

The Original Laws

The sacred ethics of Columbia River tribes provide a guide for restoring ecosystems damaged by European colonization.

By Ifanyi Bell

Two years after the tragic Nez Perce War of 1877 that forced Chief Joseph and his people from their homeland and took the life of his child and many others, he spoke these words in Washington, DC, at Lincoln Hall, recounting the history of his people in that land and the reasons they fought to keep it:

My father sent for me. I saw he was dying. I took his hand in mine. He said: "My son, my body is returning to my Mother Earth, and my spirit is going very soon to see the Great Spirit Chief. When I am gone, think of your country. You are the chief of these people. They look to you to guide them. Always remember that your father never sold his country. You must stop your ears whenever you are asked to sign a treaty selling your home. A few years more, and white men will be all around you. They have their eyes on this land. My son, never forget my dying words. This country holds your father's body. Never sell the bones of your father and your mother." I pressed my father's hand and told him I would protect his grave with my life. My father smiled and passed away to the spirit-land.

I buried him in that beautiful valley of winding waters. I love that land more than all the rest of the world. A man who would not love his father's grave is worse than a wild animal.

For a short time we lived quietly. But this could not last. White men had found gold in the mountains around the land of winding water. ...

I have carried a heavy load on my back ever since I was a boy. I learned then that we were but few, while the white men were many, and that we could not hold our own with them. We were like deer. They were like grizzly bears. We had a small country. Their country was large. We were contented to let things remain as the Great Spirit Chief made them. They were not; and would change the rivers and mountains if they did not suit them.

Indeed, much has changed in the rivers and mountains of that land of winding waters since Chief Joseph and his people were forced from it. Other "tribes" who resided there, such as the Wallowa Lake sockeye salmon, were forced from it as well. There were laws that protected those salmon and all communities of life in the Wallowa country for at least ten thousand years prior to the arrival of white settlers. The Plateau tribes who have occupied the surrounding region from time immemorial call them the Original Laws.

Bobbie Conner is director of the Tamástslikt Cultural Institute on the Confederated Tribes of the Umatilla Indian Reservation, or CTUIR, located at the foot of Eastern Oregon's Blue Mountains. This is where the Cayuse, Umatilla, and Walla Walla tribes reside today. Many Nez Perce tribal members and descendants also live on the Umatilla Reservation, as well as on reservations in Idaho and Washington. Their cultures had close relationships with the downriver tribes of the Columbia River, all the way to the Pacific Ocean. The Columbia and Snake Rivers were major thoroughfares of trade and cultural exchange in the region, and a source of lifeblood to all people, two-legged and otherwise. Conner describes this time:

We're talking about the time when the animal and plant community all communicated with each other. They had a common language. It's not that they were like people; they were exactly themselves. But they had a language that they shared; they had an ability to communicate. When we first were born of this earth we had the ability to understand those animals. But because we have broken rules over time, we don't have that ability anymore. It doesn't mean the language of the rest of the ecosystem doesn't exist. It's that we don't have access to it anymore. How the communities communicate now has been disrupted. The food chain has been disrupted, the habitats have been disrupted. There's been so much disruption that the notions of the Original Laws [have] become folklore, or mythological constructs that people don't think of as laws. But they are the laws of our people. The laws teach us lots

of things, like never take more than you need, and always leave some for those who come behind. You know that saying, “To whom much is given, much is expected?” Well, we were given a lot. So there’s a spirit of generosity, abundance, and hospitality because we were given lots of kinds of fish, lots of kinds of meat, lots of kinds of roots, lots of kinds of berries.

In our stories, when the humans came here they were like infants. When they came into this landscape they did not know how to live here. Different from people like Lewis and Clark who came here from somewhere else and did know how to live there, but not here; these were people who were born to this landscape like infants and didn’t know how to survive, and so the animals agreed not only to feed them and sustain them, but to teach them.

Animals of countless kinds sustained and taught the indigenous peoples of the Columbia for thousands of years, and seemingly could have done so in perpetuity, until a little over one hundred years ago. The breaking of the sustainable cycles of giving and receiving coincided with the breaking of the Original Laws that guided decisions about how human beings affect natural systems. Soon after, native species to the region began to shrink and disappear. Some of those species, such as lamprey eels and wolves, disappeared by intentional eradication and bounty programs. Others disappeared because of unsustainable extraction, commercialization, and industrial development. A clear pattern was in place: remove all indigenous species, including humans, that stood in the way of the picture Manifest Destiny had painted of how the American West should look and how its natural resources and life should be treated.

Onondaga Chief Oren Lyons once characterized the difference in perspective between indigenous and colonial patterns on the land in a speech he gave to the United Nations: “We don’t call a tree a resource. We don’t call the fish a resource. We don’t call the bison a resource. We call them our relatives. But the general population uses the term resources, so you want to be careful of that term—resources for just you?”

This shift in perspective soon erased some species of salmon from Wallowa County rivers. Today, the only remnants of the Wallowa Lake sockeye “tribe” that once swam thirty thousand strong from the ocean to the headwaters of Wallowa Lake every year are their mutated descendant cousins among the Wallowa Lake kokanee population. Kokanee salmon are a much smaller, landlocked version of sockeye salmon that can populate naturally, or can result from sockeye populations whose out-migration to the ocean has been blocked. The population of kokanee in Wallowa Lake today is a mixture of both.

Wallowa Lake sits at the base of the Wallowa Mountains and the head of the valley Chief Joseph loved so dearly. Alpine snow glistening on nine-thousand-foot peaks and the countless azure lakes that speckle the land between them are profoundly important sources of water to the Snake River watershed. The Wallowa River flows from the center of the range to Wallowa Lake, through the Wallowa Valley, and on to meet the Grande Ronde River, which flows from the westward Blue Mountains and empties into the Snake River. The headwaters of Wallowa Lake served as the spawning grounds for thousands of sockeye that returned there annually to regenerate the life cycle of their community. It was said the fish were so numerous there that Nez Perce women had their dogs trained to fetch them out of the river. Later accounts in the early days of postwar settlement would report: “They were so thick the water was a solid wriggling mass. One could go there in a boat with a pitchfork, stand in the boat, and fill it within a very short time.”

Resources such as the plentiful and seemingly boundless fish and game, as well as timber and forage for cattle, continued to bring more and more settlers to Wallowa Valley every year. But it was the discovery of gold that finally led the US government to issue an ultimatum of eviction to the Nez Perce, and the ensuing war erupted.

The tribe fought a historic running battle with the US Army that trailed over a thousand miles and through many months of struggle and conflict; the Nez Perce defeated the army at every turn, against incredible odds. However, they were caught in a sneak-attack flanking move in Montana, approximately forty miles from the Canadian border and escape to refuge among Sitting Bull’s people, and the tragic war came to an end with Chief Joseph’s surrender.

Back in their homelands the Original Laws that had guided the use of lands and waters were erased, and new laws based on property, resource ownership, and commerce were put into place. A new perspective of dominion over nature rather than communion with it took hold. Historic accounts record hunting practices wherein, for example, two hunters in Wallowa County once “harvested” a thousand deer in one season. They hauled the carcasses to Fort Walla Walla and sold the preserved meat and the hides for 75 cents each. Commercial trapping had already depleted much of the fur-bearing wildlife population in the Columbia

watershed. Old-growth forest was soon logged out, and timeless patterns of fire ecology were suppressed through misunderstanding and because of threat to industry. Streamside riparian zones became depleted of foliage essential to providing shade, which keeps water cool, and of fallen logs, which create pools in rivers and streams that are needed by salmon and steelhead. The young shoots of willows and cottonwoods that replenished that foliage became nutrient-rich fodder for unchecked grazing by cattle. Later, after elk and deer were reintroduced for sport-hunting purposes, but without predators like wolves and grizzlies that teach grazers not to linger in riparian zones where they will be hunted, these wild ruminants also took part in the extinction of salmon and steelhead in tributary streams. Ecological processes that had been protected by the Original Laws unraveled.

What set the extinction of the Wallowa Lake sockeye in stone was the completion of the Wallowa Lake Dam in 1916. To this day that structure, built to provide irrigation and local power, blocks the passage of fish that migrate from the Pacific Ocean to Wallowa Lake and the high-country streams in the northeastern section of the Wallowa Mountains, such as steelhead, sockeye, and lamprey.

Other salmon populations disappeared around the same time, not just from the waters of the Wallowa country but from all existence whatsoever. There were once Chinook salmon known throughout the Columbia region as June hogs, both because of their enormous size and the look of their bodies. They could reach upwards of four feet in length and could weigh over one hundred pounds. All that remains of those fish now are old photographs. Canneries along the Columbia River that in their heyday were harvesting fifteen thousand metric tons of salmon per year wiped out most of them, along with local harvests in places like Wallowa County. In 1939 the Grand Coulee Dam, built across the Columbia River, ended the existence of the June hogs once and for all. Today a Chinook salmon approaching fifty pounds is considered a “monster.” Approximately three thousand Native people living in ancestral village sites along the river (mostly affiliated with the Confederated Tribes of Warm Springs, Confederated Tribes of the Umatilla Indian Reservation, Yakama Nation, and Nez Perce) were displaced by flooding from the dam.

The Dalles Dam, completed in 1957, submerged Celilo Falls, which was one of the most important locations for indigenous peoples of the Columbia watershed. It was a place where millions of fish of multiple species gathered to rest and congregate on their migrations from the Pacific Ocean into the interior Northwest. Members of tribes from up and down the river systems gathered there in peace and shared the sustenance swimming in the waters under those falls. Protocols of usage were maintained by a council of Salmon Chiefs from various communities, as well as the residents of the village near the falls. In those times the boundaries between tribal cultures were much fuzzier; later came strict definitions and lines of ownership designated by the government.

Wilson Begay is an enrolled Yakama tribal member who lives at the tribal village site near the former location of Celilo Falls. He is descended from the Celilo Village people. “We all consider ourselves Big River People,” Wilson says. “Everyone had their place to live. First the dams took away their homes, where they were stable. With that it took away some of their livelihood to live and maintain on the river and have a strong place to build their family. The water slowed down so much, people knew the fish would slowly go away, and the cliffs weren’t gonna be bare for the suckers [lamprey eels] to climb. That was a real problem for the suckers because how they traveled was through the cliffs and the rocks. That’s part of their travel. Maybe some people don’t understand that about the cliffs and rocks. The rocks were for the fish to rub their bellies on, it was part of their spawning process.”

Wilson goes on to describe conditions in the old days. “There were salmon and steelhead spawning beds in the braided streams along the river from Celilo to the Deschutes River, and there were a lot of camps in that area. You didn’t have to catch a fish with a net, you could just go out there and grab it. Down here they had places where you could grab eels off the rocks. My mother talked about those days where you just went down there and grabbed them.”

It’s not just a decline in the fish population that has affected tribal members’ relationships with fish communities. “The consumption of our fish now could be detrimental to your health because of all the mercury inside the fish,” Wilson says. “The mercury level gets pretty high sometimes and it doesn’t get announced until later. I worked up in Hanford [nuclear facility on the upper Columbia River], and I’ve seen two-headed fish. I’ve seen fish with double fins. When we’d find those fish the workers would come get them from us right away. They never said what happened to them. I’ve never heard about it being reported or written about.” Some tribal members are so concerned about toxicity levels in salmon that they have stopped eating them altogether.

Over the past few decades tribes have been working to restore historical fish populations and apply the ethics of the Original Laws to management decisions through a combination of treaty rights and the implementation of congressional fish, wildlife, and environmental protections. Treaty rights have also required state and federal agencies to work with tribes in joint efforts that have led to stunning successes such as those of the Columbia River Inter-Tribal Fish Commission—composed of representatives from the Nez Perce, CTUIR, Warm Springs, and Yakama tribes—which has led political efforts regarding fish recovery and treaty rights. Each of these four tribes also has a robust fisheries department working actively at recovery and management within their localized watersheds.

Another source of recovery is the increasing number of young people who are embracing traditional perspectives and the rise of powerful grassroots movements that unite indigenous and non-indigenous people in the common goals of preservation and restoration, such as the Water Protector pipeline protests at the Standing Rock Sioux Reservation. These movements have sparked a shift in thinking about policies and practices. Currently the US Army Corps of Engineers is preparing an Environmental Impact Statement on the Columbia watershed, which includes assessing removal of the Columbia and Snake River dams.

Hope for a return to the old ways is still strong among Native people. “We have a prayer that it’s gonna come back,” says Wilson Begay. “One day it will be back. There’s a strong belief in that.” He dreams of a day when the needs of the many, not of the few, including all of the life in the river, are deemed a priority in management and practice. Wilson says:

The Big River Council of fish chiefs from the different bands used to meet and talk about livelihood, and who they needed to help that year. Who needed help with extra food, or fixing up a fishing site. It wasn’t about controlling, it was just about general life to help each other and look after each other. The council was about taking care of each other. The chiefs weren’t kings or gods. They got together to talk about what people wanted. They were the speakers of what people wanted. The chief was a speaker for his people so they could all live as one. The purpose of a chief was to take care of and speak for the people. He never made himself rich, he gave to the people. And if a chief started getting a big head, and started getting too far ahead and taking too much, a woman would correct him. That’s a role of the woman in our Way, she can correct the man if he’s taking too much or he needs to slow down. If he is living without regard to our unwritten laws, she can correct him.

Bobbie Conner shared an old legend about Coyote that symbolizes the hope and need for restoration.

Coyote is a unique character because he has the ability to change forms. He has the ability to turn himself into a human, and into a human baby in one story about dams. The river was dammed up and people upriver weren’t getting any fish, and they were hungry and crying. So Coyote goes downriver to investigate and finds a dam. There were some sisters who were tending the dam. So Coyote turns himself into a human baby and puts himself in a basket and floats to the dam. The sisters find him and hang him in a cradleboard and go out to dig roots. One of the digging sticks breaks and they think, ‘Oh, something must be wrong back at camp! Something must be wrong with the baby!’ And so they go back to camp and find Coyote not in the cradleboard but on the sticks of the dam, pulling the last sticks out so the water can flow free. The waters flow through so the fish can get upriver past the dam. The sisters are shaking their sticks at Coyote and yelling, ‘You nasty coyote! You tricked us!’ They had made the dam to block up the fish and keep them all for themselves. But other people upriver were hungry and hurting, and so Coyote had to go down and take the dam apart so other people could have fish. So the lesson is that you are not supposed to deprive other people. You can’t keep all the fish for yourself.

These are the stories that communicate the sacred ethics and natural processes Native people strive to return to today.

Joe Whittle is an enrolled Caddo tribal member and long-time resident of Wallowa County. His photography and writing can be found in the *Guardian*, *Outside*, *HuffPost*, *Backpacker*, *Travel Oregon*, the *Oregonian*, and *1859 Oregon’s Magazine*.