“Standing out here in the surf”

The Termination and Restoration of the Coos, Lower Umpqua and Siuslaw Indians of Western Oregon in Historical Perspective

IN APRIL 1985, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians held a joyous celebration in the Coos Bay National Guard Armory, honoring the people who had worked to secure their future. The previous October, President Ronald Reagan had signed a law granting them status as a federally recognized tribe. For the first time since the confederated tribes’ official dealings with the U.S. government began in 1855, the United States was fully ready to treat them the same way it treats other Indian tribes— as nations within a nation. The federal government granted this recognition only after several generations of tribal leaders had devoted their lives to battling for it. For the first hundred years of the tribal-federal relationship, the three tribes existed in a legal limbo of quasi-recognition, a tenuous standing that was swept aside by the 1950s federal policy known as termination. At the same time, the legal theorist Felix Cohen observed that “our treatment of Indians... reflects the rise and fall of our democratic faith” and so referred to America’s political dealings with Indians as a “miner’s canary” for interpreting the health of our democracy.1

For all practical purposes, politics in relation to Indian tribes begins on the federal level, because constitutional law enshrined in key Supreme

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Tribal members are depicted in this October 1856 Harper’s Monthly illustration butchering a whale that washed up on shore. At the same time as coastal peoples were doing the daily work of providing for themselves, larger political forces were at play that would throw some of them into a century-long state of quasi-recognition by the federal government.

Court decisions has determined that Indian tribes are semi-sovereign nations within a nation. Powers of tribal governments are in many ways separate from powers of the states in which tribes make their homes. Yet tribal governments are not fully sovereign, because the Supreme Court has also determined that Congress has plenary, or absolute, power over Indian affairs.

From 1778 until 1871, the United States dealt with Indian tribes and nations through a process in which the president’s representatives negotiated with tribes to create treaties that, if ratified by Congress, became law. During that era and since the end of it, Congress has wielded its power over tribes by developing various policy initiatives and enacting them with key laws. Members of Congress have molded much of federal Indian policy in an effort to treat all Indian tribal groups in the same way. Today, there are more than 560 federally recognized tribes in the United States, each with a unique historical and cultural story to tell. Many other tribes lack such
recognition. In light of this, a one-size-fits-all policy is often dysfunctional and averse to the best interests of both tribal groups and the United States. Tribal communities’ impacts on and reactions to generalized federal policies have varied significantly, and so tribal histories have both deep similarities (in how tribal groups and peoples were treated) and deep differences (in the ultimate impacts).

At the time of first contact with Europeans and Euro-Americans, the tribal entity now known as the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians consisted of dozens of autonomous village groups located along the Pacific Coast from Coos Bay in the south to the Siuslaw River in the north. Villages, which ranged in size from a few dozen to over a hundred residents, lined the shores of the sloughs, rivers, and streams in the region. People from different village groups intermarried and developed similar social and cultural systems, including leadership structure. In 1855, leaders from these and other tribal groups signed a treaty with the United States. Congress, however, never ratified the treaty. In the document, the Coos, Lower Umpqua and Siuslaw peoples were lumped together as tribal groups from Coos Bay, the Lower Umpqua River, and the Siuslaw River areas, a categorization by American officials that would become the basis for definition and categorization of these groups as individual tribes and, later, as one confederated tribe. Strong evidence indicates tribal members continued to identify themselves throughout the nineteenth century primarily in terms of their family village. Those raised in the twentieth century eventually thought of themselves in terms of the U.S.-named tribal groups by which they are identified here. People living at Coos Bay spoke two distinct languages, Hanis and Miluk, and in some cases refer to themselves today by the Coos language family to which they belong. The Miluk speakers were closely related to people who lived along the Coquille River, who later came to be known as members of the Coquille tribe. The Lower Umpqua and Siuslaw languages are both classified in a linguistic stock referred to as Siuslaw.

As far as the Coos, Lower Umpqua and Siuslaw peoples were concerned, the 1855 treaty was a solemn agreement between them and the United States. Still, they lost land and were denied usufructuary rights through encroachment, trespass, and removal at the hands of U.S. settlers and government officials. The existence of a treaty recognized by the tribes but not by the United States put the Coos, Lower Umpqua and Siuslaw in a precarious quasi-recognized status for a century. The federal government treated them as Indian tribes in some ways and treated individual tribal members as Indians in some ways, but in other ways, the government simply ignored their existence and their rights. Tribal leaders consistently worked to gain legal recognition and compensation for their losses. One effort after another
failed, until Congress stunned the Coos, Lower Umpqua and Siuslaw by including them in the sweeping 1950s termination legislation. Termination proved disastrous for the Coos, Lower Umpqua and Siuslaw people. Nevertheless, they successfully fought a three-decade battle to gain recognition of their federal status as a sovereign tribal group and eventually won that fight through a process known as restoration.

AMERICA’S RELATIONSHIP with Oregon Indians was contentious from the beginning. Two nineteenth-century laws foretold the difficulties tribes would have with the rapidly increasing American population beginning at mid century. The 1848 Organic Act that established the Oregon Territory followed past legal precedent by guaranteeing that Indian rights and title to lands could only be extinguished by treaty. The Oregon Donation Land Act that Congress passed two years later, however, “gave any United States citizen title to 320 acres of land for staking and occupying a claim,” in the words of Mark Axel Tveskov. Under the latter law, non-Indians staked out and claimed Indian lands that should have been protected by the Organic Act.7 The contradictory nature of the two laws forced the United States to quickly negotiate treaties with the tribes that would legalize non-Indians’ land takings.

Treaty making in southwestern Oregon began in 1850, when Euro-American explorers discovered gold in the Rogue River region.8 Settlers who poured into the territories took Indian lands at will, at times simply claiming and stealing homes of tribal members, murdering them to do so if necessary. Oregon Territory’s Superintendent of Indian Affairs Joel Palmer desperately tried to thwart the mayhem caused by the Euro-American aggressors, who he referred to in exasperation at one point as “evil disposed persons whose acts of aggression and barbarity are calculated to arouse the bitterest feelings of savage vengeance.”9 Three Coos people were among the more than two dozen area Indians murdered by settlers in 1853 and 1854.10

Palmer urged Commissioner of Indian Affairs George Manypenny to authorize him to treat with the Indians to purchase their lands and set aside reservations that American citizens could not take from them.11 Secretary of the Interior Robert McClelland authorized Palmer to negotiate for land cessions with the tribes within Oregon Territory in December 1854.12 In the summer of 1855, Palmer negotiated the treaty with twenty-eight tribal groups — including the Coos, Lower Umpqua and Siuslaw — that Congress never ratified. Treaties often dispossessed Indians of their homelands, but from a tribal perspective, they served two additional and important purposes: documenting pre-existing rights that were not extinguished under the new relationship with the United States, and providing compensation for the
This map of Oregon shows the locations of coastal tribes in relation to the proposed 1855 Coast Reservation. The Thompson and Kinkade citation refers to the Handbook of North American Indians, edited by Wayne Suttles.

loss of resources and destruction of the tribal economy that accompanied land loss. Since Congress never ratified their 1855 Palmer treaty, the Coos, Lower Umpqua and Siuslaw tribes never received either legal assurances or compensation, leading to a state of quasi-recognition.

In November 1855, President Franklin Pierce created, by executive order, the Coast or Siletz Reservation on a strip of land approximately 120 miles long, stretching from Cape Lookout in the north to the Tsiltcoos River, just a few miles south of present-day Florence, and extending east approximately twenty miles. The United States removed many of western Oregon’s Indians from their homelands and villages to sites on the new reservation, but without a treaty, it remained vulnerable to trespass or even destruction. When asked today why the Oregon tribes seem to have fared so badly in relation to federal Indian policies, Coos Elder Chief Edgar Bowen half-jokingly replied,
“Well, the further west you come, the harder it got, and we were standing out here in the surf. They really fixed us when they got here.”

Oregon’s population grew almost eightfold between 1860 and 1900, to more than 413,000. This led settlers to clamor for further dispossession of Indian lands, which resulted in continuing and intensifying misery for tribal members. Bowen relates tribal accounts of the mid 1850s through the mid 1870s: “They just threw us off [the land]. After we improved the land and helped make all those buildings and everything, then they just opened it up to white settlement.” Over the years, many Coos and Lower Umpqua tribal members drifted back into their homelands, which had become the new communities of Coos Bay and Reedsport. Siuslaw people remained in their old homelands along the Siuslaw River from Florence to Mapleton. Most Coos, Lower Umpqua and Siuslaw tribal members either remained where they were or returned to their old haunts, and therefore did not join the reservation community as reservation lands diminished.

In the face of further pressure from newcomers, the remaining Coast Reservation lands were divided and allotted to individual tribesmen under the 1887 General Allotment or Dawes Act, a cornerstone of the new policy of forced assimilation that now marked Indian Department efforts. This law provided for the federal confiscation of tribal lands so they could be turned over to tribal members under individual ownership. Lands deemed excess often then fell into non-Indian hands. Some Coos and Siuslaw Indians received allotments at Coos Bay and in the Florence area, and some Umpqua Indians received allotments at the mouth of the Umpqua River under section 4 of the act, which permitted public domain allotments to members of tribes that had no reservation land available to divvy. Most of these allotted lands were eventually lost from Indian ownership, however, according to historian Stephen Dow Beckham.

Thirty years after passage of the Dawes Act, the United States’ refusal to enter into a treaty relationship and to fulfill its trust responsibilities continued to rankle the tribes. The Coos, Lower Umpqua and Siuslaw established a tribal government, confederating all three tribes, in 1917 and began to prepare a lawsuit to force compensation for lost lands. Tribal Chairman and Delegate to Congress George Bundy Wasson traveled several times to Washington, D.C., to research the case and lobby members of Congress, and in 1929, Congress passed a jurisdictional bill authorizing the tribes to bring their case before the United States Court of Claims. Testimony for the case was taken from both tribal members and non-Indians by deposition in the early 1930s on-site in western Oregon. Non-Indians testified for the Court of Claims that the Coos had lived in the Coos Bay area since the earliest Euro-American population’s arrival. Tribal members described the

Beck, Termination and Restoration of the Coos, Lower Umpqua and Siuslaw
places they gathered food and told of the places they lived, naming them often in their own language, which the court required to be translated into English.\textsuperscript{21} After the depositions, several years passed before the court made its decision.

Meanwhile, in 1937, the Indian Service “assisted the Confederated tribes in constructing a tribal hall and community center at its Coos Bay headquarters . . . on a 6.12 acres parcel of land which was held in trust by the United States for the tribes.”\textsuperscript{22} The Indian Service also occasionally provided a doctor at the tribal hall, and numerous Coos, Lower Umpqua and Siuslaw children attended Indian boarding schools, primarily the relatively nearby Chemawa School.\textsuperscript{23} In various small ways, therefore, the United States recognized the existence of the three tribes and also provided services to their tribal members as Indians, thus fulfilling federal trust obligations to a small degree.

Nevertheless, the court ruled in May 1938 that “an unratified Indian treaty is not evidence of governmental recognition of Indian title to lands described therein.” It recognized that the Coos, Lower Umpqua and Siuslaw had lived in the area but ruled that oral tradition was not proof enough that they had done so “from time immemorial.”\textsuperscript{24} Although ample documentation to support the tribes’ claims existed, the court chose to rely on a narrow interpretation of governmental responsibility. The tribes appealed this decision to the U.S. Supreme Court, but that body “refused to consider the appeal.”\textsuperscript{25}

The failure of the confederated tribes did, however, pave the way for the success of other western Oregon tribes in the Court of Claims. The twenty-five other tribal groups whose representatives signed the same treaty successfully gained recognition through the Court of Claims in 1945 with a case filed two years previously “under the ethnographically erroneous names of Alcea Band of Tillamooks \textit{v. United States}.” They were also led by George Bundy Wasson, who was both Coos and Coquille. The suit included the Chetco tribe and bands of the Tillamook, Coquille, and Tututni tribes. The lesson they took from the Coos, Lower Umpqua and Siuslaw loss was to provide supplemental written documentation in support of their oral testimonies.\textsuperscript{26}

In its favorable ruling, the Court of Claims stated that it “\textit{held} that the plaintiffs Tillamook, Coquille, Too-too-to-ney and Chetco tribes have satisfactorily established original Indian title, through exclusive use and occupancy in 1855, and long prior thereto.” The map accompanying that decision, made based on an 1855 map and the Royce Indian Land Cessions maps, clearly delineates the original homelands of all the tribes involved in the treaty negotiations. The Coos, Lower Umpqua and Siuslaw lands are marked between the Tillamook bands, to the north, and the Coquille, Tututni...
and Chetco, to the south.27 The success of this case led some mixed Coos-Coquille tribal members to shift affiliation from the Coos to the Coquille tribe, so they could earn at least some compensation for their families’ losses; this also led to ongoing tension between the tribal groups.28

The Coos, Lower Umpqua and Siuslaw failure in the Court of Claims did not put an end to their efforts to seek justice, and they were not alone in that work. Because of the volume of tribal claims against the United States, Congress established the Indian Claims Commission (ICC) in 1946 to make final adjudications. On July 6, 1947, the Coos, Lower Umpqua and Siuslaw tribal business committee approved a contract to hire lawyers to bring their claims before the ICC. Almost a year later, on June 6, 1948, the tribes met again in a general council at the Indian Community Hall in Empire, where the chairman of the Business Committee, a Siuslaw man named Howard Barrett, pro-

This is a detail of the lost Palmer map of 1855, which was rediscovered in Washington, D.C., by members of the Southwest Oregon Research Project (SWORP), a coalition of tribal members and University of Oregon students under the sponsorship of the National Museum of Natural History at the Smithsonian Institution, the University of Oregon, and coastal tribes.

Beck, Termination and Restoration of the Coos, Lower Umpqua and Siuslaw
claimed, “the purpose of this meeting is to establish our claims again.” The recorded vote showed fifty-four in favor and no indication of opposition. Nevertheless, basing its conclusion on the 1938 decision of the U.S. Court of Claims, the ICC ruled on July 11, 1952, that “No one can contend . . . that plaintiffs did not have their day in court” and dismissed the case.29

THE 1940s AND 1950s brought high poverty levels to all of Oregon’s coastal tribes. Heavy-handed federal bureaucracy had stunted tribal economies and leadership for decades. Tribes wanted an end to what they viewed as a paternalistic relationship, and they wanted better federal management of their resources and communities. The Coos, Lower Umpqua and Siuslaw wanted both recognition of and compensation for the tribally controlled resources they lacked. Federal officials, in contrast, wanted to end their relationship with all of Oregon’s coastal tribes, and the Bureau of Indian Affairs’ (BIA) Portland Area Office began making plans to do so during the late 1940s, under the leadership of Area Director E. Morgan Pryse.30 These local bureaucratic plans dovetailed neatly with national governmental reform efforts.

Tribal termination was part of a 1950s effort by Congress and the Department of the Interior both to minimize the federal relationship with Indian tribes and to integrate Indian individuals into the mainstream of American society. This was a time when Congress was hoping to downsize the federal government, and termination fit well with those plans. Some tribes rejected termination, others endorsed it, and some, such as the Klamath, bitterly divided around the concept. Across the United States, tribes lived in abject conditions, and many of their leaders were willing at least to listen to any plan that promised a broadened and improved economic base or, for tribes with resources, greater control of their economic assets. Some state governments opposed the implementation of termination programs, but Oregon, under the leadership of Governor Douglas McKay, threw its wholehearted support behind the policy.

Federal officials believed the best place to start was with tribes that either had a strong enough economic base to be self-supporting or had specifically requested release from federal oversight.31 House Concurrent Resolution 108, which provided the enabling legislation for termination, enumerated the Klamath but not the other sixty-one tribal groups of western Oregon, in its call for specified tribes to be “freed from federal supervision and control.”32 Due to their wealth in timber, U.S. officials had viewed the Klamath, since the 1920s, as one of the tribal groups most prepared for termination of federal supervision, and various Klamath leaders had supported the idea.33 Based on hearings held to determine BIA effectiveness in Indian country, the BIA...
also classified the western Oregon coastal tribes as among “those groupings in which a substantial number of Indians had expressed a positive desire to achieve full independence from Federal trusteeship and supervision in the near future.”34 By Bureau definition, these tribes — though lacking the wealth of the Klamath — therefore also exhibited one of the key determining factors to proceed with termination.

Area Director Pryse of the Portland Area Office of the BIA and Oregon Governor McKay and the staff he assigned to work with the tribes all hoped Oregon could become a national leader in the termination effort. The BIA divided the scores of western Oregon tribes, excluding the Klamath, into three categories: those that had become part of the Grand Ronde Reservation, those that had become part of the Siletz Reservation, and those in southwestern Oregon. The BIA described the southwest Oregon Indians as numbering 804 people scattered in 213 families across 37 locations, as related to the people at both Grand Ronde and Siletz, and, in many cases, as having accepted land allotments. Under BIA pressure, several western Oregon tribes passed tribal resolutions favoring termination. Both the Grand Ronde and Siletz did so, although as Grand Ronde tribal member Merle Holmes later pointed out, “in 1954, 822 Indians were listed on the [Grand Ronde] Termination Rolls. The record shows that 79 voted for termination; 11 voted against it. That did not constitute a majority.”35

Regarding the non-reservation western Oregon Indian individuals and tribes — including the Coos, Lower Umpqua and Siuslaw — Bureau officials simply stated: “Those people who have inherited interests in public-domain allotments in the southwestern portion of Oregon have shown that they are in favor of the program of withdrawal by applying for patents in fee and having their restricted lands sold for them by the Bureau.”36 This interpretation ignored evidence that people had filed for these land allotments in order to remain in or return to their homelands and that many of them — or their children or grandchildren — had lost the lands for inability to pay taxes and a variety of other reasons, not because they desired to end federal trust responsibilities. Through termination, Congress intended to dissolve tribal governments and to incorporate tribal members into local political and economic systems on a par with the local non-Indian population. Termination would also release the federal government from much of the fiduciary and trust responsibility that defined its relationship with Indian tribes. Coos, Lower Umpqua and Siuslaw people opposed termination both as individuals and collectively as a tribe. They had been fighting for the opposite — full recognition — since signing the 1855 Palmer treaty.37

Coos Elder Chief Edgar Bowen described his predecessors’ opposition to termination as deeply engrained: “Well we voted against termination, and
we [were] the only ones.” Bill Brainard, also Coos, concurred. George Barton recalled the planning meeting, held in his grandmother’s kitchen, where leaders decided to oppose termination. Their wishes, however, were ignored by federal officials. To later tribal leaders such as Bowen, Brainard, and Barton, the stories they heard of this meeting — attended by the individuals who preceded them in leading the tribes — defined it as a crucial symbol of the disconnect between tribal desires and federal actions. The government’s official record of the time contains no mention of this tribal opposition.38

In 1954, the Coos, Lower Umpqua and Siuslaw hired attorney James Green to bring their claim before the ICC yet again, but the commission refused them because it had already dismissed their case two years previously.39 That attempt to resurrect their land and treaty claims case, just as Congress finally awarded a $2 million–plus judgment in the “Alcea” case, actually hindered their efforts to avoid termination. Congress used the attempt as evidence that the tribes might have a windfall, an infusion of money that would put them in the category of other tribes who were receiving claims-court judgments that made them targets for termination.40

Secretary of the Interior Douglas McKay, former governor of Oregon, also hurt the tribes’ efforts to stop termination’s floodgates. “This was the McCarthy era of the 1950s and there was fear about collectivism and communism,” Beckham later observed, “and the Indians in Mr. McKay’s home state would be a showcase for the example of the legislative treating of the American Indian.” By breaking communal bonds, Congress would be extending what it saw as freedom to the tribal members. “Consequently,” Beckham concluded, “the Tribes of Western Oregon were singled out for this kind of special treatment.”41 McKay’s own papers support the assertion that he hoped Oregon’s Indians could become a national model for governmental reform, and he had provided strong support for the plan as governor in 1951. In 1953, he told an Indian youth from Oklahoma in an on-air broadcast of the program Youth wants to Know, “I am in sympathy with starting out on a program such as I handled in the State of Oregon where we tried to improve the situation of the Indian and allow him to be a citizen.”42 McKay told Congress, in funding requests, “our goal [is] assisting the Indian in becoming self-reliant in the conduct of his own affairs” in order to claim “an equal position in our society.”43

On August 13, 1954, President Dwight Eisenhower signed Public Law 587, terminating the federal relationship with the Klamath Indians of Oregon, and Public Law 588, ending federal obligations to the other sixty-one tribal groups in Western Oregon, including the Coos, Lower Umpqua and Siuslaw. This congressional action proved to be disastrous for these three tribes. The law went into effect in 1956 and led to an almost immediate scattering of
tribal members. Bowen recalls, "I was teaching school in Sitkum Oregon," when termination occurred. "I was just kind of numbed by it. I just thought it was too bad. . . . And of course when they terminated us we lost all the young, [who] scattered all over from New York to Florida to Hawaii, you name it."44 Young people left disproportionately to the rest of the population, and some one in seven tribal members eventually moved out of Oregon entirely. This drain of future leadership reflected a common experience for tribes undergoing both termination and the federal relocation of tribal members from reservations to urban areas during this time period.45 Perhaps more significantly, many who did not leave the region separated themselves from the tribal group.46

Federal bodies had not made special studies of Coos, Lower Umpqua and Siuslaw tribal conditions in preparation for termination, but a federal accounting of tribal assets found that the Coos, Lower Umpqua and Siuslaw had $47.48 in available tribal funds on hand at the time of termination and no resources or lands aside from the 6.1 acres on which their badly deteriorating tribal hall stood. Federal officials would have been hard-pressed to find any group in the country less financially prepared to deal with termination. The Grand Ronde had some $6,000, and the Siletz had slightly over $40,000. Two of the most high-profile tribes on the termination list were much better off financially. The nearby Klamath brought in some $2 million a year through their timber industry, while the Menominee of Wisconsin held substantial fiscal and non-fiscal assets. Even for wealthy tribes, however, termination would result in disaster.47

**DURING THE SEVERAL decades that followed termination, the policy created a devastating economic decline for the already impoverished Coos, Lower Umpqua and Siuslaw. Poverty and unemployment or underemployment exacerbated problems related to housing, health, education, and other needs, and now there was no federal means to ameliorate these problems on a tribal level. Federal and state officials largely ignored their plight. Still, a core group of tribal members maintained both a tribal presence and tribal identity, and they fought to gain federal recognition. Although tribes not recognized by the federal government may gain recognition in one of two ways — by successful application through the BIA's Branch of Acknowledgment and Recognition or by congressional legislation — terminated tribes may seek recognition only through congressional restoration.**48 Coos, Lower Umpqua and Siuslaw tribal leaders would employ a broad variety of tactics in their continuing efforts to gain recognition.

Almost simultaneously with the implementation of termination, in August 1956, Tribal Chairman Howard Barrett, Sr., filed a petition "seek-
Bill Brainard and Howard Barrett served as key leaders for approximately half a century in the tribes’ battle for recognition, even as they held down jobs supporting their families.

In the petition, the tribes outlined the long history of mistreatment by the U.S. government and made the point that, because the United States had never ratified the 1855 treaty, the land ceded in it still belonged to the tribes. After outlining the history of the case in detail, the document concluded with caustic observations about BIA treatment of the Coos, Lower Umpqua and Siuslaw Indians. The UN, however, ruled “that it was an ‘internal [U.S.] affair’” and refused to intervene.

Barrett, who had led the tribe since 1936, passed away in July 1957, and others took on the leadership roles. Ed Bowen kept his job teaching school, but he also began to organize tribal members to reverse termination. He and Bill Brainard kept the tribal government operating by meeting on a regular basis to seek restoration and to plan their continuing existence as a tribe — even though termination had made the tribal government technically defunct. “We’re the oldest continuous government in southwestern Oregon,” Bowen reminds listeners today. The Coos, Lower Umpqua and Siuslaw faced difficult times after termination, and in Bowen’s words, “the continuous government got as thin as the two of us [he and Bill
Brainard] at one time.” Nonetheless, Congress would cite the uninterrupted self-governance within the tribes as one of the justifications for restoration when it did occur.

As the U.S. Senate began to consider setting aside part of the Oregon coast as a national seashore in 1959, some fifty coastal tribal members and about a hundred of their guests gathered at Siltcoos outlet’s lagoon campground to oppose the establishment of a national recreation area in the dunes and to re-emphasize their claims to their homelands. Harry Johnson, a Lower Umpqua man from Reedsport, told a reporter, “I don’t know whether this resolution will help our claims, but we have got to start somewhere. I think the land belongs to the tribes.” Frank Barrett, Howard Barrett, Sr.’s, son, joined a local citizens group that opposed the establishment of the recreation area. George Barton, who was tribal chairman at the time, also opposed the effort. The Coos, Lower Umpqua and Siuslaw made little headway in their effort to halt national seashore designation, but it was one of many acts during termination in which they asserted their tribal rights and attempted to force the United States to recognize the terms of the 1855 treaty. During this time period, the Portland Area Office of the BIA virtually ignored the Coos, Lower Umpqua and Siuslaw as well as other terminated tribes, devoting its work almost exclusively to reservation-based tribes.

During the three decades of termination, most of Coos, Lower Umpqua and Siuslaw tribal members remained in Oregon, with the majority still living in the three counties comprising the locus of the tribes’ traditional homeland — Lane, Douglas, and Coos. Many of these individuals lost contact with the tribes, but those who did not continued to describe themselves as “enrolled tribal members.” Nationally, the termination process generally included an accounting of tribal rolls so they could be closed and children born after the termination date could thus be kept off the rolls, but the BIA never completed such an accounting in the case of the Coos, Lower Umpqua and Siuslaw.

One of the most significant ways individuals affirmed their identity as tribal members was through their relationship with their natural resources. Many in the tribe continued to view hunting, fishing, and gathering as retained rights, not subject to state law. During the 1960s, tribes throughout the Pacific Northwest asserted their off-reservation fishing rights in a contentious battle that the tribes eventually won through Judge George Bolt’s 1974 ruling in U.S. vs. Washington, which he based on treaties and U.S. Supreme Court precedent. Speaking specifically about Washington and Oregon, Secretary of the Interior Stewart Udall noted in 1963 that “there needs to be a greater public understanding of the Indians’ rights and needs” in relation to fishing rights. Udall’s office made an effort to delineate tribal rights and
to clearly define treaty and non-treaty Indians; federal, tribal, and state laws; and differences between on-reservation and off-reservation rights.50

Ironically, tribes whose members asserted their rights even in the face of arrest increased the possibility of eventual government recognition of those rights. This has historically been true because federal authorities, whether judges or bureaucrats, often consider whether tribal members have kept up traditional practices — such as hunting, fishing, and gathering in off-reservation lands and waters — when determining whether the government will acknowledge their right to do so. Tribes that follow state law and abstain from those practices are most likely to lose their rights in the legal system. Continuing to exercise rights was especially difficult for tribes in Oregon. In 1966, the state’s Fish Commission chose to “crack down” on tribal fishing, arresting tribal members as they were engaging in traditional practices.61

The Coos, Lower Umpqua and Siuslaw employed a variety of means to resist state efforts to control their hunting and fishing rights. George Barton recalled digging clams and hunting deer for subsistence purposes with only occasional interference by state officials, who would back down when he forcefully explained the basis of his rights. He and other tribal members insisted on their rights to use their traditional lands and resources in the ways their people always had.62 Frank Barrett remembered Marge Severy standing off game wardens when she fished at her home on the North Fork of the Siuslaw River. When threatened with a ticket, she asked what for. The warden said it was for “wanton waste.” She replied, “What are you talking about? You know Indians would never waste anything. We eat everything we catch. . . . Go ahead and write me out a ticket.” He did not but warned her to stop. Barrett stood off the game warden when crabbing, though his brother did not, which bothered Frank. “I said well by golly I’d fight it,” since he firmly believed that as a tribal member he had the right.53

During one of the annual salmon ceremonies, a confrontation with state officials ended humorously, in a story that has been told for decades since. Barton remembers: “We’d lined up about three tables on the north end of Sunset” Bay beach and had laid out several hundred pounds of frozen small salmon to thaw and to finish fileting. “And so we had all these fish out there. And I’m busy with my filet knife and . . . we were getting ready to prepare ’em and here comes the state police. . . . Somebody called the state police, and [said] ‘the Indians are rioting down there!’ So here they come out there and I don’t remember this, but I’ve been kidded about it ever since.” Edgar Bowen picks up the story here, speaking to Barton. “They said ‘You can’t be doing this.’ And you said, ‘Who are you?’ And he pulled out this badge.” Bowen recalls that Barton glanced at the badge and said, “we don’t recognize

20 OHQ vol. 110, no. 1
that' and just kept filleting.” The police gave up and left, though Bowen had been certain they were going to write a ticket.64

TRIBAL LEADERS KEPT the Coos, Lower Umpqua and Siuslaw operating as a tribe through governance, resource use, and ceremonial practices, but they also made increasing efforts to actually reverse termination. Part of their strategy was to seek aid from powerful outsiders. Bowen served on the board of directors of a national Indian organization, Americans for Indian Opportunity (AIO). Through AIO, he met Ada Deer, a Menominee leader who helped spearhead her tribe’s successful battle to reverse the Menominee termination law and who became a national symbol for tribes fighting termination. When the Menominee achieved restoration in 1973 — the first tribe to do so in the post-termination era — “that kind of gave us a little bit of heart that we would be able to . . . make it,” Bowen said.65 LaDonna Harris, AIO’s founder and a Comanche, was married at the time to Oklahoma Senator Fred Harris. She opened their Washington, D.C., home and her offices, and her husband opened congressional doors, to various tribal members seeking redress to the hardships faced by their tribes, including the Coos, Lower Umpqua and Siuslaw. When Bowen, Brainard, and others testified at hearings in Washington, D.C., they were hosted by the Harrises and also supported by local Quakers.66

In Oregon, Bowen, Brainard, and others such as Russell Anderson held meetings, which eventually became weekly meetings; by the end, they met several times each week. They slowly built momentum over a thirty-year period, but progress could seem painstakingly slow at times. They were “just a committee that was trying to keep things rolling,” Bowen recalled. “And we tried to get a lot of people involved after they got rid of us [termination], and it was hard to do because we were scattered.” Bowen remembered that when he and Brainard tried to organize other tribal members early on, they would respond by saying, “Well you’re doing all right Ed, and you just go ahead. We’ll back you.”67 Most of those who remained in Oregon lived in the coastal area, and most were struggling just to make ends meet.

Frank Barrett remembered that “we used our own gas, wrote our letters, you know, paid for our own stamps. Wrote letters to senators and everything.”68 In his role as vice-chairman of the tribal council, Bill Brainard wrote Senator Robert Kennedy in March 1967, for example, outlining the treaty promises never kept and imploring the senator who, he observed, had “always worked diligently for the less fortunate classes of this country” to “advise or help the tribe.” He concluded by observing morosely: “Various members of our tribes have tried unsuccessfully for many years to win for these tribes...
that which was promised them. Needless to say, it becomes discouraging when every door seems to be closed.” Kennedy’s response was to close yet another door. He turned the letter over to the BIA, and that agency replied to Brainard with a letter reminding him of the termination legislation and the lost claims cases.69 In the fall of 1970, tribal Chairman George Barton wrote President Richard Nixon, outlining the tribe’s inequitable treatment by the government and its tribulations since termination. He concluded: “It is for this reason that we send you this request and ask you to use the power of your office to get the termination rescinded by the Department of Interior, and again make our people eligible for B.I.A. programs.” Unfortunately for the Coos, Lower Umpqua and Siuslaw, Nixon’s staff forwarded the letter to their old nemesis, the Department of the Interior, which quickly denied the request on the basis that it was a congressional responsibility.70

The initial outside funding to support the tribe in its restoration efforts came from Father Ted Zuern, who worked for many years for the Bureau of Catholic Indian Missions and the National Office of Jesuit Social Ministries. Tribal leaders used the money to purchase a mimeograph machine and materials for mass mailings. Bowen recalled, “We’d never have made it without that, either.”71 Tribal members raised funds not only from outsiders and by passing the hat at meetings but also through sales and feeds. They raised money through rummage sales and frybread stands at Coos Bay events and even re-used old envelopes to help conserve funds. In August 1968, when they needed money for legal expenses to move the restoration process along, they put on a big salmon bake for over 250 airstream trailer campers at Sunset Bay. “That gave us our seed money to do some of the legal work,” George Barton remembers.72

They worked hard locally as well as nationally to build a broad coalition of supporters. Muriel Brainard, who married into the tribe, recalls, “We kept our membership in the National Congress of American Indians” (NCAI) and other multi-tribal organizations, even though the confederated tribes were unrecognized, “and the rest of the tribes always accepted the delegates from our tribe. And they kept going to these meetings. Bill and I went to meetings in Salt Lake City, in Rapid City, South Dakota, and Bill went one year and the next year Russ [Anderson] would go.”73 The Coos, Lower Umpqua and Siuslaw joined NCAI — which had been strongly critical of the termination policy from the beginning — in the 1970s. Bill Brainard and Russell Anderson took turns representing the tribes at the organizations’ meetings at least through 1981.74

Locally, the Indian Parent Committee of Coos Bay School District Number Nine took action in 1976. Indian Parent Committees had been authorized under Indian education laws to help determine ways federal monies
for Indian education would be spent on curricular needs. The Coos Bay parents recognized the dearth of good, accessible written materials relating to western Oregon’s Indian peoples, and they suggested that a book aimed at both children and the general public be written to tell the story of tribal culture and the history in the region. Their long-time ally Stephen Dow Beckham wrote *The Indians of Western Oregon: This Land Was Theirs*, a readable tome published in 1977. He dedicated the book “To the Tribal council members of the Coos, Lower Umpqua, and Siuslaw,” including Russell Anderson, Bill Brainard, and Edgar Bowen, signifying their role in helping bring this new historical interpretation to local readers.75

Also in the 1970s, federal officials finally took notice of the status of Oregon’s tribes. The tribes had requested a neighboring organization, the Small Tribes Organization of Western Washington, Inc. (STOWW), to help them lobby Congress, an activity with which they had little formal experience.76 In March 1975, Senator Mark Hatfield and Senator Robert Packwood revived the Coos, Lower Umpqua and Siuslaw land claim, preparing yet one more round of legislation that would authorize the tribes to sue the federal government. Beckham, a historian and consultant to STOWW, prepared the tribes’ history, which both Hatfield and Packwood entered into the *Congressional Record*, along with their own pleas for justice for the tribes. “The history of the Government’s treatment of these tribes is a grievous one,” Packwood observed, with Hatfield adding, “passage of this legislation would result in the final determination of an issue which has been with us for about 120 years.” Hatfield also hoped

*Beck, Termination and Restoration of the Coos, Lower Umpqua and Siuslaw* 23

George Barton served as tribal chairman “off and on,” in his words, during the battle for restoration, being one of several tribal leaders who stepped into leadership roles as needed.
that “new evidence . . . unavailable in previous cases” would serve the tribes in this one.77 Despite the efforts of the tribes and their allies, the bill failed. Nevertheless, the tribes were now gaining slow but steady momentum in their work for federal recognition.

By the mid 1970s, the tribal hall was so deteriorated that tribal members could not use it. Instead, they met in each other’s homes, where they divided up tasks. Primary among these duties was seeking outside support. With the help of existing friends inside and outside the tribes, they sought and received endorsements from public officials and businesses in Coos Bay, Reedsport, Florence, Myrtle Point, Newport, and Coquille. Other tribes, such as the Cow Creek, also wrote letters of support, as did LaDonna Harris on behalf of AIO and Father Zuern. “We kept getting a little bit smarter” Bowen remembers with pride. “And then we got down to what we call the paper war. Well if you can get one of those copy machines and twelve thousand dollars you can cause a lot of paper to start flying. And . . . all these little things are not real big but they contribute to” eventual success,78

Other tribal members helped in other ways. Brenda Brainard — daughter of Bill and Muriel who had been born “forty eight days before termination,” as she tells it, and therefore was a terminated Indian instead of simply being not an Indian in the government’s eyes — went to law school for the sole purpose of fighting for restoration. She attended the University of Oregon so that she could study under the famed attorney Charles Wilkinson, whose “passion and compassion” inspired her, as did his tales of the Menominee success. “I went to [University of] Oregon because of Charles Wilkinson being there,” she recalls. “Charles had such wonderful stories about Menominee Restoration that he inspired me to believe. . . . Hearing Charles talk about Menominee and then seeing him work on Siletz, I knew it could be done.” She joined with the older generation as efforts toward reversal of termination intensified in the early 1980s.79

One of Brenda Brainard’s major victories occurred in the spring and summer of 1981, when she drafted a bill and successfully manipulated it through the Oregon State Legislature. The new law called for the state to provide surplus salmon to the Coos, Lower Umpqua and Siuslaw tribes “for their historical, traditional and cultural salmon ceremonies that take place each year.”80 Russell Anderson as chairman and Bill Brainard as vice-chairman of the tribes testified before the House Committee on Agriculture and Natural Resources in May. Although the Oregon Wildlife Federation and Northwest Steelheaders opposed the bill, the committee voted favorably and sent it to the floor.81 The state Fish and Wildlife Commission and the Oregon Senate, concerned the bill would lead to broader tribal rights, requested and won an amendment specifying that this law recognized the Coos, Lower Umpqua and Siuslaw
for this one purpose only.84 In July, Brenda Brainard testified before the Senate Agriculture and Natural Resources Committee that the tribes’ success at gaining access to fish from the state for their ceremonies had historically been “inconsistent.” The bill passed both bodies with overwhelming support — in the House 54-3 and in the Senate 56-3 — and Governor Victor Atiyeh signed it into law.85 Despite the restricting amendment, the law provided official recognition to the tribes from the state of Oregon for the first time.

In 1982, the Native American Research Center, a Coos Bay organization established by the tribes, conducted a study that documented the conditions wrought by termination. This caused federal officials from outside of Oregon to begin to take notice. Using the report, Congressman Morris Udall of Arizona observed to Congress that “75% of the tribal families are below poverty level as compared with 8% for the general population of Oregon. In addition, 47% of the tribal members were unemployed,” compared to the 9.8 percent local figure.84 The report provided other insights into tribal conditions nearly three decades after termination. The unemployment problem was exacerbated by a 16.3-month average before an unemployed person gained new work. Only 10 percent of tribal members had attended any college, with only one half of one percent of tribal members actually holding a college degree. Today, tribal members view the loss of support for higher education as one of the most problematic, and immediate, results of termination. Because of the lost education, most tribal members, when they did work, were employed as general laborers. Almost 80 percent of the unemployed said they worked in either the wood products (logging and milling)
or seafood processing industries. An additional and longstanding problem was the de facto loss of hunting and fishing rights — which the tribes and Beckham believed had never been given up — making it more difficult for families to support themselves during trying economic times.85

Termination exacerbated unemployment and poverty, which in turn intensified other problems. Although over half of tribal members owned their own homes — many inherited them from their elders — the home values were low and most could no longer afford to make the repairs necessary to keep them in a livable condition. For this reason, renters’ housing conditions were better than those of homeowners. Health care also suffered. On average, tribal members lived between eleven and twelve miles from a medical facility, and few owned automobiles, which also hampered their ability to find work. About half the tribal members who were employed qualified for health care coverage, but only about half of them — a quarter of all tribal members — had access to health care facilities. Due to termination, Coos, Lower Umpqua and Siuslaw tribal members were denied access to Indian Health Service facilities. More than half of tribal members suffered chronic or long-term illnesses, diminishing their capacity to work.86

The Coos, Lower Umpqua and Siuslaw tribal members lagged far behind their non-Indian Oregon neighbors in statistics related to educational background, employment, housing, and health care. They were much more likely to live in poverty in a place that itself was falling on severe hard times as the lumber industry petered out.87 Termination had failed to improve the living conditions of Coos, Lower Umpqua and Siuslaw tribal members; instead, they were in worse shape than before the law went into effect. The Native American Research Center profile concluded:

Restoration to Federal recognition could appreciably increase the self-sufficiency of the members of the Coos, Lower Umpqua and Siuslaws. Assistance could bring about the self-help that is important to the continuation of tribal life. . . . These efforts could result in a reversal of statistics to bring the tribal life in line with the majority population.88

In response to tribal leaders’ efforts and this information, the federal bureaucracy began to move. Propitiously, policy in Washington, D.C., was shifting to favor tribal self-determination. After the Menominee Restoration, the Confederated Tribes of Siletz, consisting of some twenty-four bands, in 1977 became the second modern U.S. tribal group to reverse termination. Oregon’s Cow Creek band followed in 1982, as did the Confederated Tribes of the Grand Ronde Community in 1983.89

Twice in 1984, Coos, Lower Umpqua and Siuslaw tribal members flew to Washington, D.C., to meet with officials who would help them. The second time, five tribal members, including Bill and Brenda Brainard, Edgar
Bowen, Don Whereat, and Carolyn Slyter, made the trip to testify before the House Committee on Interior and Insular Affairs. Despite jitters and some forgotten lines, the testimony went well and the committee viewed the tribe's restoration bill favorably. The tribe's attorney Dennis Whittlesey and Beckham also played key roles at the hearings.90

Tribal members began to feel the elation of victory in early fall of 1984, when Congress passed the Coos, Lower Umpqua and Siuslaw Restoration Act. Ronald Reagan signed the bill on the last possible day, October 17, and it became law. Tribal members were exuberant. A tribal spokeswoman told the Coos Bay newspaper: "There are an awful lot of happy people around here," adding, "we've been fighting to get this for 30 years." Bowen reflected the tribal mood when he observed: "We were orphans, now this puts us back in the family of nations." Tribal Secretary Joyce Deabler said in elation, "pride will once again return to us . . . we've always known our heritage and we never thought we would lose this battle . . . it was always a matter of when it would happen, not if it would happen . . . it's a whole different feeling."91

Senator Hatfield, in the midst of a re-election campaign, announced the signing of the law to the press. He commented that the termination "came without notice, explanation or hearings to defend their standing" and added that restoration would benefit the tribes in a variety of ways. "It will open doors of assistance in the areas of health services, education assistance and economic development." He hoped that it would begin to reverse the effects of the "hard blow to tribes' economic, social and cultural well-being" that termination had brought about.92

Joyce Deabler said, "we're very grateful to Jim Weaver and Mark Hatfield and to our historian, Stephen Dow Beckham, as well as so many others." The tribe put on a pow-wow to honor both tribal elders and outsiders who had helped them achieve their goals. "It was a day of pomp and ceremony," the Oregonian reported. They held their celebration in the National Guard Armory because their tribal hall still languished in disrepair. Congressman Weaver joined them for the celebration. He received a standing ovation when he was introduced, but he deflected the credit back to the tribal leaders. "I just did my job," he told them. "You were the ones who suffered and held tough." He added, "the government finally did something right. I don't see them doing much right these days . . . The reason they did something right in 1984 was because they did something wrong in 1954."93 Bill Brainard summed up tribal feelings when he pronounced himself "very, very happy . . . we're on cloud nine around here today," at the end of the "30-year struggle."94

ON A NATIONAL LEVEL, the disasters of federal termination efforts led to immediate protest from tribes across the United States. Some were able
to avoid termination by vigorous opposition, while others began to fight against termination as soon as it happened to them. Some of the latter eventually reversed the law as it related to them, after painful decades of loss, and achieved restoration. Beginning with the Menominee of Wisconsin, these tribal efforts were vital in the development of the nation’s current Indian self-determination and self-governance policies.

Recently, historians and others have produced increasingly nuanced studies of termination from the perspective of the development of federal policy and to a lesser extent from the perspectives of individual tribes. Considering the breadth of the policy’s impact in Oregon, however, surprisingly little of the work has focused on the state. Restorations, and even termination policy, have been little studied from the tribal perspective.

As Victor J. Hanby observed in 1975, “though termination was repudiated as a policy by President Nixon in 1970, in effect it has never been repealed by legislation.”95 Although 1970s legislation, beginning with the 1975 Indian Self-Determination and Education Assistance Act, reflected a congressional shift in policy, it was left to terminated tribes on an individual basis to gain from Congress a restoration of the status that assured them the right of government–to–government dealings with the United States. Some succeeded, others did not. In Oregon, after seven restorations and since not all of the state’s tribes were terminated, nine recognized tribal governments now exist, including several confederacies. One of these is the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.96

The Coos, Lower Umpqua and Siuslaw were able to succeed for several reasons. When Ed Bowen reflected on the causes of their success, the alliances they built and their own perseverance topped the list. He credited a collective effort as a key factor in success. “We kind of stuck together,” he recalled. Their willingness to fight was another important factor. “We used to fight ’em in the taverns and in the streets,” Bowen says. Bill Brainard’s fighting spirit, so important to the success of the tribes, is renowned among tribal members.97 This penchant to fight back was deeply based in generations of mistreatment. “And of course if you’re treated wrong!” Bowen exclaimed. “You see, I very much resented the way that my relatives were treated, my aunts and uncles. And my kids resent the way I was treated. It goes on and on and on, it won’t stop. That being treated that way kind of holds you together.”98

The greatest strength in this small tribal community was in its response to harsh attacks. Howard Barrett, Sr., carried on a long-standing tribal tradition by fighting for federal recognition even before termination. After termination, the battle was carried forth by leaders including Bill Brainard, Edgar Bowen, Russell Anderson, George Barton, Frank Barrett, and Carolyn Slyter; eventually, Bill’s daughter Brenda and Ed’s children also joined the
fight. They all led the drive to reverse federal policy because of their desire to rectify the injustice their families and ancestors had suffered at the hands of the U.S. government. This tribal confederacy’s success was based on hard work, perseverance, and good fortune. Federal policy shifts brought political sympathy to the Coos, Lower Umpqua and Siuslaw cause, and tribal leaders succeeded in bringing public sympathy.

When considering the causes of both termination and restoration, historians tend to ponder tribal economies and politics. The Klamath and Menominee, for example, suffered termination because they had enough wealth in their forests to convince federal officials they could make it on their own, and both tribes understood that the federal government badly mismanaged their resources. The confederated Siletz and Grand Ronde tribes passed resolutions supporting the concept of termination, albeit in a significantly different way than it was enacted. But the Coos, Lower Umpqua and Siuslaw had no such wealth and made no such request. As a result, their drive for restoration was not primarily fueled by economic desire. Instead, their leaders were driven by a responsibility to those who had gone before them.

In 1954, when their termination occurred, the Coos, Lower Umpqua and Siuslaw had been struggling to gain full federal recognition for a century already, and leaders of the tribe had grown up hearing the stories of their families’ struggles. They took up the effort as part of their family and tribal heritage. The three tribes lived in their homeland, and if the United States would recognize their right to maintain a separate existence there, then the suffering of those tribal members who had survived in a quasi-recognized

Beck, Termination and Restoration of the Coos, Lower Umpqua and Siuslaw

Coos Elder Chief Edgar Bowen, who received the Lilah Bidwell Dignity Award from the Human Rights Advocates of Coos County in 2009, has been a tribal leader for many decades.
status through the years since signing the unratified 1855 treaty would not have been for naught. They simply had a stubborn will to succeed. As Bill Brainard stated, “they say this is the melting pot of the United States. Well, I have news for them. I haven’t melted and I’m not going away.”99

The Coos, Lower Umpqua and Siuslaw fought hard to maintain their distinctive way of living. Today, Ed Bowen is fond of saying “The price of maintaining our sovereignty is eternal vigilance.”100 He and other tribal leaders have lived their lives with that precept at the forefront. The Coos, Lower Umpqua and Siuslaw, a small tribal group that was virtually ignored in a neglected backwater of federal Indian policy, fought for generations to gain recognition of their rightful place in American society. Their success, in Felix Cohen’s terms, might be a reflection of “the rise . . . of our democratic faith.” At the least, it breathed enough life into the miner’s canary that is federal Indian policy to give that tribe and others hope as they continue to work to define their futures on their own terms in the United States.

NOTES

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4. See, for example, James Buchanan testimony, 24, and Annie Peterson Testimony, 61, in Testimony Taken on Behalf of Claimants, in the Court of Claims of the United States, Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Indian Tribes vs. The United States, Case File K-345, Records of the United States Court of Claims, RG 123, NARA-DC.

5. Brenda Brainard, interview by author, June 13, 2006. The author has retained transcripts of all interviews he conducted for this project.


10. Palmer to Special Indian Agent William Martin of Winchester, April 10, 1854, M234, roll 608, frame 614.

11. See Palmer to Manypenny, August 23, 1853; Palmer to Manypenny, October 8, 1853 (Annual Report); and Palmer to Manypenny, February 27, 1854, all in M234, roll 608, frames 188, 251–53, 555–58.


16. See also Schwartz, “Sick Hearts,” 232–33; Bowen interview, April 2, 2004; and Beckham, Indians of Western Oregon, 162.

17. See Melody Caldera, “Conflict and Reservations,” in Caldera, ed., South Slough Adventures, Life on a Southern Oregon Estuary (Coos Bay, Ore.: The Friends of South Slough, 1995), 68–70; Lottie Evanoff in The Papers of John Peabody Harrington, 1:23, 1052; Lollie and Daisy Wasson in The Papers of John Peabody Harrington, 1:23, 1066–61; J.W. Perit Huntington to Commissioner of Indian Affairs D.N. Cooley, January 16, 1866, (telegram); Huntington to Commissioner of Indian Affairs N.G. Taylor, September 9, 1867, (telegram); Huntington to Taylor September 18, 1867; and R.A. Bensell to Ben Simpson, Beck, Termination and Restoration of the Coos, Lower Umpqua and Siuslaw 31
August 26, 1867, all in M234, roll 615, frames 73, 436–44.


20. “An Act Authorizing the Coos (Kowes Bay), Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to Present their Claims to the Court of Claims,” U.S. Statutes at Large, vol. 45 (Washington, D.C.: GPO, 1929), 1256–58; Wasson to Mr. A.S. Charles, June 20, 1931, box 122, folder 4, Sen 83A-Fy (70th-82nd), Records of the United States Senate, RG 46, NARA-DC.

21. Testimony taken on behalf of Plaintiffs, in the Court of Claims of the United States, Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Indian Tribes vs. The United States, Case No. K-345, Records of the United States Court of Claims, RG 123, NARA-DC.

22. Beckham, Indians of Western Oregon, 182. The quote is from House Committee on Interior and Insular Affairs, Report to Accompany H.R. 5540, Providing For Restoration of Federal Recognition To The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, To Institute For Such Tribe Those Federal Services Provided To Indians Who Are Recognized By the Federal Government and Who Receive Such Services Because of Federal Trust Responsibility, and For Other Purposes, 98th Cong., 2nd sess., 1984, H. Rep. 98-904 (hereafter H. Rep. 98-904), 4. Before it became officially known as the Bureau of Indian Affairs (BIA), that entity was variously called the Indian Service, the Indian Office, the Indian Bureau, and the Office of Indian Affairs or OIA.

23. Edgar Bowen recalled the doctor visits. Bowen interview, June 20, 2006. See also “Specialist Will Treat The Indians; Dr. Land And Two Nurses Come Soon,” Coos Bay Harbor, December 9, 1943, 6.

24. Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Indian Tribes v. the United States, Case K-345, 87 C. Cls. 143 (1938), 152–53.


27. Alcea Band of Tillamookans et al. v. The United States, 103 C. Cls. 497, 527.


29. Motion of Summary Judgment, p. 18, Docket #265, Records of the Indian Claims Commission, RG 279, NARA-DC.

30. See, for example, Field Memorandum No. 146, Pryse to all Superintendents in Region 3, August 10, 1948, folder 6, box 15.
Portland Area Office (PAO) 02; Desk Files for the Assistant Area Director for Administration, PAO 1887–1982. Records of the Bureau of Indian Affairs, RG 75, NARA-Pacific Alaska Region, Seattle [hereafter NARA-PARS].


34. Tyler, “Indian Affairs,” 42; H.Res. 89, Investigation and Study of Activities and Operations of the Bureau of Indian Affairs, June 20, 1953; Hearings held in Eugene, Oregon, September 24, 1953; Hearings held in Everett, Washington, September 25, 1953, all hearings in Unprinted Hearings, HR 83A-F9.1, Committee on Interior and Insular Affairs, Records of the United States House of Representatives, RG 233, NARA-DC.


36. Joint Hearings on S. 2746 and HR 7317, 143.


40. HR 3474, 83d Congress, 1st Session, February 25, 1953; and Testimony of John Mullen, United States House of Representatives, Committee of Interior and Insular Affairs Hearing held at Eugene, Oregon, September 24, 1953, both in Unprinted hearings, HR 83A-F9.1, Committee on Interior and Insular Affairs, Records of the United States House of Representatives, RG 233,


42. Youth wants to Know, television program transcript, Sunday, March 29, 1953, Frank Blair guest moderator, TV and Radio Broadcasts by Secretary McKay, 1953 folder, box 65, Douglas McKay Papers, University of Oregon Special Collections and University Archives, Eugene.


50. “Coos Indians Address Land Petition to UN,” Oregonian, August 17, 1956; “Indian Petition,” Coos Bay Times, August 17, 1956;
Coos, Lower Umpqua and Siuslaw Tribe, Inc., “The Coos, Lower Umpqua and Siuslaw Indian Tribes.”

51. Petition to the United Nations from the Siuslaw, Lower Umpqua and Coos Bay Indian Tribes, signed August 8, 1956, by tribal chairman Howard Barrett, Sr., Cultural Classified Files [hereafter CCF] 1956 PAO 059, Records of the Bureau of Indian Affairs, RG 75, NARA-DC.


54. Bowen interview, April 2, 2004; Testimony of Edgar Bowen, AIPRC Task Force #10 Transcript, March 13, 1976, Salem, Oregon, p. 95, AIPRC Records, RG 220, NARA-CPM.

55. H. Rep. 98-904, s.


58. See annual reports of the Billings and Portland Area Offices, 1959–1962, in CCF 1958 PAO 052, Records of the Bureau of Indian Affairs, RG 75, NARA-DC.

59. NARC, “A Statistical Profile,” p. 2 and Map B. Federal census takers, at least in 1970, often failed to count members of non-recognized tribes as Indian in the census count. This prompted Bill Brainard to wryly observe that, after the census takers had visited his family, he came “to find out no one lives at my house.” Bill Brainard testimony, AIPRC Task Force #10 Transcript, March 13, 1976, Salem, Oregon, p. 69, AIPRC Records, RG 220, NARA-CPM.


63. Barrett interview.

64. Barton and Bowen in Barton, Bowen, Helms, and Whereat interview, June 28, 2006.


Beck, Termination and Restoration of the Coos, Lower Umpqua and Siuslaw

The author (left) stands with Coos Tribal Elder Chief Edgar Bowen.
66. For detailed documentation of numerous projects AIO organized and supported, see the Harris Papers.


68. Barrett interview.

69. William P. Brainard to Kennedy, March 23, 1967; Erma H. Walz, Chief, Branch of Tribal Operations, Bureau of Indian Affairs to Brainard, May 15, 1967, both in CCF 1967 PAO 260, Records of the Bureau of Indian Affairs, RG 75, NARA-DC.

70. Barton to Nixon, October 28, 1970; correspondence of Mrs. C.E. Briedwell and Associate Commissioner of Indian Affairs Harold Cox, all in CCF 1968 PAO 013, Records of the Bureau of Indian Affairs, RG 75, NARA-DC.


73. Muriel Brainard, interview by author, June 20, 2006.

74. In NCAI records, Coos Bay is listed as a tribe in 1976, and thereafter Coos, Lower Umpqua and Siuslaw is. NCAI records Bill Brainard as a member in 1977 and Russell Anderson in 1981. See NCAI 1976 Tribal Membership folder, NCAI Membership List 1977, NCAI 1977 Tribal Membership List folder, and Membership Dues 1978 folder in series 18 container 19; 1981 Original Membership List folder in series 18, container 20, National Congress of American Indians Papers, National Museum of the American Indian Archives [hereafter NMAI Archives], SI; and Muriel Brainard interview, NCAI Papers as well as Helen L. Peterson Papers, also at the NMAI Archives, reflect the strong anti-termination stance of NCAI from the early years.

75. Beckham, Indians of Western Oregon, iii–vi.


77. Statement of Hatfield in Congressional Record — Senate, March 4, 1975, S 2977, copy in CCF 1963 PAO 175.2, Records of the Bureau of Indian Affairs, RG 75, NARA-DC. See also Beckham to Senator Birch Bayh, August 26, 1976; Beckham to Senate Judiciary Committee, January 11, 1976, both in Senate Judiciary Committee, 94th Congress S 945, Legislative Files Box 11, Records of the United States Senate, RG 46, NARA-DC. This was part of an ongoing effort by tribes throughout the restoration era. See U.S. Senate, A bill to authorize the presentation of claims of the Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Tribes of Indians to the Indian Claims Commission, April 19, 1968, S 3156. 84th Cong., 2nd Sess.

78. Bowen interview, April 2, 2004; H. Rep. 98-904, 4; memo from Stephen Dow Beckham to Harris, May 2, 1984; Harris to Bowen, September 27, 1983; Brainard to Harris, May 29, 1984, all in Confederated Tribes — Coos, Lower Umpqua and Siuslaw folder, series 1, box 23, Harris Papers; Bowen to Zuern, October 9, 1984, Bureau of Catholic Indian Missions Papers, Marquette University Archives.


80. Brenda Brainard interview; “Salmon for Indian Ceremonies,” Title 41, Section 496.201, 2005 Oregon Revised Statutes.


82. Exhibit B: Rollie Rousseau, Fish and Wildlife Commission, Exhibits HB 2993-HM1 folder, box 365, 1981 Regular Session, House Agriculture and Natural Resources Committee, 1981 Legislative Assembly Records, OSA.

83. Senate Agriculture and Natural Re-

84. Bowen interview, April 2, 2004; H. Rep. 98-904, 5; NARC, “A Statistical Profile,” 9–10. The data used in this profile were acquired from questionnaires sent to tribal members. The return rate was 73 percent.


90. Brenda Brainard interview.


97. Brenda Brainard interview, June 20, 2006; Barton, Bowen, Helms, and Whereat interview, June 28, 2006.

