

# Tangled Nets

---

## Treaty Rights and Tribal Identities at Celilo Falls

**O**N A HOT JULY DAY IN 1941, Yakama tribal members Henry Charley and Pete Soctillo opened a soda-pop stand on Chief's Island, one of the prime fishing locations at Celilo Falls. No one could fault their business instincts. Fishermen grew thirsty on the shadeless rocks and scaffolds, despite the spray from the thundering Columbia River, and many would gladly pay for a cold soft drink. The stand caused an uproar, however, because the budding entrepreneurs failed to ask permission of Tommy Thompson, the local headman and salmon chief responsible for regulating the fishery. Thompson immediately complained to the Yakama agency. "I don't want these Yakima people to put out such stands on Chief's Island without notifying me," he declared. "I'm living there at Celilo — just barely getting along, and short of money sometimes — because too many people come there to fish."<sup>1</sup> Speaking in support of his fellow river chief, William Yallup of Rock Creek voiced concerns that went far beyond the concessions stand:

Whatever Indians come around here from different reservations, these Indians just call us down. Whatever we tell them they won't listen. . . . Our two sons live right there and it seems to me they ought to have more to say than any one else, and whatever we say about fishing rights it is all for their own good. I don't like to have anybody come from some other place and talk against them — I don't like to hear that. . . . we never entered reservations — just stayed on the river where we have our fishing rights. We are going to hold that place as long as we live. We [are] staying right there until we pass away.<sup>2</sup>

Soda pop seems an unlikely trigger for such an eloquent fountain of words, but by the 1940s pressure at Celilo had built to the point that the slight-



*Although conditions at the falls changed significantly in the century following the 1855 treaties, the tribal fishery there had existed for some ten thousand years when The Dalles Dam flooded it in 1957. The loss of Celilo — shown here in about 1956–1957 — still grieves many Plateau Indians today.*

est disturbance could set off a noisy stream of recrimination rivaling the roar of the falls itself.

The turbulence on the river stemmed from decades of mounting conflict and frustration. Between 1887 and 1942, the federal government filed four lawsuits defending the off-reservation fishing rights of mid-Columbia Indians against white encroachment and state interference. The Indians prevailed each time, yet the controversy only grew as the salmon runs dwindled. Among Native people, the fight to preserve their rights underscored the importance of tribal membership. Litigation made it clear that the government construed off-reservation fishing as a tribal right, to be either surrendered or secured by the confederations named in the treaties. Federal officials dealt primarily with reservation leaders and



*This map of Celilo Falls fishing grounds shows sites named by James Selam, a former resident of the village of Skin. At Celilo and other tribal fisheries on the Columbia River, specific sites traditionally belonged to individuals and families who granted permission for others to use them. "All these usual custom fishing places and rocks have names," Chief Tommy Thompson said in 1945, "and I know all of them."*

treated fishing sites as tribal property, practices that clashed with indigenous traditions of village autonomy and family ownership of resource sites. Thus, even as the courts upheld treaty rights and encouraged tribal unity, they also set up conflicts between the federally recognized tribes and the off-reservation communities near the fisheries. At Celilo Falls, the tension between river-dwelling “home folk” and reservation “comers” accelerated the development of a distinct Columbia River Indian identity. Threatened by a growing army of “outsiders,” river residents increasingly defined themselves in opposition to recognized groups and attempted to mobilize as a separate political body. Although they never fully emerged from the shadow of the recognized tribes, Columbia River Indians became a vocal and visible presence in Plateau society.

The story of the River Indians’ struggle to maintain a foothold at Celilo reveals an interesting but virtually unexplored dimension of the Northwest Indian fishing-rights controversy. Historians and legal scholars have writ-

ten extensively about the conflicting state and tribal interpretations of the pivotal phrase “to fish in common,” which produced confrontations on the water and in the courts for the better part of a century. The attention devoted to these events is well deserved, especially considering their vital contributions to the cause of tribal sovereignty and the development of the “Red Power” movement in the 1960s.<sup>3</sup> The conventional focus on state-tribal disputes, however, has largely overshadowed the complex politics within and between Indian tribes, while the emphasis on pan-Indian identity has obscured the fact that treaty rights could divide as well as unite Native people.

On the Middle Columbia River, the commercialization of salmon and the resulting crush of newcomers initiated a heated debate among Indians over the nature of treaty rights and the question of who possesses them. The Celilo Fish Committee (CFC), established in 1935, provided an intertribal forum through which Indians tried to reconcile indigenous customs with the terms of the treaties and the demands of a changing world. By examining tensions within the CFC during its first decade, this essay illustrates how contested notions of race and indigenous identity shaped the controversy over Northwest Indian fishing rights. What emerges is not a simple tale of Indians versus whites but an intricate history of shifting alliances among an array of competing users. At Celilo Falls, where an ever-growing gauntlet of nets swept the current, fishing rights became tangled in a confusing web of racial, tribal, and residential affiliations.

**T**HE SALMON CAUGHT AT Wayam had sustained life and shaped culture in the rain shadow of the Cascade Mountains for at least ten thousand years before the arrival of Euro-Americans. Traditionally, the waters of the Columbia united rather than divided human populations, and mutual dependence forged a common human bond to *nch'i-wána* (“the big river”) that belied its later use as a boundary between tribes, between territories, and between states. In the ten-mile reach between The Dalles and Celilo Falls, where the constricted current forced the migrating fish into eddies and narrow channels, Indians from across the region gathered to trade for salmon and other valued commodities. *Núsux* (salmon) tied people to each other and linked them all to the river. Those who lived closest to the Columbia were known in the Sahaptin language as *wanapam* or *wanałáma*, “people of the river,” a name that denotes a spiritual connection as well as a spatial relationship. “All our traditional values are along the Columbia River,” explained Johnny

Jackson, a current leader of the River People. To them, fishing rights remain more than just a means of subsistence; they are an integral part of cultural and religious practices that define what it means to be Indian.<sup>4</sup>

Before the treaties, kinship structured access to the prime fisheries of the Middle Columbia. Although each village claimed its own fishing grounds, specific sites belonged to individuals and families who knew them by names such as *šwáyč'aš* (long pole) and *qíyakawas* (gaffing place). The rights to a particular cliff, rock, island, or scaffold descended through inheritance, and the owners had to grant permission for others to use it. Fishing rights thus created a major incentive to marry outside one's village, as a person could thereby acquire rights to several sites across a wide area. Relatives took priority over strangers at the fisheries, but few visitors went away empty-handed. "[I]f the visiting Indians did not have anything to trade for fish," explained Tommy Thompson in 1942, "the local people would either give them some of their own supply or else they would lend them the necessary equipment and permit them to catch all the fish they needed from one of the established fishing stations belonging to the local people." This system of generalized reciprocity provided security for all while preserving local prerogatives. In the early twentieth century, however, the pressures of Euro-American colonization would strain traditional arrangements to the breaking point.<sup>5</sup>

The treaties of 1855 heralded the arrival of a new order on the Columbia Plateau. In order to gain title to Indian lands and remove the inhabitants to reservations, the United States government had to identify the signatory "tribes," define their various territories, and select the proper "head chiefs" with whom to negotiate. This process, driven by political expediency rather than aboriginal reality, required the radical modification of Native institutions. On the Plateau, winter villages formed the largest political units in a regional social network bound together by shared territory, cultural affinity, economic exchange, and extensive intermarriage. Family ties crisscrossed the area, bridging both geographic barriers and linguistic boundaries, and people moved in and out of different social groupings throughout the year. In this world of interconnected communities, individual Indians had multiple associations and multifaceted identities that complicated attempts to categorize them. Using pieces of the aboriginal pattern, federal officials partitioned the Plateau into ceded areas and grouped its inhabitants into one of several confederated tribes. Most of those living north and west of the Columbia River became members of the Yakama Nation, while those living south of the river merged into either the Confederated Tribes of Warm Springs or the Confeder-



*The combination of strong currents, heavy fish, and slippery scaffolds at Celilo Falls caused more than a few people to fall into the Columbia. Accordingly, the Celilo Fish Committee required that all fishers, such as this man who is using a hoop net to pull a salmon from the “Cul-de-sac” area at the falls, tie a rope around their waists to prevent drowning. If someone died in the river, tradition prescribed that fishing must cease for the day.*

ated Tribes of the Umatilla. At least on paper, the treaty commissioners arbitrarily broke up kinship networks, reassigned political loyalties, and restructured group rights. In doing so, they attempted to create a system the government could comprehend and control, but they also sowed the seeds of future strife.<sup>6</sup>

While the treaties did not give the Indians special privileges, as critics later claimed, the language of the documents reconfigured existing rights in subtle yet significant ways. Like the treaties on Puget Sound, which the treaty commissioners used as a model, all the Plateau agreements contained a virtually identical version of the following article:

The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them; together with the privileges of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.<sup>7</sup>

By vesting subsistence rights in the confederated tribes and bands, this clause transformed individual and familial rights into tribal possessions. At the same time, it raised the prospect of competition from American citizens and introduced a false distinction between permanent “rights” and temporary “privileges.” The treaty commissioners foresaw the continuance of fishing at traditional sites but presumed that the Indians would abandon their other off-reservation activities as assimilation proceeded and whites filled the surrounding country. Native representatives had different expectations, however, and they left the councils with a different understanding of their reserved rights.<sup>8</sup>

As members of an oral culture, tribal leaders absorbed the verbal explanations of the treaty terms rather than the words written in the official documents. They did not recognize the legalistic difference between rights and privileges, and the commissioners made no such distinction in their descriptions of the “fishing clause.”<sup>9</sup> Insofar as the Indians understood the phrase “in common with the whites,” they probably expected to exercise control over American citizens at the fisheries. They certainly never anticipated the usurpation of their traditional sites or the imposition of federal, state, and tribal laws on a system regulated by custom and kinship. “The way we understood, the white man wouldn’t have any use for salmon, the berries and the roots,” stated John Skannowa, a descendant of the Wasco signatory Koshkeelah, “the white man wouldn’t eat that and didn’t know what that food was. . . . Joel Palmer indicated that there would be no interference with the Indians’ fishing rights at all; that the white men just weren’t interested in fishing.”<sup>10</sup>

The right to obtain food at usual and accustomed places implied the freedom to stay off the reservation for extended periods of time. Even after the advent of agriculture in the 1850s, most Plateau families spent six to eight months of the year engaged in a seasonal round of fishing, gathering, hunting, and wage work. The treaties ensured their ability to pursue this lifestyle, and the Indians saw no conflict between ceding their territory and continuing to use it. The one was unthinkable without the other. As Skannowa explained in 1944, his people believed that the treaties safeguarded “the right to secure hunting grounds, berries and roots



*Although identified by the photographer in about 1900 as Warm Springs Indians, this family, who lived near Celilo, was part of a substantial population that refused to settle or stay on the reservations. Many of them came to identify themselves as Columbia River Indians, or River People, based on their shared heritage of connection to the river, resistance to the reservation system, adherence to cultural traditions, and relative detachment from the institutions of federal control and tribal governance.*

and fishing along the Columbia River, which should remain all the time after that. Indians who were removed to reservations would be allowed to come back to the Columbia River during [salmon] runs and would have all the River secured to them.” State and federal officials later challenged this construction of the agreements, but it survived in Native oral tradition and inspired resistance to the reservation policy.<sup>11</sup>

Some Indians assumed that the treaty terms gave them license to avoid the reservation entirely. Noting the difficulty of accurate translation at the councils, ethnographer Eugene Hunn has argued that “the treaties were not understood as prohibiting continued residence at or adjacent to [the] Columbia River fisheries.” The fishing clause allowed Indians to erect “temporary buildings” or “suitable houses” for curing salmon. In Hunn’s opinion, these words probably translated into the Sahaptin language as “house” (*niit*) or “dwelling” (*nišáykt*) rather than as “fish drying shed” (*tyáwtaaš*).<sup>12</sup> Since families often hung fish in their homes, the distinction between the two structures seems blurry indeed. Johnny Jackson has always believed what his ancestors told him: “We never moved because when the treaties were signed by chief Slockish at Walla Walla we reserved the right to live at our usual and accustomed sites along the river. These sites were reserved because they hold all of our religious sacred sites, cemeteries, gathering sites, fishing sites and where we have always maintained our livelihood.” Anthropologists, historians, and lawyers continue to debate the value and veracity of such oral traditions. Among contemporary Columbia River Indians, however, what the “old people” said still informs their understanding of the treaties.<sup>13</sup>

**W**HATEVER THEIR REASONS, Indians who stayed on the river gradually developed a sense of difference and independence from the agency-based tribes. Although some took allotments on the reservations and thereby became enrolled tribal members, many used the Indian homestead laws and a special clause of the Dawes Act to select land from the public domain. The government hoped that these off-reservation plots would help assimilate the Indians into mainstream society; instead, they partially shielded their owners from the coercive “Americanization” policies that dominated reservation life through the 1920s. While Columbia River Indians continued to interact regularly with reservation residents, they generally had little contact with agency authorities. This lack of supervision encouraged self-sufficiency and aided in the retention of language and culture, which gave the River People a reputation as “traditionalists.”



*Fishwheels — such as the Taffe fishwheel shown here in 1945 behind a group of Indian fishers at Celilo — became a major source of competition and frustration for Native fishers in the late nineteenth century. Several fishwheel owners attempted to prevent Indians from using their usual and accustomed sites, prompting three federal court cases between 1887 and 1919. After Oregon and Washington banned wheels in the early twentieth century, salmon canneries relied more heavily on Native fishers.*

At the same time, however, isolation and neglect accentuated feelings of resentment toward the Office of Indian Affairs (OIA) and the tribal councils. These conflicted sentiments added to the confusion caused by shifting administrative jurisdictions and crisscrossing ties to the confederated tribes. Passed from agency to agency and often treated as “outsiders,” Columbia River Indians began to believe that neither the OIA nor the tribes adequately represented their interests.<sup>14</sup>

Even so, the River People often turned to their nominal guardians for help in defending the fisheries against a growing stream of non-Indian



*Nancy Jim and Hannah Sohappy are shown here preparing fish for the annual first-salmon feast at Celilo Village in 1940. This ceremony, still conducted every April, expresses gratitude to the Creator and shows respect for the sacrifices of the salmon. It also serves as a traditional conservation measure, because the general fishing season cannot start until the feast has been held and the bones of the first salmon are returned to the river.*

intruders. Starting in the mid-1860s, the application of industrial processing and canning techniques transformed the abundant salmon runs of the Columbia into a lucrative commodity. While canneries proliferated downstream, the remote location and swift currents of the middle river initially shielded local Indians from direct competition with Euro-American fishers. In 1879, however, the introduction of fishwheels to the Columbia River made it possible to catch salmon in the upstream rapids, where traps, seines, and gillnets could not function. These gargantuan contraptions, fixed to the bank or attached to scows, could scoop fish from the river with shocking efficiency. When the Northern Pacific Railroad reached The Dalles in 1883, processors rushed to establish operations at

or near traditional Indian fisheries. By 1900, five canneries and dozens of wheels lined the river between the Cascade rapids and Celilo Falls.<sup>15</sup>

Conflict erupted immediately as the newcomers shoved aside Native dipnetters and blasted channels for fishwheels. Although some Indians would soon earn money selling salmon to the packers, most still depended on fishing for subsistence and deeply resented the theft of their ancient, treaty-reserved fishing grounds. Prior to the advent of canneries, some Indians had allowed local farmers to use aboriginal sites to obtain small supplies of salted salmon. Such visitors only stayed a few hours, however, and they typically rented nets from Native owners. The sites themselves remained in Indian hands and subject to traditional regulation. As Yakama agent James Wilbur explained in 1881:

The Indians have always regarded these fishing stands as their own property, as much as the house or barn of any citizen; they never contemplated giving the whites the privilege of taking possession of them, but I believe when they signed the treaty supposed they were only giving the whites the privilege of taking fish at the fishery, from other stands.<sup>16</sup>

This culturally grounded and legally sound interpretation of the phrase “in common” held no water with white competitors, who read the treaty language to mean that they had equal standing at the tribal fisheries. They also assumed that Euro-American concepts of property ownership trumped whatever claims the Indians might have to their “usual and accustomed places.” Accordingly, once individual citizens and corporations had homesteaded or purchased land adjoining the fisheries, they often tried to block Native access to the river.

Those efforts produced three federal court decisions upholding tribal treaty rights: *U.S. v. Taylor* (1887), *U.S. v. Winans* (1905), and *U.S. v. Seufert* (1919). In each case, a fishwheel owner attempted to prevent Indians affiliated with the Yakama Nation from fishing at their usual and accustomed places. The tribes won every round, but the rulings reinforced the construction of treaty rights as tribal rights and left open the door to state regulation of off-reservation fishing. Oregon and Washington stepped through this door in the 1880s, when salmon populations in the Northwest began a prolonged decline due to rampant over-harvesting and the destruction of spawning habitat by logging, grazing, and irrigation projects. In response, the states passed conservation laws that limited when, where, and how people could fish. Although Native Americans were not the only user group to experience restrictions, many regulations singled out Indian methods and unfairly burdened subsistence fishers. In

1915, Washington implemented its first fisheries code forbidding certain traditional techniques such as spearing and snaring. The following year, the state Supreme Court ruled against two tribal fishermen convicted of fishing with illegal gear and without state licenses. The Indian Office urged an appeal of these decisions, which encouraged a crackdown on off-reservation fishing, but the Interior Department declined to challenge state authority. Sixty more years would pass before the courts settled the issue in favor of the tribes.<sup>17</sup>

Meanwhile, declining salmon runs and increasing competition may have encouraged the appointment of a special “salmon chief” at Celilo Falls. The antiquity of this title is unclear. Anthropologists consider it a modern creation, while Indians generally insist on earlier origins. Howard Jim, the current chief of Celilo Village, maintains that the position has existed “from the time beginning, no one knows how long ago it was, but as long as it has been in existence the fishing was always regulated by the chief. . . .” By the early 1900s, when Tommy Thompson assumed the role, it had become a hereditary post with rights and responsibilities widely recognized among River People. The salmon chief determined the length of the fishing seasons and decided when fishing should cease for the purposes of escapement or for ritual reasons such as drownings and funerals. Along with the first salmon feast, a religious ceremony that prescribes the start of each season, these regulations effectively moderated harvests and conserved the resource on which so many relied. In addition, claimed Thompson, the salmon chief “was the one who would say who should use a place when there was no one in the family to whom it had belonged capable of making use of it and that the decision of the Chief was final and respected by all the other Indians.” Simultaneously secular and spiritual, his judgments ensured the smooth functioning of the fishery in accordance with indigenous customs and the laws of the Creator. The salmon chief’s authority depended on the voluntary belief and obedience of others, however, and it soon faced a withering series of economic, ecological, and political challenges.<sup>18</sup>

Seufert Brothers Company, the largest packing operation on the middle river, had a large hand in the worsening situation at Celilo Falls. After Oregon outlawed stationary fishwheels in 1926 (followed by Washington in 1934), Seufert’s relied more heavily on Native labor to supply its canneries. In 1930, the company built the first of several cableways connecting the Oregon shore to various islands in the channel. By climbing into the fish box, Indians could ride to their stands high above the roaring waters instead of braving the current in a boat. Company buyers greeted them



*Charlie Stalemeti, Ike Owhi (Old Man Ike), and Albert Spordi listen to proceedings in U.S. v. Brookfield Fisheries in January 1933. The federal government brought the suit against the white-owned company to determine ownership of páčpaš, a narrow channel at Celilo Falls where Indians claimed several high-water fishing sites. Stalemeti, Owhi, and Spordi were among thirty Native witnesses, including Tommy Thompson and William Yallup, who testified that Brookfield Fisheries had wrongfully blocked Indian access to the channel.*

on the return trip with the expectation that they would sell their catch to Seufert's or the Columbia River Packers Association, which often rented the cables during the fall season. This system attracted a growing number of newcomers to Celilo. Most were local reservation residents drawn by the lure of ready cash or forced from their traditional sites by the damming of tributary streams such as the Yakima and Umatilla. Other Indians from as far away as Alaska and Montana joined a throng of non-Indians seeking seasonal work or relief from the Great Depression. Arriving by rail and on the recently completed state highway, which also carried competing fish buyers to the falls, the newcomers generally knew little and cared less about the intricate social geography of Celilo. They shouldered their way into the fishery — at times displacing traditional owners — and packers paid them the going rate. The resulting conflicts pitted visitors against

residents, tribal rights against local prerogatives, and the practices of the modern marketplace against the customs of the aboriginal fishery.<sup>19</sup>

Once again, a chorus of complaints drew the Indian Office's attention to the river, stirring the usual mixture of concern and irritation among federal officials. While agency superintendents recognized the economic and cultural importance of salmon to the tribes, they soon grew tired of the endless wrangling at Celilo Falls. "At these fishing grounds there are not enough pools, rocks and rapids to go around to all the Indians who want to fish," noted the Umatilla agent in 1931. "Among themselves they regulate the time any one person may occupy a choice location and take their 'turn' at fishing. That many quarrels arise may be guessed. . . . Often the superintendent must play the part of umpire." That role required long road trips and rarely secured lasting settlements, since agents lacked the cultural knowledge and neutral status necessary to arbitrate intertribal fishing disputes. Eager to ease their burden of responsibility, the agency superintendents revived their long-standing request for a permanent sub-agency on the Columbia River. In 1934, the year Congress passed the Indian Reorganization Act, they further suggested "that a committee of tribal representatives from Yakima, Umatilla and Warm Springs be appointed by the tribal council[s] to act on a general council at Celilo to settle local disputes." This proposal dovetailed with the federal government's recent shift toward support of self-determination in Indian affairs, and the tribes had to vote in favor of the idea before any action could be taken. They did so in 1935, despite some grumbling by the local Indians and the Yakama council. Like the tribal constitutions created under the IRA, however, the actual committee reflected American bureaucratic institutions more than it did aboriginal practices. Consequently, it never garnered the complete confidence and trust of many Columbia River Indians.<sup>20</sup>

According to bylaws adopted in 1936, the Celilo Fish Committee served as the governing body of a larger intertribal association, which framed its purpose in a preamble similar to that of the U.S. Constitution:

We, the Indian fishermen of the Columbia River, in Oregon and Washington, in order to establish a responsible and effective organization to promote our general welfare; to protect and perpetuate our fishing rights reserved under the terms of our treaties; to conserve and develop the salmon runs in the Columbia River, for the benefit of ourselves and our children; and to empower us to take a greater and more responsible part in carrying out these aims, do ordain and establish these articles of affiliation, to be known as "The Affiliation of Indian Fishermen of the Columbia River."<sup>21</sup>

Article I identified seven specific objectives, the first of which was "to establish a form of local rule that shall protect the interests and rights



*Before Seufert Brothers Company installed the first cableway at Celilo Falls in 1930, fishers reached their stations by canoe. The new aerial routes helped attract a horde of newcomers to the falls during and after the Great Depression. This 1951 photograph shows a fisher using a motorized cableway between the Oregon shore and the islands at the falls.*

of individual Indian fishermen, and that shall embrace in so far [sic] as is practicable, Indian customs and methods traditionally used in the administration of Indian fisheries.”<sup>22</sup> Article II outlined the affiliation’s jurisdiction, which included all customary fishing sites from the John Day River to Cascade Locks. Article III listed the criteria for membership. Significantly, though agency officials had envisioned an organization run by and for the recognized tribes, the affiliation gave equal standing to “the Indians known as the Columbia River Indians, who have always resided on the Columbia River, and who are not enrolled at any reservation.” Made at the insistence of River Indian leaders, who had initially opposed the committee, this concession recognized their people’s distinct interests and divergent group identity. Regardless of what the treaties said, they were not content to let the tribal councils alone decide the fate of their usual and accustomed fishing places.<sup>23</sup>

The composition of the Celilo Fish Committee reflected the independent mind-set of the Columbia River Indians. Article IV of the bylaws stated that the committee would be comprised of three representatives each from the three mid-Columbia reservations plus two from Celilo and one from the village of Rock Creek east of Goldendale, Washington. The tribal councils appointed their delegates; those from the non-reservation communities were chosen by the traditional chiefs Tommy Thompson and William Yallup. Together, the twelve committee members exercised “the ultimate responsibility of forming policies, programs, rules, regulations and procedures governing the fishing interests and activities of the Indian fishermen, and of administering the community property.” The powers of enforcement and dispute arbitration, however, lay with a separate board of administration composed of one member from each reservation and the headman of Celilo Village, who served as the board’s permanent chairman. This provision represented an attempt to harmonize the CFC’s power with that of the traditional salmon chief, but Tommy Thompson never warmed to the arrangement. He had been the salmon chief since 1908, and he believed that the committee should uphold his authority, not the other way around. From its inception, then, the CFC embodied the persistent tension between tribal management and local control.<sup>24</sup>

**T**HE CELILO FISH COMMITTEE also exhibited the growing friction between and within its constituent groups, and the committee itself soon became a source of controversy. At a meeting in September 1939, Umatilla delegate Andrew Barnhart charged that the Yakama tribe actually had six representatives on the CFC because the members from Celilo and Rock Creek had enrolled on that reservation. Of the men in question, at least one had good reason to laugh at the notion that enrollment determined personal loyalties. Henry Thompson, a Celilo delegate, shared his father’s special antipathy toward the Yakama and frequently complained of the tribe’s undue influence at the falls. The allegation of bias never faded, however, and it eventually produced demands for a complete reorganization of the committee. Meanwhile, Indians living in river communities other than Celilo and Rock Creek complained that the CFC neglected their concerns because they had no seats on it. Early in 1939, residents of Spearfish (formerly Wishram) organized their own committee to handle fishing issues. During an April session, Otis Shilow lashed out at Tommy Thompson, saying “it seems apparently unfair to have a chief who is narrow-minded and looks out for his own interests.” Although the CFC acknowledged the Spearfish



*As the headman from Rock Creek and the descendant of a Yakama treaty signer, Chief William Yallup (left) spent much of his life defending the rights and resources upon which his people depended for survival. His son, Thomas (right), periodically served as the village's representative on the Celilo Fish Committee. Chief Yallup and his family were photographed in Spokane, Washington, for the National Indian Congress in 1925. Although women enjoyed relative social equality in Plateau Indian culture, the photographer neglected to record the name of Yallup's wife.*

Committee as an intermediary, Shilow thought it “vitaly important” that Spearfish have a separate representative. “Is it proper to have a dictator or a head man or chief at Celilo,” he asked rhetorically. “What’s wrong with the Celilo Committee and its power?” Group solidarity remained elusive even among Columbia River Indians.<sup>25</sup>

If committee members agreed on anything, it was that whites, mixed-bloods, and non-treaty Indians had inferior rights at Celilo Falls. Defending their interpretation of the phrase “in common with the citizens of the territory,” Native fishers maintained that the treaties guaranteed them an

*exclusive* right to their usual and accustomed places. Whites had to fish elsewhere. At a meeting in June 1941, Andrew Barnhart went so far as to claim that the government had added the words “in common” after the treaties were signed.<sup>26</sup> He also voiced widespread concerns about the presence of mixed-bloods at the fisheries, further exposing the connection between racial concepts and legal rights:

. . . soon blue-eyed Indians will be fishing at Celilo altogether. It wouldn't be so bad if it were the children of these Frenchmen living on the reservation to whom allotments were given, but the white man is in question — white men who married these French women — their children are molesting us Indians.<sup>27</sup>

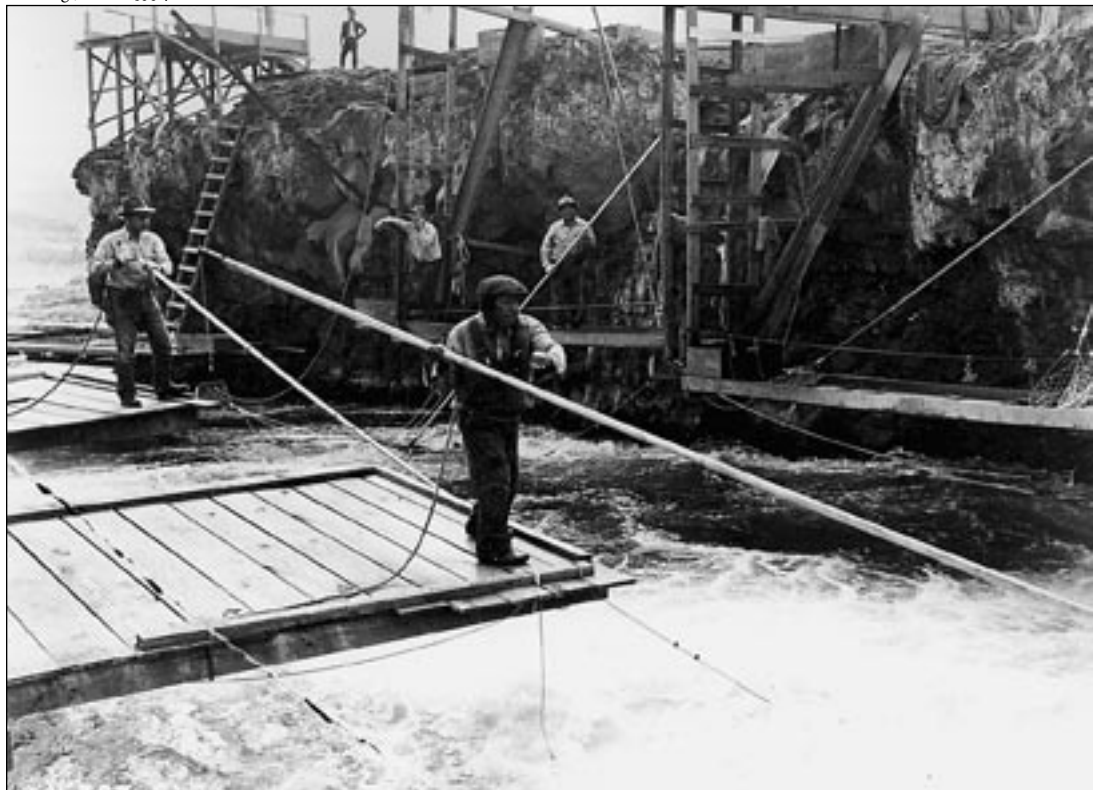
Although two committee members walked out during his remarks, perhaps showing their discomfort with such exclusionary language, the majority of those present shared his attitude toward “breeds.” “I do not do any fishing myself,” declared Yakama delegate Thomas K. Yallup, “but [I] have been here many years and have never seen mixed bloods fish here in the old days. But now that they do fish here, they should take their places [in] back of the full bloods. . . .” When agency officials explained that enrolled mixed-bloods had the same fishing rights as full-bloods, Henry Charley demanded to know who had given them such standing. “I believe they ought not to give the same privileges like the full bloods have,” he said. His logic, though legally indefensible, bore the stamp of federal identification policy. In a world defined by blood quantum requirements, mixed-bloods seemed less Indian and therefore less entitled to a place at the fishery.<sup>28</sup>

Yet the racial barrier was not insurmountable. Some tribal leaders had mixed ancestry, too, and they objected to the racialized rhetoric of CFC members. As Yakama councilman Jacob Yahyowan observed in 1945, “Keeping half-breeds out means myself.” Instead of attacking fellow tribal members, he urged: “We should hold our rights on [the] river and keep outside Indians from interfering [with] our rights or limit their fish.” To him, blood quantum mattered less than legal affiliation with one of the treaty tribes. For others, community recognition outweighed both racial and tribal considerations. In 1941, the residents of Celilo Village adopted a non-Indian named Jim Dyer, who worked for the U.S. Army Corps of Engineers as the gatekeeper on The Dalles–Celilo Canal. The man they called “Wild Horse” claimed no Native ancestry except “Mohawk or maybe Shawnee,” but the Indian Office approved his adoption and the villagers allowed him to fish. Later, when the CFC questioned Dyer’s right to do so, Henry Charley emphatically stated that he “was entitled to all of the

privileges any other member of the band possessed.” What distinguished Dyer from other whites was not his dubious Indian heritage but rather his relationship to the resident Indian community. Strangers, regardless of their color, had no business fishing at Celilo.<sup>29</sup>

The “outside Indians” that Yahyowan referred to stood on the right side of the racial divide but the wrong side of the law. With some exceptions, they possessed neither treaty rights nor family rights at Celilo Falls. They were opportunists, attracted by the commercial prospects at the fishery, and their presence irritated the CFC almost as much as the intrusion of whites. One of the committee’s first resolutions in 1935 barred two Flathead Indians, P.B. Finley and George Pachite, from fishing at any usual and accustomed place. Finley claimed the right to fish at Celilo because he had married a Yakama woman and had bought a house for their children in the village. His children never lived in the home, however, and he later separated from his first wife to marry a Nez Perce woman. In 1939, the CFC renewed its resolution and passed another one requiring every fisherman to carry an identification card certifying his enrollment in a treaty tribe. Many unenrolled Columbia River Indians disliked the program, though, and it floundered because of legal concerns and slack enforcement. Failure did not deter the CFC from making fresh resolutions, however. In 1941, the committee drafted a measure excluding from Celilo fishers of less than one-half Indian blood, which Tommy Thompson amended to bar “the Idaho Indians from custom fishing rocks.” When one of those Indians objected, Umatilla delegate Johnson Chapman snapped: “You heard the Chief — he don’t want the Idahos to fish here.” Through it all, Finley continued to catch salmon at the falls.<sup>30</sup>

Finley’s defiance highlighted the CFC’s central weakness: long on talk, it lacked effective means to punish those who defied its resolutions. When Chief Thompson placed locks on cableways or confiscated fish from offenders, they complained to the Indian Office. Agency officials often sided with the CFC, but tribal courts and police officers had no power off the reservations. State authorities, while eager to prosecute Indians who violated fish and game laws, cared little about ownership disputes unless they caused violence or property damage. That left only Congress and the federal courts to back the CFC with legal muscle. In 1939, the Indian Office finally appointed a field aide, Clarence G. Davis, to oversee the affairs of Columbia River Indians. He joined the agency superintendents in exploring the possibility of enforcing committee regulations through existing federal statutes. After a thorough investigation, the U.S. district attorney reported that there were no current laws under which the CFC



*Many whites, such as the man in the left foreground shown dipnetting in the channel between Chief's Island and Standing Island, began fishing at Celilo during the 1930s and 1940s. The Office of Indian Affairs filed several lawsuits to evict them, but non-Indian interlopers remained a problem for Native fishers right up until the inundation of the falls.*

could pursue violators. Yakama superintendent M.A. Johnson saw only two alternatives, “either to secure adequate legislation through Congress to provide for the enforcement of the Fish Committee’s rules and regulations . . . or frankly admit that the Fish Committee is an impotent organization without power or authority.”<sup>31</sup>

Some non-Indians had already reached that conclusion. Since the early 1930s, the Indian Office had struggled without success to dislodge a number of white squatters. The Celilo Fish Committee did not frighten them, as OIA employee W.R. Sheldon discovered in 1938 when he investigated Indian complaints against the Cramer brothers. According to Native witnesses, the Cramers had erected a cement wall behind their fishing place to prevent water from spilling over their scaffold. The barrier enabled them to reach their site earlier in the season but also diverted the current in such a way that it delayed nearby fishers for two or three weeks. Furthermore,

the Indians alleged, the Cramers had gradually expanded their operations to take over the entire rock where they fished. When Sheldon confronted them, “their attitude, especially at first, was one of bullying or bluffing the matter through.” In addition to denying that the wall did any harm, they declared that the state of Oregon had given them permission to fish there and that the real trouble “was caused by various Superintendents failing to keep the Indians within the confines of the Reservations.” Sheldon ended the discussion with the stern warning that the Cramers would hear from the district attorney. Ten years and one lawsuit later, whites who fished at Celilo were still tussling with their neighbors and thumbing their noses at the CFC.<sup>32</sup>

**E**VEN TREATY INDIANS disobeyed the committee at times. Younger people often ignored traditional strictures against fishing at night or after drowning deaths, which they deemed silly superstitions, while others succumbed to greed or served as the agents of meddling whites. All of these factors played into the case of the Albert brothers. In the fall of 1939 a dispute erupted over the ownership of fishing sites on Little Ateem Island. At the center of the controversy stood Isaac and Thomas Albert, young Yakama enrollees who had started the Portland Fish Company along with two Native partners. Acting on the advice of a Seufert cannery employee, the Portland Fish Company installed cableways to Little Ateem but denied access to non-members and even destroyed their competitors’ scaffolds. The Celilo Fish Committee revoked its earlier approval of the cables, but the Alberts defied the order and refused to attend any meetings. Emboldened by the Seufert Company, which purchased their salmon, they also shrugged off a scolding letter from U.S. District Attorney Carl C. Donough. “Under the law,” Donough told the Alberts, “any one of the members of any one of the tribes has as much right to fish on the particular rocks that you fish on as you have. . . . I think that you should be loyal to your Yakima tribe and to the agreements that have been made on behalf of the Yakima people.” In 1940, the CFC endorsed this line of reasoning by voting to give all the claimants equal privileges on Little Ateem. The Alberts, threatened with exclusion if they failed to comply, grudgingly agreed to respect the rights of others and to heed Chief Thompson’s regulations.<sup>33</sup>

In spite of such victories, Thompson remained ambivalent about the Celilo Fish Committee. On the one hand, he needed the CFC to reinforce his flagging authority at the falls. On the other hand, the Committee partially usurped that authority and yet seemed unable to rein in renegade



*In the Columbia River Sahaptin dialect, atüim means “sound of the falls,” a reference to the location of Little Ateem Island on the lip of the great horseshoe falls at Celilo. Big Ateem and Little Ateem — pictured here in 1951 — became the site of controversy in 1939–1940 when the Albert brothers and their partners attempted to exclude other Indians from the islands.*

fishers. Thompson’s conflicted feelings and cantankerous character made him a gadfly to the CFC. Along with William Yallup, his cousin and counterpart on the Washington shore, Thompson tried to remain independent. The chiefs generally insisted on issuing their own statements and approving any agreements or resolutions made concerning Celilo Falls. In 1939, for example, they authorized the Albert brothers’ cableway “in our own right as Chiefs” several weeks before the CFC endorsed it. They also chastised committee members and agency officials for failing to enforce traditional regulations and control visiting Indians. “Quite a few boys from Yakima never obey tribal rule,” Thompson charged during the Albert controversy. “I try to tell them and advise them in good way, but they advise me ‘if you try kick me off I’ll go make my superintendent, Mr. Johnson at Yakima

and he'll tell me you can't do it.' I don't think it is good advice to tell his people come here and disregard rules here." If he had his druthers, the majority of them would not have come at all.<sup>34</sup>

The traditional chiefs and their supporters believed that resident Columbia River Indians should have priority at Celilo Falls. To make that case, they appealed to a sense of difference rooted in history, culture, and place. Their ancestors had stayed on the river instead of moving to the reservations. Some had never received allotments or collected tribal benefits. They preferred to live by what were called the "old ways," and they still depended on salmon for their subsistence as well their limited cash income. They dubbed themselves "home folk." Reservation residents, even those with definite rights at Celilo, were known as "comers."<sup>35</sup> The comers only visited the falls during the salmon runs and often ignored the traditions that governed the fishery. As Chief Thompson told the CFC in 1940:

I'm here as poor people [and] have no income like on Reservation — no rental — doing best I could. All that I want for is [to] support my family by fishing, and people who get Government help on Reservation come here to deprive me of my subsistence. . . . [They] have disregarded rulings here as formulated by Committee. Those so disobeying should be sent back to their Reservation.<sup>36</sup>

Thomas K. Yallup went a step further. At a 1944 meeting, he declared "that all River Indians had the preference on all locations and that it was only through good faith that they permitted other Indians to fish on any islands or locations." Such broad statements struck most agency officials as bullying and selfish. Only the new field aide, Clarence Davis, tried to view things from the River People's perspective. "By so doing," he wrote, "you can see that they have no real animosity for Yakimas or Umatillas or Warm Springs or Idaho or California Indians — only a desire that these Indians do not entirely deprive them of their living."<sup>37</sup>

The animosity of the River People seemed real enough to comers, however, and CFC meetings featured regular debate between defenders of individual ownership and advocates of collective rights. In 1942, for instance, Warm Springs delegate Isaac McKinley started an argument when he proclaimed that visiting fishers should respect the salmon chief and ask his permission to use traditional locations. "You must recognize the descendants of the older people that fish here," he insisted, "and you comers should not disturb." His speech was immediately endorsed by John Whiz, a Yakama enrollee living at Celilo, but other committee members objected to McKinley's posturing. "You must stay home and work on your farm, just like I do," chided Frank Winishut, a fellow Warm Springs

delegate. “I work; I never bother in fishing. . . . but I want to be fair. So let us drop all the hatred.”<sup>38</sup> Andrew Barnhart agreed that times had changed and the old ways no longer governed the fishery:

I was appointed a fish committeeman from my Umatilla Reservation to protect my tribal rights. I can remember the old people that fished here at Celilo — Wyam Indians. But the white man has come here and ruled your location as a tribal relation . . . this Committee will not determine one individual ownership to one location. But we must rule equal right.<sup>39</sup>

By the 1940s, many comers had embraced the tribal framework established in the treaties, reinforced through decades of litigation and backed by the Indian Office. For home folk and their reservation allies, however, treaty rights represented merely a legal umbrella beneath which traditional rules still applied. “I recognize the treaty relations,” replied CFC chairman Thomas K. Yallup, “*and* there is Celilo chief — he will tell you where you can fish, then you will claim ownership.”<sup>40</sup>

Both John Whiz and Isaac McKinley considered themselves home folk, which suggests that tribal identities remained flexible, layered, and contested. Although he was allotted and enrolled on the Yakama reservation, Whiz frequently represented Celilo on the CFC and joined Chief Thompson in criticizing Yakama behavior at the falls. McKinley also lashed out at comers, yet he lived on the Warm Springs reservation and nominally spoke for the interests of its fishermen. By presenting themselves as home folk, these individuals denied that tribal enrollment necessarily defined personal identity and group loyalty. Columbia River Indians accepted or rejected such claims depending on the particular issues and persons involved. In 1945, when the tribes began arguing over several public domain islands near Celilo, Chief Thompson strategically aligned himself with the people of Warm Springs against the Umatillas and Yakamas. Addressing a winter meeting at Simnasho on the Warm Springs reservation, he described the fishery as their mutual inheritance:

As long as I have lived, 80 years, I have been raised at Celilo. My people had lived there before me. . . . All of this time I did not know that Yakima and Umatilla Indians had any fishing places at Celilo. Neither did they have any drying sheds or living places there. The only people who had living places there were the Columbia River Indians, which includes the Warm Springs Indians, who were moved from the Columbia River many years ago.<sup>41</sup>

On other occasions, however, Thompson dismissed individual Warm Springs Indians as unwelcome comers. Three years before the speech at Simnasho, his son Henry accused Warm Springs member Andrew David

of tearing out his scaffold on Big Island and threatening to give him “a good beating up.” In separate statements, Chief Thompson and Chief Yallup demanded David’s return to the reservation on the grounds that he had no family rights at Celilo and no regard for the rules. At the falls, insider or outsider status hinged as much on personal conduct, family connection, and political interest as on the government’s rigid legal categories.<sup>42</sup>

In the David case, as in others, the chiefs submitted direct appeals to the Indian Office because they expected the government and the tribes to treat them as political equals. Columbia River Indians resented the assumption that the tribal councils could speak for them, and they worried that federal officials would neglect their interests. C.G. Davis recognized this defensiveness in 1939, when the U.S. Army Corps of Engineers began talks with the tribes regarding in-lieu fishing sites to replace those flooded by the recently completed Bonneville Dam.<sup>43</sup> He observed:

They feel that the residents of the River country havn’t [*sic*] properly been represented in dealings with the War Department — that the Yakimas, the Warm Springs and the Umatillas have been allowed to send in reports to War Department as to what those people want, but that the Indians from Rock Creek, Celilo, Wishram, Spearfish, Hood River, Underwood, etc. have had no chance to voice their wishes in the matter.<sup>44</sup>

This attitude surfaced again during discussions about acquiring additional property adjacent to Celilo Village. In 1929, the Indian Office had purchased 7.4 acres of trust land for the use of residents and visiting fishers. Thirteen years later, when tribal delegates and agency officials visited the site to consider expansion plans, CFC member and erstwhile soda-pop vendor Henry Charley alleged that they intended to “allow only certain representatives from the Agencies to speak, closing the meeting to others.” Charley’s enrollment status left him open to the charge that he was in fact a Yakama, as Tommy Thompson had described him the previous summer. Nevertheless, like many who deemed themselves home folk, he believed that the property belonged to the permanent residents of Celilo and that they should have more say in determining its future.<sup>45</sup>

Charley’s proprietary claim revealed the extent to which Columbia River Indians had come to see themselves as distinct from the recognized tribes. In effect, the people living at Celilo regarded the trust land as their reservation, although the Indian Office never classified it as such. While they hoped to expand the property to relieve the cramped and unsanitary conditions in the village, they resisted doing so if that entailed surrendering control to the tribes. In the early 1940s, River Indian leaders balked at

proposals to buy another 34.5 acres with tribal funds, which they assumed would give legal title to the tribes. As John Whiz protested to the CFC,

[the land] had been set aside for the residence and use of members of the Celilo tribe of Indians and Indians from the Columbia River district . . . the visitors from the reservation had no rights on this plot of ground, and if they wanted to purchase more ground for their camps that was alright, but that Columbia River Indians were to occupy the 7.4 acres without molestation by the Reservation Indians.<sup>46</sup>

Whiz withdrew his objection after the CFC chairman informed him that the tribes did not propose to exercise jurisdiction, but others were not so easily convinced. Fearing Yakama influence in particular, Chief Thompson requested a general appropriation from Congress to buy the land. Chief Yallup seconded the motion, stating that “whenever general funds are used in purchasing the land, then the land shall be for the benefit of everybody.” While the CFC still chose to use tribal money, the chiefs continued to press for a place of their own. In 1945, Thompson even wrote to the U.S. House of Representatives asking for a separate agency at Celilo with “a competent superintendent to administer it.” Despite some support from the existing agencies, his wish never came true.<sup>47</sup>

**T**HOMPSON’S FAILURE TO OBTAIN a land base did not deter Columbia River Indians from attempting to act as an independent political body. Even though many of their people had enrolled in one of the recognized tribes, the chiefs believed they could handle their own affairs. In the 1940s, John Whiz and other representatives made numerous visits to Portland and Salem to lobby state and federal agencies on behalf of the River People. After one such trip in March 1945, Whiz reported that the War Department had no record of any formal tribal leaders on the Columbia River. If the River People wanted to deal directly with the U.S. government, he said, “they would have to establish a record in Washington, D.C., and also in the State Courts, so that such Chiefs would have a standing and be recognized by Federal and State officials.”<sup>48</sup> Chief Yallup promptly called a council at Rock Creek and, in the presence of a notary public, issued a statement outlining his authority:

To you white people and my red people I am explaining this and asking my Government for the same power as if I live on the reservation. To be where I will be known by high Government Officials to speak for my people, and I have named my second Chief after me. I have [selected] the General Council of my Council [Men], who will be known by both the State and our Government as such. . . . Therefor [*sic*] I do



*Willie John Culpus, Henry Thompson, Tommy Thompson, and John Whiz met in Condon, Oregon, in February 1948. According to the local newspaper, the group announced the alliance of the Celilo and Rock Creek bands in opposition to outside interference at Celilo Falls. "Since the reservation Indians came to fish in common with us Columbia River Indians," declared Tommy Thompson, "I was the head man to set up the customs, rules and regulations which my people have approved."*

not want any reservation Indians or Council Man to take up any of my Important Matters without my approval.<sup>49</sup>

He was followed by Frank Slockish, identified as the "Chief of Klickitat River Indians, Columbia River Tribe," who linked his identity to a traditional way of life: "We are making our story of our food for our children to remember after us. And our children will carry on the way of living on this mother earth. . . . I am not living like reservation Indians. I don't have any cattle or sheep or any other stock." Chief Thompson wished to make a similar statement but decided to wait until more of the Wyams could be present. The chiefs and their councilmen did not represent all non-reservation Natives, by any means, but they embodied a widely shared sense

of difference. While ethnic distinctions persisted among the Columbia River Indians, they now considered themselves a tribe like any other.<sup>50</sup>

The unsustainable arithmetic of the Celilo fishery provided the final impetus behind the emergence of the River People as a distinct group asserting an alternative tribal identity. Continually adding people and subtracting salmon was bound to create conflict among different user groups. Trapped within federal categories and thrown into competition with each other, Native fishers divided into separate and sometimes hostile camps. Indians who had once shared the river as part of an extended family now sought to establish exclusive tribal claims. In doing so, they applied lessons learned through decades of litigation and exposure to federal bureaucracy. If the government treated Native fishing rights as a tribal prerogative, equally available to all members, then the River People must follow suit or risk losing their rights. This legal reorganization of the fisheries placed Columbia River Indians in a difficult situation. Neither truly independent nor fully integrated into the recognized tribes, they struggled to defend their rights and define their place in a system that categorized them as either treaty Indians or non-treaty Indians. Accepting the former label meant acknowledging the authority of the tribal councils. Accepting the latter potentially placed their fishing rights in jeopardy. To solve this dilemma, Columbia River Indians tried to establish a tribal identity of their own.

The emergence of this identity neither severed their connections to the reservations nor precluded their membership in recognized tribes. Because the federal government never formally acknowledged Columbia River Indians as a separate group, the River People either affiliated with one of the Plateau agencies or remained as unenrolled “public domain Indians.” Even if they chose not to enroll, most River People still had kinship ties to one or more of the reservations. River dwellers and reservation residents also retained a mutual commitment to the preservation of their treaty rights and their traditional fishing places. In 1942, they rejoiced together at the U.S. Supreme Court’s favorable decision in *Tulee v. Washington*, which exempted treaty Indians from having to buy state fishing licenses. Three years later, they recoiled in horror when Congress approved construction of The Dalles Dam. Bonneville Dam had already destroyed the fishery at The Cascades and displaced numerous families. Now, faced with the loss of the greatest fishing grounds on the Columbia River, home folk and comers alike appealed for solidarity. “Wake up and protect the fishery at Celilo,” urged Warm Springs representative Isaac McKinley at a mass meeting in April 1945. “The only way is to object to this dam. . . . We are going to [lose]

it if we don't do it right. Let's get together to hold our privileges — to keep fishing in the Columbia River.”<sup>51</sup> Chief Tommy Thompson agreed:

Both men and women are here, and I think you all know that to-day the white man is planning to do away with the living conditions of both our men and women, and I believe we might say that if this plan of the white man is carried out we will all be made the subjects of charity. And I want you all to consider this question and the right steps to take to cooperate by joining together as a solid force. In that way something worthwhile may be accomplished.<sup>52</sup>

For all their differences — past, present, and future — the Native peoples of the Middle Columbia River knew they confronted a common fate.

Yet, they could not escape it. The Celilo Fish Committee struggled through another five years, its work increasingly hamstrung by intertribal strife and overshadowed by the looming presence of The Dalles Dam. Despite concerted Indian protests, Congress and the U.S. Army Corps of Engineers proceeded with their plans to sacrifice Celilo in the name of economic development and national security. Although the tribes universally opposed the dam, they had no choice but to settle for monetary compensation, and negotiations with the Corps began in the early 1950s.<sup>53</sup> By that time, all of the tribal councils had created enrollment committees to clarify membership and review a flood of new applications generated by the prospect of per capita payments. Bitter squabbles erupted as each tribe tried to establish its own rights to Celilo while excluding the others or minimizing their share of the damages. Columbia River Indians became coveted pawns in this game. Since the Corps partially based the amount of compensation on the number of affected fishermen per tribe, the councils were eager to claim the unenrolled residents of Celilo Village and other river communities. Columbia River Indian leaders hoped to secure a settlement of their own, but the federal government maintained that members of a “non-existent tribe” could not negotiate as a group. If they wanted compensation, then they had to enroll, settle as individuals, or pursue private legal action. Ultimately, the majority of the River People chose to minimize the risk by throwing in their lots with one of the recognized tribes.<sup>54</sup>

The Celilo Falls settlement reinforced the idea that treaty rights belonged to tribes, not individuals, but debate did not end with the flooding of the fishery in 1957. As the long struggle between states' rights and tribal sovereignty reached its peak in the late 1960s and 1970s, the strident activism of Columbia River Indians collided with the rising nationalism of the recognized tribes. Tribal governments, determined to exercise their



*Drummers representing the Yakamas, Umatillas, and Wyams perform at a farewell ceremony for Celilo Falls in 1957. Although the tribes universally opposed The Dalles Dam, their protests failed to stop the destruction of the greatest Indian fishery on the Columbia River. When Tommy Thompson heard the news in a nursing home downriver, he lamented, "There goes my life. My people will never be the same." He died two years later.*

sovereign powers, selectively supported treaty fishermen in their legal battles against state harassment. At the same time, however, the tribes issued regulations that threatened the traditional autonomy and spirituality of the River People. To them, fishing rights remained an individual prerogative controlled only by the rhythms of the river and the laws of the Creator. "No man should be required to obtain a permit from another

man to practice his religion,” declared David Sohapp, Sr., the symbolic leader of the river-dwelling dissidents. His trials and tribulations, like the earlier tensions at Celilo, demonstrate that the redefinition of fishing rights has been a gradual and difficult process in which the River People played a significant role. Today, the Columbia River Inter-Tribal Fish Commission (CRITFC) carries on the challenging task of harmonizing ancient traditions with the realities of the modern river. While the tribes still have their differences, their sense of common purpose is stronger than ever before. In the four decades since Celilo Falls disappeared, Columbia River salmon runs have largely continued their precipitous decline. Bringing them back, the tribes agree, will require cooperation and good faith from all the parties involved.<sup>55</sup>

## Notes

1. C.G. Davis to M.A. Johnson, July 16, 1941, 155-O, Councils–Celilo Fish Committee (CFC Councils), General Subject Correspondence, 1939–53 (GSC), Records of C.G. Davis, field aide at The Dalles, 1939–1950 [Davis], Portland Area Office (PAO), Records of the Bureau of Indian Affairs, Record Group 75 (RG 75), National Archives and Records Administration–Pacific Alaska Region (Seattle) [NARA-PAR]. In 1992, the Yakama Indian Nation reverted to the original spelling of its tribal name, “Yakama.” I have adopted this spelling to honor the tribe’s decision and to distinguish the Indians from the river, county, and city of the same name. Quotations and citations containing the variant spelling have not been changed.

2. *Ibid.*

3. For an overview of the Northwest Indian fishing rights controversy, see Fay G. Cohen, *Treaties on Trial: The Continuing Controversy over Northwest Indian Fishing Rights* (Seattle: University of Washington Press, 1986). See also Alvin M. Josephy, Jr., “The Great Northwest Fishing War: The Clashes over Native American Fishing and Hunting Claims,” in *Now That the Buffalo’s Gone: A Study of Today’s American Indians* (Norman: University of Oklahoma Press, 1984), 177–212; Donald Parman, “Inconstant Advocacy: The Erosion of Indian Fishing Rights in the Pacific Northwest, 1933–1956,” in *The American Indian Past and Present*, ed. Roger L. Nichols, 4<sup>th</sup> ed. (New York: McGraw-Hill, 1992), 235–50; and Charles Wilkinson, *Messages from Frank’s Landing: A Story of Salmon, Treaties, and the Indian Way* (Seattle: University of Washington Press, 2002). The legal literature on Northwest Indian fishing is too extensive to cite here. Useful summaries include Shannon Bentley, “Indians’ Right to Fish: The Background, Impact, and Legacy of *United States v. Washington*,” *American Indian Law Review* 17:1 (Winter 1992), 1–35; Laura Berg, “Let Them Do as They Have Promised: A History of *U.S. v. Oregon*

and Four Tribes’ Fight for Columbia River Salmon,” *Hastings West-Northwest Journal of Environmental Law and Policy* 3 (Fall 1995): 7–18; and Jack L. Landau, “Empty Victories: Indian Treaty Fishing Rights in the Pacific Northwest,” *Environmental Law* 10:2 (Spring 1980): 413–56.

4. Congress, Senate, Select Committee on Indian Affairs, *Columbia River Fisheries Management: Hearing before the Select Committee on Indian Affairs*, 100<sup>th</sup> Cong., 2<sup>d</sup> sess., April 19, 1988 (Select Committee on Indian Affairs, *Columbia River Fisheries Management*), 45. *Wanapam* is the Northeast Sahaptin word, while *wanaláma* is the Columbia River Sahaptin term for “people of the river.” Hereafter, unless otherwise indicated, all Indian words written in phonemic orthography are Columbia River Sahaptin words adapted from Eugene S. Hunn with James Selam and Family, *Nch’i-Wána, “The Big River”: Mid-Columbia Indians and Their Land* (Seattle: University of Washington Press, 1990).

5. Hunn, *Nch’i-Wána*, 93–4; Robert Boyd, *People of The Dalles: The Indians of Wascopam Mission* (Lincoln: University of Nebraska Press, 1996), 53; Edward G. Swindell, Jr., *Report on Source, Nature, and Extent of the Fishing, Hunting, and Miscellaneous Related Rights of Certain Indian Tribes in Washington and Oregon Territory Together with Affidavits Showing the Location of a Number of Usual and Accustomed Fishing Grounds and Stations* (Los Angeles: Office of Indian Affairs, 1942), 151.

6. Boyd, *People*, 4–5; Helen H. Schuster, “Yakama and Neighboring Groups,” in *Handbook of North American Indians*, vol. 12, ed. Deward E. Walker (Washington, D.C.: Smithsonian Institution, 1998), 327; Hunn, *Nch’i-Wána*, 216–17; Alexandra Harmon, *Indians in the Making: Ethnic Relations and Indian Identities around Puget Sound* (Berkeley and Los Angeles: University of California Press, 1999), 8.

7. Treaty with the Yakima, 1855, in *Indian Affairs: Laws and Treaties*, vol. 2, ed. Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904), 699.
8. Andrew H. Fisher, “This I Know from the Old People’: Yakama Indian Treaty Rights as Oral Tradition,” *Montana, The Magazine of Western History* 49 (Spring 1999): 6.
9. On the role of orality and oral tradition in shaping Indian treaty interpretations, see Fisher, “This I Know from the Old People.”
10. *Ibid.*, 9–11; Statement of John Skannowa, July 17, 1944, Folder 155A, GSC, PAO, RG 75, NARA-PAR, 2.
11. Affidavit of Eugene S. Hunn, vol. 2, Civil 86-715, *David Sohapp, Sr., et. al. v. Donald Hodel (Sohappy v. Hodel)*, United States District Court for the District of Oregon (USDC-DO), Records of District Courts of the United States, Record Group 21 (RG 21), NARA-PAR, 7–8; Statement of John Skannowa, Folder 155A, GSC, PAO, RG 75, NARA-PAR, 1.
12. Affidavit of Eugene S. Hunn, *Sohappy v. Hodel*, USDC-DO, RG 21, NARA-PAR, 4–6, 11–12. The Warm Springs treaty uses the term “suitable houses.” The Nez Perce, Umatilla, and Yakama treaties use the word “buildings,” which has no equivalent in the Sahaptin language.
13. Select Committee on Indian Affairs, *Columbia River Fisheries Management*, 148.
14. Andrew H. Fisher, “They Mean to Be Indian Always: The Origins of Columbia River Indian Identity, 1860–1885,” *Western Historical Quarterly* 32:4 (Winter 2001): 468–92; Hunn, 269–74. For an overview of Columbia River Indian history and identity, see Andrew H. Fisher, “People of the River: A History of the Columbia River Indians, 1855–1945” (Ph.D. diss., Arizona State University, 2003).
15. Joseph E. Taylor III, *Making Salmon: An Environmental History of the Northwest Fisheries Crisis* (Seattle: University of Washington Press, 1999), 62–4, 144. For detailed descriptions of fishwheels on the Columbia River, see Francis Seufert, *Wheels of Fortune*, ed. Thomas Vaughan (Portland: Oregon Historical Society Press, 1980), 12–35, and Ivan J. Donaldson and Frederick K. Cramer, *Fishwheels of the Columbia* (Portland, Ore.: Binforde & Mort, 1971).
16. James Wilbur to Commissioner of Indian Affairs, May 21, 1881, U.S. Bureau of Indian Affairs, Yakima Indian Agency Correspondence and Records (National Archives Microfilm Publication 16), Clifford C. Relander Collection, Yakima Valley Regional Library, Roll 2.
17. Cohen, *Treaties*, 42–3, 56–8.
18. Eugene S. Hunn and David H. French, “Western Columbia River Sahaptins,” in *Handbook of North American Indians*, vol. 12, 387; Select Committee on Indian Affairs, *Columbia River Fisheries Management*, 49; Swindell, *Report*, 152. On Indian conservation practices in the Northwest salmon fisheries, see Taylor, *Making Salmon*, 13–38.
19. Seufert, *Wheels*, 29–30, 41, 64–5; Statement of the Yakima Indians in Support of Their Appeal to Save Their Vested Fishing Rights at Celilo Falls in the Columbia River, Box 3, Folder 18, Heister Dean Guie Papers, 1896–1978, MSS 2511, Oregon Historical Society Research Library, Portland [OHS Research Library], 1.
20. Narrative Report of the Umatilla Agency, 1931, Superintendents Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs, 1907–1938 (National Archives Microfilm Publication M1011) [M1011], Records of the Bureau of Indian Affairs, RG 75, National Archives Building, Washington, D.C., Roll 59, 51; Narrative Report of the Umatilla Agency, 1934, M1011, Roll 59, 12.
21. Affiliation of Indian Fishermen of the Columbia River, 155-A, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR, 1.
22. *Ibid.* The affiliation’s other objectives were to establish and enforce any rules and regulations necessary to protect Indian fishing rights; to work in cooperation with agency superintendents in meeting affiliation goals; to improve living conditions at Celilo Village and other Indian fishing camps; to cooperate with state authorities in the conservation of salmon runs; to promote the observance of law and order at the fishing grounds; and to prioritize subsistence fishing above commercial fishing.
23. *Ibid.*, 2.
24. *Ibid.*, 2–4.
25. Henry Roe Cloud to M.A. Johnson, November 4, 1939, 155-A, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR; J.W. Elliott to E. Morgan Pryse, October 6, 1949, 155-O, CFC Councils, Davis, PAO, RG 75, NARA-PAR; Minutes of Meeting at Spearfish, April 25, 1939, 155, Spearfish Committee [1939–1940], GSC, Davis, PAO, RG 75, NARA-PAR.
26. Minutes of Regular Meeting of the Celilo Fish Committee, June 4, 1941 [hereafter CFC Minutes, (date)], [155], Minutes of Meetings of Celilo Fish Committee, 1939–1950 [hereafter Meetings – (date)], GSC, Davis, PAO, RG 75, NARA-PAR, 5.
27. *Ibid.*, 6.
28. *Ibid.*, 8; Allan E. Harper to M.A. Johnson, October 6, 1941, 155-I, Councils, Celilo Fish, Indian Office Letters re Resolutions, etc. [1940–46], GSC, Davis, PAO, RG 75, NARA-PAR.
29. Minutes of Yakima Tribal Council, July 27, 1945, 064, Tribal Council 1945, Tribal Council Minutes, 1944–1965, PAO, RG 75, NARA-PAR; CFC Minutes, April 7, 1949, Meetings, Davis, PAO, RG 75, NARA-PAR, 13.
30. Digest, Affairs of Indians Who Fish at Celilo and Other Points on the Columbia River, [155], Digest and By-Laws, Celilo Fish Committee, GSC, Davis, PAO, RG 75, NARA-PAR, 30, 36–7; CFC Minutes, June 4, 1941, Meetings – 1941, GSC, Davis, PAO, RG 75, NARA-PAR, 7, 14.
31. C.G. Davis to M.A. Johnson, August 15, 1941, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR; M.A. Johnson to Commissioner of Indian Affairs, September 22, 1939, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR, 2.
32. Memorandum for Mr. Babcock, August 20, 1938, 175.1, Cramer-Goudy Case 1939–1948, Decimal Subject Files, 1925–1967, Yakima Indian Agency, RG

- 75, NARA-PAR; C.G. Davis to L.W. Shotwell, May 3, 1948, 155-Y, Celilo Fishing Commission Re – relations including fish controversies with non-Indians, private individuals, etc., GSC, Davis, PAO, RG 75, NARA-PAR.
33. C.G. Davis to M.A. Johnson, October 26, 1939, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR; CFC Minutes, September 4, 1940, Meetings – 1940, GSC, Davis, PAO, RG 75, NARA-PAR, 11–12; Carl C. Donagh to Isaac Albert and the Other Members of the Fish Company, September 13, 1939, 155-E, Correspondence, Celilo Fish – Legal Matters, GSC, Davis, PAO, RG 75, NARA-PAR.
34. C.G. Davis to L.W. Shotwell, July 29, 1947, [Celilo Fish Committee, 1950], GSC, Davis, PAO, RG 75, NARA-PAR; Agreement Between Gordon Bruce of the Portland Fish Company and Chiefs Tommy Thompson and William Yallup, August 18, 1939, 155-R, Cables operated by fish buyers at Celilo, GSC, Davis, PAO, RG 75, NARA-PAR; CFC Minutes, September 4, 1940, Meetings–1940, GSC, Davis, PAO, RG 75, NARA-PAR, 9.
35. Martha Ferguson McKeown, Report to the Special Celilo Committee Regarding Columbia River Indians, October 11, 1956, Celilo Falls Relocation Committee Records, MSS 2678, OHS Research Library, 1.
36. CFC Minutes, September 4, 1940, Meetings–1940, GSC, Davis, PAO, RG 75, NARA-PAR, 10.
37. CFC Minutes, September 6, 1944, Meetings–1944, GSC, Davis, PAO, RG 75, NARA-PAR, 4; C.G. Davis to M.A. Johnson, June 10, 1939, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR, 2.
38. CFC Minutes, September 2, 1942, Meetings–1942, GSC, Davis, PAO, RG 75, NARA-PAR, 4–5.
39. *Ibid.*, 5.
40. *Ibid.* [emphasis added].
41. Statement of Tommy Thompson, Chief of the Celilo Indians, Celilo, Oregon, made at a general meeting of Columbia River and Warm Springs Indians, at Simnasho, Oregon, on January 2, 1946, 155-L, Councils, Celilo Fish–Ownership of rocks near Celilo Falls, GSC, Davis, PAO, RG 75, NARA-PAR.
42. C.G. Davis to M.A. Johnson, May 12, 1942, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR; Statement by Henry Thompson, May 12, 1942, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR; Statement by Chief Willie Yallup, May 12, 1942, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR; Statement by Tommy Thompson, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR.
43. For a thorough discussion of the ongoing controversy over in-lieu fishing sites, see Roberta Ulrich, *Empty Nets: Indians, Dams, and the Columbia River* (Corvallis: Oregon State University Press, 1999).
44. Davis to Johnson, June 10, 1939, 155-O, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR, 1.
45. Meeting of Indian representatives of the three agencies, March 24, 1942, 155-A, CFC Councils, GSC, Davis, PAO, RG 75, NARA-PAR.
46. CFC Minutes, May 7, 1941, Meetings – 1940, GSC, Davis, PAO, RG 75, NARA-PAR, 3.
47. *Ibid.*; CFC Minutes, September 3, 1941, Minutes–1940, GSC, Davis, PAO, RG 75, NARA-PAR, 6–8; Tommy Thompson to W.J. Dunn, January 5, 1945, 155-U, What Indians Want, GSC, Davis, PAO, RG 75, NARA-PAR; L.W. Shotwell to John Collier, April 11, 1944, 309—Islands Columbia River–Public Domain 1923–1947, DSF, YIA, RG 75, NARA-PAR.
48. C.G. Davis to L.W. Shotwell, March 30, 1945, 155-O, Councils–CFC, PAO, RG 75, NARA-PAR.
49. Statements made by William Yallup, Chief of Rock Creek Indians, and Frank Slockish, Chief of the Klickitat Indians, both of which tribes are known as the Columbia River Tribe, March 20, 1945, 155-O, Councils–CFC, PAO, RG 75, NARA-PAR, I-II.
50. *Ibid.*, III.
51. Cohen, 62–3; Minutes, Mass Meeting of Indians interested in fishing at Celilo, held April 24, 1945 at Celilo (Mass Meeting), [155], Minutes–Various Meetings of Indian Fishermen, 1945–1949 (Minutes–Various Meetings), GSC, Davis, PAO, RG 75, NARA-PAR, 1.
52. Mass Meeting, Minutes–Various Meetings, GSC, Davis, PAO, RG 75, NARA-PAR, 1.
53. On the fight against The Dalles Dam and its aftermath, see Cain Allen, “‘They Called it Progress’: Indians, Salmon, and the Industrialization of the Columbia River” (M.A. thesis, Portland State University, 2000); and Katrine Barber, “After Celilo Falls: The Dalles Dam, Indian Fishing Rights, and Federal Energy Policy on the Mid-Columbia River” (Ph.D. diss., Washington State University, 1999), now a forthcoming book from the University of Washington Press.
54. Edward G. Swindell to Easley, Whipple & McCormick, Attorneys at Law, March 17, 1953, GSC, Davis, PAO, RG 75, NARA-PAR; Transcript –Misc. Sources, Wyam Indians, Folder 60-16, Relander Collection, 1–3; Click Relander, *Strangers on the Land: A Historiette of a Longer Story of the Yakima Indian Nation’s Efforts to Survive against Great Odds* (Yakima, Wash.: Franklin Press, 1962), 12; C.G. Davis to J.W. Elliott, June 5, 1943, 006 – Thompson, Tommy, Otis and Ellen Andrews, Wilbur Kuneki, GSC, Davis, PAO, RG 75, NARA-PAR.
55. Deposition of David Sohapp, May 10, 1976, vol. 3, June 17, 1974–March 30, 1978, Civil 68-409, *Sohapp v. Smith*, United States District Court for the District of Oregon, Records of District Courts of the United States, Record Group 21, NARA-PAR, 1. For discussion of Sohapp’s legal battles, see Robert Clark, *River of the West: Stories from the Columbia* (New York: HarperCollins West, 1995), 329–90; William Dietrich, *Northwest Passage: The Great Columbia River* (New York: Simon & Schuster, 1995), 375–94; and Ulrich, *Empty Nets*, 126–46, 159–79.