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Chapter IV

THE BUREAU BESIEGED

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

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

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

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

benefit from any increase in stumpage rates. <sup>1</sup>

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

Some <sup>3</sup>7.2 billion board feet stood on the reservation lands. Forty-eight percent of that total was red cedar, while hemlock and spruce accounted for 26 and 10 percent respectively. This timber grew on approximately 1400 individual allotments. Reporting on the results of a cruise in 1946, BIA forester Lester McKeever recommended the logging of the vast area, later divided into four units of which Taholah on the west, Queets on the northwest, and Crane Creek on the southeast were the largest. Applications of sound silvicultural practices, he said, would in no way diminish full economic productivity in these units. A procedure of phased, block clear-cutting would yield an annual harvest

of 80 to 90 million board feet, while cutover lands would be renewed in the course of fifty to sixty years. Large-unit, long-term logging was the most practical means of establishing that sustained yield, but the general character of the contracts first had to be determined by discussions with the Quinaults. <sup>(2)</sup>

During 1946, BIA officials met at Taholah and Hoquiam with the tribal council and with those allottees who were on the reservation. (Although only a small fraction of the land north of the river was held by the tribe, its council was the only authorized entity with which the BIA could deal. Over 99 percent of the forest to be logged was owned by <sup>1400</sup> ~~1379~~ allottees who lived away from the reservation, many of them in other states.) On each occasion, the superintendent presented a proposal for their consideration. The most important of these proposals was for the establishment by the tribe of a sawmill cooperative enterprise of their own, an idea first presented by Commissioner Collier during the war years. The mill would require a permanent community on the reservation substantial enough to handle a large portion of the timber cut from their forest. Because few of the non-resident allottees could be induced to migrate to the area, and because the BIA could not guarantee that the government would purchase all of the mill's production, the proposal did not satisfy those attending the meetings.

The Quinaults also turned down another proposal that the government buy all the timber on the allotments at once. The alternative prospect of obtaining the highest private bid in public competition fully met their overriding desire for income from their timber tracts. That most lucrative arrangement would, of course, have to be made with lumber companies large enough to afford to pay a high level of stumpage rates. BIA officials therefore concluded that the Indians' concern for immediate income (as well as their own commitment to sustained yield) could best be met by a few large-area, long-term contracts rather than many <sup>small-</sup> area, short-term arrangements. <sup>3</sup>

*insert* The paperwork involved in designing the logging units proposed for sale took up most of the time and efforts of the BIA foresters for almost two years. <sup>^</sup> Drawing upon estimates made by tribal foresters like Cleveland Jackson, president of the Quinault Council, as well as BIA foresters <sup>Perry Skarra,</sup> McKeever <sup>^</sup> and John Libby, a system of selective, phased, clear cutting was devised whereby every operation would leave a reserve of trees in staggered blocks and along stream beds; blocks large enough to remain standing against the force of winds. After cutting, natural regeneration would be supplemented with the planting of seedlings. <sup>4</sup> <sup>the BIA decided about 1925</sup> Slash would not be burned, <sup>^</sup> as it was on the national forests and on other private lands under the jurisdiction of the

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no. 11 Indeed, the forestry staff was so fully occupied with the tasks that both their overall timber management plan and new policy for conserving reservation wildlife resources had to be temporarily suspended.

Washington State Forester, because the small allotment <sup>and it was desirable to retain advanced regeneration,</sup> made safe burning especially difficult ~~and also because~~ (Eventually by the <sup>the</sup> ~~inside~~ of who was to pay for slash burning became an issue,) ~~there was not funding available.~~ Following logging, however, slash or other logging debris with market value would be salvaged. A second cycle of cutting would take half of the reserve blocks after the passage of some thirty years, and a third phase about thirty years after that would take the rest, at which time the original portion would have produced commercially saleable timber. (5) ~~(In the professional opinion of bureau field foresters, other methods of cutting were not suitable to the cedar-hemlock forest of the reservation.)~~

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

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

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

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



There would be no income until the units were purchased, they pointed out; both income and the costs of sustained yield could be guaranteed only by the logging procedure that large companies alone could afford to meet; no large company would purchase the units until the powers of attorney had been gathered by the BIA. Income was therefore dependent upon sales of the units. They also noted that the estimated value of the timber involved in the proposed units was over a million dollars annually, or one-third more than the sales of the 1920s. (The stumpage rate for red cedar, for example, would be \$9.75 per thousand, a rate higher than the existing level paid on the Department of the Interior's O and C lands in western Oregon by a ratio of 25 to 19<sup>9</sup>) Once they were satisfied with these facts, the members of the tribal council supported the sale by official resolution. Indeed they were thereafter impatient with the paperwork and administrative delays involved, ~~describing them as so much red tape.~~ By Cleveland Jackson's own admission, however, the Indians were critical primarily because they expected that they would soon have a free hand to make their own sales when the Bureau of Indian Affairs was abolished. <sup>7</sup>

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

new Republican-controlled 80th Congress met in January 1947, federal Indian policy became a target of legislators bent upon ending what they insisted was "paternalism" at least and "socialism" or "communism" at the worst. Hugh Butler of Nebraska, the new chairman of the Senate Interior Committee, introduced legislation to open up additional channels for white participation in the leasing and sale of Indian properties. That stimulus to free enterprise would also encourage initiative and business advantages among the Indians, he and his supporters argued. <sup>To dispose of all</sup> ~~existing claims by American Indian tribes, bands, or groups, or~~ <sup>to</sup> ~~prepare for that activity, the U.S. Court of Claims was~~ ~~Indian Claims Commission was to be created under the Act~~ ~~given jurisdiction over claims originating before 1946.~~ ~~of August 13, 1946. Claims originating before August 13, 1946, were to~~ ~~be filed by August 13, 1957 with the newly established Indian~~ ~~Indian Claims Commission.~~ (At the same time, the Interior committee recommended drastic cuts in BIA appropriations.

*Insert* Policies for the preservation of Indian cultural identity, advocated by Commissioner John Collier, and for rigid conservation of forest resources, required by Secretary of the Interior Harold Ickes, both ended when those two old New Dealers resigned their offices in 1946. Their successors and subordinates rightly read the will of the new Congress. In 1947, Acting Commissioner William Zimmerman agreed that the Indian tribes could operate their own corporations without federal assistance and prepared a plan for withdrawal of federal authority in

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A To dispose of all existing claims by American Indian tribes, bands, or groups, an Indian Claims Commission was to be established under the Act of August 13, 1946. Claims originating before August 13, 1946 were to be filed by August 13, 1947 with the newly established Indian Claims Commission.

other matters. Faced with further budget cuts, the bureau decentralized its offices across the nation, establishing one in Portland to preside over administration of the tribes in Oregon and Washington. In January 1948, Assistant Secretary William Warne admitted that the BIA's ultimate goal was to work itself out of a job. 8

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

In 1949, Commissioner John Nichols (Zimmerman remained the effective chief because of Nichols' long illness) authorized superintendents to release limited funds to tribes so that their members could deal directly with purchasers. Leases and sales could be made without permission of the BIA. Although the western Washington tribes were not immediately included in these new arrangements, they responded to the withdrawal policy with mixed feelings. Like every tribe, the Quinaults had a faction advocating immediate and full severance of federal trusteeship. But most of them were confused and doubtful about the prospect. "There is still a lot of fear on the part of the Indians about being left alone," a BIA official explained to Senator Henry M. Jackson of Washington <sup>9</sup> In 1952, with Jackson's assistance, all of the western Washington tribes were able to hold off implementation of the BIA's termination plans.

*insert* <sup>no</sup> ~~It was~~ <sup>uncertain</sup> ~~against that~~ <sup>administrative</sup> ~~background of~~ <sup>great</sup> ~~changes,~~ <sup>in</sup> ~~therefore,~~ ~~Indian policy that~~ timber sales on the Quinault Reservation were resumed for the first time in twenty years. Economically speaking, the time was not auspicious. Widespread public expectation of a belated postwar recession had caused logging cut-backs and a slump in forest products markets. Even the prospect of getting access to the Quinault's two billion board feet of commercial timber could not arouse

Insert → p 126

¶ As proposed, the termination policy would affect reservation timber, but it did pose knotty problems of access to those forests and to their Indian owners.

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

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

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

No bids were received for the Queets Unit, so the Bureau's sustained-yield procedures could not be practically applied there. Instead, <sup>an</sup> individual allottees <sup>could secure permits in fee</sup> ~~who were~~ <sup>or regulated permits involving cuttings of less than \$100 value. Neither type of</sup> ~~judged competent secured permits in fee, and special~~ <sup>permission was dependent the allottee's</sup> ~~regulated permits to cut were given to applicants judged~~ <sup>competency</sup> ~~not competent~~, that is, <sup>his ability</sup> ~~not able~~ to conduct business arrangements themselves.

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



before the units were offered for sale and 90 percent had agreed to participate by the time the contracts were signed, many now wanted to withdraw their consent and get patents in fee in order to sell their own timber. Some allottees were too old to wait ten or fifteen years for their timber to be cut under the plans of the BIA and the purchaser. All of the allottees objected to the government's assessment of 10 percent of the receipts for administrative costs.

Foresters at Hoquiam and Portland spent hours with the ~~for~~ Indians who came in or wrote to learn what could be done about these problems. Some of these were logging promoters seeking special advantage; in contrast, some were individuals who knew little of the requirements of sustained yield but assumed that the contracts helped only what they thought of as the "timber trust" of the Olympic Peninsula. The BIA officials also noted the presence of "vultures waiting to pounce," that is, local loggers hoping to get access to the reservation timber through individual allottees. <sup>(12)</sup> Without an adequate credit base of their own, the Indians would have been at the mercy of purchasers whose operations would not be covered by the regulations of sustained-yield procedures. The BIA therefore assured allottees through announcements inserted into the tribal newsletter and informed federal officials by correspondence that technical and administrative problems involved in the

unit sales were being solved in a manner most advantageous to the greatest number of Indians concerned". The sale regulations, they emphasized, fully protected the interests of both the United States and the Indians. <sup>(13)</sup>

Recalling the Quinault's earlier rejection of the BIA proposal to pool their resources for cooperative enterprise and recognizing that there were no other funds available to give immediate income, especially to older allottees, the Interior Department in January 1950 approved a BIA budget request for \$50 million to pay nonresidents and heirs. <sup>(14)</sup> But the allottees could not be expected to wait for appropriations. A few became bitter over the delays in contract information and wrote to their senators to complain of the BIA's conduct, although they acknowledged the personal efforts by forester McKeever to help them obtain their loans. <sup>(15)</sup>

Anxious that area headquarters might be discouraged by these premature criticisms, Superintendent <sup>intendant</sup> ~~Raymond~~ Raymond Bitney urged his superiors to proceed with the sales while the allottees' pledges to participate still prevailed. In turn, Assistant Secretary of the Interior William Warne pointed out that a new proposal would strengthen the government's position and enable contractors "to get some timber out this year." <sup>(16)</sup> Having just undergone a reorganization of its management, the Rayonier Company signed a contract in June 1952 to harvest within thirty-four years \$5 million worth of timber of the Crane Creek Unit. Five hundred forty-one allotments were included in the area to be cut; about one-fourth of them were owned by Indians who were over fifty years of age. The Queets Unit was not again offered for sale because of the resumption of efforts to terminate federal trusteeship over Indian properties.

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

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

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

administration's reorganization plans. While BIA budgets were further trimmed, consolidations and transfers were accompanied by abolition of planning projects and the establishment of research offices.

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~~When the 83rd Congress convened in January 1953, various proposals were made to terminate federal Indian policy. Senator Barry Goldwater of Arizona advocated state administration of Indian reservations; Senator Arthur Watkins of Utah led an effort to shut down the BIA within three years.~~ After Hugh Butler's death in 1954, the Senate Interior Committee was chaired by Guy Cordon of Oregon. (Because both he and Secretary McKay were familiar with the Klamath tribe of that state, that reservation was selected as one of the first to be terminated. The pine forests there presented a markedly different problem in management than those on the Quinault Reservation, but the similar prospect of logging enterprise focused greater attention on the Quinault forests.) As a member of Cordon's committee, Senator Watkins introduced legislation to provide credit facilities, and leases and sales to make Indian land more productive through private enterprise. (17)

In order to reflect the president's emphasis upon the participation of all citizens in federal policy--and perhaps to attract liberal support--these measures promised that the Indians would be consulted in matters affecting

Inst P132

The new Republican-controlled 83rd Congress began laying the ground-work for what it called "freedom from Federal supervision." Senator Barry Goldwater of Arizona advocated state administration of Indian reservations. Senator Authur Watkins of Utah led an effort to close down the BIA within three years. Beginning in June 1953, piecemeal termination of federal supervision was begun. By individual acts of Congress, the government prepared to transfer trust title to the Indians, revoking tribal charters under the Indian Reorganization Act, and barring all claims against the United States. Thereafter, Indians were to be subject to protections and prohibitions of the law as <sup>were</sup> all other citizens <sup>16a</sup>.

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arrangement of their affairs. Whether intended or not, the term "consultation" was widely misinterpreted. Under the constitution and the rulings of the Supreme Court, federal law is supreme and cannot be reviewed or altered by any governmental or private entity. When the Interior Department complied with the laws calling for consultation, therefore, it could not legally agree to be bound by the understandings arrived at in those consultations. <sup>18</sup> Whenever it asserted that fact, however, it was accused of perfidy.

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

When the Democrats resumed their legislative initiatives in 1955, Chairman James Murray of Montana and Jackson of the Senate Interior Committee opposed coercive termination on any Indian Reservation.

In an effort to adjust forest management policy to these anticipated changes in the political-economic relationships between the government and the Indians, BIA foresters at Quinault undertook several surveys. One of these surveys caused them to conclude that the main problem was still the fractionated ownership that the allotment process had caused. In 1956 over 2600 members of eight tribes held allotments on the reservation's <sup>169,000 acres of</sup> 189,000 acres, and most of the allottees were not residents of the reservation. Of the 1926 Quinault Indians, fewer than 370 lived there, divided among 90 families. Of these individuals, 66 had received payments when their allotments were cut in the period 1953-1955, and 25 of them had received more than \$5000 each. About 15 of these resident families were engaged in small logging enterprises and lumber mills; one owned a lumber operation, and many others were laborers in logging enterprises of the peninsula counties. Only <sup>3,675</sup> ~~32,484~~ acres of ~~timber~~ land was owned jointly by the Quinault Tribe, and not all of that total was being logged *or even Timberland* (19)

Therefore, although the BIA dealt with the tribal

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

By 1953 there appeared a certain element among the Quinaults, whom Superintendent Raymond Bitney described as "those who feel that they are beyond the law governing such timber regulations." These members instigated a new rash of trespasses and demanded removal of BIA employees who stood against their violations of the law. <sup>20</sup>

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



were protecting those interests. At least that was the complaint made by Claude Wain, a logging promoter whose allotment timber had brought him \$14,000 in 1954<sup>21</sup>. Many allottees supported clearcutting but objected when they saw that only timber near their holdings was being logged but not on their holdings. Methodology was not the issue; income to individuals was the issue. Such complaints were especially provoked by BIA reductions in the stumpage rates in 1953 (red cedar dropped from \$13.05 to \$10.40, but hemlock rose slightly from \$4.35 to \$4.60); the tribal council was pleased when the rates increased the next year (cedar rose to \$14.30 and hemlock to \$5.25). But most of the allottees only then realized that they could not secure modification of the unit contracts, and so they looked longingly toward obtaining release through acquiring patents in fee. In some cases, local logging company representatives encouraged them to apply for those patents, refused to purchase them thereafter, and then waited until defaults on county tax payments made the land available cheaply. These concerns were but a sample from among those that distracted BIA officials as they turned to the implementation of their 1954 recommendations for improvement of sustained-yield procedures at Quinault.

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

convince Indian owners that the allotment should be placed under sustained yield management before they can realize anything from that land. (22) Instead, owners seemed to be seeking any kind of alternative to their initial commitment. While allottees had overwhelmingly accepted BIA advice a few years before and ~~transferred~~<sup>signed</sup> powers of attorney in order to participate under the new contracts, they now overwhelmingly rejected BIA advice and sought patents in fee. Those who had the facilities to do their own cutting did so even though such activities, under the contract they participated in, constituted trespass. One of the allottees, owner of a logging company, urged the tribal council to financially support his enterprise as the tribe's official logger. Council chairman Cleveland Jackson informed him, however, that the council had no authority to enter into such an agreement. (23)

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

lumber production, and employment; and the administration's promise to stimulate economic initiatives through "partnership" seemed, in practice, to favor a few large corporations. In Oregon, journalist Richard Neuberger campaigned for Senator Cordon's seat by linking him with McKay's Interior Department in a "giveaway" of public resources and a "takeaway" of contracts and jobs. When the challenger won by a slim majority, James Murray of Montana, the new chairman of the Senate Interior Committee, assigned him to head the subcommittee on Indian affairs. Soon after, Neuberger received a particularly impressive charge from Alfred Hartung, who was both president of the International Woodworkers Association of Portland and the husband of an allottee, who had long been dissatisfied with stumpage rates under the long-term requirements of the Quinault contracts. Hartung asserted that the contractors were paying far less for certain types of timber that was more highly valued on state of Washington and Forest Service lands. (Hemlock that brought \$4.46 at Taholah and \$6.50 at Crane Creek, he said, was purchased for \$10 to \$15 outside the reservation.)

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

administration's policies. Senator Neuberger did not try to criticize the BIA, but he asked it to account for what seemed to be blatant price discrepancies at Quinault.

In reply, Commissioner Emmons pointed out that the contracts were designed to give fair return to allottees over a long period of time and therefore did not reflect either the highs or lows of the changing timber market in the area. The Senator was not satisfied by that explanation. Early in 1955, his subcommittee scheduled hearings on the question of timber management policies at Quinault, and its assistants went to the Pacific Northwest to collect testimony. <sup>(25)</sup>

In public statements, Neuberger tried to attract attention by depicting the Rayonier Corporation as a typically unscrupulous monopolist; in private inquiries, moreover, he noted that some Quinaults worked for the logging companies. <sup>(26)</sup> Generally he believed that the apparent inequities at Quinault were merely symptoms of the unwise economic policies of the Eisenhower administration. Committee assistants drew his attention to practices that he found to be particularly objectionable. For example, he saw that while the bureau forestalled withdrawals from the contracts by allottees, it seemed willing to revise the agreements to permit the purchasers to use interest payments as credit in borrowing to pay advances to the

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

In the meantime, Commissioner Emmons went to the Pacific Northwest to improve the government's image in talks with tribal leaders. Meeting with him briefly, the Quinault delegation raised the question of the 10 percent administrative charge, the need for more access roads, and remedial legislation on heirship. It made no criticism of timber policies per se, however. <sup>27</sup> Shortly after these meetings, the political circumstances of 1956 brought about Secretary McKay's resignation and his defeat in a race for the senate seat of Neuberger's mentor, Wayne L. Morse. The new Secretary of the Interior, Fred Seaton, found himself confronted with the same kind of congressional pressure that his Democratic predecessor, Chapman, had faced seven years before. Within a year, Seaton replaced McKay's advocates of immediate and coercive termination with men who were more pragmatic and politically adept. Emmons remained as commissioner, but most of his authority was assumed by a new assistant secretary in charge of Indian Affairs, O. Hatfield Chilson.

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

therein: timber prices, timber sales, consultation with the Indians by BIA, and alternative means of providing sustained income to allottees. Although various critics of federal Indian policy assumed that the BIA was "selling out" Quinault interests to exploiters of the public domain, Neuberger meant only to prod the BIA to consider more equitable, efficient methods. At the hearings, Claude Wain sourly charged the government agency with raising stumpage rates by 30 percent as soon as the hearings were announced. Malcolm McLeod, a Seattle lawyer specializing in Indian claims, described as unfair the fact that allottees paid the 10 percent charge even after surrendering their powers of attorney to the bureau. <sup>28</sup> Officials of the Rayonier and Aloha Companies not only denied alleged price discrepancies but insisted that their contracts were far from being bargains. Because of the multitude of federal requirements they had to meet, the contracts had proved to be burdensome arrangements. An expert from the GAO reported on the results of an audit of the BIA begun in 1952 and extended to the Portland Area office in 1956. He said that the bureau had undervalued Indian timber, had not employed proper appraisal or scaling methods, and had failed to correlate its ratios with other federal timber agencies.

Although the subcommittee members included Jackson of Washington, who had first expressed concern for the

Quinalts in 1950 and 1951, it was essentially Senator Neuberger's show. (Minority members Goldwater and Watkins took little part in the hearings and finally charged that the majority had ignored BIA efforts to protect the Indian interests.) Just as the sessions began, the Democratic members were angered to learn that the BIA had just granted reductions in stumpage rates to the Quinault contractors because of earlier agreements and had failed to immediately inform the subcommittee of the change. <sup>(29)</sup> The matter seemed to confirm public suspicion that the bureau and the so-called monopolists were working hand-in-glove.

As everybody's villain, the BIA presented its defense in two stages. At Neuberger's request, Secretary Seaton sent a progress report in October 1956. In it he defended the 10 percent interest charge as a tiny fraction of the factors that determined stumpage rates; it was, he said further, a proper business practice. He also explained that the BIA had not had much luck with granting patents in fee, ~~because of the costs of getting at inaccessible tracts, and because outside appraisals discouraged participation in existing contracts.~~ <sup>Many of the tracts were inaccessible and thus prohibitively costly to cut, he noted. Some allottees believed, moreover, that private appraisers had undervalued the timber on these tracts.</sup> He noted, however, that patent policy had been revised to recognize that individual allottees interests need not be subordinated to tribal interests or to timber management requirements, except in critical cases. The Quinalts, he reiterated,

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

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



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

life, Wolf pointedly asked, ". . . is this trusteeship at work?" <sup>(30)</sup>

Neuberger was especially outraged by the implications of the 10 percent administrative fee. He thought it grossly unfair to grant the contractors credit on borrowing at the expense of the allottees while the Indians were given no such credit when they had to borrow money. At his request, the GAO immediately investigated the assessment and asked Congress to remove it. Far from trying to cut down the BIA's procedures, however, his final report noted that Interior already had sufficient authority to effect improvements in its timber management policies without additional legislation. It could, for example, make a cash settlement to the companies for allotments withdrawn from the contract. The administrative charge could be replaced by a special revolving fund, based upon receipts and used to administer the contracts producing those receipts. <sup>(31)</sup>

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

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

Neuberger asked Assistant Secretary Chilson to inform the subcommittee by July 1, 1958, of any changes in the volume and quality of stumpage rates paid to the Crane Creek and Taholah contractors. Further hearings would be held, he added pointedly, if they were deemed necessary. He also asked the comptroller general to maintain a steady spotlight on the BIA's pricing decisions and cost accounting procedures. In January 1958, the GAO assigned a man to the forestry office at the Portland Area headquarters. <sup>32</sup> Neuberger did not press his investigations further. He hoped that the Interior Department would proceed to devise its own improvements. "If we cannot prod the Indian Bureau into finally representing the Indians rather than in favoring the timber companies," he wrote to woodworker's president Hartung at the end of the subcommittee's hearings, "I do

not know what can do the job." <sup>33</sup>

The Neuberger recommendations arrived at the Interior Department just as Secretary Seaton was preparing an overall defense of the Eisenhower Administration's Indian policy. He did not hope to continue the obviously inadequate and discredited termination policy, but he hoped to mollify the Democratic majority in Congress by directing the BIA to base its actions upon both the understanding and concurrence of the tribes they dealt with. Assistant Secretary Chilson agreed that the Neuberger recommendations were desirable and instructed the Forestry Branch to submit constructive proposals. But generally the BIA officials believed that the recommendations merely restated ideas that had been submitted to the Quinalts and to Congress in previous years, ideas that had been rejected or not acted upon by either entity. The only item in the report that seemed immediately applicable was the establishment of an Indian claims advisory committee. <sup>34</sup>

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



Insert. p 148

Although everyone familiar with the system of timber cruising well knew that it was only generally accurate, some allottees persisted in complaining of the difference between estimates and quantities cut subsequently.

but they offered few constructive suggestions. Instead, the allottees refused to reinvest part of their stumpage profit in such highly desirable improvements as reforestation simply because they felt that the 10 percent fee should cover the costs of all BIA projects on the reservation. <sup>35</sup>

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

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

that they meant to call in the near future. ". . .we hope that you will be prepared to speak to these Indians and explain to them, their position to-day as it stands." <sup>(36)</sup> The superintendent sent J. L. Diddock, realty officer from the Portland office, to attend the first of these meetings in February 1958. The organizers made brief speeches "containing the usual critical remarks of BIA cutting," and after personal gripes were turned aside the participants took up the subject of the interim advisory committee. Many admitted that they feared what the BIA would do if they participated in its deliberations. Diddock thought that they did not understand that the committee would not be effective unless they first granted the necessary rights of way so that the Queets timber could be cut; they must also "overcome the definite hostility toward each other. . .," he reported. <sup>(37)</sup>

Choosing to act on the latter problem, the dissident allottees formed a Resource Development Association in March <sup>1958.</sup> Aware that this action constituted a challenge, the tribal council declared that the new group must negotiate through it. The dissidents, of course, claimed precisely that authority for their own group. <sup>(38)</sup> Even before resolution of the conflict was made by Interior Department solicitors, Forest Manager Libby reminded the association's leaders that although the government welcomed any information from them, it was not bound to comply with their advice, nor



could long-term timber sales policy and joint tribal concerns be subject to the demands of the few allottees belonging to that organization. <sup>39</sup>

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

appropriations committee would not finance "a parallel organization." (40)

Within the course of a year, the Resource Development Association became impotent in every way except to drain attendance and interest from the interim committee. When allottees recognized that neither group wielded sufficient influence to obtain modifications in or releases from the contracts, they lost what slight interest and hope they had had in the idea of advisory committees. (41) The interim organization, nevertheless, went so far as to request an operating budget, adjustments of stumpage rates, and approval of any modifications in the Crane Creek contract. (42) But that logging operation was already in such difficulties that the committee's potential involvement was obviously peripheral to the great problems facing the forest managers. As part of the nationwide recession of 1957-1958, the lumber industry hit another period of slump. Rayonier closed its cutting work for six months, and Aloha decreased its own production substantially. In September 1958, both companies announced that they would purchase no more patents in fee from allottees. As a result, BIA offices were inundated by Indians seeking assistance.

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

loggers would be higher and more immediate income. The BIA informed each of them that stumpage rates on existing units could not be raised until the overall forest industry situation improved. At the same time, it pointed out that the Queets Unit could not be organized and offered for sale until the powers of attorney of all allottees had been secured. Neither prospect was likely to happen in the near future. But while adhering to its forest management program in keeping with federal trusteeship, the bureau could not make adjustments or conduct surveys for the second stage of block clearcutting on existing logging units because so many allotments were now beyond federal jurisdiction. In March 1958, area forester Harold Weaver suggested that one- to two-year contracts be designed to give the bureau essential flexibility by applying separate controls for tribal timber and for each allotment. Unless such adjustments were made, he said, "our popularity curve [will] drop to a new low with the Indians." Assistant Commissioner John Crow promised to have the forestry manual rewritten to authorize local officials to adopt such short-term agreements, but he did not think that policy would be "a cure-all." (43)

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

of their authority to take such actions. Superintendent Ringey questioned his own responsibility for controlling management of allottee timber, now that Indians had been judged competent to conduct their own affairs. The Portland Area office notified the unit contractors that the BIA was no longer responsible for patented allotments or for scaling and would not accept stumpage payments on behalf of non-Indian allottees. In the meantime, timber holdings became tax delinquent, trespasses (often unprovable) increased, and allottees sold their patents without informing the BIA. Statistically and administratively speaking, it was a sorry mess for the BIA to untangle. In Washington, D.C., the Interior Department tried to relieve the situation somewhat by giving notice that administrative fees would be temporarily suspended while a reduction was considered. Moreover, it would seek only an approximate and reasonable balance between annual expenditures and assessments both in the general BIA budget and at the Portland Area office. (44)

Another problem facing forest managers on the Quinault Reservation was how to deal with logging slash. Harold Weaver issued one of a series of reports on forest management, including slash, in March 1959. (45) On the adjacent Quinault Ranger District of the Olympic National Forest, Weaver noted, slash was burned following logging whenever possible. However, the Forest Service had authorization to earmark a

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

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

The foresters of the BIA were becoming increasingly

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

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

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

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

Secretary Roger Ernst assured him: "We are convinced. . . that the number of legitimate complaints is well within the allowable limits of efficient administration. Other complaints we find, reflect misunderstandings or are protests against conditions over which we have no control." (46)

Concentrating their efforts on the priority of efficient administration, local bureau officials surveyed logging operations and were pleased with company initiatives in road building and maintenance. When the large Pope and Talbot Lumber Company sought their assurance of monopoly in building a rafting/booming site at the mouth of the Quinault River, <sup>the</sup> ~~a~~ forest manager declined to give it and the feeler was dropped. (47) The superintendent reported, however, "strong and healthy" interest in competition for Queets Unit sale to be held in Hoquiam early in 1960. The bureau still believed that long-term contracts were the most feasible method for providing income for the greatest number of allottees, while keeping logging operations within the sustained-yield capacity of the reservation forest. But another such sale could not be made in the face of recent objections and continuing complaints. As Superintendent Ringey expressed it, new contracts could not readily be modified for proper forest management procedures, because most non-residents were "interested primarily in converting their reservation



property to cash. (48) After 1960, therefore, ~~not~~ <sup>most</sup> logging <sup>outside the long-term contract areas</sup> was done by special permits.

The first years of the 1960s proved to be a time for new adjustments. After reviewing the sporadic attempts by Quinault leaders to consolidate patented lands (the late chairman, Cleveland Jackson, had bought up many of them himself), veteran forester John Libby submitted a plan to facilitate earlier payments while securing better forest management. By its terms, allottees obtaining patents would thereafter do business directly with the logging companies and not be subject to BIA supervision. Libby admitted that although the idea would simplify administration, it would complicate management of the logging units. Rayonier at once opposed the suggestion and, like many earlier attempts to adjust old requirements to new statistics, Libby's idea was not implemented. (49)

The bureau's foresters counted real changes in the field, however. At Quinault the maximum allowable cut <sup>on each contract area (on the Takohah unit, for example,</sup> was raised <sup>to</sup> 150 million board feet ~~over a~~ <sup>for a</sup> three-year period. <sup>Shortly after that period, that total was doubled.</sup> Reforestation of Douglas-fir was commenced by the BIA foresters in 1961 and 1962, and surveys for further renewal were begun. Output declined, however, and high winds in October 1962, followed by heavy rains in November, felled over 10 billion board feet throughout the coastal Pacific Northwest. Natural regeneration of the forests, the BIA recognized, would no longer be sufficient. Reforestation proposals were submitted to take advantage of new agricultural conservation assistance programs, and slash salvage procedures were improved. Trimming and pruning <sup>on tribal lands</sup> ~~work~~ done under federal public works programs <sup>did not, however,</sup> ~~supplemented the efforts by the~~ logging companies <sup>and were not obligated to do so by their contracts.</sup> to replant blocks that had been cut during the preceding years. ~~The BIA also recommended revisions~~

maximum allowable cut was

In the late 1950s, the BIA recommended revisions

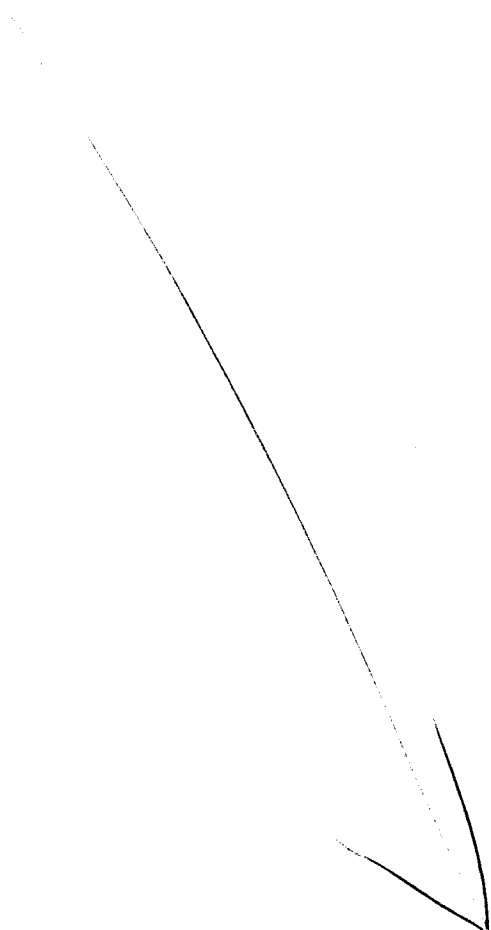
in ~~the~~ existing contracts <sup>that would</sup> ~~to~~ make it worthwhile for the operators to cut

marginal cedar stands. When the Pacific Northwest Loggers Association

~~disbanded in 1962, stumpage rates were adjusted to Forest Service guide-~~  
~~lines, but soon afterwards the Forest Service relied upon ratios provided~~

~~By 1966, however, when those rates failed to reflect economic trends,~~  
~~adjustments determined by the BIA's own forestry branch became the source~~  
~~used by both federal agencies.~~

Under the impetus of the John Kennedy administration,



the cause of the Quinault Indians once again attracted the attention of members of the Democratic Congress. As chairman of the Senate Interior Committee, Henry Jackson sought BIA explanations for issues raised by allottees from his own constituency. But the adversarial implications of the Neuberger-Seaton period were significantly altered. Now there were several Indians on the BIA's staff in Washington, D.C., and the head of its Forestry Branch was Perry Skarra, longtime forest manager at the Quinault Reservation. Although the administrators' understanding could no longer be doubted, the problem of communication with the allottees persisted. As the assistant secretary of the interior charged with handling Indian affairs explained to Jackson, the BIA continued to consult with the allottees but had to do so individually because there was no committee that could represent many allottees at once. Some allottees accounted for the failure of the claims advisory committee of 1958 by charging that the BIA preferred to cooperate with the tribal council instead. But the husband of one allottee admitted: "I believe the complete indifference by the allottees, other than when monetary remuneration is concerned, is appalling, and that some effort should be made to organize this group for their own welfare." 50

Concepts emphasizing the elimination of separateness

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

Through her efforts, congressional aid for the economic welfare of minority groups was translated into BIA encouragement of local manufacturing plants near the reservation to employ Indians. <sup>5/</sup> The new leaders of the tribe nevertheless continued to complain, perhaps because of a very slight decline in stumpage rates in March 1961 (cedar went to \$10.27, hemlock to \$9.13). When these rates had not changed a year later, the tribal council charged that the logging companies were controlling the rates. Their people insisted that sustained yield placed

"severe limitations on the amount of timber which may be sold, irrespective of whether the limitations make sense considering the situation of the tribe and its members, or whether it would make sense if the interest were owned by non-Indians." They therefore went on record in support of legislation that would replace sustained yield with "prudent management" of the timber. Woodworker president Haurtung came to their aid once again by pointing out the unit contractor's negligence in paying funds to the allottees. Assistant Secretary of the Interior D. Otis Beasley immediately ordered the companies to pay the amounts within thirty days <sup>52</sup>.

The old sore of the 10 percent administrative fee was somewhat healed when the Interior Department employed stricter means of computing it, but proposed legislation was designed to retain the charge. ~~Indeed in 1962 Attorney General Nicholas Katzenbach defended it by citing~~ <sup>Deputy</sup> ~~Indeed, in~~ <sup>Morrison</sup> ~~v. Work (266 US 481, 488-1925) in which~~ the Supreme Court indicated <sup>the right of Indians to have proper</sup> ~~upheld~~ federal administration of <sup>tribal</sup> ~~trust~~ property, <sup>resembling "the general</sup> ~~as a proper~~ <sup>^</sup> ~~citizen's right.~~ <sup>right of every citizen to have the Government administered according to law and the public mores properly applied. " 52 a</sup>

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

BIA had to live with the bitter fact that there was no way to restore patented lands to tribal ownership except by tribal purchase. Instead of being a caretaker of Indian interests there, the BIA was <sup>to the extent that fee patented allotments passed into Indian ownership</sup> ~~therefore rapidly~~ becoming little more than a technical advisor of forestry.

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

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

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

In 1965 the BIA at Hoquiam heard of tribal objections to logging practices affecting the fishing streams on the reservation. The forest managers at Portland instructed their staff to strengthen enforcement of the provisions in new contracts for purchaser responsibility for stream clearance that summer and recommended revisions of old contracts to include that task. <sup>53</sup> But whether stream rehabilitation was to be done by the BIA, by the companies, or by the tribe, the old problem of unified jurisdiction over hundreds of individually owned tracts seemed an insurmountable obstacle. <sup>54</sup>

The Indians' desire to share in the affluence of the latter 1960s was well considered. The development of a new export market for the logging and wood products industries after Japanese purchase of the 1962 Columbus Day blowdown was producing heady effects. In 1966, <sup>\$</sup>14.3 million <sup>worth of timber</sup> ~~billion board feet~~ were harvested on Indian reservations

across the nation. Two years later, that total reached ~~21 million board feet~~. In Washington State, timber management had for many years been applied to the Yakima and Colville reservations east of the Cascade Mountains. At Quinault, <sup>As of May 1967,</sup> the Crane Creek <sup>unit alone</sup> and Taholah <sup>units together</sup> produced over ~~140~~ <sup>709</sup> million board feet valued at over ~~two~~ <sup>nine</sup> million dollars. A fire in the Raft River area that summer burned slash for the most part, but rehabilitation of the burned over tracts began immediately. (55)

*Under the long-term timber contract provisions, and the purchasers were also required to pay the value of the logs consumed by the fire. By the end of the cutting season almost 6 million board feet were harvested for a return of \$90,726.75.*

The availability of ~~defective and downed cedar~~ <sup>fire-damaged timber and logs were salvaged</sup> prompted the BIA to issue ~~seven special permits, and by the end of~~ <sup>the cutting season almost 6 million board feet were</sup> harvested for a return of \$90,726.75.

It was apparent to all interests that the opportunities for lumber enterprise at Quinault were greater than they had ever been. The Quinaults <sup>living on the Quinault Reservation</sup> therefore revived the old BIA idea of a tribal mill. ~~In July 1961, representatives of the council, the permittees, and logging companies met in Hoquiam with Assistant Secretary of the Interior Robert E. Vaughan to discuss that project and to challenge the actions of the Crane Creek and Taholah contractors.~~ <sup>In 1965,</sup> The government indicated that it would not permit the contractors to increase charges on transportation of cut timber. When Aloha ~~(now absorbed by the Evans Products Company)~~ brought suit against the government for compensation, the Quinault



20. Melvin Robertson, superintendent, to Don  
C. Foster, area director, Jan 11, 1954 (H-213),  
Frosty General Supervision Folder, Box 54364,  
FRC.

insert  
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),

15 Marie J. Wilson to Harry P. Cain,  
March 3, 1950 <sup>(H-210)</sup> Part 4, Takotah General  
Timber File (microfilm copy) NATS

Insert p 165

At Qumault, In 1966, the BIA issued seven special permits for the Qumault Reservation, which were appraised at \$90,767 and which generally sold ~~for~~ higher.

tribe in turn received federal assistance in bringing suit against the company. In 1966, Assistant Secretary of the Interior

*insert* → Ten years after Senator Neuberger said that he did not know what else could prod the BIA, the Quinault allottees had found their own answer: litigation. When the civil rights movement of those years "politicized" minority segments of the American population, Indians at first declined to identify with the cause of Black-Americans. ". . .unlike the Negroe [sic]," dissident allottee Paul Petit, Sr., insisted, "we do not cry out about a racial prejudice but ask only to be allowed the privilege of working the lands that are rightfully ours." (56)

But after the passage of civil rights legislation and the federalization of minority interests by the Kennedy and Johnson administrations, Indians were caught up in the exhilaration and success of minority self-realization. They nevertheless differed from the Blacks in two respects. First, they were far fewer in number and therefore could wield much less leverage by sheer numbers. Second, they did not seek to obliterate a degraded past but actually appealed to it as a time of self-respect and integrity. Perhaps for these reasons, the pressures and publicities they belatedly adopted were "offensives" that were generally inoffensive. ~~When Indian children abandoned their elders' cultural reticence, they retained a large degree of~~

*Like the new generation of black Americans, however, younger Indians were prone to abandon their elders' culturally conditioned reticence and to articulate traditional Indian doubts and distrust.*

Event P 166

Robert E. Vaughan came to Hoquiam to discuss the ruling with representatives of the council, the permit holders, and the logging companies. After the Department of the Interior sustained it in March 1967, Aloha sought relief in the courts. The government in turn aided the Quinaults in bringing suit against that company.

~~traditional patience and understatement.~~ The younger members of every tribe across the nation were more educated or more in the mainstream of events than their parents and grandparents. During the late 1960s, it was they who called intertribal meetings, published and demonstrated tribal heritages, and formed associations. Their activities commanded far greater attention than their parents' ~~occasional~~ letters of complaint addressed to congressmen or bureaucrats. Indeed, federal administrators preferred to deal with larger organizations with single purposes that represented widespread views rather than respond to scattered individuals of varying condition and need.

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

federal restrictions and state taxes and had accused the Aloha Company of forging her name to a right of way agreement and then paying her while they trespassed on the allotments under her control. (She soon after worked out an accommodation with the company.) <sup>(57)</sup>

Whether for these reasons or others, early in 1968 Mitchell secured travel funds from the BIA area office and went to Washington, D.C.. In March, she entered into a contract with Wilkinson, Cragun and Barker, a law firm that had earlier represented Quinaltuls in ~~a jurisdictional suit~~ <sup>the tribes original title suit against</sup> ~~the United States in the Indian Claims Commission.~~ ~~against Washington State.~~ <sup>firm</sup> They agreed to investigate and prosecute claims against the United States over the management and sale of timber and the use of Indian moneys on the reservation. The area director had been informed at a tribal meeting in Taholah that a possible suit was being considered and, as a representative of the defendant, was then asked to leave the session. <sup>(58)</sup>

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



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

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

Moreover, as Portland Area foresters pointed out to Quinault tribal officers, the contract in effect would establish a possible monopoly by those who participated in it. <sup>59</sup> Many of its adherents had, of course, been outspoken in their criticism of the logging contracts as veritable monopolies. On the other hand, an increasingly smaller number of allotments still under federal management would have to bear the burden of claims against the bureau; those claims would have to be met not through regular administrative procedures but by the adversarial techniques of litigation.

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

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

The Lyndon Johnson administration was evidently <sup>to sustain</sup> anxious ~~that the Mitchell Case and others not become a black mark against~~ its substantial record of active defense of civil rights and economic opportunities for minority groups. In a special message to Congress in March 1968, President Johnson asked for a "Bill of Rights," to give <sup>protection in their own tribal courts similar to the constitutional guarantees of</sup> Indians ~~a voice in~~ state and federal justice, ~~applied to their reservations,~~ called for a specific study of off-reservation Indian problems, and hoped that the "special relationship between Indians and government would grow and flourish." These <sup>protective concepts of fundamental justice</sup> ~~concepts~~ were ultimately incorporated in the <sup>Indian</sup> Civil Rights Act of <sup>April,</sup> 1968 (82 Stat 27) <sup>60</sup>

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

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accepted its decision as final. In November, Superintendent Felslow formally acknowledged that the QAC was the medium through which the agency could work. Only belatedly did he realize that he had misplaced his own authority in the committee. As the Mitchell case proceeded, however, the QAC was effectively superseded by the plaintiff's claims committee.

the Indians had a Martin Luther King, Jr., kind of leader (though without what he termed King's "disloyalty to the country"). Instead, <sup>in</sup> ~~that~~ October, <sup>1968</sup> the <sup>tribal</sup> council authorized the business committee to appoint a seven member Quinault Allottees Committee (QAC). The QAC had no formal organization, but, in December, <sup>1968</sup> the BIA recognized it as "a medium for the agency to work through" in determining action to be taken regarding fee patents, gifts, deeds, negotiated sales, supervised sales, special cutting permits, and road and gravel permits. <sup>(61)</sup> Assistant Superintendent S. A. Lozar <sup>(who became superintendent on July 28, 1974)</sup> met with it on a regular basis and promised to consider every suggestion presented. Indeed, he subsequently

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The Udall task force had also recommended that the BIA aggressively negotiate with the owners of access roads in the Queets in order to obtain third party use agreements that would be as favorable as possible for the Indians. But the bureau was still able to negotiate only on a case-by-case basis. <sup>In</sup> ~~when~~ a meeting <sup>in February 1969</sup> with the QAC was called to discuss that matter, only one owner showed up. The discussion was postponed; a second meeting included representatives of the logging companies as well. The operators learned that they had to seek approval from allotment owners for constructing such roads, even though consent had been automatically provided in the original contracts. <sup>(61a)</sup> Such requirements made future harvesting of the Queets by a single purchaser unlikely. ~~As a result of that requirement, there could~~

~~be no single purchase of the Queets Unit.~~

The BIA also promised to apply cutting permits to multiple ownership situations, recommend elimination of the administrative fee, and retain private companies to reseed cut over areas to bring the land up to its maximum growth. <sup>George M.</sup> ~~Superintendent~~ <sup>(Superintendent at Everett 1962 - October 1973)</sup> Felshaw proposed that the bureau impress the Quinault tribe with the need for establishing their own forest management enterprise. It could assist them in acquiring tracts, obtaining local financing, and negotiating with the owners of the road systems. <sup>(62)</sup> Although some of the plaintiffs viewed these intentions and initiatives as a response to the suit, they instead greatly resembled the recommendations formulated by the BIA in the decade after the Neuberger report. Similarly, the tribal program of 1968 to purchase and consolidate allotment land had been promoted by the bureau long before that report.

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

support for an operating procedure based upon a similar industry on the Blackfeet Reservation in Montana. Bureau officials met with Mitchell and representatives of the Weyerhaeuser Corporation in May. Portland Area office economists thought that such an enterprise could be handled as if it was an allottee entity and given a special cutting permit. But nothing much happened afterwards. As BIA officials observed, the tribal council's by-laws were much too sketchy and their specific data on costs were nonexistent. Although the tribe <sup>had access to funds to buy</sup> ~~would soon have sufficient allotments, few were acquired and the unified jurisdiction income to begin buying patented allotments. It was a long essential to such enterprise was not established. (63)~~ ~~way from having the unified jurisdiction that such an enterprise would require.~~<sup>63</sup>

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

of self-determination without termination, Indian participation in the selection of BIA employees, and Indian approval of allotment policy. <sup>(64)</sup> ~~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. <sup>(65)</sup> Logging companies in the area could readily afford to meet increases in stumpage rates and still retain a good profit. Moreover, they perceived in the tendency of government Indian policy an opportunity to deal directly with Quinault timber owners, once the tribe was granted full economic self-determination. Similarly the marked increase in timber payments enabled the Quinaults to undertake consolidation purchases of reservation lands for the first time.

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



...  
 to "shake up" the BIA's bureaucracy "and shake it up good,"  
 so that it would no longer be preoccupied with merely  
 defending the status quo. <sup>(66)</sup> Soon after, the bureau's staff  
 underwent a period of dissension, recrimination, and  
 reorganization. Whether or not these administrative pains  
 appeared to be both effect and cause of Indian militancy,  
 the president's criticisms were repeated in many letters  
 of complaint arriving at the Interior Department during  
 the next three years. Protests had by then taken on more  
 dramatic expression and more demanding substance. (Members  
 of several tribes occupied Alcatraz Island in San Francisco  
 Bay, and Washington State's Yakima tribe claimed ownership  
 of Mt. Adams and the valuable national forest that  
 surrounded it.)

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

page 176 insert:

The Quinalts had their day in the sun as well. In May 1970, Indian representatives negotiated with the Evans Products Company (which had absorbed the Aloha Company and its unit contract). As part of the agreement, the 1967 suit against the government was ended, and both sides promised to rely upon an arbitration board for prompt settlement of future differences within a thirty-day period. In July 1971, after three years of increases, market conditions prompted the company to revise stumpage rates downward. The arbitration board's judgment upholding the change was duly accepted by the BIA and Assistant Secretary of the Interior Harrison Loesch. When the rates went into effect, the Quinalt leaders refused to honor their agreement with Evans.

Repeating the charge that the contract holders, with BIA connivance, were damaging ~~the~~ ~~tribal~~ tribal lands by their logging operations, the Quinalt leaders voted to close access to the timber. On September 11, they blocked a bridge with three vehicles. Rayonier quickly capitulated by agreeing to pay stumpage rates in effect before the arbitration board's decision. But the fact the the BIA permitted the company to do so seemed to confirm the old charge that the government was "hand-in-glove" with the loggers. News of the incident provoked media comment and nationwide sympathy for the Indians and doubtless engendered further criticism with<sup>in</sup> the Department of the Interior. The bureau did not, however, defend the contractors against the closure of the access roads. Evans subsequently obtained an injunction to ~~XXXXXX~~ resume work on the Taholah unit. By 1972, an increase in stumpage rates ended the confrontation. (67)

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

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

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

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

The records of the BIA's defense of Quinault interests as paramount was certain. Indeed, in view of the sequence of economic and political changes, that record was one of consistency and constancy. In the same historical record, moreover, the persistence of allottee indifference to and

There are some  
inconsistencies of style  
that I will live with  
for this draft.

FOOTNOTES

1. William Zimmerman, acting commissioner BIA/(CBIA) to Paul R. Smith, president of Aloha Lumber Company, (H- ), Hall Unit Folder, Logging Unit Case File, Box 363, Record Group 75, Federal Records Center, Seattle (hereinafter cited FRC).
- 3/2. E. Morgan Pryse, District Director to CBIA, November 18, 1946, Forestry General Supervisor Folder, 67-1-3 File, Portland Area Office Records, BIA (H-191), C. L. Graves, Acting Director, to CBIA, January 13, 1947, Mitchell Defendants Case, Document Compilation IJ47.2. (H-192).
- 4/3. ~~BIA foresters learned soon after that~~ federal funds could not be <sup>however,</sup> used legally for reforestation and reseeding until at least half of the cutover land was restored to unified tribal control.
- 5/4. John Libby, "Forest Management of the Hemlock-Cedar Forests on the Quinault Indian Reservation, Washington," <sup>October 13, 1955,</sup> Forest Management Conference folder, Box 35534, RG 75, FRC (H-193); see also depositions by Wilcox, February 5, 1974, (H-194), and Libby, June 3, 1975, (H-195).
- 6/5. Stumpage rates used in this chapter are taken from the reports of timber sales on the <sup>Crane Creek and Taholoh Units,</sup> ~~Quinault Reservation~~, compiled annually by the Forester's Office, located <sup>in the unit files at FRC and the Portland Area Office,</sup> ~~throughout the record groups listed herein.~~ See also, Victor Meeker, "Average Stumpage Rates Paid in Crane Creek and Taholoh Units (combined), 1950-1974," copy in Portland Area Office files, (H-196).
- 7/6. ~~Floyd Phillips, District Forester, memo to Quinault Business Office Committee and to E. Morgan Pryse, March 10, 1947, (H- ), Perry Skarra, Forest Manager, memo,~~ <sup>to files,</sup> November 4, 1947 (H-197); Melvin Hollander to District Director, September 29, 1947, Forestry Department Folder, Box 350, FRC (H-198).

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~~<sup>25</sup>, 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.

8 7. The official presentation of the proposed withdrawal policy is in CBIA annual reports. Primary documentation of legislative-administrative conflict and cooperation behind that program is perceptively analyzed in Larry J. Hasse, "Termination and Assimilation: Federal Indian Policy, 1943 to 1961," (PHD dissertation, Washington State University, 1974), especially pp. 99-100 (H-199). Although Hasse does not deal with the Quinaults, he does discuss the relevant effort to terminate the Klamath Reservation.

9 8. H. R. Lee, Associate CBIA, to Henry M. Jackson, March 1, 1952, Proposed Legislation folder, 1951-1952 (H-207); and "Indian Bureau Moving to End Federal Supervision," Box 18585, FRC (H-207).

10 9. Excerpt from R. T. Titus to Daniel L. <sup>G</sup>Boldy, Western Forest Industries Association, April 15, 1949 (H-207), and accompanying memo; <sup>Julius A Krug,</sup> ~~Oscar Chapman~~, Secretary of the Interior, to Henry Jackson, May 31, 1949 (H-207); and Robert E. Day to Chapman, February 27, 1950 <sup>(H-204)</sup> Part 4, Taholah Timber General File (microfilm copy), Records of the Office of the Secretary of the Interior (RG-<sup>48</sup>20), National Archives.

11. Oscar Chapman to Senator Harry P. Cain, April 1, 1950, <sup>(H-207)</sup> Part 4, Taholah General Timber File, microfilm copy, NARS.

12 10. Lester McKeever deposition, June 5, 1975, p. 132, (H-207).

13 11. Dale Doty, Assistant Secretary of the Interior, to Harry P. Cain, U.S. Senator from Washington, August 30, 1950 (H-207); <sup>H. R. Lee to E. Morgan Pryse, September 12, 1950 (H-203)</sup>, Taholah General Timber File, microfilm copy, NARS.

14 12. Acting CBIA Lee to Chapman, August 25, 1950, Taholah General Timber file,

15 13. part 4 (microfilm copy), RG 75, NA (H-207) <sup>(H-207)</sup>

16. William <sup>E</sup>Warne to Chapman, February 20, 1950, Taholah General Timber File, part 4 (microfilm copy, RG 75 <sup>NA 11</sup>)

17 13. Primary documentation and historical analysis of legislative-administrative cooperation in the establishment of the termination policy is presented in Hasse, "Termination and Assimilation" (H-199).

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



- ✓ 27. "Conference, Commissioner of Indian Affairs, Western Washington Tribes, September 13, 1956, Folder 109, Box 1627, FRC (H-228).
28. 28. McLeod represented <sup>some Quinault</sup> ~~the~~ allottees <sup>in several suits that were not appealed.</sup> ~~in~~ Squire v. Horton ~~Capeomen~~ 351 U.S. 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 Quinault superintendent's newsletter asked 1,200 allottees for comments on the idea of forming a new committee to <sup>represent</sup> ~~insure~~ their interests. 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 (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 Breuninger 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).

- ✓46. Ernst to Neuberger, April 15, 1959, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers (H-259).
- ✓47. Skarra to Ringey, March 27, 1956, Forestry General Supervision Folder, Box 54364, FRC (H-260).
- ✓48. Ringey to Foster, April 6, 1959, Forest Management, 72-9-15 File, Portland Area Office (H-261).
- ✓49. John Libby to C. W. Ringey, January 30, 1961 (H-262); John Libby, "A Proposed Program of Action for Taholah and Crane Creek Timber Sale Units, Quinault Indian Reservation," March 30, 1962 (H-263), Special Report, 61-10-31 File, Portland Area Office.
- ✓50. John A. Carver, Jr., Assistant Secretary of the Interior, to Henry Jackson, October 23, 1961 (H-264); Anna Koontz to Jackson, September 6, 1962 (H-265); J. A. Herbert to Jackson, August 17, 1962 (H-266); ~~Libby to R. D. Holtz, Portland Area Director, November 8, 1962 (H-267)~~, Committee to Represent Quinault Allottees #1, 060 File, Hoquiam.
- ✓51. Fred Massey to Hansen, July 3, 1961 (H-268), Indian Affairs, Quinault Folder, Box 35, Hansen Papers, University of Washington, Seattle.
52. Quinault Tribal Resolution, March 30, 1961 (H-269); Ringey to Hanson, February 28, 1962 (H-270); Quinault Tribal Resolution, January 15, 1962 (H-271); Frederick Saux to John W. Cragren, January 31, 1962 (H-272); Hansen to Saux, February 6, 1962 (H-273); Hansen to Stewart L. Udall, February 6, 1962 (H-274); John A. Carver to Hansen, February 12, 1962 (H-275); Hansen to Carver, April 12, 1962 (H-276); Skarra to Hartung, February 26, 1962

(H-277); Hartung to Hanson [sic], June 27, 1962 (H-278); Skarra to Hartung, n.d. (H-279); Hansen to Hartung, July 5, 1962 (H-280); Hansen to CBIA, July 9, 1962 (H-281); Crow to Hansen, July 16, 1962 (H-282); Hansen to Hartung, July 27, 1962 (H-283); Hansen to Horton Capoeman, July 27, 1962 (H-284); D. Otis Beasley to Rayonier and Aloha companies, August 1, 1962 (H-285); Hansen to Crow, July 27, 1962 (H-286), Indian Affairs-Quinault Folder, Box 35, Hansen Papers.

- 52a ✓ 53. "Special Report, Fisheries Management Program," September 28, 1966, pp. 6-11, 66-9-28 File (H-287); Perry Skarra to CBIA, November 22, 1968, Special Task Force Report, 68-9-19 File, Portland Area Office (H-288).
- ✓ 54. A. W. Galbraith (economic branch officer) to Superintendent, Western Washington Agency, June 17, 1971, with accompanying comments by Greg Stevens, Fisheries Report Folder, 66-9-28 File, Portland Area Office (H-289).
- ✓ 55. Annual Reports of CBIA: 1964, np (H-290); 1965, pp. 14-15 (H-291); 1966, pp. 14-[15] (H-292); 1967, pp. 10-11 (H-293); 1968, np (H-294); Felshaw to Baldwin, January 19, 1967 (Def. Ex. 4-31B).
- ✓ 56. Paul H. Petit, Sr., to Thor Tollefson, July 6, 1959, Box 74, Tollefson Papers, University of Washington (H-295). Petit's remark may be balanced by his later attempt to be appointed to be a special U.S. Marshall for Indian Affairs.
57. 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

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58. Kenneth Hadley to Assistant Area Director, April 1, 1968 (H-296); Assistant Area Director to CBIA, nd (H-297); Hadley to Tribal Operations Officer, March 27, 1969 (H-298); Charles A. Hobbs to Dale M. Baldwin, March 20, 1969 (H-299); Attachments to H-299, Agreement of March 29, 1968 (H-300); Amendment No. 1 to Agreement of March 29, 1968 (H-301); John F. Gordon to G. M. Felshaw, April 1, 1968 (H-302); Hobbs to Mitchell, January 9, 1970 (H-303); Mitchell to Allottees, January 19, 1970 (H-304); William J. Benham to Associate Solicitor, Indian Affairs, February 9, 1970 (H-305); Hobbs to Felshaw, July 6, 1970 (H-306). The origin and development of the Mitchell case are documented in Quinault Allottees Association Folder, 68-3-29 File, Portland Office, and Committee to Represent Quinault Allottees #1 and #2, 060 File, Hoquiam.

- ✓ 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).
- ✓ 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).
- ✓ 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).
- 61a ✓ 62. Felshaw to Baldwin, December 10, 1968 (H-310).
- ✓ 63. John Gordon, Assistant Superintendent, to the files, September 4, 1968 (H-311); S. A. Lazar 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.
- ✓ 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 gained Indian approval by calling for the establishment of the post of Assistant Secretary of the Interior specifically for Indian Affairs.

John B. Beredette to Dale M. Baldwin, February 12, 1969 (Def. Ex. H-319).

✓ 65. 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-196).

∩ 66. 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-315).

67. Helen Mitchell to Joe Jackson, October 3, 1971, File 4, Taholah Logging Unit, Portland Area Office (H-316). 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.

It is interesting to note that Mitchell <sup>wholly ignored the documentary</sup> ~~(with total inaccuracy)~~ <sup>record when she</sup> informed President Nixon: "For decades our timber resources have been decimated by unregulated logging that has left the land defoliated as badly as some parts of North Vietnam and impossible for us to reforest. This devastation of the timber lands has in turn affected our fishing resources adversely . . . we are rapidly moving deeper into an impoverished condition because of BIA responsibility." Mitchell to Nixon, October 3, 1971, Environmental Public Inquiries and Replies, 71-9-14 File, Portland Area Office (H-317).

19 15. Stanford Re:

Box 1627, RG 75,

20 21 16. Raymond H. E

folder, Hoquiam C

22 17. Proceedings,

Box 18585, RG 75,

23 18. Minutes of the

24 19. Alfred Hartun

Box 13, and Timber,

University of Oreg

25 20. Neuberger to C

March 25, 1955 (H-

The testimony and d

"Timber Sales on th

on Indian Affairs o

85th Cong 1st, Apri

in folders cited ab

26 21. Neuberger state

pp. 7815-7816 (H-226)

Reservation Folder,

27 28 22. McLeod represen

1, 1956) which, the

~~(H-226)~~. cf. Morriso

29 25. Hatfield Chilson,

Quinault Reservation f

30 24. Robert Wolf to Neuberger, September 7, 1957 (H-230), and

A. Perlman, subcommittee counselors, October 30, 1956 (H-231), Quinault Reservation

folder, Box 26, Neuberger Papers.

31 25. Neuberger to Chilson, May 6, 1957, Quinault Timber folder, Box 13, Neuberger

Papers (H-232).

1, 1956, especially pp. 78-79, 104-106,

(H-214)

ryse, November 28, 1953, Forest and Range

Libby J. Bitney, April 27, 1954 (H-215)

, Portland, January 20-23, 1953, pp. 21-26,

g, March 31, 1956, Box 35770, RG 75, FRC (H-217).

Indian Affairs, Quinault Timber Folder,

on Folder, Box 26, Richard L. Neuberger papers,

rch 11, 1955 (H-222); Emmons to Neuberger,

ation folder, Box 26, Neuberger Papers.

Neuberger's subcommittee and printed in

ervation," Hearings Before the Subcommittee

terior and Insular Affairs, U. S. Senate,

3, 1957 (H-223). See also correspondence

record, 84th Cong 1st, June 24, 1955,

ng, July 22, 1959 (H-227), Timber-Quinault

ers.

Quire v. Horton Capeomen (351 US Reports

ed the administrative fee to be unlawful.

, 488, 1925).

the Interior, to Neuberger, June 14, 1957,

ger Papers (H-229).

wolf to W. H. Coburn and

A. Perlman, subcommittee counselors, October 30, 1956 (H-231), Quinault Reservation

folder, Box 26, Neuberger Papers.

Neuberger to Chilson, May 6, 1957, Quinault Timber folder, Box 13, Neuberger

Papers (H-232).

B. Agriculture.

The climate and character of our land make year-around agricultural development an attractive possibility. There are large, natural prairies on

we must regain title to fee patented land as rapidly as possible. This, of course, is

Oregon Prairie and



- 32 ~~28~~. Neuberger to Chilson, December 31, 1957 (H-230); Neuberger to Joseph Campbell, Comptroller General, December 31, 1957 (H-231); Campbell to Neuberger, January 23, 1958 (H-232), Quinault Reservation folder, Box 26, Neuberger Papers.
- 33 ~~27~~. Neuberger to Hartung, September 6, 1957, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers (H-233).
- 34 ~~28~~. ~~Statements, Recommendations for Timber Sales, Quinault Reservation, Forestry-General Supervision folder, Box 35538, RC 75 FRC, (H-234).~~
- 35 ~~29~~. Perry Skarra to Area Director, October 9, 1957, Committee to Represent Quinault Allottees, General Information #1, 060 File, Forest Branch Records, Hoquiam (H-235).
- 36 ~~30~~. Paul Petit to Charles Ringey, ca. January 14, 1958, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam (H-241).
- 37 ~~31~~. J. L. Diddock to Dan Foster, Area Director, February 17, 1958, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam (H-242).
- 38 ~~32~~. To add to the confusion, the Tribal Council declared the interim committee to be in conflict with the standing business committee and not a spokesman for the majority of allottees whose land was already patented or logged: Quinault Tribal Council Resolution, March 29, 1958, Forestry General Supervision folder, Box 35535, FRC, (H-243). While such internicene rivalry is a common organizational phenomenon, the Quinaults may have known how the influence of timberland owners on the Klamath Reservation in Oregon had risen as the Klamath Tribal Council's authority had declined.
- 39 ~~33~~. C. W. Ringey to Resource Development Association, April 4, 1958, Forestry 060 File, Hoquiam (H-244); Neuberger to Wilfred Petit, April 10, 1958 (H-250); James Murray to Claude Wain, June 27, 1958 (H-251), Quinault Reservation Folder, Box 28, Neuberger Papers.
- 41 ~~34~~. In July 1962, the Quinault superintendent's newsletter asked 1200 allottees for comments on the idea of forming a new committee to insure their interests. 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 (H-252).

- 42 ~~35~~. 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 ~~38~~. Harold Weaver, "Some Thoughts on the Timber Sales Program of the BIA in the Pacific Northwest" (H-255); Louis Breuninger to Foster, March 14, 1958 (H-256); John Crow to Foster, March 26, 1958 Forestry-General Supervision folder, Box 1627, FRC, ~~(H-257)~~.
- 44 ~~37~~. 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 ~~38~~. Area Forester to Area Director, March 12, 1959, memo on field trip to Quinault Reservation, copy in Forest History Society Archives (H-258).
- ~~39. Supervisor, Quinault Reservation, to Foster, May 28, 1959, Forestry General Supervisor Folder, Box 52336, RG-75, FRC (H-259).~~
- ~~40. Ringey to Flora Strein, February 2, 1959, Forestry General Supervisor Folder, Box 35535, RG-75, FRC (H-260).~~
- 46 ~~41~~. Ernst to Neuberger, April 15, 1959, Timber, Quinault Reservation Folder, Box 26, Neuberger Papers (H-259).
- 47 ~~42~~. ~~Skarra to Ringey, March 27, 1956, Forestry General Supervision Folder, Box 54364, FRC. Supervisor's Monthly Report, Quinault Reservation, Box 1627, RG-75, FRC,~~ (H-253).
- 48 ~~43~~. Ringey to Foster, April 6, 1959, Forest Management, 72-9-15 File, Portland Area Office (H-261).
- 49 ~~50~~ ~~44~~. John A. Carver, Jr., Assistant Secretary of the Interior, to Henry Jackson, October 23, 1961 (H-262); Anna Koontz to Jackson, September 6, 1962 (H-265); J. A. ~~Herbert~~ <sup>Herbert</sup> to Jackson, August 17, 1962 (H-266); Libby to R. D. Holtz, Portland Area Director, November 8, 1962 (H-267); Committee to Represent Quinault Allottee #1, 060 File, Hoquiam, ~~(H-268)~~.

55 Annual Report of C B I A : 1964, up (H-290);  
1965, pp. 14-15 (H-291); 1966, pp 14-[15]  
(H-292); 1967, pp. 10-11 (H-293);  
1968, up (H-294).

52 Quinault Tribal Resolution, March 30, 1961 (H-269);  
Ringey & Hansen, February 28, 1962 (H-270); Quinault  
Tribal Resolution, January 15, 1962 (H-271); Fredrick  
Saux & John W. Cragen, January 31, 1962 (H-272);  
Hansen & Saux, February 6, 1962 (H-273); Hansen &  
Stewart L. Udall, February 6, 1962 (H-274); John  
A. Carver & Hansen, February 12, 1962 (H-275);  
Hansen & Carver, April 2, 1962 (H-276); Skarra  
& Hartung, February 26, 1962 (H-277); Hartung  
& Hanson [sic], June 27, 1962 (H-278); Skarra  
& Hartung, und (H-279); Hansen & Hartung, July 5, 1962  
(H-280); Hansen to CBIA, July 9, 1962 (H-281);  
Crow to Hansen, July 16, 1962 (H-282); Hansen &  
Hartung, July 27, 1962 (H-283); Hansen & Horton  
(SP? <sup>see</sup> #28) → Capoeman, July 27, 1962 (H-284); D. Otis Beasley &  
Rayonier and Aloha Companies, August 1, 1962 (H-285);  
Hansen & Crow, July 27, 1962 (H-286), Indian Affairs -  
Quinault folder, Box 35, Hansen Papers.

~~45. Correspondence between Quinaults, Congresswoman Hansen, BIA Officials, and others is in Indian Affairs folder, Box 35, Hansen Papers, University of Washington, Seattle.~~

(H-268),

51 46. Fred Massey to Hansen, July 3, 1961, Indian Affairs, Quinault folder, Box 35, Hansen Papers, (H- ) University of Washington, Seattle.

52 47. Quinault Tribal Resolution, March 30, 1961, (H- ) C. W. Ringey to

Box 35, Hansen Papers.

53 ~~Hansen, February 28, 1962, (H- ), Indian Affairs-Quinault folder;~~

Resolution, Quinault Tribal Council, January 15, 1962, (H- ), Box 35, Hansen Papers.

53 48. D. Otis Beasley to Rayonier and Aloha companies, August 1, 1962, (H- );

Hansen to John Crow, CBIA, July 7, 1962, (H- ), Indian Affairs-Quinault folder, Box 35, Hansen Papers.

53 49. "Special Report, Fisheries Management Program," September 28, 1966, pp.

6-11, 66-9-28 File (H-267); Perry Skarra to CBIA, November 22, 1968, Special Task Force Report, 68-9-19 File, Portland Area Office (H-188).

54 50. A. W. Galbraith (economic branch officer) to Superintendent, Western Washington Agency, June 17, 1971, with accompanying comments by Greg Stevens, Fisheries Report Folder, 66-9-28 File, Portland Area Office (H-289).

~~55 51. Annual Reports of CBIA, 1964-1968, (H- ); see also Henry W. Hough,~~

~~Development of Indian Resources (Denver: World Press), pp. , (H- ).~~

~~52. Annual Reports, Taholah and Crane Creek Units, Box 74622, FRC, (H- ).~~

56 53. Paul H. Petit, Sr., to Thor Tollefson, July 6, 1959, Box 74, Tollefson Papers, University of Washington (H-295). Petit's remark may be balanced by his later attempt to be appointed to be a special U.S. Marshall for Indian Affairs.

57 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

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58 Kenneth Hadley to Assistant Area Director, April 1, 1968 (H-296); Assistant Area Director to C BIA, und (H-297); Hadley to Tribal Operations Officer, March 27, 1969 (H-298); Charles A. Hobbs to Dale M. Baldwin, March 20, 1969 (H-299); Attachments to H-299, Agreement of March 24, 1968 (H-300); Amendment No 1 to Agreement of March 24, 1968 (H-301); John F. Gordon to G. M. Felslow, April 1, 1968 (H-302); Hobbs to Mitchell, January 9, 1970 (H-303); Mitchell to Allottees, January 19, 1970 (H-304); William J. Benham to Associate Solicitor, Indian Affairs, February 9, 1970 (H-305); Hobbs to Felslow, July 6, 1970 (H-);

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*58 55.* *11/15/68* The origin and development of the Mitchell case are documented in Quinault Allottees Association folder, 68-3-29 file, Portland Office, ~~(H-306)~~ and Committee to Represent Quinault Allottees #1 and #2, 060 file, Hoquiam, ~~(H-307)~~

*59 56.* 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).

*60 57.* 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. 342-244 (H-307).

*61 58.* ~~James Jackson~~ <sup>By James Jackson</sup> "Preliminary Statement 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 Bowe chop 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).

*62 59.* *11/15/68* Felshaw to Baldwin, December 10, 1968 (H-310).

*63 60.* John Gordon, Assistant Superintendent, to the files, September 4, 1968 (H-311); S. A. Lazar <sup>Vincent W. Bousquet</sup> to Weyerhaeuser Company, May 13, 1969. (H-317); John

(H-313),  
^

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

65 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- )~~.

64 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-314 ). In addition, the president gained Indian approval by calling for the  
establishment of the post of Assistant Secretary of the Interior specifically  
for Indian Affairs.

65 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- 196 ).

66 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-315 ).

67 65. Helen Mitchell to Joe Jackson, October 3, 1971, file 4, Taholah Logging  
Unit, Portland Area Office (H- 316 ). 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  
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It is interesting to note that Mitchell (with total inaccuracy) informed  
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October 3, 1971, Environmental Public Inquiries and Replies, 71-9-14 file, Portland  
Area Office. (H-317)

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FOOTNOTES

- (Def. Ex-189)
1. George P. LaVatta to Commissioner (CBIA), May 19, 1945 (~~H-189~~), 004 File, Box 32, Taholah Agency, Records of the Bureau of Indian Affairs, RG 75, Federal Records Center, Seattle (hereinafter cited FRC).
  2. George P. LaVatta to CBIA, May 28, 1945, 004 File, Box 32, FRC (~~H-190~~) (Def. Ex-190).
  3. E. Morgan Pryse, District Director, to CBIA, November 18, 1946, Forestry General Supervisor Folder, 67-1-3 File, Portland Area Office Records, BIA (H-191); C. L. Graves, Acting Director, to CBIA, January 13, 1947, Mitchell Defendants Case, Document Compilation IJ47.2. (H-192).
  4. <sup>Melvin Helander to District Director, March 10, 1947, Box 350, Daily Reading File,</sup> Federal funds could not, however, be used legally for reforestation and reseeding until at least half of the cutover land was restored to unified tribal control.
  5. John Libby, "Forest Management of the Hemlock-Cedar Forests on the Quinault Indian Reservation, Washington," October 13, 1955, Forest Management Conference Folder, Box 35534, RG 75, FRC (H-193). ~~see also depositions by Wilcox, February 5, 1974 (H-194), and Libby, June 3, 1975 (H-195).~~
  6. Stumpage rates used in this chapter are taken from the reports of timber sales on the Crane Creek and Taholah Units, compiled annually by the Forester's Office, located in the Unit Files at FRC and the Portland Area Office. See also, Victor Meeker, "Average Stumpage Rates Paid in Crane Creek and Taholah Units (combined), 1950-1974," ~~copy in Portland Area Office Files~~ (H-196).

Taholah, RG-75, FRC (Def. Ex. H-194).

- ✓ 7. Perry Skarra, Forest Manager, memo to files, November 4, 1947, ~~(H-197)~~, <sup>Hetander</sup> Melvin ~~Hollander~~ to District Director, September 29, 1947, Forestry Department Folder, Box 350, FRC (H-198). (Det Ex H-197).
- ✓ 8. The official presentation of the proposed withdrawal policy is in CBIA annual reports. Primary documentation of legislative-administrative conflict and cooperation behind that program is perceptively analyzed in Larry J. Hasse, "Termination and Assimilation: Federal Indian Policy, 1943 to 1961," (Ph.D. dissertation, Washington State University, 1974), especially pp. 99-100 (H-199). Although Hasse does not deal with the Quinalts, he does discuss the relevant effort to terminate the Klamath Reservation.
- ✓ 9. H. R. Lee, Associate CBIA, to Henry M. Jackson, March 1, 1952, Proposed Legislation Folder, 1951-1952 (H-200); and "Indian Bureau Moving to End Federal Supervision," Box 18585, FRC (H-201).
- ✓ 10. Excerpt from R. T. Titus to Daniel L. Goldy, Western Forest Industries Association, April 15, 1949 (H-202), and accompanying memo; Julius A. Krug, Secretary of the Interior, to Henry Jackson, May 31, 1949 (H-203); and Robert E. Day to Chapman, February 27, 1950 (H-204), Part 4, Taholah Timber General File (microfilm copy), Records of the Office of the Secretary of the Interior (RG-48), National Archives.
11. Oscar Chapman to Senator Harry P. Cain, April 1, 1950 (H-205), Pt. 4, Taholah General Timber File, microfilm copy, NARS; L. P. Towle to
12. <sup>John W. Libby</sup> ~~Lester McKeever~~ deposition, June 3, 1975, p. 132 (H-206).

- Elmer Wilson, July 13, 1951, File 1 Crane Creek, FRC  
(Det. Ex. H-195).

- ✓ 13. Dale Doty, Assistant Secretary of the Interior, to Harry P. Cain, U.S. Senator from Washington, August 30, 1950 (H-207); H. R. Lee to E. Morgan Pryse, September 12, 1950 (H-208), Taholah General Timber File, microfilm copy, NARS.
- ✓ 14. Acting CBIA Lee to Chapman, August 25, 1950, Taholah General Timber File, Part 4 (microfilm copy), RG 75, NA (H-209).
- ✓ 15. Marie J. Wilson to Harry P. Cain, March 3, 1950 (H-210), Part 4, Taholah General Timber File (microfilm copy), NARS.
- ✓ 16. William E. Warne to Chapman, February 20, 1959, ~~(H-211)~~, Taholah General Timber File, Part 4 (microfilm copy), RG75, NA (H-211).
- 16a ✓ 17. Primary documentation and historical analysis of legislative-administrative cooperation in the establishment of the termination policy is presented in Hasse, "Termination and Assimilation" (H-199).
- ✓ 18. The debate on the so-called Bricker amendment to the U.S. Constitution during these same years turned in part on the question of whether treaties made by the executive branch in accordance with its constitutional powers could be negated or modified by state laws. Some critics of executive power who supported the proposed amendment would apply the same restrictions to federal policies affecting land and resource use and therefore to Indian affairs.
- ✓ 19. Wesley H. Hildebrandt to Clarence W. Ringey with attached ~~19.~~ Stanford Research Report, June 1, 1956, especially pp. 78-79, 104-106, Box 1627, RG 75 FRC (H-212).
- see p 4. ✓ 21. Melvin Robertson, superintendent, to Don C. Foster, area director, June 11, 1954 (H-213), Forestry General Supervision Folder, Box 54364, FRC.

1958 (H-241); John Crow to Henry Jackson, February 6, 1958 (H-242); Chilson to Maurice Stans, May 19, 1958 (H-243), Quinault Reservation, Forestry-General Supervision, Box 35538, RG 75, FRC. Chilson believed that Neuberger's recommendations for consolidating BIA and BLM forestry under Forest Service jurisdiction would be "a serious mistake," Chilson to Stans (H-243).

- ✓ 35. Perry Skarra to Area Director, October 9, 1957, Committee to Represent Quinault Allottees, General Information #1, 060 File, Forest Branch Records, Hoquiam (H-244).
  - ✓ 36. Paul Petit to Charles Ringey, ca. January 14, 1958, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam (H-245).
  - ✓ 37. J. L. Diddock to Dan Foster, Area Director, February 17, 1958, Committee to Represent Quinault Allottees, General Information #1, 060 File, Hoquiam (H-246).
38. To add to the confusion, the Tribal Council declared the interim committee to be in conflict with the standing business committee and not a spokesman for the majority of allottees whose land was already patented or logged. Quinault Tribal Council Resolution, March 29, 1958, Forestry General Supervision Folder, Box 35535, FRC (H-247). While such inter<sup>n</sup>ecine rivalry is a common organizational phenomenon, the Quinaults may have known how the influence of timberland owners on the Klamath Reservation in Oregon had risen as the Klamath Tribal Council's authority had declined.

### 3. WESTERN WASHINGTON RESERVATIONS

#### Population and Education

There are 37 bands, tribes, or groups of Indians living in western Washington. Their properties consist of 18 reservations under the jurisdiction of the Bureau of Indian Affairs Western Washington Agency. Because the tribes are very loosely organized and rolls are not kept up to date, no population breakdowns are available.

As of June 30, 1952, the Indian agency records show 7,184 Indians on the tribal rolls; of these, the Bureau assumed responsibility for 5,132. It was estimated at that time that an additional 3,000 Indians were not on the agency rolls. The number of Indians on each reservation roll in 1952 is shown in Table 10.

Current estimates by the Bureau place the total number between 11,000 and 13,000.

The number of Indians who could not speak English in 1952 was estimated to be 47; the number of adults who could not read or write was 82. Currently these numbers are estimated to be somewhat lower because virtually all Indian children attend school, and a few of the older Indians have died.

#### Economic Resources

The following information is presented as a background for the resource data on the Lummi, Muckleshoot, and Quinault Reservations.

Table 10

INDIAN POPULATION IN WESTERN WASHINGTON, BY RESERVATION  
June 30, 1952

<u>Reservation</u>	<u>No. Living Persons on Tribal Roll</u>	<u>No. Persons for Whom Bureau As- sumes Some Responsibility</u>	<u>No. of Full Bloods</u>	<u>No. Who Cannot Speak English</u>	<u>No. of Adults Who Cannot Read and Write</u>
Chehalis	50	50	15	0	4
Hoh	10	10	7	2	2
Elwha	85	85	12	0	0
Lummi	830	720	551	5	5
Makah	544	538	240	3	3
Muckleshoot	290	170	198	6	6
Nisqually	62	23	25	0	0
Ozette	0	0	0	0	0
Port Gamble	130	125	0	0	0
Port Madison	180	180	68	0	0
Public Domain	490	475	109	0	0
Puyallup	925	925	450	15	15
Quileute	281	281	10	0	5
Quinault <sup>1/</sup>	1,928	370	850	10	10
Shoalwater	0	10	4	0	0
Skokomish	237	96	100	0	5
Squaxin Island	29	4	15	0	0
Swinomish	348	340	258	2	12
Tulalip	765	725	384	4	15
Total	7,184 <sup>2/</sup>	5,132	3,297	47	82

<sup>1/</sup> 2,145 allotments--Quinault and other tribes.

<sup>2/</sup> This figure does not include approximately 3,000 Indians not carried on agency rolls. Current estimates by the Bureau place the total number between 11,000 and 13,000.

Source: Bureau of Indian Affairs, Western Washington Agency.

Some of the information could not be obtained for individual tribes but only in summary form for the jurisdiction of the agency.

#### Per Capita Payments

No per capita payments are made to any of the members of the western Washington tribes.

#### Public and General Assistance

A total of 834 adult Indians and 286 children received assistance in the summer of 1955. Table 11 shows the number receiving assistance in each county and the proportional increase during the winter months.

#### Status of Individual Indian Money Accounts

In the western Washington area, Indians are relatively well assimilated into community life. Less than 20 percent have Individual Indian Money accounts; generally speaking, these accounts are used for disbursements of money derived from the sale of timber and property, which is administered by the Indian Agency. Disbursements by the agency for the period from June to December 1955 totaled \$1,329,102.37. Breakdowns by tribe are not available;

Table 11

NUMBER OF INDIANS IN WESTERN WASHINGTON  
RECEIVING ASSISTANCE DURING 1955

(Assistance Includes All Types of Public and General Assistance)

County	Summer Case Load		Percent Increase Due during Winter Months	
	Adults	Child Welfare	Adults	Child Welfare
Clallam	183	34	20	25
Clark	6	5	n.a.	n.a. <sup>1/</sup>
Cowlitz	13	1	n.a.	n.a.
Grays Harbor	68	9	5	5
Island	1	--	n.a.	n.a.
Jefferson	8	5	20	n.a.
King (est.)	10	5	15	15
Kitsap	148	53	30	n.a.
Lewis	8	--	n.a.	n.a.
Mason	27	17	n.a.	n.a.
Pacific	23	1	n.a.	n.a.
Pierce	108	43	15	10
Skagit	35	11	20	n.a.
Snohomish	37	38	25	n.a.
Thurston	20	22	40	n.a.
Wahkiakum	--	11	(3-4 cases)	10
Whatcom - San Juan	139	31	50	22
<b>Total</b>	<b>834</b>	<b>286</b>		

<sup>1/</sup> Data not available for all counties.

Source: Bureau of Indian Affairs, Western Washington Agency.



however, summary information is shown in Table 12. The total number of accounts as of March 20, 1956 was 1,941.

A very large percent of the allotments in western Washington is timber land. There is a very good market for timber, and sales are expected to provide large sums of money for a number of individuals.

Table 12

SUMMARY OF INDIVIDUAL INDIAN MONEY ACCOUNTS  
FOR ALL RESERVATIONS WITHIN JURISDICTION OF WESTERN WASHINGTON AGENCY

<u>Date</u>	<u>Number of Accounts Over \$5,000</u>	<u>Total Balance-- All Accounts</u>
June 30, 1955	32	\$ 611,528.42
August 31, 1955	45	1,264,308.00 <sup>1/</sup>
December 31, 1955	33	715,916.28

Land Resources

The amount of land on the 18 reservations in the western Washington area is shown in Table 13. The Quinault Reservation represents over 60 percent of the total lands.

In general, land in the western Washington region is forested, and income is derived principally from the sale of

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<sup>1/</sup> Increase due to second advance timber payment on the Crane Creek Logging Unit contract with Rayonier, Inc.

Table 13

LANDS UNDER JURISDICTION OF WESTERN WASHINGTON AGENCY  
December 31, 1955

Reservation	Gross Area of Reservations (acres)	Alienated Lands in Reservation (acres)	Gross Area Indian Land (acres)	Trust and Re-		Tribal Lands (acres)	Reserves for Govt. Use	
				stricted Allotments and Homesteads No. Tracts	Acres		Tribal Owned (acres)	Govt. Owned (acres)
Chehalis	4,225	2,209	2,016	52	1,995	1	20	--
Hoh	443	--	443	--	--	443	--	--
Elwha <sup>1/</sup>	372	--	372	--	--	372	--	--
Lummi	12,442	2,399	10,043	109	10,029	12	--	2
Makah	27,079	4	27,075	273	2,637	24,012	426	--
Muckleshoot	3,440	1,009	2,431	33	2,087	344	--	--
Nisqually	1,364	253	1,111	11	1,109	--	2	--
Ozette	719	--	719	--	--	719	--	--
Port Gamble <sup>1/</sup>	1,301	--	1,301	--	--	1,301	--	--
Port Madison	7,284	3,161	4,123	34	4,082	5	36	--
Public Domain	8,592	--	8,592	101	8,592	--	--	--
Puyallup	17,900	17,867	33	--	--	--	33	--
Quileute	595	--	595	--	--	593	2	--
Quinalt	189,621	15,574	174,047	2,145	169,960	3,675	379	33
Shoalwater	335	--	335	--	--	335	--	--
Skokomish	4,987	1,971	3,016	37	2,997	--	19	--
Squaxin Island	1,496	229	1,267	20	1,265	--	--	2
Swinomish <sup>2/</sup>	7,155	1,533	5,622	55	5,375	157 <sup>3/</sup>	90	--
Tulalip <sup>2/</sup>	22,490	4,722	17,768	137	15,108	2,635 <sup>3/</sup>	25	--
<b>Grand Totals</b>	<b>311,840</b>	<b>50,931</b>	<b>260,909</b>	<b>3,007</b>	<b>225,236</b>	<b>34,604</b>	<b>1,032</b>	<b>37</b>

<sup>1/</sup> Clallam Tribe.

<sup>2/</sup> Under Wheeler Howard—organized as communities, not as tribes. Causes nonresidents to be excluded from share in income from tribal assets.

<sup>3/</sup> Valuable tidelands.

timber (see Table 14). Several of the reservations are located on tidelands, the leasing of which provides a valuable source of income.

Table 14

LAND ON THE 18 RESERVATIONS UNDER JURISDICTION  
OF WESTERN WASHINGTON AGENCY, BY TYPE AND OWNERSHIP  
December 31, 1955  
(Acres)

	Total Land	Tribal Land	Allotted Land	Government Land	Alienated Land
Grand total	311,340	35,636	225,236	37	50,931 <sup>1/</sup>
Grazing	660	660	--	--	n.a. <sup>1/</sup>
Forest	250,706	33,494	217,220	2	n.a.
Nonirrigated farming	8,009	453	7,556	--	n.a.
Barren or waste	540	80	460	--	n.a.
Other	51,925	959	--	35	50,931 <sup>2/</sup>

Source: Bureau of Indian Affairs, Western Washington Agency, Land Report, 1955.

Land sales in western Washington during the calendar year 1955 totaled 11,198.63 acres. These sales provided an income of \$214,369.77, which was divided among 154 owners on 8 reservations.

Estimates of future land sales by the Western Washington Agency are as follows:

1. First six months of the calendar year 1956: 800 acres, income of \$300,000 to be divided among 200 owners.

<sup>1/</sup> n.a. means not available.

<sup>2/</sup> Alienated land includes land used for grazing, nonirrigated farming, and forestry. Proportions are not available.

2. Twelve months in 1956: 2,100 acres, income of \$700,000 to be divided among 450 owners.
3. 1956 and first half of 1957: 4,100 acres, income of \$1,335,300 to be divided among 900 owners.
4. 1956 and 1957: 6,100 acres, income of \$2,030,000 to be divided among 1,350 owners.

#### Development Potential of Economic Resources

Allotted land accounts for over 70 percent of Indian properties in western Washington; of the allotted land, over 95 percent is forested. The cutting of timber on these lands is being administered under an adequate sustained-yield program.

#### Problems of Development

The problems relating to the development of these land resources relate primarily to ownership status under heirship. The usual problems associated with multiple ownership under heirship status are complicated by (1) the geographical separation of the reservations, (2) the large number of tribes, and (3) the large proportion of members of certain tribes who reside off the reservations. In the case of the Quinault Reservation, ownership of allotments by members of several other tribes is a complicating factor.

Many tribes are loosely organized. In some cases the Tribal Council represents only the resident part of the tribe. These

factors make it difficult to deal with some tribal groups in matters pertaining to tribes as a whole.

Problems of employment center principally around Indian attitudes and education. While there is no reported general opposition of employers to hiring Indians, the Indians themselves feel that they are not acceptable, and for this reason do not seek employment as aggressively as non-Indians. Where there is discrimination, it is usually based on poor work habits of the individual involved. It is reported by the Indian agency that there are many instances where Indians could find jobs if they looked for them. A large proportion of the Indians are poorly qualified for jobs other than as laborers.

On the matter of education, Indian parents generally are aware of the need. However, when children reach the age where they are no longer legally required to attend school, parents take the attitude that the children are old enough to make their own decisions. At that point, Indian children see their future only as a member of the family on the reservation. Having no incentive to continue their education beyond the eighth grade, they generally drop out of school.

a. LUMMI RESERVATION

Population and Education

The Lummi tribal roll in 1953 included 234 members. Of these, all but 50 were permanent residents of the reservation during the first half of 1953. No records of births and deaths have been kept, and no current information on population is available. It is estimated that 250 families live on the reservation at present.

A very small number of the tribe have completed high school; however, the majority have completed the eighth grade. At present approximately 200 children are enrolled in school, of which 118 are in elementary school. At present, virtually all tribal members are understood to be able to read, write, and speak English. Table 10 shows the number limited to 5 in 1952.

## Economic Resources

### Individual and Family Income

#### Earned Income

Indians in this area occupy positions in the community similar to non-Indian members; but without surveying the entire Indian population, it was not possible to assemble a complete picture of their economic status. The following information was obtained from the Western Washington Agency at Everett and from the Washington Employment Service at Bellingham.

Enterprises. Six or seven Indians own purse-seine boats and employ all-Indian crews of from six to eight each during the fishing season in July and August of each year. Five families derive the major portion of their income from farming 211 acres, and had a combined income of \$6,552 in 1955.

Employment. Virtually all employment is seasonal in nature; the majority of Lummi Indians are employed during July, August, and September in harvesting strawberries, raspberries, green beans, and potatoes. In addition to the fishing crews working on Indian-owned boats a number are employed seasonally on some 50 non-Indian-owned boats. A few are employed in the logging camps at some distance from Bellingham from June to November.

Unearned Income

Land Leases. A total of 3,289 acres of allotted farm land is leased to non-Indians. The crop value of this land in 1955 was \$211,783.

Public and General Assistance. The following are the number of Lummi Indian cases and individuals receiving public and general assistance at the time of the survey in Whatcom County.

<u>Public Assistance</u>	<u>Families</u>	<u>Persons</u>
Old-age assistance	24	27
Aid to the blind	1	1
Aid to dependent children	28	109
Aid to permanently and totally disabled	<u>2</u>	<u>2</u>
Total	55	139
<u>General Assistance</u>		
Unemployable	33	61
Employable	<u>35</u>	<u>194</u>
Total	68	255

Land Resources

As shown in Table 15, practically all the land on the Lummi Reservation is allotted, and is about equally divided between nonirrigated farm land and forest. There is no irrigated farm land.

Practically all the farm land is used by non-Indians (see Table 16).



Land transactions during the calendar year 1955 included three sales to non-Indians totaling 145.29 acres.

Table 15

LAND ON THE LUMMI RESERVATION UNDER THE JURISDICTION OF  
THE WESTERN WASHINGTON AGENCY, BY TYPE AND OWNERSHIP  
December 31, 1955  
(Acres)

	Total Land	Tribal Land	Allotted Land	Government Land	Alienated Land
Grand Total	12,442	12	10,029	2	2,399
Grazing	1,599	--	--	--	1,599
Forest	4,853	--	4,853	--	--
Nonirrigated farming	5,976	--	5,173	--	800
Other	14	12	--	2	--

Source: Bureau of Indian Affairs, Western Washington Agency, Land Report, 1955.

Table 16

INDIAN AND NON-INDIAN USE OF LAND ON THE  
LUMMI RESERVATION, BY OWNERSHIP  
December 31, 1955  
(Acres)

	Total Land	Tribal Land <sup>1/</sup>	Allotted Land	Government Land	Alienated Land
Total land	12,442	12	10,029	2	2,399
Indian use	211	--	211	--	--
Non-Indian use	7,366	--	4,965	2	2,399
Not used	4,853 <sup>2/</sup>	12	4,853	--	--

Source: Estimates based on data from Bureau of Indian Affairs western Washington Agency.

<sup>1/</sup> Tribal land is occupied by a cemetery and an Indian village; as such, it is not classified as used by either individual Indians or non-Indians.

<sup>2/</sup> Includes forest lands.

### Tribal Income and Expenditures

Tribal income is derived from lease of log booming grounds and from oyster beds and sand-and-gravel pits on tribal land. The annual tribal budget totals \$4,000 to \$5,000, none of which is used for health or welfare. Class A funds on deposit with the United States Treasury total \$2,506.

### Employment and Educational Opportunities and Problems

Employment opportunities for the Lummi Indians in the Whatcom County area are limited by two factors: (1) the total demand for labor is affected by seasonality, with the result that unemployment for the county ranges from 2 percent for June to 16 percent for January and February; (2) of the available jobs, 84 percent require skill and only 3 percent require no training. The Lummi Indians lack both education and vocational training for the majority of the skilled jobs. There are very few job opportunities on the reservation, and the Indians must compete with non-Indians for off-reservation jobs.

Indian children attend public schools; two elementary schools are available, one at Ferndale and one on the reservation. Almost 90 percent attend the Lummi school, which--while it is a public school--has no non-Indians in attendance. After the children complete the sixth grade at Lummi (and practically all of them do), they transfer to the Ferndale junior high school, where all but one out of eight drops out of school after a short period. Only one or two children complete high school each year. It is the opinion of local educators that integration with

non-Indians should be initiated in the first grade rather than delaying it until the seventh grade.

There are no vocational schools available at present. A new school is under construction at Bellingham to serve the vocational training needs of Whatcom, Skagit, and the northern half of Island County. It has a potential capacity of 845 students and will be operating with a full curriculum in about three years.

Because of the anticipated demand, admission requisites for the vocational school include (1) successful completion of an aptitude test, (2) the applicant must be at least sixteen years old, and (3) demonstration is to be made that an applicant's educational background is such that he will benefit from the training. Indians will be accepted on the same basis as non-Indians.

b. MUCKLESHOOT RESERVATION

Population, Income, and Education

In 1953 there were an estimated 290 Muckleshoot Indians eligible for enrollment. At that time there were 230 residing in the vicinity of the reservation; 105 were registered to vote in county and state elections. The roll has not been brought up to date since 1942; subsequent records are incomplete, and no records of births and deaths

are kept by the tribe. It is estimated that there are between 50 and 60 families on the reservation.

There is no significant migration for permanent residence away from the area.

There are no census data on family income.

All Indians are reported to be able to speak English. The average Indian has completed the fourth grade. Very few go to school beyond the eighth grade. The majority can read and write a little commensurate with their education.

#### Economic Resources

##### Individual and Family Income

###### Earned Income

Enterprises. Between 30 and 32 families raise livestock; all but three of these are small operators. Income derived from this occupation is insufficient to provide a living.

Employment. Ten persons are employed full time. The range of jobs includes unskilled labor in industrial plants, logging, and typical "small-town" jobs.

During the peak of the employment season, about 100 men, women, and children work in seasonal agricultural jobs such as berry and bean harvesting.

Fifteen persons are drawing unemployment compensation: 5 are Korean veterans with no work history, 2 are women with work experience, and 7 are loggers.

Unearned Income

Per Capita Payments. None

Land Mineral Leases. One Indian receives \$125 per year lease income from the Auburn Academy; three share a \$450 per year lease to the local airport; five others share a \$172 per year lease to the same airport. There are no other leases.

Public and General Assistance. Of 151 families receiving assistance in Auburn, 29 are Indian families.

<u>Public Assistance</u>	<u>Families</u>	<u>Persons</u>
Old-age assistance	7	8
Aid to dependent children	7	30
Aid to blind	None	None
Aid to permanently and totally disabled	<u>None</u>	<u>None</u>
Total	14	38

<u>General Assistance</u>	<u>Families</u>	<u>Persons</u>
Employables	10	74
Unemployables	<u>5</u>	
Total	15	

The Community Chest provides food vouchers for about 90 persons. Nearly all families receive food baskets from charitable sources during the Christmas season.

Land Resources

Types and ownership of lands on the Muckleshoot Reservation appear in Table 17. Indian and non-Indian use of land is shown in Table 18.

There have been no land transactions during the last few years. The 344 acres deeded to the tribe by individual allottees a number of years ago are considered by the tribe to be in individual ownership status; attempts are being made to have the land returned to the allottees by Congressional action.

Table 17

LAND ON THE MUCKLESHOOT RESERVATION UNDER JURISDICTION OF  
THE WESTERN WASHINGTON AGENCY, BY TYPE AND OWNERSHIP  
December 31, 1955  
(Acres)

	<u>Total</u>	<u>Tribal</u>	<u>Allotted</u>	<u>Government</u>	<u>Alienated</u>
Grand total	3,440	344	2,087	None	1,009 <sup>1/</sup>
Open grazing	150	23	127	--	n.a. <sup>2/</sup>
Forest	1,860	261	1,599	--	n.a.
Nonirrigated farming	370	9	361	--	n.a.
Other	1,060	51	--	--	1,009

<sup>1/</sup> Proportions of alienated land not known.

<sup>2/</sup> n.a. means not available.

Source: Bureau of Indian Affairs Land Report, 1955. Interpreted by Western Washington Agency personnel.

Table 13

INDIAN AND NON-INDIAN USE OF LAND ON  
THE MUCKLESHOOT RESERVATION, BY OWNERSHIP  
December 31, 1965  
(Acres)

	<u>Total</u>	<u>Tribal</u>	<u>Allotted</u>	<u>Government</u>	<u>Alienated</u>
Total land	3,440	344	2,087	--	1,009
Indian use	150	23	127	--	--
Non-Indian use	1,095	60	26	--	1,009
Not used	2,195 <sup>1/</sup>	261	1,934	--	--

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Source: Estimates based on Bureau of Indian Affairs Western Washington Agency data.

Tribal Income and Expenditures

There are no tribal enterprises or business organizations operated by the tribe. There is no income from leases. The only source of income is understood to be assessment of individual tribal members.

The tribal organization is informal; the tribe has been persuaded to remain organized in order to dispose of the 344 acres of tribal land.

The annual tribal budget is under \$1,000; there are no health or welfare funds.

No tribal money is on deposit with the United States Treasury.

Employment and Educational Opportunities and Problems

In general, the problem of Indian employment is not one of availability, but rather of attitude and training. Indians, because of their

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<sup>1/</sup> May include some unused alienated land.



lack of education and limited ability to read and write, are not qualified for any but the relatively unskilled jobs. They are generally unwilling to work, show little responsibility, and apparently prefer to subsist on welfare. They are reported to be generally apathetic.

Educational and vocational training opportunities are present but are not used. There is no program to promote Indian employment.

The local employment agency is reluctant to recommend Indians for jobs other than common labor for fear that employers will discontinue use of the service.

c. QUINAULT RESERVATION

Population and Education

In 1952, a total of 1,923 Quinault Indians were on the tribal roll, the majority of whom lived off the reservation. At present it is estimated that about 350 Indians live on the reservation--about 90 families. In addition to Quinault Indians, there are members of at least eight other tribes who have allotted lands on the Quinault Reservation but who reside elsewhere.

There is no significant migration for settlement.

The level of education averages about the fourth or fifth grade. All can speak English, and all but five or six can read and write to a degree commensurate with their education.

At present there are 65 children in the first grade. Most children are currently completing the eighth grade. However, they

generally drop out of school during the second year in high school. In 1955 only five completed high school.

### Economic Resources

#### Individual and Family Income

##### Earned Income

Enterprises. There is one Indian logger and lumber operator who employs principally Indian labor. No other individual enterprises were found by the research team.

Employment. Twenty-nine families are engaged in year-round employment; the breakdown is as follows:

	<u>Families</u>
School district	3
Government	6
Logging	10
Lumber mills	5
Fishing industries	5

In addition, there are about 100 men who engage in seasonal clam digging and fishing.

There is no means of readily estimating the income from employment.

##### Unearned Income

Per Capita Payments. There are no per capita payments.

Land and Mineral Leases. The Quinault Reservation is the only one of the western Washington reservations on which there are oil and gas leases. The total income from these leases was \$6,042.45 in 1955.

It was divided among 75 persons living on and off the reservation.

Individual amounts received ranged from \$23 to \$120.

Sand and gravel leases provided an income of \$7,442 for 13 persons in 1954 and \$8,491 for 23 persons in 1955. In each year one lease was for \$4,235; a second was for \$1,000. The balance averaged \$150 in 1955.

Timber Sales. Total value of timber sales on the Quinault Reservation in 1953 was \$800,664; in 1954 \$771,966; and in 1955, \$1,415,595. The number of persons residing on the reservation who participated in the proceeds from these sales was 66 in 1955; their share was \$546,400. Distribution to individuals was as follows:

<u>1955 Timber Sales Proceeds</u>	<u>Number of Persons</u>
\$ 0 to \$ 500	None
\$ 500 to \$1,000	9
\$ 1,000 to \$ 5,000	32
\$ 5,000 to \$10,000	11
\$10,000 and over	14

The maximum individual payment was \$60,000.

Sales in 1956 will be somewhat smaller and will increase again in 1957--each alternate year being larger than the intervening year. Practice has been to make advance payments of about 10 percent each year on each contract until 50 percent is paid; the balance is paid at the time of cutting.

Public and General Assistance. The current case load shown below is considered typical of the extent of assistance rendered Quinault Indians on the reservation:

<u>Public Assistance</u>	<u>Number of Families</u>	<u>Number of Persons</u>
Aid to dependent children	2	5
Old-age assistance	4	
Aid to the blind	0	
Aid to totally and permanently disabled	<u>0</u>	
Total	6	
 <u>General Assistance</u>		
Employable	1	

In general, the case load is quite light in the area. Eligibility criteria for state and county general assistance are the same as for other reservations in the state of Washington; both employables and unemployables are eligible, and no distinction is drawn between Indians and non-Indians.

#### Land Resources

The types and ownership of land on the Quinault Reservation are shown in Table 19; use of land by Indians and non-Indians is shown in Table 20.

Sales of land during the calendar year 1955 totaled 130 acres.

Table 19

LAND ON THE QUINULT RESERVATION UNDER THE JURISDICTION OF  
THE WESTERN WASHINGTON AGENCY, BY TYPE AND OWNERSHIP  
December 31, 1955  
(Acres)

	<u>Total</u>	<u>Tribal</u>	<u>Allotted</u>	<u>Government</u>	<u>Alienated</u>
Grand total	189,621	4,054	169,960	33	15,574 <sup>1/</sup>
Forest	173,785	3,825	169,960	--	--
Other	15,836	229	--	33	15,574

Table 20

INDIAN AND NON-INDIAN USE OF LAND  
ON THE QUINULT RESERVATION, BY OWNERSHIP  
December 31, 1955  
(Acres)

	<u>Total</u>	<u>Tribal</u>	<u>Allotted</u>	<u>Government</u>	<u>Alienated</u>
Total land	189,621	4,054	169,960	33	15,574
Indian use (not measurable)			--	--	--
Non-Indian use	262	229	--	33	--
Not used	189,359 <sup>2/</sup>	3,829	169,960	--	15,574

There is considerable confusion as to who owns the tribal lands.

Under present operations the Tribal Council represents only those who reside on the reservation--fewer than 20 percent of the Quinaults. The income from tribal property is distributed among only those residing on the reservation.

<sup>1/</sup> Breakdown of alienated land not available.

<sup>2/</sup> Virtually all forest land is either not in use or is used by non-Indians.

In addition to Quinaults, some members of the following tribes have allotted land on the Quinault Reservation:

Chinook	Queets
Cowlitz	Quileutes
Hoh (Quileutes)	Shoalwater
Humptulips	Squaxin Island

The status of these Indians with reference to Quinault tribal lands, income, and tribal activities is not clear.

#### Tribal Income and Expenditures

Tribal income is derived from interest on United States Treasury funds, tribal property leases, hunting and fishing permits, and fish tax. While timber sales did not provide tribal income during 1953, 1954, and 1955, large sales have been made in the past from which \$35,000 remains on deposit in the United States Treasury.

The annual tribal budget averages about \$15,000. There are no expenditures for health or welfare programs.

#### Employment and Educational Opportunities and Problems

The opportunities for employment are considered adequate to provide income for all who want to work on or near the reservation. Local industries which employ Indians include shingle and shake mills, lumber mills, logging, canneries, sawmills, and plywood and pulp mills.

Indians are accepted on an individual qualification basis without discrimination; lack of training is the only consistent obstacle to employment. Because of payments from the sale of timber, many

individuals do not feel the need to work. There are no programs designed to promote employment among the Indians.

Educational opportunities are provided at Grays Harbor in the form of adult education classes; the local high school has the usual shops. No significant number of Quinault Indians are enrolled in adult classes.