numipu had some resources, because no preparations had been made for them at the Quapaw agency. They were brought without provisions and their lodge poles had been left behind in Baxter Springs (Gregg 1878:80, 83–84). They also ran afoul of Indian agent Hiram W. Jones, who was eventually discharged as one of the worst thieves employed by the Indian service. Within the year, the following charges were filed by the Indian department against Jones.

1st Charge: Cruel and unmitigated neglect toward the Nez Perces Indians under his charge in this that 43 of them or 10 per cent of the whole number, have died, having been unprovided for days and weeks with medicines and forced to live upon damaged and insufficient rations.

2nd Charge: That these Indians have been receiving musty flour, and only getting about half rations of supplies.

3rd Charge: That he, Jones, permitted them to be taken to their camping place where they remained some time without food or shelter and that more than 260 of them were sick at the time.

4th Charge: That the agent (Jones) supplies his table with government supplies.

5th Charge: That the agent (Jones) awarded a contract for beef at 6 cents when bids were before him for 4.5 or 5 cents from responsible parties.

6th Charge: That he awarded contracts for building at the agency without public advertisement.

7th Charge: That the Indians with his knowledge are charged by traders two and three prices for goods.

8th Charge: That parties have traded under permission of the agent, and have been charged by him ten percent of their gross sales.

9th Charge: That the agent, Jones, bought of E. Jones, 191 bushels of corn at 65 cents, per bushel, and that Geo. D. Morrow, signed a voucher prepared by the agency covering this transaction.

10th Charge: That the agent sold an old worn out wagon to the government for $75.00 and an old horse for $80.00 not worth $40.00.

11th Charge: That agent Jones gave permission to Lucien Dagnett to cut timber on the Ottawa reserve for sale at Baxter Springs, Kansas in violation of law (OHS 1879b:14 August).

The charges were supported by testimony given by H. H. Gregg who agreed that Jones allowed traders to inflate the costs of all goods sold to Indians at the agency. Building permits were awarded without being put out for bids, and Jones took a kickback or percentage on those permits (Gregg 1878:84). Jones also stole from Indian rations; he bought the lowest grade, moldy four, and shorted beef rations by about 50%. The agent paid inflated prices for cattle, accepted lesser quality beef, and pocketed the difference. As the charges were filed and testimony continued, Jones denied any culpability. Until the senate investigation, Native Americans who had complained about Jones to the Indian department had been ignored. Jones' son, who was intermittently employed by the agency, also misappropriated agency horses and supplies (Gregg 1878:86–88). Vendors billed the Indian department for supplies that never showed up, while Jones signed the receipts. Jones bought broken down wagons, horses, and other items for distribution to the Numipu as prime merchandise. He also controlled and manipulated trade, cheating the government and the Native Americans, at his agency.

Hiram Jones was about the last problem the political prisoners needed. By the time they moved to the Ponca agency, the Numipu had been swindled by a master. As H. H. Gregg (1878) remarked, Jones' Quaker faith did not prevent him from being "just as bad as other people." The Numipu had stepped into abuse and neglect that had been going on for years. After convincing the Indian department that the Numipu could not remain at the Quapaw agency, their move to the Ponca agency was the next step toward a Numipu agency at Oakland.

Wagon Train and Removal to Ponca Agency, and Life at the Oakland Agency, Indian Territory

In June 1879, special Indian agent H. A. Haworth was responsible for removing the Numipu to the Ponca agency. Reporting to the commissioner of Indian affairs, Haworth told of one more Numipu move by wagon train. The Indian department issued the refugees 40 brood mares, 10 mules, harnesses, and 4 wagons. An additional 20 wagons and harnesses were also disbursed to the refugees, making a total of 24 wagons and teams available for the move (Haworth 1879:1–2). All of the stock was branded with the **I D** brand, the mares were bred, and practice driving sessions were set up for the Numipu men. One day was set aside to practice handling the teams, driving with long lines, and learning the arts of braking, steering, and wagon handling (Hayworth 1879:1. Most of the new drivers learned rapidly, while others took a few days to get the hang of things.

The Indian department had originally planned to move an ambulatory population that they thought could ride horses, or who could assist with the wagons. So many of the Numipu were still so sick, however, that this was not possible. Haworth was authorized to purchase 40 mules or brood mares, and 30 six-mule teams, for $8,600.00. Mr. Willard, of Baxter Springs, finally leased the Indian department 39 additional 2-horse teams instead of the mules. Wagons required for the move numbered 65 (Haworth 1879:1–2). A. I. Chapman was appointed train master, and Francis King, a white man, and Thomas Stanley, a Native American, were hired to accompany the train. They helped with the loading, checked all wagons and harnesses, supervised greasing the wagons, and inspected the wagons for safety. After five days on the road, the Numipu teamsters no longer needed so much help, and Mr. Stanley returned to Baxter Springs (Haworth 1879:2–3).

Teamsters were hired to augment the Numipu drivers. Mr. Willard (Haworth 1879:3) warned the new hires that anyone who got drunk or "behaved himself improperly on the road, would be at once discharged." The men were also told that any discharged teamster would forfeit all of his wages, and that cursing or vulgar behavior would not be tolerated (Haworth 1879:3).

On 6 June 1879, 65 wagons carrying the refugees and their belongings set off after much checking, adjusting loads, and making sure that everything was in place. The first camp was at Tar Springs, about eight miles from the starting point. The train was on the move at 5:00 a.m. the next morning, and the refugees covered 30 miles. That evening they camped on the west bank of the Neosho River, near Chetopa. At 4:30 the train left early so that it could pass through Chetopa before the town was awake. The heat was so intense that the wagons usually left at 4:30 or 5:00 in the morning, traveled until lunch, then stopped in early afternoon. On 9 June the train camped on Snow Creek, passed through Coffeyville, Kansas on 10 June, and camped near Fawn Creek, Chautauqua County, Kansas that night. Soon after making camp at Fawn Creek, Haworth (1879:4–5) recorded that one woman "worn out from malarial sickness and old age died." Funeral services were held at sundown and the woman was buried near the creek.

The next morning an early wake-up call was held at 3:00 a.m. The refugees traveled through Caneyville, crossed the Caney River, went through Peru, and were in camp by 2:00 p.m. The wagon train was crossing harsh country, and during the next few days, the terrain worsened. The refugees passed over rugged ground, high hills, bad roads, and made difficult crossings at Grouse and Silver creeks. Most days the train traveled about 20 miles. On 11 June, the refugees camped on the Big Caney River near Cedarvale, where some of their horses wandered away. After rounding up the horses, the next camp was made after the complicated crossing at Silver

Creek. Haworth (1879:5) considered this the "'hardest days' march of the trip up to this time." On 13 June, the train went through Arkansas City, crossed the bridge over the Arkansas River, traveled farther southwest and camped on the headwaters of Shallato Creek. The next day, the wagon train continued south on a good road between Bodock and Duck Creeks. The refugees reached the mouth of the Shaskaskia River about 2:30 that afternoon. They had traveled about 177 miles in nine days (Haworth 1879:6–8).

At Arkansas City, Haworth sent a messenger to Major Whiteman, Indian agent at the Ponca agency, telling him that the train of refugees was coming to his agency. Haworth asked Whiteman to meet the train with beef and other supplies. Whiteman met the wagon train, but told Haworth that since he had received no advance government notice of the move, no preparations had been made for the Numipu at the agency (Haworth 1879:8). Whiteman brought a week's worth of rations from Ponca supplies, but brought no quinine because none was available (Stanley 1945:221).

Indian trader Joseph H. Sherburne drove out from the Ponca agency in his buggy to watch the wagon train cross the river. Sherburne (1926b, 1927b) recalled that "the wagons, loaded with people and possessions, had to ford the river to get to their landing . . . the stream was sand and hard crossing. Joseph, the only man who had a riding horse, was at the head of them and as every wagon came to the River he had his rope attached to the wagon tongue and to his saddle horn and he, himself, helped to pull each wagon across the River . . . I can see him now as he looked then, riding a big fine horse." Sherburne also remembered that as far as the Numipu were concerned, neither Chapman nor Haworth was in charge. In Sherburne's opinion, Chief Joseph was clearly the recognized leader of the group (Sherburne 1926b). As peace chief and leader, Chief Joseph was expected to be instrumental in helping the refugees to their destination. During the trek, Chief Joseph also helped to make and repair roads, helped to load wagons, and was actively involved in all of the details of the trip. The Chief also helped the other men as everyone supported families, drove teams, and completed a difficult trip (Haworth 1879:8). Most of the refugees suffered the effects of malaria and other debilitating diseases, so many people remained in the wagons as they crossed the river. Sherburne (1926b) remembered that Chief Joseph, however, seemed to be in excellent physical condition. Haworth commented that the trip was conducted with speed, within federal budget constraints, and that it had been carried out safely (Haworth 1879:8). The wagons required extensive repairs after reaching the Ponca agency (Hayt 1879a)

The final camp was made near the junction of the Shaskaskia River and the Salt Fork of the Arkansas River. The second death of the trip occurred that evening, after the refugees crossed the river. A young man, who was sick before they left Baxter Springs, died soon after going into camp (Haworth 1879:8). The next day, 15 June 1879, three more prisoners died (Rhoads 1879a:108). The Ponca agency physician, Dr. H. J. Minthorn, began to visit the Numipu camps twice a week, where he found people suffering from malaria and homesickness. Dr. M. Cora Bland also visited the Numipu in July, where she treated heat prostration (Stanley 1945:222). Within the year, not many improvements had been made for the captives, but they appeared to be feeling better. There were, however, as William Whiteman (1879b) reported, "a few quite old people affected with consumption [tuberculosis] and will pass away this winter."

Earlier that year, the Indian department purchased fabric and clothing for the refugees. Indigo cloth, 200 "Favorite Balmoral skirts," and 108 black coats and pairs of pants were shipped from Philadelphia in January and February (OHS 1879a:4 February). Asked if the Numipu had adopted these clothes, trader Sherburne replied that the women wore short dresses and silk headscarves, with strips of red, yellow, and navy blue strouding wound around their

legs. He also remembered that the women wore moccasins with about six inch tops that tied at the ankle over the strouding (Sherburne 1927c). The men apparently adopted some of the western-style clothing; Chief Joseph often wore a suit when conferring with government authorities (Sherburne 1927c).

The Numipu began farming after settling at the Oakland agency. In January of 1880, 100 bushels of Early Rose seed potatoes, field corn, pumpkin, watermelon, muskmelon, radish, onion, cabbage, carrot, turnip, tomato, cucumber, red beans, peas, and early sweet corn seeds were ordered for the Numipu (Satterwaite 1880b). The agent suggested that fruit trees and vines should also be cultivated, but the headmen were not enthusiastic about this idea (OHS 1880a). The seeds were not delivered until June, but the Numipu managed to raise a decent corn crop (Satterwaite 1880b, 1881). Farming and gardens were crucial to survival in the Indian Territory because the Indian department insisted that the exiles become self-supporting in the shortest possible time. In 1881, the Numipu requested enough wheat seeds to sow about 100 acres, and planted their first winter wheat crop (Whiting 1880e:85). The first wheat yields were not abundant, but the Numipu, using their ponies, threshed out between 700 and 800 hundred bushels of the grain (OHS 1883a:Fall). Numipu gardeners and farmers continued to raise common vegetables, melons, corn, onions and potatoes and to harvest hay for their livestock. Surplus garden produce was marketed in Arkansas City, to Indian traders, to agency employees, and to other American Indians. Red Elk sold $100.00 worth of turnips, garden vegetables, and potatoes to local markets in 1880, while the next summer, Crow Blanket's hay crop was destroyed by trespassing cattle (Whiting 1880c, 1881g). The Numipu were surrounded by ranchers who leased pastures or who allowed their cattle to trespass onto Indian reservations. These cattle often destroyed Numipu crops, gardens, and hay crops (Slickpoo and Walker 1973:199). Complicating matters, the military had to remove squatters, settlers, and timber thieves from the Numipu Reservation (Slickpoo and Walker 1973:196).

Rations consisted of 3½ pounds of flour per week, per person, plus coffee, sugar, bacon, and beef. The flour was increased to four pounds after the move to Oakland because of the increased workload everyone had assumed (Whiting 1881f). The refugees also raised cattle, swine, and chickens, but livestock were at risk from rustlers. It was not uncommon for the Indian agent to report that seven or eight head of Numipu cattle had been stolen by white men. Some of their cattle were driven as far as Wellington, Kansas, where they were either driven further, or butchered and stripped of their hides. When cattle rustlers were apprehended for stealing Native Americans' cattle, the owners had to appear before a federal commissioner, usually after a fairly long waiting period (OHS 1881). Native Americans could not testify against non-Natives and rustlers often received limited fines or avoided punishment by leaving the Territory (Hayt 1879b:xlvii; Hall 1887:83; Randlett 1903:287).

Beef cattle were delivered to Oakland where they were slaughtered once a week. A non-Native butcher traveled between the Ponca and Oakland agencies, where he killed the weekly issues of beef cattle (Whiting 1880b). The agent issued guns and cartridges to the butcher who shot the animals in corals. There the carcasses were quartered and hauled to the meat house, where they were distributed to Numipu ration ticket holders. Guns and unused cartridges were returned, at once, to locked cases in the agent's office (OHS 1882). Cartridges were counted when distributed and when returned.

The cattle were branded before slaughter because the Indian department owned the hides which were marketed to offset federal costs. The Indian department sold more than $100,000.00 worth of slaughter-beef hides in 1879. Beef hides from Oakland were sold for seven cents a pound, f.o.b. Arkansas City, while the trader paid the Poncas or Nez Perce

$2.00 to $5.00 for moderate to good quality hides (Whiting 1881c). A hide dealer from Wichita took delivery of the government owned green salted hides at the Arkansas City railroad depot (Whiting 1881e).

In 1879, the board of Indian commissioners recommended that net profits could be increased by issuing all beef cattle as carcass beef. This would allow the department to retain valuable hides currently accruing to Native Americans. The Numipu refugees did not willingly give up the hides because they relied on them for a significant portion of their income. They received no cash annuities and had very little spendable income, so the women cured and converted the hides into moccasins, gloves, and other arts and crafts. The Indian department, however, used the hides to pay the cattle herder's salaries. If there were more hides than those required to pay the herders for the fiscal quarter, the Numipu were allowed the excess hides. When the cattle were fat and in good condition, three animals were slaughtered each week, generating only the $450.00 required to pay the herders. Agent Woodin asked that the Indian department pay the herders, but the budget was never adjusted for these funds. The women continued to trade some of their leather crafts with Indian trader J. H. Sherburne for more hides (Barnum 1876:161–162; Whiteman 1879a:75; OHS 1882; Woodin 1882b). The matter was later settled when the Indian department stopped issuing live ration-beef on reservations. As Indian agent Porter (1882:15–16) stated, Indians who killed cattle as they had killed buffalo were considered "barbarous and revolting."

The Numipu also gained a reputation as superior horsemen and teamsters who freighted supplies for themselves and for the agency over 100 miles from the nearest railhead (Whiting 1880e:85). Numipu horsemanship was crucial to this venture, because it was known in the Territory that American horses required more specialized care than Indian ponies. When the government issued 25 teams of American work horses to the Numipu in 1878, agents had doubted that the horses were suitable for Numipu purposes (Whiteman 1879a:74). Still short of working horse teams, Numipu farmers managed to break, plow, and plant 100 acres in 1880 and another 150 acres in 1882. Numipu farmers managed good stands of corn on every acre that had been prepared in time for planting (Whiting 1880e:85; Jordan 1882:76). In addition to freighting and farming, men cut and hauled logs, worked in the agency saw mill, and cut and transported hundreds of cords of stove wood and thousands of fence rails (Whiting 1880e:85; Woodin 1883a:290).

The Numipu women were known for their beautiful needlework, and for the leather gloves, moccasins, beadwork, and other high-grade arts and crafts that they produced for resale (Whiteman 1879a:75; Woodin 1883a:79). In 1883, the women sold moccasins made from cured hides at retail for $2,455.00 (Price 1883c:291 note c). Indian agents commented on how knowledgeable, industrious, vivacious, and friendly the Numipu women were, and that they also thought the women were extraordinarily hygienic (Whiteman 1879a:75; Jordan 1881:94; Woodin 1883a:79). The women epitomized Numipu survival, as one contemporary Numipu woman (James 1996:133) remembered, "The women survived and made it back, those women are the ones who are the foundation of our tribe today, for a lot of us."

On 7 November 1878, the Indian department sent James Reuben, Archie Lawyer, and Mark Williams to the Indian Territory from Idaho. Arriving there on 8 December 1878, Indian agent Jones assigned the men federal jobs. James Reuben was hired as interpreter, Archie Lawyer as school teacher, and Mark Williams as assistant farmer (Reuben 1879:16 October). Six months later, the men complained that their salaries were almost 60% lower than those of their white cohorts. They were also worried that they would not have jobs, because the refugees told them they did not plan to remain in the Indian Territory. They also worried that they had not

been paid since arriving in the Territory, forcing them to board at the agent's home. As Reuben (Reuben, Lawyer, and Williams 1878) wrote, "We cannot go through all these things unless we have money." The men also wanted monies due to them under the treaties of 1855 and 1863. Ruben et al. (1878:15 December) reminded the Indian department "we have better times than this at home . . . we are not going to be taken for wild Indians." Williams and Lawyer received their salaries, but Reuben remained unpaid to 15 June 1879. The Idaho men also experienced the debilitating effects of malaria; Reuben was sick throughout October, and Archie Lawyer had been sick the previous summer (Reuben 1879).

Education; School at Oakland, and Numipu Children Sent to Carlisle Indian School, Pennsylvania

Reuben started a day school for 20 children at the Oakland agency in February 1880 (Whiting 1880e:85). By February 1881, 60 children were enrolled in the school and 38 children were attending the school the following December. The schoolhouse, originally constructed as a warehouse, was 36 feet long by 24 feet wide, and was very cold in the winter. There were about 70 children in the Numipu camps, but many of these children could not go to school because they were either sick or owned no suitable clothing. The children went without appropriate clothing when annuity goods did not arrive or were late getting to the agency (Whittlesey 1883:34). Reuben sent advanced students to the Ponca Industrial School and to the Carlisle Indian School, in Pennsylvania. After Reuben returned to Idaho in 1883, the Indian department urged teachers to send more students to these schools. By February 1885, there were 16 Numipu children at the Chilocco Indian School (Scott 1885a). When the commissioner of Indian affairs instructed that more children should be sent to Chilocco, Scott (1885a) explained that "It was really dangerous for the little fellows to stand out across the prairie with the mercury at and below zero." The Numipu students attending Chilocco were returned to their parents one hour before the train left for Idaho (Stanley 1945:231). Twenty six school aged children returned to the Pacific Northwest with Chief Joseph's band (J. G. Montieth 1885:71). Nine of the orphans who returned to Idaho with James Reuben were taken to the Indian School at Forest Grove, Oregon (C. E. Montieth 1883:56–59).

Richard Pratt visited the Numipu camps in 1879, seeking male prisoners to attend his new Indian school in Pennsylvania. When Chief Joseph and other Indian leaders in the Territory refused Pratt's requests, Pratt went elsewhere for his adult prisoners. Pratt continued to recruit the captive's children, however, and in 1880, the first five Numipu students were sent to Carlisle (Whiting 1880c). Jesse Paul, Charlie Wolf, Samuel John, Dollie Gould, and Rebecca Little Wolf (Fig. 12) were soon followed by Harriet Mary (Fig. 13) and Luke Phillips (Fig. 14) (Choate n.d.). One of the first students was the son of *Huis Huis Kute* (Bald Head), and Jesse Paul was the son of Seven Days Whipping. Luke Phillips was apparently the son of one of the widows (Whiting 1880c; Paul 2003). In response to another visit from Richard Pratt the first of October 1883, four more Numipu children were sent to Carlisle on 13 October 1883). Two girls and two boys and a group of Cheyenne and Arapaho students were escorted to Carlisle by Mr. A. J. Standing (OHS 1883b; Woodin 1883f)

On 2 May 1883, the parents of Luke Phillips, Samuel John, Jesse Paul, and Harriet Mary asked that their children be returned to them. As agreed when the government took the students to Carlisle in 1880, they had remained at the school for three years (Woodin 1883c). Woodin and Capt. Pratt did not want to return the students, and pressured the families to leave the

youngsters in Pennsylvania. Harriet Mary's mother was especially adamant; she was returning to Idaho and wanted her daughter brought to her before she left the Territory. On 20 June, Woodin (1883e) notified Pratt that the "Nez Perces were not inclined to listen to my arguments . . . [they] reiterated . . . that the government had promised to return their children at a certain time . . . and they wished the promise kept." The agent agreed to visit the parents again in a few days to try to change their minds. Woodin (1883e) also told Pratt to keep Harriet Mary at Carlisle because "Her mother has gone back to Idaho and with change of locality and associations may be inclined to look favorably on the girl's remaining."

Harriet Mary and Jesse Paul eventually returned to Idaho, while Luke Phillips and Samuel Johns remained at the school. Harriet Mary worked for the Potter family in Bellefonte, Centre County, PA in 1882 as a Carlisle outing student. Harriet wrote to Carlisle that she was kept very busy because she was responsible for the laundry, milked the cow, and worked as a domestic helper. Harriet (Mary 1882) said that she was not unhappy, but that "I think I am the busiest girl." The girl (Mary 1882) also mentioned that she had been rather lonely at first, but that she did not want to return to Carlisle because "I don't think I was ever mad since I came away from Carlisle."

Years later, Harriet Mary wrote to the school from her home in Idaho, expressing her gratitude for learning to read and write. Like so many of the students who were subjected to the intense propaganda at Carlisle, Harriet Mary seemed discontented. She wrote (Mary 1889) to the school that "At home it is like going into a dark room where you cannot see a show of light and trying the best you can to find a match to light the lamp. So it is with my people." Harriet Mary wrote a year later, saying that she had worked for Alice Fletcher during allotment of the Nez Perce Idaho reservation (Mary 1890). Harriet Mary married James Stewart, Alice Fletcher's interpreter on the Nez Perce's reservation (Gay 1981:28). Harriet Stewart and her sister, Annie Parnell Little, were photographed by Jane Gay at home on the Nez Perce reservation (James 1996:191).

Luke Phillips was not returned to his parents. About 13-years-old when he arrived at the school on 20 February 1880, Phillips served as the president of the YMCA, was active in school organizations, and left an impressive service record at Carlisle. He was the librarian for the boys' library, served as an NCO in a Carlisle company, and worked at the summer camp. Luke Phillips (Landis 2003b) mentioned that his favorite cabin was nicknamed "The Campbell's hump." When James Reuben returned to Idaho in 1883, it was suggested that Luke Phillips be brought to Oakland as the new teacher. This did not happen, and a white teacher who spoke only English was brought to Oakland (Woodin 1883d). Luke Phillips passed away on 10 January 1888 and is buried in the Carlisle Indian cemetery (Landis 2003b).

Samuel Johns and Jesse Paul remained at Carlisle. Johns, who was active at the summer camp and in many other Carlisle activities, passed away at the school on 11 February 1888. Johns, and Rebecca Littlewolf, who also died at Carlisle, are both buried in the Carlisle Indian cemetery (Landis 2003a, 2003c). Charley Wolf, who called himself Charles Williams, and Jesse Paul wrote to the school in 1888 that they were working for a surveyor in Idaho. Jesse Paul also made a hammer that was part of the Carlisle Indian School display in the senate Indian committee room (Landis 2003a). Jesse Paul's grandson, Jesse Paul (2003:31 October), tells that his grandfather was "given the name of Jesse Paul when he was enrolled in the school. His Indian name was "Ka kun nee," his father was Seven Days Whipping who died in Oklahoma "The Hot Place."

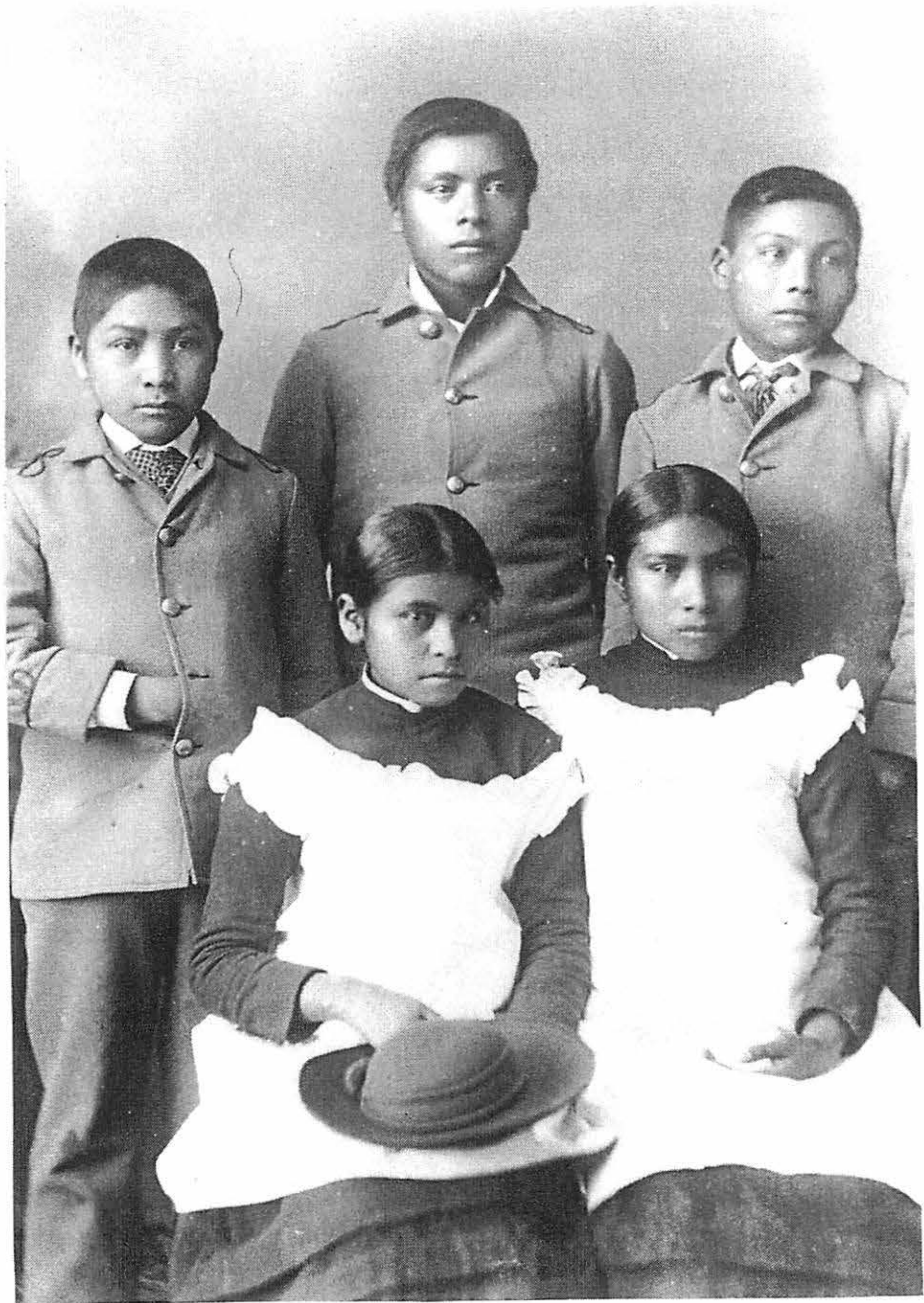

Fig. 12. Jesse Paul, Charlie Wolf, Samuel John, Dollie Gould, and Rebecca Little Wolf (Choate n.d.). Accession Number PA-CH1-11c, Cumberland County Historical Society, Carlisle, PA.

Fig. 13. Harriet Mary (Choate n.d.). Accession Number PA-CH1-13b, Cumberland County Historical Society, Carlisle, PA.

Fig. 14. Luke Phillips (Choate n.d.). Accession Number BS-CH-32, Cumberland County Historical Society, Carlisle, PA.

Cultural, Geographical, and Spiritual Boundaries in the Indian Territory; Nez Perce Sun Dancers:

Life within the Indian Territory consisted of cultural, geographical, and spiritual boundaries that the political prisoners crossed and intersected. The Indian department encouraged the refugees to convert to Christianity. Reverend Archie Lawyer and James Reuben held two Presbyterian services every Sunday that do not appear to have created divisions between Christians and non-Christians. Since there was no church, services were usually held in a large tent at *Huis Huis Kute's* camp. In good weather, a pole and brush arbor was erected where a sermon, hymns, and an infrequent prayer were shared. In bad weather, the services were held in the tent. According to the Indian agents, both Christian and non-Christian Numipu attended the services (Stanley 1945:227; Whiting 1880e:85; Jordan 1881:94). By 1880, 124 Numipu converts had become part of the Presbyterian Synod of Kansas. A year later, the number of Presbyterian converts was reported to number 150 (Jordan 1881:94, Platter et al. 1881). Indian agents who did not understand the spiritual activities of the non-Christians discounted events that led to one of the most historically significant Sun Dances held in the Indian Territory.

Between 1879 and 1885, Numipu, Arapaho, and Cheyenne met in Arkansas City, the railroad terminus that served that portion of the Territory. Chief Joseph and Yellow Bull met representatives of other Native nations on their trips to Washington or when they hauled freight. Chief Joseph, Yellow Bull, *Huis Huis Kute*, Buzzard, Yellow Head, Powder Horn Owl, and Charley Moses were among the Numipu men who hauled freight between the railroad and other points in the Territory. Arkansas City was the main railroad terminus serving the Oakland agency (Woodin 1884). Cheyenne and Arapaho teamsters hauled more than a million pounds of freight a year to their agency from Arkansas City (Miles 1881:69; Rhoads 1882:55). The Numipu, Cheyenne, and Arapaho met in trading posts, where they shopped, or hauled freight for Indian traders (Miles 1881:69, 1883:64; Sherburne 1927a). They met at Indian agencies, such as the agency they shared with the Ponca, Pawnee, and Otoe. They met in stores and communities like Baxter Springs, Kansas where they shopped or marketed their arts, crafts, or agricultural surpluses (Haworth 1879). They met other parents and students who were enrolled in the Indian schools. In October 1883, four Numipu students were taken to Carlisle Indian School with a company of Cheyenne and Arapaho students (OHS 1883c). Many of the interpreters who accompanied Native Americans were multilingual and multi-cultural, and sign-language was another common method of communication.

The Poncas, with whom the Numipu shared an agency, were active Sun Dance participants until 1884, when a new agent tried to ban the ceremony (OHS 1884). Arapahos in the Indian Territory held Sun Dances in the summer after their crops were planted. Though Indian agents tried to limit the Sun Dances to one or two days, the ceremonies usually lasted 14 days or longer. The agents were not successful in their efforts to limit the ceremonies as the Sun Dances involved hundreds of Arapaho, Cheyenne, Wichita, and Kiowa (Berthrong 1976:134). Indian agent D. B. Dyer (1884:72) complained of the Cheyenne and Arapaho that "Buffalo and Sun Dances . . . where they make medicine several times during the season . . . occupy months of their valueless time." The Arapahos planted their crops, and then began the ceremonies (Dyer 1884:72). Many Kiowa also took part in these Sun Dances or held their own ceremonies (OHS 1884; Wunder 1989:70).

Visiting between the Arapaho, Cheyenne, and Numipu was common. A year after removal to the Ponca agency, three groups of Numipu visited the Arapahos and Cheyennes. Once their crops were planted, two groups of Numipu refugees left to visit the other agency. The agent, thinking the visits were social, granted Chief Joseph and his wife, Yellow Bull and his two sisters, *[?]-nick-co-lo-cum*, Red Elk, *Tim-sus-sle-wit*, *Tis-ca* (Polecat), Wolf Head and Charley Moses a fifteen day permit to leave in June 1880. *Huis Huis Kute* (Bald Head), Three Eagles, Thomas Peters, Red Wolf, Crow Blanket, Captain Jack, Grizzly Bear Hat, Johnson, Yellow Bear and *Tuk-te-na-tu-kt* were with the Cheyennes and Arapahos for another 12 days in August. (OHS 1880b; Whiting 1880a). Chief Joseph and wife, Yellow Bull and his sisters, Feathers Around Neck, *Co-lo-cum*, Red Elk, *Tom-sus-sle-wit*, *Espowyea*, *Tis-ca* [Polecat], Wolf Head, Charley Moses, *[?]-yet-mok-stuk*, and *Es-es-kats-at-cov* also visited the Cheyennes and Arapahos the following January (Whiting 1881b). The visits were coordinated to coincide with the Arapaho and Cheyenne Sun Dances. The summer of 1883, many of the Numipu who had attended the Cheyenne and Arapaho Sun Dances participated in the Kiowa Sun Dance (Mooney 1898:154, 351).

Chief Joseph and the other Numipu took part in the Kiowa and Apache Sun Dance held at Semat P'a, also known as "Apache" or "Upper Cache creek" (Mooney 1898:351). The ceremonial ground was located on the north side of the Washita River, about 10 miles above Rainy Mountain Creek. The event was memorialized on the Anko Kiowa calendar as the "Nez Perce Sun Dance" (Fig. 15). The figure above the medicine pole represents a man with short frontal hair, and is clothed in the striped blanket preferred by the Numipu men (Mooney 1898:351). This was apparently the first time the Numipu participated in the Kiowa Sun Dance, as they shared stories of people who lived in the mountains west of the old Nez Perce homelands in the Pacific Northwest (Mooney 1898:154). Mooney (1898:154) said that the Kiowa referred to the Numipu as the "people who cut the hair round across the forehead."

The Numipu, who learned of the Sun Dances soon after their removal to the Ponca agency, timed their visits to participate in the Arapaho and Cheyenne events. The Sun Dance involved fasting, self-sacrifice, and prayer that precluded spontaneous participation in the Kiowa celebration. The Numipu had prepared to participate in the Sun Dance after learning of the ceremonies through their many contacts in the Indian Territory. They also seem to have imported some of the ceremonials to the Oakland agency. *Huis Huis Kute* (Bald Head), and the other Numipu who had participated in the Cheyenne and Arapaho events, erected the type of pole and brush arbors (Stanley 1945:227) used for the Sun Dances at their Sunday services. Christian and non-Christian Numipu attended what Indian agents understood to be exclusively Presbyterian events. Chief Joseph never became a Christian.

Crossing the Boundaries; Leaving the Indian Territory

Six other Numipu refugees escaped across the boundaries of the Indian Territory under cover of the visitor's passes. In August of 1882, visitors to the Cheyenne and Arapaho met six refugees, driving a wagon pulled by two Indian ponies. John Fur Cap, *Oto-kea* or Pete, Albert Joe, two women, and one child were running away. Soon after meeting the Sun Dancers, they deserted the wagon, took their ponies, and went home to Idaho. By early September, it was suspected that they had run away, but the agent did not report that they had gone home until the first week of October (Woodin 1882a, 1882b). Albert Joe, *Otskai*, and another man were later sent by Chief Joseph as emissaries to Chief Moses, to ask his permission to live on the Colville reservation (Ruby and Brown 1965:220–221 note 11). Yellow Wolf thought that Albert Joe died in Idaho sometime in 1929 (McWhorter 1983:310 note 28).

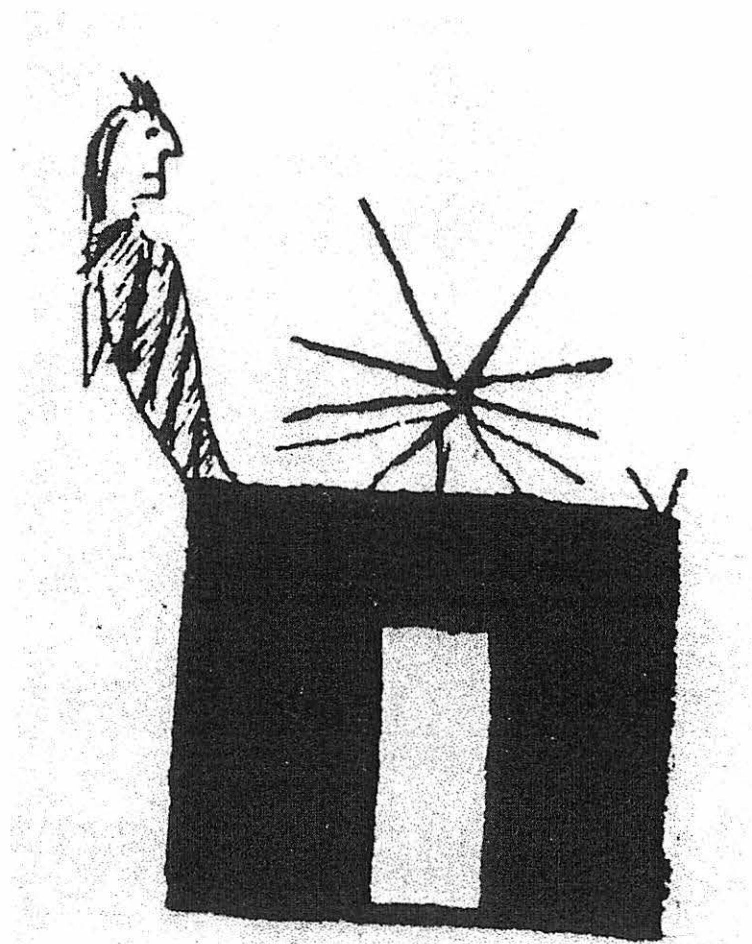

Fig. 15. Nez Perce Sun Dance, Kiowa Calendar, 1883 (Mooney 1898:350).

Other exiles and their families questioned the boundaries of the Indian Territory. *Skou-cum-Joe*, a Numipu army scout who had been adopted by the Crows, asked that he be returned to the Crow nation. The decision to return Skou-cum-Joe was deferred to the war department (Hayt 1878a). Within the next year, *In-wa-teumm* and *She-cu* (Eyes of Thunder) at Lapwai, Idaho, finally located two of their children in the Indian Territory refugee camps (Whiting 1881a). In March 1881, a group of Cayuse Indians who had been deported to the Indian Territory petitioned the Indian department for their return to the Northwest. These Cayuse included *Coots-Coots-ha-me-ai-cut* and his wife and child, *Eaw-se-cath Sa-cum*, *Ip-na-wat-to*, his wife and daughter, *Sur-lee-i-haikt*, and *Sa-can-ta-she* and her daughter (Whiting 1881d). *Coots-Coots-ha-me-ai-cut* and his wife were reported to be in good health, but *Eaw-se-cath Sa-cum* was considered a disruptive influence in the camps. Agent Whiting (1881d) said that *Eaw-se-cath Sa-cum* was "very much opposed to civilization." *Ip-na-wat-to-wikin* and his wife and child were reported to be doing well, but Whiting (1881d) said that *Sur-lee-i-haikts* "has no family here and seems very much unsettled." *Sa-can-te-she*, the Cayuse widow of a Nez Perce warrior killed in the war, was blind. Her fourteen-year-old daughter, Rosie Martha, assistant teacher at the Oakland school, was the sole support for herself and her mother. The mother and daughter asked to be returned to Umatilla where relatives and friends could help to care for them (Whiting 1881d).

Whiting recommended that none of the Cayuse be returned to the Northwest because they had participated in the war. After the surrender, they had escaped to Canada, and then returned to the Umatilla Reservation. From Umatilla they went to the Cayuse Reservation, where General Oliver O. Howard deported them to the Indian Territory (Whiting 1881d). Howard did not promise a date that the Cayuse could return to the Northwest. According to the prisoners, their return was to have been predicated upon their good behavior, and would be considered after things had calmed down in Idaho (Whiting 1881d).

Dissension in the Camps

As more warriors were captured or surrendered, they were sent to the Indian Territory. Yellow Wolf and his cohorts remained free until late-summer of 1878, when they had to surrender. The men sent to the Territory with Yellow Wolf were *Pa-u-wa-hai-ket* (or Fleming), *Wa-sin-me-sa-hu-cuts*, *Ip-na-mat-we-ken*, Little Chief, *We-ya-we-sie-ka-tsa-ka-win*; *Sil-lu-wa-hai-ket*, and *Ko-san-yum* (Luke Wilson) (Many Wounds 1928:Letter n.d.). Other Numipu expatriates, resenting the surrender and exile, were placed in the camps where they caused problems. As Chief Joseph and Yellow Bull (1878) testified, most of the camps were peaceful and orderly until "differences were created by those Nez Perces who lately came from the west." Concerned that these influences were detrimental to the refugees, Chief Joseph (Joseph and Yellow Bull (1878) warned that "through them discontent, intemperance, and inebriations prevail in camps and if their influence continue, my people will be unmanageable and it is not possible to foresee what may come to pass." Yellow Bull, who was Chief Joseph's constant companion (Sherburne 1927c), corroborated these remarks. Many of the Numipu remained divided on the issue of surrender for a long time. Many Wounds (Sam Lott) (1928: Letter) recalled many years after the surrender, "I try my best to locate all I can brave men . . . but I have nothing to do with Chief Joseph, because he was captured and taken prisoner." Many Wounds lost his sister at the Battle of Big Hole, his father escaped to Canada, and his mother was deported to the Indian Territory. Fifty years later, the old patriot had not changed his mind about the surrender.

A. I. Chapman, Government Employee

Interpreters were essential to Native nations within the shared boundaries of the Indian Territory. They translated treaties and everyday conversations, served as intermediaries between Native nations and federal bureaucrats, and shared life on the reservations. A. I. Chapman served the federal government as a military scout against the Numipu, and as a government interpreter for the Numipu, as teamster, and government farmer. Chapman interfered with Numipu lives, argued with Indian agents, and ingratiated himself with federal bureaucrats. He also tried to direct the Numipu by fear and intimidation. Chapman was a government employee who was part of the dominant political group who controlled the refugees.

A. I. Chapman was a white man who had been around the Numipu since his childhood (Henderson 1925:277–279). He was married to a Umatilla woman, and spoke the Numipu language (McWhorter 1983:496 note 6). Chapman was one of General Howard's most faithful scouts in the War of 1877, and volunteered to fight against the Numipu with Colonel Perry at the Battle of White Bird Canyon. At the end of the war, Chapman was hired as a government interpreter for the Numipu and accompanied the prisoners into exile (Redington 1928:1 January). Chapman became a bitter opponent of Indian agent Jones at the Quapaw agency. Jones was one of the most dishonest men in the Indian service, and records indicate that Chapman opposed Jones's dishonesty with full vigor. Much of the correspondence also reveals the nature of Chapman's integration within the Indian department. Chapman's correspondence was always self serving; he regretted conflict, but he always assumed that the department would uphold his current position. Chapman's connection to Commissioner of Indian Affairs Hayt was so firm that Hayt would not allow agent Jones to fire the interpreter. Hayt (1878b) told Jones, "If the arrangement does not please you, your resignation will be accepted."

Chapman was accused of cheating the Numipu out of hundreds of dollars in a scheme to take them home to Idaho. Chapman sent Hayt a notarized statement insisting that the Numipu had rewarded him for his services since their surrender. The statement also requested that any money Chapman may be required to return to the Numipu should be reduced from the amount in question. The statement was signed by many of the Numipu leaders—Joseph, *Kukk Kull*, *Waptas Whghickit*, *Kukk Kull Smool*, Yellow Bull, *Espowis*, and *Ottaispiw* (Joseph et al. 1878). The notary public certified that the statement had been fully explained to the Numipu in his presence. The problem was that the person who explained the statement was Mr. Chapman. Chapman or the notary must have dictated and recorded the statement, so there is no way to know what the Numipu thought or said. Their participation in the event was interpreted by Chapman and the notary witnessed no third-parties who explained the text to the Numipu. When the Numipu were removed from the Quapaw agency, Chapman was no longer the federal interpreter.

Men who knew Chapman in the Indian Territory testified that the Numipu disliked and distrusted him. Their remarks amplify that Chapman was continually rehired as a federal employee, regardless of his problems. After his battles with agent Jones, Chapman was hired by special Indian agent Haworth to serve as wagon-train master. He was also offered employment as a government farmer. Yellow Wolf, Many Wounds, J. M. Redington, and James C. Henderson told of a man who differed from the person portrayed in the government reports.

Redington knew Chapman as a young man in Idaho, and Henderson knew him as a range-rider in the Indian Territory. Yellow Wolf, one of the Numipu survivors, never forgot that Chapman served against them during the War of 1877. He (Yellow Wolf 1940:47) also remembered that Chapman was a rough man, who had asserted, "I can whip Injuns alone. They

are cowardly." Chapman was married to a Umatilla woman, but lived with a Modoc woman in the Territory, who he deserted when he returned to the Pacific Northwest (Yellow Wolf 1940:288). Yellow Wolf was adamant that Chapman was always considered a government man. Many Wounds maintained that only non-natives considered Chapman a friend of the Numipu (McWhorter 1983:496 note 6)

Redington, who had been an army scout, recalled that Chapman had served as an army scout, and that he was a volunteer in the fight against the Numipu in 1877. Henderson (1925:277) said that Chapman "ruled them [the Numipu] with an iron hand." Chapman had a reputation for violence, having knifed and seriously scarred one man's face. Chapman had bragged to Henderson (1925:277) that he "gave him that scar several years before in Oregon." Chapman also admitted that he had once hung Yellow Bear by his thumbs (Henderson 1925:277–279). What sent Chapman out of the Indian Territory was his claim that the Numipu intended to kill him. Chapman, who maintained that he overheard a group of Numipu men planning to murder him, complained to Indian agent Whiteman. Whiteman called a council of Numipu leaders, where James Reuben, the school teacher, served as interpreter. The Numipu denied any plan to kill Chapman. When Reuben challenged Chapman's allegations, Chapman (Henderson 1925:279) threatened "if he did it again . . . there would be a dead Indian in that room." Reuben questioned no more of Chapman's remarks.

Henderson (1925:279) maintained that the Numipu were brave, but that he "always thought they feared Chapman might kill some of them . . . they never got this trouble settled satisfactorily." Henderson thought the Numipu may have planned to kill Chapman after the council, because the interpreter never returned to the agency. Chapman went back to Oregon, where he scouted for the military during the Ghost Dance events of the 1890s (Henderson 1925:279). Chapman also secured employment as an Indian agent, as a letter addressed to him testifies, "To A. I. Chapman, U.S. Indian Agent, Miles, Lincoln County, Washington Territory" (Osborn 1888). Lucullus McWhorter said (1928) that the Numipu survivors called Chapman "bad medicine."

Federal Physicians, Disease Profiles, and Endemic Malaria in the Indian Territory

Federal physicians in the Territory were important to the refugees. Exposed to malaria in Fort Leavenworth, the Numipu also endured respiratory ailments, digestive disorders, influenza, venereal diseases, whooping cough, and measles (Price 1882a:366 inset, 1883a:304, 1884a:338; Atkins 1885:396). Cases of malaria treated between 1881 and 1885 numbered 1,474, while only 27 cases of venereal diseases were reported. Tuberculosis was especially deadly for the elderly, though the disease was not widespread in the camps. By the time the Numipu reached the Ponca agency, seven of every ten people suffered from some type of severe lung or bronchial disorders (Whiteman 1879a:75). Six cases of whooping cough were treated in 1881, and 22 cases of measles were treated in 1882. A total of 135 people were treated for influenza between 1881 and 1883, and digestive disorders were fairly common. In May of 1884, a few cases of diphtheria were reported in the camps, and in November, epidemic dysentery struck the camps. No deaths were reported from the diphtheria but several people died of dysentery (Scott 1884a, 1884b). Smallpox was not a problem, though there is evidence that after Dr. Minthorn boosted smallpox vaccinations late in 1879, many of the Numipu suffered adverse reactions to the treatment (Whiteman 1879b; Ruby and Brown 1965:313). Malaria was the worst health problem. Fifty-five cases were treated in 1881, 196 cases were treated in 1882, 1,132 cases were treated in 1883,

and 91 cases were treated in 1884. The statistics indicate that each refugee underwent treat ment for malaria more than three times within four years (Price 1882a:366 inset, 1883a:304, 1884a:338; Atkins 1885:396)

Malaria, endemic to the Indian Territory, was well known to federal officials for at least 40 years before Numipu relocation. By 1838, the disease was a recognized problem for the Indian department and the military in the Indian Territory, where it remained a serious health hazard for the next half century. In 1878, the relationship between mosquitoes and vector transmission of malaria was not understood. It was accepted that the miasmatic disease occurred most often in areas exposed to stagnate or standing water, like the lagoons and river bottoms where the Numipu were held at Fort Leavenworth. By the 1830s, malaria seriously impacted the health of Choctaws, Cherokees, Creeks, Sacs and Foxes, Pawnees, Potawattomies, Kickapoos, Cheyenne and Arapahos, Quapaws, Otoes, Omahas, and many other groups removed to the Indian Territory (Davis 1832:750; Armstrong 1838:508; *Boston Medical and Surgical Journal* 1845:145; Garrett 1858:146; Butler 1858:141; Vanderslice 1858:150; Hoag 1875:265; Miles 1875:269, 1875:271; Whiteman 1879a:72; Ray 1974:234–235). During fiscal year 1879, Indian department physicians reported that of more than 90,000 cases treated at all Indian agencies, 18,394 cases involved malaria and associated illnesses (Price 1880:412).

By the 1830s, it was common medical knowledge that the symptoms of malaria responded to medications made from cinchona bark, or quinine, as it is better known today. The Indian department purchased large quantities of cinchona bark in its various forms for many years. There was not an adequate supply of the medication at Fort Leavenworth where at one time, 260 of 410 Numipu captives were sick with malaria (Ray 1974:234). What federal records do not exemplify are residual reductions of fecundity, incidents of premature birth and infant mortality, anemia, and reductions to potency caused by malaria (Thornton 1987:54, 62; Curtin 1997:141). Malaria has disastrous effects on population decline and regeneration, and on the health of women and children. As Commissioner of Indian Affairs, Ezra A. Hayt observed that over one fourth of the Numipu captives had died by 1878 (Ray 1974:234). The records do not indicate how many miscarriages, premature births, and infant deaths were experienced as the result of the disease. Data indicate that more women and children died in captivity than men (Ray 1974:231), though that could also be attributed to circumstances in which more women and children were taken captive than men. There is no doubt that any of these factors would significantly impact the mortality figures.

Federal physicians were important community members of Indian agencies. Dr. H. J. Minthorn, physician assigned to the Ponca agency, did his best to improve health care in the Numipu camps. The doctor was located at the Ponca agency, which was so far from the Oakland agency that he could only call there twice a week (Stanley 1945:222). Minthorn was integrated into the agency community, and according to one newspaper, was well liked. On their tenth anniversary, Doctor and Mrs. Minthorn were feted with an afternoon lawn party and luncheon at their home at the Ponca agency. About 70 agency employees, Indian agents, chiefs, and a group of Numipu from Oakland attended the festivities. Among the celebrants were Reverend and Mrs. [Archie] R. B. Lawyer, Mr. James Reuben, and *Huis Kuis Kute* and his wife, who enjoyed a "jollification and a musical *tin tin* abulation of a tin wedding" (*Arkansas City Traveler* 1881).

Dr. H. E. Coleman took responsibility for the captives on their arrival from Baxter Springs (Coleman 1879). Dr. Minthorn treated the Numipu refugees until a physician was assigned to the Oakland agency. In December 1882, Dr. James W. Woodward was assigned to Oakland as combination superintendent and physician (Woodin 1882e). In an effort to cut costs, the government assigned physicians at Oakland who doubled as agency superintendents. Woodward had been a thorn in the agent's side at the Otoe agency, so that Woodin (1882d) felt

"it will be a relief to have him live somewhere else." Woodin sent Woodward to Oakland to replace Dr. Dolphus Dunn, who had succeeded Dr. Minthorn.

Dolphus Dunn was a disaster at the small Oakland agency, where he served as physician and superintendent. As superintendent, he was responsible for all general affairs, administration, and for management of the two white farmers, and the Native American school teacher, interpreter, herder, and four laborers. Woodin (1882d) felt that Dunn's performance as a physician was adequate, but that "His clerical work is wretched, and he has absolutely no administrative abilities." The Numipu were emphatic about their dislike of Dr. Dunn. As Chief Joseph (Woodin 1882d) and others complained, "he cannot help them in any way." The Numipu also accused the doctor of being badly informed and unproductive (Whittlesey 1882:34). Dunn was transferred to the Otoe agency, Dr. McCoy was transferred from the Pawnee agency to Otoe, and the unpopular Dr. Woodward, was moved to Oakland (Woodin 1882d)

Before the Numipu were sent home to the Pacific Northwest, the current superintendent and physician at Oakland, Dr. W. Rouse, requested a transfer. Rouse cited the unhealthy climate and low wages paid by the Indian department as his motivators for change. Frustrated in his desire to work at a wealthier agency or at an Indian school, Rouse quit the Indian department, leaving Oakland without a physician. Dr. Quitz, from the Ponca and Otoe agency, was assigned to Oakland shortly before the refugees left the Territory (Rouse 1884; Scott 1885b). Within months of their return to Colville, it was reported that the health of Chief Joseph's band was improving, though many of the returnees still suffered from tuberculosis (Moore 1886:233).

Census Data; the Numipu Patriots Refuse to be Forgotten

The Numipu expatriates did not want their lives in the Indian Territory to go unmarked. On 20 October 1880, Numipu and Ponca chiefs joined Indian department employees at the Ponca agency to lay the cornerstone for a new school. When the school was torn down in the 1930s a multilingual census and Numipu history, prepared by James Reuben, were found in the cornerstone. After recounting treaties, the war with the United States, and their exile, it was clear that the expatriates feared that they would be forgotten. As James Reuben (1934:12) wrote, "Nez Perce have been wrongly treated by the Government. . . . When this is opened and read may be understood how the Indians have been treated by the Whiteman."

The census is based on the Numipu ration list, and is the third census taken after 1878 (NPS 1878). The 1878 census is incomplete because Chief Joseph refused to sign it until he understood what was written on it (Joseph and Yellow Bull 1878:). The interim census of 1879 is tattered and difficult to read (OHS 1879c:Nez Perce Census). Recorded in the name of the family member who held the ration ticket, the 1879 census identifies, by gender, numbers of males, females, girls, and boys receiving rations. The 1879 census is unique because it is the only government document, so far, that identifies single female heads of families. Though it was reported in 1881 that there were approximately 100 widows in the group (Jordan 1881:94), the 1879 census marks 39 single women who were responsible for 16 boys, 12 girls, and 4 infants (Table 1). Four people are classed as infants because they are identified in no other category. There is no total population figure indicated for 1878, while the 1879 census shows that 431 Numipu drew rations. The 1880 census, which was typed and is clearly marked, witnesses that 101 ration ticket holders drew 365 rations (NPS 1880). The lists were recorded by different persons, making phonetic spellings difficult to interpret because they are inconsistent. The 1880 census is the first bilingual document prepared by a Numipu native-language speaker, and clearly identifies the heads of families and the total number of persons in each family (NPS 1880; Reuben 1934:12).

TABLE 1. SINGLE WOMEN; HEADS OF FAMILIES

Name	Women	Boys	Girls	Infants [?]
Sam-mu-he-nickel	2			2
Ips-Ket-tit [Susan]	1	1	1	
Tus-sa-min [Go with care]	2		1	
Au-wih-no [Au-we-no]	1	2	1	
Em-tsam-ma	2		3	
Sam-mooks	1	1		
Atko-ko [Ott Ko Ko]	3	1	1	
Ton-a-we-man-my	3			
Hin-ma-wik	1			
Tull-la-koots	2	2		
Pup-pet-tults	1		1	
Heo-pope	3	1		
Hoo-koo [Hair]	3	1		1
Five Ears	1		1	
Pet-ya Mox-mox	3	3		
La-ha-you	2		3	
Hum Lats	1			
Sah-la-tom o Hai Hai	1	2		
Piyo Pyo Tom Tak Kekt	2	1		
Huisis Ma Mee Ha	2	1		
Pie Wa Wi E Ma	2			1

Source: Oklahoma Historical Society, (1879c), Nez Perce Census; Letters Received, Quapaw Agency, Vol. QA1. OHS, Indian Archives Division, Oklahoma City, OK.

Subsequent reports to the Indian department mark 282 Numipu were alive in 1883, and 287 Numipu were reported at the agency in 1884 (Woodin 1883a:75; 1884:290). In May 1885 (Bull 1987:63) 268 refugees left by train from Arkansas City (Scott 1885c) to return to the Pacific Northwest. At Arkansas City, the Indian department supplied the departing Numipu with 2,000 pounds of hard bread (hardtack), 2,490 pounds of beef, and 140 pounds of coffee. The travelers had their own cups and coffee boilers, and were told to buy apples in local markets as they traveled west.

Leaving the Indian Territory

Preparing to leave the Indian Territory, the Numipu milled more than 3,000 feet of lumber and cleaned and fenced their cemetery (OHS 1884). Farmers and gardeners, eager to go home, put up enough hay to feed their stock, but did not concentrate on farming.

The refugees sold some of their cattle before they left, and a public auction was held to dispose of the rest of the horses, mules, and cattle that they left behind. The Indian department considered issuing everything to the Tonkawas, but on 29 June 1885, the lot was sold at auction for $2,860.50 (OHS 1885). Forty-one mules and horses were sold along with the remaining cattle and other miscellaneous items. Individual checks were sent to the former owners, though it took a while to find everyone. It was two years before Leg Marrow and Some-left-on-top received their money. Chief Joseph received $37.50 for one horse, $15.50 for a cow, and two years later, his buggy and harness were sold (Osborn 1888). Paychecks were also mailed to former employees of the agency, including Mr. and Mrs. Tom Hill, *Owhi*, Lame John, Mr. and Mrs. Little Wolf, Thomas Peters, Jonas Waters, Williams, Billie, John Minthorn, Mattie [Rosie], Dick [?], Wolf Head, and Red Wolf (Scott 1885d). Tom Hill, the interpreter who translated the surrender agreement for Chief Joseph, was the lieutenant for the 14 man Ponca agency police force (McWhorter 1983:359; Stanley 1945:224 note 4).

Conclusion

The Numipu expatriates experienced travel, technology, survival, rupture, change, healing, boundaries, dissension, and denial of their sovereign and civil rights, and relied on their sense of peoplehood for survival. Women, children, the elderly, the sick, and the injured survived the wildest rivers of North America. Elders fulfilled leadership positions that transcended those imposed by the dominant group. Boats, railroads, and wagons carried the Numipu to the Dakotas, to Kansas, and to the Indian Territory. Railroads transported the captives to Leavenworth, Kansas, and carried their children to Pennsylvania. Wagons brought the Numipu to the Indian Territory, and to points of contact that enabled and strengthened expressions of spirituality and faith. Railroads brought Christian Numipu to the Indian Territory to serve as teachers, ministers, and farmers, though this was not always a positive experience. Women, whether widowed, terrorized, or molested, were crucial to Numipu survival. Of the 187 Numipu women who surrendered at the Bear Paw, only 39 are marked in one federal document. Responsible for 32 children, these women represent a significant portion of the captive population.

Survival narratives involve diseases, injuries, post traumatic stress disorder, deaths, doctors, government employees, and bureaucratic structures that were rarely focused on the captives' survival. When settled in one location, people had to adjust to life in the Indian Territory. They gardened, farmed, ranched, and participated in the local economy. Always focused on returning to their ancient homelands, people worked and worshiped together and sent their children to local schools. Life at the Oakland agency was complex, as Chief Joseph fulfilled his responsibilities as a peace chief. The Chief was an active participant and protector of Numipu families as the expatriates expanded and crossed the shared boundaries of the Indian Territory. Escapees and others left the Territory or tried to go home, and additional captives were sent to the Territory. Lives within the shared boundaries of the Indian Territory were often difficult, but were also vibrant with common memories. People also left many of their physical possessions and other records behind them as they left the Territory. Photographs, telegrams, letters, federal records, and personal narratives continue to illuminate the experiences of the Numipu in the Indian Territory.

Demographics testify that between 1877 and 1885, almost half of the surrendered Numipu died or disappeared. Names, problematic in historical narratives of the Numipu expatriates, remain essential to remembrance. In 1880, the first complete bilingual census of the captives was prepared by a Numipu native-language speaker. The Numipu understood that if their names were not correctly recorded, their peoplehood would be lost in the history of the Indian Territory. Names such as Seven Days Whipping, Mary Blue, or Lip Trap continue to guide families as they recreate ancestral communities that were torn apart in the Indian Territory.

REVISITING PHINNEY: SIXTY-FIVE YEARS AFTER "NUMIPU AMONG THE WHITE SETTLERS"

Benedict J. Colombi

ABSTRACT

By late 1937, the Nez Perce anthropologist, Archie M. Phinney, completed his manuscript of "Numipu Among the White Settlers," in which he remarked on the deplorable conditions of the Nez Perce Tribe throughout the nineteenth and early twentieth centuries. The article reflected on four paralyzing events following the U.S. Treaty of 1855: (1) the illegal encroachment of non-natives on reservation land; (2) the Treaty of 1863; (3) the Nez Perce War of 1877; and (4) the Dawes Allotment Act of 1887. Late twentieth and early twenty-first century phenomena challenge post-World War II Nez Perce sovereignty with; (5) the development of a large-scale agricultural economy; (6) the emergence of a non-native power-elite; and (7) the concentration of farmland ownership in four west-central Idaho counties—Clearwater, Idaho, Lewis, and Nez Perce. These indexes reveal how contemporary threats to Nez Perce sovereignty impact social and environmental policy in the lower Snake River watershed.

Introduction

In 2002, nearly 65 years after the completion of "Numipu Among the White Settlers," Archie M. Phinney's belated manuscript finally appeared in a peer-reviewed publication—the fall edition of *Wicazo Sa Review*, a sovereignty-based American Indian studies journal. Phinney constructed the text in late 1936 and early 1937 while serving a five-year doctoral residency with the Museum of Anthropology and Ethnography of the Soviet Academy of Science in Leningrad, in the Soviet Union (Phinney 2002). Phinney's paper revealed several challenges to Nez Perce sovereignty and included a continuum of historical processes that began with the arrival of Lewis and Clark and the Corps of Discovery to aboriginal Nez Perce territory in 1805. According to Phinney, four nineteenth century historical events threatened Nez Perce sovereignty after the Treaty of 1855: (1) the illegal encroachment of non-natives on reservation land; (2) the Treaty of 1863; (3) the Nez Perce War of 1877; and (4) and the Dawes Allotment Act of 1887. Phinney (2002:22) attacked the Dawes Allotment Act as a congressional gesture aimed at dissolving "all Indian tribes in the United States of all right of 'sovereignty.'" Furthermore, he concluded that the Dawes Act was an "ideological expression in a new policy of the government—to civilize the Indians by breaking down their communal habits of life, introducing them to the responsibilities of citizenship, and creating for them the same conditions of individual land tenure that prevailed among the white people."

This work, therefore, builds on Phinney's analysis of nineteenth and early twentieth century Nez Perce social injustices by revealing on-going processes of growth and development in the lower Snake River watershed—the 13 million acre homeland of the Nez Perce Tribe (Fig. 16). Since World War II, three modern transformations developed in the lower Snake River watershed and continue to confront Nez Perce sovereignty with: (5) the development of a large-scale agricultural economy; (6) the emergence of a non-native power-elite; and (7) the concentration of farmland ownership in four west-central Idaho counties—Clearwater, Idaho, Lewis, and Nez Perce. Contemporary watershed analyses demonstrate that a non-native power-elite is in competition with Nez Perce policy and all ordinary citizens. The power-elite hypothesis (Bodley 1999, 2001, 2003) states that socioeconomic growth is an elite-directed process that concentrates social power in direct proportion to increases in culture scale. Phinney was cognizant of competitive struggles confronting the Nez Perce some 65 years ago as stated in "Numipu Among the White Settlers." However, for this paper, the focus builds on Phinney's analysis with the inclusion of a contemporary analysis on systems of growth and power in the lower Snake River watershed with additional developments in the agricultural economy in west-central Idaho and to the nearly 800,000 acre Nez Perce Reservation.

Devastating Blows

Circumstances that initiated the removal of individual Nez Perce bands to a politically binding tribal reservation system resulted from the application of political power by commercial elites to settle the lower Snake River watershed. Prior to the Treaty of 1855, few Euroamericans had settled in the region (Walker 1998). Early non-natives were involved either in the lucrative and short-lived fur trade or in the early settlements of Christian missions. The fur trade was responsible for delivering pandemic disease to a large segment of the Nez Perce population. Vast populations of Nez Perce perished due to the effects of introduced disease and lack of appropriate medical knowledge or treatment. As a result, the 1805 Nez Perce population estimate of 6,338 was reduced in scale by 223.9% with only 2,830 Nez Perce surviving the effects of dramatic culture change by 1865 (Boyd 1998).

Not surprisingly, missionary leaders found relatively eager converts among ailing Nez Perce. Missionaries often provided food and medical care to sick Nez Perce Indians and, in turn, successfully converted large portions of the Nez Perce to protestant Christianity (Walker 1968). By the early 1830s, the Presbyterian missionary leaders, Henry H. Spalding and Asa B. Smith, established successfully operating missions along the confluence of Lapwai Creek and the Clearwater River and further upstream in the upper reaches of the Clearwater River in Kamiah (Walker 1998). Christian missions strongly prohibited religious converts from engaging in any forms of Nez Perce traditional cultural expression; including polygyny, shamanism, warfare, tutelary spirit seeking, ceremonial dress, drumming, and song. The combined effects of introduced disease and the controlling mechanisms of the missionaries enabled the U.S. government to create legal ties through a treaty process. The subjugation of Nez Perce society and culture opened the door to further market expansion and Euroamerican settlement of traditional Nez Perce territory.

As a result, the entire lower Snake River watershed developed into an early commercial empire with the signing of the Treaty of 1855 (Fig. 17). The treaty agreement ceded roughly seven million acres of traditional Nez Perce land to the federal government (Phinney 2002). In return, the treaty guaranteed certain federally guarded treaty rights that included Nez Perce

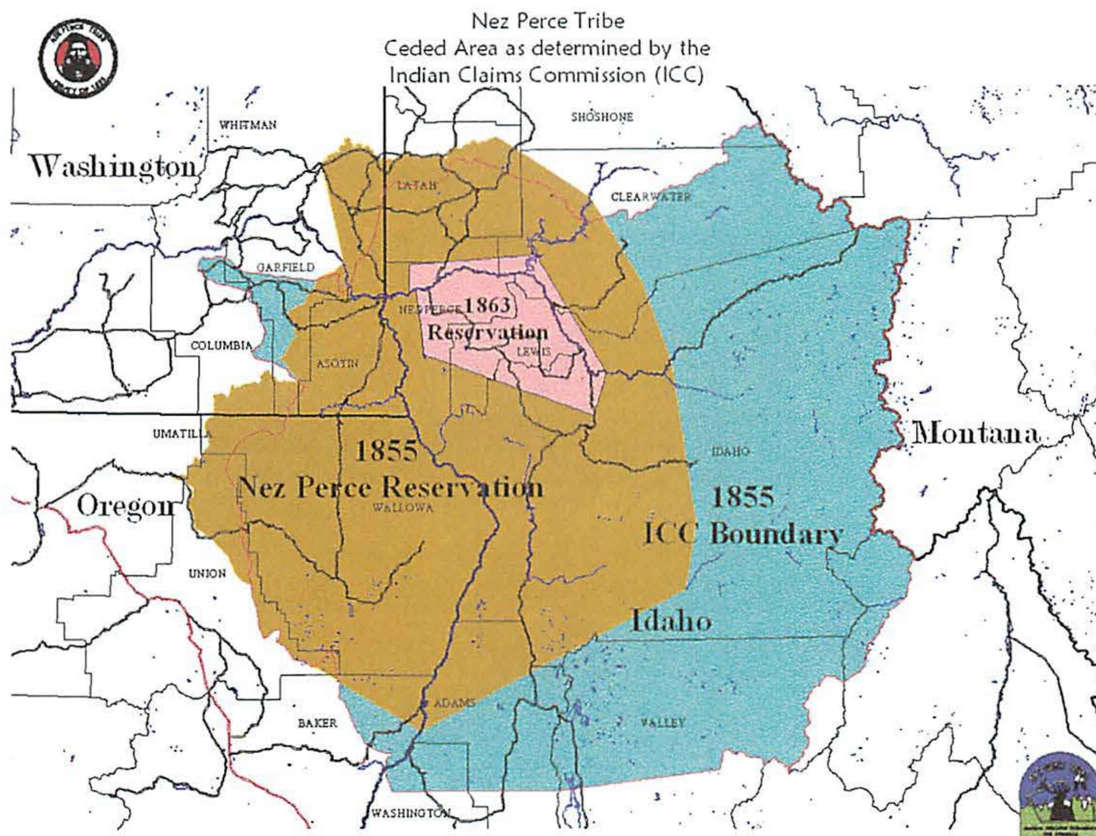

Fig. 16. Nez Perce Reservation boundaries and ceded territory (Land Services Program, Nez Perce Tribe, 2003).

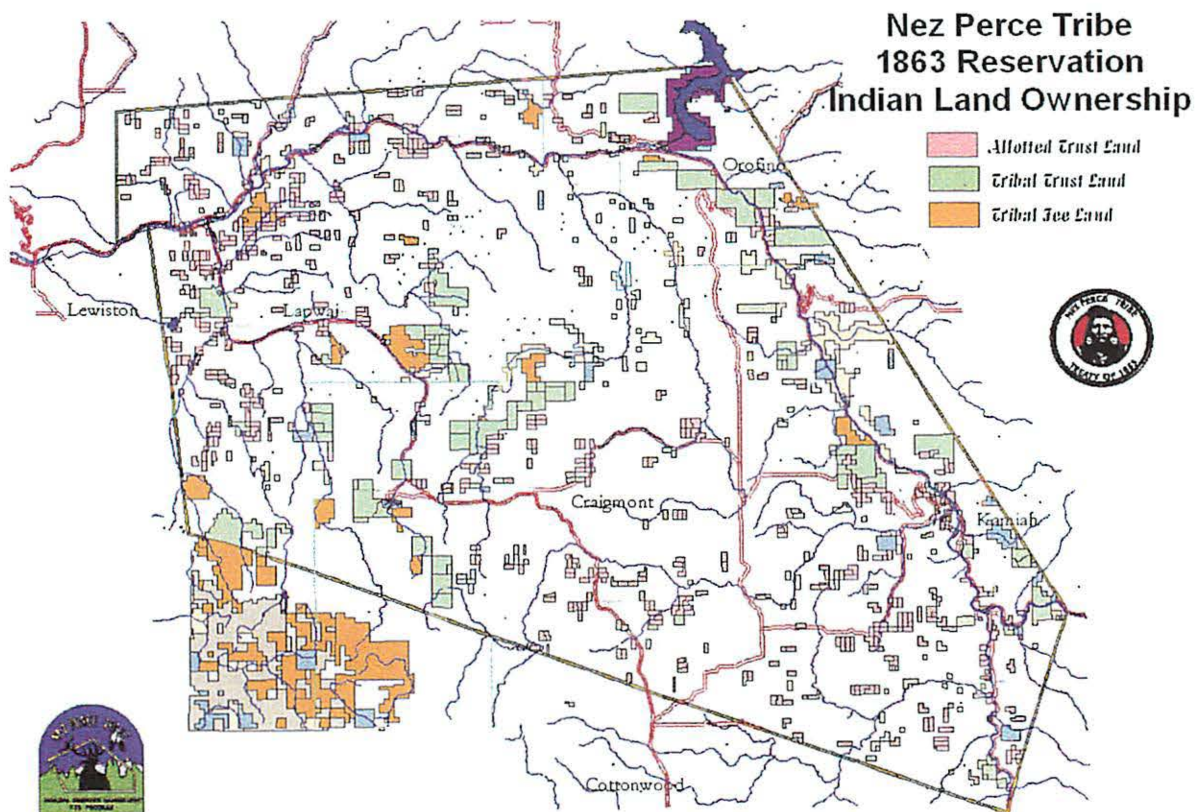

Fig. 17. Nez Perce Reservation contemporary land ownership pattern (Land Services Program, Nez Perce Tribe, 2003).

ownership of roughly five million acres of land. The Treaty of 1855 indicated that the United States would protect the Nez Perce against any trespass, invasion, or settlement of non-natives inside Nez Perce Reservation boundaries.

Following the Treaty of 1855, the Gold Rush of the 1860s emerged with fortune seeking individuals trespassing on off-limit Nez Perce Reservation land. During five consecutive years in the 1860s, nearly 50,000 gold miners illegally entered and in some cases settled on Nez Perce Reservation land (Axtell et al. 2003). As a result, the government responded with a second treaty provision in 1863. The Treaty of 1863 diminished the five million acre reservation to roughly 800,000 acres (Phinney 2002). Euroamericans, driven by the presence of gold in restricted areas, successfully lobbied the government for a major reduction in the scale of Nez Perce Reservation land. Nez Perce cosmology, in a sense, precluded mining—the act itself was sacrilegious. Smohalla, a prophet for the Wanapum band, the Nez Perce, and other Columbia Basin tribes commented with the following.

> Those who cut up the lands or sign papers for lands will be defrauded of their rights and will be punished by the Creator's anger. . . .You ask me to plough the ground! Shall I take a knife and tear my mother's bosom? Then when I die she will not take me to her bosom to rest. . . .Shall I dig under her skin for bones? Then when I die I cannot enter her body to be born again (Axtell et al. 2003:7)

Nez Perce treaty history ended with a third and final ratification in 1868. The Treaty of 1868, which essentially was an amendment to the Treaty of 1863, aimed to protect several aspects of Nez Perce sovereignty. The treaty granted the federal government Nez Perce land for military purposes; while committing the United States to additional guarantees for Nez Perce education, for the protection of reservation timber resources, and for the guarantee of 20 acre lots on off-reservation land for Nez Perce agricultural practice (Axtell et al. 2003).

By the 1870s, power-seeking individuals lobbied for the removal of Chief Joseph and his people from the Wallowa Valley to the contiguous reservation boundaries amended in the Treaty of 1863. The 1863 treaty boundary did not include the Wallowa Valley in northeastern Oregon—the traditional territory of Chief Joseph's band. Euroamerican gold miners prompted the federal government to send U.S. military forces to the Wallowa Valley under the leadership of General Howard. A military presence in Wallowa Valley eventually erupted into the devastating conflict known as the War of 1877.

Of the nearly 800 Nez Perce who left Idaho Territory as a result of the War of 1877, only 431 ultimately survived (Axtell et al. 2003). This was a direct result of two radically different cultures in conflict—the commercial and the tribal world. Members of the commercial world were driven by their desire for wealth accumulation, and, in the case of the War of 1877, it was gold. The extraction of gold for commercial purposes transcended the need of solely producing and maintaining human beings. In addition, the commercial world negated the Nez Perce humanization process and introduced social stratification and concentrated wealth in the lower Snake River watershed.

After the War of 1877, increasing pressure throughout the West to develop and, primarily, farm Indian reservation land prompted Congress to pass the Dawes Severalty Act in 1887. Known as "allotment," the act disintegrated communally owned Indian reservation land by turning individual Indians into private landowners. The Dawes Act allotted each head of an Indian household 160 acres, individuals over 18 years of age 80 acres, and those under 18, who were mostly orphans, 40 acres (Walker 1998). The Dawes Act was a carefully crafted policy aimed at dividing and destroying communally owned land and traditional tribal relations.

In 1890 total Nez Perce population was reduced to an astonishing low level of 2,046 individuals (Boyd 1998). This reduction in scale is significant when compared to the 1805 Nez Perce estimate of 6,338. The smaller population allowed federal Indian agents to transfer communally owned reservation land into the hands of non-native control. Prior to Euroamerican invasion, the Nez Perce occupied roughly 13 million acres of aboriginal territory, however, after allotment the Nez Perce received a monetary sum of $1,626,222 in exchange for 524,064 acres of unallotted land or 72.6% of the reservation. Furthermore, of the 746,651 acres of total reservation land, the Nez Perce were left with only 204,587 acres or 27.4% of the total reservation (Greenwald 2002). By the end of the nineteenth century, the Dawes Allotment Act provided Euroamerican settlers with a vehicle to purchase roughly three-quarters of available reservation land with the primary intent to settle and farm arable land in the lower Snake River watershed.

An Agricultural Economy

In the years immediately following Allotment, many Nez Perce attempted to farm alongside their Euroamerican neighbors. Employing small-scale agricultural technologies, the Nez Perce farmed mostly grain crops in the tillable and fertile soil situated above the major river drainages that intersect reservation land. Farming technologies of the early twentieth century employed the labor of large draft horses to plow the soil and the McCormick Harvester to harvest the grain. Primary use of animal and human labor is indicative of small-scale agriculture. The Nez Perce succeeded to farm at this scale level due to a 200 year old relationship with the use of the horse. Small-scale farming was relatively self-sufficient in that draft horses were fed locally produced grains and early farm machinery was simple and cost effective to maintain. The essence of pre-World War II farming was its reliance on energy efficient technologies and the ability to support more balanced distributions of wealth to local native and non-native communities and households.

Due to allotment, many Nez Perce leased trust land to non-native farmers. Nez Perce Reservation land exponentially increased in value and, in a sense, elevated the economic status of the Nez Perce through the sale and leasing of Indian owned land. The Bureau of Indian Affairs (BIA) managed all Indian owned property held under trust and assumed a guardian-like role over the everyday workings of allotted Nez Perce land. The BIA handled land leases by collecting and then disbursing rental money. According to Phinney (2002:24), "this federal administrative unit became a veritable real estate agency, for along with leasing, the Indians began selling their allotments. The BIA thus became the center of all Indian political life, just as the Catholic mission and the Protestant churches had become centers of their social life."

The implementation of allotment was remotely successful because, for the first time, the Nez Perce favorably competed in the economic workings of a non-native commercial culture. Small-scale Nez Perce farms evenly produced with non-native farms and those who leased or eventually sold their allotted land generated enough profit to accrue capital savings or attain the accoutrements of a non-native commercial society; such as knives, guns, silks, canned foods, and, most certainly, whiskey. Favorable Nez Perce societal and economic status remained only possible for a few decades and by the time Archie Phinney drafted "Numipu Among the White Settlers," the Nez Perce once again failed to compete on even ground. Those Nez Perce who chose to lease or eventually sell their allotted land eventually became a newly established class of land poor Indians. By 1937, Nez Perce individual Indian and Tribal land was down to a mere 70,600 acres from the roughly 800,000 acres of total Nez Perce land reserved in the 1863 treaty (Phinney 2002). A significant decrease in Indian owned property allowed non-natives to own over 729,400 acres and occupy roughly 90% of total Nez Perce Reservation land.

In the years preceding World War II, small-scale farming was progressively replaced with the early workings of large-scale agribusiness. After 1940, self-sufficient farm labor inputs of human and animal labor were out competed with fossil fuel powered machinery and agricultural chemical fertilizers. New farming technologies produced higher yields and tremendous surpluses, but the higher costs to operate factory farms destroyed most small-scale Nez Perce farms. For example, in the Palouse region of southeast Washington and west-central Idaho, no chemical fertilizers and fossil fuels were used in 1910, but by 1940 they comprised 31% of total farm inputs (Bodley 1994). Furthermore, the southeastern Washington portion of the lower Snake River watershed experienced a tripling of wheat per acre yields from 1910 to 1987 (Bodley 2003). Farmland intensification destroyed over two-thirds of the small-scale farms and replaced them with fewer and more powerful large-scale farms. New scale thresholds from small farms totaling 1–999 acres to large farms of 2000+ acres removed roughly 14,000 people away from small-scale farming enterprises and damaged the economic self-sufficiency of many small towns throughout the region.

The social and economic variables of World War II also generated new demands for national defense and hydroelectricity. Before the War, the lower Snake River watershed remained dam-free and railroads provided farmers with the primary mode of transporting grain to inland seaports on the lower Columbia River at Portland, Oregon. Due to national pressures to maintain security in the region and to develop a large-scale agricultural economy, policy makers decided to construct four large-scale hydroelectric dams on the lower Snake River. The dams would provide the Pacific Northwest with a new and greatly subsidized source of cheap hydroelectricity and would create a less expensive method of shipping grain via barge than by rail or truck.

Congress, therefore, appropriated the funds to create the lower Snake River project (Petersen 1995). By 1947, the U.S. Army Corp of Engineer's North Pacific Division formed the largest construction district in the entire Army Corps bureaucracy—the Walla Walla District in southeastern Washington. The Walla Walla District built and managed all four dams on the lower Snake River. Commercial and political elites benefited from the federal subsidies to construct the dams. With the dams, agribusinesses would pay less to ship grain.

While the majority of non-natives supported the construction of the four lower Snake River dams, Nez Perce tribal representatives pointed to the fact that the dams negated Nez Perce sovereignty and dramatically affected the long-term viability of naturally reproducing anadromous fish runs. Since time immemorial the Nez Perce revered anadromous fish and healthy watersheds as a paramount symbol of their cultural and religious identity. This symbiotic relationship was built upon three main elements: salmon as food, salmon as an object of trade, and salmon as a necessary component of traditional religious expression. Therefore, it is no surprise that after 1975 the Nez Perce began to push for the breaching of the four lower Snake River dams. Partial removal of the dams fulfilled a larger Nez Perce public policy campaign based on treaty rights and twentieth century legal precedents to restore all anadromous fish to the entire Columbia and Snake river watersheds. The Treaty of 1855 guaranteed the Nez Perce and other Columbia Basin tribes the "right of taking fish" at their usual and accustomed fishing sites, and, roughly one century later, the U.S. Supreme Court (Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n. 1979:443 U.S. 658) ruled that the original treaties entitled Northwest tribes to one-half the total Columbia Basin salmon harvest and approved the use of modern fishing equipment by tribal fisherman (Masonis et al. 2002).

Columbia Basin tribes continue to refuse, on religious grounds, an appropriate monetary amount for the loss of habitat and anadromous fish, but a study by the Institute for Fisheries Resources (Radtke and Davis 1996) estimates the replacement dollar value to be between $6 and

$12 billion. This drainage accounted for roughly half of the total Columbia basin salmon, thus the net asset value for Snake River salmon alone has been estimated at $6.5 billion. In addition to fish and habitat loss, land value of over 6 million acres of post-treaty of 1855 land was lost when Northwest Indian tribes ceded tribally managed land to the United States. The Institute for Fisheries Resources attached a value of $2,000 per acre and estimates the value of tribal land cessations to be in excess of $12 billion. In short, if harvestable stocks are not restored, the federal government and its taxpayers could be responsible to compensate Columbia Basin tribes for nearly $23 billion dollars.

The Nez Perce set several legal precedents in their fight for anadromous fish in the lower Snake River watershed. According to recent estimates, the Nez Perce and the federal government have "spent $10 million preparing their water case for trial and will spend an additional $2 million per year in the years ahead" (McCool 2002:79). Two major legal battles face the Nez Perce: securing adequate water flow in the Snake River watershed and upholding a duty of fiduciary trust on behalf of the U.S. government. The Nez Perce support free flowing rivers, because without adequate oxygen and cooler water temperatures, anadromous fish fail to successfully reproduce and survive. As well, the federal government failed in their responsibility as a benevolent guardian to the Nez Perce Tribe. The damming of the Snake River watershed violates several promises legally supported in the Treaty of 1855. If necessary, the Nez Perce Tribe will pursue a legal campaign to sue the federal government for a breach of trust (Rick Eichstaedt 2003, per. comm.). The Nez Perce and other Columbia Basin tribes conclude that the federal Snake River management plan is geared to protect dams and not salmon.

Prior to Euroamerican settlement, 10 to 16 million adult salmon entered the Columbia River each year (Lichatowich 1999). Of those, roughly 8 to 10 million were adult Chinook. In the early summer large runs of 80 pound Chinook salmon, appropriately named "June Hogs" by early Euroamerican settlers, would enter the Snake River watershed each year. For countless generations the Nez Perce fished for these giant salmon, but now the "June Hogs" are extinct. Fishery biologists failed to acquire hatchery stocks prior to the "June Hogs" total disappearance from the Columbia and Snake river watersheds. In 1993, remaining Chinook salmon counts were at an all-time historical low. Only 450,000 fish returned to the Columbia River Basin and, during that same year, roughly 250,000 or half of the total run of Chinook salmon were harvested.

As a result, large sums of money are invested to restore salmon throughout the Pacific Northwest. On the Columbia River this type of policy has resulted in skyrocketing costs with few tangible results. Large-scale hatchery facilities and better fish passage systems technologically fix artificially reproducing runs of salmon and steelhead. A retired Army Corps of Engineers' fishery biologist (2003, pers. comm.) recently stated that roughly $8 to 10 billion has already been spent to improve fish passages on the lower Snake River. A fish screen was put in at McNary Dam to facilitate smolts returning to the Pacific Ocean. This improvement cost the federal government and U.S. taxpayers roughly $18 million dollars.

Preliminary research by the author shows that a small minority of elite individuals and institutions benefit disproportionately from the perceived benefits of dams. On the contrary, the Nez Perce Tribe, ordinary non-native citizens, and the natural environment suffer from the costs inflicted with large-scale dam development. Agribusinesses, large-scale industry, electricity generating corporations, and regional management institutions concentrate their social power, while the costs of dam development are ultimately being socialized. Hundreds of thousands of acres of lower Snake River canyon habitat were destroyed when all four dams were completed. Soil erosion, the loss of biodiversity, water contamination, overproduction, and social inequality is produced when growth is determined by an elite-directed decision making process.

Agribusinesses lobbied for the Snake and Columbia river dams. The dammed river now allows the barge industry to ship wheat, barley, lentils, and other agricultural commodities in larger quantities and at subsidized rates than by highway or railroad transportation. Of the total amount of grain grown in the lower Snake River watershed, 92% goes to global export (Ken Casavant 2003, per. comm.). If the lower Snake River dams were breached, the cost of shipping grain by railroad and highway would increase the per bushel price for wheat by 8% to 10%. Unless the federal government subsidizes the costs of partial dam removal, farmers will be responsible to pay greater costs to ship agricultural commodities out of the region. Large-scale agribusiness constituents such as Columbia Grain International, Lewiston Grain Growers, and Whitman County Growers; the regional agricultural chemical giant, McGregor Company; and the Save our Dams campaign, a private interest group based in Ephrata, Washington, all vehemently oppose the breaching of the four lower Snake River dams.

In addition to regional agribusinesses, the Bonneville Power Administration and the Northwest Power Planning Council are institutional structures that have vested interests in maintaining Columbia Basin dams. The Columbia and Snake river basins produce more hydroelectricity than any other river system in the United States (Petersen 1995). In the 1930s, Roosevelt's New Deal administrators struggled over whether the Army Corps of Engineers, the Bureau of Reclamation, or an independent agency would be the sole marketers of energy produced from Columbia Basin hydro-electric dams. They eventual settled on the Bonneville Power Administration. Since the late 1930s, Bonneville Power Administration has marketed all electricity produced by federal dams in the Pacific Northwest. As a result, a monopoly exists in the management of the four lower Snake River dams.

In 1979, Northwest congressional leaders persuaded congress to pass the Northwest Power Act. This act gave the Bonneville Power Administration full authority to "protect, mitigate, and enhance fish resources affected by hydroelectric projects" (Peterson 1995:170). In turn, the act also required Bonneville Power Administration to guarantee an adequate flow of efficient and economically priced power to the Pacific Northwest. In the 1980s, Bonneville Power Administration formulated the Northwest Power Planning Council to mitigate conflicts stemming from the Northwest Power Act. Economic, political, and academic elites from Montana, Idaho, Washington, and Oregon brought a multi-regional agenda to the decision making process. This management approach eventually centered on contemporary arguments of dams versus fish; as agribusinesses, power companies, and regional industries worked with scientists and scholars on watershed related policy issues. A stark reality faces current opposition to this elite-driven decision-making process with an emphasis on continuous economic growth, the production of cheap hydroelectricity, and, furthermore, the concentration of wealth in the lower Snake River watershed.

The Concentration of Wealth

By the end of the twentieth century, power-elites emerge with individual and collective entities controlling the lower Snake River watershed's land-based economy. Accelerated growth policies produced the switch to industrialized agriculture. The introduction of power machinery for agricultural production generates 5 testable theories about the causes of demographic changes in the agricultural economy: (1) the shift from rural to urban population; (2) the reduction in farms and the increase in acres per farm; (3) the inequality in farmland ownership; (4) the reduction in Indian farm operators; and (5) the status of land ownership within the Nez Perce Reservation.

The Nez Perce Reservation boundaries include four west-central Idaho counties: Clearwater, Idaho, Lewis, and Nez Perce. By 1930 all four counties significantly lost rural populations with the transition to large-scale agriculture. Factory farming in the lower Snake River watershed centers on non-irrigated grain growing. This type of agriculture is more adaptable to large-scale production and utilizes greater inputs of fossil fuel based industrial technology than other cultivated crops. The increase in the scale and methods of farm operations directly relates to a reduction in manpower. The demand for agricultural labor dramatically declined throughout the twentieth century. This reduction in agricultural jobs translates into a shift in Idaho's population from rural to urban (Table 2).

TABLE 2

IDAHO'S RURAL POPULATION TRENDS, 1890–2000

Year	1890	1910	1940	1950	2000
Population (Rural)	88,598	255,591	176,708	252,549	434,456
Percent (Rural)	100%	78.50%	66.30%	57.10%	33.60%

Source: U.S. Bureau of the Census 1952 and 2002.

According to Webster's New World Dictionary (1964), urban is defined as any area constituting or comprising of towns and cities, with the current urban definition (U.S. Bureau of the Census 2002) including unincorporated urban places. In 1890 (U.S. Bureau of the Census 1952), 100% of Idaho's total state population of 88,598 was rural, however, by the end of the twentieth century, Idaho's total rural population declined to only 33.6% of Idaho's total state population of 1,293,953 (U.S. Bureau of the Census 2002).

The population shift from rural to urban correlates with the periods before and after World War II. For example, the only large urban area in the lower Snake River watershed is Lewiston, Idaho. Lewiston, with a population of 31,047 (U.S. Bureau of the Census 2002), is the county seat of Nez Perce County and is situated at the confluence of the Snake and Clearwater rivers. From 1930 to 1950 (U.S. Bureau of the Census 1952), Lewiston's population increased 429.5%, from 4,183 in 1930 to 17,964 in 1950. A similar but less dramatic trend is expressed in Orofino, Idaho. Orofino, located on the banks of the South Fork of the Clearwater River, is the commercial center and county seat of Clearwater County, Idaho. Orofino's population changed from 3,232 in 1930 to 5,709 in 1950. This is a 56.6% increase in its total population. Significant increases of rural to urban populations in west-central Idaho is a direct result of the loss of small-scale farms and the emergence of industrialized agriculture after World War II.

A second demonstrable outcome of large-scale agriculture (Table 3) is the reduction in the number of farms and the increased average in acre per farm (U.S. Bureau of the Census 1942; U.S. Agricultural Statistics Service 1999). From 1940 to 1997, all four counties included in the Nez Perce Reservation experienced similar economic concentrations in the management or ownership of agricultural land parcels. Lewis and Nez Perce counties reveal the greatest reductions in both the number of farms and, more importantly, experienced an exponential increase in the average size per farm. For example, in 1940

there were 546 farms in Lewis County with the average size per farm at 438.1 acres, however, by 1997 there were only 182 farms with the average size per farm at 1,065 acres. This is a reduction in farms by 333.3% with the average acre per farm increase of 243.1%. All four counties intersect west-central Idaho's Camas Prairie. This grassland region was once an important root digging area for the Nez Perce Tribe, but now the prairie is the epicenter of nonirrigated grain growing in the Idaho portion of the lower Snake River watershed. As a result, non-native farms in all four counties nearly doubled or tripled in size and, in addition, were managed, owned, and operated by a small minority of large-scale agribusinesses.

TABLE 3

FARMING TRENDS IN WEST-CENTRAL IDAHO, 1940 LAND OWNERSHIP WITHIN THE NEZ PERCE RESERVATION: 1 FEBRUARY 1997

County	Year	Number of Farms	Acres/Farm
Clearwater	1940	531 farms	197.9 acres
	1997	210 farms	348 acres
Idaho	1940	1,464 farms	524.2 acres
	1997	661 farms	983 acres
Lewis	1940	546 farms	438.1 acres
	1997	182 farms	1065 acres
Nez Perce	1940	1,282 farms	319.1 acres
	1997	383 farms	886 acres

Source: U.S. Bureau of the Census 1942; U.S. Agricultural Statistics Service 1999.

The social consequences of liberal economic growth in agricultural production and land ownership created an unequal relationship for individual farmers. The most striking correlation is demonstrated with the inequality in farmland for all four west-central Idaho counties (Table 4). By the end of the twentieth century, agricultural land was concentrated in fewer and fewer hands. The 1997 average for Clearwater, Idaho, Lewis, and Nez Perce counties gives evidence of only 12% of the farms controlling roughly 46% of the farmland (U.S. Agricultural Statistics Service 1999). The data show that a testable and verifiable power-differential exists not only between the Nez Perce Tribe and non-native farmers but more specifically between non-native elites and non-elite farmers as well.

TABLE 4
FARMLAND INEQUALITY IN WEST-CENTRAL IDAHO, 1997

Clearwater County	210 farms total	73,103 acres total
	Farms %	Farmland %
Small 1–999 acres	190 farms (90%)	39,106 acres (27%)
Medium 1000–1999 acres	15 farms (7%)	19,369 acres (27%)
Large 2000+ acres	5 farms (3%)	14,628 acres (20%)
Idaho County	661 farms total	649,851 acres total
	Farms %	Farmland %
Small 1–999 acres	485 farms (90%)	125,800 acres (27%)
Medium 1000–1999 acres	106 farms (7%)	145,759 acres (27%)
Large 2000+ acres	70 farms (3%)	378,292 acres (20%)
Lewis County	182 farms total	193,582 acres total
	Farms %	Farmland %
Small 1–999 acres	112 farms (62%)	34,251 acres (18%)
Medium 1000–1999 acres	35 farms (19%)	48,410 acres (25%)
Large 2000+ acres	35 farms (19%)	110,428 acres (57%)
Nez Perce County	383 farms total	339,476 acres total
	Farms %	Farmland %
Small 1–999 acres	272 farms (71%)	64,541 acres (19%)
Medium 1000–1999	57 farms (15%)	78,826 acres (23%)
Large 2000 +	54 farms (14%)	196,109 acres (58%)

Source: U.S. Agricultural Statistics Service 1999.

Further data from 1930 to 1997 reveal the historical trend in the reduction in Indian farm operators in west-central Idaho (Table 5). The reduction in post-World War II Nez Perce farmers may in part stem from the Nez Perce Tribe rejecting the Indian Reorganization Act agricultural aid proposals and John Collier's Indian New Deal programs in the 1930s (Walker 1994, 1998). The switch from small-scale farming to large-scale agriculture reduced any attempt of Nez Perce farmers to compete with regional non-native agribusiness enterprises. For example, in 1930 all four counties on the Nez Perce Reservation had Indian farmers (U.S. Bureau of the Census 1942; U.S. Agricultural Statistics Service 1999). However, by 1997 only 6 Indian farmers operated in all four counties. In conclusion, most attempts to promote Indian farming, either on behalf of the BIA during the Indian Reorganization Act or through private Indian enterprise has failed.

TABLE 5

INDIAN FARM OPERATORS IN WEST-CENTRAL IDAHO, 1930–1997

Clearwater County	Number of Indian Farm Operators
1930	9
1940	4
1997	0
Idaho County	Number of Indian Farm Operators
1930	32
1940	28
1997	3
Lewis County	Number of Indian Farm Operators
1930	17
1940	6
1997	3
Nez Perce County	Number of Indian Farm Operators
1930	50
1940	26
1997	0

Source: U.S. Bureau of the Census 1942; U.S. Agricultural Statistics Service 1999.

Lastly, in February 2002, the Nez Perce Tribe's Land Services Program used GIS computer programs and legal fee titles to determine the status of land ownership within the Nez Perce Reservation (Tables 6–7). According to the Land Services Program, the Nez Perce Reservation is 770,453 acres, with total Indian owned land on the reservation listed as 100,722 acres, or only 13.1% of total reservation land (Fig. 2). The remaining reservation land parcels are vested mostly in non-Indian fee title. Extreme reduction in total tribal trust and individual Indian trust land are a result of the failed policies of the Dawes Act. The post-Dawes Act phenomena known as "fractionated heirship" (West 1982) and the Euroamerican thirst for agricultural land has eroded Nez Perce control of reservation land. Fractionated heirship is the process of original individual Indian trust land partitioned into smaller and smaller shares through inheritance by succeeding Nez Perce generations. The cause and effect relationship of fractionated heirship is spurred by an increase in the leasing of Indian land and greater use of Nez Perce Reservation resources by non-native populations. Currently, a top priority of the Nez Perce Tribe is to regain portions of their 13 million acre traditional territory. Tribal purchase of on and off reservation land is made possible through recent revenues generated by Nez Perce Tribal enterprises, such as the Clearwater River Casino.

TABLE 6
LAND OWNERSHIP WITHIN THE NEZ PERCE RESERVATION: 1 FEBRUARY 2002

Land Status	Comments	Acres (%)
Individual-Indian Trust	(Based on GIS acres)	46,250 (6.0%)
Tribal Trust	(Based on GIS acres)	43,107 (5.6%)
Tribal Fee	(Based on Legal acres)	11,365 (1.5%)
Total Indian Land Ownership	(Based on total of above acreages)	100,722 (13.1%)
State of Idaho	(Based on Legal acres from their office)	6,396 (0.8%)
Bureau of Land Management	(Based on May 1984 Tribal report)	16,120 (2.1%)
Army Corps of Engineers	(Based on GIS acres)	3,650 (0.5%)
Fee Title	(Based on the remainder of land)	643,565 (83.5%)
Nez Perce Reservation	(Based on GIS acres)	770,453
Tribal Fee Land outside the Reservation	(Idaho, Oregon, Washington)	44,293

Source: The Nez Perce Tribe, Land Services Program 2002.

Even though tribal gaming and other business ventures elevate the economic status of the Nez Perce Tribe, non-native elites continue to operate with unprecedented power throughout the watershed. Each one of the five demographic shifts are symptomatic of large-scale growth and power in the agricultural economy. The concentration of wealth not only presents significant challenges to contemporary Nez Perce sovereignty and economic survivability, but creates enormous inequalities between a widening gap of rich and poor in the non-native community as well.

TABLE 7
ORIGINAL ALLOTMENT INFORMATION

Year	Type	Acres
1893	Original Allotment Total	209,026
	Individual-Indian Trust	175,026
	Tribal Trust	34,000
1980	Allotment Total	51,379
2002	Allotment Total	89,357
	Individual-Indian Trust	46,250
	Tribal Trust	43,107

Source: The Nez Perce Tribe, Land Services Program 2002.

Conclusion

In the end, this study reveals current socioeconomic and environmental inequalities in the lower Snake River watershed. The effects of large-scale agribusiness to the Nez Perce and ordinary non-native citizens produces extreme differences in who controls, profits, and grows the agricultural economy. Pro-growth government policies, beginning with the establishment of reservations and fulfilled with the devastating aftermath of the Dawes Act, worked to increase the social power of non-native agricultural and political elites operating in the commercial economy. For hundreds of generations, the Nez Perce sustained an egalitarian and democratically organized small-scale society that successfully reproduced and maintained their households while safeguarding the environment. Pre-contact processes of cultural evolution occurred gradually before the arrival of Euroamericans. However, the evolutionary trend in the last two centuries involved cultural processes that overcame significant growth thresholds and dramatically increases culture scale.

The non-elite majority continues to believe that growth generally improves the well being and opportunities for everyone. Pro-growth policies are promoted by the top 5% of society and demonstrate that growth is an elite-directed process that concentrates social power and socializes the costs. Social costs are apparent in the disparities generated from the reduction in the number of farms and the increase in their size. The process of urbanization has literally removed the majority of the population off the land and into towns and cities. The twentieth century shift from small-scale agrarian society to large-scale agribusiness produces economic commercial growth that shifts social power to the top at an unprecedented scale. In the lower Snake River watershed, the absolute number of poor is visibly increasing faster than the number of wealthy elites. Conspicuous wealth creates a standard that is unattainable for the majority, yet the emulation effect inspires the less privileged to support pro-growth policies that promise remote possibilities of future success. It should be stressed that this cultural phenomena allowed for the radical alteration of the American West's greatest cold river ecosystem—the Columbia and Snake river watersheds.

Numerous and massive hydroelectric dams were constructed to guarantee future economic success and stability in the Pacific Northwest region. Additional research will identify the networks of individuals and institutions who truly benefit from the maintenance of the dams. However, for this paper an analysis of growth and power states that Columbia and lower Snake river dams support a large-scale agricultural economy and severely compromise Nez Perce sovereignty by jeopardizing the current and future health of wild, anadromous fish at "usual and accustomed places." As stated in the Treaty of 1855, the dams negate several social and economic safeguards to the well being of post-treaty Nez Perce society. Large-scale dams prohibit salmon and other anadromous fish from returning in harvestable or sustainable numbers. In a sense, the dams are monumental symbols of a large-scale agricultural economy and fail to incorporate the Nez Perce Tribe with any significant benefits derived from growth and power in the lower Snake River watershed.

Finally, one must wonder just how much of the current crises of unfettered growth in the lower Snake River watershed may have been predicted by Archie Phinney and his predecessors? Certainly it would come to no surprise to Phinney and other great leaders of the Nez Perce Tribe that further increases in the scale of regional, commercial, and agricultural economies will simply continue the power-concentrating trends of the past two centuries. Growth and power produces commercialization, externalization, urbanization, and elitization and builds on what Phinney (2002:34) ultimately concludes as the underlying "operation of an Indian policy designed and administered throughout U.S. history in accordance with the predatory interests of white men in the economic expansion of the United States." The twenty-first century proves to be a difficult one-hundred years for not only the maintenance of Nez Perce sovereignty but in addition for the well being of all citizens in the Inland and Pacific Northwest regions who struggle to uphold basic tenets of freedom, equality, and fair representation in the American democratic process.

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