

A Piece of Siletz History

by Robert Kentta, Cultural Resources Director

This is the 11th in a series of articles about our tribal history. The previous article described some of the activity surrounding the 1865 executive order that opened 200,000 acres of our reservation to settlement. This article will cover the 10-year period immediately following that first reduction, a decade of changing federal policy that ended with the second massive taking of our Coast (Siletz) Reservation lands.

Part XI – Changing Federal Policy and Reduction of the Coast Reservation by Act of Congress, 1875

As stated at the beginning of last month's article, to really understand our history is to understand each event or situation survived by our people. But we must be careful not to look at each event or era in isolation, but holistically as it relates to the whole continuum of events affecting our people. We also must try to understand each event or era as it relates to national, state, and local politics, the "court" of public opinion, and the pressures that interested individuals with political influence can have.

The 1865 executive order that opened the Yaquina Bay region to settlement had dramatic and lasting effects. It confirmed that our people would not be treated fairly and that we could not put our faith in the U.S. government to look after our interests.

During the 1850s, our people were recognized as sovereign, self-governing groups through the treaties that were signed with us. The treaties were negotiated on an uneven playing field and federal policy toward our people was subtly hinted at within the text of the treaties (agricultural implements, teachers and schools, etc., to be provided). Over time, the acceptance of these gifts and payments for our ceded lands became mandatory and federal policy not only was dictated, but also strictly enforced – both on and off the reservation.

Eventually, the United States led itself to believe that it held unlimited power and could implement whatever policies it deemed to be "in the best interests of the Indians." Eventually, the U.S. Supreme Court would back up that philosophy by ruling that Congress has "plenary power" over Indian affairs (can take any unilateral action it wants – but must compensate for taking vested rights or property).

Remember that during this time, the official version of our history was that an executive order established our reservation as a temporary, emergency measure because the Senate failed to ratify the 1855 Coast Treaty. Today, we know that the executive order should have been recognized as a required delegation of authority to the president under our ratified treaties. Even though that old "official" interpretation has been proven false, it was used repeatedly as justification for taking our lands, rights, and resources without compensation because we supposedly didn't have any real, titled interest in the things that were being taken.

In the years following the 1865 executive order, great changes took place in the way that the United States looked at tribes as governments. Federal policy increasingly moved toward

assimilation of the individual Indian and less toward recognizing tribal governments or traditional ways of political organization. Federal policy treated our people as wards of the government, children to be trained, threatened, and inspired into all that parents think their children should be, and punished if necessary.

That attitude in politics and in public opinion grew (with the help of other pressing issues) to create a shift in policy. Resentment had been building in the U.S. House of Representatives for some time because Indian tribes, as groups with apparently (at least in the eyes of the U.S.) diminishing sovereignty, were still treated as independent sovereigns. The opinion was evolving that Indians were definitely wards or at least dependent, domestic nations. The House's problem was with the fact that it had no say over the treaty system. It was bound by the Senate's treaty ratifications. The House was expected to pass (in its mind – exorbitant) appropriations legislation to carry out treaty provisions with which it did not always agree.

The House raised such a fuss that in the late 1860s, there were several sessions in which appropriations bills did not get passed for following through with treaty agreements already ratified and proclaimed by the president to be "the law of the land."

Other issues also drove these changes. Over the years, it became increasingly common for treaties to state that individual Indians' debts (to traders, merchants, etc.) would be covered off the top of appropriated funds for treaties. This, of course, led to a debased system of graft and corruption that irked any white man with a conscience. It ripped off the tribes as a whole and made some unscrupulous traders fabulously wealthy.

Some politicians wanted to totally dismantle the treaty system by declaring all formerly ratified treaties null and void, only dealing with Indian affairs by legislation from that point on. Others, thankfully, saw the great national shame that would result from such action, and plead for carrying out, in good faith, treaties already ratified and proclaimed. Debate on the treaty system finally ended with legislation passed in 1871 that ended the treaty-making system but affirmed the recognition of those treaties previously entered into.

From that point on, treaties continued to be negotiated but were not called treaties. Instead, they were called "agreements" with tribes and were obtained through a standard legislative process rather than through Senate ratification and presidential proclamation.

Meanwhile, on the home front, affairs were not exactly tidy. The Oregon Legislature, encouraged by the response to its 1865 petition for access to Yaquina Bay, began passing a barrage of memorials to Congress in the early 1870s. These asked Congress to help Oregon citizens obtain lands and resources then within our reservation. Rumors began to circulate on the reservation that our people would soon be rounded up and taken to another reservation.

In 1874, an inspector of the Indian Department (Inspector Kemble) made a visit to the Siletz Agency and met with our headmen. He heard all the complaints, grievances, and rumors of removal. He issued a report to the acting secretary of the Interior,

(See Tribal History on page 30)