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Has only the title page.

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OX H 239 } are identical
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20. Raymond H. Bitney to E. Morgan Pryse, November 28, 1953 (H-214); John Libby to Bitney, April 27, 1954 (H-215), Forest and Range Folder, Hoquiam Office.
22. Proceedings, Resources Conference, Portland, January 20-23, 1953, pp. 21-26, Box 18585, RG 75, FRC (H-216).
23. Minutes of the Annual Tribal Meeting, March 31, 1956, Box 35770, RG 75, FRC (H-217).
24. A. F. Hartung to Gardner Jackson, March 1, 1955 (H-218); H. Moore, Acting BIA Area Director, to Hartung, May 12, 1955 (H-219); Hartung to Hans A. Linde, April 25, 1955 (H-220); Senator Richard L. Neuberger to Hartung, May 19, 1955 (H-221); Hartung to Neuberger, May 27, 1955 (H-222), Indian Affairs, Quinault Timber Folder, Box 13, and Timber, Quinault Reservation Folder, Box 26, Richard L. Neuberger Papers, University of Oregon, Eugene.
25. Neuberger to CBIA Glenn Emmons, March 11, 1955 (H-223); Emmons to Neuberger, March 25, 1955 (H-224), Quinault Reservation Folder, Box 26, Neuberger Papers. 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-225). See also correspondence in folders cited above, Neuberger Papers.
26. Neuberger statement, Congressional Record, 84th Cong. 1st, June 24, 1955, pp. 7815-7816 (H-226); Neuberger to Hartung, July 22, 1959 (H-227), Timber-Quinault Reservation Folder, Box 26, Neuberger Papers.

Senr 5 With Dr. Steen's 3-7-77
12/76

27. "Conference, Commissioner of Indian Affairs, Western Washington Tribes, September 13, 1956, Folder 109, Box 1627, FRC (H-228).

X 28. ~~28.~~ ^{a number of 1957, Def. Ex. H-244, P. 2.} McLeod represented ~~the~~ allottees in Squire v. Herton Capeomen (~~351 U.S. Reports 1, 1956~~) which, ~~the Indians insisted,~~ ~~judged the administrative fee to be unlawful. cf. Morrison v. Work~~ (~~266 U.S. 481, 488, 1925~~).

29. Hatfield Chilson, Under Secretary of the Interior, to Neuberger, June 14, 1957, Quinault Reservation Folder, Box 28, Neuberger Papers (H-229).

30. Robert Wolf to Neuberger, September 7, 1957 (H-230); and Wolf to W. H. Coburn and A. Perlman, subcommittee counselors, October 30, 1956 (H-231), Quinault Reservation Folder, Box 26, Neuberger Papers.

31. Neuberger to Chilson, May 6, 1957, Quinault Timber Folder, Box 13, Neuberger Papers (H-232).

32. Neuberger to Chilson, December 31, 1957 (H-233); Neuberger to Joseph Campbell, Comptroller General, December 31, 1957 (H-234); Campbell to Neuberger, January 23, 1958 (H-235), Quinault Reservation Folder, Box 26, Neuberger Papers.

33. Neuberger to Hartung, September 6, 1957, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers (H-236).

34. Perry Skarra to C. F. Wells, GAO, January 16, 1958 (H-237); Chilson to Neuberger, February 4, 1958 (H-238); John Crow to Henry Jackson, February 6, 1958 (H-239); C. W. Ringey to Neuberger, February 5, 1958 (H-240); John Libby to James Duree, January 21,

39. C. W. Ringey to Resources Development Association, April 4, 1958 (H-248), Forestry General Supervision File, 58-1-16 File, Box 35534, FRC.

40. C. W. Ringey to Resource Development Association, April 4, 1958, Forestry 060 File, Hoquiam (H-248); Neuberger to Wilfred Petit, April 19, 1958 (H-250); James Murray to Claude Wain, June 27, 1958 (H-251), Quinault Reservation Folder, Box 28, Neuberger Papers.

41. In July 1962, the ^{agency} Quinault superintendent's ^{at Everett in Quinault} newsletter ^{No. 20} asked 1,200 allottees for comments on the idea of forming a new ^{Advisory} committee ^{OF} to ^{represent} insure their interests. ^{Ref. Ex. A-77} Only twelve of them replied, of whom eight offered to support such an organization; W. J. DeCeile to R. D. Holtz, November 8, 1962, Quinault Newsletter, Forestry 060 File, Hoquiam ^{Ref. Ex.} (H-252).

42. Don Clark, Assistant Forest Manager, to Supervisor, Quinault Reservation, September 29, 1959, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam (H-253).

43. Harold Weaver, "Some Thoughts on the Timber Sales Program of the BIA in the Pacific Northwest" (H-254); John Crow to Foster, March 26, 1958 (H-255); Louis Brenninger to Foster, March 14, 1958 (H-256), Forestry-General Supervision Folder, Box 1627, FRC.

44. Roger Ernst, Assistant Secretary of the Interior, to CBIA, July 9, 1959, General Supervisor Folder, 64-1-15 File, Portland Area Office (H-257).

45. Area Forester to Area Director, March 12, 1959, memo on field trip to Quinault Reservation, copy in Forest History Society Archives (H-258).

59. Kenneth Hadley to Tribal Operations Officer, March 27, 1969
✓ (~~as drafted by Victor Meeker~~), Quinault Allottees Association
Folder, 68-3-29 File, Portland Office (H-298).^{DEF EX}
60. Lyndon B. Johnson, Special Message to the Congress on the
Problems of the American Indian . . . March 6, 1968, Public Papers
of the President (Washington, D.C: GPO, 1970), pp. 342-344 (H-307).^{DEF EX}
61. "Preliminary Statement by James Jackson on the Report of the
Quinault Tribal Council to Commissioner of Indian Affairs Bennett,"
ca. October 1966, pp. 4, 5, 13, 23 (H-308); Hannah Bowechop to
CBIA Robert L. Bennett, August 22, 1966, Indian Affairs-Quinault
Folder, Box 35, Hansen Papers (H-309); Felshaw to Dale M. Baldwin,
Portland Area Director, December 10, 1968, Quinault Allottees
Association Folder, 68-3-29 File, Portland Area Office (H-310).^{DEF EX}
62. Felshaw to Baldwin, December 10, 1968 (H-310).^{DEF EX}
63. John Gordon, Assistant Superintendent, to the files, September
✓ 4, 1968 (H-311); S. A. ~~Lozar~~ to Vincent W. Bousquet, Weyerhaeuser
Company, May 13, 1969 (H-312); John Galbraith to Felshaw (and
Meeker comment), April 21, 1969 (H-313), Quinault Enterprise,
73-2-21 File, Portland Area Office.^{DEF EX}
64. Richard M. Nixon, Special Message to the Congress on Indian
Affairs, July 8, 1970, Public Papers of the President (Washington,
D.C: GPO, 1974), pp. 564-576 (H-314). In addition, the ~~President~~^{sought}
~~gained~~ Indian approval by calling for the establishment of the
post of Assistant Secretary of the Interior specifically for
and Territorial
Indian Affairs.^{DEF EX}

of self-determination without termination, Indian participation in the selection of BIA employees, and Indian approval of allotment policy.⁶⁴ 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.⁶⁵ 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

See Def-Ex H-310
Item 9 on
Page 3 Refers
to a task
Force
recommendation
that the
Quinault
tribe be
authorized
to negotiate
for land sales
at less than
fair market
value.
Was
ever
accepted?

3-11-77

To Dr. Steen,

For your information.

D.M. Marshall

27. "Conference, Commissioner of Indian Affairs, Western Washington Tribes, September 13, 1956, Folder 109, Box 1627, FRC (H-228).

X 28. ~~28.~~ ^{a number of} 1957, Def. Ex. H-244, p. 2. McLeod represented ~~the~~ allottees in Squire v. Horton Capeomen (~~351 U.S. Reports 1, 1956~~) which, ~~the Indians insisted,~~ judged the administrative fee to be unlawful. ~~cf. Morrison v. Work~~ (~~266 U.S. 481, 488, 1925~~).

29. Hatfield Chilson, Under Secretary of the Interior, to Neuberger, June 14, 1957, Quinault Reservation Folder, Box 28, Neuberger Papers (H-229).

30. Robert Wolf to Neuberger, September 7, 1957 (H-230); and Wolf to W. H. Coburn and A. Perlman, subcommittee counselors, October 30, 1956 (H-231), Quinault Reservation Folder, Box 26, Neuberger Papers.

31. Neuberger to Chilson, May 6, 1957, Quinault Timber Folder, Box 13, Neuberger Papers (H-232).

32. Neuberger to Chilson, December 31, 1957 (H-233); Neuberger to Joseph Campbell, Comptroller General, December 31, 1957 (H-234); Campbell to Neuberger, January 23, 1958 (H-235), Quinault Reservation Folder, Box 26, Neuberger Papers.

33. Neuberger to Hartung, September 6, 1957, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers (H-236).

34. Perry Skarra to C. F. Wells, GAO, January 16, 1958 (H-237); Chilson to Neuberger, February 4, 1958 (H-238); John Crow to Henry Jackson, February 6, 1958 (H-239); C. W. Ringey to Neuberger, February 5, 1958 (H-240); John Libby to James Duree, January 21,

45. Correspondence between Quinaults, Congresswoman Hansen, BIA Officials, and others is in Indian Affairs folder, Box 35, Hansen Papers, University of Washington, Seattle.
46. Fred Massey to Hansen, July 3, 1961, Indian Affairs, Quinault folder, Box 35, Hansen Papers, (~~H~~ ^{Def. Ex. H-}).
47. Quinault Tribal Resolution, March 30, 1961, (~~H~~ ^{Def. Ex. H}); C. W. Ringey to Hansen, February 28, 1962, (~~H~~ ^{Def. Ex. H-}), Indian Affairs-Quinault folder; Resolution, Quinault Tribal Council, January 15, 1962, (~~H~~ ^{Def. Ex. H-}), Box 35, Hansen Papers.
48. D. Otis Beasley to Rayonier and Aloha companies, August 1, 1962, (~~H~~ ^{Def. Ex. H-}); Hansen to John Crow, CBIA, July 7, 1962, (~~H~~ ^{Def. Ex. H-}), Indian Affairs-Quinault folder, Box 35, Hansen Papers.
49. "Special Report, Fisheries Management Program," September 28, 1966, pp. 6-11, 66-9-28 File, (~~H~~ ^{Def. Ex. H-}); Perry Skarra to CBIA, November 22, 1968, Special Task Force Report, 68-9-19 File, Portland Area Office, (~~H~~ ^{Def. Ex. H-}).
50. A. W. Galbraith (economic branch officer) to Superintendent, Western Washington Agency, June 12, 1971, with accompanying comments by Greg Stevens, Fisheries Report Folder, 66-9-28 File, Portland Area Office, (~~H~~ ^{Def. Ex. H-}).
51. Annual Reports of CBIA, 1964-1969, (~~H~~ ^{Def. Ex. H-}); see also Henry W. Hough, Development of Indian Resources (Denver: World Press), pp. ^{Def. Ex. H-} (~~H~~).
52. Annual Reports, Taholah and Crane Creek Units, Box 74622, FRC, (~~H~~ ^{Def. Ex. H-}).
53. Paul H. Petit, Sr., to Thor Tollefson, July 6, 1959, Box 74, Tollefson Papers, University of Washington, (~~H~~ ^{Def. Ex. H-}). Petit's remark may be balanced by his later attempt to be appointed to be a special U.S. Marshal ~~X~~ for Indian Affairs.
54. Biographical information on Mitchell is in Quinault Allottees Association folder, 68-3-29 file, Portland Area Office. The attitude of allottees of her generation reflect the manner in which the new leadership among the Quinaults

viewed facts and circumstances with cynicism. For example, in 1967 the Raft River fire occurred--the largest fire on the reservation in nearly twenty-five years. Instead of being pleased with the BIA's efforts to save and salvage the timber in the area, some allottees complained of the way in which the disaster exacerbated the pollution of fishing streams. Similarly, while foresters observed the successful growth of Douglas-fir planted in 1961 and 1962 in the Raft River area, younger Quinalts called for congressional appropriation of \$200,000 for thinning the timber, clearing stream beds, and constructing roads on the reservation.

55. The origin and development of the Mitchell case are documented in Quinalts Allottees Association folder, 68-3-29 file, Portland Office, ~~(H-)~~; and Committee to Represent Quinalts Allottees #1 and #2, 060 file, Hoquiam, ~~(H-)~~.
Def. Ex. H-

56. Kenneth Hadley to Tribal Operations Officer, March 27, 1969 (~~as drafted by Victor Meeker~~), Quinalts Allottees Association folder, 68-3-29 file, Portland Office, ~~(H-)~~.
Def. Ex. H-

57. Lyndon B. Johnson, Special Message to the Congress on the Problems of the American Indian . . . March 5, 1968, Public Papers of the President (Washington, D.C: GPO, ^{335, 3}), pp. 342-~~244~~, ~~(H-)~~.
Def. Ex. H-

58. James Jackson, "Preliminary Statement on the Report of the Quinalts Tribal Council to Commissioner of Indian Affairs Bennett," ca. October 1966, pp. 4, 5, 13, 23, ~~(H-)~~; Hannah Bowechop to CBIA Robert L. Bennett, August 22, 1966, Indian Affairs-Quinalts folder, Box 35, Hansen Papers, ~~(H-)~~; Felshaw to Dale M. Baldwin, Portland Area Director, December 10, 1968, Quinalts Allottees Association folder, 68-3-29 file, Portland Area Office, ~~(H-)~~.
Def. Ex. H-

59. Felshaw to Baldwin, December 10, 1968, ~~(H-)~~.
Def. Ex. H-

60. John Gordon, Assistant Superintendent, to the files, September 4, 1968, ~~(H-)~~; S. A. Lazar to Weyerhaeuser Company, May 13, 1969, ~~(H-)~~; John
Def. Ex. H-

Galbraith to Felshaw (~~and Meeker comment~~), April 21, 1969, Quinault Enterprise, 73-2-21 file, Portland Area Office, (~~H~~ ^{DeF. Ex. H-}).

61. See Alvin M. Josephy, Jr., "The American Indian and the Bureau of Indian Affairs: A Study With Recommendations," 1969, copy in Special Report folder, 69-1-24 file, Portland Area Office, (~~H~~ ^{DeF. Ex. H-}).

62. Richard M. Nixon, Special Message to the Congress on Indian Affairs, July 8, 1970, Public Papers of the President (Washington, D.C: GPO, 1974), pp. 564-576, (~~H~~ ^{DeF. Ex. H-}). In addition, the ^{President} ~~gained~~ ^{sought} Indian approval by calling for the establishment of the post of Assistant Secretary of the Interior specifically for ^{anti-territorial} Indian Affairs.

63. Victor Meeker, "Average Stumpage Rates Paid in Crane Creek and Taholah Units (combined), 1950-1971," compilation in ~~Mr. Meeker's files~~, Portland Area Office, (~~H~~ ^{Files, DeF. Ex. H-}).

64. Richard M. Nixon, "Remarks at a question and answer session for Northwest editors, publishers, and broadcaster executives. . ." September 25, 1971, Public Papers, p. 990, (~~H~~ ^{DeF. Ex. H-}).

65. Helen Mitchell to Joe Jackson, October 3, 1971, file 4, Taholah Logging Unit, Portland Area Office, (~~H~~ ^{DeF. Ex. H-}). The responses by the BIA and the companies to closure are also in this file. It should be noted that a Seattle television crew was notified in time to film the blocking of the bridge and access roads, a reflection of the careful planning that was given to the demonstration. The ensuing publicity provoked expressions of outrage and sympathy by concerned citizens as far away as New Jersey.

THE BUREAU OF INDIAN AFFAIRS AND
FORESTRY ON THE QUINALT INDIAN RESERVATION:
A HISTORY

Robert E. Ficken, Ph.D

Elmo R. Richardson, Ph.D

Harold K. Steen, Ph.D

¹⁰⁰⁰
The Forest History Society, Santa Cruz, California
in Cooperation with
The U.S. Department of Justice

197⁷~~6~~

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* Robert E. Ficken is author of the first three chapters, and Elmo R. Richardson is author of chapter IV. Harold K. Steen served as consultant and general editor of the entire volume. The authors are grateful to David M. Marshall and Victor C. Meeker for their thoughtful critiques of chapter drafts.

INTRODUCTION

The Quinault Indian Reservation occupies a 190,000 acre wedge of land on the ocean side of the Olympic Peninsula in northwestern Washington. On the east, the reservation borders on Lake Quinault in the foothills of the Olympic Range. Boundary lines run northwesterly and southwesterly across bench lands, reaching the Pacific Ocean above the mouth of the Queets River on the north and some miles above Grays Harbor on the south. The Olympic National Forest and state timberlands border the reservation to the north and east, and private holdings adjoin it to the south and north. With the exception of its extreme northwestern reaches, the reservation lies within Grays Harbor County and is closely aligned with the forest-oriented economy of that county.

The reservation is drained by the fairly large Quinault and Queets rivers, by the smaller Raft and Moclips rivers, and by numerous small creeks. Drainage, however, is very poor because of the saturation of the soil by heavy rains. "We have the greatest rainfall in the United States," a Bureau of Indian Affairs official noted in 1911, "the maximum fall being a little

over thirteen . . . feet annually. With the exception of the months of July and August, there is hardly a day in the year but what some trace of precipitation can be found, and during the months named, there is an increasing conflict between Sun and fog."¹ A Forest Service study found that "along the coast the average annual rainfall is usually above 80 inches, and in some years has exceeded 100 inches. . . . At Lake Quinault . . . the annual average is approximately 130 inches."²

Most of the timber on the reservation is ^{red} cedar and hemlock. Forty-eight per cent of the original forest consisted of the former and 26 per cent of the latter; only eight per cent of the timber was Douglas fir.³ "The timber," reservation superintendent N. O. Nicholson reported in 1930, "is a jungle of tall trees, windfalls, deep duff, brush growing on old windfalls and much of the ground is marshy because of the holding back of the runoff from the abundant rains."⁴ What one observer called "a solid wall or mat of vegetation" confronted those persons interested in ^{utilizing} ~~exploiting~~ the resources of the reservation.⁵

¹F. R. Archer to Wesley L. Jones, May 11, 1911, Wesley L. Jones Papers, Manuscripts Collection, University of Washington Library, Seattle (H-1). (Def. Ex. H-1).

²William S. Sankela, Forest Statistics for Grays Harbor County, Washington (Portland, 1938), 2 (H-2). (Def. Ex. H-2).

³Annual Forest Report, Fiscal Year 1925--Quinaielt Indian Reservation, Tahola Indian Agency Records, Record Group 75, Federal Records Center, Seattle (H-3).

⁴N. O. Nicholson to Commissioner of Indian Affairs, November 24, 1930, Tahola Indian Agency Records (H-4).

⁵Archer to Jones, May 11, 1911, Jones Papers (H-1).

Exploitation was further hindered by the lack of roads. Before 1920, there were no wagon roads or railroads on the reservation and communications were limited to forest trails. Even these trails, Nicholson noted, "have mostly been neglected and are now obstructed by brush growth and windfalls."⁶ Indians residing in Tahola at the mouth of the Quinault River, then the location of the Indian agency, used the beach to reach Moclips, south of the reservation boundary, where the tracks of the Northern Pacific Railroad^{way} offered access to the outside world.⁷ By 1920, though, the reservation was on the verge of being opened up and loggers would soon be at work in the vast Quinault forests.

⁶Nicholson to Commissioner of Indian Affairs, November 24, 1930, Tahola Indian Agency Records (H-4).

⁷Archer to Jones, May 11, 1911, Jones Papers (H-1).

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ONE

ALLOTMENT WORK ON THE QUINAULT

The Quinault Indian Reservation originated from and developed under a series of federal treaties, regulations and legislative acts. In the treaty of 1855 and 1856, mandated by Governor Isaac Stevens of Washington Territory, the Quinaults ceded their lands to the United States government.⁸ Subsequently, an executive order issued by President Ulysses S. Grant in 1873 established the reservation for the use of the Quinault, Quillayute, Hoh and other tribes of "fish eating" Indians of the coastal region. Some years passed before federal land use policies were adopted for Indian reservations. ~~And~~ Typically for the ~~19th~~^{nineteenth} century, when Congress adopted a land policy, it saw land either as agricultural or non-agricultural. Congress had recognized mineral lands, but forest lands were considered uncleared agricultural land. This restricted view of land use ~~caused~~^{caused} serious problems for some timbered reservations like the Quinault.

¹⁸ On Stevens, see Kent Richards, "Isaac I. Stevens and Federal Military Power in Washington Territory," Pacific Northwest Quarterly, LXIII (July 1972), 81-86 (H-5).

The General Allotment (or Dawes) Act of 1887 provided for the granting of 80 or 160 acre allotments to individual Indians for the purposes of agriculture or grazing. After the passage of ~~25~~^{twenty-five} years, allottees would receive title to their land. (Legislation in 1906 provided for a waiver of this waiting period if an allottee was adjudged "competent" to handle his or her own affairs.) The goal of the Dawes Act was to "civilize" the Indians by drawing them away from their traditional culture and making them farmers. In the process, the dependence of the Indians on the federal government would be ended, and they would be assimilated into white culture. Also, much Indian land would be made available to white settlers, a point emphasized with favor by Governor Eugene Semple of Washington Territory at the time the Dawes Act was adopted.⁹

The capacity of the Quinault to make the desired transition did not impress white observers. "In point of intelligence," one writer noted, "they do not compare favorably

² Paul W. Gates, History of Public Land Law Development (Washington, D.C., 1968), 464 (H-161); Alan Hynding, The Public Life of Eugene Semple: Promoter and Politician of the Pacific Northwest (Seattle, 1973), 77-78 (H-162). Indian lands not allotted were to be made available for purchase by whites. This provision, combined with the granting of fee patents, often meant that large portions of reservation land passed into white ownership. See Ross R. Cotroneo and Jack Dozier, "A Time of Disintegration: The Coeur d'Alene and the Dawes Act," Western Historical Quarterly, V(October 1974), 405-419 (H-163). By 1934, Indian landholdings had fallen from 138 million acres to 48 million acres. Randolph C. Downes, "A Crusade for Indian Reform, 1922-1934," Mississippi Valley Historical Review, XXXII(December 1945), 332 (H-164).

with other tribes of Washington Territory. They are indolent, uncleanly, wanting in ambition, and for the most part unable to understand any enterprise that would benefit them financially. They are not satisfied to look forward to a crop in the fall as a result of sowing in the spring-time."¹⁰ The Dawes Act was meant to inculcate such an appreciation in the minds of Indians who had subsisted for centuries on fishing.

The granting of allotments to members of the Quinault tribe was authorized in 1905. Members of the Quillayute, Hoh, and Ozette tribes were included in 1911, and the Bureau of Indian Affairs was further authorized in 1913 to grant reservation lands to Clallam, Cowlitz, and Squaxon Indians.¹¹ The carrying out of the allotment process on the reservation, however, proved to be tedious and ultimately based on fallacious theory.

Allotment work on the Quinault was slow and expensive. "The conditions or obstacles encountered in making allotments in this part of Western Washington," allotting agent Finch Archer observed, "beggars description. To know and understand

¹⁰C. Willoughby, Indians of the Quinault Agency, Washington Territory (Washington, D.C., 1889), 267 (H-165).

¹¹Archer to Commissioner of Indian Affairs, December 11, 1912, Jones Papers (H-6); C. J. Hawke to Jones, March 13, 1913, Jones Papers (H-7).

the Quinaielt country, one must go there."¹² Roads had to be constructed to allow the surveying and making of allotment boundaries. "These roadways have first to be slashed," Archer noted, "the logs and brush removed, and--owing to the heavy rainfall, stringers cut and placed on the ground, then planked with corduroy, and the planks spiked down to the stringers." And bridges had to be built across the numerous reservation streams. "Very often," continued Archer, "these watercourses, after but a few hours of heavy rainfall, become swollen torrents, carrying away bridges and portions of the planked roads, thus necessitating re-construction of parts of these roads several times during the year."¹³ The strain on men, pack animals and equipment was severe.

The work could also be dangerous. On one occasion in early 1912, Archer, B.I.A. officials Charles Bates and Solomon Metcalf and two Indian guides were traveling down the Quinault River when their canoe capsized. "Metcalf caught a snag in the river," according to a newspaper account, "while Archer and one Indian reach[ed] the closest bank and the other Indian the other shore. Archer saw in the distance another jam and knew unless some one rescued Bates [who could not swim and was clinging to the overturned canoe], he would be drowned, as the

¹²Archer to Commissioner of Indian Affairs, December 11, 1912, Jones Papers (H-6).

¹³Archer to Jones, May 11, 1911, Jones Papers (H-1).

swift water would carry him under the logs. He called to the Indian on the opposite bank to save Bates, and the native quickly started down the bank and by a stroke of luck caught the canoe in the bend of the river, as it swung towards shore, and hauled Bates ashore." In the meantime, Archer had rescued Metcalf "by means of a long alder pole."¹⁴

Despite such hazards, the laying out of the allotments went forward, and the Indians began to receive their ^{eighty-} acre portions, the latter having been designated as "the proper number of acres for allotment purposes on the Quinaielt reservation."¹⁵ The government made little or no effort to determine the eligibility of potential allottees. "The percentage of Indian blood has no bearing," Assistant Commissioner of Indian Affairs C. F. Hawke pointed out in 1912, "enrollment with the tribes having rights on the reservation being the sole prerequisite to allotment." The council of each tribe could adopt new members, and although the Bureau had the right to void such decisions it rarely did so. "The wishes of the Indians expressed in council," Hawke noted, "have always received due consideration." None of the enrolled tribes was to receive

¹⁴Newspaper clipping, Jones Papers (H-9). Senator Wesley Jones of Washington observed that the incident "shows the wisdom of the officials here in selecting men who can take care of themselves in our mountain streams as well as to blaze and hold trails through the forest." Jones to Archer, February 20, 1912, Jones Papers (H-10).

¹⁵Charles H. Burke to Jones, August 15, 1928, Jones Papers (H-11).

special treatment in the distribution of allotments, but "any Indian who has erected improvements on a particular piece of land or otherwise used it, would be entitled to select the tract as his allotment."¹⁶

Allotment agent Archer stressed the government's desire to make farmers out of the Indians when it came to the actual granting of land. Although the reservation was heavily timbered, he contended that it possessed great potential for agriculture. "The soil along the river bottoms," Archer observed, "is of a rich alluvial character or silty deposit, on the upper lands those of an agricultural character are a black beaver mold or loam and are excellent when cleared for farming purposes." Where cultivation had been attempted, Archer found that "the soil shows extraordinary fertility." Two-thirds of the reservation, he concluded, was "specially fitted for agricultural purposes" and could be so utilized once the timber, which to him was an extraneous feature, was removed. A sixth of the reservation, moreover, was adaptable for grazing.¹⁷

Indians were discouraged from choosing allotments on land not suitable for such usage. "They were mostly given lands that were at least in part suitable for agricultural purposes," Commissioner of Indian Affairs Charles H. Burke

¹⁶Hawke to Jones, March 8, 1912, Jones Papers (H-12).

¹⁷Archer to Commissioner of Indian Affairs, December 11, 1912, Jones Papers (H-6).

wrote in 1928, "and we are advised that the Allotting Agent declined to allot the heavily timbered lands during the first years of his work."¹⁸ Should an Indian select land, noted Archer, that was "found to be more valuable for the timber thereon than for agriculture, the applicant was so informed, and was allowed to make other selections until satisfactory acreage was gotten."¹⁹ Most of these early allotments went to Indians living in Tahola and nearby areas, resulting in considerable complaints when allotments more heavily timbered were later given to persons living off the reservation.²⁰

Each Indian was allowed to choose his or her own allotment, which could be selected from any portion of the reservation. Archer claimed that "every effort was made" to show allottees their selections "so that there could exist no reasonable grounds for future misunderstanding." Only about 20 per cent of the Indians, however, had taken the trouble to personally visit their allotments. Still, Archer believed that he was making progress in his efforts to lead the Indians toward an understanding of the benefits of farming.²¹

¹⁸Burke to Jones, August 15, 1928, Jones Papers (H-11).
~~11~~

¹⁹Archer to Commissioner of Indian Affairs, December 11, 1912, Jones Papers (H-6).

²⁰Burke to Jones, August 15, 1928, Jones Papers (H-11).
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²¹Archer to Commissioner of Indian Affairs, December 11, 1912, Jones Papers (H-6).

J. P. Kinney, Bureau of Indian Affairs forest director, visited the reservation for the first time in 1910 and was appalled at Archer's literal application of the Dawes Act philosophy. "Heavily timbered lands that appeared to be poorly adapted to any agricultural use," Kinney later recalled, "were being allotted."²² Archer, Kinney remembered on another occasion, was "alloting timber that would run anywhere from twelve to thirty thousand board feet to the acre; the land was not fit for agriculture and never would be."²³ The Dawes Act did not specifically provide for allotment of lands unsuited for farming or grazing, Kinney noted. But "because of the cupidity of the Indians and mistaken ideas on the part of allotting agents, timbered allotments have in many instances been assigned."²⁴

Returning to the nation's capital, Kinney "presented my views as to the impropriety of allotting lands of this character."²⁵ It made no sense at all to handle timberland as ~~it~~ ^{though} it was destined to be farmland, ^{or} to overlook the value of

²²J. P. Kinney to William B. Greeley, April 3, 1929, Merrill & Ring Lumber Company Papers, Manuscripts Collection, University of Washington Library (H-13).

²³J. P. Kinney with Elwood R. Maunder and George T. Morgan, Jr., "An Oral History Interview: 'Beginning Indian Lands Forestry,'" Forest History, XV(July 1971), 13 (H-166).

²⁴J. P. Kinney, "Forestry ^{on} Indian Reservations," Forestry Quarterly, X(September 1912), 471-472 (H-167).

²⁵Kinney to Greeley, April 3, 1929, Merrill & Ring Lumber Company Papers (H-13).

grazing. "It is very difficult to keep cleared lands fit for pasture," N. O. Nicholson pointed out in 1930, "as they revert easily and rapidly to brake^[w] ferns and inedible brush and eventually to timber land."³⁰ The Quinault Reservation was not a farm but a forest, and, Nicholson stressed, "the land . . . has no real value for any other purpose."³¹

Those individuals acquainted with forestry recognized that the allotment system was incompatible with the best usage of the reservation's resources. William B. Greeley, former ~~head~~^{chief forester} of the Forest Service, observed in 1929 that "individual allotments have practically the same status as private holdings within the reservation." They could well prevent, Greeley believed, the "orderly utilization of Indian Reservation timber land as a whole in line with the most desirable economic policy."³² J. P. Kinney was convinced that "the completion of allotments to the Indians on a reservation often does not satisfy the economic needs of the group as to land ownership."³³

The decision to drop the allotment work was thus a practical step, one that would limit the damage done by Archer's

³⁰Nicholson to Commissioner of Indian Affairs, November 24, 1930, Tahola Indian Agency Records (H-4).

³¹Nicholson to E. Morgan Price, December 31, 1930, Tahola Indian Agency Records (H-14).

³²Greeley to R. D. Merrill, April 8, 1929, Merrill & Ring Lumber Company Papers (H-15).

³³Kinney, "Forestry Administration on Indian Reservations," 843 (H-168).

enthusiastic but misguided efforts. B.I.A. officials, moreover, believed that their decision did not violate the Dawes Act.³⁴ "The law under which the land suitable for grazing or agricultural purposes was allotted," Assistant Commissioner E. B. Merritt argued, "does not specifically provide for the allotment of the timber land." Since "all the land suitable for grazing or agricultural purposes has been disposed of," further allotments ^{did not} need ~~not~~ ^{to} be made.³⁵ The problem facing the B.I.A. was to develop new policies for ^{the} Quinault, policies to meet requirements not envisioned by the drafters of the Dawes Act.

In order to devise and apply such policies it was necessary to know how much timber was on the reservation. The work of cruising and preparing a topographic map began in 1915, the results of which, Kinney recalled, "we hoped to use as a basis for future forestry work on the Quinaielt."³⁶ The survey work, Kinney wrote, contemplated "the making of a fairly accurate estimate of the timber on each forty-acre tract, the

³⁴Kinney, "Forestry on Indian Reservations," 471 (H-167).

³⁵E. B. Merritt to Jones, May 15, 1915, Jones Papers (H-16). Writing in 1927, Indian Commissioner Burke noted an additional practical objection to the allotment of timberland: "Data on hand showed that it would be impossible to allot the lands in such a manner as to give each eligible Indian an allotment containing timber of an approximate equal value. It was realized that one Indian would receive land with valuable timber on it, while some other Indian would be compelled to receive an allotment of little or no timber value." Burke to Miller, Wilkinson and Miller, June 10, 1927, Tahola Indian Agency Records (H-17).

³⁶Kinney to Greeley, April 3, 1929, Merrill & Ring Lumber Company Papers (H-13).

acquisition of reliable information as to the character of soil on each forty and the gathering of data for an accurate contour map of each reservation examined."³⁷ The cruise was completed in 1917. Unfortunately, its accuracy soon became a matter of some controversy.

The cruise drastically underestimated the timber on some allotments. Quinault Forest Supervisor Henry B. Steer recorded^d two such instances in 1923, related to him by W. G. Peebles of the Polson Logging Company. On one allotment, the government cruise had shown "practically no timber," or some *twenty-*
Seven ~~or~~ thousand ^{board} feet of cedar and pine. Yet, Steer noted, "Mr. Peebles informed me that he found in excess of one million feet of cedar on the South one half of this allotment." The government cruiser had also found a small amount of timber on the second allotment. "While Mr. Peebles did not give me the definite amount of timber which he found on this allotment, he did state that it was very much in excess of this Government cruise."³⁸

In other instances the government figures overestimated the timber. B. J. Wooster of the Aloha Lumber Company pointed out that the report of his company's cruiser was "in every

³⁷Kinney, "Forestry Administration on Indian Reservations," 838-839 (H-168).

³⁸Henry B. Steer to W. B. Sams, February 20, 1923, Tahola Indian Agency Records (H-18).

instance but one . . . underrunning the Government cruise. . . This unit being cruised by Mr. McCutcheon shows approximately one-half the Government cruise." A man named Bidwell, who had worked on the 1915-1917 project, told Wooster that "he would consider the Government figures approximately a close guess, but nothing more."³⁹ Paul Smith of the M. R. Smith Lumber Company agreed with Wooster's assessment. His own cruise of two allotments purchased in 1920, he commented, "will average 40% less than the reservation cruise."⁴⁰

The discrepancies resulted from the methods used by the Bureau of Indian Affairs in its cruise. "We used what is called the strip system, the inaccuracies of which are well known," Steer recalled. "A 'commercial' cruiser covers the ground a great deal more thoroughly than did the man who used the strip system for the government."⁴¹ Cruiser Bidwell had stated, Wooster wrote, "that he knows of instances, particularly where a ^[see tract] 40 was generally looked at from the top of a ridge, the next 40 being approximated as containing less or more than that

³⁹B. J. Wooster to M. R. Smith Lumber & Shingle Co., September 30, 1920, Aloha Lumber Company Papers, Manuscripts Collection, University of Washington Library (H-19).

⁴⁰Paul Smith to Wooster, October 8, 1920, Aloha Lumber Company Papers (H-20).

⁴¹Steer to Sams, February 20, 1923, Tahola Indian Agency Records (H-18).

just looked at."⁴² The government cruise, it was clear, was at best an approximation for the reservation as a whole and a basically unreliable guide to the resources of the individual allotments.

This fact was not regarded with any great concern by either the B.I.A. or the private lumbermen. Cruise reports were usually regarded in the lumber industry as estimates and the person or organization making the cruise was not ^{held} liable for its accuracy. "It wasn't the policy to estimate the timber stand on various allotments as a 100% estimate," Quinault superintendent George La Vatta pointed out in the mid-1940s. As long as the ultimate sale price was based on a recruise or scale of logs cut, there was "no cause for alarm."⁴³ Kinney

⁴²Wooster to Smith Lumber Co., September 30, 1920, Aloha Lumber Company Papers (H-19). "The strip system is used," J. P. Kinney wrote, "two strips, each two chains wide being run through each forty, except where the stand of timber is both light and uniform and the surface practically level, where a single strip two chains wide may be run. Base lines are first run two miles apart and the stations (two for each forty) marked, and all elevations carefully recorded. The cruise strips are then run through the forties at right angles to the base lines from station to station. Box compasses with two and one-half needles are found satisfactory and distance are [sic] determined by a two-chain steel tape. Differences in elevation along cruise strips are determined by a six-inch Abney hand level graduated to read differences in per cent of a slope. The topographic compassmen do not attempt to draw accurate contour lines in the field but aim to represent the surface accurately by form lines and the location of the contours is determined by the draftsmen from the Abney readings as corrected by the transit station elevations." Kinney, "Forestry Administration on Indian Reservations," 839 (H-168).

⁴³George P. La Vatta to August Cloquet, October 31, 1946, Tahola Indian Agency Records (H-21).

maintained that "the timber estimates . . . are sufficiently accurate for all sales in which the amount actually cut is the basis for payment."⁴⁴ The final price was determined by factors other than the 1915-1917 cruise, and thus its unreliability seemed not to be a great hazard. Noting the divergent figures, B. J. Wooster observed that "in the long run, it might not make any difference."⁴⁵

Still, there were some potential problems, such as lack of confidence in the ability of the Indians to understand the significance of technical information, that had to be guarded against. A number of Indians were requesting the cruise figures for their allotments, requests which the B.I.A. officials were reluctant to meet. "While a white man of intelligence, and rarely an Indian, may understand that the estimate of his timber is an approximation only," Steer argued, "and that the actual scale of timber cut from a certain description of land may either over or under run an estimate, the majority of Indians, when they have in their possession the government cruise of their timber will believe, if the actual amount of timber cut from their allotment is less than the estimated amount, that they have been defrauded, and no amount of

⁴⁴Kinney, "Forestry Administration on Indian Reservations," 839 (H-168).

⁴⁵Wooster to Smith Lumber Co., September 30, 1920, Aloha Lumber Company Papers (H-19).

explanation will change their opinion."⁴⁶

Other problems involved the income received by allottees for their timber. Lumbermen purchasing timber from Indians holding fee patents offered prices based upon their opinion of the cruise's accuracy. "It does appear to us very dangerous," observed Wooster, "to pay on anywhere near full stumpage value based on the Government cruise."⁴⁷ Paul Smith, keeping in mind that his own cruises revealed a 40 per cent government overrun, promised to "make my offers accordingly in any cases where I make an offer without having a reliable cruiser examine the allotment first."⁴⁸ When applications for fee patents were considered, Forest Supervisor Steer urged that "wherever there is any question of doubt as to the stand of timber on the same, that the application . . . be delayed until the allotment in question can be recruised."⁴⁹ *Although not the sole factor,* The cruise, as we shall see, had an impact on the size of the initial payments received by allottees when the B.I.A. began selling timber units in the 1920s.

However,

~~But~~ the government cruise was designed to facilitate

⁴⁶ Steer to Commissioner of Indian Affairs, January 23, 1923, Tahola Indian Agency Records (H-22).

⁴⁷ Wooster to Smith Lumber Co., September 30, 1920, Aloha Lumber Company Papers (H-19).

⁴⁸ Smith to Wooster, October 8, 1920, Aloha Lumber Company Papers (H-20).

⁴⁹ Steer to Sams, February 20, 1923, Tahola Indian Agency Records (H-18).

the management of unallotted Quinault timber as tribal property, not to guide the sale of ^{eighty -} acre mini-forests. "It was with this end in view that a substantial sum was expended on the cruise and topographic map," Kinney pointed out.⁵⁰ The B.I.A. had adopted a policy more in keeping with the reality of the reservation than ^{with} the theory behind the Dawes Act. That policy, however, could not be implemented as envisioned by Kinney.

As Finch Archer had predicted, those Indians who had not received land prior to the cessation of allotment work in 1914 felt that they had been cheated by the government. They chafed under the efforts of the B.I.A. to treat ^{the} Quinault as an exception to the Dawes Act. "Several Indians were dissatisfied with the policy of conserving timber as a tribal asset," Commissioner Burke later observed, "and brought suit to compel the allotting of the land, together with the timber thereon, to individual Indians qualified to receive an allotment."⁵¹ A case was brought in Tacoma federal court in the name of Tommy Payne, a member of the Quillayute tribe, and in January 1922 Judge Edward Cushman ruled in Payne's favor. The Interior Department, Cushman declared, could not refuse to grant allot-

⁵⁰Kinney to Greeley, April 3, 1929, Merrill & Ring Lumber Company Papers (H-13).

⁵¹Burke to Miller, et al., June 10, 1927, Tahola Indian Agency Records (H-17).

ments under its interpretation that the Dawes Act did not authorize the allotting of timberlands.

In April 1924 the ^{U.S.} Supreme Court sustained Cushman's decision and allotment work was resumed, creating, in Kinney's view, "a condition which made a conservative management of the forest practically impossible." This observation was a reiteration of his long-held view of the disadvantages of allotments on the Quinault Reservation: "It was apparent that allotment was the first step in the passing of the land into white ownership, if it had any possibilities other than the growing of timber, and thus allotment would almost certainly lead to a division of title that would make the administration of all surrounding forest land difficult." Further, Kinney observed in 1929, "the greater part of the timberland on the reservation" was allotted as a result of the Payne case. This amounted, according to his estimate, to more than two-thirds of the Quinault timber. He believed that breaking the reservation into small tracts of diverse ownership "would tend to depreciate the value of the different logging units by destruction of compactness and an increase in the development cost of each thousand feet of timber available to the purchaser in the development cost of

the timber that remained in a restricted status."⁵² The court decision prevented the working out of a national B.I.A. timber policy and raised severe problems for the management of the reservation, a situation that Burke contended "has been brought about by the Indians themselves."⁵³

The resumption of allotment work militated against sound forestry, ^{and} against the practical policies devised by Kinney and others to meet the particular circumstances of the Quinault Reservation. Rather than managing one forest, the Bureau would have to manage a myriad of forests, with all that development implied for efficient management. Once again a theory incompatible with reality had been raised up to confront those who had the ^{difficult} ~~somewhat dubious~~ responsibility of reconciling the former with the latter. The problems posed by the allotment system would become even more clear as full-scale exploitation of Quinault timber got underway in the *early 1920s.*

⁵²Kinney to Greeley, April 3, 1929, Merrill & Ring Lumber Company Papers (H-13); J. P. Kinney, Indian Forest and Range: A History of the Administration and Conservation of The Redman's Heritage (Washington, D.C., 1950), 241-242 (H-169); J. P. Kinney, A Continent Lost--A Civilization Won: Indian Land Tenures in America (Baltimore, 1937), 268 (H-170).

⁵³Burke to Miller, et al., June 10, 1927, Tahola Indian Agency Records (H-17). The impact of the decision, Kinney later recalled, "was very disastrous." Kinney with Maunder and Morgan, "'Beginning Indian Lands Forestry,'" 13 (H-166). "These lands," the Commissioner of Indian Affairs reported, "are generally entirely unfitted for agricultural use and the only means by which the allottees can secure any benefit from the allotments consists in the sale of timber." U.S. Department of Interior, Annual Report of the Commissioner Of Indian Affairs, 1929, 13 (H-171).

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THE NINETEEN-TWENTIES

The Quinault Indian Reservation occupied a significant portion of the four million acres on the Olympic Peninsula, and the Peninsula was, by the twenties, one of the last great unutilized stands of timber in ^{Washington State.} ~~the United States~~. Its opening up promised to benefit many people and interests, from loggers to all those residents of Washington dependent in some fashion on the timber industry. The industry accounted for two-thirds of the state's payroll and tax collections.¹⁵⁴ Washington was the largest lumber producer in the nation, a position it had held since the turn of the century. Within the state, Grays Harbor was the leading county in terms of lumber output and value of standing timber. The lumber industry provided two-thirds of the county's tax revenue.²⁵⁵ Harbor lumbermen looked ~~to the~~ north to the reservation for the raw material that would

^{1 54} Memorandum of the Timber Situation in the State of Washington Submitted to Vice-President Charles G. Dawes by Governor Roland H. Hartley, 1925, Roland H. Hartley Papers, Washington State Archives, Olympia (H-23). (Def Ex H-23).

^{2 55} Pamphlet, Victor H. Beckman, "Value of Western Washington's Lumber Industry," 3-5, copy in Hartley Papers (H-24). (Def. Ex. H-24).

allow them to maintain this position.

The 1920s were dominated by Republican administrations in the nation's capital, administrations whose pro-business philosophy was reflected throughout the federal bureaucracy, including the B.I.A. Warren Harding had promised a return to normalcy in the campaign of 1920, a retreat from the idealism and the allegedly stifling bureaucracy of the Wilson Administration. Calvin Coolidge was supposed to have said that the business of America was business, a statement that while perhaps apocryphal symbolized the spirit of the times. ~~The government disposed of surplus ships and other war supplies as rapidly as possible. Income tax rates, especially in the upper brackets, were sharply reduced.~~ One of the great political battles of the decade revolved around the government's attempt to sell its dam and nitrate plant at Muscle Shoals, Alabama; facilities that later formed the nucleus of the Tennessee Valley Authority. The dominant view that the duty of the government was to encourage business through cooperative programs was reflected as well in the timber management policies of the Bureau of Indian Affairs. ^{56 3}

For all practical purposes, noted the B.I.A. forest report for 1925, "the only forestry activity on the Quinaielt

^{3 56} Indians were not ignored when it came to the scandals perpetrated by some members of the Harding Administration. Interior Secretary Albert Fall, better known for his involvement in the Teapot Dome affair, engaged in an effort to extinguish Indian land titles in New Mexico. See Kenneth Philp, "Albert B. Fall and the Protest from the Pueblos, 1921-23," Arizona and the West, XII (Autumn 1970), 237-254 (H-172). An excellent example

of the ^e cooperative philosophy, ^{representative of the 1920s} is the Clarke-McNary Act of 1924 (43 Stat 653), which reflected a rejection of federal regulation of logging on private lands in favor of cooperative programs. For a full treatment of Clarke-McNary Act, see Harold K. Steen, The U.S. Forest Service: A History (Seattle: University of Washington Press, 1976), pp. 173-95. (H- 8)

is timber sale administration."⁵⁷ The decision to sell large blocks of reservation timber resulted ^{to a large extent} from the deficiencies of the allotment system. Immediately following the completion of the 1915-1917 cruise, a large number of fee patents had been issued south of the Quinault River and in the vicinity of Lake Quinault. "Presently," J. P. Kinney recalled, "the Indians having fee patents began to dispose of their holdings at very low prices and to save the values that we thought should be realized for restricted allotments, several blocks of timber south of the Quinaielt River and one large unit north of it (Quinaielt Lake Unit) were offered for sale."⁵⁸ S

Kinney believed that sales were "premature" in the case of Quinault Lake because of the large amount of pulp material in that region. ^{This} material ~~that~~ could not be utilized by the Northwest pulp industry, then in its infancy, until at least the mid-1930s. "Because of the allotments," though, "it appeared that the realizations from early sales would be greater than those that would be obtained through a delay of sales until the pulp industry could be developed in the Grays Harbor region." Kinney pointed out that a great many of the

⁴ ⁵⁷ Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

⁵ ⁵⁸ Kinney to Greeley, April 3, 1929, Merrill & Ring Lumber Company Papers (H-13).

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allottees were "advanced in years or for other reasons had need of immediate financial assistance." The B.I.A. was duty-bound to look out for the welfare of tribal members and for this reason, stated Kinney, "it seemed necessary that prompt action be taken, irrespective of the theories that I, or others, might have as to the economic desirability from a national standpoint that sales await the development of the pulp industry."⁵⁹ The Indian ~~Commissioner~~ reported that the sales were made in order "to meet the urgent requests of allottees . . . that they be permitted to realize funds from the timber on their allotments."⁶⁰ The high lumber prices of post-World War I years, moreover, and the clamor of lumbermen for Quinault stumpage indicated that the times were right for the sale of reservation timber.⁶¹

The sale of timber in large units, rather than allotment by allotment, had a number of advantages. Such sales would partially obviate the problems caused by the allotment system, allowing for more efficient management. Much of the land south of the Quinault River had been allotted by 1914, and the threat of litigation culminating in the Payne case promised to reopen the remainder of the reservation to allotment. The combining of allotments into timber units

⁶⁰ Ibid.

⁶¹ U.S. Department of Interior, Report of the Commissioner of Indian Affairs, 1922, 19 (H-173).

⁶¹ Kinney to Greeley, April 3, 1929, Merrill & Ring Lumber Company Papers (H-13).

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would also bring greater financial return to the allottees. "This is because all your timber would be scaled by government men," forester Henry Steer pointed out to one allottee, "and you would get credit for all the timber which actually stood on your claim."⁶²⁹ Those Indians holding fee patents and selling their timber would have to rely on the dubious results of the 1915-1917 government cruise unless they wished to ~~pay~~^{arrange} for a private recruise of their allotments.

The record of such large sales, Steer reported in 1927, "show that the financial return to individual allottees who sold their allotments, both land and timber, prior to the selling of large timber units (which sell the timber only) has been from 10 to 25% of the amount realized for timber only under the policy of selling the timber in large blocks."⁶³¹⁰ The sale of large units would ^{be more efficient and} also be financially beneficial to the government, as a portion of the sales price received by allottees would be turned over to the B.I.A. to finance administration ^{of the sales.} (~~Indians selling their own timber apparently did not have to make an administrative payment to the government.~~) "The Quinaielt Reservation was . . . allotted, cruised and mapped at a large expense to the United States," Steer contended. "I think it no more than fair that sales of this kind should be

⁹⁻⁶² Steer to Mrs. W. L. Montgomery, February 20, 1923, Tahola Indian Agency Records (H-25).

¹⁰⁻⁶³ Steer to Henry R. Cloud, February 5, 1927, Tahola Indian Agency Records (H-26).

made through this office in order that the allottees may be called upon to defray a part of the expenses of this work." The "greater price" received by the allottees would more than make up for this requirement. ^{64 11}

Lumbermen ~~would~~ ^{might} have to pay higher prices for stumpage, but ~~they would gain in more efficient exploitation of the reservation,~~ ^{the higher costs would be offset by} ~~access to~~ ^{timber.} Logging operations, requiring the construction of railroads, were very expensive. "The Quinaliet Reservation is very heavily timbered," Steer reminded the Commissioner of Indian Affairs, "and presents . . . peculiar problems from the standpoint of a logging concern principally because of the great amount of railroad that must be built to advantageously log the timber." ^{65 12}

The allotment system and especially the fee patents made it very difficult to obtain rights-of-way for the construction of railroads, rights-of-way without which loggers could not reach timber purchased on individual allotments. Sale of large units would greatly reduce this rather serious hindrance to the mounting of logging operations. Anticipating the purchase of such units, many owners of the larger companies ceased to be interested in the acquisition of timber from Indians holding fee patents, another negative effect of the

^{11 64} Steer to Sams, June 1, 1923, Tahola Indian Agency Records (H-27).

^{12 65} Steer to Commissioner of Indian Affairs, October 2, 1928, Tahola Indian Agency Records (H-28).

allotment process on the Indians. Paul Smith wrote that when Indians offered to sell "allotments adjoin[ing] allotments we own. . . . I believe I should make them a bluff offer for appearance sake."⁶⁶ 13

B.I.A. officials were convinced that the sale of timber in large units was the best course to follow. "The prices which are obtained for Indian timber when such timber is sold under government supervision in units," Steer maintained, "is mostly in excess of the price that can be obtained by the Indian for land and timber by an outright sale through the issuance of a fee patent." Steer continued that he was "convinced, and can very easily prove that hundreds of thousands of dollars have been lost by Quinaielt Indians in recent years through the issuance of fee patents and the sale of heavily timbered allotments for a fraction of their value." For this reason, officials at the Quinault agency office in Hoquiam would in the future approve applications for fee patents "only

¹³ 66 Smith to Aloha Lumber Co., September 27, 1920, Aloha Lumber Company Papers (H-29). B. J. Wooster observed that "when a fee patent is issued . . . our taxes, interest and holding charges immediately start, all of which together with possible wind and fire damage make it of less value than when paid for at the rate of a ten percent down payment and the remainder as logged and only for what timber the claims actually produce." Wooster to Sams, September 22, 1921, Aloha Lumber Company Papers (H-30).

(This, of course, has been a problem for owners of small parcels, whether Indian or non-Indian.)

in instances of extreme need."⁶⁷

"Such a policy," Steer realized, "will unquestionably be against the wishes of some allottees of mixed blood who have never lived on the Reservation and who give no thought to the best interests of the tribe."⁶⁸⁻¹⁵ These allottees "have never been under the care of a Superintendent" and would "chafe at any government restriction of their funds."⁶⁹⁻¹⁵ Actually, the most vocal opposition to the new policy and to the restriction on fee patents seemed to come from some Quinault leaders resident at Tahola.

William Mason, a Quinault chief, hired Hoquiam attorney L. H. Brewer to represent him in an effort to secure fee patents, and Brewer in turn lobbied Senator Wesley Jones of Washington, a member of the Indian Affairs Committee, to bring pressure on the B.I.A. in the nation's capital. Brewer contended that the

¹⁴⁻⁶⁷ Steer to Commissioner of Indian Affairs, December 26, 1922, Tahola Indian Agency Records (H-31). Allottees had been able to receive fee patent if they were judged to be "competent" by the Secretary of the Interior. "Yet," two historians have noted, "no attempt was made to define just what constituted competency. It could mean that the Indian was a Christian, that he could write his name, that he wore white man's clothing, that he wore his hair short, and so forth. Each individual agent apparently had his own peculiar method of determining competency, and . . . the Secretary of the Interior rarely disregarded such recommendations." Cotroneo and Dozier, "A Time of Disintegration," 415 (H-163).

¹⁵⁻⁶⁸ Steer to Commissioner of Indian Affairs, October 2, 1928, Tahola Indian Agency Records (H-28).

¹⁶⁻⁶⁹ Steer to Commissioner of Indian Affairs, December 26, 1922, Tahola Indian Agency Records (H-31).

Bureau desired to "sell to some rich men in a great body all of this land, and they in turn will log it and make several hundred thousand or million dollars from the operation, while the poor old Indian will lie rotting in his grave, having gone through life with scant raiment and with a hungry stomach many, many times when he could just as well have been kept in good clothing, kept and cared for in a good house and fed good food."^{70/7} Jones, in turn, ~~detected~~^{suspected} a bureaucratic urge to survival behind the refusal to grant fee patents. "If the Indians were allowed to handle their lands themselves there wouldn't be anything for the Indian Office to do and a lot of fellows would be without jobs and so, under the pretense of looking out for the Indians they are looking out for themselves."^{71/8}

Mason and a few allottee supporters continued to fight for control of their land into the early 1920s, refusing to allow inclusion of their allotments in^{to} the sales units and, contended Steer, "spreading malicious propaganda among other Indians . . . [and] making many mis-statements which rendered our work . . . more difficult to accomplish."^{72/9} Another Hoquiam lawyer, F. L. Morgan, was hired to represent the protesters at a fee of \$6,000 a year for three years. Indian

^{17/70} L. H. Brewer to Jones, December 1, 1917, Jones Papers (H-32).

^{18/71} Jones to Brewer, February 20, 1918, Jones Papers (H-33).

^{19/72} Steer to Commissioner of Indian Affairs, December 26, 1922, Tahola Indian Agency Records (H-31).

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no 44 One must keep in mind that relatively few companies would be interested in a bid within any particular market area. Four bids do not automatically mean collusion. However, even though business gossip may not be fully reliable, there is evidence to support the Secretary of the Interior's contention of "unproper circumstances."

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Commissioner Burke refused, under Interior Department regulations, to approve this contract, contending that ^{to} do so "would establish a precedent that would be followed by a class of lawyers throughout the country that do not represent the best element of the profession."²³²⁰ A number of allottees continued to protest the timber sales. Throughout the decade, the B.I.A. had to cope with what superintendent W. B. Sams called "agitators," persons who, according to Steer, insisted that "employees of this Agency were in collusion with the timber companies to defraud the Indians."²⁴²¹

Collusion, at least among the timber companies, seemed apparent to some observers. When in 1929 only four bids were made on four different units and each at the minimum price, this seemed to be no mere coincidence. Protests to the Secretary of the Interior that improper circumstances of the sales had reduced the Indians' income were sufficient to cause him to reject all bids and to order deposits returned to the companies.<sup>22
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(Five large units of timber were sold between 1920 and 1923. The Moclips Unit, along the southern boundary of the

^{20 73} Burke to Jones, September 29, 1922, Jones Papers (H-34).

^{21 74} Sams to Commissioner of Indian Affairs, June 18, 1929, Tahola Indian Agency Records (H-35); Steer to Commissioner of Indian Affairs, June 18, 1929, Tahola Indian Agency Records (H-36).

^{22 75} Kinney, Indian Forest and Range, 175-176 (H-169).

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reservation, was purchased by the Aloha Lumber Company in 1920, although bad weather delayed the beginning of logging until the following year.^{76 23} In 1922, Point Grenville, to the north of Moclips on the coast, was acquired by the M. R. Smith Lumber Company, and the Hobi Lumber Company purchased the Cook Creek Unit on the reservation's eastern boundary. The following year, Aloha added the Mounts Unit along the Quinault River to its holdings. In that year also, the Quinault Lake Unit, the only sale made north of the river, was sold to the Ozette Railway Company, a subsidiary of the Polson Logging Company. The prices obtained for this last unit, \$5 per thousand feet for Douglas fir and \$3 for hemlock, "were record prices for that region."^{77 24} One and a quarter billion of the five billion feet of timber on the reservation had been put under contract.^{78 25} By 1927, 375 million feet of timber with a value of \$1.08 million had been cut on the five units.^{79 26}

Solicitation of bids for these units had been carried out through notices placed in newspapers and lumber industry

^{23 76} Wooster to Smith Lumber Co., November 2, 1920, Aloha Lumber Company Papers (H-37).

^{24 77} U.S. Department of Interior, Report of the Commissioner of Indian Affairs, 1923, 19 (H-174).

^{25 78} Steer to Charles E. Coe, March 7, 1923, Tahola Indian Agency Records (H-38).

^{26 79} Steer to Cloud, February 5, 1927, Tahola Indian Agency Records (H-26).

trade publications. The outcome of the bidding process, however, was in part preordained by economic forces and cooperation among prospective purchasers. The money required to purchase and exploit large tracts of timber excluded small loggers from the competition and a number of the large operators arranged their bids among themselves. Aloha's Wooster informed Paul Smith of the Smith Lumber Company in early 1922 that "I had a talk with Morley of the Saginaw Timber Company . . . and flatly asked him if he was interested in the Point Grenville Unit and he stated he had been . . . but that he had sent a man into the Wreck Creek district and that it didn't look good to him and that he was not going to bid on it. If he isn't a liar that eliminates him." Morley and the ^{Schafer}~~Schaeffer~~ Brothers Logging Company "evidently . . . are not figuring together as we had thought," and Smith need not worry about competition for the Grenville Unit. ⁸⁰²⁷

Wooster and Smith worked closely together with respect to reservation affairs, even considering whether "it might be to our mutual advantage to pool our holdings on the Reservation." ⁸¹²⁸ In the case of the Quinault Lake Unit, the two

²⁷⁸⁰ Wooster to Smith, March 20, 1922, Aloha Lumber Company Papers (H-39).

²⁷⁸¹ Wooster to Smith, November 2, 1920, Aloha Lumber Company Papers (H-37).

were convinced that "this should be Polsons" (Ozette) and discouraged other companies from bidding. "Some operators have approached us on this," Wooster noted, "but we have not talked favorable or offered any outlet through our rail road." ^{82 29} Reservation officials informed Wooster and Smith about the interest expressed in Quinault timber by other companies. Referring to Point Grenville, Wooster informed Smith that "Nicholson and Steer both say that a good deal of interest has been shown and that the office has been asked for considerable information but as far as they know no one has gone in to look the situation over other than Morley's men and the Schaeffer ^[sic] party." ^{83 30} Cooperation among the logging companies undermined the intent of the bidding process (only one bid each was offered on the Moclips and Point Grenville units) and no doubt had an impact on sales prices and thus on the income received by allottees.

That income was staggered over a period of years. B.I.A. regulations provided for a 10 per cent advance payment to allottees within ^{thirty} ~~30~~ days of the signing of the logging contract. (Within each sales unit the Indian timber owner had to sign a power-of-attorney before his or her allotment

^{29 82} Wooster to Smith, October 31, 1922, Aloha Lumber Company Papers (H-41).

^{30 83} Wooster to Smith, March 20, 1922, Aloha Lumber Company Papers (H-39).

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no# However, this lack of final payment was only a hypothetical problem. First, the cruiser more than likely ^{had} underestimated the volume and second, individuals usually preferred large initial payments at the expense of those received later.

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could be logged.) Similar 10 per cent payments were made after three and six years, and a 20 per cent payment was made after nine years if no timber had been cut. The remaining half was paid when the allotment was logged, as determined by scale. If the 1915-1917 cruise had overestimated the timber, the allottee might receive little or no money at this final stage.

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Administration of the sales was financed by an eight per cent deduction from the first three payments. This fee was supposed to cover all costs and could be set, at the discretion of the Commissioner of Indian Affairs, at a level between five and 10 per cent. Receipts from the fee were deposited in the U.S. Treasury. Unlike the Forest Service, after enactment of the Knutson-Vanderburg Act of 1930 (46 Stat 527) which was able to utilize certain administrative fees without legislative interference, the B.I.A. had to obtain a congressional appropriation in order to expend any of these moneys. As the result of the parsimony of Congress, a common complaint of federal agencies, the reservation timber program was continually underfinanced. For fiscal year 1927, \$26,420 was requested from Congress but only \$13,210 was appropriated, a neat halving of the request. (This was done despite a balance on hand in the Treasury from Quinault

31 84 Sams to Lewis Meriam, February 12, 1927, Tahola Indian Agency Records (H-42).

32 85 James A. Howarth, Jr. to Commissioner of Indian Affairs, March 19, 1928, Tahola Indian Agency Records (H-43).

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timber sales of \$40,203.^{86 33} The balance reached \$60,000 in the following year.^{87 34}

These funds had to cover all timber expenses on the reservation. "The Quinalt timber sales are self supporting," wrote Steer, "in that all costs incidental thereto are paid from the proceeds of the sale of the timber."^{88 35} The program was headed by a reservation supervisor of forests. Under that personage, a forest ranger was responsible for each sales unit and the work of the two scalers normally assigned to the unit.^{89 36} Personnel requirements increased with the sale of three additional units south of the Quinalt River--Upper Wreck Creek, Hatch, and Hall--in 1927 and 1928.

The cost of timber administration on the reservation was considerably higher than that in the neighboring Olympic National Forest. For one thing, timber sales activity was about three times greater on the Quinalt. More important, Steer pointed out, was "the fact that we have individual allotments to keep track of necessitating the segregation and handling of every log" so that they would be credited to the

^{33 86} Steer to Cloud, February 3, 1927, Tahola Indian Agency Records (H-44).

^{34 87} Howarth to Commissioner of Indian Affairs, March 19, 1938, Tahola Indian Agency Records (H-43).

^{35 88} Steer to Cloud, February 3, 1927, Tahola Indian Agency Records (H-44).

^{36 89} Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

proper owner. "Were all our timber tribal or unallotted, scaling would cost one third as much per thousand feet as it does now."^{90 37} The quality of the original allotment survey, moreover, required that a considerable amount of work in the woods be undertaken. "It is necessary," Nicholson observed in 1934, "to carefully run and re-run all allotment lines in this area so as to segregate the timber."^{91 38} According to Steer, "the allotment survey on the Quinaielt is very poor. We have found sections that have never been sub-divided although the entire section was allotted. This necessitates a great deal of work in connection with timber sales, and raises our cost of administration considerably."^{92 39}

The matter of costs was only one example of the fundamental distinction between the administration of B.I.A. and Forest Service timberlands. "The problem on Indian lands is essentially different from that on National Forest lands," J. P. Kinney maintained. The latter had a permanent status as public property and expenditures for their improvement

^{37 90} Steer to Lee Muck, June 28, 1924, Tahola Indian Agency Records (H-45). W. B. Sams noted that "painstaking labor . . . must be performed in order to keep the logs from separate allotments segregated, and to credit each allottee with the timber that is cut from his allotment." Sams to Meriam, February 12, 1927, Tahola Indian Agency Records (H-42).

^{38 91} Nicholson to Commissioner of Indian Affairs, March 15, 1934, Tahola Indian Agency Records (H-46).

^{39 92} Steer to Muck, June 28, 1924, Tahola Indian Agency Records (H-45).

were bound to be popular. "There is little chance that the value of such improvements to the owner--the public--will be lost through a change in the status of the land," Kinney noted. But Indian lands, on the other hand, "are principally in a status analogous to private ownership, and yet under decisions of the Supreme Court of the United States the status of such lands may be modified at almost any time by an act of Congress." This "element of uncertainty," Kinney concluded, "can hardly fail to shake the resolution of any forester who desires that land primarily adapted to the growth of timber crops shall be handled with that one purpose in view." 19340

High costs, combined with the reluctance of an economizing Congress to appropriate sufficient funds, meant low salaries for timber personnel and a consequent rapid turnover in employees, especially in the crucial scaler positions. Two scalers, for example, were required on the Aloha operations on the Moclips Unit, but ~~two~~^{thirteen} men filled these positions in the first ~~two~~^{fourteen} months of the company's activities on the unit. "We have not been able to secure the services of competent scalers at the salaries which we are authorized to pay," superintendent Sams noted, "and an exceptionally high turn-over must be expected with a lament common to administrators seeking budget increases"

40 93 J. P. Kinney, "Forest Policy on Indian Timberlands," Journal of Forestry, XXV(April 1927), 430-431 (H-175).

to continue." One of the more experienced reservation scalers, Ray Quast, had resigned to accept employment with Aloha at a salary of \$2400, a significant increase over his B.I.A. salary of \$1300.⁹⁴⁴¹ A 133 per cent turnover of Quinault forestry employees took place in 1923. "Efficient administration cannot be expected under these conditions," Sams observed with considerable understatement.⁹⁵⁴²

Administrative problems notwithstanding, BIA officials did their best to keep the system in operation. This included responding to difficult of attainment, B.I.A. officials were solicitous complaints from companies that purchased reservation timber, as was of the welfare of companies purchasing reservation timber.

~~This concern was~~ demonstrated in an early case involving a recalcitrant allottee. The allotment of Sally Williams was within the Moclips Unit, but she refused to sign a power of attorney authorizing inclusion of her timber in the sales unit, instead holding out for a fee patent.⁹⁶⁴³ "This claim being with held," B. J. Wooster of the Aloha Lumber Company informed Sams, "is working a hardship on us as it is necessary to enter this Sale Unit through her claim. . . . We have attempted to route our Railroad other than through her claim but owing to the Moclips River on one side and a Hemlock ridge on the other, the route

^{41 94} Sams to Commissioner of Indian Affairs, October 25, 1923, Tahola Indian Agency Records (H-47).

^{42 95} Sams to Commissioner of Indian Affairs, February 4, 1924, Tahola Indian Agency Records (H-48).

^{43 96} Wooster to Sams, September 22, 1921, Aloha Lumber Company Papers (H-49).

through the allotment is the only practical location." Wooster urged that everything be done to secure a right-of-way for Aloha and, if possible, a forced sale of the Williams timber. 97 44

Having failed in personal remonstrations with Sally Williams, Forest Supervisor Steer pressed B.I.A. administrators in the nation's capital to authorize action in the case. He cited a May 1920 telegram from the Assistant Secretary of the Interior affirming that "no allottee will be permitted to interfere with or obstruct timber operations of successful bidder Moclips Unit." The interests of the Indian allottees must be protected, Steer conceded, "but the purchaser of a tract of Indian timber has also some rights and is entitled to fair and just treatment both by the Indians and the Department." In the current instance, ^{Steer believed,} Sally Williams was indeed being unfair "and if she is allowed to persist in and maintain her present uncompromising attitude she will not only obstruct and interfere with logging operations on the Moclips Unit, but will cause the successful bidder for this unit a substantial monetary loss and bring the Service . . . into disrepute." Steer concluded that "there is no reason except the mulish stubbornness of an old Indian woman why the timber on the Sally Williams allotment

44 97 Wooster to Sams, May 9, 1922, Aloha Lumber Company Papers (H-49).

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should not be sold to the Aloha Lumber Company at this time."^{98 45}

Finally, in October 1922, the Secretary of the Interior authorized the sale of the Williams timber, declaring the allottee to be "an incompetent Indian."^{99 46} Within two years of the sale, Sally Williams had received \$9,975 for timber she had been willing to sell for \$6,700 pending approval of her application for a fee patent. "This allottee," declared Steer, "received approximately one third more for her timber alone under government supervision than she was willing to sell both land and timber for a cash price."^{100 47} Clearly, in this instance at least, B.I.A. actions were beneficial to the Indian; Sally Williams got substantially more money and retained her land as well.

The Williams case established a precedent for the handling of similar allottee obstruction of logging operations on the reservation and ~~offers a good example of the B.I.A.'s guardian of Indians best interests. paternalistic attitudes.~~ ^{is an example of the BIA's efforts to be} "It is not the policy of the Department," superintendent Sams pointed out in 1924, "to allow any

^{45 98} Steer to Commissioner of Indian Affairs, May 10, 1922, Aloha Lumber Company Papers (H-50). "The Indian people are very intelligent people," Kinney recalled, "but they haven't had the kind of training that leads them to have good property sense. The Indian is likely to spend what he gets too freely, and then think somebody took it away from him if he spent it unwisely himself." Kinney with Maunder and Morgan, "'Beginning Indian Lands Forestry,'" 13 (H-166).

^{46 99} Sams to Aloha Lumber Company, October 26, 1922, Aloha Lumber Company Papers (H-51).

^{47 100} Steer to Cloud, February 5, 1927, Tahola Indian Agency Records (H-26).

individual allottee to obstruct the operations of a bona fide company operating on Indian lands." The Williams solution was, for example, applied to the case of another Moclips Unit allottee, Isaac Bastian, refusing to sign a power of attorney. Bastian "cannot be declared incompetent in the ordinary sense of the word," Sams reported to the ~~Commissioner~~ Commissioner of Indian Affairs, "but there is no doubt but that in matters pertaining to timber operations and stumpage values that he is grossly unable to see where his best interests lie."^{101 48} Logging operators expressed their gratitude for such assistance in expediting the sales.^{102 49}

While working to facilitate ^{logging} ~~exploitation~~ of the sales units, B.I.A. officials looked to other policy matters. Because of the heavy rainfall on the reservation, it was necessary to ballast railroad tracks with a great deal of gravel; gravel that was obtained from the extensive deposits on the Quinault.^{103 50} The question was whether or not the allottees should be paid for gravel removed from their holdings. Aloha and Smith were assessed five cents per cubic yard for gravel, but Hobi was

^{48 101} Sams to Commissioner of Indian Affairs, February 23, 1924, Tahola Indian Agency Records (H-52).

^{49 102} Wooster to Sams, June 5, 1922, Aloha Lumber Company Papers (H-53).

^{50 103} Steer to Commissioner of Indian Affairs, June 6, 1923, Tahola Indian Agency Records (H-54).

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not charged, and reservation officials believed the first two companies were being treated unfairly. There should be no charge for gravel, Sams argued, "except where there is an actual damage done to the allotment from which the gravel is removed." The value of Indian lands would certainly be "augmented by the construction of railroads necessary for the development and removal of Indian timber."¹⁰⁴⁵¹ And the expenses of most loggers on the reservation would be reduced as well; *the kind of expenses that could be levied against stumpage and thus affect allottee income.* Reservation foresters ~~also~~ *logging operators in other ways.* concerned themselves with the economic well-being of ~~the loggers;~~ *and lumbermen alike.* After all, without ~~the~~ loggers there would be no sales, and ~~the~~ sales were a key source of income to the Indians. The early 1920s, when the first five units were sold, had been years of considerable prosperity for the lumber industry. But by the mid-twenties, the industry was entering a prolonged period of depression, resulting from a fall-off in construction in the United States, from declining foreign markets, and from the inability of lumbermen to control production in their chaotic industry. "There has been a depressed condition in the log and lumber

⁵¹ ~~104~~ Sams to Commissioner of Indian Affairs, November 2, 1925, Tahola Indian Agency Records (H-55). For similar reasons, local B.I.A. officers contended that the State Highway Department should not be charged for gravel removed to aid in construction of the Olympic Highway, being built westward across the reservation from Lake Quinault in the mid-1920s. Sams to Commissioner of Indian Affairs, August 1, 1925, Tahola Indian Agency Records (H-56).

market universally since last spring," Steer reported to the Indian Commissioner in mid-1924. "This depression has not been confined to Grays Harbor and to the Pacific North West, but has also occurred in the pine country East of the mountains." The depressed conditions, Steer continued, were "primarily due to over production resulting in an excess of supply over demand. When such an economic condition exists, prices automatically drop, and will remain at a low level until the demand catches up with the supply and the market stiffens."¹⁰⁵ ⁵²

The situation in the Grays Harbor region, heavily dependent on the lumber industry, matched this overview of economic conditions. Superintendent Sams commented that "there is no demand at all for either Hemlock or Cedar," the principal timber resources of the Quinault. Aloha was operating at a third of its normal level in the spring of 1924 and Hobi at a fourth.¹⁰⁶ ⁵³ Both shut down completely in June and remained closed throughout the summer.¹⁰⁷ ⁵⁴

The economic strain increased during 1925. "Conditions in the logging and milling industry in the Grays Harbor region," Sams informed the Commissioner in mid-year, "have been to date

⁵² ¹⁰⁵ Steer to Commissioner of Indian Affairs, August 14, 1924, Tahola Indian Agency Records (H-57).

⁵³ ¹⁰⁶ Sams to Commissioner of Indian Affairs, May 26, 1924, Tahola Indian Agency Records (H-58).

⁵⁴ ¹⁰⁷ Steer to Commissioner of Indian Affairs, August 14, 1924, Tahola Indian Agency Records (H-57).

considerably more unfavorable than they were in 1924."¹⁰⁸⁻⁵⁵
 Operations on the reservation for fiscal 1925 were half of what had been anticipated, with the cut barely exceeding 70 million feet.^{109⁵⁶} Few observers believed that the market would pick up for some time, and, in fact, the lumber industry would remain depressed for a decade. Burdened with prices and cutting quotas agreed to in better times, logging operators pressed the B.I.A. for relief.

Timber contracts provided for an increase in prices during periods of price expansion in the industry. Such an increase, for example, was made in the early twenties in the price charged Aloha for hemlock on the Moclips Unit, a jump from 90 cents to \$1.25 per thousand feet. The contracts also provided, Steer pointed out, for decreases "to afford the purchaser relief from a market depression" as long as the decrease did not fall below the initial contract price. Faced with the depressed market for hemlock, which made up 23 per cent of the Moclips Unit, Aloha requested a return to the original price in mid-1924. This request was not granted, Steer noting that "the present condition has not existed

⁵¹⁻¹⁰⁸ Sams to Commissioner of Indian Affairs, June 18, 1925, Tahola Indian Agency Records (H-59).

⁵⁶⁻¹⁰⁹ Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

long enough to upset a re-adjustment of stumpage prices based on log values and logging costs over three year periods."^{110 57}
By 1925, however, the seriousness of the economic situation was evident and the price was reduced to 90 cents, "due to unfavorable market conditions and to the inability of the Company to earn a margin of profit."^{111 58}

Logging companies were also required to cut at least a minimum amount of timber within specified periods of the life of the contract. The Hobi Lumber Company, for example, was supposed to remove at least 10 million feet from the Cook Creek Unit by spring 1925. This the company proved unable to do, in part because of the economic downturn in the industry. A one year extension of the deadline was granted, Sams writing that this "will not delay the logging of any allotments to any appreciable extent and it is not felt that additional advance payments on any allotments should be made by reason of the extension."^{112 51} An extension was also granted to the M. R. Smith Company. Sams observed that the "only unsatisfactory condition which will result . . . is that revenue will

^{57 110} Steer to Commissioner of Indian Affairs, August 14, 1924, Tahola Indian Agency Records (H-57).

^{58 111} Sams to Commissioner of Indian Affairs, June 18, 1925, Tahola Indian Agency Records (H-59).

^{59 112} Sams to Commissioner of Indian Affairs, May 26, 1924, Tahola Indian Agency Records (H-58). The Forest Service apparently exacted some additional payment when granting extensions. H. L. Plumb to Merrill & Ring Lumber Company, December 20, 1929, Merrill & Ring Lumber Company Papers (H-60).

not come in for the individual Indians as fast as they expected under contract provisions. In periods of market depression such as that which has been experienced during the past twelve months, this condition cannot be helped."¹¹³ 66

The economic standing of the industry continued to decline during the second half of the twenties. "The substantial improvement in the market that has been eagerly awaited by the lumber production industry during the past five years has not yet materialized," the Commissioner of Indian Affairs reported in 1929.¹¹⁴ 67 The industry virtually collapsed as the rest of the nation entered the Great Depression following the stock market crash in 1929. "Conditions on the Harbor have gone from bad to worse," N. O. Nicholson observed in early 1931, "and, except that one naturally would suppose that things must change and improve, there appears to be nothing to warrant the belief of any immediate improvements." Only a few logging camps in the area were operating and only one mill in Hoquiam was running, and that was only on a part-time basis.¹¹⁵ 68 Grays Harbor had turned out an average of a billion feet of lumber a year during the twenties, but its output

⁶⁰ 113 Sams to Commissioner of Indian Affairs, September 26, 1925, Tahola Indian Agency Records (H-61).

⁶¹ 114 U.S. Department of Interior, Annual Report of the Commissioner of Indian Affairs, 1929, 12 (H-171).

⁶² 115 Nicholson to Muck, March 12, 1931, Tahola Indian Agency Records (H-62).

slumped to little more than 200 million feet a year in the early 1930s.¹¹⁶⁻⁶³

Four new timber units had been offered for sale in 1929 but had been withdrawn by the ~~Secretary~~ of the ~~Interior~~ to stem charges of collusion. In 1931, the Aloha, Smith, Hobi, and Ozette companies indicated that they would submit bids if the units were again offered, although financing would be a problem. The B.I.A. decided not to attempt the sales, however. Forest ~~S~~upervisor James A. Howarth, Jr. pointed out that "this is not a good time to readvertise these four units. . . . We feel sure that the four companies would try to buy them to insure future timber, but we think it likely that more than one of them might find financing too difficult and so fail to bid."¹¹⁷⁻⁶⁴ Indeed, rather than being able to purchase additional timber, the lumbermen, by now in the midst of the Great Depression, were faced with the prospect of bankruptcy. ~~And~~ They continued to look to the B.I.A. for assistance, ^{available under the terms of the contract.}

The four companies had made a combined profit of \$143,000 during the 1920s on a cut of 1.2 billion feet of reservation timber. Aloha showed a profit of \$228,000, mostly attributed to the export of logs, and Hobi was \$118,000 in the black. Ozette, however, had lost \$45,000 on the reservation,

⁶³⁻¹¹⁶ Sankela, Forest Statistics for Grays Harbor County, 6 (H-2).

⁶⁴⁻¹¹⁷ Howarth to Commissioner of Indian Affairs, January 13, 1931, Tahola Indian Agency Records (H-63).

and M. R. Smith had an overall loss of \$158,000, showing a profit only in 1923 and 1924. None of the companies had made money in the closing years of the decade.^{118 63}

Reservation officials helped secure a price reduction for the Smith Company, logging on the Point Grenville Unit, although the new rate was still above the original contract price of 60 cents per thousand feet for hemlock. Nicholson hoped that the cut would allow the company to resume operations. "I have been advised, unofficially," he reported, "that they do not expect to be able to start up under present conditions unless the stumpage prices on this unit be reduced to those effective at the time the sale was made."^{119 64} The loggers must be allowed to operate, *for it was to everyone's advantage.*

Nicholson also backed up the financially hard-pressed Ozette Railway Company in its effort to postpone for three years advance payments amounting to \$51,000. He reminded the Indian Commissioner that Ozette had contracted in 1923 to pay \$5 per thousand feet for cedar and \$3 for hemlock, both well above the advertised price. "Recent developments in the lumber industry would make the difference between the prices paid for this timber and the actual value represented therein, greater than formerly." Nicholson conceded that "many of the

¹¹⁸ Howarth to Commissioner of Indian Affairs, March 23, 1931, Tahola Indian Agency Records (H-64).

¹¹⁹ Nicholson to Muck, March 12, 1931, Tahola Indian Agency Records (H-62).

Indians who would benefit from these advance payments will be in real need of some of these funds. Fully half of them, however, already have balances to their credit at this office and it is believed that approval of the suggestion . . . would be consistent with the interests of the Indians." ^{120⁶⁷}

also realized that the deteriorating economic situation made flexibility
The Forest Service ~~was also willing to assist loggers~~
and by granting ^{ed} modifications of cutting requirements. In late 1929,

requisite

for example, the Merrill and Ring Lumber Company, logging in the Olympic National Forest, informed forest supervisor H. L. Plumb that "it is going to be impossible to cut and remove all of the timber by the time specified in the contract."

The company asked Plumb to "kindly arrange for an extension of the time for cutting and removing this timber." ^{121⁶⁸} Noting that the contract did not expire until the end of 1930, Plumb refused to give an extension in advance. However, he wrote that he "did not see any reason why a reasonable extension cannot be granted next fall. Extensions of this kind are frequently granted, and I do not believe that there will be any difficulty in extending the time next fall." ^{122⁶⁹}

B.I.A. foresters were also intent on protecting the rights of the Indians, making sure that they received full

¹²⁰ Nicholson to Commissioner of Indian Affairs, October 12, 1931, Tahola Indian Agency Records (H-65).

¹²¹ T. Jerome to Plumb, October 17, 1929, Merrill & Ring Lumber Company Papers (H-66).

¹²² Plumb to Merrill & Ring Lumber Company, December 20, 1929, Merrill & Ring Lumber Company Papers (H-60).

value for their holdings. Faced with the falling market for hemlock in mid-1924, the Smith Company decided that it would leave those trees standing on allotments it was logging on Point Grenville, returning to harvest them at a later date when market conditions had improved.¹²³⁷⁰ "I doubt very much," Paul Smith observed, "if we would be as well off to cut it and think it might pay us better to pay the stumpage and leave it standing." Smith asked that his company not be charged for merchantable hemlock which had blown down in the great wind-storm of 1921, before the Grenville Unit contract had been signed. Smith informed Steer that he had been told that "there was a good deal of doubt in your mind as to the proper procedure but that you might have to do something in order to pacify the Indians."¹²⁴⁷¹

As far as Steer and other reservation officials were concerned, however, there was no doubt about what should be done. "I had not expected such a radical change in your cutting policy," Steer informed Smith.¹²⁵⁷² "We cannot waive or change the contract provisions because of a temporary depression in the log market," he told forest ranger Lester McKeever. "Hemlock merchantable under the provisions of the Pt. Grenville

⁷⁰ ¹²³ Smith to Steer, August 9, 1924, Tahola Indian Agency Records (H-67).

⁷¹ ¹²⁴ Smith to Steer, August 27, 1924, Tahola Indian Agency Records (H-68).

⁷² ¹²⁵ Steer to M. R. Smith Lumber Co., August 8, 1924, Tahola Indian Agency Records (H-69).

contract must be scaled and paid for if left in the woods, either standing or felled."^{126 73} Superintendent Sams ordered the company to remove "from the sale area . . . all the hemlock that is sound and may fairly be considered merchantable within the terms of the contract governing the sale of the Point Grenville Unit."^{127 74} Any other course would deprive allottees of their rightful income.

Aloha, Hobi, and Ozette had cooperated fully with the Bureau, but the Smith Company was a constant source of problems. "This Company," forestry officers reported, "maintains a system of continual protest against scaling, proper utilization, and has even protested the prompt payment of Advance Deposits. The pick-up scale . . . has been and is entirely too high."^{128 75} (Timber left ~~standing~~ on an allotment after logging was completed was scaled and the logger was charged.) B.I.A. officials were confident that the interests of the Indians were being protected, and doubters had only to consult the record in order to realize this fact. "Our annual average scale reports," Sams informed the Commissioner, "show that the Government employees' scale is from 3% to 5% above the commercial sale

^{73 126} Steer to Lester C. McKeever, August 12, 1924, Tahola Indian Agency Records (H-70).

^{74 127} Superintendent, Tahola, to M. R. Smith Lumber Co., December 18, 1924, Tahola Indian Agency Records (H-71).

^{75 128} Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

of the logs shipped from the Quinaielt Reservation, and no charge of underscaling or of favoring the contractors can possibly be made in the light of this fact."¹²⁹⁻⁷⁶

As noted, forestry on the Quinault during the 1920s was for the most part a matter of selling timber and supervising the activities of loggers. Generally speaking, this was true of public and private forestry in the Northwest. The modern conservation movement in the United States was an outgrowth of the ~~Progressive Era~~, ^{of the early twentieth century,} with its emphasis on the control of natural resources by big business. Recognizing the dwindling supplies of timber in much of the nation, Gifford Pinchot and other foresters stressed the need for efficient management of the forests so as to assure a permanent supply of timber.

These sentiments, however, were slow to spread to the Northwest, with its vast and still largely undeveloped stands of timber. With high risks and small long-term incentives, few lumbermen considered adopting new ways, and thus wasteful exploitation remained a major characteristic of their industry. "Timber owners and mill operators," Governor Roland H. Hartley of Washington, himself an important lumberman, observed, "are engaged in the competitive orgy of cutting, slashing and waste, which if continued, not only spells ruin to those so engaged,

⁷⁶ ¹²⁹ Sams to Commissioner of Indian Affairs, October 9, 1928, Tahola Indian Agency Records (H-72).

but means disaster to the economic life of the state."¹³⁰ ⁷⁷
 Private owners of valuable timberlands saw themselves threatened by heavy property taxes, which made up the bulk of state and local revenue. This threat was often used as an excuse for the rapid cutting of timber in order to get out from under the taxes, thus militating against conservation. "Owners of great stands of timber," Governor Hartley pointed out with conventional rhetoric, "are going forward at breakneck speed in an effort to salvage an investment which is rapidly being confiscated by the tax collector."¹³¹

Unchecked fires, too, were a major deterrent to long-term ownership. In 1903, the state of Washington, largely in response to industrial insistence and political influence following a catastrophic fire in 1902, had established an agency to protect private lands from fire. By 1917, concerned lumbermen had lobbied through legislation that made contributions by timberland owners to a fire protection fund mandatory. Eight years earlier, in 1909, the industry had formed the Western Forestry and Conservation Association to coordinate their fire prevention efforts. The year 1921 saw an industry-supported state law assign responsibility for logging slash to the land owner. When in 1923 Alex Polson, Hoquiam lumberman,

⁷⁷ ¹³⁰ Timber Situation in the State of Washington, 1925, Hartley Papers (H-23).

⁷⁸ ¹³¹ Ibid.

testified before a U.S. Senate committee investigating forest practices, he said: "We can protect the forests very well against everything except taxes."¹³²⁷⁹ This was an overstatement on Polson's part, perhaps, but it was indicative of the thinking of the time.

By the 1920s, many progressive Northwest lumbermen were coming to accept the necessity of conservation measures. The problem, however, was how to reconcile theory with the realities confronting the lumber industry.

B.I.A. officials displayed environmental concern on a range of issues. The general timber regulations, for example, provided authorization for the leaving of 300 feet wide strips of timber along lakeshores, streams, and public highways, "even though," noted Nicholson, "there would be some loss to the individual Indians affected."¹³³⁸⁰ This was regarded as highly impractical by many people. Allottees would surely object to the leaving of valuable trees. (The strip on three allotments adjoining Lake Quinault, for example, was estimated to be worth \$13,000.) Moreover, the strips were sure to blow down. "The root system

¹³² Harold K. Steen, "Forestry in Washington to 1925" (Unpublished Ph.D. dissertation, University of Washington, 1969), 95-90, 222 (H-176); Polson's statement in U.S. Congress. Senate. Select Committee on Reforestation, Hearings, 67:1, 866 (H-177).

⁸⁰ ¹³³ Nicholson to Commissioner of Indian Affairs, January 26, 1931, Tahola Indian Agency Records (H-73).

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of our forest trees is very small in extent and very shallow," Henry Steer observed, because of the moisture-saturated ground. On the other hand, the trees often reached heights in excess of 250 feet. "The atmospheric conditions are such," Steer insisted, "that where trees of such height and with such shallow root systems are left exposed to winter storms, it is a moral certainty that a large part of them will be wind thrown within a few years."^{134 81}

Nevertheless, the foresters attempted in the face of these practical difficulties to preserve such timber strips. Steer himself ordered that trees that could not be cut without falling into the Quinault River be left standing. "These trees will not be very numerous, and will serve the dual purpose of re-seeding portions of the cut over areas, and of preserving, in a minor degree, the scenic value of the river." In addition, if logs and slash were not kept out of the water, they might well "drift down the river . . . [and] do many hundreds of dollars worth of damage to the nets of the Indian fishermen at Tahola."^{135 82} Superintendent Nicholson directed that only the choicest timber be removed from the banks of the Quinault. "A clean logging of the area directly adjoining the river detracts from the scenic value of the river, and it has been

^{81 134} Steer to Commissioner of Indian Affairs, September 21, 1927, Tahola Indian Agency Records (H-74).

^{82 135} Steer to Ray C. Quast, April 14, 1930, Tahola Indian Agency Records (H-75).

contended--and possibly with much merit that the logging of the timber . . . will affect the salmon run and the fishing of salmon on or along the Quinaielt River."^{136 83}

Efforts were also made to clean out log jams that occasionally built up on the lower reaches of the Quinault River and restricted Indian travel on the watercourse.^{137 84} The reservation waterways had to be kept clear. Steer responded immediately when he heard that the Aloha Company had been dumping refuse into the Moclips River. "This matter is very specifically covered in the regulations which are made a part of every timber contract," he informed the company, "and [I] will have to ask you to discontinue the present practice and either burn or bury garbage and other refuse from the camps."^{138 85} When it came to ~~major~~ conservation issues, ^{with a greater economic impact} however, the Bureau was stymied. The scene as contemplated from the conservation advocate's easy chair differed greatly from that viewed by Quinault personnel.

The logging practice most jarring to conservationist sensibilities, in the 1920s as today, was that of clear-cutting, or the removal of all trees from areas logged. Clear-cutting

^{8 136} Nicholson to Howarth, January 26, 1931, Tahola Indian Agency Records (H-73).

^{70 137} Nicholson to Commissioner of Indian Affairs, August 3, 1931, Tahola Indian Agency Records (H-76).

^{15 138} Steer to Aloha Lumber Company, June 12, 1924, Tahola Indian Agency Records (H-77).

was almost universally the rule on the Olympic Peninsula, both on public and private timberlands.^{139⁸⁶} B.I.A. timber contracts provided that those trees ^{to be sold would be} marked for selective logging, ~~would~~ ~~be~~, leaving the designation of such trees pretty much up to the interpretation of local forestry officials. Similar requirements governed logging on Forest Service land. In practice, this meant the logging of all but the smallest trees. On the reservation those trees with a diameter of at least ^{fourteen} ~~14~~ inches at a point four-and-a-half feet above the ground, the standard height for diameter measurement, had to be logged, or at least paid for by the contractor.^{140⁸⁷}

The method of logging on the reservation, the so-called "high lead" system, also made clear ⁽cutting inevitable. Utilizing steam-driven cables strung from spar trees, this system had been in general use in the Grays Harbor region since about 1916.^{141⁸⁸} It "levels all the timber," Nicholson recalled in the mid-1930s, "and with that system selective tree logging was impossible."^{142⁸⁹} Steer pointed out that "no selective logging is practised" in the area, "nor can it be practised successfully,

⁸⁶ ¹³⁹ Steer to Charles Van Way, June 4, 1927, Tahola Indian Agency Records (H-78).

⁸⁷ ¹⁴⁰ Nicholson to Robert Marshall, September 24, 1935, Tahola Indian Agency Records (H-79).

⁸⁸ ¹⁴¹ Sankela, Forest Statistics for Grays Harbor County, 9 (H-2).

⁸⁹ ¹⁴² Nicholson to Marshall, September 24, 1935, Tahola Indian Agency Records (H-79).

for the use of high speed steam machinery prohibits this practice." ^{143 90} Some other more sophisticated means of harvesting timber would have to be devised before it would be practicable to abandon clear cutting. He had "a good deal of faith in the possibilities of selective logging," William Greeley, secretary of the West Coast Lumbermen's Association and former head of the Forest Service, observed, but its practicality had yet to be demonstrated. ^{144 for the Douglas-fir region. 144 91}

There were, moreover, a number of objections against the concept of selective logging. Indian allottees, as we shall see, would be sure to object to a system that would leave much of their timber standing and thus delay the realization of maximum financial return for their holdings. And the leaving of "isolated individual trees, or clumps of trees," Steer insisted, would be a mistake. "Experience has shown that the trees so left soon blow over because of exposure to the winds and also because of the extremely shallow root system of all trees in this locality." ^{145 92} R. D. Merrill, a prominent Olympic Peninsula logger, suggested that it would be "impossible to make an accurate selection of the logs in the woods" because

¹⁴³ Steer to Van Way, June 4, 1927, Tahola Indian Agency Records (H-78).

¹⁴⁴ Greeley to Merrill, October 23, 1931, Merrill & Ring Lumber Company Papers (H-80).

¹⁴⁵ Steer to Van Way, June 4, 1927, Tahola Indian Agency Records (H-78).

of the "human element." Trees which might best be left standing would be cut, as "we believe it is better to err on the side of taking logs of poor quality, or logs which are a trifle too small, rather than on the side of leaving in the woods logs which really should be taken."⁹³¹⁴⁶ ~~And~~ ^{Further} it would impose severe burdens on logging operators if they were required to purchase the expensive new equipment necessary to practice selective logging, especially in the depressed conditions of the late 1920s and early 1930s.¹⁴⁷⁹⁴

When discussing clear-cutting, one must first distinguish between the devastated areas that nineteenth century lumbermen left in their wake and a modern clearcut prescribed by a professional forester as the optimum silvicultural method. In both situations all of the trees are removed, but with significant differences. The forester's clearcut is much smaller, with allowances for regeneration and soil protection. To a forester, clear-cutting is not only a logging system but a regeneration system as well. Such systems are chosen according to growth characteristics of desired species. Clear-cutting, seed tree, shelterwood, and selection are among the methods the forester considers. After taking species, terrain, soil type, and market

⁹³¹⁴⁶ Merrill to Greeley, October 28, 1931, Merrill & Ring Lumber Company Papers (H-81).

⁹⁴¹⁴⁷ Nicholson to Marshall, September 24, 1935, Tahola Indian Agency Records (H-79).

into account, the forester picks the best method of removing the old stand--either en masse by clear-cutting or in stages by one of the other techniques. Planning for the new forest, then, plays a major part in choosing the method for logging the old.

Even modern clear-cutting had a deleterious impact on reforestation, and this was recognized as its major defect. A Forest Service study published in 1938 showed that 84 percent of cutover acreage logged in Grays Harbor County prior to 1920 had been restocked. But only 57 percent of the 113,000 acres logged in the 1920s, after adoption of the high lead system, was in the process of being restocked. In the fog belt along the coast, where the reservation was located, 43 percent of the acreage logged in the twenties had not been restocked, 30 percent was poorly stocked, and only 27 percent was being reforested on a satisfactory basis. "A change in logging methods was no doubt largely responsible for the increase in the area of non-restocked cutover land," the study concluded, as the high lead method "destroys the advance reproduction and immature trees that might provide a source of seed."¹⁴⁸ B.I.A. forester Lee Muck agreed with this assessment, reflecting in 1938 that "the old destructive method of cutting produces little in the way of real forestry and leaves the land in a state which

¹⁵¹⁴⁸ Sankela, Forest Statistics for Grays Harbor County, 9 (H-2).

at best will take many years to reforest successfully."¹⁴⁹

Natural regeneration was relied on almost completely for purposes of reforestation, both on the reservation and on other public and private timberlands. Research on seed flight strongly suggested that smaller clearcuts or strategically placed seedblocks would improve the reliability of natural regeneration.

Only a few small attempts at tree planting were made. In early 1929, for example, 3,500 young spruce trees were planted on 30 acres of tribal land on the Moclips Unit.¹⁵⁰ "As far as we know," superintendent Sams reported, "this is the first planting of a tract of anything like an area of 30 acres . . . that has ever been done in Grays Harbor County, although one or more private companies have been conducting experiments in broadcasting seed for several years."¹⁵¹ By 1931, nearly 300 acres on the reservation had been planted with seedlings.¹⁵² But the lack of adequate funds and personnel ruled out any

¹⁴⁹ Muck to Nicholson, October 15, 1938, Tahola Indian Agency Records (H-82).

¹⁵⁰ U.S. Department of Interior, Annual Report of the Commissioner of Indian Affairs, 1930, 20 (H-178).

¹⁵¹ Sams to Commissioner of Indian Affairs, March 23, 1929, Tahola Indian Agency Records (H-83).

¹⁵² Howarth to Commissioner of Indian Affairs, March 11, 1931, Tahola Indian Agency Records (H-84).

large-scale attempt at reforestation by planting.¹⁰⁰¹⁵³ Still, B.I.A. officials were concerned with the lack of reforestation on the Quinault and the implications for the future of a reservation not particularly suited for non-forest activity.

Clear-cutting was beginning to pose some serious problems, aside from its esthetically unsettling impact on the minds of sensitive persons. But given the circumstances of the times^{and} the methods prevalent among loggers, an alternative was hard to find, or at least an alternative that could be successfully applied on the Quinault. The debate over clear-cutting continues to this day.

Clear-cutting also greatly increased the danger of fire by producing large areas of logging debris, or slash. The mass of tops, branches, small trees, and brush was highly flammable^{the first year after logging,} and forest fires often originated in such cutover places, rather than in standing timber. "Conditions under which a fire will burn in green timber and [sic] very unusual if not entirely improbable," the B.I.A. noted.¹⁵⁴¹⁰¹ "I do not believe there is any great forest fire danger in green uncut timber," Steer wrote in 1929, "for the records of this Agency

¹⁰⁰ ¹⁵³ Sams to Commissioner of Indian Affairs, March 23, 1929, Tahola Indian Agency Records (H-83). The B.I.A. also cooperated with the Forest Service in planting projects in the Olympic National Forest. Howarth to Commissioner of Indian Affairs, March 30, 1931, Tahola Indian Agency Records (H-85).

¹⁰¹ ¹⁵⁴ Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

not only do not show any fires in green timber to have occurred, ^(S167)
but in several instances known to me fires in slashings have
stopped when they ran into the green timber." ¹⁵⁵ ¹⁰² With the
considerable increase in logged-off acreage in the 1920s, the
potential for fires mounted and so did the hazards for the
future of the reservation. "The protection of young forests
and logged-off lands," contended the Washington Forest Fire
Association, "are yearly calling for greater attention and
unless this is given the reforestation movement is retarded." ¹⁰³ ¹⁵⁶

The problem of what to do with the slash, whether to
risk burning it in a preemptive manner to reduce the danger
of uncontrolled forest fires or to allow it to accumulate
while guarding against the latter development, became a major
point of dispute in the Northwest industry. "The chief
reason for slash burning as a forestry measure," ^{noted} Thornton
Munger, director of the Forest Service experiment station,
~~noted~~, "is to reduce the fire menace of the vast amount of
dry litter, that there may be less chance of accidental fires
later." In addition, "broadcast slash burning" was seen by
many foresters as "a necessary measure in securing reforestation

¹⁰² ¹⁵⁵ Steer to Commissioner of Indian Affairs, March
5, 1929, Tahola Indian Agency Records (H-86).

¹⁰³ ¹⁵⁶ Washington Forest Fire Association to Members,
May 1, 1929, Merrill & Ring Lumber Company Papers (H-87).

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in that it bares the ground and stimulates generation." Most
lumbermen in the Douglas fir region, observed Munger, accepted
the necessity of this course.^{157 154}

insert →

H. L. Plumb of the Forest Service, for one, advocated
the burning of slash. "We have found through experience,"
he wrote, "that whenever it is possible it is best to burn the
slash."^{158 155} Plumb, commented N. O. Nicholson, "believes that
the risk of [forest] fire is too great and that the [forest]
fires are too hard to handle when started and that it is
accordingly impracticable to allow large areas of slash to
accumulate as a means of saving small amounts of reproduction
left after logging."^{159 156} Many other foresters agreed with this
view. "It is absolutely the wrong thing to do," one wrote,
"as everyone has been doing--to try to keep the fire out of
the timber as long as possible and thereby save up all the old
dry brush and everything to make a real fire when it does get
afire and there is no use trying to stop it."^{160 157}

The burning of slash was a delicate and risky
business and if not handled properly threatened to ignite the

¹⁵⁷ Thornton T. Munger, Timber Growing and Logging
Practice in the Douglas Fir Region (Washington, D.C., 1927),
9 (H-88).

¹⁵⁸ Plumb to Jerome, October 3, 1930, Merrill & Ring
Lumber Company Papers (H-89).

¹⁵⁹ Nicholson to Kinney, July 15, 1932, Tahola Indian
Agency Records (H-90).

¹⁶⁰ J. G. Grainger to Fred E. Pape, March 25, 1920,
Louis F. Hart Papers, Washington State Archives (H-91).

very conflagration it was supposed to prevent. C. S. Cowan, chief fire warden of the Washington Forest Fire Association, urged that slash be burned only at the end of dry spells. "At that time the slashings will be dry and will burn readily, and if the fires are set when the rain is forecast, a clean burn can be obtained with but little danger." Preparations must be made well in advance and the fire itself set with considerable care. "A fire to properly dispose of slash," Cowan pointed out, "must burn freely--at the end of a dry spell, the debris is very inflammable, and with a rain falling, or obviously about to fall, fires can be set safely, if given a good start."¹⁶¹

For other foresters, the risk was too great. "There are very few places in Western Washington," maintained state forester Fred Pape in 1920, "where this method could be practised without great danger."¹⁶² Among these doubters were the officials of the B.I.A. in Hoquiam. "The general policy hereafter on the Quinaliet Indian Reservation," Sams informed one logger in late 1926, "will be to leave the slash unburned on logged areas."¹⁶³ This was seen as the proper course for

¹⁰¹⁻¹⁶¹ C. S. Cowan to logging operators, August 26, 1929, Merrill & Ring Lumber Company Papers (H-92).

¹⁰¹⁻¹⁶² Pape to Grainger, March 30, 1920, Hart Papers (H-93).

¹¹⁰⁻¹⁶³ Sams to Ozette Railway Co., November 13, 1926, Tahola Indian Agency Records (H-94).

the reservation, although there remained some doubts. "There is no question," Nicholson pointed out, "but that leaving slash and saving of reproduction already on the ground together with the seed on the ground would be the proper forest policy if fires could be kept out. The question is whether the danger attendant upon allowing large areas of slash to accumulate offsets the silvicultural advantages obtained through leaving slash on the ground."¹⁶⁴ Precautions were instituted to lessen the danger. Loggers were prohibited from setting fires without written permission from the agency and were required to fell all snags on cutover areas.¹¹²¹⁶⁵ ~~And~~ Of course, on the reservation, public access was restricted, reducing still further a common source of ignition.

Conditions on the reservation differed from those in the Douglas-fir region in the central and eastern stretches of the Olympic Peninsula, areas that had inspired the concerns of H. L. Plumb and other advocates of slash burning. Theories devised for other areas might not apply. In the coastal fog belt, Thornton Munger of the Forest Service commented, "the brush disposal and fire protective conditions are somewhat different, and hence require a slightly different system of

¹¹¹ 164 Nicholson to Kinney, July 15, 1932, Tahola Indian Agency Records (H-90).

¹¹² 165 Sams to Ozette Railway Co., November 13, 1926, Tahola Indian Agency Records (H-94).

forest management from that suited to the Douglas fir type." Slash from hemlock, spruce and cedar, Munger observed, "is less combustibile than Douglas fir brush; the needles fall off the first season, and the fog-belt climate promotes a luxuriant growth of shrubbery which quickly clothes logged-off land. . . . On such areas the fire risk quickly diminishes to that of the virgin forest." Leaving the slash, moreover, would aid regeneration of these varieties of timber. They "are more exacting as to moisture requirements than fir, and hence germination is best in duff and where the site is not too dry."¹¹³ ~~166~~

~~These findings on the fire risk of slash are not applicable to other areas for other areas might well be valid only for these other areas.~~

By choosing not to burn slash, reservation foresters had to rely on protective measures to prevent fires from starting and getting out of hand. The increasing emphasis they placed on this task in the 1920s reflected a major trend in the forest industry. Nationally, the amount of money expended on fire prevention increased markedly during the decade, as did the number of fires. In Washington state, fires ~~destroyed~~ ^{Killed} \$5.7 million worth of timber between 1918 and 1930.^{167 114} The state passed legislation prohibiting the building of fires

¹¹³ ~~166~~ Munger, Timber Growing and Logging Practice in the Douglas Fir Region, 6-7, 12-13 (H-88).

¹¹⁴ ~~167~~ Washington State Division of Forestry Report, 1930, Hartley Papers (H-95).

in the woods at other than designated camping areas without permit.^{168 115} Cooperative arrangements among the state, federal agencies, including the B.I.A., and private interests were worked out to combat the fire menace.^{169 116}

Initially, B.I.A. officials regarded the danger in their jurisdiction as minimal. "The relative humidity on the Quinaielt is very high," the agency report pointed out in 1925, "and almost nightly fogs in the summer, especially along the beach, materially reduce the fire danger."^{170 117} Thornton Munger supported this judgment, observing that "the fire problem is less difficult in the fog-belt than in the Douglas fir type, for accidental burning of slashing is easier to guard against."^{171 117} Henry Steer noted that protection against fires was "vastly more of a problem" in the Olympic National Forest than it was on the Quinault. "The National Forest includes practically the entire Olympic peninsula [the Olympic National

^{115 168} D. A. Scott to De Los W. Fowler, May 5, 1921, Hart Papers (H-96). Such laws caused considerable problems for Olympic Peninsula farmers. "Most of these farmers," a Seattle businessman informed Governor Hartley, "have more or less land which should be cleared and in many instances additional cleared land is necessary to make their farms a success, but the fire warden is so rigid and so arbitrary in his regulations that he prevents these farmers burning up the logs and clearing the land." D. E. Fryer to Roland H. Hartley, January 15, 1925, Hartley Papers (H-97).

^{116 169} Division of Forestry Report, 1930, Hartley Papers (H-95).

^{117 170} Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

^{118 171} Munger, Timber Growing and Logging Practice in the Douglas Fir Region, 12 (H-88).

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no 9 The hemlock-redcedar forests of the Gossault,
however, offered a variant situation. Fire danger
~~was~~ still a dominant factor, but natural
regeneration of the typically prolific hemlock
was of lesser concern. Of course, artificial
regeneration of any species would be
difficult in heavy slash.

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1938, although Olympic National Monument was created in 1909] Park was not created until ~~the late 1930s~~ and is visited by thousands of campers and tourists each year." This was not the case on the Quinault, and, Steer reported in mid-1924, "fire protection work on the reservation is practically negligible, due to the climate, the proximity of the ocean, and the inaccessibility."^{172 119}

But with the beginning of large-scale logging on the reservation, the foresters soon became convinced of the need for more thorough protective measures.^{173 119} "With the area of logged off land increasing year by year," the agency maintained in 1925, "and the construction of the Olympic Highway from the Lake to the Queets, throwing open the entire northern part of the reservation to campers and vacationists, the problem of fires on the Quinaielt will become more acute year by year." Three fires had broken out during the 1925 fiscal year, one of them a major conflagration resulting from the burning of slash in the southern part of the Grenville Unit. "Embers from the . . . fire," the annual report recounted, "blew over one mile of green timber and started a very bad fire in the Moclips Unit, which burned over all the logged off land in the eastern end of the unit, destroyed the Aloha camp, and burned out three

^{119 172} Steer to Muck, June 28, 1924, Tahola Indian Agency Records (H-45).

^{120 173} Superintendent to Commissioner of Indian Affairs, September 6, 1924, Tahola Indian Agency Records (H-98).

large railroad trestles."^{174 121}

Such incidents demonstrated the dangers of slash burning and helped to produce the ban of that practice on the reservation. The destruction, moreover, indicated how difficult it was to fight a fire once it had got underway. "The only feasible means of control," the agency contended, "are to back fire from green timber or a railroad grade, and let the fire burn out. . . . The only thing to do in this country is to patrol thoroughly and get the fires while they are small, as ordinary methods of trenching, etc. are absolutely useless here."^{175 122} Prevention and swift, initial attack became the focus of reservation policy.

There was another aspect of the slash ^{situation} ~~problem~~. As was clearly pointed out by B.I.A. officials during this period, the allotment policy created management problems, including the handling of slash. Ownership was in ^{units} ~~30~~ acre parcels, but slash accumulation involved many contiguous allotments. It was ^{a practical} ~~impossible~~ ^{utility} to burn one allotment in a cutting area and not burn adjacent ownerships as well. It was either all or none, as far as slash disposal in any one logging unit was concerned.

A study of the forest fire problem got underway in

^{121 174} Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

^{122 175} Ibid.

late 1924.^{123 176} Previously, the B.I.A. had limited its efforts to the hiring of temporary forest guards in the summer months, relying on the logging companies for patrol work. The forest rangers on each unit were also made deputy state fire wardens and charged with enforcing state fire prevention regulations.^{124 177} A more active role for the federal government, however, resulted from the B.I.A. study.

In early 1927, Superintendent Sams recommended a five-year plan to the Indian Commissioner. The report divided the reservation into two areas, that which had been sold and that which had not. (Most of the timber south of the Quinault River had been sold; with the exception of the Quinault Lake Unit, the timber north of the river remained to be sold.) The government should undertake only minimal work in units that had been sold, "for the railroad right-of-ways which have been or will be constructed within the next five years will form a net work over the area, affording a better means of access and egress than trails would give." Rather, the effort should concentrate on the unsold area. Trails should be built into the woods from the Olympic Highway, due to be completed in the fall of 1927, and at least three lookout towers should be

^{123 176} Superintendent to Commissioner of Indian Affairs, September 6, 1924, Tahola Indian Agency Records (H-98).

^{124 177} Annual Forest Report, Fiscal Year 1925, Tahola Indian Agency Records (H-3).

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erected. The total cost of the project, plus the salaries ¹²⁵
of seven new agency employees, would amount to nearly \$70,000. ¹⁷⁸

That figure was the sticking point, as it proved impossible to secure the funds necessary to implement the project. Apparently, only one of the contemplated lookout towers was constructed. The state of Washington, as a comparison, was able to put up ^{ten} ~~10~~ such towers in the western half of the state between 1928 and 1930. ¹²⁶ ~~179~~ The dependence of **Indian** forestry operations on Congress, the lack of an independent source of funds, again militated against sound management. "We are unable to do as much as we would like to," Steer commented in reference to fire protection, "because of lack of funds." ~~180~~ ¹²⁷

Much of the work that was accomplished was due to the lumber industry depression, which reduced or shut down logging operations and made regular B.I.A. personnel available for protection purposes. ~~181~~ ¹²⁸

Ironically, that very depression both created new dangers and prevented a serious response to those hazards. Efforts to combat fires, **S**uperintendent Nicholson informed J. P. ~~181~~ Kinney in the summer of 1932, "will present a real problem this

¹²⁵ ~~178~~ Sams to Commissioner of Indian Affairs, April 30, 1927, Tahola Indian Agency Records (H-99).

¹²⁶ ~~179~~ Division of Forestry Report, 1930, Hartley Papers (H-95).

¹²⁷ ~~180~~ Steer to Commissioner of Indian Affairs, March 5, 1929, Tahola Indian Agency Records (H-86).

¹²⁸ ~~181~~ Nicholson to Kinney, March 25, 1931, Tahola Indian Agency Records (H-100).

season in view of the fact that there is very little employment available and hundreds and hundreds of men are in need of and are seeking employment, and would . . . start fires in a minute if they thought it would make employment available to them or others in fighting these forest fires." An incendiary fire had been started on the Cook Creek Unit, and only regular employees had been sent to put it out. "We had decided," Nicholson noted, "that if we should once start out by hiring a crew of fire fighters, particularly early in the season, that we would have fires upon fires all season long, and that it would be impossible to obtain either men or money enough to cope with the fire situation." Refusal to make a major effort against fires was in itself dangerous, but it was the least undesirable course and one that was followed by the Forest Service and private timber owners as well.¹⁸²¹²⁹ Foresters had to be, at all times and in all ways, practical men, ignoring theory when dictated by reality.

Quinault foresters had been realistic men throughout the 1920s. Their activities had focused on the sale and cutting of timber, as did those of their colleagues in much of the forest industry. Timber was meant to be cut in the most economical fashion. The ends sought by conservationists were

¹⁸² Nicholson to Kinney, July 15, 1932, Tahola Indian Agency Records (H-90).

appealing, but the means necessary to achieve those ends often conflicted with prevailing sentiments and practices, and even with the best management of the Quinault forest. The B.I.A. foresters were no better than their brethren in the Northwest, but they were no worse either. And if their attitudes toward the Indian allottees were ^{at times} paternalistic and condescending, so were the attitudes of nearly all white Americans.

Full-scale exploitation of the reservation had got underway in the early twenties with high hopes. The times were prosperous and lumbermen expected to enrich themselves, as did, albeit on a lesser scale, the Indian owners of Quinault timber. By 1930, two-thirds of the reservation was allotted and most of the remaining 67,000 acres were available to unallotted tribal members.¹⁸³ ~~But~~ ^{However,} the dreams of enrichment had collapsed along with the lumber market and the nation's economy. Lumbermen suffered and Indians suffered, the latter with less of a cushion to fall back on, for many their only ^{being the recently received allotment, now} assets ~~for the time being~~ worthless. Everyone associated with the Quinault awaited a new deal of the economic cards.

¹³⁰ ~~183~~ Nicholson to Commissioner of Indian Affairs, November 24, 1930, Tahola Indian Agency Records (H-4).

THREE

THE NEW DEAL AND THE QUINAULT

Franklin D. Roosevelt, having promised that new deal in his election campaign, entered the presidency in March 1933, after defeating Herbert Hoover. The latter's individualist ethos and a Republican Congress prompted cautious action by the federal government to combat the economic emergency.¹⁸⁴ The new Roosevelt administration did not shy away from increased federal action, making it differ from its Republican predecessors. The pro-business philosophy of Harding, Coolidge, and Hoover was supplemented by new emphases. For one thing, Roosevelt, who prided himself on his tree-planting activities on his New York estate, was an advocate of conservation measures and was determined that such measures could rehabilitate man and land alike.

His administration, after working to stabilize industry-- the source of jobs--placed increasing

¹⁸⁴ The Hoover Administration had instituted some reforms in the federal government's handling of Indian affairs, increasing expenditures on education, and other activities. The administration, however, remained wedded to the allotment concept. See Kenneth Philp, "Herbert Hoover's New Era: A False Dawn for the American Indian, 1929-1932," Rocky Mountain Social Science Journal, IX (April 1972), 53-60 (H-179); Downes, "Crusade for Indian Reform," 344-351 (H-164).

(Def. Ex. H-164)

(Def. Ex. H-179)

and the nonemployed

emphasis on meeting the needs of the unemployed, by direct means. These new priorities were reflected in the work of the Bureau of Indian Affairs.

Begun during the last year of the Hoover Administration, the U.S. Forest Service published A National Plan for American Forestry in early 1933. In two volumes and 1677 pages, the report described the problems of, and recommended programs for, all categories of forest land in the United States. The section on Indian lands was authored by Henry Steer, in earlier years a forester for the B.I.A. but now senior forest economist for the Forest Service.^{185 2}

Steer summarized the situation on forested reservations. The forests were owned by the Indians and were managed "primarily for the best benefit of their Indian owners." He observed that technically correct forestry practices for the benefit of the general public were not always compatible with the requirements of managing reservation timber. In some situations, timber sale receipts constituted the only income for Indians, and thus there was a definite pressure to maximize revenue. It was clear to Steer that under these circumstances "insistence upon the practice of a highly intensive forest policy cannot be justified."^{186 3}

^{2 185} U.S. Congress, Senate, A National Plan for American Forestry, 73:1, 607-632 (H-180).

^{3 186} Ibid., 618-619.

Stability and continuity, central to forest management, were denied to Indian lands, for "under decisions of the Supreme Court of the United States the status of Indian lands may be modified at any time by an act of Congress." It would be irrational and unjust, surmised Steer, to apply forestry techniques to Indian lands that postponed income, which then might be lost by a congressional act that changed the status of the land.^{187 4}

In sum, Steer believed that the courts and Congress were to blame for the uncertainty that plagued the Indians. By implication, the Dawes Act of 1887 did not include^d timberland, and "unfortunate" court interpretation of the act made application of sustained yield and conservation less likely. He judged the allotment concept to^{be} largely a failure and saw it as causing economic loss to the Indians.^{188 5}

A National Plan for American Forestry had a major impact on the course of forestry, generally, and on Indian forest policy, specifically. The report provided a blueprint for the new Democratic majority in Congress as legislation was drafted or as bills inherited from^{the} previous administration[^] were revised. Rigorous advocacy by the new ~~C~~ommissioner of Indian Affairs bore fruit and in June 1934 President Roosevelt

⁴ ¹⁸⁷ Ibid., 618-619.

⁵ ¹⁸⁸ Ibid., 614-615.

signed the Wheeler-Howard Act into law.¹⁸⁹

The Indian Reorganization, or Wheeler-Howard, Act marked a major change in the federal government's Indian policy.¹⁹⁰ The legislation was inspired by social worker ^{John Collier,} ~~and~~ ^A ~~John Collier,~~ longtime leader of Indian reformers and critic of the B.I.A., who had been appointed ~~Commissioner~~ Commissioner of Indian Affairs by President Roosevelt.¹⁹¹ Collier opposed the assimilationist philosophy behind the Dawes Act and proposed instead a revival of traditional tribal insititutions; Indians were Indians, Collier and his supporters argued, not aspiring white men and women.¹⁹² The Wheeler-Howard Act ended the granting of allotments. Instead, it proposed to "grant to those Indians living under Federal tutelage and control the freedom to organize for the purposes of local self-government and economic enterprise." The functions exercised by the B.I.A.

¹⁸⁹ Kinney, A Continent Lost, 309-310 (H-170).

¹⁹⁰ See Lawrence C. Kelly, "The Indian Reorganization Act: The Dream and the Reality," Pacific Historical Review, XLIV(August 1975), 291-312 (H-181).

¹⁹¹ On Collier's appointment, see Lawrence C. Kelly, "Choosing the New Deal Indian Commissioner: Ickes vs. Collier," New Mexico Historical Review, XLIX(October 1974), 269-288 (H-103). On his activities in the 1920s, see Kenneth Philp, "John Collier and the Crusade to Protect Indian Religious Freedom, 1920-1926," Journal of Ethnic Studies, I(Spring 1973), 22-38 (H-182).

¹⁹² On the implementation of these new concepts, see Graham Taylor, "The Tribal Alternative to Bureaucracy: The Indian's New Deal, 1933-1945," Journal of the West, XIII(1974), 128-142 (H-183); Graham D. Taylor, "Anthropologists, Reformers, and the Indian New Deal," Prologue, VII(Fall 1975), 151-162 (H-102); Kelly, "The Indian Reorganization Act," 291-312 (H-181).

would gradually be turned over to the Indians as they demonstrated their capacity for self-government.^{193'} In effect, the reservations were to become semi-independent governmental entities.

Following the passage of the Wheeler-Howard Act, a tribal council was established at Tahola. Henceforth, B.I.A. officials on the reservation would have to consult closely with the Indians, involving them in the negotiation of new timber contracts and the renegotiation of old ones. The new law greatly increased the role of the Indians, who previously had been regarded by reservation personnel as unable to see their own best interests and whose ^{apparent} obstinance had occasionally hindered the effective running of the Quinault. Unfortunately, this enhanced position soon produced a conflict with the other new priority of the agency, conservation.

The regulations governing Indian timber sales had directed that selective logging "will be practiced on all lands chiefly suitable for the production of timber crops."¹⁹⁴ As we have seen, this directive was ignored because it conflicted with the methods of logging practical in the Northwest; similar requirements were overlooked by the Forest

¹⁹³ Wheeler-Howard Bill, ~~copy in Donald H. Clark Papers, Manuscripts Collection, University of Washington Library (H-104)~~.

HR _____, 73 Cong 2, April 1934 (Def.)

Ex. H-104)

¹⁹⁴ U.S. Indian Service--Forestry Branch, General Timber Sale Regulations, copy in Merrill & Ring Lumber Company Papers (H-105).

Service. Now, the Wheeler-Howard Act "authorized and directed" the ~~S~~ecretary of the ~~I~~nterior "to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained yield management."¹² New timber sale regulations promulgated in 1936, moreover, reinforced the emphasis on selective logging.¹³ The Wheeler-Howard Act proviso, along with the conservation orientation of the Roosevelt ~~A~~ministration, B.I.A. forester Lee Muck wrote, meant "that there is no alternative other than ~~[sic]~~ to practice sustained-yield forestry on the Quinaielt Indian Reservation-- a requirement which when viewing the problem from a practical standpoint reduces the issue to the development of the Quinaielt in accordance with practical selective logging methods."¹⁴

Muck's interpretation of the relationship between the Wheeler-Howard Act mandate for sustained yield and selective logging merits discussion. First of all, sustained yield is a term having two different meanings. During the early years of American forestry, when European theories were dominant,

¹² 195 Wheeler-Howard Bill, copy in D. Clark Papers (H-104).

¹³ 196 Digest of Timber Selling Regulations, U.S. Indian Service, March 14, 1939, Tahola Indian Agency Records (H-106).

¹⁴ 197 Muck to Nicholson, October 15, 1938, Tahola Indian Agency Records (H-82). Visiting the Olympic Peninsula in 1937, President Roosevelt viewed a clear-cut area along the Olympic Highway and fumed: "I hope the lumberman who is responsible for this is roasting in hell." Elmo Richardson, "Olympic National Park: Twenty Years of Controversy," Forest History, XII(April 1968), 10 (H-184).

sustained yield was primarily a biological concept--to grow trees at a rate equivalent to exploitation in order to assure future supplies. The American lumber industry, popular folklore to the contrary, faced chronically glutted markets and fluctuating prices; scarcity was not a problem, but oversupply of timber was causing serious trouble. As the lumber industry migrated westward in its continental quest for standing timber, the depleted forest lands left in its wake ~~created~~ ^{bolstered} the image of impending shortages. But as far as the national lumber market was concerned there was too much lumber, driving prices downward and threatening the stability of lumber-dependent communities.

The means to stabilize these lumber-dependent communities and to control overproduction were constantly sought. A new concept of sustained yield was given national prominence in 1931 by the National Timber Conservation Board, which had been appointed by President Hoover at the request of the lumber industry. This new concept was market-oriented. Lumber production was to be sustained at a level compatible with the market's ability to absorb it without lowering prices. The previous goal of sustaining forests was augmented by the goal of sustaining the lumber industry.

Lee Muck was coauthor of a Timber Conservation Board report that spelled out how forested Indian lands should be incorporated into the larger forest land picture. His report recommended that the Olympic Peninsula be divided into several subunits, one of which would be a Grays Harbor Unit. ~~the~~

~~subunits, one of which would be a Grays Harbor Unit.~~ The Quinault Reservation would be part of this latter unit. ^{198 15}

This new concept of sustained yield, wherein timber production within a specified area would be coordinated among the several owners to the mutual benefit of the local forest industry and the ^{land} owner, proved popular. The forestry literature of the period includes frequent favorable references to sustained yield, and in 1937 Congress authorized the Secretary of the Interior to establish sustained yield units on the revested Oregon and California Railroad lands in western Oregon. In

1944 Congress approved ^[58 Stat 132] a similar program for the Secretary of Agriculture and the vast ^{and the secretary of the interior for federal lands} National Forest system. The first (and only) cooperative sustained yield unit appeared in the Grays Harbor vicinity, where the Simpson Timber Company of Shelton entered into a 100 year agreement with the Olympic National Forest to manage their adjacent ownerships as one

jurisdiction. The Quinault Reservation was never made into a sustained-yield unit under the 1944 legislation

When Muck wrote to Nicholson in 1938 linking sustained yield to selective logging, he was reiterating the substance of his proposal of seven years earlier. But selective logging,

under his jurisdiction

¹⁵ 198 Lee Muck and Percy E. Melis, "The Status of Indian Forests in Relation to a National Program of Sustained Yield," Bureau of Indian Affairs, September 15, 1931 (H-185).

too, was taking on a new appearance in the Pacific Northwest. Forest Service researchers published a monograph in 19~~34~~³⁶ that portrayed selective logging of Douglas fir as a reasonable alternative to clear cutting.¹⁶ ¹⁹³⁰ The fact that selective logging allowed the taking of only the most valuable individual trees caused many to see this as a way of bolstering an industry beset by economic woes. Among the opponents of selective logging in the Douglas fir region were forestry specialists like Thornton Munger who were convinced that clear-cutting was the most desirable silvicultural method. It is not clear how many acres were logged in the Pacific Northwest following the new selective logging guidelines, but at first opportunity professional foresters reinstated clear-cutting in those areas where in their judgment selective logging practices were inappropriate.

Selective logging and the management of timberlands for purposes of sustained yield of raw material represented a considerable change for the Northwest lumber industry. "The American lumberman," one observer noted, "has no conception of a sustained forest."¹⁹⁹¹⁷ Most lumbermen, though, could accept such concepts, at least in theory. ~~But~~ ^{however,} ~~most~~ Indians ^{could} not, and as a result of the Wheeler-Howard Act their opposition

¹⁷ 199 W. C. Mumaw to Hutchinson, n. d. but around fall 1934, Irving M. Clark Papers, Manuscripts Collection, University of Washington Library (H-107).

¹⁶ 1930a Burt P. Kirkland and Axel J. F. Brandstrom, *Selective Timber Management in the Douglas Fir Region* (Washington: Charles Lathrop Park Foundation, 1936), pp. 3-5, 115-121 (H-145).

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could be effective. The conflict between the aims of the Roosevelt Administration's policies of Indian self-government and conservation of natural resources was revealed in the debate over the future of the Quinault Lake Unit.

The Northwest lumber industry suffered severe economic difficulties during the early 1930s.²⁰⁰¹⁸ At the peak of the depression, 1.5 million acres of forest land in Washington state were subject to tax foreclosure.²⁰¹¹⁹ Many companies went under and many others had a difficult time avoiding that fate. Among these latter companies was the Ozette Railway Company, the logging contractor on Quinault Lake. The company had bid higher prices for all species of timber than were obtained by the B.I.A. for other sales units, and as a result had been unable to operate since about 1931.²⁰²²⁰ The health of Alex Polson, the company's president, had collapsed under the strain of these developments.²⁰³²¹ By 1934, Ozette was planning to resume operations, superintendent Nicholson reported, provided "a satisfactory price agreement can be arrived at."²⁰⁴²²

¹⁸ 200 U.S. Department of Interior, Annual Report of the Commissioner of Indian Affairs, 1932, 16 (H-186).

¹⁹ 201 T. S. Goodyear to F. E. Balmer, September 8, 1939, Clarence D. Martin Papers, Washington State Archives (H-108).

²⁰ 202 Floyd H. Philips to Paul Coughlin, June 15, 1942, Tahola Indian Agency Records (H-109).

²¹ 203 Jerome to Clark L. Ring, March 26, 1931, Merrill & Ring Lumber Company Papers (H-110).

²² 204 Nicholson to Muck, August 6, 1934, Tahola Indian Agency Records (H-111).

Most of the Quinault Lake allottees favored the revision downward of the contract prices.²⁰⁵²³ "The Indians, of course," Nicholson stated, "are anxious that something be done in order that logging operations may be resumed so that funds will start coming in for their use."²⁰⁶²⁴ Under the Wheeler-Howard Act, the Indians participated in the renegotiation of the contract.

This presented some difficulties, as only 73 of the 178 Quinault Lake allottees resided on the reservation, the rest being scattered throughout Washington, Oregon, and California. "The matter of explaining these matters to the various allottees," Nicholson informed John Collier, "will be rendered more difficult because of the fact that the allottees affected reside over a large area and it would be impossible to get a majority group of them together at any one meeting."²⁰⁷²⁵ Nevertheless, a committee appointed by the tribal council at Tahola helped draft the modified contract, which was then sent to Washington for approval. The national office, however, insisted that the revised contract contain provisions requiring selective logging and a pooling of allotments not yet logged, so that all allottees would receive

²³ 205 Nicholson to Muck, August 27, 1934, Tahola Indian Agency Records (H-112).

²⁴ 206 Nicholson to Muck, August 6, 1934, Tahola Indian Agency Records (H-111).

²⁵ 207 Nicholson to Commissioner of Indian Affairs, April 17, 1935, Tahola Indian Agency Records (H-113).

annual payments rather than having to wait until the timber was actually removed to receive the bulk of their income.^{208 26} But the Indians opposed these requirements, especially the former.

Lee Muck pointed out that the Quinault Lake Unit was almost completely allotted. Therefore, "a modification of the contract in such manner as to permit of practical operations under authority thereof will require that fully 90 per cent of the allottees involved execute allotment contract modifications--in fact, the entire setup requires full cooperation from all parties in interest if the project is to be a success." Muck visited Taholah in May 1935 to discuss the revision with ~~30~~^{thirty-two} allottees. Those present voted 13-11 against the proposed reduction in stumpage prices^e and rejected selective logging by a vote of 14-3. "The verbal opposition to the proposed plan of selective logging was almost entirely concerned with the possibility of losses from windthrow," Muck reported. "However, we are inclined to the opinion that the reduction in income which would occur under this system is the principal reason for it not being received with more favor."^{209 27} The Indians desired to receive full return on their holdings in

²⁶ 208 Nicholson to Commissioner of Indian Affairs, December 9, 1935, Tahola Indian Agency Records (H-114).

²⁷ 209 Muck to Commissioner of Indian Affairs, May 11, 1935, Tahola Indian Agency Records (H-115).

the shortest possible time.

The B.I.A. suggested that a committee of Indians investigate timber values in the Grays Harbor region so as to determine for themselves the justice of the planned price reduction.²¹⁰ Four allottees were chosen for this task, but only one made a personal survey of private, state, and federal lands in the area. In their report, the four Indians affirmed that the modified prices of \$3.50 for Douglas fir and \$1 for hemlock "are fair prices for the timber in the Quinault Lake Unit."²¹¹

The Quinault business council called a meeting at Tahola to consider the report, read by forest supervisor James Howarth in the absence of the committee members. The ~~30~~ thirty Indians present reaffirmed their right of review of all sections of the contract. They also expressed their opposition to selective logging, which was defended by Howarth. "Their argument was that the balance would blow down and go to waste," Howarth observed. "The most positive reaction of the meeting was the opposition to selective logging."²¹²

Ozette was ready to begin operations on a selective

²¹⁰ Nicholson to Commissioner of Indian Affairs, September 23, 1935, Tahola Indian Agency Records (H-116).

²¹¹ Report to Indians Allotted in the Quinaielt Lake Unit and Others Allotted North of Quinaielt River, November 9, 1935, Tahola Indian Agency Records (H-117).

²¹² Howarth to Nicholson, November 21, 1935, Tahola Indian Agency Records (H-118).

logging basis, Nicholson wrote at the end of 1935, "taking all the timber in some strips and taking out some of the larger timber in the intervening strips, as much as we would designate with the idea that the remaining timber would be windfirm and also a fire barrier." But a majority of the Indians were opposed and would reject any selective logging requirement in the modified contract. "Only our practice heretofore to disregard this selective logging provision," Nicholson pointed out, "seems now to stand in the way of our enforcing it against the wishes of the allottees. And they do more and more object to any system that will hold from logging any substantial volume of their timber."²¹³ 31

A group of Indian representatives traveled to Washington, D. C. in early 1936 for a conference on the Quinault Lake ^{Lee Muck and} with B.I.A. forestry director Robert Marshall, who would soon become chief of the Division of Recreation and Lands of the Forest Service and who was an outspoken wilderness enthusiast, ~~and Lee Muck~~. Marshall informed the Indians that under the revised contract "the old method of clear cutting will no longer be pursued." All timber on the unit would eventually be cut, but only about half would be removed the first time over the unit, which would take a decade. "The value of

³¹²¹³ Nicholson to Commissioner of Indian Affairs, December 9, 1935, Tahola Indian Agency Records (H-114).

keeping the Quinaielt lands continuously productive," the Indians were told, "instead of ruining the possibility of future income at one cutting, cannot be overemphasized. For this reason the Office is unwilling to see a continuation of the present method of clear cutting everything."^{214 32}

^{As are most individuals}
 The Indians were more concerned about present income than future income, ~~however, poverty-stricken individuals may be said to have a somewhat different perspective on things than that of the government official.~~ Nevertheless, after an all-day meeting on April 18, 1936 the Indians voted 63-41 to accept the modified contract. "Some Indians protested that the voters did not all understand what they had voted for," Howarth reported, "but [a] motion calling for a new vote was not seconded."^{216 33} Logging was once again underway on the Quinault Lake Unit. ^{However} ~~But~~ the opposition to the end of clear cutting was by no means silenced.

The Quinault business council maintained that most of the reservation was allotted and that the timber represented

^{32 214} Conference Between Quinaielt Indian Delegation and Forestry Division in Washington Office, January 24, 1936, Tahola Indian Agency Records (H-119).

²¹⁵ The Meriam Commission, a privately-funded group, ~~of experts~~, reported in 1928 that nearly half of the Indians in the United States lived on a per capita income of less than \$200 per year. Slightly over ~~two~~ ^{two} percent had annual incomes above \$500. Lewis Meriam, et al., The Problem of Indian Administration (Baltimore, 1928), 447, quoted in Donald L. Parman, "The Indian and the Civilian Conservation Corps," Pacific Historical Review, XL (February 1971), 39 (H-187).

³³
~~216~~ Howarth to Nicholson, April 20, 1936, Tahola Indian Agency Records (H-120).

the total value of those parcels of land. Therefore, Nicholson recorded, "the cutting policy on these allotted timbered areas should be the policy which has been in effect on the reservation and other coastal areas for many years. They feel that their allotments, or at least part of the timber thereon, should not be sacrificed in experiments involving other methods of cutting." The Indians were willing to leave selected areas of immature timber standing but insisted that the rest be clear^{cut}. If this ^{demand} was not agreed to, they contemplated a suit against the federal government. "They . . . feel . . . that in view of the drastic changes in cutting policies, established without consultation with them, they owe it to themselves to take some steps to protect their property rights and to determine what rights, if any, they have in the disposition of their timber."^{217 34}

Superintendent Nicholson believed that a court case would result unless a softening of the B.I.A.'s position was forthcoming.^{218 35} ~~But~~ ^{however,} the word from Washington was that compromise was out of the question. "All future sales should be made with a clear understanding that destructive methods will not be permitted and that a policy of light selection cutting must

³⁴ ²¹⁷ Nicholson to Commissioner of Indian Affairs, September 10, 1937, Tahola Indian Agency Records (H-121).

³⁵ ²¹⁸ Nicholson to Commissioner of Indian Affairs, September 22, 1938, Tahola Indian Agency Records (H-122).

prevail," Lee Muck informed Nicholson. As a practical matter, the selective logging provisions in those contracts let prior to the organization of the Quinaults under the Wheeler-Howard Act would not be enforced. Those units, Muck stated, "probably will not be developed under selection cutting methods. However, this condition should not deter us from forcing the practice of forestry on all sales which may be made in the future."²¹⁹ ³⁶

As predicted by Nicholson, a number of Indians brought suit in federal court in early 1939, challenging the right of the government to impose selective logging on the reservation.²²⁰ ³⁷ They questioned the authority of the ~~I~~nterior ~~S~~ecretary to make timber regulations and contended that imposition of selective logging was unfair, because clear-cutting had been allowed under the original contracts. The government countered that the reservation would be worthless without its timber. Therefore, it was "imperative that every provision be taken to the end that the Quinaielt Forest will be perpetuated."²²¹ ³⁸ In his decision in the Eastman case, handed down in February 1940, Judge Yankivich ruled that the ~~S~~ecretary of the ~~I~~nterior did not have the right to issue regulations covering the sale

³⁶ ²¹⁹ Muck to Nicholson, October 15, 1938, Tahola Indian Agency Records (H-82).

³⁷ ²²⁰ Nicholson to Commissioner of Indian Affairs, March 23, 1939, Tahola Indian Agency Records (H-123). The Indians' attorney, W. E. Ackerman of Aberdeen, apparently hoped to become an agent for timber sales by Indian allottees if he won the case. Philips to Commissioner of Indian Affairs, April 8, 1940, Tahola Indian Agency Records (H-124).

³⁸ ²²¹ Memorandum re case of Eastman et al v. United States, November 30, 1939, Tahola Indian Agency Records (H-125).

of allotted timber.^{222 39}

Meanwhile, efforts had been underway to reach agreement on a policy that would preserve timber for future generations while producing an income for the current one. "We must look at the situation from the allottee's point of view," Nicholson warned the ~~C~~Commissioner, "for otherwise we will run into great opposition. . . . We are sure that almost none of the allottees will long remain quiet after logging their allotments if much of the values are left."^{223 40} Quinault forest personnel James Howarth, Lester McKeever, and Frank Briggs reflected on the dilemma. "None of us desire to see a continuation of the practice of logging clean over wide areas," the three men wrote. "But there must be some kind of compromise bewteen the very light selection cutting and the older methods of cutting or knocking down everything. The Indians want all their timber is worth and they want it now."^{224 41}

Other factors in addition to Indian opposition helped to make selective logging on the reservation impractical. The evidence from five sample selective logging plots established in 1938 indicated heavy losses from windfall, and high winds

³⁹ 222 Oscar L. Chapman to Attorney General, May 7, 1940, Tahola Indian Agency Records (H-126).

⁴⁰ 223 Nicholson to Commissioner of Indian Affairs, September 22, 1938, Tahola Indian Agency Records (H-122).

⁴¹ 224 McKeever, Frank Briggs and Howarth to Nicholson, November 10, 1938, Tahola Indian Agency Records (H-127).

were frequent in the area. "A large amount of timber is felled every decade in the Olympics by windstorms," a Forest Service official noted in 1935. "Many billions of feet have been laid low in this way in the last twenty five years."²²⁵ ⁴² In the major windstorm of December 1940, damage on the experimental plots, forest supervisor A. G. Hauge reported, "was very serious with practically no damage in adjacent virgin timber."²²⁶ ⁴³ Losses to wind continued to be serious thereafter.²²⁷ ⁴⁴

Topography and prevailing timber species also militated against selective logging, especially on the northern half of the reservation, where new timber sales were being contemplated in the early 1940s. "Because of the type of stand and contributing soil, moisture and wind factors," superintendent George La Vatta wrote, "the areas on which tree selection cutting can be practiced are limited to restricted isolated areas."²²⁸ ⁴⁵ North of the river, commented Hauge, "the broken topography and including poorly drained swamp areas determine the necessity of donkey logging on a

⁴² ²²⁵ F. M. Brundage to Irving M. Clark, May 24, 1935, I. Clark Papers (H-128).

⁴³ ²²⁶ A. G. Hauge to Thornton T. Munger, June 20, 1944, Tahola Indian Agency Records (H-129).

⁴⁴ ²²⁷ Hauge to La Vatta, June 5, 1944, Tahola Indian Agency Records (H-130).

⁴⁵ ²²⁸ La Vatta to Commissioner of Indian Affairs, June 12, 1944, Tahola Indian Agency Records (H-131).

sufficient acreage to eliminate the possibility of establishing any extensive tractor logged tree selection areas." It would be very difficult to leave selected trees or strips of trees standing, and even if this was done they would surely blow down.^{229 46}

The only practicable means of managing the reservation on a sustained yield basis involved area selection accompanied by annual logging quotas. Clearcut plots would alternate with areas left standing to provide for fire protection and reproduction. Limitations on logging volume would enable the areas first cut over to be again suitable for logging by the time the original forest had been completely removed. A report prepared by B.I.A. forester Carthon Patrie in the late 1930s recommended that no more than 25 percent of the old growth Douglas fir and cedar be removed in each of ~~30~~ ^{thirty} year cutting cycles.^{230 47} Quinault foresters argued that this was unrealistic. "If successive cuttings 30 years apart are restricted to a like percentage of the original volume," they contended, "then it would be 120 years after the first cutting before the last of the original stand is cut. This is far beyond a human life span and such a rule . . . would in

⁴⁶ 229 Hauge to La Vatta, June 5, 1944, Tahola Indian Agency Records (H-130).

⁴⁷ 230 Nicholson to Commissioner of Indian Affairs, September 22, 1938, Tahola Indian Agency Records (H-122).

effect be depriving the owner of the use of his property without compensation and so unconstitutional as a law or regulation."²³¹₄₈

Reservation officials proposed that the annual ^(a) cut on the Quinault be limited to ~~30~~^{fifty} million feet. This ^{amount} would supposedly put timber operations on a sustained yield footing. The Indians, in turn, suggested a quota of 100 million feet, "so that," Hauge observed, "they will obtain the benefits to be derived from the sale of their timber."²³²⁴⁹ A quota of ~~50~~^{sixty-five} million feet a year was finally established in the mid-1940s. This quota, Superintendent Melvin Helander asserted in 1947, was meant "to insure that cutting may be maintained as a continuous operation," an approach that was "based on sound economic principles."²³³⁵⁰ But reliance on the questionable 1915-1917 cruise and failure to prepare a comprehensive timber inventory made it difficult to determine proper quotas.

Clear ^(c)cutting, then, remained the prevailing practice on the reservation, as it did ^{on all owner ships} throughout the Northwest. Because of climate, topography, ~~and~~ soil conditions, ^{and technology,} it was the only feasible means of harvesting timber on much of the reservation. ^{Also} ~~And~~ it was the only method of logging acceptable to the Indian allottees, who could exercise a considerable impact

⁴⁸²³¹ McKeever, et al., to Nicholson, November 10, 1938, Tahola Indian Agency Records (H-127).

⁴⁹²³² Hauge to La Vatta, June 5, 1944, Tahola Indian Agency Records (H-130).

⁵⁰²³³ Melvin Helander to Mrs. Mary Amelia Smith, January 31, 1947, Tahola Indian Agency Records (H-132).

on decision-making as a result of the Wheeler-Howard Act and who opposed any plan that would not give them the most immediate and complete return for their timber. "██████████"

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██████████^{Official} Environmental concerns could not withstand such pressure.

Still, increasing emphasis was placed on such concerns. Regulations that forbade logging within a quarter mile of the Olympic Highway were at least for a time enforced, despite the protests of the Quinault business council that this "action is unjust to the Indians." ²³⁶ Reservation officials agreed that this was the case. "We are heartily in sympathy with preservation of virgin stands of timber along highways and streams," N. O. Nicholson informed the Indian Commissioner. "But where this timber is privately owned we do not see how this can be done by regulation alone." The government might well mandate that small trees be left standing in such areas.

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⁵¹235 Prior to 1933, an average of only \$30,000 a year was expended nationally by the B.I.A. on conservation work on Indian timberlands. J. P. Kinney, "E.C.W. on Indian Reservations," Journal of Forestry, XXXI(February 1933), 911 (H-188).

⁵²236 Cleveland Jackson to Nicholson, August 17, 1936, Tahola Indian Agency Records (H-133).

"But to say that private timber shall never be cut is something else entirely and we do not think it can stand in the courts where the Government does not provide a way for paying its full worth."^{237 53} Conservation work, such as the building of fire trails, was also carried out by members of the Civilian Conservation Corps, although there apparently were no C.C.C. camps on the reservation.^{238 54}

Reservation foresters also continued the policy of not burning slash that had been established in the mid-1920s.^{239 55} A study made of cutover lands demonstrated the wisdom of this approach. "Where fires have been kept out of an area, the class of stocking of reproduction has been satisfactory to excellent," the survey concluded. But where areas had been burned over after logging, only about 20 per cent had been satisfactorily restocked and 40 per cent were unstocked.^{240 56} The movement to area selection logging,^{that is clearcutting small plots,} moreover, promised to reduce extensive accumulations of slash and thus lessen the

^{53 237} Nicholson to Commissioner of Indian Affairs, August 19, 1936, Tahola Indian Agency Records (H-134).

^{54 238} Memorandum, Locations and Names of all CCC Camps in Washington, June 11, 1935, Martin Papers (H-135). Nationally, over 15,000 Indians were employed by the C.C.C. Parman, "The Indian and the Civilian Conservation Corps," 39-56 (H-187); Calvin W. Gower, "The CCC Indian Division: Aid for Depressed Americans," Minnesota History, XLIII(Spring 1972), 3-13 (H-136).

^{55 239} Howarth to Marshall, September 23, 1935, Tahola Indian Agency Records (H-137).

^{56 240} Vincent J. Keeler to District Forester, October 3, 1946, Tahola Indian Agency Records (H-138).

fire danger.^{241 57} The only major impetus in favor of burning came during World War II, when the Army urged coastal timber owners to carefully burn slash^{242 58} in order to reduce the chance that major forest fires would start and provide beacons for Japanese naval movements.

The wishes of the Indians, as we have seen, received considerably more attention than in the past and so did their needs. "The present administration," one company was informed, "insists that Indians be trained in forestry as well as in other lines to fill jobs in the Indian Service."^{243 59} Accordingly, a number of Indians were trained to scale logs on the sales units.^{244 60} This brought a series of protests from loggers, with Paul Smith complaining that "it is not fair to the operators to use Indians for this purpose because they would naturally have a bias in favor of the Indians who are selling the timber. It would be practically the same proposition as a saw mill buying logs on the loggers scale instead of on the

^{57 241} Nicholson to Commissioner of Indian Affairs, September 10, 1937, Tahola Indian Agency Records (H-121).

^{58 242} General Robert H. Lewis to Arthur B. Langlie, March 4, 1943, Arthur B. Langlie Papers, Washington State Archives (H-139).

^{59 243} Nicholson to Washington Pulp and Paper Corp., April 5, 1938, Tahola Indian Agency Records (H-140).

^{60 244} Nicholson to W. H. Dole, December 19, 1935, Tahola Indian Agency Records (H-141).

Bureau scale." ⁶¹245 Forester James Howarth countered that the Indian trainees were carefully supervised and "have done very well and have shown no disposition to favoritism." ²⁴⁶ 62

Consideration of the Indians had improved markedly since the days of the early 1920s. For the most part agency officials viewed their primary clients as the allottees. This ^{attitude} did not mean, however, that the ^{benefits of supplying logs to local} ~~welfare of the white~~ ^{lumbermen} logger was ignored.

Only one small timber unit was sold during the 1930s and operations on the original units were frequently idled because of adverse economic conditions. Quinault foresters thus had less work in connection with administration of the timber units and they also had less money with which to operate. As income from timber sales diminished, so too did the balance on hand in the Treasury ^{earmarked} ~~meant~~ to finance forestry operations. The fund had reached a high point of \$60,000 in 1928, but fell into the red by 1932 and had accumulated a deficit of nearly \$80,000 by 1938. Forest ~~S~~ Supervisor Howarth requested that the administrative fee be increased to the maximum allowable 10 per cent, so as to strengthen the financial

⁶¹245 Smith to Nicholson, December 23, 1935, Tahola Indian Agency Records (H-142). The Aloha Lumber Company maintained that Indian assistant scaler James Bryson was overscaling by 500 to 1,000 feet per railroad car. Nicholson to Dole, December 19, 1935, Tahola Indian Agency Records (H-141).

⁶²246 Howarth to Commissioner of Indian Affairs, January 6, 1936, Tahola Indian Agency Records (H-143).

position, but was turned down.^{247 63} There may have been less administrative work and restricted funds, but there was no surfeit of problems involving logging operations.

B.I.A. officials had to deal with frequent complaints from small logging operators in the Grays Harbor region that they were being deprived of a chance to acquire Quinault timber. The companies that had purchased the sales units, the small loggers charged, controlled access to the reservation. This was not true, superintendent Philips countered in 1942, as the units under contract "do not necessarily restrict any logging activity or create any right of way problems." Future contractors would have no difficulty building truck roads and could use the Ozette Railway, which was a common carrier. Philips also rejected charges that the large operators were being allowed to pay prices "not more than one half the prices" charged by the Forest Service on its adjacent Cook Creek Unit. It was true that Douglas fir stumpage cost \$5.56 per thousand feet on the latter and only \$3.25 on the Quinault Lake Unit. But, maintained Philips, "the Cook Creek Unit on all species presents a higher average quality" and also was "an exceptionally favorable" location

^{63 247}Howarth to Commissioner of Indian Affairs, March 19, 1938, Tahola Indian Agency Records (H-145).
(H-43) .

for logging. ^{248 64}

Under pressure from allottees and in order to mollify the small loggers, a number of small sales had been made during the depression years. About ~~50~~⁶⁰ such sales were made between 1935 and 1937, mostly along the Olympic Highway and usually limited to ~~10~~¹² acres. "Generally the loggers contact the Indian owners who come in and urge us to sell their timber," ~~Nicholson~~^{Howarth} wrote. At least half of those persons employed as a result were supposed to be Indians or related by marriage to an Indian. ^{249 65} While making some concessions to the small operators, however, most administrative work continued to focus on the major companies logging the sales units.

The B.I.A. was no longer willing to agree to the waiver of cutting requirements. "Under previous administrations," W. H. Dole of the Aloha Lumber Company noted in late 1933, "if we found that we could not log all the timber annually required by our contracts, we would apply to the Commissioner of Indian Affairs for acceptance of a lesser amount as complying in full with our contracts. This has always been given, so as to keep our contracts in good standing." But John Collier indicated that this would no

^{248 64} Philips to Commissioner of Indian Affairs, May 18, 1942, Tahola Indian Agency Records (H-146).

^{65 249} ~~Nicholson to Commissioner of Indian Affairs,~~ ^{Howarth to Nicholson} October 5, 1937, Tahola Indian Agency Records (H-147).

longer be standard procedure.^{250 66} This decision created a rather serious problem for reservation loggers.

The National Industrial Recovery Act, keystone of the Roosevelt Administration's initial efforts to combat the depression, authorized individual industries to establish production quotas as a means of controlling output and forcing up prices. Such quotas were implemented by the N.R.A. lumber code authority, quotas that conflicted with B.I.A. contract specifications. "It would seem as though we stand in a peculiar position between two Government powers," Dole observed, "namely the N.R.A. and the Department of the Interior, one requiring that we log our full contract requirements and the other limiting our production to 50% or less of these requirements." A real dilemma confronted Dole, and he urged that the N.R.A. attempt to have the Interior Department overrule the policy of its Indian Office.^{251 67}

Relief was not obtained before the N.R.A. collapsed, first from bureaucratic confusion and then by order of the Supreme Court in 1935. "Neither this office nor the Washington Office are desirous of imposing any undue hardship on you," Nicholson informed Dole in reference to a request that cutting

^{66 250} Dole to Production Committee, Pacific Northwest Loggers Association, October 5, 1933, Aloha Lumber Company Papers (H-148).

^{67 251} Ibid.

requirements on the Mounts Unit be waived. "You should realize, however, that the Indian owners of this stumpage are entitled to some consideration. They entered into these contracts with the expectation that the amounts specified in the contracts would reasonably be cut, and that these amounts would be distributed for the benefit of the individual Indians effected." Aloha had failed to cut the required timber for several years by 1937 and the B.I.A. was insisting than an extra advance payment be made to the allottees as compensation. The Indians, Nicholson pointed out, "feel that they are entitled to some consideration in the matter."^{252 68}

Less than a year later, however, Nicholson supported Aloha's request for a waiver of cutting and payment requirements on the Hall Unit. "From our information and belief as to the financial ability of the Aloha Lumber Company and the market conditions," he told the Indian Commissioner, "we are confident that the company did all that it was able to do in the past contract year to perform its obligations." If extra advance payments were required, furthermore, "the company could not meet them." The contract prices on the unit, Nicholson continued, "are all that we figure the timber is worth and more than it would likely sell for at this time," and only "possible

^{68 252} Nicholson to Dole, September 9, 1937, Tahola Indian Agency Records (H-149).

financial disaster" would prevent Aloha from eventually removing the timber.^{253 69}

The improved lumber market during World War II led to an increase in contract prices on the reservation in mid-1942. The price of Douglas fir on the Quinault Lake Unit, for example, was increased from \$3.25 per thousand feet to \$4.25, while hemlock jumped from \$1 to \$1.75^{254 70}. The Quinault council had voted unanimously in favor of these increases,^{255 71} and they were put into effect despite the opposition of the logging operators. "While it is true the market prices on hemlock logs have advanced considerably," D. A. Kurtz, general manager of Aloha, maintained, "all other costs have risen on the same scale until returns are about on the same basis they were two or three years ago."^{256 72}

The loggers received more consideration in other areas. In late 1945, reservation officials endorsed a waiver of minimum cut requirements for the Ozette Railway Company.

^{69 253} Nicholson to Commissioner of Indian Affairs, April 21, 1938, Tahola Indian Agency Records (H-150).

^{70 254} Philips to Coughlin, June 15, 1942, Tahola Indian Agency Records (H-109).

^{71 255} Philips to Commissioner of Indian Affairs, May 13, 1942, Tahola Indian Agency Records (H-151).

^{72 256} D. A. Kurtz to Philips, May 26, 1942, Tahola Indian Agency Records (H-152).

The company had fallen short because of the wartime labor shortage. "Many of the experienced regular employees," superintendent La Vatta noted, ". . . were taken in the defense industries or were attracted by the high returns obtained from commercial fishing." The Indians meeting at Tahola had voted 10-1 against relief for Ozette, but only four of those voting were Quinault Lake allottees. Thus, La Vatta argued, "the general meeting which we called did not constitute a poll of the allottee timber owners and the action taken on this contract provision may prove detrimental rather than of benefit to the interests of the allottee timber owners."²⁵⁷ ⁷³

While looking after the work on past sales, reservation foresters were also planning the sale of new units. Only one small unit, the eight allotment Milwaukee Trail Unit, had been sold since 1928, and owners of allotments north of the river were pressing for sales so that they could begin to realize an income from their holdings. There was an estimated two billion feet of timber, most of it cedar and hemlock, on the northern half of the reservation.²⁵⁸ ⁷⁴ This timber was not as desirable as that south of the river. "Much of the cedar,"

⁷³ ²⁵⁷ La Vatta to Commissioner of Indian Affairs, October 9, 1945, Tahola Indian Agency Records (H-153).

⁷⁴ ²⁵⁸ Hauge and McKeever to La Vatta, September 22, 1943, Tahola Indian Agency Records (H-154).

agency clerk Vincent J. Keeler pointed out, "is swamp type rough over mature and dead of poor quality with a high percentage of defect."^{259 75} Though lacking in quality, the timber still promised to bring a good return for its owners.

Utilizing their new influence, allottees from north of the river began urging new sales in the mid-1930s. The Quinault council voted 18-0 in favor of selling the remaining reservation timber in November 1935. The voters demanded that contracts require removal of the timber within ~~20~~^{twenty} years and that clear-cutting be allowed. Some of the Indians, forest supervisor James Howarth recorded, called for payment of the "full value of the timber at the start rather than ten percent." There was more interest among the Indians in prospective new sales than in any other matter, Howarth observed.^{260 76}

Sales were discussed in detail when tribal council representatives journeyed to the nation's capital in January 1936 for meetings with B.I.A. forestry division administrators. "The present time is a very poor time to make a sale of Indian Stumpage," the representatives were told, "because of the low stumpage prices now being paid." A large amount of privately-owned timber in western Washington was being dumped

⁷⁵ 259 Vincent J. Keeler to Commissioner of Indian Affairs, April 5, 1943, Tahola Indian Agency Records (H-155).

⁷⁶ 260 Howarth to Nicholson, November 21, 1935, Tahola Indian Agency Records (H-118).

on the market by white men eager to get out from under their tax burden. "This procedure," B.I.A. officials contended, "while it may be good for white men who have to pay taxes, does not seem desirable for Indians who do not." The allottees should subsist on their federal relief payments until market conditions improved.²⁶¹⁷⁷ Nevertheless, the Indians continued to press for timber sales.

The timber on the northern half of the reservation was less desirable than that previously sold. The depressed national economy also militated against sale of new units, as purchasers would have to make some two million dollars in advance payments.²⁶²⁷⁸ "The large amount of money necessary for advance payments and including interest on the money over a period of years," Keeler commented, "is an important contributing factor in making this timber unattractive to prospective purchasers."²⁶³⁷⁹ In order to relieve the pressure, reservation officials allowed a number of small sales north of the river during the 1930s, despite the fact that they were, according to Nicholson, "costly to administer." He reported that "until all this northern half timber is under contract to some big and wealthy operator or bought up by the

⁷⁷ ²⁶¹ Conference Between Quinaielt Indian Delegation and Forestry Division in Washington Office, January 24, 1936, Tahola Indian Agency Records (H-119).

⁷⁸ ²⁶² Nicholson to Commissioner of Indian Affairs, September 22, 1938, Tahola Indian Agency Records (H-122).

⁷⁹ ²⁶³ Keeler to Commissioner of Indian Affairs, April 5, 1943, Tahola Indian Agency Records (H-155).

tribe or Government we will be continually pressed to sell in small bits as often as market conditions pick up a little."²⁶⁴₈₀

Serious planning for a new sale, which would combine all allotments north of the river into one huge unit, began during the war years. The Ozette Railway Company expressed most interest in acquiring the timber on this basis. "We believe," company head Arnold Polson wrote, "that if this timber can be handled as one unit, on a fair basis, it will be possible to practice better forestry and give better fire protection than would be done by two or more operators working independently, without adequate interchange of facilities."

~~And~~ ^{Also} the market could be exploited more efficiently as well. Polson ~~also~~ ^{further} proposed that allottees be paid a percentage of the sales price attained by the logger rather than by the prevailing system of advance payments, with prices periodically adjusted according to an assessment of market conditions. There was "a lag of time" before allottees could benefit from rising prices under the current system, Polson pointed out, while they were not compensated for this lag during periods of falling prices because the logger normally shut down operations.²⁶⁵₈₁ Foresters Hauge and McKeever agreed that

⁸⁰ 264 Nicholson to Commissioner of Indian Affairs, September 22, 1938, Tahola Indian Agency Records (H-122).

⁸¹ 265 Arnold Polson to La Vatta, September 10, 1943, Tahola Indian Agency Records (H-156).

the percentage payment scheme "would be a very fair arrangement to both the Indians and the operator."^{266 82} But by abandoning the advance payment format, the scheme would allow Polson, Keeler objected, to "tie up all of the [remaining] timber on the reservation" without turning over any money.^{267 83}

With the Polson proposal as one possible course, discussions were held with the allottees during the latter part of the war. The allottees "are very much concerned," superintendent La Vatta reported, "in that the timber is a mature virgin stand and should be cut so as to prevent further losses from deterioration, windthrow, diseases, insect infestation, or other causes, and to make possible the realization of some income and benefits, especially to the many elderly and indigent Indians represented in the ownership." The Indians had "strongly expressed" their desire that the timber be sold.^{268 84}

There was a dispute over how much timber should be cut per year on the new sale unit in order to practice sustained yield. Indians and loggers both desired an annual cut of 100 million feet, while agency foresters believed that 40 to 50 million feet "would maintain the operation for 45 to 50 years when the second growth would begin to come into pro-

^{82 266} Hauge and McKeever to La Vatta, September 22, 1943, Tahola Indian Agency Records (H-154).

^{83 267} Minutes of Staff Meeting, April 17, 1945, Tahola Indian Agency Records (H-157).

^{84 268} La Vatta to Commissioner of Indian Affairs, May 28, 1945, Tahola Indian Agency Records (H-158).

duction."²⁶⁹ ⁸⁵ It was finally determined that a sale would be made in 1947, although scaled down to half a billion feet of timber on 440 allotments.²⁷⁰ ⁸⁶ The sale of large units was justified in the same fashion as two decades earlier. "Scattered logging operations and sales," superintendent Melvin Helander noted in 1948, "destroy the 'method and order in harvesting' required by the regulations."²⁷¹ ⁸⁷ But the sale of new units was delayed until the early 1950s, when the Taholah and Crane Creek units were sold.

The New Deal years brought significant alterations in the way in which B.I.A. foresters approached their task on the Quinault. The Indians were brought ^{fully} into the picture as participants in the formulation of reservation policy. ~~the~~ The implications of clear cutting and other standard forest practices caused a new appreciation for conservation to come to the fore. Indian involvement and conservation were both admirable and overdue policies, but the former canceled out the latter as a realistic possibility to a significant extent. As often occurs, good sentiments resulted in confusion. Once again, the difficulties of applying theory to reality had been demonstrated.

⁸⁵ 269 Hauge and McKeever to La Vatta, September 22, 1943, Tahola Indian Agency Records (H-154).

⁸⁶ 270 Helander to Metzler, McCormick and Metzler, November 19, 1946, Tahola Indian Agency Records (H-159).

⁸⁷ 271 Helander to Edwin Scarborough, June 21, 1948, Tahola Indian Agency Records (H-160).

From a management standpoint, conditions on the Quinault Indian Reservation had always been rather unique. The allotment system imposed severe problems on those persons charged with the care of reservation timber resources. Efficient management required that the reservation be considered as a whole, but the allotment system required that it be considered in fragments. The Quinault was not a forest, but a congeries of mini-forests, legislative fiat having imposed an artificial grid on the more logical organization of geography. Management was as a result expensive, uncertain and inefficient. The gathering together of timber holdings into sales units only partially obviated the problems resulting from allotment. Because of this distinctive feature, there is really no way in which the adequacy of management can be compared to that on adjacent public and private lands. The various jurisdictions adjoined each other, but a vast gulf separated them.

As foresters, B.I.A. officials on the reservation mirrored developments in their profession in the Northwest and reflected the policies of the executive branch of the federal government. During the 1920s, they were primarily concerned with the sale of timber, reflecting the pro-business attitudes of the national Republican administrations. Handling the mechanics of the sales process was also what run of the mill forestry amounted to in the region, as only

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federal government and the priorities of the nation. During the 1920s, they were primarily concerned with the sale of timber. Handling the mechanics of sales' processes was what the practice of forestry amounted to in the region, except for national forests which were still in the custodial stage and where timber was held in reserve to ~~xxx~~ meet future needs. But where sales were the ~~major~~ ^{as on reservations,} major programs, forestry and economics were pretty much the same thing, a condition that existed until the most recent times.

Under the New Deal with its increased emphasis on social welfare, the BIA, along with other federal agencies and institutions, broadened its programs.

But the . . .

~~the more advanced foresters could foresee an end to the timber and the need for conservation. Forestry and economics were pretty much the same thing.~~

~~Under the New Deal, the B.I.A. became more conservation-minded, catching up with the advanced thinkers.~~ But the carrying out of ^{new} conservation ^{legislation and policy} measures was extremely difficult, primarily because the Indians themselves were opposed to such measures. Non-B.I.A. foresters did not have to contend with such opposition, as federal and state ^{agencies} ~~governments~~ and most lumber companies intended to stay in business beyond the life spans of their current leaders. The allottees were not oriented toward the future, wanting only maximum return in the present. The actions of B.I.A. personnel may well seem ^{to have} ~~been frustrated at every turn and thus~~ unimpressive from the perspective of the 1970s. But considering the unique problems facing them, it is no wonder that the development of forestry on the reservation was halting and uncertain, and the morale of ^{some} foresters was ~~often~~ low.