

The PEOPLE *Are*
DANCING
AGAIN



The History of the Siletz Tribe of Western Oregon

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UNIVERSITY OF WASHINGTON PRESS

Seattle & London

ANCESTRAL TRIBES AND HOMELANDS



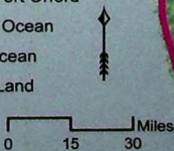
1856 WESTERN OREGON INDIAN REMOVAL ROUTES

PACIFIC OCEAN



Removal Routes

- Jan 1856, Umpqua Reservation
- Feb 22, 1856 Upper Rogue Valley
- May 1856, to Port Orford
- June 20, 1856 Ocean
- July 8, 1856 Ocean
- July 10, 1856 Land
- Streams
- Reservations



Washington
Oregon

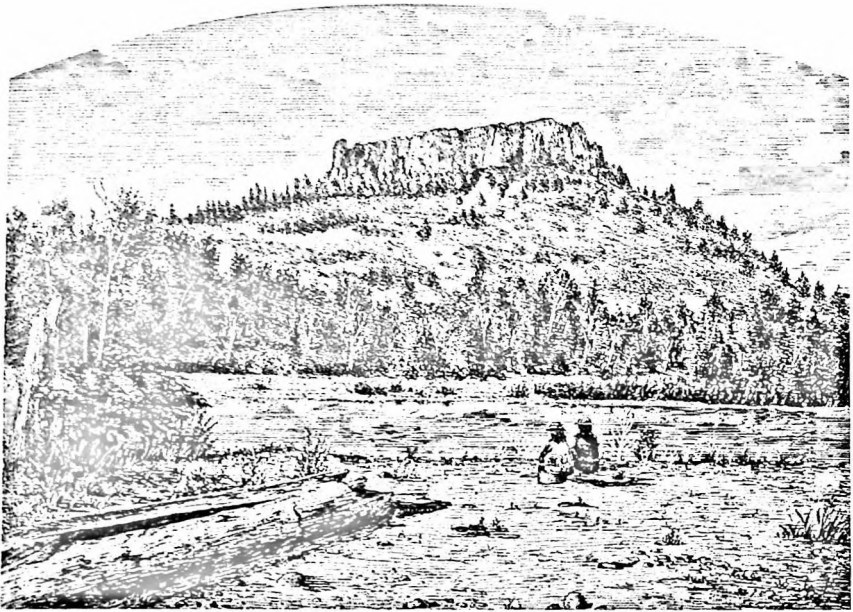
Oregon
California

INTRODUCTION: TABLE ROCKS, 2003

SILETZ PEOPLE, SOME THREE TO FOUR HUNDRED OF THEM, CAME to the Table Rocks area in the late summer of 2003 to commemorate, not celebrate. They gathered outside modern-day Medford on the groomed grounds of Tou Velle State Park, with its mature oak and pine trees, to hear reflective speeches, socialize at a salmon bake, and, come dusk, revel in traditional dances, with dancers in full regalia. The weather matched the journal entries of the “bright, beautiful” day, a century and a half past, that drew them here.

To a person, the assembled Indians gave their thoughts and hearts to this place. They could look north across the Rogue River, large but smooth running in this level terrain, toward the imposing south face of Lower Table Rock. Four million years ago, a river of lava from the volcanic Cascade Mountains rushed into the valley. The lava hardened, but eons of river, rain, and wind ate most of it away, leaving the most distinctive formations in the Upper Rogue River Valley: Table Rocks, two flat-topped, 800-foot-tall mesas with sheer rim-rock cliffs.

The scene brought remembrance and gravity to the occasion. For Native Americans, the Table Rocks have always exuded power and spirituality. The flanks grow a variety of vegetation, from bunch grasses near the valley floor up through chaparral, madrona, and Oregon white oak to ponderosa pine stands. On top, seeps and vernal pools support a profusion of roots, wildflowers, and animal communities, including deer. The eye roams far out in every direction, with tall Mount McLoughlin—at 9,500 feet the highest peak in this part of the Cascade Range—rising forty miles directly to the east. When she



Lower Table Rock, shown here in an 1877 engraving of a photograph by Peter Britt. Two Indians are sitting on the south bank of the Rogue River. *Courtesy of Oregon Historical Society, no. bbo06740.*

goes there, Agnes Pilgrim can “feel the spirit world, I feel our people, I have tears in my eyes.”

Still, for all the surrounding wonder; the air was filled with solemnity, not joy, on this occasion that marked the 150th anniversary of the signing of the Table Rock Treaty on September 10, 1853.

To be sure, the proceedings on that distant day, cloaked in formality and earnestness and witnessed by nearly one thousand people in the old Oregon Territory, carried great significance. This was the first congressionally ratified Indian land treaty in the American West. The United States obtained a great deal of land from the Takelmas, Shastas, and Applegate Athapaskans, signatories to the treaty. In return, the United States guaranteed the tribes a permanent homeland. And the 1853 treaty held out the prospect, fervently



Lower and Upper Table Rocks, with the Cascade Range in the far background. Nearly all of the tops and flanks of these iconic, 800-foot-tall southern Oregon formations are now owned by the Bureau of Land Management or by The Nature Conservancy, which designates its area as a nature preserve with hiking trails. *Courtesy of Oregon Historical Society, no. bh006756.*

desired by both the federal government and the tribe, of stemming the killing and bleeding from one of the most destructive of all Indian wars.

Yet, from the Indian side, the solemn promises made at Table Rocks came to naught. The only lasting words are those extinguishing Takelma, Shasta, and Applegate landownership. Otherwise, the treaty accelerated the decline—fueled by wars and epidemics of European diseases—that the Indians of western Oregon had suffered ever since contact with the whites.

The Siletz Tribe that held the 2003 gathering is a confederation. That is, the United States recognizes the tribe as a single sovereign government even though it is comprised of dozens of separate ethnological tribes and bands. The origins of the Confederated Tribes of Siletz Indians, its formal name, trace to the 1853 treaty, the first federal recognition of tribes in the confederation.

A year later, the three signatory tribes agreed under duress to an open-ended supplementary treaty allowing the United States to add to the confederation (but not to the reservation land area) by moving additional tribes to the Table Rock Reservation with those new tribes to "enjoy equal rights and privileges."

The terms of the Table Rock Treaty of 1853 did not hold. The principal speaker at the commemoration, Robert Kentta, Siletz tribal member and cultural director for the tribe, tall and forceful in a gentle way, put it to his fellow tribespeople in words true to history: Indian people and the treaty itself were assaulted by "white men suffering from gold fever devoid of sense and recognizing no law." And so miners swarmed over the land in spite of the treaty, and hostilities broke out again. The United States terminated the Table Rock Reservation and, as allowed by the 1853 treaty, President Franklin Pierce proclaimed in 1855 an expansive reservation on the Oregon Coast with headquarters at Siletz. Federal officials, with military support, then moved tribes from all over western Oregon to the newly proclaimed Coast Reservation, thereby adding many tribes to the confederated tribe created at Table Rocks. (Contemporaneously, as part of this hasty and often arbitrary series of events, other western Oregon Indians were moved to a temporary encampment at Grand Ronde to the east of Siletz, later to become the reservation of the Confederated Tribes of Grand Ronde.)

The forced removal from homelands and the attendant consolidation of distinct peoples on the Coast Reservation—this massive display of social engineering, the largest confederation of Indian tribes in the country—brought heartbreak, confusion, illness, injury, and death. The transportation of Indians from the south and the north to Siletz was done by terrifying voyages on jam-packed, ocean-going vessels and by laborious, lock-step, overland marches along the rugged Oregon Coast. At the 2003 event at Table Rocks, Professor David Hubin, historian and executive assistant to the president of the University of Oregon, described the removals as "abrupt and cruel. Being forcibly relocated from a land as beautiful and traditional as this is horrendous."

Just as geography made the relocations difficult, so too did it shape the traditional cultures. In aboriginal times, most of the people moved onto the Siletz Reservation lived in villages in the Rogue River watershed and up and down the Oregon Coast. The terrain is mountainous and broken up by many rivers and streams. Separate tribes, with languages and dialects of their own, controlled watersheds and sub-watersheds. Despite the tribal differences—and sometimes rivalries—these societies were thrown together against their will. For the United States, removal and confederation were matters of administrative convenience.

For the tribes, all ability to resist gone, they had no choice, hard though it was, but to accommodate to a new and desperately different reality.

At least they had the land and, however foreign it may have been to many of the tribes, what a land the 1855 Coast Reservation was. Spectacularly endowed with coastal seafood, game, and commercial timber, it was one of the largest and most magnificent of all Indian reservations. The 1853 treaty guaranteed that this reservation would be their "permanent residence."

The Coast Reservation, like Table Rock, could not hold. Settlers and timber companies wanted the land and they got it, save a few thousand acres, by the end of the nineteenth century. Then, in 1954, Congress "terminated" the remnants of the tribe and its land.

It was all gone. The broad beaches and the misty forests. The oyster beds and the fishing rocks for salmon. The sacred sites, Table Rocks, Medicine Rock, Neahkahnie Mountain, Saddle Mountain, all the others. The places for gathering medicines. The dance places. The burial places.

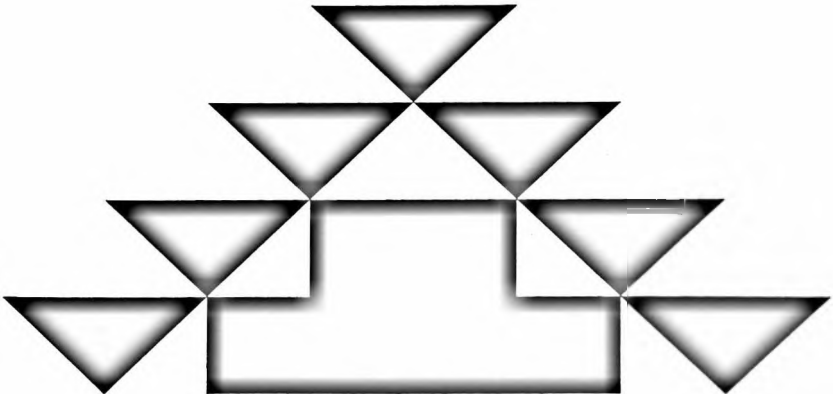
In 2003 the gathering at Table Rocks drew many tears over wrongs to land and culture. How could the land be taken so quickly, so summarily? How could hundreds of generations of possession be erased in just a blink of time?

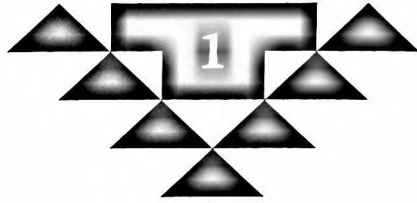
The wonder of it all is that there ever could have been a commemoration in 2003, and that is the other and better part of the Siletz story. The tribe regrouped in the 1970s and, though poor and small in numbers, persuaded Congress to reverse the termination statute of 1954, restore federal recognition to the Siletz Tribe, and establish a small reservation. Since then, all the trend lines for health, education, and economic well-being have gone steadily up. The tribal government carries out valuable functions. The Siletz have brought back tribal traditions. Among them is a return to Nee Dosh, the traditional feather dance, that appropriately topped off the 2003 Table Rocks commemoration at dusk, as the buck-skinned dancers in their basket caps swung into the old rhythms, with Bud Lane leading the songs sung in Athapaskan, all done to the sweet music of jingling dentalia and abalone shells that adorn the women's regalia.

It is this aggregation of loss and revival, subjugation and self-determination, sadness and joy, that makes up the essence of Siletz history and that infused the remarks of Robert Kentta amid the cross-currents of emotions at Table Rocks. "Our people have many hurts to be healed," he concluded slowly. "Let us remember to be kind to each other and to help each other along the way, toward better days for all our people. We have much to be proud of. Today we celebrate our survival . . . against all odds."

PART ONE

**THE LONG
ABORIGINAL
EXISTENCE**





VILLAGE SOCIETIES INLAID IN THE LAND

"Every year we go to the center of our world."

BY FAR, THE GREATEST PART OF WESTERN OREGON INDIAN HISTORY took place over the course of thousands of years before the arrival of Europeans. The paper record is sparse. These aboriginal societies left no written accounts. We have some journal entries and letters, dating to the late 1700s and early 1800s, by European visitors who set forth their observations and recounted conversations with Natives. Anthropologists began to conduct scholarly interviews with western Oregon Indians much later, beginning around 1900 with a surge in the 1930s. Many of the people interviewed lived in the 1840s and 1850s. While by then the population had been dramatically reduced by European diseases, they experienced tribal life when it was still largely intact and they heard stories from many years before that. Further, and critically, the exacting oral tradition has kept aspects of centuries-old history alive and known by contemporary Siletz tribal people.

One core principle of Oregon aboriginal life stands out, as it does for Native people everywhere: the land threatens, shapes, and enriches human life. Just as the Sioux lived in lodges of bison hide and pursued the herds across broad stretches of the Great Plains for sustenance and the Pueblo people lived in homes of adobe and farmed with the Southwest's bright sunlight, so too were the cultures of western Oregon embedded in that dramatic landscape—at once harsh and giving—of gusty shores, strong rivers, thick forests, open meadows and valleys, and lofty peaks.

The nature of aboriginal life is directly relevant to an understanding of modern Siletz society. The old ways, under assault by 125 years of assimilation-

ist pressures, went dormant but never died out. Over the past two generations, in a profound and moving saga, the Siletz people have engaged in a cultural revitalization. While they live in American society and embrace it in many ways, tribal members made up their minds to do the painstaking work, step by step, of bringing back old traditions. The creation story is told again, the baskets are woven, the dentalium shells strung, the language taught. Acorns, eels, camas, and other traditional foods grace family and potluck tables. *Nee Dosh*, also called feather dance or the ten-day dance, carried out in the cedar dance house, is again a grand occasion. Love of the land, respect for elders, and nurturing the young are values seriously discussed and practiced.

It cannot again be the way it was. Cultures evolve and being part of American society brings many benefits—and life before the white people, while good, had its challenges. Still, the traditional ways have inspired Siletz people, despite all the forces of eradication, to make their ancient history a living part of today's world as well.



In their own stories, Native people have lived in the landscape of western Oregon as long as there has been time. For their part, modern archaeologists have determined through excavations of Paisley Cave and Fort Rock Cave that people first reached the south-central portion of Oregon at least 14,300 years ago and lived in the Willamette Valley between 8,000 and 9,000 years ago. Pinpointing the arrival of the first inhabitants to the Oregon Coast has been more difficult. The ocean submerged many ancient village sites over the millennia, as rising sea levels and sinking coastlines left what scholars call a “dearth of early [known] sites.” Nonetheless, authenticated archaeological sites along and near the Oregon Coast indicate the presence of people between 6,000 and 10,000 years ago. Permanent settlements, with societies fully ensconced in the land-river-ocean environment, date back at least 4,000 to 5,000 years. Field research steadily pushes these dates farther back in time.

An estimated 50,000 people lived on the Coast, along the lower Columbia River, and in the Willamette and other inland valleys. Cultures were dynamic over the millennia before contact with non-Indians, evolving as political institutions matured; commercial relationships expanded over larger areas; hunting, fishing, and gathering techniques grew more sophisticated; and religions became more elaborate.

The village was the center of social, political, and economic life. Steep-

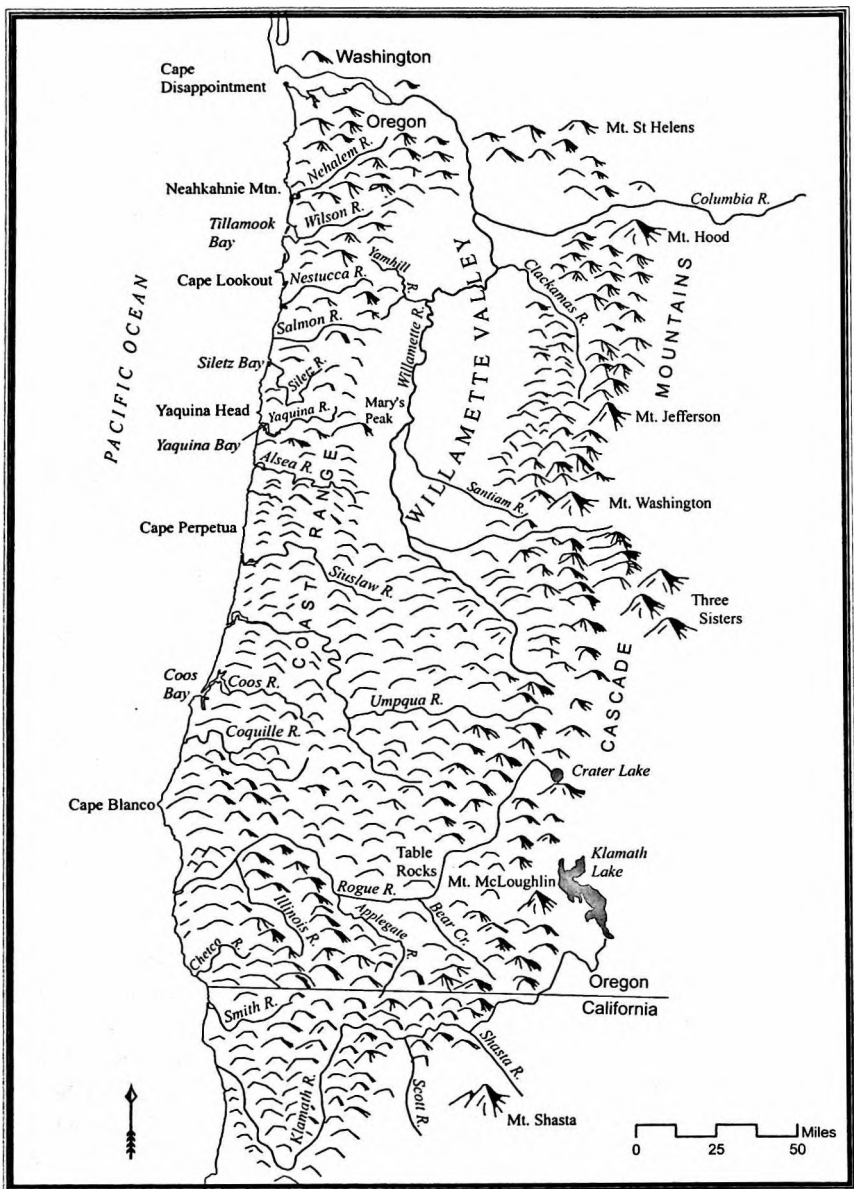
sided mountains and hills hugged much of the Oregon Coast, but a dozen or so large rivers and many smaller ones broke through with their canyons and ravines, making a chopped-up, rugged landscape. Each of these watersheds was home to villages, ranging from a few families to several hundred people, at the river mouth and upriver on the main stem and major tributaries.

North-south travel on foot was often arduous and the most extensive intervillage relationships tended to follow river systems. Villages within each watershed traded with one another, used the same trails and sometimes the same sacred sites, held social events and athletic competitions, and made accommodations in those years when the precious salmon runs were down. Land-based peoples, they inevitably felt a strong connection with others who pulled salmon from the same runs, hunted the same deer herds, worshipped from the same mountain tops, spoke the same language, and lived with the same tides and rains and stars.

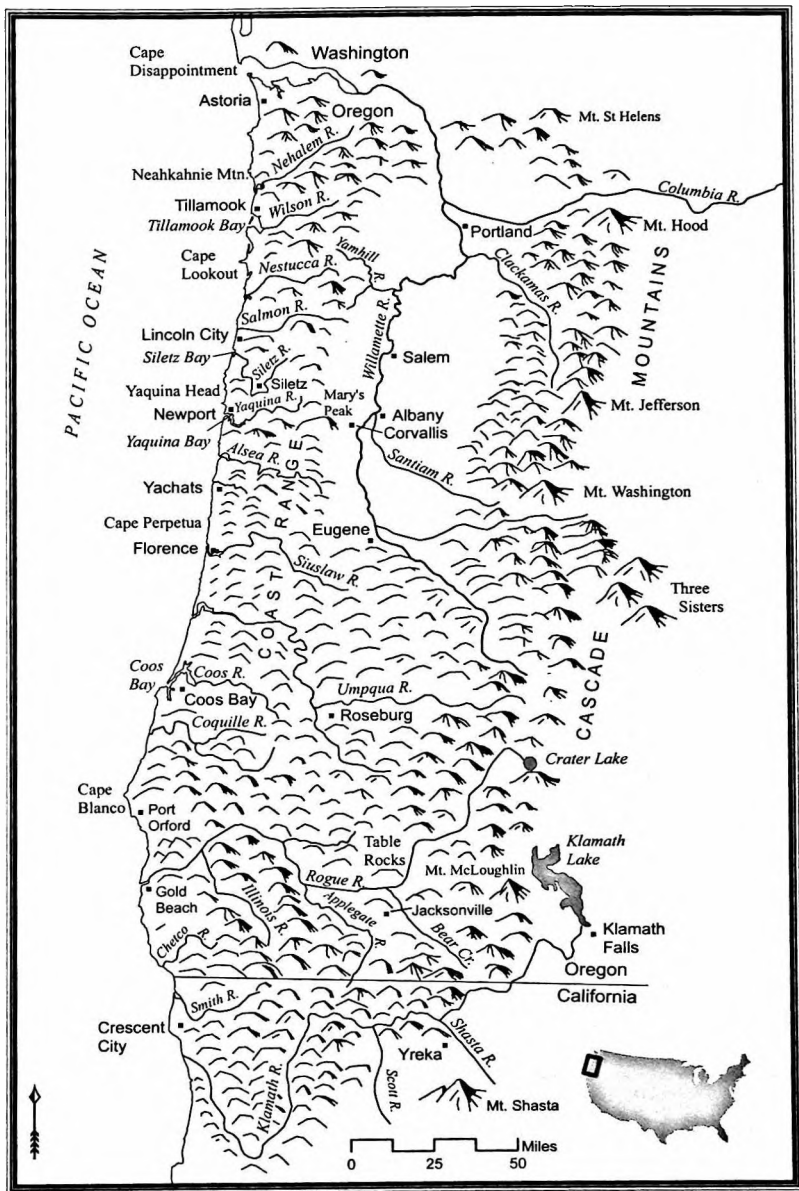
In spite of the difficulties of travel, villages carried on relationships beyond their watersheds. Groups traveled on an extensive trail system—along which most modern highways and roads have been constructed—for the same kinds of reasons as they did within watersheds, and runners used the trails to spread news. Large, sturdy ocean canoes allowed for trade south to today's California and north to Puget Sound and Vancouver Island. Every village's social and economic contacts radiated out in all directions.

In describing the original societies, the newcomers often departed from this village system. Anthropologists, political scientists, and American treaty negotiators grouped villages, based on their perceptions of language groups and geographical proximity, into what they called tribes, such as Tututni, Chetco, Takelma, and Tillamook. Those classifications are mostly arbitrary constructs of outsiders. In other words, a person designated by the anthropologists or treaty negotiators as "Tututni" would be surprised to be identified by that name unless he or she came from the village of Tututin—the name that non-Indians applied to the entire language group. Still, these definitions of tribes can be useful today in understanding Native societies because they refer to groups of villages that had social and economic ties and affinities of language and geography. Also, the term "tribe" has been used for so long and so often in scholarship, laws, and public discourse (including by Indian people themselves) that it would be artificial to try to deny its validity for some purposes, especially in modern times.

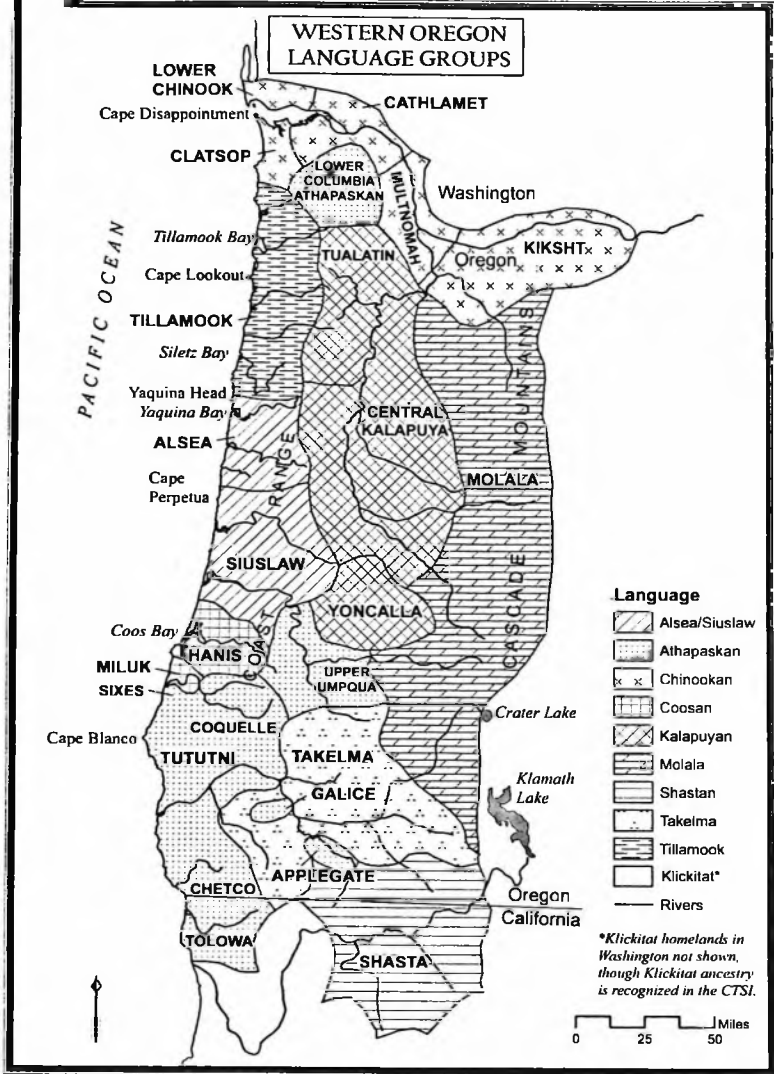
Despite the commonality among villages, each individual village—not an artificial notion of a "tribe"—had political authority and was autonomous.



Western Oregon: The Natural Landscape



Western Oregon: Modern Cities and Towns



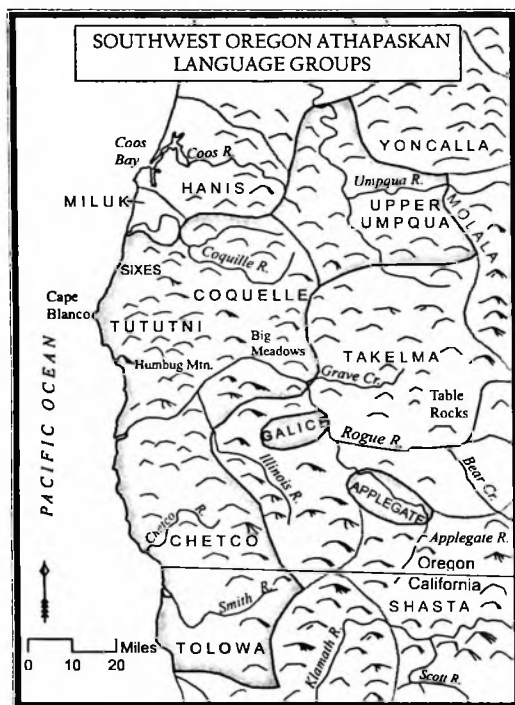
Each village exercised its sovereignty, its governmental authority, through an elaborate system of laws and enforcement mechanisms that determined both internal matters and relationships with other villages. In the common marriage laws that bound the villages together, these societies were exogamous—the men always took their brides from other villages and the women became citizens of their new places.

The village as a place carries powerful emotional content. The multidimensional Athapaskan word *duh-neh* means “the people of the place” and also encompasses “the blood line.” It is “the place where your family has always been buried.” There is no comparable concept in the English language, and I have seen Siletz people strain to articulate the intensity and specificity of the term. The village is at once concrete and dynamic. While it is a fixed place on the land and the people are tied to it, the population changes because of births, deaths, and the law of intermarriage, causing some people (women) to move from one village to another. Yet, for both men and women the tie to the village is immutable. *Duh-neh*: This is the one place where a person is from, where all the people all the way back are from, where the ancestors are buried. This is the only place, the heart place. There can be no other place.



One of the most populated places in aboriginal western Oregon was along the southern Coast where the Rogue River reaches the Pacific, at a level, spread-out stretch of sand beaches. This is the aboriginal territory of what Europeans called the Tututni Tribe, encompassing Athapaskan villages that account for a significant part of the membership of the modern Siletz Tribe. Tututni country reached north to the Sixes River, upriver on the Rogue fifteen miles or so, and south to the Pistol River. The Tututni villages populated nearly every river and stream flowing into the ocean and many of their tributaries.

The largest village, named Tututin and meaning “People of the Water Place,” was located inland on the Rogue River. Life in that village reflects society in the other Tututni villages and, as well, the Athapaskan villages to the south, including the Chetco and the Tolowa tribes of the Smith River watershed in northern California. Even more broadly, all the tribes of western Oregon and their villages had a great deal in common with the Tututni and its major village. While every tribe had its cultural variations and some tribes to the north developed entirely different practices (for example, the forehead flattening of the Alsea, Tillamook, Clatsop, Chinook, and Kalapuya), the way



of life at Tututin generally represents the worldviews and the social, political, and economic organization of the aboriginal peoples of western Oregon.

The people established Tututin close to the full-bodied Rogue River about six to seven miles inland. The village, oriented to the southeast to capture light and the warmth of sunny days, sat on a low bluff in an open meadow that paralleled the river for nearly a mile. Behind the settlement, the dense, nearly impenetrable, cedar-spruce-hemlock forest rose up sharply to a ridge high above the river. The town, one of the largest Athapaskan settlements, surely held a population of several hundred residents in aboriginal times. In all, Athapaskans on the south Coast totaled 4,500 before the lethal epidemics hit.

Tututin was an active place, a center for trade, dances, games, and socializing. Visitors regularly came in by canoe and trail, sometimes from distant villages, more often from smaller, neighboring settlements, some of which can fairly be called suburbs. Wolverton Orton said that "Tutuden was a big

town and [the people] used to be out lots nights." It was, he laughed, like "a modern big town of the whites."

The village was made up of three distinct areas. For habitation, the Tututni had "living houses" and sweathouses. The living houses, of which there were dozens, were large, made possible by the gift of western redcedar, the durable softwood that the men split with wedges to make planks. The houses at Tututin ranged from 10 feet square to 20 by 30 feet, the largest an abode of the tyee, or headman. They were partly subterranean, dug down 3 or 4 feet. The men set the planks vertically to form the house sides and then laid longer planks for the roof, leaving a smoke hole above the cooking hearth. The sweathouses, similar in construction but fewer and smaller, were in continual use. Men and boys slept in groups in the sweathouses, although the men would visit their wives in the living houses during the evenings. Fathers instructed their sons and prepared for hunts there. Coquelle Thompson, who grew up in an Athapaskan village, recalled that "the teller of these stories was always seated in the middle of the sweathouse and told long stories in the dark." Those stories and the times with the men instilled in Thompson "the values and worldview that he carried with him through his long life. It was in the sweathouse that he, and the generations of men before him, learned who they were."

The living houses were the women's place for grinding acorns, cooking, and making baskets and clothing. In more densely populated villages such as Tututin, a separate work space was located away from the living area, where villagers butchered fish and game; shelled oysters and clams; chipped flint; constructed canoes; and worked bones, antlers, and shells for tools and regalia. This labor of daily life produced a refuse pile of leftover materials. In the larger villages, the cemetery would be separated from the living areas to assure peace for the ancestors. In smaller villages, however, refuse piles would be closer to the houses and, in some cases, provided a location for burial. Later, the refuse piles—called middens—would be important resources for archaeologists, since they provided valuable information about diet, work, and other aspects of day-to-day life.

All of Tututin—the young people, the adults, even the ancestors in the cemetery—found deep personal meaning and identity in the mighty Rogue River, which ran in their bloodstreams. The sounds of its current filled the air, murmuring in the strong but smooth eighty-yard-wide stretch opposite the village, roaring loud in the rapids just downstream. It had always been this way, always would be.



Clockwise from top: Wolverton Orton, Tututni (village of Tututin), with Kate Orton and Lucy (Smith) Dann. Courtesy of Curry County Historical Society; Lucy Metcalf, Tututni (village of Tututin). Siletz Tribal Collection; William Smith, Alsea, and Louisa Smith, Siuslaw. Siletz Tribal Collection; Lucy Smith, Tututni (village of Yah-shu-eh). Siletz Tribal Collection.

A large and valuable body of Siletz history was reported by Indian consultants to anthropologists. For generations, relatively few scholars came to the remote Siletz Reservation, with Leo Frachtenberg doing the most extensive work during his many visits in the early twentieth century. By the 1930s, however, Siletz became a hot spot for academic research because so many diverse languages were represented. Among other anthropologists, Melville Jacobs, Elizabeth Jacobs, John Harrington, Cora Du Bois, and Philip Drucker

The Rogue. Shallow near the shores, a clear dark blue out in the center. The chinook and the coho, huge, magical runs, runs without end. A "free highway," the Tututnis called it, to ride the cedar canoes to visit relatives in other villages and to take food from the ocean. The river marked the beginning of each day for the men, who sweated in their steamy lodges and then dove into the bracing water before heading to the living houses for their morning meals. For the people of Tututin, this was *duh-neh*, their place, the only place.

The river and the weather combined to create the rhythms of life for the people of Tututin. A key shift took place in early spring, when the winter clouds and bitter winds began to break and harbingered more than crisp, bright days and warmer nights. Months of hard, coordinated work lay ahead for the village. A lot was at stake. Provisions had to be laid in, for the storms and chill rains would come around again.

Food gathering moved into high gear in late March or early April, as the spring freshets, snowmelt from the watershed's high country, were about to raise the level of the Rogue and make river travel possible for returning salmon. This was the pivotal time, for it signified the spring run of the chinook, bound for their home spawning beds to lay and fertilize their eggs. The Rogue also entertained runs of coho salmon, steelhead, and eels (also called lampreys), as well as resident rainbow trout, but the chinook were the biggest prize, with their ruby red, nutritious meat and enormous size—up to a hundred pounds. All food, including the salmon, was common property, available to everyone in the village.

When the timing was right, Tututnis paddled downriver to the beaches where the Rogue enters the Pacific. There they met families from Yah-shu-eh (sometimes called "Joshua") and other Athapaskan villages and reunited in the annual sacred task of assuring that the salmon would once more return.

To guide and welcome the runs of chinook making their way back from the far reaches of the Gulf of Alaska, the people built a driftwood bonfire of gigantic proportions and torched the brushy hillsides. The light and smoke were visible up and down the Coast and far out to sea. Late into the night, the men danced with fervor and urgency near the pulsing heat of the fire and

conducted fieldwork during the 1930s and 1940s. They were able to interview elders in their late seventies and older who lived in traditional fashion in their ancestral villages before being uprooted and moved to the reservation. With the exception of Wolverton Orton, who was born in 1874, the consultants shown here lived in their villages before removal.



The Lower Rogue River. *Photograph courtesy of Lee O. Webb.*

sang out the proper songs to bring the chinook back. The dancing and singing and spectacular displays of flames and sparks and smoke carried on for many nights. When the chinook finally arrived, the families cheered and celebrated the success, once again, of this joined enterprise. Then it was time to return to their villages for another annual ritual manifesting their ties to the natural world.

Before the active harvesting began, the Tututnis, like all northwestern tribes, conducted the first salmon ceremony. At the beginning of the initial run, the people of the village assembled and the first salmon was cooked over an alder fire. A religious leader offered thanks to the fish for returning once again, and before the eating (everyone got a piece of the first salmon, even if only a sliver), the villagers sent out their private thoughts of gratitude. This giving of respect to the salmon—and in other settings to deer and elk, roots and berries, and other gifts from the land and waters—was not some romantic construct. The Tututnis saw themselves as part of the natural world, as citizens along with the plants and animals, and it was proper to show apprecia-

tion. There was a practical aspect as well: they feared that the great fish might not come back if proper respect were not shown.

Salmon harvesting required reliable equipment, strength, and hard work. The fishers constructed fixed weirs—shaped like a V, with the open end facing downstream—with alder frames and a net of hazel or spruce roots or the branches of the sinewy streamside willow bushes. Dipnets and spears were widely used. The large, rounded rocks in front of Tututin made excellent platforms for netting and spearing, with the farthest-out rock the best spot of all. Once the fishers wrestled the struggling salmon out of the water and up onto the bank, the women took over. They butchered the fish and slow-smoked them on alder racks over low fires in smokehouses, which were open sheds.

Late in the spring and summer, the women gathered roots, bulbs, and berries in the woods and clearings. Tututnis ate the salmonberries fresh and stored most of the wild strawberries, black caps (wild raspberries), huckleberries, and carrots. The lily camas, with its blue-violet flowers and dug from moist meadows, was a favorite. Tututnis roasted these sweet onion-like roots in pits and ate them warm or stored them.

The harvesting of vegetation had another objective: to gather material for the baskets so central to the Native cultures of western Oregon. Spring offered a window of just a few weeks to gather hazel sticks and maple bark. Willow and fir tip-sticks were harvested in the summer. Spruce stands placed no seasonal limits on gathering; year-round, the Athapaskans could wade into the deep forest's damp, resistant underbrush of ferns and vine maple to dig into the rich loam and obtain the long, slender, pliant spruce roots. Using these materials, weavers made large numbers of baskets for transport and storage and the distinctive caps worn in day-to-day life and in ceremonies. Just as the Tututnis were Salmon People, so too were they Basket People.

Acorns, harvested in the late summer and fall, were second only to the salmon as a favorite food. The Natives dried and shelled the rich, nutritious acorns of the California black oak and Oregon white oak trees, then stored them in baskets. When ready for use, women shelled them, ground them with a mortar and pestle, and leached the tannic acid out before boiling the fine meal. This *sanchun-tuu-l'*, or "juice of the acorn" (sometimes called mush), would be used in most meals, much like today's oatmeal, mashed potatoes, and bread. Sam Van Pelt, a Siletz ancestor from the Chetco Tribe, explained that in Athapaskan society this mush "was the staff of life, made from the nut of the acorn."

In the fall, Tututnis moved to the mountains, living in temporary brush houses during the deer and elk hunts. The hunters stalked the animals with

bows and arrows, sometimes using deer heads as cover, and drove the prey through the forests into traps or hand-dug pits or trenches. Much energy went into the fall chinook and coho runs, and the men caught eels, steelhead, and trout from the Rogue. Cedar canoes carried families downriver from Tututin to the Coast to harvest smelt, mussels, and other seafood.

During the winter, the people continued to hunt deer and engage in other subsistence activities, but on a much smaller scale. The bounty from the more temperate months was stored in large baskets, up to four feet tall and three feet wide, that sat on the plank floors surrounding the lower, earthen cooking areas in the largest living houses. Pounding rains and roiling winds made winter an indoor time of preparing food, making clothing, mending fishing nets, and weaving baskets.

The shorter days, longer nights, and slower pace set the stage for the storytelling that bound together past, present, and future generations. Practiced narrators passed along age-old lessons to young people, who in years hence could present the same stories to their own grandchildren. Male elders instructed the boys in the sweathouses, and women in the living houses passed on knowledge to the girls, as they patiently wove baskets or ground acorns amid the smells of the cedar fire and the cooking. Somewhat more formally, a storyteller gathered young boys and girls in a large, warm plank house for a colorful, dramatic presentation. Later, these stories would be related again verbatim to lodge them in the children's minds.

An elaborate creation story explained the beginnings of the land, the animals, and the people and laid down the obligations of the people. Western Oregon tribes had highly individualized creation stories. Charles Depoe, an Athapaskan who lived in the village of Yah-shu-eh at the mouth of the Rogue River in the early 1850s, recounted the Tututni creation story over and over again to keep it alive after the people were removed to Siletz.

In the beginning, Depoe told the people, all was dark. There was water but not land. "A sweathouse stood on the water, and in it lived two men—Xōwalā'cī [pronounced 'Haa-waa-la'-chee'] and his companion. Xōwalā'cī's companion had tobacco. He usually stayed outside watching, while Xōwalā'cī remained in the sweathouse." One day, they saw a piece of land, which was white, with two trees, a redwood and an alder. Excited, Xōwalā'cī ran experiments to understand this phenomenon:

Then Xōwalā'cī made five cakes of mud. Of the first cake he made a stone and dropped it into the water, telling it to make a noise and to expand as

soon as it struck the bottom. After a long while he heard a faint noise, and knew then that the water was very deep. He waited some time before dropping the second cake. This time he heard the noise sooner, and knew that the land was coming nearer to the surface. After he had dropped the third cake, the land reached almost to the surface of the water. So he went into the sweathouse and opened a new sack of tobacco. Soon his companion shouted from the outside, "It looks as if breakers were coming!" Xōwalā'cī was glad, because he knew now that the land was coming up from the bottom of the ocean. After the sixth wave the water receded, and Xōwa lā'cī scattered tobacco all over. Sand appeared. More breakers came in, receding farther and farther westward. Thus the land and the world were created.

Then Xōwalā'cī and the companion took action. They made some mistakes. An attempt to make salmon resulted in a fish without skin. In trying to make humans, Xōwalā'cī instead created dogs and hissing snakes. In time, a beautiful woman appeared, and Xōwalā'cī told his companion to take her as his wife, which he did. "One day Xōwalā'cī told the man [his companion] that all the world had been made for him. Then he instructed him how to act at all times and under all conditions." The man and woman had many children, and they all lived in the Rogue River country. Xōwalā'cī finished his work by giving instructions on how to care for the natural world and create the many tribes:

Then he [Xōwalā'cī] straightened out the world, made it flat, and placed the waters. He also created all sorts of animals, and cautioned the man not to cut down more trees or kill more animals than he needed. And after all this had been done, he bade him farewell and went up to the sky, saying, "You and your wife and your children shall speak different languages. You shall be the progenitors of all the different tribes."

Countless other stories cascaded down on young people during the winter nights of western Oregon. They heard about Transformer, Star, Salmon, Bluejay, Crow, One-Horn, Big Snake, and many others. The versatile Coyote variously—and often profanely—played the wise man or the fool, the trickster or the trickee. Invariably humorous, the stories usually carried a serious lesson. Coyote might be clowning around in a burial area only to be scared out of his wits, a warning to children not to play in those places. Another story had Coyote, through his hubris, being tricked into believing that summer had

come, so he told his wife to throw away all of his old smoked meat. But when Coyote went to the river, he found it barren of eels and realized he had been fooled. It was still winter and, since eels run only in the summer, he would have none of their tasty meat. The moral for young people: conserve your food during the dark months.

Winter was also the best time for gambling, which the Tututni loved. Stick games, played in the sweathouses or living houses, involved teams which had many sticks, including specially marked ones (often by a black, rather than white, band) that became the focal point of the enterprise. Players made dizzying, lightning-fast feints, taking sticks behind their backs to disguise the location of the marked sticks. Many dentalium shells, the prevailing currency, were at stake, and much money changed hands through side-bets by spectators.

Bad weather or no, the Tututni played their favorite sport of *tsa-xwi* or *koho* (also called shinny) in the winter months. Village teams competed against each other, and the large, level meadow at Tututin must have made a pre-eminent playing field. Similar to field hockey, *koho* was played with a wooden ball the size of a baseball and long sticks, with one end steamed and bent for hitting the ball. The size of each team ranged from just a few to twenty. The objective in this fast-moving, physical game was to drive the ball through goalposts at each end of the field. *Koho* brought out everyone in the villages. Pride was at stake and so were many strings of dentalia, as spectators placed wagers on the action. Women played a modified version of *koho*, using two small pieces of wood tied together with buckskin in place of the wooden ball.

The Tututni held dances to celebrate specific events or talents, such as first menstruation, a successful battle, doctoring ability, or a hunting expedition, but the major ceremony at Tututin was Nee Dosh.

At Nee Dosh, a dance still held today, the prayers are chanted, one by one, explaining how the world was put together and thanking the Creator for making the land, the people, and the animals and for giving them *duh-neh*, their place. A world renewal ceremony intended to "fix the world," the prayers remind the people of the blessings of the Creator and their responsibility to keep the world right. Held every winter in a dance house or the tyee's living house, with a blazing fire in the hearth, in some years the dance went on for five days rather than ten, but the intensity of these dusk-to-dawn gatherings always ran high. A man from Tolowa, where the dance was the same as at Tututin, remembered this: "Every year we go to the center of our world. In our religion, this is where life began for our people and we dance there for ten nights. We start at about 10 o'clock in the night and then we dance all night;

take breaks but we dance until the sun comes up over the hill.”

Both women and men, young and old, attired in their best dentalia and buckskin finery, performed Nee Dosh. Often the people at Tututin invited another village to participate. The dancers formed a semi-circle, with a dance leader setting the rhythm, perhaps by tapping a staff against the floor planks (but not using a drum), while the dancers joined in the leader's songs. Individual dancers broke out of the line, with the women dancing lightly and the men moving more flamboyantly, as if stalking a deer. Spectators shouted out, wishing the dancers good fortune—many strings of dentalia, a fine dress, a high bride price, a good hunt. An early-morning feast followed, and the dancers rested until the evening dance, when they returned to the center of their world.



Historically, settlers and other non-Indians who had contact with American Indian tribes often described them as “uncivilized,” “barbaric,” and “savage.” They could see in tribal life no semblance of governmental organization or legal systems. Some early judges and anthropologists made similar judgments with respect to tribes generally and western Oregon tribes in particular.

A deeper understanding of aboriginal political justice systems has since taken hold. The classic work is E. Adamson Hoebel's *The Law of Primitive Man*. Hoebel, an eminent anthropologist, looked to a formulation by Professor (and later Supreme Court Justice) Benjamin Cardozo that defined “law,” which is the essential attribute of a sovereign government, as “a principle or rule of conduct so established as to justify a prediction with reasonable certainty that it will be enforced by the courts if its authority is challenged.”

In exploring the role of law in aboriginal societies, Hoebel explained that some tribal justice systems look like “courts” to the Anglo eye; other tribal systems do not, but still fulfill the function of courts in Cardozo's sense. As an example of the second kind of system, Hoebel cited the Yurok Tribe of northern California, a tribe having much in common with the Oregon coastal tribes. He emphasized the success of the Yurok dispute resolution system, which relied on mediators similar to the Tututnis' *gwee-shut-naga*, a “person who walks between.”

The practices of the Tututni demonstrate all of the elements of the Cardozo and Hoebel definition of law: rules, regularity, courts, and enforcement. “The society operated on a rather complex set of rules,” anthropologist

ing tribes, and in the trade network that reached up and down the Northwest Coast and into the Columbia River watershed—was the dentalium shell. These small, slender seashells were found mainly off the western shores of Vancouver Island, far to the north in modern-day Canada. Tapered at one end, the prized shells could easily be strung on a thin thread. In terms of value as currency, after dentalia came shell disk money (clamshells ground to about the size of a nickel with a hole drilled for the thread), followed by pendants and beads made from abalone shells.

The practice of explicitly basing a criminal justice system on the payment of monetary fines might seem discordant, but the Tututni and other Oregon tribes had their reasons for it. The overriding concerns were making the victim and injured family whole and maintaining village stability and harmony. Sanctions such as imprisonment or capital punishment did not address the needs of the wronged family, since the injured or deceased person likely had made needed contributions to the family. Fair payment, rather than imprisonment, created less resentment among the guilty party's family members and, since these village populations were relatively small, allowed him to be a productive member of the community. Restoring order and promoting peace and harmony in the village were also furthered by the rule that once a fine was decided upon and paid, it was final—even bringing it up later could generate a fine. Murder was an exception: in addition to receiving the heaviest fine, a murderer "was considered to be stained by blood for life . . . and could not be active in certain ceremonies after causing wrongful death." While some tribes used banishment from the community as a punishment, it seems not to have been used by the Athapaskans.

The idea of restorative justice, practiced by western Oregon tribes, is holistic in that it aims at repairing the harms of crime by focusing criminal law on compensating the victim and the affected family and on promoting overall community well being. It was employed by other tribes, and those systems have been praised for their effectiveness and civility. Today, restorative justice is used in many countries, including New Zealand, Germany, and Canada. The opposite approach is retributive justice, which emphasizes punishing the offender. In America, criminal law has traditionally been premised mainly on retributive justice, but in recent times elements of restorative justice have been incorporated into American state and federal criminal systems.

Societies craft their justice systems based on their own values and circumstances, and the question is whether their chosen systems are fair, smoothly

running, and civil. In the case of the Tututni and other western Oregon tribes, the expectations of the citizens of the relatively small villages were universally understood. Material wealth was important, and the requirement of payment for breaches of those expectations satisfied the aggrieved parties, served as a significant deterrent to unacceptable conduct, and promoted order and individual responsibility.

Individual wealth—which included canoes, fishing spots, dance regalia, and number of wives, as well as currency—played a larger role in the cultures of Pacific Northwest tribes than it did nationally. Wealth came into play in a number of ways. It determined who was eligible to assume leadership as tyee. It gave prestige to individuals. When trouble came, it could be relinquished in settlement of disputes and crimes.

Wealth had another, perhaps more significant, function: it carried with it a high responsibility to the village and encompassed a philanthropic mission. In addition to providing food to the needy and sometimes paying fines on behalf of the poor, responsibilities included sharing canoes, fishing sites, and off-shore rocks valuable for collecting seagull eggs or harvesting sea lions. Wealthy families sponsored dances and supplied the dancers with regalia, skillfully woven basket caps, and buckskin attire adorned with glistening, red woodpecker scalps, abalone shells, and feathers. They provided many strings of dentalia as well. As Bud Lane explained, "When you bring your wealth to a ceremony and the dance people put them on, you are helping the dancers, helping the community, keeping the world right."

In the case of marriage, the groom's family made payment—sometimes called bride purchase—to the bride's family, and the amount of the payment was much noticed in both villages. The term "bride purchase" can be misleading. Since the bride would join the husband's village, her family would be losing a significant worker; logically, the family should be compensated for that loss. As Cora Du Bois observed, "a premium was placed on a woman's capacity for work." Usually the parents made financial arrangements after two young people had fallen in love and decided to marry. "Marriage," Robert Kentta explained, "was not a dry, unfeeling exercise. Romance was important to us. Many of our songs are love songs. There were some arranged marriages, but courtships were much more common."

Slavery existed at Tututni and among the southern Oregon tribes, but only marginally. The rich families, particularly the tyees, had some indentured servants, usually a poor or infirm relative or a villager with no wealth whose fine the tyee had paid. These debtors left the tyee's house when the obligation was

fulfilled. As Philip Drucker put it, slaveholding was "scarcely an institution" and might be better understood as "a sort of adoption."

In any event, despite the emphasis on wealth, Tututnis had an egalitarian, not a rigidly stratified, society. Their notion of wealth differed from American capitalism in two important ways. There was no interest imposed on debts, and it was a community responsibility to provide for the downtrodden. "There is no hint," Cora Du Bois wrote, "that money was ever very important in determining whether a man were well or poorly fed and housed." Instead, these communities were imbued with what Du Bois called a "democracy of manners." As one Tolowa villager put it, "If a boy is brought up by his grandma and believes everything she says, he gets to have good sense; he knows everything, he talks the same way to all kinds of people no matter what kind of clothes they wear."



If a single theme runs through life in Tututin and other western Oregon villages, it is the distinctive and demanding set of moral obligations to the vanguards of their existence: the Creator, fellow villagers, other villages, the animals, and the land and waters. They sometimes came up short of their ideals when individuals strayed or raiding parties attacked other villages. Nonetheless, the cluster of ideas that made up the core of their philosophy—the complex entwining of reverence, respect, and duty—ran so deep that they set aside ten days, dusk until dawn, to go the center of their world and reaffirm their beliefs.

NOTES

1 Village Societies Inlaid in the Land

- P. 11 *Oral tradition.* In generations past, many anthropologists argued that the only reliable information from Natives about aboriginal life was oral testimony, that is, statements (usually made to anthropologists) by people who actually witnessed events and societal practices. Some anthropologists eschewed the use of oral tradition, accounts of contemporary Indians who received their information from accounts handed down over the generations. The approach to oral tradition has evolved since then. Today, historians and anthropologists critically assess any evidence, including oral tradition, about past events to determine its reliability. As one scholar put it, oral tradition (and, one could add, written primary evidence as well) can be "grotesquely inaccurate" or "extraordinarily accurate." Richard A. Gould, *Archaeology of the Point St. George Site, and Tolowa Prehistory*, p. 5 (Berkeley: University of California Press, 1966) (quoting Roland B. Dixon in disagreeing with Robert Lowie's statement that oral traditions lack historical value).
- P. 12 *Native arrival in south-central Oregon and Willamette Valley.* See, e.g., L. S. Cressman, *Prehistory of the Far West: Homes of Vanished Peoples*, p. 73 (Salt Lake City: University of Utah Press, 1977) (on the Cave Rock excavation); also p. 197 (on the Willamette Valley). See also Jo Reese and John L. Fagan, "An Early-Holocene Archaeological Site in Oregon's Willamette Valley," vol. 14 *Current Research in the Pleistocene*, pp. 77-78 (1997).
- P. 12 *"dearth of early [known] sites."* Madonna L. Moss and Jon M. Erlandson, "Reflections on North American Pacific Coast Prehistory," vol. 9, no. 1 *Journal of World Prehistory*, p. 14 (1995).
- P. 12 *Presence on the Oregon Coast between 6,000 and 10,000 years ago.* The authenticated sites are Tahkenitch Landing, Indian Sands, and Young's River Complex. See *ibid.*, pp. 14-15. See also R. Lee Lyman, *Prehistory of the Oregon Coast*, p. 74 (San Diego, CA: Academic Press, Inc., 1991).
- P. 12 *Permanent settlements.* Lyman, *Prehistory*, p. 80.
- P. 12 *An estimated 50,000 people.* See Robert Boyd, *The Coming of the Spirit of Pestilence*,

- pp. 264–65 (Seattle: University of Washington Press, 1999). Boyd has conducted the most comprehensive population and disease analysis. The figure of 50,000 includes his South Coast Epidemic Area (except for the Quinalt and Lower Chehalis) and Interior Valleys Epidemic Area (except for the Upper Chehalis and Cowlitz). Boyd did not include one Siletz tribe, the Shasta of northern California and southern Oregon.
- P. 17 duh-neh means “the people of the place.” Bud Lane and Robert Kentta, interview with author, Yaquina Head, Oregon, July 25, 2008.
- P. 17 *The largest village named Tututni*. Lane and Kentta, interview, July 25, 2008. See also Loren Bommelyn, *Now You're Speaking—Tolowa*, p. ix (Arcata, CA: Center for Indian Community Development, Humboldt State University, 1995) (this source spells the village name as “Tutuden”); Jay Miller and William R. Seaburg, “Athapaskans of Southwestern Oregon,” in Wayne Suttles, ed., vol. 7, *Handbook of North American Indians*, p. 586 (Washington, D.C.: Smithsonian Institution, 1990).
- P. 17 *Tolowa, Chetco, and Tututni*. Anthropologists regularly comment on the similarities among these tribes. See, e.g., Philip Drucker, “The Tolowa and Their Southwest Oregon Kin,” vol. 36, no. 4 *University of California Publications in American Ethnology*, pp. 222, 228 (1937). The scholarly research on the Tolowa is more extensive, probably because of the prominence of Alfred Kroeber of the University of California at Berkeley and the work of his students and colleagues; much of that research is transferable to the Tututni. In modern times, the ties between the Siletz and the Tolowa of Smith River remain strong. In addition to visits back and forth, due to blood relationships and intermarriage, in many years the Siletz host the summer Nee Dosh and the Smith Rivers host the winter Nee Dosh, and dancers from both tribes participate.
- P. 18 *Tututni sat on a low bluff*. I have been unable to find anyone, including tribal members, who can identify the exact location of Tututni. The historical accounts differ. Lucy Metcalf estimated Tututni, her home village, at ten miles upriver. Cora Du Bois, “Tututni (Rogue River Athapaskan) Field Notes: Typescript, 1934,” 29, at University of California, Berkeley, Bancroft Library [hereinafter “Tututni Field Notes”]. The earliest written account is by Paul Schumacher, who visited the site in 1875, and placed the village five miles inland. See Schumacher, “Researches in the Kjökkenmøddings and Graves of a Former Population of the Coast of Oregon,” vol. 3, no. 1 *Bulletin of the U.S. Geological and Geographical Survey of the Territories*, pp. 27–29 (January 1877) (locating the village on the north bank, with a map showing it on a bluff). Drucker estimated the location at five to six miles from the river mouth; “The Tolowa,” p. 271. It is understandable that people today cannot be specific. After the Tututni were moved north, much of their home area was plowed, as Schumacher noted, and, more recently, this scenic stretch of river holds primary residences, second homes, a luxury resort, a few stores, and a rod-and-gun club. Also, the river is large here and has moved around in flood years, making it hard to correlate today’s river with the only known historical map, which is from 1877. Schumacher, “Researches in the Kjökkenmøddings,” p. 28. After driving and hiking the area, my research assistant, Josh Tennesson, and I did find a low bluff about six to seven miles inland that seemed to us to be the most consistent with historical reports and the villagers’ needs: south facing, close to the river but above the floodplain, and endowed with a large, level meadow. In granting me permission to walk the site, the owner asked that I not identify its exact location.
- P. 18 *Athapaskan and Tututni population*. Robert Boyd estimates the aboriginal popula-

tion of the coastal Athapaskans at 4,500. Boyd, *The Coming*, p. 264. The Tututni in the mid-nineteenth century knew that the remnant populations then existing were much smaller than in past generations. Dr. Lorenzo Hubbard's on-the-ground examination in 1856 found their view to be accurate: "According to tradition, many years ago they were far more numerous than at the present time, wars and diseases having in some instances destroyed whole tribes. The marks of old towns and large settlements everywhere found, now entirely deserted, are strong evidence of the truth of their traditions." Reg Pullen, "Overview of the Environment of Native Inhabitants of Southwestern Oregon, Late Prehistoric Era," p. IV-3, report prepared for the USDA Forest Service (Bandon, OR, 1996) (citing Lorenzo Hubbard's *Travels in Southern Oregon*, published in 1856). Cora Du Bois cites one source as setting the Tututni population at 120. Lucy Metcalf recalled fifty-three people in the village, but Du Bois judged that "a most conservative estimate." Du Bois, "Tututni Field Notes," pp. 14, 34. Those estimates came after the epidemics.

- P. 18 *Visitors and suburbs*. See, e.g., Drucker, "The Tolowa," p. 244.
- P. 18 "Tutuden was a big town." See Elaine L. Mills, ed., vol. 1 *The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957*, Part 1, Reel 026, Frame 0677 (Millwood, NY: Kraus International Publications, 1981) (containing a microfilm copy of Harrington's handwritten notes detailing an interview with Wolverton Orton).
- P. 19 *Tututni "living houses" and other structures*. Tututni has been plowed over and the ground otherwise disturbed so that reconstructing the old settlement pattern is difficult, if not impossible. Paul Schumacher came through early, in 1875, and reported valuable information (see generally Schumacher, "Researches in the Kjökkenmøddings," pp. 29-31). Unfortunately, while he described the existence of many former structures, he offered no estimate of the actual number. A useful reference point, though, is his account of "50 depressions of former houses" at the nearby Tututni village at Pistol River. *Ibid.*, p. 31. Du Bois provides detailed descriptions of the architecture and uses of the structures. See generally Du Bois, "Tututni Field Notes," pp. 36-42. On house sizes, see *ibid.*, p. 38 (dwellings estimated to have been 12 feet square); Miller and Seaburg, "Athapaskans of Southwestern Oregon," pp. 582-83 (largest Tututni houses: 20 x 30 feet; smaller houses: 10 x 15 feet). Accounts of Tolowa villages are also useful. See, e.g., Gould, *Point St. George Site*, pp. 16-27. Gould includes a sketch showing twenty-six living houses (p. 21).
- P. 19 "the teller of these stories." Lionel Youst and William R. Seaburg, *Coquelle Thompson, Athabascan Witness* (Norman: University of Oklahoma Press, 2002), p. 26 (quoting Coquelle Thompson).
- P. 19 "values and worldview that he carried." *Ibid.*
- P. 19 *Middens and archaeologists*. On Pacific Northwest middens generally, see Julia K. Stein, ed., *Deciphering a Shell Midden* (San Diego, CA: Academic Press, Inc., 1992), pp. 1-24. Gould describes a separate midden site for a Tolowa village (*Point St. George Site*, p. 43). Robert Kentta and Bud Lane have visited several smaller (one or two living houses) ancestral house pit sites, with middens close to the houses, and told the story of Lucy Metcalf's sister, who passed on at a young age and was buried in front of their house to keep her close to the family (Lane and Kentta, interview, July 25, 2008). To contemporary Indian people, the excavation of middens by scholars and the damaging of them by developers are sensitive matters, especially when buri-

- als are involved. Graves may come under protective tribal, federal, and state laws.
- P. 21 *Rhythms of life*. Drucker explains the food-gathering cycle well in "The Tolowa," pp. 231–35. See also Miller and Seaburg, "Athapaskans of Southwestern Oregon," pp. 581–82; Lionel Youst, *She's Tricky Like Coyote: Annie Miner Peterson, an Oregon Coast Indian Woman*, pp. 7–8 (Norman: University of Oklahoma Press, 1997).
- P. 21 *Food as common property*. See, e.g., Drucker, "The Tolowa," p. 235.
- P. 21 *The light and smoke were visible up and down the Coast*. Bud Lane, interview with Josh Tenneson, research assistant, Siletz, Oregon, July 18, 2005. Frank Simmons, interview with author, Lincoln City, Oregon, April 22, 2006.
- P. 22 *First salmon ceremony*. Cora Du Bois describes the ceremony in "Tolowa Notes," vol. 34, no. 2 *American Anthropologist*, pp. 258–59 (April–June 1932). See also Philip Drucker, *Indians of the Northwest Coast*, pp. 141–42 (New York: McGraw-Hill Book Co., 1955); Philip Drucker, *Cultures of the North Pacific Coast*, pp. 94–96 (San Francisco: Chandler Publishing Co., 1965).
- P. 23 *Respect to the salmon*. Drucker, "The Tolowa," p. 260. For a classic account of the Indian view of unity with the natural world, see Vine Deloria Jr., *God Is Red: A Native View of Religion*, pp. 81–95 (New York: Grosset & Dunlap, 1973).
- P. 23 *Large, rounded rocks at Tututin*. See Schumacher, "Researches in the Kjökkenmøddings," p. 30 ("In front of the lower or main settlement are several rocks above water, of which the farthest one out was the principal fishery of the Tu-tu-to-ni . . .").
- P. 23 *Gathering basketmaking materials*. Bud Lane, Cheryl Lane, and Robert Kentta described the times and methods of gathering different basketmaking materials in an interview with the author in Siletz, Oregon, May 24, 2005.
- P. 23 *Acorns*. California black oak, the most desirable for acorns, has a limited range in Oregon, being found no farther north than Eugene, only west of the Cascades, and in—but never west of—the Coast Range. Acorns from the black oak were a particularly valuable resource for Indians because of their high edible oil content. See Philip M. McDonald, United States Department of Agriculture, "Quercus kelloggii," in vol. 2 *Silvics of North America*, pp. 661, 670 (Washington, D.C.: Government Printing Office, 1990). Tan oak and myrtle acorns also were favored, but were not as geographically widespread in the Lower Rogue River country as the black oak acorns. See Pullen, "Overview of the Environment," pp. IV-10–IV-11. Although the acorns from the Oregon white oak, the most widespread oak in Oregon, were less desirable, meal made from the acorns was still extensively used by Indians for food. *Ibid.*, pp. IV-10 (explaining that these acorns' high tannic acid content makes them difficult to process, and quoting Dixon's description of the resultant "more slimy, glutinous mixture, which was not well liked").
- P. 23 *"the staff of life"*. Edward G. Olsen, ed., *Then Till Now in Brookings-Harbor*, p. 6 (Brookings, OR: Coastal Printing Co. for the Brookings Rotary Club, 1979) (quoting Sam Van Pelt, "Before the White Man: An Indian's Story," *The Sunday Portland Oregonian*, Sunday Magazine, p. 7 (February 5, 1939), at Oregon Historical Society, Portland, Research Library. On mush or juice of the acorn, see Lane and Kentta, interview, July 25, 2008.
- P. 23 *Hunting*. Drucker lists a variety of ingenious hunting techniques, summarizing that "before the advent of firearms, the main dependence must have been on traps, though driving with dogs is said to have been common" (Drucker, "The Tolowa," pp. 233–34). See also Olsen, *Then Till Now*, p. 6 (quoting Sam Van Pelt on the use of

- hand-dug trenches), at Oregon Historical Society, Portland Research Library.
- P. 24 *Journeys to the Coast*. Lucy Metcalf told Cora Du Bois that in the summer her family "went down to the ocean for about one month during smelt season. Went down for mussels whenever they desired them." Du Bois, "Tututni Field Notes," p. 31.
- P. 24 *Storage baskets*. Ibid., p. 38 (Lucy Metcalf's estimation of the size of the storage baskets). For a sketch of the interior of a living house showing storage baskets, see Gould, *Point St. George Site*, p. 23.
- P. 24 *Western Oregon creation stories*. Some tribes, like the Tututni, had water-based accounts, while others were land-based. Some treated the Earth as flat. See Katharine Berry Judson, *Myths and Legends of the Pacific Northwest: Especially of Washington and Oregon*, p. 33 (Chicago: A. C. McClurg and Co., 1912) (recounting the Shasta story of Old Man Above stepping down to the "new, flat earth"). Leo Frachtenberg reported a Coos creation story similar to the one summarized in the text here. Livingston Farrand and Leo J. Frachtenberg, "Shasta and Athapascan Myths from Oregon," vol. 28, no. 109 *The Journal of American Folklore*, p. 224n2 (July–September 1915).
- P. 24 *Tututni creation story with Xōwa:lā'ci*. On the Charles Depoe rendition, see Farrand and Frachtenberg, "Shasta and Athapascan Myths," pp. 224–28. Robert Kentta also explained the creation story in an interview with the author in Siletz, Oregon, on February 24, 2005. For another version of an Athapascan creation story, see J. Owen Dorsey, "Indians of Siletz Reservation, Oregon," vol. 2, no. 1 *American Anthropologist*, pp. 58–60 (January 1889).
- P. 25 *Western Oregon Native stories*. See generally William R. Seaburg, *Pitch Woman and Other Stories* (Lincoln: University of Nebraska Press, 2007); William R. Seaburg and Pamela T. Amoss, eds., *Badger and Coyote Were Neighbors: Melville Jacobs on Northwest Indian Myths and Tales* (Corvallis: Oregon State University Press, 2000); Melville Jacobs, *Coos Myth Texts* (Seattle: University of Washington, 1940); Livingston Farrand, "Notes on the Alsea Indians of Oregon," vol. 3, no. 2 *American Anthropologist*, pp. 239–47 (April–June 1901); Edward Sapir, "Takelma Texts," vol. 2, no. 1 *Anthropological Publications of the University Museum* (Philadelphia: University of Pennsylvania, 1909); Judson, *Myths and Legends*.
- P. 25 *Coyote stories*. Coyote is well represented in all of the sources cited in note 32, above. The winter–summer eel story is from Farrand and Frachtenberg, "Shasta and Athapascan Myths," pp. 228–33.
- P. 26 *tsa-xwi or koho*. See, e.g., George W. Riddle, *Early Days in Oregon: A History of the Riddle Valley*, p. 80 (Riddle, OR: Riddle Parent Teachers Association, 1953); see also Edward Sapir, "Notes on the Takelma Indians of Southwestern Oregon," vol. 9, no. 2 *American Anthropologist*, pp. 261–62 (April–June 1907) (describing a "women's substitute for the game of shinny").
- P. 26 *Neē Dosh*. See, e.g., Du Bois, "Tolowa Notes," pp. 259–60 (explicitly referring to the five-night dance at Tolowa as "feather dance" and reporting a dance house); Cora Du Bois, "The Wealth Concept as an Integrative Factor in Tolowa-Tututni Culture," in *Essays in Anthropology Presented to A. L. Kroeber*, p. 53 (Berkeley: University of California Press, 1936) (finding the ten-night dance at Tututni "comparable" to Tolowa and Yurok ceremonies); Drucker, "The Tolowa," pp. 264–65, 277; Bud Lane, interview, May 24, 2005; Bud Lane, Cheryl Lane, and Robert Kentta, interview, May 25, 2005. Although Du Bois reported a feather dance at Tolowa in early days, she later ques-

- tioned whether Feather Dance goes back to precontact times. See Cora Du Bois, "The 1870 Ghost Dance," *Anthropological Records* 3, no. 1 (1939), 34. Robert Kentta believes that Nee Dosh has ancient origins. One reason is that some of the Nee Dosh songs now sung at Siletz contain such "high language," words that are hardly translatable anymore. Robert Kentta, telephone interview with assistant, Cynthia Carter, August 5, 2005. See also the discussion of modern Nee Dosh in the text and accompanying notes of chapter 16, pp. 369–74.
- P. 26 *A world renewal ceremony.* A. L. Kroeber and E. W. Gifford, "World Renewal: A Cult System of Native Northwest California," vol. 13, no. 1 *Anthropological Records* (1949), remains the most comprehensive work on the world renewal and new-year ceremonies of the Indians of northern California. Kroeber and Gifford conclude that "the heart of the world renewal religion . . . is antifamine, antisease, and anticataclysm[. . .] its purpose is to provide an abundance of food, universal good health, and to renew or repair the earth." *Ibid.*, p. 105. On the philosophical ideas packed into Nee Dosh and other world-renewal ceremonies in northern California and southern Oregon, see also Thomas Buckley, *Standing Ground: Yurok Indian Spirituality, 1850–1990*, pp. 205–44, 261–79 (Berkeley: University of California Press, 2002). Given the many-layered meanings of the Feather Dance, it is hard to understand Drucker's reference to it as "a simple wealth-display dance." Drucker, "The Tolowa," p. 277.
- P. 26 "the center of our world." Russell Thornton, "Social Organization and the Demographic Survival of the Tolowa," vol. 31, no. 3 *Ethnohistory*, p. 193 (Summer 1984) (quoting a Tolowa's description in 1976 to Charlotte Heth of the ten-night dance).
- P. 27 *Early judges and anthropologists made judgments.* For example, Philip Drucker and Cora Du Bois made statements to the effect that the villages had no governmental systems. See, e.g., Drucker, "The Tolowa," pp. 250–51. For derogatory statements by judges, see, e.g., *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1, 15, 19 (1831) (J. Johnson concurring), and *State v. Towessnute*, 154 P. 805, 807 (Wash. 1916).
- P. 27 "a principle or rule of conduct." E. Adamson Hoebel, *The Law of Primitive Man: A Study in Comparative Legal Dynamics* (Cambridge, MA: Harvard University Press, 1954), 22.
- P. 27 *Yurok and Tututni dispute resolution.* *Ibid.*, pp. 24–25 (Yuroks); the *wee-shut-naga* of the Tututnis is discussed in the text of this book and accompanying notes.
- P. 27 *Drucker's findings.* See, e.g., Drucker, "The Tolowa," pp. 249–51.
- P. 28 *Du Bois's findings.* Du Bois, "The Wealth Concept," p. 54.
- P. 28 *Villages were "organizationally complex."* Rebecca Dobkins interview with author, Newport, Oregon, July 25, 2008.
- P. 28 *The tye, a principal institution.* See, e.g., Miller and Seaburg, "Athapaskans of Southwestern Oregon," p. 583.
- P. 28 *A headman's political and legal authority.* Robert Kentta, "A Piece of Siletz History, Part I," *Siletz News*, p. 27 (November 1999), and at <http://www.ctsi.nsn.us/chinook-indian-tribe-siletz-heritage/our-history/part-i> (accessed May 12, 2009). This short history, published in installments in the Siletz tribal newsletter and now available on the tribe's Web site, provides a useful overview of tribal history and an informed conceptual structure of these events.
- P. 28 *an elaborate set of rules.* Drucker, "The Tolowa," pp. 250, 278.
- P. 28 *Names were property.* Robert Kentta, interview with author, Siletz, Oregon, February 25, 2005. See also Drucker, "The Tolowa," 249 (fines imposed for speaking a "dead name").

- P. 29 *mock warfare*. Kentta, interview, February 25, 2005.
- P. 29 *disputes with other villages*. Ibid. See also Drucker, "The Tolowa," 249 ("All members of group contributed to make up necessary sum, but rich-man had to give larger part.").
- P. 30 *Fines as final payment*. Kentta, interview, February 25, 2005.
- P. 30 *Murder was an exception*. Bud Lane, interview, May 24, 2005; Kentta, "A Piece of Siletz History, Part I."
- P. 30 *Restorative justice in other tribes*. See, e.g., Sidney L. Haring, "Crow Dog's Case [Ex parte Crow Dog, 109 U.S. 556 (1883)]: A Chapter in the Legal History of Tribal Sovereignty," vol. 14 *American Indian Law Review*, pp. 236–38 (1989) (describing the Brule Sioux's requirement that a victim of a homicide's family be remunerated with horses, blankets, and other property as achieving the dual goals of "termination of the conflict and the reintegration of all persons involved into the tribal body."). See generally K. N. Llewellyn and E. Adamson Hoebel, *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence* (Norman: University of Oklahoma Press, 1941).
- P. 30 *Restorative justice in contemporary America and other nations*. Restorative justice is on the ascendancy in the United States. See generally Leena Kurki, "Restorative and Community Justice in the United States," vol. 27 *Crime and Justice*, pp. 235–302 (2000); see also John Braithwaite, "Restorative Justice: Assessing Optimistic and Pessimistic Accounts," vol. 25 *Crime and Justice*, pp. 2–3 (1999). Kurki delineates the goals of restorative justice as "restor[ing] the victim and the community, repair[ing] harms, and rebuild[ing] relationships among the victim, the offender, and the community." Kurki, "Restorative and Community Justice," p. 266. Restorative justice has gained widespread recognition and use throughout the world. See *ibid.*, pp. 240, 268–69, 282 (New Zealand, Austria, Germany, and Canada); Braithwaite, "Restorative Justice," p. 4 (New Zealand); Bernd-Dieter Meier, "Alternatives to Imprisonment in the German Criminal Justice System," vol. 16, no. 3 *Federal Sentencing Reporter*, p. 8 (February 2004) ("One of the most important developments during the 1990's [in Germany] has been the legislature's unambiguous support of restorative justice."). Some countries frequently use restorative justice principles for violent crimes. See, e.g., Kurki, "Restorative and Community Justice," p. 269.
- P. 31 *Material wealth promoted order*. Cora Du Bois saw this somewhat differently, concluding, "Thus, I feel, that the Tolowa-Tututni wealth attitude was instrumental in creating tensions which easily broke out in acts of violence. That these violences could be deflected by the payment of money atonements does not lessen the underlying conflicts." Du Bois, "The Wealth Concept," p. 65.
- P. 31 *"When you bring your wealth."* Bud Lane, interview, May 24, 2005. Cora Du Bois's "The Wealth Concept" is an excellent source on this subject.
- P. 31 *"a premium was placed."* Du Bois, "Tolowa Notes," p. 253.
- P. 31 *"Marriage was not a dry, unfeeling exercise."* Kentta, interview, February 25, 2005.
- P. 32 *Slavery was "a sort of adoption."* Drucker, "The Tolowa," p. 273. See also Du Bois, "The Wealth Concept," p. 55; Kentta, interview, February 25, 2005.
- P. 32 *Their notion of wealth*. Du Bois, "The Wealth Concept."
- P. 32 *"There is no hint."* Ibid., pp. 51–52.
- P. 32 *"democracy of manners."* Du Bois, "Tolowa Notes," p. 251.
- P. 32 *"If a boy is brought up by his grandma."* Ibid.