

Séliš-Qłispé Culture Committee

The Swan Massacre: A Brief History

Addendum:

A Close Look at the Affidavits of Herman Rudolph & Joseph Waldbillig

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Séliš-Qłispé Culture Committee
Confederated Salish & Kootenai Tribes



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Introductory note:

We offer this paper as a supplement to the Séliš-Qlispé Culture Committee's chapter-length history of the Swan Massacre, *The Swan Massacre: A Brief History*, by the Séliš-Qlispé Culture Committee, available at:

https://cskt.org/wp-content/uploads/2026/09/2026_SwanMassacreBriefHistory4.pdf

We encourage readers to first read that paper, a boiled-down version of the book-length account we will be producing.

This document is offered to address the continuing questioning of what happened and why, and to make it clear that the history provided by tribal elders and the SQCC is rigorous, deeply researched, and accurate.

In recent years, a number of people interested in the Swan Massacre of 1908 have continued to refer to two purported affidavits that emerged after the incident: one bearing the name (but not the signature) of Herman Rudolph, who was Charles Peyton's deputized civilian on two visits to the camp on Saturday, October 17, and on the day of the massacre, Sunday, October 18, 1908; and another affidavit bearing the name (and signature) of Joseph Waldbillig, Sr., who was Peyton's deputized civilian during the first visit to the camp on Friday, October 16. Both affidavits are held in the body of records relating to the Swan Massacre at the National Archives.

The affidavits contrast starkly with the accounts of the Qlispé women who survived the incident. For those investigating the massacre—especially those who are contesting the stories told by tribal people, defending Charles Peyton's actions, or claiming that both sides were equally responsible for what happened—these documents, the only accounts by non-Indian eyewitnesses to parts of what transpired, are therefore crucial. In recent years, they have been referred to repeatedly, including at public talks, but without sufficient assessment of their credibility.

In the pages that follow, we offer a close look at both affidavits, focusing on their internal content and claims, and whether they can be fairly regarded as credible. Even without the following assessment, readers should bear in mind that both affidavits are also contradicted by an overwhelming body of evidence from many sources, including the accounts of elders of the highest integrity and dedication to the truth, as well as consideration of the social context of the time, physical evidence from the scene, the extensive archival record, and actions (or lack thereof) by state authorities after the massacre—even at a time when the prevailing attitude of officials toward Indigenous peoples and cultural practices was extremely hostile.

The Deponents

Joe Waldbillig was a surveyor, timber cruiser, packer, and guide, originally from Drummond. He began working in the Swan Valley, probably in 1907, as a packer for timber surveys being conducted jointly by the Northern Pacific Railroad and the U.S. Forest Service, as well as timber surveys for the Milwaukee Road. Waldbillig also worked as a guide, including for Dr. Robert R.P. Gordon. Earlier in 1908, the year of the massacre, Waldbillig moved his family up to the area, and he and his wife, Ethel, lived and worked as caretakers on the Gordon Ranch. The Gordon Ranch, which was located just west of Holland Lake and just a couple of miles east of the site of the massacre, included the roughly 200-acre meadow known in Salish as *Ept̓ ?it̓w̓e?* (Has Camas). During that time, the Waldbilligs had good relations with the Qlispé people who frequently passed through the area; according to Mildred Chaffin, during that time, a traditional healer saved the life of their infant son who had contracted pneumonia.¹ As will be discussed below, the Waldbilligs's experiences with Charles Peyton, according to family members, were often negative and unpleasant.

Herman Rudolph was a 32-year-old German immigrant who had lived in Russia, from which country he immigrated to the United States. He passed through Ellis Island and made his way to Montana. After working for a time in Belt (Meagher County, Montana), he ended up working for the Waldbilligs as a laborer on the Gordon ranch.² When Charles Peyton first arrived on Thursday, October 15, 1908, Rudolph was blasting stumps out of a meadow.

The Waldbilligs lived in one of the cabins on the Gordon Ranch property, and from Thursday night, October 15 through Saturday night, October 17, Peyton stayed at the Waldbillig home. Again, it was Joe Waldbillig, Sr. who served as Peyton's assistant—his deputized civilian—on the warden's first visit to the camp, on Friday, October 16.

Both the Waldbillig and Rudolph affidavits consist largely of descriptions of what each man supposedly saw. A number of those details are in fact corroborated in some accounts given by tribal survivors and elders. Other statements, however, stand in stark opposition to the tribal accounts, as well as information provided by non-Indians who knew Peyton and/or Waldbillig.

The Rudolph affidavit

The Rudolph affidavit was produced first. It states the location of the deposition as Butte, Montana. However, none of the copies of the Rudolph affidavit that we or other researchers have located in the National Archives or elsewhere include either Rudolph's signature or a date. An unsigned affidavit carries no legal weight, of course, but historians must still consider it if it is strongly supported by other evidence. We must therefore first address a simple question: when could Rudolph have been in Butte to depose to an affidavit? Is there in fact a possible date and time when that could have happened? Without a good answer to this initial question, we must also ask if a signed affidavit ever existed, and if Rudolph was in fact its author.

In addressing that question, we need to consider that the Rudolph affidavit explicitly rebuts the content of an affidavit deposed to on Sunday, October 25, 1908—a week after the massacre—by the surviving Indian women, Kłolí (Clarice) Paul and Mary Ȧpał Scwí (their names were rendered by non-Salish-speaking authorities as "Clara Paul" and "Mary Stuee"; we refer to it in this paper as the Paul-Scwí affidavit).³ Beckwith wrote to his superior, Chief Warden W.F. Scott, that the Paul-Scwí affidavit was deposed to in the evening.⁴ Witnesses included federal, tribal, and state officials: U.S. Superintendent for the Flathead Reservation Samuel Bellew, tribal Judge Sloane, and deputy state game warden A.B. Beckwith.

In one part of their affidavit, Kłolí and Ȧpał stated that Peyton had "told Martin [Yellow Mountain], 'Your paper is no good. I will be back in the morning. I have a right to kill any one, white man or Indian, who has no paper to kill deer.'"⁵

The affidavit bearing Rudolph's name directly attacks this point: "At no time within my hearing or in my presence," reads the affidavit in its lawyerly language, "did Peyton tell the Indians that he had a right to shoot or kill any Indian who was hunting without a license."

What further reinforces the inescapable conclusion that the Rudolph affidavit was given in response to—after—the Paul-Scwí affidavit is that this crucial interaction between Peyton and Martin Yellow Mountain happened on the warden's first visit to the camp, on Friday, October 16. But Herman Rudolph was not there. Peyton was accompanied by Joseph Waldbillig, Sr. on that day. Rudolph served as Peyton's deputized civilian on Saturday, October 17, in two visits to the camp, and on Sunday, October 18, the day of the massacre.

It is therefore clear that Rudolph affidavit's argumentative statement had to have been deposed sometime after the evening of October 25, because prior to the Paul-Scwí

affidavit, no one had publicly raised any facts or perspectives different from those told by Rudolph or people to whom Rudolph had spoken, including Chief Warden Scott. Furthermore, the Paul-Scwí affidavit was not known to the public until even later; the *Missoulian* published it on Sunday, November 1. The Paul-Scwí affidavit was then republished by other newspapers, including the *Kalispell Bee*.

The problem is that by November 1, six days had passed since Rudolph vanished from western Montana. That happened on the morning of October 26. We will discuss that in greater detail below.

We therefore must ask: was it even possible for Rudolph to have refuted the Paul-Scwí statement, in Butte, sometime in that short window between the evening of October 25 and Rudolph's disappearance the morning of October 26?

After the incident, Rudolph had traveled from the Swan to Missoula, arriving Thursday, October 22nd. That evening, he did in fact travel on to Butte; depending on which train he took, he would have arrived at either 11:30 p.m. or 12:40 a.m.⁶ Theoretically, Rudolph could have deposed to the affidavit on October 23, 24, or 25—a Friday, Saturday, or Sunday. However, it appears that on Friday or perhaps Saturday, he travelled back to Missoula; Montana Historical Society historian Dave Walter reported that Rudolph "frequented a number of Missoula bars during the weekend, telling his story and being feted as a local hero."⁷

Again, the Paul-Scwí affidavit was not given until Sunday evening, October 25th. So in order for Rudolph's affidavit to have refuted the Indian women's statement, he would have had to have gotten wind of its contents, traveled back to Butte, and been deposed very late on Sunday night or very early Monday morning.

Was it possible for the Paul-Scwí affidavit, or a summary of it, to have been communicated from Flathead Agency headquarters to Butte the night of October 25th? The agency did have a telephone and telegraph. Furthermore, Deputy Warden Henry Avare, who would succeed Warden Scott as head of the department the next year, travelled to the Flathead Reservation on the night of October 21st to await the return of two groups of tribal police who had been sent out to bring the surviving members of the hunting camp back to the reservation for questioning. For Avare or another official to have transmitted the Paul-Scwí affidavit to Butte, one of the affidavit's witnesses—Superintendent Bellew, Deputy Game Warden Beckwith, or Judge Sloane—would have had to ride horseback from the place where the affidavit was signed to the Agency headquarters, a distance about 30 miles—perhaps a 6 to 8-hour ride. Estimating a departure time of 8 pm, in the dark, that could have only happened at 2 a.m. or later on Monday October 26, with the Rudolph affidavit being taken down even later, and

Rudolph then boarding a very early train from Butte to Missoula. To be clear, there is no record for that extremely unlikely sequence of events.

That's because Rudolph's presence was required that morning—Monday October 26—at the Missoula County Courthouse, where a coroner's inquest was scheduled to be held. As MHS historian Walter wrote, "when it convened... county officials disclosed that the preliminary evidence gathered by [U.S. Indian] Agent Bellew—including the abbreviated statement of Clarice Paul and Mary Stousee [sic]—had disappeared from the Missoula County Attorney's Office. More important, Herman Rudolph did not appear at the hearing... No one ever saw him again in western Montana. The hearing produced no recommendations for prosecution."⁸

Considering all the facts, it seems nearly impossible that the affidavit bearing Rudolph's name could have been deposed to by Rudolph himself. What seems far more likely is that it was written by state officials after he vanished—hence the absence of a signature—and after the *Missoulian's* publication of the Paul-Scwí affidavit on November 1.⁹

Soon after that, other stories and questions began emerging. The November 21 issue of the prominent national periodical *Field and Stream* included an article about the massacre written by famed naturalist C. Hart Merriam. Merriam flatly blamed the incident on Peyton's rash actions. The article garnered considerable attention. Clearly, a rising number of people were beginning to question Rudolph's story—partly because he had vanished, partly because of the ways his affidavit did not square with the physical or other provable evidence, and partly because it corroborated numerous points in the Paul-Scwí affidavit.

The Waldbillig affidavit and similarities / differences from Rudolph's affidavit

It was not until Saturday, December 5—just two weeks after publication of the Merriam article, but nearly seven weeks after the massacre itself—that state officials witnessed the signed affidavit of Joseph Waldbillig in Butte.

The Waldbillig and Rudolph affidavits are similar in structure, content, and even phraseology. Both, on the one hand, describe provocative and confrontational actions by Peyton, but then use similar language to say, contradictorily, that the warden was calm, respectful, and level-headed in his behavior. Both portray the tribal camp, which included elders and children, as menacing and entirely to blame for the incident. Neither Rudolph nor Waldbillig were highly schooled men, yet both documents are full

of "whereupons," "thereupons," and other language characteristic of law enforcement officials and lawyers.

Where the Waldbillig and Rudolph affidavits differ, the Waldbillig affidavit appears to try to plug up holes in the Rudolph affidavit, offering a rebuttal of sorts to the Merriam article and other emerging challenges to the official story. This suggests a reason for the state taking almost seven weeks to gather Waldbillig's purported statement: perhaps they did not feel they needed it until then. With Rudolph missing, and growing national attention, the state needed to shore up its case, or at least portray the incident as a blameless "conflict." And that necessitated addressing the increasingly obvious problems in the supposed Rudolph affidavit.

Rudolph's affidavit tries, on the one hand, to give the impression that Peyton acted reasonably on the basis of compelling evidence of wrongdoing, and was simply fulfilling his sworn duty—yet also describes actions taken by Peyton that disinterested observers might interpret as the warden leaping to conclusions and taking drastic action on the basis of assumption rather than fact. For example, Peyton saw a number of hides being treated in one of the lodges, and assumed these belonged to deer that the party had killed. He never inquired about this—if he had, he might have discovered that some weeks before, the party had traded a horse to Virgil Woods for a number of fresh hides. Elsewhere in the affidavit, Peyton decides prosecution is warranted because he sees what he figures to be the remains of nine deer in one tipi. But he never asks whom they belonged to. The three licenses in the party as a whole would have allowed a total of nine deer to be killed under Montana law. Furthermore, the actual notations that Peyton made in his notebook—which Rudolph showed to reporters—described the tribal hunters as all being within the legal limit of three deer and one elk per person.

The Waldbillig affidavit confirms the interaction on Friday, October 16, between Peyton and Yellow Mountain that is described, in very different ways, by accounts from the surviving women and by other tribal elders, and by the Rudolph affidavit (in spite of Rudolph not having been present): Peyton demanded that Yellow Mountain show him "his license and the old fellow dug up a permit from the Indian Agent. Peyton handed it back to him and told him that it was no good." This was Peyton's primary pretext for arresting members of the hunting party. But the Waldbillig affidavit describes the interaction as entirely respectful, in an attempt to counter the abusive image of Peyton conveyed by the tribal affidavits in describing the warden's dismissal of Yellow Mountain's permission from the Flathead Reservation superintendent (which the elder had gone to such lengths to secure, causing the party to delay their departure from St. Ignatius until September 20, 1908). The Waldbillig affidavit describes Peyton pulling out his own license to show the boy, in a portrait of gentlemanly law enforcement. But the members of the tribal party already knew quite well what state licenses looked like,

since they had their own—purchased at what was, for them, great expense. They did so to avoid any possibility of trouble with state wardens, even though they felt their treaty-based hunting rights meant they should not need licenses. That is one of many pieces of evidence indicating that this family party, which included children and an elderly couple, was doing all it could to gather their needed winter meat while precluding conflicts with authorities hostile to their exercise of treaty rights.

When the warden asked Martin Yellow Mountain if he had killed any deer, according to the Rudolph affidavit, Yellow Mountain said "two" in broken English. Since it was well established that Yellow Mountain did not speak English, the Waldbillig affidavit makes sure to explain that Peyton conveyed his question to Yellow Mountain "by signs and talking." And if skeptics wondered how the word "two" could be said in broken English, this was now resolved, as Waldbillig reports that "The old Indian replied by holding up two fingers, and said 'Me ketchum two.'" This seems more likely non-Indian imaginings of what "Indian English" would sound like—dime-store novel dialogue—than what Maltá Kʷalí Xʷćú actually said, if he said anything at all.

Again, the Waldbillig affidavit created another problem for state authorities: he had accompanied Peyton on October 16, but Rudolph did not first go along until October 17. Now officials were presenting to the public two supposed affidavits describing the same exact encounter, told in almost the exact same way, but happening on two different days. Perhaps the actual author of both affidavits lost track of the narrative or got the two days mixed up.

The Waldbillig affidavit does not hide how it was not so much offering a positive assertion of the facts as it was responding to various questions and doubts raised by the Paul-Scwí affidavit and the Merriam article. The affidavit states: "There was no trouble of any kind, and Peyton treated the Indians in a kind and considerate manner. The statement"—here the Waldbillig affidavit is referring directly to the Merriam article—"that he threw the permit of the old Indian back into his face is an absolute falsehood, as is the other statement made by the squaws."

The Waldbillig affidavit tries to incriminate Yellow Mountain further by asserting that he was not "an old or decrepit Indian in any sense of the word. I had a good opportunity to observe him because that morning [Friday Oct. 16], I was riding a pinto horse which was a dead mate to the pinto belonging to the old man, and when I rode up to his tepee with Peyton, that morning, and he cam[e] out, he immediately looked the horse over and walked all around him, evidently thinking I had his horse, and I joshed him about it, and he grunted and laughed." But if Yellow Mountain, who with his elderly wife Saʔ pšńmá had accompanied the party to help out in camp, was not "old or decrepit," why was the

elder unable to recognize a horse even at close range? Mr. Yellow Mountain's near blindness was described by numerous other people, both Indian and non-Indian.

There are other ways in which the Rudolph and Waldbillig statements are both constructed to counter sympathetic portraits of the members of the hunting party and negative castings of Peyton. One of the central issues in establishing the culpability of the tribal hunting party was their purported knowledge of the English language. The Rudolph affidavit claims that Little Camille spoke "good English." Yet not only tribal members, but also the licensed Indian traders on the Flathead Reservation (including Deputy Game Warden Andrew Beckwith), stated on the basis of far greater familiarity that Camille spoke very little English (though he could understand a little more) and required a translator even to buy a hunting license at the Beckwith store in St. Ignatius. But Rudolph has to make his claim of Camille's proficiency in English, for elsewhere in the affidavit, he describes Peyton squatting beside Camille in the tipi and asking "him how much game he had killed. He replied that he had killed three deer and one elk. Peyton then told him that his story did not agree with the amount of hides and meat that he had and that he had about nine deer in his tepee. " (Rudolph said that the boy Plaswé, who had attended the Jesuit boarding school in St. Ignatius and whom the group relied upon for rough translation, was not inside the tipi.) Later in the affidavit, Rudolph also describes Peyton "talking to Camille about going to the [Gordon] ranch with him," and again makes no mention of a translator or other efforts to surmount the language barrier.

The affidavit attributed to Waldbillig describes Camille Paul as "a very large and athletic Indian." In fact, Camille's Indian name, however, was Łkkamel, meaning "Little Camille." He was about 5'3" in height. Waldbillig described Atwen Scwi as the "same" as Little Camille. But Scwi was actually about 5'6", judging from photographs and from the testimony of Joe Eneas, who was 12 years old at the time of the massacre.

The Waldbillig affidavit goes on to disparage Camille Paul's character: "After the shooting, some other Indians, who were camping above my ranch on Elbow Lake, stated that the Indian whom Peyton is supposed to have killed first was a very mean Indian, and that he was very stubborn and would receive advice from no one."

This characterization is directly contradicted by numerous accounts from both tribal members and non-Indians who knew Little Camille well. Qlispé elder Mitch Smallsalmon said,

Scwi, Ł xest sqltmix^w.

Scwi, well, he was a good man.

Ta es sust. Ta es q^wewu. Tam ñem sewne? ʔu sqelix^w t? e ečšceni es tiyaq^wti ečšcni, ta.

He did not drink. He did not get drunk. The people never did hear of him getting into fights or anything, no.

Łu č snunx^wene?tn u es nunnx^we ʔu č Ķ^wincutn.

He believed in having faith in the Creator.

K^werñt ʔe Łkkamel nex^w l še u ?ečxey.

It was the same with Little Camille.¹⁰

The assessment that elders gave to Mr. Smallsalmon was echoed in the statements of non-Indians in 1909. D.D. Hull, a U.S.-licensed trader on the Flathead Reservation, said “neither [Atwen Scwí nor Camille Paul] used liquor and during my 5 years in office I never had a complaint made against either of them.” Another U.S.-licensed trader, G.W. Beckwith, wrote that “Camille Paul was a leader among the Indians...and was considered the best man they had to settle disputes in regard to ownership of unbranded or disputed horses. He was the sole support of his aged father and mother, who are both blind, and unable to care for themselves.”

One of the central scenes in the Rudolph affidavit—and one that had already been repeated many times in the papers, as relayed from Rudolph to a number of intermediaries to reporters—was the confrontation between Peyton and the hunting party inside the Paul tipi the night before the shootings, on Saturday, October 17. The Rudolph affidavit claims, “The Indian paid no attention to Peyton and Peyton kept talking to him about going and finally touched him on the shoulder and told him to put on his clothes whereupon, the Indian grabbed a gun which was laying alongside of him but Peyton siezed [sic] the same and wrenched the same out his hand and, at the same time, pulled his pistol and shoved it in the Indian's face. At this point the other squaw, who was Yellow Mountain's squaw, grabbed for a gun but Peyton jerked the same away before she could reach it.”

The affidavit given by Klolí and Ȧpał completely omitted this scene, probably out of fear that any description of lack of submission to the warden would lead non-Indians to blame them for the shootings. But later tribal accounts, given in a more secure context, describe the struggle in vivid detail. In the stories told by Mitch Smallsalmon and others, Peyton seized Camille's gun in an attempt to confiscate it. Camille then wrestled it back from the warden, who in his rage then pulled a pistol, but was prevented from aiming it by Camille.

Although this account was not known to non-Indians at the time of Rudolph's affidavit, another obvious question arises from Rudolph's story: if Peyton, acting like a dime-store action hero, had seized the rifle from Camille, and kept it, along with the gun belonging to Sa? pšňmá, why were no guns confiscated and brought back to the Waldbillig cabin that night? The Rudolph affidavit does not say. Waldbillig was not present at that incident, but claims that Peyton only made various people "drop" their guns. The more reasonable explanation for Peyton not having confiscated any weapons is that the tribal accounts are more accurate.

Both the Rudolph and Waldbillig affidavits confirm that Rudolph was terrified of the situation and by Peyton's extremely aggressive conduct, and like Waldbillig, had no desire to return to the camp the next day. The Waldbillig affidavit also describes the extremely agitated protests of Ethel Waldbillig against her husband accompanying Peyton; she was eight months' pregnant and did not want to be a widow homemaker.¹¹ But what Rudolph and Waldbillig, or the authorities who assisted in their depositions, might not have anticipated is that this would raise more questions of Peyton's conduct and judgment—that he was unnecessarily seeking to provoke a deadly confrontation even though no one in the party had committed any infractions, or even if (contrary to Peyton's own records) they had, it was exceedingly minor. And that furthermore, he, as a law enforcement officer, was bringing an untrained civilian into a situation in which he expected gunplay. Might this not suggest that what was actually at stake was not the integrity of the law, but as John Peter Paul (the son of Klolí and Łkkámel) stated, a personal "grudge" fueled by an overzealous, irrational need for absolute control?¹²

Much of the Waldbillig affidavit attempts to counter that impression. Rudolph admits that Peyton fired a shot while approaching the camp, as stated in the tribal affidavit (and other tribal accounts). That could, of course, give the impression of an enraged man charging toward the camp, someone who couldn't wait to start using his guns. Rudolph offered that Peyton had shot a pheasant, a specimen of which had been requested, he claimed, by Warden Scott. The affidavit asks readers to believe that a man charging into a life and death situation, expecting a shootout, and in the best of circumstances expecting to march out prisoners at gunpoint, was thinking about bird specimens, one of which he expected to pick up on the way out.

Besides the scene inside the tipi on the night of October 17, the other incident that seemed to capture the attention of the newspapers at the time was the oft-repeated story that when Peyton first arrived in the camp on Sunday morning, he said "Good Morning, " and Scwí (or in even more fanciful accounts, Yellow Mountain) "immediately walked over to Peyton, a distance of about three steps, and without saying a word grabbed Peyton by the throat. Peyton sprang backwards and told him to look out or he would get hurt." Rudolph admits that Scwí was unarmed. The tribal accounts, in startling contrast,

instead say that Scwí walked up to Peyton, greeted him, and patted him on the chin in an attempt to defuse the situation.¹³ Although the most devoted friends of Peyton dismissed this account in scathing terms, it certainly seems more plausible than an unarmed person trying to grab the armed and obviously enraged warden by the throat. And it is close enough in general outline to further raise questions as to how Rudolph was distorting the picture in the interest of the state's case—and his own legal fate.

Rudolph's account contains numerous other claims that were undermined, in varying degrees, by the tribal accounts and the physical evidence. He said Scwí then walked over to get his gun—but it was clear that he was killed without ever firing a shot, and even Rudolph himself had apparently admitted this in the version he related soon after the incident to Mrs. Ben Holland.

Rudolph further claimed that it was Scwí who was first killed by Peyton, suggesting a confused and unreliable memory of the rapid sequence of events. The tribal accounts all make it clear that Camille was the first one shot. The sequence during the shootings is clearly described, based on corroboration from numerous sources including the physical evidence, in our pdf, *The Swan Massacre: A Brief History*, pp. 26-27.

Rudolph further claimed that when Peyton said he was going to take them into Missoula, "the Indian [referring to Scwí] yanked the scabbard off of his rifle, at the same time saying something loud in Indian, and threw his gun up to shoot but Peyton was too quick for him and got there first, the Indian's gun going off at the same time over Peyton's head. The Indian spun around several times and fell. The shooting then began."

This description of the start of the conflict unintentionally raised several problems for the state's case. First, it asserted that when Peyton arrived, the only person in camp carrying a weapon was Camille, and his rifle was in its scabbard, ready to be tied onto his horse—just as stated in the tribal accounts, both from 1908 and later. Second, it proposed that Camille (whom Rudolph incorrectly said was Scwí) was foolish enough to try to take a scabbard off a rifle and attempt to shoot a warden carrying three unsheathed weapons. Third, it claims that Camille (again, referred to by Rudolph as Scwí) shot first, with the bullet flying over Peyton's head. But from the shells later gathered at the scene, it appeared that only two shots were fired from Camille's rifle—and those were the two that Klolí fired directly into the chest of Charles Peyton as the wounded warden was trying to finish off her and the other survivors.

The Rudolph affidavit states that after this, "Peyton had also been firing." The affidavit does not state at whom Peyton was shooting, but this seems to support the tribal

descriptions of the warden trying to shoot virtually everyone in the party, including the women.

Rudolph admitted to shooting Plaswé twice, but tried to claim that his first shot struck the boy "low down in the body I am sure. As he fell he rolled over on his side and picking up his gun endeavored to fire at me, whereupon, I shot him the second time hitting him someplace in the neck." However, Plaswé's body showed wounds in the heart, chest or armpit area, and throat, not in the lower part of his body. Those wounds were also evidenced by the bullet holes in the jacket the boy was wearing, which remains in the collections of the Séliš-Qlispé Culture Committee.

For the other game wardens and much of the non-Indian public, one of the central questions swirling around Herman Rudolph was when, exactly, he abandoned Peyton and ran for help. Mrs. Ben Holland, the first non-Indian whom Rudolph saw as he ran back to the ranch, said that Rudolph assured her that Peyton was dead, although she must have held enough doubts over his hurried account to her to lead her to pack an emergency medical kit to bring to the scene.¹⁴ Dr. F.W. Morris and J.W. Moon, the hunters heading back to Missoula whom Rudolph rode after to bring back to the scene, said that Rudolph had told them "Peyton had been shot, but he could not say that he was killed." Rudolph's affidavit simply stated that when he saw "Peyton was down, I immediately turned and ran for the bush. I then struck out for help at Waldbillig's ranch."

But Rudolph's claim raises serious questions in terms of the timing of the incident. Rudolph and Waldbillig both said that Peyton started walking toward the camp at about 6:30 in the morning, and arrived there at about 8:00. The shooting started almost immediately and was over quickly—or at least, that initial round of shooting was brief. The Rudolph affidavit says that he ran as fast as he could back to the Holland cabin. This was corroborated by Mrs. Holland and Mrs. Waldbillig, who said he moved so fast that in spite of the creeks, rivers, and swampy ground, he returned "without a stitch of wet clothing on him."¹⁵ That would have taken no more than half an hour, so Rudolph, if he had left immediately after the shootings, should have arrived no later than 8:45, and indeed, Joseph Waldbillig's affidavit does claim that Rudolph arrived between 8:30 and 9:00.

But did he really return that early? Let's say we begin the chronology with the shootings—say, 8:05—and end at 10:35, which is the precise time Waldbillig says he and the others arrived at the site of the shootings. There are two and a half hours to account for: 150 minutes.

The initial shooting took no more than fifteen minutes—probably less than five. Rudolph's 1.5 to 2-mile run back to the ranch—which may in fact have been on horseback, as noted below—would have taken no more than thirty minutes. If Rudolph, a young man in a panicked state, left the scene of the shootings at 8:05, that gets us to 8:35 at the latest.

Waldbillig goes on to say that he "rushed out to the barn where Peyton's horse was, and threw his saddle on the horse, and rushing into the house, got my revolver and Rifle, and rode down to Ben Holland's house, which is about 300 yards from my place. I there learned that Rudolf had rushed in there stating that Peyton had been killed, and Holland had told him to saddle a horse and go after Dr. Morris and Mr. Moon, who had just left for Missoula."

Waldbillig then says he rode the three hundred yards back to his house, "where I met Rudolf, Moon and Morris coming back. We started immediately to the scene of the tragedy. "

How long would it have taken Waldbillig to throw on a saddle, grab his guns, ride three hundred yards (likely at a gallop), have a brief verbal exchange, and then ride another three hundred yards? Certainly not more than twenty minutes. That gets us to 8:55, at the latest.

The group then rode quickly to the site. Waldbillig, in the Great Falls Tribune in December 1908, stated that they got there "within 30 minutes." That gets us to 9:25, at the latest—at least 70 minutes earlier than 10:35, the precise time that Waldbillig gave for his group's arrival.

The explanation for the missing time can be found in several of the tribal accounts, and most of all, in Kloli's detailed statement made in the presence of federal officials in 1955. Rudolph ran into the brush and hid, perhaps for more than an hour. During that time, the women, believing Peyton had been killed by the shot from Plaswé (who was then killed by Rudolph), came out of the brush. They dealt with their dying husbands, and then saw Peyton getting back up, attempting to reload and shoot at them again. (Unsurprisingly, neither of the affidavits admit that in the initial gunplay, Peyton had several times tried to shoot the women but had missed.) Tormented by their deep Christian faith and the commandment that they "shall not kill," the women argued but concluded they would be killed if they did not act. So Klolí grabbed her slain husband's rifle, ran over, and dispatched the warden. Through all of this, Rudolph hid. Perhaps he was wondering what he should do, too frightened to emerge, and too frightened to run, lest the women live to tell their side of the story and incriminate him.

Then Rudolph heard something. It was Kłolí getting on her horse, preparing to leave the camp and ride for help. He sprang up and raced through the woods, trying to head her off before she got away. Kłolí saw him and kicked her horse to go faster, barely getting past the German. She braced herself for an expected shot in the back, but it never happened. Perhaps Rudolph did raise his rifle. Perhaps his weapon again misfired. Perhaps in his panic after shooting the boy, he had forgotten to reload. Perhaps he was out of ammunition. Perhaps, for whatever reason, he could not bring himself to shoot, or did not even try.

It was only at this point, 9 AM at the earliest, that Rudolph actually rushed back toward the Gordon ranch—arriving not between 8:30 and 9:00, as Waldbillig's affidavit stated, but probably between 9:30 and 9:45. Indeed, he may have left Epł Tímu? even later than we estimate, since Kłolí thought he had taken one of their saddle horses and ridden it away. That would certainly explain Ethel Waldbillig's observation that he got back to the ranch with completely dry clothing. If this were true, then it would probably mean Rudolph spent even more time hiding in the woods, trying to decide what to do.

However Rudolph got himself back to the Gordon ranch, it seems reasonable to estimate that he arrived around 9:45. With Waldbillig taking twenty minutes to prepare and rounding people up, and then a half-hour ride back to the scene, that would place the non-Indian party back at Epł Tímu? at about 10:35—exactly when the Waldbillig affidavit said they got there.

Perhaps in late October 1908, some people were beginning to add up this timetable and question Rudolph's conflicting statements. Perhaps this was part of the reason behind his decision to flee the country. In 1913, the Deputy County Attorney for Missoula County, Thomas N. Marlowe, said that Rudolph was "censured very severely by a number of people here, for running away and leaving the Deputy Game Warden, Chas. Payton [sic], alone with the Indians."¹⁶

Strikingly, at the end of both affidavits, there appears virtually the same phraseology, as they summarize Peyton's exemplary character and performance in his job. The affidavit bearing Rudolph's name says that Peyton "didn't in any way attempt to bull-doze them or abuse them in the least." The affidavit bearing Waldbillig's name states that "the stories that Peyton was a bulldozer, surly and arrogant are absolutely without foundation, and contain no truth whatsoever." Not only is the language in the two affidavits exactly the same, but both are defensive statements; they evidently are intended to refute a well-known impression of the warden—a characterization that was widely circulated after the publication of the Merriam article on November 21. The Waldbillig affidavit goes on to provide an extended tribute to Peyton:

I have known Charles Peyton ever since he was located as Game warden at Ovando. He stopped at my place often, and I felt that I knew him quite well. He was a man who was absolutely fair and played no favorites. He has searched my premises on different occasions, and arrested people who were there, having arrested three persons at different times. I have always found him a perfect gentleman, and in the discharge of his duties, he always treated every one with every possible courtesy and consideration. He was quiet in his manner and never bragged or spoke of himself on any occasion. I have had occasion to talk with several people whom Peyton had taken out and they all spoke highly of the treatment he accorded them and said that he had treated them "like a prince". The stories that Peyton was a bulldozer, surley [sic] and arrogant are absolutely without foundation, and contain no truth whatsoever. In my judgment no State ever had a better Game Warden than this man.

The affidavit was clearly trying to counter the negative view of Peyton, which was held not only by tribal members, and not only by many non-Indians in the Swan Valley, but also, it turns out, by the Waldbilligs themselves. In interviews conducted in 1999 and 2001, two of Joseph Waldbillig Sr.'s sons, Joe Waldbillig, Jr. and Oliver, made it clear that their father tolerated Peyton only because he had to, and they said that their mother, Ethel Waldbillig, "despised that man."

Joe Jr. stated, "The affidavit. It talked like he and Peyton were real buddies, you know. My mother hated the guy with an absolute passion. Absolutely." Joe recalled that "Mother hated him....He'd just swagger in. Didn't bother to knock. Just walk in and start looking things over. Gonna make an arrest or a pinch, that was the attitude he had." Both sons recalled how their parents stored brined meat in their flour bins, and Peyton would come in without washing his hands, "and run his hands down in that barrel. He'd pull chunks of meat out of there, look it over, like it was elk meat, you know, that had been poached." Joe said, "He was overbearing. The man was overbearing, no doubt about it."¹⁷ Oliver told of his mother nearly thrusting a knife into Peyton when he came in the house without knocking; after that, Joe Sr. had words with the warden. Oliver added that "everyone had the same opinion [about Peyton]."

The Waldbillig sons added to what their parents told them about Peyton and his state of mind just before the incident, when they tried repeatedly to dissuade the warden from needlessly provoking conflict. Oliver said, "Mother said as bad as she hated Peyton, she said she didn't want to see him get killed... she said [to Peyton], 'Those Indians are all packed up.' She said, 'They're ready to go back into the Reservation.' She said, 'Leave them alone. They'll be gone. In a couple of days, they'll be gone.' No, he had to go over and throw his weight around, and that's when he started this shootin' over there."¹⁸

Joe Jr. was told the same thing by their mother. "Well, she said she tried her level best to convince him. She said, 'Stay there overnight. You can go tomorrow, and there's no problem. The Indians will be gone.' " Joe Jr. said of his father, Joe Sr., "He didn't like gun-smoke too well, or shots." When Peyton was pushing to deputize Joe Sr. that Sunday morning, Joe Jr. said, "Mother wouldn't stand for it. She said, 'If you deputize him, you're gonna deputize me,' and she was pregnant and all this stuff, and they wanted nothing to do with it."¹⁹ Joe Jr. continued: "'She'd tell me over, and over, and over again that she pleaded with the man to just stay there overnight, you know, sack out, have a good meal, have a good breakfast and go on his way and forget the [whole thing].... She said they [the tribal party] were all packed up."

Yet another problem in the Waldbillig affidavit relates to its omission of the relationships between the Waldbilligs and the Q̓lispé people who frequented the Swan Valley, which were actually friendly and cordial. Joe Jr. recalled that his mother "knew what the Indians were because they showed up there all the time....You know, they didn't waste anything. They were not a wasteful breed of people." Ethel Waldbillig made lye soap and gave it to the tribal people camping nearby. At one point, as noted at the beginning of this paper, the baby brother of Joe Jr. and Oliver, who was named John, contracted pneumonia and nearly died, but was saved by a Q̓lispé healer; Oliver thought that his mother called the man "Yellow Hammer." One wonders if it might have actually been Martin Yellow Mountain, the elder slain by Peyton in the massacre. And years later, when they were living in Missoula, Ethel and Joe Sr. bought hand-made moccasins for Joe Jr. from Little Mary Finley, who as a six-year-old girl survived the massacre.

The interviews with the sons of Ethel and Joe Waldbillig, Sr. in 1999 and 2001, in short, provide strong overwhelming corroborating evidence that the entire gist of the purported affidavit from their father was concocted by authorities.

But perhaps the most damning evidence of Peyton's guilt, and of the fraudulent nature of the Waldbillig affidavit, was brought to attention of the SQCC in 2008 by Carol Junkert. Ms. Junkert was the granddaughter of Hans Bay, who in 1910 would establish a hardware store in Corvallis that remained a staple of the community for decades thereafter. In 1990, Bay's son, Russell Bay, wrote up a story his father told him; he submitted the manuscript to *True West* magazine, but the magazine apparently declined to publish it. Hans Bay was a close friend of Peyton's. In the spring of 1909, Russell wrote, Hans and two other close friends of Peyton's from the Bitterroot Valley (including Wesley Fales, who was one of Peyton's pallbearers) traveled to the Swan Valley, intent on gathering evidence to spur prosecution of the Indian women for the death of the warden. Upon their arrival in the Swan, they immediately met with Joseph Waldbillig, Sr. And what Waldbillig told the three men led them to abandon their quest, turn around, and return to the Bitterroot. Waldbillig informed them that on Peyton's first visit to the camp, when

Waldbillig had accompanied the warden, Peyton had made "indecent sexual advances" upon Kholí, who, Waldbillig told the group, "was pregnant but not showing." According to Bay, when Kholí responded to Peyton with "furious rejection and utter disdain," the warden went into a "state of white-hot rage," which further fueled his actions over the following two days.²⁰

Peyton's friends had set out for the Swan in a furious state, intent on avenging the warden's death. Then they were confronted with the facts, and they had the simple decency to realize they were mistaken.

We can only hope that people today will have the same willingness to honestly reckon with the truth.

Even before the account of Hans and Russell Bay came to light, Oliver Waldbillig had reached a blunt conclusion: "I think they [the affidavits] were doctored. And the ones [i.e., the statements] they didn't like, they just threw over their shoulder."²¹

If in fact authorities wanted to pressure Joe Waldbillig, Sr. into signing a statement that was not his own, how might they have leaned on him? In remote places like the Swan Valley, game wardens could make life miserable for people like the Waldbilligs, who worked partly as guides and outfitters, and depended on hunting for their own sustenance. Beyond that, Joe Waldbillig's primary income in 1908, as mentioned above, came from his work as a packer and guide for the surveys being conducted jointly by the U.S. Forest Service and the Northern Pacific Railroad. In the Montana of 1908, forest rangers, game wardens, and other backwoods government men were a fraternity. That's reflected in how, after the incident occurred, word of Peyton's death reached two Seeley Lake rangers, Gerard and Rice, at the end of their work day; they walked 26 miles through the night to reach the site and offer their assistance.²² In that tightly woven community, if someone like Joe Waldbillig was deemed an undesirable, he would have a tough time indeed finding government work.

Summary / conclusion

It's worth taking stock of the many highly unlikely, contradictory, or factually impossible claims made in the two affidavits, and the many countervailing facts:

- The absence from the archival record of a copy of the Rudolph affidavit bearing his signature;
- The near impossibility of Rudolph having deposed to an affidavit in Butte (especially an affidavit that apparently tries to counter the Paul-Scwí affidavit) prior to his disappearance prior to the coroner's inquest in Missoula the morning of Monday, October 26;
- Problems and gaps in the Rudolph affidavit's descriptions of Peyton's interaction with Martin Yellow Mountain over his paper signed by the Flathead Reservation Superintendent giving him permission to leave the reservation with the hunting party, which became Peyton's sole pretext for arrests;
- Counterevidence for the Rudolph and Waldbillig affidavits' claims of Camille Paul's and Martin Yellow Mountain's ability to speak English, and of Yellow Mountain's eyesight and physical state;
- Counterevidence for the Waldbillig affidavit's descriptions of members of the hunting party in both their physical stature (contradicted by photographic evidence) and their character and reputations (contradicted by both tribal oral histories and statements given in 1908-1909 by non-Indians, including a deputy state game warden);
- Distortions, contradictions, and nonsensical claims in Rudolph's description of the encounter on the evening of October 17, including questions about why Peyton and Rudolph did not confiscate any weapons;
- Evidence of Peyton having a grudge against Indian people in the Swan Valley;
- Claims by Rudolph regarding how the shooting began that do not seem credible;
- Evidence that Peyton tried but failed to also kill the women in the party;
- Contradictions between Rudolph's claims and the physical evidence, including wounds to Plaswe's body and which weapons had been fired;
- The gaps and inconsistencies in the timetable of Rudolph's actions and movements in the immediate aftermath of the shootings;
- The identical and highly suspicious language in the two affidavits, including lawyerly phrasing, argumentative countering of widespread descriptions of Peyton's bullying character, and descriptions of the same interaction between Peyton and encampment in the same way but assigning it to two different days;
- The Waldbillig affidavit's effusive praise of Peyton, set against repeated statements of two of the Waldbillig sons testifying to their parents' dislike of the warden, Peyton's behavior immediately prior to the massacre, and their conclusion that the affidavit was "doctored;"

- Joe Waldbillig Sr. telling Peyton's friends in 1909, when they arrived in the Swan intent on pushing prosecution of the Indian women, that Peyton had made "unwanted sexual advances" upon Kłolí (Clarice Paul), who rebuffed him, during the first visit to the camp on October 16, and that Peyton flew into a "white-hot rage."

The evidence is overwhelming that the purported affidavits of Joe Waldbillig and Herman Rudolph were fraudulent. These documents might be most useful, historically, as evidence of the skewed narrative of the Swan Massacre that Montana's law enforcement officials wanted to convey to the public. Their defensiveness about the incident—their own sense that the warden was to blame for needless bloodshed—seems further indicated by officials at the Missoula County Courthouse having "lost" or "misplaced" the pertinent files provided to them by the Flathead Reservation superintendents.²³ Perhaps the risk of discovery and cross-examination in a courtroom setting is why they never pursued any legal action against the surviving Indian women, even at a time when racist hostility against Indian people was so widespread in Montana.

Even in the violently anti-Indian climate of Montana in 1908, state authorities failed in their attempts to obscure the true story of the Swan Massacre with a smokescreen of lies and distortions. This is why for decades, a near-consensus has existed in Montana: this was a needless, unjustified atrocity committed by a state officer upon a peaceful family hunting party. This is also why Peyton was rejected three separate times for inclusion in the Montana Law Enforcement Officers Memorial.

In 2001, however, a state warden went through back channels to get Peyton's name included in the National Law Enforcement Officers Memorial in Washington, D.C. When this was belatedly discovered, the Séliš-Qłispé Culture Committee immediately responded. We received widespread support.

Among those taking action was Dave Walter, the long-time research historian for the Montana Historical Society. In 1996, Mr. Walter had published a chapter-length history of the massacre that avoided reaching a clear conclusion about what happened or why, leaving it to readers to decide. But Mr. Walter was a historian of exceptional integrity, and over the next few years, he continued to take in and assess additional information about the massacre. By 2001, when the NLEOM issue arose, he had changed his mind. Mr. Walter decided that the truth of what happened at Epł Tímu?—and why—had been told by tribal elders clearly, honestly, and accurately, and was corroborated by extensive evidence and reasonable consideration of the social and historical context. Mr. Walter, writing on Montana Historical Society letterhead, sent a letter dated May 8, 2001 to Sen. Max Baucus that boiled down the story of the Swan Massacre to a single blunt

conclusion: "This is not a case of a Montana game warden giving his life in the line of duty, but a case of a game warden committing murder."²⁴ The stark assessment was repeated by Gov. Brian Schweitzer in a statement read by Anna Whiting-Sorrell, a CSKT tribal member who served in the Schweitzer administration, during the centennial commemoration of the massacre held at Holland Lake State Park in October 2008.

We hope that readers, after careful consideration of the evidence, will reach the same conclusion that Dave Walter did. There have been conflicts in our history where it is difficult to fairly assess who was to blame. The Swan Massacre is not one of those cases. As we continue to work to create a Montana that is just and fair for all our citizens, we must all have the clarity and integrity to face what happened and why.

Again, a concise history of the incident can be found in the PDF available on our website, *The Swan Massacre: A Brief History*, by the Séliš-Qlispé Culture Committee, available at:

https://cskt.org/wp-content/uploads/2026/09/2026_SwanMassacreBriefHistory4.pdf

¹ Seeley Lake Writers' Club, *Cabin Fever: A Centennial Collection of Stories about the Seeley Lake Area* (Seeley Lake, Montana: Vernon Printing and Publishing, 1989), 58. Other information on Waldbilligs from Swan Ecosystem Center, Condon, and from Upper Swan Valley Historical Society, *The Gathering Place: Swan Valley's Gordon Ranch* (Condon, MT: Upper Swan Valley Historical Society, 2017), 56-61.

The Gordon Ranch was earlier called the Holland Ranch, after Ben Holland. Holland first built his cabin there in the 1893, often working as a hunting guide for wealthy people from Butte and other cities. His son, Charles Holland, also homesteaded there. Many of Ben's hunting clients were doctors, including Dr. Robert P.R. Gordon, a wealthy Scottish physician who had moved to Great Falls, and whose patients included W.A. Clark, probably the richest man in Montana at the time. Gordon decided to go in on the ranch with the Hollands, and in 1905 he bought them both out; interestingly, the deeds were issued not to him, but to his wife Isabelle. Dr. Gordon died in January 1908, some nine months before the massacre. His wife Isabelle appears to have never returned to the ranch, but she continued to own it for another seven years. During that time, she remarried a Scottish chemical engineer and in 1910 moved back overseas to Aberdeen. Information on the Hollands, Gordons, and the ranch from *The Gathering Place*.

² Information on Rudolph from Phil Taylor, Victor, Montana, personal communication, December 2001.

³ The day after the massacre, on October 19, tribal people began moving from the Swan Valley back toward the Flathead Reservation. They made camp that night along the trail. Some raised concerns that the entire party might be subjected to retributive violence, so on the morning of October 20th, the two women separated from the larger tribal party and headed north, taking a remote, difficult, slow route through the Swan Valley. On Saturday, October 24, they crossed west over one of the passes near Finley Point into the Flathead Reservation.

⁴ Andrew Beckwith to Chief Warden Scott, October 29, 1908, from National Archives records.

⁵ The account recorded by Qlispé elder Mitch Smallsalmon, in SQCC archives, describes Peyton's threat as follows (bilingual transcription by Shirley Trahan):

Cu es cuti łici? sx^wčšt 'im,
 He [Plaswé] said that the game warden said,
 "Ñ e čn 'eł ck 'włči ýe l?e n 'e x li, n 'e l?e ml?e?e,
 "When I arrive back here tomorrow, if they are still here,
 "ñem esya? m q^womnte? en.
 "I will kill all of them.
 "Ñem nt 'at ape? ew 'stn."
 "I will shoot them all."

⁶ Northern Pacific Railroad timetables from 1908 show two evening trains from Missoula to Butte—one departing at 6:20 p.m. and arriving at 11:30 p.m., the other departing at 8:25 p.m. and arriving at 12:40 a.m.

⁷ Dave Walter, *Montana Campfire Tales* (Helena, MT: Twodot Press, 1997), 138.

⁸ Walter, 138. Some evidence has suggested Rudolph escaped to Canada, where he worked as a guide; other evidence raises the possibility that he returned to Montana and lived in Butte.

⁹ In 1913, Missoula Deputy County Attorney Thomas N. Marlowe wrote to Flathead Superintendent Frederick Morgan that "We certainly have no knowledge whatever that [Rudolph] ever made a statement." National Archives, Wash. D.C., RG 75 (BIA), CCF 72298-08-Flathead-175.

¹⁰ Mr. Smallsalmon added,

K^wemł ye K^wali? X^wču nex^w l še u ? ečxey.
 And it was the same with Yellow Mountain. [Martin Yellow Mountain, the elder also killed by Peyton.]

G.W. Beckwith and D.D. Hull, the U.S.-licensed traders, provided additional perspective on Scwí's character and record. Beckwith wrote that Scwí was "a progressive and intelligent Indian" who "had a good farm, well improved," and that "by thrift and industry, he had accumulated about forty head of cattle and the same number of horses." Hull similarly described Scwí as "honorable and law-abiding."

Another licensed Indian trader, Andrew Beckwith, who was also a deputy game warden for the state of Montana, provided information about Scwí's thirteen-year-old son, Plaswé, who was killed by Herman Rudolph. He noted that Plaswé was "considered by his teachers and Father [Louis] Taelman [head Jesuit priest at the St. Ignatius mission] to be one of the best, if not the best boy, in the school," and was apparently obedient and studious."

¹¹ See also from *The Gathering Place*, 56-61.

¹² Montana historian Olga Johnson said that Indian people regarded Peyton as "an Indian hater, a venomous bully." Peyton had already had several confrontations with tribal hunting parties in the Swan. The Qlispé thought he harbored a vendetta against Indian hunting parties. John Peter Paul said that in 1907, Peyton had a physical altercation with a tribal party that nearly escalated to bloodshed. Paul recalled the old people saying that "this game warden had a grudge [because of] what happened. . . the year before." Mitch Smallsalmon put it bluntly: Tam x menčs łu sqélix^w. "He didn't like Indians."

As retired Texas warden Ray McDonald told us, "there are some people who should never be allowed to carry a gun and a badge." Ron Phillips, whose family lived in the Bitterroot Valley at the same time as Peyton, said he was among the most notorious poachers in the valley, and was appointed by the state to be a warden to get him to stop. Retired FWP warden Mike Korn confirmed that officials took made such appointments in more than one instance during that area. Ray McDonald, personal communication, 2009. Ron Phillips, personal communication, 2006. Mike Korn, personal communication, 2026.

¹³ Traditionally, friendly greetings are accompanied by physical contact with hands that differs from conventional non-Indian handshakes. See for example James Teit, "The Salishan Tribes of the Western Plateaus," ed. Franz Boas, in *45th Annual Report of the Bureau of American Ethnology*, 1927-28 (Washington, D.C.: U.S. Government Printing Office, 1930), p. 149.

¹⁴ Missoula *Herald*, 10-23-1908.

¹⁵ Missoula *Herald*, 10-23-1908.

¹⁶ National Archives, Wash. D.C., RG 75 (BIA), CCF 72298-08-Flathead-175.

¹⁷ Interview with Joe Waldbillig, Jr. and Oliver Waldbillig, 12-21-2001.

¹⁸ Joe Waldbillig, Jr. interview, Nov. 1999, Swan Ecosystem Center.

¹⁹ Interview with Joe Waldbillig, Jr. and Oliver Waldbillig, 12-21-2001.

²⁰ Russell Bay, "Was It Murder or Massacre?," ms. submitted to *True West* magazine, May 1, 1990. Russell Bay was told the story by his father, Hans Bay. The ms. was provided to SQCC in 2008 by Carol Bay Junkert, Russell Bay's daughter.

²¹ Interview with Joe Waldbillig, Jr. and Oliver Waldbillig, 12-21-2001.

²² *Anaconda Standard*, Dec. 13, 1908.

²³ Flathead Agency Supt. Frederick Morgan to Commissioner of Indian Affairs, NARA, RG 75, Central Classified Files 72298- 08-Flathead-175. The families of Camille, Scwí and Plaswé, and Yellow Mountain were utterly forgotten by the press, which lavished its attention on the family of the warden, organizing charity drives for them that raised thousands of dollars. The state legislature entertained motions to give more support.

²⁴ In 1997, Walter published an account of the Swan Massacre in his book *Montana Campfire Tales*. Walter ended his account with a question; he was unsure, at that point in his research, whether the killings represented an unambiguous act of injustice. But in succeeding years, as he saw more of the stories and reviewed more of the evidence about the Swan Massacre, Walter had the courage and integrity to reach his clear verdict on the incident.

Séliš-Qlispé Culture Committee
Confederated Salish & Kootenai Tribes



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