



Laws and Treaties Lesson Introduction (for Teacher Reading and Preparation Prior to the Lesson)



***Treaties** are legal agreements between nations. Both nations agree or promise to follow what is written in the agreement.

The Confederated Tribes of Grand Ronde Treaties include:

- Treaty with the Umpqua-Cow Creek Band 1853
- Treaty with the Rogue River 1853
- Treaty with the Rogue River 1854
- Treaty with the Chasta 1854
- Treaty with the Umpqua and Kalapuya, 1854
- Treaty with the Kalapuya 1855
- Treaty with the Molala 1855

In order for the U.S. government to work with the Oregon tribes it was agreed that a special relationship was needed to get the tribal treaties between the U.S. government, a sovereign nation relationship that still exists today. Tribes are known as a nation within a nation because the tribes are within the United States. Approximately 800 treaties were signed between Indians and non-Indian nationals by 1871. Over 500 of these treaties have been signed with the United States. Other treaties were made with Great Britain, France, and Spain. These treaties were written documents outlining the basic rights of each of the nations.

(Oregon Department of Education, *Indians In Oregon Today*, Floy Pepper, 2006 Revision, 24)

***Sovereignty** means having independent power; free; having the right to self-government. Tribes are sovereign nations.

***Laws** were created and changed throughout history and had a detrimental effect on tribes, especially the Confederated Tribes of Grand Ronde and the 1954 Western Oregon Termination Act. Cultural customs, traditions, and languages were lost, and family units destroyed.

Review color version of the Grand Ronde Treaties Map

Compare/Contrast Chart

(reformatted from the *Indians In Oregon Today* curriculum)

The Indians made treaties to:	The U.S. made treaties to:
Reserve portions of their land, creating a reservation.	Get land from the Indians (for settlers-surplus land).
Maintain the right to decide their own government.	Keep the peace.
Maintain the right to determine how their own land is used.	Be able to trade with tribes.
Maintain hunting, fishing, and gathering rights.	Set up reservations.
Identify and define the rights of both nations.	End wars.
Deal with non-Indians on an equal basis.	
Establish the borders for their nations.	
Be able to trade with other tribes and non-Indians.	
Build friendship between nations.	

The treaties were written to help Indians keep certain rights. It is not correct to say that Indians were “given” these rights when they signed a treaty. Rather, Indians retained the rights they already had. Getting land from the Indians was the most important goal of the U.S. government. The government wanted the land to sell or to give to the settlers. The Indians wanted to preserve the land in order to keep their usual way of life (Oregon Department of Education, *Indians In Oregon Today*, Floy Pepper, 2006 Revision, 24).

Treaties and Executive Order of 1857

The Indians of the Western Oregon, parts of Northern California, and Southern Washington negotiated treaties with Anson Dart and the Willamette Valley Treaty Commission in 1851 that would have created reservations in their ancestral lands. During these negotiations Chief Alquema told the Commissioners:

“We understand fully what you mean and that it may be better for us, but our minds are made up.” Placing his finger on the place on the map which designated the fork in the Santiam River, he said “We wish to reserve this piece of land. We do not wish to leave this. We would rather be shot on it than be removed.”

These Treaties were not ratified by Congress and a new Indian Agent named Joel Palmer was sent to renegotiate the treaties. Between 1853 and 1855 seven new treaties were negotiated and signed by Tribes in western Oregon and ratified by Congress ceding their title to the land from the Coast Range to the Cascade Range and relocating them to a future but as yet unestablished Reservation.

Beginning in 1856 the United States government relocated over 25 different Tribes and Bands to the Grand Ronde Agency in the Yamhill Valley next to the Coast Reservation. The Yamhill Valley was already prepared with agricultural fields and could sustain over 2000 Indians while the Coast Reservation was not ready for this. In the 1870s Tillamook Tribes from the Coast that had not been party to the treaties were removed to the Salmon River encampment, some of the Tillamook relocated to Grand Ronde and married into the Tribe.

The Grand Ronde encampment was officially designated as a reservation under an Executive Order by President James Buchanan on June 30, 1857. This EO effectively separated the Grand Ronde Reservation from the adjacent Coast Reservation. The Executive Order took the lands ‘embraced in townships 5 and 6 south, of range 8 west and parts of townships 5 and 6, of range 7 west, Willamette District, Oregon’ into the reservation boundaries. The center of the Reservation was about 60 miles SW of Portland and 25 miles from the Pacific Ocean. Today the Reservation sits in approximately the same area, but is substantially less than it was when the EO was signed in 1857.

Grand Ronde Reservation History

Joel Palmer’s establishment of the Grand Ronde Reservation was reluctantly accepted by our ancestors whose chiefs and headmen were brought to the Reservation to see the land before their removal. The removal was vehemently opposed by White settlers in the region who did not want any Indians in the Willamette Valley. On January 8, 1856, a petition was sent from Oregon citizens to then President Franklin Pierce opposing the purchase of the land and colonization of the “thousands” of Indians in the Willamette Valley. So strong was the opposition that Joel Palmer was forced to organize civilian protection and request the presence of United States troops. On April 11, 1856, Joel Palmer wrote the Commissioner of Indian Affairs:

“The threatening attitude of the community led me to apprehend a general and combined attack upon the camp of friendly Indians, located the Grand Ronde, and the slaughtering or driving into hostile positions all who might be residing in the valley. I accordingly deemed it necessary to organize a force of armed citizens and place them on the eastern line of the reservation, cutting off all communication between settlements and the Indians. And whilst engaged in this line, to construct a fence from mountain to mountain, as a line of demarcation, across which no one could pass. This I have attempted putting into operation and have good reason to believe will be successful. It will require a force of about sixty men, and to remain until relieved by the promised Company of United States Troops.”

The creation of the Reservation in conjunction with the Donation Land Act created land and jurisdiction disputes from the onset of the Reservation. The US Army set about purchasing all of the land in the Grand Ronde valley to create the Reservation. Some settlers sold their land and farms, while others opposed it. The existence of these claims has made it difficult to accurately record the exact acreage contained within the Reservation during this time, but the area was at least 60,000 acres and may have been as large as 69,000.

Allotment

After the initial relocation to the Reservation most of the Indian Tribes and Bands camped together in areas delineated by language and familial bonds. Each encampment elected leaders to take part in the Reservation government and farmed in plots that were communally owned.

On February 8, 1887, the General Allotment Act also known as the Dawes Act was passed into law. This law separated the communally owned lands into 270 allotments. These allotments were approved on April 29, 1891; by July of the following year 265 patents to men, women, and children were transmitted to the Agent at the Grand Ronde Agency. Several of the allotments had been inadvertently placed on areas outside of the Reservation and one person had been overlooked entirely.

The patents issued were intended to be moved from trust status into fee status after a 25-year period. What actually occurred is that most were patented and moved into fee status far faster and began to be sold off.

Two of the most vocal proponents of the allotment act were the Honorable Thomas H. Tongue of Hillsboro, Oregon, and Frank C. Armstrong, Special Agent at the Grand Ronde Agency. They advocated for the allotment to occur and that future generations would not need new allotments, but could purchase them from their elders and those that were infirm that resided at the Reservation. Armstrong in particular wanted the land that was not allotted to be sold off as surplus. He indicated to policy

makers that the Indians at the Grand Ronde Reservation were in full agreement on this issue, but no documentation has ever been located to support his claim.

Early 20th Century Land Negotiations

With the recommendations made by Frank C. Armstrong, United States Indian Inspector James McLaughlin began negotiations with the Confederated Tribes of Grand Ronde to purchase the “surplus” land. On June 27, 1901, McLaughlin and the Tribe negotiated the sale of 25,791 acres. The Tribe requested approximately \$2 per acre. After negotiations the final price was a fraction over \$1.10 per acre.

In Docket No. 238 before the Indian Claims Commission, the Kalapuya and Grand Ronde Community filed a claim to recover the value of the land ceded under the McLaughlin Agreement. This claim was based on the principle that the payment had been an unconscionable consideration. The claim never was fully presented and was ultimately dismissed.

After failing to regain the lands lost under the McLaughlin Agreement the Confederated Tribes of Grand Ronde accepted the provisions of the Indian Reorganization Act (“IRA”) in 1936. Afterwards the Tribe utilized the IRA money to purchase six ranch properties and one building site totaling 536.99 acres. Twenty-two assignments were made and managed by the Grand Ronde Business Committee. These assignments were to provide subsistence and farming sites for Tribal people. The IRA act also allowed the Tribe to draft its first constitution and seat its first official tribal council, previously the leadership had been either through the Indian Agent or hereditary chiefs acting through a type of Legislature process.

Chemawa

During the period after relocation to the Reservation, many children were sent to the Chemawa Indian Boarding School. Many children were forced to attend, further separating the community from its traditional values and teachings, and indoctrinating the children into the major society. There was also a Catholic boarding school called St. Michaels in Grand Ronde that was used extensively as well.

Termination

On August 13, 1954, Public Law 588, Western Oregon Termination Act was signed into law by President Dwight D. Eisenhower. During Termination many Tribal members were unaware of the exact nature of the Act. Additionally many were not allowed to vote on the Termination or were misled about its actual intention. This Act effectively terminated the Tribe’s federal recognition and removed all obligations that had been negotiated through treaties between the United States government and the Confederated Tribes of Grand Ronde.

During the next few years the Confederated Tribe of Grand Ronde was required to submit Termination rolls. Simultaneously, the Bureau of Indian Affairs was

terminating its services to the Tribe. This Act was firmly established by proclamation by the Secretary of Interior Fred A. Seaton on August 13, 1956.

The Tribe was left with only the 2.5-acre Tribal Cemetery in holding, which eventually became the land base used to seek restoration.

Relocation

In 1956 the Indian Relocation Act forced many Tribal people from their homes with the intention of allowing them to find jobs in metropolitan areas. This, in addition to the Termination, further impacted the Confederated Tribes of Grand Ronde as many Tribal members were forced to leave the Reservation to look for work.

Restoration

The first meeting was organized by Margaret Provost in Grand Ronde at the old Grand Ronde Bank. She was surprised when so many people showed up to the meeting. It actually had to be moved to the field in the back of the bank rather than inside. The community of Grand Ronde worked very hard speaking before Congress and other federal and state agencies with the goal of restoring the Tribe. Grand Ronde Tribal Member Marvin Kimsey speaking before the House Interior and Insular Affairs Committee on October 18, 1983:

“The successful passage of H.R. 1885 will restore the identity to the Confederated Tribes of Grand Ronde as an Indian Tribe. It will correct injustices against the tribe, from the first land cession to the final injustice of termination in 1954.”

On November 22, 1983, President Ronald Reagan signed Public Law 98-165, also known as the Grand Ronde Restoration Act. Thirty years of work by Tribal members was fruitful in getting the federal government to recognize that the Confederated Tribes of Grand Ronde were unjustly terminated in 1954.

The Restoration Act rescinded most of the provisions of the Termination Act; but the Tribe was forced to give up hunting and fishing and they had to wait for the reestablishment of a reservation. Enormous pressure from sport fishing and hunting lobbies forced the Tribe to accept the loss of these rights to become restored.

The next move of the Tribe was to develop a Reservation Plan that would restore the land base of the Confederated Tribes of Grand Ronde. Kathryn Harrison stated, when speaking before House Committee on Interior and Insular Affairs on April 12, 1988:

“With the passage of this bill, the outlook for the Confederated Tribes is brighter and broader than ever before in our history. With our own land,

our People see a new day, a new light, and a new life before us. It has been a difficult and powerful journey from Termination back to our rightful place in the Family of Indian Nations.”

On September 9, 1988, President Ronald Reagan signed Public Law 100-425, also known as the Grand Ronde Reservation Act into law. This Act reestablished the Reservation (9,811.32 acres) for the Confederated Tribes of the Grand Ronde Community of Oregon.

Optional Read Aloud to Class:

The Indians Hear a Treaty Speech in 1855 **Santiam Kalapuya**

The Americans (troops) arrived. They spoke as follows, “qa’ yaquts! (chief’s name - modern spelling is Kia-kuts). Now we will give you quantities of money, (and) all sorts of things. So then you will not be poor. All your tribespeople will be just like Americans. You will be given everything – (property such as) cattle, horses, wagons, blankets, breeches, hats, coats, overcoats, quantities of flour, sugar, coffee. You will be given food for five years. The Americans will watch over you. They will make your fences. They will plough your land. They will fence your land. They will make your houses. They will build a hammer house (blacksmith shop). A man will come who knows how to make all sorts of things (a blacksmith). He will fix your wagon for you if it should break. He will make the handle of your ground breaker (your plow). He will just fix it (at cost). The great headman (the government of the United States – symbolized in the President) will pay for it. Whatever you may desire, he will make it.

“A trading house (a store) will be built. You may obtain (there) whatever you wish. An iron house (a blacksmith shop) will be erected, to repair what has gotten spoiled. Whatever sort of iron thing you may want, you will not have to pay for it. There will be erected a paper (book) house (i.e., a school building). Your children will speak (read from) the paper (book). That is the way they will do like Americans. Twenty acres (will be given to) each person (Indian), and as long as you remain on the place, then it will be your own place. The great headman (the United States and its President) will give it to you to be your own place. After twenty years the (last) payment for your place will cease, and then no one will (be necessary to) watch over you. You will take care of your own heart (you will then be no longer a government ward). That is how you will be (then) just like an American...”
(Mission Mill Museum, *Facing Statehood – Curriculum Guide*, Tracy Miller-Prien, 2009, 10)

Jo Hutchins’ Speech to Superintendent Meacham, Grand Ronde, 1869 **Santiam Kalapuya**

“I am watching your eye. I am watching your tongue. I am thinking all the time. Perhaps you are making fools of us. We don’t want to be made fools. I have heard tyees (chiefs) talk like you do now. They go back home and send us something a white man don’t want. We are not dogs. We have hearts. We may be blind. We do not see the things the treaty promised. Maybe they got lost on the way. The President is a long way off. He can’t hear us. Our words get lost in the wind before they get there. Maybe his ear is small. Maybe your ears are small. They look big. Our ears are large. We hear everything.

“Some things we don’t like. We have been a long time in the mud. Sometimes we sink down. Some white men help us up. Some white men stand on our heads. We want a schoolhouse build on the ground of the Santiam people. Then our children can have some sense. We want an Indian to work in the blacksmith shop. We don’t like halfbreeds. They are not Indians. They are not white men. Their hearts are divided. We want some harness. We want some ploughs. We want a sawmill. What is a mill good for that has no dam? That old mill is not good; it won’t saw boards.

“We want a church. Some of these people are Catholics. Some of them are like Mr. Parish, a Methodist. Some got no religion. Maybe they don’t need religion.

“Some people thing Indians got no sense. We don’t want any blankets. We have had a heap of blankets. Some of them have been like sail-cloth muslin. The old people have got no sense; they want blankets. The treaty said we, every man, have his land, he have a paper for his land. We don’t see the paper. We see the land. We want it divided. When we have land all in one place, some Indians put his horses in the field; another Indian turn them out. Then they go to law. One man says another man got the best ground. They go to law about that. We want the land marked out. Every man builds his own house. We want some apples. Mark out the land, then we plant some trees, by-and-by we have some apples.

“Maybe you don’t like my talk. I talk straight. I am not a coward. I am chief of the Santiams. You hear me now. We see your eyes; look straight. Maybe you are a good man. We will find out. Sochala-tyee (Saxali tyee)-God sees you. He sees us. All these people hear me talk. Some of them are scared. I am not afraid. Alta-kup-et (Alta kepit)-I am done.”

(Mission Mill Museum, Facing Statehood – Curriculum Guide, Tracy Miller-Prien, 2009, 10)

Quote from Chief Justice John Marshall (1832)

“When the United States gave peace, did they not also receive it? Were not both parties desirous of it? If we consult the history of the day, does it not inform us that the United States were at least as anxious to obtain it as the Indians?...This relation (in a treaty between the United States and an Indian tribe) was that of a nation claiming and receiving the protection of one more powerful: not that of individuals abandoning their national character, and submitting as subjects to a master” (Indian Tribes as Sovereign Governments, 1988).”