

THE IMPORTANCE OF INDIAN CLAIMS RESEARCH TO THE HISTORIAN
OF THE PACIFIC NORTHWEST.

An interesting, but little publicized, development in historical research has been provided by the recent suits of various Indian groups against the federal government. Historians and anthropologists have been engaged in a search for evidence in these cases.

Suits against the federal government require the permission of the government. In this instance, such permission was granted by an act of Congress, the Indian Claims Act.

On August 13, 1946, the Indian Claims Act became law. The act established a commission which was to hear cases against the United States on behalf of groups of American Indians residing within the territorial limits of the United States or Alaska. The act is to be in force for ten years.

Under this act, there are several types of claims to be considered. They are:

(1) claims in law or equity arising under the Constitution, laws, treaties of the United States, and Executive orders of the President;

(2) all other claims in law or equity, including those sounding in tort, with respect to which the claimant would have been entitled to sue in a court of the United States....

(3) claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact, or any other ground cognizable by a court of equity;

(4) claims arising from the taking by the United States, whether as the result of a treaty or cession or otherwise, of lands owned or occupied by the claimant without the payment for such lands of compensation agreed to by the claimant; and

(5) claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity.

The purpose of the act was to rectify a number of gross frauds perpetrated on the Indians of the United States by the federal government, some of which were as recent as the administration of Franklin D. Roosevelt. The act provided the first legal recourse that the Indians have had.

Congress, in passing the act, evidently had no clear idea as to the number of cases that would fall under the terms of the act. One provision of the act stated that the commission could be dissolved after five years should the commissioners report that all claims had been satisfied.

One indirect result of this act was not, probably, foreseen by its authors. This is the great impetus that it has given to historical and anthropological research. To those of us here today, this is its chief importance.

Many of the cases involved the acquisition of lands by the federal government from Indian tribes. There were three chief methods; outright seizure, treaties, and executive orders. In each of these operations, there are grounds for suit under the provisions of the act.

The first step in establishing a claim against the government has been to prove title. This has involved the anthropologists. Tribal areas have generally been defined in broad terms. For most purposes, this has been sufficient. Such generalities are not, however, acceptable in a court of law. It has been necessary to define tribal boundaries as accurately as possible.

The resultant research has provided a mass of material on tribal habitat. Inasmuch as adjacent tribes are or have been plaintiffs, it has been necessary to be extremely careful in drawing such boundaries.

One of the chief sources of such information has been, of course, the surviving accounts of the early fur traders and missionaries. In the case of the Coeur d'Alenes, the writings of Father De Smet have been of primary importance.

The National Archives have also been a fruitful source of information. Unpublished reports of government agents that are on deposit here have been important in determining aboriginal title.

No one engaged in research on the Indians can overlook the annual reports of the Commissioner of Indian Affairs. These reports not only give information of value concerning the Indians themselves, but also include much valuable information for the economic historian.

Reports frequently include surveys of the resources of the tribal lands.

The aboriginal title established, the next point to be determined is the value of the Indian lands. This usually leads to a thorough study of early white settlement. Whites were generally located on or adjacent to the reservations and it was due to pressure from them that the lands were taken from the Indians. The value of the lands depends on the uses to which it was being put.

One basis of claim is the allegation of unfair valuation. Unfair valuation is not too difficult to prove. The compensation received by many groups for their lands was absurdly low by any standards. The problem begins at this point. What constitutes fair valuation? It is necessary to establish a fair valuation in terms of the time of the making of the treaty. This valuation must also be in terms of the area involved. Obviously it is unfair to determine valuation in terms of uses unknown at the time of the treaty. For example, fair valuation on lands ceded in 1850 would not include the value of uranium deposits on that land.

This determination of value demands a thorough economic history of the area in question. To what

uses was the land being put? What was the value of the production of this land in the markets available to it? Certainly the price of wheat in New York gives little indication of the value of wheat raised in the Grand Ronde. One must determine the price received by the farmer of the particular area for his crop and how much of his crop was marketable.

I have cited wheat. There are many other products to consider. Some of the lands were timber lands, others were primarily grazing lands. Some areas were taken for the mineral deposits known to exist on them.

Finding economic data is a difficult task. Newspapers, when they exist, can be valuable. Many of the early newspapers printed market reports; a listing of commodity prices current on the local market. The Portland Oregonian regularly printed such a list. Other newspapers also contain such information.

Another published source of information are the censuses of the United States. The Tenth and Eleventh Censuses have detailed breakdowns of the resources of the nation by minor political subdivisions. For the Pacific Northwest, the records are not always complete and the breakdown seldom extends below the county level. Another limitation of this source is the fact that a census is taken only once each decade.

An interesting and informative portion of the censuses are the essays. These essays precede the various sections and are of varying length. They contain much valuable information on the methods of production current at the time of the census. For example, a good treatment of the various cattle drive trails from Texas to the north ~~as~~ found in the Tenth Census.

Archival collections are another source of information. The Winans collection, which was described in the January issue of the Pacific Northwest Quarterly, is a fine example of these collections. The account books give a wealth of information on the economic life of the northwest.

Another important collection, the Simeon Reed Papers, is located in the Reed College archives. Reed's accounts of mining in the Coeur d'Alene region are extraordinarily detailed.

To avoid mis-informing you by implication, I want to state now that such collections as these are the exceptions. Many archival holdings can only be classified as "junk". There are others that should be held in other parts of the country. The State College of Washington has a collection of autographs of Schuyler Colfax. Many eastern libraries and archives have fragmentary collect-

ions of northwest materials. It is unfortunate that the institutions have not engaged in some trading of materials.

Most archives have only fragmentary collections. The Indian Claims research can be important in spotlighting these gaps and, by finding new uses for available materials, can help to fill in some of these "holes" in the history of the region.

In the search for materials, county archives should not be overlooked. The State College of Washington has a number of papers from Walla Walla county. Tax lists provide much information on early settlement and development. The use of these is, however, hampered by lack of detail such as the omission of description and location of the property.

For those interested in the history of southeastern Washington, these papers include voting registers. These lists are frequently, but not invariably, broken down by precincts.

A much maligned source of information is the "mug book", the local histories complete with biographies of those locals who were willing to pay the bill for such immortality. The historical sections of these works are of little worth. Most of them copy earlier histories of the northwest, seldom bothering to paraphrase or to credit the source.

The disparaged biographies found in these works are, however, a valuable source of information. (Reading several hundred of these is one of the most tedious chores I have ever done.) The information has proven to be surprisingly accurate. Scattered among such common phrases as "he standssfour-square to every wind that blows" and "though yet a young man, he has attained to a position that many a man his senior might envy" are dates and information that have been very helpful in using other source materials.

The various W. P. A. projects have also amassed much interesting material in interviews of pioneers. Many of these reports are unpublished and are variously handled by libraries having copies of them. It would be valuable to have a bibliography of them. One such collection of interviews gives a good picture of grazing in eastern Washington in the early days.

The value of the Indian Claims research to the historian of the Pacific Northwest is, as yet, potential. The materials amassed have dealt with small areas and could be buried in the files of the Indian Claims Commission. By acting now, it is possible to make this effort of value to the historian.

The techniques developed by the research worker should be passed on to others. Local history is, generally, an overlooked field of research. Most of the

work in the field has been of low caliber. Until a volume of good work is available, it will be impossible to write a good history of the region.

Father Bischoff of Gonzaga University has a suggestion which bears careful consideration. He has suggested that researchers should pool their knowledge of the National Archives. Each researcher who has worked in the archives has discovered leads to the location of materials dealing with the northwest. Such a pooling of experience with ultimate dissemination would be of incalculable valuable to future students.

At least one of the firms handling Indian Claims cases has realized the contribution of its work. With the consent of the tribe, 30,000 pages of material on microfilm have been given to the University of Colorado. The materials were collected for the suit of the Utes against the government.

The historians and anthropologists, with the cooperation of the editors of our quarterlies, could make a real contribution to the history of the northwest. An article on the development of the Coeur d'Alene silver mines, with the detailed economic information uncovered, would be a real contribution. Other such articles could, doubtless, be written.

Another important contribution which might be made by the research workers, is an analysis of the

settlement of the areas studied. This, taken in conjunction with the economic information obtained from marketing and pricing studies, could shed much light on the motivation of the pioneers of the Pacific Northwest.

The Indian Claims research may mark the initial step toward filling in the historical "desert" that now exists in the history of the Pacific Northwest from 1865 to 1900. The materials amassed and the techniques developed can give a new impetus to research work in this field. Such a development would be another contribution of the American Indian to the history of this region.