



RESTORATION

“We want to be restored.”

THE EFFECTS OF TERMINATION SET IN BY ACCRETION, NOT DELUGE. One by one, Siletz people lost their allotments through failure to pay taxes and, with no other way to come up with basic living expenses, by selling their homes and land. Tribal members with cancer scares or strokes, conditions still covered by the Indian Health Service in the early 1950s, could not afford medical help. Traditional fishermen, who once had BIA tags allowing them to gillnet on their allotments, now faced arrest by the state. Deer hunters, who hunted free before termination and whose families depended on the venison they carried home, learned they had to pay the state license fee and could take just one buck per year. There were no jobs at the BIA, which gave a hiring preference to Indians but not members of terminated tribes; one woman lost her teaching job at Haskell Indian School in Kansas because she was no longer a member of a “recognized” tribe. The employers who had refused to hire Indians before termination still refused. The City of Siletz evicted the eleven elders living on Government Hill—maybe the city owned that land now, tribal members asked, but how could the city do that? Family after family, confronted with the loss and disruption, moved out to Salem, Portland, and points beyond.

The socioeconomic statistics were dismal. Tribal members endured sky-high unemployment, over 40 percent, and basement-level income, half that of the general population. Most adults between seventeen and twenty-five never finished high school. Alcoholism afflicted almost every family.

There is an open question as to how much of this traces to termination.

Certainly not all of it. Despite the rosy descriptions of Siletz life by BIA officials during the rush to termination, the tribe faced widespread poverty before Congress withdrew its support. And larger economic forces were at work. The Lincoln County timber harvest dropped from an annual average of more than 400 million board feet to less than 300 million, with much of the decline occurring from 1968 through 1970. This cost tribal members good jobs and forced some to relocate. If, as Indian people believe, Indian employees were the first to be let go when labor reductions were made, then the cuts disproportionately affected the Siletz. But whatever the specific contributions of termination, by the mid-1970s the Siletz people faced dire economic and social circumstances.

Intangibles were just as important. The spirited sense of community, created and preserved by countless generations of ancestors, lost vitality. With the departure of two-thirds of the Siletz people living in Lincoln County, there were still some traditional dances and an occasional pow-wow, but not nearly as many. With no tribal business to conduct, tribal meetings lapsed and gatherings were now held by families rather than the larger tribal community. There was a lingering sadness, broken hearts, at a life with few dances, songs, and stories—and no land.

The perception—the charge—of “not being an Indian anymore” especially hurt. Ed Ben remembered, in anger and frustration, that “after termination we would go to pow-wows and recognized Indians would talk down to us. When we told them we were Siletz, they would say, ‘oh yeah, you’re those terminated Indians.’” “It made me feel vulnerable, deficient, ready to fight anyone who said we weren’t Indian people,” Agnes Pilgrim said. “I hated that word ‘termination.’ It was like ‘extermination.’ I felt like I lost my identity.”

The gravity of termination sharpened during the 1960s as new advantages to federal recognition emerged. Government programs for Indians improved and recognized tribes began to make tribal sovereignty mean more than just John Marshall’s words on a page. One termination-era policy—the transfer of the Indian Health Service from the BIA to the Department of Health, Education, and Welfare—proved to be a boon to Indians. Relieved of the dead-end image of the BIA, the IHS became more professional, congressional funding increased, and health care for Native people improved. Congress initiated new Indian education programs and stepped up funding for BIA schools, special programs for Indian children in state elementary and secondary schools, and college scholarships. The War on Poverty, initiated in 1964, gave a shot in the arm to tribal governments by funding community action projects designed

and administered by the tribes themselves. All of these programs benefited only recognized tribes.

With the advent of “Red Pride” in the late 1960s, American Indians began thinking differently about their Indianness—and so did the American public. A number of events put exclamation points after both the grievances of Native Americans and their burgeoning sense of worth. The nation gave its sympathy and support to the Indians who occupied Alcatraz Island in San Francisco Bay. Vine Deloria’s *Custer Died for Your Sins: An Indian Manifesto* hit the best-seller lists and raised spirits across Indian country. The American Indian Movement may have gone too far in its takeover and trashing of BIA headquarters in Washington, D.C., and the paramilitary standoff with federal forces at Wounded Knee in South Dakota, but particularly in its early days, AIM’s proud, charismatic leaders trumpeted the values of Indian spirituality and inspired young Indian people.

For the first time in generations, tribes took bold actions to assert their sovereignty and treaty rights. Tribes in Maine sued to recover ancestral land. South Dakota tribes succeeded in passing a statewide initiative protecting their sovereign jurisdiction so that lawsuits would go to tribal, not state, courts. In the Pacific Northwest, Oregon and Washington tribes, fed up with decades of arrests and jail time, filed suits to enforce their treaty rights to take salmon at their traditional off-reservation fishing sites. In historic rulings, federal judge Robert Belloni upheld robust treaty rights for the Columbia River tribes in 1968 and Judge George Boldt followed suit for the Puget Sound tribes in 1974.

Trailblazing activity took place in Washington, D.C. The BIA began to loosen its grip on the reservations, spurred in part by the appointment of Robert Bennett, an Oneida Indian from Wisconsin who in 1966 became the first Native American BIA commissioner in nearly a century. After a half-century struggle, in 1970 the Taos Pueblo of New Mexico persuaded Congress to return to the pueblo its sacred Blue Lake and surrounding lands. In the same year, President Richard Nixon delivered his influential message to Congress proposing his policy of “Self-determination.” That formulation, which called for recognition and support of the sovereign authority of tribes—not the BIA—on the reservations, became the keystone of federal Indian policy and remained so into the twenty-first century. And in April 1972, the Wisconsin congressional delegation introduced the Menominee Restoration Act, designed to repeal the Menominee Termination Act, an event duly noted by Joe Lane, soon to become the first tribal chairman in modern Siletz history.

RESTORATION



In the early 1970s, Siletz tribal members, feeling the material and spiritual needs of their people, began the process of putting the tribe back together. Many ancestors lay in the Paul Washington Cemetery on Government Hill, named in honor of the grandson of Shasta Tyee Push Wash, who died on the battlefields of Europe, the first Siletz Indian to give his life in World War I. Blackberry patches marched on the cemetery, and so many people had moved away that maintenance was difficult. Local people—the Ben, Brown, Bensell, Simmons, and Strong families among them—formed work crews and established the Paul Washington Cemetery Association. Within a few years that memorial area once again became a place of grass rather than brambles. Tribal members also took on the pressing and tangled matter of alcoholism. With a small grant from the state, they established and staffed the Siletz Alcohol and Drug Program. Many Siletz people had moved to Portland, where the Indian community was becoming active. Siletz tribal members Joe Lane, Francella Griggs, and Adolph Tronson Jr. formed the Portland Urban Indian Center to provide a community gathering place in the city.

Then, based on meetings at the Portland Urban Indian Center and the realization that Congress could terminate the federal relationship with the Siletz tribe but could not terminate the tribe itself, tribal members decided to revive their government. The first meeting, held on September 30, 1973, at the VFW Hall in Siletz, was widely advertised and drew a crowd of fifty-four tribal members. After a discussion, the group unanimously voted to reorganize and form a government. The tribal council elected that day consisted of Joe Lane, chair; Robert Rilatos, vice chair; Rowenda Strong, secretary; Dolly Fisher, treasurer; and members Stanley Strong, Ed Sondenaa, Ed Ben, Pauline Bell Ricks, and Lindsey John. The idea took off. During those formative years, the monthly meetings—usually held in the one-room, cinderblock Siletz Grange Hall—drew two hundred or more tribal members and the discussions were lively. They adopted a constitution and by-laws and obtained a charter as a nonprofit under Oregon law.

It was a frenetic time. Lane, in his fifties and trim, somehow at once both low-key and a dynamo, seemed to be everywhere, traveling in an old Winnebago motor home on his many trips from Portland to Siletz. To get around the tribe's terminated status, the Siletz contracted with the Warm Springs Tribe—which as a recognized tribe was eligible for grants under the Comprehensive Employment and Training Act—to set up a local CETA-Manpower



Senator Mark Hatfield (*far left*), soon to become the congressional champion for Siletz restoration, attended the tribal council meeting in June 1974 and presented the tribe with an American flag. Tribal Chairman Joe Lane is third from the left. Others, from the left, are Art Bensell, then mayor of Siletz, and tribal council members Ed Sondanaa and Robert Rilatos. *Used with permission from the Newport News Times/Lincoln County Leader.*

program under the aegis of Warm Springs. With the alcohol and drug program and CETA-Manpower program both in place and with the tribal council needing space for administration and meetings with members, the tribal council rented a modest building known as the “A-Frame” and set up a drop-in center convenient for members.

The tribe also took steps in the political arena. To raise public consciousness, the council issued a proclamation, which it submitted to Governor Tom McCall, complaining of a one-sided highway historical marker about an 1850s battle and pointing out that “those signs are wooden books which many people read.” On one occasion, Senator Mark Hatfield—soon to become a major figure in Siletz history—spoke at a monthly tribal meeting.

Then Joe Lane, having learned of passage of the Menominee Restoration Act in December 1973, called his sister Gladys Bolton. “Sis, what do you think of being an Indian again?” Shortly after that, John Volkman, a legal aid lawyer

in Portland, looked up from his desk to find Joe Lane standing in the doorway. Lane got straight to the point. “We want to be restored.”



Volkman warned that it would not be easy. As a starting point, the Menominee were a special case. Unlike the Siletz, they still had their large and splendid reservation—250,000 acres of deep forests, full rivers, and plentiful wildlife, including major deer and bear populations—and it was at immediate risk. The land, no longer held by the United States in trust, was taxable and the terminationists’ overblown descriptions of Menominee economic health did not prove out. The tribal corporation could not meet the tax bills and the corporate officers sold off thousands of acres of pristine forest land to non-Indians for second homes. With more sales in the offing, tribal members rose up and received statewide sympathy. The Menominee also made an overwhelming showing of economic, health, and educational needs.

As the Menominee bill went through Congress, many legislators worried that other terminated tribes might use it as precedent for their own restoration. Reversing termination had federal budget ramifications, raised questions of state taxation and regulation, and brought forth hot-button issues of fishing, hunting, water rights, and land return. The widely held view on Capitol Hill was that Menominee was a one-of-a-kind relief measure.

Worse yet, Lane had come to Volkman’s office just after the Boldt Decision was handed down, decreeing that northwest Washington tribes had the right to take 50 percent of the salmon harvest. Non-Indian fishermen were picketing Judge Boldt’s federal courthouse, hanging him in effigy and loudly proclaiming their refusal to abide by his ruling. It looked like his reasoning would be applied to the Columbia (as it soon would be), so that Oregon was directly implicated. Volkman knew—and it was no surprise to Lane—that powerful commercial and sport fishing organizations in Oregon would spare nothing to prevent “restored” Indians from getting legislation through Congress, reviving expansive fishing rights, and stretching their gillnets across the Siletz and other coastal rivers. It would not matter that the Siletz had no intention of using restoration as a vehicle for gaining fishing rights. The fishermen felt cornered and they would fight.

Still, the new tribal council wanted to push ahead. Volkman drafted a restoration bill and Wendell Wyatt, congressman for the central Coast, agreed to introduce it in June 1974. Wyatt, who was about to retire, did not

push the measure and it failed to receive a hearing.

This was no setback. Bills that go nowhere can be revived in a new congress. In this case, the Siletz had yet to build the apparatus needed to propel major and controversial legislation through Congress. But they were making a good start. Were they ever.

The tribe, knowing it had an uphill road to travel, plunged into the task of making a persuasive presentation to the public. Proving the many current difficulties it faced was critical, but there was almost no documentation of the tribe's plight. Members began by meeting with the schools to obtain data on Siletz students. The volunteer information-gathering gradually merged into the Statistical Profile of tribal members, completed in December 1976, with the assistance of Volkman and Jonathan Sayers, holder of a master's degree in social work. The findings, comprehensive and accurate, showed much the same societal breakdown as the Menominees had suffered.

Through small grants, the tribe also commissioned a short film by filmmaker Harry Dawson, entitled "The People Are Dancing Again." Featuring Gladys Muschamp gathering basket-making materials and then weaving them, the film was honored by the Northwest Film Festival in Portland and was shown on television through the Public Broadcasting Service. The 26-minute video made for a fine presentation at public gatherings and fund-raising meetings.

The tribe had something else on its side: the support of Senator Hatfield. Governor from 1959 through 1967 and elected to the first of his five U.S. Senate terms in 1966, the dashing Hatfield had earned deep and broad public support for his courageous and independent stands, including opposition to the Vietnam War. The senator would not be cowed by opposition to restoration if he believed the objections were wrong-headed.

This was when I first became involved with the Siletz Tribe. In the winter of 1974, Joe Lane called John Echohawk, executive director of the Native American Rights Fund, a nonprofit law firm located in Boulder, Colorado, and requested assistance from NARF. I had worked on Menominee restoration, and Echohawk talked to me about whether NARF should take on Siletz restoration. In his view, the Menominee had broken new ground but the Siletz—the only terminated tribe actively pursuing restoration at the time—now had special importance: passage of a Siletz bill, significant in its own right, would also establish Menominee as precedent and open the door for all the terminated tribes. From the look in my eye, John could see what my decision was, and we both laughed.



Robert Rilatos, passionate vice chairman of the tribal council during the restoration years and an influential council member and tribal leader thereafter, emphasized the creation of traditional dancing, basketry, and language classes. *Siletz Tribal Collection*.

Joe Lane and Vice Chairman Robert Rilatos flew out to Boulder—probably on their own hooks, I realized later—to meet with a group of staff lawyers. I was reminded how tenacious Indian people are: unratified treaties, broken ratified treaties, war, removal, break-up of a great reservation, allotment, termination, yet refusing to give in. John Volkman’s name came up at the meeting and I later gave him a call. John, who chooses his words carefully, said the Siletz were definitely the real thing. NARF took the case. Don Miller in NARF’s Washington office, and later Sharon Gordon, a Eugene attorney, would work on it with me.



My first meeting with the Siletz Tribal Council was on April 5, 1975. As I flew out to the Portland airport and then drove over the Coast Range, representing Siletz had taken on additional, unexpected meaning for me. A few months after the Boulder meeting, I had taken a position on the law faculty at the University of Oregon in Eugene, just a two-hour drive from Siletz, and NARF asked me to continue with Siletz restoration on a contract basis when I started teaching in the fall. I didn’t know exactly what the proximity of Siletz and Eugene meant, except that it would probably lead to a deeper involvement and a greater time commitment. What would these people and this place be like?

The meeting at the Grange Hall in Siletz took me aback. If anything, Joe Lane, Robert Rilatos, and John Volkman had understated the level of enthusiasm and commitment at Siletz. The place was packed, with people standing in the back and on the sides. Everyone could feel it. It was one of those moments

that sometimes come to pass in the histories of dispossessed peoples when the air seems to take on a different physical character, charged with the heat of injustice suffered and simmering for generations and, as well, fired by a belief that this might be the time when justice would answer the call.

Several tribal council members made reports. The treasurer passed around a coffee can for contributions (the take was about seventy dollars). We had done some redrafting of the bill, and I explained those changes. I gave my assessment, which was that the tribe had a tough road ahead but—particularly given what I'd seen and felt that day—had a realistic chance if they could complete their efforts-in-progress of documenting their difficult circumstances and building a broad base of support, especially in Oregon. They would need to respond effectively to the attacks from fishermen, which were sure to come.

It was a long discussion. They knew well the importance of the words in the draft bill and people needed to hash and rehash them. Nearly all the comments and questions were on point, and those that weren't had the virtue of being colorful and loud. A potluck featuring venison and salmon followed, and I had the chance to visit with people. Driving back to the airport, I knew this would become a big part of my life.

The rest of 1975 brought far more work than anyone imagined. Siletz people looking back on those days roll their eyes at the sheer number of meetings and how hard it was on their families. There were two saving graces. Citizens across Oregon and beyond responded well to the Siletz experience, both the history and the current dilemma. Also, this was not an effort in which a small number of people did all the work. While tribal council members properly carried heavy loads, scores of other people, both Siletz and those from outside the tribe, volunteered in countless ways, from making presentations to preparing food at potlucks to licking stamps.

There were so many venues. Staffers for the Oregon congressional delega-

SILETZ TRIBAL COUNCIL

The following people served on the Siletz Tribal Council during the restoration years from 1973 through 1980: Joe Lane, Robert Rilatos, Rowenda Strong, Dolly Fisher, Stanley Strong, Ed Sondenaar, Ed Ben, Pauline Bell Ricks, Lindsey John, Jim Cook, Kay Steele, Arthur Bensell, Delores Pigsley, Kathryn Harrison, Robert Tom, Sister Francella Griggs, Alta Courville, Mae Bostwick, and Linda Merrill.

tion, the interior committees in the Senate and House, and the governor's office had to be regularly briefed. Relationships needed to be established and maintained with reporters and editors for the two Portland newspapers and the papers in Salem, Corvallis, Eugene, and the coastal towns. The effort never raised large amounts of funding, but several thousands of dollars came from the United Churches of Oregon; individual churches, especially the Lutheran and Presbyterian; the American Friends Service Committee; the League of Women Voters; the Daughters of the American Revolution; and others. The tribe broadly solicited letters and resolutions of support, which often required meetings as well as mailings and phone calls. In Oregon, endorsements from the coastal towns were important, as were those from church and civic organizations. No Indian bill can pass without support from the Indian community and endorsements had to be obtained from the Northwest tribes, including the Warm Springs and Yakama; the regional intertribal organizations, including Affiliated Tribes of Northwest Indians and Small Tribes of Western Washington; the National Congress of American Indians, the largest national Indian organization; and other Indian groups, such as the Survival of American Indians Association. Relationships with state and federal agencies, notably the Bureau of Indian Affairs and the Oregon Department of Fish and Wildlife, also needed to be maintained. Lawyers could help with some of this, but most of these people wanted to see tribal leaders and members, not attorneys.

There were other duties. Tribal members wrote papers on history and culture for briefing purposes. They participated broadly in "The People Are Dancing Again" film, providing information during script development, appearing on camera, and then reviewing rough takes for accuracy. Restoration could not proceed without the Statistical Profile of tribal members, which provided socioeconomic data that underscored the tribe's urgent current needs. Siletz volunteers did much of the legwork, which required extensive interviewing since so little data were in existence.

That fall, activity stepped up a notch for the best of reasons. Senator Hatfield not only was eager to introduce the bill. Beyond that, he wanted to hold early committee hearings, assuming that the tribe felt ready.

Autumn also brought storm clouds. The tribe, in gathering support, had contacted many people about the bill that would soon be introduced. There was little resistance to addressing the tribe's economic, social, and cultural issues, but the fishing rights issue was explosive. Salmon and steelhead fishing was sacred for hundreds of thousands of Oregonians. John McKean, director



Pauline Bell Ricks, a leader in the restoration movement and respected tribal member for several terms, has been honored by the naming of the Pauline Ricks Memorial Pow-Wow Grounds on Government Hill.

Photograph by Ron Appelbaum.

of the Oregon Department of Fish and Wildlife and the most powerful voice in state government on salmon issues, had been set back on his heels by court cases ruling in favor of fishing rights for the Klamath and Columbia River tribes. In November, the influential Fish and Wildlife Commission, the governing board for the department, came out in opposition to Siletz restoration. A big, strong-willed man, McKean sent out flares to his constituency, sports and commercial fishing advocacy groups, and to the press.

The issue was joined before the bill had even been introduced. The *Sunday Oregonian*, with by far the largest circulation in the state, editorialized against the tribe. Pete Cornacchia, outdoors writer for the *Eugene Register-Guard*, set the tone that would characterize the debate from the fishing and hunting side. "Nets in the Alsea all fall and winter, from the first of the silvers to the last of the steelhead? Deer and elk in the coast range under fire all year, day and night, even more so than now? It could happen." He warned, "Circle the wagons, boys, here they come again."

The conflict would plague Siletz restoration all the way through Congress. With several cases upholding tribal treaty rights, Oregonians were attuned to the issue of fishing rights, often front-page and top-of-the-broadcast news. Most of the public did not understand all the ins and outs of the complicated issue, but a large segment thought of it as an "us against them" matter caused by antiquated, technical federal laws.

Tribal fishing and hunting rights mean that the tribes, rather than the states, regulate their own members by setting bag limits, seasons, and licensing requirements and then policing tribal fishers. The rights, especially in the Northwest, may apply at traditional off-reservation sites as well as on the reservations. In addition, tribes in the Northwest are entitled to a “fair share,” usually 50 percent, of the resource. The reasoning, a fair reading of history, is that tribal treaty negotiators, as salmon people, insisted on protecting their basic means of subsistence when they agreed to surrender most of their lands and be placed on smaller reservations.

The issue in modern times can be characterized as a turf battle, with the state commission fighting to protect its regulatory jurisdiction and its non-Indian constituents. While this is true, it was not that simple, certainly not that simple politically. A great many people and communities depended on commercial fishing in the 1970s—more than today—and, however fair it might be to the tribes to enforce these rights, the economic and human hardships for non-Indians can be considerable.

The Siletz understood the sensitivity and included a provision that the bill would be neutral on the treaty issue: restoration would not grant or restore any new hunting or fishing rights. At the same time, it was possible that the tribe still possessed some rights that preexisted and survived termination, although it was uncertain how extensive they might be. John McKean, his commission, and the fishermen’s organizations wanted language extinguishing all existing Siletz fishing and hunting rights. The tribe saw this as a hold-up and did not want to agree to such confiscation. But, reasonable or not, arguments by the commission and its allies vividly portraying effects on hardworking fishermen, their families, and their communities carried great weight. The Siletz restoration effort had been pushed perilously close to the third rail of Northwest politics.

Senator Hatfield expected strong opposition and would not be thrown off track. He unequivocally favored Siletz restoration and assigned Tom Imeson, one of his top aides, to work on the bill. On the fishing issue, Hatfield agreed with the tribe’s approach: the bill should not create any new rights but it would be wrong to extinguish any rights the tribe might now have. Comfortable with his grasp on the issues, he was unimpressed by parades of horrors and confident that he would not be blindsided by some unexamined point of law. Politically, he was safe.

It was harder for Les AuCoin, a Democrat who succeeded to Wendell Wyatt’s seat for the district that included the central Coast. AuCoin sincerely

backed Siletz restoration, at least so far as health and education matters were concerned, and agreed to introduce the bill in the House. The fishing issue troubled him though, and Indian legislation was new territory for him. A newcomer to Congress, he lacked Hatfield's bulletproof security in office. The House bill would move more slowly than its counterpart in the Senate.

The Siletz Restoration Act was introduced in both Houses of Congress on December 17, 1975. The bills had influential co-sponsors from Oregon, and on the Senate side, Senator Hatfield also lined up members of the interior committee, where the bill would go. Best of all, Senator Hatfield promptly set the Senate subcommittee hearings for March 30 and 31. It deserves mention that it is rare in the extreme for a small minority group to organize, build support, and bring their concerns to congressional hearings within the span of just two and a half years.

The Siletz made two trips to Washington, D.C., in early 1976. On the first, a few council members briefed legislators, staff, and agency officials. By then, Art Bensell, mayor of the City of Siletz and proprietor of the Siletz general store, was tribal chairman. He had not been active in the restoration effort at first, but by mid-1975 he was firmly committed. Soft-spoken and grandfatherly, Bensell was knowledgeable, articulate, and fair. People took to him immediately and trusted him. The same can be said of the tribal council as a whole. Passionately committed to their cause, they nonetheless avoided overstatements and inaccuracies. Their effectiveness was a main reason why—even given the explosive nature of the fishing issue—the reporting in the press was mostly positive, public officials responded well, and personal confrontations were few and far between. On their first trip back east, the council members won many supporters.

The entire council went back to the Capitol for the March hearings. Because of the full-court press applied by John McKean, the Fish and Wildlife Commission, and fishing interests, the bill had received broad attention in the press and at public forums. Siletz representatives had met with several commission members and with Beverly Hall, the lawyer in the state attorney general's office who was assigned to the commission. Sessions with commercial and sports interests, which often disagreed with each other but cooperated on Indian fishing issues, were intense but respectful. They had one-on-one meetings with Governor Robert Straub, who supported the bill; Attorney General Lee Johnson, who supported Siletz restoration generally but took a hard line on the fishing issue; representatives of local municipalities (Lincoln City gave support); and other public officials.

A multifaceted public attitude had settled in and would remain in place throughout the five-year legislative process. The Siletz had been badly treated historically and faced serious current problems. The tribe deserved to be recognized once again, and its members should receive health, education, and other federal services. The tribe had good leadership, people who could be trusted. As for the fishing issue, public opinion was all over the map.

For the council members, the trip was daunting, but spirits were high. None had ever testified before Congress and most had never been to Washington, D.C. As Kathryn Harrison, who had been on an airplane just once, put it, “We were like kids. [It was] just a thrill to be there.” She fondly remembered the support of Senator Hatfield, Tom Imeson, and other staff members. “We could feel that warmth on the plane—that they were waiting for us.” Just before take-off from Portland, they received surprising but welcome news that their hard work was paying off. One of the leading fishing organizations, the All Coast Fishermen’s Marketing Association, had come out in favor of the bill.



The council members and Joe Lane—no longer chairman but still active in the restoration effort—divided up the topics and prepared written testimony in advance. To put them more at ease, Tom Imeson had arranged to keep the Senate hearing room open beyond normal closing hours for a “dress rehearsal” the night before the hearing. After dinner, the council members gave their testimony in the chambers. The lawyers and Senate staff members acted as senators, firing the kind of questions they might receive over the next two days, and the council members responded.

The next morning, the testimony of council members was informative, well-delivered, genuine, and moving. Observers were spellbound as Pauline Bell Ricks presented nineteenth-century history through the eyes of her grandmother, Ki-Ya-Na-Ha, who had been brutally taken from her homeland on the Trail of Tears to Siletz. Joe Lane recounted the tribe’s reorganization in the early 1970s and documented how the tribe’s “consent” to termination was not freely and knowingly given. Others addressed health, alcoholism, education, economic conditions, current tribal membership, and tribal administration. Art Bensell gave an overarching account of the importance of restoration and touched on the bill’s provision that neither granted nor extinguished any fishing or hunting rights. Capitol Hill veterans in the audience later agreed that this was how such a hearing should be done.



Siletz representatives testify in Washington, D.C., in front of the Senate Indian Affairs Committee on March 30, 1976. From the left are Delores Pigsley, Joe Lane, Robert Rilatos, Art Bensell, Katherine Harrison, Robert Tom, Pauline Ricks, Alta Courville, and Sister Francella Griggs. *Siletz Tribal Collection.*

The second day of hearings opened with rousing testimony from Senator Ted Kennedy, who made a surprise appearance:

Mr. Chairman, as indicated in testimony taken yesterday, the Federal agencies charged with delivering programs to federally recognized tribes stand ready to begin work with an already elected council. This council has shown its initiative, its leadership ability, and its commitment by presenting to the Senate a clear and compelling case for restoration. I associate myself with their presentation and fully support enactment of S.2801. It would be especially fitting for Congress to enact this bill in our bicentennial year, so that we might show by deeds as well as words that we are a nation of honor, that we can admit our mistakes of the past, and that we are prepared to act fairly and justly towards Indian tribes in the future.

The mood shifted dramatically when Beverly Hall seated herself at the witness table. While opposition to the bill came from several quarters, this assistant in the state attorney general's office was the main spear-thrower, a role

she assumed with relish. Articulate and smart, but combative and unyielding in her zeal to extinguish Siletz fishing and hunting rights, Hall wielded great power. Charged with giving the Fish and Wildlife Commission advice on the red-flag matter of Indian treaty rights, she could—and did—use scare tactics to alarm state officials and the public. To some extent, Hall was a creature of her times: assertive sovereign tribal governments were new on the scene and attorney general offices in all the western states were stoutly defending the sovereignty of their states. But Hall crossed the line by never relenting, by insisting on abrogating Siletz treaty rights, and, failing that, by spuriously arguing that broadly supported neutral language on treaty rights was not neutral and was affirmatively dangerous.

Congress had three options with regard to Siletz fishing and hunting rights. First, the legislation could grant such rights to the tribe, a course the Siletz decided not to pursue. Second, the bill could extinguish any rights that might exist. This was the so-called McKean Amendment, supported by the commission and Hall. Third, the bill could be neutral—that is, maintain the status quo by neither granting new rights nor extinguishing existing ones. This was Senator Hatfield’s position. Section 3(c) of the bill, drafted to be direct and easily understandable, read: “This Act shall not grant or restore any hunting, fishing, or trapping rights of any nature to the tribe or its members.” On the first day of the hearing, Reid Chambers, the top Indian law expert in the Interior department and an eminent attorney, had testified that section 3(c) was neutral and did not create any hunting or fishing rights.

SENATOR HATFIELD . . .

Now, Mr. Chambers, if the Siletz fishing and hunting rights did not survive the termination act, is it possible this provision in some manner could confer special hunting and fishing rights upon the tribe?

MR. CHAMBERS. No. That is impossible, Senator. The plain language of the section says it shall not confer any such rights and if there was any conceivable doubt about that in deciding that kind of question, courts would refer to this kind of legislative history by the sponsor of the bill in committee hearings and would conclude—it means clearly a court would conclude that this act does not confer any special hunting or fishing rights.

In Hall’s tense, ninety-minute testimony, she evaded and bickered with Hatfield’s questions, raising fears that the bill was not neutral but unwilling to submit corrective language. When she advocated for the McKean Amendment,

the extinguishment option, Hatfield replied that “we might as well kiss the bill goodbye today if we are going to follow that procedure.” He knew that tribes nationally would actively oppose the bill with that amendment because it would set a precedent for abrogating treaty rights. Also, the Office of Management and Budget would shoot it down on budgetary grounds, since the tribe would have to be compensated in an unknown amount for any treaty rights that might exist. But for Hall, displaying a lack of respect for Hatfield that the senator chose to ignore, it was extinguishment or nothing, plain and simple:

It is unconscionable for the Congress to attempt to assuage the Nation’s guilt complex for its past mistreatment of Indian citizens by simply ignoring, because of political convenience, the issues this proposed legislation raises concerning the protection of fish and wildlife.



Siletz restoration, out of nowhere a major public issue in Oregon, saw no formal congressional activity for more than a year following the March 1976 Senate hearing. Hall’s arguments generated numerous exchanges of memos on legal points and historical developments. John McKean proposed alternative legislation, the “Siletz Health and Welfare Act,” which would make tribal members eligible for federal benefits. The draft bill, rejected outright by the tribe, did not provide for recognition or creation of a reservation. It never gained traction.

In the summer of 1977, with the identical restoration bills moving toward committee action in both Houses, the issue reignited in the press. After the Senate committee voted the bill out favorably, the measure was scheduled for House committee action on September 23. Then, six weeks before the hearing, the new attorney general for Oregon, James Redden, circulated a memorandum written by Beverly Hall. She argued that the passage of the bill would automatically restore tribal jurisdiction over all land and persons, Indian and non-Indian, within the boundaries of the pre-termination reservation. Redden’s cover letter reflected his doubts, calling the opinion a “rough draft” and emphasizing that it “does not constitute a formal or informal opinion of this office.” He apologized that the memorandum had already been leaked to the press. Hall’s incendiary document was a scare tactic and was quickly exposed as such. Congressman AuCoin referred the matter to the Library of Congress for an opinion, and the Library had no trouble in concluding, within just a

week, that the bill “would not have the territorial ramifications” claimed in the memorandum.

With one exception, the bill received only technical amendments during its journey through Congress. The original bill called for the BIA to develop a reservation plan in negotiations with the tribe and to submit the plan to Congress for approval within six months. The implicit assumption was that the forty acres on Government Hill would be the reservation. The statute, as passed, called for a more elaborate study to be conducted over a period of two years. Some of the other provisions placed limits on the tribe—for example, all reservation land must be in Lincoln County, and Public Law 280, which applied in Oregon except for the Warm Springs Reservation, would be in force for Siletz and would give the state broader jurisdiction than on non-Public Law 280 reservations. More importantly, the revised reservation-plan provisions (including the two-year time period) were much more broad-gauged than conceived in the original bill and laid the foundation for a larger reservation. The bill went through both Houses easily, and President Carter signed the Siletz Restoration Act into law on November 18, 1977. The celebrating took place some 3,000 miles away.



Once the bill passed both Houses, the tribe had less than two weeks to arrange an all-out, three-day celebration to commemorate the historic occasion. Tribal staff coordinated with the White House so that President Carter would sign the Siletz Restoration Act into law—and repeal the termination act—on Friday, November 18, 1977. That night, people directly involved in restoration would have a potluck at the Grange Hall, followed by speeches and reminiscences in the Siletz high school gym. Saturday would be the big public evening, a potluck and a major pow-wow, “the social event of the year in Lincoln County,” as one local newspaper described it, and one of Oregon’s biggest Indian gatherings. Sunday would be low-key, with a service and time for people to talk, reflect, and let it all sink in. The word went out by newspaper, radio, and the moccasin grapevine.

Siletz people from the Willamette Valley, the greater Northwest, and beyond, forced away by termination, came back in numbers to celebrate the new beginning. The dancers, drummers, and spectators included Indians from tribes in western Oregon, across the Cascades, and in Washington and California. Among the dignitaries were Victor Atiyeh, state senator and soon