

1212 N.32nd Ave.

Yakima, Washington.

WANAPUM NOTES

REGARDING FISHERIES HARDSHIP CASE

The remnant band of Wanapum Indians, commonly known as the Priest Rapids band or the River People have applied to me to intercede in their behalf for relief.

This is not intended to presume to tell you what to do regarding these people, but to give you a background of the situation, provide fragmentary bits of authentic ethnological information and then suggest that you do what is possible for their relief. To achieve this I and other friends of these people will do what we can to fully cooperate.

The matter involves the moral but as yet not fully determined legal rights of these non-treaty people, to obtain food fish, principally salmon, solely for subsistence, at their ancient fishery that is used by no other Indians to my knowledge.

This fishery is located on the Yakima River approximately twelve miles from the mouth of the Columbia River, at a place commonly called The Horn. It is known to them as Wanawish. The cognate Yakimas possess and use the fishery of Prosser which they call Toptut, ten miles upstream from Wanawish on the Yakima River.

Since agricultural development of the area through irrigation and since introduction of legislation regulating the taking of food fish, these Indians have fished at Wanawish, relying upon it for their necessary salmon.

On May 27, 1954, one member of the Priest Rapids band proper, Rex Buck and a visitor who claims to have rights because he is a Snake River Indian, were cited for violation of Chapter 72.12.025 of the State Fisheries Code. Taken into Justice Court at Prosser before Judge

Ben Knox they pleaded innocent . They were found guilty and fined \$27.50 each. Being unable to pay the fines, the sentence was suspended under imposition of a thirty-day jail sentence in event the violation were repeated.

When appraised of the situation by head men, contact was established with Mr. Don R. Cassaway, State Fisheries Inspector who made the arrest-citation. He is living in Yakima. This was most amiable and enlighting for both of us. I can speak only in highest terms of his ability to grasp my explanation, his sense of duty and his sincerity. I feel he must be a most capable employe of the Department.

He believed it would be entirely proper for me to direct a personal fact sheet to you concerning this situation.

I do not wish to inconvenience the Department. Neither do the Wanapums. Alternatives thus present themselves.

1-That I present a more complete abstract conclusively showing pre-white era occupancy rights of these people. This would require several days to prepare and would contain sources restricted to the use of the Department . Moreover, I do not know whether the Department has an ethnologist to scan this material and give you an opinion and it would not be proper to submit it outside of the Department at this time.

2-That some representative of the Department on an early trip to the Yakima area, arrange for a meeting at which I would have present the Wanapum leaders. The purpose of this would be to answer any question the Department might have, to determine whether or not protective measures could be extended.

These suggestions are offered in an attempt to gain for these few people the resumption of their rights, without fear of prosecution, for the sole purpose of obtaining subsistence and for use in their religious ceremonials . According to their precepts, these Ceremonial fish must be taken from home waters.

Since the salmon season is now finished, and these people were prevented from obtaining food on which they have been dependant, they must subsequently make application with the Welfare Department for aid to compensate their loss. They have long been accustomed to depend upon boiled potatoes and salmon as the main item of their food during the winter.

It is pointed out that the Wanapums exercised fishing rights under terms of House Bill No. 327, permitting the Priest Rapids Indians, known as Sokulks, to take fish at their ancient fisheries. This was introduced by Mr. L. Dow McQuesten at the behest of the late L. V. McWhorter of Yakima and was accompanied by an extensive list of petitioners.

The bill was first introduced February 1939. It was ordered printed and was referred to the commission on game and game fish and was subsequently passed. I have been told, but have not felt it necessary to check on details, that this bill and several others were repealed two or three years ago, and that this was requested of the legislature by number alone. Also killed was one relating to the Yakima fishery, Toptut at Prosser. It is my understanding, by common knowledge, that some type of Department directive was formulated which permitted the Yakimas to resume fishing at Prosser.

That leads then to the conclusion that the only difference in the two fisheries, Toptut and Wanawish is that the former is used by a Treaty people and the later was used by non-Treaty Indians. And that leads to the necessity of proving that the Wanapums have rights, of equal value as Treaty rights, to Toptut.

At present there are approximately eight Wanapums. There are others enrolled on the Yakima Reservation, but they are not of full Wanapum blood and are not looked upon other than relatives by marriage. None of these "fringe" Wanapums have ever fished at Wanawish to my knowledge, and the Wanapums are not permitted and do not chose to use any Yakima

fishery, excepting at rather unusual times and when unusual situations prevail, relating to deaths in families, the old law of "guests" and similar complicated occasions. In any respect, they do not have access to the Yakima fisheries to the extent that they can procure subsistence therefrom.

There are a few additional Wanapums in Pendleton and elsewhere in the Northwest, who are enrolled on no reservation and are regarded by the Wanapum tribal leaders as full Wanapums with full rights. These men do not visit the fishery every year but do so only occasionally as related to their work and financial status.

At the time of the condemnation of the territory required by the Atomic Energy Commission, the Wanapums occupied, as a seasonal fishery and one of their forty and more old villages, a place near old White Bluffs. This is now the site of one of the four atomic energy "piles."

When Colonel Mathias of the Army Engineers was called on to take over the land for implementing the Atomic Energy Project, he was apprehensive about the Indians who lived there, but not about the whites. Now the government is still paying off the whites. However the Wanapums said if the government needs the land, the government is welcome to it until they are through with it. They moved off quietly. Colonel Mathias was so impressed by this and knowing their moral rights that he offered to provide trucks to convey them to White River to fish, but this they declined, saying that was not their land, and the fish caught therefrom could not be used for their religious purposes. They were issued passes, permitting them to return at the accustomed time to fish, but various river developments had depleted the salmon run to the place, and the passes were subsequently canceled because of safety-security reasons.

Now these people continue to occupy, as their principal village, which it was in the old days, the dam site selected and approved by the Army Engineers, known as the Priest Rapids Dam site. To them the

was known, since time immemorial, as P'na [Fish Weir]. This location, and a location at Coyote Rapids they called Moon [Water Swirl Place] are historic to them, and the entire Pacific Northwest, because here was the seat of the birth of the last pure Indian religion. It expanded into Oregon, Northern California, Idaho, Montana and British Columbia, and the residue of that religion, the Washahí is now observed widely.

The Priest Rapids band of Indians are the descendants of the founder of this religion, and one of them was trained for many years to be the priest and leader. He is widely known throughout the Shahaptian country in that capacity.

The Priest Rapids site has become the last toe hold of occupancy along the Columbia River for the Wanapums because of the Atomic Energy Commission on the south, the Columbia Basin to the east and the Yakima Firing Range to the west. Yet in none of these developments have the Indians complained or made themselves objectionable. This has led to them acquiring numerous friends who admire them.

This toe-hold they have held, together with the one fishery in their once widespread land still capable of providing subsistence, Wanawish. Roughly the Wanapum territory extended from Beverly Gap along the Columbia River, southward to Pasco, a distance of approximately eighty miles. It included the Wahluke Slope, and even much of Crab Creek where the Fish and Wild Life Division of the government I understand is seeking to acquire 30,000 acres for a game reserve.

The Wanapums have petitioned the government for near-by land and protective measures for their graveyard at Priest Rapids, but this has become entangled in red tape pertaining to rights or non-rights. Their petition has been made to the Washington Congressional delegation. It is now evident that action favorable to them must come through Congressional legislation or Presidential proclamation. And it seems not unlikely that this will be possible in the future because much has

been done in a patient way to establish , beyond reason of doubt, their moral and other rights.

Moreover in this small band, who long ago accepted citizenship and are willing to continue to do so, there is the idea with many people that they sho ld not be denied a small bit of the land of their ancestors when the government , cn trary to general wishes, continues to expand its land holdings.

It is noted that lately Gov. Arthur B. Langlie has suggested that the state investigate the full possibilities for develepment of the Priest Rapids Dam site. That brings the situation of a small band in occupancy, even by adverse possession, but people who do not chose to interfere with progress. And this is in sharp contrast to other Indians who have opposed, because of Treaty rights, development along the Columbia River.

There are other agencies, including the State Power Commission and the Grant County Public Utility District, interested in acquiring a permit for constructing Priest Rapids Dam. Now with the introduction of a bill for construction of the John Day Dam, far downriver, and other hydroelectric proposals, it is evident that the power issue is a growing one not only in the Northwest but throughout the nation. Yet the "anapums do not wish to take sides in any "power fight." They are interested only in securing their rights, through legislation or other recourse. Moreover they are interested in perpetuating their old culture, the last of all the numerous tribes in the northwest that is kept so pure of intermingling influences. They possess the last tule mat lodge as a dwelling house along the Columbia, and the last dug out canoe.

To understand how they feel, their belief in brief is that like trees and vegetation which grow up each spring and eventually decay to go back into the dust of earth, the Wanapums did likewise until after long centuries the very earth is impregnated with the dust of their ancestors.

There genesis is that the Creator they recognize, created the land, water, salmon and the people, by the power of thought. And he gave them precepts to observe. The salmon feast was one of these, their thanksgiving for food. Salmon and Columbia River water were taken at the first foods, around each Easter, as Catholics accept Mass and as Protestants participate in Holy Communion.

Their catch of salmon at Wanawish or The Horn, last year, was so limited that they did not have sufficient on which to subsist throughout the winter, so for the first time in their knowledge, they had no salmon feast. Now that this fishing case has descended upon them, it has a greater impact than can be immediately understood, and the earlier it could be removed, the easier they will feel. In late years I understand their catch was from 60 to 130 salmon for the season, less at all times than their actual needs.

In a prolonged and intensive study of these people, I have gained much information. They refused to consult with ethnologists because they have no liking for those who go up and down the river disturbing graves, a matter itself that is a grave breach of law, yet not enforced in this state. Their cemetery at Pina or Priest Rapids, however is now protected through proclamation making it an official cemetery, although digging up of hap-hazard graves is as much of a violation. Their scattered graves on the Atomic Energy Commission holdings, through the fine cooperation of that Agency, are marked.

I have much documented information concerning these people. A considerable amount of this has been made available to the Department of Justice in connection with the Indian Claims cases. The final hearings in these cases, I anticipate, will be held at Seattle or Portland this fall, instead of Washington. And if such is in order, may I suggest that the Department, by placing an observer at the hearings, could gain much information on Northwest tribes, fisheries, fishing

conditions , tribes, customs, etc. This information, I feel, would be worthwhile in event of gradual succession of state laws to federal laws now regulating Indian tribes that are government wards at present.

The land on which the Wanapums lived was included in the land ceded by the commonly called Yakimas, in 1855, and enters into one of the nine claims now pending by that confederated nation against the United States Government. Hence I do not wish to prejudice this one claim in any way.

Moreover, suffice it to say, and this should be underscored; ethnologists and historians working furiously , are paired off on one side or the other now, gathering evidence. Most of this is being quietly and secretly done and the general feeling generated is that they are working for their colleges, universities, etc. Hence it is obvious that any inquiry as to the Wanapums, if made, might or might not elicit an impartial reaction.

During a part of the hearing in Yakima last summer I was qualified as an expert ethno-historian. However the Wanapums and I have made it clear to the government that many Yakimas are part-blood Wanapums now, because their ancestors went onto the reservation in years past, and consequently the government could not throw out as large a section of the old Wanapum land as might be desired. But the government is fair and when the opportunity presents to make a serious study, I feel they will see is properly. It should be remembered there are over 800 of these cases or claims now being heard throughout the entire United States and that the hearings are heard by three commissioners only.

I think I can say that I have many friends among the Yakimas, including all those I know personally who are tribal councilmen. They respect my honesty and fairness, and because they know I understand the Indian beliefs and problems. In years past they asked me to consider writing a book for them. This I declined because I was working on my book for the Wanapums, entitled Drummers and Dreamers of Priest Rapids.

And I have been given a publication contract on my book.

The Navajo Indians appropriated \$30,000 to subsidize a book written about the Navajos by a priest, a recognized scholar and author. This was necessary because no publisher would give a contract on it.

That a publisher has accepted Drummers and Dreamers must be an indication, in times of high publication costs like these, that the Wanapums, about which I have written, are a historic people. A manuscript of that type is submitted by the publisher to "readers," specialists in certain lines, who are paid \$50 or more for reading a manuscript. If it is approved by them, it is then returned for editorial board consideration.

I believe the fact that we have resorted to no attorneys, and these people are so free of greed, deceit, etc., is responsible for our progress toward final and absolute recognition.

I do not doubt that this will come to pass, in view of letters on file in the National Archives which I have uncovered, which prove the Wanapums did not recognize [^]akima chiefs, chiefs of any kind, and were not represented at the Treaty of Walla Walla called by Governor [^]saac I. Stevens. But their religion, which existed before the white men came to the country, is deeper proof of their inability to treat for their land, the Mother Earth, and a religious right of a people is an American right.

I am hopeful that with your knowledge of the codes, and the very complex Indian situation, that you may be able to issue a directive to permit these people to pursue their quest for food fish at Wanawish. It should be kept in mind that this right will, in itself die out because the children of the Wanapum men, would not be entitled to these fishing rights at Wanawish. It would be but a matter of years before the old men are too old to fish, and the few young ones might not persist there when death limits the small band to an even

smaller number than now.

To expedite this, I could provide you with a list of the men and ages, of those entitled to fish at Wanawish, as they have done since time beyond history.

Some of these men who refuse to enroll (not upon my advice but because it is against their principles of free enterprise) are married to enrolled women, their children are enrolled, and the daughter of the head man himself is also enrolled.

In the case of the Wanawish fishery I should think that this would be a point in favor of amending the code. These women do not fish, the children are too small, and the men, who are not enrolled are not permitted to fish on ^Vakima sites. These women and children are entitled, by directive I understand, to fish, but where are they to procure them for subsistence?

I know you can depend, as in the past, that the fish would be taken for food and sacramental purposes alone.

I have written at this length in an honest endeavor to seek an adjustment without further delay. A long delay would be unnecessary, simply because the salmon have passed for this season. I shall be grateful to receive your comments, assurances or a statement that nothing is possible for these people. Were the latter the case, these people tell me they would want to pursue the same course as in former years which resulted in enactment of House Bill No. 327. But we have always discovered that the frank discussion of a situation leads to an understanding of these unusual people with an unusual faith and an unusual way of life. And such requests are pointedly toward security of a destitute people in a ^Valley rich with produce, and even where salmon are still available. This keeps their welfare needs to a minimum and it was only a reasonably short time ago that they, through desperation, were compelled to accept any form of

welfare. Even the head man of the Wanapums, now 76 years old, a man who has worked fifty-four years for one hop grower, refused to apply for old age pension when he became handicapped through rheumatism. I personally interceded so he could have a small bit of security. People like that, who do not feel that the world, and our government, owes them a living, are becoming increasingly rare.

And may I inject another thought. These people, and in fact many other Indians have long been dependant for their sole income upon agricultural labor. However competition has increased in this field because of the importation of Mexican Nationals and other field workers in recent years. This of course results in a shorter earning period each season with a consequent lower income. In years past seasonal employment, regulated to an extent by the weather, was unbroken once it commenced in the spring. Now there are long waiting periods, brought about because of a surplus of farm labor from imported sources. And I know of no documentary evicence of harvest losses because of a labor shortage. Rather there are surpluses of numerous crops. Yet these are not available to the Wanapums. They were, and still are, dependant upon salmon, not only for subsistence but for religious purposes.

For your possible reference I will cite a few of an extensive list of references pertaining to the Wanapums.

I have written in detail in the hope that you may see clear to make some provision for relief. I would be happy to answer any specific question in more detail, providing citations and documentations.

I have not yet called attention of the Governor, and the State Power Commission, to the necessity of taking cognizance of the Wanapum in connection with the announced plans for Priest Rapids Dam, but intend to do so as I believe it is now time for protective provisions to be made. Even the Treaty Indians, displaced by Bonneville Dam, many years ago, have not yet been provided with in lieu home sites!

A Few Citations of primary, ethnological value only:

James Mooney, 14th Annual Report Bureau of Ethnology, pt. 2, p.735
Defines Wanapums generally, same volume contains chapter on Smowhala,
the Dreamer religion and P'ns [Priest Rapids], Washington, Government
Printing Office, 1896.

Dr. F.W. Hodge, Handbook of American Indians North of Mexico,
pt. 2, p. 614, Washington, 1910. [Dr. Hodge, former director of Smithsonian
Institution and editor of Curtis' 20 vol. edition, The American Indian and
author of more books and publications on the American Indian than any
other writer, has written the introduction for my manuscript, Drummers and
Dreamers].

John R. Swanton, The Indian Tribes of North America, Smithsonian
Institution, BAE Bulletin 144, p. 448. [Swanton also locates the Walla
Wallas, p. 447; the Palouse, p. 438; the Sinkakaius, p. 441, and the
Columbia Sinkiuse (or Moses' band), p. 470, which do not overlap the
Wanapum land].

Department of Interior Census Office Report on Indians Taxed and
Not Taxed, 11th Census, 1890, Government Printing Office, 1894,
52d Cong. 1st Sess. HR. Mis. Doc. No. 340, pt. 15, p. 12.

Samuel J. Drake, The Book of Indians of North America, 1832, p. 14.
Sokulks (as Wanapums were called by Lewis and Clark) estimated at 2,400
persons in 120 lodges.

~~McWhorter~~ McWhorter Collection, Washington State College Library (now
being catalogued) gives Wanapum census, April 4, 1940, as 36 people
and two head men.

Ibid, McWhorter notes "... in 1930s, 60 Indians, mostly women
and children, three blind, one on crutches, one hunchbacked crippled
man..."

Appended

Copy of House Bill No. 327

Photograph of sculpture I have made of the head man, Puck Hyah Toot, commonly known as Johnny Buck, for one of the illustrations for the book, Drummers and Dreamers of Priest Rapids.

Clipping concerning the book.

Miscellaneous clippings.