

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.

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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 Sondana 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.

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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

to be governor of Oregon, and many officeholders from the Coast who had stuck with the Siletz in spite of the opposition. Many locals, knowing that something good was up, came by. Siletz women, headed up by Pauline Bell Ricks, chairperson for the celebration, cooked food for hundreds of people. High school and junior high boys and girls, organized by teacher Tom Ball, a Klamath tribal member, set up tables and chairs and cleaned up.

No facility in Siletz was large enough, so the Saturday pow-wow was held at the Lincoln County Fairgrounds in Newport. It exceeded all expectations. That was certainly true of the weather, which produced the kind of late autumn Oregon chill that seeps into every bone and organ. Preparations had been made to hold the pow-wow indoors, except that the fire marshal, seeing the overflow crowd, ordered that all the doors remain wide open. When the tribe brought in propane heaters, the marshal considered them too dangerous and ordered them shut down. Condensation formed on the ceiling and dripped down, making the chill sink in even deeper. More than thirty years later, people still rhapsodize about that magical evening, but invariably they begin with the weather. “It was *soooo cold*.”

The pow-wow was an explosion of color and sound and emotion, with the drummers pounding out the old rhythms and the singers reaching, their neck muscles tight and their veins bulging, for the piercing high notes. The grand entry was stunning, as the Indian people came in, bedecked in their best regalia, the basket hats, dentalia and other sea shells, buckskin, beads, shawls with swaying fringes, and headdresses with eagle feathers, some adorned with the bright red of pileated woodpecker scalps. The grand entry went on for well over an hour. Drum groups from Umatilla, Warm Springs, Yakama, and intertribal groups, most with eight drummers seated around the large central drums, performed their songs when called by Bob Tom, the master of ceremonies. When you are within the driving rhythms of Indian drums and songs, enveloped by them, they are captivating, utterly mesmerizing, and that was especially so, on the Oregon Coast that night, when we were enveloped as well by full-blown justice and the knowledge that our nation’s system, with all its flaws, can sometimes respond to dispossessed peoples, can simply do what is right.

After the grand entry, the tribe held an elaborate giveaway to express appreciation to the many people who had supported their cause. The gift-giving was a fit reminder of the generosity and civility that so distinguished the conduct of tribal people during their four-year journey from reorganization to restoration. The pow-wow then moved into specialty dances—war dances,

social dances, hunting dances, a gourd dance by Native American Church dancers—with a drum taking each dance. The first dance was for the veterans, the second for the elders. Well past midnight, the drummers performed the last song and people were sent on their way by a prayer on this night when termination died off, tribalism was restored, and the oldest music of the Coast, the ancestors' melodies, rang out once again with their full beauty and vigor and hopefulness.



"I thought the first restoration bill was hard," reflected Delores Pigsley, then tribal secretary and treasurer, "until it got even more difficult when we had to build a government and obtain a reservation." The tribe had committed to a number of tasks, including writing a new constitution, setting up the capability to administer federal and foundation grants, constructing a tribal center, and obtaining lands for a reservation. As for the reservation, under the 1977 restoration statute, the BIA had two years to negotiate with the tribe and submit a plan to Congress, which would decide whether to pass a second Siletz statute creating a reservation.

The restoration act gave few specifics about the reservation plan. How much land should be in the reservation? Where would it be located? What should be the reservation's purpose? The only assumption was that Government Hill would go into trust—if the City of Siletz agreed to transfer it back to the tribe—and be a part of a new reservation, or perhaps all of it.

Early in the work of setting up a tribal structure, it became apparent that federal recognition would be a big help. The health and education programs addressed critical needs and the tribe received significant direct funding for administration and construction. Still, federal programs standing alone could not assure a secure financial future. At the early strategy sessions, the tribal council concluded that the reservation should have two main objectives: To provide cultural and recreational opportunities for tribal members and to produce a steady flow of income for tribal governance, economic development, and job creation. The council knew that this meant a reasonably large land base, something that had not been much discussed. It also would require a comprehensive planning effort—more than the council had anticipated. Using BIA funding, the tribe retained CH2M Hill, the internationally known engineering and planning firm that had its international headquarters in Corvallis (the home office has since been moved to the Denver area). Marcy Schwartz and

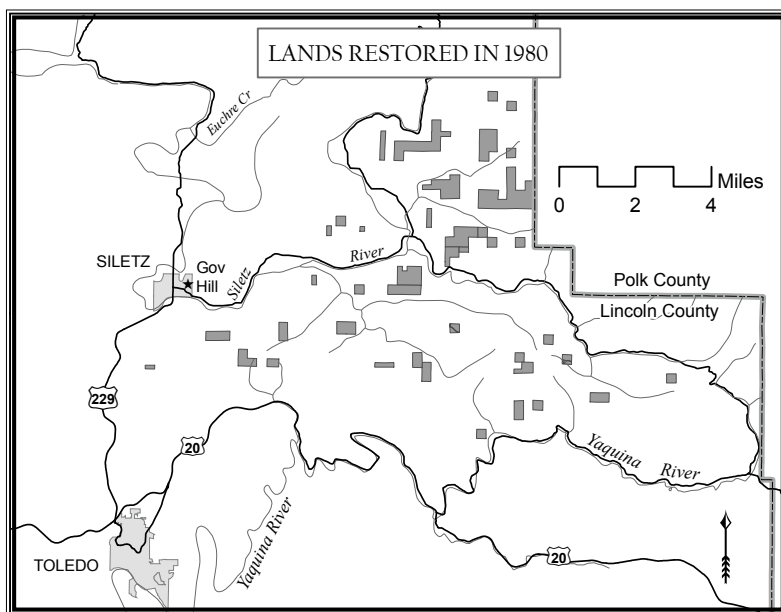
William Blosser were the point people at the firm for the Siletz contract.

As CH2M Hill's economic analysis came in, it became clear that the logical source for income was timber, the traditional economic engine in Lincoln County. Recreation—a resort, a rustic inn, and campground—were also considered, but the thinking was that the way to pursue those projects would be through investing timber revenues. How much forest land would be needed? Studies showed that the tribe would require about \$600,000 annually to support the comprehensive program it envisioned. The idea, then, would be to seek a transfer of land that would provide that level of income. It was a long shot but the only way to reach the tribe's goal.

The planners developed maps showing all land ownerships in Lincoln County. The Siuslaw National Forest was located in the northern and southern parts of the county, far from Siletz, and it was likely that the Forest Service and environmentalists would strongly oppose taking land out of a national forest. A meeting with R. E. Worthington, regional forester, confirmed that national forest lands would not be available. There was one sizeable block of private lands near Siletz: the old C. D. Johnson holdings, now owned by Georgia-Pacific. The tribe made a formal proposal to the company and asked for a meeting with Robert Floweree, president and CEO. In a meeting in Floweree's Portland office, he told the tribal delegation that no, the company was not willing to transfer any land to the Siletz. He also said that Georgia-Pacific would be perfectly happy to have the tribe as a neighbor, if it obtained federal land near the company's operations. The company would in no way oppose a reservation for the Siletz.

That left the Bureau of Land Management. Most of the BLM's holdings in the country were marginal grazing lands in the arid West. The exception was in western Oregon, where the BLM held valuable old-growth Douglas fir stands, prime lands for timber harvesting. Unlike the Forest Service, the BLM's mission and traditions included transferring land out of federal ownership when appropriate. The agency might be willing to relinquish some land to the tribe.

CH2M Hill located 3,630 acres of BLM land in the Upper Siletz River watershed with high timber potential. The land was not contiguous—there were thirty-seven separate parcels—and some of it was steep and difficult to log. It was rough and remote enough that it would not offer much recreation use. The stands contained few old-growth trees—most of them were 90 to 120 years old, having grown back from the 1849 fire—but it was mature, marketable timber. These parcels could be expected to produce the target amount of



\$600,000 per year. The total value of the land was estimated at \$26 million or more.

What would the BLM say? The proposal to the agency was lengthy, detailing the tribe's history of land loss, its current needs, the planning process under the restoration statute, and the BLM lands the tribe had identified. The decision point came at a Portland meeting with Murl Storms, state director of the BLM, a crusty, no-nonsense veteran of public lands controversies who had grown up in ranch country. Storms, in effect, would make the final decision. BLM officials in Washington, D.C., favored the tribe's plan, but they would almost certainly defer to the staff in the field, namely Storms. We had no idea what he would do.

At the BLM's Portland office, Art Bensell laid out the tribe's position. Storms, seated at the other end of the long conference table, said nothing during Bensell's lengthy presentation and asked no questions afterward. When Bensell finished, Storms remained silent and stared down at his folded hands. Then he looked up and announced his decision. "OK. I'll keep my pistol under the table if you will." We all laughed. There was still a long way to go but this was a monumental accomplishment for the tribe. The BLM Washington office soon endorsed the arrangement.



Government Hill, the other parcel in the reservation plan proposed by the Siletz, was just forty acres, but it held great meaning. Graced with mature Douglas fir and Sitka spruce trees and level on top, the low but scenic hill rises a hundred feet or so above the east side of town. A center for tribal existence since the earliest days of the reservation, Government Hill was the locale for the BIA buildings that housed the Siletz agency back to the 1800s. Most of those structures—the agency headquarters, the hospital and meeting hall, the tribal cannery, and tribal cottages—had collapsed or been torn down, since the city had made no use of the area other than building a water storage tank and treatment facility. Only the Paul Washington Cemetery had been maintained, owing to the labor of Siletz people. Looking to the future, the tribe planned to construct its main tribal buildings on the hill, including offices, a clinic, a community hall with a large meeting room and kitchen facilities, and a gymnasium. There would be a pow-wow ground and children’s play area. Now the question was whether the City of Siletz would return to the tribe the land that it obtained at termination.

The city began its decision-making process in the fall of 1979. The Planning Commission voted unanimously to transfer the land to the tribe, but the city council, which had authority to make the transfer, was divided and decided to put the matter to an advisory election on November 1. The two-year period for



Art Bensell, tribal chairman during the passage of the 1977 restoration statute and the 1980 reservation statute, is shown here in the early 1970s, viewing some of the wreckage of termination—the BIA health clinic abandoned two decades earlier. *Siletz Tribal Collection.*



One of the friendlier cartoon depictions of Siletz Indians in the 1970s, this one from 1979 portrayed well the tribe's dreams for Government Hill—but the attire was hardly the chosen style at Siletz. *Used with permission from the Newport News Times/Lincoln County Leader.*

the Interior department to submit the bill to Congress expired just seventeen days later.

The tribe believed their request was fair: the tribe's past and future uses were well documented and, besides, the city had received the land for free. Some citizens, though, wondered about a legitimate issue. The hill, overgrown though it was by blackberries, could be cleared and used as a city park amid the tall trees. Should the city be giving away municipal land that it might develop for public purposes in the future? Further, a small number of non-Indians stirred the pot with racist remarks. One of Leonard Whitlow's more moderate statements was that "we're not going to give those people city land so they can build their White House up on the hill and play . . . Indian all day long." The group launched unfounded charges, such as assailing the tribe for intending to use the area for a house of prostitution.

City officials believed that the turnout was the largest for any Siletz election ever held. Tribal members were a large part of the voting population although not a majority because many lived near Siletz but outside the city limits. A sizeable number of non-Indian residents supported the tribe. They and dozens of tribal members spent election day in a get-out-the-vote campaign, and drove people to the voting booths.

I remember that evening so vividly. A group of us waited anxiously for the results over at the BIA offices. Art Bensell, the former mayor, served as an election official and ran over from the A-Frame several times to give us tallies. "We're behind by five." "Now we're ahead by seven." Then finally, Art burst



The Siletz City Council, lower left, deliberates the return of Government Hill to the Siletz Tribe in a tense room packed with citizens and newspaper, radio, and television reporters. *Used with permission from the Newport News Times/Lincoln County Leader.*

through the door, shaking and flushed in a way I'd never seen him. "We WON!!!"

The vote was 148 to 134. It was close enough that the opponents pressured the City Council, reminding them that it was only a straw vote. But on November 13, the Council voted 3 to 1 to transfer the land back to the tribe.



The City Council vote came just in time to meet the November 18 deadline for submitting the reservation plan to Congress. The plan received broad local and state-wide support, with the *Oregonian* editorializing that "the Siletz Indian Tribe must have a reservation on the central Oregon Coast. A tribe without land is like a native bird shorn of its nesting area." Oregon Attorney General James Redden, who had chaired a committee of representatives of state agencies that monitored the development of the plan, reported to Governor Atiyeh, who himself supported the plan, that "I think it is fair to state that the members of your committee . . . approve the Reservation Plan." Senator Hatfield promptly introduced a bill to approve the plan. Then came a surprise: Les AuCoin refused to follow suit in the House.

AuCoin never had been entirely comfortable with Siletz restoration and

now his doubts came out in a scattershot of concerns about the proposed reservation. He worried about economic feasibility: "What will be the impact of this bill on land use in the area? Is the plan economically workable? Are the timber projections realistic? What is the taxpayers' liability if it proves to be uneconomical?" Although federal and state officials had regularly been briefed as the plan progressed and the BIA Portland area office, with Doyce "Spec" Waldrip taking the lead, had been constantly involved, AuCoin criticized the role of CH2M Hill and the tribe in developing the plan: "Thus far it is not evident that the [Interior] department has been anything other than a forwarding agency for the tribe."

But it was the fishing issue that was front and center in AuCoin's mind. Although the neutral language in the 1977 act was repeated in the Hatfield bill approving the reservation plan, AuCoin asked, "Will it or will it not enhance prospects for superior hunting and fishing rights? The answer is far from clear." He also asserted, although there is no indication of this in the public record, that "the Siletz tribe have known for two years" that a final settlement of the rights issue was "fundamental" to his support.

The tribal council was left with a dilemma. There was by then a broad understanding, including by Attorney General Redden, that the neutrality language did assure that no new rights would be created. But some of the sports groups still insisted on eliminating whatever rights the tribe might already possess—and Les AuCoin was carrying their water. He would block the reservation bill until Siletz fishing and hunting rights were abrogated or otherwise settled.

The tribal council and attorneys went into negotiations that took nearly six months. The Northwest Steelheaders, the largest and most vocal group opposed to the bill, took the lead for the fishing interests and dropped their insistence on extinguishment of rights in favor of a limited tribal fishery. The state was taking a more moderate position this time around. Jack Donaldson had replaced John McKean as director of the Fish and Wildlife Department, and Attorney General Redden kept Beverly Hall under wraps. As Herb Lundy, chair of the Fish and Wildlife Commission candidly put it, the "commission has been adamant on this matter, but that position is not tenable any more."

In time, a compromise emerged and an agreement was signed by tribal, state, and federal officials on April 22, 1980. The tribe would have a cultural—not a commercial—fishery and tribal members would be allowed to take up to 200 salmon at sites on Euchre Creek, Dewey Creek, and Rock Creek. Tribal fishers would not be required to obtain state licenses; a sixty-day season would

be set by the State Department in consultation with the tribes; and—contrary to state law—tribal fishers could use dip nets, spears, and gaff hooks. The state would be required to provide the tribe with 4,000 pounds of edible salmon carcasses for tribal ceremonial and subsistence purposes. Tribal members could also obtain sport and commercial licenses under general state laws.

The agreement further provided that tribal members could take a total of 375 deer and 25 elk each year from the Stott Mountain and Alsea Management units. State licenses would not be required, but tribal hunting would be during regular state seasons. As for gathering, the tribal members would have a broad right to take eels, seaweed, and freshwater mussels for non-commercial purposes. The state also agreed to provide special permits that the tribe would issue to tribal members to gather sea anemones, rock oysters, and saltwater mussels for ceremonial and subsistence purposes.

The negotiations included special provisions for approval. A federal court judge would be asked to issue a consent decree approving the agreement and making it into a federal court injunction. This would be a “friendly lawsuit” with the tribe, the state, and the Interior and Justice departments all seeking court approval. Congress would then approve the agreement as part of the reservation legislation.

The consent decree went before U.S. District Judge James Burns, who held an expedited hearing on May 2, 1980. Federal, state, and tribal attorneys explained the background and the agreement. Burns knew of the long-running public issue and was pleased to see that it had been resolved short of lengthy litigation. Three Siletz tribal members filed a statement of objection, supported by fifty tribal members, arguing that the tribal council lacked authority to sign the agreement and that the matter should go before the full general council. Judge Burns was satisfied that the tribal council had authority to adopt the agreement, however, and signed the consent decree, making the agreement controlling law. AuCoin, who had followed the negotiations closely and approved of the consent decree, attended the court hearing and promptly introduced a bill endorsing the reservation plan.

The tribal council’s decision to enter into the consent decree was controversial within the tribe then and remains so today. It could hardly be otherwise. Fishing, hunting, and gathering rights are sacred to Indian tribes, and the idea of compromising them is repugnant. Tribal members can fairly ask whether the decision was right. Why so few fish? Why so much state involvement? Why the rush? Why not just stand on our rights and stay firm until AuCoin saw the light or left office?

To a person, tribal council members themselves held these concerns. The decision was reached only after long and intense meetings. They knew AuCoin was not bluffing: there would be no reservation on his watch unless there was a settlement of the fishing issue. At stake was 3,630 acres of valuable timberland that could provide needed revenues for critical tribal functions and jobs. Obtaining the transfer of these BLM lands was a great achievement—beyond anyone's expectations when the planning process began—and the offer of those lands was fragile and could be repudiated by a future administration or Congress. As for going to court, the fishing and hunting rights of the tribe had never been formally adjudicated or otherwise defined, leaving the tribe with extensive and uncertain litigation over the effect of allotment and termination on tribal rights.

Few governing bodies face decisions as wrenchingly complex and emotional as do American Indian tribal councils. The decision to support the consent decree was laden with the weight of history, legal technicalities, great economic value, the impossibility of knowing the predilections of future judges and members of Congress, and the social, economic, and cultural needs of a land-based people. And it may be that the council in 1980 received imperfect advice from their lawyers, of which I was one. One thing is for sure: Siletz Tribal Council members gave it their all, committing every necessary hour, asking every question, reading every memo, hearing out every tribal member, and heeding every last call to conscience.



After the consent decree, the reservation bill sailed through Congress and received President Carter's signature on September 3, 1980. It was finally time to return to the tribe a small but significant part of the ancestral lands. The formal land transfer was set for the morning of September 20, to be followed by an afternoon parade down the streets of Siletz and an evening pow-wow. More than a thousand celebrants flowed into Siletz all day long from all over Oregon and the Northwest, their numbers larger even than the celebration three years earlier.

The transfer ceremony was held on Government Hill at the old picnic site adjacent to the Paul Washington Cemetery. Once there had been a log and shake structure, an open-sided lodge for shelter, and a large stone fireplace constructed by Siletz workers under the auspices of the Civilian Conservation Corps. Now only the fireplace stood, but it remained a favorite tribal place, set



Tribal council member Stanley Strong delivers a ringing message at the ceremony on Government Hill celebrating the creation of the reservation in 1980. *Siletz Tribal Collection*.

among giant spruce and fir. The weather that morning was moderate, and the forest and some 250 people were graced by a thick coastal mist that softened the ceremony and bound us together.

There were a few speeches from tribal and federal officials and a chance for other Siletz people to comment and reflect on the occasion. The feelings deepened as the moment for the return of land grew close.

The crowd went silent. Paul Vetrick of the BLM formally handed the federal patent for 3,630 acres to Art Bensell. Mayor Roy Weaver of the City of Siletz gave him the deed to Government Hill. Bensell then gave the documents to Bernard Topash, BIA superintendent for Siletz, who presented Bensell with trust certificates for the land. The men shook hands. Then the tribal chairman held the documents aloft and cried out with an emotion-packed voice: "I proclaim this your reservation forever! Let the celebration begin!" And the war-whoops and applause and shouts sounded out and mixed with the mist, for at last a clear marker had been laid down forever. The Siletz Tribe was back, truly and finally back.