

Our Aboriginal Lands and Treaties A Series of Articles

By: Robert Kenitta

Part 7. The 1855 Unratified Coast Treaty

As has been said before (too many times), the 1855 Unratified Coast Treaty has been classically billed as the main reason and base document for the November 9, 1855 Executive Order which established the original boundaries of the Coast Reservation - despite the fact that the boundaries established by the Executive Order were not those cited in the treaty, and the treaty itself was not even received in Washington D.C. at the Commissioner of Indian Affairs' office until five days after the Executive Order was signed.

At the time that the treaty was received in the Commissioners' office, Congress was in recess, so it was put on hold, then when Congress met again in 1856, it was further withheld from Congress because of the "hostile condition of our Indian relations in that quarter" - as the Secretary of the Interior would write in 1893.

When the hostilities had ended and our people had already been removed to the Coast Reservation, most of the treaties from the northwest area which had been withheld were sent on to Congress. The Oregon Coast Tribes' Treaty however, was "overlooked" in this round and it wasn't sent on to the Secretary of the Interior until Feb. 5, 1857. The Secretary then transmitted the treaty to President Franklin Pierce, who sent it on to the Senate on Feb. 11, 1857. The treaty was read in the Senate on Feb. 18th, and it was then referred to the Committee on Indian Affairs.

What exactly happened to it from that point is a big question (one that will hopefully be answered soon by my latest request to the National Archives, whether it died in committee, or made it through committee - then later died when put to a full vote remains unclear).

Possibly, objections to the treaty came from several directions: The Senate must have been aware that President Pierce had established a Reservation for these people by an Executive Order more than a year before this treaty was up for consideration, so maybe there was a reluctance to re-establish a reservation that was already up and running, - or the Senate realized that ratifying the treaty would actually reduce the reservation as it had been established by the Executive Order and knew that such a reduction couldn't legally take place without a treaty for the reduction

of the reservation with the ratified treaty tribes that were already on the Coast Reservation, - or the Senate discreetly decided that it preferred not to pay for the Coast Peoples' aboriginal lands (since the desired object was already had - the Coast tribes were already removed to the Reservation), - or there were objections to the fact that the Coast Treaty included all of the Indian lands from the Columbia River south to the California border, yet there is no evidence of any bands north of the Nea Chesna (Salmon River) having signed the treaty, - or, merely that even though the President had designated a reservation on the Oregon Coast, the Congressional delegation from Oregon was still strongly opposed to a reservation in western Oregon.

Whatever the confusion or objection, Congress clearly chose not to ratify the agreement at that time, nor in the following years when annual pleas were heard in Agent, Special Indian Department Inspector, Superintendent of Indian Affairs, and Commissioner of Indian Affairs reports asking Congress for a means to ease the suffering of the Unratified Treaty Bands on the Coast Reservation by Congressional ratification of their agreement.

Had the Coast treaty been ratified, it would have at least supplied meager payments for the lands that the Coast tribes had been forced to give up, as the inland bands were getting for their lands, but it would have done little in the way of providing permanent security for the people, because the Coast Treaty would not have provided a permanent reservation, instead it stated; that the 800,000 acre version of the Coast Reservation as described in the Coast treaty would be "For the term of 20 years, held and regarded as a part of said Indian Reservation", after 20 years it apparently fell under the clause of "until otherwise directed by the President of the United States".

It is impossible to discern Superintendent Palmers' intent, motives, and reasons for many of his actions during different periods of the time that he held office. In once instant he would fire an Agent (Agent Culver at the Table Rock Reservation) for not having fully protected the rights of the Indians in a deal which sold hay from the Reservation, saying that "it is the duty of the Agent to see that their rights are maintained", then for him to turn around and draft such a treaty with the Coast Tribes is worse than hypocrisy.

Perhaps Palmer felt the hopeless in his attempts to provide a permanent reservation for the western Oregon tribes, and under pressure drafted this treaty which would have allowed for the removal of our

people to points unknown after the 20 year promise ran out, something which had been constantly urged by the majority of "citizens" in western Oregon since 1850.

In summary, if the 1855 Coast Treaty had been ratified, it would not have secured us the rights and promises that were guaranteed us in the Rogue, Umpqua, and Willamette Valley treaties, however, the mere existence of the document, ratified or not, has given the United States an unjustifiable opportunity to undermine the guarantees that are present in our ratified treaties. Instead of treating us all as "Indians without treaties", the U.S. Government should have extended equal ratified treaty rights to all of us as they "confederated" us, by force, on this reservation

Elders Update

By: Pauline Ricks

Here we are ready to start a new year. We had a productive year with our baked sales, bazaar, and rummage sale. We even sold a lunch to the tribal staff, which we all enjoyed. We also held two raffles at our Annual and Restoration Pow Wow. Several Elders were in attendance at the Head Start luncheon, and many of us participated at the Head Start Mini Pow Wow. Some of us danced with Bud Lane and the Feather Dancers at the Performing Arts Center in Newport, and also at our Pow Wow. I had the privilege of performing with the Dancing Again Singers and Dancers at the Oregon State Fair. It was fun! We are always honored when the younger people ask us to participate or just to be their guests. We participated in many other activities, but I believe the high light for 1993 was our trip to Canada.

We encourage all Elders to be part of our activities. However, we need to meet soon. The January 19th luncheon will be at 12 noon and our guest will be Selene Rilatos-Lynch who would like to address the Elders on oral history. She will also show us slides of our Canada trip.

I would like to have a meeting with the Portland, Salem, Springfield, and Siletz Reps. We need to set up a format for the coming year.

Hope to see you January 29th at our regular monthly meeting.

Our love and prayers to the family of our tribal Elder, Matt Williams, who will be missed by all.

Happy New Year to all, from your tribal Elders!

Any Elders wanting to go to the Disneyland Ice Capades March 4 at the Portland Coliseum, contact me at 444-2559 as soon as possible.

Tribal Love

*What I love is not hard to explain
When I love it I feel no pain
Nobody can take this love away
Cause I'm proud and will always stay
Stay with you my family and friends
I'd like to say my love has no end
With all this love I sometimes cry
But I'll always hang in there and always try
Try to do right and not to do wrong
But it's hard cause this trail is oh, so long
My love is strong with lots of pride
But you just gotta know
My love is for my Tribe*

Jason Daniel Butler