



## **A History of Treaties and Reservations on the Olympic Peninsula, 1855-1898**

**A Curriculum Project for Washington Schools**

**Developed by  
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**Olympic Peninsula Community Museum  
in partnership with the University Libraries,  
Center for the Study of the Pacific Northwest,  
and University of Washington Department of History**

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### **I. Introduction**

The curriculum materials in this packet are intended to provide middle- and high-school teachers with the background and basic tools they need to develop and incorporate lessons about Indian-white relations in Washington into existing lessons about the history of the United States and Washington. This packet focuses on the treaty negotiations and the establishment of reservations on the Olympic Peninsula that took place in the last half of the 19th century, but it also provides a broad overview of how relations between Indian nations and the United States government evolved in the first hundred years of the nation's history.

In brief, long before the United States emerged from the American Revolution, and long before Europeans sailed into the waters off the coast of what is now the state of Washington, the Olympic Peninsula was populated by peoples with complex cultures living within discrete territories and who had well-defined ideas of property and ownership. Although their lands were not mapped out in a modern, conventional fashion, the borders between tribes such as the Makah, Quileute, and Hoh were well known to the people living there. With the arrival of the Europeans and, later, Americans, the Native ideas of landholding came into conflict with Euroamerican ideas that were substantially different. The struggle and negotiation over territorial possession would define Indian-American relations in Washington from the mid-nineteenth century forward. It is a struggle that, in many respects, continues today. This curriculum guide will take a look at a part of that story: the treaties and negotiations that lead to the creation of the reservations of the Makah, Quileute, and Hoh. It aims to put the process into the context of then-current national ideas about Indian lands and sovereignty as well examine how those ideas played out in the earliest days of the Washington Territory. Using the [primary source materials](#), students will be able to understand the broad outlines of the policies that framed Native-U.S. relations in the first years of Washington Territory, why treaties were established between the

Natives of the Olympic peninsula and the U.S. government, how this negotiation process took place, and some of the reasons for friction between Natives and the early American settlers.

The contents in this curriculum packet can be grouped into three parts. First is the [historical overview](#) (Section II) that provides the national context that guided the development of the U.S.-Indian policies and shaped the treaties and the establishment of reservations on the Olympic Peninsula. This section is provided as background for teachers who may be unfamiliar with some of the broad outlines of U.S. Indian policy. The second part (Section III) is the story about [how treaties were negotiated with Makah, Quileute, and Hoh](#) and how the reservations were established on the peninsula in the nineteenth century. This section is the core element of the curriculum packet and is essential reading for those who want to understand what happened on the Olympic Peninsula in the last half of the nineteenth century. The third part (Sections IV-VI) covers the materials, resources and [suggested learning activities](#) that teachers and students can use in developing their lessons. These materials include copies of the treaties, documents, reports, maps, and photographs and they can be used in a variety of ways. Although the packet provides suggested learning activities, it is understood that teachers will pick and choose the best and most appropriate materials for their classes.

## **II. Historical Context and American Policy**

### **A. Outsiders Arrive**

In early 1775, Spain's Captain Bruno Heceta came ashore on the Pacific side of the Olympic Peninsula. It's not certain but he likely landed near the Hoh River where he and crew his claimed the country for the king of Spain before rowing back to their ship and sailing away. As brief as it was, this visit probably marks the first arrival of Europeans on the northwestern coast of Washington and may have signaled the first encounter between the Natives on the region and white men. That encounter was confirmed, violently, later when another Spanish vessel, the schooner *Sonora*, arrived off the coast near Destruction Island and was greeted by Indians in canoes who were interested in trading skins and fish for European goods. The next day sailors dispatched to get water were attacked, overwhelmed, and killed by Indians when they landed on the beach. It is not clear why the sailors were attacked-although it's possibly that the sailors entered a safe haven for women-but the Indians removed the iron from their boat and then paddled out to schooner and acted in a way that the remaining Spanish sailors believed was threatening. The Spanish opened fire, killing or wounding six or seven Indians, and then fled. A dozen years later, in a remarkably similar incident at the mouth of the Hoh River, six crewmen of the British *Imperial Eagle* were killed. Just who were the Indians the Europeans meet along this stretch of coast is still unclear: Although the Hoh seem a likely choice, anthropologists and historians suggest that the Natives could also have been Quileute, Quinault, or Queets. Regardless, those first encounters gave the Natives of the coast a reputation for fierceness and independence.

Further north, of the earliest recorded encounters between the Makah on the northwestern edge of the Olympic Peninsula and Europeans occurred in June 1788 when Captain John Meares, a British sailor and merchant sailing under the Portuguese flag, arrived off the coast of Cape Flattery near Tatoosh Island to trade. Met by boatloads of Makah men, including the leader

Tatootche, Meares found the Indians unwilling to trade and, after several futile attempts to negotiate, Meares sailed on down the coast. In the ensuing years, other traders had more luck with the Makah and, when the Spanish arrived at Neah Bay in 1790, they found the Makah ready to do business. Two years later, while seeking to establish territorial claims to an area that was attracting European competition in the fur trade and therefore seemed to threaten Spain's control of California, the Spanish returned to Neah Bay to build a military settlement. (For a synopsis of the Nootka Sound Controversy, see the CSPN's online curriculum packet [Indians and Europeans on the Northwest Coast, 1774-1812: Historical Context](#).) The expedition of 83 men, led by Salvador Fidalgo, arrived at the end of May with orders to choose a good site for a fort.

While Fidalgo was ordered to take possession of the land through the customary ceremonies (which usually included erecting a cross and burying a bottle containing documents claiming the land for the king), he was also instructed to establish good relations with the Indians, avoid conflicts with them, and, possibly, enlist them as laborers for the settlement's farm. The Spanish occupation did not last long: Within months worries about the site's defensibility, changes in Spain's policy, and a lack of cooperation from the Natives persuaded the Spanish to abandon Neah Bay. Although the Makah and the other Natives in the northwestern corner of the peninsula continued to have intermittent contact with European traders, explorers, or shipwrecked sailors, more than 50 years would pass before other outsiders would arrive to lay claim to the Indians' land.

## B. Colonial Heritage

At about the same time that Meares was trying to initiate trade with the Makah, a new nation on the other side of the continent was beginning to establish and articulate its ideas about the acquisition of Indian lands. The United States, having only recently broken free from British colonial authority, was developing a series of legal policies that would guide U.S.-Indians relations for the next 200 years.

Those policies relied heavily on the models that evolved after English settlers arrived in North America in the sixteenth and early seventeenth centuries. From the outset, the Europeans and the Indians on the East Coast of North America had different concepts of land ownership. The Indians understood the countryside as having spiritual powers that required the Natives to treat the land with respect or face dire consequences. While Indians recognized that tribes had definable homelands, they did not ordinarily consider that individuals could "own" land, let alone buy it and sell it—something the Europeans who arrived on their shores took for granted. Even then, the situation in North America created questions in European minds about their rights in acquiring lands among the Native Americans. Some Englishmen argued that Europeans had no rights to Indian lands, others that Europeans were entitled to "share" the lands with the Indians because of an innate European superiority, and, as one nineteenth-century historian observed, "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 country." Still other Europeans asserted that, because the "Godless savages" had not heeded the Biblical injunction to "subdue the Earth," Indians had forfeited any right they had to the land. Puritans, in particular,

believed they had a divine right to take possession of Indian lands. Moreover, these ideas continued to inform questions about Indian land ownership through the 1800s.

In addition, while few Indians claimed land as private property, families, villages or tribes often recognized rights to use certain lands to plant and gather crops or hunt and fish, and several families or tribes could use the same lands at different times of the year. This created problems for colonists intent on land acquisition. Early on in negotiations between whites and Indians, Native Americans were often agreeable to granting the colonists nonexclusive access to Indian land in transactions that colonists assumed were equivalent to the transfer of title. The result was often a confusing, overlapping profusion of colonial and Indian claims to the same pieces of real estate. It also did not help that-especially in the first few years of European settlement-the colonists and the Indians often did not share a common language and negotiations were carried out through translators and sign language.

Although the English crown had arbitrarily and unilaterally claimed Indian lands by right of "discovery"-reserving the right to parcel the land out as it saw fit and granting Native Americans only possessory and usufructuary rights (the rights to occupy and use the land)-by the middle of the seventeenth century most colonies found that it made sense to establish treaties that extinguished Indian title and ceded lands to the colonies in exchange for some kind of payment. These agreements lessened the initial frictions between Indians and Europeans but also contributed to confusion and misunderstanding as each colony approached the treaty-making process in different ways.

By the middle of the 1700s this patchwork of colonial treaties had led to a growing number of violent conflicts between the colonists and the Indians that threatened to disrupt the growth and stability of colonies. These conflicts increased in intensity as the colonists ignored both imperial policy and Indian boundaries as they continually pressed westward into Indian lands. In 1755 the British took a large step toward removing Indian policy from the individual colonies and centralizing its administration under the crown by appointing the first superintendent of Indian affairs. He was charged with, among other things, protecting the Indians from unscrupulous traders, maintaining amicable relations with the Natives, and establishing the boundaries between Indian land and land open for settlement. Less than a decade later King George III issued the Proclamation of 1763 that, in part, prohibited English settlement beyond the peaks of the Appalachian Mountains and declared that all the lands west of the mountains to the Mississippi River were reserved for the exclusive use of the Indians. By setting up this Indian-only territory, the British hoped to preserve friendly relations with the Indians and maintain order in the colonies by separating the Natives from the whites. In addition, the imperial government sought to regularize relations with the Indians by controlling trade and political intercourse. Although this new system was only partially successful, it was still in place when the American Revolution broke out. While the British eventually lost the war-despite the military aid of numerous Indian allies-the Indian policies the crown had established served as a model for the new nation.

### C. New Nation

Even as the framers of the Constitution went to work in Philadelphia, Congress, acting under the Articles of Confederation, approved a law that enunciated the government's intent to establish a clear and impenetrable boundary between whites and Indians while at the same time promoting the orderly transfer of Indian lands to American citizens. This law, the Northwest Ordinance, was approved in July 1787 and is known primarily because it outlined the procedure by which the nation's territories could become states and assured that all new states would have the same rights and privileges as those that preceded them. It did, however, also assert:

The utmost good faith shall always be observed towards the Indians, their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress, but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them. (See [Northwest Ordinance](#), pp. 340-41.)

In 1777, the Continental Congress approved the Articles of Confederation to govern the new nation but not without first wrangling over provisions dealing with whether the management of Indian affairs should follow the British model and be consolidated under federal authority or if Indian policymaking should be granted to the individual states. It was an important question-seeking allies against the British, the Americans negotiated their first Indian treaty with the Delaware in 1778 (see [Treaty with the Delawares, 1778](#)) - and, in the end, Congress approved ambiguous language that gave the federal government the "exclusive right" of "regulating the trade and managing all affairs with the Indian" outside of state boundaries but seemingly left Indians living within state boundaries under state authority. The ambiguity was finally resolved when the Articles of Confederation was scrapped in favor of a new Constitution in 1787-a year before John Meares dropped anchor at Cape Flattery to trade with the Makah.

As historian Colin Calloway has pointed out, there are inherent inconsistencies in the idea of converting Indian territories into states while respecting the integrity of Indian lands and maintaining peace: "...the Ordinance ... laid out a blueprint for national expansion: the [Old] Northwest Territory was to be divided into districts which, after passing through territorial status, would become states.... Indians who resisted American expansion soon found themselves subjected to 'just and lawful wars.'" Indeed, Natives everywhere along the border between Indian country and white settlements were feeling pressure from Americans hungry for new lands.

While the framers of the Constitution made it clear that Congress-not the states-had the power "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes," the supremacy of federal authority in Indian affairs was still disputed by some states. That supremacy was established conclusively in the landmark 1832 Supreme Court decision, *Worcester v. Georgia*. Speaking for the majority, Chief Justice John Marshall said that single Constitutional clause gave Congress the power to establish treaties with the Indians and regulate trade with them. He concluded that "These powers comprehend all that is required for the regulation of our intercourse with the Indians." In a previous case, Marshall had also authored the court's decision in *Cherokee Nation v. Georgia* (1831) that established that Indian tribes should be considered "domestic dependent nations" that had a relationship with the United States that "resembles that of a ward to his guardian." (See [Cherokee Nation v. Georgia](#).) Marshall

wrote, "They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father." Taken together, the two court decisions clarified the status of Indian tribes in the new nation. These court decisions also tacitly recognized the failure of federal policies aimed at maintaining peace between whites and Indians by establishing impenetrable boundaries between their communities.

#### D. Indian Removal

In 1790, the new Congress passed its first Indian Trade and Intercourse Act. It was aimed at regularizing trade relations with the Indians and allowing the federal government to enforce treaty provisions that prohibited encroachment by white settlers and punish whites who committed crimes against Natives in Indian country. It also invalidated the private acquisition of Indian lands and required that all tribal lands be purchased through treaties negotiated between Indian leaders and federal commissioners. It was followed by a new law in 1793 that tried to strengthen Indian protections against attacks by white settlers and better regulate the sale of Indian lands while providing goods-primarily agricultural implements and draft animals-that would "promote civilization" among the Indians. Again, in 1796, the federal government restated its desire to protect Indians from white encroachment by passing another trade and intercourse act, this one establishing a defined line between white settlement and Indian country-provisions that were essentially made permanent under President Thomas Jefferson in 1802.

In passing these acts, the government displayed its desire to create a barrier between Indians and white Americans by removing Indians to western lands and isolating them from the negative influences of white society. The idea-which would become *de facto* federal policy for roughly the next fifty years-was based on the assumption that, given careful guidance, the Indian populations could be fully assimilated into American society. It was understood that this assimilation process would take time and, until the Indians had learned all the skills they would need to become citizens, it was best to isolate them from the pernicious aspects of white encroachment by moving the Indians westward. Thomas Jefferson and others saw the Louisiana Purchase in 1803, which doubled the size of the U.S., as a way to provide the Indians with a safe haven to become "civilized." Few, however, could conceive how quickly white Americans would rush into these new territories, each successive wave of settlement creating the same tensions and conflicts-often resulting in violent local "wars" between Indians and whites-that had plagued Native peoples since the arrival of the Europeans. At the same time, the federal government did not allocate the resources needed to effectively enforce these laws protecting Indians or their lands or provide a way to stem westward migration. As a result, the first five decades of the nineteenth century were marked with an increasing number of Indian removals, the most well-known being the 1838-39 Cherokee removal and the "Trail of Tears."

#### E. Assimilation

When white Americans in the nineteenth century spoke of assimilation they were talking about a cultural transformation of Indian peoples that assumed that there were "stages" of civilization arranged in a linear, ladder-like structure. Grounded in Enlightenment thought-the same intellectual philosophy that produced the ideas of natural rights and human liberty enshrined in the U.S. Constitution-this concept of civilization stipulated that every society had to climb the

ladder from savagery through barbarism to, at the pinnacle, civilization. Civilization, of course, was defined in ethnocentric terms of the Euroamericans. Under that model Indians would only become civilized and assimilated once they adopted agriculture (which included the abandonment of communal land holding in favor of "severalty"-the individual ownership of private parcels); learned to read, write, and speak English; and became Christians. Left unanswered by the white thinkers were knottier questions that revolved around questions of race and acceptance: Would whites welcome Indians as citizens? Would white parents allow Indian children to attend schools with their children? Would it be acceptable for whites and Indians to marry and have mixed-heritage children? These same thinkers, by and large, seldom paused to consider whether Indians wanted to be assimilated or whether Native peoples could be incorporated into American society without renouncing their heritage and identity.

Less than three years after Lea made his remarks the official Indian policy of the United States was one that still recognized Indians' property rights-and the need to extinguish those rights before allowing whites to settle on Indian lands. In addition, it now sought to move Indians onto reservations where they could be supervised by government agents who would teach them how to farm and educate them in the skills and knowledge needed to become American citizens. The government, acting as the paternal guardian of its Indian wards, also took on the responsibility of clothing, housing, and feeding its charges until they became self-sufficient enough to fend for themselves in American society.

## F. Reservations

By 1848, the United States had become a transcontinental nation. In 1846 it had resolved a long-standing dispute with Great Britain and established its ownership of the Oregon Territory (which then encompassed all land west of the Rocky Mountains and north of the Columbia River to the 49th parallel) and, two years later, the nation's victory in the Mexican-American War (1846-48) consolidated the acquisition of Texas and incorporated nearly half of Mexico-including the present-day states of California, Nevada, Arizona, and New Mexico-into its territory. Addressing Congress in 1848, President James K. Polk noted that the United States had doubled its size in three years of aggressive expansion and was now a transcontinental nation. Although it may not have been apparent to most, the nation's expansion meant that it would become increasingly difficult to remove Indians beyond reach of white settlers. As historian Robert A. Trennert, Jr., has observed, this change persuaded government officials "that a policy of reservations would be the only practical solution, from the white man's viewpoint, to deal with a drastically altered Indian frontier."

America's push toward the Pacific had begun half a century earlier as Yankee traders sought to exploit the sea otter fur trade in the Pacific Northwest and, a little later, the hide and tallow trade in California. In 1788, Captain Robert Gray, a Boston trader, embarked on the first circumnavigation of the globe by an American, stopping to purchase furs from Natives at Nootka Sound before heading across the Pacific to sell them in China and returning to Boston in 1790. His return in 1791-92, along with the surveys and observations from the British Navy's Captain George Vancouver's visit to the Strait of Juan de Fuca and Puget Sound in 1792-93, generated a great deal of interest among British and Americans seeking to exploit the resources of the Pacific Northwest-primarily in the fur trade and whaling-and by 1791 there were at least six American

ships plying the waters of the Northern Pacific. (For a more detailed account of Euroamerican and Indian relations in the region during this period, see the CSPN online curriculum packet "Indians and Europeans on the Northwest Coast, 1774-1812: Historical Context.")

The Louisiana Purchase in 1803 and the subsequent transcontinental Lewis and Clark expedition captured the imagination of the nation and, according to historians Robert V. Hine and John Mack Faragher, brought Oregon to the attention of the nation-so much so "that Americans thereafter assumed it was their own preserve." The expedition also spurred an international competition to exploit the fur trade in the Pacific Northwest, pitting the British North West Company against John Jacob Astor's American Fur Company. The North West Company triumphed when the British captured Astor's outpost-Astoria-at the mouth of the Columbia River during the War of 1812. The trading post was soon moved to Fort Vancouver and, in 1821, the North West Company was absorbed by the Hudson Bay Company. The Hudson Bay Company remained the dominant European presence throughout the region for most of the next three decades.

American settlement of the Oregon Country-a loosely defined area that stretched from California north into what is now British Columbia and east into Montana-began in the 1830s with the arrival of Protestant missionaries and their families who came to Christianize the "heathen" Indians. Driven in part by a slumping economy in the United States, hundreds of settlers headed to the Oregon country in the early 1840s. From Missouri to Oregon, the settlers' trail bisected Indians lands, destroyed rangelands, depleted Indian hunting grounds, and created tense encounters. By 1845 there were about 5,000 Americans living in Oregon country. In 1846, the United States and Great Britain signed a treaty that divided the Oregon country along the 49th parallel and established the lands south of the border as American territory. The discovery of gold in California in 1848 and the subsequent rush to the goldfields sent thousands more overland, crisscrossing Indian lands and prompting the United States to build forts to protect the immigrants. The Gold Rush also accelerated economic development in Oregon and Washington by creating a demand for foodstuffs and lumber; by 1869 there were about 100,000 Americans in the region.

As early as 1841 the commissioner of Indian Affairs, T. Hartley Crawford, was suggesting that the Indian Territory west of Missouri be divided into two Indian "colonies"-one north and one south of the immigrant trail, creating a broad path of land for white travelers and settlers. In 1848 Hartley's successor, William Medill, put the suggestion into his annual report and made it policy, officially shifting the government approach to the "Indian problem" from removal to reservation. Medill intended to confine the Native Americans to these colonies and lead them toward "civilized" behavior and assimilation into American society by forcing them to take up Euroamerican agriculture practices. If the policy proved successful in the Great Plains, Medill expected it could be used elsewhere as needed-places like California, New Mexico, and the Oregon Territory. Although Medill touted the benefits the policy would have for the Indians, he and others may have found it particularly appealing because it was perceived as a way to reduce costs. In 1850 a new commissioner, Luke Lea, bluntly spelled out the new policy-and his ethnocentric views-in his annual report:

In the application of this policy to our wilder tribes, it is indispensably necessary that they be placed in positions where they can be controlled, and finally compelled by stern necessity to resort to agricultural labor or starve. Considering, as the untutored Indian does, that labor is a degradation, and that there is nothing worthy of his ambition but prowess in war, success in the chase, and eloquence in council it is only under such circumstance that his haughty pride can be subdued, and his wild energies trained to the more ennobling pursuits of civilized life. There should be assigned to each tribe, for a permanent home, a country adapted to agriculture, of limited extent and well-defined boundaries; within which all, with occasional exceptions, should be compelled constantly to remain until such time as their general improvement and good conduct may supersede the necessity of such restrictions. In the mean time [sic], the government should cause them to be supplied with stock, agricultural implements, and useful materials for clothing, encourage and assist them in the erection of comfortable dwellings, and secure to them the means and facilities of education, intellectual, moral, and religious. (See CIA Annual Report, 1850.)

Historians like Francis Paul Prucha and Robert A. Trennert, Jr., point out that Indian officials like Medill and Lea-as well as a host of other, self-styled Friends of the Indian-viewed the shift to a reservation system as in Indians' best interest. They believed that the Indian way of life was intrinsically inferior to theirs and that, if Indians were left in their "savage" state, they would fall prey to white vices (primarily drunkenness, prostitution, and gambling) and depredations. In their minds, Indians had two choices: extermination or civilization. Hoping to avoid extermination, these Friends of the Indian also believed that Native Americans needed to be protected until they could acquire the skills and knowledge needed to survive in the white man's world. They believed the best way to do that was by confining Indians to reservations. As Trennert notes, "The sincerity of this humanitarian concept must be recognized in any discussion of the foundations of the reservation system. It was not solely an attempt to locate the American native on the most undesirable lands and leave him there to rot." Yet, as numerous examples in U.S.-Indian relations attest, the gap between intentions and performance was often huge.

Less than three years after Lea made his remarks the official Indian policy of the United States was one that still recognized Indians' property rights-and the need to extinguish those rights before allowing whites to settle on Indian lands. In addition, it now sought to move Indians onto reservations where they could be supervised by government agents who would teach them how to farm and educate them in the skills and knowledge needed to become American citizens. The government, acting as the paternal guardian of its Indian wards, also took on the responsibility of clothing, housing, and feeding its charges until they became self-sufficient enough to fend for themselves in American society.

### **III. A History of Treaty Making and Reservations on the Olympic Peninsula**

#### **Introduction**

The Washington Territory was carved out of the Oregon Territory in 1853, during the closing days of Millard Fillmore's administration. The appointment of the territorial governor then fell to the newly elected Democratic President Franklin Pierce. He chose Isaac I. Stevens, a military officer, veteran of the Mexican War, and a political supporter. Stevens was given a triple charge

as governor, Indian agent, and chief surveyor for a possible route for a transcontinental railroad. It fell to Stevens to negotiate the treaties with the Indians in the territory, persuading them to transfer their lands to the federal government and move onto reservations. By the time he left office in August 1857 to represent the territory in Congress, Stevens had "negotiated ten treaties providing for the quieting of Indian title to some hundred thousand square miles of land." Among those treaties were two that covered the Indians on the Olympic peninsula north of Grays Harbor, including the Makah, Quileute, Hoh, Queets, and Quinault, and established two reservations: one at Neah Bay (the site of Spain's abortive attempt to build a fort and where John Meares first tried to trade with the Makah) and the other further south on the coast, north of Grays Harbor at Point Greenville.

The treaties marked a significant shift in the uneasy balance between whites and the Natives of the Olympic Peninsula, requiring that the Indians concentrate in two widely separated and very remote communities (the first road to Neah Bay was not completed until the 1930s) and opening the land to settlement and exploitation by white immigrants who envisioned themselves as pioneers in a virgin wilderness. (For more on white settlement see the "Northwest Homesteader" curriculum packet about settlers on the Olympic Peninsula. To get an understanding of how one industry exploited the resources see *Evergreen State: Exploring the History of Washington's Forests*. Both packets are on the Center for the Study of the Pacific Northwest's [website](#).) The treaties also highlighted some of the inherent paradoxes and contradictions within federal policies toward Native Americans and demonstrated how well-intentioned policies dictated from Washington, D.C., were often implemented in ways that did little to protect Indians. At the same time, the experiences of the Makah, Quileute, and Hoh demonstrate how the resiliency of Native cultures sometimes forced the government to make qualified amends for the actions of aggressive treaty negotiators: Within 50 years executive orders issued by the presidents of the United States expanded the Makah Reservation and recognized the integrity and independence of the Quileute and Hoh tribes by providing them with reservations in their traditional homelands (albeit tiny fragments of what had been surrendered under Steven's treaties). And, perhaps remarkably, in the case of the Makah and the Quileute, these reservation expansions came at the expense of whites who had settled on Indian lands.

### Territorial Context

Steven's treaty negotiations should be understood in the context of the times and with an awareness of the circumstances-some unique to the region-that complicated Indian-white relations in Oregon and Washington. First, as noted above, federal policy toward Indians was undergoing a significant shift away from a policy of removal and toward a reservation policy. Just what that would look like, however, was not clear. Under the U.S. Constitution, Indian treaties had to be approved by Congress, and Stevens was aware that Congress was interested in limiting the number of reservations and had recently rejected treaties that had set up a series of small reservations in Western Oregon. Despite this, Stevens and the Commissioner of Indian Affairs, George Manypenny, had agreed that some kind of reservation system would be appropriate for the territory but Manypenny left the final formulation of that up to Stevens, urging him to keep costs down and create as few reservations as possible. To help the governor draft acceptable treaties, Manypenny sent him copies of treaties that had recently been negotiated with several Plains Indian tribes, including one with the Omaha. (See [Treaty with the Omaha](#),

[1854.](#)) Initially, Stevens envisioned two reservations in Washington, one east of the Cascades and one on Puget Sound. He planned to negotiate first with the Puget Sound Indians in the winter of 1854-55 and then move east of the Cascades in the spring, with negotiations on the remote Olympic Peninsula wedged between the two.

Stevens was also dealing with increasing demands from white American settlers to resolve growing conflicts with the Indians in the territory. Those conflicts ranged from personal and sometimes violent disputes between individual settlers and Native Americans to more administrative problems such as resolving questions of Indian land title. As Steven's noted in his first address to the territorial legislature on February 28, 1854:

The Indian title has not been extinguished, nor even a law passed to provide for its extinguishment east of the Cascade Mountains. Under the land law of Congress it is impossible to secure titles to the land, and thus the growth of towns and villages is obstructed, as well as the development of the resources of the Territory.

In the same address he categorized the Washington Indians as "for the most part a docile, harmless race, disposed to obey the laws and be good members of the State," but recommended "ample appropriations to actually extinguish their title throughout the Territory, reserving to them such portions as are indispensable to their comfort and subsistence." The demands to push the Indians off their lands to make way for whites were often tempered by the recognition that white settlers relied on inexpensive Indian labor. As historian Alexandra Harmon has noted, "None of the American [treaty] negotiators intended to cut off relations between white and red people; they simply wanted to limit and regulate relations." In fact, although the federal government sought to concentrate Indians in a few large reservations, many of the white settlers sought the opposite: more small reservations nearer their communities.

### Oregon Donation Land Act

Some of the conflicts over land came from the workings of the Oregon Donation Land Act, approved by Congress and signed by President Millard Fillmore in 1850. This law contravened the most basic tenet of U.S. Indian policy—the requirement that Indian title to land must be extinguished before opening the land to settlement by whites. Stripped to its essence, the act gave away large tracts of land to any adult white male American citizen (and "American half-breed Indians") who settled in Oregon Territory prior to 1853—320 acres to those in residence in 1850, 160 acres to those who arrived between 1850 and 1853, with qualifying wives entitled to same-sized grants. When the law was extended until 1855 it was amended to require that land-seekers occupy the land for two years and then pay \$1.25 an acre. Ethnologist George Gibbs, who was part of Stevens' railroad survey party in 1853 and later served as surveyor and secretary of his treaty commission, called the act "the great primary source of evil in Oregon and the western part of this Territory ... in which, contrary to established usage and to natural right, the United States assumed to grant absolutely, the land of the Indians without previous purchase from them." The result, he said, was growing friction between whites and Indians because, "as settlers poured in, the Indians were unceremoniously thrust from their homes and driven forth to shift for themselves." Over its five-year life, the act granted about 8,000 claims covering nearly

3-million acres in Oregon and Washington; more than 500 of the claims were along the shores of Puget Sound and the Strait of Juan de Fuca.

Often overlooked is that the Donation Land Act was not just something created by the federal government to promote migration to Oregon or to rob Indians of their land (although it did both). Rather, the measure also provided a way to affirm the land claims staked out by settlers before the Oregon Country had become an American territory. That it favored white settlers cannot be denied; however, the prospect of voiding their land claims and requiring them to refile was not politically palatable and apparently never seriously considered.

With the Indians of western Washington, Stevens also encountered another dilemma: Few of the tribes had a formal or extensive political organization with a leader who had the clear authority to negotiate and cede lands to the government. Stevens resolved this by anointing his own chiefs:

In making the reservations it seems desirable to adopt the policy of uniting small bands under a single head. The Indians are never so disposed to mischief as when scattered, and therefore beyond control. When they are collected in large bands it is always in the power of the government to secure the influence of the chiefs, and through them manage the people. (See [Report of Governor Isaac I. Stevens, 1854.](#))

If Stevens seems to have displayed an arrogant assumption of power over the Indians, it should be remembered that he was a product of his age. The ethnocentric biases and beliefs common among nineteenth-century white Americans put them at the pinnacle of human development. In 1854 Darwin's revolutionary theory of evolution was still in the future and most educated Americans believed that all human societies followed identical paths of progression, moving up from savagery through barbarism to civilization. On this scale of development, Indians were always relegated to an inferior position. According to one of Steven's biographers, Kent D. Richards, the governor probably never questioned this way thinking:

To the extent that Stevens had a philosophy of Indian-white relations, he assumed the superiority of European civilization and the necessity of removing the Indian from its path. He hoped the removal could be accomplished peacefully and that, during a period of benevolent care, the Indians could be educated to cultivate the soil and become productive, valued members of white society.

Stevens made this clear when he made his first report to the commissioner of Indian Affairs in 1854:

It is obviously necessary that a few reservations of good lands should be set apart as permanent abodes for the tribes. These reservations should be large enough to give each Indian a homestead, and land sufficient to pasture their animals, of which land they should have the exclusive occupation. The location and extent of these reservations should be adapted to the peculiar wants and habits of the different tribes. Farms should be attached to each reservation under the charge of a farmer competent fully to instruct the Indians in agriculture, and the use of tools. (See [Report of Governor Isaac I. Stevens, 1854.](#))

In the same report, the governor also made two other recommendations he believed would benefit the Indians. First, he advocated that Indians be allowed uninterrupted use of "their ancient fisheries." Next, Stevens recommended establishing a system binding Indian apprentices to white masters who would teach Native Americans farming and manual labor skills as well inculcate them with a regular work ethic. Such a system, he thought, "would prove of essential benefit to the Indians and of great convenience to the citizens."

### Patterns of Negotiation

By December 1854, Stevens had assembled his treaty commission and was ready to get to work. His first stop, on Christmas Eve, was at the mouth of Medicine Creek on Puget Sound a few miles east of Olympia. There the commission met with the Nisqually and Puyallup Indians and established the pattern of negotiation it would use over the next three months as it worked its way around Puget Sound and then out to the Olympic Peninsula. Invitations were sent out to local Indians; then, as they arrived, advance parties for the commission set up the treaty grounds, stocking them with an abundant supply of food. The commissioners then arrived and the Indians were gathered together to listen to Stevens welcome them in paternalistic terms that portrayed them as the "children" of the "Great White Father" and then detailed the treaty offer. As Stevens did not speak any of the Indian languages in use in Washington and few Indians understood English, his speech and their responses went through a laborious chain of translation: His words were first translated into the Chinook Jargon—a blend of several Indian languages along with French and English that was developed to facilitate trade throughout the Pacific Northwest—and then it was translated into the language or languages used by the various Indian tribes at the councils. Indian comments and responses had to go through the same process in reverse. As many historians of the treaty process have observed, it is not clear how well the Indians understood Stevens' words or the provisions and meaning of the treaties. One twentieth-century writer noted, "Chinook jargon, a trade medium of limited vocabulary and simple grammar, was inadequate to express precisely the legal effects of the treaties, although the general meaning of the treaty language could be explained." George Gibbs, the ethnologist who was a member of the treaty commission, later compiled what he believed was a comprehensive Chinook Jargon dictionary. It contained fewer than 500 words. (See [Chinook Dictionary](#).)

After Stevens' speech, the Indians were asked to comment, Stevens and other whites would respond, and the Native Americans adjourned to discuss the proposal among themselves. The two sides then reconvened, agreed to the treaty, held a solemn signing (the "chiefs" and "subchiefs" making their mark—an X—alongside the signatures of the white commissioners), and then Stevens and the others distributed gifts. While there might be some Indian objections or some bargaining—perhaps on the boundaries and size of the Indians' new reserves or the price of land—the councils with the Indians were unequal affairs where the Americans usually dictated, rather than negotiated, the terms. Of the seven treaty councils Stevens personally took part in, only one failed to end in a treaty—the Chehalis Council near Grays Harbor on February 25-30, 1855.

According to Kent Richards, Steven's biographer, the commissioners adopted and adhered to nine guiding principles in their negotiations:

- Tribes would be concentrated together if possible and practical.
- Agriculture and other "civilized" habits were to be encouraged.
- Indian lands were to be purchased with annuities-payments of goods-rather than cash.
- The government was to provide teachers, doctors, farmers, blacksmiths, and carpenters to care for and train the Indians.
- Intertribal warfare was to be prohibited.
- Indian slaveholding was to be abolished.
- The liquor trade was to be eliminated.
- Indians were to be allowed to hunt, fish, and gather other traditional foods until they had been fully "civilized."
- The eventual division of reservation lands into individual allotments had to be provided for.

A tenth principle, overlooked by Richards, was that each treaty needed to include a provision that unilaterally allowed the President of the United States to relocate the Indians to another reservation within the territory. As Richard notes, most of these principles were both enlightened for the time, in that they provided for a process of gradual assimilation, and at the same time incredibly naive. The guidelines assumed that converting Indians to citizen-agriculturists was the best thing to do for the Indians, that the federal government, its agents, and the Indians' white neighbors would fulfill their treaty obligations, and, finally, "that the Indian could be persuaded that all of the above were in his [sic] best interests."

### On the Olympic Peninsula

Like many of the coastal Natives along Pacific, Straits of Juan de Fuca, and Puget Sound, the Makah, Quileute, and Hoh were organized in small autonomous bands, occupying individual villages-generally located at the mouth of waterways. Although all hunted land animals and gathered a variety of plants foods, all three cultures had strong links to their fisheries, both fresh and saltwater. All fished for salmon in the rivers and fished for halibut and other saltwater fish in the ocean, and they hunted whales, sea lions, and seals as well. While they might share a common language with their neighbors or come together for ceremonial purposes, they lacked any structured political organization although some historians have noted that many of the bands were linked together in a loose confederation connected through kinship and family ties. Those connections within and between Indian groups were often shattered by the impact of European diseases that killed an estimated 80 percent of the Native population along the Northwest Coast in the first 100 years of European contact. While all Indians in the Pacific Northwest had faced a series of epidemic disease outbreaks in the decades after the Spanish visited the coast in 1775, in 1853 smallpox ravaged the Natives along the Pacific coast of the Olympic Peninsula, killing an estimated 40 percent of the population. The result, as Carole Seeman has noted, was an amalgamation of the survivors that made it difficult to define tribes and tribal boundaries.

The remoteness of the Olympic peninsula-and the reputation the Makah, Quileute, and Hoh shared for fierceness-probably worked to the Indians' advantage. When Stevens arrived in Olympia he reported to Manypenny that a number of tribes inhabited the outer coast of Washington, most of "whose names are still unknown, but who, by the vague rumors of those upon the sound, are both numerous and

warlike." (See [Report of Governor Isaac I. Stevens, 1854](#)). In 1858, Indian Agent Michael T. Simmons reported that, while the Makah and the Quileute had been decimated by smallpox, they remained "the most independent Indians in my district" and, much to Simmons's chagrin, did not acknowledge their "proper" position in the white man's world:

It has so happened that whenever these Indians have come in contact with the whites, they have had the latter in their power. In most cases ships have been wrecked on their coast. The consequence is, that they do not appreciate our importance, and are very independent, and sometimes insolent. (See [Report of M. T. Simmons, 1858](#).)

By 1854, however, few whites had penetrated into the interior of the peninsula-the first white resident of Neah Bay since the Spanish hastily abandoned their fort in the 18th-century arrived in 1851 and the Quileute may not have encountered an American other than infrequent traders and shipwrecked sailors until Simmons showed up to negotiate a treaty with them in 1855. As a result, the treaty negotiations were not complicated by land claims made by whites under the Oregon Land Donation Act nor was there yet a clamoring from whites for access to the resources-primarily timber and fish-of the peninsula.

#### Makah Treaty - 1855

Steven's treaty commission dropped anchor in Neah Bay on January 29, 1855-just three days after it had negotiated a treaty with the Clallam, Skokomish, and Chemakum. (See [Report of Governor Isaac I. Stevens, 1854](#).) The commission immediately sent a messenger out to the outlying villages to invite them to the treaty negotiations and then established camp, setting up tents and stocking the camp for the Indians' arrival. On the 30th Stevens and Gibbs set out across Cape Flattery looking for the best place to locate a reservation. Returning to camp in the evening, Stevens invited the Makah leaders who had arrived onto the schooner for a pre-treaty meeting. Speaking through interpreters, he explained the proposed treaty to them.

When he finished, several of the Indians expressed their concerns, particularly about preserving their right to catch fish and take whales. Kal chote, a Makah leader, said "he thought he ought to have the right to fish, and take whales, and get food where he liked. He was afraid that if he could not take halibut where he wanted, he would become poor." Later Kal chote added "I want always to live on my old ground, and to die on it. I only want a small piece for a house, and will live as a friend to the whites, and they should fish together." Although, like Kal chote, most of the Makah were reluctant to give up their land, they indicated a willingness to share it with the whites and Stevens steered them toward the idea of living year-round in their winter villages and then dismissed them to think it over. Before they left, the governor asked them to choose a "head chief" and, when they didn't, Stevens chose one for them, picking Tse kwan wootl, a leader from the Ozette village on the Pacific coast.

The next morning, on January 31, about 600 Makah gathered to hear Stevens explain the treaty:

The Great Father has sent me to see you, and give you his mind. The whites are crowding in upon you. The Great Father wishes to give you your homes, to buy your land, and give a fair price for it, leaving you land enough to live on and raise potatoes. He knows what whalers you

are, how far you go to sea to take whales. He will send you barrels in which to put your oil, kettles to try it out, lines and implements to fish with. The Great Father wants your children to go to school, and learn trades.

Then, "the treaty was ... read and interpreted and explained, clause by clause." Observers recalled that Stevens asked the Makah leaders if they were satisfied with the treaty or if they had any objections. In reply the Indians presented white flags to Stevens, and Kal chote responded by saying "What you have said is good, and what you have written is good."

The Neah Bay Treaty created a small reservation for the Makah at the far northwestern corner of the territory and expressed many of the key concepts of the nation's policy of Indian assimilation. While it required the Makah to move to the reservation within one year of the treaty ratification (the Senate did not approve it until 1859), it allowed the President of the United States to relocate other tribes onto the Makah reserve or, at his discretion, remove the Makah to another location. The treaty also contained provisions that allowed the Makah to continue fishing, sealing and whaling "at usual and accustomed grounds or stations," permitted hunting and gathering on "open and unclaimed lands," required that they "acknowledge their dependence on the Government of the United States," banned "ardent spirits," freed all slaves, and banned trading with the British on Vancouver Island. Finally, the treaty contained a clause that gave the government the option of dividing the communal lands into individual allotments at a future, unspecified date.

In return, the Natives were promised a \$30,000 annuity to be paid out over 20 years along with a \$3,000 payment to prepare the reservation for farming; free access to an agricultural and industrial training school that was to be established on Puget Sound; the hiring of a blacksmith, carpenter and farmer to "instruct the Indians in their respective occupations"; and the employment of a physician to look after their health and vaccinate them against epidemic diseases.

After three cheers from the gathered Indians, the 41 newly-minted chiefs and subchiefs put their marks--Xs--alongside Stevens' signature on the treaty. (See [Treaty with the Makah, 1855](#).) The treaty was a complex document and it is nearly certain that language barriers and cultural differences prevented the Makah from understanding the terms of the agreement, let alone comprehending the long-term effects it would have on their lives and their communities. Immediately after it was signed, the treaty commission distributed presents, packed up, and sailed away.

### A Treaty with the Quileute

Stevens had one more treaty to negotiate on the coast before he turned inland and that was with the several tribes that lived along the ocean south of the Makah. So, on February 24, 1855, Stevens arrived on the banks of the Chehalis River about ten miles from Grays Harbor to meet with representatives from the Quinault, Queets, Satsop, Lower Chehalis, Upper Chehalis, Cowlitz, and Chinook Indians (one scholar has suggested that members of the Copalis or the Wynooche also attended). Missing from the negotiations, however, were the Quileute. Apparently, from haste, "incomplete knowledge" or language barriers, the treaty commission had

overlooked the tribe that occupied the stretch of the coast between the Makah and the Quinault. Stevens, however, saw no reason to delay the negotiations with the tribes that had gathered at the treaty council (although he did wait two days for representatives of the Chinook and the Cowlitz to arrive) and opened talks on February 27 without the Quileute. In the end it didn't matter. The Indians gathered on the Chehalis River handed Stevens his first failure in treaty negotiations. Opposed to giving up their land and being forced to relocate to an undefined reservation in the Quinault homeland, several of the tribal leaders refused Stevens' increasingly strident requests for cooperation and, in a fit of pique, the governor abruptly ended the negotiations on March 2.

Four months later, as Stevens was on his way to the Bitterroot Valley to negotiate with the Flathead, Kootenay, and Pend Oreille Indians, his agent Michael T. Simmons met with the Quinault, Queets, Quileute, and Hoh on the Quinault River and successfully salvaged some of the work from the earlier failed negotiations by getting leaders from those tribes to sign a treaty. He later wrote, "July 1 made a treaty with the Kwillehyute and Kwinaiatl tribes and Huh and Quielts band of the later." As anthropologist George A. Pettitt observed, Simmons was a trifle confused: "It is clear that even after this visit the relationship between the tribes was not understood, for the Hoh are a band of the Quileute and the Queets a subdivision of the Quinault." Early the next year, several of the Indian signatories traveled to Olympia to witness Stevens adding his signature to the treaty on January 25, 1856.

The treaty Simmons negotiated was almost identical with that made earlier with the Makah. It differed in the amount of the annuity the tribes would receive over twenty years (\$25,000 rather than \$30,000), how much they would receive to prepare the reservation for farming (\$2,500), dropped any requirement that the four tribes would have to share their reservation with others, and, curiously, added passages regulating the pasturing and upkeep of Indian horses. (See Treaty with the Quinaielt, 1855.) Like each of the treaties negotiated under Stevens' guidance, the treaty with the Quileute and the Hoh provided that the Indians move to the reservation within a year of the treaty's ratification by the U.S. Senate. This presented two problems for the Quileute. First, the treaty was not ratified until 1859. Next, the treaty was deliberately vague on just where and how large the reservation would be, noting only that "There shall ... be reserved ... a tract or tracts of land sufficient for their wants within the Territory of Washington ... and hereafter surveyed or located and set apart for their exclusive use." Until those reservation lands were selected, surveyed, and established by presidential order, the Indians were allowed to remain in their homes. As it turned out, the reservation lands were not selected until 1861 and another 12 years passed before President Ulysses S. Grant issued the executive order establishing the Quinault Reservation-although work on developing the reservation began more than a decade earlier. (See [Executive Orders](#).)

### The Quileute Stay Put

Quileute doubts about the treaty, however, had begun almost immediately-one recent account asserts that tribal leaders said in 1856 that they had been tricked into selling their lands. Those doubts were evident in 1872 when R. H. Milroy, the superintendent of Indian Affairs for Washington Territory, provided a brief synopsis of them in his annual report to the commissioner of Indian Affairs:

The Quileutes, Hohs, and Quits reside at different points and distances from the coast north of the [Quinault] reservation, and say they never agreed to sell their country, nor did they, to their knowledge, sign any treaty disposing of their right to it. That they were present at the time the treaty with them is alleged to have been made, but that the paper that they signed was explained to them to be an agreement to keep the peace with citizens of the United States, and to accord them the same rights to come into their country and trade for furs, &c. as had previously been accorded to the Hudson Bay Company, and that the presents and payments in goods that they then received, and have since been receiving, were believed by them to be in consideration of their observance of that agreement, They therefore refuse to leave their homes and localities in which they then and still reside, and move on the reservation which they (the Quileutes, Hohs, and Quits) regard as the homes and property of the Quinaielts. (See [Report of the Washington Superintendency, 1872.](#))

Although Milroy had noted earlier in his report that whites were beginning to stake out homesteads on the lands that the Quileutes still claimed, he now recommended that, as the land the Quileute, Hoh, and Queet occupied had "no attractions for white settlers," that the Quinault Reservation be expanded to include their homelands. There is no indication that his recommendation was seriously considered.

If the Quileute and the Hoh questioned the legitimacy of the treaty, white settlers found the Native inhabitants largely accommodating. Special Indian Agent G. A. Heney reported in 1874 that:

The tribes of Hohs and Quillehutes are still living upon lands north of the limits of the reservation. I have conversed frequently with them upon the subject of residing on the reserve. Although they express themselves friendly, and willing that the whites should occupy their land, or so much of it as is fit for settlement, they did not understand when they signed the treaty that they were giving up their homes. They are very peaceable, and in several instances have been of great assistance to individuals who have been wrecked and cast upon their coast, always treating them kindly.

There are but few settlers in that country, not more than five families, and letters from them assure me that the Indians are not troublesome, but in many ways are of assistance to them. (See [Quinaielt Agency Report, 1874.](#))

Three years later Indian Agent C. A. Huntington, stationed at Neah Bay, noted the same Native resistance and advocated leaving the Quileute alone-for now. "I do not expect they can be induced to come to the reservation to reside permanently," he reported. "They are much attached to their ancient home." (See [Neah Bay Agency Report, 1877.](#)) Huntington's successor, Charles Willoughby, foresaw the day when the Quileute would need to be forced onto to the reservation but, until then, he urged that they be allowed to stay where they were as "the settlers need their services, and have no difficulty in obtaining them; in fact it is in the settlers best interests that these people remain." (See [Neah Bay Agency Report, 1879.](#))

## Tensions with Whites

If relations between the Quileute and the whites began well, by the early 1880s the Quileute were increasingly in conflict with a settlers who sought to dispossess the Indians of their land and homes in La Push, the Quileute village at the mouth of the Quillayute River. The most notable of these clashes involved Dan Pullen, a white trader. In 1882, a Quileute medicine man named Doctor Obi clashed with Pullen. According to the version of the story recorded by Willoughby, Obi and Pullen fought over a fence that Pullen had put up. Obi apparently tore the fence down and, when Pullen confronted him, the Indian began hitting Pullen with a club and threatened to kill him until Clakishka, a Quileute leader, separated the two men.

But, more than 60 years later, Obi's daughter recalled a different sequence of events, one that may seem more credible given Pullen's subsequent activities in La Push. Julia Obi Bennett Lee told anthropologist George A. Pettitt that Pullen had provoked the fight by trying to force Obi off Obi's land so Pullen could homestead it-something she said that Pullen had already done with other Indians at La Push. When Obi refused, Pullen grabbed Obi and the two began to struggle. As Obi's family members worked to separate the two, Obi picked up the club and began hitting Pullen. Obi was then arrested by his son, an Indian policeman in La Push, and spent most of the next year in jail, probably at Neah Bay.

There is little doubt that Pullen was trying to gain control of La Push. In 1885, Indian Agent Oliver Wood reported that Pullen was creating "a great deal of dissatisfaction" among the Quileute by trying to force them off the land so he could establish a clear claim to it:

The Indians make frequent complaints of the acts of Pullen, but as they are off the reserve I am powerless to give them such protection as they should have. They have occupied this land from before the knowledge of the oldest Indian on the coast or any of their traditions. They have built some very comfortable frame houses and have several very large buildings built in Indian style from lumber manufactured by themselves, and they feel it would be a great hardship to be driven off and lose all their buildings and improvements, and all fair-minded will agree with them. (See [Neah Bay Agency Report, 1885](#))

Two years later Wood's successor, Neah Bay Indian Agent W. L. Powell, warned of the Quileutes growing discontent over Pullen's claims and urged his superiors to resolve the conflict by establishing a Quileute Reservation at La Push and evicting the white settlers. On February 19, 1889, he got his wish: President Grover Cleveland issued an executive order withdrawing the land-about one square mile at the mouth of the Quillayute River-from sale and making it available for the Quileutes' "permanent use." There was only one hitch: The order exempted any existing legal claims. (See [Executive Orders](#).) "This last proviso," Powell complained, "has had the effect of leaving the Indians just as they were before; for their village, which has been occupied them from time immemorial, has been pre-empted by a settler, and no steps have as yet been taken to have him evicted." (See [Neah Bay Agency Report, 1889](#).)

## A Suspicious Fire

Seven months after President Cleveland established the reservation, as most of the Quileute were away picking hops, someone burned the Indian village at La Push to the ground, destroying 25 or 26 Indian homes along with Indian canoes, all their fishing gear, and untold amounts of traditional tools, artwork and ceremonial regalia. (See [Neah Bay Agency Report, 1890](#).) Indian Agent Wood implicated Pullen in the fire but stopped short of a full accusation, noting that "After the fire, Mr. Pullen, the settler, sowed grass-seed on the site of the burned homes, inclosed [sic] it with a barbed wire fence, and not satisfied with doing this, fenced them off from every other available [building] location by five strands of barbed wire." When the Quileute arrived home they were forced to rebuild their homes on the beach.

The Indians, however, had few doubts that Pullen was behind the fire. In 1946, a tribal elder told Pettitt that an old man who had been unable to go hop picking had seen Pullen and two others setting the fire; others recalled that Pullen threatened to shoot anyone who tried to rebuild on the land. Pettitt also reported that Pullen's brother-in-law insisted the trader had nothing to do with the fire as his business relied on good relations with the Indians, but the anthropologist noted that Pullen continued his quest to gain title to the Quileutes' land.

The Quileutes' new Indian agent, John P. McGlenn, continued to press the government to resolve the problem in the Native's favor and finally reported, in 1893, that he had received authorization to evict Pullen from the reservation. (See [Neah Bay Agency Report, 1893](#).) Pullen, however, responded by obtaining a restraining order and it took nearly five more years-until 1898-before the agent in charge could announce that the litigation was over, Pullen had lost, and the Quileutes' Reservation was theirs once again.

## A Reservation for the Hoh

Like their close neighbors the Quileute, the Hoh also, as noted above, refused to move off their lands and onto the reservation, remaining in their village at the mouth of the Hoh River-with a settlement on Destruction Island as well-as perhaps the most isolated group of Indians on the Olympic Peninsula. (See [Report of the Washington Superintendency, 1872](#).) Indian Agent Charles Willoughby described the Hoh as good neighbors to both the Quileute and white settlers, noting that the Hoh were "a decidedly peace-loving people, and hospitable towards their white brother at all times." (See [Quinaielt Agency Report, 1886](#).)

At the same time efforts were being made to secure the Quileute a reservation of their own, a similar effort was being made on behalf of the Hoh until, on September 11, 1893, President Grover Cleveland signed the order establishing the Hoh Reservation-approximately one-square mile of land on the south side of the Hoh River. (See [Executive Orders](#).)

## More Land for the Makah

One of the things that struck the first Indian agents assigned to the Makah Reservation at Neah Bay was the lack of arable land needed to make the reservation self-supporting or provide a

training ground for potential Makah farmers. As early as 1862 C. H. Hale, the superintendent of Indian Affairs for Washington Territory, reported that the Makahs' reservation was "little more than a rocky promontory":

It contains no agricultural land, and it would seem to have been the intention at the time of the treaty was made to studiously avoid enclosing any such land within its limits, or neglecting to do so was the most wilful [sic] ignorance.

Hale ordered the agent in charge of the reservation to "temporarily" extend the boundaries of the reservation to take in adjacent unclaimed lands "until the pleasure of the President could be known." (See [Report of the Washington Superintendency, 1862.](#)) The president at the time was Abraham Lincoln and, a month before Hale put pen to paper in Olympia, the bloodiest day in the Civil War had been fought at Antietam, Maryland. The pleasure of officially extending those Makah Reservation boundaries would have to wait. It would eventually go to another president - Ulysses S. Grant - in 1872.

In the meantime, the Indian Agent at Neah Bay, Henry A. Webster, drew up lines that significantly expanded the reservation and encompassed nearly all the existing Makah villages. (See [Neah Bay Agency Report, 1862.](#)) The one village not included in the redrawn boundaries was Ozette and it received its own reservation in 1893 by order of President Grover Cleveland. (See [Executive Orders.](#)) It was eventually folded into the Makah Reservation in 1970. Webster and his successors also began to make improvements on the unapproved reservation extension, building most of the agency buildings there, clearing fields for farming, and fencing in pastures. In 1869, realizing that the government had never finished the process of removing the land from the public domain and setting it aside for the reservation, Neah Bay Indian Agent J. H. Hays called the situation to the attention of his superiors. (See [Neah Bay Agency Report, 1869.](#)) But it was too late, by 1871 Hays's successor, E. M. Gibson, was struggling with settlers who said that Hays had given them permission to claim the land:

The Indians claim this land, and most of them live upon it, and they will not relinquish it willingly; it is very embarrassing to me, as I have no authority to order them [the whites] away, and they are encroaching upon what has always been considered part of the reservation. It is a matter of actual and pressing necessity that the Government should settle the question as to whether this land, upon which most of the money appropriated for these Indians have been expended, is or is not to be part of the reservation. Nearly all the arable land of the reserve is upon this addition, and without it nothing can ever be done by these Indians in the way of farming. (See [Neah Bay Agency Report, 1871.](#))

His superior, writing to the Commissioner of Indian Affairs, stressed that these white settlers knew they were settling on lands earmarked for the reservation. Indian Superintendent T. J. McKenny noted, "The parties taking these claims cannot plead ignorance, for nearly all of them have been employed on the reservation, and are now attempting to appropriate to their own use the improvements that they have been paid by Government in times past to make." (See [Report of the Washington Superintendency, 1871.](#)) Gibson subsequently underscored the "unpleasant state" the squatters' intransigence was creating among the Makah by comparing the situation to a recent Indian war in Northern California where about 150 Indians had fled their reservation and

refused to return until forced to surrender by the army. Gibson asserted that only "very prudent management" had prevented "another Modoc war." (See [Neah Bay Agency Report, 1873.](#))

On October 26, 1872, the federal government moved to clearly define the reservation's boundaries when President Grant signed the order withdrawing additional property-about 3,500 acres-from the public domain (the description of the boundaries were clarified twice in 1873 in executive orders that superseded the first). (See [Executive Orders.](#)) The squatters, however, refused to budge, even after being offered compensation for the "improvements" they had made to the land. According to Agent Gibson, three of the settlers denied that the president had the authority to enlarge the reservation, prompting the agent to appeal to Washington, D. C., for instructions. Most remarkably, he was given authorization to use military force to evict the settlers.

In the last week of June 1873, a detachment of 25 soldiers under the command of Lt. James A. Houghey arrived at Neah Bay. Gibson reported that, even then, two of the settlers were unwilling to leave:

After again advising McCollum and Colby [the settlers] to peaceably abandon the reservation, and even offering to assist them in removing their effects, which they still declined to do, Lieutenant Houghey had a sergeant and four men placed in each one of their homes, and sent McCollum under guard to the outer limits of the reservation. Colby left without further trouble. (See [Neah Bay Agency Report, 1873.](#))

That still left one settler who had won a reprieve and had a full year before he had to remove his cattle from the Makahs' land, but even then Gibson could write, "The Indians are highly pleased at the result, and seem much better satisfied, since they now feel that their homes are secured to them forever where they can live in peace and enjoy the fruits and blessings of their own labor." (See [Neah Bay Agency Report, 1873.](#))

## Conclusion

The patterns that played out on the Olympic Peninsula in the second half of the nineteenth century reflected fundamental shifts of an American Indian policy that was rooted in traditions first developed by the English colonists. What was new at the time the treaties were being negotiated in Washington Territory was the decision to concentrate Indians on reservations. That paternalistic policy, the latest in a series of unilateral actions by the U.S. government, was designed in part to protect Indians from white depredations and provide an environment where the Indians could be "civilized" through education and agricultural and industrial training. It was hoped that once Indians were civilized-a process that required Indians to surrender their cultural systems and spiritual beliefs and adopt Euroamerican cultural models and Christian beliefs-they would be ready for assimilation into American society as citizens. The reservation policy replaced Indian removal or barrier policies that saw the solution to the "Indian problem" as merely a matter of pushing the Indians further west. That removal policy became clearly inadequate when the United States became a transcontinental nation through the acquisition of Oregon (which then included Washington Territory) and California in the 1840s.

The creation and administration of Indian reservations was often a highly charged political process that could pit national, local, and political party interests against one another in determining the existence, size, and location of Indian reservations. It was a process in which Native voices often counted for very little—particularly as the nineteenth century progressed and whites demanded more and more land for settlement and exploitation. As a result there was often a huge gulf between the sometimes surprisingly well-meaning intentions of official policy and how those policies were implemented in the field.

The narrative of treaty making on the Olympic Peninsula coupled with the issuance of presidential orders explains how the individual reservations for the Makah, Quileute, and Hoh were created. It positions that process in the larger context of Indian affairs in Washington Territory, particularly the kinds of treaty negotiations that took place west of the Cascades. In retrospect, these treaty negotiations seem highly suspect: They were carried out in a language that was understood by few of the participants and inadequate to convey the complexities of the treaties; they were held between two cultures that had conflicting ideas about land ownership, contractual obligations, and even basic social courtesies; and, ultimately, the terms were virtually dictated by American negotiators who had little inclination to bargain. In the end it is never clear whether the whites or the Indians ever understood the other during these negotiations.

This history of Indian-white relations on the Olympic Peninsula also details some of the conflicts that informed and complicated the establishment of tribal reservations in the region. Not unexpectedly, some white settlers sought to deprive the local Native Americans of the tiny fragments of the homelands the Indians had been allowed to retain after the treaties were approved. What is more surprising is that the Quileute, Makah, and the Hoh found ready allies among some of the federal officials. Through a steadfast refusal to surrender to white pressure, the three tribes eventually succeeded in holding on to their remaining lands and establishing reservations that their descendants still call home.

#### IV. Timeline

Year	Events
1755	The British appoint the first Indian superintendents in their American colonies.
1763	Proclamation of 1763 establishes a line between Indian and American territories in the British colonies, prohibiting white settlement in Indian lands.
1775	Bruno de Heceta and Juan Francisco de la Bodega y Quadra sail northward, landing and claiming territory at points in present-day Washington and British Columbia.
1777	The Continental Congress approves the Articles of Confederation, ambiguously splitting responsibility for Indian affairs between the federal government and the new states.
1787	The Northwest Ordinance is adopted, declaring that the United States would always

	exercise the “utmost good faith” in its dealings with Indians. The Constitution of the United States is drafted in Philadelphia.
1788	June: Captain John Meares arrives off the coast of Cape Flattery to trade with the Makah and is turned away.
1790	Congress passes the first Indian Trade and Intercourse Act. It tries to regularize trade relations with the Indians and allows the federal government to evict white settlers who try to usurp Indian lands.
1799	May: A Spanish expedition led by Salvador Fidalgo arrives in Neah Bay to build a fort; they abandon the site a few months later.
1831	In <i>Cherokee Nation v. Georgia</i> the U.S. Supreme Court defines Indian tribes as “domestic dependent nations” and says that they have a relationship with the United States that “resembles that of a ward to his guardian.”
1832	In <i>Worcester v. Georgia</i> the U.S. Supreme Court agrees that the federal government—not the states—have the exclusive authority to negotiate treaties with Indians.
1838-39	Cherokee Removal and the “Trail of Tears.”
1841	The commissioner of Indian Affairs, T. Hartley Crawford, suggests dividing the Indian territories west of Missouri into two “colonies” to accommodate westward migration.
1846	The United States and Britain come to agreement over the possession of the Oregon country, setting the international boundary at the 49th parallel and establishing the United States as a transcontinental nation.
1848	The Mexican American War ends with the secession of half of Mexico—including California—to the United States. In his annual report, Indian Commissioner William Medill outlines a new policy to move Indians onto reservations.
1850	Oregon Donation Land Act approved by Congress and signed by the president. It allows whites to claim Indian lands in the Oregon Territory without first extinguishing Indian title to the land.
1851	The first permanent white settler arrives in Neah Bay.
1853	Washington Territory is created out of the Oregon Territory. Isaac I. Stevens is appointed as Washington’s first territorial governor.

1854	December 24: At Medicine Creek near Olympia, Governor Stevens begins negotiating treaties with Indians in the territory.
1855	January 31: Governor Stevens signs the treaty with the Makah at Neah Bay. February 24–March 2: A treaty council with the Quinault, Queets, Satsop, Lower Chehalis, Upper Chehalis, Cowlitz, and Chinook Indians collapses when Governor Stevens cannot persuade the Indians to surrender their lands and move to an unspecified reservation in Quinault territory. July 1: Indian Agent Michael T. Simmons negotiates a treaty with the Quinault, Queets, Quileute, and Hoh on the Quinault River; the treaty establishes, but does not define, the Quinault Reservation.
1856	January 25: In Olympia, Governor Stevens signs the treaty with the Quinault, Queets, Quileute, and Hoh.
1859	March 8: Treaty with the Quinault is ratified. April 18: Treaty with the Makah is ratified.
1861	The boundaries of the Quinault Reservation are proposed and forwarded to Washington, D.C. for approval.
1862	Neah Bay Indian Agent Henry A. Webster “temporarily” extends the boundaries of the Makah Reservation and begins building on the new lands.
1869	The Indian agent at Neah Bay urges his superiors to approve the extended boundaries of the Makah Reservation.
1871	Neah Bay Agent E. M. Gibson reports that former reservation employees are staking out claims to lands within the still-unapproved extension of the reservation.
1872	October 26: President Ulysses S. Grant approves extending the boundaries of the Makah Reservation. He will amend his order twice in the next year—on January 2 and October 21—to refine the final boundaries.
1873	January 2: President Grant approves the extension of the Makah Reservation. June: Soldiers evict white settlers from the Makah Reservation at Neah Bay. November 4: President Grant establishes the boundaries of the Quinault Reservation.
1887	Prompted by growing tensions between some white settlers and the Quileute Indians at La Push, Neah Bay Indian Agent W. L. Powell urges the government to establish a reservation for the Quileute
1889	February 19: President Grover Cleveland issues the executive order establishing the Quileute Reservation. September: A fire destroys the Quileute Indian village at La Push.

1893	April 12: President Cleveland creates a reservation for the Indians living at Ozette. September 11: President Cleveland signs the executive order creating the Hoh Reservation.
1898	Indian Agent Samuel G. Morse reports that litigation to evict Dan Pullen from Quileute land at La Push has come to an end and the land restored to the Quileute Reservation.

### V. Further Reading.

Berkhofer Jr., Robert F. *The White Man's Indian, Images of the American Indian from Columbus to the Present*. New York: Vintage Books, 1979. 261 pp.

This slim book (the narrative fills slightly more than 200 pages) lucidly traces the history of how white Americans have used recurring images of Native Americans to justify Indian subjugation. In doing so it also provides a succinct history of U.S-Indian history and policy and a thought provoking look at the development of racist stereotypes.

Prucha, Francis Paul. *The Great Father, the United States Government and the American Indians*. 2 vols. Lincoln: University of Nebraska Press, 1984.

*The Great Father* is comprehensive overview of American Indian policy from the nation's founding through the 1980s. Remarkably readable, if very detailed, this book is an essentially source for making sense out of the often convoluted story of national policy toward Native Americans. An abridged version is available for the more general reader.

Richards, Kent D. *Isaac I. Stevens: Young Man in a Hurry*. Provo, Utah: Brigham Young University Press, 1979.

One of the best biographies of Washington's first territorial governor, it provides a good look at who Isaac I. Stevens was and focuses on Stevens' time in Washington Territory. Although Richards sometimes presents a generously rosy view of Stevens' motives, his book is still invaluable.

Schwantes, Carlos Arnaldo. *The Pacific Northwest, an Interpretive History*. Lincoln: University of Nebraska Press, 1996.

A survey of the history of the Pacific Northwest, this book does a good job sketching the broad outlines and themes that made the region what it is today. Useful for providing historical context, it tends to focus on the American settlers who began arriving in the 1840s.

Sturtevant, William C., ed. *Handbook of North American Indians*, vol. 7, *Northwest Coast*. Washington, D.C.: Smithsonian Institution, 1990. Gunther, Erna, and Ann M. Renker. "Makah," 422-30; Marino, Cesare. "History of Western Washington since 1846," 169-79.

This volume of the Smithsonian Institution's acclaimed and comprehensive *Handbook of North American Indians* surveys the history, ethnology, and anthropology of Native Americans in the Pacific Northwest. Its short (about 10 pages), illustrated articles provide a wealth of information even if some of them are written in an academic style.

Trafzer, Clifford E., ed. *Indians, Superintendents, and Councils: Northwestern Indian Policy, 1850-1855*. Lanham: University Press of America, 1986. Seeman, Carole. "The Treaty and Non-Treaty Coastal Indians," 37-67.

Another edited work, *Indians, Superintendents, and Councils*, contains chapters on treaty making in Western Washington, including the Olympic Peninsula. As such it is very useful, however, the author of those chapters, Carole Seeman, may be overly critical in her assessment of Governor Stevens and the work of the treaty commission. Her points about the imbalanced nature of the treaty negotiations, however, deserve thoughtful consideration.

Wray, Jacilee, ed. *Native Peoples of the Olympic Peninsula: Who We Are*, Norman, Oklahoma: University of Oklahoma Press, 2002.

Aimed at a more popular audience, this edited volume devotes individual chapters to each of the tribes on the Olympic Peninsula. While the content of each chapter varies, they usually provide descriptions of the tribe's cultural traditions, brief histories of each group and perspectives on current issues affecting the Indians. Written by tribal members, each chapter provides valuable insight and this book is essential reading for anyone interested in the Native history of the Olympic Peninsula.

The University of Washington also provides three other very useful online resources for those interested in the history of the Pacific Northwest and its indigenous people. The first is John Findlay's [History of Washington State and the Pacific Northwest](#). This is an online course developed for undergraduates at the university but made available to the general public through the Center for the Study of the Pacific Northwest.

The Center also offers a growing collection of historical writings and online curriculum packets that take an in-depth look at various facets of the Pacific Northwest's past. All the material is available on the Center's [website](#).

Finally, the University Libraries' Special Collections provides one of the nation's best online digital exhibits on Native Americans. The American Indians of the Pacific Northwest Collection provides photographs, maps, original documents, and interpretive essays related to Northwest Coast and Plateau Indian cultures. The collection is fully searchable and many of the materials are suitable for classroom use. It can be found at <http://content.lib.washington.edu/aipnw/>.

## **VI. Suggested Learning Activities**

## Drawing Lines

A map is a visual representation of spatial relationships encoded its own language and provides a knowledgeable reader with a wealth of information. It can not only tell a person how far he or she is from a destination and provide information about how to get from point A to point B, but it can communicate the location of social and political boundaries as well as natural resources and the built environment. Importantly, maps often convey all this information at one time in ways that can greatly influence how we perceive the world around us. But, like any text, it is important to question the information a map presents to us. This exercise is designed to get students to begin to critically question the assumptions maps project onto relationships between people and the ownership of land.

For Native Americans and white settlers, lines drawn on maps designated where they could live and often the size and shape of their parcels. In the United States, the Land Ordinance Act of 1785 established the system in which new public lands would be surveyed: Generally, it divided newly acquired public lands into six-mile squares called *townships* and then subdivided that into 36 *sections* of a square mile each. Each section contained 640 acres that could be divided into *halves* (320 acres), *quarters* (160 acres), and so forth down to *forties* (40 acres). This parceling of land in squares of various sizes helped shape the environment Americans created after they settled an area and was reflected in the land grants given out under the Oregon Donation Land Act in 1850 and the Homestead Act of 1862. Have your students examine some of the maps included in this packet (and perhaps bring in other, more contemporary maps) and have them answer questions like:

- Why was the map created?
- Who created it?
- What did the mapmakers choose to include? To exclude?
- How have the lines on the maps changed over time? Why?

Turning to the maps that show the Oregon Country (Figure 1) and the Olympic Peninsula (Figures 2-8) ask your students to:

- Identify political boundaries. What nations (including Indian nations) are represented? What nations and tribes are missing? Are the maps accurate? Are there any surprises?
- Compare the maps, particularly those showing the reservations. Where are the Makah? The Quileute? The Hoh? The Americans? Do the series of maps indicate potential conflicts? What do the empty spaces on maps indicate? (If students suggest that these are “unexplored” lands, gently remind them that all these lands were inhabited by Indians and ask them to consider what “explored” means. Similarly, if they suggest these areas were “unsettled” or “unclaimed,” ask them to consider such ideas from an Indian point of view.)
- Think about ownership. What do the maps say about the ownership of land? Who owns the land on the Olympic Peninsula in each map? How might the maps be different if Indians were drafting them rather than Euroamericans?

- Consider the power of mapmaking. Who gets to put the names on maps? Why? What does that say about power relationships? What happens if people who live in the same space describe it in different ways?

You can also ask students to draft their own maps of the history they are studying. What would they include? What would they leave out? Why?

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### Lost in Translation

Some of the largest criticisms of the treaty negotiations were that there were insurmountable communications barriers that made it impossible for the Indians and whites to understand each other. Although there were many avenues for misunderstanding, two of the most obvious were, first, the inability of the treaty negotiators to speak a common language, and, second, the inclusion of references and ideas that would have had no meaning for the Native Americans in Washington Territory.

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### Clause by clause

One of the big issues with the way Stevens conducted the treaty negotiations was that the intricate and complex discussions were carried out almost exclusively in Chinook Jargon, a trade-based, composite language with a total vocabulary around 500 words. Many scholars and modern observers recognize, as Daniel Boxberger wrote in 1979, that the Chinook Jargon “was inadequate to express precisely the legal effects of the treaties, although the general meaning of the treaty language could be explained.” Further, he notes that “Many of those present, however, did not understand Chinook jargon.” Further complicating the picture is that oftentimes (the Makah being a notable exception) the negotiations involved several tribes of Indians, each of which spoke a different language. The end result is that it is not clear how well the two sides understood each other. This exercise helps students explore the difficulties this presented.

In the records from the Makah treaty negotiations, it was noted that, “The treaty was then read and interpreted and explained, clause by clause.” After explaining the background to the students, place them into small groups and tell them that they are going to join the treaty commission as translators, supplying them with copies of the [Treaty with the Makah, 1855](#) and the [Chinook Dictionary](#). Assign each group a short passage from the treaty to translate into Chinook Jargon (you may find that a single, well-chosen sentence will get the point across effectively). Explain that they may find words that don’t translate exactly. Ask them to be creative and find words that make logical substitutes. For example, they will not find the word “law” in the dictionary, but they may want to consider using “truth,” “writing,” or “to order.” Give them five or 10 minutes and then check in. Ask them to read aloud a verbatim transcription of their Chinook translation rendered in English then ask other students to explain what they think was the intent of the original passage. Ask the group to read out the original passage. Did the translation convey the correct ideas? Would the Makah have really understood what they were agreeing to? What does this say about the treaty-making process?

**Note: A member of the treaty commission who was also an ethnologist compiled *The Chinook Dictionary*. He included several terms—such as “breasts” and “testicles” that might be inappropriate for the classroom. For that reason a slightly abridged copy of the dictionary is included. (See [Chinook Dictionary Abridged](#).)**

Suggested passages for translation:

- Article 3
- Article 8
- Article 11 (first sentence)
- Article 12
- Article 13
- Article 14

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### Alien concepts

The meeting of the American treaty commissioners and the Indian leaders was often the meeting of two worlds that not only spoke different languages but ordered their lives and communities in different ways and had developed technologies and social institutions that fit their particular needs and circumstances. For example, in non-literate Indian societies, the concept of a written contract (like a treaty) may have made no sense. Likewise, the notion of the Indians’ “leaderless” communities challenged American ideas of political sovereignty and integrity. A careful look at the treaties reveals many ideas and concepts that Native Americans might have had trouble understanding—not because they were not capable of understanding them but because the American treaty commissioners imposed alien concepts on the Native Americans. This exercise highlights some problems of that trans-cultural communication.

After explaining the background of the Quinaielt Treaty (it was made with the Quinault, Quileute, Hoh, and Queets Indians), pass out copies of the treaty and ask students to read them carefully, noting words, terms, or phrases that might indicate concepts that would have been alien to the Indians on the Olympic Peninsula (tell them to assume for this exercise that there were no translation problems). (See [Treaty with the Quinaielt, 1855](#).) For example, in the first sentence of Article 1, would the Natives Americans have understood “tribes and bands” in the same way Americans would have? Likewise, while American Indian policy consistently aimed to extinguish Indian “title” to land, what would that mean in a society where people were often entitled to use the same piece of land for different purposes at different times of the year?

Other passages that might be useful for discussion include:

**Article 6.** This passage deals with the right of the federal government to force the Indians to move to a new reservation or, at some point in the future, have their reservation allotted to individual Indians. You may want to call attention to the part that says the Quileute, Hoh, Quinault, and Queets would be subject to the same terms as “provided in the sixth article of the treaty with the Omahas.” You may want to refer students to that treaty and ask if they understand Article 6 (it deals with the size of the allotments and the legal requirements the Indians would

have to meet to acquire legal title to their own land). (See [Treaty with the Omaha, 1854](#).) You may then want to note that there is no evidence that any of the Indians whom Stevens negotiated with ever received a copy of the Treaty with the Omahas.

**Article 10.** This passage deals with the establishment of agricultural and industrial schools. This could lead into discussion about the different ways children are educated in a society. What skills and knowledge did the Americans see as important for Indians to learn and how did that indicate what the Indians' proper role was in American society? Also, from an Indian point of view, what lessons would likely be missing from this education? You may also want to note that attendance in these Indian training schools often meant leaving the Indian community and being placed under the supervision and authority of a white teacher. How might that have affected Indians' desire to attend?

**Article 12.** This is a short passage but an intriguing one. How might Natives have understood the word "dominions" or the phrase "foreign Indians"—particularly since their kinship ties had traditionally crisscrossed the arbitrary national boundaries established by the Americans and the English?

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## Treaty Evolution

The terms of the treaties Americans made with Indians changed over time, reflecting evolving power relationships. Generally speaking, Americans got more demanding and less accommodating as the nation grew in power and expanded its national boundaries. For example, the United States, in its first treaty, sought to appease the Delaware Indians and keep them from allying with the British during the Revolutionary War by, among other provisions, guaranteeing the Delaware's "territorial rights in the fullest and most ample manner." (See [Treaty with the Delawares, 1778](#).) Twenty-six years later, however, the United States sought to acquire Delaware lands and negotiated a treaty that ceded a large tract of land to the nation for less than \$5,000 paid out over 10 years. That treaty also justified the sale of the lands because the tribe's extty). How is that different from the treaty with the Delaware? Does that reflect any changes in power between Americans and Indians?

## VII. Documents and Source Materials

Most of the documents included in this packet are unabridged to give teachers the widest amount flexibility in deciding how to use the materials. Many of the reports include information that may suggest lessons that further students' understanding of Indian history and experience beyond the negotiation of treaties and the establishment of reservations. They may also provide insight into the experiences and attitudes of the white agents who implemented the policies developed in Washington, D.C.

### [Cherokee Nation v. Georgia](#)

Supreme Court of the United States, *The Cherokee Nation vs. The State Of Georgia* (5 Peters, 1), March 18, 1831. This is the complete text of Chief Justice John Marshall's decision.

### [Chinook Dictionary](#) and [Chinook Dictionary Abridged](#)

George Gibbs. *Dictionary Of The Chinook Jargon, Or, Trade Language Of Oregon* (New York: Cramoisy Press, 1863). Excerpts from the English-Chinook portion of the dictionary. The unabridged version contains language that adolescents may find titillating.

### [CIA Annual Report, 1850](#)

*Congressional Globe*, 31st Congress, 2nd Session, p. 26-29. This report by Commissioner Luke Lea summarizes the reasons the government gave for moving to a reservation policy.

### [Executive Orders](#)

Charles J. Kappler, ed. *Indian Affairs: Laws and Treaties*, vol. I, *Laws* (Washington: Government Printing Office, 1904). Edited reprint of the executive orders that established the reservations on Olympic Peninsula.

### [Northwest Ordinance](#)

Roscoe R. Hill, ed. *Journals of the Continental Congress, 1774–1789*, vol. XXXII, *1787, January 17–July 20* (Washington: Government Printing Office, 1936), p. 334-343. This is the full text of the Northwest Ordinance of 1797. It spells out how new states would be admitted to the nation and also how Indians should be treated in the process.

### [Report of Governor Isaac I. Stevens, 1854](#)

Office of the Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, 1854* (Washington, D.C.: 1854), p. 447-457. Excerpts from Governor Stevens' much longer report giving his initial impression of the Indians in Washington Territory and outlining his proposed plans and policies for treaty-making.

### [Report of M. T. Simmons, 1858](#)

Office of the Commissioner of Indian Affairs, *Report of the Commissioner of Indian Affairs, 1858* (Washington, D.C.: 1858), p. 230-232. This is an excerpt from a much longer report made by Indian Agent Michael T. Simmons on June 30, 1858. The agent discusses the Indians' eagerness to have their treaties ratified and describes their attitudes toward whites.

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**Agency Reports** are the reports that the agents filed each year summarizing the progress made by the Indians under their care. The reports often highlighted achievements—including numbers of Indians on the reservations or children in school, the quantities of harvests, fish caught and the like. They also recorded problems and conflicts such as land disputes, Indian complaints,

illnesses, or agent concerns about new policies. In some years the reports were lengthy and detailed; in other years they provided minimal information.

[Neah Bay Agency Report, 1862](#)

Office of the Commissioner of Indian Affairs, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington, D.C.: 1862), p. 407-412.

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**Superintendency Reports** were prepared by the Indian superintendents of Washington Territory. Like Agency Reports (above) they summarize activities of the reservations under the superintendent's administration but also provide a broader overview of Indian affairs in the region. Sometimes, as in the examples included below, they singled out specific problems the superintendents wanted to call to their superiors' attention.

[Report of the Washington Superintendency, 1862](#)

Office of the Commissioner of Indian Affairs, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington, D.C.: 1862), p. 384-401.

[Report of the Washington Superintendency, 1871](#)

Office of the Commissioner of Indian Affairs, *Report of the Commissioner of Indian Affairs to the Secretary of the Interior, for the Year 1871* (Washington, D.C.: 1871), p. 270-278.

[Report of the Washington Superintendency, 1872](#)

Office of the Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1872* (Washington, D.C.: 1872), p. 328-345.

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**Treaties** are defined simply as contracts between nations. Until the United States unilaterally decided in 1871 to stop making treaties with Native Americans, these contracts were how the United States negotiated its relations with Indian tribes. The treaties secured Native lands for American expansion in return for promises of goods and services and established the rules that would govern the ongoing relationship between whites and Indians—although these rules were often violated by the government, its citizens, and, less frequently, the Indians. This selection of treaties can be used to trace the evolution of the treaty-making process and provides the full texts of the treaties made on the Olympic Peninsula in 1855.

[Treaty with the Delawares, 1778](#)

Charles J. Kappler, ed. *Indian Affairs: Laws and Treaties*, vol. II, *Treaties* (Washington: Government Printing Office, 1904), p. 3-5.

[Treaty with the Delawares, 1804](#)

Charles J. Kappler, ed. *Indian Affairs: Laws and Treaties*, vol. II, *Treaties* (Washington: Government Printing Office, 1904), p. 70-72.

[Treaty with the Makah, 1855](#)

Charles J. Kappler, ed. *Indian Affairs: Laws and Treaties*, vol. II, *Treaties* (Washington: Government Printing Office, 1904), p. 682-85.

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