Early in the nineteenth century, President Thomas Jefferson tapped his protégé Meriwether Lewis to lead the epic expedition that delineated the geography of the Pacific Northwest. Simultaneously, he set in motion the federal government’s policy for the continent’s Native inhabitants. Some fifty years later, ten Pacific Northwest Indian treaties embodied the essence of that policy.

In April 1853, Congress carved Washington Territory out of Oregon, creating a vast new political entity stretching from the Rocky Mountains to the Pacific Ocean. Near Olympia, on Christmas day 1854, Isaac I. Stevens, the territory’s governor and superintendent of Indian affairs, convened the first of eight treaty councils that during the next year took him from Puget Sound to Neah Bay, across the Cascade Mountains to Walla Walla, over the Bitterroots to Hellgate, and on to the confluence of the Judith and Missouri Rivers in present-day Montana.

Not surprisingly, Jefferson’s policy for Native Americans featured farming as the key element. For Jefferson — and perhaps most Americans in the nineteenth century — agrarianism represented not only an economic endeavor but also a way of life that fostered initiative, independence, and democracy. In his first annual message, Jefferson optimistically informed Congress that the Indians relied increasingly on husbandry and that “they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing. . . .” Similarly, in an 1803 message, he argued for an Indian policy that would “encourage them to abandon hunting, to apply to the raising [of] stock, to agriculture, and domestic manufacture, and thereby prove
to themselves that less land and labor will maintain them in this better than in their former mode of living.”

Jefferson’s successors echoed this line of thought. Some stressed the need to combine the salutary effects of Christianity with an agrarian way of life in order to shape the Indian into a archetype of the American yeoman. Officialdom, clergy, and intellectuals squabbled over the time frame necessary for this transformation, but few questioned the ultimate Jeffersonian goal. Even the removal policy of the Jacksonian era contemplated eventual assimilation, not permanent exile from American society.

Rapidly changing circumstances in the Far West necessitated a modification of Indian policy that reached its fruition during the Franklin Pierce administration (1853–1857). This “reservation” policy is most closely associated with Pierce’s Commissioner of Indian Affairs George W. Manypenny, who observed that the government from the beginning of the Republic had spent liberally “to civilize the Indian and better his condition.” But a major flaw in the policy, Manypenny asserted, had been removal of tribes beyond the pale of civilized society, which only served “to confirm him in his savage habits and pursuits” and exclude him from “the example and influence of the industrious pioneer.”

Commissioner Manypenny firmly committed the government to a program that assigned tribes to reduced reservations with provision for allotment of land in homestead-sized portions to individuals. These reservations would provide the crucible in which civilizing forces would germinate and grow until the Indians became equal, productive citizens of the United States. Or as Manypenny put it, the alternative to being “exterminated” was for the Indians to be “colonized in suitable locations, and, to some extent at least, be subsisted by the government, until they can be trained to such habits of industry and thrift as will enable them to sustain themselves.”

At the beginning of his tenure, Commissioner Manypenny negotiated a series of treaties with tribes immediately west of the Missouri River who had come under heavy pressure from white settlement. A provision integral to the nine Manypenny treaties signed between March 15 and June 5, 1854, allowed allotments to the Indians. The president, when the time was right, would order the land surveyed, with title to a quarter-section of 160 acres going to a family and lesser amounts to individuals. These stipulations comprised Article 6 of the Omaha Treaty, which was specifically referenced in the Stevens treaties.

The Manypenny treaties encapsulated the government’s Indian policy at mid-century and provided the template for those negotiated in the Pacific

Richards, Stevens Treaties of 1854–1855
Indian groups in Oregon and Washington prior to Euro-American settlement


Northwest. Isaac Stevens came to the task of treaty-making well versed in the policies of the U.S. government in the 1850s by virtue of his career in military and political affairs during the years after he graduated first in his class from the U.S. Military Academy in 1839. To Stevens, his task appeared straightforward — he would extinguish aboriginal title to the land, establish
Indian reservations and communities in Oregon and Washington currently recognized by the U.S. government.

the best lines for roads and railroads, and inaugurate a government that would provide the political stability necessary for the population to grow and the economy to flourish in the Northwest sector of the nation.

Upon arriving at Olympia, Stevens outlined his plans for Manyenny. Noting the conflict that apparently existed between the Donation Land

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Act (giving land anywhere in the Northwest to early settlers) and laws governing Indian affairs, he urged speed in defining Indian lands before settlers spread over the entire territory to exacerbate an already strained relationship between the races. Although the exact details of the treaties would be determined “when deliberate consultations shall take place with the Indians in council,” the governor declared, “the great end to be looked to is the gradual civilization of the Indians, and their ultimate incorporation with the people of the Territory.”

In 1854, Stevens met in Washington, D.C., with Manypenny and his second-in-command, Charles Mix, concurrent with the commissioner’s treaty sessions with the Kansas-Nebraska tribes. Before Stevens returned to Olympia, Mix, acting for Manypenny, issued written instructions to the governor. His directive reiterated that Stevens had been appointed to conclude “Articles of Agreement & Convention with the Indian Tribes in Washington Territory,” a region stretching from the divide of the Rocky Mountains to the Pacific Ocean. He impressed upon Stevens that he should unite the forty or fifty bands affected and concentrate them on a limited number of reservations, suggesting six or eight as an appropriate number for the entire territory. Mix wrote:

I . . . enclose to you herewith copies of the treaties recently concluded by Superintendent Palmer at Table Rock & Cow Creek . . . and also printed copies of treaties lately concluded at this City with the Omaha & Ottoe and Missouria Indians.

Those negotiated by Superintendent Palmer are regarded as exhibiting provisions proper on the part of the Government and advantageous to the Indians & will afford you valuable suggestions. Those with the Omahas & Ottoes & Missourias will indicate the policy of the Government in regard to the ultimate civilization of the Indian Tribes, the graduation of the annuity payments secured to them, [and] the encouragement of Schools and Missions among them . . . ?

When submitting the first treaty to his superiors — that signed at She-nah-nam, also known as Medicine Creek, on December 26, 1854, with delegates of several Puget Sound tribes and bands — Stevens spoke to the creation of three small reservations. These reserves, he said, would not interfere with settlers’ claims or with the progress of the settlements yet were located “at such points as would enable the Indians to catch salmon, gather roots and berries, pasture their animals on unclaimed land and participate, as heretofore, in the labor of the Sound.” Stevens reported that the tribes party to the treaty worked on farms and ships and in lumberyards and mills, sold seafood to whites, grew potatoes, and raised horses. All of this activity had reference to the economic conditions at
the time and to a scenario of benefit to Indians and whites, as well as to the pocketbook of the Treasury Department during the contemplated transition period.

Stevens, however, also wrote about the ultimate goals of the treaty. As to the reserves, “it was proposed to admit as few reservations as possible with the view of finally concentrating them in one.” An agricultural and industrial school with instructors, a farmer, and a physician would be located at the contemplated central agency (tentatively sited near present-day Everett). As Stevens told Manypenny:

[I]t will be seen that article 6th gives authority to the President to remove these Indians to other reserves or to consolidate them with friendly tribes in a single reserve, as also to give within the limits of the reserves homesteads on the principle of the Omaha Treaty.

These provisions — abetted by annuities devoted to agriculture and schools as well as other assimilative influences brought to bear during a twenty-year period — assumedly would lead to the incorporation of Indians as equals within American society. As Stevens had informed Manypenny in 1853, that would be the ultimate goal of any treaty he negotiated. It was assuredly the paramount objective at Medicine Creek and the other Stevens treaty councils.

Stevens went on to conclude nine more treaties during 1855. All Stevens’s treaties followed the template described above. Discussions at the councils became lengthy at times and at some points acrimonious. Stevens and Palmer showed a willingness to compromise on some points, such as the addition of a third reservation for the tribes at the Walla Walla council. Yet, none of these factors altered the essence of the final documents, all of which closely resembled the Medicine Creek treaty. The essential goal did not change. As historian Paul Prucha wrote, the reservations were “temporary expedients” that were expected to provide a safe haven until tribal members became “enterprising and prosperous American citizens.”

Although most treaty tribes lived within the boundaries of Washington Territory, the documents affected everyone in the Northwest, Indian and non-Indian alike. Stevens and Palmer, along with their superiors, believed the treaties provided a well-devised alternative to extinction, a fate that had already befallen some bands in western Oregon and Washington. The leaders on both sides of the treaty table perceived the treaties as a short-term solution to the conflicts.
Boarding schools such as the Indian Training School at Forest Grove, Oregon, shown here in 1882, were one of the tools intended to assimilate Indians into American culture in the years following the signing of the treaties.

that arose when two peoples competed for the same land and resources. That the treaties would continue to be a controlling factor in conflicting claims to water, fish, and other resources 150 years later was something not contemplated in 1854–1855. Why this proved to be true is one theme of this special issue of the Oregon Historical Quarterly. Two articles also examine a second theme — the frustrations, missteps, and slippage that occurred when the government, post-treaty, took action to transform provisions on paper to realities that affect individuals and communities.

Alexandra Harmon sets the stage for the first theme with her discussion of the ambiguity, ambivalence, and contradiction found in post-treaty interpretations of intent, provisions, or language. She deftly illustrates how treaty constituencies (Indian or non-Indian) over the course of 150 years arrived at divergent interpretations of what the treaties meant. Often the positions adopted corresponded more with current economic or political realities than the principles that had governed treaty intent in the 1850s. As Harmon shows, when the economics or politics changed, so, too, did interpretations, at times to positions contradictory to those previously espoused.
Clifford Trafzer’s essay and the oral interviews introduced by Clark Hansen focus on treaty interpretation coming from one of the treaty constituencies that Harmon discusses. Past and present leaders of the Yakama, Nez Perce, Walla Walla, Cayuse, and Umatilla Tribes provide oral interviews or are the subject of Trafzer’s historical overview. These leaders suggest a historical continuity in Indian perceptions of the treaties, an understanding that provides a counterpoint to perceptions noted in Harmon’s essay.

Attorney Fronda Woods continues the theme by elucidating the tangled web of sometimes “murky” legal decisions that arose from the beliefs discussed in the Harmon, Trafzer, and Hansen articles. Her analysis of the more than one-hundred-year legal debate over treaty fishing rights further illustrates how treaty provisions assumed a life of their own, affecting the lives of many and attaining a significance beyond the most vivid imagination of any treaty participant.

A second area of focus of this special issue is the attempt of the treaty constituents to implement or react to provisions in the documents. Each of two articles illustrates that merging one culture into another could be more difficult in practice than on paper. SuAnn Reddick and Cary Collins examine events that took place immediately following the signing of the first treaty at Medicine Creek. They demonstrate how what appeared to the government to be a rather straightforward transaction became tragically confused by apparent misunderstandings. For example, did Leschi and other Indian leaders perceive the reservations established by treaty as only for “present use and occupation” — to be subsequently replaced by one or two general reservations — or as something more lasting?

Robert Ficken moves the story of treaty implementation forward to the government’s attempt to implement the treaties’ agrarian policies in the last half of the nineteenth century. He documents the gap that existed between policy formulated in the capitol and the reality on the ground, where incompetence and fraud could trump theory.

The final two contributions by Jacqueline Williams and Marjorie Waheneka offer insights into the use of food within Indian culture and its importance as a tool in the treaty councils.

The contributors to this special issue make clear that contention over the meaning of treaty articles and the proper way to implement the treaties emerged almost as soon as the ink dried. This debate has continued in various arenas for 150 years, as treaty parties, politicians, historians, and jurists have striven to interpret, massage, and deconstruct treaty language.
At times it appeared that closure had been achieved, as with the termination policy of the 1950s or with the Boldt decision in the 1970s. Discussion always quickly regenerated, however. This special issue provides us with some of the past parameters of the debate and gives perspective for the future. As Alexandra Harmon aptly writes, we will all need “agile minds” as the treaty debate moves forward.

Notes


3. Commissioner of Indian Affairs, *Annual Report*, 1854, 222. A leading historian of U.S. Indian policy has characterized the reservation policy as follows: “So reservations — in most cases small parcels of land ‘reserved’ out of the original holdings of the tribes or bands — developed as an alternative to the extinction of the Indians. The reservations, however, were thought of as a temporary expedient, for whites dealing officially with Indians in the 1850s all accepted the idea that the nation within its new continental limits would become the abode of enterprising and prosperous American citizens. They had no notion of a pluralistic society or a divided land occupied in part by European immigrants and their descendants and in part by American Indians adhering to their own customs.” Francis Paul Prucha, *The Great Father* (Lincoln: University of Nebraska Press, 1984), 317. See also Robert A. Trennert, Jr., *Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System, 1846–51* (Philadelphia: Temple University Press, 1975).

4. Treaty with the Omaha, March 16, 1854, 10 Stats., 1043. See also Treaty with the Oto and Missouri Indians, March 15, 1854, 10 Stats., 1038, which was sent to Stevens as part of his instructions as treaty negotiator.

5. The U.S. Solicitor for the Department of the Interior, wrote in 1958, after discussion of the allotment provisions in the Manyenny treaties, that “there was substituted a policy of quick distribution of tribal funds, parallel to the quick distribution of tribal lands which allotment entailed. Underlying this policy of quick distribution was the assumption that tribal existence was to be brought to an end within a short time.” U.S. Solicitor for the Department of the Interior, *Federal Indian Law* (Washington, D.C.: GPO, 1958), 202–6.


7. Charles Mix to Stevens, August 30, 1854, National Archives, Microcopy 21, Letters Sent by the Office of Indian Affairs, R.50. Joel Palmer’s 1854 treaties with the Rogue and Cow Creek bands in southwest Oregon provided for temporary reservations where they could continue to hunt and fish as well as farm with provision that they would be relocated at an agricultural site; this move took place in the 1860s.


9. Ibid.

10. A partial exception was the Blackfeet Treaty for Montana area tribes. This was a treaty of “peace and amity” and did not immediately establish reservations because it was believed these tribes were not yet ready for a sedentary existence.

11. The treaties included two at Walla Walla (with the Nez Perce and the Umatilla), for which Oregon Superintendent of Indian Affairs Joel Palmer served as co-negotiator. Stevens, however, took the lead in these negotiations. After the Walla Walla council negotiations concluded, Palmer made treaties with the Tribes of Middle Oregon and the Molala.