

Dr. Robert E. Ficken (206) 282-3097

Dr. Harold K. Steen (408) 426-3770

- 1 -

B. The scope of the report shall be:

1. The report is to be responsive to plaintiffs' claims that beginning in 1920:

a. The forests on the Quinault Indian Reservation were mismanaged by the Bureau of Indian Affairs in respect to the impact of logging on the environment.

b. The Bureau of Indian Affairs was at fault in failing promptly to adapt its management policies and practices to discerning, meeting, and solving ecological problems as they developed in logging the 4,000 acres of tribal land and the 2,400 allotments, the latter consisting of 40- and 80-acre parcels, on the reservation.

2. The report shall compare in timing, nature, and effect, the management policies and practices of the Bureau of Indian Affairs as applied to the forests on the Quinault Indian Reservation with the contemporary policies and practices applied in the management of national, state, and private industry forests in the Olympic Peninsula in western Washington. Such comparison shall take into account the unique nature of the forests on the reservation by reason of the small amount of tribal forest as compared with the forests on the 2,400 allotments; the fragmentation of the allotted forests into 2,400 parcels held by thousands of allottees; the pressure of those allottees for income so that the primary purpose of Bureau of Indian Affairs management was to produce current income for allottees, which deprived the management of the

alternatives available to managers of forests susceptible of (a) multiple use and (b) so-called sustained yield policies and practices; and the predominance of western red cedar on the reservation as compared with national, state, and private industry forests in the Olympic Peninsula.

3. In respect to paragraphs 1 and 2 above, the report shall cover the historical progression of logging on the Olympic Peninsula beginning in 1920 in relation to any significant impact thereof on the environment in terms of the then current and prevalent ecological sensitivity, if any. The report should show when ecological pressures began to be focused significantly on the reservation, national, state, and private industry forests, respectively, and when the respective managers began to reflect in their management their positive reactions to significant ecological pressures.

4. The report shall determine whether, in the light of the unique nature and situation of the forests on the reservation, as alluded to in paragraph 2 above, there was any significant lag on the part of the Bureau of Indian Affairs forest managers in responding to the movement for preservation of the environment as compared with their counterparts managing national, state, and private industry forests in the Olympic Peninsula.

5. Among phases of comparative forest management to be comprehended by the phrase "preservation of the environment," the report is to treat comparatively fire prevention measures, types and extent of reforestation, and the kinds and extent of clearcutting.

6. In summary of paragraphs 1 through 5 above, the report generally will deal with the issue of whether the Bureau of Indian Affairs, in its management of the forests on the reservation, reasonably conformed with the then current state of the art on the Olympic Peninsula.

7. Dr. Steen and Dr. Ficken shall confer with other experts retained by the defendant so as to coordinate their work with that of the other experts and to avoid needless

duplication of research, study, analysis, and report contents.

8. The report is not to cover the impact of logging on the fish in the streams because that is within the scope of a report to be prepared by another expert retained by the Government.

9. The report is not to cover the effect of logging on wildlife on the reservation because plaintiffs' attorney indicated to the Department attorney representing the Government as defendant that the plaintiffs would not assert any claim for damages for injury, if any, to the game resources of the reservation.

10. In respect to paragraph 5 above, Dr. Steen and Dr. Ficken shall be particularly careful to avoid needless duplication of the work of others of defendant's experts in regard to fire prevention measures, types and extent of reforestation, and the kinds and extent of clearcutting.

November 24, 1976

Dear Pete:

This is not pornographic, but it is "raw".

Please tell me whether it looks over-detailed and under--documented.

I will send the whole thing to you before Christmas, but I have more trips to make and even then will not have dug into everything that has likely material. Of course there is the matter of diminishing return and so what you must tell me is whether I have answered the questions that need answering.

Thanks so much,

Chuo

I thought the October issue of JFH was so fine. I'm sorry these prizes weren't around before - I guess I'll have to try again.... Did you put that thing on job p 120 in there just for me? And who is this guy Steen who has written a history of the FS?

But after taking testimony from woodworkers and allottees; ^{he found} his committee assistants uncovered ~~By October, however, Neuberger found several BIA practices that~~ ^{Neuberger soon learned of several objectionable} particularly objectionable. ~~It had revised the Tanolah~~ ^{The Bureau}

contract to give slight advantage to the company but none to the allottees, he learned, and it charged interest on money advanced to the allottees ~~by the contractors~~ in both long-term contracts, ~~and~~ ^{and} allowed the contractors to use the interest as credit in ~~the~~ borrowing to pay that advance. Speaking publicly against ~~what he called~~ ^{as he called it,} this unsavory practice, he asked the Comptroller General, head of the Government Accounting Office (GAO) to review the matter.

Because of the stalemate in termination policy, and the unfavorable glare of publicity directed against the BIA, Commissioner Emmons came out to the Pacific Northwest in September to improve the government's image in talks with tribal leaders. ^{In brief case discussions with him} ~~led by Cleveland Jackson,~~ the Quinault delegation raised the question of the 10% administrative charge ~~but the BIA did not otherwise refer to the~~

~~the BIA's~~ and referred to the need for more roads and heirship legislation. ^{not essential} ~~The BIA's stance~~ ^{was} ~~was~~ ^{was} profoundly altered ^{at two months later} by further political change, ~~two months later~~ ^{in the election the}

Although the Eisenhower administration was retained in office, ^{year} Secretary McKay resigned and was defeated for ~~the~~ a Senate seat. ^{by Neuberger's associate, Wayne Morse,} ~~and~~ ^{the new Secretary of} his successor at Interior, Fred Seaton, replaced McKay's advocates of immediate and coercive termination; Emmons remained as commissioner, but Indian policy was still determined by the Assistant Secretary, now O. Hatfield Chilson.

The Democrats, ^{having retained} ~~continued~~ control in Congress, ^{the} ~~resumed~~ ^{resumed} their efforts to alter Republican programs. In April ~~the spring of~~ 1957, Neuberger's subcommittee opened public hearings on timber sales on the ~~Quinault Reservation~~ ^{Quinault Reservation}

class

majority
The ~~majority~~ members included

Quinault Reservation. * ~~Richard~~ ~~Senator~~ Jackson of Washington, ~~who~~ had first ~~expressed~~ ~~concern~~ ~~for~~ ~~the~~ ~~Quinault~~ ~~problems~~ ~~in~~ ~~1950~~ ~~and~~ ~~1951~~ ~~and~~ ~~relevant~~ ~~to~~ ~~the~~ ~~hearings~~ ~~is~~ ~~in~~ ~~boxes~~ ~~folder~~ "Indian ~~Republic~~ ~~members~~ ~~Senator~~ ~~Watkins~~ ~~architect~~ ~~of~~ ~~termination~~ ~~and~~ ~~Senator~~ ~~Bury~~ ~~Gulden~~ ~~felt~~ ~~that~~ ~~the~~ ~~majority~~ ~~ignored~~ ~~BIA~~ ~~efforts~~ ~~to~~ ~~protect~~ ~~Indian~~ ~~interests~~ ~~but~~ ~~they~~ ~~did~~ ~~take~~ ~~little~~ ~~part~~ ~~in~~ ~~the~~ ~~hearing~~ ~~It~~ ~~was~~ ~~Neuberger~~ ~~show~~ ~~for~~ ~~the~~ ~~most~~ ~~part.~~

* The testimony and documents presented to the Neuberger ~~sub~~ ~~committee~~ are printed in "Timber Sales on the Quinault Indian Reservations", Hearings Before the Subcommittee on Indian ~~Reservation~~ ~~Affairs~~ of the Committee on Interior and Insular Affairs, United States Senate, 85th Cong., 1st Session, April 12, 15, May 29, and June 3, 1957. ~~Relevant~~ ~~Correspondence~~ ~~relevant~~ ~~to~~ ~~the~~ ~~hearings~~ ~~is~~ ~~in~~ ~~boxes~~ ~~folder~~ "Indian Affairs, Quinault Timber", box 13, and "Timber, Quinault Reservation", box 26, of the Richard Neuberger Papers, ~~University~~ ~~of~~ ~~Oregon~~, Eugene.

four topics: ~~the~~ timber prices, timber sales procedures, consultation with the Indians by the BIA, and ~~the~~ means of providing sustained income to the allottees. His purpose was ~~not~~ ~~to~~ ~~discredit~~ ~~the~~ ~~bureau~~, ~~but~~ ~~to~~ ~~provide~~ ~~the~~ ~~BIA~~ ~~with~~ ~~recommendations~~ ~~upon~~ ~~which~~ ~~more~~ ~~equitable~~ ~~and~~ ~~efficient~~ ~~policy~~ ~~could~~ ~~be~~ ~~based~~. Inevitably, ~~however~~ ~~the~~ ~~subject~~ ~~of~~ ~~the~~ ~~was~~ ~~hearings~~ ~~were~~ ~~taken~~ ~~up~~ by Democrats and ~~by~~ ~~indignant~~ ~~and~~ ~~aroused~~ ~~citizens~~ ~~in~~ ~~the~~ ~~Pacific~~ Northwest and across the country ~~and~~ ~~publicized~~ as further evidence of the perfidy of the Republican administration.

~~At~~ ~~the~~ ~~sessions~~, allottee Claude Wain sourly ~~stated~~ ~~that~~ ~~the~~ ~~BIA~~ ~~had~~ ~~raised~~ ~~stumpage~~ ~~rates~~ ~~in~~ ~~one~~ ~~instance~~ ~~by~~ ~~30%~~ ~~as~~ ~~soon~~ ~~as~~ ~~the~~ ~~hearings~~ ~~were~~ ~~announced~~. Malcolm ~~Mc~~ ~~Cloud~~, a Seattle lawyer specializing in Indian claims, ~~described~~ ~~as~~ ~~unfair~~ the fact that the allottees had to pay ~~the~~ administrative and interest charges after surrendering their power-of-attorney to the bureau. Officials of the Rayonier and Alaha companies discounted the ~~alleged~~ ~~price~~ ~~discrepancies~~, but insisted that their contracts were ~~far~~ ~~from~~ ~~being~~ bargains; because of the multitude of federal requirements written into them, they were in fact burdensome arrangements.

An expert from the GAO reported on the results of an audit of ~~BIA~~ the BIA begun in 1952 and extended to the Portland Area office in 1956. The bureau had undervalued Indian timber, he said, ~~and~~ had not employed proper appraisal or scaling methods, and had failed to correlate its ratios with other federal timber agencies. ~~Moreover,~~ While the hearings were underway, ^{moreover,} the Democratic Senators from Washington and Oregon were angered to learn that the BIA ~~had~~ granted reductions of stumpage rates to the ^{Quinalt} contractors because ^{of} earlier agreements, and ~~had~~ failed to immediately inform the subcommittee ^{of that change.}

As every^{body's} villain, the BIA presented its defense in ~~several~~ ^{two} stages. In response to Neuberger's request, Secretary Seaton sent ^{him} a progress report in October, 1956. ⁱⁿ ~~which~~, he defended the interest charge as a tiny fraction of the factors that determined stumpage rates; ^{it was he ~~had~~ believed,} and a proper business practice. ~~xxxx~~ He ^{also} explained that the BIA had not had much luck with granting patents-in-fee because of the costs of working inaccessible tracts and because outside appraisals discouraged participation in existing contracts. He noted, however, that patent policy had now been revised to recognize that ^{allottees'} individuals need not be ~~subjected~~ subordinated to tribal interests or to timber management policy except in critical cases. ~~But~~ Seaton ^{informed} ~~the~~ ~~Senator~~ that the Quinalt had ~~unilaterally~~ ~~indicated~~ ~~that~~ ~~they~~ ~~were~~ ~~willing~~ ~~to~~ ~~abandon~~ ~~their~~ ~~traditional~~ ~~interest~~ shown no interest in ^a BIA suggestions that ^{all} they share ~~whatever~~ the ~~contracted~~ ~~units~~ ~~produced~~ proceeds of logging in the contracted units, whether or not some allotments were ~~not~~ cut, ^{not} Nor had they supported another ~~idea~~ BIA idea for establishing a tribal logging enterprise.

1957

Why should allottees seek patents in fee when their timber was already under long-term contracts from which the bureau would not grant them release?

At the subcommittee hearings late in May, George Kephart, chief of the timber bureau of the BIA, ^{documented the fact that} recapitulated the ~~history~~ ^{Quinault tribal council had first opposed and then supported the} of the Taholah and Crane Creek contracts, ~~had been first propo~~

~~posed but then supported by the Quinault tribal council~~ ~~the~~ Periodic stumpage rates adjustments, he insisted, were based upon every ~~consideration~~ economic consideration, ^{and} ~~but~~ finally determined by what ~~was~~ ^{was in} proper in the best judgment of ~~his~~ ^{his} foresters.

While he ~~asserted~~ ^{maintained} that sustained yield meant nothing to the Indian allottees eager to have immediate ~~net~~ income, ~~he stated~~ ^{Kephart asserted}

~~explained~~ that such management had been continually applied. ~~He admitted, however, that the bureau had not~~ ^{He} admitted, however, that the bureau had not sought sufficient funds to replant the cut-over southern half

of the reservation, ~~in~~ ~~its~~ ~~own~~ ~~data~~ ~~on~~ ~~pricing~~ ~~and~~ ~~scaling~~ ~~rates~~ ~~in~~ ~~the~~ ~~area~~, ~~and~~ ~~did~~ ~~not~~ ~~have~~ ~~been~~ ~~able~~ ~~to~~ ~~assemble~~

~~its~~ ~~own~~ ~~data~~ ~~on~~ ~~pricing~~ ~~and~~ ~~scaling~~ ~~rates~~ ~~in~~ ~~the~~ ~~area~~, ~~and~~ ~~did~~ ~~not~~ ~~have~~ ~~been~~ ~~able~~ ~~to~~ ~~assemble~~

Senator Neuberger did not think that the Interior Department's arguments were realistic. ~~Robert Wolf~~ ^{Instead,} ~~he~~ relied upon

an analysis of Secretary Seaton's report made by Robert Wolf, a former ~~state~~ Forest Service and Bureau of Land Management forester now serving with the GAO.

~~The substance of~~ ~~Wolf's~~ ~~evaluation~~ ~~questioned~~ ~~the~~ ~~legitimacy~~ ~~of~~ ~~the~~ ~~Interior's~~ ~~charge~~ ~~was~~ ~~legitimate~~ ~~in~~ ~~regard~~ ~~to~~ ~~the~~ ~~matter~~ ~~of~~ ~~the~~ ~~propriety~~ ~~of~~ ~~the~~ ~~charge~~ ~~to~~ ~~the~~ ~~Indian~~ ~~interests~~.

~~The~~ ~~interest~~ ~~charge~~ ~~to~~ ~~the~~ ~~Indian~~ ~~interests~~. ~~Even~~ ~~if~~ ~~the~~ ~~interest~~ ~~charge~~ ~~was~~ ~~legitimate~~, ~~did~~ ~~that~~ ~~make~~ ~~it~~ ~~proper?~~

~~If~~ ~~an~~ ~~allottee~~ ~~paid~~ ~~a~~ ~~thousand~~ ~~dollars~~ ~~for~~ ~~administration~~ ~~fee~~, ~~did~~ ~~he~~ ~~get~~ ~~a~~ ~~thousand~~ ~~dollars~~ ~~worth~~ ~~of~~ ~~administration~~?

If the bureau allowed 500 allottees to band together ~~for~~ to support a long-term contracts, why couldn't they do the same

for shorter term arrangements that would produce sustained income? ~~While~~ ^{While} the BIA's sustained yield policy had produced

erratic income, but the customary variations in productivity

That fund would be used to pay for administrative and replace the administrative charge by a special account based upon receipts, the contracts providing those receipts.

could be supplemented by expenditures from a revolving fund which would not be subject to ~~the~~ ^{Congressional budget ceilings} ~~uncertainties of Congressional appropriations~~. Kephart had testified that such a fund had ^{already} been considered but ~~rejected~~, like many other ideas, it had aroused negligible interest. Whether or not the Interior officials were correct in assuming that the Quinaults were unresponsive to bureau suggestions because they were culturally resigned to share the disadvantageous as well as the advantageous conditions of economic life, Wolf pointedly asked: ". . . is this trusteeship at work?"*

* Robert Wolf to W. H. Coburn and A. Perlman, subcommittee counselors, "Timber, Quinault Reservation" folder, box 26, Neuberger Papers. October 10, 1956

~~Senator Kephart~~

Neuberger was especially outraged by the ~~matter of the~~ interest charge. ^{He thought that} it was grossly unfair to grant the contractor's credit on borrowing at the expense of the allottees ^{while} the Indians ~~were~~ ^{were} given no such credit when they had to borrow money. At his request, the Comptroller General immediately investigated the assessment and ~~ordered it removed~~ ^{ordered credit} ~~suspended it~~ asked Congress to ~~remove it~~. But Neuberger was not trying to hamstring the BIA. Indeed, his final report noted that Interior already had sufficient administrative authority to effect an improvement in its timber management policy on the Quinault Reservation, ^{without additional legislation,} ~~He urged~~ ^{He urged} Seaton to ~~adopt~~ ^{reconsider} the revolving fund proposal. ^{He also} ~~recommended~~ ^{recommended} that the BIA draw ^{upon} ~~upon~~ the Forest Service's

correlated stumpage rate data as the basis for determining ^{with} their own adjustments each year. ^{This could be done by simple interdepartmental agreements with Agriculture and} Some provision should also be made for older Indians to get immediate income from their allotments ^{by using} ~~with~~ their timber as security for advanced payments. In the case of the Queets unit, new policy could be devised on rights-of-way and tolls, and road construction costs taken

Handwritten notes and signatures on the right margin, including the name "H. H. H." and other illegible scribbles.

out of allottee income without an interest charge if the government built the access roads. As a first step to making BIA timber management more equitable and effecient, the Senator's report recommended the establishment by the BIA of ^{Indian} advisory boards ~~for~~ to serve both as a means for consultation and as a clearingh house of information. ~~for~~
~~earnings~~

The Senator requested Assistant Secretary Chilson to report ~~within~~ to the subcommittee by July 1, 1958 any changes in the volume and quality of ~~rates~~ stumpage rates paid to the Crane Creek and Taholah contractors, and implied that he would hold further hearings if ~~he~~ necessary. He also asked the Comptroller General to ~~take~~ ~~stand~~ ~~watch~~ ~~over~~ ~~the~~ ~~BIA's~~ ^{maintain} ~~focus~~ a steady spotlight on the BIA's pricing ~~procedures~~ ~~at~~ ~~Quinault~~ and cost-~~procedures~~ accounting procedures. ~~The~~ ~~GAO~~ In January, 1958, the GAO assigned a man to the forestry office at the Portland area office. Neuberger himself continued to respond to complaints from allottees until his untimely death ~~early~~ in 1960. ~~But~~ He had ~~hoped~~ ^{Inteird} ~~hoped~~ that the Department would ^{proceed} ~~continue~~ to devise its own improvements "If we cannot prod the Indian Bureau into finally representing the Indians rather than in favoring the timber companies," he ^{wrote to IWA's Hartung} ~~said~~ at the conclusion of the subcommittee's hearings, "I do not know what can do the job."*

* Richard Neuberger to Alfred Hartung, September 6, 1957, "Timber, Quinault Reservation" folder, box 26, Neuberger Papers.

December 19, 1976

Dear Pete:

I am ashamed to send this in such condition. But I feel that you can get some idea of the drift of my presentation, add and subtract, and get it back to me for polishing. I have a few more things to insert, but if you ask for more source material I am in trouble. There is some at Portland that I have not looked at, but I don't think it will add anything more than statistics. I cannot find evidence of BIA concern for such things as reforestation and rates adjustments except as they are stated here. The Mitchell charges are being answered by foresters, so I don't think this paper should be such a response. This sets the overall context. I have material on the post 1971 actions by the BIA, but I thought that they are subject to that point I state that anything the Bureau did after the Mitchell Case was brought could be viewed as response rather than initiative. I think the close I use here is appropriate. That internicene warfare between the tribal council, the business committee, the resource committee, the Quinault interim claims committee, the Quinault Allottees Association and the Quinault Allottees Committee is simply impenetrable. So is the reasoning used by the foresters in explaining why the 1916 estimate makes no difference in the standards applied thereafter. I have not incorporated some of the depositions, but will keep at them. As Jayne Mansfield always said: "You do the best you can with what you got". *and I ain't got much... including time*

(I enclose a recent communication to show you what a really proper research job would include) (nothing is at Truman or Eisenhower Libraries-- Seaton Papers are in 200 boxes, not yet open, not yet complete, nothing known about contents, Murray Papers may have something, but badly organized--I have not dug into lumber assoc papers here or Eugene)

I have to go back to my depositories and order zerox copies now. I will also be polishing in the meantime. I will emphasize some of the BIA views I have only hinted at in passing. I need your comments badly.

Looking at this mess, I am reminded of the punchline of that joke about the man with the monkey in the bar. . . "It's shitty, but it's all mine!"

I will be in San Francisco on February 10 and 11 and in Palo Alto the 12 and 13th. My friend in PA may drive us down to Santa Cruz, but in any case, can you and Ron meet me for dinner or lunch at one of those places? Woody will not be around, he tells me.

Thanks so much,

Elmer

*turn
Huntley don't get it*

Feb 23, 1977

Dear Pete - One week after I left you I herewith
send the last of the corrections, additions, + fn. order.

I also send the xerox docs today in separate package.

Now I can get cracking on the bios. Tell me when to send.

Appropos of one of the many topics of our convention: I
think FH should publish the results as a
2 part article ^(taking up whole issue) I'm certain it could be boiled
down to that in substance, including an appeal
for more of some kind of work elsewhere via
note or sources.

I so enjoyed the day with you + Judy and
with you and Ron. I also enjoyed meeting all
the staff members. Thanks again for the hospitality

Chris

Dear Pete -

Here are positively the last corrections!

The revised O+C proposal makes me want to cry. Not because of what you changed but because it had to be changed at all.

Without an expansion clause in the contract I don't think a proper history can be written under those limits by me or anybody else.

Best,
Elio

p. 32 8th line "After 1960, therefore, most logging outside the long term contract areas was done ..."

12th line

"the maximum allowable cut on ~~each~~ contract area was raised. ~~will~~ On the Takolah Unit, for example, the MAC was ~~150,000~~ 150,000 MBF for a three year period."

21st line - Trimming and pruning on tribal lands was done under federal public works program. Logging companies ~~did~~ did not, however, replant blocks cut during the preceding years. ~~In the late 1950's, the BIA recommended revisions in the existing contracts that would make it worth while for the operators to cut marginal cedar stands.~~ ~~When the PNLA disbanded in 1962, the BIA temporarily set stumpage rates on the basis of Forest Service Cost guides. By 1966, however, these rates failed to reflect economic trends, adjustments~~ ~~the BIA's own forestry branch became the source used by both federal agencies.~~ Shortly after that period that total was doubled

not ~~When~~ When the PNLA disbanded in 1962, the BIA temporarily set stumpage rates on the basis of Forest Service Cost guides. By 1966, however, these rates failed to reflect economic trends, adjustments

the BIA's own forestry branch became the source used by both federal agencies.

p. 37 At Quinault, as of May 1967, the Crane Creek Unit alone produced a volume/value total of 209 MBF and 9 million dollars.

~~take out the Robert Bohlgren sentence.~~ ~~farther down.~~ "In 1965, the government indicated..." ~~cross out the parenthetical (now absorbed...)~~

cross out under "Defective..." & instead say: "The fire-damaged timber and logs were salvaged under the long term timber contract provisions, and the purchasers were also required to pay the value of the logs consumed by the fire." By the end of the century ...

p. 38 ~~conclude~~ ^{the} "When the Secretary of the Interior approved that decision in March, 1967"

p. 37 after you strike out parenthetical sentence then say.

In 1966, Assistant Secretary of the Interior Robert E. Vaughan came to Hopium to discuss the ~~policy~~ with representatives of the Council, the permit-holders and the logging companies. After ~~the~~ the Department sustained it in March, 1967, Alpha sought relief ~~from~~ in the courts. The government, in turn, asked the Court to ~~in~~ bring suit against that company.

Indeed, he subsequently accepted its decisions as final.

p. 43 end of 1st ¶ "presented." In November, ~~the~~ ^{the Superintendent of} formally acknowledged that the QAC was the mechanism through which the agency could work. Only belatedly did he realize that he had misplaced his own authority ~~to~~ in the committee. As the Mitchell case proceeded, however, the QAC was ^{effectively} superseded by the plaintiff's claims committee."

(172)

further down - "The operators had to seek ~~the~~ ^{to} such requirements, contracts."

add: "Such requirements discouraged the ~~future~~ ^{future} harvesting of the Quets by a single purchaser unlikely."

p. 44 "Although the tribe ~~was~~ had access to funds to buy allotments, few were required and the unified jurisdiction essential to such an enterprise was not established."

March 10, 1977

Dear Pete -

Here, in order of your letter, are the corrections + some adds.

- I've relocated fn 1 and 11 in the text
- I've sent you the Libby correction and title p. of it + told you to eliminate the Scollson McKesson + Wilcox
- Hollister Sep 29 '47 is the one I cannot relocate because this is out of chronology in the file. But I crossed off the 'red tape' quote before + since it is Jewish we don't need it so eliminate it and move the fn. number 4 to end of '47 abolished'.
- I've sent SRI (no title page so I sent 1st page)
- That 22a is corrected to WJ DeCoite to Holty
- Special Report + Skavva to (BIA I've sent for from Portland Area office + will send them to you when I get them - ~~Some of the Hassopp pages I'm sending for my friend at the State to copy - enclosed Hassopp.~~
- If you don't have these ^{wopp} for fn 13 of my draft, put them in.
- But in this stuff for fn 15
- move ^{fn} 36 down to "session" on p. 40 and add the enclosed as the 1st item in fn 36 before "The origin ..."
- consider inserting Helander to DID March 10 1949 in text p. 3 bottom after "The payment... two years." + make it another fn.
- P. 43, put fn 38a after "showed up." mid page + put in this doc for it. John B Bennett Susannah +

Superintendent file, 77-8-4, Portland Area Office.

~~Start work with each deposit~~

- p. 9 Start last ¶ by saying "No prior bids backed by cash deposits were received" & add for 76 after word Unit in that sentence & then include that for with this doc:

L.P. Towle, Acting Director to Elmer Wilson, July 13, 1957,
Craw Creek Logging Unit File, 47-2-20, Portland Area Office

- Here is the added ¶ for Marshall's docs.

- I wish you'd point out to him sometime that each sentence of an historical work is a distillation of so many sources (& thought) that to document every sentence would mean about 4 or 5 ¶s for almost every sentence in the work. And I don't mean his Int. Dept. item, which I personally would not include because it is not a primary source for this.

- Sorry to hear the Int. project died at birth.

- On that last set of 4 questions for Forsling, on the one about Nixon period attempt to raise grazing fee, write below & for Woody that it was Udall who actually proposed the raise in his last months in office. This will check Forsling's recollection. He more likely had input to Udall than McKay.

- Tell me what else you want. I guarantee nothing...

- I'm going to Max's cabin 31st to 8th only because that's when my school teacher friends from Spokane have their vacation. I'll take workout there of course. (No guilt)

Best
Elio

of the Bureau of Indian Affairs. The timber industry in the Pacific Northwest remained unstable in the long-run and was subjected to the effects of Canadian production and new export markets overseas. With congressional prodding, successive presidential administrations substantially reduced the extent of federal trusteeship over Indian affairs. That change in turn contributed to the Indian peoples' quest for self-determination. In marked contrast to their earlier acquiescence, they organized themselves as special interest groups to command the attention of both public and private sectors of the American system. Each of these three developments originated in the four years following the end of World War II.

The coming of peace in 1945 did not improve the timber economy of the Olympic Peninsula. Although spruce had been used in war production, volume of sales and cutting of cedar and hemlock had not risen to the levels of the 1920s. Because of the sparsity of commercial purchases and the shortage of labor, lumber companies working the Quinault logging units had to ask for extensions on the terms of their contracts. While log prices rose slowly and slightly, the costs of new logging and road equipment shot well beyond wartime levels. ^{Although} ~~The BIA~~ was well aware of these ^{the BIA was determined} ~~problems but insisted~~ that the Indian owners should

benefit from any increase in stumpage rates.

These economic conditions were offset by the hopes shared among loggers, foresters, and Indians. Anxious about the deterioration of the virgin cedar-hemlock forests north of the Quinault River through blowdown, disease, and fire, all of them looked forward to a resumption of sales for the harvest of the timber on that half of the reservation. After twice meeting with the tribal council, Superintendent George LaVatta travelled to district headquarters in Chicago to deal with the immediate social needs and to formulate policies for logging, reforestation, and conservation of fish and wildlife of that area.¹ In the meantime, agency foresters gathered information and ideas about improved forest management at annual meetings of professional organizations. Among the topics discussed by federal administrators and foresters were the size of logging units, access-road systems, sustained-yield practices, and reforestation of the area burned in the fire of 1941 (16 percent of the reservation forest).

Some 3.2 billion board feet stood on the reservation lands. Forty-eight percent of that total was red cedar, while hemlock and spruce accounted for 26 and 10 percent respectively. This timber grew on approximately 1400 individual allotments. Reporting on the results of a cruise in 1946, BIA forester Lester McKeever recommended the logging of the vast area, later divided into four units of which Taholah on the west, Queets on the northwest, and Crane Creek on the southeast were the largest. Applications of sound silvicultural practices, he said, would in no way diminish full economic productivity in these units. A procedure of phased, block clear-cutting would yield an annual harvest

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Court of Claims

Docket No.

Taholah Indian Agency
Hoquiam, Washington

May 19, 1945

**Commissioner of Indian Affairs
Chicago 54, Illinois**

Sir:

Authority is requested to make an official visit to the Chicago Office so as to discuss the following matters which are of vital importance in the carrying out of the program for the Indians' Economic Welfare under this jurisdiction; also to avoid delay, un-necessary correspondence and eliminate any misunderstanding which now exists.

During the past year considerable correspondence has been had with the Office regarding a right-of-way across allotments on the Makah Reservation. This right-of-way is needed and was requested by the Crown Zellerbach Corporation for the transportation of forest products; the allotments being crossed by the right-of-way to be purchased by the tribe and returned to a tribal status. This matter needs to be discussed with both the Forestry and Land Divisions; also with the Forestry Division the necessity of establishing a timber sale unit within the Cape Flattery area (Makah Reservation).

The Department's policy of cutting timber on the Quinalt Reservation such as; size of units, procedure to be used, whether same should be in connection with sustained yield or not, reforestation of burned-over areas, (allotments), funds for fire control, equipment, and maintenance of roads and truck trails thru the timber.

The Indians living in the village of Taholah, (Quinalt Reservation) are in need of electric power from a sanitary, health and economic standpoint, and the FUD is willing to construct a power-line from Moelips to Taholah, a distance of approximately nine miles across the Reservation. Granting of a right-of-way to the FUD across these allotments needs to be worked out. Some correspondence has already been had with the Office relative to this matter. Funds for this project need to be discussed and acquired.

The Makah Housing Project needs to be discussed and a full explanation given as to progress made and what is anticipated in connection with the housing program at Wah Bay.

The health program of the Taholah jurisdiction needs to be discussed with the Health Division such as; facilities for the holding of clinics, sanitation, water supply, garbage and sewage disposal and health nursing contracts.

Welfare problems such as; Law and Order codes for the various reservations,

16

-2-

relief such as; old-age pensions, grants, aid for dependent children and individual accounts.

Then there are such matters as: conservation of fish and wild-life, credit loans, educational matters, community activities, tribal organizations, accounts and personell matter.

It is requested that the Office advise by wire or air-mail in order that transportation reservation can be made. In granting authority the Office is requested to make an additional allotment of \$330.00 in our fund "Indian Moneys, Proceeds of Labor, Taholah Agency, 1945" to cover expenses of this trip. We have a sufficient balance in this fund for this purpose.

Yours very truly,

George P. LaVatta
Superintendent

CPL/pk

there was no all-out war boom and even less cutting done than the previous year because of cut backs in private building. Faced with the slump, and dissatisfied with the detailed requirements of the BIA contracts, Rayonier withdrew its bid and forfeited a deposit of \$163,000 in October. That amount was distributed to the Quinalts in May 1950 by an unprecedented decision of the solicitor of the Department of the Interior.¹¹ That same month, however, the Aloha Lumber Company that had successfully worked the Hall Unit on the southern part of the reservation purchased the Taholah Unit for a cutting period that would run twenty-nine years.¹²

No bids were received for the Queets Unit, so the Bureau's sustained-yield procedures could not be practically applied there. Instead, individual allottees who were judged competent secured permits in fee, and special regulated permits to cut were given to applicants judged not competent, that is, not able to conduct business arrangements themselves.

Because the sales were delayed, and because stumpage rates were reduced slightly to reflect the timber industry slump (cedar went from \$10 to 9.55, hemlock from \$4 to \$3.65 per thousand), some allottees decided that the costs of sustained yield made the contracts entirely unsatisfactory. Although 60 percent of them had signed powers of attorney

Richard [unclear]

EX-105
Doc. No. 764
MAR 21 1950

UNITED STATES
DEPARTMENT OF THE INTERIOR
To Secretary OF THE SECRETARY
WASHINGTON

PRS 764

MAR 21 1950

For signature

APR 1 1950

File Copy
Surname:
20206-49
Indian

Richard [unclear]
W. White
5-1
General

23
INTERIOR DEPT.
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TO SOLICITOR
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My dear Senator Cain:

Reference is made to your letter of March 7, and the letter from Mrs. Marie J. Wilson enclosed therewith, concerning a request for timber on the Quinalt Indian Reservation, Washington.

The Department's policy governing the disposition of timber from the Quinalt Indian Reservation has been the subject of widespread correspondence and discussion. In our several letters to you we reviewed the problem in some detail and set forth the reasons which led to our decision, in March 1949, that the large block of timber remaining unsold on the reservation should be offered for sale in four units. The four units were advertised for competitive bidding, separately, but no bids were received as a result of the first three offerings. The fourth and largest offering, known as the Crane Creek Unit, called for bids to be received on September 23, 1949. Rayonier Incorporated was the only bidder, and in accordance with the advertisement the company deposited with its bid a certified check in the amount of \$163,000. The deposit is to be applied against timber actually cut if the contract is executed and approved, or is to be retained as liquidated damages if the company does not execute the contract and furnish a satisfactory bond.

Rayonier Incorporated was not in a position to execute the contract within the sixty-day period stated in the advertisement and requested a sixty-day extension for that purpose. Since the company was the sole bidder for the timber this Department deemed it in the best interest of the Indians to grant the request. A second extension was subsequently requested and granted, and it will expire April 12, 1950. If the contract is not executed by that time the company's deposit of \$163,000 will be retained and, after deductions for administrative expense, the net proceeds will be distributed to the Indians entitled thereto in proportion to their timber holdings within the Crane Creek Unit.

Mrs. Wilson's allotment is within the Crane Creek Unit. If Rayonier Incorporated executes the contract Mrs. Wilson will receive a substantial advance payment within a short period thereafter. If the company does not execute the contract Mrs. Wilson will be entitled to her prorata share of the deposit with bid.

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INTERIOR DEPT.
MAR 28 1950
SECRETARY

COPY FOR THE SECRETARY'S OFFICE

There has recently developed a renewed interest in the three timber units for which no bids were received. The Department has accordingly authorized the sale of any of the three units without re-advertising, provided that such sales are made within one year from the date on which bids were solicited, and are made on the same terms as those under which the original sales were advertised. An offer for one of the units has been received and the executed contract is being processed for approval. If no offers for the other two units are received within the one year period it is planned to re-advertise them at the first favorable opportunity. If Rayonier Incorporated should fail to enter into a contract for the Crane Creek Unit we plan to sell that timber in the same manner, either as a negotiated sale within one year of its first offering or following re-advertisement.

In compliance with your request Mrs. Wilson's letter of March 3 is returned herewith.

Sincerely yours,

(Sgd.) Oscar L. Chapman

Secretary of the Interior

Hon. Harry F. Cain
United States Senate
Washington, D. C.

Copy to: Portland
Taholah
Secretary's Reading File
File No. 28869-47
Forestry chrb
Holdup

OSK:hart:3-4-17

much enthusiasm among local lumber companies. Some of them joined with woodworker unions to insist that if the government was really a "Fair Deal" administration, it would hold hearings before opening the sales. In responding to inquiries from congressmen, the BIA explained that the proposed logging units at Quinault differed from the Forest Service procedure because they called for immediate payments to owners, and were unlike those of the Bureau of Land Management because they would draw the highest bid in several cases rather than award a single contract to one company. Coordination of sales with other organizations, the bureau pointed out, was secondary to securing the interests of the Indian owners. Smaller sales would have insured competition but would not have brought income to those allotments located far back in the forest where small operators could not afford to go.¹⁰

The bidding that opened in July 1949 was desultory. Only by April 1950 was the first of the units sold. (Boulder Creek, a small area taken for harvest within less than five years. Two other small units, Lake Quinault and Milwaukee Trail also were to be cut before the end of the decade.) Just as the Rayonier Lumber Company bid on the large Crane Creek Unit, the nation's economy was disrupted by the outbreak of the Korean War. That emergency had little positive effect on the lumber industry, however;

Comments on your draft chapter on forest practices on the Quinault Reservation.

Overall comment--smashing job!

Specific comments made with full realization that you might well make most of these changes or clarifications during routine revision. I'll mention on last time for the need to over-footnote.

Page 2, 2ndpar, ~~bottom~~ line--Is selective cruise the right term? I'm familiar with systematic but not selective.

Page 3, bottom line--is it selective cutting or group selection, a variety of clearcutting?

Page 4, line 5--why would slash not be burned? no money to do so or because the 80-acre allotments broke up the ownership into too small pieces?

shh, its Saturday morning and nobody knows that I'm here--lets ~~it~~ see if I can get through my few comments.

Page 5, line 14--why can only large companies afford sustained yield, as it related to the reservation? I can see why only biggies can afford the large purchase, but it's unclear about sustained yield; or ~~it~~ is it the same thing?

Page-6 1st par, last line--Interior Committee "made ~~drastic~~ cuts" or did it recommend to the Appropriations Committee--picky, picky. This is the kind of detail that the career bureaucrats in the FS has a field day with on my book.

Page 9, near bottom of 1st par--full name of Aloha

Page 9-10, not quite clear about sustained yield procedures not working. Too compressed.

Page 13, line 2-- the reference to the Bricker Amendment needs explanation, like what is it, and perhaps the whole bit would be more effective in a footnote.

Page 13, bottom--your language infers that Republicans avored coercive termination.

Page 14--This may be a place for me to squeeze in a par or two about the problems of good forest management on small ownerships and its relation to the ~~xxx~~ allotment situation.

Page 15, midpage--allottee complaining about clearcutting--is clearcutting the issue or is the complaint that their allotment was not being logged and thus no income?

Page 16, end of 1st par--identify Cleveland Jackson.

Page 16, mid second par--statement that voters in PNW had good reason is a bit too subjective for Marshall--he only approves of subjectivity if it's anti-Indian.

Page 18 Neuberger's accusation about Rayonier needs to be fully documented, as it is just the sort of thing that would otherwise cause Marshall to jump into his phone and come out in your ear, or in my ear anyway. Oops, I broke my promise not to bring up footnoting again.

Page 22, 1st par--You crossed out Kephart's comments on a revolving fund to stabilize income, why not keep?

Page 26-27, what's the relation between Murray and Neuberger?

Page 30, 3rd line from bottom--how closely can you date the time when exports to Japan became an issue?

Page 31--According to information I have, the market value of slash is still inadequate to justify commercial removal. Maybe it's loose use of terms where slash is used to include what we used to call salvage sales following the main logging operation. Can you sort this out?

Page 32, last line on page seems to be missing--does it contain important info?

Page 34/35, 5 from bottom--Is accept a more accurate word than tolerate? I know of no data that suggest that Indians were in any way opposed to clearcuts and fast bucks (not ethnic slur intended)

Page 36, line 10--ad "rapidly becoming" after therefore?

Page 37, line 7,8--did timber management come to the Yakima and the Colville only after 1968. I toured with BIA foresters on the Yakima Reservation in 1957.

Page 37--I've already asked you, but is there anything more on the sawmill?

Page 38/39, the 3 pars on historical ~~xxx~~ distortion might go well in the intro to the whole report, with ~~x~~ a summary retained on p. 38.

Page 43, 3 lines from bottom--5 percent fees; what happened to 10 percent?

Page 43, 2 line from bottom--reseed or replant. The difference might be significant and the terms are often inaccurately used interchangeably.

Page 45, line 8--can you list a few reasons why Quinault timber increased in value five-fold?

And that is it. Not much more than editorial picky, but it is the best I can do. As I have said, I do hope to add substantive pars, but that will have to wait until I ~~xxxxx~~ recover from my hysterical condition.

A couple of very general comments on style. We tend to follow the Chicago Style Manual. I can easily handle this as I go through your ms, but since we have high hopes of working together for some time to come, let me toss a couple of RULES (stand in the corner with a pointy hat) your way.

spell out percent--5 percent, not 5%. We do not capitalize titles that follow names or that appear alone--Wally Mickel, secretary of the interior, is OK guy. However, it is Secretary of the Interior Wally Mickel. The position by itself is no caps. We use less punctuation setting off introductory phrases, etc.

I'm keeping your draft as I want to do some more work trying to expand it. Hope you don't mind getting this sort of page number refs.

P.T.

Chapter IV

THE BUREAU BESIEGED

During the last thirty years, federal management of the forests on the Quinault Reservation was overtaken by conditions and events that were quite beyond the control of the Bureau of Indian Affairs. The timber industry in the Pacific Northwest remained unstable in the long-run, and was ^{continually} subjected to the effects of Canadian production and export markets overseas. With Congressional prodding, successive presidential administrations substantially reduced the extent of federal trusteeship over Indian affairs. That development contributed to an increase in ~~self-determination and~~ assertiveness by Indian peoples. ^{Seeking self-determination, a trend that had been bolstered by the} In marked contrast to their earlier ^{also} quiescence, they began to organize themselves as a special interest group to demand the attention of both public and private sectors of the system. ~~The origins of~~ Each of these three ^{conditions} ~~changes~~ may be ^{clearly seen} found in the four years following the end of World War II.

The coming of peace ^{in 1945} did not improve the timber economy of the Olympic Peninsula. Although spruce had been used in war production, volume of sales and cutting ^{of other tract species cedar and hemlock} had not risen to the levels of the 1920's. Because of the sparsity of commercial purchases and the shortage of labor, ~~contracting~~ lumber companies working the Quinault logging units had to ask for extensions on the terms of their contracts. While log prices rose slowly and slightly, the costs of new logging and road equipment shot well beyond wartime levels. The BIA was ~~well~~ ^{fully} aware of these problems, but insisted that the Indian owners should benefit from ^{the} an increase in stumpage rates.¹

Wheeler - Osmond Act of 1937

These economic conditions were offset by the hopes shared among loggers, foresters, and Indians for a resumption of sales that would open the ^{north} ~~other~~ half of the reservation to development. All of them were anxious about the deterioration through blowdown, disease, and fire of the virgin cedar-hemlock forests north of the Quinault River. After twice meeting with the tribal council, Superintendent George LaVatta travelled to district headquarters in Chicago to discuss the immediate future of that area. In the meantime, agency foresters gathered information and ideas at annual meetings of professional organizations. Among the topics discussed between federal agents and the foresters were the size of logging units, access road systems, sustained yield practices, and reforestation of the area burned in the fire of 1941 (¹⁶ ~~sixteen~~ percent of the reservation forest).

Reporting on the results of a selective cruise in 1946, BIA forester Lester McKeever recommended the logging of a large unit, later divided into four of which Taholah on the west, Queets on the northwest, and Crane Creek on the southeast were the largest. Applications of sound silvicultural practices, he said, would in no way diminish full ^{economic} productivity in these units. A procedure of phased, block ^{economic} clear-cutting would ^{leave adequate seed source and} renew cutover lands in the course of fifty to sixty years, while an annual harvest of 80 to 90 million board feet could be obtained. Large unit, ^{practicable} long-term contracts were ^{desirable} the most ^{desirable} means of establishing that sustained yield, but the general character of the ^{sale} contracts were ^{was} ^{first had to be} to be determined by discussions with the Quinaults.

During 1946, ^{several times} BIA officials met with the tribal council, and with some of the resident allottees at Taholah and Hoquiam. ~~Most of the some 1400 allotment owners~~ lived away from the reservation ^{many of them in other states.} On each occasion, the superintendant presented a proposal for their consideration. The most important of these suggestions was for the establishment by the tribe of a saw mill enterprise of their own, ^{an idea first presented during the war by Commissioner Collier.} ~~one that~~ would require a permanent community on the reservation substantial enough to handle a large portion of the timber cut from their forest. ~~But~~ Because few of the non-resident allottees could be induced to migrate to the area, and because the BIA could not guarantee that the government would purchase all of the mill's production, the ^{proposal did not satisfy} ~~venture was rejected~~ by those attending the meetings. The Quinaults also turned down ^{another} ~~the~~ alternative that the government buy all the timber on the allotments at once. Far more ~~appealing~~ ^{to the Indians} appealing was the prospect of obtaining the highest private bid in ^{public} ~~at~~ auction. That most lucrative arrangement would, of course, have to come from a lumber company large enough to afford to guarantee a high level of stumpage rates. BIA officials therefore concluded that the Indians' concern for immediate income ^{as well as their} and its own committment to sustained yield could best be met by a few large-area, long-term contracts rather than many small-area short-term arrangements.²

The paperwork involved in designing the logging units proposed for sale took up most of the time and efforts of the BIA foresters for almost two years. ~~The~~ Drawing upon estimates made by tribal foresters like Cleveland Jackson, president of the Quinault Council, as well as BIA forester ^{and John Libby} McKeever, a system of selective, phased cutting was devised

Although Libby had no authorized access, he eventually got with which the BIA could deal. Over 99% of the proposed forest to be logged was owned by 1379 allottees who

One of the most encouraging provisions in the contracts was an Indian employment preference clause whereby purchasers were obligated to hire local tribe members to work in the operation. (The bureau foresters' opinion was that the advantage by training Indians in their own field work and placing them in schools and jobs elsewhere from which they would have been excluded because of lack of proper and education.)

whereby every operation would leave a reserve of trees in staggered blocks and along stream beds, blocks big enough to remain standing against the force of winds. After cutting, natural regeneration would be supplemented with reforestation planting; slash would not be burned, ~~but~~ as it was on the national forests, but ultimately valuable portions of it would be recovered. A second cycle of cutting would take half of the reserve blocks after the passage of some ~~30~~ ^{thirty} years time, and a third phase ~~much later~~ ^{about 20 years after that} would take the rest, at which time the original portion would have produced commercially saleable timber. Those who purchased the forests ~~and~~ would have to abide by these procedures, and mark the boundaries of each of the allotments involved. Their projected cut, ^{timber} road system, and scaling operations would be ^{continually} supervised by BIA foresters. They were ^{would be} required to ^{harvest} cut a maximum of 65 million board feet, ^{on each year} well below the estimated sustained yield, ^{total} as well as a minimum of 25 million board feet, in order to guarantee income to the allottees. That income ^{percent} would ~~be~~ ^{consist} of 25% of the value of timber cut ~~made~~ to be paid within thirty days of the cutting/scaling operations, and ^{another 25 percent} ~~for 25% 50%~~ paid within six years. (The ~~existing~~ terms on the earlier contracts had been ^{percent} 30% in six years and ^{percent} 50% in nine years; thus the proposed contracts guaranteed larger, more immediate income to the allottees).

Because these professional standards had been determined within the BIA offices, several Quinaults, led by Cleveland Jackson, came to the new superintendent, Melvin Hollander,

(The BIA foresters did not know what In the professional opinion of bureau field foresters, other methods of timber cutting were not suitable to the cedar-hemlock forest of the western area. 3a

in March, 1947, to protest the proposal. Like ~~many~~ ^{several} small logging companies and woodworker organizations in the area, ^{who were also complaining about the plan,} they thought in terms of many small logging operations on just one vast unit. They were ~~a~~ reluctant to sign over their powers of attorney to the BIA until the logging had been done on their allotments, and they insisted that the purchasers should salvage slash as well as standing timber at the same time. Some even talked of ~~seeking~~ ^{going to Chicago and Washington D.C. to seek} an injunction against the proposed sale.

At special meetings with the tribe's business committee, BIA officials tried to clarify priorities. There would be no income until the units were purchased, ^{then accounted out;} both income and [?] sustained yield could be guaranteed only by ~~purse~~ the logging procedure that only large companies could afford to meet; no large company would purchase the units until the powers of attorney had been gathered by the BIA. ^{Income was therefore dependant upon sales of the units} They also noted ~~that the estimated value of the timber involved in the proposed units was over a million dollars annually, or one third more than the sales of the 1920's. (The stumpage rate for red cedar, for example, would be \$9.275 per thousand, a rate higher than the best ~~level~~ ^{existing} level paid on the O and C lands by a ratio of 25 to 19.)~~ ^{Yet the Quinaults ~~also~~ expressed impatience with the ^{paperwork and} administrative delays, calling them "so much red tape". By ~~their~~ ^{Cleveland Jackson's} own admission, their Indians expected that they would soon have a free hand to make their ~~own sales when the Bureau of Indian Affairs was abolished.~~}

facts, the members of the tribal council supported the sale by official resolution BUT other

That prospect was a real one. In 1946, the Democratic administration of President Harry S. Truman had suffered a major setback in the congressional elections. When the new Republican-controlled 80th Congress met in January, 1947, federal Indian policy became a target of legislators bent upon ending what they insisted was "paternalism" at least and "socialism" ~~at its worst~~ or "communism" at the worst. Hugh Butler of Nebraska, the new chairman of the Senate Interior Committee, introduced legislation to open up additional channels for white participation in the leasing and sale of Indian properties. That stimulus to free enterprise would also encourage initiative and business advantages among the Indians, he and his supporters argued. To prepare for that activity, the U.S. Court of Claims was given jurisdiction over ^{Indian} claims cases originating before 1946. At the same time, the Interior committee ~~made~~ drastic cuts in BIA appropriations.

Recommended?

claims brought to it by a newly established Indian Claims Commission

Preservation of Indian cultural identity advocated by Commissioner John Collier, and ^{rigid} conservation of forest resources required by Secretary of the Interior Harold Ickes, both ended when those two old New Dealers resigned their offices in 1946. ^{Several} ~~Two~~ of their subordinates ^{rightly read the will of the new Congress and} then abandoned ~~their~~ the essence of those policies. In 1947, Acting Commissioner William Zimmerman agreed that the Indian tribes could operate their own corporations without a federal assistance, and prepared a plan for withdrawal of federal authority in other ~~xx~~ matters. ^h ~~In January~~ *Facing with a budget cuts, reflecting the*

rightly read the will of the new Congress and

Facing with a budget cuts, reflecting the

the bureau decentralized its offices across the nation, establishing one in Portland to preside over administration of the tribes in Oregon and Washington. In January, 1948, Assistant Secretary William Warne ^{stated} admitted that the BIA's ultimate goal was to work itself out of a job.⁵

The withdrawal policy continued even after the Democrats resumed control of Congress after ^{Truman's} the upset election of Truman in November, 1948. ^{Osca r Chapman, the} The new Secretary of the Interior, ~~Walter C. Reuther~~ announced ~~that~~ plans for ~~fulfilling~~ ~~fix~~ full implimentation of the program by 1951. He urged, however, that proper precautions be taken so that tribes were not exploited and the sudden change not cause economic ~~an~~ hardships for them. His Assistant Secretary, Dillon Myer, had slight familiarity with the government's historic commitment to trusteeship, but was a specialist in administering unpopular assignments effeciently. ~~While Congress~~ He found ~~the~~ funds ~~is~~ insufficient to maintain fire protection or ^{to} construct roads on Indian reservations, ^{was unable to} and obtained ~~no~~ new legislative authority to proceed with the Indian policy. ^{To compensate} ~~As a result,~~ he ^{had} ~~assumed~~ ^{begun} a larger ^{to expand the process} ~~scope~~ of decision-making through executive orders.

In 1949, Commissioner John Nichols (~~actually~~ Zimmerman ^{remained} ~~is~~ ^{remained acting} was ~~the~~ effective chief because of Nichols' long illness) authorized ~~Indian~~ Superintendants to release limited funds ^{to} tribes ~~their members~~ ^{deal} could ~~lease~~ ~~their~~ ~~lands~~ directly ^{with} to purchases^{is}. ~~and~~ ~~the~~ ~~same~~ Leases and sales could be made without ~~BIA's~~ ~~permission~~ of the BIA. ~~But~~ ^A although the western Washington tribes were not immediately included in these new arrangements, they responded to the withdrawal policy with mixed feelings. Like every tribe, the Quinaults had

a faction advocating immediate ^{and full} severance of ^{Federal} trusteeship. But most of them were confused and doubtful about the prospect. "There is still a lot of fear on the part of the Indians about being left alone," a BIA official explained to Senator Henry ^{M.} Jackson of Washington. ^{6 June 1957} With Jackson's assistance, ^{all of} the ~~Quinault and other~~ western Washington tribes were able to hold off the BIA's plans. ~~1952~~

It was against that background of ~~the~~ great change in Indian policy that timber sales on the Quinault Reservation were resumed for the first time in twenty years. Economically speaking, ^{the} time was not auspicious. Widespread public expectation of a belated postwar recession had caused logging cutbacks and a slump in forest products markets. Even the prospect of ^{getting access to} ~~over~~ two billion board feet of commercial ^{Quinault} timber could not arouse much ~~a~~ enthusiasm among local lumber companies. Some ~~of~~ them joined with woodworker unions to ~~insist~~ ^{insist} that if the government was really a "Fair Deal" administration, ^{a reference to Truman's campaign rhetoric,} it would hold hearings before opening the sales. ~~In~~ Responding to inquiries from ~~Congressmen~~ ^{aroused by these objections,} the BIA explained that, ~~unlike~~ the Forest Service or the Bureau of Land Management, the proposed logging units ^{on the} ~~at~~ Quinault ^{Reservation} ~~were~~ differed from the Forest Service procedure because they called for immediate payments to owners, and were unlike these of

the Bureau of Land Management because they ~~would~~ would draw the highest bid ~~rather~~ in several cases rather than award a single contract to ~~a monopolist~~.^{one company} Coordination of sales with other organizations, the bureau pointed out, was secondary to securing the interests of the Indian owners. Smaller sales would have insured competition, but would not have brought income to those allotments located far back in the forest ~~where~~^{beyond the distance} small operators could ~~not~~ go.⁷

The bidding^{opened in July 1949,} was desulatory. Only by April, 1950, was sold.

the first of the units (Boulder Creek, a small area taken ^{and two other small units, Lake Quinault and Milwaukee Trail also were to be cut before the end of the decade.} for harvest withing less than five years. ~~Just as the~~

Coincidental with the

Rayonier Lumber Company bid on the large Crane Creek Unit, the nation's economy was disrupted by the outbreak of the Korean War. That emergency had little positive effect on the lumber industry, however; there was no all-out war boom and even less cutting done than the previous year because of cut backs in private building. Faced with the slump, and dissatisfied with the detailed requirements of the BIA

contracts, Rayonier withdrew its bid and forfeited a deposit of ~~\$186,000~~⁶³. ^{in October 1949. The bid money} That amount was distributed to the Quinaults in ^{May 1952}

by decision of the Secretary of the Interior. ^{Secretary of the Department} ~~In May, 1950,~~ ^{That same month}

however, Aloha, the company ~~already~~^{that had} successfully working^{ed} the Hall Unit on the southern part of the reservation, purchased the Taholah Unit for a cutting period that would run ~~20~~^{twenty-nine} years.

~~It was~~
 Since no bids were received for the Queets Unit, ~~and~~ the Bureau's sustained yield ~~and~~ procedures ~~were applied~~ could not be practically applied ^{to that area. Instead individual} to the allottees who secured permits ^{was also consistent} in fee, ^{and} (if judged competent) or special ~~regulated~~ ^{ees who were judged competent} regulated permits to cut ^{were given to applicants} if judged not competent, that is, not able

the plans of VHA and permission... objected to the government's assessment of 10% of the payment 10; for administrative costs,

to conduct business arrangements themselves.

Because the sales were delayed, and because stumpage rates were reduced, ^{slightly} to reflect the timber industry slump (cedar went from \$10x to \$9.55, hemlock from \$4 to \$3.65 per thousand), ~~the~~ allottees ~~were~~ concluded that the sustained yield contracts were entirely unsatisfactory. ^{P. K. Haud} Foresters at Hoquiam and Quinalt

spent hours with those Indians who came to learn what could be done, ^{about these problems,} Some who called were logging promoters ~~who~~ seeking special advantage, ^{in contrast,} some were individuals who knew little of the requirements of sustained yield but assumed that the contracts helped only ~~the timber~~ what they thought of as the "timber trust" of the ^{Blaine, Oregon} surrounding area. The BIA officials also noted the presence of "vultures" ^{waiting} ready to pounce", that is, local loggers hoping to get ~~access~~ to the reservation timber through individual allottees.⁸ Without an adequate credit base of their own, the Indians would have been at the

mercy of ~~such outside~~ purchasers, ^{whose operations would be} beyond the regulations of the sustained yield procedures. The BIA therefore assured ^{by announcements inserted} ~~the~~ allottees and federal officials that technical and administrative problems involved in the unit sales were being solved "in a manner that appears to be the most advantageous to the greatest number of Indians concerned."⁹

Anxious that area headquarters not be discouraged by the complaints and criticisms of the first sales, Supervisor Raymond Bitney urged his superiors to proceed with the sales ~~before~~ ^{while} the allottees' ~~participation~~ ^{pledges to} ~~were~~ ^{still} ~~existing~~ prevailed.

~~In June,~~ Having just undergone a reorganization of its management

The units were offered for sale and the Indians were invited to participate by the time the contracts were signed. Many now wanted to withdraw their consent and get out of the fee. Some allottees were of the opinion that their Indian tribe should be cut out of the unit sales to wait 10 or 15 years for

enter price and recognizing that there would be a heavy burden on the immediate income, especially to the older allottees. The Interior Department appropriated \$2 million to pay the allottees \$50 million dollars to pay their residents



Rayonier signed this contract in June 1952 / Harvest
547 allotments were included in the area to be cut & set aside and about one fourth of them were owned by Indians who were 20-50 years in age.

In June, 1952, Rayonier purchased over five million dollars worth of ~~the~~ timber on the Crane Creek Unit by signing the BIA's sustained yield contract that would run for 34 years. The Queets Unit was not again offered for sale because of the resumption of efforts to terminate federal trusteeship over Indian properties.

In 1952, the Republican Congress had won both the presidency and a working majority in Congress. Dwight D. Eisenhower's campaign for restoring an "equitable balance" between citizens and their government was translated into legislative proposals that would cut federal spending, decentralize administration, and establish a "partnership" among federal, state, and private ~~enter~~ initiatives. *This partnership would stimulate what was ^{obsequiously} generally ^{described} praised as "free enterprise".* Eisenhower had personally objected to the pressures of special interests that engendered separatism when ~~unity~~ ^{national} and harmony and unity were needed. ~~But because~~ *he* he relied upon Republican leadership in Congress and the executive branch to translate his emphases into new policies. *Subsequent efforts by both administration and the Interior Department and legislators* legislation was frequently ~~designed~~ ^{tended} to promote the ~~economic~~ ^{private} access to the ~~public~~ lands and resources ~~held~~ on the public domain. ~~That~~ ⁹ The new Secretary of the Interior was Douglas McKay, former governor of Oregon, a self-made ^{millionaire} businessman who regarded Indians as no different from any other citizens. His assistant for Indian Affairs was Orme Lewis of Arizona, who had slight familiarity with ~~Indian~~ the subject under his jurisdiction. ~~The new Commissioner Zimmerman was a victim of~~ *removed and* the prevailing need to purge Democrats as security risks and after a delay of nine months was replaced by Glenn Emmons, a banker from Gallup, New Mexico. *Glenn Emmons - Myer* The preliminary plans for withdrawal of federal supervision

were continued as part of the Republican administration's reorganization plans. While ^{BIA} budgets were further trimmed, consolidations and transfers were accompanied by abolition of planning and the establishment of research offices.

When the 83rd Congress convened in January, 1953, various proposals were made to terminate ~~BIA Indian~~ federal Indian policy. Senator Barry Goldwater of Arizona advocated state administration of Indian reservations; Senator Arthur Watkins of Utah led an effort to shut down the BIA within three years. ^{Hugh} After Butler's death in 1954, the Senate Interior Committee was chaired by Guy Cordon of Oregon.

⁽²⁾ Because both he and Secretary McKay were familiar with the Klamath tribe of that state, ~~that reservation was~~ ^{that reservation was} selected as one of the first to be terminated. Although the pine forests there ^{presented a} were markedly different ^{position in forest management than} from those on the Quinault Reservation, but the similar prospect of logging enterprise ~~sustained BIA~~ focused increased ~~Senate~~ attention on the Quinault forests) ^{As a member of} ~~but~~ ^{of} Cordon's committee, Senator Watkins introduced legislation to provide credit facilities, and ~~Indian~~ leases and sales to make Indian land more productive through private enterprise. ^{"A"} In order to reflect the president's emphasis upon the participation of all citizens in federal policy -- and perhaps to attract liberal support ~~for these programs~~ -- these measures promised that the Indians would ~~hereafter~~ ^{Whether intended or not} be consulted in matters affecting ~~their~~ arrangement of their affairs. ~~Unfortunately,~~ the term ~~its own interpretation~~ "consultation" was widely misinterpreted. Under the ^{and the rulings of the Supreme Court} constitution, federal law is supreme and cannot be reviewed or altered by action

What that?
efficiency and
and in for

of any other governmental or private entity. (The debate on the Bricker Amendment during these same years ~~made that~~ turned ~~on~~ precisely on that fundamental fact.) ~~The Federal~~
~~When~~ When the Interior Department ~~it~~ complied with the laws calling for consultation, therefore, it could not legally agree to be bound by the understandings arrived at in those consultations. When ~~it~~ it asserted that fact, ~~however,~~ ~~contention, suspicion, and willfulness often~~ ^{the department was often accused of perfidy; often} ~~generated~~ ~~charges of perfidy being leveled against~~ ^{resulted in} ~~it and its officers.~~

A second ~~difficulty~~ ^{problem} ~~inherent in~~ ^{of} the proposed termination policy ~~was~~ ^{caused} ~~a more serious~~ paradox. ~~When~~ The Secretary of the Interior ^{was to} designated a tribe as ready for termination when, in his judgment, its members were economically and socially ready to make the transition to ~~private~~ self-sufficiency. But if the designated tribe did not wish to undergo that change, the government was faced with the prospect of using coercion, the very antithesis of ~~the~~ the American political system. ~~Before~~ In the case of the Quinalts, there was an additional consideration: whatever problems termination could solve, it could not ^{beneficially} affect the complex legal and economic commitment of sustained yield forest management. Before ^{the Interior Department found} ~~there was~~ time to wrestle with that special problem, however, the elections of 1954 brought an end to Republican control of the Congress. When the Democrats ~~resumed~~ resumed their legislative initiatives in 1955, Senators Murray ^{James of Montana; chairman,} and Jackson ^{of the} Interior committee opposed coercive termination on any Indian reservation.

^{At that} By that point in time, the BIA had undertaken surveys and ^{took} made adjustments in its timber management policy at Quinalt, ^{in fact}

It knew that its main problem was still that of fractionated ownership. ^{revealed} ^{over 2600} ~~members~~ members of eight tribes ~~who~~ held allotments on the 169,000 acres. Of the 1926 Quinalt Indians, fewer than 370 lived there in ^{about} 90 families. Of these individuals, ^{sixty-six} 66 had received payments when their allotments were ^{logged} ~~cut~~ in the period 1953-1955, and ^{twenty-five} 25 of them had received more than \$5000 each. ^{About} ~~Most~~ of these resident families were ^{were engaged in a small} ~~employed in~~ logging enterprises and lumber mills; One ~~was~~ owned a lumber operation, and many others were laborers in logging enterprises of the peninsula counties.¹² Only 33, 484 acres of timber land was owned jointly by the Quinalt Tribe, and not all of it was being logged. Therefore, while the BIA dealt with the tribal council in consultation and communication of logging information, it ^{could} ~~did~~ not have such a relationship with the overwhelming number of allottees. Although it was still responsible ~~for~~ as trustee for the interests of all of the Indians ~~there~~ who had holdings on the reservation, they ~~were~~ in fact, ^{consisted of} scattered individuals who had no ^{political} ~~other economic~~ ^{identity} ~~entity~~ other than the fact that ~~they~~ their property was located ^{on some Indian reservation} ~~at the same site~~. Moreover, that economic interest was ~~very similar~~ shared by many non-Indians in the area and elsewhere. While there was little political identity ^{among the} ~~existing at~~ Quinalts, termination of federal supervision would ~~enable~~ ^{end} even that; thereafter, the allottees would exist only ~~as an~~ in an ^{economic}

In an effort to adjust forest management policy to these anticipated changes in the political-economic relationships between the government and the Indians, BIA foresters at Quinalt undertook several surveys. One of these

The BIA officials had been taking a keen interest in the timber management policy at Quinalt.

sense (~~settling~~ plus whatever cultural distinctions they themselves maintained).

White

~~XXXXXXXXXXXXXXXXXXXX~~

By 1956, ~~like~~ some allottees ~~so~~ eagerly ^{looked forward to} anticipated ^{problems} without anticipating the ~~credit and tax dis~~ economic independence ^{such as} that they ^{independent} denied that the tribal council represented their interests, ^{will} and insisted that neither the contract holders nor the BIA were ~~defending~~ ^{also from} interested in protecting those interests. ~~One who was not a~~ Quinault, ~~XXXXXXXXXXXXXXXXXXXX~~ claimed to speak for fellow allottees ^{That was the} ~~One of them~~, Claude Wain, a logging promoter whose allotment timber brought him \$14000 in 1954, ~~XXXXXXXXXXXX~~ in his letters to the BIA and to the Senate Interior Committee members. Others ^{cried} ~~denounced~~ the way that block-clear cutting had harvested timber near their holdings ⁵ but not on it. ^{them} These complaints were ~~XXXXXXXXXXXX~~ especially provoked by reductions in the stumpage rates in 1953 (red cedar went from \$13.05 to \$10.40, ^{next} hemlock from \$4.35 to 4.60) and while the tribal council was pleased when the rates increased the next year (cedar ^{rose to} ~~XXXXXXXXXXXX~~ to \$14.30, hemlock to \$5.25), most of the allottees ~~XXXXXXXXXXXX~~ still looked longingly toward obtaining release from the contracts, and patents in fee. ~~There~~ In some cases, local logging company representatives encouraged them to apply for those patents, ~~then~~ refused to purchase them there- after, and ^{from} waited until ~~county tax~~ ^{on county tax payments} defaults made the land available cheaply. ^{It}

Allottees who had ^{generally} taken the BIA's advice to transfer their powers of attorney and participate in the contracts, now rejected ~~that~~ the agency's advice and ~~XXXXXXXXXXXX~~ looked for some alternative. ^{It} "It is difficult," said a BIA spokesman told a resources conference in Portland with notable under-

These were but a sample of the concerns that prevented BIA from...
 duplicating the 1954 recommendations for improvement of sustained-yield procedures...
 5024 independent will also from

statement, "to convince Indian owners of timbered allotments that the allotment be placed under sustained yield management ~~for~~ before they can realize anything from that land."¹³ Instead, they seemed to be seeking every kind of alternative to their initial commitment. While they had overwhelmingly accepted BIA advice a few years before and transferred power of attorney to participate under the new contracts, they now overwhelmingly rejected BIA advice and sought patents in fee. Those who ~~were~~ had the facilities to do their own cutting did so even though such activities legally constituted trespass. ~~Under the~~ One of the allottees, the owner of a logging company, urged the tribal council to financially support his enterprise as the tribe's official logger. Cleveland Jackson informed him, however, that the council had no authority to enter into such an agreement.¹⁴

wh?

While the BIA ~~foresters were sought from~~ area officials waited for Washington, D.C. to inform them of their continuing responsibilities under termination policy before they could accurately plan annual revisions in sustained yield and cutting programs. But ~~it~~ clarifications ^{originated in} ~~were not from~~ the Interior Department, but in the Congress. In 1954, voters in the Pacific Northwest had found good reasons for rejecting Republican candidates in the Congressional elections. There had been a marked slump in timber sales, lumber production, and employment. ~~Whether either~~ The administration's promise to stimulate economic initiatives through "partnership" seemed, in practice, to favor a few large corporations. In Oregon, journalist Richard Neuberger campaigned for Cordon's seat by charging the Interior Department with a "giveaway" of public resources and a "takeaway" of contracts and jobs. When he won the place

James Murray of Montana, then chairman of the Senate

by a slim majority, he was assigned to the Interior Committee
by ~~his~~ ~~new~~ ~~committee~~ and as chairman of the subcommittee on

Indian affairs, took up the complaints of the Quinault allottees.

~~One~~ Particularly impressive charges came from Alfred Hartung,
~~man~~ who was both president of the International Woodworkers
Association of Portland, and the husband of an allottee who
had long been dissatisfied with ~~the~~ stumpage rates ~~and~~
under the long-term requirements of the Quinault contracts.

In 1955, Hartung asserted that ~~these~~ the contractors
were paying far less for ^{certain} types of timber that ^{was} more highly
valued on state and Forest Service ~~lands~~ forests. (Hemlock
that ~~was~~ brought \$4.42 at Taholah and \$6.50 at Crane Creek,
he said, was purchased for \$10 to \$15 dollars outside the
reservation).¹⁵

The allegations nicely dovetailed ^{with the} Democratic
Congress' efforts to ~~undermine~~ discredit and roll back
the Eisenhower administration's policies. Senator Neuberger
did not ~~seek~~ ^{try} to criticize the BIA, but he asked it to account
for what seemed to be blatant price discrepancies at Quinault.

In reply, Commissioner Emmons pointed out that the ^{timber sale} contracts
were designed to give fair return to allottees over a long
period of time, and therefore did not reflect either the highs
or lows of the changing timber market in the area. The

Senator was not satisfied by that explanation. Early in
1955, his subcommittee ~~was~~ scheduled hearings on the
question of ^{Quinault} timber management policies, at ~~Quinault~~, ~~and~~ ~~subcommittee~~

~~its~~ ~~assistants~~ went to the Pacific Northwest to collect
testimony.¹⁶

and Indian welfare...
The ensuing publicity...

staf

As an example of the temper of the times, ^{tried to}
 In public statements, Neuberger ~~subscribed to~~ aroused
 attention by depicting Rayonier as a typically unscrupulous
 monopolist, and in private inquiries noted that some Quinaults
 worked for the logging companies, but ~~he~~ generally ^{was} believed
 that the apparant inequities at Quinalut were merely syptoms
 of ~~the~~ ^{unwise} larger economic policies of the Eisenhower Administra-
 tion. His committee assistants drew his attention to practices
 that he found particularly objectionable, however. ^{although} ~~the whole~~
~~issue~~ the bureau ~~was~~ forestalled withdrawals from the
 contracts by allottees, for example, it was willing to revise the
~~agreements~~ agreements to permit the purchasers to use interests
 payments as credit in borrowing to pay ~~at the two~~ advances
 to allottees. Branding ^{the} it as an unsavory practice, he
 invited the ~~Government Accounting Office~~ ^{that} Comptroller General,
 head of the General Accounting Office (GAO) to review the
 matter.

In the meantime, Commissioner Emmons came out to the
 Pacific Northwest to improve the government's image in talks
 with tribal leaders. ~~The Quinault delegation~~
^{Meet. in with him in 1956} In ~~performe~~ brief talks, the Quinault delegation raised the
 question of the 10% ^{percent} administrative charge, ~~and~~ the need for
 more access roads, and the ^{remedial legislation on} question of heirship. It made no
 criticism of timber policies per se, however. Shortly after
 these meetings, ^{the} political ~~circumstances~~ ^{of 1956 brought about} resulted in
 the ~~resignation~~ ^{resignation} of Secretary McKay and his defeat for
 the Senate seat of Neuberger's mentor, Wayne ^{L.} Morse. He was
 succeeded by Fred Seaton, who ~~was~~ found himself confronted
 with the same ^{kind of} Congressional ~~pressure~~ pressure that
 his predecessor Chapman had faced seven years before. Within
 a year, Seaton replaced McKay's advocates of ~~termination~~

immediate and coercive termination with men who were more pragmatic and politically perceptive. Emmons remained as Commissioner, but ^{most of} his authority was assumed by a new Assistant Secretary for Indian Affairs, O. Hatfield Ghilson.

These new officials watched warily as Neuberger's subcommittee opened public hearings on Quinault timber management in April, 1957. Four topics were explored therein: timber prices, timber sales, consultation with the Indians by BIA, and alternative means of providing sustained income to allottees. ~~Against the~~ Although ^{various} ~~public~~ critics of ~~the~~ federal Indian policy ~~made~~ ~~known~~ assumed that the BIA was selling out ~~the~~ ~~interests~~ ~~of~~ Quinault (sic) interests to exploiters of the public domain, Neuberger ^{only} meant to prod the BIA to consider more equitable, efficient methods. At the ~~hearings~~ hearings, Claude Wain ^{sourly} charged the government agency with raising stumpage rates by 30% ^{percent} as soon as the hearings ~~were~~ were announced. Malcolm ^{McCleod}, a Seattle lawyer specializing in Indian claims, described as unfair ^{percent} the fact that allottees paid the 10% charge even after ^{surrendering} ~~the~~ power of attorney to the bureau. Officials of Rayonier and Aloha not only denied ^{alleged} price discrepancies but insisted that ~~their~~ contracts were far from being bargains. Because of the multitude of federal requirements they had to meet, they were in fact burdensome arrangements. An expert from the GAO reported on the results of an audit of the BIA begun in 1952 and extended to the Portland Area office in 1956. The bureau had undervalued Indian timber, he said, had not employed proper appraisal or scaling methods, and had failed to correlate its ratios with other federal timber agencies.

Although the ~~same~~ subcommittee members included Jackson

of Washington, who had first expressed concern for the Quinaults in 1950 and 1951, it was essentially Senator Neuberger's show. (Minority members Goldwater and Watkins took little part in the hearings, and finally charged ^{that} the majority with ^{not} ignoring ^{ed} BIA efforts to protect the Indian interests). ~~While~~ Just as the sessions began, the Democratic members ^{were aggered to learn} learned that the BIA ^{had just} granted reductions in stumpage rates to the Quinault contractors because of earlier agreements, and failed to immediately inform the subcommittee of the change. The matter seemed to confirm ^{the public opinion} the charge that the ~~tax~~ bureau and the monopolists were working hand-in-glove.

As everybody's villain, the BIA presented its defense in two stages. At Neuberger's request, Secretary Seaton sent a progress report in October, 1956. In it, he defended the ^{present administrative} 10% interest charge as a tiny fraction of the factors that determined stumpage rates; it was, ^{moreover} ~~maximal~~, a proper business practice. He also explained that the BIA had not had much luck with granting patents in fee ~~g~~ because ^{of} the costs of getting at inaccessible tracts, and because outside appraisals discouraged participation in existing contracts. He noted, however, that patent policy had been revised to recognize that individual allottees' interest need not be subordinated to tribal interests or to timber management requirements, except in critical cases. The Quinaults, he reiterated, had shown no ^{enthusiasm for} interest in earlier BIA suggestions that they share cooperatively in logging ~~proceeds~~ ^{payments} no matter whose allotments were cut, ~~not~~ and had not supported the BIA idea for establishing a tribal logging mill.

Then, at the subcommittee hearings late in May, 1957, George Kephart, chief of the ^{Forest} timber bureau of the BIA, documented the way in which the Quinault tribal council had at first opposed and then supported the Taholah and Crane Creek contracts. Periodic stumpage ~~and~~ adjustments were based upon every possible economic consideration, he said. The Forest Service rates were not determined by the ~~immediate~~ necessity for immediate income to the owners, and the state ^{of Washington} sold a smaller volume. ^{He candidly observed that} Sustained yield concepts, ~~he said,~~ meant nothing to Indian allottees eager to have the quickest, highest income, but the BIA nevertheless adhered to that policy ^{because it was in the allottee's} as in their best interests whether they understood it to be so or not. But Kephart ^{of Washington} was notably admitted that he did not have sufficient survey data on which to base comparisons of stumpage rates, nor did the bureau have sufficient funds to replant cut-over blocks. ^{It would} ~~not~~ ^{There were definite gaps in Kephart's information, for example,} until a year later would his office recognize, ~~for example,~~ that Forest Service estimates were being compared with ~~BIA's~~ the BIA's actual payments; when Forest Service payments were made, they were notably lower than the estimates. J

^{Although} ~~While~~ Senator Neuberger did not closely cross examine ~~any~~ the defendants, he relied upon ^{the} analysis given him by Robert Wolf, a former Forest Service and Bureau of Land Management forester now serving with the GAO. Wolf's report questioned Interior's real concern for the Indians. Even if the ^{percent} 10% interest charge was legitimate, ^{Wolf noted,} ~~that did~~ it was not ^{necessary by} ~~not make it~~ proper. ^{Then Wolf asked} If an allottee paid a thousand dollars for the administrative costs, did he get a thousand dollars worth of administration? Obviously the equity of the ^{charge} ~~matter~~ was was

assailable. If the bureau allowed 500 allottees to band together to ~~exercise~~ participate in long-term contracts, he questioned, why could they not do the same for shorter-term agreements that would produce sustained income? Why should allottees seek patents in fee when their timber was already under long-term contracts from which the bureau would not grant them release? The BIA's sustained ~~yield~~ policy had produced erratic income, but the variations in productivity and stumpage rates could be supplemented by a revolving fund which would not be subject to Congressional budget ceilings. (~~Kephart had said that such a fund had already been considered but had aroused negligible interest.~~) ^{In response to} ~~whether or not~~ the BIA ^{is} ~~was correct in assuming~~ ^{assertion} that the Quinaults were unresponsive to bureau suggestions because they were culturally resigned to share the disadvantages ~~of~~ as well as the advantages of economic life, Wolf pointedly asked, ". . . is this trusteeship at work?"¹⁷

Neuberger was personally outraged by the implications of the 10% ^{percent} administrative ~~g~~ fee. He thought it grossly unfair to grant the contractors credit on borrowing at the expense of the allottees while the Indians were given no such credit when they had to borrow money. At his request, the GAO immediately investigated the assessment and asked Congress to remove it. ~~But~~ Far from trying to cut down the BIA's ~~jurisdictional~~ procedures, however, ^{Neuberger's} ~~his~~ final report noted that Interior already had sufficient authority to effect improvements in its timber management policies without additional legislation. It could, for example, make a

cash settlement to the companies for allotments withdrawn from the contract. The administrative charge could be replaced by a special revolving fund, based upon ~~xxx~~ receipts and used to administer the contracts producing those receipts.

The Forest Service might well supply the BIA with its own ~~stumpage~~ adjustment rates, ^{Neuberger} the report continued, through a simple interdepartmental agreement with the Department of Agriculture. (~~Such an exchange would be~~

~~evidence of the better relationships between the two traditional enemies.~~) In any case, some provision should be made for

older ~~in~~ Indians to get immediate income ~~from~~ ^{from} their allotments, perhaps by using timber as security for advanced payments.

In the case of the unsold Queets unit, policy should be devised for rights-of-way and tolls, ^{and} road construction costs should be taken out of allottee income without an interest charge if the government ^{built} the roads. Finally, as ~~the~~ a first step toward making BIA timber management more acceptable, the report recommended the establishment of Indian advisory boards to serve both as a means for consultation and as a clearing house for information.

Neuberger asked Assistant Secretary Chilson to ^{report} ~~report~~ to the subcommittee by July 1, 1958, ^{of} any changes in the volume and quality of stumpage rates paid to the Crane Creek and Taholah contractors. Further hearings would be held, he added pointedly, if they were deemed necessary. He also asked the ~~Comptroller~~ General to maintain a steady spotlight on the BIA's pricing decisions and cost accounting procedures. In January, ¹⁹⁵⁸ the GAO assigned a man to the forestry office at the Portland Area headquarters.

Those attending the meeting, he reported, appeared ~~to be~~ ~~unhappy~~ confused ~~about~~ ~~the~~ or apathetic, attitudes that he ascribed not to distrust of the BIA but to their distrust of each other's ^{motives} ~~opportunism~~. Most of them wanted to talk ~~only~~ about their ^{own} allotments; only one of them asked questions about the committee idea. It was the Indian claims attorney, McLeod, who spoke out against the bureau for letting companies build access roads into the Queets without giving allottees specific information about damage^s or widths. He admitted that he was advising his clients to withhold powers of attorney and wait until they could obtain permission to charge tolls for use of roads crossing their holdings. The only thing all those attending agreed upon was opposition to the 10% ^{percent} administrative fee and a demand for full voice in agency decisions. They were "adamant that their desires should prevail", Skarra ^{reported} noted, but they offered few constructive suggestions.¹⁹

~~In December~~
 The original idea of creating ~~separate~~ advisory boards for each of the four logging units required so much paperwork that ^{in December} it was replaced by establishment of an overall group, an interim Quinault Indian Claims Advisory Committee. ~~It~~
~~Superintendent Ringey~~ conceived ~~as~~ an adjunct of the tribal business committee, its ^{creation} ~~immediately~~ immediately revived allottee objections to the jurisdiction of the tribal council. When ^{at the same time} Superintendent Ringey established a Quinault newsletter to disseminate information concerning logging regulations, ~~and~~ stumpage rates, ~~and~~ credit and income, ~~and~~ he drew down similar criticism. The newsletter

presented but did not explain highly technical data, some allottees asserted, and did not present their own viewpoint.

Claude Wain, Paul Petit, and Joseph Hillaire, three of the men who had supplied the Newuberger committee with allegations, ^{against BIA forest management policy} claimed to speak for Quinalt allottees.

~~They immediately withdrew~~ "Because we feel that you actually have the best interests of the Indians at heart," they informed Ringey, "(and many agents have not had) We will invite you to attend ^{the} ~~the~~ meetings of allottees that they meant to call in the near future. ". . . we hope that you will be prepared to speak to these Indians and explain to them, their position to-day as it stands."²⁰

*Wain
Petit
Hillaire
(4/25)*

The superintendant sent ^{J. L. Diddock} ~~his~~ ^{attend} ~~reality~~ officer ~~xxxxxx~~ from the Portland office, to ~~xxxx~~ ^{attend} speak to the first of these meetings in February, 1958. The organizers made brief speeches "containing the usual critical remarks of BIA cutting", and after personal gripes were turned aside the participants took up the subject of the interim advisory committee. Many admitted that they feared what the BIA would do if they participated in its deliberations. Diddock thought that they did not understand that the committee would not be effective unless they first granted the necessary rights of way so that the Queets ^{timber} could be cut; ^{they must also} and ~~until they~~ "overcome hostility toward each other..."²¹

Choosing to ~~xxxxxx~~ ^{problem} act on the latter ~~instead of the~~ ~~former~~ difficulty, the dissident allottees formed a Resource Development Association in March. Aware that this ^{action} constituted a challenge, the tribal council declared that the new group

organizational structure, it is possible that the Quinault may also have known how the influence of timber land owners on the Klamath Reservation had risen as the tribal council's authority declined.

must negotiate through it. ~~That was precisely what~~ The dissidents claimed ~~for~~ ^{precisely that} as the necessary authority ^{gov} of their own group. ~~Afterxxxxxxxxxxxx~~ ^{resolution of the conflict} Before decision could be obtained from Interior Department solicitors, Forest Manger Libby reminded the association's leaders that while the government welcomed ~~their~~ any information from them, it was not bound to comply with their advice.

There was ~~such~~ a great difference of opinion about the intent and purpose of the dissident organization, ~~that~~ even among its membership. Responding to its complaints, Senator Neuberger ~~reminde~~ reiterated that the boards recommended by his committee were to provide allottees with knowledge of business management, so that they could become self-sufficient by the time they were allowed to sell their own land. Until then, tribal jurisdiction over business matters prevailed. "In effect," Senator Murray ^{told} ~~perceived~~ ^{perceived}, "what you apparantly seek is to supplant the Bureau of Indian Affairs staff and organization with one of your own which will take over the management of the economic resources of the Quinault Reservation, thus terminating Federal control and supervision. I am hopeful that you may be able to achieve this goal." For the present, however, he urged them to ~~comply with~~ work with the interim claims advisory committee and seek BIA cooperation even if the government offices ^r did not always measure up to their expectations. He also reminded them that when and if their association did supercede government administration, they would have to finance their operations out of income, because the Interior appropriations committee would not finance "a parallel organization".²²

Neither would sufficient influence be obtained from the contracts, even they lost what they had hoped they had had in the idea of advisory committee.

Within ~~another year~~ the course of a year, the Resource Development Association was ^{became} impotent in every way except ~~to~~ ^{to} drain attendance and interest from the ^{Quincy} interim Claims Advisory Committee. The latter organization went so far as ^{nevertheless}

to request an operating budget, adjustments of stumpage rates, and ^{approval of any modifications in} inspection of the Crane Creek contract, ²³ and approval of ~~any modifications in it.~~ But that ^{operation} was ~~al~~ But that logging operation was ~~in~~ already in ^{such} difficulties that ~~the~~ ^{is potential} committee involvement ^{was chosenly} appeared to be peripheral. ~~ANNEX~~ ^{to the great problems facing the forest managers}

As part of the nationwide recession of ¹⁹⁵⁷⁻ 1958, the lumber industry hit another period of slump. ~~ANNEX~~ Raynier closed its cutting work for six months, and ~~Alahd~~ decreased its ^{own} production substantially. In September, 1958, ^{Companies} they both announced that they would purchase no more patents in fee from allottees. As a result, BIA offices were inundated by ^{Indians} demands ^{for} seeking assistance.

The BIA foresters recognized the perversity of the situation. ~~The~~ Allottees would continue to seek patents in fee in order to get what they were assured by ^{local} loggers would be ~~were~~ higher and more immediate income, ^{and would be} as long as the bureau ~~maintained the requirements of sustained yield.~~ Indeed, ~~The~~ BIA ~~is~~ ^{each of them} informed ^P all applicants that stumpage rates on existing units could not be raised until the overall forest industry situation improved. ^A At the same time, it pointed out that the Queets Unit could not be organized and offered for sale until the powers of attorney of all allottees had been secured. Neither prospect was likely to happen in the near future. But while adhering to its forest management program ~~and~~ in keeping with the ^{jurisdiction} of the federal trusteeship,

private ownership. During the next ten years, over half of the original contracted land area would be alienated from federal trust. But as Assistant Commissioner John Crow reminded Dan Foster, ~~with~~ director of the Portland Area office, the BIA still had responsibility "to be sure that all of the Indian interests receive their proper share of the proceeds of any sale."^{24 25} Similarly, permits for individual ~~cutting~~ cutting or salvage ~~work~~ would depend upon consideration of allottee needs and not upon the desires of those who had taken patents in fee. "Any service ~~we~~ that we perform ~~for~~ ~~the owners of these alienated interests,~~ the superintendent ~~agreed~~ asserted, "is entirely incidental to the service performed on behalf of the owners of trust interests. They do not ask us to perform this service for them, rather we ask them to favor the owners of the trust interests by consenting to the trust sale."^{25 26}

Because they applied that distinction in response to complaints and appeals by Indian timberland owners, the BIA officials in effect gave more help to allottees still under their jurisdiction. For ~~example~~ these they would order the logging companies to make a special effort to cut a particular area; in many instances, the income secured was ~~not~~ notably higher than the original estimates. But their responses to other timber owners were characterized by indirection ~~or~~ or ~~briefly~~ generalizations that were viewed as subterfuge and ~~thus~~ thus as evidence of complicity with the contract holders. For ~~example~~, the increase in export sales to Japan ^{date?} had made recovery of slash far more important to both loggers and allottees than it had been when the unit contracts were designed to focus

on standing timber. ^{Responding to} One of the many new applications for permit to recover slash on allotments, Superintendent Ringey referred to the orderly process of overall management and asked: ". . . why not let Raodynier do the operation?"^{26 27} Inevitably, these gestures of help for some and not others, and suggestions ~~in keeping with the plan~~ that upheld ^{the} sustained yield plan were interpreted by allottees as favoritism and skullduggery.

Such accusations continued to reach the offices of members of Congress. Nueberger for one was often exasperated at the irrationality of those ^{allottees} who had preceptuously obtained patents in fee in order to run their own timber sale, yet demanded ~~the~~ attention and security from the BIA. Feeling obliged to ~~have~~ give the complainers some response, he sent their letters to the Interior Department. ~~There,~~ Assistant Secretary Roger Ernst assured him: "We are convinced. . . that the number of legitimate complaints is well within the allowable limits of efficient administration. Other complaints we find, reflect misunderstandings or are protests against conditions over which we have no control."²⁸

Concentrating their efforts on ~~eff~~ the priority of efficient administration, local bureau officials surveyed logging operations and were pleased with company initiatives in road building and maintenance. When the large Pope and Talbot Lumber Company sought their assurance of ^{that} ~~no~~ competition monopoly in building a rafting/booming site at the mouth of the Quinault River, a forest manager declined to give it, and the feeler was dropped.²⁹ The superintendent reported, however, "strong and healthy" interest in competition for

Queets Unit sales to be held in Hoquiam ~~in~~ early in 1960. ^{29 29}

Although the bureau still believed that long-term contracts were the most feasible method for providing income for the greatest number of allottees while keeping logging operations within the sustained yield capacity of the reservation forest. But another such sale could not be made in the face of recent objections and continuing complaints. After 1960, therefore, all ~~sales were made~~ ^{logging was done} by special permits. ~~within~~

After the PNLA disbanded in 1962, stumpage rates on the Taholah and Clear Creek units were adjusted to Forest Service guidelines. (Soon after, however, the Forest Service was relying upon ratios used by the BIA's Forest Bureau.)

The first years of the 1960's proved to be a time for new adjustments. ^{At Quinalt, the max allowable cut was raised to 150 million board feet} ~~At Quinalt, the max allowable cut was raised to 150 million board feet~~ ^{over a three year period.} ~~At a time when state and national forest~~ ^{declined, however,} ~~output was down,~~ high winds in October 1962, ^{followed by} and heavy rains ^{in November} the following month felled over ten billion board feet throughout the coastal Pacific Northwest. Natural regeneration of the forests, the BIA recognized, would no longer be sufficient. Reforestation proposals were submitted to take advantage of new agricultural conservation assistance programs and slash salvage procedures were improved. Trimming and pruning work done under ^{modern} public works programs ~~were~~ supplemented the efforts by the logging companies to replant blocks that had been cut during the preceding years. The BIA also ~~applied~~ ~~for~~ recommended revisions in the existing contracts to ~~permit~~ make it worth while for the ~~companies~~ operators to cut marginal cedar stands. When the PNLA disbanded in 1962, stumpage rates were adjusted to Forest Service guidelines, but soon afterwards the Forest Service relied upon ratios

Under the impetus of the activist ~~new~~ John Kennedy Administration, the ~~Democratic~~ cause of ~~the American Indians~~ the Quinault Indians once again attracted the attention of members of the Democratic Congress. As chairman of the Senate Interior Committee, ~~Sen~~ Henry Jackson sought BIA explanations for issues raised by allottees from his ~~state~~ own constituency. But the adversarial implications of the Neuberger-Seaton period were significantly altered. ~~Now~~ ^{there were several Indians on} ~~the Washington, D.C. Bureau~~ the BIA's staff ~~included~~ ^{was} in Washington, D.C., and the head of the Forest Branch was Perry Skarra, longtime forest manager at ~~Quinault~~ the Quinault Reservation. ~~Although~~ ~~complaints~~ ~~therefore~~, Although the administrators' understanding could no longer be doubted, the problem of communication ~~between~~ with the allottees persisted. As Assistant Secretary of the Interior for Indian affairs explained to Jackson, the BIA continued to consult with the allottees ~~but~~ ~~these~~ had to do so individually because there was no committee that could represent many allottees at once. ~~While~~ ^{Some} ~~in~~ allottees accounted for the failure of the claims advisory committee of 1958 by charging that the BIA ~~did not~~ ^{preferred to} cooperate ~~with~~ ~~it~~ the tribal council instead. But the husband of one allottee ~~admitted~~: "I believe the complete indifference by the allottees, other than when monetary remuneration is concerned is appalling, and that ^{some} effort should be made to organize this group for their own welfare."30

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The Quinaults' reluctance to contribute time and money to reviving the advisory committee idea may ~~have~~ be accounted for by the fact that their interests were by now far more diversified. ~~Since~~ Salmon fishing ^{enterprise} rights emerged as the most ~~controversial~~ attractive ~~prospect~~ economic prospect, and the application of federal civil rights programs to Indians ~~has~~ aroused the active participation of the younger majority of the tribes. ~~The~~ The old issue of land use policy ~~has~~ now took on ^a ~~the~~ ^{larger} dimensions ~~of preservation~~ of Indian ~~separate~~ identity. ~~The~~ ^{Concepts emphasizing the} ~~elimination~~ Elimination of ^{the} ~~separateness~~ and ^{the} ~~absorption~~ of the Indians into ~~the~~ White American system ~~that~~ had ^{produced} ~~underlay~~ the ~~terminations~~ withdrawal/termination proposals a decade before. ~~Now~~ Now, the minority rights movement completely reversed ~~that~~ that philosophy to ~~emphasize~~ emphasize the preservation of Indian identity.

No one ~~was~~ was more sensitive to that change than ~~Congresswoman~~ ^{Congresswoman} Julia Butler Hansen, a Democrat ~~from~~ representing the district that included the Quinault Reservation. ³¹ Although necessarily ~~concerned~~ concerned with the welfare of the area's lumber companies, Hansen was particularly solicitous of ~~Indians~~ applying civil rights legislation to the Indians as well. She recognized that the Quinaults had made tremendous ^{economic} advances in recent years, and praised the ^{new} leadership of ~~the~~ ^{the} younger generation. ^{When} ~~tribal~~ ^{tribal} officials ^{accept} informed her that they would no longer ~~tolerate~~ tolerate the logging practices ~~that~~ ^{has} used ~~to~~ ^{thirty} 20 to 30 years before, ~~there~~ ~~was~~ ~~nothing~~ ~~she~~ ~~could~~ ~~do~~, ~~the~~ tribal officials asked her to seek \$200,000 for employment projects to ~~improve~~ ^{thin timber} clear stream beds, and construct roads on the reservation. ~~at~~

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Ten years after Senator Neuberger said that he did not know what ~~else~~ ^{other than his hearings} could prod the BIA, ^{the} Quinault allottees ^{had} found their own answer: litigation. Because so many material advantages ride on the outcome, ^{those involved with} ~~of~~ adjudication tends to bend historical perspectives to suit the ~~mere~~ interests of the moment. Actions taken in the past as ^{practical} ~~were~~ responses are now viewed through a glass darkly as conspiracies; things ~~done~~ that were done on a day to day basis (or things that were not done) are ^{scrutinized} ~~seized upon~~ for evidence of good or evil. That same selective ~~distortion of the~~ bending of historical intent and consequence characterized the climate of opinion during the latter half of the 1960's. ^{When} the civil rights movement of those years ^{"politicized"} ~~greatly~~ ^{the minority segments} influenced other ~~minority~~ segments of the American population, ^{to become "politicized"} ~~for cultural reasons~~ Indians at first declined to identify with ~~the~~ ~~Black~~ the cause of Black-Americans. ". . . unlike the Negro[sic]", dissident allottee Paul Petit Sr., pointed out, "we do not cry out about a racial prejudice but ask only to be allowed the privilege of working the lands that are rightly ours." ³⁵⁹ But after the passage of civil rights legislation and the federalization of minority interests by the Kennedy and Johnson Administrations, Indians were caught up in the ~~the~~ exhilaration and success of minority self-realization. They nevertheless ^{from the Black movement} differed in two respects. First, they were far fewer in number and therefore ~~had~~ could wield much less leverage ⁱⁿ sheer numbers. Second, they did not seek to obliterate ^{a degraded} ~~their~~ past but ^{instead} appealed to

1/4 hr.

^{the past} to ~~be~~ as a time of self-respect and integrity. Perhaps ~~for~~ for these reasons, the pressures and publicities they belatedly adopted ~~had~~ were "offensives" that were ^{generally} ~~usually~~ ~~in~~ inoffensive. When ~~their~~ children abandoned their elder's cultural reticence, they retained a large degree of traditional patience and understatement. ~~By~~ The younger members of every tribe across the nation were more educated or more in the main stream of events than their ~~elder~~ parents and grandparents. ~~During~~ the late 1960's, it was they who called intertribal meetings, published and demonstrated tribal heritages, and formed associations. These activities commanded far greater ~~and~~ attention than scattered private ~~and~~ letters of complaint addressed to ^{officials} Congressmen or bureaucrats. Indeed, federal administrators preferred to deal with larger organizations with single purposes ^{that} ~~and~~ ~~the~~ represented ~~these~~ widespread views rather than respond to scattered individuals of varying condition and need.

In 1968, ~~the~~ Helen Mitchell, the recording secretary of the National Congress of American Indians (^{that} ~~she~~ described herself as "the voice of the Indian people") ~~she~~ began a new chapter in the history of timber management on the Quinault Reservation. ~~The~~ ~~owner~~ owner of an allotment and executor of her ward's allotment on the reservation, she was ^{also} ~~she~~ chairman of the Quinault Land and Forest Committee. Although she lived on the nearby Chehalis reservation, the logging company that she owned (Mitchell-Grandorf) ~~frequently~~ ^{worked} ~~operated~~ in the Quinault forests. ~~In 1964, BIA foresters had~~ Between 1964 and 1966, ~~she~~ ^{she} her company's operations had been criticized by ^{charged with trespass and} ~~by~~ ^{improper logging methods} BIA foresters and the unit contractors as well. ~~she~~ ~~in~~ Mitchell in

turn had complained of federal restrictions and state taxes, and had accused the Aloha Company of forging her name to a right of way agreement and then paying her while they trespassed on the allotments under her control. ^{She soon after worked out an accommodation with that company.} Whether for these reasons or others, early in 1968 she secured travel funds from the BIA area office and went to Washington, D.C..

~~XXXXXXXXXX~~ (Because of her ^{already} established position as an officer of the Indian congress ~~association~~, she was ^{already well} ~~well~~ familiar to the officials at ~~the~~ bureau headquarters. ~~XXXX~~)

In March, she entered into a contract with ~~the~~ law firm of Wilkinson, Cragun and Barker to investigate and prosecute claims against the United States over the management and sale of timber and the use of Indian ~~lands~~ moneys at Quinault. ³⁶ At the same time, ^{had been} the Area Director was informed at a tribal meeting in Taholah that a possible suit was being considered, and, as a representative of the defendant, was ^{then} asked to leave the session.

The bureau was in the anomalous position of having to defend its practices in the suit, and yet, ~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXX~~ as trustee of tribal interests, having to oversee the contract for that suit. ~~The~~ Its solicitor examined

the arrangement and agreed to the formation of a ^{committee to those} Quinault Allottees Committee. ^{was} Its sole authority would be to act

as the party to the suit, ~~but~~ ^{the} Because ~~its~~ initial membership included many of those who had been dissident allottees for ^{over} a decade, the group recapitulated the ~~same~~ purpose of the Resource Development Association of ~~March~~ 1958. Indeed,

the QAC first insisted that ~~it~~ ^{was} it was part of the tribal business committee, ^{long} ~~and~~ ^{is} ~~then~~ ^{Quinault Claims Advisory Committee} ~~challenged~~ that body as the rightful

[Handwritten notes on the left margin, including dates like 2/6/68 and 3/6/68, and names like Wilkinson, Cragun and Barker.]

[Handwritten note on the right margin: "of this Quinault Allottees Association"]

representative of Quinault allottees.

There were several ironies involved in their actions of the ~~Quinault Allottees~~ ^{plaintiffs} ~~QNA-QAC~~. Under the terms of its ^{then} contract with the law firm, ~~its organizers~~ ^{then} had to secure legal authority to act for individual allottees before the lawyers would proceed with their investigation. At the outset, they evidently encountered the same sort of apathy, doubt, and apprehension that the BIA had faced for many years. Resorting to notices, meetings, and editorials ^{declarations} in their own Quinault Allottees Newsletter, it took them many months to ~~get~~ to reach the required total of 170 signers out of the ^{estimated total of} 1200 potential allottees, and another year before they had the ^{sum of} 531 timber land owners ^{as plaintiffs for the suit against the BIA}. A year after that, they claimed to speak for 650 of them.

The substance of their appeals to the allottees was an unintentional but notable echo of the explanation used by the BIA when it was trying to organize the Taholah and Crane Creek contract: that is, only those who signed over their power of attorney and participated in the ~~ad~~ action would share in the anticipated rewards.

Moreover, as ~~then~~ ^{later} Portland Area ^K Kenneth Hadley pointed out to ~~the~~ Quinault tribal officer, the QAC contract in effect would establish a possible monopoly by those who participated in it. ³⁷ ~~XXXXXXXXXX~~ ^{majority of its} ~~its~~ adherents had, of course, been outspoken in their criticism of the logging contracts as veritable monopolies. On the other hand, an increasingly smaller number of allotments still under federal management would have to bear the burden of claims against the bureau; those claims would have to be met not through regular administrative procedures but by the ~~expensive~~ adversarial techniques of litigation.

supported the dissident allottees. In October, the council authorized the business committee to appoint a seven member Quinault Allottees Committee. ^(QAC) ~~They~~ The QAC had no formal organization, but ^{in December,} the BIA recognized it as "a medium for the agency to work through" in determining action to be taken regarding fee patents, gifts, deeds, negotiated sales, supervised sales, special cutting permits, ^{and} road and gravel permits. ^{38 S.A. Lazar} The Assistant Superintendent, met with ~~the~~ ^{the} group on a regular basis and promised to consider every suggestion presented.

~~Superintendent Felshaw also examined the task force report~~

The Udall task force had also recommended that the BIA aggressively negotiate with the owners of access roads in the Queets ^{Unit} in order to obtain third-party use agreements that would be as favorable as possible for the Indians. But when a meeting with the QAC was called to discuss that matter, only one ~~owner~~ owner showed up. The discussion was postponed and a second meeting included ~~their~~ ^{The operators} representatives of the logging companies as well. ~~The contractors~~ ^{learned} that they had to seek approval from allotment owners for constructing such roads, even though consent had been automatically provided in the original contracts. ~~They~~ As a result of that requirement, there could be no monopoly purchase of the Queets Unit.

The BIA also promised to apply cutting permits to multiple ownership situations, recommended ^{percent} elimination of the 5% administrative fee, and retain private companies to reseed cut over areas to bring the land up to its maximum growth. Superintendent Felshaw proposed that the

bureau impress the Quinalts^{tribe} with the need for establishing their own forest management enterprise. It could assist them in acquiring tracts, obtaining local financing, and negotiating with the owners of the road systems.³⁹ The^{intentions and} initiatives ~~and~~ were viewed by ~~the~~ some plaintiffs in the Mitchell Case as a response to the suit, but ~~they~~^{in fact} they greatly resembled the recommendations formulated by the BIA in the decade after the Neuberger report.

Ultimately, historians may be able to conclude from still confidential records that the plaintiffs in the Mitchell case became the beneficiaries of the same kind of political change that had affected BIA policies during the preceding twenty years. Just as they pressed their claims~~x~~ in 1969, a ~~new~~ Republican administration assumed power in Washington, D. C.. President Richard Nixon and many of the men he appointed to places in the Interior Department had been supporters of the Eisenhower Administration's termination policy. ^{From the outset these new administrative officials} ~~They therefore resumed ~~management~~ the course~~

encouraged Indians to participate in the selection of BIA employees and the approval of allotment policy. Redefining the definition of trusteeship, they extended permits to Indian land owners to sell their holdings for a price below the fair market level. In the two years between the signing of the Mitchell suit contract and its approval by the BIA in January, 1970, the market value of Quinault timber increased ~~fivefold~~ fivefold while similar timber on adjacent state and national forest lands only doubled. Logging companies in the area ~~recognized~~ could readily afford to meet ~~BIA~~ increases in stumpage rates ~~but they~~ and still retain a good profit. But they perceived in the tendency of government Indian policy an opportunity to deal directly with the timber owners once the Indians were granted full economic self-determination.

Soon after, the bureau's staff underwent a period of disension, reevaluation, and reorganization

In September, 1970, ~~the new Secretary~~ Rogers Morton, the new Secretary of the Interior, issued a pledge to uphold ~~the BIA's~~ Indian self-determination; the following month, President Nixon publicly expressed dissatisfaction with the BIA and called for a clean up of the situation there. Whether or not the ^{so} new administration ^{no pains were} was trying ^{to} to demonstrate its receptivity to Indian militancy, such protests had by then taken on a more dramatic ~~and more~~ expression and more demanding substance. (Members of several tribes occupied Alcatraz Island in San Francisco Bay, and Washington State's Yakima's claimed ownership of Mount Adams and the valuable national forest that surrounded it.)

C.B.

The Quinault's had their day in the sun as well. In May, 1970, the QAC and tribal officials negotiated an agreement with Evans Products (formerly Aloha) for thirty day revisions in stumpage rates. From the standpoint of the federal government, such an agreement ~~implied~~ ~~implied~~ ~~implied~~ implied review of federal law and was therefore of doubtful constitutionality. When a federal arbitration board examined the Indian initiative in July, the allottees' representative withdrew; ^{before the board} ~~soon after~~ ~~decided the question,~~ Assistant Secretary of the Interior Loesch ~~agreed~~ ^{was} approved of the revisions on the basis of ~~the~~ market conditions. ~~When~~ ~~Rayonier~~ Rayonier, therefore anxious to cultivate ~~the~~ all parties concerned, ~~now~~ ~~sought~~ now sought and received BIA permission to pay ~~the~~ rates prior to the revisions. ~~The~~ ~~action~~ The ~~action~~ action seemed to confirm not only the old charge of "hand-ing-glove" relations between the companies and the BIA, but the new charge of misconduct in the BIA's hierarchy. ^{Aroused by the persistence of} ~~Seen afterwards,~~ a group of Quinault allottees temporarily closed down logging on the ^{Cleone Creek Unit} ~~reservation~~ by blocking the ^{company's} ~~access~~ ~~roads~~ ^{access} roads. News of the incident provoked sympathy for the Indians from ~~concerned~~ concerned citizens as far away as New Jersey.

In retrospect, the Mitchell Case and its repercussions ~~was~~ ~~was~~ ~~was~~ ~~was~~ was a concatenation of all of the conditions that had begun after the end of World War II. The ^{sudden good} ~~poor~~ health of the lumber industry had been even more disruptive to sustained yield management than its earlier ill health. The BIA could understandably think of itself as the sole preserver of the tradition of federal

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Forest Management of the Hemlock-Cedar Forests on the Quinalt Indian Reservation, Washington "Forest Management Conference Folio" Box 35534, RG 78, FRC; See also depositions by W. Cox, February 5, 1974 and Libby, June 3, 1975, Mitchell Case with other Documents Compilation #1

NOTES

- 1 William Zimmerman, Acting CBIA, ^{summary of the} to Paul R. Smith, president of Alaha Lumber Company, ^{to} Hall Unit Folder, Logging Unit Case File, Box 363, ~~RG 78~~ Record Group 78, Federal Records Center, Seattle, Washington.
- 2 E. Morgan Pryse, District Director to CBIA, November 18, 1946, Forestry General Supervisor Folder, 67-1-3 File, ~~Office Records~~ Portland Area Office Records, Bureau of Indian Affairs, Portland, Oregon; ^{C. H. Groves,} Acting Director, to CBIA, January 13, 1947, Mitchell Case ^{Document Compilation #} Citation List IJ47.2.
- 3 BIA foresters learned soon after that federal funds could not be legally used for reforestation and reseeding until at least half of the cutover land was restored to unified tribal control.
- 4 Floyd Philip^{son}, District Forester, memo to Quinalt Business Committee and to E. Morgan Pryse, March 10, 1947, Citation List IV J 47.2; Perry ~~Skarra~~ Skarra, Forest Manager, memorandum, November 4, 1947, Citation List VJ 47.3; ^{Melvin Hollander to} District Director, September 29, 1947, Forestry Department Folder, Box 350, RG 78, FRC.
- 5 The official presentation of the proposed ^{withdrawal} ~~termination~~ policy is in the annual reports of the Commissioner of the Bureau of Indian Affairs, ^{Primary} ~~but the~~ documentation of ~~the~~ legislative-administrative conflict ~~and in the~~ and cooperation behind that program is perceptively analyzed in Hasse ^{the}, especially pp. 99-100. ^{the} Although Hasse does not deal with ^{the} Quinalt, he does discuss the relevant ~~to~~ effort to terminate the Klamath Reservation
- 6 H. R. Lee, Associate CBIA, ~~XXXXXXXXXXXXXXXXXXXX~~ to Henry Jackson, March 12, 1952, Proposed Legislation Folder, 1951-1952, Box 18585, RG 78, FRC.

7 Excerpts from ~~E~~ R. T. ~~Titus~~ Titus to Daniel L. Goldfy, ~~April~~, Western Forest Industries Association, April 15, 1949, and accompanying memorandum, Oscar Chapman, Secretary of the Interior to Henry Jackson, May 3¹, 1949, and Robert E. Day to Chapman, February 27, 1950, Part 4, Taholah Timber General File, (microfilm copy), ~~RG 78~~ Records of the Office of the Secretary of the Interior (RG 0), National Archives, Washington, D.C.

Handwritten notes:
 Acting CBA to Chapman, Aug 25, 1950
 Taholah General Timber File
 Part 4 (microfilm copy) (RG 0)

8 ~~John~~ Lester McKeever, deposition, ~~February 25, 1974~~ June 5, 1975, Fuchett, Wash. 132
 Mitchell Case document compilation # 1

9 Dale Doty, Assistant Secretary of the Interior to ~~Senator~~ Harry P. Cain, ~~US~~ Senator from Washington, August 30, 1950

11 ~~See~~ Primary documentation and historical analysis of the legislative-administrative cooperation in the establishment of the termination policy is presented in Hasse O. ~~Atkinson~~

12 Reservation Report, June 1, 1956, especially pp. 78-79, 104-106, Box 1627 RG 78, FRC.

13 Proceedings, Resources Conference, Portland, Oregon, January 20-23, 1953, Box 18585, RG 78, FRC.

14 Minutes of the Annual Tribal Meeting, March ~~31~~ 31, 1956, Box 35770, RG 78, FRC.

15 Alfred Hartung-Richard Neuberger correspondence is in ~~TimberxxxQuinalt~~ Indian Affairs, Quinalt Timber Folder Box 13, and Timber, Quinalt Reservation Folder, Box 26, Richard L. Neuberger Papers, University of Oregon Library, Eugene.

16 The testimony and documents presented to Neuberger's subcommittee are printed in "Timber Sales on the Quinalt Indian Reservation", Hearings Before the Subcommittee on

Indian Affairs of the Committee on Interior and Insular Affairs

United States Senate, 85th Congress, 1st Session, April 12, 15, May 29, June 3, 1957 (~~XXXXX~~ Washington, D.C. Government Printing Office, 1957); See also correspondence in folders ~~ix~~ cited above, Neuberger Papers.

17 Robert Wolf to W. H. Coburn and A. Perlman, subcommittee counselors, ^{October 30, 1956} Timber, Quinault Reservation Folder, Box 26, Neuberger Papers.

18 ~~Richard~~ Neuberger to ~~Alfred~~ Hartung, September 6, 1957, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers.

19 Perry Skarra to Area Director, October 9, 1957, Committee to Represent Quinault Allottees, General Information #1, 060 File, Forest Branch ~~Records~~ Records, Hoquiam ~~Office~~, (Washington) Office.

20 Paul Petit and Joseph Hillaire to Charles Ringey, December 23, 1957, Committee to Represent Quinault Allottees, General Information #1, ~~xxxxxx~~ 060 File, Hoquiam Office.

21 J. L. Diddock to Dan Foster, Area Director, February 17, 1958, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam

22 James Murray to Claude Wain, June 27, 1958, ^{copy} Neuberger to Wilfred Petit, April 10, 1958, Timber, Quinault Reservation Folder, Box 28, Neuberger Papers.

23 ^P Dan Clark, Assistant Forest Manger, to Supervisor, QR, September 29, 1959, Commisate to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam Office.

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King to ...
Forestry General Supervisor Folder, Box 35535, RG 78, F

24 Roger ~~Ernst~~ Ernst, Assistant Secretary of the Interior, to CBIA, July 9, 1959, General Supervisor Folder, 64-1-15 File, Portland Area Office Records.

25 John Crow, Assistant CBIA to Foster, March 19, 1959, ^{Forestry General Supervisor Folder,} Box 52336, RG 78, FRC.

26 Supervisor, QR, to Foster, May 28, 1959, Forestry General Supervisor Folder, Box 52336, RG 78, FRC.

27 Ernst to Neuberger, April 15, 1959, Timber Quinault Reservation Folder, Box 26, Neuberger Papers.

~~28~~
29 ^{John A. Carver, Jr.} Supervisor's monthly report, Box 1627, FRC

~~30~~
30 John A. Carver, Jr, Assistant Secretary of the Interior to Henry Jackson, October 23, 1961; Anna Koontz to Jackson, September 6, 1962; J.A. Helied to Jackson, August 17, 1962; ~~Walter Libby~~ R D Holtz, Portland Area Director, Nov. 8 1962, Committee to Represent Quinault Allottees ~~File #1~~, 060 File, Hoquiam Office.

~~31~~
31 Correspondence between Quinaults and Congresswoman Hansen is in Indian ^{Affairs} ~~Quinault Indian~~ folder, box 35, Hansen Papers, University of Washington Library, Seattle.

~~32~~
32 Hank Adams to Hansen, February 21, 1967, *Ibid.*

~~33~~
33 Annual Reports of the Commissioner of the Bureau of Indian Affairs (1964-1969). ^{See also Henry W. Hough, Development of Indian Resources (Denver: World Press, 1967).}

34 Annual Reports, Taholah and Crane Creek Units, Box 74622, F.R.C.

35 Paul H Petit, Sr. to Thor Tollefson, July 6 1959, box 74, Tollefson Papers, University of Washington Library

36 The origin ~~and~~ development of the Mitchell Case are documented in ~~Box 168~~ ~~329~~ Quinault Allottees Association folder, 68-3-29 file, Portland ~~Area Office~~ ~~Quinault Allottees Association~~ ~~060 File~~

37 Kenneth Hadley to Tribal Operations Officer, March 27, 1969, Quinault Allottees Association folder, 68-3-29 file, Portland Office.

38 Felshaw to Dale M. Baldwin, ^{Portland} Area Director, Dec 10 1968, Quinault Allottees Association folder, 68-3-29 File, Portland Office.

39 Ibid.

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Chapter IV

THE BUREAU BESIEGED

Historical perspective is easily bent to suit the interests of the moment, especially when material advantages ride on the outcome of adjudication. Past actions which were merely practical responses are viewed through a glass darkly; things done on a day-to-day basis (or things not done) are reckoned as conspiracies or studied negligence. Such selective distortion of intent and consequence became ^{an} especially common practice during the 1960s when political activists, employing legal (and sometimes extralegal) tactics, captured the attention of the American people. The affairs of the Quinault Indian Reservation were readily and profoundly affected by the national development. Indeed, even the final segment of its history must be written by those who are participants in the changes of their own time.

During the last thirty years, federal management of the forest on the Quinault Reservation was overtaken by conditions and events that were quite beyond the control

of the Bureau of Indian Affairs. The timber industry in the Pacific Northwest remained unstable in the long-run and was subjected to the effects of Canadian production and new export markets overseas. With congressional prodding, successive presidential administrations substantially reduced the extent of federal trusteeship over Indian affairs. That change in turn contributed to the Indian peoples' quest for self-determination. In marked contrast to their earlier acquiescence, they organized themselves as special interest groups to command the attention of both public and private sectors of the American system. Each of these three developments originated in the four years following the end of World War II.

The coming of peace in 1945 did not improve the timber economy of the Olympic Peninsula. Although spruce had been used in war production, volume of sales and cutting of cedar and hemlock had not risen to the levels of the 1920s. Because of the sparsity of commercial purchases and the shortage of labor, lumber companies working the Quinault logging units had to ask for extensions on the terms of their contracts. While log prices rose slowly and slightly, the costs of new logging and road equipment shot well beyond wartime levels. ^{Although} ~~The BIA was~~ well aware of these problems ^{the BIA determined} ~~but insisted~~ that the Indian owners should

^

benefit from any increase in stumpage rates.

These economic conditions were offset by the hopes shared among loggers, foresters, and Indians. Anxious about the deterioration of the virgin cedar-hemlock forests north of the Quinault River through blowdown, disease, and fire, all of them looked forward to a resumption of sales for the harvest of the timber on that half of the reservation. After twice meeting with the tribal council, Superintendent George LaVatta travelled to district headquarters in Chicago to discuss the immediate future of that area. In the meantime, agency foresters gathered information and ideas about improved forest management at annual meetings of professional organizations. Among the topics discussed ~~among~~^{by} federal administrators and foresters were the size of logging units, access-road systems, sustained-yield practices, and reforestation of the area burned in the fire of 1941 (16 percent of the reservation forest).

Reporting on the results of a cruise in 1946, BIA forester Lester McKeever recommended the logging of a vast area, later divided into four units of which Taholah on the west, Queets on the northwest, and Crane Creek on the southeast were the largest. Applications of sound silvicultural practices, he said, would in no way diminish full economic productivity in these units. A procedure of phased, block clear-cutting would yield an annual harvest

The Quinalts also turned down another proposal that the government buy all the timber on the allotments at once. The alternative prospect of obtaining the highest private bid in public competition fully met their overriding desire for income from their timber tracts. That most lucrative arrangement would, of course, have to be made with lumber companies large enough to afford to pay a high level of stumpage rates. BIA officials therefore concluded that the Indians' concern for immediate income (as well as their own commitment to sustained yield) could best be met by a few large-area, long-term contracts rather than many ^{small-}_^ area, short-term arrangements.²

The paperwork involved in designing the logging units proposed for sale took up most of the time and efforts of the BIA foresters for almost two years. Drawing upon estimates made by tribal foresters like Cleveland Jackson, president of the Quinalt Council, as well as BIA foresters McKeever and John Libby, a system of selective, phased, clear cutting was devised whereby every operation would leave a reserve of trees in staggered blocks and along stream beds; blocks large enough to remain standing against the force of winds. After cutting, natural regeneration would be supplemented with the planting of seedlings.³ Slash would not be burned, as it was on the national forests and on other private lands under the jurisdiction of the

Washington State Forester, because the small allotment made safe burning especially difficult and also because there was not funding available. Following logging, however, slash or other logging debris with market value would be salvaged. A second cycle of cutting would take half of the reserve blocks after the passage of some thirty years, and a third phase about thirty years after that would take the rest, at which time the original portion would have produced commercially saleable timber. (In the professional opinion of bureau field foresters, other methods of cutting were not suitable to the cedar-hemlock forest of the reservation.)⁴

Those who purchased the forests would have to abide by these procedures and mark the boundaries of each of the allotments involved. The projected cutting, the road system, and the scaling operations would be continually supervised by BIA foresters. Purchasers would be required to harvest a maximum of 65 million board feet on each unit, well below the estimated sustained-yield total, and could cut no less than 25 million board feet. Allottee income would consist of 25 percent of the value of timber cut to be paid within thirty days of the cutting/scaling operations and another 25 percent paid within six years. (The terms on the earlier contracts had been 30 percent in six years and 50 percent in nine years; thus the proposed contracts guaranteed larger and more immediate income to the allottees.)

One of the most responsible provisions put into the contracts by the BIA was an Indian employment clause whereby purchasers were obligated to hire local tribe members to work in the operation. (Bureau foresters began to supplement that advantage by using Indians on their own field work and placing them in schools and jobs elsewhere; places from which they would otherwise have been excluded because of lack of experience and education.)

Because these professional standards had been determined within the BIA offices, several Quinaults, led by Cleveland Jackson, came to the new superintendent, Melvin Hollander, in March 1947, to protest that they had not been kept informed of the details of the proposed contracts. Like several small logging companies and woodworker organizations in the area, who were also complaining about the plan, these Indians preferred to have many small logging operations on just one vast unit. They were also reluctant to sign over their powers of attorney to the BIA until the logging had been done on their allotments, and they insisted that the purchasers should salvage slash as well as standing timber at the same time. Some even talked of going to Chicago and Washington, D.C., to seek an injunction against the planned sale.

At special meetings with the tribe's business committee, BIA officials tried to clarify priorities.

There would be no income until the units were purchased, they pointed out; both income and the costs of sustained yield could be guaranteed only by the logging procedure that large companies alone could afford to meet; no large company would purchase the units until the powers of attorney had been gathered by the BIA. Income was therefore dependent upon sales of the units. They also noted that the estimated value of the timber involved in the proposed units was over a million dollars annually, or one-third more than the sales of the 1920s. (The stumpage rate for red cedar, for example, would be \$9.75 per thousand, a rate higher than the existing level paid on the Department of the Interior's O and C lands in western Oregon by a ratio of 25 to 19.⁵) Once they were satisfied with these facts, the members of the tribal council supported the sale by official resolution. Indeed they were thereafter impatient with the paperwork and administrative delays involved, describing them as "so much red tape."⁶ By Cleveland Jackson's own admission, however, the Indians were critical primarily because they expected that they would soon have a free hand to make their own sales when the Bureau of Indian Affairs was abolished.

That prospect was a real one. In 1946, the Democratic administration of President Harry S. Truman had suffered a major setback in the congressional elections. When the

other matters. Faced with further budget cuts, the bureau decentralized its offices across the nation, establishing one in Portland to preside over administration of the tribes in Oregon and Washington. In January 1948, Assistant Secretary William Warne admitted that the BIA's ultimate goal was to work itself out of a job.⁷

The withdrawal policy continued even after the Democrats resumed control of Congress after the upset election of Truman in November 1948. Oscar Chapman, the new Secretary of the Interior, announced plans for full implementation of the program by 1951. He urged, however, that proper precautions be taken so that tribes were not exploited and the sudden change not cause economic hardships for them. His assistant secretary, Dillon Myer, had slight familiarity with the government's historic commitment to trusteeship, but he was a specialist in administering unpopular assignments efficiently. (Because every assistant secretary's primary concern was public land policy, Indian affairs was invariably viewed from that perspective.) He found that existing funds were insufficient to maintain fire protection or to construct roads on Indian reservations, and he was unable to secure new legislative authority to proceed with the Indian policy. As a result, he assumed for the BIA a larger extent of decision-making by executive orders.

In 1949, Commissioner John Nichols (Zimmerman remained the effective chief because of Nichols' long illness) authorized superintendents to release limited funds to tribes so that their members could deal directly with purchasers. Leases and sales could be made without permission of the BIA. Although the western Washington tribes were not immediately included in these new arrangements, they responded to the withdrawal policy with mixed feelings. Like every tribe, the Quinaults had a faction advocating immediate and full severance of federal trusteeship. But most of them were confused and doubtful about the prospect. "There is still a lot of fear on the part of the Indians about being left alone," a BIA official explained to Senator Henry M. Jackson of Washington.⁸ In 1952, with Jackson's assistance, all of the western Washington tribes were able to hold off implementation of the BIA's termination plans.

It was against that background of great change in Indian policy that timber sales on the Quinault Reservation were resumed for the first time in twenty years. Economically speaking, the time was not auspicious. Widespread public expectation of a belated postwar recession had caused logging cut-backs and a slump in forest products markets. Even the prospect of getting access to the Quinault's two billion board feet of commercial timber ^{count}~~count~~ not arouse

much enthusiasm among local lumber companies. Some of them joined with woodworker unions to insist that if the government was really a "Fair Deal" administration, it would hold hearings before opening the sales. In responding to inquiries from congressmen, the BIA explained that the proposed logging units at Quinault differed from the Forest Service procedure because they called for immediate payments to owners, and were unlike those of the Bureau of Land Management because they would draw the highest bid in several cases rather than award a single contract to one company. Coordination of sales with other organizations, the bureau pointed out, was secondary to securing the interests of the Indian owners. Smaller sales would have insured competition but would not have brought income to those allotments located far back in the forest where small operators could not afford to go.[?]

The bidding that opened in July 1949 was desultory. Only by April 1950 was the first of the units sold. (Boulder Creek, a small area taken for harvest within less than five years. Two other small units, Lake Quinault and Milwaukee Trail also were to be cut before the end of the decade.) Just as the Rayonier Lumber Company bid on the large Crane Creek Unit, the nation's economy was disrupted by the outbreak of the Korean War. That emergency had little positive effect on the lumber industry, however;

there was no all-out war boom and even less cutting done than the previous year because of cut backs in private building. Faced with the slump, and dissatisfied with the detailed requirements of the BIA contracts, Rayonier withdrew its bid and forfeited a deposit of \$163,000 in October. That amount was distributed to the Quinaults in ✓ May 1950 by an unprecedented decision of the Solicitor of the Department of the Interior. That same month, however, the Aloha Lumber Company that had successfully worked the Hall Unit on the southern part of the reservation purchased the Taholah Unit for a cutting period that would run twenty-nine years.

No bids were received for the Queets Unit, so the Bureau's sustained-yield procedures could not be practically applied there. Instead, individual allottees who were judged competent secured permits in fee, and special regulated permits to cut were given to applicants judged not competent, that is, not able to conduct business arrangements themselves.

Because the sales were delayed, and because stumpage rates were reduced slightly to reflect the timber industry / slump (cedar went from \$10 to ⁸9.55, hemlock from \$4 to \$3.65 per thousand), some allottees decided that the costs of sustained yield made the contracts entirely unsatisfactory. Although 60 percent of them had signed powers of attorney

unit sales were being solved "in a manner that appears to be the most advantageous to the greatest number of Indians concerned."¹¹

Recalling the Quinault's earlier rejection of the BIA proposal to pool their resources for cooperative enterprise and recognizing that there were no other funds available to give immediate income, especially to older allottees, the Interior Department in January 1952¹² approved a BIA budget request for \$50 million to pay nonresidents and heirs.

Anxious that area headquarters might be discouraged ✓ by these premature criticisms, ^{intendant} ~~Supervisor~~ Raymond Bitney urged his superiors to proceed with the sales while the allottees' pledges to participate still prevailed. Having just undergone a reorganization of its management, the Rayonier Company signed a contract in June 1952 to harvest within thirty-four years \$5 million worth of timber of the Crane Creek Unit. Five hundred forty-one allotments were included in the area to be cut; about one-fourth of them were owned by Indians who were over fifty years of age. The Queets Unit was not again offered for sale because of the resumption of efforts to terminate federal trusteeship over Indian properties.

In 1952, the Republican Congress won both the presidency and a working majority in Congress. Dwight D.

Eisenhower's campaign promise to restore an equitable balance between citizens and their government was translated into legislative proposals that would cut federal spending, decentralize administration, and establish a "partnership" among federal, state, and private initiatives in order to stimulate what was ubiquitously described as "free enterprise." Eisenhower personally objected to the pressures of special interests that engendered separatism when national harmony and unity were needed. He relied upon the men he appointed to the executive branch and upon Republican leaders in Congress to translate his emphases into new policies. Subsequent efforts by both the Interior Department and legislators tended to promote private access to the lands and resources on the public domain.

The new Secretary of the Interior was Douglas McKay, former governor of Oregon, a self-made millionaire businessman who insisted that Indians were no different from any other citizens. His assistant for Indian Affairs, Orme Lewis of Arizona, had slight familiarity with the subject under his jurisdiction. At the BIA, Commissioner Zimmerman was removed and, after a delay of nine months, was replaced by Glenn Emmons, a banker from Gallup, New Mexico. The Chapman-Myer plans for withdrawal of federal supervision were continued as part of the Republican

arrangement of their affairs. Whether intended or not, the term "consultation" was widely misinterpreted. Under the constitution and the rulings of the Supreme Court, federal law is supreme and cannot be reviewed or altered by any governmental or private entity. When the Interior Department complied with the laws calling for consultation, therefore, it could not legally agree to be bound by the understandings arrived at in those consultations.¹² Whenever it asserted that fact, however, it was accused of perfidy.

A second provision of the proposed termination policy revealed a more serious paradox. The Secretary of the Interior was to designate a tribe as ready for termination when, in his judgment, its members were economically and socially ready to make the transition to self-sufficiency. But if the designated tribe did not wish to undergo that change, the government was faced with the prospect of using coercion, the very antithesis of the American political system. To Republicans, such federal coercion was an anathema. In the case of the Quinalts, there was an additional consideration: whatever problems termination could solve, it could not beneficially affect the complex legal and economic commitment of sustained-yield forest management. Before the Interior Department found time to wrestle with that special problem, however, the elections of 1954 brought an end to Republican control of the Congress.

council in consultation and communication of logging information, it could not have such a relationship with the overwhelming number of allottees. Also the BIA was still responsible as trustee for the interests of all of the Indians who had holdings on the reservation, even though they in fact consisted of scattered individuals who had no political entity other than the fact that their property was located on the same Indian reservation. Moreover, that economic interest was shared by many non-Indians in the area and elsewhere. While there was little political identity among the Quinalts, termination of federal supervision would end even that; thereafter the allottees would exist only in an economic sense (plus whatever cultural distinction they themselves maintained).

By 1953 there appeared a certain element among the Quinalts, whom Superintendent Raymond Bitney described as "those who feel that they are beyond the law governing such timber regulations." These members instigated a new rash of trespasses and demanded removal of BIA employees who stood against their violations of the law.

By 1956 some allottees eagerly looked forward to economic independence, without anticipating the credit and tax problems that such independence would also bring. They denied that the tribal council represented their interests and insisted that neither the contract holders nor the BIA

were protecting those interests. At least that was the complaint made by Claude Wain, a logging promoter whose allotment timber had brought him \$14,000 in 1954. Many allottees supported clearcutting but objected when they saw that only timber near their holdings was being logged but not on their holdings. Methodology was not the issue; income to individuals was the issue. Such complaints were especially provoked by BIA reductions in the stumpage rates in 1953 (red cedar dropped from \$13.05 to \$10.40, but hemlock rose slightly from \$4.35 to \$4.60); the tribal council was pleased when the rates increased the next year (cedar rose to \$14.30 and hemlock to \$5.25). But most of the allottees only then realized that they could not secure modification of the unit contracts, and so they looked longingly toward obtaining release through acquiring patents in fee. In some cases, local logging company representatives encouraged them to apply for those patents, refused to purchase them thereafter, and then waited until defaults on county tax payments made the land available cheaply. These concerns were but a sample from among those that distracted BIA officials as they turned to the implementation of their 1954 recommendations for improvement of sustained-yield procedures at Quinault.

"It is difficult," a BIA spokesman told a resources conference in Portland with notable understatement, "to

convince Indian owners that the allotment should be placed under sustained yield management before they can realize anything from that land."¹⁷ Instead, owners seemed to be seeking any kind of alternative to their initial commitment. While allottees had overwhelmingly accepted BIA advice a few years before and ~~transferred~~^{signed} power^s of attorney in order to participate under the new contracts, they now overwhelmingly rejected BIA advice and sought patents in fee. Those who had the facilities to do their own cutting did so even though such activities, under the contract they participated in, constituted trespass. One of the allottees, owner of a logging company, urged the tribal council to financially support his enterprise as the tribe's official logger. Council Chairman Cleveland Jackson informed him, however, that the council had no authority to enter into such an agreement.¹⁸

The BIA area officials waited for the Washington, D.C., office to inform them of their continuing responsibilities under termination policy, before they could accurately plan annual revisions in sustained yield and cutting programs. However, clarifications originated not in the Interior Department, but in the Congress. In 1954, voters in the Pacific Northwest had rejected several prominent Republican candidates in the congressional elections, apparently for two reasons: there had been a marked slump in timber sales,

lumber production, and employment; and the administration's promise to stimulate economic initiatives through "partnership" seemed, in practice, to favor a few large corporations. In Oregon, journalist Richard Neuberger campaigned for Senator Gordon's seat by linking him with McKay's Interior Department in a "giveaway" of public resources and a "takeaway" of contracts and jobs. When the challenger won by a slim majority, James Murray of Montana, the new chairman of the Senate Interior Committee, assigned him to head the subcommittee on Indian affairs. Soon after, Neuberger received a particularly impressive charge from Alfred Hartung, who was both president of the International Woodworkers Association of Portland and the husband of an allottee, who had long been dissatisfied with stumpage rates under the long-term requirements of the Quinault contracts. Hartung asserted that the contractors were paying far less for certain types of timber that was more highly valued on state of Washington and Forest Service lands. (Hemlock that brought \$4.42 at Taholah and \$6.50 at Crane Creek, he said, was purchased for \$10 to \$15 outside the reservation.)¹⁷

The allegations set off a flurry of protest from citizens concerned with conservation and Indian welfare. The ensuing publicity nicely dovetailed with the Democratic Congress' efforts to discredit and roll back the Eisenhower

administration's policies. Senator Neuberger did not try to criticize the BIA, but he asked it to account for what seemed to be blatant price discrepancies at Quinault. In reply, Commissioner Emmons pointed out that the contracts were designed to give fair return to allottees over a long period of time and therefore did not reflect either the highs or lows of the changing timber market in the area. The Senator was not satisfied by that explanation. Early in 1955, his subcommittee scheduled hearings on the question of timber management policies at Quinault, and its assistants went to the Pacific Northwest to collect testimony.²⁹

In public statements, Neuberger tried to attract attention by depicting the Rayonier Corporation as a typically unscrupulous monopolist; in private inquiries, moreover, he noted that some Quinaults worked for the logging companies.³¹ Generally he believed that the apparent inequities at Quinault were merely symptoms of the unwise economic policies of the Eisenhower administration. Committee assistants drew his attention to practices that he found to be particularly objectionable. For example, he saw that while the bureau forestalled withdrawals from the contracts by allottees, it seemed willing to revise the agreements to permit the purchasers to use interest payments as credit in borrowing to pay advances to the

allottees. Branding that practice as unsavory, he invited the comptroller general, head of the General Accounting Office (GAO), to review the matter.

In the meantime, Commissioner Emmons went to the Pacific Northwest to improve the government's image in talks with tribal leaders. Meeting with him briefly, the Quinault delegation raised the question of the 10 percent administrative charge, the need for more access roads, and remedial legislation on heirship. It made no criticism of timber policies per se, however. Shortly after these meetings, the political circumstances of 1956 brought about Secretary McKay's resignation and his defeat in a race for the senate seat of Neuberger's mentor, Wayne L. Morse. The new Secretary of the Interior, Fred Seaton, found himself confronted with the same kind of congressional pressure that his Democratic predecessor, Chapman, had faced seven years before. Within a year, Seaton replaced McKay's advocates of immediate and coercive termination with men who were more pragmatic and politically adept. Emmons ✓ remained as Commissioner, but most of his authority was assumed by a new assistant secretary in charge of Indian Affairs, O. Hatfield Chilson.

These new officials watched warily as Neuberger's subcommittee opened public hearings on Quinault timber management in April 1957. Four topics were explored

Quinalts in 1950 and 1951, it was essentially Senator Neuberger's show. (Minority members Goldwater and Watkins took little part in the hearings and finally charged that the majority had ignored BIA efforts to protect the Indian interests.) Just as the sessions began, the Democratic members were angered to learn that the BIA had just granted reductions in stumpage rates to the Quinault contractors because of earlier agreements and had failed to immediately ✓ inform the subcommittee of the change.²³ The matter seemed to confirm public suspicion that the bureau and the so-called monopolists were working hand-in-glove.

As everybody's villain, the BIA presented its defense in two stages. At Neuberger's request, Secretary Seaton sent a progress report in October 1956. In it he defended the 10 percent interest charge as a tiny fraction of the factors that determined stumpage rates; it was, he said further, a proper business practice. He also explained

that the BIA had not had much luck with granting patents in fee ~~because of the costs of getting at inaccessible tracts, and because outside appraisals discouraged participation in existing contracts.~~ *Many of the tracts were inaccessible and thus prohibitively costly to cut, he noted. Some allottees believed, moreover, that private appraisers had undervalued the timber on their tracts.*

What does this mean?

~~participation in existing contracts.~~ He noted, however, that patent policy had been revised to recognize that individual allottees interests need not be subordinated to tribal interests or to timber management requirements, except in critical cases. The Quinalts, he reiterated,

had shown no enthusiasm for earlier BIA suggestions that they share cooperatively in logging payments, no matter whose allotments were cut, and had not supported the BIA idea for establishing a tribal logging mill.

Then, at the subcommittee hearings late in May 1957, George Kephart, chief of the forest bureau of the BIA, documented the way in which the Quinault tribal council had at first opposed and then supported the Taholah and Crane Creek contracts. Periodic stumpage adjustments were based upon every possible economic consideration, he said. The Forest Service rates were not determined by the necessity for immediate income to the owners, moreover, and the state of Washington sold a smaller volume. He candidly observed that sustained yield concepts meant nothing to Indian allottees eager to have the quickest, highest income, but he insisted that the BIA nevertheless had adhered to that policy because it was in the Indians' best interests, whether they understood it to be so or not. Finally, Kephart admitted that he did not have sufficient survey data on which to base comparisons of stumpage rates, nor did the bureau have sufficient funds to replant cutover blocks. (Not until a year later would his office recognize, for example, that Forest Service estimates were being compared with the BIA's actual payments; when Forest Service payments were later made, they were notably lower than the estimates.)

While Senator Neuberger did not closely cross examine the defendants, he relied upon an analysis given him by Robert Wolf, a former Forest Service and Bureau of Land Management forester now serving with the GAO. Wolf's report questioned Interior's real concern for the Indians. Even if the 10 percent interest charge was legitimate, Wolf noted, that did not make it proper. If an allottee paid a thousand dollars for the administrative costs, did he get a thousand dollars worth of administration? At least the equity of the charge was assailable. If the bureau allowed 500 allottees to band together to participate in long-term contracts, he questioned, why could they not do the same for shorter-term agreements that would produce sustained income? Why should allottees seek patents in fee when their timber was already under long-term contracts from which the bureau would not grant them release? The BIA's sustained-yield policy had produced erratic income, but the variations in productivity and stumpage rates could be supplemented by a revolving fund which would not be subject to Congressional budget ceilings. (Kephart had said that such a fund had already been considered but had aroused negligible interest.) In response to the BIA's assertion that the Quinalts were unresponsive to bureau suggestions because they were culturally resigned to share the disadvantages as well as the advantages of economic

life, Wolf pointedly asked, ". . . is this trusteeship at work?"²⁴

Neuberger was especially outraged by the implications of the 10 percent administrative fee. He thought it grossly unfair to grant the contractors credit on borrowing at the expense of the allottees while the Indians were given no such credit when they had to borrow money. At his request, the GAO immediately investigated the assessment and asked Congress to remove it. Far from trying to cut down the BIA's procedures, however, his final report noted that Interior already had sufficient authority to effect improvements in its timber management policies without additional legislation. It could, for example, make a cash settlement to the companies for allotments withdrawn from the contract. The administrative charge could be replaced by a special revolving fund, based upon receipts and used to administer the contracts producing those receipts.²⁵

The Forest Service might well supply the BIA with its own stumpage adjustment rates, the report continued, through a simple interdepartmental agreement with the Department of Agriculture. (Such an exchange would also be evidence of better relationships between those two traditional antagonists.) In any case, some provision should be made for older Indians to get immediate income from their

allotments, perhaps by using timber as security for advanced payments. In the case of the unsold Queets unit, policies should be devised for rights-of-way and tolls, while road construction costs should be taken out of allottee income without an interest charge if the government built the roads. Finally, as a first step toward making BIA timber management more acceptable, the report recommended the establishment of Indian advisory boards to serve both as a means for consultation and as a clearing house for information.

Neuberger asked Assistant Secretary Chilson to inform the subcommittee by July 1, 1958, of any changes in the volume and quality of stumpage rates paid to the Crane Creek and Taholah contractors. Further hearings would be held, he added pointedly, if they were deemed necessary. He also asked the comptroller general to maintain a steady spotlight on the BIA's pricing decisions and cost accounting procedures. In January 1958, the GAO assigned a man to the forestry office at the Portland Area headquarters. Neuberger did not press his investigations further. He hoped that the Interior Department would proceed to devise its own improvements. "If we cannot prod the Indian Bureau into finally representing the Indians rather than in favoring the timber companies," he wrote to woodworker's president Hartung at the end of the subcommittee's hearings, "I do

not know what can do the job."²⁷

The Neuberger recommendations arrived at the Interior Department just as Secretary Seaton was preparing an overall defense of the Eisenhower Administration's Indian policy. He did not hope to continue the obviously inadequate and discredited termination policy, but he hoped to mollify the Democratic majority in Congress by directing the BIA to base its actions upon both the understanding and concurrence of the tribes they dealt with. Assistant Secretary Chilson agreed that the Neuberger recommendations were desirable and instructed the Forestry Branch to submit constructive proposals. But generally the BIA officials believed that the recommendations merely restated ideas that had been submitted to the Quinaults and to Congress in previous years, ideas that had been rejected or not acted upon by either entity. The only item in the report that seemed immediately applicable was the establishment of an Indian claims advisory committee.²⁸

The department was also concerned about adverse comments that appeared in the press during and after the Neuberger hearing. One of the "outrages" against Indians and conservation most frequently cited and photographed was a stretch of uprooted stumps left by logging decades before but still visible from the Olympic Highway. None of these critics were aware of the fact that the BIA and the National

Park Service had agreed (before the Quinault contracts were sold) that the new purchasers would be required to leave a strip of trees standing on both sides of the highway. Unfortunately such strips were not continuous or wide enough to screen the effects of the earlier logging from the passing public.

The burden of response to the Neuberger report devolved, of course, on the Portland Area Offices. In October 1957, Forest Manager Perry Skarra presented the proposals to members of the Quinault tribe. Those attending the meeting, he reported, appeared confused or apathetic, attitudes that he ascribed not to their distrust of the BIA but to their distrust of each other's motives. Most of them wanted to talk about their own allotments; only one of them asked questions about the committee idea. It was the Indian claims attorney, McLeod, who spoke out against the bureau for letting companies build access roads into the Queets without giving allottees specific information about damages or widths. He admitted that he was advising his clients to withhold powers of attorney and wait until they could obtain permission to charge tolls for use of roads crossing their holdings. The only topic all those attending agreed upon was opposition to the 10 percent administrative fee and a demand for full voice in agency decisions. They were "adamant that their desires should prevail," Skarra reported,

but they offered few constructive suggestions. Instead, the allottees refused to reinvest part of their stumpage profit in such highly desirable improvements as reforestation simply because they felt that the 10 percent fee should cover the costs of all BIA projects on the reservation.

✓ In December, ¹⁹⁵⁷ the original idea of creating advisory boards for each of the four logging units required so much paperwork that it was replaced by establishment of an overall group, an interim Quinault Indian Claims Advisory Committee. Conceived as an adjunct of the tribal business committee, its creation immediately revived long-standing allottee objections to the jurisdiction of the tribal council. When at the same time Superintendent Ringey ✓ established a Quinault newsletter to disseminate information concerning logging regulations, stumpage rates, credit, and income, he drew down similar criticism. The newsletter presented but did not explain highly technical data, some allottees asserted, and did not present their own viewpoint.

Claude Wain, Paul Petit, and Joseph Hillaire, three of the men who had supplied the Neuberger committee with allegations against BIA forest management policy, claimed to speak for Quinault allottees. "Because we feel that you actually have the best interests of the Indians at heart," they informed Ringey, "(and many agents have not had) we will invite you to attend. . ." meetings of allottees

that they meant to call in the near future. ". . .we hope that you will be prepared to speak to these Indians and explain to them, their position to-day as it stands."³⁰ The superintendent sent J. L. Diddock, realty officer from the Portland office, to attend the first of these meetings in February 1958. The organizers made brief speeches "containing the usual critical remarks of BIA cutting," and after personal gripes were turned aside the participants took up the subject of the interim advisory committee. Many admitted that they feared what the BIA would do if they participated in its deliberations. Diddock thought that they did not understand that the committee would not be effective unless they first granted the necessary rights of way so that the Queets timber could be cut; they must also "overcome hostility toward each other. . .," he reported.³¹

Choosing to act on the latter problem, the dissident allottees formed a Resource Development Association in March.¹⁹⁵⁸ Aware that this action constituted a challenge, the tribal council declared that the new group must negotiate through it. The dissidents, of course, claimed precisely that authority for their own group.³² Even before resolution of the conflict was made by Interior Department solicitors, Forest Manager Libby reminded the association's leaders that although the government welcomed any information from them, it was not bound to comply with their advice, nor

could long-term timber sales policy and joint tribal concerns be subject to the demands of the few allottees belonging to that organization.

There was a great difference of opinion about the intent and purpose of the dissident organization, even among its membership. Responding to its complaints that no controls had yet been established over the BIA, Senator Neuberger reiterated that the boards recommended by his committee were to provide allottees with knowledge of business management so that they could become self-sufficient by the time they were allowed to sell their own land. Until then, tribal jurisdiction over business matters prevailed. "In effect," Senate Interior Committee Chairman Murray told them, "what you apparently seek is to supplant the Bureau of Indian Affairs staff and organization with one of your own which will take over the management of the economic resources of the Quinault Reservation, thus terminating Federal control and supervision. I am hopeful that you may be able to achieve this goal." For the present, however, he urged them to work with the Interim Claims Advisory Committee and to seek BIA cooperation, even if the government officers did not always measure up to their expectations. He also reminded them that when and if their association ✓ did super^scede government administration, they would have to finance their operations out of income, because the Interior

appropriations committee would not finance "a parallel organization."³³

Within the course of a year, the Resource Development Association became impotent in every way except to drain attendance and interest from the interim committee. When allottees recognized that neither group wielded sufficient influence to obtain modifications in or releases from the contracts, they lost what slight interest and hope they had had in the idea of advisory committees.³⁴ The interim organization, nevertheless, went so far as to request an operating budget, adjustments of stumpage rates, and approval of any modifications in the Crane Creek contract.³⁵ But that logging operation was already in such difficulties that the committee's potential involvement was obviously peripheral to the great problems facing the forest managers. As part of the nationwide recession of 1957-1958, the lumber industry hit another period of slump. Rayonier closed its cutting work for six months, and Aloha decreased its own production substantially. In September 1958, both companies announced that they would purchase no more patents in fee from allottees. As a result, BIA offices were inundated by Indians seeking assistance.

The BIA foresters recognized the perversity of the situation. The allottees would continue to seek patents in fee in order to get what they were assured by local

loggers would be higher and more immediate income. The BIA informed each of them that stumpage rates on existing units could not be raised until the overall forest industry situation improved. At the same time, it pointed out that the Queets Unit could not be organized and offered for sale until the powers of attorney of all allottees had been secured. Neither prospect was likely to happen in the near future. But while adhering to its forest management program in keeping with federal trusteeship, the bureau could not make adjustments or conduct surveys for the second stage of block clearcutting on existing logging units because so many allotments were now beyond federal jurisdiction. In March 1958, area forester Harold Weaver suggested that one- to two-year contracts be designed to give the bureau essential flexibility by applying separate controls for tribal timber and for each allotment. Unless such adjustments were made, he said, "our popularity curve [will] drop to a new low with the Indians." Assistant Commissioner John Crow promised to have the forestry manual rewritten to authorize local officials to adopt such short-term agreements, but he did not think that policy would be "a cure-all."

In February 1959, Libby urged his associates to establish special provisions for allottees to log or sell their holdings. But none of the field officers were certain

of their authority to take such actions. Superintendent Ringey questioned his own responsibility for controlling management of allottee timber, now that Indians had been judged competent to conduct their own affairs. The Portland Area office notified the unit contractors that the BIA was no longer responsible for patented allotments or for scaling and would not accept stumpage payments on behalf of non-Indian allottees. In the meantime, timber holdings became tax delinquent, trespasses (often unprovable) increased, and allottees sold their patents without informing the BIA. Statistically and administratively speaking, it was a sorry mess for the BIA to untangle. In Washington, D.C., the Interior Department tried to relieve the situation somewhat by giving notice that administrative fees would be temporarily suspended while a reduction was considered. Moreover, it would seek only an approximate and reasonable balance between annual expenditures and assessments both in the general BIA budget and at the Portland Area office.³⁷

Another problem facing forest managers on the Quinault Reservation was how to deal with logging slash. Harold Weaver issued one of a series of reports on forest management, including slash, in March 1959.³⁹ On the adjacent Quinault Ranger District of the Olympic National Forest, Weaver noted, slash was burned following logging whenever possible. However, the Forest Service had authorization to earmark a

portion of its timber sale receipts for this task; the BIA had no such authorization, so it would be up to each allottee to volunteer such funds (an unlikely event). The same basic problem existed for reforestation. The 1930 Knutson-Vandenburg Act allowed the Forest Service to utilize a portion of timber receipts for planting, thinning, and pruning. No equivalent authority was available to the BIA, necessitating again allottee funding for reforestation following logging. These limitations to BIA prerogatives are logical when one thinks of the allotments as private property; the owner has a responsibility for the land, in addition to the opportunity for financial gain.

The size and number of allotments added to the slash problem. If one allottee wished to burn his slash, how could the adjacent allotments be protected from the fire? Since the slash following clearcutting was contiguous, it seems almost certain that the fire would spread beyond the eighty-acre tract. Even with improvements in fire technology there are many uncertainties, and risks are necessary and must be accepted. If adjacent owners will not accept such risks, then no allotment can be burned, even if funds are available. Accumulation of slash, unsightly to many, often an impediment to planting crews, and for a few years at least a fire hazard, remains a problem to be lived with.

The foresters of the BIA were becoming increasingly

convinced that the only means of continuing sustained-yield management on the reservation was the consolidation of allotments under unified tribal ownership. But by 1959, the tendency was in exactly the opposite direction toward private ownership. During the next ten years, over half of the original contracted land area would be alienated from federal trust. But as Assistant Commissioner John Crow reminded Dan Foster, Director of the Portland Area office, the BIA still had responsibility "to be sure that all of the Indian interests receive their proper share of the proceeds of any sale." Similarly, permits for individual cutting or salvage would depend upon consideration of allottee needs and not upon the desires of those who had taken patents in fee. ["Any service that we perform for

the owners of these alienated interests," the superintendent asserted, "is entirely incidental to the service performed on behalf of the owners of trust interests. They do not ask us to perform this service for them, rather we ask them to favor the owners of the trust interests by consenting to the trust sale." ³¹]

Because they applied that distinction in response to complaints and appeals by Indian timberland owners, the BIA officials in effect gave more help to allottees still under their jurisdiction. For these allottees the BIA would order the logging companies to make a special effort

to cut a particular area; in many instances, the income secured was notably higher than the original estimates. But their responses to other timber owners were characterized by indirection or generalizations that were viewed as subterfuge and thus as evidence of complicity with the contract holders. For example, the increase in export sales to Japan since the early 1950s had made recovery of slash far more important to both loggers and allottees than it had been when the unit contracts were designed to focus on standing timber. Responding to one of the many new applications for permits to recover slash on allotments, Superintendent Ringey emphasized the contractor's responsibility for bearing the costs of orderly management. ~~by asking, ". . . why not let Rayonier do the operation?"~~¹⁰ Inevitably, these gestures of help for some and not others, and suggestions that upheld the sustained-yield plan, were interpreted by allottees as favoritism and skullduggery.

Such accusations continued to reach the offices of members of Congress. Neuberger for one was often exasperated at the irrationality of those who had precipitously obtained patents in fee in order to carry out their own timber sale, yet demanded attention and security from the BIA. Feeling obliged to give the complainers some response, he sent their letters to the Interior Department. There, Assistant

Secretary Roger Ernst assured him: "We are convinced. . . that the number of legitimate complaints is well within the allowable limits of efficient administration. Other complaints we find, reflect misunderstandings or are protests against conditions over which we have no control."⁴¹

Concentrating their efforts on the priority of efficient administration, local bureau officials surveyed logging operations and were pleased with company initiatives in road building and maintenance. When the large Pope and Talbot Lumber Company sought their assurance of monopoly in building a rafting/booming site at the mouth of the Quinault River, a forest manager declined to give it and the feeler was dropped. The Superintendent reported, however, "strong and healthy" interest in competition for Queets Unit sale to be held in Hoquiam early in 1960.⁴² The bureau still believed that long-term contracts were the most feasible method for providing income for the greatest number of allottees, while keeping logging operations within the sustained-yield capacity of the reservation forest. But another such sale could not be made in the face of recent objections and continuing complaints. As Superintendent Ringey expressed it, new contracts could not readily be modified for proper forest management procedures, because most non-residents were "interested primarily in converting their reservation

property to cash." After 1960, therefore, all logging was done by special permits.

The first years of the 1960s proved to be a time for new adjustments. At Quinault the maximum allowable cut was raised to 150 million board feet over a three-year period. Reseeding of Douglas-fir was commenced by the BIA foresters in 1961 and 1962, and surveys for further renewal were begun. Output declined, however, and high winds in October 1962, followed by heavy rains in November, felled over ten billion board feet throughout the coastal Pacific Northwest. Natural regeneration of the forests, the BIA recognized, would no longer be sufficient. Reforestation proposals were submitted to take advantage of new agricultural conservation assistance programs, and slash salvage procedures were improved. Trimming and pruning work done under federal public works programs supplemented the efforts by the logging companies to replant blocks that had been cut during the preceding years. The BIA also recommended revisions in the existing contracts to make it worthwhile for the operators to cut marginal cedar stands. When the Pacific Northwest Loggers Association disbanded in 1962, stumpage rates were adjusted to Forest Service guidelines, but soon afterwards the Forest Service relied upon ratios provided by the BIA's Forestry Branch.

Under the impetus of the John Kennedy administration,

the cause of the Quinault Indians once again attracted the attention of members of the Democratic Congress. As chairman of the Senate Interior Committee, Henry Jackson sought BIA explanations for issues raised by allottees from his own constituency. But the adversarial implications of the Neuberger-Seaton period were significantly altered. Now there were several Indians on the BIA's staff in Washington, D.C., and the head of its Forestry Branch was Perry Skarra, longtime forest manager at the Quinault Reservation. Although the administrators' understanding could no longer be doubted, the problem of communication with the allottees persisted. As the Assistant Secretary of the Interior charged with handling Indian affairs explained to Jackson, the BIA continued to consult with the allottees but had to do so individually because there was no committee that could represent many allottees at once. Some allottees accounted for the failure of the claims advisory committee of 1958 by charging that the BIA preferred to cooperate with the tribal council instead. But the husband of one allottee admitted: "I believe the complete indifference by the allottees, other than when monetary remuneration is concerned, is appalling, and that some effort should be made to organize this group for their own welfare."¹⁴

Concepts emphasizing the elimination of separateness

and the absorption of Indians into the white American system had produced the withdrawal/termination proposals at the outset of the 1950s. A decade later, the minority-rights movement completely reversed that philosophy by emphasizing the preservation of Indian identity. No one was more sensitive to that change than Congresswoman Julia Butler Hansen, a Democrat in Congress representing the district that included the Quinault Reservation. By assuming the mantle of Senator Neuberger (who had died in 1960), she was the solicitous recipient of correspondence from dissatisfied Quinaults and long-time critics.¹⁵ Although necessarily concerned with the problems of the area's lumber companies, Hansen was particularly sensitive to extending minority welfare legislation to the Indians as well.

Through her efforts, congressional aid for the economic welfare of minority groups was translated into BIA encouragement of local manufacturing plants near the reservation to employ Indians.¹⁶ The new leaders of the tribe nevertheless continued to complain, perhaps because of a very slight decline in stumpage rates in March 1961 (cedar went to \$10.27, hemlock to \$9.13). When these rates had not changed a year later, the tribal council charged that the logging companies were controlling the rates. Their people insisted that sustained yield placed

"severe limitations on the amount of timber which may be sold, irrespective of whether the limitations make sense considering the situation of the tribe and its members, or whether it would make sense if the interest were owned by non-Indians." They therefore went on record in support of legislation that would replace sustained yield with "prudent management" of the timber. Woodworker president Haurtung came to their aid once again by pointing out the unit contractor's negligence in paying funds to the allottees. Assistant Secretary of the Interior D. Otis Beasley immediately ordered the companies to pay the amounts within thirty days.⁴⁷

The old sore of the 10 percent administrative fee was somewhat healed when the Interior Department employed stricter means of computing it, but proposed legislation was designed to retain the charge. Indeed in 1962 ^{Deputy} Attorney General Nicholas Katzenbach defended it by citing Morrison v. Work 4266 US 481, 488 (1925), in which the Supreme Court ^{tribal} ~~upheld~~ federal administration of ^{trust} ~~trust~~ property ^{resembles} ~~as~~ a proper citizen's right.

The foresters overseeing management of Quinault timber were by now the victims of a new statistic: between 1958 and 1966 the amount of land held under individual patents in fee increased from 33,747 acres to 59,828; in two more years that total would be 62,059. The Quinalts and the

Please note attached Excerpt from Morrison v. Work.

What is source for Katzenbach reference. Please send me a copy.

The right of Indians to have proper federal administration of trust property indicated that a

The general right of every citizen to have the Government administer according to law and the public moneys properly applied.

Source?

BIA had to live with the bitter fact that there was no way to restore patented lands to tribal ownership except by tribal purchase. Instead of being a caretaker of Indian interests there, ^{for the extent that Fee patented allotments passed} the BIA was ~~therefore rapidly~~ becoming little more than a technical advisor of forestry.

The economic supervision of the past had to give way to the realization that the Indians needed not security but opportunity. To that end, the Democratic Congress took up an Indian Resources Development bill in 1967. The economic interests of the Quinault tribe were by then so diversified that the old issues of timberland sales were relegated to the sidelines by the younger generation. As participants in the growing mood of assertiveness by the Indians in western Washington State, they decided that salmon fisheries were the mainstay of their welfare. (The newly designed symbol of the tribal committee showed a young Indian hefting a large salmon. There was no sign of a tree included. Only the minority of resident allottees would profit from fisheries enterprise, of course.)

Under the new leadership, ^{*residing on the Quinault Reservation} the Quinaults ⁿ informed members of both the BIA and Congress that the five million dollars for Indian resources development should be spent for protecting fishing waters. BIA and logging companies' efforts to correct stream damage caused by fallen snags,

into tribal Indian ownership

they charged, were ineffectual. While demanding greater appropriations for Interior's Fish and Wildlife Bureau, they found a staunch supporter in the state of Washington Department of Fisheries. The head of that agency, Thor Tollefson, was much more solicitous of their complaints about logging practices than he had been as congressman representing lumber interests of the Olympic District a few years before.

In 1965 the BIA at Hoquiam heard of tribal objections to logging practices affecting the fishing streams on the reservation. The forest managers at Portland instructed their staff to strengthen enforcement of the provisions in new contracts for purchaser responsibility for stream clearance that summer and recommended revisions of old contracts to include that task.⁴⁹ But whether stream rehabilitation was to be done by the BIA, by the companies, or by the tribe, the old problem of unified jurisdiction over hundreds of individually owned tracts seemed an insurmountable obstacle.⁵⁰

The Indians' desire to share in the affluence of the latter 1960s was well considered. The development of a new export market for the logging and wood products industries after Japanese purchase of the 1962 Columbus Day blowdown was producing heady effects. In 1966, ⁵14.3 million ~~billion board feet~~ ^{worth of timber} were harvested on Indian reservations

across the nation. Two years later, that total reached ~~billions~~ ^{million} board feet.¹ In Washington State, timber management had for many years been applied to the Yakima and Colville reservations east of the Cascade Mountains. Quinault, as of May 1967, the Crane Creek and Taholah tracts together produced over 140 million board feet valued over two million dollars.² A fire in the Raft River area that summer burned slash for the most part, but rehabilitation of the burned over tracts began immediately. The availability of defective and downed cedar prompted BIA to issue seven special permits, and by the end of the logging season almost 6 million board feet were scheduled for a return of \$90,726.75.

It was apparent to all interests that the opportunities for timber enterprise at Quinault were greater than they had been. The Quinaults ^{living on the Quinault reservation} therefore revived the old idea of a tribal mill. In July 1961, representatives of the tribal council, the permittees, and logging companies met in Olympia with Assistant Secretary of the Interior Robert H. Anderson to discuss that project and to challenge the actions of the Crane Creek and Taholah contractors. The BIA then indicated that it would not permit the contractors to raise ease charges on transportation of cut timber. When the Quinaults (now absorbed by the Evans Products Company) brought suit against the government for compensation, the Quinault

tribe in turn received federal assistance in bringing suit against the company.

Ten years after Senator Neuberger said that he did not know what else could prod the BIA, the Quinault allottees had found their own answer: litigation. When

of those years "politicized" American population, Indians at y with the cause of Black- the Negroe [sic]," dissident insisted, "we do not cry out out ask only to be allowed the ands that are rightfully ours."⁵³

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~~traditional patience and understatement.~~ The younger members of every tribe across the nation were more educated or more in the mainstream of events than their parents and grandparents. During the late 1960s, it was they who called intertribal meetings, published and demonstrated tribal heritages, and formed associations. Their activities commanded far greater attention than their parents'

✓ ~~occasional~~ letters of complaint addressed to congressmen or bureaucrats. Indeed, federal administrators preferred to deal with larger organizations with single purposes that represented widespread views rather than respond to scattered individuals of varying condition and need.

In that new climate of the later 1960s, Helen Mitchell, the recording secretary of the National Congress of American Indians (that described itself as "the voice of the Indian people"), began a new chapter in the history of timber management on the Quinault Reservation. The owner of ^{interests in several} an allotment and ^{the logger} ~~executor~~ of her ^{daughter's} ~~ward's~~ allotment on the reservation, she was also chairman of the Quinault Land and Forest Committee. Although she lived on the nearby Chehalis reservation, the logging company that ^{and her then husband} ~~she~~ owned (Mitchell-Grandorf) worked in the Quinault forests. Between 1964 and 1966, she ^{as a logging operator} had been charged with trespass and use of improper logging methods by BIA foresters and the unit contractors as well. ^{Mrs.} Mitchell in turn had complained of ^{and his partner}

federal restrictions and state taxes and had accused the Aloha Company of forging her name to a right of way agreement and then paying her while they trespassed on the allotments under her control. (She soon after worked out an accommodation with the company.)⁵⁴

Whether for these reasons or others, early in 1968 Mrs. Mitchell secured travel funds from the BIA area office and went to Washington, D.C.. In March, she entered into a contract with Wilkinson, Cragun and Barker, a law firm that had earlier represented Quinalts in a ~~disputed boundary litigation~~ ~~jurisdictional suit~~ ~~the tribe's aboriginal title suit against the United States in the~~ ~~against Washington State.~~ The ^{Firm} agreed to investigate and prosecute claims against the United States over the management and sale of timber and the use of Indian moneys on the reservation.⁵⁵ The ~~A~~ ~~D~~ Area Director had been informed at a tribal meeting in Taholah that a possible suit was being considered and, as a representative of the defendant, was then asked to leave the session.

The bureau was in the anomalous position of having to defend ~~its practices in the suit and yet, as trustee of tribal interests,~~ having to ^{with the Firm to prosecute} oversee the contract ~~for~~ that suit. ^{The Interior Department} ~~Its~~ Solicitor examined the arrangement and agreed to the formation of a committee whose sole ^{purpose} ~~authority~~ would be to act as the ^{investigator and overseer of} ~~party to~~ the suit. Because the initial membership of this association included many of those who had been dissident allottees for over a decade, the group

Indian claims Commission

recapitulated the purpose of the Resource Development Association of 1958. ^{Quinault Allottees Committee} Indeed, the ~~QAC~~ first insisted that it was the tribal business committee's long-defunct Quinault Claims Advisory Committee and thus the rightful representative of Quinault allottees.

There were several ironies involved in the actions of the plaintiffs. Under the terms of their contract with the law firm, they had to secure legal authority to act for individual allottees before the lawyers would proceed with their investigation. At the outset, they evidently encountered the same sort of apathy, doubt, and apprehension that the BIA had faced for many years. Resorting to notices, meetings, and editorial declarations in their own Quinault Allottees Newsletter, it took them many months to reach the required 170 signers out of the ^{then} estimated total of 1200 allottees, and another year before they had the support of 531 timber land owners as plaintiffs for the suit against the BIA. A year after that, they claimed to speak for 650 of them. The substance of their appeals to the allottees was an unintentional but significant echo of the explanation used by the BIA when it was trying to organize the Taholah and Crane Creek contract: that is, only those who signed ~~over~~ ^{proper authorizations} their ~~power of attorney~~ and participated in the action ^{as plaintiffs} would share in the anticipated rewards.

Moreover, as Portland Area foresters pointed out to Quinault tribal officers, the contract in effect would establish a possible monopoly by those who participated in it.⁵⁶ Many of its adherents had, of course, been outspoken in their criticism of the logging contracts as veritable monopolies. On the other hand, an increasingly smaller number of allotments still under federal management would have to bear the burden of claims against the bureau; those claims would have to be met not through regular administrative procedures but by the adversarial techniques of litigation.

A further comparison may be drawn between the BIA's responsibilities and the plaintiff's task. The law firm required a \$10,000 retainer fee, called for an open expense account, and intended to take 20 percent of whatever the court would award to the plaintiffs. The committee, like the BIA before them, had to pool the contributions of its supporters and establish a treasury secured by ^{deducting 2%} the value of the timber on their allotments. ^{income from the} Again, the Area foresters noted the implication: whatever the lawyers ^{of allottees agreeing to finance} spent for their clients (and they could not of course guarantee an award), ^{they collected} they collected. Yet many members of the allottees' association were the same Indians who had for so long protested a 10 percent assessment levied when they had received actual income from the cutting of their timber.

the 10% fund

Lawyers were reimbursed from the 2% fund.

3-7-77

Dr. Richardson:

Please consider revising page 171 of your draft on the basis of the two enclosures.

David M. Marshall

Pete
(use my review + his inserts into it.)

Did government talk page of P/P for Nixon too
(keep these things & send me)

is it going to dribble in like this? or is this the look?

In sum, it appeared to BIA officials that the Indians' initiative and skill in creating a cooperative management enterprise after so many years of rejecting the idea (the most recent rejection had occurred that same year) was unfortunately misdirected.

The Lyndon Johnson administration was evidently anxious that the Mitchell Case and others not become a black mark against its substantial record of active defense of civil rights and economic opportunities for minority groups. In a special message to Congress in March 1968, President Johnson asked for a "Bill of Rights," to give protection in their own tribal courts similar to the Indians a voice in state and federal justice applied to their reservations, called for a specific study of off-reservation Indian problems, and hoped that the "special relationship between Indians and government would grow and flourish." These concepts were ultimately incorporated in the Civil Rights Act of 1968, 82 Stat. 77.

Quinault anger over the removal of the superintendent to Everett, Washington, was offset by their pleasure over the way in which the Indian supervisor shared their viewpoint. There was no change in their criticism of the Portland Area officials, however. Although the Interior Department continued to recognize the tribal council as the only representative of the Quinaults, the new leadership supported the dissident allottees. President Jim Jackson wished that

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the Indians had a Martin Luther King, Jr., kind of leader (though without what he termed King's "disloyalty to the country"). Instead, ¹⁹⁶⁶ ~~that~~ ^{tribal} October the council authorized the business committee to appoint a seven member Quinault Allottees Committee (QAC). The QAC had no formal organization, but, in December ¹⁹⁶⁸ the BIA recognized it as "a medium for the agency to work through" in determining action to be taken regarding fee patents, gifts, deeds, negotiated sales, supervised sales, special cutting permits, and road and gravel permits. ^{SB} Assistant Superintendent S. A. Lozar ^{who became superintendent on July 28, 1964} met with it on a regular basis and promised to consider every suggestion presented.

→ The Udall task force had also recommended that the BIA aggressively negotiate with the owners of access roads in the Queets in order to obtain third party use agreements that would be as favorable as possible for the Indians. But the bureau was still ^{be} ~~able~~ to negotiate only on a case-by-case basis. ^{??} When a meeting with the QAC was called to discuss that matter, only one owner showed up. The discussion was postponed; a second meeting included representatives of the logging companies as well. The operators learned that they had to seek approval from allotment owners for constructing such roads, even though consent had been automatically provided in the original contracts. As a result of that requirement, there could

Is 1966 the correct date?

Is 1968 the correct date?

What is the source for Udall task force? Is it a ref. ex.?

What date?

be no single purchase of the Queets Unit.

The BIA also promised to apply cutting permits to multiple ownership situations, recommend elimination of the administrative fee, and retain private companies to reseed cut over areas to bring the land up to its maximum growth. ~~Superintendent~~ ^{George M. who was Superintendent} Felshaw proposed that the bureau impress the Quinault tribe with the need for establishing their own forest management enterprise. It could assist them in acquiring tracts, obtaining local financing, and negotiating with the owners of the road systems.⁵⁹ Although some of the plaintiffs viewed these intentions and initiatives as a response to the suit, they instead greatly resembled the recommendations formulated by the BIA in the decade after the Neuberger report. Similarly, the tribal program of 1968 to purchase and consolidate allotment land had been promoted by the bureau long before that report.

After initiating legal proceedings against the BIA and expecting no help from Congress via a pending Omnibus Bill for other economic assistance, the new tribal leadership also took up an idea that their predecessors had rejected on several occasions: the establishment of a forest products enterprise on the reservation. (This idea was clearly in response to the increases in stumpage rates due to the Japanese export market.) In March 1969, they sought

at Everett From 1962
until his death on
October 1973.

support for an operating procedure based upon a similar industry on the Blackfeet Reservation in Montana. Bureau officials met with ^{MS,} Mitchell and representatives of the Weyerhaeuser Corporation in May. Portland Area office economists thought that such an enterprise could be handled as if it was an allottee entity and given a special cutting permit. But nothing much happened afterwards. As BIA officials observed, the tribal council's by-laws were much too sketchy and their specific data on costs were ^e nonexistent. Although the tribe would soon have sufficient ^{AD} income to begin buying patented allotments, it was a long way from having the unified jurisdiction that such an enterprise would require.

Ultimately historians may conclude that the plaintiffs in the Mitchell case became the beneficiaries of the kind of political and economic changes that had affected BIA policies during the preceding twenty years. Just as they pressed their claims, federal administrators and public interest advocates were considering alterations in Indian policy, ^{AD} and a new Republican administration assumed power in Washington, D.C.. President Richard M. Nixon and many of the men he appointed to places in the Interior Department had been supporters of the Eisenhower administration's termination policy. But instead of reviving that rejected program, the administration asked Congress for a policy

of self-determination without termination, Indian participation in the selection of BIA employees, and Indian approval of allotment policy.¹² ~~Redefining the definition of trusteeship, they extended permits to Indian land owners to sell their holdings for a price below the fair market level.~~

This sentence puzzles me. I find no basis in the 18-1972 Message.

Of more immediate significance was the fact that, in the two years between the signing of the Mitchell suit contract and its approval by the BIA in January 1970, the market value of Quinault timber doubled because of the Japanese export market, while similar timber on adjacent national forest lands (not eligible for export) increased only half as much.¹³ Logging companies in the area could readily afford to meet increases in stumpage rates and still retain a good profit. Moreover, they perceived in the tendency of government Indian policy an opportunity to deal directly with Quinault timber owners, once the tribe was granted full economic self-determination. Similarly the marked increase in timber payments enabled the Quinaults to undertake consolidation purchases of reservation lands for the first time.

In September 1971, Rogers C. B. Morton, the new Secretary of the Interior, issued a pledge to uphold Indian self-determination. In Portland that same month, President Nixon announced that he had instructed Morton

to "shake^{it} up" the BIA's bureaucracy "and shake it up good," so that it would no longer be preoccupied with merely defending the status quo.⁴ Soon after, the bureau's staff underwent a period of dissension, recrimination, and reorganization. Whether or not these administrative pains appeared to be both effect and cause of Indian militancy, the President's criticisms were repeated in many letters of complaint arriving at the Interior Department during the next three years. Protests had by then taken on more dramatic expression and more demanding substance. (Members of several tribes occupied Alcatraz Island in San Francisco Bay, and Washington State's Yakima tribe claimed ownership of Mt. Adams and the valuable national forest that surrounded it.)

The Quinalts had their day in the sun as well. In May 1970, the QAC and tribal officials negotiated an agreement with Evans Products (formerly Aloha) for thirty-day revisions in stumpage rates. From the standpoint of the government, such an agreement implied review of federal law and was therefore of doubtful validity. While a federal arbitration board examined the Indian initiative in July, the allottees' representative withdrew; before the board decided the question, Assistant Secretary of the Interior Harrison Loesch approved of the revisions on the basis of market conditions. Rayonier, theretofore anxious

This sentence is not clear to me. Is it necessary?

772-

to cultivate all parties concerned, now sought and received BIA permission to pay rates ^{in use} prior to the revisions. The action seemed to confirm not only the old charge of "hand-in-glove" relations between the companies and the BIA, but ^{also} the new charge of misconduct in the BIA's hierarchy.

Once again, the question of stumpage rates renewed hostilities among all parties at Quinault. After three consecutive years of marked increases, in the summer of 1971, the BIA approved of a slight decrease in the prices paid for allottees' timber. Accusing Rayonier and Evans of not acting in good faith, the leaders of the Quinault ^{Allottee} Association also accused the companies of damaging their lands. After considering alternatives, the tribal leaders ^{on the Quinault Reservation} voted to close the access roads and on September 11 blocked a bridge with three vehicles. Soon after, Rayonier agreed to higher stumpage rates, but Evans secured an injunction against the allottees' pressures. At first, the BIA officers joined the fray by suspending Evans loading operations at two sites because of improper practices. However, that action was immediately rescinded. The bureau did not, however, defend the contractors against the Indians' closure.⁵

In retrospect, the Mitchell Case and its repercussions were a concatenation of all the conditions that had

developed since the end of World War II. The sudden good health of the lumber industry had, ironically, been even more disruptive to sustained-yield management than its earlier ill health. As a result, the BIA could think of itself as the sole preserver of the tradition of federal trusteeship against the erosive forces of economic opportunism and political change. Those forces established fertile ground for the growth of Indian activism and enhanced the ~~likelihood of success~~ ^{interest of} for the plaintiffs in the Mitchell Case. The record of allottee indifference to impatience with and ultimate attempts to withdraw from sustained-yield forest management was certain. But in the new climate of opinion, any suggestion that the Indians were their own worst enemy would be rejected as an expression of the new heresy: racism.

There is no point in such a concession. The defendant may ultimately prevail in many of its defenses.

FOOTNOTES

1. William Zimmerman, acting commissioner BIA/(CBIA) to Paul R. Smith, president of Aloha Lumber Company, ~~(H-)~~, Hall Unit Folder, Logging Unit Case File, Box 363, Record Group 75, Federal Records Center, Seattle (hereinafter cited FRC), ~~Def. Ex. H-~~ ^{Def. Ex. H-}
2. E. Morgan Pryse, District Director to CBIA, November 18, 1946, Forestry General Supervisor Folder, 67-1-3 File, Portland Area Office Records, BIA ~~H-~~ ^{Def. Ex. H-} C. L. Graves, Acting Director, to CBIA, January 13, 1947, ~~Mitchell Defendants Case, Document Compilation T347.2. (H-)~~ ^{Def. Ex. H-}
3. BIA foresters learned soon after that federal funds could not be used legally for reforestation and reseeding until at least half of the cutover land was restored to unified tribal control.
4. John Libby, "Forest Management of the Hemlock-Cedar Forests on the Quinault Indian Reservation, Washington," Forest Management Conference folder, Box 35534, RG 75, FRC ~~(H-)~~ ^{Def. Ex-}; see also deposition by Wilcox, February 5, 1974, ~~(H-)~~ ^{Def. Ex-}, and Libby, June 3, 1975, ~~(H-)~~ ^{Def. Ex. H-}.
5. Stumpage rates used in this chapter are taken from the reports of timber sales on the Quinault Reservation, compiled annually by the Forester's Office, located throughout the record groups listed herein. See also, Victor Meeker, "Average Stumpage Rates Paid in Crane Creek and Taholoa Units (combined), 1950-1974," ~~copy in Portland Area Office files, (H-)~~ ^{Def. Ex. H-}
6. Floyd Phillips, District Forester, memo to Quinault Business Office Committee and to E. Morgan Pryse, March 10, 1947, ~~H-~~ ^{Def. Ex. H-}; Perry Skarra, Forest Manager, memo, November 4, 1947, ~~H-~~ ^{Def. Ex. H-}; Melvin Hollander to District Director, September 29, 1947, Forestry Department Folder, Box 350, FRC, ~~H-~~ ^{Def. Ex. H-}

7. The official presentation of the proposed withdrawal policy is in CBIA annual reports. Primary documentation of legislative-administrative conflict and cooperation behind that program is perceptively analyzed in Larry J. Hasse, "Termination and Assimilation: Federal Indian Policy, 1943 to 1961," (Ph.D. dissertation, Washington State University, 1974), especially pp. 99-100, (DEF. Ex. H-). Although Hasse does not deal with the Quinalts, he does discuss the relevant effort to terminate the Klamath Reservation.

8. H. R. Lee, Associate CBIA, to Henry M. Jackson, March 1, 1952, Proposed Legislation folder, 1951-1952, (DEF. Ex. H-); and "Indian Bureau Moving to End Federal Supervision," Box 18585, FRC, (DEF. Ex. H-).

9. Excerpt from R. T. Titus to Daniel L. Boldy, Western Forest Industries Association, April 15, 1949 (DEF. Ex. H-), and accompanying memo; Oscar Chapman, Secretary of the Interior, to Henry Jackson, May 31, 1949, (DEF. Ex. H-); and Robert E. Day to Chapman, February 27, 1950, Part 4, Taholah Timber General File (microfilm copy), Records of the Office of the Secretary of the Interior (RG-75), National Archives.

10. Lester McKeever deposition, June 5, 1975, p. 132, (DEF. Ex. H-).

11. Dale Doty, Assistant Secretary of the Interior, to Harry P. Cain, U.S. Senator from Washington, August 30, 1950, (DEF. Ex. H-).

12. Acting CBIA Lee to Chapman, August 25, 1950, Taholah General Timber file, part 4 (microfilm copy), RG 75, NA, (DEF. Ex. H-).

13. Primary documentation and historical analysis of legislative-administrative cooperation in the establishment of the termination policy is presented in Hasse, "Termination and Assimilation," (DEF. Ex. H-).

14. The debate on the so-called Bricker amendment to the U.S. Constitution during these same years turned in part on the question of whether treaties made by the executive branch in accordance with its constitutional powers could be negated or modified by state laws. Some critics of executive power who supported the proposed amendment would apply the same restrictions to federal policies affecting land and resource use and therefore to Indian affairs.

15. Stanford Research Report, June 1, 1956, especially pp. 78-79, 104-106,

~~DEF. EX. H~~
Box 1627, RG 75, FRC, (~~H~~).

16. Raymond H. Bitney to E. Morgan Pryse, November 28, 1953, Forest and Range

~~DEF. EX. H~~
folder, Hoquiam Office, (~~H~~).

17. Proceedings, Resources Conference, Portland, January 20-23, 1953, pp. 21-26,

~~DEF. EX. H~~
Box 18585, RG 75, FRC, (~~H~~).

18. Minutes of the Annual Tribal Meeting, March 31, 1956, Box 35770, RG 75, FRC, (~~H~~).

19. Alfred Hartung correspondence is in Indian Affairs, Quinault Timber Folder, Box 13, and Timber, Quinault Reservation Folder, Box 26, Richard L. Neuberger papers, University of Oregon, Eugene.

Are pertinent excerpts to be added to DEF. EX. H

20. Neuberger to CBIA Glenn Emmons, March 11, 1955 (~~H~~); Emmons to Neuberger, March 25, 1955 (~~H~~), Quinault Reservation folder, Box 26, Neuberger Papers.

~~DEF. EX. H~~

~~DEF. EX. H~~

The testimony and documents presented to Neuberger's subcommittee and printed in "Timber Sales on the Quinault Indian Reservation," Hearings Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, U. S. Senate, 85th Cong 1st, April 12, 15, May 29, June 3, 1957 (~~H~~). See also correspondence in folders cited above, Neuberger Papers.

~~DEF. EX. H~~

21. Neuberger statement, Congressional Record, 84th Cong 1st, June 24, 1955, pp. 7815-7816 (~~H~~); Neuberger to Hartung, July 22, 1959 (~~H~~), Timber-Quinault Reservation Folder, Box 26, Neuberger Papers.

~~DEF. EX. H~~

~~DEF. EX. H~~

22. McLeod represented the allottees in Squire v. Horton Capeomen, 351 US Reports 1, (1956) which, the Indians insisted, judged the administrative fee to be unlawful. (~~H~~). cf. Morrison v. Work, 266 US 481, 488, (1925), (~~H~~).

351

US Reports

~~DEF. EX. H~~

23. Hatfield Chilson, Under Secretary of the Interior, to Neuberger, June 14, 1957, Quinault Reservation folder, Box 28, Neuberger Papers, (~~H~~).

~~DEF. EX. H~~

24. Robert Wolf to Neuberger, September 7, 1957 (~~H~~); and W. H. Coburn and A. Perlman, subcommittee counselors, October 30, 1956 (~~H~~); Quinault Reservation folder, Box 26, Neuberger Papers.

~~DEF. EX. H~~

~~DEF. EX. H~~

25. Neuberger to Chilson, May 6, 1957, Quinault Timber folder, Box 13, Neuberger Papers, (~~H~~).

~~DEF. EX. H~~

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Def. Ex H-

26. Neuberger to Chilson, December 31, 1957, (~~H~~); Neuberger to Joseph Campbell, Comptroller General, December 31, 1957, (~~H~~); Campbell to Neuberger, January 23, 1958, (~~H~~), Quinault Reservation folder, Box 26, Neuberger Papers.

Def. Ex H

Def. Ex H-

27. Neuberger to Hartung, September 6, 1957, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers, (~~H~~).

Def. Ex H

28. Statements, Recommendations for Timber Sales, Quinault Reservation, Forestry-General Supervision folder, Box 35538, RG 75 FRC, (~~H~~).

Def. Ex H-

29. Perry Skarra to Area Director, October 9, 1957, Committee to Represent Quinault Allottees, General Information #1, 060 File, Forest Branch Records, Hoquiam, (~~H~~).

Def. Ex H-

30. Paul Petit to Charles Ringey, ca. January 14, 1958, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam, (~~H~~).

Def. Ex H

31. J. L. Diddock to Dan Foster, Area Director, February 17, 1958, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam, (~~H~~).

Def. Ex H

32. To add to the confusion, the Tribal Council declared the interim committee to be in conflict with the standing business committee and not a spokesman for the majority of ^{those} allottees whose land was already patented or logged: Quinault Tribal

Council Resolution, March 29, 1958, Forestry General Supervision folder, Box 35535, FRC, (~~H~~). While such ^{of} internecine rivalry is a common organizational phenomenon, the Quinaults may have known how the influence of timberland owners on the Klamath Reservation in Oregon had risen as the Klamath Tribal Council's authority had declined.

33. C. W. Ringey to Resource Development Association, April 4, 1958, Forestry 060 File, Hoquiam, (~~H~~); Neuberger to Wilfred Petit, April 10, 1958, (~~H~~);

Def. Ex H

Def. Ex H

James Murray to Claude Wain, June 27, 1958, (~~H~~); Quinault Reservation Folder, Box 28, Neuberger Papers.

Def. Ex H-

34. In July 1962, the Quinault superintendent's newsletter asked 1200 allottees for comments on the idea of forming a new committee to ^{represent} ~~insure~~ their interests.

Only twelve of them replied, of whom eight offered to support such an organization;

W.J. DeCeile to R.D. Holts, November 8, 1962, Quinault Newsletter, Forestry 060 File, Hoquiam, (~~H~~).

Def. Ex H

internecine

Is it his name Wilford?

35. Don Clark, Assistant Forest Manager, to Supervisor, Quinault Reservation, September 29, 1959, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam, ^{Def. Ex. H-} (H-~~_____~~).
36. Harold Weaver, "Some Thoughts on the Timber Sales Program of the BIA in the Pacific Northwest," ^{Def. Ex. H-} (H-~~_____~~); John Crow to Foster, March 26, 1958, Forestry-General Supervision folder, Box 1627, FRC, ^{Def. Ex. H-} (H-~~_____~~).
37. Roger Ernst, Assistant Secretary of the Interior, to CBIA, July 9, 1959, General Supervisor Folder, 64-1-15 File, Portland Area Office, ^{Def. Ex. H-} (H-~~_____~~).
38. Area For^ester to Area Director, March 12, 1959, memo on field trip to Quinault Reservation, copy in Forest History Society Archives, ^{Def. Ex. H-} (H-~~_____~~).
39. Supervisor, Quinault Reservation, to Foster, May 28, 1959, Forestry General Supervisor Folder, Box 52336, RG 75, FRC, ^{Def. Ex. H-} (H-~~_____~~).
40. Ringey to Flora Strein, February 2, 1959, Forestry General Supervisor Folder, Box 35535, RG 75, FRC, ^{Def. Ex. H-} (H-~~_____~~).
41. Ernst to Neuberger, April 15, 1959, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers, ^{Def. Ex. H-} (H-~~_____~~).
42. Supervisor's Monthly Report, Quinault Reservation, Box 1627, RG 75, FRC, ^{Def. Ex. H-} (H-~~_____~~).
43. Ringey to Foster, April 6, 1959, Forest Management, 72-9-15 File, Portland Area Office, ^{Def. Ex. H-} (H-~~_____~~).
44. John A. Carver, Jr., Assistant Secretary of the Interior, to Henry Jackson, October 23, 1961, ^{Def. Ex. H-} (H-~~_____~~); Anna Koontz to Jackson, September 6, 1962, ^{Def. Ex. H-} (H-~~_____~~); J. A. Helied to Jackson, August 17, 1962, ^{Def. Ex. H-} (H-~~_____~~); Libby to R. D. Holtz, Portland Area Director, November 8, 1962, ^{Def. Ex. H-} (H-~~_____~~); Committee to Represent Quinault Allottee #1, 060 File, Hoquiam, ^{Def. Ex. H-} (H-~~_____~~).

Footnote 22 - of page 141

McLeod did not represent allottees in Squire v Capoeman, 351 U.S. 1 (1956), which was the capital gains tax case. See attached xerox copy. Nor did he represent them in Horton Capoeman v. U.S., 194 Ct. Cl. 664,

440 F. 2d 1002 (1971), involving the administrative fee claim, which was dismissed ~~as~~ as barred by the 6-year statute of limitations. See xerox copy of this decision.

McLeod did not represent the allottees in Quinawl / Allottee Association v U.S.

202 Ct. Cl. 625, 485 F. 2d 1391 (1973). See attached copy. None of these

cases held the administrative fee to be unlawful. Footnote 22 should be drastically revised.

insert p 116

~~Because so~~ ^{When} many material advantages ride on the outcome, adjudication tends to bend historical perspectives to suit the interests of the moment. Actions taken in the past as practical responses are now viewed through a glass darkly as conspiracies; things that were done on a day to day basis (or things that were not done) are scrutinized for evidence of good or ~~more~~ evil. That same selective bending of historical intent and consequence characterized the climate of opinion during the latter half of the 1960s., when political and legal activism caught the attention of a large segment of society. It seems clear that events of the sixties (and the seventies) are deeply ~~g~~ rooted in prior decades, and that ~~XXXXXXXXXXXX~~ all ~~individuals~~ individuals and institutions have been impacted. Perhaps more than ever before, the affairs of the Quinault Indian Reservation were swept up in larger, national events. The history of this recent and often tumultuous period must be composed with care, as the writers of that history were also participants.

Chapter IV

THE BUREAU BESIEGED

insert

During the last thirty years, federal management of the forests on the Quinault Reservation was overtaken by conditions and events that were quite beyond the control of the Bureau of Indian Affairs. The timber industry in the Pacific Northwest remained unstable in the long-run, and was subjected to the effects of Canadian production and ^{new} export markets overseas. With Congressional prodding, successive presidential administrations substantially reduced the extent of federal trusteeship over Indian affairs. That development ^{change in time} contributed to ^{the} ~~an increase in self-determination and assertiveness~~ ^{Indian peoples' quest for self-determination} by Indian peoples, ~~seeking self-determination.~~ In marked contrast to their earlier acquiescence, they ~~began to~~ organize themselves as a special interest group to ^{secure} ~~attract~~ the attention of both public and private sectors of the ^{American} system. ~~The origins of each of these three changes may~~ ^{developments were} ~~be found in~~ ^{originated in} the four years following the end of World War II.

The coming of peace ^{in 1945} did not improve the timber economy of the Olympic Peninsula. Although spruce had been used in war production, volume of sales and cutting ^{of other tree species cedar and hemlock} ~~had not risen to~~ the levels of the 1920's. Because of the sparsity of commercial ^{purchases} ~~contracts~~ and the shortage of labor, ~~contracting~~ lumber companies working the Quinault logging units had to ask for extensions on the terms of their contracts. ^{while} ~~While~~ log prices rose slowly and slightly, the costs of new logging and road equipment shot well beyond wartime levels. The BIA was well aware of these problems, but insisted that the Indian owners should benefit from ~~the~~ increase in stumpage rates. (1)

These economic conditions were offset by the hopes shared among loggers, foresters, and Indians, ~~for a resumption of sales that would open the other half of the reservation to logging~~ ~~ment.~~ ~~All of them were~~ Anxious about the deterioration through ^{through} blowdown, disease, and fire, of the virgin cedar-hemlock forests north of the Quinault River. ^{all of them were} After twice meeting with the tribal council, Superintendent George LaVatta travelled to district headquarters in Chicago to discuss the immediate future of that area. In the meantime, agency foresters gathered information and ideas ^{about improved forest management} at annual meetings of professional organizations. Among the topics discussed ^{Among} between federal ^{administrators} agents and the foresters were the size of logging units, access road systems, sustained yield practices, and reforestation of the area burned in the fire of 1941 (¹⁶ sixteen percent of the reservation forest).

sales that would the harvest of the timber on that half of the reservation

Reporting on the results of a ~~selective~~ ^{selective} cruise in 1946, BIA forester Lester McKeever recommended the logging of a ^{area} ~~large unit~~, later divided into four ^{units} of which Taholah on the west, Queets on the northwest, and Crane Creek on the southeast were the largest. Applications of sound silvicultural practices, he said, would in no way diminish full ^{economic} productivity in these units. A procedure of phased, block ^{clear} cutting would ^{yield} ~~re-~~ ^{while} new cutover lands ^{would be renewed} in the course of fifty to sixty years, while an annual harvest of 80 to 90 million board feet, could ~~be obtained~~. Large unit ^{long-term} ~~contracts~~ were ^{1944-49 was} the most ^{practical} desirable means of establishing that sustained yield, but the general character of the ^{contracts} ~~contracts~~ ^{was} ~~were~~ ^{first had to be} determined by discussions with the Quinaults.

while

yield

1944-49 was

contracts was first had to be

During 1946, BIA officials met at Taholah and Hoquiam with the tribal council and with those allottees who were on the reservation. (Although only a small fraction of ~~the~~ land north of the river was held by the ~~tribe~~, ~~xxx~~ its council was the only authorized entity with which the BIA could deal. Over 99 percent of the forest to be logged was owned by ~~1378~~ 1379 allottees who lived away from the reservation, many of them in other states.) On each occasion, the superintendant presented a proposal for their consideration. The most important of these ^{proposals} was for the establishment by the tribe of a sawmill cooperative enterprise of their own, an idea first presented by Commissioner Collier during the war years. ~~1~~ The mill would require a permanent community on the reservation substantial enough to handle a large portion of the timber cut from their forest. Because few of the non-resident allottees could be induced to migrate to the area, and because the BIA could not guarantee that the government would purchase all of the mill's production, the proposal did not satisfy those attending the meetings. The Quinalts also turned down another proposal that the government buy all the timber on the allotments at once. The alternative prospect of obtaining the highest private bid in public competition fully met their overriding desire for income from their timber tracts. That most lucrative ~~arr~~ arrangement would, of course, have to be made with lumber companies large enough to afford to pay a high level of stumpage reates. BIA officials

~~seventies~~ at Taholah and Hoquiam

Although only a small fraction of the land north of the river was held by the tribe, ~~because~~ its council was the only authorized ~~entity~~ with which the BIA could deal. Over 99% of the ~~proposed~~ forest to be logged was owned by 1379 allottees who

During 1946, BIA officials met with the tribal council, and with ~~some of the resident allottees at Taholah and Hoquiam.~~ ^{those allottees who were on the reservation}

~~Most of the same 200 allottees lived away from the reservation.~~ ^{many of them in other states.} On each occasion, the superintendent presented a proposal for their consideration. The most important of these ~~sug-~~ ^{gestions} was for the establishment by the tribe of a saw mill enterprise of their own, ^{an idea first presented during the 1930s by Commissioner Collier during the war years} one that would require a permanent ^{The mill}

community on the reservation substantial enough to handle a large portion of the timber cut from their forest. ~~But~~ Because few of the nonresident allottees could be induced to migrate to the area, and because the BIA could not guarantee that the government would purchase all of the mill's production, the ^{proposal} ~~venture was rejected~~ ^{idea did not satisfy} by those attending the meetings. The Quinalts also turned down ^{another proposal} the ~~alternative~~ that the government buy all the timber on the allotments at once. ^{Their overriding desire for income from their timber tracts} For more ~~support~~ ^{appealing} was the prospect of obtaining the highest private bid in competition ^{public} ~~at auction.~~ ^{fully met} That most lucrative arrangement would, of course, ^{be made with} have to come from a lumber company large enough to afford ^{to pay} to guarantee a high level of stumpage rates. BIA officials

therefore concluded that the Indians' concern for immediate income ^{(as well as their} and ^{its own} commitment to sustained yield) could best be met by a few large area long-term contracts rather than many small area ^{short term} arrangements. ⁽²⁾

The paperwork involved in designing the logging units proposed for sale took up most of the time and efforts of the BIA foresters for almost two years. ~~The~~ Drawing upon estimates made by tribal foresters like Cleveland Jackson, president of the Quinalt Council, as well as BIA forester ^{and John Libby} McKeever, a system of selective, phased ^{clear} cutting was devised

1110

whereby every operation would leave a reserve of trees in staggered blocks and along stream beds; blocks large enough to remain standing against the force of winds. After cutting, natural regeneration would be supplemented with ~~xx~~ the planting of seedlings. ³ Slash would not be burned, as it was on the national forests and on other private lands under the jurisdiction of the Washington State Forester, because the small allotment made ^{safe} burning especially difficult and also because there was not funding available. Following logging, however, slash or other logging ~~xx~~ debris with market value would be salvaged. A second ~~x~~ cycle of cutting would take half of the reserve blocks after the passage of some thirty years, and a third phase about ~~xxxx~~ thirty years after that would take the rest, at which time the ~~original~~ original portion would have produced commercially saleable timber. (In the professional opinion of bureau field foresters, other methods of cutting were not suitable to the cedar-hemlock forest of the reservation. ⁴)

Those who purchased the forests would have to abide by these ~~procedures~~ procedures and mark the boundaries of ~~xx~~ each of the allotments involved. The projected cutting, the road system, and the scaling operations would be continually supervised by BIA foresters. Purchasers would be required to harvest a maximum of 65 million board feet on each unit, well below the estimated sustained yield total, and could cut no less than 25 million board feet. Allottee income would consist of 25 percent of the value of timber cut to be paid within thirty days of the cutting/scaling operations and another 25 percent paid within six years. (The terms on the earlier contracts had been 30 percent in six years and 50 percent in nine years; thus the proposed contracts guaranteed larger and more immediate ~~income~~ income to the allottees.) One of the most responsible provisions put into the contracts by the BIA was an Indian employment clause whereby purchasers were obligated to hire local tribe members to work in the operation. ~~The~~ Bureau foresters began to supplement that advantage by using Indians ~~xx~~ on their own

111

field work and placing them in schools and jobs elsewhere; places from which they would otherwise have been excluded because of lack of experience and education.)

Because these professional standards had been determined with ⁱⁿ the BIA~~x~~ offices, several Quinalts, led by Cleveleand Jackson, came to the new superintendant, Melvin ~~H~~ellander,

That they had not been kept informed of the details of
 in March, 1947, to protest the proposal. Like ~~many~~ ^{several} small
 logging companies and woodworker organizations in the area, ^{who were also complaining about the plan,}
~~they thought in terms of~~ ^{several units preferred to have} many small logging operations on
 just one vast unit. They were ^{also} reluctant to sign over their
 powers of attorney to the BIA until the logging had been done
 on their allotments, and they insisted that the purchasers
 should salvage slash as well as standing timber at the same
 time. Some even talked of ^{going to Chicago and Washington D.C to seek} ~~seeking~~ an injunction against the
~~proposed~~ ^{planned} sale.

At special meetings with the tribe's business committee,
 BIA officials tried to clarify priorities. There would be
 no income until the units were purchased, ^{then pointed out;} both income and the ~~exp~~ costs of
 sustained yield could be guaranteed only by ~~make~~ ^{alone} the logging
 procedure that ~~only~~ large companies could afford to meet;
 no large company would purchase the units ^{the units.} until the powers
 of attorney had been gathered by the BIA. ^{Income was therefore dependant upon sales of} They also noted
~~that the estimated value of the timber involved in the~~ ^{that the estimated value of the timber involved in the} pro-
 posed units was over a million dollars annually, or one-third
 more than the sales of the 1920's. (The stumpage rate for red
 cedar, for example, would be \$9.275 per thousand, a rate
 higher than the ^{existing} ~~best~~ ^{Department of the Interior's} level paid on the O and C lands
 by a ratio of 25 to 19. ²⁶ Once they were satisfied with these facts,
~~the estimated value of the timber involved in the~~ ^{the estimated value of the timber involved in the} ~~units~~ ^{Quinaults} ~~expressed~~ ^{expressed}
 impatience with the ^{paperwork and involved Assoc. B.} administrative delays, calling them as
 "so much red tape". By ^{Cleveland Jackson's} ~~their~~ own admission, ^{they were} their Indians
~~expected~~ ^{were critical primarily because they} expected that they would soon have a free hand to make their
~~own sales when the Bureau of Indian~~ ^{own sales when the Bureau of Indian}
 Affairs was abolished.

the member
 of the
 tribal
 council
 supported
 the sale
 by official
 resolution
 but
 they were
 thereafter

recedar, for example, would be \$9.75 per thousand, a rate higher than the existing level paid on the Department of the Interior's O and C lands in western Oregon by a ration of 25 to 19. ⁽⁵⁾ Once they were satisfied with these facts, the members of the tribal council supported the sale, by official resolution. Indeed they were thereafter impatient with the paperwork and administrative delays involved, describing them as "so much red tape." ⁽⁶⁾ By Cleveland Jackson's own admission, however, the Indians were critical primarily because they expected that they would soon have a free hand to make their own sales when the ~~Sixties~~ Bureau of Indian Affairs was abolished.

the bureau decentralized its offices across the nation, establishing one in Portland to preside over administration of the tribes in Oregon and Washington. In January, 1948, Assistant Secretary William Warne admitted that the BIA's ultimate goal was to work itself out of a job.

The withdrawal policy continued even after the Democrats resumed control of Congress after the upset election of Truman in November, 1948. ^{Oscar Chapman, the} ~~the~~ new Secretary of the Interior, ~~was Oscar Chapman~~ announced ~~that~~ plans for ~~fulfilling~~ ~~fix~~ full implementation of the program by 1951. He urged, however, that proper precautions be taken so that tribes were not exploited and the sudden change not cause economic ~~in~~ hardships for them. His Assistant Secretary, Dillon Myer, had slight familiarity with the government's historic commitment to trusteeship, but ^{he} was a specialist in administering unpopular assignments efficiently. ~~He found~~ ^{that existing} ~~no~~ funds ^{were} insufficient to maintain fire protection or ^{to} construct roads on Indian reservations, and ^{he was unable to secure new} ~~obtained no new~~ legislative authority to proceed with the Indian policy. As a result, ^{he assumed for the BIA} a larger ~~extent~~ ^{by} of decision-making through executive orders.

In 1949, Commissioner John Nichols (~~actually~~ Zimmerman ^{remained} was the effective chief because of Nichols' long illness) authorized ~~superintendants~~ ^{to tribes} to release limited funds, ^{so that} ~~their members~~ ^{deal} could ~~lease~~ ^{with} their lands directly to purchasers, ~~and~~ ~~leases~~ Leases and sales could be made without ~~BIA's~~ ~~permission~~ permission of the BIA. ~~But~~ ^A although the western Washington tribes were not immediately included in these new arrangements, they responded to the withdrawal policy with mixed feelings. Like every tribe, the Quinaults had

every
Because the Assistant Secretary's primary concern was public land policy, Indian Affairs was invariably viewed from that perspective.

Myer was only a caretaker

a faction advocating immediate ^{and full} severance of ^{Federal} trusteeship. But most of them were confused and doubtful about the prospect. "There is still a lot of fear on the part of the Indians about being left alone," a BIA official explained to Senator Henry ^{M.} Jackson of Washington. ⁸ ^{in 1957} With Jackson's assistance, ^{all of} the ~~Quinault and other~~ western Washington tribes were able to hold off ^{implementation of} the BIA's ^{termination} plans. ~~in 1952~~

It was against that background of ~~the~~ great change in Indian policy that timber sales on the Quinault Reservation were resumed for the first time in twenty years. Economically speaking, the time was not auspicious. Widespread public expectation of a belated postwar recession had caused logging cut-backs and a slump in forest products markets. Even the prospect of ^{getting access to the Quinault's} ~~over~~ two billion board feet of commercial timber could not arouse much ~~a~~ enthusiasm among local lumber companies. Some ~~industries~~ of them joined with woodworker unions to ~~demand that hearings be held before the sales were offered~~ ~~or~~ insist that if the government was really a "Fair Deal" administration, it would hold hearings before opening the sales. In responding to inquiries from ~~Congressmen~~ ~~aroused by these objections~~, the BIA explained that ~~unlike the Forest Service or the Bureau of Land Management,~~ the proposed logging units at Quinault ~~were exceptions~~ differed from the Forest Service procedure because they called for immediate payments to owners, and were unlike those of

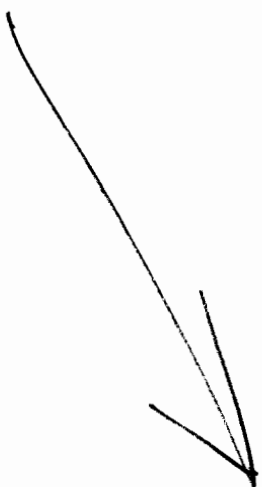
to conduct business arrangements themselves.

Because the sales were delayed, and because stumpage rates were reduced slightly to reflect the timber industry slump ~~x x~~ (cedar went from \$10 to 9.55, hemlock from \$4 to \$3.65 per thousand), some allottees decided that the costs of sustained yield made the contracts entirely unsatisfactory. Although 60 percent of them had signed powers of attorney before the units were offered for sale and 90 percent had agreed to participate by the time the contracts were signed, many now wanted to withdraw their consent and get patents in fee in order to sell their own timber. Some allottees were too old to wait ten or fifteen years for their timber to be cut under the plans of the BIA and the purchaser. All of the allottees objected to the government's assessment of 10 percent of the receipts for administrative costs.

Foresters at Hoquiam and Portland spent hours with the few Indians who came in or wrote to learn what could be done about these problems. Some of these were logging promoters seeking special advantage; in contrast, some were individuals who know little of the requirements of sustained yield but assumed that the contracts helped only what they thought of as the "timber trust" of the Olympic Peninsula. The BIA officials also noted the presence of "vultures ~~at~~ waiting to ~~pounce~~ pounce," that is, local loggers hoping to get access to the reservation timber through individual allottees. Without an adequate credit base of their own, the Indians would have been at the mercy of purchasers whose operations would be ~~covered~~ ^{not covered by} the regulations of ~~the~~ sustained-yield procedures. The BIA therefore assured allottees through announcements inserted into the tribal newsletter and/federal officials/^{informed by correspondence} that technical and administrative problems involved in the unit sales were being solved "in a manner that appears to be the most advantageous to the greatest number of ~~Indians~~ ^{Indian} Indians concerned." (11)

Recalling the Quinault's earlier rejection of the BIA proposal to pool their resources for cooperative enterprise and recognizing that there were no other funds available to give immediate income, especially to older allottees, the Interior Department in January 1952 approved a BIA budget request for \$50 million to pay nonresidents and heirs. ⁽¹²⁾

Anxious that area headquarters might be discouraged by these premature criticisms, Supervisor Raymond Bitney urged his superiors to proceed with the sales, while the allottees' pledged to participate still prevailed. Having just undergone a reorganization of its management, The Rayonier Company signed a contract in June 1952 to harvest with ⁱⁿ thirty-four years \$5 million worth of timber of the Crane Creek Unit. Five hundred forty-one allotments were included in the area to be cut; about one-fourth of them were owned by Indians who were over fifty years of age. The Queets Unit was not again offered for sale ~~because~~ ^{because} of the resumption of efforts to terminate federal trusteeship over ~~the~~ Indian properties.



Raymer signed the contract in June, 1952, to harvest within 34 years
~~In June, 1952, Raymer purchased over five million dollars~~

worth of ~~the~~ timber on the Crane Creek Unit, *by signing the*
541 allotments were
included in the area to be cut *consistently and* about one fourth of
BIA's sustained yield contract that would run for 34 years.

them used by Indians who were about 50 years in age.

The Queets Unit was not again offered for sale because of the resumption of efforts to terminate federal trusteeship over Indian properties.

In 1952, the Republican Congress ~~had~~ won both the presidency and a working majority in Congress. Dwight D. Eisenhower's campaign ^{promise to} for restoring an equitable balance between citizens and their government was translated into legislation proposals that would cut federal spending, decentralize administration, and establish a "partnership" among federal, state, and private ~~enter~~ initiatives ^{in order to} that would stimulate what was ^{ubiquitously} ~~generally~~ ^{described} as "free enterprise". Eisenhower ~~had~~ personally objected to the pressures of special interests that engendered separatism when ~~unity and~~ ^{national} harmony and unity were needed. ~~But because~~ he relied upon ~~Republican~~ leadership in Congress and ~~the~~ executive branch to translate his emphases into new policies. ^{Subsequent efforts by both administrative and} ~~legislation was frequently~~ ^{in Congress} ~~designed~~ to promote ~~the~~ ^{private} ~~economic~~ ~~advantages~~ access to the ~~public~~ lands and resources ~~held~~ on the public domain.

~~That~~ ⁹ The new Secretary of the Interior was Douglas McKay, former governor of Oregon, a self-made ^{millionaire} businessman who ^{insisted that} regarded Indians ^{were} as no different from any other citizens. His assistant for Indian Affairs was Orme Lewis of Arizona, who had slight familiarity with ~~Indian~~ the subject under his jurisdiction. ^{BIA} ~~The~~ ~~Commissioner~~ Zimmerman was ^{removed and} ~~a victim of~~

~~the prevailing need to purge Democrats as security risks~~ and after a delay of nine months, was replaced by Glenn Emmons, a banker from Gallup, New Mexico. ^{Abraham Chapman - Myer} The preliminary plans for withdrawal of federal supervision

were continued as part of the Republican administration's reorganization plans. While ^{BIA} budgets were further trimmed, consolidations and transfers were accompanied by abolition of planning ^{Projects} and the establishment of research offices.

When the 83rd Congress convened in January, 1953, various proposals were made to terminate ~~BIA Indian~~ federal Indian policy. Senator Barry Goldwater of Arizona advocated state administration of Indian reservations; Senator Arthur Watkins of Utah led an effort to shut down the BIA within three years. After ^{Hugh} Butler's death in 1954, the Senate Interior Committee was chaired by Guy Cordon of Oregon.

Because both he and Secretary McKay were familiar with the Klamath tribe of that state, ~~that reservation was~~ selected as one of the first to be terminated. ~~Although~~ The pine forests there ^{presented a} were markedly different ^{problem in forest management than} from those on the Quinault Reservation, but the similar prospect of logging enterprise ~~maintained~~ ^{greater} focused ^{increased} attention on the Quinault forests) ^{As a member of} ~~on~~ ^{of} Cordon's committee, Senator Watkins introduced legislation to provide credit facilities, and ~~Indian~~ leases and sales to make Indian land more productive through private enterprise. In order to reflect the president's emphasis upon the participation of all citizens in federal policy -- and perhaps to attract liberal support ~~for the program~~ -- these measures promised that the Indians would ~~hereafter~~ be consulted in matters affecting ^{Whether intended or not} their arrangement of their affairs. ~~Unfortunately~~, the term ~~its interpretation~~ "consultation" was widely misinterpreted. Under the ^{and the rulings of the Supreme Court} constitution, federal law is supreme and cannot be reviewed or altered by ~~action~~

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amt.
this is in for
see p. 11a

of any ~~other~~ governmental or private entity. The debate on the Bricker Amendment during these same years ~~made that~~ turned ~~in~~ precisely on that fundamental fact. ~~THESE THESE~~

executive power
in fact
issue was
readily
applied to
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~~EVER~~ When the Interior Department ~~it~~ complied with the laws calling for consultation, therefore, it could not legally agree to be bound by the understandings arrived at in those consultations. ^{it was} ~~WhenEVER~~ ^{ever} it asserted that fact, ~~it~~ however, ~~contention, suspicion, and willfulness often~~ resulted in ~~charges of perfidy being leveled against~~ ~~it and its officers.~~

As second ~~THESE~~ ^{provision} difficulty ^{of} inherent in the proposed termination policy ^{revealed} ~~was THESE THESE THESE~~ a more serious paradox. ~~When~~ The Secretary of the Interior ^{was to} designate a tribe as ready for termination when, in his judgment, its members were economically and socially ready to make the transition to ~~private~~ self-sufficiency. But if the designated tribe did not wish to undergo that change, the government was faced with the prospect of using coercion,

the very antithesis of ~~EVER~~ the American political system. To ~~RESE~~ In the case of the Quinaults, there was an additional consideration: whatever problems termination could solve, it could not ^{beneficially} affect the complex legal and economic commitment of sustained-yield forest management. Before ~~there was~~ ^{the Interior Department found} time to wrestle with that special problem, however, the elections of 1954 brought an end to Republican control of the Congress.

When the Democrats ~~RESESESESESE~~ resumed their legislative initiatives in 1955, ~~Senators~~ ^{Chairman James} Murray and Jackson ^{of Montana} of the Interior committee opposed coercive termination on any

Senate

Interior committee opposed coercive termination on any Indian reservation.

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sense (plus whatever cultural distinctions they themselves maintained).

By 1953 there appeared ^{a certain element} ~~to be~~ among the Quinaults, ~~a certain element~~, whom Superintendent Raymond Bitney described as "those who feel that they are beyond the law governing such timber regulations." These members instigated a ~~new~~ new rash of trespasses and demanded removal of BIA employees who stood against their violations of the law. ⁽¹⁶⁾ ~~12a (see p. 300)~~

By 1956 some allottees eagerly looked forward to economic independence, without anticipating the credit and tax problems that such independence would also bring. They denied that the tribal council represented their interests, and insisted that neither the contract holders nor the BIA were protecting those interests. At least that was the complaint made by Claude Wain, a logging promoter whose allotment timber ^{had} brought him \$14,000 in 1954. Many allottees supported clearcutting but objected when they saw that ^{only} timber near their holdings was ^{being} logged but not on their holdings. Methodology was not the issue; income to individuals was the issue. Such complaints were especially provoked by BIA reductions in the stumpage rates in 1953 (redcedar ~~was~~ dropped from \$13.05 to \$10.40, ~~but~~ but ~~hemlock~~ hemlock rose ~~from~~ slightly from \$4.35 to \$4.60; the tribal council was pleased when the rates increased the next year (cedar rose to \$14.30 and hemlock to \$5.25). But most of the allottees only then realized that they could not secure modification of the unit contracts, ~~and~~ and so ^{they} looked longingly toward obtaining release ~~from~~ ^{through acquiring} patents in fee. In some cases, local logging company representatives encouraged them to apply for those patents, refused to purchase them thereafter, and then waited until defaults on county tax payments made the land available cheaply. These concerns were but a ~~small~~ sample from among those that distracted BIA officials as they turned to the implementation of their 1954 recommendations for improvement of sustained-yield procedures at Quinault.

"It is difficult," a BIA spokesman told a resources conference in Portland with notable under-



statment, "to convince Indian owners of ~~timbered allotments~~ ^{owners} that the allotment be placed under sustained yield management ~~for~~ before they can realize anything from that land. ⁽¹⁷⁾ Instead, ~~they~~ ^{owners} seemed to be seeking ~~every~~ ^{any} kind of alternative to their initial commitment. While ~~they~~ ^{allottees} had overwhelmingly accepted BIA advice a few years before and transferred power of attorney ^{in order} to participate under the new contracts, they now overwhelmingly rejected BIA advice and sought patents in fee. Those who ~~were~~ had the facilities to do their own cutting did so even though such activities, ^{under the contract they partic} legally consti- ^{in,} tuted trespass. ~~XXXXXXXX~~ One of the allottees, ~~the~~ owner of a logging company, urged the tribal council to financially support his enterprise as the tribe's official logger. ^{Council} Chairman Cleveland Jackson informed him, however, that the council had no authority to enter into such an agreement. ⁽¹⁸⁾

~~While~~ ^{the} the BIA ~~foresters~~ ^{office} ~~XXXXXXXXXXXXXXXXXXXX~~ area officials waited for Washington, D.C. to inform them of their continuing responsibilities under termination policy, before they could accurately plan annual revisions in sustained yield and cutting programs. ~~But~~ ^{However,} clarifications ~~came~~ ^{originated in} not ~~from~~ the Interior Department, but in the Congress. In 1954, voters in the Pacific Northwest had ~~found good reasons for rejecting~~ ^{rejected several} prominent Republican candidates in the Congressional elections, ^{apparently for two reasons.} ~~there~~ had been a marked slump in timber sales, lumber production, and employment; ~~Whether~~ ~~XXXXXXXX~~ ^{and} the administration's promise to stimulate economic initiatives through "partnership" seemed, in practice, to favor a few large corporations. ^{in practice} In Oregon, ^{journalist} Richard Neuberger campaigned for ^{Senator} Cordon's seat by ^{linking him with} charging ^{McKay's} the Interior Department with a "giveaway" of public resources and a "takeaway" of contracts and jobs. When ~~he~~ ^{he challenger} won ~~the~~ place

James Murray of Montana, then chairman of the Senate
 by a slim majority, ~~he was assigned to the Interior Committee~~
 assigned him ^{in the past by procedure to head} ~~by its new chairman~~ and as chairman of the subcommittee on
 Indian affairs, ^{Soon after} took up the complaints of the Quinault allottees.
 Neuberger ~~soon after~~ ^{received a} ~~one~~ particularly impressive charges ~~came~~ from Alfred Hartung,
~~man~~ who was both president of the International Woodworkers
 Association of Portland, and the husband of an allottee, who
 had long been dissatisfied with ~~the~~ stumpage rates ~~and~~
 under the long-term requirements of the Quinault contracts.
 In 1953 Hartung asserted that ~~the contractors~~ ^{certain} the contractors
 were paying far less for types of timber that ^{was} more highly
 valued on state ^{of Washington} and Forest Service ^{lands} ~~lands~~ forests. (Hemlock
 that ~~was~~ brought \$4.42 at Taholah and \$6.50 at Crane Creek,
 he said, was purchased for \$10 to \$15 ~~dollars~~ outside the
 reservation). ⁽¹⁹⁾

set off a flurry of protest from citizens concerned with
 and Indian welfare
 The ensuing publicity

The allegations ^{added the} nicely dovetailed ^{with the} ~~into the~~ Democratic
 Congress' efforts to ~~discredit~~ discredit and roll back
 the Eisenhower administration's policies. Senator Neuberger
 did not ^{try} ~~seek~~ to criticize the BIA, but he asked it to account
 for what seemed to be blatant price discrepancies at Quinault.
 In reply, Commissioner Emmons pointed out that the contracts
 were designed to give fair return to allottees over a long
 period of time, and therefore did not reflect either the highs
 or lows of the changing timber market in the area. The
 Senator was not satisfied by that explanation. Early in
 1955, his subcommittee ~~was~~ scheduled hearings on the
 question of timber management policies at Quinault, ~~and~~
 its assistants went to the Pacific Northwest to collect
 testimony. ⁽²⁰⁾

immediate and coercive termination with men who were more pragmatic and politically ^{adept.} ~~perceptive~~. Emmons remained as Commissioner, but his authority was assumed by a new ^{most of} Assistant Secretary ^{in charge of} ~~for~~ Indian Affairs, O. Hatfield Ghilson.

These new officials watched warily as Neuberger's subcommittee opened public hearings on Quinault timber management in April, 1957. Four topics were explored therein: timber prices, timber sales, consultation with the Indians by BIA, and alternative means of providing sustained income to allottees. ~~Against the~~ Although ^{various} ~~public~~ critics of ~~the~~ federal Indian policy ~~made~~ ~~called~~ assumed that the BIA was "selling out" ~~the~~ ~~interests~~ ~~of~~ Quinault ~~(and)~~ interests to exploiters of the public domain, Neuberger ~~only~~ ^{only} meant to prod the BIA to consider more equitable, efficient methods. At the ~~hearings~~ hearings, Claude Wain sourly charged the government agency with raising stumpage rates by 30% ^{percent} as soon as the hearings ~~began~~ were announced. Malcolm ^{McCleod} McCleod, a Seattle lawyer specializing in Indian claims, described as unfair the fact that allottees paid the 10% ^{percent} charge even after surrendering ^{the} their power of attorney to the bureau. Officials of ^{Rayonier} Rayonier and Aloha ^{companies} not only denied ^{alleged} price discrepancies but insisted that their contracts were far from being bargains. Because of the multitude of federal requirements they had to meet, ~~they were~~ ^{the contracts had proved to be} ~~in fact~~ burdensome arrangements. An expert from the GAO reported on the results of an audit of the BIA begun in 1952 and extended to the Portland Area office in 1956. ^{He said that} ~~The~~ bureau had undervalued Indian timber, ~~he said~~, had not employed proper appraisal or scaling methods, and had failed to correlate its ratios with other federal timber agencies.

Although the ~~same~~ subcommittee members included Jackson

of Washington, who had first expressed concern for the Quinaults in 1950 and 1951, it was essentially Senator Neuberger's show. (Minority members Goldwater and Watkins took little part in the hearings, and finally charged ^{that} the majority ^{had} ~~with~~ ^{ed} ignoring BIA efforts to protect the Indian interests). ~~While~~ Just as the sessions began, the Democratic members ^{were aggered to learn} ~~learned~~ that the BIA ^{had just} granted reductions in stumpage rates to the Quinault contractors because of earlier agreements, and ~~failed~~ ^{had} to immediately inform the subcommittee of the change. The matter seemed to confirm ~~the~~ ^{public suspicion} ~~charge~~ that the ~~tax~~ ^{tax} bureau and the so-called monopolists were working hand-in-glove.

As everybody's villain, the BIA presented its defense in two stages. At Neuberger's request, Secretary Seaton sent a progress report in ^{October,} 1956. In it, he defended the ^{percent} 10% interest charge as a tiny fraction of the factors that determined stumpage rates; it was, ^{he said further,} ~~not~~ a proper business practice. He also explained that the BIA had not had much luck with granting patents in fee ^g because ^{of} the costs of getting at inaccessible tracts, and because outside appraisals discouraged participation in existing contracts. He noted, however, that patent policy had been revised to recognize that individual allottees interest, need not be subordinated to tribal interests or to timber management requirements, ~~except~~ in critical cases. The Quinaults, he reiterated, had shown no ^{enthusiasm for} ~~interest in~~ earlier BIA suggestions that they share cooperatively in logging ~~payments~~ ^{payments}, no matter whose allotments were cut, ~~not~~ and had not supported the BIA idea for establishing a tribal logging mill.

Then, at the subcommittee hearings late in May, 1957, George Kephart, chief of the ^{Forest} ~~timber~~ bureau of the BIA, documented the way in which the Quinault tribal council had at first opposed and then supported the Taholah and Crane Creek contracts. Periodic stumpage ~~rate~~ adjustments were based upon every possible economic consideration, he said. The Forest Service rates were not determined by the ~~immediate~~ necessity for immediate income to the owners, ^{more over,} and the state ^{of Washington} sold a smaller volume. ^{He candidly observed that} Sustained yield concepts, ~~he said,~~ meant nothing to Indian allottees eager to have the quickest, highest income, but ^{he insisted that} the BIA nevertheless had adhered to that policy ^{because it was in the Indians' best interests} whether they understood it to be so or not. ^{Finally,} But Kephart ^{was notably} admitted that he did not have sufficient survey data on which to base comparisons of stumpage rates, nor did the bureau have sufficient funds to replant cut-over blocks. ^{It would} ~~not be~~ until a year later would his office recognize, for example, that Forest Service estimates were being compared with ~~BIA's~~ the BIA's actual payments; when Forest Service payments ^{later} were made, they were notably lower than the estimates.)

While Senator Neuberger did not closely cross examine ~~any~~ the defendants, he relied upon ^{an} ~~the~~ analysis given him by Robert Wolf, a former Forest Service and Bureau of Land Management forester now serving with the GAO. Wolf's report questioned Interior's real concern for the Indians. Even if the ^{percent} 10% interest charge was legitimate, ^{Wolf noted,} that did not make it proper. If an allottee paid a thousand dollars for the administrative costs, did he get a thousand dollars worth of administration? ^{At least} Obviously, the equity of the ~~matter~~ ^{orange} was

assailable. If the bureau allowed 500 allottees to band together to ~~administer~~ participate in long-term contracts, he questioned, why could they not do the same for shorter term agreements that would produce sustained income? Why should allottees seek patents in fee when their timber was already under long-term contracts from which the bureau would not grant them release? The BIA's sustained ^{old} policy had produced erratic income, but the variations in productivity and stumpage rates could be supplemented by a revolving fund which would not be subject to Congressional budget ceilings. (~~Kepfert had said that such a fund had already been considered but had aroused negligible interest.~~) ^{In response to} ~~Whether or not~~ the BIA ^{is} ~~was correct in assuming~~ ^{assertion} that the Quinaults were unresponsive to bureau suggestions because they were culturally resigned to share the disadvantages ~~of~~ as well as the advantages of economic life, Wolf pointedly asked, ". . . is this trusteeship at work?"

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Neuberger was ^{especially} ~~personally~~ outraged by the implications of the 10% ^{percent} administrative ~~of~~ fee. He thought it grossly unfair to grant the contractors credit on borrowing at the expense of the allottees while the Indians were given no such credit when they had to borrow money. At his request, the GAO immediately investigated the assessment and asked Congress to remove it. ~~But~~ Far from trying to cut down the BIA's ~~jurisdictional~~ procedures, however, his final report noted that Interior already had sufficient authority to effect improvements in its timber management policies without additional legislation. It could, for example, make a

cash settlement to the companies for allotments withdrawn from the contract. The administrative charge could be replaced by a special revolving fund, based upon ~~xxx~~ receipts and used to administer the contracts producing those receipts.

25
2223

The Forest Service might well supply the BIA with its own ~~stumpage~~ adjustment rates, the report continued, through a simple interdepartmental agreement with the Department of Agriculture. (Such an exchange would ^{also} be evidence of ~~the~~ better relationships between the ^{two} traditional ~~enemies~~.) In any case, some provision should be made for older ~~the~~ Indians to get immediate income ^{from} their allotments, perhaps by using timber as security for advanced payments. In the case of the unsold Queets unit, policy ^{is} should be devised for rights-of-way ^{and} tolls, ^{while} road construction costs should be taken out of allottee income without an interest charge if the government ^{built} the roads. Finally, as ~~the~~ a first step toward making BIA timber management more acceptable, the report recommended the establishment of Indian advisory boards to serve both as a means for consultation and as a clearing house for information.

Neuberger asked Assistant Secretary Chilson to ^{in form} report ~~to~~ the subcommittee by July 1, 1958, ^{of} any changes in the volume and quality of stumpage rates paid to the Crane Creek and Taholah contractors. Further hearings would be held, he added pointedly, if they were deemed necessary. He also asked the ~~Comptroller~~ General to maintain a steady spotlight on the BIA's pricing decisions and cost accounting procedures. In January, ¹⁹⁵⁸, the GAO assigned a man to the forestry office at the Portland Area ^{headquarters}.

26
2223

The department was also concerned with adverse comments that appeared in the press during and after the Neuberger hearing. One of the "outbursts" against Indians and cooperation most frequently cited and photographed was the strip of denuded hillsides spotted stumps and stumps left by logging operations so few were still visible from the Olympic Highway. Neuberger's response to the fact that the BIA and National Park Service had agreed before the Quinault contracts were sold that the timber purchase would be required to leave a strip of standing trees standing on both sides of the highway to cover the steep slopes. Unfortunately such strips were not continuous or thick enough to cover the steep slopes.

Evidence of earlier logging by the burden of the response to the Neuberger report showed that the Neuberger report had been taken into account by the Portland Area office of the Forest Service.

Neuberger personally responded to continued complaints from Quinault allottees until his untimely death early in 1960. ~~He~~ Neuberger did not press his investigations further. He ~~he~~ hoped that the Interior Department would proceed to devise its own improvements. "If we cannot prod the Indian Bureau into finally representing the Indians rather than in favoring the timber companies," he wrote to the woodworker's president Hartung at the end of the subcommittee's hearings, "I do not know what can do the job."

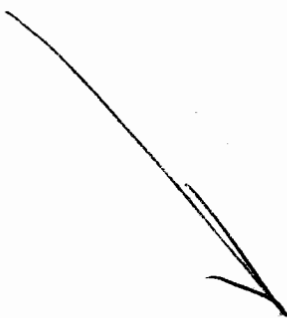
The Neuberger recommendations arrived at the Interior Department just as Secretary Seaton was preparing an overall defense of the Eisenhower Administration's Indian policy. He did not hope to continue the obviously ~~flawed and~~ inadequate and discredited termination policy, but he hoped to ~~at~~ mollify the Democratic majority in Congress by directing the BIA to base its actions upon both the understanding and concurrence of the tribes they dealt with. Assistant Secretary Chilson agreed that the ~~same~~ Neuberger recommendations were desirable, ~~but~~ and instructed the Forestry Branch to submit constructive proposals. But generally the BIA officials believed that ~~the recommendations merely restated ideas that had been submitted to the Quinaults and to Congress in previous years, and had been rejected or not acted upon by either.~~ The only ~~single~~ item in the report that seemed immediately applicable was the establishment of an Indian claims advisory committee.

In October, 1957, Forest Manager Perry Skarra presented the proposals to members of the ~~tribe~~ Quinault tribe. ~~These~~

The department was also concerned ^{about} ~~with~~ adverse comments that appeared in the press during and ~~at~~ after the Neuberger hearing. One of the "outrages" against Indians and conservation most frequently cited and photographed was ^a ~~the~~ stretch of uprooted stumps left by logging decades before but still visible from the Olympic Highway. None of these critics were ^{aware} of the fact that the BIA and the National Park Service had agreed (before the Quinault contracts were sold) that the new purchasers would be required to leave a strip of trees standing on both sides of the highway. Unfortunately such strips were not continuous or wide enough to screen the effects ^{the earlier} of logging from the passing public. The burden of response to the Neuberger report devolved, of course, on the Portland Area Offices.

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^{no} ff In October 1957, Forest Manager Perry ~~Mr~~ Skarra presented the proposals to members of the Quinault tribe.



presented but did not explain highly technical data, some allottees asserted, and did not present their own viewpoint.

Claude Wain, Paul Petit, and Joseph Hillaire, three of the men who had supplied the Newberger committee with allegations, ^{against BIA forest management policy} ~~claimed~~ ^{now} to speak for Quinalt allottees.

~~They announced witheringly~~ "Because we feel that you actually have the best interests of the Indians at heart," they informed Ringey, "(and many agents have not had) We will invite you to attend ~~the meeting~~ ^{the} meetings of allottees that they meant to call in the near future. ". . .

we hope that you will be prepared to speak to these Indians and explain to them, their position to-day as it stands. ³⁰²⁸

The superintendent sent ^{J.L. Diddock} ~~him~~ ^{Diddock} ~~reality~~ officer ~~xxxxxx~~ from the Portland office, to ~~xxxx~~ ^{attend} ~~xxxx~~ ^{to} the first of these meetings in February, 1958. The organizers made brief speeches "containing the usual critical remarks of BIA cutting", and after personal gripes were turned aside the participants took up the subject of the interim advisory committee. Many admitted that they feared what the BIA would do if they participated in its deliberations. Diddock ^K thought that they did not understand that the committee would not be effective unless they first granted the necessary rights of way so that the Queets ^{timber} could be cut, ^{they must also} ~~and until they~~ "overcome hostility toward each other..." ^{he reported}

Choosing to ~~xxxxxxx~~ ^{problem} act on the latter ~~instead of the~~ ~~former~~ difficulty, the dissident allottees formed a Resource Development Association in March. Aware that this ^{action} constituted a challenge, the tribal council declared that the new group

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Another problem facing forest managers on the Quinault Reservation was how to deal with logging slash. Harold Weaver issued one of a series of reports on forest management, including slash, in March 1959.³⁸ On the adjacent Quinault Ranger District of the Olympic National Forest, Weaver noted, slash was burned following logging whenever possible. However, The Forest Service had authorization to earmark a portion of its timber sale receipts for this task; the BIA had no such authorization, so it would be up to each allottee to volunteer such funds (an unlikely event). The same basic problem existed for reforestation. The 1930 Knutson-Vandenburg Act allowed the Forest Service to utilize a portion of timber receipts for planting, thinning, and pruning. No equivalent authority was available to the BIA, necessitating again allottee funding for reforestation following logging. These limitations to BIA prerogatives are logical when one thinks of the allotments as private property; the owner ~~has~~ has responsibility for the land in addition to the opportunity for financial gain.

The size and number of allotments added to the slash problem. If one allottee wished to burn his slash, how could the adjacent allotments be protected from the fire? Since the slash following clearcutting was contiguous, it seems almost certain that the fire would spread beyond the eighty-acre tract. Even with improvements in fire technology there are many uncertainties, and risks are necessary and must be accepted. If adjacent owners will not accept such risks, then no allotment can be burned, even if funds are available. Accumulation of slash, unsightly to many, often an impediment to planting crews, and for a few years at least a fire hazard, remains a problem to be lived with.

private ownership. During the next ten years, over half of the original contracted land area would be alienated from federal trust. But as Assistant Commissioner John Crow^o reminded Dan Foster, ~~with~~ director of the Portland Area office, the BIA still had responsibility "to be sure that all of the Indian interests receive their proper share of the proceeds of any sale." ~~Similarly~~ Similarly, permits for individual ~~cutting~~ cutting or salvage ~~work~~ would depend upon consideration of allottee needs and not upon the desires of those who had taken patents in fee. "Any service ~~we~~ that we perform ~~for~~ ~~the superintendent observed~~ the owners of these alienated interests, " the superintendent ~~agreed~~ asserted, "is entirely incidental to the service performed on behalf of the owners of trust interests. They do not ask us to perform this service for them, rather we ask them to favor the owners of ~~the~~ trust interests by consenting to the trust sale." 39

Because they applied that distinction in response to complaints and appeals by Indian timberland owners, the BIA officials in effect gave more ^{help} ~~help~~ to allottees still under their jurisdiction. For ~~example~~ ^{allottees to BIA} these ~~they~~ would order the logging companies to make a special effort to cut a particular area; in many instances, the income secured was ~~not~~ notably higher than the original estimates. But their responses to other timber owners were characterized by indirection ~~that was~~ or ~~briefly that was~~ generalizations that were viewed as subterfuge and ~~in turn~~ thus as evidence of complicity with the contract holders. For ~~example~~, ^{since the early 1950s} the increase in export sales to Japan had made recovery of slash far more important to both loggers and allottees than it had been when the unit contracts were designed to focus

Concepts emphasizing the elimination of separat^eness and the absorption of ~~the~~ Indians into the white American system had produced the withdrawal/termination proposals at the outset of the 1950s. A ~~few~~ decade later, the minority-rights movement completely reversed that philosophy by emphasizing the preservation of Indian identity. No one was more sensitive to that change ~~than~~ than Congresswoman Julia Butler Hansen, a Democrat in Congress representing the district that included the Quinault Reservation. By assuming the mantle of Senator Neuberger (who had died in 1960), she was the solicitous recipient of correspondence from dissatisfied Quinaults and long-time critics. ⁴⁵² Although necessarily concerned with the problems of the areas's lumber companies, Hansen was particularly sensitive to extending ~~minority~~ minority welfare legislation to the Indians as well.

Through her efforts, a congressional aid for the economic welfare of minority groups was translated into BIA encouragement of local manufacturing plants near the reservation to employ Indians. ⁴⁶² The new leaders of the tribe nevertheless continued to complain, Perhaps because of a very slight decline in stumpage rates in March 1961 (Dedar went to \$10.27, hemlock to \$9.13). When these rates had not changed a year later, the tribal council changed that the logging companies were controlling the rates. Their people insisted that sustained yield placed "severe limitations on the amount of timber which may be sold, irrespective of whether the limitations make sense considering the situation of the tribe and its members, or whether it would make sense if the interest were owned by non-Indians." They therefore went on record in support of legislation that would replace sustained yield with "prudent management" of the timber. ⁴⁷² Woodworker president Hautung came to their aid once again by pointing out the unit contractor's negligence in paying funds to the allottees. Assistant Secretary of the Interior D. Otis Beasley immediately ordered the companies to pay the amounts within ⁴⁸² thirty days.

The old sore of the 10 percent administrative fee was somewhat ~~relieved~~ healed when the Interior Department employed stricter means of computing it, but proposed legislation was designed to retain the charge. Indeed in 1962 Attorney General Nicholas Katzenbach defended it by citing Morrison v. Work (266 US 481, 488-1925) in which the Supreme Court upheld federal administration of trust property as a proper citizen's right.

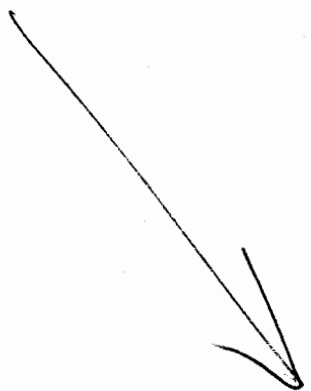
The foresters overseeing management of Quinault timber were by now the victims of a new statistic: between 1958 and 1966, the amount of land held under individual patents in fee increased from 33,747^{acres} to 59,828; in two more years that total would be 62,059. The Quinaults and the BIA had to live with the bitter fact that there was no way to restore patented lands to tribal ownership except by tribal purchase. Instead of being a caretaker of Indian interests there, the BIA was ^etherefore rapidly becoming little more than a technical advisor of forestry.

The economic supervision of the past had to give way to the realization that the Indians needed not security but opportunity. To that end, the Democratic Congress took up an Indian Resources Development bill in 1967. The economic interests of the Quinault tribe were by then, ^{so} diversified that the old issues of timberland sales were relegated to the sidelines by the younger generation. As participants in the growing mood of assertiveness by the Indians in western Washington State, they decided that salmon fisheries were the mainstay of their welfare. (The newly designed symbol of the tribal committee showed a young Indian hefting a large salmon. There was no sign of a tree included.) Only the ~~resident~~ ^{resident} minority of allottees would profit from fisheries enterprise, of course.)

Under the new leadership, the Quinaults informed members of both the BIA and Congress that the five million dollars for Indian resources development should be spent for protecting fishing waters. BIA and logging companies' ^{efforts}

to correct stream damage ^{caused by} ~~from~~ fallen snags, they charged, were ineffectual. While demanding greater appropriations for Interior's Fish and Wildlife Bureau, they found a staunch supporter in the state of Washington Department of Fisheries. The head of that agency, Thor Tollefson, was much more solicitous of their complaints about logging practices, ~~now~~ ^{so} than he had been ~~and~~ ^{as} congressman, representing lumber interests of the ~~only~~ Olympic District a few years before.

In 1965 the BIA at Hoquiam heard of tribal ~~obj~~ objections to logging practices affecting the fishing streams on the reservation. The forest managers at Portland instructed their staff to strengthen enforcement of the provisions in new contracts for purchaser responsibility for stream clearance that summer, and ^{so} recommended revisions of old contracts to include that task. ^{50%} But whether stream rehabilitation was to be done by the BIA, by the companies, or by the tribe, the old problem of unified jurisdiction over ~~hundreds~~ ⁵¹²² of individually ~~owned~~ ~~tracts~~ owned tracts seemed an ~~insurmountable~~ insurmountable obstacle.



✓ Ten years after Senator Neuberger said that he did not know what else could prod the BIA, ^{the} Quinault allottees ^{had} found their own answer: litigation. ~~Because so many material advantages ride on the outcome, if adjudication tends to bend historical perspectives to suit the ~~mere~~ interests of the moment. Actions taken in the past as ~~were~~ ^{practical} responses are now viewed through a glass darkly as conspiracies; things ~~remembered~~ that were done on a day to day basis (or things that were not done) are ~~seized upon~~ ^{scrutinized} for evidence of good or evil. That same selective ~~distortion~~ ^{scrutinized} bending of historical intent and consequence characterized the climate of opinion during the latter half of the 1960's. ^{When} the civil rights movement of those years ^{"politicized"} ~~greatly~~ ^{the} ~~minority~~ ^{minority} segments of the American population, ~~to become "politicized"~~ ^{for cultural reasons}, Indians at first declined to identify with ~~the~~ ~~Black~~ the cause of Black-Americans. ". . . unlike the Negro [sic]", dissident allottee Paul Petit Sr., ^{insisted} ~~pointed out~~, "we do not cry out about a racial prejudice but ask only to be allowed the privilege of working the lands that are rightly ours." ^{sol} ⁵¹²⁵⁹ But after the passage of civil rights legislation and the federalization of minority interests by the Kennedy and Johnson Administrations, Indians were caught up in the ~~the~~ exhilaration and success of minority self-realization. They nevertheless ^{from the Black's movement} differed in two respects. First, they were far fewer in number and therefore ~~had~~ could wield much less leverage ^{by} ~~in~~ sheer numbers. Second, they did not seek to obliterate ^{a degraded} ~~their~~ ^{actually} past but appealed to~~

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to it as a time of self-respect and integrity. Perhaps for these reasons, the pressures and publicities they belatedly adopted were "offensives" that were ~~usually~~ ^{generally} ~~xxx~~ inoffensive. When ^{Indian} ~~their~~ children abandoned their elder's cultural reticence, they retained a large degree of traditional patience and understatement. ~~xx~~ The younger members of every tribe across the nation were more educated or more in the main stream of events than their ~~elder~~ parents and grandparents. During the late 1960's, it was they who called intertribal meetings, published and demonstrated tribal heritages, and formed associations. These ⁱⁿ activities commanded far greater ~~xxx~~ attention than ^{their parents'} scattered ^{occasional} private ~~xxx~~ letters of complaint addressed to Congressmen or bureaucrats. Indeed, federal administrators preferred to deal with larger organizations with single purposes ~~xx~~ ^{that} ~~xxx~~ represented ~~these~~ widespread views rather than respond to scattered individuals of varying condition and need.

^{that new climate of the later 1960's}
 In ¹⁹⁶⁸, ~~xxxxxx~~ Helen Mitchell, the recording secretary of the National Congress of American Indians (^{that} ~~she~~ described herself as "the voice of the Indian people") ~~xxxx~~ began a new chapter in the history of timber management on the Quinault Reservation. The ~~owner~~ of an allotment and executor of her ward's allotment on the reservation, she was ^{also} ~~xxxx~~ chairman of the Quinault Land and Forest Committee. Although she lived on the nearby Chehalis reservation, the logging company that she owned (Mitchell-Grandorf) ~~frequently~~ ^{worked} ~~operated~~ in the Quinault forests. ~~xxxx1964xxxxBIAxxxxforestersxxxx~~ Between 1964 and 1966, ~~xxxxxxx~~ ^{she} her company's operations had been ~~criticized~~ ^{charged with trespass and was} ~~by~~ ^{of improper logging methods by} BIA foresters and the unit contractors as well. ~~she~~ ⁱⁿ Mitchell in

44
151
plaintiffs

representative of Quinault allottees.

There were several ironies involved in the actions of the ~~Quinault Allottees~~ ^{plaintiffs} ~~QAA~~ ^{their} ~~CAC~~. Under the terms of ~~its~~ contract with the law firm, ~~its organizers~~ ^{they} had to secure legal authority to act for individual allottees before the lawyers would proceed with their investigation. At the outset, they evidently encountered the same sort of apathy, doubt, and apprehension that the BIA had faced for many years. Resorting to notices, meetings, and editorials ^{declarations} in their own Quinault Allottees Newsletter, it took them many months to ~~get~~ to reach the required ~~total~~ ^{estimated total of} of 170 signers out of the 1200 ^{potential} allottees, and ^{Support of} another year before they had the 531 timber land owners ^{as plaintiffs for the suit against the BIA.} A year after that, they claimed to speak for 650 of them.

The substance of their appeals to the allottees was an unintentional but ^{significant} ~~notable~~ echo of the explanation used by the BIA when it was trying to organize the Taholah and Crane Creek contract: that is, only those who signed over their power of attorney and participated in the ~~the~~ action would share in the anticipated rewards.

Moreover, as ~~xxxx~~ ^{foresters} Portland Area ~~Kenneth Hadley~~ pointed out to ~~the~~ Quinault tribal officer^s, the ~~QAA~~ contract in effect would establish a possible monopoly by those who participated in it. ^{5/31} ~~xxxxxxx~~ ^{many of its} ~~its~~ adherents had, of course, been outspoken in their criticism of the logging contracts as veritable monopolies. On the other hand, an increasingly smaller number of allotments still under federal management would have to bear the burden of claims against the bureau; those claims would have to be met not through regular administrative procedures but by the ~~unexpensive~~ adversarial techniques of litigation.

removal of the superintendent... to Forest... by their... way in which... There was no... officials however...

A further comparison ^{may be} drawn between the BIA's ~~own~~ responsibilities ~~in the expansion~~ and the ^{plaintiff's} task. The law firm required a \$10,000 retainer fee, ~~and in the~~ ~~20%~~ called for an ~~unspecific~~ open expense account, and intended to take 20% ^{percent} of whatever the court would award to the plaintiffs. The committee, ^{like the BIA before them,} therefore had to pool the contributions of its supporters and establish a ~~fund~~ treasury secured by the value of the timber on their allotments. Again, ^{the Area foresters} ~~hadley~~ noted the ~~implication~~ implication: ~~in whether~~ whatever the lawyers did for their clients (and they could not of course guarantee an award), they collected ~~one way or the other~~. Yet many members of the ~~ONE-GAC~~ ^{allottees association} were the same Indians who had ~~previously~~ for so long protested a 10% ^{percent} assessment levied when they had received actual income from the cutting of their timber. In sum, it appeared to BIA officials that the Indians initiative and skill in creating ^a cooperative management enterprise after so many years of rejecting the idea (the most recent rejection ^{had} occurred that same year) was unfortunately misdirected.

~~The BIA's Indian Affairs responded to the Mitchell~~
The ~~Democratic~~ Lyndon Johnson Administration was ~~evidently~~ ~~anxious~~ that ~~not~~ become a black ~~mark~~ ~~against~~ the Mitchell Case ~~mark~~ against ~~its~~ (its substantial record of active defense of ~~rights~~ ~~and~~ ~~opportunities~~ for minority groups) ~~Secretary~~ of the Interior Stewart Udall established a special task force to examine the Quinault claims. Although that ~~groups~~ ^{Interior Department} continued to report recognized the tribal council as the only representative of the ~~Quinaults~~, the ^{new} leadership ~~was~~ ~~no~~ ~~longer~~ ~~antipathetic~~ to the dissident

(Insert from page 12)

September, 1968

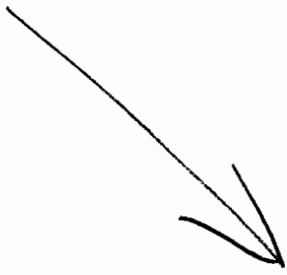
Interior Department

The Lyndon Johnson administration was ~~x~~ evidently anxious that the Mitchell Case ^{and others} not become a black mark against its substantial record of active defense of civil rights and economic opportunities for minority groups. In a special message to Congress in March 1968, President Johnson asked for a "Bill of Rights: to give Indians a voice in state and federal ~~xxx~~ justice applied to their reservations, called for a specific study of off-reservation Indian~~s~~ problems, and hoped that the "special ~~xx~~ relationship between Indians and govern~~ment~~ would grow and flourish." These concepts were ultimately incorporated in the Civil Rights Act of 1968. ⁵⁸⁻³⁷⁰

Quinault anger over the removal of the superintendent to Everett, Washington, was offset by their pleasure over the way in which the Indian supervisor shared their viewpoint. There was no change in their criticism of the Portland area officials, however. Although the Interior Department continued to recognize the tribal council as the only representative of the Quinaults, the new leadership supported the dissident allottees. President Jim Jackson wished that the Indians had a Martin Luther King, Jr., kind of leader (though without what he termed King's "disloyalty to the country.") Instead, that October, the council

bureau impress the Quinault tribe with the need for establishing their own forest management enterprise. It could assist them in acquiring tracts, obtaining local financing, and negotiating with the owners of the road systems. ⁽⁶⁰³⁹⁾ Although some of the plaintiffs viewed these intentions and initiatives as a response to the ~~work~~ ^{instead} suit, they greatly resembled the recommendations formulated by the BIA in the decade after the Newberger report. Similarly, the tribal ~~program~~ program of 1968 to purchase and consolidate allotment land had been promoted by the bureau long before that report.

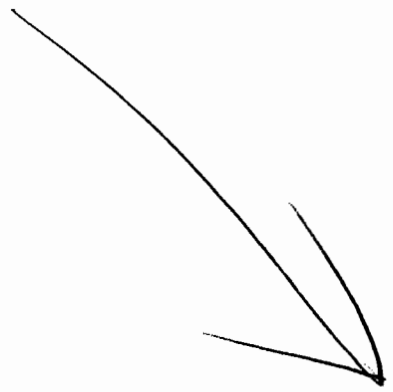
After initiating legal proceedings against the BIA and expecting no help from Congress via ~~the~~ ^a pending Omnibus Bill for other economic assistance, the new tribal leadership also took up ~~the~~ ^{an} idea that their predecessors had rejected on several occasions: the establishment of a forest products enterprise on the reservation. (This idea was clearly in response to the increases in stumpage rates due to the Japanese export market.) In March 1969, they sought support for an operating procedure based upon a similar industry in the ~~Blackfoot~~ ^{Blackfoot} Reservation in Montana. Bureau officials met with Mitchell and representatives of the Weyerhaeuser Corporation in May. Portland area office economists thought that such an enterprise could be handled as if it was an allottee entity and given a special cutting permit. But nothing much happened afterwards. As BIA officials observed, the tribal council's by-laws were much too sketchy and their specific data on costs were nonexistent. Although the tribe would soon have sufficient income to begin buying patented allotments, it was a long way from having the unified jurisdiction that such an enterprise would require. ^(6139a-7)



Ultimately historians may conclude that the plaintiffs in the Mitchell case became the beneficiaries of the kind of political and economic changes that had affected BIA policies during the preceding twenty years. Just as they pressed their claims, federal administrators and public interest advocates were considering alterations in Indian policy, ^{(62393) and} a new Republican administration assumed power in Washington, D.C. President Richard M. Nixon and many of the men he appointed to places in the Interior Department had been supporters of the Eisenhower administration's termination policy. But instead of reviving that rejected program, the administration asked Congress for a policy of self-determination without termination, ~~Indian participation in~~ Indian participation in the selection of BIA employees, and Indian approval of allotment policy. ⁽⁶³³⁹⁶⁾ Redefining the definition of trusteeship, they extended permits to Indian land owners to sell their holdings for a price below the fair market level.

Of more immediate significance was the fact that, in the two years between the signing of the Mitchell suit contract and its approval by the BIA in January 1970, the market value of Quinault timber doubled because of the Japanese export market, while similar timber on adjacent national forest lands (not eligible for export) increased only half as much. ⁽⁶⁴¹⁴⁾ Logging companies in the area could readily afford to meet increases in stumpage rates and still retain a good profit. Moreover, they perceived in the tendency of government Indian policy an opportunity to deal directly with Quinault timber owners, once the tribe was granted full economic self-determination. Similarly the marked increase in timber payments enabled the Quinaults to undertake consolidation purchases of reservation lands for the first time.

In September 1971, Rogers C.B. Morton, the new secretary of the interior, issued a pledge to uphold Indian self-determination. In Portland that same month, President Nixon announced that he had instructed Morton to "shake up" the BIA's bureaucracy "and shake it up good," so that it would no longer be preoccupied with merely defending the status quo. ⁶⁵⁴⁰⁴ Soon after, the bureau's staff underwent a period of dissension, recrimination, and reorganization. Whether or not these administrative pains appeared to be both effect and ~~cause~~ cause of Indian militancy, The president's criticisms were repeated in many letters of complaint arriving at the Interior Department during the next three years. Protests had by then taken on more dramatic expression and more demanding substance. (Members of several tribes occupied Alcatraz Island in San Francisco Bay, and Washington State's Yakima tribe claimed ownership of Mt. Adams and the valuable national forest that surrounded it.)



The Quinault's had their day in the sun as well. In May, 1970, the QAC and tribal officials negotiated an agreement with Evans Products (formerly Aloha) for thirty-day revisions in stumpage rates. From the standpoint of the federal government, such an agreement, ~~implied the~~ ~~concept~~ ~~implied~~ ~~review~~ implied review of federal law and was therefore of doubtful ~~constitutionality~~ ^{validity.} When a federal arbitration board examined the Indian initiative in July, the allottees' representative withdrew; ~~soon after~~ ^{before the board} Assistant Secretary of the Interior Loesch ~~agreed~~ ^{Harrison} ~~approved~~ ^{approved} of the revisions on the basis of ~~the~~ market conditions.

~~When the BIA~~ Rayonier, therefore anxious to cultivate ~~the~~ all parties concerned, ~~now~~ ^{now} sought and received BIA permission to pay ~~stumpage~~ rates prior to the revisions. ~~The action~~ The ~~action~~ ^{action} seemed to confirm not only the old charge of "hand-ing-glove" relations between the companies and the BIA, but the new charge of misconduct in the BIA's hierarchy. ~~Seen afterwards,~~ ^{Aroused by the persistence of} a group of Quinault allottees temporarily closed down logging on the ~~reservation~~ ^{Cleone Creek Unit} by blocking the ~~access~~ ^{company's} roads. News of the incident provoked sympathy for the Indians from ~~concerned~~ ^{concerned} citizens as far away as New Jersey.

In retrospect, the Mitchell Case and its repercussions ~~was~~ ^{developed since} was a concatenation of all of the conditions that had ~~begun~~ ^{developed since} after the end of World War II. ~~The~~ ^{As a result,} ~~health~~ ^{sudden good} of the lumber industry had, ^{ironically,} been even more disruptive to sustained yield management than its earlier ill health. The BIA could ~~understandably~~ think of itself as the sole preserver of the tradition of federal

*Subject
from p. 106*

*Contented
over
the
1950s
in 1970*

159
~~XXXXXX~~
~~47~~

Once again, the question of stumpage rates renewed hostilities among all parties at Quinault. After three consecutive years of marked increases, ^{in the summer of 1971} the BIA approved of a slight decrease in the prices paid for allottee's timber in ~~summer~~ 1971. Accusing ~~the~~ Rayonier and Evans of not acting in good faith, the leaders of the Quinault association also accused the companies of damaging their lands. After considering alternatives, the tribal leaders voted to close the access roads and ^{on September 11} blocked a bridge with three ~~the~~ vehicles, ~~on September 11~~. Soon after, Rayonier agreed to higher stumpage rates, but Evans secured an injunction against the allottee's pressures. At first, the BIA officers joined the fray by suspending Evans loading operations at two sites because of ~~XXXXXX~~ improper practices. However, that ~~the~~ action was immediately rescinded. The ^(L6406) bureau did not, however, defend the contractors against the Indians closure.

In retrospect, the Mitchell Case and its repercussions were a concatenation of all of the conditions that had developed since the end of World War II. The sudden good health of the lumber industry had, ironically, been even more disruptive to ~~sustain~~ sustained-yield management than its earlier ill health. As a result, ~~the~~ the BIA could think of itself as the sole preserver of the tradition of federal trusteeship against the erosive forces of economic opportunism and political change. Those forces established fertile ground for the growth of Indian activism, and enhanced the likelihood of success for the plaintiffs in the Mitchell Case. The record of allottee indifference to impatience with and ultimate attempts to withdraw from sustained yield forest management was certain. But in the new climate of opinion, any suggestion that the Indians were their own worst enemy would be rejected as an expression of the the new heresy: racism.