

Figure Poster found on the wall of Shamrock Bar, Bonners Ferry, Idaho September 1974.[[1]](#endnote-1)

The document above was found nailed to the wall of a bar in the west. Not a settler bar in some small town on the Plains during the mid-nineteenth century Indian wars, but in the Shamrock Bar in a small town called Bonner's Ferry in Northern Idaho in 1974, see Figure 2 for a map of the area. This document, a statement of ignorance and bigotry by an unknown writer, was one of the few negative pieces of print to appear during the Kootenai War of 1974. A war that Amelia (Amy) Trice (Kootenai) as Tribal Chairwoman of the Kootenai Nation declared on the United States of America in a strong show of tribal sovereignty. In Sonya Rosario’s 2009 documentary, *Idaho’s Forgotten War*, Amy Trice, recalled a prophecy within the tribe that the Kootenai people “were going to come out of bondage.” When Trice was just a child “an old man by the name of Simon Francis (Kootenai) had come and told my father, Baptiste Cutsak (Kootenai), that we need your daughter to do something about the tribe because we’re slowly disappearing. Lack of housing, lack of education, lack of food, lack of everything.”[[2]](#endnote-2)

To mark the beginning of the conflict, the tribal council wrote a letter to then President Gerald Ford declaring simply, but clearly, “Know ye all that on this day, 20 September 1974, at 12:01 A.M., a state of war now exists between the Kootenai Nation of Indians and the Government of the United States of America.”[[3]](#endnote-3) The declaration was the result of decades of deteriorating conditions on Kootenai lands near the town of Bonners Ferry, 27 miles from the Idaho-Canadian border. Several tribal members lived in a village in an area known as Mission Hill approximately four miles from Bonners Ferry but, in 1974, the Kootenai did not possess a reservation.[[4]](#endnote-4)

The Kootenai’s traditional homelands had spread along the Kootenay River and covered a range that extended roughly 270 miles following the river in an oxbow from Southeastern British Columbia south through Northern Montana west through Idaho and then northward, back into British Columbia where it reaches Kootenay Lake. The Kootenai hold this site and all of the lands as part of Covenant held between the creator Quilxka Nupika themselves. Quilxka Nupika avowed:

I have created you Kootenai People to look after this beautiful land, to honor and guard and celebrate my Creation here, in this place. As long as you do that, this land will meet all your needs. Everything necessary for you and your children to live and be happy forever is here, as long as you keep this Covenant with me.[[5]](#endnote-5)

By “a convention used by the Kutenai themselves” the Kootenai people are split into seven bands five of which are in present-day Canada and two in the United States. The band under discussion in this paper is the A:kóoktla:átlko (Meadow Valley people) or Bonners Ferry Band.[[6]](#endnote-6)

**The Beginning of the Problem: The Hellgate Treaty of 1855**

During the nineteenth century as the United States moved into the northwest, several treaties and negotiations were made between the federal government and the natives of the region. Although included in the claiming of the Columbia River basin by Robert Gray (1793), and Lewis and Clark (1804-1805) via the Discovery Doctrine the Kootenai’s territory had remained intact, uncontested by Euro-America. Decisions made by American politicians many miles away did not challenge Kootenai possession of the land on the local level, yet those decisions did shift the ground under the tribe’s feet politically. However, in 1855, during a period of rapid US expansion as Americans used the concept of “manifest destiny” to conquer the west, the Kootenai came face to face with United States government policy.

In 1853, President Pierce named Isaac Stevens Governor of the Washington Territory and commissioned him to travel west surveying for a possible railroad link to the Pacific Ocean. One of Stevens' roles as Governor was Superintendent of Indian Affairs and as Historian Kent Richards has noted Stevens was “was the wrong man, in the wrong place, at the wrong time.”[[7]](#endnote-7) In accordance with his position of Superintendent, Stevens quickly bludgeoned through many cession treaties involving the tribes of what are now the states of Washington, Idaho, and Montana. Stevens had no understanding of, or respect for the tribes of the region and used a boilerplate treaty for all irrespective of the numerous cultural and social differences between tribes. Stevens primary aim in all his treaties for the northwest involved the removal of the regions natives on to as few reservations as possible with the final aim of reducing them all to one single reservation, thereby opening up lands for railroads, roads, and settlement. There were also promises to provide annuities and other forms of aid for agriculture and schooling, on a temporary basis, to ensure the “gradual civilization of the Indians and their ultimate incorporation with the people of the territory.”[[8]](#endnote-8) Historian, David M. Buerge writes of Steven’s treaty campaign:

Not only was the timetable reckless; the whole enterprise was organized in profound ignorance of native society, culture, and history. The twenty-thousand-odd aboriginal inhabitants who were assumed to be in rapid decline, were given a brutal choice: they would adapt to white society or they could disappear. [[9]](#endnote-9)

Arriving at Hellgate, near today’s Missoula, Montana, on July 7, 1855, Stevens met a large gathering of Flathead, Pend d ’Oreille and Kootenai Indians. By July 16 Stevens had bullied and bluffed his way to a signed treaty. The Hellgate Treaty is and has been, a problematic and contested document for the Lower Kootenai for several reasons. Firstly, the presence of any member of the Kootenai and more specifically of the Bonners Ferry band is disputed; the Bonner’s Ferry band deny that any member was present. However, the final treaty does contain a mark next to the name of one Kootenai, named Michelle. The official government proceedings of the Council note that on Wednesday, July 11, 1855, Michelle stated “I came with Alexander to listen what they will say; that is why I don’t talk.” This statement suggests one option that the only Kootenai present was there to observe only.[[10]](#endnote-10) In another version of the process of the treaty, the Kootenai had been sent by Michelle, but again, only to listen.[[11]](#endnote-11) Secondly, even if we accept that Michelle had been present there is a further factor to consider, Michelle was a member of the Tobaccos Plains Kootenai of Montana and therefore even if present and a signatory, he had no authority to make concessions on behalf of the Bonners Ferry band. The final question about Kootenai presence revolves around the question of the “X” next to Michelle’s name. Looking at the document, it appears that the same hand made all the “X’s” suggesting the possibility that one individual made all marks. During a 1993 interview with Raymond Abraham, a descendant of Michelle, Abraham states “that his grandfather's X had a minus sign after it (X-), his grandmother placed a dot after her X (X.)” therefore adding further doubt, as there is no minus sign after the X on the treaty document.[[12]](#endnote-12) The painful reality for the Kootenai, however, was that the US government accepted the mark on the treaty and also that the “agreement” by Michelle applied to all Kootenai. A policy that would have ramifications for the Kootenai as time progressed.

**Allotment: The First Blow**

As the nineteenth century progressed, first miners then farmers moved into the Kootenai homelands and increasing pressure was brought upon the Kootenai to quit their ancestral lands. As the demand increased conflict occurred and deaths followed. In 1863, a Kootenai called Ki-Kin was killed by a white man “for luck” at Service Berry Hill near Bonner’s Ferry.[[13]](#endnote-13) Three years later three miners, Mr. Allen, Mr. Cavanaugh and one other were killed near Libby Creek, Montana. The killing of these men threatened to escalate into a broader conflict, and only the actions of Chief Abraham of the Lower Kootenai avoided this fate. As recorded by Mr. Cowley, one of the operators of the ferry at Bonners Ferry, Chief Abraham held a council of all the people. The Kootenai then sent the three offending Kootenai, with the goods of the three dead men, to the ferry where they became prisoners. One, Antoine, was shot while trying to escape and, and the remaining two hung. These actions stayed the threat of dispossession temporarily but not forever. [[14]](#endnote-14)

The impact of these white invasions and attacks was reported by Agent Gwydir, of the Colville Reservation in 1890. Gwydir noted that the Kootenai:

located in north Idaho, were in a destitute condition; that the whites planning for or already engaged in mining operations were overrunning the country occupied and claimed by them; that they had driven away the game, which, up to that time, had constituted the principal support of the Indians.[[15]](#endnote-15)

A July 25, 1891, article in the Bonner’s Ferry Herald gives further indication of the tenure of feeling held in the region at the time; highlighting a lack of respect for Kootenai historic possession, jingoistic language, and a villainization of the Kootenai:

there is considerable fine ranch land in the locality . . . the Indians claim it all, though under what right we are not informed. We are told that the band number less than a hundred and it would appear to us that they ought to be on some reservation, where Uncle Sam has already donated them the “fat of the land.” As it is they are trying to terrorize the white settlers and drive them of their claims.[[16]](#endnote-16)

With emotions running high and the option of a perceived legal way to steal land from the Kootenai, it is no surprise that Allotment came to the Lower Kootenai. The individual who took control of this was Major Ronan, Indian Agent of the Flathead Reservation. Ronan, possibly aware of the problems and confusion of the implementation of Hellgate, visited the region in 1891 and “tried desperately to persuade the Bonner’s Ferry people to come to the Flathead Reservation.”[[17]](#endnote-17) Ronan’s desperation tactics included herding all the Kootenai’s cattle to Montana “hoping the Indians would follow or starve.” When this approach failed, “several attempts were made to herd the Kootenai themselves, at gunpoint,” but the Kootenai remained, honoring their covenant with Quilxka Nupika.[[18]](#endnote-18) This refusal, a nineteenth-century assertion of sovereignty, is the first showing of the activist stance the Kootenai were later to take to secure their lands. After unsuccessfully trying to convince the Lower Kootenai to move onto the Montana Reservation, Ronan allotted eighty acres to each Kootenai family head in 1892.[[19]](#endnote-19)

Another factor that led to confusion, disruption, and frustration at this time was the designation of the forty-ninth parallel as the dividing line between the United States and Canada in 1846. Although not consulted during the negotiations this line affected the Kootenai as the borderline cut directly through the territory of the Lower Kootenai, sometimes splitting family units.[[20]](#endnote-20) To see an indication of the confusion and resistance to the implementation of a borderline we can turn to Chief David of the Tobacco Plains Kootenai, who stated in 1887:

“What is the meaning of this boundary line? It runs through the middle of my house. My home is on both sides. Why should you, without asking me or considering me, divide my property in two and also divide my children?”[[21]](#endnote-21)

Because allotments were held in trust for twenty-five years after assignment, it was understood that they would be passed down to the heirs of an Indian who died during this time. The division by the forty-ninth parallel, one more of the many decisions taken by government officials without Kootenai consultation, caused yet one more hiccup in Kootenai land issues. As Kootenai members from Bonners Ferry had, over the years, moved to live on Kootenai lands in Canada, near Creston, British Columbia many of the heirs of the Lower Kootenai were now considered to be ‘non-American’ and therefore illegible to inherit allotments. Local whites considered unclaimed allotments “unused lands” ripe for the taking, causing further loss of land for the Kootenai. A clear indication of the manner in which decisions take by government officials far removed from the Kootenai lands and without consultation brought change and pain to the Kootenai.

**A Reservation?: The Twentieth Century**

Between the 1855 Hells Gate Treaty and the 1974 war, the federal government did not officially recognize the Lower Kootenai of Idaho as being in possession of a reservation, despite recognizing them as a nation through the Hellgate Treaty. However, although no reservation existed de jure various actions by the federal government and the tribe created, or at least suggested a de facto reservation. For the tribe themselves, this issue was a moot point. They continued to live on their ancestral lands that they held in a Covenant for Quilxka Nupika and needed no federal recognition to affirm this fact. The status of a reservation is, however, germane to this article as the war in 1974 finally resulted in government recognition of a Kootenai reservation. What follows is a brief overview of the multiple moments when the ghostly presence of a possible reservation appears.

The first case is in 1909, at this time Tamia Abraham (Kootenai) was reported to have signed a quit claim deed to the government to hold in trust for the tribe. Ten acres of this individual allotment along with an additional 2.5 acres purchased by the government to create an Indian day school formed the 12.5-acre site known as the Mission Site, the central location for the tribal community. At this time, there were 18 houses at the Mission Site. These dwellings were “single-room structures, and all had only a thin exterior wall of green lumber boards covering the framing,” as the timber dried “the shrinkage allowed wind and rain to come through the ever-widening cracks” and “the dampness and chill caused many of the tribe to develop tuberculosis.”[[22]](#endnote-22) However, this location was not designated as a reservation by the US government at this time.

In 1927, one year after the Act of May 10, 1926 (44 Stat. 202) created additional individual allotments for the Kootenai, tribal member Simon Francis and requested reservation status for the 12.5 acre site in a letter to Byron Sharp Indian Agent on the Coeur d’Alene Indian Agency. Sharp replied informing Francis that “it is very probable the government will *not* agree to give the Kootenai Indians a reservation.”[[23]](#endnote-23) In the same year, the 12.5 acre site, reportedly deeded to the government in 1909, was again reportedly sold to the federal government to hold in trust for the tribe. Although the site was still not codified as a reservation, it remained a focal point for the Kootenai.[[24]](#endnote-24)

Although the Bonners Ferry Kootenai rejected the Indian Reorganization Act (IRA) in 1934, in 1947 they took the opportunity offered by the IRA to draft the first Tribal Constitution and Bylaws. The IRA, or Indian New Deal, attempted to reverse the Allotment process. Rather than trying to assimilate Native Americans into the broader American community the IRA sought to reinforce tribal identities by recognizing tribal constitution, helping tribes to purchase new lands and repealing prohibitions on tribal languages and customs. Additionally, federal grants were provided to local white school districts, hospitals, and social welfare agencies to assist Native Americans. Article I, of the Kootenai 1947 Constitution, detailed below, suggests that the tribe at this time maintained control over a land base of some form.

ARTICLE I—TERRITORY

This tribal organization, to be known as "The Kootenai Tribe of

Idaho," shall extend its jurisdiction over the area of Indian trust lands

acquired under the Act of February 8, 1887 (24 Stat. 388), and other

trust lands acquired pursuant to the Act of May 10, 1926 (44 Stat.

202), over any lands which may hereafter be acquired by or for the

Kootenai Tribe of Idaho.

Again this highlights the nebulous nature of the tribe’s status. Constitutions under the IRA required approval or review by the Office of Indian Affairs in the Department of the Interior or by the Secretary of the Interior himself suggesting the federal government accepted that the tribe held lands and that the tribe had jurisdiction over these lands. However, the lands were still not codified as a reservation, thereby creating a situation where the federal government continued to acknowledge Kootenai sovereignty but denied them a homeland. These lands, of course, included the numerous allotments granted to tribal members individually. However, there is also the possibility that the 12.5 acres possibly twice awarded to the government to be held in trust by the tribe in the early twentieth century, as noted above, were included.

In summation, the status of a federal reservation during the early to mid-twentieth century is as follows in 1909 12.5 acres was possibly deeded to the government to be held in trust. A request for a reservation was turned down in 1927 and in 1928 the same 12.5 acres were once again, reportedly, deeded to the government. In 1947, through the IRA, the tribe claimed jurisdiction over all individual allotments as tribal land, and possibly the 12.5-acre site. However, but their lands were still not recognized as possessing a reservation.

**The 1930s to 1960s: New Housing to the Indian Claims Commission**

The 1930s saw a shift in sentiment towards the Kootenai by residents of Bonners Ferry. The Kootenai had been asking for aid to alleviate the poverty and poor conditions they were suffering. It was pressure from “some kindly people in town” and publicity of their plight in local newspapers that finally spurred the government into action.[[25]](#endnote-25) Led by Mrs. Causton, the Bonners Ferry Readers Club raised local awareness and forwarded a petition to the Department of Indian Affairs, in Washington D.C. “The petition called attention to the destitute conditions of the Kootenai Indians and urged that the department take immediate steps towards the building of homes for the Kootenais.”[[26]](#endnote-26)

The government reacted; it was then that the American government *officially* took control of the 12.5-acre Mission Site, but still did not designate it as a reservation. In 1930, the government committed $27,000 for the “purchase of a village site for the Kootenai Indians, near Bonners Ferry, Idaho. It also promised construction of homes, tanning house, sewer and water systems, and the purchase of furniture, furnishings, and other supplies and equipment for the Kootenai.[[27]](#endnote-27) The following summer work on the homes began. On 2 July 1931, the Kootenai were asked to leave their current accommodation to allow for the construction of 18 new houses. The condition of the old houses was such that “the old houses and other buildings were burnt rather than torn down and/or moved.”[[28]](#endnote-28) Once completed Chief Isadore (Kootenai) assigned the houses and the following tribal members received new homes: Justina Chicqui, Polly Pierre New, Theresa David, Louis Adams, Simon Francis, Mary Little Sam, Eneas Abraham, Joseph Meshall Temo, Chief David Stanislaus Bighead, Alexander Kannaka, Saul Chicqui, Osay Joseph, Lucy Pierre Stanish, David Luke Sam, Francis Adams, and Narcisse Chidqui Isadore.[[29]](#endnote-29) The tribe created a committee to see to the upkeep and maintenance of the homes. However, lack of funds meant that the committee was unable to attend to the homes and eventually “all but two were torn down by the Kootenai Tribal Council as they became vacant and unsafe for further use.”[[30]](#endnote-30) It was not until after the war, 44 years later, that additional funds became available for housing.

The tribe was, fortunately, unaffected by the policy of termination during the 1950s. The termination policy stripped several other tribes of their reservation in a misguided and floored policy designed to integrate tribal members into the broader white American community. Avoiding the possibility of termination was conceivably the only benefit for the Kootenai of not being seen to hold a reservation during the twentieth century!

The next major interaction the Kootenai had with the government occurred during the 1950s as they made a claim under the Indian Claims Commission (ICC). The ICC was put in place to allow tribes to seek remuneration for the failure of the US government in its relationship with Native Americans. Treaty violations and lands lost through treaties, such as those Stevens forced onto tribes in the northwest, could finally be addressed. The Kootenai's interaction with the ICC once again highlighted the hesitant nature of their existence in the mind of the US government. In 1951, with the promise of at least partial recompense for their losses, the Kootenai along with many other tribes submitted a claim asking for financial compensation for 1,116,000 acres of tribal property taken in 1855 at Hellgate.

Their claim was correctly created and filled on 23 July 1951. However, it was not acted upon until 1957. The delay in processing was due to a bureaucratic mix up which highlighted the nebulous existence of the tribe in the mind of the US government. An official of the ICC seeing the name Kootenai on the document assumed that this was a duplicate of the Montana Kootenai claim and simply slotted them together. Thereby resulting in one more example of Government dismissal of the tribe.[[31]](#endnote-31)

Despite the fact that they had filed as a separate tribe and that they had support from the Montana Kootenai, who also assured the ICC that the Idaho Kootenai were a distinct tribe, their claim was still questioned and challenged. The bureaucratic error that led to the reallocation or misplacement of the claim and allowed government attorneys to contest the claim. Attorney’s argued that the Idaho Kootenai had no right to bring a separate suit as a distinct social entity since the Kootenai in Docket 61 were already bringing suit in the claim of the “Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.” The similarity of names and the fact that the area claimed was included in the treaty map which was the basis of the Montana tribes’ claim suggested to the government that the Idaho Kootenai were but a geographic subdivision of a single Kootenai tribe.[[32]](#endnote-32)

To secure a separate claim, various experts were called; these were Dr. Verne Ray, Dr. Nancy Oestreich Lurie, and Dr. Claude E. Schaffer. These experts provided an array of historical and anthropological documentation alongside fieldwork for the commission. The government attorneys finally accepted the findings, and established that “the testimony and evidence of record establishes that the Bonners Ferry Kootenai . . . [were] an independent and autonomous band [who] exclusively used and occupied the area of land within the boundaries” of the claim. The claims were not separated until 4 April 1954 when the Bonners Ferry Kootenai filed an amended petition. The Montana Kootenai remained ICC Docket 61, and the Idaho Kootenai claim became ICC docket 154. This was not the end of the struggle. As this claim came beyond the allowed five-year window, the government now planned to ignore the ‘new’ Kootenai claim. Once the Idaho Kootenai had been shown to be a separate tribe from those in Montana and that the claim was in effect a corrective for and earlier claim, this hurdle was also cleared.[[33]](#endnote-33)

Finally, a decision was made on the claim, and on 9 August 1957, the Kootenai were awarded monies against the loss of their land. The Kootenai received the standard award for the time $.36/ acre. A Bill was finally introduced on 11 September 1963 for Disposition of Judgment Funds on Deposit to the Credit of Kootenai Tribe of Indians, Idaho by Idaho Senator Frank Church. In his introduction Senator Church stated:

The Indian Claims Commission found that the Bonners Ferry Kootenai were entitled to the value of approximately 1,160,000 acres of land in northwest Idaho and northwest Montana, and determined as of March 8, 1859, the date of the actual taking of the lands.[[34]](#endnote-34)

The Kootenai of Idaho received $425,000, from which lawyer fees of $65,345.85 were allowed, leaving the Kootenai with $359,644.15. The Kootenai planned to use the money for “socio-economic improvement of tribal members through a family-plan program and for other purposes.” As the Bill affirmed, it would “permit the Kootenai, subject to the approval of the Secretary, to decide precisely how they will program their judgment funds.”[[35]](#endnote-35)

Once again the federal government had recognized the Kootenai as a nation, by allowing the claim, and although the government compensated the Kootenai for lands lost, or more accurately stolen, by Stevens the government still did not recognize or assign any lands to the current Bonners Ferry Kootenai. The ICC funds finally awarded to the Kootenai brought some relief to tribal members but were not sufficient to make the large scale structural changes necessary to improve the overall status of the tribe.

**“kindly go off to the side and die”: Amy Trice and the Bureau of Indian Affairs (BIA) Brick Wall.**[[36]](#endnote-36)

The events of September 1974 did not occur in a vacuum. The long-term events caused by the imposition of the Treaty of Hellgate in 1855 upon the Kootenai, sketched out in the proceeding pages, were one factor. The second consisted of the events that occurred in the two to three years leading up to the strong activist statement the Declaration of War and the *pen war* that followed.

The primary factor in this group was the continuing issue of a land base, more specifically the lack of one. The tribe existed, bureaucratically, in an indeterminate state in which they were both recognized and not recognized federally. The government by considering the Bonners Ferry Kootenai to have been participants in Treaty of Hellgate listed the tribe as one of the federally recognized Native nations. Despite the official federal recognition, their lack of a land base in effect caused them to invisible to government bodies. As Trice noted in an interview in 1988 “we’re so oppressed nobody sees us” going on to explain:

I tried my best to talk with the Bureau of Indian Affairs to get housing for my tribe, and it was always that, “Well your tribe is too small. We can’t, we can’t help you.” You have to have something like, you know, what 300 enrolled or so, and ours was under 100. I think at that the time was about 60, 65 enrolled. And of that, I think it was 30 children of that… really we were small, but you know when you are small you don’t have anything to work with, and no matter what we did, what we tried to do to get – be federally recognized so to speak. We are federally recognized, but what I was trying to get is employment, housing situation etc. for the tribe, and going against like a brick wall, each time.[[37]](#endnote-37)

Two negative government decisions particularly hurt the Kootenai during 1974. The first was the rejection by the BIA of the tribe’s application for an award through the Tribal Government Development Program, the reason given for denial was that the tribal population was too small.[[38]](#endnote-38)

The loss of the Tribal Government Development award came alongside the denial of funds from the Department of Housing and Urban Development (HUD) to assist in the construction of new houses. Without a reservation land base, HUD would not forward monies for the project.

On 29, September 1972 Senator Leonard Jordan of Idaho (Republican) introduced S. 4049 *A Bill to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes*. The Bill then transferred to the Committee on Interior and Insular Affairs, where it appears to have stagnated and died. On 22 January 1973, Senator McClure (Republican), just 19 days after replacing Senator Jordan in the Senate, claimed in a letter to Trice that during the 92nd Congress, the “House Committee on Interior and Insular Affairs had no opportunity to take action on H.R 16898, nor did the Senate have an opportunity to consider S 4049.”[[39]](#endnote-39)

The Kootenai immediately pushed for a reintroduction in the 93rd Congress. Wayne Nishek, Kootenai Community Representative, wrote to Forrest Gerrard a Professional Staff Member for the U.S. Senate's Committee on Interior and Insular Affairs requesting help to get the Bill reintroduced. Nishek noted that “the old year is behind us and its [sic] almost time to begin to rub the fuzz off our horns and sharpen the points for a new battle.”[[40]](#endnote-40) Simultaneously Tribal Chair Amy Trice was writing to Idaho Senator McClure and others. Trice noted that the “return of this 12 ½ acres to our tribe” meant “a great deal to long range social and economic development” of the Kootenai.[[41]](#endnote-41) This pressure bore fruit when on 22 January 1973 Senator McClure wrote to the Kootenai informing them that he intended to “reintroduce the measure during” the 93rd Congress.[[42]](#endnote-42)

On 31 January 1973, Idaho Senators Frank Church and James McClure introduced S.634 An Act to declare that certain federally owned lands shall be held by the United States in trust for the Kootenai Tribe of Idaho, and for other purposes 93rd Congress (1973-1974). The Bill moved immediately to the Senate Committee on Interior and Insular Affairs. As the year progressed, the bill moved slowly through the bureaucracy of the government. We see further evidence of public support for the Kootenai in early March when an education student of Evergreen State College, Eleanore E. Anger, was on a field study project among the Kootenai wrote to the Chair of Insular and Interior Affairs, Senator Henry Jackson (Democrat), stating:

In the course of my studies I have become deeply involved and interested in the Kootenai Indians of Banners Ferry. This band of people now numbers sixty some enrolled members whose circumstances are deplorable, they have been subjected to land grabs, employment discrimination and harassment by former local law enforcement agencies. None of the tribal members is employed in any position which would even begin to match the Federal Governments minimum wage law. The people are in desperate need of help in any and all forms.

They have a rather strong Tribal Council at the present time, Council members have been trying to obtain some of the much publicized federal funding programs for the people but are stymied in that the tribe does not have a land base, there is no tribally owned land, therefore they are not eligible for many of these programs.[[43]](#endnote-43)

Another individual, Howard Sheldon, of Boise Idaho, wrote to Senator McClure and using a literary reference showed his support for the Kootenai. Sheldon wrote:

Words cannot properly express nor convey the depth [of] my feelings [with] regard [to] the treatment of our Idaho natives!

We are selling our souls to the Devil and unlike Daniel Webster will not be able to argue our way out of the same, because we give our money and blood and souls and hearts and time to the world but not half an apple to our own natives![[44]](#endnote-44)

In April 1973, Senator Church wrote to Senator Jackson urging that the hearings on the proposed bill take place “before the end of the summer” in reply Senator Jackson noted that “Senator Abourezk [Democrat] proposes to set aside a day or two of hearings with the next month or so” suggesting that things were progressing smoothly for the Bill on this occasion. [[45]](#endnote-45) In early October 1973, the Kootenai refusing to wait or rely on the largess of the federal government once again began letter writing, urging a positive vote on the Senate bill. Tribal Chair Trice drafted a letter to Senator Abourezk, Chairman of the Indian Affairs Subcommittee, urging support writing “this would give us the beginning of a land base that could be utilized for economic development. We feel this would reinforce out tribal identity and contribute to self-determination.” Trice went on to note using the language of self-determination, a policy that was coming to fruition at this time, that when, and if, they regained the land was they planned “to develop a community center for job training and utilization of our under-employed members in a tribal enterprise.”[[46]](#endnote-46) On October 10, 1973, Representative Steven Symms (Republican) wrote to the Kootenai sending his hope that all would “go smoothly in the Senate” and that he had contacted the House Chairman for hearings at the earliest opportunity following Senate passage.[[47]](#endnote-47)

While the tenure of this correspondence was upbeat and positive, for the Kootenai it must have had the echo of previous unfulfilled promises. Indeed, on October 15, 1973, Senator Abourzek notified Senator Church that hearings for the Bill “scheduled for October 17” had “been canceled until further notice.”[[48]](#endnote-48) The Kootenai kept up the pressure on the Government. Trice wrote to the committee reminding the lawmakers that the tribe were a “landless people without something we could call our own or home after the arrival of white people.”[[49]](#endnote-49) Finally, on 21 January 1974, Senator Jackson wrote to “Amy Trice, Chairman” informing her that a hearing “on S.634, relating to Kootenai Land Transfer” had been set for “10:00 A.M. January 25, 1974” and invited Trice to testify at the hearing.[[50]](#endnote-50) Robert D. Dellwo, General Counsel for the Coeur d’Alene Tribe of Idaho and the Spokane and Kalispel tribes of Washington, delivered Trice’s letter was to the committee. Dellwo appeared in front of the committee as a “friend of the Kootenai tribe.”[[51]](#endnote-51) The committee reported “favorably thereon with amendments and recommends that the bill as amended do pass” and was passed by the Senate four days later on May 13, 1974.[[52]](#endnote-52) On the following day, it was referred to the House Committee on Interior and Insular Affairs where it stagnated leaving the Kootenai fearful that government would once again deny their plea.

An event that occurred during the summer of 1974 after the Bill had passed out of the Senate heightened this fear. Trice was at a meeting in Denver, Colorado where she had a conversation with Franklin Ducheneaux Jr. (Standing Rock, Sioux) “one of the House Subcommittee staff.” Trice inquired as to the status of the land bill’s progress in the House. Ducheneaux informed Trice that the bill “was buried under a pile of stuff and it just didn’t look good he really didn’t think it was going to get out this year.”[[53]](#endnote-53) Ducheneaux later refuted this statement. However, there is some confusion on this as Ducheneaux claimed the conversation took place in Phoenix, Arizona, not Denver, Colorado.[[54]](#endnote-54) Wherever and whatever was said, the information caused consternation within the tribe and led to a letter dated July 22, 1974, from Trice to Senator Frank Church of Idaho in which she wrote, in language that showed both frustration and determination:

I understand historically, your bill is now before Congress for the second time. Our hopes were lifted when informed that it had passed the Senate without controversy, however, it seems to be becoming more evident to us that certain people are reluctant to see it come out of the Commitee [sic] on Interior and Insular Affairs, and on the floor of the House.

In all fairness, we are not asking for the world. Again, historically, it took but two strokes of a pen in 1858 to take, without representation, our 1,160,000 acres of aboriginal land, and so, at this date it is extremely difficult for us to try and understand why it should take two years or more to merely give our tribe control of a lousy 12.5 acres that in essence is already ours, only being held in trust by the U.S. Government.[[55]](#endnote-55)

Clearly, the thought of the Bill getting lost in the bureaucracy of Government was troubling the Kootenai. Alongside the unrealized recovery of 12.5 acres from the Government through legislation, there was a second, smaller, contiguous plot of land. An area of approximately five acres that had at one time housed a Church that gave the area its name of Mission Hill. The tribe hoped to see this land transferred to them from the Catholic Church and placed in trust for the tribe. An individual named James Dupras deeded this land to Bishop A. J. Glorieus, on March 11, 1897, Glorieus later conveyed it to the Roman Catholic Diocese of Boise.[[56]](#endnote-56)

All seemed to be progressing well so that even should the worst happen, and should the 12.5-acre plot not be acted upon in Congress the transfer of the smaller plot would ensure the tribe did not remain landless. On May 10, 1973, Charles Mathes, realty officer from the Northern Idaho Agency in Lapwai Idaho, wrote to Peter Wilson of the Boundary Country Abstract Company. Mathes asked for a preliminary title report for the site and committed to purchase the “final policy of title insurance after the Bishop signs the needed deed and it is recorded.”[[57]](#endnote-57) However, things continued to go poorly for the tribe. On September 17, 1974 Paul Weston, Tribal Operations Officer of the BIA’s Portland Area Office, who had just returned from Bonners Ferry, informed Al Timothy, of Senator McClure’s staff, that the “title company put a little gimmick in the title that didn’t look good to our [BIA’s] solicitors and … it doesn’t look like we can get this squared away”[[58]](#endnote-58)

In the weeks and months leading up to the Declaration there appeared to be a change in the attitude of local law enforcement towards Kootenai hunting rights. As Paul Weston of the BIA noted:

Two of their young ladies have been recently arrested for shooting deer… always felt they had aboriginal hunting rights and have exercised them and until recently nobody has said or done much about it but to have two of them bounced in a week was a little too much.[[59]](#endnote-59)

Although these arrests were of two individual Kootenai tribal members, there were, of course, issues of sovereignty present within the arrests, for the arrest challenged the “aboriginal hunting rights” mentioned by Weston.[[60]](#endnote-60)

As Amy Trice noted in a lecture at Eastern Washington University on May 28, 1975, the loss of opportunities caused by lack of a land base had led to high unemployment and poverty, in turn, this had pushed some members of the tribe to alcohol. Trice commented that this had been and remained a major problem with the tribe. Trice informed the audience that alcoholism was in its “third or fourth generation” on the reservation further stating “to be even more explicit alcoholism is why we are 67 in number instead of 670.”[[61]](#endnote-61)

Housing on the reservation also remained a problem; it was in a deplorable condition. In 1974 the BIA rejected the tribe’s application for an award through the Tribal Government Development Program the reason given for denial was that the tribal population was too small.[[62]](#endnote-62) The loss of the Tribal Government Development award came alongside the denial of funds from HUD to assist in the construction of new houses. Without a reservation land base, HUD would not forward monies for the project. As noted the houses in use by the tribe had been built in 1931 and received no maintenance since that time. During the war, one of the visitors from Washington DC told Trice that “the houses that the people, the old people that were living in . . . wasn’t fit for their dog.”[[63]](#endnote-63) It was the pitiable condition of the housing which resulted in the most horrific and heartbreaking moment that led to the Declaration the death of a tribal member from exposure in the winter of 1973/4. An elderly tribal member lived in one of the three remaining 1931 houses. The 1931 houses had no heating or running water, unless you counted that pouring through the roof, which caused significant hardship, particularly in a North Idaho winter. Margaret Friedlander (Kootenai) noted “he didn’t even have a mattress on his bed [and] the roof was leaking”.[[64]](#endnote-64) Moreover, Amy Trice notes:

It was sad. We had a man that died just down. Right down here, … His water was frozen – there’s holes in the roof, it was snowing and he died of exposure. That’s how sad it was. *Nobody seemed to care*.[[65]](#endnote-65)

It was the fact that “Nobody seemed to care” or indeed appeared to have cared from the signing of the Hellgate treaty that led to the action in fall 1974. The atrocities of 119 years and the failure of the federal authorities to respond to their most recent requests led the tribe to meet and decide their next step. On the evening of September 4, 1974, the Tribal Council met and passed Tribal Resolution #74. The resolution detailed the history and current position of the tribe and the failure of the US Government to live up to its responsibilities and concluded with the following statement:

Be if Further Resolved that, the duly elected tribal council of the Kootenai nation, if, after the allotted five (5) days and no positive action is initiated in behalf of the Kootenai nation by the government of the United States of America, will deem it necessary and proper in initiate action, as it will be the assumption of the Kootenai Nation that the United States of America the relinquishes its power of domain over these lands, in the form of a declaration of war, which will then exist between the Kootenai Nation of Indians, and the United States of America and its possessions.

And be it further resolved that, at the commencement of hostilities as a sovereign nation, the Kootenai will thereby assert their complete sovereignty by: to wit:

Levy taxes.

Regulate international commerce.

Print monies.

Form a militia for protection of its people and the reinforcement of its laws.

Dissolve non-Indian proprietorship of lands/property

And resume complete authority over the entire scope of their aboriginal holdings.[[66]](#endnote-66)

Moses Joseph, Tribal Chief, Amelia Cutsak Trice, Chairwoman, Mathias David, Vice-Chairman, Mary David, Tribal Council Member, and Eileen Lowley Secretary, all tribal members, signed the resolution.[[67]](#endnote-67) The resolution, along with the declaration of war, was sent to all tribal chairs in the nation and both Congress and the President on September 10, 1974. Two days later both documents were sent to Vince Little (Mohave) the BIA superintendent for the Northern Idaho Agency and released to the media. At a meeting with BIA officials on Friday, September 13, 1974, the Kootenai presented the Treaty they were offering to the United States government. The treaty contained ten articles, listed below in abbreviated form:

Articles I and II concerned land, the Kootenai would cede their aboriginal lands to the US retaining “200 sections of land, to be marked out by the Kootenai.”

Article III granted the US permission to “build reasonable access roads and utilities” through Kootenai lands.

Article IV secured the right to “hunt, fish and trap within their aboriginal boundaries” and secured water and mineral rights.

Article V instructed the US government to pay an addition $1.00/acre on the sum awarded in 1957 as a result of their ICC claim.

Article VI demanded that “there shall be no genocide, retaliation of reprisal for the deed of the Kootenai people in necessary action taken to instrumentate [sic] these proceedings” and retained the right for the Kootenai to “establish its own laws, police, and court of law.”

Article VII pledged that upon ratification of the treaty the Kootenai would not declare war on the US again.

Article VIII stated that the treaty in no way relinquished the Kootenai’s citizenship nor deleted the government's trust responsibilities.

Article IX stated that the treaty could not be “deleted nor abrogated in any form” with the consent of the Kootenai nation.

Article X stated that the treaty would be “obligatory upon the contracting parties upon ratification by the President and the Congress of the United States.”[[68]](#endnote-68)

**War is declared: The local response**

The Bonners Ferry Herald of Thursday, September 12, 1974, contained a report detailing the historical and contemporary issues afflicting the Kootenai as an introduction to noting that on the previous day, Wednesday 11, “The Kootenai Nation of Indians … sent a message to President Gerald R. Ford demanding the return of all their aboriginal lands or compensation for them.” Further reporting “If an answer is not received within five days, the tribe said, it will declare war on the United States of America.”[[69]](#endnote-69)

In the weeks following, almost every aspect of US – Native American interaction was played out on the Kootenai. A disinterested local governor, a dogmatic and intolerant leader of law enforcement, an overwhelming show of force by police, the appearance of “friends of the Indian”, an activist assertion of sovereignty, intense media interest, and finally government to government negotiations.

Although the war officially began at 12:01 AM on September 20, 1974, the announcement by the Kootenai on September 11 effectively began the challenge to the United States.[[70]](#endnote-70) As tribal Representative Douglas Wilson noted, the “ball was in the hands of the government.”[[71]](#endnote-71)

By the following Monday approximately twenty natives from Montana, British Columbia, and Washington, including “two observers from the American Indian Movement” had arrived in Bonners Ferry.[[72]](#endnote-72) The arrival of non-Kootenai natives and especially the American Indian Movement (AIM) members panicked state officials. Boundary County Sherriff warned that he did not “expect problems from the Kootenai” but rather that any trouble will come “from the outsiders” and that the situation “could be another Wounded Knee.” Here the Sherriff is referring to the 71-day siege from February 27, 1973, to May 8, 1973, at Wounded Knee in South Dakota that pitted tribal elders and AIM members against the corrupt government backed regime of Dick Wilson (Oglala Sioux). The reference to Wounded Knee is one that would be highlighted again over the course of the war by both the general public and government officials suggesting that recent events in South Dakota influenced people's understanding of the situation in Bonners Ferry. Idaho Governor Cecil Andrus stated that he would order the state police to Bonners Ferry with orders to “arrest anyone blocking public highways.”[[73]](#endnote-73) Douglas Wheaton responded to the governor’s statement, explaining that although the tribe was not militant “it was serious in intent to control or our tribal lands” further warning Andros his actions may lead to the “first confrontation” of the conflict.[[74]](#endnote-74)

While law enforcement raised the threat of physical conflict, there were continuing political developments. On September 18, 1974, White House spokesman and Deputy Press Secretary to the President, John Carlson, denied “that a letter had been received.” Further stating “a copy of the tribal resolution was being forwarded by the Bureau of Indian Affairs to President Ford’s staff and will be sent to the appropriate staff member when it arrives.” The claimed non-arrival of the letter was called “baloney” by Tribal Chair Amy Trice. Trice explained that the tribe had sent the letter President Ford by Air Mail the previous Wednesday, September 11, as reported in the Bonners Ferry Herald.

As the deadline grew closer, local officials took steps to ameliorate the local impact of the proposed war. On the morning of September 17, 1974 at a large meeting of about 30 people including Amy Trice, Doug Wheaton, Eileen Lowley, and other Kootenai’s along with people from immigration, Border Patrol, U.S. Forest Service, Fish and Wildlife, State Police, County Commissioners, City Fathers, County Extension Agent, the local newspaper, and the Mayor of Bonners Ferry as well as representatives of the BIA, Chairwoman Trice was asked to delineate the Kootenai’s position; she turned it over to Doug Wheaton who stated:

They were going to seize a million acres of land from the Canadian border to the entire county and into Montana. They will set up road blocks. They would charge 10c per car for anyone going through the road blocks to show they had the authority. They will stop all hunting and fishing; levy tax against non-Indian homes and 50c for businesses. They are going to forbid the farmers from working their land, and they are going to forbid the forest people from going into the forest--the loggers and even forest service people.[[75]](#endnote-75)

Earlier when County Commissioner Nick Plato asked what the tribe intended to do about stock on open range land, Wheaton replied “you’d better get’em in or the Kootenai may claim them.” Regarding crops in the region that were ready for harvesting Wheaton responded “Tough. Stay out of ‘em.”[[76]](#endnote-76)

As negotiations began, tensions were high. The Kootenai were asked if discussion on a local level could take place to delay these events until “action had been taken in Washington.” Wheaton replied, “Yes, if they would get a committee they would meet with them and they would talk to a committee.”[[77]](#endnote-77) The Kootenai left the meeting and local community members selected members of the committee, Walt Worley, chairman of the county commissioners, Harold Simms, president of the city council, Bob Graham of the Forest Service and County Extension Agent Ben Studer were selected. The team for the Kootenai consisted of Douglas Wheaton, Amy Trice, Larry Atkin, and Secretary Eileen Lowley.

The tribe's proposal to put up road blocks garnered a response from Chief Ketner that he would “have no recourse but to enforce the law and remove the roadblocks.” In response to the threats and demands the superintendent of schools, Richard Haworth, announced that schools would close on Friday, September 20, 1974. Additionally, city and county officials considered shutting down local bars but were informed they could only do so if martial law had been declared, making it easier to stop the education of children than to halt the consumption of alcohol in the locale. Bonners Ferry Chief of Police Don Hamilton noted “This county is like an arsenal. Everyone has guns.” an opinion shared by Brad Patterson in the White House who wrote, “everyone up in that part of the world carries arms in his auto.” [[78]](#endnote-78) The availability of firearms also prompted local resident Rick Henslee to declare “If they (the Kootenais) want a war they’ll get it. You can go up and down main street and you won’t find half a dozen vehicles that don’t have a gun rack.”[[79]](#endnote-79) This comment brought a prompt rebuke from Spokane resident Maclean G. Bell Sr. On September 26 the Bonners Ferry Herald printed a letter from Mr. Bell in which he wrote:

A remark from a radical like Henslee, with emotions running high like they are, is typical for an extremist. I commend the Boundary County Commission and the leaders of the Kootenai Indian Nation for keeping “cool heads” in it efforts to remain non-violent. The other alternative could be another Wounded Knee. All that is needed is a radical moment administered by the ignorance and stupidity of a few residents opposed to the Kootenai Indian Tribe. The minority stand few while the majority are many….[[80]](#endnote-80)

Tension remained high, and the threat of violence hung in the air. Following intense negotiations concessions were granted on both sides. The tribe agreed to the following: to allow the Forest service to continue its operations in the national forests after initially demanding that all activities cease during the war on the lands they claimed; small farmers, small ranchers, and small loggers would be allowed to continue work unimpeded although the local wood mills were asked not to take logs from private lands; the tribe would not interfere with the $500,000 water bond election set for Friday, September 20. In return, the white community promised to:

assert as much pressure as they possibly can on representatives in Washington to begin negotiations to with the Kootenai Tribe regarding their demand for 128,000 acres for a reservation on Forest Service land and other rights, and to impress Washington with the seriousness of what is happening in Bonners Ferry. [[81]](#endnote-81)

The first step that the Kootenai planned to take, an action that remained in place after the three-day negotiations, called for setting up roadblocks “blocking of all access to its tribal lands in Northern Idaho and Northwest Montana.”[[82]](#endnote-82) The planned roadblocks were to be at “U.S. 95 at Eastport, on Idaho 1 at Porthill, on U.S. 95 near Sandpoint, and on U.S.2, the road to Libby, Mont.”[[83]](#endnote-83)

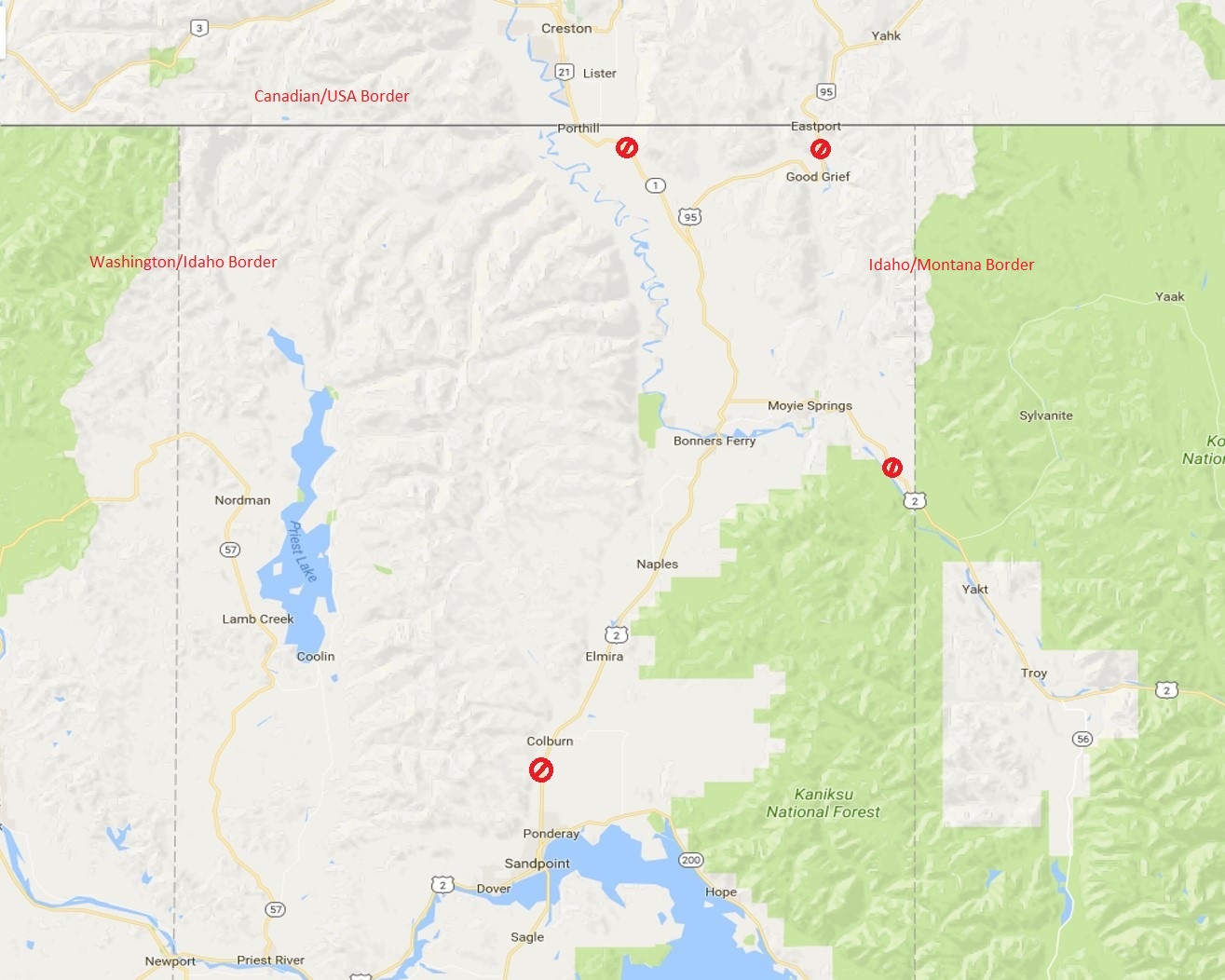


Figure Map showing Bonners Ferry and surrounding area including the location of four proposed roadblocks.[[84]](#endnote-84)

Despite initial plans for four roadblocks, only two were put in place both on the U.S. 95 North and South of Bonners Ferry. The roadblocks were to be set up with two people, with “other[s] standing by, that way at soon as they get arrested there will be two more to take their place” noted Wheaton who also reported that:

There will be a sign half a mile down the road telling people to stop ahead, at the road block there will be a couple of fellows and another sign they are entering the Kootenai nation and that they have to pay a 10c toll… if they go through and refuse to pay, we’ll get their license plate and fine them through tribal court.[[85]](#endnote-85)

As noted earlier, the war was due to begin at 12:01 AM. However, the process of setting up roadblocks would not begin until 6:00 AM “that way no hotheads can come sneaking up through the brush to take pot shots at our guys.” [[86]](#endnote-86) The roadblocks were operational around 8:00 AM. A UPI report from the roadblock on the U.S. 2 noted: “in the first half hour, 11 cars stopped, some in the middle of the highway, and paid, Forty two other motorists, including several dozen patrolling state troopers, zoomed past the roadside solicitors.”[[87]](#endnote-87) As can be seen from the details above, the media, both print and TV, were out in force to cover the events. At times, the press outnumbered the Kootenai on the roadblocks by a ratio of five-to-one.[[88]](#endnote-88)

Another group present outnumbering Kootenai both at the roadblocks were the police. Local police under Boundary County Sherriff Kettner numbered only eight people, four deputies, and four city policemen; including Raymond Abraham, a member of the Kootenai. At the beginning of the conflict, Kettner offered to work with the Kootenai to man ‘information points’ rather than roadblocks in an attempt to keep the relationship between the town and tribe calm and serviceable. The county commissioners did not approve of this possible line of action and discussed the possibility of removing Kettner from office.[[89]](#endnote-89)

There was one humorous moment within the conflict that involved the Bonners Ferry Police. Sherriff Charles Kettner retold the story within Sonya Rosario’s 2010 documentary *Idaho’s Forgotten War*:

I had a Kootenai Indian working in the sheriff’s office named Raymond Abraham; this was sort of an ironic situation. We had people calling from all over the country about the Kootenai Indian war. The Kootenai speak with a distinct accent, Raymond answered the phone and he said “Boundary County Sherriff Office this is Abraham speaking” [response] “This is the Indianapolis Times and we are calling about the war and are you an Indian.” Raymond said yes and they just hung up apparently thinking the Indians had won the war and taken over the sheriff’s office.[[90]](#endnote-90)

While Kettner maintained a calm and measured approach throughout the war, particularly during the tense days over the weekend following the wars official beginning, the same cannot be said however for Director of Idaho Law Enforcement John Bender. Whether due to distance from the locale, Bender was based 450 miles away, fear of another Wounded Knee style confrontation, or simply an intemperate personality, Bender’s actions were provocative at best. On September 20, 1974, Bender announced that State Police would be heading to Bonners Ferry to “maintain order” but “declined to say how many men were being sent.”[[91]](#endnote-91) The number of State Police in the region varies depending up source ranging from a low of 40 to a high of 100, however, whatever the exact number they were a dominating presence in the small town. Shortly after arriving in the town Bender marched into the Tribal Office, then in downtown Bonners Ferry, to confront Amy Trice. Somewhat ironically the old Tribal Office is now the Bonners Ferry Sherriff’s Investigation office.[[92]](#endnote-92) Bender stood, his arms on the desk, leaning towards Trice and raised the stakes by stating clearly and forcefully “OK you wanted war, let’s get on with it.” Trice remained seated, looked around, realized that her “fly swatter was sitting there” on her desk, and said “this is my weapon here in case you want to know. This war that I’m talking about is with this pen and this paper.”[[93]](#endnote-93) This statement indicates that the declaration and the war that followed, both strong activist actions, did not signal the beginning of a physical conflict unlike Wounded Knee and other native protests of the time This was activism based on pen and paper, not guns and bullets. On the morning of the September 21, Bender personally led a “force of state troopers in 34 cruisers” to the two operating Kootenai toll road blocks. Once there, they vastly outnumbered the five Kootenai’s present as well as the twenty-five members of the press.[[94]](#endnote-94) On September 23, Douglas Wheaton spoke out against Bender blaming him for “trying to provoke an incident” a claim echoed by Tribal Chairwoman Amy Trice the following day.[[95]](#endnote-95) A further example of Bender's ineptitude and inappropriate behavior can be seen on Sunday, September 22, when members of the Kootenai tribe began drumming in the tribal office, directly opposite the County Court on First Street. Bender’s response was to order the County Court to be bordered up, and plywood soon covered the windows, to protect against a potential ‘Indian’ attack. However, perhaps Benders most inappropriate and tactless action came later on the same day. Bender called for a meeting between himself and tribal community representative Douglas Wheaton. When Wheaton arrived, the full negotiating committee from the white community was present. After Wheaton had sat, Bender rose, leaned across the table and began haranguing and threatening Wheaton screaming:

We’ve given you everything you asked for, now the community is uptight, and we may not be able to contain it any longer. You have personally set the Indian movement back 200 years, and I am holding you responsible for anything that happens. If anything at all happens, you will be regarded as a prisoner of war, and we’ll throw you in a jail so far away, it will take 400 years to find you!

This statement, which presumably shocked Wheaton, who sat calmly through the tirade, cannot have come as too much of a surprise to the committee. Before Wheaton’s arrival, Bender had informed them that Wheaton was “an enemy of the United States, and unless he gets his rabble out of town he will be arrested and held incognito with absolutely no rights as a prisoner.”[[96]](#endnote-96)

**Negotiations: From Bonners Ferry to Washington D.C.**

As noted, the Kootenai carefully prepared a draft treaty for negotiations within which they relinquished “tribal claim to most of the land” but retained “128,000 acres for a reservation.”[[97]](#endnote-97) Discussions with the Federal Government, in the form of the BIA as noted began before the official outbreak of the war. This first contact went well with the Kootenai stating they were “impressed with the BIA’s willingness to cooperate” statements made by BIA officials reinforced this view.[[98]](#endnote-98) Vincent Little, BIA Agency head from Lapwai Idaho planned to “immediately forward to Washington, D.C. a list of tribal demands.” While Francis Briscoe BIA area director spoke from the Portland Oregon office, before traveling to Bonners Ferry, noting that ‘‘We’re not ignoring this, we’ll endeavor to see that there’s appropriate treatment given the situation.’’[[99]](#endnote-99) Briscoe’s involvement came following instructions from Washington D.C. In the September 18 memorandum from Patterson to BIA Director Thompson (Koyukon Athabaskan), Patterson confirmed that Thompson was to “be in touch with Mr. Briscoe and prepare and sign a response to the Kootenai Nation Letter.”[[100]](#endnote-100)

From this moment on things initially progressed quickly. The proposed treaty negotiations arrived in Washington D.C. where “the BIA tribal affairs spokesman said details of the proposed treaty negotiations would be forwarded to the appropriate members of Congress.” [[101]](#endnote-101) On September 18, BIA Director Morris Thompson informed the Kootenai in a telegram that “At the request of the President, the Bureau of Indian Affairs is now in the process of preparing a reply to the Sept. 11, 1974, letter to the President of the United States. We are currently reviewing the material you have submitted and will respond promptly.”[[102]](#endnote-102) For the war to bring practical results, the Kootenai had to look beyond local negotiations. The changes they were seeking needed the attention of the federal government as only the federal government were able to ensure the passing of the Bill that finally recognized the fact that the Kootenai had, and continue, to maintain the Covenant to preserve the land.

The people of Bonners Ferry also did not focus solely on localized issues; they also reached out for federal help from the earliest days of the war. Pete Wilson, an attorney in Bonners Ferry, contacted Senator McClure’s office on Tuesday the 10th of September, the day that the war was declared. Wilson also raised a subject frequently mentioned during the war, the recent troubles in South Dakota, noting that there was a “potential wounded knee brewing” in Bonners Ferry. He requested advisors from the Department of Justice to “coordinate” with and “advise the local community” stressing that they needed to know how to “cope with the problem instantly – immediately – now.” In response, Senator McClure noted that Department of Justice personnel had “blown it before,” referring again to Wounded Knee, and “wondered if they would really be of help.”[[103]](#endnote-103) Bringing people from DC to Bonners Ferry was one option discussed by Wilson. Wilson also had a second suggestion. Noting the small size of both the tribe and the leadership, he suggested that if people from DC were planning to fly out then, the negotiators and the Kootenai leadership could “all climb on a 747 and head back to Washington DC … where the federal government can meet with them for six months and keep them out of here,” thereby diffusing the situation on a local level.[[104]](#endnote-104)

The federal government’s response that both the Kootenai and locals wanted came relatively quickly, but not as fast as the Kootenai wished. It was not until three days later that a representative of the federal administration appeared on the scene in the figure of Vince Little. Little was the supervisor of the Northern Idaho Agency based at Lapwai, Idaho on the Nez Perce reservation. Before heading to Bonners Ferry Little pulled together an information packet on the Kootenai. The packet consisted primarily of a 12-page document titled “The Kootenai Village” created in 1972 by the Northern Idaho Agency’s realty officer Charles P. Mathes. This document worked its way through the BIA Portland Area Office and eventually became part of the package that landed on both Morris Thompson’s and Brad Patterson’s desks in Washington DC. The documents date and the fact that the tribe requested it suggests that it was part of the tribe’s preparation for the failed 1972 attempt to get the land Bill passed.[[105]](#endnote-105) Following a three-hour meeting with the Kootenai, Little stated “it appears the group here is quite sincere and that the things they are asking for are not too unreasonable they put their heart into it, hoping that someone at a higher level will respond. All we can do here is give it everything we’ve got.”[[106]](#endnote-106)

It was at this time that the war started to gain broader national attention, it was not simply the people of Bonners Ferry, or Idaho in general, that began to sit up and take notice. Al Timothy of Senator McClure’s staff began a flurry of phone calls. Initially, he called Francis Briscoe, Director of the Portland Area Office of the BIA, the top BIA official in the region; this was a fact finding call. Over a speakerphone Timothy spoke to Briscoe along with BIA staff Weston and Wardel, the last two had visited Bonners Ferry with Vince Little a few days earlier. Attempting to further assess the situation and its impact Timothy asked Weston “what are your feelings or recommendations as to actions that should be taken by the Federal Government?” Weston replied that “hopefully somebody at a high level will come and play for time. However, at least address the thing and get a feel for it and become involved.” In response Timothy echoed Senator McClure stating that “the Federal Government has not been too successful, I don’t believe they were too successful in the Wounded Knee situation at least the Justice Department. Yesterday sort of decided that one pretty good.” Timothy was here referring to the dismissal of charges, relating from the Wounded Knee occupation, against AIM members Dennis Banks (Leech Lake Anishinaabe) and Russel Means (Oglala Sioux) on the previous Monday. In dismissing the charges, the Judge Nichol stated that he had been “shoved over the brink” due to “government misconduct” in the case. The interlinking of Wounded Knee and Bonners Ferry is seen again in a telegram from the Executive Director of AIM Dennis Banks to President Ford at this time. The telegram touched on many issues relating to Indian affairs of the time and Banks ended the telegram:

We demand an investigation of the governmental misconduct in the Wounded Knee trials

We support the Kootenai in their struggle against the United States and their determination to gain a just settlement from your government.

Where is Justice and Mercy for Indian People?

After talking to Briscoe and others, Timothy reached out to several branches of the federal government. In Idaho Timothy contacted Sidney Smith, United States Attorney for the District of Idaho. Smith informed Timothy that he was also making calls, talking with “BIA people, [the] Justice Department, White House, Forrest Service, and through [his] office’ several other agencies”. Smith was at the time in Coeur d’Alene planning his visit to Bonners Ferry 70 miles further north. Initially, it appeared that Smith might have been a strong candidate for negotiating leader. Smith had obvious links to the Justice Department alongside his knowledge of, and contacts in, Idaho itself. He also knew Brad Patterson in the White House and had previous experience with Native American protests. Smith noted that a few years earlier he had “handled the Alcatraz situation and worked with him [Patterson] on that.”[[107]](#endnote-107) However after his brief visit to Bonners Ferry Smith faded into the background.

Meanwhile in Washington D.C. Timothy called Brad Patterson of the White House Staff to gauge the White House’s position, during the call Paterson dismissed the war as being “75% Guerilla theater and 25% substance.”[[108]](#endnote-108) The BIA contacted Peterson on the same day to request a meeting to discuss the war the following day.[[109]](#endnote-109) As telephone conversations flew back and forth, suggestions and instructions followed. On the evening of the September 17, Patterson talked with Thompson telling him to contact Briscoe in Portland and prepare and sign a response. Patterson instructed that the telegram should recite “the positive things which are happening,” referring to the land Bill, and also should deal “with as many of their questions as is possible.” Further, it should designate “an appropriate BIA official as a contact point for the Kootenai to talk with.”[[110]](#endnote-110) The first telegram sent did not match these instructions and seems to be a placeholder by Thompson to acknowledge receipt and appease the Kootenai. It was signed Morris Thompson and stated simply:

At the request of the President, the Bureau of Indian Affairs, U.S. Department of the Interior, is now in the process of preparing a reply to the September 11, 1974 letter to the President of the United States. We are currently reviewing the material you submitted and will respond promptly.[[111]](#endnote-111)

A fuller telegram went out the following day containing details of the land Bill, which was now working its way through the House. However, it also contained the phrase “I would urge that nothing be done to jeopardize passage of this Bill” wording that contained a subtle threat to the Kootenai. This contradiction may have been part of what Thompson referred to as the “complexity of issues raised” that required “in depth analysis and coordinative involvement amongst Congress and other federal agencies, and state and local bodies.” The first step in this process was the instruction to Briscoe that he was to travel to Bonners Ferry to meet with the Kootenai by Wednesday 25 September. When he arrived, he was to work on an “effective presentation and resolvement [sic] of your issues before the various appropriate officials possessing decision-making authorities.” Just in case the Kootenai’s did not understand the tenure of the communication Thompson ended the telegram with “it is our position that the preceding represents the initiation of positive action…by the federal government.” From Chairwoman’s Amy Trice’s response, it was clear however that the Kootenai had their opinion of the telegrams meaning, it was “typical of how the government works, especially the BIA. They are slow and always trying to tell us you will have to wait.’’[[112]](#endnote-112) Coincidentally, Thompson was due to speak to the Affiliated Tribes of the Northwest Conference in Spokane WA., approximately 100 miles south of Bonners Ferry, in just a couple of days he proposed meeting with the Kootenai there[[113]](#endnote-113). An offer refused by the Kootenai.

While the political process started in DC, support continued to come in for the Kootenai’s cause. Several local tribes had by now issued declarations of support, and as noted several non-Kootenai natives were now in the area. The tribe also received offers of support from AIM leaders including Denis Banks, the Affiliated Tribes of the Northwest Indians, the NCAI, and Marlon Brando. Brando had been in the Northwest supporting native rights a decade before. In 1964 he was arrested alongside Robert Satiacum (Puyallup) at a native fish-in during the, ultimately, successful campaign for native fishing rights which ended in the Boldt decision of February 12, 1974, reaffirming rights granted in nineteenth-century treaties, of Washington's Indian tribes to fish in accustomed places. The Kootenai also received letters of support from individuals and groups in Africa, USSR, Germany, Ireland Israel, and the Netherlands.

Gradually the meetings in DC led to the arrival in Bonners Ferry of the Director of Trust Resources at the BIA, Martin Seneca. Seneca (Seneca) arrived in Bonners Ferry on Saturday, September 21, accompanied by Mel Tonasket (Colville), President of National Congress of American Indians along with two other representatives of NCAI. They met with Trice and others at the tribal office in downtown Bonners Ferry before heading the few miles out to the Mission Site. Seneca was taken initially to the overgrown graveyard where no identifiable headstones due to lack of funds to maintain the site and then on to the remaining houses from the 1930s. Seneca was appalled by the condition of the structures; a roof tile was taken off and crushed to powder in front of him which caused him “to turn away in shame.”[[114]](#endnote-114) In an interview after visiting the site, Seneca stated that it was a “serious matter” noting that it was not just an “Indian problem” but a “human problem that should concern everyone.”[[115]](#endnote-115) After his visit, Seneca returned to DC to set up a meeting with several federal agencies as the Kootenai’s began to shift their attention to DC as a location to solve the issues, “the problem is here but the place to solve it is in Washington” commented Wheaton to a journalist.

The Kootenai told Sen. McClure, Rep. Symms, and the U.S. Attorney For Idaho Sidney Smith, who also arrived at this time that they were “not satisfied with Seneca but at least [it was] a good start” and were still looking for higher level officials to visit to begin negotiations of a treaty. They had asked Tonasket to invite Interior Secretary Rogers C.B. Morton, Senator Kennedy (Democrat), Majority Leader Mike Mansfield (Democrat) and Senator James Abourezk to visit. It appears that the White House at least was hesitant about sending high-level negotiators to Bonners Ferry. Around the same time Brad Patterson circulated a memorandum in which he wrote that “Morrie [Morris Thompson] and I both continue to be opposed to the idea of either his or my running out on the scene of every such threatened or actual confrontation.” A possible reaction to the failed negotiations at Wounded Knee and the troubles that followed, a sense of distancing themselves, and specifically the White House, of any direct interaction.

Two more government officials visited Bonners Ferry. On Sunday 29, September Francis Briscoe, BIA area director, visited “the Indians for lunch and during the afternoon Sunday, then reported to BIA Commissioner Morris Thompson.”[[116]](#endnote-116) Briscoe’s visit proved to be somewhat of a turning point in the war. During the visit, he indicated to the Kootenai that Morris Thompson “would support legislation in Congress to return some of the tribe's ancestral land.” As a result, the Kootenai leadership agreed to travel to Spokane the following day to meet with Thompson and explain their problems and needs.[[117]](#endnote-117) Following this meeting Roy Sampsell, special assistant to the interior secretary, agreed to visit the Bonners Ferry area and report back to the Interior Department. Sampell's agreement to visit “was satisfactory to the tribe, which was pressed from the beginning for a meeting in Idaho with a high-level government official.”[[118]](#endnote-118) While on site Sampsell informed the tribe that the “government will provide legal assistance while opening the political doors leading to a settlement of the dispute.” He also “promised immediate assistance from the Bureau of Indian Affairs, involving items like tools and housing” and committed to helping to smooth the way for a Kootenai visit to DC.[[119]](#endnote-119)

Sampsell was the last individual to visit the Mission site during the negotiations and on Sunday 6, October an eight-member team of Kootenai, BIA officials, and their attorney Robert Dellwo left for DC. The cost of the trip came from the $7000 raised through tolls at the roadside informational points and donations. [[120]](#endnote-120) Amy Trice informed the press that they would be “meeting with the representatives of many departments and could be there a week,” going on to remark Senator McClure, would sit in on the meetings “to see that we don't get any double talk.”[[121]](#endnote-121) In addition to the oversight of Senator McClure the Kootenai took the additional step of taking a tape recorder to each meeting. As Trice noted, with laughter in her voice, “I thought they were going to ask us, you know, that we can’t play that, we were just going to tell them we don’t know how to write and don’t know how to read!”[[122]](#endnote-122)

Once the tribe arrived in Washington D.C. they did not, as expected, meet with was Roy Samsell who despite his involvement and significant role in Bonners Ferry was unavailable for the tribe, something which frustrated the tribe greatly. Sampsell had promised to return to Washington D.C. and arrange meetings, however, upon their arrival, the Kootenai delegation found neither Sampsell nor the promised meetings. Despite this set back the Kootenai were able to proceed. They spent several days walking the corridors of power in DC, meeting Senators, congressmen, and other officials in an attempt to resolve the problems that had led to the declaration of the war approximately one month earlier.

On their first day in the capital the Kootenai received a warm welcome and had an encouraging meeting with Senator McClure along with representatives for Senator Church and Representative Steven Symms in Senator McClure’s office. A notepad in Senator McClure archives outlines of some of the main issues discussed these include a conversation about a treaty, land issues, the future Role of BIA, along with other short and long range plans. The content of discussion within other meetings is unknown, but we can safely assume that they did not differ greatly but rather were refocused by the Kootenai slightly for each audience.

The next person they met was John Kyl, undersecretary to Rogers Morton, were the tenor of the visit shifted. Wheaton notes that Kyl “went through the congressional budget” with the delegation and explained that “what we were asking for was impossible” something the Kootenai had heard before and had no desire to hear again. The last person they encountered on the first day, however, was in direct contrast to the message they received from Kyl. Daniel McDonald at the offices of the BIA was not only supportive but also offered real assistance in the form of cash. Wheaton later reported that when asked “what do you need?” he replied:

“Well, I need a new road for one thing.” He said “how much?”, “150,000 for that.” He said, “you got it.” “We need a new tribal office.” “How much for that?” “I don’t know, but we need an office.” “OK, you got your office” “Also need some money for expansion later on because as we progress we are going to need more money for management and so on.” “You got it.”[[123]](#endnote-123)

Following this, the delegation retired to their motel in a buoyant mood. They began the next day in the committee room of the Department of the Interior (DOI) meeting with Mike Jackson and Franklin Duchenaux from Insular Affairs who were supportive of the Kootenai’s needs and promised to push for legislation to aid them. From the DOI they went to visit Reed Chambers, Assistant Solicitor General in Attorney General’s office. Once again they were given a sympathetic hearing, and Chambers promised to look into their issues making his first priority hunting and fishing rights.

On the final day, they meet first with George Clark in the Office of Native American program division of the (HUD). Clark noted that the small size of the Nation limited the amount of aid they could apply for, but took the time to explain the process for applying for many different forms of aid, including projects such as tourist facilities. The final meeting of the visit was with Ray Tanner of the Economic Development Administration (EDA) to discuss the tribe’s demands for a 128,000-acre reservation, the tribe informed him that they planned to take lands held by the Forest Service for the reservation. Tanner warned the delegates that it was not easy to transfer federal lands to a tribe “but it can be done.” On this positive note, the delegates returned to Bonners Ferry with promises of funding to follow. On Saturday, October 19 President Ford signed the bill which finally placed the 12.5 acres in trust for the tribe, thereby creating an officially recognized reservation for the Bonners Ferry Kootenai.

In a talk to students at Eastern Washington University in May 1975, Amy Trice detailed the funds that had either been committed or received at the time and there source up to that time; that is from September 74 to May 75.

|  |  |  |
| --- | --- | --- |
| **Purpose** | **Agency** | **Value in $s** |
| Community Building and Housing | HUD | 320,000 |
| Road building | BIA | 150,000 |
| Community water and waste program | Indian Health Service | 110,000 |
| Offices and community building | Economic Development Administration (EDA) | 100,000 |
| Alcohol program | Office of Native American Programs | 4,000 |
| Rebuilding Mission church | State bicentennial program | 5,000 |
| Construction tools and equipment | Department of Interior (DOI) | 5,000 |
| Commercial business investment for individuals | Indian Finance Act | 100,000 |
| Industry development and Tribal enterprise | EDA | 5,000,000 |
| ICC commission settlement |  | 800,000 |
| Law and Order | Law Enforcement Alliance of America | 20,000 |
| **Total in 7 months since Washington DC trip** |  | **6,514,000** |

Table Details of funds received to May 1975

As can be seen despite the dire warnings from John Kyl of the DOI, the Kootenai were successful in gaining significant funding from numerous agencies to begin the process of rebuilding their nation. The amount they received by May 1975 has the buying power of $28,736,184.09 in 2016.[[124]](#endnote-124)

Kootenai activism, the declaration and the war, had achieved it primary ends a reservation, and funds were finally released to begin the process a revitalizing the Kootenai people. Looking back, it seems clear to the author that the Kootenai were the victors in the war.

**Conclusion: An Alternative Story to Native Rebellion in the 1970s**

So where to place this research? Firstly, it is a story that needs to be told for its own value, to ensure its broader dissemination within the canon of Native American history of the twentieth century. However, we also need to place it more broadly than that. How does the event fit into the history of the native Northwest and the Native Nations more broadly? Turning first to the local region as noted earlier in the paper, there remains debate regarding the validity of the claim that the Bonners Ferry Kootenai were present at, or signed, the Treaty of Hells Gate. This issue, important in the story of the war, also raises issues with regards to Native politics in the Northwest. The Kootenai’s case adds an interesting nuance or wrinkle to the recent analysis of treaty rights and their use in the Northwest. In the 2009 book *The Power of Promises: Rethinking Indian Treaties in the Pacific North* Alexandra Harmon and John Borrows have brought together a cross-border examination of treaties that posit a new understanding of the use of treaties by the native nations of the Northwest region. Specifically, Chris Friday’s contribution which details how those native nations in the Northwest who were demoralized and defrauded by Issac Stevens during his whirlwind treaty tour of the 1850s have always viewed the resultant treaties through their lens of understanding. As time has progressed, Northwest tribes have grown to incorporate those treaties into a definition of whom they are today, using the language of the treaties to argue for their sovereignty and authority. We are forced to ask, therefore, how the Kootenai fit into this analysis. As a tribe without a treaty, how did they define and claim their sovereignty in 1974? The Kootenai, in contrast to treaty tribes, were able to claim, demonstrate, and exercise sovereignty specifically due to their lack of treaty. By using their inherent identity, the Kootenai forced the colonizing power, the USA, to accept their presence as a sovereign nation

Looking beyond the Northwest to events that were unfolding across the nation at the time allows us to place the Kootenai War in its broader context. Just one year before the Kootenai declared war, tribal elders on the Pine Ridge Reservation South Dakota, along with members of the American Indian Movement took up arms against the United States of America represented by corrupt Tribal Chairman Dick Wilson. The resulting standoff, known as the Wounded Knee from the small town of Wounded Knee where the protesters made their stand. The conflict lasted 71 days from February 27, 1973, to May 8, 1973, and was the longest armed conflict on North American Soil since the civil war. The siege, is one of the most well-known actions of Indian activism in the 1970s, dwarfing the Kootenai war both in participation and media coverage. In practical physical terms, the Wounded Knee confrontation achieved little. Indeed the 2-3 years following the standoff, known as the reign of terror, saw over 60 murders on the Pine Ridge reservation. As AIM member John Trudell (Santee Sioux) has noted, at best the result was a situation where the occupiers “maybe broke even.”[[125]](#endnote-125) When we compare this with the gains made by the Kootenai in 1974, then there is no doubt that the Kootenai were more successful. However, the biggest and most significant impact of Wounded Knee may not have been physical but mental and emotional. As noted by Trudell “it instilled a lot of attention and to some degree, I guess, it instilled a lot of pride in Indian people.”[[126]](#endnote-126) The siege put Native Americans forcefully back on the political map and into the minds of the general population, and more importantly it ignited an awareness, pride, and passion amongst many Native Americans in the country. To what degree the events at Wounded Knee influenced events in Bonners Ferry we cannot be sure. Amy Trice was forceful in her desire that the Kootenai fight what she called a pen war, and although some of her supporters were later known to have had weapons, Trice reportedly refused support from AIM members.[[127]](#endnote-127) However government officials, law enforcement, and the press all mentioned Wounded Knee at the time of the Kootenai war, so it was certainly playing on the minds of the participants. This does not in any way diminish the singular determination of Amy Trice and the Kootenai. Rather is makes abundantly clear that the Kootenai war should take its place alongside, Wounded Knee, the Trail of Treaties, Occupations of Alcatraz, in a national context and demonstrates that the earlier mentioned Boldt decision was not the only important piece of Indian affairs news coming out of the northwest at the time. The Kootenai war is an important part of the events that define Indian activism of the 60s and 70s.

1. Image taken from Kootenai Tribe, *Century of Survival: A Brief History of the Kootenai Tribe* (Bonner's Ferry, Idaho: Kootenai Tribe, 1990.) p. xx (courtesy of the Kootenai Tribe of Idaho) [↑](#endnote-ref-1)
2. Quotes by Amy Trice from *Idaho’s Forgotten War*, directed by Sonya Rosario (2010; Meridian, Idaho : R.I. Productions), DVD. [↑](#endnote-ref-2)
3. 9/20/1974, Declaration of war between the Kootenai Nation and the government of the United States, 000900120-001.pdf <http://www.ford.utexas.edu/library/document/selected/treasures.asp> retrieved April 15, 2014 [↑](#endnote-ref-3)
4. The area became known as Mission Hill or the Mission Site following the building of a church by Jesuits in the late 1800s. see *Kootenai Tribe of Idaho*, By the Tribal Office Published in the History of Boundary County, ID Compiled by the Boundary County Historical Society 1987, <http://boundary.idgenweb.org/history-kutenais.html> retrieved August 9, 2015 [↑](#endnote-ref-4)
5. Kootenai Tribe, *Century of Survival: A Brief History of the Kootenai Tribe* (Bonner's Ferry, Idaho: Kootenai Tribe, 1990.) p. 9. [↑](#endnote-ref-5)
6. Lindburg, Donald G. 1980. *Social organization of the Kutenai*. Thesis (M.A.--University of Chicago, 1962.), 5-7. [↑](#endnote-ref-6)
7. Kent Richards, ‘Isaac I. Stevens and Federal Military Power in Washington Territory," *Pacific Northwest Quarterly*, LXIII (1972), 86 [↑](#endnote-ref-7)
8. Stevens to Manypenny, September 16,1854, Commissioner of Indian Affairs, Annual Report, 1854, 455. [↑](#endnote-ref-8)
9. David M Buerge, ‘Big Little Man: Isaac Stevens (1818-1861)’,in Brewster, David, and Buerge, David M. *Washingtonians: A biographical Portrait of the State*. (Seattle: Sasquatch Books, 1988). p.90; Among the treaties imposed included the Medicine Creek Council (1854), the Walla Walla Council (1855), the Blackfeet Treaty (1855), and the council at which the problems for the Bonners Ferry Kootenai began the Hell Gate Treaty Council (1855). [↑](#endnote-ref-9)
10. Official proceedings at the Council held with the Flat Head, Kootenay and Upper Pend Oreilles Indians Commencing July 9th and ending July 16th 1855, Wednesday, July 11th, 1855, p. 27-8 <http://digital.library.wisc.edu/1711.dl/History.IT1855no295> retrieved April 15, 2014 [↑](#endnote-ref-10)
11. Young, Karen Ashton, *Kootenai Sustenance Rights: in Fact and in Law*. Thesis (M.A.--University of Idaho, 1994.), 68 [↑](#endnote-ref-11)
12. Young, *Kootenai Sustenance Rights*, p. 71. [↑](#endnote-ref-12)
13. M.M. Cowley, ‘A Libby Creek Tragedy’, Gonzaga, Vol. 5 No. 6 (March 1914) pp. 272-286 [↑](#endnote-ref-13)
14. Cowley, ‘A Libby Creek Tragedy’, p. 274 [↑](#endnote-ref-14)
15. United States. Office of Indian Affairs / *Annual report of the commissioner of Indian affairs, for the year 1890*

    (Washington; Government printing Office,1890) p. LI <http://digital.library.wisc.edu/1711.dl/History.AnnRep90> retrieved April 15, 2014 [↑](#endnote-ref-15)
16. “Kootenai Indian Troubles,” *Bonner’s Ferry Herald*, (Bonners Ferry, ID) July 25, 1891 [↑](#endnote-ref-16)
17. Olga Weydemeyer Johnson, *Flathead and Kootenay: The Rivers, The Tribes and the Region’s Traders*, (Glendale, CA: The Arthur H. Clark Company, 1969) p. 341 [↑](#endnote-ref-17)
18. Raymond Abraham, interview, March 16, 1993 quoted in Young, Karen Ashton. *Kootenai sustenance rights*, 116. [↑](#endnote-ref-18)
19. Young, *Kootenai Sustenance Rights*, p. 120. [↑](#endnote-ref-19)
20. *Young, Kootenai Sustenance Rights*, p. 116. [↑](#endnote-ref-20)
21. Gwen Phillips ed. *Ktuqcqakym*. (Cranbrook, British Columbia; Ktunaxa/Kinbasket Independent School System, 1992) p.8 [↑](#endnote-ref-21)
22. Brant, Leonard Irwin, *Kootenai Indians of the Columbia Plateau: A Gathering of History, Ethnography, and Sources*, (Rathdrum, Idaho : Northwest Research and Publications, 2013, p. 151 [↑](#endnote-ref-22)
23. Letter from sharp to Simon Francis December 2nd 1927 in Kootenai Tribe, *Century of Survival*, p 33 [↑](#endnote-ref-23)
24. The sale of the Tania Abraham Allotment is uncertain see Younge, *Kootenai Sustenance Rights*, p. 125 [↑](#endnote-ref-24)
25. Kootenai Tribe, *Century of Survival*, p. 36 [↑](#endnote-ref-25)
26. *Bonners Ferry Herald*, December 10, 1931 [↑](#endnote-ref-26)
27. INDIAN AFFAIRS: LAWS AND TREATIES Vol. V, Laws (Compiled from December 22, 1927 to June 29, 1938) Compiled and edited by Charles J. Kappler. Washington: Government Printing Office, 1941. Chap. 273 p 164 see <http://digital.library.okstate.edu/kappler/vol5/html_files/v5p0145b.html#mn261> accessed 7/7/2015 [↑](#endnote-ref-27)
28. Brant, *Kootenai Indians of the Columbia Plateau* p. 157 [↑](#endnote-ref-28)
29. See <http://boundary.idgenweb.org/history-kutenais.html> accessed July 2, 2015 [↑](#endnote-ref-29)
30. See <http://boundary.idgenweb.org/history-kutenais.html> accessed July 2, 2015 [↑](#endnote-ref-30)
31. Nancy Oestreich Lure, ‘The Indians Claims Commission Act,’ *Annals of the American Academy of Political and Social Science*, Vol. 311, American Indians and American Life (May, 1957), p. 60 [↑](#endnote-ref-31)
32. Nancy Oestreich Lure, The Indians Claims Commission Act, p. 60 [↑](#endnote-ref-32)
33. All information on docket 154 claim pulled from Indian Claims Commission records at <http://digital.library.okstate.edu/icc/index/iccindex.html> accessed 15 July 2015 [↑](#endnote-ref-33)
34. 109 Cong. Rec. 16764 1963 [↑](#endnote-ref-34)
35. 109 Cong. Rec. 16764 1963 [↑](#endnote-ref-35)
36. *Idaho’s Forgotten War* [↑](#endnote-ref-36)
37. Amelia Trice, Interviewed by Royce Williams. OH#0957, pp. 1-2, Boise: Idaho Oral History Center, January 11, 1988. [↑](#endnote-ref-37)
38. Hand written note by John Carlson Box 4 Folder Indians 2 ford library [↑](#endnote-ref-38)
39. McClure, James to Trice, Amelia, 22 January 1973, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-39)
40. Wayne Nishek to Forrest Gerard, Jan. 4. 1873, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-40)
41. Nishek, Wayne to Forrest J. Gerrard and Trice, Amelia to Senator McClure, 3 January 1973, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-41)
42. McClure, James A. to Trice, Amelia, 22 January 1973, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho.; For full details on Land Bill’s process through Senate see <https://www.congress.gov/bill/93rd-congress/senate-bill/634/all-info> accessed 6/24/15 [↑](#endnote-ref-42)
43. Eleanore E. Anger to Henry M. Jackson, Senator, 12 March 1973; S. 634. Bill Files of the Committee on Interior and Insular Affairs, 93rd Congress, Records of the United States, Record Group 46, National Archives, Washington DC. [↑](#endnote-ref-43)
44. Howard is here referring to a short story by Stephen Vincent Benét titled *The Devil and Daniel Webster*, first published in 1937. Howard Sheldon to Sen McClure, October 1974, Box 124, Folder 4568, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-44)
45. Frank Church to Henry Jackson, 5 April 1973; S. 634. Bill Files of the Committee on Interior and Insular Affairs, 93rd Congress, Records of the United States, Record Group 46, National Archives, Washington DC. [↑](#endnote-ref-45)
46. Trice, Amelia to Senator Abourezk, copied to Senators Church and McClure and representatives Symms and Hansen, October 1973, Box 125, Folder 4576, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-46)
47. Symms, Steve to Trice, Amelia, 12 October 1973, Folder 3.310, The Steve Symms Collection, Robert E. Smylie Archives, The College of Idaho, Caldwell, Idaho [↑](#endnote-ref-47)
48. James Abourezk to Frank Church, 15 October 1973; S. 634. Bill Files of the Committee on Interior and Insular Affairs, 93rd Congress, Records of the United States, Record Group 46, National Archives, Washington DC. [↑](#endnote-ref-48)
49. Trice, Amelia to Whom it May Concern, Dellwo, Robert D. to Committee on Interior and Insular Affairs, ND, Box 125, Folder 4576, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-49)
50. At the end of January, the Department of the Interior had given its approval writing to Henry M. Jackson, Chairman of the Committee stating that there was ‘no objection to the presentation of this report.’ See Assistant Secretary of the Interior to Henry M. Jackson, January 1974, Box 125, Folder 4576, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-50)
51. Trice, Amelia to Whom it May Concern, Dellwo, Robert D. to Committee on Interior and Insular Affairs, ND, Box 125, Folder 4576, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-51)
52. Report 93-837 93rd Congress 2nd Session Senate Calendar No. 808 Box 10, folder “10/18/74 S634 Kootenai Indian Trust Land Idaho” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library, Ann Arbor, Michigan. <http://www.fordlibrarymuseum.gov/library/document/0055/1668726.pdf> accessed 6/26/2015. [↑](#endnote-ref-52)
53. Paul Watson to Timothy, Al, telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-53)
54. Patterson, Bradley to Timothy Al telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho [↑](#endnote-ref-54)
55. Trice, Amelia to Church Frank 22 July 1974, Folder 3.310, The Steve Symms Collection, Robert E. Smylie Archives, The College of Idaho, Caldwell, Idaho [↑](#endnote-ref-55)
56. Kootenai Tribe of Idaho, By the Tribal Office Published in the History of Boundary County, ID Compiled by the Boundary County Historical Society 1987, <http://boundary.idgenweb.org/history-kutenais.html> retrieved August 9, 2015 [↑](#endnote-ref-56)
57. Mathes, Charles P. to Wilson, Peter B. 10 May 1973, Box 125, Folder 4576, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-57)
58. Weston,Paul to Timothy Al telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho [↑](#endnote-ref-58)
59. Weston,Paul to Timothy Al telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho [↑](#endnote-ref-59)
60. The most famous, or infamous, arrest around this time occurred on the evening of 8 October 1972 when Dianne Coffee was arrested for killing two white-tailed deer. Idaho stated that the deer were killed out of Idaho’s deer hunting season and shot on private property. Coffee challenged the charges contending that, as an Indian, she had an ‘aboriginal right to hunt in the area traditionally occupied by her tribe without being bound by the game laws of the State of Idaho.’ The court ruled against Coffee stating that had the ‘defendant been hunting on open and unclaimed land, a motion to dismiss might have been justified, depending on whether the State could show a need to regulate the hunting. However, as she was hunting on private land, she was subject to state game laws.’ See State v. Coffee, 556 P.2d 1185 (Idaho 1976) see <https://www.courtlistener.com/opinion/1183975/state-v-coffee/> accessed 7 July 2015 [↑](#endnote-ref-60)
61. Amy Trice, *Lecture Plight of the Kootenai*: Audio Recording, EWU Archives & Special Collections JFK Lower Level Special Collection (KFW505.5.K85 T75) 1975 [↑](#endnote-ref-61)
62. Hand written note by John Carlson Box 4 Folder Indians 2 ford library [↑](#endnote-ref-62)
63. Amelia Trice, Interviewed by Royce Williams, OH#0957, p.5, Boise: Idaho Oral History Center, January 11, 1988. [↑](#endnote-ref-63)
64. *Idaho’s Forgotten War* [↑](#endnote-ref-64)
65. Amelia Trice, Interviewed by Royce Williams, OH#0957, p.5, Boise: Idaho Oral History Center, January 11, 1988. Italics added by author. [↑](#endnote-ref-65)
66. Box 9, folder “Kootenai Nation (1)” of the Norman E. Ross Files at the Gerald R. Ford Presidential Library. [↑](#endnote-ref-66)
67. Norman Ross Files Kootenai (1) [↑](#endnote-ref-67)
68. Box 9, folder “Kootenai Nation (2)” of the Norman E. Ross Files at the Gerald R. Ford Presidential Library. [↑](#endnote-ref-68)
69. Bonners Ferry Herald, Sept. 12. 1974 [↑](#endnote-ref-69)
70. Letter image from <http://www.ford.utexas.edu/library/document/selected/treasures.asp> accessed May 27, 2015 [↑](#endnote-ref-70)
71. “BIA Offers Kootenais Treaty Negotiations”, Daily Idahoian, Sept. 14. 1974, [↑](#endnote-ref-71)
72. “Indian gather as Kootenais continue their Waiting Game”, *Blackfoot News*, (Blackfoot, Idaho) Sept. 17, 1974 [↑](#endnote-ref-72)
73. Blackfoot News, Sept. 17; “Confrontations Looms with Kootenai Tribe,” *Coeur d’ Alene Press* (Coeur d’ Alene, ID), p 17, and Sept. 18, 1974 [↑](#endnote-ref-73)
74. *Coeur d’ Alene Press*, Sept. 18. 1974 [↑](#endnote-ref-74)
75. Transcript of telephone conversation Norman Ross Files (2) [↑](#endnote-ref-75)
76. Bonners Ferry Herald, Sept. 19. 1974. [↑](#endnote-ref-76)
77. Transcript of telephone conversation Norman Ross Files (2) [↑](#endnote-ref-77)
78. Patterson, Bradley to Timothy Al telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho September 17, *Blackfoot News* Sept. 10; *Blackfoot News* Sept. 17; “Concessions Granted: Tribal Faith Showing, Negotiations Allow General Easing of Immense Local Tension,” *Bonners Ferry Herald*, Sept. 19. [↑](#endnote-ref-78)
79. “Non Violent War Vowed,” Spokesman Review, (Spokane, Washington), Sept. 20. [↑](#endnote-ref-79)
80. “Calm Settles over Tribe Crisis” Bonners Ferry Herald, Sept. 26. [↑](#endnote-ref-80)
81. *Bonners Ferry Herald*, Sept. 19. [↑](#endnote-ref-81)
82. *Coeur d’ Alene Press*, Sept 18. [↑](#endnote-ref-82)
83. *Blackfoot News*, Sept. 19. [↑](#endnote-ref-83)
84. Image taken from Google Maps. [↑](#endnote-ref-84)
85. “Tribal Demands Create Tense Mood,” *Coeur d’Alene Press*, Sept. 19. 1974 [↑](#endnote-ref-85)
86. *Coeur d’Alene Press* Sept. 19. [↑](#endnote-ref-86)
87. “‘War’ Winds Down to Roadside Pickets”, *Coeur d’Alene Press*, Sept. 20. 1974. [↑](#endnote-ref-87)
88. “Newsmen outnumber Kootenais in ‘war,’” *Blackfoot News*, Sept. 21. 1974. [↑](#endnote-ref-88)
89. Paul Watson to Timothy, Al, telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-89)
90. *Idaho’s Forgotten War* [↑](#endnote-ref-90)
91. “Kootenai Plan Roadblocks Today’” *Blackfoot News*, Sept. 20. [↑](#endnote-ref-91)
92. The former tribal office is now ironically part of the Boundary County Sheriff Investigations property [↑](#endnote-ref-92)
93. *Idaho’s Forgotten war* [↑](#endnote-ref-93)
94. “Kootenais Behind Schedule; War Path Paved with Dimes,” *Daily Idahonian*, (Moscow ID) Sept. 21 [↑](#endnote-ref-94)
95. “Kootenais in Holding Pattern,” *Blackfoot News*, Sept. 23.; “BIA Offer Rejected By Kootenai Tribe,” *Daily Idahonian* Sept. 24. [↑](#endnote-ref-95)
96. “Calm Settles Over Tribe Crisis,” *Bonners Ferry Herald*, Sept. 26. [↑](#endnote-ref-96)
97. “Kootenais Threaten War,” *Blackfoot News* Sept. 14. [↑](#endnote-ref-97)
98. *Blackfoot News* Sept. 14. [↑](#endnote-ref-98)
99. *Blackfoot News* Sept. 14. [↑](#endnote-ref-99)
100. Box 1, folder “Correspondence, Aug. - Sept. 1974” Bradley H. Patterson Files at the Gerald R. Ford Presidential [↑](#endnote-ref-100)
101. *Blackfoot News*, Sept. 17. [↑](#endnote-ref-101)
102. “Andrus Tells Kootenais He’ll Send State Police; Ford Vows Quick Reply” *Idaho Statesman*, Sept. 18. [↑](#endnote-ref-102)
103. Typed notepad dated 10 September, McClure Box 125 Folder 4575 [↑](#endnote-ref-103)
104. Wilson to Timothy, telephone conversation 17 January 1974, Box 125, Folder 4576, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-104)
105. Memorandum to Superintendent from Reality officer Northern Idaho Agency 12 September 1974, Box 9, folder “Kootenai Nation (2)” of the Norman E. Ross Files at the Gerald R. Ford Presidential Library. [↑](#endnote-ref-105)
106. “BIA offers Kootenais Treaty Negotiations,” *Daily Idahoian* Sept. 14. 1974. [↑](#endnote-ref-106)
107. Smith, Sidney to Timothy Al telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-107)
108. Timothy to Patterson, telephone conversation 17 September 1974, Box 125, Folder 4575, MG 400, James A. McClure Papers, 1961-1990, Special Collections and Archives, University of Idaho Library, Moscow, Idaho. [↑](#endnote-ref-108)
109. Box 9 Folder Kootenai Ross (1) Ford Library [↑](#endnote-ref-109)
110. Patterson to Morris Thompson, 18 September 1974, Box 1, Folder Correspondence Aug.- Sept. 1974 Bradley Patterson files at the Ford Library [↑](#endnote-ref-110)
111. Thompson to Trice, Box 9, Folder Kootenai Nation (1) of the Norman E. Ross files at the Ford Library [↑](#endnote-ref-111)
112. Morris Thompson to Amy Trice, Box 4, Folder Indians 2 John Carlson Files at the Ford Library; South Idaho Press (Burley) 19 September 1974 [↑](#endnote-ref-112)
113. The Affiliate Tribes of the Northwest are a non profit organization based in Oregon formed in 1953 with the aim of supporting tribal sovereignty and self determination. It consists of 57 members from Idaho, Oregon, Washington, Northern California, and Western Montana. <http://www.atnitribes.org/principals-purpose-goals-atni> accessed 1 August 2016 [↑](#endnote-ref-113)
114. *Idaho’s Forgotten War* [↑](#endnote-ref-114)
115. “Indian War ‘Serves Purpose,’” *Blackfoot News*, Sept. 22 1974 [↑](#endnote-ref-115)
116. “Kootenai expecting BIA Visit,” Lewiston Morning Tribune (Lewiston, Idaho), Sept. 27. 1974 [↑](#endnote-ref-116)
117. “Tribe, BIA Set Powwow.” *Coeur d’Alene Press*, Sept. 30. [↑](#endnote-ref-117)
118. “BIA Commissioner Says Congress Must Approve Kootenai Treaty,” *Daily Idahonian*, Oct. 1. [↑](#endnote-ref-118)
119. “Kootenais,” *Blackfoot News*, Oct. 2. [↑](#endnote-ref-119)
120. Murphree, Daniel, *Native America: A State by State Historical Encyclopedia* (Santa Barbara, Calif. : Greenwood, 2012), p. 289 [↑](#endnote-ref-120)
121. “Kootenais to meet officials,” *Lewiston Morning Tribune*, Oct. 5. [↑](#endnote-ref-121)
122. *Plight of the Kootenai* [↑](#endnote-ref-122)
123. *Idaho’s Forgotten War* [↑](#endnote-ref-123)
124. <http://www.bls.gov/data/inflation_calculator.htm> accessed 4 Jan 2016 [↑](#endnote-ref-124)
125. Quote by John Trudell from Incident at Oglala: The Leonard Peltier Story, directed by Michael Apted (1992; Santa Monica, Calif. : Artisan Home Entertainment), DVD [↑](#endnote-ref-125)
126. Quote by John Trudell from *Incident at Oglala* [↑](#endnote-ref-126)
127. *Plight of the Kootenai*; Boundary County Sheriff Ketner stated that there were ‘representatives of the American Indian Movement (AIM) are in Bonners Ferry, and while he understands the Kootenai Tribe intends no violence, Indians from outside the area could cause problems.’ Coeur d’Alene Press, Sept. 17. 1974. [↑](#endnote-ref-127)