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Department of History

Gilman Jones
Director

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Jason M. Foye
Reader

21.09.2011
Date

[Signature]
Reader

4/27/2011
Date

The Four Legged Homeless: A Comparative Study of Animal Control Policies
between Helena, Montana and the Flathead Reservation

Abigail Hoover

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Contents

Abstract	2
Introduction	3
Chapter 1. Development of Animal Welfare in the United States	7
Chapter 2. Helena, a One Hundred Year History: 1864 to 1960	13
Chapter 3. The Lewis and Clark Humane Society: 1960 to 1975	23
Chapter 4. Animal Control on the Flathead Reservation	32
Conclusion	44
Bibliography	53

Abstract

This paper examines the differences in the development of animal welfare in the city of Helena and the Flathead reservation from 1960 to 1975. An examination of the history of animal welfare in the United States serves as background information to explain the growth of the Lewis and Clark Humane Society in Helena. The concept that stray domestic pets needed humane care began to spread rapidly throughout the United States in the 1960s, especially in urban areas. The Lewis and Clark Humane Society, although situated in a town of roughly 40,000 people, represented national sentiments of humane treatment toward animals and fought for changes in local animal control. In comparison, cultural views of Native Americans toward animals have not followed sentiments expressed by the white majority class in America. Between 1960 and 1975, no animal shelter developed on the Flathead reservation. The development of animal welfare in Helena and its lack of development on the Flathead reservation are explained through the difference in cultural norms toward animals and the socioeconomic status of these two areas.

Introduction

Animal control: quite the unusual topic, yet the way a city, a region, a state or a nation operates animal control policies strongly reflects its cultural and social values. The study of animal control is a way to evaluate the societal changes. As society evolves, so do animal control methods. Each transition marks a new stage in values related to not only the relationship between humans and animals but also public health and the public's expectations of city officials. This paper explores animal control policies in Helena and on the Flathead Reservation in the 1960s and shows how these policies developed and evolved during a roughly one hundred year period since the founding of each area. A careful analysis of these two areas show social and cultural values as having the greatest influence on animal control policies, yet it is economics is the driving force behind these values.

Helena, a city founded by the discovery of gold, prospered beginning in the 1860s. With the advent of the railroad, multiple middle and upper class families moved to the area. With buildings erected, shops and stores permanently situated and a growing economy, Helena transformed from a mining town to an urban city. In comparison, the tribes on the Flathead Reservation struggled to find their place and establish their role with an influx of white settlers. In 1855, the Hellgate Treaty formally established the reservation. Fifty years later, the government of the United States allowed white settlers to move onto the reservation, originally established for the sole benefit of the Salish, Kootenai and Pend d'Oreille tribes. These three tribes, cultural were separate, yet forced to co-habitat on one reservation. In addition to

this, tribes which formally held land in Oregon, Washington, Idaho, Montana and British Columbia were forced to stay on one million square miles of land.

The implications of the founding of these two areas are essential to understanding the animal control policies of each area. Helena, a middle class society, followed the examples established by other white, middle class, urban societies on the east coast. Economically stable, middle and upper class families in Helena could afford pets – a luxury item. By keeping a pet inside and close to the family created a bond and therefore those who owned pets gained a sentimental attachment to domesticated animals. They felt as though animals, such as dogs, needed to be kept off the streets. Stray dogs became a nuisance on city streets: defecating in public areas, possibly carrying rabies, and essentially making streets look “dirty.” The Flathead Reservation was a rural area. Large areas of open land characterized the reservation. Those who came to homestead did not create an urban setting; they came looking for land to farm or to raise cattle. Native American cultural also played a large role in the outlook on stray animals. With no urban setting and low economics, pets were not common in everyday life for Native Americans living on the reservation. Stray dogs did not affect the community as they did Helena. With large tracts of land between each residence, few city streets and a culture which saw animals as independent of humans and therefore capable of surviving without human intervention, there was no need for animal control.

Chapter one of this paper introduces a short history of animal welfare in the United States. The first instance of animal welfare occurs from the colonists settling

the eastern coast of the United States. Their views on animals show a clear belief of human dominion. From this period, animal welfare policies progress slowly. In 1866, inspired by events in Europe, Henry Bergh campaigns for fair treatment of city transport horses in New York City. Considered the first animal activist of the United States, Bergh's compassion toward animals inspires others, such as Caroline Earle White, to make changes for the benefit of animals. White, along with the Philadelphia Society for the Prevention of Cruelty to Animals (PSPCA) creates the first animal shelter after gaining control of the municipal pound. Differing from pounds, animal shelters provide humane methods* of euthanasia. From White and the PSPCA to the 1960s, methods of animal control stayed stagnant. Municipal pounds continued to operate and remove dogs from city streets. It was not until post-World War II where animals became common place in American households. Proximity to animals created a bond and from this came a change in values regarding the welfare of homeless animals.

Chapter two explores the one hundred year history of the city of Helena from its founding in 1864 to 1960. An understanding of Helena's development explains when and why animal control policies developed and changed. While gold provided a strong economic base in the first years of Helena, the railroad changed the social setting of the area. The population of the city rose dramatically in twenty years

* In the late nineteenth century, White and her organization considered a humane method to be euthanasia by drugs. Methods such as gassing, drowning or shooting caused unnecessary fear and stress on an animal and they believed an animal should be comforted in its last moments.

causing Helena to shift from a rural to urban area. Animal control policies reflected the shifting values of Helena's urban residents.

Chapter three uses the Lewis and Clark Humane Society as a case study for animal control policies in Helena during the 1960s. Using former animal control policies outlined in chapter two, the third chapter explores why, specifically, at this time did a humane society and animal shelter develop. Newspapers outline the changing attitudes of Helena citizens and shed light on the development of an animal shelter which operates as a large part of the Helena community today.

Chapter four, the last chapter, compares the Flathead Reservation to the city of Helena and the Lewis and Clark Humane Society during the 1960s. An explanation of Native American culture in regards to animals helps explain lack of animal control policies during the first years of the reservation. As homesteaders began to move onto reservation lands, animal control developed little. Animal control was prevalent in Helena from roughly 1870. Animal control on the Flathead Reservation was not formally organized until 1970. A large gap exists between control methods of the Flathead and Helena which is explained through the difference between rural and urban settings, cultural values and economics. These four chapters outline a small, yet important case study for animal control methods in Montana. Roughly one hundred and fifty miles apart, the Flathead Reservation and Helena are close, yet policies regarding animals in both areas differ dramatically, not just in the 1960s, but from the beginning of their establishment.

Chapter 1

Development of Animal Welfare in the United States

In 1641, colonists from England arrived on the East Coast of what would become the United States of America. These colonists were Puritan and therefore used the bible as a guide for their lives. In Genesis chapter one, the creation story, God creates the earth and he creates man. The Bible states, God said,

‘Let us make man in our own image, in the likeness of ourselves, and let them be masters of the fish of the sea, the birds of heaven, the cattle, all the wild animals and all the creatures that creep along the ground.’ God created man in the image of himself...God blessed them, saying to them, ‘be fruitful, multiply, fill the earth and subdue it. Be masters of the fish of the sea, the birds of heaven and all the living creatures that move on earth.’ⁱ

The Bible calls for dominion of humans over animals. Using words such as “subdue” and phrases such as “be masters” it would have been clear to the Puritans that God intended for humans to rule over all other life on Earth. Yet coming from a pastoral society, the Puritans realized that what was good for their animals was good for humans because animals provided them with transportation, food, and clothing and helped to plow their fields. Also, animals were God’s creatures and to respect God, one must respect his creation. By abiding by this, the first written animal cruelty laws present on the North American continent came from the Body of Liberties written by the Puritans on their journey over to the New World. In regards to animal welfare, Liberties 92 and 93 state:

92. No man shall exercise any Tirranny or Crueltie toward any brute Creature which are usuallie kept for man's use.

93. If any man shall have occasion to leade or drive Cattel from place to place that is far of, so that they be weary, or hungry, or fall sick, or lambe, It shall be lawful to rest or refresh them, for a competent time, in any open place that is not Corne, meadow or inclosed for some peculiar use.²

From these liberties, it is clear the Puritans viewed animals as property; property to be protected but property nonetheless. The Puritan view reflected western European ideas toward animals. In short, animals were property, used for human needs and the extent of their welfare only allowed the animal to benefit the human.

The shift from these early ideas of animal protection sparked from philosophy of natural rights, abolition movements, women's suffrage and industrialization. In 1789, English philosopher Jeremy Bentham suggested, "The question is not, can they reason? Nor, can they talk? But, can they suffer?"³ With this question, Bentham shifted European outlooks on the welfare of animals. By asking whether they suffered, it inferred that cruelty laws were not enough. While Bentham's outlook did not change outlooks on animals as property, it did spark stronger animal welfare movements in Europe, and more specifically, England. The first animal protection organization developed almost fifty years after Jeremy Bentham. Titled, the Royal Society for the Protection of Animals (RSPCA) spent the first years of its existence campaigning for better conditions of "pit ponies." These ponies were small horses used in coal mines to carry the coal from the bottom of the mine to the top.⁴ The majority of society still believed in the notion of animals are property but

the RSPCA sought to show how animals, although property, still deserved proper labor conditions.

The RSPCA inspired Henry Bergh in the United States to create an American version: the American Society for the Prevention of Cruelty to Animals (ASPCA) in 1866. Through the Puritans, Bentham and the RSPCA, animal welfare concepts in the United States did not originate in the country but rather, were imported from England and Western Europe. A firm believer that animals suffered, Bergh stated, “Mercy to animals is mercy to mankind.”⁵ With this belief, Bergh used the ASPCA to improve the treatment of city transport horses in New York City. Constantly overworked and underfed, Bergh sought to improve the conditions of these horses by establishing limits on the amount of people horses could draw and built drinking stations for the horses throughout the city. While Bergh did not create an animal shelter or improve city pounds, his efforts to improve the welfare of city transport horses inspired others to spread his message to other species.⁶

Caroline Earle White continued Bergh’s success by launching a campaign for homeless pets. Born in 1833 to a family with progressive political views, White’s childhood consisted of constant exposure to abolitionist and women’s suffrage issues. As a budding philanthropist, White married a Philadelphia attorney who encouraged her to pursue her fondness toward animals. Henry Bergh’s campaign in New York City inspired White to create a similar organization in Philadelphia. With the help of her husband, White created the Philadelphia Society

for the Prevention of Cruelty to Animals (PSPCA). Because she was a woman, the board of the PSPCA did not allow her to participate in essential decisions of the group. Instead, White was represented by her husband. To combat this, and to have her own voice heard, White created, and dedicated herself, to the women's branch of the PSPCA. In 1869, after the third meeting of the women's branch of the PSPCA, a motion passed which stated that "one of the objects of this Society shall be, to provide as soon as possible, a Refuge for lost and homeless dogs, where they could be kept until homes could be found them, or they be otherwise disposed of."⁷ Animal welfare at this time consisted mainly of removing animals from city streets. Dog-catchers became common at this time in order to remove strays from the streets. Strays were viewed as dirty and believed to spread disease. Some of these animals were kept in a city pound, if the city operated one, or else many, especially in New York, were placed in a wire basket and lowered into the river to drown. Caroline Earle White and the women's branch of Philadelphia's SPCA wanted control of the city's dealing with stray animals to avoid death by drowning and other inhumane ways of killing animals.⁸

After months of campaigning the city to relinquish control of the city's pound to the women's branch, the city agreed to pass responsibility of the pound onto White's organization. The pound cost the city thousands of dollars and it saw benefit in passing the responsibility to White's group. Through control of the city pound, White and the women's branch of the PSPCA oversaw the livelihood of homeless and stray animals until adoption. If adoptions did not occur, the PSPCA

guaranteed the humane killing of the animals. While the PSPCA still had to kill animals because of inadequate facilities for the number of strays that came into their hands, they minimized the suffering through euthanasia methods. Historian Katherine Grier asks, “Did society owe anything to these small animal strangers living in its midst?...The Women’s Branch of the Pennsylvania SPCA...argued that it did: it owed them kinder, more rational methods of control, the possibility of adoption, and a death that minimized suffering.”⁹ White created the idea of an animal “shelter.” Instead of a pound, where cities placed stray animals to be kept off the streets, a shelter dedicated time to the animal in order for it to find its owner, find a new home or receive some sort of care and affection. Caroline Earle White and the PSPCA were the first examples of a privately run shelter for animals in the United States. While their cause was effective and beneficial to the welfare of stray animals, their example did not spread rapidly to other cities. The main concern of most U.S. cities was public health. Stray animals, especially dogs, posed a risk to public health because of relieving themselves in public areas and the fear of rabies. By 1930, many cities expressed a fear of rabies, even though reported cases were minimal. For this reason, cities operated municipal pounds at the cheapest level. Pound operators gave stray animals three days until their owners claimed them. If they were not claimed, they were euthanized.¹⁰ White’s efforts to minimize methods such as gassing and drowning to kill animals were effective in inspiring private organizations to practice humane methods but municipal pounds preferred gassing and drowning because multiple animals could be killed at once.

Post-World War II sparked a new change in city pound methods. Many cities prospered from the economic boost of World War II. With this boost, cities became more urban and a larger middle class developed. As the middle class grew, so did the number of households owning pets and humane societies. More citizens joined local groups to advocate for positive animal welfare practices. Policies of animal control in Helena, Montana reflect the pattern of animal welfare notions present in the United States.

Chapter 2

Helena, a One Hundred Year History: 1864 to 1960

On July 14, 1864, the town of Helena emerged. Prospectors from Virginia City, Montana searched for more gold deposits to the north of their city, yet failed. On their way home, they gave one last effort before giving up. It paid off. These prospectors, known today as the “Four Georgians” struck gold in Last Chance Gulch, today’s downtown street of Helena. The city became known as the “geographic center of Montana’s mining region.”¹¹ Authors of *Montana: a history of Two Centuries* argue that Helena thrived because it was “well-situated on major transportation routes, well-supplied with foodstuffs... [and] located close to other mining towns.”¹² The gold deposits discovered in Last Chance Gulch provided over fourteen million dollars. Yet gold deposits do not last forever. In some mining towns, once deposits depleted, miners and prospectors left the town, essentially forcing the town to shut down. In Helena, once gold deposits began to deplete, prospectors discovered quartz lodes just outside of city limits. These lodes, along with a population boom due to the railroad, kept wealth in Helena and helped its economy to continue to grow.¹³ The founding of Helena’s economic and social structure is essential to the understanding of its animal control policies in the 1960s and 1970s.

After the founding of Helena in 1864, other peoples, besides prospectors, moved to Helena. Most of these were storekeepers who followed prospectors to

new towns. Prospectors needed supplies and foodstuffs which storekeepers provided them. As prospectors found more gold in Helena, the population steadily grew. Figure 2.1 below shows the Highland City Meat Market in 1865. Conrad Kohrs, who later established one of Montana's largest ranch operations, owned and operated this market which sold cattle meat and also wild game. The glass windows on the Highland City Meat market – and the bakery next door – suggest that Kohrs and other business owners were confident in Helena growing from a small mining town.¹⁴



Figure 2.1: Highland City Meat Market – Helena, Montana 1865
Source: Vivian Paladin and Jean Baucus, *Helena: An Illustrated History* (Virginia Beach: Donning Company, 1983).

The idea of a distinct “culture in Helena grew as economic well-being increased. By 1875, Helena was the capital city in Montana, yet to achieve this, a committee created multiple pieces of propaganda which spread throughout Montana in hopes of convincing the population to vote Helena the capital city. This committee, titled, The Capital Committee, campaigned heavily. The city of Anaconda was the second

choice for the capital city and the capital committee in Helena spent the majority of its efforts creating propaganda to convince Montana of the culture and civilization that existed in Helena. A pamphlet titled *Helena's Social Supremacy* argues that while Anaconda is civilized, it lacks culture. In addition to doubting culture in Anaconda, the pamphlet also states, "something might also be said about the social life in Helena; of its beautiful homes and its refined and intellectual society. Here on the Eastern slope of the Rocky Mountains are found many people of high culture, whose standards of thinking and living compare favorably with the best elements of eastern city life."¹⁵ By comparing Helena to eastern cities, the capital committee tries to create a sense of culture in an area seen as a frontier.

In addition to the above quote, complimenting Helena on her culture, a graph shows the amount of culture, by number of people between Helena and Anaconda. This graph includes the number of people consuming cocktails and the number of men who wear silk hats. Another measure that the capital committee uses to show the development of culture in Helena is the number of ladies who nurse their own babies. In Helena, the number is 124, while in Anaconda the number rises to 2,876. This figure shows the possible difference in economics between the two cities: people in Helena are able to pay for a wet nurse, while women in Anaconda lack extra funds. Another interesting measure of culture between these two cities is the number of women who own poodle dogs and pug dogs. The number of ladies who own poodle dogs in Helena is 774, compared with 0 in Anaconda, and 2,285 ladies

own pug dogs, with only 3 pug dogs owned by ladies in Anaconda.¹⁶ The dramatic variation in the number of women owning these dogs shows the difference in economic factors between the two cities. Women in the city of Helena had the economic means for a pet, while women in Anaconda did not. Although originally bred for hunting purpose, further breeding changed poodles and pugs into companion dogs instead of working dogs, such as border collies or shepherds. Through this example, pets were clearly a symbol of status in Montana during the late nineteenth century.

Beginning in 1883, eight years after Helena became the capital city of Montana, an influx of people traveled through the city with the establishment of the Northern Pacific Railroad. This increase in people helped facilitate the transition of Helena from a semi-rural town to a more urban city. The 1880 census shows 3,624 people living in the city of Helena. Ten years later, in the 1890 census, Helena grew from a city of 3,624 to one containing 13,834.¹⁷ Beginning in 1885, a building boom, created by more people moving to the area, changed the rural setting of Helena into an urban city. On January 1, 1885, the *Helena Daily Independent* wrote, “An astonishing list of improvements – over one hundred buildings erected. Massive business blocks – imposing public buildings and handsome private residences...never before was so much money expended in improvements, nor more substantial and imposing residences erected.”¹⁸ From the writing of this article to 1899, a massive influx of architectural styles erupted in Helena. The

downtown area of Helena expanded dramatically during this time with buildings such as the First National Bank, the Atlas Block, Diamond Block, Goodkind Building and the Power Block.¹⁹ With the large growth in population and more buildings being erected, the culture and social life of Helena citizens dramatically changed. No longer were homes built in homestead fashion, but with fifty millionaires living in Helena at this time – the most millionaires per capita in the entire world- people erected their homes according architecture influenced from abroad.²⁰ The amount of millionaires and middle class people in Helena played a role in pet-keeping practices of the city. As more middle-class people lived in the area, more owned dogs. This can be seen by the rise in funds raised from the selling of dog licenses by the city police department.²¹ Figure 2.2 shows a wealthy man in Helena with his two grandchildren. The dog at the bottom of the picture is a family pet. The pet lived in the home of the children and a bond had clearly formed to where the dog was important enough in the lives of the family to support the dog being in the photo. This photo is one example of the importance of pets to Helena's middle class society.



Figure 2.2: Former U.S Senator from Montana, Wilbur Fisk Sanders, with his grandchildren. Source: Vivian Paladin and Jean Baucus, *Helena: An Illustrated History* (Virginia Beach: Donning Company, 1983).

Not only did the growth in Helena lead to a larger middle class, and therefore more pets but an influx of horses, pigs and cows occurred. Used for dairy products and meat, these farm animals were necessary to the economy. With the growth of the number of farm animals around the city, more instances occurred with animals getting loose. The system in Helena for dealing with stray animals in its early beginnings from 1864 to the mid 1870s was similar to one used in colonial times. The city hired a pound master to capture stray animals, principally farm animals such as milk cows and carriage horses. The pound master kept these animals in a holding pen until their owners claimed them.²² By the 1880s, animal control policies in Helena also changed. The police department eliminated the title of “pound master” and took up responsibility for controlling stray animals. During this time, the main animals were livestock: essentially cows and horses. While Montana did not become a state until 1894, the city established its own laws. One of these laws included fines for allowing animals to “run at large.” An example of this law is in the city clerk records of livestock impoundment in 1881 – 1882. On December 12, 1882, a case was brought against the owners of three cows for “violation of sec. 1 of ordinance no. 9 in allowing one red and white young cow with white face and short horns, one red and white heifer calf and one red male calf no marks or brands, to run at large in said city.” The fine for the owners of these cows was three dollars. By 1895, the records of wandering livestock increase dramatically. The rise in stray livestock reflects the growth in population between the censuses of 1880 and 1890.

Between September 1, 1895 and November 1, 1895, the chief of police collected forty-nine dollars in impoundment tax compared to eleven dollars collected between 1881 and 1882.

As the 1890 decade drew to a close, a shift occurs in animal control methods in Helena. The chief of police report on April 1, 1896 is the first mention of a “dog tax” throughout police chief records dating from 1881. This “dog tax” is an ordinance which stated that all dog owners must have their dog registered with the city. This ordinance was established so that if dogs were found without their owners, the tag could identify who they belonged to and the dog would be returned. The report by city marshal, W. H. McCann on April 1, 1896 notes two hundred and sixty dollars collected in taxes on dogs. Within one month the police department collected four hundred and eight dollars in dog tax – almost doubling the previous month’s collection. Even though a presence of dog taxes exist, which show a rise in dog ownership in the city of Helena, the amount of livestock in the city does not decrease. In May 1896, police arrested four people for cruelty to animals, yet double this amount were arrested for leaving their team of horses untied within city limits. Reporting cruelty to animals and horses untied was a reoccurring trend in police records from May 1896 to 1897. In all police reports, the amount of people arrested for horses untied was greater than the amount arrested for cruelty to animals.

The emergence of the expansion of the electric trolley system in Helena helps to explain the disappearance of arrests for untied horses in police records. In 1886, the Helena Street Railway Company (HSRC) laid approximately two miles of track from the center of town – Bridge Street - to the Northern Pacific Railroad depot. Figure 2.3 shows Bridge Street, the center of town, in 1865. At this time horses pulled carriages and streets were unpaved but many business boomed in this area. Approximately twenty years later, an electric trolley system ran through this street. The hills that are bare in the background of this 1865 photo were populated with residential houses. At a fairly cheap rate, citizens were able to transverse across town. In 1894, the HSRC merged with the Helena Power and Light Company (HP&L). With this merger, HP&L laid twenty more miles of track throughout the city and sixteen electric trolleys operated.²³ Because of the trolley system in Helena, the need for horse-drawn carriages or horses as a means of transportation was greatly reduced.



Figure 2.3: Bridge Street – Helena, Montana 1865.
Source: Vivian Paladin and Jean Baucus, *Helena: An Illustrated History* (Virginia Beach: Donning Company, 1983).

As the need for horses dwindled, so did the occurrence of arrests for untied horses and horse impoundments. What did not change, however, until 1906, was impounding cows. People who owned livestock did not live in town, but they did live right on the outskirts. Instead of pasturing their cows in large fields with fences, cow owners kept them in barns at night and during the day hired young boys to herd the animals onto Mount Helena to graze. As the city of Helena grew, residential houses arose on the base of Mount Helena. Seeing as the boys did not herd the cattle with horses, many times they could not control the cows and many would wander into yards and parking areas of the new houses. Because of the size of the cows, many owners reported damage to shrubbery and grass on their property. To deal with these complaints, the police department hired a “humane officer,” also referred to as a “pound master” who took the role of impounding livestock and dog catching.²⁴

In 1893, panic seized Montana and the trans-Mississippi West. Silver industry collapsed, along with banks and businesses. In Montana alone, fifty-three percent of banks either failed or merged with others. Unemployment sky rocketed and the Populist Party gained popularity. For Helena, the Panic of 1893 meant a drop in economy and population. From the census of 1890 to the 1900 census, Helena suffered a thirty-five percent drop in population. The advent of the street car in Helena is one explanation for lower numbers of horses in city limits, but the Panic

of 1893 also explains the drop in livestock impoundment. By 1907, pound master JM Adamson states, “The town is much freer of stock.” One explanation for this is the decrease in population. With less people in and around the city of Helena, there is less livestock and therefore less opportunity for livestock to roam city streets. Another explanation is the economic decrease. In 1885, Helena’s economy was booming. With this boom, many people are finding their way to the middle class and building new homes on Mount Helena, where herd boys grazed their clients’ livestock. As the Panic of 1893 caused economic decline, less people were willing to spend money on new houses and therefore less expansion occurred. With less expansion, the livestock that grazed on Mount Helena disturbed less people.

It was not until 1940 that Helena’s population equaled 1890 census figures again. After the war, pets were in high demand. One reason is the coming home of troops and the baby boom that followed. More families had children and many sought pets as companions for these children and also a way to teach responsibility. Farmers struggled in the post-WWII economy and to increase wages of farmers, the United States Department of Agriculture suggested farmers bred puppies as a supplement to selling crops.²⁵ This suggestion became the foundation for puppy mills, but it also increased demand for pet stores therefore bringing pets directly into consumer culture. Helena families visited these pet stores and as pet stores increased

Chapter 3

The Lewis and Clark Humane Society: 1960 to 1975

In 1975, a toy poodle named Ivan caused a dramatic shift in animal control methods in the city of Helena, Montana. Ivan escaped from his backyard. When his owner, Mikal Kellner, realized he was missing, she suspected animal control officers picked him up because her home was near the Helena police department. Confident that she simply needed to report the disappearance of Ivan and pick him up from animal control, Kellner went directly to the police department. Instead of receiving her beloved pet, devastation overcame Kellner as the records of the animal control shelter showed no dog matching Ivan's description. In fact, animal control officers picked up Ivan and failed to add his description to the record. Placed in an unlocked, outdoor kennel, two well-meaning Helena citizens, aware of inhumane conditions at the city pound, rescued Ivan and took him to their home. Because of the inadequate management of the animal control shelter, the record of Ivan's impoundment was not in the log book.²⁶

Determined to find Ivan, Kellner contacted the Lewis and Clark Humane Society[†] (LCHS) for advice and assistance. Together, Kellner and LCHS looked into Ivan's disappearance. They received information from an eye witness who stated animal control had possession of a small poodle, matching the description of

[†] At this time, the Lewis and Clark Humane Society was a group formed by concerned citizens in the community who advocated the humane treatment of animals. It was not until 1975 that the society managed the animal shelter in Helena.

Ivan, on the day of his disappearance. Kellner contacted the Chief of Police, who fearing an expensive lawsuit, inquired into the case himself. A news story reported Ivan's disappearance and the couple who believed they rescued Ivan from the unlocked, outdoor kennel returned him to his owner. Ivan's return thrilled Kellner, but her work to improve the city's animal control shelter did not stop with recovering her lost dog. Over a month passed before Ivan's return. During this month, Kellner personally witness the inhumane treatment of animals at the city shelter and felt the same frustration others felt as they fought for the return of their beloved pets. Yet with the assistance of the LCHS, Kellner transformed Helena's animal control shelter.²⁷ The attitudes of Helena citizens, such as Kellner, reflected the developments of the animal welfare movement across the United States.

Beginning in the 1940s, companion animals such as dogs and cats became more common, especially in urban areas as the middle class grew. Helena has a long history of distinguishing itself as more of an urban area than as a rural town in Montana. To deal with the issue of stray dogs, the city established a pound master in the 1890s. During the 1950s, the term "pound master" changed to "animal control officer" or "humane officer."²⁸ The city had unlocked, outdoor kennels which served as holding pens for stray animals, such as Ivan but as the population of Helena began to increase after World War II, the holding pens at the police department were not enough. To deal with this issue, the city of Helena established a pound at the Lewis and Clark County Fairgrounds. Unlike the animal shelters

today, which have multiple, individual kennels for dogs and cats, the fairgrounds served as a holding pen. It was dirty, unsupervised and overpopulated with stray animals. If owners did not claim their animal within a period of seventy-two hours, the animal was immediately shot.²⁹ Efficiency was the reason why the city killed the animals. The concept of “humane” euthanasia was only used by private humane groups. City pounds used bullets because they were cheap, readily available, and quickly administered.³⁰ This method clearly shows that by the 1950s and early 1960s, the animal control officials of the city of Helena did not consider humane methods of treatment for stray animals.

Animal control methods angered citizens in Helena. In 1961, to try to improve the situation, the city passed the Helena Leash Law. Helena citizens fought for this law because they believed it would improve the situation of stray animals in the city. The thought process behind decreasing the number of stray animals was that this law would force citizens to be responsible with their pets; if the law forced citizens to leash their animals, fewer strays would roam city streets. The law stated that any animal not on private property must be controlled by a leash.³¹ This law, however, resulted in an increase in the number of animals at the pound. If it required all animals to be on a leash, those pets walking alongside their owners with no leash were in violation of the law, and therefore taken to the pound or officers placed strict fines on owners. Also, stray dogs, many of which had formed packs, were taken off the streets and put into the pound. This law did benefit issues such as

public health and safety because it removed the dog packs, some of which were reported to have chased children at school playgrounds. The downside of this law was twofold: First, it expected citizens to take responsibility for their pets, yet a law cannot always instill responsible behavior and second, the law increased pound animals instead of reducing them. The small holding pen at the fairgrounds could not keep up with the sharp rise in animals admitted. To deal with the enlarged population of stray pets, the shelter gassed animals to death in a small metal box with carbon monoxide.³²

The *Independent Record* published many “Letters to the Editor” which complained about the policies of animal control facilities. One woman complained of the inflexibility of the officers. Her dog had been escaping from her yard. Twice, she saw a judge and already paid two hundred dollars in fines.[‡] Her letter was in response to the third time animal control officers picked up her dog. She complained that she registered her dog with the city and paid a dog tax for that registration. She understood that her pet running through city streets violated the law but the last time animal control officers picked up her pet, he was one block down from her house. Knowing who the dog was and where he lived, she argued they could have easily returned him, but yet they chose to take him to the police department and force her to come pick him up.³³ Others agreeing with this letter

[‡] According to an online inflation calculator from the U.S Bureau of Labor Statistics (http://www.bls.gov/data/inflation_calculator.htm), \$200 in 1955 has the same buying power as \$1,651.56 in 2011.

responded by calling animal control officers the Gestapo because they used “lots of force with not thought of reason or justice.”³⁴ Many other letters, similar to this one, complained of similar cases, especially the hours of the animal control facility. Those who lost their pets had three days to reclaim them, but pound hours were minimal. For example, the pound closed for Friday, Saturday and Sunday. If a citizen lost his or her pet on Thursday night and it was taken into custody by animal control authorities, to save their pet from imminent death, the owner had to arrive at the pound when it opened Monday morning. Sometimes, this was not always feasible.³⁵ Many citizens sent complaints to the Independent Records. Vivian M. Bame wrote, “I have never seen anything so mishandled as this has been. My confidence in the people whom I have helped elect to office in our city government is at an all time low.”³⁶ Citizens argued against the current situation in the city of Helena yet city officials did not agree with them. The *Independent Record* quotes a city official as stating, “We shouldn’t have to build a nursery for dogs.”³⁷

Starting in 1959, the complaints toward animal control in Helena changed. Earlier complaints criticized the amount of fines and inflexibility of animal control but toward the end of the 1950s decade, the *Independent Record* received more letters related to pound conditions. These letters complained of packed kennels, little to no food and water, and one letter even mentions witnessing puppies in the outdoor kennel at the fairgrounds in the middle of December when temperatures were below zero.³⁸ In July 1962, the *Independent Record* ran an article on the city

pound. The article reviews the method of euthanasia which evolved from shooting the animal to using carbon monoxide to gas animals to death. The small box caused the animals to literally roast before they died. Gassing an animal should typically take fifteen to thirty seconds; the small box used by the city of Helena took two and half minutes to kill the animals. Also, the pound packed the box with as many animals could fit into it. Some animals even had their legs broken to fit them inside the box. Efficiency was another problem that existed with this method. Only forty dogs were killed monthly. With the amount of animals to care for, the city needed to increase the amount of killings.³⁹ The leash law created the reverse effect that the citizens and the City of Helena wanted. It caused more inhumane treatment of animals at the city pound because it increased the number of animals to be under the responsibility of the city. The city of Helena needed a larger facility to contain the increasing numbers of stray animals under the city's care. It was the Lewis and Clark Humane Society, formed in 1962 by concerned citizens, which undertook the project for a new city animal shelter.⁴⁰

The creation of the Lewis and Clark Humane Society placed pressure on the city of Helena to change impounding methods. The city took the advice of LCHS and built a small shelter at the present day location on Custer Avenue. Figure 3.1 shows Dave Middlemas, county humane officer and President of the Lewis and Clark Humane Society overlooking the new city pound.



Figure 3.1: Dave Middlemas, County Humane Office and President of the Lewis and Clark Humane Society stand by the newly built city pound. Source: Helena *Independent Record*, April 21, 1963.

John A. Peterson, President of the Missoula County Humane Society praised Helena and the Lewis and Clark Humane Society in a letter to the editor in 1964. He stated, “From a beginning as disgraceful as ours, the city now owns and operates in a humane way, a beautiful new animal shelter.”⁴¹ Unfortunately, the conditions of the new animal shelter in Helena quickly deteriorated because of inadequate management and an inability to care for displaced animals. Dave Middlemas, President of the Lewis and Clark Humane Society in 1965, discussed the issues that arose from this new shelter in a November 23, 1965, letter to LCHS members. In this letter, Middlemas recorded information collected from official city files in regards to the amount of animals impounded at the animal shelter. From January 1, 1965 to November 23, 1965, for example, 558 dogs were impounded by

the city of Helena. Of these 558 dogs, 448 were killed while only 12 were adopted.

Middlemas states:

We have offered our cooperation to the city in every conceivable way, at every possible opportunity. We have withheld criticism of their operations and methods. We have upheld their leash law. But cooperation concerning the animal shelter has been a one-way street. The more we cooperate, the more we are denied in our efforts to protect the life and welfare of impounded animals.⁴²

Through this letter, it is clear that the new shelter continued to experience problems such as an excess amount of dogs that the limited resources of the pound could not care for. Middlemas points to ongoing problems with resources and the city's unwillingness to cooperate with the humane society. While the Lewis and Clark Humane Society gave the animals a voice, the organization retained little to no control over the management issues of the city's animal shelter. Inhumane treatment of animals persisted at the new facility. Dogs and puppies froze to death in outdoor kennels because heat provisions were not adequate. Food and water was minimal. Jo Bristow, volunteer coordinator of the current LCHS shelter says, "The prevailing attitude was that if the animals weren't fed, then clean up duty was not required."⁴³

Finally, in 1975, after the mysterious disappearance of Ivan, Mikal Kellner⁴⁴ pressured the city commission to shift the responsibility of the city shelter to the Lewis and Clark Humane Society. In July 1975, the city commissioners voted

unanimously to shift management. On September 1, 1975, the Lewis and Clark Humane Society officially assumed operations of the shelter.⁴⁵ Instead of fighting for the humane treatment of homeless animals, LCHS was now in charge of providing it.

The formation of an animal shelter in Helena occurred because concerned citizens in Helena fought for change. Largely through criticism of city officials through the Independent Record, their city heard their voices and changed its policies. These policy changes were not enough, however, and the Lewis and Clark Humane Society finally operated the city pound. The success of animal control in Helena happened quickly, in roughly less than a decade. The next chapter provides a contrasting example of animal control in the state of Montana.

Chapter 4

Animal Control on the Flathead Reservation



Figure 4.1: Map of Montana showing the location of the Flathead Reservation. Source: Montana Film Office, http://montanafilm.com/flatheadres_03.htm (accessed April 2011)

The Flathead reservation, located in Northwestern Montana is the fourth largest of Montana's seven Native American reservations. It includes an excess of 1.2 million acres, yet the Salish, Pend d'Oreille and Kootenai tribes who live on this reservation used to call western Montana, parts of Idaho, British Columbia and Wyoming their home.⁴⁶ Montana did not become a part of the United States until 1889. Until this time, it was part of the Oregon Territory. In 1853, the United States divided the Oregon Territory into two: the Oregon Territory and the newly formed Washington Territory. Isaac I. Stevens was appointed territorial governor of the Washington Territory, to which Montana now belonged. Stevens considered the three tribes in Western Montana to be unimportant. His goal was to consolidate these tribes into a small area in Montana in order to open up more land for white

settlers. In 1855, Stevens convinced leaders from these three tribes to sign the Hellgate Treaty, which officially formed the Flathead Reservation.⁴⁷

The signing of the treaty eliminated formal tribal government, yet this was not enacted upon until roughly twenty years later. The Salish tribe originally lived in the Bitterroot Valley, south of the reservation. After the signing of the Hellgate Treaty, they did not move. There was no word from the government on this, they were simply left alone. In the 1860s and 1870s, the discovery of gold changed the solidarity of the Salish tribes. As white settlers moved into the Bitterroot Valley in search of gold, they took land from the Salish tribe and the number of bison used for food and clothing by the Salish dwindled. One Salish man wrote, “White men have driven the buffalo off. They are not close or plenty as they were before the white man came among us to hunt for the gold which they seem to love so much. We must farm or starve.”⁴⁸ Helena, Montana was founded on the discovery of gold. What helped Helena grow and prosper essentially played a part in ruining the culture and lifestyle of the Salish. With the buffalo gone, the base of Salish ritual and economy was also lost. As the food supply slowly declined, the Salish were finally forced to move north onto the Flathead Reservation.

The Hellgate Treaty called for assistance from the United States government in assisting the Reservation in building a school and training the tribes on carpentry, gun making and farming. The United States government did not uphold this portion

of the treaty. Because of this, many on the reservation struggled with a sedentary lifestyle. Salish and Kootenai tribes had long been semi-nomadic. With the changing of the seasons, they travelled to where food was most plentiful. Many, who had been used to this style of living, struggled to conform to an agricultural lifestyle.⁴⁹

By the 1880s, Helena's population grew tremendously. Prospering economically and culturally, the majority of Helena citizens lived a middle class lifestyle. The railroad, built through Helena in 1883, helped to foster this rise in population, therefore assisting in economic growth. In 1882, the advent of the railroad had the opposite effect on the Flathead Reservation. The tribe sold a piece of land fifty three miles long and two hundred feet wide to the Northern Pacific Railroad in exchange for \$16,000. Along with this payment, assistant attorney general John McGammon promised to adjust the boundary of the reservation so that the top of the reservation was on the border with Canada, giving the tribe more land to hunt and fish on. McGammon did not follow through on his promise.⁵⁰ Just as in Helena, the railroad brought more people through the Flathead Reservation, making it less isolated than before.

Five years after the railroad invaded the Flathead Reservation, the U.S. government passed a law which divided tribal lands. Titled the Dawes Act, the government divided Indian land into individual allotments, therefore destroying the

traditional belief of communal land. All extra land not given to individual tribal members was sold to the public. As white settlers bought tribal land, the white community in and around the reservation grew. Because of the growth of population, tensions mounted – due in large part to stray animals. In the last years of the nineteenth century, Joseph T. Carter became the Bureau of Indian Affairs agent on the Flathead Reservation. Unfortunately, Carter’s personality was somewhat shy. To deal with issues arising between white settlers and the tribe, a man named F.M. Cory arrived as an apparent reinforcement from the U.S. Treasury Department. Cory took matters into his own hands. The main issue was white settlers, living outside the reservation, allowed their cattle to graze on reservation lands. By 1889, Flatheads owned approximately 5,700 horses and over 12,000 head of cattle. The importance of large tracts of grazing land is clear with this amount of livestock. Cory began a policy of animal control – he rounded up stray cattle not belonging to those on the reservation and impounded them. He did not release any animal until the owner had paid their fine. In less than one week, Cory collected \$586.50 in impoundment fees for the tribe.⁵¹ This type of animal control reflected Helena’s policy at the time. Both places suffered from stray livestock, yet their situations differed. Helena impounded livestock because they roamed city streets and destroyed private property by grazing in yards. On the Flathead Reservation, Cory proved a point with impounding livestock: the reservation’s grazing lands are for those living on the reservation. Animal control on the reservation was a way to

force white settlers to respect the reservation boundaries – it was not animal control for the sake of the population. Cory’s method of impoundment worked well, until stock raisers protested. A petition was sent to the commissioner of the BIA. The letter which Cory arrived with stating he was part of the U.S. Treasury Department was forged. His reasons for coming to the Flathead Reservation are unclear. Convicted of defrauding cattlemen by collecting fines and forging government documents, Cory was sent to jail and impound of livestock ended.⁵²

In 1904, U.S. Senator Joseph Dixon pushed the allotment act through Congress. This act opened the reservation to white settlers in direct violation of the Hellgate Treaty. The treaty states that the reservation was for the “exclusive use and benefit of the said confederated tribes.”⁵³



Figure 4.2: White homesteaders waiting for lottery lands in St. Ignatus, Montana, 1906. Source: Helena Illustrated

By 1930, the tribe owned less than forty percent of their original reservation. Prior to allotment, tribal leaders governed themselves with little interference by the federal government. In 1904, after the allotment act opened one million acres to

homesteaders, the federal government played a larger role in managing the reservation because citizens of the United States lived there. White assumed a dominating social and economic position on the reservation. In 1934, the cancellation of the general allotment act occurred. In the thirty years of allotment, over 540,000 acres of the reservation was under white ownership.⁵⁴

In 1935, the Wheeler-Howard Indian Reorganization Act changed the governing structure of the reservation. This act aimed to protect Native American religion and culture. One main feature of this bill was it allowed Native Americans living on reservations to establish local governments and tribal corporations in an effort to enhance economies on reservations. In order to obtain this “right” of self-government, the government required the tribe to accept or reject the IRA through referendum.⁵⁵ Some Native American tribes, such as the Senecas, rejected the IRA. The Salish, Pend d’Oreille and Kootenai on the Flathead Reservation accepted the IRA and the tribe was incorporated as a self-governing tribe with its own constitution. The ruling body consisted of a ten man council; elected by popular vote. The council served two purposes: the first duty of the council was to act as the tribe’s principal legislative body and secondly it served as a corporate board of directors for the tribe’s economic interests. In its legislative role, the council enacted ordinances and constitutional amendments.⁵⁶ It is important to note that United States federal law does not apply to Native Americans on the reservation. Yet even though federal law did not rule over the reservation, the Bureau of Indian

Affairs still retained power over the tribal government. In a special study done in 1990 of Montana tribal relations, authors concluded that, “government that was established under the Indian Reorganization Act presided over the residual politics of a protectorate.”⁵⁷ The Indian reservation functioned as a colony of the United States from roughly 1934 to 1974. Because of this arrangement, “the agency superintendent was the dominant force on the reservation and even routine enactments by the tribal council were subject to the Secretary of Interior’s review.”⁵⁸ While the Salish and Kootenai tribal council could enact laws, this did not mean they would be enacted. The Bureau of Indian Affairs and its agents on the reservation still controlled much of the political atmosphere. A main reason for this was because the Flathead Reservation contained many natural resources.⁵⁹ The more control the BIA could exercise in tribal government, the more access the federal government would have in the allocation of resources.

The policy of termination began in the 1940s. Advocates of this policy wanted to terminate the trust status that Native American reservations held. By abolishing this policy, Native American lands would be subject to federal jurisdiction and states would have the authority to tax tribal land. Native American culture centers on the relationship with a tribe. By abolishing the tribal system, the United States would have essentially destroyed Native American identity. While this was the goal of the U.S. government, it was an extremely unpopular view on Native American reservations. Although the threat of termination loomed during the 1960s, federal

policy began to shift toward a policy of self-determination. Historian Christopher Riggs explains that the policy of self-determination “meant that Indian nations would have meaningful power to govern themselves and to preserve their tribal cultures and societies.”⁶⁰ While in theory, self-determination would give Native Americans self-rule over their reservations; in practice the Bureau of Indian Affairs still exercised a large influence in tribal policies. The policies of allotment, termination and self-determination help explain economic conditions of the Flathead Reservation and also explain the main concerns of the tribe. Helena citizens had no one taking their land. They lived comfortable lives while many on the reservation were constantly anxious about the state of their land. Besides events occurring on the reservation, the historic attitude of Native Americans toward animals partly explains the lack of animal control policies.

Native Americans culture identifies with animals in a unique way.

Predominantly hunting cultures, Native societies use animals for food, shelter and clothing; every part of the animal was used. The hunter was completely dependent on the animal for food. Hunters would pray to animal spirits before beginning a hunt because hunting was viewed as a reciprocal action: the hunter could not kill the animal without the animal’s consent. In an article published in the *Journal of American Folklore*, author June McCormick Collins argues, “While aware that animals differ from man, [they] stress the similarities rather than the differences

between animal behavior and human behavior. This attitude implies not only similarity but mental equality between man and animal.”⁶¹ The phrase “mental equality” is key to understanding animal control policies on the Flathead Reservation. White society did not see humans and animals as mentally equal. Their belief, stemming from Christianity, is that humans possess dominion over animals.

Respect for animals in Native American culture can be seen through the presence of animals in creation stories. The Salish tribe, part of the Flathead reservation, is one of the many tribes with a creation story involving animals. According to Salish legend, the Creator put animal people on earth. Coyote and his brother, the fox, were sent to the big island (North America) in order to get rid of the evils on the earth because it was not fit for mankind. Coyote, who has a reputation of being sneaky and sly in most tribal legends, did not rid the big island of all evils. He left greed, jealousy, hunger, envy and anger. In essence, the moral of this story teaches morals and respect for the Creator and for plant, mineral and animal spirits which made living on the earth possible.⁶²

For the Salish specifically, the dog functioned originally as a beast of burden. Before the United States government contained them to a small piece of land in western Montana, the Salish travelled long distances. Dogs served to carry supplies and act as a guard against other wild animals. As white settlers crowded onto traditional Salish and Kootenai lands, the dog functioned as a hunter of deer and

bears, a guardian of camps and children and also aided in the rounding up of horses. Salish considered dogs to relate to men more than women. The only contact dogs had with women was as a companion or something the women fed scraps to. One important element of the Salish view of dog was they never allowed them inside their lodge, even in severe weather.⁶³ These attitudes toward dogs explain why the lack of information about animal control on the reservation. Unlike Helena, who viewed animals as pets and human property, dogs were an intricate part of the Salish community. They interact with humans in a way that benefited their lifestyle and survival. In Helena, dogs and pets were a luxury, a status symbol and a companion. Because Native Americans view animals as their own entity with their own capability to care for themselves, stray animals were not out of the ordinary.

In October 1961, the Confederated Salish and Kootenai Tribal Council created an economic development plan alongside officials from Lake County. Even with an established tribal government, a large portion of Native Americans on the reservation lived near or in poverty. The development plan concluded the principal means of livelihood to those living on the reservation included stock raising, farming, sawmill, logging, and construction: all working class jobs. The number of professional jobs, and those living on the reservation that held them, were minimal. This development plan noted four factors which contributed to poor economic conditions on the Flathead Reservation during this time. First: The natural population increase at this time was 2.5%. The rate of population growth pressured

developed resources and developed a strain on the economy. Second: A high percentage of small, uneconomical farm and ranch units existed on the reservation. A basic factor of unemployment proved to be these units which contained a low productive capacity of agricultural resources. Third: Only small amounts of non-agricultural industry existed in the area. This in turn made it difficult for skilled laborers to find work and “little opportunity existed for inhabitants to develop their latent skills and create a basis for higher learning.” Four: Heavy reliance on raw material production and exportation created low economic opportunity. The basis natural resources on the reservation were not used locally for economic production. Instead, these products travelled long distances to market, which undermined their profits.⁶⁴ As the population on the reservation grew, so did the poverty. With a larger workforce, the already small economy of the reservation did not have enough jobs to provide for those looking for work. As the industry of the Flathead stayed mainly in agriculture, there was no industrialization to utilize natural resources on the reservation. This economic report explains why the economy on the Flathead Reservation suffered. Yet, its economic status did not follow normal trends in regards to pet-keeping.

In white society, those who were poor did not keep pets. They kept animals for food or transportation. The majority of pet owners lived in industrial, urban, middle class societies. Those who lived in urban cities tended to own pets more because, as historian Katherine Grier argues, it was a way to keep in touch with nature while in

the city. Not necessarily the best reason for having a pet, the sub-conscious notion of keeping in touch with natural beings was natural for those living in cities. A pet seemed a likely alternative for those not experiencing the human-animal connection between livestock or wild animals. Also, middle class societies were more capable of owning pets because they had the time and the means to care for them. Those who lived in poor, rural areas tended to keep livestock and did not have the means, nor the need for other pets.

Native Americans living on reservations did not follow this pattern. Author Gordon Johnson wrote a book that includes a compilation of stories from his reservation in New Mexico. Through these stories, dogs are constantly present. He states, "Nearly every reservation house has at least one dog. With no fences, the dogs have the run of the place, free to do as they please."⁶⁵ On the Flathead Reservation, a similar lifestyle existed to this one. People had dogs for many reasons: they served as guard dogs, a child found a dog in the street and brought it home or dogs simply hung around outside of houses because people gave them scraps of food. Fences and yards were a concept of white society. Native Americans possess a communal idea of land.⁶⁶ The land is the creation of humans and so each person has a right to tribal land. Because of this thought, fences were virtually non-existent except for pastures. Pasture fences were designed to contain livestock, not small pets. Without fencing to contain animals, humans could not control breeding. Therefore, more dogs, without homes were born.

Animal control on the Flathead was non-existent until 1970. Part of this issue was economics: the tribal council could not afford to allot money to pay for an animal control officer. Because so many houses on the reservation had dogs, or fed them, the animals on the streets were viewed as someone's pet. The lifestyle of the reservation dog was one of freedom: they roamed the streets during the day and at meal times went to their homes. The reservation did not see any reason to fix it. Also, as stated earlier, Native Americans, the Salish tribe included, believed the mental equality of humans and animals was equal. They did not see the need to take control of a stray dog because the dog was capable of caring for itself. Native Americans and animal lived complementary to each other; they needed animals for food, shelter and clothing but it was never in the culture of any Native American tribe to pursue a policy of controlling the lives of animals they were not a part of.

This notion changed as thoughts about public welfare and health shifted. Since 1900s, large, industrial cities had been concerned with public health. Close living conditions and constant use of city streets forced government officials at local and state levels to be aware of sanitary conditions in cities.⁶⁷ The Flathead Reservation is mainly rural. Stray dogs did not cause the same disruption to daily life as they did on crowded city streets. The distance between homes on the reservation also played a role in views toward stray dogs. Those dogs wandering on city streets caused more of a disruptance because there was less room and therefore a dog wandering would be noticed more easily. In a rural area, a dog running loose did not cause as

much disruptance because there was less contact between the dog and the people due to the amount of space available. In the 1960s, the Indian Health Service program expanded rapidly on the Flathead Reservation. The need for this arose because poverty on the reservation caused an increase in health problems. As Indian Health Service program expanded to include health management, planning and occupational training, tribal members began to improve conditions of reservation's cities. Stray dogs were a potential for health related problems. In an effort to improve public health, city officials began to address the issue.⁶⁸

After the passing of the IRA and the creation of a tribal government on the Flathead Reservation, tribal members allotted funds for a three man police force. With over 1 million acres of land, the police force of the tribe had limited resources, as did the population living on the reservation. In 1969, an estimated 32% of those living on the reservation lived in poverty.⁶⁹ If they had a dog of their own or left scraps out for roaming dogs and one of these dogs needed veterinary care. They could not afford it. To deal with this issue, many called the police department. Because the police department had limited funds as well, they also could not afford to pay for medical care of animals or to house them. Instead, the sheriff would shoot the animal. Dogs were also shot if they were reported as causing problems: biting children or killing livestock were the main offenses that caused the sheriff to come and shoot a dog.⁷⁰

Helena citizens living in an urban, white community with many citizens owning pets viewed animal control as necessary for the well-being of the city. Issues with dog packs attacking women and children stressed the need for dogs to be off the streets if they were not accompanied by their owner. The rural setting of the Flathead Reservation did not require stray animals to be placed in an animal shelter. The practice of pet-keeping differed dramatically in each area: Helena citizens kept pets as a companion animal or as a spoiled child while those on the Flathead kept pets as guard animals or simply fed strays outside their homes. The history of these two areas shows Helena's animal control policies as much more developed than those on the Flathead. The current situation of these differences remains much the same, yet it is the animal shelters that do not follow the course of history. Helena's history of organized animal control lends itself to the creation of an animal shelter which currently operates on a large scale. The Flathead Reservation, while not having organized animal control, currently houses a model animal shelter. The Lewis and Clark Humane Society, while admirable for their efforts in taking control of the city pound, lacks the organization and methods of the Mission Valley Animal Shelter in Polson, Montana. From the 1960s, little to no animal control existed on the reservation. Housing Authority kept two kennels to help house stray animals before their owners could be found. If not, they were released or put down. In 1989, a woman from Denver moved to Polson and to honor her grandmother's wishes, she created an animal shelter. Beginning as a small operation with a shed containing cat crates, the Mission Valley Animal Shelter transformed into a well-run, yet small operation. When entering the Lewis and Clark Humane Society, one is hit with a

pungent, dirty animal smell; the Mission Valley Animal Shelter has no smell. The Lewis and Clark Humane Society keeps animals in cinder block kennels – they can only see what is in front of their kennel, causing stressful behaviors such as barking. The Mission Valley Animal Shelter dogs do not bark – they are kept in outdoor kennels, if weather permits, so they can play with other dogs and their indoor kennels, while made of chain-link, allow them to view what is happening around them, therefore making them feel more comfortable. Animal control policies in Helena are still more organized and well-formed than those on the Flathead Reservation, yet the animal shelters catering to the welfare of homeless animals vary dramatically – with the shelter on the reservation setting the standard. Since the Lewis and Clark Humane Society overtook operation of the city pound, it has made dramatic improvement in the quality of life of animals in the shelter, provided education courses for the public, supported spay and neuter campaigns, and increased adoptions while limiting euthanization.

The case study of the Lewis and Clark Humane Society and the Flathead Reservation sheds light on the issue of animal control in United States and the state of Montana. Two places, less than a three hour drive apart, differ dramatically in their attitudes and practices of animal control. The state of Montana, from the study of these two areas, does not have a cohesive animal control policy. With fifty states in the nation, animal control is an issue which comes in many forms and approaches. The study of animal control brings new perspectives to the understanding of social norms and governmental institutions and there is much history left to be told.

Notes

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³ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1823).

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⁶ Ibid.

⁷ Beers, 189.; Katherine C. Grier, *Pets in America: A History* (Chapel Hill: The University of North Carolina Press, 2006).

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⁹ Grier, 217.

¹⁰ Grier, 230.

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¹³ Ibid.

¹⁴ Vivian Paladin and Jean Baucus, *Helena: An Illustrated History* (Virginia Beach: Donning Company, 1983).

¹⁵ Capital Committee, *Helena's Social Supremacy* (Helena, MT: Capital Committee, 1874).

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²⁰ Paladin and Baucus, 34.

²¹ W.H McCann, Chief of Police Papers. Montana Historical Society No. 4, Box 3. 1880 – 1907.

²² Diane L. Beers, *For the Prevention of Cruelty: The History and Legacy of Animal Rights Activism in the United States*. (Athens, Ohio: Swallow Press/Ohio University Press, 2006).

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²⁴ W.H McCann, Chief of Police Papers. Montana Historical Society No. 4, Box 3. 1880 – 1907.

²⁵ Richard Timmins, “History of Animal Welfare,” (lecture, Carroll College Helena, Montana April 2011).

²⁶ Jo Bristow, interview by author, Helena, MT, September 2010.

²⁷ Ibid.

²⁸ *Helena Independent Record*, April 10, 1952.

²⁹ Ibid.

³⁰ Grier, 223.

³¹ City of Helena, Leash Law, Statutes, St. Helena Municipal Code 1961. <http://www.codepublishing.com/CA/sthelena/> (accessed November 2010).

³² Montana Historical Society SC2559: Editorial, *Independent Record*, July 2, 1961.

³³ *Helena Independent Record*, January 19, 1962.

³⁴ *Helena Independent Record*, January 20, 1962.

³⁵ Bristow, interview.

³⁶ *Helena Independent Record*, January 22, 1962.

³⁷ *Helena Independent Record*, January 23, 1962.

³⁸ *Helena Independent Record*, January 3, 1962.

³⁹ *Ibid.*, *Helena Independent Record*, October 14, 1962.

⁴⁰ *Helena Independent Record*, July 1962; Bristow, interview.

⁴¹ Montana Historical Society SC2559: Letter to Editor, John A. Peterson, *Independent Record*, April 24, 1964.

⁴² Montana Historical Society SC2559: Dave Middlemas, *Lewis and Clark Humane Society Correspondence* (Helena, MT, November 23, 1965).

⁴³ Bristow, interview.

⁴⁴ In 1990, Kellner earned the 1989 American Veterinary Medical Association's Humane Award.

⁴⁵ Bristow, interview.

⁴⁶ Confederated Salish and Kootenai Tribes, *A History*. <http://www.cskt.org/> (accessed March 2011).

⁴⁷ Treaty of Hellgate 1855, <http://www.cskt.org/documents/gov/helgatetreaty.pdf> (accessed March 2011).

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⁵¹ Harry H. Turney- High, *Flathead Indians of Montana* (Wisconsin: American Anthropological Association, 1937).

⁵² *Ibid.*, 193.

⁵³ Treaty of Hellgate 1855,
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⁶¹ June McCormick Collins, "The Mythological Basis for Attitudes toward Animals in Salish-Speaking Indians." *Journal of American Folklore* 65, no.258 (December 1952) 353 -359.

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⁶⁶ Calloway, 23.

⁶⁷ William J. Novak, *The People's Welfare: Laws and Regulations of Nineteenth-Century America*, (Chapel Hill: University of North Carolina Press, 1996).

⁶⁸ Fred Steele, phone interview with author, Helena, MT, March 2011.

⁶⁹ Bureau of Indian Affairs, "Profile of the Montana Native American" (San Francisco: Urban Management Consultants, 1974).

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