

THE BURNS DAY SCHOOL: GOVERNMENT
INTERVENTION AND NORTHERN PAIUTE
SOVEREIGNTY

by

MADELEINE PEARA

A THESIS

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Jennifer O'Neal and Kevin Hatfield

In 1887, a group of Northern Paiutes from the Wada-Tika band returned to Burns, Oregon following years of genocidal wars, imprisonment, and the loss of the Malheur Reservation. The dissolution of the Malheur Reservation caused the government to consider the Burns Paiutes “landless,” and therefore ineligible for federal assistance. However, in the early 1920s at the behest of the Burns Paiute community, Catholic priest Peter Heuel began to petition the government for greater assistance to the community. After many years of the government sending Burns Paiute children to schools hundreds of miles away, Burns Paiute families pushed for an educational option close to home. After the Burns School Board refused to enroll Burns Paiute children in the public school, a temporary day school for Burns Paiute children was proposed and eventually opened in 1928.

This paper tracks the history of the Burns Day School in Burns, Oregon from its proposed founding in 1918 until its closure in 1948, and examines the social and economic context surrounding its creation and use. More specifically, this paper investigates the goals of the Burns Paiute community, the federal government, and the

Burns community at large in founding the school, the extent to which the Burns Day School fell within the trend of colonial education, and the ways in which Burns Paiute families exercised tribal agency surrounding the creation of the school.

Using a variety of primary sources in the form of correspondences, depositions, and reports, I demonstrate that the creation of the Burns Day School was the result of Paiute parents, with the support and help of Father Heuel, pushing for a way to keep their children in Burns. For the government, the creation of the school was a step in the process of relinquishing responsibility for the funding and provision of education for Paiute children, which included “hygenicizing” the children and the community at large so that they would be deemed acceptable by the Burns School Board. While the school was assimilatory, it was implicit assimilation which contrasts with explicit assimilatory government boarding schools for Native children. Ultimately, the school played a complicated and sometimes contradictory role in the community as both the product of tribal agency in action, and the arm of the federal government in the Burns Paiute community.

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Introduction

Dear Senator, is not the Indian Department killing us off as quick as they can? Also we Indians like to see our children live. Will you be so kind and help us to get home our daughter as soon as possible from this school in Chemawa? We don't want her to get T.B. and die. The teacher... took our girl without our consent to this school and had her enrolled for four years. We want our girl to come home right away.

Roscoe and Mary Teeman, Letter to Senator Lynn Frazier, June 28th, 1932

In 1931, government agents enrolled Ruby Teeman and Emma Shakespear, two young Northern Paiute girls, without the informed consent of their parents to the Chemawa boarding school, 350 miles from their home in Burns, Oregon. The Teeman's and Shakespear's lived in the Burns Colony, a small Northern Paiute community in Burns. Although their local school teacher, Clinton O. Talley, initially claimed that the parents had signed consent forms, he later conceded that he had lied to the parents, telling them that their children would come home during the summer in order to convince them to sign the form. When the girls did not return from Chemawa that summer, parents Roscoe and Mary Teeman wrote letters to Senator Lynn Frazier, imploring the senator to help them get their daughter back; they write, "That is the way how the Indian Department is doing with our children. They take our children from us, sent them away to school, and enroll them for a number of years without our permission. *Do we not have a right to our children? We were not at home when the teacher took our daughter away...* We are declared United States Citizens, but have no right to our children. Why is that?"¹ They allude to the fact that other children who had

¹ Roscoe Teeman and Mary Teeman, to Lynn Frazier, United States Senator, June 28th, 1932. Bureau of Indian Affairs. Record Group 75. Warm Springs 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

been sent to Chemawa died of Tuberculosis, and express the fear that Ruby Teeman and Emma Shakespear would suffer the same fate.² The situation which prompted the Teeman's letter is illustrative of the coercive and paternalistic nature of the system of education for Native children, and indicative of loss of control experienced by Native families in this system at this time in American history. Furthermore, their letter shows how Northern Paiute parents fought for their right to have agency in their children's lives and educations, and used what power they had to advocate for themselves against the federal government.

Governmental boarding schools like Chemawa were part of a coordinated policy to annex Native lands and "civilize" Native people. Intrinsic to settler colonialism is the replacing of the ancestral population of the colonized territory with a new society of settlers, a process predicated on the seizure of land from its original inhabitants. In *Education for Extinction*, David Wallace Adams writes, "For early policymakers... a major priority was the creation of a mechanism and rationale for divesting Indians of their real estate. The matter was an especially delicate one, for although the divestiture of Indian land was essential to the extension of American ideals, that divestiture must also be ultimately justified by those same ideals."³ White policymakers crafted a narrative of civilization versus savagery rooted in biases already commonly held by the white settler population. This narrative, put simply, was that European Americans society had the right, the obligation even, to spread "civilization" to Indigenous societies who, according to this story, were backwards and barbaric. The manifestation

² Roscoe Teeman and Mary Teeman, to Lynn Frazier, United States Senator, June 28th, 1932. Bureau of Indian Affairs. (BIA, RG 75, NARA-Seattle).

³ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*. Lawrence: University Press of Kansas, 1995.

of this ideology initiated over a century of bloody wars, massacres, and forced removals of many Native nations across what became the United States. The U.S. chipped away at the sovereignty of Native nations through treaties, court ruling, and military campaigns, infringing upon the land, power, and culture of many Native peoples. However, as the militaristic actions of the United States government began to slow in the mid-to-late 19th century as the new country came to control more and more territory, a new facet of this ethnic and cultural genocide came to greater prominence: education.⁴

Education has long been a platform for political endeavors and indoctrination. In 1916, Bertrand Russel wrote, “Almost all education has a political motive: it aims at strengthening some group, national or religious or even social, in the competition with other groups.”⁵ The federal government weaponized education against Indigenous children, using them as pawns in a war over land, language, and culture.

In this paper, I will narrate the history of the Burns Day School in the town of Burns, Oregon in the 1920s and 1930s. Specifically, I will investigate the role of Burns Paiute parents, and the local Catholic Priest Father Heuel as an advocate, in fighting for Paiute sovereignty in the lives of Paiute children. Furthermore, I will explore how and why the Burns Day School differed dramatically from the general trend of governmental schools for Native children. Using knowledge shared by Northern Paiute Elders Myra Johnson Orange and Wilson Wewa, and scholar James Gardner, and using literature written by historians of Indian education, I will briefly establish the trend of federal education policy and practice in the mid-19th to mid-20th centuries, and use the

⁴ Ruhl, Melissa. "Forward You Must Go": Chemawa Indian Boarding School and Student Activism in the 1960s and 1970s, 3. 2011.

⁵ Russel, Bertrand. “Education as a Political Institution” The Atlantic, June 1916.

example Warm Springs Boarding School to illustrate this trend in a community geographically and culturally close to Burns. The Confederated Tribes of Warm Springs includes Northern Paiutes who are part of the Northern Paiute bands and kinship groups of the Northern Great Basin and are related to those Northern Paiutes at Burns. Finally, I will show how the Burns school functioned simultaneously as the arm of the federal government in the community, and as an exercise of Northern Paiute agency in the context of settler colonialism. In this context, agency refers to the exercise of resistance, persistence, survival, and sovereignty by Northern Paiute people.

My research will be guided by the following questions: What were the goals of the federal government, the Burns Paiute community, and Burns community at large that motivated the founding of the Burns Day School Burns Day School? How did the social, economic and political circumstances of the time impact its function in the community? To what extent did the Burns Day School fall within the trend of governmental Indian education, and how did Burn's status as a colony impact the role of the school in the community? To what extent was the push for the creation of the school a push for Burns Paiute sovereignty, and how did Burns Paiute community members exercise tribal agency in the process?

Through my research, I have concluded that while the government created the Warm Springs Boarding School with the goal of assimilating Native children to Anglo American culture and in many ways fell within the national trend of settler education for Native children, the Burns Day School differed notably due to the Wada-Tika's lack of Reservation status. The creation of the Burns Day School was the result of Paiute parents, with the support and help of Father Heuel, advocating for an educational option

closer to Burns. However, for the government, the creation of the school was merely a step in the process of relinquishing responsibility for the funding and provision of education for Paiute children, which included assimilating and “hygenicizing” the children and the community at large so that they would be deemed acceptable by the white public school board. As a result, the school played a complicated and sometimes contradictory role in the community as both the product of tribal agency in action, and the arm of the federal government in the Burns Paiute community.

Theory and Methods

Decolonizing Methodology

The concept of *decolonization* is debated widely in Indigenous spaces. Some Native scholars argue that decolonization is inherently and inextricably linked to land -- that to metaphorize decolonization is to erase its power, and the use of the word “decolonizing” in a context outside of land decenters Native peoples, lands and experiences. Scholars Tuck and Yang provide an invaluable perspective on this understanding of decolonization in their text *Decolonization is Not a Metaphor*, and when doing work within a decolonizing framework, it is crucial to consider theories that take a variety of viewpoints.⁶

Many other Native scholars and activists see the idea of decolonization as a valuable framework with which to approach a wide range of intellectual, spiritual, or social endeavors, including the Northern Paiute communities engaged in the Northern Paiute History Project. In this context, “decolonization” represents a shared protocol, ethics, and philosophy between the Northern Paiute communities, particularly the tribal elders and community members most engaged in this work, and those involved in the research process. In the Fall of 2015, I was a student in the University of Oregon course “Decolonizing Research: The Northern Paiute History Project” taught by instructors Jennifer O’Neal and Kevin Hatfield. The Professors Hatfield and O’Neal, as well as the community course partners, collaborated with the Confederated Tribes of Warm Springs Tribal Council and Department of Culture and Heritage in the development of

⁶ Tuck, Eve, and K. Wayne Yang. "Decolonization is not a metaphor." *Decolonization: Indigeneity, education & society* 1, no. 1 (2012).

the course, and worked with community members to create a set of research questions and topics for students to explore. The website of the Northern Paiute History Project states, “This course is underpinned by the values of community-based, inter-cultural, de-colonizing, multidisciplinary research, and authentic discourse among Native and non-Native students, historians, and scholars. Through collaborations and shared decision-making about research agendas, modes of inquiry, categories of analysis, dissemination of knowledge, and philosophies of scholarship with members of the Confederated Tribes of Warm Springs and the Burns Paiute Tribe, the course will position students to create new knowledge and contribute original research to this field of study.”⁷ During a class trip to the Warm Springs Reservation, I had the honor of meeting and learning from Northern Paiute Tribal Elders Myra Johnson Orange and Wilson Wewa. Ms. Johnson Orange and Mr. Wewa graciously shared their own knowledge, experiences, and wisdom with the group through talks, telling stories, and answering questions. Ms. Johnson Orange gave the class an in depth and fascinating tour of The Museum at Warm Springs, helping us to garner an understanding of the foundational points of Northern Paiute history.

I also had the pleasure of learning from James Gardner, a scholar of Northern Paiute and Great Basin history. He generously allows students associated with the class to use the manuscript of his upcoming book *Oregon Apocalypse: Hidden History of the Northern Paiutes*, which provides an incredible wealth of knowledge and information. The relationship between the class, the instructors, the community course partners, and

⁷ Hatfield, Kevin, and Jennifer O'Neal. "HC 444/431 Decolonizing Research: The Northern Paiute History Project." July 1, 2013.

Tribal partners is foundational to the research process, and centers the work on a groundwork of trust, respect, and good practices.

In *Real Indians: Identity and the Survival of Native America*, Eva Garroute discusses Radical Indigenism, a process of scholarship rooted in a decolonizing methodology; she states that a radical indigenist research agenda asks that the researcher “*enter tribal philosophies*” and “*enter tribal relations*”.⁸ Put simply, this means prioritizing and valorizing indigenous knowledge and ways of knowing, as well as engaging in relationships with Indigenous communities and individuals. Research should be centered around social justice, self-determination, and relevance to the community, and researchers must earnestly locate themselves in the structure of settler-colonialism. This way of conducting historical research rejects the idea that there is an “objective” way to tell history and accepts the possibility of multiple truths inhabiting the same intellectual space. Decolonizing methodology is born of hundreds of years of Indigenous experience of, and resistance to, colonization and oppression.

In her book *Decolonizing Methodologies: Research and Indigenous peoples*, Maori scholar Linda Tuhiwai-Smith poetically explains that decolonizing methodologies must work to both “rewrite and re-right” history.⁹ This paper is a sincere attempt to engage in this philosophy, and approach the history of the Northern Paiute peoples with the utmost respect and the recognition of my own status as both a white woman, and an outsider in the community. In this paper, I try to center both Native

⁸ Garroute, Eva Marie. *Real Indians: Identity and the Survival of Native America*. Berkeley: University of California Press, 2003.

⁹ Smith, Linda Tuhiwai. *Decolonizing Methodologies: Research and Indigenous Peoples*. St. Martin's Press, Room 400, 175 Fifth Avenue, New York, NY., 1999.

voices and Native knowledge, while facing the reality that most written sources from the era that this paper deals with were created by white settlers. Scholars, white scholars in particular, must be accountable to Native Nations and ensure that our work is relevant to the communities on which it centers. One central piece of this process is the ethic of reciprocity, wherein information and knowledge is not confined to academic spaces, but shared with the community on which it centers. This research paper will be made available to Professors Hatfield and O'Neal to share with future students, community members, and tribal course partners.

Native Sovereignty

If one of the outstanding goals of decolonizing research is the assertion and promotion of Native sovereignty and self-determination, we must have an understanding of this concept. Chickasaw scholar Amanda Cobb writes,

At base, sovereignty is a nation's power to self-govern, to determine its own way of life, and to live that life—to whatever extent possible—free from interference. This is no different for tribal sovereignty, which by and large shares the attributes and characteristics of sovereignty as contextualized above. Native nations are culturally distinct peoples with recognizable governments and, in most cases, recognizable and defined territories. The sovereignty of Native nations is inherent and ancient. For Native nations within the boundaries of the United States, the underscoring of the inherent nature of sovereignty is critical because of the colonial process—a process that continues to dramatically diminish our ability to fully exercise tribal sovereignty.¹⁰

Education has played a critical role in the restriction of tribal sovereignty by interfering with traditional family structures by removing children from their parents, and limiting the ability of parents and elders to pass on key cultural components such as language,

¹⁰Amanda J. Cobb. "Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations." *American Studies* 46, no. 3/4 (2005): 119.

art, food culture, and traditional skills and knowledge. Cobb points out that while the sovereignty of a nation or people is inherent, the power of the nation or people in the world is predicated on self-identification, as well as its relationship with other states. No nation exists in complete isolation, and as a result, requires the recognition and respect of other nations in order to exercise sovereign powers. This recognition and respect that Cobb speaks of has been markedly absent in relations between the United States and the Native nations that now lie within its borders.

Methods and Sources

I base the bulk of my research on a range of primary sources in the form of correspondences, reports, petitions, and depositions from the 1920s and 1930s. These sources provide a wealth of information about the history of the Burns Day School, and the social, political, and economic circumstances in the town of Burns. A 1933 report titled "Survey of the Paiute Indians" written by visiting teacher Dorothy Dean provides a useful summary of the daily workings of the school and the curriculum, as well as the goals and behaviors of the school teachers and administrators. Additionally, this source provides detailed information about the government's views on the economic and health conditions in the Burns Paiute community. Another valuable primary source base is that of governmental investigation records and depositions from an investigation of school teacher Clinton Talley and Doctor Smith by Field Representative Henry Roe Cloud. These sources show the impact of government employees and contractors on the Burns community, and provide a glimpse into the attitude of white townspeople and community members. One serious limitation of these sources is that they frequently focus on the point of view of government officials and white townspeople, and place

less emphasis on the voices of Burns Paiute people. However, I try to utilize the sources written by or focused upon Burns Paiute people as much as possible.

The literature regarding governmental education for Native children is extensive, with the majority centering around the assimilatory policies and practices of governmental boarding schools, as well as the experience of Native children in these school and the resistance of many Native students to these policies. *To Remain an Indian": Lessons in Democracy from a Century of Native American Education* by Tsianina Lomawaima and T. L. McCarty tracks the struggles of Native peoples for linguistic, cultural, and educational self-determination through the experience of day schools in the latter half of the 20th century, providing valuable knowledge on the history and functioning of government schools and Native experiences in these schools.¹¹ *Education for Extinction* by David Wallace Adams and *American Indian Education: A History* by Jon Reyhner and Jeanne Oyawin Eder both provide valuable histories and analyses of Native boarding schools, focusing primarily on assimilationist and acculturative policies, as well subsequent resistance by Native students.¹² Additionally, Melissa Ruhl provides valuable information about the history of Indian boarding schools in Oregon, and how the activism of Native students influenced school policy in her dissertation "*Forward You Must Go": Chemawa Indian Boarding School and Student Activism in the 1960s and 1970s*."¹³ Janice White Clemmer chronicles the evolution of the schools on the Warm Springs Reservation in *The Confederated Tribes*

¹¹ K. Tsianina Lomawaima and T. L. McCarty. *"To Remain an Indian": Lessons in Democracy from a century of Native American education*. New York: Teachers College Press, 2006.

¹² Adams, David Wallace. *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*. Lawrence: University Press of Kansas, 1995; Reyhner, Jon Allan, and Jeanne M. Oyawin Eder. *American Indian Education: A History*. Norman: University of Oklahoma Press, 2004.

¹³ Ruhl, Melissa. "*Forward You Must Go": Chemawa Indian Boarding School and Student Activism in the 1960s and 1970s*," 3. 2011.

of *Warm Springs, Oregon : Nineteenth Century Indian Education History*, and provides crucial context for my analysis.¹⁴

The essay "Burns Paiute Tribe" in *The First Oregonians* by respected Burns Paiute tribal elder Minerva Soucie, provides essential knowledge about the history, culture, and lifeways of the Burns Paiute Tribe. *The Wada-Tika of the former Malheur Reservation* by Susan Stowell also provides a detailed history of the Wada-Tika (Burns Paiute) people, from the time of the Malheur Reservation into the 20th century and her work provides a great deal of historical information for my analysis.¹⁵ While Stowell discusses the creation of the Burns Day School in her text, overall, incredibly little has been written about this historical facet of the Burns Paiute Tribe, particularly regarding the role of Catholic priest Peter Heuel, and the unique way that the school functioned as the arm of the federal government the Burns.

This study serves as an institutional history of the Burns Day School, an analysis of the ways the federal government used educational institutions to influence, assimilate, and control Burns Paiute people, and an exploration of ways that Paiute people exercised agency and advocated for themselves in a colonial non-reservation context. This paper attempts to fill gaps in the history of formal education in the Burns Paiute community, and ultimately tells a different story than the predominant assimilation narrative in histories of Indian education, focusing on a community who have frequently been underrepresented and misrepresented in historical research.

¹⁴ Clemmer, Janice White. *The Confederated Tribes of Warm Springs, Oregon: Nineteenth Century Indian Education History*. Ann Arbor, Mich.: University Microfilms International, 1981.

¹⁵ Stowell, *The Wada-Tika of the former Malheur Reservation*.

This paper is a small piece of the overall endeavor of the Northern Paiute History Project, and only exists as a result of the unique collaboration and relationship between instructors Kevin Hatfield and Jennifer O’Neal, and community course partners including James Gardner, Myra Johnson Orange, Wilson Wewa, and many other respected individuals. The bulk of the primary sources used in this paper were only available to be due to the considerable efforts of Ms. O’Neal and Prof. Hatfield in retrieving materials from the National Archives in Seattle, Washington.

Brief History of the Northern Paiutes

The ancestral lands of the Northern Paiute people stretch from the tributaries of the Columbia and Snake Rivers of Oregon down to the deserts of Nevada and California, encompassing over 78,000 beautiful and arid square miles of the Great Basin which the Northern Paiutes have called home for many thousands of years.¹⁶ Although

to outsiders the land appeared to be barren and lacking in food, the Northern Paiutes knew the land to be rich with roots, tubers, chokecherries, deer, and piñon, and were attuned to the patterns of water and food availability over the course the seasons.

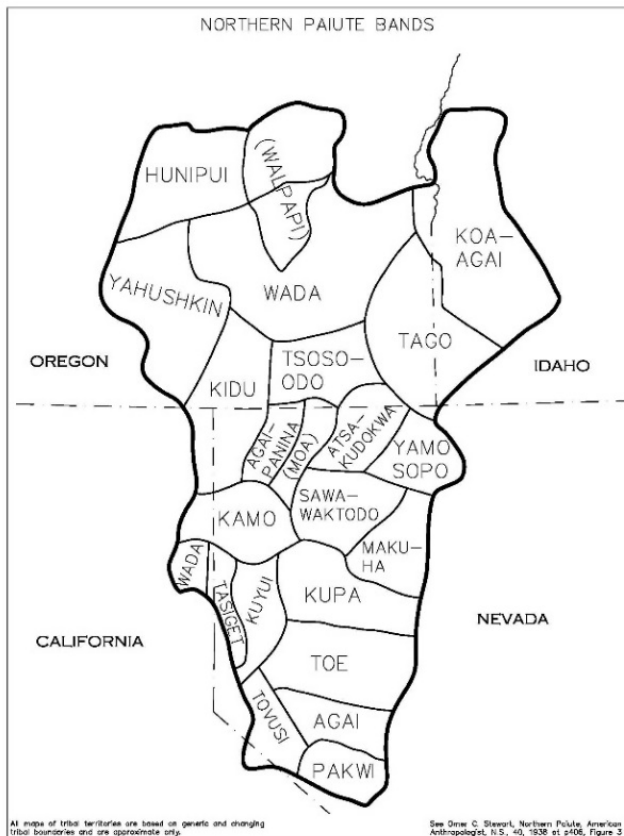


Figure 1: Northern Paiute Bands.
Image courtesy of James Gardner.

¹⁶ Gardner, James. *Oregon Apocalypse: The Hidden History of the Northern Paiutes*. Publication Forthcoming 2015, Oregon State University Press. 43,44.

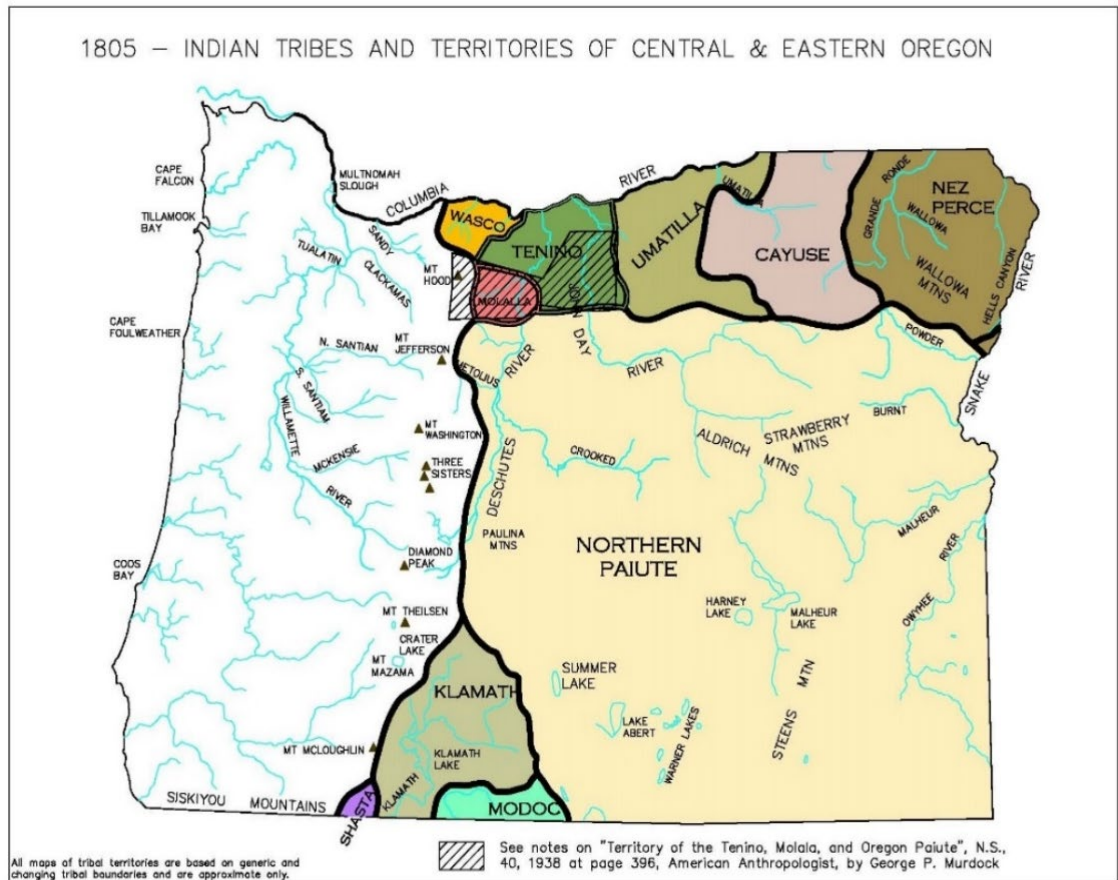


Figure 2: 1805 – Indian Tribes and Territories of Central and Eastern Oregon. Image courtesy of James Gardner.

According to Northern Paiute elder and spiritual leader Wilson Wewa, Northern Paiute society was organized in approximately twenty-four bands of 100 to 200 people, “sometimes operating in smaller family or kinship groups, and each with its own recognized territory and leadership structure.”¹⁷ Bands often named themselves by prominent Chiefs such as Old Chief Winnemucca’s band of Nevada, or by their main source of food, such as the Salmon Eater band of the Snake River country, the Juniper Deer Eater band of Central Oregon, or the Seed Eater (Waka-Tika) Band of the Harney Basin. Northern Paiute bands spoke the same language and shared similar cultural traditions and lifeways. A traditionally nomadic people, Northern Paiute bands traveled over great swaths of land each year according to seasonal food availability.¹⁸ Knack and Stewart write,

Their band areas were flexible... If one band’s terrain failed to produce a critical crop, they moved to an area where the plants were abundant. They sought out the customary users to ask their permission to harvest food, a request that could never be ethically refused. Not only was hospitality customary, but it was also sound social policy, for the usufruct holders knew that their territory was just as vulnerable to periodic scarcity as that of their visitors. The day would come when they themselves would have to request food-sharing in turn.¹⁹

Seasonal food collection played a central role in the lifestyle of the Northern Paiute peoples, and the patterns of the seasons greatly impacted the way in which various Paiute bands traversed the land, and “the animals and plants, the rocks, lakes, and desert formations among which they all lived helped to determine the patterns of Numa

¹⁷ Ibid 63.

¹⁸ "Burns Paiute Tribe." In *The First Oregonians*, edited by Laura Berg, by Minerva Soucie. 2nd ed. Portland, Or.: Oregon Council for the Humanities, 2007. 44,45.

¹⁹White, Richard, Martha C. Knack, and Omer C. Stewart. "As Long as the River Shall Run: An Ethnohistory of Pyramid Lake Indian Reservation." *The Journal of American History* 72, no. 4 (1986): 15-16.

society. Traditions and ceremonies preserved the Numa heritage from generation to generation and offered thanks to Numanah [“Father of all People”, or “Creator of all things”] for his gifts.”²⁰ The Northern Paiute peoples thrived for thousands of years in

the high desert prior to colonization, and have a rich and varied history and culture stretching back many generations.

Due to the geographic isolation of the Great Basin, the Paiute peoples encountered white settlers considerably later than many other Oregon tribes; however, in the mid-

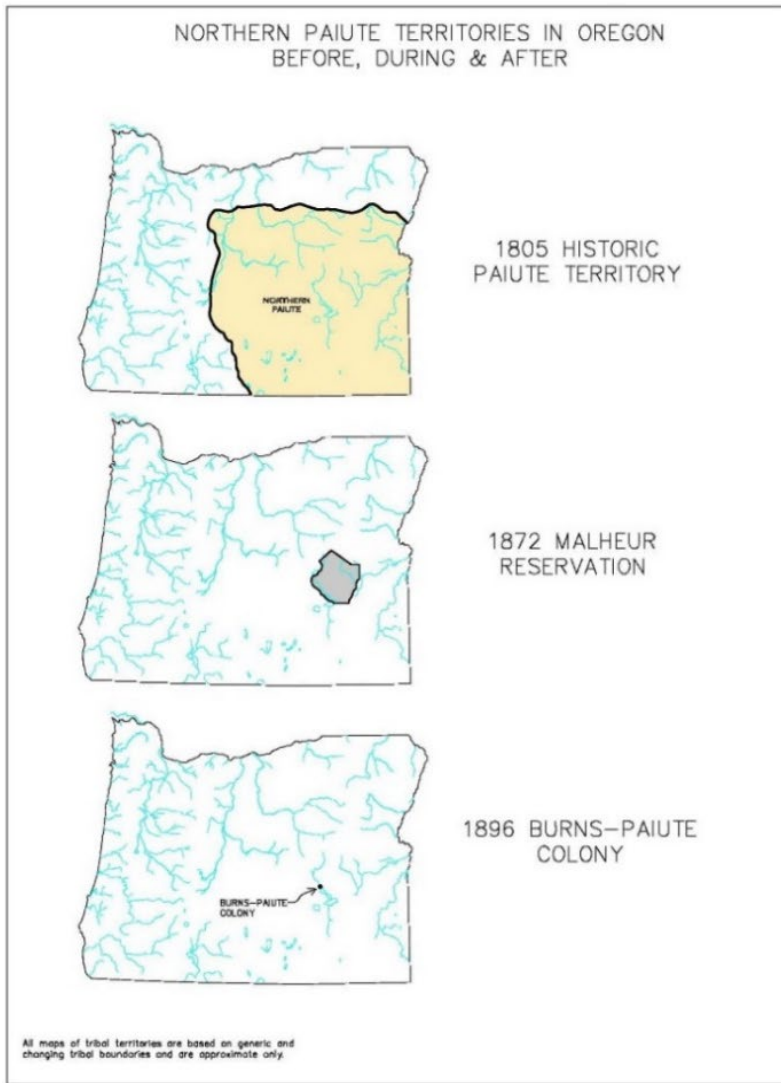


Figure 3: Northern Paiute Territories in Oregon Before, During and After. Image courtesy of James Gardner.

19th century white settlers began to encroach on Paiute lands, fencing off

²⁰ From Gardner, Oregon Apocalypse, Inter-Tribal Council of Nevada, Numa: A Northern Paiute History, (Salt Lake City: University of Utah, 1976), 3, 5, 8 15

traditional Paiute camas fields for cattle grazing.²¹ James Gardner writes, “When the invasion and taking of the Paiute homeland came at mid-century, it would move with enormous force and speed... It would also involve multiple and evolving American strategies, including military expeditions, treaties, wars and escalating missions of conquest, extermination and tribal removal. The actual demographic and military invasion and conquest of Paiute country would occur quickly and ferociously—mostly over some twenty-three years between 1855 and 1878—as a War of invasion and conquest morphed into a War of enslavement and extermination, and as Manifest Destiny morphed into genocidal warfare and Manifest Conquest in the Northern Great Basin.”²² The impacts of colonization, genocide, and war were immense, and cost the Northern Paiute people many lives, access to much of their land, and the ability to practice their traditional ways of life.

On September 12, 1872, President Grant established the Malheur Reservation by executive order, a 1.8-million-acre piece of land where the Northern Paiute people were encouraged to farm and "to live like 'civilized,' that is, European American, people." ²³ The Malheur Reservation, as shown in *Figure 1*, represented only a small fraction of Paiute lands. Nonetheless, several bands of Paiutes resided on the reservation, and many others roamed on and off the reservation for a period of six years. In 1878, many Northern Paiutes left the Malheur Reservation to join the Bannocks in war against the United States. Once they had gone, the cruel and unpopular Agent Rinehart “recommended that the Oregon Paiutes be ‘severely punished’ for leaving the

²¹ Soucie, “The Burns Paiute Tribe,” 44-45.

²² Gardner, *Oregon Apocalypse*, 59.

²³ *Ibid*, 46.

Reservation to join and fight in this war. He wanted to punish both the ‘chiefs and leaders’ as well as the ‘whole body now engaged in the war,’” recommending the termination of the Malheur Reservation, and the forced removal of the Northern Paiutes to a place so remote from the Great Basin that they could never return.²⁴

Following the dissolution of the reservation, the U.S. Army rounded up and forcibly removed Northern Paiutes to various locations in Oregon, Washington, Idaho, Wyoming and Nevada in a violent and cruel move that has been referred to as Oregon’s own “Trail of Tears”.²⁵ Many Northern Paiutes experienced four or five years of harsh imprisonment at the Yakama reservation in the hands of Indian Agent Wilbur until fleeing back to Oregon in 1883 or 1884. Upon their return, they found that their homeland was largely settled and occupied by ranchers and miners, and were left destitute and without resources in the lands that had once provided them with abundance. It was at this point that one band of Northern Paiutes, the Wada-Tika, settled on the outskirts of the town of Burns, while others made Warm Springs Reservation their home, and still others continued to roam their ancestral lands.²⁶ The following investigation focuses primarily on the Wada-Tika Band of Northern Paiutes, also known as the Burns Paiutes, and I will use the two names interchangeably throughout the analysis.

²⁴ Gardner, *Oregon Apocalypse*, 666 and 695.

²⁵ Gardner, *Oregon Apocalypse*, 719; Susan Jane Stowell. *The Wada-Tika of the former Malheur Indian Reservation*. Thesis (Ph. D) --University of California, Davis, 2008. 268.

²⁶ Gardner, *Oregon Apocalypse*, 800.

The Creation of the Burns Day School

In 1887, a group of 115 Northern Paiutes of the Wada-Tika band returned to Harney County in the wake of years of war, broken promises, imprisonment and cruelty at the hands of the U.S. Army and federal government. Having lost access to much of their vast homelands and thus their traditional lifeways as a result of the invasion of white settlers, the Wada-Tika band who returned to the Burns area had little means of supporting themselves. Under the Dawes Act of 1887, they settled on allotments on what had previously been the town dump outside of the predominately white town of Burns. Due to the dissolution of the Malheur Reservation, the Office of Indian Affairs (now the Bureau of Indian Affairs) considered the Burns Paiute "landless", and therefore ineligible for any type of financial assistance.

The irony of this situation is unmistakable – the Paiutes were unable to survive by means of their traditional lifeways due to the federal government’s possession of their lands, and were subsequently denied financial support and rations because they had no official lands. Of the trials of the 1920s, Chief Johnny Capp stated, “The Government had abandoned us entirely. We had no livelihood. We made shelters from sagebrush and anything we could find, to get a hole to crawl in during frost and storm. Many of our good people froze to death and many died of the miseries inflicted upon us, because the Government had taken away from all our (sic) livelihood. All this land was ours. All we were left on the public domain, had to move from place to place and perish. When we had our land we went hunting and fishing, we had plenty meat and fish

to eat, had the furs to keep us warm.”²⁷ In 1932, the Indian Office commissioned an investigation into the situation in Burns by Field Representative Henry Roe Cloud, a Ho Chunk (Winnebago) man who established the Roe Institute in Wichita in 1915.²⁸ Field Representative Henry Roe Cloud to the Commissioner of Indian Affairs states, "I am prepared to state that these Paiute Indians at Burns, Oregon are the most destitute we have in the United States... The main cause therefore of the present destitution is, first, the loss of their reservation."²⁹ The government displayed considerable reluctance to provide assistance, as seen in one letter from the Assistant Commissioner of Indian Affairs to Charles Rastall, Superintendent of the Warm Springs Agency,

Scattered Indians, such as those at Burns, who have no particular claim upon the government and who have not been the recipients of any great amount of assistance in the past must necessarily work out their own salvation to a large extent, and must be cared for as far as possible by local and state authorities rather than by the Service.³⁰

As is evident from this letter, the federal government, wishing to avoid the expense of providing for the Burns Paiutes, attempted to push the responsibility onto local institutions because they claimed the Burns Paiutes had “no particular claim upon the government.”³¹ As a result, Susan Stowell writes, "For a period of approximately forty years (1885-1925) the Wada-Tika lived in destitution and extreme poverty. The federal

²⁷ Johnny Capp to Joseph Chez, January 17, 1930, CCF, 8686-21-Warm Springs-735, Pt. 2, RG 75, NA.

²⁸ Stowell, *The Wada-Tika of the Former Malheur Reservation*, 303.

²⁹ Henry Roe Cloud, Field Representative, to the Commissioner of Indian Affairs, September 20, 1932. Bureau of Indian Affairs. Record Group 75. Warm Springs 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

³⁰ Assistant Commissioner of Indian Affairs to Charles W. Rastall, Supt. Warm Springs Agency, November 9, 1922. BIA, RG 75, NARA-Seattle.

³¹ *Ibid.*

government neglected to provide any kind of assistance whatsoever."³² The Wada-Tika lived in make-shift homes that did not protect against freezing winter temperatures, and suffered from diseases resulting from insufficient medical attention, malnutrition and unhealthy living conditions.³³ Prevented from living their traditional hunter-gatherer, nomadic lifestyle, and without external support, the Wada-Tika suffered greatly.

In the mid-1920s, members of the Burns Paiute community asked Father Peter Heuel, a Catholic priest in the Burns parish, to petition the government for greater assistance and resources in the Burns colony.³⁴ While the Paiute people had little power in influencing government affairs, it seems that Heuel, resulting from his standing as a white man and a cleric, had the influence to act as an intermediary between the community and the government. Heuel demanded that the government provide the Paiutes with rations, blankets, and housing materials, and advocated for the ability of Paiute parents to keep their children at home.

Per letters, depositions, and reports from white government agents, Father Heuel appears to have been an outspoken advocate for the Wada-Tika, and was thus highly unpopular with the white townspeople of Burns, the local physician Dr. Smith, and many government officials. One government agent went so far as to write, "So far as I know, he [Father Heuel] has never overlooked an opportunity to embarrass the Indian Service and its employees... I am told that Peter Heuel has made the statement on many occasions that he will force the Government to issue rations to all of the Indians at Burns. His influence among the Indians makes them very ungrateful for what is done

³² Stowell, *The Wada-Tika of the former Malheur Reservation*, 268.

³³ Stowell, *The Wada-Tika of the former Malheur Reservation*, 268.

³⁴ *Ibid.*

for them by the Government.”³⁵ In response to these demands, in December 1922 the Warm Springs Agency Superintendent Charles Rastall wrote to the Commissioner of Indian Affairs, requesting assistance for the Wada-Tika. The letter reads,

While I am not unmindful of the fact that it is the policy of your Office to discourage as far as possible all Government aid to these Indians who have for many years taken up their abode among the white citizens of the state (and there is not argument as to the wisdom of this policy), yet I feel that it is but an act of humanity to make some effort to obtain funds to relieve distress among these Indians whenever such cases arise; while undoubtedly it may be through the carelessness and the shiftlessness of many of these people that they are brought into a period of want, yet I am hardly willing to believe that their wrongful acts would justify the refusal on the part of the Government to aid and assist them in their hour of trouble and want.³⁶

Superintendent Rastall blames the Burns Paiutes for their situation, accusing them of “carelessness and shiftlessness” without any substantiation of these supposed “wrongful acts.”³⁷ This attitude can be seen in correspondences between many agents of the Office of Indian Affairs, and despite the apparent indifference verging on contempt towards the Burns Paiute people, the government acquiesced, providing minimal assistance in the form of tents, blankets, and eventually rations.³⁸ After living for several decades in makeshift shelters and eventually in government donated tents, in 1928 the Office of Indian Affairs approved the construction of permanent housing at the Old Camp, which

³⁵ F. E. Perkins to Henry Roe Cloud, August 24, 1932. Bureau of Indian Affairs.. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. BIA, RG 75, NARA-Seattle.

³⁶ Charles W. Rastall to the Commissioner of Indian Affairs. December 13, 1922. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

³⁷ Ibid.

³⁸ Henry Roe Cloud, letter to Commissioner of Indian Affairs. September 20, 1933. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

consisted of twenty small and cheaply constructed homes. In addition to pushing the government for assistance with food and housing, Heuel advocated on behalf of Burns Paiute parents who had long complained about their children attending boarding schools far away from home and wished to have educational options closer to home. One letter from a field agent states,

We find that Heuel has advised the Indians to just keep their children here and force the Government to build a school room for them, or provide public school facilities. Heuel went to the principal of the city school and informed him that several Indian children would be up there next Monday morning to enroll. The principal of course said they couldn't enroll; and that he would send them home as fast as they arrived.³⁹

Following Heuel's confrontation with the principal of the public school, Wada-Tika parents made an appeal to the Burns school board, requesting that the school allow their children to enroll in the public school. However, the school board denied this proposal on the grounds of contagion, using an incident in which two white children had contracted trachoma after spending time with several Wada-Tika children to justifying the exclusion.⁴⁰ One clerk, recommending the founding of a school in Burns for Burns Paiute children, wrote:

I have interviewed the school board as to admitting some of the Indian children. They will not consider the question for reasons of physical conditions above mentioned. I made inquiry as to entering into a contract for so much per school day of actual attendance. This they also refused to consider; saying: "The condition of these children is such that we could

³⁹Clinton O. Talley to F.E. Perkins September 20th, 1932. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

⁴⁰Chas. H. Burke to Supervisor Horace G. Wilson, September 3, 1915. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

not allow them to come in contact with other children for fear of disease of the eyes, and other matters; that they would be a positive source of contagion to our public school children and a distraction to our school is general.'...The question of establishing a school at Burns is strongly urged by all representative citizens, and the Indians in Council begged that a school be started in the Burns district.⁴¹

Although many parties within Burns agreed that a day school should be constructed for the Paiute children, it still took several years to garner approval and funding from the federal government. In 1926, the Burns and Harney County Commercial Club submitted a petition to the Committee for Indian Affairs, urging the passage of Senate Bill 3749 which would provide for the establishment of a school in Burns for Paiute children,

Personal sanitation or hygiene is unknown to the Indians of this tribe...The only practical method of educating these Indian children is in separate schools presided over by trained Indian teachers, devoting most of their work to manual training. The children cannot assimilate the public school courses with white children. Strong family ties exist between these Indians and they object strongly to sending their children to Fort Bidwell and Warm Springs schools, 225 to 300 miles away. This is necessary under present conditions.⁴²

For many years, the government had sent Paiute children away from home to boarding schools such as Fort Bidwell, Warm Springs, and Chemawa, often to the dismay of their parents and families. For years, parents had complained about this situation, pushing for the ability to keep their children at home and educate them nearby. Not only did the separation of children from their families cause personal distress, it limited the

⁴¹ Chas. H. Burke to Supervisor Horace G. Wilson, September 3, 1915. BIA, RG 75, NARA-Seattle.

⁴² Burns and Harney County Commercial Club, Letter to the Committee on Indian Affairs, 1926. Chas. H. Burke to Supervisor Horace G. Wilson, September 3, 1915. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

influence of their parents and relatives, and restricted the passing on of Paiute knowledge and values. The issue of whether children would attend a day school in Burns or a boarding school many miles away was not simply an issue of familial preference, but involved the survival of a culture and the ability of a society to control their own fate. The push of parents to keep their children at home represented advocacy for sovereignty over their community affairs, and for agency in their children's lives and educations, and the founding of the Burns Day School represent a response to the plight of families like the Teeman's and Shakespear's discussed in the introduction. Several years after the school board rejected the proposal of sending the Paiute children to the public school, the Burns Day School was officially established and began teaching classes in November 1928.⁴³

In studying these documents from the late 1920s and early 1930s, the presence of Wada-Tika voices is little to non-existent. This glaring absence is indicative of the fact that the government prioritized the voices of white government officials and townspeople, and that many Burns Paiute community members were illiterate at that point. The Northern Paiute language was traditionally only an oral language, and the written word was introduced with colonization in the 19th century.

⁴³ Stowell, *The Wada-Tika of the Former Malheur Reservation*, 295.

Boarding Schools and Assimilationist Policy

The federal government viewed education as a cheaper and more peaceful alternative to outright military action in solving the “Indian problem.”⁴⁴ In place of battlefield combat came an ideological warfare waged against children – Indian boarding schools would indoctrinate and assimilate young Indigenous people to the Western values of capitalism and Christianity, thereby displacing their Native cultures, values, and languages. Many of these schools used harsh and militaristic punishments for students who did not comply with school rules, such as speaking only in English, and deaths in these institutions were not uncommon -- the death rate at Chemawa Indian School during its first five years was 13%.⁴⁵ Clemmer reports that these tragedies often went unexplained in teacher and agency reports.⁴⁶

While any educational institution provided space for this cultural conversion, boarding schools offered the advantage of separating children from their families for prolonged periods, allowing schools to exercise greater influence and control over their pupils. Chemawa, founded in 1880 in Forest Grove, Oregon and eventually moved to Salem in 1885, was the first Indian boarding school opened in the West; Ruhl writes, “The government opened Carlisle [Boarding School] and Chemawa within a year of each other and former military officers...each headed the schools.”⁴⁷ These militaristic roots of education link schooling to an indirect form of warfare. Although Wilkinson,

⁴⁴ Ruhl, Melissa. "Forward You Must Go": Chemawa Indian Boarding School and Student Activism in the 1960s and 1970s, 3. 2011.

⁴⁵ Cary Collins, “The Broken Crucible of Assimilation: Forest Grove Indian School and the Origins of Off-Reservation Boarding-School Education in the West,” *Oregon Historical Quarterly* 101, No. 4 (2000): 472 and 474.

⁴⁶ Clemmer, *The Confederated Tribes of Warm Springs, Oregon: Nineteenth Century Indian Education History*, 110.

⁴⁷ Ruhl, "Forward You Must Go", 3.

the founder of Chemawa, had committed violence against Native noncombatants in wars between tribes and U.S. government, he was nonetheless entrusted with the education and welfare of young Native people.⁴⁸ The government established these schools to be places of assimilation and industrial education, following Carlisle founder Richard Pratt's prescription to "kill the Indian in him and save the man."⁴⁹ In the 1890s, Congress ruled that attendance at US schools would be compulsory for all Native children, and "Indian agents could force parents to send their children to schools of the agent's choosing", however, notably Oregon did not mandate compulsory education until 1922.⁵⁰

In their book *American Indian Education: A History*, Jeanne Oyawin Eder and Jon Reyhner write, "The experiment in education was decidedly an ethnocentric one. Through education, Indians were to lose their heritage, in particular, their native religion and language."⁵¹ Schools functioned as the center of assimilation in communities; children were to reject their native culture in favor of a Western one, and bring their newfound knowledge home to their families, thereby converting whole communities to Anglo-American culture. The ideological basis of these practices stemmed from a strong sense of cultural, religious, and moral superiority among white settler society that both justified the conquest of Native lands, and rationalized the assimilation of Native peoples to Western culture. An excerpt from Lomawaima and

⁴⁸ Ruhl, "Forward You Must Go", 3.

⁴⁹ Adams, *Education for Extinction*, 52.

⁵⁰ Ruhl, "Forward You Must Go", 3.

⁵¹ Reyhner, Jon Allan, and Jeanne M. Oyawin Eder. *American Indian Education: A History*. Norman: University of Oklahoma Press, 2004. 74.

McCarty's book *To Remain an Indian: Lessons in Democracy from a century of Native American education* illustrates this point well:

The 'civilized' nation assumed that its right to dispossess Native nations went hand in hand with a responsibility to 'uplift' them, and mission and federal 'Indian schools' were established as laboratories for a grand experiment in cultural cleansing, Christian conversion, and assimilation of laborers and domestic workers in to the workforce.⁵²

By and large the Warm Springs Boarding School on the Warm Springs Reservation fell within the trend of boarding schools across the United States. Records from Warm Springs Agency indicate that the schools on the Warm Springs Reservation aligned with this ideology. In a monthly teacher report from the Malheur Day School, a small school that eventually was consolidated into the Warm Springs Boarding School, teacher Troy Shelly writes,

The object aimed at, if I understand the work, is to teach the children to dress, to eat, to sleep, to work, and to study as white people do. With only one month experience I am fully satisfied we can never make successful progress towards these things, without taking the children away from their parents. In other words, a boarding school is the only road to success. The influence of the parents continually counteracts the influence we have over them. Soon, the parents will start on their summer trips for the mountains, taking their children with them. Many of the children, I am satisfied, could be induced to remain, if we were only prepared to care for them. The expense, in making the beginning of a boarding school, would be comparatively trifling. We the have the room already. All the extra expense would be the purchase of, say, 20 blankets, and as many straw ticks, and a small cooking outfit. With this beginning, and with time and patience, we could expect to accomplish much; without it, we are continually crippled and hampered in our progress.⁵³

⁵² Tsianina K Lomawaima and T. L. McCarty. *"To Remain an Indian": Lessons in Democracy from a century of Native American education*. New York: Teachers College Press, 2006. 4.

⁵³ Troy Shelley. Monthly Report of Malheur Day School, March 1878. Chas. H. Burke to Supervisor Horace G. Wilson, September 3, 1915. Bureau of Indian Affairs. Record Group 75. WS 15. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

The candor of this teacher is rather startling; he states outright that the goal of assimilation could only be successfully accomplished by means of total immersion through isolating children from their parents; what he advocates for is essentially cultural genocide and destruction. This attitude reflects the ideology of the phrase “Kill the Indian, save the man” that formed the basis of schools like Chemawa and Carlisle. The Warm Springs Boarding School (previously the Warm Springs Industrial School and the Day and Boarding School) was eventually consolidated from several smaller day schools on November 1, 1897.

The often coercive nature of the Warm Springs Boarding School is readily apparent in a statement from one Warm Springs Agent; in her book *The Confederated Tribes of Warm Springs, Oregon: Nineteenth Century Indian Education History*, Clemmer cites a letter from James E. Kirk, Superintendent and Special Disbursing Agents of Warm Springs, as saying: “I have used every means within my power, except that of force. Informed the Captain of Police, a short time ago, that we would have to resort to force, which he positively refused to do. He stated that he was a professor of religion and could not conscientiously countenance the use of force to bring children into school. I accepted his resignation and appointed a new captain.”⁵⁴ Kirk’s statement highlights the trend of government agents advocating the use of force in compelling children to attend school. Chemawa, originally called the Forest Grove Boarding School, served as both a template for other boarding schools in Oregon, and a final destination for some students; Clemmer reports, “If the government’s grand plan for

⁵⁴ Clemmer, *The Confederated Tribes of Warm Springs, Oregon: Nineteenth Century Indian Education History*, 197; James E. Kirk to William A. Jones, February 16, 1901, Warm Springs Agency, Oregon, Record Group 75, Federal Records Center, Seattle, Washington.

making the Forest Grove Indian School act as a sort of Carlisle West experiment, the smaller reservation schools would function somewhat as a sorting mechanism by determining ‘the ablest and best’ of their students. The students, in turn, would be shipped off to Forest Grove to become a finished product, fit for ‘survival’ in a civilized world.”⁵⁵ This attitude prevailed in schools around the country, with detrimental and destructive effects on American Indian children, communities, and cultures.

In contrast, the Indian Office did not create the Burns Day School with the explicit goal of assimilation. Rather, it was a temporary solution to the issues associated with sending children from Burns far away to places like Fort Bidwell, Chemawa, and Warm Springs, and roadblocks encountered when Heuel attempted to enroll Paiute children in the public school. Although Indian boarding schools were still the norm at this time, the Burns school emerged at a time when the Indian Service was beginning to establish day schools for Native children more frequently, and at times rely on public schools for the education of Native children.⁵⁶ This slow evolution of policy represented somewhat of a departure from the rigidly promoted boarding school system, of the late 19th and early 20th centuries. Implicitly assimilatory policies nonetheless played a role in the curriculum of the Burns Day School, including the exclusive use of English in the classroom, hygiene instruction, and the provision of Western food for the children.

⁵⁵ Clemmer, *The Confederated Tribes of Warm Springs, Oregon: Nineteenth Century Indian Education History*, 96.

⁵⁶ Meriam, Lewis. *The Problem of Indian Administration; Report of a Survey Made at the Request of Hubert Work, Secretary of the Interior, and Submitted to Him, February 21, 1928*. Studies in Administration (Washington, D.C.). Baltimore: Johns Hopkins Press, 1928: 28.

The Burns Day School, 1928-1933

Prior to delving into an analysis of the Burns Day School, it is necessary to introduce several key characters in the story. Firstly, Dorothy Deane was a visiting teacher hired by the Indian Office to teach in the classroom, audit the school, and evaluate the work of the regular school teacher, Clinton O. Talley. Clinton Talley was a teacher employed by the Indian Office to instruct the children in the Burns Day School, and his wife Mrs. Talley was hired as the matron of the school. Father Peter Heuel, who I have already discussed at some length, was a Catholic priest in the Burns parish who became deeply involved in the Burns Paiute community in the 1920s.

The Burns Day School proved a complicated entity – it’s very existence came as the result of the Paiute families, with the help of Father Heuel, pushing for a school close to home, as well as the refusal of the school board to accept Paiute children due to “poor hygiene”. The school was both a victory for Paiute families as it allowed them greater agency in their children’s lives, and it served as the locus of government influence – both positive and negative -- in Burns. While the school did serve as the arm of the federal government, many sources indicate that the government took on this role reluctantly, and with the intent of extricating themselves as quickly as possible. Because the Burns Paiute were officially a “colony” rather than a reservation, the government believed it had no obligation to provide for the Wada-Tika. Based off letters written by government agents, the creation of a school for Paiute children is suggestive of the fact that the government did not establish the Burns Indian School as a long-term solution to the issue of sending Paiute children to a place like Chemawa and Warm Springs. Rather, it was a step in the process of entering the children into the

Burns Public School, which would relieve the government of its perceived responsibility toward the Burns Paiute while keeping the children in the Burns area. For many Paiute parents, it was preferable to send their children to the Burns Day School than to a boarding school many miles away from their homes.

As the school board used “hygiene” as the main justification for barring Paiute children from enrolling in public school, the government – wishing to minimize expense and transfer children to the public school as efficiently as possible – decided that the school should significantly focus its efforts on hygiene. The government frequently established schools for children on and off-reservation with the overt goal of assimilation and acculturation; however, it seems that explicit assimilationist motives were not a serious consideration in the establishment of the Burns Indian School.⁵⁷

Through studying letter and documents from Indian Agents, it is quite clear that the government's primary goal in founding the school was to teach the Paiute students to be sufficiently "hygienic" and healthy enough for the school board to allow them to attend the public school. In a 1932 letter to Field Representative Henry Roe Cloud, Superintendent Perkins writes, "We were told that the Indian children would be accepted if and when the Indian Service could get them in proper shape physically and improve the home conditions so that the children could be kept clean."⁵⁸ This letter indicates both a paternalistic attitude and a reluctance to take responsibility for the economic situation of the Wada-Tika. Because the Burns Paiutes did not have an

⁵⁷ Adams, David Wallace. *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*. Lawrence: University Press of Kansas, 1995; Tsianina K Lomawaima and T. L. McCarty. *"To Remain an Indian": Lessons in Democracy from a century of Native American education*. New York: Teachers College Press, 2006.

⁵⁸ F. E. Perkins, Superintendent, to Henry Roe Cloud, Field Representative, August 24, 1932. BIA, RG 75, NARA-Seattle.

official reservation, government agents treated their presence in Burns as a problem to be solved, as seen in a letter from one Indian Agent, "We can never solve this Indian problem except by the aid of the citizenry."⁵⁹ Although it was the government that had promoted and aided in the colonization of the Paiute's homeland, and later dissolved the Malheur Reservation, agents from the Office of Indian Affairs only reluctantly, even grudgingly, addressed the issues the Wada-Tika faced in Burns. This attitude proved foundational to the way that the government handled the education situation in Burns.

Inherent in the undertaking of teaching hygiene to Paiute children was the teaching of Anglo-American culture and values, which went hand in hand with the devaluing of Native practices. Unlike the founders of the Warm Springs Boarding School, the government did not explicitly promote the assimilation of Wada-Tika children; however, the teaching of Western health and hygiene practices nonetheless served as a force of cultural assimilation. White townspeople and government institutions perceived the Paiutes as culturally deficient in their hygiene practices, and the school was meant to be a place where Paiute children could learn how to conform to a Western conception of hygiene. In "Survey of the Paiute Indians, visiting teacher Dorothy Deane wrote that the Burns Paiute had a "lack of understanding and application of laws of sanitation."⁶⁰ A petition from the Burns and Harney County Commercial Club advocated for segregation, claiming, "Personal sanitation or hygiene is unknown to the Indians of this tribe...The only practical method of educating these Indian children is in separate schools presided over by trained Indian teachers, devoting most of their work to manual training. The children cannot assimilate the public school

⁵⁹ Sam Thompson to Mr. Rhoads, April 15, 1933, Lapwai Indian Agency. BIA, RG 75, NARA-Seattle.

⁶⁰ Dorothy Deane. "Survey of the Paiute Indians." 1933. 22. BIA, RG 75, NARA-Seattle;

courses with white children.”⁶¹ The comment about manual labor speaks to a common practice in Indian schools of devoting half or more of the school day to manual and industrial work, rather than academics. This practice was both rooted in the belief that Native children were intellectually inferior, and would limit their ability to compete with white professionals.⁶² Additionally, both the statement by the Commercial Club and Ms. Dean’s letter imply a belief that Paiute people were naturally and culturally unclean, and had to be taught by white teachers. Thus, the teachers at the Burns Day School were charged with teaching the children practical health and hygiene skills.

Healthcare and the School

According to the daily schedule laid out by Dorothy Deane in "Survey of the Paiute Indians," for a 15-minute period per day the teacher instructed the children on how to brush their teeth.⁶³ Furthermore, children at school could be treated for medical concerns outside of the household, where parents were often suspicious of western doctors. One letter states, "With the children attending school the physician could easily treat them daily for some time; after that they would know how to care for their eyes better and not need constant attention."⁶⁴ Illustrative of the government’s grudging acceptance and eagerness to rid itself of responsibility, the Burns Day School allowed the government to bypass the need for parental consent and compliance in medical care, and thereby expedite the process of “hygienicizing” the Paiute children.

⁶¹ Burns and Harney County Commercial Club, Letter to the Committee on Indian Affairs, 1926. BIA, RG 75, NARA-Seattle.

⁶² Reyhner, Jon Allan, and Jeanne M. Oyawin Eder. *American Indian Education: A History*. Norman: University of Oklahoma Press, 2004.

⁶³ Dorothy Deane. "Survey of the Paiute Indians." 1933. 22. BIA, RG 75, NARA-Seattle

⁶⁴ Chas Burke, letter to Supervisor Horace G. Wilson, September 3, 1915. BIA, RG 75, NARA-Seattle.

The Paiute community had to contend not only with public perception of ill health, but with widespread racism and the stereotype of uncleanness. The government believed that it was not enough to make the children more hygienic, but that it was necessary to show the school board that the children's homes and families were healthy and clean too. As a result, the school's priority of spreading hygiene and health went beyond just the pupils, extending to the entire community. This view of the Paiute community did not emerge in a vacuum -- many members of White-settler society held the prejudice that Native people were unclean and ignorant. In *Education for Extinction*, Adams writes that the Indian Office often claimed, "Indian children often came from filthy, disease-ridden households where knowledge of hygiene was completely absent... both Indian parents and students alike were still under the influence of savage superstitions."⁶⁵ It is apparent that racist beliefs were common among the white townspeople from Burns. Field Representative Henry Roe Cloud wrote in a report that the inability of the Indian Office to get the Paiute children into the public school was due to racial prejudice held by White citizens of Burns, a point which is readily apparent in letters and correspondences.⁶⁶

More direly, this prejudice became systemic racism at the local hospital. The politics surrounding the exclusion of Paiutes from the local hospital appears to have been somewhat nefarious, and tangled up in industrial and clerical motivations. A 1933 report from Field Representative Cloud states:

...The Priest [Peter Heuel] pled with the government representative, Clinton O. Talley, teacher in charge at the Burns Indian Village and

⁶⁵ Adams, *Education for Extinction*, 133.

⁶⁶ Henry Roe Cloud to F. E. Perkins, September 22, 1933. BIA, RG 75, NARA-Seattle

government contract doctor B. F. Smith for more adequate rations and greater efforts for the health of this people. He cited figures to show that the race was dying out... A conflict ensued. Dr. B. F. Smith, government contract physician joined forces with Clinton O. Talley, government teacher, to down this Zealous priest. The zealous priest retaliated by trying to oust these two government officers. The conflict widened until it involved the Elder Mr. Hines, Ralph Hines, the son, the Hines lumber Co., the Sister's hospital, and the Burns Chamber of Commerce then spreading the conflict throughout the citizenry generally. Elder Mr. Hines attempted to purchase the timber growing on what was the original Malheur Piute (*sic*) Indian Reservation. The priest, Rev. Peter Heuel, thinking that this reservation properly belonged to the Piute (*sic*) Indians and that eventually it would be adjusted in this favor, opposed the Government-Hines deal on the grounds that there was a cloud on the title. The Elder Hines being more interested in timber and profits than in distressed Indians also clashed with the Priest... This claim is openly made by Ralph Hines, the son, that the Elder Hines on his trip to Rome was instrumental in having the Bishop relieve Peter Heuel of his parish.⁶⁷

In this case, the Wada-Tika received negligible health care services from government contract Dr. Smith due to racial prejudice, and school teacher Clinton Talley stood by Dr. Smith in his actions despite Father Heuel's protest. The fact that the school teacher, who was entrusted with education and care of Wada-Tika children, sided with the government doctor rather than the interests of the Burns Paiute is illustrative of his role as the representative of the federal government. The report continues, "The claim is made that Dr. B. F. Smith drove the Catholic sisters out of Burns 'bag and baggage'. The fight for the control of the Sister's hospital resulted in victory for Dr. B. F. Smith. Dr. Smith maneuvered the Hines Lumber Co. into buying the controlling interest in the Sister's Hospital. Whereas the Sisters took in Indians and whites alike, the Indians are

⁶⁷ Henry Roe Cloud to the Commissioner of Indian Affairs September 20, 1932. BIA, RG 75, NARA-Seattle.

now excluded in the Hines controlled hospital.”⁶⁸ The way in which the government sided with the Hines Lumber Co. shows a baseline disrespect for the rights of Burns Paiute people, and is also indicative of the complicated relationships that existed between government officials, business interests, and Father Heuel. This situation illustrates of white business interests’ wholesale disregard of the Burns Paiute’s right to their lands, and gives valuable insight into the social and political situation in Burns.

Dorothy Deane's report asserted that one doctor had claimed that 98% of the Paiutes had a venereal disease, but expressed doubts as to the accuracy of this claim. She writes, "the townspeople of Burns, however seem quite convinced that the Paiutes have a generous supply of disease and it is imperative that steps be taken without delay, either to disprove such statements, or change conditions, before children will be admitted to the public school."⁶⁹ This statement shows that the public perception, which appeared to be racially motivated, held significant sway in the admittance or non-admittance of Paiute children to the public school, and likely had a significant impact on government policy in regards to the way the school was run and hygiene practices were taught. As the government wished to avoid the expense of the keeping the Burns Day School open for very long, and in order to convince the school board to admit Paiute students, government officials would have to try to disprove high rates of disease, or to make visible improvements in the health conditions of the community.

⁶⁸ Henry Roe Cloud to the Commissioner of Indian Affairs September 20, 1932. BIA, RG 75, NARA-Seattle

⁶⁹ Dorothy Deane, "Survey of the Paiute Indians." 21. BIA, RG 75, NARA-Seattle

Food and Agriculture as Political Tools

Government officials and teachers believed that malnutrition and poor diet played a major role in the health issues and high prevalence of diseases such as trachoma among Burns Paiute people. As the only governmental institution connected to the Paiutes in Burns, the Burns Day School came to serve as a vessel of governmental influence. Although the government had other reasons for providing rations to the Burns Paiute community, feeding the children would increase the likelihood that the government could enroll them in the public school.

Difficultly finding work due to the racism of employers and general job scarcity during the Great Depression contributed greatly to the Wada-Tika's lack of food. Their situation was so extreme that numerous sources reported Paiute people scavenging for food in garbage cans of white people and restaurants.⁷⁰ The impacts of racism can be seen in a controversy with the local Catholic church: when Father Heuel welcomed Paiutes to attend the same church as the white townspeople, the white Catholic citizens of Burns reacted by pressuring their Bishop to place Father Loeser in charge of the parish, thereby displacing Father Heuel.⁷¹ Deane also reports that the Burns Paiutes had been denied permission to subsistence hunt year round, and were only allowed to hunt and fish during the short season when the whites were allowed.⁷² This limitation on fishing and hunting rights went hand in hand with the promotion of a Western, agrarian lifestyle in place of a traditional hunter-gatherer lifestyle.

⁷⁰ Dorothy Deane, "Survey of the Paiute Indians." 21. BIA, RG 75, NARA-Seattle

⁷¹ Henry Roe Cloud to the Commissioner of Indian Affairs, September 20, 1932. BIA, RG 75, NARA-Seattle.

⁷² Deane, "Survey of the Paiute Indians." 23. BIA, RG 75, NARA-Seattle

The matron of the Burns Day School, Mrs. Talley, provided daily meals for the children. These meals differed significantly from a traditional Wada-Tika diet, which consisted of a variety of roots, piñons, seeds, huckleberries, salmon, camas, juniper, deer, and elk, among other foods.⁷³ Although the hunting and fishing limitations placed upon the Paiutes inhibited their ability to eat traditional foods, many families did their best to continue the traditional food gathering practices. In her survey, Deane notes that the Paiute's diet lacks fresh fruits, vegetables and milk, writing, "there is no wild fruit accessible to the Indians amid this sagebrush. There is no opportunity to raise gardens unless water is supplied them. There is no hay for cows, nor money to buy enough. There are plentiful tin cans for goats."⁷⁴ Although the Wada-Tika had survived and thrived for thousands of years in the high desert, the colonial view looked blindly upon the land that had provided bountiful sources of food that had fed the Paiutes for generations. In her report, Dean lays out the daily meals of the students in the school:

April 3: Corn Soup, Boiled Eggs, Canned Peaches, Bread, milk. April 4: Baked potatoes, canned peaches, bread, milk. April 5: Vegetable beef soup, stewed peaches, bread, milk. April 6: vegetable beef soup, apricots, bread, milk. April 7: Scalloped potatoes, hamburger patties, raw carrots grated, bread, milk.⁷⁵

Although the food served was not an explicit means of assimilating Paiute children to a Western diet, the food served implicitly promoted Western food culture and reflected the sense cultural superiority that both drove and grew out of colonialism. The Paiute people were largely prevented from pursuing their traditional diet and way

⁷³ Minerva Soucie, "Burns Paiute Tribe."

⁷⁴ Deane, "Survey of the Paiute Indians." 25. BIA, RG 75, NARA-Seattle

⁷⁵ Ibid, 18.

and life, and although serving these foods at the schools acts as a force of assimilation and acculturation, they proved necessary for survival within the established system.

According to Deane, 123 of the 138 people at the Paiute camp received government food rations, which were distributed by the school teacher Clinton Talley every two weeks.⁷⁶ Government officials and teachers believed that health issues in the Paiute community resulted from poor diet.⁷⁷ Deane cites complaints by the white people from Burns complaining about Paiute people foraging through their garbage cans for food.⁷⁸ These complaints show the severe lack of food in the Colony, as well as prejudice towards the Paiute community on the part of the white townspeople. Furthermore, the fact that the teacher was charged with the task of distributing rations makes obvious his role as an appendage of the federal government, and showing that his duties went beyond that of mere school teacher. Unlike most governmental schools for Native children in the U.S., the Burns school was not just an institution of assimilation and education, rather it was the hub of government influence and assistance.

Moreover, the government did not provide rations out of a sense of responsibility to a people whose lands and food sources they had taken, but rather as a politically motivated action, as seen in one 1933 report to the Commissioner of Indian Affairs:

The office should survey the country about Burns and select for each family at least a ten acre tract suitable for gardening, chicken raising, and maintenance of a cow for the own self support...*Unless this is done, the government will have the job of feeding these Indians forever and upon*

⁷⁶ Dorothy Deane, "Survey of the Paiute Indians." 21. BIA, RG 75, NARA-Seattle

⁷⁷ Ibid.

⁷⁸ Ibid.

*failure of doing so, will have to bear the political attacks upon itself from every quarter.*⁷⁹ (Italics mine.)

This citation illustrates the degree to which the federal government wished to avoid the responsibility of providing food for Burns Paiutes, and in promoting a Western farming lifestyle, could minimize the expense of providing rations while still promoting a “civilizing” agenda. Furthermore, the prophecy that the government would endure “*political attacks... from every quarter*” when they failed to provide for the Wada-Tika shows that the provision of rations was, at its core, a political move.

The government's real interest lay not in the well-being of the Paiutes, but in avoiding bad publicity.⁸⁰ The author may also have been appealing to whatever means he knew that would stoke a response, but the core of the message is essentially the same -- political expediency would come above all else. While not an uncommon move for governmental agencies wishing to avoid scrutiny, it proved uniquely fateful for the Burns Paiutes. The push for Paiutes to adopt an agrarian lifestyle represented an additional attempt to “civilize” the Paiutes by promoting sedentary ranching as a superior lifestyle to nomadic hunting and gathering. This ideology descended from the highest echelons of government; in his December 4, 1871 State of the Union Address, President Ulysses Grant proclaimed,

Through the exertions of the various societies of Christians to whom has been intrusted (*sic*) the execution of the policy... many tribes of Indians have been induced to settle upon reservations, to cultivate the soil, to perform productive labor of various kinds, and to partially accept civilization. They are being cared for in such a way, it is hoped, as to

⁷⁹ Henry Roe Cloud to Commissioner of Indian Affairs, September 20, 1933. BIA, RG 75, NARA-Seattle

⁸⁰ Ibid.

induce those still pursuing their old habits of life to embrace the only opportunity which is left them to avoid extermination.⁸¹

The promotion of an agrarian lifestyle served as a force of Americanization and assimilation, which the government saw as the more peaceful alternative to “extermination”. Whether or not lower-down agents in the Indian Service viewed their work this way, or saw themselves as benevolent and charitable helpers, the impacts of this agenda were the same – it served to dismantle traditional Paiute lifeways and culture, and attempted to replace it with Western practices and values.

For the Wada-Tika, who had lived traditionally as hunters and gatherers, farming was not a part of their culture or way of life, and the traditional lifestyle of the Paiutes gathered food had been adapted over many thousands of years to suit the climate and geography of their lands.⁸² For one, the soil in the Burns area was so poor that gardening of any kind proved nearly impossible. Government agents made requests for funding to execute irrigation projects, but found little success.

The very basis of the Burns Paiute's dependency on the government came about as a direct result of colonization and conquest; the settlement of the Great Basin during the 19th century and the consequent wars of extermination, cultural genocide, forced removal from their ancestral lands, and general mistreatment by the federal government all worked to create a situation in which the Paiute depended on the government for survival. In many ways, the process of colonization self-perpetuated; the colonization and settlement of Paiute land led to a situation in which the Burns Paiute depended on

⁸¹ "State of the Union Address: Ulysses S. Grant (December 4, 1871).

⁸² The Great Basin." In *The First Oregonians*, edited by Laura Berg, by C. Melvin Aikens and Marilyn Couture. 2nd ed. Portland, Or.: Oregon Council for the Humanities, 2007. 277.

their colonizers for basic survival, and struggled to preserve and practice their traditional life ways during the 1930s.

The school, as the arm of the federal government in Burns, provided the Wada-Tika with basic necessities in the form of rations and healthcare, which served both as a force of assimilation and as a survival necessity during an economically unstable time.

Government Schools as Tools of Economic Control

Economics played a forceful role in the motivations and politics of government schools, both outside of and within Burns. The incident involving Clinton Talley sending Emma Shakespear and Ruby Teeman to Chemawa, described at the beginning of this paper, provides a valuable glimpse into how the government officials manipulated the relationship between education and economic conditions in order to avoid expense, deny blame and responsibility, and to use their power to control Paiute people. Government employees justified these actions by claiming intellectual and moral superiority, and abused their position of power.

After Emma Shakespear and Ruby Teeman were taken from Burns to the Chemawa Indian School, the Teemans and Shakespears petitioned various officials to bring the girls home, and finally resorted to writing to United States Senator Lynn Frazier in June of 1932.⁸³ This action by the Teemans is another instance in which Paiute parents exercised agency in a coercive colonial context, and advocated for themselves and their children to the federal government. While the parents of the two girls maintained that they had not given informed consent their children at Chemawa, members of the Indian Service rejected their side of the story. In correspondence between the highly unpopular school teacher Clinton Talley and Superintendent F. E. Perkins in July of 1932, Clinton Talley denied allegations that the girls had been taken without permission letter states,

There could be no question of the parent's consent to have the girls enrolled at Chemawa, as was set out in the complaint lodged with the

⁸³ Roscoe Teeman and Mary Teeman, to Lynn Frazier, United States Senator, June 28, 1932. BIA, RG 75, NARA-Seattle.

office. The parents gave their consent freely...We made no promise to return the girls at vacation time.⁸⁴

It appears that Talley took advantage of his status as a government employee to evade responsibility for the fact the girls were not returned to Burns, and to deny the alleged promise that they were to be returned. Furthermore, he defends this position by implying that the girls were better off at Chemawa than in Burns, and that the economic status of their parents justifies keeping them at Chemawa against their parents explicit request. The letter states, "The families have no means of support. The Temans (*sic*) asked for rations only yesterday. The Shakespeares are rationed regularly.

Environmental conditions here are not favorable for girls of Ruby and Emma's ages."⁸⁵

With the children attending Chemawa, the government would not be responsible for providing rations for them, therefore alleviating a portion of their responsibility for feeding the community. Later in the letter, Talley further attempts to justify withholding the children from their parents by saying that their education will end if they are sent home, which he claims was an unacceptable outcome.⁸⁶ This letter shows the government's wish to relinquish the responsibility of feeding more people, and attempting to do so using their political and social power within the education system.

Similarly, government officials took advantage of economic hardship, denying rations to families unless they sent their children to boarding school as a means of community control and to save on rations. In a sworn statement in October, 1931 Frank Wewa attested that Clinton Talley and the Warm Springs Reservation Superintendent

84 Clinton O. Talley to Superintendent F. E. Perkins, July 16, 1932. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

⁸⁵ Ibid.

⁸⁶ Ibid.

promised rations to Canada Shakespear and his family only if he sent his children to the Warm Springs Boarding School. Despite the apparent cruelty of this situation, it was legally bona fide. In her book *To Live Heroically: Institutional Racism and American Indian Education*, Cherokee scholar and historian Delores Huff tells us, "in 1892, Congress authorized the BIA to withhold rations from any Indian family unwilling to have their child sent away to school.,," a policy which was enforced by government officials on reservations and in Native communities around the country.⁸⁷

However, upon sending his children to Chemawa, Mr. Shakespear asked Talley for rations, but Talley responded, "You must starve now."⁸⁸ Additionally, Wewa stated, "Mr. Talley has no regular time, when he gives rations to the poor and needy Indians. He gives it just when he is inclined to do so."⁸⁹ Wewa's statement is indicative of one government agent's attempt to limit the quantity of rations distributed by any means, including coercing families into sending their children to boarding school. The statement also illustrates the careless manner in which Talley distributed rations with little concern for the needs of Wada-Tika people. In this situation, government agents used educational institutions as coercive tools to control Native children and families. It further shows the degree to which Talley attempted to control and influence Paiute people using the power bestowed upon him as a government agent. The government's use of the education system both to limit the number of people who needed rations, and as a justification for withholding rations from families shows their desire to avoid

⁸⁷ Huff, Delores J.. *To Live Heroically: Institutional Racism and American Indian Education*. Albany, NY, USA: State University of New York Press, 1997. 4.

⁸⁸ Frank Wewa, sworn statement, October 20, 1931. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

⁸⁹ *Ibid.*

responsibility for the feeding of hungry Paiute people. Forcing parents to send their children to boarding school reinforced a system of forced assimilation and cultural destruction, and allowed government employees to exploit their position of power over Native peoples.

While it is nearly impossible to ascertain precisely what happened in case of Ruby Teeman and Emma Shakespear due limited letters and depositions from the time, several things are clear: the Teeman's and the Shakespear's felt sufficiently wronged and distraught as to write a letter to Senator Frazier, Father Heuel became involved in the situation, and Mr. Talley had a history of mistreating Paiute children in the Burns Day School.⁹⁰ One letter from Sam Thompson in April of 1933 indicates that Father Heuel became entangled in the situation, driving to Chemawa to retrieve Emma Shakespear and Ruby Teeman:

This was the hardest fight I have had since entering the Service but it is won if the Office ploughs a straight furrow and order the school closed by June 30th and gives out to Indians and all that it will not brook outside interference by any one. I think that will somewhat quiet Father Heuel. Surely something can be done about him...Last summer Dr. Ryan wired me to go to Burns to see about bring home from Chemawa two girls for the summer who had been away a year – I was there in July. I thought they should stay and the Office sustained me but Father Heuel took his car and brought them back. They have not been to school since. My report of last year will show why they should have remained in school

⁹⁰Cloud, Henry Roe. Henry Roe Cloud to the Commissioner of Indian Affairs, September 20, 1932. BIA, RG 75, NARA-Seattle. Henry Roe Cloud reports: "He, Clinton O. Talley, knowing strict regulations against corporeal punishment denies having administered corporeal punishment in the face of such charges of the whole Indian village including the children thus punished... There are too many claims of slapping and whipping for such to arise out of the mere malicious fabrication from children especially. Here is the word of one man against all the Indians. Clinton O. Talley absents himself during school hours spending his time in the town of Burns performing unessential or other enumerated errands."

and their conduct since or rather their environment is further proof... Is the Office acting properly to permit an outsider to so interfere?⁹¹

In the above excerpt, it is clear that the government was not concerned about the desire of the Teeman's and Shakespear's to bring their children home, and objected to the fact that Father Heuel intervened in the situation. Government officials opposed the influence or interference of an "outsider" – Father Heuel – because it limited the power and control they could exercise over the education of Wada-Tika youth. Father Heuel continued to be actively involved in the Burns Paiute community until his death in 1945.

These texts illustrate the way in which the government attempted to limit responsibility and expense by manipulating the relationship between rations and the education system. In this instance, the school teacher acted as the arm of the federal government, providing and withholding rations in a way that allowed him to control the population. One school employee wrote, "as it is, Burns is a thorn in the side of the Service."⁹² These instances show that the government wanted to avoid dealing with the economic situation at Burns, and used the power boarding schools as way to avoid this duty.

⁹¹ Sam Thompson to Mr. Rhoads, April 15, 1933, Lapwai Indian Agency. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

⁹² Cleora C. Helbing, Associate Supervisor of Home Economics, letter to Edna Groves, August 26, 1932. Bureau of Indian Affairs. Record Group 75. WS 15: Records of the Burns Sub Agency. National Archives and Records Administration. Seattle, WA. (BIA, RG 75, NARA-Seattle).

The Evolution of the School, and the Fight for Financial Compensation and Federal Recognition as a Tribe

The Evolution of the School

At a meeting of the Burns School Board in 1932, the board members agreed that when doctors declared the Wada-Tika children free of communicable disease and dressed in Western attire, the homes in Old Camp (where most Wada-Tika families lived) were cleaned, and that someone was employed at the colony to maintain these stipulations, the board would permit them to attend public school in 1933.⁹³ However, when white townspeople caught wind of this agreement, they reacted ferociously and petitioned against this arrangement. Stowell writes, “In May 1933, eighteen Burns citizens sent a letter of protest to the Commissioner of Indian Affairs, John Collier. Parents informed Collier that the enrollment of Indian students in the Burns schools would result in their taking "steps to prevent the tragedy of the complete disruption of our excellent school system."⁹⁴ The racism which ran rampant in Burns reared its ugly head once again – the parents went on to say that "the remnant of the Piute (sic) Tribe in this vicinity are of the lowest standard morally, mentally and physically; that they are infected with contagious and incurable diseases ... If these children are forced into our schools at the time above mentioned, the white pupils will be withdrawn to a large majority.”⁹⁵ The Indian Office eventually acquiesced to the racist demands for

⁹³ Stowell, *The Wada Tika of the Former Malheur Reservation*, 308.

⁹⁴ Ibid.

⁹⁵ From Stowell, *The Wada Tika of the Former Malheur Reservation*, 308: Letter of protest from 18 Burns citizens about enrollment of Indian children in Burns Public Schools to Mr. John Collier, Commissioner of Indian Affairs, May 22, 1933. CCF, 8686-21-Warm Springs-735, Pt. 4 (2 of 2), RG 75, NA.

segregation of white parents, and kept the Burns Day School open for several more years.

By 1935, there were 44 children attending the school creating crowded conditions in the small one-room schoolhouse, and the Indian Office hired a second teacher, allowing grades 7 and 8 to be added to the curriculum.⁹⁶ Eventually, in 1948, the Burns School Board deemed the Burns Paiutes sufficiently “hygienic” and free of disease, and allowed the desegregation of schools, permitting Burns Paiute children to attend the Burns Public School.⁹⁷ At this point, the Burns Day School was dissolved as it had served the purpose of the federal government – to facilitate the “hygienicizing” of the Burns Paiute colony in order to garner the approval of the white community in Burns. By and large, Wada-Tika children were no longer sent to boarding schools hundreds of miles away, but remained at home with their families while attending public school.

Financial Compensation for the Loss of the Malheur Reservation

In October of 1934, Paiutes and “Snake” Indians who had either lived on the Malheur Reservation, or were the descendants of those who had, convened a meeting in Burns to decide whether they wanted Father Heuel to represent their claim for compensation before the federal government. The Paiutes who congregated voted unanimously to sign a contract which would allow Father Heuel to act as their agent and give him power of attorney to “act in their behalf in dealings with the government and

⁹⁶ Stowell, *The Wada Tika of the Former Malheur Reservation*, 310.

⁹⁷ Soucie, "The Burns Paiute Tribe," 52.

other officials.”⁹⁸ This group founded the Federation of Snake and Piute (*sic*) Indians, which included the Wada-Tika at Burns, and it was this group that brought the case against the government. Stowell reports that on April 22, 1940, “Father Heuel, representing the Federation Indians, attended hearings before the Senate Committee on Indian Affairs for consideration of a bill, S. 1432, which investigated whether or not these Indians could file suit in the Court of Claims against the government for the loss of the Malheur Reservation.” Following 3 decades of complications and delay, in 1969 the “Snake” or Paiute Indians received a settlement of \$567,000 (\$519, 827.49 after interests and attorney fees) for 1,778,560 acres of land for the Malheur Reservation. The 850 “Snake” or Paiute Indians who were descendants of the Paiutes who had signed the unratified treaty of December 10, 1868 -- including the Burns Paiute – each received \$741.⁹⁹

The Indian Reorganization Act of 1934 and Federal Recognition

In the mid-1930s the federal government, under the administration of Franklin D. Roosevelt, began to change its policies regarding American Indian tribes and communities. In 1934, congress passed the Johnson-O’Malley Act, allowing “the federal government to enter into contracts with states and territories in order to provide educational, medical, and social welfare services for Native people.”¹⁰⁰ Also in 1934 came the Indian Reorganization Act (IRA) or Wheeler/Howard Act, which attempted to reverse some of the consequences of assimilationist policies, as well as the detrimental effects of the allotment system established by the Dawes Act of 1887. Between 1887

⁹⁸ Stowell, *The Wada Tika of the Former Malheur Reservation*, 367.

⁹⁹ *Ibid*, 388.

¹⁰⁰ *Ibid*, 311.

and 1933, the allotment system collectively dispossessed Native peoples of 87 million acres of land across the United States.¹⁰¹ Commissioner of Indian Affairs John Collier, a progressive for his time, pushed for policies which included social, economic, and political reforms, and promoted cultural pluralism as opposed to assimilation.

Each tribe in the U.S. had to vote individually on whether to adopt the IRA. On January 5th, 1946, the eligible voters of the Burns Paiute community submitted a petition to congress to issue them a charter to organize under the IRA.¹⁰² The newly formed Tribal Council drafted a constitution, and the tribal government formed under the IRA served the Burns Paiute community until they finally succeeded in their pursuit of federal recognition as the Burns Paiute Tribe on October 13, 1972. This official recognition established the Burns Paiute Reservation, which includes both the New Village and Old Camp making up a total of 770 acres, and not including the over 11,000 acres in allotments held by Burns Paiute individuals in Harney County.¹⁰³

¹⁰¹ Stowell, *The Wada Tika of the Former Malheur Reservation*, 311.

¹⁰² Eligible Voters of the Burns Paiute Community to the Commissioner of Indian Affairs. Burns, Oregon, January 5th 1946. BIA, RG 75, NARA-Seattle

¹⁰³ Burns Paiute Tribal Council. "Constitution and Bylaws of the Burns Paiute Community, Burns Oregon," 1946. BIA, RG 75, NARA-Seattle; Stowell, 404; "Burns Paiute Tribe." Northwest Portland Area Indian Health Board. Accessed November 09, 2017. <http://www.npaihb.org/member-tribes/burns-paiute-tribe/>.

Looking Forward: The Impacts of Colonial Education, and Northern Paiute Cultural Revitalization, Education Efforts, and Sovereignty

“The education of American Indian children has been at the very center of the battleground between federal and tribal powers; the war has been waged through and about children, and the cost of colonial education have largely been borne by Indian people. Economic and social indicators that quantify status and quality of life in the United States are notoriously grim for Native Americans: lowest per capita incomes, highest rates of infant mortality, extraordinarily high rates of depression and teen suicide... Educational statistics are not better. Of the more than 500,000 American Indian students in U.S. schools in the early 1990s, 60% left school before graduating (National Center for Educational Statistics, 1995). These statistics are the legacies of decades of repressive administration, when Native parents and communities were denied the right to local control over education, when they were denied the privilege of choice.”¹⁰⁴

K. Tsianina Lomawaima and Teresa L. McCarty, *"To Remain an Indian": Lessons in Democracy from a Century of Native American Education*

Colonial education infringed fundamentally upon tribal sovereignty and self-determination. The impacts of this history are far-reaching, affecting the wellbeing of Native individuals and communities across the country. As Lomawaima and McCarty highlight, the legacy of colonial education still mars current schooling and graduation rates for many American Indian children and youth. However, many tribes have made significant efforts to fight for self-determination in schooling, including instituting bilingual and language immersion schools, cultural education programs, and community centers.¹⁰⁵ While the Bureau of Indian Affairs (BIA) still controls grants and funding for education programs, Tribal Councils have consistently pushed for more autonomy in

¹⁰⁴ K. Tsianina Lomawaima and T. L. McCarty. *"To Remain an Indian": Lessons in Democracy from a century of Native American education*. New York: Teachers College Press, 2006. 5.

¹⁰⁵ Hunt, Darek. "BIA's Impact on Indian Education Is an Education in Bad Education." *Indian Country Today*. January 30, 2012.

schools and educational programs. In 2012, the Burns Paiute Tribal Council created Tu-Wa-Kii Nobi (“Kid’s house” in English). The mission of the Tu-Wa-Kii Nobi is to “Provide a safe supportive environment where youth will learn tradition, language and culture. The youth will embrace a proud self-identity and a positive healthy lifestyle,” and it espouses the vision statement “Today’s youth and future generations will be strong in their tradition, language, and culture. They will be healthy productive members of society.”¹⁰⁶ Programs like this cultivate tribal identity and community, teach traditional knowledge and skills, and work to counteract the negative consequences of years of cultural denigration and genocide perpetuated by the United States.

Ojibwe scholar Leanne Simpson writes, “Indigenous thought, which is as diverse as the land itself, roots sovereignty in good relationships, responsibilities, a deep respect for individual and collective self-determination, and honoring diversity... Sovereignty is not just about land; it is also a spiritual, emotional, and intellectual space that spans back seven generations and that spans forward seven generations.”¹⁰⁷ Using Simpson’s understanding of sovereignty, Tu-Wa-Kii Nobi is a manifestation of Wada-Tika sovereignty, teaching and supporting young people in their tribal education, community and personal identity, and overall wellbeing.

Additionally, in 2016 the Harney County School District and the Burns Paiute Tribe co-submitted a grant proposal entitled “Harney County District #3 and Burns Paiute Tribe Attendance Collaborative” to the Tribal Attendance Pilot Project Grant of

¹⁰⁶ "Tu-Wa-Kii Nobi Youth." Burns Paiute Tribe. Accessed November 11, 2017. <https://www.burnspaiute-nsn.gov/index.php/departments/tu-wa-kii-nobi-youth>.

¹⁰⁷ Simpson, Leanne Betasamosake. "The Place Where We All Live and Work Together: A Gendered Analysis of Sovereignty." *Native Studies Keywords*: 19

the Oregon Department of Education. The Tribal Attendance Pilot Project Grant (or TAPP) is a collaborative program between Oregon Tribes and their local school districts to address issues of chronic absenteeism among Native students in public elementary, middle, and high schools.¹⁰⁸ Specifically, the initiative in Burns involves a cooperative effort between the Education Department of the Burns Paiute Tribe, the Harney County School District, public school faculty, and Tribal parents to remedy the gap in attendance and academic achievement between Native and non-Native students.

Brenda Sam, Parent Committee Chairperson of the Burns Paiute Education Department, wrote in a letter included in the proposal, *“In order to allow for greater progression of our students, we have realized that we need to build a relationship based with a foundation of trust. Consultation is a critical ingredient of a sound and productive School District and Tribal relationship.”*¹⁰⁹ This statement reflects the commitment of the Burns Paiute Tribal government to improving educational outcomes for Wada-Tika youth in collaboration with the School District, and also indicates the marked lack of trust in past relationships between the tribe and government schools. This initiative represents a step toward a more sustainable and supportive school environment for Paiute students, and another effort to lessen the long-lasting impacts of colonial education on Wada-Tika families.

Despite generations of trauma inflicted by colonization, genocide, racism, and the injustices of colonial education, the Wada-Tika have fought to keep their culture,

¹⁰⁸ Opie, K., Blackburn, K., and McBride, M. “Harney County District #3 and Burns Paiute Tribe Attendance Collaborative” *Harney County District #3 and Burns Paiute Tribe Attendance Collaborative* (2016).

¹⁰⁹ Brenda Sam, Parent Committee Chairperson, Burns Paiute Tribe – Education Department. February 17, 2016.

language, and traditions alive, with parents, grandparents, and relatives passing on their knowledge and wisdom to the younger generations. Respected Wada-Tika elder Minerva Soucie shared the following with scholar Susan Stowell in 2008:

In spite of all the hardships they [Wada-Tika ancestors] endured, from the time of pre-contact to the present, the Wada-Tika held their culture together. The Paiute language was strong, and their knowledge of medicine and food plants were intact. They were survivors. They came through all kinds of obstacles so that future generations would know they were the descendents (*sic*) of Wada-Tika people, one band, and one people.

I believe that my ancestors were raised to be strong in spirit, mind, and body to survive all of those hardships and to protect us as their children.

As a descendent from those people who were taken [from the Malheur Reservation in 1879], I appreciate the sacrifices they made for me, to be able to speak my language and still go to the traditional gathering places to gather my food with my family and grandchildren.

Many of our people speak their Paiute language, and families educate their own [children] by taking them out to the root grounds to gather, hunt, and fish in areas where their own parents/grandparents have taken them as kids. As people travel, stories are told of events that happened along the way. Plants are shown to children during these outings, and they explain the purpose and uses of the plants. This is how my brother and sisters were taught by our parents and grandfathers. It is expected of you to listen and learn.

This is the same way that I am teaching my grandchildren who have stepped in after their parents. This is how they are learning about their ancestors and history. There are field trips provided to children by people who are knowledgeable about the 'old days' and sometimes cultural camps are held where this information is also shared.

For me to raise my children who have gone into different professions, education about their culture and heritage started from the time they were walking. Their tribal education continued through their school years and into adulthood. I teach my grandchildren now as well as other relatives' children. They have expressed their gratitude for what I have taught them (*sic*) about the 'Old Ways' so they can also become survivors in today's world.¹¹⁰

¹¹⁰ From Stowell, *The Wada-Tika of the former Malheur Reservation*; Soucie, Minerva. 2008. E-mail to Susan Stowell. 29 Aug. 2008.

Ms. Soucie’s words highlight the incredible persistence of the Wada-Tika people in fighting for their land, culture, and community. Further, it shows the resistance to colonialism inherent in the passing on of Wada-Tika traditions, language, and knowledge, and illustrates the ways in which traditional education continues within Wada-Tika families and communities outside of the context of formal schooling.

On November 3, 2016, I had the privilege of attending the talk of Burns Paiute Tribal Councilman Jarvis Kennedy when he visited the University of Oregon. Mr. Kennedy gave a talk at the Many Nations Longhouse about his perspective as a Burns Paiute Tribal member on the occupation of the Malheur Wildlife Reserve (formerly the Malheur Reservation) by an armed militia led by Ammon Bundy in the previous winter, and afterward opened the floor to questions. When asked about the history and dissolution of the Malheur Reservation, he stated, “In my own mind, and in other tribe’s minds, that’s always been our land. And it always will be.”¹¹¹ After centuries of white-settler society and the U.S. government claiming ownership of what is now the United States, Mr. Kennedy’s statement is radical. When asked about sovereignty, Mr. Kennedy stated, “This whole United States is Indian land... Sovereignty is us being Indians on our own land.”¹¹²

¹¹¹ Jarvis Kennedy, Burns Paiute Tribal Councilmember. Presentation at the UO Many Nations Longhouse, November 3, 2016. Recording courtesy of Kevin Hatfield and Jennifer O’Neal.

¹¹² Ibid.

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