

Nevada

Historical Society Quarterly



FALL 2008



Nevada Historical Society Quarterly

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The *Nevada Historical Society Quarterly* (ISSN 0047-9462) is published quarterly by the Nevada Historical Society. The *Quarterly* is sent to all members of the Society. Membership dues are: Individual, \$35; Family, \$50; Sustaining, \$100; Contributing, \$250; Patron, \$500; Benefactor, \$1,000; Seniors, \$20 (without *Quarterly*). Membership applications and dues should be sent to the Director, Nevada Historical Society, 1650 N. Virginia St., Reno, NV 89503. Periodicals postage paid at Reno, Nevada and at additional mailing offices. POSTMASTER: Send address changes to *Nevada Historical Society Quarterly*, 1650 N. Virginia St., Reno, Nevada 89503.

The Paddy Cap Band of Northern Paiutes: From Southeastern Oregon to the Duck Valley Reservation

STEVEN CRUM

Northern Paiute and Western Shoshone tribal people currently live on the Duck Valley Reservation, which straddles the Nevada-Idaho border. The White Knife—Tosa Wihi—Shoshones are indigenous to Duck Valley.

Other Shoshones and Paiutes migrated in from different places from the late nineteenth century onward. One group of Paiutes, the Paddy Cap Band, represents its own distinct group and has its own separate community called Miller Creek, located on the north end of the reservation. Like other tribal entities, the Paddy Caps of both past and present developed a deep attachment to their indigenous world, which they called Neweh Ma Nee Be Neen (also “Tepia,” which means land). This native connection explains why the band has remained connected to its ancestral homeland of what is now southeastern Oregon, even though it has lived at Duck Valley for some hundred and twenty years. This article examines the connection and provides a historical overview of Paddy Cap history from its early days in eastern Oregon to its present in Duck Valley.

In the second half of the nineteenth century and into the middle of the twentieth century, the Paddy Cap Band experienced a range of challenges. This article centers on those struggles, which include warring against the Euro Americans; dealing with various facets of the federal government’s “Indian” policies, including the reservation system and Indian Removal; interacting with the Shoshones once the band settled down on the Duck Valley Reservation; confronting the

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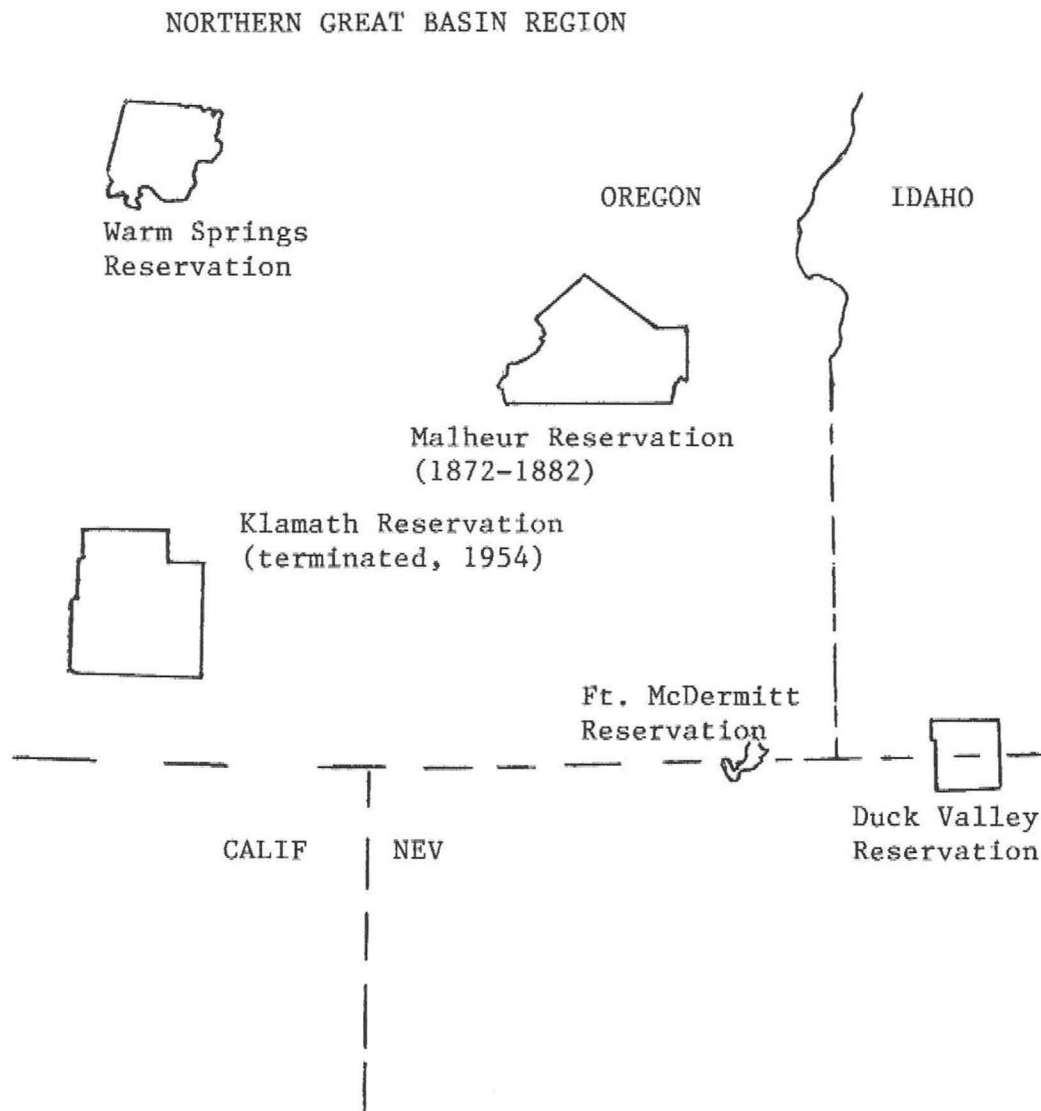
politics and practices of the New Deal of the 1930s; and, finally, focusing on the issue of claims against the federal sector stemming from inequitable treatment during the nineteenth century. Despite these difficulties, the Paiutes have survived and remained a culturally resilient people throughout their history. The theme of struggle is a central point of this article.

As a starting point, the ancestors of the Paddy Caps lived in the area around Harney and Malheur lakes near today's Burns, Oregon. Many of the Paiutes of this region called themselves Wadateka'a, "Seed Eaters," and they survived by hunting, gathering, and fishing in their native area.¹ They represented the northernmost population of the Northern Paiutes who live in a large region that stretches from southeastern Oregon to the Owens Valley region of southeastern California. Most of the Northern Paiutes live in the central area, or in western Nevada.

The Wadateka'a of southeastern Oregon successfully lived within their environment until white settlers invaded their homeland in the mid nineteenth century. By the 1860s, the Paiutes decided to take a stand and fight for their homeland, Neweh Ma Nee Be Neen. Over a two-year period, from 1866 to 1868, they declared war against the settlers, who received the support of the United States military. General George Crook fought various Paiute bands, led by Wewawewa, Oitz, Egan and other noted Paiute leaders. Finally, in 1868, the two sides brought an end to what the whites called "The Snake War of 1866-68."²

The war was terminated with a peace treaty on December 10, 1868, at Fort Harney, in southeastern Oregon. The American negotiator, J. W. Perit Huntington, told the Indians they must become peaceful; the Indians agreed. In turn, the various Paiute groups, led by Egan and Oitz, requested that they remain in their ancestral homeland and not be sent elsewhere. Huntington agreed, and both sides favored a Paiute reservation to be established in southeastern Oregon. However, the United States Senate failed to ratify the treaty.³

The federal government realized that, with the rapid encroachment of whites into eastern Oregon, more warfare would soon follow. Therefore, the government decided to remove all the Wadateka'a bands from their ancestral homelands. In November 1869, A. B. Meacham, the new superintendent of the Oregon Superintendency of the Office of Indian Affairs (today's Bureau of Indian Affairs, or Indian Bureau), held a large council with the Paiutes and told them they must leave their native area and move two hundred miles to the west, or to the Klamath Reservation of southwestern Oregon. Immediately, the Paiutes rejected this proposed removal. Some Paiutes, led by Chief Winnemucca, boycotted the meeting to express their opposition. The majority who attended the meeting ardently opposed removal. Egan asserted, "When we made a Treaty [1868 treaty], I said we would stay here, as long as we lived."⁴ In the end, only a small number of Paiutes moved to Klamath, but because they remembered their southeastern Oregon homeland and remained deeply attached to Neweh Ma Nee Be Neen, most of these had left Klamath by 1871.⁵



Source: Map adopted from Handbook of North American Indians, Vol. 11, Great Basin (Smithsonian Institution, 1986), p. 456.

By the early 1870s, federal officials had decided to establish a reservation for the Wadateka'a in southeastern Oregon. Concerning this matter, military officer Edward M. Canby wrote in 1871, "the only adequate remedy is the relocation of the Basin Indians upon a reservation within the limits of their old country."⁶ As a result, the federal government, by presidential executive order, created the Malheur Reservation on September 12, 1872, in southeastern Oregon for the various Wadateka'a bands.⁷

Unfortunately, reservation life for the Paiutes turned out to be miserable for several reasons. First, the reservation agent of the mid and late 1870s, W. V. Rinehart, never developed friendly ties with the Paiutes. In one instance, he physically abused a Paiute boy. Second, Rinehart required all Indian men, ages eighteen to forty-five, to work for their food rations. The Paiutes became

angry over this policy, probably because not all men could work, owing to injury or other problems. Third, the Indian Bureau never provided the Indians with enough support for subsistence purposes. The Paiutes received limited food rations and limited farming implements for agriculture. Fourth, white settlers illegally used the new reservation for grazing their cattle. There were 10,839 white-owned cattle inside the reservation boundaries by 1877. And lastly, some of the Paiute groups or bands did not get along with each other. This was the first time in their history that they were confined to a small area. Some Wadateka'a of southeastern Oregon called the northern Nevada Paiutes, led by Winnemucca, an "inferior race of rabbit-hunters."⁸

By 1877, having lived on the Malheur Reservation for only three years, many of the Wadateka'a began to leave, returning to their hunting, gathering, and fishing areas in southeastern Oregon and other nearby places. Egan's band moved to the Payette Valley of southwestern Idaho, near the Oregon border. Winnemucca's band, which in earlier times moved back and forth between northern Nevada and southeastern Oregon, went to northeastern Nevada; they settled temporarily along the Owyhee River after hearing rumors that the federal government planned to establish a new reservation for the Nevada Shoshones.⁹ Obviously, Winnemucca favored a new reservation home instead of a return to Malheur.

However, the various Northern Paiute bands did not permanently rule out the Malheur Reservation. After all, its locality was Neweh Ma Nee Be Neen. Rather, they returned periodically to Malheur to receive available government food rations and other supplies, and then left to pursue hunting and gathering.¹⁰

The Bannock War of 1878 emerged as one of the most prominent affecting the Wadateka'a in the late nineteenth century. The roots of this war started on the Fort Hall Reservation of southeastern Idaho. The Shoshones and Bannocks living on the reservation had experiences similar to the Wadateka'a of Malheur. Specifically, they received only limited food rations from the Indian Bureau. Some Bannocks therefore made the decision to leave the reservation and return to the Camas Prairie area of south-central Idaho, which was one of the most popular places for Bannock food gathering. They possessed a legal right to gather in that region based on treaty rights. Upon arriving at Camas Prairie, the Bannock discovered that white-owned cattle had destroyed native food sources. Immediately angered, the Bannock decided to rid southern Idaho of white settlers. They attacked white ranches, killed a few settlers, and destroyed property. Furthermore, the Bannock sought Indian recruits from the larger region. By June 1878, forty-six Bannock recruiters had reached the Malheur Reservation and encouraged the Wadateka'a to join them.¹¹

Angry at the white settlers of southeastern Oregon, and frustrated with reservation life, several Wadateka'a joined the Bannock. Specifically, the bands led by Oitz and Egan joined forces with the Bannock. At this point, Paddy Cap, a Wadataka'a, recognized as a "prominent Piute [sic]" but "not a sub-chief,"

became an active fighter against the white settlers. According to one account, Paddy Cap and his followers burnt ranch houses in Barren Valley. The Bannock War lasted from early June to early August 1878. The Indians killed nine soldiers and thirty-one settlers, while the military killed seventy-eight Indians.¹² With the entry of the United States military, the Indians eventually lost the war. In August, all the Wadateka'a surrendered; they became prisoners of war and were confined at Camp Harney located on the Malheur Reservation.

Although only some Wadateka'a had participated in the Bannock War, the federal government chose to blame nearly all of them for the warfare. The government decided to punish the Paiutes by removing them from Neweh Ma Nee Be Neen. Some federal officials suggested taking the principal leaders to Indian Territory (today's Oklahoma). Others suggested confining the Indians on the Lummi Reservation in Washington. The commissioner of Indian affairs of the Indian Bureau wanted the Paiutes to be taken to Florida. Operating under the assumption that most Northern Paiutes of southeastern Oregon were guilty, the military gathered up 543 of them—including Leggins's band, a group who remained friendly to the whites during the war—and marched them to the Yakima Reservation in Washington.¹³ Since the Wadateka'a had to travel a distance of three hundred and fifty miles in the middle of winter before arriving in February 1879, this removal experience became the Wadateka'a version of the Trail of Tears.¹⁴

Many of the Wadateka'a spent the next half decade as prisoners of war on the Yakima Reservation. However, the Paiutes never forgot Neweh Ma Nee Be Neen, their homeland in southeastern Oregon. Here is another example of remembering and remaining connected to their homeland in the late nineteenth century. The Paiutes looked for every opportunity to escape Yakima and return home. Seventy-one left Yakima in 1880, crossed the Columbia River, and returned to Oregon, places unknown. In September 1881, a few more escaped and settled on the Warm Springs Reservation, which the government had established in 1856 for the Warm Springs and Wasco tribes of central Oregon. Before the outbreak of the Bannock War, some Northern Paiutes of Oregon had also moved to that reservation, making Warm Springs their permanent home. This explains why the Paiutes who left Yakima in 1881 went to Warm Springs.¹⁵ Paiute escapees presumably could have returned to the now vacant Malheur Reservation, but they chose not to because agent Rinehart remained in charge.

In the early 1880s, various individuals, both Indian and non-Indian, wanted the Paiutes to be returned to Oregon. One of these was Sarah Winnemucca, an English-speaking Northern Paiute and the daughter of Chief Winnemucca. Sarah herself briefly lived on the Malheur Reservation when she served as a schoolteacher in the mid 1870s. She argued that the federal government committed a great injustice by gathering up nearly all the Oregon Northern Paiutes and sending them to Yakima, even though many, including Leggins's band, were not guilty of any crime. Sarah made a trip to Washington, D. C., in an ef-

fort to persuade the secretary of the interior to allow the Paiutes to return. The secretary initially favored her request but later retreated from that position.¹⁶ In addition, sympathetic military officials favored the Paiutes' return to Oregon. The most vocal, Arthur Chapman, stationed at Fort Vancouver in Washington, asserted in December 1881 that the Paiutes were "very anxious to return to their own country."¹⁷

The federal government remained firm that the Paiutes must remain in Washington, and the Paiutes remained convinced that they needed to return to their homeland. However, they could never return to the Malheur Reservation because a presidential executive order abolished it on September 13, 1882.¹⁸ Thus, those Paiutes who sought to escape Yakima had to consider other places. Many chose Warm Springs. In July 1882, roughly two hundred crossed the Columbia but were quickly captured. Only twenty made it to Warm Springs. For reasons not entirely clear, the Indian Bureau agent at Warm Springs was not motivated to return the runaways. But in one instance, in September 1882, he did escort to the Columbia some thirty Paiutes, who were returned to Yakima.¹⁹

The biggest escape effort took place in the summer of 1883 when roughly 300 Paiutes crossed the Columbia and successfully returned to Neweh Ma Nee Be Neen in southeastern Oregon. One federal official counted 263 individuals, led by Leggins, who were living at Camp Harney, the still-existing military camp located within the boundaries of the now defunct Malheur Reservation. On discovering that the local settlers of the region were anti-Indian, many of the Paiutes left Harney and dispersed themselves. A few remained at Harney and others moved to Steens Mountain, located south of the former reservation. Still others moved 175 miles to the south and settled around Fort McDermitt, which straddles the Nevada-Oregon border.²⁰

Angry that the Paiutes had left his reservation, agent R. H. Milroy of Yakima requested that the military round them up for return to the Yakima Reservation. But the military refused to carry out this request, realizing that it could lead to open warfare and the loss of lives on both sides. The military instead recommended placing the Paiutes on one of three reservations in Nevada—Duck Valley Reservation (set aside for the Western Shoshones in 1877), the Walker River Reservation, or the Pyramid Lake Reservation, the latter two having been established in western Nevada for the Nevada Northern Paiutes.²¹

In the end, agent Milroy gave in and asserted that "it would be better to locate them on another reservation, among Indians related to them in blood."²² Realizing that their escaped relatives would not be returned to Yakima, and that Milroy had softened his position, the remaining Paiutes decided to leave Yakima in 1884. In June, Paddy Cap and his band of fifty left Yakima, traveled around in Oregon for a few months, settled down at Fort McDermitt for awhile, and finally arrived at the Duck Valley Reservation in August 1885, more than a year after leaving Yakima. In August 1884, the last group of Paiutes, led by Oitz, left Yakima and moved in with other Northern Paiutes living at Warm Springs.²³ By the mid 1880s, no Paiutes remained at Yakima.

Two questions emerged as work on this article proceeded. First, why did the Paddy Cap Band decide not to return to Neweh Ma Nee Be Neen, its ancestral Oregon homeland after leaving the Yakima Reservation? Second, why did the Paddy Caps select the Duck Valley Reservation as their future home, and not some other place?

Two important reasons explain why the Paddy Caps did not return to southeastern Oregon. In the first place, they had no reservation to return to: The Malheur Reservation had been abolished in 1882. The more important reason had to do with the whites' abuse of the Paiutes. As previously mentioned, some Paiutes did return home and settled near Burns, Oregon. However, some white settlers, still harboring an anti-Indian position because of the earlier Bannock War, harassed the seventy Paiutes who made Harney Valley their home. One newspaper account indicated that unruly whites committed "repeated outrages" against the Indians, although it never specified what the outrages were.²⁴ Perhaps anti-Indian sentiment was the biggest reason why many or perhaps most Wadateka'a did not settle the area in and around the former Malheur Reservation.

As to why the Paddy Cap Band chose the Duck Valley Reservation, several explanations are possible. First, Duck Valley is slightly more than two hundred and fifty miles from the old Malheur Reservation site. The topography and climate of Duck Valley in northeastern Nevada are nearly identical to that of southeastern Oregon. Both areas are dry, high desert regions, and the similar landscapes appear to have been a major factor in the Paiute decision to choose Duck Valley.

Second, the Paddy Caps already had some familiarity with Duck Valley because of its close proximity to southeastern Oregon. Many of the Indian residents of the former Malheur Reservation hunted, gathered, and fished in southwestern Idaho near Duck Valley. They fished for salmon in the Owyhee River, which originates in northeastern Nevada, flows through the Duck Valley Reservation, moves across southwestern Idaho, proceeds through extreme southeastern Oregon, and finally empties into the Snake River about forty miles east of the once-existing Malheur Reservation. Obviously, many of the Indians who once resided at that reservation had traveled up the river for hunting and fishing purposes. And although they never made Duck Valley their home, it being part of the Western Shoshone area, they nevertheless became familiar with this area before the 1880s.

Third, the Paddy Caps favored Duck Valley because of its isolation and distance from white settlements. Very few if any settlers lived around or near Duck Valley at this time. In fact, the largest white settlement to the north was Mountain Home, Idaho, some ninety-seven miles away. The nearest white settlement to the south was Elko, Nevada, some ninety-three miles distant. Duck Valley became the perfect haven for a new home where no whites would bother the Paddy Caps. We have to remember that the Paddy Caps and other Wadateka'a had been troubled by the influx of settlers who made southeastern Oregon their permanent home.

For the above reasons, the Paddy Cap Band favored Duck Valley and rejected other places in the mid 1880s. Federal officials encouraged them to move to reservations set aside for Northern Paiutes living in Nevada, specifically the Pyramid Lake and Walker River reservations. But they rejected these reservations because they were located too far to the south in western Nevada and too close to white populations.

As for the Western Shoshones already living at Duck Valley, some of them did not want the Paddy Cap Band to live permanently in Duck Valley because they viewed the reservation as their own indigenous homeland. But the Paddy Caps pushed to remain. To resolve the issue, the reservation agent John S. Mayhugh suggested adding some territory at the north end of the reservation to be a permanent home for the Paiutes. Federal officials in Washington, D. C., favored this idea, and on May 4, 1886, by presidential executive order, the government added a strip of land, twenty-two miles long and six miles wide, to the north end of the reservation, north of the Idaho-Nevada border. The order specified that this new land base was intended for the "Paddy Caps band of Pi-Utes and such other Indians as the Secretary of the Interior may see fit to settle thereon."²⁵

At the time of the 1886 executive order, the government interpreted "such other Indians" to mean other Northern Paiutes who used to live on the once-existing Malheur Reservation. For this reason, the Bureau of Indian Affairs asked Paddy Cap and his followers to encourage other former Malheur residents to settle at Duck Valley. This included those Paiutes living at McDermitt in northern Nevada, Harney Valley, and Steens Mountain in southeastern Oregon, and those at Silver City in southwestern Idaho. This effort was somewhat successful. The Paiute population nearly doubled from sixty in 1885 to one hundred and fifteen by 1887. Even Leggins, the Paiute leader who had been unjustly taken to Yakima, settled down at Duck Valley in 1887.²⁶

Having made Duck Valley its permanent home after 1885, how did the Paddy Cap Band remember and remain connected to Neweh Ma Nee Be Neen, its southeastern Oregon home? The Paiutes did so in several ways. One, they moved back to Oregon and adjacent areas on a temporary basis. Several Paiutes followed this pattern after the anti-Indian sentiment associated with the Bannock War began to fade. For example, Leggins left Duck Valley sometime in the late 1880s, was living in Jordan Valley, Oregon, by 1890, and finally died near South Mountain in southwestern Idaho.²⁷

A few other Wadateka'a did return to their ancestral area around today's Burns, Oregon, where their descendants remain. In 1897, the federal General Land Office set aside one hundred and fifteen small land allotments of a hundred and sixty acres each, near Burns for these Paiutes. One Paiute allottee, Joe Paddy, became recognized as chief of the Burns Paiutes in the 1890s.²⁸ It should be stressed, however, that most of the Burns Paiutes came directly from Yakima, whereas only a few came directly from Duck Valley.

Still other Paiutes shifted places of residence over the years. One of these was Simon Been, whose ancestors came from the Malheur area. At the turn of the century, Been lived on the Warm Springs Reservation, where several Northern Paiute families resided in the late nineteenth century, including some who moved there directly from Yakima. By 1910, Been was living at Duck Valley, and the tribal council adopted him as a tribal member on January 17, 1914.²⁹ However, Been and other Paiutes shifted places of residence over the years, living for a while with relatives at Duck Valley, Burns, and the Warm Springs Reservation. By following this pattern, they remained connected to Paiutes who lived at various places and to their homeland around Burns.

As for the Paddy Caps who remained at Duck Valley permanently, many longed to return to their native homeland. In October 1921, three of them—John Damon, Dick Stanley, and Arthur Yakima—traveled to the Warm Springs Reservation and met with the local Indian Bureau superintendent. They apparently told him that they wanted to return to Oregon. In response, the superintendent, whose Oregon jurisdiction included the Burns Paiute locality, wrote that “the Indians [Paiutes from Duck Valley] in Nevada wish to come back to Oregon and live with the rest of the tribe.”³⁰ In 1935, some Paddy Caps, including Andrey and Charles Damon, Jr., considered leaving Duck Valley and moving to Burns after hearing that the Indian Bureau had purchased a small settlement of 771 acres (called New Village) for the Paiutes living in and around Burns. But the bureau stipulated that only those Paiutes who had lived in or near Burns for the two years prior to January 1935, and who were enrolled at Burns, could move to the new village. This action made the Paddy Caps at Duck Valley ineligible.³¹

The Paddy Caps of Duck Valley did travel back to southeastern Oregon on occasion for important events. Doing this also enabled them to remain connected to their native homeland. In the early 1930s, the descendants of those who once lived on the Malheur Reservation filed suit against the federal government over the loss of their earlier reservation. In 1933, they worked with Father Peter Heuel, a Catholic priest in Burns, who helped them file a written suit to recover money for the loss of Malheur. One year later, in 1934, they signed a formal contract with Heuel, recognizing him as their legal agent or representative. In November 1936, the Paiutes held a five-day gathering and created a larger political organization called The Federation of the Snake or Piute [*sic*] Indians of the Former Malheur Reservation in Oregon. The participants, who came to Burns from a number of places including Burns itself, the Warm Springs Reservation, McDermitt, and Duck Valley, elected a council to conduct business on behalf of the descendants of the former Malheur residents. They voted Nat Paddy, son of Chief Paddy Cap who had moved to Duck Valley in 1885, as the second assistant president. Two other Paiutes from Duck Valley—Dick Stanley and John Damon—served on a committee to determine whose ancestry came from the former Malheur Reservation.³² In the 1930s and early 1940s, various



Outdoor shade at Miller Creek, Duck Valley, Nevada, ca. 1953. (*Special Collections, University of Nevada, Reno Library*)

congressmen who supported the Paiutes' claim submitted legislation in Congress designed to allow them to file suit in the United States Court of Claims. But none of these bills ever left the halls of Congress.

Finally, with the passage of the Indian Claims Commission Act (ICC) of 1946, the descendants of the Malheur residents successfully filed suit against the federal government. They organized a new committee to sign contracts, and the committee included two from Duck Valley, Willy Pretty and John Damon. The ICC designated the Malheur claims as Docket 17, which the Paiutes won on December 4, 1959. The ICC awarded them \$567,000 for the loss of their reservation, and the descendants, including those at Duck Valley, received their claims money in the 1960s.³³

The Malheur claims case allowed all the Wadateka'a of the former Malheur Reservation to return to southeastern Oregon at various times from the 1930s to the 1960s for meetings in Burns, near the former reservation. Of course, these trips allowed them to remain connected to the home of their ancestors.

The Paddy Caps who remained on the Duck Valley Reservation accepted it as their new home. However, they became dissatisfied with certain changes that developed after 1930. One was the closure in 1931 of the small Bureau

of Indian Affairs day school located at Miller Creek. The bureau justified the closure on the grounds of low enrollments and the high expense of maintaining the school. There was, however, another reason the bureau closed the school. It wanted the Paddy Caps to leave Miller Creek and move to the Nevada side of the reservation, near the agency headquarters, Owyhee. At this location, their children could attend the one remaining centralized reservation school, and the adults could benefit from arable land located near the agency.³⁴ But the Paddy Caps refused to move because, as will be seen, they considered the area covered in the 1886 executive order to be their exclusive domain.

The second and larger factor that angered the Paddy Cap Band was the Indian New Deal, the Indian version of the larger national New Deal that was designed to combat the Great Depression of the 1930s. The Indian New Deal was the product of John Collier, who served as commissioner of the Bureau of Indian Affairs from 1933 to 1945, under President Franklin D. Roosevelt. Collier's program for Indians included economic, political, and social reforms. He made sure that certain Indian tribes benefited from regular mainstream New Deal programs.³⁵ The bureau therefore used Public Works Administration (PWA) funds to build the Wildhorse Dam thirty miles upriver from the reservation. It also used PWA funds to build a reservation-based diversion dam and a series of canals to channel water to different parts of the reservation. The entire PWA project allowed several Indian families to grow two crops of alfalfa, instead of one, each summer after 1937. More hay meant more cattle and an improved reservation economy. However, the PWA project benefited only the Shoshones and Nevada Paiutes (the non-Paddy Caps or non-Oregon) living on the Nevada side of the reservation. None of the canals reached the far northern end of the reservation where the Paddy Caps lived, and they became angry because the project did not benefit them.³⁶ But this problem was not the fault of the federal government; rather, it was the fault of the reservation geography.

Another aspect of the Indian New Deal was political reform. In 1934, Congress passed the Indian Reorganization Act (IRA), which was largely the brain-child of Commissioner Collier and his associates. One of the more important provisions of the IRA was political reform, in which the federal government would recognize Indian tribes as quasi-sovereign entities. The IRA allowed tribal groups to create new tribal governments with tribal councils, to sponsor tribal elections, and to develop tribal constitutions and charters.³⁷ The Shoshones and Paiutes (non-Paddy Caps) at Duck Valley chose to become an IRA tribe because this meant increased political power. In the name of reorganization, the tribal politicians in May 1936 disbanded the older, twelve-member council that had existed since 1911. They also abolished the three electoral or voting districts, which had four members from each district. In the council's place they created a smaller, seven-member business council and made voting at large. This new arrangement benefited those tribal politicians who were "progressive" (an Indian Bureau label) and familiar with Euroamerican notions of governance.



Bert Little and Muskrat Little, descendants of the Paddy Cap Band.
(*Special Collections, University of Nevada, Reno Library*)

The beneficiaries of political reorganization were some Shoshones and Nevada Paiutes living on the Nevada side of the reservation.³⁸

The Paddy Caps did not participate in the 1936 reorganization decisions to dismantle the twelve-member tribal council and dissolve the three reservation voting districts. Nor did they favor the creation of the new IRA tribal government or attend the reorganization meetings because they had been discouraged from participating in the political process. Three years earlier, in 1933, weeks before Collier had stepped into office to initiate his Indian New Deal, the Bureau of Indian Affairs and the so-called progressive tribal politicians specified that so-called nonprogressives could not serve on the twelve-member council. Although the Paddy Caps continued to represent one of the three electoral districts, and thus had four members on the pre-IRA council, they too were labeled as nonprogressives, along with some Shoshones and Paiutes living on the Nevada side of the reservation. For this reason, they did not or could not participate in the reorganization efforts of 1936.³⁹ Had they been allowed to be involved, they would have favored continuation of the twelve-member council and the three voting districts, and they would have opposed reorganization because it dissolved the districts and made voting at large.

The Paddy Caps also opposed the new IRA tribal constitution of 1936 because it gave the new IRA council complete jurisdiction over the entire reservation, even the 1886 executive order area. To reduce soil erosion caused by overgrazing in response to an argument advanced by the Indian Bureau, the IRA council, along with its authorized Indian cattle association created grazing districts. The tribal government required all Indian cattle owners to place their cattle within certain seasonal districts. It also created special bull and steer pastures. The 1886 executive order area became the designated steer reserve in the late 1930s. Except for steers, the Paddy Caps had to remove their cattle from the 1886 area and place them in one of the authorized grazing districts. Of course, the new grazing policy angered the Paddy Caps because they regarded the 1886 area as their exclusive area.⁴⁰

Another IRA council decision that disturbed the Paddy Caps was the attempt to outlaw the practice of the Peyote religion on the reservation in 1939. The religion originated south of the Rio Grande in the region of present-day northern Mexico. The tribes there used cacti buds (buttons), derived from particular cactus plants that grow in northern Mexico and certain parts of the southwestern United States, for sacramental purposes.⁴¹ In 1936, a few Shoshones and Bannocks from the Fort Hall Reservation introduced the religion to Duck Valley. The Paddy Caps became the principal followers because they favored the anti-alcohol message and other positive aspects of the religion. The IRA council, however, sought to outlaw the religion for several reasons: It believed that peyote was harmful to a person's health, that some were taking peyote only to become high, and that some were using their government pension payments to pay for peyote buttons. However, Commissioner Collier, who firmly

believed in religious freedom, one component of his Indian New Deal, told the IRA council that peyote had no harmful health effects and that individuals should be allowed to practice the religion. The IRA council eventually backed away from its stance against peyote, but the damage had been done.⁴² The Paddy Caps and some other tribal persons at Duck Valley opposed the Indian New Deal, not because of Collier's religious-freedom policy, but because of the proposed action of the Duck Valley IRA council.

By the late 1930s and early 1940s, the Paddy Caps had become thoroughly opposed to the Indian New Deal. Their earlier electoral district no longer existed, and because of voting at large, the reservation population elected only one Paddy Cap member for a two-year term between 1936 and 1944.⁴³ The Paddy Caps therefore complained about being largely excluded from the political and economic affairs of the reservation. In 1943, they asserted:

We Puite [*sic*] Wish to think for Ourselves. . . . We Puite Indians have No Tribal Council. . . . The Relief. . . in regard to Irrigation was all spent on the Shoshone Land in Nevada Side Not, in Idaho. . . . We Puites Do Not Have Any Benefit here in Our District. . . . This land was given to Puite Indian Chief Captain Paddy year 1886 and Puite Indians now claim this land.⁴⁴

The Indian Bureau and the Indian politicians on the Nevada side of the reservation temporarily took the Paddy Caps' outcry seriously, and two band members were elected in 1944.⁴⁵ But after the mid 1940s, the Paddy Caps were no longer voted into office, except in rare and isolated instances. In essence, they lost representation after the elimination of the earlier voting by electoral districts.

In the period after World War II, the Paddy Caps remained against the Indian New Deal, continued to oppose the IRA council, and developed a dislike for the Shoshones and Nevada Paiutes living on the Nevada side of the reservation. In 1945, they stressed that the 1886 executive order area was their "District" and that they did "not want to be Rules [*sic*] by an Ironclad Ruler," or the IRA council.⁴⁶ In 1947, Nat Paddy, then ninety-five years old, made a trip to Washington, D.C., to tell the Indian Bureau that the Paddy Caps wanted seventy-nine Shoshones living on the 1886 area to be removed.⁴⁷ In 1949, he requested that the bureau build a fence along the southern boundary of the 1886 area to separate the Paddy Cap district from the rest of the reservation.⁴⁸ When Nat Paddy died in the early 1950s, his son Joseph became the new Paddy Cap leader. He, too, remained anti-IRA and asserted in 1960 that the band wanted its own tribal council separate from the IRA council.⁴⁹ Finally, in the 1960s and 1970s, some officials began to agree with the Paddy Caps. In 1967, James Officer, a higher-level Indian Bureau administrator, told a Duck Valley leader that that area's IRA constitution could be amended to create voting "districts" to give



William Paddy, ca. 1950s. Photograph by Diana Hagaman. (*Special Collections, University of Nevada, Reno Library*)

“representation” to disempowered individuals on the reservation.⁵⁰ And in 1975, the administrative assistant to Senator Frank Church of Idaho suggested that the IRA council could create “voting districts” for “representation” purposes.⁵¹ However, the IRA council and the Indian Bureau have taken no action on this matter in recent years.

Today, the descendants of the Paddy Cap Band continue to reside on the Duck Valley Reservation, participating in the daily affairs of the larger reservation community. In April 2008, the Shoshone and Paiute voters of Duck Valley chose Nancy Egan as the new tribal chairperson of the IRA council. She thus became the second female chairperson in Duck Valley history. She is the direct descendant of Chief Egan, who fought against the United States military in the Bannock War of 1878.⁵²

NOTES

¹Omer C. Stewart, "The Northern Paiute Bands," *Anthropological Records* (University of California) 2 (1939), 132; Minerva T. Soucie, "The End of a Way of Life: The Burns Paiute Indian Tribe," in *The First Oregonians*, Carolyn Baun and Richard Lewis, eds. (Portland: Oregon Council for the Humanities, 1991), 72-76; Matt Bischoff, "Aspects of Punishment: Indian Removal in Northern Nevada," *Nevada Historical Society Quarterly*, 33:4 (Winter 1994), 263-81. For a recent academic assessment of the Oregon Paiutes, see Susan Stowell, "The Wada-Tika of the Former Malheur Indian Reservation" (Ph.D. diss. University of California, Davis, 2008).

²Summary Report, The Snake or Piute Indians of the Former Malheur Reservation, In Oregon, Petitioners v. United States of America, Defendants, 21-22 (hereafter cited as Snake v. U.S.), Records of the Indian Claims Commission (ICC), Docket 17, Box 106, Record Group (RG) 279, National Archives (NA); Hank Corless, *The Weiser Indians: Shoshoni Peacemakers* (Salt Lake City: University of Utah Press, 1990), 40-48.

³Snake v. U.S., 23.

⁴*Ibid.*, 24-26; "Report of Proceedings of Indian Council held at Camp Harney. . .," 8 November 1869, ICC, Docket 17, Box 108, RG 279, NA.

⁵Elmer Otis to Adj. Gen., 5 June 1871, ICC, Docket 17, Box 112, RG 279, NA.

⁶Edward M. Cany to Asst. Adj. Gen., 3 November 1871, ICC, Docket 17, Box 108, RG 279, NA.

⁷Snake v. U.S., 39.

⁸Snake v. U.S., 43-47; Sarah Winnemucca Hopkins, *Life Among the Piutes: Their Wrongs and Claims* (Boston: Cupples, Upham & Co., 1883), 128 (reprint, Bishop, Calif.: Sierra Media, Inc.); Gae Whitney Canfield, *Sarah Winnemucca of the Northern Paiutes* (Norman: University of Oklahoma, 1983), 110, 112, 114; H. Linville to Elmer Otis, 1 March 1874, ICC Docket 17, Box 112, RG 279, NA; *Annual Report of the Commissioner of Indian Affairs*, (1877) (Washington, D.C.: Government Printing Office, 1877), 172-74. (hereafter cited as ARCIA).

⁹W.V. Rinehart to Adj. Gen., 30 June 1877, Records of the Malheur Agency, Letter Received (LR), RG 75, National Archives-Pacific Northwest Region (NA-PNW), Seattle, Washington.

¹⁰W. V. Rinehart, 17 July 1877, Malheur, LS, RG 75, NA-PNW.

¹¹Snake v. U.S., 48; ARCIA (1878), 116. For more information about the Bannock, see Brigham D. Madsen's *The Bannock of Idaho* (Caldwell, Idaho: Caxton Printers, Ltd, 1958) and Brigham D. Madsen, *The Northern Shoshoni* (Caldwell, Idaho: Caxton Printers, Ltd., 1980), 75-89.

¹²Corless, *Weiser Indians*, 112; Snake v. U.S., 50; O. O. Howard to Asst. Adj. Gen., 20 Dec. 1878, Microfilm (M) 666, Roll (R) 377, Frames (FF) 219-27, RG 94, NA; C. Curry to Secretary of War, 31 January 1879, M 666, R 377, FF 245-46, RG 94, NA.

¹³Leggins was a sub-chief under Winnemucca.

¹⁴Snake v. U.S., 54; Carl Schurz to Secretary of War, 24 October 1878, ICC, Docket 17, Box 108, RG 279, NA; ARCIA (1879), 129-30, 158.

¹⁵Wilbur to H. Price, 24 July 1882, Yakima Agency Records, Vol. 2, Box 298, NA-PNW.

¹⁶ARCIA (1881), 174-75; Canfield, *Sarah Winnemucca*, 135-61.

¹⁷A. J. Chapman to Nelson Miles, 6 December 1881, M 574, R 74, FF 193-194, NA.

¹⁸Richard O. Clemmer and Omer C. Stewart, "Treaties, Reservations, and Claims," *HandBook of North American Indians*, Vol. 11, Great Basin, Warren L. D'Azevedo, ed. (Washington, D.C.: Smithsonian Institution, 1986), 532.

¹⁹Wilbur to Price, 27 July 1882, Yakima, Vol. 2, Box 298, RG 75, NA-PNW; Wilbur to CIA, 31 July 1882, Yakima, Vol. 3, Box 294, RG 75, NA-PNW; Smith to Commissioner of Indian Affairs (CIA), 2 October 1882, Warm Springs Agency Records, Box 10, RG 75, NA-PNW.

²⁰R. H. Milroy to Price, 8 June 1883, Yakima, Press copy letters, Box 11, RG 75, NA-PNW; Milroy to Price, 13 June 1883, Yakima, Box 11, RG 75, NA-PNW; Milroy to Price, 11 August 1883, Yakima, Box 11, RG 75, NA-PNW; P. H. Mican to Secretary of War, 23 January 1884, M 689, R 56, FF 223-34, RG 94 NA.

²¹James Pope to Adj. Gen., 3 January 1884, M 689, R 56, FF 305-307, RG 94, NA.

²²Milroy to Price, 11 August 1883, Yakima, Press copies, Box 11, RG 75, NA-PNW.

²³Milroy to Price, 1 July 1884, Yakima, Press copies, Box 11, RG 75, NA-PNW; Alonzo Goesner to CIA, 3 September 1884, Warm Springs, LS, Box 10, RG 75, NA-PNW; John S. Mayhugh to J. D. C. Atkins, 8 August 1885, LR, 14126-85, RG 75, NA; Whitney McKinney, *A History of the Shoshone-Paiutes of the Duck Valley Indian Reservation* (Salt Lake City: Howe Brothers, 1983), 63-70.

²⁴"Harney Valley Affairs," [Winnemucca] *Silver State* (3 February 1885), 3.

²⁵Mayhugh to Atkins, 8 August 1885; Mayhugh to Atkins, 29 May 1886, LR, 14915-86, RG 75, NA.

²⁶Mayhugh to Atkins, 29 May 1886; J. J. Lewis to Atkins, 22 December 1886, LR, 469-86, RG 75, NA; Western Shoshone Reservation Census, 30 June 1887, M 595, R 646, RG 75, NA.

²⁷W. J. Plumb to CIA, 14 June 1890, LR, 18917-90, RG 75, NA.

²⁸T. Jones to CIA, 15 September 1897, LR, 40462-97, RG 75, NA; Inter-Tribal Council of Nevada, *Numa: A Northern Paiute History* (Salt Lake City: University of Utah Press, 1976), 46-48.

²⁹Indian Council Statement, Western Shoshone Reservation, 17 January 1914, Central Classified Files (CCF), 69577-13-Western Shoshone-053, RG 75, NA.

³⁰Charles Ellis to CIA, 18 October 1921, CCF, 42566-21-Warm Springs-313, RG 75, NA.

³¹Soucie, "End of Way of Life," 73; Elna N. Smith to Peter Heuel, 14 May 1935; Elna N. Smith to Mrs. Charles Damon, 17 May 1935, CCF, 4354-34-Warm Springs-360, Pt. 2.

³²Minutes of the Meetings of the Federation of Snake or Piute [*sic*] Indians, 6-10 November 1936, Records of the Special Committee on Indian Affairs, Sen 85A-F9, Malheur Reservation, Box 125, RG 46, NA.

³³Minutes of the General Council meeting, 30 January 1947, ICC, Docket 17, Box 117, RG 279, NA; John O. Crow to Frank Church, 18 July 1961, File: Senate Bill 2027, The Frank Church Papers, Special Collections, The Library, Boise State University; "Descendants of Drifting Tribe of Indians Seek Government Payment for Reservation," *Sunday Oregonian* (11 August 1963).

³⁴Paddy Cap Paiutes to Lynn J. Frazier, 19 September 1932, CCF, 46333-32-Western Shoshone-255, RG 75, NA; E. E. McNeilly to CIA, 11 October 1932, CCF, 46333-32-Western Shoshone-255, RG 75, NA.

³⁵For general and specific information about the Indian New Deal, see the following sources: Thomas Biolsi, *Organizing the Lakota: The Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations* (Tucson: University of Arizona Press, 1992); Donald L. Parman, *The Navajos and the New Deal* (New Haven: Yale University Press, 1976); Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-1954* (Tucson: University of Arizona Press, 1977); Kenneth R. Philp, ed., *Indian Self-Rule* (Salt Lake City: Howe Brothers Press, 1986); Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act* (Lincoln: University of Nebraska Press, 1980); Harry A. Kersey, Jr., *The Florida Seminoles and the New Deal, 1933-42* (Boca Raton: Florida Atlantic University Press, 1989); Laurence M. Hauptman, *The Iroquois and the New Deal* (Syracuse: Syracuse University Press, 1981).

³⁶Steven J. Crum, "The Western Shoshone of Nevada and the Indian New Deal" (Ph.D. diss., University of Utah, 1983), 77-81.

³⁷For a good source on the development of the Indian Reorganization Act, see Vine Deloria, Jr. and Clifford M. Lytle, *The Nations Within* (New York: Pantheon Books, 1984), pp. 66-182. Also, see works by Thomas Biolsi, Kenneth Philp, Donald Parman, Graham Taylor, Laurence Hauptman, and Harry Kersey cited in note 34.

³⁸Crum, "Western Shoshone of Nevada," 118-19, 122-23.

³⁹*Ibid.*

⁴⁰*Ibid.*, 134-135; House Committee on Indian Affairs, *Relief of Needy Indians*, Hearings, 21-22 March 1940, 67th Cong., 3d sess. 1940, 52.

⁴¹For the best over-all historical study on the Peyote religion, see Omer C. Stewart's *Peyote Religion: A History* (Norman: University of Oklahoma Press, 1987).

⁴²Crum, "Western Shoshone of Nevada," 131-33.

⁴³Tribal minutes, Duck Valley, 14 October 1941, Civilian Conservation Corps (CCC-ID), 76105-36-361-P-2, RG 75, NA.

⁴⁴Paddy Cap Paiutes to C. L. McNary and Peter Heuel, 20 May 1943, CCF, 21322-43-Western Shoshone-308, RG 75, NA.

⁴⁵Report of Council Elections, Western Shoshone, 1936-1947, CCF, 7206-41-Western Shoshone-055, RG 75, NA.

⁴⁶Paddy Cap Paiutes to Glen Taylor, 1 February 1945, CCF, 9794-C-36-Western Shoshone-057, RG 75, NA.

⁴⁷"Idaho Piute Object to Nevada Shoshones; 95-Year-Old Chief Asks Government settle Troubles," *Elko Free Press* (22 October 1947), 1.

⁴⁸Nat Paddy to BIA, 23 September 1949, CCF, 37678-47-Western Shoshone-071, RG 75, NA.

⁴⁹Joseph Paddy to CIA, 8 January 1953, CCF, 552-53-Nevada-302, RG 75, NA; Wayne A. Grammer to Frank Church, 17 May 1960, MS 56, Box 1, Folder 3, Series 25, Frank Church Papers, Boise State University Archives.

⁵⁰James E. Officer to Arthur Manning, 17 August 1967, CCF, 3081-67-Nevada-050, RG 75, NA.

⁵¹"Duck Valley Voting Districts?" *Native Nevadan* (25 July 1975), 9.

⁵²"Egan Wins Race for Chairman," *Sho-Pai News*, 16:158 (April 2008), 1.