

Treaty was An Attempt To "Civilize" Indians

Treaty with the Tribes of Middle Oregon, 1855

ARTICLE 2. In consideration of, and payment for, the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit:

Eight thousand dollars per annum for the first five years, commencing on the first day of September, 1856, or as soon thereafter as practicable.

Six thousand dollars per annum for the term of five years next succeeding the first five.

Four thousand dollars per annum for the term of five years next succeeding the second five; and

Two thousand dollars per annum for the term of five years next succeeding the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being and advance them in civilization; for their moral improvement and education; for building, opening and fencing farms, breaking land, providing teams, stock, agricultural implements, seeds, etc; for clothing, provisions and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition.

ARTICLE 3. The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be applied to the payment for such articles as may be advanced them at the time of signing this treaty, and in providing, after the ratification thereof and prior to their removal, such articles as may be deemed by the President essential to their want; for the erection of buildings on the reservation, fencing and opening farms; for the purchase of teams, farming implements, clothing and provisions, tools, seeds, and for the payment of employees; and for subsisting the Indians the first year after their removal.

ARTICLE 4. In addition to the considerations specified the United States agreed to erect, at suitable points on the reservation, one saw-mill and one flouring-mill; suitable hospital buildings; one school house; one blacksmith-shop with tin and a gunsmith shop thereto attached; one wagon and ploughmaker shop; and for one sawyer, one miller, one superintendent of farming operations, a farmer, a physician, a school teacher, a blacksmith, and a wagon and ploughmaker, a dwelling house and the requisite outbuildings for each; and to purchase and keep in repair for the time specified for furnishing employees all necessary mill-fixtures, mechanics' tools, medicines and hospital stores, books and stationery for schools, and furniture for employees.

The United States further engage to secure and pay for the services and subsistence, for the term of fifteen years, of one farmer, one blacksmith, and one wagon and ploughmaker; and for the term of twenty years, of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher.

The United States also engage to erect four dwelling-houses, one for the head chief of the confederated bands, and one each for the Upper and Lower De Chutes bands of Walla Walla, and for the Wascopum band of Wascoes, and to fence and plough for each of the said chiefs ten acres of land; also to pay the head chief of the confederated bands a salary of five hundred dollars per annum for twenty years, commencing six months after the three principal bands named in this treaty shall have removed to the reservation, or as soon thereafter as a head chief should be elected; And provided, also, that at any time when by the death, resignation, or removal of the chief selected, there shall be a vacancy and a successor appointed or selected, the salary, the dwelling, and improvements shall be possessed by said successor, so long as he shall occupy the position as head chief; so also with reference to the dwellings and improvements provided for by this treaty for the head chiefs of the three principal bands named.

ARTICLE 5. The President may, from time to time, at his discretion cause the whole, or such portion as he may think proper, of the tract that my now or hereafter be set apart as a permanent home for these Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently. To a single person over twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons, and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family in case of the death of the head thereof the possession and enjoyment of such permanent home and the improvement thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a forfeiture, which condition shall continue in force until a State constitution embracing such lands within its limits shall have been formed, and the legislature of the State shall remove the restrictions. Provided, however, That no State legislature shall remove the restrictions herein provided for without the consent of Congress. And provided, also, That if any person or family shall at any time neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place indicating a desire to abandon him home, the President may, if the patent shall have been issued, revoke the same, and if not issued, cancel the assignment, and may also withhold from such person, or family, their portion of the annuities, or other money due them, until they shall have returned to such permanent home and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation.



Attempts to make farmers of local Indians were somewhat successful as shown by this 1920 photograph taken on the Warm Springs Reservation. But there is very little farmed acreage on the reservation today. Photo courtesy of Dan Macy

When Warm Springs Chief Amos Simtustus says the government owes him a house he is only half kidding. There is little evidence that the house promised to his ancestor in the 1855 treaty was ever provided, so the Chief figures he's still got it coming.

Houses for the chiefs were only a small part of the material goods and services detailed for delivery to the new reservation under Articles 2, 3, and 4 of the Treaty of 1855. Compensation for the thousands of acres of land ceded to the government was to be made not only in cash but in buildings, services and personnel.

Questionable record keeping and the passing of time have produced uncertainty as to whether these many promises were fulfilled. But there is little question as to the government's underlying aim in making such commitments.

Once the Indians were gathered on their parcel of land, it became the task of the trustee to "civilize" them to encourage the adoption of the "white man's" way of life. Farming was apparently held to be the earmark of civilization, with other local industry designed to support this lifestyle.

See *Handbook of Federal Indian Law*, "Among the articles commonly specified in treaties were those which represented the differences between the white and the Indian civilizations — cattle, hogs, iron, steel, wagons, plows, and other farming tools. The purpose of civilizing the Indians is apparent in the choice of goods and services which the tribe will receive."

In the case of the Warm Springs Treaty, compensation was promised in three distinct forms. Article 2 specified the payment of "several sums of money totaling \$150,000, to be disbursed in an orderly fashion over a period of twenty years. This money was to be spent "for the use and benefit of the Confederated bands, under the direction of the President of the United States," who for all

practical purposes was represented by the Commissioner of Indian Affairs and the local superintendent and agents.

In addition to the \$150,000, Article 3 designated \$50,000 to go directly and immediately into "subsisting the Indians the first year after their removal," as well as erecting buildings, fencing and opening farms, purchasing farm equipment, providing clothing and food, and paying employees. Subtracted from this sum were those articles provided at the time the treaty was signed. According to a communication from Oregon Territory superintendent Joel Palmer to agent R. R. Thompson, these provisions included (at least) 800 lbs. of flour, 200 lbs. of sugar, 32 lbs of tea, 168 lbs. of tobacco, and half a barrel of crackers.

Article 4 listed the buildings, equipment, and personnel to be provided over and above the monetary payments. They included a sawmill, flouring mill, hospital, school house, blacksmith shop, wagon and ploughmaker shop, and housing for the skilled labor hired to run them for fifteen years.

For the head chief of the Confederated bands, who was yet to be elected, and three Walla Walla, and three dwelling houses and ten acres of fenced and ploughed land apiece. The head chief was also to receive an annual salary of \$500 for twenty years.

A 1967 General Services Administration report prepared in conjunction with the Confederated Tribes' land claim before the Indian Claims Commission, indicates that many of the promised goods and services were delivered. In 1931 the General Accounting office had documented the appropriation and expenditure of \$313,682.72 pursuant to the Treaty of 1855. Beginning in 1861 and continuing for the next twenty years, money was spent regularly on terms listed in the treaty, according to the GSA & GAO reports.

Judging by the itemized accounting of treaty expenditures, Warm Springs must have been a bustling community. El-

ders remember, first-hand or through stories, many of the operations detailed. The old Commissary building stands near the jail today as living proof of the period of clothing and food rations.

But no one seems to have any knowledge or memory of chiefs' houses. Although listed among the disbursements as a \$1,125 item, there exists no evidence of dwellings or land having been prepared for the chiefs, and it seems to be a common local belief that the government did not fulfill this treaty promise.

Getting Indians out of the way. Treaty terms may or may not have been met to the letter but "civilization" was nonetheless the expressed goal of the treaty's plan for compensation. While not stated, the civilizing process was apparently to be accomplished within twenty years.

Monetary payments were to taper off and end in twenty years. Employees were to be hired for fifteen years. And the head chief was to be salaried for only twenty years. What then?

Tribal attorney Dennis Karnopp suggested that the government was looking for a quick way to get Indians out, thus making their land available to non-Indians. Under the guise of "individualizing" Indians, the government was actually assisting homesteaders in a land grab of great proportions.

Article 5 was clearly a prelude to the government's allotment policy of the late nineteenth century. It allowed the President to survey reservation land into lots to be assigned to individuals or families for permanent homes. Designed to discourage Indians from roaming and to encourage agricultural pursuits, the provision entitled the President to cancel assignments where the land was not occupied for farmed.

The Dawes Severalty or Allotment Act of 1887 formalized this process nationwide and went a step further to open remaining reservations lands to settlement.

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