In May 1855, several thousand Indians from the Great Columbia Plateau of present-day Oregon, Washington, and Idaho met in the Walla Walla Valley to discuss agreements between sovereign tribal bodies and the United States. In less than a month, authorities from both sides successfully signed three treaties, creating the Yakama, Nez Perce, and Umatilla-Cayuse-Walla Walla reservations. Actions taken at Walla Walla significantly changed the lives of Indian and non-Indian people in the Northwest. Treaties concluded at Walla Walla have affected people in positive and negative ways, but after their ratification in 1859, they became the supreme law of the land, part of the constitutional fabric of the United States.

Over the years, the Yakama, Umatilla, and Nez Perce people grew to embrace the treaties as the rule of federal law and the reservations as their homelands. In 1855, the tribes and the United States entered into a written contract that both parties must continue to honor. The Walla Walla treaties are “living” documents that are closely tied to the past, present, and future of the tribes and United States. They are a prologue to future developments within the tribes in their relationship with other governments. It is important to respect and preserve the Walla Walla treaties and the rights they confirmed on the tribes in order to protect the rights of all Americans in accordance with Constitutional law. The treaties created a century and a half ago have great meaning in American history and will continue to have force because they are based on principles important to Indians and non-Indians alike.
May 1855, Walla Walla Council, Governor Stevens with Indians, by Gustav Sohon.
Each Indian tribe that attended the Walla Walla Council had its own camp, and each day the Indian people met to discuss the proceedings of the council. Some of the Nez Perce trained by Reverend Henry Spalding kept a record of the council and the Indian discussions at night. These records have not been found. We have to rely on the council minutes kept by non-Natives to inform us of the council proceedings that took place under some limited shade where the leaders met to listen and speak.

For thousands of years before the treaties, Indians made oral contracts with each other so they could share lands for hunting and gathering. Sometimes they agreed to allow newcomers to fish in their areas, to trade, to marry, and to enter into other agreements. Families, villages, and groups made oral agreements to travel together and fight side by side against the Paiute, Shoshone, or Blackfeet. These contracts differed significantly in form and function from the detailed, written documents made in a foreign language by newcomers from the United States. Indians used oral agreements, not written documents, sealing these agreements by sharing tobacco, food, and speeches intended to bind the participants into closer relationships. Oral agreements among Indians often ended with gift giving, a symbol of their new relationship. Indians generally formed these agreements after patient
The half brother of Old Joseph, She-Ca-Yah, or Five Crows, spoke first at the Walla Walla Council, pointing out that material goods did not equal the earth. He laid the foundation for the Indian view of the Walla Walla Council. For him and all the leaders, the Creator had given the people the land and resources to use in accordance with Indian law, not to trade like a horse, basket, or Native foods. Five Crows opposed the treaties at first but ultimately resigned himself to making an agreement to preserve a portion of his sacred earth.

negotiations and not in a rush, allowing both sides to come to a consensus. Indians generally negotiated respectfully in a nation-to-nation manner and not as a superior nation to an inferior nation. From the outset, several Plateau Indian nations felt that the American negotiators were in a hurry to conclude previously written treaties, not by honest negotiation but by dictation and coercion, even to the point of threatening the Indians to agree to the treaties or face bloodshed.

Although some Indians supported the idea of making treaties with the government at Walla Walla, others did not. In fact, some Indians chose not to attend the council, believing that if they made no contract with the United States then the government could not bind them to a treaty or force them onto reservations. The testimony preserved from the Walla Walla Council confirms that leaders such as Kamiakin opposed the treaties. Even though he and other leaders signed the treaties, their words at the time indicate that they equated the signing with selling their lands, an act contrary to their social and spiritual beliefs. Among the Plateau tribes, a cultural and philosophical framework known as tamanwit guided the
Indian views and presentations at the council. *Tamanwit*, or Indian law, had emerged at the time of creation and through the actions of the “first people” taught Indians how to behave, treat others, and interact with their environment. For Plateau Indians, *tamanwit* was a way of life, guiding people in their interpersonal relationships and in relationships with their larger environment, the animate and inanimate world, and the spirit world. In accordance with Indian law, *tamanwit* forbade Indians from selling their lands. If they did so, the Creator could harm the people in retribution. As a result of their actions at the treaty council, all of the leaders worried about the consequences of selling their people’s lands, but most came to believe that they had to make some agreement or they might lose all of it. This reasoning may have stemmed from stories shared with the leaders by eastern Indians, employees of the Hudson’s Bay Company, whites living among the tribes, and settlers from the west side of the Cascade Mountains.

At the end of the Walla Walla Council, most Indian leaders agreed to the treaties. Some lived to regret their decision, but others lived long enough to see that those tribes that refused to participate in the treaty-making lost all their homelands, just as some leaders had anticipated. Then, during the late nineteenth and early twentieth centuries, non-Indian settlers moved onto the public domain, where they pushed the “free” Indians — those who refused to remove to the reservations — off their traditional lands. Federal, state, and local law enforcement encouraged non-reservation Indians to move onto reservations, which by the 1890s had become the permanent homeland of most Indian people. Treaties had created a recognized space for Indians, and Native leaders gradually conceived of the reservations as Indian Country with an understanding that all of the land had once been theirs. In their way of thinking, the reservation lands had always belonged to them, and through the treaties they had secured for themselves a small portion of their former domains. Most Indians who removed to the reservations lived double lives, one on the reservations and one on portions of their former homelands.

During the late nineteenth and early twentieth centuries, the people established semipermanent homes on the reservations, creating homes, gardens, and grazing areas. They did not abandon their former lands completely but used these lands in traditional manners. Indians continued to travel to hunting, fishing, and gathering grounds off the reservations to procure a good deal of their subsistence. Over the years, however, this older way of life declined with the resettlement of former Indian lands by non-Indians. Under terms of the treaties, Indians had the right to hunt, fish, and gather “in common” with the citizens of the territories and states.
Yet, private ownership of land, fencing, cattle ranching, and farming altered traditional Indian food-gathering patterns.

By the early twentieth century, Indians could not take natural foods to the degree they had once known, so many turned to wage labor as a means to earn money for food, clothing, and goods. In the wake of these economic changes, some non-Indians clamored to open reservation lands to white settlement and development. The General Allotment Act of 1887 divided reservation lands into allotments of varying sizes that individual Indians would own through a fee patent after twenty-five years. Thus, Indians could eventually sell their lands. Not all reservation lands were allotted to individual Indians, however. Considering unallotted land as “excess,” the U.S. government sought to purchase it in order to open it up to white settlement. Federal agents paid the tribes approximately $1.25 per acre for the excess lands they purchased. In this way, the United States destroyed communal Indian ownership of former reservation lands and, over the years, non-Indians came to own lands on the former Indian reservations.

Most Indian leaders considered the General Allotment Act an assault on tribal sovereignty, Indian rights, and Native American lands. By the mid-twentieth century, the United States had ended allotment of the reservations. In 1953, Congress passed the Termination Act, which ended the legal relationship of some tribes with the federal government, allowing states and counties to assume jurisdiction of former Indian lands. Like the General Allotment Act, Termination constituted another assault on Native American homelands and tribal sovereignty. Tribal leaders united the diverse peoples on their reservations into confederations to stand against the assault as modern Native Nations. Leaders framed their arguments in terms of treaty rights and traditional sovereignty and used their knowledge of federal and state laws to further their agendas. Indians in the Northwest formed some of the major leadership for the National Congress of American Indians, a national Indian organization formed to protect Indian rights. Collectively, tribes fought the Termination Act of 1953, designed to erode Indian rights and end the legal relationship of some tribes with the United States.

The concept of treaties is codified in the Constitution of the United States, which allows the government to enter into legal relationships with other nations through treaties with a two-thirds vote of the Senate and signature of the president. American Indians did not create this process or write the treaties, and northwestern Indians did not ask for the contracts to be made at Walla
Walla. The United States created the process and composed the treaties in English, a language foreign to Indian people. In 1859, the Senate ratified the Walla Walla treaties, the president signed them into law, and the treaties became part of the supreme law of the land. They created a legal, constitutional relationship between the United States and the people living on the Yakama, Nez Perce, and Umatilla reservations.

Federal treaties superseded the state laws of Oregon, Washington, and Idaho, although legal experts continue to adjudicate many issues surrounding tribal sovereignty and states’ rights. The struggle between state and national laws has always been a component of American history and continues to play a role in state “versus” national power. Over the years, tensions had existed between state and federal officials over power. Before the U.S. Civil War, state and federal officials had not resolved the issue of legal superiority. President George Washington had insisted that national Indian policies superseded state and local Indian policies, but in practice, state and local officials often had a greater impact on the daily lives of Indian people, even after federal officials framed the treaties at Walla Walla. Territorial officials, militia troops, and settlers acted without federal authority, even though under the laws of the United States the ratified treaties had the force of law. Still, the superiority of federal treaties over territorial or state laws did not prevent local officials or settlers from acting contrary to the treaties or policies of the Office of Indian Affairs. Over the years, Indians asserted their power, demanding Indian agents, superintendents, and commissioners act in the best interest of Indian people. When federal and local officials ignored the tribes, Indian leaders pressed their agendas with Congress and the courts in order to have the states and federal agents comply with federal laws and provisions of their treaties. Today, tribal governments also use their tribal sovereignty to exert power in areas not circumscribed by federal treaties or laws. Indian rights defined by federal law came at a huge cost to Indian people, because the treaties and reservations brought about the destruction of many traditional laws and the lives of thousands of Indians. Largely confined to reservations, Indians suffered epidemics of “traveling diseases” such as smallpox, chickenpox, measles, mumps, influenza, syphilis, and tuberculosis. They suffered from the lack of food, clothing, medicine, medical doctors, public health information, and health facilities. Even 150 years after the signing of the Walla Walla treaties, Indian people still are trying to reconcile these losses.

Before some of the Indian leaders agreed to the treaties in 1855, the people had lived in villages and followed the old laws, or tamanwit. Each...
year, they traveled in a seasonal round, gathering roots in the spring, fishing in the summer, and hunting in the fall. They gathered from March until November and prepared foods for use during the cold winter months. The written minutes of the council proceedings indicate that Indian leaders negotiated carefully about their rights to hunt, fish, and gather on and off the newly designed reservations. Tribal leaders at the Walla Walla Council spoke specifically about their lands as gifts from their Creator. Cayuse Chief Five Crows remarked that his “Father in Heaven” had “made us of this earth; He made our Fathers; when he gave us this earth. He gave us gardens also.” The “gardens” included the root grounds and berry patches that grew naturally on the Plateau. Cayuse Chief Stickus explained to the Americans that the earth held meaning to the people “as if we drew our living from her,” which, of course, they did by hunting, fishing, and gathering. Governor Stevens responded to Indian concerns about the United States taking the livelihood of the people, saying, “you will be allowed to go to the usual fishing places and fish in common with the whites and to get roots and berries and to kill game on land not occupied by whites; all this outside the Reservation.”

The land was more to Plateau Indians than simply an economic entity. Indians viewed land as part of their religion, and throughout the Walla Walla Council, Indian leaders often spoke of their spiritual relationship with their environment. The leaders understood that by signing the treaties they would surrender thousands of acres of lands that they had controlled for centuries and that they would also surrender their right to use the land and most of the resources (except foods) found off the reservations. In time, the leaders came to understand that the lands they surrendered contained a wealth of rich soil, timber, water, minerals, and other resources. The treaties separated the tribes from these lands and resources, but this was not enough for some people in the twentieth century who sought to terminate federal relations with the tribes and open vast Indian lands to non-Native exploitation.

In the 1950s, federal officials set out to “terminate” entire Indian tribes across the country, such as the Klamath in Oregon and the Colville in Washington, and in the 1970s Washington Congressman Jack Cunningham proposed a new termination bill known as the Native American Equal Opportunity Act — a bill that never came out of committee. Although the act failed to become law, it represented a real and ever-present threat to Indian people. After Congress had passed the Termination Act in 1953, the tribes monitored congressional bills that might affect their lives, particularly acts that lawmakers disguised as being beneficial to Native Americans. In reality,
state and local officials in the Northwest had supported the termination of Indian rights through the Native American Equal Opportunity Act. Sports and commercial fishing interests, including those owned by former Senator Slade Gorton, supported the act as a way of ending American Indian fishing rights, a significant issue of the 1970s.

These and other attempts by governmental officials sought to sidestep the rule of law that had been created by treaties and through due process as mandated by the U.S. Constitution. Even though the tribes had negotiated the three treaties and had given up so much as a result, non-Indians resented the fact that the tribes had secured for themselves a small portion of their former lands and a few of the rights they had always known through their own Indian laws — the right to fish, hunt, and gather on lands where Coyote had planted the roots and berries, placed the animals, and directed the fish to migrate and spawn. Throughout the nineteenth and twentieth centuries, federal, state, and county officials challenged Indian rights guaranteed by treaties. Many state officials attempted to confine Indian fishing, hunting, and gathering to the reservation and, even then, tried to force tribal members to obtain state licenses. Non-Indians sometimes argued that treaties made in the 1850s
Like all of the leaders at the Walla Walla Council, Hol-lol-sote-tote, or Lawyer, tried to negotiate as best as he could for the Nez Perce people. Peopeo Moxmox, Kamiakin, and other chiefs thought that Lawyer had made a prearranged agreement with Nez Perce Agent William Craig. This belief surfaced during the council. When Nez Perce leader Looking Glass entered the council late, he dismissed the people, but the next day he consented to Chief Lawyer’s course of making the Nez Perce Treaty of 1855.

had little relevance to modern America and that Indians should be treated like every other citizen. The protection of these and other Indian rights is important to all Americans, however. If governmental officials can abrogate the rights of Indian people, then they can destroy the rights of Americans whenever they chose, perhaps based on a person’s status, birth place, color, race, or religion.

The treaties negotiated at Walla Walla had a profound effect on Indian rights related to health, education, and economics. Many Indians continued to hunt, fish, and gather during the late nineteenth and early twentieth centuries, and many cultivated their own gardens. Indians raised horses and cattle, selling or trading their livestock, but few families got ahead economically. American Indian men and women participated in the reservation economy, primarily through subsistence farming, minor trade, and livestock sales. Indians sold horses, cattle, produce, and grain to other Indians and to non-Indians off the reservation. They made art objects and sold them to tourists, and Indians earned some money participating in powwows and rodeos, such as the Pendleton Roundup. They never made sufficient money, however, to pull themselves out of the economic poverty that so characterized reservation life before the advent of tribal gaming. True, Indian men, women, and children found migrant work, picking hops or fruit, cutting timber, or herding horses and cattle for white ranchers. Indian children who had attended boarding schools
often learned to be cobblers, masons, carpenters, harness makers, cooks, and maids, but many came home only to find their vocational training useless. Most could not find jobs on or near their reservations. When a few Indians tried to get ahead economically by ranching and farming Indian homesteads, county law enforcement sometimes confiscated their herds, game, and produce. The destruction of the old economy led to poverty, which forced some Indians to seek jobs in cities. They did not forsake their people or cultures, however, they found work in urban areas to feed their families. When conditions improved on the reservations, particularly after the development of Indian gaming, many returned.

Depressed Native economies also led to ill health. Biologically, Indian bodies needed roots, fish, and game. Without sufficient traditional foods and with the influx of diets of high carbohydrates, Indian bodies became susceptible to bacteria and viruses. Disease, malnutrition, and death were the result. Article 5 of the Yakama and Nez Perce treaties and Article 4 of the Umatilla, Cayuse, Walla Walla Treaty addressed Indian health and education on the reservations. In 1855, the government promised to provide each reservation a hospital, a physician, and medicines. The treaties established a government-to-government relationship between the tribes and the United States. The tribes fulfilled their obligation to surrender their lands and live in peace, but for many years the government failed to provide the promised hospitals, doctors, and medicines, and ill health and death became an unfortunate legacy of the Walla Walla treaties. After 1928 the Yakama, Nez Perce, and Umatilla agencies provided greater health care for Indian patients, largely in response to a national investigation into Indian affairs. Still, Indian health lagged behind that of the dominant society, while some death rates remained high, particularly infant mortality and teen suicides.

The legacy of the treaties regarding health care is nearly matched with that of education and economic development. During the Walla Walla Council, Stevens had promised the tribes a bright economic future once the Indians agreed to sign the treaties and become a part of the reservation system. Stevens had told the people he wanted “each man who will work to have his own land, his own horses, his own cattle, and his own home for himself and his children.” The governor suggested incorrectly that these were things out of the reach of Indians living traditional lives in the mid-nineteenth century. Stevens asserted that the United States wanted Indians “to learn to make ploughs, . . . wagons, and everything which you need in your houses.” Stevens wanted women “to spin, and to weave and make clothes.” He wanted men to become “farmers and mechanics, or you
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Article 5: The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers; to build two blacksmiths' shops, to one of which shall be attached a tin-shop and to the other a gunsmith's shop; one carpenter's shop, . . . one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair; and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

—Treaty with the Nez Percés, 1855


will be [Western] doctors and lawyers like white men." Stevens wanted Indians to have shops, mills, and schools so they could be uplifted to the light of white civilization, the market economy, and prepare themselves for educational opportunities.

Article 5 of the Yakama and Nez Perce treaties and Article 4 of the Umatilla agreement addressed Indian education. The government promised to provide two schools on each reservation, including one designed to teach agriculture and industrial arts. The government's legacy of industrial and agricultural education stems from the Walla Walla treaties and the creation of the boarding-school system. Although slow in developing, the government offered some measure of instruction for children on the reservations at day schools and boarding schools. After 1879 and the creation of Carlisle
Indian Industrial School in Pennsylvania, agents encouraged parents to send their children to off-reservation boarding schools. The government built Haskell, Chemawa, Sherman, Phoenix, Albuquerque, Riverside, Flan-dreau, Bacone, Chilocco, and other schools. The government taught Indian children in English and provided curriculum designed to assimilate them. On and off the reservations, Indian children “turned the power” and used their educations to benefit their people and protect tribal cultures, Indian health, self-governance, lands, religions, and rights. In fact, some Indians demanded that the government provide more and better education—just as they asked for advanced medical care. The people used components of their treaties to further Native American agendas, challenging state, local, and federal laws that were detrimental to Indian people. This, too, has been a legacy of the treaties, one that the tribes have used effectively to improve health care and education.

Reservations are an integral part of American Indian identity and tribal sovereignty today, and people living on the Umatilla, Yakama, and Nez Perce reservations revere their lands. Federal agents allotted some of the reservation lands into individual parcels, but they could not completely destroy the tribal estates. Indians tried desperately to make their reservations self-sufficient for their own good. Members of the dominant society had urged Indians to assimilate and “pull themselves up by the boot straps.” That is, Governor Stevens and subsequent officials of the Office of Indian Affairs had urged Indians to become productive, self-sufficient farmers so they could share in the American dream. White settlers, social reformers, clergymen, educators, and newspaper editors urged Indians to throw off traditional ways and assimilate into mainstream American culture so that Indians could exploit their land and resources, embracing capitalism and materialism just like many non-Indians. Indian cultures on the reservations changed, but not to the degree or at the speed desired by many non-Indians. Indians living on the Yakama, Umatilla, and Nez Perce reservations created tribal businesses through farming, ranching, fishing, lumbering, tobacco and fireworks, arts, and crafts. Some of these economic ventures succeeded, but none of them ended poverty on the reservations. In the 1980s and 1990s, the confederated tribes in the Northwest opened gambling operations that have enhanced their economic base. Tribes have used gaming dollars to build homes, water systems, sewers, schools, and roads to improve education, health, and cultural programs. They invest their money into other business ventures so that they will have an economic future.

Trafzer, The Legacy of the Walla Walla Council, 1855
Because of the treaties made at Walla Walla, the tribes have a legal relationship with the federal government. Nevertheless, the national Indian Gaming Regulatory Act of 1988 forced the tribes to sign compacts with state governments and agree to be regulated intensely by federal officials. Some non-Indian citizens resent Indians for exerting their legal, constitutional rights to make profits through gambling and other businesses, including fishing. Some resent tribes for buying back their land or claiming the remains of their dead so they can rebury them in accordance with tradition. Federal, state, and county officials often attempted to keep Indians off their traditional lands and prevented them from hunting, fishing, and gathering at “all usual and accustomed places” in accordance with the treaties. Government and private individuals often prevented Indians from traveling to their old villages and common spaces, including holy places marked by geological formations and known through stories, songs, and memories. At other times, non-Native and government officials allowed Indians to hunt, gather, and pray on sacred lands controlled by public agencies or owned by private individuals. Most important, Indians living on the Nez Perce, Umatilla, Yakama, and other reservations never forgot their holy places. The treaties tore the people physically from their homelands but not mentally or spiritually. Many people, but not all, continue to revere the special places found on the Plateau. In 1931, for example the 111-year-old Sanclow (Mary Owhi Moses) traveled from the Colville Reservation to Wenatchee for a powwow, but when she arrived she first had to see the Two Owl Sisters, the Salmon People, and a rock formation that looked like a profile of her father. Such attachments to the land continue to this day. In August 2005, a delegation of tribal leaders from the Colville Indian Reservation visited Spokane and the Palouse Hills to the south to map graves using the Global Positioning System in an effort to preserve and protect burials. All of the Northwestern tribes have mapped their former lands because of their belief that they remain connected to the lands of their ancestors.

During an oral interview with this author in November 1980, Palouse elder Andrew George retold the origin story of the Palouse Hills and the coming of the salmon. Palouse elder Mary Jim often talked about her village of Tasawiks and her power mountain, known today as Steptoe Butte. Mary and Andrew both spoke about the land in the present tense, and they never shared a word of bitterness about the Walla Walla Council or the treaties made there, except to say that Chief Kamiakin had no right to sign an agreement binding their villages since he was not their leader.
Kamiakin would have agreed. Many Plateau Indians continue their spiritual attachment to their traditional lands, and as a result they say that the lands ceded to the United States by the tribes at the Walla Walla Council still “belong” to Indians, because the Creator designated these lands for their people. In 1855, Young Chief of the Cayuses spoke at the Walla Walla Council, saying, “I hear what the earth says, the earth says, God has placed me here. The Earth says, that God tells me to take care of the Indians on this earth.” The Creator made all things, and “God on placing them on the Earth desired them to take good care of the earth and do each other no harm.” Chief Owhi of the Yakamas agreed, saying, “God was before the earth, the heavens were clear and good and all things in the heavens were good. God looked one way then the other and names our lands for us to take care of.”

These words live today among tradition-minded Indians living on the Umatilla, Yakama, and Nez Perce reservations, and they resonate through the prairies, mountains, coulees, and canyons of the Great Columbia Plain. The treaties brought many profound changes for Indian people, but they did not destroy the spiritual attachment of Native Americans to their beloved homelands, the places that hold the bones and heritage of the people. Yakama, Nez Perce, and Umatilla Indians have never surrendered their sovereignty, culture, or being as Indian people. The treaties did not erase their attachment to the earth. Even today, a spirit moves over the land, binding Indian communities to the past and creating new possibilities. No one foresaw the monumental legacy of the Walla Walla Council, the treaties made near Wailatpu or the effects the events and heritage would have on the everyday life of thousands of contemporary people. But the legacy is profound and deep, having a life of its own that will continue throughout the twenty-first century.

Notes

1. The original, handwritten proceedings of the Walla Walla Council are from “Documents Relating to Negotiations of Ratified and Unratified Treaties,” microfilm T494, reel 5, RG 75, National Archives. For a transcription of the proceedings, see Office of Indian Affairs, Report on Sources, Nature and Extent of the Fishing, Hunting and Miscellaneous Related Rights of Certain Indian Tribes in Washington and Oregon (Los Angeles: Department of Interior, Division of Forestry and Grazing, 1942).

2. The study led to the publication of Lewis Meriam’s classic work The Problem of Indian Administration (1928), better known as the Meriam Report.