

# UNITED STATES INDIAN POLICY AND THE STEVENS TREATIES

By Kent D. Richards

## UNITED STATES INDIAN POLICY TO 1853

United States policy toward the nation's native population from the beginning of the nineteenth century until 1934 concentrated on bringing tribal members into the mainstream of American life with all the rights, privileges, and responsibilities of citizens. Concomitant with this aim was eradication (after a necessary transition period) of Indian religious, political, and economic practices.

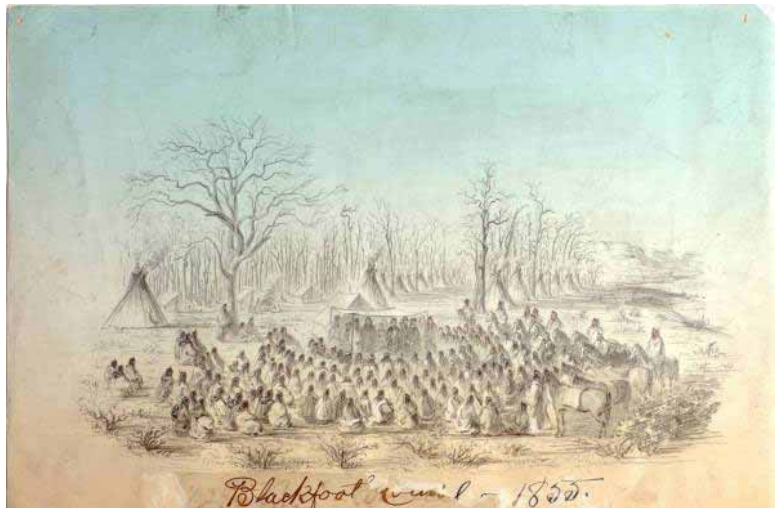
The ten treaties negotiated by Isaac I. Stevens in 1854-1855 constituted an integral part of the nation's Indian policy. They established reservations providing a safe haven where adults could learn farming, mechanical and household arts, the children attend school, and all learn the tenets of Christianity.<sup>1</sup>

## THE STEVENS TREATIES

The key to understanding the Stevens treaties is the context provided by United States policy. Stevens as the agent of the government possessed no authority and, in my view, had no desire to deviate from that policy. Governor Stevens conferred with tribes on his way west in 1853, met with native bands in western Washington in early 1854, assessed the Indian situation in the Territory, and then informed Commissioner of Indian Affairs Manypenny, "the great end to be looked to is the gradual civilization of the Indians, and their ultimate incorporation with the people of the Territory."<sup>2</sup>

The Stevens treaties sought, in the face of increasing pressure of settlement, to provide a peaceful solution that would open lands to citizens and provide reservations where the Indians could receive protection.

The treaties provided for eventual allotment of reservation land to individual members of tribes, land to which they would receive title and which would convey citizenship. Upon conclusion of the first treaty council at Medicine



This scene at the Blackfeet Treaty Council by Gustav Sohon shows Isaac Stevens standing under a canvas shelter with a group of other Euro-Americans. Rows of Indians are seated on the ground looking toward Stevens. Military tents and tipis are visible in the background. Washington State Historical Society Collections.

Creek, Stevens wrote to Commissioner of Indian Affairs Manypenny informing him regarding Indian reserves that, "it was proposed to admit as few reservations as possible with the view of finally concentrating them in one." Further, the governor pointed out, "...article 6th gives authority to the President to remove these Indians to other reserves or to consolidate them with friendly tribes in a single reserve, as also to give within the limits of the reserves homesteads on the principle of the Omaha Treaty."<sup>3</sup>

Several weeks later Stevens reiterated the point, telling Manypenny, "it is believed that as soon as the central agency shall be underweigh [sic], all the special reservations can be dispensed with and the Indians consolidated on the general reservation [at Tulalip]."<sup>4</sup>

Commissioner of Indian Affairs Alfred Greenwood reported in 1860 that it had become the government's policy in the 1850s, to locate a tribe within such limits as would not at first, or too suddenly, change the modes and manners of hunter life for purely agricultural, yet, at the same time, compel the members to labor in part for subsistence; and, as they become habituated to labor, gradually to restrict their possessions and finally to divide their reservations in severalty, giving to each a

distinct and separate farm, and securing to them the comforts of life from the results of their own industry.<sup>5</sup>

For twenty years the government would make annuity payments to purchase agricultural implements, seeds, fencing, and other useful items. The government would also provide farmers, blacksmiths, carpenters, and teachers.

Realizing that a transition period was necessary the tribes could continue to fish, hunt, gather berries, and pasture animals (with certain restrictions). This provision did not appear in the Manypenny treaties as most of those tribes had moved from elsewhere. Joel Palmer in his Oregon treaties had not included such a provision either although it is clear from his correspondence that he believed it necessary for the tribes to continue to hunt and fish on the temporary reservations, and, indeed, they were selected partly for this reason. Reference to continuation of traditional practices was commonly included in many treaties negotiated before the 1850s. In all instances the treaties included wording that these activities would continue until the land was needed for settlement or until the lands became part of the land system as a result of government surveys and sale.

The Stevens treaties contain no such language. However, statements Stevens made about the ultimate aim of the treaties, the provisions written into the treaties, and the policy of the government in the 19th century made it improbable at treaty time that the subsistence provision was perceived as more than temporary.

The Stevens treaties were all similar (again with the partial exception of the Blackfeet). It is perhaps worth noting that the Blackfeet tribes in present Montana were seen as the most hostile and least "civilized" of the tribes treated with by Stevens. For this reason and because it was believed the area would not be

settled for some time, the status quo except for warfare was the goal. It is interesting to note that the Blackfeet treaty provided for continued hunting and fishing for 99 years.

The Blackfeet Treaty aside, the other treaties did contain a few differences added to account for local circumstances as, for example, the mention of horses in instances where they were numerous and a reference to whales and seals in the Makah Treaty. East of the Cascade Mountains, a number of chiefs negotiated annual salaries and other perks for themselves. Slavery among the tribes in western

Washington was prohibited. Also, trade with foreign nations (meaning the British to the north) was not allowed.

As Father Prucha has noted, the treaties were not a negotiation in the usual sense as the parties were not equal. The treaty provisions Stevens brought with him from Washington, D.C. were

those that appeared in the treaties. However, tribal leaders expressed

their opinions. Most wanted assurance that their subsistence needs would be met in the immediate future. Stevens was happy to promise that traditional food gathering practices could continue on lands still open. Secondly, and here there was disagreement, some objected to moving to new locations. (See discussion that follows below.)

## TREATY CONSEQUENCES

Despite the fact of the brief Indian war of 1855-1856 and again in 1858 east of the Cascades, for the most part the peace imposed by the treaties held.

Although the reservation policy of the 1850s did not require the long-distance moves forced on Eastern tribes, the major objections raised at Stevens' councils related to moves from traditional territories, particularly if it required locating into the lands of tribes towards whom



This 1910 Asahel Curtis photograph of Neah Bay shows part of an area within the Makah Reservation. Washington State Historical Society Collections.

one group harbored a certain degree of prejudice if not outright hostility. This issue resulted in the failure of the Gray's Harbor council, prompted Stevens to establish a third reservation (Umatilla) at the Walla Walla council, and created heated debate at the Flathead council. Ultimately some tribes and many individuals covered under the treaties did not move to their designated reservation. For example, only a very few Clallams went to Skokomish; most Nooksacks did not live on the Lummi Reservation, and many Snoqualmie did not reside at Tulalip.



A group of Native Americans from the Upper Columbia is shown here with Father J.P. DeSmet. Washington State Historical Society Collections.

Thus, during the latter half of the 19th century there existed a large floating population of people assigned to reservations but not living on them. Tribes in southwest Washington such as the Chehalis and Cowlitz or in northeast Washington (Spokane and Colville) who had not been brought under a treaty continued living off reservations in an ambiguous legal condition. Although the government pursued a policy of consolidating reservations, as contemplated in the treaties, the practical result was the creation of additional reservations by executive order to accommodate these floating groups--Chehalis, Shoalwater Bay, Hoh, Colville and Spokane, for example, among others.

Given tribal resistance to consolidation it is perhaps ironic that all of the reservations, particularly those in western Washington, quickly became melting pots of individuals from many Indian tribes and groups. A special 1880 census (conducted in 1881) revealed that

those living on the Lummi Reservation included individuals who claimed membership in eleven tribes as well as nine individuals who were "whites." Within the seventy-six families on the reservation there were approximately thirty-eight adults who traced their lineage to non-Lummi tribes. Conversely many members of the Lummi Tribe lived outside the reservation. In 1881, these included as many as sixteen families on San Juan and Orcas<sup>6</sup> Islands. A government census made in 1919 located approximately 198 Lummi residing outside the reservation. Most lived in various locations in Washington, but some were resident in British Columbia, Montana, and as far away as France and Panama.<sup>7</sup>

At Skokomish in 1880 individuals from more than a dozen tribes including some from eastern Washington and British Columbia lived on the reservation. In only two families did both spouses claim a full-blooded Skokomish heritage.

Thus, post-treaty, there was expansion rather than consolidation of reservations, and at the same time extensive inter-marriage and blurring of tribal or traditional family lines within the Indian community.

After treaty implementation (for most this date was 1860), the government and tribal leaders looked with apprehension or anticipation to the end of the treaties. In 1871, Felix Brunot, chairman of the powerful and prestigious board of Indian commissioners, met with many tribes on a tour of Washington and Oregon reservations.<sup>8</sup> Brunot warned the Lummi that they needed to be prepared "when the treaty runs out," meaning at the end of twenty years. At the Skokomish Reservation, Brunot pointed out that the treaty had been ratified twelve years earlier, and that "it was to remain twenty years. It has eight years to run....In eight years the treaty will be done."

The primary vehicle, as noted above, to end communal reservation life and government supervision was, as outlined in the treaties, individual ownership of land as soon as feasible. In 1865, the Washington superintendent urged division of reservation lands in severalty as the best way to encourage permanence and help induce the tribes to abandon "the wild mode of life" and to imitate white practices. In 1871, Washington

Superintendent of Indian Affairs Robert Milroy noted that the chairman of the board of Indian commissioners (Brunot) had recently visited the Puget Sound tribes and found most Indians anxious to have surveys and land patents.<sup>9</sup>



The above "Map of the Territory West of the Rocky Mountains" was drawn in 1837 by B.S.E. Bonneville and lists all of the Native American tribes known to him at that time. Washington State Historical Society Collections.

Surveys, division of land in severalty, and assignment of trust, and eventually in some instances fee simple, patents to individual Indians started in the 1870s and continued for tribes under the Stevens treaties down to the 1920s. Most of this was carried out under treaty provisions. However, after passage of the Dawes Act in 1887, many allotments came under its provisions which were similar to those in the Stevens treaties. Some reservations had the excess lands open to sale after the allotment process. On the smaller reservations all the land was allotted and some tribal members received public domain lands. Allotment also conveyed citizenship. To policy makers it appeared the intent of the treaties to assimilate the native population had in the Pacific Northwest been for the most part accomplished.

However, even though for a time in the late nineteenth and early twentieth centuries, the government considered the reservations to exist only for school purposes (indeed, the reservation agents were now designated as school superintendents), the allotment process had the unintended effect of increasing the Indian Office bureaucracy and insuring the

continuation of the reservation system. The need to supervise trust lands relative to leases, income, sales, and heirship meant more, not less, government involvement in the lives of Indians. Supposedly, this would all end at some point, but that magic day never arrived.

In addition to the movement within Indian tribes post-treaty, there was a general integration into white society, particularly in western Washington but also in the more isolated eastern areas as they became more populated. In the 1850s, and increasingly thereafter, Indian men worked in mills, mines, the woods, and the fields. Census data as early as the 1880s show most members of most tribes in western Washington engaged primarily in jobs other than traditional hunting, fishing, and gathering. When the government attempted to stop logging on reservations in the early 1870s, Indian leaders and government officials at Tulalip and Skokomish vigorously (and successfully) protested that the main source of support for most families was being eliminated.



The picture above shows a Native American man, Tye Dick, and his family in front of their home in Tacoma, Washington. Washington State Historical Society Collections.

Even as reliance on traditional subsistence practices diminished, assertion of treaty rights relating to traditional activities grew, particularly after 1900. As Alexandra Harmon has argued, these rights, most importantly fishing rights, became a rallying point for groups that had lost much of what had once defined them as Indians.

In summary. Much of what was contemplated in the treaties did in fact come to pass-- education, individual property ownership, citizenship, assimilation into the economy and

into other aspects of American culture.

However, it was not contemplated in the treaties that the reservations would continued and even increased in number. This fact ultimately provided the framework for continuation of tribal and Indian identity. Particularly in the 1920s and 1930s and thereafter tribes looked to the treaties as the legal basis for Indian rights and as the touchstones of what it meant to be Indian.

### About the Author

Kent D. Richards was born in Kenosha, Wisconsin on August 7, 1938. Dr. Richards was hired as a professor of history at Central Washington State College in the fall of 1966. He remained and taught at the college for next thirty-two years before retiring in December of 1997. During his tenure at Central he served as Chair of the History Department between 1975 and 1980 and later as Associate Dean of Graduate Studies and Research.

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<sup>1</sup> Stevens' treaty with the Blackfeet (and other tribes) did not create reservations. This was a treaty of peace and amity with the expectation that subsequent negotiations would provide for reservations (which did not occur).

<sup>2</sup> Isaac I. Stevens to George Manypenny, September 16, 1854, CIA, Annual Report, 1854, 455.

<sup>3</sup> Stevens to Manypenny, December 30, 1854, WSIA, R.1.

<sup>4</sup> Stevens to Manypenny, May 11, 1855, WSIA, R.1.

<sup>5</sup> CIA, Annual Report, 1860, 249-250. A modern authority on United States Indian policy has characterized the reservation policy:

So reservations--in most cases small parcels of land "reserved" out of the original holdings of the tribes or bands--developed as an alternative to the extinction of the Indians. The reservations, however, were thought of as a temporary expedient, for whites dealing officially with the Indians in the 1850s all accepted the idea that the nation within its new continental limits would become the abode of enterprising and prosperous American citizens. They had no notion of a pluralistic society or a divided land occupied in part by European immigrants and their descendants and in part by American Indians adhering to their own customs. Prucha, THE GREAT FATHER, 317.

<sup>6</sup> Records of the Bureau of the Census, RG 29, M1791, Schedule of a Special Census of Indians, 1880, Tulalip Agency, R.2. Lummi Reservation residents claimed lineage as Swinomish, Nooksack, Stokamish, Skagit, Chilliwhac, Cowichan, Stickein, Clallam, Snohomish, and Semiamoo.

<sup>7</sup> NAS, Tulalip Agency, Tribal Census Rolls, 1913-1929, Schedule of Unenrolled Indians of Western Washington, Lummi Tribe, B.473.

<sup>8</sup> In April 1869, Congress authorized the President to appoint a board of commissioners serving under his direction who would exercise joint control with the secretary of the interior over Indian appropriations. This authority combined with the prestige of the intellectual, religious, and business leaders appointed made the board a powerful force in Indian affairs. In an 1869 report the board advocated abandonment of the treaty system and abrogation of existing treaties. They called for education in industry, the arts of civilization and Christianity which would elevate Indians to the rights of citizenship. The board called for assignment of land in severalty and discouraging tribal relations. Prucha, GREAT FATHER, 503, 510.

<sup>9</sup> William Waterman to Senator J.R. Doolittle, August 31, 1865; Robert Milroy to CIA, September 3, 1872, M234, LRCIA, R.909, 912.

