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SUBJECT: THE PEOPLE'S KEEPSAKE

THE CONFEDERATED TRIBES OF WARM SPRINGS

DEPARTMENT: MANAGEMENT

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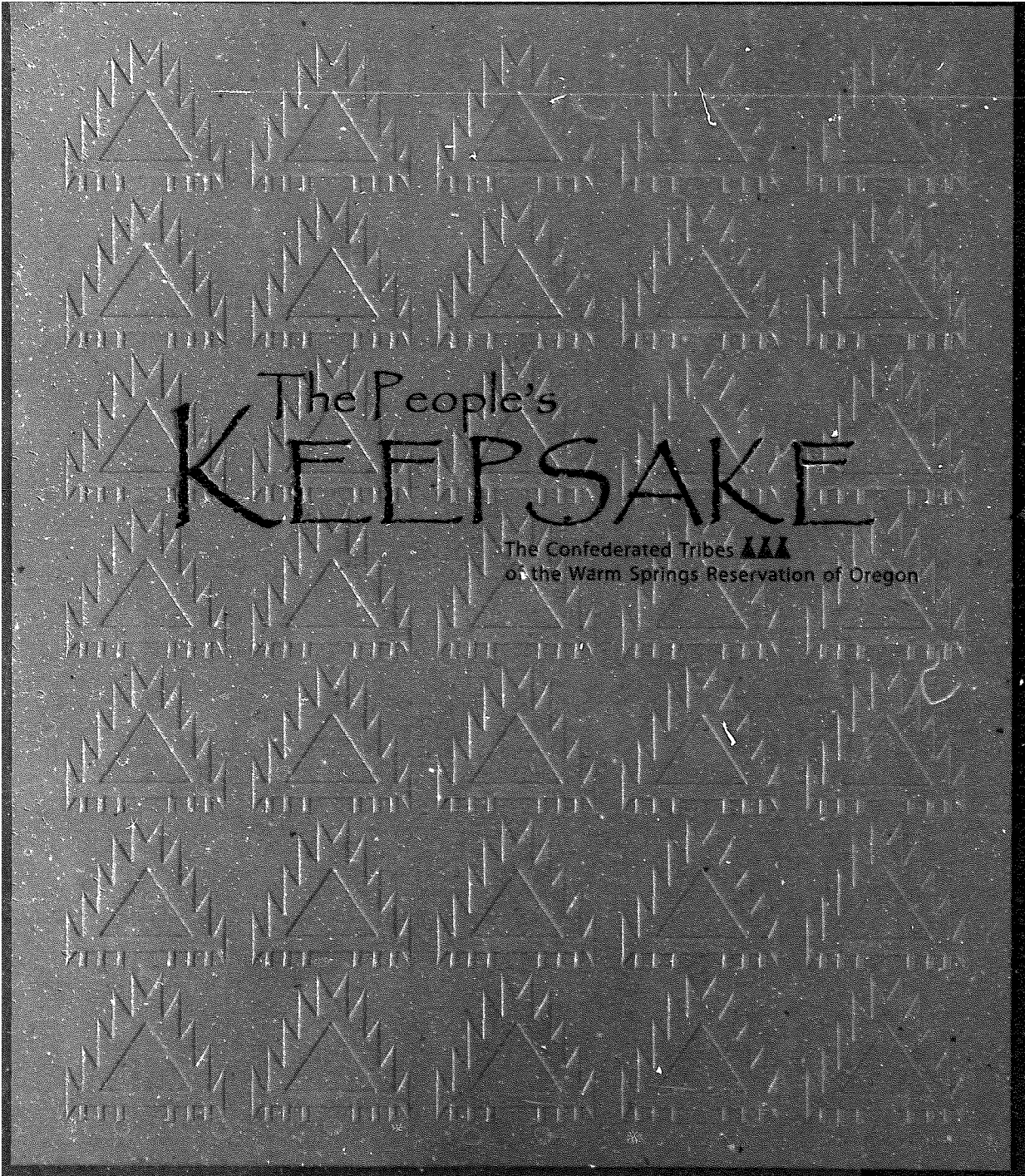
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The Confederated Tribes 
of the Warm Springs Reservation of Oregon

Our Family Keepsake

Family name _____

Family name _____

Family name _____

Family name _____

Family Historians:

_____ From _____ To _____

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LEGIBILITY STRIP



Intention of this Keepsake

THE KEEPSAKE is a way to keep the "People's Plan" alive. Through it, we can become more clear on our connection to our community, families and government - and be able to track progress toward our envisioned future.

Within the Keepsake there is a place for each family to record personal events, history and ideas. Families are the fabric of our community - preserving family traditions, customs and values, strengthens our tribes and community. Each time we teach our children, listen to their visions and ideas, heal relationships, pray to our Creator, volunteer our time and attend community events, the whole becomes stronger. Our knowledge and strength are the foundation of our sovereignty.

The Tomorrow chapter is a place to store reports and updates on the Comprehensive Plan. The Comprehensive Plan is a working document that will be reviewed on an annual basis and community members will be updated about progress. Everyone is encouraged to review the community values, goals and benchmarks, to see what each of us can do to contribute to their attainment. These are not government directives, they arose from the community.

USING THE KEEPSAKE

Please look through your Keepsake and make extra copies of the pages that you know you will use, before writing on them. Additional pages will be available for a cost. The Treaty, Constitution, Declaration of Sovereignty and Comprehensive Plan are reference documents for your use.

We sincerely hope this document reflects our community. We ask for your continued ideas and support as we continue to fulfill our mission:

To work in partnership with the community to achieve the objectives of the tribal constitution; promote values of our culture; protect and preserve our natural resources and sovereignty; advance the well being of the tribal members; identify and document the visions and aspirations for the tribal membership; and provide feedback and progress on the comprehensive plan update to the community.

Comprehensive Plan Process Team

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Community Events & Relations

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Training & Technical Assistance

Jono & April Hildner

Yesterday



In order for us to remain a healthy people living in a sovereign nation, we must honor our ancestors and know our history. It is important to understand how the European Americans and the United States government have impacted our way of life and how we have managed to progress in that changing environment.

From time immemorial we have examined our past to better prepare for the future.

It is no different today.

OUR HISTORY

articles from other tribes, the Wasco traded root bread (made from dried and shaped roots) and salmon meal, made from pulverized dried salmon stored in fish-skin pouches, for winter use. They also traded bear grass that was used for basket making. The Warm Springs bands moved between their winter and summer villages to supplement their food needs of game, roots and berries. Salmon was an important staple for the Warm Springs bands. Like the Wasco, the Warm Springs people built scaffolding over falls in the river and used long-handled dip-nets to harvest salmon and other fish. Although they spoke different dialects and languages, and observed different customs, they were in regular contact and could converse with each other.

A social and economic network tied the tribes of the Columbia Basin together. Networking was also important for protecting each other's respected interests. Today, networking is still an important influence as a means of sharing common information through Indian organizations and modern communication technology.

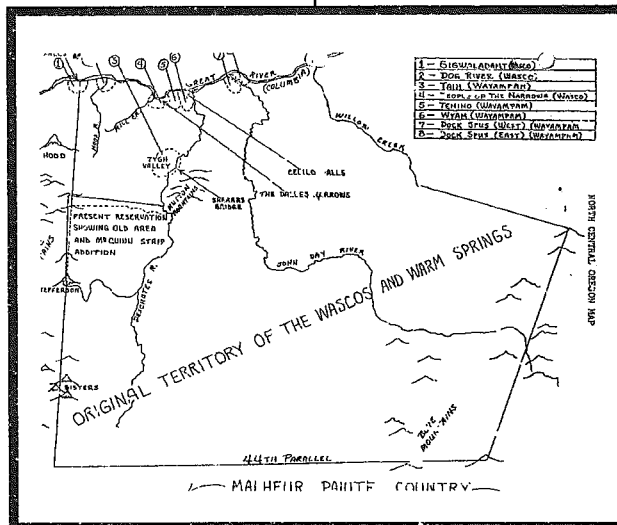
The lifestyle of the Paiutes was considerably different. Fish was not their dietary staple, as it was for the tribes living near the Columbia River. Their high plateau country required that

they migrate to distant areas more frequently for the plants and gameon which they relied. The Paiute language was foreign to the Wasco and Warm Springs, and trading with them was infrequent. In early times, contact between the Paiutes and the Wasco or Warm Springs Indians usually occurred during skirmishes into one another's territories. Although Paiute territories historically included a large area from southeastern Oregon into Nevada, Idaho, California, and Utah, the Paiute bands which eventually settled at Warm Springs lived in the area now known as Oregon's Lake, Harney, and Malheur counties.

The original territories of the Wasco and Warm Springs tribes extended from the Cascade Mountains to the Blue Mountains and from the Columbia River to south of the present city of Bend, Oregon. Located principally in the northwest corner of this area along the Columbia River, the Wasco and Warm

Springs shared many hunting and gathering areas.

In the western portion, both tribal groups gathered berries and other plants in the mountainous areas of the Cascades; occasionally they traveled to the Willamette Valley to harvest eels along the rocky shores of the Willamette River and its many tributaries.





Another usual and accustomed fishing place for the tribes was Sherars Falls, located on the Deschutes River, south of The Dalles, Oregon. The Warm Springs Confederated Tribes now own Sherars Falls and we regulate its seasonal fishing activities in cooperation with the Oregon Department of Fish and Wildlife. In the north, along the Columbia River and its tributaries, we fished salmon and steelhead; we hunted game in the southern parts of these lands and dug roots from the land east of the Deschutes River, as far south and east as Shaniko, Paulina, and Prineville, Oregon.

During the 1800s, the old way of life for the Wasco and Warm Springs Indians was upset by the influx of immigrants from the east. After Lewis and Clark entered the Columbia Basin in 1805, most contact between the tribes and non-Indians involved fur trading. It was during this time that a new language, common to both Indians and non-Indians, came about. The new language, based on the Wasco language, was called Chinook Jargon.

In 1821, the Hudson Bay Company built Fort Vancouver on the northern bank of the Columbia River, down-river from the Wasco and Warm Springs tribes. In 1834, Methodists established a mission at The Dalles, Oregon, as one of the ways to "Christianize" our tribes. Soon the trickle of immigrants turned into a torrent as the U.S. government encouraged a massive migration intended to settle the west.

As a transportation and commercial link, the Columbia River became even more central to the newcomers than it had been for us. In 1843, 1,000 immigrants passed through The Dalles; in 1847, there were 4,000. By 1852, 12,000 settlers were crossing Wasco and Warm Springs territory each year. Most of these immigrants passed through our homeland, but some chose to stay.

Increasingly, we noticed changes in our relations with the non-Indians in our midst. The Wasco were accustomed to settling disputes with our neighbors by negotiation; the whites often reacted with force instead. Our Wasco and Warm Springs people also knew the destiny of our fellow Indian neighbors whose tribes had been decimated in the 1830's by malaria, small pox and other diseases that the settlers brought with them. Although we had welcomed newcomers in the past, our people who lived along the Columbia River began to realize that our lands were rapidly being taken over by non-Indian people who were both unfriendly and dangerous.

THE TREATY OF 1855

In 1853, the military commander at The Dalles posted a notice that cautioned:

Emigrants, and other white persons, are hereby warned not to settle in the Indian Country East of the Cascade Mountains in the Territories of Oregon and Washington. The Indian Title has not yet been extinguished by Treaty. The Government alone has power to treat for the extinguishment of the Indian Title. And it becomes all good citizens, to wait for the action of the Government.

It didn't take long for the United States to take action. In 1855, Joel Palmer, Superintendent for the Oregon Territory, received his orders to clear the Indians from their lands. He did so by negotiating a series of Indian treaties including the one establishing the Warm Springs Reservation. The Treaty was a mechanism to protect an Indian's way of life for personal homelands and reserving off-reservation rights.

Meeting at Wasco, Oregon, near the present city of The Dalles, in June 1855, Palmer had to convince our tribes to move south of what the immigrants called the Barlow Road—the main

OUR HISTORY

"A treaty including one between the U.S. and an Indian Tribe, is essentially a contract between two nations who have not been at war and neither is the vanquished, it is reasonable to assume that they negotiated as equals at arm's length." -U.S. Supreme Court 1979. 443:US 658, US vs. Oregon

immigrant trail which paralleled the Columbia River into the Willamette Valley. During one negotiation session, Palmer is reported to have said:

I would like to accommodate him (Cush-Kella, one of the chiefs of The Dalles Band), but the great chief (meaning U.S. President Pierce) knows this country. He has maps. He knows where the wagon road is. His instruction to me is to put the reservation off from the white settlement.

As the session progressed, it became increasingly clear to the Indians that they would be forced to move onto the reservation Palmer had selected for them. Chief Mark, another Dalles Band representative at the treaty council, objected to selection of an area without permanent settlement:

The place that you have mentioned I have not seen. There are no Indians or white men there yet, and that is the reason I say I know nothing about that country. If there were Indians and white there, then I would think it was a good country.

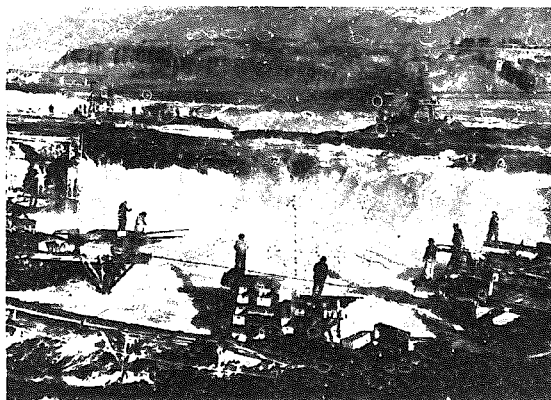
Other tribal representatives expressed their preferences, some for lands in the Tygh Valley, some for lands along the Columbia River, some for lands in the root-digging areas east of the Deschutes River. But Palmer warned that unless the tribes agreed soon, they would lose everything. The tribal spokesmen realized that they had much to lose, but little with which they could negotiate.

After three days, the Wasco and Warm Springs Indians signed Palmer's Treaty. Included in the signing were representatives

of the Walla Walla (Warm Springs) bands of the Tygh, the Wyam, the Tenino, the Dock-spus, and The Dalles and Dog River (also known as the Hood River) bands of Wasco.

Under the Treaty, these representatives relinquished (ceded) to the United States government approximately 10 million acres of land; but they reserved the Warm Springs Reservation—approximately 1/20th or 600,00 acres of our original domain—for our exclusive use. The area ceded, except the designated reservation, was described in Article 1 of the Treaty:

Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence southerly to the summit of the Cascade Mountains, thence along said summit to the 44th parallel of north latitude; thence east on that parallel to the summit of the Blue Mountains, or the western boundary of the Shoshone or Snake country; thence northerly along that summit to a point due east from the headwaters of Willow Creek; thence west to the headwaters of said creek; thence down said stream to its junction with the Columbia River to the place of beginning.



This area describes most all of north-central Oregon. The area reserved for the exclusive use of the treaty tribes, which are the boundaries of the present Warm Springs Reservation, was then described. While a much larger area was ceded to the United States of America, we kept our rights to harvest fish, game and other foods off the reservation in our usual and accustomed

places.

Photo: Dip Net Fishing at Celilo Falls
Courtesy of The Museum at Warm Springs.



"... if ever a fraud was villainously perpetrated on any set of people, red or white, this was, in my opinion, certainly one of the most glaring." -Jason Wheeler, United States Indian Agent stationed at Warm Springs, in a letter protesting the Huntington Treaty, March 12, 1886

Although Palmer refused to move the reservation to another site, he repeatedly assured our people that no one would interfere with our traditional activities. As an additional inducement, the United States also agreed to protect our tribes and to furnish them with services and assistance for their "well-being and civilization; for their moral improvement and education." (Article II, Treaty with the Tribes of Middle Oregon, 12. Stat. 963 (1859).

The Treaty provided that it would be effective when ratified, and it required all our people to move to the reservation within one year thereafter. It is doubtful that any of the tribal representatives understood that "ratification" meant that the U.S. Senate would have to approve the Treaty. Also questionable is the language in the Treaty, which states that we could choose another site if not satisfied with the one chosen for us. But our people knew that we had agreed to relocate to the reservation. By 1857, many of our Warm Springs and Wasco people had already settled in this new "homeland."

The United States did not push ratification as strongly as it urged tribal approval of the Treaty in 1855. It was not until 1859 that the U.S. Senate ratified the Treaty. Moreover, Palmer promised the goods and services referred to in the Treaty as soon as the Treaty was ratified. In 1865, the Superintendent at Warm Springs went to Washington, D.C. to investigate why the goods and services promised 10 years earlier had not arrived.

THE HUNTINGTON TREATY

Ten years after the original Treaty signing, the United States also tried to cut off our Treaty rights to harvest fish, game, and other foods outside the reservation. This fraudulent "treaty" was authored and "villainously perpetrated" by J.W. Perit Huntington, then Oregon Superintendent for Indian Affairs, between himself and a very few Indians, who were not representative of the tribes and bands occupying the reservation.

This Treaty became known as the Huntington Treaty. We understand that those few Indians who agreed to this

"amended" treaty were told that they would always be able to leave the reservation with the agent's permission.

"Huntington pointed quite a number that he said were good men and told them they had better all sign, as this paper would go back to Washington. So there were quite a number signed. I understood the English language pretty well at that time and I did not hear Huntington say anything about the fisheries. After some little time we received the cattle and the blankets. And here I might say that a pair of blankets was cut into three pieces and we got one hundred pieces of blankets."

- William C. Parker (Billy Chinook), March 3, 1886, at the Warm Springs Agency.

Article 1. It having become evident from experience that the (1855 Treaty) provision... which permits said confederated tribes to fish, hunt, gather berries and roots, pasture stock, and erect houses on lands outside the reservation... is often abused by the Indians... and is detrimental to the interests of both Indians and whites; therefore it is hereby stipulated and agreed that... the rights to take fish, erect houses, hunt game, gather roots and berries, and pasture animals upon lands without the reservation... are hereby relinquished.

Although the written language of the amended treaty is clear, it is equally clear that the signers of the Huntington Treaty were not told that they were losing their hunting and fishing rights according to the testimony of knowledgeable tribal members.

OUR HISTORY

"Mark then said if Huntington would give us a large ship loaded with solid gold we would not sell the fishery; he said we would use all the money up in a short time but the fisheries would stand forever, and we will never sell it."

- William C. Parker (Billy Chinook), March 3, 1886, at the Warm Springs Agency.

"That prior to the time Mr. Huntington came to the agency to make the treaty with the Indians requiring them to get passes from the agent when they desired to leave the reservation, that Mr. Reves, who was then the agency farmer, told me that Huntington was wanting something from the Indians and for me to look out for him. Reves did not want to tell me what was wanted, but I insisted that he should tell me and he told me that Huntington said the Indians were continually running to the Columbia River fishing, and they would be no good as long as they had access to the fisheries, and he wanted to put a stop to it and wanted to take the fisheries away from them; and that Huntington said that the Indians were taking their women to The Dalles and trading them to white men for whatever they could get. I told Chief Mark (who is now dead) what Reves had told me and for him to be on the watch. Mark and I came down to see Mr. Logan, the agent, and Mark said to Logan, how much does Huntington propose to pay us for the fisheries? Logan said he knew nothing about it. Mark then said if Huntington would give us a large ship loaded with solid gold we would not sell the fishery; he said we would use all the money up in a short time but the fisheries would stand forever, and we will never sell it." - William C. Parker (Billy Chinook), March 3, 1886, at the Warm Springs Agency.

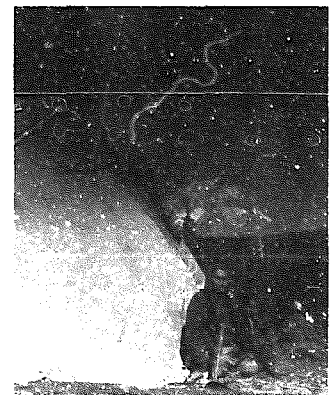
Jason Wheeler, United States Indian Agent stationed at Warm Springs, wrote the following statement to the Commissioner of Indian Affairs on March 12, 1886:

"Sir: I have the honor to call your attention to a supplemental treaty purporting to have been made with the Indians of this reservation November 15, 1865, in which it is set forth that these Indians of this reservation parted with their rights to take fish from their old fishing places on the Columbia River. Said treaty was made by one Huntington who was then Superintendent of Indian Affairs for this district, and if ever a fraud was villainously perpetrated on any set of people, red or white, this was, in my opinion, certainly one of the most glaring. And what is as strange as the treaty itself is the fact that this matter has been brought to the attention of your office by every agent who has been in charge of this reservation since the making of said treaty, and there is no evidence that there was ever any response to the letters or efforts made to correct the wrong."

The amended treaty was so one-sided and its terms were so materially misrepresented to the signers that it was never recognized or enforced. However, we continue to put forth effort to have the U.S. Senate declare it fraudulent.

EARLY RESERVATION YEARS

Traditional ways of life changed greatly after the tribes relocated onto the Warm Springs Reservation. Adjustment to a new land resource, federal policies, a lack of non-Indian understanding of off-reservation Treaty rights, a boundary dispute (McQuinn Strip), and the introduction of a third tribe to the reservation were major events that shaped reservation life. The continuing influx of immigrants into the Columbia River area greatly affected us as well.



On the reservation, Wasco families could no longer harvest enough salmon to sustain their former economic system. The reservation's streams and creeks supplied barely enough salmon for subsistence. Its harsher climate and poor soils also impeded Wasco farmers who had raised grains and other crops along the Columbia River. In a report to his superiors in 1858, a Warm Springs federal agent wrote:

"The larger portion of their land is thickly covered with brush and a small growth of timber. (It requires) a deal of labor upon it...for ploughing...I know personally that many of them are suffering for want of something to eat."



They seem well pleased with the effort being made for them and as soon as the salmon commence running they will be more comfortable."

Despite these hardships brought on by relocation from our original homeland, we survived.

FEDERAL INDIAN POLICY

Federal Indian policies employed a number of techniques to put an end to Indian tribes and cultures and to assimilate Indian people into the American mainstream. Many Indian treaties required the United States to provide educational services for tribal members. Treaties also provided for Indians to own individual parcels of land. But what the tribes expected from such promises was considerably different than what the Federal government delivered.

Depending on who the congress, president and administration were, there were sporadic, but mainly continuous attempts to extinguish Native Americans since the 1700's. In post-colonial years there were efforts to push the tribes westward across the Ohio River, to make room in the east for the incoming European immigrants. Being trusting and obedient people, the tribes did move toward the mid-west, but they began to realize their homelands were being taken away, along with the land that supported their people. The Federal government's policy was to encourage land ownership, but the Indian way was to take only what was needed from the land, and leave the rest, in order to conserve its resources. When the Tribes tried to protect their people and land, wars broke out between the government and the tribes. Many people, both Indian and non-Indian, lost their lives.

Great numbers of native people also died from exposure to foreign diseases. Many of these diseases were unintentionally passed on, but smallpox-infested blankets were distributed to intentionally extinguish tribes. Another tactic was to sterilize Indian women.

Realizing it was not successful in dealing with the Indian problem, the federal government established treaties placing Indians on reservations to keep us separate from non-Indian settlers. It also tried to break down our cultural and family ties by sending our children away to boarding schools.

Because most of our students lived in isolated rural communities, it was less expensive for the government to bring students to the schools than it was to educate us where we lived. Educating our children away from their homes also made it easier to instill us with non-Indian values, to keep us from speaking our native languages, to cut off our braids, and to otherwise try to destroy our cultural identity.

On the Warm Springs Reservation, fulfillment of the Treaty promise of "one school-house" and "one school-teacher" required considerable tribal patience. An early report about the first school facility, built in 1874, described it as makeshift. Six years later, an off-reservation boarding school in Forest Grove (west of the Cascades and over 100 miles away) was established for Northwest tribal members. This school, which later moved to Salem and became Chemawa Indian School, enrolled 15 students from the Warm Springs Reservation in its first class. In 1881, a new Warm Springs school opened at Simnasho.

Federal policies also sought to determine how we owned and used our land. Although the treaties had established reserva-

OUR HISTORY

tions as tribal land bases, farmers, missionaries, and land developers urged Congress to allow individual Indians to own land. Some non-Indians were of the opinion that individual ownership would encourage us to be agriculturists, others thought it would make us into Christians. Many saw Indian land ownership as an opportunity to eventually buy reservation land that was going to "waste."

THE DAWES ACT (HOMESTEAD ACT)

Congress passed the Dawes Act in 1887. The Act allowed individual Indians to own reservation lands and allowed non-Indians to own public "surplus" lands, representing over 90 million acres nationwide.

Thousands of newcomers arrived in the West to stake their claims upon these surplus lands. Some took advantage of the new Indian landowners, who lost their lands to non-Indians through fraud or failure to meet the terms of ownership. By the turn-of-the-century, land ownership patterns between Indians and non-Indians began to resemble a checkerboard on many reservations.

Both its remoteness and its low agricultural value spared the Warm Springs Reservation from most of the disastrous effects the Dawes Act caused on other reservations. Because timber was readily available from other areas, widespread timber harvest of the reservation forest did not occur until World War II. Although individual Indians acquired some land, in contrast to many other Indian reservations very few non-Indians acquired land on the Warm Springs Reservation. Today, the number of tribal acres on the reservation totals 643,571, which is well over 95% of our original reservation land base.

THE NORTHERN BOUNDARY DISPUTE

The 1855 Treaty had described the reservation's northern boundary as running from a point "... in the middle of the channel of the Deschutes River opposite the eastern termination of a range of high lands usually known as the Mutton Mountains, thence westerly to the summit of said range..." Although Joei Palmer had sketched this boundary and described it to the tribal representatives at the Treaty council, no one formally surveyed the reservation until 1871. By this time, the name "Mutton Mountains" referred to a different mountain range. Moreover, Palmer had attached his map to the original treaty and filed it in Washington, D.C. so the Tribes had no documentation describing the reservation land.

A man named Handley led the first survey team on the Warm Springs Reservation. He neither talked to us nor used Palmer's map. As a result, the "Handley Line" left out a triangular 60,000-acre parcel in the northwest corner of the reservation. In 1898, John A. McQuinn conducted another survey. He confirmed our contention that the northern boundary lay farther north and west than the Handley Line. This area in dispute became known as the McQuinn Strip.

For the next 100 years, the tribes challenged the federal government over ownership of the McQuinn Strip. The controversy swung from the Commissioner of Indian Affairs (who declared the McQuinn survey accurate) to the Congress (which in 1894 adopted the Handley Line). In 1917, a third survey confirmed the McQuinn boundary, but the survey director proposed a compromise: allow ownership to the non-Indians who had settled in the disputed area, and give the Indians a cash settlement. We refused to compromise.



Photo:
Courtesy of The Museum at Warm Springs.

In 1930, Congress authorized the Court of Claims to hear the dispute; 11 years later the court proposed the 1917 settlement again. To minimize the cost to the Federal government, however, the Court of Claims also suggested that the Tribes repay the United States for past Federal services on the reservation. Just as they had done before, the tribes rejected this offer. From 1943 to 1972, Congress considered a series of proposals to resolve the McQuinn Strip controversy. Finally, in 1972, the United States restored most of the McQuinn Strip, including its valuable timber lands, to tribal ownership.

PAIUTE SETTLEMENT AT WARM SPRINGS

After 1879, several Paiute bands moved onto the Warm Springs Reservation, although most Paiute lands generally lay farther east and south than the territory ceded in the 1855 Treaty. No Paiutes were present at the Treaty council that established the Warm Springs Reservation.

Because their lands were more distant, the Paiutes in southeastern Oregon avoided contact with non-Indians longer than many tribes. By 1866, however, Paiute raids on neighboring Indian and non-Indian communities were increasingly frequent. The United States started military campaigns to subdue the Paiutes. Two years later a peace treaty stopped the fighting, but it neither established a reservation for the Paiutes nor provided them with any goods or services. In 1872, President Grant set aside the Malheur Indian Reservation in southeastern Oregon for the Paiutes.



Six years later, Bannocks from the Fort Hall Reservation in Idaho urged the Paiutes to join them in fighting the U.S. Army. Many Paiutes did so; others fled the reservation. The Army forced many Paiutes to move to the Yakama Reservation. Others, who fought alongside the Bannocks, were captured and imprisoned at Fort Vancouver. In 1882, with no Paiutes remaining on the Malheur Reservation, President Garfield returned the land to the public domain.

In 1879, a group of 39 Paiutes were moved by Executive Order from their captivity at Fort Vancouver to the Warm Springs Reservation. During the next five years, they were joined by other Paiutes who had been living at Yakama. Of the Paiutes from the Malheur Reservation who did not settle at Warm Springs, most settled in southeastern Oregon near the town of Burns.

The 50 years following the arrival of the Paiutes were relatively quiet. Although new housing, roads, and sawmills were built, few other physical changes took place. But changes were occurring on the reservation. Federal government policies to destroy Indian cultures were taking their toll. It was

becoming more difficult for us to live as earlier generations had, and we had few resources available to us to control our future. Our children were educated in non-tribal schools where the speaking of tribal languages was discouraged. We had few opportunities to apply our cultural and traditional teachings, both on and off the reservation.

"I received... a request from Gen. O.O. Howard... to come to his headquarters at Vancouver Barracks... regarding a small band of Paiute prisoners held by him. Anticipating what his object might be, they voluntarily told me that if the Indians wanted to come here, to bring them home with me... My Indians will give them all assistance possible and (will have) the most friendly feeling toward them, which is remarkable since but a few years ago they were inveterate enemies." - Indian Agent, John Smith describing the Paiutes arrival on the Warm Springs Reservation

LEGIBILITY STRIP

OUR HISTORY

"To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes."
-from the IRA preamble

INDIAN SELF-DETERMINATION

Congress passed the Indian Reorganization Act of 1934 (also known as the IRA or the Wheeler-Howard Act) to revitalize Indian communities and to bolster Indian tribes as governments. The IRA ended the long-standing policy of allotting reservation lands, it extended indefinitely the time the United States would hold Indian lands in trust, and it authorized the Secretary of the Interior to restore any remaining "surplus" lands within a reservation to tribal ownership. The IRA also recognized the necessity for tribal governments to manage their own affairs, and it offered Federal assistance to tribes organizing under its provision.

The members of the Warm Springs, Wasco, and Paiute tribes studied the IRA carefully before deciding to accept its terms. We wanted to make sure that the offer of increased tribal participation in reservation affairs was genuine because we recognized the disastrous effects of earlier "reforms."

In 1937, the three tribes organized as the Confederated Tribes of the Warm Springs Reservation of Oregon by adopting a constitution and bylaws for tribal government. In 1938, we formally accepted a corporate charter from the United States for our business endeavors. These organizational documents declared a new period of tribal self-government on the Warm Springs Reservation.

The Warm Springs Constitution established an 11-member



council to oversee all tribal operations. The council is comprised of the chief of each tribe, and a total of eight representative members - Simnasho (3), Warm Springs (3), Seekseequa (2) -elected by residents of their district. In the past, either the Warm Springs Superintendent or the General Council - a body composed of all adult tribal members - had decided what actions would be taken. Although it replaced neither, the Tribal Council represented a new balance between the autocracy of the superintendent and the democracy of the General Council.

The tribal Constitution also formalized tribal membership requirements. Since 1940, tribal membership has included:

- Persons on the Warm Springs allotment roll;

- Children of one-fourth or more blood of the Confederated Tribes born to a tribal member residing on the reservation;

- Descendants of a member or former member who may be adopted into the Confederated Tribes. Adopted members must have at least one-eighth Indian blood, must have lived on the reservation for three or more years, must not be a member of any other tribe, and must be accepted for membership by popular vote.

The Constitution also established a Bill of Rights, for all tribal members, which accorded equal opportunity of participation in the economic resources and activities of the reservation. It also guaranteed freedom of worship, speech, press and assembly, and due-process of law. The Constitution and Federal Charter recognized certain continuing federal obligations to

Photo: First Tribal Council Members courtesy of The Museum at Warm Springs
 Bottom left: Sam Wewa, JW Elliot (Superintendent), Fred Wagner, Oliver Kalama
 Center row: Frank Queahpama, James Johnson, George Meachem, Moses Hellon, Bill McCorkle
 Top row: Frank Winishut, Isaac McKinley, Joe McCorkle



the Confederated Tribes, although the Tribes gained more autonomy from the federal government than they had at any earlier time on the reservation. For example, the Constitution allowed the Secretary of the Interior to review tribal ordinances, to approve leases of reservation land, and to approve certain tribal loans and expenditures. Similarly, the federal charter required federal approval for per capita distributions of tribal income. Many of these continuing federal obligations are known as income. Many others are known as "trust responsibilities" – legal duties the United States is obliged to perform on behalf of Indian tribes, such as protecting Indian lands and natural resources as well as providing education, health and other federal services.

Forty years after adopting the IRA, Congress approved the Indian Self-Determination and Education Assistance Act (P.L. 93-638). Another important step away from federal dominance of Indian affairs, the Self-Determination Act allows tribal control over education, health care, natural resource management, law enforcement, and other services funded by the federal government. Using this law, the Confederated Tribes now contract with the public schools for certain education services, and manage and regulate Treaty-fishing activities on the Columbia River with other tribal, federal and state governments. By wisely using our inherent sovereignty and federal authority, the Confederated Tribes have made significant progress in managing the reservation's resources.

Large-scale development of tribal resources began with the approval of a 20-year contract in 1942 to cut 500 million board feet of reservation timber. With the proceeds of this contract, the Confederated Tribes distributed our first dividend of \$20 for each tribal member.

In 1967, the Tribes set into motion a major tribal enterprise by purchasing a sawmill and plywood plant to process the timber from the reservation forest.

Water resources have also played an important part in the development of our reservation. Since time immemorial we had used dip-nets to harvest salmon at Celilo Falls – one of the most important fishing sites on the Columbia River. Individual fishing stations were highly prized, and they were passed along within families for generations. In 1957, however, the Army Corps of Engineers completed The Dalles Dam. The lake formed behind it completely flooded Celilo Falls and destroyed other important fishing and cultural sites on the Columbia as well. To partially compensate for this loss, the United States paid the Confederated Tribes a \$4 million settlement.

After numerous meetings with tribal members, the Confederated Tribes decided to retain these funds in the tribal treasury instead of distributing them to individual tribal members. The Tribes used a small part of these funds to contract with Oregon State College (now Oregon State University) for a study of the reservation's resource and economic development potential.

Based on this study, the Tribes invested much of the remaining settlement in projects that would benefit the entire reservation. For example, we re-acquired Kah-Nee-Ta Hot Springs, which had been sold to Dr. Freeland, a non-Indian, and developed the tribally-owned resort along the Warm Springs River. Tribal funds have also been used to finance several housing developments on the reservation.

During the same time that The Dalles Dam was being built on the Columbia, water development projects involving the Tribes were underway on the Deschutes River. Records show that the

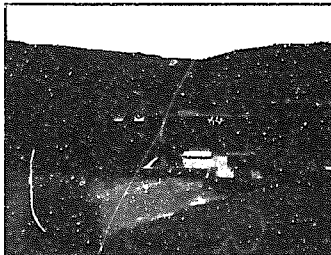
OUR HISTORY

"Then down the main branch of the DesChutes River heading in this peak to its junction with the DesChutes River and thence down the middle of the channel of said river to the place of beginning."
- 1855 Treaty with the Tribes of Middle Oregon, describing the Warm Springs Reservation's eastern boundary.

State of Oregon had planned since 1911 to construct dams on the Deschutes River. In the 1950s, Portland General Electric proposed to build several dams on the Deschutes. Tribal approval was required, as the utility company wanted to build the dams within the Deschutes River where it forms the reservation's eastern boundary. Following extensive negotiations, the Confederated Tribes agreed to allow the use of its land for Pelton Dam, which was completed in 1958, and for Round Butte Dam, completed in 1964. In both instances, the income earned from Portland General Electric's agreed annual charges paid to the Tribes have benefited the tribal treasury. In lieu of paying taxes on income earned from the dam, we opted to transfer nearly \$1 million per year to Jefferson County School District 509-J in Madras, Oregon, a small town 14 miles southeast of the reservation.

THE RESERVATION TODAY

Conditions have changed since the early reservation years. Our tribal membership has grown to over 3,800 members, most of whom live on the reservation.



As our population has grown, we have responded to the need for economic opportunity in support of our community. Our most ambitious project to-

date was construction of the generating and power transmission facilities at Pelton Reregulating Dam, which was completed in 1982. As a result, our tribe was the first Indian tribe in the nation to be issued this type of license by the United

States Federal Energy Regulatory Commission.

In 1986, we began broadcasting from two FM radio stations located near Kah-Nee-Ta Lodge. The 100,000-watt KWSI commercial station was moved to Bend in 1990, when we purchased another Federal Communications Commission license. The stations, KWSO and KWSI simulcast the Kah-Nee-Ta signal from Bend. This combination, known as K-TWINS, proved to be the number one radio station in central Oregon in every audience survey taken since the move. On April 1, 1996, we sold K-TWINS, but retained KWSO to be used for educational and communication purposes.

In March, 1993, years of planning became a reality when The Museum at Warm Springs opened its doors. According to the Smithsonian Institute, The 27,000 square-foot, \$7.6 million museum houses the largest single artifact collection from one tribe under one roof. The contemporary structure is designed with tribal emphasis and has attracted visitors by the thousands - exceeding original projections.

Our newest venture, gaming, resulted in construction of Indian Head Casino, which opened on May 1, 1995. We invested \$6 million into this structure, which connects to Kah-Nee-Ta Vacation Resort and Convention Center. The casino features 340 slot machines, blackjack and poker. Two floods and two wildfires threatened the facility since its was built. The Kah-Nee-Ta Village was destroyed in 1996, when the Warm Springs River flooded its banks. The redevelopment of the village cost us more than \$10 million. It is now fully operational, with exception of the village restaurant. We anticipate that this investment will complement business at our Indian Head Casino and Kah-Nee-Ta Lodge.



Guarding our sovereignty and preserving our culture continues to be an ongoing matter for our Tribes and other tribes as well.

We continue to maintain the effort toward having the fraudulent 1865 Huntington Treaty nullified. Although this document and other challenges to our original Treaty rights have been unending, we have made progress in many regards. A ruling by Federal Judge Robert C. Belloni, in the 1968 landmark case *Sohappy vs. Smith*, set the foundation for modern precedents preserving our right to fish in our usual and accustomed places. The famous "Boldt decision" followed in 1974, entitling 14 Washington tribes the opportunity to take 50 percent of all salmon and steelhead that passed by customary off-reservation fishing sites. Later Judge Belloni applied this same 50 percent rationale to the Columbia River. In 1979, the Supreme Court upheld the Boldt decision.

After four years of litigation in the Court of Claims, our Tribe was victorious in having Congress restore to tribal ownership 60,000 acres of land on the north and west boundaries, known as the McQuinn Strip. This 100-year dispute was the result of the erroneous Handley survey of 1871.

Currently, we face a new legislative effort to undermine our sovereignty and Treaty rights. It challenges Indian heritage

through comparing our DNA samples to those of European populations.

Despite the hardships of our past, and the struggles of today, we have managed to preserve our culture and traditions. Our Tribes have encouraged and seen renewed interest in our tribal languages and customs. We have established new programs for caring for our elders and our youth, and we have made great strides toward managing our natural resources in ways that abide with the Creator's intent.

We also demonstrate a readiness and ability to plan for our future that becomes stronger every year. The completion of the Comprehensive Plan for the Year 2020 has been a milestone for us. Other plans have been developed that will also help us work together toward making our community vision for the future a reality.

"I did not grant the Indians anything. They possessed the right to fish for thousands of years. The treaties of 1855 simply reserved to the Indians the rights which they already possessed. They traded title to most of the land in the Northwest in return of their fishing rights. The tribes negotiated long and hard not to be dispossessed of those rights. No one can claim the Indians got the best of the bargain. It is beyond me to understand why anyone would say it is not fair to the non-Indians, because it honors the solemn promise of the United State of America."

- Judge Robert J. Belloni, *U.S. vs. Oregon*, 1979

HISTORICAL TIMELINE



- 1805 Lewis and Clark exploration along the Columbia River
- 1834 Establishment of Methodist Mission at The Dalles. William C. Parker (nine-year old orphan Billy Chinook) taken in and raised by Reverend Perkins
- 1834-1835 Nathan J. Wyeth exploration across Warm Springs Reservation area
- 1843 John C. Fremont crossed reservation area
- 1848 Commissioner of Indian Affairs office established sub-agency at The Dalles to handle affairs of Columbia River Indians. Robert Newelle appointed as Superintendent at The Dalles
- 1849 Department of the Interior created Bureau of Indian Affairs. BIA originally under the War Department. J.L. Parrish appointed superintendent
- 1850-1854 Four others appointed superintendents of Oregon Territory during this time: Elias Sampole (1850); Elkanah Walker (1852); J.M. Garrison (1853) and Nathan Olney (1854)
- 1855 Treaty of 1855 with Middle Oregon Tribes negotiated at Wasco, Oregon, creating the Warm Springs Indian Reservation and ceded lands
- 1857 The Dalles bands of Wascos and upper and lower Deschutes bands of Walla Walla (about 500 people) moved to the new reservation
- 1858 Remaining band of Wascos moved to the Warm Springs Reservation
- 1859 Congressional ratification of 1855 Treaty
- 1859 Oregon became a state
- 1860 First sawmill put into operation at the Agency along Shitike Creek
- 1861 William Logan appointed superintendent
- 1862 Headquarters for superintendent changed from The Dalles to Warm Springs
- 1865 Fraudulent Supplemental Treaty of 1865 attempted to restrict Indians to the reservation. This treaty became known as Huntington Treaty. John Smith, superintendent. Congress authorized recruitment of Warm Springs Indian scouts for war against Snake Indians of southeastern Oregon

HISTORICAL TIMELINE

- 1868 End of Snake raids on the Warm Springs Reservation
- 1869 W.W.Mitchell appointed superintendent
- 1871 T.B. Handley conducted first survey of reservation boundary.
John Smith reappointed superintendent
- 1871 Congress declares end to treaty-making period with Indian tribes
- 1873 Warm Springs Indian scouts take part in Modoc wars
- 1874 First Indian Boarding School established in the Warm Springs agency area
- 1879 First group of Paiute Indians brought to Warm Springs Reservation from Fort Vancouver, Washington, where they were held captive after the Bannock War
- 1881 Indian school opened at Simnasho
- 1882 First church (Protestant/Presbyterian) built at the agency area
- 1884 Chief Oitz (Oits) and his band of about 70 Paiutes brought to Warm Springs Reservation from the Yakama Reservation. Alonzo Gesner appointed superintendent
- 1885 First group of Warm Springs Indian students went to new boarding school at Forest Grove, Oregon (which was later moved to Salem and named Chemawa Indian School). Jason Wheeler appointed superintendent
- 1886 Resurvey of reservation boundary authorized by Congress
- 1887 McQuinn survey of north boundary of reservation. W.W. Dougherty appointed superintendent
- 1887 Dawes Act passed. Indians were allotted individual lands; surplus to non-Indians
- 1888 Henry Heth was superintendent September 8 (stayed one day). Daniel W. Butler appointed superintendent
- 1889 James C. Luckey appointed superintendent
- 1893 Lt. E.E. Benjamin appointed superintendent

LEGIBILITY STRIP



- 1894 John A. McQuinn, U.S. Deputy Surveyor, contracted to survey north and west boundaries of reservation. Lt. C.W. Farber appointed superintendent
- 1896 Peter Gallagher appointed superintendent, then James L. Cowan appointed superintendent
- 1897 New boarding school building completed, Mr. & Mrs. Nartin first superintendent and matron of school
- 1900 Albert O. Wright appointed superintendent, then James E. Kirk appointed superintendent
- 1905 Claude C. Covey appointed superintendent
- 1911 Oregon Trunk Line railroad opened to Mecca
- 1911 State of Oregon talks about building dams on Deschutes River (without consulting tribe)
- 1912 Steel bridge over Deschutes at Mecca built. Peter Wadsworth appointed superintendent, then Gilbert L. Hall appointed superintendent
- 1915 He-He and Seekseequa sawmills built. A.M. Reynolds appointed superintendent
- 1917 World War I broke out; Indians included in recruitment
- 1918 Omar L. Babcock appointed superintendent
- 1922 Charles W. Rastall appointed superintendent
- 1924 J.B. Mortsof appointed superintendent
- 1928 Fred Perkins appointed superintendent
- 1929 Great Depression begins; stock market hits rock bottom
- 1933 Fred Boyd appointed superintendent
- 1934 New highway bridge over Deschutes River built; Wheeler-Howard Act (IRA) passed
- 1936 J.W. Elliott appointed superintendent
- 1938 Constitution and By-Laws for Tribe approved February 14. New hospital, boarding school and dormitories completed; Corporate Charter accepted. 1st Tribal Council elected

LEGIBILITY STRIP

HISTORICAL TIMELINE

- 1939 Approval for Oregon State Highway through reservation land, Resolution 15 signed by Chairman Isaac McKinley and Oliver Kalama, Secretary-Treasurer. Approval for road program for reservation roads. Warm Springs River bridge construction.
- 1940 Request by Council to build Agency Longhouse
- 1941 Bombing of Pearl Harbor December 7; start of World War II; Indians included in recruitment; Warm Springs women work in shipyards in Portland. 2nd Tribal Council elected
- 1943 Authorization of first per capita payment (\$20) to tribal members from timber receipts
- 1944 Approval of Standard Oil Company service station in Warm Springs by Council. 3rd Tribal Council elected
- 1945 Opposition to The Dalles Dam (Celilo Falls in jeopardy)
- 1945 World War II ends
- 1946 H.E. Massey Trading Store purchased by Priscilla Macy
- 1947 4th Tribal Council elected
- 1949 Opening of Warm Springs State highway cutoff from Portland to central Oregon area
- 1950 5th Tribal Council elected
- 1951 \$3,000 set up for construction of Shaker Church on reservation. New Presbyterian Church under construction at the old site
- 1952 Beginning of Pelton and Round Butte Dam projects, surveys and tests on tribal lands along the Deschutes River
- 1953 Dr. Verne Ray, anthropologist, hired to study the land claim pending before the Indian Claims Commission (McQuinn); Opposition to closure of Warm Springs hospital; Authorization for Wasco Power to make survey for electrical lines. 6th Tribal Council elected
- 1954 Bathhouse built for Indians by Dr. Freeland at Kah-Nee-Ta
- 1955 Approval of Tribal Credit Code. Employment of credit officer. Dairy and quarters turned over to Tribes; agency garage turned over to Tribes. Tribes' centennial year, celebration held. Election held on Pelton Dam site, passed by majority of tribal voters

LEGIBILITY STRIP



- 1955 Ordinance 26 passed regarding educational policies
- 1956 High school graduates hired for summer clerical positions, which marks the beginning of summer trainee program. Tenneson Engineering firm hired to survey lots for homesites and other survey work. Frank E. Nash, attorney, hired to work on timber matters. 7th Tribal Council elected
- 1957 Annexation of the Warm Springs Reservation school district. Adoption of a long-range program and plan for the Celilo Settlement per capita payments for 1957 and 1958. Lease for Southern Baptist Church building. Approval of a Trust Agreement for minors' per capita funds authorized
- 1959 8th Tribal Council elected
- 1959-1960 Oregon State Study, provided first formal planning direction for Reservation
- 1962 Purchase of Kah-Nee-Ta Village property. 9th Tribal Council elected
- 1964 Christmas flood at Warm Springs, including destruction of Kah-Nee-Ta Village
- 1965 10th Tribal Council elected
- 1967 Purchase of sawmill and plywood plant to process reservation timber
- 1968 11th Tribal Council elected
- 1968-1982 McQuinn Strip Act
Kah-Nee-Ta Lodge
First Comprehensive Plan
12th through 15th Tribal Council elected
Greenville and Hollywood housing areas razed; most substandard housing removed
Pelton Rereg Dam power enterprise
Tribal Administration Building
Deschutes/Warm Springs/Kah-Nee-Ta Water System
Dry Creek, Greeley Heights and Tenino housing areas started
Simnasho Subdivision
Middle Oregon Indian Historical Society created; planning for museum initiated
Simnasho Longhouse expansion
Industrial Park developed
Warm Springs National Fish Hatchery
U.S. Post Office



TREATY

WITH THE TRIBES OF MIDDLE OREGON

Articles of agreement and convention made and concluded at Wasco, near The Dalles on the Columbia River, in Oregon Territory, by Joel Palmer, Superintendent of Indian Affairs, on the part of the United States, and the following named chiefs and head-men of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Symtustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Taih or Upper De Chutes Band of Walla-Wallas; Stock-etley and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas, Alexis and Talkish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-Spus or John Day's River band of Walla-Walla; Mark, William Chenook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of Wascoes; and Wal-la-chin, chief of the Dog River band of Wascoes.

ARTICLE 1. The above-named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries to wit:

Commencing in the middle of the Columbia River, at the Cascade Falls, and running thence southerly to the summit of the Cascade Mountains; thence along said summit to the forty-fourth parallel of north latitude; thence east on that parallel to the summit of the Blue Mountains, or the western boundary of the Sho-sho-ne or Snake country; thence northerly along that summit to a point due east from the headwaters of Willow Creek; thence west to the head-waters of said creek; thence down said stream to its junction with the Columbia River; and thence down the channel of the Columbia River to the place of beginning. Provided, that as much of the country described above is contained in the following boundaries, shall until otherwise directed by the President of the United States, be set apart as a residence for said Indians, which tract for the purposes contemplated shall be held and regarded as an Indian reservation, to wit:

Commencing in the middle of the channel of the De Chutes River opposite the eastern termination of the range of high lands usually known as the Mutton Mountains; thence westerly to the summit of said range, along the divide to its connection with the Cascade Mountains; thence to the summit of said mountains; thence southerly to Mount Jefferson; thence down the main branch of De Chutes River; heading in this peak, to its junction with De Chutes River; and thence down the middle of the channel of said river to the place of beginning. All of which tract shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without the concurrent permission of the agent and superintendent.

LEGIBILITY STRIP

TREATY

The said bands and tribes agree to remove to and settle upon the same within one year after the ratification of this Treaty, without any additional expense to the United States other than is provided for by this Treaty; and, until the expiration of the time specified, the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all white citizens the right to enter upon and occupy as settlers any lands not included in said reservation, and not actually inclosed by said Indians. Provided, however, That prior to the removal of said Indians to said reservation, and before any improvements contemplated by this Treaty shall have been commenced, that if the three principal bands, to wit: The Wascopum, Tiah, or Upper De Chutes, and the Lower DeChutes bands of Walla-Wallas shall express in council, a desire that some other reservation may be selected for them, that the three bands named may select each three persons of their respective bands, who with the superintendent of Indian affairs or agent, as may by him be directed, shall proceed to examine, and if another location can be selected, better suited to the condition and wants of said Indians, that is unoccupied by the whites, and upon which the board of commissioners thus selected may agree, the same shall be declared a reservation for said Indians, instead of the tract named in this Treaty. Provided, also, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them. And provided, also, That if any band or bands of Indians, residing in and claiming any portion or portions of the country in this article, shall not accede to the terms of this Treaty, then the bands becoming parties hereunto agree to receive such part of the several and other payments herein named as a consideration for the entire country described as aforesaid as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. And provided, also, That where substantial improvements have been made by any members of the bands being parties to this Treaty, who are compelled to abandon them in consequence of said Treaty, the same shall be valued, under the direction of the President of the United States, and payment made therefore; or, in lieu of said payment, improvements of equal extent and value at their option shall be made for them on the tracts assigned to each respectively.

ARTICLE 2. In consideration of, and payment for, the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit:

Eight thousand dollars per annum for the first five years, commencing on the first day of September, 1856, or as soon thereafter as practicable.

Six thousand dollars per annum for the term of five years next succeeding the first five.

Four thousand dollars per annum for the term of five years next succeeding the second five; and

Two thousand dollars per annum for the term of five years next succeeding the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being and advance them in civilization; for their moral improvement and education; for building, opening and fencing farms, breaking land, providing teams, stock, agricultural imple-



ments, seeds, & etc.; for provisions, and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition.

ARTICLE 3. The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be applied to the payment for such articles as may be advanced them at the time of signing this Treaty, and in providing, after the ratification thereof and prior to their removal, such articles as may be deemed by the President essential to their want; for the erection of buildings on the reservation, fencing and opening farms; for the purchase of teams, farming implements, clothing and provisions, tools, seeds, and for the payment of employees; and for subsisting the Indians the first year after their removal.

ARTICLE 4. In addition to the considerations specified the United States agree to erect, at suitable points on the reservation, one saw-mill and one flouring-mill; suitable hospital buildings; one school-house; one blacksmith-shop with a tin and a gunsmith-shop thereto attached; one wagon and plough-maker shop; and for one sawyer, one miller, one superintendent of farming operations, a farmer, a physician, a schoolteacher, a blacksmith, and a wagon and plough-maker, a dwelling house and the requisite outbuildings for each; and to purchase and keep in repair for the time specified for furnishing employees all necessary mill-fixtures, mechanics' tools, and furniture for employees.

The United States further engage to secure and pay for the services and subsistence, for the term of fifteen years, of one farmer, one blacksmith, and one wagon and plough maker; and for the term of twenty years, of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher.

The United States also engage to erect four dwelling-houses, one for the head chief of the confederated bands, and one each for the Upper and Lower De Chutes bands of Walla-Wallas, and for the Wascopum band of Wascos; and to fence and plough for each of the said chiefs ten acres of land; also to pay the head chief of the confederated band a salary of five hundred dollars per annum for twenty years, commencing six months after the three principal bands named in this treaty shall have [been] removed to the reservation, or as soon thereafter as a head chief should be elected: And provided, also, That at any time when by the death, resignation, or removal of the chief selected, there shall be a vacancy and a successor appointed or selected, the salary, the dwelling, and improvements shall be possessed by said successor, so long as he shall occupy the position as head chief; so also with reference to the dwellings and improvements provided for by this treaty for the head chiefs of the three principal bands named.

ARTICLE 5. The President may, from time to time, at his discretion, cause the whole, or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for these Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently. To a single person over twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons, and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family in case of the death of the head thereof the possession and enjoyment of such permanent home and the improvement thereon; and he may, at any time, at his discretion, after such person or family has made location on the land

LEGIBILITY STRIP

TREATY

assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years and shall be exempt from levy, sale or forfeiture, which condition shall continue in force until a State constitution embracing such lands within its limits shall have been formed, and the legislature of the State shall remove the restrictions. Provided, however, That no State legislature shall remove the restrictions herein provided for without the consent of Congress. And provided, also, That if any person or family shall at any time neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place indicating a desire to abandon his home, the President may, if the patent shall have been issued, revoke the same, and if not issued, cancel the assignment, and may also withhold from such person, or family, their portion of annuities, or other money due them, until they shall have returned to such permanent home and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE 7. The confederated bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of said citizens; and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities; nor will they make war on any other tribe of Indians except in self-defense, but submit all matters of difference between them and other Indians to the Government of the United States, or its agents for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the case of depredations against citizens; said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

ARTICLE 8. In order to prevent the evils of intemperance among said Indians, it is hereby provided, that if any one of them shall drink liquor to excess, or procure it for others to drink, his or her proportion of the annuities may be withheld from him or her for such time as the President may determine.

ARTICLE 9. The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interest may require it, that all roads, highways, and railroads shall have the right of way through the reservation herein designated, or which may at any time hereafter be set apart as a reservation for said Indians. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Joel Palmer, on the part of the United States, and the undersigned, chiefs, headmen, and delegates of the said confederated bands, have hereunto set their hands and seals, this twenty-fifth day of June, eighteen hundred fifty-five. Joel Palmer, Superintendent of Indian Affairs, O. T. (L. S.)

LEGIBILITY STRIP



Wasco:

Mark, his x mark
William Chenook, his x mark
Cush Kella, his x mark

Lower De Chutes:

Stock-etley, his x mark
Iso, his x mark

Upper De Chutes:

Simtustus, his x mark
Locksquissa, his x mark
Shick-ame, his x mark
Kuck-up, his x mark

Tenino:

Alexsee, his x mark
Talekish, his x mark

Dog River Wasco:

Walachin, his x mark
Tah Symph, his x mark
Ash-na-chat, his x mark
Che-wot-nleth, his x mark
Te-cho, his x mark
Sha-qually, his x mark
Louis, his x mark
Yise, his x mark
Stamite, his x mark
Ta-cho, his x mark
Penop-teyot, his x mark
Elosh-kish-kie, his x mark
Am. Zelic, his x mark
Ke-chac, his x mark
Tanes Salmon, his x mark
Ta-kos, his x mark
David, his x mark
Sowal-we, his x mark
Postie, his x mark
Yawan-shewit, his x mark
Own-aps, his x mark
Kossa, his x mark
Pa-wash-ti-mane, his x mark
Ma-we-nit, his x mark
Tipso, his x mark

Pouh-que, his x mark
Eye-eya, his x mark
Kam-kus, his x mark
Sim-yo, his x mark

Kas-la-chin, his x mark
Pio-sho-she, his x mark
Mop-pa-man, his x mark

Sho-es, his x mark
Ta-mo-lite, his x mark
Ka-lim, his x mark
Ta-yes, his x mark
Was-en-was, his x mark

E-yath Kloppy, his x mark
Paddy, his x mark
Sto-quin, his x mark

Charley-man, his x mark
Ile-cho, his x mark
Pate-cham, his x mark
Yan-che-woc, his x mark
Ya-toch-la-le, his x mark
Alpy, his x mark
Pich, his x mark
William, his x mark
Peter, his x mark
Ischa Ya, his x mark
George, his x mark
Jim, his x mark
Se-ya-las-ka, his x mark
Ha-lai-kola, his x mark
Pierro, his x mark
Ash-lo-wash, his x mark
Paya-tilch, his x mark
Sae-pa-waltcha, his x mark
Shalquilkey, his x mark
Wa-quai-lol, his x mark
Sim-kui-kui, his x mark
Wacha-chiley, his x mark
Chi-kal-kin, his x mark
Squa-yash, his x mark
Sha-Ka, his x mark
Keau-i-sene, his x mark

TREATY

Jim, his x mark
Peter, his x mark
Na-yoct, his x mark
Wal-tacom, his x mark
Cho-kalth, his x mark
Pal-sta, his x mark
Mission John, his x mark
Le-Ka-ya, his x mark
La-wit-chin, his x mark
Low-las, his x mark
Thomson, his x mark
Charley, his x mark
Copefornia, his x mark
Wa-toi-mettla, his x mark
Ke-la, his x mark
Pa-ow-ne, his x mark
Kuck-up, his x mark
Poyet, his x mark
Ya-wa-clax, his x mark
Tam-cha-wit, his x mark
Tam-mo-yo-cam, his x mark
Was-ca-can, his x mark
Talle Kish, his x mark
Waleme Toach, his x mark
Site-we-lock, his x mark
Ma-ni-nect, his x mark
Pich-kan, his x mark
Stolameta, his x mark
Tamayechotote, his x mark
Qua-losh-kin, his x mark
Wiska Ka, his x mark
Che-lo-tha, his x mark
Wetone-yath, his x mark
We-ya-lo-cho-wit, his x mark
Yoka-noth, his x mark
Wacha-Ka-polle, his x mark
Kon-ne, his x mark

Signed in the presence of--

Che-chis, his x mark
Sche-noway, his x mark
Scho-ley, his x mark
We-ya-thley, his x mark
Pa-leyathley, his x mark
Keyath, his x mark
I-poth-pal, his x mark
S. Kolps, his x mark
Walimtalín, his x mark
Tash Wick, his x mark
Hawatch-can, his x mark**
Ta-wait-cla, his x mark
Patoch Snort, his x mark
Tachins, his x mark
Comochal, his x mark
Passayei, his x mark
Watan-cha, his x mark
Ta-wash, his x mark
A-nouth-shot, his x mark
Hanwake, his x mark
Pata-la-set, his x mark
Tash-weict, his x mark
Wescha-matolla, his x mark
Chle-mochle-mo, his x mark
Quae-tus, his x mark
Skuilts, his x mark
Panospam, his x mark
Ash-ka-wish, his x mark
Pasquai, his x mark
Wasso-kui, his x mark
Quaino-sath, his x mark
Cha-ya-tema, his x mark
Wa-ya-lo-chol-wit, his x mark
Flitch Kui Kui, his x mark
Walcha Kas, his x mark
Watch-tla, his x mark
Enias, his x mark

Wm. C. McKay, Secretary of Treaty, O.T.
R. R. Thompson, Indian Agent
R. B. Metcalfe, Indian sub-Agent
C. Mespotie
John Flett, interpreter
Dominick Jondron, his x mark, interpreter
Mathew Dofa, his x mark, interpreter

LEGIBILITY STRIP



CONSTITUTION

& BY-LAWS

Approved February 14, 1938

CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON, AS AMENDED

PREAMBLE

We, the Confederated Tribes of the Warm Springs Reservation of Oregon, in order to establish a more responsible and effective organization to promote our general welfare, conserve and develop our lands and other resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government, not inconsistent with existing Federal and State laws, do ordain and establish this Constitution of the Confederated Tribes of the Warm Springs Reservation of Oregon.

ARTICLE I--OBJECTIVES

It shall be the object of the Confederated Tribes of the Warm Springs Reservation of Oregon:

- (a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Warm Springs Reservation.
- (b) To establish and enforce such rules as may be necessary to safeguard Indian property and resources for the use of present and future generations.
- (c) To obtain for all Indians of this Reservation of the present and future generations lands needed for homes and livelihood.

ARTICLE II--TERRITORY

The jurisdiction of the Confederated Tribes of the Warm Springs Reservation of Oregon shall extend to all lands contained within the present boundaries of the Warm Springs Reservation and to such lands as may have been heretofore or may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation or by the United States in trust for such tribes.

ARTICLE III--MEMBERSHIP

Section 1. MEMBERSHIP OF ALLOTTEES.--Every living person whose name appears on the allotment roll of the Warm Springs Reservation of Oregon, shall be entitled to membership in the Confederated Tribes of the Warm Springs Reservation of Oregon; PROVIDED that the Tribal Council shall have authority, subject to the approval of the Secretary of the Interior, within one year from the approval of this Constitution, to make corrections in said roll to the end that it may be an accurate record of the membership of the Tribe.

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Section 2. MEMBERSHIP OF DESCENDANTS.

- (a) Every child of one-fourth or more blood of the Confederated Tribes of the Warm Springs Reservation of Oregon born after the effective date of this amendment to any member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership in the Confederated Tribes. (April 7, 1966; Amendment VIII).
- (b) Children born heretofore or hereafter to a member or former member of any of the Confederated Tribes of the Warm Springs Reservation may be adopted as provided in Section 3 of this Article, upon application by self, parent, or guardian.

Section 3. ADOPTION.-- The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 50 per cent of those entitled to vote shall vote in such election, adopt as a member of the Tribe any person of 1/8 of more Indian blood who is a descendant of a member or former member of the Confederated Tribes: PROVIDED, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation immediately prior to the date of his application for adoption, and shall not be a member of any other tribe of Indians.

Section 4. LOSS OF MEMBERSHIP.--In no case shall a member lose his membership other than by personal request in writing to the Tribal Council.

ARTICLE IV--ORGANIZATION OF TRIBAL COUNCIL

Section 1. COMPOSITION.--The Tribal Council shall be composed of members chosen as hereinafter provided. The Council shall consist of eleven members, to be selected from the districts as set forth hereafter.

Section 2. APPORTIONMENT.--Representation from the districts shall be as follows: Simnasho District, 3 elected members and the recognized chief of the district, or his successors; Agency District, 3 elected members, one of whom shall represent the Sidwaller Flat area, together with the recognized chief of the district, or his successors; Seekseequa District, 2 elected members and the recognized chief of the district, or his successors.

Section 3. TERM OF OFFICE.--Members of the Council shall be elected for terms of three years except that the chiefs shall serve for life, and their successors shall be selected in accordance with tribal custom.

Section 4. FIRST ELECTION.--The first election of the Tribal Council shall be called by the present Business Committee as soon as possible after the adoption and approval of this Constitution.

Section 5. RIGHT TO VOTE.--All members of the Community of either sex, who are married, or who are over 21 years of age, are entitled to vote in the district in which they reside.

Section 6. TIME OF ELECTION.--Elections of membership on the Council shall be set by the Tribal Council at least 30 days in advance of the expiration of the term of office of the members. Duly elected councilmen shall take office on the first regular meeting date of the Council following their election.

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Section 7. MANNER OF ELECTIONS.--Elections shall be by secret ballot or by prevailing customs, as may be desired by the people of the district.

Section 8. VACANCIES AND REMOVAL FROM OFFICE.--If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term; PROVIDED, That the person chosen to fill such vacancy shall be from the district in which the vacancy occurs.

Section 9. IMPEACHMENT --The Council may expel a member for cause by a 2/3 vote, after due notice of charges and allowing an opportunity to be heard.

Section 10. RECALL.--A member of the Council may be recalled by the electors of his district in an election which shall be called by the Tribal Council upon presentation of a petition for the recall of such member signed by at least 30 per cent of the eligible voters of the district. Successors to recalled councilmen shall be elected.

Section 11. OFFICERS.--The Tribal Council shall select from its membership, a Chairman and Vice-Chairman, and from within or outside of its membership, a Secretary-Treasurer. It may also select such other officers and committees as it may deem necessary for properly conducting the business of the Council.

ARTICLE V--POWERS OF THE TRIBAL COUNCIL

Section 1. ENUMERATED POWERS.--The Tribal Council of the Warm Springs Reservation shall have the following powers the exercise of which shall be subject to popular referendum as provided hereafter:

- (a) To negotiate with the Federal, State, and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Interior Department on all activities of the Department of the Interior that may affect the Confederated Tribes of the Warm Springs Reservation.
- (b) To employ legal counsel for the protection and advancement of the rights of the Confederated Tribes and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of Government; provided, that no tribal lands shall ever be sold except any tribal lands or interests in lands located outside of the reservation boundaries may be sold or exchanged.
- (d) To submit through proper Government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance, reservational improvements, health, education, and other necessary activities looking toward the advancement of the members of the Confederated Tribes.
- (e) To borrow money from the federal government in accordance with the terms of a corporate charter to be issued to the Confederated Tribes of the Warm Springs Reservation of Oregon and to borrow money for public purposes in accordance with terms to be approved by Tribal Referendum.
- (f) To manage the economic affairs of the Confederated Tribes and to appropriate available funds for public purposes.
- (g) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation. This power may also extend to members of The Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

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- (h) To exclude from the territory of the Confederated Tribes persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.
- (i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal Court.
- (j) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.
- (k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the Tribe by ordinances which shall be subject to approval by the Secretary of the Interior.
- (l) To regulate the uses and disposition of tribal property; to protect and preserve the tribal property, wild life and natural resources; to cultivate Indian arts, crafts, and culture; to administer charity; to protect the health, security and general welfare of the members of the Confederated Tribes.
- (m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the Confederated Tribes.
- (n) To establish ordinances relating to the assignment, use, or transfer of tribal lands within the jurisdiction in conformity with Article VIII of this Constitution.
- (o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Confederated Tribes.
- (p) To regulate the domestic relations of members of the Confederated Tribes.
- (q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.
- (r) To make recommendations to the Superintendent or the Commissioner of Indian Affairs or the Secretary of the Interior concerning the appointment and removal of employees assigned to duties on the Warm Springs Reservation.
- (s) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to such boards, councils, or officials or to cooperative associations which are open to all members of the Confederated Tribes, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.
- (t) To appropriate for tribal use of the reservation, any available tribal funds; provided: that any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the Interior; and provided, further, that any appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum. The foregoing limitations shall not apply to expenditures made pursuant to tribal budget, provided, that not less than 90 days before the effective date of such budget it is posted in three public places on the reservation for not less than 30 days and provided further, that a public hearing is held on such budget and thereafter the budget is approved by the Secretary of the Interior or his authorized representative.
- (u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

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SECTION 2. MANNER OF REVIEW.--Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Reservation, who shall within ten days thereafter approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Confederated Tribes of such rescission.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3. FUTURE POWERS.--The Tribal Council of the Warm Springs Reservation may exercise, subject to popular referendum, such further powers as may in the future be delegated to the Confederated Tribes by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SECTION 4. RESERVED POWERS.--Any rights and powers heretofore vested in the Confederated Tribes of the Warm Springs Reservation but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VI--INITIATIVE AND REFERENDUM

Whenever a matter of great importance comes before the Tribal Council, the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two members of the council, or one-fifth of the members of the Confederated Tribes, may within 30 days after the vote of the Council, call such a popular referendum, but no councilman shall call more than two referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten days prior to election. The notice shall contain the ordinance or resolution to be voted on with the accompanying words: "Shall the ordinance (or resolution) be approved. Yes. (). No. ()." The will of the majority of those voting shall be the law, provided at least one-third of the eligible voters actually vote.

ARTICLE VII--BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the Reservation.

SECTION 2. All members of the Confederated Tribes may enjoy without hindrance, freedom of worship, speech, press and assembly.

SECTION 3. Any member of the Confederated Tribes accused of any offense, shall have the right to a prompt, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf and trial by jury shall be accorded, when duly requested by any member accused of any offense punishable by more than 30 days' imprisonment. Excessive bail or cruel or unusual punishment shall not be imposed.

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ARTICLE VIII—LAND

SECTION 1. ALLOTTED LANDS.--Allotted lands, including heirship lands, within the Warm Springs Reservation, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his and, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exchanged in the same manner as the original allotment, or as an exchange assignment as the option of the owner.

SECTION 2. TRIBAL LANDS.--The unallotted lands of the Warm Springs Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation, or by the United States in trust for the Confederated Tribes of the Warm Springs Reservation, shall be held as tribal land, and no part of such land shall be mortgaged or sold, except any tribal lands or interests in lands located outside of the reservation boundaries may be sold or exchanged. Tribal lands shall not be allotted to individuals, but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

SECTION 3. LEASING OF TRIBAL LANDS.--Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In leasing of tribal lands preference shall be given first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Confederated Tribes. No lease of tribal land to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Confederated Tribes is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SECTION 4. GRANTS OF STANDARD ASSIGNMENTS.--In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to members of the Confederated Tribes having allotted lands, or interests in inherited lands, which are for one reason or another unsuitable for economical use, who may be benefitted by exchanging such interests for tribal lands suitable for cultivation.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and for Indians whose present land holdings are not suitable for economical use.

Tribal land under this section may be assigned by the Tribal Council in economic units, but not in excess of 40 acres of irrigated farm land, and 80 acres of pasture land, or 80 acres of dry farm land and 80 acres of pasture land to any head of a family.



No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council may, if it deems advisable, charge a fee of not to exceed \$5.00 on approval of an assignment of land made under this section.

SECTION 5. TENURE OF STANDARD ASSIGNMENTS.--If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of two years, abandon, or fail to put forth reasonable efforts to improve and use beneficially the land so assigned, or shall use such land for any unlawful purpose, his assignment may be canceled by the Tribal Council after he has had notice and an opportunity to be heard, and the said land may be re-assigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs, or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a standard assignment.

SECTION 6. GRANT OF EXCHANGE ASSIGNMENTS.--Any member of the Confederated Tribes who owns an allotment or any share of heirship land, or any unencumbered deeded land within the reservation, may voluntarily transfer his interests in such land to the Confederated Tribes in exchange for an assignment to the same land, or to other lands of equal value, as an exchange assignment. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange assignments".

SECTION 7. LEASING OF EXCHANGE ASSIGNMENTS.--Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Confederated Tribes, or if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SECTION 8. INHERITANCE OF EXCHANGE ASSIGNMENTS.--Upon the death of the holder of an exchange assignment, his land shall be reassigned by the Tribal Council to his heirs or devisee, subject to the following conditions:

- (a) Such lands may not be reassigned to any heirs or devisee who are not members of the Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.
- (b) Such lands may not be subdivided into units smaller than 160 acres of grazing land, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisee, the Tribal Council shall issue to the eligible heirs or devisee, grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.
- (c) Such lands may not be reassigned to any heir or devisee who already holds more than 640 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.

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(d) If there are no eligible heirs or devisee of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.

SECTION 9. INHERITANCE OF IMPROVEMENTS.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulation as the Tribal Council shall provide. No permanent improvements shall be removed from the lands without the consent of the Tribal Council.

SECTION 10. EXCHANGE OF ASSIGNMENTS.—Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Tribal Council shall designate.

SECTION 11. USE OF UNASSIGNED TRIBAL LAND.—Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SECTION 12. PURCHASE OF LAND BY THE COMMUNITY.—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

- (a) Land within the Warm Springs Reservation, or adjacent to the boundaries thereof, or lands which fall under the provisions of the Act of August 10, 1972 (86 Stat. 530), may be purchased by or for the Confederated Tribes.
- (b) Restricted land which is in heirship status at the time of the adoption of this Constitution, or which may hereafter fall into heirship status, may be purchased by or for the Confederated Tribes, with the consent of the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefor to be made as may be agreed upon, or such lands may be purchased under the provisions of the Act of August 10, 1972 (86 Stat. 530), if applicable.
- (c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated may be transferred by its owner to the Confederated Tribes in exchange for a pension of not less than \$15.00, or more than \$30.00 per month, at the discretion of the Council, for the remainder of his natural life, or he may, at his own option, transfer his land to the Confederated Tribes in exchange for a consideration to be mutually agreed upon between the owner and the Tribal Council, such consideration to be paid in ten equal annual installments, either to the transferor or in the case of his death, to his heirs. Purchases made under this section shall be made from available tribal funds.
- (d) Land in excess of 320 acres owned by any member of the Confederated Tribes may be purchased with the consent of the owner, payments to be made under such terms as may be agreed upon.
- (e) Land owned by any member of the Confederated Tribes who desires to leave the Reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

SECTION 13. METHOD OF MAKING ASSIGNMENTS.—Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than 20 days before action is taken by the Council.



Any member of the Confederated Tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or their officer in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by all members of the Confederated Tribes.

ARTICLE IX--AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 per cent of those entitled to vote shall vote in such election, but not amendment shall become effective until it shall have been approved by the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds of the Council, or upon presentation of a petition signed by one-third of the qualified voters, members of the Confederated Tribes.

BY-LAWS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

ARTICLE I--DUTIES OF OFFICERS

SECTION 1. PRESIDENT.--It shall be the duty of the President of the Council to preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall vote only in case of a tie.

SECTION 2. VICE PRESIDENT.--The Vice President shall preside at any meeting of the Council from which the President is absent, and in the event of the death of the President or his resignation or removal from office, he shall serve the remainder of the term as President.

SECTION 3. SECRETARY-TREASURER.--The Secretary-Treasurer shall conduct the correspondence of the Tribal Council, shall keep all records, minutes of meetings, roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the Council has sole charge. He shall keep an accurate record of all members of the Confederated Tribes, and prepare necessary resolutions for appropriate action by the Council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the President, such reports or registers as the President or Council may direct. He shall be required to give bond acceptable to the Confederated Tribes and the Commissioner of Indian Affairs.

ARTICLE II--QUALIFICATIONS OF OFFICE

No person shall represent the Confederated Tribes on the Council unless he is a duly enrolled member of the community who has attained the age of 21 years, and who has never been convicted of a major crime.

ARTICLE III--SALARIES

Tribal Council members shall receive as compensation for their services not to exceed \$50.00 while in session for up to four hours per day and \$12.50 per hour thereafter while in session, but not to exceed \$100 per day total compensation, and mileage from home to place of meeting and return at a rate used by the federal government. Expenses shall be paid from available tribal funds. The Tribal Council may establish salaries of officers and committee members.

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ARTICLE IV--MEETINGS AND PROCEDURE

SECTION 1. The Tribal Council shall assemble on the first Monday of every month.

SECTION 2. A special meeting may be called upon two days' notice by the President or by any four members of the Council.

SECTION 3. A majority of the members shall constitute a quorum to do business.

SECTION 4. The Council may determine the rules of its proceedings and may punish its members for disorderly behavior.

SECTION 5. The official meeting place of the Tribal Council shall be at the agency headquarters unless otherwise agreed.

SECTION 6. No member of the Council shall cast a vote on any question in which he may have a personal pecuniary interest.

SECTION 7. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the Council, and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved.

SECTION 8. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws. The following form of oath of office shall be: "I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, carry out faithfully and impartially the duties of my office to the best of my ability, and cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and By-Laws."

SECTION 9. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected concerning the proceedings of the Tribal Council.

SECTION 10. All final decisions of the Council on matters of general and permanent interests to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the members of the Confederated Tribes.

SECTION 11. All final decisions of the Council on matters of temporary interest (such as action on the Reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to inspection by members of the Confederated Tribes.

SECTION 12. In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SECTION 13. Every ordinance shall begin with the words: "Be it enacted by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation---".

LEGIBILITY STRIP



SECTION 14. Every resolution shall begin with the words: "Be it resolved by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation—"

SECTION 15. Every ordinance or resolution shall contain a recital of the provisions of this Constitution under which authority for the said ordinance or resolution is found.

ARTICLE V--RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-Laws, when ratified by a majority vote of the voters of the Confederated Tribes of the Warm Springs Reservation of Oregon, voting at a special election called by the Secretary of the Interior in which at least thirty per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 15, 1937, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Confederated Tribes of the Warm Springs Reservation of Oregon, and was on December 18, 1937, duly adopted by a vote of 181 for and 77 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 25, 1935 (49 Stat. 378).

Jerry Brunoe,
Chairman of Tribal Council
Lewis Pitt,
Secretary-Treasurer of Tribal Council

J.W. Elliot
Superintendent, Warm Springs Agency.

LEGIBILITY STRIP

CONSTITUTION

I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Confederated Tribes of Oregon.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to the Confederated Tribes of the Warm Springs Reservation of Oregon.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 20, 1938.

William Zimmermann, Jr.,

Acting Commissioner of Indian Affairs.

Oscar L. Chapman,

Assistant Secretary of the Interior.

(SEAL)

Washington, D.C., February 14, 1938.

AMENDMENT I

Amendment I. That section 3, Article III of the Constitution be amended to read:

"The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 50 per cent of those entitled to vote shall vote in such election, adopt as a member of the Tribe any person of 1/8 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: PROVIDED, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation immediately prior to the date of his application for adoption, and shall not be a member of any other tribe of Indians."

Adopted: February 21, 1940

Approved: May 15, 1940, Washington D.C.

LEGIBILITY STRIP



AMENDMENT II

Amendment II. That section 4, Article VIII of the Constitution be amended to read: "Tribal land under this section may be assigned by the Tribal Council in economic units, but not in excess of 40 acres of irrigated farm land, and 80 acres of pasture land to any head of a family."

Adopted: February 21, 1940

Approved: May 15, 1940, Washington D.C. AMENDMENT III

Article V, Section 1 (t) of the Constitution of the Confederated Tribes of the Warm Springs Reservation shall be amended as follows:

"(t) To appropriate for tribal use of the reservation, any available tribal funds; provided, That any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the Interior; and provided further, That any other appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum."

Adopted: April 24, 1948

Approved: May 20, 1948, Washington D.C.

AMENDMENT IV

Article III of the By-Laws of the Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"The councilmen shall receive as compensation for their services, not to exceed \$8.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen.

Adopted:

Approved: May 16, 1950, Washington D.C.

AMENDMENT V

Article III of the By-Laws of the Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"The Councilmen shall receive as compensation for their services, not to exceed \$12.00 per day while in session and the mileage fee of seven cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen."

Adopted: August 8, 1953

Approved: October 23, 1953, Washington D.C.

LEGIBILITY STRIP

CONSTITUTION

AMENDMENT VI

Article V, Section 1 (g) of the Constitution of the Confederated Tribes of the Warm Springs Reservation shall be amended as follows:

"(g) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon non-members doing business within the reservation. This power may also extend to members of The Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes."

Adopted: April 25, 1959

Approved: June 22, 1959, Washington D.C.

AMENDMENT VII

Article V, Section 1 (c) of the Constitution of The Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other duly qualified official or agency of Government; PROVIDED, That no tribal lands shall ever be sold except for governmental purposes."

Adopted: April 25, 1959

Approved: June 22, 1959, Washington D.C.

AMENDMENT VIII

Article III, Section 2(a) of the Constitution shall be amended to read as follows:

"Every child of one-fourth or more blood of the Confederated Tribes of the Warm Springs Reservation of Oregon born after the effective date of this amendment to any member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership in the Confederated Tribes."

Adopted: March 15, 1966

Approved: April 7, 1966

LEGIBILITY STRIP



AMENDMENT IX

Section 1(c) of Article V - POWERS OF THE TRIBAL COUNCIL shall be amended as follows:

"To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of Government: provided, that no tribal lands shall ever be sold except any tribal lands or interests in lands located outside of the reservation boundaries may be sold or exchanged."

Section 2 of Article VIII - LAND shall be amended to read as follows:

"SECTION 2. TRIBAL LANDS. The unallotted lands of the Warm Springs Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation, or by the United States in trust for the Confederated Tribes of the Warm Springs Reservation, shall be held as Tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals, but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided."

Adopted:

Approved: July 20, 1973, Washington D.C.

AMENDMENT X

Section 1(t) of Article V - POWERS OF THE TRIBAL COUNCIL shall be amended to read as follows:

"To appropriate for tribal use of the reservation, any available tribal funds; provided: that any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the interior; and provided, further, that any appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum. The foregoing limitations shall not apply to expenditures made pursuant to tribal budget, provided, that not less than 90 days before the effective date of such budget it is posted in three public places on the reservation for not less than 30 days and provided further, that a public hearing is held on such budget and thereafter the budget is approved by the Secretary of the Interior or his authorized representative."

Adopted:

Approved: July 30, 1973, Washington D.C.

AMENDMENT XI

SECTION 12, subsections (a) and (b) of Article VIII - LAND is hereby amended to read as follows:

"(a) Land within the Warm Springs Reservation, or adjacent to the boundaries thereof, or lands which fall under the provisions of the Act of August 10, 1972 (86 Stat. 530), may be purchased by or for the Confederated Tribes.

CONSTITUTION

(b) Restricted land which is in heirship status at the time of the adoption of this Constitution, or which may hereafter fall into heirship status, may be purchased by or for the Confederated tribes, with the consent of the adult heirs, and the legal guardians of the minor heirs, or incompetent heirs, payment therefor to be made as may be agreed upon, or such lands may be purchased under the provisions of the Act of August 10, 1972 (86 Stat. 530), if applicable."

Adopted:

Approved: July 20, 1973, Washington D.C.

AMENDMENT XII

Article III - SALARIES of the Bylaws shall be amended to read as follows:

"The councilmen shall receive as compensation for their services not to exceed \$20 while in session for up to four hours per day and \$5.00 per hour thereafter while in session, but not to exceed \$40 per day total compensation, and fifteen cents (\$.15) per mile from home to place of meeting and return. Expenses shall be paid from available tribal funds. The tribal council may fix salaries of officers or committeemen."

Adopted:

Approved: July 20, 1973, Washington D.C.

AMENDMENT XIII

ARTICLE V, Section 1 (e) To be amended to read as follows:

"To borrow money from the federal government in accordance with the terms of a corporate charter to be issued to the Confederated Tribes of the Warm Springs Reservation of Oregon and to borrow money for public purposes in accordance with terms to be approved by Tribal Referendum."

Adopted: March 6, 1990

Approved: March 27, 1990, Washington D.C.

AMENDMENT XIV

ARTICLE III-SALARIES of the Bylaws shall be amended to read as follows:

"Tribal Council members shall receive as compensation for their services not to exceed \$50 while in session for up to four hours per day and \$12.50 per hour thereafter while in session, but not to exceed \$100 per day total compensation, and mileage from home to place of meeting and return at a rate used by the federal government. Expenses shall be paid from available tribal funds. The Tribal Council may establish salaries of officers and committee members."

Adopted:

Approved: January 24, 1992



**AMENDMENTS TO THE CONSTITUTION OF THE CONFEDERATED TRIBES
OF THE WARM SPRINGS RESERVATION OF OREGON**

The Constitution and By-laws in their original form were adopted by vote of the membership on December 18, 1937, and approved by the Secretary of Interior on February 14, 1938. There have been fourteen (14) amendments to the Constitution and By-laws since its adoption. These amendments were as follows:

AMENDMENT NUMBER

- | | |
|---------------|--|
| I (2-21-40) | amended Article III Section 3 |
| II (2-21-40) | amended Article VIII Section 4 |
| III (4-24-48) | amended Article V Section 1 (t) |
| IV (5-50) | amended Article III of the By-Laws |
| V (8-8-53) | amended Article III of the By-Laws |
| VI (4-25-59) | amended Article V Section 1 (g) |
| VII (4-25-59) | amended Article V Section 1 (c) |
| VIII (3-66) | amended Article III Section 2 (a) |
| IX (7-73) | amended Article V Section 1 (c)
also amended Article VIII Section 2 |
| X (7-73) | amended Article V Section 1 (t) |
| XI (7-73) | amended Article VIII Section 12 (a) and (b) |
| XII (7-73) | amended Article III of the By-Laws |
| XIII (3-6-90) | amended Article V Section 1 (e) |
| XIV (1-24-92) | amended Article III of the By-Laws |

LEGIBILITY STRIP

DECLARATION OF SOVEREIGNTY



THE CONFEDERATED TRIBES
OF WARM SPRINGS

Our people have exercised inherent sovereignty, as nations, on the Columbia Plateau for thousands of years, since time immemorial. Our Sovereignty is permeated by the spiritual and the sacred, which are, and always have been, inseparable parts of our lives, for the Creator leads us in all aspects of our existence.

The Wasco Tribe, a Chinooktan linguistic group of people, occupied the lower Columbia River. A hereditary Tye Stumchk, or Principal Chieftain, acting either personally or by delegation to village chiefs of the bloodline of the tye stumchk, Exercised full authority over all aspects of life - political, spiritual, family, subsistence and military. The Sovereign position of the Tye Stumchk carried with it not only the power to regulate and punish but also the duty to take actions to assure that the people would have food, shelter, cultural and social well-being, and protection from outside forces.

The Warm Springs Tribes, an Iciskin (Sahaptin) -speaking people, lived further up the Columbia, and on the Deschutes and John Day Rivers and their tributaries, during aboriginal times. They possessed the sovereign prerogative of ne-shy-chut, which meant that Native Warm Springs people were rooted in the soil of their ancestral domain and were free of any outside forces, free to follow their own culture and religion. For millennia, Warm Springs people followed an elaborate structure of sovereign tribal responsibilities embodied in the Sahaptin phrase, tee-cha-meengsh-mee sin-wit na-me- ah-wa-ta-man-wit, which means " at the time of creation the Creator placed us in this land and He gave us the voice of this land and that is our law."

In 1855, the Warm Springs and Wasco Tribes entered into a treaty with the United States of America. We were not a vanquished people and this was not a truce agreement; rather, all parties entered into the treaty making with full recognition of the sovereign authority of the other parties. In the treaty, the two tribes ceded certain aspects of their aboriginal title to more than 10 million acres of land but retained a reservation of more than 600,000 acres including full control over all lands and waters, as well as extensive off-reservation rights. Both tribes also reserved their national sovereignty. The United States assumed trust duties

LEGIBILITY STRIP

DECLARATION OF SOVEREIGNTY

that included a high obligation to protect the reservation and all off-reservation rights from outside forces.

In 1879 and 1884, the United States moved groups of Northern Paiutes to the southern part of the reservation. Before being located on the reservation, the Northern Paiutes had traditionally roamed a vast territory, which included parts of the Deschutes and John Day river valleys and high desert lands to the east and south; sovereign Paiute law ways and religious mores were established by custom and administered by a principal chief and headmen. After being located on the reservation, the paiutes received allotments of reservation land and became residents of the reservation.

The two treaty tribes, the Warm Springs and the Wasco, eventually invited the Paiutes to join their government. In 1938, the Warm Spring, Wasco, and Northern Paiute Tribes officially formed a confederacy established a common government, and adopted a written constitution. The constitution created a tribal council for administrative purposes and reserved all other sovereign powers to the people. In the years since, the Confederated Tribes have amended the 1938 constitution, enacted a great many tribal laws, established judicial and enforcement authorities, engaged in extensive and sophisticated economic development, and entered into many agreements with the United States of America, other Indian tribes, the state of Oregon, local governments, private business organizations, and other entities and individuals. These and other progressive actions have been taken to preserve, protect and strengthen our national sovereignty that has existed, along with our songs, dances, prayers, and longhouses, on the Columbia Plateau for countless generations.

Today, the people of the Confederated Tribes continue to assert and exercise sovereign authority over the tribal reservation, over other territory within tribal jurisdiction, over territory that may come under tribal jurisdiction in the future, and over the protection of our rights and our people and their welfare in all places. This complete sovereign power encompasses legislative authority, such as the power to define individual conduct, to regulate business enterprises, to zone land, to tax, to regulate the use of natural resources, to protect our right to worship according to our religions and to follow our traditional ways, and to make other laws appropriate to the exercise of the full range of lawmaking authority possessed by any nation. The Confederated Tribes' sovereign powers also include executive orders. Our Sovereign authority includes the right to choose not to adopt formal, written laws, procedures, or policies governing particular subjects: formal laws can be intrusive and inflexible, and we have learned that some issues are best addressed by informal, traditional ways.

Ultimate sovereignty is vested in the people, who received that sovereign authority in the form of laws given by the Creator and by the land itself. Our people have delegated only limited authority to the tribal council and have reserved the rest of our national sovereignty to ourselves.

The Confederated Tribes shall always exercise our sacred national sovereignty in order to achieve the

LEGIBILITY STRIP



highest of all goals: to preserve our traditional cultural ways that have existed for so many centuries in harmony with our homelands; and to provide for the well-being of our people for the many centuries that lie ahead. We shall, as we always have, live in balance with the land and never use more of our precious natural resources than can be sustained forever. We shall, as we always have, give respect to all persons; acknowledge the special wisdom of our elders and religious leaders; nurture the bright hopes for the future that reside within our teaching is that we are fully accountable to the Creator for our conduct.

Today the ancient spirit of the Creator still dwells in all the places of our homeland, as it always has and always will. Our national sovereignty protects that spirit, our land and waters, our people, and our vibrant culture, religion and language.

Now therefore let it be declared as follows:

We, the members of the Confederated Tribes of the Warm Springs Reservation of Oregon, comprised of the Wasco, Warm Springs, and Northern Paiute Tribes, hereby declare our national sovereignty. We declare the existence of this inherent sovereign authority — the absolute right to govern, to determine our destiny, and to control all persons, land, water, resources and activities, free of all outside interference — throughout our homeland and over all our rights, property, and people, wherever located.

The geographic reach of our sovereignty includes the whole area within the borders of our tribal reservation, reserved by the Warm Springs and Wasco Tribes in their 1855 Treaty with the United States. This inspiring reservation, located on the east flank of the Cascade Range is a spiritual place of juniper, sage and thick mountain forests; of the strong and deep Deschutes, of the Metolius River, Seekseequa Creek, Shitike Creek, the Warm Springs River, Oak Creek, White Water River and all their tributaries; of our sacred foods, salmon, deer, roots, berries, elk and other plants, fish and game, and water, which is the giver of life; and of lava flows, hot springs, and uplifting tabletop mesas and mountains, all watched over by our sacred Mount Jefferson.

Our homeland also encompasses, and our sovereignty extends to, tribal off-reservation rights in our historic ancestral domain, a vast region that includes the Columbia Plateau and far beyond. These off-reservation rights include rights attaching to our usual and accustomed fishing grounds and stations; to in lieu fishing sites; to burial sites and other sacred sites; to lands on which tribal members can hunt, gather roots and berries, and pasture stock; to acquired lands; and to other areas over which our tribes now possess, or may later establish, rights of any kind.

Our people, as the custodians of our sovereignty, revere all of those things and declare that they shall be protected absolutely and forever.

LEGIBILITY STRIP

DECLARATION OF SOVEREIGNTY

Certification of Adoption:

We recognize that this declaration may not perfectly state the full and complete extent of our sovereignty. Our sovereignty is based, not on the laws of human beings, but on natural laws given to us by our creator; these natural laws are as they are, not as human beings may define them. In addition, these natural laws are best expressed in our traditional languages and not in the language brought here by newcomers. In spite of these limitations, and without waiving any additional attributes of sovereignty that may not be expressly described in this document, we make this declaration in order to inform all who deal with us, and future generations of tribal members, of the essential nature of our national sovereignty. Thus, with lasting pride in our heritage and with confidence in our future, we set our hands to this declaration. Duly signed and adopted, on behalf of the members of the Confederated Tribes, after community district hearings convened by the elected governing body of The Confederated Tribes of the Warm Springs Reservation of Oregon, this 30th day of April, 1992.

Tribal Council

The Confederated Tribes of the
Warm Springs Reservation of Oregon

LEGIBILITY STRIP

OUR VALUES & SPIRITUALITY



Spirituality of Warm Springs People

Pierson Mitchell was a respected spiritual leader for the community of Warm Springs. One of Pierson's many community roles was to represent the Tribal Court in updating the Comprehensive Plan during 1997 and 1998. He asked for a section dedicated to spirituality. He felt this recognition was necessary and important, and we should know why spirituality is vital. In 1998 he began to work with W. Rudy Clements on this message. Pierson has since passed on and his wife, Rose Mitchell, agreed to have his words published in the Comprehensive Plan for the Year 2020.

Our people, the people of the Columbia River, the John Day River and the Deschutes River, have always followed the laws of the Creator. Our people have always known that everything we have, our sacred foods, water, land, and our way of life is from the Creator.

That we must give thanks for all our foods before we can harvest these foods for our own use. He, the Creator, had taught our elders who have gone before us all the ceremonies

with which to give thanks with. When our people lived along the Rivers, the salmon feast came first, followed by the roots. These were observed in the spring of the year. The huckleberry feast was observed in the fall. Because we lived by the rivers where the roots mature later than they do here where the plants are located in warmer and more protected areas, they mature about the same time that the salmon arrives at the usual area of harvest, so we observe both feasts in the same meal.



These are the laws that were given to our forefathers to govern the harvest of food, and the laws by which our leaders sought their wisdom with which to lead the people.

This has been the foundation that has gotten our people to where we are today. They had never forgotten to ask the Creator to guide them through the rough points, and asked that all worked only as he wished them to care for the land, and all that he created, to insure that they did not stray.

Let us not stray from the master plan he has for us. Let us never forget who we are, and never forget to thank and give our Creator all the glory and prayers that are due to him.

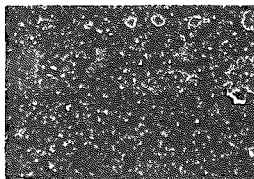
Pierson Mitchell, April 8, 1998

OUR VALUES & SPIRITUALITY

LEADERSHIP AND VALUES

"The uniqueness that sets the Confederated Tribes apart from other tribes is leadership. We have a reputation for being well managed in our affairs. Leaders here continually try to operate on values, to make the best use of what we have now for the sake of our future. We're in this thing forever. The best service Tribal leaders can provide is to capture the values that pulled our people through the hard times where there was no money, before the Celilo Falls settlement, and pass those values on to the generation that's coming up."

Larry Calica - from a speech given at Oregon State University



The signers of the 1855 treaty were all Columbia River Indians. We refer to them and their descendants as "the people." For the Columbia River Indians the ultimate source of power and authority is the set of natural laws which govern the relationship between man and the natural world around him. These natural laws are the source of all life. They were made known to the people by the creator of all things to show the people how to live in harmony with the natural world. These laws tell the people how to collect and use the natural foods the Creator has provided and how to regard the land, the water, the trees, the air, the fish, and the animals as part of themselves. By living in accordance with these laws the people understood that the Creator would care for them and they would prosper and live spiritually fulfilling lives. These natural laws, which we also call the Creator's laws, are universal and guide all aspects of the people's lives. These laws have existed since the beginning of time. When the people first came into being, the Creator made these laws known to the people through the Washut faith. From that time until the present the people have followed the Washut faith so that they would always know and obey the Creator's laws.

While living in accordance with the natural laws of the Creator, the people established among themselves another set of laws which govern the relationships of the people to one another. These laws are the people's laws, not the Creator's laws. They are subordinate to, and may not be in conflict with, the natural laws of the Creator. These human laws are collectively known as the sovereignty of the people, or tribal political power and authority. These laws have existed for as long as the people have existed.

Excerpted from
The Origin and Nature of Tribal Authority on the Warm Springs Indian Reservation
Delbert Frank, Sr., Member of the Warm Springs Tribal Council, Simnasho District

The Dalles Public Domain Lands (See Table I.-IV.)
Tribal Acquisitions (See Table V.)

Tribal Property within Ceded Lands

Tribal Property TABLES

Table I. Mosier area

A22	M23
M5	M64
M6	M2264
M16	T80a
T80b	

Table II. The Dalles area

A9a	A37
A9b	T15
A10	T17a
A11	T17b
A12	T17d
A13	T33
A14	T38

Table III. John Day area

A1	A58
A3	A61
A40	A62
A47	A63
A48	M41
A50	M54
A51	T44
A53	T49
A55	T52
A57	T56

Table IV. Condon area

A66	M72
A69	T67
A70	T68
A75	T73
A76	T74

* 3 parcels of The Dalles Public Domain Allotments T. 6 S. R. 10 E. (Highway 3, near reservation boundary).
(A-Allotment, M-Mineral Rights, T-Tribal)

Table V.-Other Tribal land acquisitions within or adjacent to the reservation.

1. Shearers
2. Connelly
3. Mangum
4. Knapp
5. Mt. Fir
6. Maclain
7. Walters
8. Dodge
9. Griffith
10. Nelson
11. Abbot
12. Morrison
13. Schoen-Hagen
14. P-100
15. Rhoden
16. Madras Loading Dock
17. Eyerly
18. Metolius Land Company

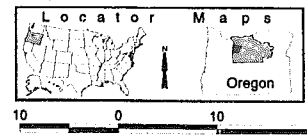
Our rights and privileges secured to us from the Treaty of 1855 are as follows:
"Provided also, that the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other Usual and Accustomed Stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them."

Note: This map does not include the Usual and Accustomed Lands, or Ancestral Lands of the Warm Springs Confederated Tribes. These areas are dispersed in Oregon and Washington, including the Willamette River. Only a small representation of trails are shown.

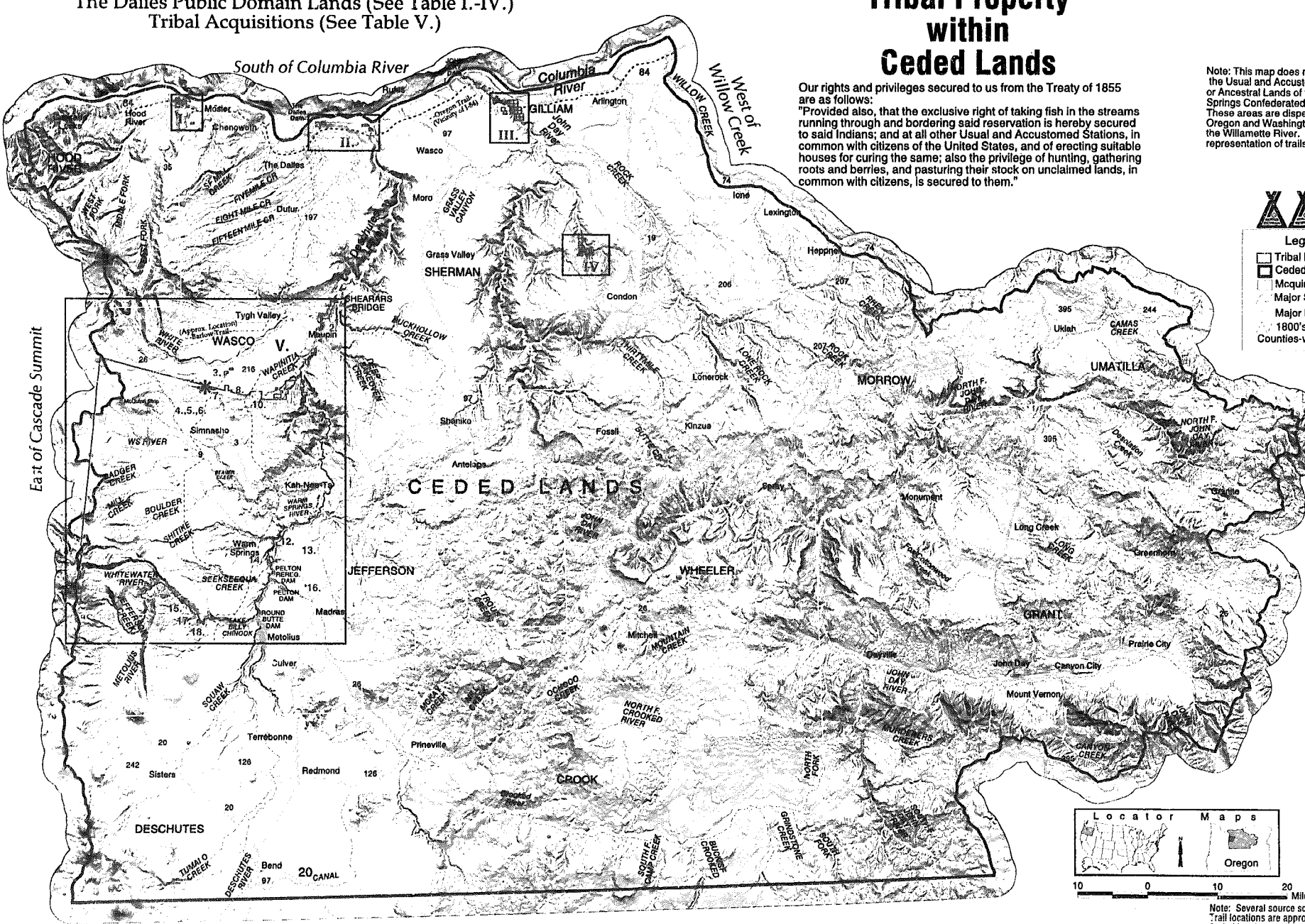


Legend
 Tribal Lands
 Ceded Lands
 McQuinn Strip
 Major Roads
 Major Streams
 1800's Trails
 Counties-white line

West of Blue Mountain Summit
East of Cascade Summit



Note: Several source scales were used to create this map. Trail locations are approximate, some route segments varied from year to year. Ceded Lands contain numerous Indian trails and pioneer travel routes such as The Oregon Trail, Barlow, Abbot, Fremont, Skene, Wyeth. Please see Realty department for current information on Tribal properties.



25x10

32x10

The Dalles Public Domain Lands (See Table I.-IV.)
Tribal Acquisitions (See Table V.)

Tribal Property within Ceded Lands

Our rights and privileges secured to us from the Treaty of 1855 are as follows:
"Provided also, that the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other Usual and Accustomed Stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them."

Tribal Property TABLES

Table I. Mosier area

A22	M23
M5	M64
M6	M2264
M16	T80a
T80b	

Table II. The Dalles area

A9a	A37
A9b	T15
A10	T17a
A11	T17b
A12	T17d
A13	T33
A14	T38

Table III. John Day area

A1	A58
A3	A61
A40	A62
A47	A63
A48	M41
A50	M54
A51	T44
A53	T49
A55	T52
A57	T56

Table IV. Condon area

A66	M72
A69	T67
A70	T68
A75	T73
A76	T74

* 3 parcels of The Dalles Public Domain Allotments T.6 S.R. 10 E (Highway 3, near reservation boundary)
(A-Allotment, M-Mineral Rights, T-Tribal)

Table V.-Other Tribal land acquisitions within or adjacent to the reservation.

1. Shearars
2. Connelly
3. Mangum
4. Knapp
5. Mt. Fir
6. MacLain
7. Walters
8. Dodge
9. Griffith
10. Nelson
11. Abbot
12. Morrison
13. Schoen-Hagen
14. P-100
15. Rhoden
16. Madras Loading Dock
17. Eyerly
18. Metolius Land Company

Note: This map does not include the Usual and Accustomed Lands, or Ancestral Lands of the Warm Springs Confederated Tribes. These areas are dispersed in Oregon and Washington, including the Willamette River. Only a small representation of trails are shown.



Legend
 Tribal Lands
 Ceded Lands
 Moquinn Strip
 Major Streams
 Major Roads
 1800's Trails
 Counties-white line

East of Cascade Summit
 West of Blue Mountain Summit



0 10 20 Miles

Note: Several source scales were used to create this map. Trail locations are approximate, some route segments varied from year to year. Ceded Lands contain numerous Indian trails and pioneer travel routes such as The Oregon Trail, Barlow, Abbot, Fremont, Skene, Wyeth. Please see Realty department for current information on Tribal properties.

25x10

32x10

25x10