

'These were treaty dictations'

'BROKEN TREATIES'
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federally recognized Tribes.

"Before European contact, the Northwest was home to a diverse mix of languages and culture. A new documentary looks at the decimation of Oregon's Native Tribes and illuminates a chapter of history that is rarely talked about," says the program's pre-release materials.

"All we do is documentaries about people or events in Oregon history." Cain said during a telephone interview from his office in Portland. He has received two regional Emmy Awards for best director and two regional Emmys for best documentary.

Cain said he would often see Native Americans mentioned in the news because of water rights or species protection issues, but it seemed that people generally lacked knowledge about Oregon's Tribes and Tribal people.

"I set out to explore what's the situation these days and ask the question of can we expect to see more in the future of Tribes stepping forward," said Cain. "I wanted to get an idea of what kind of hidden powers might lie in the treaties signed between the government and the Tribes.

"It turns out really most Oregonians don't know much about the Indians here or their history or what kind of history has transpired since Euro-Americans showed up."

Cain has lived in Oregon since 1972 and worked at OPB since 1987. He interviewed Harrelson several times, including an interview that occurred in Grand Ronde at achaf-hammi – the Tribe's plankhouse – on Jan. 3.

"David's an incredible resource," said Cain. "He is one of the first people I talked to when I set out on this project. He's great. I think you guys are really lucky to have him."

Cain said he quickly became aware after talking to Harrelson and others that the original idea of focusing on all Oregon Tribes and their treaty relationships with the federal government would be an incredible task.

"My show has sort of transformed into a general introduction of the Tribes of Oregon for our viewers and I try to convey as much overall information about the treaties and what the relationship with the government has been over the last 200 years," Cain said. "It's a huge story. There are so many stories contained in this history and I have an hour to tell it. I think we've done a pretty good job with what we have. It's a little bit of everything."

Harrelson said he feels the project is ambitious in its approach of including information about all nine Oregon Tribes.

"It's clear that Eric is making



Smoke Signals file photo

Tribal Cultural Resources Department Manager David Harrelson, right, is interviewed by Eric Cain, an Oregon Public Broadcasting "Oregon Experience" series producer, in achaf-hammi, the Tribal plankhouse, on Jan. 3. The Confederated Tribes of Grand Ronde and Harrelson's interview will be featured in an episode of "Oregon Experience" titled "Broken Treaties" airing on OPB on Monday, March 20.

an aggressive push to try to get as much information and give it a voice, which is very admirable," Harrelson said. "What he shared with me was this is not about telling the whole story; this is about getting Oregonians who don't know anything about Tribes to be interested and get engaged with them."

Cain also interviewed Dr. Stephen Dow Beckham and Judge Robert J. "Bob" Miller for background material, as well as other Tribal representatives.

"We're introducing a lot of brand new material to people," Cain said. "It's the story of how over the course of 150 years the Native people of this state went from owning everything to almost nothing. How did that happen? How did that happen in such a short amount of time?"

Beckham, who is the Pamplin Professor of History-Emeritus, at Lewis & Clark College in Portland and an expert on Native American treaties, said Native Americans lost the land through a series of maneuvers that took advantage of the different languages spoken during treaty negotiations.

"I wanted him to understand that the whole first round of treaty negotiations in western Oregon must have been utterly frustrating for the Native people," Beckham said. "Rather than treaty negotiations these were treaty dictations."

Beckham said that Anson Dart, Joel Palmer and members of the Willamette Valley Treaty Commission did not speak Chinuk jargon and that Natives representing their Tribes would not have understood concepts set forth in the treaties.

Dart was superintendent for the Bureau of Indian Affairs in the Oregon Territory from 1850-52. He

negotiated 19 treaties that were never ratified by Congress and was replaced by Palmer in 1853 when President Franklin Pierce appointed him as BIA superintendent.

The Willamette Valley Treaty Commission was formed in 1850 and included Oregon Gov. John P. Gaines. The commission eventually gave way to Dart and Palmer.

"None of them had any competency in the languages of the people with whom they were dealing," Beckham said. "The federal government representative showed up, held a council, slaughtered a few beef cattle, served a barbecue and harangued the Native people to sign these agreements ceding their lands."

Beckham said that because of the language differences concepts like annuity payments, extension of trust responsibilities and assertion of American sovereignty over Native lands were too "abstract" to be clearly understood let alone negotiated.

"And yet those were the cards that were dealt to those who participated in those councils," Beckham said.

Miller teaches law at Arizona State University and formerly taught at Lewis & Clark College as a colleague of Beckham.

Miller wrote "Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny" in 2006. He filmed his segment in September 2016 and spoke about his expertise, which is American Indian policy.

Miller is an enrolled member of the Eastern Shawnee Tribe of Oklahoma and a sitting member of the Grand Ronde Tribe's Appellate Court. He said he shared his theory regarding Lewis and Clark and what he views as their true intention for exploring the Pacific Northwest.

Miller said that in studying Thomas Jefferson he learned that Jefferson knew about international law and the concept of how Europeans claimed indigenous lands. His book asks, "What if Lewis and Clark weren't on a military expedition to map the region and open relations with the Tribes?" Instead, Miller wonders if the explorers were laying the foundation to claim land in a fashion similar to the strategy used by Europeans.

"I think the average American has no idea what manifest destiny means. We all know the word," Miller said. "My first book is all about comparing American manifest destiny to this international law called the Doctrine of Discovery. This is the international law that the Europeans have used since the 1400s to take and claim the lands of indigenous peoples.

"I claim that Thomas Jefferson knew all about it. He would have studied it in college, he would have studied it in law school and he used those principles when he practiced law for seven years before he ever got involved in Virginia politics."

Miller researched Jefferson's law career and found that more than half of his cases involved land disputes.

"Jefferson would have known very plainly how Europeans claimed rights over indigenous peoples so my book argues that Lewis and Clark were part of his attempt to get the Oregon Country for the United States," Miller said.

Cain said the land grab by the federal government was successful and that an important story remains to be told.

"That's what's driving our story – the ongoing acquisition of Native lands by the government," Cain said. "But there is also a really triumphant story I think here that Tribal people, in spite of everything that has been thrown at them, are still here and doing some pretty great stuff. I think there is a lot to be learned from the Tribes today."

Cain said the most important thing he learned while working on "Broken Treaties" that he wishes were more universally accepted is the Tribal outlook of planning seven generations into the future.

"It has become very clear to me that that view of life – there is something inherently good about a view of life on Earth that takes into account many generations," Cain said. "It seems to be an inherent part of Native culture. That's a wonderful resource. That's a powerful attitude to be bringing to life in 2017 America." ■