SYMBOLISM AND MATERIALISM IN THE ECOLOGICAL ANALYSIS OF HUNTING, FISHING, AND GATHERING PRACTICES AMONG THE CONTEMPORARY NEZ PERCE INDIANS

DISSERTATION

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ABSTRACT

This dissertation aims to develop a model for studying contemporary indigenous ecologies in industrialized societies based on the case of contemporary Nez Perce ecology. Study of contemporary indigenous ecologies requires a different framework and methodologies from conventional ecological anthropology because of the intensive and extensive interaction with outside agencies. This study adopted political ecology as the general theoretical framework. Within this framework, symbolic and materialistic aspects of Nez Perce hunting, fishing, and gathering practices were analyzed synthetically using the concepts of capital and "practice" (Bourdieu 1997).

Nez Perce ecology has been continuously evolving since time immemorial. Historical analysis reveals that patterns of engaging in the Nez Perce subsistence activities and their meanings have been continuously changing in response to the shifting power relationship with the larger society. Today, hunting, fishing, and gathering practices are no longer the primary means of subsistence for many Nez Perce households. However, these activities still play significant roles in Nez Perce economics and politics, to say nothing of their religion and culture through "practice" and "symbolic capital." These functions are all interrelated with each other under the Nez Perce "habitus."

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This dissertation has several implications for the study of indigenous ecologies in industrialized societies. First, I propose that the barriers between symbolism and materialism need to be taken down. Significant functions of traditional subsistence activities within contemporary indigenous societies become evident only when symbolic and materialistic aspects of human ecological relationships are examined synthetically. Second, this study demonstrates that human-environmental relationship is a dynamic and dialectic interaction. Human "practice" is a significant focus in ecological studies. Third, indigenous "habitus" functions as a useful mechanism of resource preservation and conversation. The "habitus" shapes and regulates individual patterns of resource use. Finally, this study reaffirms the significant roles of power relationships in human-environmental relationships. Indigenous subsistence activities are fundamentally political by nature.
Dedicated to the late NPTEC Chairman Richard “Dick” Halfmoon
and the late Dr. James McLeod
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CHAPTER 1

INTRODUCTION

Anthropologists have made unique contributions to the field of ecological investigation with their disciplinary focus on human society and cultural behavior. They have documented indigenous\textsuperscript{1} and local peoples’ profound ecological knowledge and culturally constructed perception of the environment (e.g., Conklin 1954, Posey and Balée 1989, Hunn 1990, Ingold 1996, Nazarea 1998). They have analyzed indigenous peoples’ culturally prescribed systems of resource exploitation and their creative adaptation to environmental changes (e.g., Lee 1979, Bennett 1969, Rappaport 1984, Netting 1976, Smith 1991, Moran 1996), and also examined the impact of environmental constraints on human behavior and society (e.g., Steward 1938). Recently, anthropologists have been actively involved in the protection of indigenous peoples’ land and human rights in conjunction with sustainable development and protection of biodiversity (e.g., Brush 1993; Greaves 1994; Bennett 1996; Posey and Dutfield 1996; Orlove and Brush 1996; Posey 1999; Clay 1986, 1987, 1988a, 1988b).

\textsuperscript{1} This dissertation will use the term, "indigenous" in a general manner. The definition of the term has been widely discussed. For its discussion, see Posey (1999:3-4).
Thus far, anthropologists’ contributions to ecological studies are mostly limited to the cases of indigenous groups in less industrialized societies (e.g., those in Amazonian rainforests), while the issues of indigenous groups in industrialized nation states have been largely left out. This can be attributed to anthropologists’ traditional focus on less industrialized societies and apparent methodological difficulties in conducting ecological studies within industrialized nation states. However, research on indigenous ecologies in industrialized societies is urgently needed in light of the ongoing debate on indigenous resource rights and decreasing biodiversity therein (c.f., Gedicks 1993, Fixico 1998, LaDuke 1999, Minnis and Elisense 2000). This study addresses the issue of indigenous ecologies within industrialized nation states.

The goal of this study is to develop a model for the study of contemporary indigenous ecologies in industrial societies using the case of contemporary Nez Perce Indians in the United States. Most Nez Perce no longer depend on their traditional subsistence activities, i.e., hunting, fishing, and gathering, in the same way as in the pre-contact period. However, the majority of the Nez Perce tribal members, if not all, strongly claim the significance of the activities for their life today and in the future. What do they mean when they say “Salmon is crucially

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2 In this study, I will use the term "traditional" in the same way as most Nez Perce do. In their use, the term refers to the cultural forms predominant around the time of the initial contact with Euroamericans, i.e., the early 1800s. The implication of the term is that the traditional Nez Perce culture has been little affected by the outside contact. For the purposes of this study, I am not concerned with which aspects of the Nez Perce culture has been influenced by non-Nez Perce culture and to what extent. As will be discussed in Chapter Five, the Nez Perce were in indirect contact with Euroamerican culture well before the arrival of Lewis-Clark expedition in 1804. I will use the term in a general symbolic sense.
important for us” or "Hunting and fishing are the basis of our life”? This study will examine the function of hunting, fishing, and gathering practices among contemporary Nez Perce with the assumption that this research question captures common features of many contemporary indigenous peoples within industrialized nation states.


This dissertation differs from these previous studies in two respects. First, the unit of analysis is different. While the previous studies were mostly community-based or Columbia Plateau-based ethnographies, this study will adopt a larger social and political context as an analytical framework. Nez Perce relations with the outside world, especially socio-political relationships, add a significant variable that shapes the patterns of the traditional subsistence activities. Second, this study pays far more attention to symbolic aspects of
human-environment relations than the previous studies. Furthermore, instead of separating symbolic from materialistic data, I will examine them in a synthetic manner.

This dissertation consists of nine chapters. Following this introductory chapter, Chapter Two will present the theoretical framework of this study. During the early stages of data collection, it became clear that a conventional ecological approach (e.g., ecosystem approach) would not be an effective means to study contemporary Nez Perce ecology. Intensive and extensive interaction between the Nez Perce and the larger society requires a framework that enables a researcher to examine Nez Perce ecology within dynamic social, economic, and political contexts. I will use political ecology as the general theoretical framework for this study. Within political ecology, I will aim to synthesize symbolic and material data. Either a materialist approach or quantitative data analysis alone is incapable of explaining many aspects of Nez Perce patterns of hunting, fishing, and gathering practices by themselves (e.g., motivation for engaging in the traditional subsistence activities, and selection of specific fishing techniques). Symbolism clearly plays significant roles in shaping patterns of contemporary Nez Perce hunting, fishing, and gathering practices. I will use the concepts of “capital” and “practice” as a way to examine the collected data in the synthesized manner between symbolism and materialism.
Chapter Three will describe the methodology adopted for this study. I will also discuss some of the challenges, faced at the initial stages of this research, that serve as the ideological framework of contemporary Nez Perce hunting, fishing, and gathering practices.

Chapter Four provides basic background information about the Nez Perce Indians and the Nez Perce tribe. The basic features of the surrounding environment (physical environment and Nez Perce "sacred geography" [Walker 1988]) will also be discussed.

In Chapter Five, I will discuss Nez Perce ecology in a historical context: from the pre-contact era to the early 1900’s. An analysis of historical data demonstrates that Nez Perce ecology has always been shaped by the internal and external political relations. This is a natural consequence because Indian-white relations in the United States have almost always centered around the issues of lands and natural resources. The historical analysis demonstrates that Nez Perce hunting, fishing, and gathering practices have become heavily politicized through contact with Euroamericans.

Chapter Six moves the focus to the contemporary context. This chapter analyzes the social and political context in which today's Nez Perce engage in hunting, fishing, and gathering activities. I will illustrate salient features of the socio-political context by examining three issues (treaty hunting, fishing, and gathering rights; the ongoing Lower Snake River dam breaching issue; and
indigenous rights to control traditional resources). Contemporary Nez Perce
traditional subsistence activities can be fully understood only within this dynamic
socio-political context.

Chapter Seven focuses on the patterns of hunting, fishing, and gathering
practices among contemporary Nez Perce. I will examine such question as
“What, how much, and where do they harvest?”, “Who are their partners in their
hunting, fishing, and gathering trips?”, “How do they make various decisions
about the traditional subsistence activities?”, “How do they preserve their
catches?”, and “How do they consume and distribute the catches?”

In Chapter Eight, I will discuss social, political, and economic functions of
hunting, fishing, and gathering activities within contemporary Nez Perce society.
Using Pierre Bourdieu’s concepts of “practice,” “symbolic capital,” and “habitus,”
I will examine the functions of hunting, fishing, and gathering activities within
today’s Nez Perce society. It becomes clear that hunting, fishing, and gathering
practices play very important roles in the economic, political, and social lives of
contemporary Nez Perce. The environment, traditional subsistence activities,
and the social, political, and economic lives of the Nez Perce are all connected
through symbolism. The function of contemporary Nez Perce hunting, fishing,
and gathering practices will become clear when they are examined in the
synthesized manner between symbolism and materialism.

The concluding chapter, Chapter Nine, discusses the implications of the
Nez Perce case for the study of indigenous ecologies in industrialized societies.
An analysis of the collected data demonstrates that hunting, fishing, and gathering activities still play crucial roles in the lives of contemporary Nez Perce. Although the Nez Perce no longer rely on hunting, fishing, and gathering activities for physical survival, these activities still play crucial roles in economic, political, and socio-cultural senses. Traditional subsistence activities and their attached symbolic meanings are the basis of what I call “Indian economy.” Hunting, fishing, and gathering practices also play important roles in internal and external Nez Perce politics. Furthermore, these activities provide the means to practice Seven Drums Religion, express Nez Perce ethnic identity, and conduct traditional education. Tribal leaders are hoping that their traditional food will help in their fight against deadly diabetes. It seems safe to state that traditional subsistence activities are the foundation of Nez Perce life today.

This study proposes four points of consideration in order to develop a model to study contemporary indigenous ecologies in industrial societies. First, symbolism must be an integral part of analysis, and symbolic and materialistic aspects of human-environment relations need to be examined synthetically. Many contemporary indigenous groups in industrial societies are no longer dependent on their traditional means of subsistence in the same manner as before. This may give a false impression to outside observers that traditional subsistence activities have lost their meanings and functions completely. The Nez Perce case clearly rejects this assumption. For indigenous peoples, land
and the traditional means of subsistence are the foundations of their social, cultural, economic, and political lives. These crucial functions become recognizable only when symbolic and materialistic approaches are synthesized in an analytical framework. The environment is both physical and symbolic, and human-environmental relationship is heavily influenced by human perception of the environment which develops through social, political, and economic interaction.

Second, study of indigenous ecologies within industrial societies requires a theoretical framework that enables a researcher to examine collected data from dynamic perspectives. In today's world, inter-group interaction is becoming increasingly extensive and intensive. Indigenous groups often make decisions about their relationship with the environment according to the factors within a regional, national, and even international context. Interaction may be indirect and instant (e.g., internet, media). A theoretical framework must be flexible. Multi-level, multi-site, and multi-time research by a team of researchers is also strongly encouraged. It is simply impossible for a sole ethnographer to examine all the variables impacting ecological relations of an indigenous group in an industrial society.

Third, the important roles of the indigenous “habitus,” worldview, in resource conversation and preservation need to be recognized. The roles of indigenous religiosity in resource conservation and preservation have been widely discussed. I will argue that a wider cultural institution, "habitus,"
worldview, effectively regulates members' resource use under the notion of cultural appropriateness. Indigenous "habitus" play an important role in sustainable development. It is important to note that the function of indigenous "habitus" is not merely symbolic but also materialistic.

Finally, power relationships surrounding the indigenous society need full attention in analysis. Not only the forms of subsistence activities but also the symbolic meanings associated with them change in response to the shift of power relationships between the indigenous group and the larger society. In turn, the changes in symbolic meanings lead to a shift in the form of human-environment relations. Indigenous ecologies are fundamentally political by nature.
CHAPTER 2

THEORETICAL FRAMEWORK OF REFERENCE

During the early stages of my fieldwork, it became clear that understanding of contemporary Nez Perce ecology requires a different framework from those of the conventional ecological anthropology (e.g., ecosystem approach). Two observations led to this conclusion. First, I found it impossible to define a unit of analysis for the purpose of operationalization because of the intensive and extensive interaction between the Nez Perce and the outside world. Although most hunting, fishing, and gathering practices take place within the legally defined “usual and accustomed places,” the distribution of their catches takes place well beyond those boundaries through social and kinship networks. Outside agencies such as state and federal governments, outside media, and capitalistic market system play important roles in shaping the forms of Nez Perce hunting and fishing activities. This dynamic interaction with the larger society takes place at local, regional, national, or even international levels. A self-contained ecosystem approach is not appropriate to examine these interactions. Second, the investigation of contemporary Nez Perce ecology
requires a synthesis of symbolism and materialism. In fact, the collected data did not make sense until they were analyzed from both symbolic and material viewpoints together. The conventional framework of singularly using *either* symbolic (e.g., ethnicity) or material (e.g., energy flow, time allocation) approach was not useful. The initial data analysis led me to explore a new theoretical framework that enabled examination of the collected data in the synthesized manner between symbolism and materialism, and this approach turned out to be useful.

Among the “new ecologies” (Biersack 1999), I found political ecology particularly useful as a general framework of reference for this study. Political ecology enables researchers to incorporate dynamic political interaction into the analytical framework of a human-environmental relationship. Within the general framework of political ecology, I will use the concepts of “capital” and “practice” to examine data from both symbolic and materialistic perspectives.

I will discuss the theoretical framework of this study from the following three perspectives. First, I will discuss the symbolic aspects of human-environmental relationships and their impact on human life. Anthropologists have long argued that the environment is humanized. Leach (1965:25) states that “[t]he environment is not a natural thing; it is a set of interrelated percepts, a product of culture …. What this environment is, is not discoverable objectively; it is a matter of perception.” The environment is not only physical but also symbolic. Second, I will discuss political ecology. Political ecology provides a
dynamic framework of reference that enables a researcher to examine human-environmental relations from the perspective of political economy. Third, the concept of capital will be examined. The concept of capital is a useful means for examining Nez Perce hunting, fishing, and gathering practices. Among others, Pierre Bourdieu’s "symbolic capital" serves the objectives of this study. Using the concepts of “capital” (symbolic, economic, and natural capital) and “practice,” a synthesis of symbolic and materialistic aspects of Nez Perce hunting, fishing, and gathering practices will be attempted.

2.1: Environment, Human Symbolic Behavior, and Ethnic Identity
2.1.1: Humanized Environment

Humans and the environment do not exist in a mutually exclusive manner. Culture “emerges from nature as the symbolic representation of the latter” (Ellen 1996:31). Humans attach meanings to the environment, which shape the ways we relate ourselves to the environment. Places are “as much a part of us as we are part of them” (Basso 1996:xiv). “Sense of place” does not exist in the environment, but comes out of human cognition and involvement. Stressing the aspect of sense of place as cultural activity, Basso (1996:13, italic original) coins the term “sensing of place.”

Sense of place is not limited only to the visual aspect of the environment. For example, sound is also an important component. I have heard several Nez Perce elders talk about the “weeping and crying sound” at the battle sites of the War of 1877 (e.g., Big Hole and Bear Paws Battlefields in Montana). These Nez
Perce elders perceive the battlefield not only visually but also auditorily. When talking about Celilo Falls on the Columbia River, the largest fishing and gathering site of Northwest Indians now submerged under water due to the completion of The Dalles Dam in 1957, many Nez Perce elders referred to the vibration of rocks, smell of fish, mist, hot wind, and roaring sound of the Falls. Stories, emotions, and meanings are created, maintained, and recreated in the forms of all five senses. The environment is never a mere physical object detached from human perception.

The fact that humans act on the humanized environment means that, in a way, we create and represent the environment and interact with the environment through our own representation. Representation is the basis of human action upon the environment (Godelier 1986:33). Changes in human-environmental relations occur not only because of the fluctuation in natural condition (e.g., depletion of resources) or modification in human-made systems (e.g., governmental regulations) but also due to the transformation of symbolic meanings attached to the environment.

This does not suggest that there is no “nature” in the world we live in. The issue of nature vs. culture (i.e., the boundaries between nature and culture) has been an issue of debate among ecological anthropologists (c.f., Ellen and Fukui 1996). Although humans continue to construct the environment symbolically, there are vast areas of environment existing that are free from human symbolization (e.g., percentage of oxygen in the air). Human understanding of
nature is extremely limited and inherently partial, and therefore, humanization of nature is also limited. Sheridan (1995:43) rightly argues that “[o]ur constructions of nature are always partial and always incomplete. The social construction of nature does not necessarily imply its social control.” The irony is that, despite the inherently limited human understanding of the environment, humans tend to assume that they have full control over the environment. Environmental history witnesses countless number of incidents in which human actions severely damaged ecosystem due to their failure to accurately predict outcomes.

Humans are constantly engaged in creating and recreating humanized environment through symbolism. Study of human-environmental relationship requires understanding of human symbolic behavior.

2.1.2: Human Symbolic Behavior

Symbols are different from signs. A sign represents a known thing, while a symbol is the expression of fuzzy fact that is recognized as existing (Jung 1949:601). Symbols represent multiple numbers of things and actions, and one symbol can be interpreted in more than one way. Also, unlike signs, symbols are loaded with emotion. Symbols are “objects, acts, relationships or linguistic formations that stand ambiguously for a multiplicity of meanings, evoke emotions, and impel men to action” (Cohen 1974b:23, italic original).

Some symbols are “dominant,” and, when they are, usually possess three properties: condensation, unification of disparate meanings, and possession of
sensory and ideological components (Turner 1967:28). First, different things and actions are condensed within one "dominant" symbol. One locally dug root could represent the digger's childhood, her grandmother, and smell of the area.

Second, a "dominant" symbol unifies disparate meanings, such as in the case above. Among contemporary Nez Perce hunters, the act of hunting unifies all the seemingly unrelated meanings such as Indian-white conflicts, teachings from uncles and grandfathers, the War of 1877, and the 1855 treaty negotiation.

Third, a "dominant" symbol contains both sensory (i.e., natural and physiological) and ideological components (i.e., social value, norm). In the rituals of the Seven Drums Religion, water is both sensory and ideological. It physically cleans the body, and represents the source of all life. Furthermore, "dominant" symbols are interpreted in a consistent manner and possess "considerable autonomy" (Turner 1967:31). Most individuals who identify themselves as Nez Perce interpret "dominant" symbols (e.g., War of 1877, salmon, and ancestral lands) in fairly consistent ways.

However, in general, human symbolic behavior is inherently fluid. Even "dominant" symbols could stop functioning as such in certain circumstances. A striking example among the Nez Perce is Chief Joseph, a legendary leader during the War of 1877. Today, he is a "dominant" symbol in expressing Nez Perce ethnic identity. However, he was not treated as such in the late 1800's and early 1900's. After the defeat in the 1877 War, the non-treaty faction was given a strongly negative stigma by other Nez Perce. According to Josephy
Chief Joseph and other non-treaty band leaders “were referred to in front of whites as if they had disgraced the tribe.” However, changes took place over a period of time, and the leaders of the non-treaty faction became the Nez Perce tribal heroes. The dates of the major battles during the 1877 War are no longer symbols of defeat but instead now represent ethnic survival and perseverance. Some of the battle dates became tribal holidays (e.g., June 17 in memory of the battle of White Bird). In public gatherings, many individuals refer to their ancestors’ affiliation with the non-treaty bands as a part of self-introduction. Interestingly, this reference to a band affiliation is mostly limited to the descendants of the non-treaty bands. Today’s "dominant" symbols were not dominant before and might not be so in the future.

The act of human symbolization is both social and private. As a social being, human symbolic behavior is shaped by social structures (e.g., gender, economic class, educational background, religious affiliation). However, an individual act of symbolization is never completely determined by structures. Human actors are inherently creative and are constantly involved in creation, recreation, and modification of the meanings of symbols. It is not uncommon that two individuals from the same social group attach very different meanings to the same symbol. For example, more than one meaning is attached to a formal education by the Nez Perce. For many Nez Perce, college education is the sign of accomplishment and future opportunities. However, for others, it is the sign of distraction from traditional ways of life. In a similar fashion, some individuals see
pride in the flourishing tribal casinos, whereas some others attach a negative image to them. Furthermore, the same individual might attach different meanings to the same symbol depending on the context of interaction. This individual creativity may be suppressed when the individuals are interacting with each other in a social setting. Human symbolic behavior exists in a dialectic relationship between structural constraints and individual creativity.

Symbols play important roles in human social interaction, and as such, they are deeply embedded in human political activities. First, symbols mobilize and solidify a group. Sautman (2001) reports that the Chinese government actively uses paleoanthropological findings as a means of nurturing nationalism. Similar examples can be found in the USA during World War II. The US government effectively used Pearl Harbor as a symbol to mobilize its citizens for its war effort. Symbols are often used to mobilize group members.

Second, controlling the meaning of symbols frequently becomes a point of political contestation. In Padang, West Sumatra, control over the meaning of a mosque became a focus of severe armed conflict (Freek 1993). The simple act of naming streets and other objects became the field of political competition in Vitoria, Brazil (Geert 1993). The meaning of Santa Fe is actively projected by various agents, e.g., Hispanic, Anglo-Americans, Indians, and those in the tourist industry, during the fiesta (Grimes 1976). The meanings of the lands of Tahiti are contested and negotiated by various groups, i.e., those in tourism, protestors of a nuclear test site, and the natives who stress the ancestral ties with the lands.
Symbols are deeply involved in human political activities, and people fervently compete against each other over the authority to control symbols.

Third, symbols function as a means of political competition (Harrison 1995). For the Toraja in Indonesia, art is not only an ethnic symbol but is a vehicle for the articulation and rearticulation of ethnic politics (Adams 1998). Adams contends that the Toraja art serves as a “weapon of the weak” (Scott 1985). Kertzer (1988) clearly summarizes close links between politics and symbolism. He states:

Through symbolism we recognize who are the powerful and who are the weak, and through the manipulation of symbols the powerful reinforce their authority. Yet, the weak, too, can try to put on new clothes and to strip the clothes from the mighty. … Political reality is in good part created through symbolic means … (Kertzer 1988:5).

Human symbolic behavior is inherently political, and political activities cannot exist without symbols.

Nez Perce relation with the environment is inherently political. Symbols associated with the environment and Nez Perce traditional subsistence activities are deeply rooted in Nez Perce political activities. The following observation clearly illustrates this point.

One of my Nez Perce consultants expressed strong frustration over Shepard Krech’s (1999) The Ecological Indians. My consultant argued that Krech tries to degrade Indians. I believe Krech’s intention was not to discredit Indians but to reexamine a simplistic and romantic notion of “nature-loving”
Indians. My consultant, however, believed Krech tried to harm Indians by concluding that the notion of Indians as guardians of the environment is not necessarily based on the historically recorded data. The issue here is how to interpret the symbol of Indian-land relationship. The relationship with the lands is one of the key symbols for the Nez Perce, and outsiders' attempt to reexamine its meaning is a serious threat to them. For non-Indian scholars, pursuit of “facts” could be a point of pure scholastic endeavor detached from people’s life. Also, for most non-Indians, the symbolic meaning of Indians as “nature-loving” and “close-to-nature” may simply be a source of nostalgia for the past. However, for Indians, the symbolism associated with the land carries social, economic, and especially political implications. The debate on the Indian-nature relationship is, for Indians, actually the issue of ethnic survival. Symbolism of the environment is deeply political.

Meaning of symbols emerges through social interaction, and therefore, human symbolic behavior is fundamentally dynamic. Interpretation of symbols is fluid, and even “dominant” symbols may change in their interpretation. By nature, human symbolic behavior is deeply political, and symbols may have direct impact on the actual life of people. Environment and traditional subsistence activities have special significance for the Nez Perce because they are “dominant” symbols which express Nez Perce ethnic identity.
2.1.3: Ethnic Identity and Symbolism

Ethnic identity is “the sum total of feelings on the part of group members about those values, symbols, and common histories that identify them as a distinct group” (Royce 1982:18). Tambiah (1994:430) stresses individual consciousness and defines ethnicity as “self-conscious and vocalized identity that substantializes and naturalizes one or more attributes – the usual ones being skin color, language, religions, territorial occupation – and attaches them to collectivities as their innate possession and their mytho-historical legacy.” Ethnicity is the conscious identification of who you are and who you are not.

Ethnic identity is always past-oriented. It does not exist without reference to the past. Ethnic identity is essentially “a feeling of continuity with the past” and “a sense of survival” (De Vos 1975:17). The notion of descent is significant (Keyes 1981:5), and the strong tie with the past is often projected under the name of tradition. Scientific validity of historical facts is not a fundamental issue here. The past is what “people believe … to have taken place” (Spicer 1971:796). Therefore, tradition could be even invented (Hobsbawm 1983). The relationship with the environment and the traditional subsistence activities before the arrival of Europeans are the essential part of the Nez Perce past. The significance of the past for Indians was vividly displayed in the Kennewickman controversy (cf., Schneider 1998, 1999; Stapp and Longenecker 1999; Thomas 2000; Downey 2000).
In July 1996, a human skull was found on the bank of the Columbia River near Pasco, Washington. The immediate excavation revealed more bones. The preliminary forensic analysis indicated that the individual was a 40-55 year old Caucasoid male, height being about five feet and nine inches. Strangely, he had a stone spear point on the right side of his hip, and the projectile looked like a spear point that went out of style on the Columbia Plateau around 5,000 years ago. The initial radio carbon analysis of the bone estimated the date of Kennewick man approximately between 9,250 and 9,370 BP which was later modified to between 8,630 and 8,930 BP (Schneider 1998:23). Who was he? Why did he have a spear point on his hip? Were there Caucasoid before Indians on the Columbia Plateau? This opened the question of who were the first inhabitants on North America. The Kennewick Man finding might challenge the current theories of the first Americans. Only five days after the radiocarbon test results were released, the Army Corp of Engineers made an announcement about its intention to repatriate the remains to an alliance of five Northwest tribes: Umatilla, Yakima, Nez Perce, Wanapum and Colville. Researchers were requested to return the bones immediately without further study. In September 1996, the bones were confiscated by the Army Corp of Engineers with the plan to hand them to the Confederated Tribes of the Umatilla Reservation. Soon, eight scientists filed a suit seeking access to the bones for further study (Bonnichsen

The central issue in this controversy is “Who controls the past?” Armand Minthorn, a Umatilla leader, said, “Our oral history goes back 10,000 years. We know how time began and how Indian people were created. They can say whatever they want, the scientists. They are being disrespectful” (cited in Thomas 2000:xx). Who owns the history, Indians (based on their oral tradition) or scientists (based on the available archaeological data)? The ownership of the past is an emotionally charged issue for many Indians. This Indian perspective is difficult for many non-Indians to understand. For Indians, the past is not a mere collection of facts but an important symbolic political weapon that could have a large impact on their lives today and in the future.

Individuals express their identities by sharing and displaying the same symbols. From this perspective, an ethnic group can be distinguished from ethnic category. Keesing and Keesing (1971) distinguish “social group” from “cultural category.” Those in a group consciously identify themselves as members of the group and engage in actual interaction with other members who share the same sense of identification. On the other hand, “category” is a label designated by outsiders, and there is no interaction among individuals. By sharing and displaying the same symbols, individuals are displaying their feeling of belongingness to the group. In the process of identification (i.e., individual
creative act) and acceptance to the group by its members (i.e., structural constraint), "dominant" symbols play crucial roles. Sharing "dominant" symbols of the ethnic group is the first step toward acceptance by the group members as a part of "us."

Sharing of symbolic meaning often occurs through ritual. Ritual has been defined in many different ways.Durkheim (1995), Turner (1967), and Van Gennep (1960) stress the prescriptive aspects of rituals. A ritual is a significant medium through which individuals become incorporated into what Durkheim calls "collective representations." Rituals mark the "liminal stage" (Turner 1967) and function as "rites of passage" (Van Gennep 1960). Some scholars emphasize the performative aspects of rituals (Rappaport 1979, 1999; Tambiah 1979; Lewis 1980; Turner 1982, 1988). Rappaport (1979:174) defines ritual as "a performance of more or less invariant sequences of formal acts and utterances not encoded by the performers." At a different place, he says, "In ritual, logic becomes enacted and embodied – is realized – in unique ways" (Rappaport 1999:3). Through performing rituals, individuals internalize the logic embedded in the group. This process functions to distinguish "us" from "them."

Hunting, fishing, and gathering practices provide significant rituals for the Nez Perce ethnic identification. Through performance of these activities, individuals display and reaffirm the feeling of Nez Perce-ness. Nez Perce hunting, fishing, and gathering activities take place within the symbolized (i.e.,
humanized) environment. The Nez Perce traditional subsistence activities are wrapped with thick layers of symbolism. As such, they play significant roles socially, culturally, economically, and politically.

2.2: Political Ecology and Multilevel Analysis

Political ecology developed with the aim of dealing with complex human-environmental issues and crisis in the 1970’s. Scholars in various disciplines such as geography, ecological economics, anthropological political economy, environmental history, and biophysics contributed to the development of this interdisciplinary framework. With the risk of oversimplification, I will discuss the two major traditions of political ecology development: political economy and ecosystem approach in ecological anthropology.

Political economy is the study of industrial and capitalist economy in the world, i.e., how world economy penetrates into societies. Its origins can be traced back to such thinkers as Adam Smith, David Ricardo, Robert Malthus, and Karl Marx. The theories of political economy have been shaped by the dependency theory (e.g., Frank 1966) and world system theory (e.g., Wallerstein 1974) in the 1960’s and 70’s. Dependency theory, which was developed as a critique against the then predominant linear development model of modernization theory, sought to examine the hierarchical relationship between the capitalist metropolis and dependent satellites in the world economy. The world-system theory revised the dependency theory by paying more attention to the complex
relation between the core, peripheral, and semi-peripheral areas. Both theories have been criticized for their inability to examine the dynamism present in the relation between core and peripheries. Wolf (1982) explored the complex and dynamic interaction between the local units and the global political-economic system. Out of this theoretical tradition, political ecology emerged with the aim of incorporating dynamic world political-economic interaction into the ecological analysis.

The other backdrop of the development of political ecology was a critique against the ecosystem approach. The concept of ecosystem was formally defined by Sir Arthur Tansley in 1935 (Moran 1990:4). It was adopted in biology in the 1950’s (e.g., Odum 1953). Since the 1960’s, the ecosystem approach produced significant studies in anthropology (e.g., Geertz 1963, Clarke 1971, Rappaport 1968, Kemp 1971, Smith 1991). Among others, Rappaport’s (1984) study on the Tsembaga in New Guinea became one of the classics in anthropological literature. He examined the function of the ritual cycle, in particular, the kaiko, a massive slaughter of pigs as sacrifice to the spirits of ancestral guardians before warfare, in the Tsembaga’s ecological relations.

Rappaport (1984), unlike cultural ecology (e.g., Steward 1955) which uses culture as a unit of analysis, adopted population and ecosystem as a unit of analysis. The former is “an aggregate of organisms that have in common certain distinctive means for maintaining a set of material relations with the other components of the ecosystem in which they are included” (Rappaport 1984:6).
And the latter is “a demarcated portion of the biosphere that includes living organisms and nonliving substances interacting to produce a systemic exchange of materials among the living components and between the living components and the nonliving substances” (Rappaport 1968:224-225). He contends that the ecosystem regulates itself through “negative feedback,” i.e., link between variables within a closed system (Rappaport 1984:4). In the Tsembaga case, the *kaiko* ritual played a crucial role within the self-regulated ecosystem.

Although the ecosystem approach made significant contribution to anthropology, it has been criticized widely. Moran (1990:16-24) lists six limitations in the ecosystem approach: (1) reification of a system as an organic entity (e.g., self-regulation), (2) overemphasis on energy efficiency (e.g., energy flow), (3) lack of historical perspectives, (4) neglect of the role of individuals, (5) unclear boundaries of the unit of analysis, and (6) lack of multi-level perspective. Rappaport’s landmark study was criticized for its functionalist’s orientation, although later in his career, he reoriented himself from functionalist premises more toward a study of the interaction of culture and nature (Biersack 1999:7). Biersack characterizes Rappaport after *Pigs for the Ancestors* as a forerunner of political ecology. In fact, in his later years, Rappaport became active in US forestry issues and examined them from interactional perspectives.

Political ecology stands on the premise that ecological studies can no longer ignore dynamic political interaction between a local ecological unit and the regional and international systems. Nature is no longer something out there as
an isolate but exists in the middle of dynamic human life, i.e., in history and politics. This awareness led to the incorporation of the concept of power into the analysis. Political ecology seeks to examine “the role of power relations in determining human uses of the environment” (Bates and Lees 1996:9).

The dynamic nature of human-environmental relationships is the major focus of political ecology. It is not a narrowly defined theory but a broad framework. Sheridan (1988:xvii) defines political ecology as follows. He states:

The exploitation, distribution, and control of natural resources is always mediated by differential relations of power within and among societies. At the same time, however, the resources being exploited impose certain constraints as well – constraints that modify the political force fields emanating from outside the community in question. Peasant societies are neither isolated ‘little communities’ nor helpless pawns in an international power struggle. On the contrary, they are constantly engaged in a creative dialectic between both local and external forces.

In political ecology, the concept of environment itself is dynamic. The environment:

may range from the very largely cultural (e.g., that of the epidemiology of disease in urban settings or even the cultural corpus about health or disease), through the intensely political (e.g., resource endowments for strategic materials) to the fairly significantly natural (e.g., rainforest in remote areas of New Guinea or climate itself)” (Greenberg and Park 1994:8).

In political ecology, the key factor connecting the environment and the politics is power. According to Dirks et al. (1994:7), our social world is “ordered as an endlessly shifting field of inequalities” and even basic desires such as love form themselves in the field of political discourse. Human-environmental relations also exist in political discourse. Some scholars define power at the
level of interpersonal and group relations (e.g., Dye 1993, Cohen 1970, Adams 1975). Ronald Cohen (1970:491) defines power as “the ability to influence the behavior of others or influence the control over valued actions.” On the other hand, other scholars add the structural dimension to the analysis (e.g., Wolf 1994, 1999). Wolf (1994, 1999) examines the concept of power from the viewpoint of macroscopic political economy. He identifies four different modes of power. One is power as the attribute of individuals. The second type of power is, as Cohen’s, the ability to influence others at the interpersonal level. The third mode of the power is called “tactical” or “organizational power” which “controls the settings in which people may show forth their potentialities and interact with others” (Wolf 1994:218). The fourth mode of power “not only operates within settings or domains but … also organizes and orchestrates the settings themselves, and … specifies the distribution and direction of energy flows” (Wolf 1994:219). This power is called “structural power” (e.g., Marx’s capital). Wolf’s perspective on power is useful for this study. Humans are intricately connected with various structures and organizations. Our action and perception are shaped by interpersonal power (i.e., power relations between individuals), “structural power” (e.g., market, environment, legal system) and/or “organizational power” (e.g., tribe, US citizenship, religious affiliation). Power is constantly and simultaneously negotiated between various agents and individuals at various levels. Nez Perce ecology exists in the midst of power negotiation among various actors and structures.
A number of studies have been produced within the framework of political ecology. Dark (1997) examines how the forests of the Olympic Peninsula in Washington State have been shaped through politicized discourses through tourism, Indian treaty rights, environmentalism, and most importantly scientific forest management plans. Ernst (1999), through the discourse analysis of stories, demonstrates that the competition against international corporations for the oil resources has greatly impacted the Onabasulu’s cultural practices and the relation with the environment in Papua New Guinea. Sheridan (1995) examines how competition over water resources by various parties (e.g., private corporation, state, Indian tribes) influenced human-environmental relationships in the Arizona desert. Gezon (1999:58) examines how the symbolization of the history and ritual performance provide Antankarana leaders with the means of political negotiation over the resources in Northern Madagascar. All of these studies explicitly show that human-environmental relations are strongly influenced by political relations between the local communities and the outside agencies.

The broad scope of political ecology has invited some criticism. Vayda and Walters (1999) warn us that some political ecologists take the approach of “politics without ecology” by reducing political ecology to political economy. The more fundamental challenge comes from the debate on nature vs. culture (Escobar 1999). If we reject the essentialists’ concept of nature and develop a framework based on the understanding of nature as culturally and historically
constructed, how can we examine dynamic and politically influenced human-environmental relationships? Also, how can we explain the world environmental changes and crisis (e.g., El Nino)? I share the same view as Anderson (2000) in proposing to use the concept of “practice” as a possible solution to this phenomenological issue. People “come up with their categories (political, cultural, personal) through interacting with the actual entities and events they categorize” (Anderson 2000:105). Humans categorize the environment and interact with it. Through this “practice,” the physical environment becomes humanized, and human actors experience the environment through practice.

My criticism of some studies in political ecology is that individuals are often absent in their analysis. If we focus on political relationships at the group level and do not pay attention to individuals’ engagement in the environment, we inevitably overlook the process of human-environmental interactions. It is not a group but individuals who interact with the environment. Individual relationships with the environment are shaped by the political relationship with the various outside agencies. The focus of political ecology is human actors and their “practice.”

Political ecology, due to its attention to a power relationship, requires a dynamic unit of study in time and space. Kottak and Colson (1994) and Kottak (1999) propose a “linkage” methodology as a relevant method to a new ecological anthropology. The linkage approach proposes that researchers examine their subject matters within a multitime, multisite, and multilevel
framework. This approach aims at “emcompass[ing] the multistranded involvement in the world system that ethnographers must now consider in conceptualizing the influences affecting values, categories, institutional arrangements, and other symbolic systems.” Focusing on change rather than homeostasis, this approach is the antithesis of the traditional concept of holism which implies that culture is an autonomous and stable system. The linkage approach requires teamwork and sets of data collected by researchers from various disciplines.

The concept of linkage has been applied to many research projects. In addition to the work by Kottak and his colleagues (e.g., Kottak and Costa 1993) and Colson and her colleagues (e.g., Colson and Scudder 1975), Rhoades (1997) uses a multilevel interdisciplinary approach in his sustainable development project in the Himalayas. He calls his approach “mountain perspective” with watershed as its unit of analysis. Although this dissertation cannot afford to conduct its investigation with a full-fledged multilevel, multisite, and multitime methodology, it at least extends beyond the framework of the ethnographic present.

The importance of multilevel analysis is clear in Indian commercial fishing on Zone 6 of the Columbia River (see Fig. 2.1). Zone 6 is a 130-mile-long stretch of river where only four treaty Indian tribes, the Nez Perce, Yakima, Umatilla, and Warm Springs, can fish commercially. Besides commercial fishing, Indians
engage in ceremonial and subsistence fishing. Non-Indians or Indians of other tribes are allowed to engage only in sports fishing under state regulations. Zone 6 is not within the boundaries of the present Nez Perce Indian Reservation but is a part of Nez Perce “usual and accustomed places.”

A number of Indian fishers complained about the decline of profit from Zone 6 commercial salmon fishing in recent years. While discussing the issue of decreasing profit from fishing, many of my consultants attributed the declining profit not only to the decreasing number of returning fish but also lowering fish price. The salmon fish price (see Table 2.1) has consistently been declining since the mid-1990’s reflecting the shifting world salmon market and the changes in the industry (e.g., increase of salmon fish farms). Indian fishers have no control over the changes of the fish price, and the success of Indian Zone 6 commercial fishing depends upon variables outside the local and regional context.

The mechanism of the Zone 6 salmon harvest allocation for Indian commercial fishing also illustrates a close connection between Indian fishing and outside agencies. The process of determining salmon harvest allocation for commercial fishing in Zone 6 consists of the following 6 steps. First, harvest

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1 Non-Indians can fish commercially in Zone 1-5, a 140-mile stretch from the mouth of the Columbia River at the Pacific on upstream to the Bonneville Dam. This zone system was adopted after the court ruling in *US v. Oregon* (302 F. Supp. 899 [1969]) (Cohen 1986:120-121).

2 The commercial application of marine cage for salmon began in Norway in the early 1970’s. Salmon farming is a high-tech marine agriculture which produces over 500,000 mt. annually. In recent years, the danger of genetic modification of wild stocks has received much attention.
<table>
<thead>
<tr>
<th>Year</th>
<th>Chinook</th>
<th>Coho</th>
<th>Sockeye</th>
<th>Steelhead</th>
<th>White Sturgeon</th>
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<tr>
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<tr>
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<td>1997</td>
<td>0.40</td>
<td>0.25</td>
<td>No harvest</td>
<td>0.33</td>
<td>1.64</td>
</tr>
</tbody>
</table>

* All figures are dollars per pound.
* These figures do not include bank sale to the general public that escalated beginning in 1995.
* Price listed here may not be identical to the actual payment Indian fishers received. Price figure is average dollars per pound per species listed on Oregon fish receiving tickets applied to total river landings.

(Source: Oregon Department of Fish and Wildlife & Washington Department of Fish and Wildlife 1998:128)

<table>
<thead>
<tr>
<th>Year</th>
<th>Chinook</th>
<th>Coho</th>
<th>Sockeye</th>
<th>Steelhead</th>
<th>White Sturgeon</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>0.50</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1999</td>
<td>0.60</td>
<td>N/A</td>
<td>N/A</td>
<td>0.20</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(Source: Interview with a commercial fish buyer manager near the Dalles, Oregon, August 1999)

Table 2.1: Fish Price in Zone 6 Indian Commercial Fishing
biologists from Washington, Oregon, and Alaska, and the four Treaty Tribes (Nez Perce, Yakama, Warm Spring, and Umatilla) jointly prepare a forecast of the total Columbia River salmon run for the coming season. Second, according to the agreement of the US-Canada Pacific Salmon Treaty, the river harvest of the Columbia River Chinook is allocated between the US and Canada. Third, allocation of ocean harvest, i.e., between 3 and 200 miles offshore, between the States of Washington, Oregon, and California is determined by the North Pacific Fisheries Management Council. Fourth, according to the 1855 Treaty and the court decisions in *US v. Oregon* (302 F.Supp. 899 [1969]), negotiations about in-river harvest of the Columbia River Chinook will take place between the four Treaty Indian tribes and non-Indians (Washington and Oregon) with the US Fish and Wildlife Service and National Marine and Fishery Service as the mediators. Fifth, the Columbia River Compact, consisting of the States of Washington and Oregon, sets non-Indian and Treaty Indian fishing seasons in the Columbia River. The decision of the Compact is necessary for both non-Indians and the four Treaty tribes to commercially sell their catches. Finally, each of the four Treaty tribes opens and closes the river and regulates its members’ fishing (personal communication Yuen:1999).

Indian salmon fishing in the Pacific Northwest is tightly connected with outside agencies at local, regional, national, and international levels. The
patterns of Nez Perce engagement in the traditional subsistence activities cannot be understood adequately without examining the political involvement of various outside agencies.

2.3: Capital and Practice – Synthesis of Symbolism and Materialism in Ecological Anthropology

In the initial stages of my fieldwork, I collected information about the expenses and material gains from each hunting and fishing trip. I also gathered data about diet patterns of several households. It soon became clear that these approaches would not be effective in order to understand the contemporary Nez Perce ecology. Many Nez Perce often make their decisions on hunting, fishing, and gathering practices based on their symbolic meanings.

A case in point, in the fall of 1999, one of the widely respected community leaders died. As soon as the news spread in the community, a group of males organized a hunting trip. From the material perspective, the main purpose of the hunting trip was to provide meat for funeral dinners. However, from the symbolic perspective, it was a way to honor the deceased and the family. In this case, the primary motivation of these hunters was not to provide meat but to honor the deceased and his family. Examining this hunting trip only from the material viewpoint will completely overlook the significance of symbolic meaning involved in the hunting activity.

A second case occurred during my interview on camas root digging activities. One consultant strongly stressed the superiority of a traditional digging
stick called tú-kes\textsuperscript{3} over a modern tool such as a potato fork. Although he listed various evidence to claim the superiority of tú-kes to modern tools, the essence of his argument was that the use of a potato fork was not "traditional." The selection of harvesting techniques is mostly influenced by the perception of "tradition," even if efficiency and effectiveness are not totally unimportant in the material sense. These examples clearly show that Nez Perce individuals determine their relationship with the environment not only from the material but also from the symbolic perspectives. It is not fruitful to discuss which is more important between material and symbolic benefits. Both of them are important, and analysis demands synthesis of materialism and symbolism.

The issue of dichotomy between materialism and symbolism is not new in anthropology. One of the focuses of economic anthropology has been to analyze latent functionalism (e.g., Malinowski 1920, Weiner 1976, Mauss 1990). Researchers in economic anthropology showed that human economic activities cannot be adequately comprehended without examining social structures (e.g., Polanyi 1944; Herskovits 1952; Dalton 1961, 1971; Firth 1967; Sahlins 1969; Godelier 1972, 1986). Polanyi (1944:49) went as far as arguing that the economic system is "in effect, a mere function of social organization."

These scholars clearly demonstrated that basic concepts in human economics such as value and utility are culturally determined. Value is "a property of things" and "derives basically from some need or desire which it has

\textsuperscript{3} This dissertation follows Aoki (1994) for spelling of Nez Perce words.
the capacity to satisfy” (Sinden and Worrell 1979:4). There are great variations among societies in the types of “needs and desire” and the approaches in pursuit of them. Godelier (1972) argues that the concept of economic rationality differs between societies. He states that:

[to put forward, as do so many economists, the maximizing of the money gains of individuals as the sole rational attitude possible, an absolute and exclusive model, is to forget that this form of economic rationality is the product of a special historical evolution and is characteristic of developed capitalist societies in which the control and accumulation of capital constitute the strategic point of social competition (Godelier 1972:293).

He also argues that “[t]here is thus no strictly economic rationality, but instead an overall, totalizing rationality – an historical, social rationality” (Godelier 1972:316). My approach is to include symbolism in Godelier’s “totalizing rationality.”

This synthesis of symbolism and materialism has been a focal point of discussion in ecological anthropology. Ecological studies in anthropology have been strongly influenced by materialism (e.g., White 1949, Steward 1955, Harris 1979, Smith 1991). Rappaport (1984) was one of the first few who actively sought to include symbolism into ecological investigation. Rappaport (1984) distinguished “cognized” from “operational” models. The former is the “model of the environment conceived by the people who act in it,” and the latter is “anthropologist constructs through observation and measurement of empirical entities, events, and material relationships” (Rappaport 1984:237-238). They overlap with each other, but are slightly different. The “cognized” model may
include such elements as spirits and supernatural beings, whereas the
“operational” model may include material elements such as germs and bacteria
which actors may not be aware of (Rappaport 1984:238).

Biersack (1999:11) proposed the approach of “the new materialism” with
the goal of synthesizing culture and nature. He proposes the concept of “life
world” referring to “an indivisible material/symbolic/political/social/historical reality
in which the nature-culture divide is bridged” (Biersack 1999:11). Bennett (1996)
coins the term “socionatural system” referring to a similar framework. The
“socionatural system” consists of “any ongoing relationship between human
activities and environmental phenomena in which the humans provide the goals
and means and the environment the wherewithal” (Bennett 1996:13).
Unfortunately, neither Bennett nor Biersack provides any suggestion for actual
operationalization.

There are several approaches to the valuation of intangible assets.
Fernandez (1987) assessed the value of kinship and other social structures by
estimating the cost of developing social service agencies that could fulfill the
roles played by the lost indigenous social system. Some scholars have used
cost-benefit analysis in ecological study, although Westman (1977) warns that it
is far from adequate in ecological investigation. He argues that our knowledge of
the ecosystem is so limited that it is difficult to express intangible values in
monetary forms. Other scholars use a contingent valuation approach (e.g.,
Bishop et al. 1983). None of these approaches has been satisfactory. This study uses the concept of capital in order to synthesize materialism and symbolism.

Social scientists have used several types of capital in their analysis: social, human, natural, economic, symbolic, cultural (c.f., Coleman 1988, Putman 1995, Prugh et al. 1995, Bourdieu 1977). Lansing et al. (1998) attempted to examine the value of the Skokomish River in Washington for the Skokomish Indians using the concept of natural capital. Although the use of natural capital to examine the value of riverine resources for an indigenous group is a useful approach, Lansing et al. (1998) failed to demonstrate the links between the natural capital of the River and the Skokomish life. I will use Bourdieu’s (1977, 1990) “symbolic capital” as a means of linking symbolic and material aspects of the Nez Perce ecology.

Bourdieu uses the concept of “symbolic capital” to discuss cultural aspects of human economic activities. “Symbolic capital” is a form of credit based on trust often developed through long-term relationship or kinship. “Symbolic capital” is inseparably connected with economic capital, and can “inspire[s] actions that are very directly material” (Bourdieu 1990:121). Bourdieu’s approach to break down the barrier between symbolism and materialism proves useful in analyzing the patterns of economic transaction among contemporary Nez Perce.
Symbolic capital plays an important role in economic transactions among the Nez Perce. The accumulated symbolic capital often becomes materialized in the form of return gifts. This economic transaction with symbolic capital is observed in the activities related to hunting, fishing, and gathering practices. Through symbolic capital, hunting, fishing, and gathering activities play significant roles in Nez Perce economic transactions. Also, in the form of symbolic capital, traditional subsistence activities play important roles in the Nez Perce politics as well.

2.4: Summary

The environment is both physical and symbolic. Human interpretation attaches meanings to the environment, which significantly shapes the ways in which humans interact with the surrounding environment. At the same time, human behavior and perception are shaped by environmental constraints. Human-environmental relations exist in a delicate balance between the environmental constraints and human symbolic behavior. Recognition of symbolism in human-environmental relations leads to the incorporation of power relationships into analysis.

Political ecology will provide a framework that will enable a researcher to examine collected data within a dynamic social and political context. Within this framework, Nez Perce hunting, fishing, and gathering practices will be examined from both symbolic and materialistic aspects. Through engaging in the traditional
subsistence activities, the Nez Perce interpret the environment, perform
“dominant” symbols and rituals, display ethnic identity, and participate in social,
economic, and political activities. Nez Perce ecology is deeply political, and
dynamically operates within the political, economic, social, and cultural contexts.
CHAPTER 3

METHODOLOGY

This section will discuss the data collection and data analysis procedures of this study. I will first describe the procedure of my fieldwork. Second, I will discuss the methodologies of data collection and data analysis. Finally, postmodern critique on ethnographic representation will be briefly reviewed in regard to the methodologies adopted in this study.

3.1: Fieldwork

I conducted my fieldwork in Idaho, Oregon, and Washington for the total of approximately nine months. Fortunately, my previous research experiences (Kawamura 1995) and my prior association with tribal members since 1991\(^1\) helped me start data collection with a very short entry period. The nine months were divided between: one month in the summer of 1997, two months and a half in the summer of 1998, two weeks in the winter of 1998-1999, and five months in

\(^1\) I met many tribal members while living in Lewiston, approximately 15 miles from the reservation, for two years (1991-1993) and in Moscow, approximately 45 miles from the reservation, for another two years (1993-1995).
the summer and fall of 1999. In the subsequent summers, short visits were made to the field sites to collect additional data. During my fieldwork I mostly stayed with non-Indian families in Lewiston, approximately 15 miles from the reservation. I also stayed with Indian families on and outside the reservation. This division of the fieldwork had disadvantages (e.g., losing a sequence in data collection), but there were also advantages. Time between the field works allowed me to analyze the collected data and continuously modify research questions and theoretical framework of references.

Each phase had different objectives. The fieldwork in the summer of 1997 was primarily exploratory. I collected data to narrow down my research questions and develop the basic framework of data collection (e.g., a geographical unit of analysis, necessary length of fieldwork, appropriate techniques of data collection). During this summer, a large portion of my time was spent on informal interviews and participant observation. I participated in many social and religious gatherings on and around the reservation and also in fishing and root-gathering trips. Library research was also conducted at local libraries. I discussed my research plan with researchers in the area, Nez Perce Tribal Executive Council (NPTEC) members, and Nez Perce community leaders. I also visited the Colville Confederated Tribes in order to explore the possibility of including the Nez Perce on the Colville reservation into the research. As will be discussed in Chapter Four, there are some ethnic Nez Perce currently enrolled in the Confederated Tribes of the Colville Reservation in Washington.
After returning from the field, the collected data were analyzed, and the outline of the fieldwork and research hypotheses were revised. First, I decided that key consultants\(^2\) would be limited only to the enrolled members of the Nez Perce Tribe in Idaho. The Colville Nez Perce and most non-Nez Perce Indians living on the reservation were excluded from the scope of this study because Nez Perce hunting and fishing rights are recognized only for the Nez Perce tribal members with a few exceptions (see Chapter 6.1: Nez Perce Treaty Rights). The tribal regulations, especially those of fishing, are strictly enforced by the tribe. Social regulation by tribal members, e.g., through gossiping, is also in effect. I did include some Nez Perce who lived outside of the reservation (i.e., other reservations, non-reservation areas), and actually recruited several key consultants outside of the reservation. Many of the Nez Perce living outside the reservation actually came back to the reservation for the purpose of hunting, fishing, and gathering.

Second, it was decided that the scope of the research would be limited only to hunting, fishing, and plant/root-gathering practices mainly focusing on foodstuff. During my exploratory interviews, it became clear that the Nez Perce perception of the environment would mostly center around their traditional subsistence activities. Reference to agriculture or logging was made only as an antithesis of “Indian ways of life.” Also, regarding plant resources, I decided not to include the secretive use of medical herbs because the goal of this study was

\(^2\) I will use the term “consultants” rather than “informants” with the intention to emphasize the individuals’ specific knowledge and insights into the research questions.
not an in-depth ethnoecological discussion but an analysis of general patterns in
the traditional subsistence activities. After the refinement of the research
questions, a formal research proposal was developed and submitted to the Nez
Perce Tribal Executive Council on November 21, 1997. This was part of the
requirement under The Ohio State University policy of Human Subjects
described below.

In the summer of 1998, more data were collected while I continued the
negotiation with the NPTEC for an endorsement of my research proposal. The
negotiation did not proceed as expected. During the first meeting with the
Natural Resource Subcommittee of the NPTEC, two concerns were expressed
by some committee members. First, some council members questioned the
value and benefit of the project for the tribe. Second, some council members
expressed concerns over the possible exploitation of local knowledge by me, an
outside researcher. The proposal was tabled and I was asked to submit further
documentation for the Subcommittee members. The concerns raised at the
meeting were somewhat expected considering the political context of the time of
my submission. At the time of my proposal submission, there were sensitive
political issues such as the Snake River Basin Water Rights Adjudication,
Kennewick Man controversy, and Lower Snake River dam breaching case (cf.,
Buchal 1997, Petersen 1995), not to mention the ongoing conflicts with the State
of Idaho over the Nez Perce fishing and hunting rights. Also, with more tribal
members having received degrees in higher education, it was understandablie
that the sentiment of "we should write about our history and culture for ourselves" had risen among tribal leaders. The concerns expressed during the Subcommittee meeting were mirroring the political implications of ecological research for Indian tribes. The NPTEC members were well aware of the benefits of having documentation on their cultural practices for future court cases. However, they were also keenly aware of the potential risks of having outsiders conduct research about Nez Perce ecology. The discussion at the Subcommittee meeting itself reflected the political context surrounding today's Nez Perce hunting, fishing, and gathering activities.

After the initial failure to receive an endorsement from the NPTEC, I further discussed my proposal with NPTEC members. I also asked several Nez Perce elders and leaders for advice and their support. The proposal was re-submitted to the Natural Resource Subcommittee with additional documentations including letters of support from tribal elders and an area researcher who was a long-time acquaintance of the tribe. This time, the proposal was approved by the Subcommittee, and subsequently by the NPTEC. The official NPTEC endorsement was granted and the research agreement was signed on July 14, 1998. While waiting for the official endorsement, I collected data through informal interviews, participant observation, archival research, and the examination of locally available documents. The primary context of participant observation included fishing, root-digging, berry-picking trips, and various social
gatherings such as family gatherings, sweat lodge, powwow, church meetings, and funerals. Formal interviews started after the official tribal endorsement was granted.

While seeking an endorsement from NPETC, I sought an approval for my research protocol from the Human Subjects Review Board of The Ohio State University. The difficulties I experienced in obtaining an approval illustrate the gaps between the Indian culture I knew and US academic culture. The Human Subject Review Board requested that I receive a signature on a consent form from my consultants for any research activity. Based on my previous experiences, I was sure that taking such a legalistic approach could damage my relationship with my consultants quickly. With a letter explaining the cultural gaps, a research protocol was re-submitted to the Board with a request of waiver for a written consent for each research activity. In January, 1998, waiver of a written consent was finally granted, and my research protocol was approved.

The two-week fieldwork in December and January of 1998-1999 was devoted to intensive formal interviews with a few key consultants. The interviews focused on the description of the consultants’ engagement in hunting, fishing, and gathering activities between January 1998 and December 1998.

The five-month fieldwork in the summer and fall of 1999 focused on collecting more data from key consultants through formal interviews and participant observation. In addition to the in-depth interviews with key consultants, data were collected from a wide range of tribal members through
interviews and participant observation. In the fall, I participated in the Indian commercial fishing on the Columbia River for approximately four weeks. I also joined fishing trips on the reservation and in southern Idaho from summer through fall. Other activities included berry-picking and root-digging trips with key consultants and attendance at many social gatherings in Idaho, Washington, and Oregon. I also collected data about the Lower Snake River dam breaching debate since it was a significant part of the political issues of the area at the time. I also interviewed non-Indians about the Lower Snake River dams breaching issue in Lewiston-Clarkston areas.

After the summer of 2000, data collection continued in a less intensive manner. During my subsequent visits, interviews were carried out in order to clarify and cross-examine several issues from the previous fieldwork.

During the course of my fieldwork, there was a slight shift in the focus of data collection. In the beginning stages, I intended to collect symbolic and materialistic data separately. For example, with the aim of examining the function of hunting practice, I collected data about the percentage of game meat in the total amount of meat consumed in a household. With the same consultants, I also conducted in-depth interviews to analyze their views on hunting. It soon became clear that I should not separate symbolic from materialistic data. Collected data did not make sense and even looked
contradictory when I examined them separately as symbolic or materialistic.

Data collection soon shifted towards a synthesis of symbolic and materialistic data.

3.2: Methodologies: Data Collection and Data Analysis
3.2.1: Data Collection

Data were collected from the following five sources: (1) archival ethnographic and historical materials, (2) the documents collected on and around the fieldwork sites, (3) the local newspaper and newsletter articles, (4) formal and informal interviews, and (5) participant observation.

Previous ethnographic and historical reports were used for three purposes: (1) to “reconstruct” the Nez Perce ecology in the 1800’s, especially until the opening of the reservation, (2) to document the shifting Nez Perce ecology in the historical context and examine the relationship between Nez Perce ecology and the socio-political context of the period, and (3) to trace the historical background of what I observed. Historical records help understand the meaning of historically constructed symbols.

During the fieldwork, various documents were collected. They include: internet materials, memorandums of the local governments and the Nez Perce tribe, affidavits and court records, census data, and publications by local and regional organizations and libraries. I contacted such organizations as the Nez Perce National Historical Park, Forest service, Columbia River Inter-Tribal Fish Commission (CRITFC), Idaho/Washington Department of Fish and Game, local
universities, chambers of commerce, Bonneville Power Administration, and the organizations involved in the Lower Snake River dams breaching issue. Articles in local newspapers such as Lewiston Morning Tribune and Tats Titoqan: News of Nimipu (Nez Perce tribal newspaper) were also examined. Study of the local newspaper, newsletters of local organizations, and various statements on the dam breaching issue were very useful to develop a general understanding of the local political context. These documents reflect voices of people, even if they are inherently partial.

Formal interviews aimed at examining the following areas: (1) patterns of engagement in hunting, fishing, and plant/root-gathering practices, (2) function of these activities within the contemporary Nez Perce community, (3) patterns of decision-making in these activities, and (4) meanings attached to these activities. Most formal interviews were conducted at the consultants’ homes, but some interviews were carried out at their workplace or other convenient places such as a park. The majority of my consultants were enrolled members of the Nez Perce tribe in Idaho, and all of them were adult (i.e., 18 years or older).

The consultants were divided between key consultants and general tribal members. All the key consultants were enrolled Nez Perce tribal members. They were continuously recruited during the entire fieldwork period based on the level of engagement in hunting, fishing, and gathering practices. The individuals who had had extensive experiences in these activities and whose family members had been active in the activities were selected as key consultants. In
addition, general tribal members were continuously recruited using the networks of the consultants themselves. No effort was made to sample the population according to the statistical principles. However, consultants were recruited based on such variables as gender, religious affiliation, residency, educational levels, and income levels. I believe that the conclusion of this study will sufficiently represent tribal members’ general perception and behavioral patterns.

All the interviews, formal and informal, were conducted in English. On today’s Nez Perce reservation, except for the ceremonial context (e.g., ceremonies of the Seven Drums Religions), the majority of the daily conversation is conducted in English. Although some elders conversed with each other in Nez Perce, they were also fluent in English. Therefore, I used English for all of my interviews. I did not have any major language problems during my interviews and participant observation, although there were several occasions where elderly consultants said, “Well, I don’t know what you call it in English. I only know it in Nez Perce.” For the purposes of this study, English was a sufficient means of communication.

Most interview sessions usually lasted for about one hour or one hour and a half. Many interviews with key consultants often took more than two sessions. Some formal interviews with some key consultants were as long as 12 hours. With key consultants, I focused on detailed description of their engagement in hunting, fishing, or gathering practices. The covered topics included: time, length, and location of the activity; consultant’s relation to their hunting, fishing,
and gathering partners; techniques used; sources of their training; amount of catches; distribution/storage patterns; gains from the catches, the mechanism of decision-making, and the meanings attached to the activity (see Appendix A).

With general tribal members, the interviews focused less on detailed description of engagement in the activities and focused on how the consultants' family members are involved in the activities. There were a few questions I asked uniformly to both key consultants and general consultants. These questions included: “What would you say if white people ask you why you need special rights for hunting and fishing while you do not totally depend on them for physical survival?”, “Why are hunting, fishing, and gathering activities crucially important for today’s Nez Perce?”, and “What do you think are the qualifications you want to see among NPTEC members?” Most formal interviews were recorded on cassette tapes for later analysis. The total hours of formal interviews were over 150 hours with more than 60 individuals. When I did not record the interview, I wrote down the content of the conversation as much as I could immediately after the interview.

There were questions some consultants did not feel comfortable in discussing. One of them was exact locations of root digging sites. Because I was aware of the tension and also I would not need such information for my research, I assured my consultants that I would not need to know exact digging locations and, even if I heard them during the interview, I would not write them down on my dissertation. Strong mistrust against researchers has its own
background that is based on the outsiders breaching the people’s trust in them. In some cases, tribal researchers had their requests for recording information declined.

Participant observation was conducted outside as well as inside the reservation. Although most social events I participated in (e.g., weddings, funerals, social gatherings, religious gatherings, sweatbaths, powwows, ceremonies) took place on and around the reservation, many of the trips I joined for hunting, fishing, and gathering practices took place at “usual and accustomed places” outside the reservation boundaries.

3.2.2: Data Analysis

Collected data were analyzed within the framework of political ecology. Special attention was given to the dialectical relationship between the Nez Perce and outside agencies, both at structural (e.g., Indian law, market) and agent levels (e.g., State of Idaho, other Indian tribes, non-Indian residents in the area). Through interviews, participant observation, and document analysis, I identified variables directly and indirectly influencing tribal members’ decisions on hunting, fishing, and gathering practices. I also examined how Nez Perce individuals engage in political negotiation among themselves as well as against outside agencies.

In the analysis of dynamic political negotiation process, symbolic analysis is crucial. Symbolism was treated as one type of capital, i.e., “symbolic capital,”
and I examined how the accumulation of “symbolic capital” was related to other types of capital, especially economic capital. Also, I focused on how accumulation of “symbolic capital” was involved in political negotiation of the Nez Perce. The data was analyzed qualitatively.

3.3: Anthropological Debate over Representation

Ethnography is in the era of “crisis of representation” (Marcus and Fisher 1986) (cf., Geertz 1973, Marcus and Cushman 1982, Marcus and Fisher 1986, Clifford and Marcus 1986, Denzin 1997, Marcus 1998). While examining the conventional characterization of ethnography as description of others in their own terms, recent scholars have demonstrated that ethnographers themselves are deeply involved in the game of representation. Researchers observe and write about others while playing political games themselves. Ethnographies are “themselves interpretations … and thus, fictions” (Geertz 1973:15). As everything else in human society, ethnography takes place within human power relations.

This movement led to a different view on the concept of culture. Culture is no longer perceived as an integrated whole but as “composed of seriously contested codes and representations” (Clifford 1986:2). Dirks et al. (1994:3) also

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3 Intellectual root of postmodernism and poststructuraïsm goes further back to the 1960's. One example is Deloria Jr.'s (1969) Custer Died for Your Sins. Thomas Biolsi and Larry Zimmerman (cited in Thomas 2000:241-242) rightly point out, “Long before anyone in anthropology had heard of Michel Foucault or Pierre Bourdieu, Deloria had put his finger directly on what would later be called discursive formations, symbolic capital, and the micropolitics of the academy.”
emphasize the aspect of ongoing cultural construction by characterizing culture as “grounded in unequal relations and … differentially related to people and groups in different social positions.” Marcus (1998) proposes “multisite” ethnography based on the understanding that culture is constructed by multiple agents in dynamic context.

This perspective has profoundly challenged ethnographers. Nazarea (1999) seeks a new direction in ethnoecology which traditionally focused on understanding natives’ cognitive maps and classification system of the environment. She argues that researchers can no longer overlook the issues of historical and political representation and power in ethnoecology. Ethnoecology is “engaged” with full understanding of ideological negotiation and positioning” (Nazarea 1999:8).

This study will fully incorporate the concept of power into its analysis. The contemporary Nez Perce ecology exists in the midst of ongoing power negotiation among various actors. The environment plays an important role in the power competition, and the patterns of human engagement in the environment is strongly affected by the power competition. Nez Perce hunting, fishing, and gathering activities exist in dynamic social, cultural, economic, and political interactions.
CHAPTER 4

NEZ PERCE INDIANS, NEZ PERCE TRIBE, AND THE SURROUNDING ENVIRONMENT

This chapter provides a brief description of the Nez Perce Indians, Nez Perce tribe, and their surrounding environment as a backdrop for the later chapters.

4.1: The Nez Perce Indian Reservation in Idaho

The Nez Perce Indian reservation is located in north central Idaho (see Fig. 4.1). As of August 1997, it covered 770,453 acres. The area surrounding the Nez Perce reservation is a rural area with two major highways, Route 12 and 95, crossing the reservation. Indian land ownership, i.e., both individual and tribal, is 12.2% (93,618 acres) of the total acreage\(^1\). The majority of the reservation lands, 82.5% (636,055 acres), is owned by non-Indian owners (Nez...)

\(^1\) The breakdown of 93,618 acres is that individual Indian trust is 47,558 acres (6.2% of the total acreage) and tribal trust is 38,168 acres (5.0%). The tribe owns some lands, 19,836 acres, outside the reservation boundaries (Nez Perce Tribe 1998-1999 Appendix B-3). Since 1980, the tribe has started a tribal land acquisition program.
Figure 4.1: The Nez Perce and Colville Indian Reservations
Perce Tribe 1998-1999: Appendix B-3). There is only one community on the reservation where Indians outnumber non-Indians. The Nez Perce Indian reservation is a so-called “checker-board” reservation.

According to the 1990 census, the total reservation population is 16,160 with the Indian population, i.e., Nez Perce and other Indians, of 1,863 (11.5%). According to the Bureau of Indian Affairs census, the total Nez Perce tribal enrollment was 3,250 with 2,455 living on the reservation as of 1994 (Walker 1998:433). According to the 2000 Census, the proportions of the Indian populations in major communities are: 82.5% (936/1,134) in Lapwai, 8.7% (101/1,160) in Kamiah, and 3.6% (116/3,247) in Orofino². Lapwai is the main city on the reservation where the Nez Perce tribal office and the office of Bureau of Indian Affairs are located. Lapwai is 14 miles away from the large twin cities of Lewiston, Idaho and Clarkston, Washington that have the joint population of 38,241 (2000 Census).

4.2: Origin of the Tribal Name

The name “Nez Perce” originates from the French word nez perce, meaning “pierced nose.” This word first appeared in the 1810 journal of David Thompson, a Canadian fur trader of the North West Company (Aoki 1970). However, the practice of nose piercing itself had been recorded earlier.

According to William Clark in 1805, the Nez Perce called themselves “Cho pun-

² These “American Indian and Alaska Native” include “race alone or in combination with one or more other races.”
nish or Pierced noses" (Thwaites 1959,3:78). On May 7, 1806, on the way back from the Pacific, Clark wrote “The orniments [sic] worn by the Chopunnish are, in their nose a single shell of Wampom” (Thwaites 1959,4:371-372), and on May 13, 1806, Meriwether Lewis’s journal entry reads “the ornament of the nose is a single shell of the wampum” (Thwaites 1959,5:30). Also, the Nez Perce male depicted in the oil painting by Paul Kane, a Canadian artist who met some Nez Perce during his trip from Toronto to Victoria from 1846 to 1848, shows a dentalium nose ornament. The Nez Perce, based on their oral tradition, have been claiming that the practice of nose piercing did not exist as a tribal custom (Slickpoo and Walker 1973:iii; McWhorter 1983:9; McBeth 1993:19). Some scholars echo this opinion (Haine 1955:15).

I speculate that it was the custom practiced by some Nez Perce bands who had close association with downriver groups. William Clark, referring to the groups below Beacon Rock, Washington, wrote in his journal dated November 1, 1805, “The noses are all pierced and when they are dressed they have a long tapered piece of white shell or wampum put through the nose, those shells are about 2 inches in length” (Thwaites 1959,3:186-187). It is clear that the use of dentalium shell as a pierced nose ornament was widely spread among the Indian groups along the Columbia River (Griswold 1954:64). Considering a close affiliation between some Nez Perce bands and downriver groups, it seems likely

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3 Josephy (1983:63), by pointing out that the figure in Kane’s original watercolor painted during the trip does not have a pierced nose, argues that it is likely that Kane added a nose ornament to the oil painting later based on the tribal name.
that some Nez Perce adopted the custom of nose piercing. Some scholars, however, infer that the practice was widely shared among the Nez Perce until a certain moment in history.

Goddard (cited in Walker 1998:437) and Curtis (1911:4,n1), by referring to the referent terms for the Nez Perce by other Indian tribes, conclude that nose piercing probably existed among the Nez Perce. The reference terms for the Nez Perce used by the Crow, Hidatsa, Dakota, Lakota, and Arikara indicate their nose piercing practice, although such terms were not universally shared (Nez Perce Language Department and the Cultural Department http://www.nezperce.org/History/nimiipu.htm; Goddard, cited in Walker 1998:437-438). Griswold (1954:65) infers that the practice abruptly terminated soon after the first contact with Euroamericans.

According to Slickpoo and Walker (1973:iii), the Nez Perce called themselves Tsoop-nit-palu, “the walking people” or Nee-me-poo (Ni mi pu), “We, the people.” This was a self-reference term, and outsiders did not use it to refer to the Nez Perce (Spinden 1908:171). The definition of the Nez Perce “was primarily based on language, and if a person spoke nimiputimt ‘Nez Perce tongue’ as his language⁴, he was considered nimipu” (Ames and Marshall 1980/81:28-29). Today, “Nez Perce” is the most commonly used self-reference

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⁴ See 4.3.4 (Language, Family, and Religion) for discussion of Nez Perce language.
term as well as the reference term used by non-Nez Perce. In a specific context where ethnic identity is strongly expressed, many Nez Perce use *Ni mi pu* as a self-reference term.

4.3: Expression of Ethnic Identities among the Nez Perce

The issue of “who the Nez Perce is” is not as simple as it initially looks. Its complicated nature derives from the fact that sociocultural identity and tribal membership are different. There are individuals who are widely recognized as Nez Perce but actually not enrolled in the tribe. Tribal membership is, in its narrowest sense, not a cultural identity but a legal category as any national citizenship.

My previous study (Kawamura 1995) identified two types of ethnic identities expressed by the Nez Perce on and around the reservation: Indian⁵ and Nez Perce ethnic identity. Through the examination of such reference terms as “we,” “us,” and “my people,” I researched when, where, and how individuals express their ethnic identity. I furthermore analyzed the motivation behind each identification behavior. It became clear that people express Indian ethnic identity more commonly than Nez Perce ethnic identity on and around the Nez Perce reservation. This finding is important since it illustrates how most Nez Perce relate themselves to the larger society in today’s socio-political environment.

⁵ In this dissertation, I will use “Indians” instead of “Native Americans” because most Nez Perce use the former on most occasions. Similarly, I use “white/white people” following the Indian usage. The Nez Perce usually do not distinguish ethnic differences among “white.”
Most Nez Perce are very conscious of the presence of “white people” in their daily life, while the distinction between the Nez Perce and other Indians is not very significant. In most social contexts, the significant “others” of most Nez Perce are not other Indians but white people. Non-Indians clearly outnumber Indians on the Nez Perce reservation, and unlike reservations of confederated tribes, the Nez Perce reservation is recognized only for the Nez Perce. There is little competition against other Indian groups over interest or resources in daily life on and around the Nez Perce reservation.

Indian ethnic identity is not a replacement for the Nez Perce ethnic identity. Individuals creatively distinguish the two identities according to the context of their social interaction. Thompson and Peterson (1975) made a similar observation among the Mississippi Choctaw. They (Thompson and Peterson 1975:190) state “identity as Indian is not replacing identity as Chata [Choctaw word for themselves], but rather is in addition to Chata identity.” When the Nez Perce express Indian ethnic identity, they do not stress uniqueness of a specific tribe but highlight the differences between Indians and the white. They also emphasize common experiences among all Indian groups. For example, when individuals discuss history to express Indian ethnic identity, differences among various groups become minimized and their commonness maximized. Stories about other tribes are sometimes used to express Indian ethnic identity.

Nez Perce ethnic identity is expressed by displaying the uniqueness of the Nez Perce. The distinction between Indian ethnic identity and Nez Perce ethnic
identity is clear in the ways individuals use symbols. For example, when an individual expresses the Nez Perce ethnic identity, he refers to Nez Perce specific symbols (e.g., his own ancestors, sites of the 1877 War, Nez Perce language). The uniqueness of Nez Perce experiences is strongly emphasized.

Nez Perce ethnic identity is not fixed, and, depending on the context of interaction, its scope changes flexibly. In a conflict-free context, Nez Perce ethnic identity remains rather inclusive, and usually includes non-Nez Perce Indian or even non-Indian individuals who are married into a Nez Perce household. As long as they behave in a culturally appropriate manner, they are referred to as a “part of us.” However, as soon as a conflict over some interest arises, the definition of “us” becomes exclusive. In an extreme conflict context, the definition of “us” no longer depends on the individual act of identification but tribal registration. The definition is no longer social but strictly legal. First, non-Indians, and then, non-Nez Perce Indian in-laws will be excluded from “us.” Nez Perce consultants illustrate the nature of this transition very vividly. One consultant said, “Nimipu is inclusive, but Nez Perce is exclusive.” Another consultant said, “Nimipu includes all the people who follow the traditional Nimipu life-style. Nimipu is a metaphysical identity, but Nez Perce is a blood quantum.” In one extreme case when a property issue was being bitterly disputed, one individual openly accused a widely recognized ethnically Nez Perce elder who is not an enrolled Nez Perce tribal member by saying, “She is not a tribal member anyway. She should not have any say about this.” When political and economic
conflicts occur over such issues as employment, distribution of wealth, promotion in employment, election, and Treaty rights, the Nez Perce ethnic identity becomes very narrow and exclusive. Anyone who does not hold a tribal membership card might be excluded from “my people” during the conflict.

One good example to illustrate the distinction between Nez Perce ethnic identity and Nez Perce tribal enrollment is the Colville Nez Perce. The Colville Nez Perce are the descendants of the 150 Nez Perce who were exiled to the Indian territory after their surrender in the War of 1877. In 1885 after eight years of exile, they were sent to the Colville reservation in Washington instead of the Nez Perce reservation. Even after the settlement on the Colville reservation, Chief Joseph continued to plead with the government for his return to his homeland in Wallawa, Oregon. In 1890, he refused to take his allotment on the Nez Perce reservation (Gay 1981:90-91) in Idaho. After Joseph’s death in 1904 and the government’s refusal to send his band back to their homeland in Wallawa, Oregon, some of the band members moved to the Nez Perce reservation in Idaho, and 89 remained on the Colville reservation (Seeman 1987:70). Blandau (1972) counted 230 enrolled Colville members of Nez Perce descent in 1967-1968. Today, they are enrolled in the Confederated Tribes of Colville Indian reservation in Washington. They are legally not Nez Perce despite their clear biological and cultural connection to the Nez Perce. This gap

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6 Today, the distinction between full-blood and mixed-blood is minor in terms of Nez Perce ethnic identity. The distinction is sometimes mentioned, but it does not seem to be a major factor determining Nez Perce ethnic identity.
between socially defined ethnic identity and legally defined tribal membership is not limited only to the case of Colville Nez Perce. Due to the long history of intermarriages with nearby tribes, there are many ethnically Nez Perce (i.e., with biological and social ties to the Nez Perce tribe in Idaho) who are enrolled in different tribes.

4.4: Nez Perce Tribal Membership

The authority to define tribal membership is a part of the inherent tribal power. The rights to “define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community” ([Santa Clara Pueblo v. Martinez, 436 U.S. 72, n.36 [1978]]). Tribes can take away membership from individuals ([Roff v. Burney, 168 U.S. 218 [1897]) and adopt a person into the tribe and determine the benefits of such persons ([Cherokee Intermarriage Cases, 203 U.S. 76 [1906]]).

Each tribe has its own membership criteria. Generally speaking, one or a combination of the four methods is used: descent, residency, blood quantum, or birth to an enrolled mother or father ([O'Brien 1989:200]). According to Duane T. Bird Bear at the Bureau of Indian Affairs, in a partial listing of 155 federally recognized tribes in 1991, there were 97 tribes with a one-fourth (1/4) degree blood quantum requirement, 16 with a one-half (1/2) degree, 11 with one-eighth (1/8), 3 with one-sixteenth (1/16), 1 with three-eighths (3/8), 1 with one-sixty

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7 As of 1995, there are 555 federally recognized tribes ([Kim 1995:902]).
fourth (1/64), and 26 without any minimum requirement (cited in Snowden et al. 2001:n241). The Nez Perce Constitution and Bylaws define the tribal membership with blood quantum (one-fourth [1/4] degree of Nez Perce blood) as a main criterion (see Appendix B).

Tribal power of determining one’s membership is not of unlimited nature. The power of the Congress is “of a plenary nature” over Indian affairs, although it is “not absolute” (U.S. v. Tillamooks, 329 U.S. 40, 54 [1946]). Bureau of Indian Affairs, under the Department of Interior, has large influences on tribal decisions on its membership. For example, when the Omaha tribe changed its membership criterion from one-fourth (either mother or father’s side) to one-half blood quantum (only from father’s side) in 1962, the Secretary of the Interior refused to sign the document. The tribe was forced to return to the former criterion (Snowden 2001:196). Since the late 1960's, the federal government has been endorsing the policy of tribal self-determination. However, Indian tribes do not have total control over their membership policies.

Snowden et al. (2001) argues that federal Indian laws have been undermining Indian tribes’ sovereignty by not recognizing their authority to naturalize their citizens. Naturalization, i.e., adoption, has been a commonly practiced method of membership determination among many Indian groups. Federal courts in criminal jurisdiction cases have been reluctant to accept it, and instead have largely relied upon blood quantum for membership determination. For example, the Supreme Court in US v. Rogers, 45 U.S. 567 (1846) held that a
white adopted Cherokee was not an Indian for purpose of exclusive Cherokee jurisdiction for Indian on Indian crimes. The authors argue that descent and blood quantum are a particularly European fascination used to justify the oppression of others.

The issue of self-identification has been raised by many indigenous groups of the world. The Final Statement from the UNDP (United Nations Development Programme) Consultation on Indigenous Peoples’ Knowledge and Intellectual Property Rights, Suva, Fiji in April 1995, reads, “We assert our inherent right to define who we are. We do not approve of any other definition.” The issue of self-identification is the foundation of self-determination. In 1989, the International Labor Organization (ILO) Convention No. 169 officially recognized the principle of self-identification for indigenous peoples. Article 1-2 reads “Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.” Tribal membership is the heart of the Nez Perce tribe as an ethnicity-based political entity.

4.5: Nez Perce Tribe
4.5.1: Tribal Sovereignty

Indian tribes were once fully sovereign nations. Although, according to U.S. law, they have lost their full sovereignty through “discovery” and “conquest”

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(Johnson v. McIntosh, 21 US 542 [1832]), they still possess “inherent powers of a limited sovereignty which has never been extinguished” (US v. Wheeler, 435 U.S. 313, 322-33 [1978]). Indian tribes are “semi-independent” (U.S. v. Kagama, 118 U.S. 375, 381 [1886]), “quasi-sovereign” (Santa Clara Pueblo v. Martinez, 436 U.S. 49, 71 [1978]), and “domestic dependent nations” (Cherokee v. Georgia, 30 U.S. 1, 17 [1831]). Although Congress has “plenary authority to legislate for the Indian tribes in all matters” within the limitation of the US Constitution (US v. Wheeler, 435 U.S. 313, 319 [1978]), Indian tribes still retain a considerable amount of sovereign power. It is important to note that Indian tribes’ sovereign power was never granted but simply recognized through treaties and statues.

The Nez Perce tribe is a federally recognized tribe. As such, it possesses a distinct legal status from other groups such as non-recognized Indian tribes or the native Hawaiians⁹. First, non-recognized tribes do not exist as political entities in federal laws. Federal recognition is the mechanism through which government-government relationship is established. Although some federal government services do not require federal recognition for participation, the majority of federal programs, especially crucial ones (e.g., gaming, hunting and fishing rights) require the status of federal recognition. A large number of Indian

⁹ The issue of sovereignty among US territories is beyond the scope of this study. Although the cases of US territories provide useful materials to examine the unique nature of sovereignty of federally recognized Indian tribes in federal laws, US territories differ from Native Americans and Native Hawaiians in that the concept of indigenousness does not play a crucial role in discussion of legal status. For discussion of legal status of US territories, see Laughlin (1985).
groups do not have federal recognition. From 1978, when the Secretary of the Interior issued regulations that set forth the qualifications for federal recognition, through 1995, only ten out of 165 applicant tribes actually received federal recognition (Kim 1995:899).

Second, the native Hawaiians are not recognized as a political entity with sovereign power. Therefore, in federal laws, they are not treated in the same way as federally recognized Indian tribes. This different treatment is not due to their ethnological differences but different history of relationship with the United States. In *Rice v. Cayetano* (528 U.S. 495 [2000]), the Supreme Court found that the exclusion of non-Hawaiians from voting for trustees of the Office of Hawaiian Affairs (OHA) violated the Fifteenth Amendment. The majority opinion rejected the argument that the voting law is constitutional under federal laws which allow Indian tribes to develop their own membership criteria (*Morton v. Mancari*, 417 U.S. 535 [1974]). The OHA was established under the Hawaiian Constitution as “a public trust entity for the benefit of the people of Hawaiian ancestry” (Proceedings of the Constitutional Convention of Hawaii of 1978, Committee of the Whole Rep. No. 13, P. 1018 [1980]). The Court ruled that OHA is not a “quasi-sovereign” government but a State office. The *Rice* decision did not

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10 This ruling kindled native Hawaiian politics. Non-native Hawaiians challenged the use of State funds for OHA (*Ezra Throws out Challenge to OHA’s Ceded Lands Income*, *The Associated Press*, Honolulu, February 19, 2002). Native Hawaiian leaders developed an umbrella organization following the Alaska model (*Hawaiian Umbrella Group to Push for Akaka Bill*, *The Associated Press*, Honolulu, July 7, 2001). Two bills, i.e., “Akaka Bill” named after Senator Akaka (S. 746 IS, S. 746 RS, S. 1783), were introduced to the Senate seeking federal recognition.
recognize any form of sovereignty among native Hawaiians and Hawaiians\textsuperscript{11}. The key distinction between native Hawaiians and federally recognized Indian tribes is that the former was incorporated into statehood and the latter was not. Incorporation into statehood means loss of special governmental relationship with the US federal government and territorial rights (\textit{Tee-Hit-Ton v. U.S.}, 348 U.S. 272 [1955]).

Federally-recognized tribes, non-recognized tribes, and the native Hawaiians have different relationships with federal and state government. Also, the Constitution applies to each of them in different ways. Federally-recognized Indian tribes are not limited by the Constitution (\textit{Talton v. Mayes}, 163 U.S. 379 [1896]) because they retain sovereign power as “domestic dependent nations.” Federally recognized Indian tribes are unique ethnicity-based political entities in the US legal system.

The foundation of today’s US federal Indian laws was established by the so-called Marshall trilogy: \textit{Worcester v. Georgia} (31 US 515 [1832]), \textit{Cherokee v. Georgia} (30 US 1 [1831]), and \textit{Johnson v. McIntosh} (21 US 542 [1832]). Some of the principles established in Marshall’s trilogy were modified over time. One of the significant changes is the outer boundaries to exercise sovereign power. In \textit{Worcester v. Georgia}, Chief Justice Marshall ruled that the Cherokee nation is “a distinct community occupying its own territory … in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but

\textsuperscript{11} The Hawaiian statues define “Native Hawaiians” and “Hawaiians” differently (HRS § 10-2 [2001]).
with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress" (Worcester v. Georgia, 31 US 515, 561 [1832]). This was a clear recognition of reservation as a semi-sovereign territory. An Indian tribe possessed sovereign power over its own members and geographically marked territory, although tribal territorial rights are not those of ownership but “occupancy” (Johnson v. McIntosh, 21 US 542 [1832]). This is no longer the case in Indian law.

For example, the tribe has criminal jurisdiction over its own members within the reservation (United States v. Wheeler, 435 U.S. 313 [1978]), but their power is limited to certain criminal offenses (Major Crimes Act, 18 U.S.C. §1153). Tribal jurisdiction over non-Indians is very limited even within the reservation. Indian tribes do not have criminal jurisdiction over non-Indians unless such authority has been granted by a treaty or Congress (Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 [1978]). Tribes do not have criminal jurisdiction over non-member Indians on the reservation (Duro v. Reina, 495 U.S. 676 [1990]). The court is “increasingly relying on tribal membership as the sole basis for tribal authority” (Dussias 1993:96). Tribal sovereignty is continuously evolving.

4.5.2: Government Structure

The Nez Perce Tribe is a federally recognized tribe governed by the Nez Perce Tribal Executive Committee (NEPTEC), a nine member board elected at-large by the General Council (see http://www.nezperce.org). Each NEPTEC
member serves a three-year term, with three members elected annually at General Council. NEPTEC subcommittees (e.g., Natural Recourses, Land Enterprise Commission, Human Resources, and Law & Order/Intergovernmental Affairs) are responsible for policy analysis and formulation subject to approval by NPTEC resolutions. Various departments and management programs (e.g., tribal court, social service) are responsible for designated branches of the tribal government. In addition, there are elected boards such as the Nez Perce Housing Authority, Nez Perce Tribal Employment Rights Office (TERO), and the Gaming Commission.

4.5.3: Economy

The Nez Perce reservation has recently been experiencing gradual economic growth. With the creation of two casinos, the tribe has created over 200 new jobs and is exploring various possibilities for its future. There are two casinos currently operating on the reservation: It’s Ye Ye in Kamiah, and Clearwater River Casino on the Aht’ Wy Plaza site four miles from Lewiston. The former casino has more than 35 employees, and the latter has 234 employees. At Aht’ Wy Plaza, there is a fuel station, RV park, and also a convenience store. Other major employers on the reservation include: the tribal government with 440 employees, Nez Perce Tribal Housing Authority with 20, Nee Mee Poo Health with 77, Bureau of Indian Affairs with 14, and Nez Perce National Historical Park
with 31 (Nez Perce Tribe 1998-1999:14). Some tribal members find employment at non-Indian private sectors on the reservation (e.g., a sawmill in Kamiah) or in nearby cities (e.g., Potlatch Corporation in Lewiston).

Despite the recent economic growth on the reservation, many tribal members experience unemployment. The seasonally adjusted unemployment rate is approximately 39 percent, with a high of 60 percent during winter months (Nez Perce Tribe 1998-1999:16). According to the Bureau of Indian Affairs, the poverty rate affecting the tribal members is as high as about 45 percent (Nez Perce Tribe 1998-1999:16). The Nez Perce Tribal Employment and Training Department has over 1,500 persons on its workforce list, approximately 65 of which are unskilled and need training/education for their employment opportunities (Nez Perce Tribe 1998-1999:12-13).

The tribe also owns such enterprises as Limestone Enterprise and Forest Product Enterprise. In addition, the tribe manages leasing of tribal controlled lands for crops and grazing at a profit. Among others, two projects are very unique. One is the Young Horseman Project which started in 1994. The objectives of this project included: beginning the process of originating a new breed of Nez Perce Appaloosa, involving tribal members in the development of the tribal horse program, and providing tribal youth with training and employment in the horse industry. In 1998, the program started the Nez Perce Tribal Horse Registry. The program is continuously growing\textsuperscript{12}. The other project is the Gray

\textsuperscript{12} See \url{http://www.nezpercehorseregistry.com/} for the Nez Perce horse registry program.
Wolf Reintroduction Project (cf., Wolf Education and Research Center n.d.).

Under the Endangered Species Act of 1973, wolves are classified as endangered. The tribe has been working with the US Fish and Wildlife Service in developing wolf release programs. The Tribe developed a Wolf Recovery and Management Plan for Idaho, and has been responsible for reintroducing wolves into Idaho. The tribe has the Wolf Education and Research Center on the reservation. Both of these projects are interesting in the sense that they clearly reflect the values the tribe would like to nurture among its members because they are economic as well as cultural programs.

4.5.4: Language

Nez Perce language is a dialect of the Sahaptin family. The Sahaptin family is one of the two major language families of the Columbia Plateau, the other being the Salishan family spoken in the northern Plateau. The Sahaptin family is spoken by groups in the Southern Plateau, and has two languages within: Sahaptin\(^{13}\) in the west and the Nez Perce in the east. The former is spoken mainly by those on the Yakima, Warm Springs, and Umatilla reservations and the settlements along the Mid-Columbia River. Speakers of Nez Perce language can be found mostly on the Nez Perce reservation, although there are some speakers on the Colville reservation and a handful on the Umatilla

\(^{13}\) This is a linguist's naming for a group of mutually intelligible dialects.
reservation (Kinkade at el. 1998:59). Sahaptin and Nez Perce are mutually intelligible. Many Nez Perce elders stated that they would understand what Yakima people are saying, although they cannot speak it.

Kinkade et al. (1998:59) report that the number of fluent speakers of Nez Perce language was fewer than 100 and the number of individuals with some knowledge of the language was about 200 by 1990. It is still common to hear Nez Perce language during the Seven Drums religion ceremonies, Christian church services¹⁴ (prayers, hymns), sweatbaths (prayers), and social gatherings (prayers), although it is rare to see people, except for some elders, conversing with each other in Nez Perce. Some Nez Perce words, especially plant names, do not have locally used English equivalents, and people still use Nez Perce language to refer to them. Interest in Nez Perce language has been growing, which is evidenced in people’s interest in community language courses and Nez Perce names. Indian name giving is a part of regular activities during local powwows.

The tribe has initiated a language promotion program. Today, the tribe has a full-time staff for the Nez Perce language projects. The program develops materials, conducts research, and offers community language courses. Language courses have also been offered by a nearby college and university.

¹⁴ My experiences are mostly limited to Presbyterian churches.
As of March, 2002, Lewis-Clark State College in Lewiston, Idaho offers a minor in Nez Perce Language, and The University of Idaho in Moscow, Idaho offers Nez Perce language courses cooperatively with Lewis-Clark State College.

4.5.5: Family

The basic unit of a Nez Perce family is usually an extended family. It often includes grandparents, their sons and daughters, and their spouses and children. Although they usually lived in separate households, they constitute a basic unit for most economic, social, religious, and political activities. Siblings of grandparents are often regarded as grandparents by younger members of the group. Cousins are often classificatory brothers and sisters, and referents of the English term “cousin” is far wider than the standard English usage. Relationships between male ego and uncles, and female ego aunts are very close. It is rather common for individuals to stay with their relatives for a prolonged period of time. Grandparents often raise their grandchildren, and there is a saying that there is no orphan in an Indian community.

The kinship system is bilateral. People recognize not only kindreds but also nonunilinear descent (Ackerman 1994). People trace their descent through either males or females back to the ancestor. Among contemporary Nez Perce, people usually trace their ancestors to well-known village leaders in the 1800’s. As Ackerman (1998:517) reports, it is common for strangers to identify each other by their descent group and pre-reservation band affiliation.
Extended families play very important roles in contemporary Nez Perce society. Traditional subsistence activities are, in most cases, conducted by a group of family members, and the catches are distributed among family members. Most basic social functions (e.g., financial support, emotional support, residency, disciplinary training for children, religious affiliation) are family affairs. When I asked questions about religious affiliation, I often received the response, “My family belongs to ....” I repeatedly heard people make reference to the size of an extended family in tribal elections (e.g., “Oh, he is from a large family”).

4.5.6: Contemporary Religious Activities

The religious activities observed on and around the reservation today include: the Seven Drums, Shaker Church, Native American Religion, Protestant (Presbyterian, Methodist, Pentecostal, Assembly of God, etc.), Catholic, Bahai, and Mormon. Some tribal members call their sweatbath a “church.” I will discuss contemporary Nez Perce religious activities by dividing them into two types: Indian (Seven Drums, Shaker, and Native American Church) and non-Indian religions (Christianity and others).

On the Nez Perce reservation, Indian religion is represented mostly by the Seven Drums religion. The Seven Drums is also called Washat or Longhouse religion. Walker and Schuster (1998:502) characterize the Seven Drums as a mixture of older elements (e.g., vision quest, tutelary spirit power, valuing traditional lifestyle) and some Christian elements (e.g., concept of the Creator,
Sunday worship service, symbolic use of the number seven in rituals, use of a handbell, and headman leading a service). It developed out of the older form of Nez Perce and other Plateau religion with the influence of the Prophet Dance (see Chapter 5.1.2: Euroamerican Influences prior to 1805 for more discussion). Although there are some Nez Perce who claim that the Seven Drums is not native to the Nez Perce, it is mostly accepted as a traditional Indian religion.

Seven Drums religion has been practiced all over the Columbia Plateau including the Yakima, Umatilla, Warm Springs, Nez Perce, and Colville reservations, and off-reservation settlements on the mid-Columbia River (cf. Hunn 1990). On the Colville reservation, the core of the worshippers consists of the Nez Perce-Palouse who are the descendants of the exiled after the War of 1877.

On the Nez Perce reservation, Seven Drums worshippers hold regular meetings in the longhouse in Lapwai, an individually owned building designated for Seven Drums worship services. A service takes place on Sundays except for summer when many members travel for powwows or other purposes. A plan for building a Nez Perce tribal longhouse is well under way. Leaders and worshippers of Seven Drums visit other Plateau reservations frequently. For example, it is common to see Seven Drums leaders from other reservations officiating funeral services on the Nez Perce reservation. People travel to other reservations to attend funerals or ceremonies (e.g., first roots ceremony, berry feast).
Shaker religion¹⁵, also called Indian Shaker Church, is an Indian religion fusing old and new beliefs. It was founded by John Slocum, a Squaxin (Southern Coast Salish) in 1882 when he died and came back to life with a message from God and with healing power. In the late 1800's and early 1900's, Shakerism spread to reservations and settlements on the Plateau. Today, Shaker congregations can be found on the Yakima, Colville, and Warm Springs reservations. Historically, the Yakima reservation has been the center of Plateau Shakerism (Walker and Schuster 1998). Shakerism uses Christian symbols such the Christian cross, bells, candles, and holy pictures. Some churches use the Bible while others do not. Among the Nez Perce, there are a few households who occasionally host Shaker worship services. They also travel to other reservations to attend services.

Native American Church, or Peyotism, is a new form of religious activities that came from the Plains and Great Basin. It established itself on the Yakima and Colville reservations in the late 1960's and 1970's influenced by leaders from other reservations. A number of meetings have been held on many Plateau reservations and in off-reservation settings, including the Nez Perce reservation.

Christianity on the Nez Perce reservation was dominated by the Presbyterians until the 1940's (Walker 1998:434). Today, there are many Christian denominations and numerous churches on the reservation. This is a

¹⁵ There is no connection with Christian Shakers in the Atlantic states.
direct effect of the Allotment Policy (see Chapter 5.3.1: Allotment for more discussion). Through the Allotment, non-Indian population on the reservation skyrocketed. Internal schism among the Nez Perce also played an important role in diversification of Christian denominations among the Nez Perce (Walker 1985). Nez Perce Christians attend worship services together with non-Indians, except for those of Nez Perce Presbyterian churches and a Methodist church where most attendees are Indians. Nez Perce worshippers of other religious groups (e.g., Bahai, Mormon) also conduct their worship services jointly with non-Indians.

As noted above, one important aspect of Nez Perce religious activities is that a family functions as a basic unit of religious affiliation. Although there are many cases where children and parents are engaged in different types of religious activities, it is still common to find most members of an extended family participating in the same religious activities. For example, Talmaks (cf., Sugden n.d., Morril and Morril 1964), the annual Nez Perce Presbyterian camp meeting, is attended by many non-regular members because of their family ties. Without family, Nez Perce religious activities do not exist and do not function properly. Family is clearly the backbone of contemporary Nez Perce religious activities.

4.6: The Nez Perce Environment

The aboriginal Nez Perce territory (see Fig. 4.2) contains a wide variety of natural features between the Rockies to the east and the Columbia Plateau to
the west. The physical setting of the aboriginal Nez Perce territory consisted of three geological areas: the Columbia Basin, Blue Mountains, and the Northern Rocky Mountains.

The Columbia Basin is the lowland of the Pacific Northwest. Its elevation ranges from 100 to 600 meters above sea level, with its lowest point at the confluence of the Snake and Columbia Rivers. Lying behind the wall of the Cascade Mountains, the Columbia Basin is a dry land. It has only 16 to 30 centimeters of annual precipitation, most of which comes as snow or rain during the winter season. The level plain is marked by deeply entrenched canyons. The soil is loess-covered basalt strata.

The Blue-Ochoco Mountains rise south of the Columbia Basin. On the eastern edge of these mountains, lie the Wallowa and Seven Devils Mountains and Hells Canyon, a gorge over 2,000 meters deep. These areas are covered with deeply forested mountains. Unlike the surrounding arid valleys, summer and winter bring abundant precipitation. Some of the peaks are high, reaching nearly 3,000 meters.

The Northern Rocky Mountains are marked by high peaks, often 3,000 meters high, and narrow stream valleys. There are often large valleys between ridges. Precipitation is high on the mountains mostly in winter as snow, but very low in some of the valleys in the rain shadow of the high peaks and ridges.

The areas surrounding the Nez Perce reservation are marked with rich forests of ponderosa pine, Douglas fir, and western hemlock; clear streams and
several major rivers such as Clearwater River, Snake River, and Salmon River; and fertile farm lands suited for dry-land wheat, peas, barley, and rapeseed. The Nez Perce environment is truly diverse: arid lowlands in the Columbia River basin, high peaks and deep forests in the Blue Mountains and Northern Rocky Mountains, and a high plateau with rich grassland and meadows.

These mountains, lakes, streams, fields, and woods are not only physical but cultural and spiritual. Walker (1988:261) identified one place in Oregon, Wallowa Lake, and another place in Idaho, Pilot Knob, as the sacred geography of the Nez Perce. These are well-known sites for Nez Perce vision quests. Nez Perce "sacred geography" is not limited only to these two. There are hundreds of "sacred" and special sites for the Nez Perce. The environment has been humanized by generations of the Nez Perce, and memories are embedded in the environment in the form of stories. When I traveled with my consultants, people would often start their stories by saying something like "See that ridge? That's where my grandmother used to dig roots" or "You see that field? That used to belong to my field. It was taken away from my grandparents. It's all the white man' now. No Indian land any more." These stories are tribal histories but family-specific. One elder showed me where her grandmother's teepee was set up at one of the War of 1877 battle sites. This elder also told me what her grandmother was doing at the time of the army's attack. To this elder, the battle is still real each time she stands on the site. These stories are personalized and
emotional. Mountains, streams, forests, and even a tree or rock – they are all parts of Nez Perce “sacred geography” filled with memories and emotion. Nez Perce hunting, fishing, and gathering practices take place in this culturally rich and physically diverse environment. Through camping, hunting, fishing, and gathering, old stories are told and retold, and new stories are created.
CHAPTER 5

NEZ PERCE ECOLOGY FROM HISTORICAL PERSPECTIVES

This chapter will discuss Nez Perce ecology from historical perspectives. Historical analysis is important for the study of contemporary Nez Perce ecology for two reasons. First, today’s Nez Perce relationship with the environment does not exist as an isolate in time. It is a part of a continuous process. Today’s human-environmental relationship is, in great part, the result of Nez Perce ecology in the past. Second, the manner in which the Nez Perce interpret the past and foresee the future will greatly shape their relationship with the environment today. For example, the main reason fishermen use some of their fishing techniques is that they are traditional fishing methods. Data from my fieldwork made sense only when I “historicized” (Ohnuki-Tierney 1990:1) them appropriately. As a result, this chapter is necessarily detailed.

Nez Perce history will be divided into three periods according to their impact on Nez Perce ecology. The first period is from the pre-historic period through 1836 when the first Presbyterian missionaries arrived in the Nez Perce territory. The second phase is from the establishment of the first Presbyterian mission station in 1836 through the beginning of Allotment in 1889. This era
experienced drastic societal changes such as establishment of the reservation and the War of 1877. The final phase is the Allotment (1889-1895) and its aftermath. The Allotment had a tremendous impact on Nez Perce society and ecology by disbanding the traditional social and family structures. For each period, I will discuss major historical events and the subsistence patterns. Because the Nez Perce always refer to the pre-missionary era as the time of traditional lifestyle, I will examine the pre-contact and pre-missionary period in more depth.

I will use English and Nez Perce words following the uses of my consultants. The majority of my consultants, except for elders, used English words when they discussed hunting and fishing. On the other hand, they used only Nez Perce terms to refer to some of native roots because they do not have common English equivalents.

5.1: Pre-Contact and Pre-Missionary Era
5.1.1: Nez Perce Social Grouping in Pre- and Proto-Contact Period

Around the time of first contact with EuroAmericans, there was no permanent political structure as a tribe among the Nez Perce (Spinden 1908:241-242; Curtis 1911:3-4; Ames and Marshall 1980/81:28-29). The Nez Perce social and political organization was relatively simple, consisting of villages, bands, and composite bands (Walker 1998). A village was the smallest social, economic, and political unit. Winter villages were located in the bottom of valleys where it was warmer. They were usually identified with small streams emptying into
major tributaries (Spinden 1908:171). Each village usually consisted of a few extended families. Walker (1985:13) estimates the size of a typical village to be around 35, ranging from 10 to 75 individuals. A village was led by a semi-hereditary headman (Walker 1985:10). His authority was of limited nature, and did not overpower the village council which consisted of the elders and prominent males of the village.

A village often had a long communal house. In his journal on May 5, 1806, Meriwether Lewis noted a house 156 feet long and 15 feet wide covered with mats and straw which would hold at least 30 families (Thwaites 1959,4:358-359). The whole village of Broken Arm, one of the Nez Perce headmen, lived in a house 150 feet in length with 24 fire pits (Thwaites 1959,5:16,18). The Nez Perce also used a large conical lodge made of leather (Spinden 1908:197) and a circular house four feet deep in the ground (Thwaites 1959,5:33,35). Each village had at least one sweatlodge. Walker (1998:420) reports that there were over 70 permanent Nez Perce winter villages around 1800, and Billy Williams, Alice Fletcher's (1891) informant, identified 75 winter villages.

A band consisted of a cluster of villages usually located in the same tributary (Walker 1985:13). A band functioned as a unit of economic, religious, and defense activities, and shared the same dialect (Walker 1985). Differences in lifestyles between some geographically distant bands were striking. For

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1 This observation is based on the notion of a family as a nuclear family. The size of a traditional extended family was such that one extended family made up about half of a winter village population (Ackerman 1998:515).
example, Nez Perce bands on the Lower Snake River and those in the Bitterroot mountains lived very differently. The former was closely related to the Lower Snake River Indians (e.g., Palouse) through intermarriages, and these Nez Perce were often bilingual between Palouse and Nez Perce. Culturally, they were heavily influenced by the Columbia River fishing culture. On the other hand, those in the Bitterroot mountains had close relations with groups living on the western edge of the Great Plains (e.g., Flathead), and were influenced by the Plains buffalo hunting culture.

Walker (1985:14) reports widely varying social terms to depict the Nez Perce. On one end of the continuum was a derogatory term *eneynu ti to-qa*n, “provincials,” while on the other end was *kusaynu ti to-qa*n, “sophisticated people.” The former refers to non-horse bands, while the latter refers to buffalo hunters who frequently went to the Plains. Each band was mostly autonomous, and band leadership was often assumed by the headman of the largest village. Samuel Parker, a Congregationalist missionary who came through the Nez Perce territory in 1835\(^2\), discussed the autonomous nature of villages and bands in his diary. He states, “Probably there is no government upon earth where there is so much personal and political freedom, and at the same time so little anarchy“ (Parker, cited in Josephy 1971:137). The Nez Perce was an ethnic label based

\(^2\) Parker was the first non-Indian missionary who reached the Nez Perce. He was sent by the American Board of Commissioners for Foreign Missions which represented Congregationalists, Presbyterian, and two other smaller denominations (Josephy 1971:125).
on similar cultural traits but never functioned as a political unit (Ray 1939). This
general absence of a formal tribal structure was widely observed on the
Columbia Plateau in the early 1800's (Ray 1939).

A composite band was a loosely structured political council. This grouping
did not exist among most Plateau groups. Ray (1939:4-8) attributes the
presence of this grouping among the Nez Perce to the cultural influences from
the Plains. Composite bands often played important roles in forming large war
parties to the Shoshone territory in southern Idaho or buffalo hunting in the Great
Plains. A leader's authority was temporary by nature, and decisions were made
on a consensus basis (Spinden 1908:242; Walker 1998:425).

5.1.2: Euroamerican Influences prior to 1805

Nez Perce villages were clearly connected with the non-Indian world even
before the arrival of Lewis and Clark expedition in 1805, the first white men to
enter Nez Perce territory. The indirect but large impact from Euroamericans was
clear in several areas: a population decrease, new material culture, and new
religious movement.

It is known that the Plateau Indian population decreased drastically due to
Euroamerican epidemics during the pre-contact era. The first smallpox epidemic
swept the entire Columbia Plateau in the 1770s (Drury 1958:136-137). Boyd
(1998:472) posits that the first wave of epidemics came from the Northwest coast
after the first appearance of Europeans on the coast in 1774, although some
other sources suggest that it was transmitted through returning buffalo hunters from the Plains (e.g., Walker and Schuster 1998:500). Campbell (1989) suggests an even earlier date of the first epidemics based on archaeological data. His data indicate that there was a sudden decline of population in the 16th century, which may suggest the first outbreak of high mortality diseases around that time. Josephy (1983:44) estimates that the Nez Perce lost nearly half of its population through the initial wave of smallpox. Another wave of smallpox came through the Plateau in 1801-1802, and other diseases such as pneumonia, chickenpox, measles, whooping cough, and malaria followed as well. Although an accurate number of victims from these deadly epidemics can never be known, it is clear that they had a tremendous impact on Indian societies.

Second, Euroamerican material culture reached the Nez Perce through trading even prior to 1805. Lewis and Clark recorded that the Nez Perce possessed guns at the time of their first encounter. On May 12, 1806, Lewis noted “The band of Tin-nach-e-moo-toolt have six guns which they acquired from the Minnetaries and appear anxious to obtain arms and am[sic]munition” (Thwaites 1959,5:23). Clark discussed the presence of Euroamerican ornaments from the coast in his journal (Thwaites 1959,3:78, 105). The skin dresses of Nez Perce women were decorated with brass, white and blue beads, copper, and shells. On May 13, 1806, Clark noted the high value attached to blue beads by the Nez Perce. He stated, “This article [blue beads] among all the nations of this country
may be justly compared to gold and silver among civilized nations" (Thwaites 1959,5:32). Euroamerican items reached the Nez Perce territory without any direct contact.

One of the Euroamerican trade items that had profound impact on Nez Perce lifestyle was the horse. Horses were originally introduced to the New World by the Spanish. From the south, horses reached the Nez Perce territory around 1710 (Haines 1960:9). By the time Lewis and Clark arrived in the Nez Perce territory in September 1805, horses had become an integral part of Nez Perce culture. Horses, replacing dogs, became a new means of transportation, enabling people to travel further and carry more loads. The Nez Perce started crossing the Rockies for buffalo hunting more frequently. Horses also became an important trade item, a target of raiding, and also a symbol of wealth\(^3\). The mobile lifestyle of the Nez Perce is revealed by the fact that some Nez Perce traveled to Hidatsa or Gros Ventre village near present-day Bismarck, North Dakota in the spring of 1805 (Thwaites 1959,5:19). The Nez Perce were clearly connected with the outside world, both Indian and non-Indian cultures, even before the arrival of the first Americans.

Third, Euroamerican influences were apparent in the new Nez Perce religious movement. Walker (1985) argues that a new religious form developed

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\(^3\) Even as late as in 1889, horses were being used to estimate the value of exchange goods (Gay 1981:73). Some Nez Perce families owned hundreds or even thousands of horses (Walker 1998:427). In 1806, Clark reported that it was not unusual for one individual to possess 50-100 horses (Thwaites 1959,5:31). In 1846, De Smol reported that some Nez Perce and Cayuse families had as many as 1,500 horses (cited in Anastasio 1972/1985:129). It is likely that control and maintenance over this strategic resource (horses) also led to a more complex social and political organization.
during the late pre-contact period with the influences of Christianity and Euroamerican material culture. The oldest remembered cult was *tulí m* which was the Nez Perce form of what Spier (1935) called "prophet dance." The dance usually contained a prophecy of world renewal, worship of a single creator, a state of trance, and a theme of rebirth. Sometimes, confession of sins was stressed as well. According to Walker (1985:34), the major features of *tulí m* cult included: prediction of the coming of a "strange new people who would cause great change," belief in the "Book," observation of Sabbath, presence of leaders (different from traditional shamans), emphasis on a single creator⁴ rather than tutelary spirit power, and emphasis on the number seven (Walker 1985:34). The *tulí m* cult was clearly distinct from the aboriginal Nez Perce religion based on the supernatural power of tutelary spirits. One of the songs associated with *tulí m* cult reads:

\[ Hiya Hiya \\
Now I the heavens coming toward us \\
That's what the *ti mes* [book] tells us \\
*Hiya Hiya* (Walker 1985:35) \]

Nez Perce observance of Sabbath before the arrival of the missionaries is well-documented. In 1833, Benjamin Bonneville, an American fur trader, mentioned Nez Perce observance of the Sabbath near present-day Salmon City, Idaho. When he invited a group of Nez Perce on a Sunday hunting trip, they

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⁴ This was called *haniyawá-t* [Creator or Maker] in the *tulí m* cult. Because of this common feature, many Nez Perce believed that Nez Perce religion and Christianity were the same (Walker 1985:35; Thomas 1970:66-67).
declined because it was their sacred day (cited in Josephy 1971:82-83).

Bonneville also observed people dancing around a pole on the Sabbath day (Spier 1935:32). This form of dance, i.e., dancing around a pole, was also recorded by MeBeth (1993:156) and Alice Fletcher (cited in Walker 1985:37). As a part of worship, people danced around a white pole with a flag. A leader told worshippers that they would die if they went within 200 feet of the pole (McBeth 1993:156).

5.1.3: Plateau Networks in Pre- and Proto-Contact Period
5.1.3.1: Trading Networks

Indians on the Columbia Plateau had a long history of extensive trading networks. Archaeological evidence from Marmes Rock Shelter, located in the cliff overlooking the Palouse River along the western edge of aboriginal Nez Perce territory, shows that materials from the Pacific coast were reaching the area at least 7,000 years ago (Fryxell and Daugherty 1962:25).

Anastasio (1972/1985:136) discusses how the peoples of the Plateau exchanged products with those from all sides: Northwest coast, the Plains, the Great Basins, and the Northern Plateau, before the establishment of reservations. Networks were extending well beyond the geographical boundaries of the Columbia Plateau. There were several major trading sites on the Plateau, among which the Dalles-Celilo Falls area was by far the largest. Celilo Falls was also the largest salmon fishing site of the Plateau. A large crowd would congregate from all directions for fishing as well as trading from late spring until
late summer. In the early 1800's, Alexander Ross, a fur trader for the Canadian North West Company, was shocked by the huge crowd of approximately 3,000 in Wayampam villages at the Celilo Falls area during spring salmon season (Stern 1998:649). Some Nez Perce bands were regular participants in fishing and trading activities at the Falls. Trade items the Nez Perce brought included: beargrass, horses, qémes (camas roots), animal skins and furs, feathers, buffalo robes, and parfleches. These were exchanged for such items as wapato root, salmon pemican, shells, beads, blankets, knives, metal items, guns, clothing, and ammunition. People traded not only their own products but also surplus from their previous trading.

In these vast trading networks, the Nez Perce played an important role as a principal conduit connecting the Plateau with the Plains (Griswold 1954, Walker 1967a, Anastasio 1972/1985). Historical records show how extensively the Nez Perce traveled. It is known that some Nez Perce visited the Salt Lake area in the 1830's. The Nez Perce were regular visitors to the Northwest Coast. In the 1840's, they, together with the Walla Walla, even journeyed to the Sacramento area (Walker 1967:24).

5.1.3.2: Intermarriage Networks

Intermarriage was rather common among the southern Plateau groups. For the Nez Perce, the Cayuses, Palouses, Walla Walla, and the Umatilla were the most common partners of intermarriage, followed by other groups such as
the Yakima, Wishram, Coeur d'Alene, Spokane, and the Flathead (Walker 1967b; Anastasio 1972/1985:151). Intermarriage with neighboring groups such as the Cayuse and Palouse was so common that it was virtually impossible to distinguish the Nez Perce from them (Walker 1967a:24). It was common to find the Palouse or Flathead in Nez Perce winter villages, and vice versa (Walker 1985:14; McWhorter 1983:561). Walker (1967a:4) reports that many Nez Perce regularly wintered in the large gathering places such as the Pasco-Wallula and Dalles/Celilo Falls areas.

A significant function of intermarriage was that it guaranteed use rights of certain resources. Among Plateau groups, the notion of exclusive ownership for resources was almost absent, and most resources were cross-utilized through the cultural value of "stewardship" (Walker 1967a:39). Fishing was the only exception, and access rights to human-made improvements such as a scaffold, weir, or a trap were controlled, although the right to catch the fish itself was not (Marshall 1977:114-120). Kinship was one of the effective mechanisms that guaranteed individuals' rights to use such controlled resources.

5.1.3.3: Task-Group Networks

Among Plateau groups, there were loosely structured task-based groupings. A task-based grouping was "a cooperative alliance among a number of groups for a specific period of time to perform one or more tasks and with no necessary further commitments on the otherwise autonomous member groups"
(Anastasio 1972/1985:152). Most task groups often included as many as three or more ethnic groups. Nez Perce bands participated in various task groupings such as root-digging, social ceremonies, fishing, buffalo hunting, and warfare.

For buffalo hunting, Nez Perce bands formed a group with bands of the Flathead and Kalispel. Bands from other Plateau groups often joined the party as well. Although each group ultimately maintained its own autonomy, all the participating groups engaged in hunting and defense together.

Warfare and raiding against traditional enemies were also conducted jointly by a task group. Traditional enemies for the southern Plateau groups included the Shoshone, Bannock, and Paiute from the south and groups on the Plains. Allies were formed between the Nez Perce and such groups as the Cayuse, Palouse, Walla Walla, and the Umatilla. Nez Perce oral traditions tell about the wars against the Shoshone and groups on the Great Plains (e.g., Slickpoo and Walker 1973:9-20; McWhorter 1983:31-49, 561-597). It is important to note that the unit of task grouping was not the whole Nez Perce but rather the band.

The presence of task-grouping does not necessarily mean that Plateau groups were always living in peace with each other. Hostilities existed between groups. Thompson, an Indian agent, stated that Plateau groups would never unite to attack whites because of their deep factionalism (cited in Anastasio 1972/1985:142). Historical records show that the Nez Perce sometimes raided other Plateau groups (Anastasio 1972/1985:143-144; Ray 1939: 35-37). It is
also known that the Nez Perce joined the US army as scouts in the battles against the Palouses, Spokanes, Coeur d'Alenes, and the Yakimas in 1858. However, unlike the Northwest Coast groups, constant warfare was absent and inter-group conflicts were sporadic. Horse raiding was far more frequent against traditional enemies than it was against other Plateau groups. Also, in comparison with the Northwest Coast and the Great Basin groups, taking slaves was less frequent. Ray (1939: 33) believes that most slaves of the Plateau groups were taken from outside groups through trading or raiding.

5.1.4: Arrival of Euroamericans, and Fur Trading

The first arrival of Euroamericans into the Nez Perce territory was on September 20, 1805 when the Lewis and Clark expedition, on its way to the Pacific, came into the Nez Perce encampment in Weippe Prairie, a large Nez Perce qémes digging ground. The expedition party spent about 20 days in the Nez Perce territory. Also, on their way back to the east, the expedition spent another month among the Nez Perce waiting for snow to melt on the Rockies.

After the Lewis and Clark expedition, European and American fur traders started arriving in the region. Canadians came first. In the early summer of 1807, David Thompson, a Canadian North West Company employee, established a trading post called Kootanae House on the upper Columbia north of the present-day US-Canadian border. Americans also started prospecting for fur trading in the region. John Jacob Astor, an American businessman,
challenged the North West Company’s dominance in the Pacific Northwest by erecting a post of his Pacific Fur Company at Astoria near the mouth of the Columbia River. In 1812, Donald McKenzie, an employee of Pacific Fur Company, erected a post among the Nez Perce near present-day Lewiston, Idaho. This was the first trading post within the Nez Perce territory. As early as 1811, there were white trappers living among the Nez Perce (Walker 1998:429).

Upon the outbreak of the War of 1812 between the United States and Great Britain, the Pacific Fur Company was sold to the North West Company. In 1821, the British Hudson’s Bay Company merged with the Canadian North West Company. In the 1820s, more American trappers arrived in the region, and competition intensified between Americans, known as “Bostons” among Indians, and employees of the Hudson’s Bay Company, called “King George’s men” by Indians. The Nez Perce and Flathead often allied with Americans rather than the British. American trappers’ attitude toward Indians was often different from that of the British. While Hudson’s Bay Company tended to treat Indians as subjects of their colonial governance, Americans tended to be more friendly and democratic. By 1830, the Flatheads and Nez Perce had shifted their attention to Americans (Josephy 1971:67-68).

The relationships between the Nez Perce and fur traders existed within indigenous inter-group relationships. Indians’ primary purpose of trading with
Euroamericans was to obtain guns and ammunition to help overpower their traditional enemies. The following historical account clearly illustrates this tension.

When a large group of Nez Perce, Yakima, and the Walla Walla was about to attack a group of fur traders in revenge for the previous killing of Indians, a young Walla Walla war chief arrived. He tried to stop the attack by saying, “If the whites left the country, …, the Indians would soon use up their ammunition, their guns would be useless, and their enemies [i.e., the Shoshone] would drive them from their homes” (Josephy 1971:49). For Indian groups, in a way, fur traders were not enemies but needed allies.

In this socio-political context, we can understand why Indians tried to control fur traders’ trading partners. For example, some Cayuse and Nez Perce strongly opposed Hudson’s Bay Company’s plan to trade with the Shoshone (Josephy 1971:54-56). The Plains Indians prevented the Nez Perce and Flathead from participating in trading at the Kootenae House in 1807 (Josephy 1971:37). The Nez Perce threatened McKenzie and his party when they traded with the Bannocks near present-day Boise, Idaho (Josephy 1971:55-56).

Patterns of fur trading were clearly influenced by indigenous inter-group relationships. In turn, the influx of new materials and the introduction of new economic transaction systems impacted inter-group relationships among Indians.

Fur trading gradually influenced Nez Perce lifestyle. Although most Nez Perce initially did not like beaver trapping, they recognized its benefits and

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started bringing beaver pelts to Fort Walla Walla. Peter Skene Ogden, a fur trader, observed that the Nez Perce trapped beaver near the Deschutes River. Walker (1967a:18) attributes the elimination of beavers in the Deschutes River area before 1850 to over-harvesting by the Nez Perce. For the sake of beaver trade, the Nez Perce even made a truce with their traditional enemies, the Shoshone and Bannock (Josephy 1971:57).

5.1.5: Nez Perce Ecology during the Early Contact Era
5.1.5.1: Fishing

The Nez Perce heavily relied on salmon and roots for their diet until farming became a part of their subsistence activities in the late 1850’s. Such dependence on salmon and root resources was not unique to the Nez Perce but a widely shared subsistence pattern among Plateau groups. Walker (1967a:9) estimates that most Plateau groups relied upon salmon for at least 50 percent of their diet. Marshall (1977:37) made a similar estimate for the Nez Perce salmon consumption. He estimates that the rest of the 50 percent would be divided between 25 to 40 percent of vegetal products (i.e., roots, plants, berries) and 10 to 25 percent of game. According to Anastasio (1972/1985:119-126), one-third to one-half of the Plateau diet was from salmon and one-third to one-half from vegetal products. Salmon and roots were the most important food resources.

Hewes (1973) made an insightful estimate on fish consumption during the pre-contact era. He noted that, in the late 1700’s, the total annual consumption of salmon would have been as much as 1,200,000 lbs. for the Nez Perce (the
estimated population of 4,000), i.e., 300 lbs. per person (Hewes 1973:136). This estimate was made based on an estimate of total food consumption measured in calories. Walker (1967a:25) presents the same figure, i.e., 300 lbs. per person, although the total is different (i.e., 1,500,000 lbs.) due to a different population estimate (5,000). Walker argues that this figure of salmon consumption is the very minimum estimate and it does not include those obtained from trading or fishing activities outside their territory. Marshall (1977) claims an even larger estimate of 2,000,000 lbs. as a total annual consumption.

Nez Perce fishing took place both within and outside their territory. Spalding, the first Presbyterian missionary, identified 50 fishing stations within the Nez Perce territory (Drury 1958:167). Outside the territory, the Nez Perce fished at the Dalles-Celilo Falls region, Kettle Falls, Willamette Falls, Spokane Falls, the junctions of the Columbia and Snake River, the Columbia and John Day River, the Columbia and Deschutes River, and the Spokane and Little Spokane River (Walker 1967a, Anastasio 1972/1985). In turn, other groups who had less access to fisheries within their own territories customarily fished in the Clearwater River of the Nez Perce territory (Hewes, cited in Walker 1967a:13).

Many Nez Perce made regular trips downriver for salmon fishing. There were several reasons for these downriver trips. First, they sought fish of higher quality because the quality of fish steadily deteriorates as they swim upstream. Second, downriver fisheries provided more efficient harvests. Productivity of salmon runs were usually higher downriver compared with the upriver within the
Nez Perce territory. The Nez Perce regularly went down to the Columbia River fisheries in autumn to secure fish for winter use (Walker 1967a:13). Third, in early spring when stored winter food supply became low, the Nez Perce went downriver to intercept the spring run instead of waiting for salmon to move up to their territory (Walker 1967a:4, 9; Anastasio 1972/1985:122).

Primary fish species consumed by the Nez Perce included salmon (chinook or king [*Onchorhynchus tshawytscha*], coho or silver [*Onchorhynchus kisutch*], chum or dog [*Onchorhynchus keta*] and sockeye or blueback [*Onchorhynchus nerka*]), trout (Dolly Varden [*Salvelinus malma*], cutthroat [*Oncorhynchus clarki*], brook [*Salvelinus fontinalis*], rainbow or steelhead [*Oncorhynchus mykiss*]), eels or lampreys [*Lampetra tridentata*], several kinds of suckers and white fish, squaw fish or Northern Pikeminnow [*Ptychocheilus oregonensis*], and sturgeon [*Acipenser transmontanus*] (cf., Spinden 1908, Scrimsher 1967, Marshall 1977, Hewes 1998, Landeen and Pinkham 1999). Among others, salmon was the most favored fish, which is still the case today. Some Nez Perce perceived sturgeon as delicacy (Marshall 1977:42), while others would not eat it because they believed that it would eat humans (Scrimsher 1967:56-57).

Nez Perce fishermen used various fishing techniques. They used seines, hooks and lines, dip nets (both single and double handled), sniggles, spears, harpoons, fish walls, fish traps, canoes with a torch, and weirs (cf., Spinden
1908:208-211; Walker 1967a:26-38; Landeen and Pinkham 1999:91-106). With Euroamerican contact, new materials (e.g., hemp, linen, cotton, metal) and new techniques (e.g., gaffing, gill net fishing) were introduced (Hewes 1998:622).

Fish were baked, boiled, and broiled for cooking. The indigenous preservation technique was either sun-drying or smoking after being cut into three slabs\(^5\). Unlike mid-Columbia groups at the Dalles-Celilo Falls area, making salmon pemmican was not a popular Nez Perce method of preservation (Spinden 1908:206).

5.1.5.2: Gathering

The Nez Perce exploited a wide variety of plant resources. Marshall (1977:47) identified 34 major food plants. Hunn et al. (1998:526) identified 135 species of plants used as a food source among the Plateau groups. For the Nez Perce, the most important food plant was \textit{qémes} or camas (\textit{Camassia quamash}). Prior to the Euroamerican contact, it was “by far the most important single source of food” (Harbinger 1964:11). \textit{Qémes} were harvested in large quantities on the Weippe Prairie, Camas Prairie, Grande Ronde valley, and the open areas near present-day Moscow. \textit{Qémes} resources in the Nez Perce territory were so abundant that neighboring groups regularly came for the harvest. It is well documented that Weippe Prairie attracted many neighboring groups (Josephy 1971:454; McBeth 1993:77). Also, it is known that the Coeur d’Alene came to

\(^5\) The practice of cutting fish into three slabs is still popular among many Indian fishermen today.
the area near present-day Moscow for camas harvest. Nez Perce qémes were considered to be higher quality than those in the Columbia Basin (Anastasio 1972/1985:120). In 1998, on Musselshell Meadow, my Nez Perce consultants and their visiting Yakima relatives confirmed this initial perception. Even today, some Yakima consider Nez Perce qémes better (i.e., larger, better taste) than theirs.

The qémes root matures at different times depending on location and elevation. Digging grounds at lower elevation become mature in June, and higher grounds become ready in September. In 1855, Isaac Stevens observed that it would take four days for Indians to gather a year’s supply (Anastasio 1972/1985:119). Haines (1955:158) estimates that even two to three days would be sufficient. Harbinger (1964:28) states that a good digger would dig about 50 or 60 pounds a day. Qémes grounds were also sites of intertribal gatherings.

After harvest, qémes was prepared by pit-cooking (cf., Spinden 1908:201-202; Harbinger 1974:11-13, 81-82; Scrimsher 1967:20-24; Hunn et al. 1998:528-529; Gay 1981:141). After cooking, it was consumed immediately or pounded into dough and made into loaves. For preservation, they were dried in the sun.

Qá-msit or cous/biscuitroot (Lomatium cous) was also very important. The term, qá-ws, refers to qá-msit in the peeled and dried form of the root, although many people indistinguishably use the term, qá-ws, in reference to qá-msit today. This root was “scarcely less important than camas” (Spinden 1908:202) and “second in importance only to camas” (Harbinger 1964:13). It grows in dry soils
usually on rocky hillsides or ridges. Marshall (1977:52) identifies three major
digging grounds, places near Craigmont, Idaho, Cottonwood, Idaho, and
Grangeville, Idaho. Harvest time is usually from May through June. The roots
are peeled and dried in the sun. It is dried and preserved as a whole root, or is
ground up and made into cakes. It may be eaten as it is or made into porridge.

Other important food roots included litá-n or bitterroot (*Lewisia rediviva*),
*geqí-t* or wild potato (*Lomatium canbyi*), or *cawí-tx* or wild carrot (*Perideridia
gairdneri*). Bitterroot was gathered in the Bitterroot Mountains and on the
mountains near the imnaha River (Spiinden 1908:203). However, it no longer
grows in the Nez Perce area (Harbinger 1964:14). My consultants dig bitterroot
when they visit other reservations (the Yakima, Colville, and reservations in
Montana) or acquire it through give-aways or bartering. *Geqí-t* was the first root
of the season. It was gathered in March and April. Berries and seeds were
utilized as well. Among others, *kiké-ye* or serviceberry (*Amelanchier utahensis*)
and *cemí-tx* or huckleberry (*Vaccinium membranaceum*) were valued the most.

Today, it is predominantly huckleberry that is harvested in large quantity and has
high value. Berries were dried for preservation until freezers became popular on
the reservation.

Until the arrival of Protestant missionaries, agriculture was unknown.

However, this does not mean that the Nez Perce did not engage in any resource
management. Marshall (1999) points out that the subsistence activity of the Nez
Perce could be characterized as horticulture. The Nez Perce prepared beds for
favored plants. It is also known that they used fire to encourage growth of certain plants, maintain meadows, create fields of berries, and improve hunting conditions. The Nez Perce actively engaged in the management of the environment to maximize the return. Studies in ethnoecology have recognized similar practices among other hunting and gathering groups in the world (cf., Posey 1989).

5.1.5.3: Hunting

Hunting was also a significant subsistence activity. The primary animals hunted for food included elk (*Cervus canadensis*), whitetail deer (*Odocoileus virginianus*), and mule deer (*Odocoileus hemionus*). Less important food game included mountain sheep (*Ovis canadensis*), mountain goat (*Oreamnos americanus*), moose (*Alces alces*), antelope (*Antilocapra americana*), and Buffalo (*Bison bison*). Buffalo was not a primary food source despite its significant symbolism and its value as a trade item (Spinden 1908:207). Other game, such as birds, bear, and mountain lion, was not usually the primary target for food purposes (Marshall 1977:64-65). Game was hunted with spears and bow and arrow and by ambush or drive. Meriwether Lewis reported the Nez Perce’s use of decoy for deer hunting in a wooded area in 1805 (Thwaites 1959,5:38-39). Hunters had their own areas and visited the same area every year (Marshall 1977:69).
Physical cleanliness and spiritual cleanliness were considered crucial for successful hunting. Hunters often purified themselves before their hunting using the sweatbath (cf., Axtell and Aragon 1997:73-74), hot bath, and an emetic stick (Wallker 1966). Most highland hunting activities took place in late summer before and during rutting season because it was only during this time that animals were considered “matured.” Local hunting was also carried out in winter.

5.1.5.4: Migratory Cycle of Subsistence Activities

The Nez Perce engaged in an annual cycle of migration seeking different food resources. Throughout winter and in early spring, the Nez Perce would depend on stored food and local hunting. In early spring, some bands would go downriver to intercept the early salmon run. The spring salmon run would start entering the Nez Perce territory in late spring. The Nez Perce usually moved up to a higher country by midsummer. Hunting, fishing, and harvesting of late roots and plants were carried out at higher elevations throughout summer. Qémes digging in late July and August was also a time of large gatherings. In fall, some Nez Perce bands would go to the Dalles-Celilo Falls area or other major fishing sites for salmon. Or, they would engage in fishing near their winter village (c.f., Wheeler 1961). By November, most Nez Perce bands were back to their winter villages.

Some bands would cross the Rockies to the Plains on an annual basis. Some others even stayed there for several years at a time. The opposite was
also common, i.e., making the Plains their home and coming back to the Nez Perce territory on a regular basis (e.g., Thomas 1970). There were always some Nez Perce wintering in Flathead villages (Walker 1998:421).

Each subsistence activity had a different grouping (Marshall 1977). For camas digging, a large grouping was formed; for highland hunting in the late summer, small groups were formed; for salmon fishing within the Nez Perce territory, village males formed groups; and for buffalo hunting on the Plains, a large group was formed even including other groups. The Nez Perce grouping dynamically shifted in response to the nature of its task and ecological constraints.

5.1.5.5: Cross-Utilization of Resources

Nez Perce resource exploitation was a part of a Plateau-wide network of resource cross-utilization. Anastasio (1972/1985:109) concludes that ecological interaction and intertribal relations are “related, each affecting the other to form an overall areal entity.” As such, the Nez Perce ecology is a part of the larger Plateau ecology. (Anastasio 1972/1985:199) states:

the Plateau pattern of group organization was flexible and adaptive to the many situations the group needed to deal with. In all instances, the area organization was part of the range of organizational possibilities available to the group. ... Since a group did not exist in isolation, its areal context introduced a number of external factors as manifest in the networks of different kinds of intergroup relations such as dyads, task groupings, alliances, kinship networks, and good exchange networks. Such areal systems offered alternative ways of achieving goals than by establishing internal structures.
Walker (1967a:39), in his analysis of the Nez Perce fishing practices, also concludes that “it is clear that the aboriginal Plateau may be viewed as a single social and economic system.”

5.1.5.6: Symbolism in Subsistence Activities

Symbolism was an important aspect of Nez Perce ecology. The environment and subsistence activities were tightly connected with social, cultural, and religious symbols and rituals. The foundation of the aboriginal Nez Perce religious system was the supernatural power of ωé-ye kin, or tutelary spirit, which was acquired through wá-yat in (i.e., receiving a guardian spirit). Wá-yat in usually took place between the ages of five and ten. Not only boys but also girls engaged in this significant rite of passage. Many individuals received their tutelary spirits through a few days of fasting and concentration. During the quest, the individual must maintain a peaceful mind in order to avoid evil spirits. If they fail to be visited by a guardian spirit, they would try again. Walker (1985:21) identifies the following as tutelary spirits among the Nez Perce: sun, moon, stars; cloud, lightning, spring flood, ice, mountain, tree, river; mammals, birds, reptiles, insects; day ghost, night ghost, and an illusory object called wé wtet wé wtet. In 1869, Albert Moore had his ωé-ye kin on the 3rd night of his fasting and meditation. It appeared in the form of a buffalo and a dressed-up Indian man, and Moore was given a song by the man (Thomas 1970:27-28). The ωé-ye kin spirit manifests itself to the seeker in a unique way, which determines a type of
power he will be equipped with. For example, the individual who receives the spirit of a wounded buffalo may possess the power to cure wounds. After receiving a spirit, the individual would maintain a special relationship with the source of his spirit. McBeth (1993) reports the special nature of this relationship. Jonathan Williams, “Elder Billy,” did not eat a bird since it was the same species as his wé-yekin bird. Despite his conversion to Christianity, he still maintained a special relationship with the bird (McBeth 1993:238). This private relationship with supernatural spirits constituted the very foundation of the aboriginal Nez Perce religion. Nez Perce relations with the environment was often based on religious ideology.

There were many communal rituals associated with traditional subsistence activities. For example, when a boy made the first kill or when a girl harvested roots for the first time, ceremonies were held (cf., Thomas 1970:32-33). First fruits ceremonies (e.g., root feast in the spring, huckleberry feast in the summer) were significant communal rituals. Through these rituals, the relationship with the environment was constantly reaffirmed and reinforced. This spiritual aspect of the Nez Perce relation to the environment is still apparent today especially among those who identify themselves as Seven Drums.

5.1.6: Summary

For the purpose of this study, two aspects of Nez Perce ecology during the pre- and proto-contact era are significant. First, the Nez Perce ecology
existed in a dynamic framework of aboriginal networks. Nez Perce salmon fishing was closely tied with extensive Plateau trading and kinship networks. Camas harvest within the Nez Perce territory facilitated inter-group interaction.

Second, even during the pre-contact period, Nez Perce patterns of resource exploitation were influenced by the outside world. The spread of epidemics and influx of non-Indian materials, especially horses and guns, had a tremendous impact on the Nez Perce ecology. After the beginning of fur trading, beaver hunting and trading gradually became a significant part of Nez Perce lifestyle. Even religious behavior was affected by indirect contact with Euroamerican culture. Nez Perce ecology never existed in social, economic, and political vacuums.

The most important distinction between the pre- and post-missionary period was changing power relationships with the outside world. Fur traders and the Nez Perce were often equal trading partners. On the other hand, the arrival of missionaries led to many social changes because the foremost goal of missionaries was to change Indian lifestyles. The arrival of missionaries marked the beginning of changing power relationships with the larger society and drastic changes in Nez Perce ecology.

5.2: Introduction of Christianity, Treaty, Reservation, and the War of 1877 5.2.1: Arrival of Missionaries

In 1825, the Hudson’s Bay Company sent sons of Spokane and Kutenai headmen to the Anglican mission school in Red River at present-day Winnipeg,
Canada. Two young Indians, Pelly and Garry, returned to their home villages after having studied in the mission school for four years. In the winter of 1829-1930, they, particularly Garry (commonly called Spokane Garry), preached to many Plateau Indians, including the Nez Perce. What the two young men brought back was an utter shock to Indians on the Plateau. Many headmen started expressing their interest in the Bible as a new source of power. In 1830, another five young Indians were sent to the mission school by the Hudson's Bay Company. All of them were sons of influential leaders, and two of them were Nez Perce.

In 1831, four Nez Perce traveled to St. Louis and met church leaders and other influential individuals including William Clark who by then had become the superintendent of Indian Affairs. There are several interpretations about the purpose of the delegation (Slickpoo and Walker 1973:71; Gay 1981:150). It seems that Nez Perce headmen and shamans sought the “Book” to enhance their power and gain access to new technologies and materials of the white men (Josephy 1971, Walker 1985). Statements of Asa B. Smith, a Presbyterian missionary among the Nez Perce between 1839 and 1841, support the hypothesis that the Nez Perce were not seeking Christianity per se but a means to enhance their supernatural power. Smith says:

> With what motives these individuals [i.e., those who traveled to St. Louis] went it is difficult to determine … Were I to judge of their motives by what I see now among the people I should say it was nothing but selfishness. Doubtless there was curiosity to find out something about the Christian religion. There has been much said about the desire of this people for
instruction but it is quite evident what it is for. It is not usually the common people that express much desire, only the chiefs and principal men (Drury 1958:107).

Until actual arrival of missionaries, Christianity was perceived as an effective means of accumulating supernatural power by Nez Perce headmen.

The news of the Nez Perce delegation to St. Louis greatly enthused non-
Indian Christian communities. Churches immediately started preparing to
dispatch their missionaries to the Northwest. The first missionary party, Jason
Lee, was sent by Methodists in 1834. Lee came to meet the Nez Perce at the
Green River rendezvous. However, he eventually established a mission in
Willamette Valley in Oregon instead. In the following year, Samuel Parker and
Marcus Whitman came to the Green River rendezvous. After the rendezvous,
Parker traveled through the Nez Perce territory looking for a possible mission
site. His journal indicates that he was welcomed by many Nez Perce. In 1836
when Whitman returned to the Green River rendezvous with his newly wed wife,
a spirited welcome was waiting for them. This time, another missionary couple,
Henry Spalding and his wife, Eliza, came along with Whitman. After the
rendezvous, the missionaries continued their journey to the west. Spalding
established his mission among the Nez Perce, and Whitman settled down among
the Cayuse.

The Spalding mission was the first permanent mission among the Nez
Perce. It was established near a Nez Perce village along the Lapwai Creek in
late November, 1836. Spalding preached to the Nez Perce with the help of an
interpreter. Spalding attended to the sick, translated the Bible and hymns into the Nez Perce language, and introduced irrigated farming so the Nez Perce would abandon their migratory lifestyle. By the first spring, the Nez Perce near the mission station had 15 acres of cultivated land. Some of the Nez Perce "so trusted Spalding's promise that their efforts would provide them with all the food they would need for that year that for the first time they stayed home during the summer instead of crossing the mountains for buffalo" (Josephy 1971:154). Eliza ran a day school for Nez Perce women and children, teaching them sewing and the household chores of white homes.

Spalding was a stern, gruff, and hot-tempered person, and demanded total obedience and acceptance of his ways (Josephy 1983:67-70). Spalding's cruel and uncompromising attitude has been told and retold among the Nez Perce to this day. On several occasions during my fieldwork, I heard non-Christian Nez Perce talk about Spalding's cruel behavior. Several consultants talked about Spalding's "whipping tree" at his mission. Spalding actively sought to prohibit Indian customs such as polygamy, gambling, shamanism, vision quest, raiding, stealing, traditional ceremonies, and extramarital sexual relationship (Josephy 1983:66; Walker 1998:434).

Spalding faced strong resistance from Nez Perce headmen whose power and authority were challenged (Josephy 1971:193-245). Some Nez Perce became very hostile, and even destroyed a mill to sabotage Spalding's work. However, Spalding's effort gradually gained trust, and on November 17, 1839,
two leading headmen, Timothy and Joseph (father of well-known Chief Joseph) were baptized and their marriages were acknowledged in church. They were the first Nez Perce converts by Spalding. Although Joseph later left Spalding, Timothy remained faithful to Spalding for the rest of his life. The second Presbyterian mission was started by Asa B. Smiths in Kamiah in 1839, although it was closed without much success in 1841.

In 1842, Spalding called for Elijah White, a missionary in the Willamette Valley and the Indian subagent for the Oregon territory, to develop a code of laws for the Nez Perce. Spalding firmly believed that a modern government and sedentary lifestyle should help spiritual salvation of the Nez Perce. White and Spalding developed the first formal Nez Perce laws consisting of eleven clauses. These laws were later approved by a group of Nez Perce. The eleven clauses were codes of conduct. The tenth and eleventh clauses discuss the procedure of punishment for wrong doings. They state that Indian chiefs would be responsible for punishing Indians, and Indian agents would punish whites. This was a clear violation of the Nez Perce sovereignty because they exempted whites from Indian jurisdiction within the Nez Perce territory. Because Indian agents never had power (and never had serious intention) to enforce the laws on white settlers, these clauses functioned only to regulate Indians (Josephy 1971:221). White and Spalding also elected the tribal chief and 12 subchiefs (Haines 1955:87-89; Rivers 1978). Ellis, educated in the Red River mission and only
thirty two years old, was appointed tribal chief. Existing headmen became subchiefs, each of whom was entitled to five bodyguards to execute their duties. This was the first centralized Nez Perce tribal political structure.

Hostility against missionaries continued growing, and it eventually culminated in the Whitman Massacre in 1847. Cayuse warriors attacked the Whitman mission, and killed 13 people including Whitman and his wife. The Cayuse, whose territory was located along the Oregon Trail, felt threatened by the continuous influx of American settlers from the east. Fear of white man's disease, mistrust against missionaries, and concerns over increasing settlers triggered the attack of the Cayuse warriors. Spalding was another target of the attack. He managed to escape and left the area safely guarded by a group of Christian Nez Perce. This marked the end of the first Protestant mission within the Nez Perce territory. The Nez Perce did not have any other non-Indian missionaries until 1863 when Spalding returned to Lapwai (Josephy 1971:254, 275, 406).

After the Whitman Massacre, an atmosphere of unrest prevailed on the whole Columbia Plateau. Cayuse attackers hid themselves in the mountains or neighboring Indian groups. Impatient American volunteers did not wait for Indian agents and the army, and started their own search. During this tense situation, Ellis died in an epidemic while funding buffalo on the Plains. Henry Lee, Superintendent of Indian Affairs, named Richard as a succeeding head chief. Richard had been to the east with Whitman, and was proficient in English.
However, Richard failed to gain the trust of other headmen, and soon his authority became superseded by another Christian headman, Lawyer, from present-day Kamiah, Idaho. Lawyer and other Christian Nez Perce were loyal to Spalding's teachings. They continued farming, observed regular religious services, and lived according to the 1842 law.

American westward expansion continued. More and more emigrants rushed into the Willamette Valley. In 1843, over 1,000 Americans reached their destination after six months on the Oregon Trail. The number dropped to 800 in 1844, but swelled up to 3,000 in 1845 (Gibson 1976:334). The gold rush on the American River in northern California in 1848 temporarily slowed down migration to Oregon. However, the Oregon Donation Land Law of 1850, by which a male citizen over 18 years old became entitled to 320 acres and his wife to 320 acres, encouraged relocation to the Oregon Territory again. This rapid influx of American settlers made Indians very nervous about their future.

5.2.2: Negotiation of the 1855 Treaty

In 1853, Isaac Stevens became the governor of the newly created Washington Territory. He was also appointed Superintendent of Indian Affairs for the Washington territory and Chief Surveyor of the trans-Mississippi railroad. These three responsibilities were interconnected with one another. Development of a railroad required negotiation with the Indians, and a railroad would encourage an economic boom in the Washington territory. In January 1855,
Stevens launched treaty negotiations with the Indians. After signing the treaties with the tribes west of the Cascades\(^6\), he immediately proceeded to negotiate with the Plateau tribes. When Stevens requested a council with the Nez Perce, several bands, especially non-Christian bands, were still on the Plains. A council began without them at present-day Walla Walla, Washington. Several thousand Indians attended the council representing Plateau groups. The Nez Perce designated Lawyer as their spokesperson for the council, but Stevens treated him as if he was the permanent head chief of the whole Nez Perce tribe.

The council lasted for 11 days, from May 29 through June 11, 1855. During the council, some non-Christian bands rushed back from the Plains and joined the negotiation. Despite their strong opposition, the treaty of 1855 (12 Stat. 957) was signed in the end. Unlike the case of other groups\(^7\), all the Nez Perce villages were inside the reservation boundaries, and the loss of land was minimal. Additional promises of the treaty included: construction of schools, hospitals, blacksmiths, and the total of $200,000 funds to improve reservation life. The payment was to be spread out over twenty years. As the head chief of the Nez Perce tribe, Lawyer was promised a house, ten acres of plowed and fenced land, and a salary of $500 for twenty years (Josephy 1971:326). The Walla Walla treaty council inevitably led to further division between pro-American

\(^6\) These treaties were: Treaty of Medicine Creek (10 Stat. 1132, December 26, 1854), Treaty of Point Elliot (12 Stat. 927, January 22, 1855), Treaty of Point No Point (12 Stat. 933, January 26, 1855), and Treaty of Neah Bay (12 Stat. 939, January 31, 1855).

\(^7\) Other treaties signed at Walla Walla were: Walla Walla Treaty with the Walla Walla, Cayuse, and the Umatilla (12 Stat. 945, June 9, 1855); and Yakima Treaty with the Yakima, Palouse, Wenatchee, and the Klickitat (12 Stat. 951, June 9, 1855).
Christian, represented by Lawyer, and anti-American non-Christian factions. Through Stevens’ forceful negotiation, Plateau Indians were deeply offended and frustrated. Anger and dissatisfaction heightened especially among those who were forced to agree to abandon their territories.

After the Walla Walla council, Stevens headed east to another treaty council with the Flathead, Pend d’Oreille, and the Kutenai near present-day Missoula, Montana. After concluding a treaty (Treaty of Hell Gate, 12 Stat. 975, July 16, 1855), he continued to the Plains and made another treaty with the Gros Ventres, Piegan, Blood, and the Blackfeet at the mouth of Judith River, east of present-day Great Falls, Montana (Blackfeet Treaty of Fort Benton, 11 Stat. 657, October 17, 1855). In the Blackfeet treaty negotiation, some Nez Perce headmen participated as a third party upon Stevens’ request.

When Stevens started back to Olympia, a dispatch reached him with the news of Indian uprisings on both sides of the Cascades. Indians of Puget Sound attacked the settlements, and the Cayuse, Walla Walla, Umatilla, Palouse, and the Yakima were engaged in war. Despite Stevens’ promise that nothing should happen until the bill was to be signed by the President (which did not actually happen until 1859), white settlers and prospectors started pouring into the Plateau after the Walla Walla treaty council and especially after the discovery of gold near Fort Colville. In early September, three months after the Walla Walla council, Yakima warriors attacked white settlers, and a war broke out (Josephy 1971:335).
The Plateau Indian uprising continued until 1858. During this period, Indians were deeply divided. Despite pressure from neighboring groups to join the war, the Nez Perce did not. On August 6, 1858, 21 Nez Perce leaders signed a compact and promised to support the US in the war against other Indian groups. A unit of 30 Nez Perce scouts was formed and participated in the war against other Plateau groups (cf., McBeth 1993:237). By October, 1858, most uprising war leaders were captured, and the armed conflicts came to an end.

Relative peace was restored on the Plateau, but it did not last long for the Nez Perce. In 1860, gold was discovered on the reservation, a place near present-day Orofino, Idaho. By June 1862, it attracted more than 18,000 white prospectors to the reservation (Josephy 1983:101). In clear violation of the 1855 Treaty, the town of Lewiston sprang up within reservation boundaries. In 1861, a steamboat from Portland reached Lewiston for the first time with cargo for prospectors (Petersen 1995:64). Ignoring the fact that Lewiston was located within the reservation boundaries, whites took it under their control. Lewiston was even named capital of the Idaho Territory in 1863. Some headmen protested and threatened to drive miners away, but it was all in vain. Most Nez Perce preferred maintaining peace.

In 1861, another treaty was signed by Lawyer and 49 other headmen, all of whom were Christians. The Treaty allowed whites to enter and stay in certain areas of the reservation for the purpose of gold mining but prohibited them from

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8 The capital was moved to Boise in the following year.
entering the rest of the reservation. Soon this agreement was violated. Prospectors started entering streams on the reservation and soon opened other gold mines. More and more white settlements sprang up. By 1862, there were about 18,690 whites living on the Nez Perce reservation (Josephy 1971:401). Soon thereafter, liquor became a desperate problem for the Nez Perce. Although complaints about violation of the treaty were filed by Lawyer and other Christian headmen, Indian agents did not and could not do anything (Josephy 1971:380-382). The government decided to negotiate another treaty to “solve the Nez Perce problem.”

In 1863, a treaty council was held in Lapwai on the reservation. Calvin Hale, Superintendent of Indian Affairs for the Washington Territory proposed to reduce the size of the reservation. The Nez Perce, both Christian and non-Christian factions, strongly opposed the proposal. Some bands’ villages, especially some of the anti-treaty bands, would be outside of the new reservation boundaries. The Nez Perce proposed a compromised plan of selling the portions of the reservation where gold was discovered and where Lewiston was located, but Hale refused to accept it. During this council, an important meeting was held by Nez Perce headmen in the evening, which was observed and recorded by Captain George Currey. During the meeting, Big Thunder announced to Lawyer that his band would choose to be distinct from Lawyer’s bands. It was agreed that Lawyer would not represent the non-treaty faction of the Nez Perce any longer. On the following day, some non-treaty bands left the council.
Nevertheless, Lawyer and 51 members of his faction signed the treaty as if they could represent the whole tribe. None of the non-treaty headmen signed the treaty, but the 52 signatures gave the appearance of having support of most Nez Perce headmen.

The 1863 Treaty reduced the size of the reservation to slightly more than 10 percent the size of the 1855 reservation. Furthermore, the territories of several anti-treaty bands were totally placed outside of the reservation boundaries. On the other hand, the territories of all the Christian bands were within the new reservation boarders except for Timothy and Jason's bands. They were, however, allowed to continue living on their lands. The Nez Perce decision that Lawyer would not represent the whole tribe did not stand in the cross-cultural legal negotiations with the United States.

In 1868, the Nez Perce delegation to Washington DC consisting of Lawyer, Utsinmalikin, Timothy, and Jason signed amendments (15 Stat. 693) to the Treaty of 1863 (14 Stat. 647). The amendments included: permission for the government to use timbers on the reservation to maintain a military fort and an agreement that the government would provide additional lands outside the reservation if the new 1863 reservation proved too small for all tribal members. No anti-Christian Nez Perce signed the amendment.

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9 Some non-treaty headmen, Big Thunder, Eagle From the Light, and Koolkoo! Snehee refused to sign the document although they accepted the treaty. They simply did not want to lose their faces to Lawyer (Josephy 1971:418).
Through the treaty negotiations, political influences of Presbyterian Nez Perce were firmly established. In this socio-political context, conversion to Christianity had strong political implications. Becoming a Christian meant adopting "white men's ways," gaining access to government support and military backup, and being in the mainstream of reservation politics. Even denominational difference had political implications (e.g., weaker political position among Catholics\textsuperscript{10}). In 1871, John B. Monteith, a strong-willed Presbyterian, became the first Nez Perce Indian agent in Lapwai\textsuperscript{11}. At that moment, religion, especially Presbyterianism, and politics became officially intertwined.

Christianity flourished on the Nez Perce reservation in the 1870's. In November, 1873, Spalding reported that he had accepted "into the Lapwai church 155 males, and 189 females. Into Kamiah, 123 males and 188 females" (McBeth 1953:81). Walker (1985:48-49) points out that the Catholic baptismal records among the Nez Perce show a drastic increase in 1877, the year of the

\textsuperscript{10} The beginning of Catholic influences goes back to the 1838 when several Nez Perce traveled to Vancouver, Washington and consulted about getting a priest (O'Malley 1963:15). During the 1840's, Father De Smet baptized a few Nez Perce in the Flathead territory (Walker 1964:15). Catholic chapel was built at Arrow in 1868 and at Sweetwater in 1873, and, despite the interference from John Monteith, the Presbyterian Nez Perce Indian agent, the first permanent mission, usually referred to as Stickpoo mission, was opened in 1875 (Walker 1964:19). Unlike some neighboring groups (e.g., Coeur d'Alene), Catholics never became a dominant denomination on the Nez Perce reservation.

\textsuperscript{11} This reflects President Grant's policy in the early 1870's that aimed to administer each Indian reservation based on Christian standards. A particular denomination was assigned to each reservation. Catholics were assigned to the Nez Perce in the beginning, but it was changed due to a strong opposition from Presbyterians. John Monteith served as the Nez Perce Indian agent until 1879.
War. Walker (1985:48-52) argues that this mass conversion was not simply the issue of spiritual awakening but largely the matter of self-protection by the Nez Perce.

In this unstable socio-political context, development of nativistic religious movements on the Plateau peaked in the mid-1800’s. Prophets appeared and attracted many dispirited Indians. Among others, Smohalla of the Wanapam was the best known leader. He had a large impact on the Plateau Indians through his Washat, or Seven Drums Religion. Washat, also called Dreamers Religion by whites, affected Indian-white relationships because whites wrongly believed that Smohalla was trying to organize Indian revolts against whites. As were the cases of earlier Native American nativistic prophets (e.g., Tenskwatawa, Tecumseh’s brother, among the Shawnees in the 1810’s), there were stimulating factors in the rise of Washat on the Columbia Plateau. Beginning in the 1840’s, the Plateau Indian societies suffered severe disorientation due to spreading diseases, liquor problems, rapid and often imposed socio-cultural changes, increasing white settlers and land dispute, and forced acceptance of reservation system.

Smohalla had significant influence on anti-Christian Nez Perce through one of his disciples, Toohoolhoolzote who later died at the final battle of the War of 1877 at Bearpaw Mountain in present-day Montana (Walker and Schuster

12 Ruby and Brown (1989:9, 59) believe that Wovoka, a Northern Paiute prophet whose Ghost Dance spread throughout the West in the 1870’s, was directly influenced by Smohalla's teachings.
1998:505; Ruby and Brown 1989:10, 76; Josephy 1971:600). The Nez Perce developed a variation of Washat called ʔipnúʔ dililt [jumping religion] which is practiced by the descendants of non-treaty Nez Perce-Palouse on the Colville Reservation to this day (Walker and Schuster 1998:505, 507). This new religious movement was different from the earlier tulí m cult in its stronger emphasis on nativistic sentiment. Indian religious activities reflected political tension of the time. The religious and political factionalism among the Nez Perce continue escalating. In this context, the War of 1877 broke out.

5.2.3: War of 1877

In the early 1870s, conflicts between non-treaty bands and white settlers increased in the Wallowa area. Monteith recommended to Washington that Wallowa be added to the Nez Perce reservation. On June 16, 1873, President Grant issued an Executive Order to create a new Nez Perce reservation in Wallowa. However, this promise was soon broken. On June 10, 1875, President Grant rescinded the 1873 Executive Order, and opened Wallowa Valley to white settlers. Tension heightened. The non-treaty Nez Perce contended that they should not have to abandon their home territory because they never signed the 1863 Treaty. Some government officials were sympathetic to their claim. However, the Wallowa band’s plea never received official support from the government.

13 Josephy (1971:426) believes that Smohalla’s influences on the Nez Perce were minimal. 14 In 1871, Congress stopped signing treaties with Indian tribes (16 Stat. 566).
Non-treaty bands were ordered to move to the Nez Perce reservation in 1877. At the final council at Lapwai, non-treaty headmen were given two choices: moving voluntarily or by force. They finally decided to accept the order and left their homeland. Just before entering the reservation, a few young warriors of the non-treaty bands took revenge on the whites who previously harmed Indians. Thus, the famous War of 1877 began.

The non-treaty Nez Perce, together with joining Palouse bands, fled for their freedom for four months\(^\text{15}\). The majority of the Nez Perce stayed on the reservation and refused to cooperate with the non-treaty bands. Some Christian Nez Perce actively took the side of whites, and some of them participated in the War as army scouts. Holding the hope of finding refuge among the Crow, the fleeing non-treaty bands crossed the Rockies. Finding their hope shattered, they headed for Sitting Bull's camp in Canada. They, however, were caught near the Bear Paws Mountain in present-day Montana and finally surrendered on October 5, 1877. The flight started with about 750 individuals, including women, children, old, and sick, and ended with 418 prisoners (87 men, 184 women, and 147 children) (Josephy 1971:611).

The surviving non-treaty bands were exiled to the Indian territory in present-day Oklahoma. Before the surrender at Bear Paws mountain, a few had fled to Canada successfully and joined Sitting Bull's band, but upon their return to

\(^{15}\) Looking Glass, a non-Christian/non-treaty band on the reservation which had decided not to join the war, was forced to join the fleeing party by the volunteers' attack on their village. Another non-Christian band, Red Heart, was wrongly accused, captured, and sent to Fort Vancouver as prisoners of war and was kept there until 1878.
the Nez Perce reservation, they were captured and sent to the Indian territory (McWhorter 1948, 1983). In 1885, the last group of exiled Nez Perce was allowed to return to Idaho. Joseph and 149 others were sent to the Colville reservation instead (cf., Seeman 1987).

The era of missionaries, treaty negotiation, and the War of 1877 marked a significant landmark in Nez Perce history. First, it firmly established the political dominance of the Christian faction, especially Presbyterians. Although there continued to be non-Christian Nez Perce on the reservation (Josephy 1971:624), they no longer held politically influential positions. Religious affiliation had direct cultural and social implications because Presbyterian leaders strongly opposed any traditional Indian ways of life. They were seen as a hindrance to Christian lifestyle. This strong drive toward acculturation was due in large part to Sue and Kate McBeth.

In 1873, Sue McBeth was sent by the Presbyterians to the Nez Perce reservation as a government school teacher. Kate joined her sister in 1879. Sue took over the task of training Nez Perce church leaders after Spalding's death in 1874. The McBeth's continued exerting great influence on the Nez Perce Presbyterian churches.

The church gradually replaced the village and band as the basic social and political unit. One elderly Presbyterian member said, "Christian Indians

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16 This dominance continued until about the 1940's (Walker 1998:434).
17 Sue McBeth died in 1893, and Kate in 1915. In 1899, Mazie Crawford, a niece of the the McBeth's, joined Kate and continued her work until 1932 when the mission at Lapwai was closed. For McBeth's work among the Nez Perce, see http://menolly.lib.uidaho.edu/McBeth/.
didn’t have any bands. They just belonged to a church” (Walker 1985:57).

Although village/band groupings still persisted, traditional social structures started losing their coherence. As the leadership structure changed, young Nez Perce men often emerged as leaders with their educational and theological training, and support from the missionaries. New leaders were often from the families who had never held leadership positions in the traditional villages and bands. This new leadership and power structure centering around churches received strong opposition from older headmen and those from families of the traditional leadership lineage (cf., Gay 1981:87, 96-97). Also, adoption of farming changed gender roles (Ackerman 1987, James 1996). The period after the arrival of missionaries was the age of great social upheaval.

Second, power relationships between the Nez Perce and the American government became clearly defined. Military supremacy of the Americans was explicitly displayed through the 1855 treaty negotiation, the defeat of Plateau uprisings, and the non-treaty bands’ defeat in the War of 1877. Nez Perce-white relations clearly became that of less- and more-powerful.

5.2.4: Nez Perce Ecology during the Missionary and Treaty Era

With the arrival of missionaries, internal factionalism among the Nez Perce intensified, and external political relations with whites began changing. These socio-political changes had a large impact on Nez Perce ecology. Among others, the following three changes are significant for the purpose of this study.
First, migratory cycles of subsistence activities altered with the introduction of farming. In the minds of missionaries, farming was more than a new subsistence method. From the outset, Presbyterian missionaries stressed the importance of abandoning traditional migratory subsistence patterns and taking up sedentary farming as a crucial step toward "advancement." In their minds, Christianity, civilization, independent nuclear family, and farming were all united in one, and traditional Indian ways of living were simply barriers to their goals. Indian agents also discouraged migratory cycle of subsistence activities strongly. In this sense, missionaries and government officials were sharing the same goals. Especially among Christian Nez Perce bands, farming became an important part of their subsistence activities.\(^{18}\)

On the reservation, significant improvement was made regarding farming operations. The Commissioner of Indian Affairs reported that treaty-Nez Perce were rapidly becoming farmers and abandoning their migratory subsistence cycle (cited in Ficken 1999:117). Cultivated land increased from 1,100 acres in 1871 to 4,200 acres in 1877. According to Indian agent James O'Neil, the average farm size was seven acres in 1867 (cited in Ficken 1999:119)\(^{19}\). The amount of wheat ground at mills in Lapwai and Kamiah also increased. In Lapwai, it increased from 3,831 bushels in 1871 to 6,844 bushels in 1874. In Kamiah, it

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\(^{18}\) Buffalo hunting on the Plains was still common around 1877. For example, Albert Moore’s family was going back and forth between the east and west of the Rockies every year until the end of the 1877 War (Thomas 1970:6).

\(^{19}\) The question of whether these were individually or collectively owned farms is not clear from the available sources.
increased from 2,584 bushels in 1872 to 6,876 bushels in 1874. Corn harvests tripled and oat production doubled between 1872 and 1877 (cited in Ficken 1999:117-118). The Kamiah valley was the center of agricultural operations followed by the Lapwai valley. Agent Monteith attributes Lapwai’s relative lack of success in agricultural operation to its proximity to Lewiston, a local urban center, and the presence of “bad” whites (cited in Ficken 1999:122). Ficken (1999:122-123), on the other hand, weighs environmental factors more heavily. Lapwai usually had less precipitation and tended to have more natural damage by insects such as crickets.

Farming was limited not only to Christian Nez Perce. In the beginning of the War of 1877, the village of Looking Glass Band, a non-Christian band whose territory was near present-day Kooskia, Idaho on the reservation, had cattle herds, milk cows, and cultivated gardens planted with potatoes, corn, squash, melons, etc. (Josephy 1971:522). Also, a study conducted in 1874 shows that Husishus Kute’s Band, another non-Christian band, had 350 acres fenced and watered by irrigation (cited in Ficken 1999:116). Chief Joseph’s band in Wallawa Valley engaged in raising livestock and trading them at Fort Walla Walla (Josephy 1971:382). Although degrees of operation were different, it was not only Christian-Nez Perce but also non-Christian factions who engaged in farming and other new subsistence activities. The end of the War of 1877 marked a

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20 Husishus Kute was a Palouse, and his band lived on the Lower Snake River. His band took a part in the War of 1877 and was exiled to the Indian Territory.
turning point in Nez Perce subsistence activities. All of the Nez Perce moved onto the new reservation, and the migratory cycle of food quest ceased to be the primary subsistence pattern.

Second, the capitalistic market system started penetrating into the reservation life during this era, and the Nez Perce gradually began to take an active role in it. With the development of mining towns on the reservation and trading stations close by (e.g., Fort Walla Walla), many Nez Perce began small-scale commercial farming in addition to subsistence farming. This was the beginning of market economy for the Nez Perce. Surplus crops were taken to mining towns (cf., Gay 1981:153). Flour, vegetables, milk, and beef were sold in exchange for gold dust. “Elder Billy” sold his garden vegetables to miners and had an orchard during the gold rush in the 1860’s (McBeth 1993:235). Drift wood in the Clearwater River was commercialized as fire wood as well as lumber. Although domestic use of drift wood as fuel was an ancient practice, selling it to a near-by market such as Fort Lapwai was new (Ficken 1999:124). Market was not limited to mining towns. Increasing numbers of Nez Perce began traveling to large towns such as Walla Walla, a town growing up around the military post, to sell farm crops or livestock in exchange for cash or white man’s materials (Josephy 1971:381-382).

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21 One of my consultants told me about selling drift wood as fire wood in Kamiah areas in the early part of 1900’s.
22 With a large influx of whites to the reservation, alcohol became a serious social problem for the Nez Perce (e.g., Josephy 1971:380, 382, 392).
Third, subsistence activities became heavily politicized through the factionalism between Christian treaty bands and anti-Christianity non-treaty bands. The symbolic meanings of subsistence activities radically transformed through internal and external political relations. Farming and a sedentary lifestyle became significant symbols of a Christian and "civilized" lifestyle. Government agents consistently used farming operations in their reports as an indicator of assimilation together with other criteria such as clothing, hairstyle, and religious affiliation. Missionaries used farming and sedentary lifestyle as significant indicators of religious faith. These symbols, in the eyes of non-treaty bands, represented compliance with whites and neglect of Nez Perce traditions.

On the other hand, reliance on migratory patterns of hunting, fishing, and gathering were the signs of "uncivilized" and "heathen" lifestyles in the eyes of Christian Nez Perce, missionaries, and government officials. For non-treaty bands, the migratory cycle of subsistence became the core symbols of Indian resistance to whites. The nativistic religious movement, ?Ipnu clilipt, stressed the importance of following traditional subsistence practices and rejecting farming.

Smohalla, a well-known leader of the movement, is known to have said:

You ask me to plough the ground! Shall I take a knife and tear my mother's bosom? Then when I die she will not take me to her bosom to rest. You ask me to dig for stone! Shall I dig under her skin for her bones? Then when I die I can not enter her body to be born again. You
ask me to cut grass and make hay and sell it, and be rich like white men, but how dare I cut off my mother’s hair? (MacMurray, cited in Ruby and Brown 1989:31-32).

This symbolic war was conducted in complex internal and external political relationships involving the Nez Perce.

Among the Nez Perce, human-environmental relations always had strong symbolic components. However, during the era of social and political upheaval, the symbolism of Nez Perce subsistence activities changed radically. Outside agencies (e.g., missionaries and government officials) directly began exerting significant influences in determining symbolic meanings of Nez Perce subsistence activities. Politicization of Nez Perce subsistence activities was a major change during this era.

5.3: Allotment of the Nez Perce Reservation and its Aftermath
5.3.1: Allotment

The General Allotment Act, also called the Dawes Act (24 Stat. 388), was enacted in 188723. The bill was originally proposed in response to the increasing criticism of the reservation policies in the late 1800’s. Reformers were concerned with devastating living conditions on many Indian reservations, and they believed that a quicker assimilation would be the most effective solution. Additionally,

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23 In 1891, the Dawes Act was amended (26 Stat. 794). The amendment allowed leasing of allotments under certain conditions.
settlers, businessmen, and some politicians wanted to open Indian reservation for settlement. The allotment policy was the offspring of these humanistic concerns, and economic and political interests of the age.

The intention of quick assimilation was apparent in the annual report of the Commissioner of Indian Affairs, Thomas J. Morgan, in 1889. He proposed eight plans, five of which read as follows:

1. ... The reservation system belongs to a “vanishing state of things” and must soon cease to exist.
2. The logic of events demands the absorption of the Indians into our national life, not as Indians, but as American citizens.
3. ... the relations of the Indians to the Government must rest solely upon the full recognition of their individuality. ...
4. The Indians must conform to “the white man’s ways,” peaceably if they will, forcibly if they must. ... This civilization may not be the best possible, but it is the best the Indians can get. They can not escape it, and must either conform to it or be crushed by it.
6. The tribal relations should be broken up, socialism destroyed, and the family and the autonomy of the individual substituted. The allotment of lands in severalty, the establishment of local courts and police, the development of local courts and police, the development of a personal sense of independence, and the universal adoption of the English language are means to this end (House Executive Document, n.1, 51st Congress, 1st session, serial 2725, pp. 3-4).

The Allotment bill aimed to assimilate Indians into the larger society by two means: (1) abolishing the old reservation system and destroying the traditional social and political structures, and (2) mixing Indians with more white neighbors by opening more lands to white homesteaders. Land would be allotted to each individual (40 acres for a child, 80 acres for an unmarried adult, and 160 acres for a household head) so that every household could function as a working
farm. The title of the allotted land would be held under government trust for 25 years. At the end of the time, the title could convert to fee simple. Upon receiving a fee patent of the allotment, every Indian would become an American citizen. After the completion of allotment, surplus land would be sold to the government and be opened for white settlement. The government intended a gradual implementation of this new policy, starting with the tribes which were believed to be receptive to the allotment policy. A report was compiled with a list of 25 recommended reservations. The Nez Perce reservation was one of them (Hoxie and Mark 1981:xvi).

Alice Fletcher, an anthropologist from the Peabody Museum, and her assistants came to the Nez Perce reservation in 1889. Fletcher was a firm believer in the Allotment policy and was taking an active part in the Lake Mohonk Friends of the Indians, a reform group promoting quick integration of Indians into the larger society. Fletcher worked on allotting Nez Perce lands for four summers until 1892. They initially faced strong resistance from the Nez Perce in Lapwai, but they received good support from Presbyterian Indians in Kamiah. These different reactions reflect distinct attitudes toward Euroamerican lifestyles between Kamiah, a stronghold of Presbyterians, and Lapwai, a more mixed community of “agency crowd” (Hoxie and Mark 1981:xxxiii). Fletcher made 2,009 allotments which amounted to the total of 175,026 acres (182,938 acres)

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24 The concept of allotment had some history among the Nez Perce. Article 3 of the 1863 Treaty (14 Stat. 647) discusses allotment of 20 acres for each male of 21 years old or household head.
25 This was later modified so that WWI veterans could apply for citizenship (41 Stat. 350 [1919]). Starting in 1924, all Indians born in the US received citizenship (43 Stat. 253).
according to Lahren (1998:489)) with more than 70 percent of the reservation land left as surplus (Josephy 1983:164). In order to involve every Nez Perce individual, Fletcher persuaded the Nez Perce to form a nine-person committee chaired by Archie Lawyer, ordained Presbyterian minister, representing different localities on the reservation. The nine members and the two alternates of the first committee consisted of eight Presbyterians, one Methodist, and two Catholics (Slickpoo and Walker 1973:224)\(^{26}\).

Selection of allotment largely depended upon the agricultural value of the land. Upon selecting their allotment, many Nez Perce preferred valley lands, the traditional locations of winter villages. That was also where most Nez Perce farms were located at that time. Since there was not sufficient lowland appropriate for all allotments, Fletcher often made allotments encompassing low lands and upland to allot the defined amount of land for each individual (Ficken 1999:192-193).

After the Allotment was completed, the sale of surplus land was negotiated by government officials. This met strong opposition from all Nez Perce, including Christian Nez Perce. The opposing party even sent a delegation to Washington DC to plead their case (Ficken 1999:195-196). Despite strong objections (cf., McBeth 1993:185), an agreement was eventually made and signed by the above nine-member committee in 1893 (28 Stat. 327). In addition to individual allotments, 34,000 acres (32,020 acres according to

\(^{26}\) This committee became the basis of later development of a stronger tribal government (Slickpoo and Walker 1973:224; Josephy 1983:164).
Lahren [1998:489]) were set aside for timber and other tribal needs (Slickpoo and Walker 1973:224; Josephy 1983:164). In the end, 542,000 acres were sold for $1,626,222. Walker (1985:77) believes that this forced acceptance of the agreement was a devastating experience for Presbyterian Nez Perce who faithfully complied with the government and successfully defended their lands until that moment.

On November 18, 1895, the surplus lands were opened for white settlement. About 2,000 white settlers poured into the reservation and filed their claims. With the new allotted lands, some Nez Perce expanded their farming and livestock raising, but the majority of them did not. Instead, they leased their lands to white settlers.

The passage of the Burke Act in 1906 (34 Stat. 182) provided discretion for the length of the trust which was originally defined as 25 years. If an Indian was judged as “competent\(^{27}\)” to manage his affairs, the Secretary of the Interior could give him a patent in fee simple for said land. Under this act, a large number of Nez Perce received fee patent land and sold their lands to white settlers. A consultant of Walker (1985:78) stated that many Nez Perce lost their lands because of taxation after the fee patent was granted. Some of my elderly consultants confirmed this point. In 1907, the Lacey Act made a provision for the allotment of communally owned tribal funds for “competent’ Indians. More acts (34 Stat. 1018 [1906], 35 Stat. 444 [1906]) were passed allowing Indians, even

\(^{27}\) In 1910, a nine member Indian Board of Education was formed among the Nez Perce to evaluate who could be considered “competent” (Fricken 1999:216).
those who were not "competent" in the original sense, to receive fee patent status. It is clear that the government was hoping that the trust status of Indian lands would be ended soon. By 1923, almost half of the Nez Perce allotments were transferred to white settlers (Riley 1961:200). By 1963, Indian land holding went down to 33% of the original allotments made by Fletcher (Josephy 1983:165; Walker 1985:78), and white population skyrocketed (30,000 whites vs. 1,500 Nez Perce) on the reservation (Josephy 1983:168).

The Allotment and sudden influx of whites to the reservation had a large impact on Nez Perce society. Towns sprang up on the reservation, and many Nez Perce suddenly had white neighbors. In 1904, a biracial school was built in Lapwai. This change in demography changed Nez Perce social structure. Traditional villages were further disintegrated, and an extended family was split up into nuclear families (Ackerman 1998:518). This influx of whites created many more opportunities for wage labor among the Nez Perce. The government was correct in their prediction that the Allotment would be a final blow to the traditional social structure and lifestyle.

5.3.2: Allotment and Nez Perce Ecology

After the War of 1877, agricultural operations continued to grow on the Nez Perce reservation. By the time of Allotment, many Nez Perce had become successful farmers. In 1879, a government agent recorded that the Nez Perce “had vast fields of waving grain” and “support themselves entirely without
subsistence by the government” (cited in Ficken 1999:199). In 1878, John Monteith reported that “these Indians are rich in horses and cattle, and raise produce enough for their own subsistence and have some left to sell” (cited in Ficken 1999:200). In 1882, a government agent stated that Nez Perce farms were generally superior in appearance and yield to those of white settlers outside the Nez Perce reservation (Ficken 1999:200). In 1893, some of the Nez Perce farms were as large as 160 acres, and in 1912 the average size of a Nez Perce farmstead was 17.84 acres (Ficken 1999:206). In 1900, according to a government agent, “Nearly all of the able-bodied Indians farm from 5 to 20 acres each” (cited in Ficken 1999:206). The records of the Indian Office also demonstrate the growth of agricultural production in the late 1800s. The records show that wheat production increased from 34,830 bushels in 1879, to 43,265 in 1880, and 50,000 bushels in 1881. Acreage under cultivation expanded from 3,172 in 1879 to 7,960 in 1889 (Ficken 1999:201). Other crops (e.g., potatoes, oats, barley, corn, watermelon) were also raised. By the end of the 1800s, farming had become a significant component of Nez Perce subsistence. Jane Gay (1981:173), Alice Fletcher’s assistant, noted the economic success of James Stuart, Alice Fletcher’s interpreter, and Felix Corbett, an influential Presbyterian leader. Stuart owned a grain warehouse in Lewiston, and Corbett operated a lucrative ferry and gristmill.

Success in agricultural operations did not replace the traditional subsistence activities. The Nez Perce continued hunting, fishing, and gathering
roots/plants. Flourishing agriculture did not replace the traditional subsistence activities but jointly constituted Nez Perce subsistence. Although the increase of non-Indian population on the reservation brought opportunities for cash economy, the economic system in rural Idaho was still subsistence-based. In 1880, the Lapwai agent found that it was "entirely useless to attempt their [the Nez Perce] retention at home" (cited in Ficken 1999:204). Charles Monteith, the Indian agent on the Nez Perce reservation, reported in 1882 that many Nez Perce went salmon fishing in the fall because the crops were damaged by the severe drought in that year (Ficken 1999:202). He states, "at least two-thirds of the tribe are absent from the reserve, having gone into the mountains and fishing grounds" to make up for the shortage of crops (cited in Ficken 1999:202). In 1888, the Indian agent Norris reported that "The Indians quite generally leave the reservation in the latter part of August, as soon as harvesting is done, and spend two months hunting and fishing" (cited in Ficken 1999:203). According to Norris in 1888, "They [the Nez Perce] go in small parties, a portion of them to the Wallowa, or what is known as Chief Joseph's country, in Oregon; some to the valley and mountains of the Salmon and Little salmon rivers, and others into the Bitter Root Mountains, where fish and game are abundant" (cited in Ficken 1999:203). On September 10, 1889, Alice Fletcher's effort to organize a

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28 Charles Monteith was the Indian agent on the Nez Perce reservation from 1882 to 1886 and in 1889. Charles was a brother of John Monteith.
council for Allotment utterly failed. The majority of the Nez Perce had gone to the mountains for hunting, and would not return for three months (Gay 1981:63). It is clear that agriculture did not replace the traditional subsistence activities.

I ironically, contrary to the government’s original intention, the Allotment failed to encourage the Nez Perce to expand their farming operations. As a matter of fact, the peak of Nez Perce farming operations was before 1890, and their farming operations declined after Allotment (James 1993:19). There were two reasons for this decline. First, many Indian farmers lacked financial resources and manpower necessary to expand their operations. When Indian farmers faced such challenges, there were many white settlers who would want additional lands. Leasing became a natural consequence in this situation. A federal inspector in 1900 observed that many Nez Perce continued farming the existing farmlands located along the river or small streams but often leased the upland portion of their allotments to white farmers (Ficken 1999:207). Indian leasing of farmlands became popular very quickly. An increasing number of Nez Perce became dependant on land lease for their living. In 1900, 390 allotments were under lease (Ficken 1999:208). The 1900 Annual Report of the Commissioner of Indian Affairs reported that the Nez Perce secured 68 percent of their subsistence from leasing their allotments (Ficken 1999:209). After the Allotment, agricultural production on the reservation expanded enormously, but the Indian portion of the harvest actually declined.
Second, fragmentation of allotment created serious problems. The government probably expected the Indians to soon vanish as a distinct ethnic group as they were assimilated into mainstream US society. The problem of fractionated allotment heirship continues to this day. Each time an allottee dies, the number of heirs increases and fragmentation of the allotment escalates. For example, the allotment of a male who had a wife and three children would be inherited as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wife</td>
<td>3/6</td>
</tr>
<tr>
<td>Child 1</td>
<td>1/6</td>
</tr>
<tr>
<td>Child 2</td>
<td>1/6</td>
</tr>
<tr>
<td>Child 3</td>
<td>1/6</td>
</tr>
</tbody>
</table>

If his wife died the following year, her allotment share would be divided evenly among her children. Therefore, their share would be:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Child 1</td>
<td>1/6 + 1/6 = 1/3</td>
</tr>
<tr>
<td>Child 2</td>
<td>1/6 + 1/6 = 1/3</td>
</tr>
<tr>
<td>Child 3</td>
<td>1/6 + 1/6 = 1/3</td>
</tr>
</tbody>
</table>

When Child 1 died, leaving 5 children, his share would be equally divided among the surviving five grandchildren. It would be:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Child 2</td>
<td>1/6 + 1/6 = 1/3</td>
</tr>
<tr>
<td>Child 3</td>
<td>1/6 + 1/6 = 1/3</td>
</tr>
<tr>
<td>Grandchild (1) of late Child 1</td>
<td>1/3 ÷ 5 = 1/15</td>
</tr>
<tr>
<td>Grandchild (2) of late Child 1</td>
<td>1/3 ÷ 5 = 1/15</td>
</tr>
<tr>
<td>Grandchild (3) of late Child 1</td>
<td>1/3 ÷ 5 = 1/15</td>
</tr>
<tr>
<td>Grandchild (4) of late Child 1</td>
<td>1/3 ÷ 5 = 1/15</td>
</tr>
<tr>
<td>Grandchild (5) of late Child 1</td>
<td>1/3 ÷ 5 = 1/15</td>
</tr>
</tbody>
</table>

(modified from West 1982:81)

Astronomical fragmentation often takes place. In 1982, one heir’s share was 1/12,000,000,000 (West 1982:83). In one case in 1979, the total lease income of
$13,601.01 was divided among 63 shareholders. The largest share was $1,416.77 and the smallest was $11.81 (West 1982:89-90). Fractionated allotments lose their value for small shareholders. They would naturally lose their interest in managing their allotments.

Although farming did not expand, household gardening continued. Until the 1940’s, according to elderly consultants, the majority of the Nez Perce households mostly subsisted with their gardens, livestock (e.g., cow, chicken, pig), and the traditional subsistence activities. Most Nez Perce lived off the land and did not suffer during the Depression very much. One elder told me that few Nez Perce showed interest in government rations during the Depression because the quality of homegrown food was far better than those supplied by the government. Mary Crawford, a Presbyterian missionary who stayed among the Nez Perce between 1895 and 1936, left the following description of the Nez Perce lifestyle during the Depression.

The Nez Perces generally live on their own land, and farm enough to keep their families. They are splendid gardeners and raise all kinds of vegetables. Indian women are thrifty and their cellars are filled with canned fruit. Since the depression, they have gone out and dug quantities of nourishing roots which they used to live on in the early days. Since the allotment they eat "the white people's food" just as we do (Crawford 1936:48).

Hunting, fishing, and gathering activities were clearly a part of Nez Perce subsistence around the time of the Great Depression.

The Nez Perce lifestyle gradually shifted from subsistence-based to cash-based. Wage labor gradually became a dominant form of economic activity. An
increasing number of Nez Perce began experiencing the outside world through employment, education, interracial marriages, and military service. In this rapidly changing social, cultural, and economic context, forms of hunting, fishing, and gathering activities also changed. Their function as a primary means of subsistence decreased, although this does not mean that the traditional subsistence activities were no longer important.

Symbolism attached to hunting, fishing, and gathering practices gradually changed. This change took place according to the changing socio-political relationship with the outside world. After WWI and especially after WWII, a strong feeling of ethnic pride emerged among young Nez Perce who had experienced the outside world. These young Nez Perce began seeking modernization of the Nez Perce tribal structure. In 1922, the Nez Perce Indian Home and Farm Association was formed, and in 1923 a new Constitution was approved. The goal of the Association was to improve tribal members’ social and economic welfare. In 1927, another Constitution was approved. The Advisory Council and Business Committee of the Nez Perce Reservation, commonly called the Business Committee, was formed to handle economic issues such as timber sales and grazing permits on tribal lands.

A chance to increase power of the governing body came in 1934 with the Wheeler-Howard Act, also called the Indian Reorganization Act (48 Stat. 984). Turning around 180 degrees from the previous assimilation policy, the federal government attempted to empower Indian tribes so they could take more control
over their economic situation. This new policy formally ended the Allotment and encouraged Indian tribes to develop their own constitutions and restore their lands. Although this was a good opportunity for the Nez Perce to expand authority over their governing body, the Nez Perce General Council voted against the Act. There was a strong skepticism against any attempt to concentrate power into a small number of individuals. However, this political culture on the Nez Perce reservation gradually changed in response to the shifting political relationships with the outside world.

In 1946, the US Army Corps of Engineers announced its plan of constructing The Dalles Dam on the Columbia River. The Indian tribes which traditionally fished at Celilo Falls were to be compensated for the loss of their treaty fishing rights. Initially, the Nez Perce tribe was excluded from the compensation plan, and the tribe had to negotiate with the Corps for its rights. Also in 1946, the Indian Claims Commission Act was passed by the Congress (60 Stat. 1049) with the goal of settling cases of treaty violations. In order to deal with these matters, a stronger governing body was urgently needed. In 1948, the Nez Perce Tribal Executive Committee (NPTEC) was formed, and the constitution of 1948 was approved. NPTEC successfully negotiated for Indian claims. In 1956, the Nez Perce tribe was compensated $2,800,000 for the loss of their treaty fishing rights at Celilo Falls. In 1959, the Indian Claims
Commission granted the Nez Perce $3,000,000 for the loss of royalties on gold taken from the reservation during the gold rush of 1860-1867, and $4,297,000 for inadequate payment for the lands ceded under the 1863 Treaty.\textsuperscript{29}

Modernization of the tribal government took place in response to the changing relationship with the larger society. Through this evolution of the tribal government, a sense of ethnic identity became stronger. In the resurgence of ethnic identity, hunting, fishing, and gathering activities played crucial roles as "dominant symbols" with many political implications. This does not mean that the traditional subsistence activities lost their meanings. Hunting, fishing, and gathering simply started playing their roles in different ways. As will be discussed fully in Chapter 8, the traditional subsistence activities are the foundation of today's Nez Perce life.

5.4: Summary

From time immemorial, Nez Perce ecology has constantly been transforming. There are many factors influencing these changes. Among others, political relations with the outside world (e.g., arrival of missionaries, War of 1877, Allotment, and modernization of the tribal government induced by negotiation with the federal government) is one of the most significant variables. One important point to remember is that engagement in farming and/or cash economy never replaced hunting, fishing, and gathering activities. The function

\textsuperscript{29} About 14 percent of the $4,297,000 payment was made to the descendants of the Joseph bands on the Colville reservation (Josephy 1983:173-174).
of hunting, fishing, and gathering practices as a source of calorie intake changed after farming, livestock raising, and cash economy entered the Nez Perce society. However, the traditional subsistence activities played crucial roles as significant sources of symbolic meanings in the economic, political, and social lives of the Nez Perce.
CHAPTER 6

SOCIO-POLITICAL CONTEXT OF CONTEMPORARY NEZ PERCE HUNTING, FISHING, AND GATHERING PRACTICES

Social, economic, and especially political relationships with the outside world, together with environmental constraints, greatly influence Nez Perce patterns of engaging in hunting, fishing, and gathering activities. In turn, the Nez Perce develop and maintain their relationships with the larger society based on their symbolic relationships with the environment. These dialectic relationships between human actors, the environment, and the larger society are ongoing processes in which power relationships play important roles.

This chapter discusses the socio-political context surrounding contemporary Nez Perce hunting, fishing, and gathering practices. I will do so by highlighting three issues: Nez Perce treaty hunting and fishing rights, the Lower Snake River dam breaching debate, and power and rights to protect traditional resources from “biopiracy.” These issues illustrate how traditional subsistence activities are deeply involved in the tribe’s ongoing political relationship with the larger society.
Nez Perce hunting, fishing, and gathering activities are defined within the framework of federal Indian laws. Indian hunting, fishing, and gathering rights are extremely complex matters, and the approaches to these issues by the government have often changed, sometimes rather radically. As illustrated by the following three issues, there are so many stakeholders involved in Indian hunting, fishing, and gathering rights at local, regional, national, and even international levels. Competition over the resources has increasingly intensified at a large scale, and resource conservation and preservation have become crucial issues.

6.1: Nez Perce Treaty Hunting and Fishing Rights

In US federal Indian laws, hunting and fishing rights are considered to be an integral part of tribal rights. They are part of the inherent tribal rights that have existed “from time immemorial” (Worcester v. Georgia, 31 U.S. 515, 558 [1832]). The Supreme Court characterized Indian fishing rights as “not much less necessary to the existence of the Indians than the atmosphere they breathed” (US v. Winans, 198 U.S. 371, 381 [1905]).

Indian hunting, fishing, and gathering rights are usufruct rights which are enduring property rights (Minnesota v. Mille Lacs Band of Chippewa Indians, 526

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1 Courts have consistently regarded trapping and gathering rights as included in the treaties and statues recognizing Indian hunting and fishing rights (Pevar 1992:189-190).
2 Usufruct can be divided into two types: perfect and imperfect. Perfect usufruct refers to “a right to use another's property for a time without damaging or diminishing it, although the property might naturally deteriorate over time,” whereas imperfect usufruct (quasi-usufruct) refers to a right “involv[ing] alternation and diminution of the property used” (e.g., money, food) (Black's Law Dictionary (2000:1542-43).
U.S. 172, 194-95, 211-15 [1999]). When Indian groups entered into agreements with the US government (i.e., treaties, executive orders), they held usufruct rights over renewable resources in reserve for their own use.

Hunting, fishing, and gathering rights are not individual but "communally owned treaty rights" (Cohen 1982:451). Because treaties were made between governmental entities, their application is limited to officially enrolled tribal members. The judge in Whitefoot v. US, 293 F. 2d 658 (1961) ruled that individual tribal members were not entitled to compensation for the destruction of "usual and accustomed" fishing places because Indian fishing rights were held as communal tribal property belonging to the entire tribe. Nez Perce hunting, fishing, and gathering rights are recognized only for enrolled tribal members.

Tribal members engage in hunting, fishing, and gathering activities within the framework defined by laws. Historically, the legal framework for hunting, fishing, and gathering activities has existed in a complex political intersection between tribal, State, and federal governments.

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3 The same legal concept was used in the ruling of the case where the Colville Nez Perce filed a suit in the Court of Claims arguing that their homelands in Wallowa, Oregon were taken without due compensation before the outbreak of the War of 1877. Their claim was dismissed (95 C.Cls. 11, October 6, 1941; plaintiff's motion for new trial was overruled on January 5, 1942) on the basis that the 1863 Treaty was signed by the Nez Perce Tribe as a political entity, and the dissenting minority was bound by that treaty (Smith 1947:119-123).

4 A conflicting view has been expressed in a lower court. In 1987, Judge Valentine ruled that descendants of the Chief Joseph band enrolled in the Confederated Tribes of the Colville Reservation retain hunting rights in the Wallowa valley in Oregon, one of the "usual and accustomed places" of the Nez Perce (Oregon v. Narpooya, G86-88, District Court of the State of Oregon for the County of Wallowa, April 29, 1987).
6.1.1: The 1855 Treaty and Its Interpretation

The legal foundation of Nez Perce hunting, fishing, and gathering rights is the 1855 Treaty (12 Stat. 957). Unlike treaties of some other tribes, the Nez Perce Treaty recognizes off-reservation hunting, fishing, and gathering rights. Article 3 reads:

The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land (emphasis added).

Article VIII of the second Treaty (14 Stat. 647 [1863]) reads "all the provisions of said treaty which are not abrogated or specifically changed by any article therein contained, shall remain the same to all intents and purposes as formerly ...." The amendments of the 1863 Treaty in 1868 (15 Stat. 693), the 1893 allotment agreement (28 Stat. 327-331), and the subsequent agreements do not contain any language explicitly relinquishing the fishing and hunting rights discussed in the 1855 Treaty. Therefore, the provisions of the 1855 Treaty are legally still valid to this day. The validity of the 1855 Treaty provisions on fishing and hunting was clearly affirmed by the decision in State v. Arthur (74 Idaho 251 [1953]). The court stated, "An examination of the Treaty of 1863 and the Agreement of 1893 discloses that the right or privilege of hunting upon open and unclaimed lands was not thereby extinguished or abolished."
Some of the language in the above 1855 Treaty has been contested in courts, such as: (1) “the exclusive right of taking fish in all the streams where running through or bordering said reservation,” (2) “all usual and accustomed places,” (3) “in common with citizens of the Territory,” and (4) “upon open and unclaimed land.”

First, the definition of reservation boundaries differentiates the scope of Nez Perce hunting, fishing, and gathering rights. Is it the 1855 Treaty boundaries, or those of the 1863 Treaty? Today, it is the 1863 boundaries which are recognized. Stegner (1980:182), in his analysis of State v. Scott (Second Dist. Ct., Idaho 1978, Cases No. 13888, 13898, 13899, and 13904[5]), argued that the exclusive right should be recognized within the 1855 Treaty because subsequent treaties and agreements never relinquished it (Stegner 1980:183). This argument is no longer valid because of later rulings (e.g., Montana v. US, 450 US 544 [1981]; Brendale v. Confederated Tribes and Bands of Yakima Nation, 492 US 408 [1989]). The courts held that exclusive rights of use and occupancy are relinquished when the land is conveyed from Indian trust to non-

[5] This is usually referred to as the “Rapid River controversy.” In the late 1970’s, tribal members came into conflicts with local non-Indians as well as the State of Idaho. In June 1978, the State of Idaho closed the Rapid River Chinook salmon fishery under an emergency regulation for conservation purposes without any consultation with the tribe. Tribal fishermen protested the action. In the summers of 1978 and 1979, Rapid River became the site of protest and confrontation, and received national and even international attention. Letters of support even came from foreign countries such as Germany and Japan. In 1981, the 44 cases from the summer of 1980 were brought into the Idaho Second District Court. The 44 cases were lumped into one case and decided on March 2, 1981. Judge Reinhardt dismissed all the cases. He ruled that the State of Idaho needed to consult with the tribe for appropriate conservation measures before it applied any regulation to tribal fishery.
Indians’ ñee land. The lands outside of the 1863 reservation boundaries are no longer held in trust for the Nez Perce, and therefore the tribe does not possess exclusive rights over the land outside of the 1863 reservation.

Second, where are the “all usual and accustomed places”? This question has been examined according to the Euroamerican concept of territory, which is based on the notion of exclusive use and occupancy. The definition of “usual and accustomed places” requires proof of the actual use and occupancy over an extended period of time (Cohen 1982:442). "Transitory passageway in common with these other tribes" is not sufficient (Six Nations v. United States, 173 Ct. Cl. 899, 910 [1965]), but "joint and amicable possession of the property by two or more tribes or groups" is satisfactory (Confederated Tribes of Warm Springs Reservation v. United States, 177 Ct. Cl. 184, 194, footnote 6 [1966]). “Usual and accustomed places” include "seasonal or hunting areas over which the Indians had control even through those areas were used only intermittently" (Confederated Tribes of Warm Springs Reservation v. United States, 177 Ct. Cl. 184, 194 [1966]). Then, where was the area of "all usual and accustomed places" for Nez Perce Indians?

The “usual and accustomed places” of the Nez Perce have been established in courts and through political negotiations. In one of the Indian Claims Commission cases in the 1970’s, the traditional Nez Perce territory was

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defined (Chaffant 1974:159). Celilo Falls in Oregon were recognized as a part of Nez Perce “usual and accustomed place” through the negotiation process for compensation of the submerged Falls.

Political negotiation to define Nez Perce “usual and accustomed places” still continues today. In recent years, the Nez Perce Tribe has been requesting its involvement in wildlife resource management within Yellowstone National Park in Montana because it is a part of Nez Perce “usual and accustomed places” (Tribe Seeks Role in Yellowstone Planning, The Lewiston Morning Tribune, October 8, 1999).

Third, Nez Perce off-reservation rights of hunting and fishing involve an interpretation of “in common with citizens of the Territory.” What does “in common with” mean, and how “common” should it be? Enrolled tribal members of a treaty tribe do not need to possess a state fishing license when engaged in off-reservation treaty fishing (Tulee v. Washington, 315 U.S. 681 [1942]). Indians’ access to the “usual and accustomed places” for fishing purposes does not constitute trespassing (United States v. Winans, 198 U.S. 371 [1905]). The phrase "in common with" does not mean equal opportunities to engage in fishing, but “a fair share of the fish produced by the Columbia River” (US v. Oregon, 302 F. Supp. 899 [1969]). The court in Department of Game v. Puyallup Tribe (Puyallup II) stated, the "number must in some manner be fairly apportioned" between Indians and non-Indians (414 U.S. 44, 48 [1973]). In 1979, Washington v. Fishing Vessel Assn. (443 U.S. 658) presented the interpretation of a "fair
share." The court set the maximum of 50% of actual harvest to be allotted to the Indians. This 50% includes the total harvest of all the fishing activities, including both on and off-reservation fishing and all of subsistence, ceremonial, and commercial fishing. The equal share includes artificially propagated fish and hatchery fish. There should be no distinction between hatchery and natural fish for Indian treaty fishing rights (United States v. Washington, 506 F.2d 187 [1980]). These guidelines can be changed only when there is a strong interest of conservation. In Puyallup Tribe v. Department of Game (Puyallup I) in 1968, the court stated, "the manner of fishing, the size of the take, the restriction of commercial fishing, and the like may be regulated by the State in the interest of conservation, provided the regulation meets appropriated standard and does not discriminate against the Indians" (391 U.S. 392, 308 [1968]).

Finally, the interpretation of "open and unclaimed land" has been debated in courts for the purpose of hunting. National Forest land\(^6\) is "open and unclaimed land" (State v. Tinno, 94 Idaho 759 [1972]; State v. Arthur, 74 Idaho 251 [1953]; Confederated Tribes of the Umatilla Indian Reservation v. Maison, 262 F.Supp. 871 [1966]; State v. Stasso, 172 Mont. 242 [1977]). The lands under the Bureau of Land Management are also treated as "open and unclaimed land". However, National Park Service land (United States v. Hicks, 587 F.Supp. 6 Nez Perce tribal members are exempt from recreation use fees and length of stay limits for the purpose of traditional subsistence activities at campgrounds in the Wallowa-Whitman, Umatilla, Clearwater, Nez Perce, and Payette National Forests. The Nez Perce tribe and the Forest Service signed the Memorandum of Understanding (R-4 agreement #30-MOU-98-001).
1162 [1984])\(^7\) and privately owned land (State v. Cohee, 97 Idaho 905 [1976]; State v. Chambers, 81 Wash.2d. 929 [1973])\(^8\) are not “open and unclaimed.”

There has been no test case about state forests yet.

6.1.2: The Scope of Tribal Regulatory Power

Regulating hunting, fishing, and gathering activities is a part of tribal sovereign power. However, tribal authority is partial, and its scope can be defined only in conditional terms. For example, who has the power to regulate hunting, fishing, and gathering activities on the reservation? How about outside the reservation? Within the reservation, will Indian trust lands and privately owned lands be treated differently? Who can regulate hunting activities of non-Indians? How about non-member Indians?

Tribes possess authority to regulate hunting and fishing practices by their own tribal members (Puyallup Tribe Inc. v. Department of Game, 433 US 165

\(^7\) Holt (1986) examined U.S. v. Hickes and argues that Quinault tribe still retains hunting rights in Olympic National Park. He contends that the tribal members either have hunting rights or compensation claim for the taking of the property right. However, a recent case in the US District court (US v. Peterson and Hohmann, 121 F. Supp. 2d 1309 [2000]) reaffirmed the principle of U.S. v. Hicks. It ruled that Congress abrogated the treaty hunting right of the Blackfeet Indians when it created Glacier National Park.

\(^8\) There are several exceptions as for privately owned lands. For example, in Kimball v. Callahan (590 F.2d. 768, 775 [1979]), the court held that descendants of Klamath Indians retain their treaty fishing, hunting, and trapping rights “on the lands constituting their ancestral Klamath Indian Reservation, including land constituting United States forest lands and privately owned land on which hunting, fishing, and trapping is permitted.” The Klamath tribe was terminated by Congress in 1954 (Klamath Termination Act, 25 U.S.C. 564). Also, in Minnesota v. Mille Lacs Band of Chippewa Indians, 526 U.S. 172 [1999]), the Supreme Court ruled that the tribe retains its treaty hunting, fishing, and gathering rights on privately owned lands. The 1837 Treaty with the Chippewa contains a different language from the Nez Perce 1855 Treaty. Article V of the 1837 Chippewa Treaty states, “[t]he privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guarantied [sic] to the Indians during the pleasure of the President of the United States.”
on tribal trust lands. Tribes also possess authority to regulate non-Indians' practices on tribal trust lands (New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 [1983]). However, tribes do not have regulatory power over non-Indians on non-Indian owned lands unless the activities threaten or directly affect the tribe's political integrity, economic security, or health and welfare (Montana v. US, 450 US 544 [1981]). When tribal lands are conveyed to non-Indians, the tribe loses its rights of absolute and exclusive use and occupation of the lands (Montana v. US, 450 US 544 [1981], Brendale v. Confederated Tribes and Bands of Yakima Nation, 492 US 408 [1989]). The tribe loses regulatory power over non-Indians on public land when on-reservation tribal lands are conveyed to the federal government for the purpose of dam construction and made open to the public (South Dakota v. Bourland, 508 US 679 [1993]). The federal government can regulate tribal members' hunting and fishing activities on the reservation for the purpose of conservation (e.g., Bald Eagle Protection Act, 16 U.S.C, Sec. 668) when tribal conservation measures have proven inadequate.

What regulatory power do tribes have outside reservation boundaries? Indian tribes can regulate their own members' hunting and fishing activities beyond reservation boundaries. The judge in Settler v. Lameer, 507 F. 2d 231 (1974) ruled that the Yakima tribe has authority to regulate its own members' fishing activities at "all usual and accustomed places" even outside of the
reservation boundaries. However, this is not an exclusive power. Based on the “in common with” phrase, the Yakima tribe exerts its regulatory power jointly with States.

What regulatory powers do States have on the reservation? The court in *Puyallup Tribe v. Department of Game* (Puyallup III, 433 U.S. 165 [1977]) ruled that States could regulate Indians’ on-reservation fishing if such regulation is essential for the purpose of conserving fishery resources. However, state regulation is limited only to the circumstances in which the tribe has failed to implement its own conservation plans (*U.S. v. Michigan*, 653 F. 2nd 277, 279 [1981]). Also, regulations need to “meet appropriate standards and cannot discriminate against Indians” (*Puyallup Tribe v. Department of Game [Puyallup I]*, 391 U.S. 392, 398 [1968]).

The Nez Perce Tribe exerts regulatory power over its members’ hunting and fishing activities. Enrolled members of the Nez Perce Tribe who engage in treaty fishing and hunting must hold a tribal identification card (Nez Perce Tribe Law and Order Code 1999:3-1-8), and engagement without a valid license, tag, and identification card is an infraction of the tribal law (Nez Perce Tribe Law and Order Code 1999:3-1-26). Any form of involvement, assistance, or operation of boats by non-members in tribal members’ treaty fishing and hunting activities is strictly restricted (Nez Perce Tribe Law and Order Code 1995:3-1-27 and 28). The only non-members who can be lawfully involved in the activities are:

1. the member’s spouse, child, sibling or parent; (amended 12/14/99)
(2) a member of one of the other three Columbia River Treaty Tribes
(Yakama, Warm Springs or Umatilla) who is authorized by treaty to be
fishing at the same time and place;
(3) otherwise authorized by the tribe or the State of Idaho to be fishing or
hunting at the same time and place
(Nez Perce Tribe Law and Order Code, 1999:3-1-27, b).

In 1994, the Nez Perce tribe took an action to regulate non-Indian fishing
on the reservation. The Nez Perce Tribal Executive Committee adopted a
resolution establishing a fishing season within the reservation. It reads:

NOW, THEREFORE, BE IT RESOLVED, that the Nez Perce Tribal
Executive Committee, hereby establishes a 1994 fall steelhead fishing
season for the general public on the mainstem of the Clearwater River
within the Nez Perce Reservation beginning October 15th, 1994, and
ending December 31, 1994, and sets as $10.00 the fee for a permit for the
1994 fall steelhead fishing season; (Resolution NP 94-599, September 27,
1994)

In order to enforce this regulation, the tribe requested federal law enforcement
assistance. In the letter to U.S. Attorney General Janet Reno, dated October
11, 1994, the late Charles Hayes, then NPTEC chairman, requested immediate
federal assistance with law enforcement.

This event mirrors ongoing power competition between the tribe and the
State of Idaho. The Press Release of the Nez Perce Tribe dated on September
22, 1994, regarding the above issue, reads as follows:

Penney [current NPTEC Chairman, then Vice Chairman] also said that
‘according to Idaho Fish & Game the peaceful coexistence on the
Clearwater is possible only as long as Idaho Fish and Game can dictate
how management will occur.’ Penney stressed that this issue is not one
between the Nez Perce Tribe and sports fishermen but one between the
Tribe and Idaho Fish and Game.

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9 Federal agencies are “required to assist tribes in enforcing tribal laws” (emphasis added, Pever
On October 14, 1999, *The Lewiston Morning Tribune* reported the "steelhead price wars." A season permit for steelhead fishing was $40 in Washington, $58 in Idaho, and $25 on the Nez Perce Reservation. Who has power to regulate non-Indians' fishing on the Nez Perce Reservation? Do non-Indian fishermen have to purchase a tribal license only, State license only, or both? Do streams on the reservation constitute 'open land' in the sense of the ruling in *South Dakota v. Bourland* (508 US 679 [1993])\(^{10}\) ? The issue of jurisdiction over hunting, fishing, and gathering activities is an ongoing political debate between tribes, States, and federal governments.

### 6.1.3: Hunting, Fishing, and Gathering Rights: Past, Present, and Future

Political and legal battles over hunting and fishing rights have a long history among the Nez Perce. Since the early 1900's, such conflicts have been rather frequent. Although some tribal members accepted the Idaho game laws after the Allotment and the granting of citizenship in 1924 (Ficken 1999:223), many tribal members insisted that the Nez Perce had never relinquished their original hunting and fishing rights. Philip McFarland testified at the U.S. Senate in 1911:

> Our people always contended and every one understood that we had reserved the fish and game in the treaty of 1855, the treaty of 1863, and even in the agreement of 1893. We have never been paid anything to relinquish these rights and we never did relinquish these rights (cited in Ficken 1999:223).

\(^{10}\) I do not believe that the principle of *South Dakota v. Bourland* applies to this case. Although the streams on the reservation were made open to the public through Article III of the Treaty of 1855 and Article VIII of the 1863 Treaty, the treaty languages only recognize right of way.
Starting at the turn of the century, arrests of tribal members for illegal hunting and fishing increased (e.g., hunting out of the state’s official season, fishing without licenses). In some cases, an arrest was purposely arranged in order to challenge the Idaho statues in courts (The Spokesman-Review, October 7 & 23, 1905).

The situation changed in the 1940’s after a series of court decisions. The court of State v. McConville (65 Idaho 46 [1943]) ruled that tribal members were entitled to engage in treaty fishing without a state license. The judge in State v. Arthur (74 Idaho 251 [1953]) ruled that a tribal member could hunt at any time of the year on any of the open and unclaimed lands outside the reservation boundaries. It is through a series of court cases that today’s Nez Perce treaty hunting rights finally came to be recognized by non-Indians.

Nez Perce fishing, hunting, and gathering practices have always been political in nature, and have been constantly contested in courts. Wilkinson (1998:462) poses the following questions in his discussion of the relationship between the Nez Perce Tribe and the Forest Service. He asks,

Why would the Forest Service just consult, rather than negotiate, with the Nez Perce government? Does not the Forest Service sometimes negotiate, as well as consult, with a mining company, a ranch, a timber company, and the state? Why not with the Tribe? Why does not the Forest Service view the Nez Perce as a co-manager, as do the federal and state agencies on the Columbia?

The political relationship between the Nez Perce tribe and the State of Idaho has been evolving since the Rapid River case. Following the court’s order, the State began working with the tribe to develop more collaborative relations.
In 1992, the Nez Perce Tribe and Idaho Fish and Game signed a memorandum of agreement that decided that they would meet twice a year to discuss critical issues (Nez Perce Tribe Press Release, September 22, 1994). The development of collaborative relationships is also being sought with other agencies. On January 14, 1992, a Memorandum of Understanding was signed with the aim of developing a better working relationship between the Nez Perce Tribe and the five forest services which administer national forests within the traditional Nez Perce territory. However, collaborative efforts constantly hit the barrier of “who controls what and how.” Political competition still continues regarding the Nez Perce hunting, fishing, and gathering rights.

In the near future, political competition over natural resources may extend beyond hunting and fishing. The Nez Perce may possibly seek to apply the earlier discussed 50-50% harvest principle (see P. 152 of this chapter) to forest resources. Thus far, unlike hunting and fishing rights, the rights to gather plant resources have been left out of legal battles. However, if competition over the resources becomes more intense between Indians and non-Indians, treaty gathering rights may be contested in the courts. As recently as last year, the grazing rights of the 1855 Walla Walla Treaty have been revisited by the Confederated Tribes of the Umatilla Indian Reservation. On March 20, 2001, Antone Minthorn, Chairman of the Board of Trustees of the Tribe, discussed treaty grazing rights within national forests in his news release to The East Oregonian.
6.2: Lower Snake River Dam Breaching Debate

The political nature of Nez Perce traditional subsistence activities is also reflected in the on-going debate on the Lower Snake River dam breaching case. The Nez Perce tribe has been deeply involved in the debate because its ongoing efforts to restore salmon population are closely connected to the issue. The focus of this heated debate is the four dams located on the Lower Snake River, namely, Ice Harbor, Lower Monumental, Little Goose, and Lower Granite (see Fig. 6.1).

They are part of a total of 56 major dams on the Columbia River basin, three being located in Canada\textsuperscript{11}. The four Lower Snake River dams are used for the production of hydro-electric power, recreation, and navigation. The Lower Monumental and Lower Granite are also used for irrigation (Bonneville Power Administration n.d.). In the 1999 fiscal year, the four dams produced a total of 12,095,874 MWH, valued at $289,827,235.00\textsuperscript{12} (U.S. Army Corps of Engineers 1999).

There are eight dams including the four on the Lower Snake between the Nez Perce Reservation and the Pacific Ocean. These dams and their completion dates are, from the mouth of the Columbia River, Bonneville (1938), The Dalles (1957), John Day (1968), McNary (1953), Ice Harbor (1961), Lower Monumental

\textsuperscript{11} Out of these 56 dams, more than a half of the dams (39) were completed in the 1950 and 1960's. Five were completed in the 1930's, 21 in the 1950's, 18 in the 1960's, and six in the 1970's.

\textsuperscript{12} This figure is based on Bonneville Power Administration's whole sale rate of $27/MWH for 1999.
Figure 6.1: Four Dams on the Lower Snake River
(1969), Little Goose (1970), and Lower Granite (1975). Among these, ice Harbor, Lower Monumental, Little Goose, and Lower Granite are referred to as the Lower Snake River dams. Also, on the Nez Perce reservation, there is the Dworshack Dam (1974) on the North Fork of Clearwater River. The focal point of the debate is whether the four dams in question need to be breached as a part of the effort to restore the anadromous fish population. As is easily imagined, this is an extremely complex issue that involves great numbers of stakeholders at various levels.

The history of the four Lower Snake River dams is a continuous clash of interests. The development of the Lower Snake River began with the needs for river navigation. In 1860, a gold rush started on the Nez Perce Reservation, and steamboats started carrying loads of supplies upriver. Soon, stockmen moved into the Lower Snake River region. After a brief flourish of livestock raising, wheat farming came to the region. With the increasing demand for year-round river transportation connecting Portland and the inland Northwest, the government started planning to build dams and locks in the Lower Snake and the Columbia Rivers. A canal lock was completed at the Cascade by the Army Corps of Engineers in 1896, and another passageway was constructed at Celilo Falls in 1915. Although railways soon dominated transportation, technological advancement in barging in the 20th century made river navigation

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13 There have been many small dams on the Nez Perce Reservation. The first dam was constructed for the purpose of power generation on the South Fork of the Clearwater River in 1902 (Ficken 1999:226-240).
economically competitive. In 1934, the Inland Empire Waterways Association was formed to lobby for the connecting of Lewiston, Idaho and Portland by waterway.

In the late 1930's, the aluminum industry came to the region, attracted by inexpensive electricity provided by the Columbia River dams. Aluminum production was a war-time industry developed to support Seattle-based airplane building companies.

After World War II, the Columbia Basin Project changed semiarid plains into irrigated farm lands with water diverted from Grand Coulee dam (completed in 1941). In the 1950's, plutonium production at Hanford site, Washington was used to justify further dam building as a part of the critical national defense program.

Dams naturally conflicted with fishery interests. Commercial fishing on the Columbia River dates back to the early 1800's. In 1829, American explorer Captain John Dennis purchased fish from the Indians and sold them in Boston. By the late 1850's, Columbia salmon were being shipped to the east, Hawaii (then called Sandwich Islands), and Chile on a commercial basis. Large-scale exploitation started with technological innovation. Canneries were introduced into the Columbia River fishery in 1866. In addition to Indian fishers, Finns, Danes, and Norwegians were employed, while Chinese provided a large work force in the canneries. Canning became automated, refrigeration was
introduced, and fish wheels\textsuperscript{14} were built on the Columbia River in 1886. The local salmon and steelhead harvests peaked in the late 1880’s and 1910’s (Netboy 1980:22-23).

As early as the end of 1800’s, signs of fish depletion began appearing, and harvest regulations were enforced. In 1871, the Washington Territory declared it unlawful to completely block streams. In 1878, Oregon began to regulate net size and spacing between traps. In 1893, the State of Washington specified the maximum length of fixed nets and minimum distances between them. Furthermore, fishing season began to be regulated starting in 1877 (Netboy 1980:34-36). Starting in 1890, a closed commercial fishing season, from noon August 26 through noon September 10, was implemented (Schoning et al. 1951:9)\textsuperscript{15}. These early regulations did not prove effective. By the early 1900’s, alarming signs began to catch the attention of fishery agencies.

Fishery agencies started voicing their grave concern over the drastic reduction of fish resources as early as the late 1930’s. In 1939, Willis Rich noted consistent yearly declines in the Columbia River Chinook salmon population since 1920 (Rich 1941). He warned that the Columbia River Chinook salmon would continue decreasing unless adequate protections were implemented. He also proposed an international collaboration with Canada for the conservation of fishery resources. In the 1940’s when dam construction on the Lower Snake

\textsuperscript{14} Fish wheel is a trap-like devise scooping up migrating salmon as the current turns the wheels.  
\textsuperscript{15} This regulation was not applied to Indian subsistence fishing.
River was proposed, many fishery agencies strongly protested. When Congress
authorized the Army Corps of Engineers to construct the four dams on the Lower
Snake River in 1945, the Idaho Department of Fish and Game publicly stated
that although it would reluctantly accept the decision, it would not endorse the
plan (Petersen 1995:97). In 1947, the Interior Department proposed a 10-year
moratorium on further dam building on the Lower Snake and Columbia rivers to
conduct further study of fishery resources. This proposal failed. Thereafter,
State fishery agencies and commercial fishing businesses (e.g., The Columbia
River Salmon & Tuna Packers Association) began active and fervent protests
against dam construction. In 1947, Dr. Paul Needham, chief of fisheries for the
Oregon Fish Commission, argued in *The Oregon Business Review*:

> ... If this [McNary dam] is built, it will be the beginning of the end of
> steelhead and salmon runs in the upper Columbia River. Another main-
> river dam is proposed for construction below the McNary Dam at The
> Dalles near Celilo Falls. But the finishing touch will be the four-dam plan
> now being recommended by the Army Engineer corps for construction on
> the Snake River to provide slack-water navigation to Lewiston, Idaho. ... Doubtless overfishing is one contributing factor, but more important has
> been the indiscriminate construction of dams, pollution, and reduction of
> spawning grounds in the upper area. ... (cited in Netboy 1980:83).

Despite strong oppositions from fishery specialists, the construction of the Ice
Harbor dam began in 1956. The advocates for power generation and navigation
ultimately won the debate. The other three dams, Lower Monumental, Little
Goose, and Lower Granite, followed in the 1960 and 70’s even in the middle of
the general increasing awareness of environmental issues\textsuperscript{16}. The completion of the Lower Granite dam in 1975 marked the completion of waterway from Portland to Lewiston, Idaho\textsuperscript{17}.

The debate over salmon conservation/restoration plans became truly intense and began to have different implications when Snake River sockeye salmon were listed as "endangered" in November 1991 under the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 46 et seq.). Furthermore, Snake River Chinook salmon (spring/summer-run and fall-run) were listed as "threatened" in April 1992, and Snake River basin steelhead as "threatened" in August 1997 (National Marine Fisheries Service 2001)\textsuperscript{18}. According to Petersen (1995:198), more than 60 native species in the Columbia River system have already become extinct. In 2002, the National Marine Fisheries Service announced a review of the status of more than 20 listed species in response to the petitions submitted requesting delisting of several listed species (Federal Register Vol. 67, No 28, Monday, February 11, 2002).

The Endangered Species Act of 1973 is a very powerful law that could have a large social, economic, and political impact. The controversy over the protection of the habitat for spotted owls is still a fresh memory in the Pacific Northwest. Bitter feelings still linger among local residents about government

\textsuperscript{16} Among others, Silent Spring (1962/1994) by Rachel Carson was an influential publication for environmental awareness in this era.

\textsuperscript{17} The construction of another dam at Asotin, Washington proposed by the Corps of Engineers was stopped by opposition parties. In 1988, Congress took back its previous authorization in 1962 (Petersen 1995:149-163).

\textsuperscript{18} As of July, 2001, a total of 12 stocks in the Columbia-Snake River basin are protected under the Endangered Species Act.
regulations that protect the spotted owls’ habitat over the local residents’ interests. The impact of the regulations for fishery resource protection is far more extensive than the ones for spotted owls.

The Lewiston Morning Tribune, August 25, 1999 (Endangered Fly Lands in the Ointment of Progress), reported that a development plan in Colton, California was halted because it might jeopardize Delhi Sands dunes, the only known breeding ground of Delhi Sands flower-loving fly (Rhaphiomides terminatus abdominalis). The fly was designated as “endangered” by the U.S. Fish and Wildlife Service in 1993. In Kennewick, Washington, city officials claimed that simple replacement of 10 stoplights was delayed because the city had to receive an approval for the environmental impact of the construction from the government agency (Concern for Steelhead Slows Road Projects, The Lewiston Morning Tribune, June 16, 1999). In order to comply with the Endangered Species Act for salmon protection, timber sales were stopped in Oregon (Judge Halts 24 Timber Sales over Salmon Concerns, The Seattle Post-Intelligencer, October 1, 1999), and a new zoning regulation was introduced (Saving Salmon Means Changing Behavior, Like it or not, The Lewiston Morning Tribune, August 13, 1999).

In recent years, Pacific Northwest newspapers have been flooded with articles about salmon, steelhead, and the Endangered Species Act. In comparison with spotted owls, the case of Columbia River fish has had a much wider impact on people’s lives. In the owl issue, primarily a few thousand
forest/wood workers were directly affected. In the Columbia River dam case, the impact is much larger because fish restoration plans require the preservation and restoration of the entire watershed. Anyone using electricity from the Columbia River dams, including those in California, Oregon, Idaho, and Montana (Keeping Current, Bonneville Power Administration, July 1999) would be impacted. Also, farmers in Idaho, Montana, and South Dakota who ship their agricultural products from Lewiston port would be affected.

The original scheme of the Lower Snake dam breaching plan was that the Army Corps of Engineers would present its recommendation to Congress by December 1999. However, the final recommendation was not yet submitted as of August 2001. Numerous studies have been conducted, many public meetings have been held, and lobbyists have been actively engaged in negotiations. To name only a few, the following agencies have been involved in the scene of the debate: government agencies (e.g., Army Corps of Engineers, Bonneville Power Administration, National Marine Fisheries Service, Environmental Protection Agency, Northwest Power Planning Council); state fishery agencies (e.g., Idaho, Washington, Oregon); Indian tribes and related groups (e.g., Nez Perce, Warm Springs, Yakima, Umatilla, Native American Rights Fund, Columbia River Inter-Tribal Fish Commission); national/international environmental groups (e.g., Sierra Club, National Wildlife Federation, American Rivers); organizations representing sports fishermen (e.g., Idaho Rivers United, Trout Unlimited); commercial fishers’ groups (e.g., Pacific Coast Federation of Fishermen’s Association); scientists
(e.g., American Fisheries Society); farmers (e.g., Snake River Irrigators' Association, State Farm Bureau); other interest groups (e.g., Direct Services Industries [representing aluminum companies], Columbia River Alliance [representing the interests of navigation, agriculture, timber and labor]; local governments and Chambers of Commerce; labor union (e.g., Pulp and Paperworkers Resource Council); and even Catholic Bishops\textsuperscript{19}. The essence of the debate is, dam or fish vs. dam and fish\textsuperscript{20}.

The Lower Snake River dam breaching has already become an important issue in both regional and national politics. During the 2000 election campaign, President Bush, then a candidate, stated that he would oppose breaching the Lower Snake River dams under any circumstances. \textit{Environmental News Network}, July 26, 1999, reported that a resolution was passed by the House Resources Committee encouraging the Army Corps of Engineers to end consideration of dam removal as an option for restoring endangered salmon population. The resolution was submitted by Doc Hastings (R-Washington) and supported by other 10 members from Oregon, Washington, Idaho, Utah, Alaska, California, and New Mexico (\textit{Snake River Dam Resolution Called Unfair}). \textit{The Columbian}, July 20, 2001, reported that a bill, The Salmon Planning Act, was introduced. It proposed to authorize the Army Corps of Engineers to breach

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\textsuperscript{19} The 12 Catholic Bishops in the Pacific Northwest and British Columbia, Canada, issued a pastoral letter "The Columbia River Watershed: Caring for Creation and the Common Good" on February 14, 2001.

\textsuperscript{20} One anti-breaching group's poster reads "Save Fish and Dams" (Pulp & Paperworkers Resource council and The Lewiston Chamber of Commerce), and another reads "Save Fish, Dams & Mo's [Monnette's] Family" (Pulp & Paperworkers Resource council and The Lewiston Clarkston Chambers of Commerce).
Lower Snake River dams if it was proved to be necessary to recover endangered fish population. Among Congressmen from the Northwest, there was only one congressman, Jim McDermott (D-Washington) who signed the bill (Bill Would Authorize Snake Dam Breaching). This issue is clearly on the national political agenda in Washington DC.

The dam breaching debate also relates to water quality issues, because the recovery of fish population entails restoration of habitat. On March 24, 2000, the judge ruled that the Army Corps of Engineers’ operation of the four Lower Snake River dams must comply with the standards of the Clean Water Act of 1977 (33 U.S.C s/s 1251 et seq.) (EPA Says Snake River Dam Removal Best Way to Protect Clean Water, The Columbia & Snake Rivers Campaign, April 28, 2000).

The issue of water concerns not only quality, but quantity as well. In 1987, the State of Idaho commenced the Snake River Basin Adjudication. It is a state court procedure to divide all water rights on the Snake River and its tributaries. Thus far, over 160,000 claims have been filed. In order to ensure that water will be available to restore fish population and Nez Perce fishing rights, the Nez Perce Tribe actively became involved in the negotiation with the State of Idaho, power companies, private water users, other Indian tribes, environmental groups, and other interested parties. The Nez Perce Tribe is addressing the Lower Snake River dam breaching issue and the Snake River Basin Adjudication together. The Lewiston Morning Tribune reported that the tribe had offered to
limit its water right claims in exchanged for irrigators' support for dam breaching (Spirited Debate, October 5, 1998). The negotiation was still continuing as of August 2001.

The Snake River dam debate is being influenced by Indian-government relations and environmental politics at the national level. In 1994, President Clinton issued a memorandum titled “Government-to-Government Relations With Native American Tribal Governments” (Federal Register Vol. 59, No. 85, Wednesday, May 4, 1994). It proposed to improve internal management of the executive branch regarding Indian issues. In part, it read, “... I am strongly committed to building a more effective day-to-day working relationship reflecting respect for rights of self-government due the sovereign tribal governments.” Congress has plenary power over Indian affairs. However, within the present U.S. political environment, it seems unlikely that Congress will totally ignore Indian treaty rights when it makes the final decision about the Snake River dams.

Today, modification or even removal of dams is no longer an unimaginable action. As of April 1999, 18 small dams in North Carolina, Vermont, Wisconsin, and Oregon had been removed, and 15 dams were under

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21 Since 1968 when President Johnson declared, “we must affirm the rights of the first Americans to remain Indians while exercising their rights as Americans. We must affirm their rights to freedom of choice and self-determination” (Presidential Documents, Weekly Compilation of, 1968, vol. IV, no. 10) the federal government has been committed to the goal of promoting tribal self-government.
consideration for removal\textsuperscript{22} (Tatro 1999). Removal of two dams out of these 15 was already finalized. Breaching dams is no longer an environmentalist’s dream but a reality.

A central question of the debate is whether the current salmon restoration effort is effective. Much attention has been directed to a “fish taxi.” In 1968, in response to the severe problem of supersaturation in a dam pool, the National Marine Fisheries Service started a program called “Operation Fish Run”\textsuperscript{23} as an emergency measure. It eventually became a part of regular fish-restoration operations. Today, smolts are collected at Lower Granite, Little Goose, and Lower Monumental dams (and McNary dam on the Columbia River in late summer) by an automated system, barged as many as 300 miles for two days, and flushed out from the barges just below the Bonneville dam, the lowest dam on the Columbia River. On the barge, water is continually circulated from the river. This operation costs $3 million each year and continues to this day (as of May 2001) without conclusive results of its success (Salmon Interrupted, The Spokesman-Review, May 13, 2001). Some critics argue that this is not cost-

\textsuperscript{22} Removal of Edwards Dam on the Kennebec River, Maine began in July 1999 (Maine dam Set to be Removed July 1, Lewiston Morning Tribune, June 27, 1999; Church Bells Toll the Knell of Hydro Dam, Lewiston Morning Tribune, July 2, 1999). The federal government agreed to purchase and remove two dams, Elwha Dam and Glines Canyon Dam on Elwha River in Washington (Feds will Buy, Tear Down Elwha Dam, Lewiston Morning Tribune, October 21, 1999). PacificCorp in Oregon, an Oregon utility company, announced that they would tear down Condit Dam on the White Salmon River in Washington (Utility Announces Plans to Remove Dam, Lewiston Morning Tribune, September 23, 1999).

\textsuperscript{23} This was renamed Juvenile Fish Transportation Program in 1981 (Petersen 1995:185).
effective in the sense that it is not leading to a long-term solution. The issue of the Lower Snake dam breaching issue illustrates the magnitude of debate on Nez Perce salmon fishing.

6.3: “Biopiracy”

The issue of power is significant in all aspects of Nez Perce ecology. One tribal leader said that even a criterion of sustainability sometimes becomes a focus of contestation between Indians and non-Indians. For many non-Indian political leaders, sustainability of salmon resources can be determined by the numbers of returning salmon. For the Nez Perce, the significant criterion is not the mere number of returning salmon but an opportunity to fish by traditional methods at traditional sites. My consultant's question is, "Which criterion will the federal government adopt for the EPA (Endangered Species Act) listing?"

Planning of sustainable development is an issue of power and rights.

When indigenous peoples are not adequately empowered, they may face a challenge of “biopiracy,” i.e., commercial exploitation of indigenous knowledge and resources (Dutfield 1999:505). In the fields of ethnobotany, ethnobiology, and ethnopharmacology, this issue of “biopiracy” received much attention from researchers since the late 1980’s (e.g., Soejarto et.al. 1996).

“Biopiracy” happens not only in less industrialized societies but also in today's United States. In July of 1999, I noticed that a medicinal root highly valued by the Nez Perce was being sold in a grocery store outside the
reservation. This root is one of the most widely utilized roots. It was being sold as a value-added product, and the brand name was trade marked. This non-Indian owned company even developed an Internet page\textsuperscript{24} to invite customers from all over the world. The price of the root ranges from $5.30 to $100.00 depending on the amount and type of the product.

Many tribal members became extremely irritated by this news. There were three reasons for their frustration. First of all, the commercialization of traditional natural resources is clearly against the Nez Perce cultural norm. Also, this reminds many Nez Perce of the history of white exploitation (e.g., discovery of gold on the reservation). Third, many Indians fear that the root will be wiped out by "greedy whites." The tribal council took formal action and sent a letter requesting that the company stop selling the root. The letter also pointed out the illegal use of an educational video for a commercial purpose. Shortly after the protest, the video clip was removed from the Internet site. However, the Internet page still exists and the sale of the root continues. The Nez Perce tribe has no control over the commercial exploitation of the root and cultural knowledge associated with the root as long as it is harvested on non-Indian lands or public lands.

Compared with indigenous peoples in less industrialized societies, the Nez Perce tribe is far more empowered (c.f., Burger 1987). They have access to laws, courts, media, and financial support. However, their power is still

\textsuperscript{24} I will not list the web address here in order to avoid further possible exploitation of the root through the Internet.
insufficient to control the commercialization of their traditional resources. For the Nez Perce, engagement in hunting, fishing, and gathering activities means a power and rights competition with the larger society. The traditional subsistence practices exist within the power relationship with the outside world.

The context surrounding Nez Perce hunting, fishing, and gathering practices has always been political. The hunting, fishing, and gathering rights defined in the 1855 Treaty are still contested in the political and legal arenas. Certain aspects of traditional subsistence activities are being contested even outside of national boundaries. The recovery of salmon resources is shaped by the U.S.-Canada relationship, the international salmon market, and farm fish industries in foreign countries. Contemporary Nez Perce hunting, fishing, and gathering practices are connected with the political events occurring in the rest of the world.

Compared with indigenous peoples in less industrialized societies, the Nez Perce tribe is clearly empowered. However, it is still not easy for the Nez Perce tribe to protect the resources of its traditional subsistence activities. Nez Perce traditional resources exist in a delicate balance of power with the larger society.
CHAPTER 7

CONTEMPORARY NEZ PERCE ECOLOGY

This chapter will discuss patterns of engagement in hunting, fishing, and gathering practices among contemporary Nez Perce Indians. For each of the traditional subsistence activities, I will examine such aspects as target species, decision-making processes, preservation techniques, and consumption and distribution patterns.

7.1: Fishing
7.1.1: Changes in Fishing Activities

Even after the introduction of agriculture, the Nez Perce continued fishing in a large regional context. The degree of reliance on fishing for calorie intake decreased as gardening and agriculture became more popular. However, fishing continued to be a part of the regular subsistence activities for Nez Perce households.

Salmon fishing continued to be the main fishing activity. My consultants listed the following areas as primary salmon fishing sites until the 1970's: the tributaries of Salmon River (e.g., South Fork, Rapid River, Secesh River, Warm
Creek, Slate Creek), mainstem and tributaries of Clearwater River (e.g., Selway River, Selway Falls, South Fork, Newsome Creek, Cottonwood Creek), Snake River (e.g., Grand Ronde River, Alpowa Creek, Joseph Creek, Tucannon River, Imhana River), and, until 1957, Celilo Falls (see Fig. 7.1).

Many families often organized summer fishing camps in combination with hunting. One consultant remembers his family’s annual fishing trips to the Rapid River, South Fork of Salmon River, and the Imhana River for salmon fishing in the 1960’s. Another consultant remembers that his family spent one to two weeks on the Rapid and Secesh Rivers (at Burgdorf) every summer in the 1950’s and 60’s. For many Nez Perce families, a trip to Celilo Falls was an annual event until the Falls disappeared in 1957. Also, it was common for the Nez Perce to fish on other reservations with their relatives until the 1960’s.

Before the beginning of the drastic decline of the salmon population, a wide variety of fishing techniques were used by Nez Perce fishermen in the tributaries on and around the reservation. They used gaffing, dip netting, hook and line with bait, jigging, and spearing. Many consultants remember that their families built a small dam with rocks in shallow water and speared fish in the pool. My consultants’ responsibility as small children was to drive salmon in the pool. Some fishermen said that their families used white rocks on the bottom of the shallow stream so that fish would be clearly visible for spearing (c.f., Harry Wheeler and Allen Pinkham, cited in Landeen and Pinkham 1999:95, 96). In the early 1900’s, some Nez Perce fishermen did spear fishing from horses (Sam


For steelhead fishing, night-time fishing was popular on the mainstem of the upper Clearwater River near Kooskia and Kamiah¹ until the 1960’s. This technique was used in the winter, usually from November through February. It involved two fishermen per boat (or canoe) with a torch at the center of each boat. Pine pitch was usually used as a fuel. This method proved effective especially when there was ice on the water. The boat was turned sideways and allowed to float on the river. Fishermen, being cautious not to make loud noise, speared fish from the boat. According to my consultants, some local non-Indians also fished steelhead using this technique in the 1910’s and 20’s. The 1960s’ began witnessing some tense situations on the river. Several elderly fishermen

¹ According to some elders (e.g., Charles Kipp, Beatrice Miles, Rod Wheeler) this technique was also used to fish salmon (Landeen and Pinkham 1999:95-101, 105).
talked about gun shooting during their night fishing. While they were floating, guns were shot from the bank. Although there were no known deaths or injuries, such incidents are still well remembered among the Nez Perce.

In addition to salmon and steelhead, other fish were widely caught and consumed by the Nez Perce. Eels were fished at Celilo Falls, Asotin Creek\(^2\), Snake River, and tributaries of the Clearwater River (e.g., Potlach Creek, Lapwai Creek). Several consultants told me that they used to catch eels at the Clearwater dam until it was taken out in 1973. Suckers were also caught for Nez Perce consumption in early spring. Many elderly consultants talked about sucker fishing until the 1960’s. Suckers were fished in most tributaries of the rivers in the vicinity of the reservation (e.g., Asotin Creek, Alpowa Creek, Lawyers Creek). Trout and other fish (e.g., whitefish) were also actively fished in all tributaries on and around the reservation. Many eiders said that trout fishing was almost a part of children’s daily activities.

Changes in the patterns of Nez Perce fishing occurred due to such factors as changing economic context, acculturation of tribal members, technological innovation, and resource availability. In salmon fishery, the decisive impact came from a drastic decline of resources. Although dams are not the only cause of the declining salmon population, they clearly had a grave impact on the salmon population of the Columbia River system. Several fishermen, who used to fish in the upper Clearwater River, discussed the large impact of the

\(^2\) According to Allen Slickpoo Sr., the name “Asotin” derives from Hesutin, the Nez Perce word for “a place of eels” (Landeen and Pinkham 1999:140).
Clearwater Dam, often called the Lewiston Dam, on salmon fishing in the Kamiah area. The dam was constructed with a fish passage by the Inland Power and Light Company in 1927, transferred to the Washington Water Power Company in 1937, and finally taken down in 1973. According to several consultants, the dam had a more serious impact on salmon than steelhead population.

Downriver, the destruction of Celilo Falls had a large impact on Nez Perce fishing. Until 1957, many Nez Perce families went down to Celilo Falls for the fall salmon run. Some families even stayed in the Celilo village all year round. Fish runs at the Celilo in the 1950's were: late April/May (spring chinook), June (spring chinook, blueback), July (blueback, chinook, steelhead), August (chinook, steelhead), September (chinook, steelhead, silver salmon), and October (steelhead). From November through March, few migratory fish were available. Most families made their living by selling fish to fish buyers or tourists. One of my consultants told me that it was customary for his family to buy farm equipment with the extra income earned from Celilo fishing in the fall. Some Nez Perce families did fishing at the Falls for the purpose of making extra cash while working in the orchards or fields in Oregon and Washington (Landeen and Pinkham 1999:71-72). According to my consultants, some Nez Perce families earned extra cash by bringing fish back to Idaho and selling them to non-Indian

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This dam was, together with the Harpster dam, the focus of the $39.6 million settlement between the Nez Perce tribe and the Avista, formerly called the Washington Power Water Company. The settlement was mediated and approved by the 9th circuit court in San Francisco on April 29, 1999. The Harpster dam was constructed on the South Fork of Clearwater River near Grangeville without fish passage by the Grangeville Electric Power and Light Company in 1903, transferred to the Washington Water Company in 1937, and taken down in 1963 (Avista gets OK for 7.58% Rate Increase, Lewiston Morning Tribune, July 30, 1999).
farmers on the Prairie. One consultant said that there were times when he made about $1,200 from nine to ten days' fishing in the 1940's. Some Nez Perce bartered or bought salmon instead of fishing themselves.

Schoning et al. (1951) conducted research on Indian fishing at Celilo Falls from 1947 through 1950. They witnessed a large crowd of Indian fishers, some of whom even came from Montana and California. Between 1938 and 1956, the total amount of salmon (chinook, choho, sockeye) and steelhead commercial landings by Indian fishing at Celilo Falls ranged from 0.8 to 3.5 million pounds annually (Oregon Department of Fish and Wildlife and Washington Department of Fish and Wildlife 1998:21, 129).

In the Celilo Falls area, the right to use fishing sites was inherited through kinship, i.e., bilateral extended families. Many Nez Perce gained access to scaffolds through their kinship ties. Individuals were able to use any scaffold when no one was using it. Some consultants said that they would give half of the catch to the site owner, but many said that they did not have to pay anything. Primary gear was dip nets and set nets. Using cable cars constructed by fish buyers, Indian fishers went back and forth between the bank and the islands in the river. Some fishermen made as much as $1,000 in a single day during the peak season, and many others made several hundred dollars only in a few days (Schoning et al. 1951:24). In addition to the traditional drying technique which
took advantage of hot summer wind blowing on the river, Indian fishers canned
fish either by themselves or by taking their catch to canneries for custom canning
in the 1940's. They also used freezing lockers.

Despite protests from local Indian fishers, Congress approved
construction of the Dalles Dam in 1950. During a hearing in Congress in 1947,
Chief Tommy Thompson stated, "I think I don't know how I would live if you
would put up a dam which will flood my fishing places. How am I going to make
my living afterwards? It is the only food I am dependent on for my livelihood, and
I am here to protect that" (cited in Landeen and Pinkham 1999:72-74). On July
19, 1956, an agreement was signed between the Nez Perce Tribe and the
federal government for a total of $2,800,000 compensation for destruction of
treaty fishing at Celilo Falls⁴. On March 10, 1957, water level rose, and Celilo
Falls disappeared forever. Many of my consultants stated that many Nez Perce
stopped going down to Celilo after Celilo Falls disappeared. Traditional lifeways
surrounding Celilo Falls mostly ended with the disappearance of the Falls.

A decline in salmon fishery resources continued, and the size of the Indian
fishery on the Columbia River has been decreasing (see Appendix D). In recent
years, the salmon population reaching the Idaho waters declined drastically. No
Nez Perce tribal harvest season was opened in 1991, 1994, and 1995 in Idaho

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waters because of the low number of returning salmon. Also, tribal fishing in 1990, 1992, and 1993 was rather restricted. For example, the Rapid River Fishery was opened only during weekends for several weeks.

In this dwindling fish population, 1997 was an exceptional year. The return of 44,605 spring/summer chinook to the Snake River system was the largest since 1978. In 1997, by the end of the season, 3,048 Chinook were harvested (Mauney 1998). During the time of my fieldwork, the season of 1997 was well remembered and talked about as a very productive year among Nez Perce fishermen.

7.1.2: Columbia River Zone 6 Treaty Fishing

I will discuss Columbia River Zone 6 fishing separately because it is different from fishing on and around the reservation in several respects. Zone 6 (see Fig. 2.1) is the area designated for treaty Indian\(^5\) ceremonial, subsistence, and commercial fishing. It is a stretch of the Columbia River mainstem surrounding the site of the former Celilo Falls, and in this zone, non-Indians are allowed only for sports fishing. The Zone 6 Indian fishing rights have been defined based on the Treaty of 1855 and subsequent court battles in the 1900's\(^6\).

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\(^5\) In the sense of Columbia River Zone 6 fishing, treaty Indians refer to enrolled members of the Yakima, Warm Springs, Umatilla, and the Nez Perce tribes based on the 1855 Walla Walla treaties. The Nez Perce enrolled in the Colville tribe are not included.

Every year, Nez Perce fishermen go down to Zone 6 for subsistence, ceremonial, and commercial fishing. Some Nez Perce live around Zone 6 all year round.

The differences between Zone 6 and Idaho fishing can be summarized in the following four areas. First, because of different physiological settings, target species and fishing techniques are different. Major species in Zone 6 include various salmon stocks, steelhead, sturgeon, walleye, shad, and, carp. Among others, principal species for Indian commercial fishing are salmon, steelhead, and sturgeon. Indian fishermen use boats, setline, gillnets, drift nets, hook and line, and dip nets and hoop nets on a scaffold depending on the species and the season. For salmon fishing, those who do not have access to fishing sites will either fish on someone else’s scaffold, work for other families, or fish by drift net. Drifting is a nighttime fishing in which a gillnet is floated on the river.

Second, Zone 6 continues be the place where different Indian groups engage in fishing side by side. Consequently, the legal and social aspects of its fishing activities are different from on and around the reservation. Around the Nez Perce reservation, tribal members’ fishing activities are monitored and regulated by the Nez Perce Tribe. On the other hand, in Zone 6, it is the Columbia River Inter-Tribal Fisheries Enforcement (CRITFE) of the Columbia River Inter-Tribal Fish Commission (CRITFC) which regulates treaty Indian fishing. CRITFC is a body representing the four treaty tribes. Zone 6 fishing provides invaluable opportunities for Plateau Indian groups to engage in fishing
together. It serves to maintain and reinforce a sense of group identity among Plateau groups. In this sense, Zone 6 provides significant subsistence and economic as well as social opportunities.

Third, Columbia River Zone 6 is currently the only area where the Nez Perce can engage in commercial fishing. It is important to note that the "success" of Zone 6 Indian commercial fishing is determined by many different factors other than resource availability. Among others, the market (e.g., the market driven fish price or the location of a market) has a large impact on an outcome. Today, it is difficult to "live off the river" because it requires "modern" skills such as marketing, advertisement, and value addition. The lifestyle of "river Indians" is rapidly changing today. The comparison of the two families below illustrates the impact of market forces on success in Zone 6 commercial fishing.

One family, which has fishing sites near Cascade Locks (approximately 30 miles from the Portland area), rarely goes to a commercial fish buyer to sell their fish because most of their fish go directly to specific customers from the Portland area. Over the course of their fishing careers, they developed wide networks of fish sales with individual customers in the Portland area. Since the size of their fishing operation is not very large (i.e., one to two-person operation), they can sell all their catches through direct sales. In 1999, their sales price was $2.00/lb.

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Hunn (1990:274) characterizes "river Indians" as follows. "The Columbia River Indians demonstrate a little known side of Indian survival today. These people are neither reservation nor urban Indians. They may share reservation benefits as enrolled members and have strong family ties to the reservations (often to more than one reservation), but their strongest ties remain with their ancestral homes on the Big River [i.e., the Columbia River]."
For this family, fluctuation of fish prices would not have much impact on their fishing operation (see Table 2.1: Fish Price in Zone 6 Indian Commercial Fishing).

Another family has a large operation below John Day Dam, and sells their fish to fish buyers at a much lower price. There are two reasons for this. First, their fishing sites are far from any urban areas, and it is very difficult to develop networks for individual sale. They need to sell their fish either to a fish buyer or to drop-in customers by bank sale. “Bank sale” is a direct fish sale to non-Indian customers on the roadside, and the price is much higher than that of commercial buyers. According to Lumley (1997:8), the average bank sale price of chinook salmon was $1.75/lb (often as high as $2.00/lb) in 1997. During my fieldwork in 1999, it ranged between $1.50 and $2.00/lb, while an average price at a fish buyer was $0.60/lb. For this family, bank sale is not a very effective strategy because their harvest size is far larger than they can handle through bank sale. In fall 1999, this family sold their fish to fish buyers and still made profit. However, net profit was not large enough to be commercially “successful” after subtracting all the necessary expenses for the large operation. For this family, net income drastically declined after the 1970’s when fish prices dropped. Today,

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8 In 1997, after long negotiation, purchase of steelhead from other sources than commercial buyers by non-Indians was legalized (Weaver 1997:5). According to the Oregon and Washington Departments of Fish and Wildlife, the total amount of Indian sale to the general public was approximately $570,500 in 1997 (Oregon Department of Fish and Wildlife and Washington Department of Fish and Wildlife 1998:21).
survival of Indian commercial fishing depends on careful planning. The Columbia River Inter-Tribal Fish Commission is providing assistance for the marketing and promotion of bank sale (cf., Matthews 1997).

Finally, fishermen’s sense of “ownership” of fishing sites is different on the Columbia River. On and around the reservation, most Nez Perce villages used to “own” salmon fishing sites (i.e., use rights of traps, weirs, and scaffolds) on the local tributaries. When the cohesiveness of a village and band weakened, the sense of ownership over fishing sites also changed. Today, there are no fishing “sites” controlled by a given group in Idaho waters. On the Columbia River, on the contrary, there is a clear sense of “ownership,” and each family controls use rights of its scaffold and gillnet anchor. This usufruct right belongs to a bilaterally connected kin group often extending to cover step relatives. There are many Nez Perce families who have access to fishing sites on Zone 6 through their kinship ties. Although the influence of tribal governments has increased by the establishment of a tribal site registration system (e.g., Nez Perce Tribal Code §3-1-44⁹), certain aspects of Columbia River fishing still operate outside of tribal control. In Zone 6 of the Columbia River, the “rule of the river” dictates use rights of fishing sites.

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⁹ During my fieldwork in 1998-1999, some consultants told me that, unlike the Yakima tribe, the Nez Perce tribe did not have any fishing site registration system. However, as of August 2001, the Nez Perce Tribal codes (§ 3-1-44) have a provision about the registration of commercial fishing sites. It requires registration for each season.
Conflicts over fishing sites among Indian fishermen are common in the Zone 6 fishery area (c.f., Middleton 1993:13-14). Hunn (1990:272) notes a changing site ownership system even before the end of the Celilo fishing.

In later days, however, as fishermen displaced from up and down the river and its tributaries came to Celilo eager for a share of its bounty, the traditional order of fishing and associated rights gave way somewhat. New platforms were constructed where there had been no recognized fishing sites before and the traditional proprietary rights of river people were contested by "treaty Indians" whose traditional access to Celilo's fish had been by courtesy of the recognized local owners.

This "new" culture of Indian fishing site selection is reflected in many of my consultants' comments. They stated that anyone could erect a platform or set nets as long as no one is using the site. This, in turn, means that one's own sites may be taken away if they are not being used. Some fishermen said that the primary purposes of fishing without much profit is to maintain their fishing sites. One consultant stated, "... the more modern rule now is that if you don't fish there every year, you will lose them. So, you have to make sure that you fish some every season."\(^{10}\) This is not a written tribal law but the rule on the river that "all the fishermen know."

One Nez Perce family's story clearly reflects tension over use rights of fishing sites.

There was one family that was straight across on the Washington side from us. They wanted to put a scaffold on one of our main sites. ... We approached them and told them that they can't do that. Because it was one of our main sites and you are going to interfere with our fishing. I guess they didn't hear anything. So, they did put it up. When they did put it up, it was during the off-season when nobody was down there. And, we

\(^{10}\) In Zone 6, there are many rocks with marks of a few letters and numbers. They are the signs of site ownership consisting of tribal affiliation and tribal enrollment number.
found it out when fishing season came up. So, prior to that [fishing season], we’d better get down there and take care of this because it’s going to interfere with us getting ready for the season. I guess we tried to do it because we didn’t really want to start any feud or start any controversy between the tribes. Another thing we did was … we did talk to the tribal council. We also talked to the legal council. Their suggestion was that they would approach [the tribe of the intruder] and ask them or request them to let their tribal fisherman remove that [scaffold] prior to us getting down there. There were some correspondences taking place, but nothing happened. So, it came down to us, going down there and taking it down. … They were there at the time when we finally were going down there. They met us down there. At that time, we did have discussion. We told them we wanted it removed. So, what they did was they kind of closed it. So, it stayed closed for a while. When it got into the fishing season, we told them that they would have to get that out of there. We were trying to have discussion with our tribal council trying to make them do something about it. Nothing got done. So, in the end, the unwritten rule, every fisherman knows this, you can’t interfere with another fisherman. So, we removed it.

In response to my question, “Did anything [e.g., revenge] happen after that?” my consultant said:

No. We got support. We knew we would. We knew we were right anyway. All the fishermen, all of them commented, they said, “You guys should have taken it down the first day they put it up.” … I guess unwritten law is more powerful [than the written law].

Until the disappearance of Celilo Falls, a local salmon chief had authority to regulate Indian fishing and resolve all the disputes. Several consultants said that, in the years prior to the disappearance of the Falls, fishing activities and any dispute over fishing sites were governed by a fish committee consisting of representatives from the tribes (c.f., Schoning et al. 1951:10). Their decisions were final, and the disputes on the river were solved on the river. This river culture still exists in Zone 6 Indian fishery activities.
Columbia River Zone 6 provides a unique fishing environment for the Nez Perce. It is an important source of salmon supply for Nez Perce households, but also a significant place of intertribal culture for Plateau groups.

7.1.3: Nez Perce Fishing Species

The fish commonly discussed by Nez Perce fishermen during the interviews include: salmon, steelhead trout, other types of trout (e.g., rainbow, cutthroat), sturgeon, and eels. Interestingly, young consultants (i.e., those who are in their 20's and 30's) rarely discussed sucker fishing. Suckers were commonly fished and consumed until the 1960's, and elders frequently mentioned it during the interviews. Salmon is by far the most frequently discussed fish by all the consultants. It is clear that there is a clear perceptual distinction between salmon (and to some extent steelhead) and all the other fish. One consultant described salmon fishing as “man’s job” and trout fishing as “kids’ fishing” and “recreational.” Another consultant said, “It’s [trout fishing] more of a family gathering. Still eaten, but different. Salmon fishing is more of business. Just to make sure you put some in your freezer. Salmon is more important than steelhead.” The same distinction was made by most consultants.

The above list of fish reflects both changing and persistent lifestyles. Lack of interest in suckers and other small residence fish among young fishermen probably reflects changing taste and subsistence patterns. However, the high social value attached to salmon clearly reflects the continuity of traditional
lifestyles. To this day, many Nez Perce perceive salmon in a special manner and identify it as their favorite food. During my fieldwork, I encountered a few women who said that they do not like to touch fish. I also met a few people who said that they did not know how to clean fish. However, I observed some of the same individuals eating and praising salmon at public dinners. It seems safe to state that salmon is still a very highly valued food by the Nez Perce although Nez Perce lifestyles have become diversified and, in some households, salmon fishing is no longer a regular activity. At many dinners I attended, I saw very few Nez Perce, if any, avoiding salmon dishes regardless of their gender, age, economic, educational, and religious background. Salmon plates usually became empty very quickly. As a matter of fact, one elder said to me at a powwow, “People come here for salmon and huckleberry pies.” The fact that hosts of public gatherings (e.g., powwows, Longhouse meetings, funerals, family gatherings, church dinners) make conscious efforts to get salmon for their dinners reveals that the Nez Perce have strong preference for salmon as one of their special foods.

The survey conducted by the Columbia River Inter-Tribal Fish Commission (1994) supports my observation. Salmon is consumed by the majority (92.4%) of tribal members of the four Columbia River treaty tribes. Trout is next popular and
consumed by 70.2%\textsuperscript{11}. In general, Indians consume far more fish than average non-Indians. The average fishing consumption rate of the four Columbia River tribes is approximately nine times greater than the average consumption rate estimated for the general US population (Columbia River Inter-Tribal Fish Commission 1994:59).

Fish distribution by the tribe plays an important role in providing fish to tribal members today. When hatcheries downriver have excess fish, they contact the tribe and offer fish because upriver tribes do not harvest as many fish as they are entitled to. The tribe distributes the fish among individual tribal members and tribal organizations (e.g., powwow committees, churches, Longhouse, youth organizations). In distribution, the tribe gives priority to elders, which is a clear reflection of Nez Perce cultural value. According to the above 1994 survey, 17.4% of individual tribal members obtain 50% or more of their fish from tribal distribution (Columbia River Inter-Tribal Fish Commission 1994:44-45). In light of declining fish population, fish distribution is an important source of salmon for the Nez Perce today.

\textsuperscript{11} The breakdown of the percentage of the respondents who consume various fish is: 92.4% (salmon), 70.2% (trout), 54.2% (lamprey), 52.1% (smelt), 24.8% (sturgeon), 22.8% (whitefish), 9.3% (walleye), 7.7% (sucker), 2.7% (squawfish), and 2.6% (shad) (Columbia River Inter-Tribal Fish Commission 1994:33). Based on my observation, lamprey consumption ratio (54.2%) seems a little too high for the Nez Perce. It might be skewed by respondents from the other tribes downriver who have an easier access to eel fishing today.
7.1.4: Nez Perce Fishing Decision-Making

The 1994 Columbia River Inter-Tribal Fish Commission survey (1994:49-50) indicates that the majority (70%) of the Nez Perce fishing of the anadromous fish (e.g., salmon, steelhead trout, cutthroat trout, lamprey) takes place in the tributary of Clearwater and Salmon Rivers\textsuperscript{12}. For resident fish (e.g., sturgeon, sucker, trout, walleye, whitefish), the tributaries of Clearwater and Snake Rivers are the primary fishing sites (73.4%)\textsuperscript{13}. The mechanism of selecting fishing sites is very different between anadromous and resident fish. Today, fishermen cannot select their own sites for salmon fishing. Rivers are "opened" and "closed" by the tribal fishery department (see Appendix C). Ironically, the salmon run became so small that designated sites are usually the only productive harvest sites. Fishing activities for resident fish are not regulated as much as for anadromous fish.

Nez Perce fishermen do not have much freedom to make basic decisions for salmon and steelhead fishing (e.g., When do they fish? How do they fish? With whom do they fish?). The tribe mostly regulates its members' fishing activities. Instead of making decisions according to natural signs of river conditions, tribal fishermen look at a fishery notice to find if the river is "open" or "closed." Some tribal members use not only traditional knowledge but also local

\textsuperscript{12} The breakdown of the percentage is the following: the tributaries of the Clearwater (46%); the tributaries of Salmon River (24%); the Snake River (11%); Columbia River Zone 6 and near Grande Coulee Dam (8.7%); Grande Ronde River (5.9%); and others (4.4%).

\textsuperscript{13} The breakdown of the percentage is the following: Clearwater River (55.7%); Snake River (17.7%); Salmon River (13.2%); Grande Ronde (7.2%); Columbia Mainstem (3.3%); and others (2.9%).
newspapers to predict the timing and size of salmon runs by looking at fish count information. Basic decisions about salmon harvesting are largely determined by various outside agencies today, and the process of decision-making is unknown to most fishermen (see Chapter 2.2: Political Ecology and Multilevel Analysis for the decision making process of Columbia River Zone 6 commercial fishing harvest allocation). In this sense, fishing has radically transformed from its traditional form.

As shown on the emergency regulations issued by the Nez Perce Tribal Executive Committee for June 25, 1999 (see Appendix C), the essential decisions of fishermen, i.e., time, site, and type of fishing gear, are all regulated by the tribe for the purpose of conservation and restoration. This notice of emergency regulations does not allow fishermen to use gaff poles on the Little Salmon/Rapid River because they might hurt wild stock. In the 1960's and 70's, gaffing was the most commonly used salmon fishing technique among the Nez Perce in Idaho waters.

It is important to realize that the decline of fish population had a grave impact on the traditional Indian educational system. For example, by losing opportunities to fish salmon with gaff poles, today's fishermen are losing opportunities to improve their gaffing skills and to train youngsters in gaffing. The research by the Nez Perce Fishery Department indicates that Nez Perce fishing gear is changing (see Appendix E). Mauney (1998: Introduction), a fish biologist for the Nez Perce tribe, expresses his concern as the following.
Observations of veteran fishers and novices using the preferred traditional gear; gaff pole and dip-net, have showed great disparity in catch success. Many hours of fishing experience are required for fishers to develop the high level of skill needed to fish effectively with traditional gear. If traditional fishing skills are to be passed from today’s fishers to future generations of fishers, fishing opportunities must be provided during each run year unless species viability would be seriously compromised.

I echo Mauney’s concerns. Fishing culture is a long-time accumulation of skills and knowledge. Nez Perce fishing culture cannot survive without actual practice of the activity.

7.1.5: Preservation, Distribution, and Consumption of Nez Perce Fishing Catches

Today, the most frequently used preservation technique is freezing. Some families can their fish. Until the freezer became readily available, preservation was done by drying and canning. In Indian settlements on the Columbia River, the traditional air-dry method is still common. Fish are sliced into three slabs and hung on a rack in a dry shed. Some families have their own dry sheds, and some communities have communal sheds. Several in-lieu sites\(^\text{14}\) also have a dry shed. Some fishermen on the Nez Perce reservation also preserve their fish by air-drying. Smoking is also popular for salmon, steelhead, and sturgeon. People use a wooden shed or an old refrigerator for smoking. I have seen a few families use an air vacuuming package to maximize freshness. Although

\(^{14}\) When the Bonneville Dam was built and Indian fishery was submerged in 1939, the government promised the Indians that they would replace their fishing access. As are the cases of many other government promises to Indians, nothing happened. In November, 1995, the construction of in-lieu sites finally began (Columbia River Inter-Tribal Fish Commission 1996:4). Lewiston Morning Tribune on July 2, 1999 reports that 28 site have been developed out of the 31 planned. Some of the sites have a fish-cleaning station, a dry shed, a dock and boat ramp, restrooms and shower facility, campsite, and a group shelter.
technological innovation plays an important role in the methods of preservation, people still highly value the traditional style of air-drying in the sliced form. Many people refer to the steak type of fish cutting as “white man’s way,” while cutting fish in three lengthwise slices is described as “traditional.” Similarly, dried salmon is considered “traditional,” and special value is attached to it. They are daily food, and significant ceremonial food.

The cultural perception of salmon greatly influences the patterns of its distribution and consumption. During my fieldwork, the perceptual distinction between salmon and resident fish such as trout was explicitly revealed on several occasions. Salmon plays an important role for the “first catch” or “first fish,” an important rite of passage for Nez Perce males. Most families do not consume the “first fish” but give it to their relatives. A few families even hold a large dinner at a Longhouse or home and do give-aways. For the Nez Perce, the “first fish” means the first harvested salmon (or steelhead to a lesser degree) and does not refer to the first trout. When people refer to “fish” in a ceremonial sense, it is always salmon. When young males take a fish as a gift to an elder, it is usually salmon (or steelhead to a lesser degree). Giving salmon and trout are qualitatively different cultural acts. Salmon is perceived, distributed, and consumed in a special way by most Nez Perce. This behavior is not driven by caloric intake but the symbolism attached to the fish.

Most Nez Perce make a further distinction between salmon caught in a “traditional way” and in a “modern way.” What they mean by “traditional ways”
include dip nets, gaffing, spearing, and fishing at a scaffold. On the other hand, what they mean by “modern ways” is a hook and line (and, for some individuals, fish caught on a motorized boat). During my fieldwork, one family was preparing for a dinner and give-away at a Longhouse for their son. Because I knew that the son had some previous experiences in salmon fishing, I asked the mother, “Didn’t he catch salmon before?” Her response was, “Yeah, he caught salmon before. But, this time he did it in a traditional way, you know, he got fish with a dip net from a scaffold.”

Trading is still common with fish. During the Columbia River Zone 6 fishing, many Nez Perce barter fresh or dried salmon with dried meat, or roots from Idaho. They sometimes trade fresh salmon they catch for dried salmon. Several consultants said that many “river Indians” have a strong craving for dried meat. Another consultant mentioned roots, especially qaw sqá̱w̓s, as a highly valued trade item on the Columbia River.

At tribal gatherings, salmon is almost always served. People at least expect to see salmon on the dinner table. Organizers of any major gatherings such as church dinners, powwows, family gatherings, and funerals make conscious efforts to get salmon on their table. Interestingly, other types of fish (e.g., trout) are not served at such social gatherings very much. Air-dried salmon is often used as a gift for elders. The cultural notion of “tradition” clearly influences patterns of consuming and distributing fish among contemporary Nez Perce.
7.2: Hunting

In comparison with fishing, the Nez Perce have more freedom to make their own decisions about hunting. Some people, both Indians and non-Indians, voice their concerns over decreasing game resources. However, the situation is not as critical as in fishing.

As is the case of fishing, the State of Idaho was previously claiming jurisdiction over Indian hunting. Elderly consultants remember when they purchased a State hunting license in the 1930's and 40's\textsuperscript{15}. This continued until the David Arthur case (\textit{State v. Arthur}, 74 Idaho 251) in 1953. In the Arthur case, the court ruled that the Nez Perce can exercise their treaty hunting rights upon any of the land ceded to the federal government as long as it is "open and unclaimed lands" at any time of the year. Indian treaty hunting came outside of State jurisdiction.

In the mid-1950's, a tense situation over Indian hunting arose. Some non-Indian organizations accused the Nez Perce of over-harvesting and began lobbying to modify Indian treaty hunting rights. Non-Indians claimed that the depletion of the big game population was the result of unrestricted Indian hunting. The Indian sale of game meat and fish and their "unsportsmanlike" hunting also became the target of accusation. This lobbying even led to the introduction of a memorandum to the Idaho Legislature by the House Fish and Game Committee.

\textsuperscript{15} According to Baenen (1965:47), the Idaho game law was not strict until the mid-1920's. He also believes that the Nez Perce did not have to purchase a license since full citizenship was not granted to Indians until 1924.
The memorandum was forwarded to the US Congress by the Idaho body in 1955. It asked Congress to either purchase the treaty rights or revise the treaties so that Indian hunting could be regulated under state laws. The memorandum was eventually defeated in Congress in 1960 (Baenen 1965:56). In this tense political context, the Tribe proposed to conduct a survey of Nez Perce hunting to develop a better understanding of Nez Perce hunting activities. Irven Buss and Richard Daugherty from the State College of Washington (present-day Washington State University) were selected to conduct the research. They studied the Nez Perce hunting activities during 1954, 55, and 56, and published a report in 1958. It concluded that Indian hunting was insignificant in the fluctuation of the game population. It also made a few recommendations to the tribe regarding its public relations and regulation of hunting activities by its members. As is the case of fishing, today’s Nez Perce hunting activities are based on constant legal and political negotiation with the larger society.

7.2.1: Nez Perce Hunting Species and Motivation for Hunting

The most frequently discussed game species during the interviews were deer, elk, and to a much lesser extent, moose. A few people mentioned black bear. Birds were usually not mentioned unless I specifically directed the discussion to bird hunting. The only exception was grouse. It seems grouse hunting was popular among today’s elders when they were younger. Although Nez Perce hunters still hunt grouse, it seems that its popularity somewhat
decreased through generation changes. Some hunt turkey and pheasant today. However, bird hunting and big game hunting are clearly perceived differently among the Nez Perce.

Consultants told me that birds would not provide as much meat as large game animals. Bird hunting is not particularly appealing because the primary motivation of Nez Perce hunting was to "get meat on the table." One consultant specifically stated, "It takes too much work to get enough meat out of birds to feed my families." In the 1950's, Nez Perce hunters gave the same reasons for their disinterest in bird hunting (Buss and Daugherty 1958:38). Today, many Nez Perce hunters perceive bird hunting as secondary.

Among contemporary Nez Perce hunters, there is a strong sense of pride in "filling up a freezer with meat." This sense of "providing meat for the family" may overlap with the Nez Perce sense of "manliness." Hunting is usually considered to be a "job" (i.e., not recreational) by many Indians. One Nez Perce woman said, "I take care of money [by working full-time]. And, my husband takes care of food [game meat and fish] and other stuff [fire wood]. We are doing pretty good. That's how my family survives." In this consultant's perception, hunting was clearly characterized as essential to maintain her household. During my interviews with her, I did not get any sense of her husband being "unemployed." Providing meat is a culturally recognized and valued "job." This perception is not limited to those who worship Indian religions (e.g., Seven Drums, Native American Church) but many Christian Nez Perce share the same
perception. When people talk about the “first kill,” it is assumed that they are referring to a big game animal, usually a deer or an elk. The higher value attached to big game animals originates from both economic and cultural reasons.

Buss and Daugherty (1958:38) report that very few Nez Perce hunt moose. Baenen (1965:45-46) reports that “A few moose are available, but apparently are too bulky to be easily handled and do not seem to be hunted. Mountain sheep and mountain goat are also found within the Nez Perce hunting area, but seem to require too strenuous an effort for the amount of meat involved.” During my fieldwork, there were at least a handful of households who specifically looked for moose. It is possible that moose hunting became a little more common because of technological innovation (e.g., a better car, more logging roads), although its popularity is far less than elk and deer. Mountain sheep and mountain goats were rarely discussed during my interviews.

The amount of harvest greatly varies between hunters. At the maximum end, one consultant told me that he would hunt 15 elk and 20 deer per year. For his own family (i.e., household of a wife and four children, two sisters and their households), he would try to get 6 elk and 8 deer per year. The rest goes to the “community.” What he referred to as the “community” is beyond his kin group. For example, one of his neighbors (i.e., a single mother with three children) asked him to hunt a deer for them. Another family asked him to hunt an elk for a

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16 During my fieldwork, I encountered only one individual who referred to a small game animal, rabbit, as his first kill.
funeral of their relatives. When I asked “Are they [the people he hunts for] your relations?” he said, “Some of them are, but many of them are not. You know, it’s a community thing. People just come and ask me.” He described himself as a “designated hunter.” Those who characterize themselves as “designated hunters” feel responsible for feeding “needy families” in the community. During my fieldwork, I encountered many hunters who would go hunting upon a request from others. For example, one hunter went out because his uncle asked him for some meat. Another hunter went out upon his mother’s request due to a funeral at a Longhouse. Requests are sometimes made explicitly by those who need meat. However, it is also fairly common for hunters to go out voluntarily and simply ask their relatives and “needy families” if they would need some meat.

On the other hand, there are hunters who would harvest only one deer or one elk per year. In the continuum between these two ends, there are many households. One consultant usually expects to harvest 4-5 deer per year for himself and his mother (and for occasional give-aways). One consultant said that she would expect to get 10-15 deer and 5-7 elk per year for her household of five (three children and parents), her parents, and her three aunts and her husband’s three aunts. For another consultant, 1 moose and 1 elk are sufficient for his wife and two children. Some hunters offer meat to both households of divorced parents. A key factor is who the hunter is hunting for. A number of kills
increases if the demand is higher. Although several elders said that some young tribal hunters abuse their rights by wasting meat, my data suggest that it is exceptional rather than common.

The survey conducted by Buss and Daugherty (1958) indicates that the Nez Perce have a much higher economic motivation in their hunting activities compared with non-Indians. My observations support their findings. However, it does not mean that households with high incomes do not engage in hunting activities. Many households with high income still have hunters on a regular basis. Several hunters with full-time employment and high income play the role of “designated hunters.” Economics is an important but not the only motivation for Nez Perce hunting.

Attitudes toward Hunting between Indians and Non-Indians

In general, the attitude toward hunting is different between Indians and non-Indians. Indians place higher values on meat than non-Indians. However, it is misleading to lump all non-Indians together. The surveys conducted on Idaho non-Indian hunters in the 1970’s (e.g., Bjornn 1975a, 1975b; Bjornn and Dalke 1975) and 1980’s (e.g., Mallet 1980; Reid 1989; McLaughlin et al. 1989a, 1989b, 1989c, 1989d) show a consistent distinction between resident and non-resident non-Indian hunters.

In the 1975 Idaho hunters survey (Bjornn and Dalke 1975:18-20), 42.7% of the resident hunters indicated that the most important reason for their hunting
activity was to get meat. In the 1987-88 deer hunting survey (McLaughlin et al. 1989b:61), 42% of the resident hunters indicated that “putting meat on the table” was a very important reason [selecting “quite important” or “extremely important” on a scale of 5 levels], and in the 1987-88 elk hunting survey (McLaughlin 1989d:59), 50% of the resident hunters made the same indication. In both of these 1987-1988 surveys, only 26% of the respondents selected “getting a trophy (4 or more points a side for deer, and 6 or more points a side for elk)” as important. This is a rather clear contrast with non-resident hunters who have a higher priority on trophy.

In the 1975 survey (Bjornn and Daïke 1975), only 12.1% (42.7% for residents) of the non-resident respondents selected meat as the most important reason for hunting in Idaho. In the 1989 deer survey, only 14% of the non-resident respondents selected “putting meat on the table” as an important reason (42% for residents), and in the 1989 elk survey, only 19% marked the item (50% for residents). The same trends can be seen in the desirability of species among hunters. Non-resident hunters tend to desire more mature animals with larger antlers (McLaughlin 1989b:23; 1989d:21).

Most Nez Perce characterize non-Indian hunting as trophy hunting. A typical comment of my consultants was “They hunt for horns, and we hunt for meat. It’s recreation and hobby for them. Us? No, we need to feed our families.” It is possible that whites are being stereotypically characterized based on a limited number of non-resident trophy hunters. However, there is still a
general distinction between the Nez Perce and local whites in their perception of hunting. The sense of hunting as a “job” is almost non-existent among local non-Indians.

7.2.2: Nez Perce Hunting Decision-making

Unlike fishing, Nez Perce hunters still enjoy making their own decisions. There are regulations in the tribal codes (Title 3: Natural Resources and Environment, Chapter 3-1: Fish and Wildlife). However, hunting is not constrained by decline of resources as strongly as fishing.

7.2.2.1: Hunting Seasons: Temporal Aspects of Nez Perce Hunting

Currently, there is no hunting season for the Nez Perce. However, the majority of the Nez Perce consultants hunt in late summer and fall (July through late October). Some hunters use natural signs to determine the timing of their hunting. One hunter said, “hunting becomes ready when syringa (Philadelphus lewissii) starts blooming.” Some hunters like to hunt in fall in order to get “grain fed” animals. Spring is avoided by many hunters because it is the time when does and cows are carrying fawns and calves. Those who hunt in spring said they try not to shoot females. Some hunters said that they would not hunt in winter since they would need to give animals a chance to survive and grow. One consultant claimed that meat would not be good in winter because it would get
“watery.” Even for those who hunt all year round, the time between August and October is the prime hunting season, and early spring is the least favored season. The majority of the consultants avoid the regular hunting season.

Many hunters decide when and how often they go hunting based on the needs of those for whom they feel responsible. Their hunting plan is primarily dictated by household needs for meat. One consultant said, “Sometimes I go hunting in winter, too. If I’ve got to get meat, I’ve got to hunt in winter.” He also said, “We go after [an animal] when we need it or something happens and when they [family members] need it for memorials or stuff like that. Give-away and stuff like that.”

It seems that the Nez Perce hunting season slightly shifted after the introduction of farming. Before agriculture began playing significant roles, the prime hunting season was late summer. Many Nez Perce perceived animals as “mature” from late July through September, and their hunting activities became the most intensive during that time. The Nez Perce considered animals hunted in spring to be “poor food,” and meat harvested late in the rutting season and in winter would “taste sour” and “smell” (Marshall 1977:70). Buss and Daugherty (1958) report that, by the mid-1950’s, the prime Nez Perce hunting time shifted to October and November. October saw the greatest number of successful Nez Perce hunts followed by November. Buss and Daugherty concluded that that greatest percentage of Nez Perce hunting occurred during Idaho’s regular hunting season. This shift from late summer to fall was due to engagement in
harvest activities in late summer (Buss and Daugherty 1958:36). In 1963, Baenen (1965:46) reported that many Nez Perce prefer late summer (mid-August through September) or winter over other times of the year\textsuperscript{17}. My data do not suggest much winter hunting. Most hunters go out from late July through October, avoiding the regular hunting season set by the State of Idaho. Within this basic framework, when needs arise, they go hunting.

7.2.2.2: Hunting Areas: Spatial Aspects of Nez Perce Hunting

The areas of Nez Perce hunting extend all over the national forests within the traditional Nez Perce territory. Hunters select certain places for specific hunting purposes. Buss and Daugherty (1958:43-46)\textsuperscript{18} identified areas for Nez Perce deer and elk hunting in the 1950's. Most elk hunting took place in the areas around “Camp 58” (southeast of Harpster), Selway River, and Lochsa River. On the other hand, deer hunting areas were scattered over a wide geographical region with some concentration in the areas north of the South Fork of Clearwater River (the area between Harpster and Elk City), Craig Mountain (southwest of the present-day reservation border), Hell's Canyon, and Allison Creek (east of Riggins).

\textsuperscript{17} There were also conflicting views. The personnel of the Idaho Department of Fish and Game claimed that a considerable amount of Indian hunting took place during winter (Buss and Daugherty 1958:27) and between December and May (Baenen 1965:46).

\textsuperscript{18} Buss and Daugherty’s study was only concerned with Nez Perce hunting in northern Idaho, not including the Blue Mountains in northeastern Oregon and southwestern Washington frequently visited by many of my consultants.
The data from my interviews mostly corresponds to what Buss and Daugherty identified. The areas identified by my consultants are:

Moose: North of South Fork of Clearwater River (Pilot Knob, China Point, Newsome Creek, "Camp 58"), Selway River, Elk River, Clarkia

Elk: North of South Fork of Clearwater River (Pilot Knob, China Point, Newsome Creek, "Camp 58"), Selway River, Locksa River, area around Lolo Pass, area around Kamiah, Elk River, Blue Mountain (Umatilla National Forest), Weippe, Pierce

Deer\(^{19}\): Blue Mountain (Asotin Creek, Grande Ronde River, Joseph Creek), Winchester, Reubens, McCormack Ridge, Lake Waha, Craig Mountain, Talmax, Clarkia, Musselshell, Joseph Plains (northwest of Whitebird), Slate Creek, Allison Creek, South Fork of Salmon (see Fig. 7.2)

There was a commonly shared perception that deer were very abundant on and around the reservation. Many hunters would hunt deer mostly on or near the reservation.

A few consultants stated that they usually would try to rotate hunting areas. For example, one hunter goes to Blue Mountain (the Wollawa area) in September and October, and hunts in the Middle Fork of Clearwater River or Locksa River in winter.

7.2.2.3: Selection of Hunting Areas

A typical response to this question was "It depends on who you go with."

During the course of the interviews, I noticed that the favorite areas of the interviewees and their family members (i.e., father, grandfather, uncles) often

\(^{19}\) Mostly whitetail deer. The majority of my consultants showed their preference for whitetail deer over mule deer.
overlapped. It also became clear that some hunters' hunting grounds are similar to those of the band his family is from. For example, those in the Kamiah and Kooski areas who trace their lineages to the Kamiah and Kooskia bands (e.g., Lookingglass, Lawyer) tend to go to the upper Clearwater River and Salmon River areas (e.g., Selway River, Locksa River, Salmon River) rather than the Blue Mountains in Oregon and Washington. Nez Perce hunting is clearly a family (i.e., extended family and non-linear lineage) business.

Location of current residency is, of course, an important factor. For example, the Locksa, Selway, and the South Folk of Clearwater River are far more accessible for Kamiah residents than those living in Lapwai. The Blue Mountains are far closer to those in Lapwai than in Kamiah. However, the fact that many Lapwai residents who grew up in Kamiah still prefer going to the Locksa, Selway, and the South Folk of Clearwater River suggests that family background is more important than location of residency in determining hunting areas. Development of basic infrastructure (e.g., better roads, better automobiles) also contributed to the current patterns of Nez Perce selection of hunting areas.

Patterns of hunting area selection are changing gradually. Some consultants state that they would often drive around, and if they find any signs, they would get out of the car and start hunting. Development of this opportunistic hunting can be attributed to the development of logging roads and the increasing availability of automobiles among the Nez Perce. Many middle-aged and elderly
consultants said that one/two-week hunting camp was an annual family activity in the 1940's and 1950's. With the establishment of infrastructure (e.g., logging roads) and advancement of technology (e.g., automobile, freezer), length of hunting trips became far shorter and more opportunistic. One hunter even said that he sometimes would go hunting after work. Many hunters carry a rifle to the mountains even when they do not have a clear intention of engaging in hunting. Some individuals said, "I go all over. All the national forests around here." However, these individuals also had specific preferences for their hunting areas. Each family usually has the place they are particularly familiar with. One consultant said, "I just go out, drive, and if I'm lucky, get an animal. But when I'm really serious, I'll go to Camp 58 or Blue [Blue Mountain]."

7.2.2.4: Nez Perce Hunting Techniques

Hunting techniques also have changed. Elderly consultants remember the days when small children played significant roles in hunting by driving animals toward waiting hunters. Today, many hunters drive around before starting their hunt. They drive around, find signs, and track or wait for the animal. If the hunters are lucky, they find animals or animal signs near the road.

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20 In the 1960's, Baenen (1965:46) observed that many Nez Perce carried gaff hooks and guns in cars even when fishing or hunting were not their plan of the day. During my fieldwork, I encountered similar scenes many times.
7.2.2.5: Nez Perce Hunting Partnership

Most Nez Perce hunters usually go out with their family members, although some people go out with their friends (e.g., high school friends). In this context, family members do not refer to a household or nuclear family but male members of bilateral kin groupings. In response to my question, “Who taught you how to hunt?” the majority of the consultants listed their male family members, i.e., father, grandfather (FaFa), uncles (FaBr, but sometimes MoBr), older brothers (sometimes including half-brothers), and older cousins (both paternal and maternal sides). In a few cases where no mentor was available in the family, family friends or neighbors helped the youth. One consultant said, “I grew up without a father. But, you know, when you grew up with Indian people, it don’t [sic] really matter because you have all of these uncles.” Siblings are traditionally very close in Nez Perce families and usually engage in productive activities together (Marshall 1977:93-95). Closeness of cousins is vividly shown in a story told Marshall by one of his consultants (Marshall 1977:101). The consultant said, “I was 14 years old before I knew that Sally was my cousin and not my sister.” Traditionally, father’s brothers made important contributions of food and training for his brother’s children (Marshall 1977:101). As all Nez Perce stress, the family is very important. Kinship-based grouping is the most significant unit of traditional subsistence activities.
7.2.2.6: Preservation, Distribution, and Consumption of Nez Perce Hunting Catches

Today, the primary technique of preservation is freezing. Also, many families dry\textsuperscript{21} their meat in a tepee or smoke shed. Some elders remember that their grandmothers pounded dried meat into meat powder in the 1940's and 50's. As are the cases of other traditional subsistence activities, old preservation methods were abandoned when elders passed away. For most Nez Perce, smoking is a value-addition rather than a preservation technique today. Meat for daily use is usually frozen, and smoked (or dried) meats are significant value-added products. They serve as trade or gift items. I often saw people present a sack of dried meat and other traditional food (pounded dried meat, smoked or dried salmon, dried roots, canned roots, berry) to elders as a gift at powwows, social gatherings, and church and Longhouse gatherings.

The majority of hunters stated that they pay little attention to antlers and hides. This indifference to antlers may be a cultural behavior which developed in reaction to the stereotype of white men's trophy hunting. Most Indian hunters simply discard antlers or give them away to people who could utilize them. Some hunters keep antlers in order to make Indian crafts themselves, and some others sell antlers to commercial buyers. However, the majority of the interviewed

\textsuperscript{21} Many Nez Perce use the terms “smoking” and “drying” interchangeably. When people “dry” meat, they do not refer to air-dry but smoking by slow fire. However, when people make flavored jerky, they refer to it as “smoking.”
hunters stated that the price of antlers was too minimal to be concerned about. One consultant said, "I just do it [sell antlers to buyers] not to waste it." Most 
hunters treat animal hides in the same way. They give them to their relatives or 
friends who make Indian crafts or drums. Many consultants said that they would 
just discard them. As a matter of fact, one Nez Perce who tans hides to make 
Indian crafts said that he sometimes searches for a discarded deer hide at a 
dumpster. He does not hunt himself, and usually receives hides from his cousins. 
When he does not receive hides from anyone, he goes around and checks trash 
dumpsters. Although there are commercial buyers in nearby towns, most 
hunters are not very concerned about hides and antlers. This Indian attitude 
toward antlers is very different from non-Indians'.

Meat is widely distributed. In 1998, one consultant distributed his catch in 
the following way. Out of the total of 5 elk and 2 moose, 2 whole elk and 1 whole 
moose were given to his aunt; 2 whole elk were kept for his own household (five 
individuals); and 1 whole elk and 1 whole moose went to his relatives living near 
Portland, Oregon. His aunt dried meat in her dry shed, and saved some of it for 
anticipated give-aways (e.g., funerals). Out of the meat kept in the freezer of his 
home, he gave some away to his friends and families who do not have hunters in 
their households. He gives frozen meat to his relatives from Oregon when they 
visit him and also when he visits them.

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22 As of September 1998, at a local buyer, elk hide price ranged from $4.00 to $10.00, deer hide 
from $1.00 to $5.00 each depending on the size and the degree of damages. Deer antlers 
ranged from $.10 to $9.00/lb, and elk antlers ranged from $.50 to $6.00/lb (Moscow Hide and Fur, 
September 1998).
The mechanism of distribution is slightly different on and off the reservation. On and around the reservation, it is distributed through community networks as well as kinship ties. The community networks are founded on the culturally emphasized notion of “helping out” and “sharing.” One consultant said that his friend (non-blood relative) brought him one deer without any prior discussion during his mourning period for his deceased son. Another consultant (non-hunter male) said that his friend would occasionally ask him whether he needed any meat. In one case, I saw a female consultant’s ex-husband’s brother continue providing meat for her and her children.

Beyond the reservation boundaries, it is primarily through kinship networks that meat is distributed. One consultant who lives a little over 150 miles away from Lapwai said with great confidence:

I could have as much [meat] as I want. Only my husband and I live here. So, I won’t take so much. But, my freezer could be completely full. ... my two cousins hunt. I just don’t worry about game. Fish is way harder. After my aunt has given us [fish], my cousin always makes sure that we’ve got fish.

Some of my consultants talked about giving meat and fish to their relatives in Seattle, Spokane, and Portland as well as other reservations in the Pacific Northwest. One female sends dried meat and roots to her in-laws in the southern states. Networks other than kinship also function to distribute meat. Dried meat is bartered or given away extensively. I saw Nez Perce individuals
give away or barter dried meat, dried salmon, and smoked salmon to those from other reservations at powwows, religious ceremonies (both Indian religion worshippers, and Christians), funerals, and other gatherings.

Many consultants are keenly aware that the Indian patterns of distribution are often misunderstood by non-Indians. One individual said:

I think one of the major misconceptions non-Indians have, especially around here, towards our people is that all of us are out there hunting. Just you know, they [non-Indians] sometimes come across hunters, he has maybe shot 2 or 3 animals. But, the thing they [non-Indians] don’t realize is that one man maybe hunts for 6, 7 people. Not each person is going out and gets that many. Only a few people are actually going out and getting animals.

My observation confirms this opinion.

Meat has somewhat different value depending on its part of the kill. The majority of the hunters place the highest value on back straps. Some consultants stated that they would save back straps for elders. However, many hunters distribute meat from various parts of the kill indistinguishably. It seems safe to state that most Nez Perce do not attach explicitly different values to meat from different body parts.

Game meat is widely used on a daily basis. It has a lesser connotation of special food than salmon probably because game meat is more readily available. In many Nez Perce households, game meat is just a part of their daily diet. According to my consultants, game meat is used in most large dinners on the reservation (e.g., powwows, church dinners, family gatherings, funerals). Game meat is often indistinguishable from store-bought beef because many people
take their meat to a meat shop to make hamburger or sausage out of it. During my fieldwork, I identified several households that rarely buy meat at a store except for value added products such as sausage and bacon. Compared with fish, roots, and plants, hunting has the highest monetary value in Nez Perce household economics.

Dried meat is consumed in a different way. Although many households consume it as a part of their daily diet, it is often used as a “traditional” gift to elders. Giving raw meat and dried meat have different meanings. Both acts are perceived in a very positive way. However, a gift of dried meat, especially of plain style seasoned only with a little salt and pepper, carries a special meaning of tradition. In a way, drying transforms the symbolic meanings of meat.

7.3: Plant/Rooc·Gathering
7.3.1: Nez Perce Gathering Species

Scrimsher (1967:74) reported patterns of native food consumption among the Nez Perce in the 1960's. Many Nez Perce were consuming huckleberry (cemí·tx), qá·ws (qá·msit), qeqí·t (wild potato), cawí·tx (wild carrot), litá·n (bitterroot), and qémes (camas). Among the 50 adult respondents of her survey in the Lapwai area, huckleberry was the most consumed (76%), followed by qá·msit (qá·ws) (68%), cawí·tx (68%), qeqí·t (62%), qémes (58%), hó·pop (pine tree moss) [Alectoria jubata] (54%), bitterroot (litá·n) (42%), and other plant resources. Among these, the high percentage of cawí·tx consumption is
noteworthy. Today, all the women I interviewed assured me that they can no longer find a good amount of cawi-tx on or around the Nez Perce reservation.

During my fieldwork, the commonly discussed plants and roots for regular consumption include: qeqí-t, litá-n, qá-ws (qá-msít), qémes, huckleberry, mountain tea (písqu, Ledum glandulosum), and qawsqá-ws (Ligusticum canbyi). Although there are many other types of plants and roots mentioned by consultants (e.g., cawi-tx, Indian celery, sunflower stalk, chokecherry, serviceberry, gooseberry, chokecherry, elderberry, híperw [mushroom on cottonwood trees], kinnikinick [hotó-to, wild tobacco], medicinal plants), discussion in this chapter will focus only on the commonly harvested and widely consumed roots and plants.

The first root of the season in the area is qeqí-t. It grows on the hillsides in the Lewiston-Clarkston areas (see Fig. 7.3). Qeqí-t usually matures in April and lasts until May. My consultants stated that they would start looking for qeqí-t in the end of March or around Easter.

The second root is qá-msít (qá-ws). Qá-msít is probably the most harvested and consumed root by the Nez Perce today. All the Nez Perce root diggers I interviewed harvest qá-msít. In the Lapwai Longhouse, qá-msít is the most used root. Qá-msít digging sites are relatively abundant in the vicinity, although there are only a handful of places of high concentration. It grows on dry ridges and hillsides, and is harvested in May and June. Some diggers move
Figure 7.3: Major Gathering Areas among Contemporary Nez Perce (qeqi-t, qa-msit, qemes, huckleberry, mountain tea, qawsqa-ws)
upland depending on the degree of maturity of the root. Most qá-msit digging grounds are in privately owned fenced pastures. Qémes is the best known root for the Nez Perce. It grows in marshy areas, and matures from July through September depending on the elevation and temperature of the area. Traditional Nez Perce territory used to provide rich qémes grounds, and attracted other Indian groups. Famous qémes grounds included Weippe, Camas Prairie, the area surrounding present-day Grangeville, and the area near present-day Moscow, Idaho, and Pullman, Washington. Today, most of these areas have become agricultural fields, and no longer produce large quantity of qémes roots. There are small patches of qémes grounds left in these areas, and some families harvest the root at these places. One family shared the story of picking up qémes bulbs following a farmer’s tractor in Weippe in the 1960’s. The farmer invited her family to his field before he plowed the field. The elderly consultant laughed and said, “Boy, it was an easy dig!” This field, however, no longer produces qémes. Today, the only large concentrated qémes ground can be found in Musselshell within the Clearwater National Forest. Today, the ground is fenced by the forest service to keep grazing cows out.

Huckleberry is harvested in August and September. This is the most highly valued berry by the Nez Perce today. This is, together with qawsqá-ws and mountain tea, one of the most harvested plant resources among today’s Nez Perce. It grows in open areas (e.g., cleared forest) in high mountains on and around the reservation. Some families have the tradition of going to Mt. Adams

Many consultants discussed bitterroot, iitá-n, when they talked about roots. This is interesting because this root does not grow in the vicinity of the reservation. It grows in Montana, on the Coeur d' Alene, Spokane, Umatilla, Warm Springs, and the Yakima reservations. The fact that many interviewees mentioned bitterroot suggests the existence of wide social networks. Most of the tribes mentioned by my consultants were the partners of traditional Nez Perce intermarriages. Many Nez Perce acquire bitterroot from their relatives or through Longhouse networks. Some Nez Perce also dig bitterroot themselves when they visit their relatives on another reservation. One interviewee explained how she had acquired a gallon of dried bitterroot. She received it from her first cousin in 1998. It originally came from the Yakima reservation through her first cousin's friend. She said:

... the last bunch of bitterroot, I got from my first cousin. And she got them from some friend over there in Yakima Valley. She [her first cousin] just brought it to me one day and said, 'I think you need this.' That's how I got it. It's a kind of, when you are known to the community for who you are and how you are gathering and respecting [the roots], things, a kind of, seem to show up.

This trading network is similar to traditional practices of trading. Items move from one hand to another. Bitterroot may travel from one reservation to another, from there to another reservation, and then come to the hands of a Nez Perce.
In late July and August, many families go to a mountain to harvest huckleberries, mountain tea, and qawsqa-ws together. It is common for the family to organize day or weekend trips to collect them.

7.3.2: Nez Perce Gathering Decision-Making

In decision making processes, practitioners of root/plant-gathering have far more freedom over their activities than hunters and fishers. Thus far, there is no court case regarding Nez Perce treaty rights on plant resources. No government entity issues any notification to open and close a harvest season. Plant resources are still open to anyone regardless of tribal affiliation, and there is no close monitoring and regulation of harvest. Although I heard some tribal members discussing possible application of 1855 Treaty provisions to plant resources, nothing has been formalized yet. This relative freedom is due to relatively low competition over the resources. Unfortunately, the situation is changing rapidly.

The Oregon and Washington national forests close to the urban centers have been experiencing severe resource competition over forest products. Notable examples are huckleberry, beargrass, and mushrooms. Commercial harvests of beargrass, mushrooms, and huckleberry have become serious issues of discussion. In Gifford Pinchot National Forest, there are commercial permits for some forest products already (see Table 7.1). Although such questions as
"Where is the market?" and "How large is the market?" are beyond the scope of this study, it is quite likely that there are not only regional but also national and even international markets for these resources\textsuperscript{23}.

<table>
<thead>
<tr>
<th>Product</th>
<th>Type of Permit</th>
<th>Current Rate</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td></td>
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<td>$100</td>
</tr>
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<td></td>
<td>30 day</td>
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<tr>
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<tr>
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<td>20 day</td>
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<tr>
<td></td>
<td>30 day</td>
<td>$120</td>
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<tr>
<td>Mushrooms</td>
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<td>$25</td>
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<td></td>
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<td>$40</td>
</tr>
<tr>
<td></td>
<td>20 day</td>
<td>$60</td>
</tr>
<tr>
<td></td>
<td>Bi-annual</td>
<td>$125</td>
</tr>
<tr>
<td>Edible berry</td>
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<td>$25</td>
</tr>
<tr>
<td>Free Use Berry/Mushroom</td>
<td>Annual</td>
<td>Free ($10 value)</td>
</tr>
</tbody>
</table>

Note: "Free Use Berry/Mushroom" are permits issued to people who want to harvest only for their own use. They allow a limited quantity to be harvested.

(Source: Special Forest Product: Cheat Sheet for Current Rates, U.S. Department of Agriculture, Mt. Adams Ranger District, September, 1999)

Table 7.1: Permits for Commercial Use of Forest Products in Mt. Adams

\textsuperscript{23} The impact of international markets is important for today's indigenous ecology. The Ulkatcho in British Columbia began harvesting pine mushroom (\textit{Tricholoma magnivelare}) after a large market was identified in Japan (Hebda et al. 1996:39). It is a highly valued mushroom in Japan called "matsükake." Muffett (1996) discusses international nature of bear parts trading (claws, bones, teeth, gallbladders).
Today, most plants and roots are harvested and processed by females, except for qémes processing. These female members are usually related by kinship (e.g., Ego, mother, grandmother, and/or aunt). Although an increasing number of males started participating in root digging and plant harvest activities, most digging activities are still considered to be “women folks’ job.” The exception is qawsqá·ws. It is a “men’s stuff” and often harvested by both males and females. Many males harvest qawsqá·ws during hunting trips.

Although plant and root gatherers enjoy relative freedom over various decisions they make, their practices are constrained by many factors. During my fieldwork, four major variables were influencing patterns of plant/root resources exploitation. They were: decrease of resources, demarcation of private property and trespassing issues, time constraints, and family background.

First of all, many digging grounds disappeared due to the expansion of agricultural operations. A good example is the case of cawí·tx, also referred to as “Indian carrot” or “wild carrot.” According to Marshall (1977:57), it was a highly favored plant, although it was scarce. Harbinger (1964:12-13) reports that it was the third most important root among the Nez Perce following qémes and qá·msit (qá·ws). Cawí·tx grows on prairies and in open pine forests (Marshall 1977:57), and is dug in June and July. Harbinger also discusses the scarcity of cawí·tx at the time of her fieldwork. One of my elderly consultants talked about harvesting cawí·tx near Anatone, Washington. A farmer called her and invited her family to come to his field to dig roots. It was cawí·tx. A few years after that,
the root completely disappeared from the field. As discussed earlier, the majority of qémes grounds on the traditional Nez Perce territory have disappeared already. Some consultants also mentioned the decreasing size of qémes and qá-msit bulbs. Several consultants said that they will need to find new digging grounds because the places they use cannot produce a sufficient amount for their use. On and around the Nez Perce reservation, huckleberry is the resource experiencing the most competition against non-Indians. Most Nez Perce express grave concerns over commercialization of huckleberry by non-Indians and depletion of the resources.

Second, many root gatherers expressed concerns and frustrations over trespassing signs. Today, the majority of traditional root digging sites are on private pastures and agricultural fields owned by non-Indians. On most agricultural fields, the damages on root digging ground are extensive (qémes), but on pastures, some roots are still surviving (e.g., qá-msit, qeqí-f). In this context, trespassing becomes an issue. In most cases, the relationships between land owners and Indian diggers are peaceful. Many non-Indian land owners simply do not disturb Indian digging activities. Some consultants talked about their friendly relationship with land owners. One Nez Perce woman said that one farmer would not bring in cattle until her digging is over. Another woman told me that one rancher fenced off one portion of the digging grounds so that cattle would not get in. This type of friendly relationship is not unusual.
One consultant shared her heartwarming story. When she was digging ḍmq̓st, an elderly farmer approached and started asking questions. She was anticipating that he would tell her to leave the site, and was ready to argue with him. However, when the friendly farmer started talking about a group of Nez Perce women he used to see digging at the same place, she realized that he was referring to her grandmother and aunts. This shared memory helped them establish a friendly relationship. Several Nez Perce women shared such stories with me. On the other hand, a few women told me about their experiences of receiving negative comments from non-Indian ranchers. One consultant was “yelled at and was told to leave the area.” Many Nez Perce feel that there is an ongoing tension between Nez Perce root diggers and non-Indian ranchers and farmers.

There seems to be many non-Indian ranchers who respect historically developed use rights of Indian root diggers. However, their good will cannot guarantee preservation of resources for future generations. In a legal sense, Indian root diggers currently have no support. Article 3 of the 1855 Treaty (12 Stat. 957) refers to the rights of “gathering roots and berries” only in the context of “upon open and unclaimed land.” Plant/root resources on non-Indian private lands exist in a very fragile relationship with the land owners.

The third variable is time constraint. In most root digging, women are key players. Today, many of them have other commitments such as child (or grandchild) rearing or employment. Most young female consultants in their 30’s,
40's, and 50's have (or are looking for) full-time employment and/or are raising children. Many of the elderly women I interviewed were taking care of their grandchildren. Many school age children have extracurricular activities on weekends (e.g., sports activities). One woman in her late 70's said that she was not able to devote much time to root digging until she retired. Until retirement it was difficult to find time for digging because of her work and her children's school activities. During this time, her mother was the principal digger of her family. My consultant joined her mother and aunts only during weekends. It is important to note that such weekend digging became possible due to the advancement of technology (e.g., automobile, telephone) and infrastructure (e.g., roads).

Family background is an important factor. It is still primarily through family education that traditional knowledge is handed down from one generation to another. Although there are some tribal programs that teach young children about traditional subsistence activities, it is not the main channel of knowledge transmission. The majority of tribal members still believe that family is the primary means of traditional education. One hunter, referring to those who do not hunt or eat game meat, said, “Maybe they are not in the hunting lineage.” One elder said that she had declined the tribe's request to videotape their root processing procedure. She said, “We will teach our children and grandchildren. We don’t want to be videotaped. Our family will remember how to do things. It will stay in my family.” Without knowledgeable family members, it is very hard for individuals to learn skills and gain knowledge of traditional subsistence activities.
This is especially true for plant/root harvest because, unlike hunting, plant/root-gathering does not have any commercial shops to help process the catch. Nor is there any cookbook for traditional roots and plants. Those who harvest roots, berry, and plants need to be fully responsible for cleaning, preserving, and cooking. One consultant talked about some women who do not know how to “take care of” roots after digging. One female consultant said, “Camas is not for me. I don’t know how to take care of it.” Family background will affect how a person engages in gathering practices.

There are different tools and techniques used by Nez Perce gatherers. For certain roots such as qá-msit and qeqí-t, a traditional digging tool, tū-kes, is used. For the harvest of qawsqá-ws, people often use shovels. Qémes diggers use either a tū-kes, potato fork, or shovel. Harvesting huckleberries is done by hand. The use of a comb-like picker is, at least in public, frowned upon as a symbol of non-Indian commercial pickers. Unlike in fishing, there is no tribal regulation about plant/root harvesting techniques. However, there is a voluntary regulation based on the notion of “tradition.”

There is a strong sense that catches of the traditional subsistence activities need to be processed in a traditional way. Therefore, innovation of techniques for the sake of efficiency is not promoted and actually even looked down upon. A few consultants, in discussing a harvesting tool of qémes roots, said, “Some people use potato forks [to dig qémes]. They don’t do it in the right way” (emphasis added). One young woman talked about her experiences of
using a microwave and an oven to cook camas with a sense of shame. She said, “I cheat” when she referred to her qémes cooking. Using a microwave or an oven is not considered an innovative manner of cooking but a degradation of tradition. Another woman referred to her technique of “freezing” qá·ws as non-traditional. She said, “I’m not doing it [preservation of qá·ws] in a traditional way. I am doing it in a so·yá·po [i.e., white men’s] way. I am too busy.” What is clear in all of these observations is that there is a clear boundary between “traditional” and non-traditional. Being “traditional” is always good, right, and correct.

7.3.3: Preservation, Distribution, and Consumption of Nez Perce Gathering Catches

Most of my consultants dry and freeze their catches for the purpose of preservation. Qeqí·t is eaten raw or dried after cleaning. This is different from Harbinger’s (1964:15) observation that the Nez Perce would eat qeqí·t fresh and would not store it. According to Marshall (1977:49), those in Kamiah would not store qeqí·t, while those from the Lapwai and Lewiston areas do. Qá·msit (qá·ws) is usually sun dried after the skin is removed. It may be ground and stored or made into cakes. Dried qá·msit, i.e., qá·ws, may be eaten as a whole or cooked. Qémes is cooked underground often with hó·pop, or pine tree moss (c.f., Spinden 1908, Harbinger 1964, Downing and Furniss 1968). After being steamed, it may be canned as a whole or ground and dried. Some consultants stated that frozen roots do not taste as good as dried ones. Once properly dried,
roots can last for 2-3 years. Qawsqá·ws is exclusively dried. No consultant mentioned freezing as a way to preserve it. For chewing purposes, the “hair” and skin are removed. Mountain tea is also simply dried. Traditionally, berries were dried for preservation purpose. During my fieldwork, I never encountered dried huckleberry except for ceremonial purposes. Most pickers usually freeze berries, while some families can them. People eat them raw or use them for pies. Some people use them for pancakes. Huckleberry pies are one of the most highly prized dishes at Nez Perce gatherings.

Among the plant resources discussed above, qeqí-t, qá·msit, qémes, and huckleberry are consumed exclusively as food. Bitterroot, iitá-n, is said to be good to “clean blood.” Harbinger’s consultants (1964:14) also discussed this effect. Mountain tea, or písqu, is used as a regular tea but also as a medicine for colds. Qawsqá·ws is regularly used in a sweathouse. There are conflicting views on the use of qawsqá·ws in a sweatlodge. Some elders say that they did not use qawsqá·ws in sweatlodge when they were small, although the majority of the consultants confirmed its use. Today, it is almost universally utilized in sweatlodge. Many people use it for medicinal purposes as well. They boil it and drink it as tea, smoke it with tobacco, inhale steam from boiled qawsqá·ws, and/or simply keep it in a kettle on a wood stove. Qawsqá·ws is believed to prevent colds and cure soar throats. Many men just chew small pieces of qawsqá·ws, which is considered “man’s stuff.”
Distribution and consumption patterns of plant resources are heavily influenced by the notion of “tradition.” One consultant’s comments summarize the norm among most practitioners. When I asked “How often do you eat the roots you harvest?” she said, “Not very often. … They are not to stay in our hands.” This strong sense of “sharing” and “helping” is strongly expressed by many consultants. One consultant always gives away her first berries to elders. Furthermore, this distribution and consumption often takes place beyond the boundaries of the Nez Perce reservation. Longhouse people often exchange traditional foods. Relatives trade or give away roots and berries across reservation boundaries. For some people, public gatherings (e.g., Longhouse meetings, powwow dinners, church dinners, funeral dinners) are the only occasions when they have a chance to taste such plants/roots as cawí·tx, qeqí·t, qá·msit, qémes, bitterroot, and hó·pop. Until the 1940’s, roots were used as supplemental food in many Nez Perce households, and many of my elderly consultants still remember when roots were part of their daily diet (i.e., snack, lunch). Things have changed. The majority of my consultants use roots for special occasions (e.g., ceremonies, give-aways, birthdays, tribal gatherings).

One significant function of roots is their role in trading. Although it is rare to observe any large scale trading today, it was common in the 1960’s. A few elders said that trading gained its popularity after WWII. Harbinger (1964) reports a significant function of roots as a trade item in the early 1960’s. There were two types of trade: “big trades” accompanied by feasting, and private trades
informally conducted between two women, often times between affines. “Big”
trades were conducted at life-crisis events such as marriage and death. Trading
was impossible without qémes. Qá-msit was the second most important root for
trading, followed by bitterroot, litá-n, and cawí-tx. Harbinger's consultants
distinguished trading from “commercial” trading, the latter being bartering with a
clear purpose of acquiring specific items (Harbinger 1964:30).

7.4: Summary

Among others, the major variables that shape Nez Perce patterns of
engagement in the traditional subsistence activities are: resource availability,
technological innovation, acculturation, and the laws and power relationship with
the larger society.

Because of the radical decrease of resources, contemporary Nez Perce
fishermen and qémes root diggers do not have much freedom in their selection of
sites. Furthermore, competition is becoming more intense over some resources.
Technological innovation (e.g., automobile, road system, microwave) has a
significant influence on hunting, fishing, and gathering activities. Changing Nez
Perce lifestyle (e.g., education, employment, food taste) makes it difficult for
many Nez Perce households to engage in the traditional subsistence activities.

Laws and political relations with the larger society are also significant
variables. Indian laws frame Nez Perce hunting, fishing, and gathering practices
by defining what practitioners can do, cannot do, and how they can and cannot
do it. However, laws leave room for political negotiation, as they themselves are
defined through political negotiation. The traditional subsistence activities are
inherently political by nature.

Impact on the traditional subsistence activities comes from local, regional,
national, and international levels. Nez Perce ecology exists in intensive and
extensive social, economic, and political interactions with the larger society.
The Nez Perce relate to the outside world through engagement in the traditional
subsistence activities. In this process, the notion of “tradition” plays a very
important role.

Nez Perce hunting, fishing, and gathering practices are strongly shaped
by the notion of “tradition.” It often determines how the Nez Perce engage in the
traditional subsistence activities. In turn, the notion of “tradition” develops
through Nez Perce involvement in hunting, fishing, and gathering activities. Nez
Perce hunting, fishing, and gathering activities exist in dynamic and dialectic
political relations.
CHAPTER 8

FUNCTION OF THE TRADITIONAL SUBSISTENCE ACTIVITIES
WITHIN CONTEMPORARY NEZ PERCE SOCIETY

The existing literature tends to examine the function of Nez Perce subsistence activities within the dichotomous “either subsistence or recreation” framework. For example, in his analysis of Nez Perce lifestyle after the Allotment, Ficken (1999:244, emphasis added) concludes that “[f]ishing and other traditional gathering activities continued, to be sure. The import of these activities had significantly changed, however, away from necessity and far toward post-harvest recreation and nostalgia.” The assumption underlying in this argument is that traditional subsistence activities are the means of either obtaining necessary calories and nutrition or recreational and nostalgic activity. This perspective is misleading because it places human-environmental relations into a simplistic dichotomy. Human-environmental relations are never that simple.

Allen Pinkham, a Nez Perce elder and one of the authors of Salmon and his People: Fish and Fishing in Nez Perce Culture, said, “white culture wants to keep spiritual life separate from science and natural history” (Old Stories Stil
Hold True, Lewiston Morning Tribune, May 3, 1999). It is important to examine human-environmental relationships from a holistic perspective. It is also important to go one step further and examine how the environment and various aspects of human life are impacting one another. I will demonstrate the function of traditional subsistence activities within the contemporary Nez Perce society using Pierre Bourdieu’s concepts of “practice,” “symbolic capital,” and “habitus.”

8.1: Habitus, Field, and Symbolic Capital

In his Distinction (1984), Pierre Bourdieu examines the relationship between human taste for food and the class structure of France. The act of tasting is “practice,” and it links social structure with human agents. Individuals experience social reality through “practice.” In the case of tasting, individuals experience the French class structure through food tasting. The act of tasting food “functions as a sort of social orientation, ‘a sense of one’s place’” (Bourdieu 1984:466). The “practice” of tasting serves to unite individuals who share the same preference and alienate others who do not. Taste is “a match-maker; it marries colours and also people, who make ‘well-matched couples’, initially in regard to taste” (Bourdieu (1984:243).

The “practice” of tasting will take place through what Bourdieu calls “habitus.” Habitus is “a system of cognitive and motivating structures” which is “constituted in practice” (Bourdieu 1984:52, 53). It is “the product of history, [and] produces individual and collective practices, and history, in accordance with the
schemes engendered by history” (Bourdieu 1977:82). We never understand
social reality directly but always do so through the lens of “habitus.” And, in turn
we create our own version of social reality as “habitus.” “Habitus” is “the dialectic
of internalization of externality and the externalization of internality” (Bourdieu
1977:72). “Habitus” exists beyond individual willful control and human
consciousness. When we eat, drink, and taste food, our “habitus” is revealed
without us recognizing it. Sharing the same “habitus” means that individuals
interact with social reality in similar manners.

“Habitus” exists in the arena where various agents and institutions engage
in political acts of power competition. The dispositions of “habitus” are “formed”
in the arena of political competition which Bourdieu calls “field” (Bourdieu
1984:94). In each field, a wide variety of capitals are employed and deployed by
participating agencies and institutions. The structure of the “field” shapes the
ways various types of capital are used for strategic purposes. In Bourdieu’s
discussion of the “field,” human agents and institutions use such capitals as
economic capital, cultural capital (cultural knowledge widely accepted as
legitimate), educational capital (a certified form of knowledge), social capital
(social relations), and symbolic capital (trust, honor, and prestige). In the “field”
of economic class, upper- and lower-class people are constantly in competition.
In the acts of tasting, influences of economic class are evident. Those in the
upper-class possess more economic, educational, and cultural capitals, and
therefore can exert more influence on lower-class people on food tasting. Those
in the lower-class are likely to accept the upper-class sense of taste, and those in the upper-class are likely to reject those of the lower-class. The “habitus” of taste among the French is definitely conditioned by the class structure existing in France.

Through the “practice” of eating and tasting, capital is accumulated, lost, or converted into a different type of capital. For a salesperson whose assignment is to sell products to upper-class customers, tasting the same extravagant dishes in the same way as the upper-class client is likely to lead to the gain of symbolic capital from the clients in the form of trust. In the course of his action, the salesperson’s investment in the dishes (i.e., loss of economic capital) may lead to accumulation of trust (i.e., gain of symbolic capital) which, in turn, may result in accumulation of further economic capital through a sale. In this process, tasting is beyond human consciousness, and gaining trust through food tasting is not something the salesperson can easily do based on his will. The salesperson may strategically try to impress the client by tasting the dishes in the same manner. However, the act of tasting takes place “animated and constrained by structures” (Ritzer 1996:402). This model can be applied into the analysis of traditional subsistence activities among contemporary Nez Perce.

8.2: Habitus, Practice, and Nez Perce Traditional Subsistence Activities

Nez Perce “habitus” is strongly influenced by Nez Perce ethnic identity, but they are not identical. Nez Perce ethnic identity is a conscious and public
expression of Nez Perce-ness. Individuals develop their Nez Perce ethnic identity through social interaction, and Nez Perce-ness is expressed by sharing "dominant symbols" (Turner 1967). Nez Perce “habitus,” on the other hand, is the social reality formed through Nez Perce cultural lenses. It exists below the actors' consciousness, and shapes the ways the Nez Perce relate themselves with the world. Nez Perce patterns of engaging in the traditional subsistence activities are largely conditioned by Nez Perce “habitus.” And, in turn, through engaging in traditional subsistence activities, the Nez Perce internalize social reality. In this process, Nez Perce “habitus” emerges.

For the Nez Perce whose sense of indigenous identity exists in their relations to the land, the traditional subsistence activities are the key connection with the world. Hunting, fishing, and gathering activities are the “dominant symbols” (Turner 1967) and core rituals for the Nez Perce. Through engaging in hunting, fishing, and gathering, individuals relate themselves with the land as well as the world. The traditional subsistence activities are the mechanisms which help individuals define who they are and how they are related to the larger society.

The “practice” of hunting, fishing, and gathering activities involves far more than simple killing and harvesting. The traditional subsistence activities are highly contextualized courses of action wrapped with a notion of “tradition.” In hunting, for example, the act of killing does not constitute a Nez Perce ritual by itself. One consultant stated:
Being a hunter, being a fisherman doesn’t mean just going out and just killing and catching. There are much more than that, much more stuff goes along with it. Even some of our own people just don’t understand it. Then, they call themselves hunters and fishermen. ... It’s the one who takes care of the animals, prays for the animal, [and] goes to the Longhouse. They do these things that are necessary to keep them [fish and animals] coming back, you know. I think that’s the most important aspect of our hunting and fishing lifestyles.

Another consultant said:

I think the importance is the attachment to the food. It's not so much of food itself but the place in that annual cycle of the season and the relationship with the culture of the Nez Perce people. ... If you ask people to give up food, it's like giving up culture.

Similar points were made by many other consultants. In the “practice” of “dominant” symbols and rituals, how you engage in the activities is of special importance. The actors must do things in the right way.

The Nez Perce feel that how they should engage in hunting, fishing, and gathering activities is important. During the interviews, the Nez Perce perception of “the right way” was revealed in their use of the phrase, “taking care of.” For example, a consultant said, “We have to take care of salmon. If you don’t, it won’t come back to you any more.” The implications of this phrase go beyond a proper meat processing procedure for sanitary reasons. It means that the individual treats the catch with respect. In some cases, it means the use of appropriate rituals and taboos.

Although there does not seem to be any uniform set of Nez Perce rituals or taboos for each traditional subsistence activity, many individuals/families conducted their own rituals and observed their own taboos. Some families
released their first salmon of the season back into the river. Another family held a small feast and offered prayers with the first salmon of the season. Several families buried the bones of a salmon in the ground after the first salmon feast. For one consultant, washing himself in the river before getting to the fishing site was an important ritual. One hunter placed a heart from the catch on a stump and offered prayers. Root diggers associated with a Longhouse conducted an elaborate singing before digging for the first time in the season. Some root diggers, including Christians, offered short prayers before digging. Several root diggers believed that they should only have good thoughts while digging roots. Some male fishermen claimed that women should not be on a fishing boat or scaffolds. The “practice” of these rituals and observance of the taboos were ways to treat animals, fish, plants, and roots with respect. Performing the act of “taking care of” involved both physical and symbolic action. Through doing hunting, fishing, and gathering in the right way, the individuals took a part in the formation of Nez Perce “habitus.”

The “practice” of the traditional subsistence also involves accumulation or loss of symbolic capital. By engaging in the traditional subsistence activities in the right way, individuals accumulate symbolic capital (i.e., gaining trust from others). I often heard the Nez Perce, both Christian and non-Christian, say, “He does things [fishing and hunting] in a traditional way” as a complement. In some Longhouses, elders selected ceremonial fishers for their Longhouses from

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[1] Although the number is not very large, there are female fishermen and hunters (c.f., Smith and Berg 1998).
among those who “have been living clean and eating the right food” (Middleton 1993:10). Providing fish to the Longhouse for ceremonial purposes was an honor, and the fishers accumulated symbolic capital by fulfilling the responsibilities.

I myself learned this mechanism of capital accumulation during my fieldwork by accident. When an elder I was closely associated with became critically ill, I went to the mountains to pick huckleberries. I did it because I knew he loved huckleberries and also because it was then a financially viable option for me. What surprised me was a later reaction from many community members. The act based on my private feelings of sympathy and friendship unexpectedly gave me an opportunity to accumulate symbolic capital. In the eyes of many Nez Perce, I did things in the right way. Huckleberries are considered to be an “Indian food.” I took time to harvest it myself. Presenting “Indian food” is the best way to show respect to the elder and the Indian community. Without full realization, I related myself with Nez Perce “habitus.” Tribal members saw me perform “dominant” symbols and rituals of the Nez Perce in the right way. Through this event, I accumulated some symbolic capital (i.e., gained some trust) from the Nez Perce. It was not the physical objects of huckleberries but the “practice” of the huckleberry ritual that helped me gain trust. The outcome would have been very different if I had bought expensive flowers at a store, even if it had come out of the same feelings of friendship and sympathy.
Individuals could also lose symbolic capital (i.e., lose trust of others). For example, if a Nez Perce hunter takes a picture in which he holds the antlers of the kill and shows it off, he would probably lose symbolic capital. No Nez Perce hunter ever showed me such a picture because it is, in many Nez Perce hunters’ minds, the manifestation of “white man’s hunting.” One consultant made negative comments about the photograph in which one of his relatives was pictured with the large antlers of a hunted animal in his arms. My consultant said, “This is disrespectful to the animal. I would never do it myself.”

Patterns of hunting, fishing, and gathering activities are conditioned by a variety of factors such as environmental constraints (e.g., resource availability, pollution, temperature, and precipitation), availability of technology (e.g., car, and gun), political and legal context (e.g., treaty rights, and Indian law), and economic and cultural context (e.g., living standards, and societal attitude toward Indians). The impact of Nez Perce “habitus” is as important as other factors, and in some cases, more important.

8.3: Functions of the Traditional Subsistence Activities

When the Nez Perce discuss the traditional subsistence activities, they often refer to the religious significance of the activities. The majority of the symbols and rituals of Indian religions are associated with the land. One consultant who is affiliated with the Seven Drums Religion elaborated on the nature of this Indian religion:
For many of us [at the longhouse], it's [traditional lifestyle is] a whole way of life, not just a way of life, but the way of believing that the Creator has direct needs in the land. You know, ... there are all of these teachings that come down as being told by many people from the Longhouse. We would never have been given any paper to put our teachings down. We would never have been given, like the Bible. ... Creator came down and put these things in the land. ... Each teaching is all around us in the land, fish, and salmon.

The traditional subsistence activities are the basis of the Seven Drums religion.

The function of hunting, fishing, and gathering activities is not limited to their roles in religious practice. They provide "dominant symbols" (Turner 1967) in the expression of Nez Perce ethnic identity. They are also the occasions of traditional education. They, in fact, play crucial roles in most aspects of Nez Perce life today. In this chapter, I will focus on the often overlooked economic and political function of traditional subsistence activities.

8.3.1: The Economic Function of the Traditional Subsistence Activities

Anthropologists have been studying forms of exchange in so-called "primitive" societies (e.g., Malinowski 1920; Polanyi 1944, 1968; Herskovits 1952; Bohannan 1959; Firth 1967; Dalton 1971; Sahlians 1972; Weiner 1976, 1992; Mauss 1990, Harris 1990, Lepowsky 1990). There is a widely shared assumption that tribal hunting, fishing, and gathering activities lose their economic function when industrialization begins and capitalism becomes the dominant economic system of the society. Although the function of traditional subsistence activities definitely changes, it is misleading to assume that the traditional economic system will be replaced. The Nez Perce case testifies that
the traditional economic system based on hunting, fishing, and gathering activities persistently exists and continues playing important economic roles today.

Today, on the Nez Perce reservation, there are two patterns of economic transaction observed: one being what I call Indian economy, and the other being the mainstream capitalistic system. The same individuals may engage in Indian economy in one context and the capitalistic transaction in another context, although the former is far more common between Indians. In no way will I suggest that Indian economy is the exclusive property of Nez Perce or other Indian communities. Similar non-capitalistic patterns of economic transaction can be observed within other communities (e.g., charity, gift exchanges, labor exchange among farmers). Nevertheless, I choose to distinguish the Indian economic system from other reciprocal transaction systems because the Indian economic system plays a significant role in forming Nez Perce “habitus.” Other non-capitalistic reciprocal transaction systems may look similar to the Indian economic system in their forms of operation, but the actors’ motivation for involvement in the transaction is different. This Indian economy is a part of significant rituals for the formation of Nez Perce “habitus.” Differences between this Indian economy and a capitalistic transaction system can be summarized in the following three respects.

First, the value of exchange items in the Indian economy is not defined by the market mechanism but by the culturally determined value system. For
certain items such as native roots, there is no market in the larger society. However, even the values of such items as huckleberries and salmon, which have a large market within regional, national, and even international non-Indian communities, are not determined by the market principle in many Indian-Indian transactions. For example, the value of salmon often increases when it is caught in the rivers within the traditional territory. Some families place a higher value on the salmon if they are caught by traditional methods. Harvesting location and technique are culturally significant variables. There is a widely shared notion that traditionally prepared food items such as dried meat or roots are better gifts for elders than store-bought items regardless of their monetary values. There is a special value attached to “tradition,” and things are “better” if they are “traditional.” In Indian economy, “Nez Perce tradition” is the key criterion of valuation.

Second, networks of Indian economy are different. Unlike the market economy which can extend beyond any geographical limits, the Indian economy has certain boundaries. Although transaction centers are not totally confined within the reservation boundaries, they are on or around the reservation. The boundaries are not geographically determined but socially defined, and kinship plays the most significant role in defining the boundaries. Kinship networks cross reservation boundaries and extend all over the area, especially to other Columbia Plateau Indian reservations. Through family relations, people visit each other and exchange various items. Longhouses also provide networks of Indian
economy. The Plateau Longhouses are in close contact with each other. Longhouses on different reservations exchange ceremonial foods (e.g., roots, dried fish, dried meat) with each other, and also help each other’s ceremony. The networks of Indian economy are socially developed.

Finally, symbolic capital plays important roles in the Indian economy. Among contemporary Nez Perce, one of the most strongly stressed cultural notions is reciprocity. The Nez Perce are strongly encouraged to “share” their possessions. A consultant of James (1996:88) says, “In Indian culture, you got more honor by giving than by taking, and no matter who comes: give, you always give.” Although this consultant laments the declining value of sharing among youngsters, the strong value placed on the act of sharing among the Nez Perce is still far stronger than among Euroamericans. The cultural notion of “helping out” by “sharing” is strongly emphasized in daily interaction. Those who “help out the needy” accumulate symbolic capital among the families they support. The privately accumulated symbolic capital becomes public at such occasions as give-aways at funerals, powwows, memorials, first-kill ceremonies, and name giving ceremonies. The individual is called upon and his/her conduct is publicly acknowledged. At such an occasion, accumulated symbolic capital becomes materialized. Symbolic capital usually becomes converted into some non-monetary form (e.g., Pendleton blanket). In a private setting, a return may be made in a monetary form. Several times I saw a person return a monetary gift by saying, “Keep it. This is gas money.” One elder said to me, “He used to bring
me dried meat. I want to help him out now." The focus of this behavior is often more of “helping out” by giving than returning to pay back. These transaction patterns are reflected in one of my consultant’s statements, “On the river, things always come back to you. If you give, it will come back to you.”

Involvement of money in Indian economy needs a careful analysis. In the minds of most Nez Perce, there is a clear distinction between regular sale in capitalistic transactions and cash exchanges in the Indian economy. At one point during my fieldwork, I was puzzled about the concept of “sale” among the Nez Perce. One of the elders was always criticizing the sale of natural resources. He often criticized “white men” as well as young Nez Perce for making money out of the natural resources. One day, I was with him at a church auction. Among the auction items, I found bags of mountain tea, sacks of qawsqá-ws, and jars of roots. Expecting critical comments from the elder, I said, “Look, they are selling mountain tea.” To my great surprise, his response was “Ah, ha” without any tone of criticism. Later, I inquired about it more directly to him, “What do you think about that [selling roots, etc.]?” He said, “That’s OK. It’s for the church. They are trying to help.” I encountered a few more similar situations with other consultants. One individual responded to my inquiry by saying, “That’s all he’s got. He’s got no money. He’s got no land. He’s got nothing. It’s good that he is trying to help others.” After a while, one point became clear to me. Sales have to be distinguished according to the motivation behind the transaction. “Selling” for the sake of making personal profit and “selling” to help out others are two
different patterns of behavior. The former is what many Nez Perce refer to as "commercialization," and the latter is not\textsuperscript{2}. Involvement of money is not commercialization per se. The concepts of "sharing," "giving," and "helping out" have cultural significance among the Nez Perce and are associated with group solidarity and collective sharing of resources.

Although giving is strongly emphasized in Indian economy, not everything is given out. There are inalienable possessions, and the phenomenon of "keeping-while-giving" exists as a mechanism through which individuals and social groups develop and maintain social identities by keeping certain items out of the scope of giving through time (Weiner 1992). Inalienable possessions (e.g., land, names, magic texts) represent permanence and "absolute value ... above the exchangeability of one thing for another" (Weiner 1992:150).

In a Nez Perce name-giving ceremony on the reservation, an Indian name was given to one individual. Immediately after the ceremony, one tribal member fiercely protested against the giving of the name. The person, claiming that the name belongs to her family, requested that the name giving be made null. The name-giving ceremony was halted and the master of ceremony (MC) discussed the situation with the involved families. The MC decided that the name could not be recovered because the protest was made after the ceremony was completed. Members of the protesting family felt that their name was "stolen," and this

\textsuperscript{2} Columbia River Zone 6 commercial fishing exists in a different category. It is considered to be a traditional way to support families.
incident created hard feelings between the MC and the protesting family.
Possession of “keeping” is a very serious matter. Names are not the only items
to be kept out of the cycle of giving among the Nez Perce.

Some Nez Perce families desire to keep their skills and knowledge of root
digging (e.g., site location, processing methods) only within their families.
Masters of ceremonies at powwows often ask the audience to turn off cameras,
video cameras, and tape recorders before elders offer prayers in their Indian
language. Participants at a Longhouse often prefer not to discuss certain
aspects of their ceremonies to outside researchers. The tribe and its members
invest considerable amounts of energy to recover Nez Perce artifacts that are in
non-Indian hands. Stories about how the Nez Perce hid certain information from
outsiders (e.g., non-Indian researchers, government officials) are popular topics
at informal gatherings. Such talks usually generate laughter and reinforce a
sense of identity among tribal members. I heard some Nez Perce say, “History
books don’t know the whole truth. We just don’t talk about it to them [non-
Indians].” The Nez Perce have a strong desire to keep certain things out of a
giving loop. I agree with Weiner (1992:150) when she said, “It is, then not the
hoary idea of a return gift that generates the thrust of exchange, but the radiating

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3 In May 1996, the Nez Perce successfully raised $608,100 to purchase the Spalding-Allen
Collection from the Ohio Historical Society (OHS). They were originally purchased by Henry
Spalding, the first missionary to the Nez Perce, and eventually came into the hands of the OHS.
The reservation was filled with a strong feeling of excitement and pride upon the return of the
collection to the reservation. In June, 1996, I participated in several tribal and church ceremonies
celebrating the return of the collection.
power of keeping inalienable possessions out of exchange.” Nez Perce giving
and keeping generate cultural meanings based on the antithesis of each other.

Nez Perce “habitus” conditions individual acts of economic transaction. In
turn, individuals relate the Nez Perce “habitus” through participation in the Indian
economy, i.e., performing the culturally valued acts of “sharing,” “giving,” and
"helping out." For the existence of the Indian economy, hunting, fishing, and
gathering practices are indispensable because they are the core of Nez Perce
tradition. The Indian economy is a social and cultural activity as well as
economic. What would happen if deer and elk disappeared? The Nez Perce
probably would modify the transaction patterns of the Indian economy and find
symbolic substitutes for the game meat\(^4\), i.e., “invention of tradition” (Hobsbawm
1983). However, it would substantially alter the nature of the Indian economy
and Nez Perce “habitus.”

8.3.2: The Political Function of the Traditional Subsistence Activities

The traditional subsistence activities also play important roles in Nez
Perce politics, both internally and externally. Power competition occurs through
rituals. As “dominant symbols” and rituals, Nez Perce hunting, fishing, and
gathering practices play significant roles in Nez Perce politics.

Traditional subsistence activities function as a source of symbolic capital
in the internal Nez Perce politics. In response to my question, “What do you

\(^4\) I have seen off-reservation Indians use non-game meat in their ceremonies. In one gathering,
the leader presented beef by jokingly saying, “This is a modern deer meat.”

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think are the qualifications for a seat in the Nez Perce Tribal Executive Committee (NPTEC)?” many consultants listed “sharing traditional values” as one of the crucial qualifications. According to one consultant, “It’s nice to have some educated people, but I want to see well-rounded traditional people: those who hold on to treaty rights, cultural resources, and natural resources. I don’t want apple Indians [i.e., Indian on the surface, and white inside] on NPTEC.”

The importance of strong ties with the land and traditional knowledge was strongly stressed by many consultants. One consultant said,

[The NPTEC needs] the kind of people that think about future generations, think about this land. Not so much cultural people in the sense of going to powwow … because the strongest cultural people are those ones that think about the land continuously throughout the day, throughout the month, throughout the year, throughout the lifetime.

Many individuals stressed the importance of a good balance between mainstream education and tradition. One consultant said, “You’ve got to be in touch with both sides of this world. You’ve got to know what’s going on in this world. So, I would say it’s [education] pretty important. They know a lot of stuff. But, [they] still need to hang on to the values and Indian life just to exist as a people.” The same perspective is revealed in the criticism made by tribal members about the NPTEC members. A typical criticism was, “They [NPTEC members] don’t hunt or fish themselves. So, they don’t understand what we are saying.” Although such statements are sometimes not based on facts, they clearly reflect Nez Perce cultural values and voters’ perception about the internal politics on the reservation. The ties with the land naturally mean a strong
commitment to the treaty rights. The primary mission of the NPTEC is to represent the tribe and protect its treaty rights against the larger US society. For Nez Perce politicians, the “practice” of hunting, fishing, and gathering activities is a significant way to accumulate symbolic capital among fellow voters.

Expectations toward NPTEC members are formed through the political relations with the outside world. One consultant said:

Knowing the language, having a Nez Perce name, having compassion for the people – these are all important. A long time ago, a lot of us Nez Perce said education is more important. You have to become like them [whites] to succeed in this world. That’s where we got lost. Because we became so much like them, we forgot who we are. Now, we are trying to become like the way we are supposed to be. We are having a hard time. So, I would say that your basic roots are more important than education right now this day in this age. But, a long time ago, my grandfather would send my mother to school instead of sending her to root digging.

The emphasis on the importance of traditional education is actually a reflection of today’s Indian-white relationship. In internal Nez Perce politics, the “practice” of the traditional subsistence practices is a significant means to accumulate symbolic capital.

In the external political competition, traditional subsistence activities also play crucial roles. Many Nez Perce individuals consider the maintenance of ties with the land through hunting, fishing, and gathering practices essential to winning political battles against the larger society. One consultant’s comment represents the feeling of most Nez Perce. He said, “Without involvement with the land, we will not be Nez Perce any more.” This is not only a simple issue of personal nostalgia. If the larger society no longer recognizes Nez Perce as a
culturally distinct ethnic group, the Nez Perce might lose political support for their treaty rights among non-Indians in the larger US society. The Nez Perce tribe is a legally defined ethnic political entity, and its scope of power is constantly being challenged in the political arena. Since Congress has plenary power over Indian tribes, they need strong lobbying influences as well as political support from the larger society. Demonstration of cultural distinctiveness is critical to the survival of the tribe.

A few times during the fieldwork, I heard non-Indians make comments such as “They [Nez Perce] don’t rely on hunting or fishing any more. They are like us today. There is no need for them to hunt all year around.” This statement clearly illustrates a tense power relationship existing on and around the Nez Perce reservation today. The treaty rights are legal rights, but are inherently political by nature. In the lower Snake River dam breaching debate, the tribal claim will be weakened if it fails to demonstrate that the recovery of fishery resources is crucial to the social, cultural, and economic welfare of the future Nez Perce.

The ongoing political contention between the Nez Perce tribe and the North Central Idaho Jurisdictional Alliance, usually referred to as the Alliance, clearly illustrates the political nature of tribal existence. The Alliance is a group of local governmental entities including counties, cities, school districts, and highway districts. The Alliance was formed in December of 1996 “to vigorously defend against and resist the alleged claims of expanded jurisdiction” of the Nez
Perce tribe within the 1863 treaty boundary” (North Central Idaho Jurisdictional Alliance n.d.). The issue involved in this dispute is the jurisdictional authority on the reservation. The central legal question is whether the completion of Allotment ended tribal jurisdiction within the 1863 reservation boundaries. This is a fundamental issue which involves the issues of taxing, civil, and criminal jurisdictions within the reservation boundaries. One of the issues was whether the highway district or school district needs to comply with the Tribal Employment Rights Office (TERO) ordinance which involves additional expenses for these local governmental entities. In this legal and political battle, the issue of “Who the Nez Perce are” is not a matter of personal pride or nostalgia but a critical issue for the existence of the Nez Perce tribe as a political entity.

The fundamental nature of the Nez Perce tribe, i.e., *ethnic* “domestic dependent nation,” and its relationship with the larger society requires the Nez Perce to be an ethnically distinct group. Therefore, the “practice” of hunting, fishing, and gathering activities are significant political functions in the political competition against the larger society. The traditional subsistence activities have not only social, cultural, and economic functions, but a political function as well.
8.4: The Changing Function of the Traditional Subsistence Activities

The function of Nez Perce hunting, fishing, and gathering practices has been continuously evolving. Many factors have impacted the process of changes. Among others, the influences of power relationships with outside agencies are significant.

Until farming was introduced by Presbyterian missionaries, hunting, fishing, and gathering activities were the primary means of subsistence. Although there were previous influences of outside agencies on the Nez Perce society (e.g., introduction of Euroamerican material culture during the pre-contact period, fur trading in the early 1800s), their impact on the Nez Perce subsistence patterns was minimal. The Nez Perce engaged in the Plateau-wide webs of migratory subsistence. They "cross-utilized" (Anastasio 1972/1985, Walker 1967a) resources through inter-ethnic networks (e.g., kinship, task grouping, trading). Hunting, fishing, and gathering activities not only provided food and industrial materials but also crucial symbols for all the aspects of Nez Perce life. Traditional Nez Perce religion was founded upon a personal relationship with the environment in the form of tutelary spirits. Social status of individuals was influenced by their skills and knowledge of subsistence activities to a significant degree.

Farming came to the Nez Perce territory with Christianity. With Christianity, an unequal power relationship with the larger society was also imposed. In this context, the functions of subsistence activities started changing.
From the beginning, farming was more than an innovative means of subsistence. It was inseparable from the missionaries' agenda, and soon started bearing the implications of the Christian and "civilized" lifestyles. Soon, the symbolic boundaries between farming and the traditional subsistence cycle were clearly drawn. Although many non-treaty/non-Christian factions also adopted in farming and/or livestock raising at least to some extent, a symbolic gap between farming and the traditional cycle of subsistence was firmly established. With the arrival of missionaries and the introduction of farming, hunting, fishing, and gathering activities became heavily politicized, and their symbolic meanings began to play important roles in internal as well as external politics.

The defeat of the non-treaty bands in the War of 1877 marked the end of this symbolic conflict. Christian Nez Perce who occupied predominant political positions on the reservation did not attach nativist meanings to hunting, fishing, and gathering activities, and developed new forms of Nez Perce subsistence consisting of farming, hunting, fishing, and gathering. Although non-Christian factions never ceased to be present on the reservation, they did not exert much influence in politics after the end of the War of 1877. This continued through the Allotment until the emergence of strong ethnic identity.

After WWI and WWII, feelings of ethnic pride developed especially among young Nez Perce. A new Constitution and a stronger form of governing body (NPTEC) were developed in 1927 and 1948 respectively. Political negotiations were conducted for a series of compensations relating to the unjust taking of
lands, gold, and fishing rights in the 1950's. Throughout this process, a stronger sense of ethnic pride, self-determination, and protection of treaty rights against the outside society gradually developed. By the time of the Rapid River dispute in the late 1970's and early 1980's, a strong feeling of Nez Perce-ness had well developed among all the Nez Perce regardless of their religious or social background.

Today, hunting, fishing, and gathering activities are "dominant symbols" and rituals constituting Nez Perce "habitus." They provide a crucial basis for social (e.g., traditional education, practice of Seven Drums religion), economic (e.g., Indian economy), and political life (e.g., tribal election, negotiation with the larger society) of the Nez Perce. Through the "practice" of hunting, fishing, and gathering activities, individuals relate themselves with Nez Perce "habitus," which, in turn shapes Nez Perce perception and behavior. Many Nez Perce households no longer depend on hunting, fishing, and gathering activities for physical survival. However, the traditional subsistence activities constitute the foundation of the Nez Perce life today.

8.5: Summary: Why are Hunting, Fishing, and Gathering Practices Important?

Hunting, fishing, and gathering practices have many functions within contemporary Nez Perce society. All the functions, i.e., social, cultural, economic, religious, and political, are interrelated under Nez Perce "habitus." By engaging in hunting, fishing, and gathering in the right way, individuals relate
themselves with Nez Perce "habitus." Nez Perce "habitus" itself emerges out of the process of individual engagement in the traditional subsistence activities in culturally appropriate manners. In turn, Nez Perce “habitus” shapes the way individuals engage in the traditional subsistence activities. The traditional subsistence activities impact Nez Perce economics, education, religion, social networks, and internal as well as external politics. Nez Perce human-environmental relations exist in this dynamic and dialectically interrelated framework. It seems safe to conclude that traditional subsistence activities are the foundation of all the aspects of Nez Perce life today.

The Nez Perce are well aware of the crucial roles of traditional subsistence activities. Nez Perce commitment to protect them is clearly revealed in responses to my question, "What would happen to hunting, fishing, and gathering activities if more and more good employment opportunities become available for tribal members?" One individual said, "It’s not an issue. That’s [hunting, fishing, and gathering] the way we were raised. It’s a part of culture. I think people still make time to do it [i.e., hunting]. So much of our culture is tied to the land.” This opinion was echoed by many other consultants. There are actually as many middle-class households that engage in the traditional subsistence activities as those with financial difficulties.

Regardless of variation in background (e.g., religious affiliation, educational level, economic level), the majority of the Nez Perce share a very strong commitment to hunting, fishing, and gathering activities. A close analogy
can be drawn from the reaction against the terrorist attacks in New York and Washington DC on September 11, 2001. On September 17, a guest on the PBS *Charlie Rose Show* stated, “We are fighters. We are survivors. We are not going to change our way of life.” President Bush repeatedly echoed the same sense of commitment to the American way of life to the public. This strong sense of commitment toward “our way of life” is very similar to the sentiment frequently expressed among contemporary Nez Perce about their way of life. The Nez Perce, as Americans, share the nationalism-based commitment to “our [American] way of life.” At the same time, they, as the Nez Perce, have a strong ethnicity-based commitment to “our [Nez Perce] way of life. Unfortunately, the Indian commitment to “our [Indian] way of life” has consistently been overruled by the national interest, i.e., the interest of the faction with more power, throughout US history.

The Nez Perce commitment to the traditional subsistence activities is concerned with the past and future as well as the present. During the fieldwork, I repeatedly heard such statements as, “That’s the way our ancestors have been living,” “We’ve always done it since time immemorial,” or “Our ancestors died for our rights.” Hunting, fishing, and gathering activities establish almost sacred links with the ancestors. At the same time, the future orientation of the traditional subsistence activities is widely shared. It is strongly reflected in one consultant’s statement:

*I do depend on it [i.e., hunting, fishing, and gathering activity]. I depend very much on hunting, fishing, and gathering, you know. It is all my kids*
have. I don’t know the Nez Perce language. I’m learning it. But, that’s
the only thing they have as Nez Perce besides their tongue. Other than
that, they’ll be just another John. So, that’s all I got. And I think they
deserve it. That’s why I try so hard to take them [her children] around [for
root digging, fishing, and hunting], you know. Because they are Nez
Perces. I do depend on them. [In response to my follow up question, “Do
you mean ‘physically’?”] Oh, physically and spiritually, everything, you
know. ... Because that’s what we are and that’s what we became from,
hunting, fishing, and root-gathering. We are just, we are in trouble as a
people. So, I do, as a mother, I do depend on them.

In essence, engagement in hunting, fishing, and gathering activities is necessary
to enable the Nez Perce to live as the Nez Perce socially, culturally,
economically, and politically. The commitment to this “our way of life” is not only
a matter of nostalgia but the basis of the present and future Nez Perce life.
CHAPTER 9

CONCLUSION

This dissertation examined the function of hunting, fishing, and gathering practices among contemporary Nez Perce Indians. It became clear that the traditional subsistence activities play significant roles not only in social and cultural but also economic and political contexts today. Even though they are no longer the primary means of subsistence for many Nez Perce households, these activities provide essential symbols which enable the Nez Perce to engage in religious (e.g., Seven Drums religion), economic (e.g., Indian economy), social (e.g., traditional education, expressions of Nez Perce ethnic identity), and political activities (e.g., tribal elections, negotiations with the States). Through engagement in the traditional subsistence activities, individuals relate themselves to other Nez Perce, the environment, and the larger society.

The environment, the traditional subsistence activities, Nez Perce ethnic identity, and Nez Perce society are all interrelated in a dialectic manner under the Nez Perce “habitus” (Bourdieu 1977). When individuals engage in hunting, fishing, and gathering activities, they are “practicing” culturally significant rituals whose meanings are created and defined by the concept of tradition. Through
this engagement, individuals share “dominant” symbols of Nez Perce ethnic identity. The “practice” of hunting, fishing, and gathering activities also provides opportunities for individuals to relate themselves to the Nez Perce “habitus,” i.e., the internalized social reality formed through the Nez Perce cultural lenses. Through the Nez Perce “habitus,” the environment becomes humanized. Hunting, fishing, and gathering activities embody the concept of Nez Perce tradition in a concrete performative sense. The environment and the Nez Perce are related to each other through “practice.”

Through “practicing” hunting, fishing, and gathering activities, individuals engaging in these traditional subsistence activities accumulate symbolic capital. This symbolic capital not only functions as a Nez Perce identity marker but also may convert it into economic capital or function as a political tool for the Nez Perce. Through strong symbolism, hunting, fishing, and gathering activities continue playing crucial roles within contemporary Nez Perce society.

Nez Perce ecology is constantly changing. Patterns of engagement in hunting, fishing, and gathering activities have changed due to such reasons as environmental constraints (e.g., decrease in resource availability), acculturation (e.g., changing taste, employment patterns, educational background), technological innovation (e.g., car, roads), court decisions, and political relationships with the larger society. Historical analysis demonstrates the changes in the function of traditional subsistence activities in the course of history. Prior to the War of 1877, both the symbols embedded through the
practice of hunting, fishing, and gathering activities as well as the practices themselves functioned as “weapons of the weak” (Scott 1985) among the non-Christian non-treaty Nez Perce. During this time, farming was more than a means of subsistence and played significant roles in the internal tribal politics as well as the political relation with the larger society. Today, issues about the traditional subsistence activities play important roles in uniting all the Nez Perce regardless of their background.

The majority of Nez Perce feel a strong commitment to the protection of traditional subsistence activities. This sense of commitment derives from their perception about the past, present, and the future. Many Nez Perce feel that their ancestors made considerable sacrifice to protect their lands and rights. They also feel that continuous engagement in hunting, fishing, and gathering practices is crucial for the survival of the Nez Perce tribe today and in the future. When issues of treaty rights emerge, a strong feeling of one-ness quickly develops among tribal members regardless of their different background. Hunting, fishing, and gathering practices constitute the core of Nez Perce society today.

What are the implications of this study on ecological studies in anthropology? There are four implications. First, the case of Nez Perce ecology makes clear that the study of indigenous ecologies in industrialized societies requires a synthesized approach of symbolism and materialism. If the Nez Perce
ecology is examined only from a materialistic viewpoint, researchers may mistakenly conclude that the traditional subsistence activities are no longer important for most Nez Perce households. The conventional materialistic approach tends to overlook the fact that humans interact with the environment through their symbolic lenses. The symbolic aspects of human-environmental relationships sometimes have as much impact on human ecological behavior as the material aspects of human-environmental relations.

The concepts of "capital" and "practice" provide effective means to synthesize symbolism with materialism. Analysis of symbolic and economic capital sheds light on the relationships between the cultural, social, economic, and political life of the Nez Perce. Nez Perce hunting, fishing, and gathering practices are shaped by the accumulation and loss of symbolic capital to a significant extent. Accumulated symbolic capital may convert into economic capital, or play an important role in internal Nez Perce politics and social life. Symbolism of the traditional subsistence activities is also related to political strategies used against the larger society. Under the Nez Perce “habitus,” hunting, fishing, and gathering activities play economic and political functions as well as social and cultural roles.

Historical and political perspectives are crucial in symbolic analysis. Contemporary Nez Perce symbolism of the environment derives not only from their ecological relationship today but also from the past and the future. The Nez Perce history and tradition are embedded in the landscape. Political relations
with the outside world influence Nez Perce perception of the environment to a
great extent. Symbolism is a significant political tool, and for indigenous peoples,
ethnic symbols are the foundation of their political power. This perspective is
particularly significant for the study of indigenous ecologies in industrialized
societies. It is so because outside observers, only observing the manifest
material culture without understanding the latent symbolic structure of behavior,
often mistakenly assume a loss of unique symbolic culture of indigenous peoples
when they experience technological innovation.

Second, this study shows that a dialectic interaction between the
environment and human actors is a significant aspect of human-environmental
relations. The environment is the aggregate of an infinite number of symbols
created by humans. In the studies of symbols, there have been different views
with reference to the relationships between symbols and their meanings. One
approach is to regard meanings as independent of the object. Schneider
(1968:1) defines a relationship between a symbol and its meaning as “no
necessary or intrinsic relationship.” In this view, human creativity is strongly
emphasized, and human actors could possibly invent symbols and symbolic
meanings. Another approach is to recognize a natural link between a symbol
and its meaning. Hamblen (1985:215) claims the existence of natural
“archetype” linkage between a symbol and its meaning through human biological
and cultural experiences. Berque (n.d.) goes beyond this dichotomy between
symbols and their meanings. He argues that “things around us are not objects;

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they are fraught with our existence.” Observing the environment from Berque’s perspective, natural capital exists half as objects, and half in human existence. My standpoint is that there is a natural link between the symbol and its meaning, but the “archetype” becomes visible and recognizable only through human “practice.”

For the Nez Perce, the environment is not a congregation of physical objects but the aggregate of symbols filled with meanings. Natural capital, whether it is renewable (e.g., trees), nonrenewable (e.g., mineral resources), or cultivated (e.g., tree farms) (Prugh 1995), is physical and also symbolic. Through the “practice” of hunting, fishing, and gathering activities, natural capital becomes symbolized. Natural capital not only provides means of producing valuable goods and services but also offers resources for the individual to accumulate symbolic capital. Among the Nez Perce, the symbolic function of natural capital is especially important because the environment, being reconstructed through cultural values, provides “dominant” symbols and rituals of the Nez Perce “habitus.” Symbolic capital may convert into economic capital, and both symbolic and economic capital may function as political tools in human political activities. The environment and humans interact with each other through symbolism. The environment shapes human behavior, and through symbolism, human actors humanize the environment.

What would happen if hunting, fishing, and gathering activities become no longer available? Those who take the theoretical position that symbols and their
meanings could be separated from each other may argue that the Nez Perce would use other symbols and rituals to express the same meanings because the Nez Perce are, as any humans, creative actors who might invent new symbols. Although I agree about the creation of new symbols, I do not think that the same meanings can be maintained without the same “practice.” The link between natural capital and symbolic capital is human engagement in “practice.” When the Nez Perce can no longer engage in “practice” (e.g., decision-making, harvest, consumption, distribution), social and cultural attributes of the environment will be altered. Deer meat purchased at a store cannot have the same symbolic meaning as that which is hunted by a Nez Perce hunter within the traditional hunting ground. The meaning of the deer meat exists in the deer, the surrounding environment, and also in the actors. When actors engage in hunting deer, processing, distributing, and consuming its meat, its meaning emerges. The meaning of the environment exists in the objects and actors, and emerges through “practice.” Without “practice,” the meaning will not be the same.

Third, indigenous “habitus” plays significant roles in shaping and regulating individual patterns of resource use. The International Union for Conservation of Nature ad Natural Resources (IUCN): Inter-Commission Task Force on Indigenous Peoples (1997) identifies the critical roles which indigenous peoples can play in sustainable development. One of the roles is that indigenous peoples enhance biological resources for future generations through cultural institutions. Scholars and indigenous peoples have argued that spirituality and
religiosity play important roles for resource preservation and conservation. I claim that it is not only religious perception but also indigenous “habitus,” i.e., worldview, that shapes people’s behavior. The majority of the Nez Perce, regardless of religious backgrounds, lock down upon the act of “wasting” in hunting, fishing, or gathering. The Nez Perce exert strong social pressure (e.g., gossip, joking) against trophy hunting, wasteful behavior, and greediness. Indigenous “habitus” functions to regulate group members’ resource use patterns.

Finally, the Nez Perce case demonstrates that power relationships with the outside world have significant impact on the human-environmental relationship. Not only forms of subsistence activities but also their symbolic meanings change in response to the shift of power relationships with the larger society. Interaction with the larger society takes place in the forms of laws, economic, and political negotiation at the local, regional, national, and even international levels. In turn, human actors try to influence power relationships using symbolism associated with their relationship to the environment. Nez Perce hunting, fishing, and gathering activities are inherently political.

This dissertation leaves two areas for further investigation. First, the impact of diversification within the Nez Perce society may be an important issue for further investigation. On June 5, 1999, an amendment was approved to the Nez Perce Constitution. The amendment enabled enrolled tribal members, 18 years or older, to vote on tribal matters regardless of their residency. The former
voting eligibility excludes those living outside of the 1855 reservation boundaries. (Tribe's Constitution up for Amendment, Tribe Splits Vote on Two Amendments, Lewiston Morning Tribune, June 5, 7, 1999). It is now possible, for example, for the Nez Perce living in New York to vote on tribal issues. This change, I suspect, might have some impact on Nez Perce ecology in the future.

Second, development of sustainability indices with a synthesized approach between symbolism and materialism is urgently needed. In recent years, scholars and policy makers expanded their scope of analysis for environmental issues. Prugh (1995) and Lansing et al. (1998) incorporated the environment in transactional analysis using the concept of “natural capital.” The concepts of “externality,” “non-trade concerns,” and “multifunctionality” became important concepts in international negotiations (e.g., World Trade Organization [WTO], http://www.wto.org/; Organization for Economic Co-operation for Development [OECD], http://www.oecd.org). Article 20 of the WTO Agriculture Agreement states that agricultural negotiation has to take “non-trade concerns” into account. Scholars and policy makers, especially those in Japan and Europe, claim the importance of “environmental externalities” and “multifunctionality” (cf., http://www1.oecd.org/agr/mf/postpaper.htm). In response, some scholars protest the use of the concepts as a way to rationalize their continuing agricultural protection (Freeman and Roberts 1999:1).

I consider it to be the anthropologists' primary responsibility to push forward the societal and cultural sides of “environmental externalities.” Although
an excessively anthrocentric approach may be counterproductive, human perceptions, especially those of indigenous peoples, need to be reflected in environmental policies to a greater extent. Human history has witnessed so many occasions when indigenous culture was destroyed under the name of economic “development.” Human perception and behavior are significant aspects of human-environmental relations. Protection of the environment means respect for human rights.
APPENDIX A: INTERVIEW GUIDES FOR FORMAL INTERVIEW

Location
- Where do you go fishing, hunting, and gathering?
- How far is the place from here? How long does it take to get to the places?
- How do you decide where to go? Why do you select the specific places?

Timing
- When (i.e., in which month) do you go fishing, hunting, and gathering?
- How do you decide when to go? Why did you select specific timing?

Game Choice
- What do you hunt, fish, and gather?
- How many of which kind do you hunt, fish, and gather?
- Why do you hunt/fish/gather the specific kinds? How do you decide how many catches you will hunt/fish/gather?

Methods and Techniques
- How do you hunt, fish, and gather roots? What tools do you use?
- Why did you select the specific tools?

Processing
- How do you process your catches? Who helps you in processing catches?

Consumption Patterns
- How do you consume your catches? Sell? Consumed within your household? Given away to relatives? Given away to neighbors? Given away to non-relative friends? Given away to elders? Trading?
- If you give away your catches, to whom do you give them? Do you distinguish which parts will be given away to whom? Do you use your catches as special presents at special occasions (e.g., Christmas, birthday, church dinner, religious ceremony)?
- What is Indian food? How differently do you consume Indian food and non-Indian food?
Meanings Attached to Hunting, Fishing, and Plant/Root-Gathering Practice

- What is the difference between Indian fishing and non-Indian fishing? Indian hunting and non-Indian hunting?
- What are the main motivations for you to go hunting, fishing, and plant/root-gathering?
- What kind of changes will take place if you cannot hunt, fish, and gather plants/roots any longer?
- Economically, how much do you gain from hunting, fishing, and plant/root-gathering?
APPENDIX B

1999 REVISED CONSTITUTION AND BYLAWS OF THE NEZ PERCE TRIBE

Article IV – Membership

Section 1.
The membership of the Nez Perce Tribe shall consist as follows, provided they have not lost or do not hereafter lose their membership under the terms of any tribal membership ordinance:

(A) All persons whose names appear on the official Nez Perce Tribal Membership Roll of December 3, 1956, as corrected by any action of the Secretary of the Interior.

(B) All children who are of at least one-fourth (1/4) degree Nez Perce Indian ancestry born to a member of the Nez Perce Tribe, provided that an application for enrollment is filed with the Nez Perce Tribal Executive Committee within eighteen (18) years after birth.

(C) Person adopted into the Tribe under the terms of tribal membership ordinance.

Section 2.
The Executive Committee of the Tribe shall have power to make rules, subject to approval by the Secretary of the Interior or his authorized representative, governing the adoption of new members or the termination of membership in the Tribe.
APPENDIX C

NEZ PERCE FISHERY EMERGENCY REGULATIONS

EMERGENCY REGULATIONS

Little Salmon/Rapid River, North Fork, and Clear Creek
Spring Chinook Ceremonial and Subsistence Fisheries

NPTEC has directed the opening of Ceremonial and Subsistence Fisheries for
Spring Chinook salmon on the Little Salmon/Rapid River, North Fork, and Clear
Creek with the following stipulations fishing on the weekend only, until limits
reached:

SEASON: Opens at 12 noon June 25th and closes at 12 midnight June 27th,
1999.

AREA AND SPECIES: The area and species open to tribal fishing shall be
limited to:

Little Salmon: from the Salmon river Bridge upstream of the Salmon River
confluence.

Allowable catch shall include only spring chinook without adipose
fins. Spring chinook with adipose fins shall be released.

Rapid River: from the confluence upstream to 60 feet downstream of the
trap entrance.

Allowable catch shall include only spring chinook without adipose
fins. Spring chinook with adipose fins shall be released.
North Fork: from the confluence of the North Fork upstream to the dam.

Allowable catch shall include spring chinook.

Clear Creek: from just below the hatchery ladder and downstream to the mouth of Clear Creek.

Allowable catch shall include spring chinook.

FISHING GEAR: Lawful fishing gear shall be limited to:

Little Salmon/Rapid River: dipnets of mesh size not exceeding five inches attached to a hoop not to exceed 2'6".

North Fork: gaff, dipnet, and hook and line

Clear Creek: gaff, dipnet, and hook and line

All fishing gear must be attended at all times.

QUOTA AND SUBSEQUENT REGULATIONS:
The total catch in the rapid River fishery shall be limited to 200 fish; the total catch in the North Fork shall be limited to 29 fish and the total catch in Clear Creek shall be limited to 2 fish. Catch monitoring and sampling will occur throughout the fishery and fishers are required to cooperate in this effort.

REQUIREMENTS:
Individuals participating shall carry their tribal enrollment card at all times and shall cooperate in catch monitoring and sampling throughout the fishery.

RESTRICTIONS:
No fish sales are allowable. Fish are to be used for subsistence and ceremonial purposes only.

______________________________
Samuel N. Penney, Chairman
Nez Perce Tribal Executive Committee

(emphasis original)

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APPENDIX D

DAYS OPEN TO COMMERCIAL SALMON/STEELHEAD FISHING IN ZONE 6, 1968-1997

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** The Supreme Court’s opinion on the appeal of the *Puyallup v. Washington* (1968) established Indian-only Zone 6 commercial fishing. Prior to 1968, Zone 6 was open to both Indians and non-Indians regulated by the States of Oregon and Washington. In 1957, States of Oregon and Washington closed Zone 6 commercial fishing. Between 1957 and 1968, Indian commercial fishing was carried out under tribal ordinances.

(Source: Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife, June 1998:121,130)
APPENDIX E

FISHING GEAR USED BY THE NEZ PERCE FISHERS ON THE RAPID RIVER

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<th>Year</th>
<th>Dip-Net</th>
<th>Gaff</th>
<th>Hook and Line</th>
<th>Spear</th>
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<td>7%</td>
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<td>23%</td>
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<td>16%</td>
<td>0%</td>
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<td>72%</td>
<td>27%</td>
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<td>N/A</td>
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<td>76%</td>
<td>22%</td>
<td>2%</td>
<td>N/A</td>
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<td>64%</td>
<td>34%</td>
<td>1%</td>
<td>Less than 1%</td>
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(Source: Mauney 1998:7-8)
ACKERMAN, Lilian A.

ADAMS, Kathleen M.

ADAMS, Richard N.

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ANASTASIO, Angelo

ANDERSON, Anthony B., and Darrell A. Posey


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Carson, Rachel

Carter, Caleb

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Cedercreutz, Sini

Chalfant, Stuart A.

Chibnik, Michael

Churchill, Thomas

Clark, Ella E.

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Clay, Jason W.


Clifford, James

Coale, George L.

Cohen, Abner

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Dalton, George

Dark, Alex

Deloria, Vine, Jr.

Denzin, Norman K.

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Riley, Mary, and Katy Moran
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Roosens, Eugen E.  

Ross, Eric Barry  

Rothman, Hal K.  

Royce, Anya Peterson  

Ruby, Robert H., John A. Brown  


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Simon, Mary

Sinden, John A., and Albert C. Worrell

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Space, Ralph S.  

Sperber, Daniel  

Spicer, Edward H.  

Spier, Leslie  

Spinden, Herbert J.  

Stapp, Darby, and Julie Longenecker  

Stearman, Allyn Maclean  


Stearman, Allyn Maclean, and Kent H. Redford  

Stegner, John R.  
Stern, Theodore

Steward, Julian H.

Stonich, Susan C., and Conner Bailey

Sugden, Henry, ed.

Tambiah, Stanley J.

Tatro, Stephen B.

Taylor, Simon

Tharp, Stan J.

Thomas, Anthony

322
Thomas, David H.

Thompson, Bobby, and John H. Peterson, Jr.

Thwaites, Reuben G.

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Wheeler, Harry  

White, Leslie A.  

Whitte, Laurie Anne  

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Wilkinson, Charles F.  

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Wissler, Clark  

Wolf Education and Research Center  

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Zaharlick, Annmarie A., Jeffery L. MacDonald, eds.