

The Indian history is the very history of America. Now, a century after the Treaty of Walla Walla it can be evaluated impartially from government documents.

When the Europeans arrived they found that the original inhabitants and possessed tribal governments, were self sustaining with sufficient clothing and food. Their many forms of worship all flowed from the general belief in a Creator and that death is not the end--a not unsimilar belief to that held in the world today where there are men free to worship as they please.

When Treaties and American history are deeply interwoven. This began ~~when~~ the first occupants were peaceful. It continued with the westwardly migration of settlers that turned the tribes into fierce aggressors fighting to preserve their homes while they resisted the influence of Anglo-Saxon civilization that stifled their culture.

Before the birth of the United States the European nations managed the tribes in individual ways to suit their wishes and acquire as much of the new continent as possible. Although the original rights were not entirely disregarded, the original title to the soil was not permitted to influence the sovereigns.

As early as the Revolutionary War period provincial assemblies dealt with Indian matters and transmitted them to the Continental Congress which

on June 16, 1775 appointed a committee of five to "secure and preserve the friendship of the Indian nations."

That same month three departments of Interior affairs were created by the Congress of the Confederation and with men of no less stature than Benjamin Franklin and Patrick Henry as members. Earlier Franklin told the Albany Congress : "Many quarrels and wars have arisen between the colonies and the Indian nations through the bad conduct of the traders who cheat the Indians after making them drunk."

In 1606 the London Virginia Company instructed its colonists: "In all your passage you must have great care not to offend the naturals; if you can eschew it; and employ some few of your company to trade with them for corn and ~~xx~~ all other lasting victuals if they have any; and this you must do before they perceive you mean to plant among them."

A proclamation issued by the first governor of the Virginia Colony warned that colonization was "not to supplant them (the Indians) and root them out."

The West India Company Colonists purchased "the island Manhattan from the Indians for the value of 60 guilders; 'tis 11,000 morgens in size..."

This was a price of little more than a dollar for a thousand acres!

Although the Treaty with the Confederated Yakima Nation is just 100

years old, the first formal treaty in this country with a tribe was that with the Delawares and it was drawn 177 years ago.

Commissioners were appointed in 1783 to treat with Indian nations and the system persisted until 1869 with the result that 360 treaties were made before congress terminated treaty making in 1871 and a "wardship" policy supplanted the recognition of a "nation."

The colonists of Plymouth recognized the Indians as the possessors of the land and the process of extinguishing Indian title to all the land was outlined under the Articles of Confederation (Sept. 22, 1783).

That historic congress ordered:

"...Therefore the United States in Congress assembled... do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians..."

The eighth section of the Act of Congress of March 1, 1793 enacted the same principle into law:

"...And be it further enacted that no purchase or grant of lands, or of any title or claim thereto, from any Indians, or nation or tribe of Indians within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by a treaty or convention entered into pursuant to the Constitution..."

The War Department was created August 7, 1789 and left Indian matters to the supervision of the Secretary of War. The President appointed superintendents, agents and traders from 1798 to 1834.

With the westward migration Congress created an officer for the Indian Service, July 9, 1832, naming Thomas L. McKenney the commissioner and making him responsible to the Secretary of War. Then the organization of the Department of Indian Affairs was effected by the act of June 30, 1834.

The Hon. Robert J. Walker, Secretary of the Treasury in his annual report to Congress, December 9, 1848, because of the War with Mexico, the acquisition of territory containing thousands of Indians, recommended the transfer of the Indian office from the War Department to the prospective Interior Department which was created on March 3, 1849.

Thus ~~xxx~~ Indian affairs were transferred from the military to civil control and have remained since excepting in case of war.

Documents show that ~~x~~ an Act of March 3, 1871 eliminated the recognition of tribes as nations with which the United States could enter into solemn treaties. That had the result of bringing under immediate control of Congress transactions with the Indians. By then the title to all the public domain had been extinguished excepting Alaska and in the portions included in ~~xx~~ 162 reservations.

Before 1871 there were perhaps 1,000 Indian laws but since then the complexity of perhaps 4,000 more have been added.

Reservations were created by executive order, executive order under authority of act of Congress, by act of Congress, by treaty with boundaries defined by executive order, by treaty or agreement and act of Congress, and by treaty or agreement.

The reservations became small domains within the states and as such were under the absolute control of the United States Indian Agents who in turn were responsible to the Commissioner of Indian Affairs.

And one government document states: "Neither the lands, buildings, stocks, crops, in fact nothing on the reservation is subject to taxation."

When Ulysses Grant was inaugurated as President, March 4, 1869, the superintendency system was in effect. He created a board of Indian commissioners and set about instilling new policies, many no doubt based on the time when he was a young ~~lieutenant~~ officer serving at Fort Vancouver.

By the year 1890 several had become "fixed."

Allotment of Indians on definite areas tended to destroy the reservations, education of the people was stressed and reservation Indians were enlisted as soldiers.

It is history now that impoverishment was a result of the Enrollment Act, Indian land was sold or the tribesmen became dispossessed of large acreages. There was hunger, social breakdown and ill health. Poverty increased and costs to the government rose.

When the allotments were completed, the residue of land on some reservations was sold to the government for 75 cents to \$1.25 cents an acre and then sold to settlers. This was done through "land rushes," of which that for the Cherokee strip is most famous.

Soldiers stood by and fired a signal upon which the land hunters rushed onto the tract, squatted and then laid siege to the land office to claim it by entry.

By June 30, 1890, the area of Indian land surrendered to the nation amounted to 17,400,000 acres.

During this critical period, although opening of the Yakima Reservation as well as the Umatilla was frequently threatened, the treaty of the kind signed by the Yakima chiefs, having solemn assurance of the Senate and the President, remained inviolate.

When the Yakima Treaty was signed it created ^a the reservation of approximately 800,000 acres or 1,250 square miles of farming land, grazing land, forests, streams and lakes, setting it aside "as long as the mountain -Mt. Adams-

stands, and the river--the Columbia--flows, for the 14 original tribes.

This area the Yakimas ~~received in exchange~~ received for a vast area they ceded consisting of ----- acres or ----- square miles. And beside there was the promise that the government would protect the people, educate them to the ways of a new life, hospitalize their ill and infirm and forever offer the guardianship of a beneficent nation.

So while the United States assumed the responsibility for its Indian citizens in the same nature that a nation does for all its inhabitants, it assumed an additional stewardship.

The original occupants had to adapt themselves to value systems with which they were not familiar and to economic pursuits that were alien to their traditions.

An old chief of the Iroquois, whose people showed early settlers the operations of a democracy--the Iroquois government which was unknown in Europe, told how it was.

"Now the white man has become strong. Our little countries--the reservations--are all that we have left of this beautiful country, the gift of the Great Spirit to us. We have the right to call this our country. It is ours. We have the written pledge of George Washington that we should have it forever...

"Our sacred treaties have been broken like saplings and your land speculators have come forth to cheat and rob us, your former protector.

"What harm can our retaining our reservations and treaties do to you? What are a few thousand acres of ~~xxx~~ land to a nation like the United States? Neither have you any lack of ~~xxxx~~ wealth that your people need become rich at our expense. Neither have we given you any grounds of complaint against us.

"After all that has happened to us, justice is not much for us to ask.

"When your Thirteen Colonies won their freedom you took a brand from our Council Fire--our government--and kindled your own fire.

"We believe that if the people of the United States knew our story that they would not allow their government to pass these bills in violation of our treaties and without our consent.

"The hand that guided and protected your ancestors is now open to you for justice!"

The long, lean years of treaty making in the east shaped events that were to culminate in the Yakima Treaty because history knows no geographical boundaries.

The Organic Laws of Oregon Territory, adopted August 14, 1845 and embracing what is now the state of Washington, prescribed that the "utmost good

faith shall always be observed towards the Indians, their lands and property shall ~~never~~ never be taken from them without their consent...

but laws founded in justice and humanity shall from time to time be made for preventing injustice being done to them."

The organic act creating Washington Territory was passed on March 2, 1855 and a territory was formed from a region claimed by right of discovery in 1792 and by purchase from France in 1803. The northernmost boundary was determined by the Treaty with Great Britain, known as the Oregon Treaty which established a boundary between this country and the British Possessions of the forty-ninth degree of North Latitude.

So while it was not until Nov. 11, 1889 that the territory was admitted to the Union, the pre-treaty impact of migration and Indian dealings in the Oregon country, as the whole area was known, was forming.

The act establishing the territorial government of Oregon, January 29, 1847 not only cleared the way for the later creation of Washington Territory by providing that nothing in the act should be construed to inhibit the government from dividing said the territory into two or more territories but it also declared: "Nothing in this act shall be construed to impair the rights of person or property now pertaining to the Indians in said territory, as long as such rights shall remain unextinguished."

Indian history begins with the advent of white people upon the continent. Much of what has been written about the pre-Columbian period is but a repetition of old fancies, legends and traditions.

The European found the Indians self-sustaining and self-reliant with tribal governments, many ~~forms~~ ^{forms} of worship and many superstitions, with ample clothing of skins and furs and food fairly well supplied. They were men and women to whom the restraints of a foreign control became as bonds of steel.

Peaceful at the advent of the whites, then hostile, the Indians became more wild and savage as our ancestors proceeded westward, this fierceness being aggravated by the advancing lines of Anglo-Saxon civilization

p. 61

Foreign nations in control of the present area of the United States up to the colonial period managed Indians each in its own way.

During Revolutionary period various communications were received by the provincial assemblies relative to the Indian tribes and these were transmitted to the Continental Congress. On June 16, 1775 a committee on Indian affairs of five was appointed... to secure and preserve the friendship of the Indian nations.

On June 30, 1775 three departments of Indian affairs were created by the congress of the Confederation, among them Benjamin Franklin, Patrick Henry and James Wilson.

April 29, 1776 a standing committee on Indian affairs was organized in Congress

When the confederation was formed the Indians came under the control of Congress

The first formal treaty, made between the United States and an Indian

tribe was made with the Delawares in 1778. This indicated the intention of organizing a state to be known as the fourteenth Indian state, with representation in Congress.

In 1783 commissioners were appointed to make treaties with all the Indian nations//...the treaty system continued until 1869 resulting in about 360 treaties and almost endless confusion. In 1871 Congress ordered the making of such treaties stopped. The "ward" then took the place of the "nation" idea.

Upon the creation of the War Department, August 7, 1789, Indian affairs were left under the charge of the Secretary of War.

From 1798 to 1834 Indian superintendents, agents, agents and traders were appointed by the President. By the act of Congress of April 16, 1818, superintendents and agents were to be nominated by the President and appointed by and with the advice and consent of the Senate.

The movement of the people west, the necessity for curtailment of Indian roaming ground became apparent and the Indian being troublesome Congress, July 9, 1832 created a distinct officer for the Indian service, to be called a commissioner, subordinate to the Secretary of War.

On June 30, 1834 an act was passed to provide for the organization of the Department of Indian Affairs.

By reason of the war with Mexico and the acquisition of new territory containing many thousands of Indians the Hon Robert J. Walker, Secretary of the Treasury in his annual report to Congress, Dec. 9, 1848, recommended the transfer of the Indian office from the War Department to the prospective Interior Department. The Department of the Interior was created by act of March 3, 1849, the bureau of Indian affairs was transferred to that department and the Indians passed from military to civil control where they have remained since except where as in the case of Indian war or revolt, Indian agencies or reservations were placed under charge of army officers.

p. 640 According to the Annual Report of the Commissioner of Indian Affairs for 1890 P X^AIX "from the execution of the first Treaty made between the United States and the Indian tribes residing within its limits (Sept. 17, ~~1790-1788~~ 1778) with the Delawares) to the adoption of the act of March 3, 1871, that 'no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power with whom the United States may contract by treaty,' the United States has pursued a uniform course of extinguishing the Indian title ~~only~~ only with the consent of those tribes which were recognized as having claim to the soil by reason of occupancy, such consent being expressed in treaties... Except only in the case of the Sioux Indians in Minnesota, after the outbreak of 1862, the Government has never extinguished an Indian title as by right of conquest; and in this case the Indians were provided with another reservation, and subsequently were paid the net proceeds arising from the sale of the land vacated."

p. 641 . By the act of March 3, 1871, the legal fiction of recognizing the tribes as independent nations with which the United States could enter into solemn treaty was, after it had continued nearly a hundred years, finally done away with. The effect of this act was to bring under the immediate control of the Congress the transactions ~~which~~ with the ~~the~~ Indians and reduce to simple agreements what had before been accomplished by solemn treaties.

Same commission report.. learn that title to all the public domain had then been extinguished except in Alaska, and in the portions included in one hundred and sixty-two ~~and~~ Indian reservations and those acquired by the Indians through purchase.

Of the 162 reservations there were established

By executive order 56, by executive order under authority of act of congress 6

Indian Land Cessions in the United States, compiled by Charles C. ~~Rays~~
Royce, 18th annual report Bureau of American Ethnology, 1896-97 pt. 2
Government Printing Office, 1899

p. 527

Among the various problems forced on European nations by the discovery of America was that of determining their respective rights in regard to the territory of the newly discovered continent. The fact that the country was inhabited by and in possession of a native population does not appear to have been taken into consideration in the solution of this problem.

Each of the great nations of Europe was eager to appropriate to itself so much of the new continent as it could acquire. Its extent afforded an ample field for the ambition and enterprise of all, and the character, low culture-status and religious beliefs of the aborigines afforded an apology for considering them a people over whom the superior genius of Europe might rightfully claim an ascendancy. The sovereigns of the Old World therefore found no difficulty in convincing themselves that they made ample compensation to the natives by bestowing on them the benefits of civilization and Christianity in exchange for control over them and their ~~own~~ country. ... This principle was, that discovery of lands gave title therein to the government by whose subjects or by whose authority such discovery was made against all other European or civilized governments, which title might be consummated by possession.

p. 528-- in all these claims and contests between the civilized nations of Europe, the Indian title to the soil is nowhere allowed to intervene, it being conceded that the nation making the discovery had the sole right of acquiring the soil from the natives and of establishing settlements on it.

Nevertheless it must not be understood that the Indians' rights were wholly disregarded by the powers in planting colonies in the territories taken possession of ~~claimed~~ by them

p. 533

9th of the Articles of Confederation (as early as Sept. 22, 1783) while yet operating under the Articles of Confederation, the following proclamation was ordered by Congress.

..Therefore the United States in Congress assembled..do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians..

By the eighth section of the act of Congress of March 1, 1793, entitled "An Act to regulate trade and intercourse with the Indian tribes,, the same principal was enacted into law, as follows:

"And be it further enacted, that no purchase or grant of lands, or of any title or claim thereto, from any Indians, or nation or tribe of Indians within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by a treaty or convention entered into ~~on~~ pursuant to the constitution...

p. 534 This was repeated in Section 12 of the Act of May 19, 1786; also in Section 12 of the act of March 30, 1802. By ~~the~~ section 15 of the act of March 26, 1804, "directing Louisiana into two Territories, and providing for the temporary government thereof..."

It is clear therefore that although the United States has always conceded to the Indians the usufruct or right of occupancy to such lands as they were in possession of, yet they have always held the theory of the European powers, and claimed that the absolute right to the soil was in the Government.

p 562//

(As the policy of the different colonies in the respect now treated of was seldom if ever expressed at the outset, it must to a large extent be ascertained from their practical dealings with the natives in regard to their lands and their titles thereto.

p. 563 The instructions given to the council of the London Virginia Company

to the first adventurers (1606) contains the following slight indication of the policy to be adopted in dealing with the Indians: "In all your passages you must have great care not to offend the naturals, if you can eschew it; and employ some few of your company to trade with them for corn and all other lasting victuals if you (they?) have any: and this you must do before they perceive you mean to plant among them." (E.D. Neill, History of the London Virginia Company p. 8 The English Scholar's Library No. 16 p. XXXV

during 1600 policy slowly shaping in Maryland, ~~0000~~ York

p. 576 "New York's Policy" West India Company colonists ..purchased the island Manhattea^N from the Indians for the value of 60 guilders; 'tis 11,000 morgens in size ..." The price paid was ver small, ~~base~~ but little more than one dollar for a thousand acres

p 577 Not quoted

The patroons purchased lands where they desired to plant colonies on banks of the Connecticut river and on Delaware bay 1634 (the Dutch)

Treaty with six nations in 1768 (p 584) ..but it was provided "that the land occupied by the Mohocks around their villages as well as by any other nation affected by this cession, may effectually remain to them and to their posterity."

New Jersey, Pennsylvania, Massachusetts

p. 601-- ...The ~~people~~^{people} of Plymouth recognized the Indian occupants as the proprietors

p. 639

As already observed the policy of the United States respecting the process of obtaining or extinguishing the Indian title to their lands was outlined while the government was conducted under the Articles of Confederation.

By act of congress 28

By treaty, with boundaries defined or enlarged by Executive order 15

By treaty or agreement and act of Congress 5

By unratified treaty 1

By treaty or agreement 51

641--It appears...that the method of establishing reservations has not been uniform, some being by treaty, some by executive order and others by act of Congress. Those established by Executive order, independent of the act of Congress, were not held to be permanent before the "general allotment act" of 1887 under which p 642 "the tenure has been materially changed and all reservations, whether by Executive order, act of Congress or treaty, are held permanent."

Ron-Aren Kaien Kwi Jan. 1948

"any winters ago your forefathers came to our country. They were poor weak and feeble. They asked for a little land to plant corn on for their women and children, a ^{place} place to spread their blankets. We took pity on them. We gave them a great tract of land. Our forefathers taught them how to live in America. They showed them many things, how to plant corn, beans, squashes, potatoes, tomatoes and many more vegetables..told them the clam and oyster were good to eat; showed them how to make the canoe, the moccasin, the sleeping bag, the ~~soo~~ snowshoe; they taught them how to smoke the pipe of friendship ~~of~~ and peace...showed them the workings, the operations of a great democracy, the Iroquois Government, a system unknown in Europe or Asia. During times of hardship ~~so~~ when their little ones cried for bread, it was the Indian who brought them meat, corn and fish.

Now the white man has become strong. Our little countries (Reservations you call them) are all that we have left of this beautiful country, the gift of the Great Spirit to us, his Red Children. We have the right to call this our country. It is ours. We have the written pledge of George Washington that we should have it forever as against him or his successors and he and his ministers promised to protect us in it. We didn't think we would ever live long enough to find that an American promise was not good.

...

A few years ago you won a great war. We fought by the side of your generals

p. 43

p. 44 We were told that we were fighting for democracy, for the rights of little peoples! Your generals still live to bear testimony of our fidelity. Yes, the blood of our warriors was shed on the battlefields of France, Germany and Japan for what you then told us was our common cause.

Democracy! Why then should you wish to break the sacred agreements between your country and the Six Nations? Our sacred treaties have been broken like saplings and your land speculators come forth to cheat and rob us, your former protector, once a great and powerful nation, the Iroquois.

What harm can our retaining our reservations and treaties do to you?

What are a few thousand acres of land to a nation like the United States? Neither have you any lack of wealth that your people need become rich at our expense. Neither have we given you any grounds of complaint against us.

We want justice from now on. After all that has happened to us, that is not much for us to ask. When your Thirteen Colonies won their freedom from Great Britain you took a brand from our Council Fire (our government) and kindled your own fire. Now the same fire is trying to consume the very people who taught you the worth of such a fire.

Your government has just ^{decided} ~~decided~~ to take away the political liberties of all the Red Men you promised to protect forever, by passing such laws ~~too~~ through your Congress in defiance of the treaties made by George Washington. Those laws, of course, would mean the breaking up of the tribes if enforced. Our people would rather be deprived of their money than their political liberties. So would you!

We believe that if the people of the United States knew our story that they would not allow their government to pass these bills in violation of our treaties and without our consent.

The hand that guided and protected your ancestors is now open to you for justice!

Indians in Washington, 1890-- p. 606-- The territorial organic act was passed March 2, 1853, and the territory was formed from area claimed by discovery in 1792 and also stated to be of the area purchased from France in 1803; but the northern boundary was settled by the treaty with Great Britain known as the Oregon treaty of June 15, 1846, establishing the boundary between the U.S. and the British Possessions as at present defined, namely the forty-ninth and degree of north latitude. Washington was admitted to the union in November 11, 1889.

Yakima Agency reservation : 800,000 acres, 1,250 square miles. Treaty of Walla Walla June 9, 1855) 12 U.S. Stats p. 951)

Census of 1890: There were 1,423 Indians on the reservation, 200 were off, in mts gathering roots and berries. Only half dress as whites. One third speak English sufficiently well to make themselves known.

Wheat: 20,000 bushels of wheat in 1888, 10,000 in 1889 and 10,000 in 1900.

Oats and barley, 20,600, 5,500 and 5,500.

Corn 600, 100 and 200

Vegetables (bushels) 6,525, 2,270 and 3,700.

Hay tons 3,500, 4,000 and 10,000.

Butter made 5,000 pounds, 5,000 and 5,000.

Lumber sawed feet 1,053,000 in 1889, 85,000 in 1900.

Freight transported

Wagon loads 10,020, 10,020, 10,025

Horses and mules number 10,020, 10,020, 10,025

Cattle 5,000, 6,000, 7000.

Swine 250, 150, 300.

Sheep 400, 250, 5001.

Domestic fowls 1,000, 100,0, 3,000.

Indian Wars

Indian wars under the government of U.S. more than 40. Lost lives of 19,000 non-Indians and lives of about 30,000 Indians.