

TRIBAL HISTORY

A Piece of Siletz History

by Robert Kentta, Cultural Resources Director

This article is the fifth in a series of brief articles. Each one covers a specific era or time period of our history, moving slowly toward the present time. The previous article was about the early settlement period. This article begins to discuss the period when our ancestors, under threats of extermination, were forced to make very difficult decisions to guarantee us a future. Those decisions many times meant ceding (transferring ownership to) vast areas of our homelands to the United States by ratified treaty, in hopes of permanently retaining a smaller piece - known as a reservation. This article is about the first attempts at getting our people to cede lands to the United States.



Part V – The Early Treaty-Making Period of 1851

As thousands of U.S. citizens took more than 2,000,000 acres of our homelands in Donation Land Claims, the United States knew it could not guarantee clear title to its settlers unless our people formally ceded those lands to the United States by treaty.

This pattern has been repeated over and over across this continent. Indian land was recognized as Indian land only so long as settlers, miners, timber barons, or whoever weren't interested. Once one of the above became interested, however, they generally moved in and held - by forced occupation - the location until they had caused enough trouble that the U.S. government had to "take action to secure the rights of its citizens." It has always been an unbalanced and unfair process, but based, in theory, on U.S. Constitutional recognition of our people's rights to life, liberty, and property.

At about the same time that the Donation Land Act was passed (1850), Congress passed an act creating the Oregon Superintendency of Indian Affairs. Previously, the governor of the Oregon Territory had held dual office and also was in charge of Indian Affairs for the region. The act created a separate superintendent's position.

The first superintendent of Indian Affairs of Oregon was Anson Dart. Remember that "Oregon" at the time was the Oregon Territory, consisting of what is now Oregon, Washington and Idaho. Congress directed Dart to make treaties with all tribes in Oregon, starting with our tribes who were living in the areas most occupied by settlers (Western

Oregon). Congress' intent of the treaties was to get our tribes living in the most settled areas to cede all of their lands and agree to move east of the Cascade Range. A permanent reservation would be created and we would be "out of the way of settlement."

In June 1851, two incidents preceded the negotiation of treaties. The U.S. Army (for the first time) fought our people when they attacked our villages along the Rogue River near Table Rocks (killing about 50 and taking 30 women and children prisoner).

At about the same time, Capt. Tichenor landed a group at what is now Port Orford with intentions of establishing a town-site near the main village. About 30 of our people died at "Battle Rock" in the conflict that followed. There always had been tension and skirmishes, but now our people were threatened by an all-out **extermination** movement growing among the settlers. This was especially popular among the miners, who were now invading formerly secluded areas of Southwest Oregon and Northwest California by the thousands.

Later in 1851, Dart conducted treaty meetings in the northern Willamette Valley, along the lower Columbia River down to Tillamook Bay, and from Sixes River to the mouth of the Rogue. Under these treaties, each tribe refused to conform to Congress' plan for them. Each group was willing to cede the majority of their territory, but insisted on permanently reserving a piece of their home country for themselves and reserving the right to fish in all usual and accustomed areas.

Word of Dart's over-expenditures (in presents, room and board, and salaries for his helpers, etc.) and the provisions of his treaties soon made it to Washington, D.C. Before Dart knew it, his authority for making treaties ended. He had tried to honor the wishes of the tribes, but he was ever after mistrusted by Indian and settler alike.

The U.S. Senate refused to take action on the treaties that Dart had negotiated in 1851. So while our people who signed those treaties technically maintained aboriginal title to all their homelands, more settlers and miners continued to arrive, many of them violent, lawless characters.

Not until a new superintendent took over in 1853 did things began to change. Next month's article will be about that new superintendent, Joel Palmer, his treaties of 1853-1855, and what those treaties promised our people.

Ordinance, con't from page 30

16.29. AVAILABLE REMEDIES; AMOUNT OF LIABILITY.

(1) The Tribal Court may award a prevailing plaintiff injunctive, declaratory and monetary relief for violations of the Indian Civil Rights Act. No punitive damages may be awarded under this section.

(2) Monetary relief shall only be awarded by the tribal court when actual damages can be proven by the plaintiff. Such awards shall not exceed \$10,000, *provided*, to the extent the Tribe has third party insurance coverage which covers a particular claim, the Tribal Court may award damages to the extent of available insurance coverage. To the extent a tribal body or an employee, agent or officer of a tribal body is held liable under the terms of this section, the Tribal Council may direct that any

(See Ordinance on page 32)