

The Misplaced Mountain: Maps, Memory, and the Yakama Reservation Boundary Dispute

Andrew Fisher

Visitors to the Yakama Indian Reservation in south-central Washington State can't help but notice Mount Adams (fig. 1). Known as Pátu, or snow-topped mountain, and Xwayamá, or golden eagle, in the Sahaptin language of the Columbia Plateau, the 12,276-foot peak stretches more than a mile above the forested ridges of the Cascade Range. Images of the mountain adorn T-shirts, postcards, and other items in the gift shop of the Yakama Nation Cultural Center. It also beckons gamblers and shoppers to the nearby Legends Casino and the Yakamart convenience store, where the peak features prominently as part of the entrance signs. According to oral traditions recorded during the early twentieth century, Pátu represents the sacred law of the Creator and the source of all life, for the streams that flow from its glaciated slopes nourish the five sacred foods of the Wáašat religion (water, salmon, roots, berries, and game). "All life comes to us from the mountain. When we die we return to the mountain," explained Tribal Chairman Robert Jim in 1972, the year a presidential decree returned the peak's eastern side to tribal control.¹ Thanks in part to that event, Mount Adams has also become an important symbol of Yakama identity and nationhood. Emblazoned on the tribal seal and flag since 1955 (fig. 2), the mountain signifies the ways of the past as well as "the present and the never-ending faith in the future." "Most of

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FIGURE 1. Pátu (Mount Adams) from Signal Peak. Courtesy of Yakama Nation Museum.



FIGURE 2. Yakama Nation flag and tribal seal. Courtesy of Yakama Nation Museum.

all,” wrote archaeologist Richard D. Daugherty in 1973, “Mt. Adams symbolizes the strength of the Yakima people who, in spite of years of adversity, have forged a truly strong and great Nation.”²

Much of this iconic power stems from the tribe’s long struggle to recover the mountain, which stood outside the reservation boundary for more than eighty years due to a series of erroneous boundary surveys. When Yakama leaders signed their treaty with the United States in 1855, they believed that Pátu lay within the area “set apart for their exclusive use and benefit.”³ In several instances, however, the boundaries outlined in Article II of the agreement matched neither the actual topography nor the Yakamas’ understanding of the reservation lines. The resulting controversy spanned five major periods in federal Indian policy, which heavily influenced the government’s shifting response to the Yakamas’ claim. During the 1850s, when the United States focused on removing Indians from the path of Euro-American settlement, Washington Territorial Governor Isaac Stevens hastily carved out the Yakama Reservation with incomplete knowledge of its western edge. The federal government then failed to survey the lines for another thirty years, by which time policy makers hoped to dissolve tribes and reservations altogether. Confronted with growing conflict regarding the boundary, the government imposed a solution in order to allot and sell off “surplus” tribal land in the name of assimilation. The Indian New Deal brought fresh hope in the form of new attitudes and new evidence, but the Yakamas failed to obtain a hearing until the creation of the Indian Claims Commission (ICC) in 1946. In the ensuing age of termination, when federal policy again pushed assimilation, the government insisted on a cash settlement despite Yakama demands for the return of their property. Only during the early 1970s, as federal policy shifted toward self-determination, did the United States finally countenance the return of Mount Adams. Even then, the Nixon administration avoided depicting its decree as an important precedent. The land transfer resulted from the “exceptional and unique” circumstances of the Yakama claim, not from any wider commitment to protect and restore the integrity of tribal homelands. Although deeply significant to the Yakama Nation, the partial recovery of its misplaced mountain does not furnish an inspirational turning point in the history of Native American land disputes.⁴

There is more to the story, however, than a cartographic comedy of errors and the drama of Indian demands for justice. The Yakamas’ quest to redraw their reservation boundary and reclaim their sacred peak also offers valuable insights into the cultural construction of landscape, the production of oral tradition, and the tension between indigenous and colonialist ways of bounding space and remembering the past. Like Mount Rushmore, an important memory site for the American nation, Mount Adams “is potent because

it functions simultaneously as a landmark, a symbol, and a mnemonic. It reinforces a framework of collective memory,” which in the Yakama case includes the memory of treaty promises made, broken, and then partially fulfilled by the mountain’s restoration.⁵ Pátu visually reinforced and recalled memories that were produced and preserved through the spoken word, sustaining an interpretation of the treaty that challenged the maps and manuscripts of the dominant society. Ultimately, it took a lost-and-found piece of paper to force the government’s hand, but the mountain’s return to tribal stewardship vindicated what the Yakamas had been saying all along. The timing of its restoration—coming amidst hard-fought battles over fishing rights and state taxation—further amplified the significance of their victory. Pátu made a fitting symbol for an emerging Indian nation; it is an imposing monument to the struggle for tribal sovereignty that also illustrates the limits of that sovereignty, because the peak remains split between two jurisdictions and subject to public uses that some Indians oppose. The implications of this story are thus akin to the streams that course down the mountain’s slopes, flowing on to join broader narratives about place making and nation building in the American West and beyond.

Pátu has been a storied landmark for centuries, though the “place-stories” that gave it meaning had already changed by the time Euro-Americans first recorded Indian oral traditions about the mountain.⁶ Several of those tales focus on the rivalry between Pátu and its neighboring peaks to the north, west, and south—Taxúma (Mount Rainier), Lawilatlá (Mount St. Helens), and Wasq’ú (the Kiksht/Upper Chinookan name for Mount Hood). Sahaptin speakers also called those mountains *pátu*, in its generic sense of “snow-topped mountain,” but Yakamas today generally reserve that name for Mount Adams. All of these mountains have violent volcanic histories, which Native witnesses memorialized as titanic battles among jealous lovers. According to a tradition recorded during the early twentieth century, the four peaks had once shared a single husband, Enum-klah’ (Thunder), with the mighty Wahx’-soom (Simcoe Mountain, or Simkw’í). As the tallest and easternmost of the five wives, as well as Thunder’s favorite, Simkw’í always caught the first rays of the rising sun and cast her long shadow over the other four. They resented her privileged position and, after Thunder knocked her over in a fit of anger, the others “completed her humiliation and disgrace by pounding her down to her present low altitude.” Thunder gave his remaining wives all the best nuts, roots, and berries belonging to Wahx’-soom, only to have them fall to quarreling with each other. In the terrible fight that followed, Pátu received a broken crown and rubble-strewn flanks. Taxúma and Lawilatlá also suffered heavily, while Wasq’ú emerged unscathed and retained the majestic cone we see today.⁷

In another version of the story, Pátu, Wasq’ú, and Wahx’-soom were married to Pos-twa’-nit, the Sun. “Every time Sun came driving the darkness,”

said the narrator, “he would strike Wak’-soom first, greet her first.”⁸ Pátu grew so envious that she slew Wahx’-soom during the night and stole all her foods. When Wasq’ú saw the Sun’s new favorite being greeted by the dawn, she decided to give Pátu a taste of her own medicine. The two wives clashed just before daybreak, and by first light Pátu lay dead. Wasq’ú left her “sitting there headless, with no sort of life. . . . No longer growing foods, Pah’-to had lost her usefulness to the world, was no longer of any importance.”⁹ Fortunately, the Creator witnessed the tragedy and decided to intervene on behalf of the fallen mountain:

He knew that which was coming. He beheld the new people who, yet unborn, were awaiting the final preparation of the land for their reception, and he took pity on them. He restored *Pah’-to* to life and brought back to her all the game, salmon, berries, and roots. These are all found there to this day. He gave to *Pah’-to* a head to replace the one lost. This head was *Quoh Why-am-mah’*, the great White Eagle sent down from the Land Above. *Pah’-to* was now a powerful Law standing up towards the sky and was for the whole world. Once dead but returned to life, that Law was divine. Coming from the great Giver, that Law was immortal. The wisdom was that of the White Eagle, to watch and guard the entire world. Life was in the white bosom, growing life for all the foods that the people to come might eat and have strength.¹⁰

The references to resurrection, eternal life, and a single Creator suggest possible Christian influences, which reached the Columbia Plateau during the early nineteenth century, but their incorporation into the tradition gave them a new significance specific to Yakama culture and geography. As a source of sustenance and a symbol of *tamánwit*, or law, Pátu became an important feature of the aboriginal landscape—an “instructive place,” as anthropologist Keith Basso calls the sites that tie people to particular areas and infuse them with social meaning. Stories about such places should be taken seriously, he advises, “for what people make of their places is closely connected to what they make of themselves as members of society and inhabitants of the earth. . . . If place-making is a way of constructing the past, a venerable means of *doing* human history, it is also a way of constructing social traditions and, in the process, personal and social identities. *We are*, in a sense, the place-worlds we imagine.”¹¹

Scholars like Basso have come to appreciate the value of Indian oral traditions, but the Euro-American authors who first transcribed and published Native place-stories often dismissed them as quaint inventions of the Indian’s “untutored mind,” in the words of mountaineer John Harvey Williams. “The Indian was not a geologist,” scoffed Williams in 1912. “The mysteries both of creation and of human destiny weighed heavily upon his blindness; and

his mind, pathetically groping in the dark, was ever seeking to penetrate the distant past and the dim future.”¹² To a mainstream society increasingly committed to Western science, Native American “myths” seemed entertaining at best. To informed Native listeners, however, legends and folktales encoded important cultural information about how to behave and how to survive in the places to which they belonged. Traditionally, subsistence depended on an intimate knowledge of the landscape and its resources, knowledge that Plateau Indian children acquired at an early age. “Education focused on learning the land,” notes anthropologist Eugene S. Hunn, “with dramatic accounts of the adventures of mythological creatures like Coyote reinforcing their recall of critical information.” Native peoples did not give specific names to every river and mountain; rather, they emphasized locations where significant interaction occurred between humans and their environment. Although the icy upper slopes of Pátu offered little of value, the land surrounding the peak contained numerous sites central to the seasonal round.¹³

Every July for thousands of years, groups of Mid-Columbia Indians converged on Táak (Camas Prairie), a high valley that sits in the shadow of Mount Adams near the modern town of Glenwood, Washington (fig. 3). Bounded on the west by the Cascade Range and on the east by the Simcoe Mountains, Táak became a marsh during the spring but usually was dried out by early summer, when its broad meadows filled with wild grass and camas roots. “The gathering was for the purpose of digging these roots,” recalled Chief William Yallup, a prominent headman from the village of K’máł (Rock Creek). “[The Indians] killed game and they fished and had a big time.”¹⁴ While women and children dug up the camas bulbs that formed a staple of the Plateau diet, men hunted in the adjoining uplands or dip-netted salmon from the Klickitat and the White Salmon Rivers nearby. Work occupied much of the day, but the Indians also engaged in trading, socializing, gambling, and (post-1730) horse racing. After several weeks in the camas meadows, families moved higher into the mountains, following the receding snow and the ripening of plants at higher elevations until they reached their huckleberry fields and hunting grounds along the Cascade Crest. On the return trip in October, they revisited Camas Prairie to collect their food caches before intercepting the fall salmon runs.¹⁵ Visiting the area in 1851, American emigrant F. A. Chenoweth marveled at its spectacular scenery as well as its agricultural potential:

These plains on some accounts are the most splendid I ever beheld. The plains themselves are not materially different from some of the most level prairies of Illinois; except its surface is smoother than any I ever saw in any portion of the western prairies. But what adds to its beauty is the glassy Lake at its center. The land gently descending toward the Lake, with here and there a small grove just



FIGURE 3. Contemporary photograph of Camas Prairie (Táak), which is now part of the Conboy Lake National Wildlife Refuge. The ridgeline that Governor Stevens used to demarcate the southwestern boundary of the Yakama Reservation is visible in the background. Photo courtesy of author, 2010.

as the most imaginative mind would place them or grace and beauty. From the southern side of the plains it would appear that Mt. Adams stood on its northern borders, its dazzling whiteness makes it look very near. But on asking the Indians how far it was away, they told us, one day's ride. We gazed long upon this snowy Mount, and could scarcely persuade ourselves that it was more than 4 or 5 miles distance.¹⁶

Chenoweth predicted that Camas Prairie would “soon be to the whites, what it now is to the Indians, the seat of a pleasure taking community.”¹⁷ The Indians held a different opinion, and Camas Prairie would later play a pivotal role in the boundary dispute involving Mount Adams (fig. 4).

The Euro-American explorers who paved the way for emigrants like Chenoweth brought different systems of labeling, dividing, and using the land. In contrast to the practical, ground-based geography employed by Mid-Columbia Indians, imperial powers mapped the land from an abstract, cartographic perspective. As Hunn argues, this reflected a peculiarly Western view, “one set *above* or *outside*, rather than *within*, the landscape and motivated by the needs of a society bent upon dividing it up.”¹⁸ From this perspective, natural features represented objects to be named and claimed. Every mountain and river had to have a specific name, yet the label could be quite arbitrary and abstract, bearing no functional relationship to the object it supposedly



FIGURE 4. *This aerial shot shows Camas Prairie's proximity to Mount Adams. Photo courtesy of author, 2010.*

described.¹⁹ Some whites admired the romantic ring of Indian folklore and advocated preserving a few vestiges of the “Vanishing Red Man” in the names of prominent landmarks. Williams, for example, lamented that “the utility, beauty, and historic fitness of the significant Indian place names did not occur to a generation busy in ousting the Indian from his land.”²⁰ Most Americans, however, preferred their own culture heroes to those of the Indians and the British, whose naval officers had first noted and named Mount Hood and Mount St. Helens. In 1839, seven years before the United States acquired legal title to the Oregon Country, a group of anxious American patriots proposed dubbing the Cascades the “President’s Range.” Although most of the presidential monikers never stuck, Mount Adams (along with Mount Jefferson in Oregon) retained what many Yakamas still consider “a nonsense name.” In every case, the peaks that Native people had seen as feminine symbols of abundance were reinscribed as masculine authority figures.²¹

The practice of renaming and regendering the indigenous landscape went hand in hand with the process of carving it up for Euro-American use. As historian Jared Farmer notes, “these projects entailed the representation of terrain as bounded, gridded space and the filling of that space with mappable places—not just cities and roads and properties but things like mountain summits with official names and elevations. The colonizers of the United States—both settlers and their government allies—wielded geographic power

as an extension of military and economic power. The natural landmarks they claimed and mapped and named (or renamed) manifested that power.”²² Governor Stevens embodied all three forms of power. In his official capacity as governor and superintendent of Indian affairs for the Washington Territory, as well as the head of the Northern Pacific Railroad Survey, he was responsible for negotiating treaties with all the tribes of the Columbia Plateau. The Willamette Valley and the Puget Sound region had already started to attract settlers, and the ambitious young Stevens wanted to extinguish aboriginal title to the country east of the Cascades as quickly as possible. His eagerness to accomplish that goal put him at odds with his own advice in the final report of the Northern Pacific survey. “Great injustice has been done this country by a want of patience and consideration on the part of gentlemen who have gone over it rapidly in the summer, and who have been over it but once,” he admonished in his description of the area between the Columbia and the Cascades; “it is impossible to speak understandingly of a country unless one has had experience and opportunities of observation in countries somewhat similar.” Perhaps thinking his experience in “other countries” sufficient, Stevens made several mistakes and ambiguous calls that perpetrated a “great injustice” against the country and its Native population.²³

The boundary that Stevens selected for the Yakama Reservation ran along prominent ridges and rivers on all four sides. Ostensibly, the use of natural landmarks to define it would make the lines easier for Indians and whites to locate, thereby reducing conflict and the need for artificial markers. Stevens had considerable experience as a “practical geographer,” having served in the Topographic Engineer Corps during the Mexican War and worked on the US Coast Survey before taking command of the Northern Pacific Railroad Survey in 1853. He knew relatively little about the western end of the reserved area, however, beyond what his subordinate Lieutenant George McClellan had noted in that portion of the railroad survey. McClellan’s party identified numerous tributaries of the Columbia River, generally separated from each other by “high mountain spurs,” but they observed some of these prominences from afar and did not precisely locate the headwaters of each stream. Stevens thus misgauged the provenance of certain creeks and divides, leading to several boundary calls that later appeared vague at best. His focus was not the mountain barriers that obstructed the survey’s path but rather the most accessible routes and the rich natural resources that the country offered. In addition to noting the presence of abundant timber and good arable lands south of the proposed Yakama Reservation, he considered it “worthy of observation that gold was found to exist . . . throughout the whole region between the Cascades and the main Columbia to the north of the [territorial] boundary.”²⁴ What he knew of the remote, rugged area surrounding Mount Adams seemed sufficient

to make treaties, and his whirlwind schedule did not allow for a more thorough investigation of topographical details. Consequently, for all his expertise and intelligence, Stevens came to the treaty council in the Walla Walla Valley with an imperfect impression of the landscape he proposed to divide.²⁵

During the tense, two-week meeting that followed in May and June 1855, communication problems likely compounded the ambiguities in the reservation boundary description. Every sentence uttered by the governor and his fellow treaty commissioner, General Joel Palmer, passed through an interpreter and an Indian crier, who shouted the message to a diverse crowd of Indians speaking several different dialects of the Sahaptin, Nez Perce, and Cayuse languages. This laborious process entailed a certain loss of clarity and invited the development of varying interpretations. According to the official council proceedings, the Yakamas relied on a local settler named John Whitford for their translation of the treaty. As a non-Native speaker, he may have had trouble finding Sahaptin equivalents for some English words and concepts, including such pivotal terms as *rights* and *privileges*. Even if he did speak the language fluently, the descriptions he translated often differed significantly from the words in the official document.²⁶

That was certainly the case with the boundaries of the Yakama Reservation. On June 4, 1855, Stevens informed the Indians that their reservation would “extend from the Attanan [Ahtanum] River, to include the valley of the Pisco [Toppenish] River and from the Yakama River to the Cascade Mountains.”²⁷ The following day he presented a more detailed description with the aid of a large-scale sketch map (fig. 5), based on the cartographic work he had overseen as head of the railroad survey: “Here is the Yakama Reservation, commencing with the mouth of the Attanum River, along the Attanum River to the Cascade Mountains, thence down the main chain of the Cascades Mountains *south of Mt. Adams*, thence along the highlands separating the Pisco and Saltoss [Satus] River from the rivers flowing into the Columbia, thence to the crossing of the Yakama below the main fisheries, then up the main Yakama to the Attanum where we began.”²⁸ In Article II of the treaty, however, the boundaries ran quite differently in some locations:

Commencing on the Yakama River, at the mouth of the Attah-nam River; thence westerly along said Attah-nam River to the forks; thence along the southern tributary to the Cascade Mountains; thence southerly along the main ridge of said mountains, passing *south and east of Mt. Adams, to the spur whence flows the waters of the Klickitat and Pisco Rivers*; thence down said spur to the divide between the waters of said rivers; thence along said divide to the divide separating the waters of the Satass River from those flowing into the Columbia River; thence along said divide to the main Yakama, eight miles below the mouth of the Satass River; and thence up the Yakama River to the place of beginning.²⁹

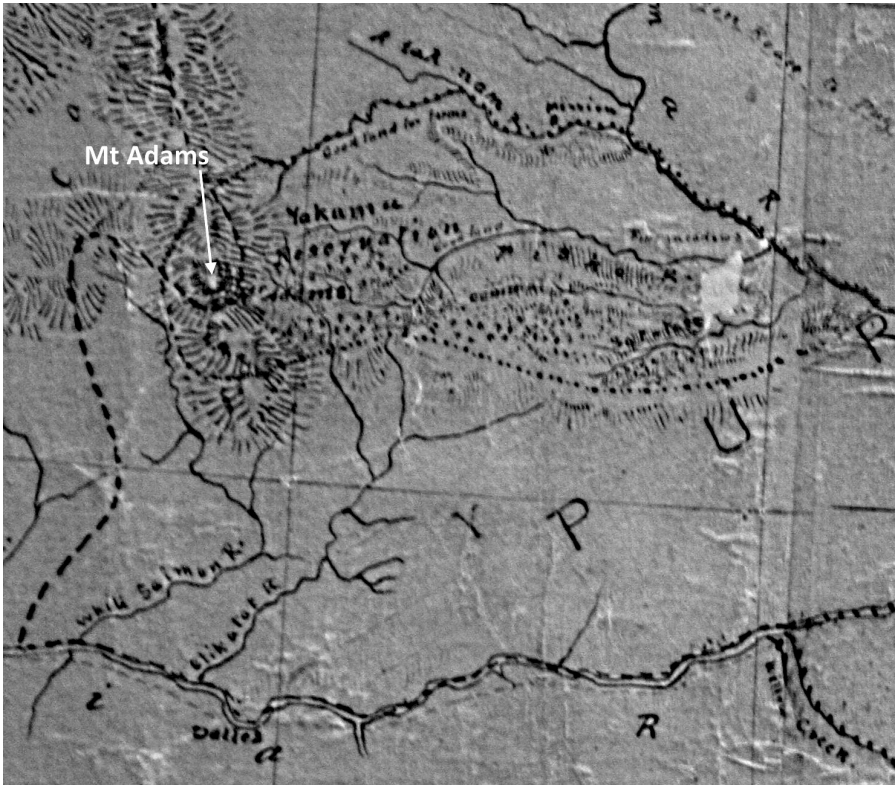


FIGURE 5. Detail from the 1855 sketch map produced by Governor Stevens. Note the inclusion of Mount Adams within the dotted line demarcating the Yakama Reservation. The larger, dashed line indicates the boundaries of the Yakama cession. Courtesy of the National Archives and Records Administration, Washington, DC.

The discrepancies between the verbal and written descriptions, though subtle and seemingly unimportant at the time, made all the difference in determining who owned Mount Adams and Camas Prairie.

As members of a primary oral culture with no written language, Yakama leaders naturally focused on what Stevens said during the council. They could see Secretary James Doty scribbling away at a nearby table, but none of the Indian representatives could read the treaty they “signed” on June 9. Instead, they remembered the verbal and visual representations of the reservation and passed those on by word of mouth, thereby incorporating them into the oral memory of their people. The council was the agreement, as anthropologist Raymond DeMallie has shown in the Plains context, and the Native interpretation of it included things that were said “off the record” or outside the immediate context of negotiations.³⁰ Most of the people embraced by

the Yakama treaty must have learned the boundary through oral transmission because relatively few listened to the full deliberations and many villages lacked direct representation at the council.³¹ Stevens secured the necessary marks from the headmen of other groups, and he took those marks as a sign of agreement to the boundary outlined in Article II. Once enshrined on paper, that version became the official boundary and the foundation for future surveys, but Native oral traditions preserved a cognitive map that challenged the documentary record. "The boundary lines laid and agreed to by Chief Owhi, Qualchin and others, and signed by the Treaty Chiefs, is not in the written copies of the Treaty," insisted tribal member Louis Mann in a 1916 letter to Lucullus McWhorter, an amateur folklorist and friend of Plateau peoples. "It was a fraud trick of the White man and we were wronged out of our lands without knowing it or getting any pay."³²

Trickery or not, the boundary description recorded in the treaty contained multiple ambiguities and errors that ensured future controversy. As the Supreme Court later noted, "the calls in the description of the tract reserved are very confident and seem to assure certainty by prominent and unmistakable natural monuments."³³ Yet, upon closer examination, confidence and certainty dissolve into confusion. No spur leads off the main ridge of the Cascades "whence flows the waters of the Klickitat and Pisco [Toppenish] Rivers," making that an impossible call to follow. However, a distinct divide does exist between the Klickitat River and the White Salmon River, which is not named in the treaty calls. This spur leaves the main ridge of the Cascades on the southern slopes of Mount Adams, runs southwesterly for twenty-three miles, and connects with a ridge leading northeast to Grayback Mountain (fig. 6). J. K. Duncan, a topographer traveling with McClellan's exploration party, had identified this natural spur divide during the summer of 1853. The Yakamas recognized it as the boundary because it enclosed their root-digging grounds on Camas Prairie. But the vague calls in the treaty document later led whites to believe that the true reservation line lay farther to the north and excluded Mount Adams entirely.³⁴

The available evidence suggests that Stevens at least initially regarded the spur-divide surrounding Camas Prairie as the reservation's southwestern border. Although he hoped that the Yakamas would eventually adopt "civilized pursuits" and become good yeomen farmers, he also recognized that they would never consent to the treaty unless it guaranteed their access to traditional food sources. Article III of the agreement secured the Indians' rights to their "usual and accustomed" fishing, hunting, and gathering grounds off the reservation—rights that also became the subject of bitter controversy. To minimize opposition further, Stevens repeatedly assured the Yakamas that the reservation contained plentiful supplies of salmon, roots, berries, and

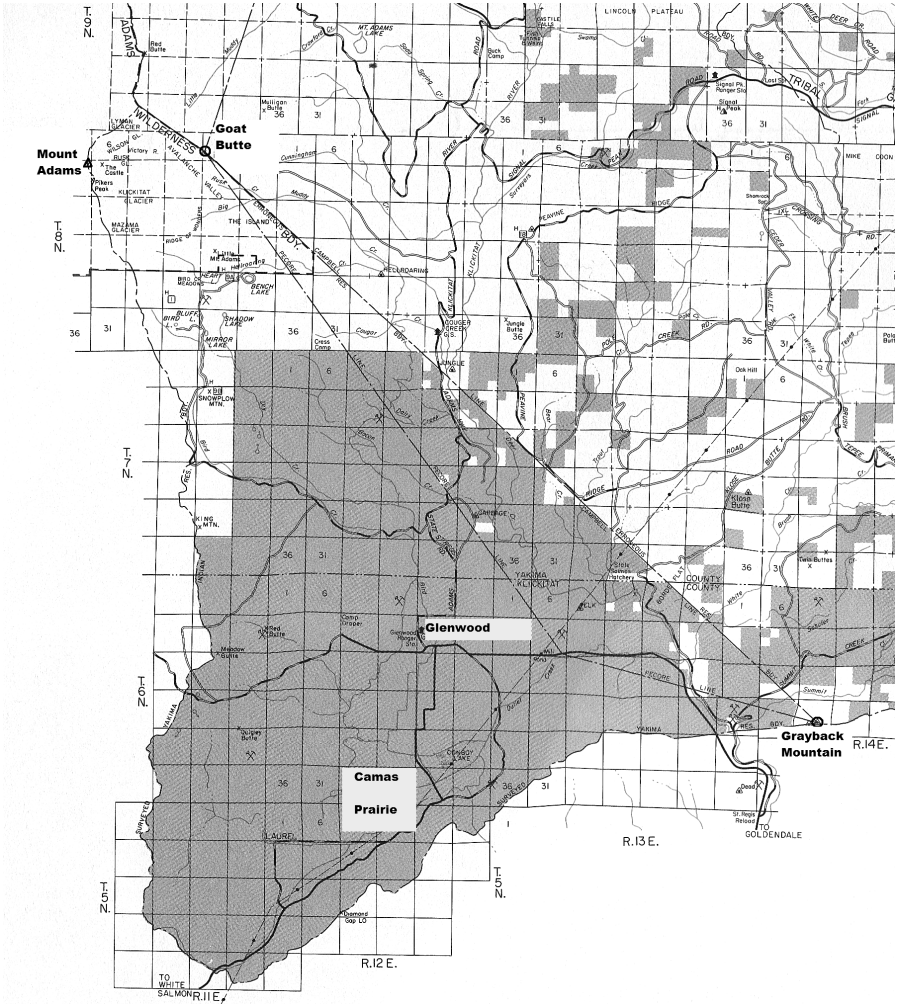


FIGURE 6. Detail of Yakama Reservation, showing the locations of Mount Adams, Goat Butte, Camas Prairie, Glenwood, and Grayback Mountain. Shaded areas are nontrust land, most of which passed out of tribal hands due to erroneous boundary surveys that excluded the southwestern “toe” of the reservation (roughly 121,000 acres). The Campbell line (1907) runs diagonally from Goat Butte to Grayback Mountain. The Pecore survey forms a triangle to the south of that line. Adapted from Bureau of Indian Affairs forestry map, “Cutting History,” prepared by Chickering-Green Empire, Inc., 1979.

game as well as abundant farm and grazing land. Táak was clearly intended to be part of this package. Nine months before the treaty council, the Indian subagent for the Southern District had told the governor that “a large reservation should be made as soon as possible in the Camas prairie” because it supplied the local tribes with “a great part of their [illegible] food. To deprive

them of this resource would be subjecting them to a great privation and [illegible] suffering.”³⁵ Stevens appears to have taken this advice, for in a letter describing the Yakama Reservation to the commissioner of Indian Affairs, he again emphasized that it “backs up against the Cascades, affording a fine range for roots, berries, and game” and “almost inexhaustible salmon fisheries.” Along with the letter, Stevens sent a sketch map that outlined the reservation boundaries and offers convincing proof of his plans.³⁶

Dated June 12, 1855, the map shows the boundary line running slightly west of the Cascades and enclosing all of Mount Adams before turning east. The lands officially ceded by the Yakama Nation did not extend beyond the main chain of the mountains, but the high valleys and parks surrounding Mount Adams held huckleberry fields and hunting grounds that Stevens may have intended to include in the reservation. Because the map portrays all of Washington Territory as well as portions of Idaho and Oregon, its small scale precludes the identification of several important landmarks along the boundary. According to Stevens’s son, Hazard, “The Indians took great interest in this map, asking many questions about the mountains and streams they saw represented upon it, and in some instances adding streams which were not [already] laid down.”³⁷ The final map still contained some inaccuracies, however, and it only ran the Yakama boundary line about ten miles south of Mount Adams. Nevertheless, when examined in conjunction with the treaty calls, it helps clarify Stevens’s ambiguous calls and his intent to define the reservation by using natural features. Without the map, those calls make little sense even to a trained topographer. Accordingly, when his sketch mysteriously disappeared sometime after arriving in Washington, D.C., the stage was set for more than a century of confusion and conflict in which Mount Adams figured prominently.³⁸

For Yakama leaders, Pátu was more than a mere landmark along the reservation boundary; the peak also served as a symbol of the entire treaty and a mnemonic device for recalling the pledges it contained. Figuratively eternal and immovable, the mountain signified the perpetual nature of their agreement with the United States, and future generations of Indians insisted that Stevens had explicitly made that connection. As tribal claims attorney Paul M. Niebell explained in 1951, the governor had pledged that the American people would honor the treaty “as long as the (1) great snow capped mountain stands, (2) as long as the Great Columbia River flows from the mountains to the sea, (3) and as long as the great sun rises in the East and sets in the West.” Niebell confessed that he could not locate any written proof of this rhetorical flourish, yet he remained “reasonably satisfied that it is found in one of the records of these negotiations.”³⁹ His confidence likely reflected the recurrence of similar phrases in Yakama statements regarding the treaty, which intersected with

the written record as early as the 1890s. In 1893, for example, tribal member Charley Mann claimed, “That is what Governor Stevens pointed to us when he made the treaty, and he said that whatever the Heavenly Father said that would be the time before you let your lands go.”⁴⁰ Thirty years later, after the first two attempts to fix the reservation boundary had excluded Pátu, an unidentified Yakama informant ended his account of the peak’s mythical death and rebirth with a request for its return. “That mountain belongs to us,” he told McWhorter. “A witness to our treaty with Governor Stevens, White Eagle ever points upward to the Great Maker who heard the promises of that treaty.”⁴¹ Pátu remained an instructive place, one that now also served to instruct the United States in its obligations to the Yakama Nation.

In the absence of written proof, non-Indian skeptics readily dismissed oral accounts of Stevens’s speech as nothing more than colorful fiction. The tradition continued to circulate in Native communities, however, acquiring fresh importance as treaty hunting and fishing rights came under attack from American citizens, state authorities, and federal development projects. The details sometimes varied with the telling, but it retained the same essential meaning. “As long as the river flows and as long as the sun shall shine and as long as the white mountains stand—I started interpreting that in 1908,” declared councilman Thomas K. Yallup during a 1954 meeting with federal officials. “I am now like Chief Owhi who was one of the signers of the treaty. Those are the same words he repeated as told by his father as he signed the treaty.”⁴² After naming several other witnesses to the event, Yallup briefly outlined the historical circumstances surrounding the promise:

They all say, after they had talked to Gov. Stevens for over 20 days, Gov. Stevens told them, “I want to talk to my advisors.” In a few days we went to call a council together again. At that time those words were spoken by Governor Stevens. . . . That was in 1908 or 1909 when I first heard the old chiefs say that Governor Stevens said “as long as the river flows and as long as the sun rises from the East, and as long as the white mountains shall stand, you shall have your fish, your game, your birds, and your roots and berries.”⁴³

The following year, in a speech for the Yakama Nation’s treaty centennial commemoration, Tribal Chairman Alex Saluskin attributed that poetic passage to Stevens’s secretary, Doty, who had been responsible for notifying groups north of the Columbia River of the coming council. Doty may well have used such language to persuade village headmen to attend the meeting. Through the telescoping of time and events characteristic of oral tradition, it became part of the collective tribal memory of the treaty. When Saluskin read his speech a century later, however, Pátu stood outside the reservation boundary—a reminder of how many of Stevens’s promises had been broken since 1855.⁴⁴

The exclusion of Mount Adams began with the federal government's failure to survey the reservation lines in a timely manner. Euro-American colonization of the region began rather slowly, and the boundary seemed clear enough to prevent encroachment on Indian land. The first significant American settlements developed around present-day Goldendale in 1859, the same year that Congress ratified the Yakama treaty. Six years later, the combined white population of Klickitat and Yakima counties totaled less than two hundred people, most of whom raised cattle or sheep for a living. By 1872, Klickitat County's population had reached almost six hundred, and growth remained steady until the Northern Pacific Railroad reached the Yakima Valley in 1884. The rate of settlement increased rapidly thereafter—with more than 207,000 acres of the public domain entered under the land laws in 1888 alone—and pressure began to mount on the borders of the Yakama Reservation. Although surveys fixed portions of the southern boundary in 1861 and 1885, most of the reservation line remained unsurveyed and unmarked. In 1886, Special Agent Charles H. Dickson urged the Indian Office to have the boundaries clearly defined, but the Yakama Nation had already lost thousands of acres by the time federal officials finally took action.⁴⁵

Squatting settlers entered the western side of the reservation during the 1870s. Enduring harsh winters and isolation, German American families began staking claims to Camas Prairie and altering its aboriginal landscape. The level valley contained good land for homesteads, and in 1873 surveyor Samuel J. Spray predicted that draining marshy Camas Lake would transform the area into "a region of great fertility and productiveness."⁴⁶ Early settlers made similar claims in letters and newspaper advertisements meant to attract fellow Germans as laborers and neighbors. By the end of the decade, small towns had sprouted at Laurel, Fulda, and Glenwood—all within the intended boundaries of the Yakama Reservation. In 1879 the General Land Office began issuing patents to the settlers of Camas Prairie, making their claims legal if not legitimate. These immigrant communities grew steadily during the 1880s, along with a small Baptist colony in nearby Cedar Valley, and Yakama resentment grew apace.⁴⁷

No Indians actually lived on Camas Prairie, which reinforced the erroneous impression that it did not belong to them, but the valley retained its place in the seasonal round. As several elderly men testified in 1950, the Yakamas regarded it as reservation land and continued to gather there every summer. "From as far back as I could remember this Camas Prairie was known to be an Indian territory, Indian country," insisted Jobe Charley (age 83), "and when I was a small boy and had attained the age of reason I was present at those gatherings, and I always knew that to be an Indian country." Sampson Tullee (age 72) expressed the Yakamas' bewilderment at the loss of this area: "They had

a place where they celebrated and they called that Little Root . . . and all that was supposed to be Yakima Indian Reservation, and they called that boundary line there. And the boundary line began to get smaller all the time, and pretty soon the whiteman settled in Glenwood and the Indians no more hold that land and I don't know why."⁴⁸

In addition to cutting timber and fencing off traditional Indian campsites, white settlers disrupted Yakama subsistence practices by pasturing stock on root-digging grounds and mowing the grass for hay. Native women had trouble locating camas stalks in cutover areas, and altercations with irate diggers became increasingly common as the valley filled with farms. Still, Indians continued to visit the area, and local settlers eventually learned to accommodate Indian uses of the land. During each root-digging season, they designated certain areas as open to camas gathering. Native people generally respected the settlers' fences, and several white families allowed them to camp on their farms during the harvest. When it came time to move on into the mountains, some Indians stored their dried roots in local barns. In exchange, the settlers received berries and salmon on the return trip. This system of intercultural cooperation, together with other forms of social and economic interaction, helped ease tensions over the settlement of Camas Prairie. Regardless, Yakama leaders still regarded it as "Indian country," and additional conflict over reservation rangeland kept the boundary question on their minds.⁴⁹

As cattle and sheep proliferated on the open range surrounding the reservation, Euro-American ranchers began encroaching on tribal land by accident and by design. Every spring, the tribal range sprouted rich stands of bunchgrass coveted by white stockmen. During the late 1870s, Yakama Agent James Wilbur developed a permit system that allowed non-Indians to graze sheep and cattle on the reservation, but ranchers quickly located loopholes in the system. Some stockmen grazed more head than they paid for, while others avoided county taxes and agency grazing fees by hiring Indians to pasture stock for them. Many ranchers simply allowed their cattle and sheep to roam freely with the expectation that they would wander onto reservation land. As the range deteriorated due to overgrazing, sheep operations fought cattlemen for a shrinking supply of pasture. Both groups clashed with the Yakamas, who complained that trespassing stock consumed grass reserved for Indian animals and damaged their root-digging grounds.⁵⁰ In 1889, Yakama Agent Webster L. Stabler reported that "disputes between white settlers on the south border and the Indians are frequent, sometimes aggravated, and liable to become serious unless steps are soon taken to unmistakably distinguish the boundary lines. The rapid settlement of the lands bordering the reservation and the natural tendency of stock to seek out the best pasturage bring this question of boundary into greater prominence each year."⁵¹ Consequently, the main duty of



FIGURE 7. *Yakama tribal police in full uniform for July 4th parade, ca. 1890s. Northwest Museum of Arts and Culture, Spokane, Washington, L94-14.52.*

his small police force (fig. 7) became “to prevent illegal pasturage by stockmen who use fair means and sometimes foul to herd their cattle, horses, sheep, etc. on the rich pasture lands on some portions of the reserve.”⁵² Riding the boundaries as they understood them, Yakama officers intercepted white interlopers and rounded up stray stock, which owners could recover after paying the federally mandated fine of one dollar per head. Ranchers, in turn, waited for Indian policemen to stray off the reservation and then had them arrested and confined in the county jail. The Indian Office finally responded in 1889 after a group of settlers in Klickitat County sent a petition to Washington demanding a survey of the western boundary so as to prevent further trouble.⁵³

Unfortunately, the federal government’s belated response did more harm than good. During the fall of 1890, the General Land Office contracted a young surveyor named George A. Schwartz to fix the reservation’s southern and western boundaries. Commencing his work on the Yakima River near Mabton, Schwartz surveyed west along the Horse Heaven Hills until he reached milepost 51. At that point, some twenty miles short of the Cascades, he made an odd decision of momentous consequence. It may have been the result of inexperience, as this appears to have been Schwartz’s first contract for the General Land Office, but it looked to many at the time like an intentional act of fraud.

Finding that he could not reach the mountains without crossing the Klickitat River, a call not expressly made in the treaty, Schwartz opted to ignore one of the clearest calls in the entire boundary description. Instead of surveying along the main ridge of the Cascades, as specified in Article II, Schwartz followed a lesser divide between the Klickitat and the Toppenish Rivers to its intersection with the reservation's northern border. He had been directed to confer with Indian and white residents of the area before making his survey, but he apparently disregarded any contrary advice. In 1891, the Land Office accepted the "Schwartz line" over the protests of the Indians, thereby trimming nearly half a million acres from the western end of the reservation and robbing the Yakamas of their vast timberlands (fig. 8).⁵⁴ Indian Inspector W. J. M. Connell suspected that something more than faulty reckoning had sent Schwartz astray, and he was not alone. As he reported in 1899, "There is a query in the minds of many people who are mere 'lookers on in Vienna' [disinterested parties] as to whether or not the fact that the N.P.R.R.Co. [Northern Pacific Railroad Company] were to receive alternate sections of the land excluded by the survey in 1890 did not make the compass used by the surveyor vary[,] as it is generally thought that it was some kind of METALLIC influence." Although it cannot be proven that Schwartz took a bribe from the railroad or otherwise conflated its interests with his own, his massive "mistake" smacks of the contemporary assumption that less ground for Indians meant more gold for whites.⁵⁵

Yakama leaders sensed foul play and immediately complained to their nominal guardian. A year after the Land Office signed off on Schwartz's handiwork, Agent Jay Lynch reported that "the Indians are very much dissatisfied in regard to the survey of the western boundary line of the reservation in 1890 and are not willing to accept it as a final established line, as it cuts off from the reservation three or four townships that they have always claimed and been led to believe belonged to them."⁵⁶ Lynch feared that Indian anger would cause serious trouble between local stockmen and tribal police, but the Yakamas rejected violence in favor of passive resistance. In addition to besieging their agent with complaints, tribal spokesmen resisted the sale of "surplus" reservation land under the 1887 Dawes Act until the government resurveyed the western border. The majority opposed the cession of unallotted lands under any circumstances, and the boundary issue gave them a good excuse to stall. In February 1897, two members of the Crow-Flathead Commission (initially tasked with opening those reservations) met with Yakama spokesmen to convince them that the sale should proceed regardless, promising that the agreement would not go into effect until the line had been fixed. Louis Simpson summed up the tribal response with a tartly worded rejection: "You know that no person can sell anything that has been stolen. . . . So we say to you our reservation ain't settled and therefore we can't say to you we are going

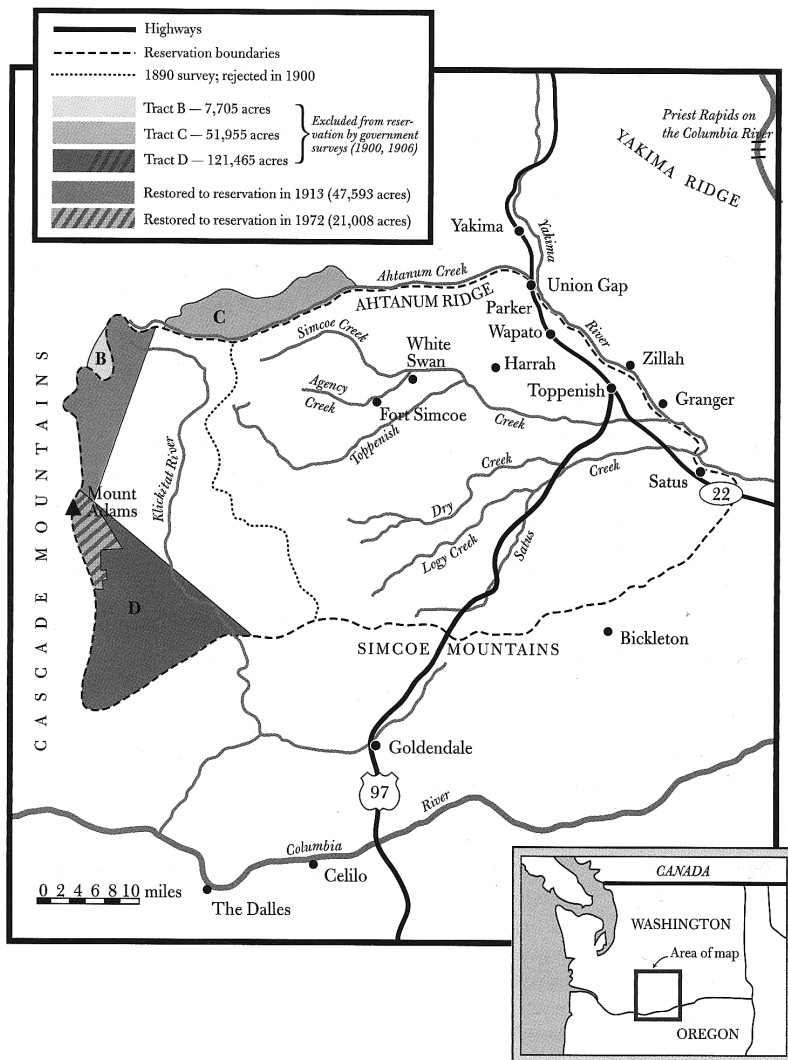


FIGURE 8. Map of disputed boundaries and surveys, 1890–1972. Reproduced by permission of Montana, *The Magazine of Western History*.

to sell you our surplus land. . . Now when that piece of reservation or old boundary line is renewed and that piece of land is returned to the Indians then after that we can talk about negotiations. That is all.”⁵⁷

The commissioners were not accustomed to taking no for an answer, however, and they returned that fall to try again. Before they could even finish their long-winded sales pitch, tribal members moved to shut down

the meeting. “You make long talk and you make me tired and make my head ache,” complained one Indian. When the commissioners ignored his interruption, another man promptly seconded the motion: “I say to you must stop, not make any treaty. All of us think we not sell land.” “I will ask you if you heard that we Indians want to sell land,” prodded James Gowdy. “You have been 9 months spending the time here and did you hear we wanted to sell lands?” The principal chief, White Swan (fig. 9), seemed willing to deal but demanded a steeper price than the commission had been authorized to pay. “Our great Father government [is] not poor but is full of money and can give more,” he declared. “We are poor and he will pay \$2,500,000. If not give it, you shall not get [the land].”⁵⁸ Disregarding his authority, an Indian called Caperty immediately contradicted the head chief: “The young men and the old say we will not sell. I think we will adjourn and we will not sell—never. All Indians say we never sell our land.”⁵⁹ White Swan soon closed ranks with the other headmen, but he held out some hope that an accord could be reached if the government fixed the reservation boundary. The US Interior Department agreed to investigate after he produced an old map that matched a tracing on file in Washington (fig. 10). At a third meeting in December 1898, the Crow-Flathead commissioners asked tribal leaders to “select men to meet us to settle



FIGURE 9. *Studio portrait of White Swan, head chief of the Yakama Nation, 1900. Photograph by Thomas H. Rutter. Courtesy of the Special Collections Division, University of Washington Libraries, NA 639.*

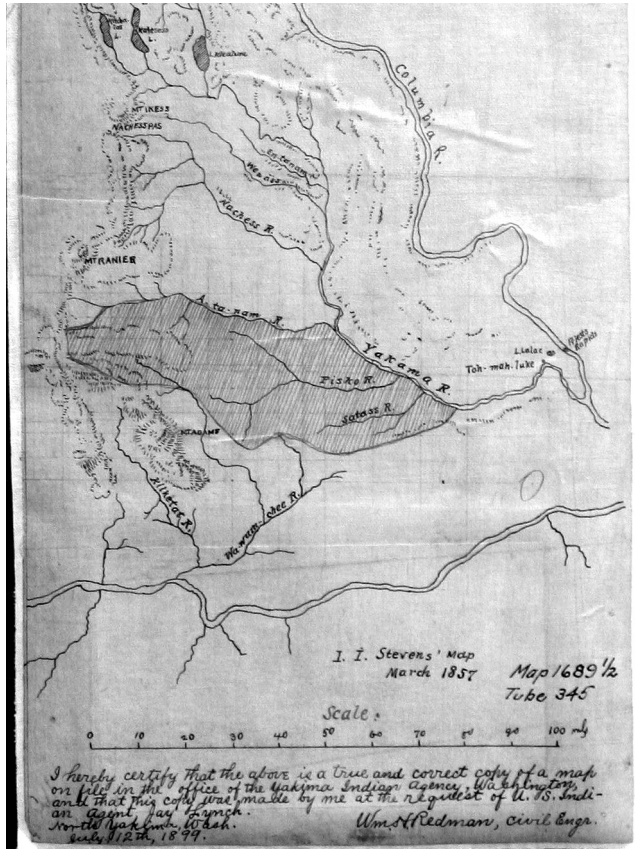


FIGURE 10. Portion of the White Swan/Redman map used to guide E. C. Barnard's investigation of the disputed boundary. Traced by William H. Redman, 1899. Courtesy of the National Archives and Record Administration, Pacific-Alaska Region, Seattle.

this boundary line question.”⁶⁰ They chose Chief Spencer and Stick Joe, both venerable Klickitats who had accompanied the original 1861 survey of the southern boundary. With their guidance and White Swan’s map, an employee of the US Geological Survey set out in 1899 to rectify Schwartz’s error and remove the final impediment to the sale of Yakama lands.

Unfortunately, the “White Swan” map provided to topographer E. C. Barnard was not the original one Governor Stevens had created to accompany the treaties. He had drawn a second map in 1857, presumably to replace the lost 1855 map before the treaties reached the Senate for ratification, but it portrayed the Yakama Reservation quite differently and introduced new errors that compounded his ambiguous boundary calls. White Swan’s version of this map, found in the agency files and copied in 1899 by a civil engineer named Redman, showed a portion of the western boundary touching the main ridge of the Cascades.⁶¹ In a marked departure from the 1855 map, however, it failed

to bring the line south and then east of Mount Adams, as stipulated in the treaty. The White Swan map instead ran the boundary to the northeast of the peak—completely cutting it out of the reservation—and followed a straight line to the approximate position of Grayback Mountain. Although Stevens had vouched for its accuracy and the Indian Office had “no doubts of its authenticity,” the map contained several inaccuracies that rendered it highly suspect.⁶² Most notably, it misplaced the Klickitat River west of Mount Adams, where the White Salmon River should be. Riding through the disputed area with an Indian guide, Barnard quickly recognized that the treaty language could not be reconciled with the topography and that Schwartz had blundered by not running his line along the summit of the Cascades. Barnard did not actually survey the boundary, however, and he relied on the faulty map to shape his recommendations. Chief Spencer and Stick Joe seemed to confirm what he saw on paper. According to their testimony, the 1861 survey had discovered a wooden post atop Grayback Mountain that marked the terminus of the reservation’s southern border. “At this point,” Barnard reported, “the surveyor, agent, or officer accompanying the party took out a telescope or some surveying instrument, and sighting toward Mt. Adams, pointed out a conical hump on the southeast slope of the same, told the party that the line now went straight to that point.”⁶³

Barnard viewed that line as “the only logical one,” yet it made even less sense than Schwartz’s boundary. Known as Goat Butte, or the Hump, the conical point identified in 1861 actually sits slightly north and east of the mountain’s summit, not south and east. Using it to mark the southwestern corner of the reservation thus contradicted the treaty calls as well as Governor Stevens’s statement that the boundary passed south of Mount Adams. Moreover, the creation of a straight line in a border defined entirely by natural features made Barnard’s choice less than logical. However sensible straight lines seem to surveyors, they rarely occur in nature or in aboriginal geography. Chief Spencer and Stick Joe were merely relating what they had been told almost forty years earlier, by men with no authority to establish the western boundary. The close correspondence between their words and the White Swan map was enough to sway Barnard, though, who made them the basis of his final report to the Interior Department in early 1900. Confident that he had righted a great wrong, Barnard declared that the Schwartz line had erroneously excluded 357,878 acres (559 square miles) from the Yakama Reservation and suggested that the government either restore the land or pay the Indians for it. “Should the existing boundary be changed,” he concluded, “I would respectfully recommend that from the conical hump on the east slope of Mt. Adams, it extend westward to the summit of the mountain and then north, which would define it accurately.”⁶⁴

The Barnard report ultimately caused more problems than it corrected. On April 20, 1900, the Indian Office drafted a bill authorizing separate negotiations for a monetary settlement of the boundary dispute. Before approving Barnard's recommendations, however, the Interior Department sliced his acreage estimate from 357,878 acres to 293,837 acres. This sizable reduction severed two large tracts of land from the western and northern borders, creating two more straight-line boundaries in contravention of the treaty calls (see fig. 8). Although Barnard believed that these areas belonged inside the reservation, his report incorrectly asserted that the Yakamas did not claim them. Secretary of the Interior Ethan A. Hitchcock used this erroneous statement as an excuse to cut more than sixty-four thousand acres from the figure submitted to Congress. The revised boundary represented a vast improvement over the Schwartz line, yet it still fell miles short of the Cascades and failed to recognize Yakama ownership of Camas Prairie and Mount Adams. On June 6, Congress accepted the lower acreage estimate as the basis for further negotiations, which the Crow-Flathead Commission pressed with the ultimate goal of wresting additional land from Yakama hands.⁶⁵

Tribal opposition frustrated the federal government for another four years. Although a few headmen would accept monetary compensation, the majority continued to demand full restoration of their lost territory. None liked the low prices that the government set on the disputed tract. In August 1900, the Crow-Flathead Commission offered \$75,000 (25.5 cents per acre) for the lands excluded by the Schwartz survey. When the Yakamas refused, arguing that the disputed tract was more extensive and more valuable than the government claimed, Congress terminated the commission. The following summer, Inspector James McLaughlin personally examined the area and offered the Indians \$125,000 for what their agent dismissed as the "sterile, arid, mountainous, and least valuable portions of the reservation."⁶⁶ A committee of seven tribal representatives consented to this sum, but talks foundered on the terms of payment. The Yakamas demanded a larger amount in cash than the government deemed acceptable, and tribal leaders refused to have any money spent on irrigation works. McLaughlin, the Indian Office's heavy in such situations, summarily ended negotiations for the rest of the year. He charged that the false promises of unscrupulous lawyers and the inflated offers of the Crow-Flathead Commission had undermined his efforts. The Indians, in turn, complained that the Interior Department would not approve the employment of attorneys "for the purpose of endeavoring to set aside an act of Congress."⁶⁷ Agent Lynch took a typically condescending view of the affair. "These propositions have given the Indians erroneous impressions as to the value of their lands," he reported in 1904, "and it will require some time to overcome such mistaken ideas."⁶⁸

By then, the Yakamas had exhausted the patience of Congress, which viewed their reservation as “a very great hindrance to the continued and complete development of [central Washington].”⁶⁹ Bolstered by the Supreme Court’s recent articulation of plenary power in *Lone Wolf v. Hitchcock*, the House Committee on Indian Affairs introduced a bill that added 293,837 acres to the reservation but also provided for the disposal of unallotted lands. No further attempts would be made to gain tribal consent, the Indians would receive no money beyond the proceeds of the land sales (minus the costs of conducting them), and the Baptist homesteaders already living in Cedar Valley would retain their patents to 27,647 acres of reservation land. Congress proposed to give with one hand and take away with the other. House Resolution 14468 became law in December, and within a year the allotting agent had carved out 655 new allotments in the western portion of the reservation. He completed his work in 1914, but the anticipated stampede of settlers never materialized. More than a decade later, no “surplus” lands had been sold due to their relatively low quality, high tax rates, uncertain water rights, and federal fears of speculation. By default, and in defiance of the government’s expectations, the Yakamas kept most of the unallotted acreage returned to them in 1904.⁷⁰ Tribal leaders complained bitterly, though, even sending a petition to President Theodore Roosevelt decrying the act that had passed “without our consent, without our knowledge and in which we had no part and no hearing, practically taking all of this land away from us without any compensation.”⁷¹ They demanded an investigation to secure relief and pressed Agent Lynch for funds to send a delegation to Washington. He assured them it would do no good, but they continued to pester him for years.

Instead of settling the boundary issue once and for all, the legislative imposition of a settlement merely stirred fresh controversy. In 1907, US deputy surveyors officially fixed the borders recognized in H.R. 14468. Known as the Campbell, Germond, and Long line (for the men who surveyed it), this boundary ran straight on three sides and excluded more than 185,000 acres from the western end of the reservation (see fig. 8). Mount Adams and Camas Prairie remained entirely outside the line, along with the two smaller tracts severed from Barnard’s estimate in 1900. Yakama leaders immediately protested, and in August, the Indian Office recommended that the surveyors retrace the boundary according to the treaty calls. An unanticipated legal problem made fixing a definite boundary imperative. As the surveyors completed their work, the United States filed suit against the Northern Pacific Railway Company (also the recent target of a federal antitrust case) because it refused to surrender four land patents within the area that Schwartz had excluded from the reservation—perhaps deliberately on behalf of the railroad. Issued during the mid-1890s, under the false pretense that the disputed tract

was public land, the patents now stood on tribal property. Northern Pacific fought its cancellation all the way to the Supreme Court, arguing that the Schwartz survey had correctly fixed the reservation lines, but the Court ruled against the company in 1913. In doing so, it once again opened up the question of where the boundary actually belonged.⁷²

The majority opinion in *Northern Pacific Railway Company v. United States* finally recognized that the treaty calls defined the Yakama Reservation “by the greater boundaries of nature which the Indians understood and estimated, and so held that the main ridge of the Cascade Mountains is the western boundary and not the inferior ridges and spurs.”⁷³ Under the canons of treaty construction that governed the Supreme Court’s decision, the tribal interpretation could not be ignored, especially when it aligned so closely with the treaty language. “[The Indians] feared the encroachments of the white man,” wrote Justice Joseph McKenna. “Their fears were allayed by adapting the treaty to their understanding, by delineating the land they conveyed and they reserved by great and commanding objects. . . . They always had . . . an intelligible conception of the western boundary of the reservation and its definition by natural objects. It is only by regarding this understanding and the more prominent natural objects that the calls of the treaty can be accommodated to the topography of the country.”⁷⁴

Strangely, though, the Court failed to construe all of the reservation lines according to “the greater boundaries of nature.” For all its talk about the intent of the treaty makers and the interpretation of the Indians, the *Northern Pacific Railway* decision left intact two of the three straightedge boundaries. On the northern border, the line still ran directly from the headwaters of the South Fork of the Ahtanum River to Spencer Point. On the southwestern side of the reservation, the boundary went straight from Goat Butte (the Hump) to Grayback Mountain. By failing to follow the natural boundaries outlined in the treaty calls, these arbitrary lines cut some 175,000 acres out of the reservation, including all of Mount Adams and Camas Prairie. Faced with such crooked logic, some Yakamas may have wondered whether white men actually bothered to read the documents in which they placed so much faith.⁷⁵

From the tribal perspective, bringing these lost lands back into the reservation was not about amassing acreage for its own sake, but rather was a means of ensuring economic security for Native families. In addition to valuable stands of timber, which white-owned mills began harvesting during the mid-1880s, the excluded parcels contained extensive berry fields, root-digging areas, and hunting grounds. Traditionally important to many reservation residents, they became more so as Indians encountered growing ecological changes and mounting public opposition to their off-reservation subsistence activities. In 1903, for example, fifty-eight residents of Glenwood sent a petition to

the Indian Office demanding that the Yakama agent stop his Indians from roaming at will and starting fires within the national forest reserves. The US Forest Service was already working to suppress aboriginal burning practices (intended to propagate native plant foods and open land for hunting) even as federal grazing leases allowed flocks of sheep to damage tribal berry fields and compete with Indian livestock. Meanwhile, state authorities cracked down on Indian hunters and fishers, despite treaty language reserving their right to take fish and game at all “usual and accustomed places” off the reservation.⁷⁶ Placing additional land under tribal control promised to relieve some of the pressure on them, as Yakama Subchief George Lee made clear at a 1913 meeting with Acting Commissioner of Indian Affairs F. H. Abbott. “I know our boundary line is south of Mount Adams, and where the Cascade range is on the other side of Mount Adams,” Lee insisted. “Mount Adams is inside the reservation, and is claimed by the treaty. The reservation has been cut down many times, and this mountain has been cut off where we go up to hunt and gather berries.” Tribal leaders wanted Pátu back so that it could continue to provide for their people.⁷⁷

The *Northern Pacific Railway* ruling did lead to the eventual restoration of 47,593 acres that lay between the Barnard line and the main ridge of the Cascades. From 1920 to 1924, cadastral engineer Chester W. Pecore surveyed and marked a circuitous western boundary from Spencer Point to Goat Butte (see fig. 8). In defiance of the treaty calls, however, he preserved a straight-line boundary on the reservation’s southwestern side. Deviating only slightly from the Campbell survey, he ran the boundary directly from Goat Butte to a point just east of Glenwood, then straight on to Grayback Mountain, forming an elongated triangle rather than the rounded foot that the Indians saw as the natural boundary. Mount Adams and Camas Prairie thus remained outside the reservation, part of a larger tract amounting to some 121,000 acres. In addition, Pecore excluded a remote 7,705-acre parcel near Walupt Lake, which held a traditional huckleberry patch that the Yakamas believed lay within the reservation. When the General Land Office accepted his survey in 1926, federal officials assumed that the matter had been settled once and for all. Agency Superintendent Evan W. Estep thought otherwise: “I never knew a reservation whose boundary was in accordance with the wishes of the Indians, and it is not likely that this one will be.”⁷⁸ Sure enough, the boundary line remained a recurrent topic of discussion at council meetings throughout the 1920s. Yakama delegations also made several self-financed trips to Washington to discuss the reservation line and other treaty issues, despite Estep’s personal opposition. “There is nothing they can accomplish by making the trips but it does them good to go,” he scoffed in 1928. “They have certain matters which will never get settled in their way. Final surveys and Supreme Court decision

on the boundary has not satisfied them. It is final to all but them and they will be talking on that until there is no reservation left.”⁷⁹

When Estep made his pessimistic prediction, he had no idea that the original treaty map would soon resurface in the nation’s capital. In 1930, an employee at the Office of Indian Affairs discovered the 1855 sketch map among some unrelated records. According to agency officials, it had been misfiled under “M” for Montana—a state that does not even appear on the map, though Stevens had visited tribes in that region after the Walla Walla Council. Whatever the reason for its disappearance, the map’s sudden reappearance proved fortuitous for the Yakamas. Governor Stevens’s original reservation lines appeared to substantiate their claims, and an embarrassed Interior Department hastily recommended that the commissioner of Indian Affairs conduct an investigation into the proper location of the southwestern boundary. In 1932, cadastral engineer E. D. Calvin of the Land Office surveyed the disputed area with the assistance of F. Marion Wilkes, a topographic engineer from the Indian Office.⁸⁰ Ever supportive, Estep confessed that he saw no reason for another survey and warned that it would “result in a period of uneasiness on the part of the Indians and furnish them with material for ‘councils’ and ‘big talks’ and they do not need any more of that just now.”⁸¹ He was certainly right about the stir it caused. Although Calvin and Wilkes submitted separate reports, both surveyors confirmed the existence of a distinct spur divide running off Mount Adams and enclosing Camas Prairie. “This spur extends somewhat farther south than shown on Governor Steven’s map,” explained Wilkes, “but the treaty map as a whole . . . is remarkably close considering the almost total lack of topographic knowledge of the west end of the reservation.”⁸² At long last, the Yakamas had the cartographic proof that the government demanded.

The tribe’s timing could hardly have been worse. In 1939 the Indian Office initiated the lengthy procedure to obtain a hearing in the US Court of Claims. With the nation still recovering from the Great Depression, however, Congress frowned upon jurisdictional acts allowing Indian tribes to sue the federal government. “I have spent three years working, not playing on Indian claims,” boasted Missouri Representative John J. Cochrane in 1937, “and I have stopped dozens of them from being passed by this House.”⁸³ Earlier that year, a ruling in favor of the Klamaths of southern Oregon had cost the United States \$5.3 million, souring the mood on Capitol Hill and poisoning the well from which other tribal plaintiffs hoped to draw compensation.⁸⁴ As amended by the Committee on Indian Affairs, the Yakama claims bill (H.R. 2390) provided for the restoration of unpatented lands in lieu of payment. The Forest Service opposed any transfer, however, as did the Klickitat County government and the non-Indian residents of Camas Prairie. County commissioners feared a reduction in tax revenue, while white citizens warned of “a serious decline

in all private property values” and decried the unfairness of being “forced to suffer loss and inconvenience because of a mistake in reservation boundary determination made half a century or more ago.”⁸⁵ To their delight, a hostile Republican minority in Congress galvanized opposition to the bill with dire predictions of “an unwarranted raid on the Treasury.” The House rejected the measure in spite of its “exceptionally large” gratuity offsets, which the government attached to all Indian awards, and the Yakamas had to wait several years for another opportunity.⁸⁶

Their chance came in 1946 with the passage of Public Law 726, the Indian Claims Commission Act. As a first step toward terminating the federal trust relationship with Native nations and speeding their assimilation into American society, Congress created a three-member tribunal to settle all tribal claims against the United States. Some legislators balked at the projected cost of “cleaning the slate,” but many more welcomed the ICC as a way to relieve the burden on the Court of Claims and rid the government of its responsibilities to Native Americans. The Indians could not recover any land, and their financial awards would ostensibly end the need for further federal assistance. Although most tribes wanted land more than money, they knew better than to refuse an open invitation to seek compensation. By the 1951 cutoff date, the ICC had received 370 petitions representing 611 different claims, each of which received its own docket number. On Docket 47 rested Yakama hopes for some measure of justice regarding their lost tribal lands.⁸⁷

Docket 47 advanced the Yakama Nation’s claims to four disputed areas along the reservation boundary. Tract A, the Mabton Area, encompassed 17,390 acres on the extreme eastern border; the Walupt Lake Area, containing 7,705 acres west of the Pecore line, formed Tract B; Tract C spanned 51,955 acres between the main forks of the Ahtanum River, on the northern side of the reservation; and Tract D held 118,650 acres (later expanded to 121,465 acres) southwest of the line from Goat Butte to Grayback Mountain (see fig. 8). In each case, tribal attorney Paul Niebell argued that the federal government’s erroneous surveys had wrongfully removed these areas from the reservation.⁸⁸ “The important thing,” he informed the ICC, “is that the title never went out of the Indians but it remained there; and the title to this reserve was recognized by the government in making the treaty.”⁸⁹ Because the surveys had not intended to take land from the Yakamas, the alienated acreage legally remained in their possession. Although recognizing that the Indians could “get nothing but pay” from the ICC, Niebell suggested that a favorable decision might prompt Congress to restore a portion of the land still in public ownership. If nothing else, such a gesture might appease some older Yakamas, who had trouble understanding why the commission could not return their rightful property.⁹⁰

In building his case, Niebell relied heavily on the testimony of E. D. Calvin and six tribal elders versed in the oral tradition of the Yakama treaty. Born and raised in the latter half of the nineteenth century, when Camas Prairie was still “an Indian country,” they took the stand to tell what they knew “from the old people.” Niebell used their statements to show how the Yakamas had construed Governor Stevens’s words at the treaty council and how they had preserved their interpretation through oral tradition. Citing the canons of construction as the controlling factor in the case, Niebell reminded the commissioners that “in cases of ambiguities in the treaties they are to be interpreted most favorably to Indians, and considered in the light which an unlettered people would naturally understand them.”⁹¹ Accordingly, each examination began with a series of questions aimed at establishing the existence and importance of tribal oral tradition.

Q: Mr. [William] Adams, does the Yakima Tribe have a written language?

A: No, sir.

Q: And all that you remembered was by word of mouth?

A: Yes, sir, by mouth.

Q: How many of the older folks could understand, read and write English?

A: I didn’t know in my time there must have been four.

Niebell then asked the witnesses to describe the boundaries of the Yakama Reservation in general and the four disputed tracts in particular. Although none of the questions explicitly mentioned Mount Adams, all of the elders identified the area around Camas Prairie as “Indian reservation, Indian land.” Together with the original treaty map and the council proceedings, their responses provided crucial support for the Yakama Nation’s claim to Tract D.⁹²

The federal government countered the tribe’s arguments with the legalistic contention that the 1913 Supreme Court decision in *Northern Pacific Railway* had judicially settled the question of the southwestern boundary. In order to enter its decree, declared US Attorney Leland L. Yost, the state circuit court had “necessarily adopted as a controlling boundary the line straight from the Hump to Grayback.” The US Court of Appeals and the Supreme Court had upheld this line, and thus the true southwestern boundary was “no longer doubtful or subject to change.” “Whether correct or incorrect,” insisted Yost, “the holding of the Supreme Court, so far as we are concerned, is binding and must be accepted at face value.” In his opinion, the fact that the justices had never expressly considered the lands in Tract D made no difference. The Barnard report had determined that the area lay outside the reservation boundary, and the government believed that the evidence firmly supported this conclusion. While dismissing the treaty map as “palpably erroneous,” Yost adhered to the untenable position that Barnard’s line fit in a boundary defined entirely by natural features. Under similar circumstances, he asserted, the

Court of Claims had adopted straight lines for two sides of the Warm Springs Indian Reservation in central Oregon. Consequently, in the government's view, the straightness of the Barnard boundary did not undermine its validity.⁹³

On May 29, 1953, the ICC issued its findings on Docket 47. Favoring legal doctrine over material evidence, the tribunal ruled that the Supreme Court had judicially settled the boundaries of Tract B and Tract D. Barnard's straight line would stand—in defiance of all logic—as a *fait accompli*. The ICC also dismissed the tribe's claim to Tract A and deemed that only a portion of Tract C had been wrongfully excluded from the reservation.⁹⁴ The Yakama Nation immediately appealed the decision, arguing that Tract B and Tract D involved “different issues, different parties, a different cause of action, different land, different evidence, not at all related to the issues settled in the Northern Pacific Railway Company Case.” Seven years passed before the US Court of Claims even reviewed their appeal, but in 1962 the court reversed the determination on those tracts and remanded them to the ICC for further proceedings. In 1966, after taking additional testimony from engineers who had studied the disputed boundaries, the commission gave its final opinion on the unresolved sections of Docket 47. The Yakamas' claim to Tract B was again disallowed, albeit this time on the basis of factual evidence rather than legal precedent. In the case of Tract D, however, the ICC found in favor of the tribe. More than a century after its first survey, the federal government had finally admitted its unconscionable taking of Mount Adams and Camas Prairie.⁹⁵

Ironically, the thirteen-year delay between the ICC's initial opinion and its final judgment on Tract D proved to be fortuitous for the Yakama Nation. By 1966, termination policy had fallen into disrepute and the modern movement for Indian self-determination had achieved its first victories. These political developments created an atmosphere in which the Yakamas could seek partial restoration of Tract D instead of simply accepting monetary compensation. In 1968, tribal representatives Chairman Jim, Watson Totus, Stanley Smartlowit, and Eagle Seelatsee attended the final hearing on Docket 47 (see fig. 11). With the support of the Yakama Nation's tribal and general councils, they agreed to a compromise settlement allowing the tribe to pursue the recovery of all unpatented lands remaining in Tract D. Time had not been so kind in this regard; since the onset of white settlement, more than 98,000 acres of the original 121,000 had passed into private ownership. That left only 2,548 acres of vacant land scattered throughout the tract and a contiguous 21,008-acre parcel in the neighboring Gifford Pinchot National Forest. The compromise settlement paid the Yakama Nation fifty cents an acre (the assessed value at the time of taking) for all of Tract D and created a new docket for the portion inside the national forest. If the tribe failed to obtain an executive remedy by the end of 1970, Docket 47-B would be subject to further ICC proceedings.



FIGURE 11. *Yakama tribal council meeting, ca. 1950. From left: Watson Totus, Willie Winnier, Henry Beavert, Wapt Basset, Thomas Yallup, Ella Adams, Alex Saluskin, Eagle Seelatsee, Dennis LaCrone, Antoine Skaban, David Eneas, George Umtuch, Willie Wahpat, and Walter Cloud. Courtesy of Yakama Nation Museum.*

If the federal government restored the land, the case would be dismissed and the Yakamas would return the money paid for the restored acreage. “In this,” explained Chairman Jim, “we are asking nothing of the government—no favors, no funds—only what has been rightfully ours since time immemorial.”⁹⁶

Although only the eastern half of Mount Adams fell within the boundaries of Tract D, the peak immediately became the focus of the Yakama Nation’s campaign to recover the lost land (fig. 12). Pátu remained sacred to traditional members of the tribe, and some strongly believed that the entire mountain should be restored to Indian ownership. Even if they only recovered half, that would at least allow the Yakama Nation a measure of control over Pátu and its rich resources. In 1907, the same year government surveyors fixed the Barnard line on the ground, the peak had been incorporated into the newly formed Columbia National Forest (later renamed for Chief Forester Gifford Pinchot). Non-Indian timber and ranching operations had utilized the mountain’s lower slopes throughout the early twentieth century, extracting wealth that might have gone into tribal coffers, while a growing cadre of “nature lovers” flocked to the area for recreation. The creation of the Mount Adams Wild Area in 1942 ended logging and grazing on roughly half of the disputed acreage, but it also further restricted Yakama use of ceded lands. The Indians could no longer



FIGURE 12. *Mount Adams from Glenwood, Washington. Courtesy of author, 2010.*

hunt, gather, or graze livestock inside the wilderness area, which received additional protection under the Wilderness Act of 1964, yet hundreds of non-Indian mountaineers could continue to climb Pátu every year—a practice some older Yakamas saw as an affront to *Xwayamá*, the White Eagle.⁹⁷ If the land could be recovered, the tribe would finally have some say in the management of their sacred peak. “*This land is ours,*” insisted tribal historian Robert E. Pace in a brief history of the dispute. “We will not rest until it is rightfully restored to our jurisdiction and protection.”⁹⁸

The executive branch split on the question of restoration. The Bureau of Indian Affairs advocated returning the 21,000-acre tract to trust status, arguing that the land had never been legally taken from the Yakamas. The Forest Service maintained that the land constituted a legal taking because the proper reservation boundaries were unknown in 1907. With timber stands valued at more than \$4 million, the disputed area would not be surrendered without a fight. Wrangling between the US Department of Agriculture and the Interior Department dragged on past the original 1970 deadline, and the Yakamas grew increasingly frustrated. “Every time it comes to us giving up our land it is fine and dandy with the federal government,” complained Chairman Jim. “But when we try to get some of our land back we are told to forget it.”⁹⁹ Fortunately, the already overburdened ICC granted an extension, giving the Indians time to seek an executive order from President Richard Nixon. The White House had supported recent legislation restoring Blue

Lake to the Taos Pueblo, and the administration seemed anxious to boost its standing with minorities as the Republican Party embarked on its race-baiting “Southern Strategy” to win resentful whites away from the Democrats. Seizing the words “Yakima Treaty Land—Not for Sale” as its slogan, the Yakama Nation launched an aggressive campaign to win Nixon’s sympathy. “There may be those among us who may not feel responsible for the promises broken in the past,” wrote Chairman Jim in a direct appeal to the president and the public, “but they cannot escape responsibility if America’s promise is broken today. We have faith in the new America and ask that this hesitancy to affirm this faith be overcome.”¹⁰⁰

The tribe quickly mustered an impressive list of supporters. Native leaders from across the United States bombarded Congress and the White House with letters demanding justice for the Yakamas. By the end of 1971, Senators Henry M. Jackson, Warren Magnuson, and Edward Kennedy had come out in favor of land restoration despite opposition from some white constituents. “If they got along without it since 1855,” one complained to Senator Magnuson, “they don’t need it now.”¹⁰¹ Senator Kennedy worked to counter such objections with special subcommittee hearings on the protection of Indian natural resources and a “moving plea” from the Senate floor in favor of restoration.¹⁰² Washington State Governor Dan Evans also expressed his support, perhaps taking to heart the plea of a Yakama child who asked “would you at least help us just till we get another mountain for if, you don’t care what we care then just help us new and great people, us Indians.”¹⁰³ Hollywood furnished an influential friend in the form of Marlon Brando, who had identified himself with the struggle for Native rights since the 1960s. Asked by the tribe to sit as a member of the National Committee for the Restoration of Mt. Adams, he became “the NATIONAL COMMITTEE OF ONE,” according to Chairman Jim. With his help, members of the Yakama tribal council were able to appear on the Columbus Day broadcast of NBC’s *Today Show*, as well as on CBS News with Walter Cronkite. But the tribe’s most powerful ally proved to be Vice President Spiro T. Agnew, the acting chairman of the National Council on Indian Opportunities. More than anything else, his intercession prompted President Nixon to order that the Justice Department review Docket 47-B and issue an opinion on the legality of executive action.¹⁰⁴

Attorney General John Mitchell’s ruling cleared the way for the restoration of Mount Adams. In early 1972 he advised Nixon that, “in these exceptional and unique circumstances, the land was not taken by the United States within the meaning of the Fifth Amendment and that possession of this particular tract can be restored to the Tribe by Executive action.”¹⁰⁵ The Forest Service, the Sierra Club, and the non-Indian residents of Tract D still opposed the transfer, claiming that the Yakamas would log off the wilderness area or close

it to the public. To deflect such criticism, the tribal council had already passed two resolutions stating that the Yakama Nation agreed “to maintain the wilderness portion for wilderness use and to manage the balance of the 21,000 acres on the same basis as the reservation lands are.”¹⁰⁶ With the November election approaching and his administration under fire from the political left, Nixon knew where his best interests lay. On May 20, 1972, the president issued Executive Order 11670, “Providing for the Return of Certain Lands to the Yakima Indian Reservation.” After more than eighty years of continuous struggle, the Yakama Nation had finally recovered its misplaced mountain.

Like the return of Blue Lake in 1970, the restoration of Mount Adams was widely hailed as a triumph for American Indian religious freedom. In July 1972, the Yakamas held a ceremony at the annual White Swan encampment to celebrate the event. Kim Agnew attended on behalf of her father and read a statement from him reaffirming the Nixon administration’s commitment to tribal self-determination and cultural survival. “In return of these lands, which were taken unjustly from you,” said Vice President Agnew, “we assure your opportunity that to retain a culture is precious to you and that the President feels is important to America as a Nation.”¹⁰⁷ Also present were Governor Evans, Congressman Mike McCormack, various federal officials, and representatives from Indian tribes throughout the country. As a crowd of four thousand people looked on, Vice Chairman Watson Totus led a dozen Yakama elders in a prayer of thanks to the Creator, who “gave them the mountain to take care of them by providing them warning of storms and changing seasons; to be a watershed to bring the forest and deer, and swell the streams so the salmon would come” (see fig. 13). The magnitude of the occasion even overwhelmed customary concerns for cultural protection. “We have never allowed this ceremony to be photographed or recorded before,” commented Chairman Jim. “But we don’t get a mountain back every day.”¹⁰⁸ At the end of Kim Agnew’s address he added, “Probably after today when they say as long as the mountain stands, it will mean something. They said it in the Treaty and up to now it had no real meaning—it was only words on paper. But I think the President . . . has reaffirmed the [American Indians’] trust in a system that they had come to mistrust.”¹⁰⁹ Other tribal leaders watching the ceremony must have taken heart at the sight, for the return of Mount Adams naturally inspired similar hopes for sacred mountains such as Baboquivari, the Black Hills, and the San Francisco Peaks. Placed in the larger context of American Indian policy, however, the Yakama Nation’s victory appears less complete than contemporary observers realized.

The excitement surrounding Executive Order 11670 exaggerated its implications for other Native American land claims. In a telephone interview the day after Nixon’s decision, Chairman Jim declared that it “sets a precedent

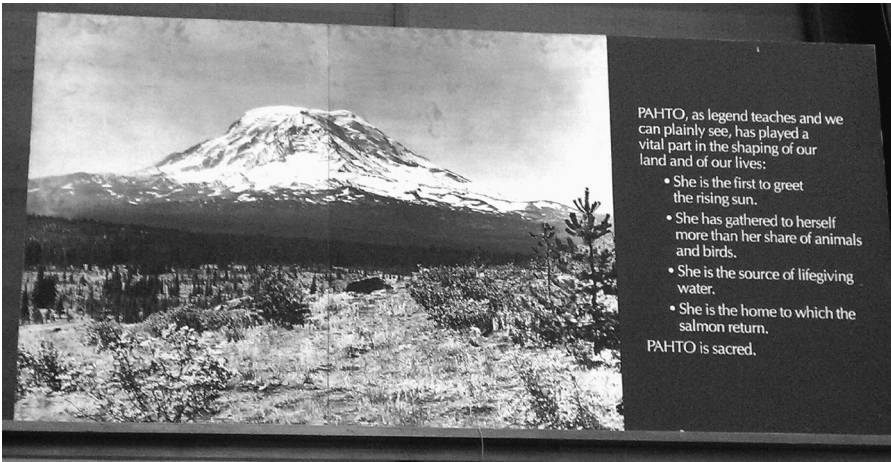


FIGURE 13. Sign in Winter Lodge of the Yakama Nation Cultural Heritage Center, explaining Pátu's significance to the tribes. Courtesy of author, 2010.

that the United States of America acts in the best faith to forward its responsibility to the Indians."¹¹⁰ *The Oregonian* enthused, "White man and Indian were entering a new era. No longer would their history be a record of broken promises."¹¹¹ Such optimism appeared well-founded in light of the recent shift toward tribal self-determination, which Nixon had officially announced two years earlier. Along with Blue Lake, the Alaska Native Claims Settlement Act, and the expansion of the Hualapai Reservation in northern Arizona, the restoration of Mount Adams seemed to signal a sea change in federal policy toward Indian lands and religious beliefs. Even as Nixon signed Executive Order 11670, however, he carefully avoided portraying it as an important precedent in either respect. Ignoring the mountain's spiritual significance to the Indians, the president cited the "unique circumstances" of the Yakama case as the controlling factor in his decision. Ordinarily, he stressed, "Indian land claims are being, and should be, settled by cash award."¹¹² To this day, the federal government has largely adhered to that policy. For all its drama, the return of Mount Adams did not indicate a new trend toward the consolidation of tribal lands or the protection of Indian sacred geography.

The story of the Yakama Nation's struggle to move a mountain is more interesting for what it reveals about the importance of landscape, orality, and memory to the recovery and redefinition of a Native place. Pátu had long been meaningful to Mid-Columbia Indians, but the boundary dispute gave it new significance. For more than a century, Yakamas had faithfully preserved an accurate memory of the reservation lines based on their superior knowledge of the topography and the verbal description given at the treaty talks. Although

minor details sometimes varied, the tradition remained consistent in its insistence that Governor Stevens had included Mount Adams and Camas Prairie as part of the Yakamas' exclusive tribal territory. In spite of abundant evidence that the Yakamas' claims were correct, the federal government allowed white settlers to overrun Tract D and then blundered through multiple surveys by using inaccurate maps and ambiguous treaty calls. The clearest feature of the written description—the fact that it followed natural landmarks on all sides—was consistently ignored in favor of arbitrary straight lines. The one map that did corroborate the Yakama interpretation disappeared due to Indian Office incompetence. Even after it resurfaced in 1930, the government still regarded Yakama oral tradition as mere hearsay. Without the map to substantiate their claims, the Indians probably would have lost their case before the ICC. Yet, in this instance at least, the vaunted chirographic and cartographic records of the dominant society proved to be less reliable and more problematic than simple human memory. The Yakama Nation's triumph made Mount Adams an enduring symbol of the tribal sovereignty that Indians had fought so hard to win during the early 1970s.

The mountain's restoration did not entirely end disagreements over its proper ownership and purpose. Decades after the fact, some white residents of Tract D still deride the new boundary as the "Nixon line" and complain that their property rights have been violated. The Yakama Nation has since closed a portion of the area near Mount Adams to nontribal entry, prompting bitter charges of bad faith and broken promises, but half the peak and the bulk of Tract D remain in non-Indian hands. The Mount Adams Wilderness Area remains open for public use, and the adjoining acreage continues to be administered in cooperation with the Forest Service. Non-Indians have always contested tribal sovereignty, and this likely always will be the case. For contemporary Yakamas, however, Pátu stands high for the promises that the United States made to their ancestors in 1855. As fishing-rights activist David Sohapp Sr. declared in 1978, they understood that the treaty would last "as long as that mountain stood there, as long as the sun rose in the east and long as the grass grows green in the spring and rivers flow. To me, that meant forever, not to be abrogated or changed or done away with any other way. That's the way the old people talk."¹¹³

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NOTES

1. Donald M. Hines, *Ghost Voices: Yakima Indian Myths, Legends, Humor, and Hunting Stories* (Issaquah, WA: Great Eagle Publishing, 1992), 32–33; Virginia Beavert and Sharon Hargus, *Ichishkiin Sinwit Yakama/Yakima Sahaptin Dictionary* (Seattle: University of Washington Press, 2009), 136–37, 404; Robert Jim quoted in *Sunday Oregonian* (Portland, OR), “Return of Mt. Adams Begins New Era for Indians,” July 9, 1972, 31.
2. Richard D. Daugherty, *The Yakima People* (Phoenix, AZ: Indian Tribal Series, 1973), 95. In 1994, the Confederated Tribes and Bands of the Yakama Indian Nation returned to the original spelling of their tribal name. Hence, “Yakima” is now spelled “Yakama,” as it was on their 1855 treaty. For the sake of simplicity, I have adopted this spelling and used it to refer collectively to the fourteen “tribes and bands” of the Yakama Nation. In the case of quotations, I have followed the usage of the author.
3. Treaty with the Yakima, 1855, in Charles J. Kappler, *Indian Affairs, Laws and Treaties*, vol. 2 (Washington, DC: US Government Printing Office, 1940), 699.
4. Imre Sutton, *Irredeemable America: The Indians' Estate and Land Claims* (Albuquerque: University of New Mexico Press, 1985).
5. Jared Farmer, *On Zion's Mount: Mormons, Indians, and the American Landscape* (Cambridge, MA: Harvard University Press, 2008), 12.
6. Bruce Rigsby and Greg Cleveland, “Where Is ‘Le Lac’/ ‘a lake called ‘LaLac’: A Research Report,” July 2010, draft in author's possession, 40–41. The term *place-stories* is taken from Coll Thrush, *Native Seattle: Histories from the Crossing-Over Place* (Seattle: University of Washington Press, 2008), 4.
7. Hines, *Ghost Voices*, 28–29.
8. *Ibid.*, 30.
9. *Ibid.*, 31–32.
10. *Ibid.*, 33.
11. Keith Basso, *Wisdom Sits in Places: Landscape and Language among the Western Apache* (Albuquerque: University of New Mexico Press, 1995), 4, 7; emphasis in original.
12. John H. Williams, *Guardians of the Columbia* (Tacoma, WA: privately printed, 1912), 43–44, 46.
13. Eugene S. Hunn, “Native Place Names on the Columbia Plateau,” in *A Time of Gathering: Native Heritage in Washington State*, ed. Robin K. Wright (Seattle: University of Washington Press, 1991), 170.
14. Indian Claims Commission (hereinafter referred to as ICC), Docket 47, Proceedings, September 12, 1950 (Broomfield, CO: Clearwater Publishing Co., 1975), 100, microfiche.

15. Richard D. Daugherty, "People of the Salmon," in *America in 1492: The World of the Indian Peoples before the Arrival of Columbus*, ed. Alvin Josephy (New York: Alfred A. Knopf, 1992), 82; Eugene S. Hunn with James Selam and family, *Nch'i-Wana, "The Big River": Mid-Columbia Indians and Their Land* (Seattle: University of Washington Press, 1990), 128.
16. F. A. Chenoweth, *Oregonian* (Portland, OR), July 12, 1851.
17. *Ibid.*
18. Hunn, "Native Place Names," 170; emphasis in original.
19. Hunn, *Nch'i-Wana*, 93.
20. Williams, *Guardians of the Columbia*, 104.
21. Hines, *Ghost Voices*, 30.
22. Farmer, *On Zion's Mount*, 11; emphasis in original.
23. Isaac I. Stevens, *Narrative Final Report of Explorations for a Route for a Pacific Railroad, near the Forty-Seventh and Forty-Ninth Parallels of North Latitude, St. Paul to Puget Sound* (Washington, DC: Thomas H. Ford, Printer, 1860), 256.
24. *Ibid.*, 256–57.
25. Donald W. Meinig, "Isaac Stevens: Practical Geographer of the Early Northwest," *Geographical Journal* 45, no. 4 (1955): 542–58; ICC, Brief and Appendix of the Yakima Tribe, Appellant, May 29, 1961, 108–9; James Doty, *Journal of Operations of Governor Isaac Ingalls Stevens of Washington Territory in 1855*, ed. Edward J. Kowrach (Fairfield, WA: Ye Galleon Press, 1978), 8.
26. Isaac Ingalls Stevens, *A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley, 1855*, ed. Darrell Scott (Fairfield, WA: Ye Galleon Press, 1985), 35; Helen H. Schuster, *The Yakima* (New York and Philadelphia: Chelsea House Publishers, 1990), 56, 65–66.
27. Stevens, *A True Copy of the Record*, 64.
28. *Ibid.*, 69; emphasis added.
29. Treaty with the Yakima, 699; emphasis added.
30. Raymond J. DeMallie, "Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective," in *Ethnicity on the Great Plains*, ed. Frederick C. Luebke (Lincoln: University of Nebraska Press, 1980), 38–51.
31. As listed in the treaty, the fourteen tribes and bands of the newly created Yakama Nation were the Yakama, Palouse, Pisuquose (Wenatchi), Wenatsha-pam, Klikatat, Klinquit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-cotes, Kah-milt-pah (Rock Creek), and Se-ap-cat. With the possible exception of one unidentified person, all fourteen Indian signatories came from Yakama, Wíšxampam, Sk'ínlâma, Palúspam, K'míllâma or K'míłpam, and Wayamlâma or Wayámpam villages.
32. Louis Mann to Lucullus V. McWhorter, May 24, 1916, box 16, folder 125, Lucullus V. McWhorter Collection (hereinafter referred to as McWhorter Collection), Special Collections, Washington State University Library, Pullman, 2.
33. *Northern Pacific Railway Company v. United States*, 227 U.S. 355 (1913) at 357.
34. Quotation appears in Treaty with the Yakima, 699; ICC, Brief and Appendix of the Yakima Tribe, 108; ICC, Plaintiff's Request for Findings of Fact and Brief, 25; ICC, Brief of Petitioner on Remand from Court of Claims, December 24, 1964, 32.
35. William H. Tappan to Isaac I. Stevens, September 30, 1854, Records of the Washington Superintendency of Indian Affairs, 1853–1874 (National Archives Microfilm Publication M5) (hereinafter referred to as M5), Records of the Bureau of Indian Affairs (hereinafter referred to as BIA), National Archives Building, Washington, DC, roll 17.
36. Isaac I. Stevens to George O. Manypenny, June 14, 1855, in *Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Indian Tribes, 1801–1869* (publisher unknown), 599, microfilm.

37. Hazard Stevens, *The Life of Isaac Ingalls Stevens, by his son, Hazard Stevens* (Boston and New York: Houghton, Mifflin and Company, 1900), 50.
38. ICC, Brief and Appendix of the Yakima Tribe, 110.
39. ICC, Plaintiff's Request for Finding of Fact and Brief, November 9, 1951, 125.
40. John J. Lane and L. P. Erwin, "Proceedings of a Council with the Yakima Nation of Indians," December 13, 1893, Copy of Agreement with the Yakima Nation of Indians, 53rd Cong., 2d sess., S. Exec. Doc. 67, serial 3160, 26–27.
41. Hines, *Ghost Voices*, 32.
42. US Army Corps of Engineers, Portland District, *The Dalles Dam Indian Fishery: Minutes of Meeting with Yakima Negotiating Committee*, April 22, 1954, box 2-12, Yakima Nation Library, Toppenish, WA, 67, 70.
43. Ibid.
44. Yakima Nation Treaty Centennial Program, June 1955, Miscellaneous Files, High Desert Museum, Bend, OR.
45. ICC, Plaintiff's Brief in Proceedings Under Interlocutory Decree, November 23, 1955, 9–12.
46. Source not cited, quoted in Penny and Bill Collier, *Along the Mount Adams Trail* (Hood River, OR: Maranatha Press, 1979), 137.
47. Daniel L. Boxberger and Lynn A. Robbins, "An Archival and Oral History Inventory of the White Salmon and Klickitat Rivers," draft of report prepared for Wild and Scenic Rivers Act proposal, Western Washington University, Bellingham, 1994.
48. ICC, Proceedings, September 1950, 79, 93.
49. Selma Neils, *The Klickitat Indians* (Portland, OR: Binford and Mort, 1985), 125; ICC, Brief and Appendix of the Yakima Tribe, 112; Daniel L. Boxberger, "Native American and German American Land Use Practices and Settlement in West Klickitat County." Paper presented at Environmental Cultures Conference, Victoria, BC, April 27, 1996, 9. Neils describes one instance in which a white farmer broke a Klickitat woman's digging stick after she threatened him with it.
50. James H. Wilbur to Commissioner of Indian Affairs, February 3, 1874, M5, roll 19; Barbara Leibhardt, "Law, Environment, and Social Change in the Columbia River Basin: The Yakima Indian Nation as a Case Study, 1840–1933" (PhD diss., University of California, Berkeley, 1990), 399–402.
51. *Annual Report of the Commissioner of Indian Affairs* (hereinafter referred to as ARCIA) (Washington, DC: US Government Printing Office, 1889), 293.
52. ARCIA (1890), 233.
53. ICC, Proceedings, September 1950, 51, 62–63; Report of Indian Inspector Robert S. Gardner, September 5, 1890, Records of Inspection of the Field Jurisdictions of the Office of Indian Affairs (National Archives Microfilm Publication M1070), BIA, Washington, DC, roll 59; Commissioner of Indian Affairs to Thomas Priestley, March 13, 1890, BIA, Yakima Indian Agency (hereinafter referred to as YIA) Correspondence and Records (National Archives Microfilm Publication I6), Clifford C. Relander Collection, Yakima Valley Regional Library, roll 2.
54. Jerry Olson, General Land Office (hereinafter referred to as GLO) Surveyor Personal Notes, compiled August 24, 2011, Olson Engineering, Inc., Surveying History, 358, www.olsonengr.com/download/glosurveyorsnotes.pdf (accessed September 13, 2011); ICC, Plaintiff's Request for Findings of Fact, 11; *Northern Pacific Railway Company* at 360–63; *Letter from the Secretary of the Interior, Transmitting, with the Draft of a Bill, a Communication from the Commissioner of Indian Affairs Relative to the Boundary of the Yakima Indian Reservation*, Doc. No. 621, 56th Cong., 1st sess., 1900 (hereinafter referred to as HD 621), 4.
55. W. J. M. Connell to Secretary of the Interior, February 11, 1899, M1070, roll 59, 3–4. Little is known of Schwartz before he accepted his first GLO contract in 1890. Born in 1858 to German parents in Pennsylvania, he may have identified with the German-American communities on the

western edge of the Yakama Reservation. He continued working for the GLO into the 1920s. Further investigation into his background and affiliations may reveal evidence of corruption, which was not at all uncommon in the dealings of the railroads during this period. As Richard White has noted, “the transcontinentals and the federal government were intertwined on such a variety of levels that it was sometimes hard to distinguish whether people were acting in their capacity of government officials or because of their connections to the railroads” (Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* [New York: W. W. Norton and Company, 2011], 60).

56. ARCIA (1892), 508.

57. ARCIA (1891), 462; quotation from the Report of Council with Indians on Yakima Indian Reservation by Commissioners Barge and Goodwin on the 20th day of February, 1897, at Fort Simcoe, Tribal Records, 1897–1952 (hereinafter referred to as TR), Yakima Council, 1897–98 (hereinafter referred to as YC), YIA, BIA, Record Group 75 (hereinafter referred to as RG 75), National Archives and Records Administration-Pacific Alaska Region (hereinafter referred to as NARA-PAR), 21–22. The Crow-Flathead Commission negotiated the sale of “surplus” lands with the Northern Cheyennes, Crows, Flatheads, Shoshone-Bannocks, Uintahs, and Yakamas.

58. Report of Council of Commissioners and Yakima Tribe of Indians, n.d. [1897], TR, YC, YIA, RG 75, NARA-PAR, 8–10.

59. *Ibid.*, 34–35.

60. Proceedings of Council, Held at Yakima Agency, Fort Simcoe, WA, Saturday, December 10, 1898, TR, YC, YIA, RG 75, NARA-PAR, 7.

61. Rigsby and Cleveland, “Where Is Le Lac,” 35–36.

62. Commissioner of Indian Affairs to Jay Lynch, March 5, 1898, Letters Received from Commissioner of Indian Affairs (hereinafter referred to as LR-CIA), General Records (hereinafter referred to as GR), YIA, RG 75, NARA-PAR.

63. ICC, Plaintiff’s Reply Brief, 38–39; ICC, Plaintiff’s Request for Findings of Fact, 13; *Northern Pacific Railway Company* at 363; for quotation see ICC, Brief and Appendix of the Yakima Tribe, Appellant, May 29, 1961, 114.

64. HD 621, 9.

65. HD 621, 1–5; ARCIA (1900), 181.

66. ARCIA (1900), 401; for quotation see ARCIA (1901), 167–68.

67. ARCIA (1901), 168.

68. ARCIA (1904), 367.

69. *Disposal of Unallotted Lands, Yakima Reservation*, H.R. Rep. 2346, 58th Cong., 2nd sess., April 9, 1904, 5.

70. *An Act to Authorize the Sale and Disposition of Surplus or Unallotted Lands of the Yakima Indian Reservation, in the State of Washington, Statutes at Large*, sec. 33, 595 (1904); BIA, *Superintendents Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs, 1907–1938* (hereinafter referred to as SANSR) (Washington, DC: National Archives Microfilm Series, roll 172), 1931, 53.

71. Petition to the President of the United States, n.d., box 34, folder 333, McWhorter Collection, 2.

72. ARCIA (1907), 132–33; ICC, Plaintiff’s Request for Findings of Fact, 16.

73. *Northern Pacific Railway Company* at 355; emphasis in original.

74. *Id.* at 361.

75. ICC, Plaintiff’s Request for Findings of Fact, 16.

76. Indian Council Proceedings, November 11, 1916, Petition 1915/Council 1916, Councils and Meetings (Tribal) 1913–25, YIA, RG 75, NARA-PAR, 34–35; Commissioner of Indian Affairs to Jay Lynch, February 17, 1903, GR, LR-CIA, YIA, RG 75, NARA-PAR.

77. Discussion of letter to Yakima delegation in answer to their hearing, in the Office of Acting Commissioner F. H. Abbott, March 22, 1913, Correspondence Yakima Delegation (1913), General Correspondence (hereinafter referred to as GC), YIA, RG 75, NARA-PAR, 7–8.

78. SANSR (1926), 13; quotation in Evan W. Estep to Commissioner of Indian Affairs, June 20, 1924, GC, YIA, RG 75, NARA-PAR.

79. SANSR (1928), 48.

80. “President Ends 40 Year Battle,” *Yakima Nation Review* (Toppenish, WA), June 1, 1972, 1; ICC, Plaintiff’s Request for Findings of Fact, 17.

81. Evan W. Estep to Commissioner of Indian Affairs, July 22, 1934, Letters Sent to Commissioner of Indian Affairs, GC, YIA, RG 75, NARA-PAR.

82. ICC, Brief and Appendix of the Yakima Tribe, 111.

83. H. D. Rosenthal, *Their Day in Court: A History of the Indian Claims Commission* (New York: Garland Publishing, 1990), 64.

84. See *United States v. Klamath Indians*, 304 U.S. 119.

85. F. V. Horton to Columbia National Forest Supervisor, June 30, 1939, Personal Files of Keith McClure (McClure Files), Gifford Pinchot National Forest Headquarters, Vancouver, WA; “Keep Glenwood Off the Reservation,” *Goldendale Sentinel* (Goldendale, WA), June 15, 1939.

86. *Claims of Yakima Tribes of Indians*, H.R. Rep. 749, 76th Cong., 1st sess., June 5, 1939, 13, 2. In the Court of Claims and the ICC, the federal government pleaded as “gratuitous offsets” all payments made in respect to any previous claims and all sums expended on the given plaintiff, including those guaranteed by treaty. Along with attorney’s fees, offsets and counterclaims could reduce a tribe’s final award to less than 10 percent of its total claim.

87. Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945–1960* (Albuquerque: University of New Mexico Press, 1986), 26–31.

88. ICC, Plaintiff’s Request for Findings of Fact, 18–25.

89. ICC, Proceedings, 8.

90. *Ibid.*, 6–8.

91. ICC, Proceedings, September 1950, 13.

92. *Ibid.*, 50, 61.

93. All quotations are from ICC, Defendant’s Objections to Findings of Fact Requested by Plaintiff; Defendant’s Request for Findings of Fact; and Brief, January 26, 1954, 68, 78–79, 86, 91. See *The Warm Springs Tribe of Indians v. The United States*, 95 Court of Claims 23; and Michael O’Rourke, “Righting a Wrong: The McQuinn Mistake, Judge Owen Panter Reflects on His Work with the Indians at Warm Springs,” *Oregon History* 40 (Summer 1996): 22–25.

94. ICC, Opinion of the Commission, May 29, 1953, in *Interior Salish and Eastern Washington Indian IV*, ed. David Agee Horr (New York: Garland Publishing, 1974), 539–75. In 1965, the ICC created a separate docket (Docket 47-A) for the Tract C claim and calculated a final award for the alienated acreage. The fight over the amount and value of that acreage presents an interesting case study in ICC procedure, but it cannot be detailed here.

95. ICC, Opinion of the Commission, February 25, 1966, in Horr, *Interior Salish and Eastern Washington Indian IV*, 593–604.

96. ICC, Final Hearing, October 16, 1968, 6–7; Statement of Robert B. Jim (hereinafter referred to as Jim statement), Yakima Tribal Council, June 17, 1971, box 14, folder 6, Robert E. Pace Collection (hereinafter referred to as Pace Collection), Yakama Nation Library (hereinafter referred to as YNL), Toppenish, WA. The 2,548.6 acres of vacant land in Tract D was immediately restored to Yakama administration, and the tribe received \$2,100,000 for the accepted claims in Docket 47.

97. Keith McCoy, *The Mount Adams Country: Forgotten Corner of the Columbia River Gorge* (White Salmon, WA: Pahto Publications, 1987), 168–69. In 1924, after relating the legend of

the White Eagle, Lucullus McWhorter's informant told him, "This is why I do not like to see the *Sho-ya'-poo* [white people] climb *Pah'-to*. Young Indians used to go to the top, but they made no wrong" (Hines, *Ghost Voices*, 33).

98. Robert E. Pace, "Yakima Indian Nation, Return of Land," box 14, folder 5, Pace Collection, YNL; emphasis in original.

99. Jim statement.

100. Ron Kaye, "Indians Get Mt. Adams," *Yakima Herald-Republic* (Yakima, WA), May 21, 1972, 1; Eldon Barrett, "Yakimas Want Land, Not Bribe," *Akwesasne Notes* 3, no. 1 (January–February 1971): 15; *Yakima Nation Review* (Toppenish, WA), "Return Land to Indians," March 2, 1971, 4; Robert A. Hecht, "Taos Pueblo and the Struggle for Blue Lake," *American Indian Culture and Research Journal* 13, no. 1 (1989): 73; Jim statement.

101. W. Lynn Thirtyacre to Senator Warren Magnuson, December 18, 1967, McClure files.

102. Yakima Indian Nation, *Religious Ceremony Commemorating the Restoration of "Mt. Adams"* program, 2–8, box 14, folder 29, Pace Collection, YNL; *Yakima Nation Review* (Toppenish, WA), "Chairman Announces Mt. Adams Land Return Ceremony," June 1, 1972, 1; Robert B. Jim, "Statement of the Chairman of the Yakima Tribal Council," in *The Yakima People*, Richard D. Daugherty (Phoenix, AZ: Indian Tribal Series, 1973), 99–100.

103. Beatrice Aleck, "Mt. Adams Is Very Sacred to Us Yakimas," *Yakima Nation Review*, July 2, 1971, 4.

104. *Yakima Nation Review*, "Chairman Announces Mt. Adams Land Return Ceremony," 1; Ron Kaye, "Agnew for Adams Ceremonies," *Yakima Herald-Republic* (Yakima, WA), May 30, 1972, 3. Robert Jim singled out leaders of the Makah, Lummi, and Swinomish tribes of western Washington for special recognition as allies in the fight to restore Mt. Adams. Also influential was Jim Thomas (Tlingit), the head of a Native American public relations firm and a member of the National Council on Indian Opportunity, who introduced the Yakama tribal council to Marlon Brando.

105. Executive Order 11670, "Providing for the Return of Certain Lands to the Yakima Indian Reservation," *Weekly Compilation of Presidential Documents, Monday, May 22, 1972*, vol. 8, no. 21 (Washington, DC: Government Printing Office, 1972), 709.

106. Roxinne Ervasti, "Yakima Indians Given Title to 21,000 Acres," *The Columbian* (Vancouver, BC), May 22, 1972, 2.

107. Mt. Adams Land Return Ceremony, July 8, 1972, compiled by Robert E. Pace, Pace Collection, YNL, 6.

108. Watson Totus and Robert Jim quoted in *Sunday Oregonian*, "Return of Mt. Adams Begins New Era for Indians," 31.

109. Mt. Adams Land Return Ceremony, 7.

110. Kaye, "Agnew for Adams Ceremonies," 1.

111. *Sunday Oregonian*, "Return of Mt. Adams Begins New Era for Indians," 31.

112. Richard Nixon, "Statement by the President Upon Signing Executive Order," May 20, 1972, *Weekly Compilation of Presidential Documents, Monday, May 22, 1972*, 880.

113. Jeanie Senior, "Indian Activist Sohappy Dies," *The Oregonian* (Portland, OR), May 9, 1991, A1.

