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**Legal Limbo: One Oregon Tribe's Fight for Federal Recognition**

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*Relatives of the Jack siblings, on the shores of the Columbia. From left to right (with relations to the Jack siblings in parenthesis): Minnie Wesley Showaway (great grandmother), Irene Brunoe (aunt), Mary Cook Jack (mother), Estella Lawson Brunoe (aunt), Irene Williams Brunoe (grandmother). 1958. (Photo: Courtesy of Lana Jack)*

## **Legal Limbo: One Oregon Tribe's Fight for Federal Recognition**

Saturday, 23 January 2016 00:00 By [Simon Davis-Cohen](#), Truthout | News Analysis

Millions of indigenous people living within US territory exist in a legal limbo - unrecognized by the US government. They enjoy none of the powers and benefits federally recognized tribes enjoy as sovereign nations.

In the continental United States, tribes whose treaties were never acknowledged or ratified are not "Indians" in the eyes of the federal government. The indigenous peoples living in US colonies and in states outside the continental United States (Hawai'i and Alaska) are left out of the US government's definition of "Indian." Some have populations in the hundreds of thousands while others have tiny populations due to the ravages of colonial violence. None are sovereign.

Over time, many have won recognition and now enjoy nation-to-nation relations with the US government. Some remain in the midst of decades-long legal disputes to win recognition, like the Chinook Indian Nation in Washington State. Others, including over 500,000 Native Hawaiians, are actually fighting not to be recognized by procedures they see as a continuation of federal land grab policies. At the end of the day, it is sovereignty - political control of their land - that they all pursue. There is no one-size-fits-all preference or procedure.

In fall 2015, members of one small unrecognized tribe on the Columbia River, known as the Celilo Wy'am, shared ancestral documents with Truthout showing that although they remain unrecognized, the federal government in fact recognized them in the 1950s. In doing so, they expressed their hope that this sharing of their documents and stories will help their years-long struggle to gain some semblance of sovereignty.

### **Nonexistent in the Eyes of the Law**

Lana Jack is one of the roughly 20 remaining Celilo Wy'am people of the Columbia River's historic Celilo Falls. She inherited her ancestral name, Huy-ux-pul, from her grandmother; it translates as "The Ever-Present Cooling Mist of the Falls." But the falls, once called the "Wall Street" of the Northwest, an epicenter of indigenous cooperation and commerce, are today silent, drowned by the colossal Dalles Dam built in 1957. And the tribe that has lived at the falls for an unfathomable 10,000 years, according to [most estimates](#), remains federally unrecognized.

The Jack family - one of the tribe's last standing families - embodies the hypocrisy.

Lana Jack lives in the "New Celilo Village," a US Bureau of Indian Affairs (BIA)/Army Corps of Engineers homage to the original village. New Celilo, windswept and poorly maintained by its federal overseers, consists of a cul-de-sac on the side of Oregon's I-84. To get to the river you must cross a BNSF railroad, then follow an underpass beneath the interstate to the river's shore. On a hill, just out of sight from New Celilo, overlooking the Columbia Gorge, lies the Wy'am's relocated burial site.

### **"We have survived six relocation plans - with the integrity of our ancestors intact."**

On the sage-spotted hillside lie many of Jack's ancestors, including Minnie Showaway, her great-grandmother, a Wy'am leader and year-round resident of the original village, whose allotment Jack inherited from Jack's uncle - Minnie's son - Moses Showaway. But because Jack is not an "Indian" in the eyes of the US government, the BIA and Army Corps of Engineers tried to evict her in 2007 when they made renovations to Celilo Village's infrastructure to honor the 50-year anniversary of the flooding of the falls.

The BIA told her she had no rights to the land, and gave her 90 days to vacate. Also ironically, that same year, the Oregon State Senate issued a joint memorial acknowledging that the "[Wy'am] remain there [in Celilo Village] despite repeated attempts of the United States to remove them from their home."

"We have survived six relocation plans," Jack told Truthout. "With the integrity of our ancestors intact."

Though the Celilo Falls are a regional heritage, the indigenous people of the falls - the Wy'am - are legally treated as though they do not exist. "In the eyes of the US government and the State of Oregon, I am not an Indian," Jack said. "But as an heir from the original village, I have aboriginal title."

Their case is rare, an asterisk in federal Indian law. As The Oregonian wrote in 2007: "Some law experts consider Celilo [Village] the most complicated piece of land in Indian Country."

In the midst of bloodshed - as settlers and indigenous groups were at war on the Columbia - the governor of the Washington Territory, Isaac Stevens, convened chiefs from along the Columbia River, including Yakima, Nez Perce, Umatilla, Warm Springs and others. Those meetings resulted in the Wasco Treaty of 1855.

"We want you to agree to live on tracts of land," he said in federal government minutes of the Treaty Council. "We want you to sell the land you do not need to your Great Father [the President of the United States].... you will be doctors and lawyers like white men."

The treaty resulted in four Native American reservations; one each for the Yakima, Nez Perce, Umatilla and Warm Springs, the only federally recognized tribes with treaty fishing rights on the Columbia. But one chief objected: "You want us to go there [to a reservation]. What can we think of that? ... Your words since you came here have been crooked."

And after the reservation borders were disputed, US Army Gen. Joel Palmer, a pioneer of the Oregon Territory, announced, "We did not come here to talk like boys.... which will you do, take that line or have it all thrown away?"

**Jack is making it hard for the public and US government to ignore the hypocrisy of the system under which she lives.**

So it is no surprise that at the time the treaty was to be signed, several chiefs from the Dalles area "who were in attendance during the first days of the Council," according to the minutes, "had returned home to catch their usual supply of Salmon." One chief in attendance, Kamiakin of the Palouse, assured Governor Stevens that these tribes "would sign the treaty" if the governor "thought it necessary." But the chiefs were never asked.

One Celilo Wy'am chief stayed to sign, though, with a defiant "X." Among Columbia River indigenous peoples "X" is a sign of danger and warning on a path or trail. "My ancestors told me to remember that he signed in protest," Jack said.

The Wy'am are among the defiant tribes who would not remove themselves onto reservations. Their land at the falls - now New Celilo Village - was designated an "off-reservation" fishing site for the recognized tribes. Yet because the Wy'am themselves are not recognized, they have no fishing rights of their own.

Lana Jack's brother Leon and sister Lila, both Wy'am and not enrolled in any federally recognized tribe, face charges for illegal fishing on the Columbia.

According to the Hood River Circuit Court, Lila Jack was cited for two fishing-related offenses on September 11, 2015. Her case has been taken over by a private law firm Morris, Smith, Starns & Sullivan, PC. According to both of Lila's sisters, her attorney has advised her not to speak about the case publicly. Her attorney also declined to speak with Truthout.

Leah, the third Jack sister and a librarian at Columbia River Inter-Tribal Fish Commission's StreamNet Library in northeast Portland, told Truthout, "Lila has been fishing all these years. It just took one person to say 'you're not enrolled.'" She added, "These strong-armed tactics by the Columbia River Inter-Tribal Fish Enforcement are getting more prevalent. They are moving in a

direction that's not helpful. Some of the things they are doing are not in line with why they were formed." The fish enforcement body is the policing arm of the fish commission - created by the four federally recognized Columbia River tribes in 1977 to help the tribes manage the river and their fishing rights. Now, however, the fish commission increasingly competes with the tribes for settlement money from the federal government.

In 2015, Oregon granted the fish enforcement organization permanent authority to enforce state laws, rather than just the tribal laws to which it was once confined. These powers, according to Columbia River Inter-Tribal Fish Enforcement's Mich Hicks, allowed them to cite Lila - who is considered a "non-Indian."

Leon's 2009 case is still open. Leon told Truthout over the phone that he will continue to fish. "Let them arrest me," he said. "These are my ancestral fishing holes."

Lana says she does not fish, but her lack of federal recognition nevertheless creates daily contradictions in her life. She lives on designated Native American land managed by the BIA. Yet, the BIA only has jurisdiction over federally recognized indigenous peoples.

Though she is unrecognized, the BIA still comes into her home for inspections.

Stanley M. Speaks, the BIA's Northwest regional director, told Truthout, "She's probably about the only one that fits into this situation ... you have to be one of those that have family members of the original families on the site. But," he added, "there wouldn't be very many of those."

### **Shifting Terms of Legal Recognition**

The Jacks and the Wy'am have a strong legal case to receive recognition.

According to documents provided by Lana Jack, when Minnie Showaway was granted the .47-acre "public domain allotment" that Jack inherited, she was recognized by the US Congress as a member of one of "those permanent resident Indian families" of the original village. These "individual Indians not enrolled in any recognized tribe," wrote Congress in 1955, two years before the flooding, "who through domicile at or in the immediate vicinity of the reservoir ... have an equitable interest in the fishery." Though unrecognized, the permanent families were given fishing rights.

Additionally, in the minutes of the 1855 Treaty Council, Stevens also promised "all the Bands of the Columbia below the Walla Walla down to White Salmon River ... fishing stations." This encompasses Celilo and the Wy'am.

Despite this, Leon, Lila and the rest of the Wy'am people enjoy no such rights to their ancestral fishing grounds today. The federal government has gone back on its word.

### **"We want them to authorize our existence."**

When the BIA was trying to evict Lana in 2007 it argued in its eviction notice that the .47-acre allotment "was already in trust for the [recognized] tribes and other Columbia River Indians." It "was never taken into trust" for Jack's ancestors, the eviction notice said. "While it is unfortunate

that the BIA represented to [Jack's ancestors] that it would take the land ... into trust for them individually [and their heirs] the BIA cannot now rectify the matter."

In order to have rights to BIA-controlled land and rights to fish on ancestral waters, you have to be a recognized "Indian." But rather than fix this hypocrisy by recognizing the Wy'am, the BIA has instead moved to remove those land and fishing rights.

"It is a continuation of the genocide of my ancestors," Jack said. "They tried to kick me out of Celilo Village based on [an argument that] I'm not an Indian."

She fought the eviction and won but she did not set a legal precedent. She says the BIA, the Army Corps of Engineers and even her attorneys pressured her into signing an out of court - non-precedent-setting - settlement.

In that settlement, Jack finally got some recognition. "Lana Jack," the settlement reads, "is a Wyam Indian." She is "one of the 'other Columbia River Indians ... in the vicinity of Celilo Falls.'" For the first time since 1955, a Celilo Wy'am Native American was recognized by the US government. This is the first time any mention of her settlement has been published.

The Jack siblings and their mother. From left to right: standing: Lila, Leon, Leah (in chair), Mary (in chair, mother), Lonnie; sitting on grass: JoAnna, Lana. (Photo: Courtesy of Lana Jack)

### **Spreading Awareness About the Celilo Wy'am**

Lana Jack is bringing this story to the world.

Recently, her work to mobilize donations for impoverished Native Americans along the Columbia River was featured on the cover of the local Dalles Chronicle; she has spoken out publicly in support of the Lummi Nation's resistance to fossil fuel infrastructure; and Hood River, Oregon's mayor Paul Blackburn publicly apologized for the genocide to Lana and Lila Jack on Oregon's first annual Indigenous Peoples Day in October 2015.

And Lana Jack has garnered the support of two Yakima chiefs.

"The generational trauma that has come to the women of our family has been devastating. It has taken many of us prematurely," Jack said. "I am living with symptoms of the trauma that comes with genocide." Sometimes, she says, she gets so tired.

"When the salmon are all gone," she said, "we are supposed to go. Be gone." But despite the Columbia's many dams and the warming waters, there are still salmon swimming in the river. And though the falls are under water, their mist remains - ever-present in the minds of the Columbia's many tribes.

Jack is making it hard for the public and US government to ignore the hypocrisy of the system under which she lives. "We want them to authorize our existence," she said.



Jack is treated like an "Indian" under the BIA's jurisdiction. Her home is inspected like her federally recognized neighbors' homes. But she and her family remain ineligible to receive reparations and have no fishing rights.

Stanley M. Speaks from the BIA reacted dismissively when asked about Lana Jack's situation. "At least we're keeping the street up, and maintaining the well system and making sure there is good water and a sewer system for her," he told Truthout. "I think she ought to be pleased that we're doing it, and not be bitching and complaining about it."

Leah Jack says that in the face of such dismissiveness, her family will continue its struggle. "We were taught to stand and fight - that is what Lana is going to do," she said. "She will stand. Some people see that as combative, but she's just calling people on their BS. They don't want to talk about what's really going on, and that's genocide."

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*Simon Davis-Cohen is a New York City-based writer examining the powers of local governments and corporations in the United States. He can be reached through [readthedirt.org](http://readthedirt.org).*

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### **Beaded Lakota Mocs - 1800's**

### **[Interactive Time-Lapse Map Shows How the U.S. Took More Than 1.5 Billion Acres From Native Americans](#)**

This interactive map,



produced by University of Georgia historian Claudio Saunt to accompany his new book *West of the Revolution: An Uncommon History* on [slate.com](http://www.slate.com)

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### **Would you like to contribute your digital content to Arizona Memory Project?**

Arizona Memory Project is open to any Arizona cultural institution that is interested in making their digital holdings available online. There are many benefits to becoming a Partner, including access to tools and training that facilitate the digitization process. The Arizona Memory Project does not have rights to partner material and assumes no liability for rights infringement.

### **Contributed Collections:**

#### [Archives of the Catholic Diocese of Tucson](#)

The Archives of the Roman Catholic Diocese of Tucson provides information about the history of Arizona and the Southwest, with an emphasis on the Catholic presence and influence on the area including Sacramental registers (baptism, confirmation, marriage and death); correspondence to and from each Bishop; ephemera of parishes within our boundaries and the priests who served there; and art and artifacts related to the diocese.

- [Highlights of the Catholic Diocese of Tucson](#)
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#### [Arizona Capitol Museum](#)

The Arizona Capitol Museum features exhibits that connect people to the Arizona Government - Past and Present. Located in the 1901 building that served as both the Territorial and State Capitol, the Museum offers daily tours, guided/self guided, and a museum store to serve the public. The Arizona Capitol Museum is part of the Arizona State Library, Archives and Public Records, a Division of the Secretary of State.

- [Chris-Town Shopping Center - 24 Arizona Heritage Portraits](#)
- [Curtis the Collector - Native American Baskets, Pottery and Miscellany](#)
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### **Contributed by [Arizona Capitol Museum](#)**

In 1899, Edward Curtis joined The Harriman Expedition to Alaska as the official photographer. On the expedition Curtis met George Bird Grinnell, an expert on the Plains Indians. Grinnell shared Curtis's ideas concerning the conservation of American Indian traditions. Curtis accompanied Grinnell on a similar trip to Montana in 1900; this time to document the cultures of the Blackfoot, Algonquin, and Blood tribes. While viewing the Sun Dance of the Blackfoot



Indians, Grinnell told Curtis, "Take a good look. We're not going to see this kind of thing much longer. It already belongs to the past." Curtis was so moved by his experiences with the American Indians of Alaska and Montana that he vowed to create a multi-volume encyclopedic reference on all of the American Indian Tribes which he would eventually title, "The North American Indian, A Series of Volumes Picturing and Describing the Indians of the United States and Alaska."

Curtis began his work with the Apache, Jicarilla, and Navajo tribes. The Navajo tribe he worked with was located in Canyon de Chelly in Arizona. Curtis wanted a more immersive experience than the typical tourist. So he hired an interpreter and a Navajo informant to communicate through and form relationships with the Navajo people. Instead of simply viewing the ceremonies, Curtis now had insight into the meaning of each ceremony. For the second volume of the work, Curtis documented the cultures of the Pima, Papago, Qahatika, Mohave, Yuma, Maricopa, Walapai, Havasupai, and Apache-Mohave or Yavapai tribes. Curtis returned to Arizona to work with the Hopi tribes of the Arizona for the twelfth volume.

Altogether, the twenty volumes produced by Edward Curtis represent a grand attempt to represent the various cultures of the American Indians. The twenty volume set, with the twenty accompanying portfolios, containing over 1,500 photograph plates, was not obtainable at an affordable price for most people. The volumes were sold mostly to institutions and private collectors.

The description element of many of these objects comes directly from Curtis. The archaic spellings and awkward grammar are authentically Curtis's. In cases where Curtis did not supply captions to a plate, corresponding sections of his writing from "The North American Indian" were used.

### **Curtis the Collector - Native American Baskets, Pottery and Miscellany** **Contributed by [Arizona Capitol Museum](#)**

Little is known about the origin of the Edward Curtis Basketry, Pottery and Ephemera Collection. Curtis toured North America, photographing the American Indian, for some thirty years from 1895-1925. During that time, Curtis collected baskets, pots and other items. Unfortunately, documentation for these artifacts has either been lost to time or was never created. The Arizona Capitol Museum believes these objects are too impressive to remain hidden in storage any longer. These digital images allow everyone to enjoy the artistry that Curtis photographed and collected. Thanks to the Arizona State Museum in Tucson for help identifying and describing objects in this collection.

### **[Arizona Highways](#)**

For nearly nine decades, Arizona Highways magazine's award-winning photography and travel journalism and its steadfast commitment to discovering the state's treasures has brought the beauty and splendor of Arizona to visitors and natives alike. [Arizona Highways Online](#)

### **[Contributed by Arizona Historical Society Library and Archives, Tucson](#)**

## **Western Ways Features Company Photographs**

The Western Ways Features Company Photographs were selected from over 22,000 photographic prints and negatives contained within the Western Ways Feature Manuscript and Photograph Collection, ca. 1930-1970. The images include localities and landscapes throughout Arizona and Northern Mexico.

Charles Herbert, internationally recognized photographer and filmmaker, together with his wife Lucille founded Western Ways Feature Service. Over a period of three decades, the Herbert's employed professional writers and photographers whose body of work promoted and now documents the culture of the modern American West. The company produced articles and photographs about people, events, and tourist destinations in the western United States as well as Northern Mexico for sale to publications, photographic and advertising agencies, and the private sector.

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## **The Bass Photo Collection - Grand Canyon and Colorado Plateau Lantern Slides**

Grand Canyon explorer, prospector and entrepreneur William Wallace Bass (1848-1933) shaped the early 20th century knowledge about and use of the Grand Canyon. This collection consists of 446, hand-tinted, 3.25" by 4" lantern slides from PC 181 Bass Family Photograph Collection, part of the collections of the Arizona Historical Society. The slides depict landscapes and people in and around the Grand Canyon from an image of the cable car tram that once took people, horses and supplies across the Colorado in the depths of the canyon to canyon pioneer Bass setting his own broken leg. Also included are colorized images of famous canyon landmarks such as Shinumo Canyon, Granite Gorge, and Havasupai Point. Many of the slides were taken by Western photographer F.H. Maude, a trained physician who moved in 1887 from England to California where he established a photography business which included the production of lantern slides.

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## **Geronimo! Revered and Reviled (The Man Behind the Legend)**

*Once I moved about like the wind. Now I surrender to you and that is all.*

-- Geronimo, on surrendering to Gen. George Crook, quoted from Once They Moved Like the Wind by David Roberts.

Mention Geronimo and what comes to mind may be a stereotypical image of a renegade Indian leader, an icon rather than a man. The real Geronimo, his actions and his decisions, are far more complex and were influenced by his life, his dedication to his family and people and the vagaries of the political and military forces arrayed against him. *Geronimo! Revered and Reviled (The Man Behind the Legend)*, an exhibit that opened at the Arizona History Museum June 11, 2010, features materials from the Charles B. Gatewood and C.S. Fly photo collections at the Arizona Historical Society Library and Archives, Southern Division, as well as artifacts from the Arizona History Museum ranging from Geronimo's Springfield "trap door" rifle to Fly's 8" by 10" glass-plate camera. Coinciding with the 125th anniversary of the end of armed conflict between the Apache and the U.S. military, the exhibit explores Geronimo's role in the U.S. conflict with the Apache in the late 1880s and the imprisonment and exile experienced by Geronimo and his people after his "conditional surrender" to U.S. forces on Sept. 4, 1886. The exhibit also covers Geronimo in his later years when his transformation from warrior to cultural icon began in

earnest as he made appearances at many events including the inaugural parade of Pres. Theodore Roosevelt in 1905.

This Arizona Memory Project online exhibit, created in conjunction with *Geronimo! Revered and Reviled (The Man Behind the Legend)*, features images of Geronimo, other Apache leaders, U.S. military leaders and the Apache scouts who worked for the U.S. Cavalry. Also included are rare C.S. Fly images from the 1886 Canon de los Embudos negotiations to end hostilities, an event that saw Geronimo and Gen. George Crook sitting down face to face to parley. Finally, the exhibit also shows scenes of Apache imprisonment and exile, images of artifacts including Geronimo's rifle, and a copy of Geronimo's signature and maps.

### **Robert Lenon Map Collection**

The Robert Lenon Map Collection consists of maps from the collection of Patagonia, Arizona-based mining engineer Robert Lenon. The majority of these maps depict ore and mineral mining in the Sonoran desert region of southern Arizona and northern Mexico, spanning the Arizona territorial period of the 1800s up to the 1960s. Additional selections include historical maps of the region, including an 1880 Nogales city block map by Henry Flipper, and maps drawn by Lenon tracing Father Eusebio Kino's route through Pimeria Alta in the 17th century. This digital collection represents just a small sample of the 9000 maps collected or created by Lenon over the course of his long and varied career.



A 1930 graduate of the Department of Mining and Geological Engineering at the University of Arizona, Robert Lenon practiced as a mining engineer and surveyor for more than forty years, retiring in 1975. His career in mining was interrupted by a five-year stint in the US Armed Forces during WWII, where he served in both the European and Pacific theaters. In later years, Lenon was an active supporter of the Arizona Historical Society and published two volumes of memoirs documenting his years in the Arizona mining industry. He died at the age of 99 in 2008.

This project was made possible through the generous support of The Walton Family Foundation.