

## The Confederated Tribes of the Grand Ronde Community of Oregon

*Umpqua Molalla Rogue River Kalapuya Chasta*

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Tribes and bands of the Confederated Tribes of Grand Ronde (“Grand Ronde”), including the Clackamas and Clowewalla, have lived around Willamette Falls since time immemorial. These and other Grand Ronde tribes signed the Willamette Valley Treaty of 1855, which ceded Willamette Falls, the Portland Basin, and the Willamette Valley to the United States. After 1856, the Clackamas and Clowewalla were moved to the Grand Ronde Reservation. Despite being evicted from their homes and sent to the foothills of the Coast Range, they continued to fish and gather lamprey at the Falls. In 2019, Grand Ronde reacquired land at the Falls when it purchased the Blue Heron Paper Mill.

In November 2020, the Confederated Tribes of the Umatilla Indian Reservation (“CTUIR”) sent Governor Kate Brown and other officials a *Traditional Use Study of Willamette Falls and the Lower Columbia River*. CTUIR has sought to force Grand Ronde to tear down its ceremonial fishing platform at Willamette Falls and prevent Grand Ronde from exercising its cultural practices there – where my own family once lived. Last December, one of the recipients of the study sent Grand Ronde a copy.

Grand Ronde staff immediately identified significant problems with the study. Dr. Stephen Dow Beckham, Professor Emeritus of History at Lewis & Clark College, was asked by Grand Ronde to review it. In his response – *Rewriting History: An Analysis of the “Traditional Use Study of Willamette Falls and the Lower Columbia River by the Confederated Tribes of the Umatilla Reservation” (2020)* – Dr. Beckham concluded that CTUIR’s study is filled with errors of fact, faulty conclusions based on misunderstanding of primary and secondary sources, and accepting as “truth” virtually anything that is in print.

CTUIR’s study has ignored and not cited more than 30,000 pages of the microfilm records of the Oregon Superintendency of Indian Affairs, 1843-1880, all the *Annual Reports of Commissioner of Indian Affairs, 1845-1930*, and numerous, relevant historical documents. The CTUIR study has selectively ignored scholarly accounts by Dr. Henry Zenk, Dr. Daniel Boxberger, Dr. Robert Boyd, Dr. Michael Silverstein, and others whose research and writing contradict the primary “findings” in its narrative. In sum, CTUIR’s study is intellectually dishonest. Its author has selectively used information and ignored relevant materials.

Such compelling findings require making Dr. Beckham’s complete report available to officials and the public. A copy of Dr. Beckham’s report and a summary of it are enclosed.

### *Treaties*

*Rogue River 1853 & 1854 ~ Umpqua-Cow Creek 1853 ~ Chasta 1854 ~ Umpqua & Kalapuya 1854  
Willamette Valley 1855 ~ Molalla 1855*

Dr. Beckham deconstructs a false narrative of CTUIR connections to Willamette Falls using, among many sources, the testimony of CTUIR's own tribal members and previously published CTUIR information.

In 1941, none of the thirty-five CTUIR tribal elders reported any use or exercise of treaty rights west of Celilo Falls to Edward G. Swindell and the staff of the Umatilla Agency when they inventoried fishing, hunting, root-digging, and berry-harvesting sites. All of the locations reported in the Swindell Report (1942) and on the Swindell Cards, the inventory slips for this survey, were locations on the eastern Columbia Plateau.

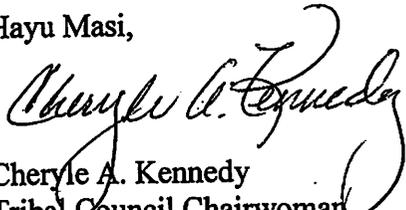
The CTUIR in 2015 published *Ćáw Pawá Láakni – They Are Not Forgotten: Sahaptian Place Names Atlas of the Cayuse, Umatilla, and Walla Walla* (Hunn, Owl, Cash Cash, Engum). This volume of more than 250 oversize pages with numerous maps and photographs presented an inventory of more than 1,100 place names and their uses under the “reserved rights” in the Umatilla Treaty of 1855 ceding lands on the eastern Columbia Plateau. Based on the Swindell Cards and other information from tribal members, the atlas did not identify any resource uses or locations west of Celilo Falls. The Umatilla Report fails to report this tribal publication of which Engum was a contributing author.

Dr. Beckham's analysis, and his citations to a plethora of well-regarded and widely known materials, ultimately speaks for itself.

Since Grand Ronde's restoration to federal recognition in 1983, Grand Ronde people have confronted the terrible legacy of colonialism and racism. Regrettably, we have also had to resist the efforts of some tribes to move beyond their lands and deprive Grand Ronde of its rights and history. It is to confront this latter issue that we provide you with a copy of Dr. Beckham's report.

Please don't hesitate to call me personally if you would like to discuss Willamette Falls or our ongoing efforts to develop the Blue Heron site into a place of healing and regeneration for our people. I can be reached at (503) 879-2352.

Hayu Masi,



Cheryl A. Kennedy  
Tribal Council Chairwoman

Enclosures

## Summary

On November 17, 2020, N. Kathryn Brigham, Chair, Board of Trustees of the Confederated Tribes of the Umatilla Reservation (CTUIR), submitted to Governor Kate Brown of Oregon the report *Traditional Use Study of Willamette Falls and the Lower Columbia River by the Confederated Tribes of the Umatilla Reservation*. She shared the report “broadly with regional legislators and CTUIR partners and resource co-managers to educate them about the CTUIR’s history, rights, and goals, and to foster productive relations.” Dr. Jennifer Karson Engum of the tribe’s Cultural Resources Protection Program is the report’s author. The Umatilla Report, hereinafter so identified, articulated six primary “highlights.”

**1. “Use of Willamette Falls area was not exclusive to any single Tribe or band.”**

This statement is false. The Umatilla Report does not address the extensive linguistic and ethnohistorical information recorded since 1806 that identified Willamette Falls and its vicinity as the aboriginal homeland and subsistence use area of the Clackamas, Clowewalla, Multnomah, Tualatin (Kalapuya), and Molala tribes. Willamette Falls and the entire Willamette Valley from the Columbia River to the headwaters of the Willamette and all of its tributaries are within the area of the ratified treaty of January 22, 1855, signed by the Confederated Tribes of the Grand Ronde Reservation.

Extensive accounts of explorers, fur trappers, travelers, and employees of the federal government (Office of Indian Affairs, U.S. Navy, and General Land Office), and contemporary newspapers document the residency and use of Willamette Falls and the Lower Columbia River estuary by the ancestors of the Confederated Tribes of Grand Ronde. The Umatilla Report fails to provide any evidence that its antecedent tribes and bands possessed a single village or exercised any subsistence activities (fishing, hunting, berry-picking, root-digging, or grazing livestock) west of Celilo Falls prior to 1995. The report ignores extensive documentation naming the resident tribes and bands at and in the vicinity of Willamette Falls who used its resources and were subsequently in 1856 removed to the Grand Ronde Reservation. The report also fails to address the continued use of Willamette Falls and its vicinity by the Indians of the Grand Ronde Reservation for decades after their removal.

**2. “CTUIR members maintained uninterrupted use and exercise of treaty rights in the area which use continues today.”**

This statement is false. In 1941 none of thirty-five CTUIR tribal elders

reported any use or exercise of treaty rights west of Celilo Falls to Edward G. Swindell and the staff of the Umatilla Agency when they inventoried fishing, hunting, root-digging, and berry-harvesting sites. All of the locations reported in the Swindell Report (1942) and on the Swindell Cards, the inventory slips for this survey, were locations on the eastern Columbia Plateau.

The CTUIR in 2015 published *Čáw Pawá Láakni - They Are Not Forgotten: Sahaptian Place Names Atlas of the Cayuse, Umatilla, and Walla Walla* (Hunn, Owl, Cash Cash, Engum). This volume of more than 250 oversize pages with numerous maps and photographs presented an inventory of more than 1,100 place names and their uses under the “reserved rights” in the Umatilla Treaty of 1855 ceding lands on the eastern Columbia Plateau. Based on the Swindell Cards and other information from tribal members, the atlas did not identify any resource uses or locations west of Celilo Falls. The Umatilla Report fails to report this tribal publication of which Engum was a contributing author.

**3. The CTUIR possess abundant oral histories on our traditional use at Willamette Falls and the Lower Columbia River area.**

This statement is false and is based on heavily redacted modern oral histories. The statement ignores the testimony of thirty-five tribal elders in 1941, the reports of CTUIR informants of village locations, subsistence areas, and other information collected by linguists and anthropologists, and the tribe’s place name atlas published in 2015 by the CTUIR. The Umatilla Report ignores the “Findings of Fact” and the adjudicated financial settlements by the Indian Claims Commission for the taking of aboriginal lands by the United States. Expert witness testimony, founded on information obtained from tribal members, led to the adjudication of the land claims cases. These cases identified the CTUIR “use and occupancy” areas and that of the Yakama to the north, Nez Perce to the east, Northern Paiute to the south, and the Warm Springs to the west. The CTUIR sought no settlement with the United States for any land other than on the eastern Columbia Plateau. The CTUIR accepted the “Findings of Fact” and the financial payments determined by the Indian Claims Commission.

**4. The Cayuse people had significant contact and clear cultural and historical ties including intermarriage with the Molalla Tribe of the Willamette Valley.**

This statement in the Umatilla Report is based on an alleged linguistic affiliation of the Cayuse and Molalla languages as “Waiilatpuan.” This attribution, made in the 1800s, has been resoundingly and consistently rejected by linguistic scholars since the 1960s. The Umatilla Report cites some

of the modern linguistic studies but does not report their conclusions that there never was a Cayuse-Molala linguistic tie. The matter of shared language families is an untenable justification for documenting resource use. The presence of Athabaskan-speaking Chetco, Tututni, and Upper Coquille Indians in southwestern Oregon, for example, does not give them subsistence rights among the Apache and Navajo in the American Southwest with whom they share as much as 20% common vocabulary and grammatical usage.

**5. “The presence of the CTUIR people increased during the fur trade and mission era, which brought additional CTUIR members to the Willamette Valley and increased use at Willamette Falls.”**

This statement is false. The Fort Vancouver Indian census compilations by the Hudson’s Bay Company in 1839, for example, identified no CTUIR presence. This documentation was ignored in the Umatilla Report as well as the discussions of tribal distribution at Willamette Falls and along the Lower Columbia River by Charles Wilkes (1841), Joseph Lane (1849), Anson Dart (1851), Berryman Jennings (1855-56), William W. Raymond (1856), and John Miller (1857). These census compilations by location, band, population, and chief were made by employees of the federal government. None reported any tribe, band, or individual family of the CTUIR in western Oregon.

One Walla Walla Indian boy, named Elijah Hedding by the Methodist missionaries, briefly attended school on French Prairie in the early 1840s. School attendance by one youth does not document tribal presence and treaty rights.

**6. “The Cayuse Five trial, during which tribal headmen were tried and convicted in Oregon City, adjacent to Willamette Falls, for the deaths that took place at the Whitman Mission created deep and unresolved trauma that adds to CTUIR’s connection to the area of Willamette Falls.”**

The five Cayuse men charged with the murders of thirteen Euro-Americans at the Whitman Mission on the Walla Walla River in November, 1847, were tried in Oregon City because it was the capital of Oregon Territory. The community was the location of the territorial court, Oregon Superintendency of Indian Affairs, federal post office, General Land Office, and the legislature of Oregon Territory. The trial in no way buttressed the reserved treaty rights of fishing, hunting, digging roots, gathering berries, or grazing livestock for the CTUIR in western Oregon.

**Conclusion:**

The Umatilla Report is filled with errors of fact, faulty conclusions based on misunderstanding of primary and secondary sources, and accepting as “truth” virtually anything that is in print. The Umatilla report has ignored and not cited more than 30,000 pages of the microfilm records of the Oregon Superintendency of Indian Affairs, 1843-1880, all of the *Annual Reports of Commissioner of Indian Affairs*, 1845-1930 (available on-line), and numerous, relevant historical documents. The Umatilla Report has selectively ignored scholarly accounts by Dr. Henry Zenk (linguist), Dr. Daniel Boxberger (anthropologist), Dr. Robert Boyd (demographic anthropologist), Dr. Michael Silverstein (linguist), and others whose research and writing contradict the primary “findings” in its narrative.

In sum, the Umatilla Report is intellectually dishonest. Its author has selectively used information, ignored relevant materials (including conclusions in articles cited in her report), and not cited *Čáw Pawá Láakni - They Are Not Forgotten: Sahaptian Place Names Atlas of the Cayuse, Umatilla, and Walla Walla* (Hunn, Owl, Cash Cash, Engum). This atlas refutes all six “highlights” identified by N. Kathryn Bingham in her letter of November 17, 2020.