

A Leader of Nations, Joe DeLaCruz

By John Caldbick



Photo by Irina Iriser

FWJ Editor in Chief: In 1979 Quinault President Joe DeLaCruz called the Indian Leaders of nations to a Conference of Tribal Governments in Tumwater, Washington (USA) to formulate new policies by the governments to advance self-government. As the Executive Director of the Small Tribes Organization of Western Washington in that year I had the honor of working with Joe to organize and convene the Conference. President DeLaCruz saw self-determination for his nation and the nations of the world as the critical political advancement for peoples who had been colonized against their will during the generations. President DeLaCruz was joined in the Conference of Tribal Governments by leaders of the Lummi Nation Chairman Sam Cagey, Squaxin Island Chairman Calvin Peters, Chairman Cliff Keline, Muckleshoot Tribe Colville Confederated Tribes Chairman Mel Tonasket, Snohomish Chairwoman of the Small Tribes Organization of Western Washington Kathleen Bishop, Yakama Nation Chairman Roger Jim and other leaders of all thirty-three nations located in the US State of Washington. We at the Center for World Indigenous Studies and the Fourth World Journal celebrate President Joseph B. DeLaCruz and the Conference of Tribal Governments as the founding event that created our organization.

We are pleased to reprint the article that follows originally written by John Caldbick and distributed under the Creative Commons by HistoryLink.org Essay 9877 on 27 July 2011¹

¹ FWJ Editor Note: Some formatting adjustments were made in the body of the text and some punctuation marks were added or deleted to ensure clarity of the narrative.

DeLaCruz, Joseph “Joe” Burton (1937-2000)

Joseph “Joe” Burton DeLaCruz Jr., long-serving president of the Quinault Indian Nation, brought intelligence and charisma to the struggle to bring effective self-governance to his tribe and to Indians across the country. Although his tenure from 1967 to 1993 was not without controversy and criticism, DeLaCruz built a formidable record of accomplishment, tackling such tough and long-standing issues as access to reservation lands by non-Natives, fisheries and logging management, and, perhaps most notably, the status and role of Indian tribes within the American body politic. He was at the forefront of most late- twentieth-century struggles involving the status and rights of Native Americans, among them issues of resource management, education, economic diversity, governance, and tribal culture. While participating in these skirmishes, DeLaCruz never lost sight of what he considered to be the single overarching issue for Native Americans -- giving substance to the concept of tribal sovereignty.

Early Life

There is not a great deal of detailed information available about DeLaCruz’s early life. Depending on which source one consults, he was raised in either Taholah, a small town within the boundaries of the Quinault Indian Reservation, or in Moclips, just outside the reservation’s southern border on the Olympic Peninsula’s Pacific coast. DeLaCruz himself maintained that although he spent his high school years in Moclips, the family had earlier lived within the reservation

in Taholah, just nine miles to the north. In later years the question of his hometown would become fuel for his critics within the Quinault nation.

DeLaCruz was the eldest of 10 children, and at some point, his parents owned a small store and restaurant with attached living quarters on the Quinault Reservation. His precise ancestry is as disputed as his place of birth. In later years political enemies would claim that he was at most one-eighth Indian and had no Quinault blood at all. DeLaCruz was steadfast in asserting that he was fully one-half Indian, with the remaining half being Filipino and white.

Signs of ambition and talent appeared early. He was a four-sport athlete and high-school student-body president, and he earned spending money driving the school bus and working in the local shingle mill. In the summer, he would fish with his grandfather in the Quinault River as their ancestors had done for centuries past. After high school, DeLaCruz spent a two-year hitch in the army in Germany, then attended Portland State University. In 1959 he married Dorothy Lemery, an enrolled member of the Colville Tribe of Eastern Washington, started a family, and went to work for the federal government in Portland.

¹ FWJ Editor Note: Some formatting adjustments were made in the body of the text and some punctuation marks were added or deleted to ensure clarity of the narrative.

The Quinault Nation and Its Reservation

A brief condensation of the long and convoluted history of the Quinault Indian Nation's reservation is helpful to an understanding of many of the battles that Joe DeLaCruz took on while leading the tribe. In 1859 Congress ratified the Treaty of Olympia, negotiated with representatives of the Quinault, Hoh, Queets, and Quileute tribes. It set aside 10,000 acres as a reservation for these tribes, centered around the Quinault settlement at Taholah on the ocean coast of the Olympic Peninsula. In 1873 President Ulysses S. Grant (1822-1885) expanded the reservation to its present size of approximately 220,000 acres. The intent then was that all coastal "fish-eating tribes," including the Chehalis and Chinook, as well as the original signers of the Treaty of Olympia, would be gathered in one reservation.

The Dawes Act, passed by Congress in 1887 authorized the government to give allotments of land to individual tribal members for agricultural or grazing purposes. Any land not so allotted was considered surplus, and could be sold to anyone, including non-Indian individuals or companies. The proceeds from such sales, or from the sale of rights to timber or minerals from the land, were in theory to be administered by the government for benefit the tribes. In practice, a combination of inattention, incompetence, and corruption ensured that this promise, as with so many promises made to Native Americans, went largely unfulfilled.

The situation on the Quinault Reservation was to become more complicated than most. In 1911, Congress allowed non-resident "Hoh, Quileute, Ozette, or other tribes in Washington who are affiliated with the Quinault and Quileute tribes in the treaty" to receive allotments on the Quinault reservation (Chapter 246, 36 Stat. 1345). Then, in 1924, the U.S. Supreme Court ruled that allotments could not be limited to agricultural and grazing land, but must also include forested areas (*United States v. Payne*). This opened to private ownership large areas of valuable land once held in trust, however ineptly, for the tribes. And finally, in 1931, the Supreme Court in *Halbert v. United States* declared that non-resident Chehalis, Cowlitz, and Chinook Indians also were entitled to allotments. In effect, the Quinault Reservation became the de jure ancestral land of several otherwise-unrecognized tribes whose members often lived nowhere near the reservation and had few if any ties to it.

The court decisions and statutes allowing non-residents to receive allotments, combined with the ruling that opened forest land to private ownership, fueled a land rush on the reservation. During 1933 and 1934, well over 2,000 allotments were granted. Except for a very few acres, all the land within the Quinault Reservation eventually fell into private, albeit largely Native, hands. But even the fact of Native ownership was to prove a temporary state of affairs.

By 1965, through inheritance, sale of allotments by Natives to non-Natives, and the earlier sale of "surplus" land by the U.S. government, approximately 50,000 acres or one-quarter of Quinault Reservation land had devolved into non-

Indian ownership, mostly timber companies and real-estate developers. The stage was thus set for years of conflict between the Quinault, the other “fish-eating” tribes deemed part of the “Quinault Nation,” non-Indian owners of reservation land, loggers, land developers, and the federal government. This was the stage on which Joe DeLaCruz would soon begin to play a leading part.

Return to the Reservation

People who knew Joe DeLaCruz from his youth had no doubt that he would play an important role in the affairs of the Quinaults. Hank Adams, an Assiniboine-Sioux from Montana who grew up on the Quinault reservation after his mother married a tribal member, was a long-time friend and fellow Indian activist. “Everyone knew he was going to be a leader,” Adams recalled. “It just came naturally to him. He had that charisma. He worked well with everyone” (The Seattle Times, April 18, 2000).

And so it was. After seven years working for the government, DeLaCruz and his family returned to the Quinault reservation in 1967 when hereditary chief and tribal president James “Jug” Jackson recognized his talents and convinced him to become the tribe’s business manager. He served ably and loyally under Jackson, who relied on DeLaCruz to handle many day-to-day matters and often assigned him the role of tribal spokesman.

Jug Jackson had a finely tuned sense of position and protocol. On one occasion a national television crew wanting to interview him was told by Jackson to “Talk to Joe DeLaCruz, our

business manager.” A reporter persisted: “You’re the president of your tribe, aren’t you?” Jackson responded, “Yes, but are you president of your network?” (“Strolling Around,” The Seattle Times).

Although DeLaCruz was quick to give Jackson credit, it is probably more than mere coincidence that shortly after he came on board as business manager, tribal authorities started lining up support among its members for a suit against the federal government alleging decades of mismanagement of the reservation’s timber resources. The forested land, much of which had been held in supposed trust for the tribe by the Bureau of Indian Affairs, was ravaged by clear-cuts. The tribe claimed that the BIA had been selling timber too cheaply and standing idly by while loggers ruined precious fish habitat. Although it took nearly 30 years, the tribe settled its claim in the early 1990s for \$26 million. To DeLaCruz, who always had his eye on the bigger picture, the principle trumped the payout. To him, the significance of the victory was that “It laid a path for other tribes throughout the nation to sue the United States government as a trustee” (The Seattle Times, April 4, 1999).

The tribe was soon to take another bold step, one also tinged with DeLaCruz’s flair for effective and dramatic action. At 12:01 a.m. on Monday, August 25, 1969, the Quinault Indian Tribal Council closed 25 miles of ocean beaches to non-Indians, an action taken to protest vandalism, theft, and land damage caused by tourists, teenagers, and real-estate developers. Many questioned the legality of the tribe’s action at the

time, but access remains restricted and controlled by tribal permit to this day (2011).

A Nearly Landless Nation

Chief Jackson was increasingly troubled by health problems, and in 1972, after serving four years as tribal business manager, Joe DeLaCruz was elected president of the Quinault Indian Nation, while Jackson remained hereditary chief until his death in 1999. In his new role, DeLaCruz soon came to prominence on the national stage while skillfully representing his own tribe on a wide range of troubling and long-standing issues.

The question of tribal sovereignty in the Quinault Indian Nation has been fraught practically since the Treaty of Olympia. Despite President Grant's 1873 executive order granting the Quinault Tribe sovereignty over its reservation lands, subsequent allotment and sale greatly complicated matters. Soon after the Supreme Court decided the Halbert case in 1931, nearly all reservation land was allotted, and members of the Chinook Tribe became the largest group of landowners on the Quinault Reservation.

By the time DeLaCruz took over as president, the reservation was well down the road to becoming a complicated patchwork of ownership that brought into question the whole idea of effective tribal sovereignty. By 1990, nearly two-thirds of the reservation was owned outright by individual Natives of various tribes; one-quarter was owned by timber corporations; and the rest (less than 10 percent) was owned by the Quinault Indian Nation and non-Indians in relatively equal measure. The dilemma facing the Nation was

how to assert sovereignty over a reservation that was owned almost in its entirety by non-Quinault persons and entities (many of whom were to later organize as a group called the Quinault Allotees Association). Although the tribe and the association could sometimes cooperate, as in the lawsuit alleging Bureau of Indian Affairs mismanagement of forest lands, they more often were at odds.

Even though it owned little land, the Quinault Indian Nation could exercise the regulatory powers of a sovereign state, and under the leadership of both Jug Jackson and Joe DeLaCruz, the tribe began to exercise those powers with a vengeance. Besides closing ocean beaches to non-residents, it enacted policies to discourage the opening of businesses owned by non-Natives; imposed strict zoning requirements to deter large developments; halted the development of State Route 109 north of Taholah; and defined a curriculum for reservation schools that emphasized Quinault culture and taught the Salishan language.

Fighting for the Forests

One of the tribe's more dramatic assertions of sovereignty came in 1971 during the last months of Jackson's tenure as tribal chairman. Two logging companies, ITT-Rayonier and Aloha Lumber Corporation, had been logging on the reservation since the 1950s under contract with various allotment landowners. The Quinaults were dissatisfied both with the companies' practices and with the prices the owners of the allotments were receiving for logged timber. Negotiations had not been fruitful, and on

September 13, 1971, the tribe simply blocked all roads leading to the logging areas, bringing production to a complete halt.

ITT-Rayonier folded rather quickly and reached agreement with the tribe. Aloha Lumber took a little longer, but eventually compromised as well to get the barricades removed from Chow Chow Bridge, which led to its operating area. The tribe gained important concessions on clear-cutting, reforestation, stream protections, and compensation for lumber taken. Of even great importance, the Quinault Nation gained confidence in its ability and strength that would serve it well in battles to come. A later history commissioned by the tribe marked the importance of this action to the Quinault's sense of nationhood and its possibilities:

“The barricade of Chow Chow was a telling confrontation, one that perhaps established the first glimmer of respect in the Bureau [of Indian Affairs], and one that put the Tribe itself on its present course. The confrontation reveals more than any single incident since the Treaty of 1855 that, united, the Quinault Indian Nation can wield its power with wisdom and can absorb and exploit modern technology to enhance the present and future of its citizens. By their physical, yet symbolic actions at the entrance to and on the historic bridge, the new tribal activists put an end to an era and marked an aggressive new beginning. The tribe was now permanently involved in the welfare of its timberlands and the advance toward fulfilling its goal of self-sufficiency” (Storm and Capoeman, 207).

Speaking for the tribe at the time of the blockade, DeLaCruz took a more prosaic view, but one that perhaps more clearly foretold future actions:

“Anyone who would go up and look at what they're doing to the streams would agree with us

We have 1,012 Indians living on the reservation. If we don't protect what we have, their own and their children's futures are at stake” (The Seattle Times, September 26, 1971).

The confrontation worked for the tribe in both symbolic and practical terms, and DeLaCruz received much of the credit. Soon he would take over leadership of the Quinault Indian Nation and devote his full talents to work for his tribe and for Native Americans across the country.

Fighting for the Fish

The vindication of the Quinault's right to fish under treaty provisions has had a long and contentious history. As long ago as 1925, the tribe had sued the predecessor agency to the Bureau of Indian Affairs for interfering with its treaty fishing rights, and in 1929 the tribe considered banning all non-Indian fishing in Lake Quinault (it is still allowed, but only by tribal permit). When the tribe (along with other Washington tribes) was not fighting the federal government to enforce treaty rights, it was fighting state attempts to limit those rights through regulations.

The battles waxed and waned for decades, with no clear resolution. That was all to change when

the tribes and the federal government joined forces in 1970 to challenge the state's attempts to regulate Indian fishing. The case was *United States v. State of Washington*, and the decision by Ninth Circuit District Court Judge George Boldt (1903-1984) changed the game forever. It also made Washington's tribes, and Joe DeLaCruz, an influential political enemy—Washington state Attorney General Slade Gorton (b. 1928), who later went on to serve as a Republican U.S. senator.

After a lengthy trial in 1973, what became known as the “Boldt Decision” was handed down in 1974, then withstood appeals by the state until it was largely affirmed by the U.S. Supreme Court in 1979. Judge Boldt held that the government's promise to permit Indians to fish at their accustomed places “in common” with non-Indians meant that treaty tribes were entitled to take 50 percent of the annual fish harvest. He ruled that this promise was central to the treaty-making process and that the tribes had an original right to the fish, which they extended to white settlers. It was not up to the state to tell the tribes how to manage something that had always belonged to them, Judge Boldt said, and he ordered the state to take action to limit fishing by non-Indians, thereby securing the rights the treaties guaranteed to the tribes.

Joe DeLaCruz, by then Quinault Indian Nation tribal chairman, had been the last witness to testify for the plaintiffs during the trial. Twenty-five years later, he stressed that the Boldt Decision did much more than merely interpret and uphold the clear language of the treaties:

[O]nce Boldt happened, it gave us a unified voice and we pushed from Gov. Evans on through to get an Office of Indian Affairs in state government” (“Joe DeLaCruz: Boldt Decision Gave Tribes Unified Voice”).

Even beyond that, DeLaCruz believed that the federal government's support, and specific actions by the administration of Richard Nixon (1913-1994) gave the concept of tribal sovereignty a major boost:

“President Nixon's statement regarding self-determination was very key and it's moved on from there. Nixon moved federal policy regarding Indians toward self-determination and self-governance rather than encouraging assimilation of Indian people. If you look at U.S. history, you have an executive branch and legislative branch expression of government-to-government relationships and most Supreme Court decisions affirm that as well. The Boldt Decision gave us more than just talking, it gave us tools” (“Joe DeLaCruz: Boldt Decision Gave Tribes Unified Voice”).

Although DeLaCruz was never arrested for “illegal” fishing activities, he was very active as a spokesman and strategist for the tribal cause. After being on the losing side in the Boldt Decision, Slade Gorton went on to election to the U.S. Senate, and continued to have frequent disagreements with Native Americans causes after his 1980 election. But DeLaCruz had a long memory, and 20 years later, near the end of his life, one of his last campaigns would help end Gorton's political career.

Sovereignty versus Dependency

Prior to 1953, the relationship between the U.S. government and Native Americans was one of dependency, with the “guardian” government obligated, in theory, to see to the welfare of the “ward” tribes.

This was inconsistent with any ideas of tribal sovereignty. For the better part of the nation’s history, the inherent conflict between the guardian/ward view and the sovereignty view rendered consistent policy virtually impossible. The relationships between the tribes, the federal government, and state governments just tumbled along with little discernible direction or ultimate goal, to everyone’s dissatisfaction.

It was in this context that, in August 1953, the U.S. Congress unanimously passed House Concurrent Resolution 108, the stated goal of which was to “make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship” (House Concurrent Resolution 108).

What on its face could be read as a liberating act by a benign government in fact had much darker ramifications. Treaties signed over the previous 150 years had granted Native Americans certain “privileges” including the entire reservation system and the provision of badly needed social services, for which much had been surrendered.

Under the provision of HCR 108, these privileges would be terminated, and the unique legal status of reservations revoked. Although by its terms it did not apply to very many tribes or to all states, it was a clear signal that the federal government was moving toward ending its role as, at least in theory, the guarantor of Indian welfare.

Another piece of legislation passed the same year carried matters even further. Public Law 83-280, enacted on August 15, 1953, sought to give certain state governments the right to extend their civil and criminal jurisdiction into Indian reservations without the approval of the tribes. The states, in effect, could nullify tribal judicial sovereignty that had been granted by treaty. Not surprisingly, this was viewed by many as just part of an effort by the federal government to wash its hands of all involvement in Indian matters.

Neither HCR 108 nor Public Law 83-280 directly applied to either Washington state or to the Quinault Indian Nation, but the very existence of treaty reservations, tribes as cohesive units, and the concept of tribal sovereignty were being challenged, and it seemed certain that the trend would eventually carry over to all tribes in all states. The shorthand on the street for these policies was “termination, relocation, and assimilation” (Laurie Johnstonbaugh)—terminate the federal government’s responsibilities, relocate Indians from their reservations, and assimilate Native Americans into mainstream, non-Indian American society.

Twenty years later, Joe DeLaCruz was having none of it, or at least none of most of it.

Changing The Rules Yet Again

As DeLaCruz pointed out in his interview about the Boldt Decision, “tribal sovereignty” as an idea, was nothing new. It was explicit or implicit in the language of many treaties, laws, and court decisions ranging over 200 years of American history. But the reality was something different. Through the decades, relations between the sovereign tribes and the federal and state governments were characterized by an attitude of paternalism, driven by a (usually) unspoken belief that Native Americans were not competent to handle their own affairs. The 1953 legislation sought to change this, but it went at it with a broad ax, at a cost that most Native Americans believed to be far too high.

DeLaCruz came to symbolize a middle way. He believed that the federal and state governments have certain obligations under treaties that could not be “terminated” with the stroke of a pen. He believed that the reservations belonged to the tribes by right, and that any idea of Indian “relocation” violated that right. He believed that tribal culture and tradition was every bit as legitimate as that of non-Natives and must not be destroyed through “assimilation.” And finally, DeLaCruz viewed tribal sovereignty as the key to virtually all other issues of Indian rights and Indian responsibilities. This belief led him to move far beyond the confines and concerns of the Quinault Indian Nation and to play a key role, nationally and even internationally, in the fight for Native American sovereignty.

A National Leader

Joe DeLaCruz displayed a combination of intelligence, education, vision, and charisma that

soon pushed him to the front of groups fighting for Native American causes, in both Washington state and nationally. While still business manager for the Quinault, he threw his support behind the struggles of other Washington tribes. He joined forces with Bernie Whitebear (1937-2000), another charismatic Indian leader, in the 1970 confrontations at Fort Lawton in Seattle. These efforts led to the founding of the United Indians of All Tribes Foundation and the construction of Daybreak Star Cultural Center on the grounds of the largely decommissioned fort. DeLaCruz then became a force in the “Fish Wars” litigation that culminated in the Boldt Decision that vindicated Indian treaty rights.

In 1977, just five years after assuming leadership of the Quinault Indian Nation, DeLaCruz’s abilities were recognized with his election to lead the National Tribal Chairmen’s Association, which had been formed six years earlier. This group was composed of elected and appointed chairmen, presidents, governors, and chiefs of reservation Indians and other federally recognized tribes in the United State. In this position, which he held until 1981, DeLaCruz started to gain a national reputation and soon became a sought-after strategist and spokesman for a multitude of different causes of importance to Native Americans.

Soon after stepping down as leader of the chairmen’s association, DeLaCruz was elected to an even more important national post as head of the National Congress of American Indians, in which he served from 1981 to 1985. This was a perfect fit for DeLaCruz; the organization had been founded in 1944 in response to the policies

of “termination, relocation, and assimilation” that were already being bandied about in the halls of Congress. In the often-fractionious milieu of inter- and infra-tribal politics, the National Congress of American Indians consistently advocated the critical necessity of unity and cooperation if tribes were to succeed in protecting their treaty and sovereign rights.

Though traveling frequently and always in demand as a speaker and strategist, DeLaCruz also had a reservation to run, and although his administration of the Quinault Indian Nation was subjected to regular scrutiny and frequent complaints, much was accomplished during his tenure. He played a central role in many tribal activities and projects, including forestry management, land restoration, housing construction, and seafood processing. He viewed anything that contributed to economic independence as part and parcel of the struggle for true tribal sovereignty. He believed that a sovereign state must have as a goal the ability to sustain itself, both by producing much of what it consumes and by creating goods or services for export.

Most important, he believed that the Quinaults, and other tribes, had skills, talents, and resources that had not been fully tapped during the decades of paternalism.

Joe DeLaCruz always had his eyes on the big picture, and the big picture was Native American sovereignty, in every sense of the word. To this cause he devoted his life, persuading Indians and non-Indians alike that not only did Native Americans have an inarguable right

to sovereignty, but also the skills and ability to exercise that right and its attendant obligations.

The Voice of Joe DeLaCruz

The travels and activities of Joe DeLaCruz over his 30-plus years of tribal leadership were far too extensive to detail in this essay. But his words were as important as his actions; they provide the best demonstration of his intelligence, dedication, and persuasiveness:

On conflict and unity:

If our Peoples are to survive in the long term, alternative means must be found for resolving conflict besides seeking relief through prolonged and heated litigation that enriches attorneys while polarizing the public. The most promising way we now have to protect our interests is to strengthen our governments. We must encourage our governments to actively assert our rights in the non-Indian world. Our Peoples must work closely together to increase our control over our resources and solidify tribal opinion (Keynote, National Fisheries Conference, 1980).

On the importance of salmon:

Our histories have been built upon a salmon resource that consists of thousands of distinct races of fish which return to the rivers along the coast. Survival for these races of salmon depends upon strong local control to ensure that suitable environmental conditions are found in the streams where the fish spawn. To protect the salmon and preserve the basis for their

heritage, Indian Governments must assert their rights to manage their resources. If tribes choose not to exercise their authority, their decisions will be made for them by others. The fate of the salmon has been and is now being decided by political processes of other governments (Keynote, National Fisheries Conference, 1980).

On political activism:

No longer can Tribal leaders deal only with the internal affairs of our own Bands and Tribes and hope to protect the interests of our Peoples. We must become increasingly aware of and actively involved in the external political processes which will affect our lives and resources. Our leaders must go among our Peoples and to outside communities to advocate the needs and interests of our Peoples. As threats arise, the Indian presence must be felt in the political arena. We must assert our rights to control our resources and protect our way of life. We must begin to carve a permanent place within the political landscape because this is the only means by which we can hope to preserve a basis for our survival (Keynote, National Fisheries Conference, 1980).

On the meaning of sovereignty:

“I believe the ordinary meaning of government-to-government relations is the establishment of mutually acceptable procedures between friendly governments to achieve better relations and a healthy respect between governments. It does not

mean bureaucrats ‘consulting’ with us before the federal government does what it has already begun to do. It does not mean federal agency interference in our internal affairs. It means that there is a certain distance between our governments, and the U.S. government which must be respected. It means establishing mutual respect for the separate and distinct powers of our governments. It means establishing direct and formal inter-governmental mechanisms between our governments to advance Indian self-determination, and quickly resolve disputes” (Presidential Address, 1984).

On inter-government relations:

But the way out of this centuries-old confrontation, this clash between different worlds, will require some new and clearer thinking than has been typical over the years. We can begin that new and clearer thinking by first considering three ideas:

First, Indian Nations and Tribes must come to accept that the United States and the various states will not simply fade away and disappear. Many of our people have held this view in their hearts throughout the generations. We must now accept that the United States and her people will remain on this continent as our neighbors.

Secondly, the United States and each of her states must accept that Indian Nations and Tribes will not fade away and disappear. Our Nations remain as permanent as the soil.

Thirdly, everyone must recognize and understand that the establishment of the United States of America did not give the United States the right to claim or possess Indian Peoples and their territories. Indian Nations and Tribes did not become a part of the United States and they are not a part of the United States now. Though the United States made our people citizens, our peoples remain citizens of our own Nations, and our Nations remain as separate and distinct from the United States and her states which were created around our territories. Our Nations have become islands in a sea of land on this continent where we and our neighbors must now coexist.

If we can come to accept these basic concepts, then we can take the next step to renew efforts begun more than two hundred and twelve years ago — to establish a working process between our nations, between our governments, to resolve or at least lower the heat on our differences. Like the neighbors we are, we must agree first to talk and then we must agree to establish mutually acceptable methods for resolving our conflicts” (Seminar on Government-to-Government Relations, 1985).

DeLaCruz exercised his eloquence in hundreds of speeches in dozens of states and countries. He worked and spoke in support not only of his own tribe, but also of other tribes in the U.S. and Canada, and for indigenous peoples all over the world.

Accomplishments

Among his myriad accomplishments were these:

- His efforts were crucial to the passage of the 1975 Indian Self Determination and Education Assistance Act (P.L. 93-638), and he later worked for passage of the Tribal Self-Governance Program, which sought to convert the principles of tribal sovereignty and government-to-government relations into reality. It was finally enacted into law on August 18, 2000, four months after DeLaCruz’s death.
- He served as president of the Affiliated Tribes of Northwest Indians in the late 1980s. He was a founding member of the Northwest Renewable Resources Center in 1984.
- He was a strong supporter of the Northwest Indian Fisheries Commission and helped create the Pacific Salmon Commission in 1985.
- He served as co-chair of the National State-Tribal Relations Commission.
- He originated the idea of the Centennial Accord, signed by Governor Booth Gardner (b. 1936) and tribal leaders from throughout Washington in the state’s centennial year of 1989. The accord, which recognized the sovereignty of Indian tribes and the government-to-government relationship of Natives and non-Natives, was later emulated by indigenous peoples and governments throughout the world.

In 1990, DeLaCruz was one of three Washington state tribal heads to sign a pact with the U.S. government under the Self-Governance Act of 1988. Under the terms of the agreement, the Quinault, the Lummi, and the Jamestown Klallam tribes became “demonstration tribes” in an experiment that would allow them to negotiate tribal subsidies “government-to-government” with the U.S. Department of the Interior, rather than through the Byzantine bureaucracy of the Bureau of Indian Affairs. It was widely seen as a huge step away from the paternalism that had long characterized the relationship between the government and Native Americans. At the time, DeLaCruz stressed that the agreement was more than symbolic:

They are calling us pioneer tribes. The future is up to us. If self-governance works, it will be our opportunity to get rid of the people who thrive on the miseries of Indians. For the first time in decades, we don't have to ask permission to make life better. If we want to patch the potholes in our roads, we can do it. If we want to build a new road, we can do it. And we are building roads. We're building roads to the future (“Some Native American Tribes Begin Push for Self-Determination”).

But he also cautioned that self-government would require more than just a document:

People are scared, I'm scared, its difficult to break with the past. For five generations we have been dependent upon, and under the thumb of, the Bureau of Indian Affairs. For many people, the bureau is a convenient

scapegoat. They do not want to give it up. It means having to confront ourselves (“Some Native American Tribes Begin Push for Self-Determination”).

Criticism and Controversy

Joe DeLaCruz made his share of mistakes and misjudgments, both in his professional and in his personal life. He was an effective organizer and a great energizer, but perhaps a less effective administrator, and in some respects a divisive figure within the tribe. Much discontent was rooted in the fragmented ownership of reservation land—a measure that might mollify one group of owners could often enrage another. Non-Indians, in particular, felt their property rights were constantly under siege during the DeLaCruz era. This may have been largely unavoidable.

Tribal politics have been sometimes marked by factions and political fights revolving around power cliques based on family or clan. The Quinault are no exception. Five years after DeLaCruz took over leadership of the tribe, he and his supporters obtained sufficient support to pass amendments to the tribal constitution that consolidated power in the tribe's business committee, which he headed. The administrative offices of the Quinault Nation were soon dominated by DeLaCruz's friends, family members, and supporters; the benefits of certain contracts entered into by the tribe seemed to some to flow disproportionately to these same friends, family members, and supporters. Dissidents launched two attempts to recall DeLaCruz, the last in 1992, but both failed.

DeLaCruz was frequently accused of cronyism and nepotism, and of filling important and well-paying tribal offices with people from outside the reservation. He was unapologetic, even defiant, arguing that in a town as small as Taholah, such a result was unavoidable. He insisted that the people he appointed to tribal posts or to whom contracts were awarded were the most qualified for the jobs, and that this would change as more tribe members obtained better education and training. When questioned about these matters DeLaCruz said:

You have to understand the cultural background. They (Quinaults on the reservation) like to do things where they're not tied to a clock. The fishermen — even if there's no fishing—don't want to do anything else. I understand that, I love fishing. That's what I should be doing, instead of 'administrating.' But we all can't fish and clam ("Progress a Mixed Bag ...").

There was also tension between traditionalists who distrusted nearly any form of "progress," and modernizers who, like DeLaCruz, believed tribal survival and prosperity could be achieved only by adopting the business ways of non-Natives. Disputes also arose over just how much money and energy the tribe should expend on preserving its culture, as opposed to building a sound economic base for the future.

DeLaCruz was not a starry-eyed traditionalist by any stretch; he believed that money the tribe controlled was better spent on economic development than on social programs, at least initially. DeLaCruz could be curt and dismissive on the issue, saying on one occasion:

Every family from Taholah to Queets has a different opinion on culture. I'm not one who believes culture is dances and powwows ("The Spirits of Then Uplift Spirits of Now").

On the issue of how federal funds should be allocated, he was equally adamant, arguing that to insure rapid economic progress for the whole tribe, most of its cash resources needed to go to economic development rather than "people programs." When it was suggested during an interview that the tribe should spend more addressing the problems alcoholism, juvenile delinquency, and the elderly, DeLaCruz responded:

That would be a major mistake. If we want self-sufficiency and to take care of our own, we can't afford to do that ("Progress a Mixed Bag...").

DeLaCruz was also accused of engaging in negotiations and making deals regarding the reservation's resources without full consultation with tribal members or meaningful oversight by anyone. He argued that tribe members should simply trust him, as only he knew all the facts, and that it was unreasonable that he should be expected, or even able, to explain complex governmental requirements or complicated scientific research to constituents who lacked the education or training to understand it. His overall attitude seemed to be that having been elected, he should be left alone to run things as he saw fit. There was no doubt some truth to DeLaCruz's rebuttals to the various charges made against him, but his intolerance of criticism often widened differences rather than bridged them.

DeLaCruz served a wider constituency than just the Quinault Indian Nation, and this also brought criticism. As he became more active in the national and even international struggles of indigenous peoples, he traveled frequently throughout the U.S., Canada, and overseas and spent less and less time at the reservation he was elected and paid to run. This too he defended, arguing that the support of other Native Americans and indigenous people from other lands was important to secure the sovereign rights of the Quinault Indian Nation. Many of his opponents found the connection tenuous and were not persuaded, but they could never get the votes to oust him.

Sometimes rumors of scandal were buttressed by fact. A critical federal audit of the Quinault's finances released in October 1981² led DeLaCruz to voluntarily (albeit temporarily) step down as leader. He acknowledged serious bookkeeping problems but insisted that no fraud or dishonesty had been shown. The record appears to support that claim, but it provided more fuel for his critics.

In the end, it was family and not politics that brought to an end Joe DeLaCruz's 22-year tenure as head of the Quinault Indian Nation. On March 15, 1993, he was arrested during a police stand-

off involving his 16-year-old grandson, who was suspected of attacking a Moclips man with a machete. The grandson, allegedly armed with an assault rifle, had barricaded himself in a home on the reservation, surrounded by tribal police. DeLaCruz arrived at the scene and was arrested after bursting through a barricade and entering a home. Although the grandson soon surrendered, Joe DeLaCruz was held for investigation on charges of obstructing police and reckless endangerment. Also arrested were his 52-year-old wife, 44-year-old brother, and 33-year-old daughter, and her boyfriend.

Immediately after his arrest, DeLaCruz again stepped down from office, characterizing it as a "temporary" measure until the criminal case was resolved. But by this time, his renown as an articulate spokesman for the rights of indigenous peoples was widespread, and he may have believed that he had done as much as he could for his tribe. Leadership of the Quinault Indian Nation passed to his vice-president, Pearl Capoeman-Baller.

State Politics

In late 1995, Washington Governor Mike Lowry (1939-2017) tried to appoint DeLaCruz to a seat on the state's Fish and Wildlife Commission.

² FWJ Editor Note: The Quinault Indian Nation, Navajo Nation, Chayenne River Tribe and nine other nations were audited on their handling of federal funds on claims of misuse of funds considered by these governments as US government reprisal for asserting their sovereignty. Only the Navajo President—a vigorous advocate of Navajo Sovereignty and opponent of US government encroachments on Navajo sovereignty was charged and convicted of US laws. The US President Ronald Reagan Administration started the challenge to these nations by invoking a challenge to the "sovereignty" starting with claims that the then President Peter McDonald of the Navajo Nation misused federal funds. When McDonald, then serving also as the co-founder and leader of the Council of Energy Resource Tribes (CERT) asserted that the Council of Energy Resource Tribes should withhold oil to the United States US government officials in the Department of the Interior and elsewhere in the government grew alarmed. Shortly after McDonald's assertion a Justice Department investigation of the Navajo President commenced eventually finding that he has "misused" a little more than \$7,000. McDonald was charged with violations of US laws and was convicted of U.S. federal crimes including fraud, extortion, riot, bribery and corruption. MacDonal pleaded innocent to all charges.

Still enraged by the Boldt Decision, groups representing sport fishermen howled in protest, claiming that having a Native American sit on a board that had some control over nontribal fishing created a conflict of interest. The state Senate refused to give him a confirmation hearing. He could have served until a vote expressly rejecting his nomination was taken, but he refused, and was not shy in blaming his treatment on racism:

It amazes me that the senators could choose to ignore or oppose my appointment on this basis and not be berated by the people. In my opinion, to remain on this commission, in view of these racist activities, would be an act of condonance (Sic). This I cannot do (“Racism Is to Blame, DeLaCruz Says”).

In 2000, DeLaCruz struck back at his old foe, former state Attorney General Slade Gorton, then running for re-election to the U.S. Senate. While in the Senate, Gorton had gained the reputation of being an opponent of the tribes and a threat to their continuing efforts at self-government and economic independence. Some Indian leaders questioned the wisdom of tackling Gorton head-on, but DeLaCruz had no such qualms: “We’ve had to spend a lot of money (lobbying) to get his bills killed. What more can he do to us?” (“Tribes Intending to Raise \$1 Million to Bring Down Gorton...”). At least in part due to Indian efforts, Gorton lost the 2000 election to Democrat Maria Cantwell (b. 1958) by a narrow margin.

A Great Indian Leader

DeLaCruz stayed constantly in motion in his last years, spending more time in airports and hotels than at home. He was a much sought-after

speaker, both here and abroad, and stayed active to the end. Fittingly, he died suddenly of a heart attack on April 16, 2000, while waiting to catch a plane at Seattle-Tacoma International Airport to attend a national meeting on Indian health care. He was 62 years old. Almost three months to the day later, his old companion-in-arms, Bernie Whitebear, died in Seattle, also age 62.

The depth and durability of Joe DeLaCruz’s influence during his life on the battles for the rights of indigenous peoples can be seen in the encomiums that came his way after his death:

- “Everywhere you look among Native Americans, you see Joe ‘s imprint. I am in disbelief. Joe started a lot of things. His programs became models for Native Americans everywhere. It is a heavy blow when you lose one of those Great Cedars” (Suzan Harjo, a Cheyenne-Muskogee Indian activist in Washington, D.C.).
- “He was very bright and articulate. And he stayed focused. He was devoted to the notion that someone needs to speak for the rights of indigenous people -- not just in this nation but around the globe” (Tom Keefe, former U.S. Senate aide).
- “Joe was totally committed to the principle of tribal sovereignty. That principle was the backbone of everything he did. He was a peaceful warrior. His weapon was his ability to sell his ideas and personality” (Mel Tonasket of the Confederated Colville Tribes).
- “He was one of the greatest Indian leaders who ever lived in the United States” (Billy

Frank Jr., Nisqually fishing activist and long-serving chair of the Northwest Indian Fisheries Commission).

- “Joe DeLaCruz will always be a part of Washington state, just as this land was always a part of him” (Governor Gary Locke).
- “As far as I’m concerned, he ranked up there with the top chiefs of the old times-- Geronimo, Sitting Bull, Chief Joseph, Crazy Horse--because of what he accomplished for Indian people in his time. He didn’t fight a war of bloodshed, but a war of knowledge and wisdom for the rights of Indian people” (James DeLaCruz Jr., nephew).

On April 22, 2000, more than 2,000 people, including representatives of dozens of Native America tribes and groups, honored the life of Joe DeLaCruz at services conducted at the new Quinault Tribal Resort in Ocean Shores. Among his survivors were his wife, Dorothy, three daughters, two sons, and numerous nephews and nieces. By agreement with Dorothy, a member

of the Colville Tribe of Eastern Washington, his body was later taken there for burial.

In an oft-quoted statement, DeLaCruz spoke of the importance of sovereignty:

No right is more sacred to a nation, to a people, than the right to freely determine its social, economic, political and cultural future without external interference. The fullest expression of this right occurs when a nation freely governs itself. We call the exercise of this right self-determination. The practice of this right is self-government (“Tribal Self-Governance”).

Not long after his death, the memory of DeLaCruz was honored when the Northwest Indian Applied Research Institute at Evergreen State College established the Joe DeLaCruz Center for Advanced Studies in Tribal Government “to focus its research and educational programs on tribal governance on the ideas and work of The Honorable Joe DeLaCruz.” He would have been pleased.

REFERENCES

- “Quinault Chief Trusts Business Manager,” *The Seattle Times*, November 27, 1969;
- Alexandra Harmon, *Indians in the Making: Ethnic Relations and Indian Identities Around Puget Sound* (Berkeley: University of California Press, 1998), 234;
- Ross Anderson, “Quinault Indian Leader Joe DeLaCruz Dies,” *The Seattle Times*, April 18, 2000, p. B-6;
- United States v. Payne*, 264 U.S. 446 (1924);
- Halbert v. United States*, 283 U.S. 753, 51 S.Ct. 615, 75 L.Ed. 1389 (1931);
- Joe DeLaCruz, “Testimony on Behalf of the Quinault Indian Nation,” United States Senate Committee on Indian Affairs, Field Hearings On Senate Bill 1691, available at (<http://online.everett.k12.wa.us/eps/wahistory/unit4/TestimonyQuinault.pdf>);
- Tribal Sovereign Immunity, April 7, 1998, Seattle, Washington (available at <http://online.everett.k12.wa.us/eps/wahistory/unit4/TestimonyQuinault.pdf>);
- Barry Pritzker, *Native America Today: A Guide to Community Politics and Culture* (Santa Barbara, ABC-CLIO Inc., 1999), 122-125;
- Don Hannula, “Land is Life: Quinault Indians Now Run Reservation with Firm Hand,” *The Seattle Times*, September 26, 1971, p. E-5;
- Jacqueline M. Storm and Pauline K. Capoeman, *Land of the Quinault* (Taholah: Quinault Indian Nation, 1990), 207; “Quinault Indians Sue for Fishing Rights,” *The Seattle Daily Times*, March 28, 1925, sec. 2, p. 2;
- “Plan Ban for Whites Fishing in Indian Lake,” *The Seattle Daily Times*, November 19, 1929, p. 3;
- United States v. State of Washington*, 384 F. Supp. 312 (1974);
- “Joe DeLaCruz: Boldt Decision Gave Tribes Unified Voice,” Northwest Indian Fisheries Commission website accessed July 4, 2011 (http://access.nwifc.org/newsinfo/documents/newsletters/1999_2_summer.pdf);
- Matt Kelley, Associated Press, “Tribes’ Top Target in 2000: Sen. Slade Gorton,” *Los Angeles Times*, April 30, 2000 (<http://articles.latimes.com/2000/apr/30/local/me-24924>);
- Concurrent Resolution of the Eighty-Third Congress, First Session, 1953 (H. Con. Res. 108] 67 Stat. B122);

-
- Laurie Johnstonbaugh, "Indian Civil Rights Hearings: U.S. Commission on Civil Rights Comes to Seattle, 1977," University of Washington Seattle Civil Rights and Labor History Project website accessed July 6, 2011 (http://depts.washington.edu/civilr/CRcommission.htm#_ednref24); Public Law 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360);
- Indian Civil Rights Act of 1968, 25 U.S.C. §§ 1301-03);
- Joane Nagel, *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture* (New York: Oxford University Press, 1996), 217;
- Victorah Arsenian, "History and Remembering of ATNI," The Affiliated Tribes of Northwest Indians website accessed July 7, 2011 (<http://www.atntribes.org/about/history/>);
- "Passages: Joe DeLaCruz," Northwest Indian Fisheries News (Spring 2000);
- Indian Self-Determination and Education Assistance Act, Public Law 93-638, 25 U.S.C. 450 et seq.;
- "Former Gov. Booth Gardner & the Centennial Accord," NativeVote website accessed July 7, 2011 (<http://nativevotewa.wordpress.com/2010/07/02/former-gov-booth-gardner-thecentennial-accord/>);
- Joe DeLaCruz, "Testimony on Behalf of the Quinault Indian Nation," United States Senate Committee on Indian Affairs Field Hearings On Senate Bill 1691 - Tribal Sovereign Immunity April 7, 1998, Seattle, Washington;
- Preliminary Guide to the Northwest Renewable Resources Center Records: 1984-1997, University of Washington Special Collections website accessed July 7, 2100 (<http://www.lib.washington.edu/specialcoll/findaids/docs/papersrecords/NorthwestRenewableResourcesCenter5092.xml>);
- Joe DeLaCruz, "Keynote Address to the National Fisheries Conference, Union of British Columbia Indian Chiefs National Indian Brotherhood," May 20, 1980, Vancouver, B.C., Canada, available at (<http://www.greenstone.org/>);
- Joseph DeLaCruz, "Defending Our Inalienable Rights: We Cannot Fail Our Children," Presidential Address, National Congress of American Indians, September 10, 1984, Spokane, Washington, available at (<http://www.greenstone.org/>);
- Joseph DeLaCruz, "Indian Governments and Neighboring Governments: Sovereign Equality and Standards of Conduct Within the Context of

Government-to-Government Relations,” Remarks Before the Seminar on Government-To-Government Relations, American Indian Opportunity, February 25, 1985, Renton Sheraton Hotel, Renton, available at (<http://www.greenstone.org/>);

Ross Anderson, “Audit Finds Thousands of Dollars Unaccounted for by Quinaults,” The Seattle Times, October 15, 1981, p. F-4;

Carey Quan Gerlerntner, “Progress a Mixed Bag for Quinault Nation,” The Seattle Times, May 31, 1981, p. A-26;

Carey Quan Gerlerntner, “Quinault Leader: Savior or Dictator,” Ibid.;

Carey Quan Gerlerntner, “Land Ownership Fuels Tribal Controversy,” Ibid.;

Bill Dietrich, “The Spirits of Then Uplift Spirits of Now -- Heritage And Hope,” The Seattle Times, December 18, 1885, p. E-3;

Brigid Schulte, “U.S., Native Americans Sign Tribal Self-Governance Pact,” The Seattle Times, July 16, 1990, p. E-4;

Marla Williams, “Some Native American Tribes Begin Push for Self-Determination,” The Seattle Times, June 30, 1991, p. A-1;

Ronald K. Fitten, “Fish Panelist Resigns Post Amid Controversy -- Racism Is to Blame, Delacruz Says,” The Seattle Times, March 12, 1996, p. B-1;

Ross Anderson, “Quinault Indian Leader Joe DeLaCruz Dies,” The Seattle Times, April 18, 2000, p. B-6;

Stuart Eskenazi, “Northwest Tribes, Leaders Honor a Warrior of Wisdom -- Joe DeLaCruz Led Quinault Indians,” The Seattle Times, April 23, 2000, p. B-1;

S. Robinson, “Joseph DeLaCruz,” Northwest Indian Fisheries Commission News, Vol. 14, No. 4 (Spring, 2000), available at (http://access.nwifc.org/newsinfo/documents/newsletters/2000_1_spring.pdf); “Tribal Self-Governance,”

Tribal Self-Governance website accessed July 8, 2011 (<http://www.tribalselfgov.org/>).

This Article may be cited as:

Caldbick, J. (2011, 2021) "A Leader of Nations, Joe DeLaCruz", *Fourth World Journal*.
Vol. 21, N1. pp.1-21.

ABOUT THE AUTHOR

John Caldbick

John Caldbick is a former Seattle Post Intelligencer news staffer in his youth and more recently a historian writing for the online HistoryLink website.