

What next after the standoff?

It’s over. Finally, it’s over. After 41 days that alternated between hand-wringing and heart-wrenching, the occupation of the Malheur Wildlife Refuge has ended. Four protesters remained until Thursday. Much of their last 12 harrowing, confusing hours in the refuge streamed live and unedited through the Internet. It was a glimpse into paranoia and fear, into anger and frustration.

We heard grievances about this country — a lack of jobs, a lack of purpose, a lack of morality, a lack of future. It was the cry of the fearful, the pessimistic and the proud, grabbing the bullhorn and the moment and shouting straight into our speakers. Whatever it was, you had to listen. At times it was scary — the threat of violence both coerced and self-inflicted were ever-present. And at times it was farcical — the list of grievances included Hillary Clinton, the Middle East and a lack of marijuana.

But there is no laughing off the underlying issue. This has been a traumatic experience for Eastern Oregon. The days sure were dark. And now that the out-of-state players have left the field, we’re left to sift through their message and their actions.

For 41 days, Eastern Oregon was a dangerous place to be. Not because of the armed men and women holed up at the Malheur Wildlife Refuge, and not because of federal and state law enforcement swarming around them. They posed threats only to one another and anyone who stood between them.

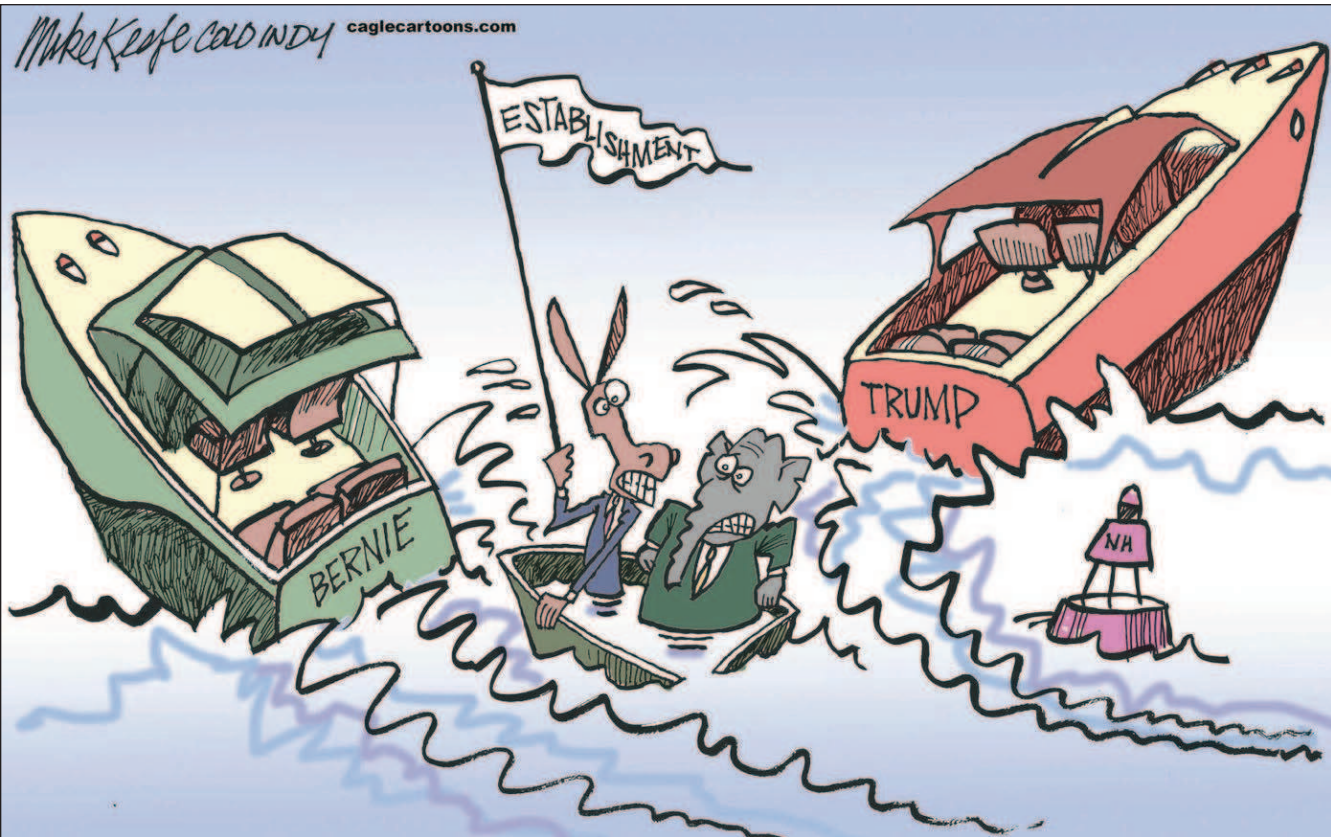
But the weapons carried by both sides isn’t what threatened us.

The danger is the seeds, already planted and beginning to take root, now doused with gallons of water and a hefty heap of fertilizer. You know the kind. The seeds of mistrust for neighbors with the wrong bumper sticker on their truck. Of animosity toward “the government” as a bogeyman instead of an entity that can and should be held accountable by the people. Of blatant disregard for reasonable discourse — instead choosing to cling to a single line from the Constitution, an ugly prejudice, or a stern glare and a wall of silence.

Like a flock of winter birds taking off from Malheur Lake, the occupiers have left. It’s up to us to decide what their pattern in the sky means, and which seeds we want to tend to now that they’re gone.

EDITORIAL

Voice of the Chieftain



Private land , public land in the Wallowas, Oregon

By Rich Wandschneider
For The Chieftain



MAIN STREET

Rich Wandschneider

The Harney County occupation and land controversies have me thinking about the whole notion of land ownership. Oregon came late as a state and Wallowa came much later as a county, so I thought I would try to follow the land ownership journey here.

The Nez Perce and related Plateau Tribes lived in the intermountain West for thousands of years before whites arrived, settled the country and divided it up into farmsteads and town lots. Whatever concepts Indians had of land ownership were radically different from ones the whites brought with them. But even Europeans were not always clear on occupancy and ownership — think about the feudal systems in Europe, about kingdoms and empires.

Without going into details, the Doctrine of Discovery, promulgated in a Papal Bull in 1493, allowed any Christian nation to claim lands held by any non-Christian peoples and then work to convert them. Fast-forward to 1823, when the U.S. Supreme Court ruled “that the principle of discovery gave European nations an absolute right to New World lands.” Thus, all European and American claims to land rest on that Papal document.

The Nez Perce — or for that matter, the fur traders and early settlers — knew nothing of this. In fact, most of the first European immigrants to the New World were indentured servants who worked lands granted to others by the Crown. They could work off their service and take up land. It was Indian land, and gradually settlement, wars, disease and various kinds of bribery drove the country west.

So west they come: The fur trade, fueled by a 1670 “Rupert’s Land Charter” from the Crown that made a trading company “Lorde and Master” of all lands that drained into Hudson’s Bay; The Louisiana Purchase, which transferred “ownership” of lands “occupied” by In-

dians from France to the United States; The Lewis and Clark Expedition, which looked for a route to the Pacific and gathered scientific information on the way.

In 1811, John Jacob Astor sent a sea party and a land party to the mouth of the Columbia to establish a fur post and an empire. He sold to Hudson’s Bay. In 1818, in the wake of the War of 1812, the British and Americans agreed to squeeze out the Spanish and Russians and enter into “joint occupancy” of the Oregon Territory.

In 1824, the British sent botanist David Douglas (Douglas fir) to the territory to establish a claim, and Hudson’s Bay tried to trap out the beaver to discourage Americans from coming in.

But they came — missionaries in the 1830s, and then, in the 1840s, settlers. Several — many mixed-blood families — came together in 1843 in the Willamette Valley to form a provisional, and by a few votes, American government. There was at this time no legal framework for land ownership; a big part of the reason for a provisional government was to process probate for a settler who had died. The provisional government explicitly stated that its laws would serve “until such time as the United States of America extend their jurisdiction over us.”

In 1846, the British and Americans signed the Oregon Treaty, putting the boundary at the 48th parallel. In 1850, Congress passed the Donation Land Act, setting up a generous homesteading program based on the Provisional Government’s laws; it accounts for much of current western Oregon land ownership.

In 1855, under growing settler pressure, Isaac Stevens, the Washington Territorial Governor and Indian Agent, negotiated several treaties at Walla Walla, including a Nez Perce Treaty. This treaty

was not ratified until 1859, a month after Oregon was made a state. According to that treaty, the Wallowas were Nez Perce at statehood.

In 1860, gold was discovered on the Nez Perce Reservation along the Clearwater, and within two years 18,000 illegal white miners were on the reservation. The Civil War was on. Lincoln needed the gold.

In 1862, the Homestead Act passed, and in 1863 a new treaty, reducing holdings by 90 percent — including the Wallowas — was signed by some of the Nez Perce, but not by Old Joseph. Nevertheless, in 1864, before this “liars’ treaty” was ratified, the Wallowas were surveyed.

In 1871, the first settlers come over from the Grand Ronde Valley. In 1873, the Civil War over and President Grant having some sympathy for Indians, decided that the Nez Perce had never really given up the Wallowa Country and they should have half of it. The government produced a map for a “Proposed Reservation for the Roaming Nez Perce.” An assessment of land improvements was made in anticipation of enactment. Eighty-seven settlers and two incorporated companies had made \$67,860 worth of improvements. Many were ready to sell and move on, but there were too many who wanted to stay. Grant rescinded his treaty offer.

The few hundred Indians and whites tried to get along, and, for the most part, they did, but eventually settler pressure and Custer’s 1876 debacle at the Little Big Horn sealed the Indians’ fate. In 1877 Young Joseph, under military threat, left. The leaving got messy on the Idaho side, and the Nez Perce War ensued.

For the most part, our private land derives from those homesteads; our public land is land that had not been taken up for homesteads, was put into “Forest Reserve” in 1891, and transferred to the Forest Service at its 1905 inception.

Legally, it all leans on the “Liars’ treaty” of 1863.

Columnist Rich Wandschneider lives in Joseph.

Gun control fight aims to enslave

Regarding the amount of bills that are being produced from the anti-gun activities at the Oregon Legislature, it is quite evident that they are trying to enslave the law-abiding citizens of Oregon.

Even if passed, they will never accomplish it.

They are now attacking the law-abiding citizens who have every right under the Second Amendment to defend their rights to keep and bear arms.

The evidence has been overwhelmingly in favor of the interpretation that the drafters of the Second Amendment deliberately intended.

The specific words they chose to use — and with the specific words they chose to organize those words into one long sentence — to recognize the existence of both a “collective” and an “individual” right of the American people to keep and bear arms.

For years it has been quite evident that the National Rifle Association has been



GUEST COLUMN

Paul Castilleja

taking considerable heat in the popular press for its unyielding defense of the right of the individual citizen to keep and bear arms, whereas all along in steadfastly denying that the right existed, the proponents of banning guns were, and continue to be, wrong.

I am convinced, unequivocally and unquestionably, that the Second Amendment ratifies and preserves for every citizen the right to keep and bear arms — moreover, that Congress or any other instrumentality of the federal government is constitutionally barred from infringing on that right.

Regarding the Second Amendment,

Thomas Jefferson said: “The beauty of the Second Amendment is that it will not be needed until they try to take it.”

We are at that pivotal point of self-destruction. We will defend the Second Amendment.

Gen. Douglas MacArthur stated: “I am concerned for the security of our great nation; not so much because of any threat from without, but because of the insidious forces working from within.”

All the time to produce bill after bill for gun control eventually will lead to the enslaving of our citizens, and all along we’ve been unsuccessful in keeping the criminals and the mentally ill from acquiring guns.

I only hope that lawmakers will reconsider these bills as not worthy of passing. Instead, give law-abiding citizens their freedoms and rights to bear arms.

Paul Castilleja is a member of the Wallowa County Board of Commissioners.

Candlelight vigil a misplaced tribute

To the candlelight vigilantes:

First, I’d like to praise you for standing up for what you believe in. No doubt the man you’re honoring, Robert “La-Voy” Finicum, believed he was doing the same.

However, your insistence on making a point of paying tribute to a man whose innocence is questionable, at best, is a damning indictment of our country’s rapidly decaying sense of what patriotism and justice really are. The people

LETTERS to the EDITOR

holed up in that refuge near Burns might have been patriots, but their actions were not patriotic.

Their actions were terroristic, and if the “militia” (using that term loosely here) had been a group of black men or Muslims who had issues with the federal government like Bundy and company

did, neither our populace nor the media would have suffered any hesitation in labeling them as such.

Yes, a life has been lost. That is always a tragedy. I only ask that you look inside yourselves and ask why, exactly, you are honoring this man when the unjust deaths of many who are truly more innocent than Finicum do not elicit the lighting of a single candle.

Basil Hargreaves
Enterprise

WALLOWA COUNTY CHIEFTAIN

USPS No. 665-100

P.O. Box 338 • Enterprise, OR 97828
Office: 209 NW First St., Enterprise, Ore.
Phone: 541-426-4567 • Fax: 541-426-3921

Wallowa County’s Newspaper Since 1884
Enterprise, Oregon

MEMBER OREGON NEWSPAPER PUBLISHERS ASSOCIATION

PUBLISHER Marissa Williams, marissa@bmeagle.com

EDITOR Scot Heisel, editor@wallowa.com

REPORTER Stephen Tool, stool@wallowa.com

REPORTER Kathleen Ellyn, kellyn@wallowa.com

NEWSROOM ASSISTANT editor@wallowa.com

AD SALES CONSULTANT Jennifer Powell, jpowell@wallowa.com

GRAPHIC DESIGNER Robby Day, rday@wallowa.com

OFFICE MANAGER Cheryl Jenkins, cjenkins@wallowa.com

PUBLISHED EVERY WEDNESDAY BY:
EO Media Group

Periodical Postage Paid at Enterprise and additional mailing offices

Subscription rates (includes online access)

1 Year

Wallowa County \$40.00

Out-of-County \$57.00

Subscriptions must be paid prior to delivery

See the Wallowa County Chieftain on the Internet

www.wallowa.com

facebook.com/Wallowa | twitter.com/wcchieftain

POSTMASTER — Send address changes to

Wallowa County Chieftain

P.O. Box 338

Enterprise, OR 97828

Contents copyright © 2015. All rights reserved. Reproduction without permission is prohibited.

Volume 134